

1209917 [2013] RRTA 328 (24 April 2013)

DECISION RECORD

RRT CASE NUMBER:	1209917
DIAC REFERENCE(S):	CLF2011/74423
COUNTRY OF REFERENCE:	Egypt
TRIBUNAL MEMBER:	Mr Simon Jeans
DATE:	24 April 2013
PLACE OF DECISION:	Sydney
DECISION:	The Tribunal affirms the decision not to grant the applicant a Protection (Class XA) visa.

STATEMENT OF DECISION AND REASONS

INTRODUCTION

1. The applicant is a citizen of Egypt. He travelled to Australia in May 2009 to undertake studies as an overseas student. He ceased studying in June 2010. He applied for the protection visa on [date deleted under s.431(2) of the *Migration Act 1958* as this information may identify the applicant] May 2011 and claims that will be persecuted on account of his race, religion and political opinion if he returns to Egypt, which principally relates to his religion as a Coptic Christian.
2. The application was refused by a delegate of the Minister for Immigration and Citizenship [in] June 2012 and he has applied to this Tribunal for review of that decision. A summary of the relevant law is set out in Attachment A. The issues in this review are whether the applicant has a well founded fear of being persecuted in Egypt for one or more of the five reasons set out in the Refugees Convention and, if not, whether there are substantial grounds for believing that, as a necessary and foreseeable consequence of him being removed from Australia to Egypt, there is a real risk that he will suffer significant harm.
3. The applicant was represented by [agent and agency deleted: s.431(2)].

CLAIMS AND EVIDENCE

4. The applicant's claims were presented in his application forms, two statutory declarations, an interview with the delegate, documentation and written submissions to the Tribunal and he also gave evidence by appearing before the Tribunal [in] April 2013.
5. The applicant is a [age deleted: s.431(2)] male from [Town 1], Egypt. He is fluent in the English and Arabic languages. His religion is Coptic Christian. His parents [and siblings] reside in Egypt.
6. The applicant was initially represented by a [solicitor]. The applicant claimed he was a homosexual who had been persecuted by the Egyptian authorities because of his sexual orientation. [The solicitor] has a documented history of fabricating protection visa claims: [information deleted: s.431(2)].
7. The applicant was interviewed by a delegate of the Minister [in] August 2011 and provided detailed claims that he was a homosexual, a group of Muslims had forced their way into his house, he was detained, interrogated, tortured, detained in poor conditions, charged with various offences against morality, convicted to 3 years' imprisonment and suffered other forms of persecution because of his sexual orientation. He claimed he was dismissed from [a company] because of his homosexuality.
8. In the character assessment form 80, dated [in] October 2011, the applicant provided that he lived at the same address in [Town 1], Egypt from the time of his birth up until the time of his departure to Australia; worked with [a company] between October 2006 and March 2009; and in Australia completed an English course between May 2009 and August 2009 and undertook a [course] between December 2009 and June 2010.
9. The applicant provided the Department with a statutory declaration, declared [in] May 2012, in which he explained that the claims provided in his application were fabricated by

[the solicitor] he discovered the migration agent registration of [the solicitor] had been suspended and was advised by a priest to tell the truth. He confirmed he was not a homosexual and was not beaten by any Muslims. He had a [back injury].

10. He claimed he worked [for a company] and his manager and a work colleague were members of the Muslim Brotherhood and they always tried to find fault with his work because he was a Christian. One by one, the four Christians were sacked until he was the only one left. They accused him of the theft of a telephone and he cleared his name. Soon after this, they finished his contract and tried to ignore his demands for rights according to law. He complained to a government department to secure his rights. They provided a different date of employment. The company made him sign a letter that he had received all his entitlements.
11. [Details of family involvement in the church deleted: s.431(2)]. He helped collect children to attend Mass and Sunday school. He visited orphans and help teach them. He participated in church festivals during the summer and organised classes and supervised dates for exams.
12. Christians faced many forms of harassment such as refusing to accept them as passengers in taxis or not allowing them to eat during Ramadan. He does not agree with shari'a law. He does not agree with Islamic practices. He hates being forced respect Islamic practices in Egypt when they do not respect his religion. The Salafists and Muslim Brotherhood are trying to make Egypt into an Islamic country. Christians are being attacked and the authorities are not protecting them. If Egypt gets an Islamic president, it will be the worst thing for Christians.
13. The letter from the representative which accompanied the statutory declaration did not refer to any request that the delegate conduct a further interview.
14. The delegate made a decision [in] June 2012 to refuse to grant a protection visa to the applicant. In the decision, the delegate stated that in consultation with the representative, a decision was made not to re-interview the applicant as no substantial new claims had been presented.
15. The Tribunal received a submission [in] August 2012 which enclosed a statutory declaration from the applicant, together with several documents. The applicant made the following claims in his statutory declaration.
16. He was dismissed from [Company 1] because he was a Coptic Christian.
17. An employee underneath him was named [Mr B] and [a relative] of this man was a famous and senior member of the Muslim Brotherhood who had been imprisoned many times because of his activities and in 2010 was arrested, [and convicted of fraud]. He provided a translated article relating to the imprisonment, dated [in] January 2010. [Mr B] worked with the applicant since late 2007. This man did not like having a Christian as his [supervisor]. He was jealous because of his education and position and attempted to undermine him. There were many fights between them and he reported this man but nothing ever happened. [Mr B] changed stock orders which got him into trouble. [Mr B] reported him to the head office for stealing. All of this made him fear that [Mr B] would set him up and get him into trouble with the police. He fears from this man and his family. Alexandra is a small place and he can harass him and harm him. He would not be safe anywhere in Egypt.

18. He was accused of stealing a telephone during a manager's meeting but this was all orchestrated by [Mr B].
19. [In] March 2009 he went to work and was told he was no longer employed. They did not provide any reason. He complained to the labour relations office. [Company 1] gave that office incorrect information about him. The labour relations office provided him with a record of the outcome of his complaint which agreed he was entitled to something. After taking this document to [Company 1], they said if he continues with the complaint, they will accuse him of stealing which means he would be stopped from leaving Egypt. He therefore signed a document stating he had received all his entitlements, which was not true. It was written in the reference but it was not correct that he worked [in a certain role] but he was [in a higher position].
20. Shortly afterwards he found out that [Company 1] was to close down and all the Coptic Christians were not paid their entitlements, which is another example of discrimination.
21. He is still concerned about [Mr B] and how he may make trouble for him if he returns to Egypt. His [relative] is influential and now out of prison and his [relative] is [an official] of the Freedom and Justice Party in Alexandria. The police could not protect him. He has provided information about their [social networking] pages.
22. He made the decision to apply long before the protection visa application having been lodged in May 2011. The lawyer whom he engaged did not lodge the case.
23. There is no safety for Coptic Christians in Egypt. If people knew he was attending church or collecting children to take to church, he could be wounded on the way. He will not be able to attend church in Egypt. The police have been guarding the fronts of churches but this is causing more harm to Christians.
24. The applicant provided the following documents:
 - News report, dated [January] 2010, which stated that [name deleted: s.431(2)], a member of the Muslim Brotherhood, had been [imprisoned] on charges of fraud.
 - Medical report, dated [July] 2012, for treatment received by the applicant [in] December 2008 in relation to back surgery;
 - Email correspondence between the applicant and others relating to his employment;
 - Letter from [Company 1], dated [February] 2009, stating that the applicant's contract concluded [in] February 2009 and invited him to attend the office to complete all his procedures for leaving;
 - Reference letter from [Company 1], dated [May] 2009, given to the applicant in relation to his employment between October 2006 and February 2009;
 - Letter of resignation, dated [May] 2009, from [Company 1] stating he had received all his entitlements;

- Outcome of complaint to the labour relations office, dated [March] 2009, lodged by the applicant;
- Extracts of [social networking] pages; and
- Information about elections in Egypt, dated [May] 2012.

25. The representative lodged a submission with the Tribunal [in] August 2012. They claimed that the applicant feared persecution because of his religion as a Coptic Christian; race as a Coptic Christian; membership of a particular social group as a harassed and persecuted Christian minority and as the member of a family unit; and an imputed political opinion as opposed to shari'a law and believed to be opposed to the new government.
26. The representative referred to his claims and stated that he feared if the applicant returns to Egypt, he will be targeted and constantly live in fear and that his family will be harmed by [Mr B] because of his connections with the Muslim Brotherhood and due to his hatred of him as a Coptic Christian. They also submitted the applicant feared harm as a Coptic Christian and will not be able to practice his religion openly or continue to collect children to take them to church. The representative provided information about the human rights environment facing Coptic Christians in Egypt. They submitted that Coptic Christians were a particular social group in the context of Egypt because of the way they worshipped, dressed and greeted each other. They submitted that Coptic Christians have a separate ethnic identity because of their devotion to Christianity. They submitted that although the applicant had never been threatened by [Mr B] and his family, he will be subjected to suffering, discrimination and hardship because of his religious orientation, ethnicity and membership of a particular social group. They submitted the applicant could not relocate safely to another part of Egypt and there was an absence of state protection. They submitted that the applicant met the criteria under complementary protection because he may be tortured or suffer other forms of cruel, inhuman or degrading treatment or punishment.
27. The Tribunal received a submission from the representative [in] April 2013. This enclosed copies of photographs of the applicant taking part in a demonstration [on] December 2012, a picture of the applicant which had been posted on [a couple of social networking sites]. They submitted that the applicant appeared in a video on YouTube and that the situation in Egypt has deteriorated in relation to violence against Coptic Christians.
28. The applicant attended a hearing at the Tribunal [in] April 2013 and gave evidence with the assistance of an Arabic and English interpreter. The Tribunal also received evidence from [Father C]. The representative attended the hearing.
29. Prior to the hearing, the applicant provided colour copies of the photographs that had previously been sent to the Tribunal by facsimile. The photographs indicate that the applicant is aware of the camera taking the photograph and is either looking or smiling at the camera. In the course of the hearing, the applicant provided the Tribunal with the original document which he claimed was issued by the labour relations office in Egypt and an email sent to him from [the solicitor] (email address: [address deleted: s.431(2)]) which he claimed was a reference letter from a person who claimed to know the applicant personally, relating to his claims of homosexuality fabricated by [the solicitor]. He claimed this email was sent to the applicant by [the solicitor] for him to use and forward to the Department.

30. The Tribunal invited [Father C] to give evidence and the following is a summary. He was a Coptic Orthodox priest at [parish deleted: s.431(2)]. He has known the applicant since 2010 as his confession father. He returns to Egypt on a regular basis, usually twice a year and knows the situation in Egypt very well. When he went to Egypt in February 2013, he spoke to the newly appointed Pope who was aware of the applicant's case because he had learned about it when he travelled to Australia in June 2011, prior to his appointment. The Pope told him that the applicant will be persecuted if he returns to Egypt. [Details deleted: s.431(2)].
31. The applicant did not tell him about his case until a year ago. He told him he was facing a problem with immigration and that the story was fabricated by [the solicitor]. The applicant worked with [Mr B] who is [a relative] of a highly regarded Muslim Brotherhood leader. As the applicant was his [supervisor], under shari'a law he should not have a [supervisor] who was a Christian. He was persecuted at his workplace and he has seen the evidence. The applicant will not find work, not be able to have a family and not be able to live in Egypt. Nowhere will be safe for him. The Christians are being pushed to leave Egypt and there will be nowhere left to work except those workplaces controlled by the Muslim Brotherhood. The applicant will not be able to survive. The applicant's language has changed and speaks English and Arabic and anyone associated with the West and USA is looked down upon. When he went to Egypt he was provided with a bodyguard. He will be targeted as a returnee from the West because he will be suspected of coming there to evangelise and identified as taking part in demonstrations. When he last went to Egypt, he was questioned at the airport for 45 minutes, asked about where he was staying, why he was bringing \$10,000 with him if only staying two weeks and other questions. He was bringing the money for the poor which is a requirement of the Christian faith. The applicant's photos are on human rights websites. He has taken part in demonstrations. Everyone who visits Egypt or returns to Egypt is investigated about where they have been living. If they find out he has applied for a protection visa, it will be dangerous for him. It was wrong of the applicant to accept the claims given to him by [the solicitor] but he feared returning to Egypt. There is no safety in the streets of Egypt.
32. The Tribunal asked the applicant about the documents he had given at the hearing. He stated one was taken at a demonstration [in] December 2012. One of the people in [a social networking page] of the Australian Coptic Movement was giving a speech against shari'a, which was a demonstration [in] January 2013. He attended a demonstration last week. He took part in a demonstration in 2010 which related to the Naga Hammadi events. He did not take any photographs because he did not think about it at that time.
33. The Tribunal put to him that it appeared he was posing for the photographs because he was looking directly at the camera and did some photographs was smiling. The Tribunal put to him that if it found he had engaged in any of these activities solely to enhance his application for a protection visa, it may disregard these claims in the assessment. He stated that he participated in these demonstrations for two reasons, he suffered from the Muslim Brotherhood and worked with a member of the Muslim Brotherhood and has dealt with them. All the photographs were taken by others from the Australian Coptic Movement or Constitutional Party. In relation to why he was smiling, he was laughing when people in the crowd were mocking President Mursi and he was not smiling to the camera. He is in a video in which the demonstration was filmed. He did not attend the demonstration for the purpose of taking photographs. He went to a demonstration in 2011.

34. The Tribunal asked if the information in the application forms and character assessment form 80 was correct. He stated that the application forms were completed by [the solicitor] but the information in the form 80 is correct except that he never lived in [a location] which was an address given to him by [the solicitor] which belonged to his father.
35. His parents [and siblings] are all living in Egypt. [Family details deleted: s.431(2)].
36. He has [details regarding military service deleted: s.431(2)].
37. The Tribunal asked what was the value of benefits he expected to receive from [Company 1]. He stated it was between EGP15,000 and EGP20,000. He realised in November 2008 that the company was closing down.
38. The Tribunal asked about the letter from [Company 1] which states that his contract was expiring [in] February 2009 and why he would then be surprised when he went to work [in] March 2009 that he was no longer employed. He stated he never received that letter until [a date in] March 2009. The Tribunal put to him that he had been granted a student visa in February 2009, the company was closing, his contract was expiring and all of this indicated that his departure from the company was part of a normal progression that saw him leave Egypt and he was not dismissed. He stated he was intending to continue working until April 2009. All the Muslims took their entitlements.
39. The Tribunal asked about his arrival in Australia and studies undertaken. He stated that he arrived in May 2009. He finished studying in June 2010. The Tribunal asked why he did not leave Australia in June 2010 after he had stopped studying given that he was the holder of a student visa subject to a condition which required him to meet course requirements including attending a course. He stated he was unable to return because [Mr B] was oppressing him. He feared he would be arrested and he had left Egypt because of these fears. It was not possible for him to go back. [Mr B] can cause him a lot of problems just as he did previously, such as saying he stole things from the previous office. In addition, there is religious oppression and the events of Naga Hammadi occurred in January 2010.
40. The Tribunal asked why he did not apply for a protection visa in June 2010 if he had all these concerns. He stated he was fearful of all events in Egypt and made enquiries about with immigration lawyers. He spoke to [the solicitor] in August 2010 but he had [a medical procedure] so there was a delay. He paid \$2,000 to [the solicitor] in November 2010 but he did not lodge the case.
41. The Tribunal stated he did not understand the motivation for [Mr B] wanting to harm him when [Mr B] has never harmed him or his family and has not seen him for the past four years. He stated he had a lot of problems with him, it was not proper for a Muslim to have a [supervisor] who was a Christian and he was so fearful that he obtained the student visa.
42. The Tribunal stated that nothing happened between when he left [Company 1] and his departure from Egypt, nothing has happened to members of his family so why would [Mr B] want to harm him or his family now. He stated that if someone hates you so much and accused you of stealing, he will do anything and wants to end his life. If he saw him on the street, [Mr B] will not greet him as a friend. He will cause problems to him and his family. There is an organised plan to get rid of Christians from Egypt The family of [Mr B] are members of the Muslim Brotherhood and they have a lot of hatred. His [relative] is [an official] of the Freedom and Justice Party.

43. The Tribunal asked the representative about the claim that the applicant was a member of a particular social group as harassed Christians and also as a member of a family unit and asked if she could clarify this. The representative stated the applicant was not the member of any particular social group and this should be withdrawn. His claims fell under race, religion and political opinion.
44. The Tribunal asked why he did not refer in name to [Mr B] or his family in his statutory declaration [in] May 2012, given his claim in the hearing that he was so fearful of them, this was also the motivation for him obtaining a student visa and then did not return to Egypt after finishing his studies in June 2010. He stated that in May 2012 he made the statutory declaration which was in response to a letter sent from the Department. He did not provide details in the statutory declaration because he thought he would be invited to an interview where he could explain in person.
45. The Tribunal asked that if he felt so guilty about having lied in the delegate's interview, why did he take until May 2012 to confess. He stated he was told by [the solicitor] that Australians were sympathetic to homosexuals and it would be easy for him to get the visa. He was looking for the priest and could not find him. It was difficult to talk to anyone in the community about this matter because it was shameful.
46. The Tribunal put information to the applicant under s.424AA of the Act. The information was that during the delegate's interview he spoke for over 40 minutes during which he was asked three very general questions and the applicant spoke for the rest of the time, during which he provided detailed claims about how he was a homosexual, was in an apartment with four men, the Muslims force their way into the apartment, he was beaten and accused of immorality, the police came and arrested him, he insulted the Islamic prophet, he was tortured, charged with various offences and later in the interview claimed he was convicted and sentenced to 3 years imprisonment. The Tribunal stated that the information was relevant to the review because this indicated he was not merely an innocent person repeating a few claims of the former representative but was actively involved in preparing and presenting these claims and this may cast doubt on his overall credibility as a witness of truth. The Tribunal confirmed with the applicant that he understood why the information was relevant to the review and the consequences of the information being relied on in affirming the decision under review. The Tribunal invited the applicant to comment or respond to the information and if he needed additional time to comment or respond, the Tribunal could adjourn the review so that he could consider his response in consultation with his representative. The applicant stated he would like to respond and as the interpreter asked for a short break, the Tribunal adjourned the hearing so that he could consult with his representative.
47. After the adjournment, the Tribunal invited the applicant to comment or respond. The applicant claimed that [the solicitor] told him to say everything at the interview. [The solicitor] even took him around [the city] to show some places in case he was asked about his residence there. [The solicitor] did not write anything down but told him verbally what to say.
48. The Tribunal stated that he had given such detailed evidence in the delegate's interview, which he later admitted was not true and asked how could the Tribunal know that he was not doing the same in the hearing. He stated that [the solicitor] gave him all the details. He went to other solicitors including [names deleted: s.431(2)] and they advised him to follow the instructions of [this particular solicitor]. He has an email with evidence

fabricated by [the solicitor] which he was supposed to forward to the case officer, but it was never sent.

49. The Tribunal stated there appear to be inconsistent evidence between his statutory declarations given in May and August 2012 and if the Tribunal found there was inconsistent evidence, this may lead the Tribunal to cast doubt on whether any of these events occurred and his overall credibility.
50. The Tribunal stated that in his first statutory declaration he claimed that one of his work colleagues was a member of the Muslim Brotherhood whereas in his second statutory declaration he does not say that he was a member of the Muslim Brotherhood but only related to Muslim Brotherhood members. He stated that [Mr B] was a member of the Muslim Brotherhood just as other members of his family.
51. The Tribunal stated in his second statutory declaration he claimed there were many fights between him and [Mr B] at work and he reported him many times over issues he had with him and nothing happened, whereas there is no reference to any of this in his first statement. He stated that he did not provide details because he was waiting for a further interview from the delegate.
52. The Tribunal stated that in his first statutory declaration he does not refer to fearing any harm from the family of [Mr B] or that he would be set up and been in trouble with the police, whereas earlier in the hearing he had also claimed that the reason he left Egypt was to escape from the persecution of [Mr B] and he did not return to Egypt in June 2010 after ceasing to study for the same reason. He stated that he said he wanted to meet with someone face-to-face. He had a fear of [Mr B] because he had problems with him such as being accused of stealing. [Mr B] would still have the same hatred for him and has caused a lot of harm to him. The Tribunal stated he did not request an interview in his statutory declaration and his representative had also not requested a further interview. He stated that when he sent the statutory declaration, he was replying to the Department's letter and expected a further interview. He has seen a document which says the case officer refused to have a further interview with him.
53. The Tribunal stated that in his first statutory declaration he claimed he was threatened and forced to sign a paper saying he received his entitlements, whereas in the second statutory declaration he says that he was told that if he continued to complain they will report into the police as having committed a theft and this would stop him from leaving Egypt. He stated that this was true, and was forced to sign under a threat. If he did not sign, he would be accused of stealing and no one would help him. This was all the result of the hatred of [Mr B]. He signed that document four days before leaving Egypt.
54. The Tribunal stated that the document from the labour relations office was handwritten, there was a poor quality stamp, there was no official emblem of Egypt and all of this may lead the Tribunal to give this document no weight. He stated that most complaints are handwritten. The Tribunal stated this was not a complaint but the result or outcome of their investigation. The Tribunal asked if he had the original document. He produced the original document to the Tribunal and the Tribunal noted that the piece of paper on which it was written had been torn along the top edge, there was no indication it was an official document of Egypt such as the symbol of Egypt and it was hard to believe that type of document this would be issued by a government department. He stated that nothing was

computerised and they wrote down his complaint. It contained information from his employer and they changed the dates of his employment.

55. The Tribunal stated he had provided several reasons for having been dismissed from [Company 1] because in the delegate's interview he claimed it was because he was a homosexual whereas subsequently he has claimed it was because he was a Christian. The Tribunal also stated that it was possible that his contract was not renewed because the business was closing, he was dismissed because of his back injury having just taken two months off work or he was leaving the workplace because he was arranging his affairs before coming to Australia. He stated that he applied for the student visa in August 2008 and did so because of the fear and oppression from [Mr B] and generally as a Christian. After the operation on his back he stayed home for two months. His job did not require heavy lifting so there would be no reason for him to sack him. He did not leave Egypt immediately after getting the visa and was intending to obtain his entitlements. The oppression and experience of dismissal was a direct and clear threat to him as a Coptic Christian. He was accused of stealing.
56. The Tribunal stated there was no evidence that anyone has been involved in demonstrations in Australia or had photographs posted on the internet has been persecuted or harmed by any Islamic group or individual in Egypt. He stated the government is following up on all demonstrators and they have arrested members of the El Dostur party. He applied to join the party at the end of December 2012 or beginning of January 2013. The party was established by Mohammed Al Baradie. He joined this party because it is opposed to the Muslim Brotherhood. The photographs were posted by someone else. He was advised to become a friend on their [social networking site] while waiting for the outcome of his party membership.
57. The Tribunal stated that if it found that he had engaged in these political activities solely to enhance his application for a protection visa, it may disregard this evidence in the assessment of his claims. He stated the constitutional party was established in April 2012 and is the strongest party opposed to the Muslim Brotherhood and opposed to the oppression of Coptic Christians. It takes time to establish branches outside Egypt.
58. The Tribunal asked how his views would be known on shari'a law if he returned to Egypt. He stated that all Coptic Christians are opposed to shari'a law and the Muslims do not bother to ask but assume their anti-shari'a opinions. The Tribunal stated that whilst it accepted there has been sectarian violence and attacks against Coptic Christians, there are between 8 and 10 million Coptic Christians in Egypt and his role in the church was of a minor nature and this may lead the Tribunal to find he did not face any persecution in Egypt because of any claim related to his religion. He stated that many Coptic Christians had died at the Cathedral or at the funeral and the police acted in a savage manner and burnt the Cathedral. He stated the funeral occurred far away and the police did not protect them. All Coptic Christians are persecuted and many are dying. Of his friends who are married, when their wives want to go to the hairdresser, their husbands accompany them because they fear they will be kidnapped. He referred to the Maspero and incident when Coptic Christians were run over by tanks. All Coptic Christians are persecuted.
59. The Tribunal stated that although there is a level of generalised violence in Egypt which faces all Egyptians, including Coptic Christians, this does not indicate that there are substantial grounds for believing that as a necessary and foreseeable consequence of him being removed from Australia to Egypt, there is a real risk you will suffer significant harm.

He stated that if this was true, those who went to the funerals would have been protected. They did not know they would be killed by going to the funeral. He needs protection in Australia because of the hatred of [Mr B] and his family.

60. The Tribunal stated that it had raised a number of concerns about his credibility, not just evidence he had given to the delegate but also to the Tribunal and this may lead the Tribunal to find he did not meet the complementary protection criteria. He stated he will be subjected to grave harm by [Mr B] and the Muslim Brotherhood. [The social networking site] is widely accessible and they will follow him up. They will view him as someone coming from overseas with a lot of money. He cannot hide from [Mr B] for ever and if he bumps into him, he will face a lot of problems. He apologises for lying in August and it was a mistake. He has no issue with homosexuals and has a lot of respect and appreciation for them. He could have taken the advice from the lawyers who told him to go to a gay club and take photos and produce fake letters. This was the advice of [names deleted: s.431(2)]. He did not know the surname of [name deleted: s.431(2)] but he had an office in [suburb deleted: s.431(2)]. He refused to take their advice.

61. The Tribunal invited the representative to make submissions. She stated that they rely on their previous submissions. She noted that they withdrew the claim that the applicant was a member of a particular social group. He has an imputed political opinion and a *sur place* claim. He has assured her that he applied to join a political party and attended protests to express his genuinely held political beliefs. He has detailed his fears of persecution. He admits to lying in the primary stage but did this because he was told that his claims were not strong enough. Many applicants embellish their claims for protection but the applicant did not lie to the Tribunal. He told [the solicitor] about his claims and was advised they would not result in him being granted a protection visa. He feared harm from the Muslim Brotherhood and the person whom he managed because they are all very dangerous. If he returned to where he lived and he saw him, he would be harmed. They have made submissions about relocation. The priest gave evidence as an eyewitness account of the sectarian violence which continues. The applicant is a Coptic Christian who managed a person linked to a senior member of the Muslim Brotherhood. The applicant is now telling the truth.

FINDINGS AND REASONS

62. The applicant claims to be a national of Egypt. On the basis of the Department's electronic records and original Egyptian passport presented at the hearing, the Tribunal is satisfied the applicant is a national of Egypt. There is no information before the Tribunal to suggest that the applicant has the right to enter and reside in any other country. Accordingly, his claims for protection will be assessed against Egypt, as his country of nationality.

63. The Tribunal accepts that the applicant is not a homosexual and that he does not fear any form of harm because of his sexual orientation in Egypt. The Tribunal accepts the applicant's evidence in his statutory declaration [in] May 2012 that he is not a homosexual and was not beaten by Muslims.

64. The Tribunal has serious concerns about the credibility of the applicant's central claim, that he was the [supervisor] of a person whose [relatives] are senior members of the Muslim Brotherhood and with whom he had numerous disputes. The Tribunal also has serious concerns about the applicant's other claims of harm or persecution in Egypt because the claims of the applicant have changed and developed over the course of the application.

For the following reasons, the Tribunal finds that the applicant has fabricated almost all his claims for protection and this undermines his credibility as a witness of truth.

65. Whilst the Tribunal accepts that the applicant worked in [Company 1] in Egypt, it does not accept that one of the employees whom he managed was a member of the Muslim Brotherhood and who was related to a senior member of the Muslim Brotherhood who had been sentenced to a [term] in prison and later released and that he was also related by marriage to another senior member of the Muslim Brotherhood. The applicant never made this claim, either in his protection visa application, in the delegate's interview or in his statutory declaration, dated [in] May 2012. In the statutory declaration [in] May 2012, he refers to a work colleague and manager who were members of the Muslim Brotherhood and who was always trying to find fault with his work but there is no reference to a family member who had been [imprisoned] and was a well-known and senior Muslim Brotherhood figure, or that his [relative] was [an official of] the Freedom and Justice party. The details of this claims first appeared in the second statutory declaration [in] August 2012, after the delegate's decision. The inconsistent evidence also leads the Tribunal to find that the applicant has also fabricated the claim that the country manager he worked with was a member of the Muslim Brotherhood who attempted to find fault with his work.
66. The Tribunal put these concerns to the applicant in the hearing and has considered the applicant's claim that he did not refer to [Mr B] in his first statutory declaration and many of the other problems he claimed to have with [Mr B] because he was expecting to provide more details to the delegate in a further interview. The Tribunal does not accept this explanation because there is no reference to him requesting a further interview, his representative did not request a further interview in writing and a note in the decision record indicates there was a discussion between the representative and the delegate and it was agreed that no interview would be held because he had not provided substantially new claims. Furthermore, the Tribunal does not accept as plausible that the applicant failed to refer to this claim if it was the basis for his obtaining a student visa to escape oppression and his fears of returning to Egypt even after he had ceased studying in June 2010. The Tribunal finds that the applicant has developed his claims over the course of his application solely to enhance his application. This leads the Tribunal to find that the applicant did not work with any employee by the name of [Mr B] who attempted to undermine him, change stock orders which got the applicant into trouble, reported him for stealing or there were many fights between them. This also leads the Tribunal to give no weight to the [social networking] accounts of [Mr B's] claimed relatives or email correspondence [in] December 2008 and [in] January 2009.
67. The Tribunal has considered the applicant's claim that he was dismissed from his employment because he was a Christian. The applicant provided correspondence from [Company 1] which indicates they had written to him [in] February 2009 and advised that his contract was concluded [in] February 2009. In the first statutory declaration he claims [Company 1] finished his contract whereas by the time of the second statutory declaration [in] August 2012, he claims that [in] March 2009 he went to work and was surprised to learn he had been sacked. The Tribunal has considered the document he claimed was the outcome of a complaint made to the labour relations office. The Tribunal notes the poor quality of this document with the top half indicating was torn off from a larger piece of paper, there is no letterhead or symbol of the Egyptian government and a poor quality stamp. The inconsistent evidence about the applicant's claims and the poor quality of this document leads the Tribunal to give it no weight. The development of this claim over the course of the application leads the Tribunal to find that the applicant was not sacked or dismissed for any reason, including the claim it was because he was a Christian. The Tribunal prefers the

documentary evidence which indicates that the applicant's contract was finishing at the end of February 2009, the company was closing and he did not continue working because he was arranging to leave Egypt for study in Australia.

68. All of this inconsistent evidence leads the Tribunal to reject the applicant's claims that he was ever persecuted because of his religion or for any other Convention reason. This also leads the Tribunal to cast doubt on the applicant's overall credibility as a witness of truth in these proceedings and leads the Tribunal to cast doubt on all his related claims for protection.
69. Having listened to the recording of the delegate's interview, the Tribunal's view is strengthened by the manner in which the applicant gave evidence. Whilst the Tribunal accepts that the former representative fabricated the general claims that the applicant was a homosexual, the information provided in the application forms was very general and lacked specific information. At the beginning of the delegate's interview, the applicant was told that under the Act, there are penalties for giving false and misleading information which includes imprisonment. At one stage the applicant spoke for over 40 minutes with two short questions from the delegate, during which he presented a series of detailed claims about meeting with other homosexuals, a group of Muslims forcing their way into his apartment where the meeting was taking place, being arrested by the police, beaten, tortured, insulting the Islamic prophet, being charged with several offences, taken to court and very detailed claims even about the quality of the cells or rooms where he was detained which were described as damp and stinking. The applicant went on to make various claims about being told by a priest he could not attend church because of his homosexuality, attending parties with homosexuals from Saudi Arabia and Qatar, dismissed from his employment in [Company 1] because of his homosexuality and convicted to 3 years' imprisonment. The applicant also claimed he had several homosexual partners and was in a homosexual relationship in Australia.
70. The Tribunal has considered the applicant's evidence that he was advised by [the solicitor] that his claims, which he has now advanced, were not strong enough and that all the fabricated claims were given to him verbally by [the solicitor] and which he merely repeated. The Tribunal does not accept these explanations because the manner in which the applicant gave evidence to the delegate and the detail and length of his evidence all indicates to the Tribunal that the applicant was not merely going along or repeating what [the solicitor] had told him, but rather, the applicant was an active and willing participant in the fabrication of evidence with the intention of being granted a protection visa. He was not even deterred after having been told at the commencement of the interview that he may be imprisoned for providing false and misleading information. All of this leads the Tribunal to cast doubt on the applicant's credibility as a witness of truth in these proceedings and finds that the applicant will say anything if he believes it will gain him an advantage.
71. The Tribunal accepts that the applicant is a Coptic Christian, and has some commitment to his faith. The Tribunal accepts that the applicant attended a church in [Town 1] which is evidenced by the letter from a priest. The Tribunal accepts there are significant human rights problems facing the Coptic Christian community in Egypt. Although past incidents may be indicative of the chance of future harm, it is not necessarily conclusive. The Tribunal also has to consider whether there is a real chance that the applicant will be persecuted for reasons of his religion or any other Convention reason if he returned to Egypt, now or in the reasonably foreseeable future based on the claims which it does accept, as set out above.

72. The Tribunal has considered the representative's submissions that the applicant also fears persecution because of his race which is established by his religious orientation. The Tribunal considers that both these relate to the applicant's religion and will assess them under the central heading of religion.
73. The Tribunal has carefully considered the independent information about the current situation in Egypt and the recent history of the experiences of Coptic Christians in Egypt referred to in Appendix B. The Tribunal accepts that the security situation has not stabilised, and this is within the context of the Muslim Brotherhood and Salafists being the clear winners in the Parliamentary elections which would cause significant anxiety for Coptic Christians, together with the election of the former chairman of the Muslim Brotherhood as President, and the change to the Constitution which implements some Muslim Brotherhood and Salafists policies.
74. However, while there have been reports of attacks by Muslims against Christians, such as those which occurred at the end of March and beginning of April 2013 and other incidents referred to in Appendix B, given that Coptic Christians are estimated to constitute approximately between 8-10 million people or some 10 percent of the Egyptian population, the Tribunal considers that the fact of being a Coptic Christian is not sufficient of itself to constitute a real chance that an individual Coptic Christian will be persecuted in Egypt in the foreseeable future. The Tribunal finds that the applicant's minor profile as someone who picked up children and brought them to church and Sunday school, went to some social events during the summer holidays or helped orphans or supervised exams leads the Tribunal to find that the applicant would be able to continue to practice his religion in Egypt, just like millions of other Coptic Christians, and would not face any persecution because of his race, religion or any other Convention reason.
75. The Tribunal has considered the representative's submission that the applicant has an imputed political opinion as someone opposed to the new government and opposed to sharia law. The Tribunal has also considered the applicant's claim that he has sent an email to the Al Dostur Party in Egypt asking to join, and in the interim, has joined their [their social networking site]. The Tribunal has considered the evidence that he has taken part in demonstrations in Sydney and his photograph was posted on several social networking sites]. The Tribunal accepts that the applicant has engaged in some political activities and holds views which are in opposition to the Muslim Brotherhood and Salafists, and is opposed to the introduction of shari'a law. The Tribunal notes that a significant proportion of the population of Egypt is also opposed to shari'a law, demonstrated by a significant number of votes cast against the new Constitution. There is no evidence available to the Tribunal which indicates that there is a real chance that the applicant will be persecuted for reason of his participation in any demonstration or having photographs or images on [social networking sites] or YouTube if he returns to Egypt in the reasonably foreseeable future.
76. On the evidence provided by the applicant, he did not undertake any activities, political or religious, in Egypt which might attract the adverse attention of any group of Muslims or individuals. The Tribunal does not consider that any activities he has undertaken in Australia, even if they were known, would attract the adverse attention of any group of Muslims or individuals in Egypt. The Tribunal is not satisfied that there is a real chance that the applicant will be persecuted on account of his imputed political opinion or any Convention reason by the Muslim Brotherhood, Salafists or any other group of Muslims or individual Muslims if he returns to Egypt in the foreseeable future.

77. The Tribunal's view is strengthened by the delay in the applicant's lodgement of his protection visa application. The applicant arrived in Australia in May 2009, and despite having claimed that he was dismissed from his employment and one of the people working against him in his workplace who was closely related to senior figures in the Muslim Brotherhood, he did not apply for the protection visa for more than 11 months after he finished studying. The Tribunal put these concerns to the applicant in the hearing and has considered his response that he did not leave Australia after finishing his course because of his fear of harm from [Mr B] and as a Christian generally, was looking for a migration agent to assist him lodge the application, and there were delays because of his [former representative]. The Tribunal does not accept any of these explanations because they are not consistent with the person who claims to have been the victim of unfair dismissal and threats from the family members of senior Muslim Brotherhood members, nor consistent with the length of the delay in lodgement of the application between when he stopped studying in June 2010 and lodgement in May 2011. Furthermore, this does not account for the applicant's claim given in the hearing that he applied for a student visa in August 2008 to escape the persecution and oppression from [Mr B] and in June 2010, despite ceasing studies, did not leave Australia, because of the continuing fear of harm from [Mr B] and his family. The Tribunal considers that if the applicant held the fears to which he claims, he would have lodged his application for the protection visa much sooner after finishing his studies and not accepted a delay of 11 months after finishing his studies.
78. The Tribunal has considered the evidence that the applicant will face persecution because he has been living in Australia for the past four years, his accent indicates he has been living in an English speaking country, he will be perceived as wealthy, suspected of coming to Egypt to evangelise, has applied for a protection visa and will be imputed with a hostile political opinion as associated with USA or the West. The Tribunal has also considered the evidence that the applicant will not be able to find employment because all of the Christians are being forced to leave and there are few or no Christian employers remaining. The Tribunal does not accept these claims because there is no independent evidence available to the Tribunal which indicates that people who have been living in Western countries, speak English, have made an unsuccessful application for a protection visa, or returned to Egypt after several years' absence have faced any form of persecution on their return to Egypt.
79. The Tribunal has considered the claims that he would be subjected to suffering, discrimination and hardship. The Tribunal does not accept that the applicant would be subjected to suffering and hardship because on his evidence, [all his close family members] are employed and he was previously able to obtain employment in Egypt. Whilst the Tribunal accepts that some Coptic Christians have been subjected to some forms of discrimination, not just through employment but generally in the community, such as their treatment as military conscripts, the Tribunal does not accept on the available evidence that this constitutes serious harm within the meaning of the Convention. The Tribunal also notes that the applicant has given evidence that he has a permanent exemption from military service. The Tribunal finds that the applicant does not have a well founded fear of persecution for any Convention reason because of any claim of suffering, discrimination and hardship.
80. The Tribunal has considered the claim that he will not be able to have a family. There is no independent evidence available to the Tribunal which indicates that the applicant would not be able to have a family, which includes marrying and having children, if he returned to Egypt.

81. The Tribunal has considered the claim that the applicant is at risk because of the political instability and generalised violence. The Tribunal is satisfied that attacks on Coptic Christians occur sufficiently infrequently that the possibility of the applicant being the victim of one is remote. The Tribunal accepts that since the fall of the Mubarak government there is considerable uncertainty among the Coptic Christian community about the future, and the dominance of the Muslim Brotherhood and Salafists in the current parliament has led to anxiety on the part of Christians, as has an increase in lawlessness due to a decreased security presence. However, in the light of the size of the Christian population compared with the number of incidents of serious harm directed against them as individuals or as a community, the Tribunal finds that such incidents remain infrequent and are sparked by particular local circumstances. The Tribunal is not satisfied on the available evidence, including the independent country information, that there is a real chance the applicant will be affected by incidents of political instability and be harmed. The Tribunal finds that the applicant does not have a well founded fear of persecution for any Convention reason because of the ongoing political instability and generalised violence in Egypt.
82. The Tribunal has considered whether the applicant would be subjected to significant economic hardship because it was claimed that if he returned to Egypt, he could not find employment on account of his religion. The Tribunal does not accept this submission because, as noted earlier, his close family members are all employed, either in the government sector, private sector or in church run businesses or hospitals. The Tribunal also notes that the applicant has previously been able to obtain employment in a predominately Muslim working environment and there is no independent available evidence to indicate that the applicant would be denied employment for any reason if he returned to Egypt. All of this indicates to the Tribunal that the applicant will not be denied access to employment on account of his religion or any other Convention reason if he returns to Egypt in the reasonably foreseeable future.
83. The Tribunal has considered the evidence given by [Father C] and whether this is corroborative evidence of the applicant's claims. The Tribunal accepts that [Father C] has known the applicant since 2010 as his confession father, travels to Egypt on a regular basis, was questioned for 45 minutes on his last journey because he was bringing a substantial amount of money into the country and that the new Pope has told him last February that the applicant will be persecuted if he returns to Egypt, however, his evidence does not overcome the Tribunal's concerns relating to the applicant's credibility and willingness to fabricate evidence if he believes it will give him an advantage. Apart from accepting his evidence that the applicant is a Coptic Christian, the Tribunal does not give the evidence of [Father C] any weight.
84. The Tribunal has considered the totality of the applicant's circumstances, singularly and cumulatively, including his membership and activities within the Coptic Christian church, living in Australia for the past 4 years, as someone who would be returning to Egypt as a failed asylum seeker from a Western country, as a participant in some demonstrations in Sydney, his photo or image appeared on internet sites, and his interest in joining a political party in Egypt. However, even taking into account the cumulative element of all these circumstances, for the reasons given above, the Tribunal does not accept that there is a real chance that the applicant will be persecuted for one or more of the five Convention reasons if he returns to Egypt. The Tribunal is not satisfied that the applicant has a well founded fear of persecution within the meaning of the Refugees Convention if he returns to Egypt, now or in the reasonably foreseeable future.

85. Having found that the applicant is not a credible witness who has not been truthful in his claims, and having rejected his evidence that he suffered any form of harm or persecution in Egypt, the Tribunal is not satisfied that Australia has protection obligations because there are substantial grounds for believing that, as a necessary and foreseeable consequence of the applicant being removed from Australia to a receiving country, in this case Egypt, there is a real risk that he will suffer significant harm.
86. The Tribunal has also considered whether there is a real risk that the applicant will suffer significant harm as a result of generalised violence in Egypt as a Coptic Christian or as an Egyptian. Given the findings of fact made above about the risk to Coptic Christians generally, the Tribunal finds there are not substantial grounds for believing that there is a real risk that the applicant will suffer significant harm on the basis as a Coptic Christian or even more broadly, as an Egyptian. The Tribunal is not satisfied on the available evidence that there are substantial grounds for believing that, as a necessary and foreseeable consequence of the applicant being removed from Australia to a receiving country, in this case, Egypt, there is a real risk that he will suffer significant harm.
87. Accordingly, the Tribunal does not accept there are substantial grounds for believing that, as a necessary and foreseeable consequence of the applicant being removed from Australia to Egypt, there is a real risk that he will suffer significant harm as defined in s.36(2A) of the Act.

CONCLUSIONS

88. The Tribunal is not satisfied that the applicant is a person to whom Australia has protection obligations under the Refugees Convention. Therefore the applicant does not satisfy the criterion set out in s.36(2)(a).
89. Having concluded that the applicant does not meet the refugee criterion in s.36(2)(a), the Tribunal has considered the alternative criterion in s.36(2)(aa). The Tribunal is not satisfied that the applicant is a person to whom Australia has protection obligations under s.36(2)(aa).
90. There is no suggestion that the applicant satisfies s.36(2) on the basis of being a member of the same family unit as a person who satisfies s.36(2)(a) or (aa) and who holds a protection visa. Accordingly, the applicant does not satisfy the criterion in s.36(2) for a protection visa.

DECISION

91. The Tribunal affirms the decision not to grant the applicant a Protection (Class XA) visa.

ATTACHMENT A - RELEVANT LAW

92. Under s.65(1) of the *Migration Act 1958* (the Act) a visa may be granted only if the decision maker is satisfied that the prescribed criteria for the visa have been satisfied. The criteria for a protection visa are set out in s.36 of the Act and Part 866 of 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 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees (together, the Refugees Convention, or the Convention), or on other 'complementary protection' grounds, or is a member of the same family unit as a person in respect of whom Australia has protection obligations under s.36(2) and that person holds a protection visa.

Refugee criterion

93. 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 Refugees Convention.
94. Australia is a State Party to the Refugees Convention and generally speaking, has protection obligations in respect of people who are refugees as defined in Article 1 of the Convention. Article 1A(2) relevantly defines a refugee as any person who:
- owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it.
95. The High Court has considered this definition in a number of cases, notably *Chan Yee Kin v MIEA* (1989) 169 CLR 379, *Applicant A v MIEA* (1997) 190 CLR 225, *MIEA v Guo* (1997) 191 CLR 559, *Chen Shi Hai v MIMA* (2000) 201 CLR 293, *MIMA v Haji Ibrahim* (2000) 204 CLR 1, *MIMA v Khawar* (2002) 210 CLR 1, *MIMA v Respondents S152/2003* (2004) 222 CLR 1, *Applicant S v MIMA* (2004) 217 CLR 387, *Appellant S395/2002 v MIMA* (2003) 216 CLR 473, *SZATV v MIAC* (2007) 233 CLR 18 and *SZFDV v MIAC* (2007) 233 CLR 51.
96. Sections 91R and 91S of the Act qualify some aspects of Article 1A(2) for the purposes of the application of the Act and the regulations to a particular person.
97. There are four key elements to the Convention definition. First, an applicant must be outside his or her country.
98. Second, an applicant must fear persecution. Under s.91R(1) of the Act persecution must involve 'serious harm' to the applicant (s.91R(1)(b)), and systematic and discriminatory conduct (s.91R(1)(c)). The expression 'serious harm' includes, for example, a threat to life or liberty, significant physical harassment or ill-treatment, or significant economic hardship or denial of access to basic services or denial of capacity to earn a livelihood, where such hardship or denial threatens the applicant's capacity to subsist: s.91R(2) of the Act. The High Court has explained that persecution may be directed against a person as an individual or as a

member of a group. The persecution must have an official quality, in the sense that it is official, or officially tolerated or uncontrollable by the authorities of the country of nationality. However, the threat of harm need not be the product of government policy; it may be enough that the government has failed or is unable to protect the applicant from persecution.

99. Further, persecution implies an element of motivation on the part of those who persecute for the infliction of harm. People are persecuted for something perceived about them or attributed to them by their persecutors.
100. Third, the persecution which the applicant fears must be for one or more of the reasons enumerated in the Convention definition - race, religion, nationality, membership of a particular social group or political opinion. The phrase 'for reasons of' serves to identify the motivation for the infliction of the persecution. The persecution feared need not be *solely* attributable to a Convention reason. However, persecution for multiple motivations will not satisfy the relevant test unless a Convention reason or reasons constitute at least the essential and significant motivation for the persecution feared: s.91R(1)(a) of the Act.
101. Fourth, an applicant's fear of persecution for a Convention reason must be a 'well-founded' fear. This adds an objective requirement to the requirement that an applicant must in fact hold such a fear. A person has a 'well-founded fear' of persecution under the Convention if they have genuine fear founded upon a 'real chance' of being persecuted for a Convention stipulated reason. A fear is well-founded where there is a real substantial basis for it but not if it is merely assumed or based on mere speculation. A 'real chance' is one that is not remote or insubstantial or a far-fetched possibility. A person can have a well-founded fear of persecution even though the possibility of the persecution occurring is well below 50 per cent.
102. In addition, an applicant must be unable, or unwilling because of his or her fear, to avail himself or herself of the protection of his or her country or countries of nationality or, if stateless, unable, or unwilling because of his or her fear, to return to his or her country of former habitual residence. The expression 'the protection of that country' in the second limb of Article 1A(2) is concerned with external or diplomatic protection extended to citizens abroad. Internal protection is nevertheless relevant to the first limb of the definition, in particular to whether a fear is well-founded and whether the conduct giving rise to the fear is persecution.
103. Whether an applicant is a person in respect of whom Australia has protection obligations is to be assessed upon the facts as they exist when the decision is made and requires a consideration of the matter in relation to the reasonably foreseeable future.

Complementary protection criterion

104. 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').

105. 'Significant harm' for these purposes is exhaustively defined in s.36(2A): s.5(1). A person will suffer significant harm if he or she will be arbitrarily deprived of their life; or the death penalty will be carried out on the person; or the person will be subjected to torture; or to cruel or inhuman treatment or punishment; or to degrading treatment or punishment. 'Cruel or inhuman treatment or punishment', 'degrading treatment or punishment', and 'torture', are further defined in s.5(1) of the Act.
106. There are certain circumstances in which there is taken not to be a real risk that an applicant will suffer significant harm in a country. These arise where it would be reasonable for the applicant to relocate to an area of the country where there would not be a real risk that the applicant will suffer significant harm; where the applicant could obtain, from an authority of the country, protection such that there would not be a real risk that the applicant will suffer significant harm; or where the real risk is one faced by the population of the country generally and is not faced by the applicant personally: s.36(2B) of the Act.

ATTACHMENT B - COUNTRY INFORMATION

107. The Tribunal has considered information from various sources relating to the human rights environment in Egypt and recent political developments:
- CX259193: EGYPT: Egypt: Convicts in Al-Sadat case, other Islamists to be released , Al Hayat also Dar Al Hayat -United Kingdom, 21 February 2011, Added: 25 February 2011, BBC Monitoring Service, source: Al Hayat also Dar Al Hayat - United Kingdom (Translated from Arabic);
 - *Coptic Priest found dead in southern Egypt*, Ahram Online, <http://www.masress.com/en/ahramonline/6285>, accessed 9 April 2013;
 - Minority Rights Group International 2011, World Directory of Minorities and Indigenous Peoples – Egypt: Copts, April; Johnston, G. P. 2011, ‘Who will defend Christians in Egypt?’ *The Whig Standard*, 27 March 2011, <http://www.thewhig.com/ArticleDisplay.aspx?e=3043828> – accessed 27 June 2011;
 - CX283304: EGYPT: Three churches attacked, Egyptian military sides with radical Muslims, Assyrian International News Agency (AINA), 9 April 2011, <http://www.aina.org/news/20110408230557.htm>, accessed 20 February 2013;
 - United States Commission on International Religious Freedom 2011, *Annual Report 2011*, May 2011, <http://www.uscirf.gov/images/book%20with%20cover%20for%20web.pdf>- accessed 27 June 2011;
 - Saleh, Y. and Mikhail, S., Egypt tightens security amid inter-faith tensions, *Reuters News*, 9 May 2011, <http://www.reuters.com/article/2011/05/09/us-egypt-church-idUSTRE7470GJ20110509>, accessed 14 February 2013;
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 - Londono, E, In Egypt, Islamist Salafist movement vies for political power in wake of revolution, *The Washington Post*, <http://www.washingtonpost.com/world/middle->

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- Asia News, *Hundreds of Salafists attack a Coptic church in Upper Egypt*, 24 June 2011, <http://www.asianews.it/news-en/Hundreds-of-Salafists-attack-a-Coptic-church-in-Upper-Egypt-21932.html#>, accessed 20 February 2013;
- BBC News, *Cairo clashes leave 24 dead after Coptic church protest*, <http://www.bbc.co.uk/news/world-middle-east-15235212>, 10 October 2011, accessed 1 March 2013;
- BBC News, *Cairo's Copts mourn their 'Egyptian Guevara'* <http://www.bbc.co.uk/news/world-middle-east-15312194>, 15 October 2011, accessed 1 March 2013;
- BBC News, *Viewpoint: Egypt's Copts must not submit to grief*, <http://www.bbc.co.uk/news/world-middle-east-15385063>, 26 October 2011, accessed 18 February 2013;
- CX286089: EGYPT: USCIRF Annual Report 2012 - Countries of Particular Concern: Egypt, United States Commission on International Religious Freedom (USCIRF), 20 March 2012, <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=search&docid=4f71a678c&skip=0&query=uscirf>, added 30 April 2012;
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- CX284033: EGYPT: Salafist leaders celebrate death of Coptic Pope in Egypt, Compass Direct, 23 March 2012, http://www.compassdirect.org/english/country/egypt/article_1459396.html, added 26 March 2012;
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