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This paper was originally submitted as a dissertation in completion of the requirements for the degree Masters in Global Migration. The views expressed in this paper are those of the author(s) and do not necessarily reflect the views of UCL's Migration Research Unit.

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UCL Migration Research Unit Working Papers

No. 2014/3

Queer, Beyond a Reasonable Doubt: Refugee Experiences of 'Passing' into 'Membership of a Particular Social Group'

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**Queer, Beyond a Reasonable Doubt: Refugee Experiences of 'Passing' into
'Membership of a Particular Social Group'**

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2013

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**This research dissertation is submitted for the Msc in Global Migration at
University College London**

Abstract

Sexual orientation-based asylum claims have historically been fraught with difficulties. Although considered eligible for refugee protection in a small number of countries beginning the 1990s, knowledge and acceptance of sexual minorities is itself a relatively recent phenomenon in the countries that accept their claims. In many cases decision-makers have been shown to rely on stereotypes of what they consider to be ‘gay’ identity. Following the 2010 *(HJ) Iran (HT) Cameroon* ruling, anecdotal evidence suggests that decision-makers are increasingly refusing Lesbian, Gay and Bisexual (LGB) asylum claims based on negative credibility findings. This paper presents the results of a small qualitative research project that examined the way the UK asylum system is negotiated by queer asylum-seekers themselves, focusing on in-depth interviews with applicants who had been refused at least once and were submitting a fresh claim. It focuses primarily on the issue of providing ‘proof’ for the claim by examining specifically the impact and experience of gathering evidence and creating a narrative for the claim. The findings suggest that the asylum process substantially regulates the way queer asylum seekers feel they must live and that they must regularly negotiate between what the Home Office demands and what they are willing give.

Word Count: 14,909

Acknowledgements

A very big thank you first a foremost to all of the participants in this research for opening up to me and engaging with this project. Our conversations were insightful and extremely interesting. I feel humbled to have been able to share such personal conversations with all of you and hope that you all find sanctuary and that we may do more from here.

A huge thank you also to my dissertation supervisor Richard Mole, for talking me through my moments of frustration and uncertainty, and for taking on this project and providing guidance and insight.

Finally thank you to all those who listened to me describe this project over and over again, and those who read portions of early drafts. Your comments and support were extremely helpful. And to my partner Lyl who listened to me talk through my ideas throughout this entire process with all the patience and support in the world.

TABLE OF CONTENTS

INTRODUCTION	1
LITERATURE REVIEW	
Sexual Citizenship	3
Lesbian and Gay Asylum Seekers and the Burden of Proof	4
The Case of the United Kingdom	8
Narratives of Sexual Identity and ‘Coming out Stories’	8
METHODOLOGY	11
EMPIRICAL CHAPTERS	
Chapter I: Evidence: Beyond a Reasonable Doubt	16
Chapter II: The Right Kind of Narrative	24
Chapter III: Changes	31
CONCLUSION	36
BIBLIOGRAPHY	38
INITIAL PROPOSAL	44
AUTO-CRITIQUE	48
APPENDIX	
Sample interview schedule	49
Interview transcript extract	51
Information sheet	54
Consent form	56

Introduction

Refugees who claim asylum on the basis of their sexual orientation face a system that was not designed for them (Jordan 2009). Although considered eligible for refugee protection in a small number of countries beginning the 1990s, knowledge and acceptance of sexual minorities is itself a relatively recent phenomenon in the countries that accept their claims. As both foreigner and queer they are the *other*, other and must rely on the empathy and imagination of decision-makers (Millbank 2002), who may have very limited knowledge of the complexity and diversity of individual experiences.

The High Court decision *HJ (Iran) HT (Cameroon)* appears to have increased protections for lesbian, gay and bisexual (LGB) refugees. However, anecdotal evidence suggests that UK decision-makers are increasingly refusing LGB asylum claims based on negative credibility findings. This research investigates the impact of the evidentiary hurdles LGB refugees must now meet as a result of this change.

A number of studies have documented and examined the decision-making practices underlying sexual minority asylum determinations, highlighting the host of challenges facing lesbian, gay and bisexual refugee applicants. This research takes a qualitative approach to explore the way these challenges are understood and navigated by asylum applicants themselves. It examines the way sexual minority refugees negotiate the demands placed upon them throughout the process and how they create a narrative of identity that is understandable to decision-makers.

The findings are separated into three empirical chapters that focus on (i) evidence, (ii) narrative, and (iii) change. By taking a queer angle to this research, I examine the way certain structures may create spaces of invisibility for individuals who do not fit the ‘norm’.

Before beginning I would like to clarify my use of terminology. I use the terms sexual minority and queer throughout this paper in order to refer to diverse, non-normative sexualities, which incorporate identities and practices across cultures (Jordan 2009). In this way, I use it to signify the various individual understandings of non-heterosexual sexualities, with the belief that even if we personally identify with labels, such as ‘lesbian’ or ‘gay’, the meaning behind these labels will be different from one person to the next. I recognise that these terms are not universally accepted, but have chosen to use them in order to be as broad as possible. I use lesbian, gay and bisexual (LGB) to refer to the identities that are required

Connely

for asylum protection and are generally used by decision makers throughout the asylum process. Finally, this paper does not include the particular challenges of transgender applicants. Transgender issues are often grouped into the umbrella of LGBTQ (Lesbian, Gay, Bisexual, Transgender, Queer), or the term queer. However, especially in the case of refugee status where their case rests on gender identity rather than sexual orientation, the two cannot be merely conflated, they must be analysed for the specific issues faced. In this case, I was not able to incorporate stories of transgender applicants.

Literature Review

This chapter will review the literature on the relationship between sexuality and asylum. Due to the nature and scope of these topics, the review presented here will necessarily be incomplete. Nevertheless, a brief review will provide context for the findings of my own research on the experience of queer refugees with the asylum system in the UK. Part one introduces literature on the relationship between sexuality, immigration and citizenship, relying heavily on the work of queer migration scholars in order to provide a theoretical starting point for the research. Part two will then address sexual orientation within asylum law, giving a background of the legal procedure and highlighting some of the main challenges facing LGB applicants, providing context for the particular case of the UK. Part three will present a more focused review of LGB asylum claims within the United Kingdom. Finally part four introduces some of the literature on narration within asylum claims and relates that to the use of narration in ‘coming out stories’ within the LGBT community.

Part I: Sexual Citizenship

Citizenship in many ways is built on exclusions, and through the production of citizen and stranger, it reproduces the boundary of the nation. At the same time, these controls are disciplinary in their approach, reproducing what constitutes the good citizen as opposed to the outsider. Queer migration scholarship¹ has highlighted the way migration controls have historically produced normative sexualities by a creation of the ‘queer’ or ‘deviant’ other, which underpin a heteronormative² nation-state (Luibhéid 2008).

This theory raises questions about the socio-political construction of refugees, who’s gender and sexual expressions fall outside of the norms upheld in the Western countries

¹ Queer migration scholarship is a broad field. It generally focuses on the way migration impacts the construction and form of sexual identities and communities, and the way sex, sexuality and gender impact the way migration is experienced, understood and undertaken across individuals and communities (Queer Migration Research Network).

² Luibhéid explains heteronormativity as the way, ‘normalizing regimes produce heterogeneous, marginalized subjects and positionalities in relation to a valorized standard of reproductive sexuality between biologically born male-female couples who belong to the dominant racial-ethnic group and the middle class’ (2008: 170-171)

granting them asylum rights (Ou Jin Lee and Brotman 2011). Sarah Kennan (2011) sees refugee law as a tool of regulation and argues that the production of the ideal asylum applicant has reinforced these norms rather than contradict them. She uses the example of the ‘ideal vulnerable lesbian’ – who can be assimilated into the good gay and lesbian citizenry and who simultaneously classifies her home state as essentially dangerous – to suggest that these frameworks reinforce ideas of the host country as progressive, in direct opposition to the backwards repressive home-state.

Other scholars have noted the tendency in asylum law to uphold standards of an, ‘essential’ and ‘fundamental’ gay or lesbian that fits within ‘western characteristics’ of gay identity (Hinger 2010; Morgan 2006). By examining these policies we can see the way the promotion of biological or fixed notions of identity allows for narrow categorisations within asylum law that determine who should be granted protection (Miller 2005). Upholding strict narratives of protection for only the ‘true’ gay or lesbian person who finds perfect protection in the host-country obscures the exclusion, racism, sexism, classism and heterosexism sexual minorities experience through the asylum process within the host-state (Ou Jin Lee and Brotman 2011:246). Martin Manalasan similarly criticises the traditional narrative of migration trajectories from ‘repression’ to ‘liberation’; arguing that rather than complete liberation, many migrants face restructured inequalities and opportunities through migration (Luibhéid 2008:170).

Queer theorists argue that sexualities are situated and culturally specific (Jordan 2009) and are impacted by intersecting relations of power including race, class and citizenship (ibid). These relations raise important questions as to how sexualities are both shaped by, and shape migration (Luibhéid 2008:171).

Part II: Lesbian and Gay Asylum Seekers and the Burden of Proof

This section will begin by outlining the basis of claims for sexual orientation-based asylum within international law. It will go on to review the literature on the difficulties with LGB asylum cases across jurisdictions in order to give context for the particularities of the UK case.

Legal Context

Refugee protection is governed by international law, guided primarily by the 1951 Convention Relating to the Status of Refugees. Written soon after WWII, it was created as a set of guiding principles to all signatory states to protect those who were displaced as a result of the conflict in Europe. It was expanded to its current international scope in 1967.

According to the Convention, a refugee is a person who:

[...] Owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself to the protection of that country [...]³

As evidenced by the abstract itself, sexual orientation is not an explicitly protected ground. However, it is now fairly well established within the case law of countries that grant sexual orientation-based asylum, that LGB individuals do fall within the ‘membership of a particular social group (MPSG)’ category (Berg and Millbank 2009). LGB refugees fit within the MPSG category either based on their status as recognisably different within society, or more commonly, based on an interpretation of sexual orientation as an ‘immutable characteristic’, which cannot be changed, or is so fundamental to a person’s identity that it should not be required to change (Aleinikoff 2003).

In addition to the recognition of their applicability for asylum, lesbian and gay applicants are subsequently faced with (i) proving that they are lesbian, gay or bisexual; (ii) establishing that they face persecution because of their sexuality; and (iii) proving that the authorities in their country of origin are either the perpetrators of the persecution, or that they are unwilling or unable to protect them from persecution at the hands of non-state actors. This research is focused primarily on the first point outlined above, that of proving sexuality. The following sections will review the literature that documents these challenges. The complex social and legal aspects of the latter two points will not be expanded upon here, but have been analysed in detail in other papers.

It is the duty of the asylum-seeker to prove their case for asylum (La Violette 2013), however under international law the standard of proof is lower than criminal cases, and an applicant must only prove a reasonable likelihood of past, or well-founded fear of future

³ Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137 Article 1.
Connely

persecution (Thomas 2006: 81; Sweeny 2009: 700). The fear of persecution must be proven on a subjective level (that there is a personal sense of fear) and on an objective level (that the fear is based in some material reality). Claims can be proven by personal accounts, witness testimony, expert testimony and/or documentary evidence. The United Nations High Commissioner for Refugees (UNHCR), the office tasked with overseeing refugee and asylum seekers internationally, has however, clearly stated in their guidelines that many asylum seekers will be unable to produce any independent evidence, and that personal testimony should be enough to substantiate a claim (UNHCR Guidance Note).

Leading authors have noted that the history and circumstances of LGB applicants can and do lead to difficulties with LGB applicants across jurisdictions. The complicated task of ‘proving’ sexual identity can be understood if split broadly into two categories, issues of stereotypes and issues of credibility. The two will be expanded upon below.

Stereotypes

What if Columbian lesbians do not look like Canadian lesbians? Or what if most lesbians do not look like lesbians? (Millbank 2003: 121)

One of the principle complications in LGB claims is the level of diversity in expressions and understandings of queer sexualities. There is no ‘universal’ subject that can be held up as an example of what may constitute a lesbian or gay claim (Ou Jin Lee and Brotman 2011). Up until the 1990s LGB individuals were invisible to the asylum system. Once recognised, these claims faced a system laden with stereotypes and ignorance (Morgan 2006).

The landscape is dotted with decision-makers refusing to grant status because a lesbian is not masculine enough or a gay man is not effeminate enough (Johnson 2011). Requests for protection are refused because an individual has been married in the past (Chelvan 2011), because they do not know the location of local gay bars (Morgan 2006), or because they are not forthcoming enough in describing their sexual conduct with same-gender partners (Kassisieh 2008). Many have argued that decision-makers have historically relied on local, often clichéd, and culturally specific modes of identifying LGB asylum seekers (Hinger 2010).

As sexual orientation has become more widely discussed and represented within asylum claims, there has been increased efforts to expand the purview of how queer sexuality

can be understood, and to change perceptions of sexuality as strictly conduct-based to a wider understanding of sexuality as identity-based. For years LGB claimants could be refused based on the presumption that they could avoid harm in their country of origin by hiding their sexuality, i.e. acting ‘discreetly’ (Kendall 2003; Chelvan 2010; Millbank 2009). Many have argued that the requirement of discretion stems from a conduct-based understanding of sexuality, presuming that so long as sexual conduct remained in the bedroom, LGB individuals were safe from harm. However, many have noted that this is a fundamental misunderstanding of sexual orientation and the harmful effects of repression and being forced into ‘the closet’ for protection (Millbank 2005). In response, there has been a growing push to understand sexual orientation as identity-based, bringing sexual minorities out of the bedroom and into the public (Chelvan 2010). Identity-based understandings fit more readily within the determinations of MPSG based on an, ‘immutable characteristic’, but this approach has not been without its complications.

Some have argued that an immutable, identity-based approach to sexual minority refugee claims is exclusive to some (Rehaag 2008, 2009; Keenan 2011), and continues to be culturally specific, requiring asylum applicants to fit within a certain proscribed identity, or be fundamentally ‘gay enough’ for the government (Morgan 2006: 136). The stereotypes and subsequent invisibility of many LGB applicants is intricately linked to the complications of decisions based on credibility outlined below.

Credibility

Credibility is the subjective determination by an asylum decision-maker as to whether or not the applicant’s request for asylum can be believed (Thomas 2006). Reviews on asylum decisions across jurisdictions suggest that negative credibility findings lead to a substantial, if not a majority of refugee claim rejection (Kagan 2003; Sweeny 2009). Overwhelmingly, credibility assessments rely on consistency, plausibility and demeanour of the applicant in order to make their decision (Memon 2012). These indicators are problematic because they are based on assumptions about the way one ought to behave and respond (Thomas 2006). Often, decision-makers mistake the effects of trauma or fear for lack of credibility (Memon 2012; Herlihy *et al.* 2002). For sexual minority applicants, the shame and stigma that underlie most of the claims for asylum make credibility assessments particularly problematic. Perhaps more than any other claims, for LGBT asylum seekers, extremely private experiences infuse

all aspects of the claims (Berg and Millbank 2009: 196 emphasis original), making the process particularly challenging.

Decision-makers often find applicants who are ‘demonstrative and expressive’ and who provide linear and comprehensive narratives to be more credible than others (Johnson 2011). However, mental health practitioners have increasingly highlighted the impact of trauma on memory and consistency, suggesting that disparities or inconsistencies in stories may be a normal part of recounting traumatic stories (Steel *et al.* 2004). Coping with the experience of trauma may necessitate full amnesia or denial of the events, or when remembered, the stories may be stored as fragments, related to certain sensations or images rather than a verbal narrative (Shidlo and Aloha 2013: 10).

Decision-makers expect that asylum-seekers will present themselves for asylum at the first opportunity, and often find their credibility damaged if they fail to do so (Bögner *et al.* 2009). But LGB applicants may be late in doing so as a result of limited knowledge about the option for asylum (O’Leary 2008). They may be hesitant to share their sexuality with anyone based on fear, especially authority figures who often represent serious threats in their home country (Miles 2010:11). For those fleeing extremely persecutory places, applicants may have never discussed their sexuality before, and may not have a name for it, making their accounts incomplete or self-identification problematic (Bennett and Thomas 2013).

Research conducted on European Union policies has found that when protections for sexual minority applicants are increased, they are often met with an increase in refusals based on credibility (Jansen and Spijkerboer 2011). Jenni Millbank (2003) found a similar result in her analysis of claims in Australia following the High Court in ruling in 2003 that LGB applicants cannot be asked to return to their country of origin and be ‘discrete’. Similar patterns have surfaced in the UK following the abandonment of the discretion test as well. The move from ‘discretion’ to ‘disbelief’ has been summed up well by Millbank (2009: 399) as, ‘findings of the falsity of sexual identity in refugee determinations are easy to make and impossible to appeal’. A stark contrast to decision-makers claims that LGB asylum claims are easy to make and impossible to prove.

Part II: The Case of the United Kingdom

Many of the barriers to successful LGB asylum claims listed above can also be found in UK-based sexual orientation claims. In 2010 two well-known organisations published reports on

the situation of LGBT asylum-seekers in the country (UKLGIG 2010; Miles 2010). In one report, findings suggested that refusals for LGB applicants were somewhere near 98-99 per cent,⁴ compared to 67 per cent of all other claims (UKLGIG 2010). Throughout the reports they found references to extremely invasive questioning techniques based on sexual-conduct or highly culturally specific claims, most famously expressed through relying on the question, ‘have you read Oscar Wilde’⁵ in order to ascertain a Jamaican lesbian’s identity (Miles 2010). This lack of knowledge on how to handle LGBT claims, coupled with the policy of discretion, created nearly unsurpassable barriers for LGB asylum-seekers, as evidenced in the numbers of refusals mentioned above.

UK decision-makers relied on the ‘reasonably tolerable’ or ‘discretion’ test until 2010. Using this reasoning, asylum-seekers were told to return to their home country and hide their sexual orientation in order to provide for their own protection (Chelvan 2011). In 2010 the UK High Court dismissed this reasoning, finding it against the Refugee Convention and against human rights.⁶ That same year, the UK government made a promise to end deportations of all LGBT asylum seekers at risk of harm in their own country (HM Government 2010:3). In response, the Home Office began implementation of a training policy aimed to improve the quality of the decision-making for LGBT claims. Although training has been implemented, reports suggest that the logic of ‘discretion to disbelief,’ followed by so many other countries has also taken on a dominant role in the UK (Gray and McDowall).

Alongside these changes in policy have been efforts by advocates to shift the conversation away from sexual conduct and stereotypical examples of ‘gayness’ and instead promote the use of open-ended questions that will allow for asylum-seekers to open up and tell their story. This ‘narrative of difference’ is based on the idea that moments of difference, shame, and stigma are universal experiences of most LGB people worldwide (Chelvan 2013). The use of this narrative of difference will be touched upon below.

⁴ Anecdotal evidence from support organisations suggest that these numbers have improved somewhat, but the Home Office has not yet released statistics on LGB claims, and thus it is impossible to say for sure.

⁵ Oscar Wilde is a famous Irish playwright and author of *The Picture of Dorian Gray*, he wrote in the late 1800s and was charged and sent to prison on account of his homosexuality.

⁶ *HT (Cameroon) and HJ (Iran) v Secretary of State for the Home Department* [2010] UKSC31. [<http://www.refworld.org/docid/4c3456752.html>].

Part III: Narratives of Sexual Identity and ‘Coming out Stories’

Personal narratives are an integral part of explaining an applicant’s story of persecution to decision-makers (Levit 2010). Due to a lack of objective evidence to support a claim, it is through the narrative that the asylum-seeker must make their story known in a way intelligible to the court (Johnson 2011). Many scholars and litigators have noted the power of stories to ‘humanise’ the storyteller, and have gone on to suggest that stories may be a useful means of responding to spaces that are hostile or ignorant to outsiders (Millbank 2002: 145).

Many have described the ‘narrative of difference’ as an important step in improving the refugee process (Weßels 2011; Gray and McDowall 2013; Berg and Millbank 2009; Chelvan 2013). However, as Weßels (2011) cautions, the fact remains that there is no one way of recognising and acting on sexual identity, and thus this does not necessarily make the job of the decision-maker easier. She goes on to suggest that this strategy could just as likely lead to hegemonic understandings of what constitutes an authentic ‘narrative of difference’ (ibid:38). Some argue that these narratives run the risk of relying on typical ‘coming out narratives’ that follow the experiences of white, middle class, gay men (Ou Jin Lee and Brotman 2011: 263; Berg and Millbank 2009).

The use of storytelling and narrative are particularly relevant for the LGBTQ community. ‘Coming out stories’ have become a genre in their own right, and have been an important means of making the ‘deviant’ sexual minority, visible and relatable. The coming out story is theorised as a tale necessary for every LGB person that involves the summing up of a personal journey that began from when their ‘nature made itself known to them despite a hostile environment’ (Saxey 2008 cited in Cover and Prosser 2013). The narrative of difference follows a similar rationale, that questions about difference will trigger a memory prior to any sexual attraction, which can then be linked to feelings of stigma and shame (Chelvan 2013).

In the typical coming out narrative, based on Cass’s (1979) five-stage model of identity development, the difference, stigma, and shame, (identity confusion, comparison, substituted for development and difference in her words) are followed by tolerance, acceptance, pride and synthesis (Smuts 2011). While these narratives have arguably come to dominate certain ideas about coming out, the model has been criticised for demanding a certain type of identity development that is not a reality for everyone. Lisa Diamond and

Ritch Savin-Williams (2000: 298) have argued for example, that the developmental trajectories of most sexual-minority women violate this ‘master narrative’ in at least one way.

A rising number of migration scholars are discussing the way migrant sexual minorities may negotiate their identity differently depending on an intersection of factors including race, family, migration status, personal desire, etc. (Vasquez del Aguila 2012), and have argued against the idea of the ‘global gay identity’ that suggests uniformity amongst the global gay ‘community’ (Manalasan 2006). The negotiations of queerness may also be different for individual citizens who, as a result of intersecting factors may not identify as moving towards ‘identity synthesis’ in the way Cass describes it (that is that a person is ‘fully out’ as a gay, lesbian or bisexual person).

Following on from the changes in 2010, there have been few studies that have looked at LGB asylum applicants’ experience with claiming asylum in the UK and how the ‘narrative of difference’ is implemented in practice. The following research will attempt to add to this body of research.

Methodology

Methodology

This research uses a queer methodology approach to investigate the complexities of sexuality, citizenship and migration. Central to queer theory is a questioning of the concepts like gender, race, sexuality, and citizenship that are so often taken for granted as fixed and predetermined (King and Cronin 2010). By using this lens, I aim to think critically about the possibilities for diversity in personal understanding of sexual identity (Gorman-Murray *et al.* 2010), so often silenced within immigration policies that demand fixed and stable identities (Epps *et al.* 2005).

I see this research as situated and influenced by my own social and political positioning and the effects this has on my relationship to each of the individuals who participated in this research. In some ways my self-representation as a queer/lesbian foreigner in the UK provided a certain level of connectivity with the participants. At the same time, my position as a student doing research and a non-asylum seeker certainly impacted the interviews and relationships and thus results in only a partial story. As a qualitative project, the results are necessarily subjective, and provide only a limited perspective on the many ways sexuality and refugeeness in the asylum system is experienced and explained. In this sense, I do not hope to ‘give voice’ to any of the interviewees in this research, but rather consider these findings representative of fragments of conversations and the complexity of stories (Enríquez-Enríquez 2013).

Methods

Data was gathered using qualitative techniques, in line with research that focuses on subjective and personal experiences (Ritchie and Lewis 2003). This included face-to-face, semi-structured interviews, a review of the formal asylum paperwork provided by participants, and attendance of meetings and gatherings for two organisations working with LGBT asylum seekers: Movement for Justice and Rainbows Across Borders. Most of my asylum-seeking contacts were made through meetings with Movement for Justice, where I announced the purpose of my research and asked for any interested participants.

In total, I conducted in-depth interviews with five sexual minority-identified asylum seekers here in the UK. Because personal experiences and understandings of sexuality and the asylum process were the main focus of this research, in-depth, semi-structured interviews provided the best way to approach the subject (Gray 2004). Interviews were conducted either in a private room on the university campus or outside in a local square, depending on the weather and the participant's preference. Although perhaps not an ideal location due to it being a formal institution, the university provided a space where relative anonymity and privacy was possible.

With each interviewee I conducted three meetings. A preliminary meeting was setup on an informal basis in order to discuss the research aims and involvement. These meetings were an important place to discuss the research without any pressure to agree to an interview. In each case I made it clear that there was no requirement for a follow-up interview. It also provided an opportunity to speak informally about background information and perceptions of the asylum system, which informed my analysis of the formal interviews. All participants whom I met with agreed to participate in the interviews. Formal interviews lasted from 45 minutes to two hours, and were recorded. Following the interview I maintained contact with each of the participants. I had a follow-up meeting with all but one, which offered an opportunity to check-in with wellbeing, continued consent, and any questions that may have arisen from the transcription process. The pre- and post-meetings were not recorded, but brief notes were taken for any relevant information or ideas.

I participated in weekly Movement for Justice meetings for a period of four months. These meetings provided a space to build contacts for interviews. It likewise provided an informal space to contextualise individual stories and experiences and gather feedback on my own research. In addition to meetings, I attended Immigration Tribunal hearings on four separate occasions alongside group members, which resulted in the review of five cases. The hearings were an important means of visualising the way sexuality is represented and discussed in the courtroom and provided rich perspective on how other asylum seekers interpreted these interactions. These engagements can be considered a form of participant observation, however, typical ethnographic or participant observation research involves a long-term process of emerging oneself into the space and place of the group that is being researched, in order to better understand them (Madden 2010; Pratt and Loizos 1992; Phillips and Johns 2012).

Although I relied on the literature of ethnography as a reference point, I fall short of claiming this as a technique due to the short time frame involved and the lack of ‘emergence’ typically required of ethnography. Additionally, my participation was less a product of my desire to understand ‘them’ and more a politically motivated action, with a desired outcome of producing material that can contribute to, and influence a positive change. I follow on what Mathias Detamore (2010a) describes as a ‘politics of intimacy’ that recognises that the relationships built through the research process are fundamental to knowledge production. While my approach is by no means as in-depth as he advocates, I embrace the strategy of reflecting on the impact of relationships, and the allowance for the researcher to have what he describes as a political project (Detamore 2010b: 168). While I am impacted by relationships, the analysis is my own and thus situated by my own interpretations and point of view.

Finally, through various speaking events and volunteer days at organizations I was able to discuss the process of asylum and the strategies for working with LGBT asylum seekers with other scholars and workers in the field. I volunteered for a short time at the UK Lesbian and Gay Immigration Group where I visited in detention centres. This experience was not used directly in my research, but did provide context for my analysis, and shaped some of my understandings of the issues and especially the ‘narrative of difference’.

Participants

Participants varied in age from 23-43 and identified themselves as lesbian, gay, bisexual, or refused a label all together. All but one of the interviewees had applied for asylum and been refused, and were at various stages of submitting a fresh claim.⁷ Those that I interviewed are from Cameroon, Gambia and Uganda. I have chosen not to link pseudonyms with countries of origin in order to protect anonymity. Because this was a small cohort within a small community, I have tried to remain vigilant in protecting the identities of all of the participants. I mention the countries because they are all locations that are considered by the Home Office to be too dangerous for any LGB applicant to return to. This means that the

⁷ A fresh claim is submitted when all, or most of the appeals for the first claim have been denied. Fresh claims are based on new evidence that was not presented before or that has come to light following the initial claim. See UKBA ‘Fresh Claim’ for more information: [<http://www.ukba.homeoffice.gov.uk/policyandlaw/immigrationlaw/immigrationrules/part12>]

only claim that needs to be substantiated is that they are lesbian, gay or bisexual. This is in contrast to other countries where claimants may need to prove that they are a sexual minority *and* that they will face persecution upon return to their home country. The inclusion of only those countries deemed too dangerous provides a narrow focus for my research that allows me to investigate in-depth, the importance of proof, which is central to the research questions.

Interviewing those who were in the process of submitting a fresh claim provided two important elements for this research. First, because the process was often prolonged, each had experienced the system from multiple angles and had time throughout the process to think through how their sexuality was being represented and how they might submit ‘proof’ for their claim. Second, and related to the first, is that each had submitted more than one narrative, another central component to this research. One interviewee had not yet submitted a claim, but was involved with support organisations for an extended period of time, and had worked extensively on a written narrative. His interviews contributed to the research significantly because he had spent time preparing his own, and observing other’s claims. As such, he had valuable insight into the group and organisational dynamics and provided a perspective of the way refugeeness (Lacroix 2004) may exist outside of, or before the asylum process.

Analysis

Formal interviews were recorded in full and subsequently transcribed verbatim with personal idioms and ‘voice’ left in tact in the text in order to allow for character and unspoken meaning to remain after transcription (Bailey 2008). Additionally, notes were taken post interview on any additional comments or thoughts that arose throughout the process. Interviews were reflected on and transcribed as soon as possible following the interview in order to review the material and to look for holes or improvements that could be made with the next (Williams 2003).

Full interviews were manually analysed for relevant themes in order to maintain a strong familiarity with the data (O’Leary 2004). These themes were then compared to the substantive asylum interviews and written narratives provided by interviewees. Themes were cross-referenced with field notes from the meetings and Immigration Tribunals to place the findings from individual cases into a larger context.

Ethics

An ethical framework informed the entirety of this research project and many of my standards and techniques are discussed in the preceding sections. Fundamental to my approach was an engaged and informed consent process with each of the research participants. This approach to the interviews allowed for continuous and negotiated consent (Hadjistavropoulos and Smythe 2001), through the method outlined above. Given the sensitive nature of the project the pre- and post-meeting provided an important space to check-in with wellbeing and comfort with participation.

This, and future research would likely benefit from participatory research action methods, often suggested for work with refugees (Harrell-Bond and Voutira 2007). Unfortunately, due to time constraints and a long process of building trust, this was not possible. However, in-line with the belief that research should give something back (MacKenzie *et al* 2007), once the interviews were recorded and transcribed, I discussed with participants areas that I thought particularly enlightening for me as an outsider to their life, that were not included in their written narrative. In some cases I provided transcripts so that they had a written version that could be translated to the narrative if desired. In many cases the informality of the discussion style allowed for rich and detailed accounts that were not forthcoming on the written narratives or formal interviews with the Home Office. In all cases I suggested that they think about whether they would like to include any of the information and discuss it with their solicitor.

Name	# of fresh claims	Years spent seeking asylum	Identified sexuality
Gene	1	3 years, 8 months	Bisexual
Samuel	2	7 months	Gay
Julius	N/A	1 year preparing	Gay immigrant
Abi	1	2 years, 8 months	Prefers no label
Diana	1	2 years, 3 months	Lesbian

Chapter I: Evidence: Beyond a Reasonable Doubt

It's so difficult because [...] it's like a personality trait. It's like saying oh, and by the way, I'm, I don't know, I'm really thoughtful towards others. How do you prove that?

Though evidence is not required in asylum claims under international law, it has become a substantial component of queer claims in the UK asylum system, in order to combat a high level of negative credibility findings. However, the high standard of evidence has led some to take drastic measures, including in some cases, filming sexual acts as evidence of queer identity. The findings in this chapter echo some of the previous research findings that suggest proof is one of the most substantial hurdles currently facing sexual minority asylum-seekers (O'Leary 2008; UKLGIG 2010). The underlying theme throughout the chapter is that submissions of an explicit sexual nature should be interpreted as evidence of a rising exasperation with the requirement of providing evidence of LGB identity, and a sense amongst refugees that the only way to convince the Home Office (HO)⁸ of queer identity may be to bring sex, literally or figuratively, into the picture. Individual experiences demonstrate the way the system organises the lives of asylum-seekers in substantial ways (Ou Jin Lee and Brotman 2011), and discusses the way these hurdles are approached and negotiated by refugee applicants.

All of the participants in this research, as well as many asylum-seekers I spoke with more casually, expressed astonishment and confusion with the requirement of proving sexuality.⁹ Many had been told that their case for asylum lacked enough evidence to substantiate their claim. This response from the Home Office was shocking on the first instance and led slowly to a feeling of extreme frustration, leaving applicants with a sense of disillusionment with the system as a whole. Three participants expressed their dismay at receiving a refusal having entered the process with complete confidence. The shock of being denied asylum stemmed in large part from having little to no information of what the asylum process would consist of prior to submitting their claims. For Gene, there was nothing to worry about when submitting the claim,

⁸ The Home Office is the lead government department for immigration and passports, drugs policy, crime, counter-terrorism and police. The special unit tasked with asylum claims is the United Kingdom Border Agency, which falls under Home Office Jurisdiction. [<https://www.gov.uk/government/organisations/home-office/about>]

⁹ Field Notes: Rainbows Across Borders Meeting 8/2/13; MFJ 8/6/13
Connely

As it was my first experience, I didn't know what to think about it. I said to myself it's my life, and whatever come out, whatever question come out, I will tell them what I know, what is real, there is nothing for me to think about, to worry about, that's it.

The certainty that there would be nothing required other than to explain their story was reiterated by others who were caught fully unaware upon entering the process. Abi, who had been told by a refugee-help organisation that she had to apply for asylum before she was eligible to receive their support, had gone to submit a claim the next day with nothing other than a small suitcase that she was living out of, under the presumption that she would only have to describe what had happened to her. The Home Office detained her on the same day, and three years later she is still fighting her claim. The shock of these experiences were intensified by applicants' confusion over how anyone could prove sexuality, and a lack of information as to what qualifies as valid evidence. I asked Samuel what 'proving' sexual identity meant to him, 'to prove you are gay is to say what is real about your life, you know?' This sentiment was echoed by Gene, 'I think there's something quite simple. You cannot say you are gay while you are not. Because it's like lying to yourself, you are not lying to somebody else, you are lying to yourself'.

Participants described the information available for what may constitute evidence as ambiguous at best, and more generally as confusing. Interviewees often had either no information or conflicting information on what evidence should look like,¹⁰ they spent much time collecting their proof, and found that the Home Office frequently questioned the authenticity of their submissions. Organisations play a critical role in providing advice in the absence of other information, as well as community and contacts to support the claim. However, these organisations sometimes provided contradicting advice over the best type of evidence. This can be found on a quick Internet search. One LGBT support website suggests that claims must include love letters and postcards between a current or past partner and, 'romantic photos of you with partner(s) in different locations; plus photos of you in bed together to show intimacy, romance and provide evidence that you are LGBT and have had same-sex relationships'.¹¹ Other organisations suggest that certain documentation such as a personal statement and letters from witnesses are helpful but maintain that the only

¹⁰ Field Notes: MFJ 8/6/13

¹¹ Peter Tatchell Foundation: <http://www.petertatchell.net/asylum/asylumadvice.htm>, accessed on 7/20/13.

requirement should be personal testimony.¹² One interviewee described receiving advice from his solicitor that evidence is not mandatory, but that evidence is what the Home Office wants to see. Asylum seekers and advocates regularly negotiate the dilemma between what theoretically should prove sexuality, and practically what the Home Office seems to demand. Typical examples of evidence I heard mentioned were photos with partners, photos at an event or rally that demonstrated involvement in the LGBTQ community, letters of support from friends or organisations declaring their belief of the applicants sexuality, and documentation from the home country of involvement with organisations, reports of violent attacks or problems with the police.¹³

For Diana, gathering evidence for her claim kept her busy almost every day of the week. She explained to me that she documents everything because she has to show the Home Office that she is serious about being a lesbian, to make them trust her. In this sense, Diana, like other asylum-seekers, is attempting to make herself known to decision-makers by expressing her sexuality in a way that is recognisable within a certain (UK) context (Johnson 2011; Morgan 2006). In other words, she must be a woman, with a partner, living openly and identifying as a lesbian. She explains the photographs and letters of support as responding to a specific request by the Home Office, namely that she prove she is a proud lesbian. This is not to suggest that this presentation is false or that the decisions she makes are not informed by her own interests and desires. Rather it suggests that she is actively working towards ‘passing’ into the host country by conforming to certain norms of behaviour in order to be accepted (Epps *et al.* 2005; Chávez 2010).

Diana regularly maintains contacts with LGBT, refugee, and mental health organisations, which all provide support in certain areas of need in her life, while also emphasising the various aspects of her claim that the Home Office has refused to believe in the past (i.e lesbian identity and past trauma). She describes being happy with her involvement in the organisations and living openly as a lesbian, but tells me of being tired at times from running from one place to the next, and that sometimes the demand and stress of it all exacerbate her mental health problems.¹⁴ She is in many ways enjoined by the asylum system to represent her life in a way that at once conforms to certain codes of lesbian

¹² UKLGIG – Informal meeting with Erin Power, Director 13/4/13

¹³ Anecdotally, it is rare that applicants have documentation from home, and in every case I came across, the Home Office denied the legitimacy of the documents.

¹⁴ Pre-Interview Notes 13/7/13; Post-interview Notes 21/7/13

behaviour, while simultaneously standing out as deserving attention and protection as a refugee who has faced, and will face persecution in her home country (Epps *et al.* 2005: 9).

The reliance on certain stereotypes of queer identity by decision-makers (Hinger 2010) suggests that the extent to which someone must go to be recognised will depend upon a host of interrelated factors including race, gender, class and nationality (Luibhéid 2008), i.e. the typecasts of Iranian gay men will differ from Jamaican lesbians. The threshold for passing may be differently experienced and perceived by each individual, depending on personal factors and presentation, and the requirements may change from person-to-person. The relationship with gathering and submitting evidence demonstrate the precarious situation asylum seekers regularly negotiate. For Diana, the positive benefits of participation in the organisation outweigh the negative toll it sometimes takes on her mental health. However, it is clear that at times, these negotiations may reach an intolerable threshold and/or may create a new set of problems.

A number of participants explained that the pressure they felt to enter into a relationship in the UK in order to prove their queer sexuality was exceptionally upsetting. For Gene, this crossed a boundary of what was tolerable,

[...] This is an insult! If I don't feel anything with anybody how am I going to get in to a relationship with you? Just because I want to prove to somebody I'm gay? [...] I will never compromise (...) my basic rights because I am seeking asylum. I said no.

For Julius, his instability because of his immigration status and last break-up are explained as reasons why he cannot at this time focus on a relationship,

I refused to try and date somebody for the past three years, the past two years because I'm trying to prove to the Home Office that I'm gay, that's my life, that's what I've been through, straight people can stay five years without having a girlfriend or boyfriend, how come a gay person cannot go through that, I mean, does that make sense for you?

Relationships play a central role in the asylum process for queer applicants because they make tangible something that is otherwise 'invisible'. There are significant problems with demanding a relationship given the reality of queer asylum seekers' histories and lived experience in the host country (Jordan 2010). What is not often discussed, is the scrutiny under which relationships are also placed if submitted as evidence of queer identity. In order for a relationship to serve as accepted evidence for an asylum claim, the relationship itself

must fit within a certain framework that is familiar to decision-makers (Miles 2010), at times creating an additional hurdle in claims that should otherwise be assessed on individual circumstances.

The complications of proving the validity of a relationship to the HO were apparent in a number of the court hearings that were attended in the course of this research. In one case, the benefits of including a partner's testimony were apparent when an applicant was instantly granted asylum by the presiding judge. The partner, in a show of visible emotions, responded to the HO questions about the nature of his relationship to the asylum-seeker in question by confirming that the two were in a sexual relationship, going further to ask whether the court would like him to tell them, 'just how gay his boyfriend is'. He then went on to describe the emotional impact the relationship has had on him.¹⁵ In these ways, the partner expressed a comfort and familiarity with a certain type of relationship, which could be understood by the court (Jordan 2010). He made clear that this relationship was both sexual and emotional and that it was public. At the same time, a number of intersecting factors bolstered his credibility. Not only did he present with a measure of 'stereotypical gay male' characteristics, including painted nails and explicit show of emotion, he also spoke English and had permanent residence in the country. In short, his presentation as a proud gay man with nothing to gain from acting as a witness, besides the relationship he was fighting for, proved beyond a reasonable doubt that the relationship was real. And in this particular case, the validity of the relationship was interpreted as a validation of the claimant's sexual orientation.

In contrast to the case highlighted above, at a different hearing, a lesbian applicant's relationship was used to discredit her entire claim of queer sexuality. In the case described above involving two men, sexual orientation and sexual intimacy were central to the discussion, whereas in the case involving the two women, sexual orientation was only explicitly mentioned once, in a question to a witness, and never directly to either the claimant or her partner.¹⁶ The possible gendered dynamic of what a valid relationship must entail came up again in a comparison between the two cases. In the case of the two men, the possibility that the two had not discussed personal details, such as their previous partners, was taken at face value. Whereas the fact that the two women claimants would not have discussed a personal matter such as their asylum claims in detail with one another was taken as implausible. Here, a general invisibility of queer women and women's sexuality in the legal

¹⁵ Field Notes: Court Hearing 3/7/13

¹⁶ Field Notes: Court Hearing 10/6/13

arena (Keenan 2011; Millbank 2003) and citizenship status (both were making claims for asylum) intersects with gender dynamics and influences what would be considered a ‘valid’ relationship.

In the same case, the women’s relationship was again used to diminish the credibility of the asylum claim when the Home Office was asking specific questions about details of the other’s life. At one time, the fact that the claimant did not remember the name of the woman her partner was temporarily staying with, and that they only rarely visited one another, was emphasised as proof of the illegitimacy of their relationship. But in this interaction, the Home Office representative was placing demands on the relationship without consideration of the material realities of asylum seekers’ daily lives, and simple diversity in the way relationships are engaged with between individuals. As an observer, my access to the full details of the cases is incomplete. However, the dynamic in the courtrooms suggests the way various intersections, including gender and citizenship status, emotions and conduct, influence the interpretations of relationships. It also suggests that although there is an unspoken expectation to present relationships to prove queer sexuality, it may impose yet another problematic evidentiary hurdle for the asylum applicant.

The negotiation between what will be included and excluded from the asylum case came up frequently in interviews. For many, the demand for certain types of evidence such as photos and participation in certain events was frustrating. For Julius, evidence of this kind in the end proves nothing, but results in arduous struggles on the part of the asylum-seeker to build a particular story. Like relationships, submission of evidence also provided an opportunity for the Home Office to question the authenticity of their claims (Berg and Millbank 2009). In multiple cases, newspaper articles or letters from back home were assumed to be forgeries, thereby damaging the credibility of the applicant. In one case, an applicant had downloaded material from the Internet about the home country situation as per the advice of a solicitor, only to be accused by the Home Office of fabricating the claim based on the information that was submitted. When the applicant responded that the case was based on personal experiences, the officer then asked why they felt the need to do research online.¹⁷

¹⁷ Online research is often suggested due to the historically poor Country of Origin reports the Home Office relies on to assess the objective possibility for persecution based on sexual orientation. Although they have improved lately, numerous reports suggested that the information in the reports was incomplete, wrong or out of date. Especially when LGBT Connely

Decisions on how much intimate detail to include were also negotiated throughout the process. Queer asylum applicants face a double bind in discussing personal and sexual conduct-based experiences. On the one hand, there is a rational argument that sexual orientation is much more than sexual conduct, and thus should not be used as the sole criteria for sexual orientation claims (Chelvan 2010). Key organisations and international recommendations have fought hard to ensure that asylum seekers are not subjected to such degrading treatment (UNHCR 2009, 2011; UKLGIG 2010). At the same time, for applicants who have been fighting their claims for years, the requirement for decency appears at times to be a mockery. In one case, Gene explained his frustration with the refusal by his solicitor when he suggested that the solicitor tell the judge that he (Gene) could show the judge how gay men make love. He suggested this as a way to frustrate the judge, and communicate the absurdity of the way he was being treated, but was shut down by his solicitor due to court etiquette. Another interviewee explained her frustration when she asked her solicitor to allow her to demonstrate her scars to the judge, and was told that it would be ‘indecent’ as he was a male judge, ‘and I’m like, my life is on the line [...] and you’re telling me about indecency? After I’ve described all this [...] you’re telling me about indecency?’

Engaging with a judge or a caseworker in a sexual way is often joked about to express the frustration with the system.¹⁸ Especially when all other avenues of evidence had been exhausted, being explicit was often (almost-seriously) discussed as the only way to make decision-makers really listen to, and believe the claims. Diana described her frustration with the fact that her relationship was not believed after she brought her partner with her as a witness to the court. Her partner had told the Home Office and the judge that they shared a bed and were in an intimate relationship. When they wouldn’t believe her she asked, ‘do they need me to sleep with my partner in their face to believe me?’

While often not a serious threat, these jokes highlight the power dynamic between a system that asks the asylum seeker to lay bare their most intimate details, while maintaining a deferent and ‘proper’ attitude towards the law. The mediation by the solicitors illustrates the way asylum claimants are restricted in some ways in deploying their own ‘tactics of transgression’ within the courtroom, requiring, ‘negotiation between deference to the legal

individuals are extremely underground, there may be little information reported, which was at times taken as evidence of a lack of persecution, for example.

¹⁸ Field Notes: Court Hearing 10/6/13

formality alongside assertions of individual agency' (Johnson 2011: 65). This is a topic I will explore further in chapter three.

The complications of the high evidentiary burden and the demand for conformity were particularly acute for applicants who have spent years fighting their cases. In some cases, the amount of evidence provided might reach a threshold that proves beyond a reasonable doubt that the applicant is the LGB refugee they say they are. At the same time, increased evidence provides increased opportunities for the Home Office to find irregularities or negative credibility findings that could lead to refusal.

This chapter has reviewed some of the ways proof and evidence manifests in the life of asylum applicants. The findings are in line with other research that suggests proof of sexual identity is one of the biggest hurdles for sexual minority asylum applicants (UKLGIG 2010). It also suggests that high evidentiary standards could be creating new problems of credibility for asylum applicants, especially as cases go through two or three fresh claims, which could amount to years (Pink News, 2/9/13). Because it is such an integral part of the claim, finding and creating evidence is a time consuming and complicated endeavour, which involves a negotiation of personal wellbeing, personal limits and the demands of the asylum system. These themes continue in the following chapter, which addresses a different type of evidence, the written narrative.

Chapter II: The Right Kind of Narrative

While chapter one examined the influence of ‘objective’ evidence on asylum seekers claims, this chapter looks specifically at the process of creating a personal (subjective) narrative to present to the Home Office. The practice of submitting a personal statement has come directly from organisations working with LGB asylum seekers in response to the problems with evidentiary hurdles throughout the process.¹⁹ Throughout the interviews I asked participants to tell me about finding out about the narrative, what they understood was required, and how they felt in producing it. This chapter introduces the way narratives are understood and navigated, and examines the applicability of the ‘narrative of difference’ to provide evidence of a claim. It discusses the unintended consequences of frustration and confusion, sometimes escalating to the level of a sense of violation as a result of minimal explanation about the narrative. It situates the production of queer asylum narratives at the intersection of contemporary LGBT ‘coming out’ narratives and the literature on asylum narratives as a whole and questions whether the production of a ‘narrative of difference’ is something easily translatable across all experiences.

Often, when someone explains to me their first refusal they mention the fact that they had no statement and no evidence as a means of explaining their unpreparedness and naiveté about the system.²⁰ The need for a narrative is now common knowledge and many people mentioned it as a work-in-progress, something they had been working on for some time.²¹ For those who attend the meetings for UKLGIG, they have been told the written narrative is essential to the claim.²² The Home Office website suggests that asylum applicants submit ‘any other documents’ that will support an application when attending their screening interview (UKBA), and many of the organisations supporting LGBT asylum seekers make mention of the personal statement on their information pages (Peter Tatchell Foundation, UKLGIG, Stonewall). The written narrative is important because it provides an opportunity for control over how a claim is situated and articulated, which is not possible through the interview process (Bögner *et al* 2007). By providing a written statement, an asylum seeker has the opportunity to influence the questions that are asked in their interview and they are

¹⁹ UKLGIG – Informal meeting with Erin Power, Director 13/4/13

²⁰ Field Notes, 1/6/13

²¹ Field Notes, 8/6/13

²² Training UKLGIG 5/3/13

able take time to process a story before expressing it formally to the Home Office. For those who have been refused, the personal statement is often a key piece of ‘new evidence’ to provide for their fresh claim.²³

For Abi, the first time she attended a meeting at one of the local organisations she was shocked when she heard that some narratives are as many as 60 pages, ‘I was shocked because I literally had six or maybe four [...] I was like no way, I have four pages, I definitely need help [...]’. I found it common that written statements often began as 2-4 page documents, and were re-written to be 20-25 pages when finished. When I asked one interviewee about his statement he told me that he hadn’t done much, and that, ‘it’s just a few pages, there’s ten pages I have, but I believe there’s a lot more I’m supposed to talk about [...].’ In another interview the feeling that there are certain aspects that should be explained, and that the story should be told in a specific way, was mentioned:

A: I didn’t even know how you’re supposed to describe it, I didn’t know there was a certain way of describing you know, I just did this thing, the way that I knew my life was [...]

EC: And now, do you think there’s a certain way?

A: Yea obviously

EC: And what does that look like?

A: It has to be very descriptive, it has to be in order, you don’t throw this in, and throw that, you don’t do like what I did [...].

It has been underscored across the literature that the construction of a narrative is highly socially and geographically specific (Bommaert 2011; Pereira 2008). The narrative relies on certain literary, cultural and linguistic rules of presentation that differ across location (Bommaert 2011: 436). Because there are certain individual and legal requirements that must be filled to gain refugee status, those with access to an organisation or time with a solicitor are often at an advantage of having their story reinterpreted in a way that will be easily identifiable by decision-makers (Shuman and Bohmer 2004).

The cultural or institutional differences of what is considered important enough to be included in an asylum claim was apparent when Gene expressed frustration that his narrative had been summarised by his solicitor, and that certain parts that he felt were fundamental to his story were removed. For him, the important element of his story was his educational background, his travel and work in various places, and his political involvement in his home

²³ Meeting – Erin Power, UKLGIG, 10/4/13
Connely

country. Education and experience were extremely important because they were a way of describing himself as an individual, but also a way of establishing himself as something other than a refugee (Ou Lin and Brotman 2011). It was a way of illustrating that his claim for asylum was necessary because of his sexual orientation, rather than for financial gain.²⁴ And it was his political involvement in LGBT rights back home that had made his flight from the country necessary. His identity as a gay man was important because it was the impetus for his engagement in political activities, but was not the piece of his claim that he thought the most complicated and in need of attention. Although he had written over 40 pages of a life narrative, he still felt it was impossible to explain his sexuality through writing,

Any other subject maybe it would be easy to write down, [but] you are talking about me, [...] I will talk about my sexuality by writing, you won't know nothing about it. I'm sorry about that, I've been in school, I've learned a lot, I have to put them in practice. (...) I cannot write something like that, I cannot, it, that's not me.

For Gene, sexuality was something he needed to express verbally, something he did not feel he was given the chance to do through the asylum process. Both the rewriting of his narrative by the solicitor and insufficient opportunity to tell his own story contributed to a feeling of intense frustration and sense of injustice in the way he was treated.

In another example, during an interview with Julius, he mentioned that there were certain things his solicitor told him he should include, and that he had to explain to her that he thought it was just not relevant for his case. He also mentioned that because of his problems with memory, inclusion of details as far back as his childhood might create problems for him throughout his claim. So while the written narrative may provide an important means of situating a claimant's story in a social, political and personal context (Bögner *et al.* 2007), it is essential that there is clear communication between the applicant and the solicitor in order to facilitate an understanding of which contexts are important to highlight and why, in order to give applicants control over their own narrative. One particular area of confusion for many of the interviewees was the advice that they include early childhood memories and experiences in the narrative.

For many that I interviewed, their first same-gender attractions or experiences were described as their recognition of queer sexuality, making account of their life before that moment seem irrelevant for the claim. In the narratives I reviewed that were first submitted to

²⁴ Pre-interview notes 28/6/13
Connely

the Home Office, the story often began with experiences of attractions for, or relations with persons of the same-gender and then continued on to explain the key moments of trouble that resulted from these experiences. The problem of describing only the events that happened after the first same-gender encounter is that it is often not rare enough to show authenticity.²⁵ Especially in places where same-gender schools are the norm, the story of finding a girlfriend or boyfriend in school is considered all too common to LGB asylum narratives.²⁶ This incorporation of early childhood memories into the narrative stems from a life story approach that has gained more attention recently amongst advocates and solicitors.

Advocates have suggested that using a ‘life narrative’ or a ‘narrative of difference’ approach offers a way to discuss sexual orientation across cultural differences. The presumption behind this method is that feelings of difference for queer people in a heterosexist world are universal (Pink News: 2/9/13). This is recommended as a method of moving away from relying on intimate details of sexual conduct (Raj 2012), and to demonstrate the uniqueness of a story. In this model, rather than seek a linear story, an asylum seeker is asked about when they recognised their difference, and allowed to speak about the way that recognition shaped their sense of self in response to adversity (Berg and Millbank 2009).

S Chelvan (2013) has described this as the DSSH (Difference, Stigma, Shame, Harm) model, where applicants are first asked, ‘when did you know you were different?’ And subsequently asked to explain how this led to feelings of stigma, shame and the harm (persecution), central to the asylum claim. This strategy has been adopted by a number of organisations and it provides an important and innovative framework for approaching sexual difference. It also requires a certain amount of self-reflexivity, which Berg and Millbank (2009) argue is culturally situated. Throughout my research, it appeared that discussing difference or the process of coming to recognise one’s sexuality in this way may require consistent and long(er)-term interaction with advocates and/or solicitors.²⁷ Advocates act as interpreters in drafting a claim out of the story being told that is easily recognisable for decision-makers, while concurrently maintaining the distinctiveness of the story (Raj 2012).

²⁵ Meeting with Erin Power 13/3/13

²⁶ *ibid*

²⁷ This is based on my readings of narratives with those who had support and those who did not.

For an applicant like Gene, who describes being gay as a choice and a way of life, the DSSH narrative is not immediately relevant. For him, the prominent moment in his story is his decision to live openly. The presentation of the story of the queer self as first recognising difference, then experiencing denial, and finally realising that this is his 'true' identity, is a learned expression of this story (Cover and Prosser 2013).²⁸

Most of the participants I interviewed did not immediately fit this narrative of difference into their personal identification. In almost all cases, their sexuality was explained as being attracted to, and wanting to be with someone of the same-gender. For example, being gay was described as feeling like 'everything you need, you have it with men and you are happy about that', that you 'feel secure with men' and 'you feel 100 per cent' attracted to men and secure with them. In one interview with the Home Office, being lesbian was described as loving a girl or woman, and wanting a deep relationship with a female partner. In one instance, Julius had described himself to me as a 'just gay immigrant', explaining his sexuality as an interest and desire for men. He explains that he has always been gay; he was just discreet about it. I asked him when he went from feeling an attraction to men to having a sense of identity about it (to feeling like, this is who I am and this is what makes me):

J: 'Right, um I just went for it, but when I say going for it is, when you express your feelings, you move from feelings to doing it actually, but the issue wasn't just about doing it, it was how I used to do it as well, I just went for it actually and it was alright for me, but it wasn't alright because it's like forbidden, it's [...] I just went for it, that's okay.'

E: I guess what I'm asking is, do you know when you decided, I think I'm gay?

J: When I decided, actually, by the time I just felt funny, it's a feeling which is also accompanied by the fact that I'm afraid to be myself. I confirmed it, because that's what it was. I said, it can't be, am I really? Yes, it was kind of weird, but felt okay to me, but it wasn't okay back home.

Throughout the rest of the interview, Julius described being unable to concentrate in school because he was worried about what would happen to him in the future because of his feelings for boys, negative experiences with disclosing his sexuality to family members that made him careful about coming out to anyone else, and other moments that could be considered fundamental moments of shame and stigma, elements that are all too common in typical 'coming out stories'. But for Julius, these stories were not a fundamental part of explaining

²⁸ Post interview notes: 8/7/13
Connely

his sexuality and did not immediately come together to form a cohesive ‘narrative of identity’, instead his explanation centred on desires, the stigma was peripheral.

Berg and Millbank (2009) have warned that the personal narrative runs a risk of falling back on Cass’s stage-model of identity development, popularised in the 1970s and based primarily on research with white, middle-class, gay-identified men (Bates 2010). These models form the basis of current, mainstream coming out narratives in many western countries. They suggest that recognition of same-gender attraction sparks an understanding of past experiences, which are then reinterpreted as having *always been queer* (Cover and Prosser 2013, emphasis mine). These interpretations of sexuality are in line with legal definitions of LGB identity as essential and immutable, but many scholars have suggested that this model of identity development and narration of self is produced and *created* as the norm, rather than an inevitable result of gay identity (Saxey 2008; Tawake 2006; Bacon 1998). It suggests that if an applicant is to be successful in creating their own narrative, they must learn the requirements of an accepted story.

Although many that I interviewed identified themselves as having always been queer, the narrative of discovering this queer identity in the terms outlined above was not automatic. In fact, only one participant spoke directly of his feelings in childhood, explaining that he felt uncomfortable with girls.²⁹ Because the focus of this research was not on coming out narratives, or identity formation, it would be impossible to determine from these few interviews that there is no narrative of discovery, but it does suggest that the practice of describing sexuality in this way may not be universal (Brown 2011). The prompt then, ‘start from childhood’, although used to begin the process of thinking about memories that occurred prior to any sexual same-gender feelings, may only be useful in contexts where a person knowledgeable of the ‘essential gay identity narrative’ is available to receive the story and reorganise it into a lesbian, gay or bisexual sexual orientation narrative that will be understood by asylum decision-makers.

In the few narratives I reviewed, the point of difference between the narratives written before the first refusal and second submissions were the level and extent of detail regarding feelings and moments of intimacy and trauma, whereas the moment of ‘difference’ often remained the same. For one interviewee, the need to share so much personal detail felt violating, ‘it’s like I have to give them my whole life, what am I going to be left with?’ The

²⁹ Post Interview notes 11/7/13
Connely

first submission, where there was still some control over what was given to the Home Office, is contrasted with the second submission here,

[...] The fact that I'm gay should be enough, I've told you the little bit that I feel that you should know, that should be enough for you to grant me stay, that is normal, you know I feel violated somehow. It is a violation, ah that's why the statements are 20 pages! Imagine if I was 60 how long would it be? It's crazy.

The inclusion of such personal details were a response to a combination of the advice from organisations or friends to submit a long, detailed, life narrative and the interactions with the Home Office that more often than not focused on sexual interaction rather than identity formation. In most cases, the explanation that narratives should tell a story of an essential identity, that has existed since childhood was not communicated.³⁰

For those that I interviewed, their first submission was an honest recounting of their story and what they thought important for a case based on their sexuality. This was made clear by the confidence they had on submitting their claims. Because the first submissions are often refused, there is a general sense that there must be a certain *type* of submission desired by the Home Office in order to be successful in a case.³¹ Once their honest and personal submission has been refused, everything after is a guessing game in trying to understand the criteria, and how decision-makers make these judgements.³² Personal interactions and interviews with the Home Office, hearing stories of other cases, and sitting in on court hearings provided a picture in which describing sexuality in a way that the Home Office desired to see it, often took the form of more explicit descriptions of feelings, trauma, sexual encounters, and visibility of lesbian or gay identity. The interview above illustrates the extent to which asylum seekers feel pressured by the process to present themselves in a specific way (that may harmful) in order to be 'gay enough for the government' (Morgan 2006).

This chapter has examined the role of the narrative of difference in the claims for asylum. The findings suggest that certain styles of coming out, or telling of narratives of difference, may not be universal. The process of using a model that looks for difference relies on an essential understanding of LGBT identity that is in line with the legal definitions for asylum, but which may not be a lived experience for all asylum seekers. It also suggests that

³⁰ This may not be communicated because organisations and solicitors are also trying to discover whether the person is really gay, suggesting that it would automatically come if they were. This is an area that could be further researched.

³¹ Field Notes: Court hearing notes 10/6/13

³² Field Notes: Rainbows Across Borders meeting 2/8/13

while this model may be useful in the context of support from individuals who are familiar with the cultural tropes of the narrative, it may create feelings of frustration and exposure when the purpose of the narrative is not clear. Finally, it echoes findings from chapter one, which highlight the extent to which sexual conduct is understood as central to asylum claims, and the pressure that many asylum seekers feel to share intimate details in order for their claims to be accepted.

Chapter III: Changes

EC: So when you heard that you could get asylum because of your sexual orientation, what did you think? [...] Did it surprise you?

D: I'm happy, very happy, to (laughs) Oh god. Very happy, it's my life

EC: What did you think the process would be like?

D: I think I'll be happy to say who I am, I will be free. Yes! (Diana)

This chapter expands upon some of the themes highlighted in the previous two chapters. It reviews the interactions with the Home Office from the viewpoint of change. Individual asylum seekers expressed change both in their expression of sexual identity, but also in their perception of the asylum system and how they chose to interact with it. Throughout the chapter the individual agency and management of the difficulties faced by the participants in this research will be highlighted.

Change is thought to be a fundamental part of migration, a person moves across borders and experiences themselves in a new reality, an experience that inspires new constructions of the 'Self' to maximise survival (Anzaldúa 1999, cited in Acosta 2008: 640). Change is also considered an essential element in queer identity formation, in that a person is 'changed' from the presumed heterosexual to something queerer. One of the biggest changes expressed throughout the interviews was a shift in perspective from seeing the asylum system as a system that is designed to provide sanctuary, to a system that is designed to deny claims. When I asked Samuel what he would tell asylum-seekers who were beginning the process now, he explained the mind-set that he has come to have,

The people [Home Office] there have a different mind-set than what you have you know [...] You're thinking about how to seek sanctuary, protection from the state and those people they're thinking about how not to grant you that protection. You know, they don't care if you are genuinely an LGBT member or not, all they want is to refuse you. They don't care what you go through when you get deported back to your country. So I would advise [...] to be confident to express yourself to them without being in fear because they are just human beings and that I think, that's one aspect that really really disturbs a lot of, especially African and Asian asylum seekers.

A number of interviewees reiterated the perception that asylum-seekers were naïve for entering the system under the impression that it was designed to grant them protection. Approaching the system as one designed to deny all claims was a helpful perspective because it made the refusals not about the individual, but about the system as a whole. In the same

vein, it encouraged the idea that in order to win,³³ every asylum-seeker must fight for their own case.

Becoming comfortable with representing oneself in institutional settings and in front of decision-makers was often explained to me as an important way of preparing for interactions with the Home Office, and actively fighting for refugee status. As illustrated in the second part of the quote above, confidence and fear are aspects that change throughout the process. For Samuel, becoming confident involved overcoming his discomfort and unfamiliarity with speaking about his attraction to men, but also meant uncovering the system as wrong and refusing to be a ‘victim’ anymore. He described later in the interview that if faced with another court hearing he would, ‘tell them [the Home Office] what no asylum seeker has ever said to them’. Learning to say what’s on your mind and express it without fear or hesitation is suggested as a necessary hurdle to overcome because of the perception that fear and uncertainty are exploited by the Home Office and used to deny any claim for asylum.³⁴

Within the group Movement for Justice, attending other members’ court hearings is an important way of building up confidence. Because for so many, sitting in a courtroom and answering questions is unsettling, familiarising themselves with the layout of the court rooms and the physical space is a way to prepare for their own hearings.³⁵ By attending the hearings it is also possible to take note of the types of questions that are asked, and the interactions between the judge, prosecutor,³⁶ and asylum seeker. At the same time, filling the courtroom with friends and members is seen as a way to support the person attending the hearing. The motive behind packing the courtroom is the perception that the invisibility and isolation that asylum-seekers face throughout the process allows for the abuse that often takes place. By appearing in court, the group can ensure a certain level of accountability by both the HO and the judge.

For Gene, the acknowledgement of the inhumanity of the system was also expressed as an important point of change, but was approached by him somewhat differently. Rather

³³ I use the term ‘win’ in this chapter to use the language used by participants, and because it better captures the sentiment often expressed, that of the asylum claim being a fight with an opponent.

³⁴ Field Notes: Consistent across meetings

³⁵ Field Notes: Court Hearing Notes 10/6/13

³⁶ ‘Prosecutor’ is used here refers to the Home Office representative, but was used in one of my interviews, which highlights the feeling of being on trial that is often described in speaking about the court hearings.

than keep quiet out of fear, he expressed his silence as a form of ‘restive silence’ (Johnson 2011:59). He explained this to me through one interaction with a tribunal judge, who asked him a question about whether or not he needed a visa to visit another European country,

[...] Because he say to me, I am a well-educated person, I have to use a computer to know what asylum is all about. But you as a judge, as an immigration judge, you have to know that as a [Nationality], I need a visa to go to [Country]. But if you ask me that question, something is wrong somewhere. But I keep my mouth shut because I don’t want him to feel shame.

In this instance, Gene retained power in an uneven situation by remaining silent. His silence here contrasts with his frustration of not having the opportunity to express himself verbally within the courtroom at an earlier instance, but rests substantially on his opinion of dignity and respect. Because he considered himself to be treated with such disrespect, by maintaining the silence when he otherwise could have shamed the judge, he deployed his own form of micro-resistance and took the ‘high road’ by refusing to, as a means of maintaining his sense of dignity (Johnson 2011). The lack of respect for his humanity that he experienced was seen as a combination of racism and homophobia on the part of decision-makers. He connected this to a lack of education on cultural diversity on their part, rather than a personal inability to represent himself in a way that was understandable to the government.

In many respects these two different approaches represent the dichotomy in the participants’ impression of the problems with the asylum system. On the one hand, there is a sense that cultural differences and misunderstandings are the primary problem, on the other, is the notion that the Home Office has no desire to grant status in the first place. A number of participants expressed their belief that the cultural divide between asylum-seekers and the decision-makers influenced the refusals and their frustration that there was no attempt by the Home Office to understand these differences.

[...] it’s not only the fact that they can’t express themselves about understanding what a gay and lesbian is in this country, sometimes it’s up to the person who’s interviewing, it’s up to them to know what it means to be a lesbian, in Nigeria [...] if you can’t understand what it means to be gay in Nigeria then you can’t understand me. Because I might not be able to fulfil your criteria as a gay person here because you wanted me to be like a gay person who’s here, when I say gay person here, because me as an African, there’s things gay people back home cannot do, they cannot express themselves the way they do here.

Here, the demand for change is met with some resistance. While many engaged in a process of learning how to fulfil the criteria of the Home Office, there was a simultaneous resistance to the erasure that was experienced by the denial of different cultural or personal expressions of self; this was done by recognising that those differences did exist, and that they would remain.

One of the most common reactions to the demands for proof by the Home Office was to respond by acknowledging that what was demanded did not actually prove anything. While seemingly small and perhaps quite obvious, the need to articulate the fact that people continue to be gay despite every attempt by the asylum process to negate it, illustrates the profound erasure of identity that happens within the system (Miller 2005). This has been described as the *violent gift* of refugee status, where ‘genuine’ refugees are granted the gift of citizenship, while a form of structural violence is imposed on not just those who are refused, but all those who enter the system (Miller 2005, cited in Ou Jin Lee and Brotman 2011:264). Here, the *violent gift* is not just that one must conform to standards of identity and sexuality specific to UK contexts, but that those standards are often experienced as unacceptable, demeaning and violating, and an attempt to erase certain cultural and individual realities.

In many ways this correlates with Millbank’s (2005:120) suggestion that the requirement for discretion, applied for so long in UK-LGB asylum cases, used the norms of invisibility to ‘employ the violence of the law to force applicants back into their home country closets’. If we apply this view to the conditions of the current Home Office strategy of denial, by demanding a certain form of presentation or a certain form of visibility, the asylum system is forcing another kind of closet in which personal understandings and presentations of self are ignored, denied or deemed false, and demand instead they be replaced by a culturally specific form of identity expression.

These results reiterate Martin Manalansan’s (2003) claim that the move from repressive societies (home) to open societies (the West) is far from a straightforward emancipatory journey to freedom where self-discovery is possible. Instead migrants are met with ‘restructured’ inequalities in the host state (Luibhéid 2008) that demand a different form of sexual identity. Almost all of the interviewees answered that they are far more comfortable speaking about their sexuality now than they were when they first submitted their claim. However, the need to constantly ‘come out’ was often expressed as its own form of restriction or branding that was uncomfortable for them. Pervasive throughout the process is

the possibility of the Home Office discovering something that can be held against the applicant. Abi explained having to regulate her speech to protect herself,

I have to say always, obviously, he's gay or he's gay because I never know what you're gonna throw back at me you know, they might think, oh they're straight and then they'll use that against you because you're hanging out with a straight person or that means you're not living a gay life or your life is constantly not gay enough, which is stupid [...]

The demand that applicants live a certain type of 'gay lifestyle' is problematic for applicants who do not connect their sexuality with a sense of community, or as a 'core' identity (Berg and Millbank 2009). It assumes an identity-based and uniform perception of gayness, and ignores the complexity in queer lives.

This control was responded to in different ways. For some, there was a willingness to go to whatever lengths necessary but with a promise to never again answer anyone's questions about their sexuality or their life. For others, there was a refusal to engage any further. This is often realised by applicants falling out of the system. In one case, the participant began looking for work in other European countries, preferring to live through work visas than continue to participate with the asylum process. In another case, a second refusal left a feeling that his engagement with the system was pointless without representation and stopped reporting until he was able to find a solicitor with some experience in LGBT cases.

Long-term interaction with the asylum process requires change in many respects, but this demand for change is met with a limit, and a separation by the individual of what the government decision-makers deny or demand from what they see as true and authentic for themselves. I see this as an act of protest, one that was continuously repeated throughout various discussions about asylum. This chapter has reflected on interaction with the Home Office from the perspective of change. It suggests that the changes in perspective on the asylum process and on sexuality are a result of multiple interactions and negotiations throughout the claim for asylum. Returning to the quote with which I introduced this chapter, the freedom expected from entering the asylum process is fraught, and while freedom is experienced in some respects, the demands that asylum seekers be 'gay enough for the government' (Morgan 2006) result in a limitation on that freedom and a creation of new repressions simultaneously.

Conclusion

This paper has discussed some of the many ways queer asylum-seekers interact with and experience the asylum process in the UK. In line with previous research, many LGB asylum-seekers face a system laden with stereotypes and a host of uncomfortable questions and investigations into their life. The particularly high burden of proof required by the Home Office resulted in participants' lives structured substantially around the claim. Each of the chapters present the process of 'uncovering' the system and manoeuvring within it.

In chapter one I discuss the impact of evidence on the daily lives of asylum seekers. The requirement to show evidence for something so personal required careful negotiation on the part of each individual to ensure they were both meeting the demand, but also knowing their own limits in order to protect their wellbeing. It suggests that intersections of gender, race, and self-presentation will have an impact on the way their identities and relationships are understood or misunderstood by decision-makers.

Following on these themes, chapter two introduces the written narrative and analyses its possibilities as a method for communicating sexual orientation in a form that the Home Office understands. The findings suggest that the 'narrative of difference' is not necessarily natural, and that the demand to share such personal information can pass the threshold of what is a reasonable requirement. At the same time, it suggests that applicants feel pushed at times to do whatever it takes to convince the Home Office of their sexuality. Furthermore the requirements are often seen as something that must be uncovered and translated into something understandable for the asylum-seeker in order to fulfil them.

Chapter three discusses the many ways asylum-seekers feel regulated by the process, especially because they perceive it as a demand to live a gay 'life style', this regulation is felt as constant. I also present the many ways participants' personally resist the erasure that they experience through the system. I link these erasures to what Miller (2005) has called the *violent gift* of asylum, recognising the structural violence that is placed on every asylum-seeker who enters the process. In order to minimise the negative impact of this violence, participants often detached themselves from the process, and acknowledged it as something against them, and therefore something to either walk away from or defeat.

Given the negotiation that was required by each participant, the diversity of queer sexualities is rendered both invisible and denied, throughout this process. As a whole, this research paints a picture of the extent to which some asylum-seekers must go in order to

make themselves known to the Home Office. This follows on findings from Ou Jin Lee and Brotman (2011) who suggest that asylum-seekers' lives are profoundly organised, and their psyches disorganised by the process. The profound impact of these constant requirements is especially pertinent given that many LGB applicants go through two or three fresh claims (Pink News: 2/9/13).

The small sample-size and the fact that all participants had been previously denied, renders these findings not generalizable. At the same time, it raises important concerns and questions about the support that is needed by asylum-seekers, including increased communication regarding the process as a whole. More discussions that focus specifically on what queer sexuality means, looks like, could mean, how it is expressed, would be an interesting avenue for study in the future.

Finally, clearly there is resistance. As I tried to make clear throughout all the chapters, each of the participants, and many that I spoke with anecdotally, were actively negotiating how best to interact with the system in substantial and powerful ways.

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Interview Schedule:

Pseudonym:

Country/background

- General information
- Left to seek asylum or for other reasons?

Identification

- Do you label yourself a particular way in terms of sexual orientation?
- Did you identify this way while living in your home country?
- Has this identification changed throughout your life and in the time since you have left home?

Asylum

- Can you tell me a little about your experience of seeking asylum here in the UK?
 - How did you find out about the possibility of seeking asylum on the basis of sexual orientation?
 - How did you imagine the process would be? / What kinds of things did you think you would be asked to demonstrate?
- Do you feel as if you were understood throughout the process?
 - What were some of the particularly difficult things to express/explain/make clear?
 - Language/identification issues or challenges?
 - Did your method of explaining how you felt about your sexuality evolve through this process? Especially in terms of having to explain it multiple times?
 - Did you submit a written narrative of your story?
 - If yes, what was it like to write that?
 - What did you think should be included?
 - Has this changed? Do you think it should be different than what you initially thought?
 - How did you hear about writing a statement?
 - Did you have anything explained to you by your solicitor?
- Explaining sexuality
 - What means have you used to express your identity to the decision makers throughout the process?
 - Were there any surprises in the process of the interviews and court decisions?
 - In an open setting, how would you go about explaining your sexuality to someone you didn't know? Were you able to do this in the process?
 - Overall, do you feel like the way you understand your own story and sexuality has changed by going through this process?

Experience in the UK

- Is there an LGBT community here?
- Is it different than back home?

- How has it been to be part of that?
- What about home community in the UK?

Final

- Did you think about 'coming out' in any way before this process?
 - What does it mean to you?
- Is there anything you would change about the process if you did it again?
- Do you feel like your understanding of your identity made sense to the decision makers?
- Anything you would say could improve the process?
- Anything else you would like to add?

Interview Transcript

EC: So, and then I mean, how did all of that become known to you because in a situation where it's not talked about and you're not seeing anyone.

J: I was seeing somebody, just discrete, I just said I didn't talk about it, but sexually this happened, but in secrecy and you have to do your best to make sure no one finds out because it's dangerous if people start finding out because of consequences.

EC: Yea, but I guess my other, did you know anyone when you were growing up who was gay? (7:00)

J: Yes, I heard about somebody who was gay, apart from my partner, I used to hear, can you repeat the question?

EC: Yea, I guess my question is, do you remember how you went from just, feeling like you were interested in men to then having an idea of this is who I am and this is what makes me, the way you just described it to me? Do you, how you moved from I think I'm interested in men to being able to talk about it the way you just described to me

J: Right, um I just went for it, but when I say (8:00) going for it is, when you express your feelings, you move from feelings to doing it actually, but the issue wasn't just doing it, it was how I used to do it as well, I just went for it actually and it was alright for me, but it wasn't alright because it's like forbidden, it's I'm getting off the point, I just went for it, that's okay. You have a partner you have a boyfriend, but these were during school times, I was in college I was 14, 15, as we grew we were growing our parents, communities, news and press, magazines, it is a culture up to today, for a long time since I was born anyway, we grew up but (9:00) there was a culture of people not dealing with their issue and women, to some extent it was based on women having sexual attachment with another woman and a man having a sexual attachment to another man but it's but the biggest part of it is not really sexual like I said, it's just that it is uh, it's a taboo, it's not normal back home, it's not normal, so we lived our lives but we just had to make sure that no one found out, not just found out but that no one suspected.

EC: Yea, so do you think that the way, has the way that you identify yourself as a gay man (10:00), and how you understand that, has that changed over the years?

J: Um, the way I understand it?

EC: And why do you think, did you think about it, did you want to know other people that were gay?

J: (14:00) Yea! I wanted, I loved to, I'll put it this way. I knew about clubs, I didn't know how to get there, I knew about places I could meet gay people and blend in because I felt more comfortable with people who were like me. I'm not saying I hate straight people, I don't, I like them, I have female friends, male friends, gay and straight, but I would still feel comfortable on LGBT because of a very simple reason, my experience in this country has been discriminated, I've always undergone this discriminatory issue, where people discriminated, the people that I met, friends along the way, they always had an issue about it.

EC: About you being gay?

J: Yea, when like I said I didn't come out straight to them that I'm gay, back home (16:00) because of my worry of being openly gay my fear was, so in this country the first few years I was here, actually it was about a year after it was in 2006, I told a relative and I thought he would be alright about it, so I just mentioned it, because of the questions, are you dating anyone, girlfriend, just wanted to see what comes out of me yea, and once, I can just go ahead and tell him, so when I told him because he had that background comes from some country but I thought that it was alright for him, but he didn't take it well anyway. Yea, it sounded weird and uncomfortable and that's how it all started so most of the talks you share, you have a chat a joke, our life with me you know changed, and I was depending on him for some time (17:00) and plus I didn't know much about England I didn't have communities and contacts, you know when someone is trying to guide you through how life is, and I got lost at that point because communication really got cut off. Not automatically, but slowly and because he was uh homophobic and yea, it was really hard, it was really negative it was not cool at all.

EC: Yea, that was the first person you ever told?

J: Yea, that was the first person I ever told and it put me off of telling people.

EC: How did you tell him?

J: I just told him. Because he was asking me about having a girlfriend, I was depending on him he was like my next of kin. Well I moved to Swindon when I moved to the country, but about a year down the road I moved to London because (18:00) I couldn't live in Swindon anymore, but that's another reason all together. But I was a dependent. He starts asking about relationships, and it started getting uncomfortable, like ah should I tell him, I can't tell him because I'm afraid I will fail, sometimes you worry about consequences. Is he going to take it okay, how should I tell him I always got paranoid anyway by the whole issue. And at some point I just thought I should tell him anyway, he'd been here about 15 years by this time. So in my mind I just thought, I can just tell him but the result and the consequence kind of

surprised me. The turnout kind of surprised me and uh, he was shocked anyway. I was like I've always been gay (19:00) but I just didn't tell you, that's why I didn't have a girlfriend but I can't meet no one that's another thing all together anyway. I didn't really move, I didn't really meet gays or lesbians or LGBT people, no, it took me a while, a long time actually, that was recent, it took me years to really.

Because I don't know no one apart from you in London, but that was a few months down the road after telling him I was gay. So we lived together we cook we watch TV together, I don't work, I haven't ever worked. But I have a brother, my brother at the time he was younger, he died but at that time he was not living with us so I had to move in with him because this guy wasn't comfortable with me anymore.

So I, cuz sometimes it may be tough for me to live by I depend on people, I have to meet friends, it wasn't easy, but I had to move because I'd rather have nothing but be comfortable than being with someone uncomfortable, so that was my basis for moving out.

I didn't move out in a bad way or argument (20:00) or anything it's just that I felt that it would be better I thought maybe he would be more happy or more comfortable without living together, like when you're watching tv he can't sit next to you, or he cooks and (pause) you know when you're using a cup, like a cup of tea like there's this blue and red cup that you can use together but you don't use it no more, it's like you're diseased or something. And he don't tell you but you can just see by the way he acts he's uncomfortable. He used to sit one seat and I sit here, you know it's crazy, like you're diseased or something.

EC: Yea, you can feel the tension?

J: The tension, I just told him you know what, I'm gonna leave I found a place where I could, I look for excuse anyway, I told him I'm going to visit my brother, it went from visiting my brother to I'm gonna live with my brother (21:00) he just knew that I couldn't live with him because he couldn't live with me so it's just, yea cool cool cool, yea I'll be alright, he's willing to take me you know. I look for an excuse to leave because I wasn't comfortable so I moved out, that was in 2006, late 2006, mid-late 2006, summer in 2006 actually. So yea, moved in with my brother. He's straight though, he always knew but it didn't bother him

EC: So did you tell him after the other guy you were living with?

J: He always knew, he always knew. But it didn't bother him, like I said. Even back home. When we were with my parents, he used to laugh about it, but it didn't bother him. I'm human like him. Sexuality (22:00) didn't bother, by that time we were still suspecting about it because the only way they could confirm was if they caught me with a boyfriend or something but they never caught me because it was a school thing, these were holidays, they never heard nothing from school because I've never been suspended under those grounds. Like I said it was a discrete thing so I'm with my brother but, he had a girlfriend in Newbury. In Newbury at that time so he used to visit and come back, I'm in London, I lived with him and we were getting

Information Sheet

Thank you for your interest in participating in this study. This information sheet is provided to give you a written outline of the aims and objectives of the project. Please feel free to ask any additional questions which are not covered below.

Title: Leaving Home and Seeking Protection: Lesbian and Gay Experiences with Asylum and 'Passing' into the 'Membership of a Particular Social Group' Category

Researcher: Elizabeth Connely, Msc student in Global Migration, University College London. This project is supervised by a professor at the university, Dr. Richard Mole. The project has approval from the Geography department. Email:elizabeth.connely.12@ucl.ac.uk.

Aim of the research: To provide a more detailed analysis of the particular experiences of asylum for lesbian and gay applicants in the United Kingdom. Attention has been paid recently in the media to the issues of 'proving' sexual orientation for lesbian and gay asylum seekers. From my own experience speaking with lesbian and gay asylum seekers I have found that proving sexual orientation in a way that will be understood by decision makers is problematic. This research will explore these issues further, and will add more information on what issues are specific to lesbian and gay asylum seekers and how we might make this process better.

Participation: Participation in this project is completely voluntary. It will involve an interview lasting between 1-1.5 hours. It is up to you how you wish to answer any questions, and whether or not you wish to answer the question at all. It is also possible to withdraw from the study at any time. Participation will not affect the asylum application process in any way.

Confidentiality: All information will be anonymised as soon as the interview has finished (unless the participant desires to be named). All recorded information will be limited to one copy and kept securely under data protection provisions.

Outcome: The final research will be presented in written form to the dissertation supervisor and one other reviewer at the University College London. University readers will have no access to identifying information about the participants. If the findings are relevant, the dissertation will be converted into a format for distribution for charities to be used as an advocacy and information tool.

*I realize that the information discussed may be sensitive and difficult to discuss. It is my goal that this project is a positive experience for everyone involved and therefore I hope that you provide any feedback of your own and ideas for where they think research is needed and how you wish the asylum process would improve. I will be available throughout the research by mobile or by email if there are any questions, concerns or ideas.

Please feel free to ask any further questions about the project. Once finished I will provide you with a consent form, at which point you will be able to decide whether you wish to continue or not with the project.

Consent Form

Elizabeth Connely
Msc Global Migration
elizabeth.connely.12@ucl.ac.uk
University College London

Department of Geography

Project title: Leaving Home and Seeking Protection: Lesbian and Gay Experiences with Asylum and 'Passing' into the 'Membership of a Particular Social Group' Category
Thank you for your interest and willingness to take part in this research project. Before agreeing to take part, please ensure that the person undertaking this research (Elizabeth Connely) has explained the project in full. If you have any questions from the information sheet or the explanation given, please ask me to explain prior to agreeing to take part. Participation is entirely voluntary. If you are comfortable participating, please sign and date below. A copy of this consent form will remain with the researcher and one will be given to you to keep.

If you agree to participate please complete the following:

- I understand I do not have to participate in this study if I do not wish to.
- I understand that I may withdraw from the study at any time.
- I understand that I do not have to answer any questions that I am uncomfortable answering, and can ask any further questions regarding the research at any time.
- I understand that information will be kept strictly confidential.
- I have read the information sheet and understand the project.

Name: _____
Signature: _____

Date: _____

Thank you!

Please make sure you've read the consent form for further details before signing. Thank you!