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churches' commission for migrants in europe

beyond borders

since 1964

Conversion in the Asylum Procedure: New Developments and Old Challenges

18-20 January 2022

Conference report compiled by Deborah Romano

A CCME conference in cooperation with



Conference of European Churches
Conférence des Églises européennes
Konferenz Europäischer Kirchen
Конференция Европейских Церквей

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FOREWORD

The issue of conversion of asylum seekers to Christianity has been receiving increased attention in recent years. It is not fully clear, if the numbers of converts have indeed increased in recent years or if churches and other institution have just become more aware of the issue. In any case, in a number of European countries, the issue of Conversion to Christianity by asylum seekers has raised pastoral, theological-missiological, legal as well as ethical questions and dilemmas for churches. Often conversions in the asylum procedures are seen very differently by churches and asylum authorities and subsequently courts. Conflicts about the exact role and competence at this “borderline” between state and church have arisen. A number of cases have received strong attention from media.

Several member churches of CCME in different countries have over the years addressed the issue and engaged with national asylum authorities in a number of ways. Churches have also developed internal “guidance”. The issue has also been discussed among asylum authorities, academia and judges, both nationally and on European level.

The event “Conversion in the asylum procedure – new developments and old challenges”, which CCME organised in January 2022, therefore addressed recent developments in jurisprudence and asylum authorities, reflected on the opportunities and challenges for churches and aimed to showcase best practice of churches on the issue. In an interdisciplinary approach, theological as well as sociological, legal and socio-political were examined in an exchange among and between churches, with state authorities, judges and academia. It was also important to hear from persons with personal experience of converting and being questioned about the credibility of their conversion.

Given the ecumenical dimension of the issue, it was a privilege that the Conference of European Churches, the EU's Roman Catholic Bishop Conferences COMECE and the European Evangelical Alliance EEA joined the preparations of the three-day online event – in addition to representatives of CCME's members who were also part of the planning group.

Readers will in this report find a summary of the deliberations of the event. We have tried to maintain some of the spirit, language and reasoning of the different speakers and participants in the discussion, extensively using quotes and only moderately paraphrasing their words. Wherever possible we have also reproduced the presentations (PowerPoint and others) which were given. The summary is complemented by a short report on some national practices. It is obvious from the summary that national approaches vary and that different churches do have different positions and that perspectives between churches, states and other necessarily differ. In this sense CCME is happy to publish this report without all contributions necessarily representing the position of CCME.

We however hope that the event and this report will offer an opportunity for better understanding and mutual learning.

My particular thanks goes to Ms Deborah Romano for her diligent work on the report, to the members of the planning team for their contributions to the event and the Valdensian Otto per mille and the Protestant Church in the Rhineland for their support.

Torsten Moritz

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WELCOME BY ORGANISERS AND OPENING PRAYER



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Dr. Torsten Moritz, CCME General Secretary, welcomed all the participants to the event on behalf of the Churches Commission for Migrants in

Europe and also on behalf of the other co-organizers. A minute of silence and prayer was proposed by Dr. Torsten Moritz, asking for God's blessing on the encounter and the work we were about to do all together.

Looking at the question of conversion in the asylum procedure, it is in his view important to realise that it is an issue that has been with us for a while: CCME and COMECE held a similar event in 2018 but, as so many things have happened since then, it would be good to have an update. He was extremely pleased to do that once again in an **Ecumenical cooperation**: the colleagues from the **Conference of European Churches (CEC)**, the **Commission of the Bishops' Conferences of the European Union (COMECE)**, and the **European Evangelical Alliance (EEA)**. He underlined that working together on this issue is excellent: the organisations sometimes have slightly different approaches, but this should not stop cooperation on this issue. It is also something where the interest of State authorities can be observed: members from different parliaments, colleagues from the EUAA (ex. EASO), national asylum authorities and judges joined the event. The issue, is interesting and indeed became very topical in a number of countries, particularly in the UK, for example, where there has been a lot of discussions whether conversion is a tool or an easy way to get into or stay in the country. Therefore, the hope was to show cases of churches' work on this with the aim to exchange good practices and develop new practices all together.

The issue of conversion to Christianity in the asylum procedure is, of course, if compared to the whole question of refugees' protection, only referring to a very small number of cases, but **it touches upon the identity of Christian churches**, being on the one hand a pastoral issue and, on the other hand, concerning our work in this world, as the logic of this world is often a different one. This topic very much crosses the boundaries between what States do and what Churches are doing and where uncharted territories are. The idea of this event was, therefore, to improve cooperation and then to come back again in a few years and review progress.

Dr. Torsten Moritz thanked the other organizations co-organizing this event through an international planning team consisting of some of the CCME members but also CEC, COMECE and the EEA. He also thanked the Otto per Mille Chiesa Valdese and the Evangelical Church of Rhineland for financing the preparation. He finally thanked CCME colleagues Deborah Romano, for preparing the background material, and Christine Rugurika.



Conference of European Churches
Conférence des Églises européennes
Konferenz Europäischer Kirchen
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Dr. Jørgen Skov Sørensen, CEC General Secretary, was glad to take part in the event and thanked all the participants on behalf of CEC.

He welcomed everyone to the event and thanked Torsten Moritz and all the planning team for setting up all of this. Conversion to Christianity in the asylum procedure is a complex question that has gained renewed attention in recent years. Asylum applicants, judges, lawyers, are involved in the asylum process in different countries, contexts and ways in Europe. Relevant research on the topic is also gaining ground: scholarship on conversion in the asylum procedure has pointed to the need of reflections on the reasons leading asylum seekers to conversion. The significance of analysing these reasons from a theological point of view will be given specific attention in the coming days. He noted that churches and faith-based organizations have equipped themselves for the bridge building exercise between Churches and European state authorities. **Theological work, as churches and faith-based organisations,**

is paramount in assessing asylum claims invoking conversion to Christianity. He said that the event attendees were about to participate in brought into conversation different perspectives of conversion in the asylum procedure and highlighted the need for churches and decision makers of our governments to continue working together on the matter. He hoped that the discussions of the following days will challenge individual churches, them being Catholic, Orthodox, Protestant or Evangelical, to revisit their priorities and strategies regarding conversion of asylum seekers. For him, this the only way to get back to being credible partners and maybe, at the end of the day, we can challenge our national or European authorities. He wished everybody fruitful days.



José Luis Bazan, COMECE Legal advisor, presented greetings and best wishes to all participants on behalf of the General Secretary of COMECE, Fr. Manuel Enrique Barrios Prieto, who was not able to join. He welcomed everyone to this ecumenical event concerning Christian churches and communities, which is also relevant to the relation of churches with states and asylum authorities.

The right to asylum, when an individual is persecuted for religious reasons, is a fundamental human right and the concept of religion in this regard should also be understood in a very broad way, not only a systematic knowledge of the dogmas, practices and rituals of a particular religion, but also as a personal experience of encounter. At the same time, religious freedom should also include all dimensions: public, private, institutional, individual and in community. Therefore, it is not acceptable that a person is forced to renounce to the public expression of their faith and therefore, in such case, the EU Member States should not reject such a protection to anyone who is persecuted. For all those in Europe, already converted or willing to convert to Christianity, either in the context of an asylum procedure or not, Churches should accompany them in a catechumenal process to prepare their formal reception into the community as a full member. Those who show a genuine will to become a Christian should not be excluded from the Christian community and rather, they should be welcomed, received,

accompanied and supported in that process depending on the characteristics of the community as well as the circumstances. He thanked the other co-organisers and wished everyone very fruitful discussions.



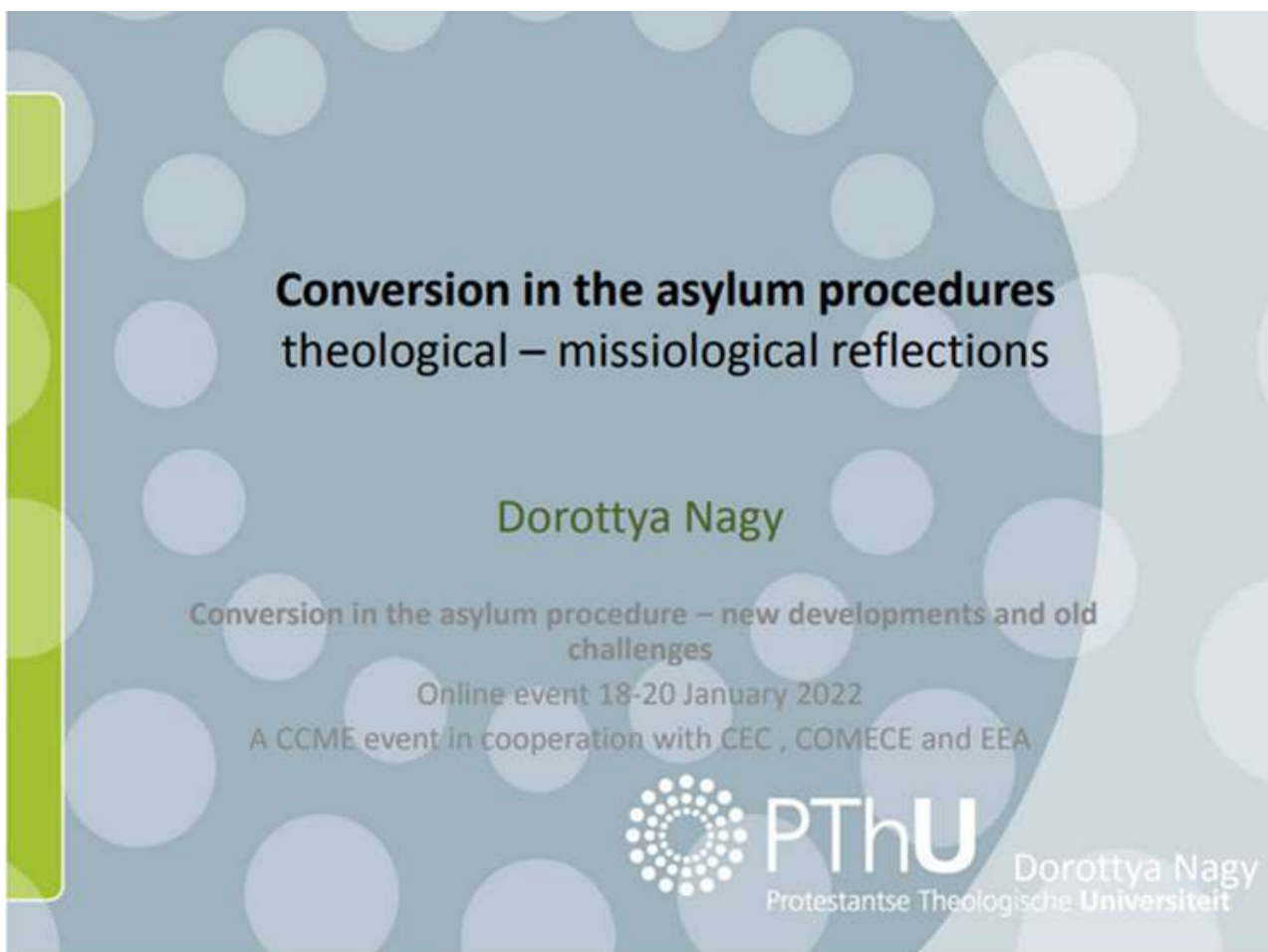
Thomas Bucher, EEA General Secretary, was pleased to welcome everyone to this important online gathering. He thanked CCME for the initiative and all those who showed an interest in this topic.

An impressive programme has been put in place, covering an essential issue and gathering important experts to address the topic. He reminded the 2015, the year of the big movement of refugees into Europe. EEA, had become more and more aware of reports of the increasing number of asylum seekers connecting with Churches and individual Christians, some in really amazing ways, not only showing interest in the Christian faith but turning to it. He noted that EEA hasn't had to wait long to observe that authorities were totally unprepared for this phenomenon: they did not have the people, the expertise, and the tools to deal with this. Suspicions arose that these conversions were only fabricated to be granted asylum in Europe. The reactions were often uninformed, harsh and unfair. Even though until now there has been some progress, there is still more progress to be made. As the EEA, they had responded to this from the very beginning: they tried to align their resources, good practices and stories, and website, to help people to really follow the process and stay engaged. This gathering is another step that will bear good fruits. He thanked everyone for their interest and efforts.

Tuesday 18th January 2022

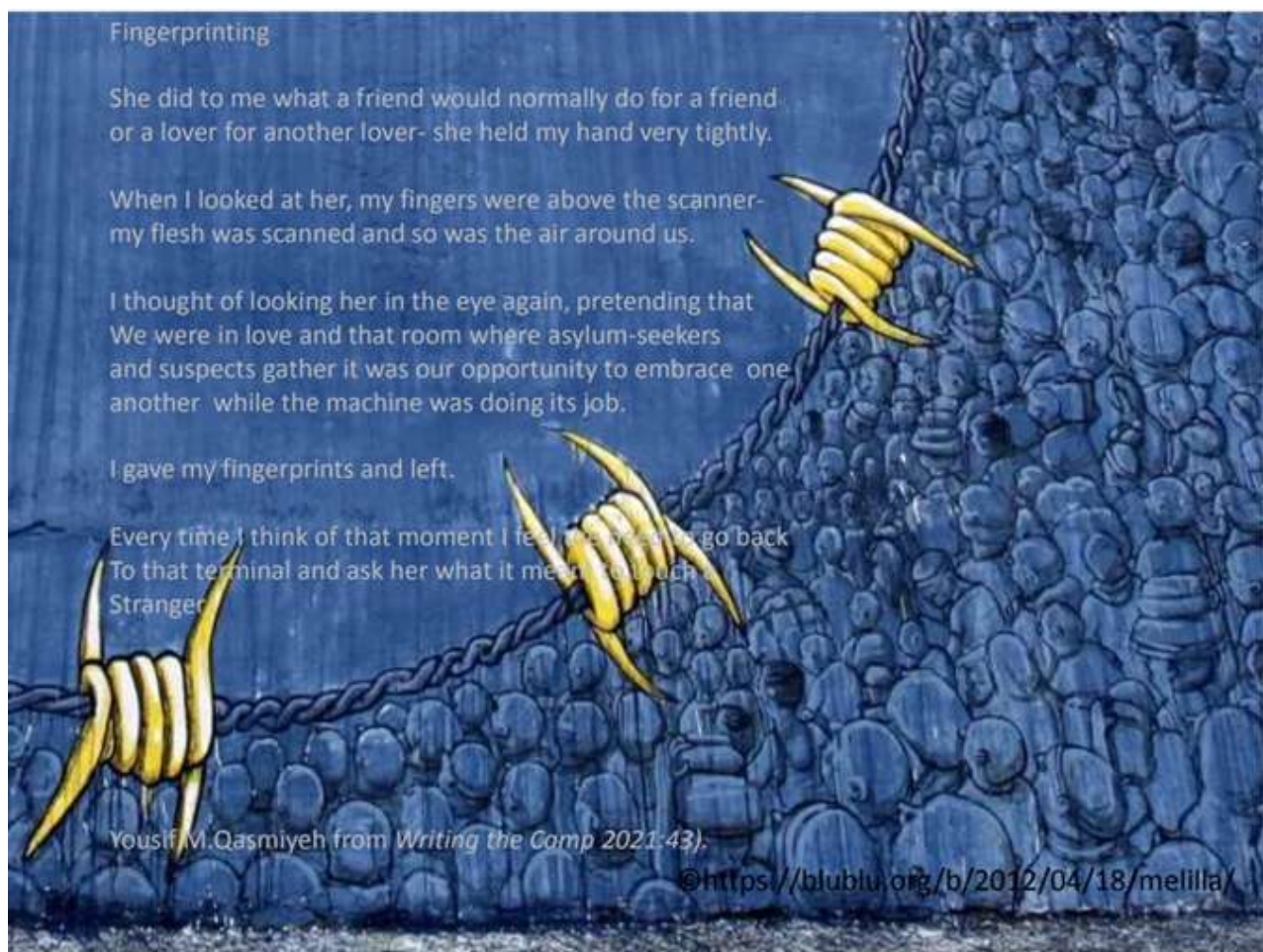
Opening keynote

**Conversion in the asylum procedure:
an area of conflict between church and
state
theological – missiological reflections
Prof. D Nagy, PThU**



Session chaired by Dr Torsten Moritz, CCME

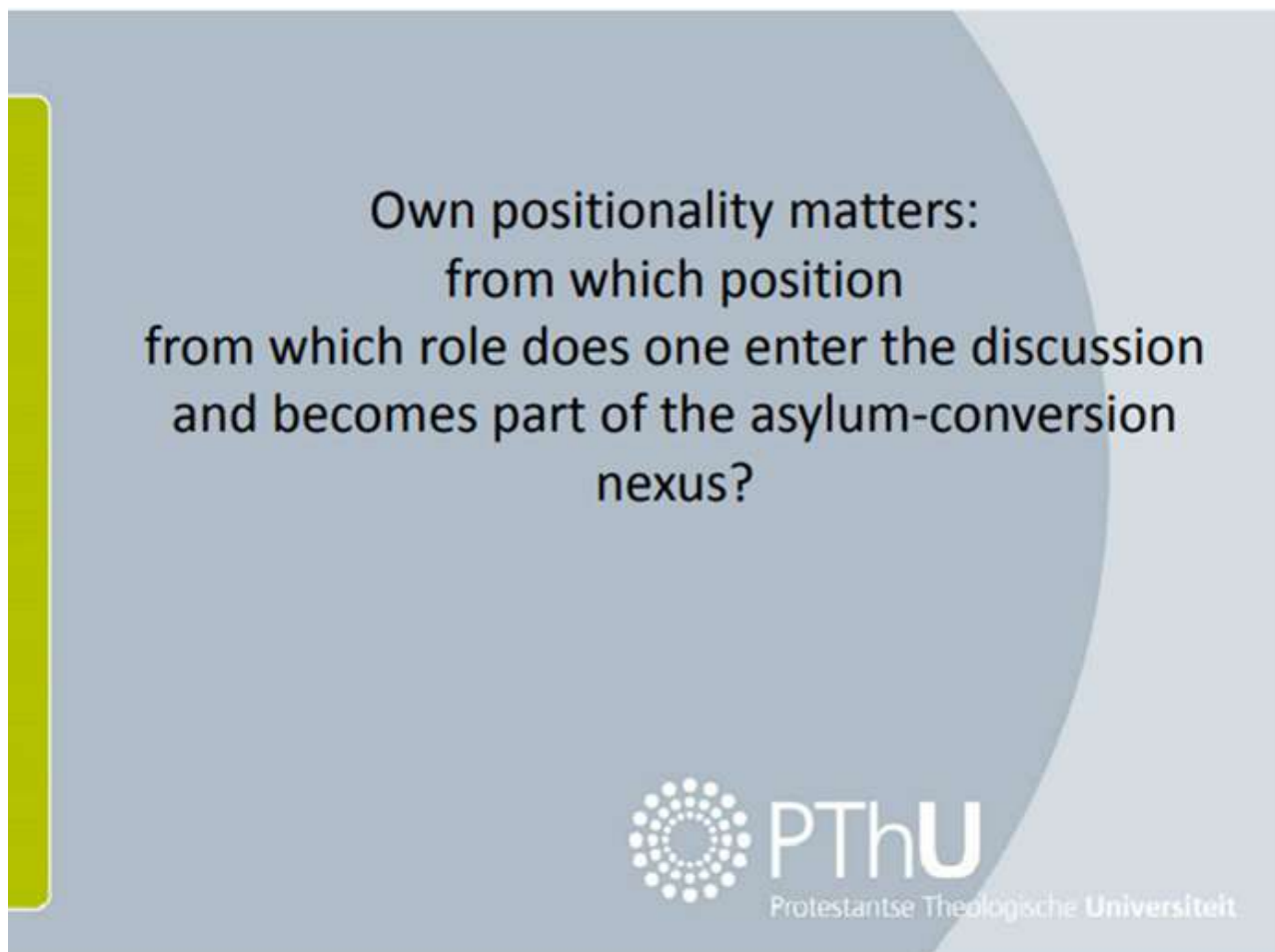
The opening keynote, including some interactive reflection moments, was delivered by Prof. Dorottya Nagy, Prof. Nagy is professor and Lutheran minister, has studied theology in Budapest, Hong Kong and in Utrecht. She works on theology and migrations, both from a theological and missiological perspective, at the Protestant Theological University in the Netherlands where she is also co-leading the centre for theology and Christianity worldwide. She is also president of the Central-Eastern European Association for mission studies and has extensively published on the subject at hand.



Prof. Dorottya Nagy opened the event by showing the participants a picture, painted by an Italian street artist who currently lives in Bologna, about the refugee issue in Europe (on the left). She also shared a poem, written by Yousif M. Qasmiyeh, a native of the Baddawi refugee camp in Lebanon, in which she identified as the core question of our events: Fingerprint, from the collection *Writing the camp*.

After having read the poem, Prof. Nagy invited all the participants, gathered in a moment of silence, to reflect on some questions:

- How, and why, I am sitting here today?
- What is my involvement, my relationship to this topic, from which position do I sit here?
- What kind of experiences, insights and knowledge could I share with this group?
- What does it mean to touch a stranger?
- How do we, from our different involvements, touch the stranger?
- Why do we touch the stranger?
- What happens to the stranger when we touch them?



This personal reflection, guided by these questions and to which each participant has been invited, has been the first step into entering the discussion and becoming part of the asylum-conversion nexus.

The event examines how the issue of **conversions to Christianity by asylum seekers** has raised pastoral, theological-missiological, legal as well as ethical questions and **dilemmas for churches**. Another focus is how often conversions in the asylum procedures are seen very differently by **churches** and **asylum authorities** and subsequently **courts** and how conflicts about the exact role and competence at this “borderline” between **state, the judiciary and church** have arisen and dealt with.



Following the way in which the organizers of the event formulated the core question of the event, Prof. Nagy proposed some theological and missiological reflections upon the issue of conversion to Christianity by asylum seekers, by underlining the importance of keeping in mind that the core business of each theological enterprise is **touching the stranger**. She introduced her reflections as the reflections of someone who, for so many years, accompanied many strangers, asylum seekers and refugees in different ways and, as a theologian, was bothered by and at times even frustrated, disappointed, sad, angry with what asylum seekers encounter in Europe and at the frontiers.

Her reflections inhered from such deep cause and moments she personally lived, but also from **the hope that life is stronger than death** and that **life must have something to do with loving God and loving our fellow human being, the stranger**.

To her :

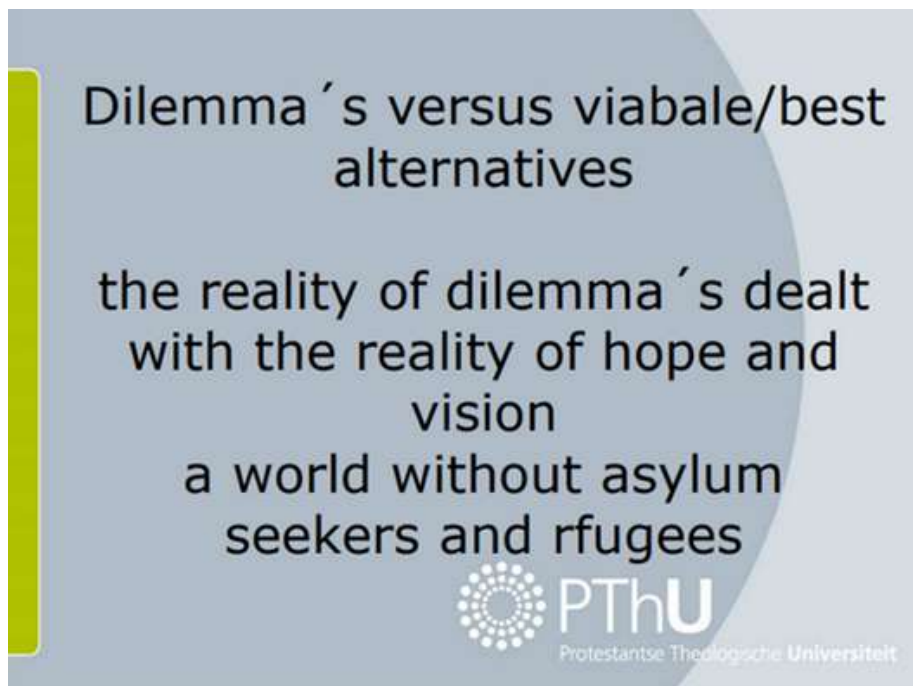
"The stranger is the asylum seeker.

The stranger is the staff of the immigration and naturalization service.

The stranger is the lawyer, the interpreter, the judge.

The stranger is the missionary involved in asylum cases and so on.

The stranger can be the Church in some cases"



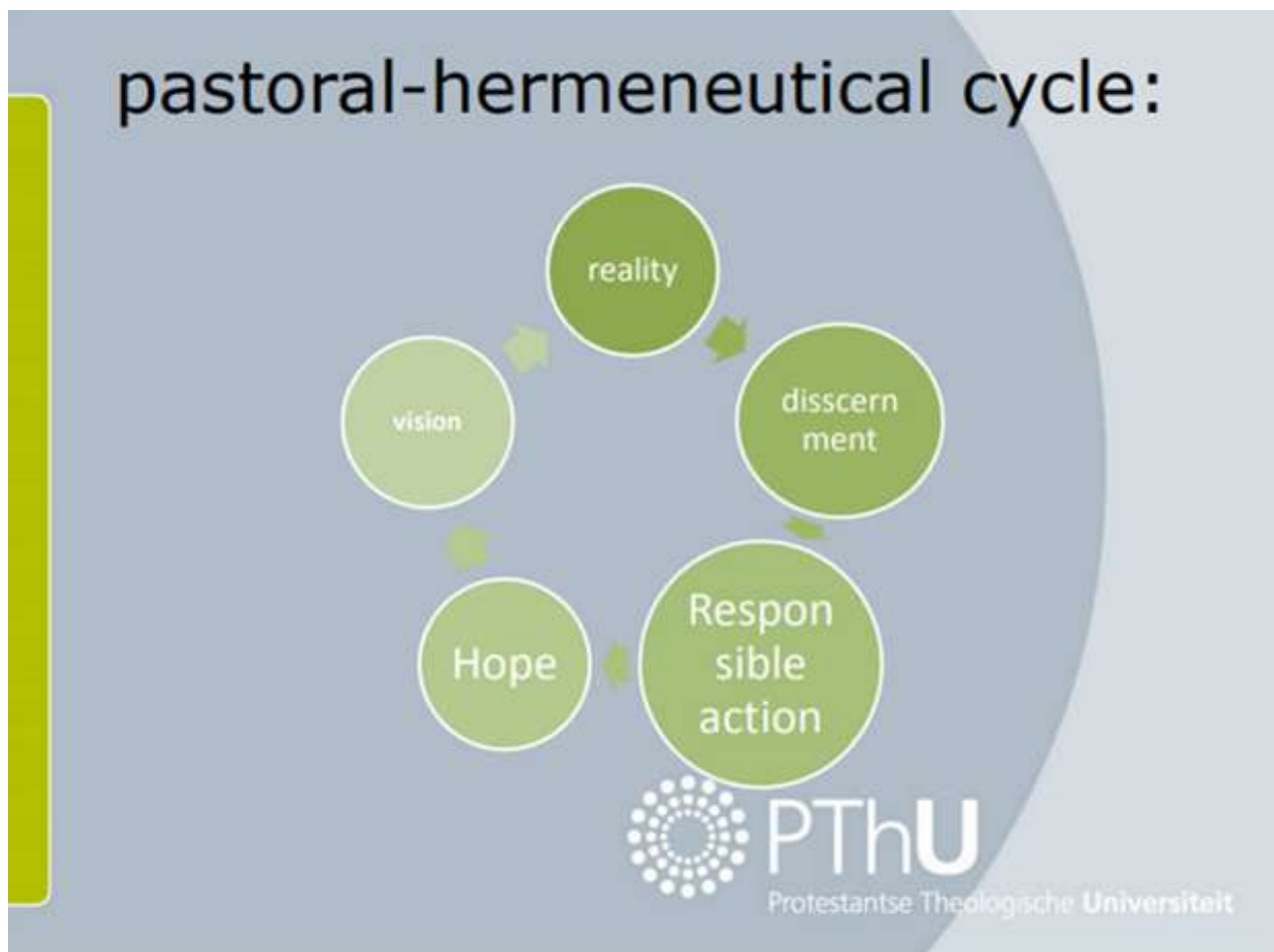
Prof. Nagy went on to introduce a number of dilemmas related to the subject at hand.

To her:

the term 'dilemma' belongs to a form of arguments involving a choice between equally unfavourable alternatives. So, by formulating the question in this way, it could seem that this journey of reflections relies upon the assumption that there are no favourable alternatives for churches when it comes to asylum seekers' conversion-State nexus.

There is some truth to formulating this as a dilemma because **the most favourable alternative would be a world without asylum seekers and refugee camps.**

Despite there being apparently no viable and favourable alternatives, churches are still called to work on creating peace and shaping a just world, thus already here and now, when speaking about dilemmas, it is essential to **never forget the hope and to keep in mind the vision of the best alternative.**



Churches, in all their forms of representation, whether at the level of Christian lawyers, judges, ministers, theologians, or community members, are called to **act with discernment and responsibility**.

For a Christian, acting responsibly, both on an individual and collective level, has to do with **understanding and experiencing God**: these are both cognitive and emotional factors. Combining dilemmas with discernment and hope: this is the tone with which we, as churches, wish to enter into conversation with each other.

The asylum seekers-conversion nexus seems surprising, having led to the **return of religion into public discourses in a strongly secularized Europe**, and in an atmosphere of religious illiteracy in which generations, including generations of staff of the immigration and naturalization offices, have been shaped.

It is in this context that religion is coming back in asylum hearing rooms and in the asylum procedure and is negotiated within Member States of the EU in different ways.

Perpetuated refugee/asylum crisis

The problem of/with the international refugee law:

who is a refugee?

what is persecution?

- migration in terms of searching refuge may at any time turn into a criminal act
- "The more efforts states put in finding illegal migrants, the more illegal migrants there are" (Dauvergne 2016:46).
- The "refugee" route remains one of the few options to explore for people experiencing violence and unsafe.



To introduce a reflection on the "refugee crisis" Europe has faced since 2015, Prof. Nagy proposed to question the international asylum legislation, as designed in the very specific context of the Post-Second World War, referring in particular to the 1951 Convention relating to the Status of Refugees and/or its 1967 Protocol.

For her, two aspects of the Convention are particularly relevant for the topic discussed in this event:

1) *Who is a refugee?*

The answer to this question is in the hands of the so-called receiving state and depends on the discretion of the national asylum policymakers. This implies that no single individual applying for asylum knows whether he or she will be recognized as a refugee for a particular state.

2) What is persecution?

The most crucial notion of the 1951 Refugee convention, that of persecution, has not been defined either. Consequently, decision makers around the world are the only people responsible for deciding whether certain types of harm are persecutory. To a certain extent, it is indeed the international refugee law which makes asylum crisis possible.

In the last decades, with the number of refugees increasing, tools were used in the battle against illegal migration, including visa requirements, extra-territorial migration enforcement, biotech screening, intensification of traditional borders and third-safe country agreements. Each of these tools aim at preventing people from reaching a particular country. The effect of these tools is that **migration in terms of searching refuge may turn into a criminal act** which in practice means the more efforts States put in defining legal migrants, the more illegal migrants there are.

In Prof. Nagy's understanding, **Conversion law**, intended as all conversion-related legal issues, is one example of the state putting more effort into finding illegal migrants. This approach, combined with the above mentioned two aspects - the lack of clarity about who is a refugee and the lack of defining what persecution means - means that the protection provided by International Law remains inaccessible for a majority of people affected by war and violence. **The refugee route remains, therefore, one of the few options for not experiencing violence.** In line with the above presented arguments, it has become increasingly clear how crisis becomes perpetual, the new normality, and how this crisis urges for actions at manifold levels. This is the context in which refugees, mainly coming from Muslim countries and converting to Christianity, apply for a refugee status in modern countries in Europe. It is in this context that conversion has to be described, defined and validated by the authorities of a particular national state. Yet, nobody knows who is considered a convert in the asylum procedure of a particular national state.

And it is within this context that **Christian communities, willingly or unwillingly, become stakeholders in the delicate issue of assessing, testing, checking conversions or simply dealing with conversions among and with asylum seekers.**

The complexity of interrelationality of the conversion-asylum seeker nexus

Who are the people involved? From which position are they involved?

Which organizations are involved?

Which social networks play a role?

From whose perspective is interrelationality, positionality, and agency perceived?

What power-relations are involved?



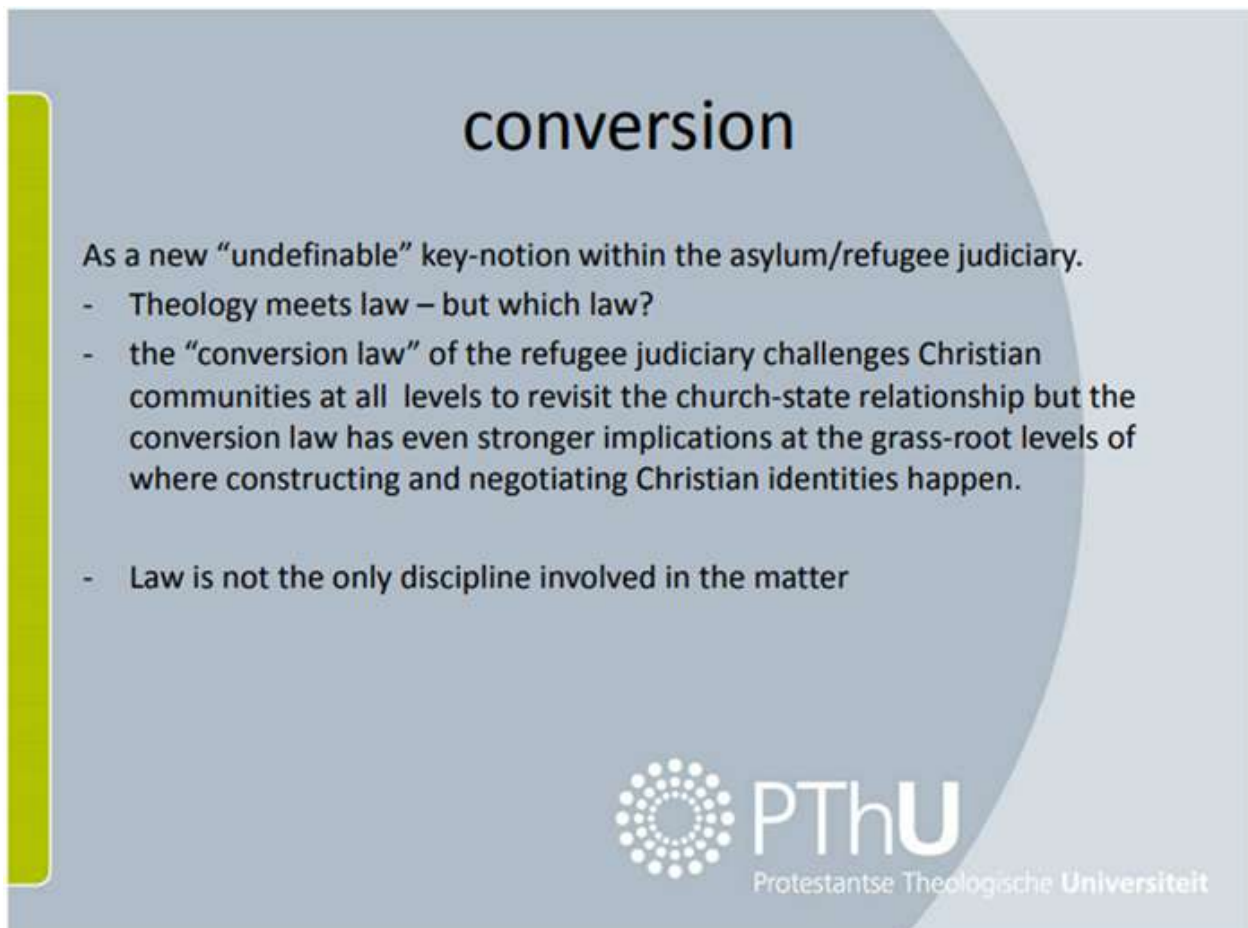
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Prof. Nagy introduced, then, the notion of complexity that urges the unity and cooperation of all the participants in the event, especially representatives of churches. She invited everyone for a critical self-reflection: how are we, churches and representatives of churches, involved in this complex matter? The need for this reflection is due to the fact that **refugee legislation dealing with conversion challenges Christian communities at all their levels to revisit the Church-State relationship.** Conversion law has, in fact, strong implications for Christians and local congregations involved in asylum and refugee aid.

In order to understand the complexity of the matter, it is necessary to ponder about the question of agency in this situation: who are the people involved? From which position are they involved? Which organisations are involved? Which social networks play a role? Which narrative, which discourses, which ideologies, which contexts are involved in a particular case?

From whose perspective is inter-relationality, positionality and agency per se? What power relations are involved?




The slide features a light blue background with a large, faint circular graphic on the right side. A vertical yellow bar is on the left. The title 'conversion' is centered at the top in a bold, black, sans-serif font. Below the title, the text 'As a new “undefinable” key-notion within the asylum/refugee judiciary.' is followed by three bullet points. The PThU logo, consisting of a circular pattern of dots, is positioned to the left of the text 'PThU', which is in a large, bold, white font. Below 'PThU' is the text 'Protestantse Theologische Universität' in a smaller, white font.

conversion

As a new “undefinable” key-notion within the asylum/refugee judiciary.

- Theology meets law – but which law?
- the “conversion law” of the refugee judiciary challenges Christian communities at all levels to revisit the church-state relationship but the conversion law has even stronger implications at the grass-root levels of where constructing and negotiating Christian identities happen.
- Law is not the only discipline involved in the matter

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Very often the focus is on the asylum seeker themselves, as they are the crucial agent in the case who is expected to come up with a narrative through which they should prove the credibility of their conversion to such an extent that the two questions - is s/he a refugee and is s/he facing persecution - can also be positively answered. From the narrative of asylum seekers, it must become clear that they qualify as a refugee and that they will be surely persecuted upon return to the homeland. So, the refugee is apparently left alone with their story but, in the meanwhile, their narrative is detached from them, in the context of this complex inter-relationality, by other roles involved in the procedure: hearers, translators, judges, solicitors, missionaries, ministers.

The asylum seeker and his/her conversion narrative

Who constructs the narrative?

the asylum seeker, the Christian communities, the interpreter, the hearer, the lawyer/solicitor, etc.?

Who holds whom?

Will the asylum seeker be robbed and left without his/her story?

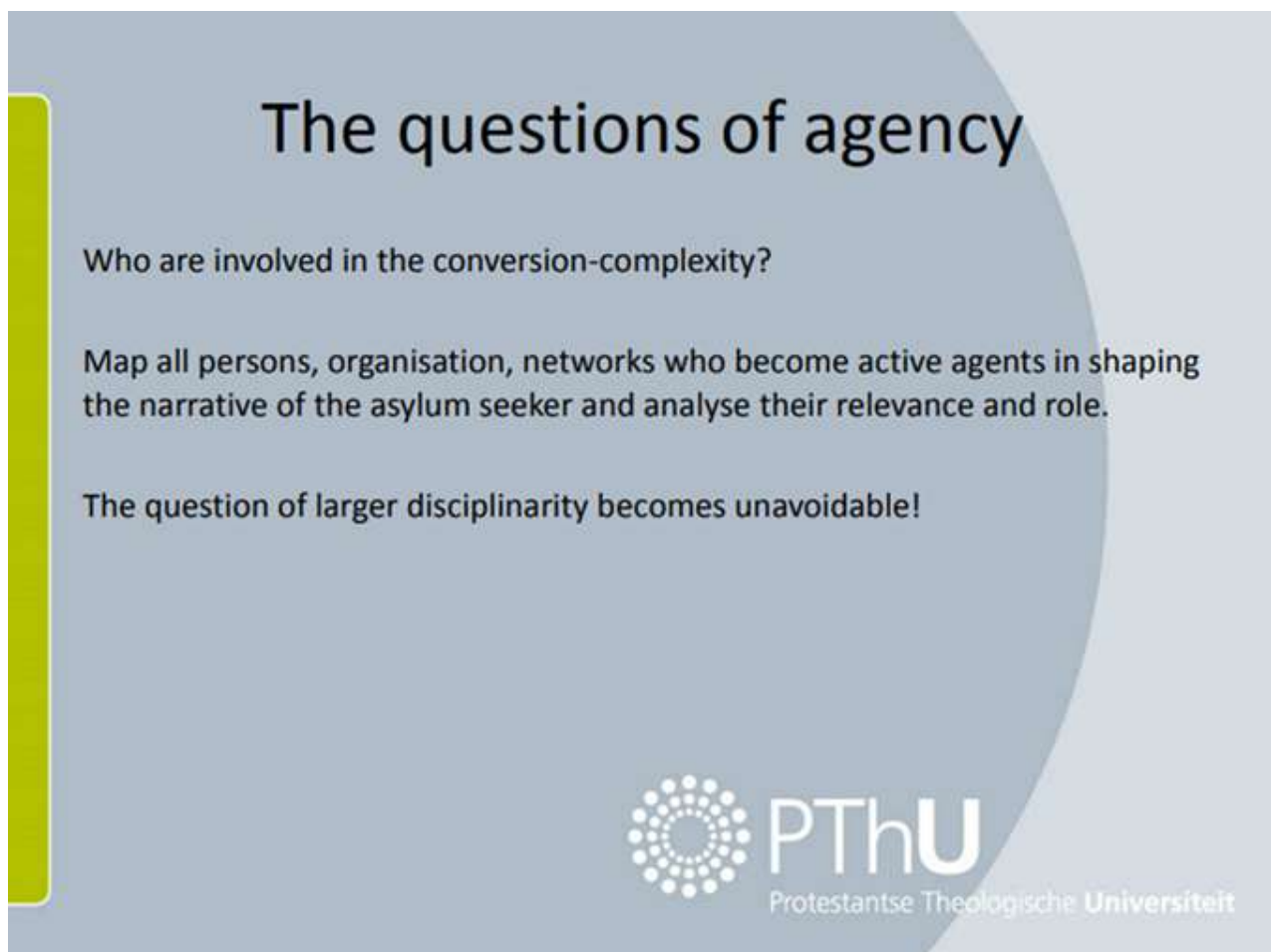
social pressure?!

Will the story hold him/her?



In the asylum procedure, there is the asylum seeker, but also the interpreter, the translator, the solicitor, the lawyer, the staff members of the immigration and naturalization office who conduct the hearing of the asylum seeker; in some countries like the Netherlands there are people with titles such as *conversion coordinators*. There are also NGOs supporting the asylum seekers as well as different committees and experts who can be consulted or asked to give external advice. And finally, there is the Christian community to which the asylum seeker belongs: the ministers and leaders of the community, the missionaries and evangelists, converted or un-converted asylum seekers, family and friends. The conversion story of an asylum seeker is, therefore, created, negotiated, revisited, shaped in this large, broad and complex network of inter-relationship and in which, according to Prof. Nagy, personal story is often detached from the asylum seekers themselves.

This is why, within this constellation of relationality, the asylum seeker must have a strong sense of identity so as not to lose their own narrative. In many cases, it is the narrative that holds or drops the asylum seeker and not the other way around. And there is a paradox taking place here: while the law expects the asylum seeker to be accountable and the only owner of his or her narrative, all along the process in which this authenticity is expected, **step by step the narrative of the asylum seeker is robbed of its authenticity**. And this is excellently illustrated by the criminality somehow linked to this process: the existence of criminal networks offering ready written narratives of conversion stories, proves how the narrative can be detached from the person in the framework of the procedure.




The questions of agency

Who are involved in the conversion-complexity?

Map all persons, organisation, networks who become active agents in shaping the narrative of the asylum seeker and analyse their relevance and role.

The question of larger disciplinarity becomes unavoidable!

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Conversion appears at different levels and in different aspects of the legislation. When reflecting on how churches are involved, this complexity has to be addressed as well since, as already mentioned,

conversion law challenges Christian communities at all levels of this Church-State relationship and inter-relationality. This is why **inter-disciplinarity** becomes unavoidable: since law and theology alone will never properly deal with this complexity, disciplines such as psychology, intercultural studies, linguistic and identity studies, and so on become essential.




The slide features a light blue background with a large, faint circular graphic on the right side. A vertical yellow bar is on the left. The title is in a large, bold, black font. Below the title, the text 'How are churches involved?' is followed by 'ad extra and ad intra'. A bulleted list follows, with two items. The PThU logo and name are at the bottom right.

Relationship “churches”-refugee law on conversion

How are churches involved?
ad extra and ad intra

- Assisting the assessment of conversion with the knowledge and experience that conversion cannot be assessed.
- Conversion and not the Christian and human identity in all its contextual complexity becomes a matter of investigation.

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According to Prof. Nagy, regarding the relationship between churches and refugee law on conversion, churches are involved in two ways:

- ***ad extra***

Christian communities either relate to the so-called main-line churches, the old partners of the State, with whom the State has historically long relationships, or to NGOs. Despite criticism arising in both cases about how the conversion of the asylum seeker should be examined, often even stating that conversion can never be checked, **Christian partners**

continue to approach conversion as a mission motivated by the will of taking care of one's fellow human being. In fact, the *ad extra*-involvement of the Christian community aims to address the absurdity of the situation in which a hearer, a product of a generation which grew up with religion being restricted in the private sphere, suddenly needs to examine the belief of a foreigner. The danger is that the hearer comes with his or her own understanding of Christianity and risks framing the conversion narrative of the asylum seeker in his or her native views of Christianity.

The involvement of churches *ad extra* is manyfold: Christian churches do offer the State knowledge, expertise, and education in matters of conversion and Christianity; they form committees which assess cases, write reports on them, and disclose injustice. In the Netherlands, there is even a Christian committee which separately hears asylum seekers and formulates reports to the Immigration and Naturalization Office. Some churches warn against missionary activities in asylum centres and advocate for faster asylum procedures in order to end the problem of having to deal with conversion. There are Christian organizations which have been initiating courses for asylum procedure staff on Christian religion and conversion.

- *ad intra*

Churches and NGOs have started producing booklets, teaching Christians on how to relate to converted asylum seekers or to asylum seekers who might be willing to convert. Most of these booklets have been produced, with the best intentions, within the binary Christian-Muslim encounter. However, **these materials are essentializing both Christianity and Islam as they follow the logic and the patterns of the asylum procedure.** In other words, they operate with a static understanding of religion, whereas both Christianity and Islam are lived religions with different contexts and manifestations, even in terms of doctrines believed worldwide.

Prof. Nagy proposed, therefore, one critical observation about the well-intended preoccupation of Christian communities with

the Conversion-asylum nexus: the question that should be problematized is to what extent is it legitimate to make conversion the centre on deciding whether an asylum seeker should be granted refuge? She invited churches and Christian representation to not renounce asking the question *how does conversion end up in asylum legislation? What is its place there?* In fact, while the primary question about the Christian identity of the asylum seeker remains secondary, conversion gets more and more attention. This is what she means with the asylum seeker owning his or her own narrative, which becomes more and more a constructed narrative and even more interpreted by others instead of a unique narrative interweaving with the stories of others.

In her understanding, as long as Christians churches, theologians, and NGOs do not critically address what the legitimacy of having conversion so central in an asylum procedure is, the conversion cases will continue to mirror the perpetuation of the refugee crisis and conversion cases will result in more and more denials of the refugee status.

Any theological and missiological reflection on the conversion-asylum and Christian Churches-State nexus needs to start with the acknowledgment that these nexuses can only be addressed in an interdisciplinary way. As already mentioned, theology, religious studies, cultural studies, law, history, social studies, psychology, linguistics, the whole range of these disciplines must be involved and meaningfully reflect on this complex issue.

Do not detach the story from the person and the community it belongs to!

The definition of conversion is always related to the confession of a hermeneutical community which we may call church or denomination.

How can then conversion be described, rationalised, defined and defended outside that particular community in which it has become meaningful?

What happens in the context of hearing with the story- a context in which conversion has no meaning but must gain meaning outside any faith-community?

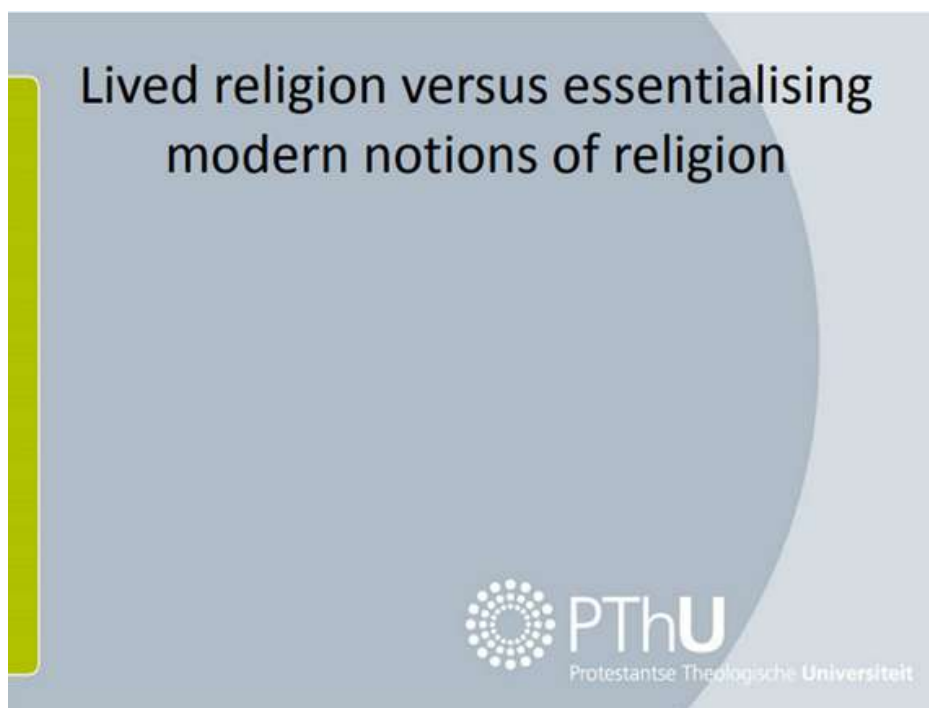


The primary theological and missiological question what is conversion? meets the impossibility of a uniform definition because the definition of conversion is always related to the confession of a **hermeneutical community** which one may call church or denomination. **Outside** such a hermeneutical confession community, **conversion loses its meaning**. It must, therefore, regain a new meaning in some way.

If one agrees that conversion is a matter of confession, with a particular hermeneutical community, how, then, can conversion be described, rationalized, and defined outside that particular hermeneutical community? This is basically what happens with the hearing of the asylum seekers: **one's existence, which is meaningful within a particular hermeneutical community, needs to be taken out, extracted in an almost violent way, into another interpretative setting, which is the one of legislation, where lawyer and judges are major stakeholders and in which conversion has no meaning and needs to gain a new one.**

Within this interpretative setting, several language fields come together but they may be worlds apart. This is what can excellently be illustrated through miscommunication and intercultural theories: how are these discourses constructed during the hearings? How does what the hearer asks, go beyond the perception of the asylum seeker and the other way around?

There are cases in which the hearer with his or her questions sought to emotionalise the former Muslim identity of the asylum seeker and to rationalize Christianity with questions such as: what are the motivations for your conversion? These are conflicting patterns in which these separate language fields go parallel with one another.



Furthermore, theology and missiology point to the fact that when it comes to conversion, lived religion and not the modern and static concept of religion should be considered. Christianity and any other faith religion is diverse, fluid, vivid.

Nevertheless, assessments in conversion cases seem to happen based on the contingent imaginary expectation, biases and knowledge of those who are to decide upon the sincerity of someone's conversion.

Recent empirical studies on conversion narratives and on how judges conduct hearings and interpret them show the contingent nature of these procedures. Even in this regard, Prof. Nagy highlighted the importance of interdisciplinarity when dealing with conversion cases.

Asylum/refugee judiciary without a possessed preoccupation with conversion?!

attention and preoccupation lapse in judiciary

the refugee in his/her complex context and with his/her complex narrative in the light of the principles of democracy (e.g. freedom to live out one's identity)

It is the human being who is the asylum seeker and not the conversion narrative! Look at the human being in all his/her complex context- the conversion narrative is but one component of the complex life-line and situation.



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One of the central arguments of Prof. Nagy's presentation is that, according to her observations and research done so far, there is a clear lapse of attention and preoccupation in the judiciary, namely that there is an obsessed preoccupation with conversion without taking into regard the human Christian identity with all the complexities involved in the case. She thinks that the major task of churches in all their representations is to somehow aim to move this obsessed preoccupation into other directions: conversion is or may become a valid notion or term within the asylum judiciary, but it should not become THE term around which everything turns.

Theological-missiological challenges at the level of systematic theology

- Developing contextual theological literature on conversion:
 - agency and conversion- who converts people?
 - Relationship between conversion and baptism
 - Relationship between conversion and evangelisation
 - Interculturality and conversion
- Critically examining to what extent should conversion as notion figure in asylum legislation OR to what extent do churches become complicit in injustice?
- Critically engage in context-analysis: how are religious identities perceived in a given society
- Critically engage in theology of religions
- Make conversion contextual
- Address power-relations related to conversion-cases
- Conversion cases point to the complex and sensitive relationship between so called "established churches" and "migrants' churches".
- Placing the conversion-law in the context of larger socio-political phenomena worldwide.



In order to answer the question of this conference about the theological and missiological challenges, Prof. Nagy proposed a reflection at the level of **systematic theology**. She sees a lack of theological expertise on conversion, in conversion studies, and more widely in theology. When blaming the lack of expertise on behalf of the State representatives about conversion, theologians themselves need to be updated and trained in conversion studies. Developing contextual theological literature on conversion should be a must. She presented some suggestions in this regard.

To start, **developing contextual theological literature** on conversion puts into question the relationship between conversion and evangelisation which leads to the area of mission studies, interculturality and conversion. Again, interdisciplinarity is the key.

She also underlined the importance of critically engaging in theology of religions and asking questions such as: how do we educate our own people and church people in terms of religion and religious identities?

As for power relations, the question should be: when the asylum seeker goes in the courtroom, what kind of power relations are there? The power relations present in the Christian community to which the asylum seeker belongs should also be taken into account: what kind of expectations are involved there? Sometimes one hears an asylum seeker saying that a whole community is praying for their case. It is, therefore, important to understand what the power relations are in the specific case.

Reflecting on the relationship between the so-called *established churches* and migrant churches: to what extent are established churches aware of representing the voices of other Christian communities? What kind of theological knowledge, insights, experiences are there with them?

The task of systematic theology, therefore, is to make conversion contextual and not only an abstract doctrine of issue.

Theological-missiological challenges at the level of practical theology

Pastoral issues/questions:

- To whom are Christian communities/churches pastorally responsible when it comes to conversion of asylum seekers? (asylum seekers, volunteers, church members).
- Which churches accompany when and how the asylum seeker in his/her conversion?
- Who accompanies the asylum seeker in his/her procedure (praying communities, expectations, prosperity gospel, sin, God) – power-relations
- Fear, trauma, life-narratives and their relationship with family and other social ties.
- “Conversion is discussed as a migration strategy in a transit country,
- possibly used to manipulate migration authorities.”



Concerning the theological-missiological challenges at the level of **practical theology**, Prof. Nagy also proposed a series of Pastoral questions such as: Which churches accompany when and how the asylum seeker in their conversion? Who accompanies them during the asylum procedure?

Because conversion is discussed as a migration strategy in a transit country, possibly used to manipulate migration authorities, her suggestion is to reflect on what the **practical theological involvements** of such statement are.

Theological-missiological challenges at the level of practical theology 2

Diaconal issues/questions:

- Offering legal, linguistic, medical and psychological aid?!
- What about education? Educating whom and in what?
- Diaconal aid to whom? – only the asylum seeker OR?!
- Sanctuary – being there for the “illegal ones”?!
- Beyond the refugee camp/asylum detention
- Presence in the asylum-world.

All these questions represent dilemmas for Christian communities.

Prof. Nagy closed her presentation with the following invitation:

We have to act responsibly, we need each other in order to form meaningful and hermeneutical communities in order to confess, to discern and to be able to act in a responsible way. Why? Because Christian communities, in all their forms or representation, both individual and collective, are performers of public, political theology and missiology.

**Christian communities/churches in all their forms of representations
(both individual and collective, asylum seekers, refugees,
and protected citizens)
are performers of public/political theology-missiology.**



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DISCUSSIONS

A number of issues received particular interest in the discussions:

The role of the conversion coordinator in the Netherlands

Some participants working in the field in the Netherlands shared some insights about the role of the “conversion coordinators”, officers of the Immigration and Naturalization Service of the department of Home Affairs in the Netherlands. This role was introduced four years ago, in 2018, because of the **complexity** of dealing with asylum claims invoking conversion to Christianity. Today, there are around 18-20 coordinators in the Netherlands. The reasons were mainly the need to **improve expertise** on this issue, but also the criticisms from churches and the society. The main task of the conversion coordinator consists of coordinating the ones who do the interviews with asylum seekers who claim that they have converted to Christianity. Sometimes, people doing the interviews also get answers and instructions from that coordinator, such as some indication about the interpretation of some information. One of the problems is that the task of this coordinator remains quite vague and that there is still a search of “identity” for this coordinator.

Pre-fabricated stories of criminal networks and conversion as a strategy to get asylum

Although there is no exact knowledge about “prefabricated” stories (standard way of explaining one’s conversion) circulating among asylum seekers, testimonies from the participants in the event pointed to several having noticed repeated and identical stories. It is, therefore, plausible that there are stories circulating and being passed on with the aim of facilitating the recognition of someone’s refugee status. However, some participants commented in regard to these suspicions by stating that people can perhaps make an initial choice to convert from

a non-faith-based commitment and it could be a strategy in the migration process. What can be interesting in a long period of time is that a change can take place within the individual: there are cases of people entering in these new environments and whose eyes are opened and that they then become convinced that this is the religion in which they want to believe and practice. This is a **dilemma** both for case workers and people in the church.

The detachment of the story from the person: the role of churches

Some participants were intrigued by Prof. Nagy's comment about asylum seekers getting 'owned' by their narrative and observed that, when someone presents their own conversion, they do it in the framework of the new culture they live in now and its specific way of arguing and not the former one. Therefore, two questions have been raised: **to what extent do churches contribute to forcing asylum seekers to present their story according to this new culture? To what extent do the church communities require that a narrative be presented in a way that is acceptable today?**

One central argument that has been evoked is the case of whether an applicant is able to express themselves in a way which is considered acceptable. They may, for instance, state that they converted because of a dream. The issue is that if one presents this kind of narrative in European court, it won't carry as much weight as a more reflective analysis about the conscious and unconscious procedure that such a person is going through in this journey towards a new faith. And there is a dilemma: to what extent should churches be helping converted asylum seekers in developing their genuine narrative by reflecting on how their previous religion did not reflect their needs, what is different in their new religion, changes in their daily behaviour, if they pray or get a diary, etc.? It was observed that a framing by the legal authorities of what is considered a genuine claim can directly or indirectly influence the way the genuine experience is presented.

Prof. Nagy replied on the issue about who owns the story: according to her, it is a contextual question. There are cases in which the question of "identity formation" of the asylum seeker has been started during the journey of being an asylum seeker, and in this journey, they may

encounter different hermeneutical communities. There, when starting to talk about their Christian identity and faith, sometimes the terminology may be contradictory when analysed from the perspective of the doctrinal discourses of more isolated denomination. Another problem could arise when a conversion is an act of confession within one particular hermeneutical community and then it is adapted for the court. For instance, the fact of encountering Jesus in dreams: it is something that one should not come up with because it is not considered sufficient evidence to get them the refugee status. Here is the issue: who has the power to say that is not a valid claim? In this context, **theology's responsibility is to create awareness and to problematise how conversion is being used within these procedures.**

The issue of mediatization

An interesting discussion started with a participant asking for more information about the news which circulated in some newspapers about the story of a pastor, in Germany, *saving* thousands from deportation. The use of the word saving, used by journalists, has been source of contestation: not only is the term saving improper from a theological point of view, but it is also important to keep in mind that deportation is a decision which lies with the authorities and not with a pastor. It has been concluded that this case constitutes an important example of how the topic is mediatized and understood. According to Prof. Nagy, the issue of mediatization is a very important one: **churches, with their theological expertise, should be present in the media to some extent in order to avoid the media putting this phenomenon of conversion of asylum seekers into ideological discourses and further creating more polarization within societies.**

The Christian community in the public sphere

Is there a way for churches to make contact with public authorities, which look at cases in a purely European “rational” way, while avoiding becoming part of a logic that is not the Christian one?

In Prof. Nagy's understanding, churches have a **political, public, theological, missiological task** which applies to all segments of the society and, from this perspective, the conversion-asylum nexus should not be taken out from this larger context.

Believing that our citizenship and Christian identity are relevant for each other means that all sort of representation have to engage in public matters. This prophetic task must always start with the self-reflective converting attitude of churches. In other words, **conversion as a self-reflective praxis at first, and then discernment and responsible act as public political theological stakeholders.**

Conversion in the asylum procedure: what is it all about?

**Understanding Conversion from
Different Perspectives and Scientific
Disciplines**

**The Present State of the Debate About
Christian Convert Asylum Seekers**

**Prof. Dr. Henning Theißen, Leuphana
University (Germany)**

Session chaired by Ms Katerina Pekridou, CEC

The second Session was chaired by Ms Katerina Pekridou, CEC and featured a keynote by Prof. Dr. Henning Theißen, from Leuphana University (Germany). Prof Theißen is a holder of a Heisenberg grant of the Deutsche Forschungsgemeinschaft and is currently professor of systematic theology at the University of Lüneburg. He studied protestant theology and philosophy at the University of Bochum, Tübingen and Bonn, received his Ph D in Bonn submitting a thesis on eschatology and Judaism. His post-doctoral thesis was on church theory in Schleiermacher, Nietzsche and Barth. In 2012, he won the Hanns-Lilje Prize of the Göttingen Academy of Sciences and Humanities and the Oberlin Innovation Prize for Theology and Diaconal Studies. Prof. Theißen initiated the first academic conference in Germany on the issue of Christian convert asylum seekers which was held in 2019 in Greifswald.

The script of Prof Theißen s keynote is underneath:

"The rapidly increasing number of Christian convert asylum seekers since the "summer of migration" in 2015 has led to a rising interest in related academic issues. They seem to address both theology and law since these are the disciplines whose expertise is most obviously demanded when the conversion of a person from a Muslim majority society to Christianity takes place in the context of a Western state. And this is regularly the case with converts from the Islamic Republic of Iran which sum up to nearly 100% of Christian convert asylum seekers in Germany today. Although a religious conversion is first and foremost a private matter addressing the individual's conscience and convictions, it requires both church and state institutions in the case of conversions to Christianity taking place in the Western world. For it takes some church official to receive baptism, which is necessary to convert to Christianity, and to do so is to make use of the right to religious freedom which secular states grant their citizens. Moreover, if the convert is a refugee from Iran, it is more than likely that they will apply for asylum or some subsidiary form of protection arguing that their newly adopted religion causes them fear of being prosecuted on an eventual return to their home country – and this is when some state institution (and not just its constitution) will come into play; in Germany it is primordially

the Federal Office for Migration and Refugees (FOMR).

The increasing number of Muslim refugees being baptized in Germany has not gone unnoticed by the larger public. However, the debate in papers and magazines as well as the academic discourse have generally evolved along the frontlines of a clash between church and state institutions and the question whether such baptisms reveal genuine conversions or rather some sort of trick in order to receive the status of a refugee. In my contribution I wish to explain why this way of considering the issue is short-sighted and what further aspects should be taken into consideration. I will proceed in three steps according to the academic disciplines affected by these aspects respectively. It seems that this way of proceeding mirrors the present state of the debate about the issue fairly well.

1. Law and theology

It was no earlier than the taking of Mossul, Iraq and the ensuing establishment of ISIS in 2014/15 that migration from the Middle East to European countries rose dramatically. Although ISIS did not touch Iran directly, the exodus of Christian convert asylum seekers from the Islamic Republic started to intensify at the same time. The first German academic studies on the related legal problems were finished in 2016 and 2017 respectively. They were Ph.D. theses in law, and despite their diverging foci of interest they shed a similar light on the related legal framework and especially the way it is handled by the administrative courts in Germany. I will content myself with these results as they best seem to account for the dilemma church and state institutions are stuck in as far as the issue of Christian convert asylum seekers is concerned. It is no surprise that the quarrel between church and state institutions is mainly about the different aspects of the right to religious freedom. In deciding whether an application for protection from prosecution is accepted or not FOMR (and administrative courts in case of an appeal) formally assess the 'religious identity' of Christian convert asylum seekers. Many church officials consider this a violation of their prerogative to administer their own ecclesial affairs.

The baptism of a refugee is definitely an ecclesial affair and it no doubt affects the baptized person's religious identity. The state institutions on the other hand insist on their inalienable right and duty to check a foreigner's claim to the status a refugee and would not cede this right to a political party if the cause of the claim was fear of prosecution for political reasons. By analogy, state institutions will not allow church officials into the decision process itself if it is for religious reasons that asylum seekers fear prosecution.

Against the background of this unsurprisingly clear-cut controversy in terms of corporate religious freedom it does come as a surprise that the aforementioned Ph.D. theses in law reproach the present state of asylum related jurisdiction and legislation of certain shortcomings in safeguarding the asylum seekers' individual right to religious freedom. This applies both to Benjamin Pernak's comparative study of the way courts in Germany and Great Britain deal with Christian convert asylum seekers[1] and to Benjamin Karras' dogmatic approach to subsequent flight reasons (like a migrant conversion to Christianity) in the Geneva Refugee Convention (GRC).[2] Both scholars agree that by labelling conversion as an issue of someone's 'religious identity' asylum authorities and administrative courts respect the religious freedom of the individual. This means in concrete that in order to assess such an internal matter as someone's personal beliefs, state institutions have no other approach than the individual's own narrative of their religious biography which is therefore the starting-point of the inquiry. Pernak even exclaims that "in terms of protection from prosecution for religious reasons the asylum-seeking individuals are in control of their religious self-narrative" (p. 118).

[1] Cf. Benjamin Pernak, Richter als „Religionswächter“? Zur gerichtlichen Überprüfbarkeit eines Glaubenswechsels. Asylverfahren von Konvertiten in Deutschland und Großbritannien im Vergleich (Studien zum vergleichenden Öffentlichen Recht / Studies in Comparative Public Law, vol. 5), Duncker & Humblot Berlin 2018, 181 p. (Diss. jur. Leipzig 2018).

[2] Benjamin Karras, Missbrauch des Flüchtlingsrechts? Subjektive Nachfluchtgründe am Beispiel der religiösen Konversion (Jus Internationale et Europaeum, vol. 134), Mohr Siebeck Tübingen 2017, XVII + 326 p. (Diss. jur. Münster 2017).

However, as Pernak himself clarifies, this is only fully applicable to positive religious freedom, whereas negative religious freedom in the sense of solely abandoning Islam without accepting a new belief state institutions can identify is poorly safeguarded in Germany compared to Great Britain. This result is both important and painful for how German state institutions deal with Christian convert asylum seekers, for even if a claimant's newly adopted faith is not recognized in the sense of positive religious freedom, they will still be exercising its negative counterpart. – Karras criticizes how the European Qualification Directive (which defines who is a refugee) was adopted into the German legal and jurisdictional system. By generally ruling out asylum applications whose reasons were only constituted after fleeing from the home country, German legislation breached the recommendations of the UNHCR and distanced itself from the GRC which, according to the main body of Karras' study, gives no evidence whatsoever for a general suspicion against such subsequent reasons. Germany is in this respect an example of what Norwegian Lutheran Bishop Krister Stendahl called the "introspective conscience of the West" about sixty years ago (in an article for Harvard Theological Review, 1965). Before the Qualification Directive was implemented from 2004 on, German jurisdiction used to split the right to religious freedom into an internal and an external forum, arguing that since religion was the deepest-rooted conviction man could adopt its freedom could only be safeguarded on the internal level of one's conscience. Religious practice was thus understood to express the inner conviction externally (but not necessarily) so that religious freedom could still be safeguarded internally ('religious margin of subsistence') if fear of prosecution drove people to stop their normal religious behaviour when transferred back to the home country from which they fled. Even when the Qualification Directive rebuked any such confinement of religious freedom to the internal forum, the background assumption that religious behaviour was an expression of an internal state of conscience remained vivid in German jurisdiction, the only difference being that FOMR and administrative courts today expect extensive religious practice from converts who purportedly take religion more seriously than average people. State institutions who expect that degree of religious observance from converts seem to unwillingly follow

the rigorist ideal of religion which the emperor Constantine showed in the early fourth century when he would not receive baptism until upon death in order to be sure he could not undermatch the moral demands of the Christian faith thereafter. Constantine's attitude towards the Christian faith is demanding but certainly not acceptable for a modern secular state.

2. Religious studies and anthropology

What Pernak's and Karras' law studies seem to show is that the German legal and jurisdictional routines in implementing the European QD have to some extent detached themselves from the international standards established by the GRC. This entails the risk of assessing the religious identities of asylum seekers according to measurements which may fit the peculiar ecclesial situation in Germany ('Kirchturmperspektive') but are virtually irrelevant in a worldwide horizon and certainly inadequate to estimate the risk of prosecution for reasons of religion in the state and society of Iran, a Shi'a theocracy without indulgence for non-Muslim beliefs except the ancient ethnic Christianities of Armenians or Syrians living in Iran.

For the asylum authorities and jurisdictions in order to overcome such a narrow perspective, it is necessary not only to reassess the underlying concept of conversion, but also take certain anthropological corollaries of the asylum procedure into consideration. It is these two steps this paragraph will take.

It is well documented through current jurisdiction that asylum authorities and administrative courts expect convert asylum seekers to give an account of their religious biography and conversion narrative that is coherent and reasonable.[3] These expectations are based on the assumption that religious conversions are motivated by discontent with the formerly adopted belief and the acceptance of a more convincing religious belief instead.

[3] This also applies to the practical guideline suggested by the three judges Hugo Storey, Uwe Berlit, and Harald Dörig in 2015/16.

But this assumption highlights only the theological factors of conversion and underestimates the individual and social functions a change of the personal belief system regularly has for the person involved. People may convert for motives that enhance their personal emotional or social situation but are completely detached from the truth claims or practical demands a given religion may 'officially' have for its adherents. Since any religion will always have these personal benefits or functions for the individual believer it is impossible to preclude such non-theological conversion motifs. This is why it has become the common state of the art in religious studies to adopt a functional concept of conversion like the one suggested by Monika Wohlrab-Sahr.[4]

Compared to the traditional idea of conversion as a more a less spontaneous act of adopting a new and overwhelming worldview, functional conversion concepts substantially increase the validity the assessment of a given conversion case may have. They should be implemented both in theological and legal or jurisdictional theory and practice of dealing with Christian convert asylum seekers. By the way, this is also what all mainline churches in Germany have recommended when lately (2021) asked for their expertise in the regular internal routines of quality management provided by the FOMR. There is a chance that asylum authorities and administrative courts will subsequently implement functional conversion concepts into their routines of assessing an asylum seeker's conversion narrative and spare less adequate interrogation techniques such as examining the convert's knowledge of their newly adopted belief. This would constitute an overdue paradigm change in dealing with Christian convert asylum seekers.

The need for such a paradigm change is all the more pressing since the communicative setting in which asylum seekers present their conversion narrative is loaded with bias which makes it virtually impossible for applicants to act out the individual right to freedom of religion they purportedly use in this situation.

[4] Cf. Monika Wohlrab-Sahr, *Konversion zum Islam in Deutschland und den USA*, Frankfurt 1999.

The bias is not just due to the fact that they do not normally have the country's language as their mother tongue, nor is it only in the fact that they are not so much telling their story, but rather responding to a police questioning. In her innovative and insightful research programme, anthropologist Lena Rose has demonstrated how many of these soft skill factors there are at work in the court. hearing of a convert asylum seeker. [5] And the problem goes even deeper. Hamza Safouane has argued that most of the European asylum legislation is based on Kant's idea of hospitality which is a philanthropic concept that does not warrant asylum seekers the required status of a bearer of rights and thus offers no effective protection against human rights being withheld from them. [6] Safouane's suggestion to replace the Kantian concept of hospitality with Derrida's counterpart may be disputable, but what should be beyond dispute is that the communicative situation of the court hearing contributes greatly to the verdict which the latter brings forth. This is one of the most important results of Conrad Krannich's magisterial Ph.D. thesis (2020), the first German academic theological monograph on the issue of Christian convert asylum seekers.[7]

Krannich argues that the entire concept of conversion – even regardless of whether the concept is designed traditionally or in the functional manner suggested in this paragraph – is only applicable to baptized asylum seekers from Iran thanks to the judicial framing of the asylum process and its requirement to come up with a clear-cut decision whether the applicant is entitled to stay in a foreign country or not.

[5] Lena Rose/Zoe Given-Wilson, „What is truth? “Negotiating Christian convert asylum seekers' credibility: manuscript accepted for publication in the „Annals of the American Academy of Political and Social Science“, 26 p.

[6] Cf. Hamza Safouane, *Stories of Border Crossers. A Critical Inquiry into Forced Migrants' Journey Narratives to the European Union. With a Foreword by Timothy W. Luke*, Wiesbaden 2019, ch. 3. German translation in: Henning Theißen/Knud Henrik Boysen (ed.), *Integration und Konversion. Taufen muslimischer Flüchtlinge als Herausforderung für Kirchen und Gesellschaft*, Brill Ferdinand Schöningh Paderborn 2021, 334–362.

[7] Cf. Conrad Krannich, *Recht macht Religion. Eine Untersuchung über Taufe und Asylverfahren* (Kirche – Konfession – Religion, vol. 76), V&R unipress Göttingen 2020, 386 p. (Diss. theol. Halle/Saale 2020).

The strict yes/no alternative set by the asylum process infects the neighbouring process of assessing the applicant's conversion narrative, so to speak. The result of this is, according to Krannich's compulsory argument, that the conversion as such also becomes subject to the true/false dichotomy. Religious truth claims which are present in most belief systems may contribute to this fatal analogy between the asylum process and the conversion narrative, but as the title of Krannich's book suggests ('Recht macht Religion'), it is first and foremost the legal system which determines the belief system when convert asylum seekers are concerned. It is all the more troubling that many Christian parishes (and church officials no less) even support this idea by emphasizing that their preparative courses for baptism applicants are in themselves an examination or test of how seriously the converts should be taken.

3. Cultural studies and intercultural theology

Krannich does not only criticize the judicial framing of the German system of dealing with convert asylum seekers. His thesis also includes a positive flipside of that criticism, in fact it is this positive aspect which dominates his study. According to Krannich, baptized asylum seekers from the Islamic Republic should be considered Iranian Christians, according to their own self-understanding. Many of them, especially from the younger generation, reject the idea of conversion since their affiliation to Islam was not based on their own free choice but forced upon them by the fact that they were born and raised in a Shi'a theocracy. They could never freely choose to be Muslims and thus cannot renounce that religion or be apostates when they turn to the Christian faith.

Moreover, Krannich's positive thesis is underpinned by illustrative and instructive examples of how their adoption of the Christian faith is connected to their personal and social situation in Iran. These corollaries cannot simply be detected by theological means, but require the methodologies of empirical social science and cultural studies, which are applied to the issue of Christian convert asylum seekers in the most recent studies by Krannich, Roy Oksnevad, and Darren Carlson.

What unites these three – very different – authors is they all led research interviews with baptized asylum seekers from Iran. And in fact, this seems indispensable for any successful research in the issue for otherwise it would be hard to overcome the aforementioned bias which is based on projecting too much of the Western ecclesial circumstances onto the situation of Iranian Christians. As they cannot join the recognized traditional ethnic churches in Iran, they can only gather and live out their faith illegally in clandestine home communities which exist for about one year and a half on average before detection by the secret police. Already these circumstances are barely unimaginable for Western Christians from majority churches, let alone the things baptized asylum seekers are likely to have encountered on their journey to Europe. Western Christians and researchers thus have to listen to the neophytes' narratives in order to grasp the peculiarities of Iranian Christianity. This is why empirical social science as the academic discipline that gains scientific information from interviews is so important for our issue. Without this methodology it would be impossible to achieve an overall picture of the recurring traits that characterize the Christian asylum seekers from Iran.

The problem with this kind of approach is well known in ethnography and cultural studies: Any generalized statements about phenomena like the Iranian Christianity run the risk of producing stereotypes of a confessional culture which really overgeneralize some more or less contingent traits. A good example to explain this problem is the theory of "honor and shame cultures" which was designed by Ruth Benedict in 1946. It was originally applied to Benedict's reconstruction of Japanese culture, but was soon extended to numerous cultures in the Far and Middle East and contrasted with the "guilt cultures" of the West. However, the immanent evaluation that guilt was a morally further developed concept than shame has entailed ongoing criticisms of Benedict's theory which is nowadays widely considered as an example of Western academic presumption, but still powerful in cultural studies underneath.

The honor and shame culture theory has also influenced recent research in Iranian Christianity, particularly in the study by Roy Oksnevad,

a US missionary to Muslims, who argues that the framework of Iranian culture is hard to shake off even for Christian converts exiled to Western countries – considering that phenomena like ta'arof (a kind of Iranian politeness code that avoids frankly communicating social truths in order not to make people lose their reputation) could even endure the sociocultural constraints of the Shi'a theocracy in Iran.[8] According to Oksnevad, almost all of the peculiarities and potentials for inner social conflict which Iranian Christian congregations show in comparison to their American counterparts can be explained on the basis of this shame cultural difference.

The problem with this kind of explanation – smooth to read as it may be – is that it dramatically reduces or even denies the self-steering potential of formerly Muslim baptized migrants who, in Oksnevad's sight, almost seem to be victims of their cultural "Burden of Baggage" (as his book is entitled). In this case, conversion to Christianity would eventually lead to assimilation in majority churches. But this 'solution', though it is based on a theoretical consciousness of cultural differences (namely, the honor and shame culture theory), is obviously undifferentiated if the final result is assimilation. Darren Carlson's field study in Evangelical charities for Muslim migrants in the transit zone of Athens is much more differentiated although he, too, does work with the honor and shame culture theory in some spots of his book.[9] Carlson's methodological basis, however, is not in cultural studies but in empirical social science which enables him to detect the parameters that foster or hinder the self-empowerment of the migrants who are thus not just passive recipients of the charity Evangelical organizations offer them, but take an active role in their migration story which often turns into a conversion narrative, even if the structures of charity and the conversion 'success' in numbers do not strictly correlate.

[8] Cf. Roy Oksnevad, *The Burden of Baggage. First Generation Issues in Coming to Christ*, William Carey Pasadena CA 2019, XVII + 190 p.

[9] Cf. Darren Carlson, *Christianity and Conversion among Migrants. Moving Faith and Faith Movement in a Transit Area* (Theology and Mission in World Christianity, vol. 17), Brill Leiden 2021, XI + 295 p. (Diss. theol. London 2018).

That Christian convert asylum seekers become the subjects of their own migration and conversion stories is not only important for the asylum procedure which they undergo in their country of destination and which is often structured in an objectifying manner, as I have explained in my first paragraph. The subjectivity of the migrants and their conversion is also crucial for understanding an often-overlooked church internal aspect of the issue. Although it is true that in Germany both mainline churches (Protestant and Roman-Catholic) and the association of free churches have publicly engaged in the debate, there can be no doubt that Protestant churches (both mainline and free churches like, e.g., Baptist) welcome much greater numbers of baptized asylum seekers from Iran into their congregations than the Roman-Catholic church does. This is all the more astonishing given the fact (which is confirmed by the uprunning research interviews about the issue) that confessional or doctrinal differences between the Western denominations do not play any major part in the conversion decisions Iranian Christians take; in fact these differences are unknown to many of the convert migrants who may have encountered Armenian Christians in their Iranian neighbourhoods, but are likely to have gathered in non-confessional underground churches in private homes where some kind of Pentecostal (thus non-confessional) spirituality will probably have dominated the scene.

In the present state of the debate there seems to be only one academic explanation for this peculiar and important phenomenon. In his Ph.D. thesis, Krannich argues that the newly risen interest in Christianity within the Iranian society is at least partly an expression of the kind of societal debate that is possible in the framework of a Shi'a theocracy. Krannich refers to this debate as "Iranian Protestantism" since numerous intellectuals in Iran both before and after the Islamic Revolution in 1979 have referred to the European Reformation or particular reformers like Luther to account for the objectives they strove to realize for the Iranian society. According to Krannich, the most influential of these was Ali Shariati, an academic trailblazer for the Revolution who was educated in Paris. He reinterpreted the traditional Shi'a concept of martyrdom (going back to the Battle of Karbala in 680 C.E.), which has sometimes been

considered a link to the Christian idea of redemption through suffering, as resistance and paralleled it with the Reformer's rejection of the Roman authorities in order to advertise the idea of an Islamic Revolution. However, this Islamic Protestantism, as Krannich calls it, has partly transformed into an Iranian Protestantism which nowadays advertises the retrieval of pre-revolutionary or even pre-Islamic traditions like the Persian culture or Zoroastrian religion as a societal protest against the development the Islamic Revolution has brought about in Iran.

As the multi-faceted elements of this Iranian Protestantism clearly document, it is not a homogenous culture like the purported shame and honor culture Oksnevad and others insinuate for Christian converts from Iran, and it does therefore not harm the subjectivity and self-steering potentials of these migrants. Moreover, it offers a sensible explanation why so many of them turn to Protestant churches when they are baptized. For the aspect of protest against societal circumstances that render people unfree or harm their subjectivity cannot be erased from the "Protestant Principle" as theologian Paul Tillich called it in the second half of the 20th century CE. Krannich's argument is 'somewhere in between' theology and cultural studies, and in my opinion any theology that seeks to understand the conversion of migrants from Iran should itself be located somewhere on the move and adopt the status of an intercultural or migrant theology."

DISCUSSIONS

The discussion following Prof Theißen's keynote focussed on the following issues:

Sharing knowledge with the administrative courts and state authorities

The first question that arose from the participants after the presentation of Prof. Dr. Henning Theißen, was about how this very valuable knowledge could be presented to the administrative courts, the ministries of interior and the officers of the migration offices. To a certain extent, it emerged that this is already happening in countries like Germany where Catholic, Lutheran, and free churches have some ongoing conversations on this subject with the relevant authorities. However, a tricky issue arising is the influence on judges and administrative courts which are independent by nature. In this regard, lectures or meetings for judges on the matter could be foreseen.

Some participants observed that a big issue is what kind of implication this has for the **churches' strategy**: how do churches translate this knowledge-based approach into a language helping our society make the right judgment on whether the conversion is credible or not. More generally, it has been noted that pastors and priests' testimonies are not taken seriously and are even often disregarded in asylum hearings or court. From some participants' points of view, this is a much more strategic issue to work on in the European migration system.

“Einfach und complex zugleich. Konversionsprozesse und ihre Beurteilung.” (Simple and complex at the same time. Conversion processes and their assessment)

Dr. (Unisa) Reinhold Strähler mentioned a book about the conversion process of Muslim refugees who have converted to Christianity, which

he wrote. The study offers a hitherto missing, comprehensible summary of the findings on conversion processes from social sciences and intercultural theology. A matrix makes it possible to classify cognitive and effective changes and to interpret narratives about changes of faith. For that purpose, four typical conversion processes are presented in a practical and action-oriented way. A catalogue of criteria and questions help to assess conversion stories competently. Employees of state institutions who have to decide on conversions as grounds for asylum can benefit from this, as well as members of Christian congregations accompanying people who show interest in the Christian faith and baptism.

The book has been published in German by Evangelische Verlagsanstalt Leipzig 2021.

The dissertation of the author, which forms the basis for the matrix of conversion processes introduced in the book, is available in English: *Coming to faith in Christ: Case Studies of Muslims in Kenya*, DTh-Dissertation, Pretoria: University of South Africa 2009.

A booklet with a summary in English of the dissertation can be obtained from the author: *Coming to faith in Christ. Understanding conversion.* Calabash Resources Vol. 3. Nairobi: SIM – Life Challenge Assistance 2010.

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The assessment of the sincerity of a conversion

Some participants questioned the whole process of the assessment of the sincerity and credibility of a conversion: according to this position, it is not the duty of the immigration or the administrative courts to try to find out if the conversion is genuine; the duty of the court or of the immigration authorities should be about the safety or possible dangers of a person and not about the sincerity of a conversion. They should not do that especially if they do not have any expertise – speakers reported how this lack of know how impacts their decisions.

Often the reasoning of decisions showed a dramatic lack of expertise. While churches should be concerned about whether the conversion is genuine or not, **the right to asylum is about safety and possible persecution**, which should be the real concern. Even though the vast majority of participants agreed with this view, it was generally recognized that changing the reality of the legal system as it exists was an impossibility.

It was agreed that **what could be done is to try to help churches better understand the issue and prepare the converts in a better way**, but it is beyond the churches' ability to change the system and develop a completely new one.

In this regard, it was added that **State authorities and churches have different callings and different competencies**; it is, therefore, not everybody's competency to change the system. Moreover, this kind of change takes quite long. In the meantime, **churches can challenge the system, while always focusing on helping people**.

Dr. Torsten Moritz, General Secretary at CCME and organizer of the event, underlined the fact that events like this are aiming at **improving the situation within the existing system**, instead of aspiring to change the system completely: the idea is more to encourage the system to learn and improve in practice. One large part of problem is the **general culture of not believing the story of asylum-seeking persons**: this can be observed in the area of conversion, but also for persons claiming asylum due to possible repercussions of being homosexual. Therefore, churches' work should take place in this bigger context, **questioning this logic and trying to contribute**, with all the expertise churches have, to make a correct assessment of someone's conversion and most of all possible acts of persecution against them.

The concluding reflection by a participant aimed at being a significant reminder: the discussion about conversion in the asylum procedure is not about mercy or some kind of benevolence; it is about the 1951 Refugee Convention according to which religion is a ground for asylum. It is essential to acknowledge that there is more in what churches could do to secure and to help European states to deliver and to perform in the

way they are supposed to perform according to their international engagements. As for asylum seekers, churches must assist them in demanding their rights and ensuring their rights are respected. The focus, therefore, should be on what churches can do as churches all together, being aware of the different situations in the European countries, and how the ways in which they address the issue represent a problem in terms of recognition of the right to asylum.

Testimonies

After two more theoretical keynotes, the event focused on real life stories of person converted to Christianity.

Pastor Mehrdad Sepehri Fard (Germany)

Pastor Mehrdad Sepehri Fard was born in Iran and came to Germany with his wife in 1997. They are currently based in Paderborn with their two children. He converted to Christianity when he was 16. He was able to study theology only unofficially in Iran and passed his exams in Cyprus and in the USA. He was ordained in Marburg in 2007. After having been for several years the contact person for Persian-speaking Christians, he currently is a team leader in the context of the missional project "Pastoral Care for Persian-speaking Christians" of the Evangelical Church of Westphalia.

The presentation was held in German and translated in direct. The following text is quoting the presentation but has slightly been edited for better comprehension.

" I was born in Teheran, and if you are born in Iran, you are considered a Muslim whether you want it or not. Unfortunately, when I was young, Iran became an Islamic country which does not exactly means "Islam culture". Through the Revolution in 1979, or should I call it an attack, Iran has been transformed in an Islamic state with Islamic laws. At that time, I was a member of the Hezbollah and I used to be very active. For two years I used to go to the reformed church in Teheran, trying to convince the Christians to convert to Islam because I was convinced that Islam was the only right pass to God. I really wanted them to turn into Muslims. But a lot has happened in these years and only two years later, when I was 17 years old, I was baptized at the Church in Teheran and became a Christian. In that moment, something very difficult happened: I was member of the Hezbollah and for many people was absolutely unimaginable that a member of the Hezbollah could become a Christian; it was considered as a big offence against Islam.

The day I found my belief, my Christian belief, it was a Friday. I went to the Church, I participated at the Friday morning prayer and in the afternoon, I gave my heart to Jesus Christ. **I tried to become as active as a Christian as I have been active as a Muslim.** On this basis, I tried to study Christian theology. I have been with no internet available; it was not easy. It was only possible to study theology unofficially in Iran and this is what I did. I spent twelve years of my life, until I turned thirty, as a Christian in Iran.

During these years, I **was arrested and put into prison four times**. This because my brothers and sisters, the other Christians, and I, we tried to distribute the Gospel of Saint John in public parcs. I was arrested four times and I was tortured many times. **I can still see the traces on my body and feel the psychological effect which that had**. I was sentenced to prison in 1997 but, with the help of an US based organization and of the German embassy, I was able to leave Iran.

In the beginning, when I arrived in Germany with my wife, I focused on learning the German language and, two years later, I started to talk about the gospel again with my fellow people. In addition to my work, I have been a volunteer for the Church, for 17 years. In 2017, I voluntarily stopped working for the company I worked until then and then I started **turn my vocation into my job**, into a full-time job and I am now employed at the Evangelical Church of Westphalia.

One more point very important to me is worth to be mentioned: when the king was still in power in Iran, we, as Muslims, we used to think 'we are Muslims and everything should be okay'. I never really studied Islam theoretically or profoundly because I did not consider it necessary. Actually, after the 1979 Revolution, we thought "now that Iran is officially an Islamic country, we can really be Muslims!". For this reason, I started studying the Quran and tried as strong as I could to become a real Muslim. Honestly, it was not only me: many other Iranians experienced it in this way too, maybe because we shared the same experience. However, the more I studied Islam, the more distant that religion became for me because I thought 'Really? Is this god? Can he be so violent? That cannot be'. To be honest, I started to be afraid of Allah and this was what made me turn toward Jesus Christ. Since then, I **decided to follow Jesus, not just easily but I wanted to carry my cross**. It is true that I received death threats from Islamists by I have always known to be in God's hands. Today, I try to share this experience with as many people as possible to help them experiencing what to be protected by God means. "

Mr. Hamid B. and Ms Fatima B. (Netherlands)

The following text is quoting the presentation but has slightly been edited for better comprehension.

Mr. Hamid B. started with the following words: " I would like to start by underling something that is really important to me: from the European point of view, our stories, the stories from asylum seekers coming from Iran, are all alike. Yes, it is true and this is normal since we have lived in the same country with the same rules and the same governments. Therefore, it is normal that we have experienced very similar situations.

My name is Hamid, I am thirty-seven years old and I studied marketing and management. I have bene married to Fatima for ten years and we are Christians since 2016. We grew up in Muslims families, we did believe in Islam and married together exactly with this belief. I was a real Muslim because we learnt since our childhood, from our parents, that Islam is the best and perfect religion. Again, at school, at university, in social media, we have been taught that Islam is the best religion that came until now. Imagine that for more than thirty years, one has grown up with this belief, without thinking about another religion before. One believes that Allah is the real God to whom one must believe to, obey and follow all the rules. After many years, my uncle came back from a foreign country to visit the family. He used to be a very strict Muslim and do all actions in the Islam. However, when he came back, I noted he did not behave as usual and no longer believed in Islam. When I asked him why, he made me confront with so many questions that I could not answer to. It was my fault that I could not answer. This is why I started going to the religious experts to ask them the questions that my uncle asked me, for example: 'ok, Allah is you God, but who is he? Where is he? What is the target of the creation? What do you know about the heaven?'. However, as soon I started to investigate about these questions, I could not find any good answers that I could critically recognized by myself to be the right ones. Moreover, we have always been told to pray in Arabic language because it is in this way that Allah accepts our actions. Until then, I had never read the translation of the Coran.

When I finally read the Coran translated in Farsi, I found so many bad things that I could not accept. I could not think that all those sentences were from God, the creator. It could not be, I found it impossible. It was a very uncomfortable situation. I progressively abandoned my actions which led me to have so many problems with Fatima because she also was a strong Muslim. Actually, I had a lot problems in all my relationships, even at work, because I was struggling in my mind because I really was a God believer. **I was not an atheist; I was a God-believer because I believed that someone created us. But Allah was not the real God.**

When I was at the University, I met a person that later I founded that he was Christian. He helped me so many times, for instance when I lost my job, that I could not believe that one person could be like this. My other friends have never done the same. Once I asked him 'how you are in this way? You are so calm, you know so many things' and, after months of friendship, when he started trusting me, he talked with me about Jesus. At first, it was unbelievable for me as in Islam we believe that Jesus is a prophet. I could not believe Jesus was the Lord. When he showed and started reading to me the Bible, I was fascinated, for instance about Heaven, the relation with God, etc. It was so different from Islam. My mind and my heart could accept this way about life and everything was clear for me and I could accept this while in Islam I could not. In Islam, if you want a relation with God you must talk with the Imams, and then prophets. You can never be closer to God because you are a sinner. When I read the Coran, I could never forget the verse Surah 19: 71 basically saying that everybody goes to the hell. So, I started asking 'Why? Why you created me to put me in the hell?' This was a main problem for me in believing that Allah is God.

This is why I started turning into the Christian way and Fatima started asking me why I was changing so much. When I started to talk about the differences between Christianity and Islam, at first Fatima was against me and then, step-by-step, she accepted and recognized the truth.

*This was very important to me because it was about belief and belief
comes from your mind and heart.*

If your mind and heart are there, you can be a believer.

Before, I followed Allah and obeyed to him just because of the fear.

And now, I am accepting my heart.

So, Fatima and me, we found our God and our relation improved and everything was great. I felt the luckiest man in the world because I had a good life, a good job and a real God. But suddenly, I started having problems with the local church and, **in one second, we lost everything we had.** It was terrible. Sometimes I think at the last time we had breakfast together at home and, then, we never came back to our house and never washed the glasses in the sink. For me, even if it was awful, this was an examination for me about my belief, my faith. **We left Iran, trusting one man to bring us out of our country and without knowing the destination.** We arrived in a camp where there were so many asylum seekers from Syria, Turkey, Iran. We stayed in a small room, with a bathroom to share. We had never experienced something like this before: we had a good life in our country. **We waited three years to get the first interview with the immigration office.**

*But the learnt the patience, we learnt to put everything in the hands of
the Lord, of Jesus.*

Another big problem for us was confronting the immigration office: telling the whole story to someone who does not know us. "

Fatima B. added : " I was a very strict Muslim, I believed very deeply in Islam. [She showed a photo of herself wearing a burka] My biggest challenge in leaving this religion was to understand that everything that I believed in my heart and in my life was not true. Hamid helped me so much by talking about the truth and the real God. Another thing that was so difficult in coming out of my scheme was to explain that to my family.

*God really accompanied me in this journey, by showing me the truth in
my heart, and no one can do it as God can.*

The fact that we have the same stories, has Hamid told you, is because we have so many experiences in common. It is like I ask you why all churches worship God, why all churches pray. Of course, churches are a place to pray, so the situations are the same. But when you go deeper, there are differences. **Every person has a unique experience, when you go deeply.** What I felt is totally different from what Hamid felt. My journey to learn the Jesus is totally different of that of Hamid even if we are a couple. Every person has a unique story when you look at the details.

As for the problems we had with the IND (The Immigration and Naturalisation Service in the NL), the biggest challenge was waiting so much time to have a first interview: **three years without a home or perspective.** We lived in a small room and shared this room with another couple. It was difficult but God helped us to do it at the best. God helped us as well in the interview as the IND authorities believed us and we got positive answer, they did not reject us. But we had friend, that are deeply believers, whose asylum claim has been rejected by the IND. We saw all these problems. The second big challenge, for me but not for Hamid, was the **translator.** During the interview, the officer who interviewed me was a woman whose behaviour was really good and she talked very clearly. However, my translator was a Muslim. I understood that because when I was talking about Islam: his face was so hard and judgemental. It was really hard for me. The atmosphere was really bad and I cut that interview because I could not continue. The translator did not have any bad behaviour, but the atmosphere was bad since he looked at me laughing. I did not say anything because he did not something wrong, it was about the atmosphere. The translator should be a Christian because he has to know the meaning of the words. When I was talking about the Holy Spirit, he was not able to translate it. Hamid had similar difficulties when translating the words 'Allah' and 'God' as the translator translated 'Allah' as 'God', without distinguishing the two terms, and then the sentence resulted in 'God is not God'.

When pastors ask me and Hamid how can they understand if these people coming to Church are real believer or not, I just say that we, as Christians and believer in Jesus, when talking with someone, we can feel this someone's feelings because we can understand each other.

Please, close your eyes and imagine tomorrow you go to work. You get up in the morning, drink a coffee and think 'ok, I do not have enough time, I will wash my dishes later'. You go to your work but you cannot come back home anymore because the government knows that you are a Christian. Suddenly, you lose everything you made, you built. I was a financial accountant in my country and Hamid was a marketing manager in a big company. We had a lot of goals in our life and we wanted to pursue them, but suddenly everything was destroyed. This is not about migration; this is about refugees. Please, when you talk about them, see all the facets of this people. This was not my choice. I am really thankful to the country I am living in now; I like this country because I am safe here, but this is not my dreamland. I lost everything I built in my country and now, like a child, I have to learn a foreign language starting from the alphabet. I must learn everything from the basic because **I lost my education and everything that I had.** "

Mr. Hamid B. complemented the words of his wife: " As for the interview, personality matters. Some people are extroverted or introverted. It depends on the personality. I am an extrovert, I have no problem to explain everything and making connections, but some people cannot. The problem is not the officer or the person: it is about the situation. Both sides of this position are not in the right or in the fault. The big problems are the different personalities and the fact that the Immigration officers do not know us and our culture. We pray to solve all these problems. God bless you all. "

DISCUSSIONS

Conversion through a dream: a common story among Iranian asylum seekers?

Some participants pointed out that it is not uncommon for Iranians to start converting by dreaming about Jesus. The question that was raised was: is it just a story that circulates or is it something the speakers have met and, thus, a common thing?

Ms. Fatima B. replied by saying that when she started seeing the truth, she was not brave enough to deny Islam. That was the moment the Lord helped her: she heard a voice saying “you are my child”. She was not asleep and she was alone, there was no one with her in that place. That voice that she heard opened her heart and helped her to be brave enough to accept she was no longer a Muslim, but a child of God. She described it as a very powerful experience. According to her, it is very hard for Iranians, who used to be Muslims, to accept this change.

This is why they are always searching for signs - they are asking for them.

Pastor Mehrdad Sepehri Fard confirmed that conversion through dreams happens a lot, even in his family. He thinks that it happens in countries where people have less opportunity to learn about Christian faith.

God has his own ways to make people meet him.

Pre-conditions to be baptized

Regarding those people stating that they converted after having dreamt about Jesus and asking to be baptized despite the fact they do not know anything about Christianity, Ms. Fatima replied that they should not be believed. Learning who Jesus is is necessary to believe.

The participants unanimously concluded that previous education and introduction to Christianity are necessary to be baptized.

Challenges in the interviews

According to Mr. Hamid B., the hardest thing in the interview was not talking about his story, but explaining his emotions, such as what he felt when he decided to no longer be a Muslim. Because of this difficulty, before the interview he put everything in the hands of God: "Please God, help us because we want to talk about you".

It was also pointed out that in the Netherlands, a **code of conduct for interpreters** has been established as well as a list of Christian terminology together with the Churches. This code of conduct on how to behave in the interview with the applicant has been signed by every interpreter. This proves that measures can be taken to improve the situation.

Wednesday 19th January 2022

Developments in asylum authorities and judiciary

**Religion-based asylum claims
European Union Agency for Asylum
-former European Asylum Support
Office –**

EUAA

Religion-based asylum claims



1

Session chaired by Mr Jose Luis Bazan, COMECE

The session on 19th January 2022 was chaired by Mr Jose Luis Bazan, COMECE. He introduced the first keynote speaker of the day: Ms Gesine Marder, Asylum Processes Officer at the European Union Agency for Asylum (EUAA), which was known until January 2022 as the European Asylum Support Office (EASO). She talked about the work that has been done related to religious asylum claims within this agency of the European Union.



The EUAA



2



EASO, created in 2010 and which became operational as an EU agency in 2011, has been acting as a resource and centre of expertise for EU Member states and associated countries in order to support them in the implementation of the Common European Asylum System (CEAS) and to harmonize their practices in the domain of international protection. EASO has been replaced today by the European Union Agency for Asylum, following the entry into force of the new EUAA Regulation which enhanced the mandate of the agency with some new functions, tasks and structures.



Asylum Processes Network

- Created in 2012
 - Composition: national contact points from asylum administrations in EU+ countries
 - Aim: facilitate practical cooperation (between MS administrations) to enhance the quality standards and achieve convergence in the asylum processes
- religion-based asylum claims specifically addressed in context of APN

3



Most of the EUAA's work on religion-based asylum claims is carried out in the context of the so-called **Asylum Processes Network**. Ms. Gesine Marder explained that the EU agency coordinates with Member States in different ways, notably through networks on specific topics such as the one on vulnerability. One of these networks is the Asylum Processes Network that was created in 2012 with the aim to facilitate practical cooperation between the administrations of the Member States, to enhance quality standards and achieve convergence in the asylum processes. The network consists of national contact points from national asylum authorities of each EU+ country. The work on religion-based asylum claims has been specifically addressed within this network.

In addition to the work that has been done within this network, the topic of religion-based asylum claims has also been touched upon in other areas of EUAA's work. Moreover, the EUAA periodically publishes country guidance documents that present a joint assessment of the situation in

a particular country of origin. Some of these documents address situations related to religious profile and conversions to Christianity. These country guidance documents are based on Country of Origin (COI) reports published by the EUAA giving more factual information about the country of origin. Finally, the EUAA has published materials for members of Courts and Tribunals, some of which also contain information relevant to religion-based asylum claims. The Judicial analysis on qualification for international protection and the Judicial analysis on evidence and credibility assessment are some examples and are available on the EUAA's website.

Asylum Processes activities



4

The slide shows the different activities centred around the Asylum Processes Network and coordinated by EUAA. Those that are circled are the ones where the work on religion-based asylum claims is taking place.

Asylum Processes Network activities related to conversion

**Thematic Meeting:
Religious
persecution**

12&13 November
2020

**Practical Guide:
Interviewing
applicants with
religion-based
asylum claims**

under development
since April 2021

Art. 10 (1)(b) – Qualification Directive 2011/95/EU

the **concept of religion** shall in particular include the holding of theistic, non-theistic and atheistic beliefs, the participation in, or abstention from, formal worship in private or in public, either alone or in community with others, other religious acts or expressions of view, or forms of personal or communal conduct based on or mandated by any religious belief;

5



The two main activities relevant to conversion that were recently organized were

- 1) a **thematic meeting on religious persecution**, in November 2020 and
- 2) one activity on **Interviewing applicants with religion-based asylum claims** which is currently under development.

As the titles of both these activities suggest, they concern religion-based asylum claims in general and, therefore, include references to conversion-based claims. Ms. Gesine Marder reminded us that when the EUAA refers to religion, the agency refers to the definition of religion contained in the Qualification Directive (QD), which is the main legal instrument at the EU level, and which describes in a non-exhaustive manner the wide range of elements that are included in the concept of religion.



Thematic Meeting: Religious persecution

- The concept of religion and the manifestations of religion
- Credibility assessment of religion-based asylum claims from a judicial perspective
- Relevant CJEU jurisprudence
- Imputed religious affiliation
- Interviewing conversion claims
- Atheist claims
- Religious minorities and restrictions on religious freedoms
- Links between gender and religion-based persecution

6



The slide shows an overview of the topics discussed during the thematic meetings on religious persecution.

The **thematic meeting on religious persecution** takes place three times a year and each time the focus is on a specific aspect of the Common European Asylum System. The topics are decided based on the priorities and the needs assessed within the Asylum Processes Network, which means within the Member states. The aim of this thematic meeting is to take stock of existing practices regarding religion-based claims as these kinds of claims are identified as being among the most complex to examine.



Thematic Meeting: Religious persecution

Key takeaways

- ✓ Religion is a complex concept (belief – identity -way of life); case officers should not take their own experience as a reference.
- ✓ Credibility assessment needs to be adapted to each individual case (applicant's socio-economic, educational background, CoO, but also circumstances of their conversion); reminder of limitations of credibility assessment;
- ✓ Perception of the persecutor should not be overlooked (e.g. imputed religious affiliation), especially where religious affiliation is not established;
- ✓ Interviewers& interpreters need to have sufficient knowledge about religious concepts and practices;
- ✓ Interviews are a key challenge > need for guidance

7



The slide shows an overview of some of the observations and good practices that were identified.

Firstly, it was observed that one of the main dangers when examining an application based on religious persecution is that the case officers process this application by adopting their own perception and (religious or non-religious) experience as a reference. This leads to misconceptions, and the diverse nature of religious experiences is not often [TM1] fully grasped by case officers. It was acknowledged that religion is a complex concept and that there are different ways in which it can be experienced. One concept that was found to be very useful was the idea of **three different facets**, put forward by the UNHCR and their guidelines on religion-based asylum claims: religion as a belief, an identity and/or a way of life. Case officers shall be aware of these facets and what they may represent to applicants, especially since there was a tendency to refer to religion only as belief in the narrow sense in the asylum administrations.

Secondly, it was noted that the credibility assessment needs to be adapted not only to the country and society of origin of the applicant, but also to the specific religion in question as well as to the applicants' personal situation: their economic and educational background, their personal story, the significance of religion in their life, and the relationship they have with their religion (here referring to the three above mentioned facets again). It was mentioned, for instance, that the nature of conversion and the circumstances in which applicants have converted need to be taken into account when conducting a credibility assessment, as there are many different contexts in which conversion can happen and this must be the basis for the credibility assessment. A difficulty encountered by case officers in the framework of this kind of asylum procedure is to form an opinion on the credibility of applicants' conversion because of the intimacy of this element in someone's life. In this regard, case officers shall remember to always resort to the **credibility assessment criteria by adapting them to the individual circumstances of the case** while also remembering that these credibility indicators have some limitations.

The **perception of the persecutor** was mentioned as there has been a tendency to sometimes overlook this aspect, both in terms of what actually qualifies as religious persecution and the risk assessment. Even if an applicant's change in religious affiliation is not deemed to be credible by the competent authorities, the actors of persecution may still regard this person as a convert. Consequently, this person is still at risk of persecution based on an imputed religious affiliation. This is sometimes forgotten in the processing of these cases.

It was also noted that interviewers and interpreters sometimes lack knowledge about religious concepts and practices which they may personally not be familiar with, including the variations of rights and traditions across regions and different denominations, not only in the country of origin but even in the country where the conversion happens. Special attention needs to be given to **the use of correct terminology both by the interviewer and the interpreter**, as incorrect terminology can often lead to fundamental misunderstanding.

Finally, a key challenge that has been identified was that the interviews of applicants with religion-based asylum claims, particularly those invoking conversion, are excessively long and do not focus on the right questions or the right topics. This leads to the failure to gather information that would ultimately prove essential elements useful to make a decision on the claim. Therefore, one of the main conclusions of this meeting was to recognize the need to develop, at the EUAA level, common guidance on how to interview applicants whose claims are based on the grounds of religion.

Practical Guide: Interviewing applicants with religion-based asylum claims



Kicked off in April 2021, publication expected end of Q1/2022



Aim: achieve fairer and more efficient personal interviews



Main target group: case officers of national asylum authorities in EU+



Will be publicly available on the EUAA website

The second activity relevant to conversion is the development of the **Practical Guide to interviewing applicants with religion-based asylum claims**. Generally, EUAA's practical guides are practical tools that aim to support case officers of national administrations in their daily work. The EU Agency has published a number of these practical guides on different topics in the last years which can be found on EUAA's website. These guides are called *soft tools* as they are not legally binding for national administrations but reflect commonly agreed standards and

practices, by leaving space for national legislations and practices where appropriate. The development of this particular Practical Guide on interviewing applicants with religion-based asylum claims began in 2021 and is currently being finalized. It is expected to be published at the end of the first quarter of 2022. The main aim of the guidance is **to conduct fairer and more efficient interviews**. The focus is on the personal interview stage of the asylum procedure and not on the legal, risk and evidence assessment although it is drawn on these aspects to the extent that is necessary to conduct the interview. This practical guide is a complement of the EUAA's existing general practical guidance on qualification for international protection, personal interview and evidence assessment, which is currently also being updated. The main target group are the case officers who conduct the interviews, but also the supervisors, policymakers, national determining authorities, trainers, legal advisors as well as any other person working in the field of international protection in the EU context. Once published, the practical guide will be distributed in those administrations and will also be made available on the EUAA website.



Practical Guide: Interviewing applicants with religion-based asylum claims

1. Religion as a reason for persecution

- Relevant legal provisions
- Concepts relevant to religion-based asylum claims
- Religion-based persecution
- Challenges linked to the ground of religion

2. Personal Interview

- How to prepare the interview (creating a safe interview environment, mental preparation, COI tips, how to prepare the interpreter)
- How to conduct the interview
- What to explore during the interview

The presentation of Ms. Marder provided an overview of the practical guide, its structure, and the key points of contents. Yet, as of January 2022, the document must be approved by the Asylum Processes Network and the management board of the EUAA. Therefore, some of these points may still change.

The Practical Guide is divided into **three main chapters**:

1) The first chapter, *Religion as a reason for persecution*, provides the necessary **theoretical background knowledge on religion-based asylum claims** that is needed in order to prepare personal interviews for this type of claim. This chapter addresses the relevant legal provisions, explains the concept of religion along with related notions and relevant terminology, but also presents the different contexts in which religion-based persecution can arise and the different forms it can take. It concludes by underlining the current difficulties faced by case officers when they deal with these types of claims.

2) The second chapter, *Personal interview*, provides for more **practical instructions on preparing and conducting interviews** and that can be applied to different types of religion-based asylum claims. This chapter supports case officers in the preparation of the interview, provides for relevant COI sources specializing in the topic of religious persecution and gives tips to case officers on how to prepare mentally e.g., by raising their awareness on how certain religious or cultural dynamics may affect the interview, by reminding them to have reasonable expectations for an applicant. It also contains some recommendations on creating a safe interview environment, on preparing the interpreter as well as on the language to be used.



Practical Guide: Interviewing applicants with religion-based asylum claims

3. Commonly encountered religion-based asylum claims: topics to explore

- Conversion to another religion
- Leaving religion (adopting an atheist, agnostic or non-religious system of belief)
- Religious minorities
- Conscientious objection to military service for reasons of religion
- Gender-specific religious persecution

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3) The third chapter of the Practical Guide is called *Commonly encountered religion-based asylum claims*: topics to explore and provides guidelines on interviewing applicants whose file includes elements commonly encountered in asylum claims on the grounds of religion. The main areas to explore are: Conversion to another religion, applicants who adopted an atheist, agnostic or non-religious system of belief, religious minorities, conscientious objection to military service for reasons of religion and gender-specific religious persecution. Under each of these profiles, the document provides a list of topics or areas of inquiry that may be relevant to explore during the interview while explaining why or under what circumstances these topics may be of interest. The guide also draws the case officers' attention to particular points of concerns. This comes in addition to the general recommendation to always have a free narrative as the core of the interview.



Practical Guide: Interviewing applicants with religion-based asylum claims

3.1 Conversion to another religion

Topics to explore and why to explore them:

- Former religion
- Conversion process
- 'Living' the new religion
- Documentary evidence
- Risk upon return to the CoO
- Sur place claims

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The section on Conversion to another religion is not only the first but also the longest section in the Practical Guide as it covers conversion to any religion as well as conversions that have happened in the country of origin, of entrance or the country of asylum. It is, thus, a general section that does not specifically deal with conversions to Christianity, even if they are the most commonly encountered ones. This is why the examples presented in this section mainly focus on conversion to Christianity.

The topics to explore are: the former religion, the conversion process, 'living' the new religion, documentary evidence, risk upon return to the Country of Origin and sur place claims.



Practical Guide: Interviewing applicants with religion-based asylum claims

3.1 Conversion to another religion

- Former religion: upbringing, applicant's experiences and views
- Conversion process: motivation to convert, the follow-up, the decision, the admission process and the reactions.
- Living the new religion: impact & changes, knowledge, activities and community
- Documentary evidence: formal and informal documents; documents from online sources
- Risk upon return to the CoO: significance of religion to applicant, actual and future exposure of applicant's conversion
- Sur place claims: special points of attention

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As for the **former religion**, the idea is that exploring the applicant's relation to their former religion is important. Part of this topic is exploring the role the religion played in the applicants' past and how they currently view their former religion, appraising the context in which the applicants' conversion took place - by seeking background information, so that the circumstances and the reasons that led the applicant to convert and the conversion process can be better understood and taken into account. Among the points of attention that were mentioned, there is the idea that an applicant is always expected to have a very negative view about their former religion; in practice this is not always the case.

Regarding the **conversion process**, the idea is that conversion is an individual process and there is no road map, no fixed pattern of how a conversion happens. It is, therefore, recommended that the case officers look at the context of the conversion and focus on experiences as well as the feelings that accompanied the applicants' conversion rather than

the applicants' theoretical knowledge about their religion or the former conversion process as such. The topics to explore are: the motivations, the inner triggers and the context in which the conversion process started; the follow-up, which is essentially the reaction of the applicant to those inner triggers and the actual decision to convert; the formal admission process, if applicable, as in some religions formal admission process is not prescribed and, even in general, some applicants convert in isolation, independently from an existing community; and the reaction of the applicant's environment to the new conversion.

The third topic is **living the new religion** which is really about the applicant's life following their conversion. The information provided by the applicants in this regard is important for the risk assessment as it gives an insight into the significance of the applicants' new religion for their identity and how this changed their behaviour and could influence their life upon return to the country of origin. In other words, the idea is to explore the impact of their changes on the applicant's life. **Relevant knowledge** can be explored here too. However, one of the lessons learnt from the past is that the topic of theoretical knowledge of the religion really needs to be dealt with carefully, because over the years there has been a tendency to overfocus on knowledge and theoretical questions, even when it was not reasonable to expect it from the applicants. It is important to take into account the context in which applicants converted and whether they have received religious instruction. What should more insisted on is the practical knowledge the applicants have of the new religion, such as the activities that are carried out, the life in the new religious community and the personal social interactions within that community, etc.

As for **documentary evidence**, the guidance provides examples of and explains what kind of documents are likely to be accounted for in conversion claims: formal documents submitted by a church or other religious institution or faith-based organization - the most common ones will be a baptism or membership certificates-, but also informal documents such as photographs or testimonies from other community members. As for how these documents should be addressed during the

interview, the guidance reminds case officers that the personal interview is essential for the assessment of an asylum claim, but also that the relevant documents can be very helpful in supporting the applicants' statements. In any case, case officers have a duty to take them into account. Assessing documentary evidence of a conversion is a topic that was also largely discussed by Member States. Some of them have developed the practice of getting together with faith-based organisations and churches in their country to discuss what kind of documents may be helpful during the procedure and to help them to be more relevant. The Practical Guide also addresses other kinds of documentary evidence such as online sources that document the conversion or applicant's new religious life, for example on social media.

Concerning **the risk upon return to the country of origin**, what is relevant is whether people in the country of origin know about the applicant's conversion and the resulting fear of acts of persecution. The circumstances of this exposure are to be explored. In case of *sur place* conversion, or when the conversion is not yet known in the country of origin, what must be explored during the interview is how applicants imagine and wish to practice their new life as converts in the country of origin, the personal significance the new religion has for them and how this could play out in case of return to the country of origin.

Case officers pointed out some particularities relating to those claims invoking *sur place* conversion, and that constitutes a subsequential application following an unsuccessful application based on other grounds. In these cases, in contrast to those in which applicants converted in their country of origin, applicants are asked to project themselves into an unfamiliar situation they have not personally experienced before i.e., living the life of a convert in their country of origin. In these cases, it is important to be aware of that is not always an easy task for applicants. Another example of topics to explore for these *sur place* claims is the issue of late disclosure that refers to the situation in which applicants have not mentioned the conversion during the first application based on other grounds.

Case officers are reminded to always take into consideration that there may be a legitimate explanation as to why the conversion has not been disclosed earlier and they are encouraged to explore possible reasons for that during the interview.

Finally, it is insisted that the risk assessment needs to be done in any case, even if case officers conclude that the applicant's conversion is not genuine, as the risk of persecution based on imputed religious affiliation could still be there.

Thank you for your attention!



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DISCUSSIONS

Understanding the risk of persecution

Some participants pointed out that in some countries, such as Norway, for an applicant to be considered as being persecuted, it is necessary that the person has an actual and personal fear of a specific action against him/her or has already been in jail or tortured. Just living under pressure is not considered, in the practice, to be persecution. It was, therefore, stressed that the risk assessment deals not only with religious persecution *per se*, but also with the more general risk of being persecuted because of one's belonging to a certain religious or social group. This also means that those **people who are not actually persecuted have the right to be protected**. Moreover, it should be noted that religious persecution can be attributed not only to State actors but also to non-State actors.

In this regard, Ms. Marder explained that, at the EU level, the understanding of the risk of persecution is based on the definition of act of persecution provided by article 9 of the Qualification Directive: it must be a sufficiently serious act by nature and constitute a severe violation of basic human rights or an accumulation of various measures which have a similar effect to a severe violation of basic human rights. There is space, therefore, for situations where an accumulation of discriminations can amount to persecution. It is a case-by-case assessment.

Providing input into the development of the Practical Guide

It was asked what kind of input, in addition to that from Member States, was used in developing the EUAA's Practical Guide on interviewing applicants with religion-based asylum claims. Ms. Marder explained that the methodology used for all practical guides is mainly based on the

work of a working group of national experts, specialized senior case officers from different EU+ countries. The process is facilitated by EUAA. Input from academia has been used for background to start this work and the aim is to be interdisciplinary. Moreover, a review process which involves the UNHCR and ECRE is taking place. It is also interesting to mention that national guidelines on the matter have been developed in some Member States in cooperation with religious institutions or have at least been confirmed by churches or Faith-based Organizations. The aim of EUAA's document is to gather all these different perspectives.

As the Practical Guide is about to be published, another round of reviews is not expected except from the Asylum Processes Network and the EUAA management board. However, since a lot of updates will be done, it is not ruled out that in the future there will be a possibility for other actors to provide for new input. It has been suggested that churches should be involved, and not only faith-based organization.

Religious minorities

The use of the term *religious minorities* has been questioned: in Nigeria, for instance, Christians are the majority of the population; yet they are still persecuted. In the framework of the work conducted by EUAA, the term minority is not always understood in the demographic sense of the word, but in terms of **power relationship**. Consequently, the term *minority* addresses those who are in a most vulnerable position. Participants welcomed this approach, considering it wise and not very common.

Presence of a legal counsel in the interview

Acknowledging the lack of balance between the full legal knowledge of the case officers and the asylum applicant, it was asked whether the presence of a legal counsel at the interview is foreseen by the EUAA Practical Guide on interviewing applicants with religion-based asylum claims. Ms. Marder explained that, although this topic has not been addressed by the document, it is part of the general guidelines. The Practical Guide, although it addresses specifically religion-based claims, is a complementing the more general practical guide, meaning that

it must always be read **in conjunction** with it in reference to personal interviews - in this way the presence of a legal counsel is addressed.

Creating a safe interview environment

It was asked whether the aim to create a safe atmosphere in the interview, as mentioned in the Practical Guide, includes the idea of, for instance, avoiding using Muslim officials and translators in those cases in which the felt threat is from the Muslim community. Ms. Marder replied by explaining that what is normally regulated by the Asylum Procedure Directive is the request for an interpreter or interviewer of a specific gender or of one specific language or dialect; the religious affiliation of the interpreter or the interviewer is out of scope of this asylum procedure. This means that there is no obligation for an administration to take this aspect into account. However, in practice, there could be a legitimate request, even by the interpreter themselves. It is, thus, a **case-by-case assessment in which the link between the interpreter and the alleged act of persecution feared by the applicant should be taken into account**. This link does not only concern the religious affiliation, but also the origin of the persons involved. The idea is to make space for the scenario where, due to trauma, there is a kind of coincidental direct link between the persecutor and the interpreter and therefore this request could be accommodated. However, this is not given as a general recommendation since this possibility could also open the door to other discrimination issues.

Credibility Assessment from a Judges' Perspective

**Prof Harald Dörig, Vice Chair
International Association of Refugee
and Migration Judges - Europe chapter**

Prof. Harald Dörig is Vice Chair of the International Association of Refugees and Migration Judges which is a worldwide organization. He also works in connection with the EUAA (ex EASO) as part of the editorial team of judges that produce papers about different subjects related to the asylum procedure. He is Supreme Court Judge and for eighteen years has been working for the Supreme German Administrative Court in the Senate for migration and asylum.

Prof. Harald Dörig's intervention aimed at, firstly, stressing the importance of religion in asylum and, secondly, giving some insights on how judges look at conversion and credibility assessment.

Freedom of religion is a fundamental right that is recognized in article 10 of the Charter of Fundamental Rights of the European Union. It is, therefore, something judges pay specific attention to since they are bound by the EU Charter and should give life to it. In the meaning of the EU Qualification Directive, the suppression of someone's freedom to exercise their freedom of religion constitutes an act of persecution. Consequently, persecution based on religion can constitute grounds to grant refugee status. The issue arising is that religion is an individual belief, meaning that it can only be expressed by the individuals themselves. It is, therefore, in an asylum procedure the responsibility of the individual to submit the elements to convince the judge that their conversion is the result of their own firm conviction and that they will practice their religion even if they will face negative consequences by their neighbourhood or State authorities.

Article 4 of the EU Qualification Directive places the burden of substantiating the asylum claim on the asylum seeker. This has also been expressed by the Luxembourg Court in the Fathi judgment in 2018: **the applicant has a duty to substantiate their claim**. They have to explain their religious belief, how they developed their belief, how they understand and live out their faith and their connection with the doctrine and other aspects of religion as well as their possible role in the transmission of their faith. Finally, the applicant has to substantiate all this **in a credible manner**. In a similar way, the Strasbourg Court has decided that it is in principle for the applicant to adduce evidence capable of proving that they will be exposed to a real risk of inhuman treatment according to article 3 of the European Convention of Human Rights.

Since it is difficult to explore someone's inner belief, forty judges, including Prof. Harald Dörig, from thirteen EU Member States gathered in a workshop in Berlin in 2015 to examine the problem. This and similar

workshops, Prof. Harald Dörig explained, take place every two years and focus on different subjects: religious conversion in the asylum procedure was discussed, indeed, in 2015. It was stressed that **the focus should not be on what the asylum seeker knows about the new religion, but rather on the importance of this conversion for them.** In other words, the judges agreed that they shall look at the individual situation of the person and not exclusively make a religious examination by analysing, for instance, how much the applicant knows about the Bible. Although the applicant's knowledge of the new religion can be investigated, such as knowledge about places of worship, the structure of the church, and religious practices, more attention shall be given to their **personal background.**

Besides the personal background of the applicant, Prof. Harald Dörig presented other elements that are considered as important by judges when dealing with asylum claims on the grounds of conversion. Firstly, **the early mentioning of conversion at the hearing with the administration.** Although the mention of the conversion at the first hearing is seen as positive, the lack of it is not *per se* to be seen as a negative factor. For instance, it has been seen to count in favour of the applicant when the late mention of the conversion is the expression of a process of sincere religious conviction. In 2021, the Supreme Court of Finland stated that even if an asylum seeker expresses their new religion after their first claim was rejected by the administration service, this can be a true conversion, a true belief because it is possible that somebody has gained a strong belief in Christianity during the asylum procedure. Therefore, late mention of a conversion does not have a negative outcome if it is justified in a credible way by the applicant.

As for conversions taking place in the country of origin, it is important for the judge to know **how the people around the applicant, including State authorities, reacted to such a conversion** and what problems arose. Whether the conversion took place in the country of origin or in the country of refuge (*sur place* claims), it is necessary that the applicantS can explain the reasons for their conversion, how they came into contact with Christianity, what have been the key experiences which

give a motive for an intensive engagement with religion. It is also interesting if the applicant explains their criticism of their previous religion: why did they change it? What were the negative points they saw in their former religion?

Not only are judges interested in understanding what really convinced the applicant to convert, but also in the **duration of the conversion process**: when was the decision to convert? How much time has passed between the initial contact with the religion and the baptism? In this regard, Prof Harald Dörig observed the impressing differences existing among Christian denominations concerning the duration of the preparation (e.g. catechism) necessary to be baptized.

Another important aspect judges take into account is **how the applicant lives their life after having converted**. Personal questions, such as to what extent has the applicant's family been involved in the conversion process or how they reacted to it, allow judges to investigate the personal contact the applicant has with the new religion, which is more important than what they know about it in terms of theoretical knowledge.

Prof. Harald Dörig finally addressed the issue of the **certificates** that support the genuineness of a conversion and that can be presented in Court since it is here that representatives of churches play a role. Although judges have different opinions about these certificates, he highlighted the positive impact they can have in showing that the applicant is engaged in the Church. This can help to have a broader picture of the personal situation of the applicant.

Prof. Dörig concluded by recognizing that it is hard work for judges to keep in mind that there are many factors to take into account when dealing with an asylum claim invoking conversion to Christianity. It is important for judges to acknowledge the differences characterizing the different Christian denominations and to focus on the individual circumstances rather than on the applicant's theoretical knowledge.

DISCUSSIONS

Conversion: what is it all about?

Some participants agreed that conversion is hardly a matter of knowledge and added that social, cultural and historical aspects can also be important. A reference was made to the Dutch working instruction which points out that not all foreigners are used to talking about their emotions and feelings; in such cases, other aspects should be highlighted in the investigation made by State authorities. The approach and the position of the rest of the society and/or of a certain community should also be examined.

Credibility Assessment in an EU Court of Justice Perspective



Mr. Peter George Xuereb offered the second input of the day, based on his experiences as judge at Court of Justice of the European Union, formerly Judge in the General Court.

Mr Xuereb opened his input explaining that within the European Union, there is a two-way dynamic: the Court of Justice reacts to the questions from the national courts; national courts ask for the interpretation of for example the Qualification Directive. In the framework of this dynamic, it is important for the Court of Justice to know what the developments are concerning, for instance, the evolving definition of conversion. Therefore, in judging a case, the Court tries to leave the door open for the future to alternative circumstances. With these words that Mr. Peter George Xuereb used start his reflection, he stressed **the importance of openness to the evolution of thinking which is specific to the Court of Justice of the European Union**. Having practical guidelines representing an accumulation of thinking across disciplines, such as the ones developed by EUAA, is, therefore, extremely interesting for the Court in the defining and the interpretation of a piece of legislation – in this case the Qualification Directive.

When dealing with the credibility assessment of an asylum seeker's conversion, the background is constituted by two main cases: the Y AND Z case and the FATHI case. In Y AND Z, the Court mainly identified three principles:

1. only a severe violation of religious freedom can be regarded as an act of persecution;
2. the violation has to affect basic rights;
3. the severity of the act of persecution must be identified.

Mr. Peter George Xuereb added that where conversion is concerned, the very essence of human rights is involved as **the choice of religion is an absolute right**. As for the severity of the act of persecution, he pointed out that this term refers to nature of the repression as well as to its consequences. It is, therefore, essentially about the effect the act in question has on the individual and the question to be asked is: is the individual oppressed in the exercise of their religion?

In *Y AND Z*, §72, it is said that:

for the purpose of determining whether interference with the right to freedom of religion which infringes Article 10(1) of the Charter may constitute an ‘act of persecution’, the competent authorities must ascertain, in the light of the personal circumstances of the person concerned, whether that person, as a result of exercising that freedom in his country of origin, runs a genuine risk of inter alia, being prosecuted or subject to inhuman or degrading treatment or punishment by one of the actors referred to in Article 6 of the Directive.

Mr. Peter George Xuereb stressed the importance of the use of *inter alia* which leaves the way open to further elaboration. In fact, the Court operates by reference of interpretative sources of Human Rights. The EU Treaty refers to the European Convention of Human Rights (ECHR) and to the binding EU Charter of Fundamental Rights. However, the work of the EU Court takes place within the context of the Geneva Convention and its definition of refugee and, thus, within the broader United Nations and Human Rights development. The EU Court of Justice is open to all of that.

While the ECHR establishes minimum standards, the EU system allows to go beyond that. However, in the context of the EU, Member states need to agree common standards that, by definition, because of the diversity in the EU, may not always immediately achieve the highest possible standard of protection. Nevertheless, when looking very closely at the wording of the EU directives, there are loopholes that Mr. Peter George Xuereb called grounds for some flexibility. These are, perhaps, issues which can be addressed by the EUAA guidelines.

An example of these grounds for some flexibility can be found in article 9 of the Qualification Directive:

In order to be regarded as an act of persecution within the meaning of Article 1(A) of the Geneva Convention, an act must: (a) be sufficiently serious by its nature or repetition as to constitute a severe violation of

basic human rights, in particular the rights from which derogation cannot be made under Article 15(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms;

The use of the words *in particular* can be seen as an open door leading the Court to interpret this article as a non-exhaustive list of acts of persecution.

The concept of religion has also been understood by the Court in the broadest term. Article 10 (1) b) of the Qualification Directive states:

the concept of religion shall in particular include the holding of theistic, non-theistic and atheistic beliefs, the participation in, or abstention from, formal worship in private or in public, either alone or in community with others, other religious acts or expressions of view, or forms of personal or communal conduct based on or mandated by any religious belief.

Moreover, it is acknowledged that the concept of religion should be understood as identity, belief and way of life. Therefore, in legal terms, conversion is a personal belief linked to a particular way of life which is crucial to one's existence. Therefore, EU Law allows the EU Court of Justice to see things in this broader perspective.

In addition to this openness, it is true that the Court stated that only a severe violation, having a significant effect on the person concerned, can be regarded as an act of persecution. In Y AND Z, §64-65, it is said that:

*That interpretation is likely to ensure that Article 9(1) of the Directive is applied in such a manner as to enable the competent authorities to assess all kinds of acts which interfere with the basic right of freedom of religion in order to determine whether, by their nature or repetition, they are sufficiently severe as to be regarded as amounting to persecution. It follows that acts which, on account of their **intrinsic severity** as well as the severity of their consequences for the person concerned, may be regarded as constituting persecution must be identified, not on the*

basis of the particular aspect of religious freedom that is being interfered with but on the basis of the nature of the repression inflicted on the individual and its consequences, as observed by the Advocate General at point 52 of his Opinion.

Consequently, in assessing the severity level of the measures and sanctions adopted, one should look at their nature, but also at the intrinsic severity of the repression and its consequences as main criteria.

Mr. Peter George Xuereb concluded his presentation by proposing some questions for reflections: is it possible for the Court of Justice to constantly move in the direction of the accumulated common knowledge evolving across time? Can this knowledge be reflected in the evolution of case law? He hopes it can be the case. He finally expressed his hope concerning the ideas contained in the EUAA Practical Guide: he thinks that certainly the Court of Justice will remain open to this document fitting into in the future cases that may come before it.

DISCUSSIONS

The impact of the EU accession to the ECHR when it comes to asylum procedure and standards

Acknowledging that the standards established by EU Law and the ECHR are not always the same, it was asked what the impact will be on migration and refugee law in the case of a future accession of the EU to the ECHR. According to Mr. Peter George Xuereb, there would not be much difference between the current situation and the foreseeable accession of the EU to the ECHR since all EU Member states are already bound by the Convention as recognized by article 6 TUE.

Mr. Peter George Xuereb proposed then a reflection on the **different dynamics** within, on the one hand, the EU and, on the other hand, the ECHR. In fact, what has prevented the access of the EU to the ECHR so far is the difference between the two systems. The EU has objectives that are not essentially human rights objectives; **the considerations which come into play within the EU system are thus not the same as those coming into play in Strasbourg**. The European Common Asylum System (CEAS) is an example: it is a reaction to migration pressures, even if the respect of fundamental rights is foreseen in terms of reception and in all other stages of the asylum process. In other words, the CEAS is not a Human Rights instrument; it is essentially an instrument of immigration management across Member States with different approaches to migration and whose differences show in the legislation. However, Member states ascribed to the European Convention whose essential vocation is assuring the respect of Human Rights by setting minimum standards. Given the current situation, according to Mr. Peter George Xuereb, what the EU and the ECHR must do is to follow each other, as they are already doing. This is an opportunity too.

Reaction of Scandinavian Human Rights Lawyers



SCANDINAVIAN
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LAWYERS

Ms. Ruth Nordström offered a number of remarks on the previous presentations. She represents Scandinavian Human Rights Lawyers, a group of lawyers, an NGO and a law firm based in Sweden which specializes in Human Rights, Migration and Asylum Law and which over the years has represented hundreds of asylum seekers who have converted from Islam to Christianity.

Sweden is probably the country in the EU that has welcomed the most refugees during the “refugee crisis” in 2015 and since then, there have been many asylum-seeking proceedings regarding this conversion to Christianity. In 2019, Scandinavian Human Rights Lawyers made a report together with 5 Christian denominations and different churches in Sweden. Around six-hundred cases regarding conversion from Islam to Christianity have been studied to find out how the credibility assessment was made and if the asylum procedure was legally insecure. It was found that in 68%, almost 70%, out of these 600 cases, asylum was denied because the faith of these asylum seekers was deemed not genuine. If the applicants mentioned the conversion as a reason in the asylum procedure not in the first interview, but later in the Court or in a new proceeding, 81% of these claims was rejected. This is why Scandinavian Human Rights Lawyers started to do a legal review and a new assessment of these cases, in comparison with the case law from the European Court of Human Rights as well as the UN Committee against Torture. They have also sent over fifty complaints concerning these cases to the UN Committee against Torture which agreed to hear 70% of these cases. The Committee found that Sweden have violated article 3 of the Convention against Torture in these conversion cases.

As previously mentioned, problems in the asylum procedure can arise due to **interpreters who don't know the terminology of Christianity or who could be biased**, or the perception of the asylum seeker of the interpreter coming from the same region where they can from. In addition to these issues, another problem could be the **lack of knowledge about Christianity, or Islam, or about religion at all**. Ms. Ruth Nordström gave the example of a case in which the applicant was baptised in the Catholic Church, after going through catechism and lectures for over one year and there were priests confirming that the person was a real convert. In other words, all the written evidence was there. When the applicant came to the oral investigation at the Migration board, the case officer was apparently a Muslim as she wore the hijab. The case officer started to question the asylum seeker's reaction against Islam, stating that it was not possible to say those kinds of things about Qur'an, for instance. Moreover, she did not know about

crucial things about Christianity, such as the Sacrament of Eucharist. It was obvious that the case officer herself was not objective and was not giving proper treatment to the Scandinavian Human Rights Lawyers' client. Nevertheless, the applicant lost the case both at the Migration Court and the Supreme Court of appeal of Migration law.

Concerning the questions asked during the interview, it was noted that, in these six hundred cases, **almost all the time the interview consisted of a real religious knowledge examination in which the applicant was expected to discuss deep and complex theological issues.** Ms. Ruth Nordström gave another example of a case in which the applicant was a member of the Salvation Army. The Judge of the Migration Court asked the applicant questions about the liturgy of the Swedish Church, how the different Christian festivities are celebrated within it as well as about baptism and the Ten Commandments. Despite the applicant explaining that in the Salvation Army all these practices are different, in the final judgement it was stated that he had no knowledge about the Swedish Church.

The conclusion that was made by Scandinavian Human Rights Lawyers after having done their legal analysis was that **the main focus of the assessment by the Swedish courts was not so much about how applicants live out their faith but, rather, about their ability to speak in intellectual terms, i.e., why the applicant made the decision, intellectually and not spiritually, to leave one religion and go to another one.** The applicant's communication and intellectual skills were what really mattered in the assessment.

Nevertheless, as stated by the UN Guidelines, when making a decision, it is important **to take into account the background** of many of these asylum seekers since many of them come from a very poor situation and do not have any educational background. Therefore, the conclusion is that the assessment of the credibility of an applicant's conversion in the Swedish context is not made in accordance with the jurisprudence from International Courts and not always made in accordance with the rule of law. It is too uncertain because it is too biased.

Another issue concerns the **burden of proof** which weighs on the applicant. In the conclusions of a decision released before Christmas by the UN Committee Against Torture, it is said that the activities of the applicant on social media, which may be related to evangelization, to spread the Christian message, have not been taken into account. The same goes for medical diagnosis, since Scandinavian Human Rights Lawyers claimed the applicant had mental health issues. In this regard, the Committee said that the State party failed to adjust its objective expectation regarding the different abilities of the applicant. Additionally, it has been said that it is very important to take into account all the different grounds in the assessment because one individual justification may not be enough, but all these grounds together may be enough to cover this burden of proof. The Committee said, in this regard, that the State party failed in its duty to undertake an individual assessment of the personal risk and to also place the evidence in the context of the cultural and educational background of the applicant. This is essential because if one does not have any educational background, how is it possible to have the ability to speak in a way that will convince a judge about all your knowledge of Christianity? The Swedish authorities also failed to obtain and include in the assessment independent medical evidence and to consider this evidence as a whole: many risk factors weighed together should be what the Court or the authorities should look at.

All these system deficiencies have been underlined in the report of Scandinavian Human Rights Lawyers.

DISCUSSIONS

The following discussion, mainly between the three speakers took place based on questions asked by Ms. Ruth Nordström.

Translation of the EUAA Guidelines

Ms. Ruth Nordström asked whether the EUAA Guidelines will be translated into all European languages. Ms. Marder explained that guidelines are not systematically translated into every EU language, but it is done by demand from the national administrations. Therefore, the Practical Guide on interviewing applicants with religion-based asylum claims will be translated if it is considered necessary at the national level.

Follow up on the concrete application of the EUAA Guidelines

Ms. Ruth Nordström asked how the EUAA will follow up how the Guide will be used by the case officers and judges once the document is distributed. Ms. Marder explained that the following and the promotion of this tool is what the EU Agency wants to focus on. The EUAA has already started organizing **launching events** that can be attended by a limited number of case officers in the EU. They also offer the possibility to present the tool within the different administrations if the national administration decides to take this offer. Additionally, an **evaluation** is planned, for the next years, that will be done by an external partner of the EUAA guidelines to see to what extent they are actually put into practice and how they can be improved to make them more relevant to the work of case officers.

Ms. Marder also added that the EUAA works with the consultative forum that encompasses civil society organizations that will play a bigger role under the new enhanced mandate of the agency.

This network will be, therefore, the **main channel for civil society organizations to work together with EUAA and to coordinate with Member States**. In this framework, the EU Agency always encourages, on one hand, NGOs or any civil society organizations to reach out national administrations and, on the other hand, those national administration members of our network to keep that dialogue and cooperation. Although this cooperation will depend on the national context, under the enhanced mandate of the agency, civil society will have a more prominent role.

The function of the Judicial analysis published by EUAA

Ms. Ruth Nordström explained that Scandinavian Human Rights Lawyers use EU guidelines all the time in their cases. However, they observed that Swedish authorities do not follow these guidelines, but only Swedish rules. Prof Harald Dörig replied to this observation by underlining the importance of the judicial analysis published by EASO and made only by and for judges. What is important is that these documents are produced not only to inform judges, but as a **basis for judges' training**. In this way, they can be distributed more widely. Also, with every judicial analysis comes the judicial trainers' guidance note consisting in cases and other examples that can be used for training courses. These training courses, which are organized every year by EUAA and take place mainly in Malta but also in Brussels, Paris, etc., are for national judges dealing with asylum seekers in particular.

EUAA Guidelines and the UNHCR Guidelines

Ms. Ruth Nordström asked about the importance of these EU guidelines compared to the UNHCR legal guidelines on international protection in religion-based claims. Ms. Marder explained that **the UNHCR guidelines on religion-based claims have been taken into account in the development of the EUAA guidelines**, but also that the UNHCR is part of **the reference group that reviews the whole draft**. Prof Harald Dörig added that the UN and the EU Guidelines are not in concurrence with each other as International and EU Law are at two different levels.

**Political discussion and practical
training
Pastor Dietlind Jochims**

Pastor Dietlind Jochims started the exchange on best practice by churches. She is the Commissioner for Refugee Affairs in the Evangelical Lutheran Church in Northern Germany as well as the chair of the ecumenical “asyl in der Kirche” association.

Session chaired by Mr. Arie de Pater, EEA.

Pastor Dietlind Jochims aimed to put many of the relevant questions into her context which is that of a German Lutheran pastor. In her time as pastor in Hamburg she had several baptism requests and did baptize persons from Afghanistan and Iran. She is still in loose contact with all of them. Some remain very active; some have withdrawn from actively participating but continue to be members of the Church. Since 2014 She is working as refugee commissioner for the Lutheran Church in Northern Germany and also active in the German Ecumenical Movement for Church Asylum/sanctuary, a movement in specific cases giving temporary protection to refugees who in case of deportation might be facing a danger for their life or Human Rights violation. She shared some of her experiences with the hope that they can be of value to others and ignite further discussions.

She started by presenting some short preliminary remarks and questions:

Who are the actors in dialogue and learning processes?

1. the “authorities” - the German asylum agency BAMF and the courts
2. the official churches – mainly protestant churches
3. migrant churches, often less formally organized
4. the local congregations and the clergy
5. the asylum seekers or new members of a congregation

What is it all about?

She is convinced that **dialogue and learning processes are less about truths and certainty than they are about questions and doubts**. Just as conversion is less a point in life but a process.

The discussion in Germany about the question is not new. In 2013, EKD, the Evangelical Church in Germany published a brochure “About asylum seekers requests for baptism” that in essence still holds all the essential points. With the growing numbers of such requests, after 2013, the points in question were discussed more widely.

She put some thought into two aspects:

- 1) formats of dialogue
- 2) aspects of learning processes

1) Formats of dialogue or: Churches and government authorities in dialogue, or: Whose business is what?

The dialogue has no easy starting point, because there is a **climate of mutual criticism**: Churches say that the testimonies of clergy are not taken seriously and that the attitude of the asylum agencies and/or courts is one of mistrust and unfairness; some authorities and/or Courts respond that churches are just naïve and easy to be manipulated. In this climate, one is called theologically ignorant, the other one is considered politically illiterate.

What they did as churches was to try **to talk with one another instead about one another**. They did so on different levels:

- by organizing local workshops with pastors from the region, asylum interviewers from the regional offices in Germany with testimonies from new members of congregations.
- by bringing the topic up in established formats such as “Diakonia and asylum agency in dialogue”, taking place in different regions in Germany every 2 years.
- by inviting judges.
- by collecting and documenting asylum and court procedures involving conversion.

They named concrete critical points, underlined questions asked in interviews that they thought were not legitimate, pointed out derogatory comments and highlighted misunderstandings that arose from incompetent translation.

The documentations were collected on a federal level and discussed with the heads of the federal asylum agency.

In 2019, the BAMF invited an expert from the EKD to give a lecture for and discuss with multipliers and interviewers of the agency the issue of conversion and the churches' points of view.

In 2020, the German Federal constitutional court put some clarity to the question whose business is it? It was, in short, decided that:

- [...] the courts may not conduct either a formal or a substantive examination of faith in the case of asylum applications by converts. However, they must be satisfied with the fact that the persecutory religious activity is of central importance to the religious identity of the person concerned.
- This violates neither the right of self-determination of the churches or religious communities nor the individual's freedom of faith, conscience and religion. This is because the examination of whether the conditions for granting refugee status under the Asylum Act are met is not a separate matter for the churches or religious communities. The examination of refugee status does not fall within the scope of the fulfillment of the religious mission, but is assigned by law exclusively to the responsibility of the Federal Office for Migration and Refugees and - in the case of a judicial review - to the administrative courts. (quote from the court, own translation)

Therefore, some things have changed over the last years in what Prof Nagy has called filling gaps in the lack of expertise on both sides:

- The BAMF has introduced a code of conduct.
- Every conversion decision is rechecked in the agency's department for quality assessment.
- Lists of theological terminology are distributed, translators and also interviewers are better trained and qualified.

However, to her knowledge, the rate of recognition of asylum claims has not risen. It is not easy to statistically verify this because churches count adult baptisms but not conversions and the authorities count nationalities but not claimed reasons of persecution.

So, the question is, if the setting has improved, why are the results no different?

2) Aspects of learning processes

Here, Pastor Dietlind Jochims focused more on church aspects and life in congregations. She started with a short story from her former parish. A young woman from Iran freshly arrived in Hamburg was looking for a Christian congregation she could call her spiritual home. As her knowledge of German was yet limited, she turned to a Farsi speaking church in Hamburg. When she came there, she was wearing a short-sleeved Britney Spears T Shirt. She was admonished and told to dress more adequately. She never returned to that church. Pastor Dietlind Jochims met her sometime later and they talked about this experience. What she said was: « I did not leave a country and a religion that I perceived as not giving me freedom to be and believe to accept the same regulation here in a Christian church in Germany ».

It is individual stories and experiences you share that make theological and religious terms come to life.

Do not detach the story from its context – to use the words of Prof. Nagy.

Some churches in Germany have employed **cultural and language mediators** helping to understand the contexts and respective backgrounds in a church or a parish. They assist in empowering the voices of those who often lack the easiness of moving around in this specific country, this language, this church and this religion. They help us learn. All of us. For the established church members and for the pastors it can be enriching to be confronted with questions that have been long forgotten; **an opportunity to newly value the reality of religious freedom and to discuss about love and hate, peace and freedom in new ways.**

For people still in the asylum procedure the issue is essential in two ways: spiritually and in terms of depending on being able to make their convictions credible. In this regard, she said:

“Less preaching, more talking!

Empower people to find words. To tell their story. Their expressions of believing. Their favorite biblical story. Our system may favor good story tellers, but conviction must not be a question of eloquence.”

One simple example is the one of the young women wearing a Britney Spears T Shirt.

Don't only focus on certainty and truths. Leave room for question and doubt.

In her experience, this is not easy for many persons who have experienced authoritarian religious concepts and/or have grown up with authoritarian governments and/or families. When one seeks safety and certainty in a new religion, pluralism may also be confusing. Even for some parishes pluralism is a training field.

Discussing things controversially with a pastor? Interrupting? Having doubts? Asking questions freely? Understanding secular society and the separation of religious and state institutions. **It is the responsibility of both pastors and congregations to help converts making the Christian faith, the church life, a place of mutual trust and learning.**

She sometimes found herself asking as many questions as she was trying to answer. Why this fundamental condemning of everything Islamic? Why this binary logic, as Prof. Nagy said? Islam is hate, violence and oppression? Christianity is love, peace and freedom? It is a field of training for all of us to discuss these simplistic views.

When it comes to court hearings, for example, what can congregations do?

- giving testimony
- sitting in the courtroom
- writing testimonials
- letting the court know the person is a part of your church and church life.

She has read many testimonials written by pastors. Some of them she found excellent. Sometimes pastors tend to speak more about themselves than about the new church members. Often, they seem to speak about saints or faith top performers. There seems to be no room for "normal" people. Or even about fabricated or exaggerated stories. We have to know about them too. But that is not our topic today.

*It is not about saints or top performers. It is about Britney Spears T
Shirts.*

*It is about moments where a word, a story, a situation really touched
your heart.*

It is about finding the courage to rebuild and to grow.

*Finding words of faith for that and creating spaces where we can
honestly talk and sing and pray and listen that is what makes our faith
credible.*

No need for Christian super heroes. Sharing our stories.

She believes that through sharing and learning we will be better able to give testimony of our faith. Not primarily, but also in asylum interviews.

Pastor Dietlind Jochims concluded her presentation with one last very practical remark, going back to the interviews that may have become better concerning the settings but not necessarily concerning the decisions: in Germany it is often possible to go to the interview being accompanied by a person of trust, even an interpreter of trust. Not spontaneously, especially in times of Covid, but announcing it beforehand has often had a very positive effect on atmosphere and content of interviews.

DISCUSSIONS

Guiding converts' behavior

Regarding the difficulties that can arise when converts have been told how to behave, what to do and what not to do, it was noted that there are people opposing this approach but there are other converts who are still strongly following or would like to follow this pattern of 'being told'. How do Christians pray? How do Christians pray the Bible? What should they do when they are not following Jesus? In other words, it was observed that there are people who really need their freedom to develop their own style and others who are grateful to catch more clear guidance on how they could live their Christian life.

Pastor Dietlind Jochims agreed with this observation which, according to her, makes things even more complicated since there is not one rule on how a Christian should live their life. There are different, **pluralistic concepts of freedom of believe** and everyone should learn it: the converts, the people who form the churches and State authorities too. However, a difference was also pointed out between wanting to know how to do things and being forced doing them. According to some participants' experience, new converts want to know how they should behave as Christians, but also want to make free decisions. It is a difficult balance to find.

False stories

Pastor Dietlind Jochims was asked whether she has noticed false stories circulating among the people seeking conversion she met. She replied that, unfortunately, the answer was yes and added that it is also lawyers and refugees, who have been in the congregation a little longer, who spread stories and rumours that are sometimes taken as true by

newcomers in a sensitive situation. The assumed credibility of migrant communities is a great thing sometimes, but sometimes is not helpful.

It has to be a credible and plausible individual story and the individual stories are worth being told.

No need to make another story of your life, no need to adopt stories from others, no need to refabricate or exaggerate.

Only the unique stories are worth being told and heard.

**Providing guidance for churches on
baptism for asylum seekers**
Mr. Ben Ryan, Justice and Home Affairs
advisor from the Church of England.

The subject of fake cases is topical in the UK context, especially since the case of Emad al Swealmeen, the failed asylum seeker who attempted to bomb a women's hospital in Liverpool – unsuccessfully. He killed himself but no one else. That story took on a difficult dimension for churches because it emerged that he had been baptized in Liverpool Cathedral and that he has claimed to be a Christian convert as a means of a second asylum claim after the first one was rejected. That second claim was also rejected. But what rapidly became the story, partly driven by politicians and by the media, was that this was a widespread problem, that actually churches were at best naïve, at worst actively complicit in helping people to fudge the rules and to stay in the country illegally. It became a difficult media story for churches. Mr. Ben Ryan focused, therefore, on how churches should shape guidance in this kind of context as well as in the wider context of policy and of churches.

In the UK policy landscape in the UK, as in many other European countries as well, the asylum refugee system is a real political hot topic, incredibly contested and which became a big issue mobilized by political parties. Moreover, for a long time, within the UK and in several European countries, there has been a **movement towards seeing civil society as a means for border control**. For example, in the UK, if one wants to hire someone for a job, as an employer they are responsible for checking the migration status of the candidate and reporting it, if necessary, to the Home Office. If one wants to rent a flat, the landlord is responsible for checking someone's migration status. This is a growing trend in which parts of the civil society have almost been co-opted into the process of assessing migration claims and in their enforcement. In this context, everything the Church does is amplified and becomes something which is taken more seriously. The reason lies in the wider context of reduced fundings and other means of support - reduced funding for legal advice, for housing. As a result, the Church is becoming more and more important, being one of the relatively few bodies which is funded and equipped for supporting asylum seekers in every community. The Church of England, like many European churches, has an ambition - if not always a full reality – to have a presence in every single community.

Providing guidance for churches on baptism for asylum seekers - Mr. Ben Ryan, Church of England

Mr. Ben Ryan presented, then, the **four major principles** used by the Church of England to shape guidance for clergy on how to deal with people approaching the Church to seek baptism:

- 1) It's non-negotiable that the Church has to hold **open access to baptism** to those who want to make a genuine commitment to Christ.
- 2) **The reality shall be acknowledged:** there is a belief that baptism can help in jumping in the queue for the asylum status. There are cases, probably isolated, of people faking conversion in order to improve their situation, but it is very hard to identify them.
- 3) It would be **unfair and discriminatory** to make the process of seeking baptism different depending on someone's migration status
- 4) It is desirable that there is **consistency across the Church** about how guidance operates.

As for the first principle, it is not negotiable and should not be controversial: the Church identifies itself as part of the universal Christian Church, committed to going out to make disciples of all the nations, as it is built into canon law. All guidance shall be absolutely clear, therefore, that baptism cannot be refused to those who seek it in sincerity. This leads to the second principle. The Church is aware of evidence of certain smuggling gangs giving advice to asylum seekers and of stories that circulate within asylum seeker communities to make people believe that they are true Christians; yet it is also aware that, in practice, it is impossible in practice to fully determine this. This is not just a policy concern: **not only does the Home Office care about the credibility of asylum claims, but the Church also has a duty to protect its sacraments as well as the sincerity and the integrity of the religious community.**

These two principles shall be balanced out: if it is true that the church can never ban someone from baptism, it is also true that it is not necessary to immediately grant it. The same is true for assisting people

with making migration claims based on only a very short identification within the community. Therefore, the Church of England suggests that clergy need to be confident with those seeking baptism and should help them to fully understand what it signifies and what it means from the Church's point of view as well as what kind of support they will be given. This is in accordance with canon law saying that adults seeking baptism have to be instructed by the minister in the principles of the Christian religion and prepare themselves with prayers and fasting so that they fully understand what they're getting into.

As explained in the guidance, it is entirely possible and even desirable for clergy to demand a **period of instruction and demonstration of the commitment that someone's understanding is real and sincere**. And that might include evidence of time spent in on a particular run of classes or courses, of attending church or of a consistent role in the community. Clergy are also asked to recall Matthew's gospel, the instruction to be as wise as serpents and as gentle as doves: if they're not convinced that an applicant is sincere, they may continue asking them to show commitment until they are convinced. The hope is that it will provide some level of balance which does not mean preventing people from approaching Christianity, nor is it confirming the criticism from government and others that the Church is simply being naive in helping people.

Nevertheless, the third principle reminds us that it would be unfair and discriminatory to make the process of seeking baptism dramatically different depending on migration status. This is something to be taken seriously. The Church of England, three years ago, had to issue an official apology in its general Synod for the way it responded to the "Windrush Generation", that is the large migration pattern that came from the Caribbean and West Indies in the 50s, 60s and 70s and who often found themselves not welcome in the churches because of the barriers put up to exclude them. This happened in a way which came to the great detriment of the Church of England, but also of those who were seeking membership. According to Mr. Ben Ryan, the Church need to learn that

lesson, because it would clearly be completely unjust, and be a major barrier to the growth of the Church, if two people, one of whom has some form of irregular status and the other is a British person, arrive at the church on the same day and say they want to be baptised, and they have completely different experiences of the process which is put in front of them. Therefore, the guidance shall be clear on the fact that even if there is guidance for clergy supporting asylum seekers because of the need for discernment around that process, there is always a process which should apply to everyone seeking baptism regardless of their migration status.

That leads us to the final principle. It is inevitable that different parishes, dioceses, and denominations do things a bit differently, but it is not desirable for it to be a dramatically different experience. The fourth principle then, is how do we, as the Church, ensure that this guidance lays out examples, case studies, clarity, but in a way that is understood consistently across places to avoid injustices.

Engaging with constitutional courts

Mr. Anders Jordet and Bishop Emeritus Berger Jørgensen

Mr. Anders Jordet, Senior advisor at the Church of Norway and Bishop Emeritus Berger Jørgensen, former bishop of the Diocese of Sør-Hålogaland in the Church of Norway and Bishop of the Lutheran Church in Great Britain shared the presentation.

Mr. Anders Jordet started his presentation by presenting a case concerning an Afghan family, a mother, a father and their three children, living irregularly in Norway according to Norwegian law. They found refuge before in a small charismatic free church and, after being detained by the police for a while, in a church not far from Oslo which is part of the Church of Norway. The family applied for asylum status in 2015 and converted to Christianity after their application and the following appeal was rejected in 2016. On this basis, they appealed again, but their appeal was once again rejected because their conversion was deemed not credible. The parents, then, decided to sue the Norwegian government to trial their case in Court. Their appeal was rejected once again and, in April 2021, the Supreme Court decided to close their case.

And the case raised at least two important questions:

1. How to evaluate whether their conversion was credible or not
2. How much weight should the testimonies of Christian pastors be given by the Court?

In the Norwegian court system, one can support a party in a legal case as long as there is sufficient legal interest in the case. Based on this case, the Church of Norway had a legal interest and therefore was able to support the family and argue for the part of the case concerning how to weigh the testimonies of clergies.

The Appeal Court had in its previous ruling left a feeling of uncertainty connected to this. The ruling could be read in a way that meant that the testimonies of clergy should be treated especially critically by the Court. The Church of Norway argued the opposite: **because of the clergy's education, professional training and knowledge of the conditions pertaining to cases like this, their testimonies were of a high value and should be valued so by the Court when it comes to the evaluation of a credibility of a conversion.** The Supreme Court, in June 2021, with a majority of 3 judges - versus a minority of 2 judges, which based their verdict on the Church-written testimony attesting that it was a real conversion- ruled against the family: their conversion was considered not

credible. So, by the slimmest possible margin, the family lost their case. However, what is significant is that the Supreme Court acknowledged and explicitly stated that **clergy competence is to be given considerable weight when it comes to religion-based assessment in cases related to conversion**. The Court also explicitly acknowledged that **clergy are important witnesses in this type of cases**. The verdict, therefore, gives a small but significant **legal tool** that will be helpful when it comes to arguing conversion cases in the future.

Bishop Emeritus Berger Jørgensen has followed the above-mentioned case very closely and has even been an expert witness in an early stage of the Court procedure. He also helped the Church lawyer in answering questions on the situation before the Supreme Court. According to the Bishop, the verdict presented above is a very strange one: on the one hand, The Supreme Court provided for a new basic notion of respect for the Church testimony and evaluation. However, on the other hand, three of the five judges did not listen accurately to the reflected testimony from the pastor/priest, who have been in contact with this family over several years in Church asylum, either in the Pentecostal tradition or in the Church of Norway in the last years.

Reflecting on how it was possible for three of the five judges to go against their own principle of listening to the Church, Bishop Emeritus Berger Jørgensen's thought is that the judges have more respected the judgement of the Norwegian immigration authorities, heavily based on the Norwegian country of origin information centre, and the process behind them. According to this perspective, the three judges in the Supreme Court did not dare to go against the evaluation of the situation as made by the State authorities, and then by the Appeal Court: they trusted the administrative authorities despite church testimony because only the authorities have the all the information. They did so despite these two facts:

1. **State authorities obviously lack religious competence and knowledge** and that is expressed very clearly in the minutes the Church has from all the interviews:

2. State authorities have turned from universal interviews focusing on facts about new religion to what they call **reflections on the conversion process**. However, this opens the question of what kind of reflection, what do they mean by that? Norwegian authorities are not able to listen to and understand what converts are saying because of the complications that surround both the religious matter and the understanding of things that are not in someone's own language.

The Norwegian system does not know how to communicate in a religious universe.

Another issue raised by Bishop Emeritus Berger Jørgensen concerns the **independence of the immigration appeals board**. According to him, this appeals board is part of a governmental, political programme and perspectives with a broad popular support, and that, consequently, lets as few asylum seekers as possible get asylum in Norway. In other words, there is a **systemic suspicion towards newcomers** and, therefore, the aim is proving that any new conversion is not correct.

The communication strategy used by Norwegian authorities is that Church people do not know the whole story, they do not know why and how the system started to be critical towards asylum seekers. The bishop thinks this is the basic problem: the systemic role of the Norwegian governmental system is trying to define what these asylum seekers are actually saying when they say they have become Christians.

A new decision of the Supreme Court on the question of how the risk of returning to Iran is estimated and evaluated is anticipated, and Bishop Emeritus Berger Jørgensen is not very optimistic. He said he himself has followed around thirty Iranian cases and they have actually won a lot of decisions. According to him, now the government wants the Supreme Court to take an action in one of the Iran cases to try to stop the lower courts from listening too much to the Church.

DISCUSSIONS

Listening to clergy

It was asked what listening to clergy: would mean for the courts, accepting what clergy say, taking it for truth or taking it as a contribution? According to Bishop Emeritus Berger Jørgensen's experience, what the Supreme Court has decided will be a great help for churches in future cases as it will not be so easy for lower judges to not listen to them. This is especially true for the Church of Norway. However, the three judges of the Supreme Court did not follow this advice themselves in the concrete decision and this could be a problem in the future. So, what listening to clergy actually means is still unclear so far.

Some participants shared insights from their respective countries: in **Sweden**, testimony from the priest or the pastor has **limited value**. He is often criticized by churches and representatives of churches who would want the testimony to be given a substantial value. In the Netherlands, a Church statement or testimony can be of value **when it adds information about the applicant to the case file** and the Council of State has made it very clear that this must be taken into consideration.

Better interpretation/translation

Father Teemu Toivonen

Father Teemu Toivonen, Orthodox Church Finland, is member of the Finnish Ecumenical Council's working group for those working with asylum seekers that was appointed by the Finnish Ecumenical Council as soon as thirty-two thousand asylum seekers arrived in Finland in 2015. The first training session for the Finnish Immigration Service, held in 2017, was about baptism in different Christian traditions in order to provide the officials of the Immigration office with different backgrounds. Quite quickly it was noted that the interpretation provided in asylum hearings were not very high quality. The major issues were the interpretation as well as education: interpreters were not qualified enough. Many of them did not know Christian vocabulary and there were situations in which the religious commitment of the (Muslim) interpreter undermined their ethics, notably during the interview where criticism of the Coran was mentioned. The interpreter may refuse to translate or decide not properly translate such statements. This led to obvious mistakes in the proceedings, leading to negative decisions as, in Finnish practice, the interview proceeding is the most important step of the asylum process.

There was a common reaction of the Finnish churches to that, mainly through the Ecumenical council. The first action was to compile a proper list of the Christian vocabulary for the interpreters. However, there is always a risk or challenges when a word is used in different ways in different denominations. Father Teemu Toivonen even saw, during an interview, a list used by the officials of the Immigration service which did not have the word bishop on it.

Also, the Ecumenical council has organized trainings, for instance for one of the biggest interpreter agencies - the commercial agencies through which the interpreters are hired for the Immigration service -, mainly on Christian terminology. What the Ecumenical Council, especially the working group, is doing is to **keep up the dialogue with both the authorities and political actors** on different issues: interpretation is one of them. One of the points that they are trying to highlight is that there are different Christian denominations in different situations and all of them should be properly taken into account in this process.

There have been situations during past years, for example, where the asylum seeker has had the possibility of choosing a trusted interpreter for themselves for the interpretation during the proceeding. Therefore, it would at least seem that, the problems in the interpretation have been recognized by State authorities, but so far it is still uncertain whether the mistakes would have been corrected.

Father Teemu Toivonen pointed out that **interpretation also consists of religious literacy**. It is necessary for interviewers and interpreters to have administrative and language skills, but also religious literacy. This is because there were situations in which the Immigration service official was not able to recognize obvious mistakes from translation.

As for the Administrative Court, it has been the other main concern for churches, and some discussions have been organized with the Courts as well. However, they usually rely on the interview proceedings done by the immigration office.

DISCUSSIONS

The importance of religious literacy

Some participants agreed with the importance of translating the Christian terms correctly. However, it was noted that if the interpreter is Muslim and does not really have basic knowledge of Christian faith, even the list of vocabulary may not really be sufficient to assure a proper translation. The interpreter needs to not only know the different terms, but to understand the matter as well. The other difficulty is that if the interpreter is translating Islamic terms in a correct way, but the asylum officer does not understand the meaning of the Islamic terms and their value, they will not grasp the full sense and impact of these terms. Religious literacy, therefore, should relate both to Christianity and Islam.

Recording the interviews

In the UK, all the interviews are recorded and transcribed. This allows them to verify the performance of the interpreter involved in the process. In Finland, hearings are recorded too, but there have been cases in which those recordings went missing.

Thursday 20th January 2022

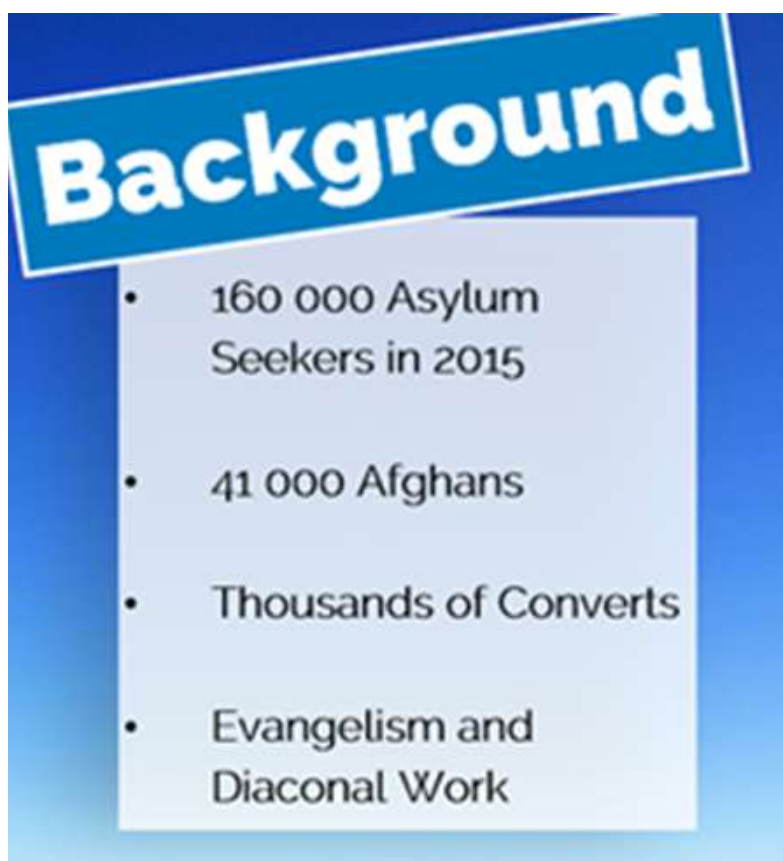
The role of foreign/"native" language parishes and churches in conversion

**Reports from parishes/churches
catering, for example, to Iranians or
Afghans - both in Europe and country
of origin**

Session chaired by Mr. Arie de Pater, EEA.

Pastor Christian Molk, Sweden

Pastor Christian Molk started the sharing of experiences. He is a pastor of the Pentecostal church in Härnösand, in Sweden, and has been evangelizing and baptizing many Afghans and Iranians locally. He wrote a book, (in Swedish), *Främlingsvänlig* - Friend of strangers -. He is also part of the Swedish Pentecostal Integration Council, chair of the Free Church Movement Right to Faith and Pentecostal representative on the Christian Council of Sweden's group working on immigration and integration issues.



Pastor Christian Molk started his presentation by introducing some background information. In 2015, Sweden, like other European countries, received a rather big number of refugees. One hundred and sixty thousand asylum seekers arrived in Sweden in only one year. Among them, forty thousand were Afghans. Unlike the Syrians, many Afghans became involved in churches and wanted

to become Christians. Since 2015, thousands of Afghans converted. Pastor Christian Molk himself has been involved in this process since 2014, mainly through evangelism, trying to reach Muslims, but also through Diaconal work helping refugees regardless of their faith and reaching out to them with the gospel through actions.

Locally, many Swedish churches have been working on refugees and asylum seekers mainly through language cafés, since the need of many refugees and asylum seekers in Sweden is learning the language as it is a key to society and to work.

As for Evangelization, Baptism classes are provided for those who genuinely want to become Christians. Pastor Christian Molk wrote his own Baptism class to reach Afghans. Since many of them cannot read or write, Baptism classes mainly consist of conversations and a step-by-step approach based on dialogue.

Leadership trainings are also organized for those who want become leaders in the Church: this is an important working area aiming at helping Afghans and Iranians to grow in their faith and become leaders in the Church at the same level as Swedes.

The preparation for asylum interviews is also part of the ministry as well as keeping contacts with the authorities to advocate for the rights of these asylum seekers who converted to Christianity, since Asylum authorities struggle in knowing what is true and genuine faith.



Pastor Christian Molk shared and discussed some of the questions that Afghans converts have received from the Swedish migration board during asylum hearings. All the converts in question have been rejected because they could not answer the following questions.



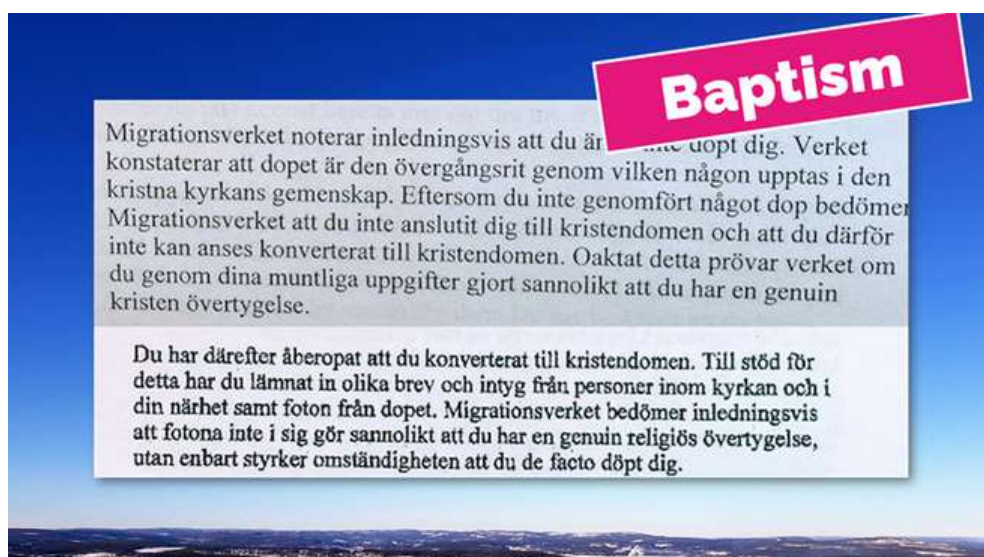
A convert was asked why, among all religions such as Judaism, Buddhism, Hinduism, he choose Christianity. The applicant replied that he had just read about Christianity and was not searching for other religions. The follow up question of the authorities was: « but if you wanted to change, why not shop around and see which one is really the best? ».



In this example, the investigator asked the convert if he had even discussed the Sword-verses in the Bible. The convert replied that he had never heard anything about it. And then the investigator added « I am talking about Matthew 10:34, can you tell me more about it? ». And the convert could not answer.



The reason why this applicant did not get asylum in Sweden was that he could not describe his faith well enough since he stated that the only reason he prays is to avoid traffic accidents and not get into trouble. However, this was a mistranslation. Actually, he stated he was praying the Lord's prayer and the translator translated to avoid traffic accidents, and because of this bad translation he got rejected.



The two sentences come from two different interviews of two different people. The first one states that since the applicant has not been baptized, the Migration board believes that he has not become a Christian yet and therefore he cannot be viewed as a genuine convert. And in the next one, below, the Migration board stated that just because one has been baptized does not mean that he is a Christian. So, whether the applicant is baptized or not, it does not matter.



Here, the Migration board stated that, despite the fact the applicant could correctly answer the different questions about Christianity, his asylum claim was rejected because he was not able to explain the whole context of All Saints Day.



The question, as translated from Swedish to English by the Pastor, is the following: « There are a lot of decrees in the Bible – from the Old Testament -, for example that you should not wear clothes made of more than one material, and I assume that the shirt you wear is made of cotton and polyester. How do you choose which decrees you should obey? ».

Based on these and similar experiences, part of the work of the Pentecostal church in Härnösand is to advocate for the rights of these Afghan converts facing the absurdity of the questions asked by the Immigration board.



At the regional level, the Pentecostal church has been working on the organization of conferences trying to connect the Diaspora Community and converts from Afghan and Iran. In this context, Afghan pastors out of the country have been invited to come to preach.

Because of Corona, zoom-training has been organized at the national level for those asylum seekers interested in the Bible and in leadership. Also, the network Right to Faith, which is mainly composed of the Free churches in Sweden, has been working a lot to raise awareness on the issue of how the Migration board is treating Christian converts in Sweden.





One of the first things that has been done is the creation of a National Prayer Day for refugees and converts all over Sweden. In his view this is one of the best ways to start movements, encourage reactions towards injustice, and gather people to pray for the cause.



Some years ago, during this National Prayer Day, eighteen thousand signatures were collected and sent to the Migration board.

The slide shows a test called *am I a Christian now?* It consists of questions that have been asked to converts from Afghanistan during their asylum interview. Hundreds of thousands of people in Sweden did this test and many people could not answer more than maybe one question.



If even Swedish educated Christians cannot answer these questions, how can we ask this of illiterate Afghans who just recently became Christians?



Pastor Christian Molk worked together with Ms. Ruth Nordström and some other members of Scandinavian Human Rights Lawyers in the report titled *Konvertit-utredningen* – Inquiry into the Asylum Process of Religious Converts in Sweden illustrating the hard facts of how converts have been treated in Sweden.

Also, some kinds of protest which were not planned took place: all over Sweden, churches rang their bells to protest and to call to prayer.



A fundraising-campaign has been organized to gather some money to help Afghan converts to appeal to higher Courts.



For Pastor Christian Molk, telling the stories of converts who have been deported back to Afghanistan is very important. It is possible to find some of these stories on the Pastor's website. One of these stories concerns a member of

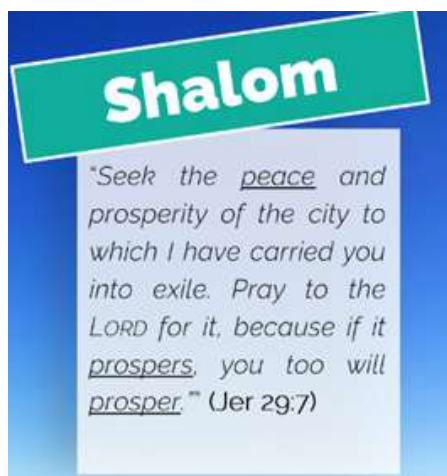
the Pentecostal church in Härnösand who, once back in Afghanistan, was beaten by two Talibans who entered in his room because he is not a Muslim anymore. The facts were recorded by a surveillance camera in his apartment.



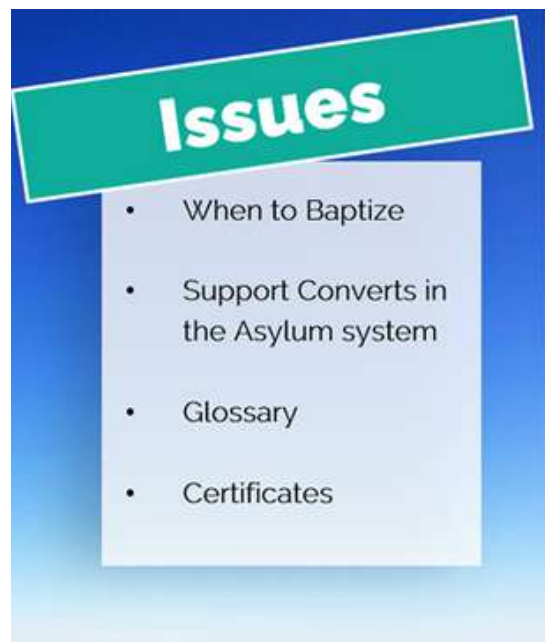
The international work of the Pentecostal church in Sweden also consists of connecting Afghans in different parts of Europe and creating networks. In addition, they have tried to engage Afghan converts in mission work in Afghanistan, to meet their own people and to keep the contact with deportees.

Pastor Christian Mlk shared with the participants his personal thinking about the role of the Church:

I think the Church is the light in a Dark World. Maybe we cannot enlighten all the world, but we can still be a light and also the arena for people meeting from different backgrounds and countries. During these meetings we can learn from each other and help each other and then also spread it out to the rest of the society.



Then, he proposed some reflection on the word Shalom, peace. While in Swedish the word peace means basically the absence of war, in Hebrew and in Greek it means more: not only the absence of war and hostilities, but also a state of peace and prosperity. According to Pastor Christian Mlk, it is important for all of us to meet with Afghans, refugees and migrants coming to Europe and to Sweden and to work together for peace. It would be a blessing for the countries that have received refugees.



Pastor Christian Mlk concluded his presentation by presenting a series of challenges and issues to be faced in Sweden. He highlighted in particular the importance of the certificates from pastors confirming the genuineness of an asylum seeker's conversion: in Sweden, it seems that the Migration board does not value them enough, despite its evident lack of knowledge about Christianity.

Pastor Peter Vimalasekaran, Germany

Pastor Peter Vimalasekaran has been pastor in the Tamil Migrant Church in Frankfurt for almost twenty years. He and his wife have been part of the European Christian Mission (ECM) since 1999 and have been working with migrants and refugees' churches over two decades as bridge-builders between migrants and local churches.

Pastor Peter Vimalasekaran fled Sri Lanka when he was 18 and became a Tamil refugee in India. It was at that time that he converted to Christianity. After having studied Theology in England, he, together with his wife, joined the European Christian Mission in 1999 and started working with refugees in Germany. The 2000s were the time where there were many refugee camps, mainly for Albanian refugees. He went into one of these camps to provide some support and to spread the message of Jesus Christ among the asylum seekers.

He shared with the participants the importance he gives to sharing life moments together with refugees. Vimalasekaran presented this approach with the image of him playing football with the kids in the camp. The reactions, especially from the parents of these children, were reactions of surprise and incredulity: how could a pastor be playing football? There was, therefore, a need to re-train/re-educate their thinking according to which spirituality has nothing to do with activities like playing football. According to Vimalasekaran, activities like eating together or playing with kids are essential since they are opportunities to share moments with the asylum seekers that cannot be lived in a classroom for instance.

Since he is convinced that it is important to share our life, the Pastor invited the participants to remember that baptism is part of this life. However, he is aware that asylum seekers could seek baptism with the purpose of getting the asylum status. This is why, when dealing with someone who wants to be baptized, it is important for churches to be realistic without discouraging people:

the Lord is not there to offer you a Visa to stay in Germany, but to go even better, in Heaven.

He underlined that it is important, , to give asylum seekers the proper amount of time before receiving baptism, while helping them go through the asylum process, if necessary, even without a baptism certificate. The Diaspora church, of which Pastor Peter Vimalasekaran is a member, provides support for asylum seekers by, for instance, helping them to prepare themselves for the asylum interview. In addition, they find Christian lawyers following these cases, which is very helpful. Finally, they also work in collaboration with secular organizations such as Open Door and groups of trauma counselling.

Through the stories he shared with the participants, Pastor Peter Vimalasekaran highlighted the importance of Diaspora churches allowing for the creation of important bonds of trust between asylum seekers, pastors, and the local community itself. It is in this context that the ministry of Pastor Peter Vimalasekaran finds its place: trying to be a bridge between asylum seekers and the local churches.

DISCUSSIONS

Approaching baptism of asylum seekers from a Pastor's perspective

Since both Pastors, Christian Mölk and Peter Vimalasekaran, mentioned the challenge of baptism which some may just see a guarantee to have a passport or a refugee status in the country, they were asked how they deal with this question and how they approach baptism in these cases.

Pastor Christian Mölk has noticed that people tend to become believers when they go through a crisis, for instance when you get sick, when you are close to death, when you move, when you flee, etc. Therefore, he thinks that it is necessary to realize that refugees are seeking God because they are experiencing a crisis in their life and that for some becoming a Christian is part of trying to get forward in life. Seeking God in order to try to get a passport, for instance, can be seen as part of this process. He gave the example of one Afghan convert, who is now a church leader, and who once told the Pastor that when he came to Sweden, he wanted to become a Christian mainly to get a passport, and so he got baptized because of it. He was a Christian, but not a genuine believer at that time. However, today, he has been in the church for one or two years, participating in every Sunday service and reading the Bible. Now, he is what one can consider a true believer. This changed the perspective of Pastor Christian Mölk who acknowledged that there are many different reasons for people becoming Christians and that pastors need to deal with this, by taking it seriously and understanding that it is a part of the process for many of these asylum seekers. As the Pastor mentioned at the beginning of his presentation, among the asylum seekers that came to Sweden in 2015, the majority of those who converted were Afghan and not Syrian. The reason is that Syrians did not “need” to become Christians in order to have a passport, so they were not in the same desperate situation as the Afghans.

Both Pastors, Christian Molk and Peter Vimalasekaran, in summing up stressed the importance of waiting before baptizing someone who is still in the asylum process to see whether doubts about the genuineness of a conversion arise.

Afghans and Syrians asylum seekers: what are the differences?

The observation made by Pastor Christian Molk about the different situations Afghan and Syrian asylum seekers found themselves in was considered extremely interesting by some participants. Different considerations have been presented by some participants on the matter. First, it was suggested to be careful when formulating this kind of comparison opposing Syrians and Afghans in order to avoid jumping to automatic conclusions that could be misleading. Second, because of historical reasons, Afghans have no real understanding of what Western Christianity is all about, whereas in Syria the Orthodox, the Eastern, the Catholic Church were always part of the mosaic of religions within the country. In other words, there is, or was, a very different presence of Christian churches in Syria. So, one could argue that a lot of Syrians already have knowledge of what being a Christian means.

It was finally noted that, in Sweden, as a lot of asylum applications of Afghans are rejected, a lot of them do not have the right to accommodation and/or financial aid from the State. Therefore, they have to turn to the civil society, which is also the Church. Therefore, Afghans convert to Christianity not only because the conversion benefits them, but also because of this contact with the Church through which they got help and found friends who are Christians. As for the Syrians, since they mainly got permits and asylum, they have accommodation and financial aid: receiving help from the Church is, therefore, not always necessary.

Improving the situation: how?

After hearing the testimonies about how interviews have been taken in Sweden, it was asked if there is a way to support churches and other organizations campaigning for an improvement of the asylum process. Pastor Christian Molk explained that churches have been working in many ways to reach politicians and to try to educate the Swedish

Migration Board though the Christian Council in Sweden and the network Right to Faith. He recognized that, actually, the law is quite good in Sweden; problems lie in practices. Although there are examples of good questions, the issue is that the system is not reliable. Bishops have raised their voices on the matter and many politicians in the Parliaments did the same. Churches are doing all they can, but progress is still limited.

And then, the Pastor shared his own personal thinking as follows:

I would like to highlight the importance of the little people: do not just rely on big people like Bishops and politicians. The simple man can do great things if he has the fire of the Lord in his heart. So, that is one thing I have been focusing on too to work on this issue, regardless of if you are an important person or not. Just do it and things will start to change. Even refugees are working on this. When people have no voice, they start to speak out and then actually people will listen. So, sometimes people can do a lot more than politicians.

Ms. Anna Karlgren, who works for the central office of the Church of Sweden, reported that the Church of Sweden, mainly through the the Christian Council of Sweden, has a contact with the Legal Affairs department of the Migration board as well as with politicians regarding asylum and conversion in the asylum process. Churches in Sweden are trying in different ways to improve the situation, with meetings, dialogues, raising their voices, and church leaders are very involved in this issue. It is a question that is prioritized. She also added that, compared with other Nordic countries, she does not think that the Swedish situation is the worst, but it is a common problem. Karlgren also pointed out the importance of events like this one which is an opportunity to hear, compare and use experiences from other countries. Sharing the resulting report with policy makers with whom she is in contact will allow to show that this is an issue that needs to be taken into account. Referring to what Pastor Christian Mlk said, Ms. Anna Karlgren recalls that not only State authorities are involved, but also the parishes. Therefore, the work on the issue of converts in the asylum procedure has to be done at different levels.

Mr. Ryan White, based on his experience in the Farsi Ecumenical

Community in Germany, reflected on the need to have a good cooperation between churches and governmental migration agencies to work on advocating for a fairer policy as well as on churches supporting their congregation in becoming genuine believers and leaders. Ecumenical work strengthening the position of churches in the perception of the migration agencies is necessary as well as understanding the new dynamic churches are facing, with more international followers from different cultures, and is helpful in the development of faith-construction materials and in assessing readiness for baptism.

Migrant churches play a vital role and should be taken seriously as these churches go beyond the here and now, thanks to the huge network they have with a certain community in the host country as well as in the country of origin.

Mr. Naser Rezaeih, Farsi-speaking community in Denmark

Mr. Naser Rezaian comes from Iran and came to Denmark in 1984 as a refugee. He has been a Christian for over 20 years and is currently working for the Council of the Evangelical Lutheran Church in Denmark, coordinating Farsi-speaking groups and activities there. He is also working as a coordinator in the Danish National (Lutheran) Church in relation to Iranian and Afghan people.

His experience in Denmark is that converts may be different from each other. Asylum seekers may have met Jesus and Christianity at different levels: some have had a personal encounter with Jesus and come to faith, and feel deeply grateful about it; others have chosen to become Christian because they did not like their previous religion and feel liberated by Christian faith, since Christianity is a religion of love and peace; others have become Christians in the asylum process and perhaps their motivation was not quite right in the beginning, but the love of God arrived later.

The great hospitality, service and care of the Churches for these new converts and children of God should be accompanied by loving, but also by guiding them, giving them instructions on what being Christian means: being Christian is not only receiving the love of God and of the hosting community, but also giving love to other bodies of Christ.

Psalm 23:3: He guides me along the right paths for His name's sake.

For Mr. Rezaeih, only by giving love, truth, education and directions, can churches produce converts who genuinely only seek service. Alternatively, their faith dies.

Reflecting that Conversion during the asylum period is seen differently by churches and asylum authorities he quoted Jesus who said:

Come to me, all you who are weary and burdened, and I will give you rest.

Matthew 11:28.

This for him means that Jesus did not establish conditions for his care and love and the church is obligated to receive and heal anyone who invokes his name. Churches should not be open just to Christians but to all who are seeking Christ, even if they come from need or because of need. We have to keep the door open if we want Jesus to touch their heart. Of course, it is difficult for churches to identify who is really seeking Jesus as a refuge[TM] or just abusing His name. As for asylum seekers who become Christians during their asylum process or after having been refused asylum, the faith of these asylum seekers is mostly not recognized as genuine conversion by asylum authorities or courts. Unfortunately, there are many true converts among these rejected asylum seekers who have not been believed mainly because the case officers do not understand that it takes a relatively long time for a stranger to move from a religion he was born in, into another, in our case, Christianity. In Denmark, the Danish Lutheran Church and other churches are making a great effort to comfort and support these rejected asylum seekers, but many of these rejected people are gradually losing hope and joy in Christianity when they have been in such a hard situation for many years. Rezaeih repeated that educating asylum authorities is essential.

As for churches accompanying people in the conversion process, Mr. Naser Rezaeih stressed the importance of truth: pastors should be honest and tell people that they have to change some things in their life, even if they are scared that those people may leave the church, be discouraged.

Finally, in his experience, letters, recommendations and testimonies from the Danish Churches are mainly accepted by the asylum agency. However, these testimonies just prove that the applicant has been in contact with the church and has been living a Christian kind of life in Denmark, but it does not mean they are a true Christian. This is why when applicants come to the court, they should not only show they have been active in the church and have done a lot of things as a Christian, but they should also be able to show a kind of change in their heart.

However, as many Iranians, for instance, are not good at talking and convincing, their asylum claim is often rejected. If they cannot explain it well, they are not able to “convince” that they are a real Christian. For those cases in which the asylum seekers are not able to convince of the genuineness of their conversion, letters from churches play a vital role in the procedure of proving this inner change.

DISCUSSIONS

Distrust among Iranians

One participant, who is part of a very multicultural evangelical church in London, presented the difficulty of connecting Iranians among each other have converted to Christianity. According to Mr. Naser Rezaei, several factors can explain this difficulty or unwillingness to make contact with other Iranians who have converted to Christianity: not only is Iranian society very competitive, but there is also a lot of distrust because of suspicions that one may or may not work for the government. It is important, in these situations, to teach that community life is part of being a Christian.

The asylum system in Denmark

It was asked whether Mr. Naser Rezaei notes any deficiencies in the asylum system in Denmark regarding the treatment of asylum seekers with a conversion motive.

Mr. Naser Rezaei, who has worked as an interpreter in many asylum cases, identified three main issues in the Danish asylum system:

- The knowledge of the proper vocabulary and the lack of impartiality of interpreters;
- The fact that asylum authorities do not understand that a conversion is a process which takes time, especially in the beginning;
- Some of the asylum interviews focus too much on theological knowledge, which is not what Jesus asks.

Churches internal

The last session of the event aimed at being a space for exchange for churches only.

ANNEXES



Churches' Commission for Migrants in Europe

Conversion to Christianity in the asylum procedure

Working document

Deborah Romano

January 2022

Churches' Commission for Migrants in Europe – Commission des Églises auprès des Migrants en Europe –
Kommission der Kirchen für Migranten in Europa

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Executive summary

This paper aims to present some of the recent developments in the field of assessing asylum claims invoking conversion to Christianity as a ground for protection. This up-to-date overview of the latest and most relevant official guidelines, research, and practices will allow Churches to establish their priorities and strategies regarding the conversion of asylum seekers.

Particularly relevant for CCME's event is the case of asylum seekers converted *sur place* since they encounter a high risk of persecution if their application is rejected and they are forced to return to their home countries. The need to assess the credibility of the asylum applicant's conversion experience in way that is respectful and proportionate with the risk of persecution these converts face if returned in their home countries, represents a priority for case workers working for asylum authorities, and more generally for decision makers and Churches.

During the meeting between CCME and EASO, that took place on the 16th of November 2021, the following considerations emerged:

- EASO referred to the cases of asylum claims involving as “complex cases” and, by recognizing the existence of room for improvement across the EU, acknowledged the necessity to deal with them in a proper way;
- EASO has currently undertaken activities on: i) the complexity of the interviews, ii) the need for specific guidance and iii) exchange sessions between decision makers.
- Trust between Churches and European states authorities has been evoked as essential element for effective cooperation;

The analysis of juridical, psychological and sociological sources, from the perspective of secular scholars, suggests:

- The need to reflect on the different reasons leading asylum seekers to convert to Christianity;
- The importance of understanding conversion from a theological perspective by taking into account the multifaced nature of faith and the manifold forms of conversion paths;
- The need to identify the main areas of inquiry when assessing the credibility of a conversion narrative and the best way in which Churches can support competent authorities in conducting interviews with asylum applicants.

The combined analysis of both International and EU legal framework (case-law and official guidelines included) shows that:

- Both at the International and EU level, when examining a religious-based claim for protection, the concept of religion has to be understood in a broad way and conversions *sur place* (or post-departure) are recognized by both legal systems;
- Both UNHCR and EASO most recent guidelines stress the importance of carrying out assessments on an individual basis by paying particular attention to country-of-origin information;
- Regarding the credibility assessment, UNHCR appears to be more precise by specifically addressing conversions *sur place* and giving more concrete guidelines in this respect, while EASO guidelines merely indicate general criteria for assessing credibility. However, as cited above, EASO authorities affirmed that they are actually working on it.
- Although recognizing the important role of external experts, little attention is given by EASO in its guidelines to religious authorities.

The three experiences taken as an example of European practices in the area of Churches-State interactions proved that:

- Further investigation should be carried out in other European countries such as France, where several malfunctioning in the credibility assessment of asylum claims have been denounced;
- Sweden and Finland proved to be quite successful in integrating the contribution of Churches authorities in asylum procedures; Finland, in particular, was able to largely benefit from the consultation of experts from Christian institutions and organisations;
- No particular issues have been noted in Denmark, where both the authorities responsible for examining asylum applications and Churches appear to be largely aware of the special attention that cases of converted asylum seekers require.

Members of the planning group are invited, if they wish, to share further information on practices and Church-State relations in the framework of the asylum procedure in other European countries as well as on the countries already mentioned. This would provide a picture as complete as possible of the current situations and trends across Europe.

Introduction

The context

In the last decade, the outbreak of wars in the Middle East and sub-Saharan Africa as well as the emergence of fundamentalist movements in these regions triggered the increase in the asylum applications in Europe. In particular, the mass movement of people into the European Union in 2015/6 resulted in an inflow of significant numbers of refugees from predominantly Muslim countries. Since then, a significant increase in the number of migrants converting to Christianity has been observed in countries such as Germany¹ and the Netherlands², and has spread throughout Europe. Today, the importance of the phenomenon remains significant in countries such as France: each year, more than 600 people of Islamic origin receive baptism in France, among which on average 300 ex-Muslims are baptised in the Catholic Church and probably more in the evangelical churches³.

Yet, it is not possible to know the exact extent of the phenomenon: first, because of the nature of conversion which is an intimate decision⁴; second, because no reliable and complete statistics are available. It remains, therefore, legitimate to wonder whether the observed rise in conversions among asylum seekers is a real increase or whether it is essentially a result of greater attention and awareness of this phenomenon.

Nevertheless, the surge of asylum applications on a religious ground, specifically invoking conversion to Christianity, raised the issues of credibility and authenticity of these new conversions from the perspective of asylum authorities. In this respect, the key for church ministers is to preserve the tension to be held between trust in the conversion commitment and the wish not to undermine the ministry of baptism. This tension becomes more significant when the word of the minister is crucial in the testimony given for the asylum applications.

The aim of CCME's event

The aim of the CCME's event is to respond to the need within churches to share good practice on conversion and the asylum procedure and to estimate the role they can play in the context of the asylum procedure conducted by State authorities. The two main axes of reflection of the event correspond to the two main issues arising during the asylum procedure:

- the credibility assessment of the conversion of the asylum applicant and
- the risk of persecution met by the asylum applicants who converted if their asylum is rejected and they are forced to return to their home countries.

In May 2018 CCME, together with representatives from COMECE (Catholic Bishops' Conferences of the EU) and the European Evangelical Alliance, hosted a consultation on the impact and challenges of conversion to Christianity during asylum procedures. Two areas in particular were discussed:

- 1) the sharing of insights on how churches can advise authorities on this matter and
- 2) how authorities are dealing with these often sensitive issues. Based on the exchange and models of good practice, suggestions were made for future engagement of churches and authorities.

In four years' time, CCME intends to bring together again all the stakeholders and evaluate the developments that have taken place within the Churches and in the asylum procedure, how effective Churches have been and what needs to be pursued to improve practice. CCME recognises that in the years that have passed since the last event there has been further academic research, some training of asylum case workers, and more reflection within churches about how to remain welcoming to new converts whilst being cautious about the legitimacy their conversion claims. The aim is also to enter more deeply into contact with EASO authorities and European judges on a regular basis.

Objective, structure and methodology of this paper

This paper aims to provide an up-to-date basis for further discussion and, for this reason, includes some of the recent developments relevant to conversion in the asylum procedure in the fields of research, legislation and practices across Europe. Still, since it is not the intention of this document to be a complete catalogue of all recent developments related to i) the assessment of the credibility of conversion in the context of an asylum procedure led by asylum authorities and ii) the cooperation and conflicts existing between Churches and State authorities, all suggestions are welcome.

The document is organised in three sections each mirroring the main themes that emerged from the research. The first section reports the main topics addressed by the literature from a secular perspective and may serve as a key to understanding the following section on the relevant legal framework. The second encompasses the relevant EU law provisions, the International and EU most recent guidelines as well as the case law of both the Court of Justice of the European Union and the European Court of Human Rights. The third and last section discusses some representative cases for the interactions between Christian churches and State authorities across Europe.

Research was conducted by taking into account the availability of the documents, their linguistic accessibility and their publication date. In the area of literature and practices, only contributions

published since 2017 have been cited (with some exceptions), while for the legislative framework was necessary to take into account all the relevant elements over time.

1. Literature review

1.1. Reasons behind conversion to Christianity

According to some testimonies and from a secular perspective, the reasons behind conversions from Islam to Christianity appear be linked the welcome and support provided to migrants by many Christians and Churches themselves: “[s]eeing Christianity as a religion of love, a good number opted to convert”⁵. As Nora Stene shows in his study on Christian missionaries and asylum seekers in Norway⁶, conversions among migrants can be facilitated or even hastened by their encounter with groups of people that, according to their Christian values, offer to these people in need some help. This charitable approach, combined with the evangelizing tradition of Christianity and globalization, constitute major factors leading migrants towards Christianity⁷: “[a]sylum seekers encounter Christianity when they meet those who evangelize, but also when they meet the people who, motivated by their Christian beliefs, offer friendship and assistance”⁸. As Akcapar observes, “the use of religion, conversion, and “spiritual capital,” such as getting support from religious institutions and finding peace of mind and hope for a better future by common prayers, can be quite important in a migrant's life, especially when we consider the negative psychological impact and difficulties to be encountered”⁹. Therefore, turning to religious support may represent a way to cope with the uncertainties met by migrants during the asylum process, allowing them “to establish trust in an environment of distrust”¹⁰.

A study from 2017 in the field of psychology of religion¹¹ provides a more exhaustive overview of Muslim conversions to Christianity, with six main reasons being identified:

1. intellectual
2. mystical
3. experimental
4. affectional
5. revivalist
6. coercive

Based on biographical interviews with 124 recent converts from Islam to Christianity, Kéri and Sleiman found that there are two main reasons leading to religious conversion: first, Christian religious teachings can be a source of consolation and, second, the high emotional content resulting from mystical experiences¹². Regarding the genuineness of the conversion, the results of the study reverse the assumption of need- and interest-driven conversion¹³.

More generally, besides taking into account the strictly personal situation of the converted, other factors of different nature should be considered to fully understand the dynamics leading someone to convert to Christianity.

One of these factors is that, whether the conversion has taken place in the country of origin or in the country of arrival (conversion *sur place*), it can often be hidden because of the fear of reprisals, both informal and formal. Informal punishments may take place within one's family and/or community of origin while in some countries like Iran apostasy is punishable by law, even with death penalty¹⁴. Since a claim of persecution within the meaning of the Geneva Convention can be invoked in both cases, when faced with a new conversion it should bear in mind that getting closer to Christianity and its traditions can be challenging, especially for those who experience it in their countries of origin¹⁵.

Another relevant factor concerns the characteristics specific to each faith community: while some emphasize the affective, emotional and experimental dimension of Christian faith and stress the importance of mission/evangelization, other communities may prioritize the cognitive dimension related to diaconal ministries and/or aspects of catechesis¹⁶. Thus, the asylum seeker's reasons for converting to a particular faith community can differ and, in many cases, it will be for mixed reasons, needs, experiences, convictions¹⁷.

1.2. The nature of conversion: a theological challenge for Christian churches?

The information reported below mainly reflect the perspective of secular scholars and, therefore, does not necessary mirror internal Christian debates.

From a psychological perspective, Professor Van Saane distinguishes three dimensions of a conversion. The first is the cognitive one which includes personal convictions and ideas as well as Christian doctrine. The second dimension is emotional/affective and encompasses feelings of hope, love, peace, forgiveness, togetherness. The third is the behavioural dimension which consists of visible behavioural changes or actions undertaken (going to Church, Bible readings, etc.).

The European case law generally mirrors the multi-faceted nature of someone's belief. In the *F.G. v. Sweden* case, faith has been essentially understood as a private matter: the applicant, that initially decided not to rely to his conversion for his asylum request, stated that “he has not changed religion in order to enhance his chances of obtaining a residence permit but out of personal conviction”¹⁸.

In the *Bahtiyar Fathi v. Predsedatel na Darzhavna agentsia za bezhantsite* case-law¹⁹ (Hereafter Fathi case), the Court of Justice of the European Union emphasized the interconnection but also the distinction between two concepts: according to the Court, religion not only refers to the manifestation of faith in public (*forum externum*) but it also covers the more intimate fact of having a belief (*forum internum*)²⁰.

Nagy and Speelman' point of view, which is confirmed by internal debate among Churches is that before being a credibility assessment issue, the conversion of asylum-seekers represents a theological challenge²¹. Churches are called to question their understanding of conversion by going beyond the static perspective that “presupposes that conversion is visible, observable or testable”²². Faith cannot merely be relied on a constructed system of traditions and values that are precisely defined as part of a religion-specific life-style. Conversion to Christianity, regardless of the differences among Christian churches, should be understood “as something which has manifold forms and ways”²³. This is particularly relevant with regard to asylum seekers for whom “conversion is often the outcome of a fluid trajectory”²⁴.

1.3. Assessing the credibility of a conversion: methods and the role of Churches

The main difficulty of examining the credibility of a conversion lies in the mismatch between the purely juridical approach of an asylum procedure and the fact that a conversion deals with inner transformational processes and personal convictions²⁵. By recognizing asylum applications invoking conversion as “complex cases”, EASO authorities demonstrated full awareness of the need to deal with them appropriately.

Although there is no single assessment method in Europe, following the 2015 workshop of the European Chapter of the International Association of Refugee Law Judges (IARLJ), it was possible to group together a number of questions commonly asked by European judges in cases of conversion in judicial procedures²⁶. The main areas of inquiry for judges are the following:

- General questions and family background

- Information related to the conversion process (triggers for conversion, dissatisfaction with/criticism of previous religion, preparation for the conversion, carrying out of the conversion, reactions of the family/social environment to the conversion)
- Interest in and knowledge of the new religion (knowledge of the place of worship and of the essential structures and beliefs, religious rites and practice)

N.B. It is highlighted that “[t]he extent to which an applicant may be expected to furnish detail will vary depending on such matters as his or her personality and intellectual disposition. Knowledge of the new religion is not to be expected at the level of scientific and theological debate, but completely non-specific and cliché statements may be significant pointers to a non-credible account.”²⁷.

- Importance of the new religion for their own lives
- Attending religious place of worship
- Information on tactical asylum motivations

However, the research conducted by Lena Rose in Germany²⁸ shows that judges’ cultural and religious context and their assumptions about conversion and Christianity play a key role in assessing the credibility of a conversion. In fact, “credibility indicators are bound by cultural beliefs and expectations”²⁹ as “[i]n conversion cases [...] judges have to rely on their ‘common sense’ or assumptions about what a credible conversion is”³⁰. It was thus observed that, “to form an impression of the appellant’s new faith and determine whether it can be considered credible”, judges usually expect:

- “rational reasons for religious conversion
- a previous religious interest of the appellant, or at least the ability to show their rejection of Islam
- an internal rather than external identity change
- German religious understanding of church membership”³¹

However, because these expectations often lead to “misunderstandings and negative outcomes for asylum seeker converts”³², it is essential to draw more on the expert evidence of clergy which, contrary to the assumptions that churches baptise asylum seekers only to help them in their asylum procedure, rigorously discerns whether the conversion is sincere or not³³.

In helping the asylum seeker's application, it was suggested³⁴ that Churches send the officials a formal letter describing as objectively as possible their relationship with the converted asylum seeker. In this regard, Nagy and Speelman warn Christian authorities and organisations against the risk of adapting to a vocabulary on migration that is proper to public authorities but far from the true theological meaning underlying conversion³⁵. When supporting States authorities in assessing the credibility of asylum seeker's conversion, it should be borne in mind that "after all no human being may claim to know the heart of another human being"³⁶.

"[...] theologically the issue of conversion goes beyond crossings of hermetically closed systems of faith, touches upon the individually and communally confessed ultimate concern defined by a continuous turning towards God, the creator, in a confessed desire to follow Jesus Christ through the creative Holy Spirit"¹.

2. International and EU Legal framework and guidelines on religious-based asylum claims

At the International level, as part of the Handbook on Procedures and Criteria for Determining Refugee Status³⁷ issued in February 2019 by the UNHCR, the Guidelines on International Protection No. 6 specifically address “Religion-Based Refugee Claims under Article 1A (2) of the 1951 Convention and/or the 1967 Protocol relating to the Status of Refugees”³⁸.

At the EU level, the latest EASO guidelines on the topic date from 2018 and provide detailed indications concerning the credibility assessment in the asylum procedure³⁹. The document is mainly addressed to members of courts and tribunals of EU Member States dealing with hearing appeals or conducting reviews of decisions on applications for international protection.

2.1. The notion of religion

Similar to the definition of article 1A (2) of the 1951 Convention, article 2 (d) the Directive on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted⁴⁰ (hereafter QD recast) defines a refugee as follow:

“[...] a third-country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it, and to whom Article 12 does not apply.”⁴¹.

Religion is therefore listed among the reasons for persecution and it is defined as follow by EU Law:

“[...] the concept of religion shall in particular include the holding of theistic, non-theistic and atheistic beliefs, the participation in, or abstention from, formal worship in private or in public, either alone or in community with others, other religious acts or expressions of view, or forms of personal or communal conduct based on or mandated by any religious belief”⁴².

The Court of Justice of the European Union insisted that “it is clear from the wording of [this] provision, and particularly the use of the words ‘in particular’, that the definition of the concept of

‘religion’ contained therein provides only a non-exhaustive list of components that may characterise that concept in the context of an application for international protection that is based on the fear of being persecuted for reasons of religion.”⁴³. The case law of the Court has, in fact, repeatedly stressed that “that provision gives a broad definition of ‘religion’ which encompasses all its constituent components, be they public or private, collective or individual”⁴⁴.

In the same way, the UNHCR acknowledges that no universal definition of religion exists and recognizes the plurality of elements that can be evoked in the framework of religion-based claims for protection. Consequently, in the light of the 1951 Convention, religious freedom encompasses freedom of thought, conscience or belief and religion as a reason for persecution can thus be intended as belief (or non-belief), identity and/or way of life⁴⁵.

2.2. Refugees and conversions *sur place*

Particularly relevant for our event is the condition of asylum-seekers experiencing conversion in host countries, after their departure from their country of origin. The UNHCR defines a refugee *sur place* as the person seeking international protection “due to circumstances arising in his country of origin during his absence” and “as a result of his own actions”⁴⁶. In other words, the QD recast foresees that:

“A well-founded fear of being persecuted or a real risk of suffering serious harm may be based on activities which the applicant has engaged in since he or she left the country of origin, in particular where it is established that the activities relied upon constitute the expression and continuation of convictions or orientations held in the country of origin.”⁴⁷.

Consequently, according to International and EU Law, conversion *sur place* should be equally taken into account when examining a religious-based asylum claim. However, UNHCR guidelines recognize the peculiarity of *sur place* claims: as religious conversion can play a major role in the examination of the asylum claim, credibility concerns regarding the genuineness of the post departure conversion arise⁴⁸. The responsible authorities dealing with converts’ application are therefore asked to conduct a rigorous and in-depth examination of the circumstances related both to the country of origin and the individual condition of the applicant⁴⁹.

2.3. Individual assessment

Article 4.3 (c) of the QD recast states as follow:

“[t]he assessment of an application for international protection is to be carried out on an individual basis and includes taking into account [...] the individual position and personal

circumstances of the applicant, including factors such as background, gender and age, so as to assess whether, on the basis of the applicant's personal circumstances, the acts to which the applicant has been or could be exposed would amount to persecution or serious harm".

Particularly, the EASO guidelines stress that individual subjective factors, whether they are relevant for the asylum claim, shall be regarded as part of the individual position and personal circumstances of the applicant⁵⁰. In similar terms, the UNHCR acknowledges that "[e]ach claim requires examination on its merits on the basis of the individual's situation"⁵¹. This includes an appropriate evaluation of the subjective elements and of the different psychological reactions that individuals can experience: "[o]ne person may have strong political or religious convictions, the disregard of which would make his life intolerable; another may have no such strong convictions"⁵².

Both EASO and UNHCR statements echoes the *Y and Z* case of the European Court of Justice in which it was stated as follow:

"[i]n assessing such a risk, the competent authorities must take account of a number of factors, both objective and subjective. The subjective circumstance that the observance of a certain religious practice in public, which is subject to the restrictions at issue, is of particular importance to the person concerned in order to preserve his religious identity is a relevant factor to be taken into account in determining the level of risk to which the applicant will be exposed in his country of origin on account of his religion, even if the observance of such a religious practice does not constitute a core element of faith for the religious community concerned."⁵³.

Moreover, as a consequence of the importance given to subjective elements, the duty to scrutinize the cultural and religious background of the applicant, including his or her personal history, is highlighted both in UNHCR and EASO guidelines⁵⁴. In other word, "everything that may serve to indicate that the predominant motive for his application is fear"⁵⁵ must be taken into account.

However, it is important to note that being personally targeted is not a necessary condition to determine credibility⁵⁶. Because religion can also be a matter of identity and the applicant can identify with or being identified by others as a member of a particular group or community, persecution can take place whether a certain religious identity is perceived by a threat to persecutors' identity or legitimacy⁵⁷. This is why, proving the applicant's membership to a targeted group or class can be

considered enough to consider there is a well-founded fear of persecution in the applicant's country of origin, even if an individual but more straightforward assessment is still necessary⁵⁸.

2.4. Credibility

The credibility assessment of the asylum applicant's conversion represents a major issue for both case workers and asylum-seekers and constitutes the core of our event.

European law does not provide any specific rules on how to assess the credibility of conversions, leaving it to the discretion of the Member States, which remain obliged to act in accordance with the relevant European law and, in particular, the Charter of Fundamental Rights. However, drawing on European case law, the EASO guidelines have identified four indicators for assessing credibility. Albeit not specifically focused on religious-based asylum claims, their aim is to ensure impartiality, objectivity and transparency during the entire credibility assessment procedure.

Specifying that none of them can be considered determinative and that it is their cumulative impact that must be taken into account⁵⁹, the four credibility indicators contained in the EASO guidelines are the following:

1) Internal consistency

The applicant's story should be consistent throughout the proceedings in order to be assessed as credible. However, the EASO guidelines stress the importance of carefully evaluating the contradictions or omissions of an applicant's statement: "[a]pplicants cannot always be expected to have detailed knowledge or exact recall of matters"⁶⁰.

2) External consistency

Here the focus is on the consistency between the applicant's statements and other kind of evidences that can be generally known information, coming from other witnesses or experts⁶¹.

3) Sufficiency of detail

Although providing sufficiently detailed elements is essential to support an asylum claim, the personal background of the applicant, the quality and the atmosphere of the personal interview as well as the way questions are asked can affect the applicant's ability to provide sufficient detailed information. This is why "the level of detail to be expected will depend on the facts of each case as required by the principle of individual assessment"⁶².

4) Plausibility

Because considerations on plausibility consists in assessing what can considered likely to happen, the EASO guidelines warn against relying too much on general assumptions that may be influenced by factors such as culture, language and tradition⁶³.

In the Fathi case the Court of Justice not only confirmed these criteria, but also underlined that “in the context of applications for international protection based on a fear of persecution on grounds of religion, account must be taken, in addition to the individual position and personal circumstances of the applicant, of, *inter alia*, his religious beliefs and how he developed such beliefs, how he understands and lives his faith or atheism, its connection with the doctrinal, ritual or prescriptive aspects of the religion to which he states he is affiliated or from which he intends to distance himself, his possible role in the transmission of his faith or even a combination of religious factors and factors regarding identity, ethnicity or gender.”⁶⁴.

While the EASO guidelines only mention general credibility criteria and the works to improve them are ongoing, the UNHCR provides specific guidance on how to examine and verify the genuineness of the asylum seeker's conversion. It is recognized that relying on knowledge test of the applicant's religion is not always necessary and useful. UNHCR guidelines highlight the success of narrative form of questioning, allowing to know the personal significance of the religion to the applicant as well as his or her own religious experiences. It is therefore suggested to ask for information about the individual's religious identity or way of life instead of, for instance, which are the Ten Commandments.

The assessment of the credibility of conversion *sur place* focuses on these specific issues:

- “the nature of and connection between any religious convictions held in the country of origin and those now held,
- any disaffection with the religion held in the country of origin,
- how the claimant came to know about the new religion in the country of asylum,
- his or her experience of this religion,
- his or her mental state and
- the existence of corroborating evidence regarding involvement in and membership of the new religion”⁶⁵

However, whether knowledge tests apply, it is always appropriate to do so by taking into account the individual circumstances of the applicant as “knowledge of a religion may vary considerably

depending on the individual's social, economic or educational background and/or his or her age or sex"⁶⁶.

2.5. The role of external experts

Although "[t]he application must be assessed as a whole taking into account all factors relevant to the applicant"⁶⁷, the complexity of the assessment of religion-based asylum applications is fully recognized by the EASO guidelines. The challenge is originated on the "internal and personal nature of religion and belief"⁶⁸. For this reason, article 10.3 (d) of Directive on common procedures for granting and withdrawing international protection states:

"Member States shall ensure that decisions by the determining authority on applications for international protection are taken after an appropriate examination. To that end, Member States shall ensure that [...] the personnel examining applications and taking decisions have the possibility to seek advice, whenever necessary, from experts on particular issues, such as medical, cultural, religious, child-related or gender issues."⁶⁹

The combination of the intimate nature of conversion and the complex dynamics of communal identities, politics, conflicts and organisations linked to persecutions on the basis of religion or belief, makes the contribution of expert knowledge highly valuable⁷⁰.

On the base of the jurisprudence, EASO reminds the duties of an expert:

- to provide information and express opinions independently, uninfluenced by the litigation;
- to consider all material facts, including those which might detract from the expert witness' opinion;
- to be objective and unbiased;
- to avoid trespass into the prohibited territory of advocacy;
- to be fully informed;
- to act within the confines of the witness's area of expertise; and
- to modify, or abandon one's view, where appropriate.

Finally, EASO stress that "[e]xpert evidence is not to be treated in isolation but must be considered as part of the evidence as a whole"⁷¹.

2.6. COI

In dealing with a claim for international protection, a crucial element to take into account is the conditions in the applicant's country of origin. The most mentioned countries of origin are Iran, Iraq, Afghanistan, Syria and Pakistan. Article 4.3 (a) of QD recast states as follow:

“The assessment of an application for international protection is to be carried out on an individual basis and includes taking into account [...] all relevant facts as they relate to the country of origin at the time of taking a decision on the application, including laws and regulations of the country of origin and the manner in which they are applied;”⁷²

While the burden of proof generally lies with the applicants, the obligation to provide appropriate information on the applicants' countries of origin lies with State authorities. In this respect, article 10.3 (b) of the Directive on common procedures for granting and withdrawing international protection states as follow:

“Member States shall ensure that decisions by the determining authority on applications for international protection are taken after an appropriate examination. To that end, Member States shall ensure that [...] precise and up-to-date information is obtained from various sources, such as EASO and UNHCR and relevant international human rights organisations, as to the general situation prevailing in the countries of origin of applicants and, where necessary, in countries through which they have transited, and that such information is made available to the personnel responsible for examining applications and taking decisions;”⁷³

These provisions have to be read in conjunction with European case law, especially in the light of the *F.G. v. Sweden* case in which the European Court of Human Rights found that the Swedish authorities “did not carry out a thorough examination of the applicant's conversion, the seriousness of his beliefs, the way he manifested his Christian faith in Sweden, and how he intended to manifest it in Iran if the removal order were to be executed”⁷⁴. In other words, “[t]he Swedish authorities have therefore never made an assessment of the risk that the applicant might encounter, as a result of his conversion, upon returning to Iran”⁷⁵. This resulted in the violation of Article 2 and 3 of the Convention, which respectively provide the right to life and prohibition of torture.

Despite the fact that the applicant decided to not invoke the conversion as an asylum ground, the Court clearly stated that “regardless of the applicant's conduct, the competent national authorities have an obligation to assess, of their own motion, all the information brought to their attention before

taking a decision on his removal to Iran”⁷⁶. In particular, UNHCR guidelines underline that case workers shall carefully pay attention to whether the conversion has come to the notice of the authorities of the person’s country of origin and how it is likely to be viewed by those authorities⁷⁷. In fact, it is also point out that even “[i]n the event that the claim is found to be self-serving but the claimant nonetheless has a well-founded fear of persecution on return, international protection is required.”⁷⁸.

3. Practices in Europe

3.1. France

Latest news warns⁷⁹ of the worrying situation in the context of individual interviews of asylum seekers who have converted to Christianity conducted by the *Office français de protection des réfugiés et apatrides* (Ofpra). The main issues arising seem to be:

- The kind of question asked to the applicants
Some witnesses not only accuse Ofpra for asking question purely related to religious knowledge, but also for questioning the applicants by intrusive questions aimed at verifying the completeness and authenticity of the faith.
- The neutrality of interpreters
The role of the interpreter is also regularly questioned with regard to their knowledge of Christian religious terminology as well as to the influence of their personal stances.
- The consultation of (Christian) experts
The possibility for Christian organisations and institutions to intervene in support of the public authorities, despite their offer of support, also seems problematic because of the obstacles posed by the Ofpra.

Given the limited amount of relevant information on the subject, further investigations deserve to be done.

However, relevant for churches is not only the role they can play in the asylum procedure, but also in supporting new converts from Islam through local Christian communities. A report published in March 2021 by the European Centre for Law and Justice⁸⁰ shows that in France there is still important reluctance in welcoming, catechising and accompanying new converts on their journey of faith⁸¹. These difficulties are found in both Catholic and Protestant communities. This is why, ECLJ, in conjunction with other associations, created ESPERE (Écoute et Soutien face aux Pressions Politico-Religieuses), a service that offers advice and guidance to those under pressure because of Islam⁸².

3.2. Sweden

The experience of Swedish Church and faith-based organizations (hereafter FBOs) appears to be particularly relevant for our event. Fridolfsson and Elander carefully illustrate how, following the securitization turn of Swedish migration policy in autumn 2015, the Swedish church skilfully adopted a counter-securitization posture that could not be ignored by the state authorities⁸³. The reason lies in the fact that, despite Sweden is commonly looked upon as a highly secularised state, “[d]ue to its

historical heritage, country-wide extension, and a strong organizational structure combining centralized leadership and popular legitimation through democratic voting to decision-making bodies, the Church cannot be neglected in politics.”⁸⁴. The study of the authors above mentioned demonstrates “how the religious becomes political and the political becomes religious”⁸⁵.

The testimony of Swedish Lutheran Sister Karin Johansson shows the commitment and difficulties encountered by the small local faith communities in Sweden in hosting asylum seekers but also in influencing the positions of legislators and policy-makers⁸⁶. Johansson’s voice was heard in the framework of the webinar panel discussing the Global Compact on Refugees (GCR) and the role of FBOs in refugee protection that took place on 9 February 2021⁸⁷. Hosted by the Lutheran World Federation (LWF), the Hebrew Immigrant Aid Society (HIAS), Islamic Relief Worldwide (IRW) and the Quaker Council for European Affairs (QCEU), in partnership with other faith-based migration groups, this kind of initiatives aim to prove the vital role of FBOs⁸⁸.

Therefore, since 2015, the Church of Sweden has demonstrated its ability to act on several fronts. In 2019, for instance, several ecumenical initiatives took place in the main Swedish cities to denounce “systematic flaws in the evaluation processes of asylum applications carried out by the Swedish Migration Agency”⁸⁹. As a result of this mobilisation of the Swedish churches, a delegation from the Swedish Christian Council was able to meet Mikael Ribbenvik, Director General of the Swedish Migration Authority⁹⁰. The meeting specifically focused on the attention to the asylum requests of converts and was described as fruitful by the bishop of Stockholm, Cardinal Arborelius⁹¹.

In this context, it is also interesting to note that the question of Christian converts has been directly addressed by the Joint Written submission by Church of Sweden and the Christian Council of Sweden dating from 2019⁹². Three main problems have been underlined:

1. “The Swedish Migration Agency [...] tends to lay excessive focus on the asylum seekers’ intellectual ability to reason and make individual reflections on their declared religious belief rather than focusing on the individual’s own way of experiencing their declared religious belief which becomes detrimental to many asylum-seekers, mostly to those who have a lower educational level.”⁹³
2. “A significant number of the legal interpreters used by [the Swedish Migration Agency] make continuous errors, lack sufficient knowledge or use wrong references to Christian terms, which plays against the asylum seeker’s credibility before the [Migration Agency]. In addition

to this, the credibility assessments made by the MA case officers are often based on the officers' own subjective understanding or perceptions on Christian religion rather than on current research on religion and conversion.”⁹⁴

3. “Another problem in the asylum process consists in the manner in which MA case officers apply available national guidelines on the asylum process, disregarding or attaching unreasonably low weight to the written statements and testimonies from Churches certifying the seriousness of a particular asylum seeker's conversion.”⁹⁵

Moreover, the document stresses that in Sweden “decisions regarding asylum based on religion sur place risk to become arbitrary, since they are solely based on the individual assessment by the migration case officers, disregarding the official certification by the Church recognising a particular individual as member of the Church and, consequently, as a genuine Christian”⁹⁶.

Welcoming the Swedish government's decision to adjust the policy guidelines to the Migration Agency, the recommendations made by the Church of Sweden and the Christian Council of Sweden are the following:

- “Take effective measures to harmonise the credibility assessment made by Swedish migration authorities in cases of religious motivated asylum applications with the relevant UNHCR guidelines.
- Ensure that interpreters used by the Swedish Migration Agency are certified by competent national authorities for interpreters, including their expertise in relevant terminology in order to avoid faulty assessment/decisions, and in summary, ensure the interpreters act professionally and with objectivity.
- Ensure that interpreters used by the Swedish Migration Agency are properly certified and thereby skilled in relevant religious terminology in order to guarantee that interpreters accurately and objectively transmit the asylum applicant's statements in their communication with the authorities during asylum processes.
- Increase asylum case official's knowledge and expertise on the application and implementation of migration legislation in order to ensure that the evidence assessment of written evidence, i.e. statements from churches, are given proper relevance as a proof in the migration process.

- Take measures to effectively protect asylum seekers' human right to leave their present religion, or change their religion for another religion or for a non-religious one, without risking persecution in their home country, upholding the principle of non-refoulement.”⁹⁷

3.3. Finland

Faced with the growing number of asylum seekers converting to Christianity, the Finnish state authorities, as well as Christian churches, have mutually recognized the need to cooperate. In 2017, for instance, 400 Finnish priests, mostly Lutheran, have signed a petition requesting to be consulted by the Finnish Immigration Service (Migri) when it comes to dealing with asylum seekers invoking conversion to Christianity as a claim for asylum⁹⁸. Since then, two significant kinds of actions have been carried out by Finnish authorities:

- First, the Finnish Immigration Service acknowledged the complexity of the examination of conversions and, since 2017, started gathering information about Churches' practices related to new conversions by consulting various churches' bodies such as the Finnish Ecumenical Council⁹⁹;
- Second, great attention has been paid by the Finnish Immigration Service to the role of interpreters involved in asylum interviews: new glossaries including specific vocabulary on immigration and Christianity have been drawn up and made available to the interpreters since 2020¹⁰⁰.

In May 2021, Finnish Immigration Service reported a substantial improvement in the quality of its decision on asylum applications, proving the effectiveness of its constant monitoring of the existing procedural faults¹⁰¹. It is also interesting to note that conversion to Christianity or additional information provided on a conversion appear to be one of the most common reasons for an application to be returned for processing, representing a change in an applicant's circumstances¹⁰².

3.4. Denmark

The Danish case is a clear example of important involvement of Churches in providing support to refugees and asylum seekers. Rooted on the historically experience of Christian churches and religious communities' networks in the Danish context, the establishment of the Folkekirken Asylsamarbejde (Christian Refugee Network) in 2015 as an official desk in Folkekirken (The Evangelical Lutheran Church in Denmark) under Folkekirken's mellemkirkelige Råd (Council on International Relations of the Evangelical Lutheran Church in Denmark) is motivated by the will to continue enhancing coordination among Churches and spreading best practices towards migrants¹⁰³.

Particularly relevant for our event is that one of the main tasks of the Folkekirkens Asylsamarbejde is to provide support to the national network of pastors that was created in 2015 by bishops of different churches with the aim to deal with matters related to conversion of asylum seekers¹⁰⁴. The necessity arose as a consequence of the increasing number of converts among asylum seekers in Denmark: “[b]ased on a survey by Folkekirkens Asylsamarbejde in March 2016 and subsequent counts, it is estimated that at least 500 asylum seekers were baptized or have been undergoing preparation for baptism in 2016 in folkekirken as well as other Danish churches. The vast majority of them were Iranians”¹⁰⁵.

Danish churches, when providing support according to the different asylum seekers’ needs, recognize the peculiarity of migrants with a non-Christian background and, so, of converted *sur place*. In this respect, Dalsgaard stress that “[t]his group often has an additional need for reflection and spiritual counselling as part of their inner formation towards the newly acquired Christian life. Often times the church becomes like a new family for them as their biological family turns their back on them due to their decision to apostatize from their former religion. Thus churches seek to respond to the needs of asylum seekers and refugees in various ways according to their spiritual, social and material needs”¹⁰⁶. In this regard, the document titled “Guidance on churches contact with and possible baptism of Muslim asylum seekers” published by Forkekirke and Religionsmøde (People's Church and Religious Meeting) aims “to provide a tool to help congregations consider how to behave responsibly when meeting Muslim asylum seekers who wish to be baptised”¹⁰⁷. According to these guidelines, local churches should:

- Welcome asylum seekers without any discrimination and by taking into account their individual and vulnerable situation;
- Inform asylum seekers both of their right to convert to Christianity even during the treatment of their asylum claim and of the fact that “according to the practice of the immigration authorities, conversion from Islam to Christianity and baptism will not automatically be an additional argument for asylum”;
- Discuss with the asylum seeker choosing to be baptised of the risks he or her will encounter in some Muslim environments (included the possible negative reactions from family members, friends and religious groups) especially if deported to a Muslim country following the eventual rejection of his or her asylum application;
- Provide a proper and relatively long preparation for baptism;

- Ensure the local congregational community acts according to its responsibility to welcome and show care for the new baptized.

Beyond the need to give clear guidance on the relationship between Churches and asylum seekers who want to convert, Dalsgaard underlines the difficulties that can be encountered by State authorities when it comes to assessing the credibility of a conversion on which the asylum application is based. Despite the narrative approach adopted, “[m]embers of the Refugee Appeals Board coming from a more secular mindset may not fully understand or have adequate knowledge of church life, conversion processes, transcendent experiences, or theological differences, which provide the general context for understanding an applicant’s conversion narrative”¹⁰⁸. Two documents, both published by Folkekirkens Asylsamarbejde, are relevant in this respect.

The first one consists of precise indications on how to make written statements in connection with baptism of asylum seekers if a priest decides to¹⁰⁹. The guidelines state as follow:

“In the case of baptisms of asylum seekers, the priest may, in addition to the baptismal certificate itself, draw up a letter which may form part of the material on which the decision of the asylum authorities is based. Where appropriate, it should be drawn up in such a way as to give a true picture of the process undergone by the asylum seeker in connection with the baptism. We therefore recommend that the preparation for baptism be carefully described.

The following is intended to assist in this. The statement should include:

- The full name of the asylum seeker.
- Person ID of the asylum seeker.
- Signature of the person who performed the baptism.

The statement can confirm:

- How long and how regularly the asylum seeker has attended the parish.
- How many teaching sessions the baptismal candidate has received and how long the course of teaching has lasted.
- What teaching materials have been used.
- What other church activities may have preceded the baptism. Activities outside the church (e.g. at the asylum centre) may be included if there is definite knowledge of them. If parts of the teaching have taken place over the internet, this should be disclosed.

- Whether the process has otherwise followed the recommendations in 'Guidance on church contact and possible baptism of Muslim asylum seekers'.

Asylum seekers who, for example, have been placed in several congregations due to transfers between asylum centres, should be encouraged to obtain a statement from each congregation, as this will confirm that the person concerned has attended church/worship in parallel with his/her place of residence. The statement should not argue that the asylum seeker is in need of protection, but simply set out the circumstances of the church activities in which the asylum seeker has been involved.

The statement may be drafted in Danish or English, whichever is more appropriate. If the statement is drafted in other languages, we recommend that a translation also be drafted, as the asylum seeker's lawyer may otherwise have difficulty understanding the content of the statement.”¹¹⁰.

The second relevant document is a report from 2017 on credibility assessments in conversion cases in the Danish Refugee Appeals Board¹¹¹. The report found that Danish authorities take largely into account the specific challenges of asylum cases where conversion is part of the asylum motive¹¹². Recommendations in relation to Danish practice are formulated as follow:

“A request for re-admission stating conversion as a new ground for asylum should be granted if the applicant has been baptised or is in the process of preparing for baptism.

We recommend a narrative approach to credibility assessment, emphasising the link between the conversion story and the rest of the asylum and life story.

Unless there are special circumstances, previous assessments of the asylum seeker's overall credibility should not be allowed to determine whether a subsequent conversion is genuine.

Attention should be paid to the social (age, gender, maturity, psychological situation, etc.) and educational background of converts and the impact of these factors on their ability to acquire knowledge and articulate the development of their personal faith.

The fact that an asylum seeker has not mentioned the initial steps of a conversion process early in the asylum procedure should not be taken as an indication of a lack of credibility.

Statements from churches should be given weight as evidence of the factual and theological circumstances in and around the church and of the applicant's activities and conversations in the conversion process.

In asylum cases where conversion is a ground for asylum, the Board may consider the involvement of consultants with conversion expertise who can help to further inform the case by asking structured questions about the applicant's faith and assessing the conversion process from a church perspective.

Finally, we call for training to be offered to immigration officers and members of the Refugee Board on the handling of conversion cases and the specific issues related to the assessment of evidence and credibility.”¹¹³

3.5. Belgium

As reported by the Verenigde Protestantse Kerk in België (United Protestant Church in Belgium)¹¹⁴, the elements that are examined by the CGRS (Commissariat General for Refugees and Stateless Persons) to assess the credibility of a conversion story during an asylum procedure are the following:

- The asylum seeker's motive for converting and how that process took place.
- The asylum seeker must show a personal understanding of the new faith and the meaning of conversion.
- A basic knowledge of the doctrine and practice (eg. Bible stories)
- If the asylum seeker is part of a faith community, they will ask about the practicalities of the community's worship or liturgical services (how the service proceeds, when the community gets together, the different roles during a service, etc.)

Other elements are also examined, such as the asylum seeker's background, history, and other possible reasons a person has sought protection (eg. political conviction). It is also stressed that, even when the authenticity of the conversion is questioned, it should be taken into account if a person may have publicized his or her conversion, on Facebook for example, thereby potentially putting themselves in danger upon a return to the home country.

According to the guidelines of the United Protestant Church in Belgium, dating from 2019¹¹⁵, Churches aiming to support an asylum seeker's application can provide the official with a letter containing relevant and objective information based on questions such as:

- When did the person first contact the church?
- What was the person's motivation for coming to church?
- Was the person connected to any Christian community in the past?

- Were there any language barriers and how were these resolved?
- Is the person a catechumen, and if so, how far along is the person in the catechetical process?
- What agreements have been made regarding baptism and catechesis?
- Has the person been baptized? Is there a certificate of baptism?
- To what degree can the active participation in the life of the faith community be made public?

In composing such a letter, it is always important to respect and keep in mind the privacy and data protection of the person.

3.6. The Netherlands

The Immigration and Naturalisation Service (IND), that is the state body responsible for asylum applications in the Netherlands, issued in December 2019 a work instruction (WI)¹¹⁶ intended for IND employees dealing with the investigation and assessment of applications in which conversion (including apostasy¹¹⁷) has been invoked as an asylum motive.

The WI is a detailed document providing for a non-exhaustive list of definitions and reasons for conversion. In fact, the IND proves to be fully aware of the complexity of conversions which involves personal, social, cognitive, cultural, historical, religious and emotional aspects¹¹⁸. Not only complexity of conversions is recognized as regard its contents, but also its forms and modalities. This is why a distinction between active and passive conversion is presented, despite it is underlined that it does not lead to a fundamentally different investigation method or to a different assessment of the credibility of the statements¹¹⁹.

In order to assess the credibility of a conversion in the context of an asylum application, IND authorities have to focus on three specific elements which must always be viewed in their interrelationship, but also in the light of the other circumstances, such as the other statements made by the asylum seekers¹²⁰. The WI stresses the importance to look at these factors with an open mind and to prevent (unconscious) reasoning from one's own context¹²¹.

The three elements IND authorities have to investigate are the following:

1. The motives for and process of conversion

Because conversion can come about in various ways and that can be an ongoing change that gradually deepens, having a clear picture of the life of the asylum seeker is important. This means looking at:

- what he/her life looked like before his/she was converted,
- the type of family he/she grew up,
- his/her social environment,
- how he/she came into contact with the new religion and for what reason he/she was interested in it,
- how the new religion touched him/her personally,
- the consequences of the conversion,
- his/her relationship with the former faith¹²²

2. The knowledge of the new faith

The asylum seeker is expected to have at least a general knowledge of the faith to which he/she has converted. Question is to investigate whether he/she knows what he/she has converted to and therefore whether the conversion is genuine. As the WI states, “The main issue here is what this knowledge means to the foreigner. Does the stranger know how to interpret the essence of his new faith, and does he know what the meaning of a Bible text is, for example, and what this means personally for the foreigner?”¹²³. However, “What level of knowledge can be expected from a foreigner should always be viewed from the perspective of the personal story told by the foreigner”¹²⁴.

3. The activities, such as visits to religious meetings that a person undertakes within the new faith and the effect of the changes.

To assess whether the conversion is credible, State authorities should also take into account the activities that the convert undertakes with regard to his new religious belief and, in particular, the effect the conversion has on daily life and whether this is visible in behaviour¹²⁵. This is even more important for migrants that are low-literate: a conversation about activities and behaviour can help those having difficulty putting their conversation process or knowledge of faith into words¹²⁶. The WI stresses, however, that it cannot be expected from the converted to be actively involved in a church community to the extent he/she is able to sufficiently explain the reasons why he/she does not need to be a member of a church¹²⁷.

All the above-mentioned elements have to be involved in the assessment of the credibility of a conversion, allowing the converted to 'compensate' the statements he/she made with regard to one element and that are not completely convincing¹²⁸.

From a theological perspective, it is interesting to note that the WI explicitly states that "[t]he IND does not assess whether the foreign national believes he/she is sincerely converted. The IND tests whether it is plausible that the conversion claimed by the foreign national is based on a deep-rooted inner conviction"¹²⁹. This is why IND authorities always take the information provided by third parties into account when assessing the credibility of a conversion¹³⁰: information substantiating the motives for and the process of conversion as well as factual information supporting the statements concerning the element of activities is added to the dossier and will be given great values. The WI mentioned in this regard not only statements/letters from a pastor, but also reports prepared by foundations¹³¹ such as:

- the **Plaisier Commission**: a committee at national level of the Protestant Church in the Netherlands which carries out interviews with asylum seekers with a conversion to Christianity motive in the asylum procedure (upon request of lawyers).

It does not litigate the authority of the State to judge asylum appeals, but rather offers its expertise on conversion to improve IND practice. In fact, due to its method of working which consists in using a pastoral approach to reach at a conversation 'heart to heart as brothers and sisters in a Christian setting', the Commissie Plaisier often corrects and/or provides new information from earlier interviews made by IND staff.

It has to be noted that the Commissie Plaisier deals with more complicated cases such as those based on 'growth or deepening of faith', that can equally be recognized as a 'novum' ground to grant asylum. However, the WI states that the convert has to argue more convincingly to prove that his faith has grown, compared to the earlier procedure. This is why the Plaisier Commission is regularly asked (40 – 50 applications annually) to hold second opinion interviews with converts who want to lodge a repeated asylum request.

- the **Gave Foundation**: a Christian NGO which provides lawyers with expert reports on the quality of arguments used by IND upon request. It examines 80-90 case files of converts a year. Gave especially examines as to whether an applicant has been given sufficient opportunities to explain his motives for and process of conversion and the meaning of the new

faith for him/her, whether all relevant statements of the foreigner have been taken into consideration and which assumptions about conversion underly a decision. Quite often, the personal background and experiences of the foreigner are not taken into account.

Gave also advises Churches how they can help converts in preparing their interviews and about the do's and don'ts in the drafting of written statements in support of an asylum claim.

Gave has also got involved in the development of training modules for IND case workers and is getting involved in the development of courses for asylum lawyers. Also, Gave serves asylum lawyers with the presentation and discussion of relevant case law on the website juridisch.gave.nl.

Finally, Gave has been involved in international networks of the European Evangelical Alliance and then Refugee Highway Partnership and provides relevant information for our international partners on the website juridisch.gave.nl.

However, the WI underlines that “[a]s a rule, limited weight will be attached to the statements made by the religious authority or fellow believers. After all, the IND must make its own assessment of the credibility of a conversion”¹³². In this respect, a report published by the Gave Foundation in 2021 warns of the degree of arbitrariness resulting from the lack of consideration given by the IND but also by administrative judges to documents provided by churches and experts¹³³. With the rulings of the Council of State of 12 July 2021, this has been improved.

Concerning the risk of persecution in the country of origin of the asylum seekers who converted to Christianity, the WI clarifies that the plausibility of a conversion and the problems allegedly encountered as a result of his/her conversion in the country of origin must be assessed separately¹³⁴. Moreover, “the manner in which he will express his new religious convictions upon return to the country of origin must also be tested for credibility” as “the credibility of the foreign national expressing his new religious convictions upon return is [...] closely linked to the activities the foreign national performs in the Netherlands and how he expresses them”¹³⁵.

With regard to the method used by IND authorities, the WI underlines that no standard questionnaire has to be used as the guidelines in question do not constitute a checklist¹³⁶. A case-by-case interview has to take place with the aim to engage in a real conversation as much as possible by letting the asylum seeker telling his story freely and asking him/her mainly open questions¹³⁷. It is also necessary to adopt, as much as possible, an open-minded attitude during the interview and avoid (unconscious)

reasoning from a personal, often Western, frame of reference¹³⁸. This is why Gave Foundation has been involved in the training of new immigration officials in March 2020 and is now developing a series of four webinars on request of IND. These webinars should become compulsory for all case workers dealing with conversion cases.

Particularly interesting for our event, it is the role Churches can play in the asylum procedure invoking conversion as a reason to seek international protection. Gave Foundation underlines that church can fulfil a positive role in contributing to confidence from the IND through a careful baptism policy and in supporting conversion-based asylum claim by a statement¹³⁹. Gave Foundation elaborated specific advices to Churches on both aspects¹⁴⁰.

Concerning baptism, Gave Foundation strongly recommend to avoid to baptise ‘quickly’. Churches have to handle baptismal requests with care and are encouraged to provide the asylum seeker that has been baptise with a written statement carefully showing:

- how the Church deals with a request for baptism,
- what preparation for baptism is offered and required and
- on what substantive grounds the asylum seeker has been admitted to baptism¹⁴¹

In supporting the asylum application of someone who converted, Churches should underline the following points:

- What the Church sees in terms of growth in faith
- The meaning of the conversion in practical terms, such as what the Church sees in terms of life change
- The moments when the asylum seeker showed that he was touched by something from, for instance, the Bible, a sermon or a song
- what a person does in practical terms¹⁴².

3.7. Germany

A detailed state of art of the current practices in Germany is provided by Open Doors in their survey titled “Disregard of the human dignity of refugees in Germany: Representative survey on the

asylum status of 5,207 Christian converts” and available here: https://iirf.global/wp-content/uploads/reports/2021_convertts_survey_english_digital_signiert.pdf

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Conversion to Christianity

The Swedish situation and experience

Michael Williams, the Christian Council of Sweden's
Migration working group

The Christian Council of Sweden

- Established 1992. We are 26 member churches. The Council links together the ministries and activities of the member churches by arranging forums for exchange of ideas, creating networks, giving communication service, providing support for developing ecumenism and coordinating joint activities
- Lutheran Churches
- Free Churches
- The Catholic Church
- The Orthodox Churches

Migration Working Group

- Meets regularly
- Produces draft statements for the Board on current issues
- Produces materials on migration (e.g This is what we want...) <https://www.skr.org/produkt/detta-vill-vi-2/>
- Organises courses on the asylum procedure, psycho-social help and on conversion as a grounds for asylum

Dialogue with the Swedish Migration Agency

- How it started
- Common training courses
- Current plans
- Bones of contention
 - The establishment of the genuine nature of a conversion
 - The significance (or lack of significance)of testimonies from religious leaders
 - The need for religious expertise to be available

Swedish legal practice regarding converts

- Guideline decision from the Migration Court of Appeal (MIG 2011:29)
- The ruling of the European Court of Justice
5 september 2012 i C 71/ 11 och C 99-11
- The Swedish Migration Agency's (SMA) legal guidance notes regarding conversion and credibility issues
 - RÅS 26/2012 – Rättsligt ställningstagande om religion som asylskäl
 - RÅS 09/2013 – Rättsligt ställningstagande om metod för prövning av trovärdighet och tillförlitlighet
 available at www.lifos.migrationsverket.se

Guidelines from the SMA

1. Practising religion in the home country

○ What possibilities are there generally of practising religion in the home country?

○ Has the applicant been able in the home country to hold and express his/her religious conviction?

○ Information on the applicant's activities in the home country linked with the practice of religion, religious education or other education. What significance did the earlier religion have in daily life

2. Practical experience of the new religion

- How has the applicant's religious conviction been expressed in Sweden?
- The religious experiences of the applicant
- How has his or her prayer taken place
- Interesting to know about the baptism of the applicants. Possible confirmation? Instruction with a view to baptism and confirmation? In which language?
- Participation in services? How often? Does the applicant understand the language during the service? If not how is the content conveyed? Does the applicant practise his/her faith in any other way?

Continued...

- What special occasions/church festivals has he/she participated in in the church or in the parish?
- Rituals/sacraments participated in other than baptism or confirmation in the new religion.
- The applicant's information on participation in different festivals and the applicant's experiences during these ceremonies are important. In what way do they differ from ceremonies/festivals within the earlier religion.
- Any experience of other rituals in the church or parish?

4. Changes within the person

- How did the applicant come in contact with the new religion.
- What led the applicant to this faith?
- The nature of the applicant's belief?
- The significance of religion in his/her everyday life
- What/where/when??
- What was decisive in adopting a new faith? Why could this not be found in the previous faith?
- How does the applicant experience his/her belief? How does this belief influence him/her as an individual? Why was this not found in the previous faith?
- Has the new faith influenced the applicant's daily behaviour?

Continued...

- What values has religion given to the individual?
- Possible ill-feeling towards the previous religion?
- Personal values, cultural values etc
- Describe this ill-feeling carefully. Is it the earlier religion in itself that the person is against or is it only how it is interpreted?

5. How do others experience the applicant?

- Open about his/her new religion?
- How will it be evident that a person has this belief on returning?
- Told other fellow countrymen/women in Sweden, family in Sweden or in the home country? How have they reacted?
- What actions does the individual think will reveal his or her new faith? Missionary activities?

6. Explanation of possible errors

- The applicant will have the opportunity to explain any doubts or contradictions in the account
- The applicant will have the opportunity to explain any lack of knowledge about the new faith.
- If conversion took place after the decision of the Migration Agency then the applicant should have the opportunity to explain why the conversion took place so late or in connection with a decision.

The Migration Agency mini-survey on cases concerning converts

- Conclusions:
- Guidelines followed in the main but there were some cases where very detailed questioning took place on extraneous matters not directly linked with assessing protection grounds. The blame for this was assigned to individual caseworkers and not seen as an issue where more guidance and supervision was needed
- The survey did not take up cases that were turned on appeal

Standards for writing certificates regarding converts

- Content: the priest/pastor's background and experience. Information about the church.
- The kind and quantity of contacts with the convert over time. The preparation for baptism and the kind of studies pursued and in which language.
- The involvement of the convert in church life giving dates and kinds of activities
- Discussion with the convert on the consequences of conversion

Differences between churches

- In most denominations baptism is decisive.
- Many churches in Sweden (the Church of Sweden, Catholic Church, Orthodox Churches, Eumenia Church, etc.) practice child baptism. In childhood, God's relationship is emphasized as a gift. When adults come and want to be baptized, it is precluded with baptismal education and an active decision to be baptized and live as a Christian.

- In a few churches (the Salvation Army, the Quakers) there is no baptism leading to membership. This is based solely on the decision and willingness to share the community.
- Before 1996, it was possible to become a member of the Swedish Church without being baptized. The possibility of being a member without baptism remains in Eumenia Church (formerly Mission Church, Baptist Church and Methodist Church).

Frequent reasons for refusal of claims

- Not credible
- Interest in changing faith not mentioned at first interview only later in the procedure
- Vague answers regarding motives in changing faith
- Lack of knowledge of seminal concepts and events in the Bible
- Inability to differentiate between different Christian denominations in relation to one's own denomination
- Only joined the church for social reasons
- No real threat in the home country

Selected examples of questions posed to claimants

1. When did you get in touch with Christianity?
2. How long had you been to Sweden when you went to church for the first time?
3. Why did you go to church for the first time?
4. Did the conversion take place after you arrived in Sweden?
5. Did you have any contact with Christianity in Afghanistan ?
6. Why did you convert?
7. Can you develop your thoughts on your first contacts with Christianity?
8. How could Christianity help you with your problems? Did you get any lessons before you were baptized in Dec 2016?
9. Did you receive any special instruction for baptism?
10. Have you read the Bible?
11. Is there any specific Biblical story that has caught your interest?

16. How does your Christian faith manifest itself in everyday life?
17. Tell us about the Bible studies in the church!
18. Do you know much about Christianity?
19. If it was possible how would you like to practice your Christian faith in Afg?
20. Is there any Christian church in Afg?
21. Who do you share your faith with here in Sweden?
22. Can you tell us about Jesus' last hours here on earth?
23. What difficulties would you face on returning to Afg?
24. Does your family know about the conversion - how did dad react?

Academic analysis of the challenges and the different perceptions of religion: Joel Halldorf, theologian

- When studying the investigations, it becomes clear that they work with a different understanding of religion and conversion than today's research on religious belief.
- Previously, religions were regarded as a belief system, reflecting how intellectually educated scientists themselves relied on their beliefs. Now, however, it has been realized that most believers do not primarily relate to their religion as a set of beliefs, but rather as things they do: go to church, pray, go on pilgrimages, and so on.
- This view on religion has consequences for how to look at conversions. A modern person would like to describe his conversion as a considered decision. But if you look at conversions, you almost always find that a social process lies behind them. Relationships first, then the beliefs.

- Sociologist Rodney Stark, a leading researcher in this field, writes: "It was long believed that religious conversions were the result of being attracted to some doctrines. But when sociologists began to study them, they discovered that the doctrine was secondary to the decision to convert. Social networks are instead the primary engine."
- The Migration Board quite rightly assumes that a person who has changed religion has good reasons for this. The problem is that they conceive the reasons as mainly intellectual.
- Therefore, you expect that converts carefully and based on detailed knowledge about their new religion should be able to account for their decision.
- In investigations, therefore, critical phrases are found such as "A's descriptions of the thought process that led to the conversion and how he reasoned seem very general"

- "Converts are regarded as religious consumers, and are expected to be able to account for their reasons, just as one justifies why one bought a particular car. A case officer asks: "There are masses religions: Judaism, Buddhism, Hinduism, the Asa-faith. Why did you just choose Christianity? "
- A religious identity is rather something one is led into, through a combination of relationships, experiences, practices and arguments. Asking someone why one chose a faith is much like asking someone to motivate a friendship. "

- "The statements of the converts often rest on a few words about the experience of God's love, a new experience of forgiveness, or descriptions of peace in connection with prayer.
- These few words are not evidence that they are bluffing, but reflect the common process of conversion. As identified by research"

Bedöm konvertiter på vetenskaplig grund

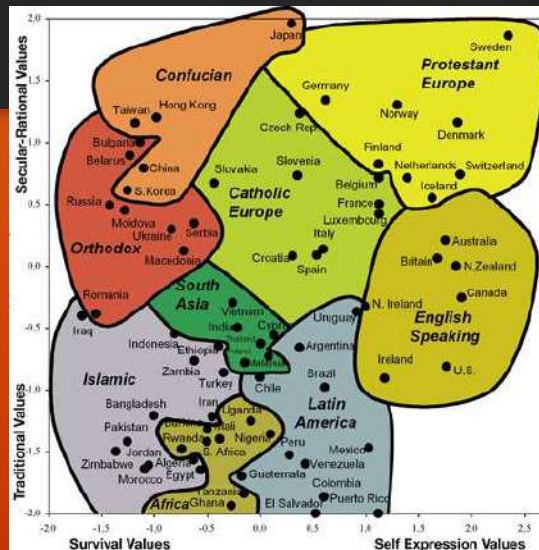


Karl Malmberg

11 november 2017

The World Values Survey Cultural Map

Sweden is in a global perspective an exceptionally secular and individually oriented society and this limits our understanding of what religious adherence means in large parts of the world



Från: Ronald Inglehart and Christian Welzel: "Changing Mass Priorities: The Link Between Modernization and Democracy." 2010

Different perspectives in ECJ and ECHR decisions

- Is it reasonable to expect a believer to refrain from outwardly manifesting his/her faith in order to avoid persecution?
- ECJ says basically no in 5 september 2012 in C 71/ 11 and C 99-11 (<http://curia.europa.eu/juris/document/document.jsf?docid=126364&doclang=EN>)
- ECHR in the case A v Switzerland (<http://www.lawandreligionuk.com/2017/12/23/>) says this is possible in a case where the person's way of manifesting his faith in Switzerland would not draw official attention to him in Iran and thereby not lead to a risk of persecution



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