



# information sheet

## Zimbabwe Country Guidance

8<sup>th</sup> December 2008

On 19<sup>th</sup> November 2008, the Asylum and Immigration Tribunal (AIT) gave a new country guidance determination (a decision) – *RN (Zimbabwe)* [2008] UKAIT 00083 CG. A copy of the AIT's decision is available at:

[http://www.ait.gov.uk/Public/Upload/j2184/00083\\_ukait\\_2008\\_rn\\_zimbabwe\\_cg.doc](http://www.ait.gov.uk/Public/Upload/j2184/00083_ukait_2008_rn_zimbabwe_cg.doc)

This information sheet gives information about this decision and its implications for Zimbabwean asylum-seekers in the UK.

### General background

The Government suspended all removals to Zimbabwe in January 2002. With the exception of about eight months between 2004 and 2005 during which the suspension was lifted, from that date there have been no Zimbabweans forcibly removed to Zimbabwe from the UK. The safety of returning asylum-seekers to Zimbabwe has been considered by the AIT and the Court of Appeal in several test cases between 2005 and 2008.

A summary of the suspension and decision-making on Zimbabweans' asylum claims is given in the "Zimbabwean Asylum Claims" information sheet of March 2008.

### RN (Zimbabwe)

The decision in *RN (Zimbabwe)* is the latest test case decision of the AIT on Zimbabwe. The Home Office has decided not to appeal against the AIT decision. It is a country guidance decision. This means that, unless there is new evidence which shows that the AIT's assessment of the situation in Zimbabwe must be reconsidered, the AIT and the Home Office must apply this decision when deciding any asylum claims or appeals of Zimbabweans.

In *RN (Zimbabwe)*, the AIT decided that (numbers in brackets refer to paragraphs of the AIT's decision):

- It is clear that someone who cannot demonstrate positive support for Zanu-PF is at risk of persecution (216). This risk arises throughout Zimbabwe, in both urban and rural areas (226).
- The violence that followed the March 2008 elections was not simply aimed at delivering a victory for Robert Mugabe in the run-off presidential vote. It was aimed at dismantling the MDC support base so that it no longer posed a threat to Zanu-PF. While the violence is now not at the levels it reached over the summer 2008, the regime remains ready to repeat this if it thinks it necessary. This remains the case despite the talks between Robert Mugabe and the opposition which are meant to result in some form of power sharing. (218, 220)
- Zanu-PF militias have also established no go areas and road blocks to ensure that abuses go unreported and displaced people cannot return home. Rural areas where the opposition made inroads into the Zanu-PF vote have been targeted. (219)
- Someone who has claimed asylum in the UK will find it very difficult to demonstrate support for or loyalty to Robert Mugabe and Zanu-PF. It may be assumed that he or she

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supports the opposition merely because he or she cannot demonstrate that he or she voted for Zanu-PF. (231)

- If someone is stopped at a road block in Zimbabwe, he or she may be able to demonstrate support or loyalty by producing a Zanu-PF card. However, this may not be sufficient if he or she is in an area that has been or is at risk of being targeted by Zanu-PF because of general support for the opposition. (227)
- Someone who tries to relocate to a new area where he or she is unknown, rather than returning to his or her home area, will not be able to reduce any risk he or she faces. Enquiries as to his or her background, history and associations would be very likely. He or she may be at greater risk in a new area because it may be assumed that he or she has been displaced because of supporting the opposition. (233)

### **Home Office OGN**

The Home Office issued a new Operational Guidance Note (OGN) on 1<sup>st</sup> December 2008. This is available at:

<http://www.ind.homeoffice.gov.uk/sitecontent/documents/policyandlaw/countryspecificasylumpolicyogns/zimbabweogn?view=Binary>

The OGN does not take precedence over the AIT's decision in *RN (Zimbabwe)*. Unless the Home Office relies on new evidence showing that the AIT's assessment of the situation in Zimbabwe is no longer reliable, the AIT's decision must be followed. However, the OGN indicates that, in deciding asylum claims, the Home Office may pay particular attention to how Zimbabweans were able to afford to come to the UK and whether they passed through a neighbouring country in which they could have claimed asylum before travelling to the UK.

### **What does this mean for Zimbabwean asylum-seekers?**

The AIT decision means that any asylum-seeker from Zimbabwe should be granted refugee status if there is a real risk that he or she would be unable to demonstrate positive support for Zanu-PF if he or she was to be returned to that country. However, if circumstances in Zimbabwe improve between now and when any decision is made on someone's asylum claim or appeal, this may cease to be the case.

Any Zimbabwean who has been refused asylum may be advised to obtain legal advice if he or she does not have a legal representative at this time. If his or her appeal has been finally dismissed, and he or she has not submitted a fresh claim, he or she may be advised to consider making a fresh claim now. For more information about fresh claims, see the "Fresh Asylum Claim" information sheet of May 2007.

For those who have received previous decisions (whether refusal letters or appeal determinations), it will remain important to consider these carefully. In many cases, these may include significant findings of fact which, of themselves, establish that the individual is now entitled to refugee status.