

REFUGEE STATUS APPEALS AUTHORITY
NEW ZEALAND

REFUGEE APPEAL NO 76126

AT AUCKLAND

<u>Before:</u>	S L Murphy (Member)
<u>Counsel for the Appellant:</u>	C Curtis
<u>Appearing for the Department of Labour:</u>	No Appearance
<u>Date of Hearing:</u>	24 & 25 October 2007
<u>Date of Decision:</u>	18 January 2008

DECISION

[1] This is an appeal against the decision of a refugee status officer of the Refugee Status Branch (RSB) of the Department of Labour (DOL) declining the grant of refugee status to the appellant, a national of Bangladesh.

INTRODUCTION

[2] The appellant arrived in New Zealand on 1 March 2007 and applied for refugee status on 20 March 2007. He was interviewed by the Refugee Status Branch on 9 May 2007 and a decision declining his claim was delivered on 29 June 2007. It is from that decision that he has appealed to this Authority.

[3] The appellant claims to be at risk due to having set up a church in his home and converted Muslims to Christianity. The key issue in his claim is whether his account is credible.

THE APPELLANT'S CASE

[4] The appellant is in his late 20s. He was raised as a Christian, and attended a Baptist church when he was growing up. Before the appellant was born, his father was killed by Muslim extremists whilst trying to protect Christians from attack.

[5] The appellant completed his secondary schooling in 1993. He faced discrimination at school on account of his Christianity. After completing school, he gained a bachelor's degree in accounting and subsequently completed a master's degree at the same university, graduating in 2002. While studying he worked as a part-time tutor in a Christian co-operative credit union as an assistant accountant.

[6] From 1993 to 1998, the appellant attended Bible school through the Institute of Christian Theology.

[7] In September 2002, the appellant was issued with a student visa to study in New Zealand, travelling there later that month. While in New Zealand he studied English for three months and then completed a certificate in Christian missionary work which qualified him to perform this work.

[8] From 29 March 2004 to 4 April 2005, the appellant attended a Christian leadership training programme, graduating with an advanced certificate of Christian leadership training.

[9] On 9 April 2004, the appellant left New Zealand and returned to Bangladesh, spending time in Singapore and briefly in Malaysia on the way.

[10] Two weeks after his return to Bangladesh, the appellant established and became the pastor of a new church in his home in Dhaka, "the AB church". When the church first opened, there were about 15 to 16 members in the congregation. He subsequently set up a branch of the church in CD town, which was about three hundred kilometres from Dhaka. There are now about 300 members of the CD congregation and over 50 members of the Dhaka congregation.

[11] The appellant hired an office assistant, EF, and the branch in CD employed an assistant pastor and school teacher. EF led church services in Dhaka when the appellant was unavailable to do so.

[12] At 7pm on 10 July 2005, members of the *Jamaat-e-Islami* entered the appellant's home. They demanded money so the appellant gave them all the cash that was in the house and 50,000 *taka* worth of jewellery. They were also searching for GH, a Muslim man whom the appellant had recently converted to Christianity at his church. GH's relatives were involved with the *Jamaat-e-Islami*.

[13] The appellant reported the attack to the police the next day but they refused to investigate. After the attack, the appellant and his mother locked up the house and left. On the first night they stayed with a family from the church. The appellant's mother continued to stay there but the appellant went to Chittagong the next day. He stayed in hiding in various places until August/September 2005, when he started living permanently at his house again. As a result of the attack, the appellant's landlord gave the appellant and his mother notice. However, the appellant was able to negotiate a five to six month reprieve, during which time they could still rent the house, whilst finding new accommodation.

[14] In mid-October 2005, the appellant was attacked on the street by four or five men wielding hockey sticks. The attackers were wearing the same clothes as the previous attackers and he recognised one of them. In the course of the attack, the appellant was kicked to the ground, hit on his back and sworn at. On 30 October, he was again attacked by a group of men, this time in his home when he was getting ready for church. His mother was present.

[15] After the 30 October attack, he left home and moved around various places, remaining in hiding until 30 August 2006. Over this time he continued to work as a pastor in his Dhaka church. However he was unable to attend over 20 church services because of his fear of Islamic militants.

[16] At the end of 2005, the appellant moved into a new house. This house became the new location for the AB Church.

[17] On 2 November 2006, the appellant was in his house watching television when it was again attacked. Five or six people entered the home wielding sticks and iron rods. They smashed the television first and then started to smash everything in the house. The appellant's mother was present during the attack. This time the group of attackers included two persons from the Bangladesh National Party. The other attackers were from the *Jamaat-e-Islami*.

[18] The night after the third attack, the appellant went to Chittagong and stayed with a relative for one week. He returned to Dhaka where he stayed for two days, after which he went to Dhubhara and stayed with a World Vision employee for a week. The appellant then successfully obtained a visitor's visa to travel to New Zealand and travelled to India to collect it. After his return from India, he hid at his uncle's house before departing for New Zealand on 23 February 2007.

POST FLIGHT EVENTS

[19] In April 2007, the appellant was sent a letter from the President of the Bangladesh Christian Association saying that fundamentalists had involved him in a "false criminal case". Around the same time, he was sent a letter from the Bangladesh Hindu Buddhist Society which also said that he was implicated in a false criminal case. He tried to contact both persons to find out about the criminal charges against him, but was unable to.

[20] He was unable to contact his mother after first arriving in New Zealand but managed to establish contact with her in July. She subsequently sent to the appellant's counsel a number of documents, including police documents regarding a false charge against the appellant in which he and three other men are accused of having entered a market and having, with the "help of hockey stick, rod lathis etc" "looted money from a cash box, tortured shop keeper, general public" and subsequently fled.

[21] The appellant's mother is currently moving around constantly in order to avoid danger.

[22] After receipt of the documents, the appellant attempted to contact one of the co-accused but was unsuccessful. He has subsequently learned that he is in hiding.

DOCUMENTS

[23] The documents submitted by the appellant included the following:

- a. photographs of the inside of a house in disarray;
- b. a Christmas card sent by the appellant as pastor for the AB church to his mother in 2005;

- c. Christmas cards and Christmas newsletters sent to the appellant (referred to in the address as "Rev.") by Christian organisations in Bangladesh;
- d. rubber seals used by the appellant in his role as pastor and print outs;
- e. untranslated prayer books;
- f. a letter from World Vision to the appellant (referred to as "Rev."), dated 12 September 2005, plus a programme schedule with the appellant as speaker;
- g. various receipts, conveyance bills, and debit vouchers for AB church including for card printing, salaries for EF and another person, and "school tiffin";
- h. EF's application for the position as office assistant, dated 16 July 2005, together with CV;
- i. hand-written income and expenditure details for AB church, dated May to November 2005;
- j. internet café use records;
- k. bus tickets;
- l. hotel bills;
- m. various vouchers for the church;
- n. untranslated conveyancing accounts for the appellant;
- o. First Information Report, dated 25 February 2007;
- p. A letter of complaint about the appellant and three other co-accused, dated 25 February 2007;
- q. an Order Sheet ordering issue of warrant for arrest of the appellant and three co-accused, dated 10 April 2007;
- r. a warrant of arrest of the appellant, dated 19 September 2007;
- s. a charge sheet with respect to the appellant and three co-accused, dated 17 July 2007;

- t. various email newsletters from the appellant to supporters about activities of the AB church from 30 June 2005 to 27 April 2007.
- u. emails to the appellant from various individuals including responses to emailed newsletters. Many emails arrange substantial donations to be given to the AB church;
- v. photographs of the appellant preaching;
- w. a letter from the appellant's mother, dated 15 April 2007, saying "the fundamentalist are looking for me vehemently";
- x. a letter from the appellant's sister, dated 21 March 2007;
- y. a letter from the Bangladesh Hindu Buddhist Society, dated 17 April 2007, saying the appellant is "implicated in a false criminal case";
- z. a letter from the YMCA, dated 10 April 2007, saying the appellant "protested the illegal activities against the Christians at various times for which the said fundamentalist and extremist group involved him a false criminal case in blameworthy manner";
- aa. a Certificate of Christian Leadership training from Fowey Lodge Bible School, dated 7 March 2003;
- bb. a Certificate from Bangladesh Institute of Christian Theology, dated 5 December 1998;
- cc. a Certificate of attendance of MN church in Bangladesh, dated 12 February 2003;
- dd. a letter from USAID, Dhaka, dated 3 May 2007, saying that the Muslim fundamentalists are "searching everywhere for you";
- ee. an undated letter from the lawyer, PQ, acting for the appellant with respect to false criminal charges against him;
- ff. a letter, dated 8 November 2007, from assistant secretary of the Dhaka Bar Association stating that PQ is a member of the Dhaka Bar Association;
- gg. a list of lawyers in Bangladesh, including PQ;

hh. a letter from Fowey Lodge advising that many persons who undertake the Christian Leadership Training Programme return to their own countries to pastor churches.

[24] Counsel made submissions and provided country material and documents on 15 October 2007, 19 October 2007 and 15 November 2007. This material has been taken into account in this decision.

THE ISSUES

[25] 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."

[26] 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

[27] The appellant's oral evidence was extremely inconsistent with previous evidence he had given to the RSB and with documents submitted by him. Moreover there is evidence that he has given false information to financial supporters of the church about his church activities in Bangladesh. His core account is found to be fabricated.

APPELLANT'S RELIGIOUS TRAINING AND ROLE AS A PASTOR IN THE AB CHURCH

[28] There were various aspects of the appellant's evidence about his role as a pastor in the AB church which collectively cast doubt over his evidence that he set up and was pastor for the AB church.

[29] There is documentary evidence on the file sourced from the appellant himself that suggests that the appellant was not a pastor in the AB church as claimed. When applying for a visa to visit New Zealand in November 2006, the appellant submitted a document on AB church letterhead. The letter was signed by EF (supposedly the appellant's office assistant) as Pastor of the church, and described the appellant "a regular trainee member for the post of 'Associate Pastor'".

[30] The appellant's explanation for the major discrepancy between the contents of this document and his evidence to the RSB and the Authority about his being Pastor of the AB church, was that the letter was false. He claimed to have provided the false document describing himself as a trainee pastor with his visa application as he was worried that questions would be raised by Immigration New Zealand (INZ) if he admitted he was a pastor, as his passport described him as a student. The Authority finds this explanation unconvincing, not least because as his passport was issued a year and half prior to the visa application, on 4 March 2005, and therefore there was nothing remotely irregular about his having finished his studies and obtained a job in the intervening period. It is also noted that he told the INZ officer in his visa application interview on 8 December 2006 that he was a trainee member of the church for the post of associate pastor, and that his "dream is to become a Pastor".

[31] In support of his evidence that he was Pastor of the AB Church and EH his office assistant, the appellant submitted to the Authority a letter of application from EH for the position of office assistant to the church. We find this to have been fabricated in order to explain the fundamental discrepancy between the evidence submitted by the appellant with his visa application and his evidence in his refugee claim. As will be seen below, this was one of many false documents submitted by the appellant.

[32] We also note with considerable concern that the appellant admitted to the Authority that he has given false information in emails sent to his financial supporters, copies of which he provided to the Authority, about the activities of the AB church. Specifically, the appellant pretended after arriving in New Zealand to still be in Bangladesh undertaking activities for the AB church, and made requests

for donations for the church in the context of newsletters giving false information about his activities. The deception was elaborate. For example, on 27 March 2007, over a month after arriving in New Zealand, he wrote a three page “newsletter” to his financial supporters detailing his activities with the church over the past month. In the newsletter he claimed to be having daily prayer meetings, that he and his mother were fasting together in the lead up to Easter, that he had had to cancel two seminars and other programmes due to emergency laws, and that he and his mother were praying for support because of the daily increasing prices, resulting in them running out of money before the end of the month. The letter sought sponsorship for children involved in the church at \$US 35 per month.

[33] Similarly, on 27 April 2007, some two months after he had arrived in New Zealand, he wrote a further such newsletter saying that he had baptised 20 persons at the church on Easter Sunday, and that in the next month he would be holding a seminar in the Dhaka church, and visiting different villages with a team from the CD church, and that he was reading in preparation for a talk he was giving at the Dhaka church on Heavenly Discipleship. The letter again sought sponsorship for children.

[34] His explanation for the fact that he claimed to be undertaking church activities in Bangladesh at a time he was in New Zealand was initially, that he was “confused” as to whether to tell them he was in New Zealand or Bangladesh. He subsequently suggested that the donations to the church would stop if they knew he was in New Zealand.

[35] The Authority finds this evidence to demonstrate unequivocally that the appellant has attempted fraudulently to obtain (and according to replies to those emails, apparently gained) sponsorship from overseas donors by making utterly false claims to be undertaking activities with the church. Regardless of his motivation for doing so, this casts grave doubt over his reliability as a witness.

[36] The appellant gave the Authority similar monthly emails to his financial supporters spanning the period he was in Bangladesh and supposedly working as Pastor of the AB Church (from 30 June 2005 to 3 February 2007). These emails contained similar details of church activities undertaken to those sent after he arrived in New Zealand, and made similar requests for sponsorship. His admission that he has given false information to financial supporters about his activities subsequent to his arrival in New Zealand leads to obvious questions over

whether the information in the emails he sent to them from Bangladesh was similarly contrived.

[37] Regardless of the extent to which the content of the emails sent by the appellant from Bangladesh was contrived, they do not advance his refugee claim. This is because the emails paint an entirely different picture of the church activities undertaken by the appellant than that provided by the appellant in his refugee claim. The emails indicate that the appellant was actively and openly engaged in church activities from June 2005 until his departure from Bangladesh. There is no reference whatsoever to his having been attacked on three occasions and forced into hiding for a lengthy period. For example, on 27 March 2006, at a time when he claims to have been in hiding and unable to attend more than two church services in a row in light of the ongoing danger from Islamic militants, he wrote to his sponsors "At the Dhaka church all is going well. I am preaching every Sunday about the reason why Jesus came and died on the cross."

[38] The appellant's explanation for the failure to mention the difficulties he was facing in the church to his supporters while he was in Bangladesh was that he was fearful to tell his supporters because of "security reasons". This does not explain why there are not even any oblique references to the three attacks or his lengthy period in hiding, or indeed why the 27 March 2006 email patently contradicts his evidence.

[39] In addition to the differences between the emails and the appellant's evidence, there were other major inconsistencies in the appellant's account.

[40] The appellant told the Authority that he had worked as a pastor after setting up the church in April 2005 and continued to work as a pastor for his entire time in Bangladesh thereafter, including while hiding. However he told the RSB that he had not performed pastor's duties in the past two years due to repeated absences from Dhaka. When asked to explain this discrepancy to the Authority, the appellant's response was that it was a misunderstanding on the part of the RSB, and that he had said that most of the time he tried to be at church on Sunday evenings.

[41] The appellant told the Authority that during his period in hiding from 31 October to 30 August, he tried to attend every church service in Dhaka, but was stopped once or twice a month from doing so due to his fear of Moslem extremists. In contrast, he told the RSB that he was stopped from attending every church

service in Dhaka during this period. When asked to explain this discrepancy, he laughed and said that he had not said that to the RSB. The RSB interview notes record otherwise.

[42] The Authority also has doubts about aspects of his Christian training in Bangladesh, although it does not doubt that he undertook Christian missionary and Christian leadership training in New Zealand. The appellant told the Authority that he attended a bible school course in Bangladesh from 1993 to 1998 run by the Institute of Christian theology. His evidence about the course was very vague, and was also contradicted by documentary evidence he submitted. For example, initially he described the training as “a very primary stage training about Christianity”, and that he did periodic 2-3 month semesters “whenever I have time”. He subsequently said that the course was from 9-12 in the morning only, and that it was not residential, and that he did four semesters over five years. However he provided a certificate that purported to certify that he had undertaken a “one year residential training programme in Christian Discipleship and Theological studies from February to December, 98”. When the Authority told him that the RSB had recorded him as having attended a residential course from February to December 1998, RSB, his responded “I never lived there as a residential and I’m sure on my certificate they wrote ‘non residential’.” He then said that the RSB might have got it wrong. When the Authority then alerted him to the contents of the certificate, his response was that the course was not residential and that he thought it was a standard form certificate. He then said that he did four semesters of the course over the five years. When the Authority asked why the certificate did not refer to all periods of the course undertaken, referring instead to the course having been undertaken only from February to December 1998 he said “I think they record in file but they printed only one certificate”.

[43] We are not satisfied by the appellant’s explanation as to the discrepancy between his description of the course and the contents of the certificate he provided. We note that the appellant said at the hearing that he would “maybe” try contact the Bangladesh Institute of Christian Theology to obtain a letter confirming his attendance in the other parts of the course undertaken. The Authority has been advised of no efforts of that nature having subsequently been undertaken, and no further documentation has been provided.

[44] We find the discrepancy in his evidence leads to doubts as to whether the appellant undertook Christian studies with the Institute of Christian Theology in Bangladesh as claimed. This casts further doubts over his reliability as a witness.

DISCREPANCIES REGARDING 10 JULY ATTACK

[45] Over the course of his refugee claim the appellant has given different evidence as to the motivation and actions of the attackers in the 10 July attack. To the Authority, he said that the attackers were searching the whole house for GH, whom he had recently converted to Christianity and that they spent approximately 15 minutes undertaking that search. However he had made no mention in previous evidence of the attackers searching the house for GH. In his written statement he had made no mention of any connection between the attack and the conversion of GH, instead saying that the attackers “entered my house and demanded TK100,000 as contribution to meet the purpose and fulfil their interests”. In the RSB interview he introduced evidence that the attackers came because the appellant had baptised GH, but made no mention of their searching the house for him, instead saying “they came and tried to get me”. The appellant denied that there was any difference between his evidence before the RSB and the Authority.

[46] In apparent explanation for his failure to mention that the attackers were searching for GH, counsel noted that the refugee status officer did not ask him what the attackers were searching for. We do not consider that this explains the omission, as one would have expected him to mention it in his response to the more general question put by the refugee status officer as to why the attackers came to the house. It also does not explain the appellant’s failure to mention it in his written statement.

DISCREPANCIES REGARDING 30 OCTOBER ATTACK

[47] The appellant’s evidence about the 30 October attack was dramatically different as between the RSB interview and the Authority hearing. He told the Authority that the attack on 30 October occurred on the street on Saturday, that he was on his way home, that the attackers did not ask for money, that he was the only person present during the attack and that he recognised only one person. However in evidence to the RSB he said the attack was on Sunday when he was

getting ready to go to church, that the attackers asked for money, that his mother was present with him, that he recognised three of the attackers.

[48] When the Authority asked why he had previously said that the attackers asked for money, the appellant changed his evidence to say that they had indeed asked for money. When asked why he had told the Authority that the attack was on Saturday and he was on the way home, and told the RSB that the attack was on Sunday when he was getting ready for church, he had no explanation. When subsequently asked why he previously had said his mother was present in the house with him at the time of the attack, his response was “I’m getting confused because there is also another attack because on second November they also came and raid my house”. When subsequently asked why he had said to the Authority that he recognised only one of the attackers, when he had told the RSB that he had recognised three of his attackers, and how indeed he had recognised any of them given his evidence to the RSB that the attackers had their faces covered, his response was that he could recognise them from their voices.

[49] In re-examination, on the second day of the hearing, the appellant endeavoured to resolve these discrepancies by saying that the attack on the street that he had described to the Authority had in fact been a different attack to that that occurred on 30 October, and that it had occurred two weeks prior to the 30 October attack. We do not accept that the discrepancies in the appellant’s evidence about the 30 October attack were because he had mixed this attack up with an attack two weeks earlier. We consider this to be a device created by the appellant overnight to attempt to resolve the major discrepancies in his account. He had made no reference to such an attack in any of his previous evidence, in spite of its allegedly serious and traumatic nature. Moreover, the appellant had ample opportunity to refer to that attack on the first day of the hearing when the discrepancies were drawn to his attention, but instead he only explained the discrepancies by saying he had confused the attack with that on 30 November 2006.

[50] Moreover, in the course of re-examination he gave further evidence about the 30 October attack in the house, saying it happened on Sunday just before church. However this evidence again differed from that that which he had provided to the RSB about this attack – he told the RSB that only his mother was present in the house, but told the Authority that four church members had already come to the house.

[51] We reject Counsel's submission that he had simply become "muddled" and that he had only previously recounted the "main" attacks but there had been other attacks. He prefaced his evidence about the street attack by saying that the attack was so traumatic that it made him think "I don't want to live anymore". That he would neglect to have mentioned such a serious attack to the RSB is patently implausible.

DISCREPANCIES REGARDING 2 NOVEMBER 2006 ATTACK

[52] The appellant told the Authority that two of the five or six people who attacked his home on 2 November 2006 were from the BNP party, and that the others were from the *Jamaat-e-Islami* party. However he told the RSB that the attackers were the “same group of *Jamaat-e-Islami*” and made no mention of any of them being from the BNP party. When asked why he had not mentioned in the RSB interview that two of the group were in the BNP, the appellant indicated that he did not need to because it was in his statement.

[53] He told the Authority that he did not recognise any of the attackers, but told the RSB that the attackers were “same group” of six persons. When the Authority asked him why he had told the Authority that he did not recognise any of the attackers, when he had told the RSB it was the same group of six persons, his response was “same people does not mean same person but same group”. This does not resolve the discrepancy. This is because he had later confirmed to the RSB that he *knew* the six attackers, and that they were the previous group of *Jamaat-e-Islami* persons who had attacked him.

[54] The appellant submitted photographs of the inside of a house with crockery and other household items smashed and in disarray, claiming them to be photographs of the 2 November attack. He said that the photographs had been taken by EF on his instructions as he wanted proof of the incident to send to his supporters including financial supporters. He claimed to have subsequently sent the photographs to them after arriving in New Zealand. He submitted a copy of an email dated 10 August 2007 to a supporter with the pictures attached saying “I need your prayer support. I was attacked by the Muslim fundamentalist and extremist. They came and trash my house and belonging. Please keep on praying for us. God bless you abundantly.” He also submitted another copy of similarly worded email addressed to “Dear all friends” with the date and list of recipients cut off.

[55] The Authority finds it surprising that the appellant would make no reference to the timing or circumstances of the attack in the emails sent from New Zealand – they imply that the appellant is still in Bangladesh and that the attack had occurred recently. Moreover, with respect to the first email (the only one of which was dated), we find it most peculiar that it would not only be devoid of context but sent so long after the appellant arrived in New Zealand.

[56] In the context of the above and the remainder of the evidence, we find that the photographs do not, as claimed, evidence an attack on his house and church by Moslem extremists on 2 November 2006, and place no weight on them or the emails referring to them.

GENERAL EXPLANATIONS FOR THE FLAWS IN THE APPELLANT'S EVIDENCE

[57] Various explanations were put forward by the appellant to explain the flaws in the evidence. In re-examination, he said that he and the refugee status officer had difficulties understanding one another as English was his second language, and was the second language of the refugee status officer. However he did not ask for an interpreter at any stage of his RSB interview, and his English was of a standard that he did not require (and indeed requested not to have) an interpreter for his hearing before the Authority.

[58] He also claimed to have memory problems because of the number of things that had happened to him, providing as an example that he had forgotten the date of the interview with the refugee status officer. However we have taken account the general imprecision of memory and there is no medical evidence of the appellant suffering particular memory problems.

[59] Counsel also referred to the fact that the appellant was unrepresented before the RSB.

[60] The flaws in his evidence are too major and various to be explained by any of these factors, even considered collectively.

DOCUMENTS

[61] The appellant submitted a raft of documents including police documents regarding false charges against him. In light of the lack of credibility of the appellant's account, we find the police documents and letters referring to the charges to be fabricated. It is apparent from the appellant's evidence that he did not face difficulties in Bangladesh as claimed and therefore there is no basis for false charges to be brought against him. Our finding is not altered by the evidence that the lawyer supposedly acting for the appellant with respect to the charges is a member of the Dhaka Bar – he did not necessarily write the letter, and if he did its contents were designed to assist the appellant in his false refugee claim.

[62] We note counsel's request that the Authority use INZ sources to check the authenticity of the documents relating to the charges. Section 129P(1) provides that it is the responsibility of an appellant to establish the claim, and the appellant must ensure that all information, evidence, and submissions that the appellant wishes to have considered in support of the appeal are provided to the Authority before it makes its decision on the appeal. Under s129P(2)(b) the Authority is not obliged to seek any information, evidence or submissions further to that provided by the appellant and under s129P(2)(c) may determine the appeal on the basis of the evidence and submissions provided by the appellant.

[63] The letter from the appellant's mother on 15 April 2007 regarding her "exile" due to pursuit by Islamic extremists, and letter from his sister dated 21 March 2007 warning him to stay in New Zealand are also found to be false. It is noted that they were received by the RSB on 7 May 2007, two months prior to the time the appellant claimed to have managed to establish contact with his mother after coming to New Zealand.

[64] The Authority notes that there were a number of other documents submitted regarding church activities of the appellant, as well as rubber seals describing the appellant as pastor of the AB church. To the extent that they describe the appellant as pastor for the AB church they are found to be inauthentic.

[65] In sum, there is no credible evidence that the appellant has been attacked by Islamic militants for his activities as pastor of the AB church.

[66] It is possible that the appellant has been involved in some church activities in Bangladesh. The Authority has therefore considered country material regarding the situations of Christians in Bangladesh to assess whether involvement in church activities in Dhaka or CD would *per se* result in a risk of being persecuted to the level of a real chance. The absence of credible evidence as to his having faced any difficulties in the past indicates that there is no such real chance. This is borne out by the country material, and there have been no events subsequent to his departure that materially alter the situation for persons in the appellant's position. There is evidence of some discrimination against Christians and isolated incidents of violence in the past. There were pockets of violence last year, particularly against Christian converts, in the Nilphamari District and Northwest Bangladesh. However there is nothing in the country material before the Authority to suggest that a Christian involved in church activities in the appellant's home town Dhaka (or CD, where the appellant claims to have also undertaken church

activities), is *per se* at risk of being persecuted to the level of a real chance. The material submitted about the recent state of emergency in Bangladesh and human rights violations committed in the context of it has been considered in coming to this finding.

[67] Accordingly, the first framed issue is answered in the negative and the second does not arise.

CONCLUSION

[68] For the above reasons 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.

"S L Murphy"
S L Murphy
Member