

**1216092 [2013] RRTA 586 (6 September 2013)**

**DECISION RECORD**

**RRT CASE NUMBER:** 1216092  
**DIAC REFERENCE(S):** CLF2012/142228  
**COUNTRY OF REFERENCE:** Egypt  
**TRIBUNAL MEMBER:** R Mathlin  
**DATE:** 6 September 2013  
**PLACE OF DECISION:** Sydney  
**DECISION:** The Tribunal affirms the decision not to grant the applicant a Protection (Class XA) visa.

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

## STATEMENT OF DECISION AND REASONS

### BACKGROUND

1. This is an application for review of a decision made by a delegate of the Minister for Immigration to refuse to grant the applicant a Protection (Class XA) visa under s.65 of the *Migration Act 1958* (the Act).
2. The applicant claims to be a citizen of Egypt, and having seen the Egyptian passport on which he travelled to Australia, I find that this is the case. The applicant first arrived in Australia [in] January 2007 holding a student visa. He returned to Egypt in March 2011, and re-entered Australia [in] June 2011. He applied to the Department of Immigration for the protection visa [in] July 2012.
3. The applicant was represented in relation to the protection visa application and the application for review by a registered migration agent.
4. He claimed that he faces persecution in Egypt because of his religion. The applicant claims to be a Quranist who rejects the hadith and sunnah; this would cause him to be viewed as an infidel or an apostate and harmed by his family, the authorities and the Sunni community. Independent information before the Tribunal indicates that Quranists have been subjected to serious harm and human rights abuses in Egypt in the past. The main issue in this case is whether the applicant is really a Quranist who would come to the adverse attention of Sunnis in Egypt, and face persecution or significant harm as a consequence.

### CLAIMS AND EVIDENCE

#### *Information on DIAC file*

5. In his protection visa application the applicant stated that he is a single Muslim man [age deleted]. He travelled to Australia on an Egyptian passport issued in his own name, a copy of which was submitted with the application. He stated that he lived in Kalubia, Egypt. He claims to have attended trade school and to have worked as a [vocation deleted] in Egypt.
6. The applicant's parents and a number of siblings reside in Egypt. He has a brother in [country deleted].
7. He stated that he came from a strict Muslim family. He was expected to pray five times a day, to observe the Sunnah and to attend mosque once a week.
8. When he first arrived in Australia he practiced his religion as he did in Egypt. In 2009 he met an Australian girl who started to use the internet to learn about Islam. The applicant began to read and learn more because he wanted to explore aspects of his own thoughts that were considered wrong according to Sunni Islam teachings.
9. Through his readings the applicant learned about Quranists, but found there was a lot of conflict between their own thoughts. He started to speak to people including the elders at the mosque. By mid-2010 he became comfortable in some of his Quranist ideas but not totally convinced. He began to change some of his beliefs and practices and met opposition even from people in Australia.

10. When he returned to Egypt his family noticed a big difference in him, and the applicant noticed a change in society due to the influence of the Muslim Brotherhood and Salafists. Egypt had become much more fundamentalist in its thinking and religious practices. The applicant met difficulties talking about his religious views and had to keep quiet. He expressed his opinions on Fridays at the mosque and this caused trouble in his family and the community. A few weeks before he returned to Australia he was threatened by a Salafist sheikh and elders from his area, and was told that if he continued with his Kaffir ways he would be killed.
11. After this the applicant reassessed his religious beliefs and is now comfortable that his belief is not Sunni Islam. He does not necessarily follow all Quranist beliefs but he believes that the Quran is his only teacher. He could not live in Egypt because he would be unable to express or act on his religious beliefs; he has to be careful even in Australia. If he were to express his religious views he could be harmed or killed by the authorities, his family, the community and fundamentalist Islamic groups.
12. The applicant was interviewed by the delegate [in] September 2012. I have listened to the recording of the interview.
13. The delegate refused to grant the visa [on a further date in] September 2012. She was not satisfied that the applicant was a genuine Quranist believer, or that he had rejected Sunni Islam; she found that he was still a Sunni Muslim although his religious practice and views might not conform entirely to Sunni Islam. She was therefore not satisfied that he would be of adverse interest to Muslim fundamentalists, the Muslim Brotherhood or Salafists if he returned to Egypt, or that he had a well-founded fear of persecution or that there was a real risk that he would suffer significant harm as a consequence of his religious beliefs.

*Tribunal proceedings*

14. The applicant attended a hearing held by the Tribunal [in] August 2013 at which he presented evidence and arguments in support of his claims with the assistance of an interpreter. An unregistered representative from the office of his migration adviser attended the hearing as a "support person".
15. The applicant stated that he came to Australia to [study]. He has completed a number of courses and his current student visa is valid until March 2014. At the hearing he said that initially his family was funding his studies, but when he told them in December 2011 that he is a Quranist and is not returning to Egypt they cut off contact with him. He says that his father has said that he will kill the applicant if he sees him again.
16. I asked the applicant why he had lodged his protection visa application six months after telling his family that he was not returning. He said that he waited until he was very sure of his beliefs after a lot of thinking and reading. He made the decision that he is a Quranist in January 2012.
17. I asked the applicant how he first became interested in Quranism. He said that his friend [Ms A] was learning about Islam on the internet and she found out that Quranists did something different to what the applicant did. He said that he started to read, he listened to some of the Quranist sheikhs, and when he returned to Egypt he asked his family and some Sunni sheikhs. At first he was not convinced. After he returned from Egypt he became more

sure. He read the Quran and made sure of what it says; God said that everything in the Quran explains itself, it was handed down by God, and we should do what God told us in the Quran.

18. The applicant said that he is not aware of any differences in the beliefs held by Quranists. I put to him that information I had indicated that there were significant differences. The applicant denied this. I put to him that, given there seemed to be different interpretations of the Quran among Quranists, it was difficult to see how he could adequately inform himself about Quranist beliefs by reading the Quran by himself. The applicant responded by talking about the differences between the beliefs of Sunnis and Quranists. The applicant was able to identify differences in relation to the role of the hadith, the shahada, praying and fasting. He was not aware of any differences between Quranists in relation to praying and fasting. He said that he did not want to read discussions between Quranists on the internet because he does not want to follow sheikhs and leaders, this was a mistake that he made in the past. I asked the applicant whether there are any other differences between Sunni thought and Quranism that are particularly significant to him and he again mentioned praying and fasting. I asked whether there were other differences that he had not mentioned and he said that there were not. When I asked him about the pilgrimage, he said that Sunni Islam requires that someone pay a large amount of money to do the pilgrimage to Mecca, but Quranism says that you should help a person in need first, and then go to God's house. I asked the applicant to identify the part of the Quran which this view is based on. At first he just said that a verse mentions that; then he identified a verse which, when he recited it did not appear to address the question of pilgrimage. When asked what this verse had to do with pilgrimage, he said that he does not know many verses by heart. He said that in the Quran God did not specify a day for pilgrimage, and you do not need to go to Mecca, you can go to any place where God can see you.
19. The applicant was able to correctly explain the difference between the two schools in relation to giving to charity. He said that there are no differences between Sunni Islam and Quranism in relation to dress codes or women.
20. I put to the applicant that in his protection visa application he had stated that initially he had reservations about Quranism because he found that there were conflicts between what different Quranists believed. I noted that this was inconsistent with the oral evidence he had given that he was not aware of any such conflicts. The applicant said that in his protection visa application he had been talking about differences between what Quranists believe and what Sunnis believe. He repeated that there are no differences in the views of Quranists. I explained to the applicant that the inconsistency between his oral evidence and written claims might make me think that his evidence about being a Quranist was not true, as might his lack of awareness of difference between different Quranist schools of thought. For example, information available to me indicates that Quranists may pray two, three or, like Sunnis, five times a day. According to the *All Monotheists* website the "overwhelming majority Quranists [sic] pray 5 times a day" while a small minority pray three times. The *Quranist Path* says that "[t]he Koran only mentions praying twice a day; in the morning and in the evening"<sup>1</sup>. There are also different views about the pilgrimage and the correct way to fast<sup>2</sup>.

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<sup>1</sup> See: "Contact Prayer" (undated), Quran Alone website <http://www.quranalone.com/contact-prayer> - accessed 14 April 2011; "The Way We See It" (undated), Quranists.org website <http://quranists.org/pillars.html> -accessed 10 November 2009; "Religions: Sunni and Shia", 2009, BBC, 19 August [http://www.bbc.co.uk/religion/religions/islam/subdivisions/sunnishia\\_1.shtml](http://www.bbc.co.uk/religion/religions/islam/subdivisions/sunnishia_1.shtml) -accessed 13 April 2011

<sup>2</sup> "The Way We See It" (undated), Quranists.org website <http://quranists.org/pillars.html>; "Sura 2, The Heifer (Al-Baqarah)" (undated), Quran Alone website <http://www.quranalone.com/quran/ch2.html#183>; "The Way We

21. The applicant said that he just follows what is in the Quran.
22. I asked the applicant to explain what reservations he initially had about Quranism, as stated in his protection visa application – what was he initially comfortable with and what concerns did he have. The applicant responded vaguely at first and eventually said that he was comfortable with what he read about prayers and fasting.
23. The applicant said that he meets with friends here who are Quranists. He was very vague about how he first came into contact with them and learned they were Quranists, repeating that they sometimes met in a park in [Suburb 1] where they discussed and read the Quran. They discovered their thoughts and ideas were similar. There are ten of them; they meet once a week or once fortnightly. He said that they most recently met last Sunday. Asked what they talked about last Sunday he said that they talked about the Quran and what's happening in Egypt. I asked the applicant several times what specific things in the Quran they discussed; his responses were vague and non-responsive. Eventually he named a chapter that he said they had talked about at their last meeting.
24. I asked how he would practise as a Quranist if he went back to Egypt. He said that he would have to say what God says, otherwise he will die, God will punish him personally. However, if he were to talk to anyone about his he will be killed. A fatwa was made by the Sunnis against anyone who speaks against the hadith. There are killings every day; fifteen people from his area were killed last week. I put to the applicant that while many people are being killed in the current unrest in Egypt, there is no information to suggest that Quranists are being killed; or that people who are in any way similar to the applicant are being targeted. The applicant said that if he goes to Egypt and talks to someone about his beliefs they will apply sharia law and kill him because he is a Quranist. The Muslim Brotherhood is very strict because of what has happened and they are suppressing the majority of people. Also his family will oppress him.
25. I asked the applicant how many people, apart from his friends in the park, he has spoken to about his religious beliefs in the last two weeks. He said that he speaks to other people who are not Sunnis; he speaks to them about what God says in the Quran. These are people he meets in a park outside the [Suburb 1] mosque. They are Sunnis. He tells them what God says, he tells them that the prayers they are saying are wrong. He goes to this park every Friday and has done so since January 2012; he tells the people that he used to be like them. He does this because God has mentioned in the Quran that it is necessary. I asked where in the Quran it says he has to do this. The applicant quoted a verse which did not seem to reflect what he claimed was God's direction on this. I asked why he had not mentioned in his protection visa application that he had been talking to people about Quranism since January 2012 when he completed the application six months later. He said that he did not realise he should mention it. He said that some people accept what he says and some don't; those who don't accept it don't get angry, they just give him a look and later they start to consider the issue. I put to him that this evidence seemed to be different from his written claims, where he had not mentioned talking on a weekly basis to people outside the [Suburb 1] mosque, but in fact he claimed that he had to be careful what he said to people even in Australia. He said that before he submitted the application he did not know much about the Quran; a lot of people have become Quranists because of what he does.

26. I asked whether being a Quranist involves any beliefs or objectives other than following the Quran. The applicant said that we should do whatever God says and not listen to anybody else. I put to the applicant that the internet sites mention certain overarching beliefs and objectives of the Quranist movement as espoused by Sheikh Mansour<sup>3</sup> The applicant said that he has read a bit about him, and told me some information about Sheikh Mansour. He confirmed that for him, being a Quranist involves him as an individual following the word of God as it is written in the Quran, and nothing else.

27. Asked whether he had anything to add, the applicant said that he does not follow or read what is on the internet, he reads directly from God's book.

#### *Country information*

28. Koranists (Quranists) are a small Muslim group that believe the Quran is the only legitimate source of Islam, challenging the mainstream Muslim view that the Hadith – the sayings and actions of the Prophet Mohammad – is central to Muslim practice<sup>4</sup> According to Egyptian Quranist founder Ahmed Subhy Mansour, Quranists are reformists that seek “a modern interpretation of Islam that rejects Shariah law”<sup>5</sup>.

29. Previous Egyptian Governments and the country's religious authorities are hostile towards the Quranist population. The Egyptian authorities have systematically harassed Quranists, physically abusing group members and arbitrarily detaining them. In 2010 the United States Commission on International Religious Freedom (USCIRF) reported that the Government uses Penal Code Article 98, which prohibits "ridiculing or insulting heavenly religions or inciting sectarian strife" to harass Quranists and other "deviate" Muslim groups<sup>6</sup>. There are reports from 2007, 2008, 2009 and 2010 of the arrests and detention of small numbers of Quranists<sup>7</sup>.

30. Quranists report strong community hostility from Sunnis and Muslim Brotherhood members. Egyptian Quranist founder Mansour is openly dismissive of the Hadith and publically criticises the Muslim Brotherhood and Salafists<sup>8</sup>. Although no examples of

<sup>3</sup> “About Us” (undated), International Quranic Centre website <http://www.ahl-alquran.com/English/aboutus.php#iqc>

<sup>4</sup> US Embassy Cairo 2009, “Imprisoned Quranist Blogger released”, 26 January on the *Telegraph* website <http://www.telegraph.co.uk/news/wikileaks-files/egypt-wikileaks-cables/8327103/IMPRISONED-QURANIST-BLOGGER-RELEASED.html> – Accessed 13 April 2011 – Attachment 1; “About Us” (undated), International Quranic Centre website <http://www.ahl-alquran.com/English/aboutus.php#iqc> – Accessed 9 November 2009 – Attachment 2; El-Khashab, Karim 2007, “Matters of Faith”, *Al-Ahram Weekly Online*, Issue no. 852, 5-11 July <http://weekly.ahram.org.eg/2007/852/eg12.htm> – Accessed 9 November 2009

<sup>5</sup> Mansour, A.S. 2009, ‘Egypt persecutes Muslim moderates’, *The New York Times*, 09 February [http://www.nytimes.com/2009/01/23/opinion/23iht-edmansour.1.19632638.html?\\_r=1](http://www.nytimes.com/2009/01/23/opinion/23iht-edmansour.1.19632638.html?_r=1) – Accessed 10 May 2011

<sup>6</sup> US Commission on International Religious Freedom 2010, *Annual Report of the United States Commission on International Religious Freedom* May 2010 (Covering April 1, 2009 – March 31, 2010).

<sup>7</sup> RRT request 2010 “EGY36041- Koranists, military service, ID cards and security services' procedures in Egypt Department of Foreign Affairs and Trade (DFAT)”, 1 March 2010,

US Embassy Cairo 2009 “Egyptian Quranist Detained, Released”, 2 December on the *Telegraph* website <http://www.telegraph.co.uk/news/wikileaks-files/egypt-wikileaks-cables/8326926/EGYPTIAN-QURANIST-DETAINED-RELEASED.html> – 4 April 2011; US Commission on International Religious Freedom 2011, *Annual Report of the United States Commission on International Religious Freedom* (Covering April 1, 2010 – March 31, 2011), 28 April <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=printdoc&docid=4dbe90c4c>

<sup>8</sup> “Who is benefiting from the attack on the Quranists in Egypt?” (undated), International Quranic Center website [http://www.ahl-alquran.com/English/show\\_article.php?main\\_id=1909](http://www.ahl-alquran.com/English/show_article.php?main_id=1909); US Embassy Cairo 2010 “Religions Freedom Commission Visits Egypt – Sectarian Attack Dominates Discussions”, *Politiken* website, 3

community attacks on Quranists were found, Quranist views do conflict with Sunni beliefs and could offend elements of the population. Reports indicate that Quranists have a hostile relationship with Egyptian Islamist groups, especially the Muslim Brotherhood and Salafists.

31. There is a small Quranist community in Australia that engages primarily through web forums such as the website *Free Minds* which is used by Australian Quranists to discuss their beliefs and organise meetings.<sup>9</sup> Another Australian based Quranist blog-site, the *Australian Quranists*, with a number of members and a greater number of registered viewers, was also located.<sup>10</sup> No formal Quranist institutions or places of worship appear to be located in Australia; instead Australian Quranists appear to gain their religious education through internet forums.<sup>11</sup> Quranists, by their own description are not a religious sect and reportedly do not have official “gathering places”.<sup>12</sup> Although Quranism has key figures, such as Egyptian founder Ahmad Mansour, there are no formal Quranist authorities to provide religious instructions. In place of instructions from religious leaders, there are Quranist communities – often online – that offer religious advice on Islamic practices according to the Quran.<sup>13</sup> For example, Mansour’s International Quranic Centre (IQC) and blogs, such as *Quranist Islam*, provide Quranists information and advice on how to study the Quran.<sup>14</sup>
32. No reports have been located of Government harassment of Quranists since the January 2010 revolution which deposed the Mubarak government, or subsequently under the Muslim Brotherhood president Morsi, or since Morsi’s deposition earlier this year. However, there have been reports of attacks on other religious minorities, including Christians, Sufis and Shias over that time.<sup>15</sup>

## ANALYSIS

33. At the hearing I questioned the applicant at length about his beliefs; about Quranism in general; and about the way he manifests his belief in the Quran in Australia and how he would do so in Egypt. I found the applicant’s evidence to be unsatisfactory in a number of respects.

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February <http://91.214.23.156/cablegate/wire.php?id=10CAIRO153&search> ; Witter, Willis 2007, ‘Anti-al Qaeda base envisioned; Exiled Egyptian cleric seeking to reclaim Islam in ‘war of ideas’’, *Washington Times*, 26 September ;European Parliament 2008 “Resolution of 17 January 2008 on the situation in Egypt” January <http://www.cihrs.org/Images/ArticleFiles/Original/152.pdf>.

<sup>9</sup> “Members” (undated) , *Free-minds.org* website <http://free-minds.org/Members> ; “Topic: Australia meet up”, *Free-minds.org* website <http://free-minds.org/forum/index.php?topic=9599741.0>

<sup>10</sup> “Home” (undated) *Australian Quranist* website <http://australian-quranists.blogspot.com/> .

<sup>11</sup> Although there are Quranic schools in Australia, these institutions are dedicated to the study of the Quran and the Hadith. As they use the Hadith to interpret the Quran, these schools run against the basic tenet of Quranism.

<sup>12</sup> “Main” (undated) *Ahl alQuran International Quranic Center* website <http://www.ahl-alquran.com/English/main.php>; “Home” (undated) *Australian Quranist* website <http://australian-quranists.blogspot.com/>; Al Sherbini, Ramadan 2007, ‘Egypt to further probe Quranists’, *Gulf News*, 9 August <http://gulfnews.com/news/region/egypt/egypt-to-further-probe-quranists-1.194832>

<sup>13</sup> “Home” (undated) *Quranist Islam: A blog by a Quranist about Quranism* website <http://quranistislam.wordpress.com/>; “Home” *The Quranist Path* website <http://www.quranists.com/> ;

“Home”(undated) *Quran Alone* website <http://www.quranalone.com/>

<sup>14</sup> “Home” (undated) *Quranist Islam: A blog by a Quranist about Quranism* website <http://quranistislam.wordpress.com/> ; “Home” *The Quranist Path* website <http://www.quranists.com/> ;

“Home”(undated) *Quran Alone* website <http://www.quranalone.com/>

<sup>15</sup> US Commission on International Religious Freedom 2011, “Annual Report of the United States Commission on International Religious Freedom (Covering April 1, 2010 – March 31, 2011)”, 28 April <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=printdoc&docid=4dbe90c4c>



34. First there were significant discrepancies between the applicant's written claims in his protection visa application, and his oral evidence at the hearing.
35. The applicant stated in his protection visa application that he was interested to read about Islam on the internet because it helped him "become more comfortable with [his] thoughts that [he] had previously thought were wrong according to Sunni Islam teachings" When asked to explain what he meant by this, the applicant was unable to identify any doubts or concerns that he had about Sunni Islam or his previous religious practices that were explained when he found out about Quranism. When asked a number of times about this, he simply repeated in a mechanical way his claims that his friend had been reading about Islam and he had discovered that Quranists follow different practices in relation to prayer, alms and fasting.
36. The applicant also claimed in his protection visa application that through his readings he learned about Quranists but he "initially had trouble accepting all the teachings and ideas because there was so much conflict between the thoughts of a lot of Quranists" However, the applicant stated at the hearing that he had no idea that there were different schools of thought among Quranists about particular issues, or about the interpretation of the Quran in relation to certain issues. Despite being given several opportunities, the applicant was unable to explain the discrepancy between his written claim and his oral evidence.
37. I asked the applicant a number of times why he had doubts about Sunni Islam that made him interested in Quranism in the first place; why he was attracted to Quranism, what aspects of it interested him, and what aspects of his thoughts were considered wrong under Sunni teachings, a claim made in his protection visa application. The applicant did not squarely address any of these questions, simply repeating the narrative of how his awareness of Quranism came about, and talking at length about the difference in the way Sunnis and Quranists pray. He said that [Ms A] made him aware that there was a difference between what he was doing in relation to prayers, fasting and alms, and what God had said about this. I suggested to him that he must have had doubts about Sunni Islam which led to his initial interest in Quranism, or his concern about whether he was practising correctly. The applicant at first said that he had doubts when he listened to what [Ms A] said about prayers and alms because what she found on the internet was different from what he had been taught. He subsequently said that he had no doubts or issues with Sunni Islam.
38. The applicant claimed in his protection visa application that he needed to be careful about what he says in front of Sunni Muslims even in Australia. However, he did not mention in his written claims a claim he made in oral evidence that since January 2012, that is from six months before the application was lodged, he was going to a park outside [Suburb 1] Mosque on Fridays and having discussions about the primacy of the Quran with Sunnis who had just attended prayers. At the hearing he did not claim to have experienced any difficulties as a result of doing so – he was asked whether people ever became angry, upset or violent when he spoke to them about these matters and he denied this, saying that either they rejected what he said, or often that they accepted it and became Quranists. The applicant was unable to explain why he had not mentioned in the application that he had been engaging in such activity for the previous six months, simply saying that it did not occur to him to include this information. I do not accept this explanation. I do not accept that the applicant would omit information from his protection visa application about the way in which he practised Quranism in Australia, if he really did so. Moreover, without this activity there is otherwise no explanation or context for the claim in the application that he found he needed to be careful what he said in Australia. The applicant was unable to explain at the hearing in what



circumstances he made this discovery; so if it was not the case that he experienced problems when talking to Muslims outside the mosque, there is no other evidence about where he found that he needed to be careful. In these circumstances, this written claim appears to be untruthful.

39. I consider that if the applicant were telling the truth about his discovery of Quranism and his rejection of Sunni Islam, his accounts of the various significant steps along the way would have been consistent. Instead, he made various claims in writing that were either inconsistent with his oral evidence, or he was unable to expand upon them and explain them. These unexplained discrepancies between the applicant's written and oral claims lead me to consider that his claims, overall, are not truthful. The applicant was given the opportunity to provide explanations; he was either unable to, or the explanations he provided were unsatisfactory.
40. A further difficulty with the applicant's case is that, as discussed with him at the hearing, I consider that his knowledge and understanding of Quranism was superficial and limited. As noted above, he was unaware of some significant differences between Quranists about particular beliefs. His response was that he reads the Quran by himself and follows what it says; he does not read information about Quranism on the internet and does not want to follow "leaders" or sheikhs, because he believes that this is a similar mistake to those he made in the past (in following Sunni Islam sheikhs). When I pointed out to the applicant that the divergence of views among Quranists indicates that the Quran is open to different interpretations even among those who believe that it is the final word of God, and that this suggests that an individual cannot interpret it and rely on it himself, he was able to provide no further clarification or explanation. Similarly, when I noted that information about Quranism suggests that most followers engage in debate and discussion on the internet about matters such as the interpretation of the Quran, he simply repeated that he does not look at the internet, he reads and follows the Quran himself and does not want to follow leaders. I find the applicant's views and responses to be inconsistent with what is known about Quranism and the way it is practised. The information available to me does not suggest that a person who simply reads the Quran on his own, believing that it is the word of God as it was handed down, is in fact, a Quranist. I consider also, that the applicant did not display the level of familiarity with and understanding of the Quran that might be expected of a person who claims that they read it and rely on it as the sole guide to the practice of their religious faith. For example, the applicant at times attempted to cite verses as his authority for his claims, but either appeared unfamiliar with them, or quoted a verse that did not appear to be relevant to the point he was illustrating. On one occasion he explained this by saying that he does not know many verses by heart.
41. The applicant was also able to provide only limited information about differences between Quranist beliefs and orthodox Sunni Islam. In doing so, he was, as noted above, unaware of different Quranist schools of thought. For example, he repeated a number of times that the differences are in prayers, in alms and in fasting. He did not know about different Quranist views on prayer and his explanations of the differences between Quranist and Sunni views on alms and fasting were vague and limited. I formed the impression that the applicant had learned what he did know about Quranism by rote, and simply repeated his fairly limited knowledge without real understanding or insight.
42. Information available to me indicates that the Quranist community in Australia exists primarily online, and members use the internet to have discussions about various aspects of their faith. The applicant stated that, apart from when he was learning about Quranism, he

does not use the internet sites or engage with other Quranists in this way. While he stated that he meets regularly with a group in [Suburb 1], he was vague when asked about what they discuss, and about the subject of their most recent discussion of the Quran. In view of his vague and unsatisfactory evidence about this group, and in the light of the other deficiencies in his evidence overall, I do not accept that the applicant meets regularly with a group of Quranists in Australia. Nor do I accept that he speaks to pope and persuades them that they should follow only the Quran. In my view, the applicant was not able to demonstrate sufficient knowledge of the Quran, or of the differences between the different schools of religious thought, to be able to discuss and persuade others to his views.

43. I do not accept that the applicant is a Quranist as that term is generally understood. While his practice of Sunni Islam might not conform entirely to the strict code demanded by some Sunnis, I do not accept that this is because he has rejected the hadith and sunnah and adopted the Quran as the sole authority on religious faith and practice. I do not accept that the applicant has disclosed to his family that he is a Quranist, or that he would be identified by them as one. I therefore do not accept that he would be killed or harmed by family members. I also do not accept that the applicant would publicly identify as a Quranist or a Sunni non-conformist on return to Egypt in ways that would lead to a real chance that he would face persecution, or a real risk that he would face significant harm, from any other group including the Egyptian authorities, fundamentalist Sunni groups or the Sunni community generally.
44. While the applicant mentioned at the hearing that there are killings every week in Egypt, and that fifteen people were killed in his area last week, there is no information before me to indicate that, even if this claim is true, the circumstances in which these killings occur are such as to disclose a real chance or risk of harm to the applicant. As noted above, there are no independent reports of harassment, persecution or killing of Quranists over the last two years, despite considerable social unrest in Egypt over that period. I am not satisfied that there exists a real chance or a real risk that the applicant would face persecution or significant harm, if he returns to Egypt because of current conditions there.

## **FINDINGS**

45. 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 'refugee' criterion, or on other 'complementary protection' grounds, or is a member of the same family unit as such a person and that person holds a protection visa.

### *Refugee criterion*

46. Section 36(2)(a) provides that a criterion for a protection visa is that the applicant for the visa is a non-citizen in Australia in respect of whom the Minister is satisfied Australia has protection obligations under the 1951 Convention Relating to the Status of Refugees as amended by the 1967 Protocol relating to the Status of Refugees (the Refugees Convention, or the Convention). Article 1A(2) of the Convention 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

47. As I do not accept the applicant's claims that he is a Quranist, I do not accept that he has a well-founded fear of persecution for reason of his religion if he returns to his country of nationality, which I find is Egypt.

*Complementary protection criterion*

48. A person who is found not to meet the refugee criterion in s.36(2)(a) 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'). 'Significant harm' is exhaustively defined in s.36(2A): s.5(1).

49. As I do not accept that the applicant is a Quranist I do not accept that there is a real risk that he faces significant harm for this reason. He has not identified any other basis on which he might meet the complementary protection provisions. I am not satisfied that there are substantial grounds for believing that, as a necessary and foreseeable consequence of the applicant being removed from Australia to Egypt, the receiving country, there is a real risk that he will suffer significant harm of any kind for any reason.

*Section 499 Ministerial Direction*

50. In accordance with Ministerial Direction No.56, made under s.499 of the Act, I have taken account of policy guidelines prepared by the Department of Immigration –PAM3 Refugee and humanitarian - Complementary Protection Guidelines and PAM3 Refugee and humanitarian - Refugee Law Guidelines, to the extent that they are relevant.

**CONCLUSION**

51. For the reasons given above, I am not satisfied that the applicant is a person in respect of whom Australia has protection obligations under the Refugees Convention. Therefore the applicant does not satisfy the criterion set out in s.36(2)(a). Having concluded that the applicant does not meet the refugee criterion in s.36(2)(a), I have considered the alternative criterion in s.36(2)(aa), but I am not satisfied that the applicant is a person in respect of whom Australia has protection obligations under s.36(2)(aa). 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).

**DECISION**

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