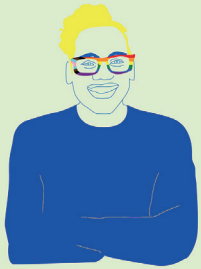
BELIEVE ME OR NOT BUT I AM WHO I AM

Experiences of LGBTI+ asylum seekers proving credibility in the Irish international protection process

LGBT IRELAND For Inclusion For Equality For Everyone

Irish Refugee Council

ssgt st.stephen's green trust



FOREWORD LGBT IRELAND

As CEO of LGBT Ireland, I am delighted to present this seminal research study. The voice of LGBTI+ people is central to our work. Everything that we do is informed and guided by the lived experiences of those that we work with and for. We also greatly value partnership, and we were delighted to partner with Irish Refugee Council for this research. The aim of this study was to give voice to LGBTI+ people in the international protection process in Ireland and to amplify those voices through clear, targeted recommendations for reform in the international protection assessment process that could make a significant difference for LGBTI+ applicants.

LGBT Ireland is delighted to publish this research during Pride month, June 2022. This year's Pride theme is courage, and the courage of each LGBTI+ participant in this study is palpable. The courage to leave their homes and families, the courage to be true to themselves despite fear of persecution, the courage to make the often-hazardous journey to Ireland, and the courage to speak their truth about who they are within the international protection interview process, a daunting and sometimes overwhelming task.

The key themes to emerge from this research clearly show the specific and unique challenges facing LGBTI+ people in the international protection application process. The debilitating impact of internalised homophobia and transphobia, making it incredibly difficult to speak about their LGBTI+ identity, especially in an official interview setting. The lack of information about the international protection system and supports and services more generally. And the intense "make or break" aspect of the IPO personal interview, where the perceived LGBTI+ knowledge and sensitivity on the part of the interviewer, was a crucial determining factor in LGBTI+ applicants being able to engage authentically in the interview process.

This study also highlights the importance of legal and LGBTI+ supports and the difference having early access to these supports can make to the applicants' feelings of safety, belonging, self-acceptance, and self-expression. These findings support our strategic focus to prioritise and grow the supports that we provide to LGBTI+ people seeking international protection here in Ireland.

We sincerely hope that this research will be used to help inform policy and practice within the International Protection system to ensure that LGBTI+ applicants are understood and facilitated to express their identities so that they can fully and freely engage with the IPO process.

Paula Fagan, CEO LGBT Ireland

FOREWORD IRISH REFUGEE COUNCIL

We are delighted to partner with LGBT Ireland on this important work. Our Law Centre and advocacy work has supported LGBTI+ people seeking protection for many years. This work is a key milestone in illustrating the very particular and unique set of challenges LGBTI+ people face in advancing their protection application.

We want to acknowledge the work that LGBT Ireland has done to bring visibility to the unique set of challenges/issues experienced by LGBTI+ people seeking protection in Ireland, both through their peer support project and much needed advocacy work. We hope that the project contributes to continuing to raise the awareness of such challenges specifically within the context of the international protection procedure, most particularly through the voice of those who have been directly affected.

Finally, we wish to thank all the participants who agreed to be interviewed and share their experience. We commend their ongoing bravery and resilience in standing up for their right to live their lives openly, freely and without fear.

Nick Henderson

Nick Henderson, CEO Irish Refugee Council

ACKNOWLEDGMENTS

The project team wishes to acknowledge the profound generosity of all ten participants who agreed to take part in the research- Carlos, Maxine, Nike, Preet, Nikki, Aggie and those who wish to remain fully anonymous. The team recognises the huge personal cost that can attach to revisiting, sharing and further exploring difficult and painful times in the lives of the participants, both in their countries of origin and here in Ireland. We wish to express our deep gratitude that participants so generously gave of their experiences and their time so that LGBTI+ people coming to Ireland to seek protection from now on may benefit. Both the Irish Refugee Council and LGBT Ireland will remain forever grateful for your hugely valuable and unique contribution to our work.

We thank you.

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INTRODUCTION

Believe Me Or Not But I Am Who I Am is a project which LGBT Ireland and the Irish Refugee Council (IRC) have long discussed as being very necessary. Working in partnership since 2018, endeavouring to best support LGBTI+ people seeking international protection in Ireland, the high levels of fear our clients described feeling as they thought about, and then received the date for, their official interview, kept the project never far from mind.

When, in 2020, St. Stephen's Green Trust (SSGT) announced their Connecting Communities Strand 2 grant called Stand Up Speak Out (SUSO) with a stated aim and belief that "SSGT considers ... systemic change is dependent on us listening to and hearing the voice of those most affected by the international protection process" we recognised our opportunity.

Purpose of the project

The purpose of our project is to give voice to LGBTI+ people in the international protection process in Ireland and to amplify those voices to ensure improvements happen, if needed.

Media and anecdotal sources narrated varying accounts of LGBTI+ applicants' experiences - negative and positive - as they endeavoured to meet the requirements of the international protection process in proving that they were LGBTI+ and that they faced extreme risk in the countries from which they had journeyed. Accounts varied as to LGBTI+ applicants' experiences in establishing credibility before the State's international protection authorities.

The research, therefore, set out to hear from those directly impacted by the international protection assessment procedure and to capture their lived experience of the challenges involved in establishing their credibility. Over a year long period, one to one informal interviews were carried out with ten international protection applicants identifying as LGBTI+ and claiming asylum on the basis of their sexual orientation and gender identity (SOGI). All interviewees were members of the 'Is Rainbow Muid – We Are Rainbow' peer support group coordinated and facilitated by LGBT Ireland.

Methodology and limitations of the research project

The project used a simple qualitative interview approach to gain maximum insight into a diverse range of LGBTI+ applicant experiences. It focused on creating a safe space in which to listen to people's experiences, valuing those experiences and seeking perspectives on what might need improvement. It allowed those important themes and recommendations to emerge from the participants.

Ten applicants came forward to participate in the project; five identified as gay men, four identified as lesbian and one identified as a transgender man. Initially the aim was to interview twenty LGBTI+ applicants who had completed their first instance international protection interview. However due to increased delays in people having their interviews, caused by Covid, this curtailed the number of those eligible to participate. Participants were recruited from the networks of both organisations, in particular LGBT Ireland's peer support group Is Rainbow Muid. The nationalities involved came from various regions of the world including different countries in Africa, South Asia and South America. Many of those interviewed had been granted international protection at the International Protection Office (IPO) i.e. first instance stage, but where it was relevant to do so, the experience of the appeal hearing before the International Protection Appeals

Tribunal (IPAT) was also explored. All international protection interviews of the participants took place between 2015-2021. It is unclear whether each participant had different interviewers but this is highly likely to have been the case.

Anecdotal evidence from the client-facing work of the Irish Refugee Council Independent Law Centre has been taken into account, including that obtained via provision of early legal advice to LGBTI+ clients and attendance at their International Protection Office interviews, the first instance decision-making body for international protection claims in Ireland.

While the research does not purport in any way to be wholly representative of the situation for all LGBTI+ asylum seekers in Ireland, the findings will ground recommendations based on the lived experience of some of those navigating the Irish protection system.

It is important to acknowledge the minority status which being LGBTI+ attributes, as well as the invisibility of many LGBTI+ applicants in the process, even to those services existing to support them. Such a level of invisibility speaks to the level of fear LGBTI+ applicants experience. Fear emerges as a key theme in the research and will be duly elaborated upon in different sections of the report.

It is imperative that these testimonies shared by the ten project participants are fully heard for the unique and rarely glimpsed insights they offer into the particular set of stressors faced by LGBTI+ applicants as they experience the interview process.

LEGAL CONTEXT OF INTERNATIONAL PROTECTION IN IRELAND

At the time of writing[1], 71 countries expressly criminalise same-sex sexual activity. 11 of those countries assign the maximum punishment of the death penalty, with 8 countries capable of imposing the sentence of life imprisonment and all others having the ability to impose a range of sentences from one to nineteen years.[2] Transgender and gender diverse people are another group targeted by laws criminalising LGBTI+ people worldwide. At least 15 countries currently have legislation enacted which explicitly criminalises people whose gender expression doesn't align with their sex assigned at birth.[3] Even in states where sexual orientation and/or gender identity are not subject to criminalising legislation, a general atmosphere of homophobia in society often leads to LGBTI persons being the victims of severe police, community and family violence and discrimination.

In this context, it is little surprise that persons flee in desperation from cruel, brutal and persecutory treatment in their countries of origin and seek protection in societies, such as Ireland, which they hope will better respect their dignity and human rights. LGBTI+ persons who apply for international protection in Ireland are required to undergo the international protection status determination process. In effect, this means that to gain legal residency in Ireland as a refugee or subsidiary protection beneficiary, they need to be accepted and believed by the decision-making officials.

The International Refugee Protection Framework

The cornerstone of international refugee law is the 1951 Refugee Convention, also known as the 'Geneva Convention'. The Convention lays down minimum standards for the treatment of refugees and is founded on the core principle of non-refoulement. This prohibits the return or expulsion of a refugee to their country of origin or to a place where they would face a genuine risk of serious violence, death or torture or inhuman or degrading treatment or punishment.

The Convention defines a refugee as someone who "...owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country". The five reasons for persecution are known as the 'Convention nexus' grounds. While the Convention makes no explicit reference to persons fleeing persecution on the basis of their sexual orientation and gender identity, such cases have over time been interpreted as falling within the scope of 'membership of a particular social group'.

Ireland's international protection system is also informed by legal and policy developments of the European Union (EU) and the European Convention of Human Rights (ECHR). At EU level, the Common European Asylum System (CEAS) sets out common minimum standards and cooperation with the intention of ensuring that asylum seekers are treated fairly and equally regardless of which Member state within which they apply. The CEAS is made up of five legislative instruments, or directives, which have been developed and subject to revision and amendment over time. Not all of the directives apply to Ireland due to the State's decision to 'opt out' from certain instruments.

1. Human Dignity Trust, Map of Countries that Criminalise LGBT People: https://www.humandignitytrust.org/lgbt-the-law/map-of-criminalisation/
2. Ibid
3. Ibid

Significantly, in terms of the protection of LGBTI+ asylum seekers, the State has not opted into the recast Asylum Procedures which notes that certain applicants may be in need of special procedural guarantees due to their sexual orientation or gender identity. The Directive then goes on to state that Member States should endeavour to identify such applicants before a first instance decision is taken on their application. Article 15 further requires that the official carrying out the international protection interview is "competent to take account of the personal and general circumstances surrounding the interview, including the applicant's cultural origin, gender, sexual orientation, gender identity or vulnerability."

Similarly, Ireland has not opted in to the Recast Qualification Directive of 2011. However, Ireland has transposed the prior 2004 instrument. This sets out that Member States must recognise persecution on account of sexual orientation, within the ambit of the "membership of a particular social group" ground. The 2011 Recast added the term "gender identity". The Receptions Conditions Directive, which Ireland opted into in June 2018 by way of the European Communities (Reception Conditions) Regulations, also provides for a vulnerability assessment to be carried out when allocating accommodation in direct provision, the state-provided system of accommodation whilst the person is awaiting a decision on their application. This is discussed in further detail below.

The International Protection Process in Ireland – A Basic Overview

The international protection process in Ireland is governed by the International Protection Act 2015. Regarding claims made on the basis of sexual orientation or gender identity in the Irish context, the Act provides explicitly that such cases fall within the 'particular social group' category. Section 8(1)(d) of the Act, transposing Article 1(d) of the 2004 Qualification Directive, provides that "depending on the circumstances in the country of origin, a particular social group may include a group based on a common characteristic of sexual orientation." Section 8(3)(b) goes on to provide that "gender related aspects, including gender identity, shall be given due consideration for the purposes of determining membership of a particular social group or identifying a characteristic of such a group."

In Ireland, people may indicate their wish to seek international protection and lodge their claim either at the port of entry, normally Dublin airport, or at the IPO office directly. On doing so, they are briefly interviewed by either an immigration or international protection officer aiming to capture basic information such as the personal and family details of the applicant, the basis for the international protection claim, as well as information on the route taken and documents used when travelling to Ireland.

Following the preliminary interview, applicants are provided with the international protection questionnaire and given approx. 3-4 weeks to complete it. Legal advice in completing the questionnaire is encouraged and such assistance is available to all applicants via the Legal Aid Board. Other services, such as the Irish Refugee Council Independent Law Centre, also offer such support.

Once the questionnaire has been completed and returned, applicants wait for the first instance personal interview at the IPO. This is the critical component of the assessment process where applicants are required to present their case via their own personal narrative and decision-makers are afforded the opportunity to investigate it via an in-person interview that usually lasts a number of hours. Subsequent to the interview, the IPO will issue a positive or negative recommendation.

In the event an applicant is not successful at first instance, an appeal is possible to the International Protection Appeals Tribunal (IPAT). This gives the applicant and their legal representative an opportunity to challenge the decision of the

IPO and any credibility issues raised. The applicant is represented by a solicitor or barrister at the hearing, while a member of the IPO will also be in attendance to defend the first instance refusal and to cross-examine the applicant.

Establishing Credibility

Credibility assessment is the process whereby decisions-makers determine whether or not an applicant's personal account of their claim is to be believed. It is a core element of the international protection assessment process and often the basis on which a positive or negative refugee decision turns.

The credibility assessment involves an examination of the material facts of a case, considered in light of the applicant's personal testimony via interview and the IPO questionnaire, any documentary evidence submitted and the available country of origin information e.g. research from the United Nations and other human rights bodies, the European Union Agency for Asylum, NGO reports, media reports etc. Credibility assessment and credibility establishment is often one of the most challenging aspects to the consideration of the case by the decision-maker and the substantiating of the case by the applicant. UNHCR[4] notes that while the responsibility to provide evidence in support of their claim rests on the applicant in principle, the duty to ascertain and evaluate relevant facts is shared between the applicant and the decision-maker. The decision-maker is therefore required to engage with the applicant to investigate all relevant facts and to ensure that the applicant's testimony is considered in light of up to date, objective country of origin information.

Given the circumstances of countries that international protection applicants are typically fleeing from, clear documentary evidence of their claim is often not available. Often the person will have fled in a situation of extreme urgency or under extreme duress. They will likely not have had the opportunity to collect belongings or documentation. Even once safe in the country of reception, they may not feel it safe or possible to obtain evidence from their home state, often the authority responsible for the persecution which forced them to flee. As a result, the personal testimony of the applicant often becomes crucial in determining the credibility of the claim. It is therefore subjected to scrutiny by way of the personal interview or submission of written statements.

Particular Challenges for LGBTI+ Applicants

Establishing credibility in the context of SOGI claims involves ensuring not only that the applicant is believed or perceived to be LGBTI+ but also that the applicant's testimony is accurate, consistent and plausible. This is necessary to establish that there is a genuine well-founded fear of persecution.

People seeking international protection on the basis of their sexual orientation or gender identity can struggle to provide documentary evidence of their claims. There is no possibility to obtain independent evidence that can verify that a person is in fact LGBTI+. Furthermore, sexual orientation and gender identity claims are often based around intimate details relating to deeply personal experiences for which no evidence or documentation exists.

In addition, LGBTI+ applicants may experience other challenges in proving credibility such as lack of sensitivity on the part of the decision-maker. It can be over-looked that the applicant might be experiencing intense feelings of shame, guilt or internalised homophobia that might greatly inhibit their ability to present their case or personal narrative in an interview setting. Such feelings may also cause an applicant to fear disclosure or delay disclosing and this can become a means by which to discredit their case. Fear of disclosure or delay in disclosing can also arise due to the past experience of applicants of engaging with any authority or state official in their home country.

4. https://www.unhcr.org/509136ca9.pdf

Applicants may be apprehensive when approaching authorities, even in Ireland, to disclose deeply personal details. The very act of expressing their experience may feel like an insurmountable challenge to some. Cultural lack of awareness or understanding on the part of the decision-maker can also play a role, for example where previous opposite-sex marriages or being a parent to children can raise a credibility concern, without consideration of the cultural context in which such may have been required in order to remain safe. Equally, western ethno-centric stereotypical perceptions of what it means to be LGBTI+ may inform decision-maker expectations of the applicant's behaviour or demeanour, causing negative credibility findings where such expectations fail to be met. Interpreters may also pose a difficulty where an LGBTI+ applicant does not speak English fluently. The interpreter themselves may be homophobic and make this clear to the applicant, causing the applicant to shut down or refrain from expressing themselves further.

The above is but a brief summary of challenges experienced by LGBTI+ international protection applicants and will be discussed in more detail in the middle section of this report. Such challenges are in addition to the range of difficulties experienced generally by people seeking protection. These include coping with past or ongoing trauma, foreign language, lack of familiarity with official state/legal systems, etc.

The Vulnerability Assessment

As noted above, Ireland opted into the CEAS Reception Conditions Directive in June 2018 via the European Communities (Reception Conditions) Regulations. Transposing the Directive, the Regulations provide for every person who seeks international protection in Ireland to undergo a vulnerability assessment within 30 days of making their application.

The purpose of the vulnerability assessment is to identify whether the individual is a vulnerable person with special reception needs and, by so doing, to ensure adequate living conditions for people who avail of state provided accommodation in direct provision by putting in place necessary supports. At the time of writing, the Vulnerability Assessment Pilot, launched by the Government in January 2021, is still ongoing.

Although the Regulations make no explicit reference to sexual orientation or gender identity and do not deem members of the LGBTI+ community as vulnerable, recent practice within the Pilot suggests that persons who identify as being members of the LGBTI+ community are being recorded as such during the screening process. While this provides scope for advocacy for appropriate accommodation and reception conditions for LGBTI+ international protection applicants, it does not follow that the identification of an LGBTI+ person as vulnerable gives rise to any special procedural needs within the international protection process. The recast asylum procedures directive contains a requirement for a vulnerability assessment in relation to special procedural needs but this directive has not been transposed by Ireland.

Key to rendering the vulnerability assessment an effective mechanism for LGBTI+ applicants to disclose their vulnerability, or the true causes of some manifesting vulnerabilities, is that it has specific language or questions relating to sexual orientations and that any questions relating to gender have more than two possible boxes. Without the official or the assessment language itself signalling due awareness and positive regard towards LGBTI+ identities, it leaves the burden of 'coming out' on the vulnerable applicant and at a very vulnerable early stage of their process.

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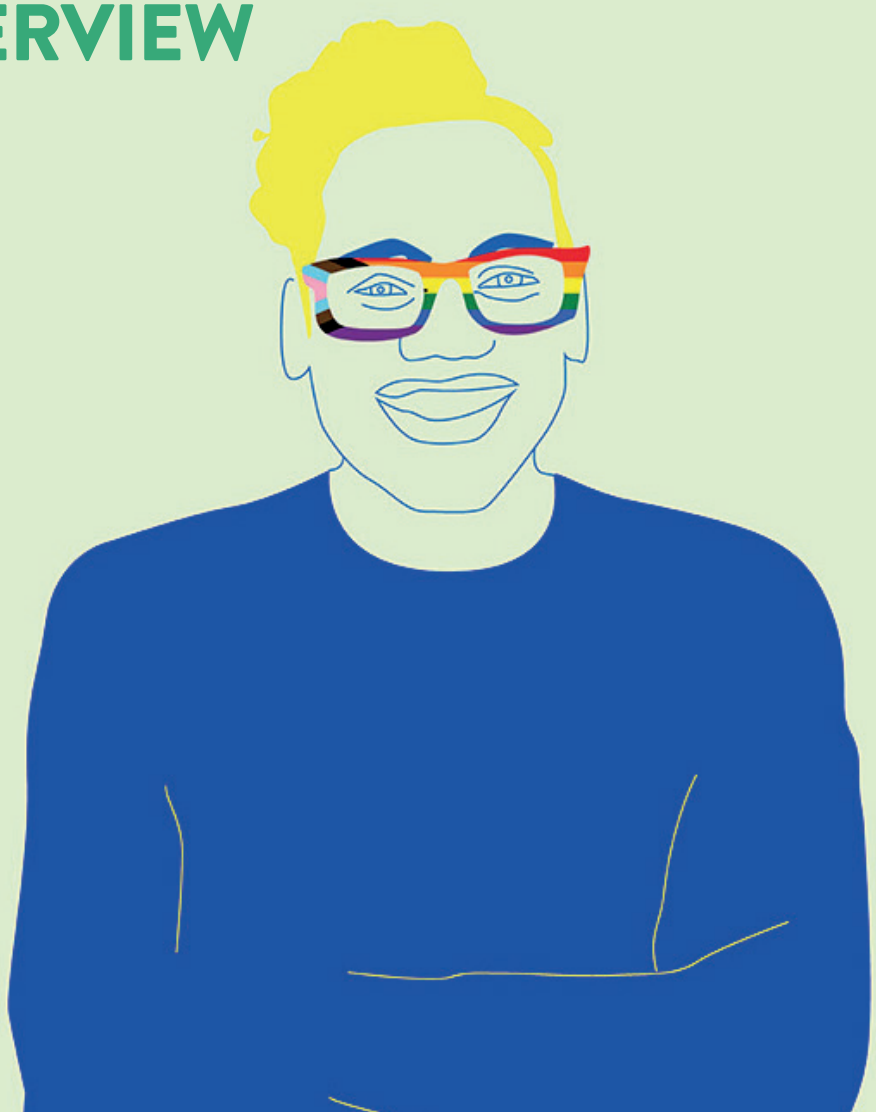
KEY THEMES IMPACTING ON LGBTI+ PEOPLE AS THEY THINK ABOUT AND UNDERGO THEIR INTERVIEW



Nikki

Internalised homophobia / transphobia and its impact

"Because being gay is like an internal battle it takes a lot for you to accept yourself"

"The people ... have been made to believe on how bad and vile is homosexuality, the fear around it, the stigma around it, possible persecution and even threat to my life, my family`s life"

"You need to understand you are not a bad person, the country, the people tell you and you don`t have the same rights as the rest of people"

"Having to live two lives, it's been hard mentally and physically - it`s hard, it is difficult but that`s the only way to survive and live in a world in a place where you are going to be persecuted for being who you are"

"I am still scared to tell my doctor that, I can`t tell you that I am gay because I am scared, I am still scared"

All participants interviewed described the internalised homophobia and transphobia they grew up with and which still lives in them here in Ireland. Many noted that this had a negative effect on their ability to talk openly and confidently about who they are and what injustices they had endured. Many spoke of powerful negative feelings or 'demons' being released inside them at times when they are feeling judged by others, when they are exposing their truth to others, and when they are experiencing a threat in their immediate environment. Such internal struggle intensified in the interview setting, where the pressure of having to detail one's personal story to a stranger felt extremely stressful and at times overwhelming.

Some talked about not feeling they had all the words or the language to adequately explain and express who they are. Participants expressed the view that they felt most interviewers would not have had any awareness of this level of internalised homophobia happening inside them, noting that the interviewers themselves were not LGBTI+, did not share similar life experiences and likely assumed that those being interviewed should be feeling safe now that they were in Ireland some time already. Participants feared that the impact of their internalised oppression - self-doubt, lack of self-confidence, shame, lack of ease in talking about issues of sexuality, lack of eye contact - could be misunderstood by the interviewing official as a lack of truth in who they were saying they were, that they were being evasive or disingenuous.

It is also important to note that not every LGBTI+ applicant interviewed had linked in with LGBTI+ services after arriving in Ireland. Some had also not disclosed their identity to their legal support. The former was mostly due to a lack of information provision or signposting at the initial application stage, an opportunity where it was felt that they could have been encouraged and reassured that they would be safe to reach out and express themselves openly in Ireland. The latter was mostly due to not having met their legal support frequently enough - some participants reported that they saw their legal representative only once before the interview, meaning the

requisite level of trust required for them to feel safe enough to 'come out' effectively was not there. For these interviewees, their interview was to be the very first time they had ever spoken to another person about being LGBTI+.

Commentary:

Fears around disclosing one's sexual orientation or gender identity can arise due to different reasons. For example, a person may know that they fled their country owing to persecution on the basis of their sexual orientation or gender identity, but they may not know it is a relevant international protection ground. A person may not have the self-confidence to disclose the full explanation behind why they had to flee, due to a generalised fear of the authorities based on their past experience in their home country and so they may worry about how it would be perceived or whether it would be safe to tell their true story. A person may themselves be struggling to come to terms with their sexuality or gender identity, they may be coping with feelings of shame or internalised homophobia while coming to terms with their past experience of not being accepted. Some may have never had the opportunity to express themselves, they may not have the words to articulate their sexual orientation or gender identity either in their own language or otherwise.

A consequence of this can be that LGBTI+ protection seekers can delay in disclosing this element of their claim. A person may, for example, base their claim on another ground, only disclosing the true, or additional, reason behind it at a later point. They may provide false information due to their ongoing fear of being returned to their country. This can result in serious credibility issues being raised by the decision-maker. Another consequence is that the experience of initially claiming international protection and undergoing the preliminary interview, can become a very significant and very stressful event for the LGBTI+ person concerned. Similarly the experience of completing the international protection questionnaire and participating in the personal interview can be very challenging - how do you find the words to provide detail to an experience that you've never had to talk about before? The extraordinary level of stress any thoughts about the interview would unleash will become evident in later sections of this report.

Applicant's lack of understanding of the International Protection system increased fear and stress

"To be honest, I didn't know anything. For me, it was a matter of death, I was running for my safety. So, where I was really headed, I didn't know what to expect and how the process was going to go and I didn't have a clue."

"I'm crying myself, honestly. I am worried I don`t know what next with me, because I had no idea, this process and this system."

"If somebody is not in connection with Irish Refugee Council and they are seeking for such help, they would have no idea where to start from"

"Nobody had time to explain anything. She just literally handed me a bunch of papers to sign … these papers could take me about an hour to read through, but she was standing next to me and all she was saying is that I should just sign away, and so I did."

While a lack of awareness of how the international protection system works can be a factor for all applicants, participants described how for LGBTI+ applicants this factor creates specific additional stress due to their previous interaction and experience with state actors and state practices in their country of origin. Participants noted that their lack of a clear understanding of the steps in the international protection process and what was required of them at each stage did not help to build their confidence in speaking their truth to strangers, both within an interview setting and when more widely engaging with services. Further, participants reported a general gap in information provision at the very initial stages regarding available support services which exist for LGBTI+ people in Ireland, noting that this did not give any assurance of the State's positive attitude to LGBTI+ people and that the inverse would have given a strong indication of this social, cultural and legal reality in Ireland and in Ireland's officials. In the exceptional situation where an official did make time to provide an overview of the process (for example stating the various stages involved and what would be required of the applicant, possible legal and social supports available and the reality of the waiting time), participants reported that this greatly helped them to have a mental map of what to expect and how to prepare themselves. They reported being better able to manage their stress and anxiety, as a result. However, this was the exception, rather than the rule.

Commentary:

As the quotes so clearly depict, the stress and anxiety resulting from this lack of clarity and certainty was cheap fodder to the internalised homophobia 'demons' of the participants:

"Because you are always … you feel it`s your fault, you always feel because you are gay you deserve that"

If first contact officials at the IPO could, as a matter of course and procedure, take a few additional minutes to explain the different steps, what happens at each step and the likely waiting times for each step, it would significantly reduce the impact of stressors such as lack of knowledge and uncertainty about what is happening next and when. While every applicant needs this understanding and information, LGBTI+ applicants need it even more due to the additional layers of fear they are carrying, particularly as it concerns engagement with public or state authorities.

Access / lack of access to Information, Services and Supports and the impact

LGBTI+ Supports

"I have never seen group of people with that kind of orientation, in such number sitting with confidence. They made me more confident about who I am and I got confident to actually really come out to everyone that I live around. So, I would say it really helps me a lot, yes, psychologically, mentally, physically, yes"

"… as if I was reborn, a new life, a new beginning. The big picture and everything, so I was just like, "wow, is this really happening?" You understand? So, the group was like the first lead, then the Dublin Pride and the Cork Pride. So, I'm just like, "This is me. This is me. There's nothing clouding it from the past, then just focus on what will happen in the future"

"Had it not been the group, I'll probably still be closed in some aspects of my sexuality, the group presented a platform for me to really understand a lot of things about my own sexuality ... I'm discovering some of these things that I know I suppressed because of defensive mechanisms ... denying some aspects of my life that I had dealt with, because of where I was coming from, because the need to hide who you are, and stuff like that"

"So, the group to be honest, really played a pivotal role in this whole process, and assisted me as well, not just to get my groove back, and to be resilient as well"

"They explained about the LGBT community for people that needed stuff to understand things, it was a safe space for them to question and ask. It was more like a workshop"

All interviewees noted the positive impact that engagement with supportive LGBTI+ services had on their lives in Ireland. Many had never engaged with similar services in their country of origin and noted that their attendance at peer support group meetings and LGBTI+ events gave them a sense of community, acceptance and belonging that they had never experienced before. Interviewees noted that such engagement also assisted in their personal growth in confidence around expression of their sexuality. This had a knock-on positive effect when it came to engaging with the requirements of the international protection process. Interviewees reported that they felt able to express themselves more freely and more articulately as they engaged, having already had the experience of explaining themselves and their feelings openly within a peer group setting.

The difference in the interview experience between those participants who had and had not accessed the peer support space was striking. For those participants who did access the support space, they noted that they were able to imagine their interview with somewhat lessened degrees of fear, or at least with increased levels of confidence in being able to articulate their experiences. They reported they had a stronger feeling that they could and would be believed because they had found their voice and a level of comfort to talk about themselves and their experiences.

The very few participants who had no opportunity to access the support space before their interview (due to the group not yet being in existence) reported their interview experience as being more nerve-wracking. They noted feeling much more alone as they faced into their international protection interview, an occasion that was felt heavily to be determinative of their future and ultimately their safety and well-being.

Commentary:

The quotes above speak powerfully to participants' feelings of connection, belonging and growing freedom, as well as their self-acceptance and self-expression owing to their engagement with LGBTI+ supports. They strongly demonstrate the importance and necessity of a peer support space where LGBTI+ people can come together to break isolation and loneliness and to find common ground with others who share similar challenges within their current circumstances. Such spaces slowly nurture feelings of safety, hope, healing, strength and courage and gradually transform the foundation upon which the almost always traumatised LGBTI+ applicant can begin to think, speak and re-imagine a future - an affirming basis from which to tell their story and finally speak their

truth to power. Through such engagement, inner levels of internalised homophobia and transphobia may also be diminished and inner strength, resilience and pride in oneself established or restored.

For mental and psychological well-being and healing, being part of a support service is also crucial in enabling participants to access fast-track routes to counselling and therapy, innovated by relevant support services due to the level and depth of the mental health crises among most LGBTI+ applicants. Clearly, having tools to manage stress and anxiety, as well as gaining healing through the therapeutic experience, were huge supports as participants prepared for, and went through, their interview experience. Critically, these tools and supports also remained important and in use to cope with the period after the interview.

Legal Supports

"I feel like a weight was lifted off my shoulder at IRC, she went out of her way to make sure that I was comfortable with who I was, there was nothing to fear in discussing my sexuality"

"And she gave me a time and advised as well. ... And also, she helped me about like, she asked me about my culture and my [country] law, and religious law, and she find out some more supportive stories, like about my religious ways"

"I was really stressed out about the interview, because to be honest, I had no support from my lawyer. ... they just appoint you a lawyer and the lawyer, you never meet your solicitor, you never hear from them, you never even hear from your case worker, and suddenly, you get the letter that you have your interview in two weeks, and you don't even know what to say"

"Most of them don't have legal help. ... I think most of them end up missing messing up there or getting lost in the middle there"

As illustrated vividly by the participants' statements, the experience of engaging with legal support varied, with some having very positive experiences and others feeling very unsupported. Some participants noted little to no support at the first instance stage, with appointments related to initial advice and completion of the questionnaire being rushed, causing a lot of stress and uncertainty. As a result of these experiences, a couple of interviewees reported that they made efforts to change their legal representatives at appeal stage. Others noted that they felt respected and closely listened to by their legal representative.

All participants, however, noted the central importance of good legal support in assisting them to present their claims. Many noted that a key document which proved helpful in equal measure to both interviewer and interviewee was the personal statement the applicant submitted any time up to within a few days of their interview. Many had been in the process a year already when turning to prepare their statement, some even longer. As a result, they had accessed the kinds of LGBTI+ supports described in the previous section and were writing their personal statement in their own safe space and private time, with a new confidence. Some had assistance from their solicitor in writing it via extensive consultation, guidance and review. Participants compared their experience of positive legal support as being like night and day when compared to completing their initial IPO questionnaire.

That was a process which normally requires applicants to return it within four weeks of registering with International Protection Office (IPO) during which time most applicants have not been able to access legal support. Reflecting on their interview, they noted that the personal statement had a significant impact on the course the personal interview took. They reported feeling that the officer already had all of the necessary information at hand prior to the interview, to assist in deciding the case, as a result of the preparation and submission of the statement.

"[My solicitor] helped me make my the personal statement which he submitted before the interview, so detailed so that made the interview really easy. Basically, there wasn't much to be asked, because everything was in that statement … makes you feel respected or noticed or something, that's obviously very good for a start for your interview"

Commentary:

For all international protection applicants, early access to legal information and advice, tailored to individual client needs, is crucial to applicants feeling safer, better informed and empowered to engage with the international protection process. Much of the stress and anxiety of the initial stages of the international protection process can be alleviated by putting such supports in place, removing the uncertainty and lack of knowledge of the next steps.

However, for LGBTI+ applicants, good legal support is of specific central importance because so many are coming from countries where interaction with the law too often equates with the enactment or the threat of enacting their own criminalisation and subsequent imprisonment or worse. Good legal support also acts as an important equaliser in the perceived imbalance of power which exists within the interviewer/interviewee relationship in such a crucial life-event for the interviewee.

Unambiguously, the quoted participants lay bare the impacts, positive and negative, of having access or not.

Maxine

Nike

The Interview

(i) THE INTERVIEW – "MAKE OR BREAK" DAY ... but not enabled to tell their full story

"The interview was like this decision, and it is a very important day, you know, it's this day like, you are either going to be accepted or rejected. You'll be really stressed and frightened ... because it's the big day"

"And the people working in this office, not forget the people in front of them is humans and they need empathy. You can talk to the persons in human way with respect, when dealing with the people. Because the indifference is the problem, ignorance is the problem sometimes."

"Whenever I know that my interview come up I may get wondering like scary, like feel like stress, how can I explain my sexuality"

"Well, to be honest, I was terrified. I was afraid because I didn't know what was going to happen ... whether I was going to be deported or where I was going to go because I didn't know anything to be honest. So, the feelings that I had was fear, paranoia, just what's going to happen to me? I had a reason why I was really coming down here, but I wasn't sure how I was going to be treated"

"My thought was I was going to the dungeon"

A central and significant theme which echoed through all ten participants' testimonies was the perceived 'make-or-break' nature of the interview for each of them. Participants spoke of the months and months that they had been waiting for this day to come and of feeling relieved and terrified in equal measure when it finally did. It was strongly felt that it was the one chance at a life of freedom and protection which they dreamed of and, despite all the shame and stigma, they believed they deserved. Using different images and words, they described how all their courage, all their self-belief was leading to this interview.

It was as if in a core inner sanctuary in each of them, like all LGBTI+ people around the world, they knew they were true as they are; they were right as they are, they were normal and natural as they are, they were lovable as they are, they can only be who they are, and they were going to give it their everything to survive and thrive. It is this core of inner belief and resilience which enabled them to endure and come through the traumas, the risks and dangers they suffered to get to this moment - the interview.

Deep fear and stress were again the dominant emotions reported. Most participants reflected on their anxiety around who they would meet in the interview - how aware would the official carrying out the interview be of different cultures and different cultural norms? Of LGBTI+ issues and challenges in different parts of the world? What questions would they ask and would they believe participants' answers? Would the interviewer be homophobic? Although some participants felt relief to be called for interview after having waited for long periods, almost all noted their anxiety around the arrival of the day and how the interview would go, how they would get through it.

Some participants spoke with palpable disappointment, some with quiet anger, that, at what they perceived as their moment of truth, they felt blocked in being able to fully seize it. They felt they had more truth to tell, but it remained untold. For some, it was because they were asked by an interviewer to answer only yes or no, there was no option for elaboration or a more nuanced answer. They were not given a chance to provide more examples or more cultural context so that they could ensure that the interviewer would fully understand. For others, it was because they were told to speed up, that time was short. It was clear that these participants felt cheated of what they perceived to be their precious chance. They noted that they did not feel respected. They did not feel heard. They felt it was not fair.

Most participants concluded that their interviewers really did not comprehend the significance in the applicant's life of this one interview. They truly believed that if interviewers did grasp the full gravity of those few hours in the lives of the applicant, then they would have engaged with them more deeply, and asked for more detail to learn as much as they could. They felt the opportunity to truly understand what had brought them to the point of having to apply for international protection in a foreign country should not have been treated so formulaically, that the opportunity to truly understand their personal experiences and background was being squandered.

"There are some questions you would want to explain what happened,but he just said it`s a yes or no answer"

"Because I want to explain everything my way, my feeling my story my feeling"

"At the end of the interview I was thinking to myself you need to ask me more, I could have told you more, she didn`t try to know more, she didn`t know about me"

"Even though when I finished my interview, I don`t know, I think somewhat I feel that she is in a rush"

"Oh you have to speed up, give me a quick answer, I have to go home"

Commentary:

What is clear and indeed troubling from the findings, is the indication of inconsistent practice amongst those responsible on the part of the State for carrying out the interview. As noted above, and in the forthcoming sections, interviewees reported interactions with interviewers that seem far removed from what might be considered 'best practice'. At least four participants described very difficult and tense interactions with interviewers involving clear poor conduct on the part of the interviewer.

The role of the interviewer, in terms of their conduct in carrying out the interview and manner in interacting with the applicant, cannot be over-stated. Each individual that presents for interview is exactly that, an individual, with a unique life experience and a different personal story to tell. Each individual deserves to be afforded time, to be treated with the utmost of respect and patience, to be facilitated and enabled to tell their story. As the representative of the State, the duty bearer in the international protection process, it is the interviewer who holds the facilitation duty, who holds responsibility.

That interviewers perform according to the highest professional standards is therefore of crucial importance, both to do justice to the magnitude of importance this pivotal interview plays in the lives of the applicant and also to the integrity of the international protection process itself. It is imperative that each interviewer comes to work each day, reminding themselves of the importance of their function and recognising the responsibility that they hold in the lives of those seeking sanctuary.

(ii) Awareness and fear of the power imbalance

"The interviewer is a person of authority she could easily behaved in any way that she wanted because she has the upper hand and you don`t"

"The first smile when you came to someone, you feel very nice, now all the pressure go down. At least when you sit together on the table, at least say hello, it makes me easier comfortable. I don't know why she's very strict. She didn't give me any moment or any starting, or any closing, give me any smile, like, you know?"

"Yes truly, it's kind of daunting, because when you are inside the building, you don't even know if you can smile ... so they might think "Oh there's nothing serious, you know, this guy is smiling." So, these kinds of thoughts, you know?"

In describing their thought processes and feelings in the weeks and days leading up to their interview, participants used words like 'nervous', 'afraid', 'feeling paranoid'. Such feelings arose specifically in relation to descriptions around their self-preparation for and anxiety at, facing a figure of authority. Participants spoke of the importance of the first minutes after entering the interview room, reflecting on them as being the time when feelings of stress and anxiety would begin to dissipate or escalate.

All ten participants spoke of the strong physical dimension of these feelings - shakiness, sweaty palms, dizziness - which persisted long beyond the first minutes, sometimes for the whole length of the interview.

All participants fully accepted that they needed to establish credibility during the interview. They understood that it was a central component of the process. However, while they accepted that the interviewer had their job to do, and perhaps they were being professional, it was strongly felt that a perceived lack of empathy and persona of no smile, no welcome, no warmth really added pressure to an already very stressful situation.

Participants described getting their own name wrong, even getting their nationality wrong, due to feeling extra nervous as there was no attempt made to make them feel safe and comfortable or to address the power imbalance. Some noted that after initial mistakes were made due to the feeling of intense pressure at the outset, they found it hard to recover and continue calmly with the interview as their mind kept circling back to the initial mistakes.

Commentary:

While LGBTI+ applicants can come from many different countries, many arrive having experienced abuse by national authorities, including those authorities which are meant to uphold protection and justice, like the police and judiciary. Both systems can be the precise ones which consistently fail to protect LGBTI+ people in their own countries. Thus, any figure of authority, including an IPO interviewer, truly holds authority in the eyes of LGBTI+ applicants sitting before them.

This can lead to LGBTI+ applicants experiencing feelings of intense fearfulness in the run up to the interview date.
The importance of the interviewer taking responsibility to diffuse those dynamics as much as possible in their first words of greeting, welcome, assurance and again at different stages throughout the interview cannot be overstated. LGBTI+ applicants, by the nature of their claim, are faced with deeply personal and intimate issues which need to be told to a stranger. If an interviewer appears too cold, too strict, too abrupt, it can easily destabilise a very vulnerable applicant in a very stressful situation. The consequence of acting this way is to actively contribute to silencing someone from telling their story which they desperately want to elaborate on and explain but the perceived power dynamic blocks them, trapping them in fear and silence:

"And that's the worst thing, you cannot even answer back, because they might put a note … this interviewee or this asylum seeker was rude to me, he gave me attitude, he or she is trying to answer me back, so…"

"The interviewer is a person of authority she could easily behaved [sic] in any way that she wanted because she has the upper hand and you don`t."

As already noted, the duty bearer role of the State in the international protection system is upheld by the interviewer and cannot fall below the professional standards to which such a powerful role must be held to account. Pre-interview supports certainly go a long way to empower the applicant heading into the interview and during the interview as has also been discussed. However, without the interviewer behaving and speaking with the highest professional standards - from the greeting to the goodbye stage of the interview - LGBTI+ applicants remain perilously vulnerable to being destabilised and their traumas relating to position-power abuse being re-triggered.

(iii) Perceived lack of knowledge/sensitivity on the part of the interviewer

"My interviewer, she wasn`t welcoming her attitude was a bit like bossy"

"If you make polite with me, whatever you may make, maybe I'm more easy to explain my own things, like my stories, my circumstances …"

"Some of the questions are degrading and … too many questions which were too intrusive … How many persons you had sex? What was their name? Which state was he? What was their nationality? Did you enjoy? Was it lacking?"

"Where are the children coming from? And I said, "I had to agree to marriage in order to be alive to see today". So, then he said, "Okay. Then how do I believe your story?"

Some participants felt the interviewer was not aware of basic cornerstones of the cultural way of life in their countries or regions of the world where religious beliefs - whether Christian or Muslim or other - and traditional gender roles still held huge power and influence over people in their societies. This influence was described to greater or lesser extents by all participants, whether male or female, and they all spoke of how gender equality and the degrees of gender inequality were huge pressure and risk factors in their lives back home. As it is women who predominantly bear the impact of gender inequality in every country in the world, so too it was the lesbian and Trans participants who described these cultural factors as huge determinants of potential or actual battlelines they had to navigate and ultimately escape.

They also stated however, that they did not expect to have to engage in another such battle in their interview, this time the battle to have their cultural context more greatly understood and believed, as they felt they were not being believed. A key pressure point in the interview was for any lesbian participant who was married, as clearly back home this pressure to marry by a certain (socially acceptable) age is immense. Not marrying someone was essentially screaming attention to themselves, they said, the kind of attention any LGBTI+ person living in such a setting tries to evade for as long as possible.

One female participant in particular felt very undermined to be questioned quite aggressively about a past marriage to a man in spite of her identification as lesbian. Within the cultural context of her country situation, the participant felt the issues being raised by the interviewer had answers that were as plain as day; she felt they should equally be so for any well-trained interviewer.

The specific participant tried to make sense of the line of questioning all the while trying to recover herself from descending further into the "dungeon" of stress and anxiety in order to be able to continue to give herself a chance in the interview:

"Would it be as a result of his experience with others, is that why he's being so mean? Or could it be as a result of what he has been through, that is making him do this, or say this or say that?"

"... so many stories he heard even before me going in ..."

When the interviewer later asked for proof of her relationship with her female partner in her country of origin, once again the participant was taken aback:

"It`s hard for you to live in a country like that, why would you want to keep pictures, or evidence like that? You are only exposing yourself more to being discovered"

Another applicant felt he was fighting against the tide with his interviewer for a few reasons - particularly intrusive questions about his intimate sexual life and the explicit use of Google by the interviewer during the interview to source and confirm information about LGBTI+ people in a particular country.

While the participant accepted the interviewer's questions about his past boyfriends as fair, he felt that going deeper into his feelings around intimacy and past sexual experiences (e.g. how often and whether it was enjoyable or lacking something)

was just far too rude and intrusive. He found it very uncomfortable for him as a gay man trying to talk to a female interviewer whom he presumed was also heterosexual. It is recognised that since this interview period (late 2019) now an applicant can indicate whether they want a male or female interviewer. This change however does not include sexual orientation or gender identity (transgender or cisgender).

Regarding Google, the participant felt like he was not being believed at all due to what the interviewer was looking at on Google:

"She was kind of in a way against the answers … telling me "No, no, on Google it's not the case, on Google, everything is perfect picture, you have rules, everything, so why are you saying that?" So, almost all questions, they already had the answer … in a way, to prove me like I'm wrong and they are right … I was giving her the same answer. She wasn't happy with that, and then telling me, no, I'm lying. And then at one point, I did tell her "Not everything is true online, on Wikipedia, not everything is true".

While the participant accepted that using a variety of sources to validate information and someone's claim is perfectly reasonable, he did not feel the interviewer was really understanding or trying to understand him as he tried to explain the more complex and nuanced dynamics of family, religion, culture, politics, society which together weave the threat to safety, freedom, protection, life itself for an LGBTI+ person in his country. The fears that were dreaded in the months leading up to the interview were being realised as the applicant felt that the interviewer did not understand much about the risk and danger of daily life for LGBTI+ people in hostile countries from which people are fleeing.

Commentary:

LGBTI+ applicants, by the nature of their claim, are faced with discussing deeply personal and intimate issues with the interviewer, who they are meeting for the first time and who holds significant influence over the future trajectory of their lives. Discussing one's sexual orientation or gender identity is often very sensitive. LGBTI+ protection applicants may be reluctant to disclose intimate details or, as already noted, they may struggle due to fear of engaging with the authorities or lack self-confidence or difficulties in expressing themselves openly. They may be dealing with feelings of shame, self-stigma or internalised homophobia while also coping with trauma, depression or other mental health challenges owing to their past experience of violence, persecution or harm.

The multitude of potential reasons for what might otherwise be perceived as evasiveness or reticence thus require acknowledgement and reflective consideration by decision-makers. As noted by the European Asylum Agency "A high level of awareness and respect for human dignity and diversity is needed because the applicant's account in such cases is directly connected to very delicate, personal issues."[5] Closely linked to the issue of lack of sensitivity is the risk or tendency of decision-makers to rely on pre-conceived notions, assumptions or stereotypes of what it means to be LGBTI+ when assessing credibility of an international protection application. Often such stereotypes are informed by western preconceptions of sexuality and gender and how individuals should therefore present or behave. Such an approach is especially unhelpful in the international protection context given the range of societal and cultural backgrounds that arise in refugee producing countries. It also does not consider the impact of fear, stigma, shame and homophobia (both external and internal) on the individual applicant and how this may cause the applicant to take deliberate steps to conceal and to avoid expressing themselves in a way that might be perceived to diverge from heteronormative ways of behaving.

5. *https://euaa.europa.eu/asylum-knowledge/vulnerability*

UNHCR encourages an approach based on the self-identification of the applicant as an LGBTI+ person. It recommends that in assessing LGBTI+ claims, stereotypical images of LGBTI+ persons must be avoided, such as expecting a particular "flamboyant" or feminine demeanour in gay men, or a "butch" or masculine appearance in lesbian women. It notes that, similarly, a person should not automatically be considered to be heterosexual merely because he or she is, or has been, married, has children, or dresses in conformity with prevailing social codes[6].

This approach acknowledges that there is no uniform way in which a person recognises, acts or presents their own sexual orientation or gender identity. It also acknowledges that other factors such as social and cultural background, education, religion, etc., may strongly influence and impact upon the applicant and how they self-identify.

Good practice by interviewer

"All these feelings disappeared when I sit down in the seat, when I sit down for my second interview, she treated me good. She treated me like a human. -In this second interview, I have an opportunity talk good and I felt more confident, I felt safe around the people in front of me"

"I felt seen that's all I ever wanted, seen and respected and there was no shame. There was no shame about who I am"

"He was respectful. He didn`t dehumanize me in any form or way, because I was expecting that"

"She never made feel embarrassed or bad, I told her about my sexuality"

As the quotes above clearly show, those participants who had very positive experiences and interactions with their interviewers expressed the impact of those experiences in detail. In recalling and describing these experiences many became very emotional and the relief they felt on their interview day was still very alive in them. They shared openly how they had prepared themselves for the worst case scenario - fearing being dehumanized, being looked down on and judged. The shadows of their previous trauma in settings approximating this interview loomed large for them. Participants talked with huge energy about how their feelings of dread and fear transformed into relief, feeling comfortable, feeling safe and ultimately feeling heard. Feeling respected as individual people, as LGBTI+ people, and feeling safe lay at the heart of this positive engagement. When asked at the end of each interview if they could think of any recommendations from their own experience as to how interview practice could be improved, almost all who had positive experiences referred to "empathy" and "respect" as the crucial components to the good practice they observed. They noted that their interviewers clearly succeeded in conveying that they had time and were safe to tell everything they wanted to express, through a welcome, a smile, words of encouragement.

"She showed lot of compassion she really made at ease. She made me tell my story, it wasn`t very difficult to engage with her"

6. https://www.unhcr.org/509136ca9.pdf

"It was nothing compared to what I`d imagined. The person interviewing me made me feel extremely comfortable. Before she would ask a really sensitive question she would politely say "I'm really sorry, I have to apologize I need to ask this question, it might seem uncomfortable" but it`s like she will put me at ease"

"Her etiquette and sensitivity around everything that we were talking about was really evident, there was no disrespect, she listened more, she argued less, she asked when she felt needed to or just to get a better understanding"

Commentary:

The participants' quotes above are laden with powerful emotions as they describe positive experiences with their interviewer. The level of relief and the near shock at experiencing respect from an official, of not being dehumanized or shamed, is noteworthy. Feeling respected, both as individual people and as LGBTI+ people, and feeling safe, lay at the heart of the positive experience. Such factors ably demonstrate how the required credibility questions can be asked, due procedure can be adhered to, at the same time as holding the applicant in due positive regard. Respect and sensitivity are the keyset to unlock the many padlocks of fear on the self-protective door of the applicant's "dungeon" of experiences - their suppressed, hidden stories of fear, shame, persecution and pain.

The divergence of some participants' interview experiences suggests a discrepancy in the levels of training among the international protection office interviewers. It highlights the need for all of those appointed to such positions to receive adequate training in the pertinent issues and sensitivities, and for experienced interviewers to receive refresher and / or on-going training and learning opportunities. The substantive difference in some participants' experiences at the hands of the State's duty bearers underlines the essential requirement for a regular and consistent training programme.

RECOMMENDATIONS

Preet

Provide LGBTI+ information at first contact

A specific IPO LGBTI+ Supports Information Sheet to be designed including a clear statement of the social, cultural and legal reality around being LGBTI+ in Ireland. The information sheet would be co-produced by LGBTI+ organisations and LGBTI+ applicants who are currently moving through the international protection system or have recently completed the process. It should include, at a minimum, information which signposts applicants to relevant services and supports which they can access. It would also be translated into various relevant languages.

A clear verbal explanation that Ireland has a positive legal, political and cultural position towards LGBTI+ people's rights, protection and equality should also be provided, indicating the LGBTI+ Supports Information Sheet within the other documents being dispensed; if at that first encounter the applicant disclosed their sexual orientation and / or gender identity the official should take time to bring them through the LGBTI+ information encouraging them that it is safe to reach out and engage with stated services.

First contact officials should be appropriately trained to carry out the function outlined above.

Establish Standards

Establish and publish standards for interviewers of LGBTI+ applicants which are in line with international law and best practice guidelines, including UNHCR Guidelines.[7] Set out appropriate questions for LGBTI+ applicants relating to their gender and/or sexuality. Clearly limit situations to when it is appropriate and necessary to ask probing questions relating to past sexual history.

Operationalise and expand scope and use of Vulnerability Assessments

The Vulnerability Assessment (VA) Pilot to be completed and VAs should become a central part of the procedure for all newly registered international protection applicants. The VA questionnaire to be re-developed to include explicit questions about sexual orientations; questions about gender having more than two boxes to tick. A clear verbal explanation to be provided as to the rationale for asking these questions i.e. that Ireland has a positive legal, political and cultural position towards LGBTI+ people's rights, protection and equality.

VAs to act not only as a tool to allocate more suitable and appropriate accommodation to international protection applicants but also the information captured to be made available to the IPO and related procedural officials, notifying them of vulnerability (e.g. extensive past trauma) which may have a bearing on the conduct of the interview so that supports can be designated accordingly. This would reflect the vulnerability assessment for the purposes of identifying special procedural needs contained in the recast procedures directive. Examples of such a support would be permitting the attendance at the interview of a designated staff member from an organisation eligible to provide such accompaniment. An MOU to be put in place between IPO and said organisation /s.

7. https://www.unhcr.org/509136ca9.pdf

Provide Early Legal Assistance

All international protection applicants to receive timely information and access to legal supports. Given the particular challenges LGBTI+ applicants may have endured in coming to terms with their sexual orientation and / or gender identity, all solicitors should be advised to complete a personal statement with LGBTI+ applicants and submit ahead of their client's interview. Additional resources to be made available to solicitors to compensate for the additional time needed for this task.

Monitor interviewer performance and decisions

A quality control system to be put in place to capture overall regular performance by interviewers and to identify and remedy any behaviour or attitude falling below the high professional standards expected of their role. Said reports to be made available to relevant stakeholders to demonstrate accountability for the significant power invested in the role and to build trust in the integrity of the system and its staff. A follow-up mechanism to be established whereby a designated senior officer is appointed with whom relevant stakeholders can engage to remedy any concerns a report may raise.

A panel of interviewers for LGBTI+ applicants to be established who are duly trained in general LGBTI+ awareness to counter any conscious or unconscious bias, as well as the tailored additional content relevant to the specific cultural and religious factors which impact on how LGBTI+ people in different parts of the world understand, discover and express their identities.

Provide training

Deliver training to all interviewers on understanding LGBTI+ issues and challenges generally, as well as specific to cultural and religious contexts, encountered in countries and regions from which individuals seek protection.

Deliver additional training in trauma informed practice. Both sets of training to be mandatory for interviewers of LGBTI+ applicants and without completing such training, interviewers to not yet be scheduled for interviewing LGBTI+ applicants.

Deliver ongoing training on decision-making in the context of LGBTI+ cases, including consideration of international law, guidance and best practice, and analysis of overturned decisions at IPAT.

BELIEVE ME OR NOT
BUT I AM WHO I AM

LGBT IRELAND
For Inclusion
For Equality
For Everyone

Irish Refugee Council

ssgt | st.stephen's green trust