

1314047 [2014] RRTA 613 (19 August 2014)

DECISION RECORD

RRT CASE NUMBER: 1314047
COUNTRY OF REFERENCE: Egypt
TRIBUNAL MEMBER: Shahyar Roushan
DATE: 19 August 2014
PLACE OF DECISION: Sydney
DECISION: The Tribunal remits the matter for reconsideration with the direction that the applicants satisfy s.36(2)(a) of the Migration Act.

Statement made on 19 August 2014 at 4:24pm

Any references appearing in square brackets indicate that information has been omitted from this decision pursuant to section 431(2) of the *Migration Act 1958* and replaced with generic information which does not allow the identification of an applicant, or their relative or other dependant.

STATEMENT OF DECISION AND REASONS

APPLICATION FOR REVIEW

1. The applicants are husband, wife and their [children]. They are citizens of Egypt and Coptic Christians. The first named applicant (the applicant) was born in [Town 1], Cairo Governorate, where he resided with the second named applicant (the applicant wife) and their children. He worked [in a company] from 1999 to December 2012.
2. In essence, the applicant claims that in May and July 2012 he was targeted and attacked by members of *Mukafahat Altansir* (Anti Christianisation), acting in retribution for the conversion of his sister-in-law, [Ms A], from Islam to Christianity some 12 years earlier. Fearing further attacks, the applicant and his family relocated to a different town before returning to [Town 1] to reside at a different address until their departure from Egypt. The applicant also claims that since his arrival in Australia two members of his extended family have been kidnapped and he was contacted to pay the ransoms. The applicant fears facing further harm if he were to return to Egypt.

CONSIDERATION OF CLAIMS AND EVIDENCE

Claims to the Department

3. In his application for a protection visa and a statement attached to the application, the applicant essentially claimed that his family faced 'a lot of persecution' because his brother [Mr B] married [Ms A], who converted from Islam to Christianity. [Mr B and Ms A] came to Australia in 2003 and were granted protection visas. The applicant and his family did not face 'any unusual problems' following his brother's departure from Egypt. However, after the January 2011 revolution, Christians were unable to live a 'normal daily life' and faced many problems. He could not go to work or take his children to school without facing 'a lot of abuse and persecution' in the street from Muslims, especially because his wife did not wear the veil. He was also fearful of his children being kidnapped. However all this was 'bearable' as there was 'no direct danger' on his family.
4. The applicant claimed that in late May 2012, he was at home when he was attacked by a group of Muslim men from 'a combat authority that fights against the christening of Muslims'. They asked him about [Mr B] and threatened to kidnap the applicant's wife and convert her to Islam if [Mr B and Ms A] did not return to Egypt. The applicant subsequently went to a police station and reported the incident. He did not mention that [Mr B] had married a Muslim girl who had subsequently converted to Christianity as he was fearful of being arrested and harmed by the authorities. The applicant then decided to move his family elsewhere.
5. [In] July 2012, the applicant took his brother [Mr C] to his apartment to pick up some clothes. As they were packing, they heard a knock on the door and when he opened the door the same group of Muslim men came to the house. They assaulted the applicant and his brother and damaged property, including religious artefacts. They knew the applicant personally. They also threatened the applicant and his brother that they will kill them and burn their houses if [Mr B] did not return.
6. After the applicant reported the matter to the police, he received many threatening phone calls. The applicant decided to leave his house and initially moved to [Village 2]. He and his

family then returned to [Town 1] and moved in with his sister-in-law, preparing to leave Egypt 'for good'.

7. The applicant unsuccessfully applied for visas to [other countries]. He also tried to secure a position in [a different country]. Eventually he applied for an Australian visitor visa [in] December 2012 and departed Egypt [in] January 2013.
8. In support of his application for a protection visa the applicant submitted copy and translation of a statement he had made to the police [in] July 2012; a news report sourced from Compass Direct and dated [September] 2012 in relation to attacks on Coptic owned houses and businesses; a printout of a Wikipedia entry in relation to a 2011 Alexandria church bombing; and references to internet sources collated by the Australian Coptic Movement in relation to the situation of Coptic Christians in Egypt.
9. The applicant was interviewed by the delegate [in] August 2013 and [in] September 2013 the delegate refused the application. The delegate did not find credible that the applicant was sought after by an anti-Christians group owing to his brother's interfaith marriage prior to his departure from Egypt. The delegate concluded that the applicant did not have a well-founded fear of persecution for a Convention reason in Egypt. The delegate was also not satisfied that the applicant faced a real risk of significant harm if he were returned to Egypt.

Application for Review

10. [In] March 2014, the applicant's newly appointed representative made a submission to Tribunal and provided two separate statutory declarations by the applicant and his wife.

The Applicant

11. In his statutory declaration, the applicant provided the following additional evidence.
12. He is a committed Christian and worked [in a] company. He did not have any problems as a Copt in [Town 1] in the time of the Mubarak government. There was some tension between groups and he felt that there was discrimination in employment, but he felt comfortable and safe in his neighbourhood.
13. Life in [Town 1] changed with the 2011 revolution against Mubarak. The prisons were opened and many criminals came to Cairo. He saw many new people in his local streets and heard reports of people breaking into houses and stealing. He also heard that some people had been killed in his area. These crimes seemed to be targeting Christians. During that time, the applicant was involved in protecting his neighbourhood by setting a road block and reporting strangers, who were all 'Islamic' and wore the traditional dress, to mobile army checkpoints.
14. The applicant became fearful again before the elections in May and June 2012. Churches were being attacked and he began to hear calls for an Islamic government. A church in [Town 1] was burnt and destroyed. People started to shout at Christians in the streets, threatening that Christians would be crushed. After Mohammad Morsi's win people wearing traditional Islamic dress became more visible in their area.
15. In early May 2012 his wife was attacked on the street near their church. Her hair was burnt and she was spat on. The applicant and his family started to fear leaving the house. Women became especially worried about their safety as such threats were occurring on a daily basis and in all areas. His family members could be easily identified as Copts by their

[appearance]. His wife and children did not leave the house while he only left to go to work and to buy food. There was physical and verbal harassment on the streets as they walked to church. Muslim men gathered near the Islamic grocery shops near the church and tried to start a fight with the Copts. They would insult Coptic women and if anyone tried to defend the women, this would deteriorate into a street brawl. [A relative was] shot and killed during this period as he was leaving [a church]. Shots were also fired at his grandmother's house.

16. [In] May 2012 he opened the door to knocking and four men in traditional Islamic clothes pushed into his home. They assaulted him and demanded information about the whereabouts of his brother. They said they were from *Mukafahat Altansir* and confronted him with the fact that [Mr B]'s wife had converted to Christianity. They threatened his wife and children and said that they would see him again. After the attack he moved his family to his sister-in-law's house nearby.
17. [In] July 2012 he returned with his brother [Mr C] to his apartment to pick up some clothes. As soon as he arrived in his apartment there was a knock on the door and five men entered. He believes they may have been watching their building. They were the same men who had attacked him in May. They shouted that they were members of *Mukafahat Altansir* and demanded that [Mr B] and his wife return to Cairo. They assaulted and threatened the applicant and [Mr C]. They threatened to burn his house down and convert his wife to Islam. The applicant reported the matter to the police but no further action was taken.
18. After the second incident he moved his family to his wife's family home in [Village 2]. They were very fearful and restricted their movements. His wife did not leave the house, and their children were taken to and from school by car. They did not undertake any of the normal church activities apart from attending Mass once a month. He did not tell people in the church about the threats, but just apologised that he was unable to attend his usual meetings. He felt very stressed and depressed. He did not like these restrictions which prevented him from undertaking the church activities which he loves.
19. Approximately one month after he left Egypt his [uncle, Mr D,] was kidnapped in front of his house near the church. The kidnappers rang [Mr D]'s family and [Mr D] rang the applicant soon after on his mobile phone. He said that he had been kidnapped because of the applicant. He spoke to the kidnappers who asked for a ransom of one million US dollars. He negotiated that he would pay 50,000 Egyptian pounds. He could not refuse to pay as he feared that a family member would be killed. [In] February 2013 the kidnappers rang him and took his bank account details. They then withdrew the equivalent of US\$12,500 from his account. On the following day they demanded a further 50,000 Egyptian pounds, forcing the applicant to borrow the money to secure his uncle's release. [Mr D] was released [in] February 2013. After this he did not have any money to support his family. He applied [for] financial assistance.
20. In May 2013, [Mr E, Mr C]'s brother-in-law was kidnapped and he was asked to pay a ransom of 30,000 Egyptian pounds. He had to borrow the money from a friend in Egypt in order to pay the ransom. The applicant's brother-in-law was released after three days. His family members have continued to receive threats from the kidnappers, forcing his sister-in-law to travel to [another country] to stay with another sister. Since her return to Egypt the applicant's sister-in-law has moved to various places to avoid the kidnappers.
21. These kidnappers are criminals who are after money. They are linked with the extremist Muslim group as the demands for money started soon after he left Egypt. They may have

found out that he has left the country and want to continue persecuting him through his family.

22. He believes Islamic groups, especially *Mukafahat Altansir* are interested in him and his family because of their long association with [the] church and their profile as committed Christians. These groups also want revenge because of the conversion of [Mr B]'s wife.
23. He claimed that they cannot live with any safety anywhere in Egypt. He only has relatives living in [Town 1] where he will be at risk once he leaves the home. He cannot return to live in the small village of [Village 2] as there is no school and he cannot easily go to work. They were frightened all the time they were in [Village 2] as they feared that the Islamic groups would find us there. Most of the people he knows in Egypt are Christians and he will only feel comfortable with them.

The Applicant Wife

24. In a separate statutory declaration, the applicant's wife made the claims detailed below.
25. She was born in [Town 1] and was raised as a Coptic Christian. Her parents and siblings are known as devoted and active members of the Coptic Christian church. She graduated from university [and] started working in [Town 1].
26. In February 2011, she suffered a frightening incident while she was on the street going to her sister's home. She noticed there was a man walking very close to her. He had a cigarette lighter in his hand and was about to burn her hair. She screamed and ran away. In the same period, she was travelling on the train when she noticed two Muslim women hitting and screaming at a Christian girl. Their attempt to pull the girl out of the train at the next stop was thwarted when another Christian woman intervened.
27. In April 2011 she was 'attacked' again on the street in [Town 1] when a tuk-tuk tried to run her over as she was about to enter the church. The driver was yelling out and abusing her because she was walking alone on the street without a veil. She refused to wear a hijab as she is a Christian and did not want to be identified as a Muslim on the streets.
28. After these incidents she changed her life completely and limited her movements. The situation worsened in 2012 with the attacks on her husband. They felt that they were at risk because of their profile as professional people and their religion. They were fearful that they were being targeted because of [Mr B]'s wife and her conversion to Christianity. After the second attack in July 2012 they went to live at her sister's house. She only left the house to go to church for communion once a month.
29. She claimed that there is nowhere that they can live in safety in Egypt. She is a Christian woman and is immediately recognised as such because of her appearance. This puts her whole family at risk. The fundamentalists will want to kidnap her and her children. They will also want to punish her husband for allowing her to move outside the house without a veil. She stated that they cannot return to live permanently in [Village 2]. They were only there for three weeks and the situation was very difficult for them. It is a mixed village with many mosques, but no church. There is only a government school and she fears for her children's welfare. It is a very long way for her husband to go to work. She would not be able to return to her [work] and would be limited to remaining in the house.

30. Under cover of her submission, the applicant's representative submitted a letter from [a] priest at the Coptic Church in [Australia, in] January 2014 confirming that the applicant and his wife are devout members of the Coptic Church.

Further Evidence

31. [In] May 2014 the applicant's representative provided a detailed submission to the Tribunal containing a summary of the applicant's claims, a summary of his wife's claims, country information in relation to Egypt, including a summary of key events since February 2011; human rights situation in Egypt; the situation of Coptic Christians; sectarian violence, particularly after the fall of the Morsi government; situation of Christian women and lack of state protection. It was submitted that the applicant and his wife possess a profile that would bring them to the attention of Islamist groups.
32. Under cover of her submission, the applicant's representative provided the following documents:
- Declaration signed by both applicants that the submissions have been explained to them;
 - Translation of the 'Anti-Christianisation' website;
 - News reports and articles from a number of sources relating to the situation of Christians in Egypt; and
 - Copy and translation of letter from [a] lawyer representing the applicant, in relation to the police inaction over the kidnapping of the applicant's relatives. In his letter [the lawyer] stated that he went to the police station in [Town 1] and made a report in relation to threats made against and the 'blackmailing and kidnapping a family member of the applicant [in] May 2013. He approached the [Town 1] police station again [in] June 2013 to confirm the reports relating to [Mr D], the applicant's uncle, who was kidnapped [in] February 2013. An amount of 50,000 Egyptian pounds were paid 'in addition to a shares' account valued at \$12,500 [US dollars] as a ransom'. [The lawyer] also referred to the kidnapping of [Mr E], the brother-in-law of the applicant's brother, [Mr C. Mr E] was released after a ransom of 30,000 Egyptian pounds was paid to his abductors.
33. The applicants appeared before the Tribunal on 15 May 2014 to give evidence and present arguments. The Tribunal also received oral evidence from the applicant's brother, [Mr C], and [Mr C's wife]. The Tribunal hearing was conducted with the assistance of an interpreter in the Arabic and English languages. The applicants were represented in relation to the [review]. Their representative attended the Tribunal hearing.
34. Further submissions were provided by the applicant's representative [in] June 2014 in relation to the current country information and the issue of internal relocation. The submission contained separate statutory declarations from the applicant and his wife expanding on the reasons why they consider internal relocation in their circumstances to be unreasonable.

Summary of the Law

35. The criteria for a protection visa are set out in s.36 of the Act and Schedule 2 to the Migration Regulations 1994 (the Regulations). An applicant for the visa must meet one of the alternative criteria in s.36(2)(a), (aa), (b), or (c). That is, the applicant is either a person in

respect of whom Australia has protection obligations under the 'refugee' criterion, or on other 'complementary protection' grounds, or is a member of the same family unit as such a person and that person holds a protection visa.

36. Section 36(2)(a) provides that a criterion for a protection visa is that the applicant for the visa is a non-citizen in Australia in respect of whom the Minister is satisfied Australia has protection obligations under the 1951 Convention Relating to the Status of Refugees as amended by the 1967 Protocol relating to the Status of Refugees (together, the Refugees Convention, or the Convention).
37. If a person is found not to meet the refugee criterion in s.36(2)(a), he or she may nevertheless meet the criteria for the grant of a protection visa if he or she is a non-citizen in Australia in respect of whom the Minister is satisfied Australia has protection obligations because the Minister has substantial grounds for believing that, as a necessary and foreseeable consequence of the applicant being removed from Australia to a receiving country, there is a real risk that he or she will suffer significant harm: s.36(2)(aa) ('the complementary protection criterion').
38. In accordance with Ministerial Direction No.56, made under s.499 of the Act, the Tribunal is required to take account of policy guidelines prepared by the Department of Immigration – PAM3 Refugee and humanitarian - Complementary Protection Guidelines and PAM3 Refugee and humanitarian - Refugee Law Guidelines – and any country information assessment prepared by the Department of Foreign Affairs and Trade (DAFT) expressly for protection status determination purposes, to the extent that they are relevant to the decision under consideration. The Tribunal has had regard to the DFAT Country Information Report in relation to Egypt, published on 28 January 2014. The Tribunal has also had regard to DFAT's Thematic Report on Egyptian Copts published on 28 January 2014.

Analysis, Reasons and Findings

39. For the following reasons, the Tribunal has concluded that the decision under review should be remitted for reconsideration.

Credibility

40. As noted above, in support of their application for review the applicants submitted two separate statutory declarations each and numerous documents, prepared with the assistance of their representative, who was appointed after the department refused their protection visa applications. This written evidence contained many more details, expanding on the evidence previously provided to the department, including specific information in relation to the applicant wife's experiences in Egypt and references to the kidnapping of two members of the applicants' extended family. While the delay in disclosing these details initially raised some concerns in the Tribunal's mind, the Tribunal accepts the applicants' explanations that the applicant wife was unaware that she could present her own claims for protection. The Tribunal also accepts that, in the absence of legal assistance, the applicant genuinely believed that since the incidents of kidnapping had occurred after he had lodged his application for a protection visa he could not discuss them at the interview.
41. Both the applicant and his wife gave oral evidence to the Tribunal, which was presented in a clear, consistent and coherent manner. The applicant's evidence in relation to his past experiences and certain key events was also consistent with the evidence of his brother, [Mr

C], from whom the Tribunal took oral evidence at a separate hearing. In the absence of any other concerns, the Tribunal finds the applicant and his wife to be credible witnesses who provided truthful accounts of their experiences in Egypt.

The Applicant

42. On the basis of the evidence before it the Tribunal accepts that the applicant was attacked on two separate occasions in 2012 by members of *Mukafahat Altansir*. Initially, the Tribunal shared the delegate's concerns as to why the group had sought out the applicant due to his brother's interfaith marriage and more than 10 years after his sister-in-law's conversion to Christianity. However, the Tribunal accepts that since the January 2011 revolution, Christians in Egypt have witnessed an increased level of harassment and intimidation by more conservative Muslims emboldened by the unfolding political events.¹ While the level of discrimination and violence directed at Christians depends on the individual circumstances, DFAT has reported that there has been an increase in the number of violent incidents involving Christians in recent years, due to a long-term trend of increased Islamist sentiment, a deterioration of economic conditions, and a weakening of law and order mechanisms in Egypt.² The Tribunal also accepts that *Mukafahat Altansir* exists as an active movement devoted to fighting 'Christianisation' in Egypt.³ The Tribunal is of the view that the movement was bolstered by the rise of Islamic parties in Egypt and the election of a Muslim Brotherhood President in 2012. The Tribunal further accepts that the applicant is a committed Coptic Christian and was actively involved with his local church in [Town 1]. In view of these facts, the Tribunal does not consider it implausible that the applicant and other members of his family were targeted by members of *Mukafahat Altansir* in retribution for the conversion of his sister-in-law a few years earlier.
43. The Tribunal accepts the applicant's claims regarding the abduction of his uncle. The Tribunal accepts that he was contacted to pay the ransom because he was perceived to be wealthy and capable of meeting the abductors' financial demands. The Tribunal further accepts that a few months later [Mr C]'s brother-in-law was also abducted and the applicant was again contacted to pay the ransom. The Tribunal accepts that the applicant's ability to pay the ransom to secure his uncle's release had incentivised the abductors to target another member of the applicant's family. The Tribunal accepts that these members of the applicant's extended family were targeted because his parents and siblings reside in Australia and his wife only has one family member, her sister, living in Egypt. The applicant's wife's sister is currently in hiding. In accepting these claims the Tribunal has taken into account the supporting letter from the applicant's [lawyer] and the country information referred to below.
44. The sources consulted by the Tribunal indicate that since the January 2011 revolution, there has been a general deterioration in law and order throughout Egypt, which has resulted in an increase in violent crime, including against Copts. This period saw an increase in beatings, harassment, stealing, extortion and kidnappings of Copts (though also of Muslims), mainly in Upper Egypt.⁴ According to DFAT, an opportunistic violent crime that has affected Copts more than other Egyptians is kidnapping. There has been a rise in kidnapping of Copts since

¹ DFAT Country Information Report, Egypt, 28 January 2014.

² DFAT, Thematic Report on Egyptian Copts, 28 January 2014.

³ See, for example, Anti Christianization, <https://ar-ar.facebook.com/Islamic.Observatory>; and *Al Marsad Al Eslami Le Mukafahat Altansir* (the Islamic Observatory of Anti Christianisation, <http://tanseerel.com/main/>;

⁴ DFAT, n1, above.

the January 2011 revolution. Muslims have also been kidnapped since that time, though, according to DFAT's human rights contacts, in fewer numbers than Christians.⁵

45. In a paper published in November 2013 by the Carnegie Endowment for International Peace, Jason Brownlee refers to 'a wave of kidnappings' directed at Coptic Christians in the period following the 2011 uprising. Brownlee states that during this period public security had collapsed because Mubarak's officials had deliberately released incarcerated prisoners in a futile bid to foil the uprising. In search of fast cash, these criminals [targeted affluent Copts in Qena] and the nearby governorates of Sohag, Minya, and Asyut. Copts in these regions were frequently abducted and held until their families paid a ransom. The state left Copts vulnerable by encouraging Christian victims to reconcile with perpetrators rather than prosecute them.⁶
46. The applicant has been identified in [Town 1] as an affluent and committed Coptic Christian who is closely related to [Ms A]. Having regard to the facts of this particular case, the Tribunal cannot rule out a link between the earlier attacks on the applicant in 2012 and the targeting of members of his family for kidnapping and extortion purposes following his departure from Egypt. On the basis of the evidence before it, the Tribunal cannot exclude as remote and insubstantial the chance that the applicant would face kidnapping, extortion and assault if he were to return to [Town 1]. In other words, the Tribunal is satisfied that there is a real chance that he would face threats to his life or liberty, significant harassment, serious physical harm or imprisonment at the hands of radical Muslim elements. The Tribunal is satisfied that such treatment would amount to serious harm for the purposes of s.91R(1)(b) of the Act. The Tribunal is satisfied that the applicant's religion and membership of the particular social group of his family are the essential and significant reasons for this persecution. The Tribunal is satisfied that the harm the applicant fears involves systematic and discriminatory conduct, as required by paragraph 91R(1)(c), in that it is deliberate or intentional and involves selective harassment for a Convention reason.
47. While geographically close to Cairo, [Town 1] is not considered to be a part of Cairo. DFAT has assessed that a more substantial police presence in urban areas has enabled Copts to live there in greater security. However, the level of police presence, and consequent protection provided to Copts in rural and poorer areas is generally less than in the cities.⁷ Jason Brownlee has observed:

With respect to the wave of kidnappings and church burnings, the absence of an effective legal framework has become an acute problem... Rather than aggressively defending the rule of law, Egyptian officials at the national and local levels have favored informal dispute resolution over court proceedings, a bias that advantages Muslim perpetrators over their Christian victims. As a result, criminals have kidnapped members of affluent Coptic families—not because of religion differences but because of official indifference and perceived monetary opportunity.⁸
48. On the basis of the information before it, the Tribunal is not satisfied that effective state protection against the harm the applicant fears is available to him if he were to return to [Town 1].

⁵ DFAT, n2, above.

⁶ Brownlee, J, Violence against Copts in Egypt, The Carnegie Foundation for International Peace, November 2013, http://www.ciaonet.org/wps/ceip/0029692/f_0029692_24011.pdf.

⁷ DFAT, n2, above.

⁸ Ibid, p 20.

49. Other than for short periods of time, the applicant has always lived in [Town 1]. All of the applicant's immediate family members are in Australia. He has no relatives elsewhere in Egypt and does not enjoy links with other Coptic churches in the country. Other than a sister, who is single and has no fixed place of residence, the applicant's wife also has no relatives in Egypt. The applicant worked in the same Christian owned company throughout his professional life and the Tribunal accepts that the declining economic situation in Egypt⁹ does not present many opportunities for the applicant to find employment elsewhere in Egypt. The Tribunal is of the view that it would be difficult for the applicant to obtain employment if he were to move to a new area with no contacts. The Tribunal accepts that in the absence of financial means and viable employment, the applicant will find it difficult to secure accommodation for his young family in urban areas. The Tribunal finds that it would be neither reasonable nor practicable for the applicant to relocate to another major city or another part of Egypt. The Tribunal is satisfied that the applicant has a well-founded fear of persecution in Egypt.

The Applicant Wife

50. The applicant wife relies on the applicant's claims, but has also made her own claims for protection. These claims were referred to earlier in this decision record. The Tribunal accepts that in February 2011 she suffered a frightening incident when a man with a cigarette lighter was about to burn her hair. The Tribunal also accepts that in April 2011 a tuk-tuk tried to run her over as she was about to enter the church and the driver verbally abused her because she was not wearing a veil. The applicant also referred to witnessing a physical attack by two Muslim women on a Christian girl on a train and an attempt to pull the girl out of the train. The Tribunal appreciates that the applicant wife had found these incidents frightening and had decided to restrict her movements as a result. However, these incidents appear to have been random and unconnected incidents. While the Tribunal accepts that the applicant wife was subjected to some harassment, verbal abuse and insulting and intimidating behaviour, the Tribunal is not satisfied that they amount to religiously motivated serious harm by extremist Muslims. The Tribunal is not satisfied that the applicant wife's past experiences amount to serious or significant harm.
51. The Tribunal accepts that there is widespread societal discrimination against women in Egyptian society. Sexual harassment is a frequent occurrence for women across the socio-economic spectrum, although the intensity of such harassment can depend on socio-economic factors and geographic location.¹⁰ While Coptic women can face harassment and discrimination because they are identified as Copts, particularly in rural and poorer areas, according to DFAT they are generally able to work and travel unaccompanied in most areas of Egypt.¹¹ The Tribunal is not satisfied that the applicant's religion and/or gender alone give rise to a real chance or a real risk that she would suffer serious or significant harm in the reasonably foreseeable future.
52. That said, having carefully considered the applicant's circumstances and past experiences, the Tribunal is of the view that the applicant's wife and the applicant's children also face a real chance of being kidnapped and harmed if they were to return to [Town 1]. The Tribunal has

⁹ Samhoury, M, Economic Challenges Facing Egypt's Next President, The Carnegie Foundation for International Peace, 15 May 2014, <http://carnegieendowment.org/sada/2014/05/15/economic-challenges-facing-egypt-s-next-president/hauc>.

¹⁰ DFAT, n1, above.

¹¹ DFAT, n2, above.

found that the applicant has been identified as an affluent and committed Coptic Christian who is closely related to [Ms A], a Christian convert. He was attacked at his home and threats were made against members of his immediate family. Following his departure from Egypt, members of his extended family were targeted. Two of his relatives were kidnapped and the applicant was contacted to pay the ransoms. The Tribunal is of the view that members of the applicant's extended family were targeted because his wife, children, parents and siblings were out of reach and no longer in Egypt. The Tribunal is also of the view that if the applicant's wife and children were to return to Egypt, they face a real chance of being kidnapped and seriously harmed. The Tribunal is satisfied that their membership of the particular social group of the applicant's family is the essential and significant reason for this persecution. For the same reasons articulated in relation to the applicant, the Tribunal is not satisfied that effective state protection against the harm they fear is available to them if they were to return to [Town 1]. The Tribunal finds that it would be neither reasonable nor practicable for the applicant's wife and children to relocate to another part of Egypt. The Tribunal is satisfied that the applicant's wife and children have a well-founded fear of persecution in Egypt.

53. For the reasons given above The Tribunal is satisfied that each of the applicants is a person in respect of whom Australia has protection obligations. Therefore the applicants satisfy the criterion set out in s.36(2)(a).

DECISION

54. The Tribunal remits the matter for reconsideration with the direction that the applicants satisfy s.36(2)(a) of the Migration Act.

Shahyar Roushan
Senior Member