



**Upper Tribunal  
(Immigration and Asylum Chamber)  
PA/04707/2017**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Heard at Field House**

**On 23 January 2018**

**Decision &  
Promulgated**

**On 14 March 2018**

**Reasons**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE MANDALIA**

**Between**

**PC**

**(ANONYMITY DIRECTION MADE)**

Appellant

**And**

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

Respondent

**Representation:**

For the Appellant: Ms L Appiah, Counsel instructed by Simon Noble Solicitors  
For the Respondent: Mr C Avery, Home Office Presenting Officer

**DECISION AND REASONS**

1. The First-tier Tribunal ("FtT") has made an anonymity order and for the avoidance of any doubt, that order continues. PC is granted anonymity throughout these proceedings. No report of these proceedings shall

directly or indirectly identify her. This direction applies both to the appellant and to the respondent. Failure to comply with this direction could lead to proceedings being brought for contempt of court.

2. At the conclusion of the hearing before me, I announced that in my judgement, the decision of the FtT is not infected by a material error of law and the appeal is dismissed. I said that I would give the reasons for my decision in writing. This I now do.
3. The appellant is a national of Zimbabwe. The appellant has previously held a visit visa that was valid from 8<sup>th</sup> April 2014 to 8<sup>th</sup> October 2014. Most recently, the appellant was granted a Tier 4 (General) Student visa valid from 7<sup>th</sup> August 2015 until 5<sup>th</sup> January 2017. She claims to have entered the UK on 13<sup>th</sup> August 2015. She claimed asylum on 4<sup>th</sup> November 2016.
4. The appellant's claim for asylum was rejected by the respondent on 4<sup>th</sup> May 2017 and it was the refusal of that claim for international protection that was the subject of the appeal before FtT Judge Khan. The appeal was heard on 16<sup>th</sup> June 2017 and dismissed for the reasons set out in a decision promulgated on 3<sup>rd</sup> July 2017.
5. The appellant's immigration history is set out at paragraph [1] of the decision. At paragraphs [7] to [8], the Judge records that he heard oral evidence from the appellant, and oral submissions from both legal representatives. He states that he has taken into account all the documentary evidence submitted, both by the respondent and the appellant. The Judge refers to the appellant's bundle that contains 77 pages, including, her statement and some background materials.
6. The background to the appellant's claim and her reasons for seeking international protection are summarised at paragraphs [14] to [16] of the Judge's decision. The Judge refers, at paragraphs [18] to [25] of the decision, to the evidence received by the Tribunal from the appellant. The

Judge summarises the core of the appellant's claim at paragraph [29] of his decision in the following way:

*"The core of the appellant's case is that her father's police department sponsored her studies in Cyprus. The condition of her sponsorship was that upon completion of her studies, she would return to Zimbabwe and take up her duties with the authorities. On 17/12/2015 her mother informed her that she was being conscripted for her military service. The appellant states that the fact that she has left Zimbabwe is seen as a betrayal, her mother has been demoted from job and her father has been denied a promotion. She states that she will be imprisoned on her return to Zimbabwe and will be subjected to persecution.*

7. The Judge's findings are to be found at paragraphs [30] to [35] of the decision. The Judge concludes, at [35];

*"I do not accept the appellant's evidence that she fears returning to Zimbabwe. I find the appellant has made up her evidence with regards to the events in Zimbabwe, hence the contradictions and inconsistencies in her evidence. I find that the appellant can safely return to Zimbabwe."*

### The appeal before me

8. The appellant advances four grounds of appeal but they are all directed to the adverse credibility findings made by the Judge of the FtT. Permission to appeal was granted by Deputy Upper Tribunal Judge Doyle on 27<sup>th</sup> November 2017. The Deputy Upper Tribunal Judge noted that it is arguable that there is inadequate analysis of the evidence between paragraphs [29] and [35] of the decision.
9. Before me, Ms Appiah submits that the Judge unreasonably rejected, at [31], the appellant's evidence that there were conditions attached to the payment of her University fees. The appellant had set out at paragraph [14] of her witness statement dated 16<sup>th</sup> June 2017, why the document setting out the conditions attached to the payment of the University fees, was not available. She submits that in reaching his decision, the Judge did

not consider why the document was not available. Ms Appiah submits that in her witness statement dated 16<sup>th</sup> June 2017, the appellant had addressed the criticisms that were made by the respondent in the respondent's decision of 4<sup>th</sup> May 2017.

10. Ms Appiah submits that it was not properly open to the judge to find that the appellant was being selective in her evidence. She submits it was not properly open to the Judge to reach the conclusion that the appellant's evidence was not credible or consistent. She submits that in reaching the conclusions that he did, the Judge disregarded the very detailed explanations that are set out in the appellant's witness statement of 16<sup>th</sup> June 2017 that was before the Judge. Ms Appiah submits that the Judge has failed to address the evidence of the appellant and that overall, the reasons given by the Judge for dismissing the appeal, are inadequate.
11. In reply, Mr Avery submits that the Judge considered the core of the appellant's account and that the Judge gave adequate reasons for dismissing the appeal on the evidence that was before him. Mr Avery submits that the adverse findings that were made by the Judge were open to him, and that it was open to the Judge to reject the central premise of the account being advanced by the appellant. On the findings made by the Judge, it was open to the Judge to conclude that the appellant is not at any risk upon return to Zimbabwe.

### Discussion

12. The appellant challenges the findings made by the Judge and the adequacy of his reasons for dismissing the appeal. I remind myself of the observations made by Mr. Justice Haddon-Cave in **Budhathoki (reasons for decisions) [2014] UKUT 00341 (IAC)**;

*"It is generally unnecessary and unhelpful for First-tier Tribunal judgments to rehearse every detail or issue raised in a case. This leads to judgments becoming overly long and confused and is not a proportionate approach to deciding cases. It is, however, necessary for judges to identify and resolve*

*key conflicts in the evidence and explain in clear and brief terms their reasons, so that the parties can understand why they have won or lost."*

13. I have also had regard to the decision of the Upper Tribunal in **Shizad (sufficiency of reasons: set aside) [2013] UKUT 00085 IAC** where it was stated in the head note that:

*"Although there is a legal duty to give a brief explanation of the conclusions on the central issue on which the appeal is determined, those reasons need not be extensive if the decision makes sense, having regard to the material accepted by the judge."*

14. It is in that context that I have considered the grounds of appeal that have been advanced on behalf of the appellant. The core of the appellant's account was not particularly complex. It is set out at paragraphs [14] to [16] of the decision of the FtT Judge, and summarised at paragraph [29] of the decision.
15. It is right, as Ms Appiah submits, that there was a detailed witness statement made by the appellant that responds to some of the criticisms that were made by the respondent in the reasons for refusal letter. In that statement, the appellant also seeks to expand upon some of the matters that were raised during the interview that was undertaken by the respondent. I have had the opportunity of reading that witness statement made by the appellant.
16. In the first ground of appeal, the appellant refers to paragraph [30] of the decision of the FtT Judge and contends that whilst it is open to the Judge to afford such weight to the evidence of a witness as he sees fit, the Judge fails to explain why he concludes that the appellant was being very selective in her evidence. The remaining three grounds of appeal refer to the findings made by the Judge at paragraphs [31], [32] and [33] of the decision. The appellant claims that in reaching his decision, the Judge failed to consider the explanation offered by the appellant regarding the lack of detailed information about the payment of her University fees, and

that the Judge has failed to give adequate reasons for rejecting the account relied upon by the appellant.

17. The decision of the FtT Judge must be read as a whole. At paragraph [30] the Judge states:

*“The respondent has raised issues in relation to the appellant’s credibility. The appellant did not respond to any of these matters, in fact (sic) she went on to further embellish her case and circumstances, I find that the appellant was being very selective in her evidence. I do not find her evidence credible or consistent witness.”*

18. At paragraphs [31] to [35] of the decision, the Judge sets out his reasons.
19. In her witness statement, the appellant simply claims that she was unable to provide the documentation concerning the conditions attached to her sponsorship because she was not the one that had signed the documents, and the confidential nature of the document is such that it was not publicly available. She claimed that the grounds on which the academic scholarship was made to her, “required non-disclosure”.
20. The Judge rejected, at [31], the appellants evidence that there were conditions attached to the payment of the appellant’s University fees by the department that employed her father. Even if there were any such conditions, the Judge found, at [31], that the appellant’s father would have been aware of the conditions, and would not have overlooked them. The Judge found that if there were conditions, the appellant’s father would not have kept the appellant in the dark, and certainly would not have allowed her to study, and pay for her studies, in the United Kingdom. The Judge found that the appellant has simply made up her evidence about the conditions attached to the grant by the department that employed her father. That was a finding that in my judgment, was properly open to the judge on the evidence particularly noting what was said by the appellant in the evidence before the FtT as set out at paragraph [23] of the decision.

21. At paragraph [32], the Judge refers to the appellant's evidence that her father had informed the department that she was returning to Zimbabwe after completing her studies in the UK and the department are aware of that position. The Judge found that it was not credible that the department, knowing that the appellant would be returning to Zimbabwe, would persecute her on return.
22. At paragraph [33], the Judge noted that there is no evidence whatsoever that the appellant's mother has been demoted from her position, or that the appellant's father has not been promoted because the appellant has not returned to Zimbabwe. The Judge rejected the appellant's evidence that the CBz Bank has refused to issue the annual loan because of the appellant's failure to return to Zimbabwe.
23. At paragraph [34], the Judge rejected the appellant's account that her failure to return to Zimbabwe will be viewed as passive resistance to the regime. The Judge noted that on the appellant's own account, her father had informed the department that she was returning to Zimbabwe after completing her studies in the UK.
24. In my judgement, the findings made by the Judge were properly open to the judge on the evidence that was before him. In my judgment it was open to the judge to reach the conclusions that he did, and having reached those conclusions and made those findings, it was open to the Judge, as he sets at paragraph [39] of the decision to conclude that the appellant will not be at risk upon return to Zimbabwe. It is now well established that although there is a legal duty to give a brief explanation of the conclusions on the central issue on which the appeal is determined, those reasons need not be extensive if the decision as a whole makes sense, having regard to the material accepted by the Judge.
25. In my judgment, the Judge has properly set out the evidence that was before him, and has identified, particularly at paragraphs [31] through to [34] of his decision, the reasons why the Judge reached the conclusions

that he did. The Judge identified and resolved the key conflicts in the evidence, and explained, albeit in brief terms, his reasons for the adverse credibility findings, and the reasons for dismissing the appeal.

26. On appeal, the Upper Tribunal should not overturn a judgment at first instance, unless it really cannot understand the original judge's thought process when the Judge was making material findings. Here, it cannot be said that the Judge's analysis of the evidence is irrational or perverse. The Judge did not consider irrelevant factors, and the weight that he attached to the evidence either individually or cumulatively, was a matter for him. I am satisfied that the Judge's findings are sufficiently reasoned, and it was open to him on the evidence, to dismiss the appeal for the reasons given.

### **NOTICE OF DECISION**

27. I find there to be no error of law in the decision of the First-tier Tribunal and the appeal is dismissed.

Signed	Date	9 <sup>th</sup> March 2018
Deputy Upper Tribunal Judge Mandalia		

### **FEE AWARD**

I have dismissed the appeal and therefore there can be no fee award.

Signed	Date	9 <sup>th</sup> March 2018
Deputy Upper Tribunal Judge Mandalia		