



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

Appeal Number: EA/09606/2016

THE IMMIGRATION ACTS

**On the papers
On 9 March 2018**

**Decision & Reasons Promulgated
On 9 March 2018**

Before

UPPER TRIBUNAL JUDGE FRANCES

Between

**MOHAMMED RADIBUR RAHMAN
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION AND REASONS

1. The Appellant's appeal against the refusal of a residence card as confirmation of rights of residence as an extended family member under the Immigration (EEA) Regulations 2006 was dismissed by First-tier Tribunal Judge I M Scott for want of jurisdiction.
2. Permission to appeal was granted by the First-tier Tribunal on 26 February 2018 on the ground it was arguable the judge erred in law: Sala (EFMs: right of appeal [2016] UKUT 00411 (IAC) and Khan v SSHD [2017] EWCA Civ 1755.
3. I find that there is an error of law in the decision of First-tier Tribunal Judge I M Scott promulgated on 12 September 2017 and I set it aside. I remit the case to the First-tier Tribunal to reconsider the appeal.

J Frances

Signed
Upper Tribunal Judge Frances

Date 9 March 2018