

# **New kinds of stereotyping: Can you prove it? How Europe determines whether asylum-seekers are gay**

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## **Ridiculous tests to sort those who fear persecution from those who do not**

HOW can you tell if a refugee is gay? Austrian officials seem to have relied on old Bee Gees lyrics for a reason to reject an 18-year-old man from Afghanistan who said he risked persecution back home for his sexual orientation. “Neither your walk, your behaviour, nor your clothing indicate even in the slightest that you could be homosexual,” they told him. Confusingly, an Iraqi seeking asylum was reportedly rejected last month because he was too effeminate. Officers thought he was shamming.

The Austrian interior ministry says it has removed the official who turned away the Afghan man. But such stories are common. Many European countries recognise that for people from some parts of the world, simply being gay is grounds for being granted asylum. Yet Evelyne Paradis of ILGA-Europe, a gay umbrella group, says that many officials “think there is only one way to be an LGBT person”.

The European Court of Justice (ECJ) has curbed some of the most egregious practices. A ruling in 2014 barred prurient questions about sexual activity and “arousal tests”, where asylum-seekers are shown gay porn to see if it excites them. This year the court told Hungary to stop using Rorschach tests. Some officials had been trying to discern gayness from the way refugees responded to inkblots.

Sabine Jansen of COC Nederland, a Dutch LGBT group, says that new kinds of stereotyping have emerged. Her research in the Netherlands found that case officers expected gay asylum-seekers from conservative Muslim countries to conform to a preconceived personal narrative. “If you don’t say that you feel ashamed to be gay, or if you say you didn’t struggle with the contradictions between your sexuality and religion, they are unlikely to believe you,” she says.

It is hard to know the scale of the problem, as most countries do not provide data on the grounds for asylum claims. But figures from Britain show that only 39% of the 3,535 people who applied for asylum based on sexual orientation were accepted between July 2015 and March 2017. Ms Jansen says that the Netherlands accepted 63% of 267 such applications from October 2015 to April 2016.

Such cases are inevitably hard. No test can reliably tell whether someone who claims to be gay is telling the truth. A mistake could be fatal: gay people in Saudi Arabia or Yemen can still be stoned to death. To make matters trickier, LGBT asylum-seekers are often reluctant to go into details about their intimate lives. Many do not bring up their sexual orientation during initial interviews, hoping to secure asylum on other grounds, and only mention it as a last resort.

“Officials who handle these cases need to learn that queer people come from all kinds of backgrounds and experiences,” says Marty Huber of Queer Base, an Austrian NGO. “They need to really listen to people’s stories.” In practice, this would mean pursuing multiple lines of questioning

during an interview, offering asylum-seekers more than one way to demonstrate their credibility. Some might best be able to do so by describing their internal struggle, but others might instead prefer to discuss participation in underground LGBT groups or instances of persecution for their sexuality. Sweden, unlike Austria, requires an expert in LGBT issues to be present when a gay asylum-seeker is questioned.

Some fear that gay people will find it harder to win asylum in the future as political pressure grows to accept fewer refugees. Ms Huber suspects that in Austria, where the government has vowed to reduce immigration, some of the questions in interviews are designed to trip people up. She cites the story of an Iranian man who was asked if he knew what the orange stripe in the rainbow flag means. (It stands for healing, though it is possible that not every gay Iranian man knows this.) "He had an Austrian boyfriend waiting outside who was willing to serve as a witness, but they didn't even call him in," she says.

## **The Economist**

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- The Economist, Sep 13<sup>th</sup> 2018:

<https://www.economist.com/europe/2018/09/15/how-europe-determines-whether-asylum-seekers-are-gay>