

**Upper Tribunal  
(Immigration and Asylum  
Chamber)  
Number: IA/36363/2013**



**Appeal**

**THE IMMIGRATION ACTS**

**Heard at: Field House**

**Decision and Reasons**

**Promulgated**

**On: 24<sup>th</sup> November 2015**

**On: 30<sup>th</sup> November 2015**

**Before**

**UPPER TRIBUNAL JUDGE BRUCE**

**Between**

**Teriphias Mujuru**

Appellant

**And**

**Secretary of State for the Home Department**

Respondent

Representation:

For the Appellant: -

For the Respondent: Ms Savage, Senior Home Office Presenting Officer

**DECISION TO ADJOURN AND FURTHER DIRECTIONS**

1. Further to my directions of 7<sup>th</sup> September 2015, this case has advanced to the following extent:
  - i) The Secretary of State has now made a decision to refuse to grant asylum, dated 14<sup>th</sup> October 2015. This is a protection decision which attracts a right of appeal under s82 of the Nationality, Immigration and Asylum Act 2002 (as amended).
  - ii) On the 20<sup>th</sup> October 2015 the Appellant exercised his right of appeal and lodged an appeal with the First-tier Tribunal. That appeal is now pending.

- iii) The Appellant has provided a further bundle of evidence, and a rebuttal statement, under cover of letter dated 20<sup>th</sup> November 2015. The Respondent has a copy of this material.
  - iv) The items (i)-(iv) set out in my earlier directions at paragraph 3 have not proved to be available. In particular the port landing records from Gatwick in 1997 and the Appellant's old student visa records are too old to be accessible, and may not even exist any longer. The Appellant's passport is now available and I understand that a copy has been provided to the Appellant.
  - v) In respect of the file relating to Telphanus Mujuru Ms Savage advised that its contents cannot be disclosed with the written consent of Telphanus Mujuru. The determination of his asylum appeal has been provided.
2. In light of (ii) above I propose that this matter be disposed of by way of a final determination remitting the Appellant's outstanding appeal to the First-tier Tribunal.
3. The parties have ten working days from the date of receipt of this decision to make any representation that they might wish to make about this course of action. If no submissions to the contrary are received I will remit the outstanding appeal before the Upper Tribunal to the First-tier Tribunal.

Upper Tribunal Judge Bruce

24<sup>th</sup> November 2015