



**IN THE UPPER TRIBUNAL**  
**IMMIGRATION AND ASYLUM**  
**CHAMBER**

Case No: UI-2022-004791

First-tier Tribunal No: PA/55016/2021

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**

12<sup>th</sup> September 2023

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE PARKES**

**Between**

**RHMM**  
**(ANONYMITY DIRECTION MADE)**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr M Mozam (Solicitor, Burton and Burton Solicitors)

For the Respondent: Mr P Lawson (Senior Home Office Presenting Officer)

**Heard at Birmingham on 31<sup>st</sup> August 2023**

**Order Regarding Anonymity**

**Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the Appellant is granted anonymity.**

**No-one shall publish or reveal any information, including the name or address of the appellant, likely to lead members of the public to identify the appellant. Failure to comply with this order could amount to a contempt of court.**

**DECISION AND REASONS**

1. The Appellant is a citizen of Egypt, he was born on the 13<sup>th</sup> of November 1991. He claimed asylum on the basis that he was at risk of an honour killing, and thereby a member of a Particular Social Group, as a result of a relationship he had had in Egypt. The application was refused and the Appellant's appeal dismissed by Judge Chohan in a decision of the 31<sup>st</sup> of May 2022 following a hearing on the 25<sup>th</sup> of May 2022 at Coventry.
2. The Appellant sought permission to appeal to the Upper Tribunal in Grounds dated the 13<sup>th</sup> of June 2022. The first ground is headed "Inadequate Reasoning: Plausibility" and starts with the assertion that throughout the decision the Judge found that the Appellant's account was inherently improbable and there was no evidence to support the allegations of implausibility. In essence there was a lack of reasoning. At paragraph 11 the Judge found that it was implausible that serving officers would be issued with a fine, while there was evidence of corruption the evidence did not show that officers operated with complete impunity and the finding was speculative.
3. The second ground was that the Judge's findings on section 8 were inadequately reasoned. Simply passing through a European country was not sufficient to engage the statute and there was no reasoned analysis of whether the Appellant had a reasonable opportunity to claim asylum.
4. The application was refused by the First-tier Tribunal and the application was renewed before the Upper Tribunal. Permission was granted by Upper Tribunal Judge Kopieczek on the 13<sup>th</sup> of December 2022. He noted that Judge Chohan had given a number of reasons for doubting the credibility of the Appellant's account, not only those highlighted in the grounds of appeal. Those could be said to be sufficient on their own. He was troubled by the conclusions based on plausibility that the grounds identified which persuaded him to grant permission but noted that after an in-depth analysis and argument it may be that the overall assessment would be found to be legally sustainable.
5. At the hearing Mr Mozam relied on the grounds and argued that the Judge's findings were based on plausibility contravening established guidance and so were materially flawed. For the Respondent Mr Lawson argued that the credibility findings were made following an appropriate analysis of the available evidence and the Appellant's account. The decision was reserved.
6. Judge Chohan's decision summarised the Appellant's case in paragraph 2, that he had been in a sect relationship with a woman called Nada between 2010 and 2013. In 2013 his family approached her family with a proposal which was rejected. The Appellant's home was raided while he was away in the army. After leaving the army he stayed elsewhere before returning to see Nada, he was shot at when at a bus stop and hospitalised, detained and charged before being released. He left Egypt in 1 or 2 years later and travelled to the UK through a number of European countries.

7. The Judge's findings start at paragraph 7 of the decision and run to paragraph 20. As the Judge noted the evidence was not that no one knew about the relationship, the friends whose house they used were aware and the Appellant had described Nada's family as "very influential" and in the Police. Between June and September 2016 there were several approaches to the family with a proposal all of which were rejected because of differences between the families which the Appellant had explained by their different status, most of Nada's family "worked for the government and had affiliations with wealthy people within the community." The Judge rejected the suggestion either of an approach with a proposal or there being a relationship at all given the differences between the families.
8. With regard to the raid on the Appellant's house and his shop destroyed this followed Nada's family finding out about the relationship, the Judge rejected this as her family would have known from the marriage proposal, the Appellant's case being inconsistent.
9. The Judge rejected the claim that Nada's family had been fined for the attack as that was inconsistent with the Appellant's claim that the family were both very influential and well connected socially. As the grounds note it is possible for Police officers to be fined, that was not the Judge's point, the fact of a prosecution was contradicted by the claim of their influence and so undermined the credibility of the account. In addition the press report relied referred to a famous restaurant but not a shop being destroyed, in his evidence the Appellant mentioned the shop but not the famous restaurant.
10. The issue of his being shot was considered in paragraph 12. The Appellant's initial evidence in interview was that he did not know who had shot at him and later stated hit was Nada's family and the Police were involved. He also stated that the people had been shot at randomly and 2 of his cousins had been killed. As the Judge concluded the paragraph "Therefore, it does seem that the appellant had not been specifically targeted."
11. In the following paragraphs the Judge dealt with the Appellant's hospitalisation, for which there was no medical evidence from Egypt and a brief GP's letter which was not an expert report. The letter confirmed that the Appellant had injuries but that did not mean they were caused in the manner claimed. Said to be from his detention the Appellant had submitted a record of interview which made no reference to Nada or her family. Having been accused of murder, attempted murder and terrorist activities the Appellant's release on bail without any conditions was notable and inconsistent with the claims made about Nada's family's influence and their being in the Police.
12. In paragraph 15 Judge Chohan addressed the court document relied on by the Appellant. The timing of it was such that the Appellant would have been in Egypt when the verdict was given in February 2015. Judge Chohan found it was not credible that the Appellant would not have been located and presented to the authorities, again he referred to the claim of the family's influence and being in the Police.

13. In addition when interviewed the Appellant had been inconsistent about when he left Egypt varying between around April 2015 to September 2016, whichever date was taken it was not credible that the Appellant would not have been located. If his fear was genuine he would not have remained there for so long. The Appellant had not been consistent on who had raided the friend's house he had been in. Apparently having left Egypt the Appellant's family had moved but had been located by Nada's family in contrast to their apparent inability to locate the Appellant when he was there.
14. Judge Chohan was entitled to observe that the Appellant had travelled through a number of European countries and had not made an asylum claim. In any event this does not add to the substantive findings made. In the final analysis the Judge rejected the submission made by the Appellant's representative, that the Appellant had been largely consistent, there were significant inconsistencies that went to the core of his account and the Judge found the account had been fabricated.
15. The Judge did not decide the Appellant's case on the basis of plausibility. The fact that he did not use that word is relevant but an analysis of the reasoning is required and it is clear, as set out above, that the Judge addressed the evidence in a detailed and thorough manner. The decision has to be read fairly and as a whole without taking matters out of context. When done so the suggestion that the Judge assessed the Appellant's case on an erroneous basis has no foundation. The decision was open to Judge Chohan for the reasons given and is not undermined by an error of law.

### **Notice of Decision**

16. This appeal is dismissed.

Judge Parkes

Deputy Judge of the Upper Tribunal  
Immigration and Asylum Chamber

Dated: 1<sup>st</sup> September 2023