

**FREEDOM  
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## **Fleeing Persecution: Asylum Claims in the UK on Religious Freedom Grounds**



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**AAG**  
Asylum  
Advocacy  
Group

All Party Parliamentary  
Group for International  
Freedom of Religion or Belief

  
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This is a report of the All-Party Parliamentary Group for International Freedom of Religion or Belief and the Asylum Advocacy Group. It is not been produced by a Select Committee or any other Committee appointed by the House.

**The All-Party Parliamentary Group for International Freedom of Religion or Belief** exists to raise awareness and the profile of international freedom of religion or belief as a fundamental human right that is integral to much of the UK's foreign policy, among Parliamentarians, media, government institutions and the general public in the UK. The APPG also pursues effective implementation of policy recommendations regarding this right and seeks to increase the effectiveness of the UK's contribution to international institutions charged with enforcing it.

**The Asylum Advocacy Group** was formed in 2007 by HG Bishop Angaelos and incorporates the following interested parties to address the difficulties faced by some of those applying for asylum status in Britain on religious grounds: the Coptic Orthodox Church, Awareness Foundation, Baha'i Community of the UK, Christian Solidarity Worldwide, Educational Relief Trust, Humanitarian Aid Relief Trust, Open Doors, Premier Media Group, Release International, UK Copts Association, United Action for Egyptian Christians and United Copts of Great Britain. Given the turbulent and politically unstable years brought about by the uprisings in the Middle East since 2011, the AAG has expanded its remit to include the Middle East and North Africa region. The most recent AAG report – Addressing the Experience of Religious Minority Groups from the Middle East in the UK Asylum System (2013) - has been used to brief the Home Office, FCO and judiciary and has been used successfully to support applications of numerous affected parties.

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The authors of this report are: Ziya Meral (Resident Fellow at Centre for Historical Analysis and Conflict Research; Founding Director, Centre for Religion & Global Affairs) and Amanda Gray (Expert on refugee law and policies, having previously worked for UNHCR & the International Rescue Committee, being deployed to Iraq and Jordan and monitoring the UK asylum system). The editor is: Katharine Thane (Operations Director of the APPG for International Freedom of Religion or Belief). The reviewers are: Gurinder Jhans (Researcher and Events Coordinator for the APPG for International Freedom of Religion or Belief), Prof. Javaid Rehman (Professor of Law, Brunel University) and Prof. Geoff Gilbert (Professor of Law, Essex University).

Evidence and commentary for the APPG and the AAG inquiry and this subsequent report was directly submitted by the following individuals and organisations: United Nations High Commissioner for Refugees (UNHCR), Immigration Law Practitioners' Association (ILPA), Article 18, Paul Nettleship (Member of the Asylum Advocacy Group and Solicitor Advocate at Sutovic & Hartigan), Waging Peace, Elam Ministries, The Jesuit Refugee Service, Attieh Fard (Solicitor at Sookias & Sookias and Committee Member of Article 18), United Copts of Great Britain, The Boaz Trust, Qassem Hayat Solicitors, The Revd. Andrew Dawson, The Revd. Mark Miller (Vicar of Stockton Parish Church).

The conclusions made in this report, if not directly referenced as stemming from a specific individual or organisation, are those solely of the APPG and AAG inquiry team. The APPG and the AAG inquiry team takes full responsibility for the conclusions made in this report.

The report has been made possible by the joint financial support of the AAG and the APPG (the latter through its stakeholders, whose names can be found on the APPG's website at the following web link: <https://www.freedomdeclared.org/about/stakeholders>).

[06/16]

## Executive Summary

*Can you name the twelve apostles? When is Pentecost? How many books are there in the Bible? Who betrayed Jesus to the Romans?*

These are some of the questions asked of asylum-seekers during their interview with the Home Office as part of their application to stay in the UK. Whilst they may seem reasonable, this report reveals that such questions, often referred to as “Bible trivia”, are a very poor way of assessing a conversion asylum claim and result in wrong decisions and expensive appeals.

This enquiry was set up to look at the quality of the assessment of religion-based asylum claims in the UK and the impact of the asylum procedure on the fairness and quality of decision-making.

Evidence was submitted to the All-Party Parliamentary Group (APPG) on International Freedom of Religion or Belief and the Asylum Advocacy Group (AAG) by a wide range of stakeholders holding a broad spectrum of religious beliefs and no beliefs as well as asylum-seekers; both those going through the judicial system and those who have been granted leave to stay in the UK.

Statements and claims from all parties were scrutinised alongside consideration of UK standards in light of international policy and law.

### Assessing Asylum Cases on Grounds of Religious Persecution

While the law is clear that religious persecution constitutes grounds for asylum, assessment of religion-based asylum applications is complex and challenging due to the inherently internal and personal nature of religion and belief. This is compounded by the fact that persecution on the basis of religion or belief encompasses a wide range of human rights violations and relates to complex dynamics of communal

identities, politics, conflicts and radical organisations.

The most recent Home Office guidance on assessing credibility and refugee status from January (and March) 2015,<sup>1</sup> does include more nuanced guidance regarding those seeking asylum on the basis of religious persecution.

Moreover, the Home Office has provided training for its staff in recent months. This training has, in part, been informed by the ‘CREDO’ training manual composed by the Hungarian Helsinki Committee, with input from the UNHCR,<sup>2</sup> which contains policy guidance around some of the complexities, including cultural and religious difference, when interviewing asylum-seekers. While use of the CREDO training manual is welcome, as evidence submitted to the inquiry highlights, the Home Office training does not fully reflect the content of the training manual. In the opinion of the inquiry team, this training manual does not, in any case, focus in sufficient detail on the full complexities of and knowledge required for working on religious persecution cases. This report highlights some of these complexities and approach required for working on such cases.

Additionally, guidance pertaining to credibility is not always followed in practice. Further training is required to ensure that UK Visa and Immigration (UKVI) decision-making is consistent with UKVI guidance. UNHCR has informed the APPG and the AAG that is currently supporting the Home Office to

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<sup>1</sup> Home Office, ‘Asylum Policy Instruction: Assessing Credibility and Refugee Status’, (6 January 2015), available at: <[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/397778/ASSESSING\\_CREDIBILITY\\_AND\\_REFUGEE\\_STATUS\\_V9\\_o.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/397778/ASSESSING_CREDIBILITY_AND_REFUGEE_STATUS_V9_o.pdf)>, (accessed: 16/05/16)

<sup>2</sup> Hungarian Helsinki Committee, ‘Credibility Assessment in Asylum Procedures: A Multidisciplinary Training Manual’, (2015), available at: <<http://helsinki.hu/wp-content/uploads/CREDO-training-manual-2nd-volume-online-final.pdf>>, (accessed: 16/05/16)

develop training to help ensure that decision-makers correctly apply the relevant legal standards in relation to credibility assessments.

#### Disparity between Home Office Policy and Practice

However this report demonstrates that there is a disparity between Home Office policy guidelines and what is actually happening in practice.

Evidence submitted to the inquiry by the Immigration Law Practitioners' Association (ILPA) states that while it is clear that a lack of understanding of religion and belief is a primary cause of the disparity between good policy guidelines and practices of decision-makers within the UK asylum system, such ignorance might have been formalised through unpublished 'crib sheets' given to decision-makers.

Further evidence submitted by a number of stakeholders revealed that Christian and Christian convert asylum-seekers are still being asked detailed factual "Bible trivia" questions which is too simplistic a way to judge if an individual is, for example, a genuine convert. Furthermore anecdotal evidence has shown that some people are learning as much as they can so they can be prepared for the Home Office interview.

Ms Attieh Fard, a solicitor focusing on asylum claims, also attests that Home Office interviewing officers' knowledge of religious meeting places and their practices is also sometimes based on a quick online survey of websites, which may have limited or incorrect information. In one case, the Home Office caseworker had not realised that an Anglican Church can also be an Evangelical one and found the applicant's testimony inconsistent as it did not match the church's public information on its website.

This report also notes there remain concerns with procedural aspects, including regarding the impact of the former Detained Fast Track (DFT) system, the current Detained Asylum Casework (DAC) system, the adequacy of resources in the asylum system, the legal

representation for asylum-seekers as well as religious literacy training of Home Office asylum process staff.

Information received by the APPG and the AAG has also indicated that the focus amongst those working on asylum procedures regarding complex asylum cases has been towards asylum claims based on sexual orientation or gender identity and not religious persecution.

In evidence submitted by the Ahmadiyya Muslim Association UK (AMA UK) in May 2016, one Ahmadi man seeking asylum on the grounds of his persecution in Pakistan, outlines that having reached the First Tier Tribunal level, he was restricted by the judge to answer questions in yes or no fashion, not allowing him the chance to give examples and details. This same witness also submits that the judge did not apply *HJ (Iran) and HT (Cameroon) v. Home Secretary* case law which provides that the individuals in this case could not be expected to conceal or reasonably tolerate being discreet about their sexual orientation in their own countries.

This report's findings signal a lack of understanding and misperceptions of religion and belief among decision-makers working within the UK asylum system.

#### A Lack of Statistics

It is a matter of concern that the Home Office does not disaggregate claims on different convention grounds and thus keep a record of the number of applicants seeking asylum on the grounds of religious persecution; this needs to change. So that the Home Office can determine the true scale of the issue, the APPG and the AAG call for such record-keeping to commence immediately.

#### Issues around Interpretation

Evidence also points to lack of sensitivity shown to the specific needs of applicants and concerns about a lack of professionalism on the part of some interpreters hired by the Home Office from private companies.

In an interview with the APPG in May 2016, Mr Hamid Delrouz, an Iranian Christian convert, stated that his asylum rejections by the Home Office were helped by the fact that, in court, his interpreter was not familiar with the Biblical terms including 'Book of Psalms' and 'Jeremiah' which were translated incorrectly.

In further evidence submitted to the inquiry team in May 2016, AMA UK highlights the case of one Ahmadi man who, in his interview, felt that he had to start answering the interviewer's questions in his broken English and not use his Urdu-speaking interpreter, making the interpreter angry, because some of the concepts he was conveying in Urdu were not being translated properly or were being missed out. The Ahmadi applicant felt that this was affecting his asylum case and was concerned that either the interpreter did not have knowledge of Ahmadi's beliefs or did not personally agree with them. In this individual's First Tier Tribunal case, when he said to the judge that he wanted to explain his position properly when he felt the interpreter was failing to do so, he was told by the judge not to speak in English and only in Urdu through the interpreter.

### Why Does All of this Matter?

We are witnessing the largest migration of people since the Second World War and with it the reality of increasing religious persecution and religiously motivated violence towards those who hold different beliefs from their societies or no belief at all. The conflict that continues to rage in Syria and Iraq has had a devastating effect on these countries' infrastructure and their citizens as well as surrounding nations who have absorbed/taken in take on those fleeing the conflict. Many of those fleeing have, at some level, been targeted by non-state actor groups such as *Daesh* solely on the basis of their beliefs and thus their very identity.

Recognising such root causes of conflicts, which produce large numbers of asylum-seekers, is crucial. With similar patterns of violence towards individuals on the basis of their beliefs in countries all across the world, it

should come as no surprise that we are seeing numerous cases of individuals seeking asylum in the UK due to persecution based on their religious beliefs. And the reality is that this trend will continue. The number of Individuals seeking asylum on the grounds of religious persecution is not going to diminish in the coming years and it is thus one that we must grapple with and equip ourselves to fully understand so as to ensure fair hearing of cases.

## **Recommendations**

In light of the findings of this report, the inquiry team make the following recommendations to the Home Secretary:

- 1. Immediately start to disaggregate asylum claims on different convention grounds and, specifically, keep a record of the number of asylum claims made on the basis of religious persecution as well as the acceptance vs. rejection rate of such cases so as to assess the true scale of such claims and how sensitively such claims are being dealt with.**
- 2. Provide focused training on freedom of religion or belief and assessments of religious freedom and persecution based asylum applications to decision-makers.**
- 3. Ensure that the policy guidelines and judicial decisions that relate to freedom of religion or belief cases are used by decision-makers.**
- 4. Issue a specific statement to decision-makers clearly stating the good practice principles and legal frameworks that apply to religious persecution cases and examples of shortcomings by decision-makers stated in this report in light of them.**
- 5. Ensure that the case workers and interpreters used by the Home Office and decision-makers uphold the same standards of professional conduct expected from Home Office staff. All such individuals should be trained to have adequate knowledge of different forms of religious persecution and**

the right to freedom of religion or belief, the specific religious terminology of different religious groups as well as the cultural contexts of applicants, especially if the applicant identifies as a member of a religious group perceived as ‘heretical’ by others adhering to the same religion. This depth of knowledge is needed so that the religious and cultural contextual meaning of the asylum applicants’ words can be understood and clearly conveyed. In particular, it must be ensured that the case worker/interpreter’s own cultural context does not give rise to bias in their work.

6. Given the complexities of asylum cases involving religion, just as all LGBTI asylum case decisions are reviewed by a Technical Specialist before being issued to the applicant, ensure that cases involving religious persecution are also checked by an expert supervisor to ensure consistency and due process in all cases.
7. Work with faith-communities and charities specialising in freedom of religion or belief to check credibility of applicants, and keep up-to-date information on global developments.
8. Ensure that the asylum procedures are sensitive to the applicants’ experiences, backgrounds and well-being. Also ensure that applicants are not caused unnecessary distress and feel able to speak freely, especially in cases where the case

worker/interpreter is a member of the religious community that has carried out the applicant’s persecution. In such cases, applicants should be re-assigned to a different interpreter (and/or case worker) with whom they feel comfortable in speaking freely.

9. In cases where individuals have been granted asylum on grounds of religious persecution, the UK Home Office should fast-track dependents’ applications and visas for them to join the successful applicant. While it is of course welcome that dependents are permitted to settle outside the country in which they are persecuted, the current 3 – 6 month processing period of dependents’ applications is a time during which the applicants may also be at real risk of persecution.
10. Take account of judicial findings and objective information on the safety of internal relocation of religious minorities in the countries from which they have fled. Developments in communications technology have enabled information about individuals targeted by violent ‘extremist’ groups to be shared with ease, even if they move across a country, making the possibility of internal relocation often an unviable option.

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## Contact Details

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