



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

Appeal Numbers: EA/06550/2016
EA/06551/2016

THE IMMIGRATION ACTS

**Heard at Field House
On 27 September 2018**

**Decision & Reasons
Promulgated
On 10 September 2018**

Before

**DR H H STOREY
JUDGE OF THE UPPER TRIBUNAL**

Between

**RABIA [R]
[M R]
(ANONYMITY DIRECTION NOT MADE)**

Appellants

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellants: Mr A Kaihiva, Counsel, instructed by M-R Solicitors (High Road)

For the Respondent: Ms N Willocks-Briscoe, Home Office Presenting Officer

DECISION AND REASONS

1. The appellants, citizens of Pakistan, challenge the decision of Judge R C Campbell sent on 2 August 2017, dismissing their appeals for want of jurisdiction.

2. It is unnecessary to set out the grounds in any detail because the simple fact is that the decision on which Judge Campbell of the First-tier Tribunal (FtT) relied for finding a want of jurisdiction - **Sala (EFMs: Right of Appeal)** [2016] UKUT 00411 (IAC) - has since been overturned by the Court of Appeal in **Khan v SSHD** [2017] EWCA Civ 1755 published on 9 November 2017. As a consequence, Judge Campbell's decision must be set aside for material error of law and the case remitted to be heard on the merits by the FtT.

3. To summarise:

The decision of FtT Judge Campbell is set aside for material error of law;

The case is remitted to the FtT.

No anonymity direction is made.

Signed:

Date: 4 October 2018



Dr H H Storey
Judge of the Upper Tribunal