



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

Appeal Number: EA/00974/2016

THE IMMIGRATION ACTS

At Field House
On 20 March 2018

Decision Promulgated
On 21 March 2018

Before

UPPER TRIBUNAL JUDGE BRUCE

Between

**Muhammad Mujahid
(no anonymity direction made)**

Appellant

And

Secretary of State for the Home Department

Respondent

DECISION AND REASONS

1. The Appellant is a national of Pakistan born on the 3rd October 1989. On the 21st February 2017 his appeal under the Immigration (European Economic Area) Regulations 2006 was dismissed by the First-tier Tribunal on the grounds that pursuant to the decision in Sala (EFMs: right of appeal) [2016] UKUT 00411 (IAC) there was no jurisdiction.
2. Permission to appeal was granted by Upper Tribunal Judge O'Connor on the 18th December 2017. Judge O'Connor indicated that the Upper Tribunal was minded, following the decision in Khan v Secretary of State for the Home Department [2017] EWCA Civ 1755 to find an error of law and remit the matter for hearing *de novo* before the First-tier Tribunal. Judge O'Connor directed that this would be the final

disposal of the matter in the Upper Tribunal unless submissions were received to the contrary within 7 working days of his decision being sent.

3. No such representations having been received I therefore set the decision of the First-tier Tribunal aside and remit the matter for hearing *de novo* in the First-tier Tribunal.

A handwritten signature in black ink, consisting of the letters 'CBE' in a cursive, stylized font.

Upper Tribunal Judge Bruce
20th March 2018