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EDITED BY RICHARD C. M. MOLE

**QUEER MIGRATION
AND ASYLUM
IN EUROPE**

UCLPRESS

Queer Migration and Asylum in Europe

FRINGE

Series Editors

Alena Ledeneva and Peter Zusi, School of Slavonic and
East European Studies, UCL

The FRINGE series explores the roles that complexity, ambivalence and immeasurability play in social and cultural phenomena. A cross-disciplinary initiative bringing together researchers from the humanities, social sciences and area studies, the series examines how seemingly opposed notions such as centrality and marginality, clarity and ambiguity, can shift and converge when embedded in everyday practices.

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The logo for the FRINGE series, featuring the word "FRINGE" in a bold, white, sans-serif font. The letters are set against a black rectangular background. The letter "F" is partially obscured by a vertical white bar on its left side.

Queer Migration and Asylum in Europe

Edited by
Richard C. M. Mole

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'They sent me to the mountain': the role space, religion and support groups play for LGBTIQ+ asylum claimants

Moira Dustin and Nina Held

Introduction

While there is a growing body of literature addressing the sexual orientation and gender identity (SOGI¹) asylum process in European countries (Dustin 2018; Gartner 2015; Held 2017; McDonald-Norman 2017; Millbank 2009; Rehaag 2008; Shuman & Bohmer 2014; Spijkerboer 2013; Miles 2010; UKLGIG 2010, 2013; Wessels 2011), the social experiences of SOGI claimants have been less explored, and the intersections between the social and legal experiences even less so.

The Refugee Convention and EU law require that asylum claims be assessed individually, objectively and consistently.² Scholarship has shown that, for SOGI minority asylum claimants, this is not always the case (Dustin 2018; Gartner 2015; Held 2017; Spijkerboer 2013; McDonald-Norman 2017; Shuman & Bohmer 2014). A separate body of scholarship has highlighted the often negative experiences of these same individuals beyond the asylum system, in relation to health, accommodation, community engagement and what is often termed 'integration' (Allsopp, Sigona & Phillimore 2014; Kahn 2015; Kahn et al. 2018; Lewis 2013; Namer and Razum 2018). Research connecting asylum claimants' and refugees' social and legal experiences is less common, including in the context of SOGI, although there are some exceptions, largely building on the work of NGOs (for example Dyck 2019; Stuart 2012).

None of these studies, however, look at the experiences in depth by drawing on data collected in different countries. In addition, none of these studies consider the impact of different social factors on the asylum process. To address this gap, by drawing on data from the SOGICA³ project relating to Germany, Italy and the UK, this chapter considers three social factors – space, religion and LGBTIQ+ support – and the relevance of these factors to LGBTIQ+ claimants’ legal experience. We argue that a better understanding of these factors might lead to fairer decision-making in SOGI-based asylum claims as well as to broader improvements in the quality of life for the people concerned.

Our starting point is that all asylum applications should be assessed ‘individually, objectively and impartially’,⁴ and with the same guidelines and regulations followed consistently, if not across the European Union (EU), then at least within each member state, to enhance fairness, legal certainty and equal treatment. For this to be the case, the impact of social factors outside the legal asylum process must be addressed, because asylum law does not operate in a vacuum.

Making these connections not only addresses a gap in research and scholarship in order to increase our understanding of the reality of how asylum law operates, it also contributes to praxis in this field: by demonstrating the way factors outside formal legal processes may significantly impact on the outcomes of asylum claims, we hope to inform the work of lawyers and NGOs working with SOGI claimants; by highlighting support needs and showing how such support can help LGBTIQ+ claimants navigate the asylum process and secure positive decisions, we draw attention to the invaluable work that many non-governmental organisations and support groups carry out.

As a socio-legal and interdisciplinary project, SOGICA is well positioned to address this gap (see ‘Methodology’, below). The project found that LGBTIQ+ individuals are disadvantaged in specific ways within the asylum process and also experience hostility and marginalisation in wider society on the basis of multiple factors (Danisi et al. 2021). Moreover, as we will demonstrate in this chapter, their experiences outside the legal system have a direct bearing on whether their claims are successful. We attribute this to a number of factors, three of which are discussed in this chapter. In ‘Space’, below, we consider the importance of place and space in a broad sense, by focusing on experiences with asylum accommodation and their surroundings, as well as detention facilities. ‘Religion’ explores religion and faith on an individual and an organisational level, in terms of both the practical and the emotional support available to claimants, and how decision-makers interpret the intersections

of religion and sexuality. The third factor we consider (in 'LGBTIQ+ support', below) is the significance of the LGBTIQ+ support provided by NGOs and grassroots organisations. As we will show, the support and care offered by such groups is invaluable for LGBTIQ+ claimants going through the asylum process. We address each of these three factors in turn after providing an overview of the research methodology.

Methodology⁵

As mentioned above, this chapter draws on data collected during the SOGICA project, and in particular on 143 semi-structured interviews, 16 focus groups and 24 non-participant observations of court hearings that were conducted during the project. The advantages of a mixed-method approach have been highlighted in the literature as offering breadth and an in-depth understanding (Blanck 1993; Epstein and King 2002; Travers 1999; Travers & Manzo 1997).⁶

The individual interviews were conducted with participants in Germany, Italy and the UK, as well as with professionals involved with EU and CoE institutions, such as policy-makers, decision-makers, members of the judiciary, legal representatives, SOGI asylum claimants and refugees, representatives of NGOs, and other professionals. The focus groups were conducted solely with SOGI asylum claimants and refugees. In total, 158 asylum claimants and refugees participated in the semi-structured interviews and focus groups (64 in semi-structured interviews and 94 in focus groups).⁷ We conducted interviews in a wide range of locations in Germany, Italy and the UK to gain understanding of regional (and, in the case of the UK, national) differences, and we recruited a diverse sample of participants to gain understanding of intersectional experiences with regard to different social identifiers (see Danisi et al. 2021, ch. 2). Many of the asylum claimant and refugee participants were recruited through contacts with local, national and international NGOs offering support to asylum claimants, or through legal practitioners, or through the researchers' personal contacts with claimants. The interviews and the focus groups were conducted in semi-public places (for example, spaces in universities or quiet cafés) or in places familiar to the participants (local LGBTIQ+, refugee and migrant organisation venues or the offices of law firms). It was important to us to grant participants the autonomy to decide for themselves whether they wanted their accounts to be anonymised or not (Clark-Kazak 2017; Krause 2017), and approximately three-quarters chose to be anonymous. Therefore, in this chapter we use

real names for some participants and pseudonyms for those who did not want to be named. All the interview and focus group audio files were transcribed, and all data, including observation notes and documents, was analysed according to a coding framework that we developed in the software programme NVivo, which allowed us to carry out a comparative analysis.

Fulfilling ethical standards is important for any project. However, because of the particular situation in which SOGI asylum claimants find themselves and the trauma they have experienced, considering ethical implications when conducting research with this group of participants was particularly important, as we explore elsewhere (Held 2019). Before we started the project fieldwork, several ethical issues were identified and ethical approval was obtained from the University of Sussex's Ethics Committee.⁸ All participants gave us their informed consent to use their contributions for our project, and they were given the opportunity to withdraw consent at any point before publication, and request the destruction of any data relating to them.

The interdisciplinary and intersectional approach that SOGICA adopted to explore the social and legal experiences of SOGI claimants in Europe is particularly useful for our analysis in this chapter.⁹ The *interdisciplinary* approach encapsulates legal and sociological theoretical and analytical frameworks and methods and therefore contributes to the slowly developing field of refugee studies that take a socio-legal approach (Anderson et al. 2014; Güler, Shevtsova & Venturi 2019; Khan 2016; Lukac 2017; Venturi 2017). Employing a wide range of quantitative and qualitative methods from disciplines in the social sciences and humanities, socio-legal approaches look at the social factors involved and the social impact of law and practice. These approaches recognise that 'the law cannot be objectively isolated' (McConville & Chui 2007, 20) and are therefore especially useful for exploring how social factors such as space, religion and support structures shape LGBTIQ+ experiences of asylum law and policies. Socio-legal approaches are also invaluable for analysing the relationship between sexuality, gender identity and the law, and their intersections with other social relations of power.

The project's *intersectional* approach is based on the idea that the 'major systems of oppression are interlocking' (Combahee River Collective 1977, 13). Coined by Crenshaw (1989) but having a much longer history in black feminist thought, 'intersectionality' provides us with a framework for understanding how the experiences of LGBTIQ+ claimants are shaped not only by gender and sexuality, but also by

other social categories such as ‘race’, class, nationality, religion, age and (dis)ability (Danisi et al. 2021).

Applying these approaches to the topics of space, religion and LGBTIQ+ support sheds light on how what happens *outside* the legal asylum process impacts on the outcome of the claim in a way that traditional research methods with a focus on one issue and situated within one discipline are less likely to do. We seek to demonstrate this in the three sections that follow.

Space

LGBTIQ+ claimants’ experiences are shaped within different locations or asylum spaces, and, as we will demonstrate in this section, not only is looking at ‘space’ important for gaining understanding of LGBTIQ+ claimants’ experiences in social spaces, but these spatial experiences also impact on the legal asylum process. Human geographers have shown how spaces are gendered, sexualised, classed and racialised. The field of queer geographies specifically has explored how space shapes sexuality and sexuality shapes space. As Browne, Lim and Brown (2009, 4) argue:

[S]exuality – its regulation, norms, institutions, pleasures and desires – cannot be understood without understanding the spaces through which it is constituted, practised and lived. Sexuality manifests itself through relations that are specific to particular spaces and through the space-specific practices by which these relations become enacted.

Hence, as we will show, asylum spaces shape LGBTIQ+ refugees’ sexual and gender identities in particular ways. This is most prevalent in spaces of asylum accommodation and their surroundings, as well as in carceral spaces such as detention centres.

When claimants are provided with asylum accommodation in Germany, Italy or the UK, they have no choice about where to live but, like other claimants, are usually randomly dispersed by the state on the basis of where moderately priced housing and/or reception facilities are available.¹⁰ While the place that is chosen for them should not play a role in the outcome of their asylum claims, it often does. LGBTIQ+ refugees’ experiences of accommodation are shaped by a multiplicity of issues. Like other refugees, they often have to live in overcrowded low-standard

accommodation, sometimes mixed-gender, dirty and unhygienic (for instance, Angel, Germany; Jayne, UK; Trudy Ann, Germany).

They struggle with not being able to prepare their own food, lacking privacy, and the (sometimes real) fear of having belongings stolen (for instance, Dev, Italy; Marhoon, Germany; Nelo, Italy; Odosa, Italy; Prince Emrah, Germany; Tina, Germany). The accommodation providers (sometimes hotel owners or private landlords) often provide too little oversight and may harass residents (Lynn, Germany; Mayi, Germany). Moreover, especially in Germany and Italy, it is common practice for claimants to share a room, flat or house with strangers. For LGBTIQ+ claimants this brings specific concerns. LGBTIQ+ refugees are very often fearful of outing themselves or being outed, which makes it imperative to have a private space to which they can retreat. In addition, housing providers, other authorities, and sometimes even psychologists and NGO workers may suggest that claimants stay 'in the closet' (Julia, Germany; Julian, focus group, Germany; Marhoon, Germany). Some claimants out themselves, but, when they experience discrimination and violence and are lucky enough to be moved to another accommodation, may then go back into the closet (Ken, Italy; Kings, focus group, Italy).

Not having a private place to retreat to is particularly difficult when refugees experience discrimination and hate crime outside the accommodation centres. Many participants talked about experiencing homophobia, transphobia and racism in the areas where they lived, and not 'being wanted' as LGBTIQ+ black refugees (Winifred, focus group, Germany). Some participants who were accommodated in the south of Bavaria talked about specific experiences with what Haritaworn (2015, 14) calls 'anti-Black racism in Germany'. For instance, they told us of incidents in which people on public transport appeared reluctant to sit next to them or moved away, and one participant witnessed a person pull their shirt over their nose to suggest our participant smelled bad (Hilda and Winifred, focus group, Germany). Mayi (focus group, Germany) heard the comment 'Blacks are smelling', while Ayeta (focus group, Germany) described an experience she had while walking through town: 'there was a lady coming towards me. When she saw ... I was black she held her nose, then she turned and spat.'

Because LGBTIQ+ claimants often face discrimination and hate crime inside their shared accommodation, NGO workers and others in all the three countries studied have campaigned to establish accommodation specifically for LGBTIQ+ claimants. Indeed some provision already exists.¹¹ While many of our participants supported the establishment of LGBTIQ+-specific accommodation (Antonella, LGBTIQ+

volunteer, Italy; Diego and Riccardo, LGBTIQ+ group volunteers, Italy; Giulia, LGBTIQ+ group volunteer, Italy; Mara, lawyer, Italy; Ham and Stephen, focus group, Germany; Ken, Italy; Kennedy, Italy; Odoosa, Italy; Gbona, Italy; Buba, Italy; Moses, Italy; Mamaka, Italy; Nice guy, focus group, Italy), some did not favour segregated provision, preferring an integrated approach (Alphaeus, Germany; Celeste, social worker, Italy; Giulio, LGBTIQ+ group volunteer, Italy; Mahoon, Germany; Nicola, LGBTIQ+ group volunteer, Italy; Siri, Italy; Silvana, judge, Italy; William, Germany).

LGBTIQ+ refugee housing is created on the basis of residents sharing a common sexual orientation or gender identity, thus being a purposely constructed sexualised space. Yet these spaces are not only sexualised but also gendered, racialised, classed, and so on, and many of our participants argued that the intersections of identities also needs to be considered in LGBTIQ+-specific housing (Jonathan, LGBTIQ+ group volunteer, Italy; Juliane, public official, Germany; Kadir, NGO worker, Germany; Louis, LGBTIQ+ group volunteer, Germany). However, for others, being moved from general accommodation to LGBTIQ+ accommodation was crucial to their well-being. For instance, one of Melisa's (NGO worker, UK) intersex clients, whose passport stated male as birth sex but presented as a woman, had initially been accommodated with men where they faced bullying and sexual harassment:

At some point they [the client] had to leave the house in the night and take a walk in the night or try and find a friend who was available where they could stay on their sofa. In some instances they were forced to just stay in the kitchen, you know, to just sit there and wait until the other person slept, so it was a continual harassment and ... they tried complaining to different departments within the housing provider, the COMPASS¹² providers, and they were not supported or they didn't get the help that they needed.

Only when Melisa's organisation stepped in did the UK Home Office act, and the client was moved to the organisation's safe accommodation: 'The first thing they said when I went to pick them up, they cried, so much.'

Campaigns for LGBTIQ+-specific accommodation can be a delicate and contentious matter, as they might reinforce stereotypes of 'asylum seekers', as a group, being sexist and homophobic, thereby feeding homonationalist discourses of a gay-friendly West as a source of refuge from the rest of the world (Puar 2007, 2013). These debates risk homogenising both SOGI and non-SOGI claimants, and allowing the

struggles of LGBTIQ+ refugees to be instrumentalised for racist discourses (Awadalla & Rajanayagam 2016). Of course, we find homophobic attitudes not only in asylum accommodation centres but in many different spaces in society. We should therefore consider asylum accommodation centres to be similar to many other spaces, which are heteronormatively structured. As geographers of sexualities have shown, everyday spaces (such as the street, the home, the workplace) are constituted as heterosexual through repetitive heterosexual performances (Bell & Valentine 1995; Johnston & Valentine 1995; Valentine 1993, 1996).

Heteronormative environments make many claimants feel 'out of place' when they are accommodated with heterosexual families and obliged to share a room with heterosexual men and women. Some felt as if they were 'stick[ing] out like a sore thumb' (Angel, Germany). In addition, accommodation centres too are gendered spaces. These binary-gendered environments are especially difficult for trans or gender-non-conforming claimants, whether or not they are accommodated appropriately according to their gender. If claimants are visibly trans or gender-non-conforming, they often experience harassment; if they are 'passing', then there is a constant fear of people finding out, for instance when male trans claimants wear breast bandages but have to share rooms, and cannot even lock the bathroom (Kamel, Italy; Bebars, Germany). This can affect physical health, for instance when bandages are worn for much longer than they should be. Such experiences also put an enormous strain on SOGI claimants' mental health and prevent them from thinking about their future. As William (Germany) explained, 'And when life is safe, you can have a future to think about. We sit down and think about what next.'

Heteronormative spaces can also be difficult for lesbian claimants, who may face 'advances' from men and feel pressured by the other women they live with to have a relationship with a man (Tina and Hilda, focus group, Germany). Many women do not feel safe. For instance, Julian (focus group, Germany) told us of men coming into her room – which she could not lock – at night, which could make any woman feel unsafe.

All of these experiences are likely to impact on the asylum claim. For instance, Liz (focus group, Germany) had to stay in a reception centre for an entire year, during which time she experienced sexual harassment by men on a number of occasions, and the other women would pressure her to have a relationship with a man and introduce her to their male friends. These intimidating experiences had a negative impact on her asylum claim in two ways. First, she felt unable to open up to anyone about her sexuality and kept it hidden. Second, to make matters worse,

when, after a year in the centre, she had her asylum interview, she found that the interviewer and the interpreter were men:

So when I went to interview, the interviewers were all men. And I did not talk my whole story because they were all men, and I was not comfortable telling them, but I tried to, to give them an ... a small link about what was going on. Then after, I had to wait. Within three months I got back my negative.

Because of having spent a year hiding her sexuality in the heteronormative and sexist environment of the accommodation centre, Liz did not feel able to speak about her sexuality in the interview in front of two men. As in Liz's case, the heteronormative environments, plus the fear of 'outing' themselves or being 'outed', can negatively impact on LGBTIQ+ asylum claims and on the ways in which they can express themselves in the interview.

Furthermore, the impact of heteronormativity on asylum applications is often exacerbated by the social isolation LGBTIQ+ claimants face when they are accommodated in remote and rural areas: many of our participants were 'scattered, lost in places that are not accessible by public transport' (Anna, LGBTIQ+ group volunteer, Italy). Winifred (focus group, Germany), for instance, said that she cried when they took her to a village, after she had lost everything in her life. Her claim was rejected on the grounds that she had not been able to express herself:

But the reason [I don't express my sexual orientation] is [that] you've sent me in[to] the village. The moment I reached here I could not express myself because of the environment I was in. I didn't know anyone.

(Winifred, focus group, Germany)

Because of the social isolation LGBTIQ+ refugees who are accommodated in rural areas face, they 'become crazy by staring at the walls' (Matthias, social worker, Germany). When they are accommodated in the middle of nowhere, with nothing to do, it is also impossible to 'escape the reality of the camp' (Ibrahim, Germany), receive support from the LGBTIQ+ community and 'not feel alone' (Veronica and Julia, Germany). For SOGI (and other) claimants, 'mobility remains a big issue' (Noah, NGO worker, Germany). Many participants talked about the obstacles to leaving their rural location and having some contact with peer groups. Most social

activities happen in urban areas, but public transport is not always available and may not be affordable for people surviving on asylum support (Noah, NGO worker, Germany).

In Germany in particular, where the majority of participants had at some point during their asylum process lived in a rural area, we heard many accounts of feeling ‘out of place’ or ‘out of category’, as Zouhair described it: ‘As queer refugees, I think we are out of category, so we do not belong to one [Germans], or the other [refugees].’ This feeling can be intensified by additional experiential layers like disability, which was the case with Betty, a disabled black lesbian, who told us, ‘People think I am useless, they do not want to associate with us, most of the time.’ She feels excluded even by other lesbian women: ‘Maybe they think that I have another category of people where I should go to.’ Betty’s account reminds us how important it is to look at the intersectional experiences of LGBTIQ+ refugees, and treat them not as a homogeneous group, but like any other group based on identities that are shaped by inclusions and exclusions (Butler 1991).

The place where someone is accommodated also determines the evidence that can be provided. For instance, being housed remotely makes it difficult, if not impossible, for claimants to participate in LGBTIQ+ events and join support groups. A support letter from an LGBTIQ+ organisation may strengthen an individual’s asylum claim (see ‘LGBTIQ* support’, below), but if they cannot attend organisational events they are unlikely to be able to secure this (Jolly, focus group, Germany).

Simply making contact with other LGBTIQ+ people is difficult for someone living in a remote location. As Sandy (focus group, Germany), for instance, explained, she tried to meet lesbian women on Facebook, but when she told them where she lived, ‘Nobody wants to be my friend because I live too far [away] and they’re not coming so far.’ Because of limited mobility, most SOGI claimants housed in rural areas find it impossible to find romantic and sexual partners. Yet during the asylum process they are often asked whether they have sexual relationships. As Nana (focus group, Germany) explained, ‘We can’t go to parties because like me, in the interview they say I have to look for a girlfriend. Every time I go to look for a girlfriend when I’m in the village, how am I going to do that?’

More crucially, claimants need to find legal representation in order to make a good first claim or to appeal if their claim is rejected, and it is harder to find a lawyer with expertise in SOGI claims in rural areas. A negative outcome of the asylum claim then impacts on the social

experience, as claimants will sometimes need to stay in their accommodation for a very long time while waiting for their appeal hearing.¹³

An extreme form of social isolation that impacts on the legal claim characterises detention in the UK. Here, claimants at all stages of the asylum process are liable to be detained in Immigration Removal Centres. Nine of our asylum claimant and refugee participants in the UK spoke of their direct experiences of detention (Irma, Lubwa, Luc, Lutfor, Miria, Patti, SGW, Stephina and Wabz), and it is likely that others had been detained but did not wish to talk about it. Participants working in NGOs also talked about their clients' experiences of being detained (Chloe, Amelia, Ashley, Oliver). People were detained for varying and sometimes long periods, ranging from one week (Miria) to 32 months (Luc). The arbitrary duration of detention is not surprising, as the UK is the only country in the EU that does not have a time limit on detention.¹⁴

Research by UK Lesbian and Gay Immigration Group (UKLGIG) and Stonewall found that 'LGBT asylum seekers face discrimination and harassment in detention centres' and that 'Trans asylum seekers face particular threats of violence in detention' (Stonewall & UKLGIG 2016, 8). This is the case, in particular, when they are placed in detention centre accommodation that is based not on their gender identity but on the sex assigned to them at birth. Zadeh (2019) argues, 'Detention centres are possibly the most dangerous places in the country for LGBT+ people.' It is thus clear that the lack of a detention time limit 'adds to the already traumatising experience of the government taking away your liberty' (Zadeh 2019). Even after claimants are released from detention, the time they have spent incarcerated will often have an enormous detrimental effect on their physical and mental well-being (Zadeh 2019), which may impact on their ability to prepare and present their cases.

As Allan Briddock, a lawyer, pointed out, SOGI claimants not only face homophobic abuse in detention, but their vulnerability also makes it more difficult to work on their claim, for instance if they 'are worried about a fax from UKLGIG coming in' that will expose them. Preparing cases in detention is more difficult because of limited phone and internet access; some websites are blocked, which makes it difficult to retrieve the evidence necessary to build a strong case for protection (Singer 2019, 11; Stonewall & UKLGIG 2016, 25).

Such challenges can be worse for SOGI claimants than for other asylum claimants, because the lawyers who are assigned to them in detention (if they do not already have one) may not have experience of

SOGI cases or have limited time available in which to prepare these often complex cases. For instance, while Stephina was in a detention centre, her lawyer had very little time to spend on her case and did not advise her well. SGW (focus group) was also detained, and during that period her solicitor dropped her case and said he couldn't do anything else for her. She was not able to find another solicitor, so she 'ended up ... sitting before a judge, with my little paperwork, you know'. She felt that this situation 'has progressively gotten worse now with the strains with the legal aid. So that is a big problem.'

As this section has demonstrated, space affects not only the social experience of LGBTIQ+ claimants, but also their legal experience. The gendered, sexualised and racialised environments in which SOGI claimants are housed impact on how openly they can live their SOGI and on their ability to collect the necessary evidence, and this can influence the asylum interview and decision. These spaces are also shaped significantly by religion, which we now explore.

Religion

The previous section analysed factors relating to space as ones that should be, but often are not, recognised as having a bearing on the asylum claims of LGBTIQ+ people. In contrast, religion often *is* addressed in these claims, but not in the way that it ought to be.

SOGI persecution is often legitimised on religious grounds. This is something that is formally recognised in UNHCR guidance (UNHCR 2012, 11–12), as well as by national authorities:

Religion may also be a relevant factor in sexual orientation claims, such as where the attitude of religious authorities towards LGB people is hostile, or where being LGB is seen as an affront to religious beliefs in society.

(Home Office 2016, 10)

As expected, religion featured regularly in the accounts of SOGICA participants, both as one of the ways that they identified themselves and as a factor in their persecution. Of the 64 asylum claimants or refugees who were individually interviewed for the SOGICA project, 13 identified as agnostic, atheist, humanist or non-religious, while 36 identified as some form of either Muslim, Christian or Jewish (15 did not specify).

A number of participants explained how religion contributed to their reasons for fleeing their families and communities: Meggs, a UK participant, told us, 'Because we are Christians, Zimbabwe is a very Christian country, so homosexuality is just a sin. I grew up knowing that from the word go.' Momo, claiming asylum in Italy, had been told he would not be given a funeral when he died: 'Because you are gay, you are not worthy, you are not a Muslim.' Siri, also claiming asylum in Italy, came from a Muslim family and had wanted to tell his father he was gay but his mother forbade him: 'No, if you talk to him, he'll kill you.' Siri left home on the day of this conversation.

Despite this, of the five Refugee Convention grounds that are the basis for asylum claims,¹⁵ SOGI claims are rarely based on religion but tend to rely on the more encompassing category of particular social group (Markard 2016; Arnold 2013; Millbank 2009). The focus is thus on the identity and behaviour of the claimant and not on the legitimating factors of the persecutor. The default deployment of the particular social group category for SOGI claims has been criticised (Danisi et al. 2021, ch. 7; Arnold 2013). It has been argued that decision-makers should make better use of the category of religion for sexual orientation claims (Brimah 2015). This has not yet happened; rather, we see religious affiliation or a religious upbringing deployed against the claimant. The belief held by decision-makers – both in the first instance and on appeal in the three country case studies – is often a simplistic one: that sexual and gender non-conformity is condemned in conservative interpretations of the major world religions. Therefore, 'genuine' claimants must either renounce their faith or struggle to reconcile it with their sexuality or gender identity.

One Italian decision-maker articulated this very clearly in describing the case of a young man who had told him about his difficulties in going to pray with his friends, and who had talked about homosexuality as something that was against God. He had told the decision-maker that he 'had a problem with not being a good believer'. The decision-maker told us: 'This sentence is very strong. In other words, it makes it clear that the person ... experienced this personal characteristic of the discovery of his sexual orientation in a very troubled manner' (Titti, Italy). For this decision-maker, the claimant's credibility was strengthened by the trouble he had in accepting that he could be a good believer and also be gay.

In contrast, in a UK appeal we observed (observation of First-tier Tribunal, London, February 2018), the claimant's failure to problematise his faith was used to undermine his claim, as we see in the following exchange:

- Home Office representative (HO)** Why is it that he [the appellant's father] never discussed the teachings of the Qur'an on homosexuality?
- Appellant (A)** These issues are not discussed there, it is not in the culture, these sensitive issues.
- HO** But if it's a shunned thing, you were not warned against it?
- A** I have not told anybody, so why would this issue be raised?
- HO** And you had no inclination before that homosexuality was wrong?
- A** No.

In his subsequent summing up, the Home Office presenting officer argued that this lack of awareness was implausible, 'simply because there must be something that pushes an individual to realise that this is a negative behaviour'.

This line of argument breaches Home Office guidance, which states that a 'claimant's religion is not a basis for rejecting their claim. LGBT individuals may be adherents of religions that disapprove of homosexuality, preach against it, or indeed forbid it' (Home Office 2016, 35). However, this was not an isolated incident. A solicitor with a firm that specialises in SOGI claims confirmed this as a common approach:

I have thus seen a lot of questions about Muslim clients, about how they lived, the fact that Islam is against it, if they are religious. So they [the Home Office representative] would often ask, 'You are religious, are you practising?' Erm ... if their answer is positive, 'How does that fit with your sexual identity?'

(Nath, UK)

One claimant's refusal was in part based on this kind of argument:

You claim that you are a practising Christian. However, staying in Malawi, it does not seem that you have any internal conflict with the views of Christianity on homosexuality. You state that you went to church and ignored what the Bible said about homosexuality and that you felt 'normal' and 'okay' with this. Given that you are a practising Christian, your failure to raise any potential conflict in relation to your behaviour and belief raises doubts regarding your credibility.

(Anonymised refusal letter from the Home Officer, July 2018)

In Italy, there is evidence of a similar approach, although the authorities may not admit or be aware of the fact. Daniele, a decision-maker, insisted that religion was not a factor in assessing credibility, stating, 'Elements such as political opinions, religion, marital status, etc., we certainly keep them free from the element of the assessment of credibility. The assessment of credibility is done only on the basis of the experience that a person provides about their knowledge of their sexual orientation or gender identity or the difficulties that they, in fact, have lived in the country of origin.'

Yet a LGBTIQ+ group volunteer gave a conflicting account: 'A question that the [Territorial] Commission can ask – but how is it that you, as a believer, still manage to be homosexual even if you are a believer, a Muslim?' (Antonella, Italy). Antonella said that this kind of question was asked 'very often'.

As these examples show, official lines of argument are often unsophisticated: homosexuality is forbidden by Christianity (African Christianity in particular) and by Islam, the most common faith of Asian and Middle Eastern asylum claimants; therefore claimants must demonstrate that they have renounced or at least had an internal struggle with their faith. This approach, as a basis for undermining LGBTIQ+ claimants' credibility, appears to be common and is starting to be identified as problematic in different European countries (Dyck 2019; Giametta 2014; Jansen 2019, 83; Tschalaer 2020). However, as an explanation of the relationship between sexuality and religion in the context of asylum, it is inadequate. The reality of individual religiosity is more complex, and claimants explained their faith in a variety of ways; some people rejected organised religion while continuing to believe in God, like Michael: 'I do believe God is there, I believe in the power and, yes, I believe in God but I do not want anything in between' (UK). Similarly, Diamond (UK) stated, 'Yes, I am religious. ... Because there is no book of religions of Hindu that [has] written that gay is sin.' Or, as Mamaka in Italy told us, 'I pray my five daily prayers. Because I am a lesbian doesn't mean I should leave my religion.' For all these individuals, the fact that their persecution had been legitimated on religious grounds did not mean that they were willing or able to walk away from their faith.

Persecution that is justified on religious grounds may be one of the reasons individuals flee their countries of origin. However, such discrimination does not stop at the borders of Europe. It occurs in mainstream religious institutions and organisations, as well as in diaspora community organisations and networks that provide support to asylum claimants. An NGO worker with a refugee women's organisation in the UK explained

that the women members of the group choir had been reluctant to sing at a Pride event: 'When we told the choir what it was, none of them wanted to do it. And that was just really shocking. And upsetting. Because I just had no idea, which was so naïve of me' (Chloe). A participant in Germany told us of the experiences of LGBTIQ+ refugees: 'For example, if they are living in Bavaria or in Munich, in conservative Christian communities, they are facing a lot of problems' (Ibrahim). Silver, in Italy, shared a house and regularly cooked with his housemates before telling one of them he was gay. '[The housemate said,] "Ah, I didn't know. So, from today, I don't eat with you any more". And then I was the only Christian living with them, they were Muslims. Then they separated the pans and the spoons.'

These experiences of exclusion and hostility are not only wounding on an emotional level, they also inhibit individuals from making a full and honest asylum application and from preparing their case. Fearing the continuation of the discrimination they experienced at home, newly arrived asylum claimants needing practical and emotional support from refugee and migrant organisations or from NGOs supporting refugees and migrants often find it expedient to keep their sexuality concealed. A UK psychotherapist working with victims of torture explained: 'They find themselves in the new closet of not talking about their cases in the asylum accommodations that they have, because often they are with people from good strong faith backgrounds, or whose cultures are deeply homophobic' (Ashley). Giulio, an LGBTIQ+ group volunteer in Italy, had found that Muslims 'live the social stigma more. ... They are less inclined to tell their story.' He felt this put them at a disadvantage.

It must be deeply distressing and frightening for individuals who have fled SOGI-based persecution in their home country to experience similar hostility and prejudice in what should be their country of refuge. Worse than that, continuing to conceal one's sexuality makes a successful application less likely. Patti (UK) told us that she loved going to church and singing in the chapel there but also spoke of how church members preached against gays and lesbians.

So I couldn't tell anyone, even my room-mate didn't know about it. I always hide my papers, all the papers – I just hide them. I didn't want, like, anyone to know about it. I don't want to be, like, people pointing at me When immigration came they say, oh they don't believe me, no one know me, oh why I am not open about it. Well I am not going to go around and start telling people, I am this, I am

this, I am this. I am not going to – at the end of the day I am in a black community where people don't like it.

This might be described as a 'chill' factor, where the knowledge that many people interpret their faith in ways that are hostile to SOGI minorities prevents people – particularly new arrivals lacking support and resources – being open about their sexual identity. They then find it difficult to 'prove' to decision-makers that they are LGBTIQ+, because they lack evidence. This stifling effect arose in another situation, when claimants were given a visibly religious interviewer. In Germany, a lawyer explained that she had had a client from an Islamic background who was severely traumatised by his experiences and who was 'practically unable to speak' in the presence of a listener in a headscarf (Evelyne and Anna, lawyers, Germany).

An asylum claimant in the UK explained:

My interviewer is a covered woman, so she is Muslim, she is covered, and the questions the interviewer asked are very personal, and please don't take it as an offence, one of the questions [was] like, 'What did you use to do when you get aroused?' I was so uncomfortable [with] these questions, to the extent I felt so dizzy and they asked the security to come and take me to the toilet, because I was almost going to faint. So they took me to the toilet, and then I was speaking to my lawyer and [I] was like, 'How am I going to answer a covered woman, how am I going to tell a covered woman that I watch porn and I masturbate?'

(Kareem)

Similarly, Jayne, in the UK, told us, 'I was interviewed by a Muslim girl, and I remember her pulling her face and I was thinking, Well even if you pull your face but this is what I am telling you.' Jayne was also asked how she reconciled her religion with her sexuality: the Home Office did not find her response – 'Yes, I am a Catholic and I am a lesbian by sexual orientation and I don't need to reconcile anything with anything there' – a convincing one, and her initial application was refused. While there may not be an easy solution to this situation that protects the rights of all parties, it does show how complicated people's relationship with their faith is, how different it is for everyone, and of course how it impacts on the legal asylum process.

What the above accounts demonstrate is that the fear of being out is often explained on the grounds of religion or 'community', and at times

our participants seemed to attach the label of homophobia to a certain group of people, hence homogenising them, and sometimes following homonationalist discourses (Puar 2007, 2013; 'Space', above). This issue is of course much more complex, and our participants themselves experienced their faiths in many ways, from complete disengagement ('I hated practising religion', said Ali in the UK) to a deep personal relationship ('I am a religious person, I never stop believing in God. Because I think in the end, it's just him who stayed with me because I live many things', from Ximena, also in the UK). While some people's experiences had led them to develop a personal approach to religion, unmediated by religious organisations, others had instead sought out LGBTIQ+ -friendly churches.

This diversity in experiences and identities is unrecognised by decision-makers who, in their questioning and their decisions, often showed culturally inappropriate understandings of faith and its role in the lives of people claiming asylum. This was expressed by Anna, an LGBTIQ+ group volunteer in Italy, who pointed out that in a secularised society, there are no 'cultural tools' to understand the importance of religion in Maghreb countries. In Italy, if the Church rejects you because you are gay, the solution is simple: 'All right, let's go out. The Church doesn't want us, we just go out.'

Moreover, religion may be generally perceived, certainly by immigration officials, as a source of homophobia, but on a grassroots level it is also a significant source of support. LGBTIQ+ -friendly religious organisations, as well as LGBTIQ+ groups established by asylum claimants and refugees and with a religious ethos, provide much practical support, in particular in the UK. Support groups with their roots in the Metropolitan Community Church (MCC) operate in Manchester, Birmingham and other cities to provide meeting spaces and resources for LGBTIQ+ claimants. A report commissioned by the MCC described how, for many African claimants, finding an accepting church was 'the beginning of healing' (Dyck 2019, 3), while in a survey as part of the same report, 94 per cent of respondents confirmed the 'positive effects of LGBT-affirming faith-based support' (Dyck 2019, 42). In Manchester, the First Wednesday group, of upwards of 60 individuals, meets at the LGBT Foundation on the first Wednesday of every month, providing information about the asylum process, refreshments, travel expenses and networking opportunities. In Birmingham, Journey Church runs a regular asylum drop-in at the LGBT centre. What is important to attendees is the sense of welcome and warmth towards SOGI minorities, and not necessarily the tenets of a particular religion. A Muslim man we talked to attended a

(presumably) Christian or Catholic church: 'I am a Muslim by faith and I practise and it is really difficult for me to open up with a lot of people with my religion. So, I try to join groups, like I go to church, because they are more welcoming, so I go to church and because I believe God is just God with different names' (focus group participant, UK). In Northern Ireland, where there are fewer LGBTIQ+ asylum support groups, an NGO worker explained:

Interestingly, there is a feeling of integration with some Christian groups, even if they are Muslim – maybe up to a dozen or more individual LGBT asylum seekers that have had some kind of welcoming contact with Christian groups.

(Dean, UK)

Faith-based organisations were a source of emotional and psychological as much as practical support. In Italy, Giulio, an LGBTIQ+ group volunteer described how people who attended their gatherings said that, apart from the group, 'they had nothing but the church'. In Germany, Shany, a Berber-Jewish woman from Morocco, had support from the Jewish community when she feared deportation back to Morocco. She told us that people from the synagogue had said to her, 'Okay, listen, we're gonna help you. If it's very bad then you go to Tel Aviv, and that's it, we send you to Israel.' Miria (UK) had also found a supportive church: 'Here they are preaching about love, which is the most important thing, and loving your neighbour; you feel more comforted.' Similarly, Meggs (UK) told us: 'When I am at church, my spiritual inner [woman] gets fed, because it is something that I was missing back home. I could not be a Christian and a gay person.'

For many of the claimants who participated in the SOGICA project, religion was an important but complicated feature of their lives: a source of persecution and of support, sometimes at the same time, and in both their country of origin and their country of asylum. Where it was a source of support in the country of asylum, some of that support came from engagement with 'gay-friendly' community organisations and churches, part of the wider network of support structures discussed in the next and final section.

LGBTIQ+ support

In recent years, some of the research on LGBTIQ+ asylum claims in Europe and beyond has looked at the social experiences of LGBTIQ+

claimants and their physical and mental health needs (Allsopp, Sigona & Phillimore 2014; Kahn 2015; Kahn et al. 2018; Lewis 2013; Namer & Razum 2018). Some studies demonstrate:

the importance of building grassroots, community-based support structures (formal or informal), by bringing sexual minority refugees together, raising critical consciousness, and providing opportunities for self-representation when engaging in knowledge production and social justice-related activities.

(Lee & Brotman 2011, 268)

These studies show the need for such support to navigate the heteronormative and cisnormative asylum spaces (Lee & Brotman 2011), for 'integration' purposes (Alessi et al., 2020) and for building resilience (Alessi 2016). What has been less explored is how those support structures might impact on the legal experiences of LGBTIQ+ claimants, and here we will focus specifically on support received from LGBTIQ+ NGOs as well as grassroots organisations that support LGBTIQ+ asylum claimants and refugees.

Research in the UK dating as far back as 2009 pointed out that SOGI claimants rely mostly upon personal relationships or social networks in the absence of more traditional support from family and ethnic networks (Bell & Hansen 2009, 43). In our country case studies, it was therefore no surprise that many of the claimants we interviewed were involved with such groups and that the support they received from such groups, often volunteer-led, was invaluable. Socially, these groups and organisations provide a space for LGBTIQ+ claimants to be together; they organise social events, art projects, etc. Some host accommodation centres for LGBTIQ+ refugees have drop-ins and offer café spaces. They may also provide health and mental health services such as HIV counselling, offer empowerment workshops and language courses, and help LGBTIQ+ refugees to find housing and employment. As we will demonstrate below, LGBTIQ+ support groups also offer wide-ranging legal support and both the social and the legal support that LGBTIQ+ claimants receive from such groups and organisations can have a positive impact on their asylum claims.

It is noteworthy, however, that support structures specifically for LGBTIQ+ claimants have existed for at least a decade in the UK, while in Germany and Italy most of the groups that exist have been established since the wave of migration in 2015 (Il Grande Colibri 2019).

As Ibrahim explained, when he arrived in Germany in 2015 there were no support groups for LGBTIQ+ claimants:

Now you have supporting groups for LGBT refugees. There are new politics, there are a lot of activities. There are special houses for LGBT refugees. In 2015, the topic was not known here. There was only a new group just creating themselves, and when I went over there, there was around a hundred German people and I was the only gay refugee.

According with Ibrahim's experience, support groups for LGBTIQ+ claimants have often been established by white Europeans, but there are also groups that have been established by LGBTIQ+ claimants themselves (for example, African Rainbow Family in the UK, Sofra in Germany). Ibrahim, who now works as a support worker in a local NGO for LGBTIQ+ asylum claimants, created a Facebook group for LGBTIQ+ claimants, a database where claimants can find sources of support and lawyers, and a local support group (Sofra Cologne), where once a month LGBTIQ+ claimants and refugees and supporters come together and share food, cook together, socialise, drink tea, share information, invite speakers from organisations who give useful information, and make contacts. It is important to highlight asylum claimants' and refugees' agency in establishing networks, support groups, and other forms of refugee activism (Bhimji 2016). Some organisations also make sure that services for LGBTIQ+ claimants are delivered and led by other refugees (Melisa, NGO worker, UK) or at least by people with migrant backgrounds (Mariya, NGO worker, Germany).

One of the main ways in which LGBTIQ+ support groups have a positive impact on claimants' asylum process is through the provision of adequate legal and practical support throughout the process, and especially before the main interview. A survey that was conducted by several NGOs and support groups in North Rhine-Westphalia (Germany) on experiences relating to the asylum interview (which SOGICA supported by analysing the data and writing the report) clearly demonstrated the importance of accessing LGBTIQ+ support before the interview (Held 2018). Eleven respondents to the survey did not mention their SOGI in the main interview, thus weakening their claims: of these, none had received support or advice beforehand. Hence, often it is the support claimants receive from LGBTIQ+ groups that make it possible for them to claim asylum on grounds of SOGI in the first place. For instance, Diarra (Italy) recalled that he had not been aware of this possibility until he attended an awareness meeting on 'SOGI rights in Italy' organised by an LGBTIQ+ support group in his reception centre. As he put it, 'Today I can say that I'm gay. After that meeting, I went to talk to the reception centre's staff.'

Support groups may also inform the authorities of the SOGI nature of the claim (Chiara, NGO worker, Italy; Cristina, UNHCR officer, Italy), request SOGI-friendly arrangements (a sensitive interpreter, for instance) and make sure rights are respected during the procedure. Some of our participants also mentioned that accompanying SOGI claimants to their interview increases the chances of the interview being carried out in a sensitive way, and with that the chances of a successful claim (Thomas, NGO volunteer, Germany).

Such support also makes people more aware of their rights, for instance that they are able to request a special officer trained in LGBTIQ+ issues to conduct the interview, as is possible in Germany. Of the 51 respondents to the North Rhine-Westphalia survey, only seven had requested a special officer, and all these respondents had had advice from LGBTIQ+ groups before their interview. The five claimants who got a special officer were all granted refugee status. In general, whereas the claims of over 30 per cent of the SOGI claimants who had filled in the survey had been refused, only one claim out of the 20 claimants who had received LGBTIQ+ specific support was rejected (Held 2018, 15).

This suggests that it is crucial to make independent SOGI support available to claimants. In Germany, while NGOs and support groups provide advice to SOGI claimants assessed through the regular procedure, their support is increasingly hampered by the creation of AnKER centres.¹⁶ In these centres it is difficult to obtain independent advice and collect evidence, a problem exacerbated by the brevity of the period between a claimant entering the centre and having their interview (Nina, lawyer; Frank S., legal advisor). In such circumstances, claimants are often still in 'flight mode', not able to relax, concentrate and present their claim to the best of their ability, as expected in a fair decision-making process. Nor will they have had time to develop any local connections with LGBTIQ+ communities for advice and evidence.

In all three SOGICA country case studies, decision-makers often ask for 'proof' that the claimant is LGBTIQ+, and also that they live an 'out and proud' gay life. Claimants are often asked about their experiences of frequenting LGBTIQ+ venues, being members of LGBTIQ+ associations, and attending LGBTIQ+ events such as Pride (for instance, Shany, Germany; Barbara, lawyer, Germany; Giulia, LGBTIQ+ group volunteer, Italy; Allan Briddock, lawyer, UK). What decision-makers ignore here is that many 'native' LGBTIQ+ people are also not involved with the LGBTIQ+ community (Sofia and Emma, staff members at NGO LeTra, Germany). In addition, SOGI claimants usually have limited economic resources, and they often live in isolated areas far away from LGBTIQ+

community support structures (see 'Space', above). They often suffer from physical and mental health issues, or have experienced transphobia and racism in LGBTIQ+ spaces, which may hamper their desire to visit those spaces (Caroline, NGO worker, UK; Diane, Germany; Giulio, LGBTIQ+ group volunteer, Italy; Ibrahim, Germany; Kamel, Italy).

Nevertheless, decision-makers often rely on such evidence, and here LGBTIQ+ support groups often provide this 'evidence' by writing statements. In Italy, this goes so far as LGBTIQ+ support groups giving out 'membership cards' and decision-makers requesting such evidence to establish credibility. Hence, such membership can have a positive impact on the outcome of the claim (Antonella, LGBTIQ+ group volunteer; Celeste, social worker, Italy; Nicola and Giulio, LGBTIQ+ group volunteers, Italy; Titti, decision-maker, Italy; tribunal observation, northern Italy, 2018). However, this is not to say that decision-makers necessarily accept statements from LGBTIQ+ groups and organisations. Participants in Germany, for example, reported that such statements are generally disregarded, as they are seen as 'partisan' (Sofia, staff member at NGO LeTra). Despite this, the use of such statements was often seen as critical by participants, as they can also have a negative impact on the case if they contain information that contradicts what the claimant has said in the interview (for instance, Thomas, NGO volunteer). There was also some caution expressed that the more of these statements are handed out, the less value they might have (Sofia and Emma, staff members at NGO LeTra; court observation, Hesse, 2018). In the UK, in court observations we witnessed the Home Office dismissing NGO supporting statements on the basis that it would be easy to 'fake' one's sexuality for the purpose of obtaining such a statement (Upper-tier Tribunal observation, London, 2018). Even when supporters from LGBTIQ+ groups and organisations provide oral evidence in court as witnesses, this might not help to convince the judge of the claimant's sexuality, as was experienced by one of the authors of this chapter (Held 2017).

While it is debatable whether supporting statements by LGBTIQ+ groups and organisations necessarily have a positive impact, SOGI claimants would often be lost in the often complex legal procedures if they had not received such support, as was expressed by Meggs (UK):

I was told we are supposed to appeal again, [but] he [the lawyer] said, 'Oh no, we don't have a case. ... Just go and find new evidence. If you find it, come back to me', and I didn't know what new evidence would that be. [I] don't know what is [a] fresh claim or what I have to look for – yes? So if we didn't have, like, the kind

of organisation – First Wednesday, Lesbian Immigration Support Group – where you meet and they tell you, like, ‘This is how it is done’, I wouldn’t even know until today. Because I didn’t know what I was looking for.

Despite often operating with minimal or no funding, and on a largely voluntary basis, LGBTIQ+ groups and organisations frequently support claimants through the whole asylum journey and beyond, and the support they offer is enormous and wide-ranging: they give general legal advice, prepare claimants for interviews and appeal hearings, write support letters and collect other evidence for their claims (such as country of origin information), accompany claimants to interviews and court hearings, act as witnesses in hearings, find solicitors with expertise on SOGI claims, help cover the legal costs, and of course provide emotional support – all of which may contribute to a positive outcome of the claim. In addition, NGO workers and volunteers raise awareness, campaign for change, influence policy-making and provide training for decision-makers and other professionals who provide services for LGBTIQ+ claimants (for instance in reception and accommodation centres).

While the support LGBTIQ+ claimants receive from such organisations does not necessarily lead to a positive result of the claim, without such support the situation for LGBTIQ+ claimants would often look bleak. For instance, according to Damiano, a lawyer in Italy, the impact of all this ‘laborious’ voluntary work is shown by the high percentage of recognition of SOGI claims at administrative level in recent years. And most importantly, LGBTIQ+ groups and organisations are at the forefront of anti-deportation campaigns, and provide support when SOGI claimants are detained (as is the case especially in the UK; see ‘Space’, above). For example, in her interview, Meggs (UK) told us about women she knew at the Lesbian Immigration Support Group (LISG), an organisation in Manchester supporting bisexual and lesbian asylum claimants. The women had been detained when they signed in with the authorities, as they were required to do, but were released with support from LISG. In her opinion,

Unless the organisations that are out there know you are in there, then they will [not] start to ... do the petition for you, to fight for you, so that you can be released while you are waiting on your claim, then it helps a lot. But if no one knows anything about you, definitely you are gone.

Participants were often grateful for all the support they received and spoke fondly about the groups they belonged to, sometimes referring to them as ‘family’. This came through particularly strongly in the focus groups held in all three countries. However, this is not to say that LGBTIQ+ groups and organisations do not face issues that also exist in other social settings. Often stark power differences exist between workers/volunteers/supporters on the one hand and LGBTIQ+ claimants on the other, which at their worst put claimants at risk of (sexual) exploitation. And of course, there exist many differences in the degree and kind of support available to claimants within the broad LGBTIQ+ category. Looking at the term LGBTIQ+, we found that most of the support available is targeted at and dominated by gay men, while a smaller number of support groups existed to meet the needs of lesbian asylum claimants. As Jonathan (Italy), who created a group that brings Italians and migrants together, told us, it is important to get women on board, as they are less visible: ‘it is important to have women, in the LGBT world in general, [as they] are less visible, but also with regard to LGBT migration we are constantly talking about men; women are still fewer’. Trans asylum claimants also face difficulties in finding specific social support and community groups, which leads to particular forms of isolation (TGEU 2016, 7), while claimants who identify as bisexual, intersex or queer are expected to fit into the groups that are available.

Conclusion

As this chapter has demonstrated, it is important to look at both the legal *and* the social experiences of SOGI claimants, as they impact on each other. EU asylum law and policies are based on the premise that asylum claimants should have the same chance of success in each of the 27 member states. However, even within one member state differences in the treatment of asylum claims can emerge, which are due to intersectional experience and certain social factors. Therefore, in order to establish more just asylum systems, we need to examine these social factors.

By focusing on LGBTIQ+ asylum claimants’ and refugees’ experiences in Germany, Italy and the UK, this chapter has examined the relevance of space, religion and LGBTIQ+ support to LGBTIQ+ claimants’ legal experience and the outcomes of their asylum claims. These social factors are important to many asylum claimants, but perhaps particularly to LGBTIQ+ people in the light of the kinds of support they need, and are able or unable to access. They are important on a social

and psychological level, but, as we have demonstrated, they also impact on the asylum decision-making process, specifically affecting individuals' willingness to be open about their SOGI, and their access to the resources they need in order to present their case as fully as possible.

For many individuals, religion – or rather, particular interpretations of religious affiliation and requirements – was a factor that had played an important part in their reasons for flight from their home country. Yet, at the same time, religion remained a key source of personal support and connection with others for many SOGI asylum claimants. Keeping their faith was often a factor that prevented them from making a strong claim for asylum and having it heard fairly, as decision-makers were not able to grasp fully the intersections of sexuality and religion.

As we have shown, LGBTIQ+ claimants often feel unsafe in asylum spaces, including their assigned accommodation and its surroundings, or detention centres. 'Space' here impacts on their ability to live their SOGI comfortably, without fear, which is a precondition for being able to feel confident and safe in other asylum spaces, such as the interview setting and the court room. While the establishment of housing specifically for LGBTIQ+ claimants was largely, though not unanimously, supported, there was a consensus among our participants that LGBTIQ+ claimants should be housed in areas where they can access LGBTIQ+ structures and support. As we have shown, access to such structures is vital, and the support that is offered by LGBTIQ+ NGOs and grassroots organisations is enormous. LGBTIQ+ claimants valued the opportunity to have support structures that validate their identities as LGBTIQ+ *and* refugees. Over the years, such support organisations have also increased their value by developing expertise on SOGI asylum-related matters. As in any sector of society, power relations and exclusionary practices exist in LGBTIQ+ communities, but the existence of supportive networks, including formal and informal organisations, demonstrates the positivity, strength and care that exist within these communities, who deserve greater recognition and resourcing than they currently receive.

Here we have highlighted the role of these communities alongside some of the other kinds of social and psychological support that contribute to whether or not SOGI-based applications for protection will be granted. We recognise that their presence or absence has significance that reaches far beyond the formal application and appeals processes, and that the lives of people claiming asylum should not be reduced to legalities and administrative procedures. However, at the same time it is important to highlight the interrelation between the social and legal dimensions of SOGI asylum claimants' lives, in order to ensure that

individual claimants have a fair chance of telling their story and making their case on the basis of the rules of the (asylum) game in Europe and in the particular state in which they are claiming.

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Notes

1. This chapter draws on findings from the project SOGICA – Sexual Orientation and Gender Identity Claims of Asylum, which is a four-year (2016–20) project supported by the European Research Council and based at the University of Sussex. While the chapter uses both SOGI and LGBTIQ+, the SOGICA project largely uses SOGI, choosing a characteristic rather than an identity-based approach in an attempt to avoid reinforcing Westernised concepts of personhood for individuals claiming asylum.
2. UN General Assembly, 'Convention Relating to the Status of Refugees', 28 July 1951, Annex II, Article 3; European Union, 2013, Article 10, 3(a) 3; Hathaway and Foster 2014[BIB-031], 108–9.
3. For more information on the SOGICA project see: www.sogica.org.
4. Council of the European Union, 'Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast)', 29 June 2013, Article 10, 3(a). Available at: <https://www.refworld.org/docid/51d29b224.html> (accessed 28 December 2019).
5. Full details of the project's methodology and ethical standards are available in Danisi et al. 2021, ch. 2.
6. In addition to the semi-structured interviews, focus groups and non-participant observations, the project's methodology included two online surveys, documentary analysis and freedom of information requests.
7. In addition, 82 LGBTIQ+ claimants completed the online survey.
8. Certificate of approval for Ethical Review ER/NH285/1.
9. In addition, the project adopted a *comparative* approach that aimed to address the issue of disparate (and occasionally low) standards across EU and Council of Europe member states in asylum legal adjudication. Focusing on Germany, Italy and the UK, the project aimed to explore 'good' and 'bad' practices and to identify distinctive trends to guide future asylum decision and policy-making. These three countries were chosen because of the volume of asylum claims, their contrasting adjudication systems and their different socio-legal approaches to SOGI. In this chapter, we do not follow a strictly comparative approach.
10. Provision differs between member states. In Italy and Germany, claimants may be accommodated in reception centres; in the UK, accommodation is contracted out to a number

of private companies but claimants may also be detained in Immigration Removal Centres (see Danisi et al. 2021, chs 5 and 8; ECRE 2019).

11. Such as that provided by Micro Rainbow in the UK (available at: <https://microrainbow.org/housing/> (accessed 25 January 2020)), and by Schwulenberatung in Germany (available at: <https://www.thelocal.de/20160223/berlin-opens-germanys-first-gay-refugee-centre> (accessed 25 January 2020)), and proposed by MIT in Italy (available at: www.quiikymagazine.com/bologna-apre-primo-centro-accoglienza-rifugiati-lgbt/ (accessed 25 January 2020)).
12. COMPASS was the Commercial and Operational Managers Procuring Asylum Support Services contracts system in the UK until September 2019.
13. For instance, in Germany, in 2018 the appeal process took on average 12.5 months, up from 7.8 months in 2017. However, as a large number of these appeals (45.5 per cent) were terminated without actually having had a hearing, the average time for appeals to be decided is significantly longer than the 12.5 months average (and indeed some refused participants of our study had already been waiting for 1–2 years or more) (see ECRE 2018, 27). According to BAMF statistics, from the initial claims that were decided in 2017, the whole process, including appeals, took on average 13.2 months; however, again this figure includes the terminated cases. See *Das Bundesamt in Zahlen 2017*. Available at: <https://www.bamf.de/SharedDocs/Anlagen/DE/Statistik/BundesamtinZahlen/bundesamt-in-zahlen-2017.html?nn=284738,57> (accessed 26 August 2020).
14. In July 2019, the Home Office rejected the UK Parliamentary Human Rights Committee's recommendation to introduce a time limit on immigration detention ('Home Office rejects Human Rights Committee's call for a time limit to immigration detention', 31 July 2019. Available at: <https://www.parliament.uk/business/committees/committees-a-z/joint-select/human-rights-committee/news-parliament-2017/time-limit-immigration-govt-response-published-17-19/> (accessed 25 January 2020)).
15. Race, religion, nationality, membership of a particular social group, or a political opinion (which must be the reason for persecution).
16. The so-called AnKER centres were introduced in 2017 with the aim of speeding up the assessment of asylum claims (applications are usually decided within a few days). These centres handle all the asylum-related stages (BAMF 2019) and claimants who are hosted in these centres receive all the information on the asylum process through the BAMF.

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Europe is a popular destination for LGBTQ people seeking to escape discrimination and persecution. Yet, while European institutions have done much to promote the legal equality of sexual minorities and a number of states pride themselves on their acceptance of sexual diversity, the image of European tolerance and the reality faced by LGBTQ migrants and asylum seekers are often quite different.

To engage with these conflicting discourses, *Queer Migration and Asylum in Europe* brings together scholars from politics, sociology, urban studies, anthropology and law to analyse how and why queer individuals migrate to or seek asylum in Europe, as well as the legal, social and political frameworks they are forced to navigate to feel at home or to regularise their status in the destination societies. The subjects covered include LGBTQ Latino migrants' relationship with queer and diasporic spaces in London; diasporic consciousness of queer Polish, Russian and Brazilian migrants in Berlin; the role of the Council of Europe in shaping legal and policy frameworks relating to queer migration and asylum; the challenges facing bisexual asylum seekers; queer asylum and homonationalism in the Netherlands; and the role of space, faith and LGBTQ organisations in Germany, Italy, the UK and France in supporting queer asylum seekers.

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