

“What Is Truth?” Negotiating Christian Convert Asylum Seekers’ Credibility

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The arrival of more than five million refugees in Europe since 2015 has led to increasing investigations into Europe’s management of multiculturalism and religious pluralism. Studies to date have chiefly focused on the integration of the cultural and religious “other,” but we take a different approach by analyzing asylum proceedings in Germany, based on conversions from Islam to Christianity. Negotiations of credibility of newly converted Christian asylum seekers help to show how European legal authorities conceive of their own historically Christian identity and their expectations of newcomers. We show how these negotiations are influenced by the power dynamics in the courts, understandings of cultural and religious contexts, and assumptions about conversion and Christianity. Our interdisciplinary approach provides insights into how European legal authorities navigate the challenge of cultural and religious others to Europe’s cultural cohesion, “values,” and secularism.

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It is a midsummer afternoon in 2020 in a German administrative court. The middle-aged, male judge, interpreter, and one of the authors (LR) are waiting for the solicitor and appellant to arrive. The hearing will be based on religious conversion and associated fear of persecution. The atmosphere is informal, and

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the judge and interpreter chat, drawing me (LR) into the conversation. I take the opportunity to ask the judge how he usually determines the credibility of a religious conversion—an exceedingly difficult task, as most actors in these hearings would agree. Instead of listing certain criteria or the notion of an overall impression of the appellant, he replies, “I am not a theologian. How could one possibly decide this?”

This article explores judges’ methods and assumptions when assessing religious conversion applications for asylum protection. Asylum claims based on conversion to Christianity are surprisingly frequent in many European administrative or asylum courts. Most countries do not supply official statistical data on the various grounds of asylum applications, but a combination of case law database searches, media reports, and burgeoning academic interest in the phenomenon (Krannich 2020; Karras 2018; Pernak 2018; Stadlbauer 2019; Theißen 2020) indicate that asylum claims on the basis of conversion to Christianity are commonplace in Europe. For example, while not supplying numerical data, German state officials report conversion to Christianity to be the most frequent reason for asylum claims by Iranians. The success rate (i.e., granting of asylum status or subsidiary protection) of Iranian asylum claims in Germany was 22.3 percent in first decisions and a further 19.9 percent revision rate in subsequent administrative court cases in 2019 (BAMF 2020; Gräfin Praschma 2019).¹

To illustrate, Iranians in particular change their religion before or during their asylum process: some point to the dissatisfaction with the Islamic regime and widespread search for spiritual alternatives to justify their interest in Christianity (Krannich 2020), while others cynically suggest that conversion is one of the best ways to reach refugee status in Western European countries (Kermani 2019). Indeed, apostasy, that is, a turning away from Islam, is considered a crime that can be punishable by death under shariah law, highlighting why converts seek international protection.

The right to freedom of religion and to change one’s religion is sanctioned internationally:² even the 1951 UN Convention relating to the Status of Refugees includes religion as protected identity. This norm does not have any legal force by itself but has been translated into domestic law by the signatories of the Convention, including Germany. It is a human right to have and to change one’s religion and can be grounds for international protection if not guaranteed in someone’s country of origin. Despite this, the concept of “religion” has been left largely undefined (Good 2009; Gunn 2003). Consequently, what counts as credible religious conversion, both in content and practice, is defined by the asylum decision-maker, international organizations like the UNHCR, or case law precedents.

As the opening anecdote suggests, judges’ methodology of assessing religious conversion in the asylum context varies widely. Perhaps because of this variability and the potential for harmful consequences if appellants are returned to their

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country of origin, judges frequently express their discomfort with deciding on what is usually viewed as theology. Asylum proceedings based on conversion from Islam to Christianity are a unique lens through which we can shed light onto how judges’ beliefs regarding religious conversion to Christianity, and understandings of Christianity itself, are constructed. While theologians and scholars of religion have philosophized about what counts as conversion, judges are required to arrive at a finite conclusion on the matter.

This article addresses how German courts negotiate “truth” in asylum appeal cases based on conversion to Christianity, that is, how they assess a conversion to be credible. Previous investigations into Europe’s management of multiculturalism and religious pluralism have focused mostly on the integration of the cultural and religious other (e.g., Mavelli and Wilson 2017). In contrast, the interest here is in the expectations that arise from Germany’s own religious and historically Christian cultural identity. While we explore this through the specific lens of judges’ assessments of religious conversion in the asylum context, the implications of this study are far-reaching. The way in which administrative judges conceive of Christianity and conversion can be seen as representative of German legal authorities as a whole and can perhaps even be extended to German society at large. Our claim is that this unique lens allows us to draw conclusions about how a historically Christian Western Europe navigates its Christian heritage in the confrontation with cultural “Others” who claim the same religious belonging.

Method

To examine the process of assessing religious conversion asylum applications, we analyzed the interactions of thirty-six asylum appeal hearings, which LR attended in two German courtrooms between March and September 2020.³ One was situated in a city and the other in a town (locations withheld to preserve confidentiality). Twenty appeals were based on conversion and sixteen on other reasons.⁴ Usually, a single judge presided; and usually the applicant, their lawyer, and an interpreter were present. Sometimes a religious figure attended to give supporting evidence, and sometimes a representative of the Office on Migration and Refugees (BAMF) acted as defendant. Data also came from twenty formal, and numerous informal, interviews with judges, solicitors, interpreters, pastors, and asylum seekers themselves, as well as publicly available asylum appeal decisions. All proceedings and interviews were recorded (audio or notes) and transcribed verbatim. Transcripts were translated into English, checked for fidelity by LR, and assigned an anonymized case reference.

Thematic analysis is a method for identifying, analyzing, and reporting patterns within the data. All thirty-six transcripts were analyzed by LR and ten were analyzed by ZGW to identify the assumptions that influence how “truth” is constructed in asylum appeal hearings based on conversion to Christianity. Researchers independently annotated transcripts and, through an iterative process of identifying ideas within the data, arrived at preliminary themes. Comparison between the researchers, followed by a second analysis of

transcripts, resulted in a final refined set of matched themes identified by both authors.

Results

Three main themes emerged:

1. power in the courtroom,
2. understanding cultural and religious context; and
3. assumptions about conversion and Christianity.

Negotiation of “truth” in asylum appeal hearings based on conversion to Christianity reflects the differing expectations of appellant and judge, which often leads to frustration and misunderstanding. Expectations appear to be influenced by courtroom power dynamics, differing understandings of the appellant’s and judge’s cultural contexts, and assumptions of what Christianity is as a religious identity.

The following outlines decision-making processes of judges in the German asylum process and then considers in more detail how truth is negotiated in asylum appeals based on conversion to Christianity. Finally, we offer recommendations for addressing some of these challenges.

Judges and decision-making

The negotiation of truth is key in any adjudication. Many factors may influence judges’ decision-making, such as culture, socialization, race, attitudes, cognition, emotion, or policy preferences (Epstein and Knight 1998; Herlihy and Turner 2013; Maroney 2013). While much of the refugee studies literature consequently laments a certain level of arbitrariness regarding judges’ decisions (e.g., Gill and Good 2019; Kobelinsky 2014, 2015, 2019), others have found that judges are also constrained by systemic and political pressures (Büchsel 2020). In what follows, it is important to take into account the tension between both judges’ discretion in evaluating evidence and the systemic pressures under which they arrive at their decisions.

The German asylum process

In Germany, asylum applications are initially lodged and decided after an interview by officials at BAMF. If the asylum decision is negative, the claimant can lodge an appeal with the regionally responsible administrative court. The influx of thousands of refugees in 2015 has resulted in an increase in appeals, and appeal hearing dates may take years to be set. At the hearing, either a panel of judges or, more frequently, a single judge assesses the decision of BAMF by conducting a further interview with the appellant. The judge can then affirm BAMF’s

decision as legal or order BAMF to grant protection to the appellant in the forms of either refugee or asylum status, subsidiary protection, or a deportation ban.

In Europe, Article 4 of the Qualification Directive II highlights that the burden to prove their risk of persecution is on the asylum seeker. Often, the only available evidence is the narrative of the asylum applicant themselves (Kagan 2003). They can substantiate their claim with documents—which in conversion cases can range from birth certificates, court orders to show persecution, photographs of church activities, baptism certificates, support letters by pastors, to screenshots of social media posts documenting a public faith.

Credibility assessments in asylum proceedings have inspired a significant amount of research (Coffey 2003; Noll 2006; Rogers, Fox, and Herlihy 2015; Skov Danstrøm and Whyte 2019; Wikström and Johansson 2013). A culture of disbelief and political pressures have contributed to an assumption that the appellant is not truthful, and so must convince the judge of their credibility against initial disbelief (Jubany 2011; Kobelinsky 2014). To reach a decision on a case in the absence of “hard” evidence other than an appellant’s narrative, judges have to arrive at a conviction, or what Kobelinsky (2019) termed an “inner belief”—a “sense” about what the decision should be. Judges usually try to understand what a reasonable person would have done in the place of the asylum appellant to assess whether their story, and indeed they themselves, are credible (Wikström and Johansson 2013; Herlihy, Gleeson, and Turner 2010). Our data indicate that this difficult task is influenced by power dynamics, culture and religious context, and assumptions about conversion. This ground-up ethnographic approach aims to shed light on how credibility, or truth, is negotiated in these settings.

Courtroom power dynamics

The interactions observed suggest that courtroom power dynamics can influence the negotiation of truth in asylum appeal hearings based on conversion, before any theological questions are even addressed. An inherent power imbalance exists in the courtroom given that the judge alone can decide the outcome of the case. The data collected highlight two ways in which this power dynamic influences how the appellant appears and ultimately is judged: first, the appellant’s lack of familiarity of court protocols; second, appellants’ ability to represent themselves and their narratives, including successful communication and recourse to memory.

Courtroom protocols

For judges, solicitors, and interpreters, asylum appeal hearings are an everyday activity; however, appellants usually have never entered a German courtroom before and are unfamiliar with the proceedings. This includes not understanding that the hearing is not just a “practice round” before the “real” hearing (Town 1 H7; cf. Gill et al. 2020), and not being clear on the role of the professionals

involved. For example, while interpreters ought to be independent, they can be seen as being associated with BAMF: one interpreter used a notepad with the BAMF logo on it (fieldnotes, Town 2020), and another interpreter greeted the BAMF representative as an old friend and had an open exchange about personal matters (fieldnotes, City 2020). These examples highlight a lack of transparency and may lead to potential fear of disclosing information, especially toward a fellow national acting as translator, when the appellant fears persecution on return due to their faith. Likewise, appellants sometimes mistrust their solicitor and fail to disclose important information in advance of the hearing that might have influenced the solicitor's line of argumentation. Alternatively, appellants may also hope that, given that the interpreter is a conational with seemingly "better connections" at court, they can aid their case, for example by putting in a good word with the judge on their behalf, which would be violating the oath interpreters have sworn (fieldnotes, Town 2020).

Culturally specific demonstrations of politeness are expected in a court setting, such as being on time, taking off one's jacket (fieldnotes, Town 2020), getting up when the judge enters, asking for permission to move around the courtroom to hand something over (Town 1 H10), or switching off one's phone. Not adhering to these can have an adverse effect on the overall impression the appellant makes on a judge. Judges do not consistently provide an introduction to the hearing or explain its elements and, if they do, not always in sufficient detail. While judges often switch between formal and informal language, presumably to make the appellant more comfortable with the situation, the questioning in the hearings observed was typically in a confrontational tone (cf. Büchsel 2020). This often fostered fear in the appellant and prevented them from asking clarifying questions. On several occasions, the judge continued questioning the appellant when they were clearly not following the hearing proceedings.

Furthermore, the relationships between judges, solicitors, and interpreters were observed to influence the hearing on several occasions. After a brief hearing with a negative outcome, a solicitor confided in LR that he might have "pushed the appellant through" at other courts; but since he knew that the particular judge rarely accepts a conversion claim, he did not want to "make himself look ridiculous" by fighting harder for his client (fieldnotes, City 2020). On another occasion, another judge suddenly became suspicious in the middle of the hearing and, banging on the table, accused the solicitor of training their client to answer questions about their conversion. The relationship between this particular judge and solicitor appeared to deteriorate over the course of the research. The assumption that the appellant's answers regarding their conversion had been memorized, potentially aided by their solicitor, lowers the overall credibility of their claim. Furthermore, it was clear that these incidents between the judge and the solicitor made the respective appellants nervous and less able to answer subsequent questions by the judge and present their narrative in the expected way.

Appellants' representation

Before discussing the specific assumptions that can lead to misunderstandings in the conveyance of the appellant's narratives, we turn to another aspect of the

power dynamics of the courtroom: the assumption that the appellant can represent themselves adequately. The effects of stress on the appellant's representation in this significant moment have been demonstrated by Rogers, Fox, and Herlihy (2015) and can be affirmed by this research. Many asylum seekers suffer from some degree of mental health issues due to adversity in their home country and during flight, or difficult living situations in the host country. Sometimes this is acknowledged by the judge, who assures the appellant that they mean no harm (“I don't want to hurt you!” Town 1 H3). Yet the hearings observed did little to support appellants or make allowances when they revealed traumatic events. Two young female appellants disclosed during their respective hearings amid tears that they had had a miscarriage in the days before. The judges' responses to this disclosure was to dictate the fact into the Dictaphone and move to further questions (Town 1 H11; City 1 H1). There was an absence of empathy, and the appellants' ability to participate fully in the hearing was not put in question. Other examples include appellants being in severe pain from injuries, disclosing recent racist attacks resulting in hospitalization, and depression. Yet the hours-long hearings with detailed questioning continued with no further adjustment or recognition of these circumstances (Town 1 H13; City 1 H16; City 1 H13). Clearly, trauma, and mental and emotional problems affect the way in which appellants can represent their narrative and conversion stories (Given-Wilson, Herlihy, and Hodes 2016; Herlihy, Jobson, and Turner 2012).

In addition to the effect of emotional distress, many cognitive processes influence the negotiation of truth in conversion hearings. One of these is the difficulty of disclosing information that brings up shame for the appellant. The psychological perspective from one study (Bögner, Brewin, and Herlihy 2010) found shame to be a common barrier to disclosure. The current study noted shame both in connection with memories of the appellant's experiences and in response to judges' questions. For example, in one hearing, the appellant was asked to produce church bulletins with pictures of himself in it, which is sometimes used to substantiate the appellant's description of their church activities. The applicant admits that he had lost them. “You lost them?!” the judge fired back, dismissively. He seemed to imply that the appellant had in fact never owned any and was fabricating his conversion claim. However, given the potentially chaotic and unstable life of many asylum seekers in temporary shelters, the claim of a loss of documents may not be an intentional obfuscation of evidence as the judge's tone implied. In this case, the solicitor claimed in defense of the appellant that the judge had not even considered this kind of evidence in previous hearings, and so he had not advised his client to collect or keep these. In this short and abrasive hearing (ending in a rejection of the appeal), the appellant was left feeling ashamed because of the failure to provide evidence that the judge claimed was important (City 1 H12).

The appellant is usually required to present their narrative in a detailed, coherent, and chronological way. To do so, appellants are expected to have a consistent and detailed memory of events that have led to their flight or triggered their religious conversion itself. However, the task of remembering significant events requires a variety of psychological processes and can lead to distortion and

bias (Herlihy, Jobson, and Turner 2012; Herlihy and Turner 2013; Herlihy and Turner 2015). While the judges observed in this study appeared to accept that memory can at times become blurry, they often expected that significant events, such as a kidnapping, or the raid on the appellant's house church in Iran, must be recalled faultlessly by the appellant. In a hearing of a vulnerable young Iranian man, the judge spent a long time trying to establish the event around his flight and exclaimed at the lack of detail of the narrative, "You said in the first hearing that this was the most stressful day of your life and the trigger of your flight. This doesn't fit with what you're telling now!" (Town 1 H2). The appellant, clearly stressed, replied, "You talk about what happened five years ago. What do you expect of me?" The judge implied that the lack of detail or omission of facts at the hours-long first interview meant that the appellant had made up these sections of the narrative.

Finally, the role of the interpreter is also significant in courtroom power dynamics. We have already described how it may be difficult for the appellant to trust the interpreter due to suspicion regarding "whose side they are on." In addition to this, interpreters have a lot of power in conveying the narrative of the appellant to the judge (Gibb and Good 2014). Many interpreters, especially at the courts, are well trained and have gained experience in translating religious terminology—which is extremely important given that sufficient knowledge of the Bible and religious doctrines is used as a test for credibility. One interpreter even read the Bible in preparation for the hearing, so as to render the specific biblical language correctly into German (interview, City 2020). However, some concepts are still hard to translate, and those who do not know the Bible well may mistranslate verses, making it sound as if the appellant has less knowledge of the Bible than they actually do. Equally, translators have the power to render a conversion narrative more acceptable to a judge by employing the right terminology, even if the appellant does not. After the hearing of an Afghan appellant who had received little schooling, the interpreter told me that the appellant did not even know the correct word for baptism in Dari. However, the interpreter did not communicate this to the judge but simply translated from context, suggesting that the appellant was indeed speaking about baptism (City 1 H12).

We have highlighted these issues to illustrate that the power dynamics of the courtroom influence the negotiation of truth, or what is considered credible, even before questions are asked about the specific conversion narrative of the appellant or faith content. We turn to the latter next.

Different understandings of the appellant's cultural and religious contexts

At a workshop on asylum and conversion organized by the mainline Protestant church in Germany in 2020, an Iranian pastor put the following question to one of the speakers, a judge:

A German pupil has learnt from the beginning that they need to speak concretely. But an Iranian has not learnt to speak concretely in the same way. If a German says, for example, if a judge says, why did you become a Christian? An Iranian usually replies,

yes, because Jesus gives me peace, and so on. And this does not arrive at the judge. Because they want to know concretely, what does this mean, “peace”? As Iranian, I can understand what he means, but I can also understand the German, that a German cannot accept this answer. Are judges aware of this difference?

The judge’s honest answer was that some experienced judges might be, but many are not. In Germany after 2015, many young judges were hired to deal with the thousands of asylum appeals; and unlike for non-asylum cases, which require a year of shadowing, asylum judges are allowed to decide on cases on their own after only six months of training. The judge explained, “Individual pre-conditioning of the bench can be unilaterally asserted, so that very individual expectations, which depend on the judge’s own educational background and religious socialization, can be transferred onto the appellants.” In short, judges’ assumptions about conversion can influence their decision. This exchange is poignant because this issue was present in almost every conversion case LR observed: appellants were asked a direct question concerning their conversion, but often gave a long and unspecific answer. Often, the judge became too impatient to wait for the crucial part of the story to be conveyed, interrupted the appellant, and moved on to the next question. Therefore, we must explore the different understandings of the respective (appellants’ and judges’) contexts, such as expectations about the narrative and cultural and religious assumptions.

Expectation about the narrative

Often, judges open the hearing with an open-ended question, such as, “So, how was the situation in Iran, how did you live, and what happened then?” (City 1 H13), to which the appellant seems expected to reply with just the right amount of detail and focus (cf. Gill et al. 2020, 10). As the question by the Iranian pastor above suggests, vast differences exist between appellants’ ability to comply with these expectations. Some approached it as a confessional—for example, one appellant admitted that he had made up an asylum claim in his first asylum hearing, which ended in a negative decision, but has since converted to Christianity and is now truthful and apologized for lying (Town 1 H1). Others used the hearing as an opportunity to evangelize and present the gospel to the judge, or even offer a prayer at the beginning of the hearing (City 1 H5). Some judges may be able to understand this style of narrating itself as “proof” of a genuine conversion, yet others do not accept these because they do not fit the judge’s expectations of conciseness and are difficult to translate into a legal narrative.

Assumptions about asylum seeker converts

To assess the credibility of a story and associated risk of persecution for the appellant, judges compare the information that appellants provide with what they know of the country of origin information (COI), which is usually supplied by the Foreign Office, supplemented with a variety of nongovernmental organizations’ reports. One judge described her accessing of the COI as akin to “reading the

news” in the morning. Sometimes a standoff occurs between judge and appellant about what is possible and probable in the respective country. Judges seem proud that they know facts such as the difficulty of establishing a birth date in the case of Afghan appellants (City 1 H11), or clarifying whether an Iranian utilized the Persian *I* or *we* pronoun (City 1 H16), and use this knowledge to assert authority. Unfortunately, the COI for Iran lacks details about conversion and religious persecution. Since judges are part of a chamber with responsibility for a limited number of asylum countries, they build up knowledge through the information available and the accounts of the appellants. However, the familiarity with asylum appellants from a single country of origin can have a negative effect, too (interview, Town 2020): judges may become accustomed to narratives they have heard repeatedly and become cynical about their truthfulness. They may also develop generalizations as a result.

Given the scarcity of COI on conversion to Christianity, much rests on the judges’ impression of the claimant and whether they consider the narrative plausible following their own common sense. We observed that this common sense is influenced by the judge’s own religious socialization, educational background, or stereotypes that they have developed. Examples include the assumption that if a claimant still has family members in Afghanistan, they will be able to care for the appellant in the case of a negative decision, disregarding potentially distant or broken family ties (City 1 H18); or that a claimant would report to the police when they were attacked (despite police posing as much of a threat as attackers themselves in some situations; Town 1 H4). These assumptions are often communicated by the judge as a challenge or provocation, for example by exclaiming, “Nobody understands that!” (City 1 H9) or asking why the appellant acted in this way and not in another. The aim of these challenges is often to uncover if a story has been made up.

In conversion cases, too, judges have to rely on their common sense or assumptions about what a credible conversion is. The cases observed suggest that judges usually expect

1. rational reasons for religious conversion;
2. a previous religious interest of the appellant, or at least the ability to show their rejection of Islam;
3. an internal rather than external identity change; and
4. German religious understanding of church membership.

All of these are used by judges to form an impression of the appellant’s new faith and determine whether it can be considered credible.

Judges expect appellants to show that their church attendance is motivated by internal rather than social reasons. Belonging to one of the scattered Iranian-only congregations that are held in Farsi, as many converts do, can be held against the appellant: “I need to decide between feeling good among other Iranians with a little bit of Christianity, and a *real* conversion,” one judge explained to an appellant (Town 1 H9). Yet for many new converts, being able to learn about their new faith and conduct rituals in Farsi is a lifeline. And German language difficulties

in church would make it hard for the appellant to respond to questions from the judge that are centered on doctrinal knowledge. In the same hearing, the judge asked the appellant why they had not looked for a church in the small village in which they were assigned accommodation, and instead travelled for hours to an Iranian congregation. The judge, herself a professed Christian, claimed she needed to decide between the fact that “you didn’t like Islam, and here there’s a better society, and I am prepared to do this and that in order to live here—and a *real* conversion.” However, for the convert, the connection to a congregation with their specific cultural and linguistic background made their experience of faith more authentic and relatable. This example illustrates how little acknowledgment is made of differing cultural styles around religious practice.

To demonstrate a turning away from Islam is usually considered insufficient, but instead appellants must also demonstrate a turning *toward* Christianity. Appellants often explain in hearings their reason for conversion being driven by their dislike of the license to kill unbelievers in Islam, or treatment of women. Judges often seemed unaware of the specific Islamic context from which the appellant hailed—sometimes rejecting the appellant’s experience of Islam and sometimes essentializing Islam itself (Town 1, H7). When a female witness explained that the appellant had integrated well and respected her female boss, the judge immediately agreed: “I know what you mean. This can be very different. A colleague told me some time ago that a Muslim had asked her after the hearing, ‘So when does the judge arrive?’ because he could not imagine the judge to be a woman” (Town 1 H5). Here, differentiating himself from an essentialized image of a Muslim worked in the appellant’s favor to prove his genuine conversion.

An expectation appears to exist that the conversion must be specific to Christianity: “You could have become an atheist or agnostic!” one judge challenged the appellant, suggesting that this would have given him fewer problems in Afghanistan because atheists and agnostics do not normally meet in groups to celebrate religious rituals, which can lead to persecution (Town 1 H4). The judge assumed a rational decision to convert after careful deliberation, which does not fit with the often-spontaneous ways in which Iranians encounter Christianity (Krannich 2020; Rose and Thebault 2018). In the hearings, Iranian converts often recounted that they were drawn to Christianity for emotional reasons, because they felt a sense of “calm” when they turned to Christianity or were baptized. Others were convinced of the truth of Christianity following a dream in which Jesus appeared to them. While some Iranians of course do explain their turning to Christianity in a rational way, this is not the only approach to a conversion. Judges also sometimes assumed a preexisting interest in religion itself. When an appellant shared that he did not care about God before he encountered Christianity, the judge incredulously questioned him: “Then I’m surprised you suddenly go to a house church. How did that happen?” (City 1 H12). His questioning suggested the appellant had sought out the church to fabricate a reason for asylum in Germany.

Judges also expected appellants to show a certain level of knowledge about their new faith (preferably before they get baptized) to prove a genuine

conversion. For example, when an appellant failed to provide answers to specific questions about the Bible, the following exchange took place between the appellant and the judge:

Judge: Aha. Would you say you don't know that much about Jesus Christ?

Appellant: I'm working to get more knowledge.

Judge: OK. Three years after baptism, it's a bit strange that you want to know more. It seems as if you have completed the baptism without having any knowledge.

The judge assumed that a conversion should only take place after education and information gathering. Yet in the rest of the hearing, the appellant had convincingly demonstrated an emotionally driven conversion, and how he was drawn to Christianity because he had felt guilt and received freedom from these destructive feelings through the forgiveness of sins (City 1 H12).

Discussion

This ethnographic research of German asylum hearings explored the negotiation of truth in asylum hearings based on conversion. The themes fall into three broad categories: courtroom power dynamics, different understandings of the cultural context of the appellant, and assumptions about religious conversion itself. This article demonstrated some of the cognitive challenges in how migrants and hosts make sense of each other when navigating belonging to Germany's traditional religious background of Christianity. These challenges range from lack of recognition that appellants cannot always represent themselves adequately, to cultural expectations about narratives and about the content and practice of Christianity. Given the lack of hard evidence, credibility assessments are based almost exclusively on the narratives of the asylum seeker themselves. This finding is consistent with previous research (e.g., Gibb and Good 2014; Herlihy, Gleeson, and Turner 2010) and suggests that credibility indicators are bound by cultural beliefs and expectations, such as what is plausible human behavior and how someone should tell their story. This article's novel focus on religious conversion brings attention to the cultural and religious expectations of the decision-makers and appellants, which can lead to misunderstandings and negative outcomes for asylum seeker converts, for example, if they fail to recount their identity change and remodeling of their self in a logical and cohesive way, or if they focus on social or emotional impacts of their conversion rather than intellectual engagement with their new faith.

These final paragraphs suggest how to address some of the resulting misunderstandings or failures to communicate a conversion claim. Establishing the credibility of an appellant and their religious conversion is a challenging task, as recognized by judges, pastors, and interpreters during this field research. These observations make apparent that courtroom dynamics influence understanding and judgement, and cultural expectations and personal beliefs shape how these decisions are made. To maximize the likelihood of a fair and clear trial, appellants

could benefit from having court proceedings explained to them prior to their hearing so they can participate appropriately.

A body of literature already exists on issues around memory, barriers to disclosure, and addressing inconsistencies. However, the observations from this study suggest this practice is not always followed. Adopting an open and patient interviewing style would place appellants at ease and maximize information elicited from them. Furthermore, it would be optimal if proceedings were adapted to meet the health and/or communication difficulties an appellant may have: for example, ensuring they are fit to give their narrative, offering frequent breaks, and supporting communication difficulties.

While some frame of reference must help to evaluate an applicant's claims, all the relevant facts should enter into making such decisions. We propose that this extends beyond the facts presented to the court and includes understanding the applicant and a reflexive approach to the decision-maker's own assumptions based on culture of origin, vulnerabilities, and circumstances.

Given that the judge is in a powerful position relative to the appellant in asylum appeal hearings, obligatory training for judges should include both cultural background, for example, in relation to storytelling; and cultural differences in religious practice, especially for new judges. Training should also sensitize judges to the difficulties of memory and trauma in providing a chronological, coherent, and detailed narrative. This training should ideally start as part of the law degree itself. If provided for already practicing judges, it should ideally be tailored to the specific asylum countries of origin themselves. In Germany, chambers in administrative courts are responsible for one or more asylum countries of origin and will hear all appeals by claimants from these countries. This can facilitate a targeted training for an asylum country in question. Courts could invite researchers, such as anthropologists, theologians, sociolegal scholars, and psychologists, to help prepare the modules for this kind of training. While such training may result in a reflexive experience, it is likely to also heighten awareness and loosen decision-makers from their own customs and habits, which will allow for a fuller evaluation of the facts and hopefully a fairer trial.

Notes

1. The protection rate of Iranian asylum seekers varies across Europe: in the UK the protection rate for Iranian asylum seekers was much higher than in Germany at 63 percent in 2019 (year ending September 2019; Home Office 2020).

2. Such as the Universal Declaration of Human Rights, UNGA res. 217A(III), 10 Dec. 1948, Art. 18; Art 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (1953); the International Covenant on Civil and Political Rights, UNGA res. 2200A(XXI), 23 Mar. 1976 Art. 18; or the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, UNGA res. 36/55, 25 Nov. 1981, Art. I.

3. The data form part of a larger, ongoing comparative project by Dr. Lena Rose at the Centre for Socio-Legal Studies, University of Oxford, on how “Christianity” is negotiated in asylum claims based on conversion in the UK and Germany.

4. Of the cases based on conversion, nineteen were of Iranian nationals and one of an Afghan national; twelve were male, five were female, and three were families or couples. Of the cases on other asylum grounds, eleven were of Afghan nationals, and the rest brought by nationals of the Ukraine, Georgia, and Iran; eleven were male, two were female, and three were families or couples.

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