



**Upper Tribunal  
(Immigration and Asylum Chamber)**

Appeal Number: EA/03796/2016

**THE IMMIGRATION ACTS**

**Heard at Glasgow  
on 22 January 2018**

**Decision and  
Promulgated  
on 24 January 2018**      **Reasons**

**Before**

**UPPER TRIBUNAL JUDGE MACLEMAN**

**Between**

**OSAGIE EHIGIE  
(anonymity direction not made)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

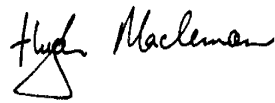
Respondent

For the Appellant: Mr M Upadhyay, of Norman Lawson & Co, Solicitors  
For the Respondent: Mrs M O'Brien, Senior Home Office Presenting Officer

**DETERMINATION AND REASONS**

1. The appellant appeals against a decision by Designated First-tier Tribunal Judge Murray, promulgated on 23 August 2017, dismissing his appeal "for want of jurisdiction".
2. Judge Murray applied the law as then understood.

3. In light of *Khan v SSHD* [2017] EWCA Civ, which binds the UT (or, in Scotland, is persuasive to the same effect) that must now be taken as an error of law.
4. In accordance with the letter from the President of the UT (IAC) to the respondent dated 21 December 2017, declining a general stay in the UT pending authority of the Supreme Court, the decision of the FtT is **set aside** and the case is **remitted to the FtT** for hearing.
5. Any request for a stay in the FtT will raise different considerations and is a matter for that tribunal, if and when such application is made.
6. No anonymity direction has been requested or made.

A handwritten signature in black ink, reading "Hugh Macleman". The signature is written in a cursive style with a large, stylized initial 'H'.

22 January 2018  
Upper Tribunal Judge Macleman