



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

Appeal Number: EA/10552/2016

THE IMMIGRATION ACTS

**Determined at Field House without a
hearing
On 5th February 2018**

**Determination
Promulgated
On 7th February 2018**

Before

UPPER TRIBUNAL JUDGE MARTIN

Between

**TORITSEJU EDEMA-SILO
(NO ANONYMITY ORDER MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION AND REASONS

1. On 22nd December 2017 Upper Tribunal Judge O'Connor gave the following directions:-
 1. Irrespective of the merits of the other arguments relating to the issue of jurisdiction raised by the Appellant, it is plain in the light of the decision in Khan v Secretary of State for the Home Department [2017] EWCA Civ 1755, the First-tier Tribunal was wrong in law to follow the Upper Tribunal's decision in Sala and conclude that it did not have jurisdiction to hear the appeal.
 2. The Tribunal is minded to find an error of law, set aside the decision of the First-tier Tribunal and remit the case to the First-tier Tribunal.

3. A party who is opposed to this course is directed to inform the Tribunal in writing (giving reasons), not later than 7 working days from the date this decision is sent by the Upper Tribunal. Following that period, the Upper Tribunal will issue its decision.
2. There has been no response to these directions by either party. Accordingly, I am satisfied that neither party objects to the matter being determined without a hearing and has nothing further to say. I am satisfied that that the determination of the First-tier Tribunal did involve the making of an error of law for the reasons set out above, and must therefore be set aside. Given the nature of the error, I remit the appeal to the First-tier Tribunal for a fresh determination on all issues.

Summary of conclusions

1. The determination of the First-tier Tribunal did involve the making of an error of law and I set it aside.
2. I remit the decision to the First-tier Tribunal for a fresh decision on all issues

Signed

Date 5th February 2018

Upper Tribunal Judge Martin