

**REFUGEE STATUS APPEALS AUTHORITY**  
**NEW ZEALAND**

**REFUGEE APPEAL NO 75932**

**AT AUCKLAND**

|  |  |
|--|--|
| <b><u>Before:</u></b>                    | B L Burson (Chairperson)<br>R J Towle (Member) |
| <b><u>Counsel for the Appellant:</u></b> | D Mansouri-Rad                                 |
| <b><u>Appearing for INZ:</u></b>         | No Appearance                                  |
| <b><u>Date of Hearing:</u></b>           | 12 and 13 October and<br>3 November 2006       |
| <b><u>Date of Decision:</u></b>          | 14 March 2007                                  |

---

**DECISION**

---

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

**INTRODUCTION**

[2] The appellant claims a well-founded fear of being persecuted as a result of his conversion to Christianity, from Islam, while in New Zealand. He claims the fact of his conversion has been disclosed to the Iranian authorities.

[3] This is, in fact, the appellant's second claim for refugee status. He arrived in New Zealand on 6 September 2004 and claimed refugee status on 8 September 2004 ("the first claim"). He was interviewed by a refugee status officer in respect of the first claim on 28 and 29 September 2004. A decision declining the first claim was issued on 6 December 2004. The appellant duly appealed to the Authority ("the first appeal"). A hearing was held in respect of the first appeal on 24 and 25 January 2005.

[4] By decision dated 22 June 2005, the Authority hearing the first appeal (differently constituted to the present Authority) dismissed the appeal. On 13 April 2006, the appellant filed his present claim for refugee status (“the second claim”). He was interviewed by a refugee status officer in respect of the second claim on 18 May and 9 June 2006. A decision declining the second claim was issued on 1 August 2006. The appellant duly appeals to this Authority.

[5] Because this is the appellant’s second claim for refugee status, the appellant must first establish that the Authority has jurisdiction to hear the appeal.

### **JURISDICTION OF THE AUTHORITY TO HEAR THE APPEAL**

[6] Section 129O(1) of the Immigration Act 1987 (“the Act”) (which came into force from 1 October 1999) provides:

“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 the 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.”

### **THE FACTUAL BASIS OF THE FIRST CLAIM**

[7] The appellant’s first claim was based upon the discovery of antiquities on family-owned land which the family kept instead of handing in to the Iranian authorities. He claimed the authorities nevertheless found out about the discovery and searched the family home, resulting in their discovery of the treasure along with documents linking the family to the former regime of the Shah. The appellant managed to escape with his share of the treasure. He claimed, however, that his parents were arrested and detained by the authorities and that they were interrogated about the treasure and their links to a monarchist party.

### **THE FACTUAL BASIS OF THE SECOND CLAIM**

[8] The appellant claims that since arriving in New Zealand, he has met other Iranians who are either practising Christians or interested in Christianity and has converted to Christianity as a result. He states that by Easter 2005, he was

sufficiently interested in Christianity to abandon Islam and attend a church for the first time. He had not, however, decided to fully convert and this did not occur until late 2005, at which time he had two dreams. It was as a result of these dreams that he decided to convert to Christianity. Thereafter, in January 2006, the appellant was baptised.

[9] The appellant further claims that he shared his deepening Christian understanding with his girlfriend, RR, and his parents. He claims that the authorities have found out about his conversion. He claims that in March 2006, another person asked permission to marry RR but she refused. He claims that in the argument that followed, this person came to know that RR also believed in Christianity and disclosed the appellant's part in her becoming a Christian. This person thereafter told the Iranian authorities of the appellant's own conversion and his role in the conversion of RR.

### **ASSESSMENT OF JURISDICTIONAL QUESTION**

[10] Counsel for the appellant submits that on the facts of this case, the Authority is precluded from enquiring into the question of whether or not it has jurisdiction to hear the appeal. Counsel's submission is that upon a proper construction of s129O(1) of the Act, the Authority only has power to consider the jurisdictional question raised in circumstances where the refugee status officer has declined jurisdiction. Counsel submits that where, as in this case, the refugee status officer accepts the jurisdictional threshold has been met, the statutory language clearly indicates the Authority is bound by that finding. In support, counsel drew the Authority's attention to dicta in the Authority's recent consideration of the jurisdictional question in *Refugee Appeal No 75139* (18 November 2004).

[11] The Authority notes counsel's submissions in this regard. However, it proposed not to address the issue raised by counsel. No disrespect to counsel's submissions, made vigorously by him, is intended. This is because the claim as advanced by the appellant relates to a conversion and activities which have taken place after the Authority hearing the first appeal had issued its decision. Furthermore, whereas the first claim was based upon a risk deriving, at least in part, on an imputed anti-regime political opinion, this claim is clearly based on the appellant's religious beliefs. Looking at the facts as asserted by the appellant in

his second claim (the credibility of these claimed facts is to be assessed later), even if the Authority were to rule against counsel on this point, the jurisdictional threshold is demonstrably crossed.

[12] Therefore, even assuming the point against counsel, the outcome is the same. The Authority has jurisdiction. The argument he raises will have to wait for another day for proper consideration.

[13] Having accepted jurisdiction, what follows is a summary of the appellant's evidence to the Authority in respect of his second claim. An assessment will follow thereafter.

#### Summary of the appellant's case

[14] The appellant was born in 1970, in Tehran. He has one brother. Both his parents are still alive. The appellant described a middle class Iranian upbringing.

[15] He described his parents as being "Muslim like other Iranians". Both parents undertook their daily prayers. His mother was, however, more devout than his father. His mother usually undertook her Friday prayers at the main mosque whereas the father undertook his at home or at a local mosque. His mother also took part in meetings with other women at which other various Islamic teachings and traditions were discussed. Although there was no specific routine for her attendance at these meetings, they were a regular part of her life. The appellant stated that, after the Iranian revolution, his mother became even more devout. She paid him money to learn the Koran. In contrast, his father did not like the way the new regime made life a misery for people in the name of Islam. He often swore at the regime and this made his mother angry.

[16] Encouraged by his mother and by the messages from the regime in the aftermath of the revolution, when he was 11 or 12 years old, the appellant and his brother volunteered to join the local *basij* at their mosque. Along with another boy, the appellant and his brother were given a gun and they were instructed to patrol the local area. However, the appellant ceased being involved in *basij* activity six or seven months later. The appellant found that he was not up to the rigours of being a *basij* and he, along with his brother, left the organisation.

[17] In the early 1980s, his family moved to another neighbourhood and rented a floor of a house occupied by one of the appellant's paternal cousins which they

occupied for the next four years. This paternal cousin had a daughter, RR, who was approximately nine or ten years younger than the appellant. The families became very close and spent a lot of time with each other. The appellant and RR also became close friends. During this time, when the appellant was 17 or 18 years old and RR approximately 9 years old, the two families “named” RR as the future wife of the appellant. This is a well-known Iranian custom. While not a formal engagement, nevertheless, there is some expectation that in the fullness of time, the couple will become betrothed and marry. However, there is no formal marriage contract nor is there any binding legal or customary commitment to marriage.

[18] After the appellant’s family moved out of RR’s parent’s house, the families remained in close contact with each other. The two families had become close and visited each other regularly every week and continued to socialise together. They saw each other a minimum of twice a week. They also saw each other at family gatherings. With this continued contact, over time, the relationship between the appellant and RR developed from one of friendship into a deepening love for each other.

[19] As the appellant entered his teenage years, he began to learn more about the regime. Throughout the next five or six years he began hearing about discrimination against religious minorities and the killing of the regime’s opponents. This made both the appellant and his brother question the regime. Also, during this period, the appellant’s brother had been forced to do his military service and had been injured in a chemical weapons’ attack by the Iraqis. This further negatively affected his view about the regime. The appellant undertook his compulsory military service in the early 1990s. Although unhappy about performing compulsory military service for a regime whose ideology he did not, by this time, share, he nevertheless felt he had no choice but to do it.

[20] When the appellant was aged about 30, he formally proposed to RR via his parents. RR’s parents did not give their answer immediately. When they replied a couple of days later, to his surprise, RR’s parents voiced opposition to his proposal. They indicated that his socio-economic situation was not sufficient to give their agreement. In particular, he did not have a house or sufficient income to give their daughter an adequate standard of living. RR, even though she wanted to marry the appellant, could not override her parents’ decision. She obeyed their wishes out of respect.

[21] Despite their rejection of his marriage proposal and a small degree of friction between the families as a result, nevertheless the two families continued to socialise with each other. The appellant and RR still wanted to marry each other. The appellant told RR he would try and improve his situation.

[22] The appellant left Iran some two years later, in 2004. At this time he still hoped to marry RR. He has maintained close contact with her since he has been in New Zealand. He called her a few days after arriving in New Zealand from the Mangere Refugee Camp ("the camp") and thereafter has had some form of contact with her every seven to ten days. This takes the form of emails and telephone conversations.

[23] In October 2004, shortly after arriving in New Zealand, the appellant became acquainted with some Iranians in the camp. Included in this group were some who were attending church. They began to talk to the appellant about their faith and invited him to read the Bible. Initially, the appellant did not show any interest. He had a residual fear of discussing Christian matters caused by his Islamic upbringing. However, over time, the appellant began thinking about what his friends were saying about Christianity. He began weighing up the compassion of Christ they described and the fear he had of God as a result of his Islamic upbringing.

[24] Towards the end of October 2004, a few weeks after first being spoken to by the Iranian Christians in the camp, the appellant began attending Bible study lessons in the camp. The Bible study group in the camp comprised about 20 to 25 Iranians. Furthermore, he was introduced by them to members of a particular church, the Christian Life Centre Auckland, (the CCC) who came to the camp and talked to asylum-seekers. The Iranian Christians in the camp encouraged him to come to this church. Still having some doubts about Christianity, the appellant declined but went on outings organised by the CCC church to relieve the stress and anxiety he was under. These outings were to different attractions around Auckland city and, while these outings were open to all in the camp and not just Christians, they were a way of exposing the participants to Christianity. The kindness the CCC church representatives showed towards asylum-seekers further deepened his interest in Christianity.

[25] By Christmas 2004, the appellant was speaking with members of the church approximately twice a week as well as having more informal talks amongst the Iranians in the camp. This continued into 2005.

[26] In March 2005, the appellant went to church for the first time. He went to the CCC church. By this time he had learnt enough about the differences between Islam and Christianity to convince himself that he wanted to turn his back on Islam. He saw Islam as a religion of cruelty whereas Christianity was a religion of compassion. He decided at this time to abandon Islam and learn more about the Christian faith.

[27] He began immersing himself more in Christian teaching. From around March 2005 the appellant began regularly attending church. From that time onwards he has attend Sunday services at the CCC church on two occasions each Sunday; Bible study class at his current refugee accommodation centre every Thursday and every second Sunday he has also attended an Iranian Christian church in Auckland.

[28] Around April 2005, the appellant telephoned his parents and spoke to them about his decision to abandon Islam. His mother was very surprised and became very angry. She told him that he was not her son and that she would not forgive him. She said that Islam was the last and most complete religion. The appellant told her that her ideas were wrong and that he had made up his mind. Initially, his father was also upset, but later came to accept his son's decision and accepted that he had to make his own decisions in life.

[29] Although the appellant was expecting this reaction from his mother, he felt he had a duty to tell other people about Jesus, starting with his immediate family. Around April or May 2005, the appellant therefore mentioned his new interest in Christianity with RR. Despite her parent's objections, the appellant still had not abandoned his hopes of one day marrying RR and he wanted his wife to be a Christian. He was hoping that this discussion would begin a process by which she too, over time, would convert.

[30] After first raising Christianity with RR, matters relating to Christianity became a regular feature of their contact. He talked to RR about material he had been reading in New Zealand. In August 2005, he began sending RR written material. By now RR, who had previously been studying, had commenced work as a receptionist in a hospital. On two to three occasions over a period of a few days, he faxed written material to RR at her place of work. He did not post the material because he thought that there was a chance that it might be opened by postal workers thinking there could be money inside the envelope because it had been posted from overseas. The material discussed rejecting Islamic beliefs. Two

sets of material were about Islam and one set was about the Christian faith itself. The material about Islam talked about the “real” nature of Islam being corruption, bloodshed and the subjugation of women’s rights. The appellant wanted RR to know about these things before he talked to her about them.

[31] The appellant also gave RR the name of a website to view. Because it would have been dangerous to use a work computer for this purpose, RR used the appellant’s brother’s computer to search the websites and learn more about Christianity. The appellant’s brother thought the same way as he did and was unhappy with the regime. The appellant had been encouraging him to follow the path of Christianity and his brother was using the same website.

[32] Following her discussions with the appellant, RR told her parents that she had become interested in Christianity. She also told them that she had become interested because of the appellant’s help.

[33] In approximately August or September 2005, a relative of RR, AA, proposed to RR. AA was an official in the Ministry of Justice and was a fundamentalist. AA’s marriage proposal was not accepted.

[34] In late 2005, the appellant experienced two vivid dreams. In the first dream JJ, a person associated with the CCC church, appeared to him and put her hand on his shoulder and told him that Christ had accepted him. In the second dream he saw God in the flame of a candle and heard a voice. Although he had abandoned Islam prior to Easter 2005, it was not until he had these dreams that the appellant felt that he was a proper Christian and had to devote his life to Christ.

[35] On 18 January 2006, the appellant was baptised. On that day, he did not know he was going to a baptism ceremony but thought instead that he was attending a barbeque at the local beach. To his surprise a baptism ceremony was being conducted and the appellant decided that he needed to be baptised.

[36] In March 2006, AA renewed his marriage proposal to RR. Again, she said “No”. The discussion became heated and RR told AA that she did not want to marry him because she did not believe in what he did. AA then became involved in a discussion with RR’s family. This discussion led to the disclosure that RR had, for some time, been looking at Christian material that had been given to her by the appellant. AA became angry and he subsequently reported the appellant’s



conversion to the Iranian authorities. The authorities arrested RR's brother who had been supporting RR in her argument with AA and questioned him for a few hours.

[37] In February or March 2006, the appellant began to talk to customers in an Iranian shop about Christianity and has continued to do so. He does this usually once a week and spends anywhere up to one to two hours talking with other Iranians about Christian matters.

[38] The appellant is concerned that if he is returned to Iran he will be arrested. AA has reported his apostasy to the Iranian authorities and he believes he will be arrested at the airport. He believes he will be punished by the regime. Moreover, he does not believe he will be able to freely practise his religion. He will not be able to get as involved in the church as he is here in New Zealand. In particular, he would not be able to teach his beliefs to even his friends or family as he could in New Zealand.

#### The evidence of Mr Rose

[39] The Authority heard from Mr Gordon Rose. Mr Rose is the co-ordinator of Kiwi Contax, a division of the CCC church. The role of Kiwi Contax is that of an outreach service. Kiwi Contax aims to befriend and provide support to asylum-seekers here in New Zealand. It does this by visiting them at the camp and taking them on various outings. Ultimately, however, the aim of the Kiwi Contax group is to show asylum-seekers by word and deed, the benefits of adopting a Christian faith and thereby facilitate the conversion of non-Christian asylum-seekers at the camp.

[40] This forms an important part of the Church's aims. As part of its activities, the CCC church conducts induction courses that are designed to lead to baptism and full conversion to Christianity. The course is of some eight to ten weeks' duration. In these courses, the full implications of becoming a Christian are made known to potential converts.

[41] Mr Rose described seeing a change in the appellant's behaviour over the time he has known him. He said the appellant was initially shy and reserved and showed very little emotion. However, he later noticed the appellant had become more expressive and open in his interactions with people.

[42] Mr Rose stated this change in the appellant's behaviour was contributed to, in part, by the two dreams. Mr Rose confirmed he had a brief conversation with the appellant about his dreams. This conversation lasted about ten minutes and was conducted via a fellow Iranian with whom the appellant had struck a close bond.

[43] Mr Rose also confirmed that the appellant was baptised in January 2006. He confirmed that the appellant had not known in advance that there was to be a baptismal ceremony carried out that day but that the appellant, upon learning of this, immediately asked to be baptised. Mr Rose said that this was agreed to even though the appellant had not undertaken the induction course in which baptism and the significance of baptism would normally be discussed in some detail. They agreed to the appellant being baptised and on the understanding that he would undertake a follow-up course. He was satisfied that the appellant was a genuine convert to Christianity and that the appellant should be allowed to be baptised, albeit at such short notice.

#### Documentary material

[44] Counsel has filed written submissions dated 9 October 2006. Attached to the submissions were various materials relating to the situation of practising Christians in Iran.

[45] The Authority also received from counsel a letter dated 12 October 2006 from Ms Joan Houghton in which she states

“[The appellant] is one of the most sincere and real Christian asylum seekers that we have known. I have seen him be willing to help others, many of whom are not Iranians. He doesn't do it in front of others to get praise or recognition. Others in the Takanini hostel had verified this to me.”

Ms Houghton also confirmed that the appellant has been attending various services and bible study classes.

[46] On 21 November 2006, counsel filed further written submissions together with:

- (a) A copy of an email from RR to the appellant dated 7 April 2006;
- (b) A witness statement from MM, the owner of the shop in which the appellant carried out his proselytizing activities. In his statement MM confirms that he is a Christian and that he first met the appellant in

early 2005 when the appellant came to his shop as a customer. MM goes on to state that early this year (2006) the appellant asked if he could talk to MM's customers inside his shop about Christianity. MM gave permission on the condition it did not disrupt business;

- (c) A copy of MM's New Zealand passport.

[47] On 22 November 2006, counsel filed a further item of country information. On 26 February 2007, the Authority received further country information from Marget Taylor, Activism Support Manager and Refugee Co-ordinator at Amnesty International, New Zealand branch.

[48] This material has been considered by the Authority in reaching its decision.

## **THE ISSUES**

[49] The Inclusion Clause in Article 1A(2) of the Refugee Convention provides that a refugee is a person who:

"... owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it."

[50] In terms of *Refugee Appeal No 70074/96* (17 September 1996), the principal issues 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?

## **ASSESSMENT OF THE APPELLANT'S CASE**

### **Credibility**

[51] The Authority does not accept the appellant's account as credible. It does not accept that he has the relationship with RR that he has described or that he assisted RR to convert to Christianity. It does not accept that this has been

disclosed to AA who, in turn, has disclosed the appellant's conversion to the Iranian authorities. The Authority finds that the appellant has not genuinely converted to Christianity but rather has used a false conversion to Christianity as a stratagem to found a second claim for refugee status and prolong his stay in New Zealand. The Authority's reasons follow.

#### Issues relating to RR

[52] There are a number of features relating to the appellant's evidence in relation to RR that raise significant credibility concerns.

#### *The appellant's failure to mention RR in his first refugee claim*

[53] From the summary of the appellant's evidence, it can be readily seen that the person, RR, forms a critical part of his second claim. She has been his life-long love. The couple are devoted to each other and have wanted to marry for all of their adult lives, notwithstanding the objections of her family. At the time he left Iran the appellant was intending to marry her, an intention that the appellant claims he still has.

[54] Against this background, the Authority is struck by the failure of the appellant to make any reference whatsoever to RR in his first claim. During his interview with the refugee status officer in respect of the first claim, the appellant was asked whether he was married. The appellant replied that he was single. While this answer represents an accurate portrayal of his marital status, given the relationship to RR he now claims to have had at the time he was interviewed, (this included, at that time, their intention to marry) it is surprising that the appellant did not mention her name once during the entire interview.

[55] Taken at face value, this omission might be explained by the appellant "simply answering the question put to him". However, in his RSB interview in respect of the second claim, the appellant stated that it was the events he described in the first claim which prevented him from marrying RR. On his own account, therefore, his relationship to RR and the circumstances upon which he based the first claim were intertwined. RR's failure to feature in any context in the first claim is unusual. The appellant stated that he did not mention RR because her father had something to do with the predicament he claimed in the first claim. This, if anything, provides even more reason for both RR's existence, and relationship to him, to have been disclosed during the currency of the first claim.

[56] When asked to recount the difficulties that people experience, it is not uncommon for asylum-seekers to mention separation from loved ones. The failure of the appellant to mention RR, the very human being he now claims to be at the centre of his life, calls into serious doubt the veracity of the close relationship he now claims to have enjoyed with her.

*The disclosure of documentary material to RR*

[57] The appellant's account as to how he exposed RR to Christianity was also inherently implausible. He agreed that by the time he began to do this, he was expecting to be returned to Iran following a dismissal of his first claim for refugee status. He could not explain why, if this was the case, he could not wait to tell her about Christianity in person when he arrived back in Iran and took the risk of sending material to her via her place of work.

[58] Moreover, the appellant was mobile in his evidence regarding the actual process of sending the material. The appellant initially stated that he did not take the precaution of telephoning RR immediately prior to sending the material by facsimile, to make sure she was standing by the facsimile machine at the other end. When the Authority expressed some surprise at this seemingly risky course of action, the appellant changed his evidence to say that he had, in fact, telephoned her immediately before faxing to make sure that she was present and to ensure the material could not be intercepted by others.

[59] There was a further discrepancy in relation to the appellant's evidence regarding his telling RR of particular websites to view. In his interview with the refugee status officer, the appellant told the officer that he told RR of these Internet sites so she could look at how the regime was keeping people in slavery and how it behaved towards women. He also told the officer that it had not been possible for RR to look at the websites because they had been filtered. However, he told the Authority that he had specifically discussed with RR what she had seen on these websites and that his brother was also using the same websites as RR. When this discrepancy was put to him for comment, the appellant agreed that he had indicated the websites had been filtered to the RSB, but he did not mean to imply that they actually had been filtered in fact. Rather, he now explained, he meant to indicate that the regime had the tendency to filter them. This explanation is rejected. His evidence to the RSB was clear. The discrepancies and mobility in his evidence point to an underlying lack of truth.

Issues relating to the appellant's conversion to Christianity

[60] There are a number of matters surrounding his claimed conversion which cause concern. These are:

*The appellant's failure to mention his burgeoning interest to his lawyer*

[61] On the appellant's account, he had been introduced to Christianity by fellow Iranians at the camp soon after arriving in New Zealand. By the end of 2004, he had been discussing Christianity not only with fellow Iranians at the camp on an informal basis, but had also met and talked with the members of a Christian organisation whose ultimate goal is to introduce asylum-seekers to the Word of Christ. By March 2005, these twin processes caused the appellant to decide to abandon Islam as his underlying belief structure and thereafter concentrate on learning more about Christianity. Indeed, he was sufficiently interested and accepting of Christianity to create in him a sense of duty to share his knowledge with both his parents and RR. Given the fact that he knew his mother to be a devout Muslim, the motivation to confront her beliefs head-on must, if true, have stemmed from strong feelings of Christian faith within the appellant himself.

[62] However, at no stage during this time did the appellant mention his interest in any way to the lawyer representing him in his first refugee claim. The lawyer representing him at that stage, Ms Deborah Manning, is an experienced refugee advocate. Yet he made no mention to Ms Manning at this time of his interest in Christianity, turning his back on Islam, or his new-found sense of duty to share his Christian faith.

[63] The appellant's circumstances at this time were such that it is implausible that he would not have told Ms Manning, if it were true that he had genuinely become interested in Christianity as he claims. He cannot have failed to have known that he should tell her of his conversion. It is inconceivable that he would not know that he could found a claim for protection on an interest in Christianity by the time he had decided to turn his back on Islam by Easter 2005.

[64] It must be remembered that, by March 2005, the appellant had been in close contact for some months with a number of Iranian asylum-seekers at the camp who were either practising Christians or in the process of converting. Some of these were people basing their claims for refugee status on their newly acquired Christian faith. The appellant told the Authority that in all of the discussions he

had with fellow Iranian Christians at the camp, he did not enquire as to their private lives and did not know much about their individual Christian background. He said that no one ever spoke about their refugee claims and how they were progressing with them. This is extremely fanciful. It is inevitable that a group of asylum-seekers at the camp from the same country would be aware that they shared a common underlying basis of a refugee claim. This is not to suggest that such persons are acting in bad faith so as to manufacture the “best” story. Rather, it is a truism of human nature generally that people bond together through shared commonality. In this case, the common element was a shared nationality and a shared interest in Christianity.

[65] The appellant would have had explained to him by Ms Manning in the course of his first refugee claim, that the definition of a refugee also includes a person who has a well-founded fear of being persecuted by reason of their religion. It was read out to him at the commencement of his RSB interview and restated in the interview report prepared by the RSB following his interview. Finally, the definition was explained to the appellant once again, as part of the Authority’s introduction to the first appeal that took place on 24 January 2005.

[66] For these reasons, the appellant cannot but have been aware in March 2005, that not only could a refugee claim be founded upon persecution for the reason of religion, but that people he knew were actually bringing such claims.

[67] The appellant told the Authority that part of the concern he had in adopting Christianity as his religion was his knowledge that the Iranian regime would consider him to be an infidel. Even though he claims not to have abandoned Islam until after the Authority hearing the first appeal had finished hearing his evidence, such a change in him clearly took place prior to the Authority issuing its decision in respect of his first appeal. While the appellant cannot be expected to have knowledge of the intricacies of the refugee status determination procedures, given his knowledge and concerns, his failure to even mention it to Ms Manning is suggestive of an attempt to manipulate the refugee status determination system. If he were genuinely interested in Christianity and concerned about the reaction of the Iranian authorities to that, given the company he was keeping, it is implausible that he would not raise it as an issue for Ms Manning’s advice. At the very least, Ms Manning would have been able to take a statement from him and reconvene the hearing so that the full circumstances of the appellant’s fears could be placed before the Authority determining the first refugee claim.

[68] His failure to do so is suggestive of an appellant who has skilfully constructed a drawn-out process of conversion to coincide with the prior determination of an existing refugee claim that is based on a wholly different ground.

*The appellant's baptism*

[69] The appellant's account surrounding his baptism simply does not have the ring of truth about it. In particular, the appellant told the Authority that although he was aware of the induction courses being run by the CCC church, at no time in 2005 did the appellant make any enquiry as to whether he could undertake such a course. This rings hollow for two reasons.

[70] First, the appellant simultaneously claims that he had, by August 2005, begun to discuss Christianity with RR, send her written material and details of Internet websites because of a self-perceived duty to spread the word. If true, this evidences a sufficiently deep level of acceptance so as to reasonably expect him to show an interest in finding out if he could undertake such a course.

[71] Second, despite telling the Authority that he considered himself a Christian after experiencing the two dreams in October 2005 and early November 2005, the appellant still had not enrolled in any course by the time he was baptised in January 2006. He claims that he was busy complying with requests for further information from the Iranian embassy in furtherance of removal action being undertaken. He also blames the Christmas holiday period. Yet these are extremely weak explanations. The courses were typically held on a day when he was attending church anyway and the time he would have had to take to deal with the request for documentation was minimal and would not have interfered with his ability to attend a course.

[72] Indeed, by the time the appellant came to be baptised in January he still had not approached anyone about undertaking a course, let alone being enrolled in one, the logical thing for him to have done if he genuinely believed himself to be a Christian.

[73] What must be remembered is that alongside the appellant's claimed journey of conversion, was an actual process of removal action by the New Zealand Immigration authorities. When the concerns identified by the Authority in relation to RR are added to these factors, the Authority has no doubt that the reason the



appellant did not mention any interest in Christianity to Ms Manning, did not enquire into any induction course during 2005, and became baptised only in January 2006, was to string out an artificial process of conversion in order to lodge a second refugee application as the removal proceeding against him developed over time.

[74] In making this finding, the Authority does not overlook that the appellant has produced a letter from Ms Houghton and called Mr Rose as a witness as to the genuineness of his conversion. Having regard to the concerns outlined above, their evidence does not provide sufficient individual or combined weight so as to overcome the Authority's concerns as to the genuineness of the appellant's claimed conversion to Christianity. In particular:

Mr Rose

[75] No weight whatsoever is placed on the evidence of Mr Rose. He presented as a very confused witness. Thus:

- (a) He was confused as to the relevant date as to his involvement with the appellant, indicating that he first met the appellant in November 2005 whereas in his written statement he indicated this was in November 2004.
- (b) The date he gave for the appellant's 'visitation' dreams was similarly at variance with the date he gave in his statement.
- (c) He was confused as to the intensity of the appellant's process of conversion. The impression gained from Mr Rose's oral evidence was that the appellant had, within a short period of time after meeting the Kiwi Contax group, undergone a baptism. This suggested a person who had undergone an immediate and profound reaction to exposure to Christianity. The reality, as claimed by the appellant, is that it was a more drawn out process and his 'visitation' dreams occurred only after he had been exposed to a Christian group inside the camp and had acute exposure to the Kiwi Contax group for well over a year.

[76] This confusion on his part was, Mr Rose stated, because he was busy and he did not get a lot of time to talk with the people like the appellant. He also stated that in relation to the appellant, JJ had more contact with him and that his

knowledge of the appellant to a large extent was gathered through what JJ had told him. He said that he was “Not one hundred percent clear on” the appellant.

[77] Furthermore, despite the ‘visitation’ dream being something which Mr Rose saw as contributing to a seismic shift in the appellant’s behaviour and leading him to believe the appellant was a sincere Christian, he told the Authority that he had not in fact talked in depth to the appellant about it.

#### Ms Houghton

[78] Although Ms Houghton provided a written letter in support of the appellant’s application she was not called as a witness. In her letter she described his attendance at church services and bible study classes. However, these attendances do not, necessarily, evidence that the attendance was undertaken as a result of a genuine conversion to Christianity. The reference in Ms Houghton’s letter to the appellant showing kindness and a willingness to help others are not uniquely Christian attributes. Nor are they difficult to feign or to exaggerate. These factors limit the weight that can be attached to her observations.

#### Conclusion on credibility

[79] When the factors outlined above are viewed cumulatively the Authority finds that, while there can be little doubt that the appellant has been taking part in discussions with other Iranian Christians in the camp and in MM’s shop, attending the CCC and other churches, and has been baptised as claimed, these activities have not been the result of a genuine conversion to Christianity. Rather, the appellant has set in train a sequence of events over time, designed to provide the basis for a second claim for refugee status. For these reasons the Authority rejects the appellant’s claim to have genuinely converted to Christianity or to have had any difficulty with the Iranian authorities as a result.

[80] It follows that the evidence before us does not establish that the appellant has a well-founded fear of being persecuted if he returns to Iran. That being the case, the second issue – that of Convention reason – does not arise.

**CONCLUSION**

[81] For the reasons mentioned above, the Authority finds the appellant is not a refugee within the meaning of Article 1A(2) of the Refugee Convention. Refugee status is declined. The appeal is dismissed.

.....  
B L Burson  
Chairperson