



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

Appeal Numbers: EA/03039/2015  
EA/03041/2015

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 17<sup>th</sup> December 2018**

**Decision & Reasons  
Promulgated  
On 4<sup>th</sup> January 2019**

**Before**

**UPPER TRIBUNAL JUDGE FRANCES**

**Between**

**SUBANI VASANA KANKANAM ARACHCHIGE  
JANITHA BABAGYA RANAWAKA  
(ANONYMITY ORDER NOT MADE)**

Appellants

**and**

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

Respondent

**Representation:**

For the Appellant: Mr D Bazini, instructed by Jein Solicitors

For the Respondent: Mr T Melvin, Home Office Presenting Officer

**DECISION AND DIRECTIONS**

1. In the light of Khan v Secretary of State for the Home Department [2017] EWCA Civ 1755, the First-tier Tribunal granted permission to appeal on the basis that it was arguably wrong in law to have concluded that it did not have jurisdiction to hear the appeal.

2. Following SM (Algeria) v ECO [2018] UKSC 9, in which the Supreme Court upheld the decision in Khan, the First-tier Tribunal made an error of law in dismissing the appeal for want of jurisdiction. I set aside the decision of Designated First-tier Tribunal Judge Woodcraft promulgated on 13 March 2017 and remit the case to the First-tier Tribunal.

**J Frances**

Signed

Date 17 December 2018

Upper Tribunal Judge Frances