

Asylum Applications and Christian Belief

A briefing for ministers called to give evidence in support of asylum applications

Many people seek asylum in the UK on the grounds that they fear persecution as Christians or as converts to Christianity in their country of origin. Some may have entered as Christians or have experienced a conversion to Christianity after they have arrived. Some of these worship in our local churches and participate in the life of the congregation. As a result, ministers and members of our congregations are confronted, usually for the first time, with the complexities of the asylum process. Some ministers are called to testify at hearings as to the genuineness of an applicant's Christian faith. This briefing offers some general guidance. Although the scenario refers to a URC congregation, this guidance is intended to be used by all denominations – please adapt it to your individual circumstance.

THE ASYLUM PROCESS

A reputable immigration lawyer is of prime importance

This is complex and subject to frequent change. Right to Remain are a charity working on asylum issues and have produced [a Toolkit which explains the system](#).

You will also find a good, regularly updated guide [on the Asylum Aid website](#).

It is of prime importance that the person the church is supporting should be served by a reputable immigration lawyer. It may fall to you to help them find one. If you need guidance, approach a local refugee organisation. Finance is often an issue. Although in the UK, legal aid is usually available for asylum claims, not all solicitors handle legal aid claims. Some private solicitors will accept a case pro bono and waive legal fees. Some congregations crowd-fund to pay the costs of good legal advice and representation.

It is common for a lawyer to say that they cannot do anything further when a first appeal has been refused. But they do not always tell the claimant or his supporters immediately. It is extremely important that you find out as soon as possible whether this is the case. If a person has no legal right to remain in the UK and has no current application to a tribunal, they are at risk of detention and removal. You will have to give legal support as appropriate (see [Toolkit](#) for the distinction between legal support and legal advice). In a specialist area like religious conversion, lawyers are usually glad of your assistance. You may want to remind them, for example, that tests of Christian credibility on the basis of biblical trivia are inappropriate and infringe Home Office guide-lines.

THE MINISTER AS WITNESS

Providing written evidence to the Tribunal

If the person who is seeking asylum states that they were Christian at the time they fled or subsequently became Christian, and this is part of their case to explain why it is unsafe for them to return to their country of origin, then the minister will be expected to produce a written statement and testify at the hearing. If the claimant does not have a solicitor, you should prepare a statement all the same and send it, signed and dated, to the Tribunal. This is evidence of the credibility of the claimant's claim to be Christian. (As a rough general guide, see the appendix to this document, but it is vitally important to write this in your own words). This should not be too long – a maximum of two pages A4 is about right.

The statement should cover the following areas:

You should start by stating your own role within the church. Most tribunals have an approximate understanding of terms such as “minister” or “priest” or “vicar” but few understand what is meant by officer in the Salvation Army, elder, or deacon. If the Tribunal does not understand that these are leadership roles within a particular church tradition, they may dismiss your evidence. It is up to you to explain.

You should also explain briefly the church's worship pattern.

Because the culture of Christianity varies from one church to another, a person who has come to worship in a congregation belonging to a particular church tradition may not be “informed” about aspects of Christianity which are important to another. It is unsound to assume knowledge of Anglican practices such as set prayers or the liturgical use of Psalms, or Catholic practices such as confession and regular masses in the case of a person who worships in a congregation of the United Reformed Church, which will typically use free prayer, hymns and Christian songs.

You should refer to the claimant's attendance at worship and their general involvement in church life. Ideally this will be supported by letters to the solicitor from members of the congregation.

Indicate ways in which the claimant is seeking to deepen their understanding of Christian faith, for example by attending Bible Study groups, personal reading and prayer, occasions when they might have witnessed to others about their Christian faith.

If the person has been baptised, you should say so – if not, then you will want to explain your church's policy on Baptism: for example, if you do not baptise automatically everyone who asks for it, you may require a candidate to attend several weeks of preparation classes; or if you are an officer of the Salvation Army, that this is a non-sacramental Christian church which does not practise baptism.

ADDITIONAL CONSIDERATIONS

Assume no knowledge of religious matters by the Home Office

- You must be prepared for the hearing to be adversarial. The claimant has to convince the Tribunal of his/her credibility as a Christian and prove that he/she has a well-founded fear of persecution in the country of origin.
- You must assume no knowledge of religious matters by the Home Office. This may lead to some quite unreasonable assumptions being made about Christianity and the Christian Church (see [CRN document on Testing the genuineness of conversion to Christianity](#)).

- It is helpful to avoid using phrases which may be meaningful within church circles but not outside – eg, the person “knows Jesus.”
- Although this reasoning has been shown to be unsound, the Home Office may argue that a Christian may safely return to their country of origin if they do not announce their faith. They may contend that members of the United Reformed Church, for example, do not evangelise. While you should never attempt to invent evidence of evangelistic activity, you may want to affirm that to evangelise is essential to what it means to be Christian. All are called to evangelise, though not all are called to be preachers.
- Give the tribunal priority in your own diary and ensure that some church members are also present.
- It is rare for an appeal to be decided on the day – you may have to wait for several months. Then the claimant needs to act quickly. If the decision is positive, they will have to find accommodation and apply for a National Insurance card. If the outcome is a refusal, there is a very short time to mount a case to appeal against the decision.

THE HEARING

Keep in mind that you are the expert

Re-read your statement carefully before the hearing.

After the tribunal preliminaries, you will be asked to leave the court – this is to ensure that you do not hear what is said by other witnesses.

When you are called in to give evidence, you should be prepared to respond to questions by the claimant’s representative, the Home Office Presenting Officer and the adjudicator.

If necessary, ask the questioner to repeat what they have said, or allow you to complete your answer. Answer the questions calmly and firmly – keep in mind that you are the expert.

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Or visit the Joint Public Issues website: www.jointpublicissues.org.uk



APPENDIX 1: example written statement

STATEMENT OF REVD HILARY JONES

I, The Revd Hilary Jones BA, of (home address) state as follows:

Declaration

I make this statement in connection with XX's asylum appeal. Its contents are true to the best of my knowledge and belief.

1. I am a minister of the United Reformed Church. I was ordained in 1990 and have served as minister of PP since 2008.
2. The United Reformed Church is a main-stream denomination in the UK with about 1500 local congregations. It is part of the World Communion of Reformed Churches, the fifth largest communion of churches world-wide. We believe that we are called to join in God's mission to spread the gospel. All are called to share their faith by their lives and by doing so, to evangelise. We celebrate two sacraments, Baptism and Communion. In our services of worship, we do not use a prescribed liturgy but typically structure the service around Bible readings and sermon. The worship leader will normally use free prayer and the congregation will sing hymns, Christian songs and choruses. Our congregations reflect a rich diversity of Church backgrounds and theologies, of cultures and life experiences.
3. I first met XX in (*month, year*) when he began to attend services at PP. He told me that he had fled his home country because it had become too dangerous for him to remain and was seeking refugee status in the UK.
4. He has attended services regularly since then and as we are a small congregation, is well known and liked. We gave him a Bible in his own language. As his English improved, his confidence increased; now he regularly serves coffee after the service, helps with the Fair Trade stall and attends a weekly Bible Study group.
5. Although nominally a Muslim, he does not seem to have had a close identification with Islam. Seven weeks ago, he asked me whether he might explore further what it means to be Christian. I suggested he attend a membership group with four other people, with a view to deepening their faith and broadening their awareness of the Church. At the end of the course, which consists of eight weekly sessions, participants are challenged to consider the next step in their journey of faith.
6. XX has participated in these with enthusiasm. The next step for him is Baptism. We believe that Baptism is part of the journey of faith and that, particularly in the case of a convert, this is not to be taken lightly. Conversion is a gradual process. We are not required to baptise anyone who asks for it. But once a person begins to grasp the deeper meaning of Christianity, and shows commitment, then we will offer Baptism - XX is to be baptised in three weeks' time.
7. There is a real risk that as XX professes himself to be a Christian and is conducting himself as one, that he will be regarded as apostate if he were to return to his country of origin. He has a well-founded fear of persecution.

(signed and dated)