



Mononormativity and Related Normative Bias in the UK Immigration System: The Experience of LGBTIQ+ Asylum Seekers

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This article examines the impact that different normative understandings of sexuality and relationships have on LGBTIQ+ people's experience of the UK Immigration System, with a particular focus on mononormative conceptions that privilege forms of coupledness. By examining legal regulations and case judgments, the mononormative bias is shown to disadvantage LGBTIQ+ asylum seekers and make it difficult for those not seen to be in long-term romantic relationships to have their sexuality acknowledged and their claims for asylum upheld. The article considers how mononormativity intersects with heteronormative stereotypes and narrow homonormative prescriptions of gay identity such as "coming out" or expressing particular lifestyle choices. Taken together these normativities combine in a culture of disbelief in the immigration system that negates the self-identification of LGBTIQ+ asylum seekers and refugees by requiring them conform to norms that do not reflect the diversity of queer lives and experiences.

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INTRODUCTION

The right of asylum seekers to enter and remain in the United Kingdom depends on laws enforced by a range of Government agencies that make up the British immigration system, including United Kingdom Visas and Immigration, Border Force and Immigration Enforcement. People's experiences of this system are strongly affected by their sexuality; indeed sexuality 'structures every aspect of immigrant experiences' (Luibhéid 2004, 227). There are particular challenges when people are basing their claim for asylum on the persecution they have faced due to their sexual orientation. This is highlighted by the fact that between 2016 and 2018 the Home Office refused at least 3,100 asylum claims from LGBTIQ+¹ people from countries where consensual same-sex acts are criminalised (Grierson 2019).

In this article, I explore how normative understandings of sexuality shape LGBTIQ+ people's experience of the UK immigration system. By normative, I mean the mainstream and dominant

¹LGBTIQ+ stands for Lesbian Gay Bisexual Trans Intersex and Queer. Whilst I acknowledge that this article does not explicitly engage with each of these in detail, namely intersex and trans, I have nonetheless chosen to utilise the acronym 'LGBTIQ+', considering its currency as a widely recognised term. Moreover, whilst certainly varied, the experiences of each group often overlap, facing similar obstacles such as normative biases in culture and institutions like the UK immigration system.

assumptions structured within society's institutions and ideologies, regulating 'those kept within its boundaries as well as marginalizing and sanctioning those outside them' (Jackson 2006, 105). For the purpose of this article, I consider three key normativities: mononormativity, heteronormativity, and homonormativity. Mononormativity is the privileging of dyadic romantic coupledom over other forms of relationships and the experiences of people who are not in romantic relationships. It implies that a permanent partnership with one person is the natural and normal form of an intimate relationship. Heteronormativity describes the ways in which heterosexuality is assumed as the default, and privileged, form of sexuality in society. Homonormativity is the assumption that LGBTIQ+ people should conform to the norms that were previously associated with heterosexuality, such as marriage and nuclear families. I expand upon these definitions and explore them in turn and how they are intertwined in relation to immigration, with a particular focus on asylum seekers and refugees.

The article is informed by a thematic analysis of legal judgments related to SOGI jurisprudence. For primary source material, I have collated a dataset of relevant legal judgments from two key sources. Firstly, the Sexual Orientation and Gender Identity Claims of Asylum (SOGICA) database² includes details of 210 European cases, of which 38 are from the United Kingdom. Secondly, I have searched the official database of decisions of the UK immigration and asylum Upper Tribunal³. Individuals may appeal against Home Office decisions to the First-tier Tribunal (Immigration and Asylum Chamber). They can then appeal against decisions of this Tribunal to the Upper Tribunal (Immigration and Asylum Chamber). Judgments from the First-tier Tribunals are not available to the public, but full details of Upper Tribunal cases are published online. This includes summaries of over 30,000 cases since the year 2000, of which 690 mention 'lesbian', 'gay' and/or 'LGBT'. I narrowed the search further by using search terms associated with relevant judgements such as 'genuine and subsisting relationship' (34 cases) and 'homosexual lifestyle' (61 cases). I have supplemented this material with reviewing newspaper reports and Home Office guidance. Eighteen cases are specifically referred to in this article.

Legal judgments are a useful source for this kind of analysis, as they typically include detailed summaries of evidence presented and judges' evaluation of this, as well as their interpretation of the law. As such they make fairly explicit the assumptions used in making decisions, and by reading these critically it is possible to identify how bias is embedded in the law and its application. This kind of critical reading is in

line with the queer legal approach of questioning the normative bias in legal systems. Examples include Zelada and Neyra-Sevilla's (2019) work on trans identities in Peru, which involved examining the discourse of plaintiffs and judges in such cases, and Ritholtz and Buxton's (2021) analysis of queer kinship in refugee status determination. They describe the idea of queering in relation to the law as 'a form of academic inquiry that takes on the structure of sexuality as it looms large in society and challenges its ontological application' (5).

There has been some previous discussion of how normativities in the immigration system affect LGBTIQ+ asylum seekers. Luibhéid (2004) is key in highlighting heteronormative practices in immigration scholarship. Wieland and Alessi (2020) discuss the heteronormative lens in immigration systems, in relation to the European Court of Human Rights. Scholars have also expanded their analysis to the role of both hetero- and homonormativities, such as Giametta (2014) who explores this in relation to queer asylum and religion and Jung (2015) who considers queer migrant activism. There has, however, been little discussion into the relationship between mononormativity and LGBTIQ+ people's experience and how this combines with hetero- and homonormativity to impact on Sexual Orientation and Gender Identity (SOGI) claimants in the UK immigration system. This article aims to address this gap in the literature.

My original research here contributes to the field as it highlights the importance of mononormativity as a concept in discussions around sexuality identity and asylum. I argue that mononormativity needs to be considered as significant in its own right but that it must also be situated alongside heteronormativity and homonormativity in order to gain a fuller understanding of their combined impact on LGBTIQ+ asylum seekers and refugees. I therefore structure this article by firstly addressing the role of mononormativity before turning to heteronormativity and homonormativity (and as an aspect of this, homonationalism).

Throughout, I consider how these normativities combine to produce particular obstacles for LGBTIQ+ asylum seekers and how people's experience of the immigration system is shaped by intersectional factors. Drawing on the work of other Black feminists, Crenshaw (1989) originated the term 'intersectionality' as a form of analysis and practice which recognises how different social categories come together to affect people's experiences in specific and unique ways. Intersectionality is about asking 'the other question' (Matsuda 1991, 1189) to identify who is being discriminated against or marginalised, and recognising that the 'major systems of oppression are interlocking' (Combahee River Collective 1982, 210). In the context of the immigration system it is important to consider how people's experiences are shaped by 'the intersections of sexuality, gender, 'race', class, religion (and other social identifiers)' (Held and McCarthy 2018, 22). Lewis (2014) argues that asylum policies are structured in a way that 'renders women and sexual minorities disposable populations' (959), with 'queer female migrants of color' being positioned as the most vulnerable (970).

²SOGICA—Sexual Orientation and Gender Identity Claims of Asylum: A European human rights challenge' was a 4 year research project, funded by the European Research Council. They explored the socio-legal experience of SOGI asylum seekers across Europe, in order to provide evidence to create a fairer asylum system. Their database can be assessed here: <https://www.sogica.org/en/sogica-database/>.

³Immigration and asylum chamber: decisions on appeals to the Upper Tribunal' can be accessed here: <https://tribunalsdecisions.service.gov.uk/utiac>

Background

There are two main strands of immigration legislation. The first deals with the rules relating to general migration, specifying in what circumstances (including from what countries) people may enter and remain in the United Kingdom. A second strand deals more specifically with asylum seekers and refugees and the regulations regarding how claims for asylum are assessed.

From the early 20th century a series of immigration laws were passed in the United Kingdom to regulate who was allowed to enter the country. Within these, LGBTIQ+ people were generally ignored as they had little or no legal recognition, and male homosexuality was effectively outlawed until its partial decriminalisation by the 1967 Sexual Offences Act. During the 21st century, there have been a number of legal landmarks which now recognise the rights of LGBTIQ+ people, including the Civil Partnership Act 2004 which provided for legal recognition of same-sex relationships, and the Equality Act 2010 which prohibits discrimination on the basis of sexual orientation. These paved the way for some LGBTIQ+ relationships to be treated in a similar way to heterosexual ones for the purposes of immigration law, for instance in relation to spouses and partners being able to enter the United Kingdom.

The basis of international law on refugees is the United Nations Convention Relating to the Status of Refugees, first adopted in 1951. This defined refugees as individuals with a 'well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion' (UN General Assembly 1951, 152). The European Court ruled in 2013 that in some circumstances LGBTIQ+ people constitute a social group with a well-founded fear of persecution (European Database of Asylum Law 2013).

There are 67 countries where same-sex consensual sex between adults is criminalised⁴ (ILGA 2020, 113), in 11 of which this can be punishable by death (The Human Dignity Trust, 2021). Even in countries where same-sex acts are legal, it does not necessarily mean that it is safe as there is often pervading social stigmatisation (ILGA 2019, 179). However, in the United Kingdom the stigmatisation and criminalisation of homosexuality in people's country of origin is not necessarily considered evidence enough to warrant 'fear of persecution' (Jansen and Spijkerboer 2011). In order to claim asylum on these grounds, people have to prove that they are part of a social group (one based on their sexuality), and also prove that they have reason to fear persecution in their country of origin due to this identity membership.

Whether applying for asylum or for recognition as a partner, people face a complex assessment process of applications, providing evidence, and interviews made up of seemingly arbitrary and intrusive questions. (Middelkoop, 2013, 167)

⁴According to the ILGA 2020 report, same-sex consensual sex is explicitly criminalised in 67 countries but there are an additional two UN Member States with de facto criminalisation (Egypt and Iraq). This means that while there is no legislation that explicitly criminalises it in Egypt and Iraq, there is a 'widespread use of other laws' that are used to target 'LGBT individuals' (ILGA 2020, 113).

highlights that there is a 'normative bias in individual assessment' and in 'defining sexual orientation', while Held and McCarthy (2018, 24) argue that this normative understanding of sexuality is enacted through a sexist, racist and homophobic system that indisputably affects the outcome of asylum cases. The workings of the immigration system compound the difficulties faced by queer asylum seekers who as highlighted by the LGBT African Asylum Seekers Research Project (Metropolitan Community Church of North London, 2019) have to contend with various forms of discrimination including racism, prejudice against asylum seekers and homophobia.

MONONORMATIVITY

In this section, I will present the concept of mononormativity and discuss how it plays out in the UK Immigration system. I shall be illustrating its impact using a selection of legal casework. Mononormativity entails the privileging of people in stable, long-term monogamous relationships or those perceived to be so. Pieper and Bauer (2005) are generally credited with coining the term initially in the context of challenging the privileging of monogamy over 'non-monogamous patterns of intimacy' such as polyamory. Mononormativity is based on the assumption that 'couple-shaped arranged relationships are the principle of social relations per se, an essential foundation of human existence and the elementary, almost natural pattern of living together' (Bauer, 2010). However, as (Schippers, 2018, 317) notes, mononormativity is not just about sexual behaviours but about a 'relationship form' which 'confers privileges and advantages to people in or perceived to be in long-term monogamous couple relationships'. (Wilkinson, 2012, 138) argues that the assumed 'desirability of coupledness' produces discrimination against 'those whose intimate lives do not fit this conventional dyadic form'. As expressed in the law, mononormativity is not simply about privileging monogamy but about the ways in which a couple comes to be legally recognised through prescribed forms of cohabitation, financial and property relationships. It impacts not just on those who are not in a monogamous relationship - such as those who are celibate, single or polyamorous - but on those who are not perceived to be because they cannot evidence that they meet these requirements.

In a Spanish context, (Navarro 2017, 442) suggests that 'the monogamously structured legal framework' creates a 'privilege-driven logic that regulates the access to a complex set of economic benefits and legal protections' including in relation to immigration and citizenship. I demonstrate how the UK immigration system privileges exclusive couple relationships that conform to norms such as cohabiting and a commitment to permanence. Within this category, further privilege is granted to relationships based on marriage and civil partnerships. This disadvantages LGBTIQ+ asylum seekers who face barriers to achieving the criteria used to judge "genuine" relationships. Furthermore, the broader range of LGBTIQ+ non-traditional intimate and family relationships do not have legal recognition. People who are unable to demonstrate the approved relationship history can have their sexual identity disbelieved and, in turn, be refused asylum.

In recent decades there has been a shift in the United Kingdom and other countries whereby heterosexual relationships are no longer the only accepted form, but the presumption of coupledom remains. (Luibhéid, 2008, 308) argues that while marriage rights may be extended to LGBTIQ+ couples the broader question has to be asked of 'why does the logic of family and coupledom, however, these are defined, frame immigration access in the first place?'. As I will outline below, these mononormative understandings that privilege romantic relationships shape LGBTIQ+ people's experience of the UK immigration system.

It is arguable that despite formal equality the standard of what constitutes family life or a legally significant private life relationship still starts from the mononormative model of the married husband and wife. That is a commitment to a permanent, exclusive relationship by two individuals living together, sharing property and typically having children together. Close relationships that do not fit with 'the heterosexual nuclear family model' tend to be disregarded, with family reunion schemes, therefore, tending to 'normalise and privilege heterosexual relationships over non-normative ones' (Jung 2015, 309)—and by extension same-sex relationships that most closely conform to this model.

Within UK immigration law, there are specific provisions for spouses, civil partners, unmarried and same-sex partners to enter the country in certain defined circumstances. These are set out in the Family Members appendix of the Home Office 'Immigration Rules' (Home Office 2016). Asylum seekers as such cannot sponsor a partner or other family member to enter the country, but those granted 'refugee leave or with humanitarian protection' may do so. The 'Immigration Rules' are fairly explicitly mononormative. For partners to be given leave to enter and/or remain in the country, two people must have a relationship that is 'genuine and subsisting'; 'any previous relationship of the applicant or their partner must have broken down permanently' and '[t]he applicant and their partner must intend to live together permanently in the UK' (Home Office, 2016).

Many LGBTIQ+ people have deep, significant relationships which do not conform to this model. These 'non normative, non-same sex marriage relationships' (Yarrough 2018, 7) can include non-monogamous multi-partner relationships, committed but not necessarily sexual friendships and a range of chosen or intentional families. What Weeks, Heaphy and Donovan (2001) term 'new patterns of intimacy and new claims to relational rights' (2) have emerged in non-traditional LGBTIQ+ families of choice providing 'mutual care, responsibility and commitment' (4) through 'strong and supportive networks of friends and lovers' (4). Ritholtz and Buxton (2021, 13) discuss the importance of these expressions of kinship and argue that 'queer chosen families should be able to apply for asylum as a unit.'

This relational diversity is further complicated when we consider the different forms of same-sex relationships that may exist outside of the sometimes homonormative confines of Western LGBTIQ+ scenes. Such relationships have sometimes been considered in United Kingdom asylum cases. In the case of AJ (Risk to Homosexuals) Afghanistan (2009)⁵, a Tribunal heard evidence of

affectionate and only sometimes sexual relationships between young men in Afghanistan who did not identify as 'gay'. The context here was not though an attempt to extend the definition of what constitutes a genuine relationship for immigration purposes, but rather to suggest that if such behaviour was tolerated then there was no reason to fear being returned there.

Within the UK Immigration Rules, mononormativity starts with the privileging of marriages or civil partnerships even over other kinds of couple relationships. These are legal forms which assume long term, monogamous cohabiting relationships as shown by the fact that adultery, unfaithfulness and no longer living together are seen as grounds for ending them. For unmarried couples, the regulations specify additional requirements in particular that they must have been living together 'in a relationship akin to marriage or civil partnership which has subsisted for two years or more' (Home Office 2016). This is not required of married/civil partnership couples, and affects how cases are judged.

These rules directly affect asylum seekers who are basing part of their claim to remain in the United Kingdom on their marriage/family life status, but they also shape how the significance of relationships is judged more widely in asylum claims. In the case of an Algerian asylum seeker (B vs Secretary of State, 2007⁶), it was accepted that he was in a same-sex relationship. However, as the partners had 'separate flats' it was stated by the adjudicator that there was 'no suggestion of a committed relationship here that would be interrupted if he were to return to Algeria'. Family and community disapproval can also make living together difficult. A Nigerian asylum seeker told a Tribunal⁷ that 'cohabitation was on and off' because of 'ferocious hostility' from her partner's family members. Her asylum claim was refused. While in both these cases the appellants had partners, they were unable to comply with the mononormative model of living together that is seen as constituting a fully committed relationship.

This privileging of marriage and civil partnership disadvantages LGBTIQ+ people since there is no legal same-sex marriage in many countries. Under Schedule 20 of the Civil Partnership Act 2014 (UK Legislation, 2014) the United Kingdom Government maintains a list of countries whose same-sex marriages and civil partnerships are recognised as being equivalent to the UK for immigration purpose. This currently only includes one African country (South Africa) and one Asian country (Taiwan). This reinforces what is widely perceived as an existing bias in the United Kingdom against migrants from these parts of the world (Ford 2011, 1,033). Many migrants and asylum seekers are therefore unable to provide the primary evidence of conforming to the system's mononormative expectations of what constitutes a genuine and committed relationship a marriage or civil partnership certificate.

⁶B v. Secretary of State for the Home Department [2007] EWHC 2528. Available at: <http://www.refworld.org/docid/473d6bdd2.html>.

⁷Upper Tribunal (Immigration and Asylum Chamber) Appeal Number: IA/43195/2014. Available at: <https://tribunalsdecisions.service.gov.uk/utiac/ia-43195-2014>.

⁵AJ (Risk to Homosexuals) Afghanistan CG [2009] UKAIT 00001. Available at: <https://tribunalsdecisions.service.gov.uk/utiac/37735>

The Home Office requirement for applicants to produce evidence that their relationship is ‘genuine and subsisting’ (Home Office 2016) can be more difficult for LGBTIQ+ couples who may not have been able to live openly together in some parts of the world. Even if they have, they may struggle to provide evidence ‘owing to the secretive nature of those relationships in persecutory environments’ (SOGICA 2020, 13).

The Home Office (2019) publishes internal guidance for its staff on criteria for judging whether relationships are genuine or, in their terms, ‘sham’ and these further embed mononormative requirements. A positive indication is said to be that ‘the couple share financial responsibilities, for example a joint mortgage or tenancy agreement, a joint bank account, savings, utility bills in both their names’. LGBTIQ+ asylum seekers with limited income and less access to financial services may struggle with this requirement. A negative indication of a possible ‘sham’ relationship is the ‘circumstances of the wedding or civil ceremony’ such as there being ‘few guests and/or no significant family members present’. LGBTIQ+ asylum seekers and refugees may not have the option of a traditional family wedding, even if they have family within the United Kingdom, they may be estranged from them due to their sexuality. They may therefore find it difficult to comply with the mononormative expectation to have publicly performed exclusive coupledom in a large ceremony.

Within the asylum process, the mononormative imperative manifests itself as a pressure on applicants to demonstrate that they are in a relationship, or at least sexually active, in order to prove their LGBTIQ+ identity. O’Leary (2008), (94) argues that for LGBTIQ+ asylum claimants, sexuality’s ‘reduction to sexual conduct is the hardest to overcome’, whereby people are disbelieved if they are not in a relationship, or cannot prove their sexual activity. Sexuality is a complex and multifaceted process, and should not just be reduced to being only about ‘having sex behind closed doors’ (O’Leary 2008, 91).

In one recent case Yew Fook Sam, an elderly man fighting deportation to Malaysia, had his self-identified sexuality challenged on the basis that he did not have a partner. The judge commented that he was ‘unable to produce as a witness a single person in the United Kingdom who can vouch for the Appellant in terms of being or having been in a homosexual relationship with him either a loving relationship or a sexual one. Given that the Appellant left Malaysia in order to express his sexuality I find that incredible’ (Pidd 2019). Supporters pointed out that ‘[t]hey couldn’t get away with saying to a 76-year-old heterosexual that you can’t be heterosexual because you don’t have a partner’ (Pidd 2019). To have to prove the presence of a partner in order to have sexuality acknowledged starts from the mononormative bias that being in a relationship is the normal mode of expression of this sexuality. In December 2019, the case was overturned and Yew Fook Sam was granted asylum in the United Kingdom, which has been celebrated ‘as a victory against outdated stereotypes about gay people’ (Pidd 2019).

LGBTIQ+ asylum seekers can expect to have the validity of their identity questioned in relation to the extent of their relationships. In a successful asylum appeal by a man from Pakistan (2017)⁸, the court heard that a judge in earlier

proceedings had refused to ‘believe that the appellant was homosexual’ despite evidence of attending gay clubs and reports of casual sex. This Judge had noted critically ‘that no party had appeared at the hearing to confirm past relationships’. In another case⁹, an Immigration Tribunal disbelieved a young Algerian man’s claim to be bisexual on a similar basis and rejected his argument that his ‘inability to find same-sex partners was plausibly related to his age; he would not be admitted to gay clubs because of his age, he cannot disclose his sexuality to the Algerian community within which he mixes’. While the courts do not necessarily require relationships to have been monogamous, the fact that having been in a couple at some point is viewed as critical reflects the mononormative assumptions at work.

Being able to evidence a significant relationship can be key to a successful asylum application based on sexuality it is not necessarily enough to establish sexual identity. Home Office guidance, based on the Supreme Court’s judgment in HJ (Iran) and HT (Cameroon) v Secretary of State, states that ‘Decision makers must establish whether or not an LGBTI person, if returned to their country of origin, will live freely and openly as such’ (Home Office 2018, 7). Relationship history may be used to indicate the likelihood of living ‘openly’ and therefore whether there is reason to fear persecution.

In the 2020 case of an asylum seeker from Cameroon¹⁰, the appellant provided evidence of years of activity on a gay dating website, membership of a gay sauna and photos of attending Pride festivals. Despite this he was still required to evidence that he had been in a “genuine” relationship, with the judge commenting in detail on the content of text messages to and from his partner to assess the level of intimacy (the judgment quotes a ‘happy Valentine’s Day sweetie pie’ text as significant). In this case, the judge in the Upper Tribunal did grant the man asylum, unlike in an earlier hearing where the judge had refused to recognise that he was gay, but his relationship history was critical to this decision. This is an example of a mononormative privileging of the couple without the evidence of a relationship no number of signifiers of a (homonormative) gay lifestyle were sufficient.

The right to enter into a civil partnership can sometimes create an expectation that people *should* enter into such an arrangement as proof of commitment and sexuality. In a 2014 case¹¹, an appellant was asked why he and his partner ‘were waiting until next September to enter into a civil partnership’. The partner explained that this was to do with complications with his Iranian family, but nevertheless the fact the couple did not yet ‘live together on a full time and permanent basis’ was cited as a factor in ruling that the appellant should have to leave the country. Here again, the mononormative expectation of what

⁹Upper Tribunal (Immigration and Asylum Chamber) OO (gay men: risk) Algeria CG [2013] UKUT 00063 (IAC), 2013. Available at: <https://tribunalsdecisions.service.gov.uk/utiac/2013-ukut-63>.

¹⁰CN v Secretary of State for The Home Department, Appeal Number: PA/06184/2017. Available at: <https://tribunalsdecisions.service.gov.uk/utiac/pa-06184-2017-a31566d7-163e-4dcd-9982-c0495bfb88d1>.

¹¹MD (same-sex oriented males: risk) India CG [2014] UKUT 65 (IAC). Available at: <https://tribunalsdecisions.service.gov.uk/utiac/2014-ukut-65>.

⁸Appeal by AR (AP) Against a Decision of The Upper Tribunal (Immigration and Asylum Chamber), 2017. Available at: <https://www.scotcourts.gov.uk/search-judgments/judgment?id=5f873aa7-8980-69d2-b500-ff0000d74aa7>.

constitutes a full partner relationship undermined the asylum claim.

However, entering into a civil partnership is not in itself a guarantee that a person's self-declared sexuality will be believed. A Tribunal heard in 2016¹² that a Judge had ruled against a Pakistani man who was in a Partnership with another man, arguing that 'the civil partnership certificate was not sufficient in itself to prove that the Appellant is gay'. Furthermore, civil partners cannot rely on the courts taking into account whether this legal relationship is recognised elsewhere. Two Sri Lankan students¹³ who had entered into a civil partnership in the United Kingdom were told that 'the lack of recognition' of such 'marital and quasi-marital statuses' in Sri Lanka did not amount to a flagrant breach of their 'right to respect for family life' and their asylum claim was disallowed.

The mononormative assumption that people should be in a relationship as proof that their sexuality is legitimate ignores the obstacles that they may face in developing and evidencing such relationships. Clearly, class and financial income can affect an individual's access to LGBTIQ+ scenes and dating opportunities. Furthermore, negative stereotypes and racism can shape people's experiences of dating. As one interviewee from Held and McCarty's (2018, 21) study remarked when describing the difficulties of looking for a partner: 'they like you and then you say 'asylum seekers' and zooom!!'.

The mononormative conception of sexuality at play in the immigration system was partially critiqued in Lord Rodger's landmark ruling in HJ (Iran) and HT (Cameroon) v. Secretary of State for the Home Department 2010, part of the Supreme Court judgment which overturned the expectation that people could be required to behave discreetly in order to avoid the threat of persecution. Lord Rodger argued that gay men's fear of persecution should not just focus on whether it would be possible for them to 'carry on any homosexual relationships discreetly' or even to live 'openly as a homosexual couple'. Rather the right to 'live freely and openly as a gay man' should be recognised, encompassing not just sexual behaviour and relationships but 'to live their lives in the way that is natural to them'. The judge illustrated this with the 'trivial stereotypical' examples from Britain of being 'free to enjoy themselves going to Kylie concerts'.

While a positive step forwards in many ways, this judgment has still left open the possibility of homonormative bias where asylum seekers seen as being *voluntarily* discreet and not conforming to mainstream LGBTIQ+ norms can have their fears of persecution disregarded. For instance, an Albanian asylum seeker¹⁴ was told that as he 'had never been tempted to visit the gay cruising areas in the centre of Tirana' and had

chosen to live discreetly rather than 'because of fear of persecution' he was not entitled to asylum in the United Kingdom.

HETERONORMATIVITY

In this section, I explore the impact that the bias of heteronormativity has on LGBTIQ+ asylum cases, with special attention paid to its connections with mononormativity. Heteronormativity, coined by Warner (1991), describes how heterosexuality is positioned as the privileged default in society, with heteronormative assumptions playing a major 'role in regulating homosexuality' (Seidman 2005, 40). Within the immigration system, LGBTIQ+ people are subjected to an 'institutionalised heteronormative interpretive lens' (Giametta 2014, 586), with heteronormative policies and practices subordinating migrants 'not just on grounds of sexual orientation but also on grounds of gender, racial, class, and cultural identities' (Luibhéid 2004, 227).

20th century UK immigration law included a built-in heterosexual privilege as it gave special status to married spouses, at a time when there was no equivalent mechanism for same-sex partners to enter the country. The 1971 Immigration Act, for instance, allowed a woman to enter the United Kingdom as the wife of a male United Kingdom citizen, but such rules only accommodated certain 'emotional relationships between individuals of the opposite sex' (Field 2016, 299). This relates to the notion of national citizenship that underpins immigration law. Citizens are expected to comply with social norms in order to be granted rights. Historically, 'the normal citizen has largely been constructed as male and [...] heterosexual', leaving LGBTIQ+ people as 'only partial citizens' excluded from many civil rights (Richardson 1998, 88). To be a 'good citizen' involves performing particular types of sexual identities 'based on normative ideals of heterosexuality' (Johnston and Longhurst 2010, 114). These normative ideals have always included a mononormative presumption of the centrality of marriage to social and family life, until recently restricted to heterosexual marriage.

LGBTIQ+ asylum claims have sometimes cited Article 8 of the European Convention on Human Rights (ECHR), which covers the 'Right to respect for private and family life'. The United Kingdom was one of the first signatories to the European Convention in 1950 and the Human Rights Act 1998 formally incorporated the rights set out in the ECHR into domestic British law. The relevance of this to immigration is that the European Court recognised that 'the exclusion of a person from a country where members of his close family reside may raise an issue under Article 8' (Stahl 1998, 282). LGBTIQ+ asylum seekers in long-term relationships have argued that their deportation from the United Kingdom disregards their right to family life.

The difficulty for LGBTIQ+ people has been in having their relationships recognised as constituting family life given the historically heteronormative way this has been framed. For instance, in 1990 a Cypriot man living in the United Kingdom

¹²SA v Secretary of State for The Home Department, Appeal Number: AA/07101/2015. Available at: <https://tribunalsdecisions.service.gov.uk/utiac/aa-07101-2015>.

¹³LH and IP (gay men: risk) Sri Lanka CG [2015] UKUT 00073 (IAC). Available at: http://www.refworld.org/cases.GBR_UTIAC,54eb2b074.html.

¹⁴LC (Albania) v The Secretary of State for the Home Department and The United Nations High Commissioner for Refugees, 9 May 2017. Available at: <http://www.bailii.org/ew/cases/EWCA/Civ/2017/351.html>.

argued against his threatened deportation on the basis that he was living in a relationship with another man ‘closely akin to family life’ (B vs United Kingdom, 1990¹⁵). While the European Commission on Human Rights Commission recognised that ‘established lesbian or homosexual relationships’ could constitute private life within the meaning of Article 8, they were not acknowledged as a form of family life. The Commission ruled that the United Kingdom government could legally give preferential treatment to heterosexual relationships since these, unlike same-sex relationships constituted families. It stated that ‘[t]he family (to which the relationship of heterosexual unmarried couples living together as husband and wife can be assimilated) merits special protection in society’.

It was not until 2010 that the European Court recognised that a ‘cohabiting same-sex couple living in a stable de facto partnership, falls within the notion of “family life”, just as the relationship of a different-sex couple in the same situation would’ (Schalk and Kopf vs Austria, 2010¹⁶). Along with the United Kingdom Equality Act, also in 2010, this approach has somewhat modified the heteronormative bias of the immigration system. Where immigration law grants legal rights to married partners, this now too applies to same-sex partners in legally recognised relationships. While this has modified the heteronormative bias of the system, it still disadvantages some LGBTIQ+ asylum seekers. As viewed through a mononormative lens, a relationship that constitutes a family in the eyes of the law is given priority over single people or those in other kinds of relationships attempting to navigate the immigration system. The equality that has been achieved is predicated on same-sex couples confirming to the mononormative characteristics traditionally associated with the heteronormative framework for couples.

Despite LGBTIQ+ relationships now having some legal recognition in immigration law, the system itself is still often experienced as a hostile environment in which asylum and immigration applications are assessed through a ‘Western, white, often male, heterosexual lens’ (Held and McCarthy 2018, 10). This can include facing ‘homophobic assumptions about sexual behaviour’ (O’Leary 2008, 87) and a culture of disbelief where the Home Office frequently state that they do not believe that the applicant is genuinely ‘gay, lesbian or bisexual’ (UKLGIG 2013, 4).

In one recent case, a United Kingdom immigration judge rejected a man’s asylum claim because he believed that did not have a gay ‘demeanour’, in contrast to another witness who ‘wore lipstick’ and had an ‘effeminate way of looking’ (Booth 2019). On appeal, the man’s lawyer successfully argued that the judge had ‘taken a stereotype, used it as a benchmark and compared my client to it. You do not need to dress a certain way, carry yourself a certain way or look a certain way to be homosexual’ (Booth 2019).

Stereotyping can also affect transgender asylum seekers whose fluid identities do not conform with the rigid classifications of the asylum system. (Manganini, 2020, 61) argues that despite facing violence and discrimination in many parts of the world, ‘trans people are “uncategorisable” in asylum processes that assume static identities. For instance, a Malaysian citizen¹⁷ had first applied for asylum in the United Kingdom as a lesbian and later identified as a transgender man. In judging whether they faced a risk of persecution (which might be grounds for being treated as a refugee) or just discrimination (which would not be sufficient), Judges considered whether they would be perceived as a lesbian, as a transgender man and/or as a woman dressing as a man in Malaysia, with Lower and Upper Tribunal judges coming to different conclusions (the asylum claim was ultimately allowed).

Wieland and Alessie (2020, 7) suggest that we need to consider the ‘cisgender normativity’ at work in the immigration system as a component of its wider heteronormativity. Immigration detention centres in the United Kingdom are key sites where this hetero- and cisgender normativity impacts on asylum seekers. Detainees who are open about their sexual orientation or gender identity have reported discrimination and harassment from both other inmates and staff, while trans detainees who identify as women have faced danger as a result of ‘being placed in multiple male detention centres’ (Bachmann 2016, 8).

HOMONORMATIVITY

In this final section, I turn to discussing the homonormative bias that plays out in the UK immigration system. I discuss how this bias intersects with homonationalism, as well as with mononormativity.

If LGBTIQ+ individuals in the United Kingdom now enjoy a measure of equal rights in relation to immigration and other areas, it is arguably dependent upon them conforming to prescribed behaviours and kinds of relationships as what Richardson (2005) terms a ‘normal gay citizen’. This notion of conforming can be described as ‘homonormativity’, defined by Duggan (2002, 179) as a depoliticised gay culture that ‘does not contest dominant heteronormative assumptions and institutions’ but instead ‘upholds and sustains them’. Mononormativity is wired into homonormativity, as the ‘desired domesticity is modelled after the traditional nuclear family’ based around ‘monogamous stable couples who desire to raise children together and only differ from the original model in that they happen to be of the same sex’ (Gonzalez-Salzberg, 2019, 111).

For asylum claims, in particular, the applicant must prove that they belong to the LGBTIQ+ ‘social group’ before they can demonstrate that this gives rise to a genuine fear of persecution. Proving sexuality entails complying with particular Western cultural expectations and homonormative assumptions or risk being judged as ‘not sufficiently gay’

¹⁵Decision of the European Commission of Human Rights in B. v. United Kingdom, Application No. 16106/90, 10 February 1990. Available at: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%22001-874%22%7D>.

¹⁶Case of Schalk and Kopf v. Austria, Application No. 30141/04, 24 June 2010. Available at: <https://hudoc.echr.coe.int/fre#%7B%22itemid%22%3A%22001-99605%22%7D>.

¹⁷LSL (Appellant) v Secretary of State for the Home Department, 6 July 2017. Available at: <https://tribunalsdecisions.service.gov.uk/utiac/pa-11792-2016>.

(O’Leary 2008, 87). Unlike other asylum claimants, LGBTIQ+ people are forced to “perform” an identity which conforms to the Western stereotypical, and normative, assumption, which is rooted in ‘visibility, consumption and an identity in the public sphere’ (Lewis 2014, 962). This too often relies on a mononormative bias whereby a partner is required as confirmation of sexual identity.

LGBTIQ+ migrants are not only expected to conform to a particular kind of sexual identity in order to achieve refugee status, but they may also face prejudice from some people within LGBTIQ+ communities for not conforming to established norms. Homonormativity is grounded in ‘domesticity and consumption’ (Duggan 2002, 179), expressed through lifestyles which are out of reach of many asylum seekers living in insecure housing with very low incomes. As Lopes Heimer (2020, 191) observes, performing a ‘gay ‘outed’ identity through participating in the pink economy’ is ‘contingent on intersectionality, particularly relating to class and racial privileges’.

Asylum applicants can face questioning about ‘what shows they watched’ and ‘which gay clubs they frequented’ (Bennett and Thomas 2013, 27-8) as if these are somehow significant markers of sexuality. In a 2017 First-Tier Tribunal case¹⁸ the Judge accepted evidence that a Pakistani man had regular sexual encounters with men in Epping Forest but argued that this did not amount to living an openly gay lifestyle. The Judge commented that ‘practicing openly is not the same thing as having sex in the open air’ and queried why he had made ‘no mention of having gone to Gay Clubs/Pubs/Parties’. This decision was later overturned on appeal.

Such questions ostracize those who may ‘not have the funds to pay to go into nightclubs’ (UKLGIG 2013, 14) and are excluded from homonormative lifestyles including access to the spaces where many relationships are formed. For example, the LGBT African Asylum Seekers Research Project found that 97% of their recipients reported facing financial hardship, with their asylum status forbidding them from working (Metropolitan Community Church of North London 2019). Furthermore, the current United Kingdom asylum allowance is set at a mere £37.75 a week (Home Office 2020a), thus highlighting the financial barriers which may prohibit people from being able to engage in these signifiers of a gay lifestyle.

A further extension of homonormativity has been a development of what has been defined as homonationalism. (Puar, 2013, 337) has coined the term ‘homonationalism’ to describe a homonormative structural system whereby ‘(some) homosexual bodies’ are no longer excluded from nationalist formations and are instead included in the imaginary of the nation-state, at the expense of an Other. Homonationalist ideologies feed into the homonormative model by defining mainstream Western gay lifestyles as the ideal type against which other forms of same-sex behaviours are to be measured. This can lead to the ‘perception of non-Western queerness as an inadequate queerness’ (Sharif 2015, 2) which in the context

of the asylum process reinforces the pressure to conform to this ideal type. Sharif (2015) goes further and suggests that applicants are more likely to be successful if their stories accord with homonationalist scripts that emphasise narratives of homophobia and religious persecution in countries of origin. This, in turn, generates ‘personal disaster narratives’ which can be used to ‘reinforce Islamophobia’ (Sharif 2015, 2).

To the extent that homonationalist ideas have influenced a climate of hostility to immigration, they have had a detrimental effect on people seeking asylum including those fleeing persecution due to their sexuality. This may also have a particularly negative effect on people coming from ‘Muslim countries’ understood as being homophobic, where individuals may be expected to demonstrate that they have particular views about gender and sexuality. In a German context, (Haritaworn, 2015, 10) has criticised the application of a ‘Muslim test’ where migrant applicants were asked questions to determine their level of ‘women-and-gay-friendliness’ (as well as if they were prone to terrorism). There was, of course, no such test for German nationals, amongst whom there are no doubt many negative, as well as positive, attitudes towards homosexuality.

At play here is a normative understanding of the West as uniquely progressive in matters of sexuality. As well as justifying the discriminatory treatment of migrants from supposedly less progressive areas, it can be problematic for LGBTIQ+ asylum seekers who can face difficulties being believed if they are presumed to be associated with cultures or religions labelled as homophobic. For instance, LGBTIQ+ Muslim asylum seekers may face pressure to ‘either reject their religion to be truly LGBTIQ+ or refrain from being LGBTIQ+ to be truly religious’ (Danisi et al., 2021 forthcoming, 93). Similarly, SOGI claimants have been asked to explain how they can be both Christian and gay (Zadeh 2019). As an example of how assumptions about religion affect legal outcomes, a judge concluded in 2020¹⁹ that an asylum seeker’s ‘religiosity and his desire to maintain a respected position within the Muslim community’ would lead him to ‘live discreetly as a bisexual man in Afghanistan’ and therefore avoid persecution.

Giametta (2014, 596-7) suggests that this ‘secular equation between religiousness and backwardness’ positions queer asylum seekers with a strong religious faith as ‘impossible subjects’, facing ‘internal conflict’ as they become aware that their beliefs may be detrimental to their asylum claim. While there are many examples of religious homophobia, religious communities can also be a foundation of support for queer migrants for instance, the Metropolitan Community Church of North London (2019) has published a report highlighting needs of African LGBTIQ+ asylum seekers.

The same normative logic also carries with it an expectation that people will have publicly “come out” in order to confirm their

¹⁸SK (Appellant) v Secretary of State for the Home Department, 11 July 2017. Available at: <https://tribunalsdecisions.service.gov.uk/utiac/pa-14165-2016>.

¹⁹MZ (Appellant) v Secretary of State for the Home Department (Respondent) and one other action, 16 August 2020. Available at: <https://tribunalsdecisions.service.gov.uk/utiac/pa-09734-2019>.

sexual identity. In a mononormative context having a visible partner is often perceived as a key indicator of having “come out”. This may be particularly difficult for people coming from countries where homosexuality is criminalised and where the consequences of visibility could include ‘forced marriage, homophobic violence’, jail or even death (Held and McCarthy 2018, 13). Homophobic attitudes in some refugee communities mean that being ‘that being publicly’ out’ could be isolating’, and there have been examples of people being ‘asked to leave refugee support groups because of their sexuality’, losing important practical and emotional support in the process (Bennett and Thomas 2013, 28).

The emphasis on “coming out” also ignores the difficulties of having to talk about ‘one’s intimate life stories’ (Giametta 2014, 596) to strangers and authority figures. People may have a ‘fear of talking about their sexuality’, and women, in particular, may have come from cultures where they have internalised not being able to discuss their sexuality at all (Held and McCarthy 2018, 13). In addition, SOGI claimants frequently suffer from poor mental health ‘including higher rates of depression, PTSD and other anxiety disorders’ due to both pre and post-migration experiences (Mental Health Foundation 2016). This too can make it difficult to feel able to be entirely open, and give ‘full, consistent and lucid accounts of their SOGI and experiences of persecution’ (Danisi et al. forthcoming, 11). Mental health difficulties can be compounded by pressure for ‘early disclosure of sexual violence, compressed timelines for filing a refugee claim and coming out before they are ready’ (Kahn and Alessi 2018, 22).

In contradiction to this pressure to “come out”, LGBTIQ+ asylum seekers facing deportation were until recently expected to do the opposite. The ‘reasonable discretion’ test applied by United Kingdom courts assumed that in all but extreme circumstances, individuals could and should avoid persecution by discreetly hiding their sexuality (Gray and McDowell, 2013). (O’Leary, 2008, 95) highlights the unreasonable nature and absurdity of this demand by asking: ‘would they expect a person who is persecuted because of religion to forego that religion or only practice in secret?’. This policy was overturned by a Supreme Court decision in 2010, in the HJ (Iran) and HT (Cameroon) v. Secretary of State for the Home Department²⁰ case. It has though been replaced by the practice of a large number of LGBTIQ+ asylum claims being refused on the grounds of people’s proclaimed sexual identity being disbelieved (Lopes Heimer, 2020, 179).

Asylum seekers have sometimes felt that they had to turn to more extreme measures to try and prove their sexuality, including using pornographic documentation as evidence (Lewis 2014, 959) and, in one case, offering to ‘perform sexual acts with his partner during the court session in

order to convince the court of his homosexuality’ (Berlit et al., 2015, 665). Although it is now recognised that explicit sexual evidence should no longer be encouraged or accepted by the court, people are still asked invasive questions about relationships and sexual behaviour which would be unacceptable in any other setting and lacks ‘civility and dignity’ (SOGICA 2020, 12).

If some asylum seekers can be perceived as not being gay enough to satisfy courts, they can also run the risk of being seen as trying too hard to conform to the stereotypical LGBTIQ+ identity. In the 2015 *Apata v Secretary of State*²¹ case, the court argued that a Nigerian asylum seeker had adopted the ‘customs, dress and mores of a particular social group’ (i.e., LGBTIQ+) just to gain refugee status. Even though the court accepted that she ‘had had same-sex sexual relationships’, it did not accept that ‘this in itself rendered her a member of a particular social group’. The fact that personal account, behaviour and physical evidence can be disregarded highlights how difficult is for people to prove their sexuality when is it being assessed through heteronormative and homonormative understandings.

The normative Western lens embedded in the immigration system views sexuality as something rigid and fixed and therefore creates this pressure to conform to a prescriptive model of sexual identity. Queer theorists from Foucault (1978) onwards have questioned the equation of particular sexual acts with fixed identities and viewed sexuality as something more fluid. Some, like Massad (2002), 363, have criticised the notion that ‘homosexuals, gays, and lesbians are universal categories that exist everywhere in the world’. The attempt to prescribe such identities to everyone engaging in ‘same-sex desires and practices’ in the Middle East and other parts of the world is following an ‘orientalist impulse’ (Massad 2002, 362). Similarly, (Boyce, 2006, 93) describes how in India, men may have sex with men without seeing this as a defining feature of one’s overall identity. However significant these encounters may be for those involved they can struggle to reach the mononormative bar of what constitutes a genuine relationship in the eyes of the immigration system.

The immigration system does not recognise that asylum seekers may come from places where Western-style ‘gay scenes in the country of origin’ (Jansen and Spijkerboer 2011, 57) and indeed terms like ‘gay’ or ‘lesbian’ may not exist and where gender and sexuality may be conceived of differently. This can make it ‘difficult for asylum claimants to identify as such when they come to the UK’ (Held and McCarthy 2018, 21). It can also result in people being initially ‘unaware that sexual orientation or gender identity can be relevant in the context of asylum’ (Jansen and Spijkerboer 2011, 9), even if these were significant factors in why people have fled their country of origin. A claimant’s testimony may change over time due to such cultural

²⁰HJ (Iran) (FC) (Appellant) v Secretary of State for the Home Department (Respondent) and one other action, 7 July 2010. HT (Cameroon) (FC) (Appellant) v Secretary of State for the Home Department (Respondent) and one other action, 7 July 2010. Available at: <https://www.supremecourt.uk/cases/uksc-2009-0054.html>.

²¹*Apata v Secretary of State for the Home Department* [2015] EWHC 888 (Admin), 1 April 2015. Available at: <https://www.bailii.org/ew/cases/EWHC/Admin/2015/888.html>.

differences, but if asylum seekers fail to disclose their sexuality when they first submit a claim and then mention it in later interviews, their application may be turned down due to their late disclosure.

The homonormative world view often assumes a subject position of a gay man, in doing so neglecting the experiences of lesbian women who in any event can find it more difficult to prove their ‘fear of persecution’ because in most countries it is only male homosexuality that is explicitly criminalised in law, although the extralegal discrimination may be just as severe. In judging whether the threat of persecution is real in a given country, Western gay magazines have sometimes been cited as evidence that a country is safe to visit. However, the experience of a Western male gay tourist is likely to be different to that of a lesbian woman living there, due to an additional layer of ‘gender oppression’ that is ‘less likely to be documented’ (Held and McCarthy 2018, 12). It is therefore important to take gender differences into account when looking at how individuals experience the United Kingdom immigration system. Where gender and sexuality are not viewed intersectionally but as separate entities, an asylum seeker’s ‘experience of rape, domestic violence, and/or forced marriage is often viewed as unrelated to her sexual orientation’ (Lewis 2014, 964).

In a US context, Llewellyn (2017, 4) has argued that ‘sexual orientation-based adjudication’ where judgements are made on basis of whether asylum seekers are genuinely homosexual is fundamentally ‘a practice of homonationalism’. The asylum system judges claims against the figure of the homosexual as ‘a unitary and fixed identity characterized by visibility, coherence and linearity’, an identity construction that ‘privileges white, Western gay male sexual politics’ (4). She suggests that many women may find it difficult to meet this standard as many lesbians will have married and even had children in their country of origin because of ‘gendered expectations of domesticity’.

This applies equally in the UK system where asylum seekers may also be penalised if they cannot demonstrate that they have been consistent with a sexual identity over time, with claimants risking disbelief if they have ever been in a ‘heterosexual’ relationship before. For example, in the 2015 *Apata* case previously discussed, the Appellant was found not to have ‘membership of a particular social group whose sexual orientation is termed as lesbian’ partly because she had previously had relations with men. In a 2019 Appeal involving a Malaysian woman²², a judge was said to have decided that her previous ‘relationship with her husband and family’ undermined ‘her claim to be a lesbian’.

This normative understanding overlooks sexuality as a fluid and ongoing process, as well as other circumstances that these relationships may have occurred in. For example, O’Leary (2008), 90 describes a woman’s lesbian sexuality not being believed because she had been married with a baby, when in fact this was a forced marriage and she had been raped. In the immigration system ‘LGBT

people are assigned to a specific and quite narrow space where we can be LGBT—but one category at a time, preferably for life, and only to the extent they identify with one of those exact categories’ (Spijkerboer 2013, 224–225).

We can see here how different normativities combine to impact on decisions in such cases. There is a homonormative expectation that to be a lesbian involves conforming to particular prescribed LGBTIQ+ behaviours, and this does not include having been married. There is a heteronormative assumption that a previous heterosexual relationship carries more weight than other same-sex encounters. There is also an implicit mononormative bias in that the woman’s identity is perceived in relation to one significant previous relationship. The fact of being married is assumed to overshadow any subsequent relationships, and to have had a range of different kinds of relationships with men and women over time is seen as reason to doubt a lesbian identity.

CONCLUSION

This article has highlighted the significance of mononormativity in relation to sexuality and immigration, something that has not previously been widely discussed within the literature. My overview of relevant legal regulations and judgments has demonstrated how assumptions about the centrality of coupledness undermine the claims of single asylum seekers and disadvantage those who face barriers to sustaining or evidencing long term same-sex relationships. The failure to conform to expected relationship norms can lead to people’s self-affirmed sexual identity being disbelieved and ultimately to a refusal of asylum with life-changing consequences. In addition, the heteronormative privileging of heterosexuality continues to operate in the immigration system despite recent equalities legislation and homonormative notions of what constitutes a typical gay person feed into stereotypes to which LGBTIQ+ asylum seekers are expected to conform, such as having to “come out” or adopting a particular lifestyle. By situating mononormativity alongside these other interrelated normative biases, we can see how these intertwine to create a complicated landscape of obstacles for asylum seekers to navigate if they are to be successful in being granted leave to remain in the United Kingdom, and for loved ones from abroad to join them.

DATA AVAILABILITY STATEMENT

The original contributions presented in the study are included in the article/supplementary material, further inquiries can be directed to the corresponding author.

AUTHOR CONTRIBUTIONS

The author confirms being the sole contributor of this work and has approved it for publication.

²²*MZ (Appellant) v Secretary of State for the Home Department (Respondent) and one other action*, 16 August 2020. Available at: <https://tribunalsdecisions.service.gov.uk/utiac/pa-09734-2019>.

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