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## Barriers to justice in the UK

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In recent years, there have been significant legal advances in the treatment of the cases of lesbian and gay asylum seekers in the UK. However, various barriers still remain.

Interviews with case workers, solicitors specialising in LGBT asylum cases and a gay immigration charity in the UK indicate that UKBA officials resort to obsolete stereotypes in order to 'inform' their decision making. Asylum seekers have been denied protection because they have appeared too typically straight and often applicants are expected to act, dress and speak in certain ways which conform to rigid Western notions of sexuality. Lesbians have been rejected for not seeming butch enough, and gay men have been asked if they frequented parks for sex. These deeply held assumptions about how lesbian and gay identity ought to be manifested undermine any effective and protective asylum system.

Many asylum seekers have also found that the presence of interpreters can sometimes be detrimental to their application. Claimants in the asylum process are allowed to choose the gender of their interpreter, and that interpreter should be aware of cultural or religious sensitivities. However, interpreters in the UK receive no training on LGBT issues and there are no imminent plans to address this. Many LGBT asylum seekers fear being interpreted by someone from their home community. In many refugee communities in the UK, homophobia is as common as it is back in the home country, and

often interpreters are a representation of this. There have been instances where interpreters have used abusive language against applicants, or mistranslated their statements. Accurate interpreting is essential because often a decision is based upon the precision and coherence of the witness statement. If there are inconsistencies or mistranslations, then a whole claim may be jeopardised.

Government cuts to legal aid have also disproportionately affected lesbian and gay asylum seekers. Legal aid law firms now have less time to construct a coherent case to present to the Home Office, meaning that some asylum seekers face their UKBA interviews without sufficient preparation. Lesbian and gay asylum applications often take longer because the applicant must have 'come out' to the solicitor, and be prepared to talk openly about their sexuality in front of a UKBA official.

Clear guidance exists on how to approach sexuality claims but is being ignored. Decision makers are instead resorting to ignorance and heterosexist biases in judging cases. This has resulted in the identity of the decision-maker, rather than that of the applicant, becoming the decisive factor in a claim.

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