

Institution: University College London (School of Slavonic and East European Studies)		
Unit of Assessment: UoA 25 - Area Studies		
Title of case study: Successfully providing expertise on Russia to support claims by queer Russian asylum seekers in the United States and Canada		
Period when the underpinning research was undertaken: 2012-2016		
Details of staff conducting the underpinning research from the submitting unit:		
Name(s): Richard Mole	Role(s) (e.g. job title): Professor of Political Sociology	Period(s) employed by submitting HEI: Since 2003
Period when the claimed impact occurred: 2017 to 2020		
Is this case study continued from a case study submitted in 2014? No		
1. Summary of the impact (indicative maximum 100 words)		
<p>Richard Mole's research on queer migration from Eastern Europe to Germany and the UK (undertaken 2012-2016) formed the basis of expert affidavits in support of asylum claims by 5 Russian gays and lesbians who were granted refugee status in the United States. He has also provided the Government of Canada's Immigration and Refugee Board with Country of Origin Information for Russia in respect of LGBT asylum-seekers, which judges require to assess the credibility of claims and potential risks if the applicant were forced to return home.</p>		
2. Underpinning research (indicative maximum 500 words)		
<p>Since the mid-2000s Richard Mole has provided expert reports in a range of asylum cases in the United States and United Kingdom, whereby refugee status has been sought on the basis of persecution for reasons relating to the claimant's ethnicity (Russians in Estonia and Latvia), sexual orientation and/or HIV status. The findings underpinning the impact case study are drawn from a research project on queer migration from Eastern Europe to Germany and the UK [R1 and R3]. The research was conducted by Richard Mole over a period of four years from 2012-2016 in London and Berlin and was supported by an Alexander von Humboldt Fellowship for Experienced Researchers (GBP37,950). The research was based on 50 interviews with Russian-speaking lesbian, gay, bisexual, trans* and queer (LGBTQ) migrants – eleven of whom were asylum-seekers or refugees – as well as on the analysis of a range of Russian laws, parliamentary debates, political speeches, human rights reports and public opinion surveys (discussed in detail in [R2]).</p> <p>The <i>Queer Migration & Asylum</i> project [R1, R3] explored respondents' motivations for moving abroad [R1, R3], the reasons for their choice of destination to either Germany or the UK [R3], their integration strategies and their relations with the Russian-speaking ethno-cultural diaspora [R3], assessing the extent to which each of these processes was influenced by sexuality [R3]. With specific reference to the interview respondents who were seeking asylum or had been granted refugee status, the research sought to understand social attitudes towards homosexuality in Russia and the intensification of homophobia over the past 10 years [R1, R2, R3], the extent to which LGBTQ Russians could live their lives openly in Russia [R1, R3], their reasons for seeking asylum [R1], their experience of the asylum procedure itself [R1] and their reflections on the likelihood of their applications being successful [R1].</p> <p>The research painted a picture of the difficulties faced by sexual minorities in Russia: from being unable to live their lives openly or being rejected by their families to verbal and physical attacks and, in the worst cases, intimidation, violence and detention at the hands of the police. The rise in homophobia in Russia was explained with reference to the construction by President Putin of LGBTQ Russians as a threat to Russian children, national mores and religious values, and with reference to the introduction of the law banning the spreading of 'propaganda of non-traditional</p>		

sexual relations among minors', which was passed unanimously by the Russian Duma (parliament) in June 2013.

The interview and document analysis [R1] shows that, in terms of legal protections for LGBTQ Russians, there are no anti-discrimination laws in employment or the provision of goods and services and no anti-LGBTQ hate crime laws. While it is difficult to demonstrate the direct persecution of LGBTQ individuals by the Russian government, the latter has without question created an atmosphere in which homosexuals are constructed as a threat to Russian society, fuelling homophobia and legitimising violence against gays and lesbians. In addition, certain state institutions - particularly the police - have themselves been directly implicated in violent attacks on LGBTQ individuals and groups. Even when the police are themselves not responsible for the violence meted out against gays and lesbians, respondents recounted that the police failed to investigate such crimes, instructing victims to drop their criminal complaints [R1], failing to arrest perpetrators or even arresting the LGBTQ victims of the attacks [R1].

3. References to the research (indicative maximum of six references)

- R1.** Mole, R.C.M. (2020) 'Queer Russian asylum-seekers in Germany: worthy refugees and acceptable forms of harm?' in Fiddian-Qasmiyeh, E. (ed.) *Refuge in a Moving World*. London: UCL Press, 273-288 DOI: <https://doi.org/10.14324/111.9781787353176>
- R2.** Mole, R.C.M. (2019) 'Constructing Soviet and Post-Soviet Sexualities' in Mole, R.C.M. (ed.) *Soviet and Post-Soviet Sexualities*. Basingstoke: Routledge, 1-16. <https://doi.org/10.4324/9781315623078>
- R3.** Mole, R.C.M (2018) 'Identity, belonging and solidarity in the Russian-speaking queer diaspora in Berlin', *Slavic Review*, 77(1): 77-98. <https://doi.org/10.1017/slr.2018.11>. Awarded the British Association for Slavonic and East European Studies' Women's Forum prize for the best article of the year in 2020.

The publications are all in peer-reviewed academic books/journals.

Grant details: The research was funded by a GBP37,950 Humboldt Research Fellowship for Experienced Researchers grant (an Alexander von Humboldt Foundation programme).

4. Details of the impact (indicative maximum 750 words)

A significant increase in the number of Russian LGBTQ asylum seekers since the introduction of the so-called 'gay propaganda law' in 2013 created an urgent need for research-led interventions to enable judges in asylum cases to come to informed conclusions. In 2016, the number of Russians claiming refugee status in the US reached its highest level in two decades (1,912), having already doubled year on year from 2014-2015 to 1,454. US immigration lawyers suggest that the majority of Russian asylum claimants are LGBTQ, although the precise number cannot be known; the US Department of Homeland Security does not disclose relevant figures and not all of those seeking political asylum self-identify as LGBTQ as a result of political and societal homophobia in Russia.

Through the provision of expert evidence, Richard Mole has played a central part in the decision-making in asylum cases by five Russian gays and lesbians in the United States.

Between 2016-2020, Mole provided affidavits (expert reports informed by research [R1, R2, and R3]) in 10 legal cases: 4 of these cases (relating to 5 individuals) have concluded resulting in five Russian gays and lesbians being granted asylum in the United States. Mole's research-led reports were central to judges' decision-making: they provided detailed Country of Origin Information (COI) required to assess the credibility of claims and potential risks if the applicant were forced to return home, in these instances to Russia.

Between 2016-2019, Mole was contacted by lawyers representing: a lesbian couple, who had faced persecution in Russia due to their sexual orientation and fled to the US [case 1, see (A,B)]; a gay man fleeing Russia [case 2, see C, D]; a gay man fleeing persecution from a Muslim-majority republic in the Russian Federation [case 3, see E, F]; and a gay activist and journalist from Russia [case 4, see G, H]. The legal representatives explained that the legal standards for asylum had become increasingly restrictive and convoluted in the United States, making ever more critical the participation of a 'country conditions expert' who could speak specifically to the dynamics at play in the country of feared persecution. After reviewing the asylum-seekers' testimonies, Prof. Mole produced expert reports on the credibility of the claims made in respect of their specific circumstances: namely, death threats and medical treatment refused as a result of the claimant's sexual orientation [case 1]; the difficulty of keeping a same-sex relationship secret in Russia [case 2]; the specific threats facing queer Muslims in Russia [case 3]; and the threats facing gay activists and journalists [case 4]. Mole's research has had an impact on the outcomes of these individual **asylum hearings**; individual **asylum-seekers' lives**, and US **legal practice**:

Asylum hearings: According to the lawyers of the clients in case 1, Prof. Mole's report [A] assisted them in meeting almost every element of the asylum definition, including proving that there was no safe opportunity for their clients to internally relocate within Russia. The lawyers presented the case to the asylum office and went for the interview on 15 May 2017. The decision to approve asylum for this couple was issued in October 2017. The asylum office does not issue written decisions in these claims but the lawyer confirmed, based on her years of experience with hundreds of asylum cases, that Prof. Mole's report was a critical piece of evidence and significantly influenced the positive decision and bolstered almost all aspects of the legal argument [B]. The lawyers for the client in case 2 similarly confirmed that Prof. Mole's report was 'extremely helpful' and that they cited Prof. Mole's research many times within the legal brief they submitted to the immigration court [D]. The immigration judge granted the client asylum at his individual calendar hearing in January 2018. In case 3, the lawyer noted that 'Dr. Mole provided such clear and precise research that the government attorney stipulated to his report and waived cross-examination of him, which meant the government accepted his report as evidence and saw no need to question him to try and impeach his report.' He summed up that Prof. Mole's report was 'significantly influential in determining the possibility of future harm to Mr. R- [the asylum-seeker] and his inability to relocate', which he explains as 'vital in an asylum case [because] the immigration judge may deny the case if he or she finds relocation is possible' [F]. At the asylum hearing for case 4, 'the immigration judge indicated she was so thoroughly convinced by the country conditions evidence we had presented that she was prepared to grant without needing to even hear oral testimony from Dr. Mole. [...] The Immigration Judge ultimately granted ((name redacted)) asylum in November 2019, citing Dr. Mole's report in her oral decision' [H].

Asylum-seekers' lives: According to their lawyers, the impact of Prof. Mole's research on the lives of the women in case 1 has been transformative: 'prior to the asylum grant, both of the clients were living in limbo, and one of them in particular was suffering extreme anxiety around the pending asylum case as she contemplated a forced return to Russia. Interacting with the clients after the asylum grant, it is like interacting with different people – with positivity and a happy outlook on life' [B]. Similarly, the granting of asylum in case 2 resulted in the end of five months of detention, enabling the client to live and work in the United States and apply to become a lawful permanent resident. Moreover, according to his lawyers, 'he is free to express his sexual orientation and identify as a gay man without fear of persecution' [D].

Legal practice: US law requires that asylum seekers demonstrate that they have experienced persecution, or will face persecution in the future, on account of one of five protected grounds. LGBTQ claims typically fall under the 'particular social group' ground. In case 1, the group the lawyers put forward was 'married Russian lesbian women'. With Prof. Mole's assistance, they were able to convince the asylum office that this group met the three tests now required to establish a viable particular social group: 1) that the group shared a common, immutable characteristic; 2) that the group is socially distinct (perceived as a group by Russian society at large) and; 3) that the group is particular (meaning that membership in the group can be determined and it is a discrete group).

Richard Mole provided the Government of Canada's Immigration and Refugee Board (IRB) with Country of Origin Information for Russia in respect of LGBTQ asylum-seekers [case 5, see I, J]

Recognising that deficiencies existed in the Country of Origin Information (COI) on which it made its asylum decisions, the IRB sought Mole's expertise in 2019 to ensure that asylum adjudicators had access to the latest research on homophobic persecution in Russia in its social, legal and political dimensions. The IRB asked Mole to produce a report on sexual minorities in Russia for its national documentation package (NDP) on Sexual Minorities in Russia [I]. An NDP provides documentary evidence of the social, legal and political conditions in a particular country that can be used by adjudicators to assess asylum seekers' claims of persecution. Mole's research findings were incorporated into the IRB's NDP report on the 'Situation and treatment of sexual and gender minorities; legislation, state protection and support services' [I]. The report contains Mole's analysis of the socio-political context of homophobia in Russia; the stigma, prejudice and discrimination faced by LGBTQ Russians; the government's inability and unwillingness to protect LGBTQ individuals from hate crimes; the stigma LGBTQ individuals face from Russian medical professionals, and; the limited sexual citizenship rights available to LGBTQ Russians. According to the IRB, Mole's research 'contributes to our overall understanding of the current LGBT rights situation in Russia' and 'will serve as documentation for those involved in the refugee determination process in association with Russian LGBT-related asylum claims' [J].

The resultant IRB NDP report on 'Sexual Minorities' in Russia, which incorporates Mole's research, is publicly available online on the IRB database [I]. It enables judges in asylum cases to understand the background of the LGBTQ issue in Russia and helps asylum applicants and their lawyers by ensuring that the latter understand the contextual COI and are basing their claims of persecution on behalf of their clients on the same information made available to the judges [J].

Mole's research makes COI information accessible for all parties involved in LGBTQ asylum hearings in Canada: between 1 January 2017 and 31 October 2020, the Refugee Protection Division of the IRB finalised 116,790 refugee claims. Of this number, 8,295 claims were identified with the LGBTQ claim type, which represented 7.1% of all claims finalised within the reporting period. In addition, 129 LGBTQ claims were identified with "Russia" being their first country of persecution, which represented approximately 0.1% of all claims finalised within the same reporting period (confirmed by Representative of Government of Canada's Immigration and Refugee Board [K]).

5. Sources to corroborate the impact (indicative maximum of 10 references)

- A. Expert affidavit in support of the asylum-seeker's application for asylum in the United States. 11th March 2017. [Case 1].
- B. Testimonial from the asylum solicitor corroborating the importance of Prof. Mole as an expert witness. 19th October 2018. [Case 1].
- C. Expert affidavit in support of the asylum-seeker's application for asylum in the United States. 29th December 2017. [Case 2].
- D. Testimonial from the asylum solicitor corroborating the importance of Prof. Mole as an expert witness. 29th October 2018. [Case 2].
- E. Expert affidavit in support of the asylum-seeker's application for asylum in the United States. 15th June 2019. [Case 3].
- F. Testimonial from the asylum solicitor corroborating the importance of Prof. Mole as an expert witness. 26th July 2019. [Case 3].
- G. Expert affidavit in support of the asylum-seeker's application for asylum in the United States. [Case 4].
- H. Testimonial from the asylum solicitor corroborating the importance of Prof. Mole as an expert witness. 3rd January 2020. [Case 4].
- I. Country of Origin Information (LGBTQ asylum-seekers / Russia) for the Government of Canada's Immigration and Refugee Board. 7th June 2019. [Case 5]

- J. Testimonial from a Research Analyst at the Government of Canada's Immigration and Refugee Board 20th September 2019. [Case 5].
- K. Personal email correspondence with a representative of the Government of Canada's Immigration and Refugee Board.
- L. National Documentation Package Report on the 'Situation and treatment of sexual and gender minorities; legislation, state protection and support services' as part of the Government of Canada's Immigration and Review Board's Country of Origin Information on Russia:
<https://irb-cisr.gc.ca/en/country-information/rir/Pages/index.aspx?doc=458054>.