



**Upper Tribunal
(Immigration and Asylum Chamber)**

Appeal Number: AA/00109/2016

THE IMMIGRATION ACTS

Heard at Bradford

On 5 July 2017

**Decision & Reasons
Promulgated
On 10 July 2017**

Before

UPPER TRIBUNAL JUDGE CLIVE LANE

Between

**MOHAMID ABDULJALIL YUSSUF HAMIDA
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Siddique, Parker Rhodes Hickmotts, Solicitors
For the Respondent: Mrs Pettersen, a Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant, Mohamid Abduljalil Yussuf Hamida, born on 1 October 1995 and is a citizen of Egypt. The appellant's age had been disputed by the parties but it is agreed that he was over the age of 18 years by the time his appeal to the First-tier Tribunal was heard on 9 December 2016 and

subsequently dismissed by Judge GRJ Robson. The appellant had claimed that he was at risk in Egypt on account of his family links to the Muslim Brotherhood. That claim had been rejected by a decision of the respondent dated 1 December 2015. The appellant now appeals to the Upper Tribunal, with permission, Judge Robson having dismissed the appellant's appeal in a decision promulgated on 19 January 2017.

2. First, I acknowledge that the Upper Tribunal should hesitate before finding that a decision of the First-tier Tribunal has been supported by adequate reasons. The First-tier Tribunal is required to carry out a robust fact-finding exercise and it is trite law that it is not necessary for the Tribunal to consider and make findings in respect of each and every item of evidence. Having said that, I find that this is a relatively rare example of a decision which is vitiated by a failure of the judge to give cogent clear reasons to support his decision. In addition, I am satisfied that the judge has not paid sufficient attention to background material relating to Egypt which had been put before him by the appellant.

3. At [59], the judge had written:

“What is not clear, however, is why there should be any interest or the authorities in the appellant who was never arrested or detained despite the fact that had happened to his father on several occasions and to his brother at least once.”

4. The appellant had claimed that his father and brother had been arrested because of their membership of Muslim Brotherhood. What Judge Robson did not clearly record in his decision is that the appellant himself had been taken on demonstrations in support of the Muslim Brotherhood by his family members and that he claimed that he had only narrowly escaped arrest himself (see asylum interview, question 115). The judge noted at [63] that the appellant claimed to have “always hidden when there were demonstrations people were arrested ...” but he appears to have taken no account of the fact that the appellant claims that his close family members had been arrested on more than one occasion and that the appellant himself might be wanted by the authorities on account of his family members' activities with the Muslim Brotherhood. The judge had before him an Amnesty International Report of July 2016 which recorded that the Egyptian Government claimed that its security forces had arrested almost 22,000 suspects in 2013 and 2014, indicating a somewhat indiscriminate approach to a perceived threat; it is at least arguable that an individual with a family history of support for opposition politics but no direct involvement himself might face the possibility of arrest and detention. Indeed, the Amnesty report records that “family members of the government critics” had been arrested. It is against the background of this material that Judge Robson's incredulity at the appellant's claim that the authorities might show an interest in him is to be considered. I do not suggest that the judge was compelled to find that the appellant would be at risk or that the background material conclusively proves the existence of such a risk. However, I do believe that Judge Robson should at least

have engaged with background material which might have provide *prima facie* support for the appellant's claim if only to reject it. As it is, Judge Robson has dismissed the claim as incredible; whilst the claim may not ultimately be proved or real risk established on the evidence, the appellant's account perhaps deserved more respect than it was given in Judge Robson's analysis.

5. Judge Robson had a number of letters before him which he discusses at [60-62]. These letters supported the appellant's claim to have a genuine fear in Egypt of arrest by the authorities. As regards one letter, the judge simply notes that, "I do not know how [that the author of the letter] can come to the conclusion that he did do". No further explanation is given by the judge. Little weight is attached to another letter because it is "totally devoid of specific detail, for example when or how frequently raids [on the appellant's home] may have taken place". The letter in question asserted that "[the authorities] have been raiding the family home nearly every week to search for you ...". It is not clear to me why necessarily that letter should have contained more details of the raids and/or the exact dates when they may have taken place; it seems to me that the author of the letter was simply attempting to inform the appellant that his family was suffering persecution. Likewise, another letter is dismissed on the basis that it is "so vague and lacking in detail as will need to place no weight on the same". A letter lacking in detail may indeed not attract very much evidential weight but it would have been helpful if the judge had set out his concerns in greater detail.
6. As I say, it is unusual for the Tribunal to interfere in the factual findings of the First-tier Tribunal but, in this instance, I find that Judge Robson has failed to provide a thorough and cogent analysis of the appellant's evidence. He has been too ready to reject evidence out of hand without explaining his reasons for doing so. I stress that the next Tribunal which hears this case may also reject the appellant's account as incredible; there is nothing in my findings and observations which should lead to the First-tier Tribunal to a particular outcome in this appeal. However, the next Tribunal should seek to analyse the appellant's account thoroughly and in the context of the background material provided.

Notice of Decision

The decision of the First-tier Tribunal which was promulgated on 19 January 2017 is set aside. None of the findings of fact shall stand. The appeal should be considered again by the First-tier Tribunal (not Judge Robson) and that Tribunal shall remake the decision.

No anonymity direction is made.

Signed

Date 7 July 2017

Appeal Number: AA001092016

Upper Tribunal Judge Clive Lane

No fee is paid or payable and therefore there can be no fee award.

Signed

Date 7 July 2017

Upper Tribunal Judge Clive Lane