UNSAFE HAVEN

The Security Challenges Facing Lesbian, Gay, Bisexual & Transgender Asylum Seekers & Refugees in Turkey

A JOINT PUBLICATION
OF HELSINKI CITIZENS' ASSEMBLY - TURKEY
REFUGEE ADVOCACY AND SUPPORT PROGRAM
& ORAM - ORGANIZATION FOR REFUGE,
ASYLUM AND MIGRATION

June 2009

HELSINKI CITIZENS ASSEMBLY
HELSİNKİ YURTTAŞLAR DERNEĞİ

ORAM
Organization for Refuge, Asylum & Migration

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This report would have been impossible but for the participation of the asylum seekers and refugees who occupy its pages. Thank you for sharing your experiences, your observations and feelings, and for allowing us into your lives. Your fortitude is an inspiration.

Helsinki Citizens' Assembly - Turkey / Refugee Advocacy and Support Program

Based in Istanbul, Turkey, **Helsinki Citizens' Assembly - Turkey (HCA)** is an independent, non-profit, non-governmental organization working to advance fundamental rights and freedoms, peace, democracy and pluralism in Turkey and beyond. HCA's **Refugee Advocacy and Support Program (RASP)** was founded in 2004 to empower and support refugee populations in Turkey and ensure their rights are upheld under national and international law. RASP is currently the only civic initiative in Turkey which provides both direct legal and psychosocial services to asylum applicants during UNHCR and Turkish asylum procedures *and* engages in training and advocacy efforts aimed to build civil society capacity and improve the legal framework and practical conditions for the protection of refugees and asylum seekers.

The overall goals of the program are to: (1) provide legal and psychosocial services to refugees in ways that will empower them to advocate for their own rights; (2) raise public awareness and sensitivity about the conditions and rights of refugees in Turkey; (3) improve refugee protection by building the capacity of non-governmental organizations and professionals in Turkey; and (4) advocate for the development and implementation of laws, policies and practices that reflect the highest standards under international refugee and human rights law.

In pursuing these goals, RASP cooperates with a plethora of national and international partners. HCA is a founding member of Joint Platform for Human Rights (*İnsan Haklari Ortak Platformu / IHOP)* bringing together Turkey's four leading human rights organizations. In 2006, HCA was among the founders of Southern Refugee Legal Aid Network (SRLAN), an initiative of legal assistance providers serving refugees in the global south. In 2008, HCA became the first Turkish NGO to join the European Council on Refugees and Exiles (ECRE), an umbrella organization of over 60 refugee-assisting NGOs in Europe. More information about HCA is available at http://www.hyd.org.tr/?sid=23.

Organization for Refuge, Asylum & Migration

ORAM – the **Organization for Refuge, Asylum & Migration**, is a San Francisco, USA based not-for-profit international organization providing advocacy for refugees who have fled sexual or gender based violence. Many of ORAM's clients have undergone or have been marked for imminent imprisonment or torture. Some face execution. They often leave home with no possessions -- some with only a few hours to escape. Virtually all have been cut off by their families and receive no support from anywhere. Some are escaping *from* their families. They often arrive in transit countries to face harassment, physical violence and severe marginalization.

ORAM works to assist and empower its clients directly as it works to ensure their protection and safe resettlement by the governments, organizations and communities in whose ambits they fall. ORAM achieves its goals through community education, advocacy, counseling and direct legal representation. Its educational efforts include lectures, writings and a variety of presentation modes. It conducts advocacy with non-governmental organizations, inter-governmental organizations, governments and community groups. Free-of-charge representation is provided to clients in transit countries through the creative marriage of modern technology and legal expertise. Further information about ORAM is available at www.oraminternational.org.

Table of Contents

1. Summary and Context

1.1 Executive Summary

Lesbian, gay, bisexual and transgender (LGBT) individuals are among the most vulnerable asylum seekers and refugees in Turkey today. Having escaped persecution in their countries of origin, they arrive in Turkey to confront significant new challenges to their safety, security and protection. Required to live in small towns in Turkey's interior, they wait a year or more to be recognized as refugees by the United Nations High Commissioner for Refugees (UNHCR) and then to be "resettled" in third countries. During the wait, they often fear leaving their homes due to targeted violence from local communities. They enjoy very limited access to social support, employment and medical care. Conspicuous gaps exist in the level of response by local police to their complaints of violence and harassment. Moreover, staff at the UNHCR and the Turkish Ministry of Interior, the two institutions charged with adjudicating their refugee status, have sometimes conducted themselves inappropriately or counter-productively during the refugee adjudication process. While recent accounts indicate that the UNHCR has made significant strides to ameliorate these problems, there is still significant room for improvement at both institutions.

This report is based on in-depth interviews with 46 LGBT asylum seekers and refugees living in Turkey, most of whom are Iranian. Their testimonials shed light on serious gaps in their protection. Most reported consistent, often violent harassment from local community members. They also described a lack of sufficient police protection in response to their complaints of violence, including admonitions that they stay home or dress "like a man" to avoid being targeted. Others reported being evicted from home on the basis of their sexual orientation or gender identity. The few able to secure work described being violently forced off the job when their LGBT status was exposed. Yet others reported identity-based barriers accessing social services and education.

These LGBT asylum seekers and refugees are subjected to a particularly caustic mix of marginalization in key areas of life, preventing them from obtaining assistance or employment, and depriving them of even the most basic security during their lengthy stay in Turkey. Most live out their time in Turkey in destitution and desperation.

The present report must be examined in the context of sexual orientation and gender identity-based human rights abuses worldwide. As many as 85 countries criminalize homosexual conduct. Of these countries, at least seven currently maintain the death penalty for same-sex acts between consenting adults. Many LGBTs thus escape their countries of origin to request refugee protection elsewhere. In recent years, Turkey, increasingly a crossroads for mixed migration flows from Asia and Africa to Europe, has seen a rise in the numbers of LGBT asylum seekers. The majority originates in Iran, which is believed to have executed thousands of gays since 1978.

Significant steps need to be taken to ameliorate the plight of Turkey's LGBT asylum seekers and refugees. First and foremost, immediate steps are required to safeguard their physical security and to shield them from harassment. This will require intensive training for local police, and may include assigning LGBT asylum seekers to live in less hostile locations. Second, processing by UNHCR, the government of Turkey and resettlement

counties must be accelerated to minimize LGBTs' exposure to violence. These stakeholders should also ensure that appropriate interviewing techniques are utilized in the evaluation of LGBT-based claims. Finally, ongoing trainings are needed at UNHCR, with the Turkish police, and among service providers in the health, public assistance and education sectors. Such training should extend to officers, intake workers, service providers and interpreters, increasing receptivity toward LGBT asylum seekers and refugees and creating environments where discrimination and intolerance are minimized.

1.2 Introduction

Asylum Procedures in Turkey

As European countries bordering the Mediterranean have introduced increasingly strong measures to stem the flow of irregular migration, Turkey has become one of the main channels for migration flows from Africa, Asia and the Middle East into Europe.

Each year, Turkey receives thousands of refugees from more than 40 countries worldwide. However, Turkey extends protection under the 1951 Refugee Convention and the 1967 Protocol only to persons originating in Europe.[1] Since the vast majority of asylum seekers are not European, they are ineligible for refugee status. Instead, their protection and prospects for a "durable solution" fall largely on UNHCR, the UN agency charged with protecting and supporting refugees and assisting in their repatriation or resettlement.

Notwithstanding Turkey's limited commitment under the 1951 Refugee Convention, the Turkish government does permit non-European asylum seekers to remain in the country temporarily while their refugee status applications are pending with UNHCR. Those whom UNHCR recognizes as refugees become eligible for resettlement in third countries. The primary receiving nations are currently the US, Canada and Australia.[2]

Refugee status determination in Turkey is an arduous process, which usually lasts many months, and often takes years. The Turkish asylum system consists of two parallel "tracks." The first, applying to domestic authorities for Turkish asylum status, is mandatory for all asylum seekers regardless of their country of origin. The second, applying to the UNHCR for refugee status, is applicable to all non-Europeans who seek third-country resettlement. Non-Europeans must pursue both "tracks" simultaneously.

[1] Turkey adopted Article IB(1)(a) of the 1951 Convention on the Status of Refugees, extending protection only to persons who were rendered refugees as a "result of events occurring before 1 January 1951." See UN High Commissioner for Refugees, "States Parties to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol." http://www.unhcr.org/cgi-bin/texis/vtx/protect/opendoc.pdf?tbl=PROTECTION&id=3b73b0d63 (accessed April 28, 2009). Turkey's later accession to the 1967 Protocol Relating to the Status of Refugees stipulated that the Government of Turkey maintained the limitation of Article I, Sec. B, according to which Turkey applies the 1951 Convention only to persons who have become refugees as a result of events occurring in Europe. See UNHCR, "Convention relating to the Status of Refugees" and "Protocol relating to the States of Refugees," via the Audiovisual Library of International Law, http://untreaty.un.org/cod/avl/ha/prsr/prsr.html (accessed April 29, 2009). To date, Turkey remains one of the few State Parties to the Refugee Convention to retain this "geographical limitation" and considers itself bound by its 1951 obligations only with respect to nationals of so-called "European countries of origin," which it interprets by and large based on the criteria of Council of Europe membership.

[2] In 2008, UNHCR resettled 3,832 people, mostly to the US, with smaller numbers going primarily to Canada, Australia, Finland and Sweden. Sixty-three percent of those resettled were Iraqis, 31% were Iranians, 3% were Somali, and the remainder originated from ten other African and Asian nations.

To receive "temporary asylum status," one must apply to Turkey's Ministry of Interior (MOI). This status allows asylum seekers to live legally in Turkey while the UNHCR evaluates their refugee claims. Turkey's reception system for asylum seekers is

characterized by a policy of dispersal. During their processing, asylum seekers are assigned to live in of one of approximately 30 pre-designated "satellite cities," located primarily in the country's interior. Asylum seekers are required to live in their satellite cities until they depart Turkey, whether for resettlement or upon being deported. Police permission is required to leave one's satellite city for any reason whatsoever.

Turkey currently hosts more than 18,000 asylum seekers and refugees, most of whom originate in Iraq, Iran, Afghanistan and Somalia.[3] Many are survivors of torture. They usually arrive in Turkey after perilous journeys with few, if any, resources. After registering with the UNHCR and MOI, they are primarily left to survive on their own, required to pay for all of their basic needs, including shelter and health care. All family members are required to hold a fee-based "residence permit," which must be renewed every six months at an additional cost. The associated costs are prohibitive for most.[4] Both the UNHCR and the Turkish State provide very limited financial support, reserved only for the most vulnerable asylum seekers. With scant work opportunities and virtually no social support, most asylum seekers and refugees live in destitution. The majority wait many months and even years for a decision from the UNHCR, and then usually languish an additional year or more to be "resettled." Many brave dangerous living situations and exploitative work settings in the interim, pushing some to risk their lives in an effort to enter Europe illegally.

Against this backdrop, LGBT asylum seekers and refugees in Turkey are particularly vulnerable. Often cut off from support networks in their home countries, few have access to regular financial support. They face consistent, often violent harassment from local townspeople in their satellite cities, and are similarly marginalized by other asylum seekers and refugees. Few seek police protection since they expect their complaints to be met with indifference. The handful who find work report that they are forced into exploitative employment relationships. They also face discrimination finding and retaining housing. Compounding these perils, LGBT asylum seekers and refugees face barriers accessing social assistance and education, often based on discriminatory attitudes. It is therefore not surprising that LGBT asylum seekers and refugees in Turkey uniformly express deep feelings of isolation – from family and friends in their countries of origin, from other asylum seekers and refugees in Turkey, and from Turkish society and authorities.

The Environment for LGBTs in Turkey

The predicament of LGBT asylum seekers and refugees in Turkey is best understood in the context of the prevailing climate of intolerance and enmity toward sexual minorities in the country. While Turkish law does not prohibit homosexuality, lesbians and gays are not specifically protected by legislation, and morality-based laws are often applied in a

[3] In 2008, UNHCR Turkey had an overall caseload of 18,209 people, 12,964 of whom applied for asylum during the year. Of the asylum applications received, 53% were from Iraq; 20% from Afghanistan; 16% from Iran; 5% from Somalia and the rest from close to 40 other countries.

[4] The cost of a residence permit is set by the Ministry of Finance each year and established in the Law on the Collection of Fees (No. 492). In April 2009, a sixth-month residence permit cost 273.80 YTL per person plus an additional 81 YTL for the residence permit booklet, which only needs to be purchased once. At the time, this was the equivalent of US $218.

discriminatory manner against them.[5] In 2008, Turkey joined the majority of nations declining to support a United Nations declaration calling for the decriminalization of homosexuality.[6]

Rights violations against LGBT people in Turkey and their advocates are well documented. Gay men, lesbians, and transgender people consistently undergo identity-based harassment and violence, coupled with police inaction in the face of their complaints.[7] At least ten LGBTs were murdered in Turkey between November 2008 and April 2009, alone.[8] Courts also deny LGBTs basic protections under the law. In May 2008, an Istanbul court ordered the closure of Lambda Istanbul, an LGBT rights group, stating that the organization was "against moral values and family structure."[9] In late 2008, the Supreme Court of Appeals overturned the closure, but noted that Lambda could be closed down again if it engaged in activities that "aim to inspire, promote and encourage bisexuality, transsexuality and being a lesbian, gay or transvestite."[10] Similarly, in recent years the Ankara governor's office accused both *Pembe Hayat* ("Pink Life"), a transgender support network, and KAOS-GL, a gay and lesbian advocacy group, of opposing "law and morality."[11]

[5] Immigration and Refugee Board of Canada, "Turkey: Treatment of gay, lesbian and transgender people by Turkish society; treatment by authorities; legislation, protection and services available," TUR102515.E, June 11, 2007, via UNHCR Refworld, http://www.unhcr.org/refworld/docid/46fa537428.html (accessed April 24, 2009); Human Rights Watch, "'We Need a Law for Liberation': Gender, Sexuality, and Human Rights in a Changing Turkey," May 2008, http://www.hrw.org/sites/default/files/reports/turkey0508_1.pdf (accessed February 1, 2009).

[6] Human Rights Watch, "UN: General Assembly Statement Affirms Rights for All," December18, 2008, http://www.hrw.org/en/news/2008/12/18/un-general-assembly-statement-affirms-rights-all (accessed February 1, 2009).

[7] Human Rights Watch, "'We Need a Law for Liberation': Gender, Sexuality, and Human Rights in a Changing Turkey;" European Commission, "Turkey 2008 Progress Report," November 5, 2008, http://ec.europa.eu/enlargement/pdf/press_corner/key-documents/reports_nov_2008/turkey_progress_report_en.pdf (accessed February 5, 2009), 73; KAOS GL, Press Release, "Platform of LGBTT Rights, Situation in Turkey in 2008," January 29, 2009, http://news.kaosgl.com/item/2009/1/29/platform-of-lgbtt-rights-situation-in-turkey-in-2008 (accessed February 2, 2009); LGBTT Hakları Platformu [Platform of LGBTT Rights], "LGBTT Bireylerin İnsan Hakları Raporu [Report on the Human Rights of LGBTTs]," January 24, 2009, http://kaosgl.com/resim/KaosGL/Yayinlar/lgbt_bireylerin_insan_haklari_raporu_2008.pdf (accessed February 2, 2009).

[8] Bawer Cakir, "Transsexual Melek's Killer Arrested," Bia News Center, April 23, 2009, http://bianet.org/english/gender/transsexual-melek-s-killer-arrested (accessed April 28, 2009).

[9] Amnesty International USA, "Background Information on Turkey and LGBT Rights Group Lambda Istanbul." http://www.amnestyusa.org/lgbt-human-rights/background-information/page.do?id=1041177 (accessed February 2, 2009); Federation of Young European Greens, "Closing of Lambda Istanbul – Another Human Rights Violation in Turkey," June 5, 2008, http://www.fyeg.org/cms/index2.php?option=com_content&do_pdf=1&id=487 (accessed February 2, 2009).

[10] Gerekçeli Karar, Beyoğlu 3. Asliye Hukuk Mahkemesi, esas no. 2007/190; Karar no. 2008/236 (Reasoned verdict. Beyoğlu Civil Court of First Instance No. 3, case no.: 2007/190; Decision no. 2008/236). See also, LGBTT Hakları Platformu [The Platform for LGBTT Rights], Press Release, "The Decision to Close Down Lambdaistanbul is Overturned!" November 27, 2008, http://www.lambdaistanbul.org/php/main.php?menuID=26&altMenuID=46&icerikID=6407 (accessed May 2, 2009). On April 30, 2009, at the first hearing of the re-trial in the Istanbul court (Beyoglu Civil Court of First Instance No. 3), the court followed the Supreme Court of Appeal's decision and ruled against the closure of Lambda Istanbul. At the time of publication of this report, the reasoned verdict had yet to be published but was expected. See Gerekçeli Karar, Yargıtay 7. Hukuk Dairesi, esas no. 2008/4109; karar no. 2008/5196 (Reasoned verdict, Court of Cassation Seventh Civil Chamber, case no. 2008/4109; decision no. 2008/5196).

[11] Amnesty International USA, "Background Information on Turkey and LGBT Rights Group Lambda Istanbul." http://www.amnestyusa.org/lgbt-human-rights/background-information/page.do?id=1041177 (accessed February 2, 2009).

The Basis for this Report

For several years, Helsinki Citizens' Assembly – Turkey (HCA) has provided legal aid to asylum seekers and refugees in Turkey, a significant number of whom have been LGBT individuals. During the course of this assistance, HCA has identified a clear pattern of dangers and violations faced by this very vulnerable group. While the conditions faced by most asylum seekers and refugees in Turkey are extremely difficult, the multiple rights deprivations experienced by LGBT asylum seekers and refugees in the country deserve particular attention.

To date, no detailed account has been published outlining the conditions of LGBT asylum seekers and refugees in Turkey. This report aims to shed light on the most significant gaps in the protection of this group. The report was published to provide constructive, field-based recommendations to government agencies, UNHCR and other relevant stakeholders. This effort, it is hoped, will lead both to an improvement in the basic conditions LGBT asylum seekers and refugees face in the country and to a recognition that significant steps must be taken before Turkey is considered safe for LGBT asylum seekers.

1.3 Persecution of LGBTs in the Global Context

LGBT communities face discriminatory treatment and persecution on the basis of their sexual orientation or gender identity around the world.[12] They are subject to violence – including rape, torture and murder – both by private citizens and agents of the government.[13] Their marginalization is often characterized by barriers to health care, housing, education and employment.[14] To avoid social ostracism, violence and sometimes execution, LGBT individuals are often forced into socially-acceptable gender identities and heterosexual relationships by their families and communities. This, in turn, causes severe emotional damage. LGBT individuals are also more likely to be targets of sexual violence, used as a punishment for transgressing gender norms.[15]

Discrimination against LGBT people is often codified in law, perpetuating intolerance.[16] Hundreds of nations maintain laws that prevent or do not protect the full expression of LGBT identity, including limitations on legal partnership rights or cohabitation. According to a report released by the International Lesbian and Gay Association (ILGA) in 2007, no fewer than 85 United Nations member states were found to criminalize same-sex acts among consenting adults.[17] Moreover, seven of these nations — Iran, Mauritania, Saudi

[12] Daniel Ottosson and ILGA, "State-sponsored Homophobia: A World Survey of Laws Prohibiting Same-Sex Activity Between Consenting Adults," April 2007, http://www.ilga.org/statehomophobia/State_sponsored_homophobia_ILGA_07.pdf (accessed February 5, 2009).

[13] Ibid.

[14] Michael O'Flaherty and John Fisher, "Sexual Orientation, Gender Identity and International Human Rights Law: Contextualising the Yogyakarta Principles," Human Rights Law Review 8, no. 2 (2008): 208, http://hrlr.oxfordjournals.org/cgi/content/full/8/2/207 (accessed January 20, 2009).

[15] UN General Assembly, "Question of torture and other cruel, inhuman or degrading treatment or punishment," July 3, 2001, A/56/156, http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/a10fc68f4899ebe0c1256ace004b6207/$FILE/N0144579.pdf (accessed January 20, 2009), para. 17.

[16] Jenni Millbank, "The Role of Rights in Asylum Claims Based on Sexual Orientation," Human Rights Law Review 4, no. 2 (2004): 193-228, http://hrlr.oxfordjournals.org/cgi/reprint/4/2/193 (accessed February 12, 2009).

[17] Ottosson and ILGA, "State-sponsored Homophobia."

Arabia, Sudan, United Arab Emirates, Yemen and Nigeria — maintain the death penalty for consensual homosexual acts.[18] Some of these nations are governed by *Sharia* law and apply death by public stoning as one of the forms of execution for those convicted of same-sex acts.[19]

Government persecution of LGBTs also manifests itself in non-codified forms, including unofficial policies that tolerate police violence against LGBTs.[20] These policies often discourage sexual minorities from reporting hate crimes, exposing them to an even greater risk of abuse.[21] States also discriminate against their LGBT citizens by classifying non-traditional sexual orientation or gender identity as mental illnesses, and by legally limiting the expression of LGBT rights organizations.[22]

1.4 Protection of LGBTs Under International Refugee Law

As a result of often severe persecution, many LGBTs are compelled to escape their countries of origin and seek refugee protection elsewhere. While claims involving sexual orientation or gender identity may be grounded in whole or in part on political opinion, most are based on the applicant's "membership in a particular social group" ("MPSG"), one of the five grounds for protection enumerated in Article 1(A)(2) of the 1951 Geneva Convention.

While the Convention leaves the term MPSG undefined, there have been two generally accepted approaches to its interpretation. The "protected characteristic" approach looks to whether the group at issue is united by a characteristic which is immutable or "so fundamental to human dignity that [one] should not be compelled to forsake it."[23] The "social perception" approach examines whether the claimed group shares a common characteristic which renders it cognizable or which sets it apart from society at large.[24] UNHCR has essentially embraced the "social perception" test, as informed by the "protected characteristic" approach:

> [A] particular social group is a group of persons who share a common characteristic other than their risk of being persecuted, or who are perceived as a group by society. The characteristic will often be one which is innate, unchangeable, or which is otherwise fundamental to identity, conscience, or the exercise of one's human rights.[25]

LGBT asylum seekers may thus qualify under both approaches to social group membership. Lesbians share the immutable characteristic of being sexually or emotionally attracted to other women; gay men share the immutable characteristic of being sexually

[18] O'Flaherty and Fisher, 210.

[19] Ottosson and ILGA, "State-sponsored Homophobia."

[20] O'Flaherty and Fisher, 208.

[21] Ibid.

[22] Ibid., 211-213.

[23] UN High Commissioner for Refugees, "Guidelines on International Protection No. 2: 'Membership of a Particular Social Group' Within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees," May 7, 2002, HCR/GIP/02/02, http//www.unhcr.org/refworld/docid/3d36f23f4.html (accessed January 22, 2009).

[24] Ibid., para. 7.

[25] Ibid., para. 11.

or emotionally attracted to other men. These characteristics are regarded as so fundamental to identity and human dignity that one should not be forced to forsake them.[26] Lesbians and gay men may also be perceived as distinct social groups in their country of origin. Bisexual claimants, who often belong both to heterosexual and

homosexual social circles, may have more difficulty proving that they are perceived as a separate ("particular") group.[27] Where this is the case, bisexuals can often legitimately claim imputed membership in a particular social group of lesbians or gay men.

Transgender claims, unlike those of gays and lesbians, are based on gender identity rather than sexual orientation. Transgender applicants generally base their claims on membership in a social group of "individuals born with one anatomical sex who believe this anatomical sex does not match their gender."[28] This gender identity, rather than the claimant's male or female anatomical characteristics, is viewed as immutable and fundamental to the person's identity."[29] Transgender individuals may also affiliate closely with one another, are recognized as a segment of the population, and are often singled out for different treatment.[30] Transgender claims may, in addition, be based on imputed membership in a particular social group of lesbians or gay men.[31]

1.5 Summary of Findings and Recommendations

Findings

The LGBT asylum seekers and refugees interviewed for this report highlighted threats to their physical safety as their most pressing concern. Most reported having been physically attacked at least once. Virtually all described regular harassment by local community members and other asylum seekers and refugees. They reported being beaten, sexually assaulted, threatened with knives and other weapons, propositioned for sex, and followed home. They reported that locals of all ages and both genders regularly called them *top* – a pejorative Turkish slang word for gay men.[32] The lesbians interviewed also described feeling very vulnerable as single women living in socially conservative towns.

[26] UN High Commissioner for Refugees, "UNHCR Guidance Note on Claims for Refugee Status Under the 1951 Convention Relating to Sexual Orientation and Gender Identity," November 21, 2008, paras. 8, 9, in UNHCR Refworld, http://www.unhcr.org/refworld/docid/48abd5660.html (accessed January 22, 2009).

[27] See Sean Rehaag, "Patrolling the Borders of Sexual Orientation: Bisexual Refugee Claims in Canada," McGill Law Journal 53 (2008), http://osgoode.yorku.ca/osgmedia.nsf/0/EBE6DA512667DAD4852574F1004FAEDA/$FILE/Patrolling%20the%20Borders%20of%20Sexual%20Orientation%20--%202008%2053%20McGill%20L%20J%2059.pdf (accessed April 20, 2009).

[28] Victoria Neilson, "Uncharted Territory: Choosing an Effective Approach in Transgender-Based Asylum Claims," Fordham Urban Law Journal 32 (2005): 265, http://www.immigrationequality.org/uploadedfiles/Fordham%20neilson%20pdf%20final.pdf (accessed January 23, 2009).

[29] Ibid., 277.

[30] Ibid., 277.

[31] Joseph Landau, "'Soft Immutability' and 'Imputed Gay Identity': Recent Developments in Transgender and Sexual-Orientation-Based Asylum Law," Fordham Urban Law Journal 32 (2005): 237, http://www.articlearchives.com/international-relations/national-security-foreign/610505-1.html (accessed February 12, 2009).

[32] "Top" literally means "ball." The term is used derogatorily to describe the passive partner in a sexual act between men.

Many of the male-to-female ("MTF") transgender asylum seekers interviewed, as well as the gay men who appeared "non-masculine," reported that the police had warned them to cut their hair, dress "like a man" and not to wear make-up or jewelry. Most interviewees also reported having been advised by police to stay home in order to avoid being targeted. Many felt compelled to follow this advice, essentially becoming prisoners in their homes. Even this strategy did not always ensure their safety— some interviewees reported that neighbors regularly threw stones at their windows.

Another central concern expressed by the LGBT asylum seekers and refugees interviewed related to the discrimination they faced accessing housing, employment, social assistance and education. They reported being denied or evicted from apartments when their gender identity or sexual orientation was discovered. Most were unsuccessful securing work altogether, often because of their LGBT status. The few who did find employment reported being terminated – often violently – when their sexual orientation or gender identity was discovered. Since virtually all those interviewed were unable to support themselves independently, many turned to local charities or government agencies for social assistance. A significant number described being humiliated or taunted by service providers and other clients and some reported being denied services altogether on the basis of their LGBT status. The few who attended adult education promptly dropped out after being ostracized by other asylum seekers and refugees attending the classes. Unsurprisingly, many interviewees reported deep feelings of isolation and depression while waiting for their refugee claims to be evaluated.

The implementation of local asylum procedures was likewise a cause for concern. Interviewees reported being asked invasive, sometimes prurient questions by Ministry of Interior and UNHCR employees charged with evaluating their asylum claims. Many described being questioned about their preferred sexual positions or about the number of sexual partners they had previously had. The long UNHCR waiting times for decisions, combined with the security concerns faced by LGBTs, were also a source of great distress. While the claims of most LGBT asylum seekers tend to be expedited by UNHCR, those interviewed still had to wait as long as eight months for an interview and another half-year for a decision. Those who had been granted refugee status were also anxious about the lengthy resettlement process, and the fact that they would not necessarily be resettled with their partners.

Recommendations

Our study pointed to many necessary changes, including the revision of procedures, reconfiguration of priorities and re-allocation of resources. Some of these changes are predicated on uneasy challenges to entrenched preconceptions. Yet in the absence of such shifts, real protection for LGBT asylum seekers and refugees in Turkey will continue to be an elusive goal.

Most immediately, LGBT asylum seekers' and refugees' physical safety and security must be protected. The government of Turkey must take affirmative measures to prevent, stop and prosecute acts of violence against these individuals. Key in this endeavor will be the training of local police on sexual orientation and gender identity, preferably with the assistance of domestic LGBT rights organizations. In the same vein, LGBT asylum seekers and refugees should be assigned to live in the cities that are least hostile to them, and should be re-assigned from locations where they cannot be effectively protected. In

particular, they should be permitted to reside in cities in Turkey with significant local LGBT communities and advocacy organizations.

The government of Turkey should also be encouraged to take broader legislative steps to protect all LGBT individuals, including asylum seekers and refugees. These steps should include amending legislation, including in Turkey's Constitution and Penal Code, to explicitly prohibit discrimination in housing, employment and government service provision on the basis of sexual orientation and gender identity. Sexual orientation and gender identity should likewise be added as protected categories under the country's existing legislation. Finally, the Government of Turkey should adopt the 2008 United Nations declaration calling for the decriminalization of homosexuality.

Acting within existing means, the Turkish government can take steps to ease the economic hardships faced by all asylum seekers and refugees in the country. Such steps are especially important to ease the devastating impact of marginalization on LGBTs. As a starting point, residence permit fees should be waived for all indigent asylum seekers. Similarly, the administrative and financial requirements for securing work permits should be eased for asylum seekers, extending to them a modicum of protection in the workplace. In addition, the Government should take the necessary steps to ensure that LGBT and other asylum seekers and refugees have access to health care and social support consistent with that provided to similarly situated Turkish citizens.

Furthermore, whether carried out by UNHCR, the government of Turkey or resettlement countries, asylum and resettlement procedures must be accelerated for LGBT refugees. In addition, all stakeholders should institute trainings focused on developing an understanding of issues surrounding sexual orientation and gender identity. Interviewing techniques should be implemented which are not only inoffensive to asylum seekers and refugees, but which elicit the presentation of *bona fide* LGBT-based claims. In addition, interviews must be conducted in environments protecting confidentiality. Resettlement countries should increase the number of LGBTs refugees they accept.

Trainings should also be conducted in the health, public assistance and education sectors to increase receptivity toward LGBT asylum seekers and refugees and to create environments in which discrimination is not tolerated. To these ends, domestic LGBT groups should be encouraged to continue including LGBT asylum seekers and refugees in their platforms.

Finally, in order to ensure sufficient service provision to LGBTs and other asylum seekers and refugees, government agencies, service providers, NGOs and the UNHCR should be encouraged to recruit and maintain sufficient numbers of trained interpreters. Interpreters should be trained on confidentiality issues and should employ appropriate and inoffensive terminology for use with LGBT asylum seekers and refugees. Unless absolutely necessary, interpreters should not be recruited from the local refugee population. This will help ensure a safe interviewing environment and will encourage LGBTs to be forthcoming about their claims.

2. Methodology and Terminology

2.1 Methodology

This report is based on information provided by 46 LGBT asylum seekers, living in ten different cities in Turkey.[33] Thirty-two were interviewed in preparation for and during a week-long field visit in June and July 2008 to the cities of Kayseri, Nevsehir, Isparta and Eskisehir. These satellite cities were selected because they host the highest concentration of LGBT asylum seekers in Turkey. The remaining LGBT asylum seekers provided information for the report during the course of their legal representation by HCA's Refugee Advocacy and Support Program (RASP). A copy of the questionnaire used as a basis for conducting the interviews in the satellite cities is provided in Appendix A.

The interviewing process adhered strictly to the ethical exigencies of working with vulnerable individuals: Each person interviewed gave advance informed consent for HCA to use the information in this report. Interviewees who were not familiar with RASP's refugee legal aid and advocacy work in Turkey were provided with that information. All interviewees were informed of and understood the purposes of the report. They were invited to review and comment on the report's recommendations prior to its publication. Twenty-three interviewees did so.

To ensure the safety and anonymity of all the interviewees, any information that would render them individually identifiable has been omitted from this report. All interviewees quoted gave their explicit permission, confirmed the contents of their remarks, and agreed to the manner of attribution. All interviews conducted are on file with HCA.

2.2 Terminology

This report makes reference throughout to "LGBT" (lesbian, gay, bisexual and transgender) and to "asylum seekers" and "refugees."

The "LGBT" acronym subsumes a wide range of different sexual orientations and identities.

"Sexual orientation" refers to a "person's capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender."[34] "Sexual identity" has been defined as a "person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body... and other expressions of gender, including dress, speech and mannerisms."[35] A given "sexual orientation" does not necessarily imply a particular "sexual identity."[36] Conversely, one's sexual identity does not necessarily connote a given sexual orientation.

[33] Ankara, Eskişehir, Isparta, Istanbul, Kayseri, Kırıkkale, Konya, Nevşehir, Niğde and Van.

[34] The Yogyakarta Principles, "Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity," March 2007, http://www.yogyakartaprinciples.org/principles_en.pdf (accessed May 10, 2009), 6.

[35] Ibid.

[36] American Psychological Association, "Answers to Your Questions About Transgender Individuals and Gender Identity," 2006, http://www.apa.org/topics/transgender.html#relationship (accessed May 12, 2009).

Moreover, "sexual orientation" and "sexual identity" are fluid concepts, varying between different individuals and during a given person's life.

For purposes of this report, we have defined other relevant terms as follows:

- "Lesbian" refers to a woman who is sexually or emotionally attracted to other women;
- "Gay" refers to a man who is sexually or emotionally attracted to other men;
- "Bisexual" refers to a person of either gender who is sexually or emotionally attracted to both men and women;

"Transgender" refers to a person born of one gender who does not fully identify with that gender or identifies primarily as a member of the other gender.

When referring to transgender people, this report sometimes utilizes the following terms:

- "Male-to-female" (MTF) refers to someone born male who primarily identifies as a woman; and
- "Female-to-male" (FTM) refers to someone born female who primarily identifies as a man.

When referring to "asylum seekers" and to "refugees" this report utilizes the legal, technical meanings of those terms:

- "Asylum seeker" refers to a person who has requested the protection of UNHCR and the Government of Turkey pursuant to the 1951 Geneva Convention and the domestic laws implementing it, and whose application is still pending a final decision.
- "Refugee" refers to a person who has been formally recognized as such and is entitled to protection by the UNHCR, the Government of Turkey or both.

The vast majority of migrants fall outside the ambit of the 1951 Convention, and are therefore neither "asylum seekers" nor "refugees." All refugees were previously "asylum seekers" whose request for protection was approved. However, the applications of many "asylum seekers" are ultimately denied, foreclosing their entitlement to "refugee protection."

3. Findings

3.1 The Asylum System: Gaps in MOI, UNHCR and Resettlement Procedures

Ministry of Interior Asylum Procedures

Registration

In Turkey, non-Europeans seeking UNHCR protection must also secure the right to remain in the country by applying for "temporary asylum" with Turkey's Ministry of Interior (MOI).[37] Typically, asylum seekers first register with the UNHCR and are then referred by the UNHCR, in coordination with MOI, to the local "foreigners' police" in one of approximately 30 satellite cities, mostly in Turkey's interior.[38] Asylum seekers have little choice in the city to which they are assigned, and have great difficulty changing the assignment.[39] They are required to register with the local foreigners' police "without delay."[40] During registration, police verify the asylum seeker's identity and conduct a detailed interview.[41] Whenever necessary, MOI must provide a qualified interpreter of the gender the asylum seeker prefers.[42] Shortly after registration, the police issue, at no charge, an "Asylum Seeker Identification Card."[43] Once registered, asylum seekers must sign in with the foreigners' police as often as once each day to prove their continued residence in the satellite city.[44] They may apply for permission to temporarily leave their satellite cities for a maximum of 15 days.[45]

Asylum seekers must then apply for a residence permit, as must all non-citizens who wish to remain in Turkey. The cost of a residence permit, which must be purchased for each family member and renewed every six months, is beyond the reach of many asylum

[37] See Regulation No. 1994/6169 on the "Procedures and Principles Related to Population Movements and Aliens Arriving in Turkey Either as Individuals or in Groups Wishing to Seek Asylum Either from Turkey or Requesting Residence Permission in order to Seek Asylum From Another Country" ("1994 Asylum Regulation").

[38] The list of "satellite cities" is periodically reviewed and altered by the MOI. It currently includes: Afyonkarahisar, Ağrı, Aksaray, Amasya, Balıkesir, Bilecik, Burdur, Çankırı, Çorum, Eskişehir, Gaziantep, Hakkari, Hatay, Isparta, Karaman, Kastamonu, Kayseri, Kırıkkale, Kırşehir, Konya, Kütahya, Mersin, Nevşehir, Niğde, Şırnak, Sivas, Tokat, Van and Yozgat.

[39] Only those with close family members in a specific satellite city or those with documented medical conditions treatable only in a particular province may be assigned to that location. See Ministry of Interior General Directorate of Security Circular No.57, "Implementation Directive," June 22, 2006 ("2006 Circular"), Article 15.

[40] 1994 Asylum Regulation, Article 4.

[41] 2006 Circular, Articles 3-5. Other information gathered from the applicants during registration include travel documents used to enter Turkey, travel route and countries of transit, any applications for international protection in any of the countries of transit, any nationalities other than that of the country of origin, any acquaintances or family members in Turkey, and in the case of an "illegal entrant," information regarding persons who facilitated the journey. Registration must be completed within 30 days of the applicant's approach to the authorities.

[42] 2006 Circular, Basic Principles, Conditions of the Applicant's Right to Benefit from an Interpreter.

[43] 2006 Circular, Article 3. That provision stipulations that applicants must be issued these cards within 15 days of their application.

[44] Depending on the city, asylum seekers are required to "sign in" with police anywhere from every day to once every few weeks.

[45] 2006 Circular, Article 17.

seekers.[46] Those without permits have difficulties accessing health care, education, social assistance and employment.[47] Although destitute asylum seekers may apply to local authorities for a waiver of the residence permit fee,[48] these applications are in practice rarely granted.

All the LGBT asylum seekers and refugees interviewed for this report had registered in their respective satellite cities and were signing in regularly with the foreigners' police, as required. While many reported satisfactory treatment by the local foreigners' police, they also described being warned to change their appearance to avoid becoming targets of violence. As an MTF transgender asylum seeker in Nevsehir recounted:

> *Generally, the treatment by the foreigners' police is good. I was the first trans[gender] person in Nevsehir. When I arrived, the police told me about the conditions here, how to live, and how to fit in. They told me to be careful. They told me how to talk. They told me to wear men's clothes. They told me to walk like a man.*

Similarly, an Iranian MTF asylum seeker in Kayseri described the advice she received from the foreigners' police:

> *The day I went to get an asylum seeker ID, I had my hair long and wore make-up. They made me promise not to wear anything like that in the future. They said they were telling me this for my own safety.*

This admonition is the first indication to many that the police will not be able to ensure their physical safety if their outward appearance subjects them to targeting by the general population.

While virtually all those interviewed were immediately registered and issued "asylum seeker" identification cards, the majority reported they could not afford the cost of the residence permit. A number of interviewees were aware of their right to request a residence fee exemption, but the handful who had applied were all rejected. None were informed of the reason.

Interviewees also reported that police regularly granted their requests for permission to temporarily leave their satellite cities. However, they also reported that police officers exercised discretion in this process. Some officers required written confirmation of the asylum seeker's appointment with UNHCR or a service provider in another city, while others required no such documentation.

Interpreter access varied among the satellite cities. In the central Anatolian city of Kayseri, interviewees reported they were very satisfied with the professionalism and competency of an interpreter employed by the foreigners' police. In contrast, the interviewees in Nevsehir expressed concerns about the professionalism of the foreigners' police interpreter. They feared that this individual, also a refugee, would reveal their sexual orientation or gender

[46] The cost of a residence permit is set by the Ministry of Finance each year and established in the Law on the Collection of Fees (No. 492). In 2008, a sixth-month residence permit cost 273.80 YTL per person plus an additional 81 YTL for the residence permit booklet, which only needs to be purchased once. As of April 2009, that amounted to about 225 USD or 165 Euros.

[47] Moreover, if an asylum seeker is granted refugee status by the UNHCR, but has not previously paid for and received a residence permit, he or she is required to pay the accrued residence permit fees and hefty fines, before authorities allow him or her to leave Turkey for a resettlement country.

[48] Law on the Collection of Fees (No. 492), Article 88 cites "inadequate financial situation, as determined by local administrative authorities" as a ground for exemption.

identity to other asylum seekers in Nevsehir. In the city of Isparta, Iranian LGBT asylum seekers described difficulties communicating with the Farsi interpreter, who reportedly lacked the necessary general vocabulary to make them fully understood. Finally, in Eskisehir, an Arabic-speaking asylum seeker reported that since there was no Arabic interpreter available, he had no choice but to communicate with the police in "broken English."

"Temporary Asylum" Interviews

Once registered in their assigned satellite cities, asylum seekers undergo detailed status determination interviews with a local foreigners' police official.[49] The purpose of the interview is to determine whether the applicant qualifies for "temporary asylum" in Turkey. Those who meet the criteria for this status are allowed to remain in the country temporarily while their claims for refugee status are determined by the UNHCR.[50] In most cases, MOI informs applicants of negative determinations, which can be appealed within 15 days. Notifications of positive "temporary asylum" status decisions are rarely issued. Rather, MOI formalizes the applicant's "temporary asylum" status only after all steps in the asylum procedure have been successfully completed and the applicant is about to leave the country.

The LGBT asylum seekers and refugees interviewed reported widely varying experiences in their temporary asylum determination interviews. A significant number were satisfied with their treatment by the interviewing police officers. Typically, they reported that the interviewing police officers conducted the interviews "gently." An FTM transgender Iranian relayed the following:

> *I was interviewed by a male police officer and a male interpreter. The officer was very gentle. When he asked me about my relationships with women in Iran, I was very uncomfortable. The interpreter was also an Iranian refugee and I did not want to share such private information with him. However, the officer comforted me and told me he had to ask these questions.*

Notwithstanding such positive reports, virtually all the interviewees described having been subjected to excessively invasive questioning regarding their sexual history and sexual experiences. A gay Iranian asylum seeker recalled:

> *[The police officer] asked me questions about how I have sex with my partner, and about different sexual positions, among many other details about my sex life. This made me very uncomfortable. I feel that my sex life should be a private matter.*

Another common complaint was that privacy was not protected during temporary asylum interviews. For example, the above-quoted asylum seeker was interviewed in a room with

[49] Ministry of Interior General Directorate of Security Circular No.57, "Implementation Directive," June 22, 2006 ("2006 Circular"), Article 9. As per the 1994 Asylum Regulation, Article 3, if the applicant falls into the definition of "refugee" set out in Article 1 of the 1951 Convention, MOI will grant the applicant "temporary asylum seeker" status.

[50] MOI shares its decisions on "temporary asylum" with UNHCR, and UNHCR does the same with regard to the status determination decisions it issues. UNHCR periodically submits lists of refugee status decisions to the Turkish Foreign Ministry, which passes on the information to MOI. While MOI is not bound by UNHCR's decisions, its "temporary asylum" status decisions typically take into consideration the outcome of the UNHCR "refugee" status determination procedure.

other police officers. Those officers' presence and mocking behavior compounded the applicant's discomfort when questioned about his sexual history:

> *When I began to talk about my sexual orientation, they laughed. When I talked about my sex life, they laughed even harder.*

UNHCR Procedures

Between the inception of the study underlying this report and publication, there have been significant improvements in the UNHCR's approach to LGBT claims, reflected both in headquarters-directed policy changes and in practice in Turkey. While UNHCR alone cannot close the protection gaps which LGBT asylum seekers and refugees continue face in Turkey, the agency can do more to narrow those gaps.

Registration

UNHCR's refugee status determination (RSD) process initially involves a registration interview. Although some interviewees had waited up to three months to be registered, they were generally satisfied with their treatment by UNHCR staff during the process. Significantly, the LGBTs reported being harassed by other asylum seekers, both outside the UNHCR gate and after being admitted to the reception area. A gay Iranian asylum seeker described the following experience in the reception area:

> *The other refugees and their children were making fun of us. I was with my partner and we felt really isolated and lonely... Instead of telling their children not to laugh at us, mothers laughed at us together with their children.*

Once registration is complete, asylum seekers are provided a date for a "first instance" interview. This critical event is the basis for the grant or denial of "refugee status."[51] Like

other asylum seekers, the interviewees reported waiting eight months to a year on average until their first interview. The waiting times varied depending on UNHCR staff resources available at the time. The LGBTs interviewed universally expressed great concern about the duration of their wait for the RSD interview. They worried about their ability to survive for such a protracted period without financial, housing or social assistance. An even greater concern was their lack of safety and security. A few said they feared being killed before their interview.

Many of the interviewees who expressed concerns about the waiting time had submitted requests to the UNHCR for early interview dates. While a few reported that their requests had been granted, the vast majority had received no reply. In fact, UNHCR has recently made efforts to expedite first instance interviews for LGBT asylum seekers, reducing the waiting time. Nevertheless, LGBT asylum seekers still wait a number of months for an interview and they continue to feel extremely unsafe in the interim.

Refugee Status Determination Interviews and Waiting Times

UNHCR is obligated to create an environment of "trust and respect" during RSD interviews.[52] Asylum seekers are entitled to request a male or female interpreter, as they

[51] UN High Commissioner for Refugees, "Procedural Standards for Refugee Status Determination Under UNHCR's Mandate," September 2005, Sections 3.2, 4.3, http://www.unhcr.org/publ/PUBL/4316f0c02.html (accessed January 22, 2009).

[52] Ibid., Section 4.3.5.

choose.[53] UNHCR also has a formal complaint mechanism which allows asylum seekers to raise any problems arising during the process.[54]

These above requirements exist in an environment of declining resources, chronic human resource shortages and unrelentingly large caseloads. Interviewee accounts indicated that despite these obstacles, UNHCR made substantial improvements in its treatment of refugee claimants beginning in 2008. Increasingly, they reported having been treated in a sensitive and respectful manner.

UNHCR ultimately grants refugee status to most of the LGBT asylum seekers. Nevertheless, information gathered for this report indicated that at least before 2008, some UNHCR legal officers were asking LGBT applicants unnecessarily detailed, sometimes prurient questions about their sexual activities and preferences, rather than focusing on the central issues of orientation or identity. In one instance, a transgender asylum seeker who described being gang-raped for twelve hours by Iranian state security agents was requested to provide explicit sexual details about the occurrence. Similarly, a gay man was repeatedly asked to describe whether his partner had used any "liquids, instruments or drugs" during his first sexual experience. Many interviewees were also asked if they had engaged in group sex. Couples who applied together reported that they were asked about their preferred sexual role (*i.e.*, "top" or "bottom"). These overly invasive questions and the sometimes aggressive tone used by UNHCR officers were emotionally upsetting for many LGBTs. As one a gay asylum seeker recounted:

> *My legal officer was very upset during the interview. He told me on two occasions that I was lying. He asked me very detailed questions about the type of sexual intercourse I have, and how many partners I have had sexual intercourse with. I cried throughout the interview. These questions upset me a lot.*

The questions posed by UNHCR legal officers also indicated some confusion regarding the nature of sexual orientation and gender identity. For example, one applicant recalled that his UNHCR interviewer had stated it was unlikely that he was gay because the applicant had been married to a woman in his home country. Interviewees who dressed and behaved in a more stereotypically masculine manner described being asked why they did not dress more femininely. There were also reports that at least one of UNHCR's Farsi interpreters referred to gay men with a term derogatorily implying prostitution.[55]

It can take as long as two years from the date of UNHCR registration for a case decision to be issued.[56] UNHCR does make efforts to expedite the claims of the most vulnerable refugees,[57] including LGBTs. A number of interviewees had been granted refugee status within four months of their first instance interview, while others, including those with

[53] Ibid., Section 2.5.1.

[54] Ibid., Section 2.6.

[55] The interpreter reportedly referred to gay men derogatorily as hamjensbaz instead of using the more neutral term, hamjensgara. The term hamjensbaz describes men who have sex with other men for money.

[56] Helsinki Citizens' Assembly - Turkey, "An Evaluation of UNHCR Turkey's Compliance with UNHCR's RSD Procedural Standards," September 2007, http://www.hyd.org.tr/staticfiles/files/hca_procedural_standards_report.doc (accessed January 22, 2009), 10.

[57] UN High Commissioner for Refugees, "Procedural Standards for Refugee Status Determination Under UNHCR's Mandate," September 2005, Section 4.6.3, http://www.unhcr.org/publ/PUBL/4316f0c02.html (accessed January 22, 2009).

serious health or protection concerns, were waiting over a year for a decision. All those interviewed expressed grave concern regarding their security while waiting for a decision. According to UNHCR rules, those whose claims are rejected or closed may appeal or request a reopening.[58] Most of the LGBT asylum seekers interviewed had been granted refugee status in the first instance or had not yet been issued a decision.

New UNHCR Guidance on LGBT Refugee Claims

In November 2008, UNHCR issued guidance on the handling of refugee claims based on sexual orientation and gender identity.[59] A significant step forward, this publication sets out a broad range of circumstances warranting protection in claims involving LGBT-based persecution. For example, the guidance makes clear that "the fact that a[n] LGBT applicant has never actually been prosecuted for his or her homosexual conduct does not prevent him or her from having a well-founded fear of being persecuted."[60] Similarly, the guidance recognizes that LGBT claims deserve protection whether the persecution is carried out by authorities or by private actors whom the authorities are unwilling or unable to stop.[61] Furthermore, those who first make their gender identity or sexual orientation known after their arrival in the country of first asylum can qualify for refugee status if they can demonstrate that they fear persecution in the country of origin only in the future.[62] Significantly, the UNHCR guidance contraindicates the use of stereotypical images in the adjudication of LGBT claims.[63] It further sets forth that a "person should not automatically be considered heterosexual merely because he or she is, or has been, married, has children, or dresses in conformity with prevailing social codes."[64]

The UNHCR guidance recognizes that LGBT applicants should be interviewed by officers well versed and trained in the problems LGBTs face. It also calls for development of trainings and materials relating to appropriate inquiries and interview techniques to use with LGBT applicants.[65]

Resettlement Procedures

Following the long wait for refugee status recognition, applicants undergo a lengthy resettlement process, which often spans a year or more. Current UNHCR guidelines do not refer to sexual orientation or gender identity (or to the targeting which often accompanies them) as specific vulnerabilities warranting expedited resettlement. Although the LGBT refugees interviewed were generally satisfied with their treatment by foreign embassy staff, they universally expressed distress about the waiting period for resettlement. Moreover, because the UNHCR does not have a policy requiring that unmarried couples be referred for resettlement together, same-sex partners were anxious that they would be separated during in their resettlement. In addition to the losses, traumas and isolation

[58] Ibid., Sections 7.1, 9.2.

[59] UN High Commissioner for Refugees, "UNHCR Guidance Note on Refugee Claims Relating to Sexual Orientation and Gender Identity," November 21, 2008, http://www.unhcr.org/refworld/docid/48abd5660.html (accessed January 31, 2009).

[60] Ibid., para. 24.

[61] Ibid., para. 27.

[62] Ibid., para. 23.

[63] Ibid., para. 36.

[64] Ibid.

[65] Ibid., para. 37.

many have endured, this separation from a loved one – often the applicant's sole support – is particularly devastating.

3.2 Violent Targeting and Harassment by Local Populations and Other Asylum Seekers and Refugees

Abuse by Local Townspeople

Perhaps the most significant problem identified by LGBT asylum seekers in Turkey is violent targeting and harassment by local townspeople. Almost all the LGBT asylum seekers interviewed identified threats to their personal physical safety as their most pressing and enduring concern.

Most of the interviewees reported being subject to at least one incident of violence. Some reported having been physically attacked two or more times. Others reported being threatened with violence or death. One gay couple from Iran reported:

> *It was during the day and we were followed into an internet café by two men. They told us that we weren't welcome there. They said they would beat us to death if we came back to the café. I pulled out my phone and pretended that I was calling the police, so they left. We were very careful to hide on our way home so that they wouldn't follow us and find out where we live.*

As a result of the threat of harassment and violence, many feared leaving their homes and minimized the time they spent outside. As a young MTF transgender asylum seeker in Nevsehir explained:

> *I can't leave my house because I'm afraid that if I go out, they'll kill me. Just last week, two men followed me home with a knife. One of them followed me into the building. Thankfully, I got into my apartment and locked the door.*

The asylum seeker reported feeling like a prisoner in her home, which she rarely left.

For some, even home was unsafe. A group of gay and transgender Iranians in Kayseri reported that stones were regularly hurled at them through their apartment windows. They expressed feeling afraid to sit in their living room.

Besides hiding at home, many of the MTF transgender asylum seekers reported dressing in men's clothing to avoid attack. For example, shortly after arriving in Kayseri, an MTF transgender asylum seeker and a number of her friends were attacked by a group of local men. Her nose was broken. She reported continued harassment and violence despite efforts to change her appearance:

> *I am a woman but I have a male haircut. I can't dress the way I want to and I am not comfortable in the clothes I have to wear. At first, I wore whatever I wanted [i.e., women's clothes]. But after the violence I experienced, I started to wear trousers and cut my hair. Even now, dressing as a man, I still face similar experiences with the locals.*

The vast majority of interviewees report being ostracized and mocked by neighbors and other local people. Many described being regularly propositioned for sex or accused of

engaging in prostitution. They also reported regularly being called *top* by local residents of all ages and sexes. An Iranian in Kayseri reported:

> *Our neighbors call us "top" and "bastard." They ask me how much it costs to have sex with me. The building opposite our house is a school and even small children from the school call us "top." We don't even want to leave our house when the children are on break.*

Lesbians reported taking great care to hide their sexual orientation from the general population to avoid harassment and abuse by local residents. Unaccompanied by males, they described feeling vulnerable to attack and reported sexual harassment and violence at the hands of male neighbors in particular.[66] A number reported that male neighbors had attempted to gain entry into their homes late at night. One interviewee reported that she had been sexually assaulted by a neighbor in the hallway of her apartment building.

Mistreatment by the Local Asylum Seeker and Refugee Population

In addition to experiencing verbal harassment and physical attack by the local population, interviewees described harassment and marginalization by other asylum seekers and refugees. A number of interviewees said they were treated even more harshly by other asylum seekers and refugees than by the local Turkish population. A gay Iranian described his mistreatment by other asylum seekers in the dormitory where he stayed as follows:

> *I am having problems with my Iranian roommate. He always calls me "top." I tried to change my room but the police refused my request. The Sudanese and Somali guys want to have sex with me. I am really scared of them. Other Iranian refugees don't talk to me at all. I've thought about committing suicide.*

An Iranian MTF transgender asylum seeker similarly described being ostracized by other Iranians when her gender identity was discovered:

> *When other Iranians realize that I was once a man, they don't want to talk to me and stop socializing with me. For example, there was an Iranian woman who was really nice to me when I got here and helped me find a job. When she realized that I was transsexual, she stopped talking to me.*

Interviewees conveyed that they were harassed and ridiculed by other asylum seekers and refugees particularly when they reported to the foreigners' police. An Iranian lesbian in Kayseri reported being physically attacked while she waited to sign in:

> *While I stood in line with my friends, another refugee from Iran, a man, ran at me and hit me in the face. I told him to leave me alone. There was a group of them, and they were yelling at us, calling us "lesbians," "whores" and "prostitutes." They don't understand the difference.*

The woman reported that to avoid further attacks, she now makes an effort to arrive at the police station as early as possible. Fearing similar attacks, an MTF transgender asylum seeker in Kayseri requested permission to sign in at different hours. The police accommodated LGBT asylum seekers by allowing them to sign in two times a week instead of three. But on those two days, they must appear at the same times as others.

[66] In the largely conservative satellite cities, unmarried women rarely reside alone or with other women.

As discussed below, many LGBT asylum seekers also reported avoiding language and vocational courses because of mistreatment by other asylum seekers and refugees there.

3.3 Insufficient Police Protection

In theory, asylum seekers are entitled to protection from personal crime in Turkey. Under the Turkish constitution, citizens and non-citizens alike enjoy the same rights,[67] including the right to initiate legal proceedings.[68] LGBT asylum seekers may, like all others, lodge complaints with the police or the local Prosecutor's Office.[69] However, few of those interviewed felt empowered to take legal action in response to harassment or physical violence. Some feared retaliation from local communities and other asylum seekers and refugees. More significantly, however, most felt that the local police were simply unable or unwilling to protect them from the prevalent violence, harassment and exploitation.

All the LGBT interviewees made a distinction between the local police and the "foreigners' police," with whom they had more regular contact. A number of interviewees reported being satisfied with their relationship with the foreigners' police and said that some officers had provided them with much-needed information about services and local charities.

However, they consistently reported that the local police offered them very little support or protection. Despite the continual violence, harassment and threats LGBTs endure, only two interviewees had successfully lodged formal complaints with the police. In the vast majority of cases, LGBT asylum seekers and refugees reported that, to their knowledge, the police had not followed up or investigated crimes against them. As a gay asylum seeker in Kayseri reported:

> *People harass me all the time. They want to have sex with me. I was attacked four times by local youth. Each time, I complained to the police, but nothing ever happened.*

Many of the LGBT asylum seekers who had been physically attacked were dismissed with police admonitions to "be more careful" or not to go out after dark. In a typical case, a gay Iranian asylum seeker and his partner described requesting police help after being attacked. The police took the partner, who had been severely beaten, to the hospital. The next day, the police told the couple that they would not pursue a criminal complaint. They instead warned the couple that they could be deported if they tried to defend themselves:

> *The police told us not to defend ourselves and not to fight back if we were attacked again. They said if we fought back, we would be deported. The officer told us that even women walking alone in the city are in danger and that we should just go out less.*

It was clear to these asylum seekers that the police would not initiate an investigation of the attack. Rather than provide protection, the police perpetuated the victims' sense of exposure, isolation and defenselessness. In the same vein, many interviewees reported being warned by police to stay inside after dark if they wanted to avoid being attacked. MTF transgender interviewees reported they were commonly advised to dress and behave

[67] The Constitution of the Republic of Turkey, Articles 10, 12.

[68] The Constitution of the Republic of Turkey, Article 36.

[69] Criminal Procedure Code (No. 5271), Article 158.

"like men." Lesbians reported being cautioned by police to simply stay away from men. One lesbian recounted that when she explained her fear of being attacked to the local police, she was advised to avoid all men, including gay men:

> *We need our community and we need to turn to each other. But we can't turn to gay men for help because the police told us not to talk to them. The police believe that if we are lesbians, we should not have contact with any men at all, even our local grocer. The police say that if we talk to men, then they'll think we're not lesbians.*

A positive sign came from interviewees living in a building where many of Kayseri's LGBT asylum seekers and refugees reside. They reported in April 2009 that the local police had become significantly more responsive to their calls for help. This development followed a serious attack in March 2008 on five Iranian LGBTs in that city. Kayseri, which hosts a high proportion of Turkey's LGBT asylum seekers and refugees, is said to harbor particular hostility toward this demographic group.

Many of those interviewed said they did not report incidents of abuse or exploitation to the police. Some who had been abused by their employers said they feared the police would penalize them for having worked illegally. Others said they feared the police would not believe them, or would otherwise not follow up on their complaints. LGBT asylum seekers and refugees commonly reasoned that, because the police had not protected their friends in the past, they would not help them either. Lastly, interviewees from two satellite cities reported that local police had breached confidentiality and divulged their sexual orientation or gender identity to their landlords, thus exposing them to further targeting. These experiences likely drive LGBT asylum seekers and refugees further underground, isolating them and rendering them even more vulnerable to violence and harassment.

3.4 Precarious Housing

Asylum seekers and refugees in Turkey are generally required to pay their own housing costs. While provincial "Social Assistance and Solidarity Foundations" are authorized to provide destitute asylum seekers with financial assistance,[70] their budgets are often small, and must be divided among all local residents. UNHCR provides very limited financial assistance, but only to the most vulnerable. Because the refugee status determination process often spans many months or even years, and since many asylum seekers find it difficult to obtain work, finding and maintaining secure housing can be very difficult. This is particularly true for LGBT asylum seekers and refugees, who face barriers to employment and often have little support from family or other networks in their countries of origin. Widespread discrimination further limits their options.

Most of the interviewees reported finding housing through other LGBT asylum seekers and refugees whom they met in their satellite cities. The majority lived in cramped and overcrowded apartments. Despite the difficulties, they were generally happy to live with other LGBTs. In this way, even if they could not avoid harassment outside, they could enjoy financial and emotional support at home. As one interviewee reported:

> *I am happy to live with two other gay refugees. We are from the same generation. We arrived together in Kayseri at the same time. We are all from Tehran. We understand each other's situation and experiences.*

[70] Law on the Encouragement of Social Assistance and Solidarity (No. 3294), Article 1.

All those interviewed expressed serious concerns about paying their rent and utilities. Even the few who were employed had difficulties meeting their housing expenditures. Most of the interviewees were living so close to the poverty line that any assistance whatsoever was crucial. A number had received furniture and other items from recognized LGBT refugees who had been resettled to third countries. A handful were also provided extremely modest financial assistance by UNHCR, while a few others were assisted by LGBT organizations abroad. Those who had brought money with them from home had typically spent it soon after arriving in Turkey.

As one of the interviewees explained, sources of funds and support, which are more commonly available to other asylum seekers and refugees, are often unavailable to LGBTs:

> *All refugees have problems in Turkey. However, I believe that some problems are very unique to our situation. Many LGBT refugees have no one to turn to. Refugees who fled their countries because of their political activism often can turn to their political parties for support. Refugees who fled for religious reasons can turn to their religious communities. Some refugees can turn to their families in their home country for support. Many of us left everything behind. We have been cut off from our communities, our families in our countries and have no one to turn to.*

Experts have termed this phenomenon "double marginality." As one author pointed out, the effect of being both LGBT and an asylum seeker is not simply the cumulative sum of belonging to both groups. Rather, these marginalizations are compounded, yielding profound distancing from traditional support systems and resources.[71]

As indicated above, LGBTs also reported widespread housing discrimination. Many reported being rejected by prospective landlords, either because they were foreign, because their gender identity or sexual orientation were identifiable, or both. Others were evicted when their sexual orientation or sexual identity was discovered. An Iranian MTF transgender refugee in Isparta reported:

> *We spent three nights in a hotel and then an Iranian refugee agreed to share his flat with us. After two weeks, when he realized that we were partners, he told us to leave his place. In particular, he did not want us to stay with him because I look feminine and wear make-up.*

Many interviewees described that their neighbors regularly lodged frivolous police complaints against them. Others said their neighbors had complained about them to their landlords without cause. An FTM transgender asylum seeker reported being evicted following such a complaint:

> *The neighbors complained to the landlord and he has given us five days to leave. He also raised the rent… but I could not pay it. So he told us to get out since our neighbors had been complaining about us.*

Turkish law provides little protection from these violations. Housing discrimination in Turkey is not prohibited on the basis of sexual orientation or gender identity. While housing law does provide a modicum of protection by delineating the limited grounds for

[71] Timothy Randazzo, "Social and Legal Barriers: Sexual Orientation and Asylum in the United States," in Queer Migrations: Sexuality, U.S. Citizenship, and Border Crossings, eds. Eithne Luibhéid and Lionel Cantú, Jr. (Minneapolis, MN: University of Minnesota Press, 2005), 38.

eviction[72] or the circumstances under which repairs must be provided,[73] these protections are accorded only to legal tenants with enforceable leases. Since most LGBT asylum seekers and refugees have not signed housing contracts, they cannot benefit from this law. Moreover, while on a theoretical level, LGBT asylum seekers and refugees may initiate a lawsuit against a landlord,[74] none of those interviewed had done so, as many reported they feared retaliation. Moreover, they could not afford the associated legal fees and court costs.

3.5 Discrimination and Violence in the Workplace

Turkey's asylum regulation acknowledges the right of asylum seekers to seek employment. The regulation further specifies that they should be "assisted and encouraged" to apply for work permits.[75] Thus, asylum seekers and refugees have the right to apply for work permits, like all non-citizens.[76] However, in practice, very few have been able to exercise this right,[77] as the process is administratively complicated and expensive. As a threshold requirement, the applicant must hold a six-month residence permit at minimum. As discussed above, most asylum seekers cannot afford the high cost of the residence permit, and few are exempted from it. As a result, few are eligible to apply for work authorization. The process also requires that the applicant submit detailed identification documentation and educational certification, which few asylum seekers bring from their countries of origin. Unprotected against widespread workplace exclusion and discrimination, LGBT asylum applicants are hard-hit by these requirements.

Since virtually no asylum seeker can obtain lawful employment authorization, many turn to illegal employment. Deprived of standard workplace protections and viewed by unscrupulous employers as vulnerable, many are subjected to exploitative working conditions.[78] LGBT asylum seekers and refugees, especially those who are identifiable, are particularly vulnerable to employment discrimination and mistreatment. They are also frequently victims of sexual harassment and violence in the workplace. Even those without residence or work permits may lodge complaints with the police or a prosecutor, and may launch a legal action against abusive employers.[79] However, few have the knowledge, tools or funds to do so. Moreover, with their economic survival in the balance and employment opportunities scant, most endure such abuses for as long as they can bear. The few who complain do so at the risk of retaliation by their employers.

[72] Code of Obligations and Real Property Rentals Act (No. 6570).

[73] Ibid.

[74] The Constitution of the Republic of Turkey, Article 36.

[75] 2006 Circular, Article 19.

[76] The Law on Work Permits for Foreigners (No. 4817).

[77] The Law on Work Permits for Foreigners stipulates that only those foreigners who are able to perform work for which a qualified Turkish national cannot be identified will be granted work permits. In practice, most asylum seekers have neither the language ability nor the specialized skills that would enable them to fulfill this requirement. Even the rare asylum seeker who holds the necessary qualifications has to first find an employer wiling to initiate and pursue a burdensome procedure with the Ministry of Labor.

[78] U.S. Committee for Refugees and Immigrants, "2008 World Refugee Survey – Turkey," June 19, 2008, http://www.refugees.org/countryreports.aspx?id=2175 (accessed January 2, 2009).

[79] Constitution of the Republic of Turkey, Article 36; Criminal Procedure Code (No. 5271), Article 158.

Discriminatory Hiring

The majority of LGBT asylum seekers and refugees interviewed reported that they had not found any work in Turkey, despite concerted efforts to do so. All attributed this to their LGBT identity, their status as asylum seekers or to both. An FTM transgender asylum seeker described the typical reaction he received from prospective employers:

> *I applied for jobs several times but the first thing they asked was whether I was a boy or a girl. So I stopped looking. The way the people looked at me made me give up.*

Some interviewees reported entering shops or other establishments with job openings, only to be told that they could not apply because of their appearance. A gay asylum seeker in Kayseri described:

> *I applied for work at many places and they all said no. Even shops that had a "help wanted" sign said no to me. When you enter a shop, they look at you like you're a creature. When you ask for job, they say yes we need someone, but not you.*

Many visible LGBT asylum seekers and refugees also described being taunted or humiliated when they attempted to find work. An MTF transgender Iranian reported:

> *Whenever we try to find a job, people laugh at us. When we enter a place looking for work, they start to call us "bayan" [madam] and "abla" [sister]. They also try to give us hints that they want sex with us, like flirting. I do calligraphy and I can write Koranic verses. I tried to do some and brought them to shops, but when they found out we were gay, they refused to buy from us. There is a library where we left calligraphy things for sale, but they refused to keep them there.*

Workplace Abuse

The few interviewees who had secured employment reported harassment, violence and termination because of their sexual orientation or gender identity. An MTF transgender Iranian described the physically threatening circumstances of her termination:

> *One day I found a job at a local factory. I had dressed like a man because I thought I would be more easily accepted. The job was really hard work and it involved a lot of lifting. The second day I went into work, I forgot to take off my earring and I was fired. The supervisor called an employee to escort me out. This man actually took out a knife, held it to the side of my head and threatened to cut off my ear. I was escorted out of the factory by this man with a knife to my back.*

Another MTF transgender asylum seeker reported being sexually harassed and physically threatened by her employer:

> *I was working in a restaurant. Three days after I started working there, the owner of the restaurant held a pair of scissors to my face and threatened me. He then told me that he wanted to "take me out" [on a date]. I understood that he wanted to have sex with me. I took the money that I was owed for three days' work and did not return because I was too frightened.*

Other interviewees confirmed that LGBTs simply cannot retain work after their sexual orientation or gender identity becomes known. A gay Iranian noted:

> *My partner found some work. Some days later, [his employers] saw us walking downtown together. Immediately afterwards, he was fired.*

Similarly, an MTF transgender asylum seeker described the circumstances of her termination as follows:

> *I began working in a restaurant when I came here. When they realized that I was transgender, they told me that they didn't want me to work for them anymore. They explained to me that they only wanted women working there. I tried to explain that I am also a woman but they didn't understand and they fired me.*

Interviewees uniformly believed they had no legal recourse against their employers. They reasoned that they could not complain to the Turkish authorities because they lacked work authorization. Moreover, most felt estranged from the law enforcement system, which they perceived as apathetic to their plight at best, hostile at worst.

A small number of interviewees reported turning to survival sex work because they could find no other employment. These individuals described being forced to engage in unprotected sex and being subjected to harassment and attack by local Turkish sex workers, who accused them of taking clients away from them. A gay Iranian in Isparta recounted:

> *I worked in a restaurant for four months when I first came to Isparta. But when the boss realized I was gay he fired me. Now I work as a sex worker in Egirdir and Isparta. I have to because I have no money and I have to survive somehow.*

These sex workers suffer from multiple marginalities: They are LGBT, they are engaging in a socially-ostracized occupation, they are asylum seekers, and they have little or no access to health care. Exposed to sexually transmitted diseases and client violence, their only mode of survival threatens their immediate physical safety as well as their long-term health.

3.6 Inaccessible Health Care

Asylum seekers and refugees in Turkey are required to pay their own medical expenses in full.[80] While the UNHCR provides limited financial assistance to the most vulnerable, the

[80] 2006 Circular, Article 19.

amount provided is often insufficient to cover the full cost of medical treatment.[81] The State provides medical assistance only in extraordinary cases of destitution and if the UNHCR is unable to assist. Moreover, the State's assistance is circumscribed by limitations on its resources.[82] In order to receive State assistance, an asylum seeker must report to the local police with a valid residence permit. The police make a referral to the "Social Assistance and Solidarity Foundation," which assesses the applicant's financial and medical needs, and in turn refers the case to a local health clinic or hospital.[83] Local medical referral mechanisms for asylum seekers vary widely. While some comply with or exceed the standards set in Turkey's asylum regulation, most fall short. UNHCR's implementing NGO partners[84] provide free mental health counseling in a number of satellite cities.[85] Pursuant to legislation passed in late 2008, even the limited medical support for non-European asylum seekers and refugees described above may be reduced.[86]

Medical Care

The LGBT asylum seekers and refugees interviewed did not report discrimination accessing medical care relative to other asylum seekers. Like others, LGBTs have difficultly affording care. However, their financial vocational marginalization renders medical care even less accessible to them.

While the majority of interviewees were able to access the state health care system for diagnosis, they were unable to pay for the follow-up treatment, including medication and surgery. With conditions left untreated, many reported that their symptoms had worsened. In one severe case, a diabetic interviewee had not received necessary treatment for three months and reported suffering from liver failure.

Notably, the interviewees did not identify a pattern of mistreatment by medical professionals on the basis of their sexual orientation or gender identity. In fact, most were satisfied with the limited medical care they received. Nevertheless, they noted that the widespread dearth of interpretation services at health care facilities formed a serious barrier to quality health service.

[81] U.S. Committee for Refugees and Immigrants, "2008 World Refugee Survey – Turkey."

[82] 2006 Circular, Article 19.

[83] 2006 Circular, Article 19. Provincial "Social Assistance and Solidarity Foundations" are regulated by a board consisting of representatives from the province, municipality, education, health and social services departments, NGOs as well as benevolent citizens, mukhtars (local leaders) and mufti (religious scholars).

[84] "Implementing" partners receive partial funding from UNHCR to carry out their designated activities.

[85] The Human Resource Development Foundation provides psycho-social services in Istanbul, Ankara, Eskişehir, Bilecik and Kütahya. The Association for Solidarity with Asylum Seekers and Migrants provide similar counseling in Ankara, Aksaray, Kayseri, Kırşehir, Nevşehir and Niğde.

[86] The Social Insurance and General Health Insurance Law (No. 5510), which came into force on November 1, 2008, provides health insurance to all people in Turkey. However, only those who have been "recognized" as "asylum seekers and stateless" will be granted free health care. See Article 3, para. 27. As discussed above, MOI routinely issues positive decisions on "temporary asylum" applications only a few days before an asylum seeker is granted exit permission to depart Turkey for a resettlement country. The practical impact is that most asylum seekers, whose applications for "temporary asylum" remain pending for months or years, will not be eligible for state-funded health care. At the same time, the provincially-based "Social Assistance and Solidarity Foundations," which previously assessed and provided medical assistance to destitute asylum seekers and refugees, will no longer provide that support.

Mental Health Care

LGBT asylum seekers and refugees consistently described mental health problems resulting from the violence and marginalization they experienced. They reported depression, anxiety, suicidal thoughts, nightmares, difficulties sleeping, memory problems, and feelings of isolation and loneliness.

One interviewee reported:

> *I suffer from migraines and heart problems but I also have mental problems. I have no one with me here; I am alone. This city is so conservative. The local people don't associate with me and even the other refugees walk the other way when they see me coming. They don't talk to me at all. I thought about committing suicide but I couldn't do it. I don't feel mentally stable, and I'm anxious all the time. I have no one to talk to about this.*

Another described:

> *My partner and I are getting to the point where he is being woken up by my screaming at night from nightmares. I can't sleep. I have so many mental problems.*

These individuals were rarely able to access mental health support services or treatment in their satellite cities. The few interviewees who received mental health care had been referred by UNHCR or its implementing partner, the Association for Solidarity with Asylum Seekers and Migrants (ASAM).

3.7 Barriers to Social Assistance

Asylum seekers who seek public assistance of any kind in Turkey must hold residence permits. As noted above, because residence permits fees are often prohibitively high and because exemptions are rarely granted, many asylum seekers, including LGBTs, are effectively prevented from accessing social assistance. Limited public relief is available from "Social Assistance and Solidarity Foundations," whose board members are responsible for evaluating applications and allocating monetary and non-monetary benefits to those in need. However, the criteria for determining financial need are not specified by these foundations and no explicit means test is applied. This leads to arbitrary and inconsistent decisions. Moreover, the meager funding available is usually inconsistently spent and must be distributed among all provincial residents, including Turkish citizens.

Other social assistance varies widely from one satellite city to another. In some cities, indigent asylum seekers reported no access to charitable social services. In others, they reported support from local charities, municipalities or non-governmental organizations, which provided food, second-hand clothing, and blankets. Some also reported that UNHCR provided very minimal financial assistance.

While social assistance for most asylum seekers in Turkey is quite limited, LGBT asylum seekers face notable barriers to services because of their sexual orientation or gender identity. Interviewees reported not only being denied social services, but also being subject to degrading treatment by service providers and other consumers. A gay asylum seeker in Kayseri described his treatment at a charity as follows:

> *We were referred to a local charity which runs a soup kitchen. But when they found out that we were gay, they refused to give us any food. Since we were wearing make-up and our hair was long, all the local people receiving food there laughed at us. I cut off my hair because of this and went back to the charity. But they still refused to serve us. We were told that we were not clean and that they could not give us food because they could not touch us.*
>
> *We are just asking for our rights, nothing more… We just want to be treated like human beings, not like animals.*

LGBT interviewees described similar treatment at state offices. An MTF transgender asylum seeker with severe medical problems described seeking assistance from the governor's office:

> *The staff member who works there asked me if I was Bulent Ersoy [celebrity Turkish transgender entertainer]. He told me that I was abnormal and sick and that I should go find a boyfriend to take care of me, because they would not help me. I have been forced to go the mosque and sleep with people to pay our bills. There are times when we don't eat anything for two or three days but because I am here with my partner and we find strength together.*

3.8 Hostile Educational Environment

The right to elementary education is guaranteed under the Turkish Constitution for citizens and noncitizens alike.[87] Adult asylum seekers and refugees are entitled to attend language and vocational classes offered at public education centers throughout Turkey.[88] In order to be eligible, however, asylum seekers and migrants must present a valid residence permit.[89] Most of the LGBT asylum seekers and refugees interviewed lack these permits.

A small number of non-governmental organizations in Turkey provide language instruction and vocational training to asylum seekers. Although these classes are offered at no charge, only two interviewees reported that they were attending them. A number of interviewees stated that they were either unaware of the courses or did not know how to register for them. Given the relative isolation of LGBT asylum seekers from traditional Turkish social services and from other migrants, this is not surprising.

Only one interviewee reported that he had been flatly denied language education based on his sexual orientation. He stated that police had refused to refer him to a class despite his repeated efforts to enroll. However, many others are effectively denied access to education for the same reason. Harassment by other asylum seekers and refugees tended to be the main reason that most LGBT asylum seekers were not attending available language or vocational classes. Many interviewees reported having attended classes but

[87] The Constitution of the Republic of Turkey, Article 42; Primary Education and Training Law (No. 222), Article 2.

[88] Ministry of National Education, Directive on Public Education Institutions, 14 February 2006 / 26080, Article 54; Occupational and Technical Education Directive, 3 July 2002 / 24804, Article 45(b).

[89] Ibid.

dropping out after being ridiculed by other asylum seekers. A gay asylum seeker in Kayseri noted:

> *I took a Turkish course at a local school. There were many refugees from my country in the class. They really shunned my friends and me, making fun of us. I felt so rejected that I never went back.*

Another interviewee stated:

> *We would rather not attend educational courses of any kind because we are scared of other refugees from our country. They laugh at us all the time and some of them have threatened us. Why would we want to put ourselves through this?*

4. Recommendations

Our survey of 46 LGBT asylum seekers and refugees in Turkey pointed to many concrete changes necessary for creation of a protective environment for this community. These changes will involve the revision of procedures, reconfiguration of priorities and re-allocation of resources. Some of the changes are predicated on uneasy challenges to entrenched preconceptions. Yet in the absence of such shifts, real protection for LGBT asylum seekers and refugees in Turkey will continue to be an elusive goal.

In order to maximize the usefulness of the findings, our recommendations below are directed separately to each of the stakeholders indicated.

The Government of Turkey, the Turkish Ministry of Interior and Police in Satellite Cities

- Take affirmative measures to prevent, stop and prosecute acts of violence against LGBT asylum seekers and refugees.
- Respond appropriately and timely to complaints lodged by LGBT asylum seekers and refugees.
- When requested by LGBT asylum seekers or refugees, introduce regular police patrols in areas where they live.
- In consultation with LGBT asylum seekers and refugees, take other policing measures to prevent violence based on sexual orientation or gender identity.
- Allow LGBT asylum seekers and refugees to reside in large urban centers where they are less likely to be targeted based on their sexual orientation or gender identity. Focus on cities with established LGBT communities and advocacy groups, which are able to offer support. Consult with LGBT asylum seekers and refugees to determine appropriate cities, including those with local LGBT communities and advocacy organizations. Permit LGBT asylum seekers and refugees to be reassigned to these cities.
- Train police in satellite cities to interact with, provide services to, and respond effectively to complaints by LGBT asylum seekers and refugees.

- Train police in satellite cities on sexual orientation and gender identity issues and on best practices for interacting with and providing services to LGBT asylum seekers and refugees. Focus training on alternatives to advising LGBT asylum seekers to hide their sexual orientation or gender identity, to stay home or to avoid social interaction.
- Train foreigners' police officers who conduct "temporary asylum" interviews in the identification of potential sexual orientation and gender identity claims and in methods to elicit relevant testimony in a non-threatening manner. Train officers to pose questions that elicit information about the asylum seeker's identity as an LGBT person, rather than focusing on his or her sexual history.
- Train officers, except where essential to a specific persecution claim (*e.g.*, forced sexual relations) to avoid unnecessarily invasive or intimidating sex-related questions (including questions regarding sexual positions, sexual acts or numbers of partners).
- Train officers not to focus on appearance or other behavior stereotypes (*e.g.*, that gay men are effeminate or lesbians are masculine) as a means of assessing credibility regarding sexual orientation or gender identity.
- Recruit and maintain sufficient numbers of interpreters able to communicate in relevant languages to serve the asylum seeker caseload.
- Ascertain whether an LGBT asylum seeker has preference for a male or female interviewing officer and interpreter. Attempt to make assignments accordingly.
- Train interpreters on best practices for working with LGBT asylum seekers, including issues of confidentiality, impartiality and respect. Ensure that interpreters are aware of and employ appropriate terminology for use with LGBT asylum seekers.
- Whenever possible, provide LGBT asylum seekers with interpreters who are not themselves asylum seekers or refugees.
- Assure asylum seekers, in the presence of the interpreter, that all statements, regardless of their nature, will be guarded in strict and absolute confidence by examiner and interpreter alike.
- Conduct "temporary asylum" interviews in private areas or rooms.
- Reduce the number of days that LGBT asylum seekers must "sign in" with the foreigners' police and allow them to do so on days/times and in areas different from other asylum seekers.
- Notify applicants immediately upon the grant of "temporary asylum."
- Expedite "temporary asylum" applications for all asylum applicants including LGBTs.
- Inform all asylum seekers of their right to apply for an exemption of residence fees in accordance with Article 88 of the Law on the Collection of Fees (No. 492).
- Continue to grant permission to asylum seekers who wish to travel outside their "satellite cities."

- Coordinate with Ministry of Labor and other relevant government bodies to provide work permits to asylum seekers (including applicants for "temporary asylum" who have registered with the police). On a case by case basis, grant fee and documentation waivers to work permit applicants who are asylum seekers. A work permit should not bind its holder to a single employer.
- Coordinate with Ministry of Health and other relevant government bodies to provide asylum seekers (including applicants for "temporary asylum" who have registered with the police), with universal, free access to health services and medication. For the duration of their lawful stay in Turkey, asylum seekers should have access to the same health services as Turkish citizens.
- Coordinate with the Ministry of Labor and Social Security and other relevant government bodies to allow asylum seekers universal access to social services. For the duration of their lawful stay in Turkey, asylum seekers should have access to the same social services as Turkish citizens.
- Introduce guidelines to conduct a "means test" to determine destitution among asylum seekers. Apply the means test to grant qualifying applicants exemptions from residence fees. Promptly provide written reasons where an application for an exemption is denied.
- Conduct outreach to LGBT organizations and other relevant organizations and professionals to provide input on training.

The United Nations High Commissioner for Refugees in Geneva and Turkey

- Continue to accelerate refugee status determination procedures for LGBT asylum seekers.
- Allow LGBT asylum seekers to wait for processing in an area separate from other asylum seekers.
- Train staff to look for, identify and follow up on sexual orientation and gender identity claims.
- Develop and distribute training materials on effectively managing sexual orientation and gender identity-based claims.
- Develop and apply training materials pursuant to UNHCR *Guidance Note on Refugee Claims Related to Sexual Orientation and Gender Identity* and the 2002 UNHCR Guidelines on Gender-Related Persecution.
- Train all UNHCR staff on sexual orientation and gender identity issues and on best practices for interacting with and providing services to LGBT asylum seekers and refugees.
- Develop an interviewing tool to sensitively ascertain the veracity of sexual orientation and gender identity claims.
- Train legal officers to elicit relevant testimony in a non-threatening manner.
- Train legal officers to pose questions which elicit information about the asylum seeker's identity as an LGBT person, rather than regarding his or her sexual practices or history.

- Except where essential to a specific persecution claim (*e.g.*, forced sexual relations), train legal officers to avoid unnecessarily invasive or intimidating sex-related questions (including questions regarding sexual positions, sex acts or numbers of partners).
- Train legal officers not to focus on appearance or other behavioral stereotypes (*e.g.*, that gay men are effeminate or lesbians are masculine) as a means of assessing credibility regarding sexual orientation or gender identity.
- Ascertain whether an LGBT asylum seeker has preference for a male or female legal officer and interpreter. Attempt to assign accordingly.
- Recruit and maintain sufficient numbers of interpreters able to communicate in relevant languages to serve the asylum seeker and refugee caseload.
- Train interpreters on best practices for working with LGBT asylum seekers, including issues of confidentiality, impartiality and respect. Ensure that interpreters are aware of and employ appropriate terminology for use with LGBT asylum seekers.
- In the presence of interpreters, assure asylum seekers, that all statements, regardless of their nature, will be guarded in strict and absolute confidence by examiner and interpreter alike.
- Conduct outreach to LGBT organizations and other relevant organizations and professionals to provide input on training.
- In coordination with "resettlement countries," refer recognized LGBT refugees for resettlement together with their partners.

Governments of "Resettlement Countries" including the United States, Canada, Australia and Sweden

- Increase the numbers of LGBT refugees accepted for resettlement.
- Expedite resettlement processing for vulnerable LGBT refugees.
- Ascertain whether an LGBT refugee has preference for a male or female interviewing officer and interpreter. Attempt to assign accordingly.
- Recruit and train staff and interpreters to work appropriately and sensitively with LGBT refugees.
- Train staff and interpreters interviewing LGBT refugees in accordance with recommendations to the Government of Turkey and UNHCR above.
- Where possible, resettle LGBT refugees in cities with established LGBT communities.
- Resettle LGBT couples together. Make all efforts to resettle couples in locations recognizing same-sex marriage or domestic partnership.
- For countries which do not recognize same-sex union, treat partners as a single economic unit entitled to joint resettlement.
- Work with established domestic LGBT and other groups to develop support systems and improve the integration of newcomers.

Service Providers in Satellite Cities, including Nongovernmental Organizations and Independent Professionals

- Provide services and assistance to all asylum seekers and refugees without regard to sexual orientation or gender identity.
- Train staff on the special needs and vulnerabilities of LGBT asylum seekers and refugees.
- Sensitize staff to interact appropriately and respectfully with LGBT asylum seekers and refugees.
- Train staff and interpreters interviewing and providing services to LGBT asylum seekers and refugees in accordance with recommendations to the Government of Turkey and UNHCR above.
- Provide additional training on eligibility for refugee status based on persecution due to sexual orientation and gender identity.
- Recruit and maintain sufficient numbers of interpreters able to communicate in relevant languages to serve the needs of asylum seeker and refugee communities.
- Ascertain whether an LGBT asylum seeker or refugee has preference for a male or female service provider and interpreter. Attempt to assign professionals accordingly.
- Take steps to raise awareness among local, refugee and migrant communities to prevent discrimination and violence against LGBT asylum seekers and refugees.
- Develop workshops for local asylum seekers and refugees regarding their rights and the steps they should take if they fall victim to violence, harassment or unlawful discrimination.
- Assist and support LGBT asylum seekers and refugees in lodging police complaints against attackers and harassers.
- Facilitate communication and understanding among leaders of the various local, refugee, migrant and LGBT refugee communities.

Health Providers in Satellite Cities

- Train and sensitize staff on the cultural and communication barriers which prevent effective services from reaching LGBT asylum seekers and refugees.
- Train health and medical professionals regarding HIV/AIDS transmission to reduce fear and misinformation.
- Provide sufficient and adequately trained staff and interpreters.
- Provide medical services to LGBT asylum seekers in a non-discriminatory manner.
- Ascertain whether an LGBT asylum seeker or refugee prefers a male or female health provider or interpreter. Attempt to assign service providers accordingly.

State Adult Education Providers in Satellite Cities

- Train educators serving LGBT asylum seekers and refugees in accordance with the recommendations of this report to the Government of Turkey, UNHCR and service providers.
- Train educators on the importance of providing services to LGBT asylum seekers and refugees in a non-discriminatory manner.
- Emphasize the importance of preventing violence against all asylum seekers and refugees, including LGBTs.
- Develop explicit guidelines and codes of respect and responsibility to eliminate discrimination against and among all students, explicitly including LGBTs. Explain these guidelines to all students in their first class and ensure their enforcement.
- If requested by LGBT asylum seekers and refugees, establish a system of educational "house calls" or "home schooling" for LGBTs unable to leave home or to attend public courses for fear of harassment or threats in the classroom.

Refugee and Migrant Community Leaders

- Seek training from LGBT organizations to raise awareness of LGBT issues.
- Work to prevent violence against and harassment of LGBT asylum seekers and refugees.
- Facilitate communication and understanding between LGBT asylum seekers and refugees and the broader refugee and migrant community.
- Advocate for inclusion and support of LGBT asylum seekers and refugees within the broader refugee and migrant community.

LGBT Asylum Seekers and Refugees

- Convey fully and clearly the mistreatment which you suffered in your country of origin based on your sexual orientation or gender identity.
- Immediately report to the police all instances of harassment and violence.
- Initiate and maintain contact with organizations that assist asylum seekers and refugees.
- Maintain contact with LGBT and refugee advocacy organizations to develop joint efforts to raise awareness among LGBT asylum seekers and refugees regarding their legal rights in Turkey (*e.g.*, employment rights, access to health and social services, and asylum procedures).

5. Conclusion

LGBTs are among the most marginalized and vulnerable asylum seekers and refugees in Turkey today. The protections extended by the government of Turkey and UNHCR allow these individuals to escape the severe mistreatment, torture and death they faced in their countries of origin. However, their physical survival is often mired in new dangers and deprivations in often-hostile environments in Turkey. Some of the perils and threats stem from a dearth of resources at the local, national and international levels. Others result from lack of knowledge, fears and deeply-engrained societal prejudices. Together, these factors conspire to form a woefully deficient protection environment for Turkey's LGBT asylum seekers and refugees. The determined introduction of education and training could set both UNHCR and the Turkish government on the path to according these persons a modicum of dignity and security as they seek more permanent safety. Only then will the treaties and laws which comprise the international refugee regime be imbued with real meaning for these highly vulnerable individuals.

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HELSİNKİ
YURTTAŞLAR
DERNEĞİ

Refugee Advocacy and Support Program

Survey of LGBT Asylum Seekers & Refugees in Turkey

Note to the Interviewer: Begin by explaining the purpose and length of the survey, which is to collect information about the conditions and experiences of LGBT refugees and asylum seekers in "satellite cities" in Turkey. Explain that the information collected will be used for a domestic press release and to provide information to international human rights and LGBT rights organizations. The aim is to raise awareness in Turkey and internationally about the treatment of LGBT asylum seekers and refugees and encourage Turkish authorities to improve conditions and access to asylum procedures. If the interviewee is not an RLAP client, explain the work of the office. Explain that all the information that he/she provides will remain confidential. Further "Notes to the Interviewer" (NI) throughout the survey will help you to explain some possible answers in the event that the interviewee does not understand the question. Be conscious not to "lead" the subject or put words in his/her mouth. Be sure that you fully understand what has been explained to you. Be aware that if a question relates to unequal treatment on the basis of LGBT status, you should try to gather evidence that the mistreatment was specifically related to LGBT status. This will include evidence of derogatory remarks or references by a decision-maker or person of authority regarding the subject's LGBT status, appearance or "lifestyle." It may also include circumstantial evidence suggesting bias.

POLICE PROCEDURE

1. Did you register first with the: UNHCR Turkish police
2. Did you go to your satellite city right away? Y N
    - *If no,* how did the police respond to your late arrival? (*NI: Some possible answers are that s/he was taken to court, questioned about reasons for being late, denied the right to register, made to pay a penalty fee, in which case, ask how much.)*
3. Availability of Interpreters:
    - Is there anyone at the police station, police or interpreter, who speaks your native language? Y N
        - *If no,* what language do you use to communicate with the police?
        - Are you able to communicate well in that language? Y N *(NI: in other words, can you understand what the police is telling you in terms of services available, etc. Can you explain your situation well enough for them to understand your need?)*
    - If you had to use a police-provided interpreter, were you asked to pay? Y N
        - *If yes,* how much?
        - Did you trust the interpreter to keep your information confidential? Y N
    - If necessary, are you allowed to bring a friend to interpret for you? Y N
4. Registration Procedure:
    - Could you register immediately? Y N
        - *If no,* did you get an appointment to come back at a later date? Y N
            - *If yes,* how long was the delay?
    - After you registered, how long did it take for you to get your asylum seeker ID?
    - At registration, did the police give you information about how to access services? Y N
5. *Ikamet* Procedure:
    - Do you have an *ikamet*? Y N
        - *If no,* why not?
        - *If yes,* how long after you got your asylum seeker ID did you get your ikamet?
    - Did you pay for your *ikamet*? Y N
        - *If yes,* how much?
    - Did the police tell you had the right to be exempt *(NI: Explain about the right to be exempt under Turkish law)*? Y N
    - Did you apply to be exempt? Y N
        - *If yes,* were you granted exemption? Y N
    - Have you renewed your *ikamet*? Y N
        - *If yes,* could you get another exemption? Y N
6. Police Signature Procedure:
    - How often do you have to sign in with the police?
    - If you don't sign in, what happens?
    - If you have family members living with you, can one family member sign in for the rest of the family? Y N

7. Temporary Leave Procedure:
    - Have you ever gotten a temporary leave permit to leave your city? Y N *If no, go to question 8.*
        - *If yes,* what was the reason you provided for wanting to leave?
        - How long were you allowed to leave your city?
    - Have you tried to extend the temporary leave permit outside your city? Y N
        - *If yes,* did you get the extension? Y N
        - How long was the exension?
    - Were you ever denied a request to leave? Y N
        - *If yes,* why?
        - Do you believe that you were denied leave based on your status as an LGBT person? Y N
            - *If yes,* why? *(NI: Try to determine if there were any explicit or implicit references to his/her LGBT status, such as reference to appearance or "lifestyle")*
8. Temporary Asylum Procedure:
    - Has the police interviewed you regarding your application for "temporary asylum"? Y N
        - *If yes,* please describe the interview or interviews:
        - Did you face any difficulties during the interview/s? Y N
        - *If yes,* do you believe these difficulties relate to your status as an LGBT person? Y N
            - *If yes,* why? *(NI: Try to determine if there were any explicit or implicit negative references to his/her LGBT status during the interview/s. Where there any lines of questioning that related to ascertaining his/her sexuality, and if so, what were they? We want to determine if there is a pattern of intrusive or discriminatory questioning. Be careful not to "lead.")*
    - As part of the temporary asylum procedure, have you ever been forced to take an HIV or other medical test? Y N
        - *If yes,* do you believe that the test requirement relates to your status as an LGBT person? Y N
            - *If yes,* why? *(NI: Try to determine if there were any explicit or implicit negative references to his/her LGBT status during the referral for the medical tests.)*
9. General Police Treatment:
    - Is your relationship with the police generally good? Y N
        - *If no,* describe any difficulties: *(NI: This information may also come out in the last section of the survey.)*
        - Do you believe that the difficulties you experienced with the police are related to your status as an LGBT person? Y N
            - *If yes,* why? *(NI: Try to determine if there were any explicit or implicit references to his/her LGBT status, such as reference to appearance or "lifestyle")*
    - *NI: Connected Question which may have been answered above:* Did the police ever make any inappropriate comments to you regarding your status as an LGBT person? Y N
        - *If yes,* please describe who said what to you and the circumstances:

SHELTER

10. Where did you spend the first night when you arrived in your city?
11. Where do you stay now? *(NI: private house, shelter, public housing, etc.)*
12. How did you find your current housing? *(NI: I.e. friends/family, other refugees, local realtors, police, etc.)*
13. Do you have to pay rent? Y N *If no, go to question 15.*
    - *If yes,* how much is the total rent for the apartment?
        - Do you yourself pay for the full amount? Y N
            - *If no,* who pays for it and what amount? *(NI: family abroad, refugee community, police, Social Solidarity and Assistance Foundation, etc.)*
14. Did you get any other kinds of housing assistance? Y N

    Please state amount per month.
    - *Coal/Gas* _____
    - *Electricity* _____
    - *Water* _____
    - *Furniture* _____

    From whom do you receive assistance?
15. Describe your current residence:
    - In which neighborhood do you live?
    - How many rooms are there? _____
    - Is there a Bathroom Kitchen
    - Is there Heating Electricity Running water
    - How many people live with you? ____
    - If you rent, did you sign a contract / lease? Y N
    - Do you live with other refugees? Y N
        - *If yes,* are any of them LGBT? Y N
            - *If yes,* are you happy about this? Y N
                - *If yes or no,* please explain:
16. Do LGBT asylum seekers/ refugees in general live in a particular neighborhood? Y N
    - *If yes,* which one:
17. Do you face any difficulties in your housing situation? Y N
    - *If yes,* please describe:
        - Do you believe that your housing difficulties are related to your status as an LGBT person? Y N
            - *If yes,* why? *(NI: Try to determine if there were any explicit or implicit references to his/her LGBT status, such as reference to appearance or "lifestyle.")*

EMPLOYMENT

18. Have you ever tried to find a job? Y N *If no, go to question 21.*
19. If you were unsuccessful, do you think that this is related to your status as an LGBT person? Y N
    - *If yes,* why? *(NI: Try to determine if there were any explicit or implicit references to his/her LGBT status, such as reference to appearance or "lifestyle")*
20. Are you employed? Y N *If no, go to question 21.*
    - Describe the job: *(NI: How many hours do you work, how many days, etc.)*
    - Have you ever had a problem getting your wages? Y N
    - *If yes,* did you make a complaint about this? Y N
        - *If yes,* to whom? _____
        - What was the result of your complaint?
    - Have you experienced any other problems at work? Y N
        - *If yes,* do you believe that your problems are related to your status as an LGBT person? Y N
            - *If yes,* why? *(NI: Try to determine if there were any explicit or implicit references to his/her LGBT status, such as reference to appearance or "lifestyle")*
    - Are you currently working, or since arriving in Turkey, have you ever worked as a sex worker? Y N
        - *If yes,*
            - For how long? *(NI: days, weeks, months, years?)*
            - During what period of time?
            - Did you feel forced or compelled to engage in sex work? Y N
                - *If yes,* please explain the circumstances:

HEALTH

21. Have you had any health problems, including mental health problems, since you registered with the police in your city? Y N *If no, go to question 29.*
    - *If yes,* do you believe that these health or mental health problems are related to your status as an LGBT person? Y N
        - *If yes,* why? *(NI: You may get detailed information about physical attacks leading to medical treatment, or mental health problems such as depression relating to feelings of isolation and discrimination on the basis of LBGT status, but be careful not to "lead" the subject.)*
22. Did you seek medical treatment? Y N *If no, go to question 29.*
    - *If yes,* where: private doctor private clinic public/state hospital
23. Did you get a referral for the medical treatment? Y N
    - *If yes,* from whom? *(NI: police, Social Assistance and Solidarity Foundation, an NGO, etc.)*
24. Did you have to show your asylum seeker ID or *ikamet* to receive health services? Y N
    If yes, which one? Asylum seeker ID Ikamet
25. Did you need an interpreter at the hospital? Y N *If no, go to question 26.*
    - *If yes,* was there one available whom you could communicate with? Y N
    - *If no,* could you bring a friend with you who could interpret? Y N
    - If you had no interpreter with you, what happened?
26. Did you receive any treatment? Y N
    - *If no,* why not?
        - If it is because the doctors refused to examine you, did you make a complaint about this? Y N
            - *If yes,* to whom?
            - What was the result?
        - Do you believe you were denied treatment because of your status as an LGBT person? Y N
            - *If yes,* why? *(NI: Try to determine if there were any explicit or implicit references to his/her LGBT status, such as reference to appearance or "lifestyle.")*
    - *If yes,* what was the total cost of the treatment? _____
        - Did you pay the full amount yourself? Y N
            - *If no,* did someone else pay part of or the entire amount? Y N
                - *If yes,* who helped pay? *(NI: Police, Social Assistance and Solidarity Foundation, NGO, etc.)*
                - What percent of the total did they pay? _____
27. Were you prescribed medication? Y N *If no, go to question 29.*
    - *If yes,* what was the total cost of the medication? _____
        - Did you pay for the medication yourself? Y N
            - *If no,* someone else pay part of or the entire amount? Y N
                - *If yes,* who helped pay? *(NI: Police, Social Assistance and Solidarity Foundation, NGO, etc.)*
                - What percent of the total did they pay? _____
28. Has your condition improved since being treated? Y N

SOCIAL ASSISTANCE

29. Have you requested any other forms of assistance (other than health and housing) since you arrived in your satellite city? Y N *(NI: clothes, food, etc.) If no, go to question 30.*
    - *If yes,* were you successful? Y N
        - *If no,* do you believe that you were denied assistance because of your status as an LGBT person? Y N
            - *If yes,* why? *(NI: Try to determine if there were any explicit or implicit references to his/her LGBT status, such as reference to appearance or "lifestyle.")*
        - *If yes,* what kind of assistance did you get?

- Who provided you the assistance? *(NI: Refugee community, Police, Social Solidarity Foundation, NGO, etc.)*

EDUCATION

30. Have you ever tried to attend educational courses of any kind, including Turkish language courses, in your city? Y N
    - *If yes*, were you successful? Y N
        - *If no*, do you believe you were denied access to education because of your status as an LGBT person? Y N
        - *If yes*,
            - What kind of courses?
            - Were they free? Y N
            - Who offers the classes?
31. Did you experience any difficulties in your classes based on your status as an LGBT person? Y N
    - *If yes*, please explain:

TREATMENT BY LOCAL TURKISH AND REFUGEE POPULATION

32. Have you faced any mistreatment by the local Turkish population based on your status as an LGBT person? Y N
    - *If yes*, please explain: *(NI: This may include harassment, discrimination, physical or verbal abuse. Be careful not to "lead" the subject, but be sure that the subject can identify why the treatment was based on his/her LGBT status and not on his/her status as a foreigner.)*
    - If the mistreatment was criminal, did you file a complaint with the police? Y N
        - *If no*, please explain why not:
        - *If yes*, please explain the result:
33. Have you faced any mistreatment by the local refugee population based on your status as an LGBT person? Y N
    - *If yes*, please explain: *(NI: This may include harassment, discrimination, physical or verbal abuse. Be careful not to "lead" the subject, but be sure that the subject can identify why the treatment was based on his/her LGBT status and not on his/her status as a foreigner.)*
    - If the mistreatment was criminal, did you file a complaint with the police? Y N
        - *If no*, please explain why not:
        - *If yes*, please explain the result:

UNHCR PROCEDURE

34. Refugee Status Determination Procedure:
    - Have you been able to register with the UNHCR? Y N
        - *If yes*, please describe the registration procedure:
        - Did you face any difficulties during registration? Y N
        - *If yes*, do you believe these difficulties relate to your status as an LGBT person? Y N
            - *If yes*, why? *(NI: Try to determine if there were any explicit or implicit negative references to his/her LGBT status during the interview/s. Where there any lines of questioning that related to ascertaining his/her sexuality, and if so, what were they? We want to determine if there is a pattern of intrusive or discriminatory questioning. Be careful not to "lead.")*
    - Have you been interviewed at the UNHCR? Y N
        - *If yes*, please describe the interview or interviews:
        - Did you face any difficulties during your interview/s? Y N
        - *If yes*, do you believe these difficulties relate to your status as an LGBT person? Y N
            - *If yes*, why? *(NI: Try to determine if there were any explicit or implicit negative references to his/her LGBT status during the interview/s. Where there any lines of questioning that related to ascertaining his/her sexuality, and if so, what were they? We want to determine if there is a pattern of intrusive or discriminatory questioning. Be careful not to "lead.")*
    - Did the UNHCR "accelerate" your case? Y N *(NI: Explain that this means that an asylum seeker's case is sped up to take into account vulnerabilities, including protection concerns.)*
    - What is the current status of your case?
35. Resettlement Procedure:
    - If you have been recognized, have you been referred to another country for "resettlement"? Y N
        - *If yes*, which country?
        - Have you faced any difficulties during the resettlement process?
        - *If yes*, do you believe these difficulties relate to your status as an LGBT person? Y N
            - *If yes*, why? *(NI: Try to determine if there were any explicit or implicit negative references to his/her LGBT status during the interview/s. Where there any lines of questioning that related to ascertaining his/her sexuality, and if so, what were they? We want to determine if there is a pattern of intrusive or discriminatory questioning. Be careful not to "lead.")*

OTHER

36. Please tell us anything else that you would like to say about your experience as an LGBT asylum seeker or refugee in Turkey:

END OF SURVEY☺
Thank you for your patience.

7. Map of Turkey's "Satellite Cities"