



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Numbers: EA/03391/2017  
EA/03392/2017

**THE IMMIGRATION ACTS**

At Field House  
On 16 May 2018

Decision & Reasons Promulgated  
On 21<sup>st</sup> May 2018

Before

Upper Tribunal Judge Plimmer

Between

JAMA HUSSAN ESSIE  
NIMO MOHAMED HIRSI

Appellants

and

ENTRY CLEARANCE OFFICER

Respondent

**DECISION**

1. Following the issuing of directions dated 3 April 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*  
Upper Tribunal Judge Plimmer

Date: 16 May 2018