



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

Appeal Number: PA/04457/2017

THE IMMIGRATION ACTS

**Heard at Birmingham CJC
On July 18, 2019**

**Decision & Reasons Promulgated
On August 6, 2019**

Before

DEPUTY UPPER TRIBUNAL JUDGE ALIS

Between

**M A M
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Draycott, Counsel, instructed by Paragon Law

For the Respondent: Mrs Aboni, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant is a Zimbabwean national and entered the United Kingdom with her mother in April 2007. On June 22, 2007 her mother claimed asylum with the appellant as her dependant. On August 23, 2007 that claim was withdrawn.
2. On November 20, 2007 the appellant applied in her own right for leave to remain as the dependent relative of her sister, but this was refused with no right of appeal on February 11, 2008. On December 8, 2009 the appellant claimed asylum after being encountered by Immigration Officers the previous day. Her application was refused on January 11, 2010 and

her appeal against that decision was dismissed by the First-tier Tribunal on November 1, 2010. Subsequent appeals to both the Upper Tribunal and the Court of Appeal were rejected with the most recent rejection being on January 6, 2012.

3. The appellant subsequently lodged further submissions in relation to her asylum claim on July 13, 2012 and April 29, 2015. These were refused by the respondent on November 28, 2012 and October 7, 2015 respectively. The appellant challenged the most recent decision and following judicial review proceedings, and by consent, the respondent agreed to withdraw the latter decision on January 31, 2017 and agreed to reconsider the application.
4. The respondent subsequently refused that application on April 18, 2017 and on May 10, 2017 the appellant lodged grounds of appeal under Section 82(1) of the Nationality, Immigration and Asylum Act 2002. Her appeal came before Judge of the First-tier Tribunal Hollingworth on November 27, 2017. In a decision promulgated on February 18, 2018 the Judge accepted her appeal and allowed her appeal on asylum and human rights grounds.
5. Permission to appeal was sought by the respondent on February 20, 2018 and permission to appeal was granted on March 6, 2018 by Judge of the First-tier Tribunal Wright and the matter came before me on 7 January 2019.
6. The key argument that the appellant would be identified for a second interview at the airport was erroneous against the conclusions in the more recent Country Guidance cases that made it clear that even persons with a substantial MDC profile could safely relocate to Bulawayo which was not something the Judge had considered
7. I found there was an error in law because no country evidence supported Mr Draycott's submission, placed before the FTT Judge, that members of Restoration of Human Rights (ROHR) have been targeted by the CIO as the Country Guidance decisions of HS (returning asylum seekers) Zimbabwe CG [2007] UKAIT 00094, EM and Others (returnees) Zimbabwe CG [2011] UKUT 98 (IAC) and CM (EM country guidance; disclosure) Zimbabwe CG [2013] UKUT 59 (IAC) were concerned with persons linked to the MDC and did not appear to relate to persons linked to ROHR. I also noted the FTT Judge had not considered the question of internal relocation.
8. I adjourned the appeal for further country evidence and this case was listed on 3 April 2019. That hearing was adjourned administratively because an expert report, from Dr Diana Jeater, on whether persons connected to ROHR faced a real risk of persecution in Zimbabwe was not available.

9. I preserved for today's hearing the findings made by the FTT Judge about the appellant's activities as set out in paragraph 15 of the FTT Judge's decision and indicate that the issue for today's hearing was two-fold:
 - (a) Would the appellant face either persecution or serious harm for her accepted activities as a member of ROHR?
 - (b) Was internal relocation available?
10. These findings are:
 - (a) The appellant is the branch secretary of the Nottingham branch of ROHR.
 - (b) They are involved in arranging protests and attending demonstrations.
 - (c) The appellant attended meetings of the ROHR NEC in London.
 - (d) She has attended various vigils on London arranged by ZHRO and Zimvigil.
 - (e) Photographs of those attending and protesting at vigils are available online on various sources including Nehanda Radio an online newspaper, the Flickr pages of ZHRO and ROHR and Zimbabwe Vigil page.
 - (f) The appellant created a weekly blog, Urthought, in 2014 but she is no longer in control of the blog.
11. The respondent indicated in a letter dated 2 April 2019 that he would be relying on the February 2019 Country Policy and Information Note "Zimbabwe: Opposition to the government".
12. The appellant's representatives have provided the following material:
 - (a) Bundle A which contained:
 - (i) Expert report of Professor Diana Jeater dated 10 April 2019 and an addendum.
 - (ii) Four witness statements from the appellant including two recent statements dated 18 March 2019 and 9 July 2019
 - (iii) Emails and letters exchanged between the appellant and CM.
 - (iv) Statements from CC, ROHR UK secretary.
 - (v) Other evidence identifying the appellant's activities on the internet.
 - (vi) Evidence about the activities of ROHR

- (b) Bundle B which contained country evidence.
- (c) Bundle C which contained the case of HS (returning asylum seekers) Zimbabwe CG [2007] UKAIT 00094

DIRECTION REGARDING ANONYMITY - RULE 14 OF THE TRIBUNAL PROCEDURE (UPPER TRIBUNAL) RULES 2008

13. 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.

ORAL EVIDENCE

14. The appellant adopted her two recent statements and gave oral evidence.
15. The first statement described what happened to a friend who had returned to Zimbabwe in January 2019 to visit family on her British passport but was detained by soldiers as she left the airport. Video evidence was provided to support the account put forward. Her friend was eventually taken to the British Embassy, at her request, who arranged for her to leave Zimbabwe the following day. The friend stated she was repeatedly asked whether she supported the ruling party.
16. Her second statement confirmed she had continued to attend meetings, demonstrations and vigils to express her views about the situation in Zimbabwe. She went on to clarify that she had recently started a new blog, having finished her exams, which highlighted killings, abuse and questioning of bystanders. If she was returned to Zimbabwe, she stated she would want to continue with her activities and consequently she would be in danger in Zimbabwe because on return she would face an interrogation and it was reasonably likely she would be detained within the airport. If she made it out of the airport unharmed, she submitted that she would continue her opposition to the government by expressing her views in a similar manner to how she has here and would therefore be at risk of persecution from the authorities. She confirmed she had attended a vigil on 12 July 2019 when a Zimbabwean minister was in attendance. It was reported on the news on 16 July 2019 that whilst the government accepted people could protest the government wanted the people recorded as throwing water at the minister be prosecuted by the UK authorities. She confirmed that she was not shown as doing anything on the CCTV.
17. She claimed she would be unable to relocate outside of Harare due to her ethnicity and she has no family remaining in Zimbabwe as they have either left the country or died.

SUBMISSIONS

18. Ms Aboni relied on the original reasons for refusal letter and stated that whilst the respondent accepted the appellant was actively involved with ROHR, she submitted ROHR was not an opposition party and would not be considered by the authorities to have a political profile. There was no evidence that persons involved with ROHR faced any risk on return and whilst there may be video footage at a recent protest there is nothing to say she would be identified on it or would face persecution on return. She placed reliance on CM and submitted failed asylum seekers, with no substantial profile with MDC, would not face risk. There was little evidence of human rights abuse against ROHR activists.
19. The recent country policy information note, from 2.4 onwards, assessed the risk to opposition party members. At 2.4.14 and 2.4.18 the report suggested that problems had declined since 2008 and smaller opposition parties faced less risk of discrimination because they did not pose a significant threat to the Zanu-PF.
20. ROHR was not a political party and the appellant had failed to show members of ROHR would face any risk.
21. There was the option of internal relocation to another area especially as the Tribunal found people linked to the MDC were able to relocate to areas of lower density such as to Bulawayo.
22. Mr Draycott adopted his skeleton argument and invited me to allow the appeal. He emphasised that a person who was forcibly returned would face facing a deteriorating situation as evidenced by the recent evidence in the bundle (see statement of C M) and the situation was now worse than that considered in HS.
23. Mr Draycott referred to the expert evidence of Professor Jeater and pointed to the problems facing failed asylum seekers on their return to Zimbabwe. There were articles printed in Zimbabwe (Sunday Mail) which attacked ROHR for links to Kate Hoey MP. The expert's conclusion was Zimbabwean nationals were detained and foreign nationals were deported. There was recent evidence that bloggers were targeted, and this would also affect this appellant.
24. In the latest CPIN, Mr Draycott accepted simply attending a demonstration would not place you at risk or lead to you being viewed as an opponent, but he submitted organisers of such events could be perceived as political agitators. Paragraph 2.4.25 of CPIN highlighted that if a person held a prominent position within a civil society then that person may be at risk of serious harm and persecution.
25. The FTT Judge had accepted the appellant held office from 2012. The appellant was no longer able to sign into her blogs and Mr Draycott submitted this was evidence she had come to the attention of the authorities or the CIO. A search for her on Google links her to the ROHR

and to her vocal criticism of the regime. Her blogs could be found from page D48 onwards.

26. Mr Draycott submitted:

- (a) The respondent's approach was inconsistent with the approach at 103, 104 and 153 in HS. The CIO has invested considerable resources to infiltrate such groups and to identify activists. It was not disputed that such people, in the United Kingdom, work for the government. At page 44-45 CC confirmed as much in his own statement provided in the appellant's bundle.
- (b) She would be forcibly returned to Zimbabwe. Even if she was not identified as an activist she will still be questioned about her activities in the United Kingdom as been here a long time. The respondent accepts people are not expected to lie in the airport and the CIO will ask why she claimed asylum and her involvement with ROHR will come out.
- (c) At 4.2 of Ms Jeater's main report details ROHR's activities. She states there is evidence that its leader was identified to replace the MDC leader at one stage it would be inconceivable the government would not view them as a threat.

27. Turning to Bundle B, he highlighted several reports that supported Professor Jeater's claim that there was increasing paranoia within the government and it was becoming brutal and restrictive. Articles between 320-327 highlight ROHR activists having been assaulted and their human rights trampled on.

28. The CPIN reports accepted it may be unduly harsh to expect people of Shona ethnicity (like this appellant) to go to Bulawayo or Matabeleland for the reason given by Professor Jeater in her report. Even if she were to be able to leave the airport, she would be returning with no family and no support in Zimbabwe and would face risk of serious harm as unlikely to find employment except for jobs that would place her at serious risk and would face destitution.

ASSESSMENT OF EVIDENCE AND FINDINGS

29. The issues facing this Tribunal followed on from the findings made by the FTT Judge about the appellant's activities in Zimbabwe and my previous findings on what needed to be provided by both parties for this resumed hearing.

30. The FTT Judge found the appellant to have generally given credible evidence and inconsistencies did not go to the heart of her claim. Her account was corroborated by documents.

31. In assessing whether the appellant will face a risk of persecution or serious harm as a result of her activities, I must consider former decisions of the Tribunal/Courts and the further evidence that has adduced.
32. The Tribunal in CM confirmed that the earlier guidance given by the Tribunal in EM and Others (returnees) Zimbabwe CG [2011] UKUT 98 (IAC) was not vitiated. The only change to that guidance arose from a decision issued by the Supreme Court in RT (Zimbabwe) [2012] UKSC 38. The Tribunal in CM stated:

(1) As a general matter, there is significantly less politically motivated violence in Zimbabwe, compared with the situation considered by the AIT in RN. In particular, the evidence does not show that, as a general matter, the return of a failed asylum seeker from the United Kingdom, having no significant MDC profile, would result in that person facing a real risk of having to demonstrate loyalty to the ZANU-PF.

(2) The position is, however, likely to be otherwise in the case of a person without ZANU-PF connections, returning from the United Kingdom after a significant absence to a rural area of Zimbabwe, other than Matabeleland North or Matabeleland South. Such a person may well find it difficult to avoid adverse attention, amounting to serious ill-treatment, from ZANU-PF authority figures and those they control. The adverse attention may well involve a requirement to demonstrate loyalty to ZANU-PF, with the prospect of serious harm in the event of failure. Persons who have shown themselves not to be favourably disposed to ZANU-PF are entitled to international protection, whether or not they could 2 and would do whatever might be necessary to demonstrate such loyalty (RT (Zimbabwe)).

(3) The situation is not uniform across the relevant rural areas and there may be reasons why a particular individual, although at first sight appearing to fall within the category described in the preceding paragraph, in reality does not do so. For example, the evidence might disclose that, in the home village, ZANU-PF power structures or other means of coercion are weak or absent.

(4) In general, a returnee from the United Kingdom to rural Matabeleland North or Matabeleland South is highly unlikely to face significant difficulty from ZANU-PF elements, including the security forces, even if the returnee is a MDC member or supporter. A person may, however, be able to show that his or her village or area is one that, unusually, is under the sway of a ZANU-PF chief, or the like.

(5) A returnee to Harare will in general face no significant difficulties, if going to a low-density or medium-density area. Whilst the socio-economic situation in high-density areas is more challenging, in general a person without ZANU-PF connections will not face significant problems there (including a “loyalty test”), unless he or she has a significant MDC profile, which might cause him or her to feature on a list of those targeted for harassment, or would otherwise engage in political activities likely to attract the adverse attention of ZANU-PF, or would be reasonably likely to engage in such activities, but for a fear of thereby coming to the adverse attention of ZANU-PF.

(6) A returnee to Bulawayo will in general not suffer the adverse attention of ZANU-PF, including the security forces, even if he or she has a significant MDC profile.

(7) 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 wellfounded 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.

(8) Internal relocation from a rural area to Harare or (subject to what we have just said) Bulawayo is, in general, more realistic; but the socio-economic circumstances in which persons are reasonably likely to find themselves will need to be considered, in order to determine whether it would be unreasonable or unduly harsh to expect them to relocate.

(9) The economy of Zimbabwe has markedly improved since the period considered in RN. The replacement of the Zimbabwean currency by the US dollar and the South African rand has ended the recent hyperinflation. The availability of food and other goods in shops has likewise improved, as has the availability of utilities in Harare. Although these improvements are not being felt by everyone, with 15% of the population still requiring food aid, there has not been any deterioration in the humanitarian situation since late 2008. Zimbabwe has a large informal economy, ranging from street traders to home-based enterprises, which (depending on the circumstances) returnees may be expected to enter.

(10) As was the position in RN, those who are or have been teachers require to have their cases determined on the basis that this fact places them in an enhanced or heightened risk category, the significance of which will need to be assessed on an individual basis.

(11) In certain cases, persons found to be seriously lacking in credibility may properly be found as a result to have failed to show a reasonable likelihood (a) that they would not, in fact, be regarded, on return, as aligned with ZANU-PF and/or (b) that they would be returning to a socio-economic milieu in which problems with ZANU-PF will arise. This important point was identified in RN ... and remains valid.

33. Whilst this appellant is not directly connected to the MDC, it is accepted she is connected to a civil society organisation which, according to the evidence now adduced, has challenged the regime. Mr Draycott's submission is that such behaviour was sufficient to engage both the Refugee Convention and ECHR legislation. Mrs Aboni argued that there was no evidence that persons connected to this organisation have been targeted by the authorities.
34. The appellant's representatives have adduced a large bundle of country evidence about the ROHR. This evidence can be found in Bundle A of the folders submitted. At C46 there is a letter from ET, ROHR President/Founder, who confirmed this appellant's involvement in ROHR and stated the appellant spoke out against human rights abuses in Zimbabwe and on behalf of ROHR as well as spearheading the campaign to create greater awareness and participation in ROHR by the use of fliers and public speaking. She believed that prominent ROHR activists, such as the appellant, faced imminent threats when returned to Zimbabwe.
35. Evidence contained in Section D of Bundle B highlighted her presence in the public domain. Her original and current blog remain visible on the internet and therefore readable by anyone who cares to search for such documents. Searches on google highlight her name, position (secretary), telephone number, meetings attended but the search results do not say anything about what happened at the meetings or what she said or did.
36. Her most recent blog entry described her as a "human rights activist" and outlined her opposition to the present government and questioned whether the people were free from the old Zanu PF because there was evidence, she reported, that unarmed civilians were shot by the Zimbabwe National Army, CIO and Zanu PF militia in Harare, Bulawayo and other locations in Zimbabwe. Her previous blog criticised the health facilities in the country and attached the actions of the Zanu PF and former President Mugabe. Her articles are not a "call to arms" or an attack on the government itself. Her articles criticise the government.

37. ROHR have expressed concern over the deteriorating human rights situation in Zimbabwe and condemned the shooting of unarmed civilians set out above, the blocking of social media platforms like WhatsApp and Facebook, the detention of children with their parents, the planting ZANU PF youths amongst peaceful demonstrators with a view to instigating and leading looting and violence.
38. Mr Draycott urged me to accept that her activities and those of ROHR are akin to her being a member of the MDC and therefore covered by the country guidance decisions set out above.
39. Ms Aboni argued that being a member of a civil liberties group is not the same as being a member of a political party. She placed reliance on ROHR's description of itself, on its own website, in which it described itself as being a non-political organisation, whose members are passionate and committed to bringing about change in Zimbabwe. They strongly subscribed to the founding principles of returning Zimbabwe to the apex of human rights vanguard and an economic powerhouse on regional and international levels. ROHR Zimbabwe is founded on the following objectives:
- (a) To educate and encourage Zimbabweans to stand together and demand that their human rights issues be addressed.
 - (b) To encourage active participation of Zimbabweans in governance issues including their constitutional rights.
 - (c) To work closely with other organizations that share the same objectives and values nationally, regionally and internationally.
40. The two reports of Professor Jeater were provided to give an updated position of what the appellant may face were she to be returned. Professor Jeater based her report on regular trips to Zimbabwe (last was August 2018), correspondence with residents, scrutiny of online press reports and social media reports. Professor Jeater concluded as follows:
- (a) The army, rather than the police or Zanu PF affiliated militia, exerts more political control since Mnangagwa assumed power.
 - (b) The state has used internet blackouts to assist operations against targets.
 - (c) The airport manifests were monitored as evidenced by the fact two high-profile opposition activists were arrested on arrival at the airport in January 2019 although all charges were later dropped.
 - (d) Activists have been taken to the airport for detention and interrogation indicating there is still a CIO interrogation centre operating at the airport.

- (e) Person with significant profiles (President of Amalgamated Rural Teachers Union, family members of the Chairperson of the Crisis in Zimbabwe Coalition, Secretary-General of Zimbabwean Congress of Trade and MDC MP) have been detained and interrogated.
 - (f) In January 2019 a well-known social media activist was driven into exile which indicates it is not necessary to be a member of the MDC to be regarded as an enemy by state-forces.
 - (g) Detentions in May 2019 were part of a larger crackdown on civil society organisations framed around a plot to overthrow the President. ROHR was named in the newspaper report but the actions against the other groups indicate the government is determined to silence any form of outspoken criticism.
 - (h) There is evidence that Ndebele nationalism is growing with increasing anti-Shona sentiment in Mataberland.
 - (i) The situation based on previous Country Guidance appears to still be in place.
 - (j) ROHR is a well-known human rights group, closely associated to the London Vigil, has a presence in both the United Kingdom where it provides support for asylum seekers and in Zimbabwe where it represents the concerns of the Zimbabwean diaspora. Following the appointment of Mnangagwa ROHR has become more confrontational in its demands that the government should be subject to sanctions. ROHR has been attacked in Sunday Mail (Zimbabwe) for it links to Kate Hoey MP.
 - (k) She would be unable to live in rural lands without access to land. There is negligible work for women in rural areas apart from schools and clinics. The economy is facing hyper inflation and wages are low.
 - (l) The army has a countrywide presence whereas the Zanu PF were only affective in certain areas (not Bulawayo where the MDC was notably strong) there was evidence of a crackdown by soldiers in these “safer areas”. The Zanu PF has recently won a seat on the Bulawayo council.
 - (m) Internal relocation has fundamentally changed during 2019. The relative security offered in Bulawayo, where the Zanu PF were a minority, no longer exists. The army, as against the police and Zanu PF militias, now carry out most acts of politically motivated violence.
 - (n) The appellant’s profile aligns closely with the profiles of many of the activists who have been detained.
41. The CPIN February 2019 provides the government’s view on “Opposition to the government”. It concludes:

- (a) Though the political landscape has remained relatively stable since CM and EM were promulgated, largely as a result of the threat posed by the state security apparatus and relative weakness of opposition groups, there is a lack of clear and cogent evidence that the government has, in practice, fundamentally changed the political environment or how it treats those opposed to the state.
- (b) The political space is controlled by the ruling ZANU-PF which uses the state security apparatus to harass and intimidate those in opposition to it. While levels of politically motivated violence and human rights violations committed by the security forces and ZANU-PF supporters against opposition party members have generally declined since 2008, these fluctuate, with recent peaks being seen in the 2018 post-election period and in response to the current economic situation. Most violations take place in areas dominated by the ZANU-PF, including Manicaland, Mashonaland and parts of Harare. There is evidence that members of smaller opposition parties face lower levels of official discrimination than the larger MDC factions because they do not represent a significant threat to the ZANU-PF. There have also been incidents of intra-party human rights violations within MDC and ZANU-PF factions.
- (c) A person who is, or perceived to be, a supporter of the MDC-T is in general not likely to be at risk of persecution or serious harm in low or medium density areas of Harare, Bulawayo or Matabeleland generally.
- (d) However, MDC-T members or those perceived to support the MDC are in general likely to face serious harm or persecution in high density areas of Harare and rural areas (other than Matabeleland where there have been fewer incidents recorded).
- (e) Persons belonging to other, smaller opposition political parties – including MDC-N, MDC-R/Peoples Democratic Party and the National People’s Party – are in general less likely to be of adverse interest to the state and its proxies than supporters of the MDC-T, and therefore are unlikely to be subject to treatment that by its nature and repetition amounts to persecution.
- (f) Each case, however, needs to be considered on its individual merits, taking into account the person’s profile, activities, area of origin and proposed area of return, with the onus on the person to demonstrate that may face a risk of persecution.
- (g) Demonstrations about the government’s management of the economy are seen by the authorities as politically motivated, even though people without strong political views have taken part. During the January 2019 demonstrations, there have been reports that security services used excessive force on protesters and those in the vicinity. Those perceived to have been in opposition to the government at this time have faced harassment, arrest and ill-

treatment including assaults, gun-shot related injuries and at least 8 deaths. Further direct targeting of the opposition (and perceived opposition) including NGOs continued after the initial violence, through house raids, arrests and detentions. be considered on its individual merits, taking into account the person's profile, activities, area of origin and proposed area of return, with the onus on the person to demonstrate that may face a risk of persecution.

- (h) Although there have been recent protests and civil unrest, the House of Lords has established that a state of civil war or civil instability and/or where law and order has broken down does not of itself give rise to a well-founded fear of persecution for a Convention reason. The onus is on the person to demonstrate why they face a risk above and beyond the general inherent incurred during a time of civil unrest.
 - (i) It is unlikely that a person will be at risk on return purely for having taken part in demonstrations. However, those organising a demonstration may be at risk if the government perceives them to be political agitators. This will depend on their profile, activities and past experiences with the authorities, with each case needing to be considered on its own facts.
 - (j) The authorities use legal restrictions to impede or interfere with the activities of civil society organisations and human rights defenders perceived to be Page 11 of 79 critical of the government. Prominent activists, who are vocal in their criticism of the government, may be at risk of serious harm or persecution.
42. The view of the courts and many commentators appears to be that the guidelines given in CM remain and simply being an opposition member or member of a civil society organisation or human rights defender would not place a returning failed asylum seeker at risk of persecution.
43. Against the above background, I make the following findings:
- (a) The appellant would be returned and treated as a person who has been absent from Zimbabwe since April 2007. If she had a significant profile she may be detained and questioned in the airport. If that happened, she would not be expected to lie about her activities and the authorities would become aware, if they were not already, of what she had been doing following questioning at the airport. Whether this would happen depended on individual circumstances. In SSHD v MM (Zimbabwe) [2017] EWCA Civ 797 it was held that the guidance in CM covers what happens in terms of screening at the airport [202] - [205]. There was no scrutiny at the airport for positive indications of loyalty to ZANU-PF and "low level MDC supporters" were not the sort of activists who would fall foul of the authorities at the airport. The important point was that a real risk of ill-treatment depended on an individual's profile as an MDC supporter being significant.

- (b) The appellant has campaigned for peoples' rights and has written a number of blogs and her name can be found using google. Whilst the "google links" tell me little of her activities they do make reference to her personal details and position which would highlight to the authorities her role within ROHR albeit little evidence of her actions are within the public domain.
 - (c) Having considered all the evidence adduced I find it is reasonably likely that the appellant does have a profile, but I reject Mr Draycott's submission that her profile is significant or mirrors the profiles of persons who have been reported as recently being detained. The fact C M was detained and then released does not necessarily mean this appellant would be detained.
 - (d) If returned to Harare, she will in general face no significant difficulties, if going to a low-density or medium-density area but the socio-economic situation in high-density areas is more challenging. I find the socio-economic circumstances in Bulawayo or Harare facing this appellant would make life more difficult for her but having concluded she does not have a significant profile it is not reasonably likely she will be targeted for harassment.
 - (e) She has stated she would engage in political activities likely to attract the adverse attention of ZANU-PF or the authorities, but she would be able to relocate to an area where the Zanu PF have little or no influence. The fact the Zanu PF won a seat in a recent election near Bulawayo does not mean they have established a powerbase in that area.
 - (f) Her sex, the length of time she has spent in the United Kingdom, her lack of qualifications or anyone to turn to may create some problems for the appellant but these are insufficient to engage article 3 or article 15(b) of the Qualification Directive.
 - (g) Whilst I note the views of Professor Jeater, I find that nothing she has highlighted differs from the view of the Tribunal in CM. The significant change is the person in power and the evidence adduced does not persuade me that this appellant's circumstances would entitle her to any form of protection from this country.
44. Based on my findings above, I do not find it is reasonably likely that given this appellant's personal and individual circumstances that returning her to Zimbabwe would engage the Refugee Convention or in the alternative article 3 ECHR.
45. As regards any private life claim, I find that any private life has been established whilst she has been here without leave. Her immigration history, above, demonstrates numerous rejections since 2007. She has effectively been here unlawfully throughout. The only private life advanced

centres around her activities in light of my earlier findings I find removing the appellant in such circumstances would not be disproportionate.

NOTICE OF DECISION

I remake the decision and dismiss the appellant's appeal under both the Refugee Convention, the Qualification Directive and ECHR legislation.

Signed

Date 29/07/2019



Deputy Upper Tribunal Judge Alis

TO THE RESPONDENT
FEE AWARD

As I have dismissed the appeal no fee award can be made.

Signed

Date 29/07/2019



Deputy Upper Tribunal Judge Alis