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**“Overcoming Problems with Sexual Minority Refugee Claims:
is LGBT Cultural Competency Training the Solution?”**

in

**Thomas Spijkerboer, ed.,
Fleeing Homophobia. Sexual Orientation, Gender Identity and Asylum (Taylor
& Francis Books, Oxon, United Kingdom, 2013)**

Preprint version

Overcoming Problems with Sexual Minority Refugee Claims: is LGBT Cultural Competency Training the Solution?"

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Nicole LaViolette has close to 20 years of experience in international human rights and refugee law. She has focused a significant part of her scholarly research on sexual minorities and the refugee determination system. She has also conducted professional development training on this issue for the Immigration and Refugee Board of Canada. She is a recipient of the *Lambda Foundation Award for Excellence in Gay and Lesbian Studies* for her work on the Canadian *Gender Guidelines* and their impact on sexual orientation and gender identity refugee claims, as well as the *Germain-Brière Writing Prize* for an article on the definition of torture in Canadian immigration and refugee law. She is also involved in a Canadian project to support the resettlement of LGBT refugees from abroad.

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Abstract:

When problems related to sexual orientation and gender identity are raised in relation to refugee determination proceedings, many advocates, refugee lawyers and refugees consistently call on adjudication authorities to mandate continuing professional training for personnel involved in LGBT refugee cases. For instance, the 2011 report *Fleeing Homophobia* on LGBT asylum claims in Europe contains explicit references to training in its recommendations. The United Nations High Commissioner for Refugees has also raised the issue of training in their 2008 *Guidance Note on Refugee Claims Relating to Sexual Orientation and Gender Identity*. While calls for training have sometimes outlined specific competencies to be developed by adjudicators, for the most part proponents fail to be specific about what type of professional development will result in better decision-making in LGBT refugee cases. By first considering the objectives and goals of sexual orientation and gender identity training for refugee personnel, this paper will argue that ‘LGBT Cultural Competency Training’, an approach developed in the health and social work fields, is an appropriate model for the refugee context. It would conceptualise more clearly the kinds of professional development interventions that are required to improve the refugee determination process, and it would also help in targeting training modules to be most effective. The author will also highlight the limitations of the tool and caution that LGBT Cultural Competency Training is not a cure-all for the full range of problems facing LGBT refugees.

“Overcoming Problems with Sexual Minority Refugee Claims: is LGBT Cultural Competency Training the Solution?”*

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- 1. Introduction**
- 2. Why LGBT Training?**
 - 2.1 Sexual Minority Refugees and the International Refugee Determination System**
 - 2.2 Targeted and Specialized LGBT Training as a Solution**
- 3. What kind of Training?**
 - 3.1 LGBT Cultural Competency Training**
 - 3.2 Components of an LGBT Cultural Competency Model**
 - 3.2.1 Awareness & Attitudes**
 - 3.2.2 Knowledge**
 - 3.2.3 Skills**
 - 3.2.4 Competency-Appropriate Trainers**
- 4. Training for whom?**
- 5. Training as a panacea?**
 - 5.1 Limited Resources and Time**
 - 5.3 Training Can Have a Limited Impact on an Unfair Refugee Determination System**
- 6. Conclusion**

* Associate Professor, Faculty of Law, University of Ottawa. The author wishes to thank Zofia Vorontsova for her invaluable research contributions and her meticulous editing assistance. The author gratefully acknowledges the financial support of the University of Ottawa. This paper is based on a keynote talk given at the conference “Fleeing Homophobia” held in September 2011 at VU University Amsterdam.

1. Introduction

Problems related to sexual orientation and gender identity are often raised in relation to refugee determination proceedings. As a result, many advocates, refugee lawyers, and even refugees themselves have consistently called on refugee agencies and authorities to mandate continuing professional training for personnel involved in the determination of the refugee status of lesbian, gay, bisexual, and transgender (LGBT) claimants, as well as in the delivery of services to LGBT asylum-seekers and refugees. While calls for training have at times outlined specific competencies required for refugee personnel and adjudicators, for the most part, proponents fail to specify the type of professional development that might foster better decision-making in LGBT refugee cases.

By first considering the objectives and goals of sexual orientation and gender identity training for refugee personnel, in this article I will argue that LGBT cultural competency training, an approach first developed in the health and social work fields, is an appropriate model for the refugee context. Use of this framework would conceptualize more clearly the professional development interventions required to improve the refugee determination process, and it would also assist in targeting the most effective training modules.

The issue of LGBT sensitivity training will be examined by answering the following three queries. First, why is training seen as a solution to problems identified in LGBT refugee adjudication and service delivery? Second, if training is a useful tool, what kind of training would best address the problems? Third, towards whom should the training be targeted? Finally, the analysis will focus on issues that suggest that training on sexual orientation and gender identity must not be seen as a panacea for the challenges facing LGBT refugee claimants. There are limitations to training and even the LGBT cultural competency training model is not a cure-all for the full range of problems facing LGBT refugees. I have been involved in professional development sessions on LGBT issues with Canadian adjudicators since 1995, and in examining these questions, I will refer at times to my own experience in developing and delivering training on sexual orientation and gender identity to the Canadian Immigration and Refugee Board (IRB).

2. Why LGBT Training?

In this section, I briefly outline the challenges confronting sexual minority refugee claimants. Furthermore, I will examine the reasons for which training is often raised as a solution to the problems facing LGBT refugees when they seek protection under the international and national refugee systems.

2.1 Sexual Minority Refugees and the International Refugee Determination System

The international community codified the rights and status of refugees in two international instruments: the 1951 United Nations Convention Relating to the Status of Refugees (1954) (the Convention), and the 1967 UN Protocol Relating to the Status of Refugees (1967) (the Protocol). By signing the Convention and its Protocol, states have accepted the primary obligation that flows from the international instrument, which mandates that signatory states will not return any

individual to a territory where his or her life or freedom would be threatened by persecution. The legal responsibility to provide protection applies only if a person meets the definition of a refugee as provided for in the Convention and Protocol. Persons seeking asylum must satisfy two main legal tests: first, they must demonstrate a well-founded fear of persecution, and second, they must substantiate that the persecution they fear is on account of their race, religion, nationality, political opinion, or membership in a particular social group.¹

Egregious human rights violations have compelled some lesbian, gay, bisexual, and transgender individuals to seek refuge in countries that offer asylum and better human rights protection.² In many cases, individuals flee directly to countries where significant progress has been made on LGBT human rights and where they are able to make claims for asylum pursuant to the Convention. Indeed, several states have extended refugee protection to women and men fleeing persecution based on their sexual orientation or gender identity. For more than 30 years, decision-makers in countries such as the United States, Canada, New Zealand, Australia, and several European states have granted refugee status to individuals who fear persecution based on their sexual orientation or gender identity.³

In other cases, as with the majority of all refugees, LGBT refugees are not able to travel to progressive countries where they can make asylum claims. According to the United Nations High Commissioner for Refugees (UNHCR), more than 80 per cent of the world's refugees remain in developing countries where most are not safe and have no possibility of integration.⁴ As a result, in their search of a 'safe haven,' some LGBT refugees first travel to neighbouring or transit countries, also called 'countries of first asylum.' In some cases, they will make a claim for protection as a refugee with the UNHCR, and if granted, await resettlement to a country willing to offer them a permanent home. Unfortunately, LGBT refugees often face harassment, physical violence, and marginalization in countries of first asylum (Kalan 2011). Indeed, when LGBT refugees flee to countries like Turkey, Kenya, and Egypt, their temporary place of refuge is often as homophobic and dangerous as the country from which they fled (Helsinki Citizens' Assembly – Turkey, Refugee Advocacy and Support Program, Organization for Refuge, Asylum & Migration 2011; Human Rights First 2012). As a result, they often need to be expeditiously resettled to safe third countries.

Whether they are in a transit country or in an asylum granting state, sexual minorities have encountered a specific set of problems in having the international refugee definition applied to their claims for asylum. According to the UNHCR, as outlined in the 2008 UNHCR Guidance Note on Refugee Claims Relating to Sexual Orientation and Gender Identity (UNHCR 21 November 2008), the growing number of asylum claims by lesbian, gay, bisexual, and transgender individuals, "has necessitated greater awareness among decision-makers of the specific experiences of LGBT asylum-seekers and a deeper examination of the legal questions involved." Many scholars and advocates have stated for several years that sexual minority claimants face considerable hurdles in obtaining fair and equitable assessments of their refugee claims (LaViolette 2010a; Rehaag 2009; Kassisieh 2008; Rehaag 2008). There is, indeed, a myriad of legal, procedural, and social hurdles facing sexual minority asylum-seekers. As these issues have

been well canvassed in the scholarly literature and in reports issued by non-governmental organisations, this paper will only briefly enumerate the existing challenges.

The legal difficulties facing LGBT asylum-seekers (LaViolette 2010a; UNHCR 21 November 2008) include: establishing whether a sexual minority claimant's fear of persecution is well-founded (LaViolette, 2009; UNHCR 21 November 2008: paras. 11-14, 28), assessing the persecutory impact of laws criminalizing homosexual conduct (UNHCR 21 November 2008: paras. 17-22), determining whether LGBT claimants are members of a particular social group (Marouf 2008; LaViolette 1997), and establishing the sexual orientation or gender identity of a refugee claimant (McGhee 2000: 93-4; O'Leary 2008).⁵ In some states, case law has focused on whether minority claimants meet the threshold of persecution rather than discrimination, or on the availability of state protection in the country of origin (LaViolette 2009) or in countries of transit (Young 2010), and possible regional contrasts in the treatment of sexual minorities within a country (LaViolette 2009). Another contentious issue surfaces in the national case law of several states where a distinction has been made between discreet and non discreet homosexuals, and some decision makers have suggested that sexual minority refugee claimants could be required to take reasonable steps to avoid persecutory harm by conducting their personal lives discreetly (Dauvergne & Millbank 2003; Kendall 2003; Johnson 2007; Millbank 2009a: 392).

Difficulties are also connected to evidentiary practices and procedures, such as assessing the credibility of a claimant's testimony. In order to meet the requirements of the Convention definition of a refugee, a claimant must present supporting evidence, which normally consists of the testimony of the asylum-seeker and general evidence of a country's human rights record. In assessing a claimant's testimony, decision-makers will determine if the evidence is "plausible, credible and frank" (Hathaway 1991: 84). For sexual minorities, sexual orientation and gender identity issues may carry with it a sense of shame, self-hating, and embarrassment, given the very personal and private nature of the topic. The UNHCR Guidance Note (21 November 2008: para. 38) concurs and provides that a claimant "can be reluctant to talk about such intimate matters, particularly where his or her sexual orientation would be the cause of shame or taboo in the country of origin." The problem is also described in these terms:

LGBTI refugees may also experience discrimination by other refugees on account of homophobic attitudes, which can lead to violence or limited access to safe shelter in settings such as detention, refugee camps and urban areas. Due to these multiple forms of discrimination, LGBTI refugees may be reluctant to reveal their sexual orientation or gender identity to national authorities or UN staff, especially if they are fleeing persecution from governments due to their sexual orientation or gender identity. Withholding of such information in asylum determination procedures can cause asylum adjudicators to question the credibility of LGBTI applicants, and has resulted in the rejection of asylum claims based on sexual orientation (Human Rights First 30 September 2010).

Unless decision-makers keep this in mind, there are likely to unfairly assess the credibility of a sexual minority's testimony.

A second evidentiary hurdle is connected to the availability of independent country of origin information. Such evidence is typically drawn from governmental, non-governmental, and media reports. However, in the case of gay, lesbian, bisexual, and transgender claimants, existing country documentation still fails to provide the kind of information refugees need to support their claims (LaViolette 1996a; Swink 2005-6; de Jong 2008; O'Leary 2008: 91-2 LaViolette 2009).

Another set of problems may be encountered by LGBT asylum-seekers and they are connected to the social phenomena of homophobia⁶ and heterosexism.⁷ When individuals apply for refugee protection in countries of first or final asylum, they will have to interact with a host of government officials, civil society agencies, and community groups. This can include dealing with several of the following: visa officers, border and customs personnel, refugee and immigration adjudicators, interpreters, lawyers, immigration consultants, resettlement staff, members of ethnic diasporas, LGTB organizations, and a multitude of other personnel working in social services and government agencies. Since homosexuality and transexuality remain controversial topics around the world, there continue to be legitimate concerns that LGBT refugees encounter prejudice and hostility as they embark on the dangerous journey to a safe haven. Many frontline staff carry prevalent cultural stereotypes with them. On occasion the problem can extend to the appointment of decision makers with clear biases against homosexuality, as was recently seen in Canada (Thompson 18 March 2009).

In the refugee process, both inland and abroad, the presence of homophobia and heterosexism may lead immigration officials and refugee adjudicators to:

- minimize the importance of sexual orientation or gender identity in a refugee claim;
- devalue a claimant's feelings and experiences;
- deny a claimant protection;
- view claimants strictly in terms of their sexual behaviour;
- assume that celibate adults and adolescents, or ones married to a person of the opposite sex, cannot identify as LGBT;
- conclude that claimants are not LGBT because they fail to meet some arbitrarily defined criterion;
- perpetuate self-hatred by some LGBT refugees; and
- result in the use of controversial interventions like phallometry or invasive medical examinations.⁸

If members of staff who interact with sexual minorities do not reflect on their own prejudices and assumptions about homosexuality and transexuality, they are unlikely going to be able to fairly assess asylum and resettlement claims. In essence, ignorance, fear, and hostility can lead to poor decision-making and substandard service and support delivery. As a result, refugee claims can be negatively impacted if any of the decision-makers involved in the process are insensitive to LGBT issues or rely on stereotypes and prejudice to make their decisions. Similarly, resettlement efforts

can be undermined if agency staff is homophobic or heterosexist. As stated in a report by Human Rights First (30 September 2010), “[o]n occasion negative biases among service providers, adjudicators and UNHCR staff can impinge on the ability of LGBTI asylum seekers to access services as well as fair asylum proceedings.”

2.2 Targeted and Specialized LGBT Training as a Solution

In response to the specific legal and attitudinal challenges facing LGBT asylum-seekers and refugees, scholars, advocates, refugee lawyers, refugees, and even politicians have called on refugee adjudication and resettlement agencies to conduct professional training for decision-makers and their staff. It is consistently suggested that training frontline staff and adjudicators will ensure that all parties involved are sensitized on issues relating to sexual orientation and gender identity, and that interviews with LGBT claimants will proceed in a safe and welcoming manner.

For instance, a 2011 report on LGBT asylum claims in Europe contains an explicit reference to training in its recommendations. The report recommends the following:

Interviewers, decision makers, the judiciary and legal aid providers need to be competent and capable of taking into account the sexual orientation and gender identity aspects of asylum applications, including the process of ‘coming-out’ and the special needs of lesbian, gay, bisexual, trans and intersex applicants. To this end, they should be professionally trained, both in a specific basic training module and during general permanent education modules (Jansen & Spijkerboer).

The UNHCR Guidance Note (21 November 2008) recommends that sexual minority claimants be “interviewed by trained officials who are well informed about the specific problems LGBT persons face.” It is further suggested that measures be adopted to ensure awareness of sexual orientation and gender identity issues, including “targeted training sessions, mainstreaming of issues relating to sexual orientation and gender identity into the induction of new staff and training of existing staff, ensuring awareness of websites with expertise on LGBT issues, as well as the development of guidance relating to appropriate enquiries and interview techniques to use during the different stages of the asylum procedure” (Ibid.). Rehaag (2008: 87) suggests that decisions will further improve if LGBT facilitators are actually included in training sessions or professional legal education courses.⁹

The call for training of the UNHCR’s own staff has come from non-governmental organizations and even politicians. Human Rights First, a United States-based non-profit international human rights organization, has specifically called for training of UNHCR staff who deal with LGBT asylum claims (Human Rights First 30 September 2010). ORAM, a non-governmental organization dedicated to advocacy and research on LGBT refugees, has also called all stakeholders, including the UNHCR, to “institute trainings focused on developing an understanding of issues surrounding sexual orientation and gender identity” (Helsinki Citizens’

Assembly – Turkey, Refugee Advocacy and Support Program, Organization for Refuge, Asylum & Migration June 2011: 9). In a letter to Secretary of State Hillary Clinton, US Senator Kirsten Gillibrand and Congresswoman Tammy Baldwin expressed their concern for sexual minority refugees and urged the US government to support increased training of UNHCR staff on sexual orientation and gender identity issues (Gillibrand et al. 4 February 2010; Baldwin 4 February 2010).

The reason training is consistently called for is that it is seen to have the potential to address many of the specific problems encountered by sexual minority claimants. For instance, Kassisieh (2008: 47) believes that:

Sexuality training . . . can assist decision-makers in understanding the impact of actual or perceived homophobia and heterosexism in the experience of persecution and the refugee status determination process and could be a starting point to address the stereotypes on which many decisions are based.

Millbank has suggested that “the skills and expertise of decision-makers can also be improved through ongoing training” (Millbank 2009b: 28), and more specifically, she has identified training as a tool to improve credibility assessments made by adjudicators in relation to LGBT claimants. Indeed, Millbank has called for general training on credibility assessments to be accompanied by specific training on gender and sexual orientation issues (ibid.). Millbank (2009b: 26) also points out that judicial guidance on credibility and credibility guidelines have “not permeated the lower levels of adjudication” and cannot be a substitute for the training of decision-makers.

The value of training can also extend to evidentiary challenges related to sexual minority refugee claims, as outlined by Kassisieh (2008: 48): “[s]exuality training for decision-makers could . . . also be useful in raising an awareness of the inappropriate use of country of origin information, in order to reduce inferences of fact and the weighing of evidence according to personal expectations and biases of decision-makers.” Non-governmental organizations have also suggested that skills training focused on interviewing techniques could not only avoid interactions that are offensive to sexual minority refugee claimants but also elicit the presentation of bona fide refugee claims based on sexual orientation and gender identity (Helsinki Citizens' Assembly – Turkey, Refugee Advocacy and Support Program, Organization for Refuge, Asylum & Migration June 2011: 9).

It is therefore apparent that when problems related to sexual orientation and gender identity are examined or raised in the context of refugee determination systems, calls are made to mandate continuing professional education on LGBT issues for refugee personnel. Indeed, it seems a consensus has emerged that training the staff that interact with sexual minority claimants is a solution to the many legal, procedural, and social hurdles that impede access to protection under the Convention.

While the vast majority of government and civil society staff involved in refugee, migration and resettlement procedures have never received LGBT-focused training, some sensitivity and other programs have in fact been developed and implemented. One of the first LGBT training programs

of refugee adjudicators was developed in Canada in 1995 after a documentary was aired on national radio during which a refugee lawyer expressed serious concern regarding the truth of some of his clients' claims to be homosexuals.¹⁰ He asserted that a fraudulent claim to homosexuality was unlikely to be detected by adjudicators at the IRB because they were poorly prepared to question claimants' on their sexual orientation, and as a result, individuals could easily concoct false stories about being gay or lesbian. The administrative agency responded constructively by soliciting training for its decisions-makers in order to ensure that claims of persecution based on sexual orientation received the same professional treatment as any other claim. A training module was developed and it has since been presented to Canadian adjudicators and other IRB staff on several occasions.¹¹ More recently, when concerns were expressed about the negative impact of significant reforms to the Canadian asylum system on sexual minority claimants, the IRB stated it would continue specialized training in this area (McKiernan 4 July 2011).

Similar LGBT training modules have since been offered to adjudicators and frontline staff in several refugee receiving states. In Ireland, a training programme has been launched for people working with LGBT asylum seekers and refugees (RTE News Ireland 31 January 2012). Belgian interpreters and staff at asylum reception centres have received training on sexual orientation and gender identity issues (Jan Beddeleem 20 March 2012). In the United Kingdom, the Lesbian and Gay Immigration Group provides training to LGBT and refugee organizations. In addition, a training module was developed for UK Border Agency (UKBA) staff, and the training was rolled out across the UK to all UKBA case workers and their managers in 2010 and 2011 (UK Lesbian & Gay Immigration Group 2010). The Swedish Migration Board has instituted training for their staff about sexual orientation and gender identity issues, as well as a set of guidelines, though the training is not compulsory (UNHCR 2011a). The Australian Refugee Review Tribunal has also implemented one short training session for members (Walker 27 March 2008; ABC News 15 June 2007).¹²

In the United States, Immigration Equality (n.d.), a national organization that provides legal aid and advocacy for LGBT and HIV-positive immigrants and their families, has offered training to refugee and asylum officers in several locations across the country. The United States Citizenship and Immigration Services (28 December 2011) recently prepared training materials on interviewing and adjudicating claims by sexual minority claimants. Also in the US, a sensitivity training program geared to service providers who work with refugees, immigrants, or asylum seekers is being offered by the Heartland Alliance for Human Needs & Human Rights.¹³

At the international level, the UNHCR has responded to calls for training of their own staff. In addition to including some LGBT content in its employee training, the UNHCR (2011b) has turned to non-governmental organizations to provide specialized training on sexual orientation and gender identity issues. For instance, ORAM is developing a training program to be offered to frontline staff of the UNHCR and non-governmental partners starting in 2012 (Grungas 30 April 2012).

3. What Kind of Training?

While calls for training have sometimes outlined particular competencies to be developed by adjudicators and other frontline staff, for the most part, few specifics are offered about the type of training that is required. Indeed, while few question the value of professional development training on sexual orientation and gender identity issues for refugee personnel, there has been little consideration regarding the type of training that will lead to stronger decision-making in LGBT refugee cases.

For instance, is training to be designed to confront the homophobia and heterosexism of individual adjudicators? Is the objective to provide information about the realities of LGBT lives? Will training aim to improve adjudicators' legal interpretation of the refugee definition as it applies to LGBT cases? Is there a need to provide factual information about country conditions? Should training focus on providing adjudicators with better interviewing skills to create a safe hearing room for sexual minority refugees? Calls for training certainly seek to achieve all of these goals, and likely more; however, such diverse training objectives cannot be met in one module or one set of materials. Moreover, training with such different aims would almost certainly have to be provided by different groups of professionals or experts.

If training is not more clearly conceptualized, particularly in relation to the objectives sought, it is likely to be less effective. It is important, therefore, that calls for LGBT training become more specific and targeted. In the next section, I will present a model that could become the basis for the development of LGBT refugee training modules in order to improve the refugee determination process at both the international and national levels. The existing training construct, the 'LGBT cultural competency' model, could easily be applied to the refugee context and training on sexual orientation and gender identity issues.

3.1 LGBT Cultural Competency Training

LGBT cultural competence is based on a broader concept known as cross-cultural competence, or inter-cultural competence. A person with cross-cultural competencies is defined as an individual who has an ability to understand, communicate with, and effectively interact with people originating from a variety of cultural backgrounds. The acquisition of cross-cultural competencies helps individuals to understand how behaviours, gestures, and knowledge are interpreted differently across cultures. Bents-Enchill (n.d.) suggests that "[e]ffective cross-cultural communication is the ability to communicate with individuals from other cultures in a way that minimizes conflict, promotes greater understanding and maximizes [one's] ability to establish trust and rapport." Williams (2006: 209), writing in the context of social work, defines cross-cultural competence as the "capacity to work across multiple paradigms to find ways to engage with clients." Williams (2006: 210) adds that "[c]ultural competence demands that we practice with skills, attitudes, and values that will make us effective and adequate in service provision to clients who originate from a variety of cultural backgrounds."

While professions and organizations from fields as diverse as business, government, academia, and the non-profit section have all acknowledged the importance of cross-cultural competency in

one way or another, historically, the fields of health care, social work, and psychology led the way in developing the concept of cultural competency (Van Den Bergh & Crisp 2004: 222). In the United States, the extension of civil rights to African Americans in the 1960s and the racial and ethnic diversity that has characterized contemporary American society spurred health care providers and social justice advocates to examine their practices to determine if they were effective in delivering services to cultural and minority communities. For instance, psychologists began exploring cross-cultural counselling as far back as the 1980s (Sue et al. 1982; Heath, Niemeyer & Pedersen 1988; Pedersen 1988). The proliferation of academic and professional publications on cultural competencies has impacted on institutions and organizations, which have established applicable standards in their respective fields. This is the case, for instance, for doctors, nurses, psychologists, social workers, law enforcement personnel, and educators (Baskir 2009). Moreover, in the United States, there are government mandated cross-cultural standards as well as state-funded programs (ibid.).

There are several reasons cross-cultural competency training is an interesting model for refugee personnel dealing with sexual minority asylum seekers and refugees. While many of the concepts and models of cultural competency training derive from the health and social work fields, the perspective adopted in this approach is useful in the broader setting of diversity work, including in the context of non-profit organizations and government agencies whose employees work with persons from different cultural/ethnic backgrounds. Cultural competency training can help conceptualize more clearly the type of LGBT sensitivity training required to overcome the challenges previously outlined in this paper.

First, the very essence of refugee work demands that personnel possess cross-cultural competencies. Whether the refugee organization is a government department, an intergovernmental agency, or a non-governmental organization, the tasks performed by frontline staff and adjudicators necessarily require them to work with individuals from different cultures. Furthermore, just as with health care providers, the consequences of poor communications between a refugee claimant and an adjudicator can have fatal consequences (Medora 2008). Cultural incompetence in the refugee business cannot only have a serious psychological impact on the claimant, it can also result in poor decisions that ultimately put a claimant's life in danger if he/she is returned to a country where they face persecution.

Those who work in the asylum and refugee fields have already acknowledged the importance of cross-cultural training. Agencies have developed and implemented cross-cultural training programs designed to enhance communication with refugee claimants and improve the delivery of services (Dunn & Spring Institute For International Studies 1992). As a result, frontline workers, adjudicators and resettlement staff are cognizant that they must develop the ability to work with a highly culturally diverse clientele if they are to be effective. Adding LGBT cultural competencies to existing professional development programs is therefore not an unreasonable expectation.

More important, although cultural competency initially referred to work with ethnic and racial minorities, the concept has been broadened over the years to include other culturally diverse populations (Bryant 2001: 41; Van Den Bergh & Crisp 2004: 222). Culture has been defined as “a

body of values, customs, and ways of looking at the world shared by a group of people” (Piomelli citing Krieger & Neumann 2006: 151). Essentially, culture refers to how people understand, interpret, and give meaning to their environment. Krieger and Neumann argue that cultures do not only arise out of race, ethnicity, or geography, but can be based on gender, age, religion, disability, sexual orientation, and socioeconomic status (ibid.). In fact, the concept has been applied to train individuals working with gay, lesbian, bisexual, and transgendered clients and is referred to as ‘LGBT cultural competency training.’ The basic principle underlying any LGBT cultural competency training is the recognition that sexual minorities have societal characteristics and histories of social stigma and discrimination that require specific competencies to address their unique concerns.

The cultural competency model can therefore help define and implement effective training in relation to LGBT refugee adjudication and resettlement. In fact, it is already used in the refugee field, and the model has been expanded to include competencies required to work with LGBT individuals.

3.2 Components of an LGBT Cultural Competency Model

It is widely held that cross-cultural competencies, including LGBT cultural competencies, can be taught and learned (Rust et al. 2006: 29; Elliot 20 November 2011). The scholarly and professional literature does in fact provide many examples of cultural competency training principles and tools (Reynolds 2001; Ridley, Baker & Hill 2001; Sue 2001; Alberta & Wood 2009; Sorrells 2012). It has been suggested that training and coaching are the most effective methods of improving cross-cultural communication skills and cultural competence (Bents-Enchill n.d.). It is, however, beyond the scope of this paper to describe, in-depth, the existing models of cross-cultural competency training, or to provide a critical analysis of the various approaches. Rather, the purpose here is more modest – my aim is to present how cultural competency training has been conceptualized in other disciplines and fields and to describe how the core concepts of these models are highly applicable and useful in the refugee field, especially in relation to sexual orientation and gender identity issues.

More often than not, cultural competency training is presented as a trilogy of components. Authors identify three essential cognitive components to cultural competence and cross-cultural training: (1) awareness of one's own cultural world view and attitudes toward cultural differences; (2) knowledge of different cultural practices and world views; (3) and cross-cultural skills (Sue 2006; Williams 2006; Martin & Vaughn 2012). In the following section, each of these components will be explained and their relevancy to LGBT training, examined. In my view, all three components should be addressed to delineate a culturally competent approach to work with sexual minority refugees. The cross-cultural model can successfully challenge frontline staff and adjudicators to deal with homophobia and heterosexism, develop the correct cultural knowledge, and learn the right techniques to create an LGBT-positive environment (Williams 2006: 210).

3.2.1 Awareness & Attitudes

The objective of the first cultural competency is to bring individuals' own cultural bias and beliefs into consciousness and to raise awareness of general beliefs and values about cultural differences.¹⁴ Focussing on awareness and attitudes as a cultural competency conveys to individuals that carefully examining their own beliefs and values about cultural differences is crucial to understanding and improving their interactions with individuals from other cultures. In a training context, participants could be encouraged to focus on self-awareness of the following: one's own cultural roots, biases one might hold about those who are culturally different, and one's level of comfort with a client's cultural differences (Van Den Bergh & Crisp 2004: 223). As with all of the cultural competencies, the objective of a training module focused on awareness and attitudes is to improve decision-making skills and thereby enhance the ability to understand, build trust with, and work with people of widely diverse backgrounds.

In the refugee context, an obvious goal of an LGBT cultural competency training program focused on "awareness and attitudes" would be to provide frontline staff and adjudicators with a cognizance of their potential heterosexism and homophobia. It might call upon them to, for example:

- self-reflect on their own sexual orientation, in terms of its development, influences, and experiences (Van Den Bergh 2004: 227);
- reflect upon their previous contact with LGBT individuals, both personally and professionally (ibid.);
- evaluate their reactions to LGBT individuals, both in terms of positive and negative experiences (ibid.);
- recognize myths, stereotypes, and prejudice about sexual minorities;
- discuss the diversity of sexual minority communities (Turner, Wilson & Shirah 2008: 67); and
- consider the importance of providing services and conducting refugee determination hearings that are inclusive and respectful of sexual minorities (ibid.).

Such personal awareness will in all likelihood result in better decision-making and enhanced service delivery by reducing prejudicial interactions with sexual minorities. For instance, refugee adjudicators who are able to recognize that they expect a lesbian refugee claimant to have a masculine appearance or a gay man to be effeminate have achieved a cultural awareness of their reactions to this group of refugees, and, as a result, they are more likely to be able to set aside stereotypical views of sexual minorities.

3.2.2 Knowledge

The knowledge component of cultural competencies generally refers to the knowledge that "allows [a person] to successfully explain and predict the behavior of people with different cultural backgrounds within specific situations" (Rasmussen, Sieck & Osland 2010: 3). The value of gaining cross-cultural knowledge has been as expressed as follows: "The more knowledge we have about people of different cultures, the more likely we are able to avoid stepping on

cross-cultural toes. Knowing how culture impacts problem solving, managing people, asking for help, etc. can keep us connected in cross-cultural interactions” (DTUI.com n.d.).

Cross-cultural knowledge includes understanding the impact of social, cultural, political and legal dynamics on the treatment of a cultural group, acquiring specific knowledge about a cultural group's values, beliefs, and norms, and being cognizant of barriers that could impede communications with a person from a different cultural group. Essentially, the objective of a training module focused on knowledge is for participants to gain a sound understanding of the situation and world view of culturally different persons; for instance, cross-cultural knowledge should enable persons to make sense of cultural behaviors that appear paradoxical (Rasmussen, Sieck & Osland 2010).

Cross-cultural knowledge is an important part of cultural competency training.¹⁵ To be sure, “communicating across cultures do not require any special knowledge of the particular culture one is dealing with” (Price-Wise n.d.). If one has attained a sufficient level of cross-cultural self-awareness, “one can be culturally competent by asking open questions, managing one’s prejudices, showing respect, and speaking in a way that does not presume that the other person shares one’s own values or experiences.” However, to understand specific populations, as is required in the refugee adjudication and resettlement context, prior knowledge about the cultural group is indeed essential and required. Moreover, gaining cross-cultural knowledge helps individuals align positive cross-cultural beliefs gained through self-awareness and attitudinal training with their actual behaviours when working with people of widely diverse backgrounds. For instance, a person may believe in the equality rights of gay men and lesbians but nevertheless, in the course of a cross-cultural encounter with an LGBT person, they may, without knowing it, use an out-dated label such as “homosexual.”¹⁶

Cross-cultural knowledge training focused on LGBT communities could enhance all aspects of the asylum and refugee process. For instance, the acquisition of accurate knowledge about specific LGBT populations can contribute to a better assessment of the credibility of a refugee claimant’s testimony; or, the learning of a culturally appropriate vocabulary can improve the communication among staff, asylum seekers, and refugees. To attain LGBT cross-cultural knowledge in the refugee context, training should cover the following areas:

- key terminology and concepts used by LGBT individuals and communities (Turner, Wilson & Shirah 2008: 67);
- differentiation between sexual and gender orientation and identity (ibid.);
- LGBT diversity, characteristics, history, and traditions;
- social, legal and political environment linked to LGBT experiences with discrimination and persecution (Turner, Wilson & Shirah 2008: 68);
- country conditions and persecutory practices; and
- legislative developments and legal interpretations.

It is important, however, to flag a potential pitfall of cross-cultural knowledge training: it can lead to stereotyping (Price-Wise n.d.).¹⁷ Many factors will make individuals similar or different from

their cultural group and it is unreasonable to expect uniformity of beliefs, behaviours, or experience within a cultural group (ibid.). It is therefore important that any LGBT cross-cultural knowledge training module underline this difficulty to participants.

3.2.3 Skills

The skills component is related to ‘knowing how’ to conduct appropriate cross-cultural interactions with individuals from diverse groups. The skills component focuses on practices that will actually make use of the beliefs and knowledge gained through the other two cultural competency components. Communication is the fundamental tool by which people interact; cross-cultural skills training aims to develop appropriate communication techniques and intervention strategies in a multicultural setting. This includes developing the ability to send and receive a wide variety of verbal and nonverbal messages and gestures, whose meanings tend to vary from culture to culture (Van Den Bergh & Crisp 2004).

In the refugee context, cross-cultural skills are essential, as frontline staff, resettlement workers, and adjudicators will be engaged in daily interactions with asylum seekers and refugees from widely diverse cultural backgrounds. For instance, in a refugee status determination hearing, adjudicators must elicit a claimant’s story of persecution through personal testimony. In the course of this quasi-judicial interaction, a wide variety of verbal and nonverbal queries and responses will be sent and received by all individuals involved in the hearing. In interpreting the communications and in attaching meaning to the messages, adjudicators must take into account the multicultural context of the exchanges. They will be more successful at doing this if they possess some specific skills. For instance, interviewing skills, like open-ended questions, will allow adjudicators to explore the cultural identity, beliefs, and perceptions of the refugee claimant. Adjudicators also require excellent listening skills, patience, and tolerance of silence during a claimant’s testimony. They should be able to modify standardized questions to make them appropriate for use with specific cultural populations. They must be able to work with interpreters of varied linguistic and cultural backgrounds. It is also true that adjudicators must develop sensitivity to the issues of power and trust that can arise when a vulnerable refugee claimant from one country is seeking international protection from another.¹⁸

Skills training in relation to LGBT cultural competence would similarly seek to ensure that frontline staff and adjudicators are able to conduct appropriate interviews and hearings, and deliver suitable services to sexual minority asylum seekers and refugees. For example, skills to be developed could include:

- how to assess a claimant’s perception, conceptualization and stage of gay or lesbian identity development to better situate the individual in relation to the larger cultural group;
- how to assess the ways in which sexual orientation and gender identity manifest themselves in a specific culture;
- how to recognize indications of internalized homophobia that can impact on a claimant’s testimony and make it difficult for them to talk openly with refugee personnel;

- how to create a LGBT-safe milieu, for example by avoiding the use of inappropriate terms and intake forms that are replete with heterosexual assumptions, which might inhibit a claimant's honest self-disclosure(ORAM 2012 :10);
- how to encourage discussion of LGBT experiences to allow claimants to testify openly and safely; for instance, by posing questions that allow for alternative families including two parents of the same sex.

If refugee personnel acquire such cross-cultural skills, they can create an atmosphere of openness and affirmation for LGBT asylum seekers and refugees, and, as a result, perform their duties more effectively and fairly.

3.2.4 Competency-Appropriate Training and Trainers

It should be evident that an LGBT cultural competency training program that follows the model described above, with its three distinctive components, is designed to impart very different competencies to refugee personnel. As a result, it is likely that each competency will require distinct types of training and a variety of trainers with different skills and experience. For instance, in designing awareness and attitudinal training modules, the approach that is most effective may be one that is participatory and experiential, while knowledge modules could make good use of lecture and memorization-based presentations. For some participants, it may be better to frame knowledge and skills training “in pragmatic terms relevant to their day-to-day responsibilities” and to “incorporate more problem-based learning and role play,” while an awareness and attitudinal component could focus on personal experiences that go beyond the workplace (Baskir 2009).¹⁹ The expertise of trainers needs to match the competencies sought. For example, to address a need for country of origin information, a competency falling under the knowledge component, refugee advocates persuaded the Belgian administrative tribunal to hear from visiting LGBT human rights activists from refugee producing countries (Beddeleem 20 March 2012).

The author’s experience with LGBT competency training in Canada supports the view that training modules must be clear on their objectives and offered by appropriate experts. As mentioned previously, the administrative tribunal responsible for refugee status determination in Canada, the IRB, has conducted LGBT focused training since 1995. While it is evident that members of the IRB would benefit from professional training that incorporates all three components of LGBT cultural competency, the scope has not, in fact, been this broad. As a legal expert and the person retained to develop LGBT cultural competency training, my strengths fell squarely in the knowledge component, and to some extent, in the skills fields. For instance, the training materials and modules developed for the IRB touched upon the specific legal challenges that exist in applying the refugee definition to LGBT claimants (LaViolette 2010b). In addition, materials were developed in the early sessions to assist adjudicators in questioning refugee claimants about their sexual orientation and gender identity.²⁰ Essentially, the training focused on imparting some knowledge and one set of interviewing skills, but did not include the awareness component and additional skills. Therefore, while having first established training of sexual orientation and gender identity issues, the IRB could improve and expand the training to touch upon all competencies.

Finally, those advocating LGBT cultural competency training for refugee personnel should take advantage of existing models and modules. As previously mentioned professionals in other fields such as health, social work, and human resources have been developing and offering LGBT cultural competency training for many years. In addition, individuals have developed specific expertise in this field. For example, several inter cultural experts have recently collaborated to develop and publish a training tool entitled *Cultural Detective: Lesbian, Gay, Bisexual and Transgender* (Saxena et al. n.d.). Designed to develop LGBT cultural competence primarily in the workplace, this resource could certainly be adapted to the refugee context. In the United States, Out & Equal Workplace Advocates, a national non-profit organization, has also developed a number of training tools and certification programs to promote LGBT cultural competency in the workplace (Out & Equal 2012). Refugee advocates therefore have at their disposal tools and modules that can serve as foundations for the development of effective and appropriate LGBT sensitivity training in the refugee context.

4. Training for whom?

It is also important to carefully consider to whom LGBT cultural competency training should be targeted. In many cases, the calls for training have focused on individuals making refugee status determinations. Yet when an LGBT individual makes a refugee claim, the adjudicator is often the last entity (in a long line of staff and agencies) with which the refugee has to interact. In Canada, for example, refugees can be represented by a lawyer or an immigration consultant at their hearing; the outcome for the claimant can, therefore, depend significantly on the understanding, preparation, and presentation of the relevant sexual orientation or gender identity issues by the advocate. In fact, when LGBT refugee claims were first presented before the IRB, a number of claimants did not reveal their sexual orientation on the advice of their lawyers who stated that their sexual orientation would only prejudice their case.²¹ Even before they deal with lawyers or adjudicators, refugees may be in contact with visa officers abroad or settlement workers in the country where they are claiming refugee status. Very little thought has been given to providing such staff with LGBT cultural competency training.

Recent reports, however, have rightly called for training for a wider range of personnel. Jansen and Spikerboer's (2011) *Fleeing Homophobia* report mentions "interviewers, decision makers, the judiciary and legal aid providers." The UNHCR (21 November 2008: para. 37) calls for training of officials and interpreters involved in interviews. In examining the plight of LGBT Iranians in Turkey, ORAM accurately describes the scope of training needed to improve the system as a whole:

Significant steps need to be taken to ameliorate the plight of Turkey's LGBT asylum seekers and refugees. First and foremost, immediate steps are required to safeguard their physical security and to shield them from harassment. This will require intensive training for local police, and may include assigning LGBT asylum seekers to live in less hostile locations. Second, processing by UNHCR, the government of Turkey and resettlement

countries must be accelerated to minimize LGBTs' exposure to violence. These stakeholders should also ensure that appropriate interviewing techniques are utilized in the evaluation of LGBT-based claims. Finally, ongoing trainings are needed at UNHCR, with the Turkish police, and among service providers in the health, public assistance and education sectors. Such training should extend to officers, intake workers, service providers and interpreters, increasing receptivity toward LGBT asylum seekers and refugees and creating environments where discrimination and intolerance are minimized (Helsinki Citizens' Assembly – Turkey, Refugee Advocacy and Support Program, Organization for Refuge, Asylum & Migration 2011).

ORAM also recently surveyed non-governmental organisations around the world to examine how effectively they support the protection of sexual minority refugees and asylum seekers (ORAM, 2012). The results of the survey indicate that a cycle of silence exists, “in which LGBTI refugees perceive NGOs as unwelcoming or foreboding and therefore hide their identities, and NGOs believe these persons do not exist.” (ibid.: 5) As a result, ORAM has called for LGBT sensitization training for NGO staff.

LGBT Cultural Competency Training should, therefore, be targeting a broad spectrum of staff, including the following: adjudicators and other officials involved in refugee status determinations, UNHCR staff, visa officers, refugee lawyers, immigration consultants, settlement workers, staff at refugee reception and detention centres, and interpreters. The refugee system as a whole must be sensitized to the needs of the LGBT refugee population.

5. Training as a panacea?

It is important to conclude on a cautionary note: LGBT cultural competency training is not a panacea. It will not be a cure-all solution for the specific problems confronting LGBT asylum seekers and refugees. Advocacy work on behalf of LGBT refugees must not only focus on the undeniable value of training, but also on many other advancements that can foster a fair and just system for all refugees, including LGBT. In my view, calls for training have to be specific, targeted, and form part of a larger campaign for independent and fair refugee determination systems. I will briefly canvass why LGBT cultural competency training has limitations.

5.1 Limited Resources and Time

Officials involved in the refugee determination process are often overburdened by heavy workloads, and provided with little training time. In Canada, adjudicators receive what is considered a significant amount of professional development training for an administrative tribunal, which is one day a month. But this training has to cover every aspect of their work, not just LGBT issues. It is unrealistic therefore to expect that in such a context, adjudicators and other staff will get more than half or one full day, of LGBT cultural competency training every few years (which is in fact what has transpired in Canada). It should be obvious that such limited training time will be insufficient if one is to adequately cover the trilogy of competencies I have outlined

above. Yet building all three cultural competency components is seen as an important goal of such training:

Attitude change alone, for example, does not lead to knowledge about different cultures. Awareness or sensitivity training does not necessarily result in acceptance of cultural differences. Teaching about cultural differences or training cross-cultural skills before understanding the individual's awareness of differences can be dangerous. There is also the problem of over-generalization. What we learn about Muslim culture, for example, may be very valuable in preparation for an assignment in Saudi Arabia, but less useful for managing a mix of first and second-generation Muslim immigrant employees in a company based in Brussels, Belgium (Martin & Vaughn 2012).

It should be obvious that limited training time will be insufficient if one is to adequately cover the trilogy of competencies outlined above. Moreover, the effectiveness of such training is dependent on the willingness and abilities of the targeted personnel to receive the training. On this front alone, advocates must have realistic expectations of what can be achieved through LGBT cultural competency training.

5.2 Training Can Have a Limited Impact on an Unfair Refugee Determination System

Training cannot overcome systemic problems in the refugee determination system. The best way to ensure positive outcomes for LGBT refugees is to advocate for independent, impartial, and fair decision-making for all refugees. This is an ongoing struggle because refugee-accepting countries are increasingly interested in reducing the number of refugees they accept, rather than expanding asylum protection. Refugee determination systems are, as a result, the object of reforms that impact negatively on all refugees, including measures to accelerate the decision-making process,²² create procedural obstacles,²³ eliminate appeal levels (Elliot & Payton 15 February 2012), increase the detention of refugees,²⁴ entrust civil servants with refugee decisions (rather than independent officials),²⁵ and appoint unqualified officials.²⁶ The impact of such reforms on LGBT refugee claimants is significant, but this is also true for all refugee claimants. Given the current restrictive climate, the fairness of refugee status determinations will be difficult to overcome by training alone.

It is, therefore, important that LGBT refugee advocates work with the larger refugee advocacy community in their efforts to improve the fairness of refugee determination systems. Many of the challenges LGBT refugees confront are the same as other refugees. Collaborating with organizations who have worked for many years on refugee protection issues and who have advocated procedural fairness and sound application of the refugee definition will only benefit LGBT refugees. By becoming part of the broader refugee advocacy communities, LGBT refugee advocates can promote LGBT specific issues, but also more generally, for independent, impartial, and fair refugee determination systems.²⁷

In that context, it is important to avoid unrealistic expectations that for LGBT cultural competency training will have the most significant impacts on the fairness of refugee determination systems. Broader calls and campaigns for constructive reforms may be just as important in gaining better refugee protection for LGBT asylum-seekers and refugees.

6. Conclusion

The refugee determination process is designed to be a guardian system; it is a system that at its very core is about deciding who gets in and who does not. The best we can hope for is that staff and adjudicators will have the qualifications and resources to do the job well. LGBT refugee advocates are right to call for training to improve the LGBT competencies of decision-makers. It is important, however, to take this call further and to reflect on the exact nature and content of the training that will improve international and national refugee protection systems for sexual minority refugees. This article has determined that models currently exist and can serve as the basis for LGBT cultural competency training for refugee personnel. At the same time, it is important to accompany calls for training with broader advocacy in support of a fair system for all refugees; this is the best way to ensure positive outcomes for LGBT refugees.

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¹ A refugee is a person who "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it" (United Nations 1954: art. 1(2)).

² The human rights situation of sexual minorities around the world continues to be alarming. Many countries maintain severe criminal penalties for consensual sex between persons of the same sex, including the death penalty. Sexual minorities also are frequent targets of hate crimes. In several countries, restrictions have been imposed on the freedoms of expression and association of sexual minorities, while in others, homosexuality and transsexuality are perceived as Western phenomena, anti-revolutionary behaviours, crimes against religion, sexually deviant and immoral behaviours, mental disorders, or unacceptable challenges to gender-specific roles. For a survey of laws prohibiting same-sex sexual conduct see Bruce-Jones & Itaborahy (2011).

³ In Canada, for instance, the first reported refugee claim based on sexual orientation dates back to 1991 (Re R. (U.W.) 1991).

⁴ In 2010, the UNHCR estimated that over the next three to five years more than 805, 000 refugees will need to be resettled in countries that are safe and provide a durable solution for displaced individuals: "UNHCR urges more countries to establish refugee resettlement programmes" (UNHCR 5 July 2010).

⁵ Millbank (2009b: 392) cites an Australian decision that noted "it is difficult for applicants to substantiate and for decision-makers to evaluate [claims on sexual orientation]. By their very nature, they involve private issues of self-identity and sexual conduct, and sometimes personal issues for individuals that may be stressful or unresolved. Social, cultural and religious attitudes to homosexuality in an applicant's society may exacerbate such problems."

⁶ Crisp (2006: 115) describes this as "a term used to refer to the broad range of negative attitudes toward gay men and lesbians."

⁷ Heterosexism is a system of attitudes, biases, and discrimination that positions heterosexuality as superior and more 'natural' than homosexuality (Berkman & Zinberg 1997: 320).

⁸ This list is adapted from Crisp (2006).

⁹ Rehaag made this suggestion in the context of discussing the problems facing bisexual claimants (2008:28).

¹⁰ Nick Somers made these comments in the course of an interview with Alanna Parker, a reporter with CBC Radio: (Mediascan 29 January 1995).

¹¹ The IRB has conducted professional development training focused on LGBT refugee issues on several occasions since 1995. The author of this article developed and presented these training seminars to RPD staff in 1995, 1999, 2003, 2004, and 2010. For an early version of the training, see LaViolette (1996b). The IRB training is also mentioned by Jiménez (10 February 2007) and by Lahey (20 February 2008). While the LGBT training is now a periodic part of the professional development programs at the IRB, a national LGBT rights organization has called for more funding to support the training and to expand the program to include other border staff (Egale Canada 24 May 2012).

¹² A training session was held in 2008 by the Australian Refugee Review Tribunal in Melbourne (Star Online 20 April 2008; Walker 27 March 2008).

¹³ The Office of Refugee Resettlement has awarded a \$250,000 grant to the Heartland Alliance of Chicago to create a training and technical assistance center to support the resettlement of lesbian, gay, bisexual, or transgender (LGBT) refugees (U.S. Department of Health and Human Services Administration for Children and Families 15 June 2011).

¹⁴ Some authors prefer to separate the awareness and attitudinal components into separate concepts (Minami 2009; Martin & Vaughn 2012).

¹⁵ According to Williams (2006), “[t]herefore, cultural competence can be developed through the acquisition of accurate knowledge about specific cultures.”

¹⁶ Social science research indicates that values and beliefs may be inconsistent with behaviors, and individuals may be unaware of it (Devine & Monteith 1993; Devine 1996).

¹⁷ “Having specific knowledge about different cultures is essential for cultural competence but it has a pitfall: it can lead to stereotyping. Most individuals are similar to his/her racial or ethnic group in some ways and completely different from the group in other ways. Factors like a person’s level of education, whether he/she grew up in a rural area or the city, his/her income level, whether he/she has traveled, and the values instilled in him/her by his/her parents will make him/her similar to or different from others in his/her racial or ethnic groups” (Price-Wise n.d.).

¹⁸ Adapted from a list of skills identified as relevant in the clinical psychology setting (Haarmans, Hon & Munger 2004: 29-30).

¹⁹ Baskir further suggests that law enforcement officers, for example, tend to prefer the pragmatic approach over more abstract, ‘touchy-feely’ presentations.” For a comparison of two methods of cross-cultural sensitivity training, namely an experiential approach and a lecture-based, cognitive presentation see Pruegger and Rodgers (1994)

²⁰ For the first version of this training module, see LaViolette (1996b).

²¹ In some Canadian cases, claimants concocted false stories rather than basing their refugee claims on sexual orientation (Re Q.(B.C.) 1993; Re J.(F.H.) 1994).

²² This has been the driving force behind recent reforms to Canada’s refugee determination system (Canadian Council for Refugees 16 February 2012). For problems with the United Kingdom fast-tracking provisions, see Human Rights Watch 23 February 2010).

²³ For instance, the one year filing deadline in the United States (Bowser-Soder 30 September 2010).

²⁴ This has been the case in Australia, for instance (Refugee Council of Australia 4 March 2011). Canada has also resorted to more detention (Keung 23 December 2011). A provision in Canada’s recent reforms would force asylum-seekers who arrive by boat to face a year in mandatory detention (Raj 20 March 2012).

²⁵ Canada recently decided that first instance decision-makers would be civil servants, rather than Cabinet-appointees (Canadian Council for Refugees n.d.: 3).

²⁶ Millbank has commented on the qualifications of adjudicators: “Improving the quality of lower level decision-makers may occur through enhanced requirements for professional or educational qualifications prior to appointment, more transparent or merit-based appointment processes, greater independence of decision-making bodies from government, and the provision of initial and on-going training.” (Millbank citing Crépeau & Nakache 2009b: 22). Problems have also included appointing decision makers with clear biases against homosexuality as was recently done in Canada (Thompson 18 March 2009).

²⁷ Some LGBT refugee advocacy groups have begun to join broad campaigns to oppose restrictive reforms. For instance, in Canada, the Rainbow Refugee Action Network of Vancouver joined other refugee advocacy groups to testify before Parliament about the unfairness of recent reforms (Rainbow Refugee Action Network Blog n.d.).