



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

Appeal Number: AA/09799/2014

**THE IMMIGRATION ACTS**

**Heard at Field House**

**On 14 April 2015**

**Decision & Reasons  
Promulgated  
On 29 April 2015**

**Before**

**THE HONOURABLE LORD BANNATYNE  
UPPER TRIBUNAL JUDGE ALLEN**

**Between**

**BLESSING NYATSANZA  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: No appearance by or on behalf of the appellant

For the Respondent: Mr A Clarke, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant is a national of Zimbabwe. She appealed to a Judge of the First-tier Tribunal against the respondent's decision of 4 November 2014 refusing to vary leave to enter the United Kingdom and refusing asylum.
2. In essence, the appellant claimed to be at risk on return to Zimbabwe because she had expressed a view when asked by some men of her opinion about investing in Zimbabwe that they should wait until after the

next elections which she thought would see a change in government and bring about the date of the 49:51 shareholding policy which she thought was unfair.

3. This occurred in the United Kingdom which she had been visiting in November 2012. She worked for the Ministry of Economic Planning as an investment officer in charge of marketing. Her superior was the minister, Mr Mashakada.
4. Subsequent to the questioning about investing in Zimbabwe she said that the next month three men came to her house in Zimbabwe and asked her questions about her visit to the United Kingdom and accused her of criticising Zimbabwe and the current government. Some two months later she saw two of these men and one of them made a threatening gesture towards her and she felt scared about this and moved elsewhere in Harare. Later that month she was back in the United Kingdom to arrange further meetings for the Minister and at the Zimbabwean Embassy where she had gone to collect some documents she saw one of the three men to whom she had spoken at the seminar in November 2012 and believed it was he who had given information about her to the authorities in Zimbabwe. The next month she was told by her cousin that she was receiving phone calls from an unknown person asking where the appellant was and when she would be returning to Zimbabwe. A few weeks later the appellant telephoned Mr Mashakada and told him she would be seeking asylum in the United Kingdom and would not be returning to Zimbabwe. She said that her telephone call to him was in response to an email he had sent her from his private email asking her why she had not returned. Subsequently she said that in June 2013 her daughter was beaten up in the appellant's home by CIO officers who had gone to the house looking for the appellant.
5. The judge did not find the appellant to be a credible witness. He noted an absence of corroboration from her children and cousin as to her version of events. The judge did not find it credible that a person working at the embassy, as was likely to be the case as that was where she had seen him subsequently, would have approached the appellant for an investment advice in his own country. There was no documentary evidence to support the claim that the appellant's daughter had been attacked and no statement from the daughter or from the cousin who was looking after her. There was an affidavit and email from Mr Mashakada which the judge doubted the credibility of since there were inconsistencies in the affidavit as regards the time when the Minister was in post, the same paragraph about the appellant's failure to arrange meetings for him appeared twice and the affidavit was not dated. She had not produced call logs to evidence calls said to have been made to her phone in Zimbabwe answered by her cousin in which men asked about her whereabouts and when she would return to Zimbabwe. The judge took into account relevant background evidence which considered risk on return and also Article 8 issues in concluding that the appeal was to be dismissed.

6. The appellant sought and was granted permission to appeal on the basis that the judge had relied on the lack of corroborative evidence to support the appellant's account and also challenging the findings about whether an embassy official would have approached her for investment advice, and coming to the conclusion that it was not plausible that an official searching for the appellant would not have contacted the Minister who was aware of her whereabouts. It had not been explained why typographical errors were implausible and the delay in claiming asylum was in fact significantly shorter than the judge had thought. She would be perceived as a political opponent and that was why despite the fact that she worked for an MDC ministry she would face a risk on return.
7. There was, as noted above, no appearance by or on behalf of the appellant at the hearing. We are satisfied that notice of hearing was sent out by first-class post to the appellant and to her representative on 5 March 2015 and therefore that it was appropriate to go ahead and consider the appeal.
8. We see no merit to the challenge in this case. The judge's adverse credibility findings are not fully founded on the absence of corroborative evidence. He was entitled to note the absence of corroboration but he found the evidence to be lacking in credibility for a number of other reasons as set out above. It was clearly open to the judge to express the concerns that he did about the affidavit and email from Mr Mashakada, and the challenge to that and also in respect of the visa and the view that a government official could simply ask the Minister about the appellant's whereabouts are matters of disagreement only. The judge gave careful consideration to the evidence and came to clearly sustainable conclusions. The challenge in the grounds is a matter of disagreement only. It has not been shown that the judge erred in law and as a consequence his decision dismissing this appeal is upheld.

Signed

Date **14 April 2015**

Upper Tribunal Judge Allen

No anonymity direction is made.

Signed

Date **14 April 2015**

Upper Tribunal Judge Allen