

# Critiquing Trends and Identifying Gaps in the Literature on LGBTQ Refugees and Asylum-Seekers

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## ABSTRACT

This article delivers a comprehensive review of the English-language literature concerning the experiences of lesbian, gay, bisexual, transgender, transsexual, and queer (LGBTQ) refugees and asylum-seekers. Through an incisive synthesis and analysis, it identifies five pivotal themes: 1) journey and settlement; 2) legislation, policy, and charitable intervention; 3) health; 4) creative expression; and 5) religion, faith, and spirituality. This analysis uncovers gaps in the existing body of knowledge, charting innovative paths for future research and policy. This work transcends the boundaries of a traditional scholarly review to offer actionable recommendations aimed at guiding policy and practice. This involves pushing for strategies that are not just inclusive, but also rooted in overcoming Western-centric approaches to gender and sexual identities.

**KEYWORDS:** LGBTQ, refugees, asylum seekers, gender, sexuality, asylum, literature review

## 1. INTRODUCTION

This article provides a comprehensive review of the existing body of literature addressing the experiences of lesbian, gay, bisexual, transgender, transsexual, and queer (LGBTQ) refugees and asylum-seekers (LGBTQRAS), both enhancing our understanding of their circumstances and the main debates and gaps in current research. According to the United Nations High Commissioner for Refugees (UNHCR), in 2022 approximately 103 million individuals worldwide were forcefully displaced.<sup>1</sup> Of these, 32.5 million were refugees and 4.9 million were asylum-seekers. The exact number of those who identify as LGBTQ among this population is unknown.

Early work in migration studies has been critiqued for assuming that immigrants are exclusively heterosexual, raising the need to analyse “how sexuality, heteronormativity, and

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<sup>1</sup> UNHCR, *Refugee Data Finder*, 2022, available at: <https://www.unhcr.org/refugee-statistics> (last visited 15 Apr. 2023).

normalizing regimes in general structure all aspects of immigration”.<sup>2</sup> In the last 20 years, increasing academic production has examined the lived experiences of LGBTQ migrants, including refugees and asylum-seekers.<sup>3</sup> Despite this, existing scholarship on LGBTQRAS had yet to be comprehensively reviewed. This is vital to offer current and future scholars with a thorough understanding of the key thematic areas of study. Moreover, this can serve as a crucial guide for policymakers to design informed policies that better address the unique needs faced by LGBTQRAS. LGBTQ individuals face unique challenges due to their non-normative genders and sexualities, which can result in discrimination, persecution, and violence, as well as lack of legal protections and access to basic resources in both their countries of origin (COOs) and reception. Notably, this review is the first attempt to systematically analyse all the existing literature on the topic written in English. While the two preceding reports have pursued similar objectives, the focus was specifically on addressing knowledge gaps and data needs.<sup>4</sup>

This literature review contributes to the field in multiple ways. First, it assembles and synthesises the academic literature on the experiences of LGBTQRAS offering a cohesive analysis of this body of work. Five key themes have been identified: 1) journey and settlement; 2) legislation, policy, and charitable intervention; 3) health; 4) creative expression; and 5) religion, faith, and spirituality. This is crucial for scholars and practitioners who work with this population as it provides a comprehensive understanding that can inform future actions. Secondly, it highlights both areas that have received attention and aspects that remain under-researched proposing a road map for future directions. Thirdly, it provides a deeper understanding of the intersectionality of oppression faced by LGBTQRAS encouraging researchers to consider multiple axes of stigma. Fourthly, it sets the stage for comparative analysis leading to a more nuanced understanding of the specific obstacles that this population faces. Fifthly, the thematic areas can help inform more effective policy development providing useful information to policymakers on the areas that require urgent attention, the gaps in current policies, and strategies for addressing these challenges. Lastly, it makes a further contribution by improving the accessibility of existing scholarship. It breaks down complex narratives into comprehensive themes, thus enabling a wider range of stakeholders to navigate this field more efficiently.

## 2. METHODOLOGY

This section examines methodology and terminology-related issues, within the context of LGBTQ refugees and asylum-seekers (abbreviated as LGBTQRAS throughout this article for brevity). This article employs a literature review methodology. First, to identify relevant literature, a comprehensive search took place on Google Scholar between January 2023 and August 2023, utilising the keywords “LGBT refugees”, “LGBTQ refugees”, “LGBTIQ+ refugees”, “LGBTIQ+ asylum-seekers”, “LGBTQ asylum-seekers”, “SOGI asylum”, “queer asylum”, “bisexual refugees” and “bisexual asylum-seekers”. The Table 1 illustrates the search

<sup>2</sup> E. Luibhéid, “Heteronormativity and Immigration Scholarship: A Call for Change”, *GLQ: A Journal of Lesbian and Gay Studies*, 10(2), 2004, 227–235.

<sup>3</sup> See, for example, L. Cantú, *The Sexuality of Migration: Border Crossings and Mexican Immigrant Men*, New York, NYU Press, 2009; B. Epps, K. Valens & B. Johnson-González, *Passing Lines: Sexuality and Immigration*, Harvard, Harvard University Press, 2005; E. Luibhéid, “Queer/Migration: An Unruly Body of Scholarship”, *GLQ: A Journal of Lesbian and Gay Studies*, 14(2), 2008, 169–190; E. Luibhéid, E. & L. Cantú Jr., *Queer Migrations: Sexuality, US Citizenship, and Border Crossings*, Minnesota, University of Minnesota Press, 2005.

<sup>4</sup> See, for example, A. Shaw et al., *Expert Convening on LGBTQI+ Refugees and Asylum Seekers: Summary and Recommendations*, Williams Institute, Los Angeles, UCLA, 2022, available at: <https://williamsinstitute.law.ucla.edu/publications/lgbtqi-refugee-convening> (last visited 25 Sep. 2023); A. Shaw and N. Verghese, *LGBTQI+ Refugees and Asylum Seekers*, Williams Institute, Los Angeles, UCLA, 2022, available at: <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBTQI-Refugee-Review-Jul-2022.pdf> (last visited 25 Sep. 2023).

**Table 1.** Search terms and number of articles found

Search term	Number of articles found
LGBT refugees	890
LGBTQ refugees	697
LGBTIQ+ refugees	10
LGBTIQ+ asylum-seekers/LGBTIQ+ asylum-seekers	6
LGBTQ asylum-seekers/LGBTQ asylum-seekers	383
SOGI asylum	326
Queer asylum	648
Bisexual refugees	32
Bisexual asylum-seekers/Bisexual asylum-seekers	98

terms and number of articles found when using each one. This often led to coming across the same articles despite using different search terms.

Following this, the titles and abstracts were screened to filter out irrelevant and repeated studies and ascertain whether they were aligned with the inclusion criteria to obtain full texts of potentially relevant ones and continue screening. To ensure a more comprehensive inclusion of voices, not only peer-reviewed articles, monographs, edited volumes and book chapters were searched for and analysed, but also non-academic reports published by NGOs. Once data were extracted to gather information from each study, the information was summarised and analysed using NVivo software. The identified themes were then compared and refined.

The first inclusion criterion was that the articles had to focus on LGBTQRAS. This guaranteed that the articles were directly relevant to the research question (i.e. “What do we know about the experiences of LGBTQ refugees and asylum-seekers, and what are the main topics and areas where information is lacking?”). The second eligibility criterion was associated with the methodological framework adopted in the research. Consequently, only those articles were considered that employed either qualitative, quantitative, or mixed methods, or those that were rooted in doctrinal and critical legal research. This was important to ensure that those selected for the review were based on empirical research and of a high methodological quality. The exclusion criteria included articles that were not published in English, that did not focus on LGBTQRAS, and that did not utilise any of the research methods mentioned before. The search included articles published up until July 2023, with no specified starting date. Whilst this provided valuable insights into LGBTQRAS research, most of the studies reviewed were conducted in Western countries, which may not reflect the experiences of LGBTQRAS in other regions of the world. Non-Western terms pertinent to LGBTQRAS experiences were unfortunately not included in the review, thus limiting the representation of this population. These terms are not only linguistically diverse but also carry sociocultural implications that often do not have direct equivalents in English. Even within a single non-Western context, there may be a multitude of terms, each with slightly different meanings, further complicating their translation and incorporation into research. Nevertheless, it is a challenge worth addressing. Embracing this complexity would enhance the representativeness of future reviews.

Based on this methodological approach, this article subsequently explores five core themes, presented in a descending hierarchy from Theme 1 to Theme 5, thereby accentuating the need for further investigation into the lower-ranked themes.

### 3. THEME 1: JOURNEY AND SETTLEMENT

Theme 1 delves into the lived experiences of LGBTQRAS by exploring two sub-themes: 1) in-transit narratives and 2) integration and adaptation.

#### 3.1. In transit narratives

A large proportion of studies focus on individuals waiting for resettlement after having travelled to “countries of first asylum” or “countries of safe transit”.<sup>5</sup> In certain locations, they may seek asylum via the UNHCR. Upon successful application, they then await the prospect of resettlement, hoping to secure a permanent home in a hospitable nation. The “opacity inherent to the bureaucracy of the resettlement selection process”<sup>6</sup> works to the refugees’ detriment. An extensive number of studies have been conducted about those waiting in Turkey, which hosts the largest number of refugees in the world but offers no protections for gender and sexual minorities. These have shed light on the precarious situation of LGBTQ individuals in the country, who are subjected to widespread violence, further compounded by the challenges of forced migration.<sup>7</sup> They encounter pervasive discrimination in housing, health-care, and employment, which impacts their physical, mental, and financial well-being.<sup>8</sup> While awaiting the determination of their refugee status, many “avoid the police, are afraid to leave their homes, and have very limited access to social support, employment, and medical care”.<sup>9</sup> Potential solutions to these challenges include training UNHCR workers and police to enhance LGBTQ-related knowledge, providing psychological support, language lessons, financial aid, and enabling relocation from conservative towns to larger cities.<sup>10</sup>

Those awaiting resettlement in other low and middle-income countries (LMICs) have received limited attention in research. Within this body of literature, certain shelters have been examined as hospitable geographies. Scholars have documented the case of Casa Miga, a Brazilian LGBT refugee centre that provides support to this community, safeguarding them from violence.<sup>11</sup> In Mexico, La 72 has been analysed as a site of liberation through non-heteronormative counter-hegemonic discourses.<sup>12</sup> These spaces hold relevance due to their positioning in the Global South, contributing to challenging normative frameworks of global genders and sexualities. A growing body of literature has examined the precarious circumstances faced by those living in refugee camps. One prominent case is the Kakuma camp in

<sup>5</sup> See, for example, M. Zaidan, *We Live in Shadows: Identity, Precarity, and Activism among LGBT Refugees and Activists in Beirut And Athens*, Washington DC, Georgetown University, 2018; A. Reda & P. Proudfoot, “Against Abandonment Activist-Humanitarian Responses to LGBT Refugees in Athens and Beirut”, *Journal of Refugee Studies*, 34(2), 2021, 1494–1515.

<sup>6</sup> A. Menetrier, “Implementing and Interpreting Refugee Resettlement Through a Veil of Secrecy: A Case of LGBT Resettlement From Africa”, *Frontiers in Human Dynamics*, 3, 2021, 1–9.

<sup>7</sup> J. Kalan, “The History of Human Rights Abuses against the LGBTI Community in Turkey”, in F. Muedini (ed.), *LGBTI Rights in Turkey: Sexuality and the State in the Middle East*, Cambridge, Cambridge University Press, 2018, 29–65.

<sup>8</sup> Z. Kivilcim, “Lesbian, Gay, Bisexual And Transsexual (LGBT) Syrian Refugees in Turkey”, in J. Freedman, Z. Kivilcim & O. Baklacioglu (eds.), *A Gendered Approach to the Syrian Refugee Crisis*, New York, Routledge, 2017, 26–41.

<sup>9</sup> N. Grungras et al., “Unsafe Haven: Security Challenges Facing LGBT Asylum Seekers and Refugees in Turkey”, *The Fletcher Journal of Human Security*, 24, 2009, 41–61.

<sup>10</sup> G. Cragnolini, “Lesbian, Gay, Bisexual and Transgender Refugees: Challenges in Refugee Status Determination and Living Conditions in Turkey”, in T. Spijkerboer (ed.), *Fleeing Homophobia: Sexual Orientation, Gender Identity and Asylum*, New York, Routledge, 2013, 98–120.

<sup>11</sup> See, for example, Y. Cowper-Smith et al., “Masks are for Sissies: The Story of LGBTQI+ Asylum Seekers in Brazil during COVID-19”, *Journal of Gender Studies*, 31(6), 2022, 755–769; Y. Cowper-Smith et al., “Surviving Overlapping Precarity in a ‘Gigantic Hellhole’: A Case Study of Venezuelan LGBTQI+ Asylum Seekers and Undocumented Migrants in Brazil Amid COVID-19”, *Statelessness & Citizenship Review*, 3(1), 2021, 155–162; T. Valiquette et al., “Casa Miga: A Case of LGBT-Led, Transnational Activism in Latin America”, in T. Valiquette, Y. Cowper-Smith & Y. Su (eds.), *Sexualities, Transnationalism, and Globalisation*, New York, Routledge, 2021, 137–151.

<sup>12</sup> See, for example, H. Wurtz & O. Wilkinson, “Local Faith Actors and the Global Compact on Refugees”, *Migration and Society*, 3(1), 2020, 145–161; V.H. Gutiérrez Albertos, “La 72 como espacio intercultural de emancipación y resistencia trans en la frontera sur de México”, *Península*, 12(2), 2017, 69–94.

Kenya, where LGBTQRAS have experienced violence, discrimination, and oppression.<sup>13</sup> These threats emerge both from other refugees and camp staff, including UNHCR personnel and police officers.<sup>14</sup> Recommendations to safeguard well-being in camp settings include enhancing the sensitivity of staff, creating confidential support networks, and advocating for protection at the national and international levels.<sup>15</sup>

### 3.2. Integration and adaptation

The challenges faced by LGBTQRAS in navigating cultural and social norms have been examined revealing the complexities of integration and adaptation processes. LGBTQRAS often develop understandings regarding the cultural logics linked to gender and sexual identities while learning how to tell their life story.<sup>16</sup> Partnerships with local organisations have been highlighted as a source of integration through comprehensive support strategies across multiple domains.<sup>17</sup> These include targeted business development and language support, supplemented by a case-by-case assistance, access to safe housing, and employment support.<sup>18</sup> Academic institutions have implemented youth mentoring programmes and conducted research to foster community integration.<sup>19</sup> Some organisations have offered a combination of practical skills training for employment and self-sufficiency, healthcare provisions, education about local society, and administrative and financial support to facilitate early adaptation.<sup>20</sup> Research has noted the precarious financial status of LGBTQRAS when aiming to adapt to the new context, frequently living below the poverty line.<sup>21</sup> This precarity is compounded by social isolation, lack of familial and communal support, limited job prospects, and employers' widespread misconceptions regarding refugees' entitlements to work.<sup>22</sup>

On the topic of integration, contradicting views emerge around what asylum officials describe as “safe spaces” vis-à-vis the experiences of LGBTQRAS.<sup>23</sup> Asylum-seekers' fears regarding being seen in LGBT-friendly NGOs have been identified while reflecting on how asylum officials force them into a “visible corporeality, therefore hindering their very existence” through coming-out processes.<sup>24</sup> UN systems oppose sexual diversity by categorising the experiences of queer asylum-seekers into fixed categories (e.g. gay, lesbian) while erasing

<sup>13</sup> See, for example, G. Zomorodi, “Responding to LGBT Forced Migration in East Africa”, *Forced Migration Review*, 52, 2016, 91–93; B. Camminga, “Go Fund Me: LGBTI Asylum Seekers in Kakuma Refugee Camp, Kenya”, in C.M. Jacobsen, M.A. Karlsen & S. Khosravi (eds.), *Waiting and the Temporalities of Irregular Migration*, London, Routledge, 2020, 131–148; B. Camminga, “Encamped Within a Camp: Transgender Refugees and Kakuma Refugee Camp (Kenya)”, in J. Bjarnesen and S. Turner (eds.), *Invisibility in African Displacements*, London, Bloomsbury, 2020, 36–52; N. Bhalla, “LGBT+ Refugees in Kenya Accuse UN of Failing on Protection”, *Reuters*, 11 Jan. 2019, available at: <https://www.reuters.com/article/us-kenya-lgbt-refugees-idUSKCN1P51Q2> (last visited 17 Apr. 2023); N. Bhalla, “UN Moves LGBT+ Refugees to Safe Houses after Kenya Camp Attacks”, *Reuters*, 13 Dec. 2018, available at: <https://www.reuters.com/article/kenya-lgbt-refugees-idAFL3N1YH3GX> (last visited 17 Apr. 2023); A. Bhagat, *LGBT Asylum Claims: Examining the Limits of Citizenship in Post-1994 Cape Town, South Africa*, Montreal, McGill University, 2016.

<sup>14</sup> Organization for Refuge, Asylum & Migration (ORAM) & Rainbow Railroad (RR), *The Challenges Facing LGBTQI+ Refugees In Kakuma Refugee Camp, Kenya*, ORAM & RR, 2021, available at: <https://www.rainbowrailroad.org/wp-content/uploads/2021/10/Rainbow-Railroad-and-ORAM-Report-on-Kakuma-2021.pdf> (last visited 17 Apr. 2023).

<sup>15</sup> B. Scolari, “The Protection of LGBTI Migrants in Camp Settings”, *LGBTQ Policy Journal*, 9, 2019, 11–16.

<sup>16</sup> D. Murray, “Becoming Queer Here: Integration and Adaptation Experiences of Sexual Minority Refugees in Toronto”, *Refugee*, 28(2), 2011, 127.

<sup>17</sup> A. DeFreitas, J.S. Han, C. Molloy, F. Saint Juste & M. Samuel, *Creating a Blueprint for a Welcoming Minnesota: An Analysis of Four Immigrant Integration Initiatives*, The Advocates for Human Rights, 2013, available at: [https://conservancy.umn.edu/bitstream/handle/11299/155304/Han\\_Creating%20a%20Blueprint.pdf;jsessionid=BE98966ECA65ABE5304D6A68193ED900?sequence=1](https://conservancy.umn.edu/bitstream/handle/11299/155304/Han_Creating%20a%20Blueprint.pdf;jsessionid=BE98966ECA65ABE5304D6A68193ED900?sequence=1) (last visited 17 Apr. 2023).

<sup>18</sup> *Ibid.*

<sup>19</sup> *Ibid.*

<sup>20</sup> *Ibid.*

<sup>21</sup> MicroRainbow, *Poverty, Sexual Orientation and Refugees in the UK*, MicroRainbow, 2013, available at: [https://microrainbow.org/wp-content/uploads/2013/10/MR\\_REPORT\\_UK\\_digital-final-for-the-web-Reduced.pdf](https://microrainbow.org/wp-content/uploads/2013/10/MR_REPORT_UK_digital-final-for-the-web-Reduced.pdf) (last visited 17 Apr. 2023).

<sup>22</sup> *Ibid.*

<sup>23</sup> S. Allouche, “(Dis-)Intersecting Intersectionality in the Time of Queer Syrian Refugee-Ness in Lebanon”, *Kohl: A Journal for Body and Gender Research*, 3(1), 2017, 59–77.

<sup>24</sup> *Ibid.*, 67.

others (e.g. bisexual).<sup>25</sup> Although some asylum-seekers are not aware of what the acronym LGBT represents, they must conform to these identities to proceed through the system.<sup>26</sup> While for some arriving in a new country means being able to express themselves as they wish, others living in migration centres feel the pressure to hide their sexual orientation fearing the reaction of others. These centres often represent “hetero-cis-sexist environments, where queer asylum-seekers are highly exposed to both hypervisibility and invisibility”.<sup>27</sup> This refers to their increased visibility as individuals with non-normative genders and sexualities in the asylum centre, making them target of homophobic residents, and their invisibility within the asylum system resulting from the lack of SOGI (sexual orientation and gender identity) awareness among asylum officials.<sup>28</sup>

Lastly, the concept of ‘home’ has been explored vis-à-vis notions of integration. The building of an “emotional home” is sometimes linked to one’s engagement with local LGBT organisations.<sup>29</sup> This is achieved through quotidian actions such as hanging out together at someone’s living room, having dinner, sharing one’s challenges, and providing help to other LGBT migrants.<sup>30</sup> “Home” often represents a space of desired belonging for LGBTQ+.<sup>31</sup> For others, “home” is a liminal space of “in-betweenness” symbolising how they feel neither excluded nor belonging to the new society.<sup>32</sup> Researchers have also examined the practice of separating LGBTQ from non-LGBTQ individuals in asylum accommodation, arguing that this can contribute to their homogenisation, racialisation, and othering.<sup>33</sup>

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Theme 1 has focused on a body of literature on the transit journeys and integration processes undergone by LGBTQ+. First, this scholarship reveals how common analyses of pre- and post-migration challenges simplify a complex and continual process. The focus should extend beyond this dichotomy to embrace a more nuanced continuum of experiences. More research exploring the case of those aiming to leave their COOs is needed vis-à-vis the impact of discriminatory legislation among the various sub-groups within the LGBTQ+ population to identify its varying degree of impact. Secondly, there is a significant gap in understanding the case of those awaiting resettlement in LMICs. Further explorations of South–South patterns could complement the traditional South–North ones. More research should also be conducted regarding LGBTQ+ individuals living in refugee camps. Thirdly, research must delve deeper into the pressures to conform to normative Western frameworks of gender and sexuality, and the navigation of hetero-cis-sexist environments while also considering the role of alternative subjectivities and subject position this population may identify with.

From a policy perspective, several recommendations can be drawn regarding this first theme. Western policymakers should work towards enhancing protections for LGBTQ+ in host countries, including anti-discrimination laws. Establishing confidential support

<sup>25</sup> M. Clare, “Refugees Don’t Drink Wine, But Gay Men Should: Exploring the Intersections of Refugeehood, Sexuality and Nationality among Gay Syrian Refugees in Lebanon”, Lund, Lund University, 2015.

<sup>26</sup> *Ibid.*, 52.

<sup>27</sup> A. Ropianyk & S. D’Agostino, “Queer Asylum Seekers in Belgium: Navigating Reception Centers”, *DiGeSt-Journal of Diversity and Gender Studies*, 8(2), 2021, 58–69.

<sup>28</sup> *Ibid.*

<sup>29</sup> B. Porziella, “LGBT Migrants and Refugees’ Search for Home: An Intersectional Struggle”, *The Interdisciplinary Journal of International Studies*, 11(1), 2021, 25.

<sup>30</sup> *Ibid.*, 28.

<sup>31</sup> K. Fobear, “The Precariousness of Home and Belonging Among Queer Refugees: Using Participatory Photography in Oral Histories in Vancouver, British Columbia”, *The Oral History Review*, 49(2), 2022, 199–226.

<sup>32</sup> A. Karimi, *Sexuality and Integration: Gay Iranian Refugees Navigating Refugee Status and Integration in Canada*, Alberta, University of Alberta, 2019.

<sup>33</sup> L.J. Hiller, “Queer Asylum Politics of Separation in Germany: Homonationalist Narratives of Safety”, *Gender, Place & Culture*, 29(6), 2022, 858–879.

networks and advocating for their protection at the national and international levels are crucial. UNHCR and other humanitarian actors should prioritise staff training on LGBTQ-related issues, both in transit and resettlement processes. Asylum procedures should be revised to ensure they do not force individuals into fixed identity categories or create undue pressures for visibility. Finally, considering the importance of a sense of belonging in the integration process, policy should promote the creation of welcoming environments in their host communities. This can include support for local organisations, targeted community programmes, and facilitating connections with community networks. While doing so, it is essential to emphasise that integration should not involve cultural assimilation through the erasure of one's identity.

#### 4. THEME 2: LEGISLATION, POLICY, AND CHARITABLE INTERVENTION

This section introduces a second theme, which relates to debates around legislation, policy, and charitable intervention. Since Canada's historic decision to welcome LGBT refugees in 1991, other countries have followed suit, including Australia and the US in 1994 and the UK in 1999. The UNHCR's guidance note on refugee claims relating to SOGI, published in 2008 and replaced by the SOGI Guidelines in 2012, constituted a step towards greater fairness in the adjudication of SOGI claims. However, the legal essentialisation of gender and sexual identities remains a significant challenge in claiming asylum.<sup>34</sup> This has implications for the credibility assessment process, which relies solely on the claimant's story and often fails to consider variations in individual experiences.<sup>35</sup> Caseworkers struggle to empathise with claimants and may expect them to "act discreetly", which ignores the consequences of involuntary discovery.<sup>36</sup> The "discretion requirement" used to return people to their home countries<sup>37</sup> has been eliminated by, among others, New Zealand in 1995, Australia in 2003, and the Court of Justice of the European Union in 2013. Related to this, what some describe as a "fundamental shift in asylum law"<sup>38</sup> took place in the UK in 2010. Through the combined cases of *HJ (Iran)* and *HT (Cameroon)*, the Supreme Court ruled that discretion reasoning was inconsistent with the Refugee Convention.<sup>39</sup> This inaugurated a novel test to be enforced in the context of asylum claims from sexual minorities. While this was celebrated by some, there were concerns regarding the transition of the legal framework from discretion to incredulity, imposing an additional burden on asylum-seekers.<sup>40</sup> Four sub-themes have been identified within Theme 2: 1) normative legal bias and legal (in)credibility, 2) unique vulnerabilities, 3) colonialism and law, and 4) charitable intervention.

<sup>34</sup> See, for example, D.A. Morgan, "Not Gay Enough For the Government: Racial and Sexual Stereotypes in Sexual Orientation Asylum Cases", *Law & Sexuality: Rev. Lesbian, Gay, Bisexual & Transgender Legal Issues*, 15, 2006, 135; F. Valdes, "Queering Sexual Orientation: A Call for Theory and Practice", in M. Albertson, J.E. Jackson & A.P. Romero (eds.), *Feminist and Queer Legal Theory*, London, Routledge, 2009, 91–112; M. Koçak, "Who is 'Queerer' and Deserves Resettlement?: Queer Asylum Seekers and their Deservingness of Refugee Status in Turkey", *Middle East Critique*, 29(1), 2020, 29–46.

<sup>35</sup> J. Wessels, *Sexual Orientation in Refugee Status Determination*, Oxford, Refugee Studies Centre, Working Paper Series No. 74, 2011.

<sup>36</sup> *Ibid.*, 41.

<sup>37</sup> N. LaViolette, "Independent Human Rights Documentation and Sexual Minorities: An Ongoing Challenge for the Canadian Refugee Determination Process", *The International Journal of Human Rights*, 13(2–3), 2009, 437–476.

<sup>38</sup> J. Wessels, "HJ (Iran) and HT (Cameroon)—Reflections on a New Test for Sexuality-Based Asylum Claims in Britain", *International Journal of Refugee Law*, 24(4), 2012, 815–839.

<sup>39</sup> A. Powell, "Sexuality' through the Kaleidoscope: Sexual Orientation, Identity, and Behaviour in Asylum Claims in the United Kingdom", *Laws*, 10(4), 2021, 90.

<sup>40</sup> Wessels, "HJ (Iran) and HT (Cameroon)—Reflections".

#### 4.1. Normative legal bias and legal (in)credibility

The legal challenges faced by LGBTQ+ reveal the existence of processes that perpetuate normative gender and sexual identities. “Western” moral exceptionalism positions itself as the self-appointed guardian of the liberated homosexual subject.<sup>41</sup> This moral superiority is founded on racist imaginaries that dichotomise the progressive “us” against the homophobic “other”.<sup>42</sup> The successful enactment of the “Pink Agenda” in the socio-legal context of the Council of Europe “is achieved by building and reinforcing a concept of European sexual citizenship that is strongly homonationalist in nature”.<sup>43</sup> Sexual citizenship is a multifaceted theoretical construct.<sup>44</sup> For some, it serves as a framework to understand the allocation or deprivation of rights to social groups, contingent upon their sexual identity. Others interpret sexual citizenship through the lens of participatory rights in a consumer society.<sup>45</sup> Broadly, it encapsulates the entitlements and obligations associated with an individual’s sexual identity and conduct within a specific society.

This first theme reveals the pervasive nature of neo-colonial legal processes through which modern “Western” identities are perpetuated as superior vis-à-vis “illegitimate” queer identities that do not match such standards. Scholarship has explored this in Norway,<sup>46</sup> Australia,<sup>47</sup> Belgium,<sup>48</sup> Greece,<sup>49</sup> the UK,<sup>50</sup> France,<sup>51</sup> Canada,<sup>52</sup> Turkey,<sup>53</sup>

<sup>41</sup> M. Soulier, “Racializing Homophobia: Tracing Sexual Political Discourse within Europe’s ‘Refugee Crisis’ in Berlin”, *Kohl: A Journal for Body and Gender Research*, 3(1), 2017.

<sup>42</sup> F. Chossière, “Debunking the Liberation Narrative: Rethinking Queer Migration and Asylum to France”, in B. Camminga & J. Marnell (eds.), *Queer and Trans African Mobilities: Migration, Asylum and Diaspora*, London, Bloomsbury, 2022, 221–237.

<sup>43</sup> F.R. Ammaturo, “The ‘Pink Agenda’: Questioning and Challenging European Homonationalist Sexual Citizenship”, *Sociology*, 49(6), 2015, 1151–1166.

<sup>44</sup> D. Richardson, “Rethinking Sexual Citizenship”, *Sociology*, 51(2), 2017, 208–224.

<sup>45</sup> *Ibid.*

<sup>46</sup> See, for example, D. Akin, “Discursive Construction of Genuine LGBT Refugees”, *Lambda Nordica*, 23(3–4), 2019, 21–46; D. Akin & S.H.B. Svendsen, “Becoming Family”, in A. Rohde, C.V. Braun & S. Schüler-Springorum (eds.), *National Politics and Sexuality in Transregional Perspective: The Homophobic Argument*, London, Routledge, 2017, 39–54.

<sup>47</sup> C. Dauvergne & J. Millbank, “Burdened by Proof: How the Australian Refugee Review Tribunal has Failed Lesbian and Gay Asylum Seekers”, *Federal Law Review*, 31(2), 2003, 299–342.

<sup>48</sup> W. Peumans, “Queer Muslim Migrants in Belgium: A Research Note on Same-Sex Sexualities and Lived Religion”, *Sexualities*, 17(5–6), 2014, 618–631; A. Hamila, “Asylum Caseworkers as Policymakers: The Recognition of SOGI Persecutions as a Ground to Grant Refugees Status in Belgium”, in Federica Infantino & Djordje Sredanovic (eds.), *Migration Control in Practice: Before and Within the Borders of the State*, Brussels, University of Brussels, 2022.

<sup>49</sup> S. Zisakou, “Credibility Assessment in Asylum Claims Based on Sexual Orientation by the Greek Asylum Service”, *Frontiers in Human Dynamics*, 3, 2021, 1–15.

<sup>50</sup> See, for example, B. O’Leary, “We Cannot Claim Any Particular Knowledge of the Ways of Homosexuals, Still Less of Iranian Homosexuals. . . : The Particular Problems Facing Those Who Seek Asylum on the Basis of their Sexual Identity”, *Feminist Legal Studies*, 16(1), 2008, 87–95; C. Giametta, *The Sexual Politics of Asylum: Sexual Orientation and Gender Identity in the UK Asylum System*, London, Routledge, 2017; A. Powell, “Normative Understandings: Sexual Identity, Stereotypes, and Asylum Seeking”, in C. Ashford & A. Maine (eds.), *Research Handbook on Gender, Sexuality and the Law*, London, Edward Elgar Publishing, 2020, 149–163; T. Raboin, *Discourses on LGBT Asylum in the UK: Constructing a Queer Haven*, Manchester, Manchester University Press, 2016.

<sup>51</sup> See, for example, C. Giametta & S. Havkin, “Mapping Homo/Transphobia: The Valorization of the LGBT Protection Category in the Refugee-Granting System”, *ACME: An International Journal for Critical Geographies*, 20(1), 2021, 99–119; F. Chossière, “Refugeeness, Sexuality, and Gender: Spatialized Lived Experiences of Intersectionality by Queer Asylum Seekers and Refugees in Paris”, *Frontiers in Human Dynamics*, 3, 2021, 1–13; Chossière, “Debunking the Liberation Narrative”.

<sup>52</sup> See, for example, D.A. Murray, “The (not so) Straight Story: Queering Migration Narratives of Sexual Orientation and Gendered Identity Refugee Claimants”, *Sexualities*, 17(4), 2014, 451–471; D.A. Murray, “Real Queer: ‘Authentic’ LGBT Refugee Claimants and Homonationalism in the Canadian Refugee System”, *Anthropologica*, 2014, 21–32; S.D. Dempsey, “Becoming Queer in Canada: Sexual Orientation/Gender Identity (SOGI) Refugee Identities and the Canadian Immigration Apparatus”, University of Northern British Columbia; S. Brotman & E.O.J. Lee, “Exploring Gender and Sexuality through the Lens of Intersectionality: Sexual Minority Refugees in Canada”, *Canadian Social Work Review*, 28(1), 2011, 151–156.

<sup>53</sup> See, for example, E. Sari, “Lesbian refugees in transit: The making of authenticity and legitimacy in Turkey”, *Journal of Lesbian Studies*, 24(2), 2020, 140–158; M. Koçak, “Who is ‘queerer’ and deserves resettlement?: Queer asylum seekers and their deservingness of refugee status in Turkey”, *Middle East Critique*, 29(1), 2020, 29–46.



the USA,<sup>54</sup> Ireland,<sup>55</sup> Finland,<sup>56</sup> Serbia,<sup>57</sup> Holland,<sup>58</sup> and Germany.<sup>59</sup> The building of a “sexual minority refugee” is characterised by a “constitutive overdetermination”, whereby the established socio-sexual-political classifications of the destination state lead to the closure of these individuals’ previous identities.<sup>60</sup> This restrictive environment, which significantly limits their ability to fully express their experiences, inevitably impacts the perceived credibility of asylum claims. Existing research has been instrumental in critically examining the credibility assessment in restrictive refugee determination contexts. Negative credibility assessments are often based on shaky reasoning or indefensible grounds, highlighting the need for structural and institutional changes to improve the process.<sup>61</sup> For example, the evidentiary practices of the Australian Refugee Review Tribunal reveal how their low standard leads to unfair decisions and incorrect application of law due to the “lack of high quality evidence and sound evidentiary practices”.<sup>62</sup>

The oversimplification of complex journeys of sexual identity development by legal systems through the expectation of rigid trajectories negatively impacts LGBT asylum claims.<sup>63</sup> Decision-makers often overlook the concealment of non-normative genders and sexualities among asylum-seekers due to oppressive social forces leading to the rejection of their claims based on Western-centric normative “gayness”.<sup>64</sup> This reveals “the tacit (re)enforcement and imposition of Western narratives of what counts as intelligible sexual and gender identities, persecution, or injury” to highlight the complicit nature of the resettlement paradigm in producing, disciplining, and shaping queer refugees as normative LGBT subjects and “secure” (i.e. non-terrorist) citizens of the country of resettlement.<sup>65</sup> Cases in Australia and Canada demonstrate the need for better understanding among decision-makers regarding LGBT experiences.<sup>66</sup> Empathy and imagination, not just legal norms, are crucial in assessing asylum claims, and the current lack of these qualities among decision-makers leads to biases based on personal understandings of gender and sexuality.<sup>67</sup> These normative approaches include mononormative conceptions that privilege forms of coupledness, placing those encountering hurdles in maintaining long-term same-sex relationships at a disadvantage.<sup>68</sup>

<sup>54</sup> A. Shaw et al., *LGBT Asylum Claims in the United States*, Los Angeles, The Williams Institute, 2021, available at: <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Asylum-LGBT-Claims-Mar-2021.pdf> (last visited 24 Apr. 2023).

<sup>55</sup> P. Brazil & S. Arnold, “LGBTI Asylum Applications in Ireland”, in A. Güler et al. (eds.), *LGBTI Asylum Seekers and Refugees from a Legal and Political Perspective*, Switzerland, Springer, 2019, 141–163.

<sup>56</sup> H. Selima et al., “(In)credibly Queer? Assessments of Asylum Claims Based on Sexual Orientation”, Turku University, available at: [https://scholar.google.es/scholar?start=30&q=%22sogi+asylum%22&hl=en&as\\_sdt=0,5#:-text=\(In\)%20credibly%20Queer%3F%20Assessments%20of%20Asylum%20Claims%20Based%20on%20Sexual%20Orientation](https://scholar.google.es/scholar?start=30&q=%22sogi+asylum%22&hl=en&as_sdt=0,5#:-text=(In)%20credibly%20Queer%3F%20Assessments%20of%20Asylum%20Claims%20Based%20on%20Sexual%20Orientation) (last visited 26 June 2023).

<sup>57</sup> J.J. Badali, “Migrants in the Closet: LGBT Migrants, Homonationalism, and the Right to Refuge in Serbia”, *Journal of Gay & Lesbian Social Services*, 31(1), 2019, 89–119.

<sup>58</sup> M. Hertoghs & W. Schinkel, “The State’s Sexual Desires: The Performance of Sexuality in the Dutch Asylum Procedure”, *Theory and Society*, 47, 2018, 691–716.

<sup>59</sup> Soulier, “Racializing Homophobia”.

<sup>60</sup> Murray, “Becoming Queer Here”.

<sup>61</sup> J. Millbank, “‘The Ring of Truth’: A Case Study of Credibility Assessment in Particular Social Group Refugee Determinations”, *International Journal of Refugee Law*, 21(1), 2009, 1–33.

<sup>62</sup> C. Dauvergne & J. Millbank, “Burdened by Proof: How the Australian Refugee Review Tribunal has Failed Lesbian and Gay Asylum Seekers”, *Federal Law Review*, 31(2), 2003, 299–342.

<sup>63</sup> L. Berg & J. Millbank, “Constructing the Personal Narratives of Lesbian, Gay and Bisexual Asylum Claimants”, *Journal of Refugee Studies*, 22(2), 2009, 195–223.

<sup>64</sup> J. Millbank, “From Discretion to Disbelief: Recent Trends in Refugee Determinations on the Basis of Sexual Orientation in Australia and the United Kingdom”, *The International Journal of Human Rights*, 13(2–3), 2009, 391–414.

<sup>65</sup> F. Saleh, “Resettlement as Securitization: War, Humanitarianism, and the Production of Syrian LGBT Refugees”, in E. Luibhéid & K.R. Chávez (eds.), *Queer and Trans Migrations*, Oxford, Oxford Academic, 2020, 74–89.

<sup>66</sup> J. Millbank, “Imagining Otherness: Refugee Claims on the Basis of Sexuality in Canada and Australia”, *Melbourne University Law Review*, 26(1), 2002, 144–177.

<sup>67</sup> *Ibid.*

<sup>68</sup> R. Gordon-Orr, “Mononormativity and Related Normative Bias in the UK Immigration System: The Experience of LGBTIQ+ Asylum Seekers”, *Frontiers in Human Dynamics*, 3, 2021, 1–12.

Literature exploring the case of bisexual asylum-seekers reveals the specific challenges faced by this population.<sup>69</sup> First, an observed trend indicates a diminished likelihood of state protection granted to bisexual asylum-seekers as compared to their gay and lesbian counterparts. Secondly, there is an inclination among bisexual asylum-seekers to misidentify as either gay or lesbian throughout the asylum process, driven by the apprehension that maintaining a bisexual identity could potentially lead to the rejection of their application. In the context of dominant mononormative assumptions, bisexual individuals may be expected to be able to safely return to their COOs and conceal their identity as heterosexual.

Powell proposes an alternative framework providing a more inclusive approach to sexual difference.<sup>70</sup> Challenging the conflation of sexuality and identity, he raises the significance of acknowledging sexual behaviours and orientations through alternative legal frameworks of sexual diversity. The deeply troubling focus on authenticity and genuineness can obscure the structural violence that produces refugee flows in the first place. This can reinforce exclusionary practices that privilege certain experiences over others. Reflecting on this, Ferreira expresses concerns regarding the European asylum system, which works “to establish a ‘truth’ that cannot be established” stripping queer asylum-seekers of their own “truth”.<sup>71</sup> A body of literature, resulting from the 2016 to 2020 SOGICA (Sexual Orientation and Gender Identity Claims of Asylum) Project, has employed the notion of “SOGI asylum” to advocate for better guidance for decision-makers to interpret the Refugee Convention.<sup>72</sup> This literature argues for a shift in focus from the assessment of claimants as members of a SOGI minority to an examination of the actual risk of persecution using SOGI-specific Country of Origin Information (COI).<sup>73</sup> While doing so, attention is brought to the overlooked notion of family rights for SOGI asylum claimants to highlight the damaging effects of a “heteronormative, homonormative, and Western-centered” application of asylum and refugee law.<sup>74</sup> Scholars have explored how the concept of “family” is used in refugee protection arguing that queer “chosen families ought to qualify for refugee family reunion and group status determination”.<sup>75</sup> Others propose an interdisciplinary framework, combining human rights-based approaches with insights from feminist and queer theories to address legal shortcomings.<sup>76</sup> The persistent problems within the European Union’s Common European Asylum System (CEAS) that affect SOGI asylum claims have led to suggestions to ensure more equitable treatment. This includes addressing issues such as “accelerated procedures, country of origin information, ‘safe country of origin’ notions, the burden of proof, the concept of a ‘particular social group’, and the definition of persecution”.<sup>77</sup>

Specific regulations, such as the Canadian Bill C-31 and its Designated Foreign Nationals (DFN) and Designated Country of Origin (DCO) categories have been described as obstacles due to their potential to invalidate asylum claims based on how individuals arrive

<sup>69</sup> See, for example, Z. Peyghambarzadeh, “The Untellable Bisexual Asylum Stories”, in E. Maliepaard and R. Baumgartner (eds.), *Bisexuality in Europe*, London, Routledge, 2020, 21–35; J. Gross, “Neither Here nor There: The Bisexual Struggle for American Asylum”, *Hastings Law Journal*, 69, 2017, 985; J. Poutanen, *Responses to Bisexuality in the Danish Asylum System*, Aalborg, Aalborg University, 2021.

<sup>70</sup> Powell, “Sexuality’ through the Kaleidoscope”.

<sup>71</sup> N. Ferreira, “Utterly Unbelievable: The Discourse of ‘Fake’ SOGI Asylum Claims as a Form of Epistemic Injustice”, *International Journal of Refugee Law*, 2023, 303–326.

<sup>72</sup> M. Dustin & N. Ferreira, “Improving SOGI Asylum Adjudication: Putting Persecution Ahead of Identity”, *Refugee Survey Quarterly*, 40(3), 2021, 315–347.

<sup>73</sup> *Ibid.*

<sup>74</sup> C. Danisi & N. Ferreira, “Legal Violence and (in)Visible Families: How Law Shapes and Erases Family Life in SOGI Asylum in Europe”, *Human Rights Law Review*, 22(1), 2022, 1–31.

<sup>75</sup> S. Ritholtz & R. Buxton, “Sanctuary after Asylum: Addressing a Gap in the Political Theory of Refuge”, *American Political Science Review*, 2022, 1–6.

<sup>76</sup> C. Danisi et al., “A Theoretical Framework: A Human Rights Reading of SOGI Asylum Based on Feminist and Queer Studies”, in C. Danisi et al. (eds.), *Queering Asylum in Europe*, Springer, 2021, 51–93.

<sup>77</sup> N. Ferreira, “Reforming the Common European Asylum System: Enough Rainbow for Queer Asylum Seekers?”, *GenIUS*, 2018, 25–42.

and what countries they come from.<sup>78</sup> In Canada, federal-level legislation has increased challenges relating to being able to work, finding housing, and lacking mental health support.<sup>79</sup> In the USA, scholars have argued for the adoption of a uniform standard to guarantee consistency for LGBT asylum-seekers.<sup>80</sup> In Aotearoa/New Zealand, the challenges encountered by LGBTQ+RAS expose the barriers imposed by the state.<sup>81</sup> These range from the protracted timelines for application processing to the imposition of onerous bureaucratic requirements for evidence, which fail to account for the impossibility of obtaining such documents from their COOs. Conflicts have also been described between asylum applicants and translators. Applicants have reported how translators have been “mis translating, rebuking or judging people, or being dismissive of their fears such as the death penalty”.<sup>82</sup>

## 4.2. Unique vulnerabilities

Research within Theme 2 has also explored the particular vulnerabilities of groups including transgender people, LGBTQ+ children, and domestic violence survivors. Transgender women face obstacles due to normative legal frameworks and are disproportionately targeted for violence due to their gender identity and expression.<sup>83</sup> The contours of gender-based asylum in providing sanctuary for those presumed to be heterosexual cis women have been explored in the USA, where a social group of “gay men with female sexuality identities” started to be eligible for asylum in 2000, a landmark legal decision that facilitated the recognition of transwomen applicants as refugees.<sup>84</sup> However, this has failed to extend to transmen, gender variants, and gender queer applicants.<sup>85</sup> In America, the Immigration and Nationality Act’s prostitution ground of inadmissibility negatively impacts transgender women’s lives through the entanglement of state power and sexual politics.<sup>86</sup> Past sex work offences or convictions complicate their pursuit of relief from removal.

Legal research has noted how the experiences of trans individuals navigating institutional frameworks are complicated by the normative categories used by asylum systems and humanitarian organisations. This results in a dissonance between fluid gender identities and the rigid categories they are forced to conform to.<sup>87</sup> A more flexible approach to identity categories could better accommodate these individuals. Exploring the case of Syrian queer and gender-variant refugees, Saleh describes how they come across the term “transgender”, which is

<sup>78</sup> G. Kinsman, “Policing Borders and Sexual/Gender Identities: Queer Refugees in the Years of Canadian Neoliberalism and Homonationalism” in N. Nicol et al. (eds.), *Envisioning Global LGBT Human Rights (Neo)colonialism, Neoliberalism, Resistance and Hope*, London, School of Advanced Study, 2018, 97–130.

<sup>79</sup> G. Newton, *Building a Life: Integration Outcomes among Government-Assisted Refugee Newcomers in Greater Vancouver*, Vancouver, University of British Columbia, 2019.

<sup>80</sup> J. Sellars, “Adjudicating Asylum: The One-Year Bar, Changed Circumstances, and Turning Back The Clock for Same-Sex Couples”, *Journal of Race Gender & Poverty*, 6, 2014, 139.

<sup>81</sup> L. Innes-Hill, *Queer(y)ing Resettlement in Aotearoa New Zealand: An Inquiry into Family Reunification Pathway Reform for Former Refugees*, Wellington, Victoria University of Wellington, 2020.

<sup>82</sup> United Kingdom’s Independent Chief Inspector of Borders and Immigration, *An Inspection of the Home Office’s Use of Language Services in the Asylum Process May–November 2019*, London, Home Office, 2019, available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/933930/An\\_inspection\\_of\\_the\\_Home\\_Office\\_s\\_use\\_of\\_language\\_services\\_in\\_the\\_asylum\\_process.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/933930/An_inspection_of_the_Home_Office_s_use_of_language_services_in_the_asylum_process.pdf) (last visited 24 Apr. 2023).

<sup>83</sup> UNHCR, *Women on the Run: First-Hand Accounts of Refugees Fleeing El Salvador, Guatemala, Honduras, and Mexico*, 2015, available at: <http://www.unhcr.org/en-us/publications/operations/5630f24c6/women-run.html> (last visited 24 Apr. 2023). S. Vogler, “Determining Transgender: Adjudicating Gender Identity in US Asylum Law”, *Gender & Society*, 33(3), 2019, 439–462.

<sup>84</sup> S.L. McKinnon, “US Gender-and Sexuality-Related Asylum Law: The Politics of Transgender Asylum”, *Communication and the Public*, 1(2), 2016, 245–250.

<sup>85</sup> V. Neilson, “Uncharted Territory: Choosing an Effective Approach in Transgender-Based Asylum Claims”, *Fordham Urban Law Journal*, 32, 2004, 265.

<sup>86</sup> L. Medina, “Immigrating While Trans: The Disproportionate Impact of the Prostitution Ground of Inadmissibility and Other Provisions of the Immigration and Nationality Act on Transgender Women”, *St. Mary’s Law Review on Race & Social Justice*, 19, 2016, 253–292.

<sup>87</sup> S. Ballin & I. Manganini, “Fixed Categories vs. Fluid Identities: How Are Queer Voices Silenced in the Theory and Practice of Asylum Law?”, 11(1), *OxMo*, 2023, 20–27.

promoted by UNHCR.<sup>88</sup> Furthermore, refugee-specific challenges (e.g. reduced institutional support, racism) and trans-specific barriers (e.g. access to hormone therapy, harassment, violence) intersect in the lives of trans refugees.<sup>89</sup> The realities of trans individuals illuminate the clash between conformity and resistance, showcasing how certain asylum-seekers succumb to the omnipresent forces of normativity, while others reject such tyrannical processes and renounce their pursuit of asylum altogether.<sup>90</sup>

An additional sub-theme relates to the case of LGBTQ children and teenagers.<sup>91</sup> The legal obstacles they face in obtaining asylum stem from the judicial reliance on normative labels and stereotypes about queer individuals, as well as the expectation that they adhere to adult standards of persecution.<sup>92</sup> Shifting political landscapes have posed a legal threat to this population, as the Trump presidency illustrated in the USA.<sup>93</sup> In Sweden, a study of unaccompanied minors seeking asylum due to their SOGI reveals how case officers hold homonormative expectations regarding their sexual relationships, which align with those of adults.<sup>94</sup> Case officers often consider their stories more credible when providing details about their sexual behaviours based on lasting relationships associated with homonormativity.

A body of legal research has explored intimate partner violence (IPV) as an issue faced by LGBTQIRAS. In the USA, some avenues of legal protection are available, such as self-petition through the Violence Against Women Act.<sup>95</sup> An additional legal path is the U-Visa available to victims of “sexual assault, domestic violence, and certain other crimes” regardless of marital status.<sup>96</sup> However, these are not always accessible to all survivors. Efforts to address this vulnerability include proposals to incorporate same-sex domestic violence into LGBTQ human rights legislation.<sup>97</sup> Raising awareness on this type of violence, interventions have been developed to educate migrants on gender and sexuality issues including LGBT refugees.<sup>98</sup>

#### 4.3. Colonialism and law

A third sub-theme relates to the legal challenges facing LGBTQIRAS vis-à-vis the impact of colonial laws and the responsibilities of host countries in providing post-asylum protection. “Western” influence has exacerbated persecution on the grounds of LGBTQ identity, as illustrated by examples of discriminatory laws in Nigeria, Uganda, Zimbabwe, Malaysia, Singapore, and Sri Lanka.<sup>99</sup> Acknowledging the damaging impact of colonial practices in evaluating queer asylum cases, scholars emphasise the irony of providing refuge to those

<sup>88</sup> F. Saleh, “Transgender as a Humanitarian Category: The Case of Syrian Queer and Gender-Variant Refugees in Turkey”, *Transgender Studies Quarterly*, 7(1), 2020, 37–55.

<sup>89</sup> *Ibid.*, 346.

<sup>90</sup> M. Balaguera, “Trans-Asylum: Sanctioning Vulnerability and Gender Identity across the Frontier”, *Ethnic and Racial Studies*, 0(0), 2022, 1–22.

<sup>91</sup> S. Hazeldean, “Confounding Identities: The Paradox of LGBT Children Under Asylum Law”, *UCDL Review*, 45(2), 2011, 373–444.

<sup>92</sup> *Ibid.*, 443.

<sup>93</sup> C. Mora, “‘Shoot Them!’ The Trump Administration’s Immigration Policy and its Effect on LGBTI Migrants and Asylum Seekers”, *Georgetown Immigration Law Journal*, 34(1), 2019, 121–138.

<sup>94</sup> D. Hedlund & T. Wimark, “Unaccompanied Children Claiming Asylum on the Basis of Sexual Orientation and Gender Identity”, *Journal of Refugee Studies*, 32(2), 2019, 257–277.

<sup>95</sup> E.R. Nyren, “Inadequate Protections and New Risks for LGBT Victims of Intimate Partner Violence Seeking Asylum in the United States”, *Temple International and Comparative Law Journal*, 33, 2018, 49.

<sup>96</sup> *Ibid.*, 79.

<sup>97</sup> See, for example, Y. Naik, *Domestic Violence Against Male Same-Sex Partners in the EU with Special Reference to Refugee and Migrant Gay Men in Germany*, London, Springer, 2022; M. Wilkinson, “Discourse Analysis of LGBT Identities”, in E. Friginal and J.A. Hardy (eds.), *Routledge Handbook of Corpus Approaches to Discourse Analysis*, London, Routledge, 2020, 554–570; I. Keygnaert & A. Guieu, “What the Eye Does Not See: A Critical Interpretive Synthesis of European Union Policies Addressing Sexual Violence in Vulnerable Migrants”, *Reproductive Health Matters*, 23(46), 2015, 45–55.

<sup>98</sup> Focus on Men (FOMEN), *Intervention and Education Program on Gender Sensitization and Gender Based Violence Prevention with Male Migrants and Refugees*, Brussels, 2021, available at: [https://www.focus-on-men.eu/fileadmin/WWP\\_Network/redakteure/Projects/FOMEN/Manual/FOMEN\\_Manual\\_EN.pdf](https://www.focus-on-men.eu/fileadmin/WWP_Network/redakteure/Projects/FOMEN/Manual/FOMEN_Manual_EN.pdf) (last visited 24 Apr. 2023).

<sup>99</sup> A. Sussman, “Expanding Asylum Law’s Pattern-or-Practice-of-Persecution Framework to Better Protect LGBT Refugees”, *University of Pennsylvania Journal of Law and Social Change*, 16, 2012, 111–143.

fleeing violence while also inflicting violence on Indigenous local populations in Global North countries.<sup>100</sup>

When considering the experiences of LGBTQRAS, the critique posed by queer post-colonial literature becomes particularly relevant. Puar's concept of homonationalism can be applied to the way asylum systems privilege certain identities over others.<sup>101</sup> "Homonationalism" is an analytic category used to represent a "brand of homosexuality [that] operates as a regulatory script not only of normative gayness, queerness, or homosexuality, but also of the racial and national norms that reinforce these sexual subjects".<sup>102</sup> This involves the implementation of LGBTQ rights to simultaneously perpetuate racial stereotypes through dichotomous mechanisms of exclusion and inclusion. Its effects can be identified when asylum-seekers who do not conform to LGBTQ Western-centric narratives have their credibility questioned. Massad's critique of the "Gay International"<sup>103</sup> is useful to explore how the projection of Western-centric genders and sexualities onto non-Western contexts can fail to understand the diverse genders and sexualities present among LGBTQ asylum-seekers.<sup>104</sup> The portrayal of homophobic violence as occurring "elsewhere" absolves Western nations from addressing the biases and heteronormativity within their asylum systems.<sup>105</sup> This, again, highlights the issues faced by LGBTQRAS in their encounters with Western asylum systems emphasising the need for a nuanced, culturally sensitive understanding of queer experiences that respect the diversity of the individuals they are intended to protect.

#### 4.4. Charitable intervention

The fourth sub-theme relates to the role of charities and networks in supporting and shaping the subjectivities of LGBTQRAS. Accessible language or terminologies that adequately articulate the experiences of asylum-seekers who identify as queer individuals of colour are often absent in asylum circles.<sup>106</sup> In Greece, the LGBTQI+ NGO Colour Youth has called for the creation of spaces for LGBTQ refugees to feel part of the community through intersectional approaches contesting racist discourses.<sup>107</sup> An NGO offering Russian-speaking queers a platform for solidarity reveals the emergence of a "queer Russian diaspora" in Germany, which hosts the largest number of Russian speakers outside of the former USSR.<sup>108</sup> In the UK, organisations have supported LGBTQRAS to engage in professional activities whilst awaiting the outcome of their asylum application "to gain work experience".<sup>109</sup> Research shows how, while arrival in purportedly "gay-friendly" nations can provide a sense of liberation, LGBTQRAS encounter both vital support and exclusionary practices in LGBTQI+ support groups.<sup>110</sup> This includes "door policies and exoticizations, and other racializing practices that signal their non-belonging to the (white) space".<sup>111</sup>

<sup>100</sup> A. Kurze, *Visualizing LGBT Inbetween Spaces: Emancipatory Power and Challenges in the Global South*, Washington, D.C., American Political Science Association, 2022.

<sup>101</sup> J.K. Puar, *Terrist Assemblages: Homonationalism in Queer Times*, Durham, Duke University Press, 2018.

<sup>102</sup> *Ibid.*

<sup>103</sup> As defined by Massad, "Gay International" refers to the interventionist role played by Western human rights organisations, gay rights activists, feminist groups, publications, and non-governmental organizations within the Arab world.

<sup>104</sup> J.A. Massad, *Desiring Arabs*, University of Chicago Press, 2019.

<sup>105</sup> K. Lalor & K. Browne, "Here Versus There: Creating British Sexual Politics Elsewhere", *Feminist Legal Studies*, 26(2), 2018, 205–213.

<sup>106</sup> M. Burzan, *TogEthereal at LiQa*, Lund University, 2015.

<sup>107</sup> A. Carastathis, "Racism" versus "Intersectionality"? Significations of Interwoven Oppressions in Greek LGBTQ+ Discourses", *Feminist Critique: East European Journal of Feminist and Queer Studies*, 1(3), 2019.

<sup>108</sup> R.C. Mole, "Identity, Belonging and Solidarity among Russian-Speaking Queer Migrants in Berlin", *Slavic Review*, 77(1), 2018, 77–98.

<sup>109</sup> M. Farmer, *Transnational LGBT Activism and UK-Based NGOs: Colonialism and Power*, London, Palgrave Macmillan, 2021.

<sup>110</sup> N. Held, "As Queer Refugees, We Are Out of Category, We Do Not Belong To One, Or the Other": LGBTQI+ refugees' Experiences in 'Ambivalent' Queer Spaces", *Ethnic and Racial Studies*, 1(21), 2022, 1898–1918.

<sup>111</sup> *Ibid.*

Scholarship has also explored the violence experienced by LGBTQRAS in asylum accommodation. The impact of not conforming to masculine stereotypes among male asylum-seekers often leads to harassment within supposedly safe spaces such as shelters.<sup>112</sup> Many face “abuse and harassment at the hands of fellow refugees in asylum centres”.<sup>113</sup> To address this, NGOs have provided alternative accommodation to ensure that they have access to safe spaces. However, work with Syrian refugees in Turkey illustrates the absence of a coherent strategy for identifying LGBTQI+ persons among humanitarian organisations supporting asylum-seekers, which is compounded by an expectation of disclosure.<sup>114</sup> The fear of stigmatisation prevents them from seeking aid, while organisations simultaneously work within the limits of governmental regulations.<sup>115</sup> Complementing this literature, existing evaluations highlight the efficacy of trainings implemented to educate frontline workers on how to engage with refugees escaping from SOGIE-based<sup>116</sup> persecution.<sup>117</sup> Such exercises have increased the knowledge of protection frameworks, awareness of their needs, improved positive attitudes towards them, and led to the implementation of activities to design welcoming environments.<sup>118</sup>

\* \* \*

Theme 2 has explored discussions around the legal challenges encountered by LGBTQRAS, unveiling the persistent reinforcement of normative gender and sexual identities in socio-legal systems that restrict the perception of credibility of asylum claims. Future research should consider the underlying implications of normative legal biases and their impact on the everyday lives of LGBTQRAS (for example, regarding health, employment, housing, and/or child custody rights). Particular groups within the LGBTQRAS community, such as intersex, non-binary, and transgender individuals as well as teenagers and children, merit in-depth investigation. Research should also analyse how identity, race, religion, gender, and sexual orientation intersect to shape the experiences of LGBTQRAS while examining how prescriptive frameworks can be reformed to better accommodate non-binary and fluid identities.

From a policy perspective, legislative reform is paramount across the world. This relates both to COOs, where violence pushes LGBTQ+ people to flee, and to countries of asylum, where normative protocols further marginalise them. Policies should include explicit protections for gender and sexual minority status. Furthermore, asylum protocols shaped by Western-centric sexuality and gender identity models, as noted before, must be reassessed to work towards more inclusive approaches. In terms of asylum policies, decision-makers should be provided with better guidance to interpret the Refugee Convention and improve their understanding of the risks that LGBTQRAS face in their COOs. Lastly, laws that penalise consensual same-sex activities should be condemned, and international stakeholders should exert pressure on governments that enforce such laws, as they directly contribute to the persecution of these communities.

<sup>112</sup> N.K. Brigden, “Gender Mobility: Survival Plays and Performing Central American Migration in Passage”, *Mobilities*, 13(1), 2018, 111–125.

<sup>113</sup> *Ibid.*

<sup>114</sup> Ö. Togay, *Transferred Invisibilities and Stigmatization: A Qualitative Research on the Engagement of Humanitarian Organizations with Syrian LGBTQI+ People in Turkey*, Uppsala, Uppsala University, 2020.

<sup>115</sup> *Ibid.*

<sup>116</sup> SOGIE stands for sexual orientation, gender identity, and gender expression.

<sup>117</sup> O. Pizmony-Levy, *Closing Protection Gaps*, New York, Columbia University, 2016.

<sup>118</sup> *Ibid.*, 63.



## 5. THEME 3: HEALTH

Theme 3 explores the health needs and challenges of LGBTQRAS by focusing on three sub-themes: 1) pre- and post-migration health challenges, 2) dual vulnerabilities: sexually transmitted infections (STIs) and sex work, and 3) tools and solutions.

### 5.1. Pre- and post-migration health challenges

Understanding the health challenges of LGBTQRAS involves considering both their pre-migratory and post-resettlement experiences. Despite a predominant focus on the health issues faced by LGBTQRAS post-resettlement, scholars have also delved into their pre-migratory health experiences.

Four primary issues have been addressed as contributors to pre-migration health challenges: 1) living in fear should someone discover one's gender identity and sexual orientation; 2) concealing identities; 3) systemic harassment, physical and sexual assault, and corrective rape; and 4) the complicity of state actors and law enforcement in perpetrating violence.<sup>119</sup> Research has examined the impact on LGBTQRAS of the Russian occupation of Ukraine in 2022 noting the challenges faced by queer Ukrainians fleeing the war when seeking to access healthcare.<sup>120</sup> In Russia, the "gay propaganda" laws prompted queer individuals to leave in search of safety lacking access to healthcare in their home country.<sup>121</sup> Furthermore, the COVID-19 pandemic has posed challenges for LGBTQRAS. Those in transit countries awaiting resettlement found themselves in a state of limbo due to the closure of international borders and the interruption of the UNHCR resettlement program, thus struggling to access healthcare services.<sup>122</sup> The challenges faced by LGBTQRAS are not limited to specific regions or crises since they persist across various contexts and sometimes affect specific groups in distinct ways. For example, lesbian asylum-seekers habitually experience sexual assault in their COOs, including by state officials such as prison guards, thereby instilling a persistent sense of vulnerability and apprehension with respect to further abuse by powerful figures in the receiving countries.<sup>123</sup> They are also exceedingly susceptible to violence including coerced marriage, intrafamilial physical aggression, sexual violence within marital contexts, sexual harm within familial circles, and enforced pregnancies and abortions.<sup>124</sup>

Adding to the body of pre-migration literature, researchers have conducted in-depth studies in the post-migration environment, uncovering the fragile health conditions of LGBTQRAS individuals. For example, unstable housing situations reveal their emotional and

<sup>119</sup> E.J. Alessi et al., "A Qualitative Exploration of the Premigration Victimization Experiences of Sexual and Gender Minority Refugees and Asylees in the United States and Canada", *The Journal of Sex Research*, 54(7), 2017, 936–948.

<sup>120</sup> E. Holt, "Transgender Ukrainians facing 'exacerbated' Challenges", *The Lancet*, 399(10335), 2022, 1584.

<sup>121</sup> See, for example, A.G. Bennett, "The Cure that Harms: Sexual Orientation-Based Asylum and the Changing Definition of Persecution", *Golden Gate University Law Review*, 29, 1999, 279–309; S.D. Fox et al., "Minority Stress, Social Integration, and the Mental Health Needs of LGBTQ Asylum Seekers in North America", *Social Science & Medicine*, 246(112727), 2020, 1–10; A.S. Leonard, "US Ninth Circuit Revives Russian Gay Asylum Seeker's Bid", *Gay City News*, 3 Dec. 2013, available at: [https://digitalcommons.nyls.edu/cgi/viewcontent.cgi?article=1357&context=fac\\_other\\_pubs](https://digitalcommons.nyls.edu/cgi/viewcontent.cgi?article=1357&context=fac_other_pubs) (last visited 17 Apr. 2023); R.C. Mole, "Identity, Belonging and Solidarity Among Russian-Speaking Queer Migrants in Berlin", *Slavic Review*, 77(1), 2018, 77–98; R.C. Mole, "Queer Russian Asylum Seekers in Germany: Worthy Refugees and Acceptable Forms of Harm?", in E. Fiddian-Qasimiyeh (ed.), *Refuge in a Moving World*, London, UCL Press, 2020, 273–288; A. Novitskaya, "Sexual Citizens in Exile: State-Sponsored Homophobia and Post-Soviet LGBTQI+ Migration", *The Russian Review*, 80(1), 2021, 56–76; U. Skorniyakova, *Coming out (or not) of Russian LGBT Immigrants: What is Changing Regarding Disclosure with an Immigration Experience*, ISCTE-Instituto Universitario de Lisboa, 2021.

<sup>122</sup> B. Camminga, "LGBTQI+ and Nowhere to Go: The Makings of a Refugee Population Without Refuge", *African Security*, 14(4), 2021, 370–390.

<sup>123</sup> M. Girma et al., *Detained: Women Asylum Seekers Locked up in the UK*, London, Women for Refugee Women, 2014, available at: <https://www.refugeewomen.co.uk/wp-content/uploads/2019/01/women-for-refugee-women-reports-detained.pdf> (last visited 21 Apr. 2023).

<sup>124</sup> M. Tschalaer, "Victimhood and Femininities in Black Lesbian Asylum Cases in Germany", *Journal of Ethnic and Migration Studies*, 47(15), 2021, 3531–3548.

physical toll on LGBTQRAS.<sup>125</sup> Gay refugees are often unable to afford therapy sessions during their early resettlement, which engenders depression and hopelessness.<sup>126</sup> The requirement to prove one's sexual orientation and gender identity through Western-centric models also acts as a mental health burden.<sup>127</sup> Processes of institutional violence are not just a matter of bureaucratic entanglements but are also deeply psychological in nature. Early disclosure of traumatic experiences, short timelines for submitting a refugee claim, and premature coming-out processes are all ways through which the asylum machine negatively impacts the mental health of LGBTQ claimants.<sup>128</sup> The challenges faced by healthcare providers to attend to their clients further entrench the logics of exclusion created by the asylum system.<sup>129</sup> These include navigating the labyrinthine complexities of the claims process, grappling with their clients' mental health challenges, establishing a sense of safety for them, and facilitating social support.<sup>130</sup>

Everyday forms of violence faced by LGBTQRAS "structure their existence".<sup>131</sup> State-sanctioned heteronormativity leads to an absence of safe locations for these individuals which, combined with intersecting identities defined by, among others, race, class, and sexual orientation, lead to their exclusion. For example, Russian-speaking LGBTQRAS face a range of institutional, legal, and linguistic barriers in the USA, which have significant implications for their well-being.<sup>132</sup> The case of queer refugees and asylum-seekers in Nairobi, Cape Town, and Paris has revealed multiple versions of state-led violence.<sup>133</sup> As Bhagat argues, "while organised abandonment forecloses many possibilities of social reproduction on a systemic level, queer refugees continue to persist and survive (with great difficulty) in spaces where they are unwanted".<sup>134</sup> To achieve so, they depend on NGO support, precarious labour and housing, and short-lived community systems. Therefore, mental health challenges often increase post-migration, exacerbating already significant distress.<sup>135</sup>

## 5.2. Dual vulnerabilities: STIs and sex work

A converging theme identified pertains to the challenges faced by LGBTQRAS in relation to (STIs and an increased likelihood of engaging in sex work. Even when migrating to neighbouring countries with similar sexual cultures and health infrastructures, sexual health remains a pressing concern for those who have fled their homes due to persecution based on their gender identity and/or sexual orientation.<sup>136</sup> The case of Syrian LGBT refugees living

<sup>125</sup> K.M. Fobear, *Accordion Homes: Lesbian, Gay, Bisexual and Trans (LGBT) Refugees' Experiences of Home and Belonging in Canada*, Vancouver, University of British Columbia, 2016.

<sup>126</sup> A. Karimi, "Limits of Social Capital for Refugee Integration: The Case of Gay Iranian Male Refugees' Integration in Canada", *International Migration*, 58(5), 2020, 87–102.

<sup>127</sup> N.J. Mulé & K. Gamble, "Haven or Precarity? The Mental Health of LGBT Asylum Seekers and Refugees in Canada", in N.J. Mulé, N. Nicol, A. Juuko, R. Lusimbo, S. Ursel, A. Wahab, et al. (eds.), *Envisioning Global LGBT Human Rights*, London, School of Advanced Study, 2018, 205–220.

<sup>128</sup> E.J. Alessi & S.A. Kahn, "A Framework for Clinical Practice with Sexual and Gender Minority Asylum Seekers", *Psychology of Sexual Orientation and Gender Diversity*, 4(4), 2017, 383–391.

<sup>129</sup> S. Kahn et al., "Promoting the Wellbeing of Lesbian, Gay, Bisexual and Transgender Forced Migrants in Canada: Providers' Perspectives", *Culture, Health & Sexuality*, 19(10), 2017, 1165–1179.

<sup>130</sup> *Ibid.*

<sup>131</sup> A. Bhagat, "Forced (Queer) Migration and Everyday Violence: The Geographies of Life, Death, and Access in Cape Town", *Geoforum*, 89, 2018, 155–163.

<sup>132</sup> T. Ören & A. Gorskoy, "Lived Experiences of Recent Russian-Speaking LGBT+ Immigrants in the United States: An Interpretive Phenomenological Analysis", *Journal of LGBTQ Issues in Counseling*, 15(3), 2021, 290–309.

<sup>133</sup> A. Bhagat, "Queer Global Displacement: Social Reproduction, Refugee Survival, and Organised Abandonment in Nairobi, Cape Town, and Paris", *Antipode*, 2023, 1517–1537.

<sup>134</sup> *Ibid.*, 18.

<sup>135</sup> J. Golembe et al., "Experiences of Minority Stress and Mental Health Burdens of Newly Arrived LGBTQ\* Refugees in Germany", *Sexuality Research and Social Policy*, 18, 2021, 1049–1059.

<sup>136</sup> C. Broqua et al., "Queer Necropolitics of Asylum: Senegalese Refugees Facing HIV in Mauritania", *Global Public Health*, 16(5), 2021, 746–762.



with HIV in Turkey highlights these challenges.<sup>137</sup> Despite receiving free healthcare through Turkey's Social Security Institution, they encounter obstacles including the lack of knowledge among medical professionals regarding what they are entitled to access, ignorance among refugees regarding their own rights, lengthy administrative procedures, violence, and racism. In Spain, the NGO Kifkif has noted how in the period between 2020 and 2021, the number of HIV cases amongst LGBTQRAS grew by 3 per cent.<sup>138</sup> Research conducted in Lebanon shows how gay and bisexual male refugees face higher rates of STIs, contributing to an increased risk of HIV.<sup>139</sup> The growth of HIV cases, particularly among transgender women, underscores the urgency for further research and action to address the health needs of these populations.

Normative gender approaches that conflict with one's self-identification, coupled with the difficulty of accessing legal employment, often result in engagement in sex work.<sup>140</sup> This leads to further exposure to STIs and other forms of harm,<sup>141</sup> and hinders access to accommodation if the shelter providers discover this, leaving them in precarious situations.<sup>142</sup> Interviews with members of the Queer Sex Workers Initiative for Refugees in Kenya illustrate the tribulations endured by sex workers.<sup>143</sup> They face challenges when seeking protection and safety, as they are often met with discrimination, marginalisation, and violence. For instance, they are often unable to report cases of rape and kidnapping due to the fear of discrimination by the police. Similar cases are found in Kenya considering the arbitrary arrests and police violence faced by LGBTQRAS while doing sex work.<sup>144</sup> Police violence impacting Ugandan refugees in Kenya have been noted including arrests and frisking aimed at evaluating whether individuals are incontinent, which police assumes to reveal homosexuality.<sup>145</sup> This requires the attention of policymakers and service providers to address the structural inequalities that perpetuate these types of harm.

### 5.3. Tools and solutions

Existing research has proposed a range of tools for healthcare providers to effectively address the limitations faced by LGBTQRAS. Drawing attention to the importance of cultural sensitivity, confidentiality, and recognition of sources of trauma, abuse, and mental health issues, scholars suggest emphasising confidentiality and using the patient's chosen vocabulary when discussing gender and sexual diversity.<sup>146</sup> However, official approaches often employ limited

<sup>137</sup> P. Bänziger & Z. Çetin, "Biological Citizenship and Geopolitical Power Play. Health Rights of Refugees Living with HIV in Turkey", *Critical Public Health*, 31(1), 2021, 43–54.

<sup>138</sup> A. Martínez Gutiérrez & I. Jiménez-Aybar, *Transgender EU Law: A Review of Spanish, Italian, Belgian and Maltese Trans Law and its Efficacy*, Barcelona, UAB, 2022.

<sup>139</sup> I. Maatouk, M. Assi & R. Jaspal, "Sexual Health among HIV-Negative Gay and Bisexual Men in Lebanon: A Comparison between Native and Immigrant/Refugee Communities", *Journal of Refugee Studies*, 35(1), 2022, 675–685.

<sup>140</sup> B. Camminga, "Gender Refugees" in South Africa: The 'Common-Sense' Paradox", *Africa Spectrum*, 53(1), 2018, 89–112.

<sup>141</sup> See, for example, L. Misedah et al., "Sexual Health and HIV/STI Risk in Gay Refugee Men in Nairobi, Kenya: A Qualitative Study", *Venerology*, 1(1), 2022, 9–22; S. Nyanzi, "Homosexuality, Sex Work, and HIV/AIDS in Displacement and Post-Conflict Settings: The Case of Refugees in Uganda", *International Peacekeeping*, 20(4), 2013, 450–468; J. Tohme et al., "HIV Prevalence and Demographic Determinants of Unprotected Anal Sex and HIV Testing among Male Refugees who Have Sex with Men in Beirut, Lebanon", *AIDS and Behavior*, 20, 2016, 408–416; T. Zardiasvili & M. Kasianczuk, *Desk Review on LGBT Migrants and Refugees in CEECA in the Context of HIV*, Eurasian Coalition on Male Health, 2019, available at: <https://ecom.ngo/resource/files/2021/05/desk-review-on-lgbt-migrants-and-refugees-in-ceeca-in-the-context-of-hiv.pdf> (last visited 21 Apr. 2023).

<sup>142</sup> *Ibid.*, 211.

<sup>143</sup> S. Wijesiriwardena, "Queerness, Sex Work, and Refugee Status in Nairobi: A Conversation with Queer Sex Workers Initiative for Refugees", *Anti-trafficking Review*, 19, 2022, 134–140.

<sup>144</sup> L. Misedah-Robinson et al., "A Multi-Methodological Exploration of Persecution Experiences and Related Injuries of Sexually Minoritized Asylum Seekers and Refugees in Nairobi, Kenya", *Sexes*, 3(4), 2022, 546–563.

<sup>145</sup> G.P. Meiu, "Underlayers of Citizenship: Queer Objects, Intimate Exposures, and the Rescue Rush in Kenya", *Cultural Anthropology*, 35(4), 2020, 575–601.

<sup>146</sup> S.J. Gridley & V. Kothary, *Lesbian, Gay, Bisexual, and Transgender Healthcare: A Clinical Guide to Preventive, Primary, and Specialist Care*, London, Springer, 2016.

categories that hinder the ability to implement a person-centred approach. Psychological distress and traumatic stress have been identified as pervasive among this population.<sup>147</sup> Moreover, challenges to access mental healthcare have been noted to propose the implementation of safehouses, art, and psychotherapy as coping mechanisms. Employing tools like questionnaires can foster productive dialogues between clinicians and LGBTQRAS individuals.<sup>148</sup>

In line with the role of charitable interventions noted in Theme 2, research has highlighted the positive impact of community-based organisations (CBOs) in providing healthcare services.<sup>149</sup> Partnerships between CBOs and healthcare institutions can introduce an LGBT-affirming culture into the framework of healthcare facilities and systems.<sup>150</sup> Social support groups also act as sources to mitigate isolation and strengthen resilience.<sup>151</sup> A clinical practice framework, consisting of three essential elements, has been proposed: the establishment of safety and stability in both treatment and the environment, the cultivation of skills to manage the asylum claims process through therapy, and the provision of strategies for coping with the challenges of resettlement.<sup>152</sup> Group therapy also holds immense potential to address complex mental health challenges,<sup>153</sup> resonating with the broader literature on communal therapy, which has established its efficacy as a treatment modality for refugees and asylum-seekers in general.<sup>154</sup> Transformative benefits include the emergence of collective problem-solving and a sense of community, the seamless integration of asylum advocacy and psychotherapy, the preparation of clients for the inevitable trauma disclosure inherent in the asylum-seeking process, and the creation of safe spaces for clients to share their lived experiences.<sup>155</sup>

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Theme 3 has explored the health issues faced by LGBTQRAS. Pre-migration, they face significant physical and emotional abuse, including harassment, sexual assault, and violence, often enforced by state officials. Post-migration, their health might deteriorate further due to unstable housing situations, financial challenges, continuous waiting, and the mental burden of proving one's sexual orientation or gender identity. Future research should consider a holistic approach to address these health needs. Once again, most research applies Western-centric rigid categories to evaluate gender and sexual identities, limiting the ability to fully understand the needs of LGBTQRAS from different backgrounds. The interconnectedness of physical, mental, and emotional health with other aspects of well-being, such as economic stability, social inclusion, and legal recognition must be further interrogated. The evidence indicates systemic violence in the COOs and the post-migration environment, but there is a

<sup>147</sup> L. Misedah-Robinson et al., "The Mental Health of Male Sexual Minority Asylum Seekers and Refugees in Nairobi, Kenya: A Qualitative Assessment", *Refuge*, 38(2), 2022, 1–21.

<sup>148</sup> B.M. Wadler, M.R. Maroney & S.G. Horne, "Clinical Work with LGBTQ Asylum Seekers", in J.S. Whitman and C.J. Boyd (eds.), *Homework Assignments and Handouts for LGBTQ+ Clients*, New York, Routledge, 2020, 168–175.

<sup>149</sup> S. Abboud et al., "It's Mainly the Fear of Getting Hurt: Experiences of LGBT Individuals with the Healthcare System in Lebanon", *Annals of LGBTQ Public and Population Health*, 1(3), 2020, 165–185.

<sup>150</sup> *Ibid.*

<sup>151</sup> C.H. Logie et al., "It's for us—Newcomers, LGBTQ Persons, and HIV-Positive Persons. You Feel Free To Be: A Qualitative Study Exploring Social Support Group Participation among African and Caribbean Lesbian, Gay, Bisexual and Transgender Newcomers and Refugees in Toronto, Canada", *BMC International Health and Human Rights*, 16(1), 2016, 1–10.

<sup>152</sup> Alessi & Kahn, "A Framework for Clinical Practice".

<sup>153</sup> R. Reading & L.R. Rubin, "Advocacy and Empowerment: Group Therapy for LGBT Asylum Seekers", *Traumatology*, 17(2), 2011, 86–98.

<sup>154</sup> See, for example, B. Droždek & J.P. Wilson, "Uncovering: Trauma-Focused Treatment Techniques with Asylum Seekers", in B. Droždek & J.P. Wilson (eds.), *Broken Spirits: The Treatment of Traumatized Asylum Seekers, Refugees, War and Torture Victims*, New York, Brunner-Routledge, 2004, 243–276; S. Tucker & D. Price, "Finding a Home: Group Psychotherapy for Traumatized Refugees and Asylum Seekers", *European Journal of Psychotherapy and Counselling*, 9(3), 2007, 277–287.

<sup>155</sup> *Ibid.*, 91–94.

need for more studies studying the long-term health effects of such experiences. Efforts should be made to explore how the role of community-based organisations and support groups in mitigating the health challenges faced by LGBTQRAS can be scaled up or integrated into formal healthcare systems. State and institutional policies should address structural inequalities faced by this population, particularly considering the case of those such as sex workers, who face further discrimination, marginalisation, and violence.

## 6. THEME 4: CREATIVE EXPRESSION

The fourth theme pertains to investigations into art-based projects, storytelling, oral histories, and photovoice methodologies as sites for empowerment, mobilisation, and advocacy for LGBTQRAS. These creative methods enable participants to assert themselves and contest dominant assumptions. In contrast to the other four identified themes, which revolve around specific topics, this theme intertwines methodological interventions with artistic expressions. Such an amalgamation could potentially account for its relatively diminished salience in the analysed literature.

Storytelling has been used by scholars as a powerful tool to share one's lived realities in positive ways. Using one's stories to advocate for others can lead to the emergence of "a sense of justice", therefore becoming a powerful tool.<sup>156</sup> LGBTQRAS have noted how storytelling make them "feel cared for" by the researcher and "contribute to a larger cause". This can challenge power imbalances by situating forced migrant narratives at the core of one's research.<sup>157</sup> Engaging LGBTQRAS' agency through narrative-telling can create spaces to "complicate dominant approaches to humanitarian intervention".<sup>158</sup> LGBTQRAS have also employed written and oral history methods to share their personal narratives. For example, a gay Syrian refugee documented his journey before resettling in Canada, describing the obstacles he encountered.<sup>159</sup> Storytelling offers a platform for marginalised voices, but we must examine who is telling these stories, how they are being heard, and the degree to which they are empowered or constrained by the structures in which they are shared.

A body of literature within this theme has explored how art-based projects allow LGBTQRAS to express themselves. For example, a community mural in Canada provided a space to convey their thoughts and emotions.<sup>160</sup> In the UK, the project *Staying*, which involved workshops, monologues, interviews, and images, reflected how state violence impacts the everyday lives of lesbian refugees.<sup>161</sup> A zine-making project in South Africa challenged dominant assumptions about LGBT migrants' identities and experiences.<sup>162</sup> Zine-making sessions are helpful to explore narratives complementing the role of one's gender identity and sexual orientation in the migration journey and challenge exclusionary religious discourses. Marnell et al. discuss the collaborative implementation of three arts-based projects with queer migrants, refugees, and asylum-seekers living in South Africa to reflect on three

<sup>156</sup> See, for example, K. Fobear, "I Thought We Had No Rights'-Challenges in Listening, Storytelling, and Representation of LGBT Refugees", *Studies in Social Justice*, 9(1), 2015, 102-117; A.T. Barrufet, *The Unspoken Stories of LGBTQ+ Refugees: Healing Personal Trauma and Social Prejudices through Storytelling and Writing*, Grau d'Estudis Anglesos, Universitat de Barcelona, 2019.

<sup>157</sup> A. Saltzman & N. Majidi, "Storytelling in Research with Refugees: On the Promise and Politics of Audibility and Visibility in Participatory Research in Contexts of Forced Migration", *Journal of Refugee Studies*, 34(3), 2021, 2522-2538.

<sup>158</sup> *Ibid.*, 2536.

<sup>159</sup> A.D. Ramadan, "Searching for a Home: One Man's Story Of Survival in the Syrian Civil War", *Journal of International Affairs*, 69(2), 2006, 185-190.

<sup>160</sup> K. Fobear, "This Painting is Nice, but I Wish it were more Political' Exploring the Challenges and Dilemmas of Community Art with LGBT Refugees", *Women's Studies International Forum*, 62(3), 2017, 52-60.

<sup>161</sup> R. Lewis, "Deportable Subjects: Lesbians and Political Asylum", *Feminist Formations*, 25(2), 2013, 174-194.

<sup>162</sup> J. Marnell, *Seeking Sanctuary: Stories of Sexuality, Faith and Migration*, New York, NYU Press, 2021.

key themes.<sup>163</sup> The first relates to the impact that migration journeys have in the shaping of gender and sexual identities. The second highlights the bureaucratic practices that legitimise queerness and the struggles queer migrants face in navigating them. The last discusses the threat of violence rooted in multiple oppressions and exacerbated by the precarious spaces they inhabit. By embracing creative expression as a tool of resistance against legal definitions that confine LGBTQ+ subjects, facilitators produce agentic spaces enabling participants to articulate their identities in multifarious ways.<sup>164</sup> This allows for an alternative approach to navigating the bureaucratic constraints that impede the recognition of diverse individuals, fostering a politics of possibility that resists the reductive tendencies of normative identity frameworks. However, we should also consider how the power structures within these spaces can impact the nature of these creative expressions.

Films, plays, and performance art have been increasingly analysed to explore the experiences of LGBTQ+ migrants. The profusion of pictures exploring queer migrant lives in Europe results from the rising number of queer refugees seeking to cross the borders into the EU.<sup>165</sup> This production includes narrative fictions, documentaries of grassroots advocacy, docu-fiction, and self-recordings of queer journeys as they take place.<sup>166</sup> Performance art has started to tackle the incongruity of having to prove one's sexual orientation in asylum processes.<sup>167</sup> Plays such as MacDonald's *Eye of a Needle* and Campbell's *The Lesbian Wannabe*, which critique the asylum system's reliance on normative identity categories, expose how they are used administratively to mask the state's pernicious forms of xenophobia.<sup>168</sup> The film *Getting Out* also highlights the normative character of the asylum machine in creating discourses of protection and persecution that "are both complicit in rendering LGBTQ+ individuals invisible and illegible".<sup>169</sup> Film analysis is used to reveal flaws in the asylum system related to the maintenance of stereotypical assumptions, the forced application of normative Western categories of sexualities to individuals from different cultural backgrounds, and conflicting ideas regarding public and private displays of sexuality supporting discretion as a solution to persecution.<sup>170</sup> While this has helped to spotlight the lives of queer refugees and the challenges they face, future research should also interrogate how these media reproduce or challenge prevailing stereotypes, narratives, and power structures.

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Although less prominent in the analysed literature, Theme 4 has highlighted the potential of art-based projects, storytelling, oral histories, and photovoice methodologies as empowering platforms for LGBTQ+ migrants. They offer a means to contest dominant narratives enabling them to share their realities. Films, plays, and performance arts also offer insights into the experiences of LGBTQ+ migrants and critique the asylum system's normativity. The impact of existing legislation, support networks, and health frameworks underline the need to consider the lived realities of LGBTQ+ migrants when formulating interventions. Considering this, this theme has offered an innovative dimension with its focus on art-based projects and

<sup>163</sup> J. Marnell et al., "It's about Being Safe and Free to be Who You Are: Exploring the Lived Experiences of Queer Migrants, Refugees and Asylum Seekers in South Africa", *Sexualities*, 24(1–2), 2021, 86–110.

<sup>164</sup> C. Mahn et al., "Negotiating Space for Queer-Identifying Young People in a Refugee Organization: Viability, Complexities and Tensions", *Journal of Refugee Studies*, 34(2), 2021, 1477–1493.

<sup>165</sup> J.S. Williams, "Queering the Migrant: Being Beyond Borders", in J.S. Williams (ed.), *Queering the Migrant in Contemporary European Cinema*, London, Routledge, 2020, 3–29.

<sup>166</sup> *Ibid.*, 4.

<sup>167</sup> R. Lewis, "And Suddenly I Became a Lesbian!", in B. M. Haas & A. Shuman (eds.), *Technologies of Suspicion and the Ethics of Obligation in Political Asylum*, Ohio, Ohio University Press, 2019, 225–244.

<sup>168</sup> *Ibid.*, 229.

<sup>169</sup> A. Shuman & W.S. Hesford, "Getting Out: Political Asylum, Sexual Minorities, and Privileged Visibility", *Sexualities*, 17(8), 2014, 1016–1034.

<sup>170</sup> *Ibid.*, 1028.

methodologies, which not only serve as therapeutic outlets but also powerful platforms for advocacy and awareness. It subtly intersects with the other themes, as art can be a channel to capture and communicate the complexities of migration, integration processes, legal struggles, health issues, and the amalgamation of religious and sexual identities.

Future research should examine the narrative control in storytelling, who is sharing these stories, how they are received, and how societal structures may sanction or constrain them. The role of digital technologies in facilitating such expressions and narratives should also be explored, given their increasing influence post-COVID. From a policy perspective, these creative methods must be fostered as legitimate forms of expression and advocacy. Policymakers should support spaces for these narratives to thrive, ensuring they are inclusive and non-hierarchical.

## 7. THEME 5: RELIGION, FAITH, AND SPIRITUALITY

Despite the prevailing narrative that religions are inherently oppressive to diverse genders and sexualities, a small body of literature has challenged this exploring the experiences of LGBTQRAS who express a religious identity or find solace in their faith and/or spirituality. Literature within this theme has described the common assumption among asylum officials that being religious and LGBTQ is incompatible. This overlooks variations and evolutions in religious doctrine and practice, and suggests the need for further inquiry into religious diversity. Religious LGBTQRAS are often construed as being bound to traditional and irrational beliefs, leading to processes of mistrust in their claims for asylum, as scholars have noted across contexts such as Italy,<sup>171</sup> Germany,<sup>172</sup> Holland,<sup>173</sup> Turkey,<sup>174</sup> and the UK.<sup>175</sup> Queer asylum-seekers who self-identify as Muslims often have their claims rejected as implausible and “decision-makers have regularly dismissed the credibility of such applicants”.<sup>176</sup> While exploring this, the prominent role of religion for queer Muslim asylum-seekers has been noted to explain how leaving their home behind intensifies their religious identities, which was previously obscured by the religious homophobia prevalent in their COOs.<sup>177</sup> LGBTQRAS “continue to draw strength from faith, even when excluded from formal religious spaces”.<sup>178</sup> Considering this context, sociologists of religion and migration have emphasised how the relationship with religion developed by LGBTQRAS should be analysed vis-à-vis the psychosocial devices they develop to cope with the macro-sociological changes they undergo.<sup>179</sup> Immigration tribunals expose LGBTQRAS to “hetero- and homonormative understandings of sexual difference” being therefore presented as impossible subjects and leading them to believe that the disclosure of a religious identity might negatively impact

<sup>171</sup> M. Prearo, “The Moral Politics of LGBTI Asylum: How the State Deals with the SOGI Framework”, *Journal of Refugee Studies*, 34(2), 2021, 1454–1476.

<sup>172</sup> M. Dustin & N. Held, “‘They Sent Me to the Mountain’: The Role of Space, Faith and Support Groups for LGBTIQ+ Asylum Claimants”, in R. Mole (ed.), *Queer Migration and Asylum in Europe*, London, UCL Press, 2021, 184–215.

<sup>173</sup> S.F. Brennan, *Shifting Selves: Queer Muslim Asylum Seekers in the Netherlands*, New York, Columbia University, 2020.

<sup>174</sup> E. Yildiz, “Migrant Sexualities, Queer Travelers: Iranian Bears and the Asylum of Translation in Turkey”, *Differences*, 33(1), 2022, 119–147.

<sup>175</sup> A. Greatrick, “LGBTQ+ Asylum and Transformative Accommodations between Religion, Faith and Sexuality in the UK”, *Ethnic and Racial Studies*, 46(9), 2023, 1919–1939.

<sup>176</sup> E. Fiddian-Qasmieh, “The Faith-Gender-Asylum Nexus: An Intersectionalist Analysis of Representations of the ‘Refugee Crisis’”, in L. Mavelli & E.K. Wilson (eds.), *The Refugee Crisis and Religion*, London, Rowman & Littlefield, 2017, 207–222.

<sup>177</sup> *Ibid.*

<sup>178</sup> Marnell, *Seeking Sanctuary*, 3.

<sup>179</sup> R. Raijman & A. Kemp, “Consuming the Holy Spirit in the Holy Land: Evangelical Churches, Labor Migrants and the Jewish State”, in K. Applbaum & Y.S. Carmeli (eds.), *Consumption and Market Society in Israel*, London, Routledge, 2020, 163–183.

their asylum claims.<sup>180</sup> More work is needed to expose and challenge these entrenched biases, perhaps by highlighting examples of inclusive religious interpretations and practices that accommodate diverse sexual identities.

A sub-theme identified relates to the role of NGOs in supporting their clients to explain how being queer and religious can overlap in positive ways. NGO workers have helped clients to “verbalise why it can be reconciled” against the usage of religion by the UK’s Home Office “to shake them [claimants] up”.<sup>181</sup> In fact, the UK’s Home Office has required claimants to demonstrate their renunciation or internal struggle with their faith.<sup>182</sup> Failure to do so has repeatedly resulted in the rejection of asylum applications. Multiple refusal letters have noted inconsistencies among asylum claimants who identify as both LGBTQ and religious, which officials presume to be incompatible.<sup>183</sup> This makes it especially complicated for these individuals “to secure international protection due to the expectation that they either reject their religion to be truly LGBTQ+ or refrain from being LGBTQ+ to be truly religious”.<sup>184</sup> These secularist approaches are also found in the work of queer organisations that conform to frameworks presenting faith as a negative force against the articulation of one’s non-normative sexual orientation.<sup>185</sup> This raises important questions about the role of policy in reinforcing harmful dichotomies, suggesting a need for alternative approaches that validate the lived experiences of LGBTQRAS.

Another sub-theme explores the various ways in which religious communities provide vital support and resources for LGBTQ refugees. Research has noted how the intersections of religion, sexuality, and migration shape the experiences of LGBTQRAS through the case of San Francisco’s Metropolitan Community Church (MCC).<sup>186</sup> By foregrounding the notion that “all people are equally deserving of God’s love and that all people share inalienable human rights”,<sup>187</sup> MCC provides both a space for worship and spiritual reflection and a network of social support and ideological resources for queer migrants who subscribe to religious values. In fact, MCC was founded in the 1960s with a vision to provide a haven for those who are socially marginalised, and as such, it transcends the perception of being solely a “gay church”. The American Presbyterian Church has also provided “safety, sanctuary, and support to LGBT refugees and asylum seekers”.<sup>188</sup> In Nairobi, a high number of Ugandan LGBT refugees attend the LGBT-friendly church Fellowship of Affirming Ministries.<sup>189</sup> Through progressive theology, this church works with refugees, people living with HIV, and other marginalised groups, aiming to build a pan-African LGBT-affirming movement. In Kenya, religious values are also used by NGOs to encourage individuals to help LGBTQ refugees by promoting equality and engaging faith leaders in discussions.<sup>190</sup> These “faith allies have been instrumental in protecting the LGBTI refugee community in Nairobi, for example

<sup>180</sup> C. Giametta, “‘Rescued’ Subjects: The Question of Religiosity for Non-Heteronormative Asylum Seekers in the UK”, *Sexualities*, 17(5–6), 2014, 583–599.

<sup>181</sup> Danisi et al. (eds.), *Queering Asylum in Europe*.

<sup>182</sup> See, for example, Dustin & Held, “They Sent me to the Mountain”; D. Garcia Rodriguez, “Many People Think it’s Impossible to be LGBTQ+ and Religious – this ‘Homosecularism’ is Dangerous for Asylum Seekers”, *The Conversation*, 2023.

<sup>183</sup> Danisi et al. (eds.), *Queering Asylum in Europe*.

<sup>184</sup> *Ibid.*, 81.

<sup>185</sup> A. Greatrick, “‘Coaching’ Queer: Hospitality and the Categorical Imperative of LGBTQ Asylum Seeking in Lebanon and Turkey”, *Migration and Society*, 2(1), 2019, 98–106.

<sup>186</sup> C. Howe, “Sexual Borderlands: Lesbian and Gay Migration, Human Rights, and the Metropolitan Community Church”, *Sexuality Research & Social Policy*, 4(2), 2007, 88–106.

<sup>187</sup> *Ibid.*, 101.

<sup>188</sup> M.M. Ginicola et al., “The Role of Religion and Spirituality in Counseling the LGBTQ+ Client”, in M.M. Ginicola, C. Smith & J.M. Filmore (eds.), *Affirmative Counseling with LGBTQ+ People*, Alexandria, American Counseling Association Press, 2017, 297–312.

<sup>189</sup> A. Van Klinken, “Culture Wars, Race, and Sexuality: A Nascent Pan-African LGBT-Affirming Christian Movement and the Future of Christianity”, *Journal of Africana Religions*, 5(2), 2017, 217–238.

<sup>190</sup> E. Stoddard & K. Marshall, *Refugees in Kenya: Roles of Faith*, Berkley Center For Religion, Peace & World Affairs, Washington D.C., Georgetown University, 2015.

by informing organizations of impending attacks or police raids”.<sup>191</sup> Despite these positive examples, it is also crucial to simultaneously address how religious communities can sometimes reinforce exclusionary practices to develop interventions that promote inclusion and acceptance.

A final sub-theme examines the intersections between mental health, gender, sexuality, and religion. This is a very limited one, which explains the brevity of this sub-section and highlights the lack of focus on mental health in discussions of religion and sexuality. This underscores both the need for more research into the topic and the current shortage of comprehensive, culturally sensitive mental health services for LGBTQAS navigating religious identities. The case study of a gay Muslim Somali refugee has been explored to develop a practical tool for clinicians aimed at improving the care provided to this population.<sup>192</sup> The significance of religious and spiritual communities is noted as a source of well-being.<sup>193</sup> Another study highlights Nairobi’s MCC as an affirming safe space for MSM refugees and asylum-seekers, where they feel connected to their community and practise their faith in ways that positively impact their mental health.<sup>194</sup>

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This final theme, which has delved into religion, faith, and spirituality, underscores a shift in literature from oppressive narratives to a more nuanced understanding of these dynamics. Areas for future research encompass how LGBTQAS negotiate their religious, gender, and sexual identities, especially when asylum procedures perpetuate preconceived notions that view these as discordant. Scholars could engage with decision-makers to grasp the foundational beliefs of their current normative approaches and produce recommendations for policy improvements. Additionally, the contribution of faith and spirituality to the well-being of LGBTQAS requires further exploration. Policies should respect and validate these overlapping identities and ensure culturally sensitive mental health services for religious LGBTQAS. Interventions should also be developed to promote inclusion and acceptance within conservative religious communities.

## 8. CONCLUSION

This review of literature on the experiences of LGBTQAS has identified five key themes and revealed gaps that warrant further investigation. This indicates the need for a more nuanced understanding of the transit and integration experiences of LGBTQAS. Traditional research models that bifurcate experiences into pre- and post-migration stages fail to capture their complexity. Furthermore, this article has revealed the everyday impact of legislation, policy, and charitable intervention in the lives of LGBTQAS. The power these institutions hold underscores the urgency of challenging normative legal biases and Western-centric gender and sexual identity frameworks that both restrict the perception of the credibility of asylum claims and limit one’s own sense of identity. This review has also emphasised the multi-layered health challenges faced by LGBTQAS. This requires an intersectional approach that recognises the interconnections between physical and mental health with factors such as, among others, economic stability, social inclusion, and legal recognition. The potential of art-based projects as empowering platforms for LGBTQAS emerges as a significant theme to contest their biased representations while facilitating self-expression. Lastly, this

<sup>191</sup> *Ibid.*, 30.

<sup>192</sup> Wadler et al., “Clinical Work with LGBTQ Asylum Seekers”.

<sup>193</sup> *Ibid.*, 172.

<sup>194</sup> Misedah et al., “Sexual Health and HIV/STI Risk”.

review has exposed the need to reevaluate simplistic depictions of religion, faith, and spirituality. It is essential to challenge presumptions of inherent oppression and instead explore the fluid negotiation of religious, gender, and sexual identities.

Across all themes, there is a recurrent critique of Western-centric identity categories and norms that inadequately represent the experiences of LGBTQ+ refugees. Themes 1, 2, and 5 interlink in their discussion on the harmful assumptions made by legal and societal structures. While Theme 2 critiques the legal reinforcement of normative identities, Theme 5 challenges the assumption that LGBTQ+ and religious identities are inherently incompatible. This tendency to oversimplify experiences through policies can be re-traumatising and marginalising and points to the need for genuine representation. As scholars before me have proposed, there is an urgent need to include demographic questions about sexual orientation, gender identity, and sex assigned at birth within asylum application processes, allowing claimants to change their self-identification without facing negative repercussions.<sup>195</sup>

Throughout the existing literature, terms like “vulnerability” and “vulnerable” are frequently used to describe the experiences of LGBTQ+ refugees, which may inadvertently perpetuate stereotypes about this population as powerless and devoid of agency. Previous studies have examined the concept of “vulnerability” vis-à-vis the case of asylum-seekers. From facing social isolation to experiencing a state of liminality, to confronting oppressive governmental systems, manifestations of vulnerability among this population have been described as diverse and cumulative. However, it is crucial to approach “vulnerability” with nuance, ensuring we do not inadvertently strip asylum-seekers of their agency. In light of this, we should critically evaluate the language we employ in future studies, acknowledging the capacity of refugees and asylum-seekers for self-determination.

In conclusion, this literature review does not just shed light on the existing scholarship and knowledge gaps but reinforces the urgent need for innovative legislative reforms and policy interventions that recognise and protect the human rights of refugees and asylum-seekers. As future research and policy progress in this field, these insights will be invaluable. Central to this should be the voices and experiences of LGBTQ+ refugees. This review, therefore, stands as a foundational reference, offering a road map for researchers and policymakers working with LGBTQ+ refugees.

<sup>195</sup> A. Shaw & N. Verghese, *LGBTQ+ Refugees and Asylum Seekers: A Review of Research and Data Needs*, 31, Los Angeles, UCLA Williams Institute, 2022.