Journal of
APPLIED PHILOSOPHY

Journal of Applied Philosophy
doi: 10.1111/japp.12750

Check for updates

Respect and Asylum

REBECCA BUXTON

ABSTRACT *Asylum seekers are rarely treated with respect. This is perhaps especially true of institutions that adjudicate the extension of refugee status. In asylum interviews, those seeking refuge are sometimes asked to reveal deeply upsetting stories of their persecution while facing hostility and distrust from their interviewers. I argue that this arises from a failure to properly balance respect with fairness. A maximally fair scheme may not promote respect because 'fairness-first' systems require extensive information to make their judgements. A maximally respectful system might be unfair: without any questioning, some may free-ride on the trust of others. This article argues that we often place too much emphasis on fairness to the detriment of respect, with a particular focus on the asylum interview. First, I outline the limited discussion of asylum interviews in political philosophy. Second, I consider striking a 'dynamic balance' between fairness and respect, as set out by Jonathan Wolff. Third, I argue that a highly idealised version of contemporary asylum interviews puts fairness first at the cost of respect. This fairness-first model leads to respect deficits in how asylum seekers are treated. Finally, I consider what a respectful asylum determination system might look like, offering three possible routes: civility, humility, and abolition.*

1. Introduction

To become legally recognised as a refugee, individuals must be given 'refugee status' by a state or international body. But first, they must formally seek this status by applying for asylum. This application often results in a long and arduous procedure, sometimes taking many years. A key moment of this process is the asylum interview, where applicants spend hours with a state official who determines whether they will receive international protection. In the United Kingdom, over 100,000 people have been waiting for an asylum interview – known as the 'substantive interview' – for more than six months.[1] While they wait, asylum seekers are denied the right to work and must live on just £47.39 a week in government support.[2]

The asylum interview is often a deeply unpleasant event for the applicant. Interviewees are asked to recount upsetting or violent experiences of their escape from persecution, sometimes in minute detail. In doing so, displaced people are required to prove their need for protection. How this plays out in practice varies across different displaced groups. Some will find it easier to prove their need for assistance, particularly if they face well-documented persecution. Others will find it difficult to make a persuasive individualised case. For instance, LGBTQ refugees are often asked incredibly personal questions about their intimate relationships or are asked to disclose stories of sexual, emotional, and physical abuse.[3] Those who fail to conform to Western conceptions of homosexuality can be refused.[4] In 2013, two lesbian women seeking asylum in the UK were asked whether they had attended a Pride parade. One immigration judge denied a woman's claim because she

© 2024 The Author(s). *Journal of Applied Philosophy* published by John Wiley & Sons Ltd on behalf of Society for Applied Philosophy.
This is an open access article under the terms of the Creative Commons Attribution License, which permits use, distribution and reproduction in any medium, provided the original work is properly cited.

did not 'look like a lesbian'.[5] Others have been asked detailed questions about their sexual experiences and preferences. For instance, in the Netherlands, Dutch authorities historically asked LGBTQ refugees about their sexual history in excessive detail.[6] In 2010, Czech authorities introduced a controversial physical examination involving applicants watching pornography while attached to sensors to 'test' LGBTQ refugees' sexual preferences.[7] Although governments have begun to adopt measures to combat the harmful questions aimed at some claimants, upsetting practices remain common.

Despite this, many applicants *do* eventually receive protection. In the UK, 75% of initial decisions result in the granting of asylum or another form of humanitarian relief.[8] Those who are refused often have the decision overturned at appeal, with around 30% of applicants being granted asylum after an initial rejection. Individuals who have their claims rejected after appeal have their government support terminated. They also face the threat of detention and forced removal. The asylum interview is therefore a pivotal event, which often impacts the trajectory of the applicant's entire life. The stakes really could not be much higher.

The substantive interview is presumed to be a necessary part of any refugee regime. Unless states can accurately determine who is *really* a refugee, how are they to prioritise those in genuine need of assistance? Concerns of fairness do much of the motivational work here. The asylum regime needs to be fair to those hosting and supporting refugees, and fair to others seeking protection.

When evaluating political institutions, there are different values that we ought to protect. The problem is that these values can sometimes pull in opposing directions. Jonathan Wolff argues that two such egalitarian values are *fairness* and *respect*.[9] In certain circumstances, a maximally fair scheme may not promote respect. This is because 'fairness-first' systems may require extensive information to make their judgements. Likewise, a maximally respectful system might be unfair: without determining genuine need, some people might free-ride on the trust of others. This article argues that, in debates on asylum, we often place too much emphasis on fairness to the detriment of respect. First, I outline the limited discussion of asylum interviews in the political theory of refuge, arguing that current approaches prioritise the language of epistemic injustice. Second, I outline the argument for striking a 'dynamic balance' between different values, set out by Jonathan Wolff. Third, I argue that a highly idealised version of contemporary asylum interviews puts fairness first at the cost of respect. This fairness-first model leads to respect deficits in how refugees are treated during their interviews, particularly when interviewers lack exogenous forms of evidence. Finally, I consider what a more respectful asylum system might look like. I offer three possible routes: *civility*, *humility*, and *abolition*.

2. Justice and Asylum

There is a long-standing focus in the political theory of displacement on who counts as a refugee.[10] There has also been a recent focus on the harms generated by our real-world asylum regime.[11] This more recent trend arises, in part, from a methodological shift which seeks to avoid extreme levels of idealisation.[12] As of yet, these debates on the definitional question and real-world injustice have not been brought together. This is perhaps surprising given that someone will have to adjudicate who meets the criteria for refugeehood, whichever definition we choose.

© 2024 The Author(s). *Journal of Applied Philosophy* published by John Wiley & Sons Ltd on behalf of Society for Applied Philosophy.

14685930, 0, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/japp.12750, Wiley Online Library on [10/10/2024]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License

Where the asylum interview has been discussed, it is almost always through the lens of epistemic injustice: asylum seekers are often viewed as lacking the credibility required to be taken seriously as knowers.[13] Nuno Ferreira argues that decision-makers are primed to disbelieve applicants, often assuming that they are lying or have colluded with other asylees to create a more credible account.[14] My argument is not that the lens of epistemic injustice is incorrect. Rather, looking to debates in distributive and relational justice can show that the overly prying nature of asylum interviews is a response to privileging fairness at the cost of other values.

Some concerns about this argument might be worth pre-empting. First, we might wonder whether international asylum is the kind of institution over which egalitarian concerns can operate. Notably, we already speak about asylum as a good to be distributed, particularly when theorists lament that displaced people are overwhelmingly protected in the Global South.[15] Various authors have attempted to sketch out what kind of principles might govern a fair distribution.[16] For our purposes, we do not need to decide what a fair international system of asylum might look like. We need only note that asylum is already discussed as if it is subject to principles of distributive justice. A related question concerns the kinds of institutions that should be governed by egalitarian values. Some have defended the view that state institutions are the ultimate subject of distributive justice because of certain qualities, for instance that they are coercive, non-voluntary, or involve reciprocity.[17] But these qualities also permeate institutions beyond the 'basic structure' of the state, such as civil society organisations.[18] Indeed, frameworks governing asylum often have these qualities. They are coercively backed by systems of law. They are also non-voluntary in an important sense. Though asylum seekers must actively apply for protection, they do so in the absence of any other institution through which they could access support. This means, at minimum, that egalitarian values can add something important to the institutions governing asylum.

3. The Case for a 'Dynamic Balance'

There are many values at stake when designing just institutions. These values sometimes come into conflict with each other. In such cases, we must make judgements about how to balance them. Of course, it is not possible to give an account of every different value relevant to the context of asylum, but there are certain ideals that become particularly salient in this setting. The tension between *fairness* and *respect* is particularly important for deciding how to organise distributive schemes.[19] This tension is set out by Jonathan Wolff as part of a cluster of responses to dominant forms of luck egalitarianism.[20] In determining when interventions in the name of equality are justified, luck egalitarians emphasise the role of individual responsibility, aiming to rectify inequalities only when they arise from circumstances beyond the individual's control. Relational egalitarians have responded to luck egalitarianism, highlighting its harsh and demeaning outcomes.[21] In doing so, they shift our focus towards instantiating relationships of social equality and respect.[22]

This tension between fairness and respect maps a basic conflict between distributive and social models of equality. The central luck-egalitarian intuition leads to the demand that people are only entitled to assistance when they are not personally responsible for their plight. But the operationalisation of this view incentivises intrusive institutions that classify people at every turn. In requiring that individuals are only held accountable for

© 2024 The Author(s). *Journal of Applied Philosophy* published by John Wiley & Sons Ltd on behalf of Society for Applied Philosophy.

14685930, 0, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/japp.12750, Wiley Online Library on [10/10/2024]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License

inequalities stemming from brute luck, the luck egalitarian must insist on models of distribution that require extensive knowledge about members: knowledge about their talents, laziness, or inabilities. In prioritising a maximally fair distribution, luck egalitarians might ignore the social harms that such institutions will create. One such social harm will be disrespect.[23]

Wolff's argument is simple: egalitarians should not solely focus on either respect or fairness. They should instead aim at a flexible share of both. Importantly, this does not mean that the committed egalitarian must abandon fairness altogether. But fairness must be weighed against other important values. Wolff outlines three practices that relate to *respect standing*: the extent to which other people treat me as deserving of respect. First, *common courtesy*: if someone fails to treat me with common courtesy, they violate my respect standing.[24] A second important component is *trust*. If someone is systematically treated as untrustworthy, then they are not being respected:

> It is undignified, as if others suspect one has something to hide … [B]eing called to account for one's actions or claims – or at least being called too often, or in circumstances when others are not, or when the depth of investigation seems out of proportion – gives the impression that one is not trusted, that one is an object of suspicion and hence is not being respected.[25]

Trusting someone is a basic component of minimal respect. This does not mean that we should trust someone despite good evidence of deception. But it shows a basic lack of respect to treat someone with undue suspicion.[26]

The final feature of respect standing is less familiar. *Shameful revelation* occurs when 'people are required to demean themselves: to behave in a way, or reveal things about themselves, which can rationally be expected to reduce their respect standing'.[27] When someone is forced to place themselves in a demeaning or shameful position – especially when they are doing so to receive some benefit – they are not being given sufficient respect. Here, the relationship between respect standing and self-respect is especially transparent: 'In this case one is required to reveal facts that one finds demeaning or shameful, even humiliating. Surely it is very difficult to retain any sense of oneself as an equal such circumstances'.[28] Importantly, the revelation in question need not be 'objectively shameful'. It need only be the case that such revelation *would* lower one's respect standing; 'even if a source of shame is contingent and even irrational it can still be experienced as a source of shame'.[29]

The demands of respect are (at least) three-fold: we should offer people common courtesy and trust, and not force them to engage in shameful revelation. Responding to such demands would have profound consequences for how we organise institutions. An approach which favours a 'dynamic balance' would give us a *pro tanto* argument in favour of forgoing intrusive and upsetting welfare interviews in most cases. This may lead to some unfairness, but 'sometimes unfairness is to be tolerated if fairness conflicts with respect'.[30]

The values at stake in asylum interviews are slightly different from the case of welfare claimants. In trying to determine a maximally fair scheme of welfare payments, luck egalitarians ask whether an individual is *responsible* for her situation. Asylum interviews do not attempt to determine individual responsibility. They aim to establish whether someone's safety would be threatened if they were returned to their state of origin.[31] We might think that a process centred around determining need might be preferable to one aimed at determining responsibility. Part of what is objectionable about the responsibility-based

© 2024 The Author(s). *Journal of Applied Philosophy* published by John Wiley & Sons Ltd on behalf of Society for Applied Philosophy.

14685930, 0, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/japp.12750, Wiley Online Library on [10/10/2024]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License

approach is that it aims to establish facts about the agent *themselves*. However, both needs-based and responsibility-based approaches are structured around one overriding aim: catching free-riders. The asylum and welfare interview systems are analogous insofar as both are designed around filtering out 'bogus' claimants in the name of fairness. Demonstrating sufficient need still leads to distressing and upsetting interrogation, even when there is no question of responsibility at stake. Asylum seekers are still required to share upsetting experiences in pursuit of a needs-based claim. Although the pursuit of fairness might be linked to different underlying questions, both demand access to similar sets of facts. This focus could be recast as a concern about the truth of someone's claim. And this concern is reasonable insofar as we want our distributive systems to help those who require assistance. To do otherwise would mean that our distributive institutions cannot function as they should and, at the very least, our resources could be put to much better use. In attempting to filter out claimants whose applications are not based in fact, we are simply attempting to make our distributive system work as fairly and efficiently as possible. My aim here is not to question the importance of fairness, but rather to query its supremacy.

Another difference is the question of membership. Welfare claimants are usually citizens or long-term residents. Asylum seekers are definitionally not citizens. One might therefore wonder whether there are different demands of respect at play. Perhaps respect is important in the case of welfare interviews, precisely because it takes place against the backdrop of a shared political community. Asylum seekers are not compatriots. They may have lived in the state of asylum for some months while waiting for their interview, but they are not citizens in full standing. Do we need to worry about respect to the same extent? There are two ways to respond to this. First, it is not obvious that respect is only owed to members of one's political community. Most think of respect as something that is owed to other human beings *as such*, as a basic condition of the moral equality of persons. Second, though there might be instrumental reasons to treat co-citizens with greater respect, this does not mean that we have no respect-based obligations to non-citizens whatsoever. Just because these demands might be unequal does not mean that we owe 'outsiders' nothing at all. So, even if one thinks that respect is not owed to the same extent in the asylum case, we still come to the question of a dynamic balance. The disagreement will simply be about how much weight we give to either side.

4. The 'Fairness-First' Approach

Our current asylum system can be charitably reconstructed as prioritising fairness. Here I argue that fairness *is* a core value that we should endorse in this process, though not one that we should prize at the costs of all others.

First, we might value *fairness towards citizens* in the state of asylum. An asylum scheme that does not accurately determine who is genuinely entitled to protection might be unfair to citizens, because it allows people to wrongly benefit from the goodwill of others. Indeed, this aspect of fairness is often operationalised in political debates on asylum reform. In a recent speech to the House of Commons, then Home Secretary Suella Braverman stated that 'The British people are famously a *fair* and *patient* people. But their sense of fair play has been tested beyond its limits as they have seen the country taken for a ride'.[32] These debates often exaggerate the generosity of UK asylum policy. The UK takes

© 2024 The Author(s). *Journal of Applied Philosophy* published by John Wiley & Sons Ltd on behalf of Society for Applied Philosophy.

14685930, 0, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/japp.12750, Wiley Online Library on [10/10/2024]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License

far fewer refugees than many of their European neighbours, and even fewer still than low-income states in the Global South. On the question of the fair distribution of refugees, some argue that states can discharge their duties while accepting or resettling a low number of claimants, for instance by supporting other countries in hosting displaced populations or by establishing safe zones.[33] But there are reasons why this practice might not promote a fair system. Draper notes that schemes encouraging protection in the Global South promote objectionable forms of domination because they fail to consider existing background inequality.[34] Owen and Aleinikoff argue that 'protection-there' approaches are unsuccessful in enabling refugees to establish new forms of political membership.[35] In the absence of any mechanism for enforcing the fair distribution of asylum protection, Miller argues that states are entitled to determine for themselves how many refugees they accept. But this sits alongside an obligation among states to work towards 'the creation of an international regime for managing refugee flows that distributes *bona fide* refugees fairly as between receiving states, instead of the present pass-the-parcel system by which states adopt strategies to try to ensure that refugees never arrive at their borders in the first place in the hope that they will attempt to enter somewhere else'.[36] Given these doubts, there are good reasons to think that the UK can hardly claim that it is being treated unfairly in the global context of asylum provision.

Behind this rhetoric is the lingering presence of the 'bogus asylum seeker'. This bogus claimant, so we are told, is jumping the queue ahead of legitimate asylum seekers: people who are entitled to the British public's generosity. Of course, people do lie when applying for asylum, though it is impossible to know how many. Sometimes applicants will augment their stories or conceal information to make a more persuasive case. There are also those who fabricate claims without any 'genuine' claim to asylum.[37] However, despite the suspicion levied at all asylum seekers, this practice has not been established as widespread. For instance, despite the pervasive belief that many young men applying for asylum are lying about their age, only around 1.5% are challenged by authorities.[38] The seriousness of the problem of false asylum claims seems to be overstated.

Behind this rhetoric about fairness lies a credible concern. In an asylum regime with limited spaces, we *do* want to ensure that they go to those who need them. In part, this is because the admission of new people into a territory needs to be justifiable to the people of that state. Refugees have a special position in that regard: they are not subject to the state's presumptive right to exclude.[39] In this sense, refugees enjoy a kind of privilege (one that, of course, stems from their original forced displacement). If refugees are to hold this position, then citizens of the admitting state must be entitled to know that they are 'genuine' refugees. To allow otherwise would be to violate the state's presumed right to exclude outsiders who are not entitled to international protection.[40]

A second form of fairness is *fairness to other asylum seekers*. Since there are limited international places, we might think it unfair to offer those spots to people who do not require protection. Again, contemporary political versions of this view are problematic. The rhetoric of 'queue jumping' is often adopted to delegitimise the claims of irregular arrivals, not to promote protection for the less internationally mobile. Again, despite bad-faith versions of this argument, something important lies behind it. The weight of this depends, at least in part, on how fixed we view the current number of asylum places. Given that unfairness *between* refugees arises in a context of global scarcity, one way to resolve this problem would be to expand asylum provision. We might think that refugees would have duties to cooperate with a properly just asylum system.[41] But it is difficult to say how much weight

© 2024 The Author(s). *Journal of Applied Philosophy* published by John Wiley & Sons Ltd on behalf of Society for Applied Philosophy.

14685930, 0, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/japp.12750, Wiley Online Library on [10/10/2024]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License

this ought to carry in the real world: when we think of what fairness in the asylum interview demands, fairness to other refugees might bear some weight, though perhaps not much in our present context where global admission numbers are so low.

Crucially, even a system built explicitly around fairness would look much like our own. There are certain facts that a fairness-first approach would seek to uncover, creating interviews structured around extracting as much information as possible. How do interview techniques extract this information? Our real asylum institutions often fail to respect asylum seekers. The first two of these failures are not strictly related to the prioritisation of fairness. First, asylum seekers are not treated with common courtesy. Many wait months or years for their interviews to take place, often citing extreme effects on their physical and mental wellbeing. Some asylum seekers have reported instances where officials were actively rude or unempathetic, even when claimants were recounting serious violence or experiencing extreme upset during their substantive interview. A review by Refugee Action tells of the experiences of many seeking asylum in the UK. Rose, a refugee, said the following on the question of empathy:

> The substantive interview [was] an experience I don't ever want to experience again in my life. I'd rather die. Because the lady who interviewed me, there was no sign of empathy … She wasn't putting into consideration the fact that I had been through hell.

Second, asylum seekers are often not trusted. This brings us back to the lens of epistemic injustice. Asylum seekers' testimony is not taken as sufficient evidence of their need for protection, even in cases where no other evidence is possible. Many have their claims dismissed on flimsy evidence. For instance, a man fleeing persecution because of his conversion to Christianity was asked by his interviewer to recount two of Jesus's miracles. He did so but was unable to tell the interviewer in exactly which passage of the Bible these miracles occurred. The Home Office summary of his interview stated, 'it is considered that your answers are vague and lack detail considering you claim to have read the Bible and attended prayer groups'.[42]

Unfortunately, this is not an unusual experience of the substantive interview. A recent report by the Women and Equalities Committee in 2023 on the UK asylum process found that there is a broad culture of disbelief that particularly affects gender and sexual minorities.[43] The report quotes a study by the British Red Cross which surveyed women who had been through the asylum system and found that 'most asylum-seeking women had a negative experience of the claim determination process, including confrontational attitudes displayed by Home Office staff and feeling disbelieved'.[44] Women also reported several distressing refusals, with officials expecting women to share upsetting experiences of sexual violence.[45] This perceived culture of disbelief is compounded by the fact that people of colour often suffer from forms of testimonial injustice and hermeneutical injustice, in being not perceived as credible knowers.[46] These failures in trust are exacerbated by a system that is built around institutionalised scepticism.

Failures of trust or common courtesy are not strictly demanded by a fairness-first system, though they are more likely under schemes that deprioritise relational justice. When emphasis is placed on catching deception, it is no wonder that the first two demands of respect become difficult to satisfy. What about the question of shameful revelation? Are asylum seekers 'required to demean themselves: to behave in a way, or reveal things about themselves, which can rationally be expected to reduce their respect standing'?[47]

© 2024 The Author(s). *Journal of Applied Philosophy* published by John Wiley & Sons Ltd on behalf of Society for Applied Philosophy.

14685930, 0, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/japp.12750, Wiley Online Library on [10/10/2024]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License

What appears problematic about some welfare interviews is that they require the claimant to reveal something about *themselves*. In centring need, the asylum interviewer locates something outside of the agent. What we should remember, though, is that shameful revelation does not depend on whether the individual *should* feel shame but whether it is reasonable to suspect that they *would* feel shame. Even if shame is not 'objectively justified', something might be widely treated as being shameful according to reigning social norms that the interviewee takes to be relevant. So, even if one *should not* feel ashamed about having sex with someone of the same gender, one might feel shame because of heterosexist social norms that make this an object of shame. In this case, the interviewee is not being oversensitive, but neither is it the case that they should feel shame in the objective sense. The question is whether people are placed in a demeaning situation where they must reveal information about themselves that we might reasonably expect to feel intimate and shameful. LGBTQ refugees are often asked intimate details about their sex lives, although this is officially advised against in certain settings.[48] Many making claims based on their sexuality have grown up in a context of extreme homophobia. An immigration lawyer told *Free Movement* that:

> A client of mine was told repeatedly that her sexuality was wrong by her family. This meant she had spent years keeping her sexuality to herself. When questioned at interview she found it very difficult to talk with emotion about what she had experienced, as she had learned to repress her emotions as a safety mechanism.[49]

Nora, an asylum seeker in the UK, also reported the following experience:

> [The substantive interview] was horrible … I can say in one word: they are very cruel. They don't care how the questions are. You know, they ask you very [direct] questions. So like, 'how many clients did you have in one night?' It was difficult to bring back all [the memories].[50]

Even while we might rightly think that asylum seekers ought not to be ashamed of such experiences, we can certainly see that this might rationally be expected to reduce their respect standing. The power exercised over asylum seekers during the interview places individuals in a position where they are forced to reveal some of the most intimate and distressing moments of their lives. Such prying questions are not accidental. They are the result of attempting to construct a scheme around maximal fairness. In aiming to establish a fair asylum scheme, we can fail to achieve the dynamic balance that is required of a well-rounded egalitarian ethos.

Many facts can still be established without forcing asylum seekers to engage in shameful revelation. Applicants can still give an account of their reasons for seeking protection without having to go into explicit detail about deeply upsetting experiences. Details of someone's identity, the events that caused their displacement, where they have travelled, and potential previous threats to their life can all be collected without asking asylum seekers to demean themselves. This is perhaps another aspect of fairness worth noting: some individuals need not place themselves in an upsetting position to seek international protection. This worry is most relevant to those seeking protection for reasons related to their sexuality or gender, in part because such claims are so difficult to externally corroborate.

© 2024 The Author(s). *Journal of Applied Philosophy* published by John Wiley & Sons Ltd on behalf of Society for Applied Philosophy.

14685930, 0, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/japp.12750, Wiley Online Library on [10/10/2024]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License

5. What Respect Demands

Asylum seekers are often disrespected: their interviewers lack common courtesy, they are treated as untrustworthy, and some are forced to engage in shameful revelation. A fairness-first approach looks bad if we place any value on respect. So, if we want to strike a better balance between fairness and respect, what might our asylum adjudication system look like? Here I propose three options: *civility*, *humility*, and *abolition*.

First, *civility*. One approach might be to ask the same questions of those attempting to seek refuge, but to do so in a respectful way. This policy has been adopted by governments over the last few years, where official documents advise interviewers to ensure that asylum seekers are always asked questions politely, carefully, and with sufficient breaks. UK Home Office Policy Guidance states that interviewers must always 'treat claimants with dignity, respect and sensitivity throughout'.[51] We might think that this approach does a good job at striking a dynamic balance, as it maintains the same level of scrutiny, while also making the substantive interview less painful. However, in merely changing the tone or speed of the questions, this method does not make any concession on fairness. The Home Office policy document notes that these respect-based prescriptions are in part justified by the fact that they enable the extraction of more information: 'Your body language should be open and relaxed and non-threatening, for example, keeping your arms uncrossed, and smiling where appropriate. This will help you to create an environment *in which the claimant feels able to disclose relevant and potentially highly personal and sensitive information*'.[52] Can such an approach be described as striking a balance between fairness and respect? Certainly, it is better if decision-makers are not actively hostile towards asylum seekers. This change might satisfy the demands of common courtesy. But the other two conditions of respect remain untouched. Civility is needed, but it is not enough.[53]

A second route might require forgoing some questions that are asked in asylum interviews, therefore requiring a policy of *humility*. This need only apply to the kinds of evidence that we can reasonably expect would demand shameful revelation, rather than information that can be gathered in respectful ways. For instance, in discussions of sexual violence, interviewers might not ask for further details, particularly when the claimant is visibly distressed. This would require being more trusting towards those giving evidence. An inability to answer these questions should therefore not be interpreted as suspicious. Instead, it should be seen as a concession in the name of respect. Forgoing deeper prying into the evidence is an actual balance on the scales against the demands of fairness. Remember that in attempting to determine who is entitled to protection, a fairness-first approach motivates us to extract the maximum amount of information. But in conceding some ground to the value of respect, we should give up on such absolute stringency. Humility would therefore help to ensure that asylum seekers are not required to engage in shameful revelation.

A third path is *abolition*: doing away with asylum interviews altogether under certain circumstances. This strategy is already practiced by governments and international organisations in contexts where many people are displaced at once.[54] But we might also think that, when concerns about fairness are low, there are good reasons to give those who claim asylum refugee status (near) automatically. On this picture, someone might lodge a claim for international asylum, and would perhaps undergo an initial screening interview or be asked some questions about her specific situation but would not be made to complete a substantive interview. This approach seems like a fantasy, particularly given the enormous

© 2024 The Author(s). *Journal of Applied Philosophy* published by John Wiley & Sons Ltd on behalf of Society for Applied Philosophy.

14685930, 0, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/japp.12750, Wiley Online Library on [10/10/2024]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License

distrust of refugees and the emphasis on cheats, liars, and free-riders. But this strategy would certainly decrease the likelihood of disrespectful interview experiences.

At this point we might be worried about people who will free-ride on this more radical path. In forgoing certain lines of enquiry, there will surely be those who will attempt to benefit from this leniency. A respect-based view need not deny the existence of people who might cheat a more lenient asylum system. Instead, we need only accept that sometimes allowing people to free-ride is what justice might require. If justice operates at the level of the basic structure, then the fact that there will be some free-riders does not undercut the justice of a system, so long as the system is comparatively better overall. The question at the level of policy is, which situation should we prefer: a world in which interviews are less rigorous and some people receive protection who perhaps should not, or a world where we have widely disrespectful interview techniques and only give asylum to those who are strictly eligible? A stronger version of this worry might highlight the possible consequences of humility: more people will apply for asylum, including many who would not otherwise be accepted. What are we to think when this leads to an increase in the admission of people into the state when many would usually not be entitled to enter? The answer to this question depends, at least in part, on what we are willing to assume about the background conditions of the international asylum system. It may be that, given the scarcity of asylum places available, we need to favour the more disrespectful option to ensure that the small number of spots go to people who need them. But if states expanded the number of spaces available, then these institutions may have greater latitude in their ability to maintain respect at all stages. Over-inclusion, with some non-genuine applicants slipping through the cracks of a more lenient process, would therefore begin to look less troublesome in a context where sufficient protection is otherwise provided. In other words, if the costs of over-inclusion are low, then they are worth paying. The costs of over-admission in the case of asylum often are low, especially in states that have high capacity. This gives us a *pro tanto* reason to make some concessions on fairness in favour of respect. This is not true of other evidence-gathering processes, such as a criminal proceeding, where the costs of getting the answer wrong are incredibly high.

Whether abolition is a feasible path would depend on the consequences for the international asylum regime, as well as our level of idealisation. It is likely that abolishing the asylum interview would lead to more people seeking asylum and therefore more people being accepted, given that the threshold of proof would be lowered. In accepting some who otherwise would not have received international protection, we must also acknowledge that some non-genuine refugees are likely to enter. In some sense, this relaxes the distinction in treatment between refugees and economic migrants. Refugees are often thought of as 'special' with respect to the state's right to exclude and most accept that refugees are those to whom states have particularly stringent duties. As David Miller puts it, 'we can at least say that the state has a duty of care toward them that includes not sending them back to the place of danger they have escaped from, under the principle of *non-refoulement*'.[55] This duty of non-refoulement does not apply to economic migrants, at least under most conditions. A policy of abolition would require that we allow some people to access this higher standard of entry and protection in the name of respect. At the level of theory, this does not mean collapsing the definitional distinction; we can still maintain that refugees are those with a well-founded fear of persecution, or those whose human rights are violated by their home states. But at the level of implementation, we would accept that there may be some overspill in the way that we determine who counts as a refugee.

© 2024 The Author(s). *Journal of Applied Philosophy* published by John Wiley & Sons Ltd on behalf of Society for Applied Philosophy.

14685930, 0, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/japp.12750, Wiley Online Library on [10/10/2024]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License

Some would argue that abolition tips the balance too far in favour of respect, to the detriment of fairness. It is true that this policy would only be justifiable when concerns about fairness are low. Embracing a pluralistic set of egalitarian values does not demand that we always treat respect as lexically prior to fairness: a good distributive system must be reactive and flexible. What are the circumstances in which fairness-based concerns are at their lowest? First, we might think that costs of fairness are low when states are taking far fewer than their 'fair share' of refugees. When states are consistently attempting to offload their asylum obligations onto other often less well-resourced countries, it is difficult to claim that they or their citizens are being treated unfairly. In contrast, this means that concerns about fairness will be weightier in contexts where states have taken far more refugees than a just distribution of asylum might allow. Turkey, for instance, protects around two million refugees, making up a substantial percentage of their population.[56] Since they have taken more refugees than fairness could reasonably demand, they may be justified in being more stringent in their asylum interviews.

Second, we might think that concerns about fairness could arise in contexts where the number of people entering the state through the asylum system is unreasonably high. This is subtly different from the point above where the unfairness is comparative: states are (or are not) taking up the slack of other states who fail to do their fair share. In contexts where the number of people entering through the asylum system is high such that it becomes unduly costly for the state, there could be weighty fairness concerns. In these cases, states could justifiably be more stringent in their procedures to determine who qualifies for international protection.

Third, we noted the question of fairness to *other refugees*. We may worry about giving away scarce asylum spots to those who do not need international protection. Other would-be refugees with a genuine claim to asylum might reasonably object to this. This may be a concern of fairness that means some disrespect is necessary. If there really are only limited asylum places, then in fairness to the displaced themselves, we must ensure that these spots go to those who require them. As we have noted throughout, some of these concerns about unfairness are likely best addressed by expanding opportunities for asylum, not making interview standards stricter. There are insufficient asylum places for refugees because governments are much more restrictive than they perhaps should be. Nevertheless, in a context where asylum places are scarce in our non-ideal world, abolition may simply not be an option.

There are also other values at play here. We are not simply in a balancing act between fairness and respect, but between a whole host of values and goods. For instance, we might be sceptical of abolition or humility as strategies on the basis of security. To protect citizens, and indeed to protect refugees themselves, we need to ensure that we have adequate information about people entering the state. This is perhaps particularly troubling in contexts of mixed migration, where victims and their persecutors are displaced across the border together. What we should remember here is that neither of these positions is against the gathering information altogether. Instead, each approach aims to gather *relevant* information in a more respectful way. Where there are good reasons to ask prying questions, we are justified in doing so. But the current system treats all refugees as suspicious and therefore goes much further than a balanced approach might justify. Respect is certainly not the only value worth considering in such contexts, but in many asylum adjudication systems across the world it is ignored altogether.

© 2024 The Author(s). *Journal of Applied Philosophy* published by John Wiley & Sons Ltd on behalf of Society for Applied Philosophy.

14685930, 0, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/japp.12750, Wiley Online Library on [10/10/2024]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License

6. Conclusion

Asylum interviews often do not treat refugees with sufficient respect. If we care about the experiences of those seeking international protection, then we ought to pursue respect-preserving approaches to asylum adjudication wherever possible. How this works in practice will depend on the institutional context and background concerns about fairness. But any move towards a more respectful approach will be far better than those driven solely by concerns of fairness.

Rebecca Buxton, Department of Philosophy, University of Bristol, Bristol, UK. rebecca.buxton@bristol.ac.uk

Acknowledgements

An earlier version of this article was presented at a workshop on Kant and Migration at the University of Bristol in July 2023. I am grateful for the feedback from other attendees, as well as comments on various drafts from Jamie Draper, Leia Hopf, Hallvard Sandven, and Martin Sticker.

NOTES

1 The United Nations High Commissioner for Refugees (UNHCR) conducts the interview when states do not have a sufficient asylum procedure or are not signatories to the 1951 Geneva Convention.
2 UK Home Office, "Asylum Support."
3 Khan and Alessi, "Coming Out"; Murray, "Real Queer"; Tschalaer, "Between Queer Liberalisms."
4 Murray, "Real Queer."
5 Bond, "'You Need to Prove.'"
6 Hertoghs and Schinkel, "State's Sexual Desires."
7 UNHCR, "UNHCR's Comments."
8 Tyler-Todd *et al.*, "Delays."
9 Wolff, "Fairness."
10 Shacknove, "Who Is a Refugee?"; Miller, *Strangers*; Owen, *What Do We Owe to Refugees?*; Cherem, "Refugee Rights."
11 Gerver, *Ethics*; Bender, "Refugees"; Sandven, "Practice"; Buxton, "Justice"; Ritholtz and Buxton, "Sanctuary."
12 Carens, "Realistic and Idealistic Approaches"; Fine, "Refugees."
13 Peruniak, "Asylum Seekers." See also MANCEPT Workshops in Political Theory, "Epistemic Injustice"; Blomfield, "Institutional Testimonial Injustice."
14 Ferreira, "Utterly Unbelievable"; Sertler, "Institution."
15 Gibney, "Forced Migration."
16 Gibney, "Refugees and Justice."
17 Blake, "Distributive Justice"; Nagel, "Problem"; Sangiovanni, "Irrelevance."
18 Cordelli, "Justice below the State."
19 There are many other values that must be considered when attempting to establish this balance; for instance, avoiding unnecessary cruelty and distress. Fairness and respect are simply two values that appear to often pull in opposing directions. I will come back to these other values in the final section of the article.
20 Wolff, "Fairness"; Wo."
21 Anderson, "What Is the Point of Equality?"

© 2024 The Author(s). *Journal of Applied Philosophy* published by John Wiley & Sons Ltd on behalf of Society for Applied Philosophy.

14685930, 0, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/japp.12750, Wiley Online Library on [10/10/2024]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License

22 Kolodny, *Pecking Order*; Scanlon, *Why Does Inequality Matter?*; Sharp, "Relational Equality." Chiara Cordelli argues that we can bridge the gap between relational and distributive debates in Cordelli, "Justice as Fairness."
23 There are other potential accounts of fairness that may not so obviously conflict with respect. For instance, a Rawlsian approach to fairness in the context of asylum might seek to build institutions from an impartial perspective (for a similar approach on the question of migration more generally, see Bertram, *Do States Have the Right to Exclude Immigrants?*). Such an approach would therefore seek to create a system that is justifiable to all and would prioritise the social basis for self-respect. One might assume that this starting point might lead to a better balance between different values. This is not the approach that I take here because, as I'll go on to argue, our asylum systems are dominated by the responsibility-based conception of fairness to which Wolff is responding. When appealing to the ideal of 'fairness' in its policies, the UK Home Office does not adopt a Rawlsian approach but rather appeals to ideas of responsibility, desert, and fair play.
24 Wolff, "Fairness," 108.
25 Ibid., 108.
26 Ibid., 109.
27 Ibid., 109.
28 Ibid., 114.
29 Ibid., 115.
30 Ibid., 117.
31 Asylum interviewers also need not figure out who is the *most* in need. They need only show that the claimant crosses the threshold.
32 *Hansard*, 7 March 2023, emphasis added.
33 Betts and Collier, *Refuge*; Brock, *Justice*.
34 Draper, "Domination."
35 Aleinikoff and Owen, "Refugee Protection."
36 Miller, "David Owen," 2033.
37 Allegretti, "Taskforce."
38 Refugee Council, "Real Story."
39 Wellman, "Immigration."
40 I am leaving aside the question of whether the state does have the right to exclude.
41 Gibney, "Duties," 148.
42 Lyons, "Asylum Interview."
43 Women and Equalities Committee, House of Commons, "Equality."
44 Ibid., 20; British Red Cross and VOICES Network, "'We Want to Be Strong."
45 Women and Equalities Committee, House of Commons, "Equality," 21.
46 Fricker, "Epistemic Injustice."
47 Wolff, "Fairness," 108.
48 Ryan, "These Are the 'Inappropriate' Questions."
49 Soroya, "Home Office."
50 Refugee Action, "Waiting," 16.
51 UK Home Office, "Asylum Interviews (Version 9.0)," 14.
52 Ibid., 14.
53 We might prefer it if people are actively rude but nevertheless trust our testimony and avoid shameful revelation. So, although it is the simplest to get right, common courtesy may be the least important.
54 Durieux, "Many Faces."
55 Miller, *Strangers*, 78.
56 UNHCR, "Global Trends."

References

Aleinikoff, T. Alexander, and David Owen. "Refugee Protection: 'Here' or 'There'?" *Migration Studies* 10, no. 3 (2022): 464–483. https://doi.org/10.1093/migration/mnac002.

Allegretti, Aubrey. Taskforce to Pursue Lawyers Who 'Coach' Clients to Lie on UK Asylum Applications Guardian 2023. https://www.theguardian.com/uk-news/2023/aug/08/taskforce-to-pursue-lawyers-who-coach-clients-to-lie-on-uk-asylum-applications

© 2024 The Author(s). *Journal of Applied Philosophy* published by John Wiley & Sons Ltd on behalf of Society for Applied Philosophy.

14685930, 0, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/japp.12750, Wiley Online Library on [10/10/2024]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License

Anderson, Elizabeth S. "What Is the Point of Equality?" *Ethics* 109, no. 2 (1999): 287–337. https://doi.org/10.1086/233897.

Bender, Felix. "Refugees: The Politically Oppressed." *Philosophy and Social Criticism* 47, no. 5 (2020): 615–633. https://doi.org/10.1177/0191453720931924.

Bertram, Christopher. *Do States Have the Right to Exclude Immigrants?* Cambridge: Polity Press, 2018.

Betts, Alexander, and Paul Collier. *Refuge: Transforming a Broken Refugee System*. London: Penguin Books, 2017.

Blake, Michael. "Distributive Justice, State Coercion, and Autonomy." *Philosophy & Public Affairs* 30, no. 3 (2001): 257–296. https://doi.org/10.1111/j.1088-4963.2001.00257.x.

Blomfield, Megan. "Institutional Testimonial Injustice and Asylum Claims." Unpublished manuscript, 2024.

Bond, Kimberley. 'You Need to Prove that You're Gay': LGBTQ+ Asylum Seekers in the UK *Metro*, June 6, 2022. https://metro.co.uk/2022/06/06/asylum-seekers-in-the-uk-how-lgbtq-refugees-prove-their-sexuality-16744541/

British Red Cross and VOICES Network. *'We Want to Be Strong but We Don't Have a Chance': Women's Experiences of Seeking Asylum in the UK*. London: British Red Cross, 2022.

Brock, Gillian. *Justice for People on the Move*. Cambridge: Cambridge University Press, 2020.

Buxton, Rebecca. "Justice in Waiting: The Harms and Wrongs of Temporary Refugee Protection." *European Journal of Political Theory* 22 (2020): 51–72. https://doi.org/10.1177/1474885120973578.

Carens, Joseph. "Realistic and Idealistic Approaches to the Ethics of Migration." *International Migration Review* 30, no. 1 (1996): 156–170.

Cherem, Max. "Refugee Rights: Against Expanding the Definition of a 'Refugee' and Unilateral Protection Elsewhere." *Journal of Political Philosophy* 24, no. 2 (2016): 183–205.

Cordelli, Chiara. "Justice as Fairness and Relational Resources." *Journal of Political Philosophy* 23, no. 1 (2015): 86–110. https://doi.org/10.1111/jopp.12036.

Cordelli, Chiara. "Justice below the State: Civil Society as a Site of Justice." *British Journal of Political Science* 46, no. 4 (2016): 915–936. 10.1017/S0007123414000581.

Draper, Jamie. "Domination and Misframing in the Refugee Regime." *Critical Review of International Social and Political Philosophy* 25, no. 7 (2022): 939–962. https://doi.org/10.1080/13698230.2020.1722920.

Durieux, Jean-François. "The Many Faces of 'Prima Facie': Group-Based Evidence in Refugee Status Determination." *Refuge: Canada's Journal on Refugees* 25, no. 2 (2008): 151–163. https://doi.org/10.25071/1920-7336.26037.

Ferreira, Nuno. "Utterly Unbelievable: The Discourse of 'Fake' SOGI Asylum Claims as a Form of Epistemic Injustice." *International Journal of Refugee Law* 34 (2023): eeac041. https://doi.org/10.1093/ijrl/eeac041.

Fine, Sarah. "Refugees and the Limits of Political Philosophy." *Ethics & Global Politics* 13, no. 1 (2020): 6–20. https://doi.org/10.1080/16544951.2020.1735017.

Fricker, Miranda. "Epistemic Injustice and the Preservation of Ignorance." In *The Epistemic Dimensions of Ignorance*, edited by Rik Peels and Martijn Blaauw, 160–177. Cambridge: Cambridge University Press, 2016.

Gerver, Mollie. *The Ethics and Practice of Refugee Repatriation*. Edinburgh: Edinburgh University Press, 2018.

Gibney, Matthew. "Forced Migration, Engineered Regionalism and Justice between States." In *New Regionalism and Asylum Seekers*, edited by Susan Kneebone and Felicity Rawlings-Sanaei, 57–78. New York: Berghahn Books, 2007.

Gibney, Matthew. "Refugees and Justice between States." *European Journal of Political Theory* 14, no. 4 (2015): 448–463.

© 2024 The Author(s). *Journal of Applied Philosophy* published by John Wiley & Sons Ltd on behalf of Society for Applied Philosophy.

14685930, 0, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/japp.12750, Wiley Online Library on [10/10/2024]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License

Gibney, Matthew. "The Duties of Refugees." In *The Political Philosophy of Refuge*, edited by David Miller and Christine Straehle, chap. 7. Cambridge: Cambridge University Press, 2020.

Hertoghs, Maja, and Willem Schinkel. "The State's Sexual Desires: The Performance of Sexuality in the Dutch Asylum Procedure." *Theory and Society* 47, no. 6 (2018): 691–716. https://doi.org/10.1007/s11186-018-9330-x.

Khan, Sarilee, and Edward Alessi. "Coming Out Under the Gun: Exploring the Psychological Dimensions of Seeking Refugee Status for LGBT Claimants in Canada." *Journal of Refugee Studies* 31, no. 1 (2018): 22–41.

Kolodny, Niko. *The Pecking Order: Social Hierarchy as a Philosophical Problem*. Cambridge: Harvard University Press, 2023.

Lyons, Kate. Asylum Interview: 10 Examples of Absurdity from the Home Office Guardian 2018. https://www.theguardian.com/world/2018/feb/11/asylum-interview-10-examples-of-absurdity-home-officeFebruary 11

MANCEPT. Workshops in Political Theory. "Epistemic Injustice in Asylum Policy and Practice." Conference, September 7–10 2021.

Miller, David. "David Owen on Global Justice, National Responsibility and Transnational Power: A Reply." *Review of International Studies* 37, no. 4 (2011): 2029–34. https://doi.org/10.1017/S0260210511000520.

Miller, David. *Strangers in Our Midst: The Political Philosophy of Immigration*. Cambridge: Harvard University Press, 2016.

Murray, David. "Real Queer: 'Authentic' LGBT Refugee Claimants and Homonationalism in the Canadian Refugee System." *Anthropologica* 56, no. 1 (2014): 21–32.

Nagel, Thomas. "The Problem of Global Justice." *Philosophy & Public Affairs* 33, no. 2 (2005): 113–147. https://doi.org/10.1111/j.1088-4963.2005.00027.x.

Owen, David. *What Do We Owe to Refugees?* Cambridge: Polity, 2020.

Peruniak, Blair. "Asylum Seekers in the 'Space of Reasons': Causes and Consequences of Testimonial Injustice in Refugee Status Determination." In *Presentation at University of Bristol "Understanding Epistemic Injustice" Conference*, 2017.

Refugee Action. Waiting in the Dark: How the Asylum System Dehumanises, Disempowers, and Damages Refugee Action 2018. https://www.refugee-action.org.uk/new-research-reveals-human-impact-home-office-asylum-failures/

Refugee Council. What's the Real Story behind People Seeking Asylum Accused of Lying about Their Age? Refugee Council 2020. https://www.refugeecouncil.org.uk/latest/news/whats-the-real-story-behind-people-seeking-asylum-accused-of-lying-about-their-age/

Ritholtz, Samuel, and Rebecca Buxton. "Sanctuary after Asylum: Addressing a Gap in the Political Theory of Refuge." *American Political Science Review* 117 (2022): 1166–71. https://doi.org/10.1017/S0003055422001150.

Ryan, Hannah. These Are the 'Inappropriate' Questions Asylum-Seekers Were Asked by Australia to Prove They Were Gay *BuzzFeed*, January 8, 2019. https://www.buzzfeed.com/hannahryan/two-men-seeking-australias-protection-from-lgbt-persecution

Sandven, Hallvard. "The Practice and Legitimacy of Border Control." *American Journal of Political Science* 68 (2022): 544–556. https://doi.org/10.1111/ajps.12736.

Sangiovanni, Andrea. "The Irrelevance of Coercion, Imposition, and Framing to Distributive Justice." *Philosophy & Public Affairs* 40, no. 2 (2012): 79–110. https://doi.org/10.1111/j.1088-4963.2012.01213.x.

Scanlon, Thomas. *Why Does Inequality Matter?* Oxford: Oxford University Press, 2018.

Sertler, Ezgi. "The Institution of Gender-Based Asylum and Epistemic Injustice: A Structural Limit." *Feminist Philosophy Quarterly* 4, no. 3 (2018): 1–25. https://doi.org/10.5206/fpq/2018.3.5775.

Shacknove, Andrew. "Who Is a Refugee?" *Ethics* 95, no. 2 (1985): 274–284.

© 2024 The Author(s). *Journal of Applied Philosophy* published by John Wiley & Sons Ltd on behalf of Society for Applied Philosophy.

14685930, 0, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/japp.12750, Wiley Online Library on [10/10/2024]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License

Sharp, Daniel. "Relational Equality and Immigration." *Ethics* 132, no. 3 (2022): 644–679. https://doi.org/10.1086/718076.

Soroya, Katherine. How Does the Home Office Assess Sexual Identity in Asylum Claims? Free Movement 2021. https://freemovement.org.uk/how-does-the-home-office-assess-sexual-identity-in-asylum-claims/

Tschalaer, Mengia. "Between Queer Liberalisms and Muslim Masculinities: LGBTQI+ Muslim Asylum Assessment in Germany." *Ethnic and Racial Studies* 43, no. 7 (2020): 1265–83.

Tyler-Todd, Joe, Georgina Sturge, and C. J. McKinney. *Delays to Processing Asylum Claims in the UK*. London: House of Commons Library, 2023.

UK Home Office. Asylum Interviews (Version 9.0) 2022. London, UK: UK Home Office. https://www.gov.uk/government/publications/conducting-the-asylum-interview-process

UK Home Office. *Asylum Support*. London, UK: UK Home Office, 2023. https://www.gov.uk/asylum-support/what-youll-get.

UNHCR (United Nations High Commission for Refugees). "Global Trends: Forced Displacement in 2020." UNHCR 2021. https://www.unhcr.org/flagship-reports/globaltrends/

UNHCR (United Nations High Commission for Refugees). UNHCR's Comments on the Practice of Phallometry in the Czech Republic to Determine the Credibility of Asylum Claims Based on Persecution Due to Sexual Orientation UNHCR 2011. https://www.refworld.org/docid/4daeb07b2.html

Wellman, Christopher Heath. "Immigration." In *Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta, Stanford, CA: Stanford Encyclopedia of Philosophy, 2019. https://plato.stanford.edu/entries/immigration/

Wolff, Jonathan. "Fairness, Respect, and the Egalitarian Ethos." *Philosophy & Public Affairs* 27, no. 2 (1998): 97–122.

Wolff, Jonathan. "Equality and Hierarchy." *Proceedings of the Aristotelian Society* 119, no. 1 (2018): 1–23.

Women and Equalities Committee, House of Commons. *Equality and the UK Asylum Process, Fourth Report of Session 2022–23*. London: UK House of Commons, 2023.

© 2024 The Author(s). *Journal of Applied Philosophy* published by John Wiley & Sons Ltd on behalf of Society for Applied Philosophy.

14685930, 0, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/japp.12750, Wiley Online Library on [10/10/2024]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License