



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

Appeal Number: PA/01179/2018

THE IMMIGRATION ACTS

**Heard at Bradford
On 4 March 2019**

**Decision & Reasons Promulgated
On 12 March 2019**

Before

UPPER TRIBUNAL JUDGE LANE

Between

**MICHAEL FATHY BOULIS ABDELMESSIH
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms Frantzis, instructed Howells, solicitors

For the Respondent: Mr Diwnycz, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant was born on 4 September 1985 and is a male citizen of Egypt. He claims to have arrived in the United Kingdom on 12 July 2017 and claimed asylum. By a decision dated 10 January 2018, the Secretary of State refused the appellant's application for international protection. The appellant appealed to the First-tier Tribunal which, in a decision promulgated on 5 November 2018, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.
2. After preaching the Christian faith in a shopping mall, the appellant and his wife claim to have been threatened by Muslim extremists who threaten

to kill them. A vehicle had been crashed into the appellant's car and the appellant himself beaten. The appellant and his wife left Cairo to live in a monastery but returned in July 2017. On 5 July 2017, they were again threatened the appellant attacked with a metal bar. Thereafter, the couple fled to the United Kingdom.

3. The First-tier Tribunal (Judge Mensah) did not find the appellant's account of past events to be truthful. The appellant now challenges her decision. There are three grounds of appeal. First, the judge had not made a material finding of fact in respect of the attack upon the appellant on 9 July 2017. The appellant asserts that a proper understanding of the correct factual matrix is important because it demonstrates the escalation in violence towards the appellant, steps taken by the appellant to avoid the violence and continuing interest in the appellant evidenced through the fact that his family has been pursued. Judge does refer to 9 July 2017 at [42] but only with regards to a complaint made by the appellant to the police; a car crash is referred to following which there was 'verbal abuse by the driver and passengers.' Secondly, the appellant asserts that the judge has conflated or misunderstood a number of incidents referred to as account. Contrary to what the judge has stated, a staged car crash was the subject of police report for the date 5 July 2017 not 30 May 2017. The police had been informed of incidents of intimidation, contrary to the observation made by the judge at [43] (*'it lacks credibility they would go to the police and report an incident and yet not disclose a previous instance which would importantly demonstrate they were being targeted and it wasn't an isolated incident.'*)
4. My reading of the decision indicates that the judge has conflated certain incidents and appears to have misunderstood the full extent of the reporting of threats to the police. However, in determining the materiality of any errors, it is important to understand what effect the errors may have had upon the judge's analysis and the outcome of the credibility assessment. First, it is possible that the judge's errors may have led her to find inconsistencies where none existed in the evidence. Secondly, the judge may have unfairly held against the appellant failure to report incidents of intimidation to the police. The question is; are those effects sufficiently serious for me to set aside the decision? At [36], the judge noted that the appellant's wife told her that she had wished to proselytise her Christian faith and had spoken to her husband's brother who is a deputy in the Coptic Christian church. The judge found that he was incredible that the appellant's wife would decide to proselytise when it was not part of the requirement of her church, when the brother who was a senior official in the church did not do so himself and that the brother would, knowing the risks involved, have advised his brother and the brother's wife to expose themselves to risk by preaching in public. The judge did not accept that the brother would have given such advice at all. The judge could not understand why '[the appellant and his wife] were [preaching] in the first place if none of the family undertook such activity and even the appellant's brother's deputy in the church is not said to have proselytised.'

5. The judge's findings at [36-37] represent a fundamental rejection, with reasons, of the appellant's claim to have preached at all. I find that the judge has reached findings of fact available to her following a thorough analysis of the evidence. Furthermore, the findings at [36-37] are discrete and not affected in any way by any misunderstandings of details of the evidence such as those discussed above. Considering the extent and nature of the misunderstandings of the evidence which raised in the grounds of appeal and also the effects upon the judge's analysis of those misunderstandings, I am not satisfied that, had the judge not misunderstood these details of the evidence, she would have come to a different conclusion. At the end of the day, the judge simply did not accept that the appellant and his wife, who are members of a church (of which a senior official such as the appellant's brother did not proselytise) would go into a shopping mall and expose themselves to serious risk by preaching. Having rejected that claim, then the subsequent detailed account of intimidation (which the appellant claims occurred because of the preaching and for no other reason) evaporates. The final point made in the grounds that the judge had failed to take into account the appellant's evidence that his church was evangelical and that his brother encouraged him to start preaching fails to address the judge's concerns set out at [36-37].
6. In the circumstances, the appeal is dismissed.

Notice of Decision

7. This appeal is dismissed.

Signed

Date 9 March 2019

Upper Tribunal Judge Lane