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## LGBTI Refugee Protection in a Culture of Disbelief: The impact of integration

Katrina Struthers

MA in Refugee Protection and Forced Migration Studies

katrinaLstruthers@gmail.com

### Abstract

This study examines the impact of the refugee status determination (RSD) process in the UK on LGBTI refugees who have been successful with 'proving' their sexual orientation. This research explores the impact that the process, which is situated in a culture of disbelief, has on LGBTI refugees' integration in the UK.

The refusal rate of LGBTI asylum claims is higher when compared with claims based on other grounds, with preconceived notions about how LGBTI persons act are seen to be a contributing factor. However, for the minority of individuals who are successful in 'proving' their sexual orientation and gain refugee status in the UK, their experiences of the process is not well documented. This study therefore explores their perspective, concluding with what can be changed during the process to reduce potential, negative, integration outcomes.

### Keywords

LGBTI refugees, RSD, SOGI, integration

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## 1. Introduction

This paper explores the impact of the Refugee Status Determination (RSD) process in the United Kingdom (UK), for Lesbian, Gay, Bisexual, Transsexual, Intersex, (LGBTI) refugees. It focuses on the minority of applicants who have been successful with ‘proving’ their sexual orientation and/or gender identity (SOGI) as part of their asylum claim and receive refugee status. Compared with those whose claims were dismissed, experiences of the RSD process by successful applicants are not well-documented, hence this paper’s exploration of their experiences and the impact of the RSD process.

For LGBTI refugees claiming asylum on SOGI grounds, in order to be granted refugee status for reasons of ‘membership of a particular social group’ (under Article 1A(2) of the 1951 Convention and its 1967 Protocol relating to the Status of Refugees),<sup>1</sup> a person must be able to ‘prove’ their sexual orientation. In addition, to a reasonable degree of likelihood that if they were to be returned to their home country, they would face serious harm because of their sexual orientation.<sup>2</sup> Many governments conduct their own RSD procedures: in the UK, it is done by the Home Office.<sup>3</sup> However, there are several important international and European legal instruments (relevant to the UK) that influence the decision making, including the 1951 Convention Relating to the Status of Refugees, the 1967 New York Protocol,<sup>4</sup> and the 1950 European Convention on Human Rights.<sup>5</sup>

Although international law provides governments with the definition of determining the status of a refugee, there is still no single model for RSD.<sup>6</sup> This is troubling because the outcomes in similar cases amongst asylum claims vary greatly, for example across European countries.<sup>7</sup> Moreover, when analysing UK and SOGI claims, leading researchers such as Millbank have exposed a ‘culture of disbelief’ in RSD procedures.<sup>8</sup> This poses the question of how someone could ‘prove’ their ‘inherent or immutable enduring emotional, romantic or sexual attraction to other people’<sup>9</sup> and what is the impact of having to undergo such a process within an asylum context. How does the impact of having to undergo such a process allow refugees to rebuild their lives in dignity and peace;<sup>10</sup> key aspects of local integration as defined by the UNHCR.

As a durable solution and fundamental component of protection, local integration has become a matter of significant public debate and consistent policy development, that in practice seems to have wide and varied meanings.<sup>11</sup> For instance, local refugee integration in a national context, is defined by the UK Government as:

the process that takes place when refugees are empowered to achieve their full potential as members of British society, to contribute to the community, access public services and to become fully able to exercise the rights and responsibilities that they share with other residents in the UK.<sup>12</sup>

This definition will be used to assess how refugees feel about their integration and whether the RSD process situated in a culture of disbelief,<sup>13</sup> impacted the process of fulfilling their potential as members of British society.

1 Convention Relating to the Status of Refugees, 28 July 1951, 189 U.N.T.S 150 (1951 Convention).

2 UK Home Office, ‘Claim asylum in the UK’ (2018) available at: <<https://www.gov.uk/claim-asylum/eligibility>> accessed 20<sup>th</sup> August 2020.

3 Clare Feikert-Ahalt, ‘Refugee Law and Policy: United Kingdom’ (*Library of Congress*, March 2016), Available at: <<https://www.loc.gov/law/help/refugee-law/unitedkingdom.php>> accessed 20<sup>th</sup> August 2020.

4 1951 Convention.

5 European Convention for the Protection of Human Rights and Fundamental Freedoms.

6 Martin Jones, ‘Refugee Status Determination: three challenges’ (April 2009) 32 FMR 53-54.

7 Ibid.

8 Jenni Millbank, ‘From discretion to disbelief: recent trends in refugee determinations on the basis of sexual orientation in Australia and the United Kingdom’ (November 2010) 394 *International Journal of Human Rights* 2-3.

9 Human Rights Campaign, ‘Sexual Orientation and Gender Identity Definitions’ (*Human Rights Campaign*, 2017), available at <<https://www.hrc.org/resources/sexual-orientation-and-gender-identity-terminology-and-definitions>> accessed 20<sup>th</sup> August 2020.

10 UNHCR, ‘Solutions’ (2018) available at: <<http://www.unhcr.org/en-us/solutions.html>> accessed 20<sup>th</sup> August 2020.

11 Alastair Ager, Alison Strang, ‘Understanding Integration: A Conceptual Framework’ (June 2008) 21 JRS 166–191.

12 Home Office, ‘Integration Matters: A National Strategy for Refugee Integration’ (2005), available at: <[www.ind.homeoffice.gov.uk/6353/6356/17715/closedconsultationsrefinteg1.pdf](http://www.ind.homeoffice.gov.uk/6353/6356/17715/closedconsultationsrefinteg1.pdf)> accessed 20<sup>th</sup> August 2020.

13 Millbank (n8 above).



Millbank and others have examined how asylum claims are being dismissed due to preconceived notions about how LGBTI persons act,<sup>17</sup> such as the way a person may express their sexual identity when they are in the UK and why they would conceal their sexual orientation in their country of origin (for example, by being in a heterosexual relationship).<sup>18</sup> Furthermore, refusal rates in LGBTI asylum claims have increased compared with claims generally,<sup>19</sup> indicating that individual decision-makers are making conclusions based on their own preconceived notions.<sup>20</sup> This highlights a major area of concern in LGBTI decision-making in the quality of credibility assessment.<sup>21</sup>

Although there is some literature on credibility assessments and the impact on those who get their claims refused, there is seemingly little research on the experiences of those who endure the process and are successful in their claims. This paper attempts to highlight this gap and discuss the impact that the process has on participants' local integration, gaining their perspective on what should be changed to ensure greater integration outcomes.

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17 Millbank (n8 above).

18 Amanda Gray and Alexandra McDowall, 'LGBT refugee protection in the UK: from discretion to belief?' (April 2013) 42 FMR 22.

19 Asylum Aid, 'Sexual Borders Does the UK Adequately Protect People Seeking Asylum based on Risk of Persecution relating to Sexual or Gender Identity or Expression?' (February 2018) available at <<https://www.asylumaid.org.uk/wp-content/uploads/2018/02/Policy-briefing-Sexual-Borders-Feb-2018.pdf>> accessed 20<sup>th</sup> August 2020.

20 Gray and McDowall (n18 above).

21 Nuno Ferreira and Denise Venturi, 'Tell me what you see and I'll tell you if you're gay: analysing the advocate general's opinion in case C-473/16, F v Bevándorlási és Állampolgársági Hivatal' (*SocArXiv*, October 2018) available at: <<https://osf.io/preprints/socarxiv/rtzgu/>> accessed 20<sup>th</sup> August 2020.

## 2. Methodology

The qualitative research design for this study was built around six semi-structured interviews with LGBTI refugees in the UK who gained their refugee status for their sexual orientation. Five different UK LGBTI refugee organisations had been contacted and two agreed to publicise details of the study with contact details of the researcher to their networks. Snowball sampling was chosen due to the participants being a hard-to-find population.<sup>22</sup> Six individuals confirmed participation and a further four initiated contact, however the four that initiated contact became unresponsive when finalising interview meetings. All interviews were conducted in English; however, interviewees did have the option of an interpreter. To ensure a more flexible response to emerging insights and to avoid preconceived questions and too much guidance, a semi-structured interviewing approach was used, as opposed to a structured interviewing approach.<sup>23</sup> This was also chosen to ensure that in-depth data was collected.

All participants were given both a written and verbal explanation of the research project and provided signed consent before being interviewed and recorded<sup>24</sup>. All interviews took place in July and August of 2018 and all interviewees confirmed that they had been granted refugee status (as opposed to humanitarian protection), in the UK, on the basis of a SOGI claim. Interviews were structured carefully to not to re-open traumatic experiences. Individuals were encouraged to only share experiences that they felt comfortable with, and questions regarding personal accounts of their lives before arriving in the UK and experiences of persecution were avoided. In addition, interviewees were informed that at any time they could stop the interview and active listening techniques were used to make interviewees feel more comfortable and to reduce any stress when talking about their experiences.

The aim of using a qualitative research design was to gather a diverse range of experiences and views. As a scoping study, the intention was not to obtain an entirely representative sample of LGBTI refugees' experiences in the UK, nor would that be feasible. Further, no transsexual or intersex persons came forward to be interviewed. As such, voices from the transsexual and intersex refugee population are missing from this research.

The small sample size may be considered a limitation of the study; however, researchers such as Guest<sup>25</sup> have highlighted that, in qualitative research, the first five to six in-depth interviews, produce most new data. Further, the intention was to gather rich, personal experiences of the RSD process and life in the UK. The study, however, did not attempt to quantify these experiences, but rather provide a platform for these experiences to be heard. The opportunity to capture a small glimpse or snapshot of RSD and local integration experiences is both unique and helpful for future research within this focus area. Nonetheless, it is important to note that responses could vary based on geographical locations of the refugees in the UK. Yet, this study only involved interviews with refugees in one specific urban area – London - due to the time and financial constraints of the researcher.

Each interview lasted for one hour. The interviews were recorded and notes were taken. Once audios were transcribed, the data was coded by analysing the different pieces of data and sorted into a lesser number of themes. Lastly, the themes were reviewed and finalised by narratively connecting them. Positionality was considered in regards to how the researcher's outsider status potentially influenced analysis of the participants' experiences and the response at the time of interview.<sup>26</sup> The approach followed that of Fay, who addressed the question, 'Do you have to be one to know one?'.<sup>27</sup> Putting forward that being a member of the group being researched is not needed to 'know' the experience of that group and can still offer a rich description and explanation of the participants' experiences.

22 Kath Browne, 'Snowball sampling: using social networks to research non-heterosexual women' (2002) 8(1) *International Journal of Social Research Methodology* 47-60.

23 Harvey Russell Bernard, *Research Methods in Anthropology: Qualitative and Quantitative Approaches* (AltaMira Press, 2006).

24 See Tina Miller and Linda Bell 'Consenting to what? Issues of access, gate-keeping and 'informed' consent'. In: T. Miller, M. Birch, M. Mauthner and J. Jessop, ed., *Ethics In Qualitative Research* (2nd edn SAGE, 2012) 61-75.

25 Greg Guest, Arwen Bunce, Laura Johnson, 'How Many Interviews Are Enough? An Experiment with Data Saturation and Variability' (February 2006) 18(1) *Field Methods* 59-82.

26 Sonya Corbin Dwyer and Jennifer Buckle, 'The space between: On being an insider-outsider in qualitative research' (2009) 8(1) *International Journal of Qualitative Methods* 54-63.

27 Brian Fay, *Contemporary Philosophy of Social Science: A Multicultural Approach* (Wiley-Blackwell, July 1996) 9.

### 3. Analytical framework

#### 3.1 The RSD process for SOGI claims in the UK

The nature of having to ‘prove’ one’s sexual orientation makes SOGI asylum claims unique. The framework offered by the 2012 UNHCR Guidance Note<sup>28</sup> is clear regarding the need to protect LGBTI persons seeking asylum. By using ‘Membership of a Particular Social Group’, the guidance provides advice for decision makers, whilst also attempting to harmonise the decision making process. However, Millbank argues that UK decision-makers have repeatedly defied the guidance,<sup>29</sup> arguing that, until 2010, they considered SOGI claims as not in need of international protection, as one could conceal their sexual orientation on returning to their country of origin.<sup>30</sup>

This hiding of one’s sexual orientation and duty to protect oneself was justified if it was ‘reasonable’ for them to be ‘discreet’ upon return to their country of origin.<sup>31</sup> Case literature exemplifies this. One case in particular that highlights this mind-set was the 2008 country guidance decision *JM (homosexuality: risk) Uganda CG*.<sup>32</sup> In this case, the UK Court of Appeal (England and Wales) had to make a decision whether or not it was safe to return the applicant, a gay man, to Uganda.<sup>33</sup> Legislation in Uganda existed (as it does today) in which LGBTI behaviour was criminalised. The court was aware of this, however they felt there would be no risk if the appellant were a ‘discreet homosexual’. In the 2010 landmark case of *HJ (Iran) and HT (Cameroon)*,<sup>34</sup> the Supreme Court overturned the lower court’s judgment, holding ‘reasonable discretion’ to be incompatible with the 1951 Refugee Convention.<sup>35</sup>

However, in the case of *LC (Albania) v The Secretary of State for the Home Department*,<sup>36</sup> the Supreme Court mandated a sequential four-stage test, including the question ‘If he would not be open, but rather live discreetly, is there a material reason for living discreetly that he fears persecution? If yes, he is a refugee and his claim should be allowed. If no, then his claim should be refused’.

Since *HJ (Iran) and HT (Cameroon)*, although there has been a positive move away from judicially mandated discretion, the questions in regards to ‘material reason for living discreetly’ and persecution are not following the UNHCR guidance.<sup>37</sup> Further, the reality is that many claims are being ‘disbelieved’ and therefore rejected.<sup>38</sup> This focus on credibility appears to be a perverse consequence of the Supreme Court’s landmark decision in 2010. For example in Millbank’s 2010 research,<sup>39</sup> she concluded from her findings that there had been a significant increase in RSD decisions where the applicant’s claim to actually being LGBTI was out rightly dismissed: ‘In an alarming number of cases, tribunal members used highly stereotyped and westernised notions of ‘gayness’ as a template against which the applicants were judged’.

This disbelief that Millbank identified stems from what Choi argues are credibility issues. The latter argues that this is ‘multiplied by stereotypical images of LGBT people, such as expecting a flamboyant or feminine demeanour in gay men, or masculine, butch demeanour in lesbian women.’<sup>40</sup> Further research has demonstrated similar findings, for example in a 2010 study of LGBTI asylum claims; NGO Stonewall interviewed Home Office caseworkers. One respondent noted: ‘I would look at how they’ve explored their sexuality in a cultural context, reading [famously homosexual British

28 UNHCR, ‘Guidance Note on Refugee Claims Relating to Sexual Orientation and Gender Identity’ (21 November 2012), available at: <<http://www.refworld.org/docid/48abd5660.html>> accessed 20<sup>th</sup> August 2020.

29 Millbank (n8 above).

30 Ibid.

31 Gray and McDowall (n18 above).

32 *JM (Homosexuality: Risk) Uganda v. Secretary of State for the Home Department*, CG [2008] UKIAT 00065.

33 Allan Briddock, ‘The Recognition of Refugees Based on Sexual Orientation and Gender Identity in the UK: An Overview of Law and Procedure’ (December 2016) 4 BLR 123-157.

34 *HJ (Iran) and HT (Cameroon) v. Secretary of State for the Home Department*, [2010] UKSC 3.

35 1951 Convention.

36 *LC (Albania) v. Secretary of State for the Home Department v. the United Nations High Commissioner for Refugees (Intervener)*, [2017] EWCA Civ 351.

37 See UNHCR, *Submission by the Office of the United Nations High Commissioner for Refugees in the case of 2018Du34558 regarding claims for refugee status based on sexual orientation and gender identity*, 26 February 2018, available at: <<https://www.refworld.org/docid/5a9d6abf4.html>> accessed 20<sup>th</sup> August 2020.

38 Millbank (n8 above).

39 Ibid

40 Venice Choi, ‘Living Discreetly: A Catch 22 in Refugee Status Determinations on the Basis of Sexual Orientation’, (2010) 36 Brooklyn Journal of International Law 241- 263.

author] Oscar Wilde perhaps, films and music'.<sup>41</sup> Moreover, the report found that during the RSD process, asylum-seekers were asked questions by UK Home Office caseworkers such as: 'How do you know you are a lesbian? You told us you never had a relationship with a man...' An investigation by the UK Lesbian and Gay Immigration Group (UKLGIG)<sup>42</sup> in 2014, exposed further concerns of LGBTI asylum claims with one judge describing the RSD process as 'borderline pornographic'. Analysing multiple cases, the research exposed decision makers as focussing on sexual practices of claimants rather than their sexual identity, with questions such as: 'Was it loving sex or rough?'; 'So you had intercourse with him not just blow jobs' and 'What have you found is the most successful way of pulling men?'

It therefore appears that some claims are dismissed due to preconceived notions about how LGBTI persons act. This includes how sexual identity is expressed in the UK. In addition to a lack of understanding around norms in regards to concealing one's sexual orientation in the country of origin, such as being in a heterosexual relationship. These findings all call attention to a major area of concern in the quality of credibility assessment.<sup>43</sup> It seems there is insufficient understanding by decision makers, that an LGBTI person may have never been open about their sexual orientation. For instance, this may not be out of choice, but due to the oppressive social factors in their country of origin and therefore may still be feeling that way towards their sexual identity in the UK.

There is an obvious point that the process of proving one's sexual orientation when one has spent their life concealing it in order to be safe is extremely difficult. However, with the increasing pressure to prove one's sexual orientation, it has also been reported that gay men turn to 'extraordinary methods of proof, including filming themselves while having sex'.<sup>44</sup> According to UNHCR guidelines 'applicants should never be expected or asked to bring in documentary or photographic evidence of intimate acts'.<sup>45</sup> However, LaViolette highlights that these guidelines should be used just as a framework to provide a basis for further discussion on the many issues facing LGBTI refugees, as they do not include specific details on the credibility of claims in a positive aspect.<sup>46</sup>

If this does not change, LGBTI asylum decisions will continue to be inconsistent. LGBTI asylum seekers will continue to feel pressured to provide explicit material in the face of uncompromising disbelief about their sexual orientation, when a complex mix of preconceived ideas of sexual orientation based on the decision maker's own country, in addition to a lack of understanding of context specific conditions and social norms in an applicant's country continues to prevail.

On the other hand, it must be taken into consideration that the decision-making process is very challenging. For example possible late disclosure of information, lack of detail, in addition to inconsistencies may take place. However, proving one's sexual orientation in this context does not necessarily offer a solution. Jansen notes that the only way to assess sexual orientation should be based on the declaration of the asylum seeker alone.<sup>47</sup> This is interesting as it raises important questions in regards to how a person proves their sexual orientation, other than through their own declaration. It is impossible to effectively 'rebut a judgement of non-credibility'.<sup>48</sup>

### 3.2 Local integration and LGBTI refugees

For the thirty percent of people who go through the process of having to 'prove' their sexual orientation and have their initial claims approved, literature suggests that the issue of integration is a challenging task as it can be for any refugee. At a UK national level, refugee policy is grounded in the government's local integration strategy. Outlined in the 2018 Integrated Communities Strategy Green Paper,<sup>49</sup> this strategy largely focuses on increased access to services

41 Stonewall, 'No Going Back' (2010), available at: <[https://www.stonewall.org.uk/sites/default/files/No\\_Going\\_Back\\_\\_2010\\_.pdf](https://www.stonewall.org.uk/sites/default/files/No_Going_Back__2010_.pdf)> accessed 20<sup>th</sup> August 2020.

42 UKLGIG, 'Missing The Mark, Decision making on Lesbian, Gay (Bisexual, Trans and Intersex) Asylum Claims' (2013), available at: <<https://uklgig.org.uk/wp-content/uploads/2014/02/Missing-the-Mark.pdf>> accessed 20<sup>th</sup> August 2020.

43 Gray and McDowall (n18 above).

44 Owen Bowcott, 'Gay asylum seekers feeling increased pressure to prove sexuality, say experts' (*The Guardian Online*, February 2013), available at <<https://www.theguardian.com/uk/2013/feb/03/gay-asylum-seekers-pressure-prove-sexuality>> accessed 20<sup>th</sup> August 2020.

45 UNHCR, 'Guidelines on International Protection No. 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees' (October 2012, HCR/GIP/12/01), available at: <<http://www.refworld.org/docid/50348afc2.html>> accessed 20<sup>th</sup> August 2020.

46 Nicole LaViolette, 'The UNHCR'S Guidance Note on Refugee Claims Relating to Sexual Orientation and Gender Identity: A Critical Commentary' (July 2010) 22(2) IJRL 173-208.

47 Sabine Jansen, 'Credibility, or how to assess the sexual orientation of an asylum seeker?', (EDAL Conference 2014: Reflections on the Current Application of the EU Asylum Acquis Workshop Sexual Orientation, Gender Identity and Human Dignity, 2014) available at: <<http://www.asylumlawdatabase.eu/sites/www.asylumlawdatabase.eu/files/aldfiles/Credibility%20of%20sexual%20orientation%2C%20%20presentation%20Sabine%20Jansen%20at%20EDAL%20conference%20Jan%202014.pdf>> accessed 20<sup>th</sup> August 2020.

48 Ibid.

49 HM Government, 'Integrated Communities Strategy Green Paper' (March 2018), available at: <<https://assets.publishing.service.gov>.

and support that will enhance the integration of refugees into the host society. However, although it is useful to understand the UK's government strategy, in the years leading up to this new strategy, changes such as the 2002 shift to a five-year status for refugees as opposed to permanent status and cuts to ESOL classes, have impacted on some aspects of integration, such as access to the workforce.<sup>50</sup> It is therefore more beneficial for this study to use an integration framework that is not tarnished by government decisions that are already affecting integration outcomes (such as having access to the labour market impacted).

There is clear evidence to suggest that even with the government strategy in place, refugees often live in situations of both social exclusion and poverty.<sup>51</sup> In a 2017 UNHCR study, based on a participatory assessment with newly recognised Eritrean Refugees in the UK, employment, language and local community integration highlighted a gap in support.<sup>52</sup> Operating on limited resources, charities attempt to fill the gap but are unable to offer a fully comprehensive support system. Further, almost all participants in that study agreed that successful integration is not one-sided and that it involves the host community also learning about their culture and experiences. This two-way approach enables refugee integration and helps refugees rebuild their lives in dignity, whilst respecting their identity.

Building on the above ideas around integration and the UK government's strategy, Crisp's 2004 local integration research offers an applicable framework to situate this study's findings. When working as Head of Policy Development and Evaluation at the UNHCR, Crisp undertook an international analysis of local integration. Although conducted in 2004, the research can still be applied today to UK local integration, as the framework offers three clear categories as to what local integration really means in practice.<sup>53</sup>

First, the legal process includes the rights and entitlements that the refugees are granted in the UK, for example the right to seek employment, access education and eventually naturalise. Second, the economic process of local integration, detailing that by having the legal right of gaining employment for example, refugees have the potential to become self-reliant by obtaining a sustainable livelihood and becoming less reliant on the State. However, Crisp is clear that for refugees whose standard of living is worse than the poorest member of the host society and they are prevented or deterred from participating in the labour market, they cannot be regarded as locally integrated. Finally, the social process; the harmonisation of both refugees and the UK population for example, ensuring refugees can live without fear of discrimination or exploitation, living amongst or alongside the UK population.

When analysing the first category of Crisp's local integration framework, it is clear that the legal process of local integration is in place, once refugees receive their status; rights and entitlements are granted in the UK, such as the right to seek employment, as recognised in the 1951 Refugee Convention, to which the UK is a contracting party.<sup>54</sup> However, the literature suggests that the second part of Crisp's local integration framework, in practice, is not in place for LGBTI refugees. For example, Crisp argues that refugees living in worse standards than the poorest members of a society cannot be considered locally integrated. He details that if refugees face challenges from participating in the local economy, then establishing sustainable livelihoods and self-reliance becomes inaccessible. This is supported by other findings that also state that poor living conditions have a huge impact on this group's sense of belonging and their prospects for a future in the host society. For example, according to Smart's empirical research, refugees in the UK, for whatever reason they were granted refugee status, are at a particularly high risk of becoming destitute and homeless,<sup>55</sup> despite the fact that 'refugees should be able to access social housing and welfare benefits on the same basis as UK nationals'.<sup>56</sup> This was seen as a recurring theme in the literature, due to difficulty in accessing the

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uk/government/uploads/system/uploads/attachment\_data/file/696993/Integrated\_Communities\_Strategy.pdf> accessed 20<sup>th</sup> August 2020

50 Jennifer Phillimore, 'Refugees, acculturation strategies, stress and integration' (July 2011) 40 *Journal of Social Policy* 575-592..

51 Indira Kartalozzi, '21st Century London Outcasts: Welfare Reforms and Their Impacts on Refugee Families living in London' (*University of East London, Centre for Social Justice and Change, London*, 2014), available at: <<http://roar.uel.ac.uk/3851/>> accessed 20<sup>th</sup> August 2020.

52 UNHCR, 'A journey towards safety: A report on the experiences of Eritrean refugees in the UK', (2018) available at: <<https://www.unhcr.org/uk/protection/integration/5b8fe8694/a-journey-towards-safety-a-report-on-the-experiences-of-eritrean-refugees.html>> accessed 20<sup>th</sup> August 2020.

53 Jeff Crisp, 'The local integration and local settlement of refugees: a conceptual and historical analysis, New Issues in Refugee Research, Working Paper No.102', (*UNHCR: Geneva*, 2004).

54 The Law Library of Congress, 'Refugee Law and Policy: United Kingdom' (*The Law Library of Congress*, June 2016), available at: <<https://www.loc.gov/law/help/refugee-law/unitedkingdom.php>> accessed 20<sup>th</sup> August 2020.

55 Kate Smart, 'The Second Destitution Tally: an indication of the extent of destitution among asylum seekers and refugees', (*Asylum Support Partnership*, 2009), available at: <<https://www.scottishrefugeecouncil.org.uk/wp-content/uploads/2019/10/The-Second-Destitution-Tally-An-indication-of-the-extent-of-destitution-among-asylum-seekers-refused-asylum-seekers-and-refugees.pdf>> accessed 20<sup>th</sup> August 2020.

56 HM Government, 'Integrated Communities Strategy Green Paper' (March 2018), available at: <[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/696993/Integrated\\_Communities\\_Strategy.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/696993/Integrated_Communities_Strategy.pdf)> accessed 20<sup>th</sup> August 2020.

job market, as employers would stigmatise applicants for being refugees. However, this was not specific to LGBTI refugees, or local integration in the UK, as Crawley has found.<sup>57</sup>

The labelling of a refugee was found in the literature as a barrier to employment, because it creates an 'us' and 'them' in comparison to other UK nationals.<sup>58</sup> As illustrated in Sigona's notion of a 'stranger' or 'enemy', it could be argued that the labelling is used by Governments to legitimise the *exclusion* of refugees.<sup>59</sup> This could then be seen as linking to Crisp's first category of local integration. For instance, although the legal process is in place, the rights and entitlements that are granted are not accessed in practice, when considering Crisp's second category of the economic process of local integration.

This 'us' and 'them' feeling of exclusion was felt by the majority of individuals researched in a 2013 study,<sup>60</sup> which to date, is the largest and main qualitative research available on LGBTI refugees and integration in the UK. In this study, the majority indicated that they lived below the poverty line and the refugee stigmatisation they faced, for accessing jobs, in addition to feelings of isolation because of their sexual orientation formed the main findings. For example, interviewees commented on how it appears that there is misinformation amongst some UK employers in relation to refugees' full entitlement to work, with some thinking that refugees do not have such right.

In addition to this generalised refugee stigmatisation felt by many of the participants trying to access the job market, the 2013 study found that some individuals faced sexuality-based discrimination in the UK by employees. Although illustrating that most respondents feel safe to express who they are in the UK in regards to being open about their sexual orientation, some indicated that their potential job opportunities were obstructed by the ways in which people perceived their sexual orientation.<sup>61</sup> The research suggested that LGBTI refugees feel particularly vulnerable after disclosing their sexual orientation to potential employers, when attempting to access the job market, or when already within the workplace, in addition to being discriminated against.<sup>62</sup> These findings are also comparable in the wider LGBTI non-refugee community in the UK, as Drydak<sup>63</sup> and Stonewall<sup>64</sup> found in 2015 and 2013, respectively.

Finally, the third category is what Crisp calls the social process: the harmonisation of both refugees and the UK population, ensuring refugees can live without fear of discrimination or exploitation, living amongst or alongside the UK population. When considering the third part of Crisp's framework, a 2013 study conducted by Pettitt,<sup>65</sup> highlights the social process of integration by refugees who are torture survivors. The findings detailed that half of the participants were either not able to meet socially with family or friends due to the psychological impact, or not able to do so often, thus impacting their rehabilitation and local integration. Further studies have found similar experiences of social isolation and exclusion experiences specifically among LGBTI refugees.<sup>66</sup> Moreover, Stuart's 2012 qualitative research concluded that individuals face additional challenges with regards to local integration.<sup>67</sup> This was in keeping with Rumbach's 2013 findings that highlighted the impact of having to navigate a system that may not be sensitive to needs, such as sexuality-based trauma, when seeking generalised refugee support.<sup>68</sup>

57 Heaven Crawley and Dimitris Skleparis, 'Refugees, migrants, neither, both: categorical fetishism and the politics of bounding in Europe's 'migration crisis'' (June 2017) 44 JEMS 48-64.

58 Kate Smart, 'The Second Destitution Tally: an indication of the extent of destitution among asylum seekers and refugees', (Asylum Support Partnership, 2009), available at: <<http://www.welshrefugeecouncil.org/wp-content/uploads/2009/07/SecondDestitutionTally.pdf>> accessed 20<sup>th</sup> August 2020.

59 Nando Sigona, 'How Can a 'Nomad' be a 'Refugee'? Kosovo Roma and Labelling Policy in Italy' (2003) 37(1) Sociology 69-79.

60 Micro Rainbow International & UK Lesbian and Gay Immigration Group, 'Poverty, Sexual orientation and refugees in the UK' (2013), available at: <[https://microrainbow.org/wp-content/uploads/2013/10/MR\\_REPORT\\_UK\\_digital-final-for-the-web-Reduced.pdf](https://microrainbow.org/wp-content/uploads/2013/10/MR_REPORT_UK_digital-final-for-the-web-Reduced.pdf)> accessed 20<sup>th</sup> August 2020.

61 Ibid

62 Ibid

63 Nick Drydak, 'Sexual orientation discrimination in the United Kingdom's labour market: A field experiment' (April 2015) 68 Human Relations 2-16.

64 Stonewall, 'Gay in Britain, Lesbian, Gay and Bisexual People's Experiences and Expectations of Discrimination' (2013), available at: <[https://www.stonewall.org.uk/system/files/Gay\\_in\\_Britain\\_2013\\_.pdf](https://www.stonewall.org.uk/system/files/Gay_in_Britain_2013_.pdf)> accessed 20<sup>th</sup> August 2020.

65 Jo Pettitt, 'The Poverty Barrier: The Right to Rehabilitation for Survivors of Torture in the UK' (*Freedom From Torture*, July 2013), available at: <<https://www.freedomfromtorture.org/sites/default/files/2019-04/Poverty%20report%20FINAL%20a4%20web.pdf>> accessed 20<sup>th</sup> August 2020

66 Poverty, Sexual orientation and refugees in the UK (n60 above).

67 Alasdair Stuart, 'Over and out Redressed 2012: An Update on Progress against the Original Recommendations of the Over Not Out Report (M<sup>B</sup>ARC, 2009), available at: <<https://www.metropolitan.org.uk/images/Metropolitan-MF-LGBT-Over-Not-Out2012-final1.pdf>> accessed 20<sup>th</sup> August 2020.

68 Jennifer Rumbach, 'Towards inclusive resettlement for LGBTI refugees' (April 2013) 42 FMR 40.

These sexuality based traumas in culmination with the sense of marginalisation, according to Stuart, produced low self-esteem and self-doubt. Often participants felt as if this was escalated by living in areas where there are high numbers of residents from their country of origin. Feeling trapped and exposed to homophobic threats from members of their own community, and being rejected from their families, meant that they lacked support, not only emotionally but also financially from these sources.<sup>69</sup>

Likewise, Stuart found that LGBTI refugees find little support from mainstream LGBTI communities. The findings indicated that most could not afford to access the gay scene and some found contact with LGBTI communities had put them in even more dangerous situations - experiencing negative attitudes to refugees, racism, and islamophobia.

Examining Crisp's local integration framework, one can conclude that in the UK LGBTI refugee context, there are clear failings of today's refugees because meaningful and political inclusion is not the precedent. In addition to these literature findings, the fact that the current UK Immigration Rules only offer limited leave to remain for five years<sup>70</sup> before being reviewed arguably does not fulfil the local integration framework: refugees may live with a fear of return and the time-limited nature of their status has been found to create barriers to accessing employment and education.<sup>71</sup> This new UK policy of 'safe country review', which takes place when a refugee applies for indefinite leave to remain, seemingly is contradictory to the ultimate goal of local integration.<sup>72</sup> As argued by Long, when analysing the current experience of local integration and what it means to those who have no choice but to attempt to integrate into the UK, then the current practice needs to be rethought and a framework needs to be put in place that ensures refugee's own potential can be supported to create their own 'transformative solutions'.<sup>73</sup>

However, it is clear that if local integration for refugees in general in the UK is failing, especially for LGBTI refugees, then transformative solutions are far from a soon to be reality. To ensure the bigger picture is discussed and transformative solutions can be even considered, then it is also important to analyse how potential local integration outcomes are impacted from the moment RSD begins.

### 3.3 The impact of the RSD process and its effect on local integration

The interview process and the questions around reasons for seeking asylum, as suggested by the literature findings, can impact local integration in the UK and as the literature suggests, this is more so in SOGI claims.<sup>74</sup> As discussed, an LGBTI asylum-seeker is required to provide details about aspects of their life that is 'highly stigmatised, intimate and frequently traumatic'.<sup>75</sup> In Bogner, Herlihy & Brewin's 2007 psychological research,<sup>76</sup> they suggested that the characteristics of traumas are more common among LGBTI refugees and trauma involving shame; sexual violence or relational betrayal is associated with greater memory disturbance. This could indicate that the need for an individual to build a sense of safety is paramount, so that they are able to talk about their sexual orientation and past traumas. Without this, claimants will be dealing with greater trauma related disturbances in hearings which could lead to long-lasting effects on respondents' sense of self and thus have a negative impact on their local integration.<sup>77</sup>

During the RSD process, applicants are obliged to fully explain every aspect of their identity. The current process means that the details required to 'prove' ones sexual orientation are 'sensitive, intimate and highly personal', with the literature highlighting that this includes 'rape, beatings, torture and imprisonment'.<sup>78</sup> In NGO's Micro Rainbow

69 Stuart (n67 above).

70 UK Home Office 'Immigration Rules part 11: asylum' (February 25th 2016), available at: <<https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-11-asylum>> accessed 20<sup>th</sup> August 2020.

71 Refugee Council, 'The impact of limited leave on refugees in the UK' (*Refugee Council*, 2010), available at: <[https://www.refugeecouncil.org.uk/wp-content/uploads/2019/03/Limited\\_leave\\_report\\_final\\_September.pdf](https://www.refugeecouncil.org.uk/wp-content/uploads/2019/03/Limited_leave_report_final_September.pdf)>, accessed 20<sup>th</sup> August 2020.

72 David Bolt, 'An inspection of the review and removal of immigration, refugee and citizenship "status"' (Independent Chief Inspector of Borders and Immigration, 2017), available at: <[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/677535/An\\_inspection\\_of\\_the\\_review\\_and\\_removal\\_of\\_immigration\\_refugee\\_and\\_citizenship\\_\\_status\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/677535/An_inspection_of_the_review_and_removal_of_immigration_refugee_and_citizenship__status_.pdf)> accessed 20<sup>th</sup> August 2020.

73 Elena Fiddian-Qasmiyeh, Gil Loescher, Katy Long, and Nando Sigona (eds), *The Oxford handbook of refugee and forced migration studies* (OUP, 2014).

74 Poverty, Sexual orientation and refugees in the UK (n60 above).

75 LaViolette (n46 above).

76 Dana Bogner, Jane Herlihy and Chris R. Brewin, 'Impact of sexual violence on disclosure during Home Office interviews' (2007) 191 *British Journal of Psychiatry* 75-81.

77 Nick J. Mulé and Erika Gates-Gasse 'Envisioning LGBT Refugee Rights in Canada: Exploring Asylum Issues' (Envisioning Global LGBT Human Rights, June 2012), available at: <[http://www.ocasi.org/downloads/Envisioning\\_Exploring\\_Asylum\\_Issues.pdf](http://www.ocasi.org/downloads/Envisioning_Exploring_Asylum_Issues.pdf)> accessed 20<sup>th</sup> August 2020.

78 Impact of sexual violence (n76 above).

International and UK Lesbian and Gay Immigration Group's 2013 research they also find that in LGBTI refugee support groups, it is common discussion that having to talk about the most private aspects of your life and trying to prove your sexual orientation can be highly 'humiliating, harrowing and negative experience'.<sup>79</sup> Their research found that having to relive their experiences during the RSD process, whilst in a state of extreme anxiety about whether the decision-maker will believe them or not, can lead to the end of the process, feeling destroyed emotionally and physically, making it extremely challenging to look forward and plan a new life in the UK.<sup>80</sup>

In addition to the questioning in the RSD process, the current literature suggests that prolonged waiting times for RSD decisions may also affect local integration.<sup>81</sup> This was not specific to LGBTI refugees as it is seen in literature for all refugee groups. For example in 2005–2007, twenty-two percent of those newly granted refugee status, according to the data from the Survey of New Refugees,<sup>82</sup> had already spent at least five years in the UK before receiving a decision of whether they had been granted refugee status. There are theoretical reasons as indicated by existing literature that longer waiting periods can act as an important hindrance to subsequent integration, as exemplified by Hainmueller, Hangartner & Lawrence's 2016 study, which found that psychological stress could arise when:

individuals face a threat to their resources or investment, de facto unemployment during waiting periods can lead to depression and disempowerment), and continuous uncertainty can compound the trauma already experienced by many refugees.<sup>83</sup>

These issues therefore can be seen to have serious practical implications, because of the depression, disempowerment and additional trauma, linked with the indefinite RSD process.<sup>84</sup> In addition, Hainmueller, Hangartner & Lawrence's research suggests that based on economic theory, the more time a refugee is out of the labour market the larger the barrier to entry.<sup>85</sup> With time being crucial to the framing of social life and administrative structures, this could suggest that the instability and anxiety created without certainty of time, impacts potential immanent changes as time is central to the framing of social life and systems.<sup>86</sup> For example, Griffiths' found that time can be a source of shame or oppression, because the life of an asylum seeker, awaiting their RSD decision becomes unproductive due to living in an endless present.<sup>87</sup> This therefore prevents being able to plan or believe in a future, because by not knowing how long one has to wait, it becomes too challenging to imagine a future in their new host country.<sup>88</sup>

As illustrated by Mansouri and Cauchi's findings, mental health has a direct link with RSD being indefinite; in addition to findings that suffering is linked with experiencing time as passing slowly.<sup>89</sup> Therefore the power held by the government, during an individual's RSD process could be argued as a purposeful tool that keeps an individual passive and thus has a direct negative impact on potential local integration outcomes. For example, as discussed above, the research respondents, from Micro Rainbow International and UK Lesbian and Gay Immigration Group's study, also noted that once granted their status, the time they spent waiting in limbo for their asylum decision, had a negative impact on their integration outcome when it came to finding employment. This was due to feeling that they had lost their former skills, gained no work experience in the UK during that time, due to being prohibited from employment due to asylum status<sup>90</sup> (which contrasts to other European countries where asylum seekers

79 Poverty, Sexual orientation and refugees in the UK (n60 above).

80 Ibid

81 RAS Voice, 'The Waiting Game Refugee and Asylum Seeker Voice The impact of delayed asylum decisions' (*Refugee Action*, 2018), available at: <<https://www.refugee-action.org.uk/wp-content/uploads/2018/03/Refugee-and-Asylum-Seeker-Voice-The-Waiting-Game-Report.pdf>> accessed 20<sup>th</sup> August 2020.

82 Andreas Cebulla, Megan Daniel and Andrew Zuruman, 'Spotlight on Refugee Integration: Findings from the Survey of New Refugees in the United Kingdom' (2010), available at: <[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/116062/horr37-report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/116062/horr37-report.pdf)> accessed 20<sup>th</sup> August 2020.

83 Jens Hainmueller, Dominik Hangartner and Duncan Lawrence, 'When lives are put on hold: Lengthy asylum processes decrease employment among refugees' (August 2016) 2(8) *Science Advances*.

84 Fethi Mansouri and Stephanie Cauchi 'A Psychological Perspective on Australia's Asylum Policies' (2007) 45(1) *International Migration* 121-144.

85 On hold (n83 above).

86 Melanie B.E. Griffiths 'Out of Time: The Temporal Uncertainties of Refused Asylum Seekers and Immigration Detainees' (April 2014) 40 *JEMS* 1991-2009.

87 Ibid.

88 Ibid.

89 Mansouri and Cauchi (n84 above).

90 Sara Palacios Arapiles and Roda Madziva 'A dignified standard of living' for asylum-seekers? An analysis of the UK's labour market restrictions for asylum-seekers' (*Refugee Review: Special Focus Labour*, III, 65-81, 2017) available at <<https://espmnetwork.com/wp-content/>

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are allowed to undertake employment) and that their mental health had been affected by being left waiting.<sup>91</sup>

However, it is necessary to take into consideration that the Home Office has hundreds of claims to process each week and therefore the time frames vary based on each individual and the limited resources available to make a decision. Although, there is still a strong argument for the UK to at least implement a maximum timeframe on RSD decision making, so that the suffering of mental ill health that is linked to the indefinite asylum waiting time can be lessened and thus any potential impact on local integration is reduced.

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uploads/2017/11/6-Arapiles-Madziva-1.pdf> accessed 20<sup>th</sup> August 2020

91 Jill Power, 'Why asylum seekers should be granted permission to work' (July 2017) available at: <<https://microrainbow.org/wp-content/uploads/2017/07/Why-asylum-seekers-should-work.pdf>> accessed 20<sup>th</sup> August 2020.

## 4. Findings

This research allows discussion of the impact that the RSD process in the UK has had on LGBTI refugees who have been successful with ‘proving’ their sexual orientation. Building on the current literature, it explores whether this has affected their local integration and what their local integration experience has been like for them. The findings below offer insight into an important area of study, however, as the research was of a very small scale with only six participants (due to the challenges in reaching the population and resource constraints) it is important that this research is seen as a starting point for future research in this area. The findings could suggest RSD for SOGI claims needs to be rethought to ensure fair opportunity for LGBTI refugees and their local integration outcomes, as felt by the refugees interviewed in this study. The following paragraphs deal with the findings in more detail and are illustrated by refugee voices sharing their own experiences.

### 4.1 The RSD process

The first set of questions that were asked during each interview aimed to capture the experience of RSD for each interviewee and what it felt like having to prove their sexual orientation. The timeframe of when the RSD process took place for each interviewee ranges from 2010 to the year of interviewing - 2018. Further, the time the RSD process took for each interviewee ranged from three years to one week. However it emerged from the interviews that *all* interviewees found the process challenging, frustrating and upsetting and felt that RSD for SOGI claims should not be handled in the current way of having to prove one’s sexual orientation.

The three main themes that arose from the RSD process was firstly the questioning used, with all interviewees commenting on how wrong they felt the current system is. Secondly, being forced to ‘come out’ due to the questioning, with three interviewees stating that this was traumatic for them. Lastly, the experience of waiting for outcomes, which had a negative effect on their wellbeing. These three themes are explored in more detail below.

#### 4.1.1 RSD interview questions

The questions asked by the Home Office around ‘proving’ refugees’ sexual orientation, were consistent with the literature previously discussed,<sup>92</sup> and all interviewees gave examples of questions asked. Most interviewees highlighted questions around having a relationship, such as ‘why don’t you have a boyfriend?’<sup>93</sup> and ‘did you have a boyfriend?’<sup>94</sup> In response to these types of questions, one interviewee noted how uncomfortable this made him feel and how ignorant he thought these types of questions were, commenting:

I’m from a third world country, how can I have a boyfriend?  
they would kill me... don’t stick on ‘why didn’t you have boyfriend?’  
no one in a third world country will tell you they had an open  
boyfriend, when your own government say gays are like animals<sup>95</sup>

Adding to his comment, he expressed that he felt the Home Office did not understand him regarding his being gay and that in the interview ‘they were going round and round asking about boyfriends’. It emerged that questions about being open in their home country were frequently asked. Interviewees commented that they were applying for asylum because of the attitudes in their home country and therefore did not understand why the RSD process would include questions about this, as they felt it was obvious that they could not be open back home. For example, one interviewee shared that he was previously in a heterosexual marriage to conceal his sexual identity.<sup>96</sup>

This questions asked, could suggest that there is still a lack of understanding around norms. Such as, concealing sexual orientation in countries of origin, by being in a heterosexual relationship for example. This calls attention to an area of concern in the decision-making around the questions asked, as also suggested in the literature by Gray and McDowall.<sup>97</sup> Further, the literature discussed was published in 2013, it is therefore concerning that years later, with a third of this study’s research group having their RSD interviews in the last two years, that these types of questioning continue to be the main focus.

<sup>92</sup> Choi (n40 above).

UKLGIG, ‘Missing The Mark, Decision making on Lesbian, Gay (Bisexual, Trans and Intersex) Asylum Claims’ (2013), available at: <<https://uklgig.org.uk/wp-content/uploads/2014/02/Missing-the-Mark.pdf>> accessed 20<sup>th</sup> August 2020.

<sup>93</sup> Interviewee 2, 2018.

<sup>94</sup> Interviewee 5, 2018.

<sup>95</sup> Interviewee 2, 2018.

<sup>96</sup> Interviewee 5, 2018.

<sup>97</sup> Gray and McDowall (n18 above).

Although this research found that everyone was grateful once they received their status, as the literature had suggested,<sup>98</sup> trying to prove one's sexual orientation during the process to gaining one's status affected all interviewees' mental health. For example, one interviewee commented:

I wanted to end it all; it made me feel depressed and sick. They made me feel like a criminal. The way the lady was asking the questions, it makes you feel like you are not a human being, the questions she was asking, so if I'm a lesbian do I look like a criminal? I know back home they don't accept me, but I like who I am, I feel good about myself and no one can change it. There are certain things they should not ask, they don't need to ask you certain questions, as it makes you feel deep down you are not a human being all because of your sexuality.<sup>99</sup>

This response was echoed by all other interviewees and highlights a disturbing process for LGBTI asylum seekers looking for protection during the interview process. This indicates that having to 'prove' one's sexual orientation can make refugees feel extremely uncomfortable when asked many details about what has happened to them and their explanations having to be attached to their sexual orientation.

In addition, the idea around 'proving' one's sexual orientation as discussed in the literature, still leads to *how* do you prove your sexual orientation. Other than through one's own declaration, having to 'prove' your sexual orientation could be based on stereotypes and subjective notions that can lead to a higher rate of dismissals.<sup>100</sup> All interviewees commented on how strongly they felt that it was impossible to prove their sexuality, such as 'no one in the world can prove your sexuality, no one in the world can prove I am gay';<sup>101</sup> adding:

If they ask, you are not gay, you think what, what kind of questions are you asking, what should I prove, do I have to sleep with someone in front of you, do you want to film me, what do you exactly want? This question is not supposed to be there!

Moreover, an interviewee who was granted refugee status a few months before the interview took place, expressed that although she was grateful to be granted refugee status, she thought the questioning was impossible, arguing how can she prove she is bisexual, that it is not written on her face, that each story is different and so how can she provide evidence? Noting that the Home Office asked her for pictures, she commented, 'how I can show you pictures! I can only tell you'.<sup>102</sup> Interestingly, the two interviewees who were refused after their initial interview, neither of them, provided photographic evidence (in comparison to the other four interviewees who did provide photographs), yet both were granted status through the appeal process. This does not mean that those who do not provide photographic evidence are initially refused, however, it would be interesting for further investigation into this, especially as in these instances, the Home Office is not in compliance with the UNHCR guidelines<sup>103</sup>. As stated above, they detail that applicants should never be asked to provide 'photographic evidence of intimate acts'. However it could be argued that these guidelines do not go far enough. As even though the guidelines are acting as a framework, they are of limited effect, when those who are accountable for applying the guidelines hold stereotypes and prejudices of those interviewed.

#### 4.1.2 'Coming out'

In addition to the attempt to 'prove' their sexual orientation, an area of the RSD questions that all interviewees highlighted as extremely difficult, was that it was not that they were just talking about their sexual orientation and what had happened or might happen to them back home in regards to their fear of persecution, but that all six had never openly spoken about their sexual identity. Some had told one or two people from back home, one had been forcibly 'outed' and two had not told anyone.

Moreover with questions in the RSD interview such as 'in the UK, are you going to be open?'<sup>104</sup> one could conclude that this approach could be very difficult for someone who has never lived openly, who is new to the cultures and

98 Poverty, Sexual Orientation and Refugees in the UK (n60 above).

99 Interviewee 6, 2018.

100 Sabine Jansen (n47 above).

101 Interviewee 2, 2018.

102 Interviewee 4, 2018.

103 UNHCR, 'Guidance Note on Refugee Claims Relating to Sexual Orientation and Gender Identity', (21 November 2012), available at: <<http://www.refworld.org/docid/48abd5660.html>> accessed 20<sup>th</sup> August 2020.

104 Interviewee 3, 2018.

traditions of the UK and has lived in fear or faced persecution because of their sexual orientation. For example, speaking about the experience of being tortured in his home country, one interviewee expressed that:

The first time I spoke about my sexuality for hours, openly, was in my asylum interview, which is very tense, it is quite difficult. My interview took 9 hours, 4/5 hours each. Exhausting, the whole focus is on your sexuality, over and over, it is quite traumatising and very daunting... that was very tough because I had never been open, and someone is asking me on that particular time/ day are you going to be open?<sup>105</sup>

He went on to say that the decision-maker wanted him to explain the process of his coming out, however for him, his coming out was a very difficult, personal and long process. All other interviewees highlighted the same response, including two interviewees who at the point of their RSD interview had not spoken to anyone about their sexual orientation in any detail. On the contrary, one must take into consideration the difficulty in having to make the decision by the Home Office caseworker, even after being trained on SOGI claims, it is still difficult to understand the complex nature of sexual identity. The training completed by Home officer caseworkers does ensure that decision-makers are trained on approaching claims holistically, so that proof of sexual identity is understood to not be about sex and interviews are conducted sensitively.<sup>106</sup>

However, on analysis, the questioning and focus on the importance of coming out by the asylum decision makers, seems to lack the understanding, that to seek asylum before you have ever experienced being open about your sexual orientation is a very sensitive topic. For those applying for asylum, they should not be expected to be open in the way that British LGBTI citizens may be in the UK. The questions should not be designed on the basis of presumptions, when little context to the appellant's concealment of their sexual identity is not included. It also seems from all of the interviewees' responses, coming out is not a process that can be synthesised into an interview statement and that ultimately, although the decision making in SOGI claims are complicated, the decision-makers are not complying with the compulsory training they undertake.

For example, one interviewee spoke of how in her RSD interview, it was her first time that she had openly talked about being a lesbian, after the traumatic experience of her family having rejected her; she had been forcibly 'outed', her family had her arrested and she was then beaten and raped in police custody.<sup>107</sup> As LaViolette discussed, most people claiming on SOGI grounds have suffered abuse in their home countries. Arriving in the UK having experienced trauma, they may have fear of the authorities because of past experiences. Therefore, having to talk openly about their experiences to UK authorities without support could make it extremely difficult to prove their case.<sup>108</sup> This is also because those affected by trauma involving shame, sexual violence or relational betrayal, as previously discussed in the literature review, are associated with greater memory disturbance as found in Bogner, Herlihy & Brewin's, 2007 psychological research.<sup>109</sup> This could therefore indicate that for those claiming based on their sexual orientation, time is needed for people to feel safe in talking about their experiences and by not being psychologically supported with this, this may impact their own wellbeing and the outcome of their case.

#### 4.1.3 Awaiting the decision

In addition to not being psychologically supported or prepared to undergo the questioning in the interview process, the waiting time for asylum decisions by the interviewees, ranged from one week to three years and four of the six interviewees were detained whilst waiting for their decision. During this process, none received an update or timeframe of how long the decision process would take and none of the ones who were detained were given reason or prior warning that this was a possibility<sup>110</sup>. These findings are consistent with many refugees' experiences who are not claiming based on their sexual orientation and the UK remains the only country in Europe to uphold indefinite detention of asylum seekers and this is therefore not specific to LGBTI refugees.<sup>111</sup>

105 Ibid.

106 Home Affairs Committee, 'Supplementary written evidence submitted by the Immigration Law Practitioners' Association' (July 2013) available at: <<https://publications.parliament.uk/pa/cm201314/cmselect/cmhaff/71/71we-7.htm>> accessed 20<sup>th</sup> August 2020.

107 Interviewee 6, 2018.

108 LaViolette (n46 above).

109 Impact of sexual violence (n76 above).

110 Home Office, 'Immigration Act 2016: Guidance on adults at risk in immigration detention' (2018) available at: <[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/721237/Adults\\_at\\_risk\\_in\\_immigration\\_detention\\_-\\_statutory\\_guidance\\_\\_2\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721237/Adults_at_risk_in_immigration_detention_-_statutory_guidance__2_.pdf)> accessed 20<sup>th</sup> August 2020.

111 May Bulman, 'UN backs calls for time limit on UK immigration detention' (*The Independent Online*, 2018) available at: <<https://www.independent.co.uk/news/uk/home-news/unhcr-immigration-detention-time-limit-indefinite-home-office-sajid-javid-a8464396.html>> accessed 20<sup>th</sup> August 2020.

The interviewees who were detained expressed their experience, highlighting what seems to be an unjust response in those seeking protection:

I got detained, I began to regret why I went to the authorities, because I was not expecting that. I applied and when I was called for my interview, it was not there, it was a trap, I got there I waited 12 hours, there was no interview, I didn't know what to think, and then all of a sudden, then they came and said you are under arrest and took me to a detention centre, for me that was a very bad experience. I went to the government to apply for protection and instead I'm put in a detention centre, then I thought I have made a mistake. It shouldn't be like this.<sup>112</sup>

I thought I was going for help, they took us to detention at around 1am without saying anything, locking us up without saying anything, they didn't explain anything. My lawyer was late also. When I would ask, all they would say 'you just need to wait', it was so bad.<sup>113</sup>

In addition to experiences of being detained, the inconsistency of the time period of waiting for their decision was a topic that all interviewees felt was unfair. As found in the literature, issues that arise from not knowing how long one has to wait for the decision, can have serious practical implications, because of the depression, disempowerment and additional trauma, linked with the indeterminate RSD process.<sup>114</sup> Even the interviewee who had the shortest waiting time, felt not knowing how long it could potentially take affected him negatively in regards to his mental health.<sup>115</sup> The interviewee who had the longest waiting time spoke passionately about the need for a specific maximum time frame in the RSD process for SOGI cases. She spoke of friends from her LGBTI asylum support group and the large range of waiting times, including a woman who was waiting eight years for her RSD decision and when her decision letter arrived, it was a refusal. Further, speaking of how the Home Office should improve how they handle the cases, recalling her own experience of waiting she said:

You shouldn't wait three years for a refusal, waiting for 3 years, you can't even go to a library because you don't have I.D, there are some who are sleeping rough, where will I stay, you are not allowed to work, they can call the police if you do work, you cannot access anything, until you granted, you can't access nothing without your identification. You shouldn't group us as asylum seekers/ refugees, there are some who are very educated, my friend she is a lawyer, she has a masters, she can't do anything, nothing, all she does is just wait.<sup>116</sup>

This illustrates that the experiences of not knowing when their RSD decision will be made after their interview, having to wait in limbo, suggests, especially with the higher waiting times, that issues around integration are likely to be affected. For example potential employment integration, in that if a policy reform ensured that the waiting time was reduced and a maximum time frame was given, (as felt by all interviewees), refugees would feel more confident in navigating this transition. Going from being unable to access public resources as an asylum seeker and not being able to gain employment experience, to having a fairer opportunity to integrate in the UK.

In addition, such reform could increase overall employment of LGBTI refugees and therefore reduce public spending for welfare benefits, increase tax contributions for those newly employed and help the host population feel less negative towards those integrating. The feelings of isolation and depression which was expressed by all interviewees during this part of their RSD process could also be lessened, as it was felt by all six interviewees that the suggested changes detailed above, if implemented, would increase better integration outcomes.

## 4.2 Experiences of local integration

The second set of questions that were asked during each interview explored the experience of local integration in the UK for each interviewee and what it felt like navigating the host country as a LGBTI person with refugee status. The main findings that emerged was that all interviewees struggled and felt unsupported, they were unable to find the right community for them and felt stigmatised by a system filled with broken promises. These three main themes that arose are discussed in more detail below by using Crisp's framework of the three processes of local integration; legal, economic and social.

112 Interviewee 3, 2018.

113 Interviewee 6, 2018.

114 Mansouri and Cauchi (n84 above)..

115 Interviewee 5, 2018.

116 Interviewee 4, 2018.

### 4.2.1 Lack of support

Once refugee status has been granted, LGBTI refugees are legally allowed access to public resources and seek employment in the UK. However, what emerged from the research is that in reality, policy and practice was felt to be very far apart. When considering Crisp's local integration framework, although consistent with the literature findings, that the legal process is in place, what Crisp deemed as the economic process, does not seem to be fulfilled. As all refugees in the study cited lack of support as one of the main reasons as to why they felt integrating economically was so challenging, with all commenting on what a struggle it was initially and still is today.

For half of the interviewees, there was an expectation that if they reached out to well-known LGBTI organisations, they would be offered some form of support such as counselling or with finding a job. They felt that LGBTI refugees would be more understanding and supportive than general refugee organisations, however when they approached the LGBTI organisations, all three felt disappointed that this was not the case. There was a general feeling that the reason why they were not supported was because they were immigrants and felt the current hostility to migrants in general contributed to this. This is consistent with Micro Rainbow International & UK Lesbian and Gay Immigration Group's study as discussed in the review of literature.<sup>117</sup> For the other half of the interviewees they expressed that they had no idea as to how to seek help, not knowing where or who to turn to. All interviewees cited a need for employment support as crucial and found their integration experience not only isolating but also found it negatively affected their mental health.

Not being able to fully participate in the social process of local integration as highlighted by Crisp regarding lack of support, was also discussed. Strong comments around how to navigate this new life were expressed, which could indicate that there is a gap in specialised support available for refugees who received their status, because of their sexual orientation. It is suggested that the government should support current refugee organisations and LGBTI organisations to address these needs, to ensure that LGBTI refugees are provided with the opportunity to fulfil the UK government's definition of refugee local integration. In addition, establishing a community so that LGBTI refugees can share their experiences and be understood, so that the feelings of isolation felt by all participants in this study, for example, can be diminished.

### 4.2.2 Paradox of exclusion

Although all interviewees felt the lack of institutional and organisational support, feelings towards being able to access generalised refugee support at an organisational level, such as support groups or advice centres was clearly expressed also, as 'no go areas'. This again indicates that the refugees were not able to fully participate in the social process of local integration. The reasons for this, was based on the problematic relationships with other potential refugees, specifically refugees who came from the same geographical region as them. It was felt that their own integration experience was more isolating than non-LGBTI refugees as they felt more excluded because the broader refugee community was perceived as homophobic. In addition to the broader refugee community, trying to find support in the migrant community, was also cited as very difficult. One example was given by an interviewee who spoke of how she was meeting with a woman from West Africa in the hope that she could be offered housing. However, she soon felt she had made a mistake by saying she was a refugee as the woman stated, 'you are from Ghana, how can you be a refugee? There is no war in Ghana'. Detailing that she knew that she could not express why, and therefore could not be herself out of fear that the woman would perceive her to be 'the devil'.<sup>118</sup> This construct of the refugee label could thus be seen as creating more harm and even more so in the LGBTI refugee context.

It was felt by all interviewees that LGBTI communities were also difficult to feel a sense of belonging, as it was felt that LGBTI people from a western country are different from their own and may lack the understanding of a LGBTI refugee has had to go through. For example one interviewee illustrated that he did not feel comfortable talking to anyone about his sexual orientation, so did not feel that LGBTI spaces were for him, nor migrant spaces, because of the fear of people from his home country and region knowing his sexual identity. This clearly negatively affected all three aspects of his local integration and adds to the suggestion that the gap in support for this specific group of refugees needs to be filled, so that experiences as illustrated by the comment such as the one below, do not continue: 'when I got my statement I said okay, I have better life, but it was worse. London is like a jungle. For someone without friends and family it is a jungle.'<sup>119</sup>

### 4.2.3 Stigmatisation

In addition to the strong sense of struggle and isolation from the lack of support available, when situating these

<sup>117</sup> Poverty, Sexual orientation and refugees in the UK (n60 above).

<sup>118</sup> Interviewee 6, 2018.

<sup>119</sup> Interviewee 1, 2018.

findings in Crisp's framework, with what he calls the economic process of local integration, all interviewees spoke of being stigmatised once receiving their refugee status, with the main focus being on employment. As indicated by Crawley,<sup>120</sup> refugees feel they are stigmatised when attempting to access the job market. This was also seen in this study, which found that the interviewees spoke negatively of their identification card, the Biometric Residence Permit. As part of the legal process of local integration, the refugees receive the Biometric Residence Permit as their official UK identification, once they are granted international protection, which details their immigration status. However there was a strong sense from all interviewees that the Biometric Residence Permit was an obstacle for gaining employment, even though this was the card that was their proof that they can legally work in the UK.

Misunderstanding around refugees was suggested as to one of the reasons the Biometric Residence Permit made the employment challenging, as it was felt that potential employers are misinformed about refugees and there is fear of them 'taking over' and 'taking jobs'. The opinion of one interviewee, as illustrated below, is a good summary as to what was expressed by other interviewees:

This mark of a refugee... goes everywhere with you and that causes integration problems for you as it is very difficult to find a job, if the card you are carrying says 'refugee', people are scared of refugees for some reason. You can pass the interview very well, as soon as you have to show the documents of your proof of work in the UK, the card can stop you from getting a job.<sup>121</sup>

These experiences of having a Biometric Residence Permit and refugee labelling is not specific to LGBTI refugees as discussed in the literature,<sup>122</sup> and it could suggest that offering refugees in the UK, right to work permits, without the word refugee would be more beneficial to those seeking employment.

However, for LGBTI refugees in this study, it was felt that the Biometric Residence Permit not only was an obstacle for seeking employment or housing, in comparison to refugees in general, but was also a marking of their sexual orientation. All interviewees cited situations where, because of their Biometric Residence Permit they felt forced to speak about their sexual orientation in a job interview or when meeting with a prospective landlord, because they were asked the question 'why are you a refugee?'. Although it was felt that this question was often said just out of curiosity, interviewees cited examples of completing a job interview or agreeing on a house letting and suddenly being expected to talk about an extremely sensitive part of themselves that is attached to trauma. In addition to the fear that the prospective employer or landlord is potentially homophobic and thus the interviewee would be stigmatised and not be offered the job or housing let.

Fear of homophobia and experiences of homophobia in the UK was unfortunately spoken about by all interviewees; 'there is homophobia everywhere. Whoever says no is lying'<sup>123</sup> which is consistent with the current literature.<sup>124</sup> However, it could be argued that experiences of LGBTI refugee homophobic discrimination could be lessened if refugee status could be granted and the Biometric Residence Permit given, without 'marking' refugees out by detailing the type of permit and immigration category. The refugee identification card should offer freedom, it should ensure their local integration in regards to their legal and economic process begins. However, from the interviewee's experiences it suggests that in most instances it seems to prevent people from accessing the services they qualify for and therefore negatively impacts all three processes of their local integration.

In addition to the Biometric Residence Permit, it was felt by all interviewees that by having only five years limited leave to remain, and with the time it takes to 'get in to the system', that by the time the five years is completed, one may have only just started university for example. Further, they may not be offered employment because an employer is looking for someone more long term. Thus, it was felt that this does not promote local integration.

One interviewee, spoke of how many refugees may have entered irregularly before applying for asylum and therefore they may have worked illegally at some point, which means after five years even if they are given indefinite leave to remain, becoming a British citizen will be a much longer process:

How can the government think that this policy promotes refugee integration? I cannot become a citizen until after 10 years, even though I work hard here for the community as a nurse, but because I worked when

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120 Refugees, migrants, neither, both (n57 above).

121 Interviewee 3, 2018.

122 Sigona (n59 above).

123 Interviewee 1, 2018.

124 Stonewall (n64 above).

my permit had expired years ago.<sup>125</sup>

Interestingly, the new UK policy of 'safe country review' that takes place after the five years is finished when a refugee applies for indefinite leave to remain, as discussed in the literature review, was not mentioned by any interviewees. The previous policy meant that refugees would be automatically granted settlement when they applied at the end of the five years if they had not committed an offence. However the new policy, that would affect all of the interviewees in this study, will mean that regardless of not committing an offence their case will be subject to a 'safe country return review' and they could be faced with removal if the Home Office does not deem them at risk of persecution.<sup>126</sup>

Decriminalisation of homosexuality is of course a positive step, however it is unlikely that societal attitudes towards LGBTI persons will have changed considerably enough in that time period for protection to be upheld and could therefore put LGBTI at risk of persecution.

### 4.3 Impact of the RSD process and its effect on local integration

After interviewees talked in depth about their experiences of RSD and their local integration, the final set of interview questions focused on whether RSD had a lasting impact on LGBTI refugees regarding their local integration in the UK. The questions explored the impact of RSD longer term and how having to 'prove' their sexual orientation in a culture of disbelief, affected their local integration in the UK.

The findings indicate from those interviewed, that having to undergo intense questioning in the interview stage in regards to their sexual orientation, in addition to the waiting times, does affect integration outcomes. The main reasons found were the effect on all individuals' mental health of having to 'prove' their sexual orientation. Such as receiving one's refugee status, but not feeling mentally well enough to integrate in addition to feeling unsupported and stigmatised. Therefore, not fulfilling Crisp's framework around the economic or social process of local integration, nor meeting the UK Government's definition of local refugee integration.

Further, as discussed previously, having to wait for their asylum decision had a negative impact on their mental health. The uncertainty about how long it was going to take for a decision meant that they questioned themselves during that time. With negative feelings being felt towards their own sexual orientation because that was the reason they had to endure the process. This negative impact was also cited as contributing to a negative integration outcome and is explored in more detail below in addition to the impact of the questioning in the RSD interview.

#### 4.3.1 Mental health impact of the RSD interview questions

As discussed in the literature,<sup>127</sup> attempting to prove one's sexual orientation can be a highly upsetting process in a RSD interview and can make it extremely challenging to look forward and plan a new life in the UK. This was consistent with all interviewees in this research. It was felt that there are certain questions that should not be asked in the RSD interview, as 'it can make you feel deep down you are not a human being all because of your sexuality'.<sup>128</sup> It was felt strongly by all interviewees that having to 'prove' one's sexual orientation 'destroys hopes, morale and confidence'<sup>129</sup> and that it was difficult to live a new life after this process. The reasons as to why this heavily impacted their local integration emerged, as the questioning in the RSD interview. The questioning was felt to heavily impact interviewees self esteem, which they felt led to them struggling once they received their status. As it became difficult to ask for help when they had mental ill health, they felt scared to access mental health services and therefore did not become productive. These findings indicate that RSD has a lasting impact on the person; this then makes the social and economic process of local integration more challenging, in addition to all of the other challenges discussed in the other parts of this chapter.

Discussions around the questioning process and coming out were also raised again during this part of the research interview. There was a strong sense that someone can get to an age where they have never come out, but they just *know* they are not heterosexual. However, because the interviews focus on openness and how they lived their life as an open LGBTI person, they found it challenging to understand how the Home Office expected them to be open, considering the countries they were from. It was raised that even being in a safe country, it is still very difficult to

<sup>125</sup> Interviewee 3, 2018.

<sup>126</sup> Alan Travis, 'Refugees applying to live in UK face being sent home after five years' (*The Guardian Online*, March 2017) available at: <<https://www.theguardian.com/world/2017/mar/09/refugees-applying-to-live-in-uk-face-being-sent-home-after-five-years>> accessed 20<sup>th</sup> August 2020.

<sup>127</sup> Poverty, Sexual orientation and refugees in the UK' (n60 above).

<sup>128</sup> Interviewee 6, 2018.

<sup>129</sup> Interviewee 3, 2018.

come out and make that switch, because of what they had been through previously. Having to talk in this way in the RSD interview was therefore seen as very negative and it was felt that this was too much to go through, with one interviewee stating, 'if I was going to do it all again, the interview, I wouldn't, I went through so much pain.'<sup>130</sup>

Although the Home Office has to ask questions to gain evidence to make their decision, as mentioned previously, it would be interesting to study if RSD has such an impact on other populations applying for asylum in the UK. For an interview to cause that much pain as seen in the quote from an interviewee above, a woman who was tortured and raped in her home country, because she was a lesbian, it begs the question of how and why the UK government allows the re-traumatisation of LGBTI refugees in the RSD interview. This is in addition to the current literature available, that clearly highlights that for those seeking asylum on SOGI grounds, having little time to prepare themselves, can therefore lead to greater trauma related disturbances in hearings. Thus potentially leading to long lasting effects on respondents' sense of self and thus have a negative impact on their local integration.<sup>131</sup>

Furthermore, the potential re-traumatisation cited by the interviewees, from the RSD interview was not the only experience described in how the interviews made them feel. Confidence was a word used by the majority of the interviewees, in the context that this was a part of themselves that was negatively impacted by the questioning around their sexual orientation used in the RSD interviews and directly had a knock on effect of how they felt trying to seek work, noting this contributed to the struggle. This was discussed being due to the impact on their own self-identity and how they perceived their sexuality after being persecuted was altered. In that they had come to the UK for protection, but 'were treated like criminals'<sup>132</sup> and therefore felt dismay for their own self-being, wishing they were someone else, someone who was not gay, lesbian or a bisexual.

If more research were conducted, it would be interesting to see if in comparison to other refugees undergoing the RSD interview, whether LGBTI refugees are at a disadvantage when attempting to integrate, compared to other refugees. Although other refugees have to prove why they have a well-grounded fear of persecution because of certain characteristics that meet the refugee definition, it is not the same as having to prove their inner-selves. sexual orientation is possibly the most difficult 'characteristic' to prove.

#### 4.3.2 Mental health impact from waiting for decision

Further to the actual RSD interview process, not having a timeframe when waiting for asylum decisions was also seen as a negative experience of the whole process, which directly impacted local integration outcomes. It was felt that LGBTI refugees go through a traumatic experience in the RSD interview, with most already having trauma. For example, speaking about fellow LGBTI refugees he had met and his own experience, one interviewee stated: 'they then go through mental illness, a lot have been in detention and when they get realised there is no rehabilitation'. He went on to say:

When someone spends time in a prison, they know how long they will be there, when an asylum seeker is detained, you don't know how long you are going to be there, even when you get released you are extremely stressed and depressed, there are no follow up services. So how can you fully integrate?<sup>133</sup>

This was followed by the interviewee stating that if LGBTI refugees are treated in that way, then how can the UK government expect them to become members of the community, asking what kind of people are they going to produce at the end of the process, finishing his statement with 'the process can destroy people's lives'. This was also raised by other interviewees, in addition to the waiting period, leading them to question themselves. Yet again with negative feelings expressed towards their own sexual orientation, because they felt that if they were straight they would not have to endure the difficult process.

The interviewee with the longest waiting time (three years) and also the youngest of the study, recalled her experience of how the waiting time impacted her mental health, her view of her own sexuality and the experience of the constant anxiety after receiving her refugee status:

It really affects you mentally, your brain becomes your enemy, your thoughts become your enemy, because they are constantly asking you this, asking you that. I was sick, there were times that I would not leave my room because I would think about the interview. I had to go to counselling. All I could think about was that and how because of my sexuality I am going through all this. At that time I had to

<sup>130</sup> Interviewee 6, 2018.

<sup>131</sup> Envisioning Global LGBT Human Rights (n77 above).

<sup>132</sup> Interviewee 6, 2018.

<sup>133</sup> Interviewee 3, 2018.

wait for three years, every day I would think about the interview and think did I answer that part right, or did I answer that part correct. Is my evidence enough, did I say enough; maybe I should have done this. They take so long it really affects you, some self harm, some commit suicide in that time, they don't say that to the public that person committed suicide because of this, but they do. They will just say she had mental illness, but if they went deep, they would find most people self harm because of the long wait, you have to wait for years just to say 'we are working on your case'. It made me mentally ill, it's an endless process, it's so draining, not knowing if you've been heard, so you keep worrying and after, you are worried constantly, will I be able to get a job, housing, will I be free, will I be able to go somewhere and not be seen as a refugee.<sup>134</sup>

The interviewee quoted above was nineteen when she first applied for international protection in the UK, arriving from Uganda, she sought protection because of her sexual orientation. However the impact of the RSD process, even though three years later she was seen as successful with 'proving' her sexual orientation, had clearly had a detrimental effect on her own local integration experience. Speaking further of how the process affected her, she expressed how she still feels traumatised by the whole process and that her opportunities as a refugee are not equal, and how the RSD process made her feel makes it harder in comparison to other refugees to move on with her life.

#### 4.4 Seeking an alternative

The final questions in the research, in addition to drawing from the answers in other parts of the interview, focused on interviewees' own views of what could be changed in the current process to improve local integration outcomes. From their own experience, all interviewees welcomed a new alternative to the current process.

Citing trauma and feeling forced to talk about something so personal and upsetting, interviewees suggested that being able to seek counselling to deal with their situation and why they were in the UK before the RSD interview would be highly beneficial. This was consistent with Bogner, Herlihy & Brewin's psychological research and the characteristics of traumas more common among LGBTI refugees.<sup>135</sup> Thus highlighting the importance of how it could take time for people to build the sense of safety they need to be able to talk about their sexual orientation and past traumas.<sup>136</sup>

Suggestions were made around practical initiatives – such as ensuring waiting times had a maximum timeframe, with updates on the stage of the decision being sent, every three months for example. Further, creating a welcoming space and the involvement of charities in the interview process, who work directly with those applying for asylum was put forward. As it was felt that the Home Office could learn from charities and share experiences, including the experience of the refugees themselves. It was suggested that this could benefit the Home Office to lead to positive change, by having refugees who have gone through the RSD process, conduct training sessions for Home Office staff. As although Home Office staff already undergo training on SOGI claims, it was strongly felt that more training was needed. Ideas around sensitivity, educating staff about LGBTI persecution, stereotypes and realities, challenges faced by refugees from particular geographical areas and what it means to have never been 'out' were all suggested. In addition to further training about what questions to ask and which to avoid during interviews.

It was felt that by implementing these changes in the RSD process, from support of the individuals themselves, the questions asked, to further training and guidance of decision-making staff in addition to maximum decision waiting times, LGBTI refugees would feel more confident in a system that is supposed to offer protection. By undergoing such a process and beginning their new life in the UK, if the RSD process would change and if the onus was not around 'proving' their sexual orientation, the refugees in this study feel that their local integration outcomes would improve. With current negative local integration impact from undergoing the RSD process, it was felt that if the system could change for the better, it would ensure that future LGBTI refugees claiming on SOGI grounds would not only feel protected, they could have equal opportunities with other refugees to integrate. However, local integration as a refugee in general was still felt as a challenging concept. The sense that they would never feel equal to UK citizens as long as they were labelled as refugees was expressed and that they would never fulfil the UK government's definition of local integration.<sup>137</sup>

134 Interviewee 4, 2018.

135 Impact of sexual violence (n76 above).

136 *Envisioning Global LGBT Human Rights* (n77 above).

137 Home Office, 'Integration Matters: A National Strategy for Refugee Integration' (2005).

## 5. Conclusion

The findings of this study has demonstrated that a culture of disbelief in UK SOGI cases not only impacts those who are not believed, it also affects the minority of people who 'prove' their sexual orientation and are granted refugee status. This scoping study has explored these experiences and the effects of the process on local integration. It has found that with the extremely personal character of sexual orientation, it is difficult to understand how someone can 'prove' their sexual orientation; something that is a personal and intimate part of their existence. The questions asked in the RSD interview are often overly sexualised and do not take into account how different everyone's experience with their own sexual identity is. It also overlooks the likeliness of trauma experienced by those seeking asylum and the potential for re-traumatisation in the RSD interview. The requirement to provide details about aspects of life that are 'highly stigmatised, intimate and frequently traumatic',<sup>138</sup> is an intense experience that was strongly associated with negative feelings. Feelings that made those interviewed feel as if they were not human, that they were being made to prove their existence.

This study recognises the Home Office faces huge challenges that are focused on the provision and subsequent analysis of evidence of sexual identity of an individual, however as present in the literature and research findings, the current questioning techniques are not fit for purpose. In addition, after enduring the RSD interview questions, this study found that having to wait for asylum decisions and not knowing how long it was going to take, also had a negative impact on the mental health of those interviewed, which is consistent with other studies.<sup>139</sup> However, this research has found that the waiting time had an added effect for the LGBTI refugees interviewed in this study, as it meant that they questioned themselves during that time. For those interviewed in this study, negative feelings were felt towards their own sense of self, specifically their sexual orientation, because that was the reason they were having to endure the process.

These findings highlight a disturbing process for LGBTI refugees that affected individuals' mental health, which then had a direct link with their local integration. With not feeling mentally well enough to integrate, once they are granted their refugee status, due to the RSD process, it was felt that the refugees were not on an equal footing to integrate in comparison with non-LGBTI refugees. This negative impact was then cited as contributing to a negative integration outcome because it impacted their mental health in regards to their own self-worth.

The findings from those interviewed, indicate that by having to undergo intense questioning in the interview stage in regard to their sexual orientation, in addition to the waiting times, does affect local integration outcomes. This was in addition to feeling unsupported and stigmatised both as a refugee in general and because of sexual orientation.

However, as stated by the refugees themselves, there are ways in which RSD could be improved, thus enhancing local integration. For example, being offered counselling before the RSD interview and creating a welcoming space with the involvement of charities that work directly with those applying for asylum in the interview process. This is in addition to further Home Office staff training around sensitivity, LGBTI persecution, stereotypes and realities, common challenges faced by refugees from particular geographical areas and what it means to have never been 'out', including staff being trained by LGBTI refugees themselves. Finally, ensuring waiting times for decisions had a maximum timeframe with regular updates was also felt as an important potential improvement.

Although the findings presented here and the refugees recommendations are on a small scale, it is important that this is used as a starting point for future investigation, as when using Crisp's framework around the economic or social process of local integration and the UK Government's definition of local refugee integration, all refugees interviewed in this study felt that they did not meet the requirements. Thus, the experiences of those interviewed in this study and their suggestions in regard to changing the process need to be heard, so that refugees who are granted protection due to sexual orientation are given every opportunity to integrate in the UK, to feel supported and live fulfilling lives.

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138 LaViolette (n46 above).

139 Griffiths (n86 above).