

Kaldor Centre for International Refugee Law
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Transcript of panel discussion
'Sexual orientation, gender identity and asylum: Australian and global perspectives'

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Ghassan Kassisieh:

Tonight we're going to explore some Australian and global perspectives on refugee protection based on membership to a particular social group defined by sexual orientation, gender identity and sex diversity. In this discussion, language is always fraught, especially when we are talking about cross cultural experiences of sexuality and sex, gender diversity. So we'll be using language like LGBTI or SOGII (sexual orientation, gender identity and intersex) to describe a cross culturally diverse group of people whose sexuality and gender identity or sex characteristics, put them in harm's way. So please take that language generously. And our panel includes experts in both practice and in life.

But before I open to them, it's worth setting the scene for our discussion. Since the 1990s Australia, along with several other countries have recognized claims for refugee protection based on sexual orientation. And since the 2000s claims also based on gender identity and expression have also been made. To my knowledge, there are no published Australian claims based on variations to sex characteristics or intersex status. But decisions in Australia are principally made by delegates at the Department of Immigration, and then can be appealed on their merits to the Australian Administrative Appeals Tribunal. We don't have readily available databases and decisions at the delegate level, but based on a sample of 426 published Australian Tribunal decisions on the basis of sexual orientation and gender identity between June 2007 and 2018, the success rate before the tribunal by decision is around 38%. So over 45 countries of origin are represented in these Australian decisions with Lebanon, India and Malaysia, being the most common countries of origin, though not necessarily the highest rates of acceptance from those countries. The acceptance of claims varies also a great deal and depends on a number of issues. Before the tribunal, the majority of claims is still made by gay men. The number of published trans and gender diverse decisions as small in that sample, around 13. But they have a fairly high success rate of around 62%. While the number of bisexual claims similarly small, around 23 in that sample and they have a very low success rate of around 18%. And gays and lesbians are somewhere in the middle with around 40% success rate. So, this tells us something perhaps quite interesting about the way in which claims are determined that impacts on these outcomes. Any in my research, assisted particularly by pro bono work with Gilbert + Tobin, there's been a number of issues that have come to the fore.

I should acknowledge though, that the caseload before the AAT is enormous, and they have a very short timeframe to come to these decisions, which can impact very much on a person's future life, in terms of looking at whether they would face a real chance of persecution if returned to country of origin. So they have a job to do that is a difficult one. But nonetheless, we see still stereotypes based on stereotypical notions of a gay lifestyle, playing out in how these decisions are made. So, the tribunal often asked questions which suggest they expect applicants, particularly upon arriving in Australia to actively engage in the gay community, to visit gay bars and clubs, to seek out homosexual relationships and to live, generally an extraverted and open life. And these narratives are used to identify whether the claim is credible. And there's also in these narratives, sometimes a focus on sex - sex acts - rather than the life experience of these applicants, and we also see some confusion regarding intersectionality or multiple identities that people may have, such as a religious identity alongside a sexual identity. And the stereotypical notions of the gay lifestyle can have the propensity to dull the tribunals' mind to sexual diversity, especially as it's experienced across the world, and perhaps reasons why an individual may not simply live a life of sex, partying and pride parades, in understanding whether or not the applicant is who they say they are, as a sexual minority.

There's also it from the emerging cases around gender identity clearly a relatively low level of understanding regarding trans identity and issues. And often a conflation between sexual orientation, which is the gender a person is attracted to, with gender identity the gender person identifies with. And sometimes with shocking results. So the success rates of trans claims may well be from a lack of understanding and a great deal of luck rather than necessarily a deep appreciation of particular human rights abuses facing trans and gender diverse applicants. Another important theme is that the safety of the process matters a great deal to the success of applicants. And an interesting stat from that sample of research is that applicants who were willing and are able to have a corroborating witness appear or support their claim are three times more likely to succeed in their claim. So corroboration is key to credibility. Now, of course, when we're thinking about sexual orientation and people who may not feel safe in disclosing their sexuality to other people, clearly, there's an issue there for perhaps the most vulnerable are not able to establish their claims because they can't rely on other people like family members to come forward and support them.

And in Australia and internationally, we're still very much influenced by this discretion reasoning, or the notion that sexual minorities should cooperate in their own protection by remaining discreet about their sexuality. So the Australian High Court threw out that line of reasoning in 2003, but I think the shadow of it remains. Now we see the notion of discretion as a double-edged sword. So 'too gay' and your claim is seen as staged; 'not gay enough' and you're unlikely to attract harm. So we see reasoning that suggests people have freely chosen to live a private homosexual lifestyle, or remain married to heterosexual partners. And the narrative of the 'perfect gay' is one that is closeted at home, but out of fear, but 'out, free and gay', once in Australia.

So ... having set the scene, I'd like to introduce the panel. And Sarah in particular, if we could start with you, what are in your mind the key challenges for applicants seeking protection.

Sarah Dale:

Thanks. And Thanks so much everyone for being here tonight. I too, would like to acknowledge Gadigal people and pay my respect to their elders past, present and emerging and indeed any indigenous people that might be here today. I would also like to acknowledge that I'm very lucky to have been born in Australia and to be in a place where I don't have fear. And I would like to acknowledge the many people that have come to Australia that have been displaced, and that have taken the brave step to find the safety that I am blessed with.

In terms of the challenges, I think something that was really stark for me in your introduction today was, indeed that we don't really know the numbers. Certainly my experience as a lawyer that assists people with protection applications, I know that many of my clients that have identified as LGBTI get grants, I

know that many of them are indeed protected under the current legal system here in Australia. Is the process horrific for some of them? Absolutely. Are they asked intrusive questions? Definitely. Is there bias those interviews? Absolutely. But you know, I was sitting here listening to those numbers, and I was going through names of people that I've worked with, and I couldn't come up with one that had been refused in recent history for me. That said, some have had to go to the Tribunal, and we've been successful there. But I think the sense that we don't really know what happens at that Department stage is one that we really need more visibility about. And I think that's a challenge, in that we we don't see, we don't hear, we don't know what's happening in that Department stage. Decision records aren't published. Indeed to get a decision record is incredibly onerous. We're waiting six months with the Freedom of Information applications to get a decision record for a person. The Department only give you a decision record if you are refused. So it's really tricky, I guess, to get across the nuances of this process.

I guess something that I wanted to reflect on is I think we have come a step in the right direction, particularly given we now have in our legislation that you can no longer expect a person to modify their behavior, if it is a feature that is so inherent to them. An example I give my clients is if you're being persecuted because you drive a red truck, but you would be safe driving a green truck, then the government can expect you to start driving a green track in your home country. However, if it's something that you cannot change, if it's something that is a political opinion or sexuality or something that is inherent to you, the government in their assessment process can no longer expect you to change that, to hide that. And I guess for me, having seen the law prior to that introduction, for me, that is a step in the right direction. But certainly I think the big challenge is exactly what you've heard, which is like, what is the 'ultimate gay'? In that, you know, they they've, the questions are like, 'so what did you do in February/March? What are your favorite spots in Sydney? And it's, you know, hoping for the tick-a-box answer, you know, 'Oxford Street', 'Mardi Gras', so that it's easy for a decision maker to make that assessment.

One of the things that I constantly say to my clients who disclose to me that they have this identity is that I'm really sorry, you're going to get asked heaps of questions that I would not get asked. If I go to the Department and I say, I'm married and this is my husband. The question is not are you straight? The question is, do I believe you're married, and that is not to the experience of people that identify as LGBTIQ. It's not only do you have to demonstrate your relationship might be real or the practices you engaged with agenda. When you also have to prove your identity, which does not happen to heterosexual people.

Ghassan Kassisieh:

Thanks Sarah. Minoo if I could bring you in, do you have further reflections on what you think the key challenges are for applicants?

Minoo Eslami:

Thank you for having me and special thanks to Frances for the invite. For the key challenges, I think, as an applicant, first you may go through the website of Home Affairs for lodging your application. You might see five well founded fears of persecution, including race, religion, nationality, political issues and membership of a particular social group. You might think LGBTIQ people may fall into this group, this particular social group, but I want to say it is very vague and unclear.

I want to say how serious or intense one issue should be, to be mentioned directly and clearly between these items. And it's not just about a term. It's not just about the word of people involved with SOGII issues, and sexual orientation, gender identity or sex characteristics. It is about creating a safe and and welcoming atmosphere/environment for them to apply. First you just go to the website, and see, where am I? Am I part of this particular group that this is saying here? Why you shouldn't be mentioned exactly there? Policymakers may argue that this is not worth mentioning. But I want to say in terms of the

population, it has been proved that the 5-7% of any society, any community, of any country belong to LGBTIQ community, and even in some resources it's 10%. That's a huge number of people.

And they may say, policymakers may say the persecution for them is not so clear. But that is exactly mentioned in the laws of different countries. We have, in some countries we have up to 20 years imprisonment for same sex relations. In 12 countries, death penalty has been seen for them. And injustice has been implemented for same sex relationship. And in terms of gender identity is we have a lot of cruel sentences for them to serve, like imprisonment lashing and everything like that. And in some countries they have to get sterilization for this, for their legal gender recognition. I want to just say it's very serious, it's very intensive, it has to be mentioned there. And you think, as a policymaker, you might think, okay, they will apply for this and they just lodge their application and see what will happen. But I want to say they are bringing a lot of stigma in their minds to a free country like Australia, it's not very easy for them to apply.

I know for example, a gay man from Saudi Arabia, that he doesn't even have the confidence to come out to his close friends rather than to stand up applying for this. And we have to say they put themselves in danger. If, even if there is no danger for them, it's very hard to come out for them. And with clearing everything like, for example in the website that people engaged with SOGII issues, we can make it a safe and friendly environment for them to just come there and apply for this. And it is a matter of their lives and we have to take that very seriously.

Ghassan Kassisieh:

So it's really interesting you say that a simple website that just says it's safe to apply could be very important because we know that when decisions are made where someone is delayed telling the interpreter or the lawyer or ultimately, the decision maker about the claim that they're making, then they're not believed because of the delay, inconsistencies or why didn't you tell us when you first [applied]. It's a such a simple, such a simple thing, but it actually is significant to someone looking for safety.

Minoo Eslami:

It has a meaning, it has a message, right.

Ghassan Kassisieh:

Ruvi, can I can I bring you in, especially from a global perspective and the global protection regime? How well do you think about it responds to the different needs and protection needs of LGBTI people?

Ruvi Ziegler:

Thanks very much and thanks, everyone, for being here. Thanks for the invitation. Some of the things I want to say very much link to some of the points that Minoo just made. I think that the first potentially very blunt point to make is that there is no global protection regime in the sense that there is no global consensus. In fact, one might say very clearly, this is one category, perhaps somewhat different than some of the other categories within refugee law where there will be a debate over the the extent to which race or nationality or religion extends over whether a particular practice of a particular State amounts to persecution within the meaning of the 51 convention. But there isn't, or there would be an outlier position for a country to say, we believe that sending somebody to jail because they are of a certain race is justified.

The issues around LGBTIQ is of course, very different. We're still in a position in the world in 2019, where a large minority of States and possibly a majority of people live in countries that still criminalize certain forms of conduct. And if we're thinking about the spectrum of countries, we have a spectrum in the world from countries like this one, which fairly recently, one should say, has recognized, legalized marriage and other associated rights, through countries that protect from discrimination but don't fully accord protections in all fields of private and public lives, to countries where there is no criminalization but there's

no protection from discrimination, through countries where there is criminalization, but it's not enforced - and we may come later to, to how refugee-hosting states react to that - through countries where it is enforced and can range anywhere from a year to two [imprisonment] to that to the death penalty. Right. And it's also not a coincidence that we look at later documents after the 1951 Convention, the Organization of African Unity's Convention has expanded the refugee definition in various ways, but not in this field. And understandably given in fact, the majority of countries in Africa still criminalize homosexuality. And similarly, even the Cartagena Declaration in Latin America hasn't done so.

So this raises several issues. One is that the five top refugee-producing countries are all countries where sexual behavior is criminalized. So Syria, Afghanistan, Myanmar, Somalia, and South Sudan all fall into that category. But perhaps equally importantly, three of the five -largest refugee-hosting countries are also countries where those practices are criminalized. So this is Pakistan, Sudan and Uganda. And Turkey, also in the top five is a country where it's not criminalized, but there are no protections from discrimination. So it's only Germany who is in the top five, that is a country that is protected.

And this links to this point as well, because this has an effect on the behaviors of refugee-hosting countries, even if they host refugees more generally. But it also has an effect on the ability of somebody who escapes persecution, to feel comfortable within their own refugee diasporic community in the country of asylum, because that refugee community may actually not be welcoming of their own practices. And it fundamentally raises is the question of how States react to an asylum claim, which is somewhere along the spectrum different to where the State, the asylum State sits. Right. So if you've got an asylum State where there is recognition of rights, where is the border? Where is the line that is drawn to suggest that somebody is a refugee claimant? Have you set the bar at the same level of protection that exists in the State? Or do you set it farther way this is, this is where issues around criminalization arise. And these are often countries that are neighboring countries. So I give an example I've now spent the last few months looking at the asylum system in South Africa. And South Africa is a fascinating example because it's a countries that used to have criminalization until the end of apartheid. But actually very soon thereafter, in the Refugees Act of 1998 included quite unusually, even for 2019, a definition, a change to the definition of a refugee to include, to define social group to include amongst others a group of persons of particular gender, sexual orientation, disability class, or caste. This is 1998. This is very rare. Now consider the fact that many of the people come to South Africa come from Zimbabwe, a neighboring state, where homosexuality is criminalized with a penalty of up to 14 years in prison. How do you react to that? So lots of challenging questions, I think.

Ghassan Kassisieh:

I want to pick up on that idea that the individual experience matters. And we do see criminalization is a proxy for whether or not there's persecution. And so you see it actually in the success rates, if you actually compare countries country by country, whether it's illegal or not, you see the success rate kind of... Yes, more decisions like Bangladesh, those examples, the highest acceptance rates or the surveys of the sample that I saw a while ago, India moved towards decriminalizing, and you see a lower success rate. But can I bring you back in? Sarah, because one of the things you said that you thought things had gotten better. And I'm wondering,

Sarah Dale:

Well the refugee issue right now is pretty bad. So you know, better in relative terms.

Ghassan Kassisieh:

So can you give us maybe some, particularly from your work of, do you still see the stereotypes coming forward? What sort of improvement have you seen? What what's bad, what's good?

Sarah Dale:

I guess if I compare when in 2012 going to department interviews to going to department interviews in 2019, I think that there is more sensitivity. You know, you don't need to provide a list of boyfriends or girlfriends or, you know, there's not the same sense of needing to tick a box. That said stereo typical questions are still asked in in many cases. And I mean, Lebanon is a really great example because, you know, often the responses for you know, Beirut is like the capital...

Ghassan Kassisieh:

The 'gay capital' of the Middle East

Sarah Dale:

And so then there is an additional onus on a person to demonstrate family or community issues. And I think this, we're now at this point of people being questioned, you know, why haven't you disclosed to this person, this person, if I asked your mum, what would they know if your brother knew, what would they know? What would they say? What would they do? And so there is additional element of people having to explain, as I said before, it's not just your identity, it's about your relationships with others as well.

I also think that it's a problem with the test and I don't have a solution to that because the test is you would need someone to identify that you identified in a certain way in order to render that harm, right? So if nobody in this room knew that I was gay or lesbian, why would someone hurt me, they'd have to know that you are that or that you identify in such a way in order to warrant the harm. So I think that's why this is real... I don't have the solution.

Ghassan Kassisieh:

But interesting, because there's some cases I've seen where a woman said that she was a lesbian, but she was in an arranged marriage in India. Yeah. and was told, well, if you went back to India, no one would know you're a lesbian. But she's in an arranged marriage. So there's no question about whether or not that in and of itself is a form of persecution. You've been married in a relationship that doesn't accord with your own identity. But can I can I bring you back in Minoo, in particular, this issue of the decision maker, but whether it's the delegate or the tribunal, being able to understand and listen to the story that's before them and empathize. What's your perspective on the in particular intersectionality or the complexity of identity that the tribunal delegate will see. Do you feel that they are able to comprehend and understand?

Minoo Eslami:

I've seen some cases there for example even dealing with a UN Commissioner in Turkey, they said, if you look for example, as a lesbian if you look very feminine, they don't take you very seriously. Or if you as a gay person, if you look very manly, go to the end of the line. But I think we are going to the way that our decisions, they aren't making them based on the people look. At least the thing I have felt in Australia. But that said, the challenge is that they think that is the only resource they have to start to verify this people's claim and I think... I don't have any particular solution for that to be honest, but I know that's very challenging to prove that your sexual orientation is like this and even it's worse for bisexual so sad because they say okay you have this freedom you can you can be sometimes you can be straight and save your life.

Ghassan Kassisieh:

and go under the radar

Minoo Eslami:

but transgenders, they say it is easier because their gender identity is very, like obvious in their lives. And for intersex it is even much easier.

Ghassan Kassisieh:

Ruvi, how about looking sort of internationally? Do you see the same at all? Do you see good or bad practice services when you compare, maybe not compared to Australia, but in terms of things we can learn?

Ruvi Ziegler:

Yeah, well, so to tie two of the themes that we've been looking at, one issue is around discretion and one on criminalization. So there was a really interesting, quite seminal case a few years ago in the European Court of Justice that in a way was a good and a bad case, all the same because it was a, you might argue, a very good case on discretion and a rather disappointing case on criminalization. So this was a case involving three asylum applicants who applied in the Netherlands from Sierra Leone, Uganda and Senegal, respectively. And in all of these countries, there is criminalization of homosexuality, and it's punishable by imprisonment. But there was no direct evidence in any of these countries that the laws are enforced. I mean, since then, actually, Uganda has just become worse, actually have there have been cases, I suspect now, that case might have been heard somewhat differently.

But the interesting thing about that case is that, so the court was set with several questions. The first being whether, actually the category under the Refugee Convention as applied in EU law under the EU Qualification Directive, whether on a sexual orientation as it was referred to in the question, forms a particular social group. And the interesting thing that the court said was, well, the fact is there is criminal law targeting this particular group supports the findings that they must be regarded as forming a particular social group. So they're actually using the fact that there was criminalization to support the identity of the group. And then to say that a person's sexual orientation is a characteristic that's fundamental to their identity, they shouldn't be expected to renounce. So on that level, they were a group.

But then when it came to well, and so how do we react to the fact that those countries that people come from are countries where there is criminalization, how does that affect people's behaviors? And how does that affect our assessment of whether they are by definition, refugees as escaping such country? So on the latter question on criminalization per se, the court says that not all violations of fundamental rights that are suffered by, quote unquote, a homosexual asylum seeker, will necessarily reach the desired level of seriousness. So the fact that there is the mere existence of legislation, criminalizing homosexual acts cannot be regarded as an act affecting the applicants in a manner so significant that it reaches that level of seriousness that is necessary for finding this constitutes persecution.

And the contrast here is remarkable because about 25 think, almost 30 years before, there was a case in the European Court of Human Rights, another European supranational court, where there was a law in Northern Ireland not in the rest of the UK, but in Northern Ireland, that still criminalized homosexuality and was not enforced. And in that case, the court says that there is recognized fear, suffering and distress that is caused by the very existence of that law that can create of course blackmail and can force people into hiding. So it's an example of what I said earlier, of not applying in a way the same standards that would now apply. And frankly, that has been applied in the European sphere in 1983, to a case applying to asylum from 2013. But then to contrast it, so this is in a way, this was a rather disappointing element of the judgment.

But the, you might say the positive element of the judgment was the point about discretion, because a few years before the ECJ judgment, there was a case in in the UK Supreme Court, HJ & HT, Iran and Cameroon, respectively. Where generally speaking, the notion that people have to conceal their identity in order to avoid persecution was rejected. But with a caveat. And the caveat, the Lord, the late Lord Roger put into that judgment was to say, Well, if the reason you are going to conceal it is because of social pressures and because you don't want your family to not like you, etc, and not materially because of persecution, then that's not persecution. Whereas the European Court of Justice says essentially, you shouldn't be expected to modify your behavior, but also, the test should be whether it is reasonable to

expect the person to modify their behavior, not whether, not trying to assess what will prompt them from a motivational perspective to change their behavior. Is it reasonable to expect somebody to behave differently, then to link it back to the point that Sarah made, to expect them to act in a, to hide part of their identity, which you wouldn't expect a straight person to do? And so that has been helpful in a way in steering, and one might say he does also steered the UK more into a reasonableness test rather than a subjective test.

Ghassan Kassisieh:

Right. We've seen our High Court say similar things around criminalization as being a, you know, an environment in which black mail and other persecution can occur. The fact that you can't seek protection from the State when you are being criminalized by the State. But it's interesting the case of, that you refer to the 'brightly colored cocktails' case

Ruvi Ziegler:

yes of course, the Kylie Minogue concert

Ghassan Kassisieh:

Lord, Lord Rogers knew that, well, gay people should be able to attend Kylie concerts and drink brightly colored cocktails in the same way that a heterosexual male can go to rugby. So some weird world, you know, in allowing people to express themselves also reinforcing the same kinds of issues around stereotypes.

Minoo, can I bring you back in in terms of looking to the future? And these kinds of decisions, you know, we're talking about the experience of people, and we're talking about people's real life here, the people appearing before a tribunal or decision maker at the department level. What can we, if we are practitioners or interpreters or agents, do to make sure or to assist applicants to make it a better experience and in putting forward a claim?

Minoo Eslami:

Here as I mentioned, this is all about creating a safe environment for LGBTI applicants. By the just mentioned thing, make everything easy for the process of the application. For example, it can start with having some interpreters who are expert, or who are familiar with the whole issue. I know some cases they were uncomfortable with the interpreter, like the person was very old and they couldn't understand what's the issue. And if they wanted to translate to English to say... they didn't know how to say, and that person still have stigma in their mind because they are coming from the same country and society. I think if you just see all the processes for the LGBTI applicants step by step and make everything easier for him, that could be very helpful for this, for the community.

And the other thing is if we put policymakers in Australia in touch with at several organizations we have in particular countries which are more familiar with the issues happening in the country, that could make decisions even faster and easier. For example, we have we have many organizations in countries where same sex relations are criminalized, or if they said their activism is banned, we have some organizations in exile, like my own organization. And if we have a more connection between them, between the policymakers in Australia and them, we can have more clear images of what's happening in this country, and that could be very helpful.

Ghassan Kassisieh:

That is a huge challenge because country information is... maybe Sarah, you want to come in here. Country information is central to testing the credibility and also the risk of persecution.

Sarah Dale:

Absolutely. I mean, I have this constant tension about country information. DFAT is heavily relied upon in terms of steering the Department's country information. Well, you know, DFAT suggests that parts of Afghanistan is safe, despite the fact people on the ground are constantly reporting that it's not. So that additional country information and reports from groups that are talking to people on the ground, like yours Minoo, is what I as a practitioner rely upon all the time, often to discredit the government's country information or to bolster the information where it is supportive. But it's just so critical that those on the ground reports are there because otherwise, we rely on the UK home office. We rely on DFAR, who, you know, using reports from people that visited someone six months ago that spoke to someone on the streets of Kabul. And it's just, you know, it's just not acceptable, in this day and age, in 2019 about to hit 2020, our country information should 1. be more up to date. And 2 should be more accessible, and 3. should be more relevant from the people on the ground that experienced that. Because in day, that's how we build credibility is that we say, Well, you know, this person is telling you that was their experience. Well, here's all the information to suggest that many others are having that experience. And where those reports aren't from the people experiencing it, you know how you're going to get the story out there.

Ghassan Kassisieh:

Ruvi, before I open it up, do you also want to reflect on the future in terms of, you know, strategies that we can adopt to improve the situation.

Ruvi Ziegler:

Yeah, so I wanted to kind of name check here and give credit to somebody who I had the pleasure of actually examining last year his PhD. He's somebody who's been a practicing barrister for the last three decades, I believe in the UK, and has developed a model - his name is S Chelvan - developed a model that has been partly adopted by EASO, the European Asylum Support Office, by UNHCR and by the International Association of Refugee Lawyers and Judges, called the DSSH model. So it's a model that tries to move away from an expectation of certain behaviors or an assessment of how people are or are not supposed to, to perform in certain circumstances and focus on what he defines as difference, stigma, shame and harm. So, the idea is that the first, the starting point, in a way he suggests that ECJ judgment that I mentioned the X, Y and Z judgment, the court in a way implicitly recognized the idea that the first point of entry is the notion of difference. Because why is it that a law is targeting specifically this group for its sexual behavior and all that, it's because they're deemed to be different. And they're deemed to be different in a way society is reprimanding. So the first, in a way, entry is that when a person feels that they are different in a society, and that difference is a challenge, the difference is not celebrated but the difference is a challenge for them. Because it then generates a stigma they feel, culturally or religiously or socially for family members or for people around them. It leads themselves to a degree of shame because of that impact of the stigma on the individual, and then it of course, could cause harm. So it could cause mental health harm, but it can cause the harm from the existence of legislation that criminalizes what you want to do and feel a propensity to do, or indeed, actual discrimination or persecution. And so, what Chelvan suggested is that using this model to try to understand the experience of the person seeking asylum, the queer refugee is, is a way to move away in a sense from a from an attempt to try and pigeonhole people into certain modes of behavior, and focus on the story or the narrative of each individual. So hopefully, as I said, this has been adopted to some extent by some international organizations in their guidance that is given to those who conduct on their behalf, status determination in countries and training, and the Home Office in the UK, to some extent has also adopted it. So that may be a positive way of moving forward.