



Confessions of an ambivalent country expert: Queer refugeeism in the UK and the political economy of (im)mobility in and out of Trinidad and Tobago

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journals.sagepub.com/home/ant**Keith E. McNeal**

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Abstract

This paper considers queer refugeeism from Trinidad and Tobago to the UK in relation to the political economy of (im)mobility in and out of the Caribbean. Gay rights have been embraced by liberal democracies as the newest form of human rights, what has been called “homonationalism.” Mirroring other double-binds of liberal inclusion, I show how queer asylum-seekers get caught betwixt and between two globally-stratified homonationalisms while confronting the realpolitik of European asylum law not only as queer refugees but also in terms of transnational social mobility otherwise unavailable to them. The British asylum system therefore materializes as a bordering operation that more often than not denies lesbian, gay, bisexual and transgender (LGBT) asylum-seekers their rights under the sign of their humanitarian protection. I consider whether homonationalisms everywhere—as assemblages of human rights discourse—should be thought of as “post-political” projects, a concept critical to growing bodies of political theory and cultural critique. This is because humanitarianism touts “rights” as universal and moral, therefore transcending the political. However, as a result of their practical effects, I show how the institutional practices deemed post-political in the case at hand should be understood as attempts to deflect and defuse the

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underlying politics of socioeconomic status and mobility at stake, and that the conflicts and contradictions at the heart of queer asylum-seeking represent the return of the repressed political within legal-technical spaces of disagreement. I also scrutinize the ambivalent entanglements of “expertise” when anthropologists are solicited as country experts in legal asylum cases.

Keywords

queer, asylum, homonationalism, expertise, post-political, Caribbean, Europe, human rights, LGBT

Born in the assertion of the “power of the powerless,” human rights inevitably became bound up with the power of the powerful. (Samuel Moyn, *The Last Utopia*)

Let us suppose that there is some value in trying to shape an anthropology of the present. This would of course have to be a different anthropology ... one in which anthropologists will no longer be able to invoke “scientific objectivity” to protect themselves from the political implications of their findings. (Sidney Mintz, *Sweetness and Power*)

This paper considers queer refugeeism from Trinidad and Tobago (TT) to the UK in relation to the political economy of (im)mobility in and out of the Caribbean. Gay rights have been increasingly embraced by liberal democracies as a form of human rights, which has been dubbed “homonationalism.” This concept hailing from queer theory may be understood as referring to sociopolitical change incorporating queer subjects into the nation-state through various forms of legal recognition, as well as now harboring queer refugees and granting them asylum. Mirroring other double-binds of liberal inclusion, I show how queer refugees from TT seeking asylum in the UK get caught betwixt and between two globally-stratified homonationalisms while confronting the realpolitik of European asylum law not only as queer refugees, but also in terms of transnational social mobility otherwise unavailable to them. In other words, I examine how the migration trajectories of queer Trinbagonian asylum-seekers are overdetermined by liberatory aspirations related to their sexuality as well as by desires for social mobility otherwise unavailable to them as postcolonial subjects outside the contemporary international asylum system.

I consider whether homonationalisms—as assemblages of human rights discourse—may be thought of as “post-political” projects, a concept critical to growing bodies of political theory and cultural critique. Erik Swyngedouw defines the post-political as a “condition in which a consensus has been built around the inevitability of neoliberal capitalism as an economic system, parliamentary democracy as the political ideal, humanitarianism and inclusive cosmopolitanism as

moral foundations” (Swyngedouw, 2009: 609). The “post” in post-political justifies itself because humanitarianism frames “rights” as universal and moral, therefore transcending the political. However, despite the ideological pretensions of the rights paradigm, I show how institutional practices in the cases at hand may conspire to deflect and defuse the underlying politics at stake, but this does not make them post-political. Indeed, my analysis exposes the post-political as essentially political. The layered conflicts and contradictions at the heart of queer asylum-seeking represent a return of the repressed political within spaces of disarticulation (see Postero and Elinoff’s Introduction to this special issue). I also scrutinize the ambivalent entanglements of “expertise” when anthropologists are solicited as country experts in legal cases by anthropologizing anthropology and the role of the anthropologist in asylum adjudication.

My discussion extends the work of others concerning the ways in which lesbian, gay, bisexual, transgender (LGBT) rights have become increasingly embraced among privileged classes as a new form of liberal bourgeois inclusion by showing how queer and transgender asylum-seekers from TT to the UK engage in incipient forms of politics vis-a-vis both the British and Trinbagonian states, as well as TT’s leading queer advocacy organization, CAISO. In the Rancièrian terms set out by Postero and Elinoff, queer and trans asylum-seekers seek to escape policing by the TT state and its discriminatory apparatus while also engaging in a backstage form of politics with CAISO, which is selective about when it supports asylum-seeking by TT nationals. Indeed, CAISO believes that country conditions do *not* generally constitute a compelling case for asylum from TT on the grounds of sexual orientation or gender identity (SOGI), except when it is familiar with a claim and believes it to be legitimate. Moreover, the British asylum system materializes as a bordering operation that more often than not denies LGBT asylum-seekers their rights under the perverse sign of their own humanitarian protection. Asylum-seekers also therefore hold the British state’s homonationalist feet to the fire; thus they are engaging in an incipient political skirmish with the former colonizer as well.

In other words, SOGI asylum-seekers are leveling a critique at the TT state by fleeing its jurisdiction and applying for asylum abroad based on what they claim is an unlivable society buttressed by a discriminatory state. They also disagree with CAISO when it does not support them, since they take divergent stances on the livability of TT and the status of its contested anti-sodomy and related laws. And when they appeal their almost ubiquitous asylum application rejections, they criticize the UK state’s hypocrisy regarding its own official commitments to LGBT rights. These dynamics suggest that, although institutionalized human rights discourses may act to quash politics, attention to disagreement and disarticulation reveals incipient forms of political critique that open up theoretical space for better understanding the contours of contemporary statecraft and political culture, as well as transnational queer politics and the political economy of mobility.

My analysis proceeds on multiple levels that may at first seem paradoxical, even contradictory. Yet it is this paradox that lies at the heart of the matter. On the one

hand, I show how technocratic processes of asylum adjudication work to bureaucratize asylum, and therefore tend to depoliticize it, carrying layers of structural and ideological inertia that are difficult to navigate and next to impossible to outmaneuver in the UK. The legal-technical sphere of asylum-seeking therefore materializes as an incommensurable space that individuals nonetheless seek to access for their own benefit in an uphill battle against intimidating odds. Some “get through,” as Trinbagonians say; however, most in the UK do not. On the other hand, I examine how the conflicts negotiated within the space of queer asylum-seeking represent a symptomatic return of the politically repressed, not only vis-à-vis the British state’s homonationalist hypocrisy, the TT state’s discriminatory apparatus and CAISO’s nationalist agenda, but also—in a deeper structural sense—modern homosexuality’s Faustian pact with late capitalism.

Fleeing exile

The practice of asylum has premodern roots, but its late modern incarnation is premised on Article 14 of the *Universal Declaration of Human Rights* of 1948, which proclaims that everyone has “the right to seek and to enjoy in other countries asylum from persecution.” The 1951 United Nations Convention Relating to the Status of Refugees and 1967 Protocol Relating to the Status of Refugees frame the current paradigm, defining “refugee” as someone outside their country of origin based on fear of persecution vis-à-vis protected grounds such as race, religion, caste, nationality, political orientation, etc., or association with a particular social group. Asylum-seeking by sexual and gender minorities has been on the rise, aligned with the emergence of sexual rights in the international human rights arena since the 1990s. In 2004, a European Council Directive included sexual minorities among its roster of groups protected from persecution and the Office of the United Nations High Commissioner for Refugees issued a *Guidance Note on Refugee Claims Relating to Sexual Orientation and Gender Identity* in 2008. Inclusion of these grounds for protection remains inexplicit in British law; however, the UK Border Agency—which was closed and replaced by UK Visas and Immigration housed in the Home Office in 2013—has recognized the legitimacy of queer asylum-seeking in line with UNHCR guidelines, in effect legalizing it (Home Office, 2015). These developments reflect the emergence of what have been dubbed new “homonationalisms” (Puar, 2007, 2013), “sexual nationalisms” (Dudink, 2011) and “sexual democracies” (Fassin, 2010, 2011a, 2011b, 2014; Fassin and Salcedo, 2015), which enshrine LGBT rights as sacred within the legal-judicial sphere of the nation-state.

Yet there is a wide chasm between ideal and practice. A report by the UK Lesbian and Gay Immigration Group (UKLGIG, 2010) articulated a critique of prejudice and hypocrisies in the British asylum-seeking system, reporting that between 98% and 99% of all queer cases were rejected at the initial interview stage in 2009–10, compared with a 73% rejection rate for other asylum applications. In the wake of this appraisal, a Supreme Court decision issued in mid-2010—*HJ (Iran)*

and *HT (Cameroon) v. Secretary of State for the Home Department*—ruled that queer asylum claims could not be rejected and the claimant deported on the grounds that they would not face persecution on return by concealing their sexuality—the so-called “discretion” test.² This ruling set an important new precedent for considering a life free of persecution as one lived openly on a par with heterosexuals and straight couples. Yet, it also set up a slippery-slope distinction between openness and discreetness by privileging the significance of visibility and “outness,” creating pressure to refuse queer asylum claims on the basis of disbelieving the sincerity of the applicant’s sexual orientation (Jansen and Spijkerboer, 2011; Wessels, 2012; Giametta, 2014, 2017). One must therefore not only be deemed credible and one’s sexual orientation—or gender identity—beyond question, but must also establish that she or he is a “practicing homosexual” (or transgender) who “lives openly”—or at least aspires to do so—for the purposes of protection under the obligations of the refugee convention. Those who have adopted a life of “voluntary discretion” do not therefore qualify as refugees in the UK.

Of course, the question of voluntarism in the necessarily discreet lives of many asylum-seekers in their home country is a murky business. The developments outlined above created circumstances in which queer asylum-seekers began submitting photographs and videos of themselves—including explicitly pornographic ones of themselves engaged in sexual activity—in order to substantiate their cases, which not only favored a consumerist and exhibitionistic relationship to one’s sexuality, but also practices of gay male subculture, in turn fostering new forms of lesbian invisibility in the process (Lewis, 2013, 2014). Such conditions put queer asylum-seekers in a multifaceted Catch-22 position, straddling a number of faultlines and faced with various tactical dilemmas. This is the context in which I was drawn into the fray as a “country expert.” I filed affidavits for three cases between 2011 and 2014.

My first case was then a twenty-five year-old, gay, HIV-positive Afro-Trinidadian man whom I call Jamal here. He applied for asylum in August 2009, the first hearing for which was held in April 2010. He was refused by the Border Agency. Then, he appealed and was in turn refused by a First-Tier Tribunal in October. His lawyer re-appealed and Jamal’s case was accepted for reconsideration by the Upper Tribunal in March 2011—at which point I was solicited regarding the case. Jamal’s asylum was finally granted in 2012. We had the opportunity to meet in person in 2014 in Berlin, where he and his English partner George were in town for Jamal’s first Gay Pride Festival outside the UK. One of the first things he told me was that he now found himself “stuck between both sides”—between those back home who said things were getting better and those who were continuing to leave. Yet Jamal said he did not miss Trinidad.

Hailing from a working-class family in northern Trinidad, Jamal had an uneasy time growing up in a neighborhood where other kids harassed and bullied him for being “different.” He began coming to terms with his sexuality through online exploration, learning how to cover up the cyber-trail by deleting his web browser histories on the family’s computer. He got a surreptitious boyfriend in his

mid-teens, but his mother confronted and quarreled with him about it when word got back to the family, so he denied that he was gay in order to keep the peace. After finishing school, Jamal moved to Tobago to be with a schoolteacher he had met online and pursued a relationship for a time. But things fell apart when he found out that he was HIV-positive. He became transient for a while, unable to keep a permanent job or a place to live. Yet, as luck would have it, he met a wealthy older gentleman who supported him and then paid for Jamal's first, fateful trip to the UK, where he learned about the possibility of queer asylum from a Jamaican going through the process. Soon thereafter, he applied for asylum himself, becoming friends with a lesbian from Jamaica who coached him on how to "play the game."

Jamal describes his first year as an asylum applicant as a depressing, lonely, difficult time. He stayed in government-provided hostels, during which time he overdosed on drugs and cut his wrists, landing him in hospital followed by a psychiatric clinic. From there he was moved to a house-share with gay men seeking asylum from Jamaica, Ghana, and Nigeria. Things got better after he was granted a work permit and was able to earn some income, though he was cycled through three hostels, accentuating the uncertainty of everything. He and his partner George met online in 2010 and hit it off, giving him someone he could trust and get close to. As noted above, the second appeal was accepted for consideration by an Upper Tribunal judge in March 2011, at which point I was solicited for "expert" country-of-origin input through a referral from CAISO. Jamal told me this gave him one last burst of hope for a successful resolution of the case, which happened when the former decisions were overturned and asylum was granted in August 2012.

When asked about the asylum process, Jamal said "It's really, really tough." Sometimes you're lucky enough to be honest and get through, but the majority of people have to "lie," he averred. By "lying" he meant not out-and-out lies, but narrating one's story in the most plausible terms possible in order to substantiate the case. Jamal reported that some people resorted to "self-injury" to raise the stakes of the game, a tactic which he confesses having used when he overdosed before slitting his wrists in order to get admitted into the medical system and receive mental health treatment. I call this *strategic amplification*. Yet disentangling the strands of his motivation is difficult. Despite the delicacy of the situation, Jamal confessed his plight to the psychiatrist, who sympathized and colluded in documenting his medical history. The kindness of strangers translated into a bolstered bureaucratic file. But it proved to be of no avail as his asylum application was rejected, with the judge scouring the details of his account in order to raise questions about his credibility. The decision also referred to an article in the *Gay Times* of 2005 claiming a "bigger gay scene in Trinidad & Tobago than any other regional country except Puerto Rico" and that an Internet search found ostensible evidence of six gay clubs throughout TT, suggesting the possibility that Jamal could return and live comfortably despite homosexuality remaining illegal in the country. The decision acknowledged the legitimacy of Jamal's claims of harassment and discrimination, characterizing these experiences as "lamentable," yet not constituting "an

objectively well-founded fear of persecution for a Convention reason and a reasonable degree of likelihood of such fear being realized on your return.”

The rationale for a second appeal therefore focused on the physical and emotional harm Jamal had experienced at the hands of family and community while growing up, qualifying him as having experienced persecution without recourse to state protection. In the meantime, Jamal and George became civilly-partnered in order to bolster the case. I asked whether they would have done so if it were not for his liminal status, and Jamal told me that they loved each other and would have been together regardless; his asylum case simply accelerated the inevitable in another act of strategic amplification. This was because he had been taken to task for not having “integrated” into British society, which he found unfair since he had neither family or networks, nor a job or money. In March 2011, an Upper Tribunal judge found the rejection of the first appeal by a lower Immigration judge to have erred with regard to the credibility of Jamal’s case and the course was set for a second appeal that unfolded into 2012.

When I was brought on-board to weigh in for the second appeal, the legitimacy of Jamal’s homosexuality was not in dispute and his experience of discrimination, harassment and rejection was considered credible enough to warrant reconsideration. My 13.5-page single-spaced affidavit painted a complex portrait of society, acknowledging emergent processes of progressive sociocultural change, the work of queer rights advocacy organizations, the reality of a vibrant gay underground just below the surface of public culture, and the fact that the state had not recently arrested or prosecuted anyone despite sodomy being criminalized with sentences of up to twenty-five years in jail. Yet I also surveyed the legal intensification of criminal penalties for homosexuality in recent decades, the practices and realities of anti-queer prejudice, discrimination and abuse without state protection, the fact that it is those of higher socioeconomic status who are most able to carve out enclaved gay lives for themselves, and the doubly challenging stigma of being both gay and HIV-positive. I also addressed the practical difficulty of living a fully “out” queer life in TT, including forming and sustaining a public same-sex partnership, as this was the new precedent regarding “freedom from persecution” set out in *HJ and HT v. Secretary of State*. I additionally rebutted absurd “facts” cited by the courts. An Upper Tribunal judge granted Jamal asylum in August 2012 after submission of my report.

My second case came in 2013 at the second stage of appeal for an Indo-Trinidadian transgender woman of Muslim background from a poor area in south Trinidad. Sharmayne (pseudonym) had entered the UK on a tourist visa while on holiday with her extended family in 2003. She then decided to stay after they returned home. She met some locals sympathetic to her plight as a pre-operative transgender woman who said they would support her. Her life was by far the most difficult of the three cases I worked on. Sharmayne was physically and emotionally victimized for being feminine within her community in her youth and early adulthood, and her conservative family was quite aggressive in its disapproval of her. By the time she went to the UK, she had become a squatter in central

Trinidad, living near the fields where she worked as an agricultural laborer. Her case was complicated by the fact that she had overstayed her tourist visa and had gone underground as a housekeeper, cleaning homes in northern England. After nine years in the UK, a client who learned about Sharmayne's illegal status reported her to the authorities, and she was promptly arrested and detained, during which time she filed for asylum (2012). The initial round of rejection and appeal revolved around the problem of her having overstayed the visa. An appellate judge overturned this issue, and did not question the sincerity of her transgender status, but claimed that Sharmayne could nevertheless return to Trinidad and live a relatively normal life, including access to transgender healthcare. Once adjudication of her asylum claim became refocused on her situation independent of the visa problem, Sharmayne won her case with input from my affidavit concerning country conditions, which emphasized the considerably more difficult problems facing transpeople as compared with cisgender gay men and lesbians.

My third case involved Kareem (pseudonym), a then eighteen year-old mixed-race gay man who fled Trinidad in September 2013 with assistance from his aunt in the UK. She was not aware of his homosexuality, thinking he was simply coming for a visit. He had experienced discrimination and abuse by his family, including having been subjected to some sort of hormone treatment to "cure" him in his early teens. After being thrown out by his family at sixteen, Kareem began staying periodically with various men he met online, which made for much uncertainty and sexual exploitation. The pattern was repeated in the UK when he was outed by his family to his aunt, who told him he could no longer stay with her, so he again resorted to hooking up online as a way of finding places to stay and getting by. He attempted suicide and was hospitalized, at which point he filed for asylum in November 2013. His application was refused in June 2014, on the basis that his account had been embellished, that the treatment of gay men in TT did not amount to persecution, that there was sufficient local protection for those facing discrimination and abuse, and that he could relocate to Tobago in order to be gay. I was solicited at this point to weigh in concerning country conditions and the plausibility of Kareem's case for the first round of appeal. The initial rejection was subsequently overturned and he was granted asylum in late 2014.

I have briefly synopsized these cases, which are laden with complex details and nuances beyond my purview here; yet these descriptions give a sense of the challenges and machinations involved in navigating the British asylum system as a SOGI applicant. These cases unfolded around the same time that several more high-profile incidents transpired in which the Equal Opportunity Commission—TT's anti-discrimination body—did not help, leading to others seeking asylum abroad as well.

Homonationalism from above

Since I began working on these cases, the politics of European asylum have continued to morph. In 2011, UNHCR, the United Nations Refugee Agency, issued a

report on *Working with Lesbian, Gay, Bisexual, Transgender and Intersex Persons in Forced Displacement* emphasizing multiple vulnerabilities faced by LGBTI refugees and examining the ways their rights should be protected throughout the asylum process (UNHCR, 2011). Also in 2011, the European Union amended its 2004 Qualification Directive—which had explicitly rendered sexual orientation as constitutive of a Particular Social Group—by officially adding gender identity into the mix. The following year, the UNHCR issued updated *Guidelines on Refugee Claims Relating to Sexual Orientation and Gender Identity* (UNHCR, 2012), replacing the 2008 Guidance Note and complementing its *Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees* (UNHCR, 1992). Then, in December 2014, the European Court of Justice ruled that refugees claiming asylum on the grounds of homosexuality or transgender should neither have to undergo “tests” such as phallometric assessment or submitting sexually-explicit imagery nor be subject to questions regarding their sexual practices, as these constituted a violation of their right to privacy and dignity. The decision also banned the use of stereotypes in assessing asylum claims.

These developments are in line with the expansion of homonationalist sentiment throughout the so-called Global North. Puar (2013) defines “homonationalism” as acceptance of lesbian/gay subjects as an index of developmental progress and national sovereignty, emphasizing queer rights seen through the prism of legalization and decriminalization. Homonationalism is institutional change that incorporates queer subjects into the nation-state through legal recognition involved in the overturning of anti-sodomy laws, attaining gay marriage, obtaining queer adoption access, and securing the right to serve openly in the military, among other developments—such as harboring queer refugees and granting them asylum. As an assemblage, homonationalism is characterized by a host of developments that seek to normalize lesbian/gay life by bringing it into the cultural mainstream, especially via the politics of representation and corollary practices of consumption. Homonationalism is essentially homoliberalism.

Yet, these are by no means unproblematic developments. This new homonormativity (Duggan, 2002, 2003) must be understood as the sexual politics of neoliberalism, which upholds dominant heteronormative institutions and bourgeois practices of consumer citizenship through a domesticating form of liberal inclusion. Contemporary gay moralism has sought public recognition for a depoliticized privacy in which equality becomes narrowly defined as formal access to a few conservative institutions, freedom as impunity from bigotry and inequalities in commercial life and civil society, privacy becomes domestic confinement, and politics something to be escaped, embodying the ideology that some commentators call post-political. These dynamics reflect and reproduce a political culture managed by a state masquerading as neoliberal, yet achieved via state-chaperoned corporatization of personal and public life. This dispensation produces such contradictions as Levi Strauss & Co. launching a “revolutionary” new advertising campaign aimed at queer people in the 1990s in order to chase the pink

dollar, while simultaneously exploiting poor queer Mexicans in garment factories along the US–Mexican border (Hennessy, 2013: ch. 8). With regard to the Internet, Gamson (2003) illustrates the ways lesbian/gay news websites and online “safe” spaces have become transformed into businesses answering to advertisers and investors, conflating community with the market. LGBT gains, in other words, are all too often secured primarily by and for privileged queer subjects, marginalizing less privileged queers along axes of racial and class inequality.

Such developments are nefarious because they are superficially progressive, thereby obscuring socioeconomic differences among LGBT people and blocking more deeply ameliorative state intervention. In this regard, homonationalisms suffer from the same limitations and contradictions as liberal democratic nationisms more generally. They are symptomatic of the regimes from which they seek recognition. As legal scholar Carl Stychin (2004: 967) observes, “It is far too tempting for ‘citizen gay’ to consume human rights and then withdraw from any kind of progressive politics, especially when those who have bestowed the rights are also pursuing policies that are eviscerating the human rights of others on issues from migration to counterterrorism.” Thus Puar (2007) also indicts how the North American homonationalist transformation of demonized queerness into sacralized homosexuality has been accompanied by the upregulation of Islamophobia. And she takes the Israeli state to task for “pinkwashing” its occupation of Palestine. Ahmed (2011) levels similar criticism at the pinkwashing of Islamophobia in the UK. Yet, for many, the Netherlands represents “the heart of the new European sexual nationalism” (Fassin, 2011b), the country that first granted marriage to same-sex couples in 2001. Well-known is the controversial Dutch figure Pim Fortuyn, an openly gay professor-turned-politician who was vociferously critical about immigration and multiculturalism, characterizing Islam as anti-modern and advocating closed national borders to Muslims. As Peter van der Veer (2006: 120) bluntly puts it, “He declared he liked fucking young Moroccan boys but did not want to be restrained by backward imams.” Fortuyn was assassinated in 2002, but Dutch immigration services nonetheless introduced homophobia as a litmus test for rejecting the migration requests of applicants, especially Muslims (Butler, 2008).³

Indeed, the advent of Western homonationalism also has problematic implications for queer asylum-seeking, producing deep ironies and contradictions. Most obvious is the new relevance of queerness as a positive resource in immigration politics (Fassin and Salcedo, 2015). Yet accessing this novel international privilege is no walk in the park, as seen above (also see Giametta, 2014, 2017). Indeed, one must not only establish credibility and prove one’s sexual orientation or gender identity, but also navigate the interpellating homonationalist legal politics of visibility and outness, in which asylum-seekers must demonstrate that they were either out and persecuted because of it in their country of origin, or otherwise were never voluntarily discreet. This further translates into the question of whether the refugee intends to be “out” in the country in which asylum is sought, compelling interculturally misbegotten attempts to soothsay individual queer futures. Yet

preoccupation with discretion and outness distracts decision-makers from focusing on the content and detail of refugee claims (UKLGIG, 2013). Alas, queer refugees are expected to conform to Western stereotypes of male homosexual behavior oriented towards consumption and visibility in order to be considered legitimate candidates for asylum (Lewis, 2013, 2014).

Indeed, research over the last decade has disclosed a substantial array of problems, shortcomings, and hypocrisies in the British asylum system concerning SOGI applicants. Based on interviews with asylum-seekers and UK Border Agency agents, Stonewall UK's 2010 Report *No Going Back: Lesbian and Gay People and the Asylum System* found almost systematic homophobia in the British system, resulting in many legitimate applicants being refused sanctuary (Stonewall UK, 2010). Then Jansen and Spijkerboer (2011) published their comprehensive study *Fleeing Homophobia: Asylum Claims Related to Sexual Orientation and Gender Identity in Europe*, highlighting pervasive problems of stereotyping, unjust decisions and deportations, as well as problematic use of the discretion test and other problems in asylum jurisprudence throughout the member states of the EU (also see EUAfr 2011). In 2014, critical investigative journalism prompted then Home Secretary Theresa May to order an investigation into how border officials handled asylum claims in the UK. This inquiry led to a report by the Independent Chief Inspector of Borders and Immigration concerning the Home Office's handling of asylum claims on the grounds of sexual orientation (Vine, 2014). He found that over half of all screening interviews and over a tenth of all subsequent interviews with applicants involved inappropriate or problematic questioning, including the use of misleading stereotypes. He also discovered that training for those working in the Detained Fast Track sector of the system was sorely inadequate and was likely to contribute to unjust refusals and deportations.

By this point, the overall British border detention system itself had become subject to increasingly critical public scrutiny. A 2015 exposé highlighted the ways in which those funneled into the hidden world of detention were discriminated against and abused by fast-tracking, imprisonment, and poor access to legal representation and healthcare (Bridle, 2015). Questions were also raised about a secret court system operating within the detention–deportation sector without any transparency whatsoever. A High Court subsequently ruled in 2017 that the UK's entire detained-fast-track process used for asylum appeals from 2005 to 2014—involving more than 10,000 applicants—was highly problematic and unlawful (Taylor, 2017). Regarding the experiences of LGBT asylum-seekers in detention in particular, a report based on an investigation by Stonewall UK and UKLGIG, *No Safe Refuge* (Stonewall UK and UKLGIG, 2016), documented extensive difficulties, discrimination, harassment and abuse, not unlike the discrimination and persecution in the countries of origin from which many applicants had originally fled. In other words, detained SOGI asylum applicants are forced into a perverse double-bind in the UK, requiring them to be “out” and visibly “credible” to substantiate their claims while also forcing them to hide and adapt to a discriminatory

and unjust detention environment. Further scrutiny highlighted the even worse difficulties and challenges faced by detained transgender applicants in particular (Staples, 2017). Then, after many years of lobbying, the Home Office finally released its first explicit statistics concerning the fate of LGBT asylum-seekers from July 2015 through March 2017, disclosing that more than two-thirds of all SOGI asylum applicants had been rejected (Home Office, 2017). Most recently, the government has been called to task in light of the Rainbow Rush scandal, which has highlighted unjustly fast-tracked deportations of LGBT asylum-seekers in the wake of the Windrush scandal, in which approximately 57,000 people who migrated to the UK from Commonwealth countries in the 1950s and 1960s were abruptly reclassified as “illegal” and began facing deportation in 2018.

These materials confirmed what critics had been saying all along, and they have direct implications for the politics of victimization and performance of suffering within the technocratic dramaturgy of queer asylum-seeking—issues akin to the biopolitics of the morally legitimate suffering body explored by Ticktin (2011) in her study of immigration and the politics of humanitarianism in France. As anti-immigrant sentiment has risen in France, increasingly limited access to citizenship is medicalized and gendered through exceptional “humanitarian” clauses in migration and asylum law that reproduce broader structures of inequality and domination. The fact that such measures—seen as ethical and “above” politics—operate otherwise, giving (fewer and fewer) immigrants rights as disabled, rather than equal citizens leads Ticktin to describe these “regimes of care” as essentially anti-political. Put in terms of queer asylum-seeking here, we have the anti-political effects of the UK Home Office’s overwhelming—thus profoundly hypocritical—disinclination to grant asylum to any queer cases except for the few that reach higher levels of the appeal process and are subject to country expert intervention. The hypocrisy is even more perverse in light of two recent developments. Firstly, the Home Office received a Stonewall Award in 2016 for being an optimal place of employment for LGBT workers. And secondly, Prime Minister May apologized in April 2018 for the country’s pernicious colonial legacy of anti-gay laws throughout the Commonwealth that continue to affect the lives of more than a billion people.

Ticktin’s critique of humanitarianism accords with the increasingly “post-political” condition of the contemporary world. Theorists invoke post-political to gloss the concatenation of consensus-based governance, an emphasis on technical rationality and expertise, reductive economic discourse, legal fetishism, and an underlying consumerist orientation towards sociality and citizenship that work together to produce an “evacuation of the political” (Swyngedouw, 2009). This ideology touts development and best practices while avowing humanitarianism and an ostensible commitment to human rights as foundational for governance. Yet Crouch (2004) exposes how the corporatist commercialization of citizenship generates post-democratic forms of inequality and capitalist domination that evade politics and obfuscate dissent. Similarly, Moyn (2010, 2014) shows how human rights discourses offer an idealistic vision held dear by many, but operate in reality

as new forms of liberal imperialist discipline and mechanisms for policing the dominant consensus.

So what does this have to do with homonationalism? I am pointing here towards the ways in which lesbian/gay rights have been increasingly embraced among privileged classes as a new form of liberal inclusion, as the latest human right. McIntosh (1968), Weeks (1977), D'Emilio (1983) and Rubin (1984) pioneered analysis of the link between "gay" identity and capitalism, showing that the emergence of modern gayness arose from the interaction of homosexual migration to urban centers and the formation of queer enclaves on the basis of shared identity as an erotic minority made possible by the socioeconomic independence afforded by access to wage labor and bourgeois sociocultural institutions (see also Gluckman and Reed, 1997; Hennessy, 2000). Bell and Binnie (2004) examine recent corporate-neoliberal transformations in urbanism and governance associated with racialized patterns of queer gentrification, spatial and residential segregation, the hegemony of bourgeois consumption patterns, a politics of visibility and outness, commodified pride spectacles and global events such as the Gay Games, as well as the rise of lesbian/gay tourism. These are all corollaries in the assemblage Duggan refers to as the new homonormativity—on a par with homonationalism. Indeed, Puar (2013) argues that rights discourse and conceptual hegemony of the rights-based subject constitute "the most potent aphrodisiac of liberalism" and lie at the heart of new homonationalist formations. In other words, human rights frameworks aspire to transcend the political by appealing to a universality beyond the particular, making "rights" the connective tissue of the post-political.

An important parallel can be seen in the operations of neoliberal multiculturalism. Hale and Povinelli lay out similar systems of recognition—albeit in very different contexts—in which the liberal state "recognizes" formerly excluded people, therefore "perfecting" its democracy. Yet, like all forms of liberal imperialist inclusion, these developments are based on simultaneous exclusions. Hale (2002, 2006) considers the *indio permitido*—permitted Indian—in contemporary Guatemala, the indigenous person whose difference is accepted so long as it does not challenge or undermine state capitalism. Those outside the pale are *indios prohibidos*, reiterating racial and class hierarchies. Povinelli (2002) examines how Australian state recognition creates a sort of magical mirror that Aboriginal people must use to see, interpret, assess and mold themselves in relation to an impossible standard of alterity subservient to dominant liberal notions of multiculturalism. Neither of these anthropologists employs the "post-political" lexicon, but both deal with cases of governmentality that differentially recognize and include some while excluding and policing others less privileged and positioned further from centers of power. This is analogous with the new homonormativity, making homonationalism a familiar liberal-bourgeois-democratic move: recognizing but controlling difference by policing it into manageable forms.

Likewise, the problematics of queer asylum-seeking compel us to confront not just the operations of power in global Northern homonationalisms, but also to

expose their hypocrisies vis-a-vis foreign human-rights bearers. I have highlighted the ways Trinbagonian queer subjects seeking asylum in the UK give the lie to the idealized pretences of British homonationalism, which claims to support LGBT rights but makes it next to impossible for its former colonial subjects to access. Their applications for asylum not only register an international criticism of their country of origin, but also appeal to the UK to live up to its ideals. When their efforts are all too frequently denied, the appeal procedure offers an admittedly constrained institutional space in which to push back against their treatment and articulate an incipient political critique, one that may be bolstered by the contributions of sympathetic country experts.

Confessions of an ambivalent country expert

I must confess to having been ambivalent about accepting the role of country “expert.” The opportunity was a window onto a disparate world that I had only heard about through the grapevine, so I decided to take on the task in relation to my research on queer globalization and the politics of sexuality and citizenship in TT (McNeal, forthcoming a). Thus my motivation was partly Machiavellian, but this did not seem inappropriate so long as I was committed to truth and not actively for or against queer asylum-seeking in general. Indeed, I see the situation in TT as complex and dynamic, paradoxically mixed with both progressive and retrogressive trends in ways difficult to fully capture, and I did my best to paint a complex ethnographic portrait. I took heart in the injunction that the expert should advocate neither for nor against the applicant (Good and Kelly, 2013). This objectivity became a refuge of sorts. Yet my ambivalences deepened over time as I became more cognizant of the politics at stake, including how “objectivity” gets conscripted by post-political discourse.

Put in terms of Rancière’s (1999) political philosophy, queer asylum-seekers are negotiating disagreements on multiple fronts—both domestically and internationally—in their pursuit of a life worth living. Yet this dissensus is routed through institutional channels, played out in terms of the rhetoric of human rights, and subject to the intermediary machinations of many professionals. Thus, it is a politics dissipated and refracted by state institutions and legal personnel, conducted at arm’s length and from a distance via paperwork and technocratic maneuver—what Jasanoff has called the expert Raj: “an imperium of experts whose modes of acquiring authority, especially in global institutions, are as opaque to ordinary citizens as the self-legitimizing claims of rulers in distant metropolises were to colonial subjects living in the peripheries of empire” (Jasanoff, 2012: 11). Indeed, the multiplex micro-politics of queer asylum-seeking reminds us that the so-called post-political condition is always political. My discussion here is not meant as a form of disciplinary navel-gazing, but is intended rather to anthropologize my own position as country expert in order to understand the overall sociopolitical field in question. I cannot resolve these ambivalences, but seek to clarify them as clues to underlying tensions and contradictions. Doing so not only helps identify the

politics obscured by the ostensibly post-political, but also excavates the logics through which the post-political operates.

I never saw my role as that of an authoritative “outsider” espousing a singular view closed to alternate perspectives. I wrote ethnographically in my affidavits, characterizing a complex tapestry of experience that was neither wholly homophobic nor not-homophobic (see McNeal forthcoming b), assessing the plausibility of the applicant’s claims as well as possible. Whether this is “neutral” or “objective” ground is debatable. I concede that. But the matrix of queer asylum-seeking is problematic for everyone involved: the claimant, the lawyers, the judges, the advocates and counter-advocates, as well as the anthropologist. I consoled myself with the thought that abdicating from my academic responsibility under the circumstances was worse than taking a position by not taking a position. There is also the related question of how much an anthropologist needs to know in order to speak with any authority in the first place. I know many Trinbagonians who think I have the experience and perspective to speak with authority, but there are others who might disagree. Yet there is no denying the structural processes that recruited me into the mix in my role as country expert, which for me is based on having lived in TT more than seven years in total since 1997, as well as maintaining everyday contact via social media when I am not there, deeply blurring the line between insider and outsider.

As I became further incorporated into the process, my ambivalences multiplied. I experienced varied personal responses to each case, such as secretly worrying about whether Kareem might in fact have been overly playing the system for his own benefit, as compared with Sharmayne, who seemed to me an ideal candidate for asylum despite having broken British law by overstaying her initial tourist visa. There were times I worried about Jamal too. All of this is made all the more complicated by the fact that I knew about them only in terms of the technocratic discourses and practices of legal adjudication, which included accumulations of quotations, proliferating documents of various legal subgenres, summaries of decisions by technocrats, statements by lawyers for and against, judicial exegesis, and so forth. But should it matter how I felt about any of them, or what my intuition told me about whether or not they should receive asylum? Which brings me back to the matter of painting an “objectively” complex portrait without advocating for or against the applicant. It is for the judges to assess the truth of the case and decide whether to grant asylum (ideally) based on an even-handed assessment of all the materials under the circumstances at hand. The anthropologist-as-expert is granted authority, yet is simultaneously constrained as well as empowered by the genre of objectivity incumbent on the task. At what point does my experience as a white American gay male participant-observer, involved in various projects over the years across both personal and professional contexts, whose boundary is now murkier than ever, become objective—as in empirically valid, striving not to make inaccurate or indefensible generalizations—if indeed it has? Who decides?

Along the way I also became ambivalent about the implications of my position in relation to national advocates and stakeholders such as CAISO, whom I greatly respect and support in their valiant efforts to foster a more just and equitable society. The national motto is “Together We Aspire, Together We Achieve,” and CAISO does Herculean work towards realizing this national ideal for everyone. Yet I found myself betwixt and between contrasting sides in these cases, as CAISO does not generally support queer asylum-seeking by nationals abroad. Was I playing both sides of the fence by participating in and supporting queer activist efforts in TT over the years while also filing affidavits on behalf of queer asylum-seekers? More ambivalence. But if applicants are not allowed to fully speak for themselves, and if CAISO essentially speaks for them by not speaking for them, I found myself drawing on my knowledge and experience in relation to my training as an academic in order to ambivalently referee the political disagreements being otherwise squelched along the way.

Which leads to a final confession. I ultimately found myself ambivalent about the impossible necessity of “objectivity” here. The system demanded that I did not take a side, allowing me to speak without being overtly political. It allowed me to weigh in on what I see as a complex situation in TT, while also allowing me to hold the British state’s feet to the fire in terms of its own legal precedent and stated values. One could think of this effort as forcing the British and Trinbagonian states into a sort of distanced dialogue or debate about the politics of sexual citizenship. Thus my labor is hardly apolitical. Indeed, my ambivalence intensified precisely because I was being asked to be ostensibly non-political in a situation that was inherently political. Holding the British state to account in relation to its own jurisprudence is political. Assisting queer asylum-seekers to be heard is political. Indicting the TT state for its discriminatory apparatus is political. Thus I remain ambivalent about this recourse to apolitical “neutrality” under the circumstances, the very “objectivity” in which I also took refuge along the way. This is what Moyn (2010, 2014) argues about human rights in general.

Homonationalism from below?

As with many postcolonies, TT inherited colonial laws criminalizing homosexuality along with other non-procreative forms of sex. And along with the rest of the anglophone Caribbean, TT further transformed its legal code regarding sexual citizenship, simultaneously intensifying the criminalization of homosexuality while expanding the purview of legitimate heterosexuality as part of the postcolonial nation-building project (see Alexander, 1991, 1994, 1997; Robinson, 2003, 2008, 2009). These heteronationalist developments in law and political culture have fostered an overtly inhospitable environment for queer people, keeping homosexuality more or less underground, promoting conservative gender norms despite a variety of heterosexual conjugal forms, and producing an encompassing queerphobia as an ideological position upon which otherwise very different

religious faiths—Christianity, Hinduism, and Islam, but also certain elements of the Afrocentric Orisha Movement—can agree.

Indeed, homophobia and transphobia are common in various forms and guises (see McNeal forthcoming b). Harassment and discrimination are not uncommon. And there is no guarantee that one may count on protection by the state. TT's Equal Opportunity Act—the country's primary statutory law regarding discrimination, which proscribes discrimination in terms of race, religion, sex, geographical origin, ethnicity, marital status, or disability, and obligates the state to investigate and mediate legitimate cases of anyone discriminated on such grounds—does not simply leave out sexual orientation, but in fact *explicitly* states that orientation is excluded under the category of sex. The law's inability to address all forms of discrimination in this instance would seem to conflict with the vision of the Equal Opportunity Commission (EOC), which is to create a "society free from discrimination and prejudice, where human rights and diversity are respected, and where there is equality of opportunity for all" (<http://www.equalopportunity.gov.tt/?q=vision-and-mission-statement>). Unfortunately, however, there are a number of cases in which the EOC has proved ineffectual in responding to overt instances of discrimination, harassment and abuse of Trinbagonian queer and transpeople (as mentioned earlier), though the body has recently expressed its discontent over this hypocrisy in its mission. It is in this context that some queer and transgender individuals decide to flee exile in their own homeland by seeking asylum abroad.

Yet the lived realities of the situation on the ground are complex, and progressive forms of sociocultural change have emerged among more recent generations in the late modern, hyper-mediated era of globalization. Indeed, television, film and the Internet have all played important mediating roles in fostering some degree of social, as opposed to political, change. I have already mentioned CAISO in this regard, the most prominent LGBT advocacy organization in the country, whose persistent efforts and bold initiatives have begun to bear fruit. In addition, there are several other, less well-known groups doing important work to effect change. Consciousness of lesbian and gay citizens has become widespread, even though this includes those from the conservative end of the spectrum who disparage queerness in any form. There are now several out public figures and the media regularly cover LGBT issues, albeit not always in salutary ways. Several research polls in addition to much local testimony suggest that change—however partial and contested—is most certainly in the making.⁴ And now, a historic legal case in 2018—*Jason Jones v Attorney General of TT*—has found the country's anti-sodomy law to be invalid and unconstitutional. This is a ruling that will forever transform the landscape (with obvious implications for queer asylum-seeking abroad), though things remain in legal limbo while the state appeals the case, which will likely find its way to the Privy Council in London for final adjudication. The reality of progressive change over the last decade is one of the three main reasons why CAISO does not in principle generally support queer asylum-seeking by nationals abroad. The other reasons are that it contributes to a queer brain drain which depletes the resources and potential of a homegrown sexual rights movement; and that queer

asylum-seeking abroad depends rhetorically on a neocolonial vision of the Caribbean region as pathologically homophobic.⁵

Thus queer asylum-seekers from TT find themselves betwixt and between less-than-forthcoming homonationalist Global Northern states and a Southern home they experience as unlivable in which they cannot take support from their “own” domestic advocacy group for granted. This situation is what puts me in an ambivalent position, since I am sympathetic to legitimate queer refugees seeking what they deem to be a better life abroad, especially in countries with official commitments toward doing so, but I also support the efforts of queer national stakeholders working to effect change and foster a more just society at home, concerned that the agentive citizen does not become converted into the vulnerable human rights victim. I see these both as legitimate forms of politics, but they do not always align.

Does the emergence of this critical new queer asylum position signal an incipient form of homonationalism in the Global South? Make no mistake, CAISO’s philosophy is an explicitly nationalist one (Robinson, 2012; Gosine 2015). Here I quote correspondence forwarded to me from its director, Colin Robinson, to the lawyer for another claimant upon his initial search for guidance from a country expert.

Our nation-building mission drives a clear organizational policy against providing expert testimony or specific support in asylum cases except where we are directly familiar with the claimant and/or claim. Instead, we focus our resources primarily on domestic duty-bearers and protections so fewer Trinbagonians need to seek asylum. Our experience suggests that country conditions by themselves do not provide a very compelling case for asylum from TT, and that we are able to offer a much less compelling case with integrity for credible fear based on these than advocates could do themselves using available data. (September 2013)

This is a thoughtful response explaining CAISO’s position with regard to queer asylum-seeking abroad. Yet, from the perspective of some asylum-seekers, it inadvertently aligns CAISO with most British immigration judges, who refuse almost all initial queer asylum claims and seek to undermine the majority of those that are appealed.

To be clear, it is not the case that CAISO opposes queer asylum-seeking altogether. In practice, it has recently become more relaxed in its willingness to file claims on behalf of queer Trinbagonians seeking asylum abroad. Yet CAISO remains steadfastly concerned with the ways asylum-seeking’s dependence on so-called country conditions too often contributes to a “leave or die” complex that undermines movement building and political progress at home.

We recognize what we call abuses of the asylum system (which I’m happy for you to attribute to class positioning), we identify asylum as a global Northern homonationalist strategy that has no interest in building (let alone allowing us to imagine) where

many of us have to live as livable, or the movements that will sustain that building. And we have chosen to pursue justice by working on other things. Saying we oppose asylum is like saying we don't want people to get married or the sodomy laws to be repealed. We have a clear position that asylum is an important human right that needs to be safeguarded by everyone, LGBTI folks, states, the media. (Colin Robinson, personal communication, 2017)

Indeed CAISO does in fact diverge from its own operational policy depending on the circumstances. Yet this ambivalence in practice is another index of conflict within the overall political economy of asylum in which Global Southern actors must act from a subordinate international position.

So what is at stake within this tensely paradoxical alignment between the hegemony of Global Northern homonationalism and an incipient Global Southern homonationalism? Underlying this situation has been that which is largely unspoken by everyone: the profound and pervasive ways social class and economic status matter in structuring the political economy of queer (im)mobility. As Sheller (2003: 30) observes, "with the mobility of some, comes the production of the immobility of others, and the very enabling of certain kinds of mobility requires certain kinds of borders". Indeed, Trinbagonians with some measure of power and privilege are able to carve out private enclaves of queer sociality at home, and it is not coincidental that an epicenter of change among the younger generations is the university. Moreover, those who travel, study, work and/or live abroad are more likely to self-identify as "gay" as well as to espouse a more forthright sexual identity politics. And it is among this group of those who are themselves relatively mobile queers—in both socioeconomic and geographical senses—from which the position critical of queer asylum-seeking abroad has emerged among an activist vanguard. In essence, then, we have the specter of more mobile queers playing gatekeeper in relation to less privileged ones (not unlike the queer American anthropologist privileged as country expert). Who gets to move around and cross borders and live abroad and who does not? It is telling that most queer asylum-seekers from TT hail from lower-class backgrounds; hence fleeing the locus of personal exile is the only way out, towards what they see as a better life. In doing so, they reveal themselves to be considerably less committed to the nationalist project than CAISO.

This complex scenario compels us to confront the political economy of queer (im)mobility. Indeed, there are ways "progressive" social change is creating new pressures for homonormativity and respectable lesbian visibility as a compromise made with the prevailing postcolonial heteronationalist dispensation in TT, which seems to be spawning an intensification of transphobia—including within the gay "community" itself—leading to upregulated patterns of specifically *transgender* asylum-seeking abroad (see McNeal, forthcoming a; McNeal and Brennan, forthcoming). Wealth, class and privilege are deeply at work here in the midst of social change and cultural transformation. Thus, we come back up against deeper socio-historical dynamics regarding the relationship between capitalism, gay identity and

the politics of queer visibility and consumer citizenship more generally, albeit now transnationally and cast in a newly incarnated postcolonial register.

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Notes

1. I use “queer” as an umbrella term to encompass lesbian, gay, bisexual, transgender and other marginalized sexual-gender expression here; “gay” is used within more narrow parameters—either specifically for gay males, as is common, or to encompass cisgender homosexual men and women (cf. bisexual and trans).
2. Before 1999, SOGI asylum was impossible in the UK, as these applicants had difficulty meeting the criteria for Refugee Status following a High Court ruling that they did not constitute a Particular Social Group because their only shared characteristic—sexual orientation—was normally concealed. In 1999, however, SOGI applicants became recognized as a Particular Social Group as a result of a House of Lords judgment in the case of *Shah and Islam UKJL*. Individuals were subsequently able to claim asylum on the basis of sexual orientation, but were then likely to be refused on the basis that they could return to their country of origin and live “discreetly” to avoid persecution. It is not coincidental that the so-called discretion test emerged in tandem with the new opportunity for queer asylum-seeking in the UK (Giametta, 2017: 89–100).
3. See McNeal and Brennan (forthcoming) on the politics of queer asylum-seeking to the Netherlands from the Caribbean as compared with Muslim countries of origin in the Middle East and Africa.
4. See McNeal (forthcoming a, b) for a discussion of ethnographic materials suggesting that queer Trinbagonians generally see TT’s level of homophobia as midway between the extremes of a little and a lot—namely level 5 on a scale from 1 to 10, with ten being the highest level of homophobia.
5. CAISO’s strategic vision—which de-emphasizes any singular focus on decriminalization and legislative change in addition to adopting a critical position vis-a-vis queer and trans asylum-seeking abroad—is thoughtful, systematic and well-informed. It is articulated most succinctly in CAISO Executive Director Colin Robinson’s (2012) Commonwealth

Advisory Bureau Opinion Statement, “Decolonising sexual citizenship: Who will effect change in the South of the Commonwealth?” Robinson trenchantly criticizes the neocolonial subtext of Global Northern homonationalist advocacy and argues against overly-fetishistic fixation on law and litigation as the most efficacious means of advancing sexual autonomy in the Global South of the Commonwealth. Instead, he advocates for more organic local and national developments and solutions that engage the state through foregrounding a postcolonial nationalist vision premised on equality and justice for all citizens, rather than adversarial postures and controversial debates over decriminalization. He notes that repealing the country’s anti-sodomy laws does not repeal the Bible or the Qur’an. In his words: “Polarising national debates over the formal legal status of still-misunderstood and misrepresented sexualities can easily foreclose other gains and opportunities to deepen shared values on non-discrimination, vulnerability and fairness. So we question the value of an automatic focus on sodomy law changes, and have eschewed movement on this, instead encouraging our Government to declare a moratorium on prosecutions, which is already in effect. Contrary to what we’ve been told, that discrimination protections for sexual orientation are not something we can achieve before decriminalisation happens, we see the fight for such protections as a political first step, one on which there is wide public consensus and little political risk” (Robinson, 2012: 6). And as he states elsewhere, “[by] wrapping ourselves in the mantle of human rights and the notion of being victims in our own society, requiring rescue from abroad, we essentially write ourselves out of social relationships and out of the shared values that reveal our inclusion and motivate social change” (quoted in Gosine, 2015: 878). If Robinson is correct about the primarily cultural—as opposed to political—nature of homophobia in TT, then the recent challenge to the constitutionality of the country’s anti-sodomy and gross indecency laws may be seen as a positive development, but not one that will transform public sentiment and political culture overnight.

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