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Refugee Status Determination in the Netherlands: To what Extent might LGBT Asylum Seekers be at Risk of Experiencing Secondary Victimization During Their Asylum Interviews?

An Exploratory Analysis of Reported Experiences from LGBT Asylum Applicants Through a Frame of Language, Culture and Institutional Context

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Abstract

This thesis investigates to what extent LGBT asylum applicants might be at risk of experiencing secondary victimization throughout the interview proceedings that are part of the Dutch refugee status determination process. Existing literature surrounding the concept of secondary victimization suggests that conveying experiences and recognition of victimization is subject to elements of language, culture and institutional context. Through a frame of conceptual theories surrounding intergroup- and intercultural processes of communication, this thesis aims to shed light on the interplay between LGBT asylum seekers and asylum adjudicators. Quantitative and qualitative data of a research conducted during an internship with COC Netherlands, serve as empirical basis for this research. The possibility of experiencing secondary victimization is explored through analyzing reported experiences of LGBT asylum seekers with their interview proceedings. This analysis explores to what extent indicators of secondary victimization are reported by LGBT asylum seekers by investigating references to the elements of language, culture and institutional context.



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List of Abbreviations

AVIM	Afdeling Vreemdelingenpolitie, Identificatie en Mensenhandel (<i>Aliens Police</i>)
AWGB	Algemene Wet Gelijke Behandeling (<i>Equal Treatment Act</i>)
COA	Centraal Orgaan opvang Asielzoekers (<i>Central Agency for the Reception of Asylum Seekers</i>)
COL	Centrale Ontvangst Locatie (<i>Central Reception Center</i>)
DTV	Dienst Terugkeer en Vertrek (<i>Repatriation and Departure Service</i>)
ILGA	International Lesbian, Gay, Bisexual, Trans and Intersex Association
IND	Immigratie- en Naturalisatie Dienst (<i>Immigration and Naturalization Service</i>)
LGBT(I)	Lesbian, Gay, Bisexual, Transgender (and Intersex)
POL	Proces Opvang Locatie (<i>Proceeding Reception Center</i>)
RSD	Refugee Status Determination
SCP	Sociaal Cultureel Planbureau (<i>Institute for Social Research</i>)
SOGI	Sexual Orientation and Gender Identity
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
WI	Work Instruction
YP	Yogyakarta Principles



Section I: Introduction

Chapter 1: Context of the Research

As a millennial living and studying in the capital city of the Netherlands in 2019, it feels like subjects such as love, gender, identity and sexuality are not taboo anymore. These themes have become hot topics for public debate, politics, activism, art, pop- culture and even marketing. They receive more public exposure, and the attitude among Dutch people towards topics related to sexual orientation and gender identity (SOGI) is becoming more positive, according to the latest annual report from the Dutch Institute for Social Research (SCP) (LHBT Monitor SCP, 2018). This does not mean that the entire general public supports a liberal attitude, unfortunately incidents of homophobia, discrimination and violence against Lesbian, Gay, Bisexual, Transgender and Intersex individuals (LGBTI's) are still reported regularly.

Within the global context, the Netherlands are currently ranked 11th out of the 49 European countries regarding the position of LGBTI individuals, based on how their lives are impacted by laws and policies. Europe is the only continent of which all countries have not criminalized consensual same- sex acts (ILGA, 2019). This 'State Sponsored Homophobia' report provides an overview of the legal framework surrounding persecution of same- sex sexual acts in countries worldwide, and provides a harrowing rendition of the fates of countless LGBTI's around the world, as many states as well as communities actively reject and persecute sexual and gender minorities. Moreover, many LGBTI's face legal barriers to freedom of expression of SOGI, putting lives and human rights in serious jeopardy. LGBTI's may turn to seek asylum and in other countries looking for safety and protection, and the Netherlands annually receive numerous requests for this 'LGBTI'-asylum.

For these LGBTI-asylum seekers coming to the Netherlands might mean facing an entirely different culture that may uphold more positive, but different views on SOGI- related topics. To be granted asylum, LGBTI-applicants must receive refugee status. They face the task of conveying their experiences that motivated them to flee their home country, and must discuss topics related to sexuality and gender identity in a strange environment. Their credibility is tested, and this process of refugee status determination may be experienced as stressful or burdening.

This thesis will focus on the refugee status determination procedure for asylum applications of LGBTI'S coming to the Netherlands. It explores how this process is experienced by the applicants and how they cope with conveying their experiences to the agency responsible for asylum adjudication.



1.2 Aim of this Thesis and Reading Guide

This thesis investigates how individuals who apply for LGBT¹-asylum in the Netherland experience their refugee status determination (RSD) interviews, and in particular if sharing their experiences within the interview might pose a risk for secondary victimization². Analysis of asylum seekers' experiences with regard to secondary victimization is performed through a framework of intercultural and intergroup communication, which explores what elements are important to consider during the asylum interviews. In the next section, a reading guide will further explicate the purpose this research by providing an overview of the structure and content of this thesis.

The Introduction section previously briefly discussed the situation currently faced by numerous LGBT individuals worldwide, and how this might lead to their displacement in an attempt to seek protection and safety. Moving forward, this section will provide an outline of the theoretical framework of this thesis. This includes elaboration on the concept of secondary victimization, connecting it to the practice of asylum interviews through a frame of intercultural and intergroup processes surrounding communication. This section will end with a discussion regarding the relevance of this particular thesis for the field of Victimology.

In the Body of Knowledge of this thesis, firstly background information about the context of this research will be provided. The definition of LGBT will be explained more extensively, as well as the international and national legal framework surrounding RSD. This is followed by an outline of the Dutch asylum procedure for LGBT asylum seekers, particularly the interview proceedings. The next section of the Body of Knowledge explains the methodological approach for the research process of this thesis and more specific, how this thesis explores reported experiences of LGBT-asylum seekers and how it applies the framework of intercultural- and intergroup communication. The use of the COC Netherlands research as empirical basis for this research is also discussed³. The Analysis section of the

¹ From now on, LGBTI will be shortened to 'LGBT' throughout this thesis, leaving out the I. No participants in this research defined themselves as Intersex, so no statements will be made for this particular group.

² This thesis has no intention to ascribe responsibility of possible secondary victimization to any party involved in the interview proceedings of refugee status determination. It must be considered that analysis of indicators of secondary victimization is conducted based on experiences from and from the perspective of LGBT asylum applicants, and therefore the findings are subjective.

³ This data has been gathered in the summer of 2018 during an internship with COC Netherlands, where research was conducted on the experiences of LGBT- refugees and asylum seekers with the Dutch



Body of Knowledge is dedicated to exploration of the research data, and evaluation of outcomes and derivatives from both quantitative and qualitative findings.

The third and last section of this thesis consists of the Conclusion and Discussion chapters. Here, this thesis will attempt to provide a conclusive answer to the research question, considering the scope and limitations of the research. Finally, the implications of this research will be discussed.

As the foregoing section implies, this thesis addresses the following research question: “To what extent might LGBT asylum seekers be at risk of experiencing secondary victimization during their refugee status determination interviews?” With this question being the main objective of this thesis, the following sub-questions arise:

1. *How can the concepts of victimization and secondary victimization be defined?*
2. *What are indicators of secondary victimization highlighted in the existing literature?*
3. *How are these indicators relevant for the practice of asylum interviews?*
4. *Which elements are important to consider with regard to Refugee Status Determination interviews, when investigating the possibility of Victimization and Secondary Victimization for LGBT asylum seekers?*
5. *How can LGBT be defined?*
6. *What is the legal framework surrounding LGBT and asylum, and how is this implemented in the Netherlands?*
7. *What are the experiences of LGBT asylum seekers with regard to their IND interviews?*
8. *With regard to sub-question 1, what can be derived from the experiences shared by the LGBT asylum seekers with regard to secondary victimization? Do their experiences reflect the expectations found in the theoretical framework?*

The following section will introduce the theoretical framework that is used to address the main research question and sub-questions.

asylum system, including their experiences with the IND. The Methodology section of the Body of Knowledge gives a more extensive description of this COC research.



1.3 Theoretical Framework

1.3.1 *Victimization and Secondary Victimization*

The theoretical framework that will be used to address the research question of this thesis is built around the concept of secondary victimization and factors that might shape the experience of such victimization. Considering sub-question 1 and an order to address the concept of secondary victimization, the primary concept to define is that of 'victim'. The legal definition of victimhood was laid down by the United Nations in 1985⁴:

"Victims" means persons who, individually or collectively have suffered harm, including physical or mental injury, emotional suffering, economic loss, or substantial impairment of their fundamental rights." (United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985)

The provisions of this UN Declaration from 1985 are applicable to everyone:

"The provisions contained herein shall be applicable to all, without distinction of any kind, such as race, color, sex, age, language, religion, nationality, political or other opinion, cultural beliefs or practices, property, birth or family status, ethnic or social origin, and disability." (United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985)

The Introduction Chapter briefly discussed what the LGBT community encounters with regard to persecution on both legal and societal levels. In numerous societies worldwide, this group is prone to being persecuted because of their sexual orientation and gender identity through compliance with this 'lifestyle', consequently suffering harm. In case of actual persecution, LGBT individuals could therefore be considered victims according to the legal definition of victimhood. Due to fear of persecution and experienced victimization LGBT's might apply for asylum in another country. LGBT asylum application and adjudication concerns RSD based on 'membership of a particular social group experiencing well-founded fear of persecution'⁵.

⁴ UN General Assembly, *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power: resolution / adopted by the General Assembly, 29 November 1985, A/RES/40/34, retrieved from: <https://www.refworld.org/docid/3b00f2275b.html> on 20 May 2019*

⁵ The legal definition of refugee applies to anyone experiencing 'a well- founded fear of persecuted' for reasons including 'membership of a particular social group' according to Art 1(A)(2) of the 1951



Consequently, this requires asylum seekers to share experiences of persecution, victimization or experiences indicating potential victimization in order to have their application assessed⁶. This thesis examines the possibility of secondary victimization within the interview proceedings of the Dutch asylum system. In order to address this phenomenon, communicating and conveying victimhood is an important process to first look into.

An interview refers to a verbal exchange of information in the format of interrogation, which in case of asylum hearings means that applicants are questioned about experiences that motivated them to leave their country of origin. According to Shoham, Knepper & Kett (2010) sharing subjective experiences by a sender requires the interpretation of a receiver. During interview proceedings of asylum application, the applicant constitutes the sender, whereas the asylum adjudicator constitutes the receiver. In Shoham, Knepper & Kett's *International Handbook of Victimology* (2010) it is stated that in communication of experiences of victimization, there is an inevitable gap between the sent and received information (p. 4). The book states that subjective experiences can therefore not be understood in a fully adequate manner, because in case of severe victimization an experience might not even be able to be put into words. The following statement can be found in the book:

“.. understanding is always context bound; the relevant context is first of all the background knowledge of the person involved or the background knowledge of the observer. If this is an adequate description of human communication, then becoming a victim in the sense of being recognized as such in society depends largely on the expectations of other people and institutions. Furthermore, seeing oneself as a victim can be regarded as the result of a process of reflection that is also dependent on basic cultural traditions and relevant personal experiences.” (*International Handbook of Victimology*, p. 5)

This statement implies that understanding one's own experience of victimization and recognizing and understanding victimhood of another individual is subject to background knowledge of the situation, cultural and personal frames of reference concerning victimization and expectations of other people and institutions. This particular section of the book further mentions that recognition as a victim depends on rules that might vary between cultural units. Being recognized as a victim could lead to “ascription of a special social status according to

Convention. See section 2.2 for further elaboration on the legal framework surrounding LGBT and asylum adjudication.

⁶ Section 2.3 will provide a more extensive outline of the interview proceedings within the Dutch asylum procedure.



such rules” (p. 5). In the context of LGBT asylum hearings, being recognized as a victim who is LGBT and therefore a member of a particular social group at risk of victimization and persecution, might indeed lead to ascription of a special status namely refugee status.

The concept of secondary victimization is an extension of the definition of victimhood, however without legal description and concerning more of a process than a status. Shoham, Knepper & Kett (2010) define the concept of secondary victimization as following:

“.. something that happens to primary victims after the offense as their victimization is prolonged, compounded, and made worse by the reactions of others and their treatment in the criminal justice process.” (International Handbook of Victimology, p. 236)

This suggests that when an individual has been primarily victimized, reactions of others or treatment during judicial proceedings can add to their victimhood. In their International Handbook of Victimology, Shoham, Knepper & Kett (2010) state that several of factors can add to secondary victimization, “making it worse for those who suffered” (p. 236). These factors include, among others, the lack of opportunity to express one’s views and not being listened to. However, Shoham, Knepper & Kett (2010) do not specify the context of secondary victimization. Orth (2002) refers to secondary victimization as “negative social or societal reaction in consequence of the primary victimization and is experienced as further violation of legitimate rights or entitlements by the victim” (p. 314) in the context of criminal proceedings. Correspondingly, Tamarit, Villacampa & Filella (2010) refer to secondary victimization as “psychological harm” (p. 289) and “negative impact on victims” (p. 295) in the context of treatment within the criminal justice system. Consequently, in their research they investigated secondary victimization as ‘psychological harm’ and ‘negative impact’ by exploring the presence of negative emotions of fear, anxiety, rage, sadness, shame and abandonment. In the context of communicating victim experience in court settings, secondary victimization can be experienced when victims are obliged to undergo “intensive questioning, and- .. – find that they are under scrutiny and their own credibility brought into question” (Shoham, Knepper & Kett, 2010, pp. 238-239). Within the context of RSD, it could be suggested that intensive questioning, being scrutinized, and questioned about one’s credibility, can be inherent to asylum hearings. Especially during interview proceedings for LGBT applicants, since they must prove being LGBT, hence member of a particular social group, as well as prove a well-founded fear of persecution. However, the practice of asylum hearings has not been connected to the



possibility of secondary victimization by the above-mentioned articles. Furthermore, there is little explicit reference to evident indicators. Therefore, with regard to sub-question 2 and 3 of this research, in order to explore the possible risk of secondary victimization this thesis will assume that the presence of similar emotions as those investigated by Tamarit, Villacampa & Filella (2010) can be expected to constitute indicators of experienced secondary victimization during asylum interviews. Such negative emotions will be explored in relation to the aforementioned framed elements deemed important for victim acknowledgement, which will be elaborated further in the following section.

1.3.2 Intergroup- and Intercultural Elements of Communicating Experience in the Dutch Refugee Status Determination Process

The previous section mentioned that recognizing victimhood is likely to be subject to background knowledge of the situation, cultural and personal frames of reference concerning victimization and expectations of other people and institutions. Therefore, these elements are expected to be of importance to the communication and recognition of victimhood and the ascription of victim status, hence possible refugee status in the frame of this thesis.

The motive to focus on these elements can also be argued for with regard to the method of RSD in the Netherlands. As previously discussed, RSD largely depends on interview proceedings where the asylum seeker is provided with the opportunity to share their story of why and how fleeing the home country was based on well-founded fear of being persecuted⁷. The context of asylum hearings could relate to aforementioned practices that pose a risk for secondary victimization (intensive questioning, being under scrutiny, one's credibility being questioned) or factors that might add to primary victimhood (the lack of opportunity to express one's views or being listened to).

In the Netherlands asylum hearings are conducted by the 'Immigratie- en Naturalisatie Dienst', shortened by IND (Immigration and Naturalization Service)⁸, and determination of refugee status is based on both the perceived credibility of a story as well as the estimated safety conditions for the asylum seeker in the country of origin. As the handbook of the United

⁷ The legal definition of refugee applies to anyone experiencing 'a well- founded fear of persecuted' for reasons including 'membership of a particular social group' according to Art 1(A)(2) of the 1951 Convention. There will be further elaboration on the legal framework surrounding LGBT asylum in section 2.2 of this thesis.

⁸ Section 2.3 in the Body of Knowledge will elaborate further on the procedure of Refugee Status Determination and asylum allocation in the Netherlands.



Nations High Commissioner for Refugees (UNHCR)⁹ states with regard to determining refugee status:

“The competent authorities that are called upon to determine refugee status are not required to pass judgement on conditions in the applicant's country of origin. The applicant's statements cannot, however, be considered in the abstract, and must be viewed in the context of the relevant background situation. A knowledge of conditions in the applicant's country of origin – while not a primary objective – is an important element in assessing the applicant's credibility.” (Chapter 2, paragraph 42)

This again emphasizes the importance of the context surrounding the statements made by an asylum seeker during the interview proceedings, including knowledge about country conditions. Seeking asylum concerns the crossing of state-borders and therefore often involves dealing with cultural differences between the country of arrival and the country of origin. This poses a challenge for the decision-making process, especially if culture is disregarded and different cultural assumptions are applied to an applicant's refugee experience (Smith-Khan, 2017, p. 393). Swink (2006) relates to this to the specific target group of this research, by arguing that hearing officers, as asylum adjudicators, must understand the specific social context of an LGBT asylum seeker through in-depth analysis of country conditions. These conditions concern human rights, situations faced by sexual minorities and the display of gender and gender characteristics in the asylum seeker's country of origin (pp. 252-253). Thus, the hearing officer in charge of RSD carries responsibility for the recognition of an asylum seeker as both a victim of persecution and a member of a particular social group (e.g. the LGBT community) while considering the context of statements made and analysis of country conditions.

The prerequisite of membership of a particular social group¹⁰ (UN Convention Relating to the Status of Refugees, 1951)¹¹ subsequently adds to the relevance of focusing on the aforementioned elements for the purpose of this research. Such membership is to be

⁹ UN High Commissioner for Refugees (UNHCR), *Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees*, December 2011, HCR/1P/4/ENG/REV. 3, retrieved from: <https://www.refworld.org/docid/4f33c8d92.html> on 20 May 2019

¹⁰ Chapter 2 in the Body of Knowledge will elaborate further on the International and National legal framework surrounding LGBT and Asylum.

¹¹ UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137, retrieved from <https://www.refworld.org/docid/3be01b964.html> on 24 January 2019



determined by the IND officer, who is rarely an in-group¹² member. Marouf (2008, pp. 78-87) stated that visible membership of a social group as a determining factor for the assessment of asylum claims might be problematic, since social visibility is subject to several factors. In case of sexual minorities, factors such as country conditions, perception of membership characteristics, imposed discretion about one's sexuality and experiences of the asylum seekers in their home country play a role. Therefore, Marouf (2008, p. 88) states that visible membership of a social group is an ambiguous requirement, especially for LGBT asylum determination. LaViolette (2014) states:

“The credibility of a claimant's evidence relating to their membership in a particular social group “has to be evaluated in the light of what is generally known about conditions and the laws in the claimant's country of origin, as well as the experiences of similarly situated persons in that country.” Therefore, assessing the credibility of a claimant will require having some knowledge and information about the gay, lesbian and transgendered communities in the country of origin, and the legal and social reality of sexual minorities. It is important that decision-makers access reliable and accurate information about sexual minorities in a claimant's country of origin.” (p.22)

Moreover, visibility of membership of a particular social group, through expression of characteristics perceived as relevant, is subject to the context or environment in which an individual is situated (Marouf, 2008, pp. 72-73). This article refers to the institutional context where an asylum seeker is placed in, where social visibility might not be as evident as in one's familiar environment in the country of origin.

The cited literature however, does not refer to any possible negative impact questioned social group membership might have on applicants. Difficulties faced by LGBT individuals during asylum interviews have been researched, for example by Morgan (2006) in the United States. This article states that 'burden of proof' for both sexuality and risk of persecution for LGBT asylum seekers is a flaw in the asylum system (p. 161). This article speaks about discrimination, stereotyping and “challenges that applicants face in 'proving' their homosexuality”. However, there is no notion of secondary victimization although the article implies that the system has flaws, and moreover the article focuses on the US practice. The report “Trots of Schaamte” (Jansen, 2018) investigates possible similar flaws by analyzing asylum cases of LGBT asylum seekers in the Netherlands, pointing out where some aspects

¹² The social (in-)group implied by the UN Convention and referred to throughout this thesis is the LGBT community.



of the current practice as carried out by the IND are presumably influenced by misconceptions (pp. 166-172) (e.g. stereotypical procedures, awarded importance to western concepts when determining if someone is LHBT, arbitrary judgments). However, there is little elaboration on psychological impact of such practices within the RSD interviews on applicants, nor does it mention the concept of secondary victimization.

What can be derived from the previous sections is that the RSD process indicates a delicate interplay of communication and understanding between asylum seekers and asylum adjudicators. Due to the subjectivity of both refugee experience and a decision maker's assessment of an asylum claim, as well as the interpretation and expression of being LGBT, refugee determination for LGBT asylum applicants on the basis of membership of a particular social group might be susceptible to misconceptions. Herlihy, Gleeson & Stuart (2010) state: "Where there is subjectivity there is inevitably inconsistency." (p. 364). Doornbos (2005) summarized the following in the introduction of her article on asylum hearings: "... refugee status determination is a highly complex adjudication process in which legal, as well as psychological, linguistic and cultural factors must be taken into account" (p.1). The article continues to state the following:

"In all situations, whether in asylum interviews or in normal life, communication requires a continuous interpretation of meanings in which language differences, (sub)cultural differences as well as class and gender differences play a role. These differences become even more apparent in legal settings, in which all participants have pre-defined roles and are expected to behave according to specific rules of interaction and politeness." (p. 107)

In the context of asylum hearings Doornbos (2005) claims there are three main factors that add to the complexity of RSD. These are language (1), culture (2) and institutional context (3). These elements correspond with the previously discussed findings of LaViolette (2014), Marouf (2008) and Smith-Khan (2017) and Swink (2006). These three elements deemed important to consider during the process of refugee status for LGBT asylum seekers, appear to correspond with the elements that relate to communication and recognition of victim experience. Subsequently, they appear to relate to the concept of secondary victimization as discussed in section 1.3.1. In the following sections these three factors will be applied to this particular research, and supplemented with additional scholarly articles.



1.3.2.1 *Language*

Language is an evident factor of importance when it comes to asylum hearings, since an applicant seeking asylum in the Netherlands is hardly ever familiar with the Dutch language. The interview therefore requires translation, which may influence a shared experience as expressed by the applicant. According to Durst (2000) language is subject to culture, and consequently words might have different significance or represent different concepts across cultures (pp. 155-156). As Durst (2000) puts it: “Storytellers and adjudicators alike always face the problem of whether their knowledge and language are adequate to do the story justice.” (p.156). Moreover, when interpreting translators might be expected to ‘seamlessly’ transcribe discussed matter, but to some degree they might apply their own norms and beliefs¹³ to their report (Smith-Khan, 2017, p. 394). Additionally, a translator might (un)consciously uphold institutional standards of appropriateness when transcribing experiences of asylum applicants, through summarizing unstructured statements or bowdlerizing of language deemed indecent (Maryns, 2013, p. 680). With regard to the concept of secondary victimization, it could be expected that vocalizing experiences is subject to the choice and use of language, and interpretation and translation of a statement is subject to the proceedings of and interpreter. It could therefore be argued that conveying a credible and well-founded asylum claim is not entirely within the control of an applicant. If their asylum application is scrutinized based on a report that does not accurately reflect their experiences, their credibility could be brought into question or their victim experience not acknowledged, posing a possible risk for secondary victimization.

1.3.2.2 *Culture*

Culture is another element of considerable importance during asylum hearings, since it determines the frame of reference and the perspective taken on all matters that are discussed and questioned. As stated in the previous section, language and some of its implications for the communication of victim experience are subject to culture as well. Cultural differences concern both recognition as LGBT and that of experienced victimization and fear of persecution, for the applicant as well as the hearing officer and the translator.

With regard to being LGBT and thereby member of this particular social group, for applicants the political and social climate of home culture is important to a person’s willingness

¹³ ‘Norms and beliefs’ might relate to the element of culture, and will be discussed in section 1.3.2



to carry out the LGBT identity or behavior outward (Southam, 2011, p. 1378). When recognition of someone as LGBT is important to determination of refugee status, LaViolette (1996) states the following:

“..it is important to remember that how people experience sexuality, and persecution, may differ markedly from one claimant to another, even if they are from the same country. Moreover, the basis upon which the agents of persecution believe that an individual is a gay man or lesbian may also be difficult to comprehend because of cultural differences”. (LaViolette, 1996, p. 12)

This statement indicates that determining whether someone is LGBT is subject to how it is experienced and expressed by an individual, but also how it is perceived by others. An asylum applicant and the adjudicator may represent different cultures, coming from social environments that carry different opinions about sexuality and gender identity. For applicants coming from an environment hostile to the LGBT community, they might be used to concealing being LGBT out of fear of being victimized or persecuted. Consequently, an applicant might not openly express LGBT identity or LGBT behavior, or distance themselves from a possible established LGBT community. This may be interpreted as an applicant rejecting LGBT identity, although the need for asylum protection is high (Southam, 2011, p. 1378). On the other hand, someone might not be consciously aware of or familiar with the significance of constructs such as LGBT-behavior or LGBT-identity. However, an adjudicator might award significance to either LGBT identity or behavior for the purpose of determining credibility in the asylum interview (Southam, 2011, p. 1378). Such different frames of reference regarding sexuality and gender identity may cause confusion or misconceptions for both parties with regard to determining whether someone is member of the LGBT community as a particular social group. Relating this to the possibility of secondary victimization, someone who identifies as LGBT might not be recognized as such by an asylum adjudicator if both parties carry a different frame of reference with regard to expression of sexuality and gender identity. In case an applicant finds their self-identification scrutinized and their credibility brought into question this might put them at risk of secondary victimization.

With regard to victimization within the frame of cultural differences, communication of victim experience is subject to a cultural and personal frame of reference as well. Being a victim of persecution or owing to a well-founded fear of persecution is a prerequisite for the possibility of obtaining refugee status, and therefore this must be conveyed to an asylum adjudicator. This was investigated by Eastmond (2007) and Jobson (2009) with regard to



cultural differences in memory of experiences for the purpose of determining credibility in asylum interviews. Jobson (2009) compared interdependent cultures with independent cultures, and findings suggested that memories of interdependent cultures were less specific and self-defining than that of independent cultures (p. 457). She went on to state:

“..culture impacts on specificity and needs to be considered when deeming an autobiographical memory as credible or not in legal settings, such as in asylum decision-making processes.” (Jobson, 2009, p. 457)

Implications of culture on autobiographical memory was later investigated by Herlihy, Jobson & Turner (2012). With regard to sharing memories in an asylum statement, applicants may be required to describe an experienced victimizing event in a detailed manner to conform to the standards of the host culture (p. 669). However, as the article suggests, the level of memory specificity in recollecting traumatic experiences from an applicant’s culture might not meet the standards of a host culture. The more detailed and consistent the description of a memory, the more credible it is perceived to be (p. 671). Therefore, cultural differences in recollecting, conveying and specifying experiences of victimization or persecution might bring the credibility of a statement into question by an adjudicator, possibly putting the applicant at risk of secondary victimization.

1.3.2.3 *Institutional Context*

Asylum interviews are conducted by the IND, and performed according to the institutional work instructions¹⁴. The course of the interview and the nature of the questions is to a certain degree determined by the IND official, who is in control of the topics and the applicant’s opportunity to speak (Doornbos, 2005, p. 108). Berg & Millbank (2009) state: “The immediate context of personal disclosure for claimants during the asylum process is shaped by the legal requirement of proving a well-founded fear.” (p. 197). To a certain degree, applicants are ought to conform to the framework of institutional context. Consequently, in order for statements to be deemed credible they may have to be compatible with the conditions of refugee law, as well as the truth- finding proceedings of the RSD procedure (Eastmond, 2007, p. 260). Compliance to work instructions and procedural regulations during the asylum

¹⁴ Section 2.3.1 will elaborate on the proceedings of the IND and the provisions of work instructions



hearing is considered important to the ability of applicants to express their views in the RSD proceedings.

Returning to sub-question 4 of the main research question, this thesis considers elements of language, culture and institutional context as important factors during the communication of asylum seekers' experience for the purpose of RSD. The theoretical framework described in the above-mentioned, suggests that secondary victimization is a possibility for LGBT asylum seekers in the Netherlands during their interview proceedings with the IND. Therefore, these three elements constitute the frame in which the indicators of secondary victimization will be explored. The next section will discuss the relevance of this research for the field of Victimology and asylum research.

1.4 Relevance

1.4.1 Societal Relevance

Relevance on the societal level concerns the implications on the psychological wellbeing of the target group of this research. For asylum seekers in general, scholars have argued that postmigration asylum interviews cause distress, especially for traumatized asylum seekers. Stress factors after the asylum interview might affect recovery, the processing of the traumatic experiences or even lead to chronification of symptoms (Schock, Rosner & Knaevelsrud 2015). According to Hopkinson et al. (2017) the incidence of victimization for LGBT asylum seekers in their early lives is high. This article mentions that LGBT's who seek asylum, have often been subjected to "persecution, threats, harassment, neglect, alienation, and restricted access to community or familial resources" in their home country (p. 1651). These research articles suggest that LGBT asylum seekers already have a high risk of being victimized in their home country, and distress caused by a postmigration asylum interview might add to their vulnerability and affect their recovery.

This thesis attempts to investigate if the current practices, as experienced by LGBT asylum seekers throughout the interviews with the IND, might indeed foster the experience of secondary victimization. This is undesirable, assuming that regardless of the outcome of the RSD process, the interview proceedings are conducted to induce the least possible negative impact on applicants¹⁵. If the findings of this thesis would display that LGBT asylum seekers

¹⁵ The "least possible negative impact" refers to the experience of negative emotions that might serve



report indicators of secondary victimization, this could suggest that at least based on their experiences, the current practices of RSD can possibly add to victimization and impede recovery of trauma. If that is the case, this thesis could provoke a discussion about suggestions for potential research, concerning further investigation with regard to the needs of this particular group, perhaps involving consultation with the IND to explore and possibly tackle negative implications of cultural diversity within asylum hearings. Presumably, for the psychological wellbeing of LGBT asylum seekers and the proceedings of the asylum procedure to be conducted with the least possible negative impact, this thesis is societally relevant.

1.4.2 Academic Relevance

The academic relevance of this thesis can be found in the investigation of the concept of secondary victimization within the context of asylum interviews for LGBT asylum seekers. Thus far, as discussed in the theoretical framework, most of the scientific literature concerning secondary victimization researches the concept within the framework in the criminal justice process (e.g. in court hearings). Therefore, this thesis will investigate the possibility of secondary victimization within the context of asylum interview proceedings for LGBT applicants. Through a frame surrounding the implications of language, culture and institutional context on the practice of asylum hearings, an exploratory analysis of empirical data will be conducted. Here, reported experiences of LGBT asylum seekers will be explored for indicators of secondary victimization. In addition, the use of this format of research could contribute to the academic relevance of this thesis.

as indicators of secondary victimization, as assumed by Tamarit, Villacampa & Filella (2010) and adopted by this thesis.



Section II: Body of Knowledge

Chapter 2: Background

The second chapter provides background information to clarify the concepts and frameworks of this thesis. First, the concepts of sexual orientation and gender identity will be elaborated further, including the implications of being LGBT in the legal and social environment. Next, an outline of the legal framework surrounding asylum for LGBT's in displacement will be provided. Thereafter, the implementation of this legal framework in the Dutch asylum procedure is explicated.

2.1 Defining LGBT

This thesis investigates the experiences of a particular social group, and uses the umbrella term LGBT for all individuals that can be included to this group.

Addressing sub-question 5 of this thesis, the term LGBT, or 'LGBT community' refers to dimensions of sexual orientation and gender identity. When referring to the definition of the American Psychological Association (APA), sexual orientation is defined by Gates (2012) as:

“...an enduring pattern of emotional, romantic, and/or sexual attractions to men, women, or both sexes. Sexual orientation also refers to a person's sense of identity based on those attractions, related behaviors, and membership in a community of others who share those attractions” (Gates, 2012, p. 694).

Gender identity is defined as the following by Gates (2012, p.696):

“Gender identity refers to a person's internal sense of being male, female, or something else, gender expression refers to the way a person communicates gender identity to others through behavior, clothing, hairstyles, voice, or body characteristics.”

LGBT uses the LGB letters for Lesbian, Gay and Bisexual to mention the types of sexual orientation that this term includes. LGBT also refers to non-conformation to the biologically



assigned and socially constructed gender identity. The T refers to transgender individuals, who do not identify themselves as or psychologically comply with their biological birth gender with regard to their appearance within societal gender norms. The “I”, that is occasionally added as a fifth letter, refers to Intersex, a term which includes individuals who do not identify themselves anywhere on the gender continuum nor the transgender continuum (Eliason, 2014, p.169). Individuals who identify themselves as LGBT face difficulties in every country of the world (Annicchino, 2015, pp. 581-583). They are often seen as part of a marginalized group, both from a societal and political view, since being LGBT and the associated behavior may be considered ‘unnatural’ and does not fit in the conservative, religious or traditional values that is normative for a community. Consequently, LGBT’s might be considered a threat to the prevailing moral attitude¹⁶ (Turk, 2013 pp. 212-125). Being LGBT is therefore persecuted by many conservative governments, religions and their proponents¹⁷. Recently reported by the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) in 2017, such acts are still criminalized by law in 71 countries for men only and in 45 for women as well (ILGA, 2017). LGBT individuals are at risk of becoming victims of violence, being incarcerated or even tortured or sentenced to death when caught in consensual same-sex relationships or sexual activity. And when it is not law persecuting the LGBT, it might be society that is condemning them through discrimination and prejudice (Subhrajit, 2014). This poses serious danger to the lives and the quality of life of LGBT individuals, and taken all the above into account it could be stated that suffering among LGBT individuals is common. Fleeing a state where same-sexual activity is punishable by law, or an environment resentful of the LGBT, is a measure that individuals might take to seek safety and protection under the laws of a different country. There are no exact statistics concerning LGBT individuals in displacement around the world or in the Netherlands¹⁸, but it can be expected that LGBT’s who fear of have experienced persecution seek asylum in other countries looking for safety and protection. To be granted asylum on these grounds however, obtaining refugee status is essential. The next section provides an overview of the legal framework surrounding RSD for LGBT’s, firstly focusing on its origins on an international level and then followed by an outline of the Dutch asylum procedure.

¹⁶ In 10% of UN- states there has been implementation of national ‘propaganda’ and ‘morality laws’ that publicly reject same- sex sexual activity or display of romantic affection, often with the aim of imposing ‘values and morals’ on the general public. Variations of these morality codes are in effect in several Arabic states in Africa and Asia, and in Russia and Lithuania in Europe (ILGA, 2017; p.41-42)

¹⁷ The two regions of Africa and Asia include consecutively 32 and 23 states that persecute same- sex sexual activity, and all eight states that apply the death penalty. Apart from these two regions, same- sex sexual activity is illegal in 10 states of the Americas and 6 states of Oceania (ILGA, 2017; p. 37-40).

¹⁸ Due to privacy reasons, sexual orientation as a motive for asylum is not explicitly recorded as such by the Dutch government.



2.2 Legal Framework Surrounding (LGBT) Asylum

In order to address sub-question 6 and any topic related to LGBT refugees and asylum seekers throughout this thesis, it is important to first explain what it takes and what it means to be a refugee or an asylum seeker. The international legal framework regarding the protection of refugees has been included in the 1951 Refugee Convention¹⁹, which was drafted by the member states of the United Nations (UN) in the aftermath of World War II. The United Nations High Commissioner for Refugees (UNHCR) was the program installed by the UN to implement the 1951 Refugee Convention and addressed persecution against minorities or vulnerable social groups, which at that time mostly referred to religious minorities. The legal definition of refugee consists of the following:

“Owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.” (Art. 1A(2) UN Refugee Convention, 1951)

The LGBTI were, and still are, put under the label of ‘particular social group’ (Annicchino, 2015, pp. 582-583). The Refugee Convention provides legal protection for individuals whose freedom and dignity are jeopardized by states who persecuted membership of such groups (Türk, 2013, pp. 121-125). Gender identity and sexual orientation were not explicitly mentioned in this convention. In 2007 the Yogyakarta Principles (YP)²⁰ on the Application of Human Rights Law in Relation to Sexual Orientation and Gender Identity²¹ were written, as a guideline for States to ensure universal legal standards. Human Rights experts launched the YP to enforce respect,

¹⁹ UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137, retrieved from <https://www.refworld.org/docid/3be01b964.html> on 24 January 2019

²⁰ The Yogyakarta Principles address a broad range of international human rights standards and their application to SOGI issues. On 10 Nov. 2017 a panel of experts published additional principles expanding on the original document reflecting developments in international human rights law and practice since the 2006 Principles, *The Yogyakarta Principles plus 10*. The new document also contains 111 ‘additional state obligations’, related to areas such as torture, asylum, privacy, health and the protection of human rights defenders. The full text of the Yogyakarta Principles and the Yogyakarta Principles plus 10 are available at: www.yogyakartaprinciples.org, retrieved on 11 May 2019

²¹ International Commission of Jurists (ICJ), *Yogyakarta Principles - Principles on the application of international human rights law in relation to sexual orientation and gender identity*, March 2007, retrieved from: <https://www.refworld.org/docid/48244e602.html> on 24 January 2019



protection and fulfillment of human rights for all individuals and groups without regard to their sexual orientation or gender identity (O'Flaherty & Fisher, 2008). The human rights violations mentioned by O'Flaherty and Fisher (2008, pp.208-214) are widespread, for example the rights to life, freedom from torture, discrimination, suppression of diverse sexual identities and the pressure to remain silent and invisible. The YP contain recommendations for States, but were not adopted into binding treaties and therefore unable to oblige States to turn the YP into protective legislation. However, the UN has referred to the Principles on several occasions, as well as courts and tribunals. It also provided a tool for activism and advocacy regarding LGBT rights (Türk, 2013, p.122). Still, after the YP were launched in 2007 there was no clear verdict on the rights and protection of LGBT individuals in displacement, and assessment of asylum cases remained inconsistent. In 2008 and in the superseding version of 2012 the UNCHR issued a binding Guidance Note²² relating to Art 1A(2) of the 1951 Convention, which explicitly recognized and mentioned LGBT individuals as members of a vulnerable group. The Guidance Note mentioned the Yogyakarta Principles as “well established principles of international law” and secured terminology on the subject of LGBT and human rights. It also included statements on what was considered well-founded fear of persecution, types of persecution, agents of persecution, laws criminalizing same-sex relations and concealment of sexual orientation and/or gender identity. Lastly, this Guidance Note included a paragraph on evidentiary matters. This paragraph stated that the personal statement of an applicant is in most cases the primary source of information that is used to assess an asylum request. It also stated that medical testing of sexual orientation should not be done and is an infringement of basic human rights. Finally, it stated that if there is no sufficient information available about persecution of the LGBT community in the country of origin, this does not mean it does not happen. Lack of information cannot serve as valid ground to reject an asylum request.

This international legal framework may offer protection for individuals who apply for LGBT asylum if their life is in danger in the country of origin, but only if it is implemented effectively by States. Officials working for agencies installed by States are burdened with the assessment of asylum applications. However, government officials can still be prejudiced and discriminate against LGBT asylum seekers (Türk, 2013, pp. 121-122). The next section will provide an outline of the practical implementation of the above-mentioned legislation by the Dutch government.

²² UN High Commissioner for Refugees (UNHCR), *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*, 23 October 2012, HCR/GIP/12/01, retrieved from: <https://www.refworld.org/docid/50348afc2.html> on 24 January 2019



2.3 Procedure Surrounding LGBT Asylum in the Netherlands

2.3.1 Enactment

All LGBT asylum requests are processed and investigated by the Dutch Immigration and Naturalization Service (IND). This government agency burdened with approving or rejecting asylum requests follows the guidelines provided by the European Union (EU) Directive that standardized who could qualify as a beneficiary of international protection²³. During the assessment IND officials are expected to consider all information provided in the personal statement of the applicant, background information about the country of origin and the individual situation, background of the applicant and personal circumstances²⁴. Instructions on how to weigh and assess this information in order to make a decision on the asylum application is laid down in so-called work instructions (WI's). WI's for IND officials are publicly accessible, but the IND emphasizes these are merely procedural instructions²⁵. To a certain degree, IND officials therefore have the freedom to assess an LGBT asylum claim at their own ability. This led to confusion and inconsistency and because of that, on two occasions, the Dutch Council of State (Raad van State) requested a preliminary ruling from the Dutch Minister of Immigration and Asylum in 2013 and 2015. These were consecutively titled the XYZ-arrest²⁶ and the ABC-arrest²⁷ (Jansen, 2018, pp. 15-25). These two requests led to two judgements,

²³Directive 2011/95/EU, Art. 10 of the European Parliament and of the Council. *On standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted*, as in force from 13 December 2011

²⁴ This information can be found on the IND web page 'How Does the IND Assess an Asylum Request?' Retrieved from: <https://ind.nl/over-ind/Paginas/Hoe-toetst-de-IND-een-asielaanvraag.aspx> on June 7 2019

²⁵ These instructions can be found in the IND Work Instructions overview, retrieved from: <https://ind.nl/en/about-ind/figures-and-publications/pages/work-instructions.aspx> on January 24 2019

²⁶The official reference for this judgement in Dutch: Arrest van het Hof (Vierde Kamer) van 7 November 2013. Minister voor Immigratie en Asiel tegen X en Y en Z tegen Minister voor Immigratie en Asiel. Verzoeken van de Raad van State (Nederland) om een prejudiciële beslissing. Richtlijn 2004/83/EG – Minimumnormen voor toekenning van vluchtelingenstatus of subsidiaire-beschermingsstatus – Artikel 10, lid 1, sub d – Behoren tot specifieke sociale groep – Seksuele gerichtheid – Grond van vervolging – Artikel 9, lid 1 – Begrip 'daden van vervolging' – Gegronde vrees voor vervolging wegens behoren tot specifieke sociale groep – Daden voldoende ernstig om deze vrees te rechtvaardigen – Regelgeving die homoseksuele handelingen strafbaar stelt – Artikel 4 – Beoordeling op individuele basis van feiten en omstandigheden. Gevoegde zaken C-199/12–C-201/12. *Digital reports (Court Reports - general)* ECLI identifiër: ECLI:EU:C:2013:720. Retrieved from: <https://eur-lex.europa.eu/legal-content/NL/TXT/PDF/?uri=CELEX:62012CJ0199&from=NL>

²⁷The official reference for this judgement in Dutch: Arrest van het Hof (Grote kamer) van 2 december 2014. A e.a. tegen Staatssecretaris van Veiligheid en Justitie. Verzoeken van de Raad van State (Nederland) om een prejudiciële beslissing. Prejudiciële verwijzing – Ruimte van vrijheid, veiligheid en recht – Richtlijn 2004/83/EG – Minimumnormen voor erkenning als vluchteling of als persoon die voor subsidiaire bescherming in aanmerking komt – Artikel 4 – Beoordeling van de feiten en



which constituted important case law within the legal framework of LGBT Asylum. The XYZ judgement concerned three important provisions regarding the assessment of LGBT asylum claims. It was first explicitly stated that the refugee definition relates to persecution for reason of sexual orientation. The second provision stated that only implementation of punitive measures meets the requirement of persecution. The third provision stated that asylum cannot be denied if risk of persecution in the country of origin decreases when an applicant conceals being LGBT (Heijer, 2014, p.1217). The XYZ judgment did not specify the nature of such persecution with regard to actors, but it solidified that refugee status may be applicable to LGBT individuals and that discretion to avoid persecution may not be imposed on asylum seekers. The ABC judgment concerned the burden imposed on asylum applicants to prove being LGBT. The ruling declared the following practices unlawful: using stereotypes to decide on the credibility of an LGBT asylum application, invasive questioning about sexual experiences of asylum seekers, letting applicants submit medical tests or photographic material of sexual acts to prove being LGBT, and declare late disclosure of sexual orientation or gender identity as not credible (Gomez, 2015, p.485). The XYZ judgment and the ABC judgment were implemented as WI's by the IND, subsequently WI 2014/10 and WI 2015/9²⁸ (Jansen, 2018, pp. 16-27). These WI's were recently supplemented²⁹ with WI 2018/9³⁰, which discusses the structure of LGBT asylum interviews and mentions themes³¹ that will be addressed in hearings. This WI emphasizes that determining credibility of LGBT applicants involves consideration of individual factors of the case, which cannot and will not use a

omstandigheden – Wijze van beoordeling – Aanvaarding van bepaald bewijsmateriaal – Omvang van de bevoegdheden van de bevoegde nationale autoriteiten – Vrees voor vervolging wegens seksuele gerichtheid – Verschillen tussen enerzijds de grenzen aan het onderzoek van de verklaringen over en van het bewijsmateriaal voor de gestelde seksuele gerichtheid van een asielzoeker en anderzijds de grenzen die gelden voor het onderzoek van die elementen in verband met andere gronden voor vervolging – Richtlijn 2005/85/EG – Minimumnormen voor de procedure voor toekenning of intrekking van de vluchtelingenstatus in de lidstaten – Artikel 13 – Voorwaarden waaraan het persoonlijke onderhoud moet voldoen – Handvest van de grondrechten van de Europese Unie – Artikel 1 – Menselijke waardigheid – Artikel 7 – Eerbiediging van het privéleven en van het familie- en gezinsleven. Gevoegde zaken C-148/13 tot en met C-150/13. *Digital reports (Court Reports - general)*. ECLI identifier: ECLI:EU:C:2014:2406. Retrieved from: <https://eur-lex.europa.eu/legal-content/NL/TXT/PDF/?uri=CELEX:62013CJ0148&from=NL>

²⁸ All WI's from the IND are available on their website: <https://ind.nl/over-ind/Cijfers-publicaties/Paginas/Werkinstructies.aspx>. Retrieved on 7 June 2019.

²⁹ This WI was not yet published at the time the empirical data for this research was gathered, and therefore possible implications of this enactment are not represented in this Thesis.

³⁰ WI 2018/9, officially titled "WI 2018/9 Horen en beslissen in zaken waarin lhbt-gerichtheid als asielmotief is aangevoerd" was published on 1 July 2018 and valid for one year. Retrieved from: https://ind.nl/Documents/WI_2018-9.pdf

³¹ WI 2018/9 mentions the following themes: private life, relationships, contact with other LGBT's and knowledge of the LGBT community in the country of origin, knowledge of the Dutch LGBT community, and discrimination, repression and persecution in the country of origin.



standard template or list of fixed questions for assessment. Furthermore, WI 2018/9 refers to provisions of the YP³².

Provisions of law such as the XYZ- and ABC-arrests, that are implemented in WI's for asylum adjudication by the IND, indicate that there is awareness of the subjectivity and sensitivity surrounding RSD for LGBT's in the Netherlands. The next section will provide an outline of the practical proceedings of RSD for asylum seekers in the Netherlands.

2.3.2 Practice

This section will give an outline of the general asylum procedure³³. To apply for asylum, asylum seekers have to go to the central IND application center upon arrival in the Netherlands. Upon their arrival, the Aliens Police (Afdeling Vreemdelingenpolitie, Identificatie en Mensenhandel, also known as AVIM) conducts an interview to check the identity of an asylum seeker, and register the person as an applicant. This first interview is focused on obtaining basic information about the age, country of origin, urgent health issues and route and means of transportation to the Netherlands. After the identity check and registration, the care for asylum seekers is transferred to the 'Centraal Orgaan opvang Asielzoekers', shortened by COA (Central Agency for the Reception of Asylum Seekers)³⁴. This agency will provide temporary accommodation at one of two central reception centers (Centrale Ontvangst Locatie, shortened by COL). While staying at the COL, the IND conducts another application hearing similar to that of AVIM, including a medical intake³⁵ if necessary. The stay at the COL lasts 4 days, but there is no maximum. After these proceedings the asylum seeker is transported to a proceeding reception center (Proces Opvang Locatie, shortened by POL). At the POL the asylum seeker has preparation time with a maximum of 8 days for the main interview, the '*nader gehoor*'³⁶. The main interview constitutes the main source of information upon which the decision for granting or rejecting asylum will be made by the IND. During this

³² WI 2018/9 refers to the following section of the Yogyakarta Principles (2015) (see footnote 18): "No person may be forced to undergo any form of medical or psychological treatment, procedure, testing, or be confined to a medical facility, based on sexual orientation or gender identity. Notwithstanding any classifications to the contrary, a person's sexual orientation and gender identity are not, in and of themselves, medical conditions and are not to be treated, cured or suppressed."

³³ This is the procedure as described by the Dutch Central Organ of Asylum (COA), retrieved from <https://www.coa.nl/en/reception-of-asylum-seekers/asylum-procedure> on May 12 2019

³⁴ Experiences of LGBT asylum seekers with COA were investigated in the broader COC research of Welcoming Equality, but are not included in this thesis. In the methodology section of this thesis this, this will be further explained.

³⁵ Experiences of LGBT asylum seekers with health care services at COLs and POLs were investigated in the broader COC research of Welcoming Equality, but are not included in this thesis. In the Methodology section of this thesis, this will be further explained.

³⁶ This is the main interview to be investigated by this thesis



interview the applicant has to elaborate on the motive to flee the country of origin, as well as provide a credible testimony concerning experiences of victimization or fear of persecution. In case of LGBT asylum, applicants need to convey to the IND that they fear persecution due to their sexual orientation or gender identity. The interview is extensive and generally lasts an entire working day, if necessary, even multiple days. During the interview several parties are present, the IND official, an interpreter, the applicant, a lawyer to assist the applicant³⁷ and upon request, a representative of the Dutch Council for Refugees (VluchtelingenWerk Nederland, shortened by VWN). After the main interview, the IND decides whether refugee status is granted, denied or if the asylum procedure will be extended to provide more time for the IND to make a decision³⁸. There is no legal time period in which the IND has to declare the decision. After the interview the lawyer receives a report of the interview, which alongside with the applicant, will be checked for accuracy. An opportunity is granted for the applicant to submit any corrections to the IND. The IND then evaluates the submission from the lawyer and comes to a provisional decision. If asylum is granted, the applicant remains accommodated at the POL until the residence permit is granted and COA finds a municipality and housing. If the procedure is extended, the applicant remains accommodated at the POL until the IND declares their judgement. If asylum is denied, the asylum seeker has the opportunity to draw up a short perspective ('zienswijze') with the lawyer. With this perspective, applicants can fight the preliminary decision. After consideration of that perspective, the IND will declare a final judgement. Again, this can result in asylum being granted, the procedure being extended or denial of asylum. If asylum is denied the applicant can fight the decision in court, but otherwise has to leave the POL within 28 days. The Repatriation and Departure Service (Dienst Terugkeer en Vertrek, shortened by DTV)³⁹ will provide support for the departure.⁴⁰

³⁷ Experiences of LGBT asylum seekers with the VWN and their lawyers were investigated in the broader COC research of Welcoming Equality, but are not included in this thesis. In the Methodology section of this thesis, this will be further explained.

³⁸ The procedure can be extended multiple times, for example due to illness of the interpreter or the applicant, or doubt about the truthfulness of the claim or basic information about the applicant. In case of an extended procedure, this is communicated to the lawyer by the IND and the applicant is referred to a brochure of a website to learn more about the extended procedure. *Retrieved from:* <https://ind.nl/asiel/Paginas/Asielzoeker.aspx> on 12 May 2019

³⁹ Experiences of LGBT asylum seekers with the DTV were investigated in the broader COC research of Welcoming Equality, but are not included in this thesis. The Methodology section will elaborate on this.

⁴⁰ Applicants coming from countries that are declared safe or from safe third countries, are often denied asylum in a short procedure of approximately 8 days during which they remain at the COL. After the judgement they are moved to a COA location to await their deportation by the DTV. Awaiting the deportation can take up to two years, since both the DTV and the IND are burdened with a lot of asylum cases and every case is operated under different circumstances. *Retrieved from:* <https://www.coa.nl/nl/asielopvang/asielprocedure> on 12 May 2019



This section demonstrates the extensiveness of the procedure of RSD, and the awarded importance to the interview and consequently that of the asylum seeker's story conveyed to the IND.

Chapter 3: Research Outline

This thesis aims to investigate the possible susceptibility of LGBT-asylum claimants to secondary victimization during the assessment procedure of their asylum request, concerning the asylum interviews. In order to answer the research question, this thesis will use the framework discussed in Chapter 1 to analyze the experiences of LGBT asylum seekers with their interview proceedings. The source of information regarding the experiences of the LGBT-asylum seekers consists of empirical data from research conducted during an internship with COC Netherlands. This empirical data consists of both quantitative and qualitative data. This thesis will analyze the quantitative data to provide a descriptive overview of the general experience and satisfaction about the IND interview proceedings, whereas the qualitative data will explore how LGBT asylum applicants have commented on their experiences. To investigate the possibility of secondary victimization, this thesis will use the data of the COC research as empirical basis. This Methodology chapter will first explain more about the use of the COC research for the purpose of this thesis, and proceeds to explain how this thesis will conduct the data analysis.

3.1 The COC Research within the Framework of this Thesis

In this thesis, secondary empirical research data will be used, gathered from subjects that participated in research from COC Netherlands. This research was part of the larger 'Welcoming Equality' project, which was dedicated to investigate and improve the position of LGBT refugees and asylum seekers in the Netherlands. It explored procedural circumstances, living conditions and the social and legal position of this vulnerable group. The main practical objective of the project was to train and follow professionals and volunteers working with this group of LGBT individuals. The professionals and volunteers targeted were mostly working for COA and with social projects of COC Netherlands. The Welcoming Equality project covered multiple phases with different objectives and activities and ran between 2015 and 2018, funded by the Asylum, Migration and Integration Fund (AMIF, Fonds voor Asiel, Migratie en



Integratie)⁴¹ and the Dutch Ministry of Justice and Security. One of the final outputs of the project was a report on the current procedural and living conditions and treatment of LGBT refugees and asylum seekers who were in the process of applying for LGBT asylum in the Netherlands. The objective of this final report was to evaluate if training professionals and volunteers had led to an improvement of the experiences of LGBT refugees and asylum seekers with the Dutch asylum system. The writing of this report and the research that preceded it took place in the summer of 2018.⁴²

The report from COC Netherlands displayed the findings of this evaluation, which was conducted through quantitative and qualitative research. This research data consisted of reported experiences of LGBT refugees with the Dutch asylum procedure with regard to the main stakeholders involved⁴³. LGBT asylum seekers who entered the Netherlands between 2015 and May 2018 could participate in this research. The subjects had to have a V-number, which meant they were registered as applicants by COA⁴⁴. In order to address potential subjects, information about the research was distributed on social media platforms and through mailing lists of member associations of COC Netherlands.⁴⁵ The research consisted of an online survey and if interested, participants could take part in an additional in-depth interview. The quantitative data was gathered through this online survey⁴⁶ provided by 60 responses. This survey provided statistical information about experiences with the IND, among the other stakeholders of the asylum procedure, and a few quotes were written down in the free writing spaces. Eventually, ten participants were willing and able to take part in an in-depth interview, where they could elaborate on their experiences. These interviews constituted the qualitative

⁴¹ The AMIF is a fund set up by the European Commission, and is active during the period of 2014 to 2020. Its aim is to achieve strengthening and improvement of affairs within the EU concerning a common asylum system, legal migration and integration, return strategies and solidarity between EU States. The objectives in their entirety can be found on the web page 'Migration and Home Affairs' of the European Commission. Retrieved from: https://ec.europa.eu/home-affairs/financing/fundings/migration-asylum-borders/asylum-migration-integration-fund_en on 12 May 2019

⁴² In Appendix A, a more extensive overview of the methodology of the COC research is provided

⁴³ All stakeholders included in the Welcoming equality were: The IND, COA, DTV, VWN, legal assistance from lawyers and health care professionals providing medical service.

⁴⁴ Possession of a V-number meant respondents were still going through the asylum procedure, restarted their procedure after being denied asylum or were granted refugee status and asylum in the Netherlands.

⁴⁵ The survey was in basic English, therefore only people who could understand and respond in basic English could participate in this research. These criteria unfortunately meant the exclusion of non-English-speaking asylum seekers, undocumented persons illegally residing in the Netherlands, and people who were deported from the Netherlands. This exclusion criterium was due to the Welcoming Project being subject to the regulations of its supervising and funding parties. Moreover, people could only be reached if they were active on social media, were affiliated with COC Netherlands in some way or were informed through friends or acquaintances. These factors limited the scope of the research.

⁴⁶ The online Survey can be found in Appendix A. Only questions 1 to 13 and question 29 have been used for the purpose of this thesis.



data of the empirical research. Observations that derived from the quantitative and qualitative findings of the empirical research were explicated in the report.

However, beyond evaluating the objectives of the Welcoming Equality project and displaying the observations from the research, the report did not further explore the findings. Investigation of any possible theoretical elements underlying the research findings was not the objective nor a focus point of the COC research. Furthermore, the report discussed no possible implications for LGBT asylum seekers on a scientific level, or suggested anything could be derived from the report with regard to proposing further research. After finalizing the report and finishing the internship, the gathered information had no further purpose.⁴⁷ Nevertheless, the report gave the impression of containing valuable information to investigate from an academic point of view. During the process of reviewing the quantitative and qualitative data during the internship with COC Netherlands, the question occurred what possible impact interview proceedings of asylum the procedure might have on LGBT asylum seekers. This especially concerned proceedings with the IND, since proceedings with this agency define the remaining course of the asylum procedure and the fate of the applicants. Regardless of the outcome of their application, the importance of an asylum hearing for the purpose of RSD provoked the impression to be burdening for applicant.

Therefore, this thesis attempts to further build on the empirical research findings of the COC research. It explores the quantitative and qualitative data for indicators of possible secondary victimization through focusing on the elements of language, culture and institutional context previously discussed in Chapter 1. Reported negative experiences and references to misconceptions serve as indicators of secondary victimization, whereas reported positive experiences may suggest that the possibility of experiencing secondary victimization is less likely than the theoretical framework presumes. The following section will provide an outline of the methodology of the data analysis.

3.2 Methodological Approach of this Thesis

The methodology of the primary research with COC Netherlands can be found in Appendix A. This section focuses on the methodological approach of this particular thesis, which analyzes and builds on the secondary research data. This concerns semi-raw data⁴⁸

⁴⁷A concept of the report was shared with COA and the IND, but COC Netherlands was yet to decide what to do with it after the internship was finished.

⁴⁸The empirical 'semi-raw' data that was analyzed for the purpose of this thesis consists of all information used to construct the Welcoming Equality report. The actual raw data would have been the



used to construct the Welcoming Equality Report. As previously mentioned, both quantitative and qualitative data will be analyzed. The analysis will therefore also be divided into two corresponding sections.

3.2.1 Methodology for the Quantitative Data Analysis

The first phase of data analysis will consist of exploring the quantitative research data, constituted by responses from the online survey. The purpose of this analysis is to obtain a general evaluation of how LGBT asylum seekers have experienced their interview proceedings.

Design

This analysis concerns exploring the findings of the online survey. Here, respondents could share their experience with the interview procedure with the IND through indicating if they agreed with a certain statement. These statements concerned if applicants were at ease with the interviewer, how they felt about the level of knowledge and sensitivity of IND officials concerning sexual orientation and gender identity, if the interviews and methods of questioning were appropriate, if they felt able to tell their whole story and how contact with translators was perceived during the interview. Respondents could indicate to what extent they agreed with a statement, for example: *“The questions the IND asked me helped me to tell my whole story”* or *“I think the interviewer had knowledge about LGBT topics”*. The options of choice were ‘strongly disagree’, ‘disagree’, ‘neutral’, ‘agree’ and ‘strongly agree’. There were also three blank writing spaces for respondents to elaborate on their responses to the statements⁴⁹. In total there were six scale questions and one “yes or no” question. These responses constitute the quantitative data.

exported file containing all responses from the survey program, whereas audio recordings of the interviews would constitute the raw qualitative data. However, this data had been previously (and personally) organized to create a clear database of information for the purpose of constructing the COC report, resulting in ‘semi- raw data’. The quantitative data was exported from the online survey program to Excel format, where it was ‘cleaned up’ to get rid of IP- addresses and highly personal information of the participants. The qualitative data consisted of the summarized reports of all ten interview recordings. This ‘semi- raw’ empirical data was analyzed by this thesis. Appendix A elaborates on the coverage of the raw data and the processes of transforming it to ‘semi- raw’ data.

⁴⁹ Participants could share if so, what type of questions of IND officials made them feel uncomfortable, they could share general thoughts about the IND, and they could share experiences that were not covered by the survey. Since these written answers could not be analyzed statistically, these will be reviewed in the section on qualitative data analysis.



Data Collection

As mentioned in the brief introduction of section 3.2, the 'semi-raw' data was available to analyze. It was retrieved from an Excel sheet, where responses to the questions relating to the IND and demographic information about the respondents were selected for this analysis⁵⁰.

Data Analysis

For the purpose of analysis this thesis will categorize the statements from the survey as follows to transform the statements into more general notions of experience: contact with the IND official (1), discussing one's sexual orientation and gender identity (2), background knowledge of the IND official (3), questioning throughout the interview (4), and contact with translators (5). These five topics continue to be the main themes along which the data is analyzed. For the purpose of analysis, the responses to all six statements will be coded to assign numerical value to the responses and deduce an average judgement of the applicants. Responses are coded on a scale from 1 to 5, a score of 1 corresponding with the "strongly disagree" option and 5 with "strongly agree". Descriptive statistics of these results will be displayed in a table and subsequently analyzed, serving to derive both an overview and dissection of the general opinion of the LGBT asylum seekers about their interview proceedings with the IND and more specifically with regard to the five topics mentioned above.

3.2.2 Methodology for the Qualitative Data Analysis

The second phase of data analysis consists of exploring qualitative data. Quotes provided in the online survey and summarized statements from the in-depth interviews will be investigated for indicators of secondary victimization and references to the elements of language, culture and institutional context. The purpose of this analysis is to investigate reported experiences of LGBT asylum seekers beyond the general findings of the quantitative analysis. All available qualitative data will be analyzed in an attempt to investigate to what

⁵⁰ Questions referring to all other stakeholders besides the IND were disregarded for the purpose of this research, whereas demographic information including the SOGI of the participants, their age, their country of origin and the status of their procedure was included in the analysis.



extent the respondents indicate the risk of experiencing secondary victimization during the interview proceedings.

Design

The qualitative data analysis explores the findings of the interviews and the open-ended questions of the survey. The open-ended questions were: “What type of questions made you feel uncomfortable and why?”, “Is there anything else you would like to share about your contact with the IND?” and “Is there anything else you would like to share?”. The interviews were semi-structured, no fixed questions were used and a summary of each interview recording was analyzed. Both the survey quotes and findings of the interviews were available in a large file providing an overview of all discussed matter categorized per participant. This constituted the qualitative research material that could be analyzed.

Data Collection

As mentioned in the brief introduction of section 3.2 and the section on research design, the ‘semi-raw’ data was available to analyze. This concerned one file with summaries of all the interviews and one file with all the quotes from the survey and their sources. The content of these files was already categorized according to different stakeholders it concerned. Only content relating to the IND will be analyzed for the purpose of this thesis. Quotes were not edited further for spelling reasons to preserve authenticity, however any reference to names, dates or locations have not been displayed. All available quotes have been included in the analysis. Statements from the interview summaries may have been paraphrased due to lengthiness.⁵¹

Data Analysis

Quotes and statements were categorized in sections according to the five topics deriving from the quantitative data analysis, as mentioned in section 3.2.1. Every topic will form a section of the available qualitative data, and will be explored for references to the elements of language, culture and institutional context. First, every

⁵¹ If this is the case, this has been noted in Appendix D. This Appendix also provides basic anonymized information about the source of every statement or quote.



quote will be displayed, after which it will be investigated whether the quotes carried any notion of expressed positive or negative impact on the feelings of the asylum seeker. Thereafter, the quotes will be explored for reference to one of the elements of language, culture or institutional context. Such implicit or explicit references will be discussed, analyzed and noted. Shared statements from the in-depth interviews will be analyzed in a similar way. Every section concludes with a brief summary of the findings. When the emotional parameter of the experience is not clarified or the relation to one of the elements is not recognized the quote will still be included in the analysis.

3.2.3 *Limitations of this Research*

It could be argued that the use of secondary research data from COC Netherlands is not optimal. Section 3.1 mentioned limitations of the primary Welcoming Equality research, and the use of this data causes additional limitations to the research of this thesis. First, the data was collected in 2018, and the sample of participants might be too small to form sound conclusions. In particular the qualitative data, consisting of only 10 interviews, cannot adequately represent the entire target group of LGBT asylum applicants who have experienced the interview proceedings of RSD. Also, experiences with the IND were not the main focus of the COC research, so the subject of IND interview proceedings could have been questioned more extensively. Moreover, no explicit notion was made about the concept of secondary victimization in the primary research.

Addressing these limitations however, interesting and potentially useful experiences were shared by the participants, and during the interviews the topic of IND was discussed extensively even without explicitly mentioning some of the topics of interest of this thesis. Although stating general conclusions might not be achievable, the available information is valuable and could serve the exploratory nature of this thesis. Moreover, with regard to the number of participants, during the internship the target group of LGBT asylum seekers who were eligible and willing to participate in the research proved to be quite small. With reasonable access to COC's network and a research period of 3 months, a response rate of 60 participants was achieved. For the scope and purpose of this thesis, this data is therefore deemed useful.



Chapter 4: Data Analysis

This chapter is dedicated to analyzing the quantitative and qualitative data constituting the empirical basis of this thesis. It addresses sub question 7 of this thesis by investigating the experiences of LGBT asylum seekers with their interview proceedings of the RSD process.

4.1 Data Analysis: Quantitative

When analyzing the original sample of participants and the demographic range of the initial COC survey, it is found that 60 participants fled from 26 countries in different parts of the world. These regions include Africa, the Caribbean, Central America, the Middle East, former Soviet States and South-Asia⁵². The age within the group of participants varied between 18 and 48, and lesbian women, homosexual men, and bisexual and transgender men and women were all represented in the sample. They had all arrived in the Netherlands between 2015 and spring of 2018, while this study was in operation. The state of the individual asylum procedure of each participant differed, as seen in Table 1.

Table 1

The Status of Asylum Procedure among Survey Respondents displayed in Numbers and Percentages

Status of Procedure	Number of Participants (60)	Percentage %
Positive Decision	15	25%
Negative Decision	18	30%
Awaiting the Decision	17	28,33%
Awaiting Second Interview	9	15%
UNHCR Procedure ⁵³	1	1,67%

This table contains the procedural status for all 60 participants whose survey results were included in the Welcoming Equality report. All participants who received a negative decision

⁵² The initial respondents came from Nigeria, Trinidad & Tobago, Mexico, Iran, Jamaica, Armenia, Russia, Venezuela, Iraq, Uganda, Zambia, Egypt, Pakistan, Cameroon, Ukraine, Honduras, Lebanon, Zimbabwe, Jordan, Azerbaijan, Gambia, Morocco, Sri Lanka, Syria, Sierra Leone and Afghanistan

⁵³This person has followed a different trajectory regarding asylum, facilitated by the United Nations High Commissioner for Refugees. The interviews this participant had were not with the IND but with officials in the country of departure. Asylum was therefore already granted upon arrival in the Netherlands.



and were denied asylum, had since appealed this decision or started over again with a new asylum procedure. Only questions and comments concerning the IND are taken into account for the purpose of this thesis. The participants who had experience with the IND were selected from the group, all others could not provide relevant information for this thesis and were therefore excluded from the research. In the end, the data of 50⁵⁴ participants were used for this research. As mentioned in Methodology section 3.2.1, survey questions and their corresponding analysis are categorized as the following: contact with the IND official (1), discussing one's sexual orientation and gender identity (2), background knowledge of the IND official (3), questioning throughout the interview (4), and contact with translators (5).

4.1.1 Contact with the IND

First, the focus of the survey questions was on the subject of general contact with the IND and the interviewer. The first statement that can be analyzed concerned the feeling of comfort with the interviewer: *"I felt at ease with the interviewer"*.

Table 2
 Response to the question: *"I felt at ease with the interviewer"* displayed in Numbers and Percentages

Agreement to Statement		Number of Participants (N= 48)	Percentage %
"Strongly Disagree"	(1)	10	20,8%
"Disagree"	(2)	6	12,5%
"Neutral"	(3)	11	22,9%
"Agree"	(4)	12	25%
"Strongly Agree"	(5)	7	14,6%
N/A	(--)	2	4,2%
Average Response = 3,00			

When reviewing the response rates⁵⁵ for this statement shows that roughly one third of the participants did not feel at ease with the interviewer, the rest indicated they were neutral or positive towards this statement. With an average numerical response value of 3,00 the average response could be interpreted as that in general, LGBT asylum applicants are not distinctively positive or negative about their feelings of comfort with the IND official during their interviews.

⁵⁴ The respondent who had followed the UNHCR procedure and the 9 respondents awaiting their second interview were excluded from further research for the purpose of this thesis, since they could not provide any information about experiences with the main IND- interview.

⁵⁵ Because answering a question was not mandatory and questions could be skipped or answered with "N/A", the response rate for most questions was a bit lower than 50



However, this average is partially deduced from several respondents who ‘strongly agree’ or ‘strongly disagree’ with the statement. Therefore, to explore how LGBT asylum seekers have experienced their contact with the IND, the qualitative data is deemed necessary to complement this quantitative result and provide context to the responses.

4.1.2 Discussing Sexual Orientation and Gender Identity

The second topic up for analysis focuses on discussing the subject of sexual orientation and gender identity throughout the interview. The first statement concerning this subject was: *“The interviewer made me feel like I could talk about my sexual orientation or gender identity”*. This indicates to what degree LGBT asylum applicants felt able to talk about their sexual orientation and gender identity during their IND interview, and if that was something they felt comfortable doing.

Table 3

Response to the question: “The interviewer made me feel like I could talk about my sexual orientation or gender identity” displayed in Numbers and Percentages

Agreement to Statement	Number of Participants (N= 49)	Percentage %
“Strongly Disagree” (1)	5	10,2%
“Disagree” (2)	6	12,4%
“Neutral” (3)	6	12,4%
“Agree” (4)	20	40,8%
“Strongly Agree” (5)	11	22,4%
N/A (--)	1	2%
Average Response ≈ 3.54		

Table 3 shows that the majority of the participants agreed with this statement to a certain degree, indicating that they did feel like they could talk about their sexual orientation and gender identity. With an average response value of 3,54 it could be interpreted as that in general, LGBT asylum applicants are positive when it comes to their experience of discussing their sexual orientation or gender identity with the IND official during their interviews. The results display that less than one quarter of the respondents did not feel comfortable discussing this subject with the interviewer they encountered, whereas the rest did. The qualitative data will be explored for further elaboration on these responses.



4.1.3 Background Knowledge of the IND Official

The third statement that can be analyzed focused on discussing sexual orientation and gender identity with the IND concerned the perceived level of knowledge about LGBT-related topics by the interviewer, according to the applicants. This statement was: *“I think the interviewer had knowledge about LGBT topics”*. The responses to this statement can be found in Table 4.

Table 4
 Response to the question: *“I think the interviewer had knowledge about LGBT topics”* displayed in Numbers and Percentages

Agreement to Statement	Number of Participants (N= 48)	Percentage %
“Strongly Disagree” (1)	11	22,9%
“Disagree” (2)	5	10,4%
“Neutral” (3)	5	10,4%
“Agree” (4)	19	39,6%
“Strongly Agree” (5)	6	12,5%
N/A (--)	2	4,2%
Average Response ≈ 3.09		

According to Table 4, one third of the respondents did not feel like their IND interviewer had knowledge about LGBT-related topics whereas the rest did. The average response corresponds to a ‘neutral’ value of 3.09, which could be interpreted as that in general, LGBT asylum applicants are not distinctively positive or negative about their feelings of comfort with the IND official during their interviews. Notable is that this average is partially deduced from several respondents who ‘strongly disagree’ with the statement, and this number is almost twice as much as the number of respondents who ‘strongly agree’. To investigate how LGBT asylum seekers have positively or negatively experienced the level of background knowledge of their IND interviewer, the qualitative data shall be analyzed to provide context to these observations.

4.1.4 Questioning Throughout the Interview

The third subject concerns questions that applicants were asked during the interview. The first question about this subject in the survey asked respondents if they felt comfortable with the questions they were asked, which could be answered with ‘yes’ or ‘no’.



Table 5

Response to the question: "Did you feel comfortable answering all the questions the IND asked?" displayed in Numbers and Percentages

Agreement to Statement	Number of Participants (N= 49)	Percentage %
"Yes"	21	42,9%
"No"	28	57,1%

Table 5 displays that the majority of the respondents did not feel comfortable answering all the questions the IND asked them. However, what caused discomfort cannot be derived from this question. The following statements from the survey appear to refer to the course of the interview and the nature of the questions they were asked

The first statement of the survey related to questioning serves to indicate whether the participants considered questions to be relevant for their interviewing process, and was formulated as the following: "The questions the IND asked helped me to tell my whole story".

Table 6

Response to the question: "The questions the IND asked helped me to tell my whole story" displayed in Numbers and Percentages

Agreement to Statement	Number of Participants (N= 50)	Percentage %
"Strongly Disagree" (1)	7	14%
"Disagree" (2)	9	18%
"Neutral" (3)	10	20%
"Agree" (4)	17	34%
"Strongly Agree" (5)	6	12%
N/A (--)	1	2%
Average Response ≈ 3.12		

According to Table 6 and the corresponding value of 3.12, it could be interpreted that the general response to this statement indicates that applicants felt like the questions the IND asked during their interview, were quite helpful. Roughly one third does not agree, whereas nearly half of the respondents do agree with this statement. No distinctive conclusion can be derived from these descriptive statistics. Therefore, in order to further investigate the experiences of applicants with regard to questioning in their interviews, the qualitative data needs to be analyzed to provide context to the responses.

Moreover, the notion of "... tell my whole story" is not further clarified in the survey, yet it occurs in another statement in the survey. There, respondents could indicate whether they felt like they could tell their whole story by responding the statement: "I was able to tell my whole story". The descriptive statistics are displayed in Table 7.



Table 7

Response to the question: "I was able to tell my whole story" displayed in Numbers and Percentages

Agreement to Statement	Number of Participants (N= 49)	Percentage %
"Strongly Disagree" (1)	4	8,2%
"Disagree" (2)	7	14,3%
"Neutral" (3)	4	8,2%
"Agree" (4)	21	42,9%
"Strongly Agree" (5)	12	24,5%
N/A (--)	1	2%
Average Response ≈ 3.63		

Table 7 displays a generally positive response to this statement, supported by an average response value of 3.63. Approximately two-third of the participants agreed with this statement, whereas 22,5% of the participants did not. This indicates that on average, applicants felt able to share their full story with the IND during their interview. However, it cannot be derived from this statement nor the previous statement what 'whole story' means. Therefore, exploring the qualitative data relating to this subject is needed to clarify how this is understood by the respondents, and what further context and explanation is given.

4.1.5 Contact with Translators

The last statement of the survey concerning the IND focused on contact with translators who were present during the interview proceedings. This statement was formulated as follows: "I felt at ease with the interpreter", and the responses are displayed in Table 8.

Table 8

Response to the question: "I felt at ease with the interpreter" displayed in Numbers and Percentages

Agreement to Statement	Number of Participants (N=48)	Percentage %
"Strongly Disagree" (1)	9	18,8%
"Disagree" (2)	8	16,7%
"Neutral" (3)	7	14,6%
"Agree" (4)	18	37,5%
"Strongly Agree" (5)	4	8,3%
N/A (--)	2	4,2%
Average Response = 3,00		



The results displayed in Table 8 show that more than one third of the respondents did not feel at ease with the interpreter, whereas less than half of the participants did. The average of 3,00 corresponds with this indistinct result. Notable is that this average is partially deduced from several respondents who 'strongly disagree' with the statement, and this number is more than double the number of respondents who 'strongly agree'. This suggests that behind the average response of 3,00, there have been experiences that are evidently positive or negative. Therefore, to investigate what experiences LGBT asylum seekers have had with translators during their interview proceedings, the qualitative data is needed to provide necessary context and illustration to the survey responses.

4.1.6 Results

Analysis of the descriptive statistics that derived from the quantitative research data from COC's online 'Welcoming Equality' survey, indicate that on average the respondents express a predominantly positive opinion about the IND. This seems to especially be the case with regard to discussing one's sexual orientation and gender identity, and the ability to tell 'their whole story'. Predominantly positive evaluations of experiences with the IND may indicate that the risk of experiencing secondary victimization is low. However, this quantitative data analysis does not explore indicators of secondary victimization, since there has been no elaboration on the circumstances of such experiences. Moreover, when dissecting the average, the results display that average opinions may consist of a balance between (strongly) positive countering (strongly) negative opinions. This manifested itself in the responses concerning perceived background knowledge of IND officials with LGBT-related topics, and responses concerning the experiences of applicants with translators. Therefore, analysis of the quantitative secondary research data cannot provide a distinctly positive judgement regarding the experiences of LGBT asylum seekers about their interview proceedings with the IND, and thereby discard any possible risk of secondary victimization. The qualitative research data derived from in-depth interviews will be analyzed to provide more information, illustration and context to the results of this quantitative data analysis



4.2 Data Analysis: Qualitative

This section of the analysis focuses on the qualitative research data. Quotes and summarized statements from the Welcoming Equality research are explored for their connection to the elements of language, culture and institutional context, and it will be investigated whether the quote or statement carries any notion of expressed positive or negative impact on the feelings of the respondents. Investigated quotes and statements are categorized according to the five topics along which the quantitative data analysis was structured. Analysis of every section concludes with an overview of the findings summarized in a table. All statements are numbered, and anonymized information about the sources of the statements is included in Appendix D.

4.2.1 Contact with the IND Official

This section analyzes how participants elaborate on their positive and negative experiences concerning contact with their interviewer. The following commentary was found in quotes:

- 1) *"It really depends on who interviews you! My first interviewer (for the journey interview) was just trying to prove that I am lying and made me feel so uncomfortable and nervous. But luckily my second interviewer which was more important was a really nice and reasonable person."*
- 2) *"The first interview the interviewer was a bit harsh, but the second interview was great. The interviewer was nice, I felt relaxed because she put herself in my shoes I think."*
- 3) *"I did a total of 3 interviews and in each interview there was a different interviewer and not all have the same way in conducting the interview."*
- 4) *"I have had two occasions of interviews with the IND, the first time was scary and the second one was without fear"*
- 5) *"I think most people who are involved in the refugee related jobs are not very trained to do their jobs properly, no matter if that person is working for COA, IND, VWN or other parties."*
- 6) *"It's a difficult situation to wait for something which you don't know.."*
- 7) *"I don't understand why they gave me a negative decision when I told them who I am."*



These quotes mention both positive and negative experiences. Firstly, it is expressed that applicants have experienced change in staff. For quote 1 and 2 this change turned out positive, for quote 3 it might have been confusing. Change of staff could relate to the previously discussed inconsistency that poses a risk for misconceptions during asylum hearings, interfering with an already delicate interplay between the applicant and the adjudicator. Quote 3 makes a neutral statement, saying that he experienced fear but that fear went away as the interview proceedings continued. Two important notions made are *“My first interviewer .. was just trying to prove that I am lying and made me feel so uncomfortable and nervous”* which refers to a clearly negative experience where the IND officer made the institutional context of the hearing focused on scrutinizing the applicant’s credibility to the point it became uncomfortable. Another statement made was: *“The interviewer was nice, I felt relaxed because she put herself in my shoes I think”*. This is clearly positive, this applicant feels like their frame of reference is understood. Quote 4 mentions a negative personal opinion not related to any specific practice or experience, and quote 5 mentions it is difficult to wait for the judgement from the IND, implying that is due to the fate of the applicant remaining undetermined. It could relate the element of institutional context, but it remains unclear. Quote 7 displays incomprehension of an applicant about her asylum being denied despite her efforts to convey her story, but this is not specified further despite *“when I told them who I am”*.

Furthermore, one participant explicitly stated that his experience with the IND as very bad, and feels like the way the IND went about his interview proceedings was rather ruthless. In his case, he feels like the seriousness of his motive to flee to the Netherlands was not acknowledged, and that the IND had ‘their own vision on truth-finding’. He experienced that a piece of evidence⁵⁶ that did not comply with their determination of his case, was disregarded. The participant stated: “I would like to forget about any contact I had with this organization as soon as possible” (8). This summarized and paraphrased statement made during an in-depth interview expresses explicit feelings of negative impact, making a reference to institutional context found in “truth-finding” and disregarding evidence important to a case.

Another participant experienced that the IND disregarded the XYZ judgement and invoked the Dublin Regulation, claiming the first European country he entered was a safe third country if he concealed his sexual orientation. The DTV deported him from the Netherlands, however, the country was not safe for him, and with the help of a friend and a lawyer he was able to appeal the decision of the IND from abroad. The Dutch court stated that the IND

⁵⁶ The piece of evidence concerned a recording of a broadcasted interview where the applicant discusses his work as a LGBT- activist in his country of origin. Due to fear of persecution he tried to stay away from media attention, which made the recording important evidence for his case as he was an activist for LGBT rights.



disregarded the XYZ judgement and claiming the Dublin regulated was unlawful. This whole experience took two years. (9). This summarized and paraphrased experience that was shared during an in-depth interview. It expresses no explicitly of positive or negative experience, however it does indicate a judgemental error with far reaching consequences concerning deportation and a lengthy procedure.

Apart from the quotes and statements, two interviewed respondents indicated that part of the reason they responded negatively in the survey about their experiences with the IND was due to mental health problems at that time, and not necessarily because of anything that happened during the interview. An opinion that was shared among all of the 10 interviewed participants was that the length of the interview proceedings with the IND caused complete depletion, which led to discomfort during the interview. They suggested it would be better for applicants if the interview proceedings would be spread across multiple days. Considering the qualitative data concerning contact with the IND, elaboration from the respondents related to culture and the institutional context and was both positive and negative.

4.2.2 *Discussing Sexual Orientation and Gender Identity*

This section analyzes how participants elaborate on their positive and negative experiences with regard to discussing their sexual orientation and gender identity with the interviewer. The following commentary was found in quotes:

- 9) *At my first interview I found it difficult to talk openly to the IND because of the background I come from, but in the other interviews I tried my best to explain to them about who I really am.*
- 10) *“My trans identity was never taken into account for my procedure. They kept saying I should conform to the norms in my country and that I should hide who I am. They also told me because my ID shows a male name, they’ll handle my case as a heterosexual man.”*
- 11) *“..sometimes gender identity is fluid and you have to be clear in your answers otherwise the interviewer will not understand it.”*

These quotes do not explicitly indicate negative or positive emotions or references of secondary victimization. However, some notions are made that relate to culture. Quote 8 mentions that coming from a different background made it difficult to talk openly to the IND, but the applicant tried to be unreserved. With regard to gender identity, it is reported that



interviewers might not understand what is meant if it is not explained properly. Quote 10 is not explicitly positive or negative, but it was a response to the survey question “what questions made you uncomfortable and why?”, which implies that discussing gender identity and not being understood was experienced as uncomfortable by this respondent. It concerns LGBT knowledge, and could relate to culture. Quote 9 indicates that this participant did not feel acknowledged as LGBT and encountered a hostile reaction by the IND official. This experience could relate to institutional context, because imposing discretion on an LGBT asylum seeker contradicts the provisions from IND work instruction 2014/10.

Besides the quotes there were experiences shared through statements made during the in depth-interviews. All of the participants of these interviews were able to discuss their gender identity or sexual orientation openly in their asylum hearing, which indicates a positive trend. One respondent, who did not encounter problems doing this herself, mentioned that for LGBT asylum seekers coming from particularly conservative parts of the world⁵⁷ talking openly during the interview might be problematic. People might be used to intimidation by their local authorities, and cannot imagine that speaking freely with the IND is an option. They do not expect to be treated as equal, and are not used to talk openly about being LGBT in their asylum interview. She suggests that LGBT asylum applicants with conservative backgrounds might benefit from being coached to learn how to talk about ‘taboos’. This commentary explicitly states that experiences with different cultures and institutional context are important to consider during asylum interviews for both parties. This respondent hereby provides a recommendation.

Analyzing the data that relates to discussion of gender identity with the IND, most information relates to culture, and two experiences refer to institutional context. Both elements are mentioned in relation to experiences perceived as negative and neutral, but on the other hand, the fact that all participants were able to talk openly about gender identity or sexual orientation is a positive finding.

4.2.3 Background Knowledge of the IND Official

The third topic that is analyzed focuses on the perceived level of knowledge about LGBT-related topics by the interviewer, according to the applicants.

⁵⁷ The respondent referred to countries in the African Region. She herself was from Nigeria, but did not find it hard to talk openly about her sexual orientation. However, she experienced fellow asylum seekers from Nigeria and other countries from the African Region to struggle with this.



- 12) *"I was treated quite respectfully, but what was clear was that the reviewing party had little to no life experience, lack of knowledge of the world outside the Netherlands."*
- 13) *"They asked me why I didn't go to the police when I was harassed, when I answer that police doesn't help LGBT people they told me I could join a mara (gang) since according to them there are gangs who accept and protect LGBTs, which is totally not true."*
- 14) *"They need to work on getting more information about transgender issues in X, they were -still are- very ignorant about the dangers we face in my country. They trivialize our problems and made me feel as if I don't matter."*
- 15) *"I think IND should have an independent group of people handling LGBT and they should have variety of knowledge of each and every one's culture."*

The quotes displayed above display that participants have perceived the level of background knowledge from the IND as inadequate. There are explicit references to *"lack of knowledge of the world outside of the Netherlands"*, *".. ignorant about the dangers we face in my country"*, *"They need to work on getting more information about transgender issues in X"*. These experiences relate to the consideration of country conditions, which made one respondent feel like *"They trivialize our problems and made me feel as if I don't matter"*. Quote 14 is interpreted as one clear indicator of secondary victimization. Quote 13 provides an example of where the IND lacked background knowledge and consequently made a strange recommendation. Quote 15 does not specify any experience or emotional impact, but expresses desire for *"an independent group of people handling LGBT"* with *"variety of knowledge of each and every one's culture"*. Quote 12 states that personnel were respectful, which is positive, but *"the reviewing party had little to no life experience, lack of knowledge of the world outside the Netherlands"*. This respondent explained his situation in the interview, describing a negative experience:

In his experience with the interview, he felt like the IND staff had failed to educate themselves about the background of the respondent, and their knowledge about practices outside of the Netherlands was inadequate. He feels like the IND only used their knowledge about the situation for the LGBT in the Netherlands as their starting point. This respondent was initially denied asylum by the IND, based on a fact that could easily be rejected with scientific evidence⁵⁸, which showed the respondent that the IND clearly did not make the effort to look up such information.

⁵⁸ This respondent became dependent on alcohol to cope with the fear, discrimination, violence and persecution he faced because of his homosexuality. However, he had a well-paid job and a successful career despite his alcoholism. Because of his job history, the IND did not believe could be an alcoholic and therefore the problems he faced in his home country must not be severe. However, high-functioning in the workplace is common for alcoholics, but the IND did not consult that scientifically proven information. This respondent wrote a response ('zienswijze') including evidence and statements concerning the background research of his case conducted by the IND. He was eventually



When reviewing the analysis of the quotes, statements and commentary of this section, it could be derived that experiences with background knowledge relate to the culture and frame of reference. This could cause negative feelings for applicants when fear of persecution or seriousness of suffering is disregarded. Moreover, lack of knowledge about country conditions and the position of LGBT's has been expressed multiple times, however treatment during the proceedings was regarded positively.

4.2.4 Questioning Throughout the Interview

This section focuses on the questions that participants were asked during the interview. This concerned the structure of the interview, the perceived relevance of the questions for their interview, if the applicants felt like their answers were understood and if the nature of the questions made them feel comfortable or not. Furthermore, this section analyzes quotes and statements from respondents where they discuss their ability to 'share their whole story'.

- 16) *"Some questions I did not understand. At the end of interview I told this to the IND, but the IND worker said that they have standard questions, and he can't say or ask things besides the protocol."*
- 17) *"The IND told me to talk about why I left and when my problems started. So I began talking about my childhood, but they were not interested in that. They wanted to know one clear reason that made me leave my home country, and could not understand that the problems had been there all my life. So they did not let me speak about those things".*

These quotes elaborate the experiences of one participant, who did not understand the structure of her interview and the questions that were asked. The respondent was told by the interviewer that there was no room for anything to be discussed beside the protocol, and she explicitly mentioned that it limited her ability to 'share the whole story'. This is an example of a lack of opportunity to express oneself and being listened to which, which are factors that could contribute to experiencing secondary victimization. The following quote refers to a similar experience, where a respondent did felt like his credibility was scrutinized:

- 18) *"What I can tell is that the IND is that the questions they asked me and my answers are the correct reasons why I left my country. Yet they refused to believe it. Even with the*

granted asylum. See Appendix D for more information about this source.



clear image of how the community beat me beyond recognition and wanting to kill me before I could do my possible best to escape to the Netherlands. It is not fair. I personally know who I am and how I feel."

Quotes 16, 17 and 18 indicate that these applicants experienced difficulty in their ability to convey their experiences to the IND. Quotes 16 and 17 could relate to institutional context, and quote 17 and 18 might also relate to culture since experiencing and vocalizing victimization might be performed differently across cultures, as the theoretical framework discussed. This could be a reason why the IND desired a different answer from the applicant.

The following quotes elaborated on the nature of questions and what caused discomfort, which implies a negative experience. The above-mentioned quotes provide examples of questions perceived as ambiguous by respondents, and are coded as negative. The quotes refer to culture and language, since the concept of 'self-acceptance' or 'discovery' for LGBT individuals might not be universal throughout every culture:

19) *"My acceptance I really felt that this question is really out of context as I couldn't figure out what exactly they wanted me to say."*

20) *"When the interviewer asked when I discovered that I was a gay. I was uncomfortable because in my country, gay is not acceptable, so I did not really put my mind at the particular date as expected by the IND. Apart from that I never thought of it that at a particular time in my life I would be telling story of my being gay, because I never planned to travel out of my country until I had problem with the police and the community I live."*

Moreover, quote 20 might also relate to differences in memory specificity across cultures, discussed by the theoretical framework. This could imply that detail and consistency in memory recollection was demanded by the IND to assess credibility, which made the applicant uncomfortable because he *".. never thought of it that at a particular time in my life I would be telling story of my being gay, because I never planned to travel out of my country until I had problem with the police and the community I live."* However, actual connection to culture and memory specificity is unclear. The next quotes explicitly mention that the nature of questions they were asked made them feel uncomfortable:

21) *"Questions about my sexual orientation."*

22) *"Questions about the details of my problems at home. These questions made me remember again all the most terrible things that I want to forget forever!"*

23) *"Going back to some bitter history and things that were not nice, like fights with my father and rape scenes."*

24) *"Questions about the feelings I had when I first had sex with a woman."*



25) *"I had to explain in a vulgar way for them to realize I'm gay"*

26) *"Questions that invaded my personal space. Like how did you feel when you were being raped and if you have enjoyed it and has been asked multiple times this question. They tried very hard to ask the same question repeatedly which made me feel very uncomfortable and especially these questions usually are too personal to answer."*

27) *"Telling the story about how I realized I am gay, the struggles I had, and how did it feel the first time I had sex with a woman. I felt some of the details were so private and they shouldn't have asked about, and even some of the things were irrelevant to the whole case."*

Quotes 21 to 23 mention topics that were experienced as unpleasant to discuss, but connection to language, culture or institutional context is unclear. Moreover, they seem to be examples of distinct experiences rather than indicating a trend. Quotes 24 to 27 explicitly mention how the sexual nature of questions made them feel uncomfortable. They indicate that these questions were 'vulgar', 'invaded the personal space', were 'too personal to answer', 'so private' and seemed 'irrelevant to the whole case'. Such experiences could relate to both culture or institutional context, but the expressed feelings remain subjective with regard to personal boundaries of appropriateness.

All the above-mentioned quotes are negative, but it should be considered that these are responses to the survey question "What type of questions made you feel uncomfortable and why?". All elaboration therefore concerns experiences of discomfort, which are therefore inherently negative. The following statement was made by a participant who experienced difficulty when it came to sharing their story, but felt understood by the IND official and translator. Therefore, her experience was positive

28) One respondent described a positive experience about her ability to tell her whole story. The woman from the IND who interviewed her the second time was very nice and allowed her to express her emotions freely, although some questions were hard to answer since a lot of information had been kept secret for so long. But because the interviewer and the translator were understanding of the situation and open minded about her being LGBT, she was able to tell the whole truth and 'pour it all out'. She tried to answer even the most explicit questions in the best way she could.

After analyzing the quotes and statements regarding questions and disclosure of their stories, participants seem to regard experiences where questions were ambiguous or impertinent as negative, as well as when they were denied the opportunity to elaborate on certain topics during their interview proceedings. It was regarded positive when the interviewer was not judgmental about shared information, and open-mindedness of personnel was appreciated.



4.2.5 Contact with Translators

This last section of the qualitative analysis focuses on quotes, statements and commentary that discuss experiences related to translation and the presence of translators during the interview.

- 29) *“They need to ask after the interview if I agree or not. Because at the start they asked this, and when interview is in process I understand that the interpreter had some problems. Sometimes I felt like not everything was translated, or it was not translated accurately.”*
- 30) *“Because I was nervous, I did not always correctly understand the question. Maybe this is due to the difficulty of translation.”*
- 31) One respondent mentioned that he had translation from Arabic to Dutch, and received a translator from Syria although that is not his country of origin. Syrian Arabic and the way they speak in his country differ, because the accents are different. Therefore, he was focused on the accuracy of the translation while giving his interview, which was quite a task. He himself and some of his friends struggled with the translation and the way they could use language to vocalize their story in the interview.
- 32) Another respondent experienced that during his interview, which was translated from English to Dutch. The Dutch translator did not properly understand his use of metaphors or figurative speech. She had used Google Translate to interpret certain things he said, which led to strange statements in the IND report. This happened to him in the first interview, but in the second one his translator was a native English speaker, so she was more able to understand what he meant by his metaphors and could translate them correctly.

The quotes and the statement mentioned above concern experiences where the applicants were not sure if their story was translated accurately to the IND. They either did not know how to properly vocalize their experiences to the translator and IND official, they could not properly understand the question or they were not sure if the translator reproduced accurate information for the IND to report. These experiences relate to the element of language, but statement 32 might also relate to culture since it refers to ‘use of metaphors or figurative speech’ which could be a certain way of expressing experiences.

- 33) *“I would like it if they got translators who knew more about LGBT+ topics.”*

This quote displays a request for translators with knowledge about LGBT topics. It does not explicitly mention positive or negative feelings, but refers to culture.



34) *“The first problem was translating my vocabulary into an Afghan woman. I was not comfortable.”*

This quote mentions that a translator from a conservative culture with the same background as the applicant caused discomfort. It is not explicitly mentioned, but it implies that it caused fear due to the translator being from an environment the applicant seeks to get away from. This could refer to culture.

35) *“Another thing I like to share is that the IND is not being fair in my case. In all my interviews including the extended one I had, it was one particular man that was given to me as the translator, this man kept saying the opposite of what ever I told him during the interview. I have the opportunity to make corrections with my lawyer, but although the corrections were made, IND never used them. They kept using the error translated by the translator and I did not know that it is my right to argue for a change of translator. So many things I did not say during the interview was written in my report and I with my lawyer tried to make corrections but the IND stuck to the uncorrected version said by the translator.”*

This quote displays an experience where the translation was inaccurate, and consequently the IND report was as inaccurate as well. The respondent shares how it affected his case negatively, expressing it felt unfair to him as he also was not made aware that he could request a different translator. This negative experience could refer to institutional context, since he perceives it as unfair treatment by the IND *“.. corrections were made, IND never used them. They kept using the error translated by the translator ... So many things I did not say during the interview was written in my report and I with my lawyer tried to make corrections but the IND stuck to the uncorrected version said by the translator.”* However, this might be a distinct personal experience rather than indicating a trend.

36) One participant stated that in his interview, some offensive swear words that were used against him in his country of origin were not translated correctly, and the translation ended up being a word that carried lesser hurtful impact than the word entailed in the native language. The word caused a lot of pain to the applicant, and due to the translation he felt like the impact was trivialized.

This statement mentions that due to difference in language, the impact of certain experiences shared in the interview got lost in translation. This affected the respondent emotionally.

Through analysis of the quotes, statements and commentary displayed in this section, it can be derived from both the content of the experiences as well as the notions of the elements of language, culture and institutional context, that several factors related to translation play an important role during the interview. Difficulties or misconceptions concerning translation were



reported to interfere with the ability to convey the story to the IND official, and due to translation the emotional impact carried by a statement could be impaired.

4.2.6 Results

Analysis of the qualitative data deriving from the COC 'Welcoming Equality' report provides interesting information with regard to the experiences of participants of the research with the IND. All quotes and statements available and relevant to each topic were analyzed to investigate what the experience entailed, if there was any reference to language, culture or institutional context, and if there was any notion of emotion present. This qualitative analysis investigated 36 statements from 28 different applicants, of which 6 were female, 18 male and 4 identified themselves as transgender. Out of all applicants providing this information 10 were granted asylum, 7 are awaiting their decision and the remaining 11 have been denied asylum and are currently fighting this decision or have applied for a new procedure. The findings of the analysis display that the majority of the statements explicit as well as implicit references to language, culture or institutional context could be identified. However, the results indicate that, contrary to the findings of the quantitative analysis the shared experiences were predominantly negative. The interpretation of these findings will be discussed in the next chapter.



Section III: Conclusion & Discussion

Chapter 5: Discussion & Conclusion

5.1 Conclusion

This thesis explored how LGBT asylum seekers might be at risk of secondary victimization during the interview proceedings of their RSD process within the Dutch asylum procedure. First, a theoretical framework surrounding the concept of secondary victimization was established, with the aim to discover what elements were important to consider during the assessment of LGBT asylum claims. These were identified as language, culture and institutional context. Furthermore, this thesis assumed that experiencing negative emotions relating to these elements could be considered as posing a risk of secondary victimization. To investigate if actual experiences of LGBT asylum seekers corresponded with the suggestions made by the theoretical framework, secondary research data was analyzed. The general topics analyzed by this thesis were categorized as experience with the interviewer, discussion of sexual orientation and gender identity, background knowledge of the interviewer, questioning throughout the interview and contact with translators.

First, quantitative data was analyzed, and these research findings displayed that the average opinion of LGBT asylum applicants who reported their experiences with the interview proceedings of their asylum procedure, could on average be considered positive. This could be an indication that the risk of secondary victimization during the interview proceedings might not be high based on the general experience of the applicants. Although the general opinion was positive, analyzing the qualitative data was deemed necessary to provide context and illustration to the findings of the quantitative data analysis and to obtain distinct judgement of the LGBT asylum seekers with regard to their experiences with the IND.

The qualitative analysis consisted of exploring the content of quotes and commentary reported by the participants of the research. This elaboration from the respondents was both positive and negative, however it predominantly concerned negative experiences. It was found that many negative and positive experiences indeed mentioned or implied the presence of one or more of the elements of language, culture and institutional context.

With regard to language, LGBT asylum applicants reported to have experienced difficulties with vocalizing their experiences, as well as difficulties with the accuracy of their translated interview reports. This could result in the impact of a shared experience getting lost



in translation. Moreover, on occasions the translator was accused of not doing their job well, however this might be more incidental or an example of frustration than a trend.

With regard to the element culture, quite a lot of shared experiences mentioned both a perceived lack of background knowledge concerning country conditions as well as background knowledge about the LGBT community. This made asylum seekers feel like they were misunderstood, their problems trivialized or their gender identity not being acknowledged. Furthermore, difference in culture between the applicant and the interviewer has also proved to cause difficulties with regard to the frame of reference. For asylum seekers, it can be difficult to conform to the open communication of the Dutch, causing discomfort with regard to explicit questions or discussing sensitive topics. Moreover, some constructs and concepts may be used in cultures but are ambiguous to individuals from other cultures, such as 'self-acceptance' and 'discovery of being LGBT'. This proved to confuse applicants and make them uncomfortable with such questions. On the other hand, the way applicants express themselves or recollect memories might not be understood by asylum adjudicators, thereby posing a risk for perceived credibility of statements. More positive experiences entailed that open-minded officials that "put themselves in the shoes" of applicants make them feel comfortable and encouraged to talk openly about their experiences despite differences in background and culture.

When this thesis explored experiences of LGBT asylum seekers relating to institutional context, treatment by IND personnel was predominantly perceived as friendly and respectful. However, it could be derived from the research that the structure of interviews may interfere with the ability of applicants to express views and share the whole story. The nature of questions can also cause discomfort, especially when questions feel impertinent or do not feel relevant to the purpose of RSD. Finally, disregarding procedural regulations or permissible evidence may have negative impact on LGBT asylum applicants, since the consequences may be far-reaching. However, this could be incidental and not indicate a trend.

To address the final sub-question of this thesis, the research findings of this thesis correspond partially with the expectations of the theoretical framework. Indicators of secondary victimization were indeed reported by LGBT asylum seekers, as well as references to the elements of language, culture and institutional context. Several shared experiences analyzed by this research were quite expressive with regard to emotional load, which may suggest that such experiences could cause or add to victimization. Feelings of despair could be derived from the quotes, as well as discomfort, being made to feel like they don't matter, their problems being trivialized or having to explain things that they experienced to be vulgar, private or their personal nature not relevant for the purpose of RSD. The elaboration of experiences was more



negative than positive, but it must be considered that only a small group of LGBT asylum seekers engaged in such elaboration and the general experience was reported as positive on average.

In conclusion, the research findings of this thesis display that the average opinion of LGBT asylum applicants with regard to their reported experiences with the interview proceedings of their asylum procedure, could be considered quite positive. Positive experiences would indicate a low risk of experiencing victimization, yet elaboration on the experiences proved that LGBT asylum seekers do report indicators of secondary victimization. However, based on the reported general positive experience the extent to which they are actually at risk of experiencing secondary victimization may be perceived as low.

5.2 Discussion

The findings of this thesis appear to only partially correspond the expectations of the theoretical framework. The factors of language, culture and institutional context are indeed reported by the target group of this research, as well as indicators of secondary victimization. However, evaluation of their own overall experiences displayed that these were not negative, implying the interview proceedings of the Dutch procedure of RSD do not put LGBT asylum seekers at a well-founded risk of secondary victimization.

With this conclusion, this thesis cannot provide a sound and conclusive answer to the main research question, since the scope of this research is limited and the format of this research was already subject to the limitations discussed in the Methodology section. The findings of the quantitative analysis do not seem to correspond with the findings of the qualitative analysis. When looking at the findings of the qualitative analysis most findings were negative. It could be possible that individuals only chose to comment in the survey or take part in the in-depth interview because their application for asylum was denied and they might have felt the need to share their feelings of injustice, causing this data to be biased. Another possible explanation can be the framing of the questions in the Welcoming Equality survey, were numerous quotes derived from. One of the open-ended questions was formulated as: "What kind of questions made you feel uncomfortable and why?". Consequently, all responses available to analyze were negative to begin with. With the little qualitative data that was available for analysis, this could have painted a distorted picture of the overall experiences of LGBT asylum seekers and thereby might have contradicted the findings of the quantitative data in some way. On the other hand, all statements of the quantitative data analysis were formulated in a positive manner. If agreeing with a statement would be something respondents



feel most comfortable with, the default response is positive. However, this is pure guesswork in an attempt to interpret the gap between the findings of the qualitative and quantitative analysis.

When interpreting the findings of this thesis within the existing field of academic research with regard to RSD for LGBT asylum seekers, this thesis possesses considerable limitations, but it provided some contributions as well. In the qualitative data analysis, references to the elements of culture, language and institutional context were investigated. However, these elements seemed strongly intertwined rather than separate elements, and in some cases attempting to make such a distinction seemed quite arbitrary. This did not correspond with the theoretical framework of this thesis. It is difficult to discuss any implications of this observation, however it is clear that additional research must be conducted with regard to secondary victimization in the context of asylum hearings since the scope of this thesis is limited.

One contributing factor of this thesis was the analysis of empirical data to test the expectations deriving from the empirical framework. This particular format within this research context had not yet been conducted. Therefore, although it might not have corresponded with the expectations, it did provide some unexpected findings. For example, one finding of the research that was not foreseen by the theoretical framework concerned the element of culture with regard to the presence of a translator. If sensitive information has to be translated by someone sharing a similar conservative background fear of judgment can arise within the applicant, influencing their ability to express themselves freely. In addition, it eventually found that although LGBT asylum applicants may encounter experiences indicating a risk of secondary victimization, it might not affect their entire experience with the interview proceedings as such. This may suggest that experiencing indicators of secondary victimization, might not directly lead to negative impact or add to victim status and subsequently to secondary victimization. Since this thesis merely conducted an exploratory analysis, conducting further research is necessary in order to discuss any implications for the academic field.



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Appendix

Appendix A: Methodology of the COC Welcoming Equality Research

3.2.1 *Participants*

The target group for this research were LGBT refugees seeking asylum in the Netherlands on the ground of fearing persecution in their country of origin because of their sexual orientation or gender identity. The subjects had to have a V-number, which meant they were registered by the Central Organ of Asylum (COA) of the Netherlands. In order to address potential subjects, information about the survey was distributed on social media platforms and through the mailing lists of member associations of COC Netherlands. In the end the quantitative data was gathered through this online survey, which provided 60 responses. At the end of the survey participants could indicate whether they were interested in doing an in-depth interview with a researcher from COC Netherlands, where they could elaborate further on their experiences. Eventually 10 out of these 60 participants could be interviewed, for which they received reimbursement of their travel expenses and a small financial compensation for their time.

3.2.2 *Material*

The online survey was developed on SurveyMonkey, a digital platform to build and administer online questionnaires. The survey was developed by COC Netherlands in 2017, and therefore ready to use when this research started. Participants could fill out the survey on a computer, tablet or smartphone. A basic version of the survey can be found in Appendix B. The survey had an introduction page with information about the purpose of the research, which was followed by 31 questions. Every survey started with the same general questions, regarding the name, age, country of origin, date of arrival, V-number, sexual orientation and gender identity, and the status of the asylum application. Based on the status of the asylum application, the questionnaire continued conforming to the participant's situation. The questions covered different areas of interest: demographic information, experiences with the IND, COA, legal assistance, health care and the Dutch Network for Refugees. Throughout the survey, the route of questions was determined by previous questions, so for example in case someone had not



yet had the interview with the IND the survey would skip all IND-related questions. This was the case for all of the main themes of the survey, which also made it easier to select the participants who could provide relevant and usable information with their answers. In those questions respondents could indicate to what extent they agreed with a statement, for example: *“The questions the IND asked me helped me to tell my whole story”* or *“I think the interviewer had knowledge about LGBT topics”*. Answers could be given on a scale from 1-5, a score of 1 corresponding with “strongly disagree” and 5 with “strongly agree”. In total there were six scale questions about the IND. Participants were also given three blank writing spaces to elaborate on their responses to the statements. They could share if so, what type of questions of IND officials made them feel uncomfortable, they could share general thoughts about the IND, and they could share experiences that were not covered by the survey. Any question could be skipped by the participant, answering was not mandatory. Since the number of questions could vary between the participants, there was no time limit and the survey could be paused when needed and resumed later. At the end of the survey, participants could leave their contact details if they were interested in participating in an in-depth interview.

The in-depth interview was a confidential appointment between the researcher and the participant. All interviews took place in a quiet space at the selected location, and the researcher made notes during the interview, as well as a recording of the conversation. All recordings were confidential and only used to complement the notes and retrieve direct quotes, not to be shared with other parties. The final product of the interviews was a summary of the interview, based on the notes, recordings and quotes of the participants but without any personal information that could identify them.

3.2.3 Procedure

Potential respondents were sent a link to the survey explicated in the previous section. Finally, after filling out the questions the participants could leave their contact information and indicate if they were interested to learn more about the research and the possibility to do an in-depth interview. The people who posed interest in the interview received an e-mail with information about the research and were asked again whether they would like to participate. If they responded positively, they received a digital copy of the information sheet and informed consent, and were told to read it carefully since they had to sign a hardcopy of the form before the interview would take place.



These documents can be found in Appendix C. Participants who agreed were given several data and asked for their availability to plan the interview. Date, time and place were negotiable since most of the participants were still living at COA reception centers, which are often located in the Dutch countryside. Planning the interviews was a time-consuming task, because respondents were often hard to get a hold of and it could take several days to receive a response to an e-mail. In the end ten individuals were willing and able to participate in the in-depth interview, which took approximately 2.5 hours on average. Eight out of ten interviews took place at the COC office, one took place at a COA reception center and one at a café. On one occasion a translator was present at the interview, who could fortunately also be reimbursed from the research budget. The interpreter was an acquaintance of the participant, shared the same native language and had worked with COC Netherlands before. All interviews were semi-structured, with a few fixed open questions in order to address the topics of interest but with enough space for the subject to share the personal experiences. The information each respondent gave in the online survey was analyzed beforehand and used as a guideline for the interview to build on. Before each interview the participant was given time to read the information sheet again and sign the informed consent. After each interview, the participant signed for receiving the compensation for their time and travel expenses. The interviews were recorded by audio and later summarized in order to leave out recognizable personal information and irrelevant chatter. After all interviews were finished, all participants received a summary of their own interview in English, and were given the opportunity to respond with comments or corrections. Those comments and corrections were taken into account when finalizing the report. All information from the interview summaries and survey quotes were then assorted by content in order to discover which larger issues and themes derived from all data. After the concept of the report was finished, COC sent it to COA and the IND. Only COA responded.



Appendix B: COC Netherlands Welcoming Equality Online Survey

Introduction

Thank you for participating in this COC survey about asylum. In this survey we will ask you questions about your experiences with the Dutch asylum system, the IND, and the COA.

The survey contains 29 questions and it will take approximately 20 to 30 minutes to complete. You can find an online version of the survey at <https://nl.surveymonkey.com/r/lgbtasylum>

WHO CAN PARTICIPATE?

You can participate if you:

- Identify as lesbian, gay, bisexual, transgender AND
- Arrived in the Netherlands in January 2015 or later AND
- Are still in the asylum procedure OR have a status (on A or B ground)

WHY PARTICIPATE?

This survey is part of a research into the experiences of LGBT asylum seekers and refugees, especially with the IND and COA. This research will help COC understand the key challenges and issues that LGBT asylum seekers and refugees face. The results of the research will be published in a report.

PRIVACY

We ask all participants for their V-number. We do this because the funder of this research (the Asylum, Migration and Integration Fund) wants to check with COA whether all participants are asylum seekers or refugees on the date of the survey. We will not publish your name or your V-number. COC will NOT share any of your answers with COA. In writing the report we will regard your anonymity and we will not publish any information through which you could be recognized.

ABOUT COC NETHERLANDS

COC Netherlands has been advocating the rights of lesbian women, gay men, bisexuals and transgenders (LGBTs) from 1946 on. COC strives for the decriminalization of sexual orientation and gender identity and for equal rights, emancipation and social acceptance of LGBTs in the Netherlands and all over the world.



MORE INFORMATION

If you have any questions about this survey, please contact COC by emailing to ...

Personal information

1. Name

2. V-number

3. Age

4. Country of Origin

5. When did you arrive in the Netherlands? (DD/MM/YYYY)

6. How would you identify yourself? (multiple choice)

- Gay
- Lesbian
- Bisexual
- Heterosexual
- Transgender
- Other



IND

7. Did you have an interview with the IND? (single choice)

- Yes – I got a positive decision
- Yes – I got a negative decision
- Yes – I’m waiting for a decision
- No

*go to question 14

8. Did you tell the IND about your sexual orientation or gender identity? (single choice)

- Yes
- No

*go to question 9 and 13

9. What is the reason you did not talk about your sexual orientation or gender identity?

(multiple choice)

- It thought it was not relevant
- Because of the interviewer
- Because of the interpreter
- I did not know I could talk about this
- Other

10. Please indicate if you agree with the following statements

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	N/A
I felt at ease with the interviewer						
The interviewer made me feel like I could talk about my sexual orientation or gender identity						
I think the interviewer had knowledge about LGBT topics						
I was able to tell my whole story						
The questions the IND asked helped me to tell my whole story						
I felt at ease with the						



interpreter						
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11. Did you feel comfortable answering all the questions the IND asked? (single choice)

- Yes [*go to question 12](#) No [*go to question 13](#)

12. What type of questions made you feel uncomfortable?

13. Is there anything else you would like to share about you contact with the IND?



COA

14. In which COA location do you live?

15. Since when do you live there?

16. Please indicate if you agree with the following statements

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	N/A
I feel respected by COA staff						
The COA staff treat me the same as they treat everyone else						
I can turn to COA staff for support when I need it						
I can talk to COA staff about my sexual orientation or gender identity						
I think the COA staff has knowledge about LGBT topics						

17. Are you open about your sexual orientation or gender identity? (single choice)

- Yes – everyone in the reception centre knows
- Yes – only to friends
- Yes – only to COA-staff
- Yes – to friends and COA-staff
- No
- Other



18. Did you feel safe in the reception centres? (single choice)

Yes

No

*go to question 19

*go to question 21

19. How often do you feel unsafe? (single choice)

- Less than once a month
- Once a month
- 2-3 times a month
- Once a week
- 2-3 times a week
- Daily

20. Did you experience any discrimination or violence? (single choice)

Yes

No

*go to question 26

*go to question 21

21. What type of discrimination or violence did you experience? (multiple choice)

- Name calling
- Threats
- Bullying
- Physical violence
- Sexual violence
- I prefer not to tell
- Other;

22. Who is responsible for the discrimination and/or violence? (multiple choice)

- Other people living in the reception centre
- COA staff
- Security staff
- I prefer not to tell



Other;

23. How often do you experience discrimination or violence? (single choice)

- Less than once a month
- Once a month
- 2-3 times a month
- Once a week
- 2-3 times a week
- Daily

24. Did you tell COA staff what happened? (single choice)

Yes

*go to question 25 No

*go to question 26

25. Please indicate if you agree with the following statements

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	N/A
The COA took my complaint seriously						
The COA responded to my complaint						
The situation changed after I filed my complaint						
I felt safer after reporting the incident						

26. Is there anything else you would like to share about you contact with the COA?



Other

27. Is there anything that you would like to share about your contact your lawyer?

28. Is there anything that you would like to share about your contact the Dutch Council for Refugees (VVN, VluchtelingenWerk Nederland)

29. Is there anything else you would like to share?

If you would like to share anything that has not been covered in this survey, you can let us know below.

Thank you!



Thank you for taking time to participate in our survey. We truly value the information you have provided. By participating in this survey, you've made your voice heard and helped us to further develop our asylum programme.

Updates about research

Do you want to receive updates about this research? You will receive emails with updates about the research and let you know when the report will be published.

- Yes, I would like to receive updates about this research No, thank you.

Interviews

As part of this research COC will also do in-depth interviews. If you are interested in sharing more of your experiences, let us know!

- Yes, I would like to know more about the interviews No, thank you.

Contact information

If you'd like to receive updates about this research or are interested in participating in the in-depth interviews, please leave your contact information below.

Email:

Phone number:



Appendix C: COC Netherlands Welcoming Equality Informed Consent and Information Sheet



CONSENT FORM



Project	Welcoming Equality
Activity	2 – Research into the experiences of LGBT asylum seekers
Interviewer	

Thank you for agreeing to be interviewed as part of the research project.

This consent form is necessary for us to ensure that you understand the purpose of your involvement and that you agree to the conditions of your participation. Would you therefore read the accompanying **information sheet** and then sign this form to certify that you approve the following.

By signing this form I agree that;

1. I am voluntarily taking part in this project. I understand that I don't have to take part, and I can stop the interview at any time;
2. I have read the Information sheet;
3. I don't expect to receive any benefit or payment for my participation;
4. I can request a copy of the transcript of my interview and may make edits I feel necessary to ensure the effectiveness of any agreement made about confidentiality;
5. I have been able to ask any questions I might have, and I understand that I am free to contact the researcher with any questions I may have in the future

I also understand that my words may be quoted directly. With regards to being quoted, please initial next to any of the statements that you agree with

All or part of the content of your interview may be used;

- In academic papers, policy papers or news articles
- On our website and in other media that we may produce such as spoken presentations
- On other feedback events

V-number	Signature



INFORMATION SHEET



Please consider this information carefully before deciding whether to participate in this research.

ABOUT THE RESEARCH

Purpose of the research: To understand the experiences of lesbian, gay, bisexual, transgender and intersex (LGBTI) asylum seekers and refugees in the Netherlands.

What you will do in this research: If you decide to volunteer, you will be asked to participate in one interview. You will be asked several questions. Some of them will be about your experiences with the IND. Others will be about your experiences with COA.

Benefits: This is a chance for you to tell your story about your experiences with the Dutch asylum system. COC Netherlands will publish the results of the research in a report. This will help COC's work to improve the Dutch asylum procedure.

Risks: We don't anticipate that there are any risks associated with your participation. If you have bad experiences with the IND or COA, some of the questions may cause discomfort.

Participation and withdrawal: Your participation in this study is completely voluntary, and you may refuse to participate or withdraw from the study without penalty. You may withdraw by informing the interviewer that you no longer wish to participate (no questions will be asked). You may skip any question during the interview, but continue to participate in the rest of the study.

PRACTICAL INFORMATION

Time required: The interview will take approximately 2 hours.

Travel costs: You will receive a reimbursement for your travel costs in cash at the end of the interview.

Travel costs: You will receive a meal allowance of € 30,- at the end of the interview.

THE INTERVIEW

1. The interview will be recorded and a summary of the interviews will be produced
2. You will be sent the summary and given the opportunity to correct any factual errors
3. The summary of the interview will be analyzed by Michelle Douglas and Jessica van Zadelhoff
4. Access to the summary will be limited to Michelle Douglas and Jessica van Zadelhoff, and COC Netherlands colleagues with whom they might collaborate as part of the research process
5. Any summary interview content, or direct quotations from the interview, that are made available through publication or other outlets will be anonymized so that you cannot be



identified, and care will be taken to ensure that other information in the interview that could identify yourself is not revealed

USE OF INTERVIEW

Research: the information you provide during the interview will be used for a report about the experiences of LGBT asylum seekers in the Netherlands.

Future use: the information you provide during the interview may be used as the basis for articles or presentations in the future. COC Netherlands won't use your name or information that would identify you in any publications or presentations.

PRIVACY

V-number: All participants will be asked for a V-number. Your name or V-number will not be attached to any results, and to ensure your anonymity we will not report any results that have less than three respondents

COC will use the V-numbers to check with COA if all participants are in the asylum procedure or have a status on the date of the survey. We do this because the financier of this research (the Asylum, Migration and Integration Fund) wants proof that all participants are asylum seekers or refugees. COC will NOT share any of your answers with COA.

Confidentiality: Your responses to interview questions will be kept confidential. At no time will your actual identity be revealed. You will be assigned a random numerical code. Anyone who works on the research will only know you by this code. The key code linking your v-number with the numerical code will be kept in a locked file, and only accessible to the project manager asylum.

Recording of the interview: The recording of the interview will be erased at the end of the project Welcoming Equality on 31 August 2018.

Summary of the interview: The transcript of our interview, without your name, will be kept in a locked file, and only accessible to the project manager asylum

QUESTIONS AND CONCERNS

<p>To Contact the Researcher: If you have questions or concerns about this research, please contact: Jessica van Zadelhoff.</p>
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Appendix D: Information About the Sources providing the Quotes and Statements of the Qualitative Data Analysis

Source Nr.	Participant ID⁵⁹	Status of Procedure/ Decision	Country of Origin	Age	Gender Identity
1	2018_020	Positive	Iran	25	Male
2	2018_032	Positive	Nigeria	22	Female
3	2018_030	Awaiting	Egypt	39	Male
4	2018_043	Positive	Nigeria	43	Male
5	2018_020	Positive	Iran	25	Male
6	2018_039	Awaiting	Uganda	41	Female
7	2018_037	Negative	Uganda	24	Female
8	2018_028	Negative	Russia	37	Male
9	2018_023	Positive	Syria	21	Male
10	2018_036	Awaiting	Sierra Leone	22	Female
11	2018_045	Negative	Honduras	35	Transgender
12	2018_031	Positive	Lebanon	24	Transgender
13	2018_016	Positive	Trinidad & Tobago	35	Male
14	2018_045	Negative	Honduras	35	Transgender
15	2018_046	Negative	Mexico	33	Transgender
16	2018_018	Negative	Uganda	34	Female
17	2018_029	Awaiting	Azerbaijan	31	Transgender
18	2018_029	Awaiting	Azerbaijan	31	Transgender
19	2018_043	Positive	Nigeria	43	Male
20	2018_018	Negative	Uganda	34	Female
21	2018_033	Negative	Nigeria	42	Male
22	2018_001	Awaiting	Russia	29	Male
23	2018_002	Awaiting	Russia	36	Male
24	2018_026	Positive	Sri Lanka	30	Male
25	2018_024	Awaiting	Morocco	26	Female
26	2018_047	Positive	Lebanon	25	Male
27	2018_048	Negative	Iraq	25	Male
28	2018_049	Positive	Egypt	31	Female
29	2018_032	Positive	Nigeria	22	Female

⁵⁹ The participant ID was a randomly assigned serial number for each participant.



30	2018_029	Awaiting	Azerbaijan	31	Transgender
31	2018_002	Awaiting	Russia	36	Male
32	2018_034	Awaiting	Egypt	31	Male
33	2018_016	Positive	Trinidad & Tobago	35	Male
34	2018_024	Awaiting	Morocco	26	Female
35	2018_040	Negative	Afghanistan	25	Male
36	2018_033	Negative	Nigeria	42	Male