

ASYLUM APPLICATIONS AND CHRISTIAN BELIEF

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

A number of asylum seekers enter the UK as Christians or experience a conversion to Christianity after they have arrived. Some of these people will find a home within our Churches and we shall share their experience of the asylum process.

As a result some ministers are being called to give evidence at Home Office hearings in support of asylum applications, particularly with regard to the basis of the applicant's Christian faith.

This briefing has been prepared by Revd Alison McDonald, a solicitor specialising in asylum law and member of the Methodist Refugee Working Group, to support people called to give evidence at Home Office hearings.

1. The asylum process

It may be helpful to have some background information about the asylum process.

On entry to the UK, an asylum seeker should state their claim as soon as possible. A late claim may need to be explained. They will be 'processed' at the port of entry in terms of an initial interview with an interpreter present if necessary. They will be fingerprinted, given temporary admission, financial provision to cover the first weeks (and it is fairly frequently the case that there is then a gap before the commencement of regular payments). They will then be dispersed to a different part of the UK where accommodation will be provided together with access to English lessons and medical treatment. Legal advice should be available, but due to a change in funding in April 2004, it is often extremely difficult to access legal advice. Subsequently an appointment will be made to receive an Asylum Registration Card (ARC).

The next significant event will be an interview which will take place with the Home Office at one of a number of Immigration and Nationality Department (IND) offices. Legal support is not available and these interviews are extremely important. A recent case has confirmed that asylum seekers may tape such an interview for later consideration if they wish. Asylum seekers can be represented at such interviews but public funding is very rarely available. They can be accompanied with the consent of the IND, requested in advance and in writing. Such consent depends on a rationale being given and no comments may be made during the interview. Some clarification or correction may be made at the end of the interview and will be noted. It will become part of the evidence as will any lack of correction.

The Home Office then makes an initial decision, and this procedure may take anything from a few weeks to years. Decisions are now being made much more quickly.

If the decision is adverse, an appeal may be made. A live hearing will then take place before an Immigration Adjudicator or Judge a few weeks later which will require all evidence to be in

place to support what the asylum seeker is saying. Legal representation is permissible, and legal aid is available. However the public funding system is such that it is difficult to find a Solicitor who will undertake this work. Evidence can include statements and academic or medical information. When the decision is made at this point, this is often the end of the process unless there is a point of law which can be appealed.

If an asylum application is refused, and the asylum seeker can return to their country of origin, then this will be arranged by the Home Office. The asylum seeker will often be detained immediately before the removal. If the asylum seeker's return cannot safely be arranged, they move to "hard case support" which allows for hostel-type accommodation together with approximately £10 per week for personal needs and clothing etc.

2. The Minister as witness

If the asylum seeker states that they were Christian at the time they fled, or have since become Christian, **and** that this is a part of their case to explain why it is unsafe for them to return to their country of origin, then the minister will be needed to make a statement and give evidence.

The minister is regarded an expert witness as to the "veracity" of the faith of the asylum seeker. This is attested to by considering various issues such as

1. Attendance at worship
2. Involvement in other features of Church life
3. Knowledge of aspects of the Bible, liturgy etc and attendance at such groups as Alpha etc
4. Baptism (often the Home Office will suggest this is a baptism of convenience – the statement should show why this is not so)

a. The Statement

The Minister should prepare a statement covering these areas and taking the following issues into account. This statement will be requested by the solicitor representing the asylum seeker, but if the asylum seeker is not represented, it should be prepared nevertheless. (See appendix 1 for an example of how such a statement could be put together. It is vital that this example is not copied wholesale, but is constructed in your own words.)

- It is important not to assume any knowledge in the Home Office. The interviewing and presenting officers of the Home Office can make unreasonable assumptions of Christians – for example that a true Christian would be able to recite the books of the Bible.
- It will be necessary to explain the worship pattern of the Church and indeed the theology of the Church in order for the Home Office officials not to use their own preconceptions to misjudge the asylum seeker. For example, an asylum seeker in a Church which does not use the Worship Book may naturally have less knowledge of liturgy.
- It is helpful to avoid phrases which are meaningful within the Church but may not be outside the Church, for example that the asylum seeker "knows Jesus Christ".
- It is crucial to explain the Methodist Church position in relation to evangelism. The Home Office frequently argue that a Christian may safely return to their country of origin if they do not announce their faith or seek to be an evangelist, and officials may argue that, unlike

members of other churches, Methodists do not evangelise. It is therefore of vital importance to be clear that the Methodist Church is an evangelising Church. Ministers will find the Methodist Church website (www.methodist.org.uk) helpful and should append relevant extracts to the statement. The statement in *Our Calling* that “Christians are called to make more followers of Jesus Christ” is useful, as is the phrase from *The Priorities of the Methodist Church* that “the Methodist Church will give particular attention to the following...Developing confidence in evangelism and in the capacity to speak of God and faith in ways that make sense to all involved”.

The layout of the Statement should commence with the name and address of the minister, the minister’s professional qualifications and length of time in ministry and the name of the relevant Church

Thereafter, the minister should deal with the issues in numbered points and add any factual information about the asylum seeker. The statement should be signed and dated. The statement should not be too long (two pages of single spaced A4 paper should be enough)

b. The Hearing

At the hearing of the appeal, the minister will be required to give evidence. This will initially be responding to the questions of the asylum seeker’s representative, then of the Home Office Presenting Officer and the Adjudicator.

Re-read the Statement through carefully before the hearing. Although the questioning should be confined to the Statement, it will be likely that there will be significant questioning on evangelism. It is important to be clear about this, since many people will be unused to hearings and are likely to be nervous and ill at ease.

When questioned, make sure the question is understood and that the answer is complete without being unduly lengthy. If necessary ask the questioner to repeat the question or allow you to complete your answer. Do not be despondent if it is felt that the evidence is not complete – the asylum seeker’s representative can ask further questions if they feel that further information needs to be made available.

For further information contact:

- Stan Platt, Methodist Church Adviser on Immigration and Asylum, 50 Leeds Rd, Selby YO8 0HX, tel 01757-706040, email shplatt@freeuk.com
- The Methodist Refugee Working Group, c/o David Bradwell, Public Issues Research Assistant, Methodist Church House, 25 Marylebone Rd, London NW1 5JR tel 020-7467-3784, email BradwellD@methodistchurch.org.uk

Alison McDonald/Refugee Working Group
September 2005

APPENDIX 1: example of a Statement of Evidence

This is an example of how a statement of evidence could be put together.
You may find it helpful to use a similar structure; however copying it word-for-word will undermine
your case and those of other Methodist ministers.

IN THE MATTER OF THE IMMIGRATION AND ASYLUM ACT 1999

Appeal Number: HX/07952/2003

B E T W E E N:

**Ali Mohammed
Appellant**

And

**Secretary of State for the Home Department
Respondent**

STATEMENT ON BEHALF OF THE APPELLANT

Reverend Mary Smith of 1 Epworth Avenue Wesleyville will say as follows:

1. I am the Methodist Minister of Wesleyville Methodist Church. I have occupied this position since September 2001 and I have been a Methodist Minister for eight years. I hold the qualifications of BA in Theology and I am an Ordained Minister of the Methodist Church for which position I undertook three years training. I continue to undertake training in respect of professional development

2. The Methodist Church is a mainstream denomination of the Christian Church in the UK and worldwide. It has certain emphases in terms of faith and the practice of faith and these are published nationally in a document entitled 'Our Calling'. I attach this document and I have marked it as 'MS1' It will be seen that Methodists believe in the duty to 'make more members' - that is to say that we believe that we must share our faith with all other people that they may have the opportunity of becoming Christian. This is described more fully on the Methodist Church website (www.methodistchurch.org.uk) and I attach an excerpt from that which I have marked MS2. Our worship is of various forms including the use of the Methodist Worship Book which may be used in terms of whole services or part services and worship which derives from other material and from the extemporary prayers etc of the worship leader. When I take worship at Wesleyville, I use most of the Order of service in the Worship Book for Communion, but use resources from other sources for other services. I always use hymns and the Bible, but do not often use such statements as the Creed or the Gloria. It is not my experience that the congregations have a knowledge of liturgy in terms of technical language or that younger members of the congregation would have an intimate knowledge of the layout of the Bible (although they would be likely to have a fair knowledge of its contents)

3. I first met Ali Mohammed in February 2002 when he was dispersed to Wesleyville. He came to a Sunday morning service. He told me that he seeks refugee status in the UK and he had come to the Church because he had been interested in Christianity, but it is impossible to

explore this in Iran. On that occasion, we spoke for about twenty minutes and I gave him a Bible to have a look at. His English reading was not very good, but he was able to read a little of it. I understand that he returned to the Sunday morning service for the next few weeks, although I myself was only at the Church on one of those weeks, having preaching appointments at other Churches in the Wesleyville area on the other Sundays. Wesleyville holds one service each Sunday and has various midweek meetings of a devotional nature.

4. After a few weeks and by about April 2002, Ali was asking me if there was a way he could find out more about Christianity. We were beginning an Alpha course in the Church and I invited Ali to attend. This course is an eight-week course of two to three hours each week in which a group of people will consider the basics of Christian faith. It is a course which is nationally recognised in most of the Christian Churches and upon which 1.5 million people each year embark and complete in the UK. Ali attended this course enthusiastically and on each occasion. At the end of the course, a challenge is put out to participants to consider their next step in terms of faith and in terms of commitment to the Church with which they are involved. Ali (with four other members of a the group of nine) asked if he could explore becoming a member of the Methodist Church. This is a step in which individuals make their own commitment to the development of their faith and its practice within the Methodist Church.

5. When people ask to pursue this, it is my practice to commence membership classes. These are about six in number and consider various issues such as a development in faith; a deepening understanding of who God is; a sense of what worship in Methodism is about; an understanding of the distinctive features of Methodism. I use various resources for this - both those I have developed myself and some of those provided by the Methodist Church.

6. At the end of this series, which again Ali attended completely and enthusiastically, he and six of the other eight people asked to be received into Membership. Ali and the other people were received into membership and (in Ali's case) baptised. Of those six people, four had been part of the Alpha course and had not previously had much experience of being part of the Church. This did not surprise me. The Alpha course is designed to be of assistance to people in this position.

7. The promises of Membership include making a commitment to worship and development in prayer and study and in the activities of the Church. Since that time Ali has been part of the next Alpha course at Church in terms of leadership. He has also attended a series of Bible Studies which we undertook in December 2002 and December 2003. He has become a member of our Men's Fellowship which meets weekly from September to April each year. He attends many of the social events of the Church. He has attended worship virtually every week.

8. Wesleyville has an average congregation of 150 and a membership of 170. I see Ali on average between one and three times a week. This is comparable with other active members of the congregation.

9. In my view, Ali has fulfilled the promises he made at his reception into membership. He has eagerly pursued knowledge of the Bible and he and the Church shared the cost of a Bible for him in Farsi. His English is now very good although in fact this has not been a problem at any time since he was always able to understand most of what was said. He has learned to read English quite well, but we took the view he would get more out of a Bible in Farsi. He attends worship and participates in terms of assisting with Communion. He joins me at the Communion service in order to distribute the bread and wine to the congregation. He has begun to be

involved with our Youth Club and its leadership of worship which is undertaken on a regular basis. I anticipate this will continue and it seems to me that it is likely he will undertake training for either Youth work or Worship leadership. Both these forms of training are nationally developed and locally delivered. He has developed an understanding of worship including finding his way around the Bible, knowing and developing favourite hymns and knowing his way around the major services. He has told me the story of how his faith has developed. He was and is enthusiastic about his faith and its development and he will sometimes come to me and others to tell us of discoveries he has made about faith and theology. It is my view that his faith is a very genuine one and one which has developed during the time I have known him.

I believe the facts stated in this written statement are true

Signed.....

Dated.....