



**Upper Tribunal  
(Immigration and Asylum Chamber) Appeal Number: PA/09887/2019 (P)**

THE IMMIGRATION ACTS

**Decided Under Rule 34 (P)  
On 28 September 2020**

**Decision & Reasons Promulgated  
On 29 September 2020**

Before

**UT JUDGE MACLEMAN**

Between

**LANKIE SESEMANI**

Appellant

and

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

Respondent

**DETERMINATION (P)**

1. The appellant is a citizen of Zimbabwe, born on 24 December 1952. By a decision promulgated on 3 December 2019, FtT Judge Rea allowed his appeal on human rights grounds, but dismissed it on asylum and humanitarian protection grounds.
2. The SSHD does not challenge the outcome on human rights grounds.
3. This determination is to be read along with my decision issued to parties on 6 July 2020, setting aside the decision of Judge Rea, and directing any further submissions to be made within 14 days.
4. Submissions from the appellant were received on 17 July 2020. There are no submissions on file from the respondent.

5. The appellant has shown that on applying *RT (Zimbabwe)* [2012] UKSC 38 and *CM Zimbabwe CG* [2013] UKUT 00059 (IAC), as headnoted at 3(1) and 3(2), to the facts found by Judge Page and by Judge Rea, he is entitled to be recognised as a refugee on the hypothesis of return to his home area.
6. Applying the undisputed findings of Judge Rea on article 8, and in the absence of any submission to the contrary, it would be unduly harsh to expect the appellant to relocate within Zimbabwe.
7. The UT substitutes a decision that the appeal, as brought to the FtT, is allowed both on refugee protection and on human rights grounds.
8. No anonymity direction has been requested or made.

Hugh Macleman

UT Judge Macleman  
28 September 2020

---

#### NOTIFICATION OF APPEAL RIGHTS

1. A person seeking permission to appeal against this decision must make a written application to the Upper Tribunal. Any such application must be **received** by the Upper Tribunal within the **appropriate period** after this decision was **sent** to the person making the application. The appropriate period varies, as follows, according to the location of the individual and the way in which the Upper Tribunal's decision was sent:
2. Where the person who appealed to the First-tier Tribunal is **in the United Kingdom** at the time that the application for permission to appeal is made, and is not in detention under the Immigration Acts, the appropriate period is **12 working days (10 working days, if the notice of decision is sent electronically)**.
3. Where the person making the application is in detention under the Immigration Acts, **the appropriate period is 7 working days (5 working days, if the notice of decision is sent electronically)**.
4. Where the person who appealed to the First-tier Tribunal is **outside the United Kingdom** at the time that the application for permission to appeal is made, the appropriate period is **38 days (10 working days, if the notice of decision is sent electronically)**.
5. A "working day" means any day except a Saturday or a Sunday, Christmas Day, Good Friday or a bank holiday.
6. The date when the decision is "sent" is that appearing on the covering letter or covering email.