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*Editor's Choice*

# Queer people as political migrants: stuck between non-recognition and vulnerable acknowledgment

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## Abstract

In this article, I will use an intersectional perspective in order to bring together two relevant study fields: migration studies and queer theory. I plan to take into consideration the experiences of members of the LGBTQI+ community that are citizens of countries unaccepting of their identities, in order to criticize the current international legislation regarding asylum. In order to be able to do this, I am going to expand upon the fact that queer migration should be recognized as involuntary, because of the political reasoning behind it. After targeting this issue, I will present the vulnerabilities such people are prone to when trying to access the asylum-system, seeking international protection.

## Introduction: what and who is a migrant

One crucial step for a deeper understanding of the phenomenon of migration is looking into the different types of migrants. In this sense, there are numerous categories we can talk about, one of which is voluntary and involuntary migrants, a distinction able not only to clarify the issue, but also to better government response and policies. As Sert & Erenler (2020) explain, voluntary migration is attached to the implication of free choice, understood as the willing movement of a person, while involuntary migration casts the light on exogenous factors of movement, such as politically induced refugees or asylum seekers. In this essay I will pay attention to this particular distinction in order to explain the migration of queer people from unaccepting countries of origin as involuntary,

politically induced migration which requires specific legal protection. When saying "queer people", in the tradition set by Jagose (1996), I will be referring to lesbian, gay, bisexual, trans, queer and intersex individuals, along with other persons who do not conform to the gender binary or traditional sexual orientation, also known as the LGBTQI+ community.

Historically speaking, as Luibhéid (2008) has brought into discussion, migration theory has been looked upon from a heteronormative perspective, that centers heterosexual families and falls victim to gender binary and norms, especially when deciding who gains citizenship and who does not. Luibhéid disapproves of this understanding of migration and proves the importance of bringing migration studies and queer theory together, as not only to guarantee the inclusion of LGBTQI+ migrants, but to also go beyond that and challenge the power structures that allow for exclusion to take place. With this in mind, I will continue by arguing that, even though queer migration is not always recognized as forced, there are reasons to see it as such and to also critique the current approaches of inclusion in the asylum system.

Koser (2007) defines an asylum-seeker as someone who has applied for international protection, either before, through an embassy or consulate, or after reaching the country of destination in which they are seeking protection. This definition, and most understandings of what an asylum-seeker or refugee is, are based upon the 1951 Geneva Convention (United Nations, 1951), known as the Refugee Convention, which recognizes a refugee as "someone who, owning 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". Koser (2007), however, builds a valid critique of this definition based upon the socio-political changes that happened in the meantime. The author shows that most of refugees are not fleeing persecution anymore, but rather conflict or the lack of protection from the state. This is an adjustment that fits the reality of queer people, giving that most of them, as shown by Giametta (2017), are not victims of state-led

persecution anymore, but are not provided with legal protection either. Instead, they suffer from the lack of anti-discrimination legislation, from the enforcement of heteronormative structures and are challenged with not having the same rights guaranteed by the state as the cisgender and/or heterosexual population.

## Why should queer migration be seen as political?

Systemic oppression, state failure and legal exclusion are factors which constitute the political and forced substrate of queer migration. Besides the lack of protection previously mentioned, there are cases in which LGBTQI+ people are the target of direct, state-led persecution. Puar (2007) showcases that authoritarian regimes see and treat non-heteronormative identities as deviations from the socio-political order, which facilitates the persecution of such persons. An example of the political persecution of queer people, as Itaborahy & Zhu (2014) find, is the Same Sex Marriage Prohibition Act, enacted in Nigeria in 2014. Not only does it ensure that same-sex marriage or civil partnership is not legally recognized, but it also outlaws public displays of same-sex relationships and restricts the operation of organizations in support of the LGBT community, targeting activists also. Another important aspect is that in some parts of Nigeria homosexual acts are punishable with death penalty, which makes a solid basis for members of the community to seek protection abroad.

As we can see, queer people can be subjects of political persecution as well as victims of the state's inaction, both cases that require immediate international action. Because of the political nature of their movement, based on different types of discrimination and oppression already discussed earlier, I argue that queer migration should be categorized as involuntary.

Vulnerabilities associated with queerness in the asylum seeking process

When tackling LGBTQI+ refugees, we should also take into consideration how they are treated in the asylum-seeking process. Hathaway and Pobjoy (2012) show how queer identities require a more sensitive approach in the context of migration based on political reasoning. In this context, we are faced with the possibility of setting a dangerous legal precedent that maintains stereotypes and power imbalance, which is why asylum law needs to be adapted for queer claimants.

Moreover, when working with Koser`s (2007) definition of an asylum-seeker, we have to take into account who exactly can apply for international protection. The application process might be particularly challenging for members of the LGBTQI+ community, as they face hurtful stereotypes, discrimination or lack of resources due to their queer identity, and also as the Geneva Convention does not explicitly recognize them. Taking this into consideration, we see how, even though queer people might be included in the Refugee Convention because of the mention of "membership of a particular social group", it is not a guarantee that they will be taken into account and the reality remains arbitrary, based on each specific state and their inclusion level of the LGBTQI+ community. Berg & Millbank (2009) tackled this by analysing how occidental asylum decisions for queer people are influenced by stereotypes, an important number of the times acting against the person seeking protection. They document cases in which asylum applications are rejected either because the person does not fit stereotypes of gay behaviour or appearance, or because they do not possess evidence of their queer identity. Those practices, explain the authors, are invalidating and make the asylum application process more complicated for members of the LGBTQI+ community. Considering this, the refugee status and asylum application process should pay attention to the experiences and unique discrimination patterns that queer people face, in order to be more

inclusive of them and provide actual, fitting protection, that dismantles the structures allowing exclusion to happen.

Another take on this comes from Lewis (2014), who wrote about queer migrants' deportation in the UK. The author finds that LGBTQI+ asylum seekers are required to show proof of their sexual orientation or gender identity, otherwise being faced with deportation. The demand for proving queerness makes the LGBTQI+ community more vulnerable as a whole, reinforcing strict labels which are often following the heteronormative dominant structure, and the need for a desirable, non-disruptive queer person. Not only this, but the practice of proving your queerness in order to not get deported makes you dependent on a system that undermines your identity and puts your life at risk, but which also holds the power to save you and bring you into safety.

To build upon this, we can use the concepts of "queer time of death" and "chronopolitics" introduced by Shakhsari (2014). They argue that, while navigating asylum systems, queer refugees do not follow the same linear trajectory as heterosexual and cisgender refugees, being faced with a situation in which borders are not only spatially fixed, but also time bound. If refugees that fit into the heteronormative expectations can have a more foreseeable process, the recognition of LGBTQI+ asylum-seekers is postponed and survival is not as certain. What follows is that they become increasingly vulnerable by waiting for their refugee status, without having a guarantee of true protection for their queer identity. Furthermore, as Berg and Millbank (2009) showed, LGBT refugees are also made vulnerable by having to prove their queerness and perform their identities as to fit the state and NGOs frameworks, which are culturally fixed and dependent on the geographical space and on the historical time frame. This makes asylum-seeking an unstable system for LGBTQI+ people, marked by uncertainty and danger: queer refugees are prone to "rightful killing", as Shakhsari (2014) shows, a practice based upon a system that manages survival, deciding who gets to live a protected life, but where rights are unevenly granted. That being said, asylum is even more unattainable for

queer people with other intersecting identities, such as race, disability or class: they defy the stiff understanding of identity that shapes public policy and challenge current expectations of what a refugee is or how a refugee acts. The concept of intersectionality, as explained by Crenshaw (1989), comes in handy to explain this issue: it draws attention to the ways in which a person's life is affected by their different identities targeted by oppression systems in a process that creates unique discrimination experiences. In our case, LGBTQI+ refugees, already susceptible to weaknesses, are not a homogenous group, as they are impacted by other factors such as race, ethnicity, disabilities and not only.

## Conclusions

As we have seen, in this essay I have identified two key elements in tackling migration from a queer point of view. The first one refers to recognizing the migration of queer people from unaccepting countries as involuntary, political migration at an international level. This is sustained by the persecution they are subject to, as well as by the lack of legal protection, both aspects that make members of the LGBTQI+ community vulnerable citizens, and it implies the need for broader acceptance of their refugee status. After we go past the need of recognition, we find that the existing asylum-seeking process for queer people comes with specific challanges due to their non-heteronormative identity and dangerous practices and/or stereotypes that increase their vulnerability. Because of this, I find the need for further research and an adaptation of the asylum system in order to ensure the proper safety of queer migrants, as their specific needs and background have to be addressed by international policies in order to increase stability.

## Bibliography:


- Berg, Laurie, and Jenni Millbank. 2009. "Constructing the Personal Narratives of Lesbian, Gay and Bisexual Asylum Claimants." *Journal of Refugee Studies*. DOI: https://doi.org/10.1093/jrs/fep010
- Crenshaw, Kimberlé. 1989. "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics." *University of Chicago Legal Forum* 1989 (1): 139–167.
- Giametta, Calogero. 2017. *The Sexual Politics of Asylum: Sexual Orientation and Gender Identity in the UK Asylum System*. DOI: 10.4000/glad.783
- Hathaway, James C., and Jason M. Pobjoy. 2012. "Queer Cases Make Bad Law." *New York University Journal of International Law and Politics* 44 (2): 315-389.
- Itaborahy, Lucas Paoli, and Zhu Jingshu. 2014. *State-Sponsored Homophobia: A World Survey of Laws: Criminalisation, Protection and Recognition of Same-Sex Love.*
- Jagose, Annamarie. 1996. *Queer Theory: An Introduction*. New York: NYU Press.
- Koser, Khalid. 2007. *International Migration: A Very Short Introduction*. Oxford: Oxford University Press.
- Lewis, Rachel. 2014. "Gay? Prove It: The Politics of Queer Anti-Deportation Activism." *Sexualities* 17 (8): 958–975. DOI: https://doi.org/10.1177/1363460714552253
- Luibhéid, Eithne. 2008. "Queer/Migration: An Unruly Body of Scholarship." *GLQ: A Journal of Lesbian and Gay Studies* 14 (2–3): 169–190.
- Puar, Jasbir K. 2007. *Terrorist Assemblages: Homonationalism in Queer Times*. Durham, NC: Duke University Press. DOI: https://doi.org/10.1215/9780822390442
- Sert, Dilek S., and Tarcan C. Erenler. 2020. "Theories of Migration: Reasons for Mobility." In *No Poverty*, 1061–1072. Cham: Springer International Publishing.
- Shakhsari, Sima. 2014. "The Queer Time of Death: Temporality, Geopolitics, and Refugee Rights." *Sexualities* 17 (8): 998–1015. DOI: https://doi.org/10.1177/1363460714552261
- United Nations. 1951. *Convention Relating to the Status of Refugees*. Geneva: United Nations.

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