

The logo for VLSPP (Verband für lesbische, schwule, bisexuelle, trans*, intersexuelle und queere Menschen in der Psychologie) features the letters 'VLSPP' in a bold, black, sans-serif font. A pink asterisk-like symbol is positioned to the right of the letters. Above the letters, a black vertical bar is partially visible, and a pink curved line arches over the top of the letters.

VLSPP

VERBAND FÜR LESBISCHE,
SCHWULE, BISEXUELLE, TRANS*, INTERSEXUELLE
UND QUEERE MENSCHEN IN DER PSYCHOLOGIE



Working aid for the preparation of
hearings for LGBTI refugees.

With sample questions from the hearing.

Foreword

The following document contains a collection of questions from recent asylum application interviews from refugees who claim their sexual orientation and gender identity as reasons for seeking asylum. Additionally, there are remarks on issues that might be discussed in the interview but were not explicitly asked (➤). The interview protocols were from persons who identified as homosexual men. Hence, there are no explicit questions on the issue of transsexuality or intersexuality or gender fluidity. That doesn't mean these subjects aren't important but there simply weren't any interview protocols on these issues available. In future cooperations these questions might be added.

The questions should be an inspiration to think about the subject of sexual orientation and gender identity as grounds for asylum. Asylum seekers should not learn and recite the questions and answers as if it was an exam because this would have a negative impact on their credibility.

Giving out this summary is not a substitute for a proper preparation for the asylum interview by a specialised counselling centre or by a lawyer. It's just a useful supplement.

The BAMF (Federal Office for Migration and Refugees) often asks very specific questions on the topic of sexual orientation and gender identity. It depends on the presentation of the refugee which questions will be asked. Generally, there are no 'right' or 'wrong' answers. What's important is that the asylum seeker presents their personal situation authentically, honestly, and detailed.

The questions, which were quoted from the protocols, are consecutively numbered; the additional notes are marked with an arrow (➤).

Questions & Remarks

1. "How would you describe **your own sexual orientation**?"
2. "At which age did you first note that?"
3. "How did you realise that?"
4. "**When and in which situation** did you first suspect that you might feel more attracted to the same sex?"
5. "What were **your primary thoughts** about it or **how did you feel about it** when you first sensed that you were more attracted to boys/girls?"
6. "Was it **immediately apparent** to you or was it a **continuous process of recognising** your own homosexuality?"
7. „Did you at that time perceive your own homosexuality as something positive and **accept your homosexuality**?"
8. "**What does it mean** for you to be homosexual?"
9. "Did you **talk** to someone in your home country about your homosexuality?"
10. "At which age did you have your first homosexual **experience**?"
11. "How exactly did you end up in a sexual relationship?"
12. "How did you live your homosexuality in your home country?"
13. "Do you have or have you had **a firm permanent homosexual relationship** with a particular person?"
14. "Can you describe how your relationship developed and how you were able to express your feelings?"
15. "You stated that at the age of ... you understood that you were homosexual and at the age of ... you had your first experiences with same-sex partners. What thoughts did you have about the **possible consequences**?"
16. "How did you deal with your homosexuality in a country like ... when you realised you were not leading the ‚normal‘ life that was expected of you?"
17. "How did these fears **affect your daily life** in your home country?"
18. "At what point were you aware that homosexuality was taboo in your home country and that homosexual acts could put you in **danger**?"
19. "Does that mean that, at the time you had sex, you were aware that these were acts that were not accepted in your home country?"
20. "How is homosexuality punished in your country? What are the **penalties**? Under which paragraph are they punishable? What sentence would you have to expect in your country of origin?"
21. "Do you know any homosexuals who have been punished in their country of origin?
If yes, please give **names and sentences**."
22. "Have you ever had **problems with the police, authorities, judiciary** or other third parties in the country of origin?"

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23. „Have you ever been **convicted or imprisoned** in your home country?“
- In some countries there are laws that criminalise consensual homosexual acts between adults. However, this is not sufficient to assume state persecution of homosexual people in principle. It is relevant whether these **penalties are actually enforced** by the state.
 - Even with impunity, an **accumulation of discrimination** can reach the threshold for prosecution, e.g. discrimination in the labour market, in finding housing, in health care, ...
 - In some countries there is **no effective, permanent state protection** against discrimination. Is your home country (not) willing or (not) able to offer protection to LGBT people?
 - If the threat comes from the family or another community, you should explain whether you have tried to **obtain protection from state authorities**. If not, why not. If yes, what kind of protection was obtained or how did the attempt make the problem worse?
24. “You have stated ... as your **religion**. In this religion homosexuality is forbidden. How is it compatible that you state as your faith ... and on the other hand say that you are homosexual?“
25. “As a ... [believer in a particular community where homosexuality is forbidden], your discovery that you are homosexual must have led to **inner conflict** within you.“
26. “What is your **family’s** attitude towards your homosexuality?“
27. “In your home country, did you have the opportunity to meet girls/boys and establish closer **(heterosexual) relationships**?“
28. “Have you had (heterosexual) relationships with women/men?“
- Was there a **risk of forced marriage** or did you have a heterosexual relationship due to **social pressure**?
 - Was there a risk of **forced pregnancy**?
 - Were attempts made to counteract your homosexuality through **religious or ,therapeutic’ treatments or other forced actions**?
29. “How did you act to avoid drawing attention to your homosexuality?“

Questions & Remarks

30. "You spoke about **discreet behavior** as a homosexual person in your country of origin. You explained that in this way it was possible for you to live out your homosexuality all the time, even if you lived it in secrecy. Due to which reasons would such a behaviour no longer be possible when you **return** to your home country?"
- Did you hide your sexual orientation and gender identity because you personally preferred not to live this aspect of your personality and you personally preferred to keep it secret OR did you hide it due to the fear of persecution? Are you willing and/or able to keep hiding and if not, why would it not be possible or desirable anymore?
 - The sexual orientation and the gender identity are compellingly meaningful parts of the human identity. **Secrecy or discreet behaviour cannot be expected or demanded from you**, regardless of your previous behaviour. Therefore, considerations whether you are possibly also in the future 'discreet' are obsolete and inadmissible! When considering your threat of persecution, it needs to be assumed that you live your homosexuality openly.
31. If your **partner** is also asylum seeker: „For which reasons did your partner leave their home country? Do you know more about what happened before they left?"
- Even if you have a trusting relationship, it's possible that your partner has presented reasons for asylum that you don't know about. Any contradictory statements can have negative implications for your partner. Hence, it's best to tell the BAMF to ask your partner personally for their asylum reasons.
32. If you were betrayed / revealed by your partner: "You said that the person with whom you had a relationship has told your family about your homosexuality. Don't you think this person put himself or herself in danger with that? After all, they were in a relationship with you. If they publicly admit that they know about your homosexuality, will they not be asked how they know about this? By doing so, they are putting themselves in danger. What do you think about that?"
33. "Who knows about your sexual orientation in your home country? How high are the chances that it will be known in the near future?"
34. "What situation would you find yourself in if you were to **return** and what evidence do you have of this?"
35. "What specifically do you fear about returning to your country of origin?"
36. "For what reason do you think that your homosexuality could become dangerous for you after a return to your country of origin?"
37. "Is there a **community for homosexual people** in your country? Are there any locations or places to go for homosexual people in your country? Can you name them?"
38. "In your home country, were there any **contact platforms**, internet websites, chatrooms or other means of communication concerning homosexuality?"

Questions & Remarks

39. "You mentioned that at some point you got to know **the term LGBT**. Can you explain how you found out about this term? Can you explain what you have read about it? In which language did you read about it?"
40. "How has your situation **changed since you left** your country of origin?"
41. "How do you feel about your situation as a homosexual person in **Germany**?"
42. "What **meaning** / significance does it have for you that you can live as a homosexual person without legal punishment and relatively free of discrimination?"
43. "Do you know any **counselling centres**, meeting points, dating websites for LGBTIQ?"

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For more information, visit www.vlsp.de.