

## **LGBTIQ+ ASYLUM SEEKERS IN EUROPE: THE ROLE OF RELIGION AND FAITH ACTORS**

Following the Refugee Convention, European law requires assessing asylum claims individually, objectively, and consistently. According to immigration scholars and activists, for asylum claimants who base their request on their sexual orientation and gender identity (SOGI), this is not always the case. Despite the growing literature on this field, it is not common to find research that connects the social and legal experiences of asylum seekers and refugees. Moreover, much of the emerging research ignores how different social factors intersect the refugee's experiences and complicate LGBTIQ+ claimants' legal experience. My research considers religion as a relevant social factor in this regard and, therefore, aims to answer what the role of religion and faith actors—including faith-based organizations, religious communities, and religious leaders—is in the reception and integration stages of LGBTIQ+ refugees in Spain, Germany, and the United Kingdom.

To address my question, I developed a threefold qualitative research design. Firstly, I examined in-depth the existing literature on the subject. Secondly, I analyzed legal cases of SOGI based asylum claimants in Spain, Germany, and the United Kingdom. Thirdly, I participated in workshops and a summer university program to socialize my preliminary findings. These presentations have allowed me to receive feedback and gain new perspectives on the issue. It is worth noting that the qualitative data analysis software Atlas.ti was essential in processing the data and carrying out the qualitative analysis.

The preliminary results of my research work hinge on two points. Firstly, SOGI based asylum claims fall within the "Particular Social Group" ground. In the European countries under study, judgments based on such a ground often focus on sexuality or gender and neglect the other grounds in the Convention or the intersections with other grounds. The way SOGI is conceptualized is problematic for several reasons. On the one hand, LGBTIQ+ claimants' SOGI is measured against the Western model of sexuality, which considers that religion—most particularly Islam—is irreconcilable with non-heteronormative SOGI. Thus, the credibility of SOGI-based asylum claims may be more difficult to prove when the asylum seeker is a manifest believer and confess his faith during the decision-making process. On the other hand, tribunals tend to understand the possibility to reconcile non-heteronormative SOGI with Christianity, despite the fact that in some cases, the situation explained above is repeated at the level of credibility assessment with LGBTIQ+ refugees who confess to be Christians. The Western model of sexuality plays against them in another way. In the case of Latin American asylum claimants in Spain, for example, allegations of SOGI-based persecution are not conceived as valid per se but in relation to a presumed "unsafe" legislative context in non-Christian countries. Here, the problem moves from the credibility of the applicant's identity to whether this constitutes grounds for asylum. Several Spanish Supreme Court resolutions reject asylum applications based on the bias that understands persecution as a consequence of legislative contexts and mystifies Christianity as a guarantor of social security.

Secondly, my work focuses on the agency of Faith Actors that works with LGBTIQ+ asylum seekers and refugees. Among the strategies these actors deploy on behalf of these claimants, legal assistance is of paramount importance. However, given the above-mentioned bias of tribunals and courts, they have learned to "appear" and "disappear" along the process of the asylum seekers. They remain visible as

providers of humanitarian assistance but, they tend to be invisible as legal representatives. In many cases, legal assistance is offered in the first steps. Once the process moves forward, they outsource the legal representation and leave it in the hands of a previously defined group of trusted professionals. In this way, they try not to increase the tensions between religion and non-heteronormative SOGI that complicate court assessments of credibility. Moreover, these Faith Actors need to deal with tensions within the religious communities. The religious network itself is, in some cases, a cause of conflict and constraints. For example, in Germany, the work of Faith Actors working on behalf of LGBTIQ+ refugees was controversially disputed not only in the government but also within the Christian churches. More conservative Christianities have seen with distrust the empowerment of these progressive ecclesiastical sectors that challenge the nationalist feelings that shape German anti-immigratory religious discourses. Lastly, when creating discourses on deservingness, some Faith Actors reproduce themselves the religious heteronormativity from the refugees' countries of origin and embody the homonormative idealization of queer identities embodied in the reception countries through institutional expectations around sex, gender, and sexuality.

The research concludes that it is pivotal to challenge the described biases at all levels, from scholarly works to the training of judicial actors involved in the asylum decisions to the agency of faith actors themselves. It is necessary to take into consideration an intersectional perspective that can be based on something as simple as the fact that LGBTIQ+ asylum seekers exist in Muslim-majority countries and beyond them, and that LGBTIQ+ asylum seekers believe, have faith, and practice it.