



KNOWLEDGE-BASED HARMONISATION OF EUROPEAN ASYLUM PRACTICES

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Case Summary

Country of Decision/Jurisdiction	United Kingdom
Case Name/Title	EM and others (Returnees) Zimbabwe CG
Court Name <i>(Both in English and in the original language)</i>	Upper Tier Tribunal (Immigration and Asylum Chamber)
Neutral Citation Number	[2011] UKUT 98 (IAC)
Other Citation Number	
Date Decision Delivered	14/03/11
Country of Applicant/Claimant	Zimbabwe
Keywords	Internal Protection
Head Note (Summary of Summary)	Applying the guidance on assessing internal protection found in Januzi and AH (Sudan) (see separate summaries), an applicant's "home area" must be established as a matter of fact. The applicant's social and economic position may assume particular importance where the applicant's "home area" is rural and the area of proposed internal relocation is urban.
Case Summary (150-500)	
<i>Facts</i>	The four applicants were asylum seekers from Zimbabwe whose cases were selected by the Tribunal to give guidance on the question of whether there remained a reasonable degree of likelihood that a person who has no ZANU-PF connections will be at risk on return to his or her home area by reason of a perception of disloyalty or an inability to demonstrate loyalty.
<i>Decision & Reasoning</i>	<p>For the purposes of assessing whether internal protection was reasonable or unduly harsh, a person's home area must be assessed as a matter of fact. "A person who has migrated from the countryside to city, or whose forebears did so, may well look on his or her rural place of origin as their "home area"...However, Someone who, for example, has for years before leaving Zimbabwe made his or her home in Harare must have a claim to international protection assessed by reference to whether that person is at real risk of persecution in Harare; and, if so, whether he or she can reasonably be expected to relocate to another part of Zimbabwe, where no such risk exists and where it would not be unduly harsh to do so... The fact that the person concerned feels an attachment to a rural area, and even has relatives living there, does not mean that that area falls to be treated as the home area for the purposes of determining entitlement to international protection".</p> <p>Where an applicant's home area is rural and the area of proposed internal protection is a large urban centre "the social and economic position of the person in question will assume particular importance. In particular, whilst it might not be contrary to Article 3 of the ECHR to expect a person without</p>



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	<p><i>family or friends to set themselves up in the informal sector as a street trader, bearing in mind the distinction identified in <u>AH</u> (Sudan) between Article 3 ill-treatment and reasonableness or undue harshness in the case of internal relocation, it might well, on the facts, be unreasonable or unduly harsh to expect such a person to relocate on that basis. The ultimate answer will, however, depend on the particular circumstances of the case”.</i></p>
<p><i>Outcome</i></p>	<p>The first appellant’s appeal was allowed, the second, third and fourth appellants’ appeals were dismissed.</p>