

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

**REFUGEE APPEAL NO 76016**

**AT AUCKLAND**

<b><u>Before:</u></b>	B A Dingle (Member)
<b><u>Counsel for the Appellant:</u></b>	D Mansouri-Rad
<b><u>Appearing for the Department of Labour:</u></b>	No Appearance
<b><u>Dates of Hearing:</u></b>	28, 29 March & 11 May 2007
<b><u>Date of Decision:</u></b>	29 October 2007

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**DECISION**

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[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 Iran.

**INTRODUCTION**

[2] The appellant is a man in his mid-20s who originally arrived in New Zealand on 25 February 2006 to join his wife who is an Iranian-born New Zealand citizen. The couple have since separated.

[3] The appellant confirms that he had no basis on which to claim refugee status when he arrived in New Zealand in February 2006 and that he left Iran legally and without difficulty. He now claims that he is at risk of being persecuted by the Iranian authorities because he has been identified by them as an adherent of the Eckankar religion - a modern, spiritualist movement founded in the United States in 1965. He claims that his brother and another friend, both of whom were associated with Eckankar, have been arrested from the appellant's family home. At the same time, some of the appellant's Eckankar literature was taken from his home. The appellant believes that when he returns to Iran the authorities will

pursue him for the same reason and that he may suffer prolonged detention and other forms of serious harm.

[4] The essential issue to be determined in this case is whether the appellant has presented a credible account.

### **THE APPELLANT'S CASE**

[5] The following is a summary of the account presented by the appellant. An assessment of his credibility will follow.

[6] The appellant was raised in the Muslim faith in Iran. His mother and only sibling, a brother, remain living in Iran. The appellant's father died in 1994.

[7] As an older child, the appellant became aware that his parents had differing political views. His mother was a teacher and held pro-regime views, while his father opposed the post-revolutionary regime and was a member of the *Mojahedin* organisation. In the late 1980s, the appellant recalls that his father was arrested and released a number of times because of his involvement in the *Mojahedin* organisation.

[8] In 1994, the appellant's father went missing for approximately three months and the family had no news of his whereabouts. During that time, the appellant's mother sought information about the father from Iranian authorities, hospitals and cemeteries. After three months of searching, the mother learned the father was dead. The appellant's mother was then informed by someone in the Iranian government that the father had committed suicide. The appellant recalls that within a few days of hearing his father had died, two men in civilian clothes visited the family at home to explain the circumstances of his father's death. The family were taken to the site of the alleged suicide the same day.

[9] The appellant's family did not believe that the father had committed suicide. They were of the view that he had been killed because of his ongoing participation in *Mojahedin* activities. This view was confirmed to the appellant within a few months when he met various individuals who had worked with his father in the *Mojahedin* and who confirmed that he had been killed because of those activities.

[10] In the months following his father's death, the appellant was approached by various people who were linked with the *Mojahedin*. They encouraged him to

support their organisation, for example by writing graffiti in public places. Within months of his father's death, the appellant met MM, another *Mojahedin* member who attended the same gym as the appellant. MM gave the appellant more detailed advice and guidance about the activities of the *Mojahedin* and how the appellant could be involved and protect himself from the negative attention of Iranian authorities. On the advice of MM, the appellant attended an Islamic theological school for a time so that the government did not suspect his anti-regime activities.

[11] In approximately 1995, when the appellant was 14 or 15 years old, he began to train as a spy for the *Mojahedin*. He was also trained in various other techniques which were considered useful for him in carrying out missions for the organisation, including sophisticated undercover communication techniques. Throughout this time, the appellant also continued with his study and earning money to help support the family through various odd jobs.

[12] In 1995, the appellant's mother met and eventually married a wealthy retired businessman (HH). HH was influential in financial and political circles and the appellant recognised some of HH's visitors as being prominent members of Iranian society closely associated with the incumbent regime.

[13] In 1999, the appellant completed his schooling. In early 2000, he began his military service. He completed this approximately a year later and was issued with a military service completion certificate.

[14] In approximately 2001, the appellant was arrested from his family home by two men in civilian clothes whom he understood to be from the *Ettela'at*. The men informed him that two of his friends had committed an armed robbery and the appellant's contact details had been located on them. The appellant was told that he was wanted to help the *Ettela'at* with their enquiries and was then blindfolded and taken to a nearby detention centre. The appellant was held in detention for between one and two weeks during which time he was questioned approximately three times about his *Mojahedin* activities and his personal and family details. He was accused of writing graffiti on public walls although there was no evidence to prove it. He was also accused of making a telephone call to *Mojahedin* contacts in a European country on the basis of a printout from the appellant's telephone account detailing this call.

[15] After his release the appellant returned home. Several days later, the appellant was summonsed to court where he was taken before a judge and asked further questions about his political activities. He appeared before the same judge on a number of occasions during the following year facing charges related to his *Mojahedin* activities. Eventually, the appellant was convicted, received a suspended sentence and was released from further attendance at court.

[16] Following his conviction, he resumed activities with the *Mojahedin* and received further training and assignments. His final assignment involved working at the Parliament building posing as a computer contractor while surreptitiously collecting information about the layout of the new Parliament building under construction. He was able to gain entry into the Parliament buildings by using a false identification document which he produced to get the necessary security pass. All of this was arranged by a *Mojahedin* contact at Parliament.

[17] One day, while the appellant was working in the room in which the Parliamentary "mother computer" was based, he had an opportunity to copy a plan of the new Parliament onto a disc using the computer of the administrative manager of Parliament. The appellant created this opportunity because when the administrative officer in charge of the computer left the room, the appellant asked his workmate to run an errand for him thus leaving the appellant as the only person in the room. However, later that day on his way home from Parliament, the appellant received a telephone call informing him that the *Ettela'at* authorities had visited his home looking for him. The appellant immediately assumed that the visit was related to the copied plan and, fearing for his safety, went into hiding with a friend who lived on a farm some distance away. That friend was able to use a contact to arrange the appellant's safe departure from Iran.

[18] Two to three months after he had gone into hiding, the appellant departed Iran for a European country (Country XX) through Mehrabad airport using his own passport. The appellant had been issued with a passport shortly before his criminal conviction. The appellant had no difficulties on departure because his friend had made the necessary arrangements to ensure he could do so.

[19] In Country XX, the appellant applied for refugee status on the grounds that he was wanted by the *Ettela'at* in relation to his *Mojahedin* activities. He withdrew his claim before it was finally determined, however, because he wished to return home.

[20] While in Country XX, the appellant became interested in the Eckankar religion and he began adopting it in his daily life.

[21] In late 2003, the appellant met his wife, an Iranian born citizen of New Zealand who was holidaying in Country XX. After developing a relationship the couple agreed to return to Iran and get married. The appellant believed it was now safe for him to return to Iran because his step-father, HH, had informed him that his *Ettela'at* file had been destroyed and that the Iranian authorities had no further interest in him.

[22] The appellant and his (now) wife returned to Iran in March 2004 and married in June 2004. The appellant encountered no difficulties on return to Iran.

[23] Within weeks of his return to Iran, the appellant began working in his brother's menswear shop.

[24] In mid-2004, the appellant was issued with a further Iranian passport.

[25] Throughout 2004 and 2005, the appellant pursued his interest in the Eckankar religion. He talked to approximately 300 people he met through his work about the principles behind Eckankar although he did this in a subtle way which did not expose him as trying to convert people from Islam. He also formed a small group who met to discuss Eckankar beliefs and relevant issues. The group consisted of the appellant's brother and two other friends, one being SS. The appellant intended to build the following of Eckankar by encouraging each member of the group to recruit two more believers. The appellant did not want to recruit further people himself because he did not want the new recruits to know that he was the leader. At this time some Eckankar literature was available in Iranian book stores and the appellant purchased some to read and share with others.

[26] In mid-2005, the appellant's wife returned to New Zealand with the intention of arranging a visa for the appellant to visit. In early 2006, the appellant was granted a New Zealand work visa. A month later, the appellant legally departed Iran through an international airport and encountered no difficulties in doing so.

[27] After arriving in New Zealand he maintained telephone contact with the three members of his Eckankar group in Iran. The appellant did not contact the Eckankar organisation in New Zealand (*Eckankar New Zealand*) when he arrived because he thought that his lack of English language skills would prevent him talking about philosophical and spiritual concepts with other adherents. He did

write to *Eckankar New Zealand* in late 2006 prompting their letter to him of late December 2006.

[28] In mid-2006, the appellant's marriage broke down and his wife subsequently notified INZ that she no longer supported the appellant as her partner for immigration purposes. Consequently, on 4 August 2006, a notice of revocation of his temporary permit was served upon the appellant under s33 of the Immigration Act 1987. In discussions with INZ, the appellant agreed that he would return to Iran and he purchased tickets for this purpose.

[29] The day before his departure from New Zealand, the appellant received a telephone call from one of his brother's friends informing him that officials had arrested his brother and SS from the family home and seized literature and written notes relating to Eckankar. The appellant was not informed of the reason for the arrest but he assumed that it was related to their involvement in Eckankar. The appellant then feared that he too would be wanted by the authorities because the material that would have been taken from his home could be traced back to him. The appellant feared that he would be at risk of being persecuted should he return to Iran in those circumstances. He submitted a claim for refugee status with the RSB on 25 August 2006.

[30] Soon after the brother's arrest, the appellant's mother resigned from her job because she was suffering stress as a result of the situation.

[31] The appellant's brother and SS were detained for approximately one month. The appellant has since talked to both his mother and brother and has been informed by both of them that the brother is well and is working again, although in a new occupation. The appellant's mother has advised him it is not safe to return to Iran although she has not provided any reasons for that opinion. The appellant has not talked to anyone in Iran about the reasons for the arrests or about any other details relating to the interest the Iranian authorities might have in him (the appellant). The appellant has also spoken with SS since his release and he has resumed his university studies.

[32] The appellant was interviewed by a refugee status officer on 2, 3 and 19 October 2006. A decision declining his claim for refugee status was delivered on 1 February 2007 and it is from that decision that the appellant now appeals.

### Evidence of Witness AA

[33] AA is a citizen of Iran who was granted refugee status by the RSB in 2006 and has a current New Zealand work permit. He met the appellant in late 2006 when they were introduced by a friend, at which time AA offered the appellant a place to stay in his flat. That arrangement continued for approximately three months. AA stated that he (AA) received approximately three calls on his mobile phone which were for the appellant – two from the appellant’s mother and the most recent call from an Iranian male. After the last call AA noticed that the appellant was upset and when he inquired, the appellant said that his brother had been arrested. AA knew no other details about the call or the events in Iran.

[34] AA also stated that at the time of the last call the appellant was actively seeking work in Auckland and that AA knew nothing of the appellant’s plans to depart New Zealand within a matter of days. The appellant had not spoken with AA about his Eckankar beliefs.

### Evidence of Witness BB

[35] BB is a female citizen of New Zealand who met the appellant in December 2006 when they were both living in the same Auckland lodge accommodation. She considers the appellant to be a good friend and believes that he has had a positive influence on her life through helping her explore ideas of the Eckankar religion. She also confirmed that she had seen the appellant talk with other people at the lodge about Eckankar. BB was unable to provide any details about when or in what circumstances the appellant developed his interest in Eckankar. BB knew nothing of the circumstances in which the appellant had come to New Zealand or that he had a wife here. Neither was she aware of any events in Iran regarding his family or the basis of the appellant’s refugee claim.

### **MATERIAL SUBMITTED IN SUPPORT OF THE APPEAL**

[36] In support of his appeal, the appellant has submitted the following material:

- (a) A standard form letter from *Eckankar New Zealand* enclosing a standard form letter from Harold Klemp, the spiritual leader of Eckankar, and a list of contact people for Eckankar throughout New Zealand. The post date of the envelope in which the letter was received was 27 December 2006;

- (b) A copy of his mother's Iranian identity card with selective translation;
- (c) A copy of his father's identity card with selective translation;
- (d) A copy of his father's death certificate, death permit and burial permit with translations which all indicate the father's death occurred on 18 February 1995. The death certificate states that he died as a result of a brain haemorrhage and its consequences; and
- (e) A letter of resignation by the appellant's mother from her state employment, dated 7 September 2006 with translation. The letter states that she is seeking to resign because she is "suffering from stress disorder as a result of my husband's death. I am unable to work and look after my two children..."

[37] Counsel made written submissions under cover of a letter of 26 March 2007 and oral submissions at the close of the hearing. All this material has been considered in the determination of the appeal.

### **THE ISSUES**

[38] 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."

[39] 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

[40] The Authority does not accept the appellant's account of his previous profile or arrest in Iran (prior to his return there in 2004), or his account of the arrest of his brother and SS in mid-2006, for the reasons which follow.

### **Arrest and detention of appellant before departure for Country XX**

[41] At his RSB interview, the appellant told the RSB that he had been arrested and detained by the *Ettela'at* in approximately 2001. He confirmed to the RSB that the event occurred approximately one year before his departure from Iran to Country XX, that the court appearances occurred during that interim year and his suspended sentence was handed down a month or two before his departure from Iran to Country XX in 2002.

[42] In contrast, the appellant's evidence to the Authority was that he had been arrested more than a year before he completed high school, putting the time of the arrest in 1998. When asked for confirmation of the timing, the appellant stated that the subsequent court case took approximately a year to process and that even when he finally received his suspended sentence, he was still attending school. When the inconsistency was initially put to the appellant by the Authority for comment he recanted his RSB evidence and maintained his account of being arrested prior to his military service and while he was still at school. However, in the context of later evidence about obtaining his passport he changed his evidence as to the timing of his arrest yet again and stated that he was arrested after his military service. He asserted that his earlier inconsistent evidence was a mistake. He could give no further explanation as to why he had given such unequivocal evidence as to the timing of the arrest earlier in the appeal hearing.

[43] The Authority does not accept that either the inconsistency between his RSB evidence and his initial evidence to the Authority, or the subsequent change in evidence at the hearing, can be attributed to a genuine mistake in the telling of a truthful account. Rather, the change in evidence was simply the result of the appellant needing to reconcile the date and circumstances of his passport application with his earlier evidence about the arrest and court sentencing. While the Authority accepts that appellants cannot always be expected to recall exact dates for past events, appellants can ordinarily be expected to recall the basic order of events and the context in which they occurred. When the appellant initially told the Authority that he was arrested while still at school, the Authority

asked a number of questions about the timing relative to other events to ensure that he had ample opportunity to correct himself or clarify the evidence. The appellant was unequivocal in maintaining his account until he recognised that it could not be sensibly reconciled with his evidence about the date and circumstances of his passport being issued.

[44] Further aspects of his evidence about the claimed arrest also undermined the credibility of his account. To the RSB, the appellant asserted that he was released from custody because the authorities had no evidence, documentary or otherwise, which supported their allegations against him. In contrast, he told the Authority that the authorities had a telephone call printout which formed the basis of their allegations. He could give no sensible reason for the discrepancy.

[45] Moreover, to the RSB the appellant did not mention the fact that he had been arrested in relation to a telephone call he made to *Mojahedin* contacts in Country XX, a fact which he asserted at the appeal hearing had been the core reason for his arrest. Again, no reason was provided for the omission of evidence at the RSB which he now asserts is fundamental to that part of his account.

#### **The “parliament project” and subsequent inquiries about the appellant**

[46] The appellant’s account of his undercover work at parliament was inconsistent. To the RSB he stated that his purpose in undertaking the undercover work was to: ascertain the nature and locations of security checks in parliament; report on the number of rooms and how they were guarded; learn about the *Herasat* and *Ansar al Mahdi* forces operating there; collect information about the layout of the new parliament building; and collect information about all the addresses and salaries of all members of parliament. All of this information was requested by and provided to the *Mojahedin*. In contrast, the appellant told the Authority that the only information he was asked to get were the architectural plans for the new parliament building. He could give no explanation for the inconsistency.

[47] Counsel submits that the passage of time and human fallibility in recalling detailed evidence accounts for the difference between the appellant’s evidence to the RSB and the Authority. While the Authority acknowledges that small details in past events may not be recalled in exactly the same manner at different times, it does not accept that this explains the inconsistency outlined above. The Authority specifically asked the appellant twice whether there was information other than the

building plan that he was asked to collect. It is reasonable to expect that had the appellant been recalling genuine evidence, these specific questions would have jolted his memory as to the other information he was seeking. They did not.

[48] The Authority also finds the appellant's evidence as to his access to the Parliament buildings and, in particular secure areas such as the room housing the "mother computer" to be implausible. The appellant claims that he gained access to the Parliament buildings by using the identity card of someone else to gain a "receipt", issued by the on-site *Ettela'at*, which was simply some kind of generic document with no photo or any individualised identifying information on it. He then used this receipt to access all the parliament buildings he needed to, to complete his computer networking job. Coupled with this unbelievable lack of security of the Parliamentary buildings is the appellant's assertion that he was then left alone in a room in which the "mother computer" was situated and that he could access it without difficulty. The Authority does not accept that an individual who had previously been convicted of a political offence against the Iranian regime would find it so easy to access a security pass for Parliament. Neither is it accepted that the security checks would not be more comprehensive for individuals working in such jobs as computer networking where they would potentially be exposed to sensitive information. The Authority finds that this evidence is yet another part of his fabricated account.

#### **Arrest and detention of the appellant's brother and SS in 2006**

[49] The appellant's evidence about events surrounding his brother and SS's arrest and detention in 2006 is undermined by vagueness, inconsistency and the implausibility of the appellant not having made any effort to ascertain the details of the arrests or the danger to himself at any time.

[50] Although the appellant asserts that the arrest of his brother and SS was because of their interest in Eckankar and their possession of literature relating thereto, he (the appellant) has never had that assertion confirmed by anyone with knowledge of the events. Despite having regular telephone contact with both his brother and his mother since the arrests, the appellant has never asked or been told that the arrests were connected with Eckankar. When asked why he had not sought details about the arrests, given the obvious importance to his refugee claim, the appellant told the Authority he thought it might cause problems for people in Iran if they discussed such matters on the telephone. The appellant

confirmed that he had made no effort to communicate in any other way, for example by email, letter or through friends, to ascertain the actual reason for his brother's arrest.

[51] The Authority finds it implausible that the appellant, who claims to have been trained by the *Mojahedin* in sophisticated undercover communication techniques, is unable to discover even the most basic details of his brother's arrest. This is even more unbelievable given his RSB evidence that after his brother's arrest they talked on the telephone about Eckankar, clearly indifferent as to whether the Iranian authorities were listening or not. The Authority has no doubt that if the appellant apprehended any real danger to himself on return to Iran, he would have exercised the considerable *Mojahedin* training he claims to have received to discover the precise nature and degree of that danger. His complete lack of effort and interest in trying to do so, notwithstanding regular contact with the very people who have direct knowledge of the events, suggests he does not in fact perceive any risk in returning to Iran for the reasons he has asserted.

[52] The appellant also gave inconsistent evidence about his telephone contact with his mother during his brother's detention. To the RSB, he said that he talked to his mother on the telephone while his brother was still detained but that "there was not much talk about [his brother] and others". To the Authority, in contrast, the appellant said that he had no contact whatsoever with his mother during his brother's detention because she feared having her telephone calls tapped by the Iranian authorities. When the Authority asked the appellant to explain his inconsistent evidence, his response was vague and unconvincing. He would say neither that she had called nor that she had not but asserted that *if* she had called it would be because she knew that the brother was not in danger and that "no-one is arrested for making telephone calls". This response is rejected for two reasons. First, as to the occurrence of the calls, the appellant's initial evidence to the Authority about having no contact with his mother during his brother's detention was unequivocal and confirmed throughout a series of questions on the topic. Second, his implied assertion that there was no real danger in making telephone calls directly contradicts his earlier evidence that his mother's fear was the precise reason why she had made no contact during the period of detention.

[53] Quite apart from the credibility concerns detailed above, the timing of the claimed arrest of his brother and SS within a day or two of the appellant's

imminent departure from New Zealand, where he no longer had legal immigration status, is a coincidence too convenient to be believed.

[54] Counsel submits that if the appellant was advancing a false claim, he could have fabricated evidence or information to say that he was wanted by the authorities in Iran and that the fact he did not undertake such fabrication supports a finding of credibility. The proposition that a lack of fraudulent documents somehow bolsters credibility is rejected. It is recalled that the appellant bears the responsibility of establishing his refugee claim (see ss129P(1) and 129P(2) of the Act (referred to in *Refugee Appeal No 72668/01* (Minute No. 2) (5 April 2002) and in *Anguo Jiao v Refugee Status Appeals Authority* [2003] NZAR 647 (CA)).

#### **Witness evidence and documents from Iran**

[55] The documents submitted by the appellant in support of his appeal, namely copies of his parent's identity documents, his father's death and burial certificates and his mother's resignation document do not advance the appellant's account in respect of the grounds upon which he bases his refugee claim. The Authority need make no findings in respect of matters relating to his parents' identity, the precise timing or medical cause of his father's death or his mother's resignation.

[56] Further, while the appellant has claimed that his mother resigned because of the arrest of his brother, there is nothing in the resignation document itself which corroborates that assertion. There could be any number of innocent reasons for her resignation, completely unrelated to the appellant's claim for refugee status. Indeed, the letter states that she wished to resign because she was not coping after the death of her husband (which had occurred some 12 years earlier) and she wanted to take care of her two sons.

[57] With regard to the evidence of witnesses AA and BB, the Authority finds that it does not displace the credibility findings made above. With regard to BB's evidence, she was simply unable to provide the Authority with any detail about the matters which are at the core of the appellant's claim, namely the fact that his brother and SS were arrested in Iran because of their involvement in Eckankar and that the appellant will now also be of interest to the Iranian authorities.

[58] Neither is the Authority persuaded that the evidence of AA lends any credibility to the appellant's account. Although AA says that the appellant received a phone call from an Iranian male, he is not able to independently verify the name

or the location of the caller or the content of the phone call. His only evidence about the specific nature of the call is based on the information he received from the appellant, whose credibility in relation to these events is not accepted.

### **Appellant's Eckankar beliefs**

[59] Finally, the Authority has considered whether the appellant is a genuine adherent of Eckankar and, if so, whether he will be at risk of serious harm on that basis in Iran. The Authority notes that the appellant has displayed some knowledge of Eckankar beliefs and principles and has, since December 2006, talked with others in his accommodation lodge about Eckankar. Against this, it is recalled that the appellant made no effort to contact *Eckankar New Zealand* until after his claim for refugee status has been declined by the RSB. Furthermore, he has presented no evidence other than his own statements that he talked to anyone in New Zealand about Eckankar until December 2006. Indeed, AA, with whom the appellant lived for some months, had never heard the appellant talk about his Eckankar beliefs. The material the appellant has presented from *Eckankar New Zealand* does nothing more than indicate the appellant has made preliminary enquiries about the organisation and does not, in the Authority's view, represent any sort of real commitment to Eckankar.

[60] It may be that the appellant has a passing interest in Eckankar, the transient nature of which is evident in his belated and somewhat indifferent attempts to pursue it in New Zealand. Having seen and heard him over the course of the three day hearing, the Authority is satisfied that his modest interest will not survive his return to Iran. If Eckankar is genuinely frowned upon in Iran, such that the appellant elects not to pursue his modest interest in it, the Authority finds that that will not amount to serious harm because he did not exhibit any strong desire to pursue it in New Zealand. In other words, a man with all the characteristics of the appellant and facing this predicament is not at risk of serious harm in Iran (see *A v Chief Executive of the Department of Labour* (CIV 2004-404-6314) 19 October 2005).

### **CONCLUSION ON CREDIBILITY**

[61] For all of the reasons given above, the Authority rejects the account of the appellant as to his *Mojahedin* activities and any difficulties he had in Iran related thereto. The Authority finds that the appellant has not previously had any profile with the Iranian authorities. The Authority also rejects the claim that his brother and SS were arrested in Iran in 2006 due to their involvement with Eckankar and that the appellant will be of interest to Iranian authorities for the same reason should he now return to Iran. The Authority finds that the Iranian authorities have no knowledge of the appellant's claimed interest in Eckankar and that the appellant does not face a risk of serious harm in Iran on account of any passing interest he may have developed in it.

[62] Therefore, the first issue framed for consideration is answered in the negative and the second issue as framed does not arise for consideration.

[63] For the sake of completeness the Authority notes counsel's submission that publication of this decision should be prohibited on the grounds that the appellant may be identified by the Iranian authorities. However, given the credibility findings above, the Authority need not consider that submission further.

## **CONCLUSION**

[64] For the above reasons, 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 A Dingle"  
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Member