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Waiting for LGBTQI+ Asylum Seekers in Germany: A Form of State Control and Resistance

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This piece is part of APLA's Speaking Justice to Power Series: On the Gender and the Sexual Politics of Contemporary Patriarchal Ethnonationalist Authoritarianism, edited by María Lis Baiocchi.

Since 2016, the European Union has made efforts to streamline and simplify the administrative procedure for international refugee protection. Despite such efforts, people seeking asylum in Europe generally wait one to four years (or even longer) between lodging their asylum claim and when a final decision is reached (European Commission). Indeed, four years after the peak of the "refugee crisis," European courts still experience a huge backlog, and waiting several years for a decision on an asylum claim is now the norm. As in other parts of Europe, in Germany, the length of time a person seeking asylum spends waiting for the asylum decision has significantly increased over the past four years. As a judge at the Administrative Court in Berlin told me, today they handle about 20 times more asylum cases than before 2015—with the same personnel. In public and political discourse, "waiting" in the asylum context is constituted by imageries of either the lazy male migrant or the weak and protection-worthy mother/family (Khosravi 2014; Griffiths, Rogers and Anderson 2013). For LGBTQI+ people seeking asylum, this "wait time" often means isolation, homo- and/or transphobia, racism, violence, resettlements, dependence, and an unknown future (Griffiths 2014, Hage 2009).

The increase of asylum cases in Germany, and Europe more generally, correlates with an increase in right-wing and populist activism. Germany is currently struggling with a resurgent far-right which has gained a strong foothold —particularly

in former East Germany—through nationalist and anti-immigration messages. For instance, in the beginning of November 2019, Dresden, a city in Eastern Germany, declared a Nazi emergency as (https://www.bbc.co.uk/news/world-europe-50266955) a response to the increase in right-wing extremist attitudes. Moreover, the relatively new populist party AfD (Alternative for Germany), which is Germany's anti-immigration party, has gained significant electoral support and is now the third largest political force in the Bundestag. In this context, the image of the idling asylum seeker who lives on tax money and potentially constitutes a threat to Europe's safety and security (aka the threat of the Muslim man) is ideal fodder for anti-immigration politics and societal attitudes in Germany.

Indeed, Germany's *Willkommenskultur* (welcome culture) came under serious attack when about two thousand men, described as North African and Middle Eastern, were accused of sexually assaulting and raping at least 1,200 young (white) German women (https://www.independent.co.uk/news/world/europe/cologne-new-years-eve-mass-sex-attacks-leaked-document-a7130476.html) in major German cities such as Cologne and Hamburg on the New Year's Eve of 2016 (Rodriguez 2018). Law officials and politicians were quick to directly link these violent attacks to immigration issues. Similarly to the aftermath of 9/11 in the US, the male Muslim subject emerged as a potential threat to the social order of the West in conservative political discourse, and Islam became demonized as a danger to the nation (https://www.nytimes.com/2016/01/15/world/europe/as-germany-welcomes-migrantssexual-attacks-in-cologne-point-to-a-new-reality.html) (Ticktin 2008). In February 2020, the German government reported a substantial increase in hate crimes against persons seeking asylum and refugees by far-right groups, culminating in the arrest of members belonging to a "terrorist group" that was planning to attack Muslims and refugees (https://www.theguardian.com/world/2020/feb/17/germanys-muslims-call-for-protection-after-far-right-terror-plot-arrests).

It is within this political context in Germany that I conducted research on the experience of LGBTQI+ persons who are currently awaiting their asylum decision. Most of the LGBTQI+ persons seeking asylum are housed in remote rural areas with little chances to meet and interact with other LGBTQI+ persons and with differing access to legal and social support. Although human rights violations based on sexual orientation and gender identity are recognized as reasons for persecution, LGBTQI+ persons, however, often remain unrecognized and invisible in the asylum system, as they lack access to legal and social support and face extreme social isolation. As I describe in a recently published policy briefing (https://www.bristol.ac.uk/policybristol/policy-briefings/queer-asylum-germany/), which I co-authored with Dr. Nina Held (University of Sussex), LGBTQI+ persons seeking asylum in Germany tend to be inadequately housed, experience hate crimes and sexual assault, and are put in rural areas far away from other LGBTQI+ people and LGBTQI+ NGOs concentrated in urban areas. Most of the asylum seekers I worked with have been waiting between one and eight years for their asylum decision while facing precarious circumstances. I ask, what does it mean to live a life in limbo where the anticipation of the future collapses with the insecurity of the present? And, how is this experience tied up with their identity in terms of their sexual orientation and/or gender identity?

The asylum seekers with whom I spent time during my research tended to describe "waiting"—or the time spent between lodging their asylum claim and until a decision has been reached—as a feeling of "being stuck" and of being at the mercy of a complex bureaucratic system that is unpredictable and strips them off their agency. "All we do is waiting waiting waiting—we have nothing to do," says a non-binary claimant from Uganda. They arrived in Germany in 2017 and are currently waiting for a court date to appeal the initial asylum claim rejection. Their friend, a lesbian asylum seeker, also from Uganda, puts it like this: "we wait all day long. The situation is like this… Yes, we get food to eat, we get money, we go buy clothes, but still, here, you eat and you go to the toilet. The next day, you wake up, you eat, and then you go to the toilet. The situation is very difficult and you could end up going mad. You could go mad!" Particularly for LGBTQI+ persons seeking asylum, the sense of being stuck is interlaced with feelings of loneliness and separation.

This is also felt by LGBTQI+ persons seeking asylum as well as refugees. "I don't feel welcome here," says a lesbian asylum seeker living in a small village in rural Bavaria. "People don't like having Black people like us in their village…. Even children run away from us. This is very painful." While most people of color seeking asylum experience racism at some point in Germany, and Europe more generally, LGBTQI+ persons of color also experience homo- and transphobia within and outside their accommodations. For example, as a counselor at the Inter* and Trans* Counselling Center contends, "the Bavarian state puts trans people seeking asylum in very rural villages together with other migrants. However, we have a lot of [trans*] people who are Germans and who flee the countryside to Munich because the countryside is often transphobic. So now trans* refugees end up in parts of the country where even the Germans run from."

Waiting for LGBTQI+ people who are seeking asylum often marks a time of extreme isolation due to experienced and/or feared racism and homo- and transphobia. The long(er) waiting periods also mean that LGBTQI+ folks spend more time in refugee accommodations, where they are often housed together with the very people they fled from in the first place. "My situation is complicated. People like us [LGBTQI+], we have no friends or community that we can contact because we are afraid that people will find out about who we are," says a lesbian from Tanzania. Similarly, another lesbian, also from Tanzania, does not talk to anyone at the camp, not even her two female roommates, out of fear of being outed. A non-binary trans refugee from Tunisia recalls having been threatened with violence at the reception camp where they were housed together with men while waiting to be registered. Waiting is experienced by most LGBTQI+ claimants as the most challenging part of the asylum process. Being stuck in a space where they feel "different" within—as well as outside of—the asylum seeker "community" creates a deep sense of vulnerability.

However, this administratively imposed "wait time" also opens up possibilities for expressions of resistance against the bureaucratic asylum regime and societal race and sexuality stereotypes. Walid, a non-binary refugee from Tunisia, has recently taken up their (former) profession and passion of performing as a drag queen. They say that "I am in safety now and I no longer want to hide. I lost everything; my family, my friends, my work and my country. The only thing left is myself. I do not want to lose that so I am performing again." Another claimant, a lesbian from Uganda who is currently awaiting her appeal court date, realized her longing for children. She once told me in a personal conversation that although she was a lesbian and was not in an ideal situation to have children, her biggest wish was to live a "normal" life and have a family. Last year, she gave birth to a healthy baby girl. She nevertheless hopes that she can convince the judge of her sexuality and the looming persecution in Uganda if she was to be sent back.

Indeed, the desire to lead a "normal" life beyond their status as LGBTQI+ "asylum seekers" runs through all narratives. "Normality" within a temporal space of societal and political uncertainty can mean to decide for yourself what kind of food you want to eat (claimants often lament the monotonous food menu in the camps) or that one might be able to spend time inside and outside the accommodation without being subjected to racial and homophobic slurs, to spend time with friends, to go to work, to study, and to make plans for the future. In this sense, the sheer longing for normality—the act of envisaging, dreaming, and articulating these desires—consists, in its most subtle form, an act of resistance against a regime that tends to reduce persons seeking asylum and refugees to mere pawns of a global migration policy. For persons seeking asylum, to act on the dream of creating a family, for instance, and/or of having the freedom to express one's sexuality and gender identity is highly subversive.

Again and again, the transcripts from the asylum interviews with lesbians who were previously married and had children in their country of origin show that lesbian women who practiced a heterosexual

Fig 2. Photograph by Le Duc Tung on Unsplash (https://unsplash.com/photos/hNjXtHBRcuY).

lifestyle in order to "hide" their sexuality vis-à-vis their family and community receive a rejection of their asylum claim. Indeed, according to a statistic from an NGO supporting lesbians seeking asylum in Southern Germany, 95% of their lesbian clients from Sub-Saharan Africa receive a rejection at the first interview because they are not believed to be homosexual. So, to deliberately decide to have children after having arrived in the receiving country as a lesbian disrupts tacit bureaucratic understandings of what constitutes a homosexual lifestyle and, in this respect, life choices. As a psychologist working with lesbian asylum seekers in Bavaria states in our interview: "the fact that lesbians have children even after having arrived here [Germany] is beyond their [decision-makers'] imagination".

Ultimately, the desire to have a family, to choose what to eat, to move and visit friends—to live a purposeful everyday life with humanity—stands squarely within an asylum system which increasingly dehumanizes the bodies and minds of people, and of people of color in particular, who are on the move.

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References

Anderson, Ruben. "Time and the migrant other: European border controls and the temporal economics of illegality." *American Anthropologist* 116, no. 4 (2014): 795-809.

European Commission. "Proposal for a Regulation of the European Parliament and the Council Establishing a Common Procedure for International Protection in the Union Repealing Directive 2013/32/EU." Accessed 21 April, 2020. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160713/proposal_for_a_common_procedure_for_international_protection_in_the_union_en.pdf (https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160713/proposal_for_a_common_procedure_for_international_protection_in_the_union_en.pdf).

Griffiths, Melanie BE. "Out of time: The temporal uncertainties of refused asylum seekers and immigration detainees." *Journal of Ethnic and Migration Studies* 40, no. 12 (2014): 1991-2009.

Griffiths, Melanie, Ali Rogers, and Bridget Anderson. "Migration, time and temporalities: Review and prospect." *COMPAS Research Resources Paper* (2013): 199-217.

Hage, Ghassan. "Waiting out the crisis: On stuckedness and governmentality." *Waiting* (2009): 97.

Khosravi, Shahram. Waiting: Keeping Time. *In* Migration: A COMPAS Anthology. Bridget Anderson and Michael Keith, eds. Oxford: COMPAS. Available online at http://compasanthology.co.uk/waiting (http://compasanthology.co.uk/waiting/)/ (2014).

Gutiérrez Rodríguez, Encarnación. "The Coloniality of Migration and the 'Refugee Crisis': On the Asylum-Migration Nexus, the Transatlantic White European Settler Colonialism-Migration and

Racial Capitalism." *Refuge: Canada's Journal on Refugees/Refuge: revue canadienne sur les réfugiés* 34, no. 1 (2018).

Ticktin, Miriam. "Sexual Violence as the Language of Border Control: Where French Feminist and Anti-immigrant Rhetoric Meet." *Signs* 33, no. 4 (2008): 863-89.

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