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## Christians from Iran seeking asylum in Western European countries: the present state of the debate\*

**Streszczenie:** Chrześcijanie z Iranu ubiegający się o azyl w krajach Europy Zachodniej — bieżący stan debaty.

Od czasu „lata migracji” w 2015 r. w wielu krajach europejskich odnotowano znaczny wzrost liczby osób, które przyjęły chrzest jako uchodźcy z krajów, w których dominuje społeczeństwo muzułmańskie, głównie z Islamskiej Republiki Iranu. W krajach, do których przybywają, organy imigracyjne i sądy często jednak odrzucają wnioski tych irańskich chrześcijan o azyl lub ochronę uzupełniającą przed prześladowaniami na tle religijnym. Niniejszy artykuł analizuje rozpoczętą w międzyczasie debatę akademicką, w którą wkład wnoszą prawnicy, przedstawiciele teologii i religioznawstwa, a także kulturoznawstwa i empirycznych nauk społecznych

**Słowa kluczowe:** konwersje uchodźców, irańskie chrześcijaństwo, azyl, Konwencja Genewska dotycząca statusu uchodźców, dyrektywa kwalifikacyjna

**Summary:** Christians from Iran seeking asylum in Western European countries. The present state of the debate

Since the “Summer of Migration” in 2015, there has been a significant increase in the number of people in many European countries who have been baptised Christians as refugees from a country with a predominantly Muslim society, predomi-

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nantly from the Islamic Republic of Iran. In the countries of arrival, these Iranian Christians are often rejected by the asylum and immigration authorities and the competent courts when they apply for asylum or subsidiary protection from persecution on religious grounds. This article examines the academic debate that has begun in the meantime, which includes contributions from the fields of law, theology and religious studies as well as cultural studies and empirical social sciences.

**Keywords:** conversions of refugees, Iranian Christianities, asylum, Geneva Refugee Convention, Qualification Directive

**Zusammenfassung:** Seit dem „Sommer der Migration“ 2015 hat in vielen europäischen Ländern die Zahl von Menschen deutlich zugenommen, die sich als Flüchtlinge aus einem Land mit mehrheitlich muslimischer Gesellschaft, überwiegend aus der Islamischen Republik Iran, christlich taufen lassen. In den Ankunftsstaaten stoßen diese iranischen Christ:innen bei den Asyl- und Ausländerbehörden sowie den zuständigen Gerichten vielfach auf Ablehnung, wenn sie Asyl oder subsidiären Schutz vor Verfolgung aus religiösen Gründen beantragen. Der vorliegende Artikel sichtet die dazu inzwischen begonnene wissenschaftliche Debatte, die fachjuristische, theologisch-religionswissenschaftliche sowie kulturwissenschaftliche und empirisch-sozialwissenschaftliche Beiträge umfasst.

**Schlagworte:** Flüchtlingskonversionen, iranisches Christentum, Asyl, Genfer Flüchtlingskonvention, Qualifikationsrichtlinie

The rapidly increasing number of Christian convert asylum seekers since the „summer of migration“ in 2015 has led to a rising interest in related academic issues. They seem to address both theology and law since these are the disciplines whose expertise is most obviously demanded when the conversion of a person from a Muslim majority society to Christianity takes place in the context of a Western state. And this is regularly the case with converts from the Islamic Republic of Iran which sum up to nearly 100% of Christian convert asylum seekers in Germany today. Although a religious conversion is first and foremost a private matter addressing the individual's conscience and convictions, it requires both church and state institutions in the case of conversions to Christianity taking place in the Western world. For it takes some church official to receive baptism, which is necessary to convert to Christianity, and to do so is to make use of the right to religious

freedom which secular states grant their citizens. Moreover, if the convert is a refugee from Iran, it is more than likely that they will apply for asylum or some subsidiary form of protection arguing that their newly adopted religion causes them fear of being prosecuted on an eventual return to their home country — and this is when some state institution (and not just its constitution) will come into play; in Germany it is primordially the Federal Office for Migration and Refugees (FOMR).

The increasing number of Muslim refugees being baptized in Germany has not gone unnoticed by the larger public. However, the debate in papers and magazines as well as the academic discourse have generally evolved along the frontlines of a clash between church and state institutions and the question whether such baptisms reveal genuine conversions or rather some sort of trick in order to receive the status of a refugee. In my contribution I wish to explain why this way of considering the issue is shortsighted and what further aspects should be taken into consideration. I will proceed in three steps according to the academic disciplines affected by these aspects respectively. It seems that this way of proceeding mirrors the present state of the debate about the issue fairly well.

## **1 Law and theology**

It was no earlier than the taking of Mossul, Iraq and the ensuing establishment of ISIS in 2014/15 that migration from the Middle East to European countries rose dramatically. Although ISIS did not touch Iran directly, the exodus of Christian convert asylum seekers from the Islamic Republic started to intensify at the same time. The first German academic studies on the related legal problems were finished in 2016 and 2017 respectively. They were Ph.D. theses in law, and despite their diverging foci of interest they shed a similar light on the related legal framework and especially the way it is handled by the administrative courts in Germany. I will content myself with these results as they best seem to account for the dilemma church and state institutions are stuck in as far as the issue of Christian convert asylum seekers is concerned.

It is no surprise that the quarrel between church and state insti-

tutions is mainly about the different aspects of the *right to religious freedom*. In deciding whether an application for protection from persecution is accepted or not FOMR (and administrative courts in case of an appeal) formally assess the ‘religious identity’ of Christian convert asylum seekers. Many church officials consider this a violation of their prerogative to administer their own ecclesial affairs. The baptism of a refugee is definitely an ecclesial affair and it no doubt affects the baptized person’s religious identity. The state institutions on the other hand insist on their inalienable right and duty to check a foreigner’s claim to the status of a refugee and would not cede this right to a political party if the cause of the claim was fear of persecution for political reasons. By analogy, state institutions will not allow church officials into the decision process itself if it is for religious reasons that asylum seekers fear persecution.

Against the background of this unsurprisingly clear-cut controversy in terms of corporate religious freedom it does come as a surprise that the aforementioned Ph.D. theses in law reproach the present state of asylum related jurisdiction and legislation of certain shortcomings in safeguarding the asylum seekers’ *individual* right to religious freedom. This applies both to *Benjamin Pernak’s* comparative study of the way courts in Germany and Great Britain deal with Christian convert asylum seekers<sup>1</sup> and to *Benjamin Karras’* dogmatic approach to subsequent flight reasons (like a migrant conversion to Christianity) in the Geneva Refugee Convention (GRC).<sup>2</sup> Both scholars agree that by labeling conversion as an issue of someone’s ‘religious identity’ asylum authorities and administrative courts respect the religious freedom of the individual. This means in concrete that in order to assess such an internal matter as someone’s personal beliefs, state institutions have no other approach than the individual’s own narrative of their religious

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<sup>1</sup>Cf. Benjamin Pernak, *Richter als „Religionswächter“? Zur gerichtlichen Überprüfbarkeit eines Glaubenswechsels. Asylverfahren von Konvertiten in Deutschland und Großbritannien im Vergleich* (Studien zum vergleichenden Öffentlichen Recht / Studies in Comparative Public Law, vol. 5), Duncker & Humblot Berlin 2018, 181 p. (Diss. jur. Leipzig 2018).

<sup>2</sup>Benjamin Karras, *Missbrauch des Flüchtlingsrechts? Subjektive Nachfluchtgründe am Beispiel der religiösen Konversion* (Jus Internationale et Europaeum, vol. 134), Mohr Siebeck Tübingen 2017, XVII + 326 p. (Diss. jur. Münster 2017).

biography which is therefore the starting-point of the inquiry. Pernak even exclaims that „in terms of protection from prosecution for religious reasons the asylum seeking individuals are in control of their religious self-narrative“ (p. 118).

However, as Pernak himself clarifies, this is only fully applicable to positive religious freedom, whereas negative religious freedom in the sense of solely abandoning Islam without accepting a new belief that state institutions can identify as such is poorly safeguarded in Germany compared to Great Britain. This result is both important and painful for how German state institutions deal with Christian convert asylum seekers, for even if a claimant's newly adopted faith is not recognized in the sense of positive religious freedom, they will still be exercising its negative counterpart — Karras criticizes how the European Qualification Directive (which defines who is a refugee) was adopted into the German legal and jurisdictional system. By generally ruling out asylum applications whose reasons were only constituted after fleeing from the home country, German legislation breached the recommendations of the UNHCR and distanced itself from the GRC which, according to the main body of Karras' study, gives no evidence whatsoever for a general suspicion against such subsequent reasons.

Germany is in this respect an example of what Norwegian Lutheran Bishop Krister Stendahl called the „introspective conscience of the West“ about sixty years ago (in an article for *Harvard Theological Review*, 1965). Before the Qualification Directive was implemented from 2004 on, German jurisdiction used to split the right to religious freedom into an internal and an external forum, arguing that since religion was the deepest-rooted conviction man could adopt its freedom could only be safeguarded on the internal level of one's conscience. Religious practice was thus understood to express the inner conviction externally (but not necessarily) so that religious freedom could still be safeguarded internally ('religious margin of subsistence') if fear of prosecution drove people to stop their normal religious behaviour when transferred back to the home country from which they had fled. Even when the Quali-

cation Directive rebuked any such confinement of religious freedom to the internal forum, the background assumption that religious behaviour was an expression of an internal state of conscience remained vivid in German jurisdiction, the only difference being that FOMR and administrative courts today expect extensive religious practice from converts who purportedly take religion more seriously than average people. (This sort of problem is also highlighted by C. Krannich [e.g., p. 213, 227f., 241, 261] to whose study we will turn in paragraph 2 of this essay.) State institutions who expect that degree of religious observance from converts seem to unwillingly follow the rigorist ideal of religion which the emperor Constantine showed in the early fourth century CE when he would not receive baptism until upon death in order to be sure he could not undermatch the moral demands of the Christian faith thereafter. Constantine's attitude towards the Christian faith is demanding but certainly not acceptable for a modern secular state.

## 2 Religious studies and anthropology

What Pernak's and Karras' law studies seem to show is that the German legal and jurisdictional routines in implementing the European QD have to some extent detached themselves from the international standards established by the GRC. This entails the risk of assessing the religious identities of asylum seekers according to measurements which may fit the peculiar ecclesial situation in Germany (*'Kirchturmperspektive'*) but are virtually irrelevant in a worldwide horizon and certainly inadequate to estimate the risk of persecution for reasons of religion in the state and society of Iran, a Shi'a theocracy without indulgence for non-Muslim beliefs except the ancient ethnic Christianities of Armenians or Syrians living in Iran.

For the asylum authorities and jurisdictions in order to overcome such a narrow perspective, it is necessary not only to reassess the underlying concept of conversion, but also take certain anthropological corollaries of the asylum procedure into consideration. It is these two steps this paragraph will take.

It is well documented through current jurisdiction that asylum au-

thorities and administrative courts expect convert asylum seekers to give an account of their religious biography and conversion narrative that is coherent and reasonable.<sup>3</sup> These expectations are based on the assumption that religious conversions are motivated by discontent with the formerly adopted belief and the acceptance of a more convincing religious belief instead. But this assumption highlights only the theological factors of conversion and underestimates the individual and social *functions* a change of the personal belief system regularly has for the person involved. People may convert for motifs that enhance their personal emotional or social situation but are completely detached from the truth claims or practical demands a given religion may ‘officially’ have for its adherents. Since any religion will always have these personal benefits or functions for the individual believer it is impossible to preclude such non-theological conversion motifs. This is why it has become the common state of the art in religious studies to adopt a functional concept of conversion like the one suggested by Monika Wohlrab-Sahr.<sup>4</sup>

Compared to the traditional idea of conversion as a more or less spontaneous act of adopting a new and overwhelming worldview, functional conversion concepts substantially increase the validity the narrative of a given conversion case may have. They should be implemented both in theological and legal or jurisdictional theory and practice of dealing with Christian convert asylum seekers. By the way, this is also what all mainline churches in Germany have recommended when lately (2021) asked for their expertise in the regular internal routines of quality management provided by the FOMR. There is a chance that asylum authorities and administrative courts will subsequently implement functional conversion concepts into their routines of assessing an asylum seeker’s conversion narrative and spare less adequate interrogation techniques such as examining the convert’s knowledge of their newly adopted belief. (It was particularly B. Karras, to whom we will turn soon, who pointed out the inadequacies of these techniques.) This would consti-

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<sup>3</sup>This also applies to the practical guideline suggested by the three judges Hugo Storey, Uwe Berlit, and Harald Dörig in 2015/16.

<sup>4</sup>Cf. Monika Wohlrab-Sahr, *Konversion zum Islam in Deutschland und den USA*, Frankfurt 1999.

tute an overdue paradigm change in dealing with Christian convert asylum seekers.

The need for such a paradigm change is all the more pressing since the communicative setting in which asylum seekers present their conversion narrative is loaded with bias which makes it virtually impossible for applicants to act out the individual right to freedom of religion they purportedly use in this situation. The bias is not just due to the fact that they do not normally have the country's language as their mother tongue, nor is it only in the fact that they are not so much telling their story, but rather responding to a police questioning. In her innovative and insightful research programme, anthropologist Lena Rose has demonstrated how many of these soft skill factors there are at work in the court hearing of a convert asylum seeker.<sup>5</sup> And the problem goes even deeper. Hamza Safouane has argued that most of the European asylum legislation is based on Kant's idea of hospitality which is a philanthropic concept that does not warrant asylum seekers the required status of a bearer of rights and thus offers no effective protection against human rights being withheld from them.<sup>6</sup> Safouane's suggestion to replace the Kantian concept of hospitality with Derrida's counterpart may be disputable, but what should be beyond dispute is that the communicative situation of the court hearing contributes greatly to the verdict which the latter brings forth. This is one of the most important results of Conrad Krannich's magisterial Ph.D. thesis (2020), the first German academic theological monograph on the issue of Christian convert asylum seekers.<sup>7</sup>

Krannich argues that the entire concept of conversion — even regardless of whether the concept is designed traditionally or in the functional

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<sup>5</sup>Lena Rose/Zoe Given-Wilson, „What is truth?“ *Negotiating Christian convert asylum seekers' credibility*, „Annals of the American Academy of Political and Social Science“ 697 (2021/1) 221–235, DOI: 10.1177/00027162211059454.

<sup>6</sup>Cf. Hamza Safouane, *Stories of Border Crossers. A Critical Inquiry into Forced Migrants' Journey Narratives to the European Union*. With a Foreword by Timothy W. Luke, Wiesbaden 2019, ch. 3. German translation in: Henning Theißen/Knud Henrik Boysen (ed.), *Integration und Konversion. Taufen muslimischer Flüchtlinge als Herausforderung für Kirchen und Gesellschaft*, Brill Ferdinand Schöningh Paderborn 2021, 334–362.

<sup>7</sup>Cf. Conrad Krannich, *Recht macht Religion. Eine Untersuchung über Taufe und Asylverfahren* (Kirche — Konfession — Religion, vol. 76), V&R unipress, Göttingen 2020, 386 p. (Diss. theol. Halle/Saale 2020).

manner suggested in this paragraph — is only applicable to baptized asylum seekers from Iran thanks to the judicial framing of the asylum process and its requirement to come up with a clear-cut decision whether the applicant is entitled to stay in a foreign country or not. The strict yes/no alternative set by the asylum process infects the neighbouring process of assessing the applicant's conversion narrative, so to speak. The result of this is, according to Krannich's compulsory argument, that the conversion as such also becomes subject to the true/false dichotomy. Religious truth claims which are present in most belief systems may contribute to this fatal analogy between the asylum process and the conversion narrative, but as the title of Krannich's book suggests ('Recht macht Religion'), it is first and foremost the legal system which determines the belief system when convert asylum seekers are concerned. It is all the more troubling that many Christian parishes (and church officials no less) even support this idea by emphasizing that their preparative courses for baptism applicants are in themselves an examination or test of how seriously the converts should be taken.

### **3 Cultural studies and intercultural theology**

Krannich does not only criticize the judicial framing of the German system of dealing with convert asylum seekers. His thesis also includes a positive flipside of that criticism, in fact it is this positive aspect which dominates his study. According to Krannich, baptized asylum seekers from the Islamic Republic should be considered Iranian Christians, according to their own self-understanding. Many of them, especially from the younger generation, reject the idea of conversion since their affiliation to Islam was not based on their own free choice but forced upon them by the fact that they were born and raised in a Shi'a theocracy. They could never freely choose to be Muslims and thus cannot renounce that religion or be apostates when they turn to the Christian faith.

Moreover, Krannich's positive thesis is underpinned by illustrative and instructive examples of how their adoption of the Christian faith is connected to their personal and social situation in Iran. These corollaries cannot simply be detected by theological means, but require the

methodologies of empirical social science and cultural studies, which are applied to the issue of Christian convert asylum seekers in the most recent studies by Krannich, Roy Oksnevad, and Darren Carlson. What unites these three — very different — authors is that they all led research interviews with baptized asylum seekers from Iran. And in fact this seems indispensable for any successful research in the issue for otherwise it would be hard to overcome the aforementioned bias which is based on projecting too much of the Western ecclesial circumstances onto the situation of Iranian Christians. As they cannot join the recognized traditional ethnic churches in Iran, they can only gather and live out their faith illegally in clandestine home communities which exist for about one year and a half on average before detection by the secret police (I am following general estimates here). Already these circumstances are barely unimaginable for Western Christians from majority churches, let alone the things baptized asylum seekers are likely to have encountered on their journey to Europe. Western Christians and researchers thus have to listen to the neophytes' narratives in order to grasp the peculiarities of Iranian Christianity. This is why empirical social science as the academic discipline that gains scientific information from interviews is so important for our issue. Without this methodology it would be impossible to achieve an overall picture of the recurring traits that characterize the Christian asylum seekers from Iran.

The problem with this kind of approach is well known in ethnography and cultural studies: Any generalized statements about phenomena like the Iranian Christianity run the risk of producing stereotypes of a confessional culture which overgeneralize some more or less contingent traits. A good example to explain this problem is the theory of „honor and shame cultures“ which was designed by Ruth Benedict in 1946. It was originally applied to Benedict's reconstruction of Japanese culture, but was soon extended to numerous cultures in the Far and Middle East and contrasted with the „guilt cultures“ of the West. However, the immanent evaluation that guilt was a morally further developed concept than shame has entailed ongoing criticisms of Benedict's theory which

is nowadays widely considered as an example of Western academic presumption, but still powerful in cultural studies underneath.

The honor and shame culture theory has also influenced recent research in Iranian Christianity, particularly in the study by Roy Oksnevad, a US missionary to Muslims, who argues that the framework of Iranian culture is hard to shake off even for Christian converts exiled to Western countries — considering that phenomena like *ta'arof* (a kind of Iranian politeness code that avoids frankly communicating social truths in order not to make people lose their reputation) could even endure the sociocultural constraints of the Shi'a theocracy in Iran.<sup>8</sup> According to Oksnevad, almost all of the peculiarities and potentials for inner social conflict which Iranian Christian congregations show in comparison to their American counterparts can be explained on the basis of this shame cultural difference.

The problem with this kind of explanation — smooth to read as it may be — is that it dramatically reduces or even denies the self-steering potential of formerly Muslim baptized migrants who, in Oksnevad's sight, almost seem to be victims of their cultural „Burden of Baggage“ (as his book is entitled). In this case, conversion to Christianity would eventually lead to assimilation in majority churches. But this 'solution', though it is based on a theoretical consciousness of cultural differences (namely, the honor and shame culture theory), is obviously indifferentiated if the final result is assimilation. Darren Carlson's field study in Evangelical charities for Muslim migrants in the transit zone of Athens is much more differentiated although he, too, does work with the honor and shame culture theory in some spots of his book.<sup>9</sup> Carlson's methodological basis, however, is not in cultural studies but in empirical social science which enables him to detect the parameters that foster or hinder the self-empowerment of the migrants who are thus not just passive recipients of the charity Evangelical organizations

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<sup>8</sup>Cf. Roy Oksnevad, *The Burden of Baggage. First Generation Issues in Coming to Christ*, William Carey Pasadena CA 2019, XVII + 190 p.

<sup>9</sup>Cf. Darren Carlson, *Christianity and Conversion among Migrants. Moving Faith and Faith Movement in a Transit Area* (Theology and Mission in World Christianity, vol. 17), Brill Leiden 2021, XI + 295 p. (Diss. theol. London 2018).

offer them, but take an active role in their migration story which often turns into a conversion narrative, even if the structures of charity and the conversion ‘success’ in numbers do not strictly correlate.

That Christian convert asylum seekers become the subjects of their own migration and conversion stories is not only important for the asylum procedure which they undergo in their country of destination and which is often structured in an objectifying manner, as I have explained in my first paragraph. The subjectivity of the migrants and their conversion is also crucial for understanding an often overlooked church internal aspect of the issue. Although it is true that in Germany both mainline churches (Protestant and Roman-Catholic) and the association of free churches (*Vereinigung Evangelischer Freikirchen*) have publicly engaged in the debate, there can be no doubt that Protestant churches (both mainline and free churches like, e.g., Baptist) welcome much greater numbers of baptized asylum seekers from Iran into their congregations than the Roman-Catholic church does. This is all the more astonishing given the fact (which is confirmed by the uprunning research interviews about the issue) that confessional or doctrinal differences between the Western denominations do not play any major part in the conversion decisions Iranian Christians take; in fact these differences are unknown to many of the convert migrants who may have encountered Armenian Christians in their Iranian neighbourhoods, but are likely to have gathered in non-confessional underground churches in private homes where some kind of Pentecostal (thus non-confessional) spirituality will probably have dominated the scene.

In the present state of the debate there seems to be only one academic explanation for this peculiar and important phenomenon. In his Ph.D. thesis, Krannich argues that the newly risen interest in Christianity within the Iranian society is at least partly an expression of the kind of societal debate that is still possible in the framework of a Shi’a theocracy. Krannich refers to this debate as „Iranian Protestantism“ since numerous intellectuals in Iran both before and after the Islamic Revolution in 1979 have referred to the European Reformation or particular

reformers like Luther to account for the objectives they strove to realize for the Iranian society. According to Krannich, the most influential of these was Ali Shariati, an academic trailblazer for the Revolution who was educated in Paris. He reinterpreted the traditional Shi'a concept of martyrdom (going back to the Battle of Karbala in 680 CE), which has sometimes been considered a link to the Christian idea of redemption through suffering, as resistance and paralleled it with the Reformer's rejection of the Roman authorities in order to advertise the idea of an Islamic Revolution. However, this Islamic Protestantism, as Krannich calls it here, has partly transformed into an Iranian Protestantism which nowadays advertises the retrieval of pre-revolutionary or even pre-Islamic traditions like the Persian culture or Zoroastrian religion as a societal protest against the development the Islamic Revolution has brought about in Iran.

As the multi-faceted elements of this Iranian Protestantism clearly document, it is not a homogenous culture like the purported shame and honor culture Oksnevad and others insinuate for Christian converts from Iran, and it does therefore not harm the subjectivity and self-steering potentials of these migrants. Moreover it offers a sensible explanation why so many of them turn to Protestant churches when they are baptized. For the aspect of protest against societal circumstances that render people unfree or harm their subjectivity cannot be erased from the „Protestant Principle“ as theologian Paul Tillich called it in the second half of the 20<sup>th</sup> century CE. Krannich's argument is 'somewhere in between' theology and cultural studies, and in my opinion any theology that seeks to understand the conversion of migrants from Iran should itself be located somewhere on the move and adopt the status of an intercultural or migrant theology.

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