



SANCTUARY

Assisting LGBTI Asylum Seekers in the UK

Sanctuary is the first of three resources that address issues faced by lesbian, gay, bisexual, transgender and intersex (LGBTI) asylum seekers and refugees in the UK. Sanctuary provides practical guidance for organisations advising LGBTI asylum seekers about asylum applications on grounds of sexual orientation or gender identity. As some points are relevant to all areas of LGBTI asylum work, the reader may want to refer to the other two documents Safety and Solidarity.

All three documents are also available in PDF format at www.equality-network.org/our-work/intersectional/asylum



Creating Safe Spaces



Issue

Asylum seekers may be afraid to share information about their sexual orientation or gender identity with you and your staff, sometimes due to past experiences of state-sponsored and/or community-based violence motivated by prejudice. They may be unaware of their legal rights in the UK.

What You Can Do

People look for “clues” that an organisation is aware and sensitive to their situation before they are open about it. Have LGBTI and asylum friendly information in your office and on your website. Highlight the key points of UK equality law on sexual orientation and gender identity with all asylum seekers, whether or not they have been previously identified as seeking refuge due to their sexual orientation or gender identity. Work with local organisations, such as LGBT Youth Scotland, to ensure that your service is truly safe for LGBTI asylum seekers and refugees.

Transgender asylum seekers may have additional needs related to their gender identity. Some transgender people have reported negative experiences with accessing “LGBT” organisations. Adding a “T” to “LGB” does not automatically mean transgender people will feel safe accessing your resources. Transgender asylum seekers may have privacy concerns that require specific understanding of their needs and legal rights.

Include specifically transgender friendly information in your office and on your website, not just resources that mention “LGBT”. Make sure your staff respects people’s preferred gender, name and pronouns. Contact a transgender equality organisation, such as the Scottish Transgender Alliance, to arrange transgender-specific training for your staff. Ask for help to ensure that your policies are fully inclusive of transgender people and their privacy needs and rights.

Each LGBTI asylum case is unique. LGBTI asylum seekers often have complex needs that relate to their religion, ethnicity, health, age, and other factors. LGBTI asylum seekers have reported gaps in areas of need, when agencies tried to develop one-size-fits-all policies.

Train staff and volunteers to deal with diverse LGBTI asylum cases. Include information about multiple domains of need and about issues faced by asylum seekers with multiple oppressed identity categories. Work with specialist organisations to do this effectively. Develop person-centred policies and procedures that explicitly include the diverse needs of LGBTI people, asylum seekers and refugees and people with intersectional identities.



Issue

Asylum seekers are often unfamiliar with Western European terminology, such as 'lesbian', 'gay', 'transgender', 'bisexual', 'sexual orientation', and 'gender identity'. Asylum seekers' primary languages may not distinguish between biological 'sex', sexuality, and gender identity in the same ways as in the UK. Home Office officials, LGBT services, and other organisations have been known to overestimate asylum seekers' familiarity with English concepts that describe sexual orientation and gender identity. Linguistic and cultural misunderstandings about terminology can lead to cases being fast-tracked or unfairly dismissed.

Transgender asylum seekers are often misclassified as gay or lesbian. This can occur for the reasons described above or due to differences between people's own view of their gender and officials' visual perceptions of their gender, lack of documentation in their self-identified gender, and fear of greater persecution from sharing information about their gender identity or gender history.

LGBTI asylum seekers often report problems with the use of interpreters. LGBTI asylum seekers have reported experiencing prejudice or hostility from interpreters due to their sexual orientation or gender identity. Some interpreters have refused to translate important information related to sexual orientation or gender identity.

What You Can Do

Explain these concepts clearly and make sure that you are understood. Clarify whether an asylum seeker who is using English terms like 'gay' or 'transgender' means what you expect. Ask whether an asylum seeker prefers for you to use a term from their home language. If so, make sure that you understand what this term means.

If you feel that an asylum claim may have been classified inaccurately, discuss the situation with the asylum seeker and offer to advocate with the Home Office on their behalf. Before contacting the Home Office, ask about terminology in their country of origin to assist you in addressing possible cultural misunderstandings.

Transgender asylum seekers may also want assistance making sure that officials address them using language that respects their gender identity. Make sure that your staff checks with asylum seekers and consistently use their preferred gender pronouns in written and verbal communications, including any contact with officials on their behalf.

When possible, use an interpreter on the phone instead of in person. You can have prepared statements interpreted to asylum seekers at the beginning of a session that address confidentiality, UK recognition of asylum on grounds of sexual orientation and gender identity, and UK legal protections for sexual orientation and gender identity.



Building Language Bridges



Issue

Some asylum seekers lack the English language skills and cultural familiarity with the UK to advocate for themselves effectively.

Some asylum seekers have also expressed concerns that interpreters from their religious or ethnic community will endanger their safety by breaching confidentiality.

Some LGBTI asylum seekers may have difficulty finding interpreters who speak their language of origin, but who are not connected to their own local ethnic or religious community. It may not be possible to find interpreters from outside of their local community due to limited availability.

What You Can Do

Ensure that people know you will support them with contacting the Home Office and complaining about prejudice they experience, including from interpreters.

Make sure asylum seekers are aware from the start that they can ask for a different interpreter at any time and that they do not have to share their name or specific identifying information with interpreters. Some asylum seekers may prefer to switch to an interpreter who is not from their own religious or ethnic group.

Use an over the phone interpreting service so that you can use an interpreting service based in a different area.

You can also provide the asylum seeker with a double-sided card (red for unsafe, green for safe). Provide a translated card to the asylum seeker before the interpreter joins the meeting to let them know that they can signal their desire to end the meeting and request another interpreter, if they feel unsafe or have concerns about the interpreter at any time, and that you will decently call the meeting to an end and arrange another meeting with a different interpreter. Of course, this is easier if the interpreter is on the phone rather than in the room.

■ ■ Navigating The Asylum Process ■ ■

Issue

'Fast-tracking' is often used for rapid processing of asylum claims that Home Office officials feel can be decided 'easily'. Asylum cases on grounds of sexual orientation or gender identity can often appear deceptively simple to those with limited understanding of the complex issues involved.

Transgender asylum issues can be difficult to understand for Home Office officials and organisations that seek to provide assistance. Well-meaning staff can easily mishandle these cases through lack of sufficient knowledge and training in transgender issues.

Numerous LGBTI asylum seekers have reported experiencing ignorance and prejudice from Home Office officials. Many felt that officials lacked sufficient understanding of key facts about their sexual orientation or gender identity.

What You Can Do

Anyone who is being recommended for fast tracking needs specialist legal advice as soon as possible. Provide all staff with a list of contact information for legal specialists who deal with asylum and LGBTI issues. Instruct all staff regarding the importance of swift referrals.

Alert all staff that all aspects of all people's identity need to be respected equally and that this includes transgender identities. Be aware that transgender asylum seekers may not have documentation to prove that they are transgender. They may not visually appear to you as being the gender with which they identify. Respect people's gender identity and confidentiality, whether or not they have had hormones or surgical intervention and whether or not they require any medical intervention. Seek specialist training for transgender equality organisations.

Recommend that asylum seekers take a pen and paper with them to all meetings with officials. Recording names and details from these meetings may help them to address negative experiences and correct cultural misunderstandings early on.

■ ■ Navigating The Asylum Process ■ ■

Issue

Asylum seekers who are intersex have bodies that do not fit typical notions of 'female' or 'male' in terms of chromosomes, reproductive organs, genitals, or other physical attributes. The term 'hermaphrodite' is generally considered offensive. Many intersex people object to pathologising language such as 'Disorders of Sex Development' (DSD) or describing intersex bodies as 'conditions'. Unfortunately, it is unclear how the Home Office processes intersex claims for asylum.

Transgender asylum seekers may require particular assistance dealing with UKBA officials in terms of pronoun use, gender classification, and practical needs.

They may require assistance with obtaining official documentation that lists their preferred name and self-identified gender. Some transgender asylum seekers will also want to manage which agencies know their actual gender identity. Transgender asylum seekers who can 'pass' as the gender with which they identify may want to be 'stealth' about their gender history. Those who have not been able to live publicly in their gender identity may wish to keep their gender identity private from some or all agencies.

What You Can Do

Discuss the terminology each intersex asylum seeker prefers and discuss whether they prefer to keep their intersex body confidential from other agencies and/or Home Office authorities. Intersex people who have been assigned to a gender that differs from how they self-identify are likely to qualify under the Home Office definition of 'transgender'.

Intersex asylum seekers who have experienced non-consensual genital surgery, sometimes called 'Intersex Genital Mutilation' or IGM, in their country of origin may be eligible for asylum due to medical abuse and torture in their country of origin. Ensure that intersex asylum seekers know about these options.

Discuss issues of privacy and disclosure at the very beginning with all asylum seekers. Make sure you have enough information to respect their wishes regarding which agencies and authorities they want to know their gender identity and gender history. Connect transgender asylum seekers to transgender-specific services as early as possible.

When necessary, and only with the consent of the person involved, keep a confidential record available to all involved staff that lists the name and pronouns they prefer to use with each agency. If officials do not use correct pronouns or gender classifications for transgender asylum seekers, offer to advocate on their behalf and seek assistance from transgender equality groups.

■ ■ Navigating The Asylum Process ■ ■

Issue

Some transgender asylum seekers may be visually perceived as 'butch lesbians' or 'feminine gay men'. Some cultures do not differentiate between sexual activity and gender role. They may not have documentation of their gender identity. They may not have lived publicly as their identified gender and may not have had any medical interventions.

What You Can Do

Some transgender asylum seekers may find it easier to seek asylum on grounds of sexual orientation, particularly if they can document harassment due to being perceived as gay or lesbian. Connecting them to transgender advocacy organisations and seeking expert legal advice is important to ensuring that they apply under the most appropriate grounds.

Lesbian asylum seekers have often been married to men and/or have had children. This can lead to asylum claims being fast-tracked or rejected, even in cases where marriages were forced, essential for survival, or where children were products of rape. Lesbian asylum seekers with marital histories or children may also encounter disrespect for their identities or not be believed.

Advise women to explain their marital situation upfront and try to provide available data about women's lack of marital choice in their country. Make sure your staff respect women's identities as lesbian, whether or not they have been married or had children.

The Home Office officially accepts asylum claims on the grounds of bisexual orientation. However, few cases by bisexual asylum seekers have been accepted due to stereotypes and assumptions about bisexual people. Some people who have faced persecution because of bisexual behaviour patterns or identity may describe themselves as gay or lesbian. People with bisexual behaviour patterns or identity may have been perceived as gay or lesbian and targeted for violence and discrimination on the basis of sexual orientation in their country of origin.

Respect people's identities and understand that the terms people use to describe their sexual orientation are underpinned by many complex factors. Recognise that, in many places, people who are perceived to be non-conforming to expected gender roles may experience discrimination regardless of which Western terms they may use to describe themselves. Seek specialist legal advice as early as possible in the asylum process, as bisexual asylum cases can be particularly complex.



Faith

Metropolitan Community Church – Glasgow
www.mccinglasgow.moonfruit.com

Health & Wellbeing

Edinburgh Women’s Rape and Sexual Abuse Centre
www.ewrasac.org.uk

LGBT Centre for Health and Wellbeing
www.lgbthealth.org.uk

NHS complaints information

www.hris.org.uk/patient-information/information-about-health-rights/charter/feedback-and-complaints

NHS factsheet about health care for asylum seekers and refugees in Scotland:

www.hris.org.uk/index.aspx?o=6604

See also:

www.nhs.uk/carersdirect/guide/asylum-support/pages/asylum-support.aspx

NHS Open Road Project

www.openroadproject.com/resources.html

NHS Scotland Gender Reassignment Information:

www.nhsinform.co.uk/health-library/articles/g/gender-dysphoria

NHS Scotland Gender Reassignment Protocol:

www.sehd.scot.nhs.uk/mels/CEL2012_26.pdf

Quay Services in Aberdeen and Aberdeenshire

www.quayservices.co.uk/index.html

Rape Crisis Scotland

www.rapecrisisscotland.org.uk

Saheliya

www.saheliya.org.uk

The Welcoming Project

www.thewelcoming.btck.co.uk



Housing

Positive Action in Housing

www.paih.org

Legal

GayLawNet UK LGBT Asylum

www.gaylawnet.com/laws/uk.htm#asylum

National Coalition of Anti-Deportation Campaigns

www.ncadc.org.uk

UK Lesbian and Gay Immigration Group

www.uklgig.org.uk

Asylum Aid

www.asylumaid.org.uk

Stop Hate UK

www.stophateuk.org

Guidelines on International Protection No. 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees

www.unhcr.org/refworld/docid/50348afc2.html

LGBT Asylum and Migration

Gay in the UK LGBT Asylum & Refugee Support

www.gayintheuk.webs.com

Justice for Gay Africans

www.jfga.org.uk

Iraqi LGBT

www.iraqilgbt.org.uk

Iranian Queer Railroad

www.irqr.net



SIPD (Uganda & E. Africa Intersex Org.)
www.sipd.webs.com

Somali Gay Community
www.somaligaycommunity.org

Lesbian Community Project in Manchester
www.lesbiancommunityproject.co.uk

LGBT Asylum News
www.madikazemi.blogspot.co.uk

Unity Centre Glasgow LGBT Helpline
www.unitycentreglasgow.org/?page_id=366

Support for Organisations

BEMIS Scotland
www.bemis.org.uk

Equality Network
www.equality-network.org

LGBT Youth Scotland
www.lgbtyouth.org.uk

Organisation Intersex International in UK
www.oiiuk.org

Scottish Refugee Council
www.scottishrefugeecouncil.org.uk

Scottish Transgender Alliance
www.scottishtrans.org



These documents are based on findings from the 2011 Sanctuary, Safety, and Solidarity report on issues facing LGBT asylum seekers and refugees in Scotland. The Sanctuary, Safety, and Solidarity report was produced by Equality Network, BEMIS Scotland, and GRAMNet, with funding from the Equality and Human Rights Commission and additional support for printing the summary version from Glasgow Refugee Asylum & Migration Network (GRAMNet) and Glasgow Human Rights Network (GHRN).

The FULL 202-page research report and a 22-page summary version is available to download at www.equality-network.org/our-work/intersectional/asylum

EQUALITYNETWORK

Lesbian, Gay, Bisexual and Transgender Rights in Scotland



BEAUIS

Empowering Scotland's Ethnic and
Cultural Minority Communities

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