



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

Appeal Number: UI-2021-001194
IA/02582/2020

THE IMMIGRATION ACTS

**Heard at Field House
On 10 June 2022**

**Decision & Reasons Promulgated
On 1 August 2022**

Before

UPPER TRIBUNAL JUDGE ALLEN

Between

**AHMED SOBHANALLAH ABDELKADER ABDELRAHIM
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms U Dirie, instructed by Ferial Solicitors

For the Respondent: Mr S Walker, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant is a national of Egypt. He appealed to the First-tier Tribunal against the Secretary of State's decision of 27 November 2020 refusing his protection claim. The judge dismissed his appeal but subsequently the appellant sought and was granted permission to appeal his decision on the basis that the credibility findings were materially flawed.
2. In the event, I need say relatively little about the judge's decision. Mr Walker agreed with the submission of Ms Dirie, building upon points made in the grounds, that the judge had materially erred in his assessment of

credibility. The particular matter which persuaded Mr Walker, and with which I agree, that the decision was flawed lies in the failure by the judge to refer to a letter from an Egyptian lawyer which stated inter alia that he had received confirmation that the appellant's father had been sentenced to death and acquitted in 2018 and was subsequently accused of further offences and the appellant himself had had a criminal case brought against him in relation to an incident in April 2019. This evidence corroborated support for the appellant's claim in an expert report and required to have been factored into the judge's evaluation of credibility.

3. As I say, I agree with this submission and with the point made as to the impact on it of the judge's credibility findings. The case in essence turns upon the judge's founding of his adverse credibility claim on a discrepancy in the appellant's evidence as to whether his father was sentenced in 2013 or sought by the authorities in that year. I think Ms Dirie is right to argue that the judge placed excessive weight upon this discrepancy in coming to adverse credibility conclusions in light of the particular pieces of evidence listed at paragraph 4 of the grounds and which required to be addressed in coming to a conclusion on the point. No doubt, the discrepancy is a matter that has to be taken into account, and any explanation for it, but that must be balanced with the evidence as a whole that goes to support the appellant's claim and in my view, the judge did not adequately address the evidence as a whole but rather placed excessive weight on the discrepancy and, as set out above, failed to factor in the evidence from the lawyer.
4. The extent to which the matter will have to be reconsidered is material in leading me to conclude that the claim will have to be considered in its entirety afresh, and it is appropriate that that be done in the First-tier Tribunal. I therefore find a material error of law and direct that the claim be reheard in its entirety with no findings being preserved, by a different First-tier Judge at Hatton Cross.

Notice of Decision

The appeal is allowed to the extent set out above.

No anonymity direction is made.



Signed

Date 16 June 2022

Upper Tribunal Judge Allen