



Debating the Devilish Dilemma

A study on the influence of advocacy strategies in changing the IND work instruction for LGBT asylum seekers

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Abstract

The asylum applications of LGBT asylum seekers put the Dutch Immigration and Naturalisation Office (IND) in a tough position. The IND has to verify the credibility of the sexual orientation or gender identity that these asylum seekers put forward as grounds for asylum. But how do you assess the credibility of asylum grounds which cannot be substantiated with objective evidence? In order to provide the IND officers some guidance on how to investigate and decide upon these asylum applications, a so-called work instruction is used. The guidelines expressed in this work instruction reveal how the IND (and thus the Dutch state) believes the credibility of sexual orientation and gender identity can be best assessed. This state governing of sexual orientation and gender identity has led many actors to step into this complex decision-making area. A broad range of actors started to advocate for a change in the work instruction, since it would contain western assumptions on the development of sexual orientation and gender identity.

By analysing the advocacy of these actors, this research has shown how actors have strategically mobilised themselves to influence a change in the work instruction. This research has demonstrated that by using a set of advocacy strategies a multitude of actors was able to influence incremental policy changes on this highly complex policy issue.

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Chapter 1 Introduction

How do you determine whether someone really is a lesbian, gay, bisexual or transgender individual? At first sight this might seem a trivial question to ask, since it is hard to think of an occasion where it requires an answer. However, it is exactly this question that lies at the root of deciding upon the asylum applications of lesbian women, gay men, bisexuals and transgenders (LGBT¹). The Immigration and Naturalisation Service (IND) – the Dutch governmental agency responsible for processing and deciding upon asylum applications – makes life changing decisions on this question. The IND is charged with the extremely complex task of verifying the veracity of the sexual orientation and/or gender identity this group of asylum seekers puts forward as grounds for refugee protection. Just like with any asylum application, the decision to grant asylum status to LGBT asylum seekers heavily relies on the way they are able to present a credible narrative to the IND (IND, 2015). They have to ‘prove’ (i.e. make credible) that they have an abnormalised gender identity or sexual orientation that caused them to flee an (assumedly) LGBT-phobic place, where they have experienced state and communal violence on these grounds. Thus, LGBT asylum seekers are required to make their fear of persecution credible by revealing reasons which revolve around deeply internal forms of self-definition expressed in extremely private experiences (Hertoghs & Schinkel, 2018, p.692).

The credibility assessment is performed by verifying how the story the asylum seeker presents during the interrogations with the IND officers, corroborates with objective evidence. However, not all elements of an asylum story can be substantiated by objective evidence (IND, 2015). This especially applies to LGBT asylum claims. Consequently, the IND is faced with an extremely complex assessment dilemma. On the one hand, the sole fact that someone is stating that he or she is an LGBT person is not enough to be granted asylum. On the other hand, ‘proving’ one’s sexual orientation or gender identity is not something that can be done via objectively measurable criteria (Jansen, 2018, p.26). IND officers who conduct the interrogations with the LGBT asylum seekers constantly have to balance between these two extremes. The navigation between these extremes is steered by the guidelines IND officers have to use in assessing the credibility, which are laid down in the so-called work instruction. This instruction addresses the themes that must be discussed during interrogations with an LGBT asylum applicant, how the assessment of credibility is executed and how the different

¹ There are more recent and inclusive acronyms to describe this community, such as LGBTQITA+ (hereby enriching the acronym with Queer, Intersex, Two-spirit, Asexual and the + for the letters that might follow). However, this research will use the acronym LGBT since it is the acronym used in official government publications.

elements of the asylum story are weighed in the final decision on granting or rejecting asylum status (IND, 2015).

The last three years, the IND has been subjected to substantial scrutiny in the way it assesses LGBT asylum applications via the work instruction. The scrutiny reveals what the broader issues and interests at stake are, which derive from the implementation of what - in a narrow sense - is just a piece of paper. The IND work instruction revolves around the sensitive issue of how the Dutch state governs sexual identity, via selecting which migrants are 'deserving' of asylum status and thus state protection. The Dutch state sets requirements that asylum seekers need to meet to be considered having a truthful LGBT identity (Hertoghs & Schinkel, 2018). It is this state interference and norm establishment of a highly private and personal affair that has created substantial debate. The government voices the interest that the societal support for the asylum protection system can only be preserved when it is provided to those who really need it. Therefore, it is important that the IND procedure is able to prevent abuse of this protection by fraudsters (Harbers, 2018). However, other actors emphasise the importance of ensuring that a group of extremely vulnerable asylum seekers is ensured of a procedure that provides a fair chance to elaborate on their asylum reasons. These critics argue that the IND work instruction uses insufficient methods to assess the credibility of LGBT asylum applications. This criticism originates from a broad range of actors: from academics disentangling the paradoxes in the credibility assessment and interest groups who are supporting LGBT asylum seekers throughout the asylum procedure, to politicians filing resolutions in the House of Representatives and journalists publishing critical articles. Although these actors might differ in their motivations and interests for criticising the work instruction, a common thread of criticism can be discerned. This thread focuses on the fact that the credibility assessment of LGBT asylum applications heavily relies on a western conceptualisation of sexuality. A conceptualisation that would measure all LGBT asylum applicants by the same yardstick. There would be an assumption in the work instruction that the development of sexual orientation and gender identity goes through a set of fixed stages. Two of those stages are clearly expressed in the work instruction. These are the processes of conscious realisation and self-acceptance an LGBT asylum applicant must prove to have gone through in order to get an asylum status. The legal practice shows that most asylum status rejections for LGBT asylum seekers are based on insufficiently proving to have gone through these processes (Jansen, 2018).

The criticism did not leave the government unaffected. In July 2018, the state secretary of Justice & Security announced a new work instruction. He declared that one of the most substantial changes in the work instruction is that *'the emphasis will no longer be put on the process of conscious realisation and self-acceptance. From now on, in the work instruction more attention is attributed to ask open*

questions and questions relating to personal experiences and meaning making' (Harbers, 2018). The state secretary mentioned that *'the conversations with the interest groups and the expert meetings with the IND officers have resulted in the decision that the IND will make changes in the credibility assessment of LGBT's* (Harbers, 2018). This statement reflects that the actions undertaken by interest groups and IND officers have influenced the adaptation of the work instruction. However, what these concrete actions are and how they have been strategically used in order to influence the change of the work instruction remains unclear. Furthermore, the question arises whether the interest groups and the IND officers have been the only actors who advocated for a change in the work instruction. It is precisely the uncovering of these processes that will be the focus of this research: analysing how actors have strategically used advocacy activities to change the work instruction for LGBT asylum seekers. This will be done by answering the following research question:

Which strategies did the actors advocating for a change in the IND work instruction for LGBT asylum seekers use and how did these strategies influence the change of the IND work instruction for LGBT asylum seekers?

1.1 Relevance

The academic relevance of this research is the enrichment of a classic public administration field: the influence of advocacy coalitions on policy change. This approach of understanding policy change is coined by Sabatier (1988) under the name of the Advocacy Coalition Framework (ACF). The ACF has been very influential in explaining how a broad range of actors come together (forming an advocacy coalition) and influence policy change within high-conflict situations (Jenkins-Smith et al., 2014, p.193). This research applies the ACF to the high-conflict context of LGBT asylum issues. Herewith, the empirical applications of the ACF is enriched as well. The vast majority of advocacy coalition studies analyses the environment, health and finance policy sectors (Jenkins-Smith et al., 2014). This research' focus on the asylum sector serves an interesting vantage point to provide new insights into the applicability and generalisability of the advocacy coalition theories (Sabatier, 1988).

Furthermore, this research contributes to a specific ACF element. The ACF has proven to be very valuable in analysing actor behaviour in policy change processes. However, conceptualising and analysing this behaviour via concrete advocacy strategies is still rather underdeveloped within the ACF's current state (Jenkins-Smith et al., 2014, p.198). Therefore, this research aims to further substantiate the element of advocacy strategies within the ACF. The existing scholarship on advocacy strategies mostly address venue shopping - the strategy of choosing the best arena where actors believe they can cause policy change - (Nagel, 2006; Meijerink, 2008; Ley & Weber, 2014) and the strategic use of narratives (Shanahan et al., 2011). This research moves beyond these two strategies

and will further identify the strategies used by advocacy coalitions in their mission to achieve policy change.

The societal relevance of this research is manifested in addressing two issues which are not self-evidently combined in advocacy: LGBT rights and immigrants' rights. This intertwining takes place within the context of homonationalism. The concept, coined by Jasbir Puar, reveals how the inclusion of LGBT people into the national community goes hand-in-hand with a marginalisation and demonization of those who do not belong to this community (Puar, 2007). She describes how Western states - the Netherlands in particular - have incorporated LGBT people into their national communities via legal and political recognition. However, this recognition came at the expense of racialising and 'othering' a group of mainly non-western immigrants (Smith et al., 2017, p.463). This state performed homonationalism becomes translated in LGBT discourses, hereby reproducing the othering of immigrants. A large share of LGBT subjects is convinced that their state protects their rights against the alleged hyper-sexist and hyper-LGBT-phobic racialised immigrant 'other' (Bacchetta & Haritaworn, 2016, p.126). Therefore, the advocacy surrounding the change of the work instruction forms an interesting case to analyse the context in which this othering takes place and gets challenged. Especially because LGBT asylum seekers embody both the group that increasingly gets included in the national community (LGBT) and the group that is othered and excluded from entering it (racialised migrants). The IND work instruction advocacy gives rise to the question whether the two allegedly opposing trends – the inclusion of LGBT people and the exclusion of racialised immigrant others – can be reconciled.

The policy relevance of this research lies in understanding how diverging interests and beliefs from actors participating in complex decision-making processes result in life changing decisions. This research' focus provides a means of analysing how these beliefs are translated into advocacy strategies aimed at changing LGBT asylum policy, how this advocacy is confronted with resistance and how actors deal with such negative response. This struggle for policy change takes place on an issue where Dutch immigration control - expressed by IND decisions on asylum claims - regulates sexuality and reproduces sexual norms. This norm establishment embodies the complexity of the issue, since several actors argue whether it is possible at all to assess someone's sexual orientation and/or gender identity (Jansen, 2018). However, decisionmakers (IND and the Dutch government at large) are legally obliged to have a procedure that describes how LGBT asylum applications are assessed (Jansen, 2018). Consequently, decisionmakers are faced with a devilish dilemma: how to provide a fair procedure for assessing LGBT asylum applications that is in line with legal obligations and is able to sustain the legitimacy for the Dutch asylum system?

Chapter 2 Theoretical Framework

This chapter will discuss the theoretical framework of this research. Firstly, the choice for the Advocacy Coalition Framework will be explained and the framework's focal points for answering the research question will be provided. This will include a discussion of the premises of the Advocacy Coalition Framework, defining the concept of advocacy coalitions and how they can influence policy change. Secondly, the strategies advocacy coalitions can use to influence policy change will be translated into an advocacy strategy framework that will be utilised for this research.

2.1 The Advocacy Coalition Framework

The public administration literature offers many ways of explaining policy change. Kingdon's multiple-stream model focuses on how specific policy problems and solutions arise at specific moments. Policy change within this model is conceptualised as the result of coupling three streams: the problem stream, the political stream and the policy stream (Kingdon, 1984). The punctuated equilibrium framework from Baumgartner & Jones explains policy change from a historical perspective. This long-term focus on policy change reveals that many policies undergo lengthy periods of stability and short periods of dramatic revision. The punctuated equilibrium framework claims that incremental change and sudden change exist side-by-side (Baumgartner & Jones, 1991). The network theory sees actors within the policy change process as interconnected and mutually interdependent. Classifying actors into networks shows that policy change is rarely caused by a single actor (Adam & Kriesi, 2007). The theoretical point of departure for this research is the Advocacy Coalition Framework (ACF). The ACF emphasises the importance of analysing belief structures in policy change processes. These structures are able to unite actors with similar beliefs into so-called advocacy coalitions, which can advocate for policy change. The ACF's focus on beliefs aligns well with this research' case. The advocacy for a change in the IND work instruction for LGBT asylum seekers centres around beliefs of how to best assess the credibility of a stated sexual orientation or gender identity. Furthermore, the ACF is most useful for understanding high-conflict situations (Jenkins-Smith et al., 2014). Therefore, the ACF is most suitable to analyse this research' policy struggle that occurs within the advocacy on a complex decision-making issue.

2.1.1 Premises of the ACF

The ACF is built on three premises. Firstly, to comprehend policy change processes, a minimal time scope of a decade is needed (Sabatier, 1998, p.99). This premise is based on the fact that policy processes are continuous entities without a clear start or end. Hence, the strategic behaviour of actors, the structure of policy change and the evaluation of the success or failure of the policy change should be viewed from a long-term perspective (Jenkins-Smith et al., 2014, p.192). However, it would be wrong to assume that a decade perspective is indispensable to analyse policy change through an ACF lens. Sabatier & Jenkins-Smith have set the minimum on ten years, since they state that policy implementation literature argues this time is necessary to complete one cycle from policy formulation and implementation to reformulation. The full completion of this cycle would enable an accurate evaluation of success or failure (1999, p.119). However, this generalisation disregards the inner diversity of policies. The completion of this policy cycle might take ten years to evaluate policy change for an entire law. However, policies that address a narrower topic, such as the IND work instruction, can go through the cycle quicker (Stritch, 2015, p.444). Even when taking the ten-year premise into account, actors advocating for policy change might still take a short-term perspective. Sudden opportunities and constraints within or outside the political arena might require them to adapt their strategies. This reveals that understanding policy change also demands an emphasis on temporal processes that define public policy over time (Jenkins-Smith et al., 2014, p.193).

Secondly, the most beneficial way to analyse policy change is by focusing on policy subsystems. A policy subsystem consists of 'actors from a variety of public and private organisations who are actively concerned with a policy problem or issue, and who regularly seek to influence public policy in that domain' (Sabatier & Jenkins-Smith, 1999, p.119). The high complexity of policymaking compels actors to specialise into policy subsystems if they want to have any influence. This complexity is expressed in the need to understand relevant laws and regulations, the scope of the policy issue, the impact of several causal factors and the array of organisations and individuals involved. Sabatier and Jenkins-Smith (1999) make a distinction between mature and nascent policy subsystems.

In mature subsystems, participants seek to influence public policy over minimal time period ten years. Mature policy subsystems are characterised by participants who see themselves as a semi-autonomous community within which they share an area of expertise. This expertise is also expressed by governmental agencies that specifically deal with the policy at hand (Sabatier & Jenkins-Smith, 1999, p.119). Besides governmental agencies, there are also interest groups that advocate for the specialised policy (Sabatier & Jenkins-Smith, 1999, p.136). Nascent policy subsystems are characterised by their formative stage, due to recent emergence of their central

issue on the public agenda (Stritch, 2015, p.439). This emergence can result from situations 'where actors have become dissatisfied with the existing subsystem neglecting a particular aspect of a policy problem and therefore form their own, new subsystem' (Beverwijk et al, 2008, p.358). Because of its recent emergence, it is plausible that the specialised policy domain of the nascent subsystem has enjoyed marginal consideration in public decision-making arenas and therefore has a meagre history of public policy outputs exists. Generally, advocates within nascent subsystems have only recently become active within the policy domain (Stritch, 2015, p.439). In order to accurately understand policy change, it is important to identify policy subsystem type the advocacy is targeted at. Especially for nascent subsystems it is important to identify the reason of emergence, since this influences the nature of coalitions within the subsystem (Sabatier & Jenkins-Smith, 1999, p.136). Thus, by studying policy subsystems, the ACF has the ability to reveal a lot about a subsystem's inclination to respond to alterations in ideas and actors. Hence, the ACF is a valuable evaluator of the nature and tempo of policy change occurring in a specific policy subsystem (Howlet & Ramesh, 1998, p.475).

Thirdly, a parallel can be made between public policies and belief systems. Since public policies embody implicit theories about how to accomplish goals, they overlap with the concept of belief systems. Public policies include value priorities, perceptions of essential causal relationships, perceptions of the breadth of the problem and assumptions on the efficacy of policy instruments. The parallel between belief systems and public policies enables a mapping of the two on the same 'canvas'. This provides a way to assess the influence of actors over time (Sabatier & Jenkins-Smith, 1999, pp.119-120). The belief system of actors can be divided into three levels of beliefs, which have a hierarchical order. The highest level includes the basic ontological and normative beliefs, labelled as the *deep core beliefs*. The deep core revolves for example around the relative valuation of individual freedom versus social equality (Sabatier, 1998, p.103). One level lower are the *policy core beliefs*, reflecting normative commitments and causal perceptions across an entire policy domain. The defining characteristics of policy core beliefs are scope and topic. Scope implies that the belief must be applicable to practically all aspects of the subsystem policy. Topic refers to the relation of a belief to basic value priorities or the identification of groups and entities whose welfare is of greatest concern. Furthermore, topic refers to the empirical character of a belief. This includes the severity of the problem, the basis causes of the problem and the strategies most apt to realise the core values within the subsystem (Sabatier, 1998, p.103). Policy core beliefs are regarded as the glue that unites actors advocating for the same cause, since they reflect the normative and empirical commitments within actors' policy area of expertise. The lowest level of beliefs are *secondary aspects*, which consists of a set of smaller beliefs. These beliefs cover the relative importance of several causal factors in particular local settings, policy preferences on desirable regulations and budgetary

allocation, the structure of certain institutions and the evaluation of the performance of several actors (Sabatier, 1998, p.104). The hierarchical order of these beliefs refers to their susceptibility to change. *Deep core* beliefs are the most resistant to change. *Policy core* beliefs are slightly more open to change, since the empirical elements they rely upon may change over time due to an accumulation of evidence. *Secondary aspects* are most susceptible for change due the appearance of new data, experience or strategic considerations (Sabatier, 1998, p.104). The relevance for discussing the different beliefs, is that they feed into the choice for the strategies that actors can use.

2.1.2 Defining advocacy coalitions

This research focuses on understanding how a broad range of actors has influenced policy change. The involvement of these actors is analysed through the lens of advocacy coalitions. An advocacy coalition (AC) refers to a group of individuals and people from organisations, 'sharing policy core beliefs who coordinate their actions in a nontrivial manner to influence a policy subsystem' (Jenkins-Smith et al., 2014, p.195). Analysing policy change via AC's enables exposing the involvement of actors beyond the traditional policy influencing actors of the iron triangle (interest groups, executive agency and congressional committees). The broad definition of an AC enables the inclusion of journalists, researchers and civil servants as policy influencing actors (Sabatier, 1998, p.107). This inclusion has the advantage of analysing policy change from a multiplicity of perspectives (Beverwijk et al., 2008, p.359).

AC's are generally defined by their compatible policy core beliefs and coordination patterns. Belief compatibility refers to the degree of convergence or divergence in belief systems between all actors of an AC (Weible, 2008, p.621 and §2.1.1). Coordination refers to activities ranging from designing and implementing collective action plans to adapting behaviour to achieve similar objectives as allies (Sabatier & Jenkins-Smith, 1999, pp.138-141). Considering ACF's aptitude to analyse high-conflict situations, it is also important to take the counterpart of coordination into account: conflict. Conflict refers to the range of activities used by actors to prevent other actors from pursuing divergent goals (Beverwijk et al., 2008, p.365).

The degree of coordination is dependent on the strategies AC's use and can take the form of weak or strong coordination. Strong coordination requires establishing a joint action plan, communication of the plan to possible coalition members, checking compliance of members to the plan and the enforcement of sanctions of non-compliance. Weak coordination does not demand this rigidity. Weak coordination merely requires coalitions members to monitor each other's behaviour and change their own behaviour accordingly to make it complementary (Beverwijk et al., 2008, p.365).

For cases where no coordination occurs between actors, Stritch (2015) has posited the term advocacy community: 'organisations and individuals, in government or the private sectors, that engage in advocacy within a particular policy subsystem and which share policy core beliefs without necessarily participating in any form of coordinated advocacy activity.' (p.442).

2.1.3 Policy change

The evolution of the ACF over the last thirty years has caused theoretical and empirical enrichment of the framework, but has also complexified its application. Therefore, this research will focus on one of the ACF's components: policy change. The ACF conceptualises policy change as the result of competition between opposing AC's which are trying to translate their beliefs into policy. Policy change in this regard is the reflection of the winning AC's beliefs. Additionally, policy change can be the outcome of an exchange of ideas between AC's, leading to policy learning (Pierce et al., 2017).

The ACF does rather fall short in providing a theoretical explanation for cases where no opposing advocacy coalitions can be identified. To account for this gap, this research borrows from the punctuated equilibrium framework (PEF). The compatibility of ACF and PEF in explaining policy change derives from their mutual emphasis on understanding policy change via policy subsystems. Just as the ACF, the PEF acknowledges that discussing policy issues in political systems do not appear simultaneously and consistently. Rather, discussions of specific policy issues are divided into several issue-oriented subsystems (True et al., 2007, p.158). The PEF provides a conceptualisation of opposition, without demanding the aggregation of actors into an opposing advocacy coalition. This is the concept of negative feedback. This opposition is characterised by the maintenance of stability in the policy subsystem. Actors can focus on preserving the status quo and consequently prevent policy change from happening. Negative feedback can also take the form of counter-mobilisation from actors or incrementally adapting decisions (True et al., 2007, p.160). Negative feedback reaffirms that the existing procedures are the adequate response to the issues at stake; 'in situation X, response Y is still appropriate' (Van Buuren & Gerrits, 2008, p.389). Including negative feedback into the theoretical framework is necessary. Without some form of counter-pressure from the status quo, 'political interests would gather ever-increasing powers until they overwhelm the entire political system' (Baumgartner & Jones, 2002, p.11). Moreover, negative feedback is especially suitable for the policy change studied in this research. The work instruction, being what Baumgartner & Jones call a 'standard operating procedure', focuses on the relative stability of expected policy outcomes. When dramatic revision of such a procedure remains absent, decisions are supposed to be made via a process that causes stable outcomes (Baumgartner & Jones, 2002, p.12).

By focusing on policy change, this research concurs with scholars like Albright (2011), who specify their research on one ACF element. This research thus does not aim to understand an AC's membership, structure or stability, but at understanding the role and behaviour of AC's in influencing policy change. To adequately analyse policy change, it is important to identify the type of policy change. The ACF distinguishes two types of policy change, based on the hierarchy of beliefs (§2.1.1): major and minor policy change. A change in the policy core beliefs regarding the goals and direction of a subsystem is reflective of major policy change. Changes in the secondary aspects – the means for accomplishing policy goals – indicates minor policy change (Jenkins-Smith, 2014, p.201). Thus, it is 'the *topic* and the *scope* of the policy change that determines whether it is major or minor.' (Sabatier & Jenkins-Smith, 1999, p.147). This research' case – the change of a work instruction (mean) used to base decisions upon (goal) - thus focuses on minor policy change.

The ACF offers four pathways to policy change, one of them is mostly focused on explaining minor policy change: policy-oriented learning. Policy-oriented learning reflects the lasting changes of thought or behavioural intentions on the part of decisionmakers (Sabatier & Jenkins-Smith, 1999, p.123). Since policy core beliefs are rather hard to change, policy-oriented learning is mostly identified in secondary aspects. Thus, policy-oriented learning is mostly reflected when a new policy has incorporated secondary aspects or new scientific information. Within this pathway to policy change, AC's frequently make it part of their strategies to influence decisionmakers on secondary aspects (Weber et al., 2013, p.957). Policy-oriented learning is assumed not to cause a radical change in policy, but rather to serve an enlightenment function. This function refers to the incremental reconceptualisation and alteration of the assumptions of the subsystem decisionmakers via formal policy analysis and trial-and-error learning. Achieving policy change in this way can be hampered or enhanced by external factors (Sabatier, 1988). Examples of these factors are changes in public opinion, changes in other policy subsystems and changes in socioeconomic condition. These external factors can influence the susceptibility of the governmental authorities to change or not change policy and thus put a limitation on the capacity of AC's to alter policy outcomes by using advocacy strategies (Parsell et al., 2014, p.73).

2.2 Constructing the advocacy strategy framework

This section will elaborate on the different advocacy strategies AC's can use to influence policy change and will translate these strategies into an advocacy strategy framework. Strategies in this research are defined as 'the means of altering governmental institutional behaviours in an effort to realize policy objectives' (Pierce, 2016, p.1159). Advocacy strategies are the comprehensive long term means to bring about policy change. Within these strategies, the specific advocacy activities are labelled as tactics (Gen & Wright, 2018, p.299). The ACF concept of guidance instruments forms the

theoretical point of departure to conceptualise the strategies that AC’s can use to achieve policy change. The strategies will be enriched with elements from additional theories to construct a theoretically sound framework. Such theoretical pluralism leads to the inclusion of various explanatory factors. This is useful, since independent variables from different theories often correlate to some extent (Kay & Baker, 2015, p.17).

2.2.1 Building forward on ACF guidance instruments

Sabatier & Jenkins-Smith argue that AC’s use so-called ‘guidance instruments’ to influence the behaviour of governmental institutions to achieve policy change. These instruments refer to changes in rules, budgets, personnel or information. Guidance instruments are mostly targeted at influencing administrative agencies. Since these agencies deliver services or regulate target group behaviour most directly, they are attributed the most power to influence the AC’s ability of to achieve policy change (Sabatier & Jenkins-Smith, 1993, p.227). AC’s can aim to influence administrative agencies directly or indirectly (by targeting the legislative, executive or judicial authorities who decide upon the agency’s budget and legal mandate). The guidance instruments from table 1 below will be used as a point of departure to construct an advocacy strategy framework that will enable identifying which strategies the AC’s have used and how these strategies have influenced the policy change. The framework will be enriched with strategies and tactics from other theories to construct a theoretically sound advocacy strategy framework. This enrichment is necessary, since Sabatier and Jenkins-Smith themselves state that the guidance instruments provide ‘very little guidance about how coalition members might seek to alter policy in specific situations’ (1993, p.227).

Guidance instruments directly influencing administrative agencies	Guidance instruments indirectly influencing administrative agencies via sovereigns
Persuade agency officials through testimony	Conduct systematic review of agency rules
Change the personnel which makes decisions, via transfer or reorganisation	Alter political appointees
Change the professional background of agency staff by encouraging the recruitment of staff with a different background or by changing current staff’s professional education	Pursue litigation
Publicise agency performance gaps	Pursue changes in legislation
Provide research reports	Pursue changes in the agency’s budget
	Influence public opinion and, hence, sovereigns

Table 1 – guidance instruments, based on Sabatier & Jenkins-Smith (1993)

2.2.2 The advocacy strategy framework

The enrichment of the advocacy strategy framework beyond the ACF guidance instruments, mostly derives from the study of Brouwer & Huitema (2018). In their study they posit strategies deriving from the most influential meso-level models regarding policy change: the multiple-stream model, the punctuated equilibrium theory, the advocacy coalition framework and the network management approach (see also §2.1). The advocacy strategy framework constructed for this research will follow the classification of the Brouwer & Huitema. The framework will be structured in four types of strategy categories: attention- and support-seeking strategies, linking strategies, relational management strategies and arena strategies. The remaining paragraphs of this chapter will present each category, followed by a discussion of the belonging strategies and subsequent tactics. Herewith, a solid theoretical basis is provided to identify which strategies actors have used to influence the change of the work instruction for LGBT asylum seekers.

2.2.2.1 Attention- and support-seeking strategies

The strategies within this category are connected by their common aim to exhibit the importance of the problem at hand to a wide range of individuals, organisations and groups to achieve policy change. AC's use these strategies to 'build acceptance of', 'sell' or 'promote' their ideas to influence policy change (Brouwer, 2015, p.53).

The first strategy within this category is the demonstration strategy. This strategy is used to arouse attention, express the severity of policy problems and acquire support for solutions by demonstrating their value. By using this strategy, actors aim to support their claims on certain problem elements (Brouwer & Huitema, 2018, p.1264). This support can manifest itself physically, by demonstrating the severity of a policy issue via organising and participating in public protests (Pierce, 2016, p.1159). Protesting can also occur in more formal settings, by persuading actors via official testimony in court to pursue changes in legislation. Furthermore, claims can be substantiated by generating and disseminating research and reports. This reveals the role science, and scientists as possible AC-members, can play in policy change processes. Science can fulfil the so-called enlightenment function, where research can influence policy change indirectly by altering the language and perceptions of policy makers (Lindquist, 2001, p.3). This function touches upon the guidance instrument of conducting a systematic review of an administrative agency's rules, which can form the base for a critical (research) report. Such a review can also be used to publicise the performance gaps of relevant agencies and hence aim to influence the public opinion (Sabatier & Jenkins-Smith, 1993, p.227). Moreover, science can be used politically to buttress certain beliefs and provide the recommended policy change with legitimate substantiation. In this way science can be

used to gain support for certain solutions by scientifically establishing their value, by providing facts, figures and best practices (Brouwer & Huitema, 2018, p.1263). This presentation of solutions is particularly fruitful when it is convincingly demonstrated that it is the most valuable option to solve the problem at hand (Mintrom, 2000). This is what Brouwer & Huitema call the correlation of problems and solutions (2018, p.1264).

Actors within an AC can also use the strategy of rhetorical persuasion to achieve such a connection of problem and solution. This strategy revolves around getting preferred policy changes implemented by persuading other actors of a preferred problem definition and by altering preferences via argumentation. Rhetorical persuasion puts an emphasis on the narrative component of the policy process and borrows from the Narrative Policy Framework (NPF). The NPF provides important complementary elements to the ACF. The NPF focus on the social construction of public policy highlights the importance of empirically understanding the stories AC's strategically use. Actors use symbols, words and images to strategically build a policy narrative which resonates with the public, governmental decision-makers and other actors to achieve policy change (Shanahan et al., 2011, p.536).

A policy narrative contains 'a setting, a plot, characters (hero, villain, and victim), and is disseminated toward a preferred policy outcome (the moral of the story)' (Shanahan et al., 2011, p. 539). The construction of such a narrative can be translated into concrete activities such as manipulation of policy images and framing (Brouwer & Huitema, 2018, p.1264). Policy images are the public translations of AC beliefs that frame events in a specific way. This can assume form in sound bites, campaign slogans and causal stories. In order to accomplish their belief-driven objectives, AC's 'project and defend policy images to contest an opponent or to attract positive or negative attention to the policy subsystem' (Weible, 2008, p. 623). Framing refers to combining a set of claims, topics or themes into a coherent entity. Within this entity certain features of reality are accentuated and others obscured in order to tell a consistent story about problems, causes, moral implications and remedies (Schrover & Schinkel, 2013, p.1129). A final element borrowed from the NPF concerns the presentation of the policy narrative as either a winner's tale or a loser's tale. A winner's tale presents a story which focuses on preserving the status quo, whilst a loser's tales focuses on policy change (Shanahan et al., 2011, p.544).

Besides rhetorical persuasion, which strategically exploits the use of language, AC's also exploit so-called focusing events. These are sudden and scarce events which are harmful, or uncover potential future harms, for a specific community of interest. This harm is known by both policy makers and the public (Birkland, 2006, p.2). These events can occur both inside and outside the policy subsystem. Internal events such as policy fiascos, scandals, crises and failures are prone to influence beliefs and

concentrate attention to certain governmental programs. However, focusing events only serve as an incentive for policy change when actors are able to exploit them. The shocks produced by these events do not correlate directly with policy change. Such events will gain importance when AC's take advantage of them. AC's must use the concentration of attention and urgency to seek support for the severity they ascribe to a problem, its underlying causes, who is responsible and what the policy implications are (Pierce et al., 2017, p.4). This exploitation generally needs to happen quickly, since the sense of urgency attached to a focusing event does not continue indefinitely. Therefore, the desired policy solution needs to be prepared beforehand (Brouwer, 2015, p.114).

2.2.2.2 Linking strategies

Policy change is generally not achieved in isolation, due to the mutual dependency of actions amongst actors. Therefore, AC's generally use linking strategies to coordinate and link their activities to a certain extent. The first strategy within this category is coalition building. This 'building' refers to the active collaboration actors seek with other actors. The strategic reasoning behind this collaboration often derives from the impression that it enables a better-informed decision. Including more actors into a coalition results in more 'eyes' to identify problems and more 'hands' to implement solutions. Furthermore, an increasing amount of actors advocating for policy change has the prospect of more social and political support for the policy proposals presented and can lead to obtaining additional resources (Brouwer, 2015, p.127). However, as mentioned in §2.1.2 it is possible that there is no collaboration or coordination amongst actors at all. In these cases, one speaks of advocacy communities. Another relevant concept when addressing coalition building is selective activation. This concept points out that due to limited time and resources, actors must think carefully about what kind of partnerships make strategic sense, before engaging with various individuals and groups (Mintrom, 2000, p.141). This selective activation is used to target specific actors. An example is investing in the change of current agency staff, by encouraging hiring staff with a different background or by changing the professional education of the current staff. Even more rigorous selective activation is achieving a change in personnel by transfers or reorganisations (Sabatier & Jenkins-Smith, 1993, p.227).

When AC's do engage in some form of coordination and coalition building, they can link more than just actors to their coalition. They can also link other issues to their problem. This issue linking strategy concerns the question whether or not AC's should alter their policy proposals and link it to other issues. This issue linking can both serve a substantive and a strategic interest (Brouwer, 2015, p.59). When deployed for strategic reasons, issue linking boils down to considering several problem perceptions and interests in order to come to a solution that is satisfactory to all relevant coalition partners. The strategic interest of issue linking is hereby primarily aimed at building coalitions. Actors

inside and outside the AC jointly select solutions that are able to satisfy the different demands that they have. When a solution is able to accomplish this, the actors involved are successfully bound to each other without requiring them to reach substantial agreement on problem definitions or objectives (Koppenjan & Klijn, 2004, p.163). However, issue linking is not only used as a means to an end, but it can also be used for substantive purposes (Brouwer & Huiteima, 2018, p.1267). This substantive character focuses on enriching outcomes. In this case linking problem dimensions of one AC to problems from other AC's aims to achieve the implementation of a broader set of suggested solutions and policies within one or more policy subsystems (Brouwer & Huiteima, 2018, p.1267).

The last linking strategy, game linking, refers to a strategy that focuses on obtaining support for a certain policy by making concessions for other projects. 'This strategy entails the linking of two or more parallel or future policy games to open up possibilities in order to find mutually acceptable concession packages.' (Brouwer, 2015, p.60). Game linking is closely related to issue linking and coalition building, since game linking acknowledges that the cooperative behaviour and negotiation that takes place within the former two strategies does not always result in winners. Therefore, it is important to provide possible 'losers' with compensation elsewhere (Brouwer, 2015, p.60). When compensation cannot be instantly provided, actors can also offer opportunities for gain in other games or in the future (Koppenjan & Klijn, 2004, p.164). It is possible to differentiate between parallel game linking and game linking in time. For parallel game linking, actors sacrifice on certain elements in project A in order to acquire more on project B, which takes place simultaneously. Game linking in time refers to the strategy where actors sacrifice something in project A, aiming to get something in exchange in project B, which will take place in the future (Brouwer & Huiteima, 2018, p.1267). An overarching characteristic of the game linking strategy is that it takes the influence of external elements into account. Policy games do not occur in isolation but are mostly played within a political arena where other games are played, which might have overlapping issues and participants (Brouwer, 2015, p.159).

2.2.2.3 Relational management strategies

The third category of strategies focuses on the relational dimension of policy change trajectories. These relational management strategies depart from the importance of maintaining human relations. The networking strategy refers to the total sum of relations that actors maintain and thus includes more actors than those included within a specific AC. Networking activities generally come down to spending a lot of time talking and listening to a wide range of actors active within a certain domain. These activities enable actors to see problems from several perspectives. This can help them in comprehending 'what actors are looking for and enables them to better appreciate how their actions are perceived by others and, at least as important, will affect others in their network.' (Brouwer,

2015, p.176). Besides the general maintenance of good relations, networking is also vital for acquiring knowledge and an improved understanding of the preferences, ideas and concerns of other actors involved in the policy process. This is essential for identifying new ideas and opportunities, and subsequently the proceeding of the strategic game (Brouwer & Huitema, 2018, p.1267). The acquisition and exchange of knowledge can also relate to the information, resources and financial means that equates with access to authority and thus policy change entry points (Weible et al., 2012, p.13). Networking one's way to these entry points can be done by lobbying elected officials who have the authoritative power to bring about policy change (Pierce, 2016) or by fostering relations with bureaucratic insiders who can provide information from closed-off meetings (Roberts & King, 1991). Becoming allies with bureaucratic insiders has the advantage of having an entry point for the implementation of an advocated policy change (Roberts & King, 1991, p.162).

2.2.2.4 Arena strategies

The last category focuses on the arena within which policy processes occur. The term arena refers to the locus and time within which policymaking processes occur. It is within these arenas where problem definitions and policy ideas eventually translate into policy decisions (Brouwer, 2015, p.64). The first arena strategy, venue shopping, focuses on the selection of the most promising venue AC's can approach 'for the consideration of their issues' (Baumgartner & Jones, 1991, p.1045). These venues can be the administrative and political venues within the different governmental levels, courts or media outlets. Venue shopping can also concern the choice of the right jurisdictional level. Furthermore, the selection of venues implies a procedural choice regarding effectiveness. This revolves around the consideration whether a venue with or without regular and established procedures is most effective to achieve policy change (Brouwer, 2015, p.63). Making the right decision upon these elements is generally achieved by trial-and-error rather than a rational cost-benefit analysis (Brouwer, 2015, p.210). Venue shopping is especially attractive in an environment where little support exists for policy change or when actors prefer to work around the existing procedures in order to bring about policy change. However, it can also be a mere necessity when actors are not involved in formal decision-making processes and therefore must approach other venues (Baumgartner & Jones, 1991).

The second arena strategy, timing, focuses on strategically making use of time factors. Naturally, time is not something that can be fully managed, however it can be strategically used. In order to do so actors must be alert for the emergence of the right moments, so-called windows of opportunity, and exploit these moments appropriately (Kingdon, 1984). However, timing is more than alertly awaiting the right occasions to bring about policy change. Timing also involves the strategic use of

time pressure, a way of intentionally speeding up or slowing down policy making processes to advance policy change (Brouwer, 2015, p.64).

2.3 Summarising the framework

Table 2 below visualises all of the advocacy categories, their subsequent categories and tactics.

Category	Strategies	Tactics
Attention and support seeking strategies	Demonstration	<ul style="list-style-type: none"> Organise and participate in public protests Generate & disseminate (research) report Review agency rules Publicise agency performance gaps Correlation problem & solution Pursue litigation Pursue changes in legislation
	Rhetorical persuasion	<ul style="list-style-type: none"> Build policy narrative
	Exploit focusing event	<ul style="list-style-type: none"> Quickly respond to sudden and rare event and take advantage of it Have already available solution for the event's problem
Linking strategies	Coalition building	<ul style="list-style-type: none"> Seek collaboration Selective activation
	Issue linking	<ul style="list-style-type: none"> Strategic issue linking Substantive issue linking
	Game linking	<ul style="list-style-type: none"> Parallel game linking Game linking in time
Relational management strategies	Networking	<ul style="list-style-type: none"> Spend time with and listen to actors active within a certain domain Acquire knowledge and improved understanding of preferences, ideas and concerns of actors involved Access entry points to authority
Arena strategies	Venue shopping	<ul style="list-style-type: none"> Choose right venue for consideration of issues Select the right jurisdictional level Focus on influence via existing procedures or via absence of procedures
	Timing	<ul style="list-style-type: none"> Recognise and exploit windows of opportunity Deliberately speed up and slow down the policy process

Table 2 – the advocacy strategy framework

Chapter 3 Methodology

This chapter will discuss the research methodology. Firstly, the research question will be divided into sub-questions. Secondly, the case study research design will be discussed. Thirdly, the reason for selecting the specific case and the delineation of the policy subsystem and advocacy coalition will be explained. Fourthly, the data used to answer the research question will be elaborated upon. Lastly, the way this data has been analysed to answer the research questions will be discussed.

3.1 Research questions

This research will answer the following research question: *Which strategies did the actors advocating for a change in the IND work instruction for LGBT asylum seekers use and how did these strategies influence the change of the IND work instruction for LGBT asylum seekers?*

To be able to answer this research question several sub-questions (SQ) will be used. The first sub-question has a descriptive nature, aimed at providing a clear answer of which policy changes have been made in the work instruction document:

- SQ1: *Which factual changes have been made in the IND work instruction for LGBT asylum seekers document?*

The remaining sub-questions deal more in-depth with the advocacy coalitions and how their strategies have influenced the policy change:

- SQ2: *Which actors make up the advocacy coalition pro-change IND work instruction LGBT asylum seekers?*
- SQ3: *Which strategies did the advocacy coalition pro-change IND work instruction LGBT asylum seekers use to influence the change of the work instruction?*
- SQ4: *How did the strategies used by the advocacy coalition pro-change IND work instruction LGBT asylum seekers influence the policy change as reflected in the new work instruction and its implementation?*

3.2 Research design

This research uses a qualitative case study to answer the research questions. The strength of a case study lies in its ability to provide contingent generalisation on specific causal paths (George & Bennet, 2004, p.112). Since advocacy strategies are an underdeveloped ACF-component, this case study provides a useful focus to see how strategies manifest themselves within a specific context. Subsequently, assessing the explanatory value of advocacy strategies within a case study will further the development of the ACF policy change theory. Furthermore, case studies are valuable for examining 'a contemporary phenomenon within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident' (Yin, 2003, p.13). Since at first sight, neither the public nor the political debate clearly reflects *how* the phenomenon of the work instruction's change came about and within which context this took place, a case study is appropriate.

3.3 Case selection

3.3.1 Why this case?

The importance of a case study moves beyond the theoretical suitability of describing the influence of advocacy strategies within the specific context of the change of the IND work instruction for LGBT asylum seekers. Thoroughly analysing this case will expose the overarching struggle of how actors translate their beliefs into strategies and how these strategies get manifested in and responded by the institutional power structures of extremely complex decision making. Complexity in this LGBT asylum case not only refers to the technical dilemma in deciding upon the most accurate methods for assessing asylum grounds of which it is debatable whether these grounds can be assessed. The complexity also refers to how actors wage a political battle regarding extremely sensitive issues. This case addresses an intertwining of advocacy for immigrant rights and LGBT rights. Analysing this advocacy reveals how the sensitive issues of immigration control and state interference with extremely private issues (sexual orientation and gender identity) are subjected to conflicting interests. A conflict which in the end gets translated into the concrete asylum policy.

3.3.2 Selecting the analytical units

The selection of the analytical units for this research was twofold. Firstly, the policy subsystem where the advocacy for a change in the IND work instruction for LGBT asylum seekers occurred, has been selected. Such a delineation process bears the risk of constructing a subsystem structure that is biased, due to reliance on hierarchical institutional settings. This research has bridled this risk by combining several institutional structures (Nohrstedt, 2011, p.467). The policy subsystem is selected by retrieving the actors who regularly seek to influence the LGBT asylum policy from four

institutional fora: the national political and administrative arena, the media arena and the legal arena. This selection processes resulted in positioning the policy at hand – IND work instruction for LGBT asylum seekers – within the broader general asylum policy subsystem. Although policy subsystems require a certain specification (§ 2.1.1), the issue of LGBT asylum on its own is too narrow to base an entire subsystem on. Rather, the issue of the IND work instruction for LGBT asylum seekers is nested within the mature asylum policy subsystem. The selection process of the policy subsystem is reflected in the figure 1 below.

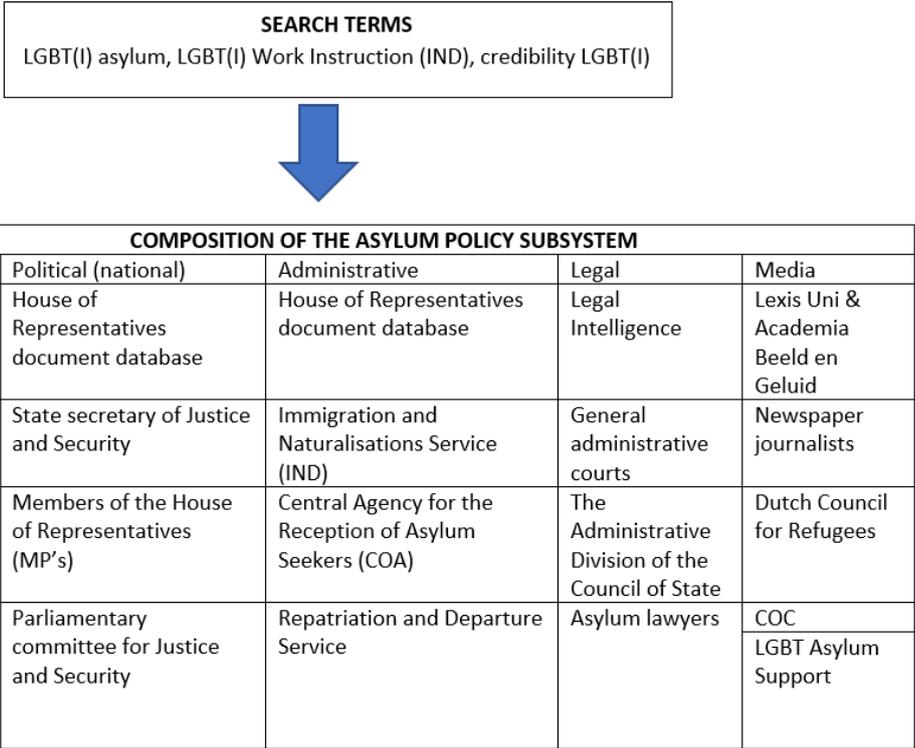


Figure 1 – delineation process of the asylum policy subsystem

Secondly, a selection has taken place within the asylum policy subsystem to identify the AC’s that are active regarding the change of the IND work instruction for LGBT asylum seekers. The parliamentary documents, media items and jurisprudence cases have been scanned on the presence of actors advocating for and against a change of the work instruction. Subsequently, a sample of these different actors has been interviewed and asked if actors, not identified by the databases, were missing in the AC. The AC’s have been grouped by their compatible policy core beliefs following the criteria expressed in §2.1.1. This selection has resulted in only one active AC active in the IND work instruction policy change process. This AC has been labelled the AC pro-change IND work instruction LGBT asylum seekers. However, the lack of opposing AC’s does not imply that there has been no resistance regarding the policy change (see negative feedback in chapter 5 and chapter 6). The composition of the AC pro-change is visualised in figure 2 below

COMPOSITION OF AC PRO-CHANGE IND WORK INSTRUCTION				
Arena	Political (national)	Scientific	Legal	NGO (LGBT interest groups)
Actor	MP's: D66 Socialist Party Labour Party Green Party Christian Union Christian Democratic Appeal	Cultural psychologists Asylum law researchers	Asylum lawyers	COC Netherlands
	MP policy advisors			LGBT Asylum Support
	Member from committee for Justice and Security			

Figure 2 – composition of the AC pro-change IND work instruction

3.4 Data collection

This research has used a qualitative approach, wherein two data categories have been used to answer the research questions. Firstly, an in-depth document analysis has been executed, consisting of parliamentary documents, media items and jurisprudence. These sources correspond with the three classical arenas where policy advocacy is generally brought about (Hopkins, 1992). All documents were selected in the time scope between 2015 (publication of the first IND work instruction for LGBT Asylum Seekers) and July 2019 (one year after the implementation of the new work instruction). Secondly, in-depth interviews have been conducted with members from the AC pro-change IND work instruction LGBT asylum seekers. These four data sources were chosen to provide the most exhaustive possible data pool to identify the ‘playing field’ where the policy change process took place, the composition of the advocacy coalition and the strategies they used throughout the policy change process.

3.4.1 Document analysis

The first stream of sources are parliamentary documents. The decision-making on IND work instructions falls under the political responsibility of the state secretary for Justice and Security. Therefore, political and policy documents from the national level have been analysed. These documents have been retrieved from the online database of the Dutch Parliament (<https://www.tweedekamer.nl/kamerstukken>). These documents enable retrieving insights from the policy change process in the political arena.

The second stream of data is jurisprudence from appeal cases of LGBT asylum seekers who received a negative decision from the IND on their asylum application. The cases have been retrieved from the online legal database Legal Intelligence. Appeal cases were chosen since they inherently express a

sense of disagreement and provided the possibility of including asylum lawyers in the AC. This disagreement might go beyond asylum lawyers' pleas in specific lawsuits and could reflect a general criticism on the IND work instruction, which might hint at advocacy for policy change. Furthermore, jurisprudence proves to be the most suitable source to analyse how the work instruction gets translated into the legal practice. The work instruction's implementation – translated in the IND decisions to grant or reject an asylum status - are challenged in court and thus prove insight in how the policy implementation process proceeds.

The third stream of data consists of national and local news articles retrieved from the database LexisUni and national news broadcasts retrieved from the database Academia Beeld en Geluid. The media analysis was used to complement the insights from the jurisprudence and political analysis. News broadcasts and newspaper articles have the added advantage that they often quote certain viewpoints, opinions or actions undertaken by relevant actors. Thereby, further identification of the policy beliefs and advocacy strategies used by the AC is enabled.

The overview of documents and corresponding search criteria from the document analysis can be found appendix II.

3.4.2 Interviews

The second category of data consists of semi-structured interviews. The interviews have been conducted with a sample from the AC pro-change IND work instruction LGBT asylum seekers. This selection has been on the basis of maximum variation sampling. This sampling method aims to ensure a broad as possible variation in terms of the interest dimension (Bryman, 2012, p.419). The maximum variation consists of a most exhaustive possible representation of the different parties within the AC pro-change IND work instruction. The interviews followed the structure of the time line that was made of the policy change process of the IND work instruction. Each respondent was presented the same general time line, comprising a set of focal events in the policy change process (see appendix III). For each interview a second customised time line was integrated with the general time line, consisting of the events expressing the advocacy strategies used by the interviewed actor that could already be retrieved from the document analysis. This formed the basic structure of the interviews, which was complemented with questions regarding the remaining strategies that did not appear in the document analysis, to check whether these were used as well (see appendix IV & V). The interviews were mostly used to assess the influence of the strategies on the policy change process. Furthermore, the interviews enabled respondents to mention and provide documents that did not appear in the document analysis. Herewith, the interviews also enriched the document analysis. Lastly, the interviews were used to ask actors to identify possible missing actors within the AC.

3.5 Data-analysis

3.5.1. Operationalisation

In order to consistently analyse the data in accordance with the theory, an operationalisation table has been constructed. The operationalisation of the advocacy strategies logically derives from the advocacy strategy framework presented in §2.3. Table 3 below visualises the four strategy categories, which strategies fall under which category and which activities and/or behaviour needs to be observed within the AC to be labelled as a tactic. By operationalising the advocacy strategies, the table shows which variables are labelled as indicators of influencing policy change. However, there is also a need to take opposition into account when analysing policy change process. Therefore, the operationalisation table includes a set of negative feedback variables (based on §2.1.3), which can be a response from decisionmakers to the advocacy strategies used by the AC. This relationship is indicated by the blue arrow.

Strategy category	Strategies	Tactics
Attention and support seeking strategies	Demonstration	<ul style="list-style-type: none"> • Organise and participate in public protests • Generate & disseminate (research) report • Review agency rules • Publicise agency performance gaps • Correlation problem & solution • Pursue litigation • Pursue changes in legislation
	Rhetorical persuasion	<ul style="list-style-type: none"> • Build policy narrative <ul style="list-style-type: none"> - Manipulation of policy images - Framing - Presenting a winner or loser tale
	Exploit focusing event	<ul style="list-style-type: none"> • Quickly respond to sudden and rare event and take advantage of it • Have already available solution for the event's problem
Linking strategies	Coalition building	<ul style="list-style-type: none"> • Seek collaboration <ul style="list-style-type: none"> - Enhance legitimacy - Better informed decision - Acquire social and political support - Obtain additional resources • Selective activation <ul style="list-style-type: none"> - Assess strategic benefit of collaboration - Encourage hiring new staff - Change professional education of staff - Transfer or reorganisation of personnel
	Issue linking	<ul style="list-style-type: none"> • Strategic issue linking <ul style="list-style-type: none"> - Take several problem perceptions into account to build coalitions - Select solutions that are satisfactory for all coalition actors • Substantive issue linking <ul style="list-style-type: none"> - Link problem dimension to problems of other AC's to achieve a broader effect in policy subsystem(s)
	Game linking	<ul style="list-style-type: none"> • Parallel game linking <ul style="list-style-type: none"> - make sacrifice on a project to acquire gain in another project taking place simultaneously • Game linking in time <ul style="list-style-type: none"> - make sacrifice on a project to acquire gain in another project in the future
Relational management strategies	Networking	<ul style="list-style-type: none"> • Spend time with and listen to actors active within a certain domain • Acquire knowledge and improved understanding of preferences, ideas and concerns of actors involved • Access entry points to authority <ul style="list-style-type: none"> - lobby elected officials - foster relationship with bureaucratic insiders
Arena strategies	Venue shopping	<ul style="list-style-type: none"> • Choose right venue for consideration of issues • Select the right jurisdictional level • Focus on influence via existing procedures or via absence of procedures
	Timing	<ul style="list-style-type: none"> • Recognise and exploit windows of opportunity • Deliberately speed up and slow down the policy process



Negative feedback
<ul style="list-style-type: none"> • Resistance against policy change • Counter-change mobilisation • Efforts to slow down the policy change process • Focus on aptness of existing procedures • Counter-pressure from status quo

Table 3 – advocacy strategies and negative feedback translated into operationalised variables

3.5.2 Asserting influence

The overarching data analysis question is how to make claims about the influence of advocacy strategies on the change of the work instruction. Influence in this research is defined as ‘the achievement of (a part of) an actor’s goal in decision-making, which is either caused by one’s own intervention or by the decision-makers’ anticipation’ (Arts & Verschuren, 1999, p.413). Thus, influence is not per se achieved via bilateral contact between actor A and B. It is possible that actor C may transmit A’s preferences to decision-maker B (Arts & Verschuren, 1999, p.413). Influence is measured by analysing how the advocacy strategies that actors have used led to responses from decisionmakers and how these responses reflect the actors’ preferences in policy outcomes (Dür, 2008, p.562). Decisionmakers in this research refer to the Members of Parliament, the government (the state secretary of Justice & Security in particular), the IND and courts deciding upon LGBT asylum appeal cases. The assertion of influence in this research is both procedural and outcome-oriented. The procedural influence will look at how the advocacy strategies have influenced the policy change process of the work instruction by analysing the development of advocacy from agenda setting until the new work instruction’s implementation in IND decisions and subsequent appeals to these decisions in court. This process analysis focuses on how actors aimed to transmit their preferences to the decisionmakers via their advocacy strategies. The second form of influence is more outcome-oriented. This influence measurement refers to the influence the advocacy strategies have had on the change of the factual work instruction document.

To make claims on the influence of the advocacy strategies, elements from the EAR-instrument and Causal Process Tracing (CPT) are combined. In asserting influence, the EAR-instrument uses three dimensions: ego-perception (E), alter-perception (A) and researcher’s analysis. Ego-perception refers to how actors themselves perceive the influence of their strategies on the policy change. This perception is retrieved from the interviews, where actors have been asked directly how they think their own actions have had influence. Alter-perception refers to how other actors within the AC perceive the influence of the other actors. This perception is also retrieved from the interviews, by asking AC-members how they perceived the influence of the other AC-actors. The researcher’s analysis refers to the validity check of ego and alter-perception performed by the researcher (Arts & Verschuren, 1999, p.417).

This researcher’s analysis is executed via Causal Process Tracing (CPT). CPT is a method that has proven to be useful in inferring causality in case studies (Kay & Baker, 2015). In this research, causation does not refer to the direct cause-consequence relationship. Causation is more accurately conceptualised as influence; a factor is labelled as a cause if its presence enhances the plausibility of an outcome (Steinberg, 2007, p.183). CPT provides a way to tackle the complexity of substantiating

causality in policy change studies by offering a ‘tool for drawing descriptive and causal inferences from diagnostic pieces of evidence – often understood as part of a temporal sequence of events’ (Collier, 2011, p.824). In this research these diagnostic pieces of evidence take form of a chronological time line constructed from all three streams from the document analysis. This meticulous reconstruction of events enables making plausible claims on how the advocacy strategies used have influenced certain policy outcomes.

This research acknowledges that policy change is not merely the result of effective advocacy strategies. However, it would be beyond the scope of this research to include all possible external policy subsystem factors when asserting influence. To somewhat account for the impact of external factors this research looks for possible focusing events and how the AC has exploited these events (§2.2.2.1).

3.5.3 Coding

This research has a qualitative nature and therefore the documents and interviews will be analysed in a qualitative way. The first step in the data analysis is to analyse the parliamentary documents and map which changes have been made in the new work instruction document. The second step in the data analysis aims at in-depth identification and analysis of the strategies deployed by the AC pro-change IND work instruction LGBT asylum seekers and their influence on the policy change. For this analysis, software program Nvivo12 has been used to code the data. This coding consisted of three steps. Firstly, initial coding was used to analyse the data meticulously to be open-minded for codes that go beyond the operationalised strategies and tactics (see table 3). Secondly, the data was subjected to focused coding, meaning that the initial codes were subjected to a selection of which codes makes the most analytical sense to categorise the data completely (Bryman, 2012, p.569). Thirdly, axial coding was used. This entails re-categorising the data by making connections between the different categories via linking codes to interaction patterns, contexts and consequences (Bryman, 2012, p.569).

Chapter 4 The Context of the Work Instruction

This chapter will provide the necessary context for understanding the focal policy of this research: the IND work instruction for LGBT asylum seekers. Firstly, a general description of what an IND work instruction entails will be provided. Secondly, the most important differences between the old work instruction (WI 2015/9) and the new work instruction (WI 2018/9) will be presented schematically to provide insight in which changes have been made in the factual work instruction document. Hence, this chapter can answer sub-question 1: *Which factual changes have been made in the IND work instruction for LGBT asylum seekers document?*

4.1 The IND work instruction for LGBT asylum seekers

The IND work instruction for LGBT asylum seekers addresses the investigation the IND executes in cases where sexual orientation or gender identity is put forward as grounds for asylum. The work instruction is specifically targeted at the two interrogations that IND officers conduct with LGBT asylum seekers. The narrative presented by an asylum seeker in these two in-depth interviews forms the pivot of the decision the IND will later take: either granting or rejecting asylum status. The first interrogation focuses on verifying the asylum seeker's identity, nationality and travel route. The second interrogation focuses on assessing the credibility of the grounds of asylum put forward by the asylum seeker (IND, 2018). The work instruction addresses a variety of topics that have to give guidance to the interrogations conducted with LGBT asylum seekers. This guidance focuses on how the answers given by the asylum seeker are supposed to be weighed during the credibility assessment. Furthermore, the work instruction pays attention to how repeated asylum applications are dealt with. The IND acknowledges that assessing the credibility of LGBT asylum applications is not an easy task. One cannot give a standard answer to the question if someone is an LGBT person or not. Therefore, the work instruction does not aim to provide a standard checklist, but rather a guideline to steer the interrogations and subsequent decision-making (IND, 2015).

4.2 Assessment of the asylum seeker's story

Before presenting the factual changes of the work instruction, it is important to understand the two overarching assessment criteria of any asylum application: credibility and severity. The veracity assessment of the narrative presented by an asylum seeker in the two IND interrogations centres around these two criteria. They are the pivot of the decision the IND will take on granting or rejecting asylum status. It is mostly during the second interrogation with the IND – which focuses on verifying the veracity of the asylum grounds - where the work instruction is used to assess the credibility strength of a LGBT asylum applicant's narrative.

4.2.1 Credibility

The determination of the general credibility of an asylum narrative is done by following work instruction 2014/10, the integral credibility assessment. This credibility assessment proceeds as follows. After the IND has identified relevant elements which may impact the credibility of a narrative (nationality, identity, sexual orientation, et cetera), they are individually assessed on the basis of objective evidence (IND, 2015). In case no objective evidence can be provided in support of a relevant element – which applies to LGBT asylum claims - the IND assesses the elements on internal and external credibility indicators. These indicators require that to be labelled as credible, the narrative presented by the asylum seeker must be detailed, specific and cannot contain inconsistencies, contradictions or incongruities (Jansen, 2018, p.20). The final judgement on the credibility assessment of an asylum narrative has to state which elements are considered to be credible and which are not. Considering that LGBT asylum seekers frequently lack the evidence to substantiate their narrative, the work instruction 2014/10 prescribes that when the general narrative can be considered credible, the benefit of the doubt should be granted (IND, 2015).

4.2.2 Severity

After establishing the credibility of an asylum narrative, the subsequent step is to assess whether the asylum seeker risks a well-grounded fear of persecution upon return to his country. This severity assessment depends on whether the asylum seeker has experienced any acts of persecution in his country of origin and how much time has passed between these persecution acts and the actual departure to flee. For LGBT asylum applicants, the severity assessment also relies on whether those feared to be facing persecution from are aware or can become aware of the gender identity or sexual orientation of the asylum seeker. A severity claim has to be made regarding all of these three elements individually (Jansen, 2018, p.21). The next step is to examine whether the credible elements of the asylum narrative and the corresponding presumptions are severe enough to constitute the well-founded fear of persecution as defined in the Refugee Convention or a risk of violating of Article 3 of the European Convention on Human Rights (Jansen, 2018, p.21). If this is the case, the IND investigates whether the national authorities in the country of origin are willing and able to offer effective protection. Furthermore, the IND examines whether an internal flight alternative can be provided in the country of origin. If this is not possible, asylum status will be granted (Jansen, 2018, p.21).

4.3 Factual changes in the work instruction document

To be able to effectively assess the influence of the advocacy strategies used by the AC, it is important to have an accurate overview of which textual changes have been made in the work instruction document. Therefore, the most important differences between the old work instruction (WI 2015/9) and the new work instruction (WI 2018/9) are presented in table 4 below². The differences are structured via the work instruction’s paragraphs. Each paragraph’s content is shortly described. The red markings indicate that the section has been removed from WI 2015/9 and thus not reappeared in WI 2018/9. The green markings indicate that a section in WI 2018/9 has been adapted compared to WI 2015/9. The blue markings indicate that an entire new paragraph has been added to WI 2018/9.

Paragraph	WI 2015/9	WI 2018/9
Introduction: this paragraph presents an introduction of the general research used by the IND during the interrogations and subsequent decision-making	The IND does not request the asylum seeker to substantiate his asylum story with documentary evidence in the form of photos or videos	The IND does not request the asylum seeker to substantiate his asylum story with documentary evidence in the form of explicit sexual visual footage. However, when (audio)visual footage is presented by the asylum seeker, this will be taken into evidence, unless it contains sexual material.
Research: This paragraph presents an elaboration on which type of questions are asked during the research and which premises are used during the interrogations	The IND does not ask the asylum seekers explicit questions about sexual acts or activities.	The IND does not ask the asylum seeker explicit about sexual acts or activities. The IND asks open questions to get a picture of the situation of the asylum seeker. By asking these questions it is important to obtain the asylum seeker’s authentic and individual story. This story involves the asylum seeker’s personal experiences, feelings and the way his environment has responded to this.
	Stereotypical questions may be asked, but if the asylum seeker is not able to answer such questions, then this cannot be held against him. However, if an asylum seeker does meet the stereotypical LGBT image, this is allowed to be positively taken into consideration in the research.	The assessment cannot be based on prejudices. The IND must depart from the individual situation and personal circumstances of the asylum seeker. This implies that when an asylum seeker addresses stereotypes himself during the interrogations, further questions may be asked about it.
	The IND uses an internal question list, which reflects the themes addressed in the work instruction. The question list should not be seen as check list, but rather as a guideline which provides reference points during the interrogations and subsequent research.	The IND does not use a (standard) question list. Mainly open questions have to be asked during the interrogations. These questions should mostly address the personal experiences of the asylum seeker and what these experiences have meant for him. IND officers must take into account that not every asylum seeker is used to talk about these experiences. During the interrogations, IND officers need to maintain an unbiased attitude. This means that they have to prevent to reason from a western reference framework. It is often the case that asylum seekers come up with standard answers during the interrogations, whilst the IND is looking for an authentic story. Therefore, it is important to ask follow-up questions when standard answers are given.
Themes: This paragraph presents an elaboration on the themes used by the IND during the interrogations, especially in the light of the credibility assessment	Theme: private life (amongst other family, friends (previous relation) and religion)	Theme: private life (amongst other family, friends (previous relation) and environment)
	This theme addresses the personal experiences of the asylum seeker regarding his sexual orientation, such as the conscious realisation of the sexual orientation, the process (of self-acceptance) , how the environment responded to this, and possible relationships the asylum seeker has had.	The asylum seeker will be asked to elaborate on how he realised that he was “different” / LGBT, how he personally experienced this and how his environment responded to this. Furthermore, the asylum seeker will be asked if he has (had) any relationships.
	Theme: relationships, contact with homosexuals in country of origin and contact with the LGBT community The IND will ask the asylum seeker if he has knowledge of the social and political aspects of the homosexual community in his country of origin.	Theme: relationships, contact with LGBT’s in country of origin and contact with the LGBT community The IND will ask the asylum seeker if he has knowledge of the social and political aspects of the LGBT community in his country of origin. When the asylum seeker has knowledge hereof, he will be asked to explain what these aspects mean to him. When the asylum seeker comes from a country where homosexuality is not accepted or legally forbidden, he will be asked to explain what this has meant to him.

² For a literal translation of the changed passages between WI 2015/9 and WI 2018/9, see appendix VI

	<p>Theme: Contact with homosexuals in the Netherlands and knowledge of the Dutch situation.</p> <p>The asylum seeker could have acquired knowledge of the situation of LGBT's in the Netherlands. For example via contacts with the LGBT-community or because of own experiences or research.</p>	<p>Theme: Contact with LGBT's in the Netherlands and knowledge of the Dutch situation.</p> <p>The asylum seeker could have acquired knowledge of the situation of LGBT's in the Netherlands. For example via contacts with the LGBT-community or because of own experiences or research. If this is the case, then the asylum will be asked to elaborate on the nature of these (past) contacts and what these have meant for him. However, it is not a requirement to be in contact with the Dutch LGBT-community. Also when someone did not have these contacts and/or knowledge, it can be plausible that he is LGBT.</p>
<p>Credibility assessment: This paragraph presents an explanation of how the asylum seekers' answers, given during the interrogations, are weighed and translated into the credibility assessment of the asylum seeker's story.</p>	<p>The axis in the credibility assessment lies on the asylum seeker's statements on his personal experiences (amongst others conscious realisation and self-acceptance) with his sexual orientation. The asylum seeker is asked to elaborate what these processes have meant for him and his environment and what the situation for people with this sexual orientation is in the country of origin. These questions are particularly important when the asylum seeker is from a country where homosexuality is socially unacceptable or punishable. The IND will assess how the asylum seeker's narrative fits into the general situation in the country of origin.</p>	<p>The axis in the credibility assessment lies on the asylum seeker's statements on his personal experiences and perceptions regarding his sexual orientation. The asylum seeker is asked to elaborate on what these processes have meant for him and his environment and what the situation for people with this sexual orientation is in the country of origin. These questions are particularly important when the asylum seeker is from a country where being LGBT is socially unacceptable or punishable. In that situation the question arises if and how the asylum seeker has adapted to this environment and how he has experienced this. The IND officer will assess how the asylum seeker's narrative fits into this general situation in the country of origin.</p>
	<p>The IND does not assume that all asylum seekers have gone through an internal struggle before they have accepted their LGBT orientation. However, one may expect that for someone from a country where LGBT orientation is not accepted and maybe even punishable, there will be a process of conscious realisation in place. During this process the asylum seeker will be faced with the question what it means to be different than society expects and/or desires. In the credibility assessment the IND will attribute weight to this process of discovery and the way the asylum seekers says to have dealt with this process. These elements weigh heavier when the asylum seeker comes from a country where the LGBT-orientation is not accepted.</p>	<p>The IND does not assume that all asylum seekers have gone through an internal struggle before they have accepted their LGBT orientation. However, one may expect that for someone from a country where LGBT orientation is not accepted and maybe even punishable, there will be a (thought)process where the foreigner is faced with the question what it means to be different than the society (and the law) expects/desires. He will be also be faced with the question how he can give and wants to give expression to this being different. In the credibility assessment the IND will attribute weight to this process of discovery and the way the asylum seekers says to have dealt with this process. These elements weigh heavier when the foreigner comes from a country where the LGBT-orientation is not accepted. Evidently, it is important to take the personality and the background of the asylum seeker into account in the questions and subsequent assessment. After all, every asylum seeker has a personal reference framework based on education, cultural background, age etc.</p>
<p>Statements of third parties: This newly added paragraph explains how the IND takes (written) statement from third parties (witnesses, partners, interest groups) into account in the credibility assessment.</p>		<p>Statements of third parties Sometimes an asylum seeker invokes a (written) statement from third parties to substantiate his asylum claim. The IND always takes these statements into consideration. The weight the IND attributes to the statements depend on the individual case. In its decision to grant or reject asylum status the IND must motivate how the provided statements have been taken into account. In assessing the information of statement from third parties, the IND looks to the following aspects.</p> <p>The content of the statements: Factual information, such as the observation of certain behaviour of the asylum seeker, can be of added value to the IND assessment. Especially when the statement is based on information that the IND has at its disposal, such as a third party making a personal assessment of the asylum narrative. Such factual information will weigh much heavier than a third party just stating that the asylum seeker is LGBT.</p> <p>Support statements of third parties on their own do not have added value, unless factual information is added to the file. However, support statements can provide leads for follow-up questions during the interrogations. Questions can be asked why the third party supports the asylum seeker's application and how he knows the third party. Advice from psychologists, psychiatrists, doctors, sexologists et cetera, who state that the foreigners is LGBT, will not be accepted.</p> <p>Source of the statement: The IND looks to the source of the statement: personal observations of a third party weigh heavier than observations from a third hand. The IND also looks into the objectivity of a statement. More weight will be attributed to a statement from a third party that does not have an interest in a (positive) outcome of the asylum outcome, compared to a third party which has an interest.</p>
<p>Consecutive applications: This paragraph explains in which instances new elements or facts in consecutive applications after initial rejection of asylum status can be sufficient to reassess the previous asylum application</p>		<p>In consecutive asylum applications, which invoke new (support) statements of third parties, it will be assessed whether these statements include actual new elements or findings compared to the previously rejected case. Statements of third parties that solely address the facts that have been assessed during previous asylum procedures not be labelled as new elements or findings</p>

Table 4 – textual changes between WI 2015/9 compared to WI 2018/9

Chapter 5 Findings

This chapter will present the advocacy strategies used by the advocacy coalition during the policy change process. Hereby, an answer to sub-question 3 can be provided: *Which strategies did the advocacy coalition pro-change IND work instruction LGBT asylum seekers use to influence the change of the work instruction?* Simultaneously, the strategies' influence will be discussed in order to answer sub-question 4: *How did the strategies used by the advocacy coalition pro-change IND work instruction LGBT asylum seekers influence the policy change as reflected in the new work instruction and its implementation?*³ Following the Causal Process Tracing method (§3.5.2), this chapter will present the findings by using a chronological time line (see figure 3 below). This time line is divided into four stages. The four stages are: getting legal consensus over WI 2015/9, problematising WI 2015/9 onto the political agenda, from agenda to factual change of WI 2015/9 to WI 2018/9 and the contention over the implementation of WI 2018/9. Each stage consists of several focal points, indicated by the capital letters in the figure 3 below. The discussion of every stage in this chapter will be concluded with a schematic summary to reflect which strategies have been used what their influence has been. Throughout this chapter, the advocacy strategies, their corresponding tactics and the variables reflecting negative feedback will be indicated in *italics*.

3

In this chapter the following abbreviations will be used to refer to the different data sources.

Data stream	Data source	Abbreviation used
Documents	Newspaper articles	N (+chronological number)
	News broadcasts	NB (+chronological number)
	Jurisprudence	J(+chronological number)
	Parliamentary documents	TK(+chronological number)
	Criticism letter from COC	COCL(+chronological number)
Interviews	Member of Parliament from D66, also one of the filers of the motion Groothuizen	R1
	Cultural psychologist	R2
	Policy advisor from D66	R3
	Asylum lawyer	R4
	Chairman LGBT Asylum Support	R5

TIMELINE



- A** (8-7-2015) verdict of the Council of State on WI 2015/9
- B** (April 2017) start of LGBT Asylum Support's campaign #notgayenough
- C** (5-9-2017) LGBT Asylum Support's presentation of the #notgayenough petition to the parliamentary committee of Justice and Security
- D** (30-11-2017) filing of motion Groothuizen
- E** (9-1-2018) response letter from the state secretary
- F** (23-6-2018) COC's presentation of the Pride or Shame report
- G** (1-7-2018) announcement of the new work instruction WI 2018/9 by the state secretary
- H** (13-11-2018) response letter from the state secretary regarding the question whether WI 2018/9 is a policy change in the definition of Dutch administrative law
- I** (12-12-2018) response letter from the state secretary regarding the standard reassessment of asylum applications that have been executed under WI 2015/9

Figure 3 – time line of the policy change process of the IND work instruction for LGBT asylum seekers

Stage 1 – Getting legal consensus over WI 2015/9

The advocacy in the first stage of the policy change process focuses on getting clarification on the way the IND assesses asylum applications of LGBT asylum seekers. The initial uncertainty on how this assessment was performed got criticised by asylum lawyers and courts. This criticism led the state secretary to reveal the IND’s assessment by making the – previously internal - work instruction publicly accessible. Since the work instruction revealed the grounds and sources of the assessment, the publication served as an important trigger in the advocacy for a change in the work instruction.

TIMELINE

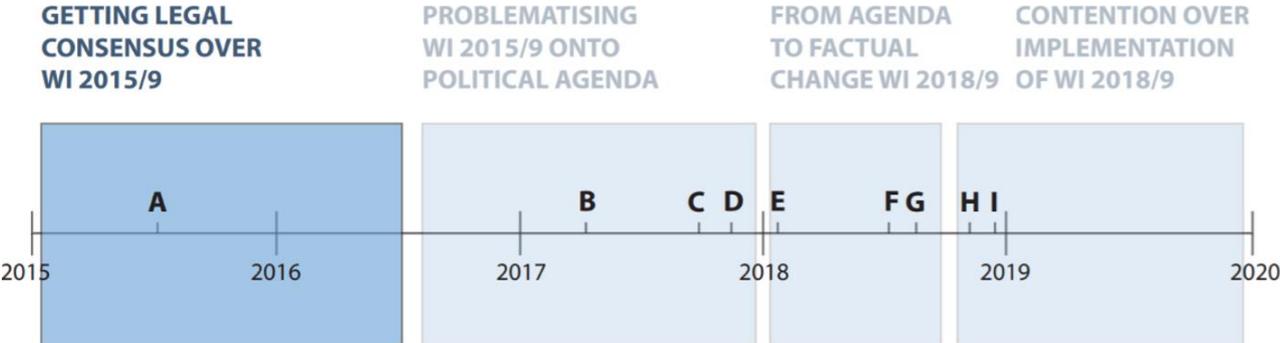


Figure 4 – stage 1: getting legal consensus over WI 2015/9

A 8-7-2015: The legal starting shot for advocacy

The first focal point in stage 1 derives from the 8 July 2015 verdict of the Administrative Jurisdiction Division of the Council of State (hereafter the Council) (J3-5, J7, J23, J28, J35, J40, J47, J57). In this verdict, the Council ruled that the state secretary of Justice and Security - being politically responsible for the work of the IND – failed to provide the courts with a systematic way to assess LGBT asylum applications. Since a policy rule on how to assess sexual orientation or gender identity as grounds for asylum was missing, the courts could not rule adequately on LGBT asylum appeal cases. The state secretary responded to the verdict by revealing that the IND had been using an internal work instruction for LGBT asylum applications since April 2014. To meet the Council’s requirement to provide courts with a systematic way of assessing LGBT asylum application, this internal work instruction was made publicly accessible under the name Work Instruction 2015/9 (WI 2015/9 hereafter) in October 2015.

Making WI 2015/9 publicly accessible reveals the intertwined influence of using *demonstration* and *venue shopping*. By *pursuing litigation* until the highest administrative court, the asylum lawyer of

the 8 July case shows the persistent use of *selecting the right jurisdictional level*. This persistence aligns with the *demonstration* element of expressing the severity of the problem at hand. This severity entails how the absence of a (known) systematic assessment of LGBT asylum applications resulted in unclear grounds on which these applications were rejected. The continued use of *demonstration* and *venue shopping* pressured the state secretary to reveal the IND assessment methods for LGBT asylum applications.

The publication of WI 2015/9 provided the courts with a policy rule to consider in their LGBT appeal case verdicts. However, no consensus was reached amongst courts on how to interpret WI 2015/9. Therefore, the Council sent questions to the state secretary to acquire the necessary clarity (Jansen, 2019, p.27). The lack of consensus between courts reveals the difficulty for judicial authorities to come to an unambiguous way of interpreting the assessment of such a highly complex matter as sexual orientation and gender identity. However, the questions were answered satisfactorily by the state secretary. The Council ruled that the WI 2015/9 was created in a diligent way and that its implementation into the IND examination of LGBT asylum applications had been carefully done.

This legal establishment of the appropriateness of WI 2015/9 left a determinative mark on the policy change process. The verdict endorses the legitimacy of the grounds and sources the work instruction is based on. However, exactly these grounds and sources created resentment amongst several AC-actors. Advocating against such grounds is difficult when the highest administrative court has just *emphasised the aptness of the procedure*. The WI 2015/9 mentions that its themes and guidelines are *'amongst others'* based on an article from Prof. LaViolette, a COC report and the UNHCR Guidelines (IND, 2015). It was mainly the LaViolette article that caused consternation. One of the AC's asylum lawyer explained as follows:

'In 2004, she republished that article. It remains unclear why that article was republished. Because it is exactly the same article, which she wrote just after she graduated in 1996. That is over 20 years ago! [...] It is not at all a scientific article, which she literally acknowledges. And that is really interesting, and reflects a real mistake from the IND officers. That article was nowhere to be found. I could not Google it and even when courts asked about it, it could not be provided. Until I received the article by fax, attached to a IND decision. It was only then when I saw it was written by a recently graduated law student, who writes in her own notes "I assume that someone coming from a country where homosexuality is a taboo, or illegal, that people who have experienced that have gone through a process of conscious realisation and self-acceptance". In one of her first notes she says "I know that

this is an assumption, I am aware that this does rely on a scientific base, but it seems a logical assumption'' (R4).

These processes of conscious realisation and self-acceptance became two of the most dominant elements in the credibility assessment under WI 2015/9 (Jansen, 2018). Interestingly, the LaViolette article addresses several other processes to include in credibility assessment methods. However, these methods are not included in the work instruction. Consequently, the AC asylum lawyers, *review the IND rules* and address the IND's *performance gaps* in court by claiming insufficient consideration of the LaViolette article into WI 2015/9 (R4). However, this advocacy receives *negative feedback* from the IND which *focuses on the aptness of* WI 2015/9. This is done by exploiting a framing opportunity expressed in the formulation of WI 2015/9. Since the wording 'amongst others' (table 4 in §4.3) is used, *'a defendant from the IND will always say "yes but this is not the only thing we base our decision on"'. But yeah what is it then? What they then bring forward are elements related to the procedural guidelines and international rules. But those mention only that you need to have a thorough procedure, but not in what way that procedure should be executed. The only one who said that, was LaViolette.'* (R4). However, the 'amongst other' wording influences court rulings. They argue the despite asylum lawyers' argumentation that not the entire article is taken into consideration in WI 2015/9, the IND has sufficiently taking it into account (J49, J69-70). It is striking to see that the same article the IND uses as substantiation for WI 2015/9 is also used by the AC – being an expression of *disseminating research* – to criticise WI 2015/9.

Summary

Table 5 below shows which strategies and tactics have been used in stage 1. The advocacy in this stage has shown the far-reaching influence of *demonstration* and *venue shopping* used on a single case. Using these two strategies on the 8 July 2015 appeal case, led to making WI 2015/9 publicly accessible. The publication revealed the IND assessment methods for LGBT asylum application and the sources used for the assessment. This revelation influenced other AC-members to criticise the WI 2015/9 and triggered the AC's advocacy to call for a change in the work instruction.

Category	Strategies	Tactics
Attention and support seeking strategies	<input checked="" type="checkbox"/> Demonstration	<input checked="" type="checkbox"/> Organise and participate in public protests <input checked="" type="checkbox"/> Generate & disseminate (research) report <input checked="" type="checkbox"/> Review agency rules <input checked="" type="checkbox"/> Publicise agency performance gaps <input checked="" type="checkbox"/> Correlation problem & solution <input checked="" type="checkbox"/> Pursue litigation <input checked="" type="checkbox"/> Pursue changes in legislation
	<input checked="" type="checkbox"/> Rhetorical persuasion	<input checked="" type="checkbox"/> Build policy narrative
	<input checked="" type="checkbox"/> Exploit focusing event	<input checked="" type="checkbox"/> Quickly respond to sudden and rare event and take advantage of it <input checked="" type="checkbox"/> Have already available solution for the event's problem
Linking strategies	<input checked="" type="checkbox"/> Coalition building	<input checked="" type="checkbox"/> Seek collaboration <input checked="" type="checkbox"/> Selective activation
	<input checked="" type="checkbox"/> Issue linking	<input checked="" type="checkbox"/> Strategic issue linking <input checked="" type="checkbox"/> Substantive issue linking
	<input checked="" type="checkbox"/> Game linking	<input checked="" type="checkbox"/> Parallel game linking <input checked="" type="checkbox"/> Game linking in time
Relational management strategies	<input checked="" type="checkbox"/> Networking	<input checked="" type="checkbox"/> Spend time with and listen to actors active within a certain domain <input checked="" type="checkbox"/> Acquire knowledge and improved understanding of preferences, ideas and concerns of actors involved <input checked="" type="checkbox"/> Access entry points to authority
Arena strategies	<input checked="" type="checkbox"/> Venue shopping	<input checked="" type="checkbox"/> Choose right venue for consideration of issues <input checked="" type="checkbox"/> Select the right jurisdictional level <input checked="" type="checkbox"/> Focus on influence via existing procedures or via absence of procedures
	<input checked="" type="checkbox"/> Timing	<input checked="" type="checkbox"/> Recognise and exploit windows of opportunity <input checked="" type="checkbox"/> Deliberately speed up and slow down the policy process

Table 5 – advocacy strategies used in stage 1: getting legal consensus over WI 2015/9

Stage 2 – Problematising WI 2015/9 onto the political agenda

The advocacy in the second stage of the policy change process shows how the publication of WI 2015/9 induces AC-members to problematise the work instruction’s assessment methods. This problematisation is done by using several strategies, which result in gaining the attention of political decisionmakers. By bringing the problematisation into the political arena, the first step towards changing the work instruction is set.

TIMELINE

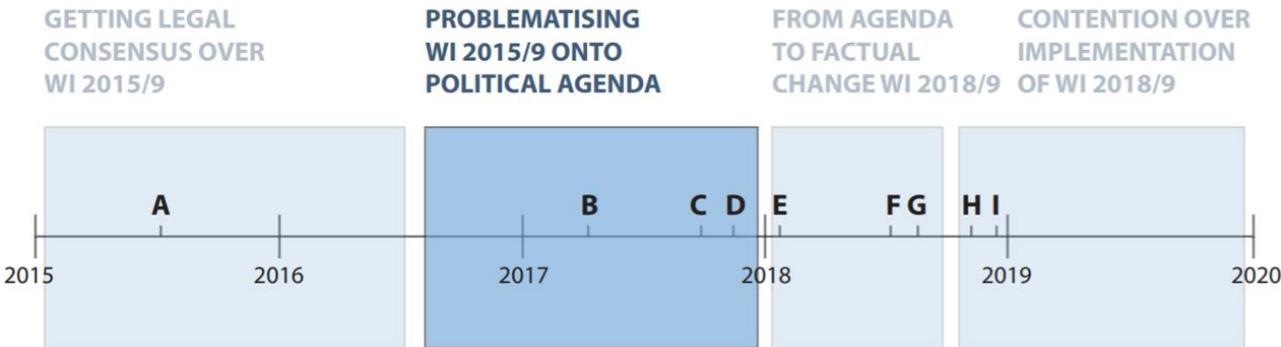


Figure 5 – stage 2: problematising WI 2015/9 onto the political agenda

B April 2017: The impact of a powerful slogan

The first public expression of interest group advocacy for changing WI 2015/9 derives from foundation LGBT Asylum Support. In April 2017 they initiated a petition campaign which advocated for a change of the work instruction. The key problem addressed in the petition, was that the IND rejected LGBT asylum claims based on ‘*vague and scanty arguments*’ (LGBT Asylum Support, 2017). By addressing and exposing the shortcomings of the IND via an online petition, LGBT Asylum Support *reviewed the IND’s rules and publicises its performance gaps*. The problematised assessment methods are *correlated with a specific solution*: create an arbitration committee of knowledgeable LGBT experts to whom rejected asylum seekers can file an appeal. This committee would reconsider all of the facts brought forward in the asylum application, reassess them and make a binding judgement for the IND (R5). LGBT Asylum Support herewith aimed to influence policy change by getting a third party to transmit their preferences and subsequently achieve *changes in legislation*. It is this *correlation of problem and solution* that was quickly picked up by the media. Several newspapers reported on LGBT Asylum Support’s *solution* for an arbitration committee and *correlated*

it with an additional *problem* to express the severity of the issue at stake: the fact that almost all rejected LGBT asylum seekers were forced into illegality (N57-71).

LGBT Asylum Support's use of *rhetorical persuasion* is most clearly expressed in the petition's powerful slogan: #notgayenough. The slogan demonstrates how strategically *building a policy narrative* influenced resonance with the general public: *'It is a title for a petition that is short and also raises questions [...]. And now you see that is becoming a household name. When someone is rejected based on credibility, people quickly say oh he was "not gay enough". And that is good because you see people responding with astonishment'* (R5). Thus, by using *demonstration* and *rhetorical persuasion* LGBT Asylum Support was able to attract negative attention to the IND and gained public support for their cause.

The #notgayenough petition focused on a specific element of LGBT asylum applications. By claiming that LGBT asylum seekers are deemed 'not gay enough', emphasis is put on the fact that the IND does not believe their sexual orientation. This focuses on the credibility component of the IND assessment (§4.2.1). The severity assessment of facing prosecution in the country of origin is not addressed in the petition. This *framing* was deliberate in order to accentuate certain features of the IND assessment (the credibility assessment) and obscure other elements (the severity assessment):

'It is typically addressing the element of "could you describe that moment again?". And that is how we got people on board to sign the petition, because this part is most palpable for people. You tell me, when was the moment that you became conscious of this? And can you subsequently answer when the moment was you accepted it?' (R5).

The petition's *framing* shows the influence of *building of a policy narrative* that resonates with the public. There is a 'villain' (the IND) whose behaviour is disadvantaging a 'victim' (the rejected, 'not gay enough' LGBT asylum seeker). The 'hero' is LGBT Asylum Support, supported by the petition signatories. They are fighting for a preferred policy outcomes (installing an arbitration committee) which contains the moral of the story (remove the focus on conscious realisation and self-acceptance in assessing LGBT asylum applications). The influence of *rhetorical persuasion* is expressed by the *acquisition of social support* from the general public: nearly 4000 people signed the petition (LGBT Asylum Support, 2017).

The use of *rhetorical persuasion* did not only influence the resonance with the general public, but also with media outlets that covered the petition extensively (N57-61, N72-73, N75, N78, N79-106,

N107-108, N113-117). According to an AC's policy advisor this media coverage influenced the way politicians could address the petition and its concerns over WI 2015/9 in the political arena:

'You notice that the newspapers and the media also start picking it up, which makes it easier to ask attention for it [...] by saying "Hey, I saw this item yesterday on Nieuwsuur (red: news broadcast show) and I saw such a shocking story. Could the state secretary respond to that? ". That is easier than just saying "yes, well I just received an email from someone, and I do not really know if it is true". That is a higher threshold than when you can refer to something. I can send you the link or this article, then you can ask questions about that (R3).'

The media coverage provided Members of Parliament (MP hereafter) with substantiation to ask parliamentary questions regarding the IND assessment methods. By referring to the *publication of agency performance gaps* expressed in the media, MP's were able to question the state secretary on the critique on the work instruction by using concrete news articles examples (e.g. TK18, N72). The parliamentary questions focused on asking for the WI 2015/9's substantiation for assessing LGBT asylum applications (*review of agency rules*) and advocated for a LGBT arbitration committee (*correlation of problem and solution & pursuing change in legislation*). Filing questions in Parliament is a strategic use of *venue shopping*, since the procedures in Parliament ensure an answer from the responsible member of government to these questions. Consequently, it forced the state secretary to take a stance on LGBT Asylum Support's plea for an arbitration committee. The stance the state secretary took reflects *negative feedback*. The plea for an arbitration committee is rejected by referring to EU legislation (*focus on aptness of existing procedures*) which ruled that credibility assessment is the monopoly of the national authority, which cannot be transferred to external experts (TK18).

C 5-9-2017: Acquiring political support via an imposed window of opportunity

After reaching 4000 signatures, LGBT Asylum Support decided to file a request for a handover of the petition to the responsible parliamentary committee: the committee of Justice and Security (hereafter committee of J&S). This *venue shopping* is a very strategic move. Since handing over a petition to a parliamentary committee always takes the form of a presentation, using the *existing standard procedures* of this venue led to the creation of *a window of opportunity* that was *exploited*. Preceding the presentation, LGBT Asylum Support *organised a public protest* near the Parliament building. Together with a group of general supporters and multiple rejected LGBT asylum seekers, they demonstrated against the WI 2015/9. Eventually, the chairman of LGBT Asylum Support managed to bring several rejected asylum seekers to the presentation for the committee of J&S. By

literally sharing their *'loser's tale'* with committee members, the asylum seekers expressed the shortcomings of WI 2015/9 and how they were victimised by it (R5). Addressing the severity of the negative impact of the problematised work instruction was strategically done on an occasion where LGBT Asylum Support had *access to authority*, the committee members. The combined use of *venue shopping*, *timing* and *rhetorical persuasion* fulfilled an important role in expanding the AC with important political members. The presentation resulted in *'several Members of Parliament being very astonished about these issues, mainly D66. It was D66 who invited me for a meeting a week later'* (R5). This meeting was a *networking* opportunity for a D66 MP to *'get away from the casuistry. Because as a Member of Parliament you want to influence policy. The individual cases I leave for the executers and the judges'* (R1). It also was a *window of opportunity* for LGBT Asylum Support to *enrich the knowledge and improve the understanding* of the MP to acquire the *political support* to move the governments towards action.

D 30-11-2017 The motion that got the government moving

The use of *networking* between D66 and LGBT Asylum Support proved to be influential. During the budgetary debates for the Ministry of Justice and Security in November 2017, D66 intensified the political attention for the IND work instruction. Together with a ChristianUnion MP the D66 MP approached the state secretary in the debate. They requested the state secretary to look into policy change possibilities for the IND credibility assessment methods of converts and LGBT's. Interestingly, the *coalition building* reflected by the *collaboration* with a Christian party lead to *linking the issues* of LGBT asylum seekers to those of converted asylum seekers. By *timing* the request strategically, the AC MP's were able to *recognise and exploit a window of opportunity*. The budgetary debate is an annual occasion and provides political parties with choosing some high-profile issues to bring into the debate. For D66, the credibility assessment of LGBT asylum seekers proved to be such a high-profile issue. Using the debate to address the issues is not only a way to *exploit a window of opportunity* in the political arena. It also provides for *manipulation of policy images* by controlling the policy narrative in the media:

'You start looking like "okay what points are we going to bring in?" and "what points are also mediagenic, to ask attention for in the media?". And then we send out a press release "D66 files a motion and asks attention for this and gets a majority"' (R3, NB1, N119-121).

Similar to parliamentary questions, the budgetary debate forced the state secretary to take a stance on the willingness to change WI 2015/9. The state secretary's response, resulting from this use of *venue shopping*, reflected a cautious benevolence to look into change possibilities: *'the timeliness of*

the topic has led to request the WODC to perform a research in 2018 to come to an overview of best practices regarding credibility assessments. Possibly, this will lead to examples that are applicable to the IND as well. In considering the improvement possibilities, the expertise of interest groups can also be used' (TK30).

During the budgetary debate, the request to look into improvement possibilities was formalised by filing the motion Groothuizen (TK30A, text box 1 below). This motion, initiated by D66, was heavily influenced by the earlier mentioned meeting with LGBT Asylum Support (R1, R5). *'It was mainly a matter of providing information. They [red: LGBT Asylum Support] were able to convince me that there was a problem in the assessment of the IND [...] that there was a strong emphasis on that process of conscious realisation (R1).* The meeting resulted in the expansion of the AC in an important stage of the policy change process. This clearly reflects the influence of *coalition building's* element of *making a better-informed decision*. LGBT Asylum Support was able to provide 'the eyes to identify the problems' and D66 was able to provide the necessary 'hands to implement solutions' by filing a parliamentary motion. However, the collaboration remained limited to the preparatory phase of the motion. Long-term collaboration between D66 and LGBT asylum support remained absent (R1, R5).

MOTION OF THE MEMBER GROOTHUIZEN

The House of Representatives,

Having heard the deliberation,

Considering that it is of great importance that all asylum applications are handled with great diligence;

Considering that the credibility assessment of converted Christians and the sexual orientation of asylum seekers who found their fear of prosecution on these grounds, must be sufficiently guaranteed;

Requests the government, to investigate if the credibility assessments of converts and the sexual orientation of asylum seekers can be improved and come with suggestions,

and will continue with the order of the day.

Groothuizen [red: D66]

Azmani [red: VVD]

Van Toorenburg [red: CDA]

Voordewind [red: CU]

Text box 1 – the motion Groothuizen

The motion Groothuizen is a rich bundling of advocacy strategies. Firstly, by *linking* the problem perception of LGBT asylum seekers to converted asylum seekers, a bigger *coalition* was *built*. This reveals the influence of *strategic issue linking*; by including the interest of the Christian parties - having a diligent credibility assessment for converts – the necessary *political support* to let the motion pass was acquired (R1, R3).

However, similar to the meeting with LGBT Asylum Support, the D66 *collaboration* with the Christian parties remained limited to the motion. It confirms how D66's *issue linking* more *strategic* than *substantive* in nature. The *linking* is primarily aimed at building and expanding the AC for political support of their motion. The *linking* does not focus on achieving the implementation of a broader set of solutions. Despite the absence of collaboration, some form of coordination between D66 and the Christian parties remained present. The parliamentary questions that both D66 and the Christian parties keep asking in the following months, reveal how the parties aim to make their behaviour complementary to achieve their joint goal: translating the motion into concrete policy as quickly as possible (R1).

Secondly, in formulating the motion text *rhetorical persuasion* is used. This strategy focuses on persuading others of a preferred problem definition. Interestingly, the literal motion text does not claim the presence of 'problems' within the IND credibility assessment of LGBT asylum applications. The motion only stresses the importance of carefully dealing with these asylum claims. Consequently, no 'solutions' are demanded, but rather a request is filed to ask the government if there is room for improvement. This formulation was deliberate, since '*that is what you see happening to motions that are openly formulated and make it. That is mostly because a minister likes to have space. When you write down "could you do A, B, C" you give a minister relatively little space in case D, E and F are better or more practical"*' (R1).

Furthermore, the open formulation influenced the *framing* opportunities for the different signatory parties, which they could also use for their *manipulation of policy images* in the media. In a news broadcast item, D66 mostly focused on LGBT asylum seekers. The Christian parties mostly focused on the converted asylum seekers who suddenly have to bring their full story to the IND table, whilst they have so long been afraid to show their religious affiliation. The VVD holds a completely different stance. They stress how '*Christians or minorities who came here from abroad make abuse of this. They say they are Christians because they are tolerated here. Or they say, I'm gay, while they are just straight and are possibly married. That is just not good and that's why I believe we should look better at this*' (NB1). The open formulation of the motion enabled each signatory party to satisfactorily

'return to his own constituency' (R3). All parties were able to *build* their own *policy narrative* to sell their support of the motion in a way that would resonate with their audience.

Thirdly, the preparatory phase of the motion reveals how *venue shopping* can influence the *acquisition of political support*:

'Oh yes, definitely, the motion is beforehand completely discussed with all the coalition parties. As in "okay, do you support this? Can we file the motion and will you support us then?". All of this happens via back rooms. And beforehand there has also been contact with the state secretary to say "this is our plan, what is your stance on this?". And that is why the state secretary could say that he did not discourage the motion and held a benevolent stance.' (R3).

D66 uses an interesting combination of *shopping for venues* with and without existing standard procedures. By preparing the motion in the backrooms – a venue that lacks any formal procedures – D66 was able to *acquire* the necessary *political support* for the motion. It is in these back rooms where *'the biggest part of the work is done'* (R3). Putting the motion to a vote is done in a formal setting, characterised by standard procedures. The influence of using this *venue* is that the state secretary is pressured to take concrete actions, since the motion received a majority in the House of Representatives. Several members of the committee of J&S used the motion in their first meeting after the budgetary debate to *speed up the policy process*. Members specifically ask the state secretary which concrete actions will result from the motion:

Should the IND get a new work instruction? Because the current work instruction puts emphasis on the process of conscious realisation. "Can you tell us how you became a homosexual?". These sorts of conversations are taking place, in my own phrasing. But that is exactly the point. There rests a taboo on homosexuality in a lot of countries of origin, therefore asylum seekers did not come out. Is it useful that this process of conscious realisation is embedded in the intake? Shouldn't that be removed?' (TK33).

Another member builds forward on this appeal to the state secretary by advocating for the installation of the arbitration committee of LGBT experts (TK34). However, this *correlation of a solution* addressed to *the problem* addressed by the other committee member receives the same *negative feedback* as before (§B).

Summary

Table 6 below shows which strategies and tactics have been used in stage 2. The advocacy in this stage has shown the influence of the *demonstration* strategy in expressing the severity of the problems of the work instruction and its consequences for LGBT asylum seekers. By using *rhetorical persuasion* for their petition, LGBT Asylum Support presented the severity in a way that resonated successfully with the general public and media. This resonance enabled LGBT Asylum Support to introduce the problematisation of the work instruction to the political arena. The clever *exploitation of the window of opportunity* provided by the presentation of the petition led D66 to file a motion. The *strategic issue linking* used by D66 to include the problems of converted asylum seekers into a motion, successfully led to the support of the Christian parties and subsequent passing of motion. Therefore, the state secretary was pressured into showing some benevolence in changing the work instruction. Overarchingly, this stage has shown the impact of the transmitting component of influence. The problematisation of the work instruction initiated by LGBT Asylum Support, was transmitted to the general public. This was picked up by the media and subsequently used by politicians to pressure the state secretary.

Category	Strategies	Tactics
Attention and support seeking strategies	<input checked="" type="checkbox"/> Demonstration	<input checked="" type="checkbox"/> Organise and participate in public protests <input checked="" type="checkbox"/> Generate & disseminate (research) report <input checked="" type="checkbox"/> Review agency rules <input checked="" type="checkbox"/> Publicise agency performance gaps <input checked="" type="checkbox"/> Correlation problem & solution <input checked="" type="checkbox"/> Pursue litigation <input checked="" type="checkbox"/> Pursue changes in legislation
	<input checked="" type="checkbox"/> Rhetorical persuasion	<input checked="" type="checkbox"/> Build policy narrative
	<input checked="" type="checkbox"/> Exploit focusing event	<input checked="" type="checkbox"/> Quickly respond to sudden and rare event and take advantage of it <input checked="" type="checkbox"/> Have already available solution for the event's problem
Linking strategies	<input checked="" type="checkbox"/> Coalition building	<input checked="" type="checkbox"/> Seek collaboration <input checked="" type="checkbox"/> Selective activation
	<input checked="" type="checkbox"/> Issue linking	<input checked="" type="checkbox"/> Strategic issue linking <input checked="" type="checkbox"/> Substantive issue linking
	<input checked="" type="checkbox"/> Game linking	<input checked="" type="checkbox"/> Parallel game linking <input checked="" type="checkbox"/> Game linking in time
Relational management strategies	<input checked="" type="checkbox"/> Networking	<input checked="" type="checkbox"/> Spend time with and listen to actors active within a certain domain <input checked="" type="checkbox"/> Acquire knowledge and improved understanding of preferences, ideas and concerns of actors involved <input checked="" type="checkbox"/> Access entry points to authority
Arena strategies	<input checked="" type="checkbox"/> Venue shopping	<input checked="" type="checkbox"/> Choose right venue for consideration of issues <input checked="" type="checkbox"/> Select the right jurisdictional level <input checked="" type="checkbox"/> Focus on influence via existing procedures or via absence of procedures
	<input checked="" type="checkbox"/> Timing	<input checked="" type="checkbox"/> Recognise and exploit windows of opportunity <input checked="" type="checkbox"/> Deliberately speed up and slow down the policy process

Table 6 – advocacy strategies used in stage 2: problematising WI 2015/9 onto the political agenda

Stage 3 – From agenda to factual change WI 2018/9

The advocacy in the third stage of the policy change process shows how - after passing the motion Groothuizen - the AC successfully uses advocacy strategies to achieve a change in the work instruction document. In this stage the old WI 2015/9 gets replaced by the new WI 2018/9. This stage specifically shows the role science can fulfil in policy change and reveals how more AC actors become active in the policy change process.

TIMELINE

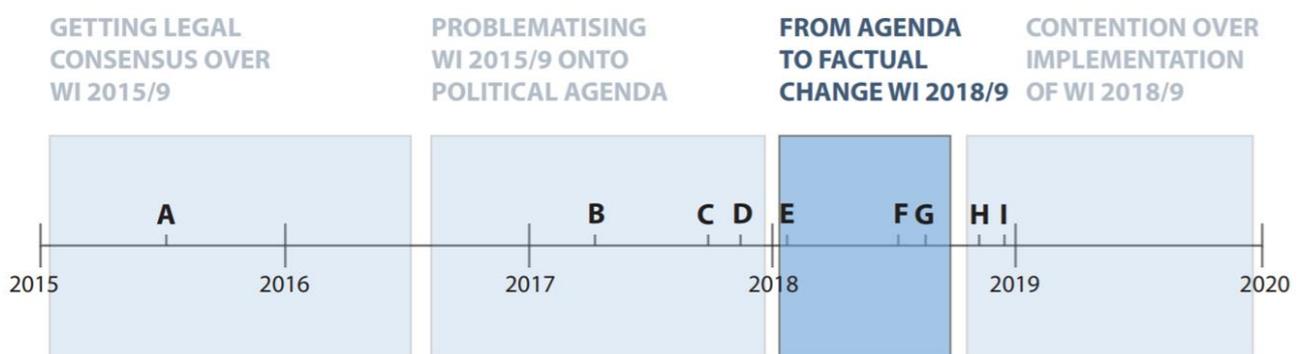


Figure 6 – stage 3: from agenda to factual change WI 2018/9

E 9-1-2018: slowly getting the governmental change machine running

It takes a perseverant use of *timing*, before the state secretary responds to the problematisation of the work instruction expressed in LGBT Asylum Support’s petition and the motion Groothuizen. However, the reminders send to the state secretary by the committee of J&S paid off. This *speeding up of the policy process* resulted in a letter from the state secretary addressed to the House of Representatives (TK19, TK28,TK36). The red thread of the letter is indicative of *negative feedback* by emphasising the *aptness of the existing IND procedures* to assess the credibility of a stated sexual orientation. However, the state secretary mentions: ‘I am willing, as promised to the House during the budgetary debate on 30 November, to consider whether it is possible to make improvements in the way the assessment is currently taking place’ (TK 36). The only concrete expression of this willingness is that the work instruction will provide more clarification on how an asylum story is allowed to be substantiated with (audio)visual footage. The letter is concluded by responding to the petition and its presentation to the committee of J&S. The plea for better including third parties statements in the credibility assessment of LGBT asylum applications, is parried by emphasising the sufficient space the WI 2015/9 provides in this regard. Another expression of *negative feedback* is even more subtle. Although key to the petition, the plea to install an arbitration committee of LGBT

experts is not discussed at all by the state secretary (TK 36). A subtle *negative feedback* approach, whereby not addressing an advocated issue automatically results in maintaining the status-quo and thus prevents policy change.

The committee of J&S meeting after the response letter was used by several members to urge the state secretary to hurry with a concrete implementation plan for the motion Groothuizen (TK40). This *timing* tactic of intentionally *speeding up the policy process* by pressuring the state secretary gets a *negative feedback* response. The state secretary declares that to present a well-thought-out proposal, interest groups must be included in the process as well, such as the COC. The ‘*Cultuur- en Ontspanningscentrum*’ (COC), is the oldest Dutch LGBT interest group. Concealed under the header of including interest groups, the *policy change process* is *slowed down*. However, the state secretary holds that a lot of work is already put into the matter and that Parliament will be informed before the summer recess ‘*about the motion, what we have encountered and how we, on our own, see possibilities to improve. In due course, this will all come very specific.*’ (TK40). The prospect of waiting until the summer leads one committee member to try to *create and exploit a window of opportunity* out of the slow proceedings of the translation of the motion Groothuizen by filing another motion (see text box 2).

MOTION OF THE MEMBER VAN DIJK

The House of Representatives,

Having heard the deliberation,

Considering that the government will come with a reaction to the adopted motion to investigate if the credibility assessment of converts and LGBT asylum seekers can be improved;

Ascertaining that there are currently a lot of doubt cases who, based on the current credibility assessment, do not have a right to asylum, but might have with an improved assessment;

Requests the governments to install a decide and leave moratorium, until the suggestion for improvement of the current credibility assessment have been implemented

and will continue with the order of the day.

Text box 2 – the motion Van Dijk

By *correlating the problem* of the slow proceeding of the motion Groothuizen's translation into policy with the *solution* of installing a decide and leave moratorium, a *change in legislation is pursued*. This moratorium would suspend all IND decisions on pending LGBT asylum applications. However, the state secretary discouraged to support the motion, by explaining that the ongoing investigation for improvement possibilities '*does not mean that I am leaning into the complete opposite direction and am of the opinion that the current assessment is done in an unthorough way.*' (TK42). The discouragement is effective and the motion does not pass (R4). Although other MP's and committee members keep reminding the state secretary of his promise to look into improvement possibilities, even a reminder send three weeks before for the summer recess still receives the answer '*at this stage I cannot pre-empt on the concrete implementation*' (TK54).

The advocacy for changing the work instruction in this stage did not remain limited to the AC's politicians, interest groups and journalists. Important additional use of advocacy strategies comes from the academia. The first scientific publication entering the work instruction's discussion is the article '*Could you describe that moment again?*' from the AC's cultural psychologist. Her publication reveals another influence from the #notgayenough petition. It was the petition that inspired her to dive into the critique surrounding the work instruction, which eventually led to the publication of an article. Departing from narrative theories, gender studies and post-colonialism, she analyses the western assumption patterns apparent in the IND question methods. This *reviewing of agency rules* is done by meticulously deconstructing an IND interrogation report. The article *publishes agency performance gaps by disseminating the research* into the journal Asylum and Migration Law. The article's influence becomes evident in the courtrooms, where asylum lawyers' use it in their evidentiary during *litigation*. This reveals an additional role that science can fulfil within the *demonstration* strategy. Not only can science be used politically to buttress certain beliefs, it can also serve as substantiation to achieve change via the legal arena. The article is used to substantiate the claim that questions stemming from WI 2015/9 are not tolerable, since they are too reliant on a western conceptualisation of sexual identity and way of storytelling. The minimal answers that some LGBT asylum seekers give due to this reliance, cannot be hold against them as proof of insufficient elaboration on their sexual orientation (J75, J86, J79, J102, J91, J118). However, the courts express *negative feedback* regarding the use of the article. Either it is mentioned that IND interrogation minutes do not show that the LGBT asylum seeker was unable to elaborate fully on his sexual orientation (J75), that it is not clear how the general article relates to the specific court case (J79, J102) or that the article's criticism does not undermine the fact that the Council has ruled on the *aptness of the existing WI 2015/9* (J86, J118).

F 23-6-2018: the influence of science in optima forma

The advocacy for a change in the work instruction got an even more significant scientific substantiation with the publication of the COC research report *Pride or Shame?* The report is a rich bundling of tactics under the main header of *generating and disseminating research reports*. The *reviewing agency rules* is used in the report's analysis of 40 LGBT asylum application dossiers, 796 court verdicts and 183 Council of state verdicts. The analysis is enriched with quotes from IND interrogation reports to reveal how the IND execution of WI 2015/9 results in a heavy reliance on processes of conscious realisation and self-acceptance. COC found this reliance to be the most persistent stereotype in the IND assessment: the assumption that every LGBTI⁴ asylum seeker went through a process of conscious realisation consisting of several stages and culminating into self-acceptance. This self-acceptance is assumed to be preceded by feelings of shame, guilt and insecurity. Especially when the asylum seeker is from a LGBTI-hostile environment these processes are deemed present. Overarching these stereotypes is the expectation that LGBTI asylum seekers can explain in detail about these processes during the interrogations with IND officers. COC stresses that most people are not used to give these elaborate accounts. This especially applies to LGBTI asylum seekers for who the IND interrogation is sometimes the first occasion that they talk about their sexual orientation or gender identity (Jansen, 2018; COCL1).

The *generating of the research report* is an expression par excellence of using the enlightenment function that science can fulfil in influencing policy change. The report's extensive analysis focuses on altering the assumptions of political and legal decisionmakers via formal policy analysis. Furthermore, the analysis is used to provide the report's 22 recommendations with legitimate substantiation. The COC attaches the report to a letter addressed to the state secretary and *correlated* the most onerous problems to the most crucial *solutions* in their request for a change of WI 2015/9 (COCL1).

The main recommendation is to remove the concepts of conscious realisation and self-acceptance as axes of the credibility assessment and replace this by the self-identification. Determining sexual orientation or gender identity is a very personal matter that can only be executed by the asylum seeker himself. *'Self-identification is the only and best alternative: ask those concerned what their sexual orientation or gender identity is and take that to be the truth'* (COCL1).

Interestingly, the letter includes back-up options in case the state secretary is not willing to make self-identification the new axis of the credibility assessment. These second-choice solutions can *'somewhat limit the problems which are irrevocably connected to determining the sexual identity of someone by a governmental body'* (COCL1). One of these recommendations is to *change the*

⁴ COC specifically advocated for the inclusion of Intersex persons (I) into the acronym of the work instruction

professional education of IND officers to avoid the use of stereotypes regarding sexual orientation or gender identity in their decision-making . IND officers should be trained to better include the educational level, verbal capacities and cultural differences of the asylum seeker and avoid using western models of male sexuality development. This shows how the COC uses *selective activation* to influence policy change from the inside.

Furthermore, third party statements, such as testimonies of interest groups, statements from social workers and partners should be better included in the credibility assessment. Another recommendation is to implement a four-eyes principle. This principle implies that when a stated sexual orientation is not deemed credible, the file should always be assessed by a second IND officer who is not aware of his colleague's intended judgement (COCL1). A final solution is a clever *re-framing* of the state secretary's oft-used focus on the *aptness of the existing IND procedures*. By *reviewing the agency's rules* the COC requests systematic implementation of the IND's own rules. A part from another IND work instruction is quoted which states that '*in cases of doubt, it is advised to take the homosexual orientation for granted*' (COCL1).

The presentation of the *Pride or Shame?* report gained national news coverage. COC cleverly *exploited a window of opportunity*, since the presentation took place during a national LGBT event known as Pink Saturday. In a news broadcast item, a rejected LGBT asylum seeker told his story and COC's chairwoman explained the importance of making self-identification the new axis of the IND assessment (NB3).

G 1-7-2018: the initial success of the AC's advocacy

All of the abovementioned advocacy culminated on 1 July 2018, when the state secretary announced a new work instruction - WI 2018/9 – coming into effect. The timing is rather peculiar, since two days later a meeting between the state secretary and LGBT Asylum Support was scheduled to discuss their *generated report 'Scratches on your Soul'*. By executing a *critical review of the IND rules*, the report analysed the way in which the execution WI 2015/9 led to stereotypical assessment of LGBT asylum applications. The report is cleverly substantiated with a professional perspective by including the views of asylum lawyers on the IND assessment methods. Their views express a common disapproval of the overreliance on processes of conscious realisation and self-acceptance. Including these views reveals that besides acquiring *social support* from the general public and *political support* from politicians, *coalition building* was also used to acquire legal support for a change in WI 2015/9. The real-life consequences of the stereotypes in WI 2015/9 are expressed by the report's stories from rejected asylum seekers. Presenting these stories as a *loser tale* makes them *policy narratives* on their own. They describe how they (rejected LGBT asylum seekers) are the victims of the actions of a

villain (IND officers using WI 2015/9) and what the moral of their story should be (changing WI 2015/9). LGBT Asylum Support's suggestions for changing WI 2015/9 substantially overlap with the COC report. However, there are some notable additions, expressed in text box 3 below.

Additional solution from *Scratches on your Soul* report

1. Install an independent arbitration committee, for the second and third asylum application of an LGBT asylum seeker. This committee should be granted the authority to reassess evidence, both the statements from third parties and the evidence labelled as legally established for appeal cases
2. The IND should not and cannot make the objection towards an LGBTI asylum seeker that he or she is not credible enough for only elaborating on having sex.
3. The IND should provide a glossary where clarification is given regarding what the IND understands to be "homosexuality" or "processes of conscious realisation". This glossary should be provided to LGBT asylum seekers before they have their interrogation with the IND.
4. It should be allowed to make audio recordings during the IND interrogations in order to serve as evidence in case a dispute arises. Furthermore, the IND officers should consequently reflect and ask more about the emotions of the LGBTI asylum seekers, expressed during the interrogations
5. Install a Pink Team at the IND, mimicking the Pink in Blue team of the Dutch national Police. This Pink IND team should consist of LGBTI IND officers, who would more easily create a trust relationship with the LGBTI asylum seeker who generally fear to elaborate on their sexual orientation or gender identity towards authorities
6. Implement a standard additional interrogation in case an intention to reject an LGBTI asylum application is about to happen.

*Text box 3 – additional solutions from LGBT Asylum Support's report *Scratches on your Soul**

Although the bundling of advocacy tactics in the report was used to provide the list of recommendations with substantiation, the report did not directly influence the text of WI 2018/9: *'We could only just in time hand in our report. But factually it is just not used'* (R5). However, the *time spent* with the state secretary during the presentation of the report was influential. In contrast to the presentation of the #notgayenough petition (§C), the *Scratches on your Soul* report was presented directly to the state secretary. This provided LGBT Asylum Support *access to the elected official* that holds the political mandate to make changes in the IND work methods.

Based on the efficacy of bringing LGBT asylum seekers to the #notgayenough petition presentation for the committee of J&S in September 2017, the chairman of LGBT Asylum Support again brought two rejected asylum seekers with him. Their stories *enriched the knowledge* and *improved the understanding* of the state secretary. The stories really affected the state secretary, and a private conversation between the chairman of LGBT Asylum Support and the state secretary followed; *'you could notice there that he really was committed to the cause. And eventually he arranged certain things, the biannual meeting between the IND and us, that was really his doing'* (R5). Thus, the

meeting with the state secretary was *recognised and exploited as a window of opportunity*. LGBT Asylum Support used the *networking* potential of the meeting to gain *access to bureaucratic IND insiders*, reflected by the biannual meeting.

The same day, a specific edition of the #notgayenough petition was presented to the committee of J&S (TK61). This petition concerned a gay couple of a Dutch man and his Iraqi asylum seeker boyfriend who was not deemed gay enough and forced to leave the country (LGBT Asylum Support, 2018). The same *tactics* as for the first #notgayenough petition were used (see §B) used. However, specialising the *framing* and *policy image manipulation* onto a single case made the *policy narrative* created even more personal. Attracting negative attention to the asylum policy subsystem in this way, made the impact of an IND decision more tangible. This specific story-telling *'has the effect that you put the IND under pressure. The IND just does not want that problems regarding a specific asylum seeker come out. That makes their decision-making very difficult.'* (R5). This pressure gets enhanced by the fact that poignant cases – a gay couple being separated because of an IND decision - often receive considerable media coverage. The influence of such coverage becomes most evident in the case of another gay couple of two Iraqi asylum seekers. Their case shows how influential the use of *manipulation of policy images* can be. Their asylum lawyer stated the following:

'That was such a bizarre story. I mean it is fine that so much attention was paid to it. It was also the weekend the Gay Pride in Alkmaar or so, I do not recall exactly. I think Thursday it made it to the papers, then Friday with Sandro for NPO 1 news and then they were on the television news on Saturday. Then suddenly on Monday I was called by an IND jurist who said "well let those boys file for asylum again, because there is a lot of publicity surrounding it now". Well, one of the two was not believed in any way. It was completely implausible, on fifteen points was said "we do not believe it, we do not believe it". It was a different case for his boyfriend, he was rejected because there was something wrong with his documents, so his application was not even considered. But they both received an asylum residence permit! They just had an interrogation of less than 10 minutes and they just received an asylum residence permit!' (R4).

LGBT Asylum Support's chairman, who also *organised a public protest* during the Alkmaar Pride for the Iraqi gay couple, explained this change in as follows. Because the couple's case received significant media attention, the commotion would have been huge if the IND would have made a negative decision (R5, N57-61, N72-73, Hart van Nederland, 2017). This reveals the influence element of how decision-makers anticipate on the actions of advocates.

Three days after the official publication of the new work instruction, the state secretary wrote an explanatory letter to the House of Representatives to explain the change from WI 2015/9 to WI

2018/9. The letter is crucial for answering this research' question of how the advocacy strategies used by the AC influenced the policy change. The letter provides a crucial recognition of influence: *'The conversations with the interest groups and the expert meeting with the IND officers have led to the decision that the IND will make changes in the credibility assessment of LGBTI's.'* (TK62).

The letter also acknowledges that WI 2015/9 relied too much on processes of conscious realisation and self-acceptance. This would result in a western assumption that every LGBTI person can present a psychologically well-substantiated story. Therefore, the state secretary states:

I understand this critique and for this reason the instruction for IND officers will no longer put the emphasis on the process of conscious realisation and self-acceptance. Furthermore, the work instruction has included more text on asking more open questions and questions regarding the personal experience and meaning making. It is therefore important that the asylum seeker tells a story that is as authentic as possible (TK62).

The authentic story *'is expected to decrease the fraud that is being committed by telling a standard memorised story'* (TK62). The *'authentic story'* is an interesting choice of words in the WI 2018/9. *'Look, the authentic story was not a principle in our petition campaign. They have used the new work instruction to get rid of the standard question list, there are still standard questions in place, but the authentic story what it became is not something that we brought in'* (R5). Neither LGBT Asylum Support's and COC's campaigns, media attention, research reports nor letters sent to the state secretary mentioned a plea for making *'the authentic story'* a new axis (R4, R5).

The state secretary also addressed the other critiques voiced by the AC in his letter. The advocacy from the AC expressed a need for the IND to develop more knowledge to better assess LGBT asylum stories. To meet this need, workshops will be used to give more attention to the bottlenecks IND officers experience in the interrogation and assessment methods. Hence, the AC's plea for *selective activation* influenced the prospect of *changing of the professional education* of IND staff. The organisation of the workshops was announced to be discussed together with interest groups in future. Endorsing the importance of gathering additional knowledge, the state secretary also declared to install a national network of IND LGBTI case coordinators (TK 62).

The influence of COC's and LGBT Asylum Support's advocacy strategies is evidently manifested in the new WI 2018/9 document and its explanatory memorandum from the state secretary. The *correlation of problem and solutions* that both interest groups used, not only in the *demonstration* category, but also when using *rhetorical persuasion, networking, timing* and *venue shopping* influenced the text of WI 2018/9 substantially. The most important influence is expressed in removing the processes of conscious realisation and self-acceptance (see table 4 in §4.3).

Furthermore, five recommendations put forward by both interested groups were included in WI 2018/9: provide clarity on the inclusion of audio-visual footage, avoid IND officers to judge from their western biased reference framework, let IND officers take the reference framework of LGBT asylum seekers more into account, do not assume that every LGBT asylum seeker will seek contact with the Dutch LGBT-community upon arrival and provide clarity on how statement of third parties are included in the credibility assessment (see table 4 in §4.3).

However, the state secretary's letter is also reflective of *negative feedback*. The resistance to implement more far-reaching policy change is shown by rejecting COC's plea to make self-identification the axis of WI 2018/9. COC's wish for a four-eyes principle - where an intentional IND decision to deny asylum status will always be presented to a IND colleague for supervision - is labelled as superfluous. The state secretary emphasises the *aptness of existing IND procedures* in enabling supervision with a colleague when doubt exists in a specific case (TK62). Supervision by another colleague is thus seen as only necessary in cases of doubt. Making it a standard controlling principle is rejected and thus *policy change is resisted*. Similar *negative feedback* is given to LGBT Asylum Support's plea for installing an arbitration committee, whose verdict would serve as an expert statement to be included in the IND credibility assessment. However, the state secretary responded that experts are only appointed when a decision-making authority – such as the IND - lacks expertise to make a proper judgement. For the IND assessment of LGBT asylum applications such expertise is not considered to be lacking (TK62).

The legal practice shows subsequent *negative feedback* after WI 2018/9 is implemented by the IND and gets challenged in courts. In several appeal cases, the AC's asylum lawyers complain on the inadequate execution of WI 2018/9. Their common criticism in this *reviewing of agency rules* is that, since WI 2018/9 removed the processes of conscious realisation and self-acceptance, the IND cannot hold it against LGBT asylum seekers that they did not elaborate sufficiently on these processes (J86-88, J92, J94, J97). The courts respond with *negative feedback*. The lawyers' plea for a standard reassessment of the asylum claims assessed under WI 2015/9 by WI 2018/9 is rejected in all cases for several reasons. Firstly, the courts emphasise the *aptness of the procedures* in place. Since the Council ruled that WI 2015/9 was a thorough way of assessing LGBT asylum claims, the courts do not see reasons to let the cases be reassessed. They state that WI 2018/9 is just a tightening-up of WI 2015/9 (J86-87, J92, J94, J97). Furthermore, the courts state that the factual content of WI 2018/9 does not differ significantly from WI 2015/9 and therefore will not likely lead to a different type of interrogation (J87). Removing self-acceptance and conscious realisation from WI 2018/9 only implies that a broader range of themes are addressed in the work instruction. However, the court states that *'this does not mean that WI 2018/9 excludes that the asylum seeker can be asked questions*

regarding the process of conscious realisation and self-acceptance and that those answers cannot be taken into consideration for the decision' (J87). The court even states in some cases that *'there is still a reliance on processes of conscious realisation and self-acceptance, but all of the elements are weighed equally'* (J97). The legitimization of continuing to rely on these processes is given by focusing on WI 2018/9's emphasis on the centrality of the asylum seeker's personal experiences and perception. Processes of conscious realisation and self-acceptance are possible expressions of these experiences and perceptions and thus can still be taken into account. The overarching judicial *negative feedback* is that WI 2018/9 is not interpreted as significantly different from WI 2015/9. Therefore, no standard reassessment of asylum applications assessed under WI 2015/9 will be carried out. Only when legal novelties have appeared, the case will be reassessed according to WI 2018/9.

After the COC got wind of this judicial negative feedback on WI 2018/9's implementation, a critical letter was sent to the state secretary mid-August. *'Although in your letter to the House you explicitly mention 'changes [that the IND] will implement in the way the credibility assessment of LGBTI's and converts takes place', the agent of the IND in court states the LGBTI policy has not been changed'* (COCL2). This practice results in the continuation of the heavy reliance on processes of conscious realisation and self-acceptance and statements of third parties being pushed aside easily (COCL2). By referring to recent jurisprudence, the COC *reviews the IND rules and publishes its performance gaps*. The letter concludes with the urgent request to the state secretary to instruct the IND, especially their representatives in court, to acknowledge that there has been a severe change of the LGBTI asylum policy. Using this *timing* tactic of *deliberately speeding up the policy process* – implementing WI 2018/9 accurately – is aimed to provide the IND and courts with a clear interpretation of the new work instruction.

To enhance the probability of the state secretary to take action, the COC also *shops* at another *venue*. Another critical letter is written, this time addressed to the committee of J&S, including additional critiques (COCL3). The COC states that despite removing of processes of conscious realisation and self-acceptance from WI 2018/9, *'it does contain a "process discovery"'. Besides, the term "(thought) process" is being introduced. To these processes the instruction attributes "weight" and they are "expected" from the asylum seeker. By continuing to speak of "processes", the risk remains to give way to a stereotypical assumption that all LGBTI asylum seekers go through certain processes'* (COCL3). Deducing the underlying assumptions of the terms used in WI 2018/9 exposes the importance of empirically understanding the stories expressed in policy by focusing on words. The raised *problem* is *correlated with the solution* to adjust the WI 2018/9 text in such a way that there is no longer any reference to expected processes needing to be shown by LGBT asylum seekers.

Additionally, WI 2018/9's connection between a LGBTI-hostile situation in the country of origin and the assumed internal, psychological processes of the asylum seeker gets criticised. By using the *dissemination of their research report Pride or Shame*, COC claims that LGBTI asylum seekers often do not face difficulties with themselves. The difficulties are mainly experienced with their surroundings. Therefore, WI 2018/9 should remove the assumption that all LGBTI asylum seekers suffer from internalised LGBTI-phobia when discovering they have a deviating sexual orientation or gender identity (COCL3). This unjust assumption is also linked to the IND practice of assuming that LGBTI asylum seekers who have been oppressed in their country of origin, will quickly upon arrival look for other LGBTI people. By using *selective activation*, the COC advocates for an obligatory training for IND officers on sexual orientation and gender identity to tackle these stereotypical assumptions. This is aimed to *change the professional education* of IND staff and achieve an accurate implementation of WI 2018/9.

The final *reviewing of agency rules* concerns correcting an unjust use of COC reports by the IND. The WI 2018/9 states that its guidelines and themes are partially based on the COC report *Pink Solutions*. However, this reference does not hold any ground, since the report does not address credibility assessment of LGBTI asylum seekers at all. The COC states '*the aim of the reference seems to be to give the impression that these policy components have the approval of the COC. This is not the case.*' (COCL3). The WI 2018/9 reference would align well with the state secretary's statement that interest groups have been included in work instruction's change. However, the COC letter suggests the contrary.

Addressing the committee for J&S proved to be influential. During their first meeting of the new parliamentary year, several committee members addressed the implementation of WI 2018/9 by referring to COC's criticisms. This use of COC's publicised *agency performance* gaps leads to a more formalised *review of agency rules*, since the state secretary agrees to write a letter to the House on how the implementation of WI 2018/9 is coming along (TK66). His promise made during the committee meeting reflects an interesting shift of the state secretary's stance, compared to his 4 July 2018 letter. Although the word 'changes' is often used in the July letter, during the committee meeting a rather different interpretation of his earlier wording is expressed; '*Then I will continue with the assessment of LGBT's and converts. Shortly before the summer I have send a letter regarding this matter and have announced that, although the policy has not changed, we are trying to improve the methods based on expertise from the field.*' (TK66). The unclarity of WI 2018/9's interpretation also become evident in the complaints voiced by the AC's asylum lawyers who argue in a newspaper article that until now no significant changes in the legal practice have occurred in comparison to WI 2015/9 (N141-N142).

Summary

Table 7 below shows which strategies and tactics have been used in stage 3. The advocacy in this stage has shown the important influence of using the *timing* strategy. The constant reminders, send by MP's and members of the committee of J&S, kept the topic of the work instruction alive on the political agenda. These reminders, combined with the persistent advocacy from the other AC actors and the state secretary's promise to look into improvement possibilities, cornered the state secretary to show some benevolence in changing WI 2015/9. The private meetings that the AC's interest groups had with the state secretary were *recognised and exploited as windows of opportunity*. The *networking* potential of these meetings was exploited and hence influenced the state secretary's understanding of the key ideas and concerns of the AC. Changes expressed in the new WI 2018/9 document demonstrated the influence of *reviewing agency rules via generating and disseminating research reports*. Lastly, the *correlation of problems and solution* used by the AC was influential. Several of COC's and LGBT Asylum Support's solutions were translated into the new WI 2018/9 document. However, the translation of WI 2018/9 into the legal practice triggered subsequent advocacy, since no real change compared to WI 2015/9 was observed.

Category	Strategies	Tactics
Attention and support seeking strategies	<input checked="" type="checkbox"/> Demonstration	<input checked="" type="checkbox"/> Organise and participate in public protests <input checked="" type="checkbox"/> Generate & disseminate (research) report <input checked="" type="checkbox"/> Review agency rules <input checked="" type="checkbox"/> Publicise agency performance gaps <input checked="" type="checkbox"/> Correlation problem & solution <input checked="" type="checkbox"/> Pursue litigation <input checked="" type="checkbox"/> Pursue changes in legislation
	<input checked="" type="checkbox"/> Rhetorical persuasion	<input checked="" type="checkbox"/> Build policy narrative
	<input checked="" type="checkbox"/> Exploit focusing event	<input checked="" type="checkbox"/> Quickly respond to sudden and rare event and take advantage of it <input checked="" type="checkbox"/> Have already available solution for the event's problem
Linking strategies	<input checked="" type="checkbox"/> Coalition building	<input checked="" type="checkbox"/> Seek collaboration <input checked="" type="checkbox"/> Selective activation
	<input checked="" type="checkbox"/> Issue linking	<input checked="" type="checkbox"/> Strategic issue linking <input checked="" type="checkbox"/> Substantive issue linking
	<input checked="" type="checkbox"/> Game linking	<input checked="" type="checkbox"/> Parallel game linking <input checked="" type="checkbox"/> Game linking in time
Relational management strategies	<input checked="" type="checkbox"/> Networking	<input checked="" type="checkbox"/> Spend time with and listen to actors active within a certain domain <input checked="" type="checkbox"/> Acquire knowledge and improved understanding of preferences, ideas and concerns of actors involved <input checked="" type="checkbox"/> Access entry points to authority
Arena strategies	<input checked="" type="checkbox"/> Venue shopping	<input checked="" type="checkbox"/> Choose right venue for consideration of issues <input checked="" type="checkbox"/> Select the right jurisdictional level <input checked="" type="checkbox"/> Focus on influence via existing procedures or via absence of procedures
	<input checked="" type="checkbox"/> Timing	<input checked="" type="checkbox"/> Recognise and exploit windows of opportunity <input checked="" type="checkbox"/> Deliberately speed up and slow down the policy process

Table 7 – advocacy strategies used in stage 3: from agenda to factual change WI 2018/9

Stage 4 – Contention over implementation over WI 2018/9

The advocacy in the fourth stage in the policy change process addresses the battle over the question whether the change from WI 2015/9 to WI 2018/9 constitutes an official policy change or not. The AC fights for a recognition of WI 2018/9 being a policy change. This recognition would open up the possibility of reassessing all the cases that have been assessed under the criticised WI 2015/9. Apart from the question of recognising the policy change, the legal practice shows how assessing LGBT asylum applications under WI 2018/9 does not show to differ significantly from WI 2015/9. The miniscule change in assessing LGBT asylum applications serve as a trigger for continued AC advocacy.

TIMELINE



Figure 7 – stage 4: contention over implementation of WI 2018/9

H 13-11-2018: old wine in new bottles?

The advocacy for more clarity on the implementation of WI 2018/9 by the AC showed to be influential. On 13 November 2018 the state secretary wrote a letter to the House of Representatives to provide the requested clarity:

‘The most important adaptation of the work instruction is that the terms “process of conscious realisation” and “self-acceptance” have been removed. These terms are no longer the axes of the credibility assessment. In this way an improvement has been made in the IND methods to assess and motivate credibility. The adaptation of the method that the IND uses in the assessment of asylum claims of LGBTI persons and converts does not imply a policy change. What matters is that an improvement has been made in the assessment method of asylum applications.’ (TK70).

The state secretary provides crucial information for answering the research question’s part on how the advocacy strategies influenced the policy change of the work instruction. All of the advocacy

strategies described in the preceding stages influenced the removal of the process of conscious realisation and self-acceptance from the work instruction. However, the abovementioned statement reflects how the state secretary *resists against policy change*, by reducing the influence of a change in work instruction to a mere improvement. In his letter he continues to elaborate on the implications of this improvement. Regarding the questions of reassessment, the state secretary mentions that only those cases assessed under WI 2015/9 which have '*almost exclusively focused on the process of conscious realisation and/or self-acceptance, an additional interview or decision could be necessary*' (TK70). For LGBT asylum applications starting after 1 July 2018, the WI 2018/9 will be used. However, despite removal of conscious realisation and self-acceptance, the terms can still appear in cases past 1 July 2018. The individual character of an asylum application is invoked to legitimate the use of the terms in an IND decision or in a court case. Furthermore, the state secretary maintains that the 'authentic story' - being the new axis in the work instruction - can still mean '*that someone convincingly declares about his process of conscious realisation, or about the way in which he accepted his sexual orientation*'. (TK70). Thus, conscious realisation and self-acceptance can continue to appear in the IND's interrogations and decision-making. To the chagrin of the AC, the legitimisation from the courts and state secretary result in a continuation of the most contentious elements of WI 2015/9, and thus show *resistance against policy change*.

The letter continues by discussing how the IND deals with statements from third parties and to what extent these are taken into consideration as an expert statement. To emphasise the authority of the IND, the state secretary refers to the European Court of Justice which ruled that the decision-making authority (the IND), remains responsible for making decisions on asylum applications. Therefore, neither the IND nor a court can solely base a decision on an expert report. Furthermore, authorities are in no way bound to expert report's conclusion (TK70). Therefore, the state secretary mentions that a lawfully instituted administrative college of experts for LGBT cases does not have '*added value*' and thus *resist against* the advocated *policy change* of installing an arbitration committee.

Statements of third parties are taken into consideration, especially when providing new factual information or substantiation for the asylum seeker's story. Statements that merely provide an alternative interpretation of the asylum story or the credibility will not suffice (TK70).

The last section of the state secretary's letter is dedicated to answering the questions the COC sent to the committee of J&S with the request to transmit these questions to the state secretary. A clever use of *venue shopping*: using the *access to the elected officials* in the committee to get answers from the state secretary. COC's continued plea to make self-identification an axis in the credibility assessment gets rejected on the grounds that this will lead to opening up the asylum system to fraudsters and therefore risk losing the public support for the asylum protection system (TK70). An

interesting way of *negative feedback*, where *resistance to policy change* is legitimated by stressing the need to maintain public support. COC's observation that the IND still uses stereotypes in their decision-making gets parried by the state secretary's statement that the IND only asks questions about stereotypes when an asylum seeker himself addresses these stereotypes. The state secretary underlines that the IND cannot use stereotypes to negatively assess the fulfilment of a credible story (TK70).

This state secretary's *negative feedback* further reinforced the courts' *negative feedback* of interpreting WI 2018/9 not differently than WI 2015/9. The state secretary's letter provided legitimation for courts to take an even clearer stance on the interpretation. By referring directly to the letter in their verdicts, courts align themselves with the state secretary. Consequently, the IND defendant in court is believed when stating that WI 2018/9 does not constitute a policy change (J102, J107, J111-112, J114-115). Thus, the political position on policy change gets translated into a similar judicial position. This judicial copying is very important, when taking the context of Dutch administrative law into account. Acknowledging policy change in a legal sense under administrative law, would have meant that all appeals cases assessed under WI 2015/9 would have been eligible to be reassessed as a first asylum application under WI 2018/9. Consequently, this would have implied granting the right of shelter to a group of rejected asylum seekers who until then were illegal stayers. Furthermore, an already overburdened asylum system would have to process a whole new wave of asylum applications. Re-legitimising the stay of this group would be too risky and therefore the courts '*kept holding on saying "it is not new policy, it is not new policy, it is not new policy"*' (R4).

This mutually reinforcing *negative feedback* from the state secretary and the courts gets picked up quickly by LGBT Asylum Support. The foundation addresses the committee of Justice and Security with an urgency letter. The committee passes the urgency through to the state secretary and requests a reaction on this letter before his next meeting with the committee (TK71). The same combination of *venue shopping* with *timing* as the COC is used here by LGBT Asylum Support. The added advantage of addressing the state secretary via the committee, is that the committee has the possibility of officially requesting a response before a certain meeting. This is a requirement that cannot be effectively made by an interest group. Here the transmitter role of influence (§3.5.2) is clearly reflected. The COC also responds to the state secretary's non-acknowledgement of WI 2018/9 being a policy change. On top of the tactics used in their previous letter, the COC specifically files a request in *pursuing changes in legislation*. The committee is requested '*to ask the state secretary to unequivocally acknowledge that WI 2018/9 entails a policy change compared to WI 2015/9 and to give the IND the order to execute the new policy and no longer reject LGBTI-asylum seekers because of a lack of 'processes of conscious realisation and self-acceptance'*' (COCL4). This *pursuing of changes*

in legislation is continued by asking the state secretary to interpret the ‘almost exclusively criterion’ of his 13 November letter broadly. This criterion implies that that additional asylum interrogations and/or decisions have to be made in in case asylum applications have almost exclusively been assessed on processes of conscious realisation or self-acceptance (COCL4).

I 12-12-2018: continued negative feedback without satisfactory ending

The request to respond to LGBT Asylum Support’s urgency letter was successful. On 12 December 2018 the state secretary responded. However, most of his response is a literal repetition of the 13 November letter. The committee of J&S meeting that takes place several days later shows that the committee is more than just a transmitter of interest group requests. Several committee members express their confusion of the government’s stance of the status of the new work instruction, by referring to the 4 July, 13 November and the 12 December letter:

‘The state secretary explained that he wants to change the process of LGBTQI people by reducing the weight of the process of conscious realisation. However, we still see in the legal practice this is not executed and that people are being deported, whilst they get this on their plate. I sincerely do not understand this. How can you say in a letter, black on white, ‘I am doing this differently’, whilst the practice does not show this? I do not find this fair, this seems not fair. I think that this can be done differently. My concrete question to the state secretary is how he is going to ensure that this will be executed differently?’ (TK73)

Further explanation from the state secretary is requested based on the interest groups’ criticism that a lot of third party are not taken into consideration. During the procedure it is not decently motivated why they are not taken into consideration, whilst this is a guarantee provided by WI 2018/9 (see table 4 in §4.3). A committee member referred to the eight cases cited by the COC in their letter to the House of Representatives (TK73). Both the general reference to ‘the practice’ and its specification by the COC, reflects the *reviewing of agency rules* and *publicising agency performance gaps*.

However, the political arena remains rather silent after this committee meeting. The forthcoming event in the policy change process is the *window of opportunity* provided by a sudden change of guard. Due to a policy scandal the state secretary needed to resign and was replaced by a new one. The COC *exploits this window of opportunity* by addressing the new state secretary with a letter mentioning that ‘*during the asylum policy meeting of 13 December 2018, your predecessor offered us to study a few of the examples we provided of the inadequate execution of the new asylum policy for LGBTI asylum seekers (work instruction 2018/9). With this letter we will take up on this offer*’ (COCL5). This ‘offer’ refers to the fifteen court rulings and two full IND dossiers the COC wants to *review* in

order to *publicise the performance gaps* of the IND's inadequate implementation of WI 2018/9. The COC *correlates* the current WI 2018/9 implementation *problems with the solution* to offer the IND to do subsequent research to WI 2018/9's execution, and via the letter '*kindly request you to cooperate by giving us access to the files*' (COCL5). *Lobbying* to get permission to study these files is cleverly approached by building forward on the benevolence of the preceding state secretary to include COC's input. It shows the keenness of COC to *generate* another *research report*, which is based on the influencing role that their report *Pride or Shame?* had on the change of WI 2015/9.

Unfortunately, the appeal to the new state secretary has not been successful:

'I know that [author of COC report] is no longer asked, because the IND thinks she is not objective enough. She asked, she wanted to do further research after her report, but they do not want that anymore. They do not want her there, they do not want to let COC in again.' (R4).

Another appeal to the new state secretary is to acknowledge that WI 2018/9 is a policy change compared to WI 2015/9, since '*the most important assessment criterion in policy and practice (processes regarding conscious realisation and self-acceptance) has been removed and your predecessor himself writes about "changes", "adjustments" and "improvements"*' (COCL5). Here again, by focusing on the literal use of words of the state secretary, COC aims to *frame* the shift of work instruction in such a way that it becomes clear that the WI 2018/9 is a policy change. This acknowledgement should be transmitted to the IND via *changing* the *professional education* of IND officers, which should focus on unlearning to interrogate and take decisions based on stereotypes (COCL5).

The COC also used a new approach in their advocacy for policy change. In their letter, the COC *pursues changes in legislation* for the specific cases mentioned and explained used as substantiation of WI 2018/9's inadequate execution. Knowing that the *negative feedback* of the preceding state secretary will probably be continued, and thus a recognition of WI 2018/9 as a general policy change will remain absent, the COC tries to achieve policy change on single cases.

A few days later, two of the motions Groothuizen filers use the COC letter as basis of their parliamentary questions (TK78). The questions are aimed at retrieving whether processes of conscious realisation and self-acceptance are still used to assess the sexual orientation of asylum seekers. Specific questions are asked whether the state secretary holds the opinion that asylum seekers who are deemed incredible based on these criteria should be reassessed (TK78).

Furthermore, a specific verdict from a court is mentioned which stated that the IND is obliged to motivate how statements from third parties are weighed in IND decision-making and that the reality shows that the IND does not follow up on this obligation. This *reviewing of agency rules* and

publication of agency performance gaps is not only done to check whether the IND is following a specific rule. The questions are used to ask how the state secretary will ensure that all of the knowledge regarding the assessment of LGBT claims will be disseminated throughout the entire IND organisation to ensure an accurate execution of WI 2018/9 (TK78). Both MP's follow up on this *timing* strategy during the last meeting of the committee of Justice & Security before the summer recess, where they have the possibility to directly approach the state secretary and hence ask all of the questions they have officially filed in their parliamentary question (TK80). Regarding the question how the work instruction is being evaluated, the state secretary states that '*I do not exclude that sometimes a mistake is made, but I do not only want to rely on the signals from interest groups. I also look at the verdicts of the judge and that shows that the IND does not perform its job correctly. The execution just must improve. It is as simple as that and I will go after it*' (TK78). Related to how the new work instruction and its implementation will be disseminated within the entire organisation, the state secretary mentions that workshops will be held at the IND to ensure the accurate implementation. After the meeting with the IND director she will reach out to the interest groups who have advocated for the change of the work instruction. The COC is specifically mentioned in this paragraph (TK78). Interestingly, one of the AC's asylum lawyer who is in close contact with the COC mentions that the COC is no longer asked for these type of workshops (R4). The question regarding the re-assessment of asylum seekers that have been interrogated based on the processes of self-acceptance and conscious realisation remains unanswered (TK78). However, the state secretary does promise to inform the House with a letter on the outcomes with the head of the IND addressing the work instruction of converts and LGBTI's.

Summary

Table 8 below shows which strategies and tactics have been used in stage 4. The advocacy in this stage has shown how the AC has used advocacy strategies in trying to achieve a political and legal recognition of WI 2018/9 being a policy change. The use of *demonstration* was mostly focused on expressing the inadequate implementation of WI 2018/9 by *reviewing the IND rules*. The *publication of the IND's performance gaps* regarding this implementation was mostly expressed in the reports and complaint letters send to the state secretary. The *problems* adressed in these reports and letters were *correlated with the solution* to demand recognition of WI 2018/9 being a policy change. This call for policy change recognition also used the *policy narrative* element of meticulously describing the words used by the state secretary to promise a change in WI 2015/9. Furthermore, in pursuing the recognition, *venue shopping* is used to let the inadequate implementation of WI 2018/9 be considered in several venues; parliamentary consideration in the committee of J&S and the House of Representatives and judicial consideration in the courts where the appeal cases are treated.

However, these advocacy strategies remained unsuccessful. A recognition of WI 2018/9 being a policy change remained absent.

Category	Strategies	Tactics
Attention and support seeking strategies	<input checked="" type="checkbox"/> Demonstration	<input checked="" type="checkbox"/> Organise and participate in public protests <input checked="" type="checkbox"/> Generate & disseminate (research) report <input checked="" type="checkbox"/> Review agency rules <input checked="" type="checkbox"/> Publicise agency performance gaps <input checked="" type="checkbox"/> Correlation problem & solution <input checked="" type="checkbox"/> Pursue litigation <input checked="" type="checkbox"/> Pursue changes in legislation
	<input checked="" type="checkbox"/> Rhetorical persuasion	<input checked="" type="checkbox"/> Build policy narrative
	<input checked="" type="checkbox"/> Exploit focusing event	<input checked="" type="checkbox"/> Quickly respond to sudden and rare event and take advantage of it <input checked="" type="checkbox"/> Have already available solution for the event's problem
Linking strategies	<input checked="" type="checkbox"/> Coalition building	<input checked="" type="checkbox"/> Seek collaboration <input checked="" type="checkbox"/> Selective activation
	<input checked="" type="checkbox"/> Issue linking	<input checked="" type="checkbox"/> Strategic issue linking <input checked="" type="checkbox"/> Substantive issue linking
	<input checked="" type="checkbox"/> Game linking	<input checked="" type="checkbox"/> Parallel game linking <input checked="" type="checkbox"/> Game linking in time
Relational management strategies	<input checked="" type="checkbox"/> Networking	<input checked="" type="checkbox"/> Spend time with and listen to actors active within a certain domain <input checked="" type="checkbox"/> Acquire knowledge and improved understanding of preferences, ideas and concerns of actors involved <input checked="" type="checkbox"/> Access entry points to authority
Arena strategies	<input checked="" type="checkbox"/> Venue shopping	<input checked="" type="checkbox"/> Choose right venue for consideration of issues <input checked="" type="checkbox"/> Select the right jurisdictional level <input checked="" type="checkbox"/> Focus on influence via existing procedures or via absence of procedures
	<input checked="" type="checkbox"/> Timing	<input checked="" type="checkbox"/> Recognise and exploit windows of opportunity <input checked="" type="checkbox"/> Deliberately speed up and slow down the policy process

Table 8 – advocacy strategies used in stage 4: contention over implementation of WI 2018/9

Chapter 6 Analysis

This chapter will build upon the empirical proof of the influence of advocacy strategies on the change of the work instruction provided in chapter 5. By integrating the theory from chapter 2, this chapter will provide a more integrated analysis on the influence of the advocacy strategies on changing the work instruction and how the strategies relate to each other. This strategy overarching analysis will provide a more meta-level perspective to the research question: *Which strategies did the actors advocating for a change in the IND work instruction for LGBT asylum seekers use and how did these strategies influence the change of the IND work instruction for LGBT asylum seekers?* This chapter will follow the strategy category structure from the advocacy strategy framework (§2.3). The overarching influence of the advocacy strategies will be analysed per category: the attention- and support seeking strategies, the linking strategies, the relational management strategies and the arena strategies. The chapter will be concluded with an analysis of how the findings from chapter 5 connect to the general assertion of influence as explained in chapter 3.

6.1 Attention and support seeking strategies

6.1.1 Demonstration

Throughout the policy change process, *reviewing* the IND's *rules* has been an oft-used and influential *demonstration* tactic. The *reviewing* ranged from revealing the stereotypes apparent in WI 2015/9 to criticising the inadequate implementation of WI 2018/9 by the IND and the courts. By expressing the severity of problems surrounding the work instruction in all policy change stages, the AC was successfully able to use the *demonstration* potential. The AC aroused attention in the political, legal and media arena and influenced public opinion (Brouwer & Huitema, 2018; Sabatier & Jenkins-Smith, 1993).

Reviewing IND rules via research (*Pride or Shame?*, *Could you describe that moment again?* and *Scratches on your Soul*) has successfully demonstrated how actors ranging from MP's, interest groups to asylum lawyers can use science to support advocacy for a change in policy (Brouwer & Huitema, 2018). The research used in the advocacy *publicised the agency performance gaps* of the IND. Via in-depth analysis they effectively exposed and problematised the western biased process of conscious realisation and self-acceptance in WI 2015/9. The most evident influence of research is expressed in how the *correlation of problems and solutions* led several of the AC's policy recommendation to be included in the text of WI 2018/9. The *research reports* also got *disseminated* into the pleas of asylum lawyers in the courtrooms (J75, J86, J79, J91, J97, J102, J07, J118) and the political arena in the form of debates, parliamentary questions and motions. This dissemination was used as a catalyst to build acceptance of policy change (Brouwer, 2015). The *reviewing the IND rules* via *generating and*

disseminating research reports to advocate for a change in the work instruction was used several AC actors. Since these tactics were also used to critique the execution of WI 2018/9 by the IND and courts, the *demonstration* strategy has revealed the AC's belief compatibility regarding the secondary element aspect of how to evaluate the performance of actors (Sabatier, 1998).

Interestingly, Brouwer & Huitema's typology classifies the *disseminating and generating of research reports* as a self-contained tactic. However, this research has revealed that this tactic is often an umbrella term, including several other tactics under its header.

6.1.2 Rhetorical persuasion

One of the most striking influences within the *rhetorical persuasion* strategy is the far-reaching influence of *framing*. This research has revealed how using a particular *framing* can have a positive impact on one stage of the policy process, but negative consequences for another stage. This influence mechanism becomes evident in the formulation of the motion Groothuizen (TK30A). The AC's motion filer formulated the motion text openly to *build a policy narrative* that would resonate with decisionmakers, the state secretary specifically (Shanahan et al., 2011). By deliberately not problematising the IND credibility assessment and thus not demanding certain solutions, the necessary political support was acquired and the state secretary was provided with substantial leeway to implement the motion. This reveals an important addition for the *rhetorical persuasion* strategy. *Rhetorical persuasion* is a strategy that is not only used to persuade other actors of a preferred problem definition, but can also be influential in intentionally leaving a problematisation behind in order to persuade decisionmakers to take some form of action. (Shanahan et al., 2011).

However, the motion's formulation to request to the government to look into 'possibilities for improvement' (TK30A) in the credibility assessment unintentionally led to *negative feedback* in the legal practice.

'That was indeed a nice one, that the request asked for possibilities for improvement. Because of that text, the IND just got away more easily, in that way that they said "no there was nothing wrong with it, no it was only asked if it could be improved." They interpreted it like that and put it forward as such' (R4).

This *negative feedback* provided by the IND got translated into judicial verdicts. The courts stated that *'stemming from the letter addressed to the House of Representatives of 9 January 2018, the question is not focused on whether the research methods and way of assessing under Work instruction 2015/9 are right or not, but rather on the question if there are possibilities for improvements.'* (J68).

Consequently, the adaptation from WI 2015/9 into WI 2018/9 was merely regarded as such: an improvement in assessment methods. Neither the state secretary, the IND nor the courts treated WI 2018/9 as a policy change in a legal sense. This *negative feedback* underlines the cruciality of the *rhetorical persuasion* element of choosing exactly the right words when advocating for a policy change.

However, the *negative feedback* surrounding the change from WI 2015/9 into WI 2018/9 was not always as explicit as the non-acknowledgment of policy change. There is a general trend observable that WI 2018/9 starts to get more accurately implemented. Asylum lawyers note how processes of conscious realisation and self-acceptance do not longer appear in IND interrogation reports. Asylum seekers are no longer asked to connect their sexual orientation awareness to a specific chronology and how this moment evolved into self-acceptance. However, the asylum narrative '*now has to address what we call the authentic story. And that story should reveal what it has meant for someone to be different in a culture where it was not allowed. In other words, a process of conscious realisation [...] So, it is exactly the same, but then just under another header.*' (R4).

Overarchingly, analysing the advocacy of the AC via *rhetorical persuasion* reveals who has the power to impose a dominant counter-frame and hence resist policy change. The *framing* used in the *negative feedback* from the claims expressed by the IND, state secretary and courts reflects this strategy's focus on creating a coherent entity (Schrover & Schinkel, 2013). This entity of claims that gets translated into a story wherein all of the words used by the state secretary to describe the 'change' from the WI 2015/9 to WI 2018/9 are manipulated to depict a benevolent stance to making adaptations in the work instruction, but only adaptations in the sense of improvements of existing policy.

'It is all intertwined with each other, and mainly the devious way which the IND uses this trick. Look, it is continuously an improvement, there have been many discussions, also via the courts, via judges discussing whether it its new policy or not. But if you are changing a method, which does not allow to ask questions about these processes, then you are talking about new policy. You cannot see it any other way, it seems to me. And then this is really just a fight about words, and the meaning of words. And that makes it so difficult.' (R5).

6.2 Linking strategies

6.2.1 Coalition building

The use of the *coalition building* strategy by the AC enables an interesting analysis when looking at how the strategy has been used throughout the policy change process. Although collaboration of some form was sought between multiple actors in the AC, no contact resulted in substantive long-term collaborative advocacy. The collaboration mainly encompassed individual actors monitoring the behaviour of other AC-actors and adapt their own behaviour to make it complementary for achieving a change in the work instruction (Sabatier & Jenkins-Smith, 1999). These coordination characteristics are indicative of weak coordination within the AC (Beverwijk, 2008).

An explanation for this weak coordination can partially be found in the degree of belief compatibility amongst the different actors in the AC (Weible, 2008). Within the AC there is a high degree of belief convergence regarding the *policy core belief*. There is consensus on the asylum policy's western bias regarding sexuality development, with the 'basic causes of the problem' being the overreliance on processes of conscious realisation and self-acceptance (Sabatier, 1998). There is also agreement over some of the advocated alternatives for the WI 2015/9. This is expressed in the overlapping solutions of the reports *Scratches on your Soul* (LGBT Asylum Support) and *Pride or Shame* (COC). This hints at *secondary aspect* compatibility on the preferences of regulations to solve the problematic elements of the WI 2015/9 (Sabatier, 1998). However, divergence arises when it comes to the solutions both interest groups most often express. On the one hand, the COC strongly advocated for the implementation of self-identification as the axis of the new work instruction (COCL1&3; Jansen, 2018). This overlaps with the plea of one of the AC's asylum lawyers for a moderated expression of this identification. He advocated for granting more weight to an asylum seeker's statement that when *'he has a relationship with someone, of which he can provide some proof'* he should be believed (R4). On the other hand, LGBT asylum support is in favour of installing an arbitration committee, which can reassess all of the information used in a rejected asylum application. An MP with whom LGBT Asylum Support had close contact supported this idea; *'she said 'well, such a committee might actually not be such a bad idea, let's try it'* (R5). However, other MP's, such as one of the filer of the motion Groothuizen said: *'you could say, with LGBTI that we let behavioural experts look into those applications again. But I know that there is quite a lot of resistance with organisations such as the COC. They say then that you so to speak, are labelling homosexuality as a psychological condition'. So, I refrained from suggesting that.* (R1).

Within some crucial stages of the policy change process no coordination whatsoever seemed to exist between AC-members. This non-coordination mostly occurred between actors from different arenas

wherein a change in the work instruction is advocated for. A clear example of this coordination at cross purposes is reflected in the motion Groothuizen. Although drafted with the best intentions in the political arena – frame openly to acquire the support to let the motion pass, so the government would be moved towards changing WI 2015/9 - the legal arena was substantially burdened by the motion text *framing* of asking the government to look into ‘possibilities of improvement’ in the IND credibility assessment (§6.1.2). Such non-coordination, hints at the existence of an advocacy community, where only policy core beliefs of actors are shared, but no coordinated advocacy activity takes place (Stritch, 2015).

The *coalition building* within the AC even shows some signs of the complete opposite of coordination: conflict. The conflict element of using activities to prevent other actors from pursuing divergent goals was apparent to some extent (Beverwijk et al., 2008). In order to discuss a more coordinated collaboration on LGBT migration related issues, LGBT Asylum Support initiated a meeting with COC. However, COC was not in favour of more collaboration: ‘*The COC held the opinion that ‘you [LGBT Asylum Support] can take care of the fireworks and we will take care of the rest’ (R5).* The ‘rest’ mostly refers to the lobby work that the COC wants to remain a strong influential position in, especially to make their focal recommendation of self-identification an axis in the credibility assessment. This recommendation is somewhat conflicting with LGBT Asylum Support’s focus on getting an arbitration committee installed.

This limited conflict shows how, despite the absence of opposing advocacy coalitions, opposition can also come from within one advocacy coalition. Herewith, conceptualising policy change within the ACF gets an additional layer. Policy change is not only the result of competition between opposing AC’s which are trying to translate their belief into policy change (Pierce et al., 2017). Policy change, or more accurately the slow progress thereof, can also be the result of competition within one AC. The divergence in the *secondary aspect beliefs* between the two interest groups is also reflected in the divergence of strategies they mostly use to achieve core values within the policy subsystem (Sabatier, 1998). LGBT Asylum Support often uses more visible tactics such as demonstrations, petitions and protests in order to visibly get the problems regarding the work instruction out in the open. Whilst, the COC is more focused on incremental back room lobby politics: ‘*the COC is, and I think that is really good, really cautious. They do much more than we know. They have all sorts of inside contact with politicians, you name it. And I think it does not make much sense if the COC starts to get really angry publicly at the IND.*’ (R4).

6.2.2 Issue linking

Although *seeking collaboration* by the AC is not reflective of strong coordination, the findings reveal that even short-term oriented coordination can have a long-term influence. This influence is most evident in the *strategic issue linking* of the motion Groothuizen. By including the problem perceptions of converted asylum seekers into the motion, a collaboration with the Christian parties was forged. Therefore, a broad-based request to look into improvements for the credibility assessment of both asylum seeker groups was filed to government. The open formulation of the motion has revealed the *strategic issue linking* element of successfully binding actors to each other, without demanding substantial agreement on objectives (Koppenjan & Klijn, 2004). Interestingly, it is exactly this difference of objectives between the parties that showed to be influential in terms of coordination. Since the Christian signatories held a large interest in a quick translation of the motion into concrete policy for converted asylum seekers. By voicing pressing reminders to the state secretary to quickly come up with implementation plans for the motion Groothuizen, the Christian MP's indirectly reminded the state secretary to come up with improvement possibilities for the assessment of LGBT asylum seekers, since the motion Groothuizen addressed both groups of asylum seekers simultaneously (TK55, TK66, TK73). Herewith, the *strategic issue linking* used to acquire political support for the motion resulted in the use of another: *timing*. The reminders from the Christian parties are reflective of putting time pressure on the state secretary to speed up the policy process (Brouwer, 2015).

Furthermore, analysing the *strategic issue linking* between converted asylum seekers and LGBT asylum seekers revealed a parallel outside the political arena. During the course of the advocacy, LGBT asylum support developed a good connection with foundation Gave. This Christian foundation offers specific religious advice to legal counsellors regarding conversion asylum applications. Gave has created its own committee of experts that drafts reports which asylum lawyers can use in their evidentiary as a third party statement to substantiate the claims of converted asylum seekers. LGBT Asylum Support got inspired to install such a committee on their own:

'In fact I am thinking to do something similar myself. The contacts with the behavioural experts we already have: people from the same country of origin, so you can also take the context into account, from which culture you are making statements about. So, we already have all the knowledge, it is only a matter of how are you going to organise things. (R5).

It shows how the earlier mentioned linking of problems dimension to other AC's - the as unjust perceived credibility assessment by the IND, which also implies to converts – influenced a broader

set of suggested solutions. In this case the creation of an independent experts committee on your own, which can publish reports usable for *pursuing litigation* (Brouwer & Huitema, 2018).

6.3 Relational management strategies

6.3.1 Networking

The lack of strong coordination within the AC also gives rise to the question whether the *collaboration sought* might be more accurately categorised as *networking*. The collaboration between MP's with COC and LGBT Asylum Support was mostly focused on '*the information, with which they could convince me that there was a problem in the work methods of the IND and that there*' (R1). This collaboration overlaps with the *networking* emphasis on spending time with actors active in a domain to acquiring additional knowledge (Brouwer & Huitema, 2018). The use of the *networking* strategy by the AC also shows how this strategy can be influential when combined with other strategies. An important example is the combination with *exploiting a window of opportunity* (=venue shopping). During the meeting with the state secretary regarding the *Scratches on your Soul* report, LGBT Asylum Support *exploited* their *access to an entry points to authority*. By improving the knowledge of the state secretary regarding the work instruction's problems and express the concerns regarding the consequences of this problems, he provided LGBT Asylum Support with an *entry point to bureaucratic insiders*. The meeting resulted in installing a biannual meeting between LGBT Asylum Support and the IND. This entry point to the IND is not only limited to this biannual meeting: '*look what is happening now is that I can ask questions regarding general elements of the policy, instead of having to write letters to the state secretary. That is a huge difference. That really shows that they take my work seriously*' (R5). The achieved access point to bureaucratic insiders thus proves to have the advantage of having an entry point for the implementation of an advocated policy change (Roberts & King, 1991).

Another noteworthy element of the *networking* strategy is how events specifically designed for networking can be influential for the course of the policy change process. In October 2017 the COC organised a European conference on LGBTI asylum issues. Present there were several actors of the AC: the COC, an asylum law researcher and an asylum lawyer. The AC's cultural psychologist was asked to give a presentation on her deconstruction of an IND interrogation by analysing it from a post-colonial perspective. Her presentation was visited by two fellow researchers, both involved in *Pride or Shame?* report, that was back then still under construction. One of the researchers approached the cultural psychologist during the conference:

'I have spoken extensively with him and he told me: "the way you look to these questions is really new to me, I think no one has even done that before and it would be very interesting to write an article, maybe you should try that".' (R2).

The conference reveals how *networking* - combined with the *arena strategy* of having the right venue to consider issues - can lead to the identification of new ideas and understandings of advocated issues (Bouwer & Huitema, 2018). The encouragement and peer review offered by the fellow researcher, led to the publication of the presentation in article form in the *Asylum and Migration Law Journal*. This reflects how *networking* can also influence the *generating and disseminating of research reports*. The dissemination would find its way to the *litigation process* where the article was used in asylum lawyers' evidentiary to advocate for a change in the work instruction (J75, J86, J79, J102, J91, J118): *'this was the first scientific report. It endorsed exactly what I have been telling for years, but what I do is not scientific of course, so it's logical that there was not done much with that'* (R4).

6.4 Arena strategies

6.4.1 Venue shopping

The overarching influence of the *venue shopping* strategy is that the venues used by the AC show how the political decisionmakers were forced to take a stance. This mainly applies to the parliamentary questions asked in the House of Representative and the reminders expressed and urgencies voiced during the committee of J&S meetings. Especially debates in the latter venue have the advantage they are almost always concluded with a check and confirmation of the pledges made by the state secretary during the meeting. In this way, the *use of a venue with prescribed procedures* in place proved beneficial to keep track of proceedings of the state secretary's promises (Brouwer, 2015). Not only can committee members and other MP's easily refer back to these promises, the parliamentary procedures also make the minutes of the committee meetings publicly accessible. Consequently, actors outside the political arena could use the minutes for their advocacy activities. LGBT Asylum Support and COC also repeatedly approached the committee to transmit their questions to the state secretary. This mostly concerned reminding and urging the state secretary to keep his promise made after the motion Groothuizen to come up with concrete possibilities to improve the assessment of LGBT asylum applications (R5, COCL3, COCL4).

Furthermore, analysing the findings adds an additional theoretical insight to the *venue shopping* strategy: that within one venue prescribed and absent procedures can simultaneously exist, be used and influence the policy process. This simultaneity can be found in the proceedings of the motion Groothuizen. Although its filing and subsequent passing has been done within the prescribe

procedure setting of the budgetary debates of the ministry of Justice and Security, the support acquisition from other political parties and the state secretary was done via back rooms:

'So when it was filed, then he [the state secretary] said, during the debate, he in principle gave a reaction that was not negative, or that he did not discouraged it, and that is because we let him know in advance "hey, we are planning on doing this". If you just do that all out of the sudden, that the changes are high, that it will get discouraged and will very likely not get a majority. So it is all a bit prearranged' (R3).

6.4.2 Timing

The overarching analysis of the findings reveal an important theoretical addition to the *timing* strategy: the *'repetition tactic'*. This tactic refers to the consistent repetition of calls for action during the policy change process. Although resembling the *speeding up the policy process* tactic of the *timing* strategy, the *repetition* tactic is not solely focused on accelerating the policy process.

Repetition revolves around keeping the issue of the adaptation of the work instruction 'alive', by ensuring attention is paid to it in the political arena and consequently the media and the legal arena. People refer to the importance of this *repetition* tactic as the need in these policy process to *'have a long-term commitment'* (R4), to *'be perseverant'* (R5) and the acknowledgement that *'a big part of the work is, to go after the implementation, to urgently remind'* (R2). This advocacy tactic aligns well with the importance dedicated to remaining active within a policy subsystem for a long time period, since policy processes in general are continuous entities without a clear start of end point (Jenkins-Smith et al., 2014).

Another overarching point revealed by the use of the *timing* strategy is how different actors within the AC can hold different stances regarding the contentment of the speed of the policy change process. This reveals an important enrichment of the ACF element of *secondary aspects*. These aspects, amongst others, address how actors within an AC evaluate the performance of actors (Sabatier, 1998). This evaluation can thus include an assessment of the speed of decisionmakers response to the advocacy for a policy change. The possible divergence in contentment over this speed amongst AC-member is clearly expressed by one of the motion Groothuizen filers:

'With NGO's in general, there is not much patience. However, if say we are going to change the policy from 1 July, before big and cumbersome organisations have implemented this and before it concretely is improved in the policy practice, that just takes time [...] and that is why I started to shift my attention to other things. Because I think you should give an organisation reasonable time to implement it accurately. And look, July 2018, it has been a year. So, if I keep on hearing substantiated

signals that it goes wrong on a more than incidental base, than I will ring the bell again and ask “how is it going now?” But to keep on doing that in July, August and September, that is not useful’ (R1).

And indeed this contentment of the speed of the policy process clashes with the view from LGBT Asylum Support; *‘That work instruction should not have been there in July, but already in January, so that at the moment the officers need to implement it, they are informed about how to work with it [...] You cannot say, “yeah they still need to be trained and blablabla”. You cannot do that. If you make new traffic rules, they also become effective immediately, so what happened here is just poor.’ (R5).*

These two actors reflect both sides of the spectrum. COC is more leaning towards agreement with LGBT Asylum Support in terms of speed, whilst the policy advisor is more in line with the stance of the MP. The asylum lawyer and the cultural psychologist are somewhere in the middle. Thus, compatible contentment over speed of policy change might be an additional element to take into account when defining an AC beyond the compatible policy core beliefs and compatible coordination patterns (Weible, 2008).

6.5 Analysing the assertion of influence

The last paragraph will analyse the connection between the findings and the theory on asserting influence. This analysis will help to answer the second part of the research question: *‘how did the advocacy strategies influence the change of the IND work instruction for LGBT asylum seekers? To assert this influence, it is important to revert to the definition of influence used in this research: ‘the achievement of (a part of) an actor’s goal in decision-making, which is either caused by one’s own intervention or by the decision-makers’ anticipation’ (Arts & Verschuren, 1999, p.413). The influence assertion analysis will be presented via the three policy stages where most advocacy has taken place in the policy process: problematising WI 2015/9 onto the political agenda, from agenda to factual change of WI 2015/9 to WI 2018/9 and the contention over the implementation of WI 2018/9.*

In the early stages of the policy change process, the AC has successfully used the transmitting mechanism of influence. This mechanism implies that influence is not per se achieved via bilateral contact between actor A and B. It is possible that actor C transmits A’s preferences to decision-maker B (Arts & Verschuren, 1999). The AC’s focus in the stage 2 (problematising the WI 2015/9 onto the political agenda) to pressure the state secretary from several arenas underpins this claim. Both the critical media coverage, parliamentary questions, approaching of the committee of J&S, advocacy during litigation processes and interest group protests successfully consolidated the call for changing the work instruction in the political arena. The advocacy strategies in this agenda-setting stage revealed how the administrative agency – IND – is efficiently influenced by targeting the sovereign that holds the political mandate – the state secretary (Sabatier & Jenkins-Smith, 1993). The advocacy

led the state secretary to promise to look into improvement possibilities for the credibility assessment of LGBT asylum seekers.

In stage 3 (from agenda to factual change of WI 2015/9 to WI 2018/9) the influence of the advocacy strategies can be labelled policy-oriented learning. This ACF pathway to policy change focuses on creating lasting changes of thought or behavioural intentions at the side of decisionmakers (Sabatier & Jenkins-Smith, 1999). Most advocacy strategies – particularly demonstration – led to the policy-oriented learning influence of altering the assumptions of decision-makers (Sabatier & Jenkins-Smith, 1999). Policy change via policy-oriented learning can be discerned when a new policy has incorporated secondary aspects or new scientific information (Weible et al., 2013). The secondary aspects of the AC – the aspects dealing with the policy preferences regarding desirable regulations - are clearly reflected in the factual document change of WI 2015/9 to WI 2018/9. Achieving the removal of processes of conscious realisation and self-acceptance from the work instruction document (see table 4 in §4.3) is the most important change. These processes were considered to be the main causes for the problems of the work instruction, hereby reflecting the AC's policy core belief (Sabatier, 1998).

Stage 4 (contention over the implementation of WI 2018/9) revealed the limited influence of the advocacy strategies. Despite being successful in changing the work instruction document, the advocacy strategies were less successful in influencing the implementation of the new work instruction. The implementation of WI 2018/9 resulted in unsatisfactory policy outcomes. The legal reality showed that WI 2018/9 is largely a continuation of the old WI 2015/9. The processes of conscious realisation and self-acceptance reappeared in WI 2018/9, albeit under the term authentic story and (thought)process (see table 4 in §4.3). The dissatisfaction regarding the policy outcome of the advocacy became even bigger when courts and the state secretary repeatedly declared that WI 2018/9 was, neither politically nor legally, a policy change. The theory provides a possible explanation for this old wine in new bottles mechanism in the implementation of WI 2018/9. The work instruction, being a standard operating procedure, focuses on the relative stability of expected policy outcomes. When dramatic revision of such a procedure remains absent, decisions are supposed to be made via a process that causes stable outcomes (Baumgartner & Jones, 2002). Since WI 2018/9 does not reflect a complete revolutionisation of the assessment of LGBT asylum applications, decisions stemming from WI 2018/9 resemble those stemming from WI 2015/9 for a great part.

Chapter 7 Conclusion

The IND faces an extremely complex question in deciding upon LGBT asylum applications: how does one assess the credibility of a stated sexual orientation or gender identity that has been put forward as grounds for asylum? IND officers have to assess this credibility by balancing between two extremes. On the one hand, it is not possible for LGBT asylum seekers to provide exhaustive proof to make plausible that they are LGBT. On the other hand, the mere statement that one is LGBT, is also not enough to be granted asylum status (IND, 2015). This balancing act is steered by using a work instruction throughout the asylum status decision-making process. The guidelines expressed in this work instruction reveal how the IND (and thus the Dutch state) believes sexual orientation and gender identity can be best assessed within these extremes. This state governing of sexual orientation and gender identity has led many actors to advocate for a change in this complex decision-making area. This research has shown how these actors have strategically mobilised themselves to influence a change in the work instruction. Therefore, in this concluding chapter this research is able to answer the question:

Which strategies did the actors advocating for a change in the IND work instruction for LGBT asylum seekers use and how did these strategies influence the change of the IND work instruction for LGBT asylum seekers?

The first part of the question's answer expresses one of the most important theoretical contributions. By constructing an advocacy strategy framework, this research has been able to structurally assess which strategies advocacy coalitions can use to influence policy change. The Advocacy Coalition Framework herewith has been enriched with a tool to strategically analyse the behaviour of actors within policy change processes. The strategies that the actors advocating for a change in the IND work instruction for LGBT asylum seekers have used are visualised in table 9 below. Consequently, sub-question 3 can be answered: *Which strategies did the advocacy coalition pro-change IND work instruction LGBT asylum seekers use in order to influence the change of the work instruction?* The green tick indicates that the strategy and/or tactic has been used. The red cross indicates that the strategy and/or tactic has not been used.

Category	Strategies	Tactics
Attention and support seeking strategies	<input checked="" type="checkbox"/> Demonstration	<input checked="" type="checkbox"/> Organise and participate in public protests <input checked="" type="checkbox"/> Generate & disseminate (research) report <input checked="" type="checkbox"/> Review agency rules <input checked="" type="checkbox"/> Publicise agency performance gaps <input checked="" type="checkbox"/> Correlation problem & solution <input checked="" type="checkbox"/> Pursue litigation <input checked="" type="checkbox"/> Pursue changes in legislation
	<input checked="" type="checkbox"/> Rhetorical persuasion	<input checked="" type="checkbox"/> Build policy narrative
	<input checked="" type="checkbox"/> Exploit focusing event	<input checked="" type="checkbox"/> Quickly respond to sudden and rare event and take advantage of it <input checked="" type="checkbox"/> Have already available solution for the event's problem
Linking strategies	<input checked="" type="checkbox"/> Coalition building	<input checked="" type="checkbox"/> Seek collaboration <input checked="" type="checkbox"/> Selective activation
	<input checked="" type="checkbox"/> Issue linking	<input checked="" type="checkbox"/> Strategic issue linking <input checked="" type="checkbox"/> Substantive issue linking
	<input checked="" type="checkbox"/> Game linking	<input checked="" type="checkbox"/> Parallel game linking <input checked="" type="checkbox"/> Game linking in time
Relational management strategies	<input checked="" type="checkbox"/> Networking	<input checked="" type="checkbox"/> Spend time with and listen to actors active within a certain domain <input checked="" type="checkbox"/> Acquire knowledge and improved understanding of preferences, ideas and concerns of actors involved <input checked="" type="checkbox"/> Access entry points to authority
Arena strategies	<input checked="" type="checkbox"/> Venue shopping	<input checked="" type="checkbox"/> Choose right venue for consideration of issues <input checked="" type="checkbox"/> Select the right jurisdictional level <input checked="" type="checkbox"/> Focus on influence via existing procedures or via absence of procedures
	<input checked="" type="checkbox"/> Timing	<input checked="" type="checkbox"/> Recognise and exploit windows of opportunity <input checked="" type="checkbox"/> Deliberately speed up and slow down the policy process

Table 9 – advocacy strategies used by the AC to influence the change of the work instruction

To answer sub-question 4, *How did the strategies used by the advocacy coalition pro-change IND work instruction LGBT asylum seekers influence the policy change as reflected in the new work instruction and its implementation?*, the influence per strategy category will be discussed below. Explicit strategies and tactics will be highlighted in italics.

The attention- and support-seeking strategies have influenced the policy change most evidently via the continuous critical *review* of the IND *rules*. This review was both executed by the AC's asylum lawyers, MP's, researchers and interest groups. By disentangling and exposing the western biased stereotypes in the work instruction, the AC influenced the state secretary to adjust the old work instruction. By combining this *review of agency rules* with a broad range of credibility assessment alternatives, the AC was able to effectively *correlate* the work instruction's *problems with solutions*. The influence of these tactics is most evidently expressed in the answer to sub-question 1: *Which factual changes have been made in the IND work instruction for LGBT asylum seekers document?* By *correlating problems with solutions*, several alternatives proposed by the AC were included in the new work instruction WI 2018/9 document. The removal of the processes of conscious realisation and self-acceptance is the most important achievement. The *rhetorical persuasion* tactic of *framing* has influenced the change of the work instruction in both a positive and negative way. In the early

phases of the policy change process, framing – expressed in LGBT Asylum Support’s #notgayenough campaign and the open formulation of the motion Groothuizen – moved the government towards change. However, the motion’s formulation to request the government to look into ‘possibilities of improving’ the credibility assessment of LGBT asylum applications had negative consequences. The eventual change of work instruction WI 2015/9 into WI 2018/9 was exactly framed as such by the government and courts: merely an improvement. Therefore, decisionmakers could maintain the negative feedback position that there was no official policy change in place.

The linking strategies have influenced the composition of the AC in the policy change process. By *seeking collaboration* with other actors, a diverse AC composition within the asylum policy subsystem was created. This *coalition building* tactic enables answering sub-question 2: *Which actors make up the advocacy coalition pro-change IND work instruction LGBT asylum seekers?* The AC consisted of MP’s, policy advisors, researchers, asylum lawyers and interest groups. Since these actors are active in several arenas (political, legal, scientific and NGO arena), the AC was able to pressure the state secretary from several perspectives to change in the work instruction. Furthermore, by linking the credibility assessment problems of LGBT asylum seekers to those of converted asylum seekers, the AC influenced the proceeding of the work instruction’s change on the political agenda. This *issue linking* resulted in the acquisition of the political support of the Christian political parties for the motion Groothuizen. The broad-based political support led the state secretary to promise to look into improvement possibilities for the work instruction and hence consolidated the problematised work instruction on the political agenda.

The relational management strategy of *networking* has influenced the AC’s *access to entry points of authority* throughout the policy change process. Mostly because interest groups approached MP’s and members of the committee of J&S, these political actors within the AC acquired knowledge and an improved understanding of the work instruction’s problems. This result of *networking* enabled these political actors to transmit the call for policy change and pressure the state secretary.

The arena strategies have influenced the continuous presence of the advocacy for a change in the work instruction in the political arena and influenced the pace of the policy change process. By exploiting the stratification of the Dutch parliamentary structure, the AC successfully *shopped* for *venues* to let the advocacy for a change in the work instruction be considered in several arenas. Furthermore, the *timing strategy repetition tactic* kept the consideration of the advocacy or a change in the work instruction alive on the political agenda. Because the AC pervasively reminded the state secretary on keeping his promises made in letter and debates, a change in the work instruction was achieved.

When analysing table 9, one can conclude that almost all advocacy strategies have been used throughout the policy change process. This presence reveals important leads for the advocacy strategy theory. This research has shown how an integral use of advocacy strategies can result in minor policy change via policy-oriented learning. It is the use of almost the entire spectrum of advocacy strategies that has influenced the assumptions of decision-makers. This is most evidently reflected in the incorporation of new secondary aspects and new scientific information in the WI 2018/9 document. Furthermore, the presence of nearly all strategies reveals an important lead for further research. As revealed in chapter 5 and chapter 6, a lot of the advocacy strategies used showed to be an integration of several tactics under the header of one main strategy. Sometimes the use of one advocacy strategy also led to the use of another strategy. These insights provide an interesting angle for further research to analyse the intertwining of advocacy strategies in policy change processes.

However, the influence of the advocacy strategies on the change of the work instruction must be slightly moderated due to this research' limitations. A first limitation is the minimal consideration of the influence of external factors that might have influenced the policy change process. Factors such as changes in other policy subsystems and changes in socioeconomic conditions have not been considered. However, by including focusing events and game linking in the advocacy strategy framework, some form of external influence was included. In further research, which aims to analyse the Advocacy Coalition Framework in its full scope, such external forces are relevant to include, since these factors can limit the AC's capacity achieve policy change. A second limitation is that the input of the AC was not able to be analysed to its full capacity. Although the influence of the COC was accurately taken into account via document analysis, due to COC's limited organisational capacity, more in-depth insights in their advocacy strategies via an interview was not retrieved. Another view point that lacked in this research is that of the IND. Although via several channels it has been tried to retrieve internal documents or interviews from the IND, the response to these requests remained negative. The IND perspective could have been an interesting vantage point to see how the expert meetings at the IND influenced the policy change, as expressed in the state secretary's letter accompanying the new work instruction.

In the final part of the conclusion, the broader relevance of this case study will be revealed. This broader relevance relates to the high complexity embedded within the IND assessment of LGBT asylum claims. This complexity is two-fold. Firstly, the complexity reveals how decision-making processes evolve regarding issues of which it is initially highly contentious if a solution at all can be provided. A lot of political decision-making involves societal problems where involved actors do not have consensus on how to deal with the problems at stake. Conflict over the norms and values

necessary to take into consideration in problem-solving and the hardship of agreeing on the cause-effect relationship give these problems the name 'wicked problems' (Alford & Head, 2017). However, wicked problems at least imply that there is a solution thinkable for the addressed problem. What this research reveals is how decision-making processes evolve on issues of which it is highly debatable whether a solution can be provided at all.

This research provides insight in how the struggle of interests is carried out within these hyper-complex issues. A policy struggle that is characterised by a constant balancing of interests between and within the different actors and arenas. How do political authorities decide upon a hyper-complex issue in a way that both addresses the criticism to current policy accurately, yet is able to sustain the broader public support as well? How can judges decide upon cases with new rules, whilst asylum lawyers argue that there is just a continuation of the old rules in place? And how do interest groups effectively put forward their advocacy to decisionmakers whilst remaining their inclusion in the decision-making process? A struggle for interests that also revolves around contention of what the accurate solution for such a possibly unsolvable issue should be.

This relates to the second complexity element that this research reveals. Even when advocacy on highly-complex policy issues result in the benevolence of political authorities to make adaptations, it can be debatable whether the eventual changes made meaningfully diverge from previous policy. The thorniest issues regarding the IND work instruction advocacy – the processes of conscious realisation and self-acceptance – were removed from the new work instruction. However, the same processes reappeared in the execution of the new work instruction and subsequent decisions, albeit under the header of different terms. Therefore, one is left with the question: does any form of policy change taken within arguably unsolvable policy dilemmas not just boil down to old wine in new bottles? Answering that question demands further research into similarly complex issues. However, this research has evidently demonstrated that the perseverant use of advocacy strategies by a multitude of actors on hyper-complex policy issues can influence policy change incrementally.

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Appendix I

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Appendix II The overview of document analysis documents and used search criteria

PARLIAMENTARY DOCUMENTS.

SEARCH TERMS
 LGBT(I) asylum, LGBTI(I) work instruction (IND), credibility LGBT(I), LGBT Asylum Support, COC



Database used	The official Dutch Parliamentary database https://www.tweedekamer.nl/kamerstukken					
Type of document	Letters from government	Decision lists	Questions from the House of Representatives	Voting results	Reports	Remaining documents
Number of documents	45	17	44	1	39	94

JURISPRUDENCE

Footnote on search terms: the ‘work instruction’ search terms are rather self-explanatory. Including LGBT Asylum Support in the search terms requires a bit more elaboration. LGBT Asylum Support was included in the search term since the foundation often appeared in the news articles as testifiers during court trials, within which they might have expressed advocacy for changing WI 2015/9 as well.

SEARCH TERMS
 LGBT Asylum Support, work instruction 2015/9, work instruction 2018/9



Database used	Legal Intelligence
Type of document	Appeal cases
Number of documents	120

MEDIA

NEWSPAPER ARTICLES

Footnote on search terms: the (and IND) is included since, in contrast to policy document and jurisprudence, the COC and LGBT asylum are not immediately linked to the asylum policy subsystem.

SEARCH TERMS
LGBT(I) asylum, LGBTI(I) work instruction (IND), credibility LGBT(I), LGBT Asylum Support and IND, COC and IND



Database used	Lexis Nexis
Type of document	Newspaper articles
Number of documents	126

NEWS BROADCASTS

SEARCH TERMS
LGBT(I) asylum



Database used	Academia Image and Sound
Type of document	News broadcast items
Number of items	3

Appendix III General time line used in interviews

05-09-2017: presentation of LGBT Asylum Support's petition #notgayenough to the committee of Justice and Security

30-11-2017: the filing of the motion Groothuizen, during the budgetary debate of the Ministry of Justice & Security

14-12-2017: committee of Justice and Security discussing the safety of Cuban LGBT's on Cuba and the labelling of Ukraine as safe country.

9-1-2018: response letter state secretary to the request of the committee of Justice & Security to respond to the #notgayenough petition of LGBT Asylum Support. The state secretary commits to look into improvement possibilities of the IND assessment of LGBT asylum applications.

27-3-2018: response letter of the state secretary to LGBT Asylum Support's letter regarding committed violence to LGBT asylum seeker in asylum shelters.

28-3-2018: report from the meeting of the committee of Justice & Security regarding the safety of LGBT asylum seekers in asylum shelter. During the meeting the state secretary promises to include COC into the research into improvement possibilities of the IND credibility assessment.

29-3-2018: joint letter from the state secretary with the Ministers of Foreign Affairs, Social Affairs and Home Affairs. In the letter the state secretary mentions that together with civil society partners there will be looked into improvement possibilities for the IND credibility assessment of LGBT asylum seekers.

3-4-2018: a member of the committee of Justice & Security files a motion to install a decide and leave moratorium, since the state secretary is taking too long in providing concrete improvement possibilities for the IND credibility assessment of LGBT asylum seekers.

10-4-2018: request from member of the committee of Justice and Security to the state secretary to respond to the issue whether the asylum applications of Cuban LGBT asylum seekers can be justly considered to be insufficiently severe.

23-4-2018: response letter of the state secretary to LGBT Asylum Support in which he states that he will not create a specialised diplomatic dispatch on the situation of Cuban LGBT asylum seekers..

3-5-2018: response of the state secretary on LGBT Asylum Support's report 'Cuban LGBT Blackbook'. The state secretary mentions that he does not see a reason why he should label Cuban LGBT asylum seekers as a separate risk group of country of origin.

15-6-2018: response letter of the state secretary to the House of Representatives on LGBT Asylum Support's report 'Cuban LGBT Blackbook'. The state secretary mentions that he does not see a reason why he should label Cuban LGBT asylum seekers as a separate risk group of country of origin. He also repeats that he will not create a specialised diplomatic dispatch on the situation of Cuban LGBT asylum seekers.

1-7-2018: the new work instruction 2018/9 comes into effect

4-7-2018: the state secretary writes an accompanying and explanatory letter of WI 2018/9 to the House of Representatives.

13-11-2018: response letter of state secretary to the House of Representatives, based on the committee of Justice and Security's request to give an explanation of the how the new work instruction 2018/9 is implemented.

12-12-2018: response letter of state secretary to LGBT Asylum Support within which the state secretary mentions that there will be no standard reassessment of the asylum applications assess under WI 2015/9, to be reassessed under WI 2018/9

20-5-2019: letter of the state secretary regarding a report a whistle-blower published on the wrongdoings within the IND. The state secretary mentioned that in incidental cases the IND derogates from the procedures and/or work instructions.

21-5-2019: the state secretary steps down and gets succeeded by a new state secretary.

14-6-2019: MP's ask parliamentary questions to the state secretary on the implementation of the new work instruction WI 2018/9.

4-7-2019: report of committee of Justice and Security where committee members express the concern that the new work instruction WI 2018/9 is still not executed accurately. The state secretary promises to kick it up a notch by investing in more workshops for IND officers.

Appendix IV topic list interview

Intro interview:

Introduction of the thesis topic and time line focused form of the interview

- Verification of policy core beliefs
 - o What is the severity and scale of the problem regarding the IND work instruction for LGBT asylum seekers?
 - o What are the main causes of the problems regarding the IND work instruction for LGBT asylum seekers?
- Verification of awareness
 - o When did you become aware of the problems surrounding the IND work instruction for LGBT asylum seekers?

Main body:

- Integrating the standard time line with the tailor-made time line
- Check whether strategies have been used beyond those found in the document analysis (see appendix V)
- Verifying the ego and alter perception of the influence of strategies
 - o How do you think your strategies have influenced the change of the IND work instruction for LGBT asylum seeker?
 - o How do you think the strategies of other actors within the AC have influenced the change of the work instruction for LGBT asylum seekers?

Appendix V advocacy strategy question list

Strategy category	Strategies	Questions
Attention and support seeking strategies	Demonstration	<ul style="list-style-type: none"> • Did you organise and /or participate in public protests? • Did you generate or disseminate (research) report? • Did you review the IND's rules? • Did you publicise the IND's performance gaps? • Did you combine addressing problems of the IND work instruction with concrete solutions? • Did you pursue litigation? • Did you pursue changes in legislation?
	Rhetorical persuasion	<ul style="list-style-type: none"> • Did you specifically created a story surrounding your advocacy for a change that would resonate with the general public and/or decisionmakers?
	Exploit focusing event	<ul style="list-style-type: none"> • Were there any sudden and/or rare events (such as a crisis) during the policy change process? If so, did you take advantage of this? How?
Linking strategies	Coalition building	<ul style="list-style-type: none"> • Did you seek collaboration with other actors in your advocacy during the policy change process? • Did you selectively target actors during the policy process?
	Issue linking	<ul style="list-style-type: none"> • Did you link the problem of your advocacy to other policy problems (in other sectors)?
	Game linking	<ul style="list-style-type: none"> • Did you sacrifice on your advocacy at a point in the policy process to gain something later?
Relational management strategies	Networking	<ul style="list-style-type: none"> • Did you spend a lot of time with actors who are dealing with the WI 2015/9? • Did you try to get access to elected officials and bureaucratic insiders?
Arena strategies	Venue shopping	<ul style="list-style-type: none"> • Did you select specific committees, (governmental) bodies, or jurisdictional levels for your advocacy? • Did you aim your advocacy more on areas with or without standard procedures?
	Timing	<ul style="list-style-type: none"> • Were there specific moments that you recognised as beneficial for your advocacy? If so, did you take advantage of these moments? • Did you deliberately try to speed up and/or slow down the policy process ?

Appendix VI literal translation of WI 2018/9 compared to WI 2015/9

Paragraph	WI 2015/9	WI 2018/9
Introduction of research and themes	The IND investigates whether the sexual orientation is credible, or if the foreigner is only pretending in order to obtain an asylum residence permit	The IND investigates whether the sexual orientation is credible
	The assessment takes the circumstance into account that it is not possible for a foreigner to make plausible with conclusive evidence that he is LGBT, whilst the sole statement of the foreigner that he is LGBT, is not sufficient either. The assessment of this credibility is executed within these two extremes.	The assessment takes the circumstance into account that it is not possible for a foreigner to make plausible with conclusive evidence that he is LGBT, whilst the sole statement of the foreigner that he is LGBT, is not sufficient either.
Research	The IND does not request documentary evidence in the form of photos or videos. If the foreigner himself provides photos or videos to substantiate his sexual orientation, this footage will not be taken into account with the assessment. The provided footage will immediately be returned to the foreigner.	The IND does not request documentary evidence in the form of explicit sexual visual footage. If the foreigner himself provides photos or videos to substantiate his sexual orientation, this footage will be taken into account with the assessment, unless it considers (explicit) sexual related footage. Such footage will immediately be returned to the foreigner. However, if the provided footage shows criminal offences, this will be presented to law enforcement authorities.
	The IND does not ask explicit questions regarding sexual acts or activities	The IND does not ask explicit questions regarding sexual acts or activities. The IND asks open questions to get an image of the situation of the foreigner. It is important to obtain the authentic, individual story during the interrogation. It concerns personal experiences and feelings and the way the foreigner's environment responded to this. The IND naturally takes the foreigner's reference framework into account (educational level, age, culture, background, et cetera.)
	Stereotypical questions may be asked, but if the foreigner is not able to answer such questions, then that is on its own insufficient ground for judging that he is not credible. However, if some does meet the stereotypical LGBT image, this can be taking into consideration positively.	The European Court of Justice ruled on 2 December 2014 that asking question based on stereotypes are irreconcilable with the required assessment of facts regarding a specific person. The example was given of asking the asylum seeker in question about his knowledge of LGBT interest groups and details of these groups. In other words, the assessment cannot be based on prejudices, but the deciding authority must proceed from the individual situation an personal circumstances of the asylum seeker in question. This means that when the foreigner addresses stereotypes himself, further questions can be asked about it. During the interrogation itself, a judgement is not given, there is only information collected. Only after the interrogation, the assessment will take place. There should not be pre-empted on a decision by not continuing to ask questions on a specific element in case a weak statement is made. However, the foreigner may be confronted with the apparently weak statements on a specific topic and subsequently be asked why this is. The answer to that question will be taken into account for the credibility assessment
<u>Themes</u>		In every case a tailor made interrogation will take place, but it is important that (also) courts can verify if the interrogation took place conforming the general line as described in the work instruction
	This means that not all themes (and consequently in the intention or definite decision) will be addressed.	This means that not all themes (and consequently in the intention or definite decision) will be addressed. The interviewing IND officer thus can conclude that, because of the individual narrative, it is not relevant to continue asking questions on a specific theme. In this situation, the decision making IND officer can conclude that the foreigner on this theme could not elaborate and consider whether this is or is not going to influence the decision.
	The IND uses an internal question list, based on the in this work instruction described themes. It also applies to this list that it is not a checklist, but a guideline providing reference.	There is no (standard) question list used. Mainly open questions have to be asked. The starting point is that your attitude should be unbiased during the interview and prevent as much as possible to (unconsciously) reason from a personal, often western, reference framework. Questions should be mainly asked on the personal experiences of the foreigner and the personal meaning that those experiences have
		had. In asking these questions, consideration should be given to the degree people can express their orientation in words, which will differ per person. Moreover, not every foreigner is used to talking about his personal experiences and feeling. Try to adjust to the foreigner's level and way of story telling as much as possible. It is often the case that foreigner come up with standard answers regarding their LGBT being, whilst the IND is looking for an authentic story of the foreigner. That is why it is important to continue to ask follow-up questions when standard answers are given.
	Theme private life (amongst other family, friends (previous) relation) and religion This deals with the own experiences of the foreigner regarding his sexual orientation, such as the conscious realisation of the sexual orientation, the process (of self-acceptance), how the environment responded tot this, and possible relationships the foreigner has had	Theme private life (amongst other family, friends (previous) relation) and environment The foreigner will be asked to elaborate on how he realised that he was "different" / LGBT, how he personally experienced this and how his environment responded to this. There will also be questions asked to the possible relationship the foreigner has had.

	The IND will ask the foreigner if he knows about the social and political aspects of a homosexual community in his country of origin.	The IND will ask the foreigner to possible relationship he has or has had and if the foreigner has knowledge of the LGBT community and social and political aspects surrounding being LGBT in his country of origin. In case the foreigners states to have knowledge hereof, questions will be asked to explain what these aspects means for him. If the foreigner comes from a country where for example homosexuality of homosexual acts are not accepted or legally forbidden, the foreigner will be asked to explain what this fact meant to him.
	Theme Contact with homosexuals in the Netherlands and knowledge of the Dutch situation. The foreigner could have acquired knowledge of the situation of LGBT's in the Netherlands, via contacts with the LGBT-community or because of own experiences or research.	Theme Contact with LGBT's in the Netherlands and knowledge of the Dutch situation. The foreigner could have acquired knowledge of the situation of LGBT's in the Netherlands, via contacts with the LGBT-community or because of own experiences or research. If this is the case, then elaboration will be asked what the nature of these contacts are or were, and what this has meant for him. However, it is not a requirement that the foreigners must have had contact. Also when someone did not have these contacts and/or knowledge, it can be plausible that he is LGBT.
	Theme Future Herein attention is given to how the foreigner envisions his future in case he needs to return to his country of origin	Theme Discrimination, repression and persecution in country of origin Herein attention is given to how the foreigner envisions his future in case he needs to return to his country of origin. The foreigner is asked to elaborate on how he would like to shape his LGBT being in the country of origin, how he think his environment and/or the authorities in the country of origin will react and what that would mean for him
Credibility assessment	Generally speaking, the axis lies on the answers given on questions on the own experiences (amongst others conscious realisation and self-acceptance) of the foreigner regarding his/her sexual orientation, what this has meant for him and his environment, what the situation for people with this orientation is in the country of origin is and how his experience, following the asylum narrative, fit into this general situation. This especially applies when the foreigners is from a country where homosexuality is socially unacceptable or punishable	Generally speaking the axis lies on the answers on questions on the own experiences and personal perception of the foreigner regarding his sexual orientation, what this has meant for him and his environment, what the situation is for people with this orientation is in the country of origin and how his experience, following the asylum narrative, fit into this general situation. This especially applies when the foreigner is from a country where being LGBT is socially unacceptable of punishable. In that situation the question arises if and how the foreigner has adapted to this situation and how he has experienced this.
	For the credibility assessment of sexual orientation the IND does not use the assumption that in all cases an internal struggle must have taking place before the foreigner has accepted his LGBT orientation. However, one can expect that for a foreigner from a country where one does not accept the LGBT orientation and where there is possibly punishable, there will be a process of conscious realisation . In this process the foreigner will be faced with the question what it means to be different than society expects/desires. In the credibility	For the credibility assessment of sexual orientation the IND does not use the assumption that in all cases an internal struggle must have taking place before the foreigner has accepted his LGBT orientation. However, one can expect that for a foreigner from a country where one does not accept the LGBT orientation and where there is possibly punishable, there will be a (thought)process where the foreigner is faced with the question what it means to be different than the society (and the law) expects/desires and in which way he wants to and is able to give expression to this.
	assessment of the LGBT orientation weight will be attributed to the process of discovery and the way in which the foreigner says to have dealt with this. These elements weigh heavier when the foreigner comes from a country where the LGBT-orientation is not accepted.	In the credibility assessment of the LGBT orientation weight will be attributed to the process of the discovery and the way in which the foreigner says to have dealt with this. Evidently it is important to take the personality and the background of the foreigner into account in the line of questions and subsequent assessment. After all, every foreigner has an own reference framework based on education, cultural background, age etc. These elements weigh heavier when the foreigner comes from a country where the LGBT-orientation is not accepted.
Statements from third parties		<p>Statements of third parties Sometimes a foreigner invokes (written) statement from third parties (witnesses, partners, interest groups). The IND always takes the provided information of third parties into evidence, but the weight that is attributed to this depends on the individual case. In the decision a motivation must be given how the provided statements of third parties has (or has not) been taken into account. In this way it becomes insightful which weight is attributed to the statement.</p> <p>In cases of doubt, statements of third parties can - providing that these statement are an actual addition to the file – be decisive. However, it depends on the individual circumstances whether a statement from a third party outweighs the foreigner's own story. Moreover, information of third parties can also negative influence the foreigner, in case the information undermines the foreigner's own statements. Information of third parties does not have to be provided by the foreigner himself, but can also come from the IND. An example is the information from a asylum chain partner of the IND or a third party that has contacted the IND.</p> <p>In assessing the information of third parties, the IND looks to the following aspects.</p> <p>The content of the statements: Factual information, such as observation from a third party concerning (concrete behaviour of) the foreigner, enables the IND to come to an improved integral assessment. This factual information (providing that this information is seemingly true and the source can be labelled as reliable) can be of added value. Such factual will weigh (much) heavier than (for example) the sole statement that the foreigner is</p>

		<p>LGBT. This is especially the case when the statement is based on information that the IND has at its disposal, such as in a situation wherein a third party makes an own assessment of the asylum narrative. Support statement of third parties on their own do not have added value, unless factual information is added to the file.</p> <p>They can give leads for follow-up questions during the interrogation. Questions can be asked why the third party supports the foreigner's asylum application and how he knows the third party. Advice from psychologists, psychiatrists, doctors, sexologists etc. who state that the foreigners is LGBT, will not be accepted.</p> <p>Source of the statement: The IND looks to the source of the information of the party: own observations of a third party weigh heavier than observations from a third hand, or a record from a third party of statement of the foreigner. The IND also looks into the objectivity of a statement of a third party. More weight can be attributed to a statement from a third party that does not have an interest in a (positive) outcome of the asylum outcome, compared to a statement of a third party who does have an interest. In cases of doubt, for example when there is a partner, the IND can (in special cases) as an exemption chose to hear a third party. Such an interrogation would take place voluntarily. For third parties there is no obligation to cooperate in an IND interrogation. The previous does also imply that when the source is unknown or anonymous, less weight will be attributed to the statement compared to a case where the identity of the source is known.</p>
<p>Consecutive applications</p>		<p>In consecutive asylum applications, which invoke new (support) statement of third parties, it will be assessed whether there are actual new elements or findings compared to the previous case. Statements of third parties that solely address the facts that have been assessed during previous asylum procedure will in principle not be labelled as new elements or findings. Even when decided that the third party could have introduced the statements during a previous procedure, there is no question of new elements or findings</p>