

**Upper Tribunal**

**(Immigration and Asylum Chamber)** Appeal Number: EA/06394/2016

**THE IMMIGRATION ACTS**

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| **At Field House**  **On 16 May 2018** | **Decision & Reasons Promulgated**  **On 21st May 2018** |

**Before**

**Upper Tribunal Judge Plimmer**

**Between**

**UMER TARIQ**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**DECISION**

1. Following the issuing of directions dated 28 March 2018, the parties have not informed the Tribunal that there is opposition to its proposed course.
2. In the light of Khan v Secretary of State for the Home Department [2017] EWCA Civ 1755, the First-tier Tribunal erred in law in concluding that it did not have jurisdiction to hear the appeal.
3. The First-tier Tribunal decision is set aside and the case remitted to the First-tier Tribunal.

Signed: *M. Plimmer* Date: 16 May 2018

Upper Tribunal Judge Plimmer