



**Upper Tribunal
(Immigration and Asylum Chamber)
PA/02242/2017**

Appeal Numbers:

THE IMMIGRATION ACTS

Heard at Stoke

Decision & Reasons

On September 27, 2017

Promulgated

On October 4, 2017

Before

DEPUTY UPPER TRIBUNAL JUDGE ALIS

Between

MR Y A

(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellants: Mr Howard (Legal Representative)

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

DECISION AND REASONS

1. I make an anonymity direction in this matter pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008.
2. The appellant is a citizen of Egypt.
3. On August 17, 2016 the appellant lodged an application for asylum but following an interview the respondent refused his application under paragraph 336 HC 395 on February 15, 2017.
4. The appellant appealed that decision under section 82(1) of the Nationality, Immigration and Asylum Act 2002 on March 1, 2017 and the

matter was listed before Judge of the First-tier Tribunal Burns (hereinafter called the Judge) on June 1, 2017 and in a decision promulgated on June 6, 2017 his appeal was dismissed.

5. The appellant appealed that decision on June 19, 2017 and permission to appeal was granted by Designated Judge of the First-tier Tribunal Shaerf on July 5, 2017.
6. The matter came before me on the above date and I heard submissions on the error or law from both representatives. Having heard their oral submissions, I reserved my decision.

SUBMISSIONS

7. Mr Howard adopted the grounds of appeal that had previously been submitted and submitted the grounds disclosed an error in law. He argued:
 - (a) The Judge concluded the appellant was not “high profile” finding at best he wrote a weekly column. Mr Howard submitted the Judge should have explained why this employment would not place him at an enhanced risk of persecution.
 - (b) The background material identified that journalists faced arrest and prosecution. The Judge failed to consider this evidence.
 - (c) The Judge failed to have regard to the risk of persecution as a failed asylum seeker.
 - (d) The Judge failed to engage with article 8 and paragraph 276ADE HC 395 and address why the appellant would not face very significant obstacles of being re-integrated having written anti-Daesh articles.
 - (e) The Judge failed to engage with the expert’s finding on the police investigation letter.
8. Mr Bates adopted the Rule 24 response dated July 21, 2017 and submitted there was no error in law. He responded to the grounds as follows:
 - (a) The Judge found the appellant was not a famous journalist and gave reasons for his finding. The appellant’s first ground of appeal was based on the argument that he would be persecuted for being a journalist but there was no country evidence supporting this claim. There was no evidence that he personally was known or had been missed so the Judge was entitled to make the finding he was not high profile.
 - (b) Whilst there was evidence that Daesh targeted journalists there was nothing in the evidence that showed this happened in Egypt. The authorities may target some journalists but this was not what he feared.

- (c) The expert witness did not see the original document and his opinion only went to support a submission that documents in this format could be genuine. As he had not seen the original document the Judge as entitled to make the findings he did.
- (d) The authorities in Egypt did not support Daesh and it was open to the Judge to find support and protection would be available.

ERROR OF LAW

9. It was accepted by the Judge that the appellant worked as a journalist but the Judge concluded he was not as famous as he made out. The Judge's approach to this issue is found between [46] and [49] of his decision. Based on the evidence adduced the Judge concluded he was not a high-profile journalist because little information about him was adduced and his absence had never been reported in the press. The Judge concluded that if he had been well-known then there would have been reports of his absence and the fact there were none led the Judge to find he did not have a high profile as a journalist. The Judge was entitled on the evidence to make the finding he did on this point.
10. The appellant's claim had been that as a journalist, regardless of whether he was high profile or not, he would be targeted. He produced some documents relating to court proceedings and he relied on an expert report to support his case. The Judge considered the evidence from the expert but concluded the report did not assist the appellant. The expert had not identified other cases like the appellant's. Mr Howard submitted the Judge erred by not considering risks as a journalist and in his grounds of appeal he referred to an Amnesty International Report dated 22.2.2017 and a report provided by the UK Home Office dated 26.5.2017. However, the Judge also had before him the appellant's own expert evidence which suggested that the biggest challenge to journalists was the curbs on press freedom. The expert did not support his claim that Daesh targeted journalists in Egypt which was of course his case. The articles highlighted in the grounds of appeal did not address the Judge's conclusions in [54] of the decision. The Judge found there was no evidence that journalists were targeted as alleged and it is not the Judge's job to trawl the internet or other sources for evidence to support the appellant's case. To do so would in itself be an error in law.
11. When considering his role as a journalist the Judge accepted he had written articles that were anti-Daesh but the country evidence did not support his claim he was at risk in Egypt.
12. The appellant and Mr Howard relied on the copy Egyptian court papers as evidence he was wanted but the document considered by the expert was only a copy. The expert was entitled to find the document was consistent with the format seen of such documents but this did not mean the document he looked at could be relied on. The Judge considered the report alongside other evidence and concluded the documents could not be relied on and gave reasons for this in his decision.

13. In giving permission all grounds were found to be arguable and in particular the grounds criticised the Judge for not carrying out a detailed analysis. I am satisfied he did carry out an analysis against the background of the claim advanced by the appellant. The Judge rejected the claim presented and in particular he rejected his claim that the appellant was at risk for writing anti-Daesh articles.
14. The Judge's decision needs to be considered as a whole and none of the grounds, on the risk of persecution, identified an error in law.
15. The remaining ground raised under article 8 ECHR and paragraph 276ADE HC 395 were based in the facts of his asylum claim. It is effectively a further argument on the same grounds albeit to a higher test namely were there "very significant obstacles" to re-integration into Egyptian life in the case of paragraph 276ADE HC 395. The findings above equally apply here and there was no error in law.
16. There is nothing in the Judge's article 8 ECHR assessment that suggests an error in law.

NOTICE OF DECISION

17. The making of the decision of the First-tier Tribunal did not involve the making of an error on a point of law. I uphold the original decision.

Signed

Date 03.10.2017

Deputy Upper Tribunal Judge Alis

TO THE RESPONDENT
FEE AWARD

No fee award was made as I have dismissed the appeal.

Signed

Date 2.10.2017

Deputy Upper Tribunal Judge Alis