



Citation: Wilmer, S.E., (2026). Interrogating the Identity of Refugees. *Aisthesis* 21(1): 169-185. doi: 10.7413/2035-8466085

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Interrogating the Identity of Refugees

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Abstract. Refugees around the world have been undergoing interviews, hearings, and court cases to determine their identities and rights to enter or reside in individual countries. In many instances this process is less than transparent as most countries seek to render the process invisible. Theatre and film, on the other hand, have opened a window on the process and allowed the public to view what has been kept hidden. In this paper I contrast different national approaches to the asylum process and consider specific case studies of theatre and film productions that represent and critique national judicial practices. Amongst others, I will consider the performance of *Illegal Helpers* in Potsdam (2016), *Dear Home Office* in London (2016), and the films *Well-Founded Fear* (2000) and *L'Histoire de Souleymane* (2024). Such works question the practices of assessing the credibility of asylum seekers, the accountability of those deciding such cases, and the possibilities of countervailing strategies for acceptance. They also illustrate how theatre and film have made more transparent, borne witness to, or undermined the asylum process, such as through what Žižek terms «subversive over-identification» or what Arns and Sasse call «subversive affirmation».

Keywords. Refugee, asylum, credibility, performance, theatre and film.

This essay investigates what we can learn about the asylum system when we consider it in

performative terms and when we review theatrical performances that shine a light on the system. Refugees around the world have been undergoing interviews, hearings, and appeal cases to determine their identities and the credibility of their claims for the right to enter or remain in individual countries. In many instances this process is less than transparent because most countries conduct it behind closed doors or “in camera”. Theatre and film, on the other hand, have opened a window on the process and allowed the public to view and critique what has been kept hidden. I have divided this essay¹ into two sections: the first contrasts different national approaches which undermine the asylum process in the EU in the last thirty years, and the second examines a few theatre and film productions that represent and critique national judicial practices during this time.

Far-right rhetoric amongst politicians, media and social commentators has affected the perception of migration as a danger to society, especially since the financial crisis beginning in Europe in 2009. Using such phrases as “refugee crisis”, they have created a sense of fear and alarm with «either fluvial or animal metaphors, such as likening the arrival of asylum seekers to a “flood”, “tide”, “torrent” or “wave” that threatens to “swamp” the recipient society... or alternatively likening it to a “stampede”, “flock” or “swarm” of arrivals with similar potential to overwhelm receiving countries» (Gill, Good, [2019]: 3). Nick Gill and Andrew Good ([2019]: 5-6) point to the «common tendency among politicians to identify refugees and migrants as, on the one hand, threats to the “culture” or “identity” of the local population and, on the other, as posing criminal or terrorist threats to citizens’ personal safety and security». They also assert that the rhetoric from competing politicians and social influencers has led to the «inexorable ratchetting up of immigration controls as power either swaps hands between parties who make increasingly bold and ambitious promises about control while in opposition, or as incumbent parties become more exclusionary in order to hold on to power» ([2019]: 4).

This has been especially true in the UK where anti-immigration rhetoric played a central role in the political campaigns leading up to the Brexit referendum in 2016 and paved the way to the “stop the boats” efforts to prevent refugees crossing the channel in small boats. It also led to a multiplicity of Conservative Prime Ministers promising to curb migration, with fanciful ideas of sending refugees to Rwanda for processing and housing refugees in offshore locations. The Bibby Stockholm, a box-shaped floating barge, was the first of what was supposed to be a number of barges to house refugees, and it was upgraded to house 400 people in cramped conditions. Unfortunately, the plans for this ship got off

1 This article contains portions of material that are being developed for *Staging Injustice: Performance and Asylum Hearings* edited by S. E. Wilmer, forthcoming from Palgrave Macmillan, Cham, 2026.

to a bad start with the outbreak of legionnaires disease due to contaminated water onboard. According to the BBC, when it docked in Portland, «More than 50 national organisations and campaigners, including the Refugee Council, Asylum Matters and Refugee Action, called the government plan “cruel and inhumane”. They said the vessel was “entirely inappropriate” and would house traumatised migrants in “detention-like conditions”» (Andrews et al. [2024]). Subsequently, after housing up to 400 refugees amid continuing protests, the Bibby Stockholm was decommissioned and towed away in 2025.

We have seen that the systems of control that affect the asylum process have grown worse for applicants. Faced with threats from far-right parties, EU politicians have emphasized security, surveillance, and sovereignty rather than acceptance of foreigners. States have introduced new restrictions on the entry of refugees, making the migration journey more difficult, dangerous and expensive, and worsening the conditions of residence, and therefore, ultimately making immigrants substantially more vulnerable and exploitable in the labour market. In many countries such as Britain, France and Hungary, it has become increasingly difficult to claim asylum. For example, under the “really hostile environment for illegal immigrants” introduced in 2013 by Theresa May as British Home Secretary (before being elected as British Prime Minister), the recommended rate of refusal of asylum appeals increased from 20% to 70% (Campbell [2019]:95-9). As result of the Arab Spring, the war in Libya and the Syrian civil war, «the EU, or single European states, reacted by signing “treaties” with non-European states in order to block the migrants before they even reached its external borders» (Sorgoni [2019]: 236). EU governments have accelerated deportations and forced returns to camps in Libya, Tunisia, and Turkey, offering funds to these countries to prevent refugees from entering Europe (See EC [2020]). They have threatened NGOs providing rescue surveillance planes and rescue boats in the Mediterranean with fines or impounded their ships in Italian harbours. Moreover, since the EU withdrew its own rescue boats from the Mediterranean in 2019, Frontex – the European Border and Coast Guard Agency, which is the EU’s policing operation to prevent migration into Europe and whose budget «has ballooned to €922 million for 2024», has started using drones to locate and stop boatloads of refugees from reaching Europe rather than bringing them to safety (Hayden [2024]: 7). The advantage of this policy for the EU is that drone activities tend to be invisible to the public, and maritime laws requiring ships to rescue boats in distress do not apply to aircraft (Hayden [2024]: 7). As Felix Weiss of the German NGO Sea Watch observes, the EU policy is to «keep secret what is happening each day in the Mediterranean» (quoted in Hayden [2024]: 7).

Moreover, Ursula von der Leyen, President of the European Commission, in 2024 wrote to EU leaders supporting externalization of EU migration policies, such as assessing asylum claims in third countries and thus preventing migrants

from filing for asylum within the EU (See Milne [2021]). Frontex has advanced their equipment for dealing with deportation. Given that some deportees would die rather than return home, the voyage can be boisterous and so Frontex has introduced special helmets and toilet facilities for failed asylum seekers. Thus, EU refugee law has become a form of legal pluralism in which «other forms of regulation outside law constitute law» (Merry [1988]: 874).

Ireland is one of many countries in Europe that has increased the restrictions on migration and has become less inclined to grant asylum. It has welcomed 100,000 Ukrainians since 2022, but partly as a result of this, it has also experienced a severe housing shortage and growing anti-immigrant protests. Numerous refugee shelters and designated sites have been burned down. Since 2022 far-right Irish extremists have become more vocal, encouraged by political activists in the UK and US (See Paul [2025]: 7). In 2024, fringe groups coalesced into a new political grouping called the National Alliance and promoted far-right candidates for parliamentary elections (See McQuinn [2024]). While their candidates were not successful, the Mixed Martial Arts fighter Conor McGregor began to attract considerable attention with racist and anti-immigrant comments on social media. On 22 November 2023, he urged supporters «Ireland, we are at war» (CNN [12 March 2024]). This was viewed on his social medium 19 million times and preceded a major riot on the Dublin streets the following day, with trams, buses and police cars set alight. More recently, McGregor was pictured with Nigel Farage, the arch Brexiteer and head of the Reform UK Party at a Washington ball for the second inauguration of Donald Trump in 2025 (Paul [2025]:7). Moreover, after being convicted of rape in Dublin in 2024, McGregor (much to the consternation of Irish political party leaders) was celebrated by Trump in the White House as «my favorite Irishman» on St. Patrick's Day and encouraged to run for president of Ireland (McGee [2025]: 5).

In response to these developments, the Irish government began clamping down on immigration in 2024. Refugees were no longer guaranteed accommodation and were frequently forced to live on the streets, often in tents provided by charities and NGOs. Moreover, the government announced a cutback in supports for Ukrainian refugees and accelerated the deportation of other immigrants. Irish naval ships, which formerly rescued boatloads of refugees in the Mediterranean, followed EU and Frontex policies by intercepting them and taking them back to Libya instead of to Europe.

Asylum seekers have not only suffered because of the changing policies of the EU and the social climate produced by right-wing agitators, but also because the hearings themselves have become more stringent as a result of the tendency for judges and administrators to raise the bar for admission by promoting model characteristics of the refugee. According to Carolina Kobelinsky, «In order to win the day, shape a positive belief, and be granted asylum, it is necessary [for

the applicant] to correspond to the “archetype of a refugee” (Akoka 2011), this ideal construct of a valuable institution which needs to be protected from abuse» (Kobelinsky [2019]: 66).

1. *Theatre performances*

Political protests, journalistic reports, NGO activities and legal appeals against negative decisions for asylum are often effective ways of trying to improve conditions for applicants. However, theatre and film projects can also be useful in demonstrating the unfairness of asylum processes. They can also reveal how the various individuals involved in each case for asylum can influence the outcome. In this section I want to consider the importance of a few specific theatre performances during the last thirty years to convey what is often hidden from the public about asylum hearings. As we will see, these performances take different approaches, such as identification with asylum applicants or over identification with anti-immigrant policies.

Few Irish plays have dealt with the asylum process, but an early example, *Asylum! Asylum!* by Donal O’Kelly, staged prominently in 1995 in the Abbey Theatre, the National Theatre of Ireland, provided a notable warning for the future. In *Asylum! Asylum!* Joseph Omara, an asylum seeker from Uganda who experienced traumatic conditions in his home country, is detained by Leo, a young ambitious immigration officer. Anxious to advance his career by quickly arranging to deport him, Leo injures him in the process of detaining him. When Joseph then applies for asylum, Leo worries that he will be accused of torturing Joseph, and so he asks his sister, a solicitor, to defend Joseph. During the play, Leo undergoes a conversion from being a hard-hearted civil servant, after witnessing the torching of a refugee shelter in Germany in which «Flames spread through the floors... people running up the stairwell dragging children.... Men, women and children leaning out for air. The men on the roof pelted them with bricks» (O’Kelly [1996]: 66). Nevertheless, despite the legal assistance of Leo’s sister, the authorities are unconvinced that Joseph is in mortal danger if he returns to Uganda. After losing his case, Joseph is so brutally treated by Irish authorities that he almost dies in the process of being forcefully deported.

The point of the production, according to O’Kelly, was to address the «repressive and inhumane Irish Asylum regulations and the coming European Union (EU) cooperative controls of borders that will deny the human rights of asylum seekers throughout the Continent» (O’Kelly [1996]: xviii). Staged in 1995 when the issue of asylum had not yet become a controversial issue, the performance in the national theatre arguably helped awaken the Dublin audience to an important matter of government policy. Julie Shearer ([2011]: 52)

observed that O’Kelly staged *Asylum! Asylum!* not only as a cultural event but also as a political act. «By choosing the Abbey and playing to the elite public of theatregoers, by engaging the press in debate, by running seminars on “The Refugee Experience in Ireland” every Saturday through the run and even by setting up stalls in the foyer and handing out literature for the Refugee Council and Amnesty International amongst others, O’Kelly was undoubtedly trying to provoke» (Shearer [2011]: 52).

Ten years later O’Kelly staged *The Cambria* about the historic journey of Frederick Douglas, a prominent American slave with a bounty on his head, who tried to escape to Europe under an assumed name in 1845. When Douglas approaches Ireland and his real identity is discovered, his slave owner attempts to ship him back to America. However, Daniel O’Connell, an Irish Member of Parliament, known locally as the “liberator” for his stance against the Penal Laws, greets him at the dock, surrounded by a large crowd of supporters, and provides him with asylum. The play is framed at the beginning and end by a sensational news story about a secondary school student in Ireland who had just been deported to Nigeria in his school uniform shortly before taking his final exams. While the play focuses on the welcome given to Douglas by the Irish people, the circumstances surrounding the production emphasized the arbitrary and unfair decision to deport the schoolboy in 2005. Surprisingly, the resulting outcry in Ireland at the youth’s deportation led the Minister of Justice to back down and allow the schoolboy to return to Ireland to finish his secondary school exams. This case revealed the effectiveness of public protest to force the authorities to take a more humane approach.

O’Kelly demonstrated in both plays the power of individual Irish people to stand up against bureaucratic and legal procedures in the name of human rights and natural justice. However, the two productions also conveyed the injustice of the legal system and the need to find different ploys – either by civic society (such as NGOs, civil liberty organisations, or political activists and artists) or by more specialized personnel – to counteract the power of the authorities.

Documentary dramas that enact tribunals or asylum hearings or personal experiences can also show the inner workings of the asylum process. Staged at the Kulturhuset in Stockholm in 2012, *Tribunal 12* served as a public inquiry into the treatment of immigrants by the European Union to review evidence and assess the appropriateness of the judicial process. Advertising their call for evidence, the production team announced that «Tribunal 12 will present an artistically formed trial that seeks to make visible what refugees, asylum seekers and migrants are experiencing in Europe. Tribunal 12 aims to investigate whether human rights are violated; expose the hidden structures that allow for the inhumane treatment of refugees, asylum seekers and migrants and locate the moral, legal and political responsibility for the current situation in Europe» (*Tribunal*

12 [2012]). According to Jennifer Allsopp (2012), «Henning Mankell, Nawal El-Saadawi, Nuruddin Farah, Saskia Sassen and other renowned cultural figures from across the world joined migration experts in Stockholm and thousands gathered at public screenings from Belgrade to Paris, as Europe stood accused of “the continual violation of human rights and the systematic mistreatment of refugees, migrants and asylum seekers”».

During the performance, expert witnesses and actors playing the parts of refugees presented testimony that reflected on current practices relating to immigration, asylum and deportation. Similar in structure to previous theatrical tribunals, such as Bertrand Russell’s *International War Crimes Tribunal* about the Vietnam War in 1966, *Tribunal 12* resulted from documentary evidence amassed from the stories of non-European exiled and diasporic writers during the five-year Shaha-zad project. The all-day session in Stockholm was live-streamed to six other European cities and replayed on Swedish television. According to Jamie Trnka (2016), the Tribunal «accused Europe of systematic human rights violations in connection with immigration policies since the 1990s» and demonstrated that the «institutional landscape is ill-equipped to ensure the rights of people whose citizenship status – and, by extension, ability to assert rights claims – may be in question». In particular, the Stockholm Tribunal revealed the policies of national governments and the European Union to use «private surrogates» for border control, such as commercial airlines and Frontex as a «displacement of power from state to contractor – a process which enables the displacement of responsibility for rights violations and deaths» (Trnka [2016]). The tribunal also complained about other displacements which were becoming increasingly effective in undermining human rights. «One type of displacement occurs through regional agreements such as the maritime “push-back” agreement between Italy and Libya, and the recently exposed “gentlemen’s agreement” between France and the United Kingdom governing the return of unaccompanied minors» (Allsopp [2012]).

The jury in the Tribunal reached a verdict calling «for states to end restrictive practices that prevent asylum seekers and refugees from reaching Europe and to comply with legal obligations that its member states have undertaken voluntarily as signatories to international human right conventions» (Trnka [2016]). Trnka also points out that the Tribunal enhanced its credibility by being an EU-sponsored event, so that it was effectively accusing itself of wrongdoing and promoted corrective action. Rather than being a «trial of history», *Tribunal 12* was addressing the «unresolved problems of the present» (Trnka [2016]), using theatrical means to render visible the invisible mechanisms of power.

Performances by the refugees themselves such as *Letters Home* (2014) by Refugee Club Impulse in Berlin, as well as the verbatim stories told by actors representing refugees, as in the *Asylum Monologues* (2006) by Ice and Fire in Britain and *Bühne für Menschenrechte* in Germany, convey a rich understanding

of the hardships facing refugees in trying to immigrate, seek asylum (such as appearing in court before immigration officials) and settle into a new environment. One of the most significant pieces in Germany was Elfriede Jelinek's *Die Schutzbefohlenen* (2013) which she based on Aeschylus' *The Suppliants* and which was produced by more than ten major theatres in Germany, Switzerland and Austria in the ensuing two years. Jelinek used the original Greek play largely as a pretext for her version, which aimed to confront the policies of the Austrian government towards refugees. Little remains of the ancient Greek play in Jelinek's adaptation, other than some intertextual links and allusions and the similarity between vulnerable and powerless immigrants coming to a foreign land to ask for asylum. Like the women in Aeschylus' *Suppliants*, Jelinek's play depicts refugees seeking asylum in a foreign land, indicating the threat to their lives and the hazards of returning home², Jelinek related the Greek tragedy to the plight of refugees who had arrived from the Pakistan-Afghanistan border area and had been confined in the Traiskirchen refugee centre outside Vienna. About sixty of these refugees occupied the Votive Church in Vienna in 2012 and went on hunger strike to demand better conditions. Later, they were moved to a monastery and many of them were subsequently jailed or deported.

Nicholas Stemmann staged a first reading of the play in September 2013 in the St Pauli Church where a group of eighty refugees, newly arrived via Lampedusa, had been given sanctuary. Stemmann incorporated both professional actors from the Thalia Theatre and some of the Lampedusa refugees in the reading. He developed the production further and toured it to the Ruhr Triennale in Mannheim, and the Holland Festival in Amsterdam before finally opening it in the Thalia Theatre in Hamburg in September 2014. It was later invited to open the prestigious Theatertreffen in Berlin in May 2015, apparently on political grounds as well as for artistic reasons, given the increasing importance placed on the refugee question by the theatre community in a year in which a million refugees escaping the civil war of Syria were welcomed in Germany³.

The text is quite playful, parodying governmental and popular attitudes about immigration and ethnicity and calling attention to Austrian political issues such as the unequal treatment of those seeking permission to remain. It also refers to the dangers for specific refugees who have fled from war-torn countries and whose families have been slaughtered, and their difficulty in providing evidence

- 2 The title, *Die Schutzbefohlenen*, is a play on words of *Die Schutzflehenden* (literally, those who beg for protection) which is the usual German title for Aeschylus's drama. The altered title is somewhat subversive in that it means "those who were under protection or control", rather than "those who are seeking asylum". Thus, its meaning is ambivalent as to whether it implies that the government is protecting the refugees or simply controlling them (like children).
- 3 For each venue it was necessary to engage local refugees because of the legal requirement for asylum seekers to remain in one place.

that will convince the Austrian authorities of their need for protection. Jelinek's play also explores the role of religious and governmental authorities who can decide the fortune of the refugees, conflating images of church sanctuary with national asylum, and ancient Greek gods with the Christian God on whom the refugees call for protection.

Other plays and performances have also demonstrated strategies to overcome legal mechanisms or confront right-wing attitudes. Phosphorous theatre company in London developed *Dear Home Office* (2016), a play with unaccompanied minors⁴ from Afghanistan, to convey the difficulties for young people who are threatened with deportation when they reach the age of eighteen and need to make a convincing case to the Home Office for the right to remain. Because the project was initiated by the young boys themselves, it focused on their experiences as refugees in England and their efforts to understand the legal system. It also demonstrated the training process organized by their carers during which the refugees learned how to perform a particular role and present a convincing narrative to a judge. As Duffy and Jahangard (2016) explained, «A central focus of the play itself is the idea that in order to obtain refugee status ("become refugee"), children must adequately "perform refugee" in court». Thus, the play served overlapping functions, teaching these youths how to perform on stage in front of an audience and how to prepare them for interviews with the Home Office. According to Duffy and Jahangard, «*Dear Home Office* presents the legal system as confusing, inconsistent and demanding, ill-equipped to deal with children appropriately, so [...] that involvement in the project contributed to a rehearsal for a real life encounter and provided relief and empowerment for the young people» (ibid.)

Maxi Obexer's play *Illegal Helfer* (Illegal Helpers) [2016], which used documentary material obtained through interviews, demonstrated ways of avoiding the authorities as a tactic to circumvent arrest and deportation. For example, the Dublin Regulation, which requires asylum seekers to return to their first port of entry for processing, does not apply to a refugee who has resided in the country for at least eighteen months (Obexer [2016]: 3-4), sympathizers could hide refugees in their homes for this length of time so that they could escape deportation. Another misidentification tactic involved a refugee burning the ends of his fingers so that his fingerprints were illegible. In an opening statement, Genner, a legislator, advises the audience about their responsibilities, encouraging them to engage in illegal activities: «civil courage is more important today than ever, because deportations can be prevented [...] The civilian population has the ob-

4 According to the UNHCR ([1997]), unaccompanied minors are individuals who have not reached the age of eighteen and «who are separated from both parents and are not being cared for by an adult who, by law or custom, is responsible to do so». They are normally deported from Britain when they reach the age of eighteen, unless they obtain from the Home Office the right to remain.

ligation to provide sheltered places in which those in need of protection, and individuals who have been traumatized or tortured and therefore deserve protection can go into hiding» (Obexer [2016]: 3-4). Another important moment in the play depicts an administrative judge who takes sympathy on a refugee whom he is expected to deport. The judge, who asserts that his government rejects 98 per cent of the asylum claims and who spends most of his working life processing deported claimants, contrasts his duties of stamping deportation orders with the actions of a Portuguese diplomat in Warsaw who issued thousands of exit visas for Jews. However, one day, to his own surprise, the judge finds himself illegally driving an old woman across the border so that she can live with her daughter in Italy. Later he asks for a transfer from his job and implies to the audience that he has begun to subvert the deportation system: «It's hard for me to break the law. And yet by now I'm breaking it on a regular basis» (Obexer [2016]: 16).

Christoph Schlingensief in his performance *Bitte Liebt Österreich* (2000) employed the ruse of «subversive over-identification» (Žižek [2006]: 65) by masquerading as an ultra-right-wing enthusiast. For the 2000 Vienna festival week, he erected an industrial container in a central square with far-right slogans affixed to it, such as “Foreigners out!” Inside the container, he placed refugees from various countries and asked the public to vote online for whom to deport. The last remaining refugee could win a prize, marry an Austrian and remain in the country. The performance was designed to call attention to the right-wing policies of the newly elected government in coalition with a far-right party and thereby embarrass them by exaggerating their anti-immigration programme. By overidentifying with the far-right, Schlingensief attacked their policies and called attention to their inhumane treatment of refugees. Slavoj Žižek [2006: 65] calls this type of approach, “subversive over-identification”: «By bringing to light the obscene superego underside of the system, over-identification suspends its efficiency». Inke Arns and Sylvia Sasse have characterized it as “subversive affirmation”, defining it as

an artistic/political tactic that allows artists/activists to take part in certain social, political, or economic discourses and to affirm, appropriate, or consume them while simultaneously undermining them. It is characterized precisely by the fact that with affirmation there is simultaneously taking place a distancing from, or revelation of what is being affirmed. In subversive affirmation there is always a surplus which destabilises affirmation and turns it into its opposite. (Arns, Sasse [2006]: 445)

By imitating the rhetoric and ideology of Haider's party, Schlingensief was shining a bright light on the superego of the far right in Austria and disrupting its message. The choice of an industrial container as the place for housing the refugees was an especially potent symbol, given the horrendous experiences refugees have faced inside them, such as suffocating in trans-channel crossings.

Another effective scenic metaphor was deployed in the Finnish National Theatre's production of *Paper Anchor* in 2011. The play, which included refugees as well as Finnish actors in the cast, focused on the difficulties of obtaining asylum in Finland and began and ended with a symbolic tortuous ride in a sled. As Pirkko Koski ([2023]: 627) remembers, «the performance began with asylum seekers reading official instructions for entry into asylum centres... As the curtain rose, the light focused on a small boy ...sitting in a small sled that was hard to move. At the end of the performance, the scene was repeated as the whole cast approached the audience rhythmically and very slowly, each in their own sled propelling themselves forwards with their hands. The asylum issue was made corporeal and visible» since Finns recognised «from experience how challenging it is to shift a downhill sled on a surface with no snow» ([2023]: 627).

In asylum cases, evidence of persecution is often difficult to produce in a hearing. It is hard for an applicant to convince a civil servant that they are likely to be shot if they return to their country. Ariane Mnouchkine's *Le Dernier Caravansérail (Odysées)* (2003) uses the transcript of an appeal hearing of an Iraqi refugee in Melbourne Australia in 2001 to good effect by staging an impatient and unsympathetic civil servant interrogating an anxious Iraqi refugee who is unable to produce documentary evidence that could prevent him from being deported back to Iraq.

By contrast, a startling but highly unusual case is that of George Seremba who was shot by a firing squad in Uganda for his political activities and miraculously survived. Unlike Joseph in *Asylum! Asylum!* who was deported back to Uganda because of lack of evidence that he would be killed, Seremba claimed asylum in Canada, where he was able to show at least ten bullet wounds in his back. Seremba has continued to demonstrate this evidence in his autobiographical play *Come Good Rain* (1993) which he has performed in numerous countries.

However, asylum seekers do not carry physical or documentary evidence of persecution, and the results of their application often depend on their ability to perform a credible and convincing narrative (See for example Gill and Good [2017]: 313). As Liodden ([2019]: 250) remarks, «Having assessed many cases with similar claims, caseworkers may establish an image of what a credible applicant looks like. When more, similar cases come along, they will probably have to live up to that standard – or an even higher standard – in order to be considered credible». Moreover, gay and lesbian asylum seekers and people who have converted to another religion may have difficulty showing evidence that they would be persecuted if returned to their home country. As Schneider ([2019]: 296) observed in the training sessions for caseworkers in Germany, trainees expressed «doubts concerning the truthfulness of statements during the interview in general and around credibility assessments concerning reli-

gious conversion and sexual orientation in particular». A trainee asked how to know «whether the applicant had really converted to Christianity. This was very difficult for him because these were things taking place inside the applicant» (Quoted in Schneider [2019]: 297). The Finnish authorities make an exception for appeals concerning religious conversion by allowing oral testimony, which otherwise is denied to other applicants. (Bodström [2025]: 9) Adjudicators may have stereotypical notions of what a gay or lesbian person looks like and form judgements of whether they should be given asylum on the basis of their appearance or their habits. In Ireland recently, a civil servant asked an applicant housed in the west of Ireland if he had attended a particular gay bar in Dublin on the east coast. When he answered that he had never heard of the bar, the civil servant concluded that he could not be gay and dismissed his application (Mfaco [2024]).

2. *Films and documentaries*

Films can add an extra semblance of actuality to portraying the asylum system. The documentary film *Well-Founded Fear* (2000) by Robertson and Camerini provides a rare behind the scenes glimpse at the asylum procedure in New Jersey. In *Well-Founded Fear*, immigration officers are filmed interrogating desperate applicants seeking the right to remain in the USA. The refugees come from very different backgrounds with quite contrasting life stories. The film shows both the live hearings in situ, as well as interviews with the officials who reflect on their work. The officials look like ordinary white administrators whose job is to assess the credibility of the applicants, and several of them appear as rather arrogant in their ability to assess claimants from all over the world. One of the asylum officers interviewed by the film makers says, «Usually with the Chinese cases, you just have to go for them in terms of their credibility and usually you can get them. I realise that sounds kind of sinister – “you got to get them” – but that’s what you gotta do» (Robertson, Camerini [2000]).

Many of the filmed decisions by the asylum officers seem arbitrary or cavalier, especially given the importance of their decisions for the applicants. As in Ireland, where a judge privately advised me that most applicants are liars, one of the asylum officers in the film indicates that he has become increasingly skeptical of refugee stories. «After you do this for a while you become much more critical, and you become aware of inconsistencies. I hope that’s what it is. It could be the fact that you are just very jaded. If I admitted that I was jaded, wouldn’t I be saying that I shouldn’t be doing this job anymore. So, I say I have a more acute understanding of credibility issues» (ibid.) Another asylum officer sounds less confident about her work: «How do you decide if someone is telling the truth

or not? It's not simple and you're never sure. That's the problem.... We have to make a decision based on fuzziness » (ibid.) Thus, the adjudicators are not always convinced that they are making correct decisions.

Unlike the documentary approach of *Well-Founded Fear*, *L'Histoire de Souleymane* (2024), provides a fictional account of a Guinean immigrant in Paris desperately trying to convince French authorities that he deserves to remain in France. The novice actor Abou Sangare, who won a best actor award at the Cannes film festival in 2024, plays an asylum seeker who has been advised to lie in his interview. The film shows Souleymane in a notoriously vulnerable and precarious form of employment for refugees, cycling furiously through Paris to deliver food and simultaneously in a race against the clock to get his papers together for his asylum hearing. To provide extra reality to the film, the director, Boris Lojkine, interviewed Guinean asylum seekers in France and sat in on interviews conducted by Ofpra (the French Office for the Protection of Refugees and Stateless Persons.) Thus, although the film is fictional, it is based on realistic situations and adds the dramatic intensity of a thriller to convey the importance to Souleymane of a successful performance in his asylum interview. According to the film critic, Jessica Kiang, «In a showstopping climax – a gripping scene between Sangare and Nina Meurisse, playing the perfectly efficient but not unsympathetic face of French immigration bureaucracy – all the motion and confrontation of the last couple of days is funneled into one extended close-up monologue» (Kiang [2024]). The final scene focuses on the question of whether to lie in order to perform in accordance with what is expected from an ideal applicant or whether to tell the true story of why he is seeking refuge. Acknowledging that the refugee's personal history might not tick the right boxes for success in an asylum interview, the film emphasizes the dilemma for asylum seekers in determining whether to perform an ideal identity for a case worker or to tell the truth about their real-life situation. The film indicates that Souleymane's tragic life story, his real identity, may be more justifiable than a performed identity, one concocted to persuade an administrator that he is a “model refugee”.

3. Conclusion

In conclusion, the asylum determination process contains performative features with intimidating scenarios inhibiting free expression and affecting the outcome (Castañeda [2023]: 7). As Liodden ([2019]: 243) remarks about Denmark, «The many uncertainties in the decision-making process together make up a substantial space for discretion that decision-makers have to manage in order to reach a decision. Discretion is not only exercised at the end point of the process, when the law is applied, but throughout the entire decision-making process».

When asked whether she considers her work to be fair, a caseworker in Norway explained, «Our policies are definitely not among the most liberal, if you compare with other countries. [...] If it's fair depends a bit on the point of view. We try to be fair in what we do, [...] but if it's fair that we do not admit families with children who are in a difficult position [...]. I mean, that's an impossible question to answer» (Quoted in Liodden [2019]: 246). Perhaps, as Liodden advises, it would also be wise to monitor what has happened to unsuccessful applicants when they have been returned to so-called safe countries.

As we have seen, theatrical performances and films can help to inform the public about the asylum process and demonstrate some of the injustices in the identification process. They can reveal the emphasis placed on the credibility of the applicant and how judges or case workers assess this credibility in a judicial hearing, e.g., whether they believe the narrative and the identity of the applicant or not. Theatre and films can also demonstrate the influence of outside social and political pressure on the system and the effects of the changing legislation and implementation of procedures. Theatrical performances and films can offer novel tactics for enabling refugees to obtain a place in Europe, and they can ask questions of those responsible. They can expose anti-immigration practices through what Žižek calls subversive over-identification as in Schlingensief's work, unveil practices of misidentification in the case of Obexer's play, document injustices in *Tribunal 12*, or demonstrate the stresses of performing an ideal identity in *L'Histoire de Souleymane*. As Liodden ([2019]: 259) suggests, «In a situation where there are no clear answers, engaging with the uncertainty and doubt that are inevitably there, may be the best way of improving the conditions of just decision-making». By applying various approaches, artistic actions can expose and question the asylum process and help to strengthen the rights of refugees in society.

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