

EMN Ad-Hoc Query on Asylum claims based on conversion from Islam to another religion

Requested by Jutta SAASTAMOINEN on 7th March 2017

Protection

Responses from Austria, Belgium, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Slovak Republic, Spain, Sweden, United Kingdom, Norway (22 in total)

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.



Background information:

An increasing number of asylum seekers in Finland have presented an asylum claim according to which they converted from Islam to Christianity. The phenomenon seems to be on the rise, espe-cially with regard to asylum seekers from Iraq, Afghanistan and Iran. In most situations question is of a sur place refugee claim, i.e. the asylum seeker has converted to Christianity in Finland. It is difficult to establish whether someone's faith is genuine. Therefore the Asylum Unit of the Finnish Immigration Service would likely to request information from other Member States concerning the practices they use.

Summary

Responses were received from 22 Member States (AU, BE, CY, CZ, DE, EE, ES, FI, FR, HR, HU, IE, LT, LU, LV, MT, NL, PL, SE, SK, UK, NO).

13 Member States (CY, DE, EE, ES, HR, HU, LT, LU, MT, PL, SE, SK, UK) indicated that their answers were for wider dissemination. The summary is based on the answers of those 13 countries whose answers are for public dissemination.

- 1. Around two-thirds of the reporting countries (CY, ES, HR, HU, LU, MT, PL, SE) indicated that conversion from Islam to Christianity is a common motive for asylum applicants from Iran but it is not a very significant motive for those from Iraq or Afghanistan. Also Germany reported that conversion to Christianity is most commonly cited by asylum applicants from Iran. A few states (EE, LT, SK) reported that numbers are low for all three countries and they are individual cases rather than a mass phenomenon. The UK had no exact information available.
 - Croatia explains that a considerable number of claims are sur place claims.
 - Germany reports that conversion to Christianity is most common among asylum applicants from Iran, but asylum applicants from Afghanistan, Iraq, Pakistan and other countries also submit such claims.
 - Poland and Sweden report that there has been an increase in the numbers among those from Afghanistan and Iraq.
 - Spain has never had any asylum seekers from Afghanistan who claimed to be converted to Christianity. A few from Iraq have claimed to be atheist.
- 2. All of the reporting countries indicated that the credibility of the conversion is assessed through personal interview and questions about various topics including motivation, process, religious live and practice, knowledge, inner feelings and previously happened persecution. The certificate of baptism and other related documents are been taken into account in some level but generally have a limited value as such.
 - Croatia explains there is no assessment of the permanence of the conversion at this stage. Biblical knowledge is usually required during the interview.

- Estonia examined the content of the applicant's mobile phone and profile of social media which provided controversial information.
- **Germany** notes that a certificate of baptism alone is not sufficient to verify a need for protection. More emphasis is placed on assessing or predicting the behaviour of the applicant upon return to the country of origin, and the possible risk of persecution that may result.
- **Hungary** gives a lot of weight to a certificate.
- Malta explains that certificates on their own are not considered as enough of an evidence but they need to be corroborated by the applicant's personal statement.
- **Poland** does not regard certificates as an absolute proof of actual conversion because some documents have turned out to be fake and some churches issue certificates for people with no knowledge of Christianity.
- Slovak Republic assesses any certifications individually and examines what kind of preparation preceded the conversion because some churches baptize people without any preparation.
- Spain has started to interview most of the Iranian converts a second time and has found out major problems with credibility.
- Sweden assesses the depth and permanence of the conversion but considers it to be very difficult.
- 3. Almost all reporting countries indicated that there are no cases where asylum seekers from Afghanistan, Iran or Iraq have genuinely converted from Islam to another religion, but do not appear to be particularly active and outward oriented practitioners of the new religion.
 - Germany reports that a return decision can be made if it is assessed that the behaviour of the returnee upon return does not constitute a risk of persecution.
 - **Spain** explains that Iranians may return without encountering problems unless they have drawn the attention of the authorities or are openly evangelizing.
 - The UK decides on a case by case basis.
- 4. Most of the reporting countries indicated that if the conversion is considered to be credible and it is known that officials in the country of origin actively persecute religious groups in question, there is no additional requirement for the applicant to demonstrate that the authorities are aware of it.
 - **Cyprus** explains it to be one of the reasons for granting a refugee status and is very much taken into consideration.
 - **Germany** notes that, on the other hand, countries of origin are also aware that conversion <u>may</u> have been claimed as a reason for seeking asylum with the intention of increasing the applicant's prospects of being able to stay in Germany.
 - **Spain** reports that if people remain discreet and do not become active in the public sphere, there is no reason for them to fear persecution by the Iranian authorities.

- Sweden emphasizes that in some cases the state is not the agent of persecution and the applicant should not need to hide his religion or refrain from religious activity or ceremonies in public for fear of persecution.
- 5. Only a few countries reported to have national jurisprudence relating to asylum seekers from Afghanistan, Iran or Iraq who have converted from Islam to another religion.
 - Germany reports that there are numerous court rulings about the matter.
 - Slovak Republic has some national jurisprudence by the Supreme Court. There is experience that panels of the Supreme Court might have different decisions on certain cases.
 - Sweden has one case which has been decided by the Swedish Migration Court of Appeal.
- 6. All Member States indicated that asylum seekers most commonly convert to Christianity. The following communities were mentioned by name: Protestant (CY, DE, HR, PL, SE), Lutheran (HU), Baptist (HU, SE), Catholic (PL, SK), Jehovah's Witnesses (SK), Church of Brethren (SK), and Pentecostal (SE). Among Iranians, Baha'i was also mentioned by Luxembourg.

Questions

- 1. In your Member State, is it common for asylum seekers from Afghanistan, Iran or Iraq to present an asylum claim based on the fact that the asylum seeker has converted from Islam to Christianity or some other religion? If yes, when did this phenomenon begin and what is the scale of the phenomenon?
- 2. How do you assess the credibility in your Member State? Do you assess the authenticity of the conversion, and if so, how? Do you assess the depth and permanence of the conversion? What value do you give to a certificate of christening/baptism?
- 3. Does you Member State give return decisions to asylum seekers from Afghanistan, Iran or Iraq, who have genuinely converted from Islam to another religion, but who do not appear to be particularly active and outward oriented practitioners of the new religion?
- 4. What value do you give to the likelihood of the conversion becoming to the knowledge of the officials in the country of origin?
- 5. Do you have national jurisprudence in your Member State relating to asylum seekers from Afghanistan, Iran or Iraq who have converted from Islam to another religion?
- 6. Which religious communities do the asylum seekers most commonly convert to in your Member State?

Responses

	Country	Wider Dissemin ation	Response
	Austria	No	
	Belgium	No	
	Croatia	Yes	 In Croatia mostly Iranian asylum seekers, based on the incidental evidence. Majority of Iranian asylum seekers claim that they are being persecuted because of their alleged change of religion. Considerable number of these claims can be characterized as "sur place" claims. An assessment of the authenticity of once conversation to Christianity will be done during the interview with an official who would enable the applicant to explain the facts and present all available evidence to support their statement. At this stage, there is no assessment of the permanence of the conversion. A certificate of baptism is considered to be an evidence but it is not sufficient. Usually biblical knowledge is required during the interview. No, so far Croatia hadn't had such a case. The fact that the conversion will be known to officials in country of origin is only one of the factors on which international protection can be based. If asylum claim is perceived as credible and it is known that officials in their country of origin actively persecute religious group in question, those asylum seekers will be granted international protection provided that they meet all other legal requirements. There is no national jurisprudence regarding the question. To our knowledge most of the asylum seekers who have converted from Islam to another faith have converted to Christianity, specifically Protestantism, and most of them are from Iran.
¥	Cyprus	Yes	1. In Cyprus, we have experienced such claims only by applicants for international protection from Iran. This is a phenomenon that we have been experiencing since the establishment of the Asylum Service in 2003 (similar cases

		 were also experienced by UNHCR which had the responsibility of the examination of asylum applications prior to the establishment of the Asylum Service). We do not keep any statistics to share with you concerning the numbers of converts from Iran, however, it is confirmed that this is a common claim among Iranian applicants for international protection. 2. The credibility is assessed during the interview based on the applicant's claims and the evidence presented. In case the applicant has not been persecuted and/or discriminated, there must be a clear explanation and present reasonable evidence why (s)he believes that (s)he will be a person of interest to the Iranian authorities in case (s)he returns to Iran. Furthermore, through questions relating to the conversion (have reasonable knowledge of the new religion and establish genuine motives for this conversion), the authenticity of this conversion to Christianity, (s)he will face persecution because of this conversion (religious beliefs) then (s)he is granted refugee status and therefore not returned to Iran. 4. It is very much taken into consideration in the examination of the claim, being one of the reasons of granting refugee status to the person concerned. 5. N/A 6. Christian Protestants
Czech Republic	No	
Estonia	Yes	 One Iranian has converted from Islam to Christianity (Shia Islam to Protestantism) and it is still a pending case. So it is not common in Estonia. The Police and Border Guard Board (PBGB) examines how the applicant changed his religion, for what reasons he did that, how does Islam differs from Christianity, when did he realize that he is a Christian etc,. Also PBGB takes into account the time-period (how long has he been a Christian). Iranian national was baptized in Estonia,

			 therefore we consider the certificate as an evidence that in Estonia he is baptized (this does not mean that he could not be an Islam follower in other states and etc.). Also, PBGB takes into account other factors such as the content of his mobile phone and profile of social media (these evidences tell a bit different story). In case the whole family changes their religion to Christianity, then the whole families behaviour and way of living will be evaluated. 3. No practice. 4. Given value is dependent of the personal circumstances of the applicant. 5. No. 6. Estonia does not have a lot of such cases, but all of them are from Islam to Christianity.
$\mathbf{+}$	Finland	No	
	France	No	
	German y	Yes	 No statistics are collected on grounds cited in asylum applications in Germany. Notwithstanding this fact, it is to be observed that conversion to Christianity is a ground which has been commonly stated by persons applying for asylum for many years now. Conversion to Christianity is most frequently cited by asylum applicants from Iran, in addition to which applicants from Afghanistan, Pakistan, Iraq and other countries of origin also submit such claims. Individual cases are examined. Confirmation of conversion to Christianity from a church, generally in the form of the certificate of baptism, is not called into question by BAMF. BAMF examines the risk of persecution which an asylum applicant would face in the event of return to their country of origin. With regard to an asylum applicant's behaviour in the context of their conversion, two aspects are assessed: o How would the applicant behave in their country of origin, following a return to this country? o What consequences would the forecast behaviour have for the applicant? In this connection, the seriousness of the applicant's commitment to the new

		religion requires to be substantiated. A certificate of baptism alone is not sufficient to verify a need for protection.
		3. Yes, when the criteria stated under point 2 are not met.
		4. This is also examined according to the specific aspects of the individual case concerned. Countries of origin are aware that conversion may have been claimed as a reason for seeking asylum solely with the intention of increasing the applicant's prospects of being able to stay in Germany.
		5. Yes. There are numerous court rulings (including by higher courts) relating to various constellations in individual cases.
		6. Protestant free churches are commonly cited.
Hungary	Yes	1. In Hungary the vast majority of asylum requests have been submitted based on religious or political issues since 2015. This usually means that they left the Islamic religion and converted to Christianity, and in Iran it isn't just religious but a political problem as well. This phenomenon is typical in Iranian asylum seekers' cases only, and negligible regarding Afghan and Iraqi claims.
		2. To verify the authenticity in most cases the Hungarian authority has nothing else but the hearing note (conversation). The authority asks as many questions as possible about the applicant's faith. The main point is the asylum seeker's true belief in the new religion. If the applicant has any kind of certificate about his/her religion it has of course a strong value in the procedure.
		3. In Iranian cases the applicant who converted from Islam to Christianity, cannot be sent back to Iran because it cannot be expected from anyone to keep his/her religion in secret.
		4. The asylum procedure in Hungary always begins with general questions about the country of origin. This is a crucial part of the hearings, because most of the applicants do not have any kind of documents to prove their identity and citizenship. It is also true in a case when an asylum seeker has converted to Christianity. Anyway, it cannot be expected an asylum seeker from an Islamic country has comprehensive knowledge about Christianity. The main point is being deeply religious.

		5. Hungary does not have general jurisprudence relating to these or any other cases, as the asylum authority is supposed to examine every single application individually.6. Lutheran and Baptism.
Ireland	No	
Latvia	No	
Lithuani a	Yes	 In the last two years there were only 2 cases of asylum claims based on the fact that the asylum seekers (from Iraq) has converted from Islam to Christianity but the applications for asylum were rejected. Therefore, due to insufficient and inchoate practice it is not possible to provide informed answers to following questions. n/a n/a n/a n/a n/a n/a
Luxemb ourg	Yes	 With regard to Iran and Iraq, approximately 5% of the applicants for international protection claim being persecuted because of their alleged change of religion. A phenomenon observed in Luxembourg since 2012. For Iran, we observe primarily conversions to Christendom and the Baha'i religion; for Iraq, applicants claim having converted to Christendom, most frequently to Evangelism. In regard of the applicants from Afghanistan no such phenomenon has been observed so far. For the time being Luxembourg has not established a general policy line for the treatment of people converted

			 from Islam to Christendom or another faith. The assessment of the credibility of applicants for international protection is a key element in the overall decision making-process and is principally assessed based on the declarations made throughout the interview, the available COI information and the general coherence of the claim. In case of suspicion, we request a control of the documents by the relevant services of the criminal police to establish their authenticity. The specific vulnerabilities of religious minorities and persons having converted to another faith are, however, elements considered with specific care in all the claims we handle. 3. No. Currently Luxembourg grants international protection to the majority of asylum seekers having converted from Islam to another religion from Iraq and Iran, due to the perceived risk of persecution they face upon return and the ill treatment. A decision that is however contingent to the assessment of the credibility of their claim. 4. Luxembourg analyses every application for international protection on a case-by-case basis and on the merits of the claim. A decision will be taken based on this analysis, the findings provided by the Country of Origin Information and the general situation of religious minorities/groups in the country of origin. If their claim is perceived as credible and the authorities of their country of origin actively persecute members of a specific faith, Luxembourg grants an international protection based on the future risk of persecution and ill treatment upon return due to their conversion/religious faith. 5. For the time being, we generally have very few jurisprudences in regard of this specific topic in Luxembourg, so far we do not have a specific jurisprudence for the three countries in question. 6. In the case of Iran, Luxembourg is mainly confronted with conversions to Christianity or the Baha'i religion, while applicants from Iraq mainly convert to the Christendom, especially to the e
*	Malta	Yes	 The Office of the Refugee Commissioner only received a limited number of applications from asylum seekers coming from Afghanistan, Iran or Iraq. Conversion from Islam to Christianity is a common claim amongst Iranian asylum seekers, but not so for Afghanis or Iraqis. The credibility of the applicant in relation to conversion is assessed through the applicant's own statements and any documentary evidence that he or she might have. As a general rule, the Office of the Refugee Commissioner conducts an in-depth analysis to determine the authenticity of the claimed conversion. Any certificates of christening/baptism that are presented are taken into due account. However, such documents on their own are not

		generally considered as enough evidence to ascertain the authenticity of the applicant's alleged conversion. Such documentary evidence always needs to be corroborated and reinforced by the applicant's own statements during the interview.3. We do not have experiences with such situations.4. We do not have experiences with such situations.5. N/A6. Asylum seekers generally claim that they converted to Christianity.
Netherla nds	No	
Poland	Yes	 In Poland such phenomenon is present, but characteristic only for Iranian applicants. It has started a few years ago with several cases and is on the rise (but not more than 50 applications a year). Among all Iranian applications for international protection vast majority is based on declared religious problems. Most of the time, credibility of applicant conversion is assessed during interview. There were very few cases in which applicant could prove his/her credibility in other way than to answer some absolutely basic questions about his/her new religion. Most of the time this is enough to find out whether conversion was fake (most of cases) or actual. There were also cases in which applicants brought some documents from Iran (court summons, etc.), which turned out to be fake. Regarding certificates of baptism, we observe a process of issuing such certificates by some Churches for people with absolutely no knowledge of Christianity. This is the reason why such certificates are not regard as absolute proof of actual conversion. No, once Office for Foreigners grants international protection in "religious" case, we do not follow religious activity of such refugee. We do not examine such possibility. Yes, we do have national jurisprudence from appellate court proceedings, but it relates rather to overall

		credibility of applicant than to credibility of conversion.
		6. Mainly to Catholicism and Protestantism with a slight advantage of the latter.
Slovak Republic	Yes	 Yes. Cases of asylum seekers from the above mentioned countries who base their applications on the conversion from Islam to other religions started to appear more frequently approximately 5 years ago. Although such applications appear regularly, they represent individual cases rather than a mass phenomenon. • asking questions about the religion the person allegedly converted to • the authenticity of conversion is assessed during the interview • the knowledge about the religion to which the person allegedly converted We suppose that if an adult person decides to convert to another religion, he/she should be able to explain without any contradictions why he/she did so and should also have sufficient knowledge about the religion. A certificate of baptism is assessed individually. There are religions and churches in Slovakia which can baptise a person without any preparation and due to this fact it is necessary to examine what kind of preparation preceded the conversion, what the intensity of the conversion was like and how long it took. The Migration Office of the Ministry of Interior issues to applicants in whose case the authenticity of the conversion was not confirmed a negative decision about the granting of international protection. As to the return decision, Slovak Republic does not have a settled methodology regarding the assessment whether the life of a foreigner in the country of origin is endangered for the religious reasons. This fact is assessed by the administrative authority that decides in the case. Each case is individual. The information available from different sources are taken into account. This issue has been assessed. The information is highly classified in the Slovak Republic and there is little likelihood that the country of origin officials would learn about it. Yes, there is national jurisprudence by the Supreme Court of the Slovak Republic on this. However, as there were not so many cases, it is not possible to draw a gener

			6. Jehovah's Witnesses, Church of Brethren, Roman Catholic Church
<u>.</u>	Spain	Yes	1. Afghan asylum seekers mostly claim fear of persecution by the Taliban for several reasons, but we've never had asylum seekers who claimed to have converted from Christianity or any other religion. In the case of Iraq, it's pretty common among Iraqi nationals to claim fear of persecution by Sunnis or Shias when they belong to the other branch of Islam. But they don't usually claim to be converts either. In some very few cases they have claimed to be atheists in a general context but that was not the main reason why they flee. This is more the case in applications from Iranian nationals. Traditionally, a considerable number of Iranians claim to be converts from Islam to Christianity fearing persecution form their authorities. During the last two years this number has been slowly increasing and actually it represents around 40% of the whole Iranian applicants.
			2 One of the main challenges about this kind of applications is the credibility of the conversion. Since last year we have started interviewing most of Iranian converts a second time, and we have found serious problems of credibility. For instance, in many cases we find applicants coming from the same area or at the same time, with very similar claims, such as an express conversion after some friend or workmate talked to them for a short time, followed by an episode of persecution by the Pasdaran who discovers that the group was meeting in a home church, in which the person never happens to be during the raid, but has heard of afterwards. And immediately after, that person leaves the country by plane at the International Airport of Teheran without having any problem to leave the country Yes we do, in order to assess the credibility of the conversion Relatively low, depending on the specific Church and especially when they only bring copies. We are aware that authorities from other countries have noticed the increase of applicants who claim to be converts and use certificates form western churches to make their claim stronger. Thus, authorities are warning different Churches not to give away certificates unless they are pretty sure that the person is a convert and lives or acts as such.
			 3. With regard to the situation of converts who return to Iran after being baptized in Spain, we consider that they may return to Iran and not encounter any problems, provided they didn't draw the attention of the authorities. In that sense we consider that converts who openly start evangelizing could be a risk of harm from the authorities. 4. We consider that Iran is a place where people often lead their lives in a different way depending whether they are in the public sphere or in private. And this applies not only to converts or religion but also to the fact of drinking alcohol, gathering at homes, internet, watching satellite TV etc. As long as people remain discreet and do not make a fuss of it, things can work for them. This applied to converts means than as long as the person does not

		 become active in the public sphere, claiming others to convert to Christianity, showing up in public, evangelizing there is no reason for fearing persecution by the authorities. 5. Not so far. 6. Mainly Iranians claiming converted from Islam to Christianity.
Sweden	Yes	 Iran: This claim has existed for a long time. It is among the most common reasons for asking for asylum. Afghanistan: This claim have existed for some time. It is not very common but is rising in amount. Iraq: This claim is fairly new. It is not very common but is rising in amount. The authenticity and credibility is assessed mainly through an interview with the applicant. Questions asked are i. a. reason for conversion, knowledge about eg. Christianity, inner feelings, specific decisive episodes, if the applicant has been subjected to persecusion in his/hers country of origin due to conversion. – This is very difficult to assess and can only be done on a case to case basis. Depth and permanence are among the issues assessed. – Certificates, eg. of baptism are not considered to have a great value of proof and cannot in itself constitute enough proof of conversion. Not normally but if the applicant out of personal reasons (not out of reasons for fear of persecusion) choose not to reveal his/her religion to others, the application may be rejected. This happens very seldom if at all. High value, but in some cases the agent of persecusion may not be the state and then the question arises if the state is able to provide protection. This is however not the case in any of these three countries. – The main issue here is however that the applicant should not need to hide his religion or refrain from religious activity or ceremonies in public for fear of persecution. Only one case on this issue has so far been decided by the Swedish Migration Court of Appeal (Migration Swerdenstel, se/dokument?documentSummaryId=26334 The Director of Legal Affairs of the Swedish Migration Agency has issued a legal standpoint concerning conversion. It can be accessed here (in Swedish): http://lifos.migrationsverket.se/dokument?documentSummaryId=28914

		6. Mainly the Swedish Church and Pentecostal or Baptist congregations.
	Yes	 6. Mainly the Swedish Church and Pentecostal or Baptist congregations. 1. Asylum claims from nationals of Afghanistan, Iran and Iraq are varied and conversion from Islam is only one such claim type. Whilst the reasons for an asylum claim are noted in the interview records it would not be possible to identify whether, and if so when, conversion claims rose to a level they could be classed as a phenomenon without a detailed manual study of thousands of asylum cliams. 2. See Asylum Policy Instruction – Assessing credibility and refugee status – see section 7.1 Assessing religious conversion and 4.7 Other expert evidence https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/397778/ASSESSING_CREDIBILI TY_AND_REFUGEE_STATUS_V9_0.pdfDoes you Member State give return decisions to asylum seekers from Afghanistan, Iran or Iraq, who have genuinely converted from Islam to another religion, but who do not appear to be particularly active and outward oriented practitioners of the new religion? See Asylum Policy Instruction – Assessing credibility and refugee status – see section 7.1 ASSESSING_CREDIBILI TY_AND_REFUGEE_STATUS_V9_0.pdf 3. This would be decided on a case by case basis. 4. The UK does expect those who convert to be discrete to avoid persecution - See Asylum Policy Instruction –
		 Assessing credibility and refugee status – see section 7.1 Assessing religious conversion https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/397778/ASSESSING_CREDIBILI TY_AND_REFUGEE_STATUS_V9_0.pdf 5. See country policy and information notes: Afghanistan - https://www.gov.uk/government/publications/afghanistan-country-policy-and-information-notes Iran - https://www.gov.uk/government/publications/iran-country-policy-and-information-notesIraq Iraq - https://www.gov.uk/government/publications/iraq-country-policy-and-information-notes
		6. The UK does not record the basis of claim – anecdotally the most common conversion is to Christianity.

Norway No	
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