

## **Written evidence submitted by the Say It Loud Club, a grassroots organisation led by and supporting LGBTQ+ refugees and asylum seekers in the UK (NBB10)**

### **Who we are:**

Say it Loud Club is a grassroots community organisation representing LGBTQ+ asylum seekers and refugees in the UK. We are submitting evidence because we are deeply concerned by the details of this Bill and terrified by the Bill's potential to cause serious harm to members of our community.

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### **Executive Summary:**

As a community of LGBTQ+ refugees and asylum seekers with first-hand experience of navigating the UK asylum system, we are horrified by the changes proposed in the Nationality and Borders Bill. **We urge this committee to amend the most egregious aspects of the bill which will disproportionately impact LGBTQ+ people** seeking asylum and violate several of their fundamental human rights.

Without significant amendments to this Bill, we know that:

- Fewer LGBTQ+ people will receive safety and asylum in the UK.
- More LGBTQ+ people will be deported to places where they face harassment, violence, and imprisonment.
- LGBTQ+ people claiming asylum will be held in environments that are dangerous for members of our community and, for many, amount to torture.

The most urgent details of the bill which need amending:

- Requiring all evidence to be submitted at the first point of asylum application.
- Fast-tracking the appeals process and limiting the right to challenge unfair decisions.
- Forcing asylum seekers to stay in reception centres whilst their cases are pending – possibly in overseas locations.
- Setting a “higher standard” for testing whether an individual has a “well-founded fear of persecution”.

*Note: testimonies included in this submission are direct verbatim quotes from members of the Say It Loud Club who have sought asylum in the UK to escape persecution in countries where they were unable to live safely as LGBTQ+ people.*

## **Detailed explanation of each aspect of the Bill which must be changed**

[Specific clauses within the bill referenced within brackets]

### **1. Overseas Reception Centres (Part 2, clauses 11 and 26)**

1.1. Forcing LGBTQ+ people to stay in reception centres whilst their cases are pending – possibly overseas, will amount to torture for members of our community. LGBTQ+ people who have fled persecution because of their sexual orientation and gender identity are highly vulnerable to violence and/or harassment from other asylum seekers and staff. This risk is increased if they are held in overseas locations where the local culture is not supportive, as seen in Australian immigration detention centres in Papua New Guinea. ([www.internationalaffairs.org.au/news-item/looking-into-australias-approach-to-lgbtq-asylum-seekers-and-refugees](http://www.internationalaffairs.org.au/news-item/looking-into-australias-approach-to-lgbtq-asylum-seekers-and-refugees) )

1.2. For people already deeply traumatised by the hatred and persecution they have endured before arriving in the UK, the fear of violence where they are living and sleeping can be unbearable. No UK-born LGBTQ+ citizen would be forced by the State to live in accommodation with people who did not accept them and where they felt unsafe because of their sexual orientation or gender identity (SOGI). We must not force LGBTQ+ people claiming asylum to endure the same.

*“In some shared houses, not everyone wants to hear or know about LGBTQ+ people. I mostly hid my sexuality because I didn’t know what might happen to my life if I shared it with those who I live with that dislike gay people.”*

1.3. It is crucial that LGBTQ+ people have access to safe accommodation where they can express their SOGI without fear. Without this, LGBTQ+ people claiming asylum will be forced to hide their identity – all the while, being pressured to ‘prove’ this same identity to immigration officials as soon as they arrive and submit their claim.

1.4. We know from experience of other governments ‘processing’ asylum seekers overseas, that this exposes claimants to grave human rights abuses, and significant harm to people already dealing with trauma (see Amnesty International’s 2021 report on Australian Immigration Detention Centres in Manus [www.amnesty.org/en/wp-content/uploads/2021/07/asa120022014en.pdf](http://www.amnesty.org/en/wp-content/uploads/2021/07/asa120022014en.pdf)). Given the horrific accounts of living conditions in the current detention centres in England and Wales, we are firmly opposed to any proposals to detain people claiming asylum in such reception centres.

1.5. Community groups like Say it Loud Club are a lifeline to LGBTQ+ people claiming asylum. Detaining our members in these centres would cut them off from the vital psychosocial support currently being provided, and severely impact their mental health and wellbeing, and their ability to provide evidence in support of their claim.

*“I have lost most of my biological family members. But I have a new family – my chosen family of my partner, my friends, my LGBTQI+ community. This is my family with whom I feel safe, loved and secure, despite all the trouble.”*

- 1.6. People claiming asylum deserve the chance to integrate into society by living in local accommodation and enjoying access to support services, and to work and study and live meaningful lives whilst their cases are pending. UK society stands nothing to gain from excluding so many wonderful, kind, and caring members of our community and cruelly detaining them in reception centres.

*“Being a member of Say It Loud Club gave me a good platform to work on my confidence and self-esteem. After a few months, I had become a group volunteer and before long, I was helping other women who had suffered homophobia and telling them the importance of living openly and seeking help.”*

## **2. Setting a “Higher Standard” for determining whether an individual has a well-founded fear of persecution (Part 2, Clause 29)**

- 2.1. Setting a “higher standard” for testing whether an individual has a “well-founded fear of persecution” will also disproportionately impact LGBTQ+ people. It is already extremely difficult for LGBTQ+ asylum seekers to prove their identity, let alone prove that they have a well-founded fear of persecution because of it. Our members have consistently reported a culture of distrust from immigration officials regarding their sexual orientation, gender identity and expression.

*“I am looking forward to my next immigration court hearing, but I am worried that I face my sexuality being disbelieved, which triggers my depression.”*

*“I had to expose my scars to a GP as ‘evidence’ that I had been tortured as a result of my sexuality”.*

- 2.2. Research carried out by the University of Sussex found that in the UK approximately 30% of people claiming asylum on grounds relating to their SOGI had their claims dismissed because their interviewers did not believe them ([www.stonewall.org.uk/about-us/news/unacceptable-treatment-lbgt-asylum-seekers-europe-and-uk](http://www.stonewall.org.uk/about-us/news/unacceptable-treatment-lbgt-asylum-seekers-europe-and-uk) ). The changes proposed in the Bill will further entrench this culture of distrust and make it even more difficult for LGBTQ+ people to prove their very valid reasons for needing asylum in the UK.

*“Even though I was now aware of my rights as a gay man, I felt that I did not have the confidence to speak to a solicitor about my situation. When I spoke to Aloysius [Say It Loud Club’s founder] about my fears, he offered to accompany me to an immigration solicitor, and this was especially important for me because of my past experiences of rejections and abuse.”*

- 2.3. All our members have been forced to flee their home countries due to a well-founded fear of persecution based on their identity. Homophobic, biphobic, transphobic and queerphobic persecution is pervasive in so many countries, although the danger faced by LGBTQ+ people is not always publicly visible from outside of the country.

*“Life for me back home became hard when my sexuality was found out. I was brutally punished by my own family – taken from traditional doctor to traditional doctor all in the name of healing me. This didn’t change a thing and made my life even worse as I started getting abused by the traditional doctor.”*

- 2.4. As well as experiencing state-sanctioned persecution on the basis of their SOGI, many of our members have also escaped persecution and violence at the hands of family members, and others in their community. This latter type of persecution is much harder to prove to immigration officials but poses a grave threat to the safety of LGBTQ+ people if they were to be refused asylum and deported under these proposed “higher standards” to determine a well-founded fear of persecution.

*“I wanted to come to the UK so I could be free, live freely, and not fear for my life.”*

### **3. Requiring full proof of persecution at first point of application (Part 2, clauses 17 and 23)**

*“The first time I ever spoke about my sexuality was in an asylum interview!”*

- 3.1. LGBTQ+ people claiming asylum usually do so after enduring a lifetime of shame and persecution forcing them to hide every aspect of their identity and to trust very few people to share their identity with. The proposed “one stop’ process would discriminate against them, as they typically arrive in the UK wholly unprepared to share their sexual orientation, gender identity or expression with strangers, particularly those in positions of authority.

*“I was afraid to talk about my situation as I didn’t feel confident, nor was I comfortable enough to share my experience with anyone.”*

3.2. At Say it Loud Club we have developed a strong community and a network of support for LGBTQ+ people arriving in the UK. With our vital help, our members are able to learn self-acceptance and pride in who they are. Many of our members had never spoken publicly about their identity or their experiences before joining us, but after careful support, they are able to bravely share their stories with immigration officials and explain why their sexual orientation or gender identity and expression has placed them in grave danger of violence and persecution.

*“Going through asylum and having to explain my sexuality to a stranger was the hardest thing I have ever faced. I had never lived openly in Uganda because I was afraid, so I grew up concealing my sexuality.”*

3.3. By refusing to accept information or evidence later on in the application process, this government will be denying LGBTQ+ people the chance to build the confidence to speak openly about their experience and share their testimony, and therefore risk wrongly sending hundreds of people back to the violence and persecution from which they have fled.

3.4. Requiring all evidence to be submitted at the first point of asylum application is unrealistic, if not impossible, for LGBTQ+ people who have fled from a lifetime of persecution. People who have tried to hide their identity their whole lives will usually have little evidence to support their application when they first arrive in the UK. Many of our members were forced to flee immediately after being “outed” and attacked and had no time to collect what little evidence they might have to prove their identity and the persecution they have faced because of it. After arriving in the UK, it can take time to carefully build an evidence base to prove something so sensitive and hidden from their previous life. This burden of proof at the first point of application for asylum will deny LGBTQ+ people the necessary time to collect their evidence.

#### **4. Expedited and limited appeals process (Part 2, clauses 21, 24, and 25)**

4.1. Expediting the appeals process and limiting the right to challenge unfair decisions will also disproportionately affect LGBTQ+ claimants. Most of our members whose claims have eventually been approved and granted refugee status were initially rejected at the first application stage. This is because most LGBTQ+ people do not have enough supporting evidence when they submit their application as they first arrive, without the benefit of specialised professional legal advice. With support from groups like ours, LGBTQ+ people are supported to appeal an initial refusal with a stronger legal case.

*“I used to find it hard to open up about my past experiences but Say It Loud Club helped me gain courage to confront my issues. I met my solicitor during a social meeting at the Say It Loud Club and she has helped prepare my application at the Home Office and given me information that I might need to explain my claim.”*

4.2. By fast-tracking this crucial appeals process, and only accepting evidence at the first point of asylum application, the government will wrongly refuse valid asylum claims and deny LGBTQ+ claimants the right to “prove” their legitimate need for asylum. Our members do not fraudulently engage in the process of appeals as a means of prolonging their application indefinitely. Our members have valid grounds for asylum, and the fact that 38% of appeals related to SOGI claims for asylum were approved by the Home Office at the point of appeal (2015-2018) demonstrates this (<https://www.gov.uk/government/statistics/immigration-statistics-year-ending-june-2019/experimental-statistics-asylum-claims-on-the-basis-of-sexual-orientation#appeals>).

## 5. Our Recommendations

- 5.1. We believe the asylum process can and should be reformed but not in the way of these proposals. **We need an asylum system built on compassion, kindness, and dignity.**
- 5.2. All people must receive equal and open access to the asylum process, regardless of how they have been forced to arrive in the UK. **A two-tiered asylum system would not only be unjust, immoral, and illegal in international law, but it would also be totally dysfunctional for all stakeholders involved.**
- 5.3. **All asylum applications must be assessed in a way that is fair to the claimants** and the experiences they have endured prior to arriving in the UK and submitting their claim.
- 5.4. **Reception conditions must provide safety and dignity for people claiming asylum** and authorities must **promote community integration** as soon as people claiming asylum arrive in the UK. This is so crucial for LGBTQ+ people who are particularly vulnerable to violence and harassment in unsafe accommodation.
- 5.5. **Detention centres for asylum claimants must not become part of UK asylum policy** if the UK is to meet its responsibility to upholding human rights.
- 5.6. The Bill’s “**Higher Standard**” for proof must consider the uniquely difficult **challenge of proving one’s SOGI** having spent a lifetime trying to hide all evidence for fear of persecution.
- 5.7. **The Bill must remove the requirement for all evidence in support of an asylum claim to be submitted at the first point of application** when a claimant arrives in the UK. **This is usually impossible for LGBTQ+ claimants** who need specialised legal advice and additional support in building evidence in support of their case.
- 5.8. **The appeals process must remain a viable avenue for people whose claim has been refused.** LGBTQ+ people most commonly have their asylum claim refused at the first stage of application due to the culture of distrust and the lack of support for people who have often never spoken publicly about their SOGI before arriving in the UK. **The appeals process must not be “streamlined” as set out in the Bill.**

- 5.9. **People claiming asylum must be given the chance to play a full and meaningful role in society**, receiving support and undertaking employment and/or formal education whilst waiting for the most important decision affecting their lives.
- 5.10. **The UK government must open up safe and legal routes for people needing safety overseas.** Currently there is no adequate support for people needing to travel to the UK for safety, and any examples of people risking their lives to reach this country are symptoms of a broken asylum system, not causes of it.
- 5.11. For further guidance on building an asylum system that upholds the basic rights of LGBTQ+ people, see the Final Recommendations from the University of Sussex's SOGICA project: <https://www.sogica.org/en/final-recommendations/>

*“Even though I still have challenges, I am glad that I have a community where I feel accepted, respected, and recognised and living openly has given me my life back.”*

## 6. Our Members' Stories

- 6.1. The testimonies featured throughout this document are all direct quotes from our members who have all claimed asylum in the UK on the basis of the persecution they have faced on the grounds of their sexual orientation or gender identity.
- 6.2. You can read the full stories from several of our members here: <https://www.sayitloudclub.org/blog/categories/members-stories>
- 6.3. We hope, by reading our members' stories, you can appreciate that these are real human lives being threatened by this Bill.
- 6.4. As it stands, this Bill would make it almost impossible for our members to successfully claim asylum. Say it loud Club would be unable to transform the lives of LGBTQ+ people arriving in the UK in need of safety and support, and the world's most vulnerable people will be sent back to face violence, persecution, and death.
- 6.5. We desperately urge the members of this Committee to intervene and amend this Bill to ensure that the rights of LGBTQ+ asylum seekers are upheld and defended. Say It Loud Club stands ready to work in partnership with Parliament and Government to build a better asylum system that truly speaks to this country's proud tradition of openness and compassion to all who have fled persecution.
- 6.6. For the sake of all LGBTQ+ people who have claimed asylum in the UK, please do the right thing and amend this Bill.



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