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Asylum and Nonreligion

Emotions, Evidence-making and Credibility

Ben Laws

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CHAPTER 1

An Introduction to Nonreligious Asylum Seekers

Abstract This book examines the challenges of nonreligious asylum seekers, based on two years of fieldwork in Sweden, The Netherlands, and Norway. It highlights the unique difficulties they face, such as being incorrectly assimilated with religious converts, evidencing their non-belief, and the stereotypes that undermine their claims. Despite international human rights protections, nonreligious individuals often struggle within asylum systems due to biases and inadequate guidelines. The study provides detailed case portraits and analyses institutional processes, offering insights into the emotional toll on nonreligious claimants. It concludes with a discussion of recent policy developments and the role of NGOs in supporting nonreligious refugees.

Keywords Nonreligious asylum seekers • nonbelievers • NGO support
• refugee policy • Human Rights law

While stories of religious persecution often capture headlines and academic attention, there is a silent crisis faced by those who are persecuted for their non-beliefs.

This book corrects this omission, examining the lived realities of non-religious¹ asylum seekers and the NGO professionals who help them, based on ethnographic fieldwork undertaken in Sweden, The Netherlands, and Norway.²

But what exactly is *distinct* about nonbelievers? Are their experiences of the asylum process really any different to those of other marginalised groups (e.g. religious converts, political dissenters, LGBTQ+ cases)? In many respects, there is a large overlap between the general challenges faced by all asylum seekers and the nonreligious cases presented here. The appetite for *any* incoming asylum seekers in Europe is acutely low and an atmosphere of wholesale suspicion reigns. This context is wedded to a set of austere policy changes wherein asylum ‘bar-raising’ has become normalised. Throughout my fieldwork it was common to hear that evidence which might have formally constituted a successful asylum claim no longer holds. Neither are positive asylum decisions (when they happen) any longer a guarantor of existential security. For example, the introduction of temporary resident permits in Sweden, which need frequent renewal (sometimes annually), have replaced more inclusionary permits. All of this is perhaps the explosive aftermath of the 2015 ‘migration crisis’ which led to historically unprecedented numbers of asylum applications.³ The resulting evidentiary changes posed to asylum seekers, then, seem to gesture towards a universal experience wherein their credibility is challenged. The chapters that follow do not shy away from describing cases that, in many ways, evoke this shared reality of modern asylum. Further, this starting point is the indispensable context for locating points of difference in non-religious cases. For it is this background that helps to locate nonbelievers and attempts to convey a richer analytical framework where unique challenges are nested within, or perhaps run parallel to, more universal ones. Throughout, it will be made clear that various points of difference do distinguish nonreligious cases. For the sake of clarity, four key differences are foregrounded here:

¹Nonreligion is used in this book as an inclusive, albeit imperfect, category term that attempts to unify diverse expressions of atheism, rationalism, humanism, disbelief, skepticism, or any form of non-allegiance to organised religion.

²Fieldwork was conducted from winter 2021–Spring 2023, see appendix for more details.

³One colleague has noted, with a little discomfort, that ‘migration crisis’ evokes right-wing populist arguments that mobilise against migration. I choose to retain the phrase here because it was widely used by my research participants.

Assimilation. Nonreligious cases are routinely assimilated and subsumed into boarder ‘conversion’ cases (e.g. those who’ve converted to another religion). This is, in part, a problem created by the relative unfamiliarity of nonreligion to case officers. In comparison to those who have converted to Christianity, the number of nonreligious cases is very small. Precise figures are difficult to pinpoint, but asylum professionals estimated it to be ten or less per year in each of the three jurisdictions. This is compared to dozens of religious conversion cases received every year. In most cases, the small numbers of nonreligious cases are treated with the same frameworks and conventions as religious conversion cases. This research shows in detail how this is a false equivalence that constrains nonbelievers’ abilities to have their evidence properly understood. As will be documented in the following chapters, often the nonreligious are directly referred to as ‘converts’, even though they have not necessarily converted to anything (e.g. having always identified as atheists).

Evidencing non-belief. There is, for extremely sensible reasons, an institutional tendency for asylum case officers to focus heavily on the ‘materiality’ of evidence. That is, to make requests for tangible evidence in support of one’s case. A convert to Christianity might be able to document the Church they have been attending; mobilise letters of support from a priest/pastor vouching for their sincerity; show certificates to evidence their understanding of the Bible through structured learning (e.g. the Alpha course); present formal documents proving their baptisms and confirmations—the list could go on.⁴ By sharp contrast, the nonreligious often find it extremely hard to ‘materialise’ their beliefs in the same way. This is distinctly not to claim, of course, that there is no materiality of non-belief, only that pathways to non-belief are less established and visible within asylum assessment. For many nonbelievers, shedding a belief does not necessitate the commencement of a replacement set of beliefs. This creates a logical problem when being asked to *account for, and materialise, the existence of a negation*. Asylum assessors do not seem particularly well attuned to this problem and the trap it sets

⁴A reviewer of this book has rightly argued that care should be taken not to imply that conversion to Christianity is some ‘royal road’ to asylum. In fact, recent scholarship shows quite the opposite (Affolter, 2021; Berlitz et al., 2015; Kagan, 2010; Rose & Given-Wilson, 2021)—the large number of Christian conversion cases has, if anything, created even more challenges for this group.

for the nonreligious. Indeed, for their survival, nonreligious individuals often attempt to leave *no evidentiary trace behind* of their non-belief.

Low on the totem-pole. As McAdam (2017) has set out in her book, nonreligious cases are often at the bottom of faith-based hierarchies when legal reasoning is analysed. This hierarchy is observable in asylum systems too, but for a different set of reasons. First, nonreligious actors are often depicted as having *chosen* atheism as a lifestyle preference rather than as a vital conviction. If, for example, we contrast nonreligious cases with LGBTQ+ cases, there is far more compassion in Northern Europe for the idea that sexual identity has essential properties. That is, sexual preference is treated as integral to personal identity rather than supplementary. Second, the nonreligious are often viewed as *well-educated, intellectual, privileged, and as provocateurs*. This cumulative stereotyping often works against nonbelievers. In the liberal humanitarian vision, the ideal refugee is a passive victim of suffering (Griffiths, 2012). But in the formulation of the stereotypes set out above the non-religious appear more like active agents, who have created the very conditions of their own suffering.

New guidelines for atheists. The primary reason for undertaking fieldwork in Norway, in particular, was a recent policy development. In 2021, the Norwegian government introduced a set of policy guidance specifically addressing atheist claims. To date, the uptake and implementation of these guidelines appears uncertain. Nonetheless, the very existence of this guidance raises the profile of nonreligious actors in the system. Given that asylum assessment centres across Europe have been slow to develop frameworks that understand the complexity of nonreligious claimants, this is a significant step. These developments are arguably the result of broader campaigns in recent years by various NGOs (e.g. Humanists International, Sweden PEN) to promote equal treatment for humanists, atheists, and rationalists.⁵ These recent trends distinguish the nonreligious as an emerging and growing group.

The following chapters seek to develop these four key points by introducing a set of nonreligious cases to show how they manifest in the field. However, before doing so, it is necessary to outline the legal position on

⁵ It will already be noticeable that a wide number of terms are being used to capture non-religious actors, all of them imperfect.

nonreligious claims. In principle, a pathway for asylum protection *is accounted for* in Human Rights law and the International Covenant on Civil and Political Rights (UN, 1966). Article 18 of the ICCPR is of particular significance here, stating:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance. (UN, 1966)

The connection to nonreligion is made explicit through the supplementation of General Comment 22, set out by the United Nations Human Rights Committee (UN, 1993):

Article 18 protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief. The terms ‘belief’ and ‘religion’ are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions.

According to Nixon (2020), the current guidelines, when read harmoniously, suggest that ‘any country that allows the exclusion or coercion of nonreligious groups would be in breach of Article 18’ (6). The Swedish Migration Agency (SMA) website affirms the importance of such transnational treaties in their national policy: ‘Respect for human rights is fundamental in Sweden, and the United Nation’s Universal Declaration of Human Rights is a cornerstone within Swedish migration policy’. However, there are reasons to doubt the veracity of this public statement. There is a broad consensus that such international declarations *have not filtered down to local justice* for the nonreligious (see McAdam, 2017; emphasis added). Nixon (2020, p. 14) attributes this to the ‘persistence of informal cultures and formal structures that effectively persecute the non-religious in many parts of the world’.

Furthermore, at times the legal guidance appears to obfuscate, or is at least ambivalent about, the way in which nonreligion should be interpreted. The European Union Agency for Asylum (EUAA) is an agency of the European Union mandated with supporting Member States in applying the package of EU laws that governs asylum, international protection, and reception conditions. Recently the EUAA produced a ‘Practical Guide

on Interviewing Applicants with Religion-based Asylum Claims’ (2022). This guidance document reinforces the UNHCR commentary above. By drawing on rulings from the Court of Justice of the European Union (CJEU), religion is similarly conceived in extremely broad terms, covering ‘the holding of theistic, non-theistic and atheistic beliefs’ and ‘the participation in, either alone or in community with others, or the abstention from, formal worship’ (2022, p. 11). Another inclusive statement is set out later in the document:

Religion as a belief includes doctrines of faith. It should be interpreted broadly to include a set of beliefs that involve the notion of a god or gods, but also non-theistic beliefs that do not centre around the existence of a god or gods, or atheistic convictions or beliefs that emphasise disbelief or lack of belief in god or gods. (12)

However, somewhat discordantly, in a statement on the following page, nonreligion is defined as:

[referring] to a person who shows no interest in religion. This category may include those who are only nominally affiliated to a religious tradition (26). Atheism, agnosticism and non-religious value systems refer to non-religious beliefs that people hold. (2022, p. 13)

It is not easy to reconcile how these two different positions can exist alongside each other without contradiction or confusion. This guidance leads to bizarre conclusions that a nonreligious person who shows no interest in religion should still be classed as evidencing a religious belief in their application. A key argument in this book is that the vagueness of the current guidelines makes it harder for nonreligious cases to be acknowledged, seen, categorised, and processed legitimately.

OVERVIEW

The next chapter (Chap. 2) foregrounds rich ‘portraits’ of a small selection of the men and women I interviewed. The point here is to provide a sense of the variance of nonreligious asylum seekers and the nuance within their individual stories. In each portrait, there is an element of personal biography; details about their asylum cases; and their experiences of ‘becoming’ a nonbeliever. A question that emerges in the background of this chapter is to what extent is nonreligion a choice? Further questions

are implied by this one: how did these individuals discover their non-belief? And, finally, to what extent did this involve leaving another belief behind? These accounts of finding, and losing belief, become particularly salient in relation to the subsequent chapters: it will be shown how asylum case officers work to a narrow normative script of what change *should* look like.

In Chap. 3, the focus of the analysis turns to the strange assimilation of religious conversion cases and nonreligion cases. This oddity is implied by the way that nonbelievers are referred to as ‘converts’ in institutional parlance, even though they have not necessarily converted to anything. The chapter shows the various levels in which conversion to Christianity is used as a working template into which the nonreligious are, awkwardly, processed.

Chapter 4 widens the lens of the analysis to consider how case officers both hear and ‘create’ evidence. It pays close attention to a range of evidentiary practices, shedding light on cultural assumptions and biases embedded within the assessment process. A particular emphasis of the chapter is to highlight how Northern European preferences for logic, narrative ordering, rationality, and temporal sequencing emerge in the way evidence is seen and (re)interpreted. This mindset is ‘projected’ onto evidence without a critical lens, or adequate ‘cultural filter’, to consider alternative ways of being in the world. The chapter discusses how processes of self-change, for example, are framed in linear ways by case officers that do not well capture the experience of nonreligious claimants.

Chapter 5 shifts to consider the emotional dimensions of the asylum journey. Focusing on emotions helps to penetrate the institutional skin of asylum processes drawing attention to fissures and upheavals. The chapter approaches emotions from competing perspectives. First, considering the emotional challenges placed on assessors; second, the emotions *expected of* asylum seekers; third, the emotions *felt by* asylum seekers during the assessment process; and finally, the institutional framing of emotions in the context of ‘border politics’. The chapter shows how evidentiary bar-raising practices constellate around, and reproduce, feelings of fear and despair. It highlights a toxic cycle wherein desperate claimants sometimes feel compelled to create evidence. These practices can have long-term collateral consequences for the nonreligious.

The final chapter (Chap. 6) works towards a conclusion of sorts, exploring the reasons for both hope and doubt for nonbelievers in the asylum system. It modestly attempts to assess ‘the future’ of nonreligious claims.

It examines the stellar work of NGOs who champion the cause of nonbelievers through their national (and global) campaigns to raise awareness, and through the individual support they offer some nonreligious claimants in navigating the complexities of the asylum system. A few recent policy developments are discussed which send clear messages of hope. On the other hand, concerns are raised about the extent to which apparent successes are precedent setting for future applicants.

In sum, this short book aims to provide an in-depth introduction to the myriad challenges faced by nonreligious claimants, but also highlights the opportunities they carve out as agents in the system. By presenting the evidence of nonbelievers and their NGO supporters, an unsympathetic reader could feel that a political ‘side’ is being advanced. Indeed, many of the coming chapters do present material that is explicitly critical of the asylum process and its legitimacy. However, while case officers are underrepresented in this study this was not by design.⁶ Many attempts to engage case officers led to dead ends: perhaps a clear signal of the immense strain of their work and the political pressure that weighs over their decisions. In trying to highlight the difficulties faced by nonbelievers in the system, this is not meant to downplay the significant human toll experienced by those who evaluate and process asylum applications.

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⁶Two former case officers did take part. One senior manager cancelled our meeting on short notice and did not want to reschedule.

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CHAPTER 2

Portraits

Abstract This chapter presents a series of pen portraits, offering a detailed and contextual view of nonreligious asylum seekers' experiences. These portraits aim to foreground the voices of the research participants, revealing the variety and complexity of their cases. The chapter highlights key themes for deeper analysis in subsequent chapters revealing pejorative assumptions made about cultural differences and the difficulty in materialising nonreligion. It further emphasises the importance of confidentiality and the ethical considerations involved in presenting these narratives.

Keywords Nonreligion • pen portraits • materialising belief • confidentiality

The following pen portraits represent only a small selection of my research participants. The aim here is to give a picture of the variety and complexity of cases and humanise individuals that are often hidden behind the wall of official asylum statistics. First, to set the tone for this book, it is essential that the voices of my research participants are in the foreground. To share their stories, in their own words, is an ethical step in circulating their marginalised perspectives. Second, and more specifically, the aspiration here is that these portraits introduce contextual depth to develop and refine the main topics that emerged in the research. In these accounts, then, key

themes are flagged for deeper analysis in the subsequent chapters. These portraits are therefore not merely a descriptive exercise.

However, there are also limits to these portraits. Given that not all the participants have been included, it could be deduced that their voices are less important. This is not the case. In the coming chapters, I quote from all my participants, though it is difficult to do so evenly. Second, while I have attempted to add vividness to my interlocutors, there are limits to the level of detail that can, and should, be shared. Confidentiality and safety of the study participants is paramount. As such, pseudonyms are used for those seeking asylum, and NGO professionals have been given the choice whether they wish to adopt a pseudonym. Key place names (e.g. local towns where events took place) and other identifying information have been removed or modified. Third, anticipating the coming chapter on ‘evidence hearing and evidence making’—which argues that case officers often rework claimants’ own words in problematic ways—it should be acknowledged that researchers often have to swim in the same murky waters: making subjective decisions about how to weigh and assess narrative accounts. Here the tendency is to let participants’ own words do the heavy-lifting and to let the accretion of their multiple testimonies bolster the analysis.

ANAHITA AND KYLE

I first met Anahita in a small Swedish town in the middle of winter, inside of Kyle’s house where she was temporarily living: she was from Iran and was vibrant, charismatic, funny, fluent in English, and well-educated. Over the course of two days, we talked and ate Iranian food in the warmth of Kyle’s home. Kyle was an indispensable part of Anahita’s asylum story: he has been her guide, friend, and provided shelter during an important part of her time in Sweden. With an encyclopaedic knowledge of the asylum system, Kyle has dedicated decades of his life to studying immigration law and practice. Behind many asylum applicants, there is often a ‘Kyle’, or a network of capable organisations and actors helping claimants to navigate their way. A particular strength of Kyle’s role in Anahita’s case is his legal ‘translation’ and distillation of the sprawling asylum story. In Anahita’s words:

While I had a lot of stories to tell, I had no clue how to overcome my panic attacks and the overwhelming number of stories. How should I put this

whole bunch of trauma in order? A lifetime of trauma? I think that is the importance of the job Kyle did. This is the job that should be done by the lawyer who's being paid for this ... Kyle was organising the overwhelming amount of information I already had in place. The importance of Kyle's work is about ... enabling the person to help herself or himself, to empower, you just need to empower people so they can do the rest on their own.

During her time in Sweden, Anahita faced a swathe of complex health problems resulting in her admission into a medical institution: 'I was dealing with panic attacks and anxiety disorder and fainting. My body was shutting down'. During her formal asylum interview, Anahita fainted under the weight of a particular line of questioning and its painful resonances.

I woke up in the common area. I had a bad panic attack. The case officer asked a question that terrified me. I think the question was asked in the last hour of a seven-hour interview. Trauma, trauma, trauma for seven hours and convincing them about my trauma. In the last hour she touched the most vulnerable and sensitive area of my wound.

To understand Anahita's trauma, it is necessary to contextualise her difficult childhood in Iran:

Memories of gender-based sexual harassment are in my life since I was 13 The first thing that comes to me ... verbal, non-verbal, and physical harassment ... It becomes part of your life ... the guys that were doing this weren't people of the regime. I was a little girl. I was being told how to feel about my body. I hated my breasts when they grew out of my chest because part of the proper manner is not to present your chest. I hated my body more after I was sexually assaulted [by an uncle]. I kept silent about it until my mid-20s. I was told I was the real problem. My father was like 'you can't wear this length of shorts in front of your teenage brother'. But why, we're just watching football. He beat me because he said this is 'sexually provocative for your teenage brother'.

Anahita experienced sexual assault by those closest to her, including her now ex-husband. The policing of Anahita's body extended from the private to the public sphere, creating a full-spectrum of control over her life: 'The guys out on the streets, and the abuse I constantly got from them ... they were basically putting a leash on me'. Anahita found outlets through

reading philosophy, literature, poetry, theatre, and especially dance. But while these activities were emancipating, they were also laden with risk—drawing more attention from those who might wish to harm her.

Faith and nonreligion first become explicit in Anahita's story through the mercurial role of one of her brothers. He was simultaneously a warden and liberator:

He was an Islamic extremist, he was beating me, he was the leash-keeper ... he was forcing me to wear certain clothes ... then there's a shift in two-three years. He suddenly became an atheist. Even I wasn't an atheist then. He said things like: 'You have to become an atheist. Read this: they lied to us, the prophet was a womanizer'. I started to be an atheist. I joined theatre and worked there. But then he became angry: 'you don't have a right to have a job ... you should be home by 9 pm ... you should leave theatre stuff behind'.

Attempts to envisage a different kind of life were subject to control and familial surveillance. Anahita's relationship with faith and nonreligion is non-linear—something which asylum assessment authorities can struggle to comprehend. At the time of our conversation, Anahita described her belief system as something close to spiritual-but-not-religious (i.e. unconnected to institutional faith) with a dose of agnosticism. It was clear, too, that faith was not the only reason for her asylum claim but rather it formed 'one of the five different grounds on which I was granted status'. This gives a sense of the complexity of nonreligious cases that rarely 'stand-alone' as the sole basis for claims. It is for such reasons that accurate numbers for nonreligious claims in the system are hard to come by. During Anahita's assessment interview, she said case officers

asked me questions about my faith and why I find it impossible to live in the country? Well, it's been a long time since I've had a specific faith (Islam). Regardless, half of my adult life I was an atheist. I'm against any structured and totalitarian attitude to organize people, manipulate, and forcing a set of values and principles. Just because you want them to be somehow homogenised in their behaviour. I'm against this. I make fun of them using humour. Every neighbourhood I'm in, when I hear about it, I attack the community with painful pieces of humour. I end up being known as the 'pagan' in the neighbourhood.

Anahita's account challenges narratives circulated in some asylum decision letters that suggest it is advisable for an individual to hide their beliefs.

Anahita makes clear that it is in her nature to protest, and even satirise, what she considers to be oppressive religious instructions. The use of terms like ‘freedom of belief’ has some nebulous implications about how nonreligious people should act and present themselves in society. The assumption is that beliefs and practices can, and indeed should, be withheld in the public sphere. It will be made clear in the coming chapters how this is often an untenable request.

In a notable moment during our conversation, Kyle explained that Anahita’s decision letter had never been read in any detail and that there was significant information about the role of ‘atheism’. Kyle read and deciphered the decision letter in the following manner:

... even if you do not identify yourself as an atheist the SMA perceives that it’s probable that you might be seen as an apostate. You were genuinely an atheist at that time you’d been arrested—they impute that you’d still be seen as an atheist (the last half of this sentence is Kyle’s interpretation of the decision letter).

This assessment is particularly striking because at no juncture in her interview did Anahita openly state that she was an atheist. The idea of ‘imputing belief’ is usually construed in the academic literature as a way for assessors to discredit spurious asylum claims, rather than supporting their credibility.

Anahita: This is very interesting, it’s the very first time I’ve head the full decision ... what is really interesting is ... when she asked about my faith I said I’m not an atheist anymore but I am looked upon as a person lacking faith and respect for peoples’ faith. Even though I’m not disrespecting them, I’m criticising them in a respectful manner. I mentioned to her that I’m not an atheist and I am in a spiritual phase of my life right now. I’m not sure if I will continue this or what I will do, but I am picking up pieces of positive belief that are helping my mental health at the moment. I’m making my own kind of faith. She listened ... she didn’t ... but she didn’t mention it ... she really worked in my benefit.

Kyle: She did her homework excellently, she actively searched for grounds. She searched for grounds to assert that you are a genuine refugee.

Anahita’s case decision raises important questions that will be broached head-on in the coming analytical chapters. For example, to what extent do asylum assessors understand the varieties of nonreligion, and the

‘nonlinearity’ of spiritual dispositions? Does this question even matter, as long as the correct outcome is reached? Finally, to what extent do asylum seekers have agency over the entextualization (or narrative reshaping) of their accounts? This final question is relevant for nonreligious claimants precisely because their cases are less common. Because of their low number but high complexity, their accounts are arguably most likely to be misunderstood and reshaped.

Listening to Anahita’s stories, it was clear that she had passed through a full gamut of emotions. Hope, sadness, fear, depression, anger, rage, as well as outpourings of joy and elation all featured in her account at different stages. Perhaps the overriding feeling was sense of bittersweetness even though she had received a ‘positive’ case decision. When assessing her reaction to the case result, a sombre and sobering note was sounded:

After I got a positive decision, my other hell started. I was happy, but my happiness didn’t last long. That was a transition period. That was another hell. I reached out to immigration to my lawyer. I have my email response here. She said she now ‘has no responsibility to me. No responsibility to give advice and information anymore’.

This book attempts to avoid the mistake of judging the outcomes of claimants’ cases as somehow revealing—the binary nature of case decisions often creates this temptation. Clearly, the struggle for livelihood does not end upon receiving a successful decision letter.

I’m a woman living in a bad condition in a house in bad condition (referring to her prior accommodation). Even this won’t be available in a month and I’m having health problems and I’m panicking. And I’m running out of personal savings, there’s no medical services, no financial help, no roof over my head, no social security. The advice I received was to ‘wait for your personal number¹ to come’. It’s so hard when people don’t have a personal number. I was asking the question: are you saying I should [be] miserable and sit on my suitcases on the street? They even cut my support from the hospital.

This account is particularly reflective of the increasingly stringent context of Sweden at the time of study and the aftermath of a key change in the administration of resident permits. On 21 June 2016, the Swedish Parliament enacted a temporary statute that restricted the avenues through

¹ A social security number is necessary for employment.

which asylum seekers and their families can obtain permanent residency. Over the subsequent three-year period, individuals requiring sanctuary were offered temporary residency permits, diverging from the provisions outlined in the Aliens Act. This temporary law has now become permanent meaning that individuals like Anahita will live with an ongoing sense of uncertainty. This legislative change is just one example of a broader pattern of punitive changes, as Kyle surmised:

The Swedish migration policy is going from bad to worse and so many established principles are being called into question by the new government which is entirely dependent on the support of the anti-immigration party the Sweden democrats to get bills passed in parliament.

SUJOY

I met Sujoy in a bright café in a university town in Sweden. He was from Bangladesh and ebullient throughout our long discussion. We shared email interactions before our meeting, having been put in touch through the assistance of Sweden PEN. Sweden PEN is an organisation that supports imprisoned or persecuted writers by highlighting their situation in letters to government representatives, contacting decision-makers, and engaging in public campaigns. Sweden PEN had been a leading advocate of the so-called ‘Bangladeshi bloggers’. Sujoy belonged to this unfortunate cohort—a number of whom had already been brutally murdered for their writings in Bangladesh. Like Kyle in the previous account, Sweden PEN played an essential role in Sujoy’s asylum process. And like Anahita, Sujoy was also well-educated and fluent in English. In fact, his level of education struck me immediately. For example, when reflecting on his new life in Sweden where he’d been living for the last seven years, he said:

I feel basically safe, but I don’t feel ‘ontologically safe’. I traded ontological security for my physical security. I’m halfway between Bangladesh and Sweden. I’m unwanted by both countries. I miss my family not Bangladesh, I miss some parts of the culture.

Sujoy grew up in Sylhet which he described as a ‘second London’ but also as a ‘very conservative place’. He grew up in a Hindu household and explained that religion was in the foreground of his childhood: ‘There’s Krishna books in the house’ and ‘I had to believe it’. From early in his life

he experienced doubts about faith. His uncertainty related to a feeling of intellectual disconnection, ‘I read these books but I could not relate to it’ but also repugnance at what he termed ‘bizarre rituals ... There were things that I didn’t like’. For example, when talking about customs surrounding death and illness, he said: ‘I found some evil practices’. The word choice of evil is forceful and relates to a particular time when Sujoy’s brother was ill: ‘[when another family member had died] My brother had to fast while he was sick, forcing him to go through all these rituals while he was ill’. Again, to draw a parallel with Anahita’s account, Sujoy gives a sense of being trapped from all sides. He felt he was part of an ‘oppressive culture in public and an oppressive culture in private’. Having nowhere to escape from religion, publicly or privately, is a significant point. In spite of European guidelines and various international protections that state that ‘No-one should experience discrimination for exercising their right to freedom of religion or belief’ (UN, 1966), this is not always followed. In practice, asylum assessors argue that claimants should go back to their countries of origin and keep a low-profile. As will be seen in coming chapters, the notion of ‘hiding’ nonreligious belief is fraught with complexity, overlooking the embedded nature of religion in some societies

As he moved through his university studies, Sujoy began to establish a profile through his online writing in rationalist publications:

Surfing the internet I found a community of people. I found a website called XX. I started to read and contribute on it. I found people in my hometown and in the university. I found a science and rationalists council and ‘rationalist’ magazine. I wrote about topics like evolution and the scientific method.

During these times, threats of violence did not seem probable: ‘we sometimes got threats from crazy people, but they were not credible threats, or violent people.’ But he noted that the atmosphere began to change after the murder of Rajib Haider in 2013 and the circulation of a hit-list of notable bloggers—which included his name. By 2015, conditions had intensified further. Sujoy realised he had to escape Bangladesh when his close friend Ananta Bijoy Das was also murdered. Sujoy was uncomfortably close to the crime scene: ‘It was traumatizing; I had to step over his blood. I never thought I’d have to step over [pause] ... the back of his head was split open. It was not possible to wash the blood off my hands’. Almost by definition, trauma defines the journeys of all refugees—and is perhaps the most ubiquitous part of the experience. But to hear

Sujoy, with his eloquence and intellect, stumble during his account as he reexperienced the loss of his friend was a deeply evocative reminder of the lasting scars and pain. Sujoy felt sure he would be in jeopardy if he stayed any longer—the threat was no longer an abstract possibility but an immediate reality:

It dawned on me that my social life was destroyed, and I couldn't go to the normal places. The police knows everything about me now. Militants took mine [sic] and Ananta's cell phone [he had very recent conversations with him].

Unlike a number of other participants in this study, Sujoy could clearly materialise his beliefs in the presence of asylum assessors: 'I had my published books with me. I explained the situation I was in'. This was, without a doubt, an extremely favourable piece of evidence in his case ('Having objective evidence was very important'). It did not, however, mean that he was free from what he described as 'trap' questions:

They asked me a tricky question: how many people know me and might harm me? It's a tricky question and they set lots of traps. It's important not to exaggerate. I emphasised that not many people know me but those who do want to kill me.

It is easy to imagine that when being faced with this question, a claimant might feel compelled to state that they face many threats. But when pushed for further detail, they might then be unable to substantiate those threats in a specific manner. This, then, could be framed as less-than-credible-reasoning. The lack of a clear and credible threat is a common argument made by case officers. That Sujoy was aware of this potential pitfall speaks to his rigorous preparation and education. Such lines of instrumental questioning imply various other questioning tactics such as the use of 'knowledge questions'. Perhaps the most infamous nonreligious case to date is the British Home Office's ruling on Hamza bin Walayat in 2017. Hamza garnered public interest for the way his asylum request was rejected. Hamza was rejected for failing to correctly answer questions about ancient Greek philosophers: the Home Office stated that Hamza's failure to identify Plato and Aristotle as humanist philosophers indicated his knowledge of humanism was 'rudimentary at best'. The issue of questioning tactics is further explored in Chap. 4.

Sujoy noted that he, like Anahita above, experienced a long-list of problems after receiving a successful decision. In particular, he highlighted cultural reactions and systemic barriers to establishing a life in Sweden.

I don't do well in other situations. Brown guys are seen as potential rapists in Sweden. There is a veneer of politeness. Integration here is tough. I have some Swedish friends. It's not easy though. I'm still unsure if I want to live here. I have antipathy towards the whole thing. I'm blocked from language schools. There's lots of blockages and barriers like that. There's a housing crisis where even Swedes are made homeless. For people like me the odds are against me in every scenario. I have problems getting into student bars and I don't hang out with the Bangladeshi community.

The reference to not avoiding his countrymen is a reminder that diaspora communities in Europe can often be more conservatively religious and are therefore likely to be a source of danger to the nonreligious.

ALI

Ali was from a country in North Africa and was also very well-educated (by now, a common theme among my participants) and in his late twenties. Growing up as a Muslim, Ali reflected on why he left his faith:

The short story is that I wanted to become the best Muslim possible and I ended up leaving ... I thought I had the absolute truth, I have always been a history nerd. I was very curious about how things are. Did we have scientific evidence for something? I grew up in a more religious household than the average person. In our home the neighbourhood Mosque speaker was on our roof. So the call to prayers were very close. Your whole life is surrounded by religion. I started to question a little bit why things are the way they are ... [in his teenage years] after doing some deep digging I focused on the Islamic texts and tried to understand them, there was that period when I started to see things don't make sense. For example, in the story of Solomon it says he had the biggest army ever, but there's no archaeological evidence for that claim. So things like that triggered some scepticism I would say. It makes you dig more. I started looking for non-Islamic sources.

In his early twenties, Ali was stabbed, and this incident motivated him to seek asylum. Before the stabbing, he'd also been attacked as a university student but says 'it wasn't as serious'. While he was living in the biggest

city in his home country, Ali thought he would meet more progressive minds. He describes trying to live a ‘usual life’ and that he generally learned to avoid conversations about religion because he would ‘switch into a harsh Islamophobia’. But one day during a conversation about religion in a café, someone overheard his opinions and decided to apply ‘God’s law on earth’. His attacker followed him down into a dark alley and tried to kill him: ‘My survival instincts helped because I could have just been left bleeding to death.’ Ali went to the police, but he was limited in what he could tell them about the incident as that would mean implicating himself as a blasphemer.

At the time of our conversation, Ali was going through a protracted process of asylum refusals and legal appeals. He started making public videos on YouTube to document his case, and he received substantial support from both media outlets and members of the public. But his videos are highly controversial; in one of them, he burns the Quran to make a particular point (see Chap. 5 for an extended discussion). When I asked him why he started to make such videos he said:

It was when they told me to ‘go back to XX and keep a low profile’ and that I ‘don’t have the same needs to express myself as those who convert to Christianity’. One can say that this really pissed me off. That’s the word to describe it. It felt like I had to make my voice heard and not just let all that be swept under the rug as there’s 1000s of cases like mine. To them I’m just another one of *those people* coming to claim asylum. In their view it was just some routine case, so I felt the need to not let that go unnoticed. I thought that was crazy that they could say that ... it was shocking at first that I could read this in a court document that that’s one of the reasons and requiring me to keep my mouth shut. I don’t like that when people tell me to not say what I think.

It is worth reiterating that European and International guidelines indicate that asylum seekers should not have to conceal their beliefs. Ali was quick to point out the flaws in the authorities reasoning:

They are not arguing that I will be safe there. They are explicitly writing that I need to keep my opinions to myself in order to stay safe from the public and the authorities. So they know that if you speak your mind you will be in trouble. It’s clear that they are not saying you can express yourself however you want, you have all the protections you need.

For Ali, making public videos was a way of proving that he refuses to hide his belief. In a later chapter, the discussion addresses to the punitive nature of asylum bar-raising practices, which are arguably a form of state-authored violence. The desperate responses of claimants can be seen as part of *a retaliatory cycle where more stringent policies lead to emboldened (and dangerous) forms of evidence from claimants*. Ali's provocative videos were 'successful' in the sense of receiving a positive decision on his case, but they raise questions about his long-term safety and the lengths he was driven to 'evidence' his (non)belief. Ali now lives with a protected identity in Sweden for his own safety. In his decision letter, the SMA (*Migrationsverket*) note that Ali effectively 'created his asylum grounds' by making the videos. But a pertinent question here is the extent to which nonreligious actors are put in the unique situation, or trap, of having to try and materialise beliefs that do not have an obvious evidence base. For some nonreligious actors (though certainly not all²), this is akin to trying to evidence a void or an absence. In Ali's words:

It's as if you have to have some sought of building or book that you get upset over. You have to have a religion like an ideology to be taken seriously, for the right to express yourself or to be taken seriously.

FARYAL

Faryal was from Pakistan and in her early 30s. She arrived in The Netherlands on her own in 2016. When Faryal told her story, it was striking that leaving faith behind was more a process than connected to any particular event. In her childhood she descried being 'very religious'. She, like others in these portraits, describes a childhood characterised by a steady realisation that she was being controlled at the hands of men: 'I was a little rebellious, I wondered why are men more dominant than us? I resisted a little but my female friends said, "You will get nice things in your marriage"'. In this sense, women around her communicated another form of control. But the most prominent experiences began with males in her family:

²Humanists, for example, might identify with nonreligious causes and terminology but might be able to point towards organisations such as Humanists International that offer a range of texts and talks which serve to substantiate, and formalise, a belief system.

My father was very harsh, we were not allowed to pick up the phone. Not allowed to talk to cousins who were male. My father had a high status and was well renowned. I saw my brother as my second boss. I was not allowed to go outside.

Experiences of coercion were repeated when Faryal married her first husband:

I found him to be very harsh. It was an abusive relationship. The Quran says women should stay in the home. I started to ask questions early into the marriage. I prayed and got no answers. It was making no sense why I have to be obeying men all the time ... There's no freedom for women in Islam.

Faryal felt she was too sensitive and caring to ignore what she saw going on around her. When challenged about whether it was Islam, or political norms that led to her control, she did not hesitate or draw any lines of demarcation: 'Principles are written into the society from the Quran'. Faryal, overwhelmed with the pain of her first marriage, made the difficult decision to leave the relationship: 'One day, I decided I will not bear it. I decided to fight back. When I asked my family for help, they said that "[the marital home] is your home now". No family support, no supporting hand'.

Faryal became a mother at 17. Because she left her faith, separating from her husband left her in a disadvantaged position in the eyes of the law: 'I tried to get custody of my child through the court, but as a "non-believer" mother I was denied custody. I was shattered and traumatized'. As an outcome of her desperation, Faryal founded an organisation online to draw attention to the issues that she and others faced:

I used social platforms. I was using an anonymous name and fake identity. I contacted many organizations around the world. I was surprised to learn that these people existed. I thought I was going to hell initially. But by 2012 we had a lot of people taking part and we arranged many events.

Even though Faryal attempted to anonymise her online activities, her identity was eventually uncovered and she was physically attacked in 2012. She fled into hiding with her second husband—who also identifies as a free-thinker and non-believer. Three years later, in 2015, she was attacked again: 'I was physically attacked at the house this time. They wanted to kill

us, but I escaped to a friend's house'. Alongside the direct attacks, Faryal and her husband were publicly condemned: 'People were asking for the death penalty'. It was at this juncture that they both made plans to leave Pakistan: 'it was too risky to stay there any longer and we had no place to live. We sold everything to make travel arrangements'.

Faryal sought asylum in The Netherlands and received support from organisations like Humanistisch Verbond (the Dutch Humanist Association). The decision on her case was considered more routine—she did not need an appeal—but she noted a number of painful complications in the lead up to her case. First, she was placed in a detention centre where she had to live alongside conservative Muslims. In this setting, she faced a mimetic challenge echoing her life in Pakistan, where she continually had to moderate herself. In the detention centre, religious greetings were common parlance, and she lived uncomfortably in bedrooms where women were regularly praying. She questioned the lack of sensitivity of placing nonbelievers alongside staunch believers. Secondly, during this time, she received death-threats on Facebook. The response from the Dutch police led her to an uncomfortable realisation that Europe was not exactly the beacon of freedom she had held in her mind: 'I was told by the police to shut down my Facebook account. But why should I have to shut it down when I'm living in a free country? What are you talking about?' Again, the moderation of her speech (and visibility) from an external source of authority implied a continuity rather than any kind of liberation.

CHANDA

Chanda was from Bangladesh and in her early 40s. She fled to Sweden with her two children. She worked for a literary magazine and was publishing a range of pieces on the Shabag movement and war criminals' protests around 2013. Commenting on growing-up in Bangladesh, she said: 'I questioned faith as a [university] student. I was an atheist during my teenage years and I rebelled a lot. When I was a young girl, my uncle locked me in a room because I had friends who were boys.' She mentioned that her workplace was 'right next to a mosque'. She first started receiving threats in relation to a Facebook post 'mainly from fake profiles'. Verbal threats were intermingled with a devastating attack while on her commute home:

One day I was going home on the rickshaw, and three people on bikes were close to us at the traffic lights signal. They hit into us [sic]. I thought it was an accident but then it happened three times. My rickshaw driver fell in the road. I was shouting. They fled away. I can't remember the exact timing but in the days after I got a telephone call with more threats saying: 'you have to be careful'.

Chanda explained how the incident completely changed her life. She felt like there was a net closing in on her. She gave an example of how her workplace, which was initially supportive, became fearful of her presence:

First, the police provided a bodyguard for us in the office. I wanted to organize a protest after the 'Roy' death to get all the writers together. But no one was feeling safe at this time. I was informed by other writers that we were in danger. I had to start working from home more often. After a few days they stopped sending me work entirely, as other colleagues felt unsafe. They had CCTV installed in the office. Then they sacked me.

With help from fiends already living abroad, Chanda lobbied for support from a range of local and international NGOs: PEN international, ICORN, Frontline Defender (who provided her with a bodyguard) and Article 19 all played a role. But during this time she described an intense feeling of isolation because 'my kids couldn't go to school. Friends wouldn't let me stay at their homes. I was totally hopeless.' Chanda came from a 'conservative family' that were troubled by their daughter's views. In spite of this, they provided her with temporary shelter. A staff member from PEN international flew to Bangladesh with gifts for the children and attempted to help her exile: this was the first 'sign of hope'. But leaving Bangladesh was complicated by her ex-husbands refusal to sign a consent letter for the children to leave. After much legal wrangling, Chanda made it to Sweden, the first country outside of South Asia she had ever visited.

Relationships with NGO professionals are particularly salient in Chanda's story. When talking about the role played by Alma at Sweden PEN, she said: 'She's a friend, but she's more like a mother.' Alma helped her move furniture into her flat and provided indispensable forms of care:

My two daughters depend on Alma. She advocated to get my kids into pre-school. It's not an 'official' relationship, it goes far beyond helping with asylum issues. When I received bad news about my cancer Alma was with me

in every moment. My children stayed in her house. I had no-one else. I was taking medication every day. I was talking through health and medication decisions with Alma all the time.

On arrival to Sweden, Chanda initially received a relatively swift, successful, decision on her asylum case. But over time, Chanda ended up in a bureaucratic entanglement in the months after her diagnosis which impeded her ability to work. She expressed her befuddlement when receiving three letters from the SMA:

My two kids somehow got a positive decision in the post meaning they can stay in Sweden, but in a separate letter, at the same time, I received a negative decision. That's the cruelty of it, the uncertainty and threatening to divide our family up. Because of my situation, I'm not supposed to go back to Bangladesh but it doesn't feel that way to me. I'm not feeling good about the uncertainty of my situation. It's not a simple process and it's very difficult to find a permanent job [one of the conditions for a visa extension]. Almost every day I'm receiving letters from officials. Whatever I say to them they seem to twist my words. It's the uncertainty all the time.

While Alma tried to reassure her that this was a bureaucratic error that would resolve itself, it was hard for Chanda to see past the apparent finality of this letter. It was certainly adding to her anxiety and health problems.

Despite this adversity, Chanda also articulated the positive aspects to being in Sweden. She celebrated the way in which her daughters had adapted to the culture and the perception that women were liberated: 'In Bangladesh women are tortured by men in the workplace, but I'm feeling secure here'. Some of these positive assessments were in tension with the fact that she lived in fear: 'I fear Bangladeshis in Sweden too. Sometimes people ask me why I don't wear a headdress, and why I don't attend Ramadan?' Islamic diaspora communities in Sweden were a source of palpable, if more diffuse, discomfort. But there were also fundamentalist threats that were extremely unsettling. In recent times, Sweden PEN was nearly infiltrated by a 'false member' who posed as a Bangladeshi writer. After arousing suspicion his name was circulated among the existing community of Bangladeshi members who identified him as a radical.

Even after everything she has been through, Chanda continues to write about topics like secularism, feminism and freedom in Bangladesh. 'This is

difficult [discussing the current situation in Bangladesh]. This fight is my own fight. In my faith I believe the system will change. I'm fighting against fundamentalism'. This striking declaration of her continued intention to write about inequities in Bangladesh reveals how integral belief and activism is to person identity. The idea that asylum claimants should adopt a kind of 'rational actor' disposition and keep inflammatory beliefs to themselves is complicated by women like Chanda, who feel *compelled to speak rather than merely inclined to do so*.

SUMMARY

Taken together, these portraits highlight the diverse backgrounds, experiences, and challenges faced by nonreligious asylum seekers. There are a number of themes and observations emerging here that will be developed in the coming chapters.

First, the role played by support networks is clearly significant. This includes key individuals, refugee organisations, and large NGOs. These actors provide not only practical assistance but sources of emotional support and advocacy throughout the asylum process. In Chap. 6, it will be explained further how they function as 'translators', funnelling the sprawling asylum story into a form that is more palatable. This involves both *consciously* streamlining parts of the story to meet evidentiary thresholds and the *less-than-consciously* ways in which national expectations of being in the world are 'enculturated' into claimants.

Second, these stories are full of traumatic events. In many ways, this is unsurprising because all asylum seekers face significant adversity, including persecution, violence, discrimination, and psychological distress. But it is worth highlighting this fact for nonreligious actors who are sometimes pejoratively cast as '*rational actors*' who have taken an *intellectual position voluntarily*, a position that essentially antagonises religious groups in their home countries. These portraits trouble such easy assumptions about nonreligious claimants and present a variety of dispositions that are diametrically opposed to such stereotypes.

Third, these portraits shed light on the complexity of navigating the asylum process. This ranges from baffling legal procedures, troubling dynamics in the interviews, and the fierce contestation over decision-making outcomes. Like other asylum seekers, the nonreligious navigate

bureaucratic systems, cultural misunderstandings, and sometimes biased assessment procedures. But unlike other asylum seekers, there is no clear guidance for handling nonreligious claims, and the evidence presented here suggests a novelty, or lack of familiarity, that is not present in other grounds. To add to this complexity, several claimants have multiple asylum grounds that may include, but also goes beyond, the right to freedom of (non)belief.

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CHAPTER 3

The Atheist ‘Converts’

Abstract Chapter 3 delves into the assimilation between religious conversion cases and nonreligion cases, where nonbelievers are often referred to as ‘converts’ despite not converting to any religion. It explores how non-religious cases are awkwardly processed using templates meant for religious conversions, revealing the underlying cultural assumptions and biases. The chapter questions the legitimacy of such practices and examines the hierarchy of religion and belief in the asylum process. By critiquing the existing framework, it points towards the need for a more nuanced understanding and treatment of nonreligious claims.

Keywords Nonreligious ‘converts’ • Assimilation • Conversion to Christianity • Cultural bias • Legitimacy • Hierarchy of belief

Sujoy felt he was part of something truly surreal. He was walking around a university fair near Stockholm with his friends. There were stalls advertising various sporting clubs and societies. He suddenly saw the face of his old friend Avijit Roy—another high-profile Blogger who was murdered in Bangladesh. The face of his compatriot was captured on a large poster. He was instinctively drawn towards the stand and his face. However, when he understood what was happening, he was overcome with disbelief: ‘a Christian organisation had a picture of his face in their tent!’ It remained completely unclear to Sujoy

how the organisation managed to transition from the unique issues facing 'Bangladeshi bloggers' to their own theistic interests and recruitment strategies. He did not want to find out.

This kind of reappropriation of non-belief reveals something about the movement from the local to the global and back to the local again, and how secularism and faith can mesh and merge through processes of institutional translation. This chapter sets out to explore the subsuming, or transformation, of *nonreligion into Christianity* that was observed at multiple different levels in the study. The main questions here are as follows: first, in what ways are nonreligious cases able to 'stand alone' in their legal or normative treatment from religious cases? Second, what are the implications of such 'assimilation' practices for the legitimacy of the asylum assessment? Third, from where is the union of nonreligion and Christianity rooted, and what assumptions is it based on?

The assimilation process at work is quite reminiscent of Beaman and Tomlins' (2014, p. 41) point that 'the normalcy of being religious or spiritual is a normative touchstone that goes largely unexamined'. Further, McAdam (2017) claims:

There is a hierarchy of religion and belief in the practice of international human rights law. Despite the fact that article 18 provides for the equal protection of those who believe in one God, those who believe in many gods and those who believe in no god, monotheists are asserted to occupy the highest rung of the hierarchy, with new religions that have not yet become entrenched in history and atheists below them. (8)

The nonreligious cases in this study affirm the existence of such a hierarchy in northern Europe but perhaps in different ways to those identified by McAdam (2017). A hierarchy exists, at one level, through a kind of Christian 'seeing' of nonreligious cases by migration authorities and legal professionals. This 'professional vision' negates crucial differences and can be understood as a 'violent moment of exclusion' (Elmore, 2012, p. 43). Violence, Derrida (1992) reminds us, is not always found in the explicit act or salient 'appearance' but can be sourced in the implicit and the disappearance.

It was striking that nonreligious cases were being treated alongside religious cases or, much more commonly, were *merged into them*. Thus, relational theories of nonreligion (see Quack et al., 2019) are of particular relevance here as they capture the way in which nonreligious phenomena

are linked to religious phenomena (Steele, 2020). Steele (2020) states that relational theories set out to ‘consider the complex ways in which religion and nonreligion are related and intertwined, or folded in’ (28). The language of ‘folding in’ or assimilation is apposite and could be seen at a various levels of analysis in the Swedish asylum process. First, some legal practitioners lacked experience with ‘atheist’ cases,¹ primarily because they were a relative novelty:

Also the thing about atheism claims ... in the first years I was practicing law I had never heard about it ... and then there was a client who was claiming it. And then I couldn’t find any info about how to treat an atheist claim. The basis is that everyone has the right to change their religious beliefs, one cannot be expected to live discreetly and not reveal one’s religious beliefs when returning. When it comes to converts there are so many moments, so many things, in practicing Christianity that is considered fundamental to the religion, for example visiting a church, praying publicly, spreading the religion. (Axel, Asylum Lawyer)

Notice that in Axel’s description these novel cases are thought about *through the lens of more traditional conversion* cases to Christianity. Axel went on to make a further statement that was revealing: ‘By conversion, *I call being an atheist a convert* ... it’s leaving Islam for any reason’ (emphasis added). The Swedish Migration Agency (SMA) followed suit in this positioning of atheism cases as ‘in dialogue’ with, or embedded within, the more established history of conversion cases. In Norway, Arnfinn (a senior NGO worker for Norwegian Humanists) was aware of this tension:

I mean the idea of a ‘convert’ to atheism makes no sense. I was interested about this word convert. But it’s just the way the word is used. Because convert in this sense means a person who has changed their religious stance in any way ... But it makes no sense, and we always pointed that out. Of course you can be a convert to humanism because that is a positive life stance. But yeah, you can’t really be a convert to atheism.

Arnfinn’s statement highlights several important topics. First, the role of legal conventions and nature of words defined in legal practice do not always equate to their everyday usage. However, unlike many words which have a particular legal definition, ‘conversion’ has striking features that

¹ Atheist was the most common term used by practitioners.

render it inappropriate for nonreligious cases. Second, while the variety of nonreligion is acknowledged in Arnfinn's account, he draws a surprising conclusion. He argues that the terminology of 'conversion' *does make sense* for an individual who has found humanism, because in that case a new belief system can be observed. Whereas, he continues, this would not make sense for atheists as they would not necessarily lean on any new beliefs. Indeed, for some atheists their position is entirely related to a negation of religion. Arnfinn is using a kind of accretion model of reasoning. However, following this logic a tension remains for humanists who may feel completely distanced from a language conversion *entirely*—for the word has particularly religious overtones.

Claire (Humanists International) felt that such linguistic framing was born out of the partisan language of human rights treaties which seeks to identify the nonreligious through 'doctrinal requirements, scripture, food and dress. So clearly there is a distinct disadvantage there about how you assess unbelief'. Non-belief, in this reading, exists in a kind of vacuum with little to 'show' for itself. As Ryan (an asylum lawyer) exemplified, 'If your claim is based on conversion you need to have papers saying you've been baptised, and some explanation of the process. With atheism you need to elaborate far more'. Secular cases are largely compared, bounded, and judged by a set of observable practices and customs more germane to established religious practices. This is problematic given that there's 'no doctrinal set of ways you're expected to live your life as a nonbeliever' (Claire).

RELIGIOUS AGITATORS

There were rather censorious expectations held about the correct place for faith and atheism in society. Claire explained that she worked with 'the least sympathetic group of men, those who have committed blasphemy *and some are very outspoken men*' (emphasis added). This 'outspokenness', either real or imagined, is an important factor in the context of northern Europe where the norm is to largely contain one's religious proclivities: 'We're one of the world's most secular countries. Faith is just not talked about in Sweden' (Teresa). Kristen expanded:

Religion is of such non-importance in Sweden. It's very odd saying that but people don't really care if you believe or not. Some never go to church or only go for a concert. So to bring up this issue as being important, saying

'I'm a nonbeliever', it's like 'so what?' in Sweden. So even though you train the SMA I think it's hard for them to grasp its importance.

Samira, an asylum seeker from Bangladesh, noted a particularly disapproving environment for discussions of faith: 'There's a law that you cannot speak about faith in the workplace'. While the legal accuracy of this statement is contentious, the sentiment that religious conversations were fraught in the workplace and abrasive to the language of Human Resources department policies seemed like tacit knowledge. A similar sentiment was shared about national attitudes in Norway:

Being an atheist in Norway to most people *is just simply being*. It's a way of living for most I mean. This is such a secular country that 'not believing' is sort of *the default position for most people*. And even if you do believe, most people who believe, believe very weakly: 'Yes, I probably believe there's a God, but it doesn't really influence me that much'. So being an atheist to most people is simply going about their life and not thinking about it, yeah. (Arnfinn)

One concern was that while local asylum agencies theoretically should put aside their own assumptions about nonreligion and atheism in practice they did not. They were unable, it was perceived, to take stock of alternative climates of faith in the claimant's country of origin: 'Sweden takes secularism for granted. They find it hard to believe that someone could be killed for this. Atheists here go to churches in Christmas. Personal faith rarely counts. They don't get what all the fuss is about' (Aarav, Bangladesh). One aspect of the problem, then, is because of the default position in Scandinavia that has normalised an idea of secularism in the West, it is difficult to see the 'exceptional' nature of nonreligious claims. This process could be functioning at a less-than-conscious level.

Secondly, atheists could be institutionally viewed as breaching tacit codes of understanding that there should be tolerance, respect, and silence concerning matters of faith and belief:

What you're really talking about here is the appearance of an atheist agitator ... he will look like a political agitator, right? They will look like someone who speaks out against religious abuse, authority, religious privilege, and so on. They will not look like a 'convert'. *They will not look like someone who stands up and speaks for their new values like a Christian would*. Instead, they

would look like someone strongly criticizing the position and power of religion in society. And I think that was actually something that has not been considered properly. (Arnfinn)

By now, a recurrent theme is emerging, as this account highlights another point of comparison with Christian cases that works against non-religious claimants. The expectation that they should voice the strength of their new belief position, like a proselyting missionary, rather than the perception that they are agitating their religious opponents. Because of this perceived difference in disposition and focus, local asylum assessors might be led to doubt the veracity of their change in belief. Nonreligious cases are often framed as individuals who have effectively invited trouble on themselves via their own inflammatory actions rather than evidencing the importance of their beliefs and their own personal transformations that led to unavoidable persecution.

Further, asylum seekers could be pejoratively seen as contributing to, or aligned with, Islamophobia in Sweden. A few participants in this study seamlessly moved from the issue of public faith to the rise of inflammatory attacks on Islam and government attempts to curb it. The growth of far-right extremist groups in Central and Northern Europe has been well-documented (Lazaridis et al., 2016). In April 2022, during the fieldwork for this project, there was a high-profile incident initiated by Rasmus Paludan, leader of a far-right party in Sweden called Stram Kurs (Hard Line). Paludan planned to burn copies of the Quran in public. These plans led to riots by local Muslim communities in which 26 police officers and 14 members of the public were injured. A similar incident was provoked by Paludan in 2020 in the Swedish city of Malmo. Most recently, on 28 June 2023, an Iraqi man tore up and burned a Quran outside Stockholm's central mosque. This incident had political significance for Sweden as it drew the ire of politicians in Turkey whose backing Sweden needs to gain entry to the North Atlantic Treaty Organization (NATO). In Chap. 5, a small number of cases of asylum seekers who burned the Quran to support their application are introduced. Although nonreligious asylum seekers appear to burn the Quran for different reasons, it is possible that their motivations are misperceived and that they are assimilated with far-right extremists. It would be a difficult task for local asylum assessors to completely disassociate the damage caused by recent Quran-burning in Swedish society.

This last point introduces multiple directions of risk for nonreligious claimants: first, as falling short of typical Christian converts cases on the one hand, and second as aligning with malicious agitators on the other. Third, the nonreligious may be subsumed into a toxic ‘migration–terrorism nexus’ which has crystallised in media and political narratives alike about asylum seekers (Galantino, 2022, p. 260). Innes (2010) notes that the notion frequently circulated by media outlets in the UK that asylum seekers ‘import terror’ and contribute to crime is euphemistic for, or at least creates strong associations with, terrorism.

There is a wider point to be drawn about the perceived ‘oppositional’ disposition of atheists and rationalists: they are directly inverting a powerful humanitarian assumption that frames *the refugee as a passive victim of suffering*. As Tiktin (2016, p. 259) puts it: ‘humanitarianism requires innocent sufferers to be represented in the passivity of their suffering, not in the action they take to confront and escape’. By actively seeking out media visibility, writing against their oppression, or being ‘vocal’, nonreligious claimants can convey a sense of agency that might work against them. Rationalists and atheists have a long history often being accused of ‘arrogance and condescension’ (Copeman & Hagström, 2022, p. 45).

A provocative question, which the following section attempts to address, is what *should* change in belief look like exactly?

BELIEF BUT NOT LIFESTYLE?

According to Arnfinn, a particularly contentious issue in asylum assessment in Norway is the approach towards ‘beliefs’ and the apparent exclusion of accompanying lifestyles. In his words:

The [current system is based on] a very old idea of what conversion is. And that is mainly because it was based on a very Protestant notion. I think it is important to understand our relationship to religion, we need to acknowledge that religion in this society is very protestant, yes. Religion is *faith*. *It’s what you believe in*, right? Freedom of religion. Religion is to be free to believe what you want ... But that’s not necessarily freedom of belief is it? (Emphasis added)

The key point Arnfinn is making is about the extent to which this formulation of freedom of belief essentially *excludes the freedom of expression*

and behaviour. To put it in a different way, the freedom to act out one's beliefs in the world is treated with far more suspicion, even though it may be a necessary corollary of one's belief system. Indeed for some individuals, the idea of separating belief and certain forms of action is wholly arbitrary. In his advocacy work, Arnfinn has focused on the importance of including personal lifestyle in assessment of belief: '[Norwegian case officers] can't just talk about religions, they should have to talk about *religions and lifestyles*' [Emphasis added]. I pushed Arnfinn to expand further on what was meant by a 'Protestant idea of conversion' in Norway:

They had always they had this idea of conversion as sort of based on Saint Paul. The idea that one day you fell to the ground and you had this entirely new view of life. And though of course, even when they are open to the fact that this could be a process, it's still sort of the Protestant background that shines through. We do tend to think of belief questions in a Protestant framework. It's just the way we are.

This sentiment anticipates the next chapter on the acceptable forms of evidence, and evidence making practices in general, during the assessment process. The 'Protestant' idea of conversion reduces the diversity of changes that can be seen—favouring an imagined 'grand moment' where inner belief transformed—to the exclusion of many other manifestations of change. For current purposes, it is important to return to the idea that the emphasis is being placed on 'beliefs' themselves, rather than that the actions that follow personal belief systems. Lemma, who worked for a Christian NGO in Norway, explained that assessors should be more skilled in documenting the multidimensional aspects of faith and belief: 'Yes, there is a private element in belief, but there is also a public element in it'. Lemma went on to expand his position, which further reveals how the current approach towards faith assessment is extremely limited:

You cannot make faith into a hidden thing. It is an observable thing. It is visible. It defines a person. It defines behaviour. It defines actions and choices, and therefore it should be natural for a person to express his or his faith, and that is why we have the right to religion, faith and freedom of conscience and freedom of thought, and all of that. That is why it is part of the human rights. There is no reason that the state cannot ask somebody who is asking for asylum to explain his or her faith, or absence of faith, or any aspect related to this.

One astute insight from Lemma was pointing out that moments of ‘absence’ and ‘abstinence’ from faith practices are highly revealing. Case officers, he felt, did not understand the significance of such omissions:

They’re failing to understand faith properly, and its ways of working. So we’ve tried to say it isn’t just an expression of what you do, but also in *what you don’t do* ... what they don’t understand is that *not doing anything is interpreted as doing something*. (emphasis added)

The lack of institutional attention paid to forms of abstinence as a tangible expression of inner belief is particularly damaging for nonreligious claimants. Indeed, some nonbelievers may be able to best evidence their beliefs in this very manner (the problem of understanding absences and silence is explored in more detail in the next chapter).

Taken together, these observations help to make sensible the prolonged examination of claimants’ theological and belief-based knowledge. It is well understood that Christian converts face such intensive questions that even theological experts might struggle to answer. And as established in the Hamza bin Walayat ruling (see Chap. 2), such ‘knowledge’ questions are similarly applied to nonreligious cases. In the following chapter, the attention shifts to the institutional reasoning that undergirds such approaches.

The need to display factual knowledge of one’s beliefs is challenging for all applicants, but there appears to be unique inequities for nonreligious claimants. First, while Christianity has a key foundational text at the centre of its practice, there is no such ‘Bible’ for the nonreligious. The diversity of ways in which a person could identify as nonreligious is almost limitless.² This creates complications for how the nonreligious should evidence their beliefs. Second, unlike Christian converts, the emphasis on what is present rather than a parallel interest in forms of resistance and absence works against nonbelievers. Indeed, for some nonreligious applicants, the negation of others’ religious worldviews—or abstaining from such practices—is a key dimension of their beliefs.³ At the very least, their beliefs are

² A similar point could be made about the many denominations of Christianity and their various differences, though they still share a key unifying text.

³ It is important here to acknowledge that certainly not all nonreligious cases would align with this position. Humanist groups, for example, are well known for emphasising the relevance of their humanism rather than the irrelevance of religion.

in a close conversation with the activities of world religions. Overall, the nonreligious risk being seen as ‘choosing’ to provoke others, rather than *being compelled to express their beliefs*. This problem has its roots in a linear understanding of belief that fails to consider its multidimensional contours.

SUMMARY

This chapter has evidenced the many ways in which nonreligious claims do not ‘stand alone’ during evidentiary assessment. Rather, these cases reveal the complex interplay between legal frameworks, societal perceptions, and institutional biases that work against nonreligion. The nonreligious face asylum traditions and practices grounded in the understanding of religious conversion cases. Or put differently, more traditional religions have shaped the frameworks that have been adopted. It would be mistaken to attribute this error to the national asylum assessment agencies alone. Rather, they typically follow the lead of human rights guidelines that adopts a broad definition of the freedom of belief. While this transnational legal approach is well-intentioned, emphasising the importance of inclusivity, nonreligion is subsumed by the world religions (see McAdam, 2017). This submergence is well-captured, almost satirically, in the phrasing that a number of legal actors and NGO professionals used when describing atheists as ‘converts’. While this linguistic inheritance is minimised as a legal formality—cases have to be categorised by the law—it gestures towards a litany of similarities that, when accrued together, show the damaging effects of assimilation into religious cases.

The main problem faced by nonreligious claimants is the expectation that they should mirror conversion cases. As will be clear in the next chapter, there is an institutional approach to ‘evidence-hearing’ and ‘evidence-making’ that rests on questionable assumptions. This chapter highlighted some of these assumptions in passing, such as the tendency to envisage change in belief as a ‘moment’, and the focus on belief as an inner conviction rather than embodied in lifestyles, acts of resistance, and abstinence from religion. Nonreligious claimants are more likely to appear like political provocateurs because the ways in which they express their beliefs often overtly challenges local norms. The association of nonreligious asylum seekers with actions of far-right extremists (see the reasons for ‘Quran burning’ in Chap. 5) adds another layer of complexity and risk. Generally, the refugees and asylum seekers I spoke with expressed fears that their

stories would not be accurately heard, especially without the support of NGOs to advocate for them. Overall, the findings in this chapter highlight the importance of the assessment ‘frame’ used by case officers, which distorts any narrative about belief that does not fit within its predefined parameters.

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CHAPTER 4

Evidence-Hearing and Evidence-Making

Abstract This chapter explores how cultural assumptions and Northern European preferences impact the assessment process for nonreligious asylum seekers. It highlights the challenges in articulating non-belief in a system that favours linear, logical narratives. The chapter contrasts the formal language of assessment institutions with the realities faced by claimants, revealing the transformation of evidence-hearing into evidence-making, and the inherent biases within this process. By examining specific case studies and testimonies, it sheds light on the procedural and interpretative obstacles that nonreligious individuals face.

Keywords Cultural assumptions • Evidence-making • Non-belief • Assessment processes

This chapter sets out to document and analyse the challenges faced by the nonreligious in the asylum assessment process. It pays special attention to the ways in which evidence is (mis)heard and (re)interpreted. The phase ‘evidence-making’ points towards the notion that the assessment process has creative, generative properties. This attention paid to evidentiary practices sheds light on—often overlooked—cultural assumptions and biases embedded within the assessment process.

However, while institutional assumptions affect nonreligious claimants, it may not be clear to the discerning reader that they apply to them *because of their nonreligion* per se. This is to say, *all asylum seekers in northern Europe* may be subject to similar modes of suspicion, assumptions, bar-raising practices, and rigorous credibility testing. The chapter will not shy from raising such points that affect all cases (beyond the nonreligious), firstly, because these were the direct experiences relayed by my interlocuters. Second, by sharing the generalisable challenges first the unique differences for nonreligious actors can be made sensible. In this sense, this chapter deepens the relatively known and general problems of asylum assessment into the uncharted territory of nonreligious asylum. What will be made clear in the following sections is that northern European preferences for logic, narrative ordering, rationality, and temporal sequencings are projected onto asylum seekers' testimonies. Furthermore, there was little evidence of a critical lens or 'cultural filter' deployed to consider the broader range of meanings and multitudinous ways of being in the world.

UNDERSTANDING CHANGE

In the previous chapter, a recurring sentiment was the idea that northern European asylum assessors view change of belief in a linear fashion, over-emphasising grand moments or turning points. While this is more intuitive in the case of conversions to Christianity (given that there is patently something reported to be 'found', such as the word of God), it is incongruent for rationalists and humanists. By invoking differences between Christianity and nonreligion, this book does not imply that Christian converts have a gilded path to success. Indeed, Christian converts face their own challenges in explaining change, some of which are clearly unique. A number of these challenges are well captured (see Rose & Given-Wilson, 2021; Kagan, 2010). To give one example, those who explain their conversion as the product of powerful visions or divinations without being able to call on other forms of evidence are routinely dismissed:

There are some people who have converted to Christianity, having had dreams or visions of meeting God. I remember a person who reported an extraordinary scene of encountering Jesus that transformed his faith. He went [to the assessment centre] to tell his story. For the asylum authorities, this was way too much. 'We cannot believe you, we absolutely dismiss you.'

It's a bit too much for them. But go to the Old Testament. Go to the New Testament. There are extensive studies of dreams and visions and extraordinary states. (Lemma, NGO professional)

Such 'grand moments' need to be tempered and narratively shaped for the auspices of assessment. The fact that 'meeting' Jesus and loving God are not in themselves enough hints at a host of other expectations about what a change-in-belief story should entail.

To return the discussion back to nonbelievers, this section attempts to unpack various other 'change expectations'. In this study, pathways to humanism and nonreligion rarely aligned with institutional expectations of change. First, asylum assessors expected a clear delineation of how claimants 'moved from' faith to atheism. Alexander, an asylum lawyer, explained how this is conveyed during the formal interviews:

There's so many preconceptions from the SMA about the process of change. The process of moving from Muslim to Atheist has a very rigid conceptualisation. You have to explain it to them as a kind of mental journey. To be seen as credible you need to demonstrate the following things: Why did you start to have doubts? How did you come into contact with atheist ideals? Why did you begin to adopt these ideals? How did you adopt these ideals? The SMA expects a very detailed and coherent account of all of this.

These procedural questions suggest a linear, mechanical understanding of change. Note the particular focus on discrete phases and the expectation of key events or turning points. While this may be appropriate for some claimants, it is at odds with the multiplicity of other possibilities. Many 'routes' to nonreligion exist outside of this narrow framework. But in its current form, there is little accommodation for ambiguity and ambivalence in the narration of change. For example, some individuals may have *never felt* aligned with a faith at all. In this case, questions about the onset of religious doubt are moot as there was no original faith in place to doubt or leave behind. As Anna-Frid, an NGO professional who also identified as an atheist herself, put it:

There's no process of moving away that I can clearly explain because I've had the same thoughts all my life. But the SMA present it as being 'me', 'my brain' and 'my lost faith'. So how can I present my story in a way that's trustworthy to them?

Anna-Frid felt completely devoid of any materiality of secularism that assessors might hope to identify in their questions: ‘I’ve never read Dawkins and am not a part of any society or movement’. The mechanical view of change of belief was also challenged by the textured life histories of claimants in this study. For example, Sujoy (whose portrait was shared in Chap. 2) recalled a set of childhood experiences imbued with hurt about religious practices that were foisted upon him.

It was quite a religious household I had to believe it, there’s were Krishna books in the house. I read these books but I could not relate. There were a few things that I didn’t like. Surrounding death, I found some evil practices. After the death of a relative, I remember my brother and all of us had to fast while he [his brother] was sick. My family were forcing him to go through all these rituals while he was ill. Sometimes my mother went against the rules. There was a lot of bizarre rituals. I was seeing a lot of things I didn’t like. It was a feeling of [being in an] oppressive culture in public and an oppressive culture in private. This is where I first started to question things.

Sujoy ends his account with a definitive temporal statement (‘where I first started to question things’), narratively marking the inception of his change. However, everything that comes before this in his account points towards a complex, non-localisable pattern of disillusionment. In a similar vein, Chanda said: ‘I questioned faith as a [university] student. I was an atheist during teenage years as I rebelled a lot. When I was a young girl my uncle locked me in a room because I had friends who were boys’. The precise temporal location of her doubt appears nebulous and is beside the point. The narrative possibilities of locating nonreligion in time are surely less relevant than the direct, embodied experiences of being controlled and wounded by practices that happened over a long period of time—perhaps an entire lifetime. Often such ‘generalised’ feelings of unease in relation to religious practices are characterised as ‘vague’, ‘lacking temporal specificity’, or ‘coherence’ by assessors. This reinterpretation of textual material could be seen as a form of narrative harm towards the nonreligious. Demanding clear temporal demarcations along with lucid ‘transition events’ woven into the story is an arbitrary way to dismiss stories that do not fit the mould.

Lemma, an NGO professional working in Norway, shared the story of a man who exemplifies the complex, fluid, and unpredictable pathways to changing belief:

I have a friend. He was first a very active Muslim and he read Quran thoroughly. He learnt it almost by heart and then, he hated it all together. He became so reactive that he went to believing in nothing. No religion at all. 'I don't want any religion' he would say. He went to atheism. And then from atheism, he met people during the asylum process. He met Christians and said that Christians showed him how to have normal friendships and relationships. That made him start to wonder: 'what is wrong with these people? I thought they were my enemies'. He was thinking 'Why are they not behaving as enemies as they were supposed to be?' And then he started thinking and studying. He started to study, study, study. He studied the whole Bible. And then then he became intellectually committed to Christianity. Today he is a church pastor.

This circuitous story in which the friend moves from Islam, to atheism, and then to Christianity is revealing of the dynamism underling some people's relationship with belief. It also shows how change is hardly limited to the country of origin. Such kaleidoscopic stories of change are less palatable to assessors who favour clearly mapped routes from 'belief point A' to 'belief point B'.

Jonathan, an NGO professional in Norway, explained that claimants with the best chance of success are those who are able to convey a sense of inner struggle:

It's not necessarily the way you become a believer (or nonbeliever) that's important, it's the way that you manage your reflection about it. So it doesn't really matter how it started, it's more like ... how you reflect on and form a connection with other statements of your life. And what they're looking for is to see the reflection you've done. [Case officers think] *you should have had some hard fights with yourself*. It's an expectation that you should have really hard fights with yourself. (Jonathan, emphasis added)

But the nature of change is complex territory, including but also going beyond psychological confrontations with the self. Indeed, to what extent is persecution driven by inner psychological changes or changes in the environment? Vimala (an asylum claimant from Bangladesh) explained it was not that her views and beliefs had changed per se, but rather upheavals in the socio-political context in which she lived. Vimala had written secular journalism for most of her professional life with no consequences. But after writing a few pieces published in 2014–2015 on issues related to religion and feminism in Bangladesh, the context surrounding the Shahbag

protests had become politically charged. In this atmosphere the reception she received to her writing was completely different.

They [Islamist groups] stole all my information. Living became like hell. They attacked my identity as a journalist. I was also watched by the government and I received another threats from them. ‘She is not a journalist’. The editor asked me about my personal life: and my whole office started to look at me as bringing trouble to them too. Work tried to push me into a corner. It became well-established that I’m an atheist and it’s socially something bad. Police said it’s not our duty to guard your bedroom and that ‘bloggers should be careful’. I was being accused of causing chaos.

The emphasis on *individual processes of change* fails to recognise the multidimensionality of change and fluctuations in the surrounding socio-political milieu. It is well-established that in the mid-2010s, a wave brutal public violence against atheists and rationalists exploded across South Asia. Even though violence and suspicion directed towards atheists is not entirely new in South Asian countries (Rizvi, 2016), there was quite clearly a dramatic growth in lethality. In Bangladesh, atheist bloggers (a number of whom took part in this study) were attacked and murdered by Islamic fundamentalists; the publishers of atheist literature have also been killed. In theory, claiming refugee status on religious grounds only requires individuals to evidence a ‘well-founded fear of persecution’ (as set out in the Refugee Convention). However, in practice this process appears heavily weighted towards being an ‘individual’ process where claimants have to evidence how their personal beliefs transformed, rather than a nuanced reading of broader societal changes that have constricted existing beliefs. ‘Country of Origin Information’ (COI) reports are ostensibly in place to counterbalance this tendency by giving a detailed picture of societal norms and levels of persecution. But as will be made clear in the following section, these COI reports are often outdated, inaccurate, or poorly utilised.

Taken together, this section critiques the approach towards change of belief. The linear understanding of change overlooks the diverse pathways into nonreligion: some individuals never felt aligned with faith at all, while others experienced a gradual disillusionment over time, or a general feeling of dis-ease rather than something identifiable in concrete events. Further, personal belief systems are not static, they change and evolve over time in response to personal experiences and societal influences including on arrival to the host country. In making these points, the attempt is not

to trivialise the challenging task faced by case officers in discerning authentic accounts from disingenuous ones. However, the guiding framework used in relation to change appears far too rigid to capture the complexity of the phenomena.

CULTURAL DISTANCE

It's not enough to tell your story. Oral skills are needed. You need to organise your thoughts. You have to have a perfect timeline. You have to tell the story in a particular order. You need to be able to identify your asylum reasons in a clear way. They're expecting exact temporal demarcations. You have to be so organised it's almost inhuman. (Anna-Frid, NGO professional)

Building on the above, this section unpacks the various cultural misunderstandings that emerged throughout the assessment process. In Anna-Frid's account, we can locate a number of prized virtues common to Westernised education systems: rationality, analytical logic, chronology, specificity, spatial accuracy, linguistic fluency, and ordering. Kagan reminds us that asylum communication is an interaction 'across a cultural chasm' (2002, p. 413), but the existence of this gap is rarely acknowledged by practitioners as a substantive problem. Aarav helped to reveal such 'distance' when describing a doctor's note he presented to his Swedish case officer.

I was attacked and I was admitted to the hospital in Bangladesh. I provided [the case officer] with a handwritten note as proof. But my personal feeling is that they saw it as a fake. Because the thing is a prescription in handwriting. They are not knowledgeable about the world. Sweden and Bangladesh: it's not two separate countries, it's two separate universes. They asked me: 'Why is there a handwritten prescription?' "Yes" [his tone is sarcastic now], I said, "In Bangladesh we do this". You have to be knowledgeable. *They are seeing it in their own way.* (Aarav, emphasis added)

To the assessor, an official form of documentary evidence is *never* handwritten. In spite of reassurances that assessors have access to detailed country information, their responses revealed a startling unfamiliarity with alternate customs and norms. Asylum scholars point to a tendency by assessors to 'measure credibility using a Eurocentric yardstick' (Hoellerer

& Gill, 2021, p. 19; see also Gill & Good, 2019). Expectations about temporality in the asylum story have been well documented. This involves assessors looking to fix narratives in time by establishing a precise sequence of events (Rud, 2018). This is highly problematic. To give just one example, in Afghan culture norms around dates, birthdays, and one's 'real age' are more fluid (Smith-Khan, 2017). This is a fact that Western adjudicators typically interpret as deceptive or vague (Jacobs & Maryns, 2022). It also underscores a lack of trauma-informed practice, which would anticipate gaps and silences in the story as natural response to suffering and violence. Similar points have been made about 'spatial naming' practices. Spotti (2019) draws attention to the unacknowledged differences between official and local naming, a fact heightened by 'web-truths ... where digital information is overlaid, confronted and used to measure the first-hand offline information presented by the applicant' (2019, p. 74). These institutional language norms create problems for applicants when they cannot match this 'official' register with their experiential knowing of place. This may include using slang words instead of formal words or emphasising geographical features (e.g. the house next to the river) rather than place names.

A third set of arguments have been put forward about assumptions inherent in the process of translation through which 'the reductive translations of interpreters in European asylum hearings ignore the semantic nuances of the asylum seeker's testimony' and perpetuate a kind of 'myth of linguistic equivalence' (Park & Bucholtz, 2009, p. 490). This kind of culturally naïve hearing of asylum narratives (Jacquemet, 2009) forms a 'central element of the institution's power [as] the right to hear things in the way that best advances its own interests' (Park & Bucholtz, 2009, p. 491). In this study, Vimala offered an example of how translation could have had profound impacts on her assessment: 'I said, "I was *forced* to leave" but [her interpreter] translated this as "I *left* the country"'. Vimala, with the support of her lawyer, was able to challenge this 'professional hearing' of her words. Without her knowledge of English and her ability to communicate her concerns assertively, her testimony might have fallen below the 'severity threshold' for asylum. Similarly, Sujoy attributed his success in the asylum interview to his linguistic competence: 'People in a subconscious way have Western parameters, in speaking English fluently I didn't fit the stereotypes'.

To return to the topic of belief, a number of the NGO professionals were convinced that the role of faith in the home country was either an institutional blind spot or a subject of wilful blindness. Lemma spoke of an outdated religious education in Norway:

There is a difficulty in understanding faith and that has really affected the asylum processes. I'm part of the struggle now to help people [in Norway] to unlearn this classical sociology of religion idea where we say, with modernity, religion will be outdated and it should be restricted to a private affair and it has nothing to do with work and rights, and all the others stuff. I'm saying, 'hey, that is the most wrong way to look at it'. Religion affects every aspect of me. It affects the way I behave, it affects what I say, and it affects what I don't say. (Lemma, NGO professional)

Lemma felt that these misunderstandings were most pronounced in claimants from Islamic countries:

We've tried to warn immigration authorities that for you it is easy to assume that you can live in that country with minimal expressions or living more discreetly. *But you don't have to do anything to be uncovered.* You don't have to do anything ... Not attending a prayer five times a day would by default define you because you are *not attending* those things. You are then, by default, an apostate. Yeah, you are. You are a rejector. You are not following the tradition. You are not being part of the normal life in that society. (Emphasis added.)

In line with Lemma's description, one of the claimants in this study called Ali emphasised that even if it was possible to perform some of the time 'you can't be an Oscar winning actor every day and there's a limit. If you do a bad performance on a certain day then that can have repercussions'. During Ramadan it is prohibited to eat in the day. Ali noted that it would only take a neighbour to notice the smell and sounds of cooking for him to be incriminated. Further, when the prevalence of religion infuses daily language, how is it possible to blend into the crowd without performing? Lemma claimed that

85% of the world has various forms of expressions of faith in their languages ... [and that in Islamic countries] neighbors, brothers and fellow neighbors, sons and daughters, use expressions which Norwegians don't

fully understand. They say ‘inshallah’ [if Allah wills it], ‘I will go and do this today, inshallah’, and ‘I will do that tomorrow, inshallah’. For the Norwegian bureaucrat who is addressing it this causes confusion.

Clearly, in this context, inaction can be a potent form of communication and subsequent persecution. Choosing to disengage from local customs of religiously infused speech could be detected immediately. Therefore, as Jonathan (NGO professional) argued, to send a claimant back to their home country was to offer the cruel dilemma ‘of returning back to silence or persecution’. Even though transnational guidelines explicitly state that asylum seekers should not be expected to hide their beliefs, political views, or sexuality, it is still routinely suggested that protection is not afforded to those who could otherwise keep a low-profile. This is also phrased as the option of claimants to adopt a more ‘modest’ lifestyle. In Norway there is a strong preference to give protection only to those identified as having an influence in their faith/non-faith circles. As Jonathan put it:

They think that to be in need of protection you have to be a leader. Also, in the current regional information that they look at, it says to receive protection you need to be a leader, or an active missionary. You have to be more than ‘ordinary’ to get protection. You have to be a part of an international network that is doing missionary work ... But the definition of a leader is unclear, and we’re not agreeing about how the definition of being a Christian leader in Iran for example, should be different, because the situation in Iran is highly risky.

Much has been written about outdated, misused, or limited Country of Origin Information reports (see Bodström, 2023), and the findings in this study reveal similar shortcomings. COI is routinely consulted by assessors to understand the context and seriousness of issues raised by claimants. But Claire (an NGO professional) felt that the line of assessor questioning often reflected a ‘severe lack of literacy about the treatment of the non-religious’ perpetuated by COI that was deeply flawed and uncritical.

You might be a Christian in Pakistan but there’s no way to live as openly nonreligious in Pakistan, you can’t even register being nonreligious on census information ... so how do you assess the size or demographics of this information if there’s no official means of even measuring it?

Boswell (2009) convincingly shows that COI reports have a legitimising function enabling assessment agencies to evidence confidence in their decision-making even if they are factually unfounded or outdated. Martin, a Dutch NGO professional, felt strongly that there was poor understanding that a person from Pakistan might be nonreligious:

Humanism is not something that is only happening in in the West, but also in the whole world. This comes from lack of knowledge and also a kind of prejudice to relate a person of a particular skin colour only to the majority religion of their country.

Martin critiqued the tendency for such ‘easy diversity’, by which he meant a limited form of inclusivity where coarse, mainstream groups are identified as legitimate (e.g. imagining Indians as Hindus). In his assessment, nonreligious groups fall outside this framework which aims to ‘make the world very simple’. Taken together, this section has gone into some detail to reveal the swathe of assumptions, and blind spots, embedded in institutional approaches to cultural difference.

TRoubLED LOGICS AND TRoubLING QUESTIONS

A key assumption emerging from the above is that belief is a private affair—as normalised in most of Northern Europe. By corollary, nonreligious claimants could ostensibly *choose to be more discerning* in their actions and less provocative to their religious neighbours. Assessors have trouble understanding the logic of nonreligious claimants because of their own localised view of religion and its role in the fabric of life. This section attempts to expose the difficulties assessors have in understanding the mindset and actions of claimants.

A similar point arose in the discussion above concerning narratives of change: explaining change in one’s belief through powerful visions and was not well-received by case officers. Because religion is not founded on epistemic logic, it stands in uncomfortable relation with the mechanics of asylum assessment. Lemma provides a concrete example which shows, as he put it, the ‘completely different starting points in terms of understanding the mind, and the failure to understand what motivates different groups of people’. He expanded upon his point:

To understand the way faith works in the lives of asylum seekers involves a lot of decision making. From one perspective, there's a lot of risk-taking and dangerous looking decisions. Think of the risk you take when you jump onto a plastic boat. But there is a strong faith aspect in it. There is a lot of religious aspects to it. Assessors ask questions like how? Why? And what is the logic for you to jump into this boat? They think in their so-called rational terms but what they don't see is somebody is thinking in faith terms. Yeah, it's a completely different way of seeing it. They might say 'this plastic boat can carry me over to the other side. By Allah's power, by God's power'. (Lemma)

Similar 'rational' tendencies are reflected in questions that are posed during formal interviews. It is clear that the primary orientation for assessors is a rational-actor model of action. For context, rational-action is marked by the idea that 'Individuals are seen as resourceful actors *who select from sets of alternatives*, while constraints and opportunity structures impose restrictions on their choice. A cost-benefit approach underlies the decision-making process' (Haug, 2008, p. 586; emphasis added). Nonreligious worldviews were subject to a similar kind of scrutiny. This is particularly salient in Faryal's response to two questions she received about her 'decision' to change her belief: 'They asked me why did you choose to be an atheist? My mind is not going to accept that question, you might as well ask me how did you choose to be a woman?' Faryal challenges the very premise inherent in the question that being an atheist was a choice among a set of alternative options she could have selected. A similar pattern was observable later in her interview when she describes the 'most disturbing question' put to her:

They asked me: 'If I knew about blasphemy laws, why did I choose to start an atheist organization?' [Her tone becomes indignant and angry at this point] Ask my brain! Why did my brain make me do it! It was not making sense to them. They were saying 'but why did you choose this path?' I said, I won't be shattered and shamed by my first husband.

Rather than accepting the assumption that she chose to start an organisation—recklessly in light of the dangers—Faryal is demonstrating how her *life experiences of oppression led to and forged her resistance*. In her narrative, there is no choice between a logical set of alternatives but rather a feeling of being oppressed and standing up for herself. A similar sentiment

was shared by Rumi, who even when her life was being threatened in Bangladesh said she had to keep on writing: ‘No, no, no, no. I’ll never cover up myself up or hide my writing’. There is a striking dissonance between how assessors imagine decision making in the world and how claimants describe their experiences. Often, these descriptions misalign with the ‘rational-action’ mindset.

Furthermore, a key point implied in the rational-actor approach is a suggestion that *belief is an accessory in the lives of claimants rather than integral to their sense of identity*. An accessory can be picked up and put down, but a fundamental belief is central to being and cannot be understood in the same terms. Drawing a parallel with sexual identity, Jonathan felt that the implications of a person’s belief are far-reaching:

I think that it’s the same way as your sexual orientation. It gives resolution in how you think politically, it gives you resolution in how you’re acting in the world. It decides who you meet and where you spend your time ... How you choose as your wife, perhaps? It has an impact of what you do in the evening. It is more than just a political statement. You can often change your political statements, but you very rarely change your sexual identity. And I think that is more or less is the same with belief.

There is a resonance here with the way in which the classic liberal view of free speech imagines a single voice speaking out to anonymous strangers. This creates an idea of free speech that is ‘uniformly individualist’ (Candea et al., 2021, p. 8) and overlooks other ‘cultural possibilities’ of free speech (8). This is relevant because rather than speaking to an anonymous crowd, some variants of public free speech seek connection: ‘accessibility—epitomised on platforms like Facebook—[is] experienced by their participants as collectives structured by links extending from close friends to distant acquaintances’ (Candea et al., 2021, p. 11). The idea of speaking to, and being supported by, sympathetic online communities is highlighted in Faryal’s story. It will be recalled from Chap. 2 that after losing a custody battle for her daughter where she was left feeling ‘shattered and traumatized’, Faryal founded an organisation connecting atheists around the world. She arranged a number of events and felt an unprecedented level of communality and affection. When assessors ask claimants to explain why they chose particular behaviours, they overlook the degree to which individuals feel they are serving a greater good (or higher power) beyond

themselves. There is a difference, then, in feeling free to speak and *feeling compelled to speak*. Though operating in a completely different time and context, this is reminiscent of the YWCA's stand against racism in the first half of the twentieth century, where the organisations':

sense of being compelled to act gave women an intensity, a fervour, which overcame other powerful cultural messages of racism and silence and gave them a clarity of purpose and courage to act. Their voicing of the moral argument was unending, coherent, and powerful. (Cochrane, 1991, p. 57)

In spite of the above, there was a sense of progress in Norway. According to some, better questions were now being asked during interviews than in the past: 'we have the understanding that it's not a knowledge test anymore' (Jonathan). However, in Sweden it was still common to hear reports of inappropriate 'knowledge' questions. In his capacity as a Pentecostal pastor and reluctant activist, Cain assembled a list of controversial questions that his church members had received over the years: 'I know the SMA have had a list of knowledge questions, even though they deny they have such a list. But you can see it because it's the same questions appearing again and again'. Cain shared a range of such questions where claimants, for example, were asked to explain the meaning of the holy trinity—something he said which is fiercely debated among educated theologians. He felt that such questions miss the point that religion is about the heart and emotions rather than scholastic insight. Further, alongside complex questions exist a range of 'trap' or 'trick' questions. Cain mentions that many of his church members left their prior faith because of violence in their home country and the perception that religion was catalysing this violence. But assessors counter this claim with the following:

They say 'what about the Christian crusades?' ... many of the Afghans are saying 'I don't like the violence of my country and old religion and I want to leave that. Now I find Jesus and Christianity and its peace and love. And then assessors can say 'there's a lot of violence in Christianity in the old Testament so you haven't thought this through?' (Cain)

Once again, the discussion of knowledge questions is framed by practitioners in the context of Christian conversion cases primarily. Far less is understood about the extent to which the nonreligious routinely face

similar questions. Faryal did, however, offer a highly apposite example from her assessment interview in The Netherlands: ‘They asked me what’s the difference between an atheist and an agnostic?’ It is not clear why claimants should be assessed on their competency in verbalising other belief-based positions beyond their own beliefs and lifestyles.

INSTITUTIONAL BAR-RAISING AND SHIFTING GOALPOSTS

Increasing suspicion of asylum seekers in Europe has contributed to the ‘disqualification’ of their words and stories (Fassin, 2011, p. 288). Anna-Frid—who had decades of professional experience working in the Swedish asylum system—felt such suspicion was compounded by an ‘expertise deficit’ in the wake of the 2015 crisis.

The system was not scaled to process this many people. Extra employees were drafted in. There were crazy visual checks for asylum age, staff were not trained or aware of the consequences. Interpreters were just picked without thought. We used to have dedicated country experts, now almost everyone is a generalist. Some questions are completely irrelevant for that country and situation.

Aside from the reported dilution of assessor competence, the bar has clearly been raised for evidentiary thresholds: ‘Stories that would have been successful are now rejected’ (Anna-Frid). Nonreligious claimants have to circumnavigate increased scrutiny *and* expectations that their stories are sufficiently nuanced:

If you say something like: ‘I was critical once of the government and I was beaten if I wasn’t good enough. I hated it every day, and when I came here I didn’t have to do it anymore, and I have always connected Islam to violence’. That kind of explanation is just not good enough. For the individual that’s more than good enough for leaving a faith. Usually, the assessor just says something like ‘that’s more about the society than the religion itself’, ‘Or that’s just a negative approach to the culture where you are from, but not about the religion itself’. But for the person, all they know about their religion is their experience. You need a more intellectual and theologically elaborate answer. (Axel, Lawyer)

One of the most difficult challenges for the nonreligious is telling the ‘right’ story. To some extent, telling the right story might be reimagined as the ‘impossible story’ because the criteria appear multiple and

contradictory. On the one hand, there should be a degree of *novelty*. This is arguably easier at the start of a particular series of claim types when there is peak level of interest. Teresa, a Christian advocate and politician, explained that: ‘In the beginning it was easy because immigration didn’t have the knowledge of conversion cases either: the applicant would say, ‘I’m a Christian’, and they would respond, ‘Okay, the law of apostasy is valid in Afghan and you cannot return’. But as conversion claims increased in frequency the level of interrogative questioning increased alongside it. Assessors began to feel compassion fatigue and suspect that successful stories were being shared as templates.

Alongside demands for novelty, the asylum story is simultaneously expected to follow an institutional script. Jacobs and Maryns (2022, p. 13) note a ‘tension between the suggestion of narrative choice ... and the underlying expectation of a factual reconstruction of the events in the form of a report’. Asylum seekers attempting to convey their experiences ‘express surprise when they are confronted with examiners who cut them off at the first sign they are veering from the script’ (Jacquemet, 2011, p. 480). The institutional script applies both to the structural form of the interview (e.g. the kinds of questions that are asked, interruptions to ask probing questions, expectations about how stories should be told) and the content of the interview (the kind of information that is considered ‘correct’ based on country information and in dialogue with prior cases).

In an argument that is particularly germane to this chapter, Liodden (2020) states that asylum assessors are in the business of ‘pattern recognition’ wherein they struggle to separate the individual case from the broader set of similar cases. The volume of cases that form a set, Liodden continues, can create shifting thresholds and lead to a situation where ‘stories down the line are probably evaluated according to somewhat different criteria than those at the beginning’ (661). Even though there is supposed to be ‘non-comparative’ justice that treats each case individually, this did not reflect the reality on the ground. Liodden (2019) shares an example of a caseworker who reportedly ordered a pile of her ‘cases with claims from the same country and categorised them. She tended to establish the clear rejections first. Once they had been established, it was easier to assess the rest’ (249). In Norway, Jonathan gave a substantive example of such case-set effects over time:

One of the arguments that the state uses (and also in the court appeal cases as the legal representative) is to say that ‘we have seen that when there are many cases that get a positive decision from Afghanistan because of conversion there is a rise in people falsely saying that they’ve also converted’. So they’re also kind of painting a general picture in the assessment decision. This is not an individual thing anymore. Of course it should be an individual assessment of your credibility. (Jonathan)

The assimilation of nonreligion and conversion cases forms a different kind of case-set, where similar kinds of claim are subsumed into one another independent of the country of origin. Thus, nonreligious cases—which are low in number—may face a further impediment to a fair hearing of their cases through comparison. Further, it appears that groups of asylum claims (e.g. ‘Bangladeshi bloggers’) form institutional waves where a peak level of interest is followed by gradual deterioration. In this argument, Liodden’s (2020) notion of a case-set is not just about the quantity of cases but also about the temporal sequencing of cases as existing in discrete episodes. The ‘shelf-life’ of certain claims appears to hinge on processes of narrative entextualization that ratchets-up over time. This is executed through various techniques of disfigurement, dissection, and gradual disqualification of the word and story.

This paradoxical expectation of originality *and* institutional conformity in the narrative creates opportunities for assessors to set fatal traps. Furthermore, that these binary expectations are unstated before the interviews—unless interviewees are able to mobilise experienced legal counsel—seems particularly disadvantageous to those with limited linguistic skills and resources. In her highly relevant argument, Green (2023) notes a fundamental paradox explaining why asylum rejections have become more common over time. She explains that at the heart of human rights guidelines is the idea of the refugee as an exceptional figure: ‘By definition, asylum seekers are people who come from somewhere else and are asking for exceptional leave to stay in a territory to which they do not normally legally belong. In that sense, claims to asylum are always exceptional.’ But as asylum applications have rapidly increased in frequency, they cannot be adjudicated as exceptional. That is, exceptionalism is an attribute that belongs to a low number of people and not to large groups. In her words,

I have suggested that asylum seekers are collectively placed under suspicion when the number of applicants for asylum rises beyond the level of being exceptional from the perspective of officers of the state who process these claims ... I have suggested that asylum seekers are collectively placed under suspicion when the number of applicants for asylum rises beyond the level of being exceptional from the perspective of officers of the state who process these claims. (Green, 2023, p. 196)

SUMMARY

This chapter reveals how cultural assumptions embedded in the assessment process leads to misinterpretations and unfair judgments of nonreligious claimants. Further, Northern European biases towards logical narrative, rationality, and chronological evidence deeply impact how evidence is interpreted. Such biases are rarely made visible in the assessment process, but this chapter has attempted to reveal them. The expectations of producing a linear, logical narrative of conversion (or deconversion) does not align with most claimants' direct experiences. This can lead to their stories being dismissed as incoherent or lacking credibility. While the chapter recognises that some challenges are clearly universal across all asylum seekers, such as suspicion and stringent credibility tests, it also emphasises the unique obstacles faced by nonreligious individuals. These include the difficulty of articulating a lack of belief in a system that expects clear narratives of religious conversion or affiliation.

The formal language of assessment institutions in all three countries presents an evidentiary neutral and accommodating picture that can be summarised as 'evidence-hearing'. For example, the Swedish Migration Authority website states: 'We assess each application individually and the applicant must in different ways prove the information specified in the application'. This model of evidence-hearing ostensibly gives scope for *all kinds of stories to be considered fairly*, enshrining the sovereignty of the individual. In Norway a key guidance document published by NOAS says: 'The most important information in your asylum case is the information you provide yourself. You are responsible for providing the Norwegian authorities with the information necessary to assess your need for protection'. But the direct evidence of those experiencing, and working in, the system suggests something very different: evidence hearing morphs into 'evidence-making'. Evidence-making transforms the asylum story by

enforcing all kinds of latent rules and standards, including the intrusion of external information (e.g. other similar cases that have been heard before) onto the individual case. Where evidence-hearing is passive and neutral, evidence-making is active and prone to bias. By describing the scope and scale of such evidence-making in detail, this chapter contributes to recent academic accounts that reveal the oblique nature of asylum assessment and the ubiquitous nature of suspicion in the process.

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Emotions

Abstract Chapter 5 examines the affective dimensions of the asylum process, considering the emotional challenges faced by assessors, the emotions expected of and felt by asylum seekers, and the institutional framing of emotions. It discusses how the demand for substantively demonstrating belief leads to extreme actions by nonreligious claimants in creating evidence to support their cases. The chapter emphasises the pressures and emotional environment surrounding asylum decisions. By analysing the emotional landscapes navigated by all parties involved, it highlights the need for more empathetic and psychologically informed approaches within the asylum adjudication system.

Keywords Emotions • Asylum process • Institutional framing • Emotional challenges • Social media

This chapter sets out to explain how emotions in the asylum process can be revealing. In some ways it extends the argument in the previous chapters about damaging evidentiary assumptions and expectations, but shifts the emphasis to ‘emotional presumptions’. Further, it tries to broach emotions from various directions. We may ask, whose emotions exactly are important in the asylum process? Emotions are not always discrete in practice, given that feelings often circulate and flow between different groups

of actors fluidly. Still, categorical divisions can be instructive, and therefore, this chapter will consider the emotional challenges placed on assessors; the emotions expected of, and felt by, asylum seekers themselves; and the institutional framing of emotions in the context of ‘border politics’.

The expectation that claimants should materialise their beliefs—always an acute challenge for nonreligious cases—has far-reaching and unexpected consequences. A key guiding question here is that given the demands of substantively demonstrating belief, are the nonreligious more likely to ‘stage evidence’ in an attempt to elicit strong emotions? In attempting to answer this question, the chapter introduces two accounts of men who burned the Quran and recorded themselves doing it. Both men received negative asylum decisions and were attempting to appeal their cases. As the argument documents in detail, it was the emotional experience of desperation in the face of rejection that led these men to take up more drastic modes of expression. In this sense, there appeared to be a kind of institutional pressure cooker that directed their behaviour. After introducing these ‘explosive’ cases, the chapter engages with emerging and existing arguments about the role of so-called fictional and virtual emotions. This is strongly reminiscent of Kobelinsky’s (2014) argument that some applicants understand that the asylum hearing is a ‘staged event’ where they are expected to ‘perform their refugeeness’ by offering ‘material support, objects, performances, to evoke an emotional response’ (256). This chapter takes these arguments further by showing how social media is increasingly a channel for expression and performance of emotion. This reflects a novel and dangerous development in the formulation of asylum evidence. The main questions here, then, are: why are ‘nonreligious’ asylum seekers staging their evidence in more extreme ways? What are the conditions that preceded their risky actions? And finally, what are the collateral dangers of such staging?

ASSESSORS AND THE PRESSURES OF DECISION MAKING

Scant attention has been paid to the challenges of actually screening the exponential numbers of asylum seekers in the years following the 2015 migration ‘crisis’. Salgado (2022) draws attention to the broader ‘emotional environment in which specific decisions are taken, and the interaction of this with emotion-based frames and strategies’ (36). In his argument, Salgado notes a binary contextual frame in response to recent reform changes:

While in 2015 *a wave of empathy* contributed to the success of the humanizing and naming and shaming strategy, and to *the institutionalization of compassion* with the adoption of the relocation system, at the beginning of 2016 *a climate of terror* seems to have contributed to the success of fear-mongering and to the institutionalization of fear. (2022, p. 56. Emphasis in original)

While both of these positions—compassion and fear—were recognisable in this study, the latter held far more sway, especially in the responses of major media outlets. Much has been written about the pejorative ways in which asylum seekers are portrayed in the media. These groups are commonly presented as ‘masses’, ‘hordes’, ‘criminals’, ‘pollutants’, ‘diseased’, and as a general social danger (see Alarcon et al., 2019). The language used often evokes warfare (as in *border defence, occupation, invasion*) or natural disasters (*flooding, tides, waves, swamps*) (Galantino, 2022). As a group, refugees and asylum seekers are routinely criminalised. Innes (2010) notes ‘the regular portrayal of asylum seekers as criminals has functioned to justify the restrictive measures’ and legal changes. This often takes the extreme of associating refugees with terrorism (Innes, 2010). Further, Bleiker et al. (2013) capture a problematic trend in photographic representations in the media to depict migrants in crowds rather than as individuals. Through a study of hundreds of print media images, they found that only two per cent of images show individual asylum seekers with clearly recognisable facial features. Instead, the images are far more likely to show medium to large groups of asylum seekers; frequently taken from a distance and travelling on boats. This ‘visual politics’ is significant because of the established evidence that ‘close-up portraits are the type of images most likely to evoke compassion in viewers. Images of groups, by contrast, tend to create emotional distance between viewers and the subjects being depicted’ (2013, p. 399).

Taking all this together, it is clear that border politics is emotionally charged and looms over individual case officers. Gill (2016, p. 142) points out that in Britain, frontline assessors fear that acting humanely would lead to being spotlighted by the tabloid press. The threat of being labelled ‘unduly lenient’ is potent source of stress. Assessors’ voices have been somewhat underrepresented in this research thus far. Engagement and participation with assessment agencies were extremely strained during the fieldwork. Multiple requests for interview were declined though two former case officers did agree to participate.

The divergent nature of the pressures placed on assessors is hard to understate. Baillot et al. (2013) describes the fundamental cleft in their work:

This discomfort reflects a broader tension that may be experienced by... personnel tasked both with upholding the organizational aim of maintaining effective border control (the UKBA's most recent slogan was 'Securing our Border, Controlling Migration') and determining refugee status on a case-by-case merits basis, ostensibly without regard to political priorities or quotas. (2013, p. 527)

The coexistence of these two responsibilities (to the state vs claimants) seems irreconcilable and explains the decisions that assessors make. In the previous chapter, 'case-set effects' were described as a form of evidentiary malpractice given that cases are ostensibly treated on individual grounds. But here it is relevant to consider the emotional dimensions of such practices in light of the split in responsibilities articulated above. From this vantage point, again following the arguments of Baillot et al. (2013), 'case hardening functions ... as an emotional coping strategy'. Various strategies of detachment were observed in this research. Dom, a former case officer for the Swedish Migration Agency, explained how 'in the working culture things get normalized. For example, in the ways in which we talked about asylum seekers as *clients*'. Case officers continually hear stories about pain and trauma, and the possibility of emotional contagion and vicarious trauma for workers in this sector is ever-present (Ebren et al., 2022). Dom added that the frustration and desperation of asylum seekers was often visceral: 'not everyone is nice either, often people would be banging on the glass [of the reception desk] in rage'.

Having default modes of decision-making can be viewed as a self-preservation strategy in the face of traumatic material and intense working conditions. In this light, it is easier to comprehend how institutional buck-passing, deferring to chains of command, and various other methods of 'seeking refuge in the faceless formality of legal principle' (Baillot et al., 2013) function as ways of finding relief from the emotional load of making individual decisions on each claimant's life.

NONRELIGIOUS EMOTIONS?

When it comes to atheism claims I would not say it's emotionally based. Often it's based on rationality, a person is educated in Sweden and turning to natural science and a lot of people are saying they studied the big bang

and Dawkins and saying this is how I got my wake-up call. A lot of people are saying ‘it’s so nice to be free. It was never meaningful for me to pray and fast’. I think my experience of emotion is when it comes to women ... and the explanation of being free in Sweden, it’s about not having to hide your body, to be silent. That could be emotional. Generally, the emotions are more common when it comes to conversion to Christianity. People say ‘I loved being baptised’, ‘I loved the community in the church’. That’s more common. Emotions are larger elements at play in those stories. (Axel, Asylum lawyer)

Axel’s account reproduces stereotypes about the nonreligious as closely aligning to the New Atheist movement. In this view, atheists are akin to hard-nosed rationalists that adopt a worldview which is dispassionate, extolling the rigour of scientific method. In line with Axel’s position, Sujoy felt it was helpful to present himself as cool and stoic in the interview to avoid being seen as ‘a wildly emotional Bangladeshi’. This emotional disposition helped him to align with what he called ‘Western parameters’ which he felt were at play in the interview. However, it is not clear whether such forms of emotional disavowal are advantageous, or indeed a barrier, to case progression. One risk for nonreligious who do attempt present their cases with flattened affect is that they might fail to convince others of their victimhood. As Griffiths puts it:

‘Genuine’ refugees are expected to express emotion in a certain way (not exaggerated but not cold), have been motivated solely by fear, and to conform to assumptions of vulnerability (appear victimized and coerced), leading to fetishized figures of passive ‘suffering bodies’. (2024, p. 90)

On the other hand, strong forms of unregulated emotional expressivity in relation to belief are not always persuasive or well received. There is a long-held historical tradition of dismissing women’s and particular ethnic groups as unduly emotional, hysterical, irrational, and even dangerous (see Ahmed, 2014). Kobelinsky’s (2014) work on asylum courts in France suggests that assessors and judges have a far more ambiguous, even haphazard, set of internal convictions about the ‘right’ kinds of emotions to be displayed; the precise timings of emotions; and the modes of expressivity that should be evidenced during hearings. Thus, having a propensity to express one’s emotions when giving evidence is no guarantee of success or sympathy—such institutional expectations are discussed in more detail in the following section. For current purposes, the evidence points towards the deeply subjective nature of assessment.

The important point, however, is that the framing of nonreligious persons is limited by defaulting to the emotionally bereft New Atheist stereotype. It constricts the range of possibilities that enables the nonreligious to be institutionally ‘seen’ in their uniqueness. A similar point was made in relation to the recurring ‘atheist convert’ phrase discussed in Chap. 3. The various descriptive terms that imperfectly describe nonreligion, including rationalists, humanists, nonbelievers, freethinkers, secularists, atheists, all accent different forms of belief and passions that cannot be contained by one template. This critique stands even if the working template—of the emotionally taut New Atheist—does hold in some cases.

The pejorative notion that nonreligious claimants lack emotion inaccurately represents the men and women in this study. It will be recalled that the portraits described in Chap. 2 convey a wide repertoire of emotion states. For example, in understanding the reasons why interviewees left their home countries, the stories were full of emotions like fear, anguish, crippling sadness, bittersweetness, anger, and rage. Rather than extolling a kind of intellectual war on ideas, my interlocutors described deeply personal stories of persecution where they were betrayed by the people closest to them:

All my relatives including my parents, both on my paternal side and my maternal side, they all called me *nāstika* (atheist) ... My father and my uncle, my mom, they all said they’re ‘going to kill me’. They decided they are killing me. My own father, really! Two times they came for me and two times they were attacking me. (Rumi)

Some claimants struggled deeply with their emotions when traumatic material was broached during the assessment interview:

In that moment the question was horrible, I started to explode and my response was of course I was scared. Of course I had it with me and I really didn’t realise it until this moment. And I started not even hearing her [the case officer], and she said ‘I’m announcing a break’. A friend came and [my lawyer] started to react and then took me from my chair and I just don’t remember the rest. I was in the waiting area lying down. I opened my eyes and a saw my lawyer’s face without a mask on the chairs ... looking at me ‘are you okay? Are you capable of continuing? We can find other ways?’ This was the first time her eyes were open after seven hours of listening to my life journey. I was born in the wrong place at the wrong time. After seven hours she saw what I’d been living with. (Anahita)

This section emphasises that nonreligious individuals, contrary to being emotionally detached, experience a wide range of emotions that are deeply tied to their personal narratives and experiences of persecution. This diversity in emotional expression needs to be recognised and respected during the assessment process. By doing so, it is possible to move beyond the New Atheist stereotypes and pigeonholing nonbelievers into narrow, emotionally bereft moulds. This limited framework fails to capture the complexity and humanity of their experiences.

STAGING: A RESPONSE TO THE INSTITUTIONAL MANAGEMENT OF EMOTION

In this section, two cases will be introduced where claimants attempted to take matters into their own hands and produced ‘staged evidence’. This polarising evidence incited both sympathy and hatred on social media. However, such staged evidence does not appear to occur in a vacuum but is incentivised, or indeed disincentivised, by the prevailing assessment conditions in the receiving institutions. For example, Gill (2016) noted a culture of estrangement and indifference in the assessment processes he observed. However, his significant contribution is in highlighting how such processes co-opt, rather than eschew, emotional dimensions of the work. In his words, ‘emotions are compatible with, and sometimes central to, the mechanisms through which indifference is achieved’ (Gill, 2016, p. 141). It is *not that institutions risk being indifferent* to asylum seekers’ stories but that *case officers’ emotions reinforce processes of indifference*. Griffiths (2024) develops the work of Gill in important directions by focusing on what she terms the ‘weaponization’ of affect:

The weaponizing of affect is a constitutive feature, not an accident, of the immigration system. Unrelenting disbelief, aggression, humiliation, fear-mongering, and indifference affect people’s mental health, relationships, legal cases, and personhood. It frustrates, worries, confuses, shames, distresses, and angers people, disarming their ability to represent themselves, argue their cases, remain engaged, think clearly, or communicate effectively and consistently. This restricts people’s ability to navigate the system, trust the process, or appear ‘credible’ or sympathetic. Scores have told me they believe that their emotions are purposefully manipulated, heightened, and then ignored in order to provoke them to surrender or rebel. (2024, p. 97)

Through this process, emotions serve to create ‘the immigration system’s categories, hierarchies, and prejudices ... By degrading, dehumanizing, and disarming those subject to immigration rules, emotional governance creates people deemed simultaneously threatening, polluting, and irrelevant’ (Griffiths, 2024, p. 100). This theoretical reckoning with institutional emotion illuminates the two cases below where Ali and Saif burned the Quran. For both, this was largely motivated by a sense of desperation. Emotions, then, are at the forefronts of their action. Through their drastic actions they hoped to secure a positive asylum decision. However, considering the weaponization of affect described above, the extent to which their actions were ‘self-generated’ or ‘state-authored’ is not wholly clear. One of the unintended consequences of the widespread ‘culture of suspicion’ in asylum assessment, then, is that claimants might be resorting to new, extreme forms of evidentiary practices.

Ali and Saif: Two Cases of ‘Staging’ Belief

Staging belief has a self-authored aspect that marks it out as distinct. Staging combines with the savvy use of social media platforms to locate its target audience. Staging can be seen as a user-led, creative, and often explosive use of social media to formulate evidence that is presented precisely to document a particular evidentiary point and elicit a repertoire of emotional responses. Emotions are implicated both in the response to these media productions and in the motivations that fuelled the urge to stage. In these two cases, the staging is a desperate response to receiving a rejection decision.

In a forest in Northern Europe, a man talks directly into the camera. For a few minutes he outlines the various reasons why he feels he must burn the Quran. Ali says it’s the only way to secure a successful asylum decision. It is wholly clear from the beginning that this book burning is being undertaken with solemnity and a degree of regret rather than in anger or celebration. The act, which has been uploaded onto various social media platforms, occurs late in the claimant’s application having already received multiple refusal letters. (Video footage of Ali, fieldwork notes)

When asked directly why he decided to burn the Quran and film it on his smartphone, Ali mentioned the imperative from the appeal court that he must return to his home country and be silent about his atheist beliefs.

This instruction contravenes the guidance set out in Article 9 of the European Convention of Human Rights laws that emphasises the right to manifest one's religion or belief.

They told me to go back to [his home country] and keep a low profile ... that I don't have the same needs to express myself as those who convert to Christianity. One can say that this really pissed me off. That's the word to describe it. It felt like I had like to make my voice heard and not just let all that be swept under the rug as there's 1000s of cases like mine. Another one of those people coming to claim asylum. In their view it was just some routine case so I felt the need to not let that just go unnoticed. I thought that was crazy that they could say that ... it was shocking at first that I could read this in a court document essentially requiring me to keep my mouth shut. I don't like it when people tell me to not say what I think.

I: they're not supposed to tell people to do that?

Yeah, it's crazy. They are not arguing that I will be safe there, they are explicitly writing that I need to keep my opinions to myself in order to stay safe from the public and the authorities. So they know that if you speak your mind you will be in trouble.

The most enraging aspect of this demand for Ali was the degree of ignorance it evidenced in how Islam functions in his hometown. Religion is woven into daily life in ways that are near impossible to avoid. Absenting oneself from quotidian prayers, especially on Fridays, could automatically draw attention from others. Recalling an early chapter, inaction is a potent form of communication. Another part of the assessment which frustrated Ali was the perceived absence of procedural fairness.

I still had faith that this just can't be right. So we appealed to the high court and they didn't even like bother with it. They just said "This is good, we think this is correct". *They agreed with it instantly*. Someone else was reading it and thinking it's correct. This made me angrier and I realised that this can't just be brushed under the rug. (Emphasis added)

He felt that despite the extensive preparation and adherence to formal protocols in his appeal, it was treated with bureaucratic indifference. Ali explained that his despair was not primarily due to the negative outcome, but rather the feeling that the review was rushed and did not thoroughly examine all the evidence he had prepared. His sense of desperation was

about the lack of procedural fairness. The institutional response to his Quran burning video was effective in the sense that it ultimately appears to have overturned Ali's decision:

The migration board couldn't come up with a reason to deny it again. They took several months. I think they were considering several kinds of reasonings ... they were calculating how to respond. They couldn't say no, because it was clear that my security concerns were getting bigger and bigger. The more they told me to shut up the more I was outspoken about it.

I: Do you think that is that what the decision hinged on?

Yes, the silence part was no longer there. I wanted to eliminate that part. You can't go back and be silent after you burned a copy of the Quran on a grill. It's clear you've broken what are considered Islamic blasphemy laws in [his home country]. They know for a fact that you will not be treated well.

Ali's provocative video reflects the reality of cat-and-mouse games where the modification of benchmarks set by asylum bodies results in parallel responses from claimants to reach these new evidentiary thresholds. Even though Ali received a positive decision in the end, the appeal board still included what he perceived as a parting shot: '[In the final decision letter] they still had to add that "this person intentionally increased his security concerns because he created his asylum grounds ... We know that he created his asylum grounds"'. The gamification of the interaction was being explicitly brought to the surface.

The success of Ali's video could be attributed to the way in which it foregrounds his body and emotions as constituting a 'real', rather than abstract, human being. In this manner, 'images of the body thus come to stand symbolically for a range of emotions associated with suffering' (Bleiker et al., 2013, p. 406). His video generated wide support across the Swedish media, a fact that surely added an extra layer of pressure to the appeal deliberations. It seems incontestable that visual evidence is more compelling in its ability to 'activate related experiences and memories more strongly than ... words alone' (Greenwood & Thomson, 2020, p. 143). Social media productions have the added function of on demand 'perpetual storage and replayability' (Copeman & Hagström, 2022, p. 45).

However, Saif's case—in which he also burned the Quran on social media as a primary form of evidence upon appeal—guards against any simple reading of the power of visual media. Saif recalls that even though his inflammatory video generated strong support from the presiding judge, it was not taken as conclusive evidence:

I received lots of comments on social media about the video [including death threats] and a lot of religious insults in the social media comments. [The judge] was on my side, you know. But the [assessment authorities] said to the judge: ‘how we can know this is the Quran?’. The judge said to them ‘it’s clearly the Quran’. You can’t say it’s not the Quran because Quran is Quran ... But the [assessors] skipped this point and stuck with their comments ‘No, no, no. we cannot be sure it is the Quran’.

Burning the Quran is no royal road to receiving a positive asylum decision. In Saif’s case, assessors took issue with the substance of the evidence (e.g. doubting whether it was a real Quran) but, more importantly, with the perceived motivation. Indeed, Saif’s reason for refusal letter denies the authenticity and believability of the production. Reading from his letter, Saif explains: ‘It says “we do not believe you inside your heart and inside your consciousness that this is real” and “we don’t believe your convictions to be real”’. However, this evidentiary decision departs from transnational guidance. According to the Refugee Convention, in forming their judgement assessors are asked to consider the extent to which any actions or behaviours could lead to persecution. Is there grounds to justify that burning the Quran in Europe creates ‘a well-founded fear of being persecuted’ in Saif’s home country?’ Given that Saif could evidence hostile responses to his video, this criteria appears to have been met.

Clearly, assessors across Northern Europe want to avoid a circumstance where they have to automatically greenlight a certain form of evidence and the risk of mirror-image templates. As Ali’s case above hints, assessors are keen not to feel like they have been outmanoeuvred. There is a sense of irritation that claimants having intentionally brought danger onto themselves. But this shift of evidentiary focus away from the Refugee Convention put an extra burden on claimants not only to evidence their case, but to do it with the ‘right’ emotional tonality. The inherent subjectivity associated with trying to express the correct emotions creates a further trap. Kobelinsky (2014, p. 265) found that ‘face-to-face encounters with applicants occasionally arouse emotions that come to be treated as [supporting] evidence and can in fact dispel suspicion’, but these instances were highly ambiguous and unpredictable. In this research, it was far more common to encounter situations where emotions, or the lack of expected emotions, enhanced suspicion or justified the negative decision. In Saif’s case, two possibilities could be contrasted: first, assessors truly did not believe Saif was genuine in his video production (e.g. it was a fabricated

belief) and found his emotional presentation suspicious. Second, even though case officers accepted Saif's belief as authentic, the emotional ambiguity of the video production (as a 'creative' piece) is used as an institutional 'check-mate'. Case officers can deny that the performance is convincing. It is a difficult task to appeal against the subjective inditement that 'we don't believe inside your heart'. There is no sense here in the decision letter that emotional presentation strategies could vary by culture, or that both Saif and Ali felt ambivalence and turmoil about their own productions. In Ali's words:

It didn't bring me any happiness to do that. I still actually care about the feelings of the people who now hate my guts. They consider me a betrayer and all that. I was still caring about that. It doesn't bring me joy to know they're upset. Some of those people were childhood friends and all that.

In the final section of this chapter, the rise of social media and online evidence will be considered and connected back to other aspects of the asylum journey. But to close this section, it should be reiterated that non-religious claimants have limited avenues to try and materialise their non-beliefs in the current assessment frameworks of Northern Europe. Jonathan, a sympathetic NGO professional in Norway, pointed out that in belief-based cases, far more could be done to consider the *lifestyles of claimants* (as opposed to intellectual aspects of their beliefs):

Absolutely, they should look for substantial evidence. You can do this by looking for evidence of meetings in church activities, and then for church activities that you've organized; and then activities that you have been using your Instagram to share and promote etc. In this way, you can evidence the Christian message through showing what you have been participating in. These are absolutely, material, substantial things that we can use as a proof. (Jonathan)

Nonreligious claimants lose even more ground here, because even if assessors do attempt to thoroughly explore their lifestyles and behaviours, the former have far less resources available to validate their beliefs. The lack of channels to explain and evidence their beliefs engenders feeling of desperation and despair. It is this reality that makes more extreme productions and staged evidence more likely. There are dangerous consequences to be considered too, as such evidence ratchets up the possibilities of

revenge attacks. The creation of explosive online material compromises claimants' safety *at any time* in the future. Saif reflected on the sensitivity and potential repercussions:

People talk. There was a lot of people who know that I'm a ... I don't ... I don't believe in Islam. And then I say bad things about Islam and also while I was in XX, they're watching everybody. They know where he was five years ago and wonder where are you now? So let's look at his Facebook page. Let's see what they have been writing about. No, it's gonna be so tough here, you know. You don't really know what's going to be your destiny? Not clear, you know. It's gonna be tough.

The silent, missing word, when Saif says 'I'm a ...' appears significant. He could not name *exactly* what he had now become to his former friends and countrymen—but it is clearly something ominous and transgressive. The repetition of how 'tough' it would be to live in his new home is revealing. Both Saif and Ali were now living in countries with active Muslim diaspora communities. Ali shared that

responses [to his videos] were very explicit, and some were scarily explicit, about what they want to do to my body. Even here if I go to a Muslim area I will get recognised and that will have bad repercussions ... I get some strange looks sometimes when I end up in those areas. I haven't had anyone come face-to-face yet [to confront me]. I have a protected identity here, otherwise your address is a public record. You can't just google it in my case, that's to prevent...

Again, the lack of a word at the end of Ali's account is telling, perhaps signifying an attack too unthinkable to verbalise. There is a historical precedent that Quran-burning incidents shared on social media can lead to violence on the streets and personal attacks (Al-Rawi, 2016). Staging, then, involves the riskiness of evoking very strong emotions in others, while simultaneously being borne out of feelings of despair. Despair can hardly be framed as unique to nonreligious cases and arguably this is the ubiquitous experience of asylum seeking. This section has nonetheless attempted to trace the unique contours and frustrations which apply to nonbelievers' claims in particular. That is, how despair and desperation manifest for the nonreligious and the collateral consequences of asylum bar-raising practices.

‘FICTIONAL’ AND ‘VIRTUAL’ EMOTIONS

The formulations of staging described above have few comparative precedents, especially in relation to nonreligious asylum claimants and the evidentiary process. In other areas of the asylum journey, however, a small number of examples do exist. Georgiou and Leurs (2022, pp. 679–680) document how smartphones are sometimes used by refugees to assist with identity work:

Sharing a staged image of his [a Syrian man called ‘Jack’] backpack, he explained what it represents: his desire to be seen not as a migrant but as a ‘regular person in the street’, while its staging against a backdrop of leaves reflected his appreciation of ‘the tranquillity of nature’, as much as his desire to ‘standout’ as an individual, who could compose a unique image with his phone’s filters.

The authors link such evidence to discuss a nuanced notion of ‘performing refugeeness’ and a related idea that

Migrants strategically move between the different ... histories they produce and the performative records of uprooting and settlement. In some cases, this reflexive engagement with different expectations for ‘authentic’ records either from their ethnic community or from the new publics they are part of is dealt with playful and subversive manipulation of meanings of authenticity. (Georgiou & Leurs, 2022, p. 682)

This kind of creative performativity has much to contribute to understanding the challenges of meaning-making in a new host country, and the continuous role of social media in asylum journeys. However, it does not attend to the ways in which such productions can be tailored *instrumentally* towards the eyes of asylum assessors in particular. A second example is set-out by Kaur-Gill (2023) who looks at migrant workers’ use of TikTok in Singapore to ‘navigate visibility in the context of hyper(in)visibility and invisibility in the host country’ (30). This kind of visibility work involves the strategic tailoring of content on TikTok to take some modicum of agency in their own storytelling. In Kaur-Gill’s words: ‘Workers’ creation and distribution of content on the platform became an avenue to extend digital visibilities in their formats of expression ... The user-supported platform with editability features leverages opportunities for subaltern knowledge production’ (2023, p. 42). These user-generated

productions bridged power asymmetries and, in some cases, created ‘a flow-on effect that can bolster efforts for social change through media activism’ (2023, p. 41). In this respect, Kaur-Gill’s work connects with the argument here: asylum seekers who stage evidence hope it will create momentum to support their specific cases.

Lewis (2014) articulates the most relevant example for current purposes in her study of gay and lesbian asylum applicants. Lewis found that ‘gay male asylum seekers in the UK are increasingly turning toward pornographic evidence of sexual orientation to prove their sexuality and thus resist deportation’ (2014, p. 960). The most important aspect of this finding is the perception among applicants that this is ‘*the only way* in which they can establish a credible claim for asylum’ (960, emphasis added). The motivation to present explicit forms of evidence has much to do with the assessment board’s pejorative assumptions about gay men, including expectations that their sexuality should be omnipresent in their lifestyles. Holding this assumption in mind, it is unsurprising that some asylum seekers anticipate it and produce, document, and present their sexual activity. Lewis argues that this dynamic has a number of consequences, not least for applicants who are more private about their sexuality. There is much in common here with the pattern of expectations and responses of nonreligious asylum applicants who feel they are coerced into creating evidence. This resonates with Griffiths’ (2012) statement that asylum seekers have a strong incentive to ‘adapt their narratives and identities to fit the system—to meet decision-makers’ requirements, expectations and assumptions’ (10). The staging of evidence described above takes this to an extreme and attempts to fulfil evidentiary criteria in an ‘undeniable’ manner.

Given that online evidence increasingly constitutes the substance of asylum evidence, and given that technology is increasingly prevalent in life, it is worth lingering on the changing nature of evidence presentation. To do this, it is possible to draw a distinction between ‘virtual’ and ‘fictional’ emotions to understand certain dynamics that have come to the vanguard.

‘Virtual emotions’ here mean the notable transition towards presenting asylum evidence online and the affective tone communicated in that evidence. This evolving realm of evidence takes Griffiths’ (2024, p. 84) study of ‘technologies of emotion within immigration bureaucracies’ in a far more literal direction. It raises questions about the ways in which online evidence might be systematically, as opposed to sporadically, incorporated

into asylum assessment. To what extent are online productions treated as evidence alongside more traditional narrative evidence? Given that smart-phones are ‘digital archives’ (Georgiou & Leurs, 2022) in which asylum seekers store their memories and experiences, this could be a source of indispensable evidence. Taken on face value, digital archives surmount some of the pitfalls of memory recall and the temptations to distort, or curate, personal accounts. Of course, such archives are also easy to manipulate, and the rise of generative AI software has created a seemingly limitless ability to deceive audiences with ‘deep fakes’.

By contrast to virtual emotions, ‘fictional emotions’ refer to an aesthetic debate which on first glance appears entirely oblique to this discussion. Fictional emotions are about the way in which the reality and substance of ‘real’ emotions in fictional works of art have been examined. The debate centres around an apparent paradox that most theories of emotion suggest we feel something on the basis of real-world outcomes in our lives (e.g. anger and not getting a job; sadness at the end of a relationship). How is it then that a work of art can move strong emotions in us, given it has no real-world ‘reality’ or outcomes? In short, fictional emotions are ‘all those emotions which are related to something fictional or imagined, i.e., to something that we do not take to really exist, to have really existed, and to really exist in the future’ (Summa, 2019, p. 1). One way to resolve the paradox (there are many others) is to argue that while the emotions may *appear to be real*, given the fictional nature of the accounts, this is merely an illusion. To turn back to our subject matter, it is this resolution of the paradox which appears most relevant to the attitudes of asylum case officers.

Indeed, while the evidence base here is limited, what has been uncovered so far points to a highly cynical institutional attitude towards self-generated media and emotional authenticity. This research typically captures the perspective of asylum assessors in isolation without understanding seekers’ own motives. Andreassen (2021, p. 6) found a kind of negative bias where ‘the immigration authorities [only] used social media content to discredit claimants’ narratives rather than looking for evidence in support of them. For example, LGBTQ+ claimants who did not appear to celebrate their sexuality on their social media pages were viewed with suspicion (Andreassen, 2021). Similarly, Thorkelsdottir (2021) shares accounts from assessors who cannot recall any examples of any positive social media evidence to support cases whatsoever. Online evidence is

scrutinised to an even greater degree when it is presented by applicants rather than discovered by caseworkers (Thorkelsdottir, 2021). In this study, Jonathan explained some of the arbitrary rules used to action this online evidence:

If only 10 people have pushed ‘like’ on a Facebook post, or something like that, then it wouldn’t have any influence. If you have 400 likes, maybe. But usually if it’s going to have any kind of real influence, you should have thousands and thousands of likes and friends and people again who are liking the posts. If you, for example, publish something on Instagram or YouTube I am told you need thousands and thousands of views.

The quantitative logic underlying such decisions is striking, given that just one radical viewer/commentator could lead to an attack or persecution; not to mention that online users may intentionally try to employ privacy settings to exclude hostile audiences. The point here is that case officers see expressions of online sentiments as unconvincing, ‘fictionalized’ emotions, as their starting point and turn towards arbitrary thresholds as markers of authenticity.

Given that traditional in-person narratives are treated with suspicion, it is unsurprising that the same attitudes extend to online evidence. However, while personal narrations *can* be convincing in some contexts, it appears that online evidence is almost *never* convincing (unless it is being used to contradict an existing narrative account). Problems of authenticity are magnified by online productions, rather than being treated as equitable forms of evidence.

However, even in cases where the productions do have a performative quality—as in the two Quran burnings above—is it not still possible that emotions produced are genuine? Case officers largely approach this evidence in terms of their own incredulous reactions, but this fails to consider the multiple audiences involved in such productions. For conservative and moderate Muslim audiences in the country of origin, such videos would not be dismissed as ‘created evidence’ in the same way. The inflammatory responses to such productions are all too real and jeopardise the safety of their creators. These enraged emotions should count in consideration of the evidence, but often this wider audience is dismissed as insignificant. The key argument here, then, is that most case officers begin from a position closer to ‘fictional emotions’ (that something *must* be a fabrication)

rather than understanding ‘virtual emotions’ (the proliferation of emotional material in online spaces). If case officers begin from a position of acknowledging ‘virtual emotions’, this could create a more balanced forum for evidentiary assessment.

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CHAPTER 6

Reasons for Hope, Reasons to Doubt

Abstract This final chapter assesses the future of nonreligious claims, highlighting the role of NGOs in raising awareness and supporting nonreligious claimants. It discusses recent policy developments and questions the precedent set by apparent successes. The chapter aims to provide a comprehensive introduction to the challenges and opportunities faced by nonreligious claimants, while also acknowledging the significant human toll experienced by asylum case officers. It calls for continued advocacy, research, and policy reform to better address the needs of nonreligious asylum seekers, ensuring that their rights and identities are adequately recognised and protected within the asylum framework.

Keywords Future of nonreligious claims • NGOs • Policy development

Given the critical tone of much of the previous chapters, the title of this chapter appears as a non-sequitur. Yet, for all the complications described above, many of the cases described here found success: even if it took several rounds of appeal and agonising periods of waiting. Much of this success has to be attributed to the dedication and support of key NGO organisations and the working professionals within them. In the small, but growing, area of nonreligious claims, these actors offer reasons for hope. These organisations champion the cause of nonreligious claimants and can

create the momentum needed to influence assessors' decisions. This chapter explores the complicated question of whether this work gives substantive, or fleeting, reasons for hope for the future of nonreligious claims.

CAMPAIGNING AND NAVIGATING

Having the support of an established NGO is indispensable for asylum seekers as these organisations have a 'feel for the game' and understand the importance of developing a successful 'script'. Indeed, the conceptual framing of 'working to a script' holds value in capturing the most general aspects of these claims. This involves paying attention to what they share in common, focusing more on the form of application preparation rather than its specific content. Successful claimants are typically aided by established NGOs and legal professionals—the support of which is often respected by asylum assessors. These asylum advocates prepare their clients thoroughly and combine their knowledge with intuition in important ways.

Building on the example of Bangladeshi cases in Sweden introduced in earlier chapters is instructive. Three high-profile NGOs in Sweden—Sweden PEN, Humanists International, and ICORN—all helped draw attention to the cases of so-called Bangladeshi bloggers in 2015. These organisations highlighted Sweden's rejection of Ananta Bijoy Das' visa application and his subsequent murder in Bangladesh a few days later. They all commenced detailed support campaigns, producing articles and video excerpts that adjudicated blame towards the Swedish Migration system: their pieces were regularly shared and accompanied by articles on major media outlets such as the BBC and CNN. Further, these organisations wrote detailed letters of support for individual Bangladeshi claimants, advocated for them, and offered other invaluable forms of assistance (e.g. finding lawyers and locating suitable housing).

The relative weight given to different institutional actors is redolent of Bourdieu's (1982, p. 60) point that 'authority comes to language from outside ... the social position of the speaker, which governs the access he can have to the language of the institution, that is, to the official, orthodox and legitimate speech'. The 'momentum of a big media article' (Lena, NGO professional) stirred by an NGO was crucial. This was observed in the case of these Bangladeshi applicants but can be seen in the history of successful asylum claims in Sweden writ large: 'It's how asylum predicaments reach the general public' (Kyle). Aarav's initial asylum interview was

followed by a swift rejection letter. He believed this was because he prepared himself with little institutional support. He subsequently solicited the help of Sweden PEN after hearing about them from a fellow Bangladeshi asylum seeker. Sweden PEN publicised his case on national television, on radio, and in various local newspapers. He also received the support of a well-known asylum lawyer through the PEN network. Aarav described the strange feeling of repeating his story verbatim, in the same asylum centre:

I: You told the same story again?

A: This time it was accepted. They asked the same types of questions. At this time, I felt it was already known that they would accept me. It happened of course because of this media and the way PEN work.

Aarav's second application was successful because of the way in which third party actors navigate local norms and expectations in Swedish asylum. NGOs are a powerful resource to asylum seekers because they help translate 'the global' into 'the local'. 'Transnational ideas and concepts must often be vernacularized, in other words translated, redefined and adapted to local meanings and settings' (Kastner, 2020, p. 375). This is related to what Acharya (2004) terms 'norm localisation', which involves 'the active construction of foreign ideas by local actors, which results in the former developing significant congruence with local beliefs and practices' (245). An understanding of 'background knowledge' plays an important role in this process too:

Background knowledge refers to all that is taken for granted and simply relied upon; it is the unarticulated assumptions against which understanding becomes possible and actions meaningful. Although intersubjectively shared, background knowledge operates tacitly; it is usually unarticulated and, at least in its entirety, unarticulatable. (Berger, 2020, p. 607)

While the dimensions of such latent knowledge might not be completely knowable, the legal experts and NGO professionals brought key aspects to the surface. When writing her support letters, Claire explains how

over the three and half years we've have developed a house style. I won't go into exact language we use but we do tailor it to the language of the asylum agency, we use a language of credibility and discretion in the home country.

This savvy understanding of local processes and effective communication went far beyond the initial support letter, rippling into every aspect of asylum seeker preparation. Kyle explains how the asylum story itself is often presented to him in a raw, inchoate form, in dire need of sculpting.

Your real story can be given more weight if it is linked to the official asylum grounds. That has to be considered and it's not easy to know when you come to a country what is important to your asylum claim, because people come to you with their whole lives. You can help some people sort it out. With Anahita I had intensive telephone contact with her before her interview. Over the years I have felt that one of the best ways to help them with their application is to give them a proper orientation of the system they are now entering. This enables them to know what's relevant, to strengthen their story and not to be interrupted when talking about something personal only to be told "that's not relevant". (Kyle)

As Kyle continues his account, it is significant that he highlights the importance of comforting assessors' concerns:

For the case workers, whatever you say in the story must be related to a point of law. If there are different ways to get protection on different grounds, you can't write an application that mixes it all up, these support this part, and this supports those points. *That means that a case worker feels at home.* (Emphasis added)

An important part of the established asylum script, then, is conveying a sense of familiarity to the asylum assessor. This resonates with the troubling fact shared by a number of asylum professionals that English language proficiency was a strong predictor of success.¹ Another element that is carefully micromanaged is the temporal sequencing of the story.

I encourage them [claimants] to think about it as a chronological process: to think about specific dates, times, sequences ... I mean the SMA want specific dates they want to point to holes in their stories. (Axel)

Claimants were often prepared via mock interviews and assignments to try to encourage clarity and specificity in their accounts. For Cain, this

¹ English language proficiency is very high in the Nordic states.

involved helping claimants to write out their story coherently and then cross-examining it in anticipation of critical questions that might arise:

I sit down with them and try to help them write about what happened, what they've been taught, everything like this. I try to gather a full story. I try to tell all my members that the SMA doesn't really value documents of support from me, and that we need to focus on you and that you are capable of telling your story in a good way.

The 'good way' is a story that connects clear asylum grounds with objective events, but also evidences texture and specificities. This involves having articulate responses prepared to the following kinds of questions:

I try to ask them things like: why do you consider that atheism is right for you? How can you be sure? Can you elaborate? What kind of ethics do you turn to?

I: You're trying to bring out the detail?

It's almost like talking to a therapist, you're trying to get them get into their own mind. Especially if you are from a culture where you are not used to getting into your own emotions, thoughts, or are not used to critical thinking. I try to get them to see that all this is required in the interview situation. (Axel)

It is important that the affective impact of the story on the claimant is made clear, without being *excessively* sentimental and unstructured. Anahita hinted at the possibility of strategically managing authenticity (Demetry, 2019) in her preparation and the importance of a balanced testimony:

The assignments I was set [by her NGO helper] are about going back to each and every major trauma of your life and putting them all together in a way that it makes sense to people who have no idea of trauma and conflict. This account should *make sense and be touching* at the same time. (Anahita, emphasis added)

Alex, a lawyer, was very interested in the 'likeability' of his clients and how they are perceived by assessors. However, the way he executed this did not entail 'coaching' feelings or display rules:

I tell them you should just try to tell the truth. But I encourage them to start with little things. Try to make it personal and about you. Try not to make it sound academic. Honesty, likeability, humility. The role of likeability and humility is important for the asylum seekers' presentation ... I steer them to think about their experiences in a very specific way. It's hard to be unlikeable when you relate experiences where you felt sad and frustrated.

Emotions in the asylum story are encouraged to come out organically as a by produce of detailed storytelling. As with Anahita's account above, the sense of likeability that may result is related to sensing authenticity in the narrative. Even though, to some extent, such authenticity is clearly manufactured and channelled in important ways.

Taken together, the accounts above indicate the construction of *frames* around asylum seekers' stories to present them in the best possible light. This is close to what Galantino (2022) terms 'interpretive packages' that essentially serve to 'give meaning to an issue and contribute to the definition and specification of its causes' (274). More specifically, 'framing highlights some aspects of a situation, scene or person, making them more salient in the message, while hiding or minimizing others in order to communicate a desired interpretation to those who receive the message' (Greenwood & Thomson, 2020, p. 143).

CONCLUSIONS: THE FUTURE OF NONRELIGIOUS ASYLUM CLAIMS

The extent to which the skilful work of NGO professionals, and their vigorous campaigning, impacts future nonreligious claimants is an open question. There is little doubt that the focused campaigns of Humanists UK, Humanists International, Sweden PEN, The Swedish Network of Asylum and Refugee Support Groups (FARR), HumanistVerbond (Netherlands), and The Norwegian Humanist Association (NHA) have had a tangible impact in raising awareness and directly supporting the progression of nonbelievers in the asylum system.

Indeed, one of the key reasons for including Norway as a research site was introduction of new guidelines for the nonreligious which would not have occurred without significant lobbying from Humanists International and the NHA. The Norwegian Ministry of Justice adjusted the processing of asylum claims which now essentially tries to treat nonbelievers equitably with those who have converted to another faith. To be sure, this was a major advance to have nonreligious claimants recognised formally.

However, to date this change has been limited and applied only to claims from Afghanistan and not more universally. There is a risk, then, that while some changes appear to be precedent setting on paper, future claims will not necessarily benefit from existing work.

A similar point is observable in the recent guidelines of European Union Agency for Asylum (EUAA, 2022), which was referenced in Chap. 1. In some ways, this guidance document clearly represents a leap forward as ‘nonreligion’ is mentioned explicitly as a freestanding category: suggesting that it should be treated in an individual manner with its own considerations. However, definitional obscurities were observed which placed limitations on this document which (arguably) creates more confusion about the nature and scope of nonreligion.

Looking back over the chapters in this book, a few conclusions can be drawn. The asylum system, traditionally designed to protect those fleeing religious persecution, has marginalised a growing sub-group of asylum seekers: the nonreligious. These individuals face unique challenges that complicate their quest for safety and recognition. This book has examined the distinct hurdles encountered by nonbelievers and the systemic biases within asylum processes.

The nonreligious often find themselves misunderstood and misclassified within a system more attuned to religious conversions. Asylum officers frequently categorise atheists and agnostics as religious converts, forcing them into a framework that does not accurately represent their experiences. This misclassification stems from a lack of established guidelines and familiarity with nonreligious claims, leading to a constrained ability for these individuals to present their cases authentically and limiting their evidence presentation to a narrow, ill-fitting narrative.

One of the most formidable challenges for nonbelievers is providing evidence of their non-belief. Unlike religious converts who can present tangible proof, such as church attendance records or support letters from religious leaders, nonreligious individuals often lack similar forms of evidence. Their non-belief, driven by personal conviction and often maintained in secrecy for safety, leaves little traceable proof. As a result, they struggle to demonstrate their claims to asylum officers who are unaccustomed to evaluating nonreligious evidence.

The biases embedded within the asylum assessment process extend beyond individual misconceptions. In Northern Europe it was shown how assessors often impose their cultural preferences for logic, narrative ordering, and rationality onto the testimonies of asylum seekers. This practice distorts the understanding of nonreligious claims, which do not conform

to these culturally specific expectations. The evidentiary process is thus fraught with challenges, as assessors struggle to accommodate the non-linear and complex nature of belief changes in nonreligious individuals.

In the hierarchy of faith-based asylum claims, nonreligious individuals are frequently positioned at the bottom. They are perceived as having chosen atheism as a lifestyle preference rather than as a deeply held conviction, affecting the seriousness with which their cases are treated. Stereotypes further complicate this perception, painting nonreligious individuals as intellectual provocateurs rather than passive victims deserving of humanitarian protection. This bias undermines the legitimacy of their claims and impacts their ability to secure asylum.

It is beyond the scope of this book to recommend detailed policy suggestions, but a few points have emerged as relevant to policy. It is not clear whether future policy guidelines for nonbelievers should be imagined as ‘inclusive’ or ‘exclusive’. Indeed, Human Rights guidance on the freedom of religion is already framed with highly inclusive language. Arguably it is too *inclusive*, and it risks trying to draw together disparate belief systems under one marquee. This appears to create confusion about what it means to be a nonbeliever, which is arguably a more atypical belief system. It might be more appropriate, then, to develop transnational guidelines that specifically address the nuances of nonreligious asylum claims separately. These guidelines would be informed by the experiences and needs of non-religious individuals and would understand the range of possible positions that fall under its name.

In 2019, Humanists UK began to offer training to the Home Office on the subject of religion and belief-based asylum claims. This training has become mandatory for case officers in the UK. While the outcomes of this training are currently hard to assess, the findings in this study echo the call to provide comprehensive training for asylum assessors across Northern Europe. Hopefully, this book can serve as an additional evidence base revealing the diversity of non-belief and the specific risks and challenges faced by nonreligious individuals.

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APPENDIX: A NOTE ON METHODS

The research was made possible through a European Research Council (ERC) grant led by Prof. Jacob Copeman titled ‘Religion and Its Others in South Asia and the World: Communities, Debates, Freedoms’ (Grant agreement ID: 817959). I am indebted to the kindness, intellectual rigor, and unwavering support from Prof. Copeman throughout the project and stimulating collaborations with my three other colleagues on the study (Dr. Amélie Blom, Dr. Mascha Schulz, and Prof. Johannes Quack). The typical challenges of doing community research are well understood and do not need to be reproduced at length here. The project went through the University of Cambridge department of Social Anthropology’s ethical approval and risk assessment channels and all participants in this study gave their informed consent. The ethnographic fieldwork involved spending around three months in Sweden, two months in The Netherlands, and two months in Norway. The primary participants were asylum seekers themselves (20), NGO professionals (25) working in the asylum/refugee field, and asylum lawyers (10).

Here, I want to draw attention to a surprising and instructive moment that happened during the research. While in the field, I attempted to give agency to my participants in choosing where to meet. I recommended cafes where they felt most comfortable. I felt this would help best alleviate any concerns about safety they might have. It will be recalled that

significant diaspora communities existed in all the countries where I conducted this research. Many participants felt that it was important to practice some discretion: at least two were living with different adopted identities to protect them. Private meeting spaces were not suggested as I felt this could be received as an uncomfortable, or slightly too formal, invitation. Three of my participants invited me to meet them in their own homes—offers which I gladly accepted. In practice, all of this worked fairly well, though there was one situation that retrospectively gives some pause for reflection.

After an extremely stimulating, two-hour conversation in a bistro in Amsterdam, the research participant and I called an end to the discussion and started to say our goodbyes. There were a few other customers lingering in the bistro, but it was not particularly busy. I thanked her for her time. During the course of the interaction, it felt like a level of trust had been well-established and we were talking now more like acquaintances. She asked me about my family (they were coming to visit after the research), and I asked about hers and what she had planned for the week. She then asked me where I was staying in the Netherlands, I answered directly. Then, when I reciprocated the same question, asking where she was staying, she became silent. She then rather abruptly said, 'I have to go now'. There was a clear change in tone in her response from everything that came before. I had a flash or realisation in my mind that my friendly, automated attempt to reciprocate the conversation had created an uncomfortable moment.

In the very worse-case scenario, I felt she might have perceived me as digging for information about her whereabouts or, in my catastrophizing mind, that I might even be a stalker that could do her harm. This ranks as one of the most uncomfortable thoughts I have had in the field. In the moment, the delicate trust we had established seemed erased because of my question. In a softer version of this initial interpretation, the other customers who were in the bistro, who framed the background to our interview, suddenly came back into the foreground. From my interviewee's perspective, publicly stating where she lived could be extremely risky. Thankfully, after checking in with her in the days after the interview, she very much reassured me that the second interpretation was the right one (would she have told me if it was the first one?) and wished me all the best for the project.

This scenario was a stark reminder of the worlds that many asylum seekers and refugees live in every day. Many feel they must be constantly

vigilant against potential threats: both real and imagined. Given that at least one of the NGOs I researched had to turn away an infiltrator, who posed as a rationalist, these fears are completely understandable. This is a rather sobering reflection for those who hope to research this area. In any case, the life-worlds and sense of liminal uncertainty in which asylum seekers live was brought fully to the surface in this example.

Contacting willing NGO professionals and asylum seekers was challenging, some of this complexity is because the number of nonreligious cases is low. Another aspect of this challenge is the ratcheting-up of asylum protocols and suspicion does not appear to be limited only to applicants. A sense of fearfulness and concern about the agenda of, and engaging with, researchers would explain why asylum case officers and senior managers were difficult to speak with.

I sent out around 100 emails and follow-ups to various NGOs with the hope that if I could understand the work they do, it would allow me to build relationships and contact appropriate asylum seekers subsequently. This seemed like the correct order to do things and, in the end, this process worked quite well. However, it is not without its limitations. I wondered whether my sample—even though it reflects a good deal of dissatisfaction with asylum processes—tended to over-represent those on more successful asylum journeys. Because I was reliant on NGO professionals' recommendations in the first instance, they would be far more likely to send me in the direction of professional relationships with successful nonreligious cases rather than those who they could not help. However, I did go some ways to mitigate this by asking my asylum seeker interlocutors to identify anyone they knew who it might be appropriate for me to speak with. This last step did add some more breadth to the study.

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