



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

Case No: UI-2024-002449  
First-tier Tribunal No: PA/53833/2022

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:  
On the 18 November 2024**

**Before**

**UPPER TRIBUNAL JUDGE BRUCE**

**Between**

**AME (Egypt)  
(anonymity order made)**

Appellant

**and**

**Secretary of State for the Home Department**

Respondent

**Representation:**

For the Appellant: Mr Gilbert, Counsel instructed by Lighthouse Solicitors  
For the Respondent: Ms Young, Senior Home Office Presenting Officer

**Heard in Bradford on the 13<sup>th</sup> November 2024**

**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 her or any member of her family. Failure to comply with this order could amount to a contempt of court.**

**DECISION AND REASONS**

1. The Appellant is a national of Egypt born in 1985. She appeals with permission against the decision of the First-tier Tribunal (Judge K. Henderson) to dismiss her appeal, on protection grounds, against the decision to refuse to grant her leave to remain in the United Kingdom.
2. The basis of the Appellant's protection claim was that whilst at university in Cairo she had briefly become involved in a discussion group; after some time she left it because it became clear to her that some or all of the members were in fact associated with the banned Muslim Brotherhood. Members of the group were subsequently arrested and the Appellant came under suspicion as being an informant. She and her family suffered numerous instances of threats and persecution as a result. She claimed asylum on arrival in the UK on the 14<sup>th</sup> January 2021.
3. The Respondent found the account to be vague and lacking in detail and refused to grant protection. By its decision of the 14<sup>th</sup> June 2023 the First-tier Tribunal agreed and the Appellant's appeal was dismissed. The Tribunal found numerous reasons to disbelieve the Appellant's account, which it sets out in its detailed decision.
4. The Appellant now appeals on essentially two grounds. The first is that the entire decision of the First-tier Tribunal is vitiated by its failure to recognise that the Appellant is a vulnerable witness. The second is that the Tribunal drew adverse inference from errors of fact such that the overall assessment of the Appellant's credibility as a witness was unfair.
5. Both grounds are made out.
6. The Appellant has been diagnosed with Chronic Post Traumatic Stress Syndrome, severe depression and anxiety. An expert report was commissioned from Chartered Clinical Psychologist Dr Maggie Allison specifically to address whether or not such conditions could impact on her ability to recall events accurately and to give coherent evidence. Dr Allison's report, unchallenged before the First-tier Tribunal, was to the effect that common symptoms of PTSD include an inability to remember aspects of traumatic events; individuals who are known to have suffered trauma are often observed to be avoidant about recalling those events, and can as a result appear "frozen", hesitant, confused or mistrustful when being asked about them. This was evidence plainly relevant to both the conduct, and substantive disposal, of this appeal. The First-tier Tribunal should, at the outset, have considered whether the Appellant was a vulnerable witness in line with the Joint Presidential Guidance. As the Secretary of State now accepts, the failure to do so amounts to an error such that the decision must be set aside in its entirety: AM (Afghanistan) v Secretary of State for the Home Department [2017] EWCA Civ 1123.
7. The second error concerns the Tribunal's understanding of the evidence before it. The Tribunal appears to have been under the impression that the Appellant said that she was stabbed by members of the Muslim Brotherhood. It rejects that evidence, and appears to draw significant adverse inference from the fact that the Appellant has no scars to corroborate this claim. I accept that this is a misunderstanding of the Appellant's case. The Appellant nowhere says that she was stabbed by the Muslim Brotherhood. She says that she was attacked by them, and spent some time in hospital, but this is all. I therefore find that this alleged error of fact is also made out, but in doing so acknowledge that the

Tribunal was likely led astray by a less than clear passage in Dr Allison's report. That is perhaps something that the Appellant's representatives may wish to address in preparing the case for remaking.

**Decisions**

8. The decision of the First-tier Tribunal is set aside.
9. The matter is remitted to the First-tier Tribunal to be re-heard in Bradford, by a Judge other than Judge K. Henderson.
10. There is an order for anonymity in this ongoing protection claim.

Upper Tribunal Judge Bruce  
Immigration and Asylum Chamber  
13<sup>th</sup> November 2024