



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

Appeal Number: EA/10054/2016

THE IMMIGRATION ACTS

**Heard at Field House (on the papers)
On 2nd May 2018**

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

Before

UPPER TRIBUNAL JUDGE REEDS

Between

**MUHAMMAD ILYAS
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION AND REASONS

1. The Appellant is a citizen of Pakistan.
2. The Appellant appeals against the decision of the First-tier Tribunal, who in a determination promulgated on 13th September 2017 dismissed his appeal under the EEA Regulations 2006.
3. In directions sent on the 22nd March 2018 and in the light of Khan v Secretary of State for the Home Department [2017] EWCA Civ 1755, the First-tier Tribunal granted permission to appeal on the basis that it was arguably wrong in law to have concluded that it did not have jurisdiction to hear the appeal.

4. The Upper Tribunal stated that it was minded to find an error of law and to set aside the decision of the First-tier Tribunal and remit the case to the First-tier Tribunal.
5. A party who is opposed to this course was directed to inform the Tribunal in writing (giving reasons), not later than 14 days from the date the decision was sent by the Upper Tribunal. Following that period, it was stated that the Upper Tribunal will issue its decision.
6. No reply has been received to those directions and in the circumstances I am satisfied that the determination involves the making of an error on a point of law for the reasons set out in the grounds.
7. Therefore The FTT decision of the 13th September 2017 should be set aside and that the appeal should be remitted to the FTT for a hearing de novo before a First-tier Judge other than Judge Shiner at Taylor House, London on a date to be fixed.

SM Reeds

Signed
Upper Tribunal Judge Reeds

Date: 2/5/2018