



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

Appeal Number: AA/08787/2014

**THE IMMIGRATION ACTS**

**Heard at Manchester**

**On 14 April 2015**

**Decision & Reasons  
Promulgated  
On 30 April 2015**

**Before**

**UPPER TRIBUNAL JUDGE CLIVE LANE**

**Between**

**PATIENCE HARWISI  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: In person

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

**DECISION AND REASONS**

1. The appellant, claims to be Patience Harwisi and to have been born on 15 May 1996, is a citizen of Zimbabwe. The appellant has appealed against the decision of the respondent dated 25 September 2014 to remove her from the United Kingdom, having refused her application for asylum. The

First-tier Tribunal (Judge Birrell) in a determination promulgated on 13 January 2015 dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.

2. At the hearing at Manchester on 14 April 2015, the appellant appeared in person. I was careful to explain the procedures of the Tribunal to the appellant through the Shona interpreter and I told the appellant to notify me if there was any part of the proceedings which she did not understand. I am satisfied the appellant did understand the proceedings and that she was given every opportunity to put her case to the Tribunal.
3. The grounds of appeal appear to have been drafted by a professional representative and the appellant confirmed that this was the case. There are four grounds of appeal. First, it is asserted that the judge failed properly to consider risk on return to Zimbabwe. Secondly, the grounds assert that the First-tier Tribunal Judge relied on an email correspondence between a social worker and the Home Office which led the judge to find that the appellant had not given truthful evidence regarding her identity. The grounds complain that the author of the email did not appear at the hearing to give oral evidence and that the appellant had not seen the email before it was produced at the First-tier Tribunal hearing. Thirdly, the grounds assert that the judge failed to consider a birth certificate produced by the appellant. Finally, it is asserted that the judge made “improper adverse credibility findings”.
4. Judge Birrell noted [30] that a social worker working for Slough Borough Council (Mr Machingauta) had been “so concerned about a conversation which he stated he overheard between the appellant and a person in Zimbabwe that he contacted the Home Office information services for advice.” The judge recorded [32] that the appellant had a contact number in Zimbabwe which she said was for her mother and she had given this to Mr Machingauta who, in turn, contacted the telephone number on two occasions to ask about a birth certificate produced by the appellant in the name Patience Harwisi but “the person answering claimed that she did not know who he was talking about and she was not Patience Harwisi’s mother”. The judge considered that this evidence suggested very strongly that “the appellant has lied about her identity”. At [32], the judge also recorded that Mr Machingauta had arranged a further call to Zimbabwe this time between the appellant and the individual to whom he had spoken previously. Mr Machingauta had written an email to the Home Office which, whilst not giving a verbatim account of the conversation, deals with it in some detail; Mr Machingauta had listened in to this conference call, apparently without the knowledge of the appellant. Mr Machingauta’s evidence indicated that the appellant had identified herself as Charlotte daughter of one Amos and not Patience Harwisi as stated on her birth certificate. It appeared that the person to whom the appellant was speaking in Zimbabwe was her grandmother and not her mother. During the conversation, the appellant had explained to the woman in Zimbabwe that Patience Harwisi was the “name she is using here”. The appellant told the individual in Zimbabwe to “say that she was Patience’s mother.”

She also told the woman that, if she was asked anything by officials of the United Kingdom government, that she should “hang up.” It also appears from the telephone call that the appellant had not told the truth about her family, certain members of which are living in the United Kingdom.

5. I am satisfied that the email did come to the attention of the appellant notwithstanding her protestations to the contrary. The email is in the respondent’s bundle of documents, the contents of which are considered in the appellant’s own witness statement produced for the First-tier Tribunal hearing. Secondly, I can identify no reason why the judge should not have considered this evidence and attached weight to it. There is no requirement for the author of the email Mr Machingauta, to have attended and given oral evidence, although, if he had done so, the judge may have attached even more weight to his evidence. There was also legal difficulty in the judge accepting Mr Machingauta’s evidence in the form of an email, rather than a statement. The judge was certainly entitled to conclude from the email that there was a strong indication that the appellant had lied about her identity. Further, the judge did not reject the authenticity of the birth certificate; rather, he found that it was not the appellant’s birth certificate because the appellant is not called Patience Harwisi. Moreover, having found that the appellant had lied about her own identity and that of her family members, it was entirely open to the judge to reject the credibility of the appellant entirely, including her account of having been forced into a marriage and having fled Zimbabwe to seek protection as a refugee abroad. I can identify no error in the judge’s conclusion that “[the appellant] left Zimbabwe legally and has no profile that would put her at risk on return.” That finding disposes of the first ground of appeal; having rejected the entirety of the appellant’s credibility it clearly followed that the appellant failed to establish that she was at risk in Zimbabwe and there was no need for the judge to consider that aspect of the matter any further. In consequence, I dismiss this appeal.

### **NOTICE OF DECISION**

The appeal is dismissed.

No anonymity direction is made.

Signed

Date 28 April 2015

Upper Tribunal Judge Clive Lane

