



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: AA/03903/2013

**THE IMMIGRATION ACTS**

Heard at Field House  
On 25 June 2014

Determination Sent

Before

UPPER TRIBUNAL JUDGE ESHUN

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

MR RAMY GALAL AZIZ HABASHI BOULES

Respondent

**Representation:**

For the Secretary of State: Ms J Isherwood  
For the Respondent: Mr A Eaton, Counsel

**DETERMINATION AND REASONS**

1. The Secretary of State has been granted permission to appeal the decision of First-tier Tribunal Judge Lobo allowing the appeal of the respondent against refusal to grant him asylum in the UK.

2. The Respondent is a citizen of Egypt born on 16 September 1980. He arrived in the UK on 8 June 2012 on his own passport, with entry clearance as a Tier 4 Student valid from 26 May 2012 until 1 April 2013. He travelled back to Egypt on 18 February 2013 to attend a family funeral service and returned to the UK on 28 February 2013 and applied for asylum on 4 March 2013. His application was refused for the reasons set out in the respondent's Reasons for Refusal Letter dated 9 April 2013.
3. The judge heard oral evidence from the respondent. In support of his appeal the respondent submitted an expert report by Dr Mariz Tadros. Dr Tadros described his relevant experience to comment on issues relating to Coptic Christians in Egypt in the brief CV in his curriculum vitae.
4. The judge found that the evidence of the respondent contained in various forms made as a consequence of his application had been factually consistent and was supported by the background material to which he had referred and the country guidance case of **MS (Coptic Christians) Egypt CG [2013] UKUT 00611 (IAC)**.
5. As a consequence the judge found that the respondent was a credible witness and made the following findings of fact. The respondent is a Coptic Christian. He was asked to pay Jizya when he ran a bookshop in Alexandria. His girlfriend was kidnapped. Efforts made by the respondent to have her released resulted in his address and name being identified.
6. He made an application within the Immigration Rules to study English in the United Kingdom and was granted the appropriate visa which was valid from 26 May 2012 to 1 April 2013. He returned to Egypt on 18 February 2013 to attend a funeral service for his mother's late cousin to whom he was close. He returned to the United Kingdom on 28 February.
7. During the time he was in Egypt, his windscreen was destroyed on 20 February 2013 and a message was left on his car saying "*prepare yourself for slaughtering*". He reported this matter to the police with the assistance of his solicitor. At about midnight on 23 February 2013 the respondent was assaulted by three Salafists who threatened him with a knife and tore the long sleeve top he was wearing with the knife and he was told, "*next time you will be killed*".
8. Applying his findings of fact to the background material, including the country guidance case of **MS** and the expert report, the judge found that the respondent fell within the risk category (iv) i.e. those accused of being physically or emotionally involved with a Muslim woman where the accusation is made seriously and not casually, and he has been forced to pay security money. Moreover in accordance with the risk factor (6) of **MS** the respondent comes from an area where the local Coptic population faces a real risk of persecution (the last paragraph of Nour El Shams' report of the appellant's supplementary bundle).

9. The judge found that the respondent is at risk for his human rights and church activities which accords with paragraph 144 of **MS**. With regard to internal flight, the judge found that this was not an option for the respondent. He has been actively pursued by the Salafists who kidnapped his fiancée and his efforts to free her resulted in him being identified by both name and address. Furthermore, Dr Tadros stated that there are no safe areas for Copts to seek refuge from assault. In light of these reasons the judge allowed the respondent's appeal on asylum grounds and human rights grounds.
10. The appellant appealed on grounds which argued that the judge gave inadequate consideration to the facts, issues or challenges to credibility raised in the refusal letter and provided insufficient reasons for findings for positive credibility or fact, which were a material error of law as the judge did not follow the case law **MK (duty to give reasons) Pakistan [2013] UKUT 00641 (IAC)**, that a bare statement whether the witness was or was not credible is unlikely to satisfy the requirement to give reasons. Permission was granted on the basis that the determination showed that evidence was inadequately recited or analysed and there was little by way of cogent factual findings.
11. Ms Isherwood relied on these grounds. She said that the Secretary of State accepted the respondent's nationality and religion but did not accept his profile or the events he relied on to support his asylum claim. The determination does not identify the evidence that outweighs the Secretary of State's position.
12. Having considered the submissions and the evidence that was before the judge, I accept Counsel's submission that the judge considered the respondent's case in the context of **MS**. The judge's finding that the respondent's girlfriend was kidnapped accords with the headnote 4 of **MS** i.e. that Coptic Christian women in Egypt are not in general at risk of persecution or ill-treatment although they face difficulties additional to other women in the form of sometimes being the target of disappearances, forced abduction and forced conversion. I find that this finding also accords with the extracts from Dr Tadros' report which are set out by the judge at paragraph 17(f)(i) and (ii). At paragraph 19 the judge found that the respondent falls within the risk category identified in headnote 3(iv) of **MS**, namely, those accused of being physically or emotionally involved with a Muslim woman where the accusation is made seriously and not casually, and he has been forced to pay security money.
13. The judge's finding at paragraph 19 also relies on objective evidence which accords with paragraph 144 of **MS** which says:

*"We also think Mr Marshall's suggested additional category of those who are outspoken about their religion and work visibly in the community is overbroad because there is little evidence that Christian activists have been targeted in attacks or that Coptic political organisations have been targeted. On the other hand in an individual case, if a*

*Christian activist is able to establish that he or she has or would be targeted, that may well suffice to cause them to be at greater risk than ordinary Copts."*

14. At paragraph 20 the judge found that internal flight was not an option for the respondent. The respondent was actively pursued by the Salafists who kidnapped his fiancée and his efforts to free her resulted in him being identified both by name and address. Furthermore, Dr. Tadros stated that there are no safe areas for Copts to seek refuge from assaults.
15. The appellant's grounds complain that the judge did not deal with the credibility issues raised in the Reasons for Refusal letter.
16. At paragraph 32 of the RFRL the Secretary of State noted that the Salafists whom the respondent claimed to have been responsible for the threats against him were non-state actors and that it is the responsibility of the Egyptian authorities to provide him with the necessary security. The Secretary of State went on to say that the respondent's claim that "there is no police" is not consistent with the information in the COI Service bulletins in September 2012 and 9 January 2013 that President Morsi has made many concessions in trying to accommodate the views and rights of citizens in Egypt, including Coptic Christians. At paragraph 33 the Secretary of State did not accept that the respondent was targeted as a result of his Coptic Christian faith due to the profile he had. Paragraph 34 stated that the police report the respondent had submitted was not an original document and therefore carried no weight in the round. Paragraph 35 stated that the respondent had produced no evidence to suggest that either his fiancée was kidnapped or the police were unwilling or unable to help; he did not know how the men who threatened him by telephone were able to obtain his phone number. It was not considered plausible that he made just one attempt to solicit the help of the authorities in finding his fiancée. Paragraph 36 rejected his claim that he has a profile as a Coptic Christian consistent with being targeted for persecution. Paragraph 38 did not accept the respondent's explanation as to how the actors of persecution knew he had returned to Egypt and at paragraph 39 said that he did not report this incident to the police and therefore his account was inconsistent with his earlier claim that he went to report other threats to the police. Paragraph 40 stated that the respondent originally arrived in the UK in June 2012. He claimed to have been threatened in August 2011 but waited another ten months before leaving Egypt, his intention in coming to the UK was to study but noted that he went back to Egypt in February 2013 returning to the UK on 28<sup>th</sup> February 2013 and did not claim asylum until 5<sup>th</sup> March 2013. It was considered that his actions in both leaving and returning to Egypt were not consistent with someone genuinely in fear of their life, for these reasons the appellant rejected that the respondent experienced problems due to being a Coptic Christian as claimed by him.
17. I accept Counsel's submission that these are not meaningful grounds for doubting the respondent's credibility. The Secretary of State did not identify any serious inconsistencies in the respondent's core account. Whilst I find that the judge failed to

consider the delay in claiming asylum, the fact that he remained in Egypt for ten months after the kidnap of his fiancée, his return to Egypt and his return to the UK and claiming asylum seven days thereafter, I do not find that these matters outweigh the judge's finding that the core of the respondent's account was consistent, not only with the various materials set out by the respondent but also accorded with the country guidance decision of MS and the report by Dr Tadros.

18. For these reasons I find that the judge's decision was not materially flawed. The judge's decision allowing the respondent's appeal shall stand.

Signed

Date

Upper Tribunal Judge Eshun