National Ambulance
LGBT+ Network

INTERSECTIONALITY+

15 & 16 June 2023
Manchester Metropolitan University

Workshop QR Link

Figure 1: Asylum applications[1] lodged in the UK where sexual orientation formed part of the basis for the claim, 2015 to 2021

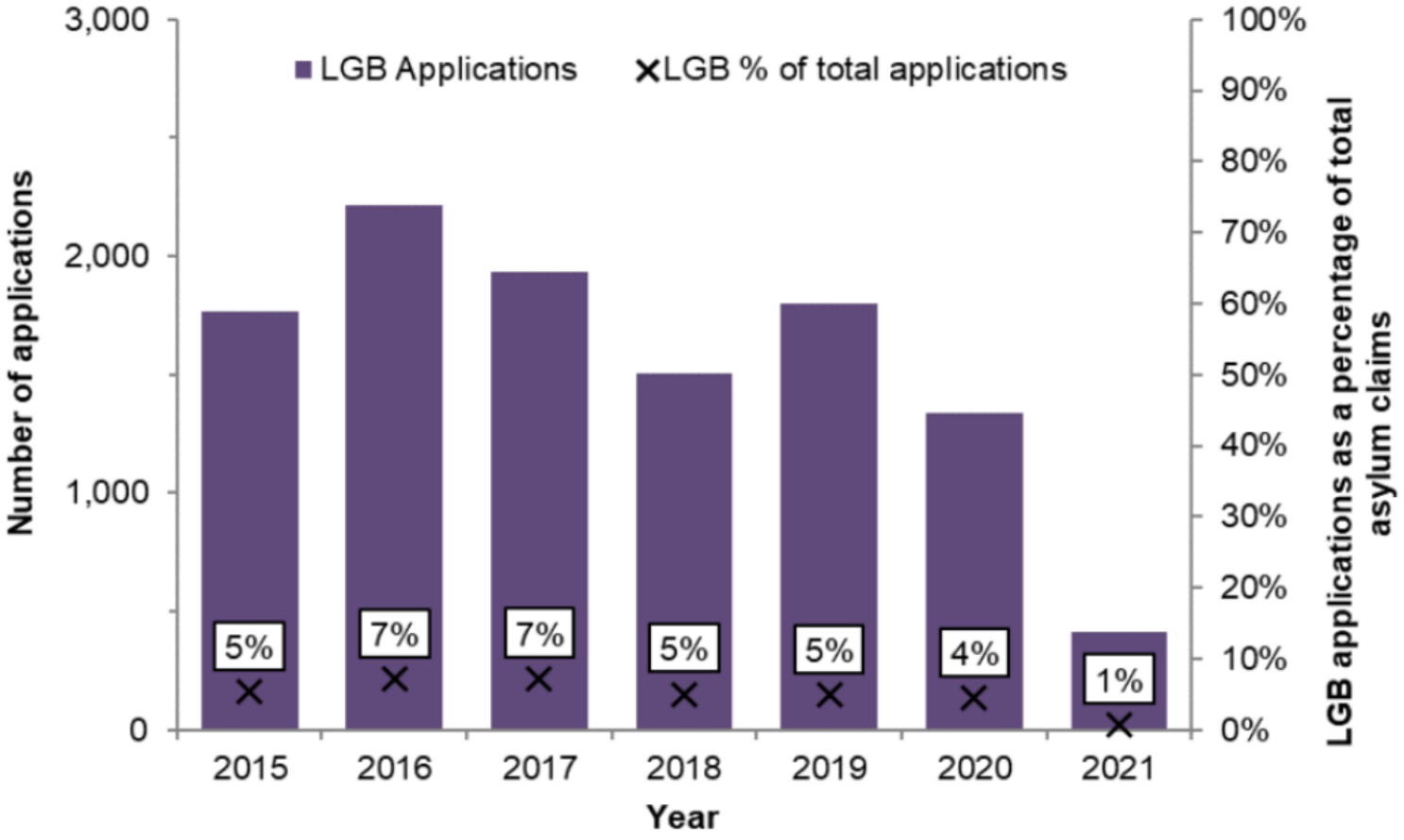
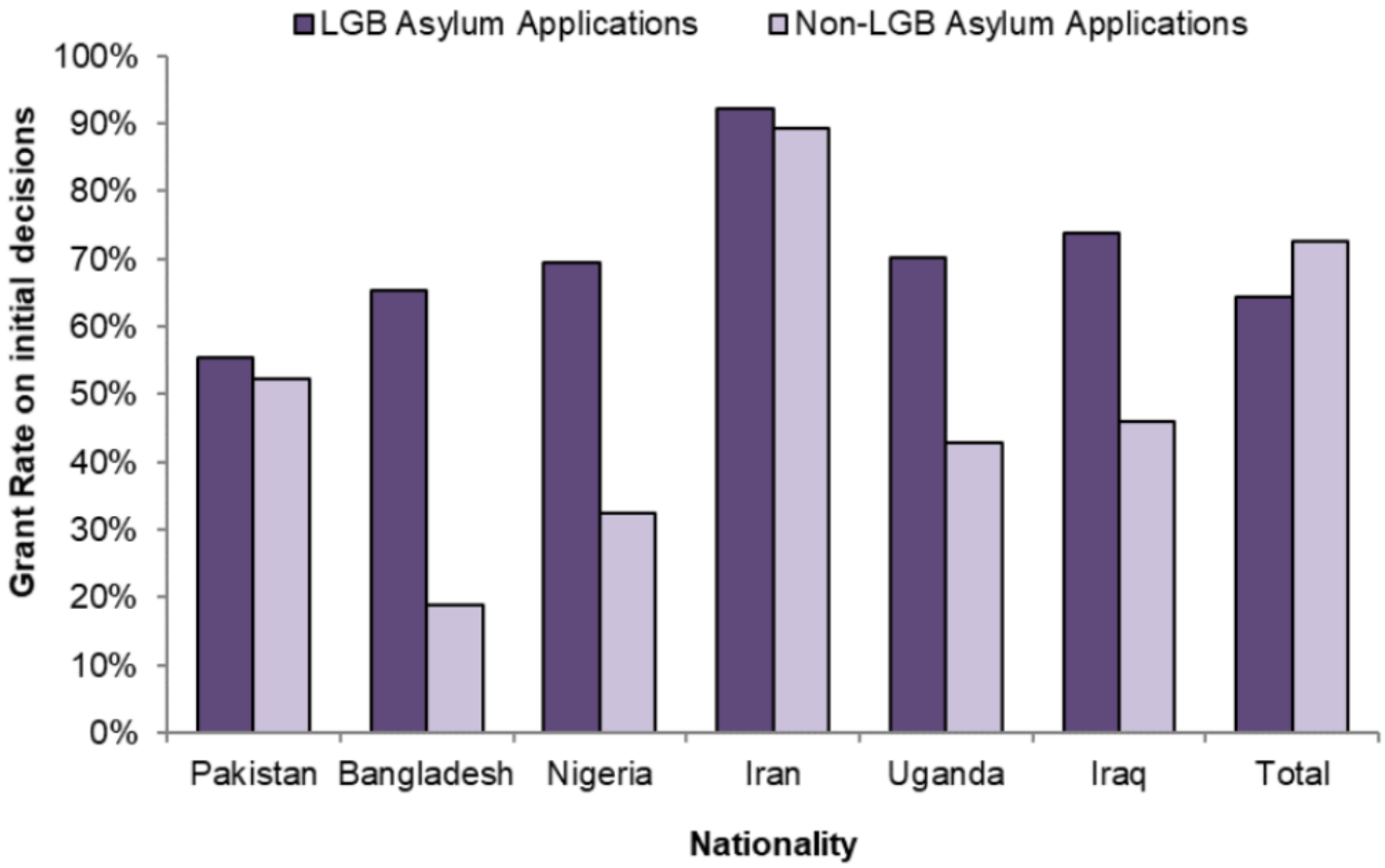


Figure 2: Grant rates at initial decision[1] on asylum claims where sexual orientation formed part of the basis for the claim, by nationality[2], 2021



Scenario

- Work in pairs.
- One of you will be a person seeking asylum and you have applied for asylum in the U.K. based on sexuality.
- The other person will be the Home Office Immigration Officer.
- You will each be given a piece of paper with your profiles.
- You must now be interviewed by the Home Office.

The Refugee Convention

- ‘Queer diaspora’ (Wesling, 2008).
- Article. 1A (2) of the Refugee Convention (1951) defines a refugee as an individual who has a 'well-founded fear of being persecuted for reasons for race, religion, nationality, political opinion, or membership of a particular social group.’
- Does not specifically refer to LGBTQI+ identities as a protected category, sexual minorities are generally understood to constitute 'a particular social group' for the purposes of seeking asylum in view of the fact that LGBTQI+ people's sexual or gender identity is considered immutable and un-changeable.

‘Acceptability’ of queerness

- Historically, a common practice in a range of European states to expect queer asylum-seekers to exercise discretion about their sexual orientation in their home countries so as to avoid persecution.
- Key means of rejecting queer asylum applications has shifted from 'discretion' to 'disbelief,’ with most states seeking to verify the sexual orientation of asylum-seekers during the interview process (Mole, 2017).
- Increasingly assessed on the ‘readability of their queerness’ and the 'acceptable' and 'unacceptable' forms of homo/bi/transphobic harm that they have suffered (Mole, 2017).
- What does this readability and acceptability look like in practice?

Being ‘credible’

- Credibility of claimants' testimony often hinges on their adhering to specific stereotypes of gay and lesbian appearance and behaviour.
- The sexuality of asylum-seekers from non-Western states is being tested against the benchmark of Western LGBTQI+ identities.
- Aligned with Western notions of LGBTQI+ lifestyles, such as frequent visits to queer nightclubs and parties, public display of love and affection, wearing rainbow-coded clothing (Tschalaer, 2018).
- A gay man from Iran was tested on his knowledge of ‘gay culture’, including the works of Oscar Wilde, Freud and an Egyptian gay novelist (Millbank, 2009).
- With those closest to the traditional model of the male political activist fleeing violence at the hands of state officials most likely to be granted asylum (Mole, 2017).

Other ‘credibility’ issues…

- Shame and trauma experienced may trigger depression and memory loss, and produce narratives deemed incoherent by decision-makers (Millbank, 2009, Berg and Millbank, 2009, Gendered Intelligence, 2009).
- Intrusive questions, such as asking claimants to relate details of an intimate sexual relationship, are not uncommon during interviews and court hearings (Berg and Millbank, 2009).
- Claimants are questioned by staff who have received no specific training in how to interview LGBTQI+ applicants, and who, owing to time pressures, have little opportunity to spend time and build rapport with the applicant prior to the interview (Stonewall, 2010).
- Some asylum seekers may never have heard any U.K. transgender terminology before, and therefore may not know how to even begin to describe themselves to the UK Border Agency (Gendered Intelligence, 2009).

Detention centres

- **“LGBT asylum seekers face discrimination and harassment in detention centres. Those who are open about their sexual orientation or gender identity often experience harassment and abuse from other detainees” (Stonewall, 2016: 8).**
- **“Trans asylum seekers face particular threats of violence in detention. One trans interviewee reports being placed in multiple male detention centres, even though she made it known that she identifies as a woman” (Stonewall, 2016: 8).**
- **“LGBT asylum seekers cannot fairly pursue their legal claim while being detained. They are required to collect detailed evidence to ‘prove’ their sexual orientation and gender identity” (Stonewall, 2016: 8).**

What health and well-being issues may be faced by LGBTQI+ people seeking asylum and refugees?

What can you do in your role to support LGBTQI+ people seeking asylum and refugees?