



Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: EA/03434/2015

THE IMMIGRATION ACTS

Heard at Field House
On 25 January 2018

**Decision and Reasons
Promulgated**
On 30 January 2018

Before

DEPUTY UPPER TRIBUNAL JUDGE RAMSHAW

Between

Mr Muhammad Kabir
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT
Respondent

Representation:

For the Appellant: The appellant appeared in person
For the Respondent: Mr L Tarlow, a senior Home Office presenting officer

DECISION AND REASONS

Introduction

1. I do not need to set out the background to this case because the respondent accepts that there was an error of law in the First-tier Tribunal's decision. The decision of the respondent that was appealed against was the refusal to issue a residence cards to the

appellant as an extended family member under the Immigration (European Economic Area) Regulations 2006.

2. The First Tier Tribunal concluded that it had no jurisdiction to entertain the appeal following the case of **Sala (EFMs: Right of Appeal) [2016] UKUT 00411**.
3. In the light of **Khan v Secretary of State for the Home Department [2017] EWCA Civ 1755**, the First-tier Tribunal was wrong in law to conclude that it did not have jurisdiction to hear the appeal.
4. I therefore set aside the decision of the First-tier Tribunal, pursuant to section 12(2)(a) of the Tribunals, Courts and Enforcement Act 2007. I remit the case to the First-tier Tribunal at Taylor House for a hearing of the appellant's appeal on the next available date.

Decision

The appellant's appeal against the decision of the First-tier Tribunal is allowed. The case is remitted to the First-tier Tribunal at Taylor House to be heard on the next available date.

Signed P M Ramshaw

Date: 29 January 2018

Deputy Upper Tribunal Judge Ramshaw