



**Upper Tribunal
(Immigration and Asylum Chamber)
EA/07545/2016**

Appeal Number:

THE IMMIGRATION ACTS

Heard at Field House

**On 25 April 2018
Extempore**

**Decision & Reasons
Promulgated
On 1 May 2018**

Before

UPPER TRIBUNAL JUDGE RINTOUL

Between

**MR OMAR SALEEM
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: The Appellant in person
For the Respondent: Mr P Deller, Home Office Presenting Officer

DECISION AND REASONS

1. This is a case in which the First-tier Tribunal refused the appellant's appeal on the sole basis of the decision in **Sala [2016] UKUT 411**. It is now accepted that the decision in **Sala** was incorrectly decided – see **SM (Algeria)v ECO [2018] UKSC 9**. It therefore follows that the decision of the First-tier Tribunal involved the making of an error of law and I set it aside.
2. As there was no proper consideration of the appellant's appeal, and findings of fact I remit the decision to the First-tier Tribunal for a fresh decision on all issues.

Notice of Decision

1. The decision of the First-tier Tribunal involved the making of an error of law and I set it aside.
2. I remit the appeal to the First-tier Tribunal for a fresh decision on all issues.

Signed

Date 27 April 2018

A handwritten signature in black ink, appearing to read 'Jonathan Rintoul', written in a cursive style.

Upper Tribunal Judge Rintoul