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8 Jun 2025

Subject: Appeal Against Asylum Decision – Denys Novokhatskyi (Ref: 1212-0099-0346-0884)

Dear Sir/Madam,

I am formally lodging an appeal against the Home Office decision dated 27 May 2025, which refused my asylum application (reference: 1212-0099-0346-0884). My appeal is grounded in a substantiated fear of persecution due to my religious beliefs and conscientious objection to military service. I seek protection under the Refugee Convention 1951 and the European Convention on Human Rights (Articles 3, 9, and 14).

Grounds for Appeal:

1. **Religious Persecution in DPR-controlled Mariupol:**
   * Mariupol, my hometown, is under the effective control of Russian forces via the "Donetsk People’s Republic (DPR)."
   * Documented evidence demonstrates systematic persecution, imprisonment, violence, and suppression of Jehovah’s Witnesses by DPR authorities. Jehovah’s Witnesses are officially banned, their property seized, and members regularly subjected to imprisonment and physical harm. (Appeal Document 11)
   * Entering Mariupol would require transit through Russian-controlled territory, exposing me to persecution due to my well-documented role as an elder within my religious community (confirmation provided by London Russian East Congregation).
   * The Home Office incorrectly generalised my claim as applicable to all Ukraine, misunderstanding the specificity of persecution in occupied regions only.
2. **Conscientious Objection to Military Service:**
   * Ukrainian law previously recognized alternative civilian service (Ukrainian Constitution Article 35), now suspended under martial law as confirmed by the Ukrainian Supreme Court on 13 June 2024. (Appeal Document 1 ENG/UKR)
   * Jehovah’s Witnesses' conscientious objection to military service is internationally recognised under the European Convention on Human Rights (Article 9).
   * Numerous cases since 2024 document Jehovah’s Witnesses being criminally prosecuted and imprisoned in Ukraine for refusing military service, as verified by United Nations Special Rapporteurs and human rights organisations. (Appeal Document 2, 3 and 10)
   * A conscription letter was explicitly issued to me, requiring immediate military service after war onset, which I refused based on religious grounds. This critical evidence is attached.
3. **Clarification and Correction of Home Office Errors:**
   * **Point 17:** My claim never stated Jehovah’s Witnesses are banned throughout Ukraine. Persecution explicitly applies to Russian-occupied regions, including Mariupol, from where I had to flee.
   * **Point 22:** Although previously no conscription documentation was provided to the Home Office, a conscription letter has now been attached to this appeal (Appeal Document 4 - Mobilisation order and Temporary Certificate in Lieu of Military ID Card). This document explicitly evidences my obligation to report for military service immediately following the outbreak of war. It demonstrates clearly that my refusal to comply—due to my religious beliefs as a Jehovah’s Witness—would inevitably lead to criminal prosecution and imprisonment, in line with documented cases occurring throughout Ukraine since late 2024.
   * **Point 30:** The Home Office’s assertion that I lived in the western part of Ukraine is incorrect. My documented permanent residence was in Mariupol, which is now under Russian occupation. This is substantiated by the attached proof of residence (Appeal Document 5 - Proof of Residence). While I was forced to flee Mariupol due to the outbreak of war and occupation, it remains my home and place of origin.
   * **Points 32 & 46:** My family resides in occupied Mariupol, inaccessible due to significant persecution risks and barriers, thus negating the Home Office's assertion of a familial support mechanism upon return.
4. **Circumstances of Stay in Poland:**
   * My prolonged stay in Poland was entirely involuntary. It was caused by a mandatory COVID-19 quarantine, substantiated by medical evidence (Appeal Document 6 - Antigen Test Result Card - COVID-19 Report), followed by a legally required waiting period to obtain a UK visa. At no point did we seek or receive any governmental assistance, financial aid, or public support in Poland. Our intention was always to proceed legally and directly to the UK as soon as possible. Thus, Poland was never considered a place of refuge or safety, but a necessary transit point due to health and legal constraints.
5. **Consistent Conduct Demonstrating Genuine Fear**
   * Since fleeing Ukraine, I have not returned at any time — not even briefly, nor for personal or family reasons. This is not a case of someone seeking protection after frequent voluntary returns to their country of origin. I have consistently avoided returning to Ukraine because I genuinely fear for my safety, liberty, and psychological well-being. My actions clearly reflect the seriousness of my religious and conscientious stance, and my fear of persecution has remained constant and well-founded.

Legal References and Supporting Documentation:

* Appeal Document 1 ENG / UKR - Ukrainian Supreme Court ruling (13 June 2024) on suspension of alternative service during wartime
* Appeal Document 2 - UKRAINE; Two new conscientious objector jail terms.
* Appeal Document 3 - Ukraine Imprisons Jehovah’s Witnesses for Their Faith
* Appeal Document 4 - Mobilisation order and Temporary Certificate in Lieu of Military ID Card
* Appeal Document 5 - Proof of Residence
* Appeal Document 6 - Antigen Test Result Card - COVID-19 Report
* Appeal Document 7 - Refugee Convention 1951 and Protocol relating to the Status of Refugees (Article 1A(2)
* Appeal Document 8 - European Convention on Human Rights (Articles 3, 9, and 14)
* Appeal Document 9 - CONSTITUTION OF UKRAINE Article 35 - guaranteeing the right to alternative civilian service
* Appeal Document 10 - UKRAINE\_ Thousands of conscientious objectors under threat of 3-year prison terms \_ Human Rights Without Frontiers
* Appeal Document 11 - Forum 18\_ OCCUPIED UKRAINE\_ Religious freedom survey, March 2025 - 4 March 2025

Given the above points and extensive evidence provided, my fear of persecution is clearly substantiated and legally justified. Therefore, I respectfully request the Tribunal to overturn the Home Office decision and grant my asylum application.

Thank you for your careful consideration.

Yours sincerely,

Denys Novokhatskyi