



# KNOWLEDGE-BASED HARMONISATION OF EUROPEAN ASYLUM PRACTICES

*A project of the Hungarian Helsinki Committee*

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## Case Summary Template

Country of Decision/Jurisdiction	<b>Bulgaria</b>
Case Name/Title	The head of the State Agency for Refugees v. Seifolah Mirfenderski
Court Name <i>(Both in English and in the original language)</i>	Supreme Administrative Court <i>(Върховен административен съд)</i> Panel of five judges
Neutral Citation Number	3427/2011
Other Citation Number	
Date Decision Delivered	27/06/2011
Country of Applicant/Claimant	Iran
Keywords	credibility of conversion to Christianity; Article 5 (3) of the Qualification Directive
Head Note (Summary of Summary)	In this case the head of the State Agency for Refugees appealed the judgment of the first instance court (a panel of three SAC judges) that had repealed its decision to refuse refugee and subsidiary protection to Mr. Mirfenderski. The head of the State Agency for Refugees had rejected Mr. Mirfenderski's asylum application on the ground that he did not qualify for refugee status or subsidiary protection. <i>Inter alia</i> , the decision-making body had assumed that Mr. Mirfenderski's conversion to Christianity was done with the sole purpose of obtaining international protection and therefore the case fell within the scope of Article 5 (3) of the Qualification Directive.
Case Summary (150-500)	
<i>Facts</i>	Mr. Mirfenderski entered Bulgaria in 1989 with a false passport. He states that he left Iran because he was an officer with the Shah and after the Islamic revolution he was disranked and sent to the military front in the war with Iraq. He deserted from the war and escaped to Turkey, wherefrom he entered Bulgaria. He states that he was a member of the "Mahdus" party, which was an obligation at the time. In Bulgaria in 2009 he converted from Islam to Christianity.  <i>Inter alia</i> , the head of the State Agency for Refugees assumed that the conversion to Christianity was done with the sole purpose of obtaining international protection.  At the court hearing, Mr. Mirfenderski presented as proof for his conversion a certificate issued by an evangelical church in Bulgaria that he had completed a two-month course "The bases of faith".
<i>Decision &amp; Reasoning</i>	The Court stated <i>inter alia</i> that Mr. Mirfenderski's complaint, that the decision-making body did not take into consideration that his conversion to



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	<p>Christianity, was well-founded. The court stipulated:</p> <p><i>"In the administrative procedure concrete evidence should be gathered with regard to the new religion of the applicant, it should be examined to what extent he is acquainted with the bases of his new religion and whether it is a decision that was taken knowingly. After clarifying these circumstances, a second assessment of the personal position of the applicant should be made that takes into account the worsening situation of the religious rights and freedoms in Iran, according to data provided by a number of international sources."</i></p> <p><i>"В хода на административното производство следва да се съберат конкретни доказателства за новата религиозна принадлежност на иранския гражданин, да се провери доколко е запознат с основните постулати на новата му религия и дали се касае за съзнателно взето от него решение. След установяване на посочените обстоятелства, следва да се направи повторна преценка на личното положение на молителя, като се отчете и силно влошаващата се ситуация с религиозните права и свободи в Иран, за което има сведения в редица международни източници."</i></p>
<p><i>Outcome</i></p>	<p>The panel of five judges of the Supreme Administrative Court confirmed the judgment of the first instance court, which had repealed the decision of the head of the State Agency for Refugees and obliged the administrative organ to carry out an assessment as to whether Mr. Mirfenerski's conversion to Christianity was genuine.</p>