

**Neutral Citation Number: [2008] EWCA Crim 2144**  
**IN THE COURT OF APPEAL**  
**CRIMINAL DIVISION**

No: 200803852/A3

Royal Courts of Justice  
Strand  
London, WC2A 2LL

Wednesday, 20th August 2008

**B e f o r e:**

**LORD JUSTICE GAGE**

**MR JUSTICE TREACY**

**MR JUSTICE BEAN**

**R E G I N A**

v

**KINGDOM MVUMI**

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(Official Shorthand Writers to the Court)

**Mr A X Stephens** appeared on behalf of the **Appellant**

**Miss G Henty** appeared on behalf of the **Crown**

**J U D G M E N T**  
(As approved by the Court)

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1. Mr Justice Bean: The appellant is a Zimbabwean national who arrived in this country in November 2002. He claimed asylum and submitted his genuine Zimbabwean passport in support of that application, but the application was refused and his appeal rights were exhausted.
2. He could not be removed from the United Kingdom to Zimbabwe because of the situation in that country. People in his position cannot lawfully obtain employment in this country. In order to obtain employment he acquired a Zimbabwean passport and national insurance card in the name of someone called Lenos Mgwena, two identity badges and details of a bank account in that name. The passport was a fake. He used it to register for work with an employment agency. He had paid between £150 and £200 for it. He used it to obtain bank accounts and obtain credit.
3. He pleaded guilty at the Crown Court and was sentenced by His Honour Judge Rennie to eight months' imprisonment concurrently on three counts: possession of an identity document with intent, fraud by making a false representation, and possession of an article for the purposes of fraud.
4. He appeals against sentence by leave of the single judge. He does not challenge the length of the sentence of imprisonment, but seeks to have the recommendation for deportation set aside.
5. The judge, with respect to him, did not give reasons why he considered that it was an appropriate case for deportation. It does not appear that he was referred to authority. In the case of Nazari this court said that sentencing judges should give reasons for making orders for deportation. Perhaps more strikingly, in Attorney General's Reference Nos 1 and 6 of 2008, a similar case where one of the defendants, Mr Dziruni, was from Zimbabwe, Sir Igor Judge, President, recorded the view of this court that an order for deportation against Mr Dziruni would have been "absurd" given the current policy relating to those whose home country is Zimbabwe.
6. We do not consider that an order for deportation was necessary, nor indeed appropriate, in this case. That order will be quashed. This appeal accordingly succeeds.