

# Seeking asylum in the UK: lesbian perspectives

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**Many aspects of the UK asylum process can be confusing, disempowering and traumatic for lesbian asylum seekers. Recent research examines the impacts of this process on their experiences, their identity and their well-being.**

Individuals making asylum claims based on persecution which relates to their sexual orientation need to argue their case under the 'particular social group' category of the 1951 Refugee Convention. This category has long been the most contested of the Refugee Convention grounds and such claims can result in an intricate and lengthy asylum application process. For asylum claims based on a person's sexuality, their cases can be

further complicated by the requirement to produce evidence of their sexuality.

This article is based on recent doctoral research which examined the ways that lesbian women navigate the UK asylum process and the impacts of this process on their experiences, their identity and their well-being.<sup>1</sup> All of the women interviewed had experienced physical and sexual violence

Currently in the UK, there are no statistics available which indicate the number of applicants who seek or who have claimed asylum on the grounds of their sexual identity. However, NGOs estimate that in 2008, 1,200-1,800 lesbian, gay and bisexual people applied for asylum,<sup>2</sup> mainly from the Caribbean, Africa and the Middle East. Although gay applicants are relatively few in number, little is known about this group and there is limited academic research charting their experiences.

in their home countries and described being targeted and experiencing 'corrective rape'<sup>3</sup>, torture, imprisonment and family abuse because of their same-sex relationships. All the women had sought international protection on the grounds of their sexual orientation and seven of these women had gained refugee status; four were still going through the UK asylum process at the time of the study. The women came from Jamaica, The Gambia, Uganda, Nigeria, Pakistan and Saudi Arabia, all of which openly discriminate and legislate against homosexuality.

### Key findings

The asylum process, legal arguments and court appearances were all considered to be confusing and disempowering. Women frequently referred to the stress and discomfort they felt when talking on demand about traumatic experiences. The pressure of needing to be believed and their frustration at not always understanding the decisions and judgments that were being made about them by the UK Border Agency (UKBA) and immigration judges were also upsetting. A major concern for the women interviewed was how individual decision-makers understood and interpreted 'sexuality' and made assumptions about the appearance, characteristics and behaviour of 'a lesbian' – perceptions which were found to have a significant influence on the outcome of women's asylum applications.

#### ● Talking about sexuality

The research found that talking about private, intimate details in a public and legal domain was particularly troubling. As the women

had not previously discussed their sexuality with strangers, declaring their lesbian identity to UKBA at the initial screening interview was frequently described as being very stressful. Exacerbating these difficulties was the lack of privacy available to them during the screening interview and their anxiety that their conversation could be overheard.

Given that the participants had experienced sexuality-related violence in their home countries (including, for some, by police officers or while in police custody), disclosing their sexuality to people in a position of authority was stressful. Talking about being a lesbian during legal interviews and court appearances was described as exhausting and emotionally draining. One woman spoke of crying, shaking and feeling as if she was physically and emotionally breaking down after one interview. In addition, accounts emerged regarding the UKBA's and immigration judges' perceived lack of sympathy, sensitivity or appreciation of the difficulties women associated with talking about such intimate details.

#### ● Appropriateness of questions

Re-telling intimate accounts and being questioned in open courts about their sexual desires and their relationships also emerged as difficult, and for some this experience affected their mental health and well-being. Moreover, the appropriateness of the questions asked was queried. For example, women had been asked about sex positions, as well as being asked to justify why they chose to be gay when they knew it was illegal in their home country. Several women described being asked what shows they watched, whether they read Oscar Wilde [famously homosexual British writer], how many Gay Pride marches they attended and which gay clubs they frequented. One woman described how the immigration judge commented that she did not look like a lesbian while another was told in court that she could not be a lesbian because she had two children. Clearly, decisions regarding someone's claim to be a lesbian were frequently based on the extent to which they conformed to Western stereotypes. Failure to



EQUALITY. EVERYWHERE.

28 January 2011

Home Secretary Theresa May:  
**DO NOT DEPORT BRENDA NAMIGADDE**

Dear Home Secretary Theresa May,

Please halt the impending deportation of Brenda Namigadde (Case Ref #1166867), a Ugandan lesbian scheduled for removal this Friday January 28th. Brenda fled Uganda eight years ago because of persecution for her sexuality, but if forced to return Brenda fears that she'll be, "tortured, or killed ... they've put people like me to death there." The fact that a virulently anti-gay, high ranking member of the Ugandan government has taken note of her case means that Brenda faces clear and present danger if she is returned to Uganda.

Last July you told the press, "We have already promised to stop the removal of asylum seekers who have had to leave particular countries because their sexual orientation or gender identification puts them at proven risk of imprisonment, torture or execution." Please use all of the powers at your disposal to act now to halt Brenda's deportation.

SENT FROM  
*22,452*  
ALL OUT MEMBERS  
IN 80 COUNTRIES

meet these preconceived ideas often resulted in asylum claims being refused and women's individual credibility being questioned.

● **The need to be 'out'**

Under pressure to conform to Western stereotypes, some women felt under pressure to change their look and dress in a way described as "more butch". While they felt that this might help their legal claim for asylum, several women also explained that this was not always a straightforward or desirable option. Two participants with children felt that they did not want their sexuality publicly known for fears over their children's safety. A perception that other asylum seekers saw homosexuality as "immoral", "wrong" and "unacceptable" led them to believe that being publicly 'out' could be isolating. Experiences were recounted in which women had been ignored or been asked to leave refugee support groups because of their sexuality, an issue which was particularly traumatic when such groups had been their main source of comfort and support. Fears that other migrants might spread rumours or threaten them also increased their sense of insecurity. As a consequence, some women requested to be housed separately from people from the same country of origin, a situation which in turn made them feel even more isolated.

● **Sexual freedom**

Despite the many challenges facing lesbian asylum seekers in the UK, a number of positive experiences were also identified. All of the women reported feeling that they could now be themselves and that they felt respected for the first time in their lives. Some women had started their own support groups to help provide emotional and practical support to other lesbian asylum seekers.

As a result of this research we recommend:

- further research on the experiences and persecution experienced by lesbian asylum seekers in their home countries to help women submit objective evidence for their claim; it is important that such research recognise differences across cultures and

backgrounds as well as seeking to identify similarities in experience.

- further clarity (at both national and international levels) over the interpretation and application of refugee law in relation to asylum claims based on a person's sexual identity
- provision of a discreet and confidential space for women to talk about the basis for their claim at the initial screening interviews
- training for legal interviewers in the need for greater awareness of and sensitivity towards the cultural difficulties, negative emotions and problematic nature of talking about and identifying oneself as a lesbian
- collaborative work between legal personnel and international agencies to form a better understanding of the complexity of 'sexuality' and to avoid stereotyping
- further research on, and a greater awareness of, the tensions that can exist among asylum seekers themselves on issues relating to homosexuality
- delivery by NGOs and service providers of targeted services and assistance to lesbian asylum seekers to alleviate their isolation, and to provide appropriate information and support.

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1. Repeat individual interviews were conducted with eleven women over a period of six months.
2. Alasdair Stuart 'Over Not Out: Refreshed 2012: An update on progress against the original recommendations of the Over Not Out Report (2009)', London: Metropolitan Migration Foundation <http://tinyurl.com/Stuart-Over-Not-Out-2102>
3. Rape of a person because of their perceived sexual or gender orientation; the intended consequence of the rape, as seen by the perpetrator, is to 'correct' their orientation – to turn them heterosexual or to make them act more in conformity with gender stereotypes.