The Sexual Politics of Asylum:
Lived Experiences of Sexual Minority Asylum Seekers and Refugees in the UK

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Thesis submitted for the degree of Doctor of Philosophy

London Metropolitan University

2014

I, Calogero Giametta, hereby declare that the thesis is my own work:

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ABSTRACT

The thesis explores lived experiences of sexual minority asylum seekers and refugees in the UK and the analysis emerges from a two-year long ethnography with 60 people. I chose to focus on sexuality in the context of asylum in order to trace parallelisms and differences amongst the conditions of subalternity to which non-heteronormative subjects can be exposed in different geo-political locations. In the process I seek to: i) understand the specificity of the experiences of identification and belonging of people claiming asylum for fear of persecution in their countries of origin because of their sexual orientation and/or gender identity, and ii) to elicit and examine the migratory experience from the asylum claimant's standpoint within the structural constrictions emerging from the current UK migration regime.

The thesis consists of two main analytical trajectories. First, I examine how the migratory experience of the studied sexual minority migrants is located within a set of humanist discourses that privileges suffering and trauma as the most potent way for the subject to receive state protection. In this regard, I introduce a critique of humanitarianism insofar as sexuality (as a rights-claim object) comes under scrutiny in the context of migration control practices and discourses. Further, by examining UK law I ask how non-heteronormative lives are construed in the asylum determination process, from the initial stage of a claim to the end of it, and how sexuality *travels*, namely how it is translated, in such sites. Second, I elaborate on the structural discourses explored throughout the thesis by putting them into direct dialogue with the findings arising from the ethnography. Within this space respondents' biographical accounts highlight how being situated in liminal socio-political and legal interstices produces precarious forms of life.

The study contributes to current migration and sexuality scholarship by offering a critique of recent formations of neocolonial political discourses with the emergence of sexuality as a legitimate field for claiming rights in the realm of international relations. In this regard, my analytical endeavour is not dedicated solely to exploring respondents' supposed subalternity in their countries of origin, rather my focus is to examine the situations that produce states of subalternity whilst living in Britain. I seek to highlight that the passage from oppression in one's country to liberation in the UK is much more complex than how it is dominantly portrayed in the current global ethical-political stage.

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Acknowledgements

CHAPTER 1

INTRODUCTION: THE STUDY OF SEXUAL MINORITY ASYLUM SEEKERS AND REFUGEES

1.1 Asylum and sexuality

It's a mid-September afternoon in 2012 and I am in London. The sky is overcast and the air is crisp. I finally manage to meet Umar[i] at his place in the outskirts of south London, luckily he doesn't live far from a train station. We enter a small room in the flat within the housing complex that the Home Office provided for him during his asylum determination process. Umar is a 25 year-old gay man from Pakistan. He is a young migrant, indeed Umar is an asylum seeker, and his reason for being in Britain is that he cannot live as a gay man in Pakistan without the fear of being harmed. When we meet, Umar and I first comment on the seemingly, sudden arrival of winter. We laugh about how predictably bad the British weather can be. Jokingly he tells me that the weather is so bad that he cannot fall asleep at night, but then he stops for a second and looks at me with a serious facial expression and then tells me 'I can't sleep at night because I'm obsessed with the idea that the judge would not understand how bad it is in my country for people like me'. Umar is still waiting for a decision from the tribunal; throughout the determination process he has felt obliged to enunciate his personal suffering through the telling of a well-rehearsed story about the killing of the 'gays' in Pakistan. When I speak to him he says that since the beginning of the asylum process he started to feel that he should only talk about the abuse to which he was subjected in his country. He was aware that the picture that he was giving of his own country was only part of a larger story to tell.

What I describe above is a common scenario from the two-year long ethnography that I conducted with sexual minority asylum seekers and refugees. I started the thesis introduction by briefly recounting a story because the essence of this research is to explore narratives, particularly from the viewpoint of the individual seeking asylum. I want to actively use narratives within these pages to reflect the complexities, nuances and contradictions of the studied group and to contrast them or

link them to the theoretical material that supports the study. My curiosity in how narratives are constructed in everyday life prompted me to explore the ways in which a story about one's conditions of precariousness and need has to be told in official contexts. When the researched asylum claimants told their stories to the Home Office, the lawyers or the support workers, they had to fit their accounts into a recognisable repertoire of asylum stories, thus making themselves archetypal asylum seekers. In this process, the biographical narrative is partially fabricated in the telling (Butler 1993), through which a certain subjectivity is formed. All asylum claimants are put in this complex position, in particular when the reason for claiming the right of protection is sexuality, that is, an often untold trait of one's sense of self.

The dimension of sexuality was important from the outset of the study because, as I will discuss throughout the thesis, today more officially than ever, sexuality plays an important role within international relations as well as humanitarian discourses emanating from the West. In recent years politicians[ii] have used the notion of sexuality, or of tolerance towards homosexuality more specifically, as a political tool to talk about one's civilised and emancipated national citizenry. In the UK sexuality has recently taken the shape of that which grants one rights. For instance, in the context of migration one can claim asylum as a sexual minority or gender non-conforming subject since 2010. I became interested in exploring the case of sexual minority asylum within a newly consolidated form of migration regime in the UK (as across other western European countries), whose purpose is to *proactively* contain and manage migrants' numbers (Geiger and Pecoud 2010, 2012). Paradoxically, on the one hand, sexuality becomes a legitimate object for claiming rights (this being consolidated within government talks and policies), on the other, the sexual minority migrant in need of 'protection' becomes an unwelcomed object of scrutiny in the eyes of the Home Office as numbers of such migrant group also need containing.

It is noteworthy that asylum claimants form a tiny segment of the migrant population in Britain, yet asylum is a very strong theme in dominant UK migrant-phobic political addresses. Amongst asylum claims, those based on sexuality grounds are an even smaller fraction. However, when lesbian, trans, gay, intersex and bisexual people could claim asylum for fear of persecution due to their sexual orientation and gender identity the media becomes alarmed that 'hordes of gays would be flooding' the British shores[iii]. This, in my view, testifies to the fact that one

cannot analyse current migration discourses without adopting an anti-racist, anti-sexist and of course anti-xenophobic lens. Whilst conducting the research I understood that I had to put all these dimensions in constant dialogue with one another in order to make sense of British asylum practices and discourses.

1.1.1 Essential facts

The modern use of the term asylum emerged in the post-Second World War period from the pages of the 1951 Geneva Convention, through which an asylum seeker became a legal person. Across Europe in the 1950s and 1960s the aim was to regulate labour migration towards the north-west areas of the continent (Castles and Miller 2009). In the mid-1970s labour migration policies came to an end and 'new' patterns of migration started to emerge, such as family and asylum migration (Spijkerboer 2007). During the 1990s, after the fall of the Iron Curtain, thus through the permeability of a previously highly policed border as well as through the development of technology and air traffic, migration patterns changed drastically in Europe. This inaugurated the beginning of new configurations of migrants' control practices, in which borders became: i. externalised, in the sense that deterrence measures were applied outside the borders of Europe, for instance through carrier sanctions and the obligation of airlines to check passengers' visas; ii. privatised, in that immigrations policies and practices were increasingly managed by the private sector such as detention and border control; iii. securitised, through policies' increasing reliance on criminal sanctions and the use of high technology, such as air force, navy and other militarised means of control (Gammeltoft-Hansen 2011). These three aspects form the basis of the current UK migration regime.

Following Article 1 of the Geneva Convention the grounds on which a person can claim asylum are race, religion, nationality, political opinion and membership of a particular social group. The Convention consecrated what we may call the contemporary politics of asylum. Yet in the current historical context the humanism of those who drafted the document during the post-war recovery period has taken very different shapes and meanings. Today, within current migration regimes in Europe and the North Atlantic geopolitical area, the granting of asylum, or humanitarian protection, inhabits a terrain of suspicion and skepticism where exceptional practices of containment of migrants have become the norm. Those who

go through the asylum process are fundamentally mistrusted; in this process claimants' authenticity is constantly put on trial. The type of skepticism adopted by states and the system of migration institutions, which in some cases I have called 'strategic', profoundly undermines the principles of hospitality and protection to which the Convention signatory countries subscribe.

In the UK asylum applications increased from 1987 to 2003 and numbers of applications have been in decline in overall migration since 2004, as part of a trend across Europe. Asylum applications increased from 4,256 in 1987 to 84,130 in 2003, before falling to 25,710 in 2005. After little change until 2009, applications declined further until 2010 before increasing to 19,865 in 2011 (The Migration Observatory 2013). Currently the percentage of refused asylum claims is consistently high in the British context (see fig. 1). In comparison with other European countries the UK is fourth on the list of most popular destinations for asylum applications (see fig.2), where numbers of applications are less than half that of Germany or France.

1. Asylum applications and initial decisions for main applicants[iv] (in the UK)

	Total applications	Initial decisions	Granted	Refused
Year ending March 2010	20,441	24,510	5,955 (24%)	18,555 (76%)
Year ending March 2011	18,411	19,818	5,307 (27%)	14,511 (73%)
Year ending March 2012	19,806	17,015	5,782 (34%)	11,233 (66%)
Year ending March 2013	22,592	17,706	6,596 (37%)	11,110 (63%)

2. Top 10 EU countries receiving asylum applications in 2012 (includes dependants)

Country	Applications
Germany	64,500
France	61,200
Sweden	43,900
United Kingdom	27,500
Belgium	24,500
Austria	17,400
Italy	15,700
Greece	9,600
Poland	9,200
Netherlands	8,800
Other	26,800
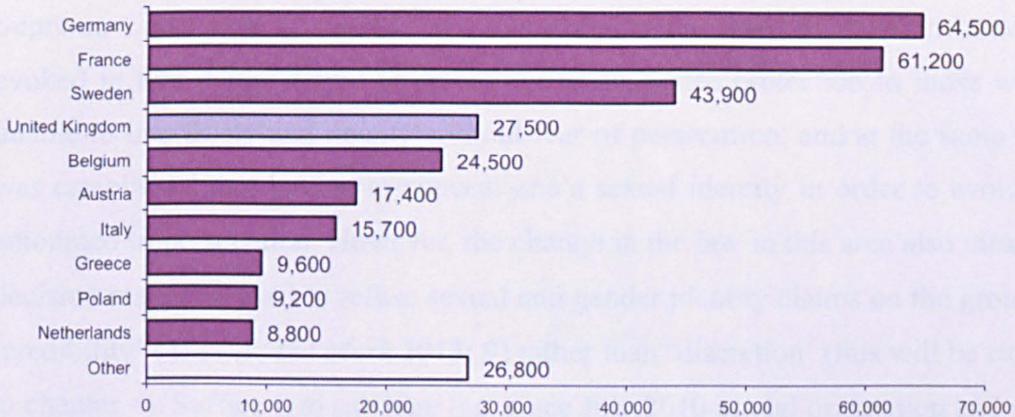
As mentioned above, in this ethnographic study I specifically focus on people who decide to leave their countries of origin and to claim asylum in Britain on the grounds of their sexual orientation or gender identity. The UK has started to collate numbers of applications lodged by lesbian, bisexual, gay, trans and intersex (LGBTI) people since July 2011, however thus far there is no definite statistical data available. Throughout my research the respondents' accounts have emphasised that within the process of cross-cultural interpretation of people's sexual identities asylum seekers and refugees are often exposed to very strong assumptions about what their experiences might have been (O'Leary 2008). In the process they are subjected to an institutionalised heteronormative[v] interpretive lens and state protection is often denied to them. If one examines the available data in relation to the refusal of asylum claims made in the UK, one finds that in 2009, 73% of all claims were denied at the initial decision making stage. However, in claims made by lesbians and gay men brought to the attention of the UK Lesbian and Gay Immigration Group (UKLGIG)[vi], 98-99% were rejected at this initial stage (*Failing the Grade* 2010).

Before the 1990s in UK refugee case law sexual minorities did not fall under the definition of the 'particular social group' category, as established by the Convention.

In fact, the question of membership of a particular social group has been a very complex matter for LGBTI asylum claimants. Until recently, the UK asylum courts adjudged LGBTI asylum claims on the basis of whether or not the individual would be able to live 'discreetly' in one's country of origin, that is, hide her or his sexual orientation. In a 2010 ruling, this was found to be against the Convention, in the Supreme Court case of HJ/HT[vii]. In this decision the spirit of the Convention was evoked in that it was found unlawful not to guarantee protection to those who are unable to live freely and openly without fear of persecution, and at the same time it was established that having to conceal one's sexual identity in order to avoid harm amounted to persecution. However, the change in the law in this area also meant that decision makers started to refuse sexual and gender identity claims on the grounds of 'credibility' (*Missing the Mark* 2013: 9) rather than 'discretion' (this will be explored in chapter 4). Suffice it to say here that since July 2010 sexual orientation and gender identity has been a ground upon which one can stake a rights-claim. Throughout the thesis I attempt to make sense of what happens when within the current migration regime, sexuality and gender become objects for rights-claiming acts; to do so I examine the lived experiences of sexual minority asylum claimants and refugees who are in the UK to escape (the fear of) persecution in their own countries.

1.2 The thesis focus

In this research I concentrated on the experiences of 60 asylum seekers and refugees living in Britain by exploring their personal migratory trajectories, their interactions with the system of institutions that would grant or refuse them the right to remain in the UK, as well as their everyday lives within and outside of the legal radar. Thus far, academic research conducted on sexual minorities experiencing the asylum process has mostly been based on socio-legal investigations (Millbank 2003, 2005, 2009; La Violette 1997, 2009; Cowan et al. 2011; Robson & Kessler 2008; Stychin 1995, 2003). In this thesis I attempted to put under scrutiny political, humanitarian and social discourses on the 'sexual victim' in ways that go beyond the analysis of the law, or of the individual directly confronting the law. By questioning the universalising badge of victimhood commonly applied to sexual minority asylum seekers and refugees I describe the various ways in which they navigate the asylum process as well as the moments when they are faced with support organisations and broader LGBT communities in the country of arrival. Whilst this raises questions on

the modus operandi of the asylum institutions by investigating current migration control practices, the study seeks to shed light on the ways in which this migrant group negotiates their place in new social worlds and the tensions arising from their precarious living conditions due to the widespread risk of poverty amongst them.

I chose to study sexuality in the context of asylum in order to trace parallelisms and differences amongst the conditions of *subalternity* to which non-heteronormative subjects can be exposed in different geo-political spaces. I would like to stress that I use the notion of subalternity with caution. In my ethnography I focused on people who come from a number of diverse countries in which same-sex desire is legally punishable (or socially unaccepted). To be sure, in my view, the tempting phrase 'sexual subaltern' when referring to the studied group, cannot be used as a stable category (I will return to this point in chapter 3). On the other hand my intention was not to solely examine respondents' supposed subalternity in their countries of origin, rather my focus was on investigating the situations that produce states of subalternity when living in Britain. In fact, an exclusive analytical focus on the former would produce a homogenising picture of how homophobia operates in the refugee-sending countries under analysis[viii]. In so doing, I sought to highlight that the passage from oppression in one's country to liberation in the UK is much more complex than how it is generally portrayed in media and political spaces. Therefore, questioning the 'freedom' ideals of sexual minorities in the West and the 'lack of freedom' of sexual minorities in refugee sending countries became a central critical focus of the thesis.

Finally, by bringing to the fore the researched migrants' multiple subject positions, the study attempts to draw novel analytical directions that see the need of opening up different ways to talk about sexualities in globalised societies. During the ethnography, which included participant observation and in-depth semi-structured interviews (see chapter 2), I could clearly see how antagonistically the subject forms in relation to the larger discourses available to her, in particular when such discourses are unfamiliar to the newly arrived migrant. More specifically, I focused on formations of new *subjecthoods* in a context marked by the notion of sexuality as a political object within a racialised discourse of difference (Khanna 2012). In the unwelcoming context set out by UK immigration practices I intended to critique the idea of sexuality-as-right that becomes a strategy of neoliberal states for the legitimation of hegemony (Rao 2012) through the recent configurations of

global(ised) sexual politics. With this focus the study interrogates how sexuality is used politically today and contributes to posing a set of critical questions on the translation of gender and sexual freedom ideals into rights-claims.

I now want to provide the reader with a discussion of the study's theoretical underpinnings, which will hopefully illustrate my choice of talking about sexual minority asylum seekers and refugees' lived experiences from this particular standpoint. I start from a discussion on citizenship, therefore focusing on the national, and then move on to the supranational dimension with a focus on humanitarianism, and finally I discuss the queer(ing) methodological and epistemological framing of the thesis.

1.3 Theoretical framework

In order to discuss the theoretical framework that sustains my study I start by examining citizenship. This choice may appear analytically unusual as the subjects of the research are excluded from it, or must experience extended and Kafkaesque legal procedures before even entering the realm of citizenship. Yet, I chose to do so as it appears to be in line with the intent of the thesis, that is, providing a critical reading of what is often denied to the studied migrant group. The research is, in fact, about those who are not counted by democracy. The very fact that 'the democratic system cannot count properly' is, for Jacques Ranciere (1999), the springboard for the political moment through which the presence of the uncounted destabilises the political order. By being able to enunciate a tort, a civil wrong, those who have no part inescapably generate politics. Esther, a Jamaican respondent, has lived in London for the past twelve years of her life and is now held in a detention centre waiting to be returned to Jamaica where she is very likely to face harm due to her sexuality. Esther is part of the miscounted portion of the population of which Ranciere writes. Despite the fact that she has established her life and social network in this country, that she has enunciated a civil tort in many appeals after her initial claim's refusal, she remains uncounted by continuing to be mistrusted. The adjudicators argue that she is not a 'genuine lesbian'. Their skepticism does not permit Esther to be counted by the democratic calculus. What will happen to this miscounted subject once in her country of origin will be kept silent, as occurs with the refused asylum seekers who are returned to their home countries, often put in

very precarious situations. Thus, I would start my analysis by looking at what is often denied to people who, all too often, have to face Esther's predicament. From this standpoint I examine the discourses and the practices of immigration control (i.e. the granting of asylum), particularly when sexuality is reified into an object upon which it becomes possible to claim the right for protection.

I now turn to elaborate on emerging discourses in the late nineties of the nexus between sexuality and citizenship within Western liberal democracies. In so doing I also consider the very concept of sexual citizenship, by examining the implications and repercussions that such forms of rights-claiming acts have brought to the fore. Today's formations of homonormative[ix] nationalism within British (and within the self-defined Western) gay and queer discourses are a direct consequence of the instrumentalisation of sexuality and race operated by a multiplicity of actors, the state apparatus, media representations as well as LGBT and queer subjects themselves (Haritaworn, Tauqir and Erdem 2007). This raises specific questions; how useful is the notion of sexual citizenship in a world where millions of people are stateless and do not have any form of citizenship? Does such a formulation reinforce a binary division between who is (meant to be) included in the nation-state and who is not? And finally, what is the 'price' that Western LGBTI communities need to pay for obtaining the status of full citizens?

1.4 Citizenship and sexuality

In the fifties, during the post-war reconstruction period in Britain, embryonic discourses on the significance of citizenship were brought to the fore. The British sociologist Thomas H. Marshall concentrated on three main phases in his analysis of citizenship: the civil or legal, the political and the social. The civil phase includes the rights that are fundamental and necessary to individual freedom, the political includes all those rights that enable the person to participate in the exercise of political power and finally the social is what provides the person with the rights to economic welfare (Marshall 1951). Within this conceptual framework the gender, sexual and racial components and particularly their interlocking and interconnections were not part of the citizenship picture that Marshall had neatly drawn. More recent scholarship that has focused on 'sexual aspects of citizenship has expanded on gender critiques, arguing that citizenship claims are based on heterosexual and male

privilege' (Robson and Kessler 2009: 541). In addition to that, the construct of the notion of sexual citizenship has also been mainly built upon the basis that sexual minority groups do not possess the same rights as their heterosexual counterparts; in this respect sexual minorities come to be perceived as second-class citizens.

The first piece of academic work to intersect sexuality and citizenship was the book written by David Evans in 1993 – *Sexual Citizenship*. In this work Evans first coined the phrase sexual citizenship; his leading argument revolves around the complex intertwining between nation-state and the market in relation to the formation of sexual identity, by emphasising the notion of sexuality as a commodity form, through the marketisation of identity. In 1998 the gay activist and scholar Jeffrey Weeks offered a different analysis of the sexual citizen, reading this emerging figure as a 'potential' new subject in the new politics of intimacy post-gay and lesbian social movements' struggles, that is, within an increasingly visible form of same-sex intimacy. Weeks argues that this subject is a hybrid being, breaching the public/private divide which Western culture has long held to be essential (Weeks 1998: 36). For Weeks sexual minorities have brought to the public attention what has been long confined to the sphere of the private, that is, sexuality. This has to be identified as the 'moment of transgression' in the struggle: a historically specific strategic tactic adopted by sexual movements. Weeks continues his argumentation by saying that this challenging moment of transgression is then followed by a 'moment of citizenship' (1998: 37), which is the claim for inclusion into the social and political fabric by the sexual dissident. Weeks' position is problematic in that it seems to be underestimating the importance of subversion and resistance as foundational elements of sexual politics:

> [B]ut without the claim to full citizenship, difference can never find a proper home. The sexual citizen then makes a claim to transcend the limits of the personal sphere by going public, but the going public is, in a necessary but nevertheless paradoxical move, about protecting the possibilities of private life and private choice in a more inclusive society (1998: 37).

If we are to follow the logic that Weeks proposes above, citizenship appears to become that which provides the sexual deviant with a proper home, and the going public becomes exclusively a moment that serves the only purpose of maintaining and protecting freedom of sexual choice in private. Such logic strongly suggests a

move towards the normalisation of sexual difference; a domesticated identification or even emulation of the dominant heterosexual identity, which once again would inevitably confine non-conforming sexual difference to the private arena. What is problematic about Weeks' position is that his argument reinforces a binary division between some 'good' sexualised categories of people, who can respectably have access to sexual citizenship, and some 'not very good' or just 'bad' sexual dissidents who are a priori excluded from the privilege of citizenship. This view, in turn, legitimates the discourse about the importance of aspiring to *normativity* ideals for sexual minority and gender non-conforming people, namely those construct assemblages that Lisa Duggan (2003) termed *homonormative.*

Diane Richardson also engages with theorising on the construction of sexual citizenship and her approach appears to be constructively critical of the very concept. She conducts her analysis of sexual citizenship by closely examining the concept of sexual rights. Richardson interprets sexual citizenship as a system of rights, which is particularly shaped by a concern with conduct (or practice), identity and relationship-based claims. She produces a grid of sexual rights following a triple differentiation: seeking rights to various forms of sexual practice in personal relationships (campaigns for sexual freedom and safety), seeking rights through self-definition and the development of individual identities (right to be lesbian and gay, female sexual autonomy) and finally seeking rights within social institutions (same-sex marriages). Richardson's starting point when critiquing the concept of citizenship is that the very status of citizenship is closely associated with institutionalised heterosexuality: notions of citizenship as a set of civil, political and social rights, as well as common membership of a shared community, are closely associated with the institutionalisation of heterosexuality (2000: 107). Whilst Richardson points out that the concept of citizenship is intrinsically and inexorably heterosexual, her proposed axiom reveals also a critique of the central positioning of the nuclear family core as the basis upon which to lay the foundations for good membership and belonging to the state, and for enabling contribution to the common good. This has been evident in the production of political discourse within both Conservative and Labour governments in Britain; the discriminatory tones have certainly changed over the years but the problematic positioning of non-heterosexual subjects in society is still very present in a variety of different forms. In terms of social citizenship the idea of belonging to the nation is central. In fact, despite growing discourses around

transnationalism and globalisation the concept of belonging is bound up with the nation-state, and the nation-state is a heterosexual, putative abstraction.

At present the most comprehensive study of sexual citizenship has been produced by David Bell and Jon Binnie in *Sexual Citizen: Queer Politics and Beyond*. In this work they offer a critique of the existing literature around the figure of the sexual citizen; one very important argument that informs their work is that queer politics threw critical light on the lesbian and gay community and its mode of political activism, arguing that it had settled into an assimilationist agenda, with entryism into mainstream (mainly local) politics and an acceptance of the 'good gay citizen' model: the 'good gay' and the 'bad queer' then become particular ways of marking sexual citizenship status (Bell and Binnie 2000). The authors also warn us that the 'utopian promise of the pink economy' is a fictitious idea that hides the reality of financial inequalities amongst gay men and lesbians and certainly 'in the USA, it has been remarked upon that the rights claimed coming from the lesbian and gay movement have increasingly been oriented to securing the rights of middle class white citizens' (2000: 144). Bell and Binnie's work problematises the value of the notion of sexual citizenship and they define the hard choices facing the sexual citizen, which they identify as being on one hand 'the push towards rights claims that make dissident sexualities fit into heterosexual culture, by demanding equality and recognition', and on the other 'the demand to reject settling for heteronormativity through, for example, sex-positive strategies of refusal – the kind of practices and identities enacted in queer counterpublics' (2000: 141). From this standpoint, one can argue that the sexual subject (aspiring citizen) under neoliberal governance is required to choose which civil, social and political spaces to occupy, yet this *choice* is charged with meanings. In fact, one chooses to be construed as belonging to the 'good' (assimilable) or the 'bad' (resisting assimilation) part of the democratic order.

1.4.1 Citizenship and the notion of homonationalism

The Western liberal tradition has in many ways reinforced the narrative of the good citizen, that individual who is politically active and who actively contributes to the common good of the state (in the Aristotelian sense of the phrase). This is a man who can be defined as 'independent' (Ackelsberg 2010:121) and who meets the criteria

for the 'rationality' necessary for citizenship. Etienne Balibar offers valuable reflections upon the positioning of subjects/citizens under liberal democracies:

> The modern democratic nation, whose principles gave rise to 'declarations of rights of man and citizen' or their equivalent, fundamentally excludes by denaturing those reputed to be incapable of autonomous judgement, that is, by inventing anthropological alterity, whose major variables are sex, race, morality, health, and physical and mental age (Balibar 2004).

Balibar sustains that the universal right to politics for humans also implies that foreigners, outside the *polis*, have no defense as humans unless they are represented by a sovereign state of equivalent power, and those nationals who are 'incapable' of active citizenship are generically considered as 'deficient' or 'diminished' humans (2004). Balibar contends that this can be reformulated more theoretically by saying that the fundamental anthropological differences – the differences between the sexes (and sexualities), the difference between the normal and the pathological (and between the pathological and asociality), differences between cultures (and within culture) – are systematically interpreted as inequalities and inscribed as such in the constitution of citizenship (2004: 59, 60).

The claim to full citizenship by certain gay subjects has been at the centre of the debate for the extension of rights to sexual minorities within neoliberal states. However, this legitimate claim reveals itself to be problematic insofar as sexuality becomes instrumentalised and used as the marker of a discernible politics of difference between a gay-friendly and civilised secular democracy and a homophobic and backward non-West bloc, the latter best exemplified by the representation of Islam as a monolithic entity. In this context, I attempt to problematise the fact that at this historical moment liberal nation-states (telling examples are: the US, the UK and the Netherlands) are consolidating a discernible form of 'regulatory queerness' (Puar 2007). This mechanism, in turn, serves to strengthen their self-perceived liberalness. Hence, LGBTI rights claimers in the West reinforce state-sanctioned neo-conservative agendas by adopting a strict politics of identity and inclusivity.

Here I draw on the literature that focuses on how the politics of inclusion characterising dominant LGBTI discourse in liberal democracy is contingent upon normalising processes of the sexual minority subject. The new proximity of the sexually exceptional subject (Puar 2007) and the state produces various social

responses, which range from subtle exclusion to liberal inclusion. However within the principles of liberal doctrine the sexual minority person becomes the 'tolerated' subject par excellence. Wendy Brown (2004, 2006) provides an acute critique of the notion of tolerance as an instrument of neoliberal power; she contends that tolerance is both a discourse of depoliticisation and a discourse of power. The regime of tolerance teaches us that one has to be accepting of difference- intended as immutable difference and expressed by the axes of race, nationality, sexuality, and gender (see chapter 3). The desire of being tolerated and included within the national imagery has triggered the emergence of new political formations of sexual minoritised identities, namely new forms of nationalism taken up by some LGBTI individuals within the state. A renewed nationalist sense of belonging and claims for full citizenship rights for LBGTI individuals foster what has been termed homonationalism (Puar 2007), that is, the emergence of national homosexuality. Homonationalism involves formations of normative feelings of nationalism and assimilation of LGBTI people within 'gay-friendly' liberal states. These assemblages are heterogeneous and complex and they testify to an abandonment of queer politics by many LGBTI individuals who live in Western democracies (see below). These processes produce insular and essentialist LGBTI rights struggles, which become more and more isolated from other struggles that involve other minority groups.

In this context, some of the discourses that have been developed by Western LGBTI activists, public figures and politicians can serve as a mode of reinscription of gay identity within an orientalist framework. Within such a reductionist discursive field, as Jin Haritaworn stresses, 'sexual rights and migrant rights have become constructed as mutually contradictory' (2006: 73). Therefore, the non-citizen is implicitly perceived as the Other coming from a menacing homophobic culture. This representation renders her or him an impossible subject for the Western liberating LGBT discourse; the homophobic migrant is depicted as in need of being re-educated into progressive sexual mores (see chapter 3). This position has been exacerbated in the aftermath of 9/11 and this has happened on a global scale. To various degrees Western European democracies have singled out and emphasised the homophobia of some of the migrant populations present in their territories. It is noteworthy that in January 2006 the German government adopted the commonly known Muslim Test for people claiming German citizenship whose previous nationality was perceived as 'Muslim'. In the thirty questions asked in the

questionnaire the applicants had to express their views on what they thought about beating one's wife or about the consequences of not obeying one's husband, or how they would act if their son or daughter came out as gay[x].

In Germany as in Britain and within other Western countries the inclusion into mainstream society of (white) gays, as Petzen has argued, coincides with and is premised on the exclusion of those racialised as Muslim (2005). In their insightful essay 'Gay Imperialism' Haritaworn, Tamsila and Erdem state that:

> White gays and lesbians receive moral and legal citizenship and in return they deliver the ideological legitimation for imperialism. We, too, believe that it is no coincidence that more and more white gays and lesbians show a willingness to repress the brutal history of European homophobia and its continuing legacy of violence, pathologisation and criminalisation. The construction of Muslims as the true homophobes equips white gay people with material as well as symbolic resources, and empowers their previously victimised identity. (2006:88)

Such identity based right-claims not only are isolated from any other struggle, but also have detrimental effects on others, that is, the sexual minorities who do not have citizenship status: the undocumented migrant, the asylum seeker, the stateless person and so forth. Within the context of the 'tolerant' liberal state that wants to appear to be open to diversity as much as to multiculturalism and multi-racial presence within its borders, we must keep a very critical eye on the disciplinary processes that the state apparatus operates.

In the analysis of sexual citizenship the adoption of an intersectional framework, or to use a different terminology the awareness of multiple forms of discrimination and oppression towards minorities, is essential. As Jasbir Puar argues only certain queer corporealities become temporary recipients of state benevolence, and such benevolence towards sexual dissidents is built upon 'ever-narrowing parameters of white racial privilege, consumption, capabilities, kinship normativity, and bodily integrity' (Puar 2007). Processes of normalisation and assimilation of homosexuals within a dominant heterosexual matrix continue to take place in many Western liberal societies, the problems produced by these processes become explicit when homonormativity is institutionalised, by perpetuating right-wing ideologies that aim at isolating and excluding the potentially 'bad citizens'. Consequently anti-immigration discourses are strongly sustained by certain fringes of the sexual

minorities and in so doing they reinforce sentiments of Islamophobia, xenophobia and racism. In the light of recent developments brought about by these actors within liberal democracies, I position the figure of sexual minority asylum seekers at the centre of the analysis. Their relationship with the nation-state renders their corporealities contested battlefields within policy and public discourses, where ideas of belonging, membership to the state and citizenship are articulated, done and undone from the zone of 'unrecognisability' and unintelligibility that these subjects often inhabit (Butler 2004, 2010).

1.4.2 From citizenship to humanitarianism

The liberal notion of citizenship outlined above appears fundamentally anachronistic; we live in a world where extra-territoriality has dramatically increased with large numbers of permanently resident non-citizens (some call them denizens), who neither can nor want to be naturalised or repatriated. It seems clear that the *citizen*, as we understand it today, is no longer an adequate notion to describe the socio-political reality of modern states. One needs to acknowledge the idea that the sphere of the political is not exclusively a prerogative of 'legal and territorial' subjects, but that it often exceeds them. Marginal political figures such as the refugee or the undocumented migrant, as potential actors of citizenship, must be understood as central figures in current political history inasmuch as they drastically challenge the old established trinity of state-nation-territory (Agamben 2000). The vocabulary of citizenship needs expanding (Isin 2007, 2009), or perhaps, one needs to start posing the question of whether it is viable to do without the linguistic edifice imposed by the notion of citizenship. For the asylum seekers in this research, access to citizenship status is a long journey to take. Prior to even thinking about citizenship one has to experience a complex determination process, and after being granted refugee status one has to wait for at least five years to obtain it. Given the skepticism and mistrust implicit in the system of institutions managing borders, it can be argued that one never stops being (read as) a refugee.

As discussed above, emerging formations of LGBTI politics are predicated upon rights-claiming acts for full citizenship status and normalising inclusion into the state. For instance, in the UK over the past year the argument of gay marriage has been the most vocal issue on which dominant LGBTI organisations and political figures have

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concentrated. We have seen this occurring within the borders of the nation in concomitance with the diffusion of homonationalist sentiments. I would argue that homonationalism operates within the state and reinforces belonging to the nation through strengthening and redeeming three crucial heteronormative institutions, that is, the military, marriage and the market (Duggan 2003), or the normalising 'M' troika. However, today more than ever before, with globalising forces that define the social worlds we inhabit, one cannot analyse the national without situating it within the broader supranational arena. To be sure, I would argue that homonationalism is also characterised by a depoliticised global dimension, which one may term *homo-globalism*. In fact, the claim for 'good' citizenship by sexual minorities under neoliberalism is partly founded on the notion of interventionism in the realm of politics, which exceeds national borders. The name of this set of moral sentiments that enters democratic politics is humanitarian action. These sentiments, which in turn have an implicit global dimension permit, for instance, the LGBTI subject in the West to feel entitled to speak and act on behalf of sexual others in other parts of the world.

The global character of homonationalism is based upon the idea of liberating and emancipating other countries to the same level of liberal states. These dubious 'emancipatory' missions attempt to export Western notions of sexual and gender categories, both in their social and political articulations. Homo-globalism is therefore enacted through a universalism, that disregards the notion of cultural translation and that emerges from the idea that all human beings share the same condition, namely the condition of humanity. Further such universalism is accompanied by an affective dimension, that is, the notion of humanness, according to which human fellows are naturally drawn towards each other (Fassin 2012). From this it seems to emerge that the awareness of one's existential precariousness fosters humanitarian sentiments. Yet, I would argue that it is the awareness of the precariousness of the Other, which obscures the perception of one's own precariousness, to nurture humanitarian sentiments more effectively. The paradox of modernity is sustained by the deployment of humanitarian reason insofar as the discourses and the actions that characterise humanitarianism are universalist, as we are all humans, yet these are also particularist in that not all human beings seem to possess the same degree of humanness. The 'good' liberal subject hence is construed necessarily as the subject with a supplement of humanity, whereas the Other subject

has a deficit of humanity. Yet how does humanitarian reason enter the realm of the political? This is an apt question to ask today as in contemporary politics, as Fassin reminds us, the intersection between 'the discourse of affects and values offers a high political return (2012:3).

Hence, alongside the problematisation of the exclusionary language game established by the construct of citizenship in late modernity, other theoretical dimensions that I explore in the thesis seek to unpack humanitarian reason. Humanitarianism has a long tradition in the emerging of civil society in the North-Atlantic area. The logic of humanitarianism has always placed suffering at the centre of its protective edifice. In this sense, humanitarian reason seems to sit comfortably at the intersection of the secular and the religious. In fact, the glorification of suffering (Arendt 1962) finds a fertile ground within the Judeo-Christian tradition as well as within other religious systems such as Islam or Buddhism. One learns that if one feels compassion one should act to correct the situation that gives rise to the misery of others. Despite these well-intended teachings, in recent history we have seen that when narratives of suffering are used politically 'good intentions' might be an effective way for justifying specific actions which are not always 'good'. For instance, waging war in the name of humanitarian intervention by following the logic of humanitarian reason has become a normalised practice.

Didier Fassin (2012) introduces the phrase 'humanitarian government' to designate the deployment of moral sentiments in contemporary politics. This notion, in my view, provides a heuristic direction for analysing the positions of vulnerable groups of migrants in the West. In Fassin's formulation government is understood in a Foucaultian sense, namely 'government of the living', that is, 'the set of procedures established and actions conducted in order to manage, regulate, and support the existence of human beings: government includes but exceeds the intervention of the state, local administrations, international bodies, and political institutions more generally' (2012: 1). In his recent book on humanitarian reason he critically explores what occurs when moral sentiments enter the field of the political, by moral sentiments he means 'the emotions that direct our attention to the suffering of others and make us want to remedy them' (2012:1). Through my research I became interested in developing a critique of humanitarian reason by following Fassin (2009,

2012), Mariella Pandolfi (2011) and Michel Agier's (2010) theorisations by adding a specific focus on the dimension of sexuality and gender (Mai forthcoming).

1.5 When humanitarianism becomes sexual humanitarianism: new borders

The analytical focus of the thesis is to explore what occurs when the categories of sexuality (and gender) travel, that is, when they are translated into different cultural localities. My analysis does not delve into the possibilities that cultures can be translated, which would go beyond the scope of this study, I follow Spivak's formulations (2008) pertaining to the unknowability of cultures and the risks of entering the realm of cultural relativism. Rather, throughout the thesis I engage in exploring what is lost in the act of translating, and more specifically, how the loss in translating sexual categories has material consequences when it is politically used against the very subjects of the research. In the chapters of the thesis I examine how sexuality becomes an object upon which one can stake a rights-claim, this object being predicated upon a racialised discourse of difference. Therefore, the object of the study is sexuality in the context of migration, travelling across different cultural settings. In the UK sexuality and gender provide people with the opportunity of asking for state protection. This rights-claiming act takes place when the rights-claimant confronts the legal interface, namely, when making her or his story intelligible within the language game available to them. I argue that this (legal) language game is, in turn, influenced by a specific vocabulary established by humanitarian governmentality.

Eric Fassin (2010) introduced the phrase 'sexual democracy' to indicate how through sexual politics liberal democracies define the borders of Europe. As explored earlier an imagined 'LGBTI friendliness' becomes a marker of civilisation that distinguishes Western democracies from Other parts of the world. This 'sexual humanitarian' formation pathologises the gender and sexuality of minority ethnic groups to police the moral and spatial boundaries of the West (Mai forthcoming). In the thesis chapters I discuss that the conflation of LGBTI rights and human rights as operated by dominant political discourses in the UK (as well as other western states) is problematic in that it imports one kind of specificity under the badge of the universal to interpellate a sexual minority personhood the world over (chapter 4). This universalist logic is damaging for the sexual minority asylum claimant in that it

solely leaves space for the emergence of a one-dimensional figure, that is the archetype of the sexually exceptional person in exile. This construed lonely figure is positioned in a restricted discursive space, in which she has to perform a readable script of victimhood. In this context Nicola Mai introduces the notion of 'biographical borders', he writes that:

> In the process, the certification of individual suffering and vulnerability has become a fundamental, and often the only, criterion through which 'vulnerable' migrants can access social support, legal immigration status and work, on the basis of asylum and other humanitarian grounds. The process of certification of the credibility of the suffering of migrants being both helped and controlled acts as a biographical border between deportation and recognition (forthcoming).

The concept of biographical border is key for developing an understanding of new technologies of migration control practices. When the sexual minority asylum seeker lodges a claim the border materialises in the telling of her or his life narrative. In this study it became apparent that the management of borders (i.e. the containment of migrants) is influenced by humanitarian governmentality. One may say that humanitarian governmentality is used in order to strengthen borders, namely if the claimant does not perform his biographical account in a certain way, she or he will not be trusted. To be sure this is made possible due to the fact that in this historical juncture the word of asylum seekers has been incrementally and profoundly discredited. This is testified by the incremental refusal of asylum claims in the UK since the 1970s up to date. Throughout the thesis I discuss how the ordeal of credibility is used as a powerful instrument by adjudicators to refuse claims (see chapter 6 in particular).

Fassin and Rechtman (2009) analyse how a commonsensical notion of trauma emerges within the determination process as a validating proof of truth, while the significance of asylum (that is granting protection to those who fear persecution) is in decline. By examining the French context the authors argue that today the scars are sought not just in the claimant's body, but also in her or his psyche. If the scars are deemed to be genuine the person is likely to succeed, yet in this process her or his condition of victimhood is utterly reified. Fassin (2012) observes that 'humanitarian reason pays more attention to the biological life of the destitute and unfortunate, the life in the name of which they are given aid, than to their biographical life, the life

through which they could, independently, give a meaning to their own existence' (2012: 254). However, the asylum process is a highly individuated process, through which the claimant must experience the ordeal of telling the truth. One has to uncover a detailed biography to be granted the right to remain in the country. Fassin argues that the claimant's truth receives a 'surplus' validation through medical certification of trauma and injury. I argue that there exists a tension between the biological (the testimony of the body) and biographical life (the story told). In my study I noted the co-presence of *biographical borders* and *corporeal borders*, the former are the ones that emerge in the telling of one's story to be legally recognised and have one's rights validated; it is the story itself that materialises access or denial to the borders' gates. The latter is defined by the evidence that the body and psyche marked by violence carry, the marked body and the unmarked body have different possibilities of penetrating the border. These are the borders that restrict and essentialise the sexual minority claimant, who struggles to vocalise an often unvoiced history of the self.

The biographical telling is important in that the account the sexual minority claimant is required to provide forms a crucial part of the process. One has to write a detailed statement of her or his experiences and feelings and it has to be meticulously coherent. The biographical information should be able to show unique elements. In the study I noted that throughout the determination process claimants remain confused as they start to think that they need to show more pain and suffering than that to which they have been subjected. There is a fear that one's story will not otherwise be considered traumatic enough in order to *move* the adjudicators and be granted one's rights. Through talking to one another and spreading rumours in their social networks, claimants quickly realise how inhospitable the asylum determination process often is. It becomes obvious to them that one needs to operate within what I termed an *economy of compassion*, which surfaces when humanitarian reason enters the realm of the law.

Humanitarian reason in the law creates a regime of compassion in which the asylum claimant feels compelled to show 'more' suffering. Many claimants feel compelled to 'embellish' their stories when they have actually experienced extreme episodes of violence and persecution. This is due to the fear that there could be other claimants with more traumatic stories to tell the Home Office decision-makers or the

judges. Paradoxically, in order to be perceived as credible one feels compelled to lie. The claimant is put under pressure to externalise the trauma and injury that defines her experience, her absolute state of victimhood (Agier 2010, Giordano 2008), which then risks becoming an ever-lasting ontological trait in the claimant's internal world (see chapter 6). In this framework, showing one's suffering seems to become the most effective hammer with which to knock down the suffocating state-borders' walls.

When humanitarian reason enters the realm of the political there is the emergence of humanitarian government (Fassin 2012). Yet when the reified object of the rights-claim is sexuality we see the emergence of sexual humanitarianism, producing archetypal figures such as the trafficked sexual victim or the sexuality-based refugee (Mai forthcoming). Nicola Mai argues that the political use of individual 'emergencies' based on sexuality and gender is a legitimating tool for the control of undesirable groups of migrants. He writes:

> Sexual humanitarianism operates by containing through social interventions the mobility of migrant groups that are strategically essentialised and Othered as 'pure' victims of sexual oppression and exploitation. As migrants' nuanced understandings and experiences of ambivalence, vulnerability and resilience are obfuscated, only a minority of them receives appropriate support through sexual humanitarian social interventions, which tend to exacerbate rather than reduce migrants' vulnerability to exploitation (forthcoming).

Following Mai's formulation I would argue that sexual humanitarianism can be defined as the set of discourses and practices used by the systems of institutions (governmental, non-governmental and academic) that focuses on the suffering and the violence to which sexual minorities and other forms of *subalternised sexual Others* are subjected under neoliberal forms of governance. Here I use the *subalternised sexual* phrase as I aim to stress the contingent conditions of subalternity (Rao 2010) that emerge within the specific contexts in which non-heteronormative individuals live both within their country of origin and in the country of arrival, I will return to this point in chapter 4. The focus on one's 'sexual-based victimhood' becomes the most effective discursive strategy for the individual to claim a right. For humanitarian reason the proof of suffering becomes imperative if one is to be considered as deserving of state protection. As mentioned above the management of migration is influenced by discourses of humanitarian

governmentality according to which some migrants are more deserving than others to be granted protection and rights on the basis of their suffering. This inevitably creates a ranking system amongst migrants - a *hierarchy of suffering* that determines one's destiny in the country. This is not a new logic, in fact the intrinsic inclusion/exclusion dichotomy that characterises access to citizenship is only reinforced, and not created, by humanitarian reason. Migrants' subjectivities are heterogeneous and what sexual humanitarianism does to the research subjects is to assemble them together under the badge of the absolute victim, conflating the refuge in the Global south and the asylum seeker here, by a universalist understanding of suffering. The former are the subject of collective management, grouped together in camps by international organisations, while the latter receive singular treatment, with state apparatuses taking a case-by-case approach. Thus heterogeneity is transformed into a forced homologation to homogeneity. Analytically, one cannot understand the experience of suffering as univocal, there is no archetypical refugee suffering.

1.6 The 'queering' dimension of the study

Alongside the critique of humanitarian governmentality, with its extension to law, politics, and refugee support institutions' discourses, the second important theoretical endeavour that I undertook in the thesis is thinking through the applicability of queer theory to social research practice. Thus in this section I want to explore the contributions with which queer theory has provided me to develop my argument on sexual minority asylum seekers in the current British migration regime. I use the queer signifier from both an epistemological and methodological perspective. Epistemologically it allows me to value the study of non-heteronormative subjects whose subjectivity is often reinvented in the process of migration, and theorise the modes in which they live queerness fragmentally. These non-heteronormative subjectivities face the restrictive language of humanitarian reason in the new country. This language permeates the laws and individuals confront strongly consolidated heteronormative institutions, such as immigration controls and the judicial system, which both privilege the preservation and protection of the heterosexual family nucleus (Cantu' 2009, Luibheid 2008). Methodologically I adopt methods that constantly queer my position as a researcher in the field by allowing me to produce theories that are relevant to the insiders (*emic theory* Boellstorff 2010) through the empirical work conducted and the numerous ethical considerations (see chapter 2).

Further the queer-based epistemological and methodological standpoints provide me with a helpful framework for investigating the existing lack of empathy amongst minority groups in their isolated struggles under late-capitalism. These struggles take place in the current neo-liberal order that encourages a politics of rampant, self-interest driven individualism over formations of alliances and solidarity. Hence, my standpoint remains sensitive to the multiplicity of marginalising social factors, which play a part in the displacement of the research subjects. The range of factors that produce discrimination and antagonism against the migrant group under analysis operates at many levels in the social fabric, even within those groups and organisations that are supposed to fight against social exclusion but that end up perpetuating discriminatory patterns. Let me now elaborate on how I intend to use the queer signifier in my research.

Queer today is often accused of being out of touch with reality, perhaps of having been minimised to an overly aesthetic form of vague resistance against normativity. However, the genealogy of its formation tells us a different story. Queer politics precedes Queer theory; the AIDS crisis in the 80s was the catalyst for the political actualisation of an emerging discourse by queers with HIV and their allies. At that moment in time the struggle against the heteronormative power of the state, which rendered the disease invisible and unintelligible to the multitude, managed to provide the basis for the formation of a fertile ground of coalitions and alliances amongst not only gays and lesbians but all the people whose lives were affected directly and indirectly by the virus. The public declaration of this wrong created a strong political moment (Ranciere 1999), whereby individuals whom the state had been systematically trying to render illegible and invisible (Butler 2004) were now fighting to be visible subjects. The political valence and the potentiality of queer acts, mostly expressed through direct actions, attracted the attention of academics from various disciplines, and this marked the beginning of what has come to be defined as Queer theory, which was inaugurated by the feminist theorist Teresa de Lauretis in 1990. As Halperin argues, de Lauretis' most urgent challenge was to 'introduce into a monolithic, homogenising discourse of (homo)sexual difference a problematic of multiple differences' (1995:113).

Queering is a politics of positionality and not of identity (Halperin 1999), by which I mean that it's about how the individual positions herself in relation to the

dominant framework of heterosexist conduct and norms, in other words it is always a context-dependent position. It is contextual because processes of subjectification, that is to say the acts that, performed repeatedly, contribute to the formation of a subject, produce subjects that are never the same at different times and in different contexts, so that the same subject is left open to the possibilities of assuming different positions against dominant sets of norms. A queer approach is precisely interested in looking at the multiplicity of a subject's positions in different contexts as opposed to a strict universalising understanding of a subject that gets ensnared in a group exclusively on the basis of her identity (sexual, racial, etc.).

Given the potentiality of these acts of queering as a mode of changing the social, and given the fact that this potentiality seems to have lost its actualisation in politics, a recent body of scholarship has emerged that aims to re-link that which is queer to that which is political (Chambers, O'Rourke et al. 2009). Queer, in its theoretical, political and cultural dimensions needs to be treated as a force that enables a conceptual shift. Furthermore, this force is not a vague metaphorical and ephemeral one, conversely it is a force which is grounded in the social (Wickman 2010). It is a force that takes many shapes by finding numerous ways to be enunciated and to produce destabilisation within discourses around sex, gender, disability, class, race and other exclusionary attitudes that form and re-form in the social field.

I join the effort of theorists such as Samuel Chambers in recuperating what needs to be used, or perhaps saved, of the queer political project within a liberal world marked by democratic inequalities. In other words I find it of vital importance to render queer 'queer' again. If I emphasise the substantive 'political' is because I am thinking of the specific formulations in relation to politics exposed by the French philosopher Jacques Ranciere, whose ideas have been recently adopted by a number of Queer theorists (and not only) mostly for his conceptualisations of equality and democracy. Ranciere terms the regulatory sets of norms that operate in society as 'police':

> The set of procedures whereby the aggregation and consent of collectivities is achieved, the organisation of powers, the distribution of places and roles, and the system for legitimizing this distribution...the distribution of places and roles that define the police regime stems as much from the assumed spontaneity of social relations as from the rigidity of state functions (1999: 28).

These norms are certainly reinforced, and some of them are created by the mechanics of the nation-state machine, but Ranciere emphasises that it is vital to acknowledge that such norms are also produced by non-state actors and non-institutional practices. Contrary to *police, politics* works as an interruption of what Ranciere calls the police ordering of society, it is precisely when a logic of domination encounters a logic of equality that the political moment is generated; he concludes by defining political activity as a 'meeting of the heterogeneous', therefore politics, or political acts always aim at manifesting or rendering visible and audible the logic of equality of all speaking beings. In such a way, Chambers contends that the Rancierean political action 'amounts to a queering of the police order. The political moment in Ranciere is [therefore] a queer moment' (2009: 12). Such a queer understanding of politics does not seem to offer solutions. However this should not be perceived as a nihilistic vision of political potentialities. Conversely, according to this reading, politics opens up spaces for bringing to the fore those who have no part in the social order and in doing so they become enabled to stake a claim, even if they do not seem to be allowed to.

When Ranciere talks about those who have no part in democracy, he is not merely distinguishing between those who are included from those who are excluded in society, and that those who are excluded want to or struggle to be included. Ranciere insists upon the fact that those who have no part cannot be counted, indeed 'the very ability to make such an appeal would indicate that they have already been incorporated as part of the count' (De Genova 2010: 109). Ranciere introduces the concept of democratic miscount to articulate the fact that in democracy 'politics arises from a count of community "parts", which is always a false count, a double count, or a miscount' (1999: 6). In other words, he identifies in this sort of political genesis the fundamental and inescapable miscount of democracy, according to which there will always be those who are uncounted within the democratic system. The fact that the system cannot count properly is for Ranciere the springboard for the political moment, where the uncounted will not be claiming to be assimilated into the police order, on the contrary their presence will destabilise it. By being able to enunciate a tort (a civil wrong) those who have no part inescapably produce politics; once again Ranciere's vision of democracy constitutes a felicitous parallelism with a queer, non-assimilationist positionality.

Opposed to identitarian politics, queer politics is about positionality and relationality. Halperin writes that queer is 'an identity without essence', Ranciere adds that the real political subjects are the ones who reside at an 'interval between identities'. Nicholas De Genova notes that for Ranciere, subjects are activated as political only when 'they operate from a position that is not reducible to the given terms and coordinates of already cognizable and thus, actually existing identities' (2010: 111). In such a scheme, politics finds its genesis in the space of 'non-identity' (De Genova 2010), so that politics itself is about the crisis that is produced by the appearance in the public sphere of a queer subject that cannot be recognised or counted, but that forcefully comes into being in the shape of a fissure in the Police order. In my view this fissure is the queer moment in politics. The use that I make of this queer fissure in the thesis is to counter dominant humanitarian discourses that tend to raise ever-narrowing borders for the sexual minority person in exile. In this sense, queer as a verb can be utilised to queer normative and universalist notions of human rights. In my study, a queer analytical sensibility proved apt to develop a critique of what is deemed to be quintessentially good and beyond criticism, namely humanitarian intervention, and to question the logic of humanitarian reason when sexuality is reified into a rights-claiming object. Queer positionality seems to be fruitful for the purpose of destabilising the edifice upon which humanitarian logics operates.

1.7 The thesis outline

After having discussed the theoretical framework that sustains the research I now turn my attention to delineate the development of the argument. The thesis follows two main analytical trajectories. On the one hand, chapters 3, 6 and 7 explore the lived experiences of sixty sexual minority asylum seekers and refugees in the UK. On the other, chapters 4 and 5 delve into analyses of the political, social and legal arenas which the studied migrant group inhabits.

In chapter 2 I discuss the methodological approach that I adopted for the research. I define this approach as being at the 'edges of anthropology' (Clifford 2003). I discuss the ways in which I attempted to find my feet in unknown territories occupied by the heterogeneous studied migrant group. In so doing I explain what I

mean by the queerness of my research methods. When writing my notes on the study methodology I was influenced by the Wittgensteinian notion of unknowability of one's own pain, as well as the pain of the Other. This is the Wittgenstein of *Philosophical Investigations* (1953) where he perceives language as the marker of human sociality. Language for Wittgenstein is a disappointment as a human institution because of the very limits that are intrinsic to it. The typical example used is the one of pain; one's pain and the pain of the Other. If I cannot locate my pain in the same way that I locate hers or his, the best I can do is let it happen to me. Veena Das uses this notion to describe anthropological knowledge: 'now it seems to me that anthropological knowledge is precisely about letting the knowledge of the other happen to me' (1998: 192). In writing this chapter I maintained this uncertainty of total knowability. This, in fact, is what characterised my ethnographic efforts when examining the material conditions under which research subjects are situated, without appropriating and universalising their suffering and noting how resilience is coupled with vulnerability. Thus, in this chapter I explore this condition of limited knowability to reflect on my practice and positionality as a queer ethnographer studying non-heteronormative migrants' lives.

In chapter 3 I analyse some of the recurrent and conflicting themes that surfaced in the study by concentrating on the internal feelings and mental processes that shape respondents' experiences of the asylum process. I examine three main areas of their biographical narratives: awareness of one's difference, understanding and expression of one's sexual orientation, and finally the mental distress and vulnerability experienced in the new country. In the group respondents are supporting each other, however antagonisms emerge frequently. Some respondents think that their experience is more 'valuable' than others, more 'authentic' perhaps, either because they have been detained or because they have suffered torture and mental abuse. Therefore their history of maltreatment is experienced as unique and impossible for others to fully apprehend, even amongst people who have suffered similar forms of discrimination. Here I focus on the ways in which the asylum process makes people very atomised units insofar as they need to entirely concentrate on their own story and their isolated experience of abuse and suffering to hope for a successful result to their claim.

In chapter 4 I explore the global dimension of sexual politics today. Here the aim is to bring to the fore the contradictions of global sexual politics discourses whose purpose is to achieve sexual 'justice' for all non-normative sexualities. Following the theoretical framework of the thesis, that is the critique of sexual humanitarianism from a queer analytical standpoint, I unpack the very notion of sexuality as a political object within a racialised discourse of difference (Khanna 2012). In the chapter I pay attention to language, in particular the language that I chose to adopt to talk about research participants. This again comes from my reading of Wittgenstein and his critique of language. Throughout the research process the question that I kept asking myself was, can I adopt the language of subalternity to define the conditions and to explore the lived experiences of the sexuality-based asylum claimant? In the chapter I specifically explain why I question the phrase 'sexual subalterns' to describe respondents' difficulties of articulating their subjectivities within the hegemonic structure they inhabit.

In chapter 5 I move onto the realm of legal procedures and discourse. Here I discuss how, throughout the research, respondents' accounts emphasised that within the process of cross-cultural interpretation of people's sexual identities the asylum seekers and refugees are often exposed to very strong assumptions about what their experiences might have been (O'Leary 2008). In the process they become exposed to an institutionalised heteronormative interpretive lens. The abundance of problems in being recognised as an authentic claimant for asylum seekers in general but for sexual minority claimants in particular, illustrated a discernible trait of the British courts, namely a diffused heteronormative framework that is characteristic of the decision-making process. Through examining legal cases and court decisions I traced the genealogy of 'discretion' in UK legal constructions of the homosexual, which is mobilised in sexuality-based claims. I also examine the question of what constitute legally recognisable and 'measurable' indicators of 'gayness' and the problems of credibility this creates for LGBTI asylum seekers. In so doing I question the use of 'objective' methods in the truth-finding process both within the space of the Home Office and the courtroom.

In chapter 6 I examine the use of universal narratives of liberation, victimhood and lack of agency that are common to legal and humanitarian discourses on asylum. This chapter explores substantial ethnographic data pertaining to how sexual

minority respondents are read by the law and immigration institutions. Yet, it also looks at what happens outside of these spaces. Hence, the argument develops from a reading of sexuality-based asylum claimants' experiences *vis-à-vis* the receiving British society. In this respect I put emphasis on the totalising notions of 'human agency' and 'victimhood' that characterise western freedom ideals. In so doing, I look at the effects that these ideals produce on the research subjects when they arrive in the UK. On the one hand the question that I pose is: where do sexual minority asylum seekers situate themselves within narratives of liberation and victimhood? On the other, I will be asking, when and under what circumstances do they take themselves out of these narratives? The accounts that respondents provide manage to navigate, or better, 'surf' (Boellstorff 2010) essentialising socio-legal readings of their subjecthood that construe them as either victims or liars.

In chapter 7 I keep the focus on the most recurrent themes emerging from the ethnography with the research respondents. In this part of the study I allow more space to respondents' own words and perspectives on their own lived experiences as asylum seekers or refugees in the UK. Through the study I gradually came to realise that, particularly with this group of research subjects, it is crucial not to stop at the interview level if one wants to attempt to grasp the complexities, subtleties and contradictions of respondents' stories (see next chapter). Thus, in chapter 7 I concentrate on respondents' narratives which bring to light the material conditions of their existence in the new country. In the process, I question the given of 'illegality' that marks the individual's possibilities of being in the world, that is to say one's mobility, desires and aspirations for the future to come. I also elaborate on the common material problems that respondents encounter through and after the asylum process. Within this space respondents' stories emerge more visibly and they manage to eloquently articulate the high risks of destitution and homelessness to which they are subject, constantly proving their resilience and exposing them to exploitation by third parties.

In chapter 8 I discuss that taking sexual minority asylum seekers and refugees as an analytical focus enabled me to raise broader questions about sexuality in the context of migration – particularly when sexuality becomes a rights-claiming object. Here I claim that the protection categories available to the studied migrants are based on rigid concepts of sexuality that do not correspond to the respondents' lived

experiences. Therefore breaking down the inapt legal and social categories that frame these migrants' subjectivities was strategic to recognise their rights and address and needs. I also claim that the experiences of LGBTI asylum seekers and refugees are specific and different from other claimants. My analysis of this specificity aimed at destabilising the stereotypical ways in which this migrant group is often construed. I finish by discussing the political significance of the study, which I see as contributing to debates of the limits of strict identity politics within pluralist societies in postcolonial times. Thus, in this final part, I aim to delineate some critical links between the politics of *asylum* and the politics of *sexuality*. I attempt to do so by highlighting the antagonism intrinsic to identitarian political formations, the repercussions of the depoliticising humanism of social protection categories as well as the negativity that defines how we politically understand and deal with *difference* within the secured borders of the neoliberal state.

CHAPTER 2

METHODOLOGY

> What might our debates over narrative strategy and the politics of representation be missing today under the larger power structure of globalized neo-liberalism?...A safe academic habitus eschews, despite its political language, the higher-stakes power relations that have real meaning to the socially vulnerable. By focusing our discussion of ethnography onto fascinating, hypertexual topics we do not threaten significant power structures...I am convinced that we should deeply distrust the safe academic habitus that makes us productive scholars concerned with textual analysis. (Philippe Bourgois *On Ethnography,* 2002)

In this part of the thesis I attend to the methodological approach and problems that characterised my experience in producing knowledge of the migrant group I studied during the two-year long ethnography. Whilst situating ethnography in the field of social research, I explore the question of whether ethnographic methods are intrinsically *queer*. Throughout the chapter I problematise what my notion of queer is - to add to the previous chapter- and how I use the queer signifier when referring to social research methods. In this process I think through the methodology I used for discussing the lives of asylum seekers and refugees, and I ask myself: what knowledge did my methods generate? What are the limits of my methods? And how did my methods impact on the production of a certain type of knowledge? Throughout the second part I look to 'find my feet' à la Wittgenstein (1953), when the ethnographer (me) attempts to interpret, inscribe and interact with the experiences that people share. Here I reflect upon my own practice as a researcher, I think through the modes in which my figure is articulated within various research encounters.

2.1 Introduction

In this chapter I acknowledge that my main research methods are located within the field of ethnography. However, to comprehend the complexities of the participants' stories I devoted important parts of the study to the analysis of cultural products, such as textual data and British law pertaining to asylum. In so doing I managed to situate the study within emerging notions of global sexual politics (see chapter 4), and to question legal texts and case law that have characterised the approach of

adjudicators in the courtroom regarding sexuality-based asylum claims within the UK context (see chapter 5). Through the analysis of complex discourses produced by sexual politics on one hand, and by the law on the other, I combined the text-oriented methods of research with methods built on direct interactions with the migrant group I studied, which involved interviews and participant observations. In this regard, I reflect on how implementing an interview-based methodological approach with participant observation can be conducive to nuanced knowledge about processes of identification, belonging and marginalisation. Thus, I finish the chapter by discussing my experience within a theatre group of LGBTI asylum seekers and refugees, and I elaborate on what this opportunity offered me, particularly in terms of being able to decentre my position of ethnographer and to examine narratives from a different perspective.

This type of multi-sited methodology (Marcus 1995) allowed me 'to investigate the relationships between what people say they do and what they actually do in their everyday lives' (Boellstorff 2012). In this process I attempted to set this tension against what the institutional structures say people do, and how they shape both the individual's inner worlds and material conditions of existence. In this research the participant-observation ethnographic techniques provided the most suitable framework to investigate fragmentary life moments of people who live at the margins of the social field. Participant observation requires full commitment from the researcher's point of view in spending long hours with people, in order to immerse herself or himself into their social worlds, and to establish close relationships with them. The trust that is established through such long-term relationship leads to a more nuanced understanding of 'what is going on'. It also allows asking questions that one would not be able to ask within an interview. The main research questions that I prepared for the study delved into the individual's experiences of identification and belonging - for example:

- Understanding the specificity of the experiences of identification and belonging of individuals claiming asylum for fear of persecution in their countries of origin because of their sexual orientation and/or gender identity.

- Eliciting and examining the migratory experience from the standpoint of the individual seeking asylum on the grounds of sexual orientation.

In order to answer questions pertaining to sexuality, difference and mobility I realised that elicitation methods in isolation would have not been enough to investigate the composite narratives of formations of the self (as both a sexual Other and an asylum seeker). In order to inscribe the social discourse produced by the research respondents and to do justice to the complexities of their stories I fully adopted the participant observation approach. Further, as I was particularly interested in shedding light on states of vulnerability and resilience, shaped by material conditions, of research participants I could not help but start looking at the social suffering of respondents through the analytic lens of political economy. However, in this process, I grew fonder of the ethnographic method as, following Philippe Bourgois' steps, it appeared clear to me that an analysis that was predominantly based on a critique of economy would tend to solely focus on structures in a deterministic fashion, and it could 'obscure the fact that humans are active agents of their own history, rather than passive victims' (Bourgois 2003). Instead, the 'ethnographic method allowed the 'pawns' of larger structural forces to emerge as real human beings who shape their own future' (2003: 17). These were the vulnerable but active subjects of the research.

2.2 Situating the Methods that allowed me to speak of Everyday Lived Experiences

Investigating the lived experiences of sexual minority asylum claimants and refugees produced extremely engaging as well as frustrating methodological challenges. The research process was for me an all-encompassing experience. When I wrote the initial research proposal and presented it to my academic supervisors I had a vague idea of what ethnographic research involved. My academic training emerged from a combination of Linguistics and Cultural Studies scholarship, with a particular focus on Queer Studies. This implied that at the very outset of the doctoral research I had to train myself into the art of ethnographic science. I quickly inhabited this space with both love and a sense of frustration. In hindsight I can see that love came from the intellectual discovery of what ethnography as a methodology of research offered, and frustration was generated by a sense of having to somehow construct coherent patterns of fleeting signifiers, which are inherently complex and contradictory.

In this process, I came to better understand what Clifford Geertz was describing when referring to thick description in ethnography: 'What the ethnographer is in fact faced with is a multiplicity of complex conceptual structures, many of them superimposed upon or knotted into one another, which are at once strange, irregular, and inexplicit, and which he must contrive somehow first to grasp and then to render' (1973:10). Geertz concluded the argument by stressing that the prime object of cultural analysis is (or should be) real life, life as it happens in the everyday, hence 'coherence cannot be the major test of validity for a cultural description' (1973:17).

Throughout the process of research I realised that it is important not to fetishise coherence within the social world, in particular when one is confronted with the complexities of individuals' journeys and current lives set against restricting structural limitations. By paying systematic and zealous attention to the dynamics of everyday life, as inspired by the scholarship of Veena Das (2006), I decided to immerse myself in the lives of the research participants for an extended period of time (two years). This decision proved necessary insofar as the segment of the migrant population under scrutiny was very complex in nature, and in terms of normative research terminology would be viewed as 'hard-to-reach' (Osgood et al. 2013). In order to interpret and analyse aspects of the respondents' lives I realised that I had to fully participate in their interactions within their social spaces. This initially proved to be very difficult but eventually opened up unexpected possibilities that allowed me to form 'organic relationships' (Bourgois 1996) with respondents by becoming closely involved with the people I studied.

2.3 Ethnography from the 'Edges of Anthropology'

In the early 1920s the concept of *verstehen* introduced by Max Weber challenged the unquestioned positivism implicit in Social Sciences disciplines. *Verstehen* refers to understanding the meaning of action from the actor's point of view. It is entering into the other's shoes, and adopting this research stance requires treating the actor as a subject, rather than an object of your observations (Calhoun 2002). Here, the emphasis is placed on individuals as meaning-making subjects, people attribute meaning to the social worlds they create, hence neglecting this process is equivalent to objectifying people. During Weber's prolific years, anthropologist Bronislaw Malinowski (1922) became known as the founding father of today's pervasive

'participant observation' method. Fieldwork, à la Malinowski implied that the anthropologist should immerse herself (predominantly 'himself' at that time) as deeply as possible into the foreign culture, participating in all everyday activities, while observing what was going on. Malinowski gained great recognition for the anthropological work that he had conducted during his lifetime. However, when Malinowski's diary was posthumously published by his wife in 1967 the anthropological world was shaken by troubling revelations; an undiscovered intimate picture of the most inspiring ethnographer in contemporary social anthropology was to be revealed. In his diary Malinowski the ethnographer gives vent to the frustration emerging from the fieldwork, he uses harsh and rude terms to describe the natives from the Trobriands, he is intolerant towards them and feels very homesick (Malinowski 1967). The crude honesty of the diary revealed 'the complexity of the ethnographic encounters' (Clifford 1988). Academically, it was only during the 1980s that Malinowski's diary started to be more broadly perceived as 'a highly significant contribution to the understanding of the position and role of a fieldworker as a conscious participator in a dynamic social situation' (Firth in Malinowsky 1967: xxxi).

The publication of this diary marked an important shift for the practice of ethnographic research, inasmuch as it challenged the unreflexivity on the positionality of the researcher within the process of research, and also contributed to questioning the authority that marks the ethnographer's voice when writing, or as Geertz puts it 'when inscribing social discourse' (1983). The challenge of the ethnographer became, and still is in many ways, to see that social discourse is not raw data, but situated knowledge, which requires a situated methodology (Boellstorff 2010). Today through post-structuralist interventions in Social Sciences we operate within a framework that takes into account the uncertainty-generating complexities of the social world, that is to say the fragmented, dialogical and constructed nature of reality. Within the discourses that surfaced from these theoretical propositions, the ethnographer today, even the most positivist-oriented type, must necessarily locate himself in the text that she produces. Further, how ethnography has developed over the years, in particular after 1960s, cannot be understood in isolation from more general political-epistemological debates about writing and the representation of otherness (Clifford 1988). Particularly in the 1970s a more reflexive anticolonial critique of the role of anthropology started to emerge within anthropological

discourse itself. This internal critique aimed at shedding light on the rootedness of anthropology in the unequal power encounter between the 'West' and 'Third World' (Asad 1973), or the 'civilised' world and 'Otherness'.

Traditionally interpreting and inscribing 'Otherness' into the archival knowledge of Social Sciences was the formal role of the ethnographer. Therefore, a first attempt at using queering, as an active verb, to destabilise the traditional role of ethnographic methodologies would be to shift the emphasis from a concern with the restrictions of narrative strategies or textual inadequacies of the methods to a call for 'an ethnography that engages theory with politics in ways that are relevant to the people being studied' (Bourgois 2002:1). This does not mean discarding the importance of the textual dimension of anthropological analysis, but such destabilisation of the ethnographer's role could gesture toward an interpretive anthropology whose central aim is to question the existing political power structures imposed by the current formations of neoliberalism. This, in my practice, translated into an immersion into the lived experiences of a hard-to-reach group. I decided to put at the centre of the analysis the contested experiences of a migrant group of sexual Others that is either 'excluded from traditional studies of human behavior' (Halberstam 1998) or overly misrepresented and sensationalised by media at both national and global levels.

2.4 Participating in the Observation: The Queerness of the Method

As discussed in the chapter's introduction, the methods used in the study emerge from the anthropological tradition of ethnography, primarily through interviewing and participant observation. However, the overall research process involved a productive interdisciplinary approach in terms of methods of analysis. In fact, alongside the extended fieldwork (both as a researcher and an asylum support worker – see below) I analysed legal proceedings, court hearings as well as media articles and images with regard to the representation of asylum seekers in Britain. Despite my awareness of a diffused but concealed mistrust from dominant academic discourses towards interdisciplinarity, I do not deny the huge contributions of theories and methods borrowed from disciplines such as: Cultural Studies, Anthropology, Queer Studies, Feminist and Post-colonial scholarship, and Political Theory, just to mention a few of the most relevant. The interlocking of these disciplines allowed me to examine and work on my research questions from a multi-

angled perspective. The theoretical interdisciplinarity easily translated into the methodological dimension of the study. As a matter of fact, it reflected and sustained my intersectional understanding (Crenshaw 1989) of social marginalisations and inequalities.

Regardless of the discipline from which I drew, one principle remained untouched throughout the research process, namely my understanding of a cyclical and interdependent relationship between data, methodology and theory. Classically in Social Sciences there has been a distinction between the verstehen approach, or *emic* analysis (Geertz 1983) that indicates 'seeing things from an insider's point of view' and *etic* analysis, which is seeing things from an outsider's standpoint. Research methods assume data to be emic and theory to be etic, hence the theorisation in the writing up process is perceived as an etic process, presumed to be separate from the fieldsite (Boellstorff 2010: 218). However, how can one clearly separate the two moments? In my experience I found that the writing up moment inherently brings the researcher back to the fieldsite, although not necessarily physically-- what the researcher interprets through reflection and elaboration in writing is materially affected by the experience in the field. After all, information/data, methodology and theory cannot be understood or even defined in isolation from each other. Boellstorff sees the association between data, method and theory as forming a triangular structure, yet I prefer to use the image of a circle, if I were to represent the relationship graphically. The shape of the circle stresses the co-important roles that the three phases play in producing anthropological knowledge. Separating research methods from theorisation risks reinforcing the divide between what are often seen as the spurious character of the real world and the pure nature of theory. This establishes a false dichotomy that positions distanced theory as the sole heuristic tool to restore order in the messiness of social life.

In this study, theorisations of social life are not de-linked from the 'blood, sweat and tears of everyday life' (Bourgois 2002), with which the researcher is confronted during the phase of data collection. In my own practice, following Boellstorff's intervention, I adopted an *emic* approach ('from the inside') not only in terms of the methods that I utilised but also in relation to how I mobilised the theories that informed my analysis. In other words, I struggled to seek for a theory that is used and produced from an insider's point of view and that engages primarily with the social

group under analysis, a theory that would be politically relevant to the people I studied. In this sense emic theory – as opposed to etic theory – serves well to queer social research methodologies. Let me now turn to discuss the validity of the *queer* signifier in this study.

Browne and Nash (2010) posed pertinent questions when considering the meanings of what a queer methodology might consist of: 'Is research 'queer' if undertaken by queer researchers? Is such research about queer subjects research that employs a queer conceptual framework? And what does it mean when we speak of a queer methodology or a queering of methodologies?' (2010: 12). Ken Plummer (2005) suggested that all research methods have the potential to question normativities, and that it is not the prerogative of a queer method. Despite the fact that I share Plummer's concern with defining what the queer signifier does for a research methodology, I found that one can speak of *queering* methods, perhaps more confidently than *queer* methods. As I discussed in chapter 1, the act of queering emerging from a specifically queer sensibility and epistemology is a political positionality and practice. Such praxis, if used in the field of social research, takes the shape of a multifaceted methodological framework.

The hermeneutic framing of this research emerges from ethnographic fieldwork, hence both epistemologically and methodologically the study is indebted to a well-established tradition of social anthropological literature. Whilst doing ethnography in different fieldsites I came to realise that the processes behind the production of an ethnographic account have an inherent queering potential insofar as their destabilising and transforming aspects are concerned. For the purposes of this study I found it productive to explicitly use ethnography from a queer standpoint. I aimed to adopt a queer methodology that Halberstam (1998) defined as 'scavenger'. In Halberstam's terms, a scavenger methodology is one: 'that uses different methods to collect and produce information on subjects who have been deliberately or accidentally excluded from traditional studies of human behavior. The queer methodology attempts to combine methods that are often cast as being at odds with each other, and it refuses the academic compulsion toward disciplinary coherence' (Halberstam 1998:13).

In my view, within social research queering analytical instruments aim to recuperate stories that have been, and are, judgmentally represented or neglected by official genealogies, and more broadly by historical accounts. In this sense, queering becomes a particular sensibility implicated with all methods used in the context of this study. The force of this sensibility resides in troubling the author's pretense of knowing, or 'rescuing', or 'emancipating' the researched people and phenomena. Hence, a queer method is set to queer insofar as it displaces the authority of the author's voice and gaze without compromising their credibility. Once this is achieved it is possible to start (re)using theories and producing inconvenient knowledge by escaping the unquestioned hierarchical structure of the research encounter. In this research the author/represented relationship is only the first of many conceptual binarisms that the queering methods are set to trouble and reconfigure.

2.4.1 The specificity of the queering methods in this study

In this study I use the queer signifier in two specific ways. Firstly, *my queerness* allowed for building empathic relationships with the research respondents. Thus, through my positionality, I could readily connect with respondents as there often was an underlying sense of sharing experiences amongst us (or of 'having already been there', as it were). In this sense, queer signified a fruitful emic sensibility emerging in the delicate act of exploring the lived experiences of non-heteronormative subjects. I also found that this sensibility applies to the ethical choices that one makes during the process of research. Secondly, *queering the distance* between the researcher and the researched enabled me to create close and informal relationships with the participants, by meeting them in different everyday life settings, sharing joy and frustration, witnessing and participating in their suffering (without appropriating it), that is, becoming close to them. This proved difficult to sustain at times, particularly when the research subjects are exposed to high level of violence or precarity. Hence I recognise the importance of maintaining a protective emotional distance. In my view, however, often the 'fetish of the distance' between the researcher and the researched (Kulick 1995) can be counterproductive in the process of finding one's feet in the unknown territory that one is supposed to map out.

This queering methodological approach has profound implications on the knowledge produced through the research. As a matter of fact, it has an epistemological impact on the overall study. For instance, through the use of queering methods this research generated knowledge that: i) destabilise preconceived notions based on conceptual binarisms around sexual minority refugees' lives, ii) problematise the hetero- and homo-normative essentialism of legal reasoning and the Home Office approach when sexuality (in the context of migration) is analysed, and iii) challenge the ever-narrowing humanitarian narratives that are available to the research respondents. I will return to each of these points throughout the thesis and I will attempt to provide a systematic synthesis in chapter 8.

Although I aimed to destabilise the rigidity of academic research practices, I never forgot to respect and protect research participants and I paid particular attention to make the study important to them. By this I mean that the research methods emerge from, and produce, a theory that is relevant to the insiders (emic theory) through my empirical work during the participant observation phases. This approach allows for a destabilising of the safe and unquestioned 'academic habitus' (Bourgois 2002) that distances the knowledge produced – through the research encounter – from the subjects being researched.

In this section I wanted to stress that a reconfiguration of binarisms and a destabilisation of a limiting academic habitus through research methods are two important conditions for producing a queering methodology. However, alongside valuing the advantages of using queering methods, I keep the awareness that these are specifically located analytical instruments emerging from the lexicon of Anglo-American academic discourse. On the other hand, methods predicated upon queer scholarship and ethnography are implicated in the reproduction of hierarchies when speaking of the Others. I am fully aware of the limitations of these theoretical and methodological tools in producing certain knowledges and in representing the marginalisation of *sexual subalternised* refugees (see chapter 4). However, I think that this analytical grammar can be mobilised to underscore the complex ways through which agency is enacted within the structures construed in our social worlds.

2.5 Have I found my feet? The ethnographer in the fieldsite

Ethnography as a personal experience for the ethnographer was described by Clifford Geertz (1973) as being able to find one's feet, an unnerving business which never more than distantly succeeds (1973: 13). Today there is a wealth of literature dedicated to the positionality of the social researcher doing fieldwork. Since the 1980s, this literature started to acknowledge in a more critical fashion the inequalities of power relations between the researcher and the researched. These problematisations inaugurated the shift from a dominant narrative realism to a self-reflexive ethnographic practice in the analysis of the social. To be sure, my intention is not to saturate the pages of the thesis with detailed accounts of my position as a researcher- this would be a tedious imposition and a rather distracting activity for the reader. However, I find it necessary to locate myself within the text that emerged from my study, focusing on how my situatedness as an observer impacted upon the interactions with the subjects of the study. During the research process I found that being a queer migrant, whose native language is not English, turned out to be an advantage in terms of gaining trust from research respondents; often respondents would feel understood given the modes in which my identity was articulated within the space of the research settings. Further, coming from a socio-cultural context in which gay identity is highly stigmatised in the public sphere I could quickly understand the tensions in the narratives presented by respondents pertaining to formations of selfhood, without Othering their understandings and enactments of (sexual) difference.

For the purposes of clarity, I have divided my discussion of the research process into three main phases, each one marked by specific developments: i) establishing contacts with gatekeepers to gain access to the migrant population I aimed to interview and study, ii) working as an LGBTI asylum support worker and subsequent participant observation analysis, and iii) direct involvement in theatre workshops and performances by a group of lesbian, gay and bisexual asylum seekers and refugees. These phases did not follow a strict chronological order, in the sense that the interviewing did not stop when the participant observation started, most of these activities occurred simultaneously. The participant observation analysis of the group of asylum seekers and refugees I studied did not happen within the context of my work as an asylum support worker, but it mostly occurred during social activities

outside of the work space. The participant observation was conducted also within the space of theatre workshops. Let me now provide a detailed account for each of these moments in the study.

2.5.1 Establishing contacts with gatekeepers and interviewing respondents

The research took place in the London metropolitan area. In the first phase of the study I conducted interviews with over 60 people, 42 were asylum claimants and 18 had been granted refugee status in the UK at the time of the research. The research sample comprised of respondents whose age ranged from 23 to 60, although the majority of them fell into the young adults category. They mostly identified as: lesbian, gay, bisexual, and trans. More specifically, 30 respondents identified as lesbians, 25 as gay men, 2 as bisexual and 3 were transwomen. Some respondents, however, problematised these terms considering them mere labels, which did not manage to encompass the complexities of their identities (see chapter 4). The main countries of origin of the study participants were: Nigeria (14 people), Uganda (12), Pakistan (10), Iraq (6), Jamaica (5), Algeria (5), Cameroon (2), Malawi (2), India (2) and Iran (2).

The research examined the migratory experiences of people who were going through the asylum determination process and of people who had already been granted refugee status, and were either 'legal' or 'illegal' residents in the UK. I conducted ethnographic work with asylum seekers, refugees, legal representatives, NGO workers whose work revolves around LGBTI asylum cases, and activists (i.e. support, lobbying, and campaigning groups). Most of the ethnographic data was obtained by establishing a relationship of trust with research participants, who normally find themselves in vulnerable positions, legally, socially and psychologically. Within such fragile living conditions, in which people's acts of resilience are often coupled with profound feelings of vulnerability, I was very aware of the likelihood of being perceived as a potential threat from participants' viewpoints. In order to build the trust for people to open up to the researcher, me, I looked for strategic entry points when contacting the individual asylum seekers and refugees. Further, during the research process I became very conscious about my ethical responsibility and I always asked respondents for permission to use telling details of their stories by changing all the information that might identify someone.

Even if I did not use a full story, but just a small and unidentifiable detail of a story, I would talk to the respondent and let her or him know that I intended to use the information in the thesis. Only a couple of times respondents told me that they did not want me to include what they had disclosed in the manuscript.

A number of very important gatekeepers supported me throughout the study by presenting me to their networks as 'someone who can be trusted'. Getting hold of research participants was extremely complex at the initial stage of the study, but I managed to establish contact with two small London based support groups working with LGBTI asylum seekers from Iraq and Iran. These two groups provided me with the first respondents. Many months after contacting them I befriended one of the leaders of the groups, and suddenly I started to be invited to birthday parties and a variety of social events, where I found a fertile ground for making contacts and start conducting participant observation analysis (see below). As often happens in this type of social research, very useful information was exchanged in the informal scenario of the house party rather than the more formal setting created by the interview encounter. I started to value the importance of anecdotal knowledge. At this stage of the research I primarily aimed to immerse myself as much as I could in respondents' everyday lives.

During interviews I found that respondents tended to be vocal about the issues they had encountered when facing the asylum system, which was widely perceived as inherently unjust. This outspokenness varied from respondent to respondent, but this proved to be a common trait once I forged a relationship of trust with the person. Even those who appeared to be very introverted did not hesitate to describe intimate stories when denouncing the forms of injustice they had come across. However, study participants were at very different stages of their asylum determination and this impacted on how they responded to my presence and to my questions. Some had just started the process and had not been interviewed yet, some were in the midst of it, and some others had already been through it.

I noticed that for people who were still going through interviews or had been detained it was more difficult to feel comfortable within the interview encounter. Some commented that they did not want to be interrogated and that they didn't want to hear questions that a Home Office case worker would ask. In these instances I did

not use the semi-structured interview to which I would normally refer, but rather I would start an informal conversation in order to create a non-threatening space, further I would take notes only after the interview. This was meant to distance my interview style from the Home Office officials' standard procedures. For respondents who had just started the process and for those who had finished it (either refused or granted), it was easier to talk about their concerns and feelings, or to verbalise what they thought was dysfunctional and unfair and what they thought was 'good' about the system.

At the outset of the research I prepared a semi-structured interview template to use with my initial respondents. The interview was supposed to elicit information regarding: i) the individual's life before leaving the home country, ii) their experiences of leaving and arriving in Britain, iii) their knowledge of their rights as asylum seekers in the new country, iv) the ways in which they perceive the new country and how they express their difference, and finally v) their future aspirations in the new social context. The open structure of the interview was intended to offer space for tracing the journey of the individual, in such a way that the interviewee would not feel forced to follow an imposed linear chronological order to narrate the events. In some cases, I would alter the order of the questions that I had prepared as for some respondents it was very difficult to talk about their lives before arriving in the UK. In fact, this brought up many memories and traumas, therefore sometimes it was easier to start asking about their current lives and, after having established rapport with the person, go back to discuss the origins of their decision to leave their countries. However, I would normally start the interview by asking questions about their lives prior to their arrival to Britain.

As I proceeded with the interviews I began to realise that one of the difficulties to tackle would involve how to analytically deal with the high heterogeneity of the migrant group I approached. Respondents came from a variety of different countries, but all of them were from 'developing' countries. I feared that this might have been read as supporting the well-established Western grand narrative of 'rescuing' Othered sexualities in non-liberal states, the teleological implications of which will be fully discussed in chapter 4. To be sure, this initial concern shaped the type of research questions I addressed throughout the study. Alongside the risk of reinforcing orientalist tropes on the necessity to rescue queers in the 'uncivilised'

parts of the world, the problem with the variety of respondents' countries of origin became a methodological conundrum for me: What was I to make of the variety of understandings of difference from respondents' viewpoints when I could not possibly interpret their cultures of origin? How could I, as the interviewer, make sense of my informants' experiences if I didn't know what their ideas of selfhood were based on? Initially these questions prompted some doubts about the value of the future findings of the research, but after further considerations I realised that the object of my analysis was to research a group defined by their current political and sexual identities.

Through interviewing respondents I realised that I could only make sense of the migrant group, as construed, at present. I understood that the study could only examine how these subjects subscribed to or exceeded their identifications to the category of asylum, as well as to the LGBTI category, that is unproblematically attached to them throughout the sexuality-based asylum determination process. At this stage of the research I sought to comprehend, through my methodological efforts, how the newly formed *asylum seeker* and *sexual minority* political categories shaped the identity of the people I studied. The challenge for my methodology was to interpret how a political category combined with newly acquired proximity to sexual categories impacts on people's lives in their migratory experiences. However, if I wanted to understand the specificity of respondents' experiences of identification and belonging I would first have to make sense of the multiplicity of their stories within different histories. It became necessary to consider the fact that a story told by an individual is located within a particular historical setting, with which I had to become familiar as much as I could. Thus, it became clear that interviewing was not sufficient for answering the questions I was beginning to pose. In this process I started to actively look for ways to build up a methodological approach based on participant observation.

2.5.2 Working as an LGBTI asylum support worker and participant observation analysis

In 1996 after the completion of his fieldwork with Puerto Rican crack dealers in El Barrio, New York, Philippe Bourgois writes: 'I hope to restore the agency of culture, the autonomy of individuals, and the centrality of gender and the domestic sphere to

a political economic understanding of the experience of persistent poverty and social marginalization ...' (2003: 12). The tension between how the individual moves within the social structure in which she is immersed and how the structure allows the mobility of the individual lies at the centre of Social Science's investigations of the social. Similarly to Bourgois, in my research, I also intended to understand the ways in which poverty, vulnerability and marginalisation are constantly reproduced through the system of institutions to which a subject is exposed. When I started researching the group under analysis I wanted to better grasp how the relevant institutions operate. I wanted to get closer to the system in order to make sense of the stories that respondents were telling me, in this sense the initial interviews became instrumental in shaping the questions that I would ask myself with regard to the workings of institutional powers. Methods based on elicitation of data such as interviews provided me with very important points that I subsequently managed to develop and problematise throughout the participant observation activities.

Participant observation allowed me to see the specificities of the problems which are common amongst this group of migrants. For instance, the fact that one has to continue to live a double-life and not reveal her sexual difference to their co-nationals. Generally, study respondents who lived amongst the communities of origin had a fear of one's sexuality being exposed (see chapter 3). Ironically, the fear of exposure that respondents were trying to escape when claiming asylum, embodying a kind of 'global icon of the so-called clash of civilization...fleeing Africa to find refuge in Europe' (Fassin 2010), was felt again within the context of the new social worlds available to them in the new country. Sexual minority subjects were often deprived of kinship support, or such support was very frail and at times counterproductive, and their sense of isolation was acutely emphasised.

As mentioned above, interviewing respondents was a strategic entry point into the worlds of sexual minority asylum claimants and refugees in London. But I was aware of the fact that this type of interaction would have not exposed the nuances of the lived experiences, sense of belonging and marginalisation that I wanted to analyse. In the 'second' phase of the research I managed to meet an asylum support worker from one of the few charity organisations that provide support, both legal and pastoral care, to LGBTI identified asylum seekers and refugees in the UK. This meeting proved to be a turning point for the development of the study. In the summer of 2011 I met the

charity worker in the hope of creating a network of gatekeepers to establish contact with asylum seekers and refugees. In the spring of 2012, less than a year after the first meeting, I re-contacted the organisation whilst organising a conference on the topic of 'queer migrations'. Through the support of one of my academic supervisors I invited the executive director of the charity to talk about their work. After that event it became easier to maintain a contact with the organisation and in the late summer of 2012 I applied for a vacancy within the organisation to be a part-time asylum support worker. I took up the opportunity, for the job involved talking to people who wanted to apply for asylum on the basis of their sexuality and provide support to those who are going through the determination process, to help them write the stories to be presented during interviews at the Home Office and in court, and to refer claimants to legal aid solicitors that work in partnership with the organisation.

This job in the charity contributed considerably to my understanding of the variety of stories and situations of people in vulnerable conditions as well as to my knowledge of how the system of institutions implicated in the asylum determination process operates. To be sure, the stories of the people with whom I have worked do not form part of my thesis. I decided to do so to draw a line between my position as researcher and my role of support worker. However, this information necessarily fed into my descriptions of the complexities of the structural injustice that marks the lives of many research participants.

Being in daily contact with support workers was very important in order to better understand how humanitarian organisations operate, particularly in the field of sexual rights. Witnessing the everyday struggles and difficulties of both support workers and the supported was a very enriching experience, but I feared that it could narrow the analytical scope of my research. Firstly, in my position of asylum support worker I felt limited by the responsibilities of the role in interacting with people outside of institutional spaces. Guaranteeing confidentiality and establishing boundaries are imperative in the research process, but being directly involved in the institutional structure rendered those boundaries more defined. In fact, being an employee within the support organisation made me feel even more responsible towards respondents as I could relate to them from different positions.

Further, I was concerned not to focus entirely on those asylum seekers and refugees who were part of the charity. My intention was to look at the lived experiences of people who stood both in and out of support structures. I kept asking myself questions about the data that were emerging from my interactions with the people, here are some examples: 'What knowledge are my methods generating? What are the limits of my methods? And how have my methods impacted on the production of a certain type of knowledge?' However, working for the organisation provided me with a wealth of information that it would have been extremely difficult to access had I not been in that position. I could better situate the specificities of the material problems faced by asylum seekers and refugees when confronted with the institutions.

In the first year of my research I was in contact with respondents who were not part of support groups. I met people who did not have any knowledge about the possibility of applying for asylum on a sexuality basis. The experiences of these respondents differed from respondents or clients, as they are called within the organisational structures, who received the support of the charity workers. The fact that I had been in contact with people who were outside of the support system gave me a more comprehensive understanding of the different subject positions within this group of migrants, particularly when it came to dealing with institutions. Needless to say that those who do not receive support are generally the ones who seem to disappear in the system, many are refused and deported, many others opt to go underground and live a 'shadow existence' (Bloch, Sigona and Zetter 2009) with no documents and in perpetual fear of deportability (see chapter 7).

In my day-to-day job I also observed how people felt compelled to shape their identities and behaviours in order to be recognised as genuine sexual dissidents in need of rescuing. Elsewhere in the thesis I discuss the troubling production of victimhood and hopelessness operated by dominant humanitarian discourses in the asylum process, in doing so I challenge the humanitarian category of absolute victim (see chapter 6). Through participant observation I realised that in a pervasive atmosphere of distrust and disbelief characterising the approach of many UKBA case workers, and adjudicators, it is common to find that people feel the pressure to exaggerate their states of vulnerability, their experience of trauma and their suffering in order to fully fit in the 'victim category'. Initially, the pressure of being granted

asylum puts people in a state of anxiety. When people came to the organisation the first piece of advice they were given was that in telling their story it is crucial to always ask oneself the question: 'How did I feel when such and such happened to me?' This helps to stress the uniqueness of one's inner feelings, and it shifts the focus from the facts, which are often similar across narratives, to the claimant's subjective feelings. It was within this context that I became aware of how the immigration apparatus, including migrant support organisations, highly values the performative dimension in the telling of a migratory journey. This requirement of working on the inner self to find a 'truth', at times, resembled classical methods in theatre training (see below) to help the actor present a realistic life or event. Whenever witnessing these processes I was reminded of the notion of 'authenticity' and of how problematic a concept is – it is how one tells one's story that provides access to services and not what one's past experiences have been. These, in fact, do not always find validation from the official powers. In this context, the asylum claimant needs to become an 'expert' in communicating her or his vulnerable inner world to the inquisitive ears of the law.

As an asylum support worker I was able to make sense of the intricate ways in which one can move through the asylum system. As a researcher I was confronted with the stark reality: the majority of respondents I contacted preferred going underground rather than going to the Lunar House building in Croydon to start an asylum application, paralysed by the fear of detention and deportation. Destitution is also a constant risk and concern for all asylum seekers (see chapter 7). Asylum seekers can work only if the Home Office has not taken a decision about a specific case after one year from the individual's initial claim. If their case is refused and they find themselves in the process of appeal they cannot work, if they are granted leave to remain they sometimes have to wait for months before receiving a letter from the Home Office that allows them to work. During these long periods of time the possibility of becoming destitute is very high. By working at the charity I witnessed the appalling and dehumanising bureaucratic timelines that have a huge impact on people's possibilities of moving on from their state of immobility. I observed people who after being granted leave to remain had to wait for four months before getting the letter from the Home Office. During this time they had to leave the house provided by UKBA, however they were not legally able to work yet as they had not been issued with a national insurance number. Despite the fact that people can be

extremely resourceful and find support from their social networks, in some cases, the spectre of destitution appeared and it easily became a common pattern.

2.5.3 'We're all in the same boat': direct involvement in theatre workshops and performances

Alongside my experience as an asylum support worker I need to discuss my positionality as a participant of a theatre group, named *International Rainbow,* comprising of sexual minority asylum seekers and refugees. More precisely, I would like to discuss the methodological choice of being part of this group and the type of data that such experience produced. This theatre group emerged from the recent work conducted by the charity organisation where I was a volunteer, prior to my part-time employment.

Since its inception *International Rainbow* quickly became an amateur community theatre company, which highly contributed to the social capital of the asylum seekers and refugees involved. I describe it as community theatre insofar as it developed the participants' multiple skills, positive community spirit, and artistic sensibilities. This form of creative social engagement was inspired by the seminal theatre practitioner Augusto Boal (1979) and his development of a series of techniques known as the 'Theatre of the Oppressed' in Latin America. Boal's techniques used theatre as means of promoting social and political change. *International Rainbow* could be seen as the fruit of this tradition of theatre as it is conceptually influenced by its commitment to giving people a space where to voice their liminal social positions.

My involvement with *International Rainbow* continues to date. We keep meeting once a week to create stories that have a focus on themes of sexuality and migration. Both the form and content of the performances are negotiated amongst the group members, who are encouraged to actively contribute to each step of the process, i.e. from doing research on characters to sketching storyboards. I am a participant as the rest of the members and as such I take part in the rehearsals and some of the public performances. Alongside the two volunteer directors who run the workshops and rehearsals, I am the only non-refugee member of the company. Initially the other members saw me as the 'charity worker', but after some time the label started to become more blurry and I am now seen to be a 'full-time' *Rainbow* member. As part

of the research methods this experience enabled me to imaginatively engage with respondents' social worlds, as Les Back suggests (2007). It also helped me distance myself from the mould of positivist epistemology as the only legitimate research paradigm (Kaptani and Yuval-Davis 2008). This approach was in line with my epistemological intent of queering the study and it allowed for alternative ways of analysing and retelling narratives of identification and belonging.

From a more specific methodological point of view, the experience of the theatre was crucial because it enabled me to discuss aspects of the research to which I had not managed to gain access. For instance, the theatre space became my entry point to information concerning respondents' experiences of confinement in detention centres. As a matter of fact, some of the theatre group attendees had been in detention for extended time periods and they were willing to share their stories both within the group and with me personally. This was very important as I had scarce data about the living conditions within UK detention centres. I will return to this point in chapter 7 (see p. 177). Hence, the theatre group unexpectedly added a considerable layer of complexity to the overall analysis. The non-threating nature of the theatre space allowed people to feel safe and it became perceived to be a place where one could open up whilst creating stories and characters to perform. This always happened in a climate of creativity and mutual respect.

At this stage of the research, the main purpose was to immerse myself in the theatre space to get to know people's stories differently and understand them from a less formal perspective, namely from a point of view which exceeded both my position of researcher and support worker. The fact that I was very new to the art of acting positioned me at the same level as the rest of the group. Therefore any subtle form of hierarchical structure that had started to form previously between me, the researcher, and the researched was challenged by the common condition of unknowing and learning together: 'we're all in the same boat' in the theatre space. I quickly managed to establish an amicable relationship with the theatre group participants. Having conducted ethnography in different settings and with different groups of asylum seekers and refugees, I now wanted to further trouble my ethnographer's role and reconfigure my positionality in relation to respondents. Therefore, as a researcher in the fieldsite I wanted to: i) adopt a different point of view (being an amateur actor as the rest of the group in an unknown context); ii) set

up more friendly relationships with respondents (learning playfully together); and iii) trigger a different type of information (anecdotal knowledge and more personal accounts).

Kaptani and Yuval-Davis (2008) argue that using participatory theatre techniques in social research with refugees has several advantages. In fact, methodologically, it produces a different kind of knowledge from common social science research techniques on the lives and problems confronting refugees. This knowledge is embodied, dialogical and illustrative (ibid. 2008). First, by having to act the same scene differently – a recurring exercise – participants change the identity positions enacted each time in the same scene. Thus this embodied process of performativity challenges essentialised constructions of identities. Second, the narratives and performances of the participants are produced within the collective settings of the theatre space, that is, in constant dialogue with others in the group. Hence, the refugees as actors express agency from the relationships that they create in the research space. Third, rather than producing narratives of linear biographies, the dramatised vignettes produced by the participants highlight central themes that are illustrative of their experiences of migration.

Generally, participants, in their current political position of asylum seeker or refugee, had told and continued to tell their stories repeatedly in formal contexts, their stories being repeated as many times as to create the illusion of acquiring a life of their own. The theatre work they did challenged the notion of authenticity, with which they constantly struggle in the realm of legal recognition. In fact, participants are required to be 'authentic' when telling their experiences to decision makers and when showing them those intimate feelings that had to be suppressed to avoid public attention and stay safe. Through the theatre practice they had the opportunity to act, namely they could finally tell their stories as well as other stories without feeling the oppressive imperative of being 'authentic' or showing authenticity. On the contrary authenticity had to be eschewed – this proved to be visibly liberating for participants.

In many ways the theatre workshop could be described as a safe space for the asylum seekers and refugees, yet the notion of safe space in this context was problematic. In fact, it might have been a space devoid of some type of bullying and hatefulness, however these seemed to be replaced by other forms of internal

antagonisms, which easily led to mutual forms of bullying. Often, in the theatre sessions there was good synergy amongst participants, and the fact that some of them knew each other from previous performance rehearsals did not create a situation of exclusion for others who had not taken part in it, as one of the workers noted. However, from the beginning it seemed clear to me that the supportive atmosphere of the group was fragile. The internal equilibrium established amongst participants seemed to be easily breakable by forces of social antagonism such as jealousy and competition. As a participant regretfully admitted, some wanted to 'shine more than others'. At the same time, group members quickly started to identify as being part of a family, so the theatre group became a 'theatre family'. The role of the two charity workers in maintaining harmony in the family was very important— this became evident when the two workers had to miss a whole week's rehearsal. In this time the level of internal conflict amongst participants was very high and two of them threatened to quit. Further, throughout all rehearsals there were recurrent 'emergency' moments. For instance, at times when performing the scripts something emerged that would upset people, something that made participants react strongly as they recollected the experiences of violence and marginalisation that they have been through.

The theatre workshops challenged a simplistic notion of what constitutes a safe space. They showed how improbable creating such space is when closely analysing group dynamics. However, despite my reluctance in unproblematically defining the theatre workshop as a safe space, it is crucial to emphasise the positive role that it played in people's lives. In fact, respondents repeatedly said that it provided them with a needed structure and a good routine. This was particularly recognised and highly valued by those who lived in precarious conditions who often said about the weekly theatre rehearsal: 'it's part of my routine and I like it', or 'I really look forward to it every day'. I would now like to recount an episode from the ethnography that testifies to the impact of the knowledge that the theatre group produced in the context of the thesis. The theatre practice was important because its effects went beyond creating performance acts. Rather, from a methodological standpoint, it was noteworthy to observe what the theatre managed to produce outside of the performance *per se*.

One of the main performances of *International Rainbow* took place in the summer of 2012. The group acted for the first time together at the *Double Jeopardy* Conference, an international conference that looked at the implementation of the human rights framework for sexuality and gender based asylum claims. This conference was held at the University of Greenwich, during which:

> ...the Greenwich Declaration of Human Rights for LGBT asylum seekers is being launched. The theatre workshop that [charity name] is organising with playwright [name] will see the production of a performance in which LGBT asylum seekers will perform at the end of the conference. (Accessed June 2012)

The press release for the event stated: 'An Arts Council grant will allow LGBTI refugees and asylum seekers to focus on the human stories behind the principles set out in the Greenwich Declaration. The project aimed to generate stories, poems and dramatic vignettes to be presented at the conference'. The playwright who was managing the project said: 'LGBTI asylum seekers are coerced into telling their stories repeatedly for official purposes. This project will allow them to reclaim their experiences and tell their stories in the way they need to be heard'. The group performed 'dramatic vignettes' that denounced the paradoxes of the legal system. The actors imagined and enacted sarcastic scenes drawing from the TV programme the *X-Factor* in which three judges would decide whether or not: 'you are gay to stay in the UK'.

The performance was well received by the public of academics attending the Greenwich conference. Yet the conference experience became important for a different reason in that the group of asylum seekers decided to contribute in a different way to the conference, namely by exploring dimensions of speakability and audibility in their own terms. In doing so, they raised inconvenient questions in the conference space: 'could they actually speak? Were they there to be listened to? Could they speak and be listened to outside of the performance space?' They answered these challenging questions by becoming vocal. They decided to publically give their feedback about their experiences of the two-day conference on the auditorium's main stage to an audience of academics, asylum seekers and various support groups. They raised many issues that had alienated them from fully participating in the conference. For instance, they stressed the fact that the event was devoid of emotional support for the asylum seekers and that it lacked cultural

sensitivity. During the various workshops they felt referred to as 'they', although 'they' were sitting in the room. In front of the conference audience they said that they felt excluded and treated as objects, which also implied that they had been subjected to underlying forms of tokenism.

Through this exercise of speakability *International Rainbow* participants became potent voices of dissidence by showing self-reflexivity and awareness of the liminal positions they occupy within specific power structures. The theatre practice provided the stage on which the participants could find a political voice, however constrained. This became a crucial output of the overall theatre experience for the asylum seekers. This event also reinforced my conviction, as a social researcher, that it is necessary to always be vigilant about the power that one has to *speak of* one's research subjects. Thus, methodologically, the theatre involvement helped me question my own positionality and the power structure in which I am implicated as an academic.

2.6 Conclusion

Throughout the chapter I attempted to reconstruct the various stages of my experience as an ethnographer doing fieldwork. Reflecting upon the methods was an ongoing task that produced original interim findings. Here I attempted to highlight the multiple queerness of my methods when making sense of the fragmented knowledge that I gathered since the beginning of the study. In so doing I stressed the importance of how queering ethnographic interventions should involve a *speaking with* rather than *speaking at* the subjects of the research.

I mostly focused on the opportunities offered by the job in the charity and my participation in the theatre group. These two positions allowed me to formulate different kind of questions, which I also used whilst doing ethnography outside of these two major research settings. Observing people interacting within the context of the workshops helped me think more carefully about the social positions of the charity's clients as well as of those who do not have institutional support. Before and beyond the charity job and being part of the theatre group, I kept in contact with asylum seekers who were living in the country 'illegally' and who were standing outside of institutional support networks. Thus, I started to pose more complex questions regarding those who fall out of the official support system. For instance,

whilst immersing myself in the theatre workshops I could not help but think and formulate questions about another respondent of mine – an Indian lesbian with her mental health condition: 'would she ever be able to be part of a project such as this one?' I was also reminded of her girlfriend, who would love to be part of this, but who cannot be, because she could not leave her girlfriend in the flat alone. I was concerned about their close friend, a Pakistani young gay man, who was supposed to come to the workshops but never showed up.

In the chapter I also insisted on the unexpected and unpredictable nature of data sources in the ethnographic process. For instance, I highlighted that through my access to the theatre group I unexpectedly managed to collate data pertaining to ex-detainees' lived experiences. In fact, prior to my theatre involvement I had not been able to gain sufficient access to detainee respondents, yet this information was very valuable for the purposes of this study insofar as people in detention face a different set of material issues that characterise their experiences of confinement (I will return to this in chapter 7).

As discussed throughout this methodology chapter, the analysis of ethnographic data is central to the development of the main argument of the thesis. I particularly focus on ethnography in chapters 3, 6 and 7, which emerged from the observations, the fieldwork notes, and the interviews that I conducted during the entirety of the research process. In chapters 4 and 5 I concentrate on the analysis of cultural products such as the law and political discourse. In the next chapter I will start looking at the respondents' accounts more in detail in order to provide the reader with a critical analysis of some important study findings. Thus, one can readily start juxtaposing them to the broader political and legal arenas (analysed later in the thesis). These, in fact, heavily mark the lived experiences of sexual minority refugees.

CHAPTER 3

TRACES OF DIFFERENCE:
SELF-AWARENESS, DISTRESS AND COPING STRATEGIES

In this chapter my aim is to take the reader to the research fieldsite by closely following respondents' narratives, from their lives in the countries of origin to their current lives in the UK. Prior to attending to political (chapter 4) and legal (chapter 5) discourses pertaining to asylum and sexuality, I want to present some salient data from the ethnography that testify to the conflicting dialogue between respondents' lived experiences and the broader political terrain they inhabit. Further, the chapter seeks to combine the knowledge produced by the research encounters with what remains left out of the interview space. In the analysis of the ethnographic information I concentrate on the internal feelings and mental processes that shape respondents' experiences of asylum. I examine three main areas of their biographical narratives: awareness of one's difference, understanding and expression of one's sexual orientation, and finally the mental distress and psychological vulnerability experienced in the new country.

3.1 Being aware of one's difference: growing up in isolation and ubiquitous societal violence

Across the heterogeneity of the respondents' narratives analysed, a common theme emerged – the feeling of loneliness whilst growing up and thinking that 'you are the only one like that'. These feelings can easily led people to suffer from a strong sense of isolation, which, in turn, creates conditions of marginalisation. These are often self-inflicted on the part of respondents for fear of being identified as different by other social actors, including families and friends. Nadeem, Toby and Asale illustrate the point as follows:

> I used to be at home all the time. People called me names, I used to feel isolated and I was scared to go out. My parents didn't allow me to go out. I was helping out my mum with the housekeeping, so I was allowed to do that but they never allowed me to behave like a girl out of the house. They always used to tell me to act like a man, they used to say: 'when you are out or at school you should always act like a man'...at school I was always a good student, so teachers used to like me and students respected me.

Sometimes they were talking about me and I knew it but it was OK (Nadeem, 25yo from Bangladesh)

I didn't have a network of friends when I was at school. I had only one friend that was found out to be gay, but he has always denied it. So to protect myself I distanced myself from him (Toby, 30yo from Nigeria)

All my friends had a boyfriend. I was very isolated. I used to see my friends only at school and that was it. I still remember this one time when I slept together with a female classmate at my house - it was the worst night of my life! I was thinking I don't know what's going on, why was I reacting that way? Every time her skin was touching mine I was smiling and didn't know what to do (Asale, 34yo from Malawi)

The three interview excerpts above are different examples of how trying to find strategies of self-normalisation lead to behaviours that can be socially interpreted as extreme shyness and reservedness. Throughout the ethnography it was clear that the three respondents are very sociable individuals, but in the process of concealing parts of their identity whilst at home they were perceived as distinctively shy. This form of 'protective shyness' constitutes an effective barrier for not raising inconvenient questions. Yet it is also a different name for the 'need to hide who you are'. Often, across stories, the common experience of isolation seems to kick in during the late teens when fellow classmates and friends start talking about the possibility of marriage that seals formal entrance to adult heterosexual life.

In Nadeem's case, his family members were aware that he used to dress up in his mother's clothes when he was at home. Up until the age of eight Nadeem's mother used to put make up on him and dress him in girl's clothes and then as Nadeem disappointingly revealed: 'all of a sudden they stopped and they started forcing me to behave like a man'. For Nadeem staying at home meant that he could express his gender identity, but every time he left the household he was forced to act as a 'normal' straight boy of his age. This meant that he would happily avoid socialising with classmates outside the space of the classroom. Toby tells me that due to his 'effeminate mannerisms' it was impossible to hide and avoid public abuse in Nigeria, the only way to feel safer was trying not to establish close relationships with people at school, and later in life at work. For Asale, the experience of avoiding close social contact is also present. Her mother was leading bible reading groups at home and during one of the meetings Asale started to think that the devil was in her body. Her experience of confusion and guilt when she felt sexually attracted to her classmate

put her in an acute state of self-hate as she describes the night they slept in the same bed as 'the worst night of my life'. Yet, she stated that with a smile on her face.

3.1.1 Families and authorities: violence in and out of home

All the respondents expressed awareness of their *difference* when they were living in their countries, and of the material risks that they encountered if that suspected difference would have been given a name. Respondents' stories stress the multiple forms of abuse to which one can readily be exposed, as these derive from different directions within the social fabric, namely close family, larger society, the authorities, as well as one's own national or ethnic communities abroad. When the abuse comes from within the family the need to escape becomes immanent (see chapter 7). In fact, in this context the risk is physically too close and it becomes ubiquitous. This is how Umar describes his experience of familial abuse:

> I decided to leave when they put me in a mental asylum. I was sent to a mental institution, tortured, medicated and chained for more than 4 months. My father, my brother and my uncle sent me there...my mum couldn't do anything. After that I waited 4 years in which time I pretended everything was OK, but I was waiting for the right opportunity to go. The way my relatives used to look at me was so painful, as if I was some kind of crazy person. At that time I was my own best friend (Umar, 24yo from Pakistan)

In many cases (38 respondents) people were forced to stop any form of communication with their family members. In some cases people had to find ways of coping with the prospect that they would probably not be able to speak to their families in the future. For two thirds of the interviewees the hope that 'one day things might change' in their countries seemed very slim. Yet, some hope was given to changes in familial attitudes towards them. However, some stories suggest that it is more sensible for individuals to restart their lives anew once in the new country without attempting to maintain a contact, or letting their families know of their whereabouts. Delroy used to receive threatening emails, text messages and phone calls from his family in Jamaica:

> Because of the religion I had to hide from all my family. When my mum found out that I was gay I was here in London. She sent me a text saying 'now that you moved to England and you became gay I should pay someone to come there and kill you' I have never spoken to her ever since (Delroy, 31yo from Jamaica)

Respondents referred to how they are left in highly vulnerable situations because of the modes in which discrimination and risks project simultaneously from different sites. One of the major concerns for people under such precarious circumstances is that government authorities do not provide protection. The majority of the people with whom I spoke (86% of the researched sample) gave accounts of how systematically they were refused protection from the police. Some respondents suggested that in many cases the police started the assaults or incited mobs to attack individuals. These episodes instill a long-lasting fear towards authority figures in the person subject to this type of violence:

> My brother has lived in London for about 10 years. One day he saw the *Grinder app*[xi] on my phone! He told my parents, it was horrible...he kicked me out of the house, I was crying I didn't want to leave, then the police came...Since he found out we've never seen each other again. From what he says he will never forgive me, he thinks that I have the devil inside. He says that he is not my brother anymore. The police advised me to go and stay somewhere else. They were helpful. When I saw the police in the flat, I was scared to tell them that he didn't want me in the house because I was gay...I didn't know that they would protect me if I told them I was gay. Imagine, try to say to the police that you are gay in Cameroon! (laugh) (Nyalla, 22yo man from Cameroon)

Nyalla's mistrust of the authorities' response to his sexual identity is an anxiety that many respondents share. This fear triggers feelings of inhibition and suspicion, and it should be considered more attentively by the Home Office officials when people apply for asylum on a sexuality basis.

As identified in the report conducted by the UK Lesbian and Gay Immigration Group *Failing the Grade* (2010) fear of authorities is a solid stumbling block that obstructs access to the full stories of asylum claimants; it prevents people from feeling at ease to talk about their stories in depth because of an internalised fear of what type of repercussions such openness might trigger. For half of the interviewees going to report an assault to the police is perceived to be far from helpful, in fact the authorities' potentially violent reaction constitutes a strong deterrent factor. Jordan from Kingston, Jamaica gives a very clear account based on his own experience of seeing people reporting at the police station whilst living in Jamaica.

The police? (laugh), if you report something like that...that would be the last resort. They would just say 'are you a batty man? Well we can't help you'. I've never reported, but people that have, the police might not kill you themselves or they might! And then make up a story or they might turn a mob on you, which has happened and kill you that way, indirectly it's not the police that kill you. This happened to somebody I knew, someone on a beach who was abused and was attacked and beaten to death and the police watched this...if you report, you know what's coming to you, or you know what can happen to you (Jordan, 40yo from Jamaica)

Laleh from Iran tells a very personal experience pertaining to Iranian police violence. The story that she tells stresses the fact that police violence works in the streets and public spaces. Yet, it becomes much more vicious and dangerous when it takes place within the walls of a prison cell. Several respondents from Iran talked about how they were stopped in the streets of Teheran and abused by the police. Sometimes the abuse is verbal, at other times the abuse would be physical, including cutting young men's long hair in public, putting out lit cigarettes on people's bodies, kicking and beating.

When I was here (in London) my ex-girlfriend was arrested, after 6 months they contacted her family and said that she had a heart attack while she was in prison and they said that they couldn't find the family so they buried her body. Which is stupid, because I was in a relationship with her, I knew her, I used to work with her, she was a swimmer, she wasn't even smoking. Now how come a healthy person can have a heart attack in prison? And how come you can't find the parents to tell them: excuse me your daughter is dead! So I think, for 90% I am sure that they did something to her and they didn't want her parents to see her body. She died while I was here. I was sad and I was shocked, I was really scared (Laleh, 29yo from Iran)

Respondents shared very traumatic episodes of their lives during the interviews. The traumatic experience is often accompanied by a sense of frustration because of an acknowledgment of one's impotence, the impossibility to react and protect, or even attempt to protect oneself and loved ones. Laleh was a political activist in Iran and not being able to do anything to protect her ex-girlfriend was described by her as the source of an insurmountable sorrow.

Another respondent, Elvis from Cameroon, expresses his resigned frustration about the overwhelming stigmatisation of sexual minorities in his country. He tells me a story about his experience of abuse of power as perpetrated by the authorities:

One of my friends was the partner of the army colonel's son, they found out that the colonel's son was gay and they saw a picture in which I was in. The colonel's men attacked my salon, he was saying that I wanted to take his son into the 'sect'. After five days about six or seven men came to the shop and they broke everything – they said that they don't need gays in this country and they were shouting, I ran from the back corridor of the shop and I ran to a hostel. I met my friend David there (the colonel's son partner) and I stayed there for three days. After this, some plainclothes police stopped me in the street, they pushed me in the car and they arrested me; they put me in a cell tightly handcuffed for three days, they tortured me there. They accused me because of the colonel. My friend managed to corrupt the police and they set me free (Elvis, 34yo from Cameroon)

As Elvis and several other respondents mentioned, police authority is prone to bribery. Sexual minorities are at high risk of being arrested and asked for money in exchange of their release. Namono from Kampala, Uganda tells me of when a neighbour caught her in the act of having sex with her partner. Alerted by the screams of the woman other neighbours came around and immediately called the police. The two women were brought to the police station and then to prison where they were held for four months. During this time they were beaten up daily, and raped twice by the guards. After four months they managed to contact Namono's brother, who paid one of the guards to help them escape. They succeeded and ran to the brother's flat in Kampala. However, after two weeks in the flat, Namono's girlfriend died due to the wounds and organ damage caused by the physical abuse in prison.

3.1.2 Becoming 'easy' prey: the risk of blackmail and resistance

All respondents identified the unquestioned social position that authorities occupy to be a very problematic aspect of their lives in their home countries. The common experience of bribery is lived traumatically because of the tension between the hope that the police officer would accept it and leave one alone and the fear of the consequences of the act, even after the bribe is taken. After all, there is no guarantee that the payment would put an end to requests and danger for the individual. In Nadeem's account it is apparent that his experience of being threatened by the authorities became the trigger that prompted his plan to flee:

I clearly remember it was in 2008, 27th August. This was a horrible day and night for me, I'll never forget. I was studying for my exams at that time, I went out in the evening around 10 o'clock, I was walking with a friend of

mine. We met a guy, we talked, we went to the lakeside, we sat down talking, and I had sex with this guy. The police came and they found us there, they didn't arrest me, they took me into their van and they wanted my friend to give them money to release me. My friend found the money and he managed not to let my family know about the whole thing. At that time I decided that I needed to go...enough is enough! (Nadeem, 25yo from Bangladesh)

For other respondents the blackmail came from other actors in society. For instance, respondents talked about their use of the Internet as an anonymous platform in which one can start a 'safe' conversation, more freely than in the offline world. In fact, few respondents (the ones who had this availability) found that meeting via Internet chat-rooms was the safest way to relate to other sexual-subalternised people. Yet, this space also has its own risks. Toby's experience is indicative of this:

It happened when I was working at the hospital. I went online and met someone that ended up blackmailing me, he was threatening to out me and he was asking for money. This lasted for about 2 years. I had to pay more than 6 thousand pounds to this man for his silence (Toby, 31yo from Nigeria)

The risk of being exposed to public attention is real and the repercussions for the individual can be fatal. According to respondents, and this seems to be a common perception, danger is ubiquitous, it can be found anywhere in society, from members of your family to close friends, teachers, neighbours, and co-workers. Within this persecutory milieu one has to police oneself and remain constantly guarded. In interviews respondents often say that: 'you end up not trusting anyone around' (see chapter 7). In this context, however, one seeks and finds manifold strategies of survival, and at times high vulnerability is translated into a sign of strength. These strategies, although used inventively, put the person in a constant state of alert; anything that social actors might remotely associate with proximity to sexual difference needs to be concealed. Delroy tells me of how he felt compelled to hide doing activities that are socially perceived as strongly gendered:

I knew other gay people in Jamaica and I spoke about my sexuality with them, for example this guy I will meet later on. The two of us used to play netball together, I used to play netball and hockey...People started to be suspicious of us playing netball because they thought it was a girly thing, so sometimes I would pretend that I was going to play hockey whereas I was playing netball. I had to move away from the community 'cos I started

to be scared and I moved somewhere else but always in Kingston, but I was still scared (Delroy from Jamaica)

Several respondents talked about how mentally and physically 'exhausting' it was to have to continuously invent stories just to remain unnoticed. For Asale, for instance, her efforts were not directed towards telling lies but rather towards using reality strategically: 'I didn't have a fake boyfriend, and I didn't say that I had one, I would say to people that my mum was too religious and that she wouldn't allow me to have one'. For Asale, her mother's staunch religiousness was a heavy burden. However, she was able to use that aspect of her mother's religious integrity as a justification for her single status and apparent lack of interest in boys. This excuse was very effective as it always was immediately intelligible and approved by many in society.

3.1.3 Running out of time: 'stop fooling around and get married'

Respondents react differently to societal policing. For some it is important to challenge the status quo, however, given the myriad of material risks, for many it is unthinkable to drift away from the dominant heterosexual life-narrative that is available to 'respectable' social actors. Jordan gives some insightful indications of how sudden people's assumptions might be when even subtle forms of transgression of the heterosexual family model surface (within the Jamaican society):

> I was the only guy he had been with, he even wanted to live with me but I told him: 'are you crazy? This is Jamaica, it won't be possible'. I mean, at that time we looked very much alike so we could pass as brothers -- we could kind of...but you see people suspect about anything, and as you get older people would certainly wonder 'what are these two guys doing together?'

Often strategies of survival involve a series of sacrifices or postponements of the actualisation of one's desires and aspirations. Compulsory heterosexual marriage (Rich 1980) is perhaps the biggest sacrifice that respondents identify when mentioning the numerous survival strategies adopted in their lives. Frequently in these discussions respondents would talk about the sexual Others that they know in their countries, who have to subscribe to these types of social engineering practices. For instance, Jordan tells me about the people in Kingston (Jamaica) who live a 'double life' between their commitments to the wives and their secretive homosexual

affective and erotic relationships. In discussing this, he associated such lifestyles with the ones of the many British men that he has met over the years in gay bars, clubs and saunas in London. Whilst in Jamaica Jordan also considered the option of compromising and embarking on this life trajectory, however his awareness of the risks involved in such a decision prevented him from following through:

> When I was in Jamaica I met this girl, that's also why I had to leave as she was really in love with me. I didn't tell her the truth, everyone thought that we were going to get married. You see if we could become good friends I would have told her the truth and got married, perhaps she could have accepted it. But I didn't tell her. I realised I couldn't tell her as she knew my family too well. I told her that I couldn't go on with the relationship...I know men in Jamaica that do that, they get married and even have children, they live a double life. But I know that some of them have been murdered afterwards, when they are found out

In a second interview Jordan says that he would not have married his ex-girlfriend because: 'this would not only ruin my life, but also someone else's life'. In order to avoid societal and familial pressures the safest option available to him was to take up a job in the countryside in Jamaica far from Kingston and from his girlfriend. His desire for his girlfriend's acceptance of the false basis for a presumed conjugality became of secondary importance when he started pondering upon the consequences of such an act, that is, the possibility of 'destroying' both lives.

The necessity to fulfill the criteria of what a good hetero life-narrative should look like (i.e. heterosexual marriage) is not a phenomenon that can be geographically located exclusively in certain 'homophobic' countries (see next chapter). Indeed the thesis aims to provide data that challenges such simplistic categorisations. Throughout the research I came into contact with some respondents' partners who are of British origins. Many of them had similar experiences to the protagonists of Jordan's accounts, just immersed in a different context. I particularly noted this amongst elderly people. For instance, when I talk to Roger, a 60 year-old Londoner, he reveals that he has always had to cover his sexuality to his family and community. In order to 'look normal' he got married, although he knew that he was not attracted to women. He was married for over fifteen years and had three children. Recently he has left his wife and family for the love of his new partner Omar. Roger is an example of how familial and societal pressures can shape and direct one's life

decisions to the extent that only at the age of fifty-eight he feels able to take full control over his life trajectory.

3.2 Sexual and gender difference

A central epistemological thread that runs through the research has been to understand how sexuality-based asylum claimants perceive themselves as bearers of sexual difference and how their self-perception changes (if it does) from their lives in their countries of origin. In chapter 4 my discussion will focus on problematising the stereotyping approach that is discernible within the British legal system pertaining to sexuality-based asylum claims (O'Leary 2008). Here my main concern is to explore the ways in which respondents self-identify and express their sexualities once in Britain vis-à-vis the new possibilities of articulating the self. I am interested in further investigating this aspect because sexuality becomes the marker of difference that grants these migrants permission to remain in the UK. However, as I will explore in the next chapters, the analytical category of sexuality *per se* is not enough to understand the complexities of this refugee group's lived experiences. In this regard, the narrative around one's sexuality represents a highly contested field of conflicting powers that is implicated with the restrictions imposed by legal and humanitarian discourses.

3.2.1 Disclosing and coming to terms with one's sexuality

One of the legal challenges for sexual minority asylum seekers is to be able to present their stories to Western adjudicators who are not (or do not intend to become) familiar with same-sex identifications and expressions outside of North-centric social spaces. One of the problems that 'closeted' asylum seekers find is to make the grounds of their claim credible. 'Coming out' narratives are complex and for many respondents there was no clear or linear coming out process (LaViolette 2009) whilst living in their countries of origin. The majority of the respondents (90% of the sample) did not come out to their friends and families. If they were 'outed' it had occurred because someone had done that, be it a jealous ex-partner taking revenge or a nosy neighbour seeing what should have remained unseen. Only one respondent had the will to tell his father and he describes that moment as the 'biggest thing he had ever done':

It was the biggest thing that I've ever done...I told my father. I started to tell my father about my sexuality through a story. I was a student of social sciences and once I told him I had a questionnaire to do, so I said: 'you as my father, imagine that you have a homosexual son and please answer the questions', exactly like in theatre. My father suddenly before even thinking said: 'I prefer not to have a homosexual son', and at this point I told him: 'father, I am homosexual'. This was very shocking, for 2 days my father was very silent all the time. He was just walking around the house, just thinking. His first reaction was more supportive, he was saying: 'it's OK I think it's a feeling, maybe you are wrong' and I told my father to visit the psychiatrist I was seeing. Little by little my father's reaction changed, and the last thing he told me about my homosexuality was: 'I think it's a problem, you should ignore this part of life'. I think that his first reaction was better. My mother doesn't know anything at all, it's impossible, you know it's very common in eastern families: my boy will grow and after that he'll get married and have a child, and it's impossible because my mum is a very religious person and in Iran there is no concept of homosexuality, you know...never mind (Farid, 30yo from Iran)

Farid learned the notion of 'homosexual feelings' from an Iranian friend of his who lived in Sweden with his family. He was very open with this friend who told him that his feelings 'might be homosexual'. Farid started to think of himself as a homosexual from his teens. In his case the moment of coming out was traumatising, both for him and his father. After it occurred it strengthened his desire to leave Teheran.

Throughout the ethnographic observation I noticed that some respondents would be tacitly aware of their friends' sexual differences, however, very rarely, would there be an open conversation about the topic. Yet, the silence around people's stories of difference seems to be easily disrupted if one of the friends finds herself/himself in precarious or dangerous conditions. To shed some light on this point let me refer to some of the notes emerging from the extended ethnography that I conducted with three respondents. The triad consists of a lesbian couple from India and their male friend from Pakistan. The couple, Nina and Pari met in detention in Yarl's Wood and they have been together ever since, Pari is mentally unwell and Omar has been of great support for them throughout the many problems that the couple have faced since their arrival in the country. Omar is a 29 year-old man from Pakistan. He is very 'straight-looking' and he is in an intimate relationship with Sha. Despite being Nina's good friend for the past three years he has never told her about his relationship, or about his sexual proclivities for that matter. His reluctance to talk

to Nina about his sexuality is strong and whenever I attempted to bring up the subject he would use the same answer: 'she is going through too much – I can't give her this weight too'. For Omar sharing this information with Nina would mean giving her unnecessary problems. He only 'came out' to her after being detained in the Colnbrook immigration removal centre in Heathrow; only when he feared deportation did he open up to Nina. On the other hand, Nina is quite comfortable with talking about her sexuality, although she says that she had a different attitude towards the matter when she first arrived in the UK:

> In May 2010 they refused my application, at that time I didn't want to say that I was gay. I didn't feel comfortable with that. I bet all the girls in India who are gay, even the ones who live in Delhi they would never admit it, none of them! Because you grow up with shame of yourself, not even the strongest woman would tell you that (Nina, 27yo from India)

Nina raised an expected topic, namely the feeling of *shame*. In this regard, it is important to stress the problems of a language of 'pride' vs. 'shame' in relation to sexual difference. Although Nina is expressing this eloquently (i.e. she could not come out to the Home Office authorities given the internalised shame that prevented her from fully articulating her story), it appeared clear from the ethnography that shame of one's sexuality is not an imperative feeling amongst claimants as is often argued by legal representatives or other 'defenders' of this migrant group's rights. In my view, the notion of shame of one's sexuality is all too often used as an easy way to read people's reluctance to talk about their experiences or sexual histories, and it only produces sterile results in critiquing adjudicators' heteronormative views when judging sexual minority claims (see chapter 5). In fact, particularly in the legal context, problems of misrecognising sexual identifications often arise from the modes in which people differently, and at times unintelligibly, enunciate their sexual difference rather than their assumed sentiments of shame or self-hate.

In the study it appeared clear that the majority of the respondents did not mind being open about their sexual difference. However, all respondents, even those who seemed more confident to express their sexual difference preferred not to be open about it with members of their ethnic or national community in the UK. This occurs particularly when they meet the person for the first time. Nyalla from Cameroon is resolute in his intentions of not letting his co-nationals know about his sexuality:

Q Has your understanding of sexuality changed since you are here and in what ways?
A I feel freer now. I am not shy to talk about it anymore. Here I have been shy whenever I meet my fellow mates from Cameroon.
Q Would you like to be open about your sexuality? Or you don't mind?
A It depends on whom I am talking to, but surely not with Cameroonians.

The relationship with members of one's own ethnic or national community is ambivalent. Respondents acknowledge that living in areas where their own communities are highly concentrated can be difficult and dangerous at times. However, given the common experience of racism and marginalisation *vis-à-vis* the British society, many prefer to stay within these areas towards which they feel 'naturally' drawn (Sigona 2012), despite the fact that they might have to keep quiet about their sexuality.

When I met Nadeem, he alluded to some episodes of the sexual racism that he has been subjected to since he arrived in London. He is a man from Bangladesh and he intends to change his gender when his asylum process is over. He is confident about his femininity and he is not afraid of wearing make-up in public, however he says that he needs to be cautious when he walks back home at night in his neighbourhood where 'there are many South-Asian residents'. Despite this he says that he wants to live in the area because he likes Asian men and it is much easier for him 'to get an Asian man than a white man'.

Five respondents told me that creating a relationship with fellow nationals led to disappointment and further suffering. Sometimes this occurs even within their LGBT networks. These respondents felt isolated and judged by other LGBT fellow nationals and people with similar migration histories:

I feel welcomed in this country...I have a big network of friends and supporters, if something goes wrong I know there will be someone who can support me. But in certain areas, like in [...], there are people from my religion and these are dangerous places to be in... I am not open about my sexuality with the people from my country... once I met a couple of lesbians from Pakistan here in London and I had a very bad experience with them. I felt very bad and judged by one of them, she made me suffer as she didn't approve of my behaviour at all- she was too religious! (Umar, 24yo from Pakistan)

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At times establishing relationships with people from one's own country might bring back feelings of self-hate because of disapproval. The disapproval expressed by a sexually subalternised co-national can reactivate traumatic memories of being harassed in one's country. It also testifies to the complexity of solidarity amongst people with stories of abuse due to their sexual Otherness. In the study I observed that this potential source of social support amongst LGBT claimants is sometimes lost because of moral disapproval of someone's behaviour. This contributes to heightening the sense of isolation for the disapproved person.

3.2.2 Expressing sexuality once in the UK: trying to fit in?

One of the questions I asked respondents looked at how they perceived the 'open' ways in which sexual minority people often express their sexuality in London. Respondents seemed to have a unanimous view, that is, feeling generally enthused by it. For some it even becomes an aspiration. Asale says: 'I envy them – I want to get to the point of being that confident myself'. This might not come as a surprise provided the fact that most of the respondents have been through life-risking situations because of their sexual difference in the past. Nevertheless, for some, the way people express sexuality was seen as 'too much', and not many respondents, particularly the women that I interviewed, were fond of the gay and lesbian scenes (i.e. the clubs and commercial venues in the Soho area). Most of the interviewees expressed their initial amazement at the liberalness that characterises sexual mores in Britain. The term 'safe' was often used by respondents when discussing their perception of the 'British way' of expressing one's inner differences in public. In fact, although some respondents talked about episodes of discrimination that occurred to them in some areas of the city, they had never felt in physical danger due to their awareness of the existence of a (juridical) system designed to protect them as individuals forming part of a minority group.

The initial excitement about the many possibilities of establishing affective relationships with same-sex people is often followed by the realisation that finding a partner is far from easy, even in London. Jordan provides a telling picture of such acknowledgment:

Everything was much more open to me here. I started to go to gay saunas, lots of them! At first I went there I was like 'oh my god', cos in Jamaica you don't have things like that, these are things I had only seen on movies. Men of any type, basically it's a brothel, just another name. But I have realised that you meet guys there but it's not going to develop into anything. I wanted something more, but I met interesting guys, some married (emphasis), some with interesting stories to tell you, some of them being forced into marriage because of religion (Jordan, 33yo from Jamaica)

For several respondents the London gay scene was perceived as intimidating and difficult to navigate. On the other hand, there are material problems to consider, as most of the asylum seekers could not afford to go out and socialise in clubs on a regular basis. Probably the most affordable club in London is *G.A.Y.*, which is the largest mainstream venue for sexual minorities in the city, and it is the most frequented social club by the largest number of respondents. Farid's position is interesting in this regard:

I think, the first time that I experienced *G.A.Y.* it was amazing but on the other side it's a little bit hopeless because I think the focus of this area is not about sexuality, it's about sex. For me it's not very interesting. It's very comfortable to meet each other – I mean other gay or lesbian people. When I was still living in...(name of English small town), my self-confidence was higher, and I met a very good man, but in London in over a year I have just been once or twice to Soho and met no one... Sometimes people just sit in the club, they drink and they just wait for a very fashionable, attractive person to turn up (Farid, 34yo from Iran)

For respondents the fact that some LGBT venues might appear extremely sexualised is a factor of fascination and rejection at the same time. In the case of Farid, he was feeling much more at ease in a smaller town where he found it easier to go to the local gay club and socialise. Farid thought that he did not fit in the London 'gay scene'. In my view, this was an interesting point to explore as I met Farid a number of times over the past two years and I was quite surprised to notice the drastic change of style that he suddenly went through. Recently, Farid has started to present himself as a 'real fashionista', as he describes himself, with painted fingernails, dyed hair and trendy black clothes as opposed to his previous timid and comfortable-looking style. The change was unexpected but it seems that through it Farid has succeeded to reclaim a space within a 'very fashionable' gay social milieu, which he is attempting to access.

Farid's reinvention of the self was not uncommon amongst respondents. As a matter of fact, respondents would often feel the desire, or pressure, to integrate into local LGBT cultures through assembling and acquiring vicinity with objects that marked their sexual difference. Therefore, hairstyles, shoes, and clothes often advertised in *QX* or *Diva magazine*[xii] were understood to be essential items in order to relate to other gays and lesbians. Insistence on these signifiers testifies to the strong link between sexual identities and processes of commodification under neoliberalism (Bell and Binnie 2000, Chasin 2000, Duggan 2003, Evans 1993), and how they become internalised by the migrant who inhabited a social world where the link between consumerism and sexual minority identifications follow very different patterns, if present at all.

The notion of trying to fit in can be both limiting and expanding for the sexual minority subject in the new country. In fact, the possibility to be recognised as belonging to the minoritised sexual group is ambivalent insofar as it selectively opens up spaces for re-imagining the self. It is limiting as it clearly sets rules of behaviour and lifestyles that, despite appearing liberating and transgressive, are in fact strict and inflexible and at times hide xenophobic and racist attitudes. However, in the desire of fitting into the new social context there is a potential for expanding and experimenting with the self, a potential which should not be overlooked. This dichotomy can lead to confusion for the person who desires to be part of a group.

Umar from Pakistan told me that since he started feeling comfortable with his own sexuality he has been experimenting with different fashion styles, including very feminine ones. However, after his latest relationship breakup, in his attempt to understand what went wrong with the failed relationship he started to think that it was due to his newly acquired feminine fashion sense:

> Now I am bit more straight acting. So now I am trying to change myself. I don't think it's wrong, but in this gay society I need to adapt...I love how people express their sexual identity here, we all protect each other, and it makes me happy. Just to tell you - I always cry at gay weddings and that gives me encouragement. Anyway we have a really bitchy gay scene in London. The straight-acting guys are quite hypocrite. There is a bitchy woman inside them. There is a lot of politics for straight-acting guys, these guys always try to put you down (Umar, 35yo from Pakistan)

In his account Umar seems to clearly differentiate between the sense of enjoyment of being part of a group that supposedly 'works' together to protect each other and the awareness of how strict the specific social code is if one intends to belong to that particular group.

3.2.3 Gendered narratives of the self: the importance of the context

Although respondents feel that they can 'surf the gender binary' (Boellstroff 2012) more publically in the new country, this discovery remains frail and may be easily disrupted by antagonistic forces such as a comment from a friend, an insult in the street, or the end of a relationship. For instance, these can abruptly terminate a desire of experimentation with one's feminine side, be it dress style or one's mannerisms. This is particularly noticeable across gay male respondents' narratives, where one often finds a deeply internalised strict notion of how a man should behave.

As observed with Umar, internalised ideas of masculinity and femininity seem to follow a very solid binary structure. After many meetings Umar tells me that in order to meet 'straight' men he started to cross-dress. He gives emphasis to the fact that whenever he attempted to approach men in gay clubs or on the Internet he felt as if he was 'invisible' as a Pakistani man (Bassi 2008). When he is in women's attire, however, men admire him, and under these circumstances he had his best affective and sexual experiences. Nevertheless, the way in which Umar talks about these encounters makes one think that he feels forced to cross-dress to attract the type of men that he likes. Although he utterly enjoys the attention that he receives from these men he does not like to look at himself in the mirror when wearing make-up. He always feels guilty when the men would leave his flat and he thinks that what he does is not normal. He talks about cross-dressing in very negative terms, yet simultaneously he is excited to find a new way of exploring his sexuality. Umar's narrative is contradictory and testifies to the difficulties of neatly categorising sexual behaviours.

The inquisitorial functioning of the asylum system (chapter 6), from the screening interviews at the Home Office to judgments in the courtroom, is designed to take people out of their comfort zone in relation to what is best to show and say to the decision makers. For example, during the claiming process respondents start to think

that the campier one appears to be, the better the chances are to be granted refugee status. This conviction creates an ambivalent response towards 'campiness'. In fact, it still is a primary source of mockery but simultaneously it is identified as a positive characteristic: 'yes I am sure he will be granted, for him it's easy, look at him! He looks like a woman'. In this process, campiness becomes reified by acquiring the new dimension of a desirable object to possess or, as a respondent puts it, of 'something good to have'. On the other hand, for LGBTI claimants one of the major obstacles in their claims is proving their sexual orientation (chapter 5); clear signs of 'gayness' seem to make stories more plausible and are welcomed by the adjudicators.

Often respondents had deeply internalised notions about categorisations of sexuality, which can have similarities with some Western expressions of sexuality. For instance categories such as penetrator and penetrated, or the top and bottom dichotomy (Mai 2004), follow similar 'divisions' of desire but have different implications in different contexts. According to the gay male respondents' stories, it appears that the person who is penetrated is always the one being emasculated and losing every inch of virility. Shahin talks to me about his reading of the sexual categories pertaining to male same-sex activities and behaviours in Iran. He made some rigid distinctions between i) straight men (not married) also called 'fuckers' ii) masculine gays iii) bisexuals who are normally married iv) men behaving like women and v) transsexuals. In relation to the fourth category, Shahin said that although they are the most visible people, they are the ones who can express themselves more freely and that if they are caught in the act they are not blamed or punished as badly as 'straight-looking' men. Shahin thinks that this could be justified only because feminine men are deemed to have mental health problems.

Nadeem is a young transgender participant from Bangladesh who during the study was thinking to go through gender reassignment after gaining refugee status. Nadeem was quite close to another Bangladeshi respondent Omar, who on the contrary looked very virile. On a number of occasions Omar derided Nadeem's mannerisms, coming to the conclusion that Nadeem had to be a sex worker given his openness about his attraction towards Omar and his passion for dressing up as a woman. Within the group of respondents it was common to identify and witness episodes of misogyny and hostility towards trans people. Often these incidents involved jokes about women (or femininity) aimed at undermining their social position and their decision-making

power. The solid gender binary structure that defined respondents' understandings of gender roles and sexuality led to internal forms of discrimination and abuse within this migrant group.

The gender structure in respondents' narratives seemed to be rigid. However, some were very confident in negotiating their masculinity depending on the context in which they interacted and on how confident they felt with the people around them, i.e. whether they considered a space to be a safe space in which the masculine façade can be dropped for few hours. At this point I would like to follow some of my ethnographic observations to illustrate the point raised above. One respondent, Gabir from Iraq, started to invite me to his Iraqi friends' social gatherings. Normally we would go to someone's flat and spend hours talking, drinking tea and smoking shish, only one or two people would drink alcohol. One night Gabir, Isham, Ahmed and I went to Elias' place. Elias is a manly man from Libya in his early forties. Elias' flat is in central London, a very humble flat but very clean and tidy; the sofas were covered with heart-shaped red cushions, which were the only decorative items in the flat. Elias is excited by the thought of introducing me to one who he calls his 'special' English friend who was going to join us shortly. The special English friend's name is Fredrick, a man in his early seventies, married with a son and a daughter. He lives in Mill Hill in London and he seemed to be a wealthy man.

Fredrick quickly stood out with his eccentric conversational spirit, he was talking about his holidays in Capri where he used to spend £500 a night for a hotel room, and of when he was younger and he was frequenting the French Riviera where he used to meet movie stars such as Brigitte Bardot. He also talked about his daughter and son for quite some time, and it was interesting to see the harmonious interaction between these two 'equivocal' special friends from very different class background - Elias and Fredrick have been special friends for the past four years. Sitting next to me on the leather sofas there is Isham, an Iraqi man who has lived in London for about ten years. Isham tells me that he is married to a woman with four children: three girls and a little boy. He showed me pictures of his children and wife and he was really proud of that. Isham is a very effeminate man, his friend Ahmed was jokingly calling him a 'lesbian' because of his camp mannerism, so he kept saying that he looked more like a homosexual woman than a gay man. Ahmed does not sleep with women, and Isham was jokingly calling him a sodomite. Their sense of

humor seems to be very much based on them being 'gay'. Later in the night when Gabir and I left the gathering he told me that when Isham is at home with his family he is a completely different person than when he is out with his 'gay' friends. Gabir said: 'you should see him at home, he is the man in charge, he is the one in control'. His wife is not aware of his sexual proclivities – or at least that is what he believes. His wife is also from Iraq but her parents and brothers live in the Netherlands and she often goes and visits them, which gives Isham 'time to himself'. Isham seems to be living the 'typical' double life that Jordan was describing when referring to the people that he knows in Jamaica. Isham does the same in London, he keeps his 'gay' entourage separate from his familial sphere, only a few of his 'gay' friends know his wife and children.

Throughout the study, ethnographic explorations, such as the ones explored above, highlighted the complexity of how same-sex desire or gender identities are enacted. The multiple subject positions of the research respondents evidence the fluidity of their understanding of sexual and gender roles, even when they appear to work within a seemingly fixed framework. These stories become interesting particularly when juxtaposed to the rigidity of social expectations with regards to this migrant group as well as to the Home Office and tribunals' readings of people's social behaviours and sexual histories.

3.3 Shattered dreams whilst in the UK and how *class* matters

The experience of the asylum process has strong effects on people's mental health. It engenders uncertain and precarious living conditions reinforcing the fact that one has very little control over one's life. The breaking point can come at any time during the process, it can easily occur after the person is granted refugee status (see chapter 6). To be sure, the asylum process easily reactivates traumatic memories.

Throughout the ethnographic encounters I noted that the distant dream of a land of opportunities and liberation is readily shattered when arriving in the UK. This is a common feeling that respondents share when facing the rigidity of the system of institutions and local inhospitable behaviour. For half of the respondents the land of opportunity only represented a downward social mobility ladder. Often the material circumstances and conditions to live a 'dignified life' in the new country are far

worse than in the country of origin of the asylum claimant. For respondents from middle- and upper-class backgrounds it was a humiliating process to come to the new country and be positioned as the individual in need of protection and financial aid from the government. During the interviews a few seem to remember with nostalgia what they used to have and do and they look resigned when they express what they are not allowed to have or do here and now:

> It was far better in Iraq before the US invasion and before the change of Saddam's regime: we (my family) had a very nice life, a privileged life, a privileged lifestyle but here, look at me, everything changed. No, I was living better there but because of what happened I had to leave Iraq (Hayder, 30yo man from Iraq)

For Umar the fact that British newspapers (he gave the examples of *The Sun* and *The Daily Mail*) refer to asylum seekers as those people coming from poor countries to use and abuse the British welfare system is a cause of anger and he responds with a reactive form of pride to it: 'I used to give that sort of money to my servants', he would say when he describes the malfunctioning of the national asylum support system (NASS). Thirty-five respondents stressed the fact that they used to work and that they had careers and money to 'lead a good life' (see chapter 7), including respondents from lower-class backgrounds. From the study it emerged that reactions to social exclusion and stigma were varied and often seemed to depend on the class status and the 'cultural capital' (Bourdieu 1986) that respondents possess.

Umut Erel (2010) argues that in migration research there is a latent tendency of reifying the notion of cultural capital, insofar as a migrant group is perceived to homogeneously bring with them a package of cultural resources that may or may not fit in the new social world. Following Erel's analysis and my study's findings, I argue that it is analytically ingenuous to read homogeneity when referring to a migrant group's cultural capital. Erel contends that 'cultural capital is both the product of and productive of differentiations of gender, ethnicity, and class within the migrant group. This differentiated migrant group cultural capital can constitute forms of validating cultural practices as capital alternative or oppositional to frameworks of national belonging' (2010).

Similarly, in my study I noted that axes of difference such as ethnicity, gender and class had profound and tangible effects in differentiating the extension of cultural

capital within co-national migrant groups, thus creating different possibilities and aspirations amongst them. Within these axes *class* occupied a particularly significant role. For instance, it became clear that respondents from a middle-class or upper-class background and with larger cultural capital at their disposal, felt much more at ease both when experiencing the asylum process as well as in creating new social worlds in the UK. These respondents would often perceive their entitlements to rights differently and with higher expectations than from respondents coming from lower-class backgrounds.

In the research findings this is best exemplified by two lesbian asylum seekers. Anais, a woman from a white middle-class background from Marrakesh, and Dora, another Moroccan woman from a rural village in the proximity of Marrakesh. Anais has a law degree that she obtained in Morocco and is fluent in four languages. She quickly learned what the British asylum process entails and what she could expect from it. Anais also quickly learned how to create a 'good' network of friends, who would be reliable witnesses for her asylum claim, as they all are 'respectable professionals' whose words are given a certain weight within institutional and legal settings. Dora, instead, comes from a poor social background. She could not finish secondary school as she had to look after her younger siblings at home. When confronted with the UK legal interface, Dora is very shy and feels uncertain about the overall claiming process. Dora is not comfortable to publicly use the word 'lesbian' to describe her sexual identification and she does not have many friends in London who know about her sexuality, and those who do are also 'closeted'. Her possibilities of accruing the 'right' type of knowledge and witnesses for her asylum case are much more limited than Anais', whose larger cultural capital guarantees her access to what is denied to Dora. In this context, it is easy to see how, in the Eurocentric eyes of the law Anais' presentation of the self is seen to be more 'credible', or perhaps more welcome, than Dora's.

3.3.1 Hard decisions over one's life: the individual, networks and dependency

The decision of claiming asylum places a huge onus upon the claimant. Very commonly families at home are not aware of the claimant's decision. Often, in fact, family members may tacitly suspect but the decision generally remains unsaid:

My future is going to be here, and when the officer asked me that, it really touched me and I broke down at that point of the interview. When he said to me: 'you know you won't be able to go back', even now thinking about it it's a bit difficult. Then he asked me if my parents knew about this, and I said: 'no, they don't know', at that point I did break down. Because my grandmother is 93...and you know, I don't know. At that moment I thought: 'this is it, what can I do?' but it's not easy (Adam, 37yo from Jamaica)

I met respondents who decided not to go through the determination process when they fully realised the impossibility of return to their countries after claiming asylum. Indeed, the prospect of being completely cut off from one's family can be too hard a decision to take for the individual.

The asylum process inherently pushes claimants to explore their past and to think about their lives with their families. As a matter of fact, the claimant needs to look deeply within herself, as an individual set against societal prejudice and structural violence. The person is legally required to go very deep into one's biographical history and this becomes a process of exploration, which can be traumatising and exciting all at once. As already mentioned in chapter 2, this process of *looking inside* for the claimant is demanded by the law and also encouraged by refugee support organisations advising people to explore their inner feelings in order to provide a credible story. This involves informing people about the importance of *performing* well their unique sexual histories when interviewed by the decision makers.

At the beginning of the asylum process, when facing decision makers, the claimant is compelled to make difficult choices about one's own life. This involves exposing parts of the self that have never been made visible or audible, reconciling one's sexual difference with one's faith, or coming to terms with the fact that one might never be able to return to the country of origin. These 'individual' decisions are influenced by the support networks that one establishes, often with others living similar situations. When this occurs systems of dependence can be readily triggered. The manifold material restrictions over one's mobility encourage one to rely on a network of friends and 'supporters'. In this context even the smallest problem can appear of gigantic proportions to the person whose mobility is hindered. In order to further illustrate this point I would like to briefly go back to the ethnographic observations that emerged from my encounter with Nina, Pari and Omar.

Nina shares a room in a two-bedroom flat in East London with her partner Pari, who is mentally ill and in need of medical attention. They share a flat with a Lithuanian couple, who threatened to leave the flat. Nina is now terrified at the thought that the landlord might kick them out of the flat. At the same time, their close friend Omar has been recently detained. Nina's only hope is to help Omar get out of fast-track detention (see chapter 7), and for Omar and his partner Sha to move in with Nina and Pari in the East London flat. In the midst of all this, Nina does not want Pari to be in a mental hospital with the risk of being mistreated. Before living with Nina, Pari was in the Yarl's Wood detention centre, where her mental state was already very unstable, as Nina says, 'due to the struggle between her strong faith and her sexuality'. However, since she moved in with Nina her mental and physical states seem to have deteriorated. Nina understands that she cannot help Pari but she is not capable of letting her go, Pari would not go anywhere without her. Nina is also dependent on Omar's support, who, after being bailed out from detention, is planning to move in with her, his partner Sha and Pari.

Nina's dependence on Pari and Omar has its origins in the material circumstances in which she finds herself whilst waiting for her asylum case to be finished. She is telling me: 'who is going to help us with Pari being mentally ill? Who is going to accommodate a mentally ill girl?' and she continues: 'the things and exercises that I do with her they wouldn't do in a hospital and she eats only when I feed her, so I need to be with her all the time. If I am not with her she wants to kill herself'. Nina admitted that she is caught up in a vicious circle, that is, she does not want to leave Pari in the hospital but she also knows that nobody will accommodate Pari because she is mentally ill. She also sees that there are practical issues that she cannot overcome, in fact it is not just a matter of unconditional love towards Pari, she told me that if Pari is in hospital then she will have to go and visit her, which means paying for the travel card every day and finding a space where she can cook food for her: 'otherwise she won't eat, she doesn't eat the food they give her in hospital'. This means that she would need to find the financial resources to cover food and travel costs. This puts her in a position of having to fully depend on Omar's circumstances and decisions.

These situations of high dependence easily lead to posit the claimant as an emotional and financial burden for those surrounding her. However, as Nina shows,

one negotiates and challenges such labeling by showing resilience and staying guarded not to break the frail network of support available. Nina, in fact, takes full responsibility for both her future and her partner's by also proactively supporting Omar. On different occasions Nina told me that she finds the strength to deal with these hard decisions through her faith. Although she admitted that her relationship with religiosity is complex due to her sexual orientation she said that during difficult moments praying is the only activity that gives her peace of mind. Further, religion is what she can carry with herself from her sense of self in the past. Thus religion seems to become a marker of continuity with her past, namely the object that she can hold on to after leaving her country. I noted that building networks of support with others living similar circumstances alleviates the feeling of isolation from their families. But also strengthening an individuated relationship with God, which eschews being mediated by religious leaders, becomes a common way to find inner resilience to experience the asylum process.

The above ethnographic investigations illustrate that throughout the atomising nature of the asylum procedures the claimant needs to find ways to rely on a network of friends or close supporters as an important livelihood strategy. In this context, it is crucial to highlight the deeply felt need of affect and care by a close social entourage on the part of the respondents.

3.4 Conclusion

In this chapter I started exploring and elaborating on the analysed data, which I collated throughout ethnography. The focus was on the main dimensions and the internal feelings that characterise the migratory experiences of sexual minority asylum seekers and refugees. I found it important to articulate respondents' stories regarding their feelings of isolation when inhabiting ubiquitous persecutory settings. I aimed to stress their living conditions marked by the impossibility of *speakability* and confinement to concealment. Within the hardship of these conditions I also pointed out episodes of resistance and the survival strategies adopted. To be sure, resistance towards socially accepted sexual moral conduct does not prevent the risks to which one can be easily exposed, on the contrary, it can augment their probability. In this context respondents' testimonies illustrate the high likelihood of becoming

prey to blackmail and abuse from a variety of social actors, from the authorities to the suspicious neighbour or friend.

From the problematisation of what it implies to be aware of one's difference I moved on to elicit information from the respondents pertaining to the modes of coming to terms with and disclosing one's sexual difference. I focused on the internal consequences produced by the awareness of being different in a society within which one is marginalised. Throughout the chapter, emphasis was given to the ways in which respondents express their sexuality once they start their lives in the new socio-political context of the UK. Across the myriad of differences in articulating the self, solid notions around femininity and masculinity emerged in the discussions. Lastly, I focused on the mental vulnerability of the people who undergo the asylum process. In fact, this became a crucial point to stress within the elaboration of the ethnographic data. The precarious nature of the respondents' living conditions accompanies the disillusion produced by the contact with the reality of their migratory project. Their sense of psychological vulnerability is accentuated by the idea of not being able to return to one's country. Respondents are made to feel vulnerable and unstable because of the difficult life choices that they are required to take, one after the other, throughout and after the determination process.

The chapter looked at fundamental themes arising from refugees' narratives and lived experiences, which I now want to situate within broader political, legal and humanitarian discourses on sexual minority asylum. After discussing the theoretical framework, the methodology of the study and having provided some critical ethnographic material I find it apt to address the political context which the research respondents inhabit. In so doing, I hope to highlight the disjunctions between the studied refugees' lives as *imagined* by the categories of social protection and their lives and social worlds as *told* and *lived* by them.

CHAPTER 4
THE GLOBAL POLITICS OF SEXUAL RIGHTS

In this chapter I would like to turn the gaze to broader, supposedly 'global' issues pertaining to sexuality as a dimension of power in the political sphere. My reflections on the ethnographic data underpin my examination of what is at stake in promoting a universal politics of recognition for a global 'queer liberation'. Thus, I want to address some urgent questions with regards to the concept of a global sexual politics in order to complicate the Western grand rescue narrative of Othered sexualities in non-liberal states. In my view, this is an important thread that forms the subtext of the theoretical claims that emerge from this study with sexual minority asylum seekers in Britain, and more broadly in the 'West'. Hence, I will take up this issue from a number of different standpoints throughout the thesis.

4.1 Introduction

When it comes to sexual minorities claiming asylum on the grounds of sexual orientation or gender identity the British asylum system is disingenuous in replicating the asymmetry of the relations between a morally advanced and liberal Britain and 'other' homo-intolerant societies, which are embodied by the refugee-sending countries. As discussed in the introduction, this culturalist trope is still very present today, and looking at newly consolidating forms of sexual politics around the globe is a good way to problematise the notion of who defines the content of civilisation and modernity (and where it is defined). This particular imagery is articulated through the increased cooption of 'gay' rights by liberal political discourse. For the purposes of my research on sexual minority asylum seekers in Britain, I contend that it is necessary to complicate the validity of dominant political discourses on sexuality from a global perspective by examining the discursive strategies adopted by states, civil society actors and religious institutions. In doing so, I problematise 'the tendency of locating homosexuality at the heart of an enlightened Judeo-Christian 'West'' (Rao 2010), which is characteristic of the dominant LGBT-activist positionality in the West, and I relate this to how the same discourse is differently adopted by political leaders of 'homo-intolerant' countries. Throughout the chapter I will bring in some recent examples of states, civil society actors and

religious institutions' interventions grounded on the new formations of a politics of sexuality across national borders. I will look more specifically at political, academic and activist discursive and material strategies in the study of sexualities.

From a theoretical point of view the aim of the chapter is twofold. Firstly, I seek to interpret homophobia in ways that challenge the dominant revisionist notion, which casts it as easily and inherently attributable to a specifically located culture. Through this debate on forms of sexual stigma I will draw from transnational sexuality and postcolonial scholarship (Boyce 2006, 2007, 2011; Castro Varela, Dhawan and Engel 2011; Kapur 2005; Khanna 2011, 2012; Rao 2010, 2012). Secondly, I want to look at how the position of queer liberation has come to be conceptualised as unproblematic and unmarked under neoliberal capitalism. I suggest that it is important to explore the tensions and contradictions within Western LGBT politics, in particular when this politics holds the pretence of acting on a global scale. In so doing I expand on Ranciere's notion of politics as elaborated in chapter 1, by using Chantal Mouffe's (2000) and Ernesto Laclau's (2005) conceptualisations of political identity formations and the agonistic nature of liberal democratic subjects. I will also refer to the work of Wendy Brown in problematising the functionings of tolerance within neoliberalism. In this regard I find it productive to question the characteristic tolerance (Brown 2004, 2006) that defines the pluralist co-existence of different values-systems and persons under neoliberalism. The use of these theorists was fundamental for developing my argument in this chapter, in particular what I perceive to be the queering elements of their work in relation to concepts of *political identities*, *agonism* and *tolerance* in advanced capitalist times.

In addition, using an attentive postcolonial critique of sexual subject formations was of paramount importance specifically in the study of sexual minority asylum claimants in Western democracies. Particularly if one seeks to avoid reproducing essentialist knowledges on non-western sexual relations as symbols of non-freedom. These theoretical explorations of the political sphere will attempt to illustrate the inherent contradictions of the story brought forth by a global sexual politics discourse whose purpose is to achieve sexual justice 'globally' for all non-normative sexualities.

4.2 The main problems with the notion of a global sexual politics

The scope of my study is the British context, however I want to, for a moment, go beyond the domestic analysis of sexuality as a dimension of power when looking at migratory processes (Cantu' 2009) and focus on the queer political economy of migration through the lens of transnational sexuality studies (Hemmings 2007). From a transnational sexualities studies standpoint I aim to analyse the issues with what has come to be perceived as a universal sexual global political framework. This has acquired predominance in western LGBT politics debates, and such politics of solidarity within transnational activist discourse (Binnie and Klesse forthcoming 2013) emerges from various sites within the civil society and the states themselves. The main issue that I take with the logic behind a global sexual politics is the oneness of such a rights framework (Mikdashi 2011) that has the pretence of interpellating and comprehending all sexual minorities the world over, regardless of the whereabouts in which these subjects, that is the recipients of said rights, are situated. What is at stake here is the very notion of sexuality as a political object within a racialised discourse of difference (Khanna 2012) that is blatantly manifested in the asymmetrical relations between countries. In this regard, I am interested in critiquing the idea of sexuality-as-right that becomes a strategy of neoliberal states for the legitimation of hegemony- in the Gramscian sense of the term (Rao 2012).

To investigate the meanings behind the notion of global sexual politics I refer to the theoretical mapping that emerges from transnational sexuality studies, which as Claire Hemmings formulates is an interdisciplinary field with the aim of examining the power dimensions of sexuality in transnational relations and formations in an era of globalisation (2007). Hemmings asks, how can sexuality scholars in the West challenge homophobic violence on a transnational platform without imposing Western terms and conditions as universal? (2007) From this important problematisation, alongside the 'category' of the scholar I also interrogate the position of the activist in this chapter, if the two are to be cast as 'separate' positionings. To be sure, rather than perceiving these two categories as intrinsically separate I find it more productive to read them as contingent positions that inform each other and that struggle to find points of convergence in democratic dissensus (Ranciere 1999). Over the past decade there has been more substantial critique

produced with regard to transnational LGBT activism and academic knowledge production (Binnie and Klesse forthcoming, Castro Varela, Dhawan and Engel 2011, Hemmings 2007) and this has contributed to generating more nuanced analyses of the power relations in postcoloniality, more specifically in relation to sexualities.

While acknowledging the complexities and fluidity of the enactment of same-sex sexualities in what are perceived to be the sexually regressive parts of the world (most of them being refugee-sending countries) I do not intend to either deny or exaggerate the violence and persecution that sexual minorities face. As I have been able to assert through my research, transphobia and homophobia are material problems with deadly consequences for many. I do not intend either to deny the fact that the emergence of a globalised LGBT political debate and transnational pressures have made sexual minorities appear as a political problem in countries where the 'problem' was not articulated as such and did not enjoy visibility in the public sphere. However, I think that it is important to pose more complicated, perhaps less humanist questions (Sabsay 2012), on the workings of sexuality- and gender-based stigma in different geo-political sites and to acknowledge the limits of western identity politics (Hall 1997) across diverse historical formations.

In their analysis of the Indian context, Boyce and Khanna (2011) emphasise the importance of adopting a nuanced interpretive lens to see the plurality of same-sex sexualities in India; such pluralities exist because they are not named by the very sexual actors, who resist such naming. They argue that:

> The tension is that between the necessary 'strategic essentialism' (Spivak 1998) required to venture new claims to rights in the name of the sexually marginal against the potential alienation and misrepresentation of the non-identified, same-sex sexual subjects in whose name such strategies are advanced, without casting the 'invisible homosexual subject' as symbolic of historical or 'traditional' forms of oppression only (2011: 97)

This means that the non-identified LGBT person should not be myopically cast as a subaltern subject. I concur with the position of the two authors above because on the one hand it raises problems with the notion of 'unspoken invisibility' of the sexual Others, and on the other it is attentive to the more implicit possibilities of non-heterosexual affect and sexual practices within overwhelmingly heteronormative social formations, where heterosexual marriage is conceptualised as compulsory. For

instance, throughout my ethnography with sexual minority asylum seekers in Britain I have been able to witness that only a very few of the research respondents would (be able to) 'appropriately' adhere to stereotypical and identifiable forms of gayness, simply due to their behaviour, or to the fact that they were married or had children in their countries of origin (See legal discussion in chapter 5). The kind of analysis propounded by Khanna and Boyce is also very welcome because it attempts to destabilise the concept of the non-heterosexual subject as solely representing the 'traditionally oppressed' in the non-West, thus following feminist interventions in the analysis of gendered subjectivities. In fact, in a similar fashion women have largely been conceptualised as a repository of the national archaic (McClintock 1995), stable signifier of tradition (Gopinath 2003) and site of biological reproduction of national collectivities (Anthias and Yuval Davis 1989). As Gopinath (2003) argues in relation to South Asian sexualities, if one does not take stock of the existence of non-heteronormative sexualities within dominant nationalisms, one cannot challenge the hegemonic constructions of the nation as heterosexual.

4.3 The trouble with culturalist struggles

Locating homosexuality and homophobia in absolute space and time is both analytically disingenuous and normatively dangerous (Rao 2010). In the analysis of the asylum regime with regard to sexual persecution claims it is important to critically position the link between the current social homophobic formations of the refugee-sending countries and the refugee-receiving countries. Relegating homophobia exclusively to the non-West would deny the historical evidence of same-sex desire and practices in different historical times and geographical locations (see Murray and Roscoe 1997, Whitaker 2006, Epprecht 2013). Homophobia must be read through the lens of the colonial histories and legacies that have marked relations amongst countries, so that the supposedly univocal African or Indian homophobic 'cultures' are not conceptualised as discretely sexually regressive. On the contrary, this perceived 'regressiveness', which should firstly be delinked from the notion of culture, needs to be interpreted as the fruit of intricate relations of power that transcend national boundaries. Throughout my research in the British context, I learnt that respondents actively partook in what I came to define as the *culturisation of homophobia* in relation to non-liberal states. When describing their experiences of homophobia in their countries of origin most of the respondents

recurrently use the phrase 'it's a cultural problem' followed by a resigned conviction that 'nothing can be done about it'. Let me further clarify this point.

The containing biographical borders (Mai 2013) to which respondents were confined in exchange for their refugee status when facing institutional structures positions them in a highly contested political interstice, in which they need to strengthen their reasons of flight on the basis that homophobia is a constitutive part of their countries' cultures. In the process, the refugee is implicitly perceived as the other coming from a menacing homophobic location. This representation renders her/him an impossible subject for western liberating LGBT discourse; the 'homophobic' migrant is depicted as in need of being re-educated into progressive sexual mores. When the migrant in question is LGBT escaping persecution from her own country, the individual is overwhelmingly presented as an absolute victim of a particular archaic socio-political structure, entering the realm of emancipation and liberation. In my view, it is vital to muddy the waters here in order to question the emergence and manifestation of homophobia in refugee-sending countries by tracing a complex genealogy of state-sanctioned discrimination, which should not be perceived in isolation from the political and economic influences of the neoliberal counterparts.

In different contexts it is possible to trace continuities. For instance, Lionel Cantu's research on gay Mexican asylum claimants in the US questions the common American legal reification of a generally homophobic Mexican 'culture' and of its treatment of gay men in particular. Cantu' asks 'why should our (western-centric) understanding of sexual identities in the developing world give primacy to culture and divorce it from political economy?' (2005:67). A very similar concern is expressed by the postcolonial legal scholar Ratna Kapur in relation to the litigation conducted against Section 377 of the Indian penal code, which criminalises homosexual acts. Kapur is specifically talking about Indian people fighting for the rights of sexual minorities in the Indian context. In her analysis (2005) she looks at the strategic use of essentialism of the South Asian social actors opposed to such legislation. She argues that the story they tell does not attempt to capture the complexity of culture and sexual identity within the context of Indian history.

Kapur contends that the cultural story that insists that lesbians and gays do not exist in Indian culture is countered by a story that they do exist (2005). She writes that 'cultural essentialism is, at one level, being used to argue that lesbian and gay sexuality (i.e. using the imagery of Kama Sutra) has always been a part of Indian culture and that such practices have been buried under the legal debris of colonialism' (2005:85). In the contemporary Indian context Kapur asks the provocative question: 'by engaging with Indian cultural values, do all sides of the debate not run the risk of also essentialising and authenticating Indian cultural values?' (2005: 89).What are the stakes of following a culturalist language in the fight against Section 377? For instance in this case, the petitioners' rendition of the cultural past is overwhelmingly and monolithically Hindu. Their story for the inclusion of gays and lesbians can be articulated at the cost of the exclusion of another minority – a religious minority, namely the Muslims. In this context, it seems that an intersectional approach to analyse the composite and interlocking structures of domination is needed.

Examining the lived experience of sexual Others in the age of postcoloniality from a transnational sexuality studies' standpoint means considering the complex intersections of power relations within the state as well as beyond its national boundaries. Within anthropological studies there exists a long history that associates homosexuality with the culture of the Others. Boyce (2006) provides the example of the discursive emasculation of Hindu men operated by the British rulers from the middle of the 19th century, which well illustrates the relationship between sexuality and power. By referring to the work of Kugle (2002), Boyce looks at how the Mughal imperial power was idealised and fantasised as very manly as opposed to the effeminacy of the Hindus in the poetry of North India:

> The new literature served the ideological purposes of British imperialists, who sought to depict Mughal rulers as fanatics oppressing a passive Hindu majority. Images of Islamic manliness were intrinsic to the construction of a counter-discourse of Hindu effeminacy and incapacity. Thus in creating their own imperial ideology the British conceived themselves as liberators of the oppressed whilst still casting Hindus as intrinsically incapable (but nevertheless better off under the more benign rule of the new empire). (Boyce 2006)

The trope of emasculated Others is not new to post-colonial socio-political relations. It was popular within colonial discourse and it continues to operate today

under the guise of a civilised/uncivilised dividing discourse that distinguishes the West from the non-West.

4.4 Subalternity and identities under neoliberal democracy

I agree with Castro Varela, Dhawan and Engel's argument that 'processes of decolonisation of the global South as well as the global North are incomplete unless subaltern voices, which have traditionally been understood to be pre-political or even unintelligible, are inserted into the field of political struggle (2011: 10). In this light, civil society actors, activist networks and states themselves have been operating on a transnational level in order to protect the 'oppressed'. In this context, the focal questions that I pose are: what happens to the individual unable to articulate her non-normative sexuality (the oppressed) confronted with this system of transnational 'support'? Does this system make it possible for the oppressed to articulate differences without referring to identitarian concepts and politics? (Engel 2007) Are heavy-handed and culturally insensitive transnational activists (Tarrow 2005) and political interventions not in danger of creating more oppression in their fight for oppression?

As already indicated in the previous chapter when I started conducting ethnography I promptly realised that one underlying problem in the study was related to nomenclature. In effect, talking about sexual minority asylum seekers' identifications presents manifold difficulties given the scarcity of the language available to define people's sexualities in different localities. Naming becomes both a discursive and a material problem. In chapter 5 I will further explore the tensions between the necessity of legal categorisations of people's identities and the resistance to such fixed definitions. Here I only focus on some initial problems in relation to terminology. Witnessing the impossibility of articulating one's sexuality prompted me to start thinking about the concept of subalternity more in depth. Throughout the research process the question that I kept asking myself was, can I adopt the language of subalternity to define the conditions and to explore the lived experiences of the sexuality-based asylum claimant?

When Gramsci was writing about subalterns he had in mind the unorganised peasantry of Southern Italy characterised by a lack of political consciousness as a

group (in *Quaderni del Carcere* 1975). The term subaltern was later used by the South Asian Subaltern Studies Collective and theorists such as Guha and Spivak have been key to complicating the meanings of anti-colonial politics. Recently, Castro Varela, Dhawan and Engel (2011) have taken up the debate on who qualifies as a subaltern. They argue that in the more recent work by Spivak (2002), subalternity is defined as a condition of not being able to represent oneself (2011: 10). The authors suggest that if that is the case 'it seems compelling to include certain non-normative forms of sex/gendered and sexualised existence in this term' (2011:10). Kapur (2005) uses the analytical phrase 'sexual subalterns', but she is attentive to clarify that the 'sexual subaltern' is a discursive device to bring together the range of sexual Others within contemporary India. She adds that she does not intend to 'suggest(ing) that it is either a homogenised or stable category. The location of the sexual subaltern in postcolonial India is complex, at times contradictory, and not invoked exclusively as an identity of resistance to dominant sexual categories' (2005:69). Her stance is supported by anthropologists Boyce and Khanna (2011) whose ethnographic work in the sub-continent finds that 'homosexuality is far from marginal to Indian society but, rather, is a key aspect of the ways in which gender is produced in putatively heteronormative social formations' (2011:90). Similarly, in my research I found myself reinforcing the idea that the sexual subaltern cannot be used as a stable category. In my ethnography I focus on people who come from a number of diverse countries in which same-sex desire is legally punishable (or socially unaccepted). My intention was not to solely look at respondents' supposed 'subalternity' in their countries of origin, but rather my focus shifted to examining the situations that produce a state of subalternity when they arrive in Britain. In fact an exclusive analytical focus on the former would produce a homogenising picture of how homophobia operates in the refugee-sending countries under analysis.

In my view when sexuality comes under scrutiny it is important not to rush too easily in adopting the term subaltern. I acknowledge the many limits of self-representation when one is confronted with hegemonic rule, and I recognise the validity of using this type of nominal theoretical category. But, it is more accurate to refer to contingent 'conditions of subalternity' (Rao 2010) that emerge within a specific context in a particular time, for instance when people must navigate the tensions between rights-claim practices and an illegal immigration status. In so doing, it is easier to trouble the ontological content of the (sexual) subaltern. I prefer to

emphasise the contingent nature of subalternity over the figure of the subaltern as such. This urges me not to use the phrase 'sexual subalterns' to describe respondents' difficulties of articulating their subjectivities within the hegemonic structure they inhabit. Therefore, I adopt perhaps a more inconvenient phrase, namely *subalternised sexual Others*, which, I think, is more descriptive of the process that these subjects go through. In so doing I attempt to shift the emphasis from identity to process.

Alongside the terminological issues of whether or not to define respondents as subalterns I also found that the entire language of Western identity politics raised questions throughout the research. In fact rights-claiming practices for people who fall outside of the canons of identitarianism are at best discouraged and at worst unrecognised under 'tolerance pluralism' (Brown 2004). Prototypical western identity politics is not the panacea for resolving socio-political issues that pertain to sexual minorities globally. Not every society has developed or will ever develop a common understanding of public display of homosexuality, and as Engel argues (2007: 79) nor is the striving for a consensus desirable. Both Ranciere (1999) and Mouffe (2000, 2005) see dissensus and disagreement as the essence of the political.

I would like to turn to Mouffe's conceptualisation of the political and of how that can be connected to an understanding of the co-presence of incompatible forms of socio-sexual existence (Engel 2007). For Mouffe the 'political' refers to 'the dimension of antagonism that is inherent in human relations' (2005:101). Whereas politics, being the assemblage of practises and discourses that seek to establish an order 'aims at the creation of unity in a context of conflict and diversity; it is always concerned with the creation of an 'us' by the determination of a 'them' (101). The inherent antagonism that characterises human relations according to Mouffe should be changed into agonism, in fact there is a substantial difference between the two; antagonism is the struggle between two enemies, while agonism is the struggle between adversaries. Hence, in the context of dissensus the adversary replaces the enemy within a pluralistic democratic system. Mouffe defines this model as 'agonistic pluralism' (2000). Further, Mouffe identifies power as constitutive of social relations and she contends that the articulation of identities in the public sphere constitutes the very identities that it claims to express (Laclau and Mouffe 1985), because there is no such a thing as a defined political identity unless it is articulated. Identities are not preconstituted but rather they are constituted politically – 'political

practice cannot be envisaged as simply representing the interests of preconstituted identities, but as constituting those identities themselves in a precarious and always vulnerable terrain' (2005: 100). With her work Mouffe insists on the contingency of identity formations through their very articulations by taking up the Derridean notion of the 'constitutive outside', that which is present within the inside and that makes every identity contingent. I find that Mouffe's theorisations are sensitive to the complexities of pluralism in its challenging 'the very idea of a complete reabsorption of *alterity* into *oneness* and harmony' (2005: 33, emphasis mine). Therefore, this anti-essentialist understanding of political agonism holds a queering potential. In this sense one can talk of *queering agonism* as opposed to the antagonism fueled by neoliberal governmentality.

Antke Engel also links Mouffe's position with a queer political stance by referring to the necessity of creating new forms of articulation of difference without relying on the principle of identity. She writes: 'but exactly this is necessary, if we want to expand politics and socio-cultural agency to those who are not seen as subjects or political subjects, who lack intelligibility according to the symbolic order, or cannot or do not articulate themselves according to the rules of the occidental political' (2007: 91). This position disqualifies the language of neoliberal tolerance (of difference) (Brown 2004, 2006) by emphasising its depoliticising effects in a pluralistic society. Further, Engel's statement above plays a crucial role in the development of the questions that I pose throughout the thesis, whilst adding weight to Ranciere's queering concept of the democratic miscount, as explored in chapter1.

In my view, highlighting dissensus rather than consensus in the realm of the political and privileging 'queering agonism' to 'neoliberal antagonism' can serve to challenge the homogenising and Othering aspects of tolerance, as an instrument of politics. This political standpoint uncovers the disinterest, on the part of dominant LGBT politics in broader social, economic and political realities. This disinterest, in turn, fuels the formation of opportunistic political subjectivities self-absorbed in their identity politics. Hence, this might help to question the ways in which one learns to tolerate difference whilst comfortably inhabiting atomising and identitarian political spaces. Throughout the thesis I attempt to use these theoretical considerations in order to *queer tolerance*, in its neoliberal variety. Let me now turn to discuss this point.

4.5 The tolerance of sexual politics emanating from the West

The ethnography with asylum seekers and refugees has helped me shed light on respondents' encounters with racism, classism, ageism and other forms of marginalisation when confronted with London-based LGBT 'communities'. Castro Varela and Dhawan (2011) argue that it is important to 'scandalise' the experiences of racism of queer migrants of colour in the Western context as much as it is important to acknowledge the continuity of the politics of migration in the European socio-political space. They also suggest that 'the representation of queers of colour as simply 'victims' of queer imperialism masks their location on the privileged side of transnationality' (2011: 111). In doing so, with their analysis of the marginal socio-political conditions of queers of colour in the West, Castro Varela and Dhawan are attentive not to dismiss the politics of location that underpins these subjects' positions. By advancing this critique the two authors have in mind queers of colour located in the West, who are posited (or posit themselves) as the subjects that 'monopolise' the agency of the queers of colour who do not inhabit Western spaces. For example, some queers of colour in the West, both within academia or activist networks, denounce some pragmatic political demands of rights such as same-sex marriage as a politics of assimilation, which reinstates white privileges and rights (Puar 2007). However the counter-hegemonic discourse they produce remains dismissive of the fact that marriage also represents a strategic tool for many queers of colour to gain citizenship status and rights, as in the case of many sexuality-based refugees.

In this regard I find Ernesto Laclau's theorisations of social heterogeneity (2005) illustrative of the above-mentioned tensions. Laclau identifies that in the realm of politics, demands are reinforced through their inscription to a chain of equivalence, which aims to create alliances amongst heterogeneous social groups. Therefore, the scope of this chain is to unify a multiplicity of heterogeneous demands in a 'chain of equivalence'. The chain, however, develops 'a logic of its own which can lead to a sacrifice or betrayal of the aims of its individual links' (2005:139). For instance, the queers of colour from privileged social backgrounds who are located in the West have a very different positionality in the hegemonic structure and therefore different demands from those queers of colour from a different class. As far as sexual justice is concerned there is not a natural formation of alliances of interests for queers (both

of colour and white, both in the global North and South).

Exposing the inconsistencies that mark processes of integration of subalternised sexual Others into the mainstream LGBT scene in London is important in order to question what being tolerant of diversity means to different groups in a pluralist society. In my view, these 'intra-community' discriminatory formations are telling examples of the fragility and the contradictory nature of the moral pillar of tolerance, and of how this operates under neoliberalism. Within the context of homonationalism, as discussed in the thesis introduction, I ask the question: does the dominant western LGBT political subject, as emblematic recipient of tolerance, tolerate articulations of difference that are different from her/his own? Following the accounts of research respondents I argue that the workings of mainstream LGBT discourse, even when it claims to address the needs of subalternised sexual Others, perpetuate a strategy of silencing these subjectivities.

Tolerance has been and continues to be the primary discursive strategy for acceptance and integration of the subalternised Other subjectivity within liberal democracies. As Hillary Clinton puts it in her address at the UN on LGBT rights as human rights (discussed in the next section) by referring to the notion of progress as key to understanding sexual diversity: 'this challenge applies to all of us as we reflect upon deeply held beliefs, as we work to embrace tolerance and respect for the dignity of all persons...' (U.S.SS 2011). Although tolerance has been rejected by the anti-assimilationist queer political project since its inception, it has been the dominant discourse across social, legal and political spheres wherever the sexual Other has acquired visibility. Gay and lesbian (and nominally bisexual and transgender) subjects have become the most visible recipients of tolerance in the neoliberal state, where sexuality remains an ascriptive identity trait, that is, essentially naturalised and unchangeable.

As Carl Stychin points out, the doctrine of liberal tolerance dictates that one should live and let live, however, this tolerance is distinctively premised on the understanding that the tolerated others will quietly confine themselves to a consensual private realm where they can remain unmolested by the state and un-bothersome to their heterosexual neighbours (Stychin 1995: 148). For Anne Phillips (1999) the regime of tolerance founded on the above-mentioned principle of the 'live

and let live' creates the conditions by which dominant groups avoid confronting their privileges and in this process they escape any engagement in understanding other positions (Engel 2007). In addition to this, as Wendy Brown argues, liberal tolerance engenders conditions that reinforce the privileges of the dominant, including the privilege of determining what is to be tolerated and on what terms. By tracing the genealogy of liberal socio-cultural and political uses of tolerance, Brown contends that tolerance is both a discourse of depolitisation and a discourse of power (2006). Tolerance must then be reconceptualised as an instrument of neoliberal power. Today the principle of tolerance has come to signify a marker of civilisation; a symbol of western civilisation in particular, amnesic of its violent and intolerant history. In this context tolerance under neoliberalism reinforces the effects of stratification and inequality, a reinforcement achieved by casting the religious shadow of early modern tolerance over the disciplinary identitarian formation of the late modern subject (2006: 46).

The normative discourse of tolerance teaches us to tolerate neither groups nor individuals but rather subjects who carry ascriptive identities, which are those identities 'organized around characteristics that are largely beyond people's ability to choose, such as race, gender, class, physical handicap, ethnicity, sexual orientation, and age' (Gutmann 2003). Brown contends that: 'If class is not regarded as an inner essence or attribute, then it is also presumed not to exhaust the definition of the person or to be accompanied by a certain set of beliefs. Hence class is not subject for 'tolerance'. Race, ethnicity, nationality, and sexuality, by contrast, are all cast as distributions of difference that must be accommodated by tolerance' (2006: 47). This exemplifies the inherent exclusionary logic that lays the foundations of tolerance discourse, which constitutes a real hindrance to an intersectional approach towards the challenge to systems of oppression within the social field.

Discourses of tolerance emanate not exclusively from institutions such as the church and the state but also through and from civil society (Brown 2006). I find it apt to emphasise that tolerance, examined as discourse of power is a pillar of the neoliberal political ideals, and alongside the notion of respect for humanity, supports humanitarian discourse. The latter also plays a strategic role within the liberal doctrine of universal human rights. In relation to humanitarian politics I now want to specifically focus on three of its major players in a world of transnational relations.

Therefore I move on to examine these actors and sites, namely the state, civil society and the church in their use of humanitarianism to protect and enhance sexual rights as human rights.

4.6 The cases of the UK and US: state interventionism on the basis of sexual rights

Dominant political theory in the West (see Dworkin 2000, Habermas 1996) is founded on a universalist-rationalist principle according to which liberal democracy is conceptualised as the most rational and reasonable political way of organising coexistence amongst people. Mouffe (2005) reminds us that this dominant vision in political theory, which states the superiority of western liberal democratic rule, is countered by a contextualist approach (Rorty 1989, Walzer 2007). This approach tells us that 'liberal-democratic institutions must be seen as defining one possible political 'language-game' among others' (Mouffe 2005:64) and therefore the political aim of dealing with the problem of human coexistence must be context-dependent. If I now turn to consider the newly acquired importance of sexual rights in the global political platform I will be very mindful to adopt a context-dependent analysis of the political heterogeneity of the countries I will be referring to.

Schulman (2011) writes that as lesbian, gay, bisexual and transgender people in the west 'have witnessed dramatic shifts in our relationship to power', we have also witnessed how this new 'power' has been quickly instrumentalised by states' rhetorical and discursive strategies to affirm, internationally, western moral and political superiority and, domestically, anti-immigrant and anti-Muslim sentiments. In recent years there have been a few important events that have brought sexual rights to the fore of international politics and to the attention of influential human rights advocates. Between 2011 and 2012 Britain and the US have taken up the 'LGBT' political agenda to a different level. In this context I would like to refer to two specific episodes, namely David Cameron's speech on the BBC in relation to gay rights within the context of aid-recipient countries and Hillary Clinton's address during the International Human Rights Day at the UN.

In October 2011 in an interview on a BBC programme, the *Andrew Marr Show*, British Prime Minister David Cameron was asked what his position was in relation to

anti-homosexuality laws in African countries. David Cameron had previously raised the issue of 'gay' rights at the Commonwealth Heads of Government Meeting in October 2011 in Perth, Australia. Cameron made it explicit that given the fact the Britain is one the biggest aid givers in the world 'we would like to see countries that receive our aid adhering to protect human rights, and that includes how people treat gay and lesbian people' (*BBC* 2011). He also said that the treatment of LGBT people in an aid-recipient country will constitute 'one of the things that will determine our aid policy' (ibid), this translates into a new criterion for receiving aid, by stating this Cameron introduces a newly established aid conditionality.

The tone that the British prime minister adopted was characterised by a blatant sense of liberal superiority when he proclaims that 'I think these countries are all on a journey and it's up to us to try and help them along that journey, and that's exactly what we do' (ibid). With this language, Cameron adopts a grammar of exceptionalism. Cameron's position generated harsh criticism from many African political leaders such as the Ugandan president Musevene, who defined Cameron's proposal as diabolic and corrupting. Cameron's request was also criticised by grassroots LGBT activist organisations in Africa. Fifty-three African organisations of social justice activists wrote and signed a statement in which they distanced themselves from the political tactics of David Cameron in his threat to withdraw aid. In fact, Cameron was utterly dismissive of the fact that such a condition may easily create the real risk of a serious backlash against LGBT people in countries such as Uganda and Malawi, as these individuals, if perceived as the main cause for funding withdrawal, can easily become unfortunate scapegoats. In the letter, the activists clarify that given the 'obvious' fact that LGBTI people form part of the social fabric they would also be affected by the aid cuts from donor countries:

> Further, the sanctions sustain the divide between the LGBTI and the broader civil society movement. In a context of general human rights violations, where women are almost as vulnerable as LGBTI people, or where health and food security are not guaranteed for anyone, singling out LGBTI issues emphasizes the idea that LGBTI rights are special rights and hierarchically more important than other rights. It also supports the commonly held notion that homosexuality is 'unAfrican' and a western-sponsored 'idea' and that countries like the UK will only act when 'their interests' have been threatened.
> [...] The colonial legacy of the British Empire in the form of laws that criminalize same-sex sex continues to serve as the legal foundation for the persecution of LGBTI people throughout the Commonwealth. In seeking

solutions to the multi-faceted violations facing LGBTI people across Africa, old approaches and ways of engaging our continent have to be stopped. New ways of engaging that have the protection of human rights at their core have to recognize the importance of consulting the affected[xiii].

Through the first point the activists highlight the counterproductive effects of isolating the LGBT struggle from broader demands and needs of other civil society actors. Secondly, they reinforce that it is imperative for Western states not to dismiss the impact of colonial legacies, if they are to be involved in any form of advocacy or humanitarian support. When the activists refer to 'old approaches' this brings us back to what Spivak (1988) defines as 'the white men going to save brown women from brown men' trope as a moral legitimisation of the supposedly 'civilising' imperial project. Today, the Spivakian brown women seem to have been substituted by brown gays, lesbian, bisexual and transgendered subjects.

In a similar vein during an address at the Palais Des Nations in Geneva in December 2011, the US Secretary of State Hillary Clinton talked about the necessity of linking 'gay rights' with human rights. Clinton, more cautiously than Cameron, mentioned the fact that violence against LGBT people is a problem at 'home' as well as in other nations and in so doing she refrains from using the typical American exceptionalist narrative (Rao 2011). Clinton's argument proceeds on the basis that today 'gay rights' and human rights are one and the same; 'like being a woman, like being a racial, religious, tribal, or ethnic minority, being LGBT does not make you less human. And that is why gay rights are human rights, and human rights are gay rights' (U.S.DS 2011).

Mikdashi (2011) looks critically at Clinton's conflation of political rights with human rights, through which equivalence sexual minorities the world over can be comprehended and interpellated through the same rights framework. But should 'gay rights', as Clinton puts it in her speech, be perceived as universal rights in the same fashion of human rights? LGBT are far from being universal categories and the conflation with human rights negates the diversity of expression available to human beings in different times and places (Kollman and Waites 2009). Mikdashi also notices that Clinton's notion of 'gay rights' is specifically informed by the identity politics struggles of North-American queer subjects, with its accent on visibility but also its neglect of issues linked to poverty and class. As such gay rights travel from

the west to the rest of the world 'as a vehicle for neoliberal ways of producing politics and subjects' (Mikdashi 2011). The problem with Clinton's speech and with the presidential memorandum issued on the same day of her speech by the Obama administration is the vagueness and the empty rhetoric used in both texts. The Secretary of State does not mention, nor does the memorandum, anything in relation to aid conditionality or any specificities with regards to how the US intend to build respect for the human rights of LGBT people around the world. Furthermore, in her speech Clinton offers two examples of how 'successful' and applicable gay rights are in the social fabric, namely the American society. She oddly gives two examples that refer to one particular power apparatus within the nation:

> Many in my country thought that President Truman was making a grave error when he ordered the racial desegregation of our military. They argued that it would undermine unit cohesion. And it wasn't until he went ahead and did it that we saw how it strengthened our social fabric in ways even the supporters of the policy could not foresee. Likewise, some worried in my country that the repeal of 'Don't Ask, Don't Tell' would have a negative effect on our armed forces. Now, the Marine Corps Commandant, who was one of the strongest voices against the repeal, says that his concerns were unfounded and that the Marines have embraced the change[xiv].

These are the only two examples that Clinton 'selects' to describe the possibilities of being part of the American nation whether you are a racial minority (under Truman) or gay (today). Gays, as well as racial minorities in the US (see Puar), become perfectly eligible to be recruited into the military apparatus – which seems to metonymically become the heart of the nation. The emergence of this form of homonormative discourse in American politics has been defined by Puar (2007) as homonationalism (see chapter 1). Rao notes that despite the rhetorical efforts that Clinton makes in her UN address she: 'cannot disguise how the bringing into life of some previously marginalised US subjects, was made possible by its perceived strengthening of an institution that is now better able to bring death to others' (2012).

To be sure, the argument of equating sexual rights with human rights is a very attractive temptation for many, and I do not aim to dismiss the importance of protecting, or attempting to protect, basic rights such as freedom from torture and persecution, freedom of self-expression and dignity. However, I would like to problematise the understanding of the 'human' category within dominant

humanitarian discourses – and the modes in which this concept is either used to cover over specificities or import one kind of specificity under the badge of the universal, as Clinton's speech illustrates. This universalising understanding of the human category, at the centre of 'humanitarian governmentality' (Fassin 2012), is predicated on Eurocentric and heteronormative privileges (Braidotti 2013). Such a construct of the human category produces political discourses that tend to objectify human experiences. This is reinforced by the creation of narrow categories of social protection that restrict the ways in which people can stake rights-claims. Suffice it to say here that by glossing over specificities, the humanitarian discourse emanating from neoliberal states perpetuates conditions of subalternity. I will return to this point in chapter 8 (see pp.197-198).

4.6.1 Transnational LGBT activism. Or 'Today London, Tomorrow the World'

Kollman and Waites argue that LGBT movements originating in the West have increasingly defined themselves as global, seeking to organise across borders and lobby intergovernmental organisations (2009: 2). As I have discussed above these recent political formations are centred on a focal vehicle that seeks to frame LGBT political claims, namely the human rights framework. At the very centre of 'global' humanitarian action in relation to the rights of sexual minorities we find a large network of LGBT activists located both in the global North and South.

In this section I am interested in exploring the complex relationship between Western and non-Western LGBT activist groups. In doing so, I base my argument on my ethnography, media analysis of the literature produced by some LGBT activist groups and on debates in public forums, public statements as well as on interviews with civil society actors in London. Throughout the research a number of respondents revealed that they had been in contact with and received support from some London-based LGBT activist groups. On some occasions these groups were instrumental in informing the asylum seekers of their legal rights, running campaigns for them and organising anti-deportation protests. Here, I want to look at specific Western formations of LGBT activisms that aim to reach out to global audiences. The confident rhetoric of some mainstream LGBT activist groups is embodied in the newly formulated notion of 'World Pride' that originates in London and that seeks to put pressure on all the homophobic parts of the world with the aim to achieve

'universal decriminalisation of homosexuality around the world' (Pride London 2012). Alongside states, transnational networks of civil society actors are the other important player within debates that aim to guarantee protection to LGBT people the world over. When I refer to civil society activism with regard to LGBT issues I refer to Western networks of activists and their relationship with the countries that are the object of their campaigns, namely the 'developing world'. It is important to expose what the stakes are with the recent development of sexual rights activism in a transnational world (Siddiqi 2011).

Considering the human rights turn in LGBT political discourse in the West during the 1990s, I am interested in the question that Kollman and Waites (2009) raise in their edited volume dedicated to the global politics of LGBT human rights; 'how do transnational human rights networks and global norms of LGBT rights affect domestic politics in both the global North and South? (2009: 3). As Tarrow defines it (2005) transnational activism is that type of activism that goes beyond the national frontiers and that involves actors that are engaged in political activities through transnational networks of alliances and conflict that they form. I use the adjective 'transnational' rather than 'international' LGBT activism because I put the emphasis on the possibilities of such forms of activism as being actualised by current globalising processes (Price 2003), whereby civil society actors are more enabled to disseminate information beyond their national territories. However, I suggest that the notion of transnational sexual rights activism should be analysed through a more nuanced gaze. Alongside transnational I also use the adjective global when referring to LGBT activism, in order to stress the asymmetry of power relations between activist/actors located in liberal democracies and the activist/actors who live in 'developing' countries. In this context, it is important to problematise the modes in which Western activists (mis)recognise sexuality elsewhere (Long 2009), that is outside the context of neoliberal democracy, and how the adoption of the language of rescuing all queers worldwide is counterproductive for local activists, whose political agency is erased by the condescending strategies of Western LGBT activists.

It is noteworthy that the October 2011 Commonwealth Heads of Government meeting became the platform for discussing the treatment of sexual minorities in the Commonwealth nations. A number of international LGBT organisations drafted a document addressed to the Commonwealth Secretariat, the document was drafted in

London and was signed by activists working across the Commonwealth. The main argument that formed the demands was that the criminalisation of same-sex sexual conduct is incompatible with the values of the Commonwealth. Therefore the signatories of the statement demanded decriminalisation of same-sex sexual activity between consenting adults across the 54 member states (in 41 of them same-sex activity is a criminal act). The document is problematic because it inherently postulates Britain, alongside the countries where same-sex conduct has been decriminalised, as the countries 'in charge', responsible for and guarantor of progressive sexual mores globally. Points 4.2 and 4.3 of the statement read:

> 4.2 States that have decriminalised same–sex sexual conduct should be vocal in advocating for decriminalisation in Commonwealth and other international forums and should spearhead initiatives aimed at forging inter-state consensus on decriminalisation.

> 4.3 This also requires states to be active in monitoring the recommendations of international and regional organisations and being willing to scrutinise the human rights performance of other Commonwealth states both in Commonwealth forums and at other international forums, such as the UN Human Rights Council[xv]

The activists did not mention and did not ask for aid conditionality. However this seemed to be Cameron's univocal political response. The British-based activist Peter Tatchell advocated 'switching' the aid from states to grassroots LGBT organisations, ignoring the risks behind such a political move with regard to the repercussions for LGBT people in their everyday life. Also Tatchell's suggestion is particularly neglectful of the problems that are inherent in diverting aid to community-based humanitarian projects, as Rao identifies, this was in fact how aid was provided during the past two decades of the 1980s and 1990s and it was stopped because of the very issue of 'bypassing and undermining the state in its neoliberal preference for 'civil society' actors' (Rao 2012).

From my ethnography in London I found that some of the drafters of the Commonwealth document had been involved in organising the 2012 Pride London Event, which claimed to be not just 'London Pride' but rather 'World Pride'. This event would be described by Massad (2002) as being part of what he defines as the 'Gay International', a notion that implicitly assumes and asserts the existence of a universal homosexual population. The event organisation was characterised by a

multi-ethnic ensemble. Despite the cultural diversity facade 'at the heart' of the organising team, the event imagery and language are blatantly fascistic; they are dangerously evocative of fascist symbolism and come to be dangerously close to symbolism associated with neo-Nazi movements. The motto of the event reads: Today London, Tomorrow the World, and it is accompanied by a soldier-look-alike punk holding a pink Union Jack (fig.1).

Fig.1

The slogan evokes the Nazi motto *Heute Deutschland, Morgen die Welt*. The fact that this could have been an error of an overworked or a politically naive marketing team does not justify the lack of understanding of what such specific imagery entails at this historical moment for sexual minorities within and beyond the British context. The confident tone of the event chair is also problematic, particularly in his enunciation that 'we' are sending a message to 'them', that is 'it's 2012 and it's time to catch up' (interview May 2012). They seem to recognise the Victorian moral legacy in relation to anti-homosexual laws in former colonies but at the same time they remain supportive of Cameron's position in withdrawing aid from the 'anti-gay' countries without considering the backlash for the local sexual minorities. Following Peter Tatchell's line, the Pride London event organisers would also like to see aid diverted to grassroots organisations in the developing countries, again not considering the potential damages of such a move. During the interview that I conducted with the event chair, he summarised his political position in the idea that 'the queen should be the one sending out a message to the Commonwealth nations

that says that gay rights are human rights' (interview May 2012), following Clinton's rhetorical style.

The underlying problem with the humanitarian language used by many LGBT activist networks in the West is the logic of rescuing queers in the rest of the world without engaging with the specificities of the struggles with which they are confronted. For instance, in my own study, a number of refugee respondents revealed that they often feel uncomfortable about the ways in which some gay rights activists talk about their countries, when they have never set foot in them. They feel that they are prescriptively, at times aggressively, told how homophobic their countries are rather than being asked about how they experienced the socio-political settings in which they lived. According to some respondents this risks alienating people and it discourages them from engaging in constructive political debates.

4.6.2 Colonial legacy and postcolonial influences: the issue of locating homophobia

Earlier in the chapter I touched on the dangers of locating homosexuality and homophobia in absolute time and space (Rao 2010) and how this process creates an imagined discernible idiosyncratic homo-friendly or homo-phobic culture. It is necessary to complicate the notion of homophobia as generated in culture and produced solely within the boundaries of the nation, particularly in the context of postcoloniality. It is necessary to think about the politics of encounter that operates within and beyond national borders. A number of scholars (Narrain 2004, Najmabadi 2005, Hoad 2007), in different contexts of the global east and south, have carefully provided nuanced accounts of the modes in which homophobia has historically become institutionalised through the encounter of colonial rulers and the autochthonous elites. In his book *African Intimacies* Hoad (2007) looks at the pre-colonial same-sex practices, with all their political connotations, common in the court of the African king Mwanga, who was the king of Buganda, the central region of Uganda, and how these were suppressed by the British rule in 1888 and the advent of Christianity (Rao forthcoming). Najamabadi explores how at the end of the 19th Century the Iranian elites, coming into contact with the more 'sophisticated' western European modernity, realised that homosexuality was utterly abhorred by the European value-system of the time. Hence, in a mimic pose, the elites disavowed the

existence of such phenomena within the Iranian society. Here it is interesting to see how the discourse of modernity follows a reverse logic to the current one; in fact at that time normalising the heterosexuality of the Iranian society constituted the marker of civilisation as opposed to how today the international community perceives Iran as barbaric by looking at the ways in which the state treats its sexual dissidents.

What I am suggesting is that in order to analyse homophobic formations in different societies it is vital to look at these in terms of interconnectedness and hybridity. Alongside the issues with western states' political positions pertaining to global sexual politics and the issues with transnational activism the third dimension worth mentioning is the religious sphere within international states' relationships-namely the influence of North American right-wing Evangelists in contemporary sub-Saharan Africa. This has fostered the emergence of a new homophobia by advocating the exclusion of queer people from the nation, which testifies to the common postcolonial society's entanglement of sexual politics with notions of nationhood (Khanna 2011).

It is widely acknowledged that anti-sodomy laws in areas of Sub-Saharan Africa and South-Asia have been installed by colonial rule. Despite this, today current African leaders conceptualise homosexuality as alien to the African culture, essentially un-African in fact. The fact that homosexuality is postulated as a Western import makes homosexuality legislation part of the anti-colonial project. Kapya Kaoma is one of the most vocal and attentive denouncers of the recent increase of politicised homophobia in places like Uganda and Nigeria linked to the influence of 'right-wing American evangelicals who have exported U.S.-style culture-war politics' (Kaoma 2012). Kaoma draws links between the American Christian right leaders' rhetoric and the mobilisation of popular anti-gay sentiments in Africa; the power of this argument in the African context sits on the notion that LGBT rights are fundamentally located in the West and that they represent a danger of a postcolonial plot aimed at destroying African culture. This logic is dismissive of the fact that 'while anti-gay legislation is promoted as a response to the spread of Western ideas, discriminatory laws were originally the product of Western colonization in Africa' (Kaoma 2012). More broadly, within the new global politics of sexuality, homosexuality has emerged as a highly contested political problem that testifies to

the intricate nature of transnational relations amongst countries in postcoloniality, namely the ways in which contemporary homophobia is also being fuelled and supported by Western religious forces such as some evangelicals in their activities in the African continent.

4.7 Conclusion: The limitations of global sexual politics

In this chapter I was concerned with looking at the new formations of global politics of sexual rights in the West and I attempted to relate my preoccupations to the political position of asylum claimants and refugees on their basis of sexuality or gender identity. My reflections on the ethnographic data gathered underpin my examination of the validity and the possibilities of the notion of global sexual politics. This made me question what is at stake in promoting a universal politics of recognition for a global queer liberation. I looked at the broader supranational political scenario in which the research respondents are immersed and in which they can operate as political subjects. I wanted to highlight the contradictions and the tensions that these subjects have to confront when they leave their countries of origin to claim asylum in a liberal democratic state. This involves negotiating identifications, lifestyles, moral and cultural values in a process of cooption with the major players in the liberal polity, namely the receiving state and its civil society actors. In this regard I explored the global sexual rights framework that recently has come to walk hand in hand with the human rights framework. The issue with the homogenising effect of such Western-driven politics, as the sole definer of modernity, is that it overlooks and often arrogantly avoids addressing the specific conditions that produce subalternity when it comes to the expression of non-normative sexuality outside of the liberal democratic value system.

I attempted to look at the problems that emerge from the notion of a global sexual politics, which seems to point at processes of misrecognition of sexual minorities' specific demands in different parts of world. In so doing, I addressed the issue of culturalising homophobia, namely locating homophobia in a specific culture as an isolated formation within the national borders of a given state. Using a critical global-sexuality studies framework that emerges from a postcolonial critique I focused on the historical, political and cultural links between homophobic countries and their liberal counterparts. In doing so, I also attempted to challenge the divide of

homophobia as inherently non-Western and homo-tolerance as intrinsically Western. Such a reductionist notion does not reflect the diversity of opinions, attitudes and histories that engender homophobia both in the West and the non-West.

After having looked at the global dimensions of sexual politics, in the next chapter I will return to the British national context. In so doing I will concentrate the analysis on domestic British law. The questions I will pose in chapter 5 pertain to the modes in which the law is mobilised in the UK when the sexual minority subject seeks protection on the basis of her or his (sexual) difference.

CHAPTER 5

THE LEGAL SIDE OF THINGS

Discourses are not once and all subservient to power or raised up against it, any more than silences are. We must make allowances for the complex and unstable process whereby discourse can be both an instrument and an effect of power, but also a hindrance, a stumbling-block, a point of resistance and a starting point for an opposing strategy (Foucault, *The History of Sexuality*)

The constitutive identifications of an autobiographical narrative are always already partially fabricated in the telling (Butler, *Gender Trouble*)

5.1 Introduction

Sexual minority asylum seekers are required to prove their sexual or gender identity to the satisfaction of UKBA and immigration judges. This is frequently a complicated process when, for example, a person may have never previously disclosed her identity and will struggle to articulate it especially to authorities, when nobody can verify their identity as nobody else knows, when they have grown to be ashamed of who they are and therefore struggle to talk about it (Power 2013). In this chapter, bearing in mind the specific issues of LGBT claimants, I attend to the problematic legal discursive field, which my research respondents occupy.

I will start the discussion by bringing in a respondent's account from the ethnography to then look at the legal framework in relation to asylum by travelling back to the 1990s. The decade of the 90s was very prolific for the introduction of new legislation around the 'intractable' problem of asylum in the British context. I will attempt to provide a critical account of some salient legislation from the early 1990s to today by putting emphasis on the recurrent common themes and issues across queer asylum applications, namely credibility, demeanour, consistency as well as the problems with the use of country of origin information reports (COI). In doing so, I will look at the problems for the recognition of the sexual minority applicant as belonging to the Convention-established category of 'particular social group', alongside the manifold repercussions of the 'discretion' requirement for sexuality-based claimants. Finally, I will move on to analyse the situation during the decade of 2000 by focusing on recent and important changes in British law.

Throughout the chapter I stress the fact that legal discourse is about reading people neatly. When looking at the structuralist nature of law Ann Scales contends that law: 'does not lend itself easily to subversion of existing categories, because law first posits and then acts upon social arrangements that are viewed as structural and instituted as legally relevant. Sometimes in law those relationships are presented as if etched in stone' (2009: 397). When confronted with jurisprudence people's identities and personhoods (Robson & Kessler 2007) have to be clearly defined to be perceived as genuine and credible. This, in turn, constitutes an insurmountable obstacle for the person whose identity is not culturally intelligible in an obvious way.

The rigidity of the legal vocabulary is inherently built upon a structure of systemic interventions aimed at consolidating taxonomy. All too often legal reasoning overlooks valuable postmodern conceptualisations of identity, or solid paradigms developed from critical racial studies scholarship on cultural relativism and orientalism. As Francisco Valdes suggests (in Fineman et al. 2009) this failure to attend to cultural specificity is problematic because it consolidates a unidimensional legal analysis of sexual orientation, which remains strongly grounded in a heteronormative milieu and that continues to ignore the importance of intersectional and multidimensional analyses (see also chapter 6). Within this context it is not surprising to find that the most common problems that sexual minority asylum seekers encounter when facing the law are related to the credibility of their reasons for lodging a claim.

5.1.1 Ethnographic data vis-à-vis the law

'Since I was a child I knew I was different'; this striking and clear statement is perhaps the most frequent sentence that I heard from respondents throughout the study. This sentence is the preamble to the answer that participants often provide when asked: 'How did you understand your sexuality in your country?'

Being aware of one's difference does not necessarily imply the naming of such difference, particularly when the naming does not include any neutral term but exclusively a stigmatising vocabulary. For some respondents not having a descriptive grammar for one's same-sex object preference (Sedgwick 1991) was not regarded as

a problem. For others, seeking a word that could encapsulate such desire turned into a mission. For instance, for Asale it was a very important step in understanding her feelings towards women whilst living in Malawi:

> When I started to go to boarding school I looked up on the Internet the phrase: women who have feelings for women, or something like that! That's when I learned the word lesbian. When I found out I asked myself: am I one of them? (Asale, 34yo from Malawi)

Asale describes this moment as the point when she realised that she 'wasn't the only one'. Despite the fact that she did not find groups or organisations in Malawi to refer to for more information regarding the matter, the fact that she could read a copious amount of online material in relation to sexual difference made her feel less isolated. In this process, she came to know that elsewhere people would 'come out' to their parents, families, co-workers and friends. Yet, at that moment in time, Asale was still wondering if she was a 'normal'woman. When she arrived in the UK she lived in Leeds for the first few months:

> I thought that I had to change myself when I got here and I got myself a boyfriend but clearly it didn't work (laugh). One day I went online and checked this group out in Manchester, it was an LGBT support group. I got on the train from Leeds and went to see them. A man talked to me and explained loads of things about what being a lesbian means and he told me that I was normal. I read all the info he gave me and I felt so relieved - I was normal! Still, anyway I hadn't seen any lesbians.

The process of finding a name for her difference as well as a network of people 'like her' made Asale feel normal for the first time in her adult life. However, not all respondents wanted to find the same type of 'normality' as the one that Asale was longing for. For some respondents their difference constituted a sign of uniqueness and it was construed as a positive trait of their personality. For instance, Umar from Pakistan was always confident about his sexual orientation despite the fact that his family used to consider him 'mentally retarded': 'I never felt that I had a disease. I was always enjoying my sexuality. I always thought that a straight person wouldn't enjoy life as much as a gay person does'. In the context of this chapter I want to address the question of how the law reads the complexities of individuals' sexual histories. Whilst examining judgments and legal proceedings I wondered how contrasting positions such as Asale and Umar's in understanding and embodying one's sexual difference are interpreted by the law (see also chapter 6). In order to do

so let me turn to analysing the broader British legal discourse with regards to sexual minority asylum.

5.2 The Legislation around asylum and sexual 'outsiders' in the UK

Britain enjoys a long-standing positive reputation for granting refuge to people in need. British parliamentarians have often referred to Britain as an instance of the liberal political praxis of providing shelter to individuals seeking 'genuine' asylum. Over a decade ago in 1994 Charles Wardle announced in the House of Commons that 'this country has a proud and consistent record in its treatment of refugees. We will take no lectures from anyone about our willingness to protect those people in real danger of persecution. Our humanitarian record is second to none' (cited in Stevens 1999:9). This is an image of a liberal and fair nation-state that portrays Britain as a country ethically committed in confirming the democratic and liberal constitutive values of the modern state. I argue that such perception that Britain has of itself can be easily called into question by an analysis of the clear escalation of controversial political and public discourses on immigration and asylum since the late 1980s. Britain, the 'beacon of liberal progressiveness' reveals aspects (and produces legislation) that blatantly contradict its positioning as role-model nation as far as issues of border and immigration controls are concerned. The focus of this chapter is to investigate the dominant legal discourse that characterises British tribunals in relation to sexuality-based asylum claims. However, before starting the analysis of some salient legal queer asylum cases, I would like to set the scene by tackling some of the traits that define the dominant culture within the British courts - after all, legal discourse should never be delinked from broader cultural discourses produced outside the courtrooms.

Jenni Millbank (2005) writes about the preoccupation with perversion which has been discernible in the British approach to homosexuality since the 1960s. She produces a nuanced analysis of the violence characterising the British law towards sexuality-based asylum claims, and she argues that the private/public dichotomy is key in understanding the British 'cultural focus on the private as the proper place for homosexuality' (2005: 117). Although Britain has adopted a relatively progressive approach when it came to decriminalise homosexuality with an Act of law in 1967 , the process of granting asylum to lesbian, bisexual, gay and transgender people in

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fear of persecution in their countries of origin has revealed a discernible regressive response from the British public (Millbank 2003).

In 1956 Lord Wolfenden's Committee produced a report with recommendations around two infamous social 'problems' in Britain at that time: prostitution and homosexuality. These two problematic areas seemed to constitute a real threat to the public. Both of them were conceived as contagious corruptive forces that had to be disciplined and treated by a sort of invisibility cure to eradicate them (or at least to conceal their visibility) from the social fabric. The recommendations of the Wolfenden report aimed to set the law to work for both rendering prostitution less visible and decriminalising homosexual acts. As far as the latter is concerned the activities had to take place exclusively in a private space between two consenting adults. At first sight it may seem that the Wolfenden report opened the doors to a new era of freedom for homosexuals in Britain. In fact the report informed the Act of law that subsequently decriminalised homosexuality in the country in 1967. However, the language used throughout the document stressed that homosexuality was still perceived as a 'problem' that clearly needed a solution.

The heuristic approach of the Wolfenden report towards the 'problem' of homosexuals in Britain constructed the idea that the 'solution' to homo-sex was to be found by confining it to the sphere of the private. To be sure such an open claim of liberal tolerance did not deconstruct the diffused idea that homosexuality was inherently equal to perversity. It simply displaced the problem, from the public eye, that might have been corrupted, morally offended and disturbed, to the private space where two consenting adults could 'indulge' in their perversion. In this sense the private space is not perceived as a source of positive freedoms but as the strategic possibility of 'how to best disappear homo-sex' (Henderson 1996: 1030). The categorical reinforcement of the private/public binarism is problematic insofar as it intrinsically tends to produce an economy of silence around homosexuality.

The legacy of this approach has been utterly detrimental for the individual claiming asylum on the basis of her sexual orientation. In fact to date, many legal practitioners and commentators still challenge the fact that court judgments often tend to place too much emphasis on the claimant's sexual conduct (UKLGIG 2010, 2013, S Chelvan 2011), as if the person's sexual identity were exclusively defined by

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her sexual activities. In this sense, the claimant's sexual conduct becomes conflated with her sexuality. Further, the British legal system has distinguished itself to be very prescriptive in its approach to sexuality-based claims, by determining when, how or if an individual can be discreet about his/her sexual orientation in order to avoid persecution. Paradoxically British decision-makers have exercised a form of persecution towards claimants by enforcing on them the responsibility of avoiding persecution. Claimants have been easily sent back to their countries with the suggestion from the British court to avoid persecution by performing 'straightness', hence to comply with the enforced heteronormative social system of their country of origin. This has changed in the law since 2010 (see below), however before discussing the impact of recent changes I find it apt to situate the analysis within the broader context of asylum legislation starting from the early 1990s.

5.3 Key features of Asylum legislation: the 1990s decade

The 1990s were extremely prolific years for the introduction of new legislation around the 'intractable problem' of asylum. Borders needed to be controlled more firmly as the fear of hordes of economic immigrants and asylum seekers, willing to approach British shores, was spreading around the country. After all, it was a time in history when a number of international events contributed to foster this economy of fear within public opinion; the fall of the Berlin Wall in 1989 with the subsequent decline of Soviet regimes and the simultaneous outbreak of the war in ex-Yugoslavia 'raised the spectre of millions of people fleeing westwards' (Schuster 2003: 132).

The construction of the contested figure of the asylum seeker as a constitutive other (Hall 1996), that is, an unwanted alien committed to usurping the well-functioning of the nation-state, was operated as a leitmotiv in the government both within Conservative and Labour parties' political discourses. This dominant representation of the asylum seeker has been vehemently used since the late 1980s and such political rhetoric was reinforced by the fact that numbers of asylum applications increased drastically in the short time period between 1989 and 1991. Over the 1990s 'worrying' statistics around the entrance of asylum claimants triggered what has been defined as a numbers game tactic that governments have adopted to refer to the asylum issue in Britain. Following such an approach in 1995, the Conservative government of that time introduced the so-called white list as one

of the most effective weapons against the increase of asylum claims (Stevens 1998). The list included those countries whose internal political situations were not deemed to be a real risk for their citizens, hence that implied that applicants from white-listed countries would not have well-founded fears of persecution. White-listed applicants were fast-tracked through the appeals process. However, the accelerated appeals provisions were not restricted to 'white list' cases.

If one intends to analyse the intrinsically restrictive nature of British asylum legislation it is vital to consider what we can call here the 'three-Act drama' (Stevens 2004), which took place across the 1990s through the introduction of three different Acts of law respectively in 1993, 1996 and 1999 within the British parliament. The 1993 Asylum and Immigration Appeals Act was conceived when the UK decided to assert its right to devise its own asylum determination procedures, therefore appropriate legislation needed to be produced. The 1993 Act had a substantial negative impact if the overall restrictive nature of its propositions is taken into account. The Act aimed at further empowering immigration officers, creating a fast-track system for claims held to be without foundation. However, one positive development that the Act brought about was the implementation of in-country appeals. The Act was clearly oriented at deterring individuals from applying to the UK. Nevertheless applicants continued to increase in number and at the same time the backlog of undecided cases kept on building up. Therefore, even after the enforcement of the Act the asylum problem seemed to become more and more intractable. In 1995, in light of the elections Michael Howard at the annual Conservative party conference announced the intention of introducing new asylum laws; immigration and asylum in particular were hot topics, which seemed to be acquiring high priority in the political agenda. The Conservatives were certain that a strong line on immigration was an election winner and The Joint Council for the Welfare of Immigrants (JCWI) was scathing in its attack on the political dimension to the 1995 Bill, describing it as 'the most extreme vote-oriented immigration legislation since the 1960s' (Stevens 2004: 170).

Subsequently in 1996, the Asylum and Immigration Act amended some of the provisions of the Asylum and Immigration Appeals Act from 1993. The result of the 1996 Act was a more complicated set of rules with a stronger emphasis on deterrence and speed of process (Stevens 2004: 171). The 1996 Act effectively rendered the

majority of asylum seekers destitute. The Act stated that benefits were available only to those individuals who claimed asylum on arrival or who were the subject of a 'state of upheaval' declaration. Any other asylum seeker was excluded from entitlement to welfare benefits. Clearly if the asylum seeker was not eligible to receive state benefits and simultaneously he/she could not work within the UK territory, destitution was the most natural and direct consequence, in this light it is important to note how the Act operated under an obvious deterrence principle. Another major initiative undertaken by the 1996 Act was to make it a criminal offence for any employer to employ an individual who was subject to immigration control, again this illustrates that it was not a secret that the 'unwanted alien' had to be utterly discouraged to settle in the country. Probably one of the most salient features of the following Act in 1999 (Immigration and Asylum Act) was its focus on criminal activity in the immigration sphere. Criminality becomes more and more associated to the individual asylum seeker's activities and also to the activities of the 'immigration racketeers'.

The years 2000 have also seen substantial asylum legislation being produced. The Nationality, Immigration and Asylum Act of 2002 aimed at strengthening the law against people traffickers and smugglers. The next salient Act of law is the Asylum and Immigration Act in 2004, whose primary aim was to limit the role of courts in immigration appeals. Lastly, the Immigration, Asylum and Nationality Act in 2006 targets illegal working with civil and criminal penalties. The act introduces a civil penalty scheme and on-the-spot fines of up to £2,000 per illegal employee. Those who knowingly employ an illegal worker face a jail term of up to two years and an unlimited fine. The common critique that has been made of the Acts of law (apart from their restrictiveness and inefficacy in their scope of reducing asylum claims) is around the modalities of their divulgation, indeed in most cases many details of the provisions constituting the Acts were deferred to secondary legislation, therefore highly compromising appropriate parliamentary scrutiny.

In the next section I would like to explore the specificities of the legal framework in relation to sexuality-based claims of asylum in Britain. In doing so, I find it fruitful to start the analysis, partly critical and partly descriptive, by looking at some emblematic legal cases throughout the 1990s.

5.3.1 The British legal discourse in relation to queer asylum throughout the 1990s: problems with the 'particular social group category'

During the 90s decade lesbian, gay and trans asylum claims started to be recognised and emerged within British tribunals. The main issue that sexuality minority asylum claimants encountered in British courts up to 1999, the year marked by the Islam and Shah case, is the fact that LGBTI people were not perceived as forming part of a 'particular social group' category and therefore they did not enjoy protection under the Geneva Convention's grounds. McGhee (2001) argues that homosexuals within UK refugee case law were recognised as a class (but not a social group). In 1991 in the Golchin case (*Golchin v SSHD*), in which the adjudicators pronounced that: 'there is a close approximation of social group to minority group as the term is used in the convention. Both terms, we think, require characteristic of a historical and cultural nature which homosexual as a class cannot claim' (*Golchin 1991*:7 cited in McGhee 2001). In this case the discursive strategy adopted by the British tribunal seems to reinforce the difference between some form of genuine social group belonging, and false forms of group categorisation such as the homosexual 'class'. I shall return to this point later. At this stage suffice it to mention that the Golchin case elucidates the difficulties of framing a defensive argument for sexual minorities to be considered a particular social group under threat of persecution. According to the definition proffered by the Convention of 1951 a refugee is a person who:

> owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it [Art. 1A(2)]

Following the first article of the Convention, the four grounds on which a person can claim asylum are: race, religion, nationality, political opinion and membership of a particular social group. Before the 1990s within UK refugee case law, sexual minority people did not fall under the definition of the 'particular social group' category. The question around membership to a particular social group has been a very complex matter for many asylum claimants in Britain. This has been a discernible trait of British courts. Other countries such as Canada, Australia and the

US started to question the Convention's lexicon in relation to the 'particular social group' category much earlier.

If we look at refugee law internationally we find that in the US context the Acosta judgment (*A Matter of Acosta*) set a very important precedent in 1985. The case concerned a gay man, native citizen of El Salvador who claimed asylum in the US. His case is important because it directly challenged the exclusion of lesbians and gays from the Convention's social group category. The transcript for the judgment reads:

> However, whatever the common characteristic that defines the group, it must be one that the members of the group either cannot change, or should not be required to change because it is fundamental to their individual identity or conscience. Only when this is the case does the mere fact of group membership become something comparable to the other four grounds of persecution [race, religion, nationality, political opinion] (Hathaway 1991: 160).

The meanings produced by the syntax of this reasoning reframe the very notion of what a defining common characteristic is for a particular social group. Despite acknowledging the fact that sexual orientation and identity can be mutable and change over time, the Acosta case's reasoning focuses on the issue that requiring a person to change a characteristic fundamental to their identity because of the specific persecutory situation they find themselves in, is not acceptable by law. The Acosta judgment was not adopted or accepted by British adjudicators for a long time, for example in the Golchin case (cited above) membership of a homosexual group is construed by the court as purely voluntary and socially invisible (McGhee 2001). Millbank contends that in the British context the combination of a lack of a human rights framework and generally a poorly developed analysis of 'sexual orientation as a human rights issue has led to some extremely regressive refugee determinations' (2004: 194). As seen above, through the Acosta case the origin of the intersection between human rights legislation and international refugee law had already occurred in the US courts by 1985 (McGhee 2001).

Back in Britain, within the space of UK courts we come across the first law case under the claim of sexual orientation and membership to a particular social group in 1989. This now infamous case refers to a Turkish Cypriot gay man Binbasi (*R v*

SSHD ex parte Binbasi). His claim was rejected on the basis that 'a man cannot demand asylum under the Convention just because if he is returned to his country of origin he will not be able to enjoy the full range of freedoms he would enjoy in the United Kingdom. In reality, a judgment has to be made as to whether the interference with freedom is sufficiently serious to merit asylum'. In the Binbasi case the appellant was advised to refrain from engaging in any sexual activity in order to avoid harm in Cyprus as the adjudicators found that: 'it is clear that in Cyprus there is no discrimination against homosexuals who are not active'. In this process, the onus is blatantly passed on to the modes of enactments of the appellant's sexual demeanor once returned to the country of origin. Therefore the request of performing straightness within public fora in Cyprus was to be accepted by the appellant as part of his normal lifestyle, and that would constitute a reasonable burden for him to carry in accordance with the socio-cultural mores of the appellant's home country. The judgment in the Binbasi case reinforces an institutionalized hetero-normalising discourse according to which an economy of silence around non-normative sexualities should be intrinsically maintained, and therefore justified by the decision-makers.

As discussed earlier in the chapter, according to the judgment in the Golchin case, gay men (at this stage there is no mention of lesbians, bisexual or transgender individuals) appear to form a 'class' distinct from other minorities. In fact gay men are conceptualised as a non-traditional minority because they 'choose' to belong to that particular minority (*Golchin 1991*). Four year after the Golchin case, British jurisprudence is confronted with another claim from a Romanian gay man basing his claim on the grounds of sexuality and membership to a particular social group. It was 1995 and this case is known as the Vraciu case. It is a noteworthy law case because for the first time in a British court, a special adjudicator proposed a reasoning describing homosexuals (both in the UK and in Romania) as constituting a particular social group:

> It would seem to us to be unarguable that in the society in the United Kingdom...homosexuals are treated differently according to the Criminal Law, there is a great discussion as to the advisability of homosexuals in the armed forces... it cannot be argued that in Romania homosexuality is not recognised as a characteristic putting the person into a special category' (*Vraciu* 1995: 14).

Despite the fact that the judgment established that homosexuals can be defined as a social group, Vraciu's case was rejected because the appellant failed to show evidence of being a practicing homosexual. The case became famous because Vraciu was required to go through anal medical examination (McGhee 2000) in order for the decision makers to find symptoms or signs of Vraciu's sexual proclivities. His unwillingness to name his former lover in Romania and his unconvincing demeanor, which did not reflect signs of stereotypical gayness, were sufficient for the court to deliberate that Vraciu was not telling the truth about his sexual orientation. Vraciu's account was based exclusively on the performance of a speech-act that inherently was disbelieved by the adjudicators.

As Johnson notes the 'inability or unwillingness to vocalise trauma in a manner intelligible to the court can lead to the labelling of testimony as lacking credibility' (2011:69). McGhee showed that the Vraciu case reveals two intersecting themes: '(a) authenticity, and who has the authority to know sexuality; and (b) how sexuality in the form of intimate pleasure, preferences, practices, desires, etc., is to be knowable and translated into the 'objective standards' required by law'(2000: 30). Confronted with the facts-based legal mode of organising knowledge and establishing truth, Vraciu finds himself in the position of not being able to be recognised as the producer of his own sexual subjectivity before the law. His narrative must be authenticated by the intromission of authoritative discourses and practices, which are deemed to produce reliable knowledge, that is to say (in Vraciu's case) medicine and psychiatry. The discursive powers of medicine and psychiatry are here both mobilised to shed light on the knowability of Vraciu's sexual identity.

Vraciu was refused asylum in 1995 because he was not found to be a 'creditable' homosexual. However, Vraciu's case left a clear mark in the law insofar as for the first time within British jurisprudence homosexuals were not excluded from the social group category. Only three years later in 1998, a gay man from Romania, Sorin Mihai, was granted asylum on the grounds of his well-founded fear of persecution due to his sexual orientation. The reasoning from the Vraciu case was used here to establish the nature of persecutory acts against homosexuals within the Romanian society. However, only in 1999, with the Shah and Islam case, were homosexuals formally included in the particular social group convention reason via

the orbiter reasoning proffered by Lord Steyn when discussing the particular status of women in Pakistan:

> Relying on an *ejusdem generis* interpretation the Board interpreted the words 'persecution on account of membership in a particular social group' to mean persecution 'that is directed toward an individual who is a member of a group of persons all of whom share a common immutable characteristic'. The Board went on to say that the shared characteristic might be an innate one 'such as sex, colour, or kinship ties'. This reasoning covers Pakistani women because they are discriminated against and as a group they are unprotected by the state. Indeed the state tolerates and sanctions the discrimination. The analogy of discrimination against homosexuals who may in some countries be a 'particular social group' supports this reasoning (Lord Steyn in Shah and Islam).

Despite the fact that the case was not primarily looking at the condition of sexual minorities in Pakistan, sexual identity as a basis for asylum claim managed to receive judicial notice through Shah and Islam for the first time. 'Since then, it has become widely accepted that lesbians and gay men can form a "particular social group", one of the reasons stated by the Refugee Convention as rendering a person eligible for refugee status' (O'Leary 2008). Before 1999 in the UK all sexuality-based claims were excluded from the particular social group category and many cases were therefore determined on the discretionary basis of 'exceptional leave' (Tuitt 1996: 36).

5.3.2 Sexual Minority claimants forming a 'sexualised' particular social group category

In the year 1999 another case appeared in front of the British Court of Appeal, relating to a 32 year-old Indian gay man, Jain, claiming asylum for being a practicing homosexual. When presenting his case Jain claimed that he was living in the fear that if he were to be returned to India he could not live openly in a homosexual relationship. The judgment of Lord Schiemann in Jain's case reinforces the non-intervention stance of the state in relation to the sexual activities in which consenting adults engage within the space of the private home. As already discussed, after Wolfenden, the relegation of expressions of sexual identity to the sphere of the private has been a discernible trait of British adjudicators' reasoning.

In the Jain case the Court established a continuum according to which sexuality-based asylum claims could be measured. The Court emphasised that criminalising homosexuality is not consistent with the international consensus on the right of respect for private life:

> However, the position has now been reached that criminalisation of homosexual activity between consenting adults in private is not regarded by the international community at large as acceptable. If a person wishes to engage in such activity and lives in a State which enforces a criminal law prohibiting such activity, he may be able to bring himself within the definition of a refugee. That is one end of the continuum. The other end of the continuum is the person who lives in a State in which such activity is not subjected to any degree of social disapprobation and he is free to engage in it as he is to breathe (Lord Schiemann in *Jain* 1999).

The problem with the meanings produced by the continuum reasoning is that it essentially conflates two separate concepts: expression of one's identity with activity, or modes of enactment of such an identity. The constructing of such a continuum placed the emphasis on the ways of acting 'out' a specific sexual orientation as the sole marker of the claim's genuineness. This reading becomes highly problematic because it does not recognise the nuanced and differential modes of embodiment and performance of sexual orientation. The type of homosexual 'activity' defined in the excerpt is characterised by the all-encompassing and overwhelming significance that sexual acts play for the homosexual identity. S Chelvan argues that 'the effect of Jain was that the court's understanding of the lives of gay men resulted in a purely 'conduct driven approach' reducing their lives to the engagement of the sexual act (referred to by some as 'buggery') in the so-called 'privacy' of the bedroom' (S Chelvan 2010: 57).

Despite Jain's statement of not being able to lead a normal lifestyle once returned to India the court determined that he should be discreet. By the use of the term 'normal' Jain emphasises that he will be 'unable to live openly in a homosexual relationship' (*Jain v SSHD*). For the adjudicators the term normal refers to something entirely different, that is to say, living the quotidian impossibility of disclosing constitutive parts of his personhood to people around him. The legal scholars Dauvergne and Millbank have been very critical of such fundamentally flawed judicial logic, which has been much in vogue in the determination of sexuality-based

asylum claims in many British tribunals. The authors pose some challenging rhetorical questions:

> Is this a normal life? Would the court for example hold that a heterosexual person's fundamental human rights were not infringed if, for 'safety's sake' they had to pretend to be gay in every area of their professional, personal and social life, in every public place, by not living with their partner of choice, never showing affection to their partner or identifying themselves as a couple to friends or family, and only pursuing their heterosexual 'lifestyle' by having swift and furtive sex with strangers or prostitutes in a public park? Is such desperate secrecy and deception, undertaken in fear, for months, years, or decades, a normal life? (Dauvergne and Millbank 2003:)

Within the asylum regime, a normal life for sexual minorities is conceptualised as having to perform straightness in public according to the discursive realm established by the court language. The imposed furtiveness and the invisibility of homosexual lifestyles are deemed non-persecutory acts. The first paradox that we encounter in relation to dominant legal reasonings in the determination of sexuality-based claims is that, on the one hand, the sexual others' identities are purely construed as being equivalent to sex-conduct; this implies that claimants need to adjust and adapt their behaviour according to the socio-cultural expectations of their country of origin. They will be 'discreet' and not 'flaunt' their orientation (Johnson 2007). On the other hand, they are often rejected protection because of the fact that they have the possibility of finding sex in public spaces such as parks and various cruising areas (i.e. the now famous cruising park in Tehran, Iran). Again the adjudicators will recommend the claimants to be discreet and be cautious not to be caught *in flagrante* whilst having sexual encounters in public. The applicant is recommended to be discreet about her/his sexuality and to find sex in public 'cruising' areas all at the same time.

British adjudicators have heavily based their analyses of sexuality minority asylum cases on a purely sex conduct basis. This has led to normalising the requirement for claimants to tolerate a necessary change of their behaviour in order to avoid harm, and to live dangerous underground sexual lives on the side. The case of Amare in 2005 (*Amare v SSHD*) involved an Ethiopian lesbian who was refused protection by the UK following the discretion principle. Although the court accepted that homosexuality is illegal in Ethiopia and culturally unacceptable, the fact that she

was not out as a lesbian in her country and that she had not been persecuted in the past for her sexuality was enough to establish that Amare's fear of persecution was not well-founded. In this case the court seems to be looking at specific persecutory acts that the claimant has been subjected to. In doing so the court seemed to utterly disregard the possibilities of future persecution if the applicant's sexuality were to be revealed.

> Her simple wish is to form relationships with other women that may develop into a sexual relationship akin to marriage. Such relationships are no more 'flamboyant' than most heterosexual relationships...she will no more 'flaunt' her sexuality than do most heterosexuals. Sharing a home (or homes) with a partner in an urban setting in a relationship where each goes out to work, may raise questions about the appellant's sexuality by those around her but the background material does not establish it will result in harm to her. If such a relationship can be classified as 'being discreet', it does not seem to us to be very different from the conventional married lives of many other couples who neither flaunt their sexuality nor adopt an overtly heterosexual lifestyle (*Amare* 2005).

In this context the proximity that is established between a discreet relationship and a conventional heterosexual marriage is troubling. Sameness here is used as a strategic discursive tool in order to normalise Amare's lived experience as a lesbian in Ethiopia. After all, the adjudicators seem to be saying, if she lives discreetly with her partner, her relationship would not be different from the one of many hetero-married couples, who do not live an open heterosexual lifestyle. This statement is fundamentally oxymoronic; it ignores the material repercussions of people's 'choices' to live open hetero or homo-narratives in an Ethiopian urban setting. If a heterosexual married couple, who does not live an 'overly heterosexual lifestyle' decides to start living an overt lifestyle they will be allowed, perhaps even encouraged to do so as the culturally established heteronormative milieu would not identify the act as a problem. However, if Amare and her partner, who live a discreet relationship, take the same decision their lives will be in serious danger. This difference seems to be overlooked by the British adjudicators. Firstly, this overly simplistic reasoning for the case determination dismisses the enormous differential in power relations that a straight couple and a homosexual couple have in the Ethiopian context. Secondly the language of 'flaunting' one's sexuality testifies to a complete misreading of the complexity of the modes of embodying non-normative sexual orientations in one's everyday life.

5.4 'British discretion': more issues

Discretion involves a process of silencing, of being silenced, of not being able to reveal profound parts of one's desires and object preferences, which are constitutive and vital traits of what we commonly define as identity. However, at times silence, or silencing, is not enough to disguise or hide one's identity. At times a gesture, an unfortunate eye-contact, a mannerism or even a lack of engagement with dominant heteronormative life narratives can give a person away. The same person that has been silent and that has managed to hide traits of her selfhood for many a year, can still be easily identifiable by a sudden off-guard moment. In reality even an applicant who safely attempts to remain closeted does, in fact become increasingly visible with 'the passage of time' (Dauvergne and Millbank 2003). It is the omission of acts of engagement with the value-free heteronormative habits that makes the minoritised individual emerge. This is a very critical surfacing within the social fabric insofar as once the person's sexual identification starts being doubted, there will follow repercussions. As often occurs, both state and non-state actors participate in the macabre game of spotting the sexual deviant.

The requirement of adopting discretion for sexuality-based claimants has been used widely by courts of refugee-receiving countries such as Canada, Australia and the UK. Amongst these countries the UK courts have been much more persistent in adopting this principle. In Britain in 2006, the RG case (*RG Colombia v SSHD*) involved an HIV positive gay man from Colombia who had lived a 'closeted' relationship with his partner for 13 years before coming to the UK. RG was read by British courts as not being at real risk of persecution, as in his time in Colombia he had always kept his sexuality a secret. However, throughout the judicial reasoning it was completely ignored that 'RG defiance of Colombian social norms, his self-identification as a gay man and the potential accusations of HIV status create a space ripe for blackmail and abuse' (Johnson 2007: 102). RG expressed the concern to the court that since he had lived in the UK his mannerisms were visibly identifiable as gay, and was now worried that once returned to Colombia people would be able to read his alterity. Whilst in Colombia, RG had managed not be subjected to violence, especially at the hands of the infamous homophobic vigilante death squads. Within the court space he was not able to establish that those groups constituted the primary fear of persecution in his case. There was medical evidence that RG would undergo

an enormous amount of distress if he were to return to Colombia; the doctor noted that: '...he would have to immediately try to repress his sexuality and live a double life...when I asked him how he would be affected by this, he said: for me, it would be to die' (cited in Johnson 2007:106). Nevertheless, RG's case was rejected. It was determined that RG's denial of freedom of expressing his sexuality was not deemed to be a persecutory burden in nature.

The requirement of discretion has been challenged in many courts internationally. In 2001 an Australian adjudicator provided a very persuasive argument in order to expose the nonsensical nature of such a requirement:

> upon the approach adopted by counsel for the respondent, Anne Frank, terrified as a Jew for hiding and for her life in Nazi-occupied Holland, would not be a refugee; if the Tribunal were satisfied that the possibility of her being discovered were remote, she would be sent back to live in the attic (cited in Wessels 2011).

As illustrated thus far through the cases under scrutiny, even after such an eloquent comparison this type of reasoning has not been adopted consistently in relation to sexuality-based asylum claims (Wessells 2011). Hence, in cases such as Amare (2005) or RG (2006) British courts have continued to employ inconsistent forms of reasoning for the determination of sexual orientation based cases. Kendall argues that 'any decision that dictates "discretion" as a solution to anti-lesbian and anti-gay persecution, presents an understanding of the term persecution that is at best socially myopic, at worst support for considerable individual and social inequality' (2003: 736). Apart from the reinforcement of a heterosexist legal skeleton, what the discretion reasoning produces are also erroneous judgments in determining that people should re-conceal their identity within their country of origin by relocating elsewhere in their country, where nobody knows them and where they can start a new life. However, courts seem to miss a fundamental point here, namely the fact that internal relocation for the sexuality minority claimant will only legitimate the concept that hiding from the public is the 'normal' lifestyle for the sexual other. Courts do not seem to accept the fact that the internal relocation alternative is not conducive to any solution of the problem as the person will still need to conceal her sexual orientation and will never enjoy the advantages of state protection as homophobia tends to be a nationwide spread phenomenon.

Recently within UK law there have been considerable changes in relation to the requirement of discretion. In 2010 the Supreme Court was faced with the HJ (Iran) and HT (Cameroon) case. With this case the court aimed to establish whether a gay person who is claiming asylum under the Convention relating to the Status of Refugees 1951, as applied by the 1967 Protocol ('the Convention') has a well-founded fear of persecution in the country of his or her nationality based on membership of that particular social group. In this case Lord Hope determined that the very requirement of discretion amounts to persecution directed to the sexual minority claimant, and in doing so he referred to a previous case of the Canadian court, which Mosley J considered in Sadeghi-Pari v Canada:

> The meaning of persecution...is generally defined as the serious interference with a basic human right. Concluding that persecution would not exist because a gay woman in Iran could live without punishment by hiding her relationship to another woman may be erroneous, as expecting an individual to live in such a manner could be a serious interference with a basic human right, and therefore persecution (2004 FC 282, para. 29).

In this passage of the judgment, the intersection of sexual orientation claims with human rights norms (Millbank 2004) should be noted, through which the use of human rights standards becomes explicitly formulated. This marked a change within British courts in relation to the overt application of human rights instruments for LGBTI people in determining how persecution manifests itself. The process of bringing considerations from the European Convention of Human Rights (ECHR) into domestic law in Britain has been long. Currently such legislation provides protection to LGBTI identified people in the UK, although as argued in chapter 4, this problematically postulates LGBTI identifications as universal categories.

In announcing the adoption of the discretion requirement, Lord Hope referred to another case from 1995 in a New Zealand court where it was determined that: 'sexual orientation is either an innate or unchangeable characteristic or a characteristic so fundamental to identity or human dignity that it ought not be required to be changed' (*HJ/HT*). In doing so, he also proposed a comparison with 'straight' men and women, who would never find themselves in a position of having

to 'reasonably tolerate' the concealment of their sexual identity to avoid suffering persecution.

Despite the fact that the HJ/HT judgment offers considerable developments in the conceptualisation and application of the discretion requirement, the enunciation of the case is not void of controversies. Indeed, the judge uncritically offers a highly essentialised and a narrowly western-centric view of aspects of identity that relate or are informed by one's sexuality:

> In short, what is protected is the applicant's right to live freely and openly as a gay man. That involves a wide spectrum of conduct, going well beyond conduct designed to attract sexual partners and maintain relationships with them. To illustrate the point with trivial stereotypical examples from British society: just as male heterosexuals are free to enjoy themselves playing rugby, drinking beer and talking about girls with their mates, so male homosexuals are to be free to enjoy themselves going to Kylie concerts, drinking exotically coloured cocktails and talking about boys with their straight female mates. Mutatis mutandis – and in many cases the adaptations would obviously be great – the same must apply to other societies (*HJ/HT*).

Processes of heteronormative othering (Kosnick 2010), which essentialise 'gayness', are present in legal discourse. In fact, the positive statement against the practice of persecuting gay men due to their difference is accompanied by a vocabulary that utterly universalises the social practices of the 'average' gay man as well as the straight man. The reductionist equations of 'beer drinking' with straight males' activity and 'drinking exotically coloured cocktails' with gay identity within the space of the courtroom is superfluous at best and dangerous at worst. It is clearly conducive to generating problems for all those subjectivities that do not neatly fit within the stereotypical category of the 'Kylie concert' goer, here depicted as a one-dimensional figure, and it also contributes to reinforcing a single and dominant narrative, which becomes the only one available to the sexual other seeking refuge. Although the adjudicator prefaces his own comments by using the phrase 'trivial stereotypical' what his overtly simplifying reasoning consolidates is the idea that straight men play rugby and gay men go to Kylie concerts. Such neat generalisations reinforce a homo/hetero binarism, which has a relatively long history in institutionalised taxonomic discourses. As Sedgwick notes this chiasm has proliferated in the west since the turn of the twentieth century within the authoritative 'medical, legal, literary, and psychological' areas of knowledge (1991). Secondly

and more importantly perhaps, in terms of the material ramifications of the law's discursive powers in section 82 of the judgment, the adjudicator discusses the approach to be followed by lower courts as such:

> If the tribunal concludes that the applicant would choose to live discreetly simply because that was how he himself would wish to live, or because of social pressures, e g, not wanting to distress his parents or embarrass his friends, then his application should be rejected. Social pressures of that kind do not amount to persecution and the Convention does not offer protection against them. Such a person has no well-founded fear of persecution because, for reasons that have nothing to do with any fear of persecution, he himself chooses to adopt a way of life which means that he is not in fact liable to be persecuted because he is gay (above).

The argument is problematic inasmuch as it establishes a questionable divide between the meanings of 'social pressure' and 'real risk of persecution' (Lord Hope *HJ/HT* 82). Social pressures as defined in the excerpt can be characterised by parents' distress or friends' embarrassment, both of which have a high likelihood of marking the sexual outsider from within, endogenously and from the outside, or exogenously (Hathaway and Pobjoy 2012). The person who undergoes this sort of pressure from family and friends, apart from living an internalised condition of shame, low self-esteem and feelings of isolation, also lives a condition of being easily identified as deviant, therefore deserving punishment and becoming a target of persecutory acts. The reasoning establishes that a person who is discreet only for family and friends, for this type of social pressures, is not perceived to have a well-founded fear of persecution. Again the court seems to maintain a myopic interpretation of what amounts to persecution in relation to sexual orientation; it can be argued that the mere fact of being perceived as non-actively engaging with the assumed heterosexual narrative puts the individual at risk. The internal damages that are inflicted upon the individual compelled to act discreetly in order not to embarrass friends and family are utterly dismissed from this reasoning. It is interesting to note that Lord Hope referred to an Australian case from 2002 in order to define the meanings of persecution:

> Persecution covers many forms of harm ranging from physical harm to the loss of intangibles, from death and torture to state sponsored or condoned discrimination in social life and employment. Whatever form the harm takes, it will constitute persecution only if, by reason of its intensity or duration, the person persecuted cannot reasonably be expected to tolerate it (S395/2002 v 216 CLR 473, para 40).

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By following such loose definition of persecution, which focuses on the intensity and duration of the harm, it should result that when a claimant is acting discreetly for social pressures that do not directly lead to exogenous persecutory acts, there exists the high possibility of those to escalate and bring about long-term internal and perhaps external scars for the individual. It is sensible to argue that from the development of the argument as expressed by Lord Hope the discretion principle still remains alive in the British legislation concerning sexuality-based asylum claims (S Chelvan 2011). Dismissing asylum claims on the basis that the applicant has been discreet only for familial and friendship pressures is a persistent problem (*Missing the Mark* 2013). This approach disregards the actual consequences of what is involved by living 'discreetly' or living a constant lie, namely the enforced erasure of one's fundamental identity traits. Further, some immigration judges have continued to use the discretion principle to refuse sexuality-based claims even after the 2010 'watershed' in British law.

5.5 Questioning the use of Country of Origin Information

The logic of discretion or of 'reasonable tolerability' has been enforced by the law even in cases in which applicants have made it very clear to the court that they did not have the intention of concealing their sexual identity once back in their country of origin. As we have seen with the Jain case, despite providing evidence that the appellant wanted to live openly (Jain claimed that he would be unable to live what to him was a 'normal lifestyle') the Tribunal determined that he would be discreet and therefore safe from harm. The problematic norm of invisibility pervades the British legislative system also when the court needs to determine the credibility of a claim basing the judgment on the quantitative information from the asylum seeker's country of origin. A clear example can be provided by issues concerning lesbian applicants, indeed in a number of Sub-Saharan countries the information on assaults to lesbians is unrealistically scant. The problem is that either the information is very poor and unreliable due to the fact that people do not report crimes committed against them for fear of further state persecution or, as in the case of lesbians in Uganda, the state does not recognise the very existence of such a social group. Millbank (2005) observes that in a case from 2002 concerning a Ugandan lesbian,

who had been ill-treated and tortured because of her actions of protest against president Museveni, the British adjudicators determined that:

> ...Lesbianism appears to be exceedingly rare, or at least there is so little material which deals with it in relation to Uganda. When we say lesbianism is rare, we do not mean that there are not a number of lesbians, what we mean is that problems relating to lesbians have singularly failed to surface (cited in Millbank 2005:121).

In this instance it is important to point out that the relative lack of a public discourse about lesbianism in Uganda has given British judges a strong enough argument to deny asylum to an individual who had provided evidence of ill-treatment because of her being outed as belonging to a sexual-Othered minority. Against the evidence of the lived experience of the claimant, the judges preferred to read an imagined safety for the applicant as lesbianism 'appears to be exceedingly rare' in Uganda.

The 'subjective' elements in assessing the credibility of the claimant's narrative are accompanied by what has come to be defined as the 'objective' tool in the truth-determining process, namely the country of origin information report. The country of origin information in relation to reported violence and discrimination against sexual minorities is used to assess the validity of the claims. Coffey contends that the 'subjective element of the well-founded fear test appears to have been largely eclipsed by the objective element (2003: 393). The country of origin information used in the courts is produced by human rights organisations around the globe, and despite the recent concern of mainstream human rights bodies such as Amnesty International, the International Gay and Lesbian Human Rights Commission (IGLHRC), or the International Gay and Lesbian Association (ILGA) it is extremely hard to obtain reliable or 'objective' information in relation to the living conditions of sexual minorities in certain countries due to a number of insurmountable issues, such as lack of reporting abuse because of fear of prosecution and persecution.

LaViolette notes that it was only during the early 1990s that a small number of NGOs started the process of documenting abuse against sexual outsiders and when this information became more and more consolidated over the years the evidence produced was at times considered to be biased and unreliable (2009). The scarcity and the superficiality of the country information render its use inadequate to

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ascertain the existence of a risk of persecution (Wessels 2011). Often the information collated is not applicable by not being relevant to the sexuality-based claimant's life trajectory, as Kassisieh notes 'a whole range of markers of difference, such as gender, socio-economic status, rural or urban locality, religious or ethnic background, educational level and many more, may impact on the individual applicant's experience' (2008:47).

The question of state protection is a highly contested field. Some states do not criminalise same-sex acts, however that does not prevent persecution from occurring. Harm can be perpetrated by both state and non-state actors. LaViolette points out that 'a significant number of claims identify private violence as the source of the feared persecution' (2009: 455). Often, the lesbians forced to marry or the gay men required to conform to the heterosexual gender-roles narrative are the invisible subjects of persecutory acts perpetrated by members of their own families and close social circles. This type of information will not appear in the reports produced by the mainstream NGOs widely used by refugee-receiving states' tribunals.

5.6 On credibility: demeanour, consistency and plausibility

Credibility is generally defined as the quality of being worthy of trust or of being believable. This quality is of pivotal relevance in relation to the determination of asylum claims in the UK and elsewhere. A diffused adversarial approach towards asylum seekers' claims emerges from a larger negative culture of disbelief, which characterises decision-making practices. Whilst credibility constitutes a hindrance to the applications of asylum seekers on the basis of any of the grounds established by the Convention, this problem is exacerbated when it comes to claims lodged by sexual minority asylum seekers, which are in fact as Millbank argues 'easy to make and impossible to disprove' (2009b: 4).

If one examines the available statistical data in relation to the refusal of asylum claims made in the UK one finds that in 2009, between 98 and 99% of those brought to the attention of the UK Lesbian and Gay Immigration Group were rejected at the initial stage (*Failing the Grade* 2010). The main obstacles to queer asylum applications seem to emerge from a systemic culture of disbelief within the legal sphere that undermines the migrant's credibility.

> In 2009, 73% of all asylum claims made in the UK were denied at the initial decision making stage. However, in claims made by lesbians and gay men brought to UKLGIG's attention, a staggering 98-99% were rejected at this initial stage...The number of lesbian and gay claims being rejected suggests that this lack of quality is even more pronounced in decisions on cases relating to sexual identity (in *Failing the Grade* 2010:2).

The ludicrously high percentage of initial claim refusals of lesbians and gay men is often legitimised by the lapidary sentence 'there is no real way to ascertain your sexuality' (*Failing the Grade* 2010:8). Decision makers, including case owners , all too often assume that people are lying because they do not possess what are generally defined within fixed, western configurations of sexual outsiders' demeanours as 'gay' traits in their personalities, or because their stories seem inconsistent with their sexual orientation (for example when they say they are married with children), because it is assumed that people would not rationally engage in 'risky' behaviour (i.e. plausibility), or even because the information used by the courts in relation to homophobia in the countries of origin does not show 'real risk' for the claimants. In a recent report *Missing the Mark* (2013) produced by UKLGIG, which examined substantive interviews and Home Office refusal letters sent to sexuality-based claimants, it was found that the 2010 change in the law (through HJ/HT) had some positive effects, yet through the analysis of recent material it seems that 'old problems are creeping back in, with some case workers focusing on sexual practice during the substantive interviews...The consideration of "risky" behaviour and out of date country of origin information is persisting' (*Missing the Mark* 2013: 30).

People caught up in this truth-seeking power structure are subjected to blatant heterosexist prejudices and assumptions throughout the entirety of the asylum process. As I will discuss in chapter 6, overly simplified notions of what sexual identity is and what it involves produce a discursive vacuum for the consideration of all those individuals whose subjectivities are not shaped by the desire of living an 'out-and-proud' lifestyle when they arrive in the new country. For instance, some research respondents' narratives have been easily dismissed and not believed on the basis that they could not possibly have engaged in heterosexual relationships, and in the process they are labelled 'bogus' claimants.

Within this structure a rigid difference is established between genuineness/ authenticity and bogusness/'unfoundedness' in relation to claimants' subject positions. Following this, the fact that a person has been in a 'cover' relationship in order to avoid social pressure (and detection) will be used to dismiss the claim, at times without further detailed investigation. This is also a very problematic issue that involves bisexual claimants, who are very easily rendered invisible before the law. When it comes to reading bisexuality within the court space it is vital to note that due to its contextual, contingent and fluid nature (Rehaag 2007) it undermines the immutable and innate characteristics that are 'erected upon essentialist understandings of sexual orientation' (Rehaag 2007:32). From this it follows that the determination of sexuality-based claims should be based upon the current expression of the appellant's sexual identity, and not predominantly (as now occurs) on past sexual conduct and behaviours.

Another obstacle raised by courts for assessing the credibility of sexuality-based claimants is to do with what is seen to be plausible, namely what the court decides constitutes a seemingly likely series of events. The problem with the plausibility criterion refers particularly to a disbelief expressed by the adjudicator's reasoning that a person would voluntarily engage in 'risky' behaviour. In a refusal letter to a Jamaican woman, the decision-maker makes it clear that her risky and non-conforming behaviour constitutes enough knowledge for the dismissal of her claim:

> You assert that although you were too scared to tell anybody about your sexual orientation you dressed like a man...if as you claim you have lived in fear for an approximate period of 20 years it is not believed that you would openly have dressed in men's clothes thereby leaving yourself and your son open to verbal and physical abuse (cited in *Failing the Grade* 2010:9).

It is noteworthy how the decision-maker finds it to be implausible for a lesbian in Jamaica to express her desire of dressing in a particular way, although that way may be deemed to be attracting unwanted attention. The argument of the decision-maker is founded on the principle that the sexual outsider is void of any form of agency to challenge the status quo. It results that the person who does not depict herself as a total victim is therefore not believed (this will be further discussed in chapter 6). The very fact that the woman showed a form of agency is deemed to be indicative of fraudulent intensions; she is denied protection on the grounds that she would dare to

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be enacting masculinity whilst still living in her homophobic country of origin. A simple question then arises: isn't this woman expressing a legitimate speech-act via challenging dominant social mores?

5.7 Conclusion

This chapter has been concerned with the complexity and rigidity of the legal framework when sexual minority asylum cases become the objects of scrutiny of the law. Within the process of cross-cultural interpretation of people's (sexual) identities, asylum seekers and refugees are often exposed to very strong assumptions about what their experiences might have been. In the process they become exposed to an institutionalised heteronormative interpretive lens.

I focused on the analysis of legal reasonings on sexual minority asylum cases. The discussion attempted to tackle legal decisions within tribunals (in chapter 7 I will focus on those taken at the Home Office level). In so doing, I looked at some pivotal cases, which permitted me to critique the legal reasoning behind refusals of queer asylum claims. In reading the law I sought to trace the discursive continuities in the legal construction of the sexual minority asylum seeker. I examined how 'discretion' and the discursive association of homosexuality with the private continue into asylum law with particular problematic results. Other important issues related to the legal framework that characterises border control, such as claimants' detention and legal aid provision, will be discussed later in the thesis (chapter 7).

In this chapter I examined the genealogy of discretion in UK legal constructions of the homosexual that is mobilised in queer asylum cases. From this follows the question of what constitute legally recognisable and measurable indicators of 'gayness' and the problems of credibility this creates for LGBTI asylum seekers. I also stressed the issues with the use of 'objective' methods in the truth-finding process both within the space of the Home Office and the courtroom, namely the country of origin information reports. As discussed these are problematic documents as they cannot objectively encapsulate the changing social attitudes towards sexual difference in a given society, and they intrinsically tend to erase the individual's personal account. Further, it has been argued (ILPA 2013) that these reports are not always properly consulted by UKBA case owners, who seem to make more use of

operational guidance notes even though they may be at odds with country of origin information reports. Finally, the chapter set out the legal discursive terrain in which my research respondents are positioned and with which they need to contend. My methodological focus was to trace and bring into relief the salient contours of this terrain, which I follow through in the more ethnographically oriented chapters (3, 6, and 7).

Thus far in the thesis, I have introduced some of the key themes arising from the ethnography (chapter 3) and then situated these in the broader political and legal context in which sexual minority asylum seekers find themselves (chapters 4 and 5). I now want to return to examining ethnographic data in order to give the reader the possibility to juxtapose the analysed research data with the theoretical considerations underpinning the study. Hence, the argument of the next two chapters will develop from a reading of sexuality-based asylum claimants' lived experiences *vis-à-vis* the receiving British society. In chapter 6 I will particularly look at the problematic use of universal narratives of liberation and victimhood that are common to humanitarian discourses on asylum.

CHAPTER 6

THE MAKING OF KNOWABLE AND LIBERATED SUBJECTIVITIES

The aim of the chapter is twofold, it seeks to question the linearity of the narrative of 'liberation' that is often used to define the sexual minority refugee's journey and at the same time it critically looks at the production of victimhood and hopelessness operated by dominant humanitarian and legal discourses in the asylum process. The in-depth interviews are used to shed light on the modes in which this group of migrants variably inhabits the discourses which are used to represent them, and above all, on how they exceed these universalising tropes. On the one hand the question that I pose is where do sexual minority asylum seekers situate themselves within narratives of liberation and victimhood? On the other, I will be asking, when and under what circumstances do they take themselves out of these narratives? In this chapter I want to focus on some of the aspects and risks of representational politics in relation to the sexuality-based asylum claimant in the UK context, namely the contested construction of a linear narrative of migrants' liberation, the cultural specificity of agency and the production of victimhood when looking at the individuals' lived experiences.

6.1 Introduction

People claiming asylum on the grounds of their sexual orientation negotiate their sexual and gender identities across cultural constructions of gender liminality and sexual identity that do not match the repertoires of Western LGBT identification and lifestyles. The first question that I want to explore here is: what happens to the sexual minority asylum seeker – the migrant sexual other - when he/she is confronted with Western socio-political settings? I find it apt to start the discussion by geographically de-centring the question and to focus on the situation in a different European liberal state, namely Germany. Within the German context Kira Kosnick (2010) looks at how Berlin based gay Turks are represented in public discourse. She points out that the single narrative offered is the one of mobility from repressive societal conditions to a liberating experience, which is epitomised by the possibilities proffered by the German modern and tolerant value-system. Kosnick addresses this as the universal

representation of cross-border queer mobility available in the mainstream of migration research. Within the plethora of migration research projects it seems that only queer individuals who claim asylum on the grounds of their sexuality have acquired some form of visibility. Heteronormative power structures are infused throughout migration legislation internationally and these macro-structural problems need to acquire centrality for a solid critique of specific issues in relation to queer asylum cases. Kosnick perceives the exclusive attention given to queer migrants in the asylum context as problematic in that it contributes to reinforcing the one-dimensional trope of individuals escaping their homophobic native lands to find liberation in the civilised parts of the world, 'the queer asylum-seeker thus appears – and has to appear- as a lone figure asking the Western state for benevolent incorporation' (2010: 126). This claim contains a helpful standpoint for the analysis of queer asylum seekers' subject formation; in fact it is very important to point out the power dynamics that take place within the asylum context in which individuals are supposed to produce a coherent and consistent narrative in order to be fully recognised as genuine claimants in well-founded fear of persecution within their home countries. Throughout this process the asylum seeker is intrinsically pushed towards the adoption of a specific narrative that reinstates and publicly enunciates the dichotomy between the traumatic home experience they have left behind and the positive possibilities of the desired (and hopefully) receiving state.

If, as argued by Kosnick, a focus on queer asylum and a dismissal of how broader issues brought forth by sexuality and gender in cross-border migratory processes reinforce the dominant narrative of the asylum-seeker-victim of pre-modern sexual persecution, why further study queer asylum cases? What would be the purpose of such an analysis? Would it contribute to reinforcing the idea of a discernible Western civilization as opposed to traditional non-Western societies? I contend that these questions need to be faced from the outset as one might unwittingly reinforce such narratives when looking at queer asylum cases. To partially address these initial doubts I suggest that the trope of liberal states' benevolent incorporation is not void of contradictions and complexities. Therefore, conducting critical ethnographic work with queer asylum seekers can reveal those complexities and at the same time produce a more nuanced and variegated knowledge of how institutional and cultural settings operate in relation to asylum in the West. Through the analysis of the interviews that I have conducted with sexuality-based asylum claimants in Britain I

challenge the notion of a single, dominant discursive strategy that asylum seekers adopt to be legally read as genuine claimants. There is a wide variety of stories that the interviewees bring in, which do not always reiterate, but rather challenge the often unquestioned privileges and progressiveness of Western sexual mores. Despite the fact that discursively and institutionally queer asylum narratives are positioned in a way which aims to produce the notion of a hiatus between West/modern and non-West/pre-modern spheres, the voices of the asylum claimants interviewed add a nuanced complexity and different layers of meanings to the universalising narrative of liberation from oppression.

6.2 The problems with reading genuineness

The unquestioned notion of 'genuineness' as an imposition for the asylum seeker needs to be critically developed. What does it mean to be a genuine claimant for the legal institutions of the receiving country? And how is this required idea of authenticity and honesty enacted by the sexuality-based asylum seeker? Queer asylum seekers suffer from a specific culture of disbelief when they confront British jurisprudence (O'Leary 2008, LaViolette 2009). Cowen et al. (2011) suggest that British adjudicators and immigration officials show profound insensitivity to LGBT related issues in the context of asylum:

> The stigma attached to same-sex relations is often so strong that, before fleeing their country of origin, LGBT asylum seekers are secretive about their same-sex relationships, live 'double lives', trying to conform to expectations of heterosexuality by e.g. getting married and having children, or refrain from engaging in sexual relations with persons of the same sex altogether. Moreover, immigration officials often ignore the fact that there are often very stark differences in the experiences of men and women: the latter often have to contend not only with prevailing homophobia in their country of origin, but also with oppressive patriarchal structures that severely limit their ability to choose a partner (2011:55).

It is necessary to apprehend the ways in which concepts of identity and visibility play a role within a particular north-centric (Burman 2008), western epistemology and how this role, by being indissolubly culturally specific, does not hold the same valences and meanings universally. The culturalist legal language of the West marks a passage for the asylum claimant, namely, from non-western sexual identity formations and practices to a forced adoption of a visible identity through the naming

of specific (sexual) orientations. This profound shift holds an important place in the production of the knowable narrative that the sexuality-based claimant is compelled to present to the receiving society.

Within these well-consolidated discursive power structures the newly arrived asylum seekers will need to quickly and fully embrace the narrative of belonging to a named sexual subalternised group and to be able to define themselves with new terms, not only in a different language but also with words that hold very different socio-cultural denotations. During the research fieldwork Felicity, a young Jamaican woman told me: 'and suddenly I was a lesbian'. The respondent emphatically used this sentence when describing her first experience of talking about the reasons of her asylum claim to lawyers, case-workers and judges. The personal story about one's sexual preferences, the orientation of one's inner desires of intimate proximity with others that formerly needed to be kept invisible and unreadable suddenly becomes who one fully is.

In Felicity's case English is her first language however the linguistic sameness is countered by the culturally different significance of the term 'lesbian'. The term is dislocated and it acquires a whole range of new meanings. What happens when the asylum claimant's language is not English? In these cases, the mediating role of translation is pivotal to consider when looking at claimants' doubted genuineness. The act of translation becomes particularly difficult when there is a deficiency of vocabulary to narrate life trajectories. When words such as lesbian or gay do not exist in the claimant's country of origin the individual will use a language of difference to make sense of her idiosyncrasy. However, this renders the person as some sort of impossible subject because of her inability of being categorisable before the law. It seems that the vocabulary of the law tends to easily dismiss the fact that although lesbianism may not be publicly enunciated in certain cultures it does not mean that persecution towards this group of sexual others is non-existent within those cultures (Millbank 2005).

6.3 Questioning the linearity of the 'liberation' story

As discussed in chapter 5, legal discourse is particularly interested in categorising individuals in order to produce knowable subjects with specific and fixed identities

(LaViolette 1997). The two legal scholars Berg and Millbank (2009) argue that lesbian and gay identity formation in the West is characterised by a dominant interpretation that involves a universalising staged process, which starts from the individual's confusion and denial and ends with pride that neatly leads to identity synthesis. The authors develop a critique of the Australian psychologist Vivienne Cass' model of identity development by contending that 'the idea of a linear staged process of identity development may be all too readily collapsed into a 'progress' meta-narrative in which the end point of self-actualization is represented by entry (and assimilation) into the receiving country' (Berg and Millbank 2009: 214). This is an apt criticism because it questions the diffused assumption that asylum claimants who escape a homophobic socio-cultural milieu would necessarily live an 'out and proud' life as a fundamental stage of their path to emancipation and liberation in the new country. This is a troubling and overly simplistic assumption as it does not leave space to consider all those individuals who do not start living an open lifestyle when they move to the new country; hence those individuals automatically become recognised as potentially non-genuine.

Individuals' coming-out stories are diverse and the very coming-out process takes on a multiplicity of forms and meanings in different cultures, if it ever happens in the first place. During the course of the interviews I conducted with the asylum seekers and refugees, I collated a range of different positionalities in relation to how people self-perceive and enact their sexual identity once in Britain, and more specifically in London. One of the first people I interview is Mohammed, a 38-year gay asylum seeker from Iraq. He has been in Britain for the past 10 years of his life and he has not yet been granted refugee status. He tells me about his decennial legal fight and then he moves on to the subject of homophobia, both inside and outside the UK; Mohammed tells me that he has felt discriminated against for being gay in London on various occasions. He also tells me that 'British people express their sexuality in so many ways; they are open. Iraqis live very discreet lifestyles but non-heterosexual Iraqis are very diverse'. Mohammed talks about the complexity of human sexuality and of how it is expressed in variegated ways by people from different cultures. He explains that specific political agendas have a strong resonance in the ways the state treats minorities, including sexual minorities. He says that before the 2003 invasion people in Iraq used to be generally more tolerant towards sexual minorities. He has

vivid memories of his past life as a young gay man in Iraq under Saddam's regime, he tells me that:

> From an early age of my life I knew I was different. When I was 18 some trans friends explained to me about my sexual desires. These people helped me understand more about myself. I started to speak openly about my sexuality to my trans friends in Baghdad... I was always free about my sexuality since I was about 15, it was very easy to find people then and I was always happy about who I was.

Mohammed's memories of his identity formation and the narrations of his intimate encounters with other men are positive and characterised by enthusiasm. Despite the hardship that he endured in Iraq because of his position in the society as part of a persecuted minority, the account that he provides does not fit with the simplistic emancipation/liberation trope. Mohammed's story is also indicative of the fact that personal migratory trajectories follow many variables. He comes from a very privileged socio-economic background in Iraq and his experience of asylum would be very different from someone coming from a different class background.

In this regard, it is noteworthy that one has to remain attentive to important and often overlooked issues related to class alongside ethnicity and sexual orientation when looking at the diverse experiences of non-heteronormative individuals claiming asylum. I would like to reinforce here, as I do throughout the thesis, that the range of factors that produces discrimination against the migrant group under analysis operates at many levels in the social fabric both in the home country and within the receiving society. It is important not to dismiss the intersections of class and sexuality, as this would mean to enact other forms of exclusions both on a theoretical and a methodological level. At times queer approaches have failed 'to place conceptualisations of "queer" within the social landscape inhabited by, and illuminated through attention to, social actors and their material realities' when exploring people's lived experiences (Taylor 2010).

My second interviewee is Azar, a 29-year old lesbian asylum seeker from Iran. She claimed asylum on the grounds of her sexual identity in the UK in 2010. Before coming to London Azar was living in Tehran where she was part of a network of people that provided information around LGBT related issues inside and outside Iran.

During the interview she focuses on how she views the link between sexual diversity and pride:

> You can be gay in Iran but you will die single, everything should be hidden and I am not that kind of person. Anyway I am not like people here that say I am gay and I am proud; have you seen any straight guy saying I am straight and I'm proud? No, of course not. I mean I am gay and he is straight, simple as that. I am gay and I am proud! What? You are not doing anything, you are just gay! And I am sorry but nobody gives a shit about who you are going to bed with tonight. The thing is I want people to respect me as a human, not as a man, not as a woman, not as gay, not as lesbian, not as trannie but as a human, and in that country (Iran) they don't respect me as a human.

Azar becomes particularly passionate when she refers to her experience of living as a lesbian both in Iran and in England. Being an LGBT rights activist whilst in Tehran makes her cognisant of the fact that homophobia is not exclusively an Iranian problem or specifically endemic to the Middle-East area and African countries:

> Old generations look at you as a sick person however I don't wanna say that you can see that just in Iran! Even in London I've seen that; people don't do anything if they see you with your boyfriend or girlfriend walking hand-in-hand in Oxford Circus, not because they are happy with that, but because they can't say anything as you are supported by the government and by the law. But if someone doesn't say anything that doesn't mean that he or she is happy with who you are. I had few experiences; I was on the bus and some people started talking about lesbians in front of me using offensive words, or the other day two guys were talking about lesbians at work to kind of upset me...I am not out at work because there are so many people there that I don't think are mentally mature to understand that; about what being gay is.

Azar's story, as well as Mohammed's, represents a deviation from the universal linear coming-out trajectory, which evokes a progress meta-narrative as it has already been identified. Progress in this instance becomes simplistically construed as the individual's passage from a regressive non-western to a progressive western culture. Azar's expected emancipation from oppression seems to find its own limits within the receiving country, Azar is aware that homophobic patterns are present in the British society too, and she has felt abused for being a lesbian in Britain as well as in Iran. She is conscious of the fact that the fundamental change of her personal situation from when she was living in Tehran to today's life in London, is that the British law is on her side and that this very awareness makes her feel safe. Therefore

the narrative of individual emancipation is reformulated by Azar in more pragmatic terms as a functional narrative of safety that emerges from legal protection in the new country.

Exploring the interviewees' accounts prompts me to turn a critical eye on the broader context of LGBTI rights politics in western countries, which is marked by current formations of political affinities between the production of mainstream citizenship rights discourse and liberal states' nationalist projects. At this historical juncture liberal nation-states are consolidating a discernible form of 'regulatory queerness' (Puar 2007). This very mechanism serves to strengthen north-centric, Western states' self-perceived liberalness. Within this context, gay and lesbian rights claimers in the West actively contribute to reinforcing state-sanctioned neo-conservative agendas by adopting a strict politics of identity and inclusivity. In the light of recent developments brought about by these actors within liberal democracies I position the figure of queer asylum seekers such as Azar at the centre rather than at the periphery of the analysis. Azar's positionality within the dominant LGBT rights discourse of the receiving country is perceived as problematic, for example in resisting the idea of associating homosexuality with pride or in her refusal to be out at work.

6.4 Desire does not always follow linear trajectories

Migratory processes are unruly forces characterised by the autonomous, complex and heterogeneous practices of the very subjects of migration (Papadopoulos, Stephenson and Tsianos 2008). This autonomous dimension of migration can be described as an intrinsic element of migration itself that exceeds the governmentality or the management of migratory practices. Sandro Mezzadra refers to the autonomous dimension of migration when stating: 'what distinguishes the autonomy of migration approach from an *economicistic* perspective on migration is its emphasis on the subjectivity of living labour as a constitutive and antagonistic element of relations of capital' (2010: 3, emphasis mine). The emphasis here is given to migrants' agency in their resolute decision to start their journeys, and to the desires for constructing something different somewhere else that prompt the actions. However, the autonomous interpretive frame distances itself from producing a naive and superficial account of migratory experiences. In fact, far from romanticising

migration, it is important not to dismiss the dimension of desire, which is all too often overlooked in the analysis of migration and needs to be retrieved. Migrations could be understood as one way of representing desire, the problem is not so much whether desire is dismissed or not, but rather whether it is conceptualised as simple or complex, unitary or multi-vocal. In his work on migrant young adults selling sex in different western European countries Nick Mai (2009) uses the notion of 'minor mobility' to describe the driving forces behind the trajectories that young migrants choose to embark on in their 'search for psychological autonomy and individual fulfillment' (Mai 2009: 363). In acknowledging the complexity and conflicting forms of vulnerabilities and resiliencies that characterise an individual's migratory project, I contend that it is vital to explore the role of desires, hopes and ambitions (King and Mai 2009) in the negotiation and articulation of the migrant's subjectivity in the new social context. For example, the dimension of desire of fitting into the new social fabric and of becoming an integral part of the receiving society by leading what is socially perceived to be a normal lifestyle is an important element to consider when reading queer asylum stories.

When I interviewed Farid, a 30-year old gay man from Iran, the dimension of desire acquires centrality in the narration of his migratory project. Farid was granted refugee status in 2011. His story begins whilst he was still studying for his master's degree in dramatic literature back in Tehran. Farid wrote a homosexual-themed story for one of his classes but unfortunately the university authorities found the manuscript and they did not allow him to finish his studies within the institution. He tells me that the main theme of the story was about 'the political situation in Iran at that time and homosexuality, it was a very big taboo', he adds to that: 'one day I read my story to the class, the professor was very open minded, but one of the students reported me to the authorities – this was during the elections in 2009, one day I went to uni for a protest, and because of that plus the story I wrote they kicked me out'. After being tortured by a militia in the streets of Tehran, Farid decided to leave the country and he arrived in the UK, initially as a student of English. Even though he was tortured he did not perceive himself to be in real danger in Iran. This is how he starts telling the story of how he came to perceive himself as a gay man whilst still in Iran:

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I could say that I had a very complicated period to accept my sexuality, when I was 17 I exactly found out that my feelings and my sexuality are called homosexuality and my first reaction to this was to commit suicide; it was a very bad reaction. But little by little I accepted it because I found that it's not changeable and I tried to meet other people like me and I tried to say it to my father...When I was 17 I fell in love with a man and I had a very close friend, his family was very open minded, his parents lived in Sweden and he was a very smart person. We were very close and he once told me: 'I think your feeling is homosexual' and that was the first time I had heard this concept used.

Farid's personal narrative alternates moments of extreme vulnerability to moments of extraordinary resilience. Sometimes these two traits co-exist within his narrative. He talks about his enthusiasm when he first arrived in the UK, about being able to tell people that he was gay and about going to places where gay people could openly go and meet other gay people: 'the first time I experienced *G.A.Y.* it was amazing but on the other hand it's a little bit hopeless because I think the focus of this area is not about sexuality, it's about sex. For me it's not very interesting'. The initial excitement about the new 'scene' is quickly coupled with disappointment and hopelessness (see chapter 7). Farid uses the word 'hopeless' very often throughout the interview, he uses it with particular emphasis when expressing his desire for a normal life in the new country:

I feel very hopeless because I think the best thing that could happen to a homosexual person: gay, lesbian, bisexual, transsexual is to be in a very good relationship, to have a nice partner and a close relationship and being successful in your studies and work. But I think that as an Iranian gay man in the British society I think that it is very, very difficult for me. For example it's my new decision that it's not good to say that I am gay to everyone, actually to anyone, as I realised that not everyone is OK with that over here either.

Farid does not seem to actualise his desire for a normal relationship with a man and also his desire of finding a job as a social worker disintegrates. He describes his current living condition in London as a 'waiting situation'; he feels cut off from British society and he decides not to be 'out' any longer given the recent experiences of discrimination that he has been subjected to. Once again, Farid's story does not seem to reflect the liberation trope, and the difficulties that he encounters in finding his place in the new society certainly do not symbolise a path to emancipation. Desire of finding something different elsewhere was the main driving force of his migratory project but he is now faced with the manifold hostilities of the legal and

social systems in the new country. Due to the perceived societal antagonism Farid feels that he lacks the energy or the desire to 'integrate', as he puts it: 'I think that British people don't have a very good view of asylum seekers, you can see that especially in the newspapers!' Further on in the interview he concludes that: 'anyway, I must learn to integrate in the British society but generally I find it very difficult. You know to find a simple job it's OK...as a waiter or a builder but a middle-class kind of job it's very difficult'. Hopelessness becomes the most recurrent term that Farid employs when referring to his future in the UK.

Throughout this study I learnt that it is vital to explore the role of desires, hopes and ambitions in the negotiation and articulation of the migrant's subjectivity in the new social contexts to which they seek to belong. For example, the desire of fitting into the new social fabric and of becoming an integral part of the receiving society by leading what is socially perceived to be a normal lifestyle (see chapter 3) is an important element to consider when reading the asylum stories that I present in the thesis.

6.5 Universalising agency and victimhood

One of the main lessons that we learn from post-structuralist literature is that individuals are multiply constituted subjects whose positions within the social context they inhabit are discursively articulated in complex and at times contradictory ways. Subjects construct themselves through inhabiting social norms and discourses, which shape one's potentiality to act upon the phenomenological world. In her research on women migrants in the sex industry in Italy, Rutvica Andrijasevic looks at the contested meanings of agency in the context of female sex work and in so doing she points out 'the tensions that emerge when migrant women in the sex sector take up several and contradictory subject positions' (2010: 18). Feminist scholarship has been particularly productive in the investigation of the meanings of agency; as the debate is far too complex to discuss it accurately in this thesis, I would only like to gesture towards a critical position in relation to universalising narratives about agency (or lack thereof), operated within western discourse. The term agency originates from the Latin noun *agentia* and it describes the capacity of a subject or an object to produce a particular effect or result (OED).

Following the conceptualisations of Saba Mahmood on the specificity of the notion of human agency I will refer to it as the 'capacity for action that specific relations of subordination create and enable (2005: 18). Mahmood argues that if Western academic discourse continues to articulate freedom from norms as an intrinsic and universal human desire that works for all human beings regardless of their socio-cultural backgrounds, then there will always remain the inscrutable question of what impact both cultural and historical conditions have on our understanding of human agency. Therefore agency has to be viewed as a culturally situated capacity for action and its very quality of being historically and culturally specific makes it difficult to apprehend from the standpoint of the viewer who inhabits a different value-system. If agency remains vastly and solely conceptualised as resistance to power rather than as that which allows people to differently inhabit and perform norms, then the colonial tropes of liberation and necessary emancipation from regressive social models are reinforced. Hence, Mahmood raises the apt question: 'how do we analyze operations of power that construct different bodies, knowledges, and subjectivities whose trajectories do not follow the actuality of liberatory politics?' (Mahmood 2005: 14).

In the context of the analysis of individuals claiming asylum on the basis of sexual orientation and gender identity, it is very important to adopt a nuanced and de-westernised interpretive framing to map out and be able to read different modes and manifestations of human agency. These modes exceed the universal understanding of the oppression/liberation binary structure, however this does not mean that such a binarist logic can (or should) easily be deconstructed or transcended. By questioning the valence of queer research methodologies the American anthropologist Tom Boellstorff talks about the ubiquity of binarisms within human analytical capability, he emphasizes how binarisms are ubiquitous analytical structures that serve as a way of making sense of the world (2010). When Boellstorff formulates his argument on the inescapability of the use of binarisms within language he follows the Foucauldian notion of reverse discourse and the question that arises from his speculations is whether the very concept of liberation from binarisms (involving a reversal of oppression) establishes yet another binary? To further illustrate his point Boellstorff refers to his ethnographic research with lesbians and gays in the Indonesian archipelago where the binary of sameness/difference becomes evoked and lived in people's everyday experiences. He found that Indonesian gay and *lesbi* (which are

distinct from western gay and lesbian identities), rather than dissolving the binarism, seem to 'surf' it:

> I discovered early on during fieldwork in Indonesia that notions of sameness and difference were central to how gay and lesbi persons understood their relationship to the global, and to each other across lines of gender, class, religion and place...They did not think of themselves as either 'the same' or 'different' from persons outside Indonesia terming themselves lesbian or gay, but this was not because the sameness/difference binarism had been surpassed or dissolved (2010: 223)

Boellstorff emphasises that in the Indonesian context gay and *lesbi* categories of selfhood are relatively novel and the terms are not perceived as traditionally Indonesian, and that in this specific 'archipelagic' context disparate formations of a non-heterosexual sense of self are articulated in such a way that 'the binarism persisted, but not as something ontologized into an unchanging first principle' (ibid.: 223).

Acknowledging the power of binarisms is a vital element in the analysis of agency in the context of queer asylum seekers inasmuch as the metaphor of 'surfing binarism' (Boellstorff 2010) provides us with a more calibrated lens to read the variegated ways in which people inhabit social norms that are themselves structured around a binarist logic. It is also apt here to bear in mind the Foucauldian heuristic concept of subjectification, which is based on the principle that the subject is produced by the very norms that she or he resists. In the process, agency is not nullified by this tautology but it remains specifically located within power itself. From this it results that human agency does not hold a relation of external opposition to power (Butler 1993). Bearing in mind this notion of agency in relation to socio-cultural norms, I will proceed to look at some interventions made by the group of asylum seekers and refugees that I researched.

The twenty-four year-old respondent, Amira, offers the western interlocutor a good example of recognisable agency as a Muslim homosexual woman escaping a predetermined fate. For Amira, a young lesbian from Algeria, the necessity to leave her hometown came about when her family started to put pressure on her about getting married. When Amira finished her university studies she was in a very vulnerable position, she puts it this way:

Since I was a child I wanted to get out of my family house. I wanted to leave as soon as they started talking about marriage when I was about 17. Before I thought I could live discreetly then at 17 the subject of getting married started so that's when I knew I had to go. I was studying for my BA, but after that my parents wanted me to get married because that's the way it is. If you are a woman there is nothing after your studies apart from marrying a man.

Amira's story is centred on her determination to leave her hometown and the family household, which was characterised by the presence of a very intrusive mother figure and a violent uncle, and the absence of a father. Amira talks at length about the various strategies that she adopted in order to leave the family house. She also talks about her first lesbian relationship with one of her cousins, who helped her come to England:

In Algeria a girl leaves the family house only for 2 reasons. One is getting married and the other one is death! Anyway, I was very depressed at that time I didn't see a way out, so my cousin (girlfriend) helped me and she asked her brother to get formally engaged with me. At that time he was studying for a master's in France. So now, as we are formally engaged he is responsible for me, thankfully as we are from the same family we skipped the engagement party. Basically we said to our families that we wanted to finish our studies abroad first, and only then we would get married. I would have then followed him to France or the UK. In theory we should get married next year, but he clearly won't finish his MA now and I was supposed to start mine last term but I was rejected.

Throughout the telling of her story Amira stresses the determination that she has needed to go through such a process of reinvention and of distancing from her family. Initially, when she arrived in the UK she was a student, and only when she was in the country did she find out that she could apply for asylum on the grounds of fear of persecution because of her sexuality: 'I didn't know anything about the possibility of applying for asylum because of your sexual orientation, I only knew about political asylum that's all. Then in July I went to pride in Soho and I saw a lot of banners saying *LGBT asylum* and then I met some people from UKLGIG'. Her family knows that Amira is a student in a language college in London and that she will be back in Algeria in the spring to finally get married. Amira has been granted leave to remain for the next five years and she is very excited about this, although she is sad when she thinks about her younger sisters and brother, she is aware that she will not be able to return to Algeria for a very long time to come. She shows great signs of

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mental resilience and she sounds truly enthused when she describes her friendship with gay and lesbian people that she has met in London:

> When I came here I knew that I couldn't be harmed here, but not that you could be this open! I took off the veil straight away; that wasn't me. At the English course I befriended a gay guy and he once invited me to go with him to the club Heaven. I met his friends and they welcomed me into the gay community in London, I saw all these colours, so much fun, it was great! So, the first impression was cool. I wondered how such places can exist. I started to hang out more and more with these guys, mostly gay guys but fewer lesbians... I went on GayGirlNet.com, I created a profile and dated few girls from there; it didn't work out. Anyway I made 3 friends through that site, I live with one of them now, she is my friend but I am single!

Amira's account is marked by hope and optimism. Amira seems to be a readable subject for the UK asylum system. She told me that according to her own experience the asylum process 'has not been as hard as many other people describe it'. She continues to talk about the screening interviews that the UKBA officers conduct in the Lunar House offices in Croydon. She admitted her fear of facing the interview as she had been told that it may last up to ten hours, she tells me: 'I was quite scared because I had heard that this interview can take up to 10 hours, I couldn't even imagine what to talk about for ten hours. In my case the whole interview lasted only one hour - I felt so relieved'. Amira's overall account seems to follow a linear and unequivocally knowable trajectory, which marks her journey from the oppressive household in Barika to a life of colours and opportunities in London. Her resoluteness and determination in winning the asylum case demonstrates clear signs of agency; she is socially perceived to be actively and visibly resisting with resilience. However, Amira also seems to exceed the easily ascribed binary of victim/ liberated woman; most of the time she navigates binarisms by strategically using the attributed identity of victim, which she uncomfortably enacts. Thus far Amira has been successful in rendering herself intelligible and therefore audible to the UK society in general and the British jurisprudence in particular; in doing so her account becomes more credible and hopefully recognised as genuine.

Amira's circumstances prompt some reflections on the differential possibilities that humans have of making themselves listened to in their encounter with institutional powers. Judith Butler writes: 'to be oppressed you must first become intelligible. To find that you are fundamentally unintelligible (indeed, that the laws

of culture and language find you to be an impossibility) is to find that you have not yet achieved access to the human' (2004:30). The type of unintelligibility or illegibility that Butler refers to is not exclusively the peculiarity of sexual minorities; this concept is apt to describe the positionalities of potentially all subjects in relation to norms. The subject that inhabits this threshold of indistinguishability or this zone of unrecognisability takes on a multiplicity of forms, in other words all those subjectivities that assume a marked queer relation to normativity. What happens when the queer individual claiming asylum does not or cannot make herself/himself readable to the laws of culture and language? How do individuals negotiate knowable identities, which become forcefully ascribed to them? These are questions that I want to engage with in order to draw the lines of a complex picture.

Mohammed from Iraq responds in the following terms: 'Yes I am open about my sexuality but I am still learning about who I am and what I will be. I do not like being labeled as gay. I am human first and then born in a certain way. Sexuality is too deep a concept to be labeled by one single word'. After 10 years in London Mohammed has not yet been given recognised refugee status; despite the fact that he has provided clear evidence of torture and persecution in Iraq he still remains an unintelligible subject before the law. Mohammed expresses that continuing to live such a long-lasting state of precariousness is both mentally and physically debilitating. Throughout the interview he evokes the complexity of sexuality as a direct result of the complexities of human behaviours, as he puts it: 'just because I enjoy sexual intimacy with other biological men that does not make me a gay man'. Refusing this ascribed identity can be problematic in the economy of genuineness that is imposed to asylum seekers.

Referring to the western-centric heteronormative framework through which queer asylum seekers' accounts are read in courts, Berg and Millbank argue that: '[t]he challenge is to elicit a nuanced narrative which explains apparent inconsistencies and complicates neat categorizations of human sexual experience, yet at the same time to present this narrative in such a way that it is recognizable to the decision-maker and meets the legal criteria necessary to establish group membership' (2009:217). Within the asylum process, the making of the homosexual social category is a product of the legal requirements of rendering the scrutinised subjects categorically intelligible and

therefore visible. However, individuals' lived and embodied experiences of sexuality are very rarely that linear.

Even when one is confronted with individuals' desire of normality and assimilation within the new social fabric, the stories one encounters offer multi-layered and situated meanings. For instance, towards the end of the interview with Farid from Iran, he reveals that: 'sometimes, honestly I think, because I have got very good not girlfriends but friends that are girls, sometimes I think, maybe if I get married, I could have a child and it's a much more normal life! But in the end I accepted myself as a gay man'. Hence the link between complex sexual subjectivities and the dominant heteronormative laws of culture and language that surveil people's intimacies produces identities open to compromise. This very process fails to present us with a one-dimensional narrative of a staged sexual identification journey.

The inaudibility of the queer asylum seeker's voice becomes apparent when the individual is not seen as intelligible or when he/she is represented as an absolute victim by the system of institutions. In relation to this aspect I find it particularly helpful to refer to the work of anthropologist Cristiana Giordano (2008) in her analysis of the experience of a Nigerian female sex-worker in Italy vis-à-vis Italian institutional settings, from the police to the psychiatric clinic where she was hospitalised. Giordano found that the woman, who is approached as a victim responded as a victim and that the migrant women she had come into contact with 'inhabit the category of "victim" for periods of their migration trajectories; they often have that category ascribed to them, but they are never completely subsumed within it' (2008: 595). The analysis interests me because it refocuses victims' agency and at the same time it recognises the fact that within institutional settings the act of naming and labeling individuals as victims reinforces or even creates the category. I am particularly interested in what this institutional labeling produces in the migrant's subjectivity, the question that I raise is whether there is a trace left in the person's perception of the self as a victim, particularly when that aspect overwhelmingly defines who one is within the receiving society.

The following respondents provide telling examples of how the narrative of victimhood circulates throughout the process of claiming asylum as well as when the process has ended; victimhood stories produce suffering, even when they allow

people to obtain recognition of their rights. Ava and Sholah are two women in their late forties originally from Afghanistan, they escaped torture from their country because they were suspected of being a lesbian couple. They arrived in Britain 12 years ago and they are now awaiting trial. After 12 years they are still at risk of being sent back to Afghanistan. Recently they have started to collate the required evidence that proves the genuineness of their lesbianism, their relationship and their experiences of torture, which needs to be presented to the judges. They describe this process as extremely painful as they are forced to relive traumatic episodes in detail. Recently, one of the women started an email correspondence with me. Here is what she wrote on an email to me:

> I am completely stressed out, Sholah is in hospital now, she cannot handle it, for the moment we are taking it as went along but it has been building up and lately she has been self-harming, today was the worst day, but thank God she is being assessed and will get some help. At the moment we are in a dark zone, and any amount of faith and assistance is somehow failing short to bring back some sunshine. Sorry to fill the space with this sadness but I am also hopeful times will change and for the better and my Sholah will smile again. Do pray for us.

From this excerpt Sholah is described as being completely subsumed within the victim category. When I meet her she shows me the signs of torture on her body, she talks very openly about the hopelessness that she feels and that not even her faith can make her feel calm. In this state of limbo, waiting for the day of trial and waiting for a decision by the British adjudicators, Sholah seems to be fully inscribing herself into the category of the absolute victim. The enormous pressure of not knowing what the result of the decision is, after more than a two-year long legal battle, reinforces the individual's identification with a state of victimhood that eventually may start taking the shape of a fixed ontological principle.

The problematic question raised here is whether dominant legal framings of a subjectivity within the cognisable category of the victim (such as in the case of a lesbian asylum seeker from Afghanistan) force the individual to unidimensionally present herself as such when confronting the law. To acknowledge the necessity of presenting one's story in a very intelligible form before the law is conducive to creating a deep anxiety for the claimant, which is very likely to lead to the individual's breakdown. As the legal scholar Francisco Valdes puts it: 'law simply is not accustomed to multidimensional analyses. Instead, legal culture routinely

categorizes in unidimensional terms' (2009: 102). Unfortunately within this framework people claiming asylum encounter a multiplicity of credibility related issues. The problem is exacerbated when people claim asylum on the grounds of their sexuality as they need to prove their identity to the court within an environment that 'overlooks the demonstrated or demonstrable facts and ramifications of sexual minority diversities', and that 'omits the forthright application of postmodern methods now available to legal scholars' (Valdes 2009:105).

For other respondents the breakdown moment may occur after winning the case, which is telling of how traumatising the entirety of the asylum experience might have been. Farid from Iran tells me that his clinical depression kicked in only after he was granted asylum. He describes himself as someone 'who used to have strong self-confidence' but now he perceives himself in very different terms. Feeling 'hopeless' about his future in the UK is his most recurrent theme. His depressive condition is exacerbated by the fact that he thinks that he will never be able to integrate in the British society 'I have no job, no college, all the time I stay at home and just read the news about Iran and I haven't got English friends and because of all this I think I couldn't integrate in this society'. Once the asylum decision was taken and Farid was faced with the realisation that he would never feel fully welcomed in the receiving society as he had hoped, and when he realises that he will not be able to go back to Iran in the foreseeable future he emphasises his condition of perennial victim. Therefore, he tells me that when he received the positive news about his case, he felt very confused: 'when I found out that I could stay 5 years in the UK and that I couldn't go back to Iran it was exactly like a catastrophe and you know it's like when you wake up from a dream and it was very awful. For 3 months I never left my room and without college, without job - just with the permission to stay in the UK for 5 years!'

6.6 Conclusion

Alongside the obstacles in being recognised as a genuine claimant and the overt simplifications of the legal labelling language, the sexual minority individual seeking asylum is also led to adhere to the universal narrative of liberation. This narrative is construed as a totalising depiction of migrants' mobility in that it describes the migratory project by exclusively concentrating on the subject's liberation from an

oppressive and regressive culture in search of a better life in the benevolent and civilised West (see also chapter 4). However, when producing their stories, asylum seekers can strategically use such an emancipatory trope, characterised by the telling of a linear and easily intelligible succession of events. This trope seems to leave a trace in the respondents' subjectivities, to some degree it appears to remain in their reformulation of a newly acquired identity, which is not just the 'new' gay, lesbian, bisexual or trans identity. In fact this is an identification that problematically triggers a process of embodiment of victimhood.

The state of victimhood that queer asylum seekers inhabit is not read as a transient moment in life, rather as a trait of one's ontological position in the world. This view is highly disputable especially when it is instrumentalised at the hands of those humanitarian institutional bodies whose *raison d'être* is to protect these groups of migrants. Therefore, the main questions that have been explored here are: when does the asylum seeker take him/herself out of this totalising liberation narrative? And how do they negotiate these imposed narratives? I found it apt to look at the disparate ways in which individuals identify themselves with the label of absolute victim that is produced, consolidated and reconfirmed throughout the entirety of the asylum process. Exploring the modes and the extent to which such a trace remains in people's lives, even after the asylum process, seems to be a fruitful inquiry.

The stories that the asylum seekers and refugees provide challenge universalising notions of human agency and desires of 'liberation'. The accounts presented in the chapter problematise the fact that diffused legal-academic readings of liberation are often entrenched within a specific western progress meta-narrative that ignores the socio-cultural situatedness of what different enactments of agency do involve. In the UK context, all of those facing the asylum system need to make themselves readable and intelligible subjects for the asylum decision makers and the courts. Within this process of cross-cultural interpretation of people's (sexual) identities, asylum seekers and refugees are often exposed to very strong assumptions about what their experiences might have been, and they are also subjected to an institutionalised heteronormative interpretive lens. The abundance of problems in being recognised as an authentic or genuine claimant for asylum seekers in general but for sexual minority claimants in particular, illustrates a discernible trait of the British courts,

namely a diffused heteronormative framework that is characteristic of the decision-making process.

Within the plethora of representational practices of sexual minority asylum seekers in liberal states I have gestured towards the dangers of instrumentalisation of the notion of tolerance endemic to the liberal west (see chapter 4). This is often used as a marker of progress at the very hands of these states, which portray themselves as benevolent safe-havens for victims of regressive non-liberal social structures. The interventions of the research respondents question such binarisms by providing narratives that navigate, or better, that are able to surf these clear-cut dichotomies. The voices and the actions of the asylum seekers and refugees dispute the significance and the value of being read as a victim when confronted with the receiving society. Asylum seekers may use the concept of victimhood to make their experiences recognisable within the system of institutions yet by so doing they are exposed to the risk of internalising and over-identifying with the victim category. Hence, the victimhood 'script' is damaging on two main levels. First, on legal level, it consolidates only one possible way to have the right for protection recognised. Second, on a psychological level, it negatively affects the person adopting the 'script' in that it reinforces his or her sense of hopelessness.

CHAPTER 7

(IL)LEGAL MATERIAL CIRCUMSTANCES,
THE SPACE OF THE INTERVIEW AND THE PRACTICE OF DETENTION

I was not a beggar back home
I had a career and property
Refusing me work is depriving me of my basic need
Denying me a good life is unfair
A social life keeps human beings healthy
Property makes them happy
Careers make them responsible citizens
All have become a dream...

(From a poem written by a Ugandan lesbian asylum seeker, member of *International Rainbow*)

In this chapter my aim is to attend to the material living conditions of the study respondents throughout the asylum determination process, with an emphasis on the initial stage of the claim. I explore their states of vulnerability and strength as experienced in their everyday lives. The chapter follows a tripartite structure, in the first part I focus on respondents' narratives, which bring to light the material conditions of their existence in the new country. In so doing I question the given of 'illegality' that marks the individual's possibilities of being in the world, that is to say one's mobility, desires and aspirations for the future to come. In the second part of the chapter I elaborate on the recurrent material problems that respondents encounter through and after the asylum process. Within this space I leave room for respondents' stories to emerge more visibly in order to articulate the high risks of destitution and homelessness to which they are subjected, which constantly prove their resilience and expose them to exploitation by third parties. To conclude the analysis of the exogenous factors defining the lived experiences of this migrant group, I select relevant information that respondents chose to share with me in relation to the issues they confront when facing the Home Office. In doing so, I examine the physical space of the asylum interviews and the interactions between claimants and Home Office case owners as well as interpreters. Finally specific reference will be made to the experiences of being held in detention for sexual minority subjects.

7.1 Arriving in the UK: reasons for migrating

Despite the complexities and displacements that are part and parcel of the asylum claimant's experience, or of the process of becoming a refugee, research respondents articulate resolutely their intentions of remaining in the new country. Nevertheless, the likelihood of a long wait for the Home Office decision on a claim is largely perceived to be a tangible stumbling block for those who go through the determination process. In fact, this appears to be one of the biggest fears for claimants. One of the main study respondents Mohammed from Iraq expresses his predicament vividly 'I have been fighting for ten years now. How many ten years do I have in my life? How many ten years can I spend on a single struggle?'

To be sure, the indeterminacy of one's 'legal' immigration status accompanied by the awareness that one occupies the position of a detainable and deportable subject has a strong impact on the person's internal world. This is a disempowering act of gaining awareness of one's socially marginalised position in the host country. Nevertheless, as discussed in previous chapters, the study has shown that the internal damage caused by institutional operating modes is not sufficient, in most cases, to deter the person from persevering and attempting to gain the right to stay in the new country.

As Alice Bloch suggests in her research into the refugee population in Britain there are 'a number of inter-related factors including social and kinship networks' (2002:75) that form part of the reasons for migrating. Often these reasons are characterised by no choice over the destination and utter dependence on smugglers, traffickers or agents. During the fieldwork, in the attempt to trace the complex journeys of research respondents I came across a multiplicity of stories about desires for migrating (Mezzadra 2010). Recent academic research on migration (Andrijasevic 2010, Fortier 2003, Mai 2009) has stressed that driving desires and motives of people's mobility are very complex and contradictory, and often are as heterogeneous as people's aspirations for their future lives. The migratory project heavily depends on the person's living circumstances in the country of origin, which are defined by their class, ethnicity, gender and age. All these factors play an important role in shaping one's migratory trajectory and overall experience of asylum. As discussed in chapter 5 I explored the notion of agency as the capacity to

act under subjugating circumstances. In the study it emerged that the agency of the migrant subject revolves around availability of both cultural and financial capital, which acutely differentiate interactions, expectations and rights-claiming competences amongst respondents. I will develop these points further in the text.

When I interviewed respondents I realised that the vast majority of them was not aware that they could claim asylum on a sexuality basis when they arrived in the UK. In fact, 80% of participants thought that asylum was a prerogative of people coming from war-afflicted zones. The sentence 'I didn't know I could apply for asylum because I'm gay' became a crucial part of the individual's narrative of recognition, which I view as the trope that the sexual-subalternised refugees need to adopt to have their citizenship rights recognised. Through the use of this narrative one has to challenge institutional and societal disbelief by being recognised as an authentic subject in need of humanitarian protection – one has to demonstrate complete genuineness and a sort of naïve unawareness of what the British system of institutions provides to support sexual minorities:

> It all started when someone told me: 'why don't you do this?' and I said: 'well, I am not escaping war'. Initially I thought no, I don't know who is going to get hold of this information and I didn't want to expose myself in such a way. I'd be in much more danger if I did that, I thought. (Jim, 36yo from Jamaica)

Many respondents decided to emphasise that they were unaware of the possibility of claiming asylum on a sexuality basis. In so doing, they initially preferred to pass over important elements of the reasons why they did not apply for asylum immediately, namely their well-founded fears of being detained and deported, or the fear of having to go through an unfair system. The research findings indicated that the awareness of not being able to work after starting the asylum application was viewed as a strong deterrent for respondents, as Boro from Gambia put it 'it was much easier before – I could work and I always had cash in my pockets. In 2007 when I started the asylum it became very hard as I couldn't work anymore, or I had to be extra careful'.

Examining the reasons why respondents 'chose' Britain as their destination revealed that there are multiple components to consider when one feels compelled to migrate. For some respondents, the UK was just an option among many other

countries in the Northern hemisphere, therefore the UK was not perceived as a specific object of desire. For others, especially for those who come from the Commonwealth geopolitical area, linguistic and cultural factors played a crucial role in determining their choices. For some others, the UK was the destination to which their smugglers decided to send them. Only for a small number of respondents (one tenth of the sample) was their knowledge of the British asylum system the main motivating factor of migration.

> David (the smuggler) was on the phone all the time. He said to me that I was free. He said; I am going, you are free and I told him that he couldn't leave here where I don't know anybody, I don't speak the language. I told him that I wanted to go to France or Belgium, where they speak French, or in Paris where my auntie lives; I could have gone to Paris. This was in May 2010. Anyway he left and then he came back and gave me an envelope with a ticket for the train to Paris, the train is called Eurostar. (Elvis, 34yo from Cameroon)

> The protocol for getting a visa was easier to come here. And I was dating someone online, someone who was here in London - a Jamaican man I stayed with him for the first three weeks when I arrived here but that was it. He had other partners and I didn't like that, so I left him. (Adebayo, 30yo from Nigeria)

> I met this British guy in Jamaica, he fell in love with me and he took me here. I am not with him anyway. I have been in a relationship with another Jamaican man, who is also an asylum seeker, for many years now. (Jim, 31yo from Jamaica)

From the first excerpt it is clear that Elvis entirely depended on agents and smugglers in the process of leaving Cameroon. He was unaware of his destination, when he landed in Heathrow he did not know that he had arrived in Britain. However, after escaping the life threatening danger at home, he realised that he did not want to remain in a country about which he knew nothing and where he could not communicate with people. Elvis speaks French and his desire was to join his aunt in Paris, where he could meet other family members.

There is vast theoretical literature in the field of migration studies that views the role of family and kinship ties as being very strong determining factors over one's choice of destination (Portes 1999). However, as often occurs with sexual minority asylum seekers, family and kinship ties are not seen as the primary motivating factors to opt for a destination. In fact these migrants are fleeing violence that often

comes from the hands of family members- normally they would not dare to risk receiving similar treatment from their familial network in the country of arrival. As Elvis and many other respondents explained to me, relatives can be the first point of reference in the new place, but very often they must be kept unaware of their real reasons for leaving the home country. In this process, the refugee relives the predicament of finding oneself in the position of still having to hide. Relying on one's family or ethnic community networks is a double-edged sword for the subalternised sexual Other. I use this phrase here as it helps me stress the contingent conditions of subalternity that emerge when the asylum claimant in need of support interacts with her own social network.

In the other two excerpts above, in both Jim and Adebayo's cases, their choice of the UK as their desired destination was partly to do with their affective and romantic entanglements in the country prior to their arrival. Mobility can be triggered by the notion of finding love elsewhere (Mai 2009), that is to say, in a safer environment. In my view, the dimension of love should not be overlooked when exploring the narratives of this migrant group. In fact the possibility of finding permissible love elsewhere becomes a crucial instigator in respondents' determination to go through the hardship of their migratory journeys. The link between romantic relationships and mobility is interesting insofar as for some respondents the idea of being able to establish a (long-term) relationship with a desired and often imagined partner was the crucial motive for coming to the UK. For others it was the need of escaping compulsory heterosexual romances in their countries of origin that prompted the decision of leaving. Often, both aspects co-exist in respondents' narratives -- escaping the obligation of marriage from the old home and finding true love with a desired partner in the new home.

7.2 The production of illegality and its effects: 'where is the protection?'

Throughout the thesis I have argued that excluding processes of Othering characterise the British socio-political and legal discourses that construct the identity of the asylum seeker (see chapters 4 and 5). In the process of exclusion the Other must be kept at a 'safety' distance from the state and its legitimate people. This normalised precaution of distancing the illegitimate subject justifies governmental approaches and measures against migrants, such as deportability and detention. In

this section I would like to focus on the former. The notion of deportability problematises the term deportation itself. By looking at the US migration regimes, Nicholas De Genova (2002) contends that it is not deportation per se, but rather the very condition of being deportable that characterises conditions of illegality. However, in the UK, being deportable also characterises the conditions of legality for the migrant. In fact, in the British context one does not have to be 'illegal' to be deported; any legal claimant can be at risk of deportation by the Home Office. The acute fear of being deported is a common feeling for respondents, particularly for those who had previously lived in the country as undocumented migrants. In the study this fear was referred to as a feeling of impossibility of planning the future and of being in a state of limbo that obstructs aspirations and self-fulfillment.

7.2.1 Shadow existence: navigating between legality and illegality

Nando Sigona (2012) examined the lived experiences of young undocumented migrants in Britain. By looking at the impact of legal status on the social worlds of these irregular migrants, he finds that the condition of 'illegality' permeates migrants' everyday lives, gradually invading their social worlds and social and community networks (2012:50). Throughout my research I found that respondents provided accounts that echoed Sigona's analysis. In Sigona's article based on an earlier research (2009) the findings established that 'being undocumented can and does impact social relations in several ways. Interviewees often mention the difficulty of liaising with others, especially if documented, and the burden of having to rely on secrets and lies on a daily basis to protect themselves' (2012). While family and friends are crucial in the lives of interviewees, it is not without tension because the lack of status can disempower migrants, making them dependent. In the research conducted by Bloch, Sigona and Zetter (2009) on undocumented young migrants in England it was found that respondents' legal status had an impact on their possibilities of constructing social worlds and networks. The fear of being caught and having to lie about one's own status was perceived as a deterrent to establishing social relationships. Respondents seemed to be able to rely on family members and friends for protection and support. Nevertheless, these relationships could easily be complicated by the fact that the undocumented person is likely to be construed as a burden by her/his entourage.

In my study I also identified fear of disclosure and mistrusting close networks as being part of respondents' experiences. In many cases, respondents would find it hard to build up long-term relationships with their partners because they did not feel ready to disclose their immigration status. Here, perhaps 'unreadiness' should be substituted for 'lack of trust'. In fact, in addition to the vulnerability produced by former or current undocumentedness there was another element defining their narratives, namely the fear of one's sexuality being exposed. Ironically, the fear of exposure that respondents are trying to escape when claiming asylum is felt again within the context of their available social worlds in the new country.

Being undocumented leads one to want to be as 'invisible' as possible; one way of achieving such shadow existence is to stick with one's national or ethnic community, socialising and working with people from a common cultural and linguistic background. All this provides the individual with the necessary means to go underground and maintain a state of invisibility. However, as mentioned above, the fear of being reported to the authorities as undocumented in the case of sexual minority migrants is often coupled with the fear of being found out to be queer by family members, or community groups. For many participants, the will to escape the compromising bonds with their social networks was the trigger to attempt to regulate their immigration status in the country. Some respondents were undocumented prior to their asylum claiming process. They suffered from the type of isolation often described by academic research on undocumentedness, but in their cases the threshold of coping with suffering seemed to stretch even further due to their sexual difference. In fact, this augmented their sense of helplessness and marginalisation.

Bloch et al. (2009) carefully explore the stories of undocumented young migrants. In doing so, they contend that: 'the intersection between their lack of status and their gender, country of origin, life events, migratory projects and current circumstances provides a grid for exploring and analysing migrant narratives' (2009). To this apt analytical intersectional framing of specific migratory experiences I would add the oft-neglected characteristic of sexual difference. This would help to draw more precise contours of a complex portrait of migrants' journeys. As discussed above, queer subjects find themselves in a double bind; having to hide both status and sexuality. They are deprived of kinship support, or such support becomes very frail at

best, counterproductive at worst. Let me now turn my attention to some illustrative respondents' accounts.

Throughout the interview process, interviewees were candid in revealing the difficulties caused by their illegal status, and how this intersected with their queerness. A Sri Lankan respondent Baba told me that he prefers to spend a lot of time by himself: 'often I am alone and I talk to myself'. After five years in the UK, he still finds it extremely difficult to have a social life as he cannot disclose his legal status: 'I don't say to people that I'm illegal. It's better to say that I'm student. Sometimes people have not been good to me'. Samuel from Uganda echoed Baba's concerns about the material conditions produced by illegality. He says that he has often been exposed to abuse due to the fact that he is homeless. In the eleven years spent in London he tells me that he has always slept at 'friends' places as he has never been able to afford a monthly rent. At times he has been forced into providing sexual favours to his hosts, and he sounds reconciled to the idea of doing so as he says: 'when you don't have a roof on your head you are powerless'.

Another respondent, Qadir, a 29 year-old Pakistani man tells me that he has lived in the UK for the past five years, four as an undocumented migrant. Qadir tells me how difficult it is to feel that one has to constantly hide from people and he particularly focuses on the fact that as an undocumented person one has no rights and can easily become prey to people who can take advantage of such situations, in his case both smugglers and 'friends'. Qadir's English is still very broken; he told me that he would always socialise with other Pakistanis because he did not trust other people around him. He used to share a flat with five other Pakistani men, none of whom knew about his sexuality. Qadir has experienced isolation and self-shame -- being undocumented makes him invisible to the broader social fabric and being queer makes him invisible to his close social network. As is the case for many others in his position, Qadir has found ways to cope with the idea of remaining an undocumented migrant in the UK for as long as he could sustain it. He has no intention of returning to Pakistan, where two of his ex-lovers were murdered when they were publically outed as deviant sinners. These multiple sources of inhibition and mistrust have made Qadir very fearful of claiming asylum (on the basis of sexuality), and he chose to do so only when he faced the real risk of being deported. High levels of suffering and coping with very hard living conditions affect all

undocumented migrants regardless of their sexuality. However sexual minorities have specific experiences of stigma that under certain circumstances are perceived as insurmountable problems.

The respondents' narratives revealed a complex picture of exposure to exploitation linked to their precarious circumstances. In precarity, it is easy to become dependent on the very people who have created the conditions that make them vulnerable to exploitation. Some of the respondents have recounted complex stories about their relationships with the people who have taken advantage of their illegality. These relationships are marked by contradictions and strong clashes of power relations. Nina, an Indian lesbian who took part in the study, talked to me about her life with her British 'ex-husband' (she calls him ex-husband although they were not legally married). He was the person who provided the false papers that enabled her to come to the UK. She talked about the abuse, the fact that she felt treated like a slave, about how she had to clean up all the dirt after the sex orgies that her ex-husband used to have in the east-London flat where they lived. She said that she did not care about the fact that he was having sex with 'these unwell and alcoholic women', because she knew that their wedding was 'not real'. At the same time she described him as very attractive and charming: 'all the women wanted him...he was such a good swimmer, so athletic'. Nina thinks that he did not like her because she was the only decent woman around him and she was cleverer than he expected her to be, and: 'he wanted all the women around him to be stupid'. She recounted a time when she was stabbed in her thigh by one of the man's 'girlfriends', a young woman from Pakistan who was staying with them in the flat. Nina thinks that he forced the girl to stab her as she was not obedient; on the other hand she believed the girl was jealous of Nina as she wanted to marry the British man herself so that she could remain in the UK legally. Overall, the ways in which Nina articulated her relationship with the British man made me think about the complexities of the 'exploiter's role': does she admire him as much as she hates him? How does she feel about him now? Nina keeps her aggressors' photographs in her laptop so that she can look at them and feel stronger. Whilst showing me the photographs she said: 'these are the people that wanted to destroy me, looking at their pics I remind myself that I need to be strong and prove them wrong. You can't imagine the strength that these pics give me'. The way in which Nina re-

conceptualises and repositions the figure of the exploiter in her life becomes a source of strength rather than weakness, fear or vulnerability.

Under conditions of 'illegality', or of acute financial instability, and with a tenuous support network the asylum claimant needs to maintain mental and physical resilience. Internal strength must be matched by an abled body. Being ill or becoming disabled can produce catastrophic consequences. Some of the interviews that I have conducted have brought to light very complex stories about the consequences of people's changes of circumstances in relation to their health. One of my respondents, an elderly gay man from Kenya has only recently started an application for asylum on a sexuality basis. He arrived in London about six years ago and when his visiting visa expired he overstayed. Thus far, he has shared accommodation with some 'friends' from Kenya, who do not know anything about his sexuality. A few months ago he started to feel very ill and he had to be hospitalised urgently for an operation on his spine. After the operation, when it became clear to his 'friends' that he was going to be an invalid, they stopped paying him visits, calling him and broke off contact with him. He suspects that this was because they know that he cannot work any longer and they might think that he would be a burden on them. At present he does not have a home; he is in hospital but might be discharged at any time. As an asylum claimant who is a closeted queer to his network in the new country, and who has been rejected by the same network because of his physical disability (which leads to his inability to continue working), this Kenyan respondent has little hope of being able to create a new life in such an unwelcoming milieu defined by the multi-sitedness of its hostility. Had he been physically-abled he would not have to fear homelessness, however as things stand his only escape route seems to be claiming asylum and applying for NASS support and accommodation. However, from a legal standpoint, asylum as last resort is problematic, insofar as adjudicators may easily decide that the person is lying, because if he was telling the truth he would have applied for asylum earlier. As I have discussed elsewhere (see chapter 5) these judgments take very little account of how complex claimants' lived experiences can be, and of how difficult it can be to come forward for an elderly gay man who was afraid of being found out and being perceived as an 'abomination' by his family members in his country.

7.3 Material problems: housing, social networks and work

Conditions of precariousness materially translate for respondents into: homelessness, or constant fear of being homeless; destitution because of the impossibility to work; fear of the unknown as a result of waiting for the Home Office final decision; anxiety over one's own ableness and good health; physical isolation when dispersed in the country or whilst being detained. These are the circumstances to which I now turn my attention.

Only 14 respondents had been given accommodation within UKBA premises. According to Smart's empirical research (2009), refugees and asylum seekers in the UK are at a particularly high risk of becoming destitute and homeless. This occurs despite the fact that 'refugees should be able to access social housing and welfare benefits on the same basis as UK nationals, and most asylum seekers receive accommodation and support from the UK Border Agency while their claims for asylum are processed' (Fitzpatrick, Johnsen and Bramley 2012: 34). As Netto (2011) points out, since 2000 the UKBA generally provides accommodation in 'no choice' dispersal locations and asylum seekers may risk homelessness if they refuse to take up this accommodation. In my study most of the respondents opted for other types of accommodation, mostly in friends' households where they did not have to pay for the property rent, without risking being dispersed to other areas of the UK where the likelihood of feeling isolated is higher. However, the option of living with friends or relatives is not always available and some respondents have to compromise if they are not willing to endure the hardship of homelessness. Exploring people's narratives in relation to their search for accommodation provides a window into the complexities of experiences that emerge from living in a long-lasting state of indeterminacy.

7.3.1 'Will I have a roof on top of my head?'

Baba from Sri Lanka lives in London with a Sri Lankan family and he pays a very modest monthly rent for his room. In exchange for such convenient living arrangements Baba helps the family by cleaning and doing other required housekeeping activities. He lives in the country as an undocumented migrant and the hosting family knows about his legal position. However they are unaware of the

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reasons why he fled from Sri Lanka, namely his fear of being harmed by the same people who murdered his boyfriend. The fact of not being able to disclose his problems for fear of stigma from the hosting family is deeply felt by Baba. Many respondents, as in Baba's case, admitted that they remain 'closeted' with their housemates. As a matter of fact, most of researched asylum seekers' supporters are fellow countrymen. Often, this involved the need of keeping their sexuality concealed also in the new country. I noted that this predicament was particularly common amongst respondents who have been in the country for a relatively short period of time. However, the research findings suggest that even when respondents have been in the UK for the past seven or eight years they still share accommodation with people who do not approve of their sexuality.

Another respondent, John, a self-identified gay man from Sierra Leone, has only recently started the process of claiming asylum. He lost his job, and through the asylum process he would not be able to work for the first twelve months after the initial stage of the application. Currently he lives with a friend in the suburbs of London, having managed to convince his friend that he would start paying rent as soon as the asylum process ends. John seems to ignore the fact that the asylum process can be very long and that he cannot work. Yet at this moment in time he cannot be too concerned about such minutia and he prefers to disregard the temporal dimension of the asylum determination process. He admitted that he is grateful that he still has 'a roof on top of his head'. John's main concern is to prevent his friend/housemate from knowing the reasons of his asylum application.

These situations of dependence put respondents in the position of being perceived as a burden by their social networks, that is, both as financial and emotional burdens. Most of the respondents were very resistant to the attribution of such a label and they assertively expressed that they 'try not to ask for much support, only when it's very necessary' (Donna, Malawian asylum seeker). On the other hand, at times during interviews, some respondents have stressed that there is no other option. A Cameroonian asylum claimant Duna is currently waiting for the Home Office decision with regards to his application and he has to leave the current flat where he is staying. Only after the long interview did Duna admit that he has issues with the people that have hosted him thus far. He was given accommodation by a gay couple, now one of them wants him out of the house as soon as possible. At this decisive

moment of his journey he finds himself in a situation of utter instability that reveals itself in Duna's desperate act of asking me to provide him with accommodation for the coming months, which I had to refuse after considering the possible ethical repercussions. As discussed in the previous chapter these conditions of instability trigger a system of dependency on one's social network. If need and dependency are protracted for a very long time the likelihood for the social network to end the support becomes very high. One of the main research respondents, Nina from India, provided a telling account of how the support can disappear at any moment (see chapter 3). In fact, when the couple with whom she and her partner were sharing accommodation decided to split up and leave the flat, Nina was tormented by the idea that she would become homeless and that she would 'end up sleeping under a bridge'.

Throughout these accounts I referred to some common experiences of respondents living with friends. I would now like to turn the attention to UKBA housing. In doing so, it is important to stress the recent changes in the housing provision system for asylum seekers. Previous UKBA contractors were housing associations and local authorities, which followed equality procedures and they offered training to their staff, including LGBT-related training. The new contractors as for 2012 are from private sector agencies such as *Serco* and *G4S*. As the authors of the *Over Not Out* reports (2009 and 2012) highlight: 'the general shift to the private sector and the greater focus on price means that this sort of training and focus on equalities is likely to become less important' (2012:28). Further, from the report *Over Not Out*:

> Some interviewees revealed that they had abandoned UKBA accommodation due to intolerable levels of homophobia and the failure of landlords to tackle this, which had been treated as voluntary abandonment, resulting in them being denied access to further accommodation services (2012).

To be sure the findings of the *Over Not Out* reports in relation to housing issues have been confirmed by my study. Experiences of verbal and physical abuse within the accommodation provided by UKBA are quite common. One of the most troubling issues for some of my respondents was the fact that they had been housed with people from their same country or ethnic community group. The example of Duong is very illustrative of this institutional insensitivity. Duong is a young gay respondent originally from Vietnam. He has been dispersed to a UKBA

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accommodation in the Sheffield urban area. He is very dissatisfied with the current living arrangements as he has to share a room with a man who has been overtly making specific comments about Duong's lack of virility. Since the roommate has shown clearer signs of hostility and aggressiveness, declaring his deep disapproval of gay people, Duong has started sleeping in the living room. As Duong would refuse to sleep in the allocated bedroom, his behaviour has been reported to the Home Office by an officer as undisciplined.

Finally, often respondents have complained about the material conditions of the houses provided to them. Elvis from Cameroon expresses utter dissatisfaction in relation to the overall housing process: 'they put me in a hostel in Dulwich for two weeks, after this I was housed in Tottenham (London). It was ten of us sharing a five-bedroom house, the house wasn't good. We had problems with the water, it was too hot and the landlord wouldn't come and fix it'. This general sense of dissatisfaction with housing provision is accompanied by a sense of uncertainty in relation to the awareness of 'who knows where I end up tomorrow'. The vast majority of respondents have been critical of the ways in which the Home Office disperses asylum claimants without much notice and without letting them know the whereabouts of their future temporary shelter. Let me further clarify this point.

7.3.2 What does 'support' require? Being dispersed and feeling isolated

Asylum Support (NASS) can be claimed immediately after the commencement of the asylum claim as people are often at high risk of destitution. In fact, the right to work is denied to asylum seekers whilst waiting for the decision of the Home Office pertaining to their cases. As it stands at the moment, according to the law one can work only after waiting for at least twelve months for an initial decision on the asylum claim (UKBA 2010). Throughout the research I came to realise that the impossibility to work is the most common problem for asylum claimants, whilst waiting for the decision. This exacerbates hardship by adding an extra layer of difficulties for the claimant, both on material and mental levels.

Denying asylum claimants the right to work is probably the most evident trait of the ways in which the border management apparatus is designed to unwelcome this migrant population, namely by denying them the right to basic access to a social life

in the new country. The Home Office provides the asylum claimant with an application registration card (ARC), and the claimant needs this card to prove her or his identity when obtaining financial support (UKBA website). Through NASS the claimant can receive financial support, accommodation and other types of support depending on the claimant's circumstances. The problems are triggered by the fact that when one claims NASS support one can be dispersed anywhere in the country, unless the person is categorised as a victim of torture, in which case they need to be accommodated in the London area in order to attend the regular support meetings that are held at places such as the *Medical Foundation* or at the *Helen Bamber Foundation*.

Duong, the Vietnamese respondent mentioned above, expresses very vividly his unhappiness of having to live far away from his friends and his support network, which are all based in London. Over the past two years Duong has received constant support by the UK Lesbian and Gay Immigration Group in London. Since he was given accommodation in Sheffield, he has experienced isolation and mental problems. He received a letter from the Home Office warning him that he would be re-accommodated without specifying where and when that would occur. This language of indeterminacy puts the individual in a constant anxious mode. Eventually Duong was sent to a new house near Sheffield. Initially he kept saying that the new accommodation was 'terrible' without explaining why and only after a long time he disclosed the verbal abuse to which he was subjected by his roommate.

7.4 Interpreters, Interviews, and Detention

In chapter 5 I discussed the legal construction of homosexuality within the space of the tribunal when the claimant is read by the interpretive lens of British jurisprudence. In so doing, I examined the problems linked to credibility when sexuality comes under scrutiny and is interpreted by adjudicators. In this section I want to examine the moment in which the claimant faces border control discourses and practices. Hence, I focus on the initial stage of the determination asylum process within the space of the Home Office.

When I started the study, one of the main research questions was aimed at understanding the extent to which the rights and needs of the migrant group under

analysis are recognised and addressed in the British socio-political and legal contexts, and in so doing, to identify ways to positively impact on the current status quo. Working as an asylum support worker at UKLGIG, being in contact with the network of the London-based refugee organisations (see chapter 2), and analysing the law pertaining to asylum in the UK (chapter 5) have provided me with the opportunity to better grasp the multiplicity of needs specific to sexual minority asylum claimants and refugees. However, the complexity of such needs could not be better expressed than by the very people who have been, or are still going through the determination process, from the initial stage of the process, namely, from the moment when one is put through the screening and subsequently substantive interviews at the Home Office (see chapter 1).

Throughout the ethnography I identified multiple issues in relation to the operating framework of the British asylum system. Perhaps, in this section I am only scratching the surface of the numerous problematic aspects of such process. In what follows I am listing some of the recurrent issues that respondents were confronted with when facing the intimidating assemblage of the asylum praxis. As the title of this section suggests I focus on three main objects of analysis, which have elicited assertive responses from the research participants when describing their experiences. These include: the role of interpreters throughout the claim process, the space of the interviews with particular reference to the initial interview, and finally the worrying lack of knowledge with regard to participants' countries of origin that UKBA officers show at interviews. Interpreters, interaction with staff and interview spaces form a problematic triangular structure that seems to confine the biographical narratives of the claimant within narrow and dangerous borders. The metaphor of an ever-narrowing triangle, at the centre of which we find the asylum claimant, illustrates the claustrophobic space that one is compelled to inhabit in this process.

7.4.1 Interpreters

A number of commentators, mostly amongst legal scholars and not-for-profit organisations have pointed out that the role of interpreters can be, and in fact is quite problematic when it comes to presenting LGBTI life narratives both in the space of the Home Office interview and in the courtroom (Metropolitan Migration Foundation 2012, UKLGIG 2010, Stonewall 2010). The research findings point out that the

relationship between clients and interpreters is often difficult. This is mostly due to the fact that the claimant may easily be subjected to feelings of shame or pressure in disclosing in front of a co-national. Respondents have told me that they often feel judged by interpreters.

> *Q* How did you feel when you described the reasons of your application to the officer and the interpreter?
>
> *A* The interpreter was so rude and she was shocked when I said that I was gay…They shouldn't give you interpreters from your own community.

In this excerpt from an interview with Bashir from Pakistan it appears clear that the interpreter's expression of shock after realising that the claimant was gay put Bashir in a position of sudden alert and distrust. The person who is supposed to be the impartial mediator cannot be trusted. This immediate discomfort also produces confusion in the claimant's narrative. Given the fact that he or she will be more reluctant to open up they might end up omitting very relevant and vital information during their screening interviews. These discursive 'inconsistencies' are bound to be used against the claimant throughout the various steps of the determination process.

Ebi, another respondent from Iran, confessed that he was not sure about the quality of the translation that the interpreter was giving whilst he was explaining his story to the UKBA officer. Further, he felt offended by the terminology that the interpreter chose to use to describe sexual minorities:

> The first interpreter was very strong and smart, a very kind lady but at the main interview at the Home Office the interpreter was…you know, it's difficult to explain. In English there are several words, for example: gay, homosexual and faggot and I think some are more polite. This interpreter used the impolite word to talk about my homosexuality! I think I was very lucky as the lawyer and the case workers were very supportive, also at that time my self-confidence was high, I was thinking: 'I don't care whether she is judging me'.

Ebi acknowledges the issues with the language adopted by the interpreter and her overall attitude, showing her disapproval of his identity by using derogatory terms. However, his position of resistance is very affirmative and in fact quite common amongst claimants. Respondents realise that they are likely to be judged by interpreters when disclosing their sexuality, yet if they have enough 'self-confidence'

they are not shy to challenge the person. The respondents who are more 'confident' say that they see the interpreter as an employee who is doing his or her job and that regardless of their negative attitudes they feel protected by the system – they know that the interpreter cannot do anything against them by law.

The question of what I here define as 'confidence' cannot be analysed without linking it to individuals' personal histories and upbringing, hence the dimension of social status emerges. In fact, it became apparent during the study that respondents from middle-class or upper-class backgrounds, with larger cultural capital at their disposal (Bourdieu 1986), seemed to navigate the migration regime with fewer difficulties. These respondents often had more assertive attitudes when facing institutional structures and they understood their entitlement to rights differently, with different expectations from respondents of lower-class backgrounds (as discussed in chapter 3). Generally respondents with larger cultural capital tended to speak good English therefore language was not a barrier and they did not need to interact with interpreters.

As discussed in chapter 1, class alongside other axes of difference such as race, ethnicity and gender differentiated claimants' experiences *vis-à-vis* institutional powers in terms of readability and likelihood of success. This seems to be due to the modes in which these dimensions produce heterogeneous forms of embodied cultural capital (including but also exceeding *class*), some of which are more relatable, hence more validated, than others. In this respect, alongside the concept of cultural capital (Bourdieu 1986), as discussed in chapters 3 and 7, I would also like to refer to the sociological notion of *habitus*. Pierre Bourdieu (1977) explains that *habitus* is how the structural and class positions of individual subjects come to be embodied as dispositions, predominantly through unconscious processes. Habitus is therefore defined as the set of acquired sensibilities, dispositions and taste that are the result of the objectification of social structure at the level of individual subjectivity (Bourdieu 1977). In the study I noted that when examining migration and legal institutions, considering *habitus* is crucial. In fact, certain embodiments and enactments of cultural capital on the part of the respondents seem to translate into more or less credible presentations of the self. This occurs both in the space of the courtroom and at the Home Office interviews where people need to articulate their stories.

7.4.2 *The space of the interview*

After highlighting some of the barriers raised by interpreters in the interview process I now want to attend to the problematic affective and spatial dimensions of the rooms where interviews take place. Privacy is paramount to respondents who have always concealed their sexual orientation from the public eye. For claimants the fact that the aspect of their lives, which was compulsorily hidden, suddenly becomes the interface with the authorities is hard to internally process. Many respondents denounced the lack of privacy during the initial interview at Lunar House in Croydon, which is the place where asylum seekers go for their first appointment at the Home Office (see chapter 3).

Often respondents were very detailed in their description of these premises, for in such space they locate strong feelings of anxiety, concern, and fear but also hope. If the claimant was advised by a lawyer, she or he knows that they may be detained after completing the screening interview at Lunar House. However, some claimants were not aware of the possibility of immediate detention. Many remembered the place as the location of confusion and deceit. Maryam from Iran tells her story:

> I remember it was a Friday when I went, they called my name and said: 'you have to go downstairs for an interview'. An interview? Here? I thought. I said OK. I went downstairs. It was down, down, down, down. So we went to a room and I thought OK, now I have to sit somewhere and wait for someone to have an interview with me. They took my bag, one of the ladies came and said: 'there won't be any interview today. We are going to detain you and you have to go to another city'. And I was shocked! Cos they didn't say anything in the beginning, they just wanted me to follow them to the basement, and in the basement they told me that because they didn't want me to run away...So they took me to...oh I can't remember. It's near Birmingham (Yarl's Woods) But I was shocked, because just imagine: out of London, my university is waiting for me to transfer the money, I have no idea what's going on, it's Friday I can't contact my lawyer.

Maryam's experience is not uncommon. Even when people are not detained, the 'Lunar House experience', as described by many respondents, is traumatic. This is partly due to the spatiality of the place, which does not allow for privacy.

All respondents commented on the fact that they were put in very uncomfortable situations by having to tell the officer about their personal stories with people sitting

not far from them – in fact the space between the interviewee and the waiting crowd is significantly small and it is easy to overhear conversations:

> *Q* To what extent did you feel that you could open up and talk freely during the interview?
>
> *A* Not at all. They don't have separate rooms for the interviews. They sit behind windows, they call your number and there are a lot of people sitting next you. They should get separate rooms for screening interviews. This one is very important. A lot of people get confused as there are people behind them. In my case there were a lot of Pakistani people in the room, and that was confusing for me. I thought they were making fun of me!

The issue pertaining to privacy during screening interviews was a common theme throughout the study. This became one of the objects of analysis of the theatre group *International Rainbow* (see chapter 2) that took up the example of a Ugandan gay man having to shout that he was gay to the officer in the Lunar House room. The group of asylum seekers that created this sarcastic performance act had experienced similar feelings of shame, discomfort and confusion in the context of the screening interview. Crammed rooms in which people overhear conversations and private matters were certainly not helpful to the queer claimant. The proximity of the officer's window, who at times does not manage to hear the claimant requiring her or him to be louder and the background noise of chairs moving in the waiting room create a climate of anxiety, which clouds people's thinking and coherence of narratives.

However, it is important to point out that mistrust towards officers was not expressed univocally by all respondents. Some of them mentioned episodes in which interviewers were respectful and helpful to them. Many of the respondents acknowledged the fact that it is not the officer per se but the design of the whole process that produces unfairness in the asylum system. Despite the fact that many respondents tended to emphasise structural issues some respondents were very candid in articulating their suspicion about UKBA staff's competence during interviews:

> Let me give you something, the person who was interviewing me had no idea about my country. Imagine -- when I was talking about a street demonstration, he asked: 'demonstration of gay people?' I mean I am talking about Iran. I want someone that at least has some information about

Iran...It's funny for me that in an official interview someone is asking me about gay demonstrations in Iran! Come on. They don't know anything, I was shocked.

Maryam's point is quite crucial here. The interviewer's lack of basic knowledge about the treatment of sexual minorities in the claimant's country is a crucial issue. In this context the claimant is compelled to give basic information to the officer. This triggers feelings of mistrust and uncertainty from the claimant's point of view in the very initial stage of the process. However, doubt over people's credibility is shared by officers and decision makers as well. Elsewhere in the thesis I comment on the culture of disbelief (or even denial) that characterises the Home Office when it comes to assessing asylum applications in general and sexuality-based ones in particular.

Few respondents admitted that throughout their claim process they had met people who they did not consider to be 'genuine' gay or lesbian, and they showed no compassion towards them. More generally, respondents provided varied opinions on the notion of claimants' genuineness (see chapter 5), however the overwhelming majority declared their lack of sympathy for people lying about the reasons of their claims because their actions risked jeopardising genuine claims. In this regard, it appeared that respondents would often internalise the effects of the culture of disbelief which they faced when starting their asylum claims. To be sure, the stringent immigration policies over asylum foster antagonism amongst claimants who can easily become suspicious of one another. Antagonistic and individualised responses amongst respondents were not a surprise in this context. After all, the asylum process produces atomised subjects insofar as individuals need to entirely focus on their own isolated experience of abuse to hope for a successful result to their claim. Particularly when the case is over one is left with the label of victim-as-identity (see chapter 6), which, as we have seen, is hard to undo and keeps reinforcing the victimising logic of the 'us - asylum seekers'. This often leads to an over-identification with the victim category from the claimant's standpoint, and often this identity trait does not foster empathy.

As I explored in chapter 3 there were sentiments of empathy amongst respondents, yet these were predicated on a shared sense of vulnerability on the part of the refugees. When they discussed the structural constraints imposed by the system they

seemed to be more expressive of solidarity with other (sexual minority) refugees. As a matter of fact, many respondents had critical ideas about the extent to which government policies and dominant political discourses impact negatively on the lives of asylum claimants:

> What the government say about genuine asylum seekers is right I think but the way they treat people is not right. They put you in a situation that you live in fear that you don't even want to think about applying for asylum. That's how they treat people. It's their country, they can even decide not to take more asylum seekers in. I mean my own country doesn't even have space for its own people. That's fair enough. But you cannot put people in a situation where they live in fear. As a foreigner, I say to the British government 'you can't put me in this situation'. (Jalil 29yo from Iran, failed asylum seeker in the UK now living in Australia)

Alongside the realisation of maltreatment and enforced precariousness, what respondents unanimously perceived as one of the most damaging factors in the process was the lengthy wait, and therefore living without knowing 'what will happen tomorrow'. This situation of living in limbo (Schuster 2003), both legally and socially, prevents people from building aspirations for the future, or even from wanting to think about their futures:

> My experience with the UKBA is not good. I am still waiting and this is stressing me out, I am on anti-depressant tablets. I have been now waiting for a definite answer since 2010. Why is it that some people at the Border agency do their jobs and others don't? I don't understand, what more evidence can I provide to show that I am gay? Why is it taking so long? Why aren't caseworkers doing their jobs? I see some people that claim asylum and they get it within weeks or months! UKBA workers should be going to this kind of gay meetings (like at UKLGIG) to see who is gay and who is not. (Damian, 30yo from Jamaica)

Damian's questions are legitimate and they highlight his claim for authenticity as a 'real' gay man put against other claimants who might not be gay but who managed to be granted refugee status. The sentiment of antagonism towards claimants who are granted refugee status more straightforwardly is common. This often derives from a deeply felt sense of frustration that comes with extremely long waiting times (of up to eighteen years) before being recognised and accepted as a refugee. The question of waiting is central to all the respondents' accounts of their asylum experiences. In particular, the question of waiting becomes crucial for people under conditions of confinement. It is to these conditions that I will now turn my attention.

At present in the UK there are ten immigration removal centres (IRCs), formerly known as detention centres. There is a scarcity of research conducted on people's experiences of detention whilst being detained in this country, because of the difficulties of accessing participants due to stringent security measures (Bosworth 2012). During my study I visited detainees as a volunteer for a London-based organisation. I visited both Colnbrook and Harmondsworth centres, one adjacent to the other, both located in the proximity of Heathrow airport. Both centres are run by private security companies, respectively *Serco* and *Geo Group*. Following Mary Bosworth's research on UK-based detention and penal power, I take the immigration removal centre as a site in which multiple power structures intersect (2012).

Here I would like to empirically examine the ways in which people experience and negotiate such sites. Through the narratives of some research respondents I attempt to capture the diversity of stories in detention. I will not be able to use the little data that I collated in detention as this could potentially expose the people who are still detained to harm. Thus, in this section I elaborate on the information that some ex-detainees, who are now part of the *International Rainbow* theatre group, decided to share with me. I have already discussed the details of the methodological advantages of doing participant-observation with *International Rainbow* in chapter 2. There, I looked at the space created by the theatre group's interactions during rehearsals, where the asylum seekers gathered weekly to explore some of the issues that obstruct their lives after starting the asylum process. Here, I return to the space of the theatre practice because it generated some important information about the predicament of detention for sexual minority asylum claimants.

Talking about the experience of detention proved to be particularly difficult for many respondents. In this regard it was crucial to find a space where people would feel safe to address their detention experiences. As I have already discussed in chapter 2, the theatre space enabled these disclosures. In my view the fact that the theatre group members gathered within a creative, friendly and supportive atmosphere became the reason why they managed to talk openly about their stories. Further, in the theatre space they had to reflect on their personal experiences of

confinement as some respondents decided to build characters that had a history of detention for their performances. In this process, their focus on shaping a character allowed them to critically think, share and comment on their own experiences in ways that they had not previously managed to find. These respondents revealed that it was a useful exercise that partially helped them overcome some of the fears and anxieties emerging from that specific period of their lives.

I here refer to the vocal discontent that participants expressed with regards to the dehumanising effects of detention. During the theatre workshops one participant kept stressing the fact that there should be no detention, to be able to even consider the British asylum assessment system as fair. As discussed in the chapter's introduction, any claimant can be detained after the screening interview, unless the person falls under the vulnerable individual category. However, throughout the ethnography I saw many vulnerable individuals being detained. In the UK, detention is defined as fast-track detention, as it should only be enforced when after the first screening interview the Home Office official considers the case presented by the claimant to be 'straightforward'. Therefore a solution should be obtained in a short period of time, that is, approximately three weeks. In reality many detainees spend very long periods of time in detention, particularly failed asylum seekers. This happens for example when the claimant's country of origin would not produce the individual's documents, therefore he or she cannot be returned because of lack of necessary documentation. In this Kafkaesque scenario the individual may be left in limbo for years. The Home Office is generally reluctant to release the claimant for fear that the individual might abscond and disappear in the system by going underground.

Some *International Rainbow* respondents highlighted the damaging element of misinformation and ill-advice regarding detention. Many believed that being detained meant that they would be subsequently deported. Samuel from Uganda has lived in the country for eleven years, ten and a half of which as an 'illegal' migrant. He has tried to claim asylum via post twice over this period of time but he has never been able to physically go to the Home Office for fear of being detained and deported. When I asked him the reasons why he has waited this long before trying re-claiming he said that it was the fear factor that impeded his ability to act. He said that all his friends suggested that he should not go to Lunar House otherwise he would almost certainly be detained and deported.

One of the issues that repeatedly emerged in the discussions about people's experiences of detention was the feeling of being unsafe as they were often: 'put together with everyone else, with a lot of people from your community', as one of the respondents stated. Sharing a room with a person from one's own community is perceived to be a constant risk. Respondents said that they were forced to keep quiet and lie about the reasons of their claims, having to make up convoluted stories in order not to be recognised as sexual Others. This fear leads to feelings of extreme isolation in the confined space of the centre. This is how Bashir expresses his needs of human contact:

> I was lying. I was telling them (other detainees) they caught me from somewhere - that it was a misunderstanding. You have to deny all the time. I went to the manager of the detention centre and I told him that I was feeling very alone. He was nice to me, we went to a room and he told me that he knew, and that I shouldn't be afraid of telling him who I was. I only told him that I was feeling alone and he introduced me to a Venezuelan couple, two guys. They were also pretending to be straight. I went to talk to them, and I told them: 'I am the same as you'. At the beginning one of them was rude to me but the other one said: 'come! You're my sister', then they were released after 2 days, I felt so sad again.

LGBTI detainees need to hide their sexual orientation while in detention. Although there are various ways in which people recognise each other and break the silence that marks their identities there is always fear of opening up to the wrong person. The speech act of 'coming out' (Harvey 1997) within the space of detention is an extremely problematic step to take. On the one hand, the individual is eager to share his or her story with someone who can be trusted without fear of repercussions, on the other there is a common acknowledgement that when one's difference is enunciated, one becomes exposed to high risk of abuse and there is no escape in confinement, neither physical nor mental.

Often respondents described the removal centres as 'proper prisons'. A Pakistani respondent Bashir told me that he had to share a room with a talkative Afghani detainee. After a few days Bashir started to feel very anxious about the possibilities of being found out by such a 'nosy' inmate, who could speak his language (Urdu) very well. He said:

> He wanted to pray at 3 o'clock in the morning and he would wake me up saying 'wake up, it's prayer time, you are a Muslim!' He was asking so

many questions about my case, I think he was suspicious. Once I found him opening my bag and going through my stuff, he said that he was looking for something he had lost. Anyway I was scared of him as he was connected to a lot of people in the detention centre.

The UK Lesbian and Gay Immigration Group has an LGBTI liaison officer in the Harmondsworth centre, who is the employed barber at the centre. Through this supportive figure, gay, bisexual and trans men learn that they can talk to someone and that they can be put in touch with other sexual minority individuals more safely. During a conversation about the sensitivity of UKBA officers and detention security guards with regard to sexual minority detainees' issues, the director of UKLGIG Erin Power pointed out that there is an urgent need to provide systematic training to all front line staff, who deal with the specific material issues that this segment of the refugee population face in detention. Bashir, who was detained in Harmondsworth, told me that when two security officers saw a GQ magazine in his bag they looked at him and started to laugh. They then said: 'there's a lot of fucking gay guys around here'. The respondent told me that 'they said that in English, they probably assumed I wouldn't understand'. This occurred to him on his first day at the centre as soon as he entered it. For Bashir this functioned as an alarm bell; the warning that he had to keep his head down and cope with the idea of being confined to silence once again if he wanted to be safe.

Many respondents told me of how the experience of detention has had long-lasting physical and mental effects on them. Most people talked about insomnia and the impossibility to rest during their confinement and beyond. An Iranian ex-detainee from Yarl's Wood told me about her addiction to sleeping pills that she started using since her days in detention, 'they used to give me very weak medicines, but I wanted stronger ones because I couldn't sleep. I was tired because most of the people there were not like me, they had been in prison'. She said that she had never met someone who had been in prison before her experience of detention, and that gradually she started to think of herself as a prisoner:

It was so scary, once I was having lunch and I was sitting another came and said: 'that's my place, move!' I said to her: no I came first, and then she pushed me away. It was hell, sorry I am an educated person I have never been with prisoners in my whole life. It was when I went to take my food, there a black girl, huge, she was so big, and I wanted to pass her, and she said: 'excuse me! My friend is wondering if you are a lesbian', she was

shouting and everybody looked back at me and I said: 'this is my private life, it's not your business, just leave me alone'. It was bad.

Her sense of displacement and non-belonging are common reactions for the detainees and ex-detainees that I interviewed. This reaction triggers antagonism with other people experiencing the same form of punishment. The fear of repercussions of being 'outed' is ever-present, and respondents stressed the fact that one has to protect oneself, as in detention more than anywhere else one is left to herself. In the interview the Iranian woman admitted that she felt a sense of deep discomfort about the fact that the only people to whom she was talking during her ten days in Yarl's Wood were the security guards.

Some respondents offered a different account of their detention experience. A transwoman from Pakistan told me that whilst being detained in Yarl's Wood she made friends with other women detainees. Throughout the interview she described the centre as a place where she felt protected. When she was released from the centre she went to live with her cousin in a London flat. She felt very uncomfortable in the flat with her cousin, as her cousin's boyfriend seemed to dislike her and not approve of her gender identity. At the same time, she could not work as her asylum claim was still pending. She said that living in the flat was more distressing than being held in the detention facilities. In fact, due to her financial limitations she revealed that she felt more of a prisoner outside of the detention centre. She repeatedly mentioned that she is often hungry and added that when she was detained she had food and her basic needs were covered. Her point of view raised many questions about the dubious premises upon which the entire asylum system is built. Not allowing the individual to work creates conditions of high vulnerability, whereby a person prefers to be imprisoned rather than suffering from hunger and maltreatment due to the precarity of their circumstances.

7.5 Conclusion

This chapter draws on the respondents' understandings of their individual positions within the broader asylum system. I focused on the findings that emerged from the two-year long multi-sited ethnographic work. In the chapter I aimed to bring to the fore the voices of the people who go through the asylum process and in particular I paid attention to their material struggles that define their everyday lives and to how

the determination process impacts on their interactions with families, friends and the larger social fabric. In the first part of the chapter my main concern was to bring to light some of the important data that was collated and analysed during and after the conversations, interviews and observation with the research participants.

A crucial aspect was the exploration of the numerous motives of departure and the choice of the UK as the 'preferred' destination for the migratory project. Elaborating on such themes revealed the heterogeneity of desires, living circumstances and needs of the study respondents. This also led to the questioning of what it means to be a legal and an 'illegal' immigrant. In the process I attempted to complicate this given dichotomy. As stated throughout the thesis, asylum seekers are subjected to harsh treatment by media and political discourses by being defined as criminal, bogus economic immigrants, welfare scroungers just to mention the most notorious appellatives. To be sure, respondents are aware of such discourses as they experience discrimination that is all too often fostered by those. In particular this is acutely felt by those respondents whose immigration statuses are produced as illegal. The majority of the respondents have been undocumented for some time, some of them are still undocumented to date, the discussion of their stories aimed to elucidate the ontological restrictions that a legal status, or the lack thereof, can produce.

In the other two parts of the chapter I focused on three main aspects of the asylum process. Firstly, the material problems that respondents are generally confronted with when they choose to apply for asylum, that is to say, homelessness and destitution, and being dispersed in the country if placed in UKBA accommodations. Secondly I looked more closely at the convolutedness of the asylum system by referring to people's experiences of being interviewed by UKBA officers. This raised questions about officers' knowledge of LGBTI-related issues. The findings indicate that this is a problem to tackle through more systematic training for UKBA officers. Finally I concluded by providing some critical remarks drawing from experiences of ex-detainees who talked to me within the space of the theatre rehearsals of *International Rainbow*. These ethnographic encounters eloquently, although only partially, highlight the specificity of some recurrent issues faced by LGBTI people in confinement, particularly their constant anxiety of being found out, left exposed to danger and deported.

CHAPTER 8

CONCLUSIONS

In this chapter I will summarise the main argument that runs through the thesis while attempting to produce a synthesis of the most salient research features on the nexus between asylum and sexuality. In the course of the two-year long ethnography I came to know the research respondents well as I was able to see them interact in various contexts, not least within the theatre group gatherings of *International Rainbow* (see chapters 2 and 7). I witnessed how these social actors navigated the current British migration regime and how strategically they made use, or not, of the socio-political, humanitarian and legal discourses available to them.

Through this study I wanted to highlight what the experience of migrating and facing the asylum process does to the sexual minority subject. Further, I explored the experiences of people who are either refused or granted refugee status. I elicited and examined migratory experiences from asylum claimants' standpoints. I intended to understand and problematise the extent to which the rights and needs of these migrant groups are recognised and addressed in the British socio-political scenario. Taking sexual minority asylum seekers and refugees as an analytical focus enabled me to raise questions about sexuality when it is construed as a rights-claiming object in the context of migration in postcolonial times.

The individual experience of the sexual minority asylum seeker or refugee is located within a set of discourses that privileges suffering and trauma, which become the most potent narrative basis to claim the right for protection. As explored in chapters 4 and 5, alongside the critique of humanitarianism (chapters 1 and 6), when sexuality comes under scrutiny in the context of migration I asked how non-heteronormative lives are construed in the asylum determination process, from the initial stage of an asylum claim to the end of it. I also addressed how sexuality *travels* in such contexts, namely how it is translated and understood within and outside of the courtrooms. My initial preoccupation was to study the unfolding of neocolonial political language when referring to sexuality in the international relations platform (chapter 4). From the international dimension I moved on to the domestic arena of British law (chapters 5, 6). There I focused on how the law is

mobilised when the sexual minority subject seeks protection on the basis of her or his sexual difference. All the discourses and the issues explored in the thesis have been put to the test of how they relate to the findings arising from the ethnography (chapters 3, 6, and 7). It was essential to continuously question the data gathered with the 60 respondents to point out how the researched subjects perceive their being in the UK, whether they see any constrictions to their freedom ideals or any advantages of living within the current UK society. It is within this relationship between the empirical data and the theoretical analysis that I articulate my argument.

8.1 Reading British asylum practices through a critical lens

In this particular historical moment in the UK it is clear that the categories of the economic migrant, the international student, or the asylum seeker are *personae non grata*. From right-wing to new left debates[xvi], there seems to emerge a requirement to symbolically and materially harden and erect more borders, namely to make them tougher. These arguments seem to incite the demotivated electorate against the supposedly 'soft-touch-ness' of immigration control practices, which – as we are told – permits fluid mobility, penetration, and flooding of migrants. These are gendered metaphors that fortify the imagined national duty of having to masculinise a feminised, hence dysfunctional, border management system.

Within this context the British asylum system has experienced substantial structural changes, which took place throughout the writing of the thesis; what used to be the UK Border Agency has now disappeared and the agency has been subsumed under the Home Office. The inefficiency of the agency in dealing with lodged asylum claims produced a series of vitriolic attacks from the current Home Office Secretary Theresa May (*BBC* 2012). One the most impactful and direct changes affecting asylum claimants has been the severe cut of the government budget for free legal representation for claimants, that is, legal aid provision. These recently introduced government measures have had the effect of not providing adequate professional representation for asylum claimants, infringing one of the hallmarks of a fair and equal justice system, the right to a fair trial (Power 2013 in *The Guardian*).

Throughout these recent changes one thing has remained the same, namely, the fact that the institution of asylum has a very negative connotation in today's UK politics and mediascape. As one would expect, asylum seekers inhabit a space of suspicion when facing the Home Office and tribunals. In the thesis I have discussed that during the determination process a claimant's credibility is questioned from the very beginning to the end. After the initial interview, with which the asylum claimant is confronted, The Home Office decides that people with claims deemed to be straightforward at this screening stage can be detained in order to fast-process their cases. In the ethnography it emerged that all too often asylum claims are not straightforward, in fact many UK law firms[xvii] argue that LGBTI claims are complex claims. This happens because LGBTI claims have a number of specificities.

8.2 The specificities of sexual minority asylum seekers and refugees' experiences

The experience of LGBTI asylum seekers and refugees is specific and different from other claimants in that they do not have support from their family and ethnic minority social networks (external circumstances), they often have grown to feel ashamed for who they are as well as for what has happened to them (internal circumstances), they have to prove their sexual orientation and in doing so they feel the pressure of having to sexualise one's life narrative (juridical circumstances). Throughout the research I identified some recurrent traits that seem to characterise LGBTI asylum claims:

1. Sexual minority asylum seekers are required to prove their sexual or gender identity to the satisfaction of the Home Office and immigration judges. This is frequently a complicated process. For example, a person may have never previously disclosed their identity and will struggle to articulate it especially to authorities, when nobody can verify their identity as nobody else knows, or when they are ashamed of who they are and therefore struggle to talk about it. Other asylum seekers are much more likely to be able to access people who can verify the grounds for their claim – e.g. ethnicity, religion, etc. There are other asylum seekers who might be ashamed of what has happened to them, e.g. women survivors of sexual violence, but no others who have grown to be ashamed of who they are.

2. Often asylum seekers can be psychologically vulnerable due to the composite nature of factors such as poverty, discrimination, inequality, and lack of resources (Papadopoulos 2010). Sexual minority asylum seekers appear to be <u>psychologically vulnerable in specific ways</u> in that they are often survivors of sexual assault, rape or genital mutilation, which they are unlikely to have talked about and might take some time to disclose, especially as it will have been used as a punishment for their identity.

3. Often previous persecution might have included <u>imprisonment by family members, neighbours or the community</u> so re-imprisonment in detention is likely to trigger additional trauma.

Throughout the thesis I intended to bring to the fore the three points cited above without essentialising the experience of the sexual minority subject seeking asylum. On the other hand, my intent was not to focus only on the commonalities of this group of migrants' lived experiences. During the research process whenever I was looking for similarities amongst the studied group it seemed that I would find just as many differences.

8.3 Beyond sexuality: intersecting dimensions

If I had to identify the single most important shared dimension shaping the lives of sexual minority asylum seekers, I would argue that it is not sexual difference. Rather, I would argue that it is to be found in the conversations revolving around the precariousness of participants' lives and their numerous strategies of survival. Paradoxically, the analysis of the sexuality category *per se* cannot provide the fundamental elements to make sense of the lives and migratory trajectories of the studied migrant population. In fact, sexual difference is significant as one of the main determining factors of the respondents' states of precariousness.

On the one hand, as discussed earlier, it is undeniable that this group of migrants experiences specific and discernible forms of discrimination because of their sexual orientation, which has them socially construed as deviants or abominations at home. Nevertheless, the many and varied ways of living out their sexual difference put respondents in very different positions and circumstances within the social worlds

that they create around themselves, both in the country of origin and in the new country. Some respondents are 'out'. Others would never identify as gay, or if they do so, it is because they are required to do so by the processes determining the legality of their presence in this country. Focusing entirely on the commonalities of lived experiences as marked by sexual difference has many limits. The precarity of the respondents' lives should be seen as a product of hostile societal and familial responses to difference, rather than of sexual difference as such, which cannot be analysed as an isolated object delinked from other power dynamics within the mental and material spaces that respondents inhabit.

To be sure, analysing sexual difference played an important role in the thesis. Yet when exploring respondents' narratives at a deeper level I saw that identity formation processes took place along the lines of other factors that went beyond sexuality, such as gender, race, and class as well as differential cultural capitals. This corroborates the analysis of many scholars who stress the importance of intersectional framings whilst conducting social and legal research (Taylor, Hines and Casey 2010, Valdes 2009). For example, throughout the ethnography I noted that the question of respondents' 'confidence', or lack thereof, could not be analysed without linking it to the dimension of class. In fact, during the study it became apparent that respondents from a middle-class or upper-class background, with larger cultural capital at their disposal, felt much more at ease when navigating the system. These respondents would have a more assertive attitude and they understood differently their entitlement to rights, with different expectations from respondents coming from lower-class backgrounds. This evidence from the findings does not aim to produce generalisations. However, it is noteworthy that these differences in attitudes and self-perception were common amongst the 60 participants involved in the research.

In the study, I noted that for respondents coming from a range of different socio-economic backgrounds the correspondence between class and social status is disrupted when experiencing the asylum claiming process. This, in fact, repositions claimants in relation to their original social statuses. However, in the process respondents manage to counter-reposition themselves by using those signifiers that are grounded on their specific *habitus* and *cultural capitals* (Bourdieu 1977, 1986). This means that although respondents did not enjoy clear advantages due to a privileged class background when confronting the legal interface, they could still

strategically draw on the set of knowledges and behaviours that they carried to produce a 'credible' presentation of the self. *Habitus*, as internalised dispositions, tastes, and behaviours is embodied and enacted by the respondents. The possibility of a successful outcome to their presentation, in turn, was inflected by their race, ethnicity and class. Within the asylum claiming process, the claimant's performativity emerging from a certain habitus carries specific racial, ethnic, and class signifiers that acquire importance in the courtroom and at the Home Office, where the law analyses and draws conclusions from them in the attempt of achieving a resolution. These embodied signifiers of social privilege, or lack thereof, may provide the claimant with more or less chances to be believed.

Therefore, in the asylum process, differences of social backgrounds were significant amongst respondents. Yet, when considering class I found it important to specifically examine how habitus and an individual's cultural capital function in a given context, here the legal setting for the asylum claimants. For example, as described in chapter 3, when looking at the different presentations of two lesbian respondents from Morocco, Dora and Anais, it became apparent that Anais' presentation of certain signifiers, namely, her whiteness, her confidence is her sexual difference, her eloquence and 'good' social network made her a much more readable subject than Dora (see p.79). This recognition on the part of the border control institutions of Anais' signifiers granted her the protection from the Home Office. Hence, these two Moroccan women possess very different cultural capitals carrying different signifiers of sexual difference, race, and class. The *Dora and Anais* case study triggered some questions during the ethnography. My questions were: What are the 'right' signifiers that Dora and Anais should present to the law? What is the value of Dora and Anais' personal beliefs, desires, inclinations, and habitus when articulating the self before the law? The answer was provided by the fact that Dora is still waiting for a decision on her final appeal after being disbelieved twice by both the Home Office and the tribunal. Following the logic of the law, she did not have access to any of the signifiers that readily made Anais a more welcome migrant.

Throughout the study it was important to focus on the differential in habitus and the cultural capital of migrants, particularly of those migrants coming from the same country. As Erel argues (2010) it is crucial to challenge the idea that co-national migrants bring in a homogenous package of cultural resources to the country to

which they move. Indeed, this 'package' is made heterogeneous by the various genders, sexualities, race, ethnicities, and class backgrounds of any particular migrant group. As discussed above, the study showed that these axes of difference have a profound impact on differentiating hopes, aspirations and possibilities amongst (co-national) migrant groups.

8.4 Queer(ing) underpinnings: the use of the queer signifier

My epistemological and methodological approach is innovative because it adopts an intersectional and queer framing to bring to the fore life trajectories of sexual minority asylum seekers and refugees. I consider my approach to be queering not only because the research focused on a group of non-heteronormative migrants, but primarily because of both my positionality and the epistemological underpinnings of the knowledge that I was seeking to produce. Let me now further clarify these points.

To understand the complexities of respondents' lived experiences through my ethnographic practice I adopted an emic approach (from the inside) both in terms of the methods used and in relation to how I mobilised the theories that informed the study. In other words, I sought for a theory used and produced from an insider's point of view directly engaging with the social group under analysis (hence emic), namely a theory that would be politically relevant to sexual minority asylum claimants and refugees in the UK. Following Tom Boellstorff (2010), I attempted to develop a queer emic approach as the focus of the study is a group of non-heteronormative individuals who rarely understand their sexual difference through well-defined identitarian categories, such as gay, lesbian or trans (as for instance often occurs in the British context). Therefore, a queer positionality, namely an approach that looks beyond identitarian formations of sexual difference proved to be the most apt way of approaching the research.

The study's approach is queer in that it reveals the realities of a refugee population who live conditions of subalternity because of their sexuality, thus experiencing subalternising circumstances before, during and after their migratory journeys (as seen in chapter 3). The queer emic approach that I adopted is also grounded on my own queerness. As a matter of fact, my sensibility and positionality, as not heteronormative, allowed me to relate to respondents whilst managing to

create a safe space for them. This helped generate data otherwise hard to elicit. Further, from an epistemological standpoint, my informed position on issues central to queer theory scholarship enabled me to focus on current political issues that directly concern sexual minorities under neoliberal governmentality. Therefore, I kept a focus on questions of homonormativity (Duggan 2003), homonationalism (Puar 2007), and the notion of sexuality as a rights-claiming object in neoliberal democracies (E. Fassin 2010, Sabsay 2012). These critiques problematised the current claims of dominant LGBT political agents in the British context, highlighting how they can be readily coopted by neoliberal and fundamentally Eurocentric autonomy ideals.

The queer emic approach I used translated into research methods that were queering the study of the refugee status granting process in three main ways:

1. By queering *conceptual binarisms* and the associated intersectional assumptions, such as the improbability of being LGBTI and an asylum seeker of colour at the same time. In so doing, it also questioned the use that legal and humanitarian discourses make of social categories (i.e. the 'victim' or the emancipated 'agent'), which are generally understood to be marked by linear binary divides. Often, these sexualised, racialised, and class-based categories appear to have insurmountably high-fenced borders. Yet, these borders can also be porous and subject to contradictions in that they are there to be strategically used by the asylum claimants when narrating their stories within the system of migration institutions.

2. By queering heteronormative and homonormative constructs of the sexual migrant in tribunal judgments. I exposed the infused *essentialism* and homo/heteronormativity of legal reasoning. For instance, I looked at how the body and habitus of the sexual minority asylum seeker is scrutinised and interrogated in the space of the courtroom in ways that aim to find the 'true essence' of the subject's sexual identity, which give space to the authoritative voice of the medical expert. This often leads to an essentialist reading of sexual difference through focusing on stereotyped versions of LGBT lifestyles and identities.

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3. By 'emically' queering the *universalising humanism* of humanitarian discourses and narratives embedding normative binarisms and constructs. Indeed, the emphasis on the problems emerging from the imposition of stable identity categories (i.e. gay, lesbian) by humanitarian discourses became a discursive priority for the researched subjects themselves. It is noteworthy that in the initial phase of the ethnography I was expecting the dimension of spatial/temporal dislocation to be the most salient narrative trait adopted by sexual minority asylum seekers and refugees. However, I gradually observed that respondents' narratives tended to predominantly focus on the telling of stories, which either reflected or actively refused the sexual-victim script dictated by humanitarian governmentality. Respondents' critical positions in relation to such categories became the most relevant trait in the discussions they ended up prompting in the fieldwork. I used these critical moments from the ethnography in the thesis in order to produce a theory that directly speaks to the tensions, perplexities, contradictions, and the needs of the researched subjects. In other words, as discussed in the thesis introduction, the political use that I made of the queer signifier when examining sexuality in migration practices and discourses was to counter the dominant language of the humanitarian apparatus. Therefore, through the use of the refugee's complex discursive and lived positionalities I attempted to counter a reductionist humanitarian discourse, which increasingly constrains the 'biographical borders' (Mai forthcoming) available to sexual minority refugees.

8.5 The language of commodified sexual identities under neoliberalism

The analyses of social configurations such as homonormativity (Duggan 2001) and homonationalism (Puar 2007), or the formations of pink economy (Bell and Binnie 2000) and pink-washing (Schulman 2011) that queer theorists have addressed and advanced in the past decade were fundamental to discussing the instrumentalisation of LGBT rights operated by states. In this analysis I focused on Britain, however, similar processes following different dynamics can be found elsewhere both within and outside of the West[xviii]. I discussed how at a macro-political level LGBT rights are used by states as a marker of civilisation, and at a micro-political level the ever-narrowing proximity of sexual minorities with the state and the market create the conditions for sweeping homogenisation of the 'gay' subjectivity. Increasingly in

society, the 'gay subject' is the one produced through the commodification of sexual alterity. For instance, in urban areas this becomes visible geographically in the emergence of the gay village (Binnie and Skeggs 2004). In this regard, issues arise when through the use of the language of identity-politics minoritised sexual identities, overly defined by the market, crystallise. Hence, one of the main objectives of the thesis had to be the challenging of sexual categories' crystallisation both within and outside of the law and how this affected the lives of sexual minority asylum seekers and refugees.

In the ethnography respondents often highlighted the necessity they felt to identify with the fixed sexual categories available to them in the new country. This 'demand' was coming from the law as well as the broader society. As explored in the thesis, respondents would often feel the desire, or pressure, to integrate into local LGBT cultures through assembling and acquiring proximity with objects signifying their sexual difference (see p. 71). Trying to fit in was described as both a limiting and expanding experience for the sexual minority migrant. It is limiting as it clearly sets rules of behaviour and lifestyles that, despite appearing liberating and transgressive, are in fact inflexible and narrow. The research findings suggest that people would often experiment with the material demands coming from highly commodified gay lifestyles in London. However, these experimentations were often obstructed by the disinterest, neglect or blatant racism on the part of the local LGBT population they were trying to approach. Once respondents were faced with the 'self-absorbed' politics and behaviours of the LGBT people they met they would become critical of the crystallised identity cages, which well function within the mainstream gay scene. In this sense, respondents were often resisting neat categorisations by positioning themselves beyond a limiting language of identity in relation to their sexualities.

Throughout the study the main question in relation to the language of identity, so central to neoliberal political formations, remained the same: how to create new articulations of difference without relying on the principle of identity. This becomes, in fact, an essential move as Engel suggests (2007), for expanding politics and socio-cultural agency to those who are not seen as subjects or political subjects, 'who lack intelligibility according to the symbolic order, or cannot or do not articulate themselves according to the rules of the occidental political' (2007: 91). This

position refutes crystallising identity politics. This means that it stops strategic identity politics from turning into a strict politics of identity. Semantically there is a difference between the two, the former is strategically mobilised to guarantee a minority group certain rights at a particular time, the latter creates the conditions for settling and fixing identities and can be readily coopted by the logic of the market. Unfortunately the two seem to be conflated all too often within the realm of the political. In other words, if the language of identity makes one a slave of one's own construction of identity then one needs to rethink ways of addressing needs of specific social groups by doing without such a language. What I learnt from Wittgenstein's lesson is not to take the word for the thing and the proposition for the reality it only claims to name (Fassin 2012:37). One must pay close attention to the extent to which the words used contribute to forming, transforming or even deforming the objects that constitute the world. Hence, words should not and cannot become identity prisons.

8.6 Reconfiguring the notions of tolerance and difference in the neoliberal socio-political field

Following the accounts of research respondents I argue that the workings of mainstream LGBT discourse, even when it claims to address the needs of subalternised sexual migrants, perpetuate a strategy of silencing these subjectivities. The logic at the heart of these argumentations and behaviours serves to strengthen exclusivist nationalist feelings and animosity towards that which stands outside of the state, which automatically and uncritically is portrayed as anti-secular and tradition-bound hence uncivilised. In this sense, it can be argued that within the British context the research respondents' accounts actively manage to queer both local and mainstream LGBT identity discourse as well as the state-sponsored discourse of neoliberal tolerance.

For too long *tolerance* has been what sexualised, racialised and Othered people have heavily relied on to feel integrated and to create a seemingly tangible sense of belonging to the wider society (Brown 2006). This, perhaps, needs reconfiguring. However, on the other hand, tolerance is what one can strategically mobilise to advance rights-claims. Alongside questioning the political uses of tolerance one has to also uncover the lack of an affirmative understanding of *difference*. This negativity

in construing difference cannot produce political constellations that truly promote social justice. From this, it emerges that one has to start by politically questioning how difference is conceptualised in advanced capitalism, even prior to attempting to do without the notion of tolerance. If difference remains understood, as it does, in a way that posits the one 'who is different as the one who is less' (Braidotti 2013) this will continue to consolidate forms of neglectful ignorance about the lives of those who are different, thus construed as un-hearable and remaining uncountable (Ranciere 1999). In this regard, this study sought to highlight the modes in which difference is construed across legal, political and social axes. Let me reiterate three crucial points that I have addressed in the thesis and that now I want to consolidate. In the study with sexual minority refugees I noted the political importance of:

1. Holding on to an affirmative understanding and enactment of difference. This understanding should always be situated geographically and historically. This means challenging the universalising impulse of western identity politics, and resisting the tendency to see it as the panacea for advancing the struggles of sexual minorities worldwide. Indeed, this view would contribute to reinforcing the superiority complex of western democracies. In other words, identity politics, amongst other political strategies, must be provincialised (Chakrabarty 2000), rather than being exported to those parts of the world where (sexual) difference is predominantly articulated through non-identitarian discourses and practices.

2. Questioning how the human category is used in humanitarian discourse. As stressed throughout the thesis this is a crucial exercise in that it opens up more critical debates regarding the problematic categories analysed here such as 'the racialised victim' 'the vulnerable Other' or the 'the sexual victim'. These categories of social protection reify violence by glorifying suffering (Arendt 1962, Fassin 2012). At present what we see is that these very humanist-centred inquiries of human suffering contribute to producing, or reinforcing, conditions of subalternity. Thus, very easily, the sexual subalternised Others, who are at the centre of the argument of this thesis, become easily trapped in restrictive performances in relation to how they can claim a right to be protected.

3. Listening to the people who have been put under conditions of subalternity when addressing their rights and needs. The unwillingness to listen to the contradictions, inconsistencies and tensions within people's narratives reinforces a structural ignorance about those who do not know how, or who refuse, to make their subject positions intelligible. This intellectual and affective unwillingness is in part a product of the sub-humanisation of racialised non-Western subjectivities (Balibar 2004, Bauman 2004, Said 2004).

These points above aim to stress some of the urgent political investigations emerging from the pages of the thesis. I hope that I have contributed to raising some pertinent questions about the paradoxes of migration institutions, comprising the law and the humanitarian apparatus, particularly when sexuality is reified into a rights-claiming object. Paradoxically it emerges that the 'vulnerable human' who claims state protection is dehumanised by Eurocentric humanitarian discourses and she or he keeps being dehumanised throughout the refugee granting procedures. In the process, they are asked to specifically locate the violence to which they have been subjected, as the law requires. By locating the violence they relegate it to the culture of their country of origin. They are asked to culturalise the 'phobias' (i.e. homophobia, transphobia etc.) and in so doing to denounce the 'incivility' of their countries. To be sure, the neoliberal political project remains predicated upon Eurocentric ideals of autonomy and self-determination. Current LGBT discourses should be resistant to these arguments and they should make themselves accountable with regards to their uncritical proximity and political entanglements with hegemonic powers, in their neoliberal variety.

8.7 Conclusion: 'not welcome here'

The migratory experiences of the studied group take place in the British socio-political context, which over recent years has been increasingly defined by draconian measures, whose main purpose is to limit migrants' numbers. It is apparent that the current migration regime in Britain, as well as in other western democracies, relies on various management mechanisms with the clear purpose of shutting borders. As discussed within the first pages of the thesis, *externalisation, securitisation* and *privatisation* of borders are common and normalised practices in the Schengen area.

The techniques of power upon which I mostly focused throughout the thesis were i) the 'objective' criteria of the law when examining sexuality; and ii) the strategic use that states and migration institutions make of humanitarian discourses to actively contain the presence of asylum claimants, namely unwanted migrants, in the national territory.

The vast majority of respondents said that they came to the UK because they wanted to feel *safe* and *free*. In their search for safety and freedom respondents found a system that does not believe them. As discussed, sexual minority asylum seekers have to prove their sexual difference. Often the only proof they have is their personal witness statement as nobody else knows about their sexuality. This is a paradoxical situation where the claimant's only evidence is her or his testimony, yet the asylum seeker's word is fundamentally mistrusted. Throughout my research it appeared obvious that adjudicators often adopt a strategic skepticism. As I mentioned in the introduction, they strategically choose not to believe in order to deny rights. In this process there seems to be a constant tension between not believing and wanting to deny an event or an identification. The Home Office and tribunals are often accused of suffering from a culture of *disbelief*, yet as has been highlighted elsewhere[xix], I would refer to *denial* rather than disbelief. Often, within a context of denial the claimant is paradoxically put through the ordeal of truth.

Across the system of migration institutions and the law, finding truth in claimants' migratory motives is construed as the most important aspect within the asylum process. The search for truth becomes the ultimate goal, or at least these are the terms used by tribunals and the Home Office. In examining domestic legal discourse the study reveals two intersecting themes: i) the question of authenticity, and who has the authority to know the truth about one's sexuality and ii) how sexuality is translated into the 'objective standards' required by law (McGhee 2000). Confronted with the facts-based legal mode of organising knowledge and establishing truth, one finds herself or himself in the position of not being able to be recognised as a sufficiently credible witness of one's own sexual subjectivity before the law. The narrative must be authenticated by the intromission of authoritative discourses and practices, which are deemed to produce reliable knowledge, namely medicine and psychiatry.

The search for humanitarian truth ironically dehumanises asylum claimants by scrutinising their life narratives in ways that objectify their experiences. The focus on searching for an essential truth in the telling of a life (that has to fit with the sexual-minority-victim's script) is misleading insofar this notion of truth is impossible to find. In my view, rather than fetishising the value of seeking an impossible truth adjudicators should show more awareness of the exclusionary workings of the asylum system within the current migration regime. These arise from the naturalisation of the political argument of having to defend state sovereignty. This argument is sustained by how the nation-state imagines itself to be an economic and socio-cultural space in need of high securitisation and protection from some undesirable aliens who 'happen' to be poor, non-white and queer. Although the undesired migrants' lives are put under the intrusive analytical lenses of immigration officials they are dehumanised as they merely become inconvenient numbers in the Home Office annual statistics. Subsequently, in the eyes of the system, their reasons to be in the UK become of little importance, its main objective remaining *containment.*

When examining the broader immigration control context the question that I kept asking myself throughout this study was: 'why would anyone put themselves through this (the UK asylum system), if they really didn't need to be here?' I also started to wonder whether adjudicators ask themselves the same question when deliberating on an asylum claim. Clearly this remained an unresolved question. During a conversation outside of the interview space a respondent, Duong, told me: 'I spent many, many years of my life just waiting to be legal here, in this time I've slept rough and worked non-stop in a restaurant for next to nothing...sometimes I think I was a fool to come here, but if you ask me I'd do it all over again if I had to'. Duong's resolute speech act, to my mind, testifies to the impossibility of managing migration insofar as people will always find new ways, resources and routes to migrate if they need and desire to do so. It also testifies to the fundamental need for people claiming asylum on the grounds of their sexuality and gender identity to be safe and have their rights recognised and granted.

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ENDNOTES

[i] The respondents' names that appear throughout the thesis are pseudonyms. Further, the names of geographical locations have been changed in order to guarantee confidentiality and anonymity for all respondents.

[ii] In chapter 3 of the thesis I specifically look at how political figures such as Hillary Clinton and David Cameron have aligned sexual rights with human rights. In the discussion that I offer I problematise what their enunciations produce.

[iii] British mainstream media have contributed to foster public suspicion of LGBTI asylum seekers in the UK. A telling example of this is available at: http://www.dailymail.co.uk/news/article-1292715/Gay-asylum-seekers-win-legal-battle-stay-Britain.html

[iv] The figures and statistical data are: https://www.gov.uk/government/publications/immigration-statistics-january-to-march-2013/immigration-statistics-january-to-march-2013#asylum-1

[v] Heteronormativity is the set of socio-cultural norms that hold that people fall into distinct and complementary genders with natural roles in life. The term stresses that heterosexuality is the only sexual orientation or only norm. Consequently, a heteronormative view involves alignment of biological sex, sexuality, gender identity, and gender roles. The term was made popular by social theorist Michael Warner (1991).

[vi] The UK Lesbian and Gay Immigration Group (UKLGIG) is a charity that promotes equality and dignity for lesbian, gay, bisexual, trans and intersex people who seek asylum in the UK, or who wish to immigrate to the UK to be with their same-sex partner. Website: http://www.uklgig.org.uk/

[vii] HJ (Iran) and HT (Cameroon) v Secretary of State for the Home Department is a case decided by the Supreme Court of the United Kingdom concerning two men, from Iran and Cameroon respectively, claiming asylum in the UK on the grounds of their homosexuality. The men's claims had previously been refused on the basis they would not face persecution in their own countries if they would conceal

their sexuality. In fact, the UK asylum courts adjudged LGBTI asylum claims on the basis of whether or not the individual would be able to live 'discreetly' in one's country of origin. In the 2010 ruling (HJ/HT case), this was found to be against the Geneva Convention. This ruling inaugurated the possibility of claiming asylum on the ground of sexuality and gender identity in British case law.

[viii] In this study respondents' main countries of origin were: Nigeria, Uganda, Pakistan, Iraq, Jamaica, Algeria, Cameroon, Malawi, India and Iran.

[ix] Homonormativity is a term used prominently by Lisa Duggan in 2003. With this expression Duggan highlights the assimilation of heteronormative ideals and constructs into LGBT cultures and identities. Homonormativity forms when LGBT people that best manage to mimic heteronormative standards of gender identity are socially deemed most worthy of receiving rights.

[xi] *Grindr* is an application that uses a mobile device's location-based services to show the location of other people who are also on Grindr. This networking application is geared towards gay, bisexual, and bi-curious men.

[xii] *Qx* and *Diva magazine* are respectively mainstream gay and lesbian magazines in the UK.

[xiii] The full statement is available at: http://www.amsher.net/news/ViewArticle.aspx?id=1200 (Accessed May 2011).

[xiv] Full speech available at: http://www.state.gov/secretary/rm/2011/12/178368.htm (Accessed April 2011)

[xv]The statement is available at: http://www.osisa.org/sites/default/files/article/files/statement_of_action_on_decriminalisation_of_same_sex_conduct.pdf (Accessed September 2011)

[xvi] I am referring to recent speeches delivered by Yvette Cooper, David Cameron and Ed Millband between the short time period of March and April 2013.

[xvii] For instance this is the position of one of the leading immigration law firms in London; Wilsons Solicitors. http://www.wilsonllp.co.uk/immigration-law/

[xviii] For instance, Sarah Schulman (2011) reminds us that a telling example is Israel, where it seems ironic that a place famed for violating human rights is promoting its capital city as a defender of gay rights.

[xix] Souter, James (2011). Available at: http://www.opendemocracy.net/5050/james-souter/asylum-decision-making-in-uk-disbelief-or-denial.