

## **Credibility Assessment in Asylum Determinations Involving Sexual Minorities**

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Master's thesis in Psychology

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# CREDIBILITY ASSESSMENT IN SOGI ASYLUM CLAIMS

## ÅBO AKADEMI UNIVERSITY – FACULTY OF ARTS, PSYCHOLOGY AND THEOLOGY

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<b>Abstract</b> Asylum seekers belonging to a sexual minority should be given an opportunity to have their claim evaluated in a fair and unbiased manner. Despite this, research shows they risk having their claims rejected based on stereotypical assumptions regarding sexual minorities. In the current study, we investigated how the Finnish Immigration Service evaluated credibility in asylum claims involving sexual minorities. We investigated 68 real asylum decision documents to assess the arguments made to reject the claim for asylum. We found that asylum claims based on sexual orientation were typically rejected because the asylum applicant's sexual orientation was not found credible. The arguments presented for this conclusion suggested that asylum officials have high demands on asylum seekers' abilities to provide detailed and consistent narratives. We also found that asylum officials made unsupported assumptions around sexual identity development and dating behavior. These demands and assumptions are not in line with established psychological science on memory, human variability in behavior, and cultural differences.	
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<b>Abstrakt:</b> <p>Asylsökande som tillhör en sexuell minoritet borde ges en möjlighet att få sina ansökningar bedömda rättvist och utan fördomar. Trots detta påvisar forskning att de riskerar att få avslag på sina ansökningar på grund av stereotypiska uppfattningar gällande sexuella minoriteter. Vi ämnade i denna studie utforska hur Migrationsverket bedömde tillförlitlighet i asylprocesser som innefattar sexuella minoriteter i Finland. Vi utforskade 68 riktiga beslutsdokument från asylfall för att bedöma de argument som fördes fram för att ge avslag på asylansökan. Våra resultat tydde på att asylansökningar kopplade till sexuell läggning oftast fick avslag på grund av att den asylsökandes sexuella läggning inte sågs som tillförlitlig. Argumenten som fördes fram för att stödja denna slutsats tydde på att asylhandläggare hade höga krav på asylsökandes förmågor att återge detaljrika och samstämmiga berättelser. Vi noterade också att asylhandläggare förde fram ogrundade antaganden kring utveckling av sexuell identitet och partnersökande beteenden. Dessa krav och antaganden beaktade inte etablerad psykologisk kunskap kring minne, mänskliga variationer i beteende och kulturella skillnader.</p>	
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# CREDIBILITY ASSESSMENT IN SOGI ASYLUM CLAIMS

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### **Credibility Assessment in Asylum Determinations Involving Sexual Minorities**

Worldwide persecution of lesbian, gay, bisexual, transgender, queer or questioning, and intersex (hereafter LGBTQI) persons is an issue of growing international awareness and concern. Explicit criminalization of same-sex sexual activity between consenting adults occurs in 70 jurisdictions globally (ILGA World: Mendos et al., 2020), while transgender people suffer criminalization of gender expression in 14 countries (ILGA World: Chiam et al., 2020). Moreover, LGBTQI persons may suffer societal harm through insufficient state protection against discrimination and hate crimes as well as restrictions on human rights to liberty, privacy, and freedom of expression (UNHCR, 2012). In light of these circumstances, many LGBTQI persons must flee their countries and seek international protection abroad.

The 1951 Refugee Convention defines a refugee as a person who is outside their country of nationality, has a “well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion”, and is unable or, due to this fear, unwilling to return to their own country (United Nations, 1951). Although they were not explicitly mentioned in the UN definition of a refugee, sexual orientation and gender identity (SOGI) have since the 1990’s gained increasing acceptance as fundamental aspects of human identity deserving of protection (Millbank, 2013). SOGI asylum applicants are typically accepted as refugees on grounds of their membership of a particular social group, although the grounds of political opinion or religion may also be applicable (UNHCR, 2012).

Despite increasing recognition of LGBTQI persons’ eligibility for international protection according to the United Nations High Commissioner for Refugees (UNHCR), existing evidence suggests that the practical application of international refugee law to LGBTQI persons is inconsistent both within and between countries. The report entitled *Fleeing Homophobia* (Jansen & Spijkerboer, 2011) found several issues with the evaluation of SOGI asylum claims in

Europe. The report highlights problematic use of medical, psychiatric, or psychological evaluations in attempting to establish sexual identity, as well as stereotypical assumptions leading to SOGI asylum-seekers not being believed as belonging to a sexual minority. Another issue highlighted by the report is how late disclosure of sexual orientation is often viewed as discrediting the claim itself, regardless of the reasons that SOGI asylum applicants provide for not having dared to disclose their sexual orientation at an earlier point. There is also considerable variation in legal practice between EU states, indicating a need for more unifying practices in evaluating and determining the refugee status of asylum applicants with SOGI claims.

Finland adheres to the Common European Asylum System, which officially recognizes persecution based on sexual orientation or gender identity as grounds for seeking asylum, as laid out by the Qualification Directive (Directive 2011/95/EU) and the Finnish Aliens Act. The Finnish Immigration Service's (Migri) official guidelines emphasize the need to assess the credibility of both the asylum seeker's testimony regarding their fear of persecution and their LGBTQI identity (Finnish Immigration Service, 2017). Migri collaborates with the Finnish LGBTQI rights organization Seta that helps in raising asylum officials' awareness on LGBTQI matters, as well as the European Union Agency for Asylum that provides training on interviewing vulnerable groups to Senior Advisers at Migri (Finnish Immigration Service, 2017). Despite these guidelines and efforts, little is known about how SOGI asylum claims are evaluated in practice. Our aim with the current study was, therefore, to investigate how Migri assesses the credibility of SOGI asylum claims by analyzing written decisions on applications not granted refugee status.



### **Credibility Assessment of SOGI Asylum Claims**

To qualify for international protection, asylum applicants must establish that they have reasons to fear persecution in their home countries, and that said persecution is linked to one of the five grounds outlined in the UN refugee definition (United Nations, 1951). This is inherently difficult as many asylum seekers escape their home countries without documents or other physical evidence supporting their claims of persecution (Kagan, 2002). In SOGI asylum claims, the evaluation process is further complicated by a need to determine the veracity of claims related to the applicant's social and sexual identity. Given the scarcity of physical evidence that can be provided to corroborate an asylum applicant's claim, the SOGI applicant's statements are particularly important in the asylum determination process (Millbank, 2009b). To support the credibility assessment, the UNHCR recommends using certain credibility indicators, or criteria used to determine whether a claim is capable of being believed (i.e., *detail and specificity, internal consistency, external consistency, plausibility, and late disclosure*; UNHCR, 2013). However, even when the applicant's story is found to be entirely credible, the applicant may still not be eligible for refugee status. This may be the case when a lack of available LGBTQI-related information from the applicant's country of origin leads to an assumption that the applicant could not have experienced systematic harm there (Dauvergne & Millbank, 2003; Jansen & Spijkerboer, 2011).

### ***Challenges in SOGI Asylum Applicants' Disclosure of Their Claims***

SOGI asylum applicants face several challenges in producing a convincing asylum narrative. Issues with memory are common and may result in a lack of detail and the presence of inconsistencies in their oral testimony (Cameron, 2010; Graham et al., 2014). Although the effects of trauma on memory may not be consistent (Brewin, 2011), it is recognized that asylum

applicants' experiences of harm may affect their ability or willingness to provide details (Herlihy et al., 2012; Graham et al., 2014). The applicant may never have previously disclosed or discussed their identity openly, making it difficult for them to produce a coherent or elaborate account. The asylum interview context itself also contains factors influencing disclosure, such as the applicant's potential distrust in authorities, the presence of an interpreter who may belong to the same community as the asylum seeker, and cultural expectations held by all interview participants (Herlihy & Turner, 2009).

Finally, terms used by SOGI applicants for self-identification differ between cultures and languages. Many concepts used in Western contexts do not exist in the languages of other cultures, and an asylum seeker may not identify with common terms used in their host country (Dhoest, 2019). They may even self-identify using terms that would otherwise be considered derogatory due to a lack of existing neutral vocabulary in their own language (see e.g., Chapter 11 of Gyulai et al., 2015). Although Western terms such as 'gay' or 'lesbian' are widespread, some cultures may still regard them as stigmatizing and reject them altogether. This may be the case in cultures where identification with labels is uncommon and homosexuality is considered to refer to the person's conduct rather than a facet of their identity (Katyal, 2004).

### ***Challenges Affecting Asylum Decision-Makers***

Decision-making in legal contexts is a cognitively demanding and time-consuming process (see e.g., Kapardis, 2003), and legal decision-makers often rely on assumptions and mental shortcuts to ease this cognitive load (Kahneman, 2011). Such assumptions may affect how they process information at their disposal, what information they attend to, and how much weight they give to different pieces of information in making the final decision (Dror, 2020). In the asylum context, decision-makers may rely on assumptions about human memory and

behavior that are at odds with current psychological knowledge to judge the credibility of a claim (Herlihy et al., 2010; Herlihy & Turner, 2015). Although mental shortcuts facilitate decision-making in day-to-day life, they may lead to serious errors when reaching legal decisions. Falsely granting asylum to an applicant who does not meet the refugee definition diminishes the integrity of the asylum process, while incorrectly rejecting an asylum applicant with a genuine risk of harm can result in their return to their home country and have devastating consequences on their life.

Evaluating the credibility of SOGI asylum claims presents additional challenges for decision-makers. There are several models of how LGBTQI identities develop over time, which officials may use to assess applicants' accounts. These models suggest that LGBTQI individuals undergo a structured, linear path involving specific stages including feelings of difference, disclosure, pride and rejection of heterosexuality, and an eventual integration of the sexual identity within their overall self-concept (Eliason & Schope, 2007). Although structured, linear models of identity development are appealing, they fail to represent the lived experiences of many individuals (Eliason & Schope, 2007). As most psychological models have been developed using gay male populations, issues may arise when attempting to apply them to lesbians or other applicants (Eliason & Schope, 2007). The models also emphasize disclosure or 'coming out', which may be problematic when evaluating claims from LGBTQI persons who have refrained from disclosing their sexual orientation in their country of origin for their own safety and continue to hide their identity in the country of asylum (Berg & Millbank, 2009; Jordan, 2009).

Worryingly, stereotypes about the appearance and behavior of LGBTQI individuals have been found to affect asylum decision-making (Millbank, 2009b; Jansen & Spijkerboer, 2011). Officials have, for example, referred to their 'gaydar' when evaluating asylum-seekers'

testimonies, and have rejected applications from gay men because they did not consider them to be effeminate enough (see e.g., Selim et al, 2022). We come to the realization that asylum seekers stand a better chance of being granted asylum if they conform to a given stereotype about sexual minorities than if they tell their actual story.

## **Previous Research**

### ***SOGI Asylum Claims***

Some previous studies have focused on the evaluation of SOGI asylum claims in various contexts. These include studies in Norway (Gustafsson Grønningsæter, 2017), the Netherlands (Jansen, 2019), the UK (Millbank, 2009a; Millbank, 2009b; Asanovic, 2018; Dustin, 2018), Australia (Millbank, 2002; Millbank, 2009a; Millbank, 2009b), Canada (Millbank, 2002; Millbank, 2009b; LaViolette, 2014; Hersh, 2015), and New Zealand (Millbank, 2009b). These studies show a general progression in how SOGI asylum claims are adjudicated around the world. Earlier studies found that asylum officials commonly rejected SOGI cases based on arguments that an asylum applicant could simply continue concealing their sexual orientation in their country of origin to avoid persecution. This reasoning was later banned by high courts in several countries, on the grounds that it is unreasonable to expect someone to conceal a fundamental aspect of their identity (Millbank, 2009a). More recent studies have instead found that SOGI claims are most often rejected based on disbelief of the applicant's SOGI identity. Asylum officials have cited the applicant's lack of knowledge around LGBTQI matters and culture, an excessive focus on sex and sexual conduct in the asylum interview, lack of subjective reflection on their feelings, and delayed disclosure of their LGBTQI identity within the asylum process as reasons to disbelieve the claims (see e.g., Jansen, 2019).

A recurring finding in studies on SOGI asylum decision-making was the presence of intrusive or inappropriate questions about sexual conduct in asylum interviews (e.g., Jansen & Spijkerboer, 2011; UKLGIG, 2013). In response to these problems, the Difference, Stigma, Shame, Harm (DSSH) model of interviewing was developed in 2011 to aid asylum officials in formulating relevant and appropriate questions. The DSSH model encourages officials to focus their interview questions on applicants' own perceptions and experiences as well as the harm they have experienced rather than their actions and conduct. The model is endorsed by the UNHCR in their guidelines on credibility assessment of SOGI asylum claims (UNHCR, 2012), and is applied in many European countries, including Finland (Gyulai et al., 2015). Although the DSSH model provides a more structured and appropriate interviewing approach to support in the credibility assessments of SOGI asylum claims, it has also been criticized for promoting a Western understanding of sexuality development (Dawson & Gerber, 2017). The model may also contribute to expectations about how LGBTQI people should experience and perceive their SOGI identity. For example, when SOGI asylum applicants deny feelings of guilt or shame in connection to their sexual orientation—an important area of inquiry within the DSSH model—they may be evaluated as not having a credible claim (Gustafsson Grønningsæter, 2017; Jansen, 2019).

### ***The Finnish Asylum Context***

The differences in existing national guidelines and asylum procedures around the world motivate further studies on SOGI asylum evaluations in specific contexts. Moreover, existing studies on this topic have largely consisted of qualitative analyses of small samples of asylum documents, indicating a need for further quantitative research on SOGI asylum cases.

Finland has received relatively stable numbers of incoming asylum-seekers in the last few decades, with the number of applications generally hovering around 3,000–4,000 per year, with the exception of 2015, in which 32,477 asylum applications were lodged (Finnish Immigration Service, 2023). Migri does not release public statistics regarding specific types of asylum claims, meaning the number of SOGI asylum applications is unknown. Following the spike of applications in 2015, the rejection rates of asylum applications rose from 16.4% in 2015 to 50.6% in 2016 (Finnish Immigration Service, 2023). These shifting trends increased academic interest in asylum decision-making. Vanto et al. (2021) examined differences in justifications for rejecting applications lodged by Iraqi asylum-seekers before and after the spike in applications in 2015, finding that Migri asylum officials expressed increased disbelief towards the asylum seekers' stories in a more recent sample from 2017. This rise in skepticism could not be explained by a meaningful change in applicants' profiles. One study focused on the justifications Migri made in justifying negative asylum decisions, finding that the decision documents lacked transparency in illustrating the logical conclusions supporting the negative decision (Bodström, 2020).

Other studies have instead focused on the asylum interview proceedings from a legal psychological perspective. Skrifvars et al. (2020) studied the type and style of questions asked in Finnish asylum interviews, finding that interviewers predominantly asked closed questions that may not invite the asylum seeker to provide a detailed narrative in their own words. In another study on Migri's interview practices, Skrifvars et al. (2022a) found that asking more open questions elicits more information from asylum applicants. Skrifvars and colleagues have also studied assumptions present in asylum claims in Finland in general, finding that Migri may not

have sufficiently considered psychological knowledge on human memory when assessing an asylum seeker's ability to provide a detailed and consistent narrative (Skrifvars et al., 2022b).

### **The Current Study**

To our knowledge, no previous studies have been designed to investigate credibility assessments of SOGI asylum claims in Finland. In the present study, we investigated how Migri evaluates the credibility of SOGI asylum claims to determine SOGI applicants' eligibility for refugee status. Specifically, we analyzed written asylum decisions on SOGI asylum applications to identify officials' given justifications and any beliefs about sexual minorities that may have affected their decisions. Furthermore, we compared the findings against current guidelines and knowledge on psychological factors that may have affected the asylum-seekers' articulation of their claims. We focused on credibility assessments of the asylum applicant's claims regarding sexual orientation and persecution. Because Migri officials are not required to motivate positive decisions, our analysis of written decisions focused on applications with a negative outcome. Evaluating written asylum decision documents gives insight into the factors that asylum officials base their decisions on, allowing for the detection of possible flawed judgment and biased reasoning (Dowsett, 2010). The written decisions are also a necessary element to ensure transparency and guarantee applicants' rights to a fair asylum process, as they form the basis for appealing a rejected decision and having a case reevaluated. Considering no studies on SOGI asylum have focused on claims in Finland, the current study adopted an exploratory approach.

## **Methods**

### **Ethical Permission**

This study was part of a collaboration between the University of Turku and Åbo Akademi University granted ethical permission by the Ethics Committee for Human Sciences at the

Humanities and Social Sciences Division at the University of Turku. Migri granted a research permit to the team involved with the materials.

### **Case Selection**

The cases included in the study were drawn from a sample of 218 official asylum cases retrieved from Migri in 2021. Migri anonymized all personal information before releasing the documents. The sample consisted of 218 asylum cases from Migri's internal repository of casefiles marked with the keyword "LGBTI," which had been processed between the years 2014 and 2020. Of the 218 cases received, 134 (61.5%) were accepted, 1 (.46%) was granted subsidiary protection, 5 (2.3%) resulted in a residence permit on other grounds than asylum, 69 (31.7%) were rejected, and 9 (4.1%) had expired due to the applicant no longer residing in the country. Accepted cases were excluded from our analyses due to Migri not being required to further elaborate on their reasons for accepting an application. The documents included the asylum interview transcripts and the corresponding asylum decisions, but this study was based solely on an analysis of the written decisions. The decision documents contained both credibility assessments of the applicant's testimony and an analysis of the applicant's risk of future persecution, with reference to country-of-origin information. In this study, we focus exclusively on portions of the decision in which officials evaluate the credibility of applicants' statements.

The final sample used for the study consisted of the credibility assessments in decision documents from 68 cases, namely 66 of the rejected cases and 2 cases granted residence permits on other grounds. Not all cases from the original sample containing credibility assessments were included in the final sample due to time constraints, as the study was completed as a master's thesis and some cases had been missed in initial screenings of the documents. We included cases that had been granted residence permits on other grounds because they contained an evaluation



of the applicants' claims regarding their SOGI identities. Of the cases in the final sample, 40 cases (58.8%) were processed for the first time, and 28 cases (41.2%) had had the decision overturned by a court and returned to Migri. The cases processed for a second time included information from both the first and the second process.

### **Procedure**

We developed a detailed coding scheme before coding began and modified this during the early stages of coding based on the actual content of the material at hand. No subsequent changes were made after the early stages of development and modification. In the decision documents, we coded the justifications Migri highlighted to either support or undermine the credibility of the applicant's asylum claim. A discrete justification was defined as a unit of information within the credibility assessment, which referred to a thematic aspect of the applicant's story, whether the theme of that aspect was deemed credible or not, as well as the credibility indicators cited by the official. For example: "Your account of your sexual identity development [thematic aspect] was not found to be believable [credibility judgment] because it lacked sufficient detail and specificity [credibility indicator]." For each case in our sample, we also coded whether the applicant's claim of SOGI identity in its entirety was believed and whether the applicant was found to have a well-founded fear of persecution. Finally, we coded whether the credibility of the case was fully accepted (all facts put forward found credible), fully rejected (no facts found credible), or partially accepted (the claim included a combination of facts found credible and not credible). For example, the credibility of a case could be partially accepted if the official believed the applicant's claim of having faced harm at the hands of armed militia in the past but rejected their claim that their family had discovered their sexual identity. The complete coding scheme for the decision documents can be found in Appendix A.

Two coders were involved from the start of the coding process and built familiarity with the sample of documents by cooperating on coding one of the documents together with a consulting researcher. The rest of the documents were divided across four coders, with two more coders joining at a later stage. The researchers exchanged experiences throughout the coding process, allowing for the formation of unified standards and the opportunity to receive feedback and second opinions.

Two of the original members of the coding team coded two interview transcripts and corresponding decision documents from the sample to assess inter-rater reliability. Statistical analysis of inter-rater reliability was performed on the coding of *question type* and *question theme* from the interview transcripts, as these variables contained 264 observations and produced enough data for analysis. Agreement between the coders was found to be substantial ( $\kappa = 0.74$ ,  $SE = 0.03$ ,  $p < .001$ ) for *question type*, and almost perfect for *question theme* ( $\kappa = 0.86$ ,  $SE = 0.02$ ,  $p < .001$ ). The variables included in the corresponding decision documents of these two cases did not contain enough observations to allow for a calculation of inter-rater agreement. Considering the results obtained for the variables pertaining to the interview transcripts, inter-rater reliability was considered substantial and reliable enough for the study.

### ***Coding of Themes***

We coded the thematic content using a list of categories of themes that were expected to arise in the credibility assessments in the asylum documents based on previous findings from the field of study outside of Finland (see e.g., Jansen, 2019). The same coding scheme was used to code the themes raised by the asylum officials in the interview transcripts and those brought up in the decision documents. We developed the list prior to accessing the documents and later supplemented it with additional themes not previously accounted for based on findings from the

actual case documents. The first version of the coding scheme contained 16 themes, with the final list containing 20 themes relevant to the credibility assessments. The themes pertained to the applicant's identity (e.g., sexual identity development and history of relationships), the asylum process (e.g., late disclosure of SOGI identity and absence of supporting evidence), the applicant's fear of persecution, as well as additional reasons for seeking asylum other than SOGI identity (e.g., religious conversion). The final list of themes included in the coding scheme and examples of how they are expressed in the decision documents are reported in Table 1.

**Table 1***Categories of Themes Invoked in the Credibility Assessments Found in the Decision Documents*

Theme	Example
Individual realization/ development of sexual orientation	“Your statements about your sexual identity have remained very superficial. You have in barely any way been able to describe thoughts and feelings caused by your sexual identity and you have said that you became a homosexual by changing your attitude and deciding to enjoy life.” (Case 184)
Applicant’s feelings about their own sexual orientation (including psychological impact)	“You have nonetheless told us that you have not had bigger problems with accepting yourself. Considering the predominantly forbidding atmosphere towards sexual minorities in your home country, the Finnish Immigration Service does not find it credible that the discovery of homosexuality would not have awakened more thoughts or feelings in you.” (Case 20)
Sexual behavior/acts	“Your statements about having had sex with men are internally consistent. The Finnish Immigration Service accepts this as factual. Sexual behavior alone cannot be considered enough evidence of sexual identity.” (Case 187)
History of same-sex relationships	“Your statements about your relationship in Iraq have in their entirety been very impersonal. In your statements, the Finnish Immigration Service has taken into consideration that your relationship had not lasted for very long. However, considering attitudes towards homosexuals in your country of origin, the Finnish Immigration Service finds it implausible that you would not have been able to tell us more clearly about you getting to know each other, developing trust and a relationship as well as keeping the relationship secret.” (Case 106)
History of male–female relationships	“Your story is further weakened by the fact that you have been married to a woman during your stay in Finland and that you had been married to a woman during your stay in [country]. When questioned you have stated that you married a woman in order to get a residence permit in Finland and to show your family that you are married and are not homosexual. The Finnish Immigration Service pays attention to the fact that after your divorce, you have stalked your former Finnish wife and she has gotten a restraining order [against you], which does not support the notion that your marriage was tied only to your family and residence permit.” (Case 182)
Social/community support	“However, you have, according to your statements, also had friends in your friend group who knew about your sexual orientation and did not react negatively to it.” (Case 194)
Coming out/disclosure to others	“You have very briefly described how you told your parents about [your relationship], and you have not described the situation more closely. Although your own family background would be more liberal than a normal Iraqi family, the Finnish Immigration Service believes that, considering the generally conservative attitudes of Iraqi society, a person could be reasonably required to be able to describe more precisely their own feelings or conflicts connected to their sexual orientation.” (Case 79)

Theme	Example
Situation of sexual minorities in the home country	“Your statements about what it’s like to live generally as a member of a sexual minority in [country of origin] (around the age of 12-16 years) are also short and general. You described experiencing fear, because society did not accept homosexuality. When you were asked to describe your experienced fear more closely, you only said that you were afraid that your secret would be revealed and either you or your friend would be hurt.” (Case 70)
Applicant’s life in Finland	“The Finnish Immigration Service has noted in its assessment that the previously mentioned changes have rather stemmed from contrasts in lifestyle and culture between the countries. Your statements regarding things concerning a free life in Finland are based more in adoption of Western lifestyles than changes in your homosexual identity.” (Case 74)
Connection between sexual orientation and religion	“You have also been asked how you experience the relationship between your religion and your sexuality. You have responded narrowly, that you do not have any issues, because although you are Muslim, you do not practice Islam.” (Case 27)
Meaning of the sexual orientation to the applicant	“You have described your sexual orientation in a narrow and brief manner in the asylum interviews, even though you have been asked to describe it more specifically multiple times. You have not brought up any personal experiences from your life as a representative of a sexual minority nor have you managed to tell us about your identity consistently.” (Case 69)
Knowledge about and involvement in queer culture in Finland <sup>b</sup>	“Your own understanding of your sexuality has remained brief in your narrative, nor do you know much about the circumstances of homosexuals in Finland even though you have come to Finland in September 2018. You have also stated that you have not contacted SETA in Finland because you would have had to pay for it. The Finnish Immigration Service does not find it believable that you would not have been able to use Google in the state-owned reception center to look for information about SETA for free.” (Case 202)
Concealment/discretion of sexual orientation in the past <sup>a</sup>	“When you were asked to describe your life in Iraq when you could not reveal your true sexual identity, you have responded in a brief and unfocused manner, that it was difficult when you had to hide. Later during the interview, you were asked the same thing again, to which you have only responded ambiguously, that it was difficult for you when you had worries and fears.” (Case 75)
Concealment/discretion of sexual orientation in the future <sup>a</sup>	“Neither does concealment of [your sexual relationships] in Iraq feel bad to you, because it is a question of your private matter. The Finnish Immigration Service does not find it credible in your statements, that the awakening of homosexual feelings would not have awakened more contradictory feelings in you in a country, where homosexuality is generally condemned.” (Case 23)
Reasons for late disclosure	“The Finnish Immigration Service has further paid attention to the fact that you have only brought this claim [your sexual orientation] up in the appeal to the Administrative Court in September 2017. You said that this stemmed from you being afraid of talking about it. You had at the time, however, been in Finland for almost two years and according to your statements met other men in Finland for about one and a half years.” (Case 76)
Internal credibility of interview statements	“In your application for international protection you have said that your father had disappeared, and that you do not know where he is. In the asylum interview you have said that you lied about this, because the smuggler ordered you to say so, even though your father has not actually disappeared. [...] The Finnish Immigration Service notes that the fact that you have changed your story during the asylum process alone weakens the credibility of your whole claim.” (Case 58)

Theme	Example
Corroborating or supporting evidence	“According to your statements your current boyfriend is in the pictures [you showed us]. The Finnish Immigration Service notes that the evidentiary value of a picture is low, because you cannot verify the person in the pictures, nor can they be assumed to represent sexual orientation.” (Case 31)
Persecution faced in the past or fear of future harm	“You have also told us that you had to leave your hometown because you were afraid of the abuse continuing. This is contradicted by the fact that you said that the abuse happened at the beginning of 2018 and you only left your town in January 2019.” (Case 215)
Other issues related to applicant’s sexual orientation or persecution <sup>a</sup>	“Your statements about your sexual orientation as an identity are in the previously presented ways in their entirety superficial, general and unbelievable. Taking into consideration the previously presented things, the Finnish Immigration Service does not accept as a fact that you are a homosexual as your sexual orientation.” (Case 68)
Other grounds for seeking asylum (e.g. religion, political opinion) <sup>a</sup>	“The Finnish Immigration Service has noted in their decision dated [redacted], that Sunni Muslims may experience infringements according to country information regarding Baghdad. The Finnish Immigration Service has nevertheless noted that country information does not support the conclusion that every Sunni Muslim living in Baghdad is in danger of persecution solely due to their religion.” (Case 67)

*Note.* <sup>a</sup> = theme added to the coding scheme after accessing the documents. <sup>b</sup> = theme modified after accessing the documents. Involvement in queer culture in Finland had not been taken into consideration in earlier drafts of the coding scheme.

### ***Coding of Credibility Indicators***

Coding of the credibility indicators cited in the decision documents was based on UNHCR recommendations regarding how to evaluate the credibility of an asylum seeker's statements (UNHCR, 2013). The credibility indicators recommended by UNHCR included *detail and specificity*, *internal consistency* within the applicant's own statements, *external consistency* with information about the applicant's country of origin, *plausibility* of the applicant's statements, and *late disclosure*. The coding scheme accounted for the possibility of identifying not recommended credibility indicators based on findings from previous research about inappropriate ways of assessing SOGI claims (see e.g., LaViolette, 2014; Gustafsson Grønningsæter, 2017). We accounted for the unrecommended indicators demeanor, appearance, and the amount of emotion expressed (e.g., crying while telling one's story). A full list of the credibility indicators and examples of how they are expressed in the decision documents can be found in Table 2.

**Table 2***Credibility Indicators Used by the Officials in the Credibility Assessments Found in the Decision Documents*

Credibility indicator	Example
Detail and specificity	“Awareness of your sexual orientation only in adult age is possible, but your statements about realizing your sexual orientation are <u>very superficial</u> . Feelings and thoughts about realizing your homosexual orientation remained <u>very brief</u> also when considering that the realization only happened recently.” (Case 192)
Internal consistency within applicant’s own statements	“You told the Finnish Immigration Service <u>in the first interview</u> , that you left Iraq soon after the Mahdi’s Army had come to look for you at your home. <u>In the new asylum interview</u> you told us, that you still dwelled in Iraq for five months’ time and that you received new threats connected to your bisexuality.” (Case 43)
External consistency with country of origin information or statements made by others	“Although homosexuals may, according to previously presented country information, experience discrimination in [country of origin], <u>up-to-date country information</u> does not support the notion that homosexuals would be persecuted in [country of origin]. According to country information, protection by authorities is also available in [country of origin].” (Case 186)
Plausibility	“The Finnish Immigration Service also finds it <u>inconsistent</u> , that you would not have dared to tell the authorities or your representative or your assistant about [your sexual orientation], when according to your statements you have formed sexual relationships in Finland without care for concealment and that you have understood yourself being a homosexual through these relationships soon after arriving in Finland.” (Case 20)
Late disclosure	“The Finnish Immigration Service notes that considering your own responsibility for cooperating with investigating your claims for asylum, you should have understood to bring up the central claim in question already <u>at an earlier stage</u> of your asylum process.” (Case 62)
Demeanor <sup>a</sup>	“You did not <u>make eye contact</u> while telling your story.”
Appearance <sup>a</sup>	“ <u>Given your feminine appearance</u> , your claim of being a lesbian is considered to be unlikely. A lesbian would choose to express their sexual orientation through more masculine clothing.”
Amount of emotion expressed <sup>a</sup>	“While telling us about the hardships you have faced due to your relationship with your friend in school, <u>you did not express any sadness or anger</u> at the way you have been treated.”

*Note.* <sup>a</sup> = unrecommended indicators in credibility assessment based on previous studies on SOGI asylum claims. The examples for these indicators are fictional, as none were found in the sample.



## Statistical Analyses

We analyzed the data using *R* (R Core Team, 2021) by calculating the frequencies of specific themes and credibility indicators as well as how often specific credibility indicators were used to motivate the credibility judgment on specific themes. We performed Pearson's chi-squared test on the outcome of the credibility assessment of the different themes to investigate whether certain themes were more likely to be believed or rejected than others. We performed Fisher's exact test to determine if there was a significant association between the themes and the use of each individual credibility indicator. For illustrative purposes supporting the analyses, quotes from the decision documents were translated from Finnish into English by the author. We have tried to preserve as close to direct translations of the quotes as possible to illustrate the way that Migri puts forward their arguments and their use of language. For this reason, the quotes may not be up to academic standards of language or preferred terms.

## Results

### Descriptive Results

The age of the asylum seekers at the time of application ranged between 16 and 55 years ( $M = 26.74$ ,  $SD = 8.57$ ). The most common countries of origin for the asylum seekers in the sample were Iraq (29), Russia (10), and Cameroon (6), with the remaining applicants originating from 13 other countries. Most of the applicants identified as male ( $n = 60$  [88.2%]) with 5 identifying as female, 1 as transgender without further specifications, and 2 not making their gender identity clear. Most applicants self-identified as gay or lesbian ( $n = 39$  [57.4%]), 9 identified as non-heterosexual without using a specific label, 9 as bisexual, and 4 as straight but perceived as queer. The rest of the applicants ( $n = 5$ ) reported other ways of identifying their sexual orientation. Two of the applicants did not report their sexual orientation. Migri accepted

the credibility of the applicant's sexual orientation in 17 (25.0%) of the cases, disbelieved the sexual orientation in 47 (69.1%) cases, and did not explicitly evaluate the credibility of the applicant's sexual orientation in the 4 remaining cases.

In the sample of decision documents, we identified 418 discrete justifications cited by officials and corresponding to portions of applicants' claims, which were subjected to a credibility evaluation. The distribution of discrete justifications given per case ranged from 1 to 18 ( $M = 6.18$ ,  $SD = 3.60$ ). Migri accepted the credibility of the applicant's entire claim in 6 of the cases, partially accepted the asylum claim in 37 cases, and fully rejected the credibility of the asylum claim in 24 cases. In one case, no explicit credibility assessment of the applicant's statements had been made because the applicant had already received international protection in a safe third country.

## **Quantitative Analyses**

### ***Credibility Judgment of Different Themes***

The most frequently cited themes were experienced or feared persecution ( $n = 106$ ), other reasons for asylum ( $n = 70$ ), history of same-sex relationships ( $n = 52$ ), individual realization of identity ( $n = 37$ ), and emotional and psychological impact of the identity ( $n = 37$ ). In total, 346 (82.8%) aspects of the applicants' stories were deemed not credible and 72 (17.2%) were deemed credible. Within each thematic category, most aspects were deemed not credible. Certain themes were more likely to be disbelieved than others,  $\chi^2(19, 418) = 54.24$ ,  $p < .001$ . Themes associated with the applicant's SOGI identity were more often deemed not credible than themes associated with other reasons for asylum (e.g., religious identity) or themes associated with experienced or feared persecution. For example, statements regarding individual realization of identity were disbelieved in all 37 mentions of the theme in the decision documents, while statements

regarding experienced or feared persecution were found credible in 27 of 106 mentions of the theme. A full frequency distribution of the thematic categories referred to in the decision documents and their assessed credibility can be found in Table 3.

### *Use of Credibility Indicators*

Some credibility indicators were more frequently cited in the asylum cases than others. The most frequently used credibility indicator was detail and specificity, which was cited in 88.2% of the asylum cases. Of the other credibility indicators found in the sample, internal consistency was referred to in 58.8% of the cases, plausibility in 50% of the cases, and external consistency in 48.5% of the cases. Late disclosure, which would only have been applicable in cases where the claim regarding sexual orientation was brought up at a later stage, was discussed in 22.1% of the cases. We found no uses of the not recommended credibility indicators pertaining to demeanor, appearance and expressed or displayed emotion among the 68 cases in the sample.

Certain credibility indicators were more often used to discredit particular themes than others. Migri was significantly more likely to use detail and specificity, external consistency, plausibility, and late disclosure in credibility assessments of some themes than others (all  $p < .001$ ). There was no significant association between the themes and the credibility indicator of internal consistency ( $p = .12$ ), indicating that internal consistency was not more likely to be used in reference to certain thematic categories than others. Migri used detail and specificity more often to assess the credibility of themes connected to the applicant's sexual orientation than themes connected to their experiences of persecution and other reasons for asylum. The complete frequency and distribution of credibility indicators in relation to the themes referred to in the decision documents is found in Table 3.

**Table 3**

*Distribution of Themes, Their Assessed Credibility, and the Credibility Indicators Used to Support/Undermine Their Credibility*

Theme	Credible		Not credible		Total	Detail and specificity		Internal consistency		External consistency		Plausibility		Late disclosure	
	n	%	n	%		n	n	%	n	%	n	%	n	%	
Individual realization/development of sexual orientation	0	0	37	100	37	36	97	5	14	0	0	2	5	0	0
Applicant’s feelings about their own sexual orientation (including psychological impact)	1	3	36	98	37	35	95	3	8	1	3	5	14	0	0
Sexual behavior/acts	2	13	14	88	16	10	59	1	6	0	0	1	6	0	0
History of same-sex relationships	5	10	47	90	52	45	87	16	31	2	4	4	8	0	0
History of male–female relationships	2	50	2	50	4	0	0	0	0	0	0	2	50	0	0
Social/community support	1	50	1	50	2	1	33	0	0	0	0	0	0	0	0
Coming out/disclosure to others	1	11	8	89	9	4	44	4	44	0	0	4	44	0	0
Situation of sexual minorities in the home country	2	29	5	71	7	4	57	0	0	0	0	0	0	0	0
Applicant’s life in Finland	0	0	5	100	5	4	80	1	20	0	0	0	0	0	0
Connection between sexual orientation and religion	0	0	1	100	1	1	100	0	0	0	0	0	0	0	0
Meaning of the sexual orientation to the applicant	1	14	6	86	7	3	43	3	43	0	0	0	0	0	0

Theme	Credible		Not credible		Total	Detail and specificity		Internal consistency		External consistency		Plausibility		Late disclosure	
	n	%	n	%		n	n	%	n	%	n	%	n	%	
Knowledge about and involvement in queer culture in Finland	0	0	2	100	2	0	0	0	0	0	0	1	50	0	0
Concealment/discretion of sexual orientation in the past	0	0	4	100	4	2	50	0	0	0	0	1	25	0	0
Concealment/discretion of sexual orientation in the future	1	50	1	50	2	1	50	0	0	0	0	0	0	0	0
Reasons for late disclosure	0	0	14	100	14	3	21	3	21	0	0	7	50	10	71
Internal credibility of interview statements	0	0	5	100	5	0	0	3	60	1	20	0	0	0	0
Corroborating or supporting evidence	0	0	21	100	21	9	43	3	14	8	38	4	19	1	5
Persecution faced in the past or fear of future harm	27	25	79	75	106	66	62	26	24	24	22	26	24	1	1
Other issues related to applicant's sexual orientation or persecution	6	35	11	65	17	9	53	4	24	1	6	1	6	0	0
Other grounds for seeking asylum	23	33	47	67	70	39	56	16	23	23	33	6	9	3	4

*Note.* Proportions of credibility indicators used do not add up to 100% due to Migri being able to cite multiple or no credibility indicators at all when assessing the credibility of one aspect.

### **Qualitative Observations**

We supplemented our quantitative analyses with qualitative observations to shed further light on how Migri handled certain themes and credibility indicators. Considering the differences in how certain topics were evaluated as credible as well as how Migri used credibility indicators in the decision documents, we read through and investigated how these justifications appeared in the documents themselves. Qualitative examples provide additional context regarding how Migri evaluated sensitive topics connected to sexual orientation in the decision documents.

### ***Detail and Specificity***

Migri frequently cited a lack of detail when discrediting some portion of a claim, in particular regarding the applicant's individual realization of sexual orientation, the psychological impact of their identity, and their history of same-sex relationships. For example, Migri made assumptions about how well an applicant should be able to describe a current or previous romantic or sexual partner:

“According to your statements, you have had a long-term partner since high school named [name] with whom you have discussed homosexuality. When asked more closely about this person, your given answers have been very brief.” (Case 203)

When citing detail and specificity in connection to themes of sexual acts and behavior, Migri tended to refer to applicants providing too many details about this aspect in their narratives:

“The credibility of your statements regarding your sexual identity is further weakened by the fact that you have spoken very generally about your homosexual relationships and focused your statements almost purely on having sex. The Finnish Immigration Service states that sexuality is more than having sex.” (Case 23)

***Consistency***

Migri did not use internal consistency to evaluate the credibility of certain themes more than others. Qualitatively, we nevertheless identified specific topics in which Migri would cite internal consistency. For example, we noted that internal consistency was cited to cast doubt over applicants' seemingly contradictory identification with different labels:

“In your appeal to the Administrative Court you have declared yourself to be homosexual. In the asylum interview you nonetheless told us that you are bisexual. When you were asked why you have invoked homosexuality in your appeal, and did not indicate that you were interested in both genders, you responded by saying that homosexuality and bisexuality are one and the same.” (Case 27)

Migri typically used external consistency with country of origin information and physical evidence to evaluate experiences of persecution rather than the applicant's sexual orientation. When citing external consistency, they tended to question the quality of physical evidence, seeing as applicants typically provided documents in the form of copies or photographs.

***Plausibility***

In the sample of cases, Migri made several references to the feelings they expected SOGI asylum applicants to experience in connection to their sexual orientation. Migri tended to believe that SOGI applicants originating from countries with a forbidding atmosphere should report more complex or ambivalent feelings towards their sexual orientation. In cases where the applicant reported feeling good about their sexual identity or that it felt natural to them, Migri found this to discredit their claim:

“When you have been asked to describe the feelings that the discovery of your sexual orientation awakened in you, you have confined yourself to briefly stating it being great

and yourself being free. You have not ever felt any worries about it. Considering the predominantly forbidding atmosphere towards sexual minorities in your home country, the Finnish Immigration Service does not find it credible, that the discovery of homosexuality would not have awakened any feelings in you, and that you would relate to homosexuality in the uncomplicated way you have described.” (Case 106)

Migri also referred to other types of emotional content in the decision documents, such as assumptions on feelings of difference:

“You have told us that homosexuality has not been difficult for you nor has it been a problem, because you exercised it in secret. [...] The Finnish Immigration Service therefore does not find it credible that the realization of a homosexual sexual identity in a society with forbidding attitudes towards homosexuality would not be associated with any awakening of feelings of difference.” (Case 59)

Migri also cited plausibility when discussing certain behaviors that the applicants had described in their countries of origin. “Risky” sexual behavior was often considered implausible and questioned:

“Also considering that you told us that you feared the surrounding society and its attitudes towards relationships between men, the Finnish Immigration Service finds it generally unbelievable in your statements that you would have had sex in a public space, in the middle of the workday and forgotten to lock the door to the store.” (Case 68)

Migri also commented on the plausibility of more general behaviors connected to approaching other gay individuals:

“Considering the previously presented country information and your statements about attitudes towards homosexuals as well as discussions about homosexuality in your home



country, the Finnish Immigration Service does not find it credible that you would have approached another person from Iraq and asked him if he has had sex with another man.”

(Case 74)

### ***Late Disclosure***

In the sample, Migri assumed that applicants should be able to disclose their sexual identity at an early stage in the asylum process. Because the applicants were informed that the asylum interviews were conducted under strict confidentiality, Migri assumed that applicants should be capable of revealing their sexual orientation at the earliest possible time. Migri would cite applicants living in homosexual relationships without having told authorities about their sexual orientation as undermining their credibility:

“The Finnish Immigration Service also finds it inconsistent in your statements that you had not dared to tell the Finnish Immigration Service about your sexual orientation in your asylum interview, because your uncle and his friends were in Finland, but on the other hand you dared to have multiple homosexual relationships in Finland also with other Iraqis. The Finnish Immigration Service states that considering your own responsibility in cooperating with investigating your claims for asylum, you should have understood to bring up the central formidable claim to your asylum application in question at an earlier stage.” (Case 70)

### ***Other Types of Credibility Judgments***

In the sample, Migri did not always clearly provide explicit justifications for their beliefs connected to the applicants’ behaviors. According to Migri, same-sex sexual behavior may have been motivated by sexual gratification, money, or other gains, rather than sexual orientation. In

such cases, Migri appeared to value such gains as superseding an intrinsic motivation towards same-sex relationships:

“Your statements [about your sexual relationships] give in their entirety the notion that the situations in question have stemmed from your circumstances and not that you would have engaged in relationships with your own initiative guided by your sexual orientation.” (Case 187)

### **Discussion**

In the current study, we investigated the credibility assessments made by the Finnish Immigration Service in a sample of 68 SOGI asylum applications. We found that recent SOGI asylum applications are largely rejected due to disbelieving the applicant’s sexual orientation, rather than a justification that the applicant could live discretely in their country of origin (see e.g., Millbank, 2009a). In the sample, 47 (69.1%) of the 68 applicants were rejected due to disbelief of the applicant’s sexual orientation; in contrast, few explicit references were made to the applicant’s ability to conceal their sexual orientation in their countries of origin. This finding is comparable to those of recent studies from other nearby countries, with 74% in Norway and 64% in the Netherlands (Gustafsson Grønningsæter, 2017; Jansen, 2019).

We also investigated the themes and credibility indicators asylum officials referred to in their decision reasoning on SOGI asylum cases. We found that themes pertaining to identity-related topics, such as applicants’ sexual orientation development, their feelings in connection to their sexual orientation, and their history of same-sex relationships, were more likely to be discredited than themes regarding experienced harm or other reasons for asylum. This means that Migri is generally more skeptical of the applicants’ statements regarding their identity than their descriptions of previous experiences of harm and discrimination in their countries of origin. This finding is in line with studies on SOGI asylum claims in other countries (see e.g., Asanovic,

2018; Jansen, 2019). Migri most commonly referred to the criteria detail and specificity, consistency with the applicant's own statements, and plausibility of the applicant's behavior when assessing the credibility of the applicant's narrative. The criteria detail and specificity were used as a credibility indicator more often when assessing the credibility of the applicant's statements regarding their sexual orientation than when assessing statements regarding experiences of persecution.

An interesting finding in the current study was how varied the number of justifications presented in the decision documents appeared to be. Migri provided on average six justifications per case, with the number of justifications cited ranging between one and 18. In some cases, the brevity of the credibility assessment was justified, for example, when a prolonged assessment was not needed due to the applicant already having received international protection in a safe third country. Fewer discrete justifications may also have been needed in the 17 cases where the applicant's sexual orientation was found credible, and the decision could focus on evaluating the applicant's risk of experiencing persecution in the future, rather than the credibility of their sexual orientation. However, this also makes it more difficult to comment on the aspects of an applicant's statements that led to Migri finding their identity credible.

### **Psychological Implications of Observed Credibility Assessment Patterns**

Considering previous findings on credibility assessment in asylum cases, we assessed Migri's given justifications in the decision documents against current, well-established psychological knowledge on factors that may affect how SOGI applicants present their claims. We also compared Migri's current practices in the sample with guidelines and recommendations on the assessment of SOGI asylum claims.

*Expectations of Detail and Specificity*

Migri frequently connected their credibility assessments to expectations of detail and specificity, assuming that a truthful applicant should be capable of providing focused, coherent, and detailed narratives about the events experienced. Failing to meet this expectation put the applicants at risk of a negative credibility finding about their claim. Studies on trauma and memory show that traumatized asylum-seekers tend to recall and report fewer specific memories than applicants who do not meet diagnostic criteria for post-traumatic stress disorder (Graham et al., 2014; Herlihy et al., 2012). Even without accounting for possible effects of trauma and distress on memory, details tend to change in specific memories as events are recalled and reconstructed (Cameron, 2010). Migri may thus misattribute a perceived lack of detail and specificity to deceptive intention, although applicants may simply have difficulties recalling details with sufficient specificity. Trauma may also affect the way that asylum applicants express their claims due to dissociation (Herlihy & Turner, 2009; Hersh, 2015). Migri tended to comment on applicants' narratives not being personal enough, which may be explained by the applicant dissociating to avoid distress associated with traumatizing memories.

Other factors than memory may also affect the amount of detail and specificity in an asylum applicant's narrative, such as the presence of an interpreter, the sensitive nature of the claim, or cultural differences in how applicants presented their claims. Despite many asylum officials' beliefs that interpreters act as neutral parties simply translating what is being said, they perform an active role affecting the dynamics of the interview and the amount of information exchanged between the applicant and official (Granhag et al., 2017; Gibb & Good, 2014). In SOGI asylum claims, the presence of an interpreter from the applicant's own culture may affect their willingness to discuss their sexual orientation (Berg & Millbank, 2009). SOGI asylum

applicants are also often unwilling to discuss their sexual orientation with public officials due to distrust and previous negative experiences with authorities in their home countries (Berg & Millbank, 2009). This unwillingness may lead to omitted details or less specific statements. Migri also tended to discredit applicants' statements regarding previous same-sex partners due to insufficient descriptions of them as individuals or the ways they spent time together. Asylum applicants may not describe individuals or events in ways that conform to the expectations of an official from a Western, individualistic culture (Granhag et al., 2017).

In certain cases, Migri considered an applicant's statements surrounding sex to be detrimental to the credibility of their SOGI claim. The role of talking about sexual behavior in SOGI asylum claims is generally difficult to approach. In general, asylum officials are discouraged from asking about sexual acts to assess the credibility of the sexual orientation, as these questions are considered invasive and inappropriate (Jansen & Spijkerboer, 2011; Gyulai et al., 2015). However, different cultures have different views on sexual orientations and identity labels. Some cultures do not define homosexuality as an intrinsic identity, but rather as the homosexual conduct itself (Katyal, 2004). Applicants from such cultures may attempt to prove their sexual orientation through statements about their sexual history without specific prompts from asylum officials. SOGI applicants from countries with forbidding attitudes towards LGBTQI individuals are also limited in other ways to express their relationships, as traditional relationship milestones such as moving in together or marriage may not be available to them (Hersh, 2015). In such cases in the sample, Migri either disbelieved the applicant's sexual orientation due to focusing excessively on sex, or they judged the sexual relationships as credible but believed that they were not motivated by the applicant's sexual orientation. Instead, Migri argued that SOGI asylum applicants may be motivated by sexual gratification or circumstance

rather than a “true” sexual orientation. Of note, there was usually little consideration for why an individual may specifically have sought out same-sex sexual encounters in countries where these are criminalized (for a more extensive discussion about sexual identity and asylum, see Spijkerboer, 2013).

### ***Demands of Consistency***

Previous studies indicate that inconsistencies in SOGI applicants’ statements are commonly used to discredit their claims for asylum (see e.g., Gustafsson Grønningsæter, 2017). As with lack of detail, inconsistencies are also a common result of the reconstruction process of memory (Cameron, 2010). Migri referred to internal consistency in about half of the cases and did not show any clear preferences in citing the criterion when assessing different themes. Inconsistencies commonly appear in reporting temporal details, discrete instances of repeated events, and peripheral information (Cameron, 2010). Focusing on inconsistencies that may occur naturally in the reconstruction process of memory recall risks truthful applicants being discredited due to misremembering details. In SOGI asylum cases, applicants may also appear inconsistent due to not conceptualizing their sexual orientation in the same way as the asylum official. Asylum-seekers may use different terms to refer to themselves or discover new ways to self-identify during their stay in Finland.

### ***Assumptions Around Plausibility of Behavior and Feelings***

Migri referred to plausibility when assessing the credibility of a wide range of behaviors. They commented on the plausibility of the applicants developing certain feelings connected to realizing their sexual orientation, choosing to approach or try to find other homosexuals in their countries of origin, or choosing to remain in one place after experiencing harm. Migri appears to base their assessments on their own understandings of human behavior in crisis. Asylum officials

in other countries have also been found to cite plausibility when making assumptions regarding what they believe to be reasonable or likely behavior from people suffering from persecution (see e.g., Millbank, 2009b; Asanovic, 2018; Jansen, 2019). These assumptions are often subjective and based on the asylum official's own experiences without considering human variability in behavior and response to crisis (Cameron, 2008; Herlihy & Turner, 2009; Herlihy et al., 2010; Millbank, 2009b). Considering the inherent subjectivity of such assessments (Kagan, 2002), Migri may place too much emphasis on how "reasonable" they find the behaviors expressed by the applicants.

In SOGI claims, assumptions regarding the plausibility of an asylum applicant's behavior are further complicated by possible assumptions about stereotypical behavior of LGBTQI individuals in the receiving country (Herlihy & Turner, 2009). In the sample, Migri tended to question SOGI asylum applicants' decisions to come out as well as behaviors associated with seeking same-sex partners. These judgments appear to be based in assumptions surrounding how gay individuals would choose to behave in cultures with forbidding attitudes towards them. For example, Migri tended to discredit situations where an asylum applicant had been discovered while engaging in male–male sexual acts due to the applicant not having taken proper precautions to remain hidden. This applied both to situations where the applicant was discovered in their own bedroom and in public spaces, such as a workplace. Even if these judgments do not explicitly mention an expectation of discretion, the assumptions behind them require SOGI applicants to be discreet and avoid potential risks in their countries of origin in order to be believed. This puts SOGI asylum applicants at risk of being penalized for having sought out connection in their countries of origin (Asanovic, 2018).

When Migri commented on the emotions they expected SOGI applicants to report, they typically referred to the types of feelings they expected individuals from non-Western cultures to develop in connection to prohibitive attitudes in their country of origin. Asylum officials in other European countries have also commented on the plausibility of the applicants' reported feelings connected to their sexual orientations (see e.g., Jansen, 2019; Gustafsson Grønningsæter, 2017). The DSSH model of interviewing refers to feelings of shame and difference that may stem from cultural attitudes surrounding LGBTQI identities and conduct. Although the DSSH model includes emphasis on feelings of shame, the assumption that a SOGI applicant is not allowed to feel good about belonging to a sexual minority is considered stereotypical and can be damaging (European Union Agency for Asylum, 2022; Selim et al., 2022). An applicant may not always themselves understand in what way their feelings are connected to their sexuality and may only report feelings of fear in connection to being found out without connecting this fear to their sexual orientation. Questions regarding SOGI applicants' feelings regarding their own sexual orientation could thus fail to produce the expected response of fear.

### ***Considerations on Late Disclosure***

When evaluating SOGI asylum cases, Migri tended to assume that applicants should be capable of reporting their sexual orientation at the earliest point possible in the asylum process. The role of late disclosure in credibility assessments has also been discussed in previous studies (Asanovic, 2018; Jansen, 2019). While late disclosure can be frustrating for an asylum official to handle, such as when the sexual orientation is first brought up following a rejection, there should always be a consideration of possible reasons for applicants' failure to disclose their identity at an earlier stage. The UNHCR guidelines explicitly mention that late disclosure should not be the only reason to discredit a case (UNHCR, 2013). In accordance with the guidelines, Migri has not



discredited cases in the sample on the sole basis of late disclosure of sexual orientation.

However, late disclosure may still affect a Migri asylum official's willingness to believe an applicant, even if it is not explicitly said as such within the decision document.

When late disclosure was brought up in the decision, Migri did not appear to accept any of the applicants' explanations for why they had not brought it up earlier. SOGI asylum applicants may have issues revealing their sexual orientation to the asylum official for a multitude of reasons. They may be fearful of revealing their identity to someone representing authorities due to previous experiences of harm, or they may feel shame and be unwilling to talk about their sexual orientation (Berg & Millbank, 2009). In some cases, SOGI asylum applicants may not have been aware that their membership of this social group is an applicable reason to receive asylum when making their first applications (Asanovic, 2018). In the sample, SOGI asylum applicants reported, for example, not wanting to reveal their sexual orientation due to relatives being present in Finland. In these cases, Migri asylum officials placed much weight on the confidentiality of the asylum proceedings, with limited regard for applicants' difficulties in discussing their sexual orientation.

### **Strengths and Limitations**

The current study was, to our knowledge, the first to analyze a sample of actual SOGI asylum cases in Finland. With the cooperation of Migri, the researchers were allowed access to a randomized sample of real case documents, including interview transcripts and decision documents. This is valuable from a scientific standpoint, as access to real asylum documents—which is rarely granted—allows researchers to draw conclusions based on the actual practices of asylum authorities. Furthermore, conducting quantitative research on a larger sample of SOGI asylum cases allowed us to comment on trends in the evaluation of SOGI asylum cases on a

different level than when focusing exclusively on qualitative analyses using smaller samples of cases. The study also contributes to broadening the field of study on SOGI asylum applications, which may support development of guidelines and practices. As attitudes on LGBTQI rights in general society develop rapidly, up-to-date studies on SOGI claims are important to investigate how current societal attitudes may affect how SOGI asylum claims are expressed and assessed.

Despite the value of access to real asylum cases, the conclusions drawn in analyzing written documents are limited by what Migri has decided to write down based on their own reasoning. The documents may not accurately represent the actual cognitive processes at play, as Migri may rationalize away any emotional or intuitive reasoning they may have used in reaching their conclusions. However, the written justifications for rejecting asylum applications are valuable to study as they form the basis for asylum decision-making and thus carry legal weight. The generalizability of the findings from the study is also limited by the fact that our sample only consisted of cases where the claim for asylum was rejected, as Migri officials are not required to explicitly justify their reasons for accepting a case.

In the current study, we were unable to draw conclusions on credibility assessments of claims based on gender identity or gender expression, due to the presence of too few such cases in our sample. We also had limited data on female SOGI asylum applicants, meaning most of our data came from male homosexual asylum applicants. This limits the generalizability of our findings to other applicant groups.

Another limitation of the study lies in the process of coding of the decision documents. Although many attempts at standardizing the inherently subjective coding efforts have been made through the development of the coding scheme and continued communication between team members, the coding has still gone through several different stages with different coders. At

the start of the coding process, two of the coders were involved with the development of the scheme, thus forming a deeper understanding and agreement of the scheme itself. Following this, two more coders joined, working primarily off of previous materials and discussions between the first two coders. Half of the coders were thus directly involved with the development of the coding scheme, whereas the other half joined later and may not have formed the same standards in more complex coding decisions. To safeguard against substantial deviations from established procedures, the supervising doctoral student was involved in introducing new researchers to the coding scheme and sample.

### **Recommendations**

In general, Migri appears to focus much of their decision-making in SOGI asylum cases on the applicant's ability to provide a sufficiently detailed and coherent narrative. Considering the sample of cases consists only of rejected asylum claims, we are unable to draw generalized conclusions on differences between the narratives of claims found to be credible and claims that were discredited. However, Migri appears to put rigid expectations on how SOGI asylum applicants should present their claims without considering how trauma, shame or fear may affect their ability to present their narratives. Without taking these factors into consideration, Migri may falsely consider truthful applicants to not have credible claims when they have not been able to provide the expected amount of detail. To promote more accuracy in SOGI asylum decision-making, Migri should apply the "benefit of the doubt"-principle with more consideration of the barriers SOGI asylum applicants experience in describing their stories.

Furthermore, Migri appears to expect deeply personal and emotionally loaded accounts from SOGI asylum applicants regarding their own sexual orientation. Although they appear to understand the factors presented within the DSSH-model of interviewing based on the themes

they chose to emphasize in their decisions, said model may not sufficiently represent all aspects of LGBTQI individuals' lived experiences. Migri could also improve their evaluation of SOGI asylum applicants spontaneously discussing sexual acts and behavior. SOGI asylum applicants may not use identity labels the same way that Migri expects, which may motivate them to try to prove their same-sex sexual conduct to receive asylum. The asylum process may need more sensitivity towards how SOGI asylum applicants from different cultures understand and express their sexual orientations. In these cases, focus should be on the harm the asylum applicant may experience if discovered or involuntarily disclosed rather than questioning the underlying motivation for engaging in sexual conduct.

### **Future Research**

The research field of SOGI asylum applications continues to broaden and many points of interest remain. Considering the continued lack of data on lesbian and transgender asylum applicants, studies focusing on credibility assessments pertaining to these groups of applicants would add much needed knowledge in the field. These groups of asylum-seekers make up a small minority of all asylum applicants, making them more difficult and vulnerable to study. However, their minority status within SOGI asylum applications also adds to the value of studying them and building good practice in assessing their asylum claims.

Whereas the current study only focuses on decision documents in rejected SOGI asylum claims, future studies may choose to evaluate the interviews and decisions in connection to one another. This would shed light on how interview practices affect the amount of detailed information the asylum applicants provide. As asylum applicants have been found to provide more information in response to open-ended rather than closed questions (Skrifvars et al., 2022a), it could be of interest studying how interview practices affect an applicant's narrative

regarding their sexual or gender identity. Migri's apparent distrust of delayed disclosure also warrants systematic study into applicants' reasons for late disclosure, as this could help in developing ways to support SOGI applicants in making their claims.

### **Conclusion**

In the current study, we found that the most common reason for Migri to reject SOGI asylum claims is because they do not find the claim regarding sexual orientation credible. Migri appears to hold high standards regarding SOGI asylum applicants' ability to provide detailed and coherent accounts of their sexual identity without sufficiently considering their emotional states, cultural backgrounds, and the dynamics of the asylum interview. Migri may be able to improve their assessments by broadening their understanding of the effects of both trauma and shame on SOGI asylum applicants' willingness to disclose their sexual identity claims. They may also require more sensitivity in approaching questions of identity with SOGI asylum applicants from cultures with different understandings of marginalized sexual orientations.

## Swedish Summary – Sammanfattning på svenska

### Tillförlitlighetsbedömningar i asylprocesser för sexuella minoriteter i Finland

HBTIQ-personer (homosexuella, bisexuella, trans-, intersex- och queerpersoner) utsätts för kriminaliserande lagstiftning, förföljelse och diskriminering i flera länder runtom i världen. Många HBTIQ-personer väljer att fly sina hemländer som flyktingar och söka internationellt skydd i ett tryggare land. Förenta nationernas flyktingkonvention tar inte specifikt HBTIQ-personer i beaktande (United Nations, 1951), men i allmänhet beviljas de asyl med orsak av tillhörighet till viss samhällsgrupp, politisk åskådning eller religion (UNHCR, 2012). Praxis kring beviljande av asyl till HBTIQ-personer har dock visat sig variera, och flera praktiska problem uppkommer i bemötande och beslutsfattning vid HBTIQ-personers asylansökningar (Jansen & Spijkerboer, 2011).

Eftersom asylsökande sällan har tillgång till fysiska bevis på sin förföljelse, är vikten av asylhandläggarnas bedömning av den asylsökandes tillförlitlighet central (Kagan, 2002; Millbank, 2009b). Eftersom HBTIQ-asylsökandes ansökningar grundar sig på deras tillhörighet till en sexuell eller könsminoritet, behöver också tillförlitligheten av denna tillhörighet utredas. Dessa bedömningar medför många svårigheter, både för den asylsökande som försöker bevisa sin identitet och för asylhandläggaren som försöker bedöma dess trovärdighet. Många asylsökande har minnessvårigheter som påverkar detaljrikedomen av deras berättelser (Cameron, 2010; Graham et al., 2014). Många HBTIQ-asylsökande har också svårt att prata om sin sexuella läggning eller könsidentitet, exempelvis för att de aldrig talat öppet om den förut eller för att de inte litar på auktoritetsfigurer (Herlihy & Turner, 2009). Asylhandläggare kan ha rigida uppfattningar om hur mycket och hur detaljerat en asylsökande borde kunna berätta om sina upplevelser (Herlihy & Turner, 2015). FN:s flyktingkommissariat rekommenderar att

tillförlitlighetsbedömningen stöds av specifika tillförlitlighetsindikatorer: detalj och specificitet, intern och extern samstämmighet, rimlighet och fördröjt avslöjande (UNHCR, 2013).

Tidigare studier påvisar att asylhandläggares förhållningssätt till HBTIQ-asylansökningar har övergått från ”diskretion till misstro” (Millbank, 2009a). Med diskretion avses HBTIQ-asylsökandes möjligheter att leva diskret i sina hemländer, då asylhandläggare har syftat till deras möjligheter att hålla sin sexuella läggning undagömd och privat (Millbank, 2009a). Senare studier påvisar att sloandet av diskretionsargumentet i riktlinjer har lett till ökad misstro bland asylhandläggare mot HBTIQ-asylsökandes tillhörighet till en sexuell eller könsminoritet (Asanovic, 2018; Jansen, 2019). Denna ökade misstro är problematisk, eftersom asylhandläggare kan ha baserat sina bedömningar på stereotypiska uppfattningar kring HBTIQ-personer (Hersh, 2015; Gustafsson Grønningsæter, 2017). Under de senaste decennierna har ett nytt verktyg utvecklats som hjälpmedel för asylhandläggare vid bemötandet av HBTIQ-asylsökandes ärenden, intervjumodellen DSSH (*Difference, Stigma, Shame, Harm*; olikhet, stigma, skam, skada [egen översättning]). DSSH-modellen uppmuntrar asylintervjuare att fråga HBTIQ-asylsökande om deras uppfattningar och upplevelser kring dessa teman för att utvärdera deras tillförlitlighet. Denna modell har i sig gett upphov till nya uppfattningar om hur HBTIQ-asylsökande borde presentera sina berättelser. Asylhandläggare kan exempelvis uppfatta den asylsökandes positiva känslor kopplade till sin identitet som något som försvagar dess tillförlitlighet (Gustafsson Grønningsæter, 2017; Jansen, 2019).

Behandlingen av asylsökande i Finland har varit av särskilt intresse sedan 2015, eftersom den stora ökningen av asylsökande noterades leda till att färre asylsökande sågs som tillförlitliga under asylprocessen (Vanto et al., 2021). Migrationsverkets avslag på asylansökningar har pekats ut för att deras bedömningar inte innehåller tillräckligt tydliga och logiska berättiganden av

avslag (Bodström, 2020). Migrationsverkets tillförlitlighetsbedömningar har också noterats baseras på ett flertal antaganden kring exempelvis minnesfunktioner som inte stöds av forskning (Skrifvars et al., 2022b).

### **Syfte**

Med tanke på varierande praxis kring beslutsfattande inom HBTIQ-personers asylansökningar finns det belägg för att närmare undersöka hur ansökningarna behandlas i Finland och vilka motiveringar Migrationsverket har gett för sina beslut. I detta syfte ämnade denna studie analysera riktiga asylfall från Migrationsverket i Finland. Eftersom tidigare studier med fokus på HBTIQ-asylsökande inte har gjorts i Finland, utfördes studien i utforskande syfte för att skapa en bild av hur HBTIQ-asylsökande bemöts i Finland.

### **Metod**

Studien fick etiskt tillstånd att utföras av den forskningsetiska nämnden för humanistiska vetenskaper vid fakulteten för humaniora och socialvetenskaper vid Åbo universitet. Samplet bestod av 218 asyldokument på basis av sexuell läggning eller könsidentitet från åren 2014–2020 som erhöles från Migrationsverket i Finland. Av dessa inkluderades endast beslutsdokument där den asylsökandes tillförlitlighet bedömdes. Det slutliga samplet bestod av 68 asylfall, av vilka 66 ansökningar hade nekats och 2 hade beviljats uppehållstillstånd på andra grunder.

Kodningsprocessen påbörjades genom utveckling av ett kodningsschema för kodandet av asyldokumentet, vilket modifierades under kodningens början i enlighet med observationer från själva asyldokumentet. En grupp forskare kodade tematiskt innehåll i beslutsdokumentet och de tillförlitlighetsindikatorer som Migrationsverkets asylhandläggare uttryckte i dem. Fullständiga listor på de tematiska kategorier och tillförlitlighetsindikatorer vi kodade för finns med exempel i Tabell 1 och 2, och kodningsschemat finns tillgängligt i sin helhet som bilaga i Appendix A. Vi



beräknade interbedömarreliabiliteten mellan två av projektets fyra aktiva kodare baserat på deras kodning av intervjufrågor i två gemensamma asylfall ( $n = 264$ ), eftersom beslutsdokumenterna inte innehöll tillräckligt många observationer för att ge tillförlitliga resultat. Resultatet av analysen påvisade betydande till nästan perfekt överenskommelse mellan kodarna.

### Resultat

Asyldokumenterna innehöll sammanlagt 418 slutsatser kopplade till tillförlitligheten av de asylsökandes berättelser och påståenden, där varje individuellt beslutsdokument bestod av 1–18 slutsatser. Majoriteten av slutsatserna bestod av en bedömning av att den asylsökandes påstående inte var tillförlitligt (82,8 %). Migrationsverket bedömde samtliga av den asylsökandes utsagor som tillförlitliga i 6 av asylfallen, en del av utsagorna som tillförlitliga i 37 fall, och bedömde samtliga utsagor som icke-tillförlitliga i 24 fall. Migrationsverket bedömde den asylsökandes HBTIQ-identitet som tillförlitlig i 17 (25 %) av asylfallen, och misstrodde identitetstillhörigheten i 47 (69,1 %) av fallen. I övriga asylfall rapporterade Migrationsverket ingen tillförlitlighetsbedömning av den asylsökandes HBTIQ-identitet.

Migrationsverkets bedömningar av tillförlitlighet tydde på att asylhandläggarna vid Migrationsverket var mindre benägna att tro på de asylsökandes utsagor kopplade till sin sexuella identitet än utsagor kring upplevd förföljelse eller övriga anspråk på asyl. Migrationsverket tenderade att föredra tillförlitlighetsindikatorn detalj och specificitet, vilken förekom i 88,2 % av asylfallen i studiens sampel. Migrationsverket hänvisade flest gånger till detalj och specificitet då de bedömde tillförlitligheten av utsagor kring de asylsökandes utveckling och insikt av den sexuella identiteten, känslor kring den egna sexuella identiteten samt deras samkönade förhållanden. Migrationsverket hänvisade till intern samstämmighet i ungefär hälften av asylfallen utan signifikanta avvikelser mellan hänvisningar till olika teman.

Migrationsverket hänvisade mest till extern samstämmighet med annan information vid bedömningar av övrigt bevismaterial och andra anspråk på asyl. Migrationsverket hänvisade mest till rimlighet då de bedömde de asylsökandes utsagor kring orsaker till fördröjt avslöjande av den sexuella läggningen, val att berätta om sin sexuella läggning samt upplevd förföljelse. Fördröjt avslöjande ansågs bidra till att försvaga den asylsökandes tillförlitlighet i 22,1 % av asylfallen. Den fullständiga fördelningen av tematiskt innehåll och tillförlitlighetsindikatorer i beslutsdokumenterna finns i Tabell 3.

### **Diskussion**

Denna studie ämnade utforska hur Migrationsverket bedömer tillförlitligheten i HBTIQ-asylsökandes asylfall i Finland. Resultaten tyder på att Migrationsverket oftast gav avslag på HBTIQ-asylansökningar på grund av misstro till den asylsökandes sexuella läggning. Dessa resultat följer tidigare studier kring HBTIQ-asylsökande i andra länder, där liknande mönster har uppdragats (Gustafsson Grønningsæter, 2017; Jansen, 2019). Migrationsverkets krav på de asylsökandes förmågor att berätta om sin identitet noterades vara högre än vad som kunde förväntas av dem baserat på tidigare kunskap och forskning kring HBTIQ-asylsökande samt asylsökande i allmänhet.

Migrationsverkets uppvisade höga krav på asylsökandes förmåga att tala om sina upplevelser och sin sexuella läggning. Migrationsverket utgick från att sanningsenliga asylsökande berättar detaljerat, specifikt och samstämmigt utan att ta möjliga minnessvårigheter (Cameron, 2010; Graham et al., 2014) eller undvikande av emotionellt laddade minnen (Herlihy & Turner, 2009) i beaktande. De asylsökandes svårigheter att diskutera sin sexuella läggning i detalj togs inte heller i beaktande, vilket kan påverkas av en tolks närvaro eller misstro till myndigheter (Berg & Millbank, 2009). Migrationsverket uppvisade också höga krav på de

asylsökandes förmåga att beskriva personligheten hos tidigare partner, vilket kan innefatta en kulturell skillnad i hur personer beskrivs mellan Migrationsverket och den asylsökande (Granhag et al., 2017). I vissa asylfall påvisade Migrationsverket misstro till den asylsökandes berättelse för att den innehöll för många detaljer kring sexuella akter. HBTIQ-asylsökande har inte nödvändigtvis samma uppfattningar kring HBTIQ-termer som vi använder i västerländska kulturer och kan försöka beskriva sina sexuella upplevelser som bevis för sin sexuella läggning (Katyal, 2004; Spijkerboer, 2013).

Migrationsverket gjorde ett flertal bedömningar av den asylsökandes rimlighet, exempelvis då det gäller känslor kopplade till den sexuella läggningen och partnersökande beteenden. Dessa bedömningar utgick från Migrationsverkets subjektiva upplevelser av hurdana beteenden och känslor de uppfattade som rimliga och förnuftiga i olika situationer (Herlihy et al., 2010; Millbank, 2009b). Migrationsverkets misstro till ”riskfyllda” partnersökande beteenden kan leda till att HBTIQ-asylsökande bestraffas för att de har sökt sexuell kontakt i sina hemländer (Asanovic, 2018). Migrationsverkets antaganden då det gäller HBTIQ-asylsökandes känslor och deras rimlighet innefattade en uppfattning att HBTIQ-personer inte borde utveckla positiva känslor kring sin sexuella läggning i länder där de förföljs. Detta antagande motsvarar en stereotypisk uppfattning som stöds av DSSH-modellen (EUAA, 2022; Selim et al., 2022).

Fördröjt avslöjande av den sexuella läggningen är i sig inte en god orsak att neka en asylansökan (UNHCR, 2013). Då Migrationsverket diskuterade fördröjt avslöjande i beslutsdokumentet presenterade de också andra argument för att misstro den asylsökandes tillförlitlighet. Migrationsverket accepterade däremot inte de asylsökandes egna förklaringar av varför de inte hade avslöjat sin sexuella läggning tidigare i asylprocessen. HBTIQ-asylsökande kan vara ovilliga att avslöja sin sexuella läggning på grund av misstro till myndigheter, rädsla

eller skam (Berg & Millbank, 2009). Migrationsverket värderade asylprocessens sekretess högre än de asylsökandes känslor.

Denna studie bidrar till att fördjupa förståelsen av asylprocesserna för HBTIQ-asylsökande i världen genom en översikt av den finländska kontexten. Forskning baserad på riktiga asylfall ger en djupare bild av hur asylbeslut tas på fältet och kan bidra mer direkt till vidare utveckling av asyl- och beslutsprocesserna. Nackdelarna med studier baserade på skrivna asylbeslut är att aspekter av beslutsprocessen kan förbises då slutsatser enbart kan baseras på det som Migrationsverket har valt att skriva ut i text. Intuitiva slutsatser, som påverkar en stor del av de beslut som människor tar (Kahneman, 2011), kan ha rationaliserats bort under skrivprocessen. Den kodningsprocess som krävs för statistiska analyser av skrivna dokument är också i sig subjektiv och kan påverkas av de antaganden som kodarna i studien har gjort under kodningsprocessen.

Migrationsverkets höga krav på HBTIQ-asylsökandes förmåga att berätta om och avslöja sin sexuella läggning noteras överensstämma med höga krav som förekommer i andra länder. Migrationsverkets misstro till den sexuella läggningen hos HBTIQ-asylsökande används som motivering till att neka deras asylansökningar. Baserat på samplet av 68 nekade asylansökningar kunde psykologisk kunskap kring minnesprocesser och beteenden beaktas till en högre grad vid bedömningar av HBTIQ-asylsökandes tillförlitlighet och standarder på detaljrikedom och samstämmighet sänkas. Migrationsverkets förståelse av hur HBTIQ-personer uttrycker och förstår sina identiteter i olika kulturella kontexter kunde också utvecklas, särskilt då det gäller utveckling av identiteten i länder där HBTIQ-personer förföljs och bestraffas. Framtida studier kunde fokusera mera på HBTIQ-asylsökandes förklaringar till fördröjt utlämnande,

transpersoners asylprocesser samt kopplingar mellan HBTIQ-asylsökandes utsagor i intervjuerna och de beslut Migrationsverket tar.

HBTIQ-asylsökande utsätts fortsättningsvis för ett flertal svårigheter i sina asylprocesser. Denna studies resultat tyder på fortsatta svårigheter för HBTIQ-asylsökande att ses som tillförlitliga medlemmar av sexuella minoriteter i asylprocessen. Migrationsverkets höga krav på HBTIQ-asylsökandes berättelser och utsagor tar inte tillräckligt i beaktande deras känslomässiga tillstånd eller kulturella skillnader. Fortsatt arbete med att öka Migrationsverkets förståelse av dess aspekter samt ökad känslighet vid bemötandet av HBTIQ-personer från andra kulturer rekommenderas för att stödja HBTIQ-asylsökande i sina asylprocesser.

### References

- Asanovic, B. (2018). *Still falling short: The standard of Home Office decision-making in asylum claims based on sexual orientation and gender identity*. Retrieved from <https://www.rainbowmigration.org.uk/publications/still-falling-short/>
- Berg, L., & Millbank, J. (2009). Constructing the personal narratives of lesbian, gay and bisexual asylum claimants. *Journal of Refugee Studies*, 22(2), 195–223. <https://doi.org/10.1093/jrs/fep010>
- Bodström, E. (2020). ‘Because Migri says so’: Legitimation in negative asylum decisions in Finland. *Nordic Journal of Migration Research*, 10(2), 5–19. <https://doi.org/10.33134/njmr.134>
- Brewin, C. R. (2011). The nature and significance of memory disturbance in posttraumatic stress disorder. *Annual Review of Clinical Psychology*, 7(1), 203–227. <https://doi.org/10.1146/annurev-clinpsy-032210-104544>
- Cameron, H. E. (2008). Risk theory and ‘subjective fear’: The role of risk perception, assessment, and management in refugee status determinations. *International Journal of Refugee Law*, 20(4), 567–585. <https://doi.org/10.1093/ijrl/een032>
- Cameron, H. E. (2010). Refugee status determinations and the limits of memory. *International Journal of Refugee Law*, 22(4), 469–511. <https://doi.org/10.1093/ijrl/eeq041>
- Dauvergne, C., & Millbank, J. (2003). Burdened by proof: How the Australian Refugee Review Tribunal has failed lesbian and gay asylum seekers. *Federal Law Review*, 31(2), 299–342. <https://doi.org/10.22145/flr.31.2.2>
- Dawson, J., & Gerber, P. (2017). Assessing the refugee claims of LGBTI people: Is the DSSH model useful for determining claims by women for asylum based on sexual orientation? *International Journal of Refugee Law*, 29(2), 292–322. <https://doi.org/10.1093/ijrl/eex022>

Dhoest, A. (2019). Learning to be gay: LGBTQ forced migrant identities and narratives in Belgium. *Journal of Ethnic and Migration Studies*, 45(7), 1075–1089.

<https://doi.org/10.1080/1369183X.2017.1420466>

Directive 2011/95/EU. *Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 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 (recast)*. <http://data.europa.eu/eli/dir/2011/95/oj>

Dowsett, J. A. (2010). Prejudice – the judicial virus. *Australian Journal of Forensic Sciences*, 42(1), 37–48. <https://doi.org/10.1080/00450610903391432>

Dror, I. E. (2020). Cognitive and human factors in expert decision making: Six fallacies and the eight sources of bias. *Analytical Chemistry*, 92(12), 7998–8004.

<https://doi.org/10.1021/acs.analchem.0c00704>

Dustin, M. (2018). Many rivers to cross: The recognition of LGBTQI asylum in the UK.

*International Journal of Refugee Law*, 30(1), 104–127. <https://doi.org/10.1093/ijrl/eev018>

Eliason, M. J., & Schope, R. (2007). Shifting sands or solid foundation? Lesbian, gay, bisexual, and transgender identity formation. In I. H. Meyer & M. E. Northridge (Eds.), *The Health of Sexual Minorities* (pp. 3–26). Springer.

European Union Agency for Asylum. (2022). *Survey on sexual orientation and gender identity:*

*Key findings report*. Luxembourg: Publications Office of the European Union. Retrieved from <https://euaa.europa.eu/publications/survey-sexual-orientation-and-gender-identity>

- Finnish Immigration Service. (2017). *How does the Finnish Immigration Service investigate belonging to a sexual or gender minority?* Retrieved 25 April 2022. <https://migri.fi/en/-/miten-turvapaikanhakijan-kuulumista-seksuaali-tai-sukupuolivahemmistoon-selvitetaan>
- Finnish Immigration Service. (2023). *International protection*. [Data set]. Last accessed 30 January 2023. <https://statistik.migri.fi/index.html#applications/23330?l=en&start=540&end=551>
- Gibb, R., & Good, A. (2014). Interpretation, translation and intercultural communication in refugee status determination procedures in the UK and France. *Language and Intercultural Communication*, 14(3), 385–399. <https://doi.org/10.1080/14708477.2014.918314>
- Graham, B., Herlihy, J., & Brewin, C. R. (2014). Overgeneral memory in asylum seekers and refugees. *Journal of Behavior Therapy and Experimental Psychiatry*, 45(3), 375–380. <https://doi.org/10.1016/j.jbtep.2014.03.001>
- Granhag, P. A., Landström, S., & Nordin, A. (2017). *Värdering av muntliga utsagor*. Göteborg, SE: Billes AB.
- Gustafsson Grønningsæter, A. (2017, October 5-6). *Establishing a sexual identity: The Norwegian immigration authorities practice in sexuality-based asylum cases*. [Paper presentation.] Out & Proud? LGBTI asylum in Europe Conference, COC Netherlands, Amsterdam. Retrieved from <https://www.coc.nl/wp-content/uploads/2017/04/Norwegian-practices-Andrea-Gustafsson-Gronningsaeter.pdf>
- Gyulai, G. (Ed.). (2015). *Credibility assessment in asylum procedures: A multidisciplinary training manual* (Vol. 2). Hungarian Helsinki Committee.



- Herlihy, J., Jobson, L., & Turner, S. (2012). Just tell us what happened to you: Autobiographical memory and seeking asylum. *Applied Cognitive Psychology*, 26(5), 661–676.  
<https://doi.org/10.1002/acp.2852>
- Herlihy, J., Gleeson, K., & Turner, S. (2010). What assumptions about human behaviour underlie asylum judgments? *International Journal of Refugee Law*, 22(3), 351–366.  
<https://doi.org/10.1093/ijrl/eeq027>
- Herlihy, J., & Turner, S. W. (2009). The psychology of seeking protection. *International Journal of Refugee Law*, 21(2), 171–192. <https://doi.org/10.1093/ijrl/eep004>
- Herlihy, J., & Turner, S. W. (2015). Untested assumptions: Psychological research and credibility assessment in legal decision-making. *European Journal of Psychotraumatology*, 6(1). <https://doi.org/10.3402/ejpt.v6.27380>
- Hersh, N. (2015). Challenges to Assessing Same-Sex Relationships under Refugee Law in Canada. *McGill Law Journal / Revue de droit de McGill*, 60(3), 527–571. <https://doi.org/10.7202/1032678ar>
- ILGA World: Chiam, Z., Duffy, S., Gil, M. G., Goodwin, L., & Patel, N. T. M. (2020). *Trans Legal Mapping Report 2019: Recognition before the law*. Geneva: ILGA. Retrieved from [https://ilga.org/downloads/ILGA\\_World\\_Trans\\_Legal\\_Mapping\\_Report\\_2019\\_EN.pdf](https://ilga.org/downloads/ILGA_World_Trans_Legal_Mapping_Report_2019_EN.pdf)
- ILGA World: Mendos, L. R., Botha, K., Lelis, R. C., de la Peña, E. L., Savelev, I., & Tan, D. (2020). *State-Sponsored Homophobia 2020: Global Legislation Overview Update*. Geneva: ILGA. Retrieved from [https://ilga.org/downloads/ILGA\\_World\\_State\\_Sponsored\\_Homophobia\\_report\\_global\\_legislation\\_overview\\_update\\_December\\_2020.pdf](https://ilga.org/downloads/ILGA_World_State_Sponsored_Homophobia_report_global_legislation_overview_update_December_2020.pdf)

- Jansen, S. (2019). *Pride or shame? Assessing LGBTI asylum application in the Netherlands following the XYZ and ABC judgments*. COC Netherlands. Retrieved from <https://www.refworld.org/docid/5c6eb3344.html>
- Jansen, S., & Spijkerboer, T. (2011). *Fleeing homophobia: Asylum claims related to sexual orientation and gender identity in Europe*. COC Netherlands. <http://www.refworld.org/pdfid/4ebba7852.pdf>
- Jordan, S. R. (2009). Un/convention(al) refugees: Contextualizing the accounts of refugees facing homophobic or transphobic persecution. *Refuge: Canada's Journal on Refugees*, 26(2), 165–182.
- Kagan, M. (2002). Is truth in the eye of the beholder? Objective credibility assessment in refugee status determination. *Georgetown Immigration Law Journal*, 17(3), 367–416.
- Kahneman, D. (2011). *Thinking, fast and slow*. Farrar, Straus and Giroux.
- Kapardis, A. (2003). *Psychology and Law: A Critical Introduction* (2nd ed.). Cambridge University Press.
- Katyal, S. (2004). Exporting identity. *Yale Journal of Law and Feminism*, 14(1), 98–176.
- LaViolette, N. (2014). Sexual orientation, gender identity and the refugee determination process in Canada. *Journal of Research in Gender Studies*, 4(2), 68–123.
- Millbank, J. (2002). Imagining otherness: refugee claims on the basis of sexuality in Canada and Australia. *Melbourne University Law Review*, 26(1), 144–177.
- Millbank, J. (2009a). From discretion to disbelief: recent trends in refugee determinations on the basis of sexual orientation in Australia and the United Kingdom. *The International Journal of Human Rights*, 13(2-3), 391–414. <https://doi.org/10.1080/13642980902758218>

- Millbank, J. (2009b). 'The ring of truth': A case study of credibility assessment in particular social group refugee determinations. *International Journal of Refugee Law*, 21(1), 1–33. <https://doi.org/10.1093/ijrl/een040>
- Millbank, J. (2013). Sexual orientation and refugee status determination over the past 20 years: Unsteady progress through standard sequences?. In T. Spijkerboer (Ed.), *Fleeing Homophobia* (pp. 32–54). Routledge.
- R Core Team. (2021). R: A language and environment for statistical computing. R Foundation for Statistical Computing, Vienna, Australia. <https://www.r-project.org/>
- Selim, H., Korkman, J., Pirjatanniemi, E., & Antfolk, J. (2022). Asylum claims based on sexual orientation: A review of psycho-legal issues in credibility assessments. *Psychology, Crime & Law*, 0(0), 1–30. <https://doi.org/10.1080/1068316X.2022.2044038>
- Skrifvars, J., Korkman, J., Sui, V., Veldhuizen, T., & Antfolk, J. (2020). An analysis of question style and type in official Finnish asylum interview transcripts. *Journal of Investigative Psychology and Offender Profiling*, 17(3), 333–348. <https://doi.org/10.1002/jip.1557>
- Skrifvars, J., Antfolk, J., Veldhuizen, T., Sui, V., & Korkman, J. (2022a). Eliciting information in official Finnish asylum interviews. *Applied Cognitive Psychology*, 36(3), 508–519. <https://doi.org/10.1002/acp.3936>
- Skrifvars, J., Sui, V., Antfolk, J., van Veldhuizen, T., & Korkman, J. (2022b). Psychological assumptions underlying credibility assessments in Finnish asylum determinations. *Nordic Psychology*, 1–23. <https://doi.org/10.1080/19012276.2022.2145986>
- Spijkerboer, T. (2013). Sexual identity, normativity and asylum. In T. Spijkerboer (Ed.), *Fleeing Homophobia* (pp. 32–54). Routledge.

UKLGIG. (2013). *Missing the Mark: Decision-Making on Lesbian, Gay (Bisexual, Trans and Intersex) Asylum Claims*. London. Retrieved from <https://www.sogica.org/wp-content/uploads/2017/08/Missing-the-Mark.pdf>

UNHCR. (2012). Guidelines on international protection no. 9: Claims to refugee status based on sexual orientation and/or gender identity within the context of article 1(A)2 of the 1951 Convention and/or 1967 Protocol relating to the status of refugees. <https://www.unhcr.org/509136ca9.pdf>

UNHCR. (2013). *Beyond proof. Credibility assessment in EU asylum systems*. <https://www.unhcr.org/protection/operations/51a8a08a9/full-report-beyond-proof-credibility-assessment-eu-asylum-systems.html>

United Nations. (1951). The 1951 convention relating to the status of refugees. <https://www.unhcr.org/4ca34be29.pdf>

Vanto, J., Saarikkomäki, E., Alvesalo-Kuusi, A., Lepinkäinen, N., Pirjatanniemi, E., & Lavapuro, J. (2021). Collectivized discretion: Seeking explanations for decreased asylum recognition rates in Finland after Europe's 2015 "refugee crisis". *International Migration Review*, 1–26. <https://doi.org/10.1177/01979183211044096>

**Appendix A***Finalized Scheme for Coding of the Decision Documents*

Variable	Description	Coding options
Case number	Based on Migri's random numbering	1–218
Reason number	Number the rows depending on the number of specific themes invoked	e.g., 1, 2, 3...
Credibility of applicant's sexual orientation	Whether or not the official accepted the credibility of the applicant's sexual orientation	NA = Not specified 1 = Sexual orientation accepted as credible 2 = Sexual orientation not accepted as credible
Specific theme invoked	Which theme (if any) within the claim was brought up by the official in the decision	NA = None / not specified / general 1 = Individual realization / development of sexual identity 2 = Applicants' feelings about their own sexuality (including psychological impact) 3 = Sexual behavior / sexual acts 4 = History of same-sex relationships/partnerships 5 = History of male–female relationships 6 = Social/community support 7 = Coming out / disclosure to others 8 = Situation of sexual minorities in the home country in general 9 = Applicant's life in Finland 10 = Connection between sexual orientation and religion 11 = Lack of clarity regarding the meaning of the sexual orientation to the applicant 12 = Knowledge about and involvement in queer culture in Finland 13 = Concealment / discretion of sexual orientation in the past 14 = Concealment / discretion of sexual orientation in the future 15 = Inability to clarify reasons for late disclosure 16 = Inability to clarify credibility issue in interview statements 17 = Inability to provide corroborating or supporting evidence 18 = Credibility issue about persecution faced in the past or feared in the future 19 = Other issue related to the applicant's sexual orientation or persecution 20 = Other ground for seeking asylum not believed (e.g. religion, political opinion)

Variable	Description	Coding options
Credibility of specific theme	Whether the specific theme in question is accepted as true or rejected as not credible	NA = Not applicable 1 = Accepted as credible 2 = Rejected (not credible)
Credibility indicators <sup>a</sup>	What indicator or criterion was invoked in the decision	NA = Not applicable / not specified 1 = Detail and specificity 2 = Internal consistency (within-statement consistency) 3 = External consistency (consistency with country of origin information, with statements made by others) 4 = Plausibility 5 = Late disclosure 6 = Demeanor 7 = Appearance 8 = Amount of emotion expressed or displayed
Assessment of well-founded fear of persecution	Does Migri conclude that the applicant has a well-founded risk of persecution?	NA = Not applicable 1 = Well-founded fear of persecution 2 = No well-founded fear of persecution

*Note.* <sup>a</sup> = the scheme accounted for the ability to code multiple credibility indicators, as Migri could cite multiple credibility indicators when assessing the credibility of the same theme.

## PRESSMEDDELANDE

**Migrationsverkets asylhandläggare misstror asylsökandes sexuella läggning**

Pro gradu-avhandling i psykologi

Fakulteten för humaniora, psykologi och teologi, Åbo Akademi

Resultaten från en pro gradu-avhandling i psykologi vid Åbo Akademi tyder på att Migrationsverket tenderar att hänvisa till misstro till asylsökandes sexuella läggning vid avslag på deras asylansökningar. Migrationsverket baserar denna misstro på antaganden kring minnesfunktioner, mänskligt beteende och sexuell identitetsutveckling, vilka inte stöds av kunskap som härletts av psykologisk forskning. Migrationsverkets till synes höga krav och ogrundade antaganden kring asylsökandes berättelser tyder på ett vidare behov av utbildning gällande tillförlitlighetsbedömningar i sexuella minoritetsgruppers asylansökningar. Utökad kunskap gällande hur sexuella minoritetsgrupper kan tänkas uttrycka sin sexuella läggning samt dess utveckling kunde stödja asylhandläggares bedömningar.

Avhandlingen utfördes av Pia Lindblad under handledning av doktorand Hedayat Selim och professor i tillämpad psykologi Jan Antfolk. Avhandlingen innefattade 68 riktiga asylbeslut som erhöles från Migrationsverket. Vid tolkning av resultaten bör det tas i beaktande att avhandlingen endast utforskat asylbeslut där Migrationsverket gett avslag på anspråket på asyl. Detta begränsar tolkningar av hur Migrationsverket bedömer asylsökande som tillförlitliga, eftersom studien inte har kunnat ta positiva utfall i beaktande.

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