



**Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: PA/03578/2018**

THE IMMIGRATION ACTS

**Heard at Manchester CJC (via Microsoft
teams)
On 26 August 2021**

**Decision & Reasons
Promulgated
On 01 September 2021**

Before

UPPER TRIBUNAL JUDGE HANSON

Between

AHMED ABOELWAF ABOELHAMD MOHAMED ISSA
(Anonymity direction not made)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms S Khan instructed by Parker Rhodes Hickmotts Solicitors.
For the Respondent: Mr C Bates, a Senior Home Office Presenting Officer.

DECISION AND REASONS

- 1.** The appellant, a national of Egypt born on 13 July 1969, appealed the refusal by the Secretary of State of his application for international protection.
- 2.** A substantial volume of evidence has been provided for the purposes of this appeal which includes an expert report filed on the day from

Alison Pargeter who it was accepted by Mr Bates is a recognised country expert.

3. The final paragraph of the report, paragraph 5.11, reads:
 - 5.11. In summary, on the basis of his sur place activities, I am of the opinion that, were he to be returned to Egypt and were the authorities to have picked up on his opposition links and activities, Mr Issa would be at real risk of harm.
4. There is also evidence that the appellant has over 5000 followers on his Facebook account which the Secretary of State's own CPIN confirms places him in an enhanced category of risk in the eyes of the Egyptian authorities.
5. I have also seen photographic evidence of demonstrations being attended by the appellant in United Kingdom and note the expert's opinion that in light of surveillance techniques adopted by the Egyptian authorities, including from individuals within the United Kingdom, it is likely that the appellant's activities will come to the attention of the authorities.
6. I have also seen witness statements from two senior doctors who support the appellants case, both of whom were willing to attend the hearing today to give oral evidence.
7. I accept, to lower standard, that the appellant will face a real risk of harm sufficient to amount to persecution as a result of his genuine political beliefs and opposition to the government in Egypt.
8. Mr Bates also submitted in light of the evidence that even if the appellants political views were only perceived, he will still face a real risk on return.
9. The error of law finding referred to the decision in HJ (Iran). The appellant's own statements together with the volume of evidence provided supports his claim that his views are genuine. The country material also shows that if he expressed the views he has been able to express openly in the UK within Egypt he is likely to be detained and ill-treated by the authorities. The only way the appellant could not express such views and act discreetly would be to avoid persecution. This will entitle him to succeed on this basis too.
10. To the lower standard applicable in an appeal of this nature, I find the appellant has discharged the burden of proof upon him to the required standard show that he faces a real risk of persecution for a Convention reason on return to Egypt entitling him to be recognised as a refugee.

Decision

11. **I allow the appeal.**

Anonymity.

12. The First-tier Tribunal made no order pursuant to rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005.

I make no such order pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008.

Signed.....
Upper Tribunal Judge Hanson

Dated 26 August 2021