



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

Appeal Number: EA/00536/2016

THE IMMIGRATION ACTS

Field House

On 19 December 2017

**Determination
Promulgated**

On 20 December 2017

Before

UPPER TRIBUNAL JUDGE JORDAN

Between

Raja Umer Ali

Appellant

and

The Secretary Of State For The Home Department

Respondent

DECISION AND REASONS

1. The First-tier Tribunal Judge in light of *Sala (EFMs: Right of Appeal)* [2016] UKUT 0411 (1AC) decided that the Tribunal had no jurisdiction. Given that the Court of Appeal has said in *Khan v Secretary of State for the Home Department & Anor* [2017] EWCA Civ 1755 (09 November 2017) that *Sala (EFMs: Right of Appeal)* was wrongly decided, we now know the First-tier Tribunal had jurisdiction to hear this appeal,
2. Proposals were given by Upper Tribunal Judge Blum on 11 December 2017 that the appeal be allowed; the determination of the First-tier Tribunal Judge be set aside and the appeal be remitted to the First-tier Tribunal for the decision to be re-made.

3. Neither side has objected to that proposal. Pursuant to Rule 34 of the Tribunal Procedure (Upper Tribunal) Rules 2008, I make this decision without a hearing.

DECISION

1. The Judge made an error on a point of law and I set aside the determination.
2. I direct that the appeal is re-made in the First-tier Tribunal.

ANDREW JORDAN
JUDGE OF THE UPPER TRIBUNAL