

**“How would you define your sexuality?” -  
Analyzing the Questions Asked in Asylum Interviews Involving Sexual  
Minorities**

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Master's thesis in psychology  
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2023

**ÅBO AKADEMI UNIVERSITY – FACULTY OF ARTS, PSYCHOLOGY AND  
THEOLOGY**

Subject: Psychology	
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Title: “How would you define your sexuality?” - Analyzing the Questions Asked in Asylum Interviews Involving Sexual Minorities	
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<p>Abstract:</p> <p>In many parts of the world, people are persecuted due to perceived sexual orientation and/or gender identity (SOGI). Asylum applications from SOGI minorities have increased in recent years and are expected to continue rising. It is crucial that the asylum interview is conducted in a way that supports legitimate decision-making and enables fair and accurate assessments of refugee status. Asking appropriate questions is one of the few tools at the interviewer’s disposal to elicit detailed and accurate responses. Until now, questions asked in asylum interviews have only been sparsely studied. Worryingly, no prior study has investigated questions asked from SOGI applicants. In the current study, we analyzed question style, question type and question content in real-life interviews conducted with SOGI applicants. The sample consisted of 129 official asylum cases determined by Finnish state authorities 2014–2019. In accordance with best practice, interviewers mainly used the information-gathering style. However, only one-tenth of all questions were recommended open questions, whereas four-fifths were closed questions. More than half of the questions aimed at assessing credibility of SOGI status, less than one-third were about fear of persecution, and one-seventh were about other reasons for seeking asylum. To assess the credibility of SOGI claims, officials predominantly asked about the applicant’s history of same-sex relationships, feelings about their sexuality and development of sexual identity. To improve current interviewing praxis asylum officials could ask more open questions, avoid accusatory questions altogether and focus more on establishing fear of persecution. Future research should examine how asylum seekers experience and interpret questions concerning SOGI status, to assess which questions elicit most relevant information.</p>	
<p>Keywords:</p> <p>Queer, SOGI, asylum seeker, asylum interview, investigative interviewing</p>	
Date: 6.12.2023	Number of pages: 46

**ÅBO AKADEMI – FAKULTETEN FÖR HUMANIORA, PSYKOLOGI OCH  
TEOLOGI**

Ämne: Psychology	
Författare: Mia Helenelund	
Arbetets titel: "How would you define your sexuality?" - Analys av frågorna som ställs i asylintervjuer med sexuella minoriteter	
Handledare: Hedayat Selim	Handledare: Jan Antfolk
<p>Abstrakt:</p> <p>I många delar av världen utsätts HBTIQ-personer, det vill säga homosexuella och bisexuella personer samt trans-, intersex- och queerpersoner, för förföljelse, diskriminering och kränkning av mänskliga rättigheter (UNHCR, 2012). Asylansökningar som grundar på sexuell läggning eller könsidentitet har ökat under de senaste åren och förväntas öka ytterligare i framtiden. Det är avgörande att asylintervjuerna genomförs på ett sätt som möjliggör rättvisa och korrekta bedömningar av flyktingstatus. Att ställa lämpliga frågor är ett av de få verktyg som intervjuaren har till förfogande för att få detaljerad och relevant information i svaren. Hittills har frågorna som ställs i asylintervjuer varit sparsamt utsatta för empirisk granskning. Oroväckande nog har ingen tidigare studie undersökt de frågor som ställs till HBTIQ-asylsökande. I den aktuella studien analyserade vi frågestil, frågetyp och frågeinnehåll i verkliga asylintervjuer med HBTIQ-personer. Urvalet bestod av 129 verkliga asylärenden som avgjordes av finska statliga myndigheter 2014–2019. I enlighet med bästa praxis använde intervjuarna huvudsakligen en informationssökande intervjustil. Däremot var enbart en tiondel av alla frågor rekommenderade öppna frågor, medan fyra femtedelar var slutna frågor. Mer än hälften av frågorna syftade till att bedöma tillförlitligheten av den sökandes sexuella läggning, mindre än en tredjedel var om rädsla för förföljelse och en sjundedel om övriga skäl för att söka asyl. För att bedöma tillförlitligheten av sexuell läggning frågade tjänstemän övervägande om den sökandes historia av samkönade relationer, känslor kring sin sexualitet och utveckling av sin sexuella identitet. För att förbättra nuvarande intervjupraxis kan asyltjänstemän ställa fler öppna frågor, undvika anklagande frågor och fokusera mer på rädsla för förföljelse. Framtida forskning bör undersöka hur asylsökande upplever och tolkar frågor om sexuell läggning och könsidentitet, för att bedöma vilka frågor som framkallar mest relevant information.</p>	
Nyckelord: SOGI, HBTIQ, asylsökande, asylintervjuer	
Datum: 6.12.2023	Sidoantal: 46

## **Acknowledgements**

In Stockholm, December 2023.

I would like to express my sincere gratitude to my supervisors Hedayat Selim and Jan Antfolk for supporting me during the coding and writing of this thesis. Your insightful and constructive feedback has helped me tremendously throughout the process. Hedayat, thank you for introducing me to the topic, for lending me your expertise and for showing confidence in me. I want to thank Jan for providing me with statistical guidance, for performing the statistical analyses and for supporting me especially towards the end of the writing.

Second, I want to thank Jenny Skrifvars for your consistent support and comments through the different stages of my writing. Your expertise within Finnish asylum research and investigative interviewing has been both inspiring and immensely helpful.

Finally, I want to thank my family and friends for showing so much interest in my work and for your continuous encouragement and support during times when the process has felt overwhelming.

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## **Introduction**

In many parts of the world, people experience serious human rights abuse and other forms of persecution due to their actual or perceived sexual orientation and/or gender identity (hereafter “SOGI”; United Nations High Commissioner for Refugees [UNHCR], 2012). More than 60 countries maintain criminal laws against same-sex relations, with sanctions ranging from several months in prison to life sentences or the death penalty (Human Dignity Trust, 2023; The International Lesbian, Gay, Bisexual, Trans and Intersex Association [ILGA world], 2020). Even in countries where such criminal laws are not enforced or have been abolished, the authorities may be unwilling or unable to protect individuals from harm committed by societal actors (UNHCR, 2012). These enduring circumstances have led to an increase in asylum applications from SOGI minorities in recent years, with reports predicting a continued increase of SOGI asylum claims in the future (International Commission of Jurists, 2016).

The Refugee Convention defines a refugee as someone who is ‘unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion’ (United Nations, 1951, p. 3). In countries of asylum, there is growing awareness that SOGI minorities and those perceived to belong to said minority, can qualify as refugees on the grounds of membership of a particular social group, as well as on other grounds, such as religion or political opinion (Directive 2011/95/EU, 2011; UNHCR, 2012).

Making accurate decisions on eligibility for international protection is of utmost importance, both for the applicant and for the country of asylum. Accepting applicants who do not qualify for asylum diminishes the integrity of the asylum system, while rejecting applicants with a real risk of harm can lead them to face deportation and persecution in their home countries. Asylum officials are under significant pressure to make timely and accurate decisions regarding who is entitled to protection and who meets the criteria for refugee status. As documentary evidence is rare, asylum decisions are often solely based on the asylum-seeker’s responses (UNHCR, 2013). Much weight is put on the applicant to provide detailed, consistent, and plausible statements about their identity, place of origin, and flight motives (UNHCR, 2013; van Veldhuizen et al., 2018). However, the interviewer can greatly affect the quality and amount of legally relevant information gathered in the interview through asking appropriate questions. It is crucial that the asylum interview is conducted in a way that supports legitimate decision-making, and enables the asylum authorities to make reasoned, fair, and accurate refugee status determinations. To date, the questions asked in asylum

interviews have been sparsely subjected to empirical scrutiny (Skrifvars et al., 2020; van Veldhuizen et al., 2018) and, to the author's best knowledge, no such study has focused specifically on interviews with SOGI applicants. The aim with the current study was to expand the existing knowledge base by analyzing the questions asked in recent interviews conducted within SOGI asylum claims in Finland.

### **Applying Best Practice Guidelines in Investigative Interviewing to SOGI Asylum Claims**

An *investigative interview* is an interview conducted to elicit legally relevant, accurate and complete evidence or information from a person (e.g., a witness, victim, complainant, or suspect) during the process of an investigation (Wakefield & Fleming, 2009). Research in legal psychology has amassed extensive knowledge on effective techniques for investigative interviewing (Brandon et al., 2018; Meissner, 2021; Memon et al., 2010; Vrij et al., 2014). Such techniques focus on formulating appropriate interview questions that promote rapport-building (i.e., a good working relationship between the interviewer and interviewee), and aid in eliciting reliable, high-quality information from interviewees. Using effective interviewing techniques is important, because poorly conducted interviews can diminish the perceived credibility of the interviewee, contaminate the investigative process and, at worst, lead to a miscarriage of justice (Kassin & Gudjonsson, 2004; Vrij et al., 2014).

Despite clear differences between the asylum and criminal contexts, interviews within these investigative contexts share important characteristics (Herlihy & Turner, 2009). For instance, much as in interviews with witnesses and victims of crimes, the asylum-seeker must access their autobiographical memories to retrieve information in support of their claim (Herlihy et al., 2012). The asylum official, in turn, must listen and formulate questions to aid the memory retrieval and obtain essential information for the assessment. As in all investigative interviews (Vrij et al., 2014; Walsh & Bull, 2010), building good rapport is crucial in interviews with asylum-seekers, including SOGI applicants, who may feel apprehensive towards authorities due to past experiences of harm at the hands of government officials (Spijkerboer, 2011; UNHCR, 2019). Asking appropriate questions is one of the few tools at the interviewer's disposal to elicit information and promote rapport-building, and one of the most important variables influencing the outcome of the interview (Oxburgh et al., 2010; van Veldhuizen et al., 2016). Legal psychological guidelines for effective interviewing commonly focus on *question style* and *question type*. *Question content* is also relevant insofar as it influences the substantive focus of the interviewee's testimony.



### ***Question Style***

Question style refers to the way in which an interviewer approaches an interview. Research in investigative interviewing typically distinguishes between the information-gathering style and the accusatory style (e.g., Meissner et al., 2012, Vrij et al., 2006). In the *information-gathering style*, the interviewer asks predominantly open questions that invite the interviewee to present their narrative freely, in a non-judgmental and non-confrontational setting (Vrij et al., 2014). This approach to questioning prompts long and detailed answers, promotes rapport-building, reduces stress, and makes the interviewee feel respected (Vrij et al., 2006). In general, it is easier for truth-tellers to provide elaborate answers (Vrij et al., 2006). Thus, the information-gathering style, which aims to maximize disclosure, is also more useful in aiding interviewers to distinguish between truth-tellers and liars. The *accusatory* style of interviewing, in contrast, is characterized by closed and confirmatory questions, posed to elicit a confession (Vrij et al., 2014). Faced with an accusatory interviewing style, the asylum applicant may become uncooperative or anxious (Vrij et al., 2006) or give evasive answers if they, for example, perceive the interviewer to be unreceptive or skeptical about their sexual orientation and/or gender identity. The applicant's evasiveness may, in turn, be misconstrued as indicating a lack of credibility.

Interviewer qualities is one of the strongest factors that affect disclosure in asylum interviews (Bögner et al., 2010). In the study by Bögner et al. (2010) the majority of asylum seekers reported that the interviewer reminded them of authorities from their home countries, and that this affected their ability to disclose. The information-gathering style of questioning might be especially crucial in asylum interviews with SOGI minorities. Sexual orientation and gender identity are sometimes highly private matters and to speak about them may, in some asylum-seekers, evoke feelings of shame, fear, or self-hatred (LaViolette, 2014). Using the information-gathering approach to interviewing, and avoiding accusatory questions, can aid in providing a safe and supportive environment, and promote more elaborate and accurate responses.

### ***Question Type***

*Question type*, or the way questions are formulated, can greatly influence the amount of relevant and accurate information obtained within the interview. It is widely agreed that *open questions* are more productive in gaining information compared to *closed questions* (Fisher et al., 2011; Oxburgh et al., 2010). *Open questions* (e.g., "Tell me more about the way you felt when you realized you are attracted to men") allow the interviewee to tell their narrative from their own point of view, and prompt longer, more detailed and accurate

responses (Fisher et al., 2011; Skrifvars et al. 2022; Vrij et al., 2006). By asking open questions the interviewer signals interest in the interviewee's account, which can have a positive effect on rapport-building (Walsh & Bull, 2012). Asking open questions encourages the interviewee to take an active role in telling their story while allowing the interviewer to engage in active listening rather than focusing on the next question (Brandon et al., 2018; Vrij et al., 2014).

*Closed questions*, on the other hand, can be answered with a few words. These include *directive* "wh"-questions, that often start with what, where, who, when, why, or how (e.g., "How old were you when you met your partner?") as well as *yes/no* questions (e.g., "Do you have a partner?"). Including some directive questions is both appropriate and necessary, to acquire all relevant facts and clear misunderstandings (Granhag et al., 2017; UNHCR, 2013). However, asking too many closed questions may communicate to the interviewee that they are expected to give short responses (Fisher et al., 2011). Extensive questioning can also interfere with memory retrieval, as it directs the interviewee's attention outwardly rather than towards the source of the memories (Vrij et al., 2014).

*Unrecommended* question types, are considered inappropriate as they may confuse the interviewee or steer the answers in a particular direction (Oxburgh et al., 2010), and thus, damage the validity of the answers (Granhag et al., 2017). These include *suggestive questions*, which communicate what kind of answer is expected or ask about details previously not mentioned in the interview (e.g., "Is there a feeling of shame or other negative feelings related to this?"). In interviews with SOGI minorities, suggestive questions might stem from the interviewer's assumptions of a typical narrative of sexual identity development, or from overgeneralizations and stereotypes about sexual minorities. Other questions that are to be avoided include, *forced-choice questions*, (e.g., "Are you gay or bisexual?"), since they offer a limited number of possible responses to choose from and *multiple questions*, which contain several questions asked all at once (Oxburgh et al., 2010).

A well-conducted asylum interview should begin with a free-recall phase in which the applicant is encouraged to tell everything relevant to their claim in their own words (Granhag et al., 2017). The free-recall should be followed by a series of open questions exploring the different elements that the applicant has spoken about. A small amount of closed, directive questions, can be included towards the end of the interview. It is also advisable to include a summary at the end of each topic, to give the interviewee an opportunity to add any missing information and correct any misinformation (Brandon et al., 2018).

### ***Question Content***

Question content refers to the topics that the interviewer asks about in the interview. Similarly to other asylum claims, the key areas of inquiry in asylum interviews with SOGI minorities should be establishing the applicant's *origin, identity, and fear of persecution* (Spijkerboer, 2011). In SOGI asylum claims the identity aspect is often accentuated (Dustin & Ferreira, 2021), as there is a need to evaluate the credibility of the applicant's claims regarding their SOGI (UNHCR, 2012). Establishing the applicant's sexual orientation or gender identity, without relying on stereotypes or superficial understandings, is a complex task for asylum officials (Jansen, 2019). Asking intrusive, sexually explicit questions was for long a common practice in asylum interviews with SOGI minorities, and evasive responses to such questions have often been regarded as not credible by decision makers (Spijkerboer, 2011). The Court of Justice of the European Union (CJEU, 2014) and the UNHCR (2012) have deemed questions concerning sexual practices unacceptable, as they infringe on human dignity and the right to private life.

To move away from inappropriate questioning, the *Difference, Stigma, Shame and Harm Model* (DSSH model) was created in 2011 by Chelvan (as cited by Gyulai et al., 2015). To gather information for the credibility assessment, the DSSH model recommends asking questions about the applicant's experience of being different, as well as any stigma, shame, or harm that the applicant may have had to endure because of it. The model has been endorsed by the UNHCR, and by 2015 the model was used by asylum authorities in Finland, Sweden, New Zealand, and the United Kingdom (Gyulai et al., 2015). Even though the DSSH model offers an improvement of the way SOGI claims are being assessed, it has received criticism for relying heavily on Western understandings of male sexual identity development (e.g., Cass, 1979; 1984; Dawson & Gerber, 2017). The model also risks homogenizing the way SOGI applicants are expected to present their claims, which may make decision-makers less accepting of different narratives or less common experiences of sexuality (Dustin & Ferreira, 2021). The experiences of individuals belonging to a SOGI minority vary greatly and are strongly influenced by their cultural, economic, family, political, religious, and social environment (LaViolette, 2014). Thus, homogeneity across claims cannot be expected and inquiries in SOGI claims are not to be based on superficial, or stereotypical assumptions derived from Western understandings of sexual identity (LaViolette, 2014; UNHCR, 2012).

In current SOGI asylum proceedings evaluating the credibility of SOGI is prioritized over establishing fear of persecution (Dustin & Ferreira, 2021). The challenges associated with assessing the credibility of sexual identity, pose high risks of making incorrect credibility

determinations, which can have detrimental effects on the lives of the asylum seekers. To shift the focus away from identity, Dustin and Ferreira (2021) advocate for a more frequent use of the other four Convention groups in SOGI cases and for establishing particular social group membership through the acceptance of *self-identification* (i.e., recognizing the applicant's self-identification as a positive indicator of credibility) as a default position. Ultimately it is the threat of persecution by State or non-State actors that is the catalyst for the claimant's need to seek protection. By giving sufficient weight in the interviews to identifying the threat of persecution and considering the applicant's narrative in the light of valid and up-to-date country of origin information, decision-makers would have a better basis for assessing whether the applicant meets the criteria for refugee status (Dustin & Ferreira, 2021).

### **Previous Research**

The interviewing practices used in European asylum procedures have been sparsely studied (van Veldhuizen et al., 2018; Skrifvars et al., 2020, 2022), and even less so in SOGI asylum proceedings. Further, the psychological dimension of interviewing, despite its potential to contribute to improving asylum practices, remains understudied.

In the Netherlands, van Veldhuizen et al. (2018) examined the style, type, and content of questions asked when assessing the credibility of applicants' place of origin, in real-life asylum interviews. They found that Dutch asylum officials predominantly ask information-gathering questions and scarcely employ an accusatory style. However, officials mainly asked closed, fact-checking questions, with open questions constituting less than one fifth of all questions. To assess the credibility of place of origin, officials asked questions about the applicants' immediate living environment, their flight to Europe, identity documents, country of origin, and personal background.

In Finland, Skrifvars et al. (2020) found that Finnish asylum officials, in line with best practice guidelines, mainly use the information-gathering style when interviewing. However, only approximately one third of the interviews in their sample contained no accusatory questions at all. The asylum officials mainly asked closed questions, with an average of only one or two open questions for every 10 closed questions. Suggestive and forced choice questions were rare. In a second study, Skrifvars et al. (2022) found that open questions elicited longer answers in general, as well as more new key aspects of the asylum claims than other question types. They also found that the free-recall phase in the beginning of the interview (i.e., when the applicant is encouraged to tell their entire story freely) only elicited half of all key aspects of the claims, and that mis-matched answers (i.e., answers that do not match the question asked), and difficult or unanswerable questions were alarmingly common.

## **The Current Study**

The aim of the current study was to investigate the questions asked in official interviews with SOGI applicants in Finland. In light of best practice guidelines from investigative interviewing, UNHCR guidelines on international protection, and research on SOGI asylum, we investigated question type, style, and content in a sample of 129 SOGI claims. The interviews were conducted between 2014 and 2019 by the Finnish Immigration Service (Migri). We expected similar results to those presented by Skrifvars et al. (2020) and van Veldhuizen et al. (2018), that is, a predominant use of the information-gathering question style, a limited use of open questions, a high proportion of closed questions and an infrequent use of the unrecommended question types. Studies conducted with real-life asylum interviews provide rare and valuable information, which aids in assessing the quality of interviews and in improving common guidelines and training practices. The scarcity of research about the interviewing practices in SOGI asylum proceedings, and the expected continued rise in asylum cases based on SOGI, calls for more research within this area.

## **Methods**

### **Ethical Permission**

The current study was part of a broader collaborative project between Åbo Akademi University and the University of Turku. The project was granted ethical permission by the Ethics Board of the University of Turku. Before granting the research team access to the asylum casefiles, Migri anonymized the files by deleting all identifiable information including the applicants' name, and exact place and date of birth, as well as any personal information about the interviewer or other people present in the interview.

### **Material**

Migri granted the research team access to the casefiles of 218 randomly selected asylum cases, which had been marked with the keyword "LGBT". The casefiles included interview transcripts and decisions documents of asylum claims based on SOGI. In most cases where an application had been returned to Migri after a first negative decision, the first round of the application had not been based on a SOGI ground. Thus, any documents from the previous application were not included in the casefiles released to the research team.

We included 129 cases in the final sample of the current study. We first randomly selected 66 negative outcome cases (not granted asylum), also included in a parallel study investigating negative decision justifications. We then randomly selected 61 positive outcome cases (granted asylum) and 2 cases where the applicants were granted resident permit on other grounds (work, study, family or medical reasons).

## Procedure

Before receiving the casefiles, we developed a detailed coding scheme which we modified upon inspection of the transcripts and during the early stages of coding (the coding scheme for the interview transcripts can be found in Appendix A). We coded all interviews included in the casefiles of the selected cases. We selected all questions, utterances, and comments that the interviewer used to elicit information from the applicant that was directly relevant to the asylum decision. These included questions aimed at evaluating the credibility of the applicant's claim of belonging to a SOGI minority, questions exploring the harm they had already faced or feared facing in the future, and questions exploring other reasons for seeking asylum (e.g., religion). Questions that were deemed irrelevant to the legal decision (e.g., asking if the applicant needed a break), and questions asked by the applicant's legal representative, were excluded from our sample of coded questions. To include qualitative examples from the interview transcripts, questions were translated from Finnish into English by the author. Since these are direct translations of the wording that the Migri asylum official used, the examples may not be up to academic standards of language or preferred terms. All example questions included in the study are real examples from our sample.

### *Coding of Applicant and Case Characteristics*

We coded all relevant applicant and case information, namely applicants' year of birth, gender, nationality, sexual orientation, relationship status, religion, the dates at which their application was filed and decided upon, and whether the case had been returned to Migri for re-evaluation after a refusal of the initial decision.

### *Coding of Question Style, Type and Content*

For question style, we used the categories *information-gathering style* and *accusatory style*, in line with previous research (Meissner et al., 2012, 2014; Vrij et al., 2006). Because questions are not posed in isolation from one another, even one accusatory question may affect how the interviewee responds to the successive questions. We therefore coded an interview as accusatory in its entirety if it contained at least one accusatory question. An interview was coded as information-gathering if it was entirely free of accusatory questions.

We coded the question type for each selected question. We based our coding for question type on the study conducted by Skrifvars et al. (2020) and made one alteration by including the question type *unclear*. We distinguished nine categories of question types: we specified two varieties of open questions (*invitations* and *cued invitations*), two varieties of closed questions (*directive* and *yes/no*), and two varieties of unrecommended question types

(forced choice and suggestive questions). Other categories specified were *utterances*, *summaries*, and *unclear questions*. For an explanation of the categories see Table 1.

**Table 1**  
*Classification of Question Types*

Question types	Explanation of question types	Examples
<u>Open question types</u>		
Invitation	Questions that elicit a free recall.	“Tell me about your reasons for seeking asylum”
Cued invitation	Questions that elicit a free recall but include a cue to elicit more information about a specific detail.	“Tell me more about your thoughts in that moment”
<u>Closed question types</u>		
Directives	Probing or limited recall “wh”-questions often beginning with Who/What/When/Where/Why/How.	“When was the first time you had sex with a man?”, “How did you know he was homosexual?”
Yes/No	Restrict the answers to yes or no.	“Do you have a profile on Grindr?”
<u>Unrecommended question types</u>		
Forced choice	Questions that provide predetermined answer options.	“Would you rather have a boyfriend or a girlfriend?”
Suggestive	Leading questions conveying that a certain answer is expected, questions about details not previously mentioned by the applicant, or quoting the applicant incorrectly.	“Has your mother really not asked if you are homosexual, or otherwise talked about it?”
<u>Other</u>		
Utterances	Statements, comments, opinions, or facilitators. Encouraging the applicant to continue or echoing what they said.	“Mhmm”, “Go on..”
Summaries	At minimum a two-sentence recapitulation of statements the applicant has already provided.	“I will summarize what you have said so far...”
Unclear	Questions that are so unclear they cannot be categorized in any of above categories.	“But when I just asked if before the letters, but after your departure, you said there had not been anything?”

*Note.* All examples are real examples from the data.

We coded the content of the questions into twenty different thematic categories, to obtain an overview about which topics the interviewers ask to evaluate the credibility of SOGI claims. The categories were generated based on a comprehensive review of the literature on SOGI asylum evaluations (Selim et al., 2022), and supplemented with additional categories upon inspection of the data (see Table 2). For further analysis of question content, we combined the 20 different content categories into 3 meta-categories: *sexual identity*, *persecution*, and *other grounds*.

**Table 2***Question Content Included in the Analysis*

Topic	Examples
Individual realization / development of sexual identity	“How do you see your future when it comes to your sexual orientation?”
Applicants’ feelings about their own sexuality	“How did your thoughts and feelings develop after you realized this about yourself?”
Sexual behaviour / sexual acts	“Did I understand correctly that you started having sex during the taxi ride?”
History of same-sex relationships/partnerships	“Tell me about your life together, you can describe what you did together?”
History of opposite-sex relationships/partners	“Until then, had you been interested in girls the way you are interested in boys now?”
Social and community support	“How does your family relate to women who are interested in other women?”
Coming out / disclosure to others	“Who was the first person you told that you like boys?”
General situation of sexual minorities in the home country	“What is this law based on, that gay people don’t have to serve in the military?”
Life in Finland	“How does your homosexuality show in your life in Finland?”
Connection between sexual orientation and religion	“Is your sexual orientation the reason why you don't pray as much anymore?”
The applicants’ self-identification of their sexual orientation	“Let’s talk about your sexual identity. How would you define it yourself?”
Applicants’ knowledge about the rights of sexual minorities and involvement in queer culture in Finland	“How did you get to know about the activities of the organization?”
Concealment of sexual orientation in the past	“What was your life in Iraq like when you couldn't reveal your real sexual identity?”
Concealment of sexual orientation in the future	“If we think about your future, what do you think, to which degree would it be possible to keep your sexual orientation a secret to people you don't know?”
Request for clarification about reason(s) for late disclosure	“Why did you not tell us about your homosexuality earlier?”
Request for clarification about credibility issue in an earlier statement	“But you said you have been more with girls since your childhood and now you say that you have always been with men. Can you explain what you mean by this?”



Request for corroborating or supporting evidence

“Do you have a doctor’s certificate regarding the event?”

Other questions relating to sexual orientation

“How did you know someone was homosexual?”

Fear of persecution

“What do you fear will happen to you if you return?”

Applicant’s other reasons for seeking asylum (not relating to sexual orientation e.g., religion, political reasons)

“You mentioned earlier that you are an atheist, could you tell me more about this?”

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*Note.* All example questions are real questions from the data.

### ***Interrater Reliability***

Two coders independently coded two randomly selected cases ( $n = 265$  questions) from the sample. As a measure of interrater reliability, we calculated Cohen's kappa for the variables question type and question content. The coders reached a substantial level of agreement for the variable question type ( $\kappa = 0.74$ ) and an almost perfect agreement for the variable question content ( $\kappa = 0.86$ ). All discrepancies were resolved by discussion. Both coders then coded the rest of the sample together with a third coder, discussing and resolving any difficulties together.

### **Statistical Analyses**

All analyses were conducted in SPSS and R. We used descriptive statistics to analyze the proportions of the two question styles, the different question types, and the content categories. We compared the mean number of interviews as well as mean number of questions across the positive outcome (granted asylum) and negative outcome (refused asylum) cases using Welch's Two Sample t-test. We used Pearson's Chi-squared test to compare the proportion of positive and negative outcome cases based on gender, sexual orientation, religion, and the year when the application was filed. We also compared the proportion of open, closed and unrecommended questions in positive and negative outcome cases using Pearson's Chi-squared test. We conducted a cross-tabulation of question type by question content for the positive and negative outcome cases using Fisher's Exact Test. For further analysis of question content, we used Pearson's Chi-squared test to compare the distribution of the three meta-categories (*sexual identity*, *persecution*, and *other grounds*) across the positive and negative outcome cases.

## **Results**

### **Case and Applicant Descriptives**

The asylum cases included in the sample were filed between the years 2014 and 2019. The applicants' mean age at the time of filing the application was 25.73 years ( $SD = 7.40$ ). The youngest applicant was 16 years old and the oldest 55 years old. For more applicant demographics see Table 3.

**Table 3***Sociodemographic Characteristics of Applicants*

Characteristics	<i>n</i>	%
Gender		
Male	115	89%
Female	8	6%
Other	4	3%
Not stated	2	2%
Sexual Orientation		
Gay	85	66%
Bisexual	14	11%
Non-heterosexual but no label used	11	9%
Lesbian	4	3%
Straight but perceived as queer	4	3%
Other	11	9%
Country of origin*		
Iraq	87	67%
Russia	11	8%
Cameroon	6	5%
Other	26	20%
Religion		
Muslim	52	40%
Christian	24	19%
Atheist	14	11%
Other	6	5%
Not specified	33	26%

*Note.* Coded in line with applicants' self-identification.

\**n* adds up to more than 129 as some applicants reported more than one nationality.

Of the 129 included cases, 66 applicants were refused asylum, 61 applicants were granted asylum, and two were granted a residence permit on other grounds. Among our sample 46 cases were adjudicated for the first time, whereas 83 cases had been subjected to re-evaluation. In one case, where the applicant had already been granted refugee status in another country (Canada), no interviews were conducted. The remaining cases contained between 1 and 5 interviews with a mean of 1.73 interviews ( $SD = 0.91$ ). In total, the material contained 222 interviews. We identified 15,955 questions. The number of questions per interview ranged from 14 to 412 ( $M = 125.4$ ;  $SD = 69.48$ ). A total of 2,749 questions were deemed irrelevant to the legal decision and thus excluded from the sample of coded questions. The total number of questions included in the main analyses was 13,206.

A significant difference in outcome based on religion was found ( $\chi^2[3] = 17.55, p < .001$ ), with 93% of atheists, 55% of Muslims, and 39% of Christians being granted asylum. There was also a significant difference in outcome based on the year when the application was filed ( $\chi^2[5] = 45.00, p < .001$ ), with 60 positive outcome applications filed during 2015 and only one positive outcome application filed after 2015.

No significant difference was found in the outcome of the case depending on gender ( $\chi^2[2] = 1.50, p = .47$ ) or sexual orientation ( $\chi^2[7] = 10.65, p = .15$ ). Neither the number of interviews ( $t[118.42] = 0.78, p = .43$ ) nor the number of questions per case ( $t[123.96] = 1.5, p = .13$ ) differed depending on whether the case had a positive or negative outcome.

## **Interviewing Methods**

### ***Question Style***

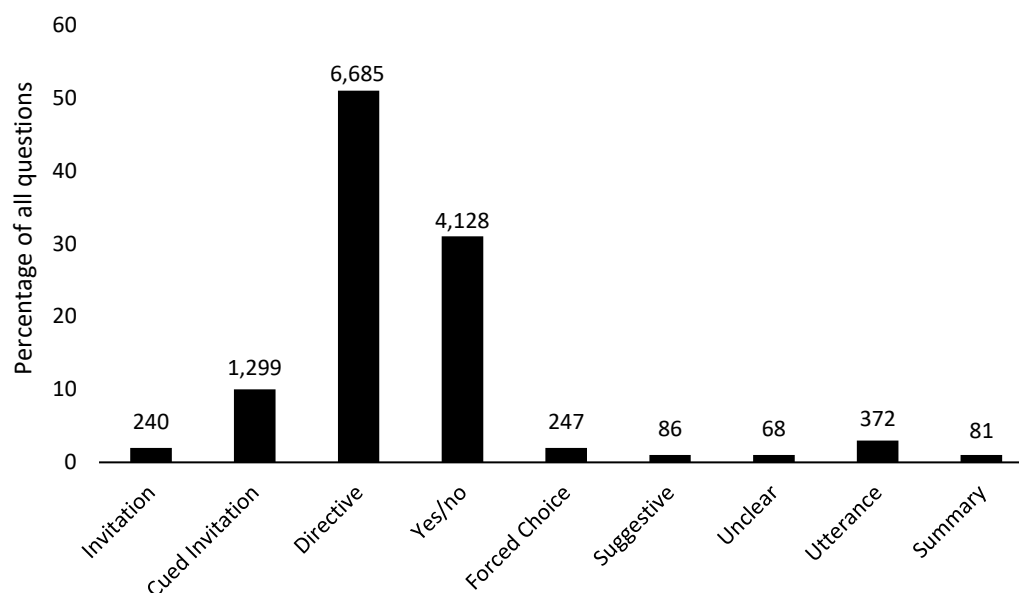
Question style was coded at the level of the interview. Of the 222 interviews in the overall sample, 91% ( $n = 202$ ) contained no accusatory questions and 9% ( $n = 20$ ) contained accusatory questions. Of the 20 interviews coded as accusatory, 17 interviews were held in negative outcome cases and 3 in positive outcome cases. On a case level, 12 (9%) out of the total 129 cases contained at least one interview conducted in an accusatory style. The 17 accusatory interviews were held within 9 negative outcome cases, and the 3 accusatory interviews within 3 positive outcome cases. Thus, it was common that one accusatory interview in a negative outcome case was followed by one or more subsequent interviews conducted in an accusatory style.

### ***Question Type***

Out of the 13,206 questions included in the sample, 12% were open questions, that is, *invitations* (e.g., “Let us begin so that you get to speak of your new grounds for seeking asylum, go ahead”) and *cued invitations* (e.g., “Tell me more about the time your husband went missing”). The majority of the questions were closed questions (82%), that is, *directive* (e.g., “Why did you not tell us about your homosexuality earlier?”) and *yes/no* questions (e.g., “Was the matter of your sexuality brought up with the psychiatrist?”). Unrecommended questions (3%), that is, *forced choice* (e.g., “Were these relationships restricted to just sexual acts or were there deeper feelings attached to them?”) and *suggestive* (e.g., “So at no point did you want to change yourself or try to be with girls?”) were uncommon. Three percent of the questions were *utterances* (e.g., “Would you like to continue?”), 1% were *unclear*, and 1% were *summaries* (See Figure 1). Of the 129 cases, 18% included a final *summary* at the end of the last interview. On an interview level, 12% of the interviews included finalizing summary.

**Figure 1**

*Distribution of Question Types by Absolute Number and Percentage (n = 13,206)*



*Note.* Values above bars refer to the number of questions asked within each question type.

The proportion of open questions was significantly higher in negative outcome cases (13%) compared to positive outcome cases (11%,  $\chi^2[1] = 16.64, p < .001$ ). Similarly, the proportion of closed questions was significantly higher in the positive outcome cases (83%) compared to the negative outcome cases (80%,  $\chi^2[1] = 17.75, p < .001$ ). No significant differences were found in the amount of unrecommended questions between positive and negative outcome cases ( $\chi^2[1] = 0.08, p = .77$ ).

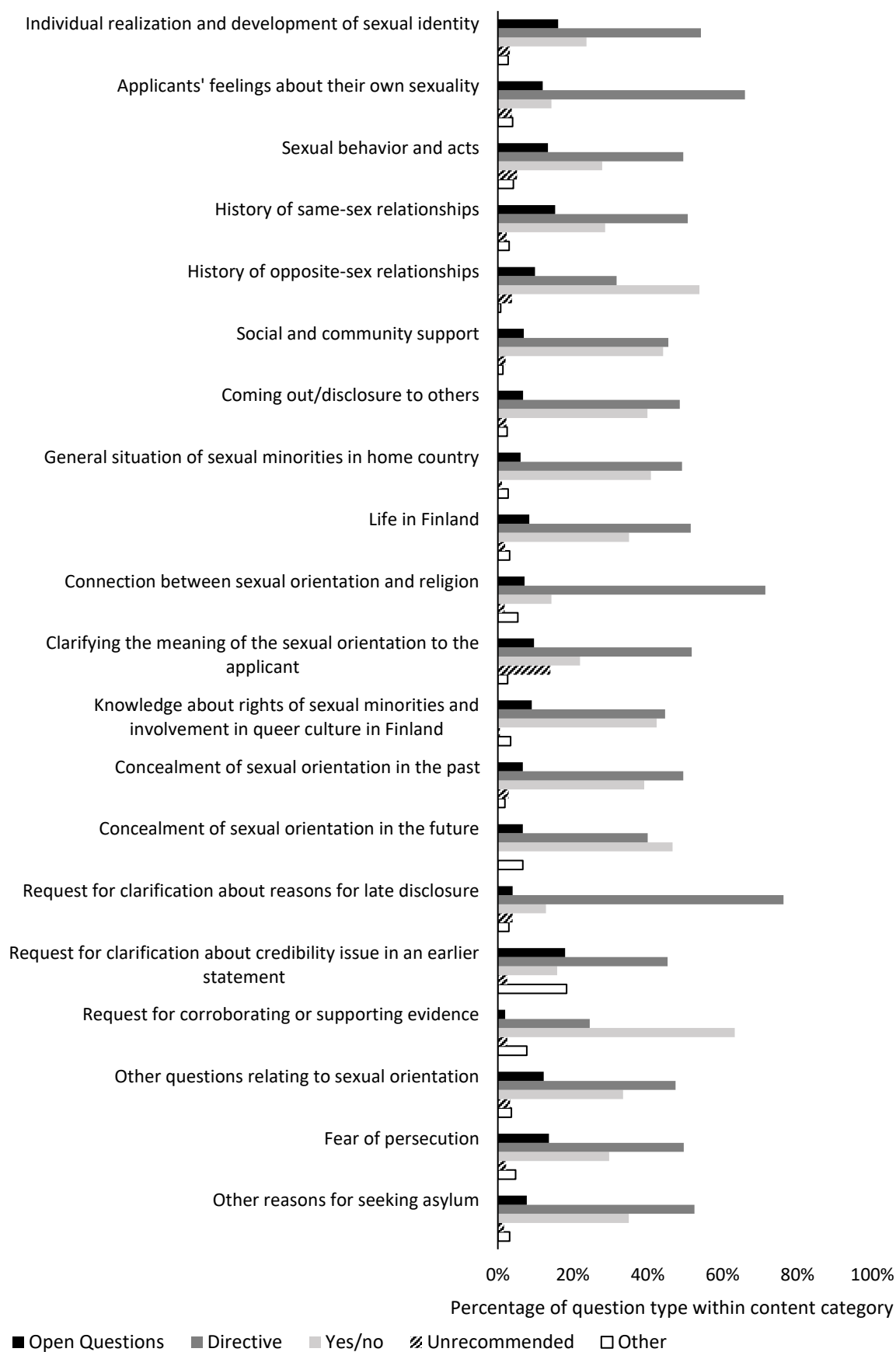
The Fisher's Exact Test indicated that there was a significant difference in the distribution of question types across the 20 content categories ( $p = < .001$ ). For an overview of the distribution of question types within specific content categories see Figure 2.

### ***Question Content***

When comparing the distribution of the 20 different content categories, the interviewers asked most questions about the applicants' fear of persecution (29%), followed by history of same-sex relationships (18%) and other reasons for seeking asylum unrelated to sexual orientation (14%). For the proportions of questions asked within all content categories see Figure 3.

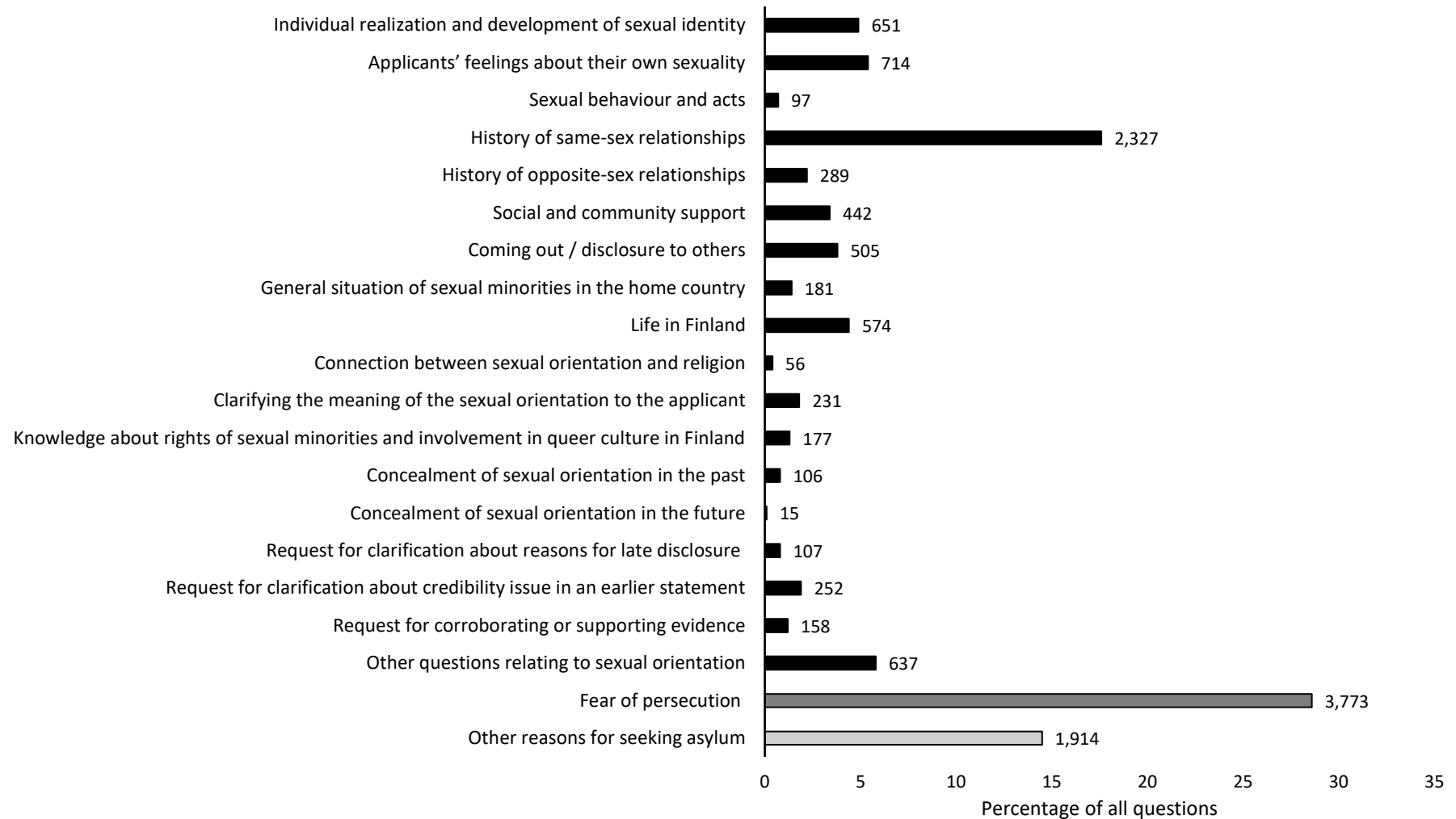
**Figure 2**

*Distribution of Question Types Across the Different Content Categories by Percentage*



**Figure 3**

*Distribution of Question Content by Absolute Number and Percentage (n = 13,206)*

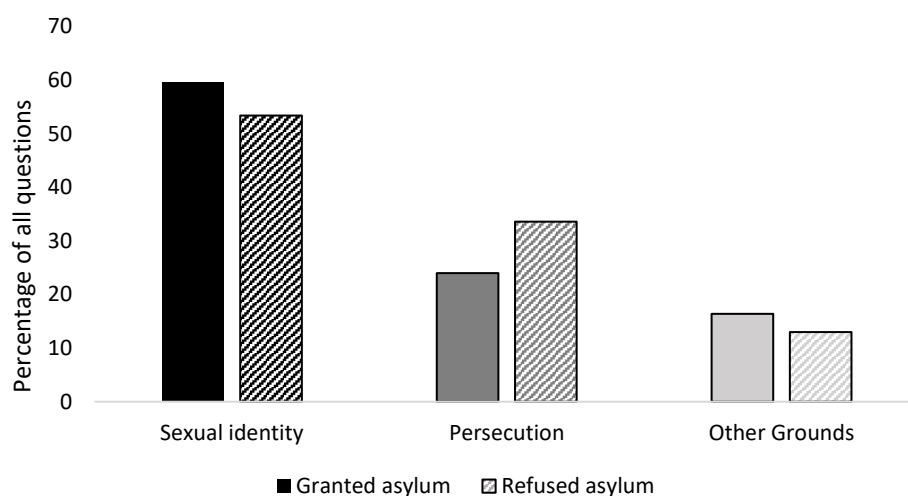


*Note.* Values next to bars are the number of questions asked within that category. Bars are color-coded according to the three meta-categories sexual identity (black), persecution (dark gray) and other grounds (light gray).

For further analysis of question content, we combined the 20 content categories into three meta-categories: *sexual identity*, *persecution*, and *other grounds*. The interviewers asked most questions within the category sexual identity (57%,  $n = 7,519$ ), followed by persecution (29%,  $n = 3,773$ ) and other grounds (14%,  $n = 1,914$ ). When comparing granted to rejected cases, there was a significant difference in the distribution of the three meta-categories across the different outcomes ( $\chi^2[2] = 150.85, p < .001$ ). Officials asked more questions about sexual identity and fewer questions about persecution in granted cases compared to rejected cases (see Figure 4).

**Figure 4**

*Proportion of Questions Asked Within the Three Meta-categories in Granted and Rejected Cases*



## Discussion

According to the author's best knowledge, this was only the third study to investigate the questions asked in a sample of real-life asylum interviews, and the first study to do so in asylum interviews with SOGI minorities. Our findings indicate that Finnish asylum officials only partly follow best-practice recommendations for investigative interviewing when interviewing SOGI applicants. The officials tend to ask questions in the recommended information-gathering style, however, they rely heavily on not-recommended closed questions. These findings were in line with our expectations and previous research (Skrifvars et al., 2020, 2022; van Veldhuizen et al., 2018). Importantly, the current study was the first to analyze the content of the question in interviews within SOGI claims, and our results indicate that the focus of the questions is mainly to assess the credibility of the applicants belonging to a SOGI minority, rather than assessing the risk of future harm or exploring other reasons for seeking asylum.



## Question Style

In line with best practice guidelines for investigative interviewing, most of the interviews in our sample were conducted in an information-gathering style. Interviewers seem to be aware that information-gathering questions are preferable to accusatory questions. These results are in line with the findings by Skrifvars et al. (2020) and van Veldhuizen et al. (2018), who identified only a small percentage of accusatory questions in more general samples of asylum interviews (i.e., based on a variety of asylum reasons). While Skrifvars et al. (2020) found at least one accusatory question in two-thirds of the interviews, the number in our sample is considerably lower. Of the interviews with SOGI minorities, 9% contained at least one accusatory question. This difference may be due to asylum officials working with SOGI cases receiving specialized training. According to Migri, the agency employs Senior Advisers who have received the European Union Agency for Asylum (EUAA) instructor training on interviewing vulnerable groups, such as SOGI minorities, and the asylum officials are trained by the Finnish LGBTIQ+ rights organization Seta ry (Finnish Immigration Service, 2017).

Although the number of interviews containing accusatory questions is smaller in our sample, it is still problematic, as accusatory questions may affect the quality and accuracy of the subsequent information received in the answers. Several of the accusatory questions in our sample conveyed skepticism or encouraged the applicant to speculate (e.g., “I do not understand why they would have wanted to kidnap you?”). Such confrontational statements can make the applicant uncooperative and damage rapport (Vrij et al., 2006). Adopting an information-gathering style might be particularly important in asylum interviews with SOGI minorities, who may feel reluctant to talk openly about their sexual orientation and/or gender identity, especially in the presence of authorities and interpreters (Spijkerboer, 2011; UNHCR, 2019).

## Question Type

The analyses of question type indicated that Finnish asylum officials mainly ask closed questions when interviewing SOGI minorities. Only a little more than one-tenth of all questions were invitations or cued invitations, whilst over 80% were directive and yes/no questions. This was in line with the findings by van Veldhuizen et al. (2018) who found that asylum officials mainly ask closed questions, with open questions constituting less than one fifth of all questions, and Skrifvars et al. (2020) who found that Finnish asylum officials on average ask one or two open questions for every ten closed questions. Best practice guidelines recommend using mainly open questions, as they tend to yield more detail rich and accurate responses. Closed questions should only be used as a complement to acquire additional

relevant facts, and only after an initial free-recall phase that has been followed by a series of open questions (Brandon et al., 2018; UNHCR, 2013). It is possible that the asylum interview setting, with its cross-cultural challenges, calls for some more use of closed questions to clear misunderstandings. However, the proportion of closed questions in Finnish asylum interviews is problematic, as asking mainly closed questions can interfere with memory retrieval (Vrij et al., 2014), and communicate unreceptiveness on behalf of the interviewer. The applicant might also believe that they are expected to avoid elaborating, and thus crucial information might be omitted (Fisher et al., 2011). Even though it is recommended to end each interview with a summary (Granhag et al., 2017), only slightly more than one-tenth of all interviews in our sample included a summary at the end, and barely one-fifth of all cases contained a final summary at the end of the last interview. On a positive note, the unrecommended question types: forced choice and suggestive questions, were rare in our sample. Comparison of question type across accepted and rejected cases, indicated that asylum officials ask slightly more open questions in rejected cases (13% compared to 11%) and slightly more closed questions in granted cases (83% compared to 80%). Even though this difference was significant, the practical meaning is minimal, and the author could not find a logical explanation to these results.

The results showed an overall difference in the distribution of question types across different content categories, meaning that officials used different question types to a varying degree depending on which topic they asked about. We did not conduct further analyses to find out between which question types and categories these differences existed. However, when looking at Figure 2 certain trends can be detected. In general, the proportion of directive questions within a topic mainly affected the proportion of yes/no questions and vice versa, so that in topics where the official used a high proportion of directive questions (e.g., *reasons for late disclosure*) the degree of yes/no questions was low. The officials asked the highest degree of unrecommended questions when inquiring about the *meaning of the sexual orientation to the applicant*. In practice this was seen as officials making assumptions about the applicant's sexual orientation or asking the applicant to choose between two sexual orientations (e.g., "Are you gay or bisexual?").

### **Question Content**

Our results provide yet another example of how, in current practice, establishing the credibility of the applicants' belonging to an SOGI minority is prioritized over the need to demonstrate fear of persecution (Dustin & Ferreira, 2021). Analysis of question content revealed that more than half of the questions that the interviewer asked were questions that, in

one way or another, sought to evaluate the credibility of the applicant's sexual orientation. To assess the credibility of sexual orientation the asylum officials mainly asked questions about topics that were largely in accordance with recommendations from the UNHCR guidelines (2012). Questions about sexual acts or behavior were uncommon (less than 1%). However, since sexually explicit questions infringe on human dignity and right to privacy, even a small amount of such questions is unacceptable (CJEU, 2014; UNHCR, 2012). According to the UNHCR guidelines asking about the applicant's past or current relationships and hopes for future relationship can provide valuable information for the credibility assessment. Even so, in our sample, the number of questions about *same-sex relationships* was disproportionately large (nearly one-fifth of all questions). It is important to remember that neither the absence of same-sex relationships nor an existing history of heteronormative relationships should be seen as definitive indicators that the applicant does not belong to a SOGI minority, as the applicant may have tried to avoid harm by conforming to societal norms (Berg & Millbank, 2009; UNHCR, 2012).

The use of the UNHCR endorsed DSSH model (*Difference, Stigma, Shame and Harm*; Gyulai et al., 2015) is probably reflected by the results in our sample, where the content categories applicants' *feelings about their sexuality* and *individual realization and development of sexual identity* constituted one-tenth of all questions. In current asylum proceedings SOGI minorities are expected to tell narratives of being different, to speak of negative emotions, internalized shame, and harm that they have experienced (Jansen, 2019; Gyulai et al., 2015). Several questions in our sample clearly conveyed expectations of such negative emotions (e.g., "Is there a feeling of shame or other negative feelings related to this?", or "Did you feel that there was something wrong with being interested in boys?"). However, in the current study, as in the study by Jansen (2019), several of the asylum seekers said that they had not struggled with their sexual orientation and did not have problems with self-acceptance. Relating to one's SOGI in such positive terms does not fit the stereotype of stigma and shame, and thus the asylum seeker risks not being believed (Jansen, 2019). Although we did not specifically examine stereotypes among asylum officials in the current study, some of the questions did seem to convey superficial assumptions about SOGI minorities (e.g., "Did the way you dress change from how you did before?") or about how a SOGI applicant coming from a hostile environment should behave (e.g., "How did you dare to act in the way you have told us even though you knew how your home country related to homosexuals?").

## **Other analyses**

There was a significant decrease in applications being granted asylum in our sample, with 60 granted applications filed during 2015 and only one granted application filed after 2015. This decrease may reflect the increased skepticism towards asylum cases more generally, as the percentage of positive asylum decisions in Finland has declined substantially after the so-called “refugee crisis” of 2015 (Vanto et al., 2022). The decrease may also reflect a growing skepticism in EU asylum proceedings, as it has become increasingly common for SOGI asylum claims to be rejected due to incredibility of sexual orientation (Jansen, 2019; Lindblad, 2023). Furthermore, comparison of groups of cases revealed a significant difference in outcome based on religion, with atheists being more likely to be granted asylum than Muslims or Christians.

## **Strengths and Limitations**

Analyzing real-life asylum cases provides a glimpse into the actual practices of asylum officials and allows for a level of objectivity that is difficult to obtain when surveying officials about their practices. As this is one of few studies examining the questions asked in real-life asylum cases, and the first study to do so within SOGI asylum, it provides unique data which expands the knowledge base on SOGI asylum interviewing in Europe. The large sample size provides ample information about the questions asked in asylum interviews with SOGI minorities in Finland.

A limitation of our study is that the interview transcripts only allowed us to analyze what officials write down, which could differ from how the questions were formulated during the interview or how the interpreter translated them (Keselman et al., 2010). Another limitation is that we did not conduct the random selection of casefiles that we got from Migri, and thus cannot have control over how it was done. The random selection of casefiles that we received from Migri does not reflect the real-life proportion of granted versus rejected SOGI asylum claims. As in the majority of SOGI and asylum research (Spijkerboer, 2011), most of the participants in our sample identified as male (89%), with only 6% identifying as female and 5% as other or not stated. This limits the amount of information, and the conclusions we can draw, about the questions asked in SOGI asylum interviews with female and gender minority asylum applicants. As an effect of the distribution of gender and of the applicants’ stated sexual orientations, the focus in our study became sexual orientation.

Additionally, developing a coding scheme involves some amount of subjectivity and selectivity in analyzing the data. Some of the questions that the asylum officials asked could fit under several content categories, which results in the coder having to pick the most

relevant category for the question. Although any uncertainties during the coding phase were resolved by discussion, having different coders invariably leads to some level of variation. Even so, the interrater reliability analyses demonstrated high levels of agreement between the coders.

### **Recommendations**

The asylum interviews with SOGI minorities conducted by Migri are partially in line with the best practice guidelines from investigative interviewing, and the UNHCR guidelines (2012) for interviewing SOGI asylum seekers. Nonetheless, the results of the current study give cause for recommendations about improvement of future practice.

As even a small number of accusatory questions can affect the information received in the answers, interviews would be improved by eliminating accusatory questions altogether and ensuring that no questions invite the applicant to speculate. Even when clarifications are sought, this can be done by highlighting the importance of getting accurate information from the asylum-seeker, to avoid damaging rapport and reducing disclosure. As questions starting with “why” can also be perceived as skeptical (van Veldhuizen et al., 2018), changing why questions into “what” or “how” questions (“What is, in your opinion, the reason for...”), could set a better tone for the interview and thus improve the likelihood of receiving correct and high-quality information.

A common argument in negative credibility assessments in rejected cases is that the asylum seeker’s claim lacked details (Selim et al., 2023; UNHCR, 2013). However, the way the interviews are currently conducted, with a disproportionate number of closed questions, does not invite the applicant to provide long and detailed answers. It would be advisable for interviewers to ask more open questions, since open questions are known to elicit detail rich responses and more key aspects of the claims (e.g., Fisher et al., 2011; Skrifvars et al., 2022). Starting off every new topic with a free-recall followed by a series of open questions, and asking closed, fact-checking, questions mainly towards the end, could ensure that the applicant has been given the possibility to present any information relevant to their claim (Granhag et al., 2017). Suggestive questions are to be avoided altogether to minimize the incidence of bias and unsupported assumptions (Granhag et al., 2017; Sharman & Danby, 2022). Furthermore, asylum interviews would be improved by including a summary at the end of each interview, to allow the applicant to add any missing information. Officials, as well as interpreters, would benefit from additional training on the principles of investigative interviewing to ensure that the interviews are conducted according to best practice, and that

questions are accurately conveyed to the applicants and neither question style nor type is changed in translation.

Currently, the focus in asylum interviews with SOGI minorities seems to be assessing the credibility of the applicant's claim of belonging to a SOGI minority. The problems associated with making such assessments, pose high risks for making incorrect credibility determinations. To address this issue, the other four Convention groups (race, religion, nationality, and political opinion) could be used more frequently in SOGI claims, and self-identification could be relied upon more as an indicator of the applicant's belonging to a SOGI minority. Since it ultimately is the threat of persecution that is the catalyst for the applicant's need to seek protection, assessing whether the applicant is subjected to persecution due to being perceived as belonging to a SOGI minority, or due to other reasons, is of higher importance than assessing whether the applicant really belongs to said minority. Thus, instead of mainly focusing on the SOGI credibility assessment, sufficient weight in the interviews needs to be given to identifying the actual threat of persecution.

### **Future Research**

This study provides valuable information on the questions asked in real-life asylum interviews with SOGI minorities in Finland. However, more research is needed both in Finland and in other countries to assess the quality of SOGI asylum interviews, and to compare the praxis across different EU member states. Future research should focus on examining how asylum seekers perceive and interpret questions concerning SOGI, and assessing which questions elicit most relevant information. Future research could also examine possible stereotypical assumptions that asylum officials have about SOGI minorities and how they affect interviewing and decision making. More research should be conducted on the way SOGI minorities from non-Western countries experience and express their sexual orientation and/or gender identity, and if needed, current SOGI credibility assessment guidelines should be revised. In our study, we chose to exclude questions that were not seeking juridically relevant information (e.g., inquiring about how the applicant is doing or if they need a break). Future research could investigate such questions and the influence they may have on rapport-building. Furthermore, since some questions might be changed during translation or recording of interview transcripts, future research should examine the accuracy of the interpretation and wording of the transcripts, through comparing them to audio recordings of the interview.

### **Conclusion**

In line with best practice guidelines, Finnish asylum interviews with SOGI minorities are mainly conducted in an information-gathering style and accusatory questions are rare. However, interviewers mainly ask closed questions with only one-tenth of all questions being recommended open questions. These findings were in line with previous research (Skrifvars et al., 2020; van Veldhuizen et al., 2018). Finnish asylum officials mainly ask questions aimed at assessing the credibility of SOGI while less than one-third of all questions were about the applicant's fear of persecution. Assessing credibility of sexual orientation, without relying on stereotypes derived from Western understandings, is a difficult task. To avoid the detrimental effects of incorrect credibility determinations, self-identification could be used to a greater extent as an indication of SOGI status, and more weight should be given to assessing fear of persecution. Continued work with counteracting stereotypical perceptions and ensuring that the asylum interviews are conducted in accordance with best practice guidelines, could raise the quality of the interviews and improve the possibilities for legitimate decision-making. Future research should focus on examining how asylum seekers experience and interpret questions concerning SOGI, and assessing which questions elicit most relevant information.

## Swedish Summary – Sammanfattning på svenska

### ”How would you define your sexuality?” - Analys av de frågor som ställs i asylintervjuer med sexuella minoriteter

I många delar av världen utsätts HBTIQ-personer, det vill säga homosexuella och bisexuella personer samt trans-, intersex- och queerpersoner, för förföljelse, diskriminering och kränkning av mänskliga rättigheter (UNHCR, 2012). Över 60 länder har lagar som kriminaliserar samkönade relationer (Human Dignity Trust, 2023; ILGA world, 2020) och även i länder där sådana strafflagar har avskaffats kan myndigheterna vara ovilliga eller oförmögna att skydda individer från skada som begås av samhällsaktörer (UNHCR, 2012). Asylansökningar från HBTIQ-personer har ökat under de senaste åren och rapporter förutspår en fortsatt ökning i framtiden (International Commission of Jurists, 2016). Att fatta korrekta beslut om rätt till internationellt skydd är av yttersta vikt, både för den asylsökande och för mottagarlandet. Eftersom dokumentärt bevismaterial är sällsynt, baseras asylbeslut ofta enbart på den asylsökandes narrativ (UNHCR, 2013). Det är avgörande att intervjun genomförs på ett sätt som stöder legitimt beslutsfattande och gör det möjligt för asylmyndigheterna att göra motiverade, rättvisa och korrekta bedömningar av flyktingstatus. Forskning inom juridiska och kriminella sammanhang har genererat omfattande kunskap om effektiva intervjutekniker (Brandon et al., 2018; Meissner, 2021; Memon et al., 2010; Vrij et al., 2014). Genom att tillämpa den kunskapen på asylkontexten kan man öka mängden relevant information som fås i svaren och därmed förbättra möjligheterna till rättmätigt beslutsfattande (Skrifvars et al., 2020; van Veldhuizen, et al., 2018).

Rättspsykologiska riktlinjer för utredande intervjuer fokuserar vanligtvis på *frågestil* och *frågetyp*. Frågestil hänvisar till det sätt på vilket en intervjuare ställer frågorna. Forskning inom utredande intervjuer skiljer mellan den *informationssökande intervjustilen* och den *anklagande stilen* (Meissner et al., 2012; Vrij et al., 2006). Av dessa är den informationssökande stilen, som bygger på att ställa öppna frågor på ett icke-konfronterande sätt, att rekommendera. Den informationssökande stilen bidrar till längre och mer detaljerade svar, minskar stress och får intervjupersonen att känna sig respekterad (Vrij et al., 2006, 2014). Vad gäller frågetyp är forskare överens om att *öppna frågor*, som tillåter den intervjuade att svara utförligt med egna ord, är mer produktiva när det gäller att samla information jämfört med *slutna frågor*, som kan besvaras med några få ord eller med ja eller nej (Fisher et al., 2011; Oxburgh et al., 2010). Slutna frågor bör endast användas som ett komplement till öppna frågor för att skaffa ytterligare relevanta fakta (UNHCR, 2013). Det är rekommenderat att inkludera en sammanfattning i slutet av varje ämne, för att ge den



intervjuade möjlighet att lägga till saknad information och korrigera missförstånd (Brandon et al., 2018). Olämpliga frågetyper är *suggestiva frågor*, som kommunicerar vilken typ av svar som förväntas eller frågor om detaljer som inte tidigare nämnts i intervjun, och frågor med *fasta svarsalternativ* som den intervjuade förväntas välja mellan (Oxburgh et al., 2010).

I likhet vid andra asylansökningar bör nyckelområdena i asylintervjuer med HBTIQ-minoriteter vara att fastställa den sökandes *ursprung, identitet och rädsla för förföljelse* (Spijkerboer, 2011). I HBTIQ-asylansökningar accentueras ofta identitetsaspekten, eftersom det finns ett behov av att utvärdera tillförlitligheten i den sökandes påståenden om sin sexuella läggning och/eller könsidentitet (UNHCR, 2012). Att verifiera den sökandes sexuella läggning och/eller könsidentitet är en komplex uppgift för asylhandläggare, och det var länge praxis att ställa påträngande, sexuellt explicita frågor (Spijkerboer, 2011). Som ett hjälpmedel för tillförlitlighetsbedömningen skapades intervjumodellen DSSH (Difference, Stigma, Shame, Harm; olikhet, stigma, skam, skada [egen översättning]), utifrån vilken det rekommenderas att man ställer frågor om den sökandes upplevelser av att vara olik andra samt om detta har lett till känslor av skam eller till att personen i fråga har stigmatiserats eller skadats (Gyulai et al., 2015). Även om DSSH-modellen erbjuder en förbättring av hur HBTIQ-asylfall bedöms, har den mött kritik för att den i sig gett upphov till nya stereotypa förväntningar kring hur HBTIQ-asylsökande bör uppträda (Dustin & Ferreira, 2021). DSSH-modellen har även mött kritik för att den riskerar påtvinga västerländska förståelser av manlig sexuell identitetsutveckling på andra HBTIQ-minoriteter (Dawson & Gerber, 2017).

Hittills har frågorna som ställs i asylintervjuer varit sparsamt utsatta för empirisk granskning (Skrifvars et al., 2020; van Veldhuizen et al., 2018) och till min kännedom har ingen sådan studie fokuserat specifikt på intervjuer med HBTIQ-asylsökande. Tidigare forskning om intervjupraxis i europeiska asylförfaranden har visat att asylhandläggare, i linje med riktlinjer för bästa praxis, främst använder en informationssökande stil, men att de huvudsakligen ställer slutna frågor och få rekommenderade öppna frågor (van Veldhuizen et al., 2018; Skrifvars et al., 2020). Skrifvars et al. (2022) fann även att öppna frågor lockade fram längre svar och fler nya nyckelaspekter av asylansökningarna än andra frågetyper.

### Syfte

Syftet med denna studie var att utöka den befintliga kunskapsbasen genom att undersöka de frågor som ställs i officiella intervjuer med HBTIQ-asylsökande i Finland. Studier som utgår från officiella asylintervjuer ger sällsynt och värdefull information, som gör det möjligt att bedöma kvaliteten på intervjuer och förbättra gemensamma riktlinjer och utbildningsmetoder. Bristen på forskning inom intervjupraxis i HBTIQ-asylförfaranden samt

den förväntade fortsatta ökningen av asylärenden baserade på sexuell läggning och/eller könsidentitet, skapar ett behov av mer forskning inom detta område.

### Metod

Projektet fick etiskt tillstånd av Åbo Universitets etiska nämnd. Finska Migrationsverket gav forskargruppen tillgång till 218 slumpmässigt utvalda HBTIQ-markerade asylärenden från åren 2014–2019. Det slutgiltiga samplet bestod av 129 asylfall, i vilka 66 asylsökande nekats asyl, 61 asylsökande beviljats asyl och 2 beviljats uppehållstillstånd på andra grunder.

Forskargruppen utvecklade ett detaljerat kodningsschema som vi modifierade vid granskning av asylärendena och under de tidiga stadierna av kodningen (det fullständiga kodningsschemat finns i Appendix A). Vi valde ut alla frågor, yttranden och kommentarer som intervjuaren använde för att få fram information som var direkt relevant för asylbeslutet. För frågestil använde vi kategorierna *informationssökande stil* och *anklagande stil*, i linje med tidigare forskning (Meissner et al., 2012 & 2014; Vrij et al., 2006). Vi baserade vår kodning för frågetyp på studien gjord av Skrifvars et al. (2020; se Tabell 1). Vi kodade innehållet i frågorna i tjugo olika tematiska kategorier (se Tabell 2). För ytterligare analys av frågeinnehåll kombinerade vi de 20 olika innehållskategorierna i tre metakategorier: *sexuell identitet*, *förföljelse* och *andra skäl*.

Vi beräknade interbedömarreliabiliteten mellan två av projektets fyra kodare på två slumpmässigt utvalda fall ( $n = 265$  frågor). Kodarna nådde en avsevärd nivå av överensstämmelse för variabeln frågetyp och en nästan perfekt överensstämmelse för variabeln frågans innehåll.

### Resultat

De sökandes medelålder vid tidpunkten för inlämnandet av ansökan var 25,73 år (för mer demografi se Tabell 3). Totalt innehöll materialet 222 intervjuer. Vi identifierade 15 955 frågor, av vilka 2 749 frågor ansågs irrelevanta för det rättsliga beslutet och därför uteslöts från vårt sampel. Det totala antalet frågor som ingick i huvudanalyserna var 13 206.

Av de 222 inkluderade intervjuerna innehöll 91% inga anklagande frågor och 9% innehöll anklagande frågor. Slutna frågor utgjorde 82% av alla inkluderade frågor, 12% var öppna frågor och 3% var olämpliga frågetyper (för alla frågetyper se Figur 1). I analysen av frågeinnehåll kombinerade vi de 20 innehållskategorierna i tre metakategorier (för andelen frågor som ställts inom alla 20 innehållskategorier se Figur 3). Flest frågor ställdes inom metakategorin *sexuell identitet* (57%), följt av *förföljelse* (29%) och *andra skäl* (14%), (se Figur 4).

## Diskussion

I linje med riktlinjer för bästa praxis i utredande intervjuer genomfördes de flesta intervjuerna i vårt urval i en informationssökande stil. Detta resultat är i linje med resultaten i studierna av Skrifvars et al. (2020) och van Veldhuizen et al. (2018), som endast identifierade en liten andel anklagande frågor i mer generella urval av asylintervjuer. Analysen av frågetyp visade att asylhandläggare i Finland främst ställer slutna frågor när de intervjuar HBTIQ-minoriteter och att endast lite mer än en tiondel var rekommenderade öppna frågor. Även detta överensstämde med resultaten i studierna av van Veldhuizen et al. (2018), där öppna frågor utgjorde mindre än en femtedel av alla frågor, och av Skrifvars et al. (2020), där man fann att finska asylhandläggare i genomsnitt ställer en till två öppna frågor för var tionde slutna fråga. Det är möjligt att asylintervjumiljön, med dess tvärkulturella utmaningar, kräver lite mer användning av slutna frågor för att reda ut missförstånd. Andelen slutna frågor i finska asylintervjuer är dock problematisk, eftersom den sökande kan tro att de förväntas ge korta svar, vilket kan leda till att viktig information utelämnas (Fisher et al., 2011). Att ställa huvudsakligen slutna frågor kan även kommunicera skepsis eller omottaglighet å intervjuarens vägnar. En positiv aspekt var emellertid att de olämpliga frågetyperna suggestiva frågor och frågor med fasta svarsalternativ var sällsynta i vårt urval.

Vid bedömningen av HBTIQ-asylansökningar i Finland tycks det främsta intresset vara att utvärdera tillförlitligheten av den sökandes sexuella läggning och/eller könsidentitet. För att bedöma tillförlitlighet av sexuell läggning ställde asylhandläggarna främst frågor om ämnen som i stort sett överensstämde med rekommendationerna i UNHCR:s riktlinjer (2012). Icke-rekommenderade frågor om sexuella handlingar var ovanliga. För tillförlitlighetsbedömningen av sexuell läggning ställde asylhandläggarna oproportionerligt många frågor kring den sökandes *historia av samkönade relationer*, då dessa utgjorde nästan en femtedel av frågorna. Det är viktigt att komma ihåg att varken frånvaron av samkönade relationer eller en existerande historia av heteronormativa relationer ska ses som definitiva indikatorer på att den sökande inte tillhör en HBTIQ-minoritet (Berg & Millbank, 2009; UNHCR, 2012). Användningen av DSSH-modellen (Gyulai et al., 2015) återspeglas med största sannolikhet av resultaten i vårt urval, där innehållskategorierna *sökandes känslor kring sin sexualitet* och *utveckling av sin sexuella identitet* utgjorde en tiondel av alla frågor. SOGI-minoriteter förväntas berätta om upplevelser av att vara olik andra, samt om negativa känslor, internaliserad skam och skada som de har upplevt. Några av frågorna i vårt urval förmedlade tydligt sådana förväntningar på negativa känslor (till exempel ”Finns det en känsla av skam

eller andra negativa känslor relaterade till detta?”). HBTIQ-asylsökande som inte passar in i stereotypen om stigma och skam riskerar att bli misstrodda.

Att analysera officiella asyldokument ger en värdefull inblick i asylhandläggares verkliga praxis. Eftersom detta är en av få studier som undersöker frågorna som ställs i officiella asylärenden och den första studien som gör det inom HBTIQ-asylfall, bidrar den med unika data som utökar kunskapsbasen om HBTIQ-asylintervjuer i Europa. En begränsning i vår studie är att dokumenten endast tillät oss att analysera vad tjänstemän faktiskt skrivit ner, vilket kan skilja sig från hur frågorna formulerades under intervjun eller hur tolken översatte dem (Keselman et al., 2010). Att utveckla ett kodningsschema innefattar även en viss mängd subjektivitet, och det leder alltid till en viss grad av variation att ha flera kodare. Liksom i majoriteten av HBTIQ- och asylstudier (Spijkerboer, 2011) identifierade sig de flesta av deltagarna i vårt urval som män. Som en effekt av könsfördelningen och av de sökandes angivna sexuella läggning blev fokuset i vår studie främst sexuell läggning.

Asylhandläggare och tolkar skulle dra nytta av ytterligare utbildning inom principerna för utredande intervjuer för att säkerställa att intervjuerna genomförs enligt bästa praxis samt att frågorna översätts korrekt så att varken frågestil eller frågetyp ändras. Intervjuer kan förbättras ytterligare genom att eliminera alla anklagande frågor och säkerställa att inga frågor uppmanar den sökande att spekulera. Asylhandläggare rekommenderas inleda varje nytt ämne med en serie öppna frågor och använda slutna frågor främst för att kontrollera fakta. Tillförlitlighetsbedömningar bör inte förlita sig på stereotyper som härrör från västerländska förståelser av sexuell identitetsutveckling. I utbildning av intervjuare, tolkar, och beslutsfattare bör mer tid läggas på att motverka stereotyper om HBTIQ-minoriteter. Det skulle vara tillrådligt för intervjuare och beslutsfattare att förlita sig mer på självidentifiering som en indikator på sökandens tillhörighet till en HBTIQ-minoritet och att ställa fler frågor som ämnar bedöma den faktiska rädslan för förföljelse (Dustin & Ferreira, 2021; Jansen, 2019). Mer forskning som bedömer kvaliteten på asylintervjuer med HBTIQ-minoriteter och jämför praxis mellan olika EU-länder behövs. Framtida forskning kunde fokusera på att undersöka hur asylsökande uppfattar och tolkar frågor som rör sexuell läggning samt att utforska vilka frågor som framkallar mest relevant information i svaren. Eftersom frågor kan ändras under översättning eller dokumentering, bör dessutom framtida forskning undersöka riktigheten i tolkningen och formuleringen av utskriften genom att jämföra dem med ljudinspelningar av intervjun.

Asylintervjuerna som genomförs av Migrationsverket ligger delvis i linje med riktlinjerna för bästa praxis för utredande intervjuer och UNHCR:s riktlinjer (2012) för

intervjuer med HBTIQ-asylsökande. Denna studies resultat tyder på att Migrationsverkets huvudfokus i asylintervjuer med HBTIQ-minoriteter är att bedöma tillförlitligheten av den sökandes sexuella läggning. Att bedöma tillförlitlighet av HBTIQ-status, utan att förlita sig på stereotyper, är en svår uppgift för asylhandläggare. För att undvika de skadliga effekterna av felaktiga tillförlitlighetsbedömningar kunde självidentifikation användas i högre grad som indikation på HBTIQ-status och fler frågor ställas om den sökandes rädsla för förföljelse. Fortsatt arbete med att motverka stereotypa uppfattningar och säkerställa att asylintervjuerna sker i enlighet med rättspsykologiska riktlinjer rekommenderas, för att höja kvaliteten på intervjuerna och därmed förbättra möjligheterna till rättmätigt beslutsfattande.

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## Appendix A

### *Finalized Scheme for Coding of the Interview Transcripts*

Variable	Description	Coding options
Case number	Based on Migri's random numbering	1-218
Interview number	Number of interview within a case	1-
Question number	Number of specific question within a case	1-
Question type	How question is constructed and what kind of answer it intends to elicit	<p>NA = Question not included / deemed irrelevant</p> <p><i>Open-ended question types:</i></p> <p>1 = Invitation</p> <p>2 = Cued invitation</p> <p><i>Closed question types:</i></p> <p>3 = Directives</p> <p>4 = Yes/No</p> <p>5 = Forced choice</p> <p>6 = Suggestive</p> <p><i>Other:</i></p> <p>7 = Unclear</p> <p>8 = Utterances</p> <p>9 = Summaries</p>
Interview style	Tone of the interviewer	<p>1 = Information gathering style</p> <p>2 = Accusatory style</p>
Question content	Theme / topic of the question	
	Included in the matrix but not included in the analysis	NA = Question not included / deemed irrelevant
	Discovery and development of applicant's sexual orientation	1 = Questions about individual realization / development of sexual identity

Variable	Description	Coding options
	Sexually explicit questions or questions inviting a sexually explicit response (questions about sexual acts), details about sexual activity	3 = Questions about sexual behavior / sexual acts
	Former or current same-sex relationships, and the nature of these relationships	4 = Questions about history of same-sex relationships/partnerships
	Former or current opposite sex relationships, and the nature of these relationships	5 = Questions about history of opposite-sex relationships
	Questions about whether anyone in the country of origin provided emotional support to the applicant	6 = Questions about social/community support
	Who they told / when they told them / how they told them	7 = Questions about coming out / disclosure to others
	Knowledge about the situation of sexual minorities in the home country (treatment, laws criminalizing same-sex conduct). Not about the applicant's personal experiences	8 = Questions about situation of sexual minorities in the home country in general
	How the applicant lives out / conceals / manifests their sexual orientation in Finland. Involvement in LGBTQ+ culture	9 = Questions about applicant's life in Finland
	How the applicant perceives their religious affiliation in light of their sexual orientation, and any attempts to reconcile these two	10 = Questions about the connection between sexual orientation and religion
	The official tries to clarify the boundaries of the sexual orientation as the applicant understands it (self-perception of sexual orientation)	11 = Questions to clarify the meaning of the sexual orientation to the applicant
	Questions testing the applicant's familiarity with LGBTQ+ culture in the country of asylum (i.e., Finland)	12 = Questions concerning the applicant's knowledge about and involvement in queer culture and the rights of sexual minorities in Finland
	Inquiries about efforts made to conceal the sexual orientation in the past	13 = Questions about concealment / discretion of sexual orientation in the past
	Inquiries about whether the applicant could conceal their sexual orientation in the future / suggests the applicant should do so	14 = Questions about concealment / discretion of sexual orientation in the future

Variable	Description	Coding options
	The official gives the applicant an opportunity to clarify a previous credibility issue	16 = Confrontation / request for clarification about credibility issue in an earlier statement
	Officials ask for corroborating or supporting evidence in the form of documents, witness statements or other	17 = Request for corroborating or supporting evidence
	Any question that does not inquire directly about the applicant's sexual orientation but seeks to understand what/who the applicant is afraid of. These can be questions about: <ul style="list-style-type: none"> <li>- Why the applicant left their country</li> <li>- Different types of mistreatment the applicant has already suffered or is likely to suffer in the future (any type of harm ranging from discrimination, to serious threats to basic human rights)</li> <li>- Identity of the perpetrators of this harm (state officials, armed non-state actors, society, family etc)</li> <li>- What the applicant thinks will happen to them if they return</li> </ul>	18 = Questions about the fear of persecution
	Other question related to sexual orientation not covered by categories 1-17	19 = Other questions about the ground for asylum (sexual orientation)
	Only relevant if the applicant has articulated more than one reason for seeking asylum (e.g. persecution based on their religion)	20 = Exploration of other reason for seeking asylum

## PRESSMEDDELANDE

### **I finska asylintervjuer med HBTIQ-personer ställs främst frågor ämnade att bedöma tillförlitligheten av den sökandes sexuella läggning**

Pro-gradu avhandling i psykologi

Fakulteten för humaniora, psykologi och teologi, Åbo Akademi

Resultaten från en Pro-gradu avhandling i psykologi vid Åbo Akademi tyder på att Migrationsverket främst ställer frågor ämnade att bedöma tillförlitligheten av den sökandes sexuella läggning då man intervjuar HBTIQ-personer. Mer än hälften av frågorna har syfte till att bedöma tillförlitligheten av den asylsökandes sexuella läggning medan mindre än en tredjedel av frågorna berör den sökandes rädsla för förföljelse. Resultaten visade även att intervjuerna främst består av slutna frågor ställda i en informationssökande stil. Den stora andelen slutna frågor är problematisk eftersom slutna frågor inte leder till lika detaljerade, utförliga och pålitliga utsagor som öppna frågor. Ett positivt resultat var att frågor ställda i en anklagande stil och olämpliga frågor, exempelvis ledande frågor, sällan förekommer. För att förbättra nuvarande intervjupraxis kan asyltjänstemän ställa fler öppna frågor och fler frågor som syftar till att bedöma den sökandes rädsla för förföljelse. Eftersom det är hotet om förföljelse som är katalysatorn för den asylsökandes behov att söka asyl, är det av större vikt att identifiera det faktiska hotet om förföljelse än att bedöma om den sökande verkligen tillhör en sexuell minoritet.

Syftet med studien var att utvärdera kvaliteten av finska asylintervjuer med HBTIQ-personer i jämförelse med bästa rådande praxis för utredande intervjuer, UNHCR:s riktlinjer för intervjuer med HBTIQ-minoriteter samt asylforskning. Studien fokuserade på att undersöka frågestil, frågetyp och frågeinnehåll. I studien analyserades sammanlagt 13 206 frågor från 129 verkliga asylutredningar gjorda av Migrationsverket mellan åren 2014–2019. Samtliga asyldokument anonymiserades av Migrationsverket innan de överläts till forskarna. Avhandlingen utfördes av Mia Helenelund under handledning av doktorand Hedayat Selim och professor i tillämpad psykologi Jan Antfolk.

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