

# Provisory notes on the narratives of African (homo) sexual refugee in Paris

*Patrick Awondo*

## Abstract

This article analyses the position of African asylum-seekers and refugees in France lodging claims on the basis of homosexuality or gender identity. Firstly, it attempts to explore the “exile” experience, drawing on the narratives of a Cameroonian woman and a Senegalese man. It then examines the investigation of claims by the French Office for the Protection of Refugees and Stateless Persons (OFPRA)<sup>1</sup> and looks at claims rejected by this body and referred on appeal to the French National Court of Asylum (CNDA)<sup>2</sup>. Issues are identified in relation to the attribution of identity to claimants who are unable to demonstrate a gender identity which conforms to the perception shared by OFPRA protection officers or CNDA judges. Proving membership of “a particular social group” constitutes a further barrier to claims by homosexual Africans, above and beyond their individual experiences.

**Keywords:** (homo)sexual refugee, asylum-seeker, OFPRA, CNDA.

This article focuses on sub-Saharan African “sexual refugees” and asylum-seekers lodging claims on the grounds of their homosexuality – i.e. people who have secured refugee status on the basis of persecution for their (homo)sexuality or who are applying for this status on these grounds. Some informants were encountered while an appeal to the French National Court of Asylum (CNDA) was pending after their claims had been rejected by the French Office for the Protection of Refugees and Stateless Persons (OFPRA), these being the two judicial bodies responsible for assessing asylum claims in France (Valluy 2007). Most of the people whose narratives will be presented in this article were encountered through the associative sector, notably the Association for the Recognition of the Right to Immigration and Residency for Homosexual and Transsexual People (ARDHIS)<sup>3</sup> during voluntary work carried between June 2008 and January 2011 as part of an ethnographic fieldwork study of African sexual migrants in Paris. It should be emphasised that the people described here as “sexual refugees” are officially termed “political refugees”, the international legal category which is the official designation for all statutory refugees. It corresponds to the 1951 Geneva Convention which defines a refugee in article 1.A (2) as “any person who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality” According to the Convention, there are, therefore, five grounds for persecution: race, religion, nationality, membership of a particular social group or political opinions. A sixth criterion has been introduced in France, namely “conscience” (Guide de l’asile 2008, 63-67), relating to “desertion and insubordination” after the Balkans conflict.

The first two test cases relating to homosexuality in France date back only to the late 1990s, specifically to 1998. The judgement referred to two Algerian nationals, one deemed to be homosexual and the other transsexual. They were considered to have been persecuted on

---

<sup>1</sup> OFPRA, *Office français des réfugiés et apatrides*

<sup>2</sup> CNDA, *Cour nationale du droit d’asile*

<sup>3</sup> ARDHIS, *Association pour la reconnaissance du droit des personnes homosexuelles et transsexuelles à l’immigration et au séjour*

the grounds of “membership of a particular social group” (Guide de l’asile 2008: 72). As a result of these cases, refugee status was recognised based on the fact that homosexuals can constitute a “social group” under certain circumstances and are subject to prosecution and to various forms of attack by the authorities or society. In this respect, France has therefore made progress since the late 1990s by recognising people persecuted on these grounds as a “social group”, the first such group to achieve recognition by OFPRA, which is currently drawing up a restrictive list of groups (Lesselier 2009). However, these initial observations are already indicative of the difficulties involved in processing claims by people who are persecuted as isolated individuals and are unable to provide evidence of affiliation to the “homosexual group” when describing the circumstances of their departure (McGhee 2001, UNHCR 2010). This aspect is further complicated by the annual compilation of a list of so-called “safe countries”, i.e. countries which are deemed to respect human rights in general terms and to be stable in the opinion of the French authorities. However, these countries are often considered “safe” more by virtue of their diplomatic ties and privileged relationship with the French state, than their respect for human rights in objective terms (Bayart 2011).

For example, a country such as Senegal, which features on the OFPRA list of safe countries issued on 13 December 2009, initiated a wave of arrests and persecutions of alleged homosexuals in 2008. Despite this violent situation, this country still features on the list denounced by human rights organisations such as Amnesty International since 2009. This evidence demonstrates both the special nature of asylum claims on the grounds of homosexuality and the problems surrounding asylum in general. Issues relating to asylum for homosexuals have attracted particular interest in the social science and legal research fields in the English-speaking world, with respect notably to the determination of refugee status in receiving countries (Dauvergne, Millbank 2003, Kendall 2003, Millbank 2002, 2003), in Canada (Fairburn 2005, LaViolette 2009, 2007, 1997, Rehaag 2008), in New Zealand and the United Kingdom (McGhee 2001, Millbank 2005, O’Leary 2008), in the United States (Fadi 2005, Swink 2006), as well as in comparative studies (Berg, Millbank 2009, Miller 2005). Research on asylum related to homosexuality is still poorly documented in the French-speaking world, despite growing interest in asylum among French researchers, notably in the work carried out by the *Terra* network. This article therefore aims to contribute to emerging thinking. Firstly, it analyses the experience of African homosexuals drawing on extracts from two narratives, one from Senegal and the other from Cameroon. The second part of the article focuses on the problems associated with claims based on homosexuality. It will analyse the OFPRA interview as a “personal confession” providing proof of homosexuality and then examine an exchange with a female asylum-seeker during a CNDA appeal, which provides a particular insight into the special characteristics and problems associated notably with revealing one’s sexuality to judges. It will explore, for example, the implications of attributing an identity to asylum-seekers.

### **African narratives of “sexual exile” in Paris**

The two cases presented here demonstrate two different experiences. The Senegalese man was not granted asylum, having been deemed “not credible” by OFPRA and the CNDA. Konny was granted refugee status. Let’s begin with Didier’s narrative. He was 34 when we met and had arrived in France via Italy in 2009. He was “outed” following an argument with a neighbour in his apartment block and was initially forced out of the district by neighbourhood pressure. This marked the beginning of his wanderings:

I was working as a hairdresser near Dakar and living with my boyfriend in a flat in Mbour, if you know where that is. I think the trouble began when I had problems with a

neighbour. I had been complaining about the noise and the mess his children made on my balcony where they used to throw stuff. That was in 2008. The neighbour I got into an argument with “outed” me in front of local residents. He said: ‘You think I don’t know that you and your friend are *Goor-gigen* [homosexuals in Wolof]...I’m going to tell everyone round here.’ I thought he was joking, but he told people in the district first of all, then everybody was talking about it. My sister heard and asked me about it and I told her it was none of her business. She was angry, so she repeated it to my mother, who discussed it with my uncle, who lived nearby, and that set everything off. I wanted to deny it, but my family had got in touch with my boyfriend to get to the bottom of things. To cut a long story short, my family abandoned me and I had to move out in a hurry before things got any worse. My boyfriend left ... and went off to live in Sally. I stayed with mates, but as the news spread even the well-meaning ones were put in a bit of an awkward position. This went on for over 6 months. It really annoyed me, I couldn’t go back to the district where I grew up. I was more and more keen to go quite far away, anywhere at all, but I still needed this job. I started to try to get loans and towards the end of 2008, especially when the eight others were arrested, I was frightened I’d be next. I got a visa to go to Italy with the help of some people I knew, don’t ask me how ... and that’s how I ended up here. (Interview, Paris).

Didier’s narrative initially states the exact sequence of events which led to him being accused and then excluded from his neighbourhood and his family circle. The wanderings which followed were combined with a gradual sense of isolation. Caught up in the dynamic of flight, the informant looks back on Senegal and his family as unsafe places. This case demonstrates how a feeling of not being safe begins in a person’s immediate surroundings, before entering the public domain.

### **Entering the transnational arena in search of exile**

Other informants encountered in Paris, which became their “country of sexual refuge”, are worthy of mention here. One such case is a woman called Konny, who was 30 when we met and described herself as a DJ and rapper. Konny’s exile experience took her all over Europe (the Netherlands, England and France). Her narrative describes an exodus, a term which she sometimes uses, referring to the Exodus of the Jews from Egypt. This extract describes her stagnation in violent circumstances, and the growing number of reasons for her departure and her arrival in Europe. Her story falls into two phases: her “Cameroonian odyssey”, after being outed by a girlfriend, and “the road to transnational exile”. As an orphan taken in by her maternal aunt, who was married to a high-ranking officer in the national police service, Konny had a difficult relationship with this family, which proves that reactions to a person’s homosexuality are always unpredictable, whatever their social background.

As I was going home one night, a group of guys stopped me and wanted to rape me. They dragged me along the ground for several metres, I was covered in blood and they tore my clothes. Luckily for me, some people came past and the group ran away. I stayed off work for a few days and then I went back. A few days later, a girlfriend came to see me in the bar where I was working. We were caught making out in the toilets; the customers in the bar dragged us to the police station and I spent five days there. Then I had to pay a fine of over 100,000 CFA francs (about 200 US dollars). That’s when I realised that I had to leave. I had to flee somewhere where I could be safe and live in

peace. I got in touch with some guys who knew how to get hold of visas. There was a man who used to come to the bar to play poker. He told me how to get to Europe. They wanted money and a passport. I had the passport, but it was a lot of money for me – two million CFA francs (about 3,000 US dollars). He told me to get hold of the cash and that if I got the money, he would give me a visa and a plane ticket. I did some business, asked some of my good customers and people I knew, some people who knew my story helped. In 2006, I gave him the money. A month and a day later he called me and told me: ‘You’re travelling to France on the third of March with a plane ticket and passport, then you’re on your own.’ I got ready, called a friend of my mother’s and told her I was coming to Europe and would be arriving in Paris. Three days later, she was there to pick me up and told me: ‘You can’t stay here alone, I’m taking you to Holland to live with me because your mother is my friend.’ We caught the train straight to Amsterdam and that’s how I got to Holland, to Amsterdam. I stayed there for a year, but I had no identity papers. A crooked lawyer I contacted a few months after arriving said that he could get me some proper identity papers and that took all the money I had earned from working illegally and I didn’t get any identity papers. I tracked down a girl in London that I used to hang out with and she told me to come and see her. I went, but it was tricky with papers over there too. (Interview, Paris).

This extract adopts the same symbolic structure as Didier’s narrative. The narrative framework (Ricoeur 1990)<sup>4</sup> introduces a chronology for these events which identifies various movements ranging from Konny’s stagnation in her situation and increasingly frequent ill-treatment on a social level (notably her arrest and near-rape), to the reaffirmation of her desire to flee. Before culminating in her departure, the “plot” focuses on the mounting danger and on its unpredictability in particular. This seems to surface everywhere, in the form of louts in the street and it is also apparent in the “innocent” patrons of the bar, representative of the average Cameroonian, demonstrating a uniform rejection of homosexuality. There is also more predictable danger from “institutionally violent public servants” (Blundo, de Sardan 2001)<sup>5</sup> in the form of “corrupt” police officers who “lock people up in cells” and demand large sums of money or mistreat “374b detainees”, the term used to refer to people detained under article 374b, which penalises homosexual practice in Cameroon.

This mounting violence, which reaches a peak in the narrative with the attempted rape and detention in a cell, illustrates what Hannah Arendt terms “crystallisation” in *The Origins of Totalitarianism*. This fixing of disparate “elements” of equally unpredictable violence is in fact the issue in this narrative structure. For the informant, these “elements” of violence taken individually do not seem to provide justification for leaving or for the fact that she ends up in “Europe”, to use her own expression. It is their crystallisation into “fixed and definite” forms which motivates her departure. This is highlighted by Paul Ricoeur in his preface to Hannah Arendt’s *Condition de l’homme moderne*<sup>6</sup> (1983: 9-10) in which he quotes E. Young-Bruehl: “Elements by themselves probably never cause anything. They become origins of events if and when they crystallize into fixed and definite forms. Then, and only then, can we trace their history backwards.”

Taken as a whole, repeated beatings, rape (or attempted rape), verbal abuse and threats from patrons on a daily basis, and the impossibility of getting support from the authorities, who are more likely to lock her up, seem to constitute the point at which the elements of violence crystallise. The metaphor of exodus allows this young sexual refugee to ascribe meaning to

---

<sup>4</sup> “trame du récit”

<sup>5</sup> “fonctionnaires de la violence”

<sup>6</sup> *The Human Condition*

her wanderings, whilst underlining the element of uncertainty and violence. Exodus is “a departure under pressure from an external danger which invades the locus of security and privacy. Exodus is a response to this danger in the form of departure, departure for an unfamiliar place, in the certain knowledge that one’s current location is unbearable and is not a safe place.” (Lesourd, 1997: 123). Once she has embarked on the trajectory of flight, the last part of Konny’s narrative clearly demonstrates this aspect of uncertainty after she is forced to make the decision to leave. She chose to leave, but did not know where to go. She got in touch with a regular at the bar, who doubtless had a reputation as a people smuggler. He only revealed her destination to her three days before departure, offering just a “visa and a plane ticket” by way of guarantee. Konny therefore had no idea where she was going until this partial revelation of the “promised land”. The various trials experienced by informants seeking “sexual refuge” assume a new dimension when they are confronted by the asylum process once they reach French soil. We will see that a number of elements determine whether they can obtain asylum, including their ability to demonstrate a “sexual identity” which concurs with judges’ prevailing perceptions of homosexuality, and also the reality of persecution in their country of departure, for example. These objective and also very subjective elements make asylum for homosexuals problematic in the cases studied below.

### **The interview stage: how can proof of homosexuality be demonstrated to OFPRA?**

We will now explore the interaction between homosexual asylum-seekers and the two-part investigation of persecution carried out by OFPRA and the supplementary body the CNDA. A clearer understanding of the work of these two bodies can be achieved by examining their general asylum statistics. In the early 1990s, OFPRA became the asylum claim rejection body, with the total number of rejected claims sometimes exceeding 90% (Noirel 1999, Valluy 2008). This table taken from the OFPRA website clearly demonstrates this.

Table 1: Overall OFPRA results since 1995

<b>Year</b>	<b>Initial claims</b>	<b>Reviews</b>	<b>Total</b>	<b>Determinations</b>	<b>Claims approved by OFPRA</b>	<b>Total OFPRA approvals %</b>	<b>Claims rejected by OFPRA</b>	<b>Total OFPRA rejections %</b>
<b>1995</b>	20,415	4,621	<b>25,036</b>	29,096	4,742	16.3%	24,354	83.7%
<b>2000</b>	38,747	1,028	<b>39,775</b>	30,278	5,185	17.1%	25,093	82.9%
<b>2006</b>	26,269	8,584	<b>34,853</b>	37,715	2,929	7.8%	34,786	92.2%
<b>2010(*)</b>	18,182	2,302	<b>20,484</b>	18,675	2,657	14.2%	16,018	85.8%

*2010(\*) Provisional half-year data – all data excludes accompanying minors.*

It can be seen that rejection levels for claims submitted to OFPRA have fluctuated between 80 and 90% since 1995, peaking in 2006 at 92.2%. This rejection level has stabilized at 85% since 2009. If we add historical context to the issue of universal access to asylum it can be noted that OFPRA granted refugee status to 85% of claimants in the 1970s. Jérôme Valluy (2008: 7) highlights what he calls the “major turnaround in asylum” in these terms: “In 1973

the French Office for the Protection of Refugees and Stateless Persons (OFPRA) granted refugee status to 85% of asylum-seekers. In 1990, the same administrative institution refused this status to 85% of exiles”. In parallel to this systematic process of rejections by OFPRA, the CNDA is attempting to reverse this turnaround, for which France has been criticised, by eventually granting definitive refugee status to approximately 3 to 4% of claimants on appeal. Overall, this means that lodging asylum claims with OFPRA is an inherently difficult exercise and a pointless undertaking for the majority of claimants. Similarly, one can envisage the additional difficulty faced by claimants whose claims focus on persecution on the grounds of their sexuality or gender identity. An attempt will be made here to reflect on some of these issues by looking at two claims rejected by OFPRA. The first is the rejection of the claim by A. M., a Cameroonian born in 1972, who lodged a claim for asylum on 23 February 2010.

The claimant’s hearing at the Office took place on 10 June 2010. His declarations seemed to have little personal content overall and notably lacked any spontaneity on the subject of his family environment and his commitment to the youth wing of the ruling party. Furthermore, his assertions appear to show an absence of spontaneity and a lack of credibility regarding the persecution to which he claims to have been subjected in his neighbourhood or from the authorities on account of his sexual orientation

Lastly, the circumstances of his journey were reported in rather unconvincing terms.

In this context, the documents produced do not alter the assessment of the facts given above.

Thus, the evidence presented as a whole does not allow us to establish that the facts alleged are true and to conclude that his current and personal fear of persecution in the event of return to his country is valid.

His circumstances are not therefore covered by the provisions of articles L. 711-1 and L. 712-1 of the afore-mentioned code. Fontenay-sous-Bois, 30 September 2010. (Extract from the decision to reject the claim, ARDHIS archives).

What emerges here is one of the symbolic forms peculiar to the handling of claims by OFPRA. Examination of the grounds for rejecting the claim, of which there are three in total (his commitment to the ruling party, the absence of spontaneity in his statements relating to his persecution and lastly the circumstances of his journey), reveals that the “judgement” is based in at least two respects on facts which are unrelated to the claimant’s homosexuality. The sole grounds for rejection in which it is mentioned refer to his words as exhibiting a “lack of credibility” and an “absence of spontaneity”. However, spontaneity is hardly the primary requirement for an asylum-seeker for whom reconstructing a difficult trajectory is very hard, if not traumatic (UNHCR 2010). How can a determination be made on this basis? In the final analysis, although the reasons mentioned in the OFPRA rejection letter are standard, given that 85% of rejections per year mention the same grounds using the same terms (Benarrosh-Orsoni 2008), it is important to re-examine what constitutes an additional difficulty in investigating a claim relating to homosexuality – namely how can a person prove their homosexuality to a protection officer other than by making a “confession” to him?

### **A “will to know” in the asylum administration department**

The interview with the asylum authorities becomes a “confession mechanism” which can be viewed in terms of a Foucauldian reading of subjection (Foucault 1976). An asylum claimant who describes their homosexuality becomes a de facto subject in the administrative system (Noirel, 2001: 400); by instituting “admission/proof” of homosexuality the administration becomes similar to social institutions (churches, the family, the medical establishment, etc.),

which have historically used their “will to know” to repress sexual subjects. Narration of intimacy therefore creates deep psychological issues for homosexual subjects, who are often persecuted and abused on account of their sexuality, as demonstrated by Berg and Millbank (2009). The incorporated elements of shame and secrecy interfere with the way in which they tell their story from this point.

Examination of the interview transcript accompanying the rejection of the above claim, submitted to the claimant’s lawyer, provides a clearer picture of the OFPRA interview. Below are some questions and answers to section IV “Grounds for making a claim”, for illustrative purposes, which constitute what we consider an “intimate confession” and which we would argue reinforce the unease of being homosexual in the presence of OFPRA and the contradictions inherent in this type of interview:

- OFPRA officer: Are you homosexual?
- Claimant: Yes
- O: How long have you been homosexual?
- C: I already knew, even before coming into contact with women.
- O: When was that?
- C: From the age of 15, it first started when I was playing football, we used to hug when we scored a goal and I felt aroused... (*The claimant repeats the terms used in his narrative: page one of the typescript of the narrative*).
- O: Where were you living at the age of 15?
- C: In Godi with my uncle
- O: Was your uncle aware of your sexual orientation?
- C: No.
- O: And your father?
- C: No.
- O: Does your father know now?
- C: No. Well it all came out in public and so he fetched a priest and a witch doctor to perform an exorcism. The witch doctor said it was something that had been done to me during the night and the priest prayed. At that time it was causing a stir in the neighbourhood, but I always denied it.
- O: Can you describe your first homosexual experience?
- C: The first experience was with a local guy who worked with me, but wasn’t a homosexual.
- O: How’s that?
- C: I went to stay over at his place and that night, I was holding him so tightly that he woke up. I said I was cold and to let me have a go, so we got the soap and used that to do it.
- O: To do what?
- C: It was my first sexual experience
- O: Why did you use soap?
- C: To put on my penis to make it slippery.
- O: Who was this man?
- C: A local guy who worked with me.

This exchange is reminiscent of what Benarrosh-Orsoni (2008: 6) terms “structural suspicion”<sup>7</sup> during determinations by OFPRA and the CNDA. The extract demonstrates the

---

<sup>7</sup> “*suspicion structurante*”

similarity between this interview and a police interview, against a backdrop of prior suspicion of “false homosexuality”, conveyed here by the doubt expressed about the genuineness of the claimant’s homosexuality. The question “Are you a homosexual?” already contains the potential for a fundamental mistrust of the claimant. Mistrust is compounded by a blurring of the categories on which questions about homosexuality are based: the OFPRA officer sometimes refers to “homosexuality” and sometimes to “sexual orientation”, which can often be disconcerting for refugees given their limited awareness of publicly accepted categories in the host country and the discrepancy with the way these issues are discussed in the areas from which claimants originate. The OFPRA officers to whom we spoke were well aware of this. One of the two officers stressed: “we know that people are not homosexual in Dakar in the same way as in Paris” (Interview, Paris). For a person who presents themselves as refusing to be identified with homosexuality, can an interview which focuses on their knowledge of homosexuality as a “sexual orientation” and forces them to “expose” information which has been kept secret be relevant or at the very least produce meaningful evidence of their sexual experience?

In Great Britain, where asylum claims by homosexuals pose similar problems, McGhee (2001) explored this situation via the landmark case of Ioan Vraciu, a Romanian man whose case hit the headlines in 1995 because he was unable “to provide objective proof of his homosexuality”, according to the British asylum authorities. Faced with the lack of veracity of his narrative, the judges requested an anal medical examination, before opting for a assessment of his “biography” by psychologists. McGhee emphasises in this regard that authenticating the claimant’s sexuality leads to a determination of sexual identity by people other than the individual himself. However, identity is first and foremost personal and private. The author uses this case to highlight the paradox of asylum determinations which claim to authenticate sexuality, considering “How sexuality in the form of intimate pleasure, preferences, practices, desires, etc., is to be knowable and translated into the 'objective standards' required by law” (McGhee 2001: 30). This survey of the situation in Great Britain is useful to the extent that it demonstrates – as does the report on sexual asylum in Europe by Jansen and Spijkerboer (2011) – that although procedures for investigating claims may differ, especially with respect to designations (gender identity, sexual identity in different countries, or consideration of whether sexual practices are penalised or not, etc.), the end result is the same in terms of the rejection of claims.

The scale of the difficulties associated with this exercise is apparent in the case cited above, when in the next stage of the interview the OFPRA officer constantly presses the interlocutor for further details (in particular about his first sexual experience). The interaction described constitutes a form of intrusion into the private life of a person accustomed to protecting his privacy. Research in Africa demonstrates that the current difficulty in relation to homosexuality stems less from its prohibition than from its public declaration and, looking beyond this public declaration, what is raised here is the whole issue of the relationship with intimacy and its expression (Epprecht 2008). One could question whether this relationship with intimacy, which presents people from certain social groups with problems in articulating their personal sexual narrative, can be redressed even in an interview lasting four hours.

### **Attributions of identity and biased perceptions of normative identities**

Another area for discussion emerges from the ethnography of OFPRA and CNDA interviews. It can be formulated both in terms of “attribution of identity” and “biased perceptions”. Examination of interviews between OFPRA protection officers and/or CNDA judges and asylum-seekers, reveals “normative” views of homosexuality which affect the production of narratives upstream, as well as judges’ points of view. Judges have their own



notions of what a homosexual is. Their perception stems from a “standardisation of the homosexual identity” (Cervulle, Rees-Roberts 2010), which has achieved a higher profile as a result of political campaigning and has produced models and “norms” for homosexuality. These norms, which define ways of being homosexual within homosexual “communities” and establish to some extent an “image” of homosexuality for the rest of society, structure the perceptions of homosexuality of judges at OFPRA and the CNDA.

Despite the information gathered relating to these issues and to “many cultural arenas”, these imagined notions are deep-seated and have a significant impact on the position of those concerned. In her article entitled “Punishing masculinity in gay asylum claims”, Hanna Fadi (2005) revealed that a trend for rejecting asylum claims by homosexuals on the grounds that they did not conform sufficiently to standard types (i.e. “act straight” as opposed to “act gay”) provides a structural basis for handling cases relating to sexual orientation. A lawyer practising in Paris handling an appeal in 2009 on behalf of one of our informants made a similar comment:

I think that the major problem with homosexuality and the CNDA and even the OFPRA judges, is that the decision is not based on legal considerations, but on appearances. With certain claims, my colleagues and I often think that some clients are more successful because their appearance suggests that they might be homosexual. (Interview, Paris).

A standardised perception of homosexuality, but also the ability of claimants to demonstrate their homosexuality, is a decisive factor. This then raises the issue of defining the essential nature of sexual identity, with homosexuality in this instance being reduced to a gender demonstration (Fadi 2005; Berg, Millbank 2009).

In the next section of the interview cited above, the OFPRA officer pursues his investigation into the claimant’s homosexuality, demonstrating the same preoccupation. He asks: “Do you know any LGBT rights campaigning groups?”. The claimant replies: “I only know ARDHIS, I often have meetings with them”. This exchange has two-fold implications for an understanding of our view of the normative perception of judges which results in forms of attribution of identity. On the one hand, it demonstrates to asylum-seekers that the LGBT concept is an intrinsic element of their position as asylum-seekers and of their collaboration with the association supporting their claim. Furthermore, the use of the acronym LGBT emphasizes the reductive approach of the officer, who does not realise that LGBT groups as a political and ideological movement exist in a historical context and remain a very abstract concept for many non-Western asylum seekers (Cantù 2009). Significantly, the claimant was unable to state correctly any of the words represented by the abbreviation ARDHIS when asked by the officer. This sense that a normative representation of homosexuality borders on attribution of identity manifests itself elsewhere in appeals to the CNDA. The 30-year old Cameroonian woman cited previously appeared before the Appeals Commission. The Chair of the hearing allowed the rapporteur to read out the grounds for the rejection of her claim by OFPRA:

[...] although the applicant confirmed that she left her own country because she belonged to the homosexual social group and was therefore excluded from the educational institution she was attending and was rejected by her family and socio-professional milieu, her assertions concerning her life as a homosexual were concise and non-specific and vague concerning the circumstances of her discovery of her sexual orientation and her family and lacking in credibility regarding the circumstances and the facts relating to her repeated questioning by the authorities [...].

Paris, 28 August 2008 (Extract from the statement read by the rapporteur, Paris, September 2009)

At the end of this statement, the rapporteur expressed a negative opinion, specifying that he was “not convinced” by the claimant’s narrative and arguments. The judge then took over and questioned the claimant. He asked for further detail concerning her narrative. The young woman spoke, retracing the episodes in which she discovered her homosexuality and was interrupted as she was in the middle of describing the “tomboy” side of her personality. The judge then asked what proof she had that she had always been “like a boy”, implying that she had overplayed the tomboy aspect. The young woman burst into tears on hearing this until her lawyer, who was subsequently allowed to speak, produced photos of the claimant as a teenager, dressed as a boy, which had been sent from Cameroon. The chair of the session handed over to the HCR and OFPRA assessors, who questioned the young woman about her connections with associations in Cameroon: “Do you know who Alice Nkom is?”, “Have you heard of Alim Mongache?”. She provided rather vague answers to these questions: “Alice Nkom is a lawyer in Douala who defends homosexuals and I’ve never heard of Alim”.

These exchanges allow us to refine our observations concerning prevailing representations of homosexuality involved in the determination of asylum claims by homosexuals from abroad, in that they are illustrative of interrogations based on categories of current affairs in France relating to homosexuality. One of these normative forms accepted here by the judges is involvement with homosexual associations as a means of affirming identity. Alice Nkom, about whom most asylum-seekers from Cameroon are questioned, is known to the international media and in Cameroon as a campaigner for homosexual rights with the association ADEFHO. However, people whose homosexual life and experience are characterised by discretion are unlikely to be aware of her (Decena 2008). Alim Mongache was a young homosexual, like Alice Nkom, who died after being released from prison in 2006 (Awondo 2010). He was connected to a group of young men detained in prison whose case has never received any public scrutiny outside associative networks. Knowing about him and involvement in the campaigning movement are not therefore grounds on which to base a judgement unless there is a clear desire to disqualify claimants. As was demonstrated by Cynthia Hardy (2003) in a study correlating the processing of asylum claims in Denmark, the United Kingdom and Canada, the claim handling process does not attempt to establish the truth of refugees’ biographical experiences, but to generate statistics which concur with received opinions of “fake” and “genuine” refugees. Although judges must identify membership of a “social group”, the methods employed overlook the fact that even though people may experience comparable and often similar violence in different places, their experience is first and foremost personal. It can be influenced by various anthropological variables such as age, gender, sexual orientation, as well as the cultural context in which they live (UNHCR 2010).

However, OFPRA officers are aware of these difficulties as some of these problems are often clearly presented in collaborative working with associations. One of the special commissions between the Africa Division of OFPRA and ARDHIS was held in February 2011. The chair stated that representatives of associations were seeking “discussions on dealing with cases relating to homosexuality, which require special handling given the sensitivity of the issue”. According to the chair, the meeting went well and representatives of associations felt that some of their arguments had been understood. The chair of ARDHIS stressed:

OFPRA staff recognise the special nature of examining claims relating to homosexuality. It is already difficult generally to prove that you are a genuine refugee.

Although in some cases you may have scars and war wounds or something like that. How can you tell whether somebody is homosexual or not? That's why we suggest that they hold several interviews instead of just one. But they claim they don't have the resources. (Interview, Paris).

However, it is taking time for this collaboration to have an impact on the handling of claims relating to homosexuality, and the possibility of a multi-stage interview, potentially including a psychological assessment, as suggested by some association representatives, would appear to be excluded on the grounds of time and the prohibitive costs for OFPRA and the French government.

In conclusion, it should be stressed that the presence of sexual refugees, or at the very least of people seeking asylum on the basis of their homosexuality is a very real feature of African migration to France. The decision to seek asylum reflects both the increase in violence in certain African countries (Cameroon, Senegal, Uganda) and the contradictions inherent in global asylum policy, which offers a commentary on human rights and to some extent encourages people to pursue this full freedom, whilst paradoxically limiting their freedom of movement.

## References

- Arendt, H. (2002) *Les Origines du totalitarisme. Le totalitarisme*, Paris: Gallimard.
- Awondo, P. (2010). "The politicization of sexuality and rise of homosexual movements in post-colonial Cameroon", *Review of African Political Economy* Vol. 37 (125): 315–328.
- Bayart, J-F. (2011) "La politique Africaine de la France" *Politique Africaine*, (La Tunisie en révolution ?) 121(1), 147-159.
- Benarrosh-Orsoni, N. (2008) "Faire ses preuves. Suspicion et persuasion dans la procédure d'asile", *Terra*, <<http://terra.rezo.net/article556.html>>, accessed 5 August 2011.
- Berg, L. and Millbank, J. (2009) "Constructing the personal narratives of lesbian, gay and bisexual asylum claimants", *Journal of Refugee Studies* 22(2), 195-223.
- Cantù, L. (2009) *The Sexuality of Migration: border crossings and Mexican immigrant men*. Edited by Naples, Nancy and Vidal-Ortiz, Salvador. New York and London: New York University Press.
- Cervulle, M. and R. Rees-Roberts (2010) *Homo Exoticus: Race, classe et critique queer*, Paris: Armand Colin.
- Dauvergne, C. and J. Millbank (2003) "Burdened by proof: how the Australian Refugee Review Tribunal has failed lesbian and gay asylum seekers", *Federal Law Review* 31, 299-342.
- Decena, C. U. (2008) "Tacit subjects", *GLQ: A Journal of Lesbian and Gay Studies*, 14(2-3), 339-359.
- Epprecht, M. (2008) *Heterosexual Africa? The History of an Idea from the Age of Exploration to the Age of Aids*, Ohio: University Press/ University of KwaZulu-Natal Press.
- Fadi, H. (2005) "Punishing masculinity in gay asylum claims", *The Yale Law Journal* 114, 913.
- Fairburn, B. (2005) "Gay rights are human rights: gay asylum seekers in Canada", in B. Epps, V. Keja and B. Johnson (eds), *Passing lines: sexuality and immigration*. Cambridge, MA: David Rockefeller Center for Latin American Studies, Harvard University. 237-252.
- Foucault, M. (1976) *Histoire de la sexualité, I. La volonté de savoir*. Paris : Gallimard.

Hardy, C. [date? 2003?] "Refugee determination – power and resistance in systems of Foucauldian power", *Administration and Society*, 35 (4) September: 462-488.

Jansen, S., T. Spijkerboer (2011) *Fleeing Homophobia. Asylum claims related to sexual orientation and gender identity in Europe*. COC Nederland/ Vrije Universiteit Amsterdam: September

Guide du demandeur d'asile (2008), Paris: La Documentation française.

Grungras, N., L. Rachel, and Slotek, A. (2009) "Unsafe haven: security challenges facing LGBT asylum seekers and refugees in Turkey", *PRAXIS The Fletcher Journal of Human Security*, 14.

Kendall, C. N. (2003) "Lesbian and gay refugees in Australia: now that "acting discreetly" is no longer an option, will equality be forthcoming?" *International Journal of Refugee Law* 15(4), 715.

LaViolette, N. (2009) "Independent human rights documentation and sexual minorities: an ongoing challenge for the Canadian refugee determination process", *International Journal of Human Rights*, 13(2/3): 437-476.

LaViolette, N. "Gender-related refugee claims: expanding the scope of the Canadian guidelines", *International Journal of Refugee Law* 19(2): 180.

LaViolette, N. (1997) "The immutable refugees: sexual orientation in Ward v. Canada", *University of Toronto Faculty of Law Review* 55(1): 1.

Lesourd, S. (1997) "De l'errance à l'exil : Le placement familial", *Psychologie Clinique*, 3 (3): 123-132.

Lesselier C. (2009) "Lesbiennes et droit d'asile en France", paper presented at the workshop "Lesbians, migrations, exiles, racism", Université de Paris 8, 12 December 2009.

Macklin, A. (1998-1999) "Cross-border shopping for ideas: a critical review of United States, Canadian and Australian approaches to gender-related asylum claims", *Geo. Immigr. L. J.* 13-25.

McGhee, D. (2001) "Persecution and social group status: homosexual refugees in the 1990s", *Refugee Studies* 20 (14).

Meister, J. B (1995) "Orientation-based persecution as grounds for refugee status: policy implications and recommendations", *Notre Dame J.L. Ethics & Pub. Pol'y* 275.

Millbank, J. (2009) "Constructing the personal narratives of lesbian, gay, and bisexual asylum claimants", *Journal of Refugee Studies*.

Millbank, J. (2005) "A preoccupation with perversion: the British response to refugee claims on the basis of sexual orientation 1989–2003", *Social & Legal Studies* 14(1): 115.

Millbank, J. (2004) "The role of rights in asylum claims based on sexual orientation," *Human Rights Law Review* 4 (2): 193-228.

Millbank, J. (2003) "Gender, sex and visibility in refugee claims on the basis of sexual orientation", *Geo. Immigr. L.J.* 18-71.

Noiriel, G. (1999) *Réfugiés et sans-papiers, La république face au droit d'asile XIXème – XXème siècle*, Paris: Hachette / Pluriel.

Rehaag, S. (2008) "Patrolling the borders of sexual orientation: bisexual refugee claims in Canada", *McGill Law Journal*: 53-70.

Ricœur, P. (1990) *Soi-même comme un autre*, Seuil: Paris.

Ricœur, P. (1994) *Préface* in *La Condition de l'homme moderne*, Paris: Pocket Agora.

Sardan (de), O. and G. Blundo (2001) "Sémiologie populaire de la corruption", *Politique africaine*, (La Corruption au quotidien) 83(4) : 98-114.

Swink, A. (2006) "Queer refuge: a review of the role of country condition analysis in asylum adjudications for members of sexual minorities", *29 Hastings Int'l & Comp. L. Rev.* 251.

UNHCR (2010) "The Protection of lesbian, gay, bisexual, transgender and intersex asylum-seekers and refugees", discussion paper, prepared for a UNHCR Roundtable on Asylum-

Seekers and Refugees Seeking Protection on Account of their Sexual Orientation and Gender Identity, 30 September – 1 October 2010, Geneva.

Valluy J. (2008) “Du retournement de l’asile (1948-2008) à la xénophobie de gouvernement : construction d’un objet d’étude”, *Cultures&Conflits*, <<http://conflits.revues.org/index10752.htm>>, accessed 17 August 2011.

Valluy J. (2007) “L’accueil étatisé des demandeurs d’asile : de l’enrôlement dans les politiques publiques à l’affaiblissement des mobilisations de soutien aux exilés”, TERRA-Editions, coll. « Esquisses », <<http://terra.rezo.net/article556.html>>, accessed 18 July 2011.

Internet links :

ARDHIS, <[www.ardhis.org/](http://www.ardhis.org/)>, accessed 10 July 2011.

CNDA, <[www.cnda.fr/ta-caa/](http://www.cnda.fr/ta-caa/)>, accessed 10 July 2011.

OFPRA, <[www.ofpra.gouv.fr](http://www.ofpra.gouv.fr)>, accessed 10 July 2011.