



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: AA/03466/2013

THE IMMIGRATION ACTS

Heard at Field House  
On 14 August 2013

Determination Promulgated  
On 19 August 2013  
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Before

UPPER TRIBUNAL JUDGE  
D E TAYLOR

Between

MEHMOOSH KHORSAND

Appellant

And

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Gayle, Elder Rahimi solicitors

For the Respondent: Mr Saunders, HOPO

## DECISION AND DIRECTIONS

1. This is the appellant's appeal against the decision of First-tier Tribunal Judge Kanagaratnam made following a hearing at Hatton Cross on the 13 May 2013, dismissing her appeal against the decision of the respondent made on 23 March 2013 to refuse to grant her asylum in the UK.
2. The appellant challenged the decision on the grounds that the judge had erred in making factual errors in his assessment of the core of the appellant's claim, namely the loss of a USB memory stick containing material which she feared had got into the hands of the authorities. The judge appeared to believe that the appellant's evidence was that she had lost the USB in the Metro whereas in fact it is clear from the interview record that she said that she believed that it had been lost at work. The judge found it implausible that the authorities would have taken action against her so quickly after the loss but his finding was predicated on a misstatement of the appellant's case. There are other errors. The judge appeared to believe that the appellant's colleague was also of interest to the authorities but that was never the appellant's evidence. The appellant's daughter supplying a lengthy statement which was potentially compelling corroborative evidence of the account but was not considered by the judge.
3. Mr Saunders, although the respondent had served a reply defending the determination, acknowledged the deficiencies in it and said that he would leave the decision in my hands.
4. The judge erred in failing to take into account relevant evidence when making his decision and is set aside.
5. This appeal will be heard at Hatton Cross on 8 November 2013 when the decision will be remade by a judge other than Judge Kanagaratnam under 7.2 of the Senior President's Practice Statement dated 25 September 2012 because of the nature and extent of the judicial fact finding which is necessary in order for the decision in the appeal to be remade.

Signed

Date

Judge of the Upper Tribunal