

# The Guardian

## LGBT asylum seekers routinely see claims rejected in Europe and UK

**Researchers found decision-makers did not consider claimants were at risk of persecution**



Ugandan gay refugee Martin Okello faced discrimination and violence that forced him to flee his home country. Photograph: Brian Inganga/AP

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People seeking asylum in the UK and Europe on the grounds of sexual orientation and gender identity are routinely seeing their claims rejected because of a widespread “culture of disbelief” and an “impossible burden of proof”, researchers have said.

Calling for a major overhaul of the way asylum systems treat LGBT+ claimants, the team from the University of Sussex said that across Europe, one in three were refused because officials simply did not believe their sexual orientation or gender identity.

Four in 10 reported being rejected because decision-makers did not consider they were persecuted, or at risk of persecution, in their home country, while more than a third felt interviewers did not listen to their story or ask the right questions.

“These findings of course sit within a broader picture of the ‘hostile environment’ to immigration,” said Moira Dustin, who led the UK part of the university’s four-year SOGICA (Sexual Orientation and Gender Identity Claims of Asylum) project, due to be formally presented at an online conference on Thursday.

“But it’s even easier for officials to turn away people applying for asylum on SOGI grounds, because they are even less likely than other claimants to have evidence to support their claim: what can they produce, when they’re in danger and fleeing? How likely are they to have with them photos or letters proving past relationships?”

The claimants the researchers interviewed “have had harrowing experiences,” Dustin said. “These are people who are fleeing their home country not out of choice, but out of necessity. If they could speak with one voice, I believe they would say ‘I am who I say I am.’ Not being believed is their top concern.”

Dustin said the burden of proof was unfairly tilted against claimants – whereas under international refugee law, evidence-gathering should be an equal responsibility with decision-makers – and that immigration officials “rarely started with an open mind. For many, it’s a question of ‘you must convince me’.”

One claimant told the researchers that UK immigration officials “didn’t believe anything. None of the things that I said they believed. Not even one. I don’t know how many questions I had, I think I had 300 and something, none of them were believed. They just believed that I am from Zimbabwe. The rest, nothing.”

Dustin said it was essential that “asylum and judicial authorities take the evidence – particularly the personal testimony – submitted by claimants as the starting point for credibility assessment. The default position should be belief in claimants’ accounts of who they are and what has happened to them”.

The researchers interviewed claimants and their professional supporters in the UK, Germany and Italy, hearing from 239 people – 82 claimants and 157 professional supporters – through online surveys and conducting 143 interviews. They also held 16 focus groups with SOGI claimants and refugees and observed 24 court hearings.

Among other findings, they discovered that 39% of respondents had waited more than six months for their main interview; almost half did not have a legal adviser; and more than half suffered physical or mental health issues related to their persecution or the asylum process.

The project leader, Nuno Ferreira, said its conclusions recommended that states take urgent steps to apply both the correct standard and burden of proof, and that detention of SOGI claimants, two in five (41%) of whom said they did not feel safe in their accommodation, should be abolished.

“Many SOGI asylum claimants in detention experience difficulties in accessing the information and advice they need to make their claim, but also violence and abuse related to their sexual orientation or gender identity,” Ferreira said.

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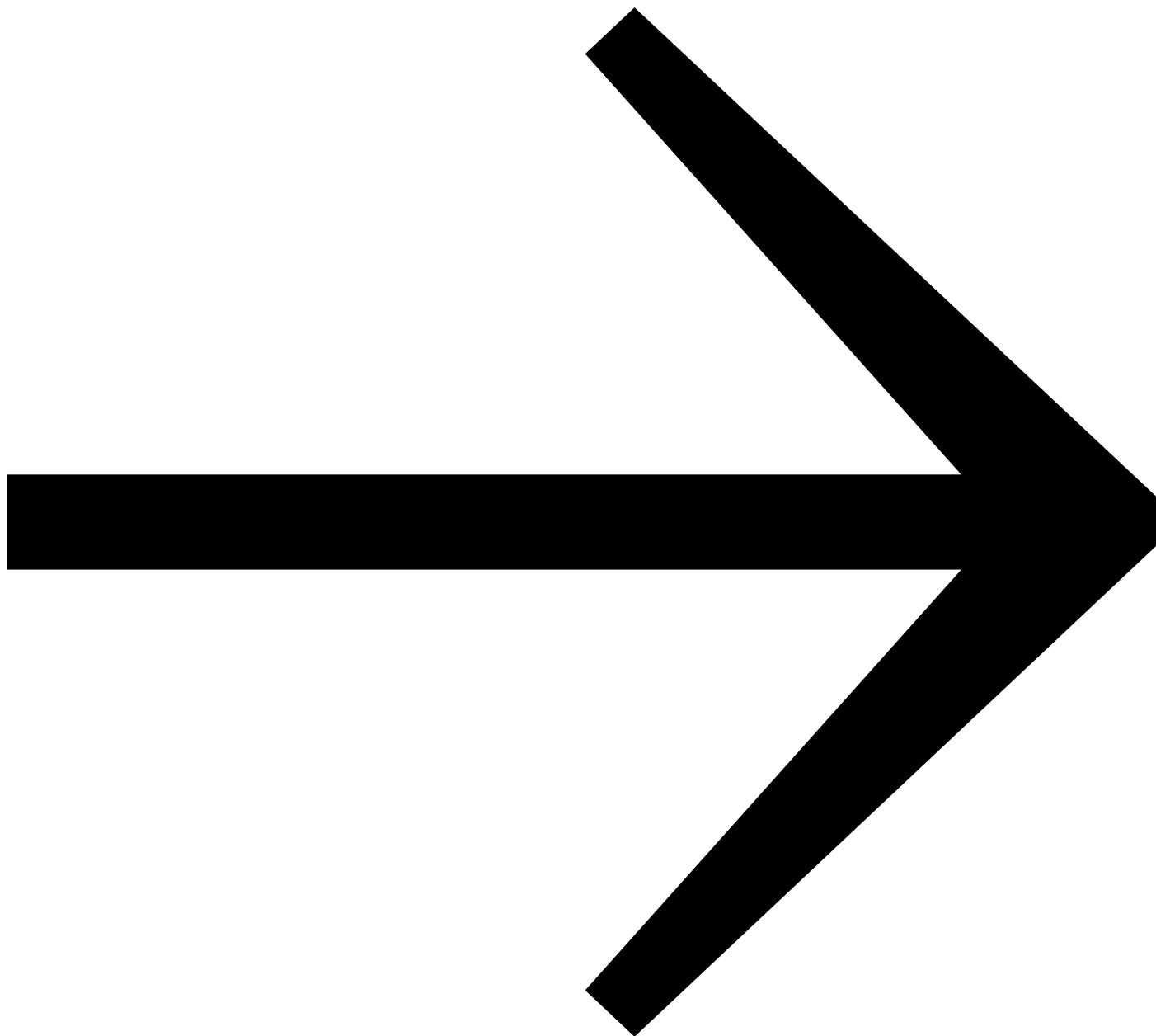
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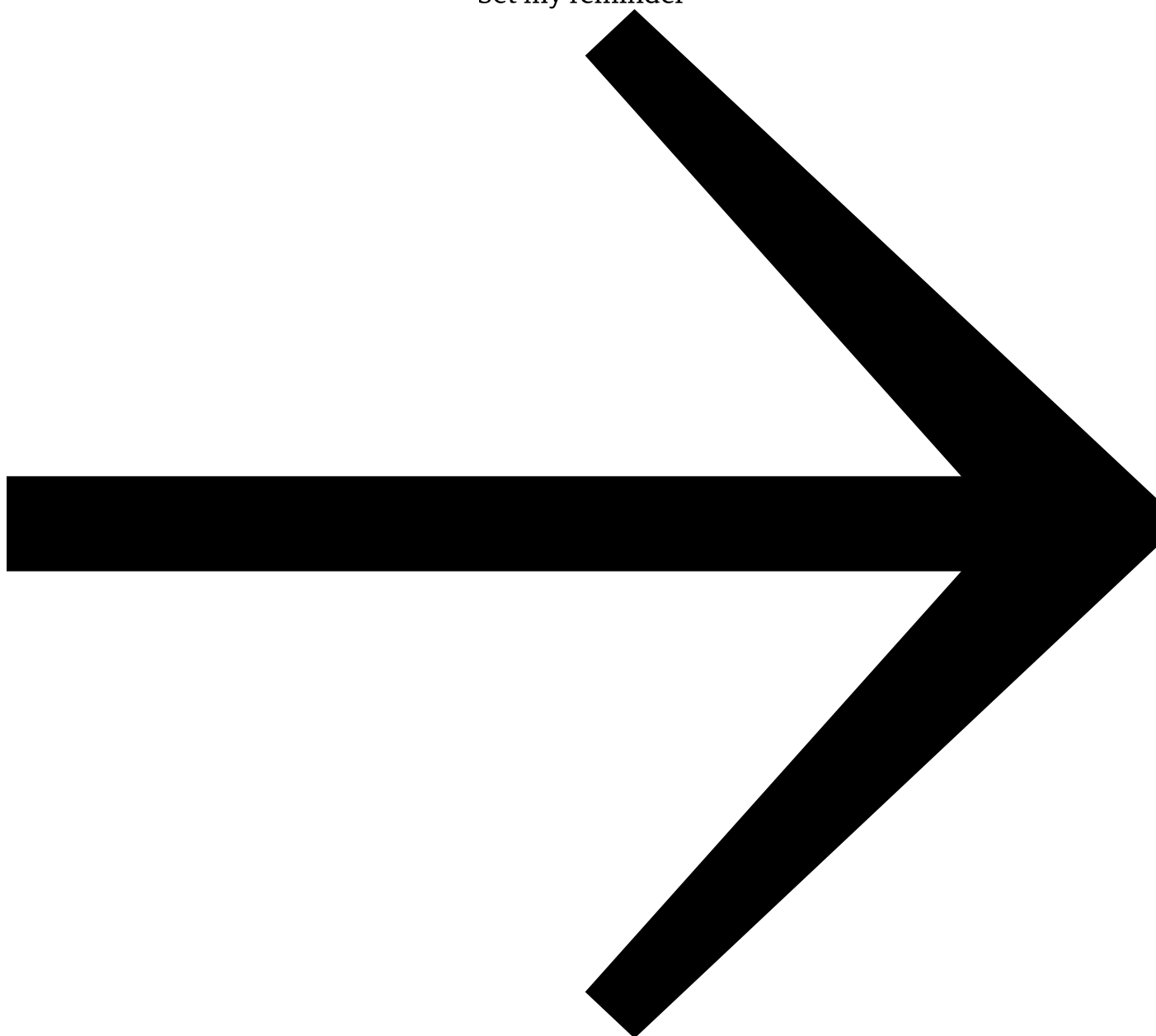


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