

# Afterword: Troubling identities and identifications

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Sexualities

2014, Vol. 17(8) 1035–1040

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DOI: 10.1177/1363460714552255

sex.sagepub.com



## Abstract

This article argues that the essays in the special issue on 'Queer Migration, Asylum and Displacement' collectively problematize how official identity categories trouble, and are troubled by, queer and asylum-seeking migrants. It discusses the future research and activist possibilities that these essays open up.

## Keywords

Asylum, identity, immigration control, LGBTQ, queer migration, states

I am delighted to write an Afterword for this special issue, which offers important contributions to queer migration research and activism. Given word limits, I focus on a concern that is shared across the essays: troubling identities and identifications. The framework of 'trouble' is inspired by Judith Butler's book, *Gender Trouble*, and is used here to invite critical reflection about how migrants often experience significant difficulties as a result of identity categories, while, at the same time, troubling and partially transforming those same categories through their presence and actions.

An extensive, interdisciplinary scholarship addresses the topic of identity categories, but the essays in this special issue particularly problematize the power and politics involved in *official* demands for people to establish their identities within state sanctioned categories. Historically, an important role of states has been to generate official identity categories into which all members of nationalized populations were expected to fit themselves, and through which national/transnational encounters were mediated. These processes didn't entail registering identities people already 'had' but rather, dispersing racializing, colonialist, heterosexualizing categories through which people were required to come to understand themselves,

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and through which their relationship to governance was established. The essays show that the refugee/asylum system thoroughly participates in the process by demanding—and continually producing—identities in ways that are deemed legible to adjudicating states, (trans)national publics, and supranational bodies. Advocates and migrants have struggled fiercely to have gender and sexuality recognized as grounds on which people might be persecuted, making them eligible for asylum accordingly. Yet people claiming asylum on those grounds have become required to prove they *are* those identities, understood in very specific ways, for their asylum claims to be considered—even though there are no universal or transhistorical sexualities and genders into which diverse migrants could be expected to fit.

Given this problem, the essays implicitly suggest the importance of differentiating official models of identities from actual human lives. They show the necessity of further exploring how people navigate official demands for identity; the interplay between official and other registers of identity and identification; the impacts of official identity demands on people; how official models of identity may get shifted; and the political possibilities that are presented and foreclosed. They also indicate that NGOs, migrants, and others become complicit in complex ways in the production of official identities. Similar kinds of questions about identities can be pursued when exploring the lives of non-asylum seeking migrants, as richly analyzed by Carrillo and Fontdevila.

The essays contribute to research and activist possibilities by exploring how the demand for identities deemed legible by courts and officials is both violent and productive. The claim that refugee/asylum processing is intended to differentiate ‘false’ from ‘real’ claimants (including people ‘falsely’ or ineffectively claiming to be LGBTQI from ‘real’ LGBTQIs) is one important site of productivity.<sup>1</sup> Foucault (1990) cautions that claims of truth-seeking are strategies through which power becomes reconfigured, with numerous effects. The essays analyze some of these effects: for instance, the requirement to make one’s experience legible on terms that are set by officials and courts is precisely how gender and sexual normativities get produced and circulated at multiple scales, in ways that reinforce temporalities and spatialities of inequality. It produces the global north as ‘having’ freedom that it ‘generously’ dispenses to ‘backward’ others, while ignoring its own implication in struggles in other countries and its own dispossessed peoples (Shakhsari). The process also naturalizes national citizenship and national territoriality as the only possible horizons for analysis and politics, even though these emerged from and reproduce imperialist and capitalist inequalities (White). It presumes and normalizes particular models of global northern sexual citizenship built around individual consumption (Lewis). Overall, Shakhsari shows, the refugee/asylum system produces an abstract and universalizing norm of rights, while at the same time sanctioning disposability and even death for actual asylum seekers and others. By analyzing how the asylum system generates these effects through demanding particular gender and sexual legibilities, the essays open up important research and activist possibilities.

The asylum system's productivity includes individual subjection: through official identity regimes, migrants must come to understand and present themselves in particular ways.<sup>2</sup> Thus, several essays discuss how migrants learn the kinds of narratives and evidence that are demanded by officials to satisfactorily 'prove' that they are LGBTQI. Shakhsari describes that migrants learn to police one another, too, through these official frameworks. Several essays highlight that subjection includes navigating the fact that the refugee/asylum system demands singular identities around which risks of persecution can be assessed. Therefore, it cannot account for 'confounding vulnerabilities' (Shuman and Hesford) or intersectionalities. Illustrating this, several essays particularly mention the difficulties faced by migrants claiming persecution because they are, or are perceived to be, lesbians. As Shuman and Hesford describe, 'a woman who is neither a wife nor a mother may be presumed to be a lesbian in some communities.' Racialization and capitalist logic further shape these situations. Yet the asylum system is generally incapable of addressing such intersections and instead, often finds these migrants less credible or eligible for asylum. In addressing these issues, the essays contribute to discussions about the limits of seeking reform of existing institutions, and to debates about the constraints and possibilities of intersectionality, assemblage, affinity, coalition, and alliance as theoretical and political tools for queer, migrant, and queer migrant activisms. They also open up new possibilities—including Shuman and Hesford's argument for shifting 'from the atomistic subject of rights law toward the recognition of coalitional subjectivities.' At the same time, and conversely, the essays contribute toward reflection on a question that David Valentine (2004) asks: What is gender, what is sexuality, what is sex—and how do we know? Arlene Stein (2004) notes that these categories have been alternately lumped together and split apart in changing ways over time, and that each instance of lumping and splitting opens up some possibilities while closing down others. The essays implicitly name the refugee/asylum system as a major apparatus of power that demands such splitting, and enforces a particular model for how such splitting must take place, with consequences that merit much further analysis.

Several essays explore how visual regimes play into dynamics of subjection and resistance. Drawing from rich postcolonial, feminist, anti-racist, and queer scholarship, Shuman and Hesford situate the role of visibility in a long history of imperialist epistemology—that produces regimes of hypervisibilities and invisibilities, too. Essays show that failure to conform to standards of visibility—that entail Eurocentric models of 'outness'—produce allegations that one either is not 'really' LGBTQI (or LGBTQI 'enough'), or arguments that one's supposedly insufficient visibility means that one does not really need asylum. Essays also explore how migrants caught within this system develop strategies for making themselves legible using visual means, including campaigns publicizing their situations, participating in films, and even filming themselves having sex in order to meet officials' demands for proving the "truth" of their identities. These analyses extend critical scholarship about the intersection between (in)visibilities and

structural inequalities, including debates about the limits and possibilities of witnessing, testimony, spectacle, and photography for challenging systemic violence.

Yet, it is not enough to establish legible identity within official terms; migrants must also establish that they have been persecuted in the past, or risk future persecution, because of identity. Shuman and Bohmer problematize the idea that the world can be neatly divided into nation-states that persecute on the basis of gender or sexuality and those that do not, which is the underlying premise of the asylum system. Shakhsari extends the discussion by analyzing how geopolitics and chronopolitics regulate which acts are even counted as persecution (rather than as crimes or discrimination toward which governments turn a blind eye). Lewis points out that migrants often 'feel that they [are] being persecuted... all over again' by asylum processes—but that never counts as persecution. Shakhsari's essay particularly and thoroughly problematizes the multiple temporal logics that organize these processes (see also Freeman, 2005). The analyses, which link official regimes for identity production to considerations of what does and does not get counted as a human rights violation, open up significant possibilities for further research and activism.

Collectively, the essays raise critical questions about how knowledge is produced, by whom, for what ends, and under what conditions, within the asylum system—questions that tend to be foreclosed by the dominant framework that understands officials simply as determining which applicants are 'real' and which are 'frauds.' Shuman and Hesford point to the asymmetries of power that shape such knowledge production: while asylum officials demand extraordinary levels of 'proof' of one's LGBTQI identity before taking action, no such proof is demanded when officials such as the police decide to act in discriminatory or persecutory ways toward anyone who is perceived as LGBTQI. Shakhsari captures these epistemological asymmetries and their consequences by ironically describing migrants who 'pass' the UNHCR test of 'authenticity.' Effectively, the migrants are required to "fabricate stories" while at the same time erasing or re-presenting aspects of their experiences that do not fit officials' expectations, in order to be found "authentic." They must also pass, in a different sense, on streets and workplaces to ensure daily survival. These critical analyses show up the deep ironies and painful consequences of official claims to produce the 'truth,' and suggest many fruitful directions for further, reflexive research into queer migrant lives and official regimes of knowledge about them.

There have been efforts to make asylum processes and officials 'more culturally sensitive' to the complexities of how LGBTQI and cisgender female identities may be understood, experienced and lived. These have helped some number of people, and that's important. Nonetheless the essays suggest the limits of reforms that continue to participate in logics of enlightenment, myths about the neutrality of states and laws, and unquestioned acceptance of the logics of settler colonial national sovereignty. Thus, Bohmer and Shuman warn that although the asylum

system produces structured silences, these cannot simply be remedied through speech or knowledge. White cautions that while we seek to create a transformed future system, we cannot ignore the needs of migrants in the system right now, even though this dual mandate presents dilemmas and contradictions.

The essays insist that transformation must address not just the refugee/asylum system but also, the entire global regime for managing human migration across international borders. That regime emerged through global capitalism and empire; the rescaling of the globe into supposedly sovereign nation states that are thoroughly haunted by the legacies of empire; and the retooling of practices like slavery, indenture, forced transportation/exile, and controlling the movement of the poor. The refugee/asylum elements of the system emerged after the Second World War.<sup>3</sup> Yet, the differentiation of migrants into categories like immigrant, refugee/asylum seeker, and undocumented reflects not empirical or clear-cut distinctions among migrants, but rather, efforts to manage and police them, insert them into relations of governance, and tie them to changing regimes of rights and restrictions that are set by states, courts, and supranational bodies. Interconnections between the refugee/asylum system and other elements of the global migration regime are shown by the fact that in literally millions of cases, the refugee/asylum system produces not protection but rather, the redesignation of migrants as deportable because their claims have been denied.<sup>4</sup> At the same time, the production of deportable queer migrants through the asylum system is integrally connected to the renegotiation and reproduction of sexualized, gendered, racialized, and economic citizenship norms under neoliberalism. Reflecting on the interconnections between the refugee/asylum system and broader migration controls, White thinks through strategies for No Borders activisms, while Lewis explores anti-deportation activisms.<sup>5</sup> Shakhsari explores how the asylum system's claims to uphold rights at the same time offer opportunities to systematically strip rights from vulnerable people (both migrants and citizens), making them available for death. These works resonate with emergent critical analyses in queer of color, feminist and ethnic studies scholarship about how discourses and practices of freedom can be traced to histories of imperialism and the recreation of "modern racial governmentality for a new age" (Nguyen, 2012: 22).

Troubling identities and identifications; the genealogies of these troubles; and possibilities for future intervention and research—these are among the useful, challenging, and inspiring analyses that the essays provide. Collectively, the essays establish the critical importance of addressing queer asylum and displacement on its own terms; in connection with migration controls more generally; and as a lens through which critical interdisciplinary conversations about queerness, migration, and queer migration can continue to flourish. They particularly invite further innovative dialogue among those engaged in scholarship on queer migration, queer temporality, and strategies for queering economics, development, and human rights.

## Notes

1. Acronyms like LGBTQI keep changing, and are never commensurate across linguistic, cultural, class, and other divides. I use LGBTQI in a provisional sense that is intended to acknowledge its contingent nature, and as a shorthand for those who exist in a position of non-normativity with regard to sexuality and/or gender.
2. Ong (1999: 263) succinctly defines subjectification as 'self making and being made by power relations.'
3. Yet, as Liisa Malkki (1995) describes, there's no timeless figure of 'the refugee' (or asylum seeker); rather, particular migrants get figured through those frames in a context of changing power, policies, and practices.
4. On deportability, see De Genova (2002) and De Genova and Peutz (2010).
5. This is a significant contribution since the deportation scholarship has not substantively addressed how genders and sexualities serve as axes of power producing regimes of deportability or possibilities for contestation.

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