



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

Appeal Number: EA/07274/ 2016
EA/07275/ 2016

THE IMMIGRATION ACTS

**Done at Field House
On 3 April 2019**

**Decision & Reasons Promulgated
On 4 April 2019**

Before

UPPER TRIBUNAL JUDGE PERKINS

Between

ASIF JAVED & IFTIKAR HUSSAIN

Appellants

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

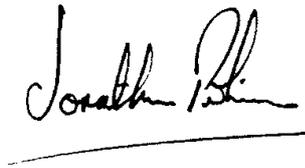
Respondent

DETERMINATION AND REASONS

1. In a Notice of Decision of Application for Permission to Appeal re-dated 1 March 2019 I ruled that, in my judgement, following *Khan v SSHD* [2017] EWCA Civ 1755, the First-tier Tribunal had erred in law and the decisions should be set aside and the appeals redetermined in the First-tier Tribunal.
2. I Directed the parties to indicate if they opposed that view not later than 7 days after the decision to give permission was sent.
3. There has been no response to those Directions.
4. I find that the First-tier Tribunal erred in law. I set aside its decision and I direct that the appeals be heard again in the First-tier Tribunal.
5. Notice of Decision

6. To the extent indicated, these appeals are allowed.

Signed
Jonathan Perkins
Judge of the Upper Tribunal

A handwritten signature in black ink, appearing to read "Jonathan Perkins", written over a horizontal line.

Dated 3 April 2019