

Supporting Asylum Seekers – Guidance for Church of England Clergy

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Introduction

This guidance has been prepared with the aim of equipping Church of England clergy to support and minister to asylum seekers in their congregations. Navigating the asylum process can be challenging and there are multiple points at which members of the clergy may be asked to be involved with an individual's case. This document sets out what to expect when doing this, and provides information about things to bear in mind at each stage. Part 1 introduces the UK asylum system. Part 2 highlights particular points at which clergy may choose to contribute. Part 3 addresses questions relating to preparation for baptism, illustrating this with examples Part 4 of the approaches taken by different churches. Part 5 signposts to various sources of further information, for questions which are beyond the scope of this document. This guidance has been collated by Martin Kettle, Church of England Home Affairs Policy Advisor, and Kat Brealey, Presence & Engagement National Programme Coordinator. A range of clergy and other individuals with expertise in this area have offered input and feedback, and their assistance is much appreciated. We are not lawyers, and cannot guarantee accuracy in matters of law.

Part 1 – The Overall Picture

Definitions

According to the 1951 Refugee Convention, a refugee is a person who 'owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country.'

Article 3 of the European Convention on Human Rights (ECHR) states that 'No one shall be subjected to torture or inhuman or degrading treatment or punishment'. A person can make a claim for protection based directly on Article 3 of ECHR as states are prohibited from returning a person to a country where she/he may suffer a violation of his/her rights under Article 3.

An asylum seeker is someone who has lodged an application for protection on the basis of the Refugee Convention or Article 3 of the ECHR.

The UK Asylum System

In reality, most people fleeing persecution end up in countries closer to where they are from. At the end of 2015, over 4 million Syrian refugees were in Turkey, Lebanon, Jordan and Iraq, a vast figure compared to the several hundred thousand seeking safety in Europe. Likewise, around 95% of the 2.6 million Afghans displaced by war and insecurity reside in Iran and Pakistan, compared to less than 2000 who claimed asylum in the UK in 2014.

When people are resettled, such as the estimated 20,000 Syrians who are anticipated to be given a home in the UK in the coming years, they do not need to claim asylum on arrival. However any others arriving in search of safety must go through an official process, designed to identify who fits the specific criteria of a 'refugee' under the Refugee Convention. People are generally expected to claim asylum as soon as they arrive in a 'safe' country. Once someone has claimed asylum, officials look into evidence of their case,

seeking to identify if their fear of persecution on the specified grounds is indeed ‘well-founded’. In the UK asylum process, people have an initial screening interview where they are asked on what grounds they fear persecution. People’s responses must be as accurate and detailed as possible because any contradictions in the later more substantive interview will stand against them.

Although all this makes intuitive sense to all those who want to ensure a correct process for assessing ‘genuine refugees’, it is worth remembering why discrepancies in people’s accounts may arise. Consider, for example, the situation of a woman who had been raped in a country where those in government institutions are feared not to be trusted. Is it surprising that she may not disclose intimate details straight away in an interview with unknown officials? Or the predicament of an Afghan 15 year old, asked detailed questions about life in his homeland shortly after arriving in the UK after a year’s journey by foot, boat and lorry, who may then remember additional information after a period of convalescence and support. Along similar lines, converts may, through fear of disclosing their conversion to a Muslim official or for other reasons, demonstrate an inconsistency between interviews which may subsequently damage their ‘credibility’.

The initial screening interview is followed at some point by a fuller interview. Many people are ‘refused’ (or not granted) asylum at this stage. Cases of conversion have been refused on the grounds that the conversion is not genuine and that the convert could escape detection and/or persecution if they were sent back to their own country, although recent cases have suggested that a ‘duty to evangelise’ makes this unreasonable.

Cases like this go to an appeals stage, in an asylum tribunal. Barristers for the Home Office and the asylum seeker argue their cases (though many asylum seekers are unable to secure the support of barrister and must argue their cases themselves); drawing on evidence and statements prepared by solicitors, an independent judge makes a decision.

If the judge accepts that the asylum seeker’s case is well-founded, they grant them protection in the UK, sometimes in the form of ‘refugee status’ and sometimes ‘humanitarian protection’, sometimes discretionary leave to remain. Both come with five years leave to remain in the UK and bestow a range of entitlements which enable people to work, travel, study and move forward with their lives. After five years, people can apply for an extension of their leave to remain.

If the judge rejects the case, a person still has further opportunities to appeal, though the chance of winning at these stages appears to decrease. Those who are refused at every stage eventually become ‘appeal rights exhausted’ (ARE). Although people still have the opportunity to put in a fresh claim for asylum, this requires new evidence and changes in circumstances. At this stage most people are expected to make arrangements to return to their country. Some are required to report regularly at the Home Office during this time, and some are detained in immigration removal centres (commonly called detention centres). If a person does not return, they face forced removal. Some people are unable to return so remain in the UK, destitute and unsupported.

Asylum seekers can:

- Receive a weekly payment of £36.95 (at the time of writing) to be collected in cash from a Post Office. If an asylum seekers claim is refused, then payments are administered via a pre-loaded card which can only be used in specific shops.
- Apply for accommodation, but have no choice about where this will be.
- Get basic health and dental care, and free prescriptions.
- Children must go to school and may receive free meals

Asylum seekers can't:

- Get a job
- Apply for a driving licence
- Receive student finance for Higher Education or join government vocational training schemes
- Claim mainstream benefits

Part 2 - Pointers for ministers asked to help those applying for asylum

1. Initial approach

An experienced practitioner suggests these initial principles:

Asylum seekers are first and foremost human beings, with feelings, fears, past traumas and individual characteristics. Some talk easily, some will appear reserved, even defensive. Their attitude to potential help will differ from person to person. So, it is important to

- Deal gently with them: they may be damaged and hurting, or just very cautious.
- Be especially careful if you talk about family, as some close family may be thousands of miles away, in prison or dead.
- Respect their views, even if you disagree: there is a fine line between helping and meddling.

As a first step, it is necessary to find out where they are in the process.

- Are they still in the asylum system, or do they have leave to remain?
- If they have leave to remain, is it indefinite, or time limited? Refugee status, Humanitarian Protection or Discretionary Leave?
- If still in the system, have they had an initial decision? Was it refused?
- Have they had an appeal decision? Was it refused?
- If the appeal was refused, have they already moved out of asylum accommodation?

2. Help finding suitable legal advice and assistance

Particularly in the areas where asylum applicants are more numerous, it should not be difficult to find a legal aid immigration solicitor. This website can help - <http://find-legal-advice.justice.gov.uk>. However, it is worth bearing in mind that these solicitors may not have knowledge of faith-related matters, and so if

an asylum claim is on religious grounds, they will rely on input from clergy. Occasionally a solicitor is not sympathetic to claims of Christian faith; in which case it might be better to find another one.

If the person did previously have a solicitor but no longer does, it would be prudent to find out what happened to cause a refusal and subsequent withdrawal of the solicitor.

3. Understanding the case – if you want to really get alongside the person

The person may have copies of their asylum papers. If they are willing to let you see them, it will give you a good overview of what has happened so far, and any reasons for refusal. With their permission, it may be wise to make copies of important papers. In particular, the interview record and letter of refusal are important to read, because these may raise issues of credibility and country of origin information which will need to be addressed going forward.

If they do not have their papers, you could talk to their solicitor (or former solicitor), if they give permission. Often solicitors are difficult to get hold of, but there may also be discrepancies between what the solicitor says and what the client has understood.

Ask the solicitor where they are up to with the claim: you will probably need your friend there when you do that, to give the solicitor permission to speak to you. If the solicitor no longer represents your friend, he or she can ask for the asylum papers to be returned. There is usually a small cost for this – often around £30.

4. How the Home Office addresses the role of faith in asylum claims.

One or two parish clergy have been working directly with the Home Office and the All Party Parliamentary Group on Freedom of Religion and Belief. The Home Office require detailed information on cases that have been mishandled. There has been some positive experience of the Home Office response when these cases are raised. The most helpful thing to do is to look at the interview record and the refusal letter and summarise the errors. The Home Office will also want the reference number and the relevant dates of interview etc in order to follow up on specific cases.

Solicitors may have doubts about this approach. They may be concerned about confidentiality, however the information is question is not new but is just being drawn attention to. They may also suggest that the Home Office will simply come back with a better refusal, however people have often found that this sort of clarification often does result in a better decision.

5. Letters of support

These should be factual and in practice they are required for one of two purposes:

1. Article 8 (right to family life) claims; they should demonstrate how the applicant or more likely their children have integrated into UK life.
2. Christian conversion claims; in these cases, letters should cover the individual's participation in church life and your 'assessment' of their faith with evidence for this assessment. It is helpful to have more than one person sign the letter, which should be on headed paper, dated and signed. Evidence cited may include attendance on other days as well as Sunday; a copy of baptism certificate; records of changes in behaviour.

6. Attending court appearances

When considering attending court appearances, it is important to consider whether you really know the person well enough to vouch for more than them being a pleasant person. You are not attending as a character witness, but rather to provide evidence as to the applicant's genuine conversion and that they cannot practice their faith quietly on their own. When preparing a statement, always read the applicant's refusal letter and the interview record.

One Churches Refugee Network member has recently been asked to produce evidence of nationality as well as identity before being accepted as a witness. It is unclear whether this reflects a new level of suspicion of the integrity of witnesses. The Home Office solicitor will in any case normally check the credentials of the witness before the hearing.

It is good if more supporters can attend: anyone can come to court, and supporters show integration, community support and ties to the UK. However, judges are likely to react negatively if there is anything that looks like an organised demonstration so avoid there being too many people present. If at all possible, make sure the church leader who wrote the letter is there to give testimony, or at the very least an appointed deputy. Often judges will doubt the credibility of the letter if the minister is not present, or their absence is not fully explained. Others who wrote letters should also attend.

If there is no solicitor present, one person can be a McKenzie Friend (a personal supporter who is not a legal adviser). This can be a vital role.

Hearings can be any time from 10am-4pm, so be prepared to wait! At 10am the order of proceedings in court will be displayed, so it will be clearer when the hearing is likely. Many courts are small, so not everyone may be able to get in – but there will be waiting areas with toilets and usually a drinks machine!

7. Lifts to meetings and court dates

The Home Office provides transport for all interviews, for asylum applicants who are in NASS (National Asylum Support Service) accommodation but not for others. It does not provide transport for the initial appointment in Liverpool for a fresh claim to be submitted. The only appointment clergy can speak at or have any influence at is a tribunal appearance but transport could still be provided for other appointments.

8. Help with money, meals and accommodation, etc.

People with an asylum claim 'in the system' can access Asylum Support. Those who do not are destitute. Some who submit a fresh claim (i.e. on the basis of new evidence or a change in circumstances, after they have earlier been refused) may get an Azure card instead of a cash allowance. This can be problematic – separate guidance is available on issues about the statutory financial provision for asylum support, see contact details at end of this guidance.

For other practical ways to support people in need, be they asylum seekers, refugees, homeless people or others in need, please see other sources of information, including the Churches Together in Britain and Ireland website <http://focusonrefugees.org/>, or the Church of England webpage <https://churchofengland.org/our-views/home-and-community-affairs/asylum-and-immigration.aspx>

9. If a claim is granted, what support will be needed?

This can be a problem as many refugees simply don't know how UK administrative systems work. Networking with Citizens Advice Bureau, Housing Department and schools admissions can help. On

financial support there is a campaign to extend the 'grace period' for asylum support after granting of status for longer than 28 days, but that is the present limit.

10. If a claim is refused, can we mount a personal campaign?

It is essential that the asylum seeker owns the campaign, and is proactive. You can act as their support, and help with things they cannot do. Full details can be found on the [NCADC website](#).

Note that if the person has converted to Christianity after a previous refusal, that may be the basis of a fresh claim. Convincing evidence will be required, which could include:

- testimony from a church leader
- other testimony confirming their faith or conversion
- evidence of persecution of Christians/Christian converts in their home country. This can be obtained from various sources, including [Christian Solidarity Worldwide](#), [Release International](#) and [Open Doors](#)
- evidence of laws from their country which punish apostasy

11. What if people decide to stay illegally?

Most people decide to stay. Iranians, for example, are almost never deported. They will be destitute though or they will work illegally. We cannot encourage illegality, of course. There are numerous local charities and initiatives, many linked to churches, which support destitute asylum seekers.

12. Collecting information

It will be very helpful if we can collect case studies, where cases claiming religious conversion have been poorly assessed. The HO changed their policy on LGBTI assessments based in the Guardian presenting a list of poorly assessed cases; and the only way to ensure improvement is to provide accurate evidence.

13. Home Office official guidance to caseworkers

Note the section on religion and on religious conversion:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/397778/ASSESSING_CREDIBILITY_AND_REFUGEE_STATUS_V9_0.pdf

In relation to Iranian Christians, the Country Information and Guidance is also worth checking (note the section at 2.2.2 on Sacramental churches):

[https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/481555/CIG - Iran-Christians and Christian Converts.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/481555/CIG_-_Iran_Christians_and_Christian_Converts.pdf)

Part 3 - Questions of conversion, preparation for baptism and ongoing discipleship

There has been particular attention in the media to the baptism of asylum seekers both in the UK and in Europe, with questions being asked about the authenticity of the faith these individuals hold. Noting that baptism can often form part of an asylum claim, how should clergy navigate requests for baptism and assess the veracity of apparent conversions? This section will propose some questions to consider and offer some examples of the different ways churches have approached the issue.

Some journalists have suggested that asylum seekers are only claiming to have become Christians, in order to be baptised and use this to secure leave to remain in Europe. In responding to these claims, the anti-immigration rhetoric of a number of media outlets must be acknowledged. Their stories featuring asylum seekers and refugees are used to support a broader political narrative about British identity, rights and values, as was particularly evident in the run up to the EU referendum. Even in places where this narrative is not in existence, stories about asylum seekers may still contain inaccuracies. For example, in the case of Iranian refugees, reports have conflated what are in fact two distinct groups. Some converted while in Iran and have since fled to the UK, often after their house church was raided, claiming asylum on the grounds of religious persecution. Others left Iran for political reasons, arriving here as Muslims (whether active or nominal) and converting to Christianity in the UK. Many who were already Christians on arrival would not have been baptised in Iran as it was too dangerous – or if they had been, would not have received a certificate or have any proof which could be used to support an asylum claim. Hence some of those being reported as converts receiving baptism have in fact been Christians for years in Iran but not been able to mark this in a public way. Where this is the case, conditional baptism may be an appropriate way to proceed.

The Church of England welcomes all people and celebrates with those who choose to make a commitment to Christ, and yet there is also a need for discernment – to be “wise as serpents and innocent as doves”. Clergy must be confident that those seeking baptism fully understand what it signifies, as an unrepeatable sacramental act of initiation which ushers an individual into the Church. Canon B 24.1 states that:

“When any such person as is of riper years and able to answer for himself is to be baptized, the minister shall instruct such person, or cause him to be instructed, in the principles of the Christian religion, and exhort him so to prepare himself with prayers and fasting that he may receive this holy sacrament with repentance and faith.”

As such, canon law requires that clergy ensure people are prepared for baptism, both in terms of receiving teaching on the tenets of the faith and also encouraging appropriate private spiritual preparation. However it is not specified how this must be done, and there are various ways which this might take place depending on the situation of the individual and the tradition of the church in question. Having a policy, discussed with the PCC, is a good idea – not because it is the church’s job to police immigration issues, but as a basis upon which clergy can make decisions about how to wisely welcome people into the life of the church. In the following section are three examples of how churches have navigated these questions.

Canon B 21 holds that *“It is desirable that every minister having a cure of souls shall normally administer the sacrament of Holy Baptism on Sundays at public worship when the most number of people come together, that the congregation there present may witness the receiving of them that be newly baptized into Christ’s Church, and be put in remembrance of their own profession made to God in their baptism.”* Yet there may be situations where this is not the best way forward, if there is the potential for risk to the individual or embarrassment to their family. In such cases it is at the clergy’s discretion to decide whether the baptism should take place separately from the main Sunday service. Care is also needed here when thinking about whether it is wise to publish photos or recordings of baptisms on the church website, even if this would normally be done.

Finally, there are complex reasons why people might not continue to attend church following their baptism – this is not necessarily a sign that their testimony was inauthentic. There may well be other people in congregations who stop attending for a period of time, perhaps due to ill health or family circumstances, without their faith being called into question. Once an asylum seeker has leave to remain, they are able to seek employment, which may leave them unable to attend church due to shift work, or they may move to another area of the country. Even while still within the asylum process, people may be moved at short notice. The challenge here is preparing other congregation members for this possibility – where people go out of their way to welcome new arrivals, they can feel let down when these people disappear. On the other hand, difficulties might arise when an asylum seeker has expectations of a friendship which a British person feels unable to meet. Positive leadership from clergy is required here, helping people think through the challenges asylum seekers face and how these can be responded to appropriately and compassionately, to avoid tensions developing within the congregation.

Part 4 - Stories to illustrate different approaches

St Stephen's with St Paul's Church, Hyson Green and Forest Fields, Nottingham

Over the last three years, the vicar has baptised about 26 people a year by full immersion, nearly all of whom are asylum seekers. Baptisms are held only twice a year; if someone comes forward for baptism about a month before the next baptism service, they are usually asked them to wait until the following occasion. This ensures that there is a reasonable time to get to know the candidates and the seriousness of their desire to follow Jesus.

Asylum seekers are encouraged to attend a weekly Bible study, and nearly all of them do. To overcome the language barrier, the vicar writes Bible study materials that are tailor made for the group, which are delivered to a small group of asylum seekers two days before the general Bible study, with one of the group translating. At the main Bible study after opening worship, sharing and testimonies the participants are divided up with each cluster assigned one of the small group who have already done the session. They then deliver the materials in the language of the participants. Existing members of the church are encouraged to befriend those seeking baptism, though this is not always easy due to cultural differences. However a number of people do attend the weekly bible study, sitting with the small groups to answer any questions.

A week before the baptism, those wishing to be baptised must come to a one-off baptism preparation class. Only one class is needed because nearly all candidates have already been 'prepared' for baptism through the regular Bible study classes.

Case study from the Diocese of Manchester

A church in Oldham in the Diocese of Manchester from a conservative theological tradition has no specific baptism policy but will treat each individual according to their particular needs and circumstance. The church's criteria are that an adult is able to articulate that they have turned from sin, expressed their commitment to God (Father, Son and Holy Spirit) and showed a determination to live a Christian life. Those seeking to be baptised undertake the Christianity Explored course, an eight week course exploring the Christian faith. They will then meet with a senior member of the church to discuss the appropriateness of baptism. For example, a man in his mid-thirties from the Middle East expressed a desire to be baptised.

He met with a lay member of the church for 12 weeks, including doing the Christianity Explored course, before talking with a member of the clergy who was impressed by his understanding and response to the Christian gospel. He was baptized by full immersion soon afterwards during a morning service, giving his 'faith story' and continues to attend both on Sundays and mid-week, and meets weekly one-to-one with a member of the congregation for Bible study and prayer.

Stockton Parish Church

SPC had previously used a four session course to prepare people for baptism, with services being carried out on based on demand. However it was felt that the existing course was essentially just teaching people the basics of Christian faith and did not provide enough space for discussion, meaning it was challenging to move people from being new believers to continuing as disciples following their baptism. Therefore a fresh approach is being adopted, using a new version of the Alpha course which is now available with the videos dubbed into Farsi. The church will run 3 Alpha courses a year, one each term, offered in dual languages (English and Farsi). There will be 3 baptism services each year replacing the 'regular' service, which will coincide with each Alpha course ending and the next beginning thereby supporting a culture of 'invitation'. Although designed with asylum seekers in mind, it should be noted that the principles of this policy will also apply to parents who are not regular attenders of SPC, seeking baptism for their children.

Before baptism a candidate should have completed all sessions of an Alpha course including the away day. They will also have a discussion (with details recorded) with two people from the staff team during which they will discuss their testimony. What was life like before? What happened to change that? What difference has Jesus made to their life? This will also cover whether they have an asylum claim based upon Christian conversion (so that there is full disclosure prior to baptism) and the implications if God called them back to their country of origin as a Christian. Assuming clergy are satisfied, the baptism can then proceed.

Part 5 - Further information and guidance:

Church of England:

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Martin Kettle, Home Affairs policy adviser, Mission and Public Affairs Division
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Church of England website - <https://www.churchofengland.org/our-views/home-and-community-affairs/asylum-and-immigration.aspx>

Resources elsewhere:

Joint Public Issues Team (Baptist, Methodist and URC) report - <http://www.jointpublicissues.org.uk/wp-content/uploads/Made-for-goodness-A-faithful-response-to-the-refugee-crisis.pdf>

CTBI website - <http://focusonrefugees.org/>

Liverpool Cathedral guide to Welcoming the Stranger -
<https://issuu.com/liverpoolcathedral/docs/aguide-welcomethestranger>

For Refugees, an alliance of churches and Christian organisations - <http://www.forrefugees.uk/>

City of Sanctuary - <https://cityofsanctuary.org/>

Diocese of London and Church Urban Fund, 'Capital Mass' - <http://www.capitalmass.org.uk/refugee-response>