



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

Case No: UI-2024-002139

First-tier Tribunal No:
PA/02081/2023

THE IMMIGRATION ACTS

**Decision & Reasons Issued:
On 12 February 2025**

Before

**UPPER TRIBUNAL JUDGE MAHMOOD
DEPUTY UPPER TRIBUNAL JUDGE WILLIAMS**

Between

**MA
(ANONYMITY ORDER MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Litigant in Person

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

Heard at Manchester Civil Justice Centre on 13 January 2025

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. This is our oral judgment which was delivered at the hearing today.

The Procedural History

2. The Appellant is a citizen of Egypt. The Respondent had rejected his application to remain in the United Kingdom on protection and human rights grounds. The Appellant's appeal against that decision was heard by the First-tier Tribunal. By way of a decision dated 4 April 2024 the First-tier Tribunal dismissed the Appellant's appeal based on Refugee Convention grounds but had allowed the appeal pursuant to humanitarian protection and Article 3 European Convention on Human Rights grounds.
3. The Secretary of State had been granted permission to appeal against the First-tier Tribunal Judge's decision. The application for permission to appeal had been considered by Upper Tribunal Judge O'Callaghan at a hearing on 11 October 2024. In a decision issued on 17 October the learned Upper Tribunal Judge concluded that:
 - (1) There was a material error of law in the decision of the First-tier Tribunal because there was inadequate reasoning in relation to the possibility of the Appellant being able to internally relocate somewhere else in Egypt; and
 - (2) Having considered the appropriate guidance for remittal or retaining the matter at the Upper Tribunal, he concluded that it was appropriate for the case to remain at the Upper Tribunal.
4. The basis of the further consideration of the case before us is set out as follows:

"The decision of the First-tier Tribunal sent to the parties on 4 April 2024 is set aside in respect of the findings as to internal relocation alone, at [18]-[19]. All other findings are preserved including that in respect of sufficiency of protection at [19]".
5. Thereafter pursuant to a transfer order, the matter comes before us for remaking the decision on the limited basis we have identified.

The Hearing Before Us

6. At the hearing before us today, the Appellant is assisted by an interpreter appointed by the Tribunal. We checked that the Appellant and the interpreter understood each other well, which they confirmed they did. In addition, the Appellant has attended with a volunteer from the Support and Help for Asylum Seekers and Refugees, a charity. The Appellant has also provided a letter dated 10 January 2025 from the charity. The letter states that they have been trying to find legal representation for the Appellant but have not been able to do so and would like to continue to do

so. Additionally, the letter states that they can seek a county expert report, "should a further extension be granted".

7. To ensure there was fairness for the Appellant who appears as a litigant in person we made enquiries as to whether or not he was seeking an adjournment. We proceeded with caution noting that this is a protection claim.
8. We reminded ourselves of the overriding objective. We noted that this matter had been listed for hearing following the earlier Error of Law hearing several months ago. We satisfied ourselves that it was not necessary, proportionate or indeed required for the purpose of fairness for there to be an adjournment.
9. The reasons we came to that conclusion were provided in the extempore judgment which we provided at the start of the hearing which we refer to. In summary, we had concluded firstly that Appellant had been trying for some time to have solicitors appointed but with no success and there was no indication that he would or could get solicitors to act for him. Secondly, we concluded that the proposed country expert had not been identified. Nor was there a proposed timescale for the proposed expert's report. Additionally, it remained unclear as to whether it might even be possible for the Appellant to fund such an arrangement whether in terms of his lawyers or in respect of a country expert. We are well aware of the difficulties in obtaining legal aid and indeed for that reason it is very common that Appellants appear without legal representation at the Tribunal. Such Appellants appear without legal representation without it being unfair. We made clear that we would ensure that the proceedings were fair for the Appellant today.
10. The matter then proceeded and we ensured firstly that the Appellant was provided with a clear chronological and procedural history of the case and we made sure he was aware of the nature of this rehearing. We also had in mind that the Appellant's experiences in Egypt meant understandable emotional turmoil for him. We also noted the emotional issues in this country whereby a Judge at the First-tier had allowed the Appellant's appeal with the joy the Appellant would have felt, but then then the Secretary of State appealed against that decision to the Upper Tribunal and the emotional effect that had on the Appellant.
11. The Appellant provided oral evidence to us. In summary, he explained why he considered that he would continue to be at risk on return to Egypt and he invited us to allow his appeal. He submitted that if he was left in a situation which he had to return to Egypt then that would lead to consequences which were simply unfathomable in terms of his safety and protection.
12. The Appellant, focusing in particular on the internal relocation issue was asked in simple terms why he could not live in another part of Egypt. He was asked to note that the Secretary of State's case was that Egypt is a

very big place with a population of around 120 million people and that thereby there would not be any risk to the Appellant because he could move within Egypt.

13. The Appellant referred to the following matters. He said firstly that he is an Arab and that there are big families and that his big family are across the country. He referred to the history of his family and that they are across the country saying that these are not only from his own family but also from J's family as well. He explained that the family members and others are spread across Egypt including in Cairo, in Port Said and Alexandria, along with other places. He said that what scared him was that one would hear news of people being killed because of honour and that would therefore relate to him as well. He said he had undertaken military service and that even there he had met people from the wider family and that he learnt that those people he met were actually his cousins. The Appellant said that wherever he might go in Egypt, people would recognise his accent and when he wears things he looks different. He said that when he goes to places people say he is strange, it had been a foreign place and had asked where he was from and which family he belonged to.
14. Mr Tan in cross examination had asked questions relating to the Appellant's asylum interview, including whether or not his family or others really did have power or influence across Egypt.
15. We heard closing submissions during which the Appellant raised some matters of evidence for the first time. We reminded ourselves the Appellant is a litigant in person, and we decided nonetheless to take into account the further matters that the Appellant referred to. The Appellant said it would be very difficult to move from one area to another, and even though there was reference in his asylum interview to friends that he communicates with, in fact there was only one friend who was in the army. The Appellant informed us about the assistance he had from that friend when he fled Libya. The Appellant also referred to the fear which has impacted upon him, he takes medication and he is finding it difficult to sleep. The Appellant confirmed that he had said all that he wished to say.

Analysis and Consideration

16. We remind ourselves that the Appellant is a litigant in person whose core account has been accepted as being true, namely that he is someone who has a fear of non-state actors. We apply anxious scrutiny to the case and note the lower standard of proof which applies to the humanitarian protection claim pursuant to Paragraph 339C of the Immigration Rules and Article 3 ECHR claim. We have at the forefront that the Appellant is a litigant in person. We therefore assess whether there are substantial grounds for concluding that that there is a real risk of serious harm to the Appellant if he was to return to Egypt.

17. We found the Appellant to be someone who is seeking to assist with his case and we note that the First-tier Tribunal Judge had found the Appellant to be credible. The First-tier Tribunal Judge said at paragraphs 15 to 19 as follows:

“15. I accept that the Appellant is credible and that he fled Egypt because he was threatened by J’s family. I accept that his own family is either a risk to him or will fail to protect him, because they have agreed to protect J’s so-called family ‘honour’.

19. I accept the Appellant’s claims are true, and that he would be at risk in his home area from non-state agents, ie J’s family, and possibly his own. I accept that the police do not provide a sufficiency of protection for someone who is already at risk”.

18. The Judge had allowed the appeal on humanitarian protection and Article 3 ECHR grounds.

19. We remind ourselves of paragraph 3390 in respect of the humanitarian protection which are in like terms to internal relocation and following the judgments of the House of Lords in Januzi v Secretary of State for the Home Department [2006] UKHL 5, 2 AC 426 and AH (Sudan) v Secretary of State for the Home Department [2007] UKHL 49, [2008] 1 AC 678 The question for us is whether it is reasonable to expect the Appellant to be able to internally relocate to a different area in Egypt. We must take into account that the Appellant is a reasonably fit and a relatively young man. He has a good record of assisting others here in the UK as is set out both within the charity’s letter, and indeed as highlighted to us by the Appellant himself during the hearing today.

20. The Secretary of State in her Reasons for Refusal Letter, which is repeated in the judgment, refers at length to the background evidence which is available in relation to Egypt and internal relocation. It is said at pages 5 of 11, under the subheading of Internal relocation,

“It is considered that you could relocate to Bur Said, Cairo and Alexandria within your country of origin if the key material facts of your claim had been accepted” and that in summary states that there is general freedom of movement in Egypt, that the person or group that the Appellant fears are non-state/rogue state actors and that relocation is considered to be reasonable in light of the fact that J’s family do not hold significant power or influence throughout Egypt. There are also figures in relation to the size of Cairo which is some 133 kilometres from the Appellant’s original place of abode with a population of some 22,000,000, Bur Said is some 326 kilometres from the Appellant’s original place of abode with a population of 778,000, and Alexandria is some 127 kilometres from the Appellant’s original place of abode with a population of about 5,500,000.”

21. Even though we have sympathy for the situation which the Appellant finds himself in, we must apply the law. The law requires us to consider whether there is a viable or reasonable internal relocation alternative. Put another way so the Appellant understands this today through the

interpreter: Even though the Appellant's claim has been believed in relation to what happened to him in Egypt, it does not mean his that his appeal can succeed. The reason the Appellant's appeal cannot succeed is because he can move within Egypt to avoid that risk.

22. Having considered all of the background and the matters which relate to this case including that Egypt, a vast country which has a population of approximately 120 million people, and taking into account the Appellant's particular circumstances, we are of the opinion the Appellant can be reasonably expected to live in another area of Egypt and that such internal relocation for the purposes of humanitarian protection and Article 3 ECHR grounds will sufficiently meet these requirements. We make clear we are aware that this will not be something that he wishes to do, it is not likely to be something that he will find comfortable either. The Appellant's wishes and uncomfotableness are not the test for us to apply. The test is reasonableness. We conclude that it is reasonable for the Appellant to relocate within Egypt. Despite the Appellant being from an Arab family, that is the case for millions of others. We accept that the Appellant has been worried about a return to Egypt and has not been able to sleep well, but again that is not sufficient for us to allow the appeal. We do not accept that J's family have the reach he today states they do and nor do we accept that somehow, he has family across Egypt that will lead to the uncovering of his past.
23. We conclude that the Appellant's appeal on humanitarian protection grounds and Article 3 ECHR grounds must be dismissed and so we order.

Notice of Decision

The decision of the First-tier Tribunal contained a material error of law.

We remake the decision and we dismiss the Appellant's appeal based on humanitarian protection and Article 3 ECHR grounds.

For the avoidance of doubt, the First-tier Tribunal had dismissed the appeal based on Refugee Convention grounds and that decision is not affected as it was not the subject of an appeal before us.

The overall effect is that the Appellant's appeal on all grounds has been dismissed.

Abid Mahmood

Judge of the Upper Tribunal
Immigration and Asylum Chamber

13 January 2025