



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

Appeal Number: AA/11438/2014

**THE IMMIGRATION ACTS**

**Heard at Field House**

**Determination  
Promulgated**

**On 14<sup>th</sup> August 2015**

**On 19<sup>th</sup> August 2015**

**Before**

**UPPER TRIBUNAL JUDGE MARTIN**

**Between**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Appellant

**and**

**W M**

(ANONYMITY DIRECTION MADE)

Respondent

**Representation:**

For the Appellant: Mr D Krushner (Counsel)

For the Respondents: Mr L Tarlow (Senior Home Office Presenting Officer)

**DETERMINATION AND REASONS**

1. This is an appeal to the Upper Tribunal, with permission, by the Secretary of State with regard to a decision of the First-tier Tribunal (Judge L K Gibbs) promulgated on 1<sup>st</sup> May 2015 by which it allowed the Appellant's appeal against the Secretary of State's decision to refuse her asylum claim and remove her to Zimbabwe.

2. Although the Appellant before the Upper Tribunal is the Secretary of State, for the sake of clarity and continuity I shall continue to refer to WM as the Appellant and the Secretary of State as the Respondent in this determination.
3. The Judge allowed the appeal on asylum grounds. The Appellant had come to the UK to attend a funeral and overstayed, she claimed because she received threats by phone and text from Zanu PF in Zimbabwe. The First-tier Tribunal accepted her claim to be a person with a political profile, who as a musician had performed at political rallies, is well known and identifiable. The Judge also accepted that she had been targeted by Zanu PF while in Zimbabwe and in the UK. She was also satisfied that in her absence her family and home had been targeted. She is from Harare.
4. The first ground argues that the Judge failed to engage with the Letter of Refusal. However a reading of the Letter of Refusal makes clear, as the Judge pointed out in paragraph 18 of his Decision and Reasons, the Respondent rejected her claim on the basis that her evidence was inconsistent with country background information rather than internal inconsistencies.
5. The Judge gave reasons for finding that her claims were not inconsistent with the background country information and thus, she did engage with the Letter of Refusal.
6. Furthermore at paragraph 21 the Judge noted that the Secretary of State criticised the Appellant for failing to provide evidence of the threatening texts. That evidence was before the Judge in the form of transcribed texts and the phone itself on which the texts were shown. She had also produced numerous documents corroborating her claim which were unchallenged by the Secretary of State.
7. Accordingly, I find that the Judge did engage with the Letter of Refusal and was entitled to accept the Appellant's evidence, for the reasons she gave, and to find that she was a person with a political profile who had been targeted both in Zimbabwe and the UK and whose claims fitted into what is known about Zimbabwe.
8. Mr Tarlow argued that the Judge had not dealt with the question of internal relocation. The Secretary of State argued in the Letter of Refusal that the Appellant could relocate safely to Bulawayo.
9. However, at paragraph 25 and 26 of the Decision and Reasons the Judge did so. She quoted from CM (EM country guidance; disclosure) Zimbabwe CG [2013] UKUT 00059 (IAC) and I note that paragraph (7) of the head note to CM states that the issue of what is a person's home for the purposes of internal relocation is to be decided as a matter of fact and is not necessarily to be determined by reference to the place a person from Zimbabwe regards as his or her rural homeland. As a general matter, it is unlikely that a person with a well-founded fear of persecution in a major

urban centre such as Harare will have a viable internal relocation alternative to a rural area in the Eastern provinces. Relocation to Matabeleland (including Bulawayo) may be negated by discrimination, where the returnee is Shona. In this case the Appellant was found to have a well founded fear of persecution in Harare and is Shona.

10. The Judge did thus deal adequately with internal relocation and did so in accordance with country guidance.
11. While the Decision and Reasons is succinct, it deals with the issues and reached reasoned conclusions. Based on the limited challenge to credibility by the Secretary of State there was no need for further findings.
12. The Decision and Reasons of the First-tier Tribunal does not contain a material error of law and the Secretary of State's appeal to the Upper Tribunal is dismissed.
13. The First-tier Tribunal having made an anonymity direction I see no reason not to continue it.

Signed

Date 14<sup>th</sup> August 2015

Upper Tribunal Judge Martin

**Direction regarding anonymity**

**Unless and until a Tribunal or court directs otherwise, the Appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of their family. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction could lead to contempt of Court proceedings.**

Signed

Date 14<sup>th</sup> August 2015

Upper Tribunal Judge Martin