

**IMMIGRATION AND REFUGEE BOARD
OF CANADA**

Refugee Protection Division



**COMMISSION DE L'IMMIGRATION
ET DU STATUT DE RÉFUGIÉ DU CANADA**

Section de la protection des réfugiés

RPD File No./N° de dossier de SPR: VA6-00748

**Private Proceeding
Huis clos**

Claimant (s)

XXXXX XXXXX

Demandeur(s) d'asile

**Date(s) and Place
of Hearing**

20 August 2007
Vancouver, BC

**Date(s) et Lieu de
l'audience**

Date of Decision

18 September 2007

Date de la Décision

Panel

Carolyn McCool

Tribunal

Claimant's Counsel

Shepherd Moss
Barrister & Solicitor

Conseil du demandeur d'asile

Tribunal Officer

Linda Steinson

Agente de tribunal

Designated Representative

Nil

Représentant désigné

Minister's Counsel

Nil

Conseil de l'intimé

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Reasons for Decision

[1] The claimant, XXXXX XXXXX, is an Iranian citizen. His personal identity and his citizenship as a national of Iran are established by various identity documents, which were neither challenged nor impugned during the course of the hearing.

[2] The claimant says that he has a disaffection with Islam from a young age. He worked and lived with a Christian Iranian in 2004, as a result of which he developed an interest in Christianity. He could not, however, pursue this in Iran, he says, since he comes from a Muslim family. He eventually decided, in 2006, to leave Iran and come to Canada where he would be able to pursue his interest in Christianity.

[3] In Canada, Mr. XXXXX has become a member of a Christian church serving primarily Iranian Christians, which he attends regularly. He has gone through a baptismal ceremony. Three other people who attend that church testified as to the claimant's participation in church events and his apparent faith. The church has a proselytizing component as part of its practice, and the panel heard testimony from a witness as to the claimant's conversations with her, which she said have strengthened her belief in Christianity.

[4] The claimant says that if he were to return to Iran there is more than a mere possibility that he would be persecuted, or that he would face a risk to his life, or of cruel and unusual treatment or punishment, or a danger of torture.

[5] Country evidence on file gives a mixed profile of the experience of Christians in Iran, this including those who are born into Christian families, those who convert from Islam, and those who proselytize or try to convert others. The documentary material provides, for instance, that:

Christians in Iran continue to be subject to harassment, arrests, close surveillance and imprisonment...¹,
and

¹ Exhibit 5, Tab 16, page 214.

Capital punishment can be expected for persons ... who challenge the Islamic faith or attempt to convert Muslims to another religion,²

and

On November 22, 2005, a Muslim convert to Christianity, Ghorban Tori, was kidnapped from his house in the northeast and killed. His body was later returned to his house.³

[6] There is evidence, on the other hand, that although apostasy (conversion from Islam to another religion) is a crime, actual punishment, including execution, is rare, and that “[n]o one would be condemned for converting from Islam to another religion,” although “there were a few cases concerning proselytizing, where Christian missionaries tried to convert Muslims to Christianity.”⁴ The report does not say what happened in those cases.

[7] The claimant says that the reason he wanted to convert to Christianity is that Islam is a religion of violence. He says that he was raised as a Muslim but he disliked that religion because he was forced to follow it, and because it has a practice of violent punishment. The claimant says that in Christianity he has found a religion which practises kindness, and peace, and a personal relationship with God.

[8] The panel appreciates the position of a person who is troubled by the faith of their family and community, and wants to explore other religions that they might find better, or more sympathetic. The difficulty is that Mr. XXXXX is clearly not such a person. The claimant was not able to explain his view of Islam as a violent religion, or where in particular he thinks that violence comes from. He was, indeed, wholly inarticulate about Islam. He said, in answer to the question of what caused him to reject Islam, that it was because he was forced into it, and because Islam is a violent religion. When asked how Islam is a violent religion, the claimant said that the Iranian government flogged, executed and mutilated people for crimes. That may well be, but the question is why Mr. XXXXX believes that Islam justifies such behaviour on the part of his country, if that is so. He did not have, further, any views as to whether the violence he says is espoused by the religious authorities in Iran is the correct view of Islam and the Koran, or whether there are other, more moderate views within the Muslim community.

² Exhibit 5, Tab 11, page 4 of 7.

³ Exhibit 5, Tab18, page 5 of 7.

⁴ Exhibit 3, page 6.

[9] For instance, the claimant's professed unhappiness with Islam as he says it is practiced in Iran did not lead him to explore Islam as it is practiced in other parts of the world, including Canada. Indeed, he says that he knows nothing about Islam, or the Muslim community, in Canada. He did not have an answer as to why the Muslim community in Canada does not practice a violent form of Islam. He did not have, further, any views as to whether the view of Islam as a violent religion is correct, whether there are competing views, or what his views are of such questions.

[10] When asked, the claimant said that Islam practices a form of punishment which may be characterised by the English phrase "an eye for an eye." When asked if he knew that this was a phrase from the Christian Bible – a suggestion agreed to in submissions by counsel – he did not have a response. When asked what the Prophet Mohammed would say about how to treat his enemies, he said that the Prophet would say to treat your enemies as they would treat you.

[11] The claimant's allegations about Islam as a religion of violence do not even try to go beyond the lowest form of stereotype. This is particularly surprising granted the claimant was schooled in an Islamic educational system for 17 years. That, plus the fact that the claimant never tried to educate himself about other, or more moderate views of the Muslim faith, and never tried to educate himself about the practice of Islam outside of Iran, leads the panel to the conclusion that the claimant's first consideration was not religion. Indeed, the panel finds that the claimant's first consideration, in making the decision to come to Canada, was immigration. The panel does not believe the claimant when he says that he left Iran because he wanted to explore the Christian faith. The panel believes that the claimant left Iran because he wanted to come to Canada.

[12] Mr. XXXXX claim is, patently and clearly, founded upon a false basis. The panel does not believe that Mr. XXXXX has become a Christian. The panel believes that Mr. XXXXX has pretended to become a Christian, and in particular has adopted the life of a proselytizing Christian convert, in order to achieve his aim of immigrating to Canada.

[13] The question then is whether or not Mr. XXXXX faces a reasonable possibility of persecution, or a risk to his life, or of cruel and unusual treatment or punishment, or a danger of

torture, in Iran, because he has gone through a form of conversion to a proselytizing Christian church in Canada. Even if his alleged conversion to Christianity is patently false, as it is, the evidence must be examined to determine if he is, in any event, in need of protection.

[14] Since the panel has rejected the claimant's assertions that he has gone through a genuine conversion to Christianity, the panel is not able to say that the claimant's attachment to Christianity is, now, a matter of conviction. Indeed, the panel believes that the claimant would relinquish his faith just as easily as he appeared to choose it – without thought of or consideration for any principles other than immigration factors. A person who would make up a belief in a Christian faith, for immigration purposes, would just as easily give that up and return to the practice of Islam, if that would suit his needs or wishes.

[15] There is no credible or trustworthy evidence of any genuine belief or principle which could lead the panel to say that XXXXX XXXXX would present himself as a Christian to the authorities in Iran. There is no credible or trustworthy evidence from which the panel could conclude that the claimant would, as a matter of conscience and of religious conviction, maintain a Christian practice, including a proselytizing practice. There is no credible or trustworthy evidence upon which the panel could conclude that the claimant might come to the attention of the authorities in Iran for having gone through a form of conversion to Christianity.

[16] The claimant would have the panel reach a positive decision since he has engaged in proselytizing activities in Canada, and therefore may have come to the attention of the authorities. The panel heard testimony from one young woman who said that Mr. XXXXX has talked with her in an effort to strengthen her faith. The panel does not accept that her testimony is sufficient to base a conclusion that there is more than a mere possibility that the claimant has come to the attention of the Iranian authorities.

[17] There is evidence that some people are questioned and searched upon return to Iran if there is suspicion that they have engaged in anti-Iranian activities abroad:

[c]itizens returning from abroad sometimes were subjected to searches and extensive questioning by government authorities for evidence of anti-government activities abroad.⁵

[18] The evidence in this case raises no more than a mere possibility that the claimant in this case would be so questioned and searched.

[19] This is a case of a person adopting and embarking on a long-term plan to come to Canada by going through a form of conversion, and adopting the practises of a church with a proselytizing component. Mr. XXXXX life in Canada, which he would say is that of a convert, is no more than the visible manifestation of his intention to immigrate to this country. Such opportunism does not, in this case, form the basis of a need for refugee protection, either as a Convention refugee or as a person in need of protection for any other reason.

CONCLUSION

[20] The claimant XXXXX XXXXX is not in need of refugee protection under either section 96 or section 97 of the Act, and accordingly his claim is rejected.

 "Carolyn McCool"

Carolyn McCool

 18 September 2007

Date (day/month/year)

KEYWORDS - REFUGEE PROTECTION DIVISION - CONVENTION REFUGEE - RELIGION - REFUGEE SUR PLACE - CREDIBILITY - MALE - NEGATIVE - IRAN

⁵ Exhibit 4, National Documentation Package Iran, 14.3, IRN100758.E, 07 December 2005.