



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

Appeal Numbers: EA/01236/2016
EA/01232/2016

THE IMMIGRATION ACTS

Heard at Field House

On 22nd March 2018

**Decision & Reasons
Promulgated
On 10th April 2018**

Before

DEPUTY UPPER TRIBUNAL JUDGE D E TAYLOR

Between

**ARCHIBALD GODSON BENTIL
NANA KWAME AMPONSAH
(ANONYMITY DIRECTION NOT MADE)**

Appellants

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellants: Mr G Davidson of S Satha & Co

For the Respondent: Mr E Tufan, Home Office Presenting Officer

DECISION AND REASONS

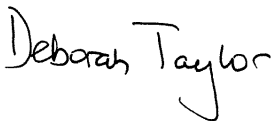
1. These are the appellants' appeals against the decision of Judge Traynor made following a decision without a hearing at Taylor House on 3rd May 2017.
2. The appellants are citizens of Ghana born on 18th March and 19th April 1969 respectively. On 7th July 2015 they made applications for a residence card as confirmation of a right to reside in the UK as an extended family

member of a person exercising treaty rights in the UK pursuant to Regulations 8 and 17(4) of the Immigration (EEA) Regulations 2006. In his decision Judge Traynor concluded that he had no jurisdiction to consider the appeal following the decision in Sala (EFMs: Right of Appeal) Albania [2016] UKUT 00411 (IAC).

3. In the light of Khan v Secretary of State for the Home Department [2017] EWCA Civ 1755 both Mr Davidson and Mr Tufan agreed that the First-tier Tribunal was wrong in law to conclude that it did not have jurisdiction to hear the appeal. Both agreed that the proper course was to set aside the decision of the First-tier Tribunal and remit the case to another First-tier Tribunal Judge, i.e. not Judge Traynor, to be heard afresh.

Notice of Decision

4. Accordingly, the decisions dated 5th May 2017 are set aside. The appeal will be relisted at Taylor House with a Tweek interpreter. There will be two witnesses in addition to the sponsor. No anonymity direction is made.



Signed

Date 7 April 2018

Deputy Upper Tribunal Judge Taylor