

REFUGEE STATUS APPEALS AUTHORITY
NEW ZEALAND

REFUGEE APPEAL NO 74704

AT AUCKLAND

<u>Before:</u>	D J Plunkett (Chairman) A N Molloy (Member)
<u>Counsel for the Appellant:</u>	S Laurent
<u>Appearing for the NZIS:</u>	No Appearance
<u>Date of Hearing:</u>	29 October 2003
<u>Date of Decision:</u>	19 October 2004

DECISION

[1] This is an appeal against a decision of a refugee status officer of the Refugee Status Branch of the New Zealand Immigration Service (NZIS) declining the grant of refugee status to the appellant, a national of the Islamic Republic of Iran.

INTRODUCTION

[2] This is the appellant's third appeal to this Authority. The lengthy procedural history of his claims follows.

[3] The appellant is single, aged 35 years. He arrived in New Zealand on 1 October 1993 and made an application for refugee status immediately upon arrival. He was interviewed at the airport by an immigration officer. A further interview with an officer from the Refugee Status Branch of the NZIS was held on 30 November 1993 and he was notified of the decline of his application by letter dated 26 January 1994. This led to his first appeal to this Authority which was heard before a different panel on 16 February 1996 and dismissed in a decision

dated 13 March 1997 (*Refugee Appeal No 2110/94*).

[4] His second refugee application was made on 26 May 1997. The appellant was interviewed by an officer of the Refugee Status Branch on 23 July 1997 and advised of the decline of his application by letter dated 31 October 1997, enclosing a decision of the same date. An appeal to this Authority was heard on 19 March 1998 (also by a different panel) and dismissed in a decision issued on 30 July 1998 (*Refugee Appeal No 70721/97*).

[5] The appellant commenced proceedings for judicial review of the second decision of this Authority. These were dismissed in a judgment of the High Court issued on 19 August 1999 (Auckland, M 1803/98, Smellie J). On 4 December 1999, the appellant lodged an appeal against removal with the Removal Review Authority. It was dismissed in a decision published on 20 August 2001 (*Removal Appeal No AAS 42147*). The appellant next commenced an appeal in the High Court on a question of law against the decision of the Removal Review Authority. It was dismissed in a judgment issued on 16 October 2002 (Wellington, AP 249/01, Gendall J).

[6] Undaunted, a third refugee application was submitted on 11 November 2002. The appellant was interviewed by a refugee status officer on 19 May 2003 and notified of the decline of that application by letter dated 12 June 2003 (but apparently issued on 16 June 2003), enclosing a decision dated 16 June 2003. This prompted his third appeal to this Authority.

[7] In addition to the issue of whether this claim meets the jurisdictional criteria, this case is essentially about whether a Christian convert from Islam (an apostate) is at risk of serious harm, should he return to Iran.

JURISDICTION OF THE AUTHORITY TO DETERMINE THE APPEAL

[8] The Authority's jurisdiction in relation to second or subsequent claims is set out in s 129O(1) of the Immigration Act 1987:

"A person whose claim or subsequent claim has been declined by a refugee status officer, or whose subsequent claim has been refused to be considered by an officer on the grounds that circumstances in the claimant's home country have not changed to such an extent that the subsequent claim is based on significantly

different grounds to a previous claim, may appeal to the Refugee Status Appeals Authority against the officer's decision."

[9] In respect of this appeal, the relevant change of circumstances must have occurred since 30 July 1998, being the date upon which his second appeal was dismissed.

[10] In assessing the evidence in this appeal, the Authority may rely on findings of fact made by it in relation to his previous claims; s129P(9).

[11] In the event that the Authority does have jurisdiction (pursuant to s 129O(1)), it must then consider whether the appellant meets the definition of refugee status contained in the Inclusion Clause set out in Article 1A(2) of the Refugee Convention (recited in the Sixth Schedule to the Act) which relevantly provides that a refugee is a person who:

"...owing to a 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 as a result of such events, is unable or, owing to such fear, is unwilling to return to it."

[12] In terms of *Refugee Appeal No 70074/96* (17 September 1996), the principal issues raised by the definition are:

- (a) Objectively, on the facts as found, is there a real chance of the appellant being persecuted if returned to the country of nationality?
- (b) If the answer is yes, is there a Convention reason for that persecution?

[13] In order to determine these jurisdictional and inclusion issues, it is necessary to examine the account given by the appellant in each refugee application.

THE CLAIMED FACTUAL BASIS OF THE APPELLANT'S FIRST REFUGEE APPLICATION

[14] The appellant was born and raised in Tehran.

[15] The appellant's father was a member of SAVAK, the Department of Information and National Security, during the Shah's regime. His duties were to

suppress revolutionaries. After the Revolution, his father was dismissed from his position. He later died during a bombardment in the Iran/Iraq war.

[16] The appellant worked in a shoe-making shop after leaving school until commencing military service in 1986. After completing training, he was required to report to the front line (in the Iran/Iraq war) but fled home where he was arrested by the *komiteh* and an extra three months was added to his military service. He deserted from the front line on a second occasion, was arrested again and incurred a financial penalty.

[17] In 1986, his oldest brother was found carrying political publications and sentenced to three months in prison. The person he was arrested with was later executed.

[18] In 1992, the appellant and his friends were involved in a confrontation with members of the district Islamic mosque. They were ordered to stop in the street and when they did not do so, were shot at. They were questioned at the mosque.

[19] On completion of his military service, the appellant received a recommendation from the Martyr Foundation enabling him to obtain employment in a government department without having to pass an entrance examination. He started work at the Iranian "Telecom". His employment was terminated because he refused to participate in public prayers and wore a short-sleeved shirt to work once a week. As a further protest, the appellant refused to obey the custom of remaining unshaven within the year after the death of a loved one. During the two years he worked for the telecommunications company and refused to attend Friday prayers, a deduction was made only once from his wages. The company sent him a letter saying that he was anti-revolutionary and instructing him to resign.

[20] At about this time, the appellant started reading political books and magazines given to him by his brother. He kept them in a secret box in a hole which he had dug into the ground in his own room. The house was searched on three occasions in 1992 and 1993 by the neighbourhood *basiji* but nothing was found. In August 1993, he received a letter from the neighbourhood authority requesting him to report within 48 to 72 hours. Believing his life to be in danger because he was studying political matters, he did not attend before the authority,

instead fleeing Iran three days later. He already had a passport and had no problems departing. The appellant destroyed his passport outside what may have been the Iranian embassy in Turkey and threw the remains over the wall into a compound. He did so to show his hatred.

[21] He feared that he would be imprisoned because of his political beliefs, if he returned home.

[22] In its decision, the Authority expressed grave reservations concerning his credibility. However, it found that, even if he was accorded the benefit of the doubt and it accepted what he said, the result would be no different as there was not a real chance he would be persecuted on his return to Iran. In particular, there was nothing to show that the authorities were aware of his possession or study of political publications. The searches of his home turned up nothing. Nor was there any real chance that he would face persecution for destroying his passport.

THE CLAIMED FACTUAL BASIS OF THE APPELLANT'S SECOND REFUGEE APPLICATION

[23] This was based on the fact that, since coming to New Zealand, he had converted to Christianity, having been baptised at a Catholic church in Auckland.

[24] He comes from a family that is Muslim by name but not deeply religious. When he was younger, he imitated his family and adhered to Islamic rules such as attending prayers five times a day, but without any deep reflection on the meaning of religion. By 1991, however, when he was in his early 20s, he did not comply as strictly with the rules and began to question the reasoning behind adherence to the Muslim faith. He refrained from attending public prayers and other religious gatherings. During summertime, he wore short-sleeved shirts and was clean-shaven. He did not consider that religious matters had any relevance in the workplace. At the time he came to New Zealand (1993), he regarded himself as a Muslim in name only and began to question the role that Muslim doctrines played in his daily life in Iran.

[25] In New Zealand, he began attending English lessons at a Catholic church. He observed the people worshipping and started attending religious meetings on Saturdays whenever he was not working. He also attended weekly bible classes. He went to a number of different churches of various Christian denominations,

ultimately settling on the Catholic faith. He was baptised in August 1997. He said to the Authority that since becoming a Christian, he had told his Muslim friends about his belief that following the Muslim faith was wrong. His friends usually reacted to this news by avoiding him. He had contacted his sister in Iran by telephone and told her that he had become a Christian. Upset by this news, she said she could not forgive him and asked him to refrain from having any further contact with her.

[26] The appellant called a witness, Sister T, from the Catholic church, who regarded him as one of the most devout she had helped. She gave evidence that it was not a tenet of the Catholic faith to proselytise.

[27] The appellant claimed to fear he would be killed for having committed apostasy if he returned.

[28] The Authority had doubts as to the genuineness of his conversion but was prepared to accord him the benefit of the doubt and accept both his conversion and his religious commitment as genuine. It rejected his evidence that he had informed his sister of his conversion and did not accept that his conversion was known to either his family or the authorities in Iran.

[29] This amounted to a relevant change of circumstances and accordingly the Authority considered it had jurisdiction to consider his second appeal.

[30] In assessing whether his fear of persecution was well-founded, the Authority relied on the press release of the Swedish Aliens Appeal Board (January 1996), as discussed in *Refugee Appeal No 70283/96* (10 April 1997). The Board relevantly states:

“Conversion from Islam to Christianity is, according to Iranian authorities, not possible, and a conversion abroad is considered by the authorities as a “technical” act, in the purposes of obtaining asylum, which therefore does not mean that the person in question risks any serious harassment upon return. The concept of “taqieh”, which is widely accepted in Iran, makes it legitimate to lie in order to achieve certain purposes. This means that there is a high level of acceptance in Iran of the lie as a means to obtain a purpose, such as seeking asylum in the West. Iranian nationals who have converted from Islam to another religion, and who keep the conversion as a personal matter, do not attract the attention of the authorities.

[In summary] an Iranian national who converts from Islam to another religion, normally does not risk the kind of prosecution prescribed in the Shari’a law, whether the conversion takes place in the home country or abroad. There is also

no significant chance that he or she would be the target of any actions from the authorities or of any serious harassment.”

[31] The Authority noted that those who keep their conversion as a personal matter avoid attention from the Iranian authorities. It accepted that those who made their conversion public by proselytising would attract serious attention from the authorities but that the appellant, while genuinely committed to his Christian faith, was not otherwise disposed to engage in high profile religious activities or to speak out publicly against the Iranian government’s treatment of Christians. It found he presented as a reserved, almost shy individual, of quiet disposition and not a person who would find it necessary to publicise the fact of the conversion if he returned to Iran. The Authority further observed that from Sister T’s evidence, it was not a tenet of the Catholic faith to proselytise their religion.

[32] Accordingly, his fear of persecution was not well-founded.

RECENT DEVELOPMENTS: THE CLAIMED FACTUAL BASIS OF THE APPELLANT’S THIRD REFUGEE APPLICATION

[33] The following is a summary of the appellant’s evidence. It is assessed later.

[34] The appellant remains single. His parents are deceased and he has five siblings, all living in Tehran.

[35] When asked by the Authority to describe the change of circumstances since July 1998 relevant to his claim, he explained that he is “careless about materialism” since he had become a Christian, that there was now a “light in [his] house” and he wanted to “spread that light”. The appellant added that he loved his neighbours and God.

[36] As he had become a Christian prior to July 1998, he was asked again what had changed since then. He repeated that he is careless about materialism and worshipped “his God, the Creator”. While he had “lost” his parents and siblings, he had found a friend called Jesus Christ.

[37] The appellant was asked how he manifested his faith. He responded that in New Zealand, he attends church on most Saturdays and Sundays, if not otherwise working. He attends formal services, prays and attends confession. At the

church, he is in charge of collecting donations (obtained at the church or by going to the homes of parishioners) and providing transport for the sick. He confirmed he has been doing this since 1998. He is the only Iranian at this particular church. He also has private meetings, of a religious nature, with a friend who works as a caretaker at the church.

[38] The appellant also shares his faith with friends and acquaintances. If he is approached at work by people who ask him why he has a Christian first name, he will explain that he is a Christian. Whenever he sees an opportunity, he will teach the faith to those who ask him, in friendly, one-to-one conversations. Occasionally, he hands out bibles to others. He was asked whether talking to friends and acquaintances about his faith is something that commenced recently or he had been doing for many years and replied that he had done this previously but, as his faith was increasing day by day, he had to do his best to pass the message on a daily basis. He confirmed he had been doing this prior to his last hearing but less so.

[39] He said he would not go to church in Iran if he returned there because of his siblings. It would be dangerous to tell them. He was asked why his siblings would put him at risk and he replied it was the duty of Muslims to kill and destroy any infidel.

[40] The appellant was asked how he would “spread the light” in Iran and responded that he would not go to the mosque to preach Christianity, but during meals he would say prayers which would start a conversation. He would not do so in a public restaurant but only in private homes.

[41] He believes that his friends, as well as family, would report him to the authorities as that is their duty set out in the Koran. There was, he acknowledged, nothing else about him that would put him at greater risk than other converts.

[42] He told the Authority that when he informed his sister of his conversion, she considered him as a “stain in the family”. If the government of Iran does not kill him, his sister will.

[43] The appellant did not know whether the Iranian authorities are aware of his conversion, though he thought his sister would have told them. He sent photos of

his baptism to his sister in August 1997. His family did not have any current problems with the Iranian authorities, so far as his is aware (though he has had no contact with them since 1996 or 1997).

[44] The appellant produced evidence of publicity he has attracted in New Zealand, some of which relates to his conversion to Christianity:

- (i) A short videotape of an item from a (New Zealand) TV3 programme on Asia screened in 1998, which the Authority has viewed. It shows the appellant cooking. He is named and is described as a person who came to New Zealand to be “free” as there is no freedom in his country (identified as Iran). His change of religion from Muslim to Christian is mentioned.
- (ii) There is also an article from an industry magazine published in New Zealand in 1999, concerning his work as a chef and noting that he had become a Christian, having “officially turned his back on a Muslim upbringing”. His full Iranian name is given, alongside a number of photographs of himself as a chef. His background in Iran (particularly in the army) is set out in the article, along with the fact that he applied for refugee status in New Zealand.
- (iii) There are three articles from *The New Zealand Herald* (dated 1998 and 2000), a suburban newspaper and a student newspaper concerning his work as a chef. The *Herald* article, which names him, states that he “escaped political persecution”. Another article (which appears to have been published twice) says he endured “regular police searches of his home and a dangerous defection from Iran” and that he lives in New Zealand as a “political refugee”.

[45] He believes this publicity adds to his profile, though he did not know whether the Iranian embassy in New Zealand had seen the television report or publications.

[46] The appellant further provided to the Authority a translation of an extract from a book by Ayatollah Khomeini interpreting the Koranic provisions concerning apostasy. Essentially, it states that male apostates will be executed. He also

adduced photographs of his baptism and numerous letters of support from New Zealanders.

[47] A medical certificate from a medical officer at Public Health Protection (10 December 2002) was produced to the refugee status officer. It states that the appellant has an acute severe stress disorder, poor concentration (at work and elsewhere) and had become “accident prone” at work. He is said to be severely stressed mentally and to have difficulty thinking clearly. He takes anti-depressant and sleeping medication.

[48] The appellant confirmed that his only fear, upon returning to Iran, arose out of his conversion to Christianity. For this, he fears execution.

[49] The Authority acknowledges counsel’s memorandum of 28 October 2003 and a further memorandum of 17 November 2003, with attachments, all of which have been considered by the Authority. The Authority wrote to counsel on 2 September 2004 enclosing certain country materials and inviting further submissions and evidence. Counsel replied on 14 October 2004.

ASSESSMENT OF THE APPELLANT’S CASE

[50] The Authority found the appellant to be a credible witness and accepts that he is a Christian whose church and religious activities in New Zealand are as described to us. It is also accepted that, if he returned to Iran, while he would not draw attention to himself as a Christian by any public proclamation of his faith or proselytising (nor even attend a church), he would “spread the light” privately in the way he told us, by informing family and friends of his faith at intimate gatherings.

[51] Putting aside, for the moment, the jurisdictional threshold (requiring a change of circumstances such that this new claim can be said to be based on significantly different grounds from his second one), the Authority will assess whether his fear of persecution (undoubtedly genuine) is well-founded.

WELL-FOUNDEDNESS

COUNTRY INFORMATION

State Underpinned by Islam

[52] The Islamic Republic of Iran, established in 1979 after a populist revolution which toppled the Pahlavi monarchy, is a constitutional, theocratic republic which declares as its purposes the “establishment of institutions and a society based on Islamic principles and norms”. Shi’a Muslim clergy dominate the government. The supreme authority is vested in the *Wali Faqih*, a religious leader appointed by the Shi’a clergy. This position is currently held by Ayatollah Ali Khamenei. He has absolute powers and is above the legislative, executive and judiciary powers of the country; see United Nations High Commissioner for Refugees (UNHCR) *Background Paper on Refugees and Asylum Seekers from the Islamic Republic of Iran* (January 2001) 4.

[53] The constitution declares the official religion of Iran is Islam and the doctrine followed is that of Ja’fari (Twelver) Shi’ism. All laws and regulations must be consistent with Islamic (Shari’a) law.

Religious Minorities

[54] The constitution also states that other Islamic denominations are to be accorded full respect but recognises only Zoroastrians, Jews and Christians as religious minorities, guaranteeing their right to religious practice in personal affairs and religious education. These recognised religious minorities are, within the limits of the law, free to perform their religious rites and ceremonies. The constitution forbids harassment of individuals according to their beliefs, however the adherents of religions not specifically protected under the constitution do not enjoy the freedom to practise; see UNESCO *Report submitted by Mr Abdelfattah Amor, Special Rapporteur (E/CN.4/1996/95/ADD.2* (9 February 1996) para 10, UNHCR *Background Paper supra* 22, United States Department of State *Iran – International Religious Freedom Report 2003* (18 December 2003) section II.

[55] A distinction needs to be borne in mind between the historical non-Persian speaking ethnic minorities who are traditionally Christian and Persian-speaking

Muslims who convert to Christianity. It is the former who have historically been tolerated by the authorities (and guaranteed the above rights), rather than necessarily the latter (as to the situation of which, we will return).

[56] The majority of Iran's approximately 200,000 Christians belong to churches identified with distinct ethnic groups, including the Armenian, Assyrian and Chaldean orthodox churches. These churches, accounting for more than 90% of Iran's Christians, carry out their services in their own languages and traditionally engage in little if any proselytisation (amongst Muslims) in the broader society; Human Rights Watch *Iran: Religious and Ethnic Minorities*, September 1997, vol 9, no 7(E) 15.

[57] The Roman Catholic Church (the denomination of the appellant) is an officially recognised minority, as an ethnic-based Christian church. As at 1996, it was estimated to have 12,700 adherents in Iran, comprising 6,100 of the Chaldean rite, 2,600 of the Armenian rite and 4,000 of the Latin rite; Canadian Immigration and Refugee Board *Iran: Names of Roman Catholic churches in Tehran and whether Muslims are able to attend* (1 November 1999).

[58] Representatives of the minority religions (Jewish, Assyro-Chaldean and Armenian) told UNESCO's representative they did not engage in proselytism and conversion (nor were they allowed to) and did not want converts, since their communities were specific religious and ethnic minorities and they were working to preserve their cultural and religious identities; UNESCO *Report submitted by Mr Abdelfattah Amor, Special Rapporteur supra* para 31. They also informed the representative that they were not subjected to any interference by the authorities in their internal religious activities, particularly regarding worship and religious traditions; *ibid* para 29.

Evangelical Christians

[59] The balance of Christians are largely Iranian Protestants (mainly evangelical Christians, particularly the Assemblies of God) who carry out their church services in Persian (Farsi) and seek to disseminate the Bible and other Christian texts in Persian. These groups of Christians are for the most part ethnic Persian. They are estimated to number up to 15,000 and their numbers are increasing, albeit in a clandestine way; Human Rights Watch *Iran: Religious and*

Ethnic Minorities supra 15; UNESCO Report on the situation of human rights in the Islamic Republic of Iran, prepared by the Special Representative on the Commission, Mr Maurice Danby Copithorne E/CN.4/2002/42 (16 January 2002) paras 75, 79-80.

[60] Human Rights Watch reports that the churches specifically catering for Farsi-speaking Christians, having their origins in western missionary activity during the 19th century, are built on a tradition of evangelism and conversion from other Christian denominations and other religions, including Islam. The western origins of Iran's Protestant churches and the links with similar congregations in the United States and Europe, together with the readiness of these churches to accept and seek out Muslim converts, had "fuelled government's suspicion and hostility toward Iran's Protestants". They are subject to institutionalised discrimination and "persecution" because of their religious activities. This persecution of Iran's evangelical Christians intensified during the 1990s. The Human Rights Watch report mentions the execution in 1990 of the Reverend Soodmand, a pastor in the evangelical Christian church who had converted from Islam and the murders of the Reverend Dibaj, Bishop Mehr and the Reverend Mikaelian, all in 1994 (blamed by the government on the *Mujahedin* and others on the government); *Iran: Religious and Ethnic Minorities supra* 15-17. It also records that another Christian pastor, Reverend Ravanbakhsh, was found dead in 1996 in suspicious circumstances; *ibid* 18.

Catholics

[61] A professor of sociology at California State University advised the Canadian Immigration and Refugee Board that the Catholic church is officially recognised as a minority religion and that "people have respect for them". He stated it was possible for Muslims to attend Catholic services and that if a "simple person" wants to convert, "that's not a problem". He had heard of many cases of ordinary people converting from Islam to Christianity and the government did not need to know if this occurred. The professor added that people were strongly discouraged from converting and the conservative clergy might use their influence to discourage conversion; see *Iran: Names of Roman Catholic churches in Tehran and whether Muslims are able to attend supra* 1.

[62] The professor further stated that Catholics were considered “people of the book” and were not mistreated on the basis of their beliefs, though there were social biases and prejudices. He confirmed that Muslims attended Catholic services and stated that government authorities “do not actively spy” on the churches but that a Muslim attending would take some care. He did not think the Catholic church would discourage Muslims from attending. Another American professor told the Canadian Board he did not know of any discriminatory actions against the Catholic church and Catholics in contemporary Iran. The Board noted that the Iranian President visited the Vatican in March 1999. The Vatican reported that the 13,000 Catholics were allowed to worship in their churches but that they were “strictly watched and denied some civil rights, like serving in the army or the government”; *ibid* 2. The Authority observes that the Vatican response somewhat contradicts the professor’s opinion that the authorities did not actively spy on Catholic churches.

Apostasy

[63] The conversion by a Muslim to a non-Muslim religion is considered apostasy under Shari’a law and “can” be punishable by death; United States Department of State *Iran – International Religious Freedom Report 2003 supra* section II, United Kingdom Home Office *Iran Country Report* (April 2004) 6.59.

[64] While the death penalty is provided for by law, executions are not currently performed in practice. Indeed, a review of country information (see below) shows that the Iranian authorities have little interest in converts who do not seek to proselytise their new found faith amongst other Muslims or to publicly draw attention to themselves as apostates in such a way as to give rise to the risk that they will be perceived as proselytisers. The Authority acknowledges that conversion to the Baha’i faith is viewed differently and can lead to harsh treatment, but as the appellant is not a Baha’i, the Authority will not consider the situation of disciples of this faith.

[65] According to a report produced by the Australian Department of Foreign Affairs and Trade, death sentences for apostasy have traditionally been issued to Baha’is and occasionally Christian converts active in proselytising, though it has rarely been carried out for apostasy alone. The report states that people who do publicly convert away from Islam would be harassed, possibly imprisoned and

threatened with death, if they were found to be active in proselytising among Muslims; see *Country Profile for Use in Refugee Determination – Islamic Republic of Iran* (March 1996) 2.3.9.2.

[66] The report of the Special Rapporteur submitted to UNESCO makes no allegation of serious mistreatment of Christian apostates since the murder of three ministers in 1994. It is said that Protestant congregations, particularly the Muslim converts, are subjected to “pressure and close surveillance” with a view to inducing them to abandon their religious activities. It is further said that Protestant ministers are under pressure from the authorities to abandon services in Persian and not to allow Muslim converts to take part, though the Protestant representatives had not acceded to this; see report submitted by Mr Abdelfattah Amor, Special Rapporteur *supra* para 74. The Protestant representatives had stressed to the Special Rapporteur that “the authorities had begun to improve the situation in some respects” (since the murder of three Protestant pastors in 1994); *ibid* para 77. The Authority observes that the murder of the three pastors is variously blamed on the government and the *Mujahedin*; *ibid* paras 79-85.

[67] According to a further report from the Australian Department of Foreign Affairs and Trade, a lawyer in Iran advised the Australian Embassy that he was unaware of a single instance in which the death penalty had been carried out for apostasy of a “regular Christian” (being “an individual outside the ecclesiastical hierarchy”); Country information report *Iran: Apostasy and Legal System 521/97* (24 October 1997). A comment, which appears to have been added by the embassy itself, states that death sentences for apostasy have been imposed in several instances, usually on Baha’is.

[68] The report of the Canadian Immigration and Refugee Board states that the government is “highly suspicious” of any proselytising of Muslims by non-Muslims and can be “harsh in meting out its response”, in particular against Baha’is and evangelical Christians; *Iran: Names of Roman Catholic churches in Tehran and whether Muslims are able to attend* (1 November 1999) 2.

[69] A report from the Danish Immigration Service noted that conversion from Islam to another religion was forbidden under Iranian law and could lead to the death penalty, though a western embassy had said that there were no reports of persons being executed on the ground of conversion from Islam since 1994.

Although a convert might still be sentenced to a term of imprisonment if the authorities heard about it, it was very rare for a criminal case to be brought against a convert. The Danish were advised that converts who were known to the Iranian authorities would be summoned to an interview at the Ministry of Information to be reprimanded. They would be allowed to go after being warned not to talk about what had taken place at the Ministry; see *Report on Fact-Finding Mission to Iran 9-17 September 2000* 5.3.

[70] The UNHCR in its background paper on asylum seekers from Iran (January 2001) notes that under Iranian law a male innate-apostate (one whose parents were Muslims and who embraced Islam but later left Islam) would be executed; UNHCR *Background Paper on Refugees and Asylum Seekers from the Islamic Republic of Iran supra* 22.

[71] The UNHCR report, like that of the Canadian Board, notes that the government is “highly suspicious” of any proselytising of Muslims by non-Muslims and could be “harsh in its response, in particular against Baha’is and evangelical Christians”. Proselytising apostates (converts who had begun preaching Christianity) are said to be likely to face execution; *ibid* 22-23. While the report refers to 199 executions in 1997 (with human rights monitors alleging that many of those executed were political dissidents), there is no allegation that the death penalty was carried out for religious reasons in any specific case; *ibid* 17.

[72] A Christian group reported to the United States Department of State (as recited in the UNHCR report) that 15 to 23 Christians had disappeared between November 1997 and November 1998. They reportedly were Muslim converts to Christianity, whose baptisms had been discovered by the authorities. According to the group, those who disappeared were believed to have been killed. It also said that in 1999, one organisation reported (to the Department of State) the deaths of eight evangelical Christians at the hands of the authorities in the past 10 years; *ibid* 28. The Christian group is not identified and no further specifics are given.

[73] According to a Dutch report, published by the Council of the European Union, while apostasy (abandonment of Islam) is punishable by death under Shar’ia law, in practice, Muslim converts to Christianity face obstacles (such as not being admitted to university or not being issued with a passport). The report states that Muslim converts appear able to practise their new faith up to a point

(weekly church attendance is a possibility). On the other hand, those who actively display their new faith in public, in particular by proselytising, can expect to face severe repression; *Situation in Iran (August 2000)* (26 April 2001) para 3.4.3.2.

[74] According to another report of the UNHCR, there were executions for apostasy, particularly in the early years of the revolution, though “at present the Government is not pursuing an active and systematic policy of investigation and prosecution of cases of apostasy” (Baha’is aside); UNHCR/ACCORD 7th *European Country of Origin Information Seminar Berlin, 11-12 June 2001-Final report* 98.

[75] The United States Immigration and Naturalisation Service (INS) records that Human Rights Watch and other sources have reported numerous cases of death sentences for apostasy and that the group International Christian Concern has reported numerous cases of lesser consequences as well as severe punishment for apostasy; *Iran: Information on Conversion from Islam to Christianity* (November 2002)¹. The INS document cites the Human Rights Watch report of September 1997, but the Authority observes that report refers only to the deaths of Protestant clergymen (notably three in 1994 and another one, Reverend Ravanbakhsh in 1996).

[76] The INS report notes that the “life-style” of some religious groups, including Armenian Christians (but not including evangelical Christians or converts from Islam to other religions) had improved in the past four years; *ibid* 3. It is further stated that religious minorities recognised by the government (including Christians) could practise their religions but an exception was evangelical Christians, who sometimes faced harassment and “persecution” due to their proselytisation of Muslims. The Armenian Catholic church baptises non-Christians who come to them, but does not actively seek out new Christians; *ibid* 2. There may be some use of Farsi; *ibid* 3. The report comments (at 4):

“Christians generally are able to, for instance, attend church, carry a Bible, and hold religious gatherings or celebrations in their homes.”

[77] The second UNESCO report notes that the lot of ethnic Christians is considerably better than that of Persian Christians. Evangelical Christians, such as the Assembly of God, are reported to have been harshly persecuted, on the ground that they had been or might have been proselytising. Some are said to have been convicted of apostasy, some sentenced to death and a few executed;

UNESCO report *supra* (16 January 2002) para 80. No details are given of any specific cases of conviction for apostasy or executions.

[78] The Belgian *Report on the Mission to Iran 16 May to 6 July 2002* (September 2002) records that the situation of Christians had improved over the past few years and that generally speaking, there was no longer any repression or persecution; *ibid* 21. According to the report, Christians from different churches are able to practise their religion undisturbed within their community of faith; *idem*.

[79] The Belgian report notes that few of the churches are involved in proselytisation, the most active in proselytisation being the Assembly of God and the Episcopal (Anglican) Church; *ibid* 21.

[80] The Belgians say while conversion from Islam to another religion is forbidden under Iranian law and theoretically punishable by death, the sources consulted had no knowledge of any sentences handed down because of conversion or proselytisation; *ibid* 22. They “certainly” had no knowledge of any executions in the last six years on the grounds of conversion or apostasy; *idem*.

[81] The report states (p22):

“The authorities are often aware of conversions but do not do anything to oppose them. As long as the religion is practised privately and the person concerned is not too obtrusive, in principle there is no problem. It is only if the person practises his religion publicly and actively attempts to convert others that he could be in trouble. However, this applies more to small towns, where it appears that members are sometimes questioned, than to Teheran, where things are somewhat easier given the anonymity of this big city. One of the sources related that one of its members was currently in detention for distributing Bibles and because of open proselytising. None of the other sources we consulted had any knowledge of such cases.

Muslims regularly attend services in the different churches. In most cases this is known to the authorities, but they do not make any problems.”

[82] This report includes detailed information on the various Christian churches, including ethnic-based ones. The Authority notes, for instance, that the Armenian Assembly of God church has three churches in Tehran, one of which conducts services in Farsi. Some 80% of the church’s 800 members are said to be converted Muslims. The church leaders reported to the Belgians that the situation for its members was “good” and the members were only rarely picked up for questioning. One member, a “zealous evangelist”, had been in detention for a

month. Where the authorities became aware of a conversion, this could lead to the person losing his job. In smaller towns, there were minor forms of intimidation, such as members being held for questioning for a few hours or a few days and then released and left in peace. They were sometimes asked to sign a declaration promising to stop making converts but most, in spite of this, continued with their proselytising activities, usually without any problems. The church asserted it was open to new converts; see pp 24-26.

[83] The Assyrian Assembly of God reported to the Belgians that their believers could practise their religion without any problem. Converts received instruction in Farsi before being baptised. As long as converts kept a low profile and were not very obtrusive about their new beliefs, in principle they would have no problems; see pp 26-27.

[84] In another report of the Canadian Immigration and Refugee Board, reference is made to several reports on recent instances where the Iranian courts had found individuals guilty of apostasy. This included charges levied against a cleric, Hassan Yusefi Eshkevari (first reported in 2000) and against members of a group of "pro-activists" including journalists in 2001-2002. More recently (in about November or December 2002), a reformist academic, Seyyed Hashem Aghajari, was charged with apostasy and received the death penalty after he challenged the authority of a senior cleric and called for the reform of the Iranian theology; see *Iran: Update to IRN30910.E of 26 January 1999 and IRN32418.E of 16 August 1999 on the application of the apostasy laws and reports of Muslim converts to Christianity being accused of this crime; treatment of those convicted of apostasy* (January 2003). However, his death sentence was commuted to four years' imprisonment; *Associated Press Iran Reformers Protest Clerics' Crackdown* (20 October 2003).

[85] The Canadian Board noted that recent accusations and charges for Muslim converts to Christianity were not known to the sources they consulted. They were aware of a case where a Muslim convert to Christianity was held in custody, beaten and lashed in October 1999 and another case where an individual had been charged with apostasy and sentenced to death in July 1997 but had later been released from prison; *ibid* 2.

[86] The Canadian report further states that there had been executions, particularly in the early years of the revolution but it appeared that the government was presently not pursuing an active and systematic policy of investigating and prosecuting cases of apostasy (aside from Baha'is); *ibid* 4.

[87] The report states that although Iranian embassies monitor activities in Iranian exile communities, it would be highly unusual if they kept track of Iranian baptisms abroad; *ibid* 5.

[88] The United States Department of State records that the government "vigilantly" enforces its prohibition on proselytising activities by evangelical Christians by closing churches and arresting converts. It noted there continued to be mistreatment of evangelical Christians during 2003, including instances of government harassment of church goers in Tehran, in particular against worshippers at the Assembly of God. The harassment is said to have included conspicuous monitoring outside Christian premises by revolutionary guards to discourage Muslims or converts from entering and demands for the presentation of identity cards of worshippers inside, though there were no reports of forced religious conversions; see *Iran - International Religious Freedom Report 2003* (18 December 2003) section II.

[89] The Department of State also reports that members of religious minority groups, including the Baha'is, evangelical Christians and Sunni clerics, were killed in recent years, allegedly by the government; *Country Reports on Human Rights Practices – 2003 Iran* (25 February 2004) section Ia. It is further recorded that the Ministry of Intelligence and Security closely monitored religious activities. Members of the religious minorities, particularly Baha'is, reported imprisonment, harassment and intimidation based on their religious beliefs; *ibid* section 2c. No other religious minority is mentioned. The Christian community was estimated to be approximately 300,000, the majority being ethnic Armenians and Assyro-Chaldeans. Protestant denominations and the evangelical churches were active, but cited restrictions on their activities; *idem*.

[90] The United Kingdom Home Office, drawing particularly on the United States Department of State reports referred to above, repeats that the government is highly suspicious of any proselytising of Muslims by non-Muslims and that intimidation is rife, in particular against Baha'is and evangelical Christians. While

Christians are legally permitted to practise their religion and instruct their children, they may not proselytise Muslims. The authorities had become particularly vigilant in recent years in curbing proselytising activities by evangelical Christians whose services are conducted in Persian; *Iran Country Report* (April 2004) 6.58, 6.64. Government officials reacted to this perceived activity by closing the evangelical churches and arresting converts; *ibid* 6.65.

[91] The Home Office notes reports of eight deaths of evangelical Christians at the hands of the authorities in the past, though none since 1994; *ibid* 6.66. Mistreatment of evangelical Christians continued, in particular against worshipers at the Assembly of God congregation in Tehran, with instances of harassment cited including monitoring outside Christian premises by revolutionary guards and demands for presentation of identity papers.

[92] According to the Home Office, Muslim converts to Christianity face obstacles such as not being admitted to university and not being issued a passport. However, Muslim converts appear able to practise their new faith up to a point, including the possibility of weekly church attendances. On the other hand, those actively displaying their new faith in public, in particular by proselytising, can expect to face severe repression; *ibid* 6.72.

[93] The Home Office report further states that the government frequently charged members of religious minorities with crimes such as “confronting the regime” and apostasy, and conducted trials in these cases in the same manner as threats to national security; *ibid* 6.59. The sources cited are the United States Department of State *Country Report on Human Rights Practices 2002 Iran* (31 March 2003) 7 and the Dutch report *Situation in Iran* (August 2000) at p38. The Authority observes that the only cases referred to in those reports concern Baha’is (apart from dissident Muslim clerics).

[94] Some US-based Christian groups report executions and other forms of persecution (imprisonment and torture) of ordinary converts. The Authority treats such information with circumspection, in the absence of confirmation from independent and authoritative sources such as foreign governments (which report on human rights in other countries) and internationally respected human rights groups.

[95] Iranian Christians International Inc issued a report in November 2000, entitled *The Continued Escalation of Persecution of Evangelical Christians in the Islamic Republic of Iran*. It alleges that the group had received recent reports indicating that persecution in Iran of ordinary Iranian converts to Christianity was “more severe and wide spread”; *ibid* 3. It further asserts that ordinary Muslim converts to Christianity (together with other evangelical Christians, pastors and church leaders) continue to be “arrested, imprisoned, tortured and killed, simply because of their religion”; *idem*. It is a voluminous report (including exhibits) and identifies many people who are said to have suffered detention, beatings, and torture at the hands of the Iranian authorities, due to their conversion to Christianity. The Authority could only find one example in the document of a Muslim convert (unnamed) being killed, allegedly because she listened to a Christian radio broadcast; see entry “January 1998 – Tehran” at p14. The report also alleges that in 1984 revolutionary guards allegedly murdered a man for verbally defending his Christian brother-in-law and family in unknown circumstances; see entry “September 1988 – Mr M and Family – Muslim Converts to Christianity” at p24.

[96] This report also appears to be the source of the information in the Department of State report that at least eight deaths had occurred in the past 10 years (since 1988) and that there had been 15 to 22 disappearances in 1997 and 1998 (most or all presumed to have been murdered); *ibid* 7. Specific details concerning named individuals are not given.

[97] Another US-based Christian group, International Christian Concern, produced a country report on Iran in May 2003; *Middle East: Iran*. There is a list of “Recent Actions” identifying *inter alia* harm to individuals (some named) from May 1996 to August 2002.

[98] While some of the specific instances of alleged persecution may be true, caution needs to be exercised. The sources of information are unknown, as is the ability of the group to corroborate the allegations. Some of the entries themselves suggest prudence. For instance, the first entry concerning Canadian acceptance of a refugee application from Mr Mahmoud Erfani (said to be a Christian convert) in August 2002 notes that he had been refused three times by the UNHCR. It is alleged only that he had been interrogated “intensely” in a series of one hour “abductions”. This does not necessarily suggest (to us) persecution of Mr Erfani

that would justify refugee status, a status apparently refused by the UNHCR. Furthermore, the total number of incidents (14) set out in the report does not indicate widespread persecution, even if the incidents are accepted at face value. In saying this, the Authority is mindful of the fact that some incidents refer to multiple members of the church being harmed and that there may be a significant element of under-reporting of actual incidents.

ASSESSMENT OF COUNTRY INFORMATION

[99] While there is conflicting information as to the use of the death penalty (judicial or extra judicial) since the mid-1990s and the extent of serious harm (as against mere harassment) for apostates, the Authority's conclusion from a review of the country materials follows.

[100] There have been no deaths of apostates since about 1994, if not the early 1990s; see paras [65], [67], [69], [80] & [91] above. There have been reports of the deaths of proselytising apostates (pastors) in 1994 and 1996; paras [60], [66] & [75]

[101] Christianity, including the Roman Catholic faith, is an officially recognised religion; para [57]. There is evidence that the Armenian Catholic Church will baptise non-Christians who come to them and there may be some use of Farsi; para [76]. A number of Protestant Christian churches do welcome converts and provide services in Farsi; paras [59], [60], [79], [82] & [83]. There are some several thousand to 15,000 Muslim converts to Christianity; paras [59]-[60].

[102] Religious minorities recognised by the government (including Christians) can practise their religions, though not necessarily evangelical Christians. They can generally attend church, carry a Bible and hold religious gatherings and celebrations in their homes; paras [73], [76], [78], [81] & [92].

[103] Mere apostates, who do not publicly proselytise, face minor intimidation and harassment such as losing their jobs, having their identities checked at church and being summoned for questioning to be reprimanded and to influence them to reconvert to Islam; paras [61], [66], [69], [73], [82], [91] & [92].

[104] There are fewer difficulties for Christians in Tehran than in smaller towns; para [81].

[105] While there may be the possibility of a term of imprisonment for conversion, this is rare; para [69]. The Authority finds that the risk of imprisonment amounting to persecution, either through a lengthy detention or a detention coupled with serious mistreatment, for an apostate, is remote.

[106] The government is not pursuing an active and systemic policy of investigation and prosecution of cases of apostasy; paras [69], [74], [85] & [86].

[107] Counsel submits that the country conditions have worsened since the appellant's last refugee appeal was declined, on 30 July 1998; see paras 3 & 6 submissions 28 October 2003. The Authority finds that, to the extent they have changed, the situation for mere converts to Christianity has improved thereby reducing the risk of serious harm for this appellant.

[108] Counsel rightly concedes that there is no hard evidence of harassment of the Catholic Church; para 1.8 Further Memorandum 17 November 2003.

[109] Counsel further submits that although a definite increase in ill-treatment of apostates cannot be shown now, the potential exists for superficially religious crimes to be levied against individuals more assiduously as part of the theocracy's efforts to stem the reformist mood in society. There is therefore a risk that the struggle for ascendancy in Iran could result in a religious clampdown such that the apparent tolerance of Christian communities could evaporate; see para 2.6 Further Memorandum. The Authority finds this highly speculative and not established by the country materials.

PREVIOUS DECISIONS OF THE AUTHORITY

[110] The Authority has also reviewed its more recent decisions regarding Iranian Christian converts.

[111] In *Refugee Appeal No 72323/00* (25 September 2001), the asylum-seeker was granted refugee status. He was found to be a serious and dedicated member of an evangelical church, with his religious commitment including spreading and

sharing his faith and actively seeking to convert others. In New Zealand, he had spoken at different churches and also participated in a weekly radio programme.

[112] In *Refugee Appeal No 73018/01* (31 May 2002), the claimant, an evangelical Christian was granted refugee status. While it was found that the appellant was not a proselytiser, he and his siblings had come to the attention of the authorities in the past as supporters (or suspected supporters) of the *Mujahedin*. He was from a known anti-regime family.

[113] The claimant in *Refugee Appeal No 74611/93* (12 June 2003) was also granted refugee status. It was accepted that he intended to set up classes for beginners in Christianity in Iran. There was also evidence that one of his teachers in Christianity had been arrested and no further news had been heard of him. The Authority found it could not exclude the real likelihood that his conversion and proselytising would come to the attention of the authorities in Iran.

[114] The asylum seeker in *Refugee Appeal No 74549/02* (30 July 2003) was declined refugee status. While a genuine convert to Christianity, it was found that he would not proselytise if he returned to Iran but would continue to practise his faith by praying within the private confines of his home. As he was a relatively reserved individual by nature, the Authority found that he would not seek to evangelise his faith. It was also found that his family would not divulge his conversion to the authorities. Accordingly, he had no well-founded fear.

[115] In *Refugee Appeal Nos 74862-74865* (19 February 2004), the Authority granted refugee status to three adults (declining refugee status to a child) on the basis of their conversion to Christianity. On reviewing the country information, the Authority found that apostasy of itself is unlikely to give rise to more than harassment by the Iranian authorities. In this case though, the claimants were from the Assembly of God denomination, an evangelical church. Furthermore, the principal claimant was the subject of an unresolved enquiry into her sexual relationship with a man out of wedlock. It was found that any investigation of her would bring to the attention of the authorities not only the sexual relationship but also her apostasy. Furthermore, any investigation would be wide enough to include those returning with her (namely her husband and brother-in-law). Accordingly, refugee status was granted to the three adults.

[116] In a recent case, *Refugee Appeal Nos 75038-75039* (4 August 2004), the Authority granted refugee status to two Christian converts, a husband and wife, with the husband having a political profile. The husband had been detained and was the subject of a summons requiring him to report to the local police station.

[117] The assessment of the country materials by this panel of the Authority is consistent with the above decisions. Refugee status is not justified on the basis of conversion to Christianity alone. Counsel draws the Authority's attention to the decision in *Refugee Appeal No 74611/93 supra* but in that case the claimant said that he would set up classes for beginners in Christianity. Clearly this amounts to an intention to proselytise. Furthermore, one of the claimant's religious teachers had disappeared and the claimant had been detained and interrogated about his teacher's Christian activities.

CONCLUSIONS ON WELL-FOUNDEDNESS

[118] On the basis of the above country information and given the appellant's own circumstances and personality, the Authority concludes that he will not be at risk of serious harm at the real chance level.

[119] He is a person with no real political profile. He made minor protests against the regime in the military and while in employment with a government company. He read political materials but there is no evidence this is known to the authorities. It is speculative and fanciful to elevate the request to report to the neighbourhood authority to the level of a political profile. The searches of his house revealed nothing. Such conduct is also too remote in time to draw attention to himself or materially influence the risk of harm for him now.

[120] His previous activities and family background are not such as to make him a person already of interest to the authorities (that is, he is not a person in whom the authorities have a pre-existing interest). Nor does he come from a family with a history of conflict with the authorities.

[121] Nor does he have any religious profile with the authorities.

[122] It is accepted that he is a committed Christian who will "spread the light" privately, amongst family and friends, when asked or when the opportunity arises.

However, he will not draw attention to himself publicly. He is a private individual, as the panel of the Authority in the last decision noted, and not an evangelical preacher who might attract attention by public conduct. On the evidence before us, we are satisfied that he will limit his “proselytising” to sharing his faith with family and friends at intimate functions.

[123] According to the appellant, his family would tell the authorities of his conversion because it is the “duty of Muslims to kill and destroy any infidels” but it is not accepted that his family would do this, even if they disapprove of what he has done. There is nothing about his family (in terms of their connection with the regime or their religious activities or fervour) that the Authority has been told of that could explain why his family would put him at risk of serious harm. He has described his family as Muslim by name and not deeply religious. Furthermore, he has been estranged from them since 1996 or 1997. We agree with and rely on the finding of the Authority previously (on his second appeal) that he did not inform his sister of his conversion, which was unknown to his family and the authorities. We also find that this remains the case. If he really believes himself to be at risk from his family, he will not tell them.

[124] The appellant’s circumstances are closest to those of the asylum-seeker in *Refugee Appeal No 74549/02 supra* (see [114] herein), whose claim was unsuccessful.

[125] In light of these findings, it is implausible that his conversion will come to the attention of the Iranian authorities.

[126] Even if it did, we find that the risk of serious harm (tantamount to persecution) for this appellant is remote. He is not from an evangelical denomination (indeed, he is from a protected faith). If his conversion is discovered, it is highly unlikely he will suffer anything worse than harassment and/or being summoned to the Ministry of Information to be reprimanded and/or influenced to convert back to Islam; see paras [103] & [104] above.

[127] While he says he will not attend church, we find that even if he does so, the risk of serious harm is remote; para [102]. We accept though that he could well experience a degree of surveillance and harassment as a regular church-goer but this does not amount to persecution.

[128] The Authority finds that the appellant will be able to manifest his faith through activities he wishes to undertake such as private study of the Bible, sharing his faith with receptive relatives, friends and acquaintances and attending church, without being at risk of serious harm at the real chance level.

[129] The publicity in New Zealand, largely concerning his work as a chef but where his Christian beliefs or status as an asylum seeker have also been mentioned, is immaterial. It is implausible that the Iranian embassy monitors New Zealand television or the press to identify converts to Christianity or asylum seekers; see also [87] herein. This publicity and the appellant's profile in New Zealand is, respectfully, particularly modest. It is highly unlikely to have come to the attention of the Iranian authorities or to excite any interest even if it did. Iranian nationals make thousands of refugee applications worldwide every year, many of which fail. There is no evidence that unsuccessful asylum applicants (whether in New Zealand or elsewhere) are monitored and returning asylum-seekers identified and persecuted.

[130] Counsel submitted that the appellant's absence from Iran for so long was a risk factor but no country information has been presented to support this contention. There cannot be anything unusual about the appellant, a failed asylum seeker, returning to Iran after a prolonged absence abroad having sought to better his circumstances. It is noted that he has never been approached nor warned, to date, by Iranian embassy officials in New Zealand about his conduct. Nor is there any significance in the destruction of his passport more than 10 years ago as a form of protest. That is too remote in time and was rather a minor protest even if observed at the time (he does not even appear to know whether it did occur at an Iranian embassy).

[131] In the circumstances, the Authority finds that his fear of persecution is not well-founded. The first principal issue (para [12] above) is answered in the negative.

[132] Counsel invites the Authority to exercise any doubt in the appellant's favour. The Authority however has no (real or material) doubt as to its finding that his fear is not well-founded.

MEDICAL EVIDENCE

[133] The appellant may suffer stress but this did not affect his ability to give evidence to the Authority, nor did counsel contend that it did. The medical report is somewhat exaggerated. It is not accepted by the Authority that he lacks concentration at work or is accident prone. These are presumably self-reported symptoms. According to one of the published articles concerning him, he is required to (literally) “juggle razor sharp knives, flames and omelettes” in public (*The New Zealand Herald*). In another article, he is reported as saying that it took him over a year to learn to be a teppanyaki chef but he now does not make any mistakes (*The New Zealand Herald*).

CONCLUSION ON JURISDICTION

[134] Having concluded that the appellant’s fear of persecution is not well-founded, the Authority will now formally address the jurisdictional issues set out at [8] above. It is plain that there has been no change of circumstances since July 1998, such that it could be said that his third claim is based on significantly different grounds from that of his second claim. His conversion to Christianity was the basis of his earlier claim and there is nothing about the appellant or the conditions in his country which have changed, let alone to the extent required.

CONCLUSION

[135] For the above reasons, the Authority has no jurisdiction to consider his appeal. Even if it did, it would find that the appellant is not a refugee within the meaning of Article 1A(2) of the Refugee Convention.

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D J Plunkett
Chairman