

# CREDIBILITY OF CONVERSION

ASSESSMENT BY THE DUTCH IMMIGRATION SERVICE

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# CREDIBILITY OF CONVERSION

## ASSESSMENT BY THE DUTCH IMMIGRATION SERVICE

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**This report examines case files of 2018. Special attention is being paid to the new working instruction WI 2018/10 for the assessment of the credibility of conversion that was published in July.**

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In this report, the Dutch Immigration and Naturalisation Service is referred to as IND ("Immigratie en NaturalisatieDienst").



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## SUMMARY

A religious conversion, e.g. from Islam to Christianity, can be a relevant element in an asylum application as the conversion may incur a serious risk of religious persecution in a number of countries of origin. In the past, the Dutch Immigration and Naturalisation Service (IND) assessed the credibility of conversion of asylum seekers by a predominantly factual examination of, e.g. Bible knowledge, like in various other European countries. In 2012 IND improved their assessment procedures, now focussing much more on the motives for and the process of conversion, as well as on knowledge of the new faith and activities. However, further improvements were still wanting and following a Parliamentary motion to this end, IND published a new working instruction WI 2018/10 that case workers need to comply with in their assessments. The new working instruction can be seen as a further improvement, as it is more elaborate on the importance of applicant's personal story: his social and cultural background and his experience.

In this report, the major elements of the working instruction are summarized and next, our observations re the assessment by IND is examined and discussed. It turns out that there are still important issues to be resolved, in spite of the improvements of the new working instruction.

In summary, quite a few case workers still assess a conversion story on the basis of their own western (secular) assumptions, with much weight attributed to cognitive aspects and with little regard for social and emotional aspects that might be (and often are) important to applicant. This shows dramatically in the number of cases where a passive (sudden, highly emotional) conversion is not recognised, and in the frequency that an applicant is assumed to have converted on the basis of a comparative study of religions or of differences within a religion, instead of understanding conversion as a result of personal experience and/or search for meaning. Too often, we notice that case workers lack the skills needed to examine the meaning the new faith has to applicant.

In spite of all the good guidelines of the new working instruction, we do not yet see improvements in the assessments of individual cases. Partly, this may be owing to the fact that case workers will also need improved training that will not happen overnight. However, it can also be attributed to the fact that IND does not commend the use of objective information sources and expert advice so as to guarantee the use of a sound framework for the assessment. Moreover third party statements submitted by or on behalf of applicant are not always valued as they should.

As a result of not using objective information sources and expert advice, we continue to see a serious lack of understanding of the essentials of Christianity and of Islam and of the differences between them. Also we notice quite a lot of remarkable expectations re the knowledge of the Christian faith an applicant should have.

Another aspect is the assumption of quite a few, and perhaps most, case workers that minors younger than, say, 16 year are not able to make a well-informed decision about a conversion themselves, without examination of the minor's evolving capacities that are not dependent on age but rather on personal experience, culture and levels of parental support and expectation.

## 1. INTRODUCTION

Quite a few asylum seekers rely on a conversion and the consequent risk of religious persecution in their country of origin. Many of them originate from Islamic countries like Afghanistan, Iran, Iraq and Somalia, some from other countries like China. It is the competence of the national immigration service (IND) to assess the asylum claim and to decide as to whether the applicant has a well-founded fear of being persecuted for reasons of, among others, religion. Part of the assessment concerns the credibility of the applicant's religion or belief. In case the applicant claims to have converted to a religion or belief that is not seen as acceptable in his country of origin, an immigration official needs to assess the credibility of conversion as part of the overall assessment of the asylum claim.

The assessment of the credibility of conversion in the context of an asylum claim can be seen as a-typical for the following reasons:

- First and foremost, the assessment of conversion is the competence not of the government but of the religious group a person wants to adhere to (a Church, e.g.).
- Secondly, it concerns the credibility assessment not of facts (like a claimed death threat or imprisonment) but of an inner conviction and identity.
- Thirdly, a religious group is (therefore) not much concerned about an objective assessment of the inner conviction and identity but rather about an assessment of a person's integrity and reliability in professing his faith or belief.

For these reasons some people have the opinion that the government should always leave the assessment of the credibility of conversion to the religious group the person wants to adhere to. However, this view is quite problematic in the context of an asylum claim. First, the assessment of an asylum claim is the competence of the government, not of religious groups. Secondly, a religious group (and certainly the Church) should not have the desire to be the place where one's asylum claim is being assessed. To confine ourselves to the Christian faith now, it is the calling of the Church to foster the faith of its members and to help seekers to understand and eventually embrace the gospel. It is the view of the *Gave* Foundation that Churches do well to test and challenge the sincerity of seekers and converts, not as part of an asylum assessment but for the sake of upholding integrity as a key value of the Christian community.

Some might say that a Christian should not seek international protection so as to avoid the risk of religious persecution, because the New Testament makes it clear that persecution is to be expected when one chooses to follow Christ. Without denying this, we think this New Testament reality should first of all challenge our own commitment as Western Christians and churches. Secondly, we should be careful deciding for others what God might demand from them. In any case, a well-founded fear for religious persecution is a ground for international protection.

In conclusion, immigration officials will have to deal with conversion based asylum claims. As said above, the assessment of such claims is a-typical because it does not concern facts but inner conviction and identity.

In practice, this distinction has not always been observed. In the Netherlands, the assessment was often a kind of Bible quiz, like in many other countries<sup>1</sup>, until 2012. In that year new guidelines for the assessment of the credibility of conversion in asylum cases were introduced. Since then, improvements were observed but further improvements were still wanting. In July 2018, IND published a public working instruction (WI

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<sup>1</sup> See our 2014 European survey: <https://juridisch.gave.nl/wp-content/uploads/2017/09/how-to-cook-turkey.pdf>

2018/10) for the assessment of the credibility of conversion in response to a Parliamentary motion. This working instruction can be seen as a further improvement of the assessment process and also helps the transparency of the process as the guidelines have now been made public.

## 1.1. REVIEW OF PRACTICE

Gave discussed the improvements of working WI 2018/10 in a report that was published in August 2018.<sup>2</sup> The present paper reviews individual cases so as to assess the current practice and to find an answer to the question as to whether the new working instruction provide the guarantees for a fair assessment by IND as required by the aforementioned Parliamentary motion.

First, a summary of the working instruction will be presented in chapter 2. Chapter 3 presents a thematic discussion of shortcomings as found in seventeen individual cases that are summarized in an appendix as well as in other cases known to our Foundation.

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<sup>2</sup> <https://juridisch.gave.nl/bibliotheek/wi-2018-10-bekeerlingen> (written in Dutch)

## 2. WORKING INSTRUCTION WI 2018/10

The working instruction addresses the following topics:

1. What is a conversion?  
Inclusive definition and discussion of religion and apostasy.
2. Elements of conversion
3. The assessment of conversion
4. The interview
5. Fear for return
6. Consecutive application after a conversion was assessed as incredible

In this paper we will focus on the first three topics which will be discussed in this chapter.<sup>3</sup>

### 2.1. WHAT IS A CONVERSION?

#### Definitions

In accordance with the qualification guideline (art. 10, 1b), religion is seen to include the holding of theistic, non-theistic and atheistic beliefs. Atheistic beliefs are subdivided into atheism, theistic agnosticism and non-theistic agnosticism.

Conversion is defined as 'the transition of someone to another belief'.

Apostasy is not seen as a belief but rather the leaving of a religion that may be the result of a conversion to a different religion, or a conversion to atheism, agnosticism<sup>4</sup> or a renouncement (as seen by the individual himself) of all religion.<sup>5</sup>

The working instruction also defines 'attributed apostasy' which is used for individuals who still adhere to a religion but are seen as apostates because they fail to practice the religion appropriately, as seen by other adherents of the religion.

#### Initiation of conversion

A conversion may be initiated for various reasons, like:

- Personal aspects: discontent about the present religion or about other circumstances, like personal distress or discontent about the social or political situation in the country of origin;
- Social aspects: the individual's experience of the social (religious) group he used to adhere to and his present experience of the new social group;
- Cognitive aspects: critical thought of the religiously qualified values, texts and customs in the old social religious system;

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<sup>3</sup> Please note that this chapter is not a translation of the working instruction, but rather a summary of the major aspects.

<sup>4</sup> Here the working instruction lacks consistency. Just as apostasy is not a religion, neither is conversion a religion. Why not say: apostasy is moving away from a religion and conversion is moving towards a different religion? And why is religion first defined to include atheism and agnosticism while now, all of a sudden, atheism and agnosticism are presented as alternatives for religion?

<sup>5</sup> One may wonder as to what might be the difference between a renouncement of all religion and a conversion to atheism or non-theistic agnosticism. Perhaps the working instruction means to distinguish between a deliberate and conscious move to atheism or non-theistic agnosticism and a move away from a religion without the conscious substitution of a clearly defined new belief.

- Cultural, historical and religious aspects: the self-evidence of the individual's customary participation in the practices of the former religion that one can criticize in the course of time, e.g. out of a perceived need to make a choice of his own;
- Emotional aspects: the individual's experience of being captured suddenly by the new religion, e.g. by a dream, vision or miracle, or by feeling at home in the new religion straight away.

### **Passive and active**

A passive conversion happens in a short period of time, by an experience with a highly emotional impact like a dream, vision or miracle or other events. This can happen without a previous interest in the new religion.

An active conversion is often the result of a period of search for meaning in which the individual comes to a thoughtful choice of the new religion.

In both cases, the conversion process has a starting point, followed by a further enquiry into the new faith and the expression of the new faith in terms of activities like attending worship and participation in the new religious group.

## **2.2. ELEMENTS OF CONVERSION**

The working instruction distinguishes the following three topics for enquiry to assess the credibility of conversion:

1. The motives for and process of conversion;
2. The knowledge of the new belief;
3. The activities, like the attending of religious meetings and the effect of the change.

In the assessment the coherence of the statements of applicant need to be considered as well as the relationship with other statements of applicant and, when applicable, facts related by applicant in previous asylum procedures.

### **Motives for and process of conversion**

There is no blue print of conversions. A conversion can be a slow process but can occur in a short period of time also. The start and the end may not be all that clear. Also, emotional aspects and rational considerations will vary.

The starting point for the assessment will be the life of applicant prior to his conversion. Apart from his previous religion, the social context can be important as well.

Next, applicant can be asked how he first learned about the new faith and what aroused his interest. Why did the former religion not suffice? How did he further develop his interest in the new faith and what did he gain from it?

At a (solely) passive conversion the inquiry will focus on the conversion experience: what happened and what does it mean to applicant in relation to his former religion, his background, and the consequence of the conversion in view of his social context and country of origin? Further, the focus will be on the subsequent process of edification and change in life.

### **Knowledge**

A convert can be expected to have some knowledge of the essentials of the new religion and what it means to him personally.

As to a conversion to the Christian faith, it is important to understand that there is a wide variety of churches. Applicant is not expected to have studied the various denominations and varieties within a

denomination. He can be expected to explain what kind of church he attends and why he started attending that particular church. He can be asked question about his experience in church, including the rites and what the rites mean to the church fellowship in general and to applicant personally. The level of knowledge that can be expected must be related to the level of participation. Active evangelism requires more knowledge than the participation in an introductory course.

### **Activities**

This element focusses on the effect of the conversion on the daily life of applicant and on the question as to whether the conversion is apparent to others. Applicant can be asked about the faith activities he undertakes and about the change of life as a result of the new religion. The conversation about activities and behaviour can help illiterate applicants to express the meaning of their new faith when they feel less able to do so on the subjects of motive and process and of knowledge.

## **2.3. ASSESSMENT OF CONVERSION**

First it is important to note that IND does not test the conversion itself. IND seeks a deeper inner conviction of applicant that will support the conclusion of a sincere conversion. In the assessment the three elements need to be taken into account. At all three elements the major focus will be on the statements about applicant's own experiences and the effect on his personal life. IND is looking for the authentic, personal story.

In general, the statements about applicant's motives for and process of conversion will bear most weight. However, less convincing statements on one element may be compensated by more convincing statements on another element, provided applicant can explain why he, considering his background, cannot convince well enough on one particular element.

### **Documents from churches and institutions**

Applicant may provide evidence of his statements by means of a baptism certificate, photographs of his baptism, or written statements from, e.g., a pastor or a report by the Plaisier Committee<sup>6</sup> or the Gave Foundation. These pieces of third party information will be considered in the assessment but their value will depend on the individual case as it is the primary responsibility of applicant himself to make convincing statements about his conversion.

### **Third party assessments**

Statements or reports by, e.g., churches or fellow Christians who make an assessment of their own re the claimed conversion of applicant, whether based on the IND interviews or interviews of their own, will normally bear little weight as IND will have to consider the case themselves. More important are statements that add factual information about applicant to the case file. Statements may be solicited by or on behalf of applicant or by IND. IND may, e.g. make an enquiry about applicant with the reception centre staff where applicant lives.

### **Factual information from churches**

Statements or reports from churches that provide information about applicant's commitment to the church and how he expresses his faith within the church fellowship will bear weight as this adds factual

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<sup>6</sup> A national committee of senior pastors with experience in mission or intercultural churches who can take own interviews with an applicant if IND does not accept his conversion as credible. The committee then writes an assessment report of his own that can be submitted to court.



information about applicant to the case file that may support applicant's own statements about his activities.

A baptismal certificate or a statement of applicant's regular attendance at worship will not suffice as support for a claimed conversion. More important are statements about the process that lead to baptism in the particular church. In case of doubt, such statements may make the difference, if they really add essential information to the case file.

### **Motivation**

If third party statements do not lead to the conclusion of a credible conversion, it must be motivated why the third party statements do not counterweigh the statements of applicant that have been assessed as incredible. If third party statements do not provide new insights to the case and/or only provide a different evaluation of applicant's statements, it must be motivated why this is so. In case third party statements do provide new insights to the case or do confirm applicant's statements, every aspect of the third party statements needs to be evaluated, i.e. it must be motivated why they do not counterweigh the statements of applicant that have been assessed as incredible.

### *Comment*

At this stage, we feel the need to make a comment. In this section on motivation, it is acknowledged that a third party statement can not only add factual information about applicant to the case file but can also provide new insights to the case. It is not clear what might be meant by 'new insights'. Our opinion, supported by case law, is that new insights to the case can include a critical and well-founded discussion of IND's arguments why they assess applicant's statements re his conversion as incredible. As will be further discussed in the next chapter, it is our experience that IND quite often apply criteria in the assessment of conversion that run contrary to objective studies on conversions and to objective information about religions. In view of this observation it is quite curious that the working instruction only considers the possibility that a third party statement can counterweigh the statements of applicant that have been assessed as incredible and not the possibility that it can counterweigh the motivation of IND to assess applicants statements as incredible.

### 3. THEMATIC DISCUSSION OF CASES

At Gave we have examined over 400 case files in the previous seven years. We have seen improvements in the assessment of the credibility of conversion but we have also seen the introduction of new ill-founded arguments for not accepting a conversion as credible. In this chapter we present our experience, focussing on last year's examinations. The discussion is mainly but not exclusively based on the seventeen case files presented in the appendix. Although they are a selection of the 75 cases we examined in 2018, they are representative of the 45 cases where we concluded to shortcomings in the assessment by IND.

#### 3.1. MOTIVES FOR AND PROCESS OF CONVERSION

##### **Apostacy**

Apostasy can be a separate element in an assessment of the credibility of conversion when the apostasy took place prior to the encounter of the new faith or when apostasy itself attracts the risk of persecution. Quite often, case workers expect apostasy to be motivated by a deep rooted inner conviction. This can be a valid expectation in case one used to adhere to the former faith out of a personal conviction. However, many apostates and converts claim that Islam never appealed to them and that they at best practised Islam because of pressure from their social environment, most often their parents. In that case, one cannot be expected to declare about deep rooted inner motives for leaving Islam simply because applicant never adhered to Islam out of a personal conviction. However, in practice many case workers still require applicants to declare about deep rooted motives for leaving Islam. (cases 2, 3, 9, 12)

##### **Passive and active**

The probability of a passive conversion was not considered in 11 out of 17 cases, even though applicant's statements, with clear a sense of suddenness and strong emotions, pointed into this direction. (Cases 1, 2, 3, 5, 6, 7, 9, 10, 12, 13, 14) We do not yet see improvements since the publication of WI 2018/10. Thus, the recognition of a (predominantly) passive conversion is and remains a matter of great concern. Occasionally IND expects a clear cut moment of conversion when the conversion story points to a gradual process of active conversion, meaning that there is no 'moment of conversion'. (Case 15)

##### **Differences between Islam and Christianity**

As can be expected, a conversion from Islam to the Christian faith is often motivated by the differences applicant discerns between both religions. Typical differences mentioned are: the love and forgiveness in the Christian faith versus fear and obligations in Islam, the different position of women, and the violence in Islam that is, in the experience of applicant, absent in the Christian faith. (Cases 3, 15 and various other cases known to us)

Quite often, case workers discuss these issues saying that love and forgiveness are also present in Islam and that the Christian history is neither void of the oppression of women and of violence. Here we notice a serious omission in the understanding of case workers re the differences between the Christian faith and Islam.<sup>7</sup> Quite often case workers do not understand the difference between the unconditional love and forgiveness of Christ, as presented to us in the Gospel, and the conditional love and forgiveness in Islam

<sup>7</sup> We have discussed these issues elaborately in the paper '*Bekering tot Christus – aandachtspunten voor de asielbeoordeling van Christenen met een achtergrond in een andere godsdienst of levensovertuiging*' (in Dutch) that is also available to IND case workers, see <https://juridisch.gave.nl/documenten-ind-medewerkers>

that needs to be earned; the difference between rites that are commended in the Christian faith and mandatory rites that are prescribed in the smallest detail as a means to earn God's favour, love and forgiveness. Also case workers quite often ignore important differences between the Christian and the Islamic view of women. The mere fact that the Christian (biblical) view of women does not reflect the contemporary western (secular) view does not mean that the Christian view is, in essence, equal to the Islamic view. Finally, the mere fact that violence is not absent in the history of the Church is not a relevant fact for the assessment of the credibility of conversion as this is not part and parcel of the contemporary teaching of the Church and applicant's personal experience of the Christian faith. The expectation that a convert should at least have an opinion of the crusades, e.g., originates from the context of the case worker rather than the context of applicant.

### **Interest motives and conversion motives**

Occasionally IND objects that the initial motives for interest in the Christian faith are not genuine. This assessment can be fair, but case workers do not always understand that initial wrong motives for interest in the Christian faith can still result into a sincere and therefore credible conversion. IND should distinguish between interest motives and conversion motives. Interest motives that are not conversion motives can include the faking of a conversion for the sake of asylum (as in case 10) or the reading of the Bible with a view of criticizing the Christian faith. These negative interest motives do not prevent a person from being grasped by the gospel message and from converting to the Christian faith sincerely.

## **3.2. KNOWLEDGE**

### **Essence of the Christian faith**

A common question during the interviews is "What is the essence of the Christian faith?" Quite often, answers are assessed as 'general' and therefore 'not convincing'. Also, a case worker may have an idea of his own as to what 'the essence' of the Christian faith might be, thus dismissing applicants' answer as 'wrong'. Sometimes a case worker claims that applicant's answer is not in agreement with 'general knowledge' of the Christian faith, without disclosing as to what that 'general knowledge' might be. (case 1)

Case workers will need to understand that asking for the essence of something is by definition asking for something general. Also, they will need to understand that there is no single definition of 'the essence of the Christian faith'. There are various aspects of the Christian faith that all belong to the essentials, like:

- the love of God;
- the love for God and for our neighbours;
- the Trinity;
- the birth, suffering, death and resurrection of Jesus Christ;
- the forgiveness for all who believe in Christ;
- the forgiveness on grounds of Christ's death on the cross;
- the Holy Spirit who accompanies the believer in his heart, or who brings God's love into the believer's heart or who brings Jesus Christ near to us.

People may be touched by different aspects of the Christian faith that all belong to the essence, thus there is a variety of statements that are to be accepted as a correct formulation of the essence of the Christian faith. Also, one may initially be touched by one aspect and in later life another aspect may become more important. Finally, all aspects listed above are intrinsically related and on growing in the faith one may be expected to give a fuller account of the essence of the Christian faith.

Having said all this, the question “What is the essence of the Christian faith” does not really invite applicant to give a personal answer. A good alternative is the question that is sometimes asked and should be asked more often: “If you would introduce me to the Christian faith, what would you tell me?” That would invite applicant to talk about the essence of the Christian faith in a way that reflects his personal involvement.

### **Bible knowledge**

There are helpful questions that case workers ask:

- “What can you tell about the life of Jesus?”;
- “Who is Jesus and what is His importance to you?”;
- “What is your favourite Bible story and why?”.

We also discern less helpful questions:

- “Name the twelve disciples”;
- “Name all the books of the Bible” (which is even worse: why would one be expected to know the names of all the books of the Bible?)

These questions do not help the assessment of the meaning and the importance the new faith has for the individual.

Other question we see too often are really out of order, like:

- “What are the names of the 3 magi?” (The Bible does not mention their names, neither does the Bible say that there were three of them, that is all a later tradition.)
- “How many chapters are there in the Bible?” (I wonder: how many pastors, priests and theologians would know the answer.)
- “Who is Saint Christopher whom we read about in the Bible?” (Saint Christopher is not a person mentioned in the Bible.)

Case workers who ask such questions may do well attending an introductory course to the Christian faith to find out what is really important.

### **The study of Christian denominations**

Working instruction 2018/10 explicitly says that an applicant is not expected to have studied the differences between denominations and/or within denominations. Yet, we still see quite a few cases where a conversion is not accepted as credible because applicant had (among others) not studied the differences between and within denominations. (cases 1, 6, 8, 11) In case 1 IND even expected that applicant had acquired his information about the Christian faith in the context of an orientation on Christian denominations, apparently meaning that the study of denominations is more important than the study of the gospel message in the Bible.

## **3.3. ACTIVITIES**

Statements about activities are not always accounted for in the assessment. (cases 1, 6) In individual cases the reason can be that applicant had not been convincing about the motives for and the process of conversion. However, this can never be a reason for not asking questions about activities at all, as in case 6, because the working instruction explicitly says that the interview must not anticipate the assessment. Furthermore, when applicant’s activities are not confined to attending worship, Bible study and prayer but include active evangelism (as in case 1) or a leadership role in the church (as we have seen in some other cases) it should definitely be considered an important aspect for the assessment. In the end, the essence of the assessment in the context of an asylum claim is not the question whether one has once converted for

credible reasons, but whether one practices the Christian faith out of an apparent inner conviction in the present that can be expected to last into the future as it had become part and parcel of his (new) identity.

### 3.4. APPLICANT'S CONTEXT VERSUS CONTEXT OF IND

#### Western (secular) approach

In 11 out of 17 cases we discern that case workers assess applicant's statements on the basis of their own (often western, secular) context rather than that they account for applicant's own context and background as prescribed by working instruction WI 2018/10. Most often, applicants are expected to have motivated their apostasy or conversion by an intellectual exercise, like the comparative study of religions, thus disregarding the influence of experience on someone's personal development and on his assessment of the culture and religion he is brought up with and a, possibly contrasting, experience in the context of a new religion. (cases 2, 3, 8, 9, 11, 12, 13, 14, 15, 16) In case 5, as in other recent cases known to us, IND considered that the stated change of life of applicant might also have been the result of a conversion to another religion. Whether or not this might be so, the objection is merely academic and not related to applicant's personal experience. The only issue to be assessed in this respect is as to whether the stated change of life can be the result of a conversion to the Christian faith.

See also the discussion of 'Differences between Islam and Christianity' in section 3.1.

This appears to be an issue of major concern where we do not yet see improvements as a result of working instruction WI 2018/10.

#### Taking risks

When the credibility of taking risks is part of the assessment, IND almost always assumes that people avoid taking risks.<sup>8</sup> Very often, IND objects to the receiving of a Bible or the invitation to a house church in Iran for the sole reason that this is not without risk for the other person. While we acknowledge that there can be elements in an individual story that may rightly be regarded incredible, the assessment must always be based on that particular story, not on the general assumption (even prejudice) that people would always avoid risks. According to this assumption, house churches cannot be expected to exist in Iran and many activities of the Dutch resistance during WW2 are deemed incredible also.

Having said this, it is quite striking that sometimes IND objects, also without case specific motivation, that one has *not* taken certain risks, like in case 8 where applicant's stated evangelistic activities in the Netherlands were considered incredible because applicant did refrain from evangelism when he was still in Iran.

#### Christianity versus religion

Quite often applicants state that Christianity is not a religion but a relationship. This is a common view among Evangelical Christians. It points to the fact that at the centre of the Christian faith is not the obedience or commitment to a number of obligations as a way to salvation or eternal life but the love relationship between Jesus Christ and the believer that is realized through the Holy Spirit indwelling the heart of the believer as a gift of salvation and eternal life. Yet, IND apparently expects applicants to use the word 'religion' in the same sense as in the IND working instruction WI 2018/10 for which reason a statement of applicant that Christianity is not a religion but a relationship is a reason for not believing a conversion to be genuine. (Cases 12, 14)

<sup>8</sup> We have seen this in many cases, although it seems to be less of an issue in the cases of 2018.

### 3.5. COHERENCY

In 9 cases out of 17, the decision of IND was predominantly based on the assessment of a number of applicant's statements taken in isolation. Quite frequently, the assessment was mainly confined to cognitive aspects, ignoring applicant's statements re the social and/or emotional aspects of his conversion. (cases 1, 3, 4, 8, 9, 11, 12, 15) Other observed deficiencies are:

- the consistency between applicants' statement and his level of education was not considered. (case 4)
- the relationship between applicant's activities and his conversion experience was ignored. (case 5)

It turns out that this is and remains an issue of major concern.

### 3.6. MINORS

IND frequently assumes that a minor who is not yet near the age of majority (say 16+) is not capable of making a well-informed decision for his own. (case 6, 17, and other cases known to us) IND consistently fails to acknowledge that a minor's evolving capacities need to be accounted for and that these evolving capacities are not dependent on age but rather on personal experience, culture and levels of parental support and expectation.<sup>9</sup>

In contrast, it is rather striking that IND can also, without further motivation, object that it is not credible that one started doubting about Islam not earlier than the age of 16, as in case 12.

### 3.7. INFORMATION FROM OBJECTIVE SOURCES AND EXPERT ADVICE

Very often, objections against applicant's statements are neither supported by information from objective sources nor by expert advice. (cases 3, 4, 5, 11, 12, 14, see also the discussions on 'essence of the Christian faith' in section 3.2), in spite of the demands of the general working instruction WI 2014/10 for the assessment of asylum cases<sup>10</sup> and of the European Procedure Guidelines 2013/32EU Art. 10 section 3 sub d. The omission of the use of objective information sources and of expert advice shows, e.g., in ill-founded assessments re the differences between Islam and Christianity (section 3.1), the essence of the Christian faith (section 3.2), the underestimation of the importance of personal experience in conversion processes (section 3.4) and the understanding of what Christians see as an important distinction between 'Christianity and religion' (section 3.4).

This also turns out as an issue of major concern.

### 3.8. THIRD PARTY STATEMENTS

In quite a few cases statements of churches are easily dismissed as irrelevant without considering the information about applicant they may add to the case file or the information that may affirm applicant's statements about his activities. (case 1, 7, 12)

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<sup>9</sup> See our report "*Freedom of Religion or Belief of Minors – discussion in view of asylum cases*" on this issue: <https://juridisch.gave.nl/wp-content/uploads/2018/04/ForB-of-Minors.pdf>

<sup>10</sup> See WI 2014/10 section 3.2 and the adjoining Parliamentary Note ("*Memorie van toelichting*", Tweede Kamer, vergaderjaar 2014–2015, 34 088, nr. 3; <https://zoek.officielebekendmakingen.nl/kst-34088-3.html>)

### 3.9. CONCLUSIONS

From the survey presented and discussed in this chapter, we can identify the following as issues of major concern:

- assessments that are quite often based on a western (secular) view of religion and conversion, with too little (if any) regard for applicant's personal context and experience;
- the assumption that a conversion is based on a comparative study of religions and/or differences within a religion rather than (predominantly) personal experience and/or search for meaning;
- the neglect of a (predominantly) passive conversion that is highly experiential in nature;
- the consistent omission of the use of objective information sources or expert advice on issues where a case worker lacks the required expertise;
- the neglect of the coherence in and between applicant's statements, with a strong focus on cognitive statements at the cost of the social and emotional aspects;
- the presumption that minors cannot make a well-informed decision re a conversion of their own prior to the age of, say, 16 or 17.

Other areas of concern are:

- a proper understanding of both Islam and the Christian faith and the essential differences between them;
- the understanding that growing up with a particular religion and having practiced that religion does not necessarily coincide with a personal conviction re that religion.
- factual questions re the knowledge of the new faith that do not help the assessment of what the new faith means to applicant personally;
- factual questions re the knowledge of the new faith that are, at best, completely irrelevant to the assessment;
- too little attention being paid to activities and their meaning to applicant as an integral part of the assessment.
- third party statements that are not always valued even though they may add information about applicant to the case file or provide new insights tot the case.

## APPENDIX

### CASE 1

Country of origin: Iraq  
Country of conversion: The Netherlands  
Case number *Gave*: Irak 151014  
Case number IND: Z1-41752577469  
Date(s) of interview(s): 8<sup>th</sup> March 2018  
Date of decision: 27<sup>th</sup> December 2018

### Conversion

#### *Coherency*

The assessment is predominantly based on a number of statements of applicant taken in isolation. Although IND claims that all statements were taken into consideration, this is not explicitly shown in the decision and its motivation. Especially applicant's statements about the inner processes of emotion and experience were not taken into account neither has the consistency of applicant's conversion story been considered.

#### *Motives for and process of conversion (passive with active element)*

Applicant had declared about a dream and about strong emotions when somebody was praying with him and started reading the Bible. He was not convinced about the Christian faith and started a year of study to find out as to whether Christianity would be true. Applicant declared that he became convinced when his mother was miraculously healed from a very serious illness after he had prayed to Jesus for her healing. This points to a primarily passive conversion with an active element. IND missed the point of the importance of inner affections and emotions that can be expected to accompany a (primarily) passive conversion.

#### *Essence of the Christian faith*

Applicant declared that the essence of the Christian faith is that we love God, that we love our neighbour as ourselves and the love we have comes from God. The Bible calls this the 'great commandment' and the essence of 'the law and the prophet's i.e. of all the teaching of the Old Testament that is not nullified but fulfilled by Christ. Yet, IND claims that this is not consistent with 'general information' about the essence of the Christian faith, whatever this 'general information' might mean as IND also failed to substantiate this claim by means of objective information sources or expert advice.

#### *Denominations*

IND objected that applicant had not acquired his information about the Christian faith in the context of an orientation on Christian denominations. This objection is rather curious as there is no reason as to why the value of applicant's knowledge of the Christian faith should depend on the specific reason he had to acquire this knowledge. Moreover, according to working instruction WI 2018/10, an applicant may not be expected to have acquired information about denominations before adhering a church.

### *Activities and third-party statements*

In his assessment IND failed to take applicant's statements about his evangelistic activities, affirmed by statements from his church, into account. The statements of his church were dismissed as irrelevant without consideration as to whether the statements add information about applicant to the case file or support the statements of applicant re activities.

## **CASE 2**

Country of origin: Iran  
 Country of conversion: Iran  
 Case number Gave: Iran 161127  
 Case number IND: Z1-52670439658  
 Date(s) of interview(s): 17<sup>nd</sup> and 20<sup>th</sup> February 2017 (1<sup>st</sup> application); 26<sup>th</sup> October 2018 (2<sup>nd</sup> application)  
 Date of decision: 2<sup>nd</sup> March 2017 (1<sup>st</sup> application); 14<sup>th</sup> December 2018 (2<sup>nd</sup> application)

### **Apostasy**

Applicant declared that Islam never appealed to her because (in summary) Islam is very demanding and sorrowful while applicant had a desire for a God Who is loving and caring. In the first application, IND did not believe applicant's stated apostasy because she did not make a further study of Islam prior to her conversion to the Christian faith and because she had been practicing Islam well into the years of adulthood. IND failed to account for the context of applicant in which her broad experience of Islam must be accepted as a valid reason for apostasy, rather than a theoretical study, and in which she felt compelled to continue Islamic practice on grounds of social pressure. IND even stated explicitly: "How applicant experienced Islam is of no concern."

In the second application IND should have reconsidered the credibility of applicant's apostasy in view of the then new working instruction WI 2018/10 that provides guidelines for the assessment of apostasy.

### **Conversion**

#### *Motives for and process of conversion (active and/or passive)*

In the first application applicant's motives for conversion were not assessed properly. Applicant stated that she was moved by the experience of the presence of God when she tried a Christian prayer. In the interview report, it is stated that applicant got emotional when she related this part of her story. It is quite likely that she relived her conversion experience which was passive in nature, apparently. IND did not pay any attention to this aspect and focussed on the cognitive aspect of the conversion solely.

In the second application IND should have reconsidered the credibility of applicant's conversion in view of the then new working instruction WI 2018/10 that explicitly mentions the possibility of a passive conversion that is characterized by strong emotions.

#### *Developing conversion*

In her second application, applicant was able to demonstrate increased knowledge of both Islam and the Christian faith and also stated that her new faith had grown in her heart and that she can relate experiences from her prayer life. IND failed to consider the emotional aspect of applicant's conversion and growing faith life once again. IND failed to comply to the motion Voordewind et al., accepted by

Parliament, requesting the Secretary of State to reconsider conversion based asylum applications when a passive conversion was not accounted for in the assessment.<sup>11</sup>

### *Court decision*

At the court session on 3<sup>rd</sup> January 2019, the court ruled (in an intermediate decision) that IND must take an additional interview in which applicant should be asked about her religious experiences.

## **CASE 3**

Country of origin: Iraq  
Country of conversion: Iraq  
Case number Gave: Irak 170713  
Case number IND: Z1-33164900023  
Date(s) of interview(s): 5<sup>th</sup> April 2018  
Date of preliminary decision: 1<sup>st</sup> November 2018

### **Apostasy**

IND fails to present a correct and balanced summary of applicant's statements. IND missed the point that applicant had clearly and consistently stated that from early childhood onwards, Islam never meant anything to him. IND confuses applicant's outward practising of Islam with an inner conviction. The objection of IND that applicant's stated early inner rejection of Islam contradicts his stated cease of Islamic practice at older age is ill-founded in view of his strong Islamic upbringing and social environment.

### **Conversion**

#### *Coherency*

IND fails to present a correct and balanced summary of applicant's statements. Many objections are based on a wrong and speculative reading of applicant's statements. IND confuses applicant's job in a print office that is run by Christians with obligatory work for a Church. It is true that applicant was initially not open to the Christian faith when he started working at the print office but the objection of IND that it is not credible that applicant would have been willing to continue working there is ill-founded. There is, e.g., no indication that the print office specialized in Christian print work.

#### *Motives for and process of conversion (active and/or passive)*

IND ignored the statements of applicant that it was the attitude and positive behaviour of his boss and colleagues that opened up his mind and heart for the Christian faith. IND also ignored the impact of the applicant's stated dream that was decisive in his process of conversion.

#### *Difference between Islam and Christian faith*

IND wrongly assumes that the position of woman is the same in both the Christian faith and in Islam. The objection of IND that the attitude towards woman in Islam cannot be a credible motive for conversion is based on an unbalanced quotation of a few Bible verses.

Also, wars in Islamic countries were a reason for applicant's conversion. IND objected that applicant had not extensively made a solid consideration of violence in the Christian faith, which, according to IND, is a

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<sup>11</sup> <https://www.tweedekamer.nl/kamerstukken/moties/detail?id=2018Z22016&did=2018D56271>

serious omission in applicant's conversion process. IND expected applicant to have made a deeper study of both religions before converting to another religion. However, IND failed to motivate his expectation from objective information sources or expert advice. IND seems to understand a conversion as a comparative investigation of advantages and disadvantages rather than a life changing event that is also motivated by personal experience.

## CASE 4

*(NB: This case concerns a claimed apostasy from Islam without explicit conversion to another faith.)*

Country of origin: Afghanistan  
 Country of apostasy: The Netherlands  
 Case number Gave: Afg 151101  
 Case number IND: Z1-49578936858  
 Date(s) of interview(s): 5<sup>th</sup> May and 6<sup>th</sup> July 2018  
 Date of preliminary decision: 4<sup>th</sup> October 2018

### Apostasy

#### *Motives for and process of apostasy*

Applicant stated that he had never really been a faithful follower of Islam and it can be concluded from his statements that Islam never really meant anything to him. He only practiced Islam outdoors because of social oppression. After arrival in the Netherlands he got into discussion with Iranians who had converted to the Christian Faith. This led him to ask critical questions about Islam and a search for what Islam means. His discoveries of Quranic and Hadithic teachings gave rise to moral and intellectual objections that he related quite elaborately during the interviews. Also, the threads of the Quran towards unbelievers frightened him initially until he concluded that Islam cannot be right. In his view a religion should be without oppression. These statements have not been accounted for in the assessment by IND. The preliminary decision merely says that "applicant is expected to declare more elaborately about his apostasy than the mere two Quran verses he mentions" which is not a just assessment of the case. Also, the assessment was not supported by either objective information on apostasy nor by expert advice.

#### *Education*

Applicant was 18 years old at the time of the interviews and had lived in the Netherlands for about three years. In the Netherlands he was able to join VWO<sup>12</sup> which is very unusual for an Afghan refugee. In our opinion applicant's statements are in accordance with his educational background but this was also not considered in the assessment.

#### *Activities*

Applicant declared consistently about his activities from which can be concluded that he ceased practicing Islam altogether and that he is quite open about that in the Netherlands. These statements have not been accounted for in the assessment as is mandatory according to working instruction WI 2018/10

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<sup>12</sup> VWO is 'Preparatory Academic Education', which is the highest level of Secondary education in The Netherlands

## CASE 5

Country of origin: Iran  
Country of conversion: Iran  
Case number Gave: Iran 111116  
Case number IND: Z1-46993260029  
Date(s) of interview(s): 14<sup>th</sup> December 2011 (1<sup>st</sup> application);  
7<sup>th</sup> June 2016 (2<sup>nd</sup> application);  
7<sup>th</sup> and 11<sup>th</sup> September 2018 (3<sup>rd</sup> application)  
Date of decision: 13<sup>th</sup> June 2012 (1<sup>st</sup> application);  
11<sup>th</sup> June 2016 (2<sup>nd</sup> application);  
13<sup>th</sup> September 2018 (preliminary, 3<sup>rd</sup> application)

### Conversion

#### *Motives for and process of conversion (active and/or passive)*

Applicant stated that a dream and the related experiences was a life changing experience that took place in the context of instruction in church. IND failed to understand that applicant's statements point to a passive conversion in the context of an active process of conversion, i.e. a mixture of both, ignoring the decisive passive element in applicant's conversion process.

#### *Coherency*

In his assessment, IND fails to account for the coherency and depth of applicant's statements. Among others, IND did not consider that applicant's activities are related to the stated inner experiences that accompanied her dream and to the developing inner convictions following the dream.

#### *Context and competency*

IND unjustly assessed applicant's conversion process on the basis of an own uninformed interpretation of applicant's dream, disregarding the meaning the dream had to applicant and without the use of objective information sources on conversion processes or the seeking of expert advice. Also, IND interfered in the competency of the church by making an own assessment as to whether applicant would have been fit for baptism, thus trespassing the principle of separation of church and state. Furthermore, IND unjustly considered that the stated change of life of applicant might have happened in the context of another religion or belief than Christianity, which is not the business of IND to assess in the context of applicant's asylum claim. Rather, IND should have assessed as to whether the stated change of life can be attributed the stated conversion to the Christian faith.

## CASE 6

Country of origin: Iran  
Country of conversion: The Netherlands  
Case number Gave: Iran 170430  
Case number IND: Z1-42688194571  
Date(s) of interview(s): 23<sup>rd</sup> may 2018  
Date of preliminary decision: 10th September 2018

## Apostasy

### *Age of minority*

Applicant declared that he left Islam at the age of fifteen. IND objected that a minor of that age cannot be expected to make a well-informed decision of his own. However, IND did not consider applicant's evolving capacities that is not merely determined by age but rather by his personal experience, culture and levels of parental support and expectation.<sup>13</sup> IND failed to take this into account in the assessment.

## Conversion

### *Motives for and process of conversion (active and/or passive)*

Applicant declared that he was inwardly moved by the message he heard from an evangelist and by a personal prayer that was prayed with him. This points to a passive conversion that was completely ignored in the assessment by IND.

### *Denominations*

IND objected that applicant had not acquired information about denominations. However, according to working instruction WI 2018/10, an applicant may not be expected to have acquired information about denominations before adhering a church. IND apparently expected applicant to have 'prepared' his conversion and to have acquired a certain level of knowledge of his new faith, which are expectations that apply to an active process of conversion, not to an exclusive passive conversion.

### *Activities*

Applicant had declared that, following his conversion, he started attending church and Bible classes. Applicant was not asked further questions about these activities, what they mean to him and what he had learned, which is a serious omission in the assessment by IND.

## CASE 7

Country of origin:	Iran
Country of conversion:	The Netherlands
Case number Gave:	Iran 180410
Case number IND:	Z1-48183607759
Date(s) of interview(s):	9 <sup>th</sup> August 2018
Date of decision:	15 <sup>th</sup> August 2018

## Conversion

### *Process of conversion (active and/or passive)*

IND objected that *"the quick conversion [in about two months] in the context of the assessment of the personal process of motivation of applicant does not convince, so that we cannot conclude to a well-considered and thoughtful choice as a basis of applicant's conversion."* This objection is not motivated by a consideration of the possibility of a passive conversion nor of the intensity of applicant's encounter of the

<sup>13</sup> <https://juridisch.gave.nl/wp-content/uploads/2018/04/ForB-of-Minors.pdf>

Christian faith and a possible previous encounter of the Christian faith to which a relative had pointed in his supportive statement. The objection is thus considered ill-founded.

### *Third party statements*

IND objected that statements about faith activities of applicant were of little weight because they did not provide information concerning the motives for and the process of conversion of applicant. IND did not consider as to whether the third party statements added (relevant) information about applicant to the case file, like information about activities, as demanded by WI 2018/10. Therefore the objections re the third party statements are considered ill-founded.

## **CASE 8**

Country of origin: Iran  
Country of conversion: Iran (initial) and Greece  
Case number *Gave*: Iran 170831  
Case number IND: Z1-35890293025  
Date(s) of interview(s): 2<sup>nd</sup> and 3<sup>rd</sup> November 2017  
Date of preliminary decision: 14<sup>th</sup> August 2018

### **Apostasy**

IND stated that applicant's motives for leaving Islam were solely factual and impersonal. However, IND failed to consider all of applicant's statements on his process of and motives for apostasy. Applicant had declared about his personal experiences of Islam that caused the development of negative feelings about Islam as well as moral objection against Islam.

### **Conversion**

#### *Motives for and process of conversion (active and/or passive)*

Applicant declared that he watched satellite programmes in search for meaning. He was looking for a personal relationship with his Creator. In his search he encountered the Christian faith and started comparing it with Islam.

Applicant was invited by the case worker to tell about the personal meaning of his search and his encounter with the Christian faith, what applicant did. However, the personal statements in the interviews were not considered in the assessment.

#### *Denominations*

Applicant was expected to explain why he chose for a protestant denomination, which is contrary to working instruction WI 2018/10.

#### *Activities*

IND objected that applicant's statements about his (desire for) evangelistic activities are not credible because he did not speak with his children about the Christian faith while he was still in Iran. This objection is considered unfair, because in Iran the Christian faith was still very new to applicant and applicant could rightly consider the risk of evangelizing even his children to be too great.

## CASE 9

Country of origin: Iran  
Country of conversion: Greece  
Case number Gave: Iran 170831  
Case number IND: Z1-38822056399  
Date(s) of interview(s): 24<sup>th</sup> and 26<sup>th</sup> January 2018  
Date of preliminary decision: 14<sup>th</sup> August 2018

### **Apostasy**

Applicant clearly declared that Islam had never meant anything to her and that she had only practiced Islam in her childhood in so far as it was demanded. IND unjustly assumed that she had been a Muslim out of a personal conviction and unjustly expected her to declare about a process of changing opinion.

### **Conversion**

#### *Coherency*

IND failed to account for all relevant statements of applicant. IND objected that applicant failed to explain how her experiences in church brought her to the conviction of the Christian faith, without considering that applicant had declared about other elements that brought her to her new conviction.

#### *Motives for and process of conversion (active and/or passive)*

Applicant declared about a special occasion in Greece, when she was able to start work that she experienced as God answering her prayers, that she experienced as a new (spiritual) birth<sup>14</sup>. This points to a decisive passive conversion in the context of an otherwise active process. Applicant was not asked further questions about this specific conversion experience which is a shortcoming in the investigation by IND and this passive moment in applicant's conversion process was neither accounted for in the assessment.

#### *Context*

IND objected that the fact that applicant got the job in Greece was not a miracle but was on account of her qualifications. This objection, however, reveals a reasoning from a western secular context without regard for the personal context of applicant, which is contrary to the working instruction WI 2018/10. Whereas applicant's qualifications will have helped in securing the job, IND still failed to motivate why a person with the background of applicant could not have interpreted and experienced this event as a divine intervention on her behalf.

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<sup>14</sup> regeneration as it is called in Christian theology

## CASE 10

Country of origin: Iran  
 Country of conversion: The Netherlands  
 Case number *Gave*: Iran 170815  
 Case number IND: ZI-34846532948  
 Date(s) of interview(s): 1<sup>st</sup> September 2017  
 Date of decision: 21<sup>st</sup> June 2018

### Conversion

#### *Initial motives for interest in the Christian faith*

Applicant and his family were said to have used a fake story in their asylum application. It is true that applicants had initially intended to use a fake story. However, applicants declared that they were introduced to an evangelist in order to receive a conversion story from her, but that the evangelist did not co-operate in this way. Rather, the evangelist presented the gospel to them and said they would need to repent from their intended deceit. Our Foundation spoke to the evangelist who could confirm applicants' declarations. In this context we believe that initial wrong motives for interest in the Christian faith cannot lead to incredibility of conversion when new motives have substituted the initial motives.

#### *Motives for and process of conversion (active and/or passive)*

Applicant declared that he and his family were touched by the gospel as presented by the evangelist and that they repented indeed. Their story thus indicates a passive conversion. IND denied the passive nature of their stated conversion saying that the buying of a fake story is an active step in the conversion process of applicants. IND clearly missed the point that an active conversion is the result of a search for meaning in life and that the buying of a fake story cannot be seen as a search for meaning.

## CASE 11

Country of origin: Iraq  
 Country of conversion: The Netherlands  
 Case number *Gave*: Irak 151003  
 Case number IND: Z1-34981527744  
 Date(s) of interview(s): 12<sup>th</sup> April 2016 and 1<sup>st</sup> February 2018  
 Date of decision: 20<sup>th</sup> June 2018

### Conversion

#### *Double conversion*

Applicant declared that he was grown up as Sji'ite but converted to Sunnīism after investigating the Islamic denominations. Applicant declared that he fled Iraq in 2015 because of the hostilities he experienced from his family and social network after this conversion. Applicant further declared that he met a Christian in 2017 and that he started the study of the Christian faith.

IND objected that it is remarkable that applicant did not yet study the Christian faith in Iraq, an objection that lacks motivation. It is true that applicant did study religion in his years in Iraq, as IND says, but IND did not motivate why applicant can be expected to have extended these studies, that were confined to Islam,

to other religions. IND also objected that applicant had converted twice, which would undermine the credibility of both. However, the objection lacked all motivation.

#### *Motives for and process of conversion (active and/or passive)*

Applicant declared that a prayer at his first encounter with the Christian faith was a special experience to him but that he needed time to study the Christian faith before he could make up his mind as he could hardly grasp the gospel message he got. This points to an active conversion. Applicant declared that he had many conversations and that he compared the Bible and the Quran. After a couple of months applicant was convinced by the love he encountered in the Bible and in his experience of Christians. IND objected that applicant's statements remained superficial. Applicant would not have explained as to what aroused his interest in the Christian faith. IND thus ignored applicant's statements that was the special experience with the Christian prayer and the positive character of Christians he met that aroused his interest and that he discovered that the Christian faith was relevant to the questions he faced in his life, motivations that find support in objective literature on conversion processes that IND failed to take into account in their assessment.

#### *Denominations and context of applicant*

Applicant was expected to explain why he choose for the particular denomination he adheres to, which is contrary to working instruction WI 2018/10. IND fails to understand that personal relationships normally determine the choice for a particular church as is often reported in objective literature on conversion processes. IND also objects that applicant calls the church he attends an evangelical church while it appears to be reformed church. Applicant correctly stated that to him, the importance is the direct access to the Word of God as the source of his faith, instead of the invocation of mediation by saints [like in the Roman Catholic tradition, MV]. In view of applicant's context it is credible that he does not take a lot of interest in differences between evangelical and reformed churches as long as both are based on the Bible as God's Word. The objections of IND rather seem to originate from a western secular context in which one is apparently expected to choose a church on rational rather than relational grounds, which is also contrary to working instruction WI 2018/10

## CASE 12

Country of origin:	Iraq
Country of conversion:	The Netherlands
Case number Gave:	Irak 151007
Case number IND:	Z1-41455027040
Date(s) of interview(s):	28 <sup>th</sup> July 2016 (1 <sup>st</sup> appl.); 8 and 11 June 2018 (2 <sup>nd</sup> appl.)
Date of decision:	15 <sup>th</sup> June 2018

### **Apostasy**

#### *Inner conviction*

IND expected that applicant's apostasy was based on an inner conviction. However, applicant had declared that Islam never meant anything to him. Islam had thus never become part of his identity and inner conviction. That being the case, applicant may not have developed a clear inner conviction at all, considering the context of Iran where it is very difficult to become acquainted with religions and world

views other than Islam. Applicant clearly declared about a process of discernment, based on his experience of Islam, that Islam was not after his liking, thus supporting his claim of apostasy convincingly.

### *Age of apostasy*

IND thought it remarkable that applicant started doubting about Islam not earlier than the age of 16. This statement was not motivated and is contrary to quite a few other cases in which the IND expects one not to develop an opinion of his own prior to the age of reaching the age of maturity.

### *Conviction after apostasy*

IND expected that an apostate would be an atheist by default unless he would adopt a new religion as substitute for Islam, an expectation that was not motivated and can be regarded as ill-founded and based on a secular prejudice.

## **Conversion**

### *Coherency*

Various statements of applicant were considered in isolation without regard of the full context of applicant's life and conversion story. As an example: IND thought it remarkable that applicant raised the issue of the Trinity the first time he went to a new church, without consideration of the applicant's statements elsewhere in the interview that the Trinity was an important issue to him but that the church he previously attended never really addressed the Trinity.

### *Motives for and process of conversion (active and/or passive)*

Elements in the conversion story of applicant that point to a passive conversion process were judged to be incredible. It is hard to avoid the impression that the IND denied the possibility of a divine or some other 'otherworldly' intervention in the lives of people, a judgement the IND is not allowed to make. Furthermore, IND stated that the conversion process was incredible because it was said that it took place in a short period of time. However, it is common for a passive conversion to take place in a short period of time. Applicant's statements can therefore not be said to be inconsistent and incredible.

### *Religion and relationship*

Part of applicant's motivation for conversion was that Christianity is not a religion but a relationship, which is a common view among Evangelical Christians. Yet, the IND stated that the Christian faith is also a religion and concluded that applicant did not give a correct answer to the question as to what is the essential difference between Islam and Christianity as seen by the applicant. In this, the IND ignored the fact that applicant had adopted a definition of religion that is different from the definition applied by the IND.

## **Appeal**

The appeal at the Court of 's-Hertogenbosch was judged as well-founded.<sup>15</sup> The decision by IND was said to lack motivation on many points, partly because important statements of applicant were not taken into consideration, partly because assumptions made by IND were not based on objective expert information and partly because IND had not taken third party statements, including an expert report of our Foundation, into account.

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<sup>15</sup> Court case number NL18.11386, <https://juridisch.gave.nl/bibliotheek/180727-rb-den-bosch-nl18-11386>

IND did not lodge a higher appeal against this judgement and will have to take a new decision.

### CASE 13

Country of origin: Iran  
 Country of conversion: Iran  
 Case number Gave: Iran 160219  
 Case number IND: Z1-10312756367  
 Date(s) of interview(s): 6<sup>th</sup> October 2016 (1<sup>st</sup> application); 7<sup>th</sup> June 2018 (2<sup>nd</sup> application)  
 Date of decision: 2<sup>th</sup> October 2016 (1<sup>st</sup> application); 13<sup>th</sup> June 2018 (2<sup>nd</sup> application)

#### Conversion

##### *Motives for and process of conversion (active and/or passive)*

Applicant declared that she was attracted by the Christian faith because of the love that she sees promoted in the Bible and that God showed to mankind in the person of Jesus Christ. She gained interest in the Christian faith through a friend of her and she discussed her questions with her friend and with a more mature Christian. She also declared that these discussions helped her improving her relationship with her husband. This was an active aspect of the conversion process. However, the conversion itself happened as the result of strong emotions during one of the conversations, when she felt divine love in her heart. This was a decisive passive moment in the conversion process of applicant. This passive aspect in the conversion process of applicant was not considered in the assessment of her first application.

##### *Developing conversion*

In her second application, applicant was able to demonstrate increased experience of God's presence in her life and His care for her. Applicant also declared quite elaborately about the consequences for her life. She is aware of the responsibility to be faithful in the following of Christ. Applicant demonstrated a growing maturity in the way she lives her faith. Applicant showed that her increased knowledge is not mere factual knowledge but, rather, experimental knowledge: the knowledge of God that compares to the way a child knows his parents. IND, however, focussed on factual knowledge only, without regard for the emotional and relational aspects of faith.

### CASE 14

Country of origin: Iran  
 Country of conversion: Iran  
 Case number Gave: Iran 160219  
 Case number IND: Z1-41394192150  
 Date(s) of interview(s): 6<sup>th</sup> October 2016 (1<sup>st</sup> application); 7<sup>th</sup> June 2018 (2<sup>nd</sup> application)  
 Date of decision: 2<sup>th</sup> October 2016 (1<sup>st</sup> application); 13<sup>th</sup> June 2018 (2<sup>nd</sup> application)

#### Conversion

##### *Motives for and process of conversion (active and/or passive)*

Applicant declared that his wife introduced the Christian faith to him. In spite of his initial scepticism, the changing attitude of his wife attracted his attention. Applicant declared that he attended a house church

after a while where he was inwardly moved with love and felt the presence of Christ. This points to a predominantly passive conversion. The immigration official, however, appears incapable of valuing applicant's statements re his religious experience as he dismisses applicant's clear statements about his experiences as 'vague and woolly'. The case worker apparently was not used to experimental religious language, which should have been a reason for requesting expert advice.

### *Relationship versus religion*

IND objects that applicant says that his new faith is not a religion but a relationship, because according to the definitions that IND applies, the Christian faith is a religion. In this, IND fails the understanding of applicant's own context that ought to be leading in the assessment according to the working instruction WI 2018/10. In evangelical circles it is very common understanding of the Christian faith to call it a relationship in contrast to (other) religions. The difference is, that in the Christian faith people believe to have a personal relationship with God the Father and with His Son Jesus Christ because God has come down in Jesus Christ and in the Holy Spirit to live among us, whereas in many (other) religions, the essence is that people have try connecting to a distant God or divine being. Furthermore, applicant's statement that the Christian faith is a relationship rather than a religion is consistent with his elaborate statements about his personal experience of God's presence and care for him.

### *Developing conversion*

Applicant declares extensively of his growing experience of the faith and of God's presence and care for him. IND states that his statements are a mere repetition of the statements of his first application, but without motivation.

## **CASE 15**

Country of origin:	Iran
Country of conversion:	Iran
Case number Gave:	Iran 160106
Case number IND:	Z1-9883990960
Date(s) of interview(s):	20 <sup>th</sup> October 2016; 29 <sup>th</sup> January 2018
Date of decision:	26 <sup>th</sup> October 2016; revised 30 <sup>th</sup> may 2018

## **Conversion**

### *Cohesion*

The statements of applicant must be considered in cohesion, but the assessment by IND was mainly based on the consideration of statements seen in isolation. Furthermore IND ignored the fact that applicant's conversion story was not merely factual but personal in that applicant had declared about the personal meaning of the various meetings and discussion to him.

### *Moment of conversion*

IND said that applicant was too vague about the moment of his conversion, it being a deep touching event that would have changed his life. Here IND denied the fact that an active conversion is, in general, a gradual process rather than a sudden life changing event.

### *Former religion*

IND held it against applicant's conversion claim that he was not interested in religion prior to his encounter of the Christian faith. Thus, it is not conceivable that he would now be a religious person, according to IND. However, this judgment was based on prejudice. It is clear that applicant took no real interest in Islam and in Iran but it does not follow that he could not gain real interest in another religion or belief. Being 'religious' or 'non-religious' is a matter not of character but, rather, of life experience. Change in experience can result in a changed attitude towards religion. In the case of applicant, the change in experience was the encounter of a different kind of religion than the one he grew up with.

### *Difference between Islam and Christian faith*

IND said that applicant had only declared in general terms about the reasons for leaving Islam and embracing the Christian faith. IND expected reasons derived from his personal experience of the religion. However, applicant had declared about the mandatory nature of Islam in that the times and way of (among others) prayer and fasting are prescribed in every detail. That is part and parcel of his experience in Islam that, according to his statements, never appealed to him.

IND also held it against applicant's conversion that the Christian faith also promotes obligations and rites and also tells about punishment and hell. However, applicant had clearly declared about the unconditional love and forgiveness of Jesus Christ as the ground for salvation whereas in Islam one must earn salvation through the fulfilment of the religious obligations, which is a most important difference between Islam and the Christian faith.

### **Appeal**

The appeal at the Court of 's-Hertogenbosch was judged as well-founded.<sup>16</sup> The court judged that IND could rightfully consider the stated events in Iran that would have led to his conversion incredible although the court does not accept all arguments used by IND. However, incredibility of events that would have led to conversion does not make the conversion itself incredible. The court considered that the credibility of a conversion in the Netherlands must be investigated on merits of its own. At the court session the IND did acknowledge that various aspects of the stated process of conversion can be accepted as credible, but still insisted that applicant had made changing statements about the moment of conversion. The court did not agree with this argument as the working instruction WI 2018/10 clarifies that a process of conversion is not necessarily marked by a clear start and finish and that the measure of affection can be of influence. In view of this the court could not judge that the various statements on the process of conversion were inconsistent by necessity.

IND had also stated that they had compared applicant's statements with the statements of other converts who were granted leave to stay, but the court considered that he had no access to these other cases and that the argument was thus not open to legal judgment. Moreover, according to the working instruction WI 2018/10 conversion processes can differ widely. By this the court apparently meant that all the other cases IND implicitly referred to may not be comparable cases at all.

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<sup>16</sup> Court case Number NL 18.10379, <https://juridisch.gave.nl/bibliotheek/2018-07-17-rb-den-bosch-nl18-10379>

## CASE 16

Country of origin: Iraq  
Country of conversion: Iraq  
Case number Gave: Irak 160121  
Case number IND: Z1-10033246106  
Date(s) of interview(s): 29<sup>th</sup> March 2017  
Date of decision: 23<sup>rd</sup> May 2018

### Background

Applicant stated that her experience of Islam has always been rather negative. The Islamic obligation were meaningless to her and she had developed fear for severe punishment by God. Applicant also declared that her husband was ill-treated by his family, even during the pilgrimage to Mecca.

Applicant further declared that she grew up, in her younger years, in a Christian part of town and that the Christians in the neighbourhood were less strict and more loving and caring than her own Islamic family and social network. Applicant was attracted by the life style of her Christian friends and by the Bible classes she started to join in secret. After having moved to an Islamic part of town applicant wondered as to why Muslims are so harsh compared to Christians.

### Conversion

#### *Motives for and process of conversion (active and/or passive)*

Applicant declared that a brother of her husband had converted to the Christian faith. Applicant's memories of the Christian area surfaced and she had interesting conversations with her brother in law and that his behaviour was also attractive to her. Yet, the step to conversion was not yet easy to applicant. Her statements indicate an inward conflict as she wanted to understand as to why the differences she discerned between Muslims and Christians can exist. Such inward conflict can be expected at an active form of conversion.

#### *Context*

IND objects that applicant could not convince re a thorough research of the Christian faith, but this objection originates from a secular, western, context of the case worker who apparently assumes that an active conversion is a predominantly intellectual exercise by which one is looking for factual information. IND unjustly objects that applicant based her rejection of Islam on her negative experiences with Muslims without an investigation of Islam itself. This objection also originates not from the context of applicant but from the western, secular, context of the case worker.

An active process of conversion is characterized by a search for meaning rather than for knowledge and applicant had thoroughly and concretely declared about her search for meaning in the various conversations she had with her brother in law and other Christians. In her statements applicant clearly demonstrated that she was thinking through existential questions and applicant clearly declared about the process as to how she came to the decision to convert to Jesus Christ. IND unjustly objected that applicant would not have declared about her motives for and process of conversion.

## CASE 17

Country of origin: Afghanistan  
 Country of conversion: The Netherlands  
 Case number *Gave*: Afg 151216  
 Case number IND: Z1-28605941623  
 Date(s) of interview(s): 31<sup>st</sup> July 2017 (by IND)  
 Date of decision: 5<sup>th</sup> January 2018  
 Date of interview: 28<sup>th</sup> February 2018 (by *Gave*)  
 Date of court decision: 21<sup>st</sup> December 2018 (ECLI:NL:RBDHA:2018:15336)

### Developing capacities of a minor

This case concerns the stated conversion of 10 year old minor (in 2017). IND objected that a minor of that age is expected to follow his parents with regard to religion and belief. In appeal, *Gave* reported that minors have an intrinsic right to freedom of religion or belief themselves, regardless of age. The question as to whether a minor can exercise this right depends on the minor's developing capacities that are not dependent on age but on the minor's personal experience, culture and levels of parental support and expectation.<sup>17</sup> IND failed to take this into account in the assessment. *Gave* offered to take an interview with applicant themselves considering her young age and her evolving capacities. The court decided to keep the case on hold so as to allow *Gave* to take the interview and report the findings.

### Conclusions of *Gave*

#### *Apostasy*

Applicant clearly stated that she had had strong discussions with her father about the religious obligations of Islam that she disliked very much even while living in Afghanistan and Iran. In view of these statements of applicant IND's expectation that applicant would no doubt follow her parents in the practice of Islam after return to Afghanistan is ill-founded.

#### *Conversion*

A few months after arrival in the Netherlands applicant's father became less strict in the religious demands on applicant and became interested in the Christian faith himself. Applicant stated that he and her mother started visiting church out of interest. However, it was applicant's own choice to join them, as it was her own choice to stop attending Sunday School because she felt staying in the service did better serve the interest she acquired in the Christian faith after she had learned the basics in Sunday School. Applicant showed herself to be very keen on learning, an observation that is affirmed by applicant's school teacher and by her school reports.

Re the motives for conversion, applicant was attracted by the Bible story where Jesus was very welcoming to children in spite of the disciples barring them from Him. Applicant also stated that she was attracted by the love of Jesus over against the demands she had experienced in Islam. Applicant clearly demonstrated to have acquired an identity of her own in the Christian faith, something she lacked in Islam because she was not allowed to develop herself as a person.

Applicant was able to relate Bible stories to her personal life and she could also relate personal religious experiences that are fitting with a conversion to the Christian faith.

<sup>17</sup> <https://juridisch.gave.nl/wp-content/uploads/2018/04/FoRB-of-Minors.pdf>

## Court decision

In response to the report of *Gave* IND persisted in their opinion that applicant did not make a faith decision of her own but is still expected to follow her parents in their religion. However, the court eventually ruled that the opinion of IND is ill-founded and IND will have to reconsider the case, taking the interview and report of *Gave* into account.

## COLOFON

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This report can be downloaded from [www.juridisch.gave.nl](http://www.juridisch.gave.nl)  
and can be freely distributed

### LEGAL SUPPORT BY GAVE

The Dutch *Gave* Foundation has the desire that refugees who have fled to the Netherlands are being seen and loved. *Gave* is an interchurch organisation that wants to raise awareness among churches and Christians re their biblical calling to welcome refugees in their midst.

The legal team campaigns on behalf of Christian refugees in the Netherlands and co-operates in international networks for the promotion of a fair assessment of asylum claims of Christian refugees.

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