



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: AA/01187/2013

**THE IMMIGRATION ACTS**

Heard at Bradford  
On 23 July 2013

Determination Sent  
On 25 September 2013

Before

UPPER TRIBUNAL JUDGE CLIVE LANE

Between

EZZAT MALEK EBRASHIM YACOUP

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant: Ms V Mascord, Chambers Solicitors

For the Respondent: Mrs R Pettersen, Senior Home Office Presenting Officer

**DETERMINATION AND REASONS**

1. The appellant, Ezzat Melek Ebrahim Yacoup, was born on 25 October 1967 and is a male citizen of Egypt. He arrived in the United Kingdom on 23 November 2012 and claimed asylum on 4 December 2012. He was accompanied by his son, also an

Egyptian citizen, born on 23 September 2012. By a decision dated 20 January 2013, the appellant was refused leave to enter and remain in the United Kingdom and his asylum application was rejected by the respondent. The appellant appealed to the First-tier Tribunal (Judge T Jones) which, in a determination dated 27 March 2013, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.

2. The first ground of appeal asserts that the judge has failed to choice of the appellant when in Egypt to attend private Coptic Churches (as opposed to public places of worship) in the light of a decision of **HJ (Iran) 2010 UKSC 31** . The respondent and the judge accepted that the appellant is a Coptic Christian and also that he may have been assaulted whilst in Cairo. However, the respondent did not accept that the appellant had been assaulted because of his Coptic Christian faith but on account of “domestic difficulties”. Judge Jones was not satisfied “that the appellant was set upon by Muslim extremists/members of the Muslim Brotherhood as [the appellant] would have me believe” [32]. He considered it likely that the appellant had been attacked by members of his wife’s family who are also Coptic Christians. That finding of the judge has not been challenged in the grounds of appeal.
3. As regards the application of **HJ**, Mrs Pettersen, for the respondent, submitted that the appellant had never advanced his case on the basis that he had been prevented from openly expressing his Coptic Christianity in Egypt for fear of being persecuted as a consequence. In his written statement dated 26 February 2013, the appellant spoke of his worship in private homes in Egypt noting that, “people now prefer to pray at private homes rather than attend an official church to avoid harassment in the street”. Miss Mascord, for the appellant, submitted that the judge had not really engaged the **HJ** point, notwithstanding the fact that it had not been expressed with any vigour before him. The judge appeared to have believed that the enthronement of a new Coptic Pope [27] was an indication that, whilst many may prefer to attend private churches, they were still free to worship openly with other Coptic Christians in public places without fear of harm.
4. It would have been helpful if Judge Jones had sought to engage explicitly with the application of **HJ**. Although the judge did not believe that the appellant had, as he had claimed, been set upon in Cairo because of his religious faith he did not go on to reject all of the appellant’s evidence as unreliable. It is not entirely clear from the determination whether the judge found that the appellant would modify his behaviour and worship in private in order to avoid persecution. It is not clear whether the “harassment in the street” referred to in the appellant’s statement would amount to persecution in any event. On the other hand, the appellant does not assert in his statement nor did he appear to say in oral testimony that he had restricted the practice of his faith out of a fear of persecution.
5. I find that there is a paucity of evidence as to the importance to this appellant of the open expression of his Coptic Christian beliefs. I find that it is not surprising that Judge Jones did not focus upon this aspect of the case because it was not put to him on that basis. A fundamental element of the appellant’s claim, namely that he had

been singled out for assault in Cairo because he was a Coptic Christian, was explicitly rejected by the judge. In short, whilst he refers to worshipping in private, the appellant has not asserted that he was caused any kind of distress by doing so or that he would have preferred to have worshipped in a public church. Those assertions have only been made after the promulgation of Judge Jones's determination. The matter is further complicated by what the judge says regarding the internal flight alternative. Whilst Ms Mascord in her oral submission said that the evidence showed that there was persecution of Copts throughout Egypt, the written grounds do not advance that argument and the background evidence before Judge Jones justifies, in my opinion, his finding at [33] that the appellant could move away from the north of Egypt and settle elsewhere where Copts are more numerous and consequently at reduced risk of harassment or harm. It follows that, even if the appellant did satisfy the HJ test in his home area and worshipped in private mainly out of a fear of persecution, there are areas of Egypt where it would not be unduly harsh to expect him to relocate where he would not need to alter the practice of his faith.

6. I am not satisfied that the judge has erred in law in failing in this particular instance to examine in detail the appellant's reasons for worshipping in a private home. There was no evidence before him to explain the appellant's reasons for worshipping in that way. The HJ point has been raised by the appellant subsequent to the promulgation of the judge's determination. I find that, on the evidence before the First-tier Tribunal, there would have been no reason why the judge would have concluded that the appellant was a refugee for HJ reasons. Further, even if I am wrong in that conclusion, I find that the appellant has not successfully challenged the judge's findings as regards internal flight within Egypt. Coptic Christians represent a very substantial minority within Egypt and the background evidence indicates there are parts of the country where they are sufficiently numerous to be able to practise their faith openly. Even if the appellant had a problem in his home area, he could, as Judge Jones found, relocate without undue hardship.
7. The remainder of the grounds deal with the availability of sufficient protection for this appellant as a Coptic Christian and draw attention to evidence which indicate that Coptic Christians, whilst they may in general be tolerated, do not hold high rank or positions of authority within the Egyptian state or society. I do not consider that these arguments are sufficient to undermine Judge Jones's findings regarding internal flight which, set against the background of the country material in front of him, were sound.
8. Mention was made at the Upper Tribunal hearing that the Tribunal will soon be considering a country guidance case relating to Coptic Christians in Egypt. Two appeals (AA/02126/2012 and AA/02127/2012) are listed for hearing for possible country guidance at Field House, London on 17-18 September 2013. No doubt both the appellant and the respondent will consider their respective positions following the promulgation of that Tribunal's determination. As at the date of the hearing of the instant appeal in the Upper Tribunal, I find that the appeal should be dismissed.

**DECISION**

9. This appeal is dismissed.

Signed

Date 31 August 2013

Upper Tribunal Judge Clive Lane