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To cite this article: Mert Koçak (2020): Who is “Queerer” and Deserves Resettlement?: Queer Asylum Seekers and Their Deservingness of Refugee Status in Turkey, Middle East Critique, DOI: [10.1080/19436149.2020.1704506](https://doi.org/10.1080/19436149.2020.1704506)

To link to this article: <https://doi.org/10.1080/19436149.2020.1704506>



Published online: 26 Jan 2020.



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Who is “Queerer” and Deserves Resettlement?: Queer Asylum Seekers and Their Deservingness of Refugee Status in Turkey

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ABSTRACT Turkey’s long-standing geographical limitation on the 1951 Geneva Convention Relating to the Status of Refugees resulted in fractured legal statuses for refugees, each with minimal rights but extensive responsibilities. One of these categories, conditional refugees under international protection, presents a curious case of direct involvement of UNHCR in processing asylum applications filed under this category and resettling accepted individuals to third countries. Situated in the fourteen-month fieldwork with queer refugees under international protection, this article scrutinizes UNHCR’s role in the asylum-seeking process in Turkey through which queer refugees’ experience of displacement finds a new meaning of being “deserving” of refugee status and resettlement to a third country. UNHCR’s direct involvement in Turkey makes it an important actor in policing and controlling not only sexuality and gender identity of queer refugees but also in constructing deservingness of refugee status as a gendered performance of persecution and in constructing the discourse of “fake LGBT refugees.”

KEY WORDS: *Authenticity; Deservingness; LGBT; Queer Migration; Refugee; Refugeeeness; Turkey; UNHCR*

Since 1990, a new refugee regime has emerged, led by countries such as the United States, the UK, the Netherlands, Australia, and Canada, to consider sexuality and gender identity as a constituent of “a particular social group” and as a possible cause for a well-founded fear of persecution. Yet the new regime did not necessarily part ways with the long-established logic of ‘proving’ how one belongs to a particular social group or other four categories listed in the 1951 Geneva Convention Relating to the Status of Refugees (The Convention for short). In line with a similar essentialist logic of using problematic language analysis tests¹ to ‘authenticate’ a refugee’s claim to

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¹ John Campbell (2013) Language analysis in the United Kingdom’s refugee status determination system: Seeing through policy claims about ‘expert knowledge’, in *Ethnic and Racial Studies*, 36(4), p. 671; and Diana Eades (2009) Testing the Claims of Asylum Seekers: The Role of Language Analysis, *Language Assessment Quarterly*, 6(1), p. 32.

certain nationality and/or ethnicity, the well-founded fear of persecution in the cases of queer refugees also has been eclipsed by the states' incessant need to know everything about individuals at or within their borders and to legally classify them accordingly.² In order to construct a legible subjectivity at and within the borders of nation-states, one is obliged to reveal as much as possible about their sexuality and gender identity.³ Queer refugees have to 'prove' their sexuality and gender identities as 'LGBT' so that they can be considered as members of a social group. They also have to prove that being members of that social group amounts to a well-founded fear of persecution in their home countries.

In response to this refugee regime, since the early 2000s, the queer migration literature launched a strong critique of heteronormativity rooted deep in the ways in which migration studies thus far have conducted research and produced knowledge. As Eithne Luibhéid pointed out, migration studies still operate through "the premise that migrants are heterosexuals (or on their way to becoming so) and queers are citizens (even though second-class ones)."⁴ In order to challenge the heteronormativity within the discipline, queer migration scholars have scrutinized how sexualities and gender identities, along with race and class, have been an integral part in drawing the boundaries of belonging and citizenship.⁵ The literature also has researched various methods used by states to 'authenticate' sexualities and gender identities of queer refugees with the consequence of producing and reproducing essentialist and Global North oriented categories of 'LGBT'.⁶ In other words, they revealed different ways in which refugee regimes, gender norms, and state regulation intersect and interact in policing and regulating the borders of sexualities and gender identities, effectively establishing state-sanctioned categories of 'LGBT' that are essentialized and Global North oriented. The literature has provided numerous compelling examples of the construction of such categories. A few homonormative criteria used for refugee status determination (RSD) in order to assess one's sexuality and gender identity are noted, such as a knowledge of Oscar Wilde in the UK⁷, of "organizations for the protection of rights of homosexuals"

² Geoffrey C. Bowker & Susan Leigh Star (1999) *Sorting Things Out: Classification and Its Consequences* (Cambridge and London: The MIT Press), pp. 319-326; and James C. Scott (1998) *Seeing like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven and London: Yale University Press), p. 3.

³ Michel Foucault (1978) *The History of Sexuality Volume 1: An Introduction* (New York: Pantheon Books), pp. 58-59.

⁴ Eithne Luibhéid (2008) Queer/migration: An Unruly Body of Scholarship, *GLQ: A Journal of Lesbian and Gay Studies*, 14(2-3), p. 169.

⁵ Eithne Luibhéid (2002) *Entry Denied: Controlling Sexuality at the Border* (University of Minnesota Press); Eithne Luibhéid (2008) Sexuality, Migration, and the Shifting Line between Legal and Illegal Status, *GLQ: A Journal of Lesbian and Gay Studies*, 14(2-3), pp. 289-315; Nicola Mai and Russell King (2009) Love, Sexuality and Migration: Mapping the Issue(s), *Mobilities*, 4(3), pp. 295-307; and Sara L. McKinnon (2009) Citizenship and the Performance of Credibility: Audienicing Gender-based Asylum Seekers in U.S. Immigration Courts, *Text and Performance Quarterly*, 29(3), pp. 205-221.

⁶ 'I use "Global North oriented classifications of LGBT" in the sense: "queer discourses that circulate in the global ecumene among activist networks and identity-based communities and organizations" are produced by "queer political movements of the United States or Europe" (Evelyn Blackwood (2008), *Transnational Discourses and Circuits of Queer Knowledge*, p. 481). Moreover, the literature produced on western countries stand "as the normative body in scholarly discourse and in public policy" (Inderpal Grewal & Caren Kaplan (2001) *Global Identities: Theorizing Transnational Studies of Sexuality*, p. 666).

⁷ Elizabeth Connely (2014) Queer, beyond a Reasonable Doubt: Refugee Experiences of 'Passing' into 'Membership of a Particular Social Group,' *UCL Migration Research Unit Working Papers*, 3, p. 9.

in the Netherlands⁸, attending the gay pride and gay bars in Canada⁹, expecting gay applicants to perform ‘feminine’ traits in the USA,¹⁰ ability to approximate to a middle class, ‘happy,’ monogamous, and the nuclear family, especially for bi-national couples to support their partner’s application in the USA,¹¹ and so on.

However, the literature thus far has focused solely on laws and practices of countries with ‘centralized’ and ‘national’ RSD procedures¹² in which the United Nations High Commissioner for Refugees (UNHCR) is only a mediator. UNHCR does not register or resettle refugees in these countries. As a result, what has been missed over the past decade in queer migration literature is an understanding of how UNHCR can shape queer asylum-seeking procedures on a national level, most importantly for my study, through creating legal gender classifications of ‘LGBT’ that deserve refugee status and resettlement. Turkey presents an opportunity to scrutinize the role of UNHCR in refugee governance as well as policing and regulating the borders of sexuality and gender identity because UNHCR has the authority to resettle refugees in Turkey to a third country. Turkey still retains geographical limitations on the Convention; only those escaping from events occurring in European countries can be given refugee status.¹³ Those coming from other geographies are provided with liminal protection until they are resettled to a third country that provides resettlement quotas to UNHCR. Turkey’s refugee laws make sure that longer term settlement of ‘non-European refugees’ is legally impossible. They are given international protection with the strict understanding that they only can reside temporarily in Turkey.

By drawing upon my participant observation as well as 94 interviews conducted with queer refugees and UNHCR workers and UNHCR implementing partners during my fourteen-month fieldwork in Turkey between 2017 and 2019, this article aims to scrutinize the process through which queer refugees’ experience of displacement finds a new meaning of being ‘deserving’ of refugee status and resettlement to a third country. Queer refugees are asked to turn their complicated experiences of political, social and economic displacement into coherent stories of “well-founded fear” of strictly political persecution as a result of their sexuality and gender identities. These stories are performed to officials of UNHCR and its implementing partners in Turkey with the hope of proving one’s deservingness of refugee status and resettlement. The officials

⁸ The Court of Justice of the European Union (2014) A, B, C v. Staatssecretaris van Veiligheid en Justice. Available online at: <http://curia.europa.eu/juris/document/document.jsf?text=&docid=160244&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1&cid=100798>, accessed November 01, 2018.

⁹ Rachel Lewis (2013) Deportable Subjects: Lesbians and Political Asylum, *Feminist Formations*, 25(2), p. 179.

¹⁰ Steven Epstein & Hector Carrillo (2014) Immigrant sexual citizenship: intersectional templates among gay Mexican immigrants to the USA, *Citizenship Studies*, 18(3–4), p. 266.

¹¹ Karma Chavez (2013) *Queer Migration Politics: Activist Rhetoric and Coalitional Possibilities*. Urbana, (Chicago, and Springfield: University of Illinois Press), p. 3.

¹² Deniz Akın (2017) Queer asylum seekers: translating sexuality in Norway, *Journal of Ethnic and Migration Studies*, 43(3), pp. 458–474; Mariska Jung (2015) Logics of Citizenship and Violence of Rights: The Queer Migrant Body and the Asylum System, *Birkbeck Law Review*, 3(2), pp. 305–335; Rachel Lewis (2014) “Gay? Prove it”: The politics of queer anti-deportation activism, *Sexualities*, 17(8), 958–975; and Jenni Millbank (2009) ‘The Ring of Truth’: A Case Study of Credibility Assessment in Particular Social Group Refugee Determinations, *International Journal of Refugee Law*, 21(1), pp. 1–33.

¹³ Ahmet İçduygu & Fuat E. Keyman (2000) Globalization, Security, and Migration: The Case of Turkey, *Global Governance*, 6(3), p. 391.

are responsible for assessing the credibility and coherence of those performances and then deciding on which gendered performance of persecution deserves refugee status¹⁴ and resettlement. In other words, they get to ‘validate’ legally certain gendered performances of persecution as ‘authentic’ by declaring them as deserving of resettlement.

Moreover, this article aims to understand the creation of “fake LGBT cases”¹⁵ as a part of everyday reproduction of national as well as international refugee governance in two localities of Turkey, Yalova and Eskişehir. During my fieldwork, I listened to narratives about what my interlocutors called, “fake LGBT refugees” or “fake LGBT cases,” defined as refugees who are pretending to be ‘LGBT’ in order to be resettled to a third country. Positing queer refugees as “golden cases” (a term used by an Iranian transwoman living in Yalova), my interlocutors depict it as ‘a scarce resource’ sought after by non-LGBT refugees because it expedites RSD interviews and resettlement to a third country. As they firmly believe in the existence of “fake cases,” they demand of UNHCR and its implementing partners to take precautions against them in the form of developing stricter methods of screening sexuality and gender identity of refugees, for example, by asking “gays the background color of Hornet and lesbians Wapa’s”¹⁶ or requiring psychological and psychical tests for transgender individuals.¹⁷ How can such demands for more control be framed within broader refugee governance? I will argue that current national and international refugee governance (credibility of persecution, the quota scheme of UNHCR, and US President Donald Trump’s travel bans) brings about a reconceptualization of sexualities and gender identities as scarce resources to be redistributed by officials. I will argue that, in order to negotiate their deservingness of resettlement, queer refugees mobilize their sexualities and gender identities defined in the act of negating “fake cases.” They perform the ‘authenticity’ of their sexuality, gender identity, and fear of persecution by juxtaposing their life narratives with the discourse of “fake cases.” The consequence of this negotiation, I believe, is policing and controlling not only sexuality and gender identity of queer refugees, but also constructing deservingness of refugee status as a gendered performance of persecution.

Contextualizing the Research into “Fake Cases”:

On February 16, 2018, early in the morning, I greeted two Iranian trans-women at Ankara train station. I had volunteered to act as their translator during their visit to a hospital. The doctors in the city where they lived at the time refused to start their hormonal treatment, requiring them to get a medical report that ‘proves’ their

¹⁴ As of September 10, 2018, UNHCR withdrew from the process of refugee status determination that it had been performing since it established its presence in Turkey, only keeping its resettlement and protection functions. This does not mean that UNHCR did not leave behind a legacy of how to conduct RSD interviews. UNHCR had been conducting capacity building training targeting migration officers with the hope of preparing them to take over RSD interviews. I am currently conducting further research into the effects of this training on the RSD interviews of queer refugees.

¹⁵ The word “case” refers to refugees’ application process with and/or application dossier in UNHCR.

¹⁶ Author Interview, an Iranian lesbian woman in Eskişehir, April 10, 2018. Hornet is a geosocial networking and online dating application geared towards gay men while Wapa is a similar application geared towards lesbian women.

¹⁷ Author Interviews, one Iranian transwoman in Eskişehir, February 27, 2018; two Iranian transwomen in Yalova, August 14, 2018 and August 16, 2018.

‘transsexuality’ and the need for hormonal treatment from a hospital in Ankara. After spending the whole day running around in the hospital, we went back to the station to wait for their return train while having coffee and chatting. We jumped from one topic to another during our conversation until they decided to talk extensively about “the fake cases” referring to some refugees who supposedly are ‘faking’ their sexualities and gender identities in order to get refugee status and to resettle in a third country faster. One of them later in the interview elaborated on this point: “They come here pretending to be LGBT. They (a man and woman) come here and are living as lovers but say that they are LGBT refugees. These are the people from whom I run away, cursing and attacking me on the street in Iran.” She also claimed that the same people are teaching other “fake cases” how to act like an ‘LGBT’ person, also finding houses and jobs in Eskişehir for them, in exchange for money.

After this crucial encounter, I found myself piecing together different narratives of my interlocutors into a fragmented, but intriguing, story of “fake cases.” Three of my interlocutors (one from the Human Resource Development Foundation [HRDF, an implementing partner of UNHCR in Turkey], one from the Association for Solidarity with Asylum Seekers and Migrants [ASAM, an implementing partner of UNHCR in Turkey], and one from UNHCR Turkey) mentioned queer refugees making complaints about a gay Iranian activist living in Canada (resettled from Turkey as a refugee), who makes frequent visits to Turkey. They complained that this person is collecting information on the cases of “real LGBT” refugees with the promise that he will help them get resettled to Canada, but he just sells the information to “fake cases” so that they can have templates from which to cheat. An Iranian transwoman refugee in Eskişehir said that she gave her case details to that person, and she is now really sorry for doing it and “if I am ever resettled to Canada, I want to sue that guy.”¹⁸ A lesbian Iranian refugee in Eskişehir, who later became a key interlocutor during my stay in Turkey, wanted me to talk to other queer refugees, especially about “fake cases.”¹⁹ Twenty minutes into our interview, a gay Iranian refugee in Eskişehir stopped me from asking questions to insist on talking about “fake cases.” He said, “as a researcher, you should be aware of these things.”²⁰

Listening to similar stories also coming from Yalova crystalized the need for systematic and critical research on these fragmented narratives. I had one question in mind: What are the functions of the narrative of “fake cases” in queer refugees’ relations with their peers as well as workers of NGOs and UNHCR? From June 2018 to September 2018, I arranged a series of visits to Eskişehir and Yalova – two satellite cities²¹ to where queer refugees are sent – in order to conduct participant observations as well as have interviews with queer refugees for the specific purpose of researching “fake cases.” Since I did not want to show any judgment on my side concerning “fake cases,” I added just one question to my oral history-based interview framework: “What do you think of fake cases?” I had the chance to conduct thirty interviews with queer

¹⁸ Author Interview, Eskişehir, March 22, 2018.

¹⁹ Author Interview, Eskişehir, February 26, 2018.

²⁰ Author Interview, Eskişehir, April 10, 2018.

²¹ According to Article 71 of the Law on Foreigners and International Protection (LFIP), refugees are obliged to live in the designated provinces. The same article also obliges refugees to go to the Provincial Migration Offices and give signature (daily or biweekly). This is a tracking and regulating policy, primarily aimed to keep refugees within the satellite cities to which they are assigned.

refugees during this time. Two tables below show their distribution according to sexuality, gender identity, nationality and city.²²

Twenty-seven of my interlocutors immediately answered the question without requiring clarification on what I meant by “fake cases.” One of the twenty-seven, after I asked the questions, said, “I already wanted to talk about it.” Three out of thirty asked what “fake cases” meant. I explained as following, “During my interviews with other queer refugees, they claimed that there are refugees who claim to be LGBT but who are not.” After the explanation, they started sharing their own narratives of “fake cases.”

The nationality of my interlocutors is not a coincidence. In order to observe UNHCR’s role in implementing RSD and resettlement in Turkey, I only interviewed conditional refugees under international protection for this research. Because of Turkey’s particular refugee laws, UNHCR only was allowed to handle RSD of the refugees under international protection, and it still resettles them to a third country. Turkey’s long-standing geographical limitation on the Convention dictates that only those seeking asylum as a result of events happening in European countries²³ can be considered refugees under the full protection of the Convention. The geographical limitation had two critical results: A distinction between European (convention) and non-European²⁴ (non-convention)²⁵ asylum applications; and a “parallel tracks”²⁶ system. Turkey processed the applications of non-European asylum seekers under the category of conditional refugee defined by Article 62 of the Law on Foreigners and International Protection (LFIP), providing them temporary residence in Turkey until UNHCR resettles them to a third country. In contrast, UNHCR processed their applications under the category of refugee defined by the Convention. If UNHCR granted the refugee status, it ensured their temporary residence in Turkey as well as “their right to seek resettlement in a third country that is willing to receive them.”²⁷ As UNHCR notes, only a small number of states take part in its resettlement program: the United States, Canada, Australia, and the Nordic countries. UNHCR processes resettlement applications in transit countries such as Turkey, Lebanon, Jordan, Nepal, and Kenya, and presents ‘deserving’ applications to resettlement countries that provided quotas.²⁸ If accepted, UNHCR also mediates the resettlement process itself.

²² The categories in the tables directly reflect my interlocutors’ declarations of sexuality, gender identity and nationality. The categories, however, should not be taken as rigid. During our interviews, my interlocutors signal to the fact that these categories represent their sexualities and gender identities *only* at the time of the interviews.

²³ Article 3 of LFIP states that European countries are the member states of the Council of Europe. Also, the same article states that the President of Turkey can decide on which country to be accepted as “European” in relation to giving refugee status. Before the change in LFIP by the decree-law NO. 703 passed in 2018, the power to determine which country belongs to Europe was vested in the Council of Ministers.

²⁴ This category was further fractured with the introduction of LFIP, introduction temporary protection and subsidiary protection.

²⁵ Kemal Kirişçi (1991) The legal status of asylum seekers in Turkey: Problems and prospects. *International Journal of Refugee Law*, 3, p. 513; and Kemal Kirişçi (1996) Refugees of Turkish Origin: “Coerced Immigration” to Turkey since 1945, *International Migration*, 34(3), p. 386.

²⁶ Marjoleine Zieck (2010) UNHCR and Turkey, and Beyond: of Parallel Tracks and Symptomatic Cracks, *International Journal of Refugee Law*, 22(4), pp. 593-622.

²⁷ Elif Sari & Gizem C. Dinçer (2017). Toward a New Asylum Regime in Turkey?, *Movements*, 3(2), p. 60.

²⁸ UNHCR (2018) Resettlement. Available online at: <https://www.unhcr.org/resettlement.html>, accessed November 28, 2018.

Table 1. Distribution of the interlocutors according to their sexuality, gender identity and nationality

	Trans Woman	Gay	Lesbian	Trans Man	Bisexual Women	Gender Fluid	Total
Iran	10	12	2	2	1	1	28
Zimbabwe	1						1
Pakistan	1						1
Total	12	12	12	2	1	1	30
	Trans Women	Gay Men	Lesbian Women	Trans Men	Bisexual Woman	Gender Fluid Person	Interlocutors

Table 2. Distribution of the interlocutors according to their sexuality, gender identity and city

	Trans Woman	Gay	Lesbian	Trans Man	Bisexual Women	Gender Fluid	Total
Eskisehir	7	5	1	1	1	1	16
Yalova	5	4	1	1			11
Istanbul		2					2
Ankara		1					1
Total	12	12	12	2	1	1	30
	Trans Women	Gay Men	Lesbian Women	Trans Men	Bisexual Woman	Gender Fluid Person	Interlocutors

An abstract version of asylum-seeking and resettlement in Turkey would consist of 9 steps: (1) registering with ASAM in Ankara, (2) settling in a satellite city, (3) registering with the provincial migration office, (3) applying for an ID card for foreigners, (4) waiting for RSD interviews, (5) granting of refugee status, (6) waiting for resettlement interviews, (7) being assigned to a third country by UNHCR (and involvement of local authorizes and NGOs), (8) waiting assessment and decision of the third country and (9) the process of being resettled.

Each step is complicated and could function very differently for each queer refugee, who faces a constant threat of turning into an undeserving refugee and being deported. Within the limits of this article, the next two sections will focus on the steps involving RSD interviews and resettlement in order to examine UNHCR and its implementing partners' direct involvement in the construction of “fake cases” and in international refugee governance. The first section considers RSD interviews as performative negotiations of queer refugees with institutions in constructing deservingness. The institutional setting of RSD interviews in Turkey does not seem to create *directly* the discourse of “fake cases” that subjects asylum seekers to invasive questioning about their sexualities and gender identities. Yet deservingness reproduced during RSD

interviews, I argue, have a profound spill-over effect in the colloquial construction of “fake cases” not just by NGO workers but also by queer refugees. As a result, the second section moves beyond the institutional space of RSD interviews and reveals different ways in which the discourse of “fake cases” is constructed on a daily basis in juxtaposition with performances of deservingness and of ‘authentic’ sexualities and gender identities by queer refugees.

RSD Interviews and the Discourse of Codified Homophobia at the Intersection of Gender and Nationality

In RSD interviews, it is the performance of both queer refugees and UNHCR officials during the interview that creates the backbone of RSD, yet the burden of proof entirely falls upon queer refugees.²⁹ They are expected to produce a ‘coherent’ and ‘credible’ narrative of “well-founded fear of persecution” as a result of their sexualities and gender identities.³⁰ The officials in Turkey assess the coherence and credibility by strong reference to, what I call, the discourse of codified homophobia of home countries. Uneasiness or inability in talking about one’s sexuality and gender identity in line with the discourse may result in being marked as a ‘bogus refugee’ undeserving of refugee status and resettlement.³¹

The RSD interviews are scheduled after an asylum seeker is registered with UNHCR and the provincial migration offices. The date of the first RSD interview may be scheduled for a year after the registration with UNHCR. During my participant observations with NGOs working with refugees during early July 2018, I learned that the date of the first interview given to non-queer refugees - especially those coming from Afghanistan - can go up to 2020. An Iranian non-queer asylum seeker I encountered in September 2018 stated that his date of the first interview for RSD is late 2019. However, being a queer asylum seeker may result in expediting the process. ASAM and HRDF have a direct effect on advancing the date of the first interview by conducting vulnerability assessments and relaying the results and suggestions to UNHCR.

I had the opportunity of closely following a Zimbabwean transwoman’s asylum process, starting from the first registration to the first interview and granting of international protection status. When she first registered with UNHCR in late December 2017, her interview date was late 2018. Upon her arrival to her satellite city, Eskişehir, HRDF conducted a vulnerability assessment test, primarily focusing on the fact that as a transgender woman from Zimbabwe, she had no support system in the city (in comparison to queer Iranian refugees who have a small community). After the assessment, she had her first interview only after four months of her registration

²⁹ David A.B. Murray (2014) Real Queer: "Authentic" LGBT Refugee Claimants and Homonationalism in the Canadian Refugee System, *Anthropologica*, 56(1), p. 26.

³⁰ Sara L. McKinnon (2009) Citizenship and the Performance of Credibility: Audiencing Gender-based Asylum Seekers in U.S. Immigration Courts, *Text and Performance Quarterly*, 29(3), pp. 205-221; and Kristin B. Sandvik (2008) The Physicality of Legal Consciousness: Suffering and the Production of Credibility in Refugee Resettlement, pp. 223-244, in R. A. Wilson & R. D. Brown, ed., *Refugee Resettlement Humanitarianism and Suffering the Mobilization of Empathy* (Cambridge University Press).

³¹ Sima Shakhshari (2014) The Queer Time of Death: Temporality, geopolitics, and refugee rights, *Sexualities*, 17(8), p. 1002.

with UNHCR, and after two months, she was granted international protection. A gay Iranian refugee stated that he had his first interview after five months of registration, and he got refugee status three months after the first interview. All my interlocutors shared similar stories of having their first interviews within months of their registrations. These stories signal that sexualities and gender identities not only are grounds for seeking asylum but also are a ‘vulnerability’ that requires expedition of refugees’ cases. Expediting will play a crucial role in framing sexualities and gender identities as scare resources in the next section. For now, it is crucial to understand which certain representations of sexualities and gender identities are deemed as deserving of refugee status so that we can discern how they are utilized in daily life to reproduce representations of “fake cases” in the next section.

In order to understand how sexuality and gender identity is utilized during RSD interviews in Turkey, I asked all my interlocutors the following questions: “Does UNHCR ask any question about your sexuality and gender identity during interviews?”; and “What does UNHCR focus on during your interviews?” I will argue that their answers reveal gender becoming integrated into how queer refugees represent their nationality and their home country during the interviews. As all of my interlocutors noted, UNHCR in Turkey does not direct questions to queer refugees about their sexuality and gender identity. In other words, UNHCR officials during RSD interviews do not ask queer refugees to ‘prove’ their sexuality and gender identity. Instead, they simply note down how queer refugees describe their sexuality and gender identity and move on to ask how they have been persecuted in their home countries as a result of their declared sexuality and gender identity. Thus, deservingness of refugee status and resettlement is manifested in the gendered performance of refugees’ nationality and persecution in their home countries. This performance is deeply rooted in the discourse of codified homophobia. The fact that queer refugees’ home countries have laws criminalizing homosexuality is subsumed into the totalization of those countries as ahistorically homophobic and having ‘archaic sodomy’ laws while entirely ignoring the fact that such laws in most of the MENA and Sub-Saharan countries are legacies of the colonial rule. Furthermore, according to Joseph Massad, the co-occurring historical events – the Iranian Revolution, the rise of Islamism in the Arab world and the beginnings of the internationalization of the Western gay movements in 1980s³² – resulted in asymmetrical knowledge production about sexualities and gender identities in the MENA region. While the internationalization of the Western gay movements pushed for a liberation discourse – freeing “gays and lesbians” in the region from oppression “by transforming them from practitioners of same-sex contact into subjects who identify as homosexual and gay,”³³ – the states in the region harnessed this liberation discourse to produce their own ahistorical understanding of sexualities and gender identities within their borders, arguing that homosexuality is a result of “degradation of Western sexual morals” and, then it spread to the region.³⁴

In the context of Iran, the history of criminalization of homosexuality born out of regional power relations is ignored, and homophobia is naturalized as a part of the region. Katarzyna Korycki and Abouzar Nasirzadeh reveal how the new regime after

³² Joseph Andoni Massad (2002) Re-Orienting Desire: The Gay International and the Arab World, *Public Culture*, 14(2), p. 377.

³³ Ibid, p. 362.

³⁴ Ibid, pp. 377-778.

the revolution of 1979 “invented itself as a nation-state by simultaneously othering the West, homosexuals and the Pahlavi dynasty, and constituted itself as a modern state through the regulation of women and the criminalization of homosexuality.”³⁵ This totalizing representation of home countries in dialogue with Global North ‘receiving countries’ as safe havens for queer people constructs the discourse of codified homophobia. For example, David Murray reveals the reproduction of homonationalism in the Canadian RSD interviews where the narrative of Canada as a safe haven or promised land for queer refugees had to be incorporated into queer refugees’ construction of their subjectivities as “authentic LGBT refugee,” obscuring racism and homophobia/transphobia they may face in the country.³⁶ To put it another way, queer asylum seekers are expected to reproduce the dichotomy of “Third World backwardness and barbarism vs. First World freedom narratives” in order to get their refugee statuses.³⁷

During RSD interviews by UNHCR Turkey, Iran’s law criminalizing homosexuality and making it punishable by death plays a crucial role in justifying asylum applications. An Iranian lesbian woman stated: “[T]hey (UNHCR officials) asked more about my reasons for coming here (Turkey). They wanted me to share the problems of my country. They wanted me to make those problems bigger. They wanted me to share more of those problems.”³⁸ During our initial and follow-up interviews, an Iranian lesbian woman shared two different encounters she had with UNHCR workers. In her first interview with UNHCR, she stated that her reason to escape from Iran was her family forcing her to marry a man to a point where she was engaged. Thus, her story did not involve any narrative with the Iranian state. In her second interview, the workers asked if she would consider returning to Iran; “I told them that I do not want to go back. I told them if I go back, the police will understand I am lesbian, and they will arrest me. Then I will be stoned to death. They asked me how I know if they will stone me. I told them, of course I know, this is my country.”³⁹ She later got her status. The fact that she had to deprioritize her narrative of family-based persecution simplifies asylum-seeking into political persecution by the state actors ignoring the fact that “people are fleeing complex root causes in which persecution and socio-economic exclusion are combined.”⁴⁰

Deprioritizing family-based persecution also reveals that the discourse of codified homophobia has its roots in a long-standing practice of recognizing ‘the male hero’ escaping from political persecution as a deserving refugee. Carol Bohmer and Amy Shuman argue that “the paradigmatic claim of asylum is the male political activist targeted for his public activities, who then suffers persecution in a public place.”⁴¹

³⁵ Katarzyna Korycki & Abouzar Nasirzadeh (2014) Desire Recast: The Production of Gay Identity in Iran, *Journal of Gender Studies*, 25(1), p. 57.

³⁶ David Murray (2014) Real Queer: “Authentic” LGBT Refugee Claimants and Homonationalism in the Canadian Refugee System. In: *Anthropologica*, 56(1), p. 29.

³⁷ Sima Shakhsari (2014) The Queer Time of Death: Temporality, geopolitics, and refugee rights, *Sexualities*, 17(8), p. 1004.

³⁸ Author Interview, Eskişehir, April 10, 2018.

³⁹ Author Interview, Eskişehir, February 26, 2018.

⁴⁰ Roger Zetter (2007) More Labels, Fewer Refugees: Remaking the Refugee Label in an Era of Globalization, *Journal of Refugee Studies*, 20(2), p. 182; and Nicholas Van Hear, Rebecca Brubaker, and Thais Bessa (2009) Managing Mobility for Human Development: The Growing Salience of Mixed Migration, *Human Development Research Paper*, 29, pp. 1–2.

⁴¹ Carol Bohmer & Amy Shuman (2008) *Rejecting Refugee: Political Asylum in the 21st Century* (London and New York: Routledge), p. 240.

Bohmer and Shuman also identify a continuation of the same theme in the context of queer migration where the gay refugee is expected to be “a man who engages in public activities, such as attending a gay Pride march or frequenting gay bars, who is then beaten up by the police in a public place.”⁴² The way in which the concept “persecution” is operationalized in refugee governance indicates that those who can make a claim of having been persecuted by state agents as a result of their political acts in the public sphere have a higher chance of being deemed deserving of refugee status. In other words, queer refugees are expected to translate their experiences of persecution into narratives that are recognizable and tangible for the officials, thus, following a script of visibility politics and sexual and gender identity performed in *the public sphere*.⁴³ The fact that my interlocutor strategically negotiated her deservingness of refugee status by prioritizing persecution by the police over the stories of family-based persecution reflects such a need to fall in line with the script of public persecution to be a deserving refugee. As ‘being visibly queer’ in the public spaces is subsumed into the definition of persecution as well as the discourse of deservingness, ‘not being visibly queer’ in the public spaces will be equated with being “fake cases” and undeservingness, as I will soon detail in the next section.

The discourse of codified homophobia also reduces the complexities of gender and persecution into ‘the political’ by separating them from economic violence. For example, an Iranian trans woman stated: “[T]here was nothing else to be discussed or said when they (workers of UNHCR) saw I am from the Islamic Republic of Iran.”⁴⁴ The rest of her RSD interview was performed with the discourse of codified homophobia. She explained to UNHCR officials how she was exempted from compulsory military service with an official paper identifying her ‘transsexuality.’ Because of that official paper, she could not renew her driver’s license, continue her Ph.D. studies or become a civil servant. She received her refugee status and currently is awaiting resettlement. However, during our interview, she complicated this essentialized ‘political’ narrative of persecution in Iran with her story of family support and of being able to find other jobs. She pointed to the fact that she was living in “rich and progressive part” of a metropolitan city in Iran and she was lucky to have a supportive family; “they even get to meet with (her) boyfriends.” After she got the exemption paper, she was making money by writing university students’ papers, but she stated, “how could I have a future career if I continued writing papers? I want to finish my studies and become an academic. After I realized I won’t be able to do that in Iran, that was the point when I decided to leave it.”⁴⁵ It is a fact that marginalization of her gender identity in Iran resulted in “a political death;” the state negated her rights to work, to study and mobility.

However, it only constitutes one side of her asylum-seeking reasons and process; the side that can be voiced because it is in line with the discourse of codified homophobia. The complexities of social life in Iran – families accepting their children’s sexualities and gender identities and providing support, metropolitan city life providing liminal safe spaces for queer individuals – as well as the complex reasons of migration

⁴² Ibid.

⁴³ Rachel Lewis (2013) *Deportable Subjects: Lesbians and Political Asylum, Feminist Formations*, 25(2), p. 179.

⁴⁴ Author Interview, Yalova, August 14, 2018.

⁴⁵ Ibid.

– looking for a better life and career – could not be voiced, especially because she would be forsaking her status of ‘involuntary-political refugee’ and risking turning into ‘voluntary-economic migrant’ who is undeserving of refugee status and resettlement. Therefore, it is imperative to note that partaking in the discourse of codified homophobia is a powerful negotiation tool for queer refugees in getting refugee status with the dire consequence of “a single essential, transhistorical refugee condition.”⁴⁶ The discourse generates “dehistoricizing universalism” of not just Iran but of queer refugees as “pure victims” and “mute victims” as Malkki noted to be a general effect of humanitarianism.⁴⁷ As a negotiation tool of deservingness, the discourse of codified homophobia reduces multi-layered social, political, and economic vulnerabilities into victimization and ignores solidarity and survival circuits of queer refugees. If a queer refugee cannot partake in the discourse, then such dehistoricizing universalism may cause them to lose their authority “to give credible narrative evidence or testimony about their own condition in politically and institutionally consequential forums” for example RSD interviews conducted by UNHCR and its local implementing partners in Turkey.⁴⁸

Being Deserving of Resettlement to a Third Country as a Queer Refugee

According to UNHCR’s resettlement data, at the end of 2017, less than one percent of 19.9 million refugees of concern to UNHCR in the world were resettled.⁴⁹ This fact makes resettlement a scarce resource all around the world. Zooming in on the context of Turkey depicts resettlement to be even more ineffective. In 2017, the number of refugees under international protection – that is, those from the MENA and Sub-Saharan countries – was around 364,000.⁵⁰ Only 3,221 people out of this group were resettled to a third country,⁵¹ marking the resettlement rate of refugees under international protection in 2017 as 0.88 percentage. In 2018, although the number of refugees under international protection increased to 368,000,⁵² the number of those who were resettled drastically declined to 883, which makes the resettlement rate in 2018 a mere 0,26 percentage.⁵³

Considering the refugee laws of Turkey that dictate *all of 368,000 refugees under international protection* must be resettled to a third country, conceptualization of resettlement as a scarce resource holds true for Turkey as well. Moreover, the resettlement scheme, as noted, is entirely dependent on the quotas provided by the countries mentioned above, the most significant contributor being the United States, whose

⁴⁶ Lisa H. Malkki (1995) Refugees and Exile: From ‘refugee studies’ to the national order of things, *Annual Review of Anthropology*, 24(1), p. 511.

⁴⁷ Lisa H. Malkki (1996) Speechless Emissaries: Refugees, Humanitarianism, and Dehistoricization, *Cultural Anthropology*, 11(3), p. 378.

⁴⁸ Ibid.

⁴⁹ UNHCR, “Resettlement.”

⁵⁰ UNHCR Turkey (2018) Key data and numbers. Available online at: <https://data2.unhcr.org/en/documents/download/63181>, accessed November 06, 2019.

⁵¹ UNHCR (2018) Resettlement Data. Available online at: <https://www.unhcr.org/resettlement-data.html>, accessed November 06, 2018.

⁵² UNHCR (2018) Key Facts and Figures. Available online at: <https://data2.unhcr.org/en/documents/download/67203>, accessed November 06, 2019.

⁵³ UNHCR (2018) Resettlement Data.

changing refugee policies have a direct effect on how resettlement can be carried out in Turkey. President Donald Trump’s travel bans on ‘Muslim’ countries, including Iran, hindered the resettlement process of my interlocutors who were assigned to the US. An Iranian lesbian interlocutor in Eskişehir stated that she already had two interviews for resettlement before Trump’s travel ban, but since then nothing has happened. An Iranian trans woman in Yalova mentioned that her friends assigned to Canada had been resettled for a long time, but she has been waiting for four years. During my follow-up interviews and participant observations in the spring of 2019, I learned that because of the travel ban, the cases that were assigned to the US now are being re-assigned to other countries, which essentially restarts, and thus prolongs, the resettlement process.

The resettlement process in Turkey starts after applicants receive their legal status of conditional refugee under international protection. UNHCR conducts resettlement interviews in which queer refugees re-present their gendered performances of persecution in their home countries with an additional performance of persecution *in Turkey*. The additional level of performance results from the fact that the resettlement process is expedited if queer refugees face physical and sexual violence, harassment, threats and insults on a daily basis; if they have to rely on “survival sex work;” and if they suffer from the lack of safe and appropriate housing and employment and so on in the country of asylum.⁵⁴ The recognition of possible persecution in the countries of asylum and a need for faster resettlement to a ‘safer’ country could be considered as essential tools for providing due protection for queer refugees. However, expediting resettlement is situated within a broader framework of international refugee governance that makes resettlement almost impossible to achieve as the resettlement rate of a mere 0.26 percent demonstrates. Any expediting criteria then becomes a scarce resource such as gendered performances of persecution in Turkey. It is the reason why queer refugee applications were being referred as “golden cases” in my fieldwork. An Iranian transwoman in Yalova narrates expediting resettlement in connection to ‘fake case’; “Our cases are known as golden cases. Ours were quickly processed before Trump. They (fake cases) say we will have many problems whether we say we are converted Christians or LGBT. However, if we say LGBT, we will leave (Turkey) a little bit earlier.”⁵⁵ Resettlement as scarce resource results in a domino effect making criteria of expediting the process also a scarce resource to be performed. Thus, gendered performances of persecution in home countries and Turkey become a scarce resource since, if validated, these performances expedite resettlement.

The effects of resettlement being a scarce resource also get diffused into daily life. Legal necessity of resettlement (impossibility of longer-term settlement to Turkey) and being ‘LGBT’ expedites resettlement, moving the concern of credibility and coherence of persecution beyond RSD and resettlement interviews, carrying it into the flow of daily life. Being under international protection in Turkey means that resettlement is set as one of the main goals of living in Turkey for queer refugees. I am in no way suggesting resettlement is the singular focus of their lives. Creating and sustaining life in Turkey is extremely important, especially since the waiting period is getting longer

⁵⁴ UNHCR (2013) Resettlement Assessment Tool: Lesbian, Gay, Bisexual, Transgender and Intersex Refugees. Available online at: <https://www.unhcr.org/protection/resettlement/51de6e5f9/lgbti-refugees-unhcr-resettlement-assessment-tool.html>, accessed November 28, 2018.

⁵⁵ Author Interview, Yalova, August 14, 2018.

(some of my interlocutors have been living in Turkey for five years). Waiting in the liminal space of Turkey that is depicted as a transition country in-between home and receiving countries can be utilized in affirming subjectivities of queer refugees in many aspects because five years of waiting is hardly ‘a simple transitional’ period in their lives. Yet resettlement remains as a hard fact of everyday lives of queer refugees; however far it may be in the future, they know that resettlement is the only viable *legal* option in the long term. In many conversations with my interlocutors during social gatherings and official meetings with NGOs, their hopes and fears about resettlement regularly came up; some did not want to be resettled to the USA because they heard from their resettled friends that they are not happy in the USA; they wanted to be resettled to Canada because it is more “progressive” for LGBT people; they had plans to continue their educations, to start taking hormones or the laser hair-removal therapy; they want to live in a “proper” house (referring to poor accommodation conditions for refugees in Turkey) and have a “proper” job (referring to the poor employment conditions of refugees in Turkey); they want to walk on the street without being harassed or without being followed; they (especially trans women) want to take the train without being sexually harassed.

Also, these hopes/fears and problems they face within Turkey can be conveyed to the officials of UNHCR and its implementing partners in the form of “vulnerability assessment.” Vulnerability assessment could happen in a single moment. The implementing partners of UNHCR – ASAM, and HRDF – conduct it in the form of interviews shortly after queer refugees are resettled to their satellite cities. For vulnerability assessment, they utilize UNHCR’s criteria of persecution in the asylum country, as stated above. However, queer refugees also could report instances of persecution directly to UNHCR and its implementing partners by calling, emailing or in a face-to-face meeting. An Iranian transwoman in Eskişehir encountered many problems in her attempt to start her hormonal treatment in Turkey. She wanted to get a paper from the doctor documenting the hardships so that she can send it to UNHCR as a proof for the need of resettlement, showing that she was not able to enjoy her gender identity – one of the fundamental reasons of migrating as a queer person – here in Turkey. I had the chance of interviewing an Iranian trans woman who was attacked in Yalova. We decided to meet at a coffee shop, and she arrived there with a relatively big dossier of documents. The dossier included the doctor and police reports of her attack, other reports in Persian she brought herself from Iran and the photos of her body showing the scars left by the attack of her father when she was in middle school. She said she made several copies of the dossier to give whomever interviews her and that she already gave a similar dossier to UNHCR and sent the new reports of the attack via email.

In order to negotiate their deservingness of resettlement as a scarce resource to be competed for in the international refugee governance, “fake cases” are incorporated into these gendered performances of persecution in Turkey. ‘Authenticity’ of refugees’ sexualities, gender identities and their deservingness of resettlement are proved in juxtaposition to “fake cases.” In many instances during our interviews, my interlocutors provided narratives constructing the authenticity of their sexuality and gender identity and deservingness by demonstrating ‘inauthenticity’ and ‘un-deservingness’ of fake cases. An Iranian trans woman in Yalova argues, “according to what I heard we have 30 lesbians in Yalova, but nobody knows who they are. If I went to ASAM and asked for the names of those lesbians, they do not give it. Do you know why?

Because they are not lesbians. If someone is gay, trans or lesbian, then they directly show themselves, because they come to Turkey because they could not be visible in their countries. For example, if I were not trans, I would not come here, sit with you and talk because I would be afraid (of being discovered as fake).⁵⁶ In depicting “fake cases” as people afraid of appearing in public spaces and within the queer refugee community in Yalova, my interlocutor constructs authenticity and deservingness of her gender identity and her claim to resettlement by drawing power from her visibility. Her narrative resonates with the discourse of codified homophobia and being persecuted in the public sphere, two discourses utilized in RSD interviews. The forced invisibility in home countries is depicted as authentic persecution in negotiation for deservingness. Thus, the assumed ‘voluntary’ invisibility or not being involved in the queer refugee communities in Turkey is interpreted as being a “fake case.” A similar reference to visibility in public space and queer refugee communities comes from an Iranian gay man in Yalova who is one of my key interlocutors. We were taking a stroll on the main street of Yalova, which is full of restaurants, coffee houses, and shops, while chatting about “the fake cases.” As we were walking, we stopped several times to say hi to other queer refugees and have small talks. When we approached the end of the street, he turned around, looking back to his friends and said, “UNHCR can send a spy here to observe us just for a day, then they can easily understand who are really LGBT refugees and who are not.”⁵⁷ With that powerful moment, he highlighted the ‘authenticity’ of his and friends’ sexualities and gender identities and deservingness of refugee status and resettlement by referring to a need to be ‘observably’⁵⁸ queer in the public spaces.

Each performance of authenticity and discourse of “fake cases” has the potential to be harnessed as a means of peer policing/regulating sexuality and gender identity within the flow of everyday life. The potential is specifically actualized by a strong reference to the vulnerability assessment system of UNHCR and NGOs, ‘accusing’ some queer refugees of abusing this system to expedite resettlement. While I was in Yalova, a group of Iranian transwomen had a meeting with a local NGO to discuss their needs and ‘vulnerabilities’ that require immediate attention. After the meeting, they wanted to have their own gathering over dinner to discuss what had been said to them by the NGO. A friend in the group invited me to the dinner, and after, a small group separated from the others to go to a coffee shop located on the shore. While we were having tea, they started discussing the attacks on transwomen refugees in Yalova. One of them noted that it was very unfortunate that such attacks are happening, and she feels unsafe living in Yalova. Then she added that she takes necessary actions to protect herself, such as not wearing make-up or revealing dresses. She said those who were attacked had been attracting too much attention to themselves with their appearances, as if they really want to be attacked so that they can report these attacks to UNHCR and the NGO and expedite their resettlement process.

The idea that there could be certain security measures one can take within a city where homophobia, transphobia and racism have escalated to the level of physical

⁵⁶ Author Interview, Iranian trans-woman refugee, Yalova, August 14, 2018.

⁵⁷ Author Interview, Iranian gay refugee, Yalova, August 15, 2018.

⁵⁸ The list of ‘qualities’ that are assumed to reflect sexualities and gender identities deserves yet another article in its own right to give due space to analyze how sexuality and gender identity are constructed in relation to the experience of migrating and navigating through international refugee governance.

attacks on transwomen refugees could be a sound suggestion (though security is individualized as well). Yet once such a ‘suggestion’ is uttered within the framework of international refugee governance and connected to the resettlement, it transforms into a peer policing mechanism over the way one can dress and appear in public. A similar peer-policy mechanism was exerted on one of my interlocutors who is a transwoman from Pakistan living in Yalova. While we were eating lunch together, she was excitedly talking about how happy she was and how great her body felt after her hormonal treatment. However, toward the end of the lunch, she added with sadness that some of her trans and gay friends stopped talking to her once she took hormones. They did so because they thought that she should postpone her hormonal treatment until she is resettled in a third country; she would be attracting unnecessary attention in Yalova with the changes in her body. Some of them also accused of her taking hormones to expedite her resettlement process. With the real consequences such as losing one’s friend – thus support system, peer policing/regulating sexuality and gender identity must be analyzed within international refugee governance that, through the direct involvement of UNHCR and its implementing partners, has established daily life control mechanisms that encourages individualized surveilling within queer communities, especially in the form of competing for resettlement as a scare resource.

All my interlocutors during our interviews demanded that UNHCR should come up with a better screening system for the “authenticity” and “deservingness” of queer refugees so that “fake cases” could not abuse their right to resettlement. An Iranian gay man in Eskişehir stated, “They come here and abuse our identities, present a similar case as we do. They get accepted faster and go to a third country. They live there for a year then marry a woman and live their lives. However, I am a real case, this is my life, but I am unfortunately still here.”⁵⁹ An Iranian trans woman in Yalova also voices the same concern, “I would not normally mind fake cases. But they are the reasons we cannot be resettled. They take our places and while I am trying to save myself.”⁶⁰

Conclusion

The discourse of “fake cases” requires a transnational perspective that goes beyond local narratives of ‘non-queers abusing LGBT identities for refugee status.’ By analyzing “fake cases” at the intersection of national and international refugee governance, I have tried to show that, an unholy alliance between Turkey’s refugee laws and UNHCR’s resettlement scheme involving many Global North countries has resulted in a hierarchy of deservingness grounded on the sexualized and gendered persecution narratives in refugees’ home countries in the MENA region as well as Turkey. Resettlement plays a crucial role in diffusing the effects of international refugee governance into the everyday lives of queer refugees in Turkey. As resettlement is set as one of the main goals to achieve during their ‘temporary’ stay in Turkey, queer refugees seek various negotiation means with UNHCR officials and NGO workers who are UNHCR’s implementing partners. Vulnerability assessment, which is an ongoing process of evaluating living conditions of queer refugees during their stay in Turkey, opens up the space for daily negotiations of deservingness of queer refugees for

⁵⁹ Author Interview, Eskişehir, September 15, 2018.

⁶⁰ Author Interview, Yalova, August 14, 2018.

resettlement. Within this international framework of resettlement as a scarce resource, queer refugees negotiate their deservingness of resettlement in the act of juxtaposing their ‘authenticity’ with what they describe as “fake cases.” Their description of “fake cases” speaks to the discourses used by UNHCR in assessing credibility and coherence of gendered performance of persecution in home countries. Thus, the international refugee governance system also manifests itself in peer policing and disciplining of sexualities and gender identities, constructing deserving refugees as the gendered performance of persecution in home countries and in Turkey rooted in the discourse of codified homophobia and political persecution within public spaces.

Within the limited scope of this article, I could not address a number of important aspects of deservingness and fake cases that, I believe, need further academic contemplation. The individualizing effects of the discourse of “fake case” should be analyzed promptly to reveal how it prevents the formation of survival links and solidarity networks or has been hurting the already existing ones. As I noted already in my analysis, the discourse and silence around it causes certain exclusionary practices within queer refugee communities in Turkey and further generates vulnerabilities, especially for transgender refugees. It is of utmost importance to conduct such analysis by contextualizing it within the systemic and structural problems, such as the ineffective resettlement scheme, so as not to reproduce an essentialist view of ‘non-queers abusing LGBT identities for refugee status.’

Acknowledgements

Field research of this work was supported by Raoul Wallenberg Institute of Human Rights and Humanitarian Law under Human Rights Research Grant.

Disclosure Statement

The views and opinions expressed in this article are those of the author and do not necessarily reflect the official policy or position of Raoul Wallenberg Institute of Human Rights and Humanitarian Law.

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