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# Interviews with asylum seekers reveal why the Home Office rejects so many LGBT claims

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Alarming numbers of LGBTQ asylum claims are being rejected by the UK Home Office, according to recently published figures. This comes off the back of a spate of media coverage drawing attention to the injustices many individuals face when seeking asylum on the basis of their sexual identity.

Academics have long noted a culture of disbelief and denial within the Home Office, with decision-makers being predisposed to disbelieve claimants. The culture of denial is particularly pronounced with respect to sexuality claims. Those claiming asylum on the basis of their sexual identity are often unable to provide objective evidence of that identity, leaving their claims to rest upon whether or not the decision-maker finds their account credible.

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As part of my research, I have been interviewing individuals who have successfully sought asylum in the UK on the basis of their sexual identity. Their stories reveal a number of things about Home Office culture.

## Sexual identity

Over recent years, there has been a drive from the Home Office to understand sexuality within asylum claims as a matter of identity, rather than conduct. This follows a decision of the European Court of Justice and is now reflected in Home Office asylum policy. This is a victory for the dignity of asylum seekers and has curtailed cases of asylum seekers being required to submit sexually explicit evidence.

But the focus on identity raises new concerns. For example, Abdullah\* a 29-year-old Omani refugee told me that:

*I never really identified with my sexuality. I recognised my sexuality, I accepted it, I was okay with it. I even lived with it. But the thing is, here is where it gets more complicated, identity is a very difficult word to identify. In every culture there is a certain set of values that are associated with identity.*

He went on to say that, in countries such as Oman, identity was associated only with one's faith group, tribe or nationality. In other words, in countries where sexuality is not viewed in terms of identity, but in terms of attraction or behaviour, asylum seekers may not be able to understand or articulate their experiences in terms of identity. This can lead to claimants being disbelieved because their focus is not seen as "credible" in Western terms.

These contrasting conceptions of identity were also present in the words of Masani, a 27-year-old Ugandan refugee, who told me:

*I can understand how here, or in places where you are protected, people might want to create an identity around what they do, but to assume that just because someone is fleeing a country due to their sexual interest this must be an identity that means all these different things is just wrong.*

The problem these narratives demonstrate is striking. What exactly is sexual identity? In the UK context, sexual and gender minorities have come to be understood in terms of identity, with rights framed around stable ideas of being lesbian, gay, bisexual or transgender (LGBT). But for people growing up in other contexts, identities are unlikely to be so stable. As Babu, a 32-year-old Egyptian refugee, told me, this is largely due to the limited opportunities asylum seekers may have to meet with other sexual minorities or access information about sexual minorities.

If the UK is to genuinely recognise sexual minorities in a manner compatible with the **Refugee Convention**, decision-makers must recognise the role of culture in shaping one's sexual identity (or non-identity) and note that individuals from different cultures may not present a narrative consistent with Western conceptions.

## A spectrum

Another issue is the prevalent notion within both the Home Office and British society more broadly that sexual identity is fixed. This presents a particular problem for sexual minority women. Masani told me that as she was married before fleeing Uganda, she had been disbelieved:

*Back in Uganda, I was forced to marry. I had no choice because if I had refused then my sexuality would have been suspected. But when I came here they said I was not a lesbian because I had been married. The letter made it sound so simple, you had a husband back in Uganda, therefore it is not credible that you are a lesbian.*

Although Masani was later granted asylum on appeal, this story shows that those claiming asylum on the basis of sexual identity are often expected to present a fixed identity, in which the complexities of life must be set aside.

Similarly, Abasi, a 28-year-old Egyptian refugee, told me how although he felt that queer identity “is more than just being gay or lesbian ... it’s a spectrum”, he felt he had to simplify things for the Home Office. To them, he “just kept it standard”. On the advice of lawyers, he pretended to be “straightforwardly” gay because he was warned that demonstrating sexual fluidity would mean his claim was seen as inauthentic.

These examples demonstrate how current practice fails to recognise the diverse and fluid nature of sexuality. In part, the Home Office’s culture of denial emerges from a rigid and fixed conception of identity.

These problems were also present in the much publicised case of Aderonke Apata, who during her 13 year struggle to be recognised as a refugee was once told by a lawyer representing the Home Office: “You can’t be heterosexual one day, and lesbian the next.”

## Stereotypes

It’s also important to note the prevalence of stereotypes within attempts to determine the sexual identity of claimants. Despite being clearly prohibited by Home Office asylum policy, stereotypes continue to play a role as evidence in claims. This is because those seeking asylum are often unable to provide external evidence to corroborate their claims.

This means that decision-makers may look for other forms of “evidence”, such as photos taken at pride parades or LGBT spaces. For example, Chatuluka, a 33-year-old Egyptian refugee, described how his lawyer encouraged him to attend “gay spaces” and take photographs to prove it. This expectation is stereotypical, linking same-sex attraction to party culture and attendance of specific types of events.

Abeo, a 44-year-old Nigerian refugee, even went so far as to describe the stereotyping he experienced at the hands of the Home Office as an attempt to humiliate him. He told me that one of the first things the interviewer said to him was: “You don’t look gay, you look like any other man, why should I

believe that you are?” The idea that there is any way in which an individual can “look gay” is an offensive reliance on narrow stereotypes of what it means to be LGBT.

As recent media coverage regarding an asylum seeker rejected for lacking a gay demeanour has shown, stereotypes continue to figure greatly in how Home Office decision-makers and immigration judges alike conceive of sexual identity.

As all this suggests, the Home Office and justice system more broadly continue to hold very narrow conceptions of sexual identities. This results in a disproportionate number of sexual minority asylum claims ending in rejection, leaving those people at continued risk of persecution.

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*\* All names have been changed to protect participants' anonymity.*



Homosexuality   Sexuality   Asylum seekers   Stereotypes   LGBT   Interdisciplinarity   UK Home Office