

Introduction: Queer migration, asylum, and displacement

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Abstract

This special issue of *Sexualities* emerges in response to the growing visibility of LGBTQI immigrants, refugees and asylum seekers within global gay rights advocacy. Despite the increasing prominence of LGBTQI issues on the international human rights agenda, there has been relatively little discussion of the relationship between queer migration and LGBTQI human rights activism in the field of sexuality studies. This special issue seeks to bring queer migration and sexual citizenship studies into critical conversation with current literature in the area of gender, sexuality and human rights.

Keywords

Citizenship, deportation, migration, sexuality

This issue of *Sexualities* emerges in response to the growing visibility of LGBTQI immigrants, refugees and asylum seekers within global gay rights advocacy. Despite the increasing prominence of LGBTQI issues on the international human rights agenda, there has been relatively little discussion of the relationship between queer migration and LGBTQI human rights activism within the field of sexuality studies. Our goal is to bring queer migration and sexual citizenship studies into critical conversation with current literature in the area of gender, sexuality, and human rights. We simultaneously further engage the scholarship on the intersection of sexuality and migration to challenge the essentializing of gender, sexuality, and culture in individual expressions of desire and identity and border politics more generally.

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Since its emergence, the field of migration studies has been characterized by the tacit assumption that, as Eithne Luibhéid puts it, “all the immigrants are heterosexual” and “all the queers are citizens” (2004: 233). From the late 1990s onwards, however, a growing body of scholarship has emerged within feminist and queer studies that challenges the heteronormative assumptions that have traditionally circumscribed both academic and activist discourses on migration (Luibhéid, 2004; Manalansan, 2006). Drawing on the theoretical and methodological insights of scholars from across the humanities and social sciences, this body of scholarship rigorously interrogates how sexuality, in relation to hierarchies of race, class, gender, and nation structures processes of international migration and border-crossing (Cantú, 2009; Epps et al., 2005; Luibhéid, 2008a; Luibhéid and Cantú, 2005). Addressing a range of issues—from campaigns for same-sex immigration reform, the fluidity of sexual identities and behaviors, and queer diasporic cultural production to transgender migration and queer undocumented youth activism—this body of work examines the interlocking structures of oppression and agency that characterize the experiences of both queer and LGBTQI migrants.

This special issue of *Sexualities* seeks to expand on current scholarship in queer migration studies through a focus on contemporary issues related to LGBTQI migration, asylum and displacement. Previous work has firmly established the intersection of immigration and sexuality, what Lionel Cantú (2009) terms a “queer political economy of migration.” This scholarship demonstrates the power of a queer analytic framework for revealing the complex interplay of sexuality, gender, race, politics, economics, and culture in shaping desire and the mobility of different bodies across many different kinds of borders (Cantú 2009; Epps et al., 2005; Luibhéid, 2008a; Luibhéid and Cantú, 2005). Shifting the standpoint on these inter-related phenomena to the experiences of LGBTQI immigrants, refugees and asylum seekers brings into view the way in which movement across borders reinscribes heterosexuality, regulates homosexual expression, and renders invisible the bodies and self-identities of those who dare to cross. When visible, the citizenship and asylum regimes regulate homosexual expression in stereotyped and gendered ways. It also reveals how these processes are contested in the very act of crossing.

Since the United Nations Refugee Agency published its official guidelines on claims relating to sexual orientation and gender identity in 2008, there has been a growing interest in the treatment of lesbian, bisexual, gay, transgender, and inter-sex refugees and asylum-seekers (UNHCR, 2008). While the European Union recently recognized sexual orientation as a cause of persecution in Article 10 of the EU Asylum Qualification Directive, in December 2011 the USA issued specific guidelines for the evaluation of asylum claims based on sexual orientation and gender identity (Presidential Directive, 2011). According to the Obama administration, for example, LGBTI refugees constitute a “priority population of concern,” one that is especially vulnerable to danger and abuse at every stage of the displacement cycle (Richard, 2012).

Despite growing international attention to the subject of LGBTQI refugees and asylum seekers, however, there has been a surprising lack of engagement with

issues of queer asylum and displacement in the field of sexuality studies. Indeed, existing scholarship on LGBTQI refugees and asylum-seekers is located primarily within the areas of law and public policy.¹ While there is a growing body of work on citizenship and immigration that explores the impact of detention and deportation on refugees, asylum seekers and undocumented populations, discussions of gender and sexuality are conspicuously absent from such analyses.² And yet, as recent scholarship in the field of queer migration studies has shown, LGBTQI refugees, asylum-seekers and undocumented populations are at particular risk of state violence and persecution in the form of detention and deportation (Lewis, 2013; Luibhéid, 2013). Clearly, a great deal more work is needed within queer migration studies that examines how sexuality, along with race, class, gender, and geopolitical location renders particular migrants legally vulnerable to deportation and violence. This is especially important given the recent passage of anti-homosexuality legislation in countries such as Uganda and the potential impact of such legislation on political asylum policy.

Organization of the special issue

This interdisciplinary special issue includes scholars from cultural studies, sociology, English, law, comparative studies, folklore, ethnic studies, and women's, gender, and sexuality studies. A theme that has emerged within queer migration scholarship is the ways in which border crossing alters the understanding, experience, and practice of same-sex desire. Some scholarship tends to essentialize differences between sexual identity, desire, and behavior of LGBTQI immigrants from different countries, implying that movement to the USA, for example, creates a more liberal environment for sexual expression (see, for example, Decena, 2011). A queer lens challenges dichotomous analysis of sexual expression such as the *pasivo/activo* model that has been used to describe Latin American gay male sexual practice (Cantú, 2009). This approach complicates and contextualizes the changes that occur in the process of border crossing without privileging or reifying national or cultural differences (see, for example, Stambolis-Ruhstorfer, 2013; Stambolis-Ruhstorfer and Saguy, 2014) as is further demonstrated in the first article in this special issue by Héctor Carillo and Jorge Fontdevila. In their in-depth interviews with 80 men who migrated from Mexico to the USA, Carillo and Fontdevila highlight the diversity of sexual desires and practices both pre- and post-migration. They found, for example, that not all the men they interviewed changed their interpretations of sex-same desires or their sexual practices. Their findings contest monolithic conceptions of how and in what way migration shapes sexuality.

Challenging cultural essentials is also a key theme in Amy Shuman and Carol Bohmer's analysis of "Gender and cultural silences in the political asylum process." Assumptions about what can be heard and how it can be communicated in the context of the bureaucratic political asylum-seeking process is infused with culturally essentialist assumptions. Ironically, in the context of asylum

claims-making, what appears on paper as gender-neutral policy is pervaded with gendered and heteronormative assumptions that generate further silences and inconsistencies in the asylum-seeking process. As a consequence, sexual minorities and women face many challenges in applying for asylum. For example, Shuman and Bohmer demonstrate how the idea of immutability of sexuality is a source of tension for claimants who are seen as able to conceal their sexuality. Ironically, since they are “less visible” in their sexual presentation, they are presumed to be less vulnerable in their country of origin. Asylum officials assume that since as women, lesbians are rarely engaged in targeted public activities which would render them at risk, they are less vulnerable to abuse and prosecution than gay men who have greater access to the public sphere.

In the next article, “‘Gay? Prove it’”: The politics of queer anti-deportation activism,” Rachel Lewis explicates the intersection of gender, sexuality and asylum policy to further demonstrate the inability of lesbians to produce the legitimating narratives required to prove sexual oppression. Her rich analysis reveals how the process of asylum, which was developed to promote human rights “has become a tool for further entrenching the coercive, racist powers of the neoliberal state.” Again, lesbians are most at risk in that they are often unable to demonstrate that they have “lived openly in their countries of origin.” The focus on their so-called ability to hide their sexual identity in the privacies of families and communities misses or silences the fact that they remain in danger, especially in these private spaces. In the face of misidentifications and distorted views of their vulnerability, lesbian asylum-seekers are asked to “perform” their sexuality in very intimate, “pornographic” ways that further violates their human rights.

In “Documenting the undocumented: Toward a queer politics of no borders,” Melissa White explores the political practice of undocumented immigrants who challenge the invisibility and silences that accompany their status. She highlights the activism of the “Let Alvaro Stay” campaign in Toronto and the Undocuqueer movement in the USA. White identifies three themes in their cultural activism. Migrant exceptionalism promotes the unique qualities of certain migrants that set up the deserving/undeserving dichotomy. State benevolence appeals to the state to protect vulnerable migrants from “an otherwise inhospitable world.” The third theme, “citizenship-for-all,” captures the contradiction between the practice of citizenship as tied to creating boundaries and the utopian claim for open borders. In contrast, given the different political context and the focus on a collective identity rather than an individual claimant, the Undocuqueer movement promotes a broader claims-making project. Yet, here we also see the emergence of the deserving/undeserving dichotomy in promoting who might be a good citizen, worthy of legalization. White notes how these claims also involve “demands for regulation” that become part of an ongoing neoliberal “nation-building” project.

This political project also thrives on constructing a hierarchy of nations in which the “West” is seen as a beacon of hope for freedom and acceptance and the “East” as a source of oppression and as being backward “within a temporal lag in the linear time of development,” as Sima Shakhsari demonstrates in her article on

“The queer time of death: Temporality, geopolitics, and refugee rights.” Shifting to “the geographical in-betweenness” between “the ‘east’ and the ‘west,’” Shakhsari reveals “the temporal and spatial constitution of refugee categories in the international human rights regimes” that create a shifting terrain upon which certain bodies count and others are constructed as disposable. She deepens our understanding of the lived vulnerabilities, hauntings, and fear of death that accompanies life as transgender and queer refugees. Shakhsari carefully explores how they are viewed as disposable lives and how they are remembered, mourned, and haunt the human rights asylum regime that fails to protect transgendered and queer asylum seekers. Her analysis also further highlights the hegemonic discourse surrounding the immutability of gender and sexuality that is a major theme running through all of the articles in this special issue. Shakhsari, Lewis, and White chronicle the ways that this discourse shapes how human rights organizations as well as state officials promote the essentialist view of sexuality to excavate “the truth of sexuality in one’s childhood.” And, as Lewis argues, in the asylum and deportation processes, queer migrants who do not fit the narrow construction of the deserving LGBTQI citizen are constituted as socially dispensible.

In the final article, Amy Shuman and Wendy S Hesford take many of the themes developed in the previous articles and illustrate them with a critical review of *Getting Out*, a documentary produced by the Refugee Law Project at Makerere University in Kampala, Uganda. The film examines the precariousness of sexual minorities and sex workers as they become visible and legible despite their disposability as citizens. Their stories enrich our understanding of the “imperial imaginaries” and the politics of visibility as integral to the asylum process. They point out how documentaries like *Getting Out* and fictionalized accounts such as *Before Night Falls*, which portrays the life of Cuban writer Reinaldo Arenas, reveal the contradiction between asylum officials’ suspicions that LGBTQI claims are both fraudulent and evidence of their sexual deviance. They conclude with a call for queer human rights claims to challenge the “oppressive social norms” that “produce the persecuted subject of asylum law.”

Building on recent scholarship in queer migration studies that explores the role of heteronormativity in the social construction of migrant illegality (Luibhéid, 2008b, 2013), this special issue seeks to bring the field of sexuality studies into dialogue with current work on citizenship, immigration and asylum. In so doing, our goal is to address the unique vulnerabilities and protection gaps facing queer refugees, asylum-seekers and undocumented populations. Many of the articles in this issue thus grapple with the contested and paradoxical relationship between state immigration controls and human rights discourses on gender and sexuality, as well as the frames of cultural essentialism, recognition and intelligibility through which queer and LGBTQI migrants are rendered visible. Examining a range of issues, including queer migration and sexual fluidity, the contradictions of queer anti-deportation activism, the challenges to successful LGBTQI asylum claims, and the intersection of transnational sexualities and human rights, the essays collectively reflect upon the limits and possibilities of queer migrant resistance. In doing

so, the special issue not only extends current work on sexuality and immigration, but opens up new directions for future research on queer migration and asylum in the Global South. As recent reports by the Organization for Refuge, Asylum, and Migration (2013) have shown, the Global South is host to the vast majority of the world's queer refugees, many of whom are forced to remain undocumented. Indeed, many queer refugees in the Global South have experienced violence as a response to their visibility and do not have the networks that would establish their participation in a 'particular social group' that is necessary for producing a credible claim to asylum. Instead of evidence of their public performances of their sexuality, they report the opposite, efforts to conceal their sexuality as a matter of safety (Lewis and Shuman, 2016). And yet, scholarship on queer migration has not, for the most part, situated the challenges to LGBTQI asylum claims in relation to human rights and development. In order to effectively grapple with the impact of histories of colonialism and global capitalism on contemporary forms of queer displacement, it is essential that future research connects queer migration and asylum to the factors that lead to 'expulsion' (Sassen, 2014) and precarity.

Notes

1. See, for example, Berg and Millbank (2009); Jansen and Spijkerboer (2013); and Morgan (2006).
2. As Eithne Luibhéid notes, "Many migration scholars continue to regard sexualities as separate from, and less important than, other social and economic realms" (Luibhéid, 2013: 204). For scholarship on citizenship, immigration, and deportation, see Anderson et al., 2011; DeGenova, 2002; DeGenova and Peutz, 2010; Tyler and Marciniak, 2013.

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