



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/13788/2016

THE IMMIGRATION ACTS

Heard at Field House
On 1 July 2019

Decision & Reasons Promulgated
On 22nd July 2019

Before

UPPER TRIBUNAL JUDGE NORTON-TAYLOR

Between

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

HIDY [F]
(ANONYMITY DIRECTION NOT MADE)

Respondent

Representation:

For the Appellant:

Ms A Everett, Senior Home Office Presenting Officer

For the Respondent:

Mr A Henderson, Counsel, instructed by Fadiga and Co

DECISION AND REASONS

Introduction

1. For ease of reference, I shall refer to the appellant in the proceedings before the Upper Tribunal as the Secretary of State and to the Respondent as the claimant.
2. This is the remaking of the decision in the claimant's appeal against the Secretary of State's decision of 25 November 2016, refusing her protection and human rights claims. The claimant had been successful before the First-tier

Tribunal, but in a decision promulgated on 21 November 2018, Upper Tribunal Judge Kebede found there to be material errors of law in the judge's decision and set it aside.

3. The resumed hearing first came before me on 1 May 2019. Due to a change in legal representation and the late granting of legal aid, that hearing was not effective. In adjourning the appeal, I issued directions concerning the provision of any additional evidence sought to be relied upon. I also set out the scope of the remake decision in the following terms:
 - a) The claimant's assertion to have been threatened by a named individual in respect of a possible forced marriage was rejected by the First-tier Tribunal and that finding was specifically preserved by Upper Tribunal Judge Kebede. This is no longer a live issue;
 - b) The Secretary of State continues to accept that the claimant is a Coptic Christian from birth;
 - c) The core question is that of risk on return to Egypt. This is to be assessed by consideration of the country guidance decision in MS (Coptic Christians) Egypt CG [2013] UKUT 611 (IAC) ("MS"), together with current country information;
 - d) The claimant is arguing that the Upper Tribunal should, in this particular case, depart from the guidance set out in MS.
4. As set out in Mr Henderson's skeleton argument, the claimant's case is predicated upon a combination of what is said to be relevant factors going to risk of persecution and/or article 3 ill-treatment or, in the alternative, to the existence of "very significant obstacles" under para. 276ADE(1)(vi) of the Immigration Rules. These factors are:
 - a) the claimant's Coptic Christian faith;
 - b) her gender;
 - c) her single status.

The evidence

5. In reaching my decision in this appeal I have had regard to the following sources of evidence:
 - a) the Secretary of State's original appeal bundle, under cover of letter dated 21 December 2016;
 - b) the claimant's consolidated bundle, indexed and paginated 1-400, prepared for the resumed hearing;
 - c) the Secretary of State's current Country Policy Information Note ("CPIN") on the position of women in Egypt, published June 2019;

- d) the oral evidence of the claimant given at the hearing before me with the assistance of an Arabic interpreter (a full note of this evidence is contained in the record of proceedings).

Submissions of the parties

For the Secretary of State

6. Ms Everett relied on the Secretary of State's reasons for refusal letter dated 25 November 2016.
7. In respect of the claim is now stood, Ms Everett relied on the claimant's own evidence, which indicated that she had been able to live and work as a single Coptic Christian woman in Alexandria in the past. The claimant was well educated and would likely to have family support on return. The current country information indicated that the Egyptian authorities are seeking to improve the position of Coptic Christians and women. It was submitted that I should follow the guidance set out in MS. In respect of para. 276ADE(1)(vi) of the Rules, the claimant's ability in the past to have lived alone show that there would be no "very significant obstacles" to her re-integration into Egyptian society.

For the claimant

8. Mr Henderson relied on his skeleton argument. He confirmed that the claimant's case rested upon a cumulative view of three factors: her faith, her gender, and her single status. In general terms, it was submitted that there was sufficiently strong new country information to depart from MS. Alternatively, on the facts of this case, Mr Henderson submitted that the claimant fell within the risk categories set out in that case.
9. I was referred to specific passages within the CPINs on the position of Christians, women, and background information in Egypt, as well as additional country information contained within the claimant's bundle. The effect of this evidence, submitted Mr Henderson, was that the position for Coptic Christians in Egypt had deteriorated since MS, that single women faced significant risks and discrimination, that the claimant came from an area of heightened hostility towards Coptic Christians, and that internal relocation would be unduly harsh. Mr Henderson accepted that the claimant would not be at risk in other large urban areas away from her home city of Sohag.
10. In response to Ms Everett's reliance on the claimant's own evidence of her past experiences in Alexandria, Mr Henderson submitted that even then it was difficult and on return now, the time away from the country and the lack of a support network represents significant factors. Any assistance from the

claimant's sister would not be long-term and her brother in Canada would be unable to provide meaningful support.

11. As regards the article 8 claim, Henderson relied on the same factors said to have relevance to the protection claim.

Findings of primary fact

12. Although of course the claimant has not been believed in respect of the alleged forced marriage, there is little substantial dispute as to the core facts. In light of the written and oral evidence as a whole, together with the country information, I find that the claimant has provided an essentially reliable account of her circumstances, both past and present.
13. As my determination of this appeal involves both a protection claim and an article 8 claim, two different standards of proof apply to my assessment of the claimant's evidence. In light of what I have said in the preceding paragraph and the nature of the evidence itself, I find that the matters set out below have been proved on both the lower standard of proof and the balance of probabilities.
14. For the avoidance of any doubt, I find that the claimant was not subject of an attempted forced marriage in Egypt.
15. I find that the claimant is, and always has been, single. She has no children.
16. The Secretary of State has accepted throughout, and I find, that the claimant is a Coptic Christian from birth. I find that she has practised her faith openly in the past, does so in the United Kingdom, and would continue to do so if returned to Egypt.
17. There has been no suggestion that the claimant was ever specifically targeted whilst in Egypt on account of her faith. I find that to be the case. The only particular problem the claimant has asserted occurred in Sohag related to the alleged forced marriage, an issue that has been rejected.
18. I find that the appellant's home city is Sohag, a relatively small city within the Governorate of the same name, situated on the Nile, nearly 400 km south of Cairo, and with a population of some 200,000 people.
19. The claimant has described her background as being "middle-class", and I find that to be the case.
20. I find that claimant's father passed away in 2009, followed by her mother in 2010. She has a sister, who is married with three children, living in Sohag, and a brother who lives in Canada. I find that there are also a number of cousins living in the USA and Canada, and one who lives in Sohag.

21. I am willing to accept that the sister's circumstances are such that she has not in the past, and would not be able to in the future, provide meaningful assistance to the claimant. In this regard I accept the consistent evidence contained in the witness statement, together with that provided orally. Similarly, I accept that the claimant's brother Canada is not in a position to provide meaningful financial assistance. I have no evidence as to whether the cousins have ever been asked to provide assistance, nor have I been told about their financial circumstances. There has been no suggestion that the claimant is estranged from the cousins, and indeed her witness statement confirms she retains contact with the individual who lives in Sohag. I find it to be likely that some form of financial assistance, albeit probably not of significant value (not, for example, accommodation), would be forthcoming from one or more of the cousins if a request was made. Finally, I accept the claimant's evidence that the Coptic church in Sohag is in a poor financial state and is very unlikely to be able to provide meaningful assistance to her.
22. I find that the claimant lived and worked in Alexandria between 2013 and her departure from Egypt in 2015. On her evidence, she worked in a gallery owned by a friend and used her earnings to rent accommodation in the city. In cross-examination, the claimant told me that there were "always problems" whilst she was living in Alexandria. No further details were provided as to what the "problems" consisted of. I find that there were no specific instances of harm or serious threats made to the claimant during her time in that city. Having said that, although her claimed problems were not expanded on, the country information and expert evidence clearly shows that women, particularly single women, face significant discrimination in Egypt. I am prepared to accept that the claimant did experience what may be described as "generalised" discrimination and stigmatisation.
23. I accept the oral evidence that the friend's business is in financial difficulties. It is unlikely that the claimant would be able to obtain new employment there.
24. In respect of the claimant's circumstances in the United Kingdom, I find that she resides with a friend, and that she is in good health.

Conclusions on the protection claim

25. In assessing whether I should depart from the country guidance in MS, I direct myself to what said in para. 47 of SG (Iraq) [2013] 1 WLR 41:

"47. It is for these reasons, as well as the desirability of consistency, that decision makers and tribunal judges are required to take Country Guidance determinations into account, and to follow them unless very strong grounds supported by cogent evidence, are adduced justifying their not doing so."

26. I have also taken account the observations of Sir Stephen Richards in para. 28 of KK (Sri Lanka) [2019] EWCA Civ 172, to the effect that a judge who concludes that country guidance should be departed from need not set out each and every specific aspect of the evidence considered: the emphasis is on the adequacy of reasoning for the basis upon which the conclusion is reached.
27. The starting point is, of course, the country guidance itself. This is contained in para. 151 of MS:

“1. Notwithstanding that there is inadequate state protection of Coptic Christians in Egypt, they are not at a general risk of persecution or ill-treatment contrary to Article 3, ECHR.

2. However, on current evidence there are some areas where Coptic Christians will face a real risk of persecution or ill-treatment contrary to Article 3. In general these will be (a) areas outside the large cities; (b) where radical Islamists have a strong foothold; and (c) where there have been recent attacks on Coptic Christians or their churches, businesses or properties.

3. On the evidence before the Upper Tribunal, the following are particular risk categories in the sense that those falling within them will generally be able to show a real risk of persecution or treatment contrary to Article 3, at least in their home area:

- (i) converts to Coptic Christianity;
- (ii) persons who are involved in construction or reconstruction/repair of churches that have been the target for an attack or attacks;
- (iii) those accused of proselytising where the accusation is serious and not casual;
- (iv) those accused of being physically or emotionally involved with a Muslim woman where the accusation is made seriously and not casually.

4. Coptic Christian women in Egypt are not in general at real 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.

5. However, depending on the particular circumstances of the case, Coptic Christian women aged between 14-25 years who lack a male protector, may be at such risk.

6. If a claimant is able to establish that in their home area they fall within one or more of the risk categories identified in 3 (i)-(iv) above or that they come from an area where the local Coptic population faces a real risk of persecution, it will not necessarily follow that they qualify as refugees or as beneficiaries of subsidiary protection or Article 3 ECHR protection. That will depend on whether they can show they would not have a viable internal relocation alternative. In such cases there will be need for a fact-specific assessment but, in general terms, resettlement in an area where Islamists are not strong would appear to be a viable option.

7. None of the above necessarily precludes a Coptic Christian in Egypt from being able to establish a real risk of persecution or ill-treatment in the particular circumstances of their case, e.g. if such an individual has been the target of attacks because he or she is a Coptic Christian.”

Conclusions on the MS country guidance

28. On an application of the country guidance set out in MS, based as it is upon evidence considered as at September 2013, I conclude that the claimant would not be at risk of persecution and/or article 3 ill-treatment on return to her home area in Egypt, whether that risk was assessed on her faith alone or in combination with her gender and marital status. In short terms, the claimant could not bring herself within any of the risk categories and is unable to show that there were any particular circumstances in her background (for example, having been targeted in the past) that would stand her out, as it were.

Conclusions on the cumulative effect of the evidence in this appeal

29. I turn to consider the country information and expert evidence before me, all of which post-dates MS.

30. I begin by considering the CPIN on Christians in Egypt, published in July 2017. The passages to which I have been specifically referred by Mr Henderson relate to the “policy guidance” section of the document, in which the Secretary of State sets out his overall view of the effect of the country information cited thereafter (as the “guidance” represents the considered view of the Secretary of State on particular issues, it makes it very difficult for him to disavow what is said in this section).

31. Paras. 2.2.5-2.2.7 of the document read as follows:

“2.2.5 Following the case of MS, which relied on evidence up to the end of 2013, the political, security and social situation for Christians improved up to 2015. However during 2016 and early 2017 there has been an increase in non-state sectarian violence against Christians.

2.2.6 Some laws reportedly discriminate against Christians-cops appear more likely to face prosecution and conviction for blasphemy than Muslims-the LCC government has sought to improve law and order, and has taken several highly visible steps towards bettering state relations with, and to provide support for, the Coptic community. Christians are not generally at risk of persecution or serious harm from the state.

2.2.7 Christians continue, however, to face societal discrimination and some violence. The number and severity of violent incidents targeting cops and their property has increased since 2015. This includes attacks by Daesh (a.k.a. Islamic State), which has stated its intent to target Christians and claimed responsibility for high-profile bombings in Cairo, Alexandria and Tanta in December 2016 and April 2017 resulting in scores of casualties.”

32. On the issue of internal relocation, para. 2.4.2 states:
- “Some Egyptian Copts have internally relocated because of sectarian tension either voluntarily or as a result of Reconciliation Committees. If means allow, families will usually help with finding shelter and financial assistance. The Church can also sometimes assist. It has been reported that rural and poor Coptic women will find it more difficult to find shelter unemployment. Women, and especially single women, with no support network, may be particularly vulnerable and face destitution.”
33. In respect of the country information itself, paras. 6.6.4-6.6.5 quotes the 2015 United States State Department International Religious Freedom Report on Egypt:
- “The government frequently failed to prevent, investigate or prosecute crimes targeting members of religious minority groups... The government often failed to protect Christians targeted by kidnappings and extortion according to sources in the Christian community... The government failed to respond to or prevent sectarian violence in some cases, in particular outside of major cities, according to rights advocates.”
34. Paras. 7.2.1-7.4.5 cite specific examples of attacks against Coptic Christians during the period 2015-2017, including violent incidents in Al Minya, Sohag, Alexandria, and Upper Egypt in general.
35. On the issue of female Coptic Christians, paras. 7.6.1-7.6.3 cite evidence that Coptic women are generally able to work and travel unaccompanied in most areas of Egypt, although there have been reports of harassment and discrimination where their faith is identified. There is evidence indicating that Coptic women who have been kidnapped have also been raped.
36. Para. 8.1.3 confirms that a large number of Coptic Christians have moved to cities for economic reasons and that urban middle-class women are more likely to have a greater ability to find work and shelter and up also likely to have access to better support networks. This is echoed in para. 7.1.3 of the CPIN on background information in Egypt. The same document confirms that there is freedom of movement within Egypt. In a section entitled “Policy Summary”, the Secretary of State concludes that there is general a willingness and ability on the part of the Egyptian authorities to provide individuals with protection against non-state actors, and that internal relocation is likely to be reasonable “but will depend on the nature and origin of the threat as well as the person’s circumstances and profile.”
37. I turn to the current version of the Secretary of State’s CPIN on the position of women in Egypt, published in June 2019 (the version referred to in Mr Henderson skeleton argument dates from March 2017). In light of the country information, at para. 2.4.1 the Secretary of State acknowledges that:

“... discrimination towards women remains widespread and Egypt has one of the highest gender gaps in the world. In practice women do not have the same opportunities as men and continue to face widespread societal discrimination, threats to their physical security, and workplace bias in favour of men. Aspects of the law and traditional practices continue to disadvantage women in family, social, and economic life.”

38. Country information contained in section 8 of the document clearly shows that sexual harassment against women is a serious problem and that the effectiveness of protection by the authorities, in particular the police, can be “unpredictable” and “limited”.
39. Section 10 deals with women’s access to employment, housing, and other matters relating to public life. The country information shows that in 2016 the unemployment rate for women was more than double that of men.
40. There is a reference in the 2017 CPIN to what is described in the country information as a “pressing social crisis known as “spinsterism””, a phenomenon viewed negatively by society. This particular reference does not appear in the current CPIN, but I nonetheless take it into account as it is properly sourced and relates to evidence from December 2016.
41. Aside from the information contained in the CPINs, Mr Henderson has referred me to several additional materials contained in the claimant’s bundle, with specific page references provided in para. 15 of his skeleton argument. In summary, this evidence provides the following picture:
 - a) women continue to face inadequate protection from sexual and gender-based violence, as well as discrimination under the law and in practice;
 - b) there is impunity for sectarian attacks on Christian communities, with violence by non-state actors against Christians increasing significantly;
 - c) a great many incidents of attacks against Christians are recorded, including one in June 2019 in a location close to the claimant’s home city of Sohag;
 - d) there have been increasing numbers of attacks on Christians in the years between 2014 and 2018, with one article from The Guardian newspaper describing the levels as “unprecedented”;
 - e) significantly, a report by the Open Doors organisation refers to the “regular” attacks and harassment against Coptic Christian women. It is said that girls and women are “strategically targeted” in order to humiliate and create fear amongst Christian communities in general;
 - f) an item from the same organisation dated June 2018, refers to an increase in the disappearance of Coptic Christian women, including one aged 40 years.

42. I now turn to the two expert reports from Ms Alison Pargeter, dated 12 July 2018 and 9 June 2019. This expert evidence has not been challenged before me, and there is no sound reason as to why I should place anything less than significant weight upon it. This I do, bearing fully in mind the fact that the aspect of the claimant's case relating to the alleged forced marriage has been rejected by the First-tier Tribunal (the judge's decision post-dated the first of Ms Pargeter's reports. The Secretary of State has not suggested that this invalidates the remainder what is said in that report as it relates to the position of single Coptic Christian women in Egypt).
43. The 2018 report states that there had been a "notable increase" in attacks against Christians in the past three years. A number of specific examples of attacks are provided, and it is noted that these have not been restricted to the area of Minya where there is a large Christian population: churches and communities in Cairo, Alexandria, and Tanta have been targeted. Serious concerns as to the effectiveness of state protection are raised. Para. 4.7 states:
- "... Relocation poses certain challenges given Miss [F]'s status as a lone Coptic female. It would be extremely difficult for her to try and settle in a rural area or in a suburb or a poor neighbourhood of a town or city. Given the traditional and conservative nature of Egyptian society, it is not generally accepted for women to live alone unless they live near to a relative. Any female living alone without the protection of a relative nearby could well find themselves vulnerable to harassment, particularly that of a sexual nature. Being a Copt could well make her more vulnerable in this respect, given the cultural assumptions about Coptic women explained above. Furthermore with sectarian tensions between Egypt's Muslim and Christian community still high, someone in Miss [F]'s position could be regarded as an easy target."
44. Para. 4.10 states:
- "However, as explained above, although there is a large Christian population in Egypt, sectarian tensions have increased significantly over recent years and Christians have suffered harassment, discrimination and in some instances attacks and violence. Although Christians in certain areas where there are high concentration of Copts, such as Minya, are most at risk, attacks are also taking place elsewhere in the country, including Cairo, placing Christian communities throughout Egypt at risk."
45. The following paragraph acknowledges that the government of President Al-Sissi had made apparently positive approaches to the Coptic Christian community and that there had been an improvement in relations between the state and the Coptic Church. However, the author goes on to say that "... Discrimination and violence against Christians persists and has worsened over the past couple of years."

46. The updated report of June 2019 states that the situation for Coptic Christians has not improved since the first report, noting that attacks have continued. Specific examples of such violence are then set out. At para. 2.7, the author concludes that Coptic Christians are still a target of violence, persecution and discrimination. At para. 3.1, the author cites a source describing “an epidemic of kidnapping, rape, beatings and torture” suffered by Christian women in Egypt, although it appears as though many of these incidents in fact have been examples of Coptic Christian women eloping with Muslim boyfriends.
47. The expert cites various sources on the issues of problems faced by single women living alone in Egypt. At the end of the updated report, Ms Pargeter concludes that it would be “extremely challenging” for the claimant to live in Egypt as a single female Coptic Christian. The possibility of finding work is acknowledged, although the high rate of unemployment for women is also noted. In the absence of a job and familial support, it is said that there is a “real risk” that the claimant could end up destitute.
48. In light of the foregoing and the evidence as a whole, I conclude that there are very strong grounds, supported by cogent evidence, to depart from, at least to a material extent, the country guidance set out in MS. In so concluding, I have taken all of the relevant country information into account, including that to which no specific reference is made, below.
49. My reasons for the conclusion stated in the preceding paragraph are as follows.
50. First, my evaluation of the cumulative effect of the evidence before me relating to outright hostility against Coptic Christians, whether through actual attacks or very serious discrimination and harassment, is that the situation has significantly deteriorated in recent years. In my view, this is very important. In paras. 133-135 of MS, under the sub-heading “Prognosis”, the Upper Tribunal expressed a quite understandable note of caution in respect of what the future held for Coptic Christians in Egypt following the fall of President Morsi only a couple of months before the hearing of that appeal. There were, it was said, some potentially positive indicators. However, the current evidence paints a bleak picture and undermines whatever grounds for optimism there might have been in late 2013. At para. 2.7 of her report, Ms Pargeter states:

“The toppling of President Morsi in July 2013 and the coming to power of President Al-Sissi brought high hopes for Egypt’s Christian community that their situation would improve. However, these hopes were short-lived... Moreover, violence against Christians and their properties has continued under Al-Sissi’s rule.”
51. I would add that the evidence does not show that the worsening of the situation has been driven by the authorities themselves.
52. Second, the evidence of the deterioration in safety for Coptic Christians discloses a wide geographical spread. Whilst it is clear that the most dangerous

place for the Coptic Christian community is Minya, the evidence provides numerous examples of attacks in the major cities, including Cairo and Alexandria. Taken as a whole, the evidence is sufficiently strong to indicate that the worsening situation is not confined to areas outside of large cities.

53. Third, and following from the preceding point, there is evidence to show that attacks have occurred in and close to the claimant's home city of Sohag. This not only supports my view as to the scope and geographical reach of the increasing problems faced by the Coptic Christian community, but it locates a manifestation of these problems in the place to which the claimant would be expected to return, at least in the first instance.
54. Fourth, there is nothing in the evidence before me to significantly undermine the conclusions in MS that Egyptian authorities are unable to provide sufficient protection against non-state actors.
55. Fifth, the evidence shows that the particular difficulties experienced by Coptic women are significant, with reference to "regular" attacks and harassment, and girls and women being "strategically targeted" in order to humiliate the Christian community. That particular source is entirely consistent with the overall picture portrayed in the expert evidence. Ms Pargeter's reports, to which I have attached considerable weight, clearly identifies the combination of female gender and faith as representing a significant risk factor.
56. Two additional points can be made on this issue. The difficulties for Coptic women are not confined to the occurrence of abductions, nor are they specifically linked to just girls and young women (although the majority of victims would appear to fall within that category). I conclude that the evidence before me differs significantly from that considered by the Upper Tribunal in MS, with reference in particular to paras. 95 and 150 of that decision.
57. Sixth, the issue of a woman's unmarried status was considered in MS, albeit on what appears to be a relatively limited evidential basis. The country information and, in particular, the expert evidence before me, specifically identifies a woman's single status as representing a highly material factor, both in terms of standing the individual out as a potential target for harm and/or serious harassment, and an ability to lead a relatively reasonable life even in the absence of a risk. Importantly, the evidence is not restricted to single girls/women without a male protector between the ages of 14-25. The phenomenon of "spinsterism" clearly relates to somewhat older women and the expert reports are specific to the claimant's circumstances (i.e. with her age in mind).
58. Bringing all of the above together, I conclude that, on the evidence before me, the position for single Coptic Christian women in Egypt is significantly worse than it was at the time that MS was decided.

59. I now apply this conclusion to the claimant's particular circumstances. Certain factors count against the existence of a risk to her on return. She is an educated woman from a middle-class background. As a matter of fact, she lived alone and worked in Alexandria for a period of some two years in the past. She does not have a specific history of being targeted on account of her faith and/gender. There is a possibility of limited financial support from at least one cousin.
60. Notwithstanding these factors, I am satisfied on the lower standard of proof that the claimant is, by virtue of a combination of her faith, gender and single status, at risk of persecution and/or article 3 ill-treatment on return to her home area of Sohag. My conclusion on the country information and expert evidence, set out in detail above, is that the situation for Coptic Christians has significantly worsened in recent times. More specifically, I conclude that matters have got worse since the claimant was last in Egypt in 2015. Sohag has not been immune from attacks against Coptic Christians. It is not by any stretch a large city and it is very likely that an individual who practices their faith openly, as a claimant would, is likely to come to the attention of the wider populace. Whilst not, in and of itself enough to disclose a risk, her faith would stand her out as a potential target in combination with her gender and single status. On my findings of fact, she would not have a relevant male protector. Her educated background and passed work history but not go to reduce the level of risk to her.
61. There would be no sufficient state protection.
62. The Secretary of State has accepted throughout that women in Egypt comprise a particular social group.
63. I turn to the issue of internal relocation. Mr Henderson has put his case on the basis that there would be no risk in one of the largest cities in Egypt, and therefore I do not address that particular issue here. The core question is whether it would be reasonable for the claimant to move to either Cairo or Alexandria.
64. Absent the country situation relating to single Coptic Christian women, I would be likely to conclude that the claimant could reasonably relocate. She is healthy, educated, and has worked in the past.
65. The country situation and my conclusions thereon are, however, of great significance in this case. As Ms Pargeter puts it in her most recent report, it would be "extremely challenging" for the claimant on return. In view of her evidence as a whole, and the country information on the position of women in general and single women in particular, I agree with that analysis. On my findings, the claimant would not be able to simply go back into the employment she previously had in Alexandria. She would not have a male protector in the place of relocation.

66. On the particular facts of this case, I conclude that the claimant could not reasonably internally relocate.
67. Therefore, the claimant is a refugee and a person whose removal would expose her to article 3 ill-treatment. Her appeal succeeds on this basis.

Conclusions on the article 8 claim

68. Article 8 has been put forward as an alternative basis of claim in this appeal and I therefore determine the issue on the alternative basis that the current country information and expert evidence does not disclose a risk to the claimant in her home area and therefore the issue of internal relocation does not arise.
69. In applying paragraph 276ADE(1)(vi) of the Immigration Rules, I apply the guidance set out in para. 14 of Kamara [2016] 4 WLR 152. I make a broad evaluative judgment based upon all relevant matters. I direct myself that the threshold of showing “very significant obstacles” is high.
70. On my findings of primary fact, the factors counting against the claimant are:
 - i. she is educated and from a middle-class background;
 - ii. she is healthy;
 - iii. she has worked in the past;
 - iv. there are no linguistic barriers;
 - v. she has only been away from Egypt for some 3 ½ years.
71. The factors counting in the claimant’s favour are:
 - vi. she is a single, Coptic Christian woman without a relevant male protector;
 - vii. on my assessment of the country information and expert evidence, she will be returning to a milieu in which those three characteristics, when viewed cumulatively, represent powerful barriers to her ability to re-establish a reasonable private life without having to endure significant discrimination and/or harassment.
72. In my judgment, the overarching country situation outweighs the particular characteristics which would in most circumstances indicate the absence of “very significant obstacles”. I conclude that, on the particular facts of this case, such obstacles do exist. The claimant succeeds on this alternative basis.

Anonymity

73. The First-tier Tribunal did not make an anonymity order, nor did Judge Kebede when making her error of law decision. In these circumstances, and in the

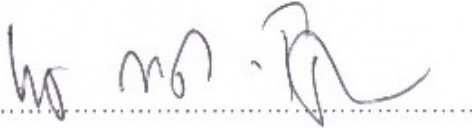
absence of a specific request to make an order at this stage, I make no order pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008.

Notice of Decision

The making of the decision of the First-tier Tribunal did involve the making of an error on a point of law.

The decision of the First-tier Tribunal has been set aside.

I re-make the decision by allowing the claimant's appeal on the basis that the Secretary of State's refusal protection claim is contrary to the United Kingdom's obligations under the Refugee Convention and that the refusal of her human rights claim is unlawful under section 6 of the Human Rights Act 1998.



Signed

Date: 16 July 2019

Upper Tribunal Judge Norton-Taylor

APPENDIX: ERROR OF LAW DECISION



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

Appeal Number: PA/13788/2016

THE IMMIGRATION ACTS

**Heard at : Field House
On : 19 November 2018**

Decision Promulgated

.....

Before

UPPER TRIBUNAL JUDGE KEBEDE

Between

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

HIDY [F]

Respondent

Representation:

For the Appellant: Mr T Lindsay, Senior Home Office Presenting Officer

For the Respondent: Ms R Head, instructed by Terence Ray Solicitors

DECISION AND REASONS

1. This is an appeal by the Secretary of State for the Home Department against the decision of First-tier Tribunal Adio allowing Ms [F]'s appeal against the respondent's decision to refuse her asylum and human rights claim.

2. For the purposes of this decision, I shall refer to the Secretary of State as the respondent and Ms [F] as the appellant, reflecting their positions as they were in the appeal before the First-tier Tribunal.

3. The appellant is a citizen of Egypt born on 17 March 1975. She arrived in the UK on 13 December 2015 on a visit visa valid until 12 May 2016. She made an asylum claim on 27 May 2016. Her claim was refused on 25 November 2016 and she appealed against that decision.

4. The appellant is a Coptic Orthodox Christian. She claims to fear a man whom she refused to marry. Following the death of her parents this man, [MS], asked her to marry him and convert to Islam and when she refused he threatened forcibly to marry her. She came to the UK in January 2011 and when she returned a month later he called her and then continued to threaten her. He threatened to pour acid in her face. She moved to Alexandria in 2013/2014 to get away from him but he tracked her down through her place of employment and threatened to rape or disfigure her if she refused to marry him. She decided to leave Egypt at the end of 2015 to visit the UK. Since coming to the UK, [M] has threatened to rape her sister. She feared him and his family if she returned to Egypt as his family was linked to the Muslim Brotherhood and some of his family members were MPs and in the police.

5. In refusing the appellant's application, the respondent accepted that she was Coptic Christian but rejected her account of facing harassment and problems from [MS]. The respondent considered the country guidance in MS (Coptic Christians) Egypt CG [2013] UKUT 611 and concluded that the appellant would not be at risk on return to Egypt. The respondent considered Article 3 and 8 and concluded that the appellant's removal from the UK would not breach her human rights.

6. The appellant appealed against that decision. Her appeal was initially heard in the First-tier Tribunal on 13 January 2017. The appellant appeared in person, but her appointed legal representative did not attend. The First-tier Tribunal Judge considered there to be serious professional failings by the appellant's solicitors, but decided not to adjourn the proceedings and to proceed in their absence and she then went on to dismiss the appeal. Following the appellant's appeal to the Upper Tribunal, the First-tier Tribunal Judge's decision was set aside on grounds of unfairness, in light of the appellant having been unrepresented at the hearing, and the case was remitted to the First-tier Tribunal to be determined afresh.

7. The appeal then came before First-tier Tribunal Judge Adio on 16 July 2018. The appellant gave oral evidence about her problems with [MS], whom she claimed to work in the police and to come from a famous and prominent family. The appellant relied upon a police report which had been issued in 2014 when she made a complaint to the police in Alexandria and an expert report from Alison Pargeter about the situation for Coptic Christians. Judge Adio noted various inconsistencies and discrepancies in the appellant's evidence and found that her account of being harassed and threatened by [MS] was not a credible one and that the documentary evidence was unreliable. He therefore rejected the appellant's claim to be at risk on return on that basis. However the judge went on to consider the risk of persecution as a Coptic Christian and concluded that the appellant would be at risk on the grounds of religion and as a lone Coptic female. He allowed the appeal on asylum and Article 3 grounds.

8. Permission to appeal to the Upper Tribunal was sought by the respondent on the grounds that the judge, in allowing the appellant's appeal on the basis of her being a lone Coptic female, had erred by failing to adhere to the findings in the country guidance case of MS (Coptic Christians) Egypt CG [2013] UKUT 611 and had failed to provide proper reasons for departing from that country guidance, in line with the principles in SG (Iraq) v Secretary of State for the Home Department [2012] EWCA Civ 940.

9. Permission to appeal was granted in the First-tier Tribunal on 3 October 2018.

10. At the hearing before me both parties made submissions. Mr Lindsay submitted that the judge had failed to provide any strong reasons for departing from the country guidance in MS and that the incidents of violence in Egypt upon which the judge relied were isolated incidents, with no evidence to show that the appellant could not relocate to another part of Egypt such as Alexandria. Ms Head submitted that the judge was entitled to depart from the country guidance in light of the evidence of the deterioration of the situation for Coptic Christians in Egypt and in particular in light of the expert report from Alison Pargeter.

11. I find myself entirely in agreement with Mr Lindsay, that the judge failed to give adequate reasons for departing from the country guidance in MS and for rejecting the evidence of improved conditions in favour of the evidence of the deteriorating conditions without giving proper reasons for doing so. As Mr Lindsay submitted, the judge's consideration of internal relocation was particularly lacking, with inadequate reasons for concluding that the evidence justified a departure from MS.

12. In the circumstances I set aside the judge's decision in the matter. No challenge has been made to the judge's adverse credibility findings on the appellant's account in relation to [MS] and indeed the judge's findings in that regard were fully and properly open to him on the evidence. Accordingly, those findings are preserved. Ms Head requested that the appeal be listed for a resumed hearing so that further evidence could be adduced as to the current circumstances in Egypt. Mr Lindsay had no objection.

13. Accordingly, the case will be listed for a resumed hearing in the Upper Tribunal for consideration of the question of risk on return to the appellant as a female Coptic Christian. I would add that it seems to me that there has been an inadequate assessment of the appellant's particular circumstances on return to Egypt, which is relevant to the question of risk on return in line with [5] of the headnote to MS, and that is a matter which will need to be addressed, either by way of further oral evidence or otherwise.

Directions

No later than 14 days before the hearing:

- (1) The appellant is to provide a consolidated appeal bundle containing the evidence previously submitted and any further evidence relied upon.
- (2) Any further evidence relied upon by either party is to be filed with this Tribunal and served on the opposing party.
- (3) Any request for an interpreter for the appellant is to be made to the Tribunal, should one be required.

Signed:

A handwritten signature in cursive script, appearing to read 'Kebede', is written over a faint, circular official stamp.

Upper Tribunal Judge Kebede

Dated: 20 November 2018