universität wien

MASTER THESIS

Titel der Master Thesis / Title of the Master's Thesis

"**Inescapable Victimhood: A Queer(y) into Structures, Agency and Victimhood Amongst Queer Refugees in Nairobi."**

verfasst von / submitted by

James Charnock BSc.

angestrebter akademischer Grad / in partial fulfilment of the requirements for the degree of

Master of Arts (MA)

Wien, 2020 / Vienna 2020

Studienkennzahl lt. Studienblatt / Postgraduate programme code as it appears on the student record sheet:	UA 992 884
Universitätslehrgang lt. Studienblatt / Postgraduate programme as it appears on the student record sheet:	Master of Arts in Human Rights
Betreut von / Supervisor:	Univ.-Prof. Mag. Dr. Elisabeth Holzleithner

Table of Contents

Acknowledgements

There are so many people I would like to thank for the belief that have showed in me, and the gentleness that I have been held with whilst I learn and I grow. Professor Holzleithner and the Vienna Human Rights MA team – thank you for your time, your kindness and your dedication. The knowledge that you have provided me with is an incredible gift. Lili and Eliza thank you for your time and effort in translating the abstract – I certainly never make your lives easy! Thank you to those I'm lucky enough to call my friends and guides, who push me every day to be a better version of yourself. Maddy, thank you for our conversations, and our friendship – your mind and the way you see the world continues to inspire me every day and has shaped who I am. Finally thank you to my family without your unwavering support all of this would be impossible. Mum, you are so very missed but the gentleness you brought into world is still felt to this day.

Acronyms:

AHA: Anti-Homosexuality Act
AHRC: African Human Rights Coalition
CBO: Community-Based Organization
CID: Criminal Investigations Department
DRC: Democratic Republic of Congo
EU: European Union
HIAS: Hebrew Immigration Aid Service
HRAPF: Human Rights Awareness and Promotion Forum
ICJ: International Court of Jurists
ICESCR: International Covenant on Economic, Social and Cultural Rights
IDC: International Detention Coalition
IGAs: Income Generating Activities
ILGA: International Gay, Lesbian, Trans and Intersex Association
JWS: Jesuit World Service
KSH: Kenyan Shillings
LGBT: Lesbian, Gay, Bisexual and Transgender
LGBTI: Lesbian, Gay, Bisexual, Transgender and Intersex
LGBTQ: Lesbian, Gay, Bisexual, Transgender and Queer
MPSG: Membership of a Particular Social Group
NRC: Norwegian Refugee Council
OAU: Organization of African Unity
ORAM: Organization for Refuge, Asylum and Migration
PTSD: Post Traumatic Stress Disorder
RAS: Refugee Affairs Secretariat
RSD: Refugee Status Determination
SGBV: Sexual and Gender Based Violence
SOGI: Sexual Orientation and Gender Identity
SMUG: Sexual Minorities Uganda
UDHR: Universal Declaration of Human Rights
UGX: Ugandan Shillings
UN: United Nations
UNGA: United Nations General Assembly
UNHCR: United Nations High Commissioner for Refugees
USCRI: U.S. Committee for Refugees and Immigrants

1. Kenya: A Hub for Queer Refugees

1.1. Queer[1] Reactive Migration into Kenya

1.1.1. Queer Abuse and Insecurity Across East and Central Africa.

Whilst queer political and social rights have rapidly expanded across the Western world over the last fifty years, 70 countries around the world continue to criminalise consensual same-sex sexual acts, many of which are found in the African continent.[2] Whilst some of these laws may not be actively enforced, their presence legitimises the stigma, discrimination and abuse of sexual and gender minority individuals, and even in states where there are no explicit provisions criminalizing queer sexual behaviour other legal provisions (such as those against *indecency* and *immoral acts*) are utilized to prosecute and convict queer individuals.[3] Whilst the human rights situation of queer individuals has been well documented in Uganda owing to the infamous passing of the Anti-Homosexuality Act (AHA) in 2014, little is known about the lived experiences of queer individuals in other East and Central African countries.

Across East and Central Africa, queer individuals experience flagrant human rights abuses including torture, inhumane and degrading treatment, arbitrary arrest and detention and impeding their rights to life, expression and association.[4] The legal status of queer individuals across the region is *"vague, hostile and criminal".*[5] Private consensual sexual acts between adults of the same sex are criminalized in Burundi (2 years prison sentence), Ethiopia (5 years), Eritrea (7 years), Kenya (14 years), South Sudan (10 years), and Tanzania (life in prison).[6] In Somalia, the death penalty is actively

[1] This thesis will use the terminology queer to refer to persons whose sexual orientation or gender identity differ from norms expected in heterosexual, cis-dominated societies. Commonly referred to as LGBT/LGBTIQ+ - the terminology "queer" is intentionally used to afford inclusivity for those who identify outside the highly Eurocentric notions of L,G,B or T.
[2] International Gay, Lesbian, Trans and Intersex Association (ILGA), *State-Sponsored Homophobia 2019,* Geneva, International Gay Lesbian, Trans and Intersex Association, 2019, p. 15.
[3] ILGA, 2019, p. 15.
[4] See, ILGA, 2019.
[5] ILGA, 2019, p. 88.
[6] See, ILGA, 2019.

enforced against queer individuals through Shari'ah law,[7] and even in Rwanda, the Democratic Republic of Congo (DRC) and Congo Brazzaville, where same-sex sexual acts are not criminalised, discrimination and familial exclusion are rife.[8] Abuse, discrimination and violence across the region are common experiences amongst queer individuals – sexual and gender minorities are often disowned, evicted from housing, lose employment and face institutionalised stigma which bars their access to services including health care.[9] No country in East or Central Africa has anti-discrimination or hate-crime laws providing protection to queer individuals,[10] and police at best fail to exercise due diligence, and at worst harass, arrest and abuse queer individuals.[11] Little is known about the migration profiles of queer migrants internationally, but particularly within the African continent. As a result of human rights abuses across the African continent, it's possible to hypothesise that many are forced to migrate in order to seek safety. This study serves to fill this important research gap.

It is important to acknowledge the gendered dimension of abuse, violence and persecution directed at queer individuals because of their sexual orientation and gender identity (SOGI). Pervasive gender inequalities render lesbians, bisexual and queer women at risk of forced or underage marriage, forced pregnancy and/or rape, often with the intention of denying or "correcting" a woman's queerness.[12] Transgressing social norms of acceptable gendered behaviour is a key motivator of abuse and violence across the African continent,[13] which renders gender non-conforming individuals, and particularly trans*[14] individuals vulnerable to abuse and violence. In order to escape queerphobic targeting, the majority of same-sex practicing individuals adhere to heteronormative social norms to keep a low profile, utilizing apps and the internet to find partners discretely.[15]

---

[7] ILGA, 2019, p. 367.
[8] ILGA, 2019, p. 88.
[9] A. Luft, 2016, p. 2.
[10] ILGA, 2019, p. 88.
[11] A. Luft, 2016, p. 2.
[12] UNHCR, *Guidelines on International Protection No. 9*, UNHCR. 2012, p. 7.
[13] J. Bond, 'Gender and Non-Normative Sex in Sub-Saharan Africa', *Michigan Journal of Gender and Law,* vol. 23, no. 1, 2016, pp. 111, 122.
[14] Trans* here is used here intentionally to be inclusive and reflect the diversity of identities falling within the gender identity spectrum (e.g. trans, genderfluid, non-binary, agender etc.)
[15] A. Luft, 2016, p. 6.

1.1.2. Uganda as a Key Queer Refugee Producing Country in East Africa.

Whilst the abuse of queer individuals and criminalization of consensual same-sex sexual acts is observed across East Africa, Uganda has been called *"the world's worst place to be gay'*.[16] Although there are few statistics related to international queer migration patterns and demographics, statistics available from the UK[17] indicate that Uganda is a key queer refugee producing country internationally, and those from Kenya[18] clearly demonstrate the displacement of large numbers of Ugandan queers into Kenya.

Societal discrimination directed toward queer Ugandans, known locally as *Kuchus,* began growing in the late 1990s,[19] following statements by Prime Minister Museveni who stated *"I have told the CID* [Criminal Investigations Department] *to look for homosexuals, lock them up, and charge them."*[20] Over the next two decades, Ugandan leaders (heavily influenced by the US-based Christian right) focused on "*wiping out gay practices in Uganda"* through the establishment of the National Anti-Gay Task Force, and the enactment of the AHA in 2014.[21] Whilst the AHA dropped the death penalty for consensual same-sex sexual acts that was originally drafted in the Anti-Homosexuality Bill,[22] the AHA criminalised the promotion of homosexuality and created a permissive environment for abuse and violence directed toward queer individuals, who experienced a surge of arbitrary arrests, police abuse and extortion, loss of employment, evictions and

[16] *The World's Worst Place to Be Gay* [online video], Presenter S. Mills, London, UK, BBC, 2011, https://www.youtube.com/watch?v=fV0tS6G8NNU, (accessed May 22 2020).
[17] See, U.K. Home Office, *Asylum Claims on the Basis of Sexual Orientation Experimental Statistics*, London, U.K. Home Office, 2017.
[18] See, Refuge Point, *Disaggregating LGBTIQ Protection Concerns: Experiences of Refugee Communities in Nairobi,* Cambridge, MA, Refuge Point, 2018, p. 8.
[19] Lusimbo R. and A. Bryan, 'Kuchu Resilience and Resistance in Uganda: a History', in N. Nicol, A. Jjuuko, R. Lusimbo, N. J. Mulé, S. Ursel, A. Wahab and P. Waugh (eds.), *Envisioning Global LGBT Human Rights: (Neo)colonialism, NeoLiberalism, Resistance and Hope*, London, University of London School of Advanced Study Human Rights Consortium Institute of Commonwealth Studies, 2018, p. 323.
[20] Outright International, 'Uganda: Arrests of Gay Men Have Begun', *Global Monitor* [web blog], November 1 1999, https://outrightinternational.org/content/uganda-arrests-gay-men-have-begun, (accessed 23 May 2020).
[21] R. Lusimbo and A. Bryan, 2018, pp. 324-325.
[22] R. Lusimbo and A. Bryan, 2018, p. 324.

homelessness.[23] Newspapers printed the names of individuals claimed to be queer, and abuse and violence was reported to have drastically increased, with queer human rights defenders reporting lynching, mob violence, the burning down of homes, kidnap and torture, and four suicides in the four months after the AHA was passed.[24] The severity of persecution faced by the queer Ugandan population resulted in the displacement of modest numbers to Kenya to seek asylum in mid-to-late 2014,[25] and likely resulted in more migrating to other countries, through both asylum and non-asylum migration pathways.

Although the AHA was struck down by the Ugandan Constitutional Court in August 2014,[26] queer individuals continue to face serious human rights violations despite the presence of a strong civil society highlighting abuses and advocating for rights. Today same-sex consensual sex is criminalised under sections 145 and 146 of the Ugandan penal code, which originally only criminalizing acts committed by men was expanded to include women in the Sexual Offenses Bill (2015).[27] Queer individuals are additionally harassed by the State using a variety of SOGI-unspecific legislation, including indecent practices and being idle and disorderly.[28] Laws against personation – the act of falsely representing another individual – are used to harass trans individuals.[29] Queer women continue to face abuse and violence, and are vulnerable to "corrective rape", an act

[23] 'Uganda: Anti-Homosexuality Act's Heavy Toll', *Human Rights Watch,* 14 May 2014, https://www.hrw.org/news/2014/05/14/uganda-anti-homosexuality-acts-heavy-toll (accessed 23 May 2020).
[24] See, Sexual Minorities Uganda (SMUG), *'From Torment to Tyranny, Enhanced Persecution in Uganda Following the Passage of the Anti-Homosexuality Act 2014'*, Kampala, Sexual Minorities Uganda (SMUG), 2014.
[25] Refuge Point, 2018, p. 8.
[26] U.K. Home Office, *Country Policy and Information Note. Uganda: Sexual Orientation and Gender Identity and Expression*, London, U.K. Home Office, 2019, p. 13.
[27] U.K. Home Office, 2019, p. 11.
[28] Human Rights Awareness and Promotion Forum (HRAPF), *Uganda Report of Violations Based on Sexual Orientation and Gender Identity 2016,* Kampala, Human Rights Awareness and Promotion Forum (HRAPF), 2016, pp. 21-24.
[29] Finnish Immigration Service, *Status of LGBTI People in Cameroon, Gambia, Ghana and Uganda,* Helsinki, Finnish Immigration Service, 2015, p. 71.

intended to "cure" a woman of homosexuality.[30] These abuses continue to drive displacement of queer Ugandans both to Kenya and to other countries internationally.

1.1.3. Kenya as a Transit Country for Queer Reactive Migrants.

The right to asylum is enshrined in the 1951 Refugee Convention, which defines a refugee as an individual who has a *well-founded fear of persecution* based on their religion, race, nationality, political opinion or membership of a particular social group (MPSG), which entitles them to international protection as long as they are outside of their country of origin, and their country(/ies) of citizenship are *unable or unwilling* to protect them.[31]Although the Refugee Convention and other international human rights treaties do not explicitly recognise a right to equality based on SOGI, the proscribed non-discrimination grounds of "sex" and "other status" have been widely accepted to encompass SOGI,[32] and the right to seek asylum based on SOGI is considered a well-established principle of international law,[33] as outlined in the non-binding Yogyakarta principles.[34] Since 1981 countries across the West have increasingly recognised queer individuals as prima facie constituting members of a particular social group under international refugee law,[35] and in East Africa Kenya is the only country where individuals are able to gain asylum based on their SOGI.[36]

---

[30] Organization for Refuge, Asylum and Migration (ORAM), *Country of Origin Report: Sexual and Gender Minorities Uganda,* San Francisco, Organization for Refuge, Asylum and Migration (ORAM), 2014, p. 33.
[31] 1951 Refugee Convention, Art. 1; 1969 OAU Convention Governing Aspects of Refugee Problems in Africa, Art. 1; 2006 Kenya Refugees Act, Art. 3.
[32]UNHCR, 2012, pp. 2-3.
[33] UNHCR, 2012, p. 3.
[34] ICJ, *Yogyakarta Principles – Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity,* Geneva, ICJ, 2007; ICJ, *Yogyakarta Principles Plus 10 – Additional Principles and State Obligations on the Application of International Human Rights Law in Relation to Sexual Orientation, Gender identity, Gender Expression and Sex Characteristics to Complement the Yogyakarta Principles,* Geneva, ICJ, 2017.
[35] L. J. Gartner, (In)credibly Queer: Sexuality-Based Asylum in the European Union, in A. Chase (eds), *Transatlantic Perspectives on Diplomacy and Diversity,* New York, Humanity in Action Press, 2015, p. 45.
[36] UK Home Office, *Country Policy and Information Note Kenya: Sexual Orientation and Gender Identity and Expression,* London, UK Home Office, 2020, p. 24.

Kenya hosts 494,649 refugees and asylum seekers hailing predominantly from Somalia, South Sudan, and the DRC.[37] Queer refugees make up a small yet vocal minority within the general refugee population, with roughly 700[38] queer individuals split between urban Nairobi and Kakuma refugee camp in the north of the country regularly making international headlines owing to the protection environment Kenya poses to them.[39] The majority of the queer refugee population are Ugandan (~60%) whilst 40% hail from Burundi, DRC, Ethiopia, Rwanda, Somalia, South Sudan and Yemen.[40]

The passing of the AHA in 2014 marked a turning point for queer refugees being hosted in Kenya, with the initial influx of less than a hundred queer individuals fleeing from Uganda in the weeks immediately following the passing of the AHA growing to roughly 500 in a matter of months.[41] Whilst there are no statistics publicly available on the number of queer refugees and asylum seekers before the influx of Ugandans, it's likely that there were low numbers of queer individuals within general migration groups fleeing general war and violence as seen in the rest of the region (who may or may not have revealed themselves to UNHCR and other service providers).

Queer refugees in Kenya find no safe haven. Abuse, discrimination and violence continue to be directed against queer individuals in Kenya, fuelled by the criminalization of "carnal knowledge against the order of nature" which is interpreted to prohibit consensual same-sex sexual activity between men with a maximum penalty of 14 years imprisonment.[42] Although not enforced under the Kenyan Penal Code, the stigma associated with the criminalization of same-sex sexual acts results in trans individuals and queer women

[37] UNHCR, *Kenya Registered Refugees and Asylum-Seekers* [website], https://www.unhcr.org/ke/wp-content/uploads/sites/2/2020/05/Kenya-Infographics-30-April-2020-1.pdf, (accessed 24 May 2020).
[38] Alight (Formerly American Refugee Committee), *Status Update: COVID-19 & LGBTQ Refugees in Nairobi,* Minneapolis, Alight (Formerly American Refugee Committee), 2020.
[39] See, e.g., D. Wesangula, 'On the Run from Persecution: How Kenya Became a Haven for LGBT Refugees, *The Guardian*, 23 February 2017, 'Gay Refugees Sent Back to 'Homophobic Kenya Camp', BBC News, 20 June 2019, https://www.bbc.co.uk/news/world-africa-48703112 (accessed 24 May 2020); A. Hylton and M. Politzer, 'I Can See You Are Gay; I Will Kill You', New York Times, 19 July 2019, https://www.nytimes.com/2019/07/18/opinion/lgbtq-africa-asylum.html (accessed 24 May 2020).
[40] Alight, 2020, p.1.
[41] Refuge Point, 2018, p. 8.
[42] U.K. Home Office, 2020, pp. 13-14.

facing considerable prejudice and discrimination.[43] Queer refugees living in Kenya find themselves doubly marginalized based on their SOGI and status as refugees, which renders them vulnerable to intersectional abuse along multiple lines of identity. Queer refugees face abuse, violence (both physical and sexual), blackmail and extortion in Kenya and are often unable to approach the police and authorities for protection.[44] Discrimination results in barriers to economic livelihood activities and sustainable safe shelter, which increases the community's vulnerability to sexual and gender-based violence (SGBV). Owing to high levels of poverty, a number of queer individuals undertake survival sex work, which is illegal in Kenya and an activity which queer refuges are rarely able to negotiate with clients.[45] Womxn[46] (and particularly trans* womxn) face additional marginalization on the basis of their sex and gender identity, including a heightened rate of SGBV that may result in pregnancy, which has been seen to cast doubt over their sexual orientation amongst humanitarian and state organizations.[47]

Kenya upholds an encampment policy,[48] demanding all refugees and asylum seekers live in a refugee camp unless their specific needs are deemed to fit exemption criteria which allows refugees the freedom to live in urban settings.[49] Camps pose significant challenges to queer refugees in Kenya, and particularly Ugandan queer refugees, who are immediately intelligible as queer on the basis of their nationality owing to the stability of the country and the visibility the queer Ugandan community have created through extensive advocacy efforts.[50] Kakuma refugee camp in the northeast of Kenya houses a population of roughly 200 queer refugees, predominantly from Uganda, who have widely documented the near daily violence and abuse they face.[51] Whilst it is undoubtable that

[43] U.K. Home Office, 2020, p. 14.
[44] Refuge Point, 2018, pp. 12-18.
[45] Refuge Point, 2018, p. 19.
[46] Womxn here is used to afford inclusivity to non-cis gender womxn, womxn of colour, womxn with disabilities and other marginalized groups, and to remove the linguistic derivation of "woman" from "man".
[47] Refuge Point, 2018, pp. 12-13.
[48] UNHCR, *Kenya: Urban Areas* [website], https://www.unhcr.org/ke/urban-areas, (Accessed 14 May 2020).
[49] UNHCR, *Kenya: Urban Areas* [website], https://www.unhcr.org/ke/urban-areas, (Accessed 14 May 2020).
[50] Refuge Point, 2018, p. 9.
[51] S. R. Notaro, *Marginality and Global LGBT Communities: Conflicts, Civil Rights and Controversy*, Cham, Switzerland, Palgrave Macmillan, 2020, p. 39.

queer refugees are unsafe in Kakuma, queer refugees can face issues being granted authorization to live in Nairobi where they are afforded greater anonymity and thus protection,[52] which has resulted in many self-relocating without government authorisation. Those without urban documents will be unable to access services and assistance in Nairobi.

Coupled with homophobia, queer refugees living in urban Nairobi face high levels of xenophobic abuse in Kenya, owing to numerous terrorist attacks attributed to Al Shabab which have created suspicion and distrust of foreigners and refugees.[53] As a result of the protection concerns faced by queer refugees on the intersectional basis of their SOGI and status as non-nationals, the United Nations High Commissioner for Refugees (UNHCR) deemed that the only durable solution for the community is resettlement to a third-party country.[54]

This insecurity resulting in resettlement has undoubtedly shaped queer migration patterns in East Africa. Immediately following the enactment of the AHA the first wave of queer refugees arriving in 2014 were rapidly resettled to the United States in a matter of months.[55] These individuals spoke on social media of the favourable conditions the Kenyan asylum system provided for queer migrants looking to flee Uganda to the US.[56] In tandem activists from North America and Europe, horrified by the situation in Uganda for queer individuals, encouraged more migration to Kenya, even paying for the movement of some individuals.[57] As a result, Ugandan groups noted a mass "exodus" of individuals leaving Uganda to Kenya, which resulted in the case number of queer individuals sky rocketing.[58] With numbers increasing drastically over a short amount of time, UNHCR and resettlement quotas were overwhelmed, resulting in queer refugees

[52]UNHCR, *Contextual Information and Observations on LGBTI asylum-seekers and refugees in Kenya*, Geneva, UNHCR, 2018, p. 1.
[53] Refuge Point, 2018, p. 8.
[54] UNHCR, 2018, p. 5.
[55] Refuge Point, 2018, p. 8.
[56] Refuge Point, 2018, p. 8.
[57] Refuge Point, 2018, p. 8.
[58] Refuge Point, 2018, p. 8.

spending years in Kenya as opposed to the few months that they had expected.[59] Today the resettlement of queer refugees from Kenya to Europe, North America and Australasia takes on average five years,[60] having been slowed by the drastic reduction in resettlement spaces internationally following the election of President Trump.

1.2. (Re)created Victimhood: Currency and Addressing Agency.

1.2.1. Public Construction of Refugee Victimhood

Well-meaning humanitarian advocacy and Western media have long since mobilized public support and funding for refugee issues utilizing images that depict refugees as *victims* of war, displacement and *"unbearable and hopeless poverty"*, most commonly in a refugee camp in sub-Saharan Africa.[61] Whilst these representations do reflect the lived experiences of poverty and violence that mar the lives of many refugees, the collective (re)creation of refugee *victimhood* in the public consciousness serves to:

(1) Passivize the refugee though depictions of the refugee as a vulnerable body-in-pain,[62] passive and unable to meet their basic needs,[63] and thus dependent on the intervention of others.[64]

(2) Collectivise refugees through depictions of diverse individuals as a statistical percentage, a homogenised mass of unfortunates, where individuals are not distinguishable from one another.[65]

---

[59] Refuge Point, 2018, p. 8.
[60] N. Bhalla, 'U.N. urges calm after protests by LGBT+ refugees in Kenya turn violent', Reuters, 16 May 2019, https://www.reuters.com/article/us-kenya-lgbt-refugees/u-n-urges-calm-after-protests-by-lgbt-refugees-in-kenya-turn-violent-idUSKCN1SM1CC, (accessed May 15th 2020).
[61] S. Bauer-Amin, 'Resisting the Current "Refugee" Discourse: Between Victimisation and Reclaiming Agency', in J. Kohlbacher and L. Schiocchet (eds.), *From Destination to Integration –Afghan, Syrian and Iraqi Refugees in Vienna,* Vienna, Austrian Academy of Sciences Press, 2017, pp. 127-129.
[62] L. Chouliaraki and R. Zaborowski, 'Voice and Community in the 2015 Refugee Crisis: A Content Analysis of News Coverage in Eight European Countries', *The International Communication Gazette,* vol. 79, no. 6-7, 2017, p. 615.
[63] L. Chouliaraki and R. Zaborowski, 2017, p. 615; H. Ghorashi, 'Agents of Change or Passive Victims" The Impact of Welfare States (the Case of the Netherlands) on Refugees', *Journal of Refugee Studies,* vol. 18, no. 2, 2005, p. 186, 194.
[64] S. Bauer-Amin, 2017, p.128
[65] L. Chouliaraki and R. Zaborowski, 2017, p. 615.

Through collectivisation and passivization, refugees are dehumanized to their *bare refugeeness*, [66] (re)creating the refugee as a *suffering object;* the *victim of war and poverty,*[67] whose defining property/identity is reduced to their corporeal vulnerability,[68] regardless of other points of identification. As a result, refugees are stripped of agency, time, place and history,[69] and it becomes inconceivable that individuals have desires, preferences and long-term plans that are capable of informing decision making.[70] Through these means refugees are transformed into 'sub-citizens',[71] and the complexity of their lived experience and decision making is reduced to a unidimensional life of suffering.[72]

The public (re)creation of refugee victimhood is at least in part associated with the securitization of migration,[73] which has created notions of victimhood and threat which function as co-existing categories,[74] that are employed to support the threat/victim paradigm that leaves refugees s*uspended between victimhood and malevolence*.[75] Whether a refugee is located as 'victim' and/or a 'threat' is dependent on racialized and gendered representations of *who is a refugee,*[76] which (re)constructed victimhood through racialized feminine vulnerability and masculine threat.[77]

The power of representational constructions of refugee victimhood in denying refugee agency is clearly observable when looking at migration theory. Many migration theories rest upon the assumption that there is a degree of agency and choice over an individual's decision to move, and selectively exclude refugees from migration theory through the

[66] L. H. Malkki, *Purity in Exile,* Chicago, University of Chicago Press, 1995, pp. 11-12.
[67] S. Bauer-Amin, 2017, pp. 127-128, 130.
[68] L. Chouliaraki and R. Zaborowski, 2017, p. 615.
[69] L. H. Malkki1995, pp. 11-12.
[70] C. Mainwaring, Migrant Agency: Negotiating Borders and Migration Controls', *Migration Studies,* vol. 4, no. 3, 2016, p. 303.
[71] L. Chouliaraki and R. Zaborowski, 2017, p. 615.
[72] C. Mainwaring, 2016, p. 303.
[73] See, H. Gray, 'Refugees as/at Risk: The Gendered and Racialized Underpinnings of Securitization in British Media Narratives', *Security Dialogue,* vol. 50, no. 3, 2019.
[74] H. Gray, 2019, p. 275.
[75] L. Chouliaraki and R. Zaborowski, 2017, p. 617.
[76] H. Gray, 2019, p. 276.
[77] H. Gray, 2019, p. 276.

distinction between agency driven voluntary migration and forced migration, which is considered devoid of agency.[78] As such, forced migration is explained in terms of the political, economic and social factors which forced them to migrate, but does not attribute agency to their migration trajectory and profile.[79] This fails to acknowledge how social actors exercise agency to *'process social experience and to devise ways of coping with life, even under the most extreme forms of coercion',*[80] (re)creating migration and displacement as desperate, void of choice and agency.[81] By framing refugees as vulnerable, risk is relocated as an inherent external danger of harm acting on the vulnerable subject.[82] This homogenizes and over-simplifies the complex structural factors acting on an individual and the techniques they utilize to navigate these structures,[83] centring the individual away from agency and reifying the power of the state to secure borders and control migration.[84] This thesis thus serves as a paradigm shift, challenging and transforming the image of the *passive victim* to *active agent*, capable of assessing, downloading and mitigating the risk they face.[85]

1.2.2. The Currency of Victimhood

The pivotal nature of questions surrounding migrant agency in shaping migration law, policy and academia is highlighted in public and policy discourse surrounding migrants, which cast them as objects of securitised anxieties and fears at either end of the agency spectrum.[86]

Migrants are characterised in public consciousness as either:

---

[78] O. Bakewell, 'Some Reflections on Structure and Agency in Migration Theory', *Journal of Ethnic and Migration Studies,* vol. 36, no. 10, 2010, p. 1690.
[79] O. Bakewell, 2010, p. 1690.
[80] N. Long, *Development Sociology: Actor Perspectives,* London, Routledge, 2001, p. 16.
[81] C. Mainwaring, 2016, p. 302.
[82] M. A. Sibley, 'Owning Risk: Sex Worker Subjectivities and the Reimagining of Vulnerability and Victimhood', *British Journal of Criminology,* vol. 58, no. 6, 2018, p. 1468.
[83] See, M. A. Sibley, 2018, p. 1468.
[84] C. Mainwaring, 2016, p. 291.
[85] See, M. A. Sibley, 2018, p. 1464.
[86] P. Nyers, 'The Politics of Protection in the Anti-Deportation Movement', *Third World Quarterly,* vol. 24, no. 6, 2003, p. 1070; C. Mainwaring, 2016, p. 289.

(1) Bodies with *dangerous* agency: unknowable risky bodies, criminals and potential terrorists.
(2) Bodies with an *immoral agency:* fraudsters, queue jumpers and welfare scroungers.
(3) Bodies with *no agency at all:* refugees, victims of trafficking and forced migrants.[87]

Through these systems of identification and labelling, states have structured systems of inclusion and exclusion based on administrative categories with tiered rights and responsibilities along the main polarity of asylum seeker vs. economic migrant.[88] Public and policy discourse creating representations of migrants as beings of extreme agency (dangerous vs. no) introduce meanings to populations,[89] (re)creating the threat/victim paradigm that leaves migrants s*uspended between victimhood and malevolence*.[90] There is thus considerable pressure on migrants to perform as *"depoliticised suffering subjects incapable of action and necessitating rescue"* in order to avoid being labelled as villains undermining the nation's security, labour market and identity, which leaves them open to securitisation processes including losing rights and deportation.[91]

The downplaying/self-denial of agency is an essential part of the performance of *victimhood*. Demonstrating agency during migration to seek asylum can undermine an individual's victimhood and put their asylum claim at risk,[92] and thus their legal status within a territory. It can therefore be seen that the power of the institutionalisation of victimhood within the asylum system is an important modulator of how asylum seekers articulate their lived experience, and in order to get legal rights and access to services, which is dependent on the administrative category an individual "fits" into, individuals face significant pressure to take on *victim* personas in order to regularise their status.

---

[87] C. Mainwaring, 2016, p. 289; See, P. Nyers, 2003; See, R. Andersson, *Illegality, Inc: Clandestine Migration and the Business of Bordering Europe,* Berkeley, University of California Press, 2014.
[88] P. Nyers, 2003, 1070; E. Luibhéid, 'Sexual Regimes and Migration Controls: Reproducing the Irish Nation-State in Transnational Contexts, *Feminist Review,* no. 83, 2006, p. 69.
[89] S. Bauer-Amin, 2017, p. 129.
[90] L. Chouliaraki and R. Zaborowski, 2017, p. 617.
[91] C. Mainwaring, 2016, p. 289.
[92] C. G. Oxford, 'Protectors and Victims in the Gender Regime of Asylum', *NWSA Journal,* vol. 17, no. 3, 2005, pp. 31-33.

Funding constraints and unmet budgets are nothing new to the humanitarian sector, particularly across the African continent whose humanitarian crises have historically gone unnoticed by public and private donors leaving UNHCR to struggle to support refugees with inadequate resources.[93] Kenya has been hit particularly hard by funding cuts by Western nations; the 2018 UN humanitarian appeal received only $97 Million (USD), a 71% cut from $340 Million in 2017.[94] These funding restrictions have had a drastic impact on the availability and accessibility of services in Nairobi, with HIAS (UNHCR's main protection partner in Nairobi) and other service providers being forced to cut humanitarian stipends and programs that provide lifelines for queer refugees.[95] Queer refugees have been particularly affected by these cuts, resulting in many struggling to meet their basic needs including food and shelter.[96] As a result of these cuts, UNHCR and humanitarian partners are forced to restrict programming and stipends to only the most vulnerable who are identified through a vulnerability assessments.[97] Whilst the logic of this decision cannot be faulted in light of the serious budget cuts humanitarian organizations are observing, it is easy to hypothesise that *victimhood* through the performance of vulnerability gains currency as a method through which refugees can obtain services, which has been observed in settings outside Kenya.[98]

The invocation of victimhood and victim identities can thus be suggested to be a method through which queer refugees can access rights and services to improve their living situation in Nairobi.

---

[93] R. Vayrynen, 'Funding Dilemmas in Refugee Assistance: Political Interests and Institutional Reforms', *International Migration Review,* vol. 35, no. 1, 2001, p. 153.
[94] Norwegian Refugee Council (NRC), *'Kenya, Uganda and Tanzania Shut Refugee Programmes as Europe and the US Reject Migrants'* [web blog], 10 September 2018, https://www.nrc.no/news/2018/september/kenya-uganda-and-tanzania-shut-refugee-programmes-as-europe-and-us-reject-migrants/, (accessed 26 May 2020).
[95] African Human Rights Coalition (AHRC), *'African HRC Advisory on LGBTI Refugee Stipends and Protests in Kenya'* [web blog], 26 February 2020, http://www.africanhrc.org/single-post/2020/02/26/African-HRC-Advisory-on-LGBTI-Refugee-Stipends-and-Protests-in-Kenya, (accessed 26 May 2020).
[96] AHRC, 2020; Women's Refugee Commission, *"We have a Broken Heart": Sexual Violence Against Refugees in Nairobi and Mombasa, Kenya",* New York, Women's Refugee Commission, 2019, p. 3.
[97] See, AHRC, 2020.
[98] P. Hynes, *The Dispersal and Social Exclusion of Asylum Seekers: Between Liminality and Belonging,* Bristol, Policy Press, 2011, p. 189.

2. Methodology.

15 semi-structured interviews were held with fourteen queer identifying asylum seekers and refugees in Nairobi: lesbians (2), gay men (7), a bisexual man (1), trans-women (2), a non-binary individual (1) and a gender fluid individual (1). Interviewees hailed from Congo-Brazzaville (1), DRC (2), Rwanda (1) and Uganda (10). Owing to COVID-19 travel restrictions interviews were held online, via Zoom, WhatsApp or Signal and ranged between 45 minutes and two and a half hours. As a reflection of their work whilst participating in this study, each participant was paid a stipend of $12 which was an amount mutually agreed upon as *fair payment* by the research lead and queer refugee community leaders.

Interviews consisted of a series of open questions structured around (1) The process of coming to Kenya and decision making choosing Kenya, (2) experiences living in Nairobi and tactics used to stay safe, (3) experiences during vulnerability assessments and accessing services, (4) thoughts on how the refugee system should be changed. Interviews were recorded, and prompts were provided where necessary to clarify meaning and follow up on points of interest.

Interviewees were selected by sending out a brief of the research project to queer refugee led community-based organizations (CBOs) in Nairobi, who led outreach efforts into the community. Prior to the interview participants were provided with a document explaining the research interests, aims and intentions, rights of the participant, and I spoke with each interested individual to afford space to ask questions and provide feedback. Research intentions and aims, as well as the rights of the participant were reiterated at the start of each interview. Importantly, participants were stressed to feel no pressure to discuss traumatic or painful events in their current lived experience or history if they did not want to. Five participants chose not to discuss events in their country of origin that necessitated their flight.

Owing to the security concerns associated with queer refugees in Kenya every effort was made to ensure participant protection. A full risk analysis was performed, identifying

risks to participants which highlighted the importance of anonymity. During the pre-interview conversation, each participant was asked to select the name which they wanted to use in the study, and all interviews were recorded and transcribed using pseudonyms. No data that was collected and stored contained personal information that could identify the individual.

Following the interviews audio recordings were manually transcribed verbatim to reflect the speaking style of each individual to preserve tone and meaning as much as possible. Following a first transcription, the quality of the transcriptions was ensured by a full review with the recorded content. Analysis was performed through a series of transcription readings and coding interview content into themes.

(1) General Reading to Identify Key Themes.
(2) Critical Reading to Identify Structural Inhibitors and Enablers of Agency, and Decision Making (Including the Addition of New Themes to the Coding Sheet)
(3) Critical Reading to Examine the Morphogenic Cycle of Victimhood (Re)Creation

In order to examine continuums of proactive/reactive migration I cross-compared four testimonies discussing the events which necessitated flight to Kenya, exploring differential experiences of agency enablement/constraint and decision making. Testimonies were selected based on the richness of content.

Community participation was encouraged at each step of the research process. Having built strong links with the queer refugee community over the last two years owing to my work with a humanitarian agency, community leaders were engaged to discuss the research topic, risks and to obtain their consent for this research project to go ahead whilst the project was being developed. Community leaders reviewed the project summary following the design of the project, and following the analysis of the data, a summary document (written in a simple and concise manner) was sent to interview participants, providing them with the opportunity to give feedback and ensure that the results of this

paper reflect their lived experiences and provide participants with agency in shaping this paper.

3. Academic Background

3.1. Understandings of Agency and Structure in Modern Day Migration

3.1.1. The Structure/Agency Dichotomy

The "problem" of structure and agency is "*the central problem in social and political theory*",[99] questioning how social experience is crafted through the apparent dichotomy between individual free agency and structural causation, which now causes an impasse in the social scientific understanding of the relationship between migration and social change.[100] Underpinning this impasse is the complex relationship between structure and agency, which elicits deep metaphysical debates related to free-will, voluntarism and determinism,[101] and has resulted in theories tending to orientate towards polar ends of the voluntarism/determinism spectrum.[102]

Whilst the deep metaphysical questions have led academics consciously and unconsciously to ignore the agency/structure interaction, the urgency of enquiry into the relationship, particularly in regard to those considered *forced* migrants, couldn't be more obvious. Agency falls central to migration law and policy (at the national and international level) and is such a powerful concept that its presence can deny people deemed *victims* access to legal status, rights and services through the essentialised lack of agency associated with *victimhood*.[103] The result of this is the construction of a false binary dichotomy of agent/victim that is subsequently (re)created by the enactment of international human rights law, state immigration law and policy and further research into migration theory.[104] This study intends to explore the relationship between agency and structure, filling key gaps in research related to *forced* migration, seeking to explore how

[99] W. Carlsnaes, 'The Agent-Structure Problem in Foreign Policy Analysis', *International Studies Quarterly,* vol. 36, no. 3, 1992, p. 245.
[100] O. Bakewell, 2010, p. 1705.
[101] N. Pleasants, 'Free Will, Determinism and the "Problem" of Structure and Agency in the Social Sciences', *Philosophy of the Social Sciences,* vol. 49, no. 1, 2018, pp. 6-7.
[102] O. Bakewell, 2010, p. 1690.
[103] O. Bakewell, 2010, p. 1690.
[104] See, E. Luibhéid, 2006.

structures and agency interact, intending to break apart the false dichotomy of agents/victims to explore more complex understandings of agency and its enablement/constraint in response to structures.

Numerous theories have been developed to explain (largely voluntary) migration – academics spanning the disciplines of economics, geography and demography have focused on the decision making process an actor goes through when deciding to migrate, developing push/pull theories that are widely considered weak and lacking the consideration of structural factors in driving migration.[105] World systems theory on the other hand conceptualises the world as a single capitalist system, providing interesting critiques on the structural factors influencing migration but largely ignoring the agency of individuals in deciding to migrate.[106] This list goes on with a common theme running across theories, and demonstrates that traditional migration theories have: (1) fundamentally failed to account for the interaction of structure and agency, developing theories which fail to represent the complexity of migration, and (2) intentionally excluded the experiences of *forced* migrants, (re)creating their migration experiences as devoid of agency.[107]

It is useful here to pause to define agency and structure, as both words have been used widely across different disciplines often without definition, which has served to confuse and conflate different positions and understandings.[108] I will utilize Sewell's (1992) definition of agency to guide this study: *"To be an agent means to be capable of exerting some degrees of control over the social relations in which one is enmeshed, which in turn implies the ability to transform those social relations to some degree."*[109] Agency is thought to consist of three analytically distinguishable components – the *habitual* component (reactivation of the past patterns of thoughts and actions in routine activity),

[105] K. O'Reilly, *International Migration and Social Theory,* Basingstoke, Palgrave Macmillan, 2012, p. 31.
[106] K. O'Reilly, 2012, p. 33.
[107] O. Bakewell, 2010, pp. 1689-1690.
[108] O. Bakewell, 2010, p. 1694.
[109] W. H. Sewell, 'A Theory of Structure: Duality, Agency and Transformation', *European Journal of Social Theory,* vol. 98, no. 1, 1992, p. 20.

the *projective* component (imaginative generation of actors of possible future actions), and the *practice-evaluative* element (making practical and normative judgements among alternative trajectories of action).[110]

Social structures are harder to provide a definitive definition for but can be thought of as: *"Any recurring pattern of social behaviour; or, more specifically… the ordered interrelationships between the different elements of a social system or society."*[111] These include economic and political relations, legal systems and cultural formations, and are *"created and (re)created by the collective practice of social actors who occupy particular – and changeable - positions in small and larger groups where they enact specific roles whose normative prescriptions they have more or less internalised."*[112] Structures are plural in character, scope, dynamics, rigidity and durability, and this multiplicity creates inherent tensions between different social arrangements which serve to constrain and enable human agency.[113]

From these definitions we can begin to unpick the deep and diverse interconnectedness between social structure and human agency, which seemingly renders them interdependent and alive with dynamic uncertainty. Complicated arrangements of social relations between individuals serve to create organisations and develop behavioural patterns that over time generate characteristics and effects of their own that allow structures to *"take on a significance which is greater than the sum of the parts."*[114] These organizations and behavioural patterns in turn provide a structural vehicle through which individuals are able to act with and against one another by enhancing and constricting their actions through causal influence,[115] in a manner that should be considered as fluid and dynamic owing to the capability of agency to remould and reshape those same

[110] W. Morawska, *Studying International Migration in the Long(er) and Short(er) Dureé*, Oxford, International Migration Institute, 2011, p. 5.
[111] O. Bakewell, 2010, 1695.
[112] W. Morawska, p. 4.
[113] W. Morawska, 2011, p. 5.
[114] O. Bakewell, 2010, 1694; W. Morawska, p. 4.
[115] N. Pleasants, 2018, p. 4; W. H. Sewell, p. 20; P. A. Lewis, 'Agency, Structure and Causality in Political Science: A Comment on Sibeon', *Politics,* vol. 22, no. 1, 2002, p. 20.

structures.[116] As a result, we can think of structures as constantly (re)created - shaped, reproduced and transformed by social practice called structuration, [117] which will be discussed at length later.

3.1.2. Recognising Agency and Multivariate Determinants of Migration.

The clear division of "voluntary" and "involuntary"/"forced" migration within migration theory leaves voluntary movements assumed to result from a combination of "push" and "pull" factors (economic, political, social forces) within a system of structured opportunities and barriers.[118] Conversely, involuntary migration is considered totally devoid of agency – performed at the hands of villainous forces, or necessitated by instant flight in response to war. As a result, traditional research into forced migration has failed to investigate individual decision making and experiences of agency within forced migration trajectories,[119] and forced migrants have been (re)created as victims. This thesis follows Richmond's rejection of the dichotomy between involuntary and voluntary migration, [120] instead recognising that individuals and households *"retain some degrees of agency and can be seen as following some strategy even under the severe duress of immediate threats to their security."*[121] By ascribing individuals with agency, even during times of intense war, threat and persecution, Richmond utilizes structuration theory to explore the role of structures in shaping human agency during migration, and argues that individuals near always have an element of choice, highlighting the importance of external structures and conditions that constrain or enable decisions to be made.[122] As a result, the univariate determinate of forced migration (war, persecution) that is (re)constructed through the unidimensional depiction of refugee *victimhood* is

---

[116] O. Bakewell, 2010, 1695.
[117] O. Bakewell, 2010, p. 1695.
[118] A. H. Richmond, 'Reactive Migration: Sociological Perspectives on Refugee Movements', *Journal of Refugee Studies,* vol. 6, no. 1, 1993, p. 7.
[119] G. F. De Jong, and J. T. Fawcett, 'Motivations for Migration: An Assessment and a Value Expectancy Research Model', in G. F De Jong and R. W. Gardner (eds.), *Migration Decision Making: Multidisciplinary Approaches to Microlevel Studies in Developed And Developing Countries,* London, Pergamon Press, 1981, p. 45.
[120] See, Richmond, 1993; See, A. H. Richmond, 'Sociological Theories of International Migration: The Case of Refugees', *Journal of Refugee Studies,* vol. 6, no. 1, 1988.
[121] O. Bakewell, 2010, p. 1699.
[122] A. H. Richmond, 1993, p. 7; A. H. Richmond, 1988, pp. 20-21.

demonstrated as oversimplified, and we are encouraged to think outside of simple cause and effect relationships to consider multivariate determinants of forced migration.[123]

A multivariate approach to understanding the migration profiles allows us to visualise the structures that enable or limit the degrees of freedom of choice.[124] As such, we transform the refugee from a victim running without agency or choice, to an active agent undertaking decision making to maximize their net advantage in a given situation.[125] It is important to note the power of structural factors that shape the choices available to asylum seekers and refugees, and to move away from presumptions of the *hyperactivity of agency* – overestimating the room for manoeuvre and amount of agency that individuals have.[126]

By recognising the various degrees of autonomy an individual can exhibit when migrating, decisions regarding migration can be thought of more appropriately as on a proactive/reactive continuum depending on the level of agency an exhibited.[127] This continuum structures displacement between two extremes:

(1) Truly Proactive Migration: the decision to migrate is made after slow and careful consideration to increase an individual's net advantage.

(2) Truly Reactive Migration: the decision to migrate is made in panic when faced with a crisis, leaving few alternatives but to escape.[128]

Most migrants (including asylum seekers and refugees) fall between these two extremes, with individuals making decisions to *"diffuse anxiety created by a social system that is failing to provide for the fundamental needs of the individual"*[129] – whether this be toward the political end of the spectrum, because of a lack of due diligence when faced with

[123] See, A. H. Richmond, 1993; A. H. Richmond, 1988.
[124] A. H. Richmond, 1988, pp. 20.
[125] A. H. Richmond, 1988, pp. 20.
[126] O. Bakewell, 2010, p. 1700.
[127] A. H. Richmond, 1988, pp. 20.
[128] A. H. Richmond, 1988, pp. 17.
[129] A. H. Richmond, 1988, pp. 17.

persecution as well as state-enacted persecution, or towards the socio-economic end, whereby people intend to improve their socio-economic status. Applying a multivariate analysis to *"fundamental needs"* allows us to think of the holistic needs of the individual and demonstrates the myth of essentialised univariate factors driving migration in a simple cause/effect relationship.[130] This paradigm shift in the way we view migration allows us to move away from essentialising queer refugee *victimhood*, (re)creating them from passive sub-human *victims* to active rights-holders. As a result, we can explore the process through which decision making is structured, revealing the conditions that make victimhood possible,[131] and the currency of victimhood that encourages people to ascribe victimhood to their migration profile.

3.1.3. Structuration Theory

Anthony Giddens has made a substantial contribution to our understanding of social theory, having developed Structuration Theory over the course of the 1980s and 1990s. Structuration theory seeks to directly address the structure/agency impasse, providing a theory by which both structure and agency coexist, avoiding the essentialised reification of structures observed in deterministic schools of thought, and the isolation of agents from their socio-economic environment (causally) observed in voluntarist theories.[132] Giddens challenged the notion of structures being rigid and beyond the reach of human agency by demonstrating how social institutions co-exist with agency, being shaped, reproduced and transformed by social practice in a process called structuration.[133]

Structuration contends that people *"produce their social systems by employing rules and resources (structures) during interactions (agency), knowingly or unknowingly reproducing these structures via routines and rituals."*[134] This radicalised our understanding of structure and agency, moving them from fixed and independent social

[130] A. H. Richmond, 1993, p. 7.
[131] M. A. Sibley, 2018, p. 1467.
[132] R. Stones, *Structuration Theory,* Basingstoke, Palgrave Macmillan, 2005, p. 14.
[133] O. Bakewell, 2010, p. 1695.
[134] M-A. R. Hardcastle, K. J. Usher and C A. Holmes, 'An Overview of Structuration Theory and its Usefulness for Nursing Research', *Nursing Philosophy,* vol. 6, no. 4, 2005, p. 223.

phenomena to a duality (figure 1),[135] with both structure and agency fundamentally linked and capable of shaping one another: *"a reciprocal relationship where neither structure not action can exist independently."*[136] Structuration theory thus affords us with a theory that explains the enabling and constraining features of social systems and how they shape human decision making and agency, whilst moving away from structural determinism by affording agency and choice to the individual. Importantly, social structures are not static – they are alive and dynamic as a consequence of people's intentional or unintentional actions.[137] As such, structuration theory gives no precedence to the deterministic features of the individual (agency) or the deterministic features of society (structures) – both coexist and shape one another.

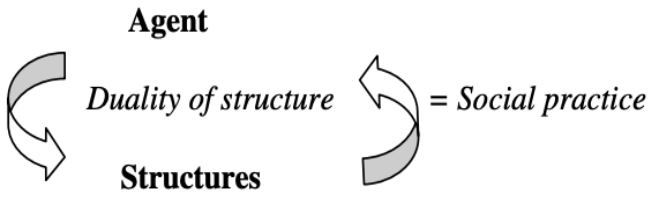

Figure 1: Theory of structuration: agency–structure duality
Source: M-A. R. Hardcastle, K. J. Usher and C.A. Holmes, 2005, p. 224.

The duality of structure and agency thus contends that structures are *'the medium and the outcome of the social practice they recursively organize',*[138] represented in the choices that agents make during social practice.[139] Structures both enable and constrain the action of individuals, and are defined by Giddens as both rules and resources that are embedded in the memory traces of individuals as *knowledgeability,* that shape the actions of agents both consciously and unconsciously.[140] Rules are procedures and formulas for interaction within a social context, which can't always be spoken about but are implicit to human interaction by defining boundaries of expected practice and social order.[141] Resources form an important aspect of structuration theory as people draw on them during action to

[135] Taken from M-A. R. Hardcastle, K. J. Usher and C A. Holmes, 2005, p. 224.
[136] A. Giddens, *The Constitution of Society*, Berkeley and Los Angeles, University of California Press, 1984, p. 25.
[137] M-A. R. Hardcastle, K. J. Usher and C A. Holmes, 2005, p. 224.
[138] A. Giddens, 1984, p. 25.
[139] M-A. R. Hardcastle, K. J. Usher and C A. Holmes, 2005, p. 224.
[140] M-A. R. Hardcastle, K. J. Usher and C A. Holmes, 2005, pp. 226-127.
[141] M-A. R. Hardcastle, K. J. Usher and C A. Holmes, 2005, pp. 226, 230.

increase their agency, which in turn affords them greater power within their social environment.[142] As such, knowledge, resources, and rules are constantly drawn on to guide day-to-day behaviour and are patterned into everyday routines. Whilst individuals are knowledgeable about their conditions and the consequences of their actions, they do not know everything, and the rationalization of actions is performed to influence activities when faced with multiple options.[143]

Additionally, whilst knowledgeability (and thus structure) guides behaviour, it does not determine it – individuals *always have the ability to act otherwise*. Giddens argues that structures are important mediators of action but agency always provides individuals with a choice - *"whilst their action may be constrained, people's agency ensures that they always have some degrees of freedom".*[144] Agency for Giddens is not the intention to act, but instead the '*power to do'*, determined by the access to and application of structural properties (rules & resources) which form the modalities of social control within a given social system.[145] Agents thus aren't forced to act, but instead are influenced or structured into action by cultural conditions (norms and social conduct), and resources/constraints (law and economics),[146] that provide the backdrop for decision-making and agency.

It's clear that Gidden's analysis of the interaction between agency and structure has important ramifications for reflections on power and control and contends that the power of agents and structures are mutually dependent. Power is considered as a productive resource that enables the direction of power in a mutually dependent manner – *"my power over you is to some extent dependent on the power you have over me".*[147] Through this mutual dependency between agent and power structure we are directed to understand power as creating a *dialectic of control* between power structures and agents, whereby alterations in the balance of power over time is signified as alterations in

[142] M-A. R. Hardcastle, K. J. Usher and C A. Holmes, 2005, p. 226.
[143] M-A. R. Hardcastle, K. J. Usher and C A. Holmes, 2005, p. 227.
[144] O. Bakewell, 2010, p. 1695.
[145] M-A. R. Hardcastle, K. J. Usher and C A. Holmes, 2005, p. 226.
[146] P. Carspecken, *Critical Ethnography in Educational Research: A Theoretical and Practical Guide,* New York, Routledge, p. 37.
[147] D. Layder, *Understanding Social Theory,* London, Sage Publications, 1994, p.137.

autonomy/dependency.[148] Structure mediates power relationships through their three dimensions:

(1) Structures (rules) of signification – discursive rules that structure meaning through language, determining what people think.
(2) Structures (rules) of legitimisation – rules relating to social conduct which are interpreted and verbalised as rights and obligations and accompanied by sanctions and rewards.
(3) Structures (resources) of domination – resources can either be allocative (e.g. raw materials, land, technology) or authoritative (communication skills, interpersonal connections, organizing the social landscape).[149]

Resources serve to be the medium through which power is reproduced, allowing individuals and structures to exert power. The access to and control over resources is governed by normative and interpretive structures of signification and legitimisation,[150] allowing power structures to control who has access to resources and thus have greater agency.

3.1.4. Refining Structuration Theory: The Morphogenic Approach

Critical realist critiques of structuration theory were led by Margaret Archer, and centred around three key issues: (1) Giddens does not account for the emergent nature of the powers of structures, amounting to more of the sum of the individuals within them, (2) Giddens over presumes the agency of individuals, and (3) Giddens fails to account for temporal disjuncture – the ability of agency to alter structures in the future.[151]

Archer contests that structures are more than the sum of their parts, visualising them as phenomena which are created through agency, but obtain causal powers which work

[148] A. Giddens, 1984, p. 16.
[149] M-A. R. Hardcastle, K. J. Usher and C A. Holmes, 2005, p. 230.
[150] M-A. R. Hardcastle, K. J. Usher and C A. Holmes, 2005, p. 230.
[151] O. Bakewell, 2010, p. 1696.

independently of the agency which produced them.[152] In other words, the causal powers which structures hold arise from the combination of individuals and the relations that constitute them, and are different from the causal powers of the individuals if they were not organized into these social structures.[153] As a result, structures are recognised as less malleable than described by Giddens, and can be understood to have different causal powers, providing us with a more diverse understanding of structures, operating at different levels – from the global to the local.[154]

Archer highlights the 'hyperactivity of agency' presumed in structuration theory, which positions agency as *always* having the option of being transformative owing to the inherently transformative nature of structures that Giddens describes,[155] over presuming just how much freedom, agency and room for manoeuvre individuals have.[156] As a result, agents are positioned as *always able to act otherwise,* making society volatile instead of malleable because of the possibility of change being inherent in every circumstance of social reproduction.[157]

Finally, whilst Archer does not refute the interdependence of structure and agency, she argues that Giddens fails to acknowledge the temporal dimensions in which structuration occurs, which results in *conflation* – the favouring of either structure or agency by researchers.[158] Archer argues that structure and agency do not operate over the same time periods, demanding that we reflect on how today's agency and the systemic emergence it elicits through social practice carries into "*future time, providing new contexts for subsequent interaction"* by shaping, transforming and replicating structures in their present.[159] Archer bridges the temporal gap she made visible through the process of

---

[152] J. Parker, *Structuration,* Buckingham, Open University Press, 2000, p. 73.
[153] D. Elder-Vass, 'For Emergence: Refining Archer's Account of Social Structure', *Journal for the Theory of Social Behaviour,* vol. 37, no.1, 2007, p. 27.
[154] W. Morawska, p. 6.
[155] M. S. Archer, 'Morphogenesis versus Structuration: On Combining Structure and Action', *The British Journal of Sociology,* vol. 33, no. 4, 1982, pp. 459-460.
[156] M. S. Archer, 1982, p. 460.
[157] A. Giddens, *Central Problems in Social Theory,* Berkeley, University of California Press, 1979, p. 210.
[158] M-A. R. Hardcastle, K. J. Usher and C A. Holmes, 2005, p. 230.
[159] M. S. Archer, 1982, pp. 457-458.

morphogenesis, which demonstrates how social change comes about in a three stage cycle:

(1) Consequences of past actions contribute to structural conditions that have a causal influence over subsequent social interaction.

(2) Although the social interaction is structurally conditioned, it is not determined, as actors have their own agency to decide what to do.

(3) This causes structural elaboration – a process that modifies the previous structural properties and may introduce others.[160]

Archer's account of morphogenesis addresses the hyperactivity of agency by drawing on Luke's (1977, 1974) theory of power, which demands us to consider *"the degrees of freedom within which power can be exercised".*[161] This provides an important limitation on the agency of subjects, demonstrating that the structurally defined limits in which agents operate limit their degrees of freedom and thus their agency, limiting their transformational potential in certain conditions.[162]

Archer's morphogenic approach provides us with a theoretical background that is highly useful for analysing the experiences of migrants, highlighting how structures limit and enable agency both during migration and afterwards, allowing us to explore experiences of enablement and constriction during the migration profiles of queer refugees. Most importantly for research into reactive migration profiles, our approach acknowledges the power of structures which can seriously limit agency and thus we must ensure we do not over assume the amount of agency an asylum seeker has when fleeing. Additionally, morphogenesis provides us with a model which affords for societal structures and human agency to be in a permanent process of (re)creation, with both structure and agency

[160] O. Bakewell, 2010, p. 1696-1697.
[161] M. S. Archer, 1982, pp. 464-465, 481-482.
[162] M. S. Archer, 1982, pp. 464-465, 481-482.

mutually (re)constituting each other over longer periods of time allowing us to explore how refugee victimhood and migration profiles are shaped over time.[163]

This thesis serves to answer the urgent call for research exploring agency during reactive migration, contesting the essentialised image of the refugee victim by exploring the relationship between structure and agency both during migration and in Kenya. This thesis shall explore agency, victimhood and refugee identities in two parts:

(1) Chapter 4 shall explore decision making and agency during migration, challenging univariate depictions of forced migration as desperate, void of choice and agency,[164] revealing multivariate determinates of migration and explore continuums of reactive/proactive migration. I shall highlight key structures enabling and constricting agency during migration, revealing root causes of restricted refugee agency and vulnerability, and explore how queer migration into Kenya shapes future queer migration through the structural elaboration of networks between Kenya and Uganda.

(2) Chapter 5 shall utilize the morphogenic approach to examine the "morphogenic cycle" of victimhood identity (re)creation in Kenya. As with any good morphogenic analysis, I shall map out the structural conditions that causally influence queer refugee and asylum seeker agency in Nairobi, exploring how victim identities are structured and (re)created as part of the refugee experience.

At its heart, this thesis serves to directly challenge the essentialised victimhood of refugees, highlighting decision making and agency which contradict the image of the passive and incapable refugee. Furthermore, I intend to reveal how refugee structures in Kenya position refugees into vulnerability which creates discursive narratives that in turn form the essentialised image of the suffering refugee. Whilst there has been an urgent need to explore the structuration of victimhood in regard to forced migrants, now poses

[163] W. Morawska, 2011, p. 6.
[164] C. Mainwaring, 2016, p. 302.

an interesting time to do so. With the humanitarian system weakened owing to severe funding cuts and cuts to resettlement quotas internationally, it is easy to hypothesise that the image of the suffering refugee takes on a currency in Nairobi, with services and resettlement increasingly being restricted to the most vulnerable. I hope to demonstrate how structural vulnerability, and particularly structured barriers to the right to work in Kenya, position refugees into dependency on humanitarian intervention which supports the politics of humanitarian intervention. At its heart I hope this work demonstrates the radical power of the queer refugee community in Nairobi, and the agency with which they live that lifts them out of the sub-humanness of victimhood.

4. **Exploring Multi-Variate Migration: Continuums of Reactive Migration**

This chapter begins by analysing the testimonies of four queer refugees in Kenya as they recount their story of migrating to Kenya, fleshing out experiences of agency and decision making to reveal and explore continuums of proactive/reactive migration that contest the unidimensional depiction of the refugee victim. These testimonies highlighted important structural enablers and constraints of agency when migrating, which are expanded in the second section of this chapter.

4.1. Continuums of Reactive Migration.

The interviews conducted highlighted a permissive environment for the abuse and harassment of queer individuals in each of the countries of origin examined, and 'outing' was an experience which served as the "push" factor necessitating migration. However, a cross comparison of the ways in which participants articulated the process in which they left their countries of origin reveal differential experiences of decision making and agency, based on the structural forces determining and shaping their migration pathway.

On the heavily reactive end of the continuum, Bill recounts how he was forced to flee following arrest in Uganda after the passage of the AHA:

"I remember the day when I was arrested… I was detained by the police station. On my being released on that day…I didn't have a choice…at the moment I didn't have an idea

because my idea was just to try and stay away from the people who were looking out for me, so I ran away from Kampala then I went to the nearby towns. I thought I would be very far away from the people who were trying to hurt me… though still I didn't feel safe at that time, so when I explained to him [a friend he had run to] *and he knew exactly what had happened to me he seemed to have the idea.. I don't know where he got the idea from, but he told me "leave and just go to Kenya."* [165]

Bill's language is reflective of the desperation and fear that he felt as he *"ran for his life"* closely mirroring Richmond's description of "truly reactive migration".[166] His contemplation over the internal relocation reflects his disbelief that relocation within Uganda would keep him safe, which ultimately led to his entire lack of options except to flee – *"I didn't have a choice"*. Bill goes on to talk about how his friend organized his rapid flight from Uganda to ensure his safety, and his arrival in Nairobi:

"He told me "You go", and I had no choice by then.. I don't know why he didn't think about Rwanda, I don't know why he didn't think about Congo, I didn't know why he didn't think about Sudan… maybe he had some information about what's happening in Kenya, because he didn't tell me... I just had to go because he'd given me transport and organized all the travels for me…. It wasn't an easy journey... I didn't know where I was going, I didn't have anyone that I am going to reach out to receive me… I was running for my life. It's my friend who just organized the transport for me …. He told me that there are people who can help you... try and look for UNHCR, you will be assisted. I'm reaching in Nairobi late on in November 2014. I didn't know where the offices are, and when I got to the bus stop and I asked a Boda-boda [East African motorbike taxi] *guy to take me where the UN is. I reached there at night, I wasn't assisted because it was late in the evening, the offices had closed so I had to sleep over because I had no place to stay and I didn't have money for a lodge, so I slept there and I was assisted the following morning by UNHCR."*[167]

[165] Interview with Bill, Nairobi, 22 May 2020.
[166] A. H. Richmond, 1988, pp. 17.
[167] Interview with Bill, Nairobi, 22 May 2020.

Bill's testimony reveals at his time of migration he did not know why his flight was facilitated specifically to Kenya, the only country in the region that provides refugee status based on a person's SOGI,[168] or have the chance to save money to support his migration to Kenya, or have any information on what to do when he arrived aside from finding UNHCR. Bill's testimony demonstrates the power of networks between Kenya and Uganda, which are capable of facilitating rapid migration when individuals face serious persecution having had their SOGI revealed to state and/or non-state actors. Interestingly, whilst this network was capable of facilitating Bill's rapid passage to safety, it was in part responsible for Bill's lack of agency as it left him migrating rapidly without being involved in decision making and planning.

White, a lesbian woman from Uganda discusses her flight to Kenya following the revelation of her lesbian relationship to her husband:

"I had several girlfriends during my marriage smoothly until the day my husband found out the truth about me, he felt betrayed and so much unbearable anger towards me and my girlfriend which threatened my life. Before he could get away with his plans of handing me over to the police, I decided to run away to my sister's place until I could figure out the gravity and consequences of what had happened. The Ugandan government condemns acts of homosexuality which was a grave threat to my life – even my sister couldn't bear my presence as I was a threat to her life when they found out my whereabouts. That's why I ran out of the country. "[169]

White's migration trajectory was also necessitated by outing and the sudden need to flee. Like Bill she fled to a trusted individual inside Uganda, which provided a short period of time to reflect on the danger that they faced. Similarly to Bill, the demands on White to migrate immediately in order to protect herself and her sister impaired her decision-making capacity. Interestingly, despite the necessity of immediate flight, the lack of

[168] UK Home Office, 2020, p. 24.
[169] Interview with White, Nairobi, 29 May 2020.

network White had available to her necessitated that she was the decision maker about where she was going, giving her stronger experiences of agency than Bill:

"I was just running for my life because my priority was my safety you see?... I decided to move to Kenya because it was nearby and I had even gone through Kenya to Mombasa and it was really friendly to Uganda… Kenya is the easiest regarding to the language – we were colonized by the English so it's better if you know English than going to Rwanda, because in Rwanda you have to be knowing French. So Kenya was the easiest for me, and I felt there I can survive, earn a living.. things would be easier"[170]

The proximity of Kenya to Uganda was appealing to White owing to the urgent necessity of her flight from Uganda, and her previous travel in Kenya provided a feeling of familiarity and safety to her migration pathway, contrasting with the clear fear Bill felt as he migrated without knowing where he was going. The prevalence of English in Kenya motivated migration to Kenya, which she believed would be easier to access and provide greater opportunities. Whilst Whites words demonstrate a limited amount of agency in determining where she fled to, the immediacy of flight necessitated by her 'outing' served to limit her planning processes for when she arrived in Nairobi, mirroring Bill's experiences, and led to her vulnerability when she arrived:

"The time I came, I was in the bus. The person I was seated with… she was Kenyan and … before we reached Nairobi I asked her if she could help me. She told me she could not, but she knows many foreigners they settle in a place called Eastleigh, so, she told me if I reach Nairobi … there I won't fail to get any help because they're foreigners. I did as the lady told me… being a Muslim I went to a mosque. I sat there in the mosque with my children... I waited around… as they are coming for prayers I really had to make a move then before I could lose my mind. I told one of the people there what was my problem… She just announced in the mosque if there were any Ugandans around… they just understood I was Ugandan and I needed someone to help me so it must be a Ugandan so

[170] Interview with White, Nairobi, 29 May 2020.

thank god, two men came up and then they took me up and then they assisted me, they took me to their home, um, I freshened up, I got some food, yeah life started like that."[171]

White and Bill's testimonies reflect heavily reactive migration profiles, characterised by serious protection threats which necessitated rapid migration with little to no planning. Whilst White engaged in limited decision-making during migration that she herself facilitated; Bill was left without agency following the guidance of his friend. As a result of rapid flight without planning, both individuals were vulnerable when they arrived in Nairobi, lacking information about the asylum-seeking process in Kenya and connections that could receive and support them.

These testimonies contrast the experiences of Alpha and Daisy, both gay men from Uganda, who engaged in slower decision-making processes which is indicative that they both expected migration from Uganda to be in their futures owing to structural homophobia. Alpha and Daisy both explored their rights to asylum and utilized their networks to gain advice on what to do when they fled, which allowed them to mitigate much of the vulnerability reported by White and Bill when they arrived in Nairobi.

Daisy's story details a long process of contemplating migration, owing to a feeling of estrangement from his family, friends and community because of his sexual orientation. Here he discusses the heteronormative pressure to marry in society, and how this pressure left him feeling as though he was a failure. His words carry a depth of sadness surrounding his longing to be truly known in his authenticity by his family and friends, which resulted in him feeling as though he didn't belong in Uganda:

"[In Uganda] *there are systems that work against you if you're a gay person... If I had gone through the university, I would have gotten a job and the society would expect me to have a wife. Actually, my mum by now would expect me to have a wife, but for me how I feel I would not, there are those guys who live double lives, but they would have a wife…*

[171] Interview with White, Nairobi, 29 May 2020.

I've watched it with so many people, they're only supposed to have wives, and they treat these women very terribly in the marriages… I wouldn't have a girlfriend or a woman or any wife or kids and for me, my family they wouldn't let me be and that pressure was already building up at home…I never felt growing up that I belong in Uganda, and I felt that even my family never knew the real me, not even my close friends or my childhood friends… So to me I didn't see myself living that life I would see myself as a failure…everyone in Uganda wants to go and be successful and go back to their families, their parents and all but for me I wouldn't do that because I would take boys." [172]

Daisy goes on to describe how the passage of the AHA increased the visibility of queer individuals in Uganda, which increased his feeling of estrangement and danger owing to the environment of suspicion:

"At that time when they passed the anti-gay bill, on the news it was such a familiar thing in our home to watch the news every evening with everyone else. And they would be so homophobic during this news, and they would talk about gay people in a very bad way. And I was just there dying inside… it killed me every evening… .it seemed as though the general public got to come up, or it was such a frenzy that whoever they suspected to be gay... the men who were feminine and the people who were transgender… were treated as if they were targets… You would feel yourself that you were no longer safe... that now that it's all over the news, everyone is talking about it and even your mum suspects you, all your brothers have been suspecting you."[173]

As a result of Daisy's desire to belong and escape structural homophobia, Daisy described how he began exploring how to leave Uganda, including attempting to apply for asylum whilst still inside the country:

"I just felt as though I was trapped at home with no help, with no connection whatsoever…. So for me that made that I am going to leave that [sic]*, and I had started*

[172] Interview with Daisy, Nairobi, 22 May 2020
[173] Interview with Daisy, Nairobi, 22 May 2020

researching about leaving. I even in Uganda had sought asylum… with the Swedish embassy but it was turned down… so I did some research… Kenya was the nearest place to seek asylum from, and also I hadn't known that other countries would have LGBTI cases for refugees, and also because Kenya is so accessible for Ugandans. Basically, out of all the countries Kenya is the most accessible country over the others So, Kenya was very convenient for me, considering the papers I had – the travel papers, the study papers I had." [174]

Whilst planning to leave, Daisy's association with known queer activists in Uganda raised suspicion amongst his family, and it was the abuse he faced from his family in conjunction with the yearning to belong which created the "push" factor which ultimately led to his flight:

"I think that's when my mum started to suspect that I am living another life or a separate life… [There was] *this bar we would go* [to] *every Sunday and I would come back in the morning… So my mum started to investigate and all, and it took several months 'till I brought my boyfriend home, and maybe that was the confirmation – she never really caught us in some sort of sex act or anything, but there were all signs that would tell that.. was something between me and that guy, and she confronted me about it… she started to stop me with people, coming and threatening me, causing like a scene around the place… and causing commotion, abusing people, insulting me and so on and all that… So for me it was a combination of the two: my mum was on my case, and feeling the whole of my life that this was not where I belong, if I can't accept my sexuality, that means they can't accept, and that's the reason I don't even talk to my parents or to my family* [now], *because I know they will never accept me. And for me I feel I will never also go back to that place. I'd rather they do not accept me or see me."*[175]

Unlike White, his pre-planning allowed Daisy to build networks that had experience with seeking asylum in Kenya and being resettled, which provided him with experienced

[174] Interview with Daisy, Nairobi, 22 May 2020
[175] Interview with Daisy, Nairobi, 22 May 2020.

advice about how to migrate. Daisy describes how connections both post-resettlement in the West as well as in Kenya influenced his decision to leave for Kenya, providing him with information about the process of applying for asylum. His Ugandan friends also helped facilitate his movement to Kenya, and provided him with assistance when he arrived:

"It was scary by then, and for me I guess I was so lucky because my friend Andrew[176]*… he's now even resettled in Canada... when it happened* [his mother beginning to harass and abuse him] *he really helped me… He's the one who advised me and he told me that "You know.. you don't need to be here and go through this harassment this mum is taking you through, you just have to go to Kenya", and that's when I started talking to Akiki,*[177] *they had known each other, they were friends… He told me what to do, like the steps and where to get help because that was not the first time or the first case they had handled… he also told me that usually the asylum process in Kenya takes 3 months, 3 to 6 months…. I was lucky they even provided me fare… they gave me the bus fare…. When I met Akiki* [in Nairobi] *he just directed me where the UNHCR is... and he told me just go, and he told me how you need to seek asylum because of your sexuality and because you're feeling unsafe."*[178]

Similarly to Daisy, Alpha describes preparing for migration long before he left, ensuring that he was aware of his rights which provided him with an exit strategy when he decided to leave:

"There's a general misconception that refugees do not actually know the law even prior to them migrating to their second country… I for one, I knew a little bit about migration and migration law and I knew that it was okay for anybody to seek asylum for whatsoever reasons, legal reasons that is, so for me it was actually never a problem for me to you know, migrate to Kenya and seek asylum. So, I actually knew a little bit, I had a good

[176] Name change to ensure anonymity.
[177] Name change to ensure anonymity.
[178] Interview with Daisy, Nairobi, 22 May 2020.

background on migration that's why I never really got a problem…. [I was] *conscious about my rights as an asylum seeker, so it wasn't a problem for me to decide that it was finally time for me to leave home because of the hardships that I faced there."* [179]

Alpha was a successful businessman in Uganda, but he explains how outing resulted in abuse and harassment from state and non-state actors:

"When I left my country I wasn't even doing bad, my businesses were doing just fine and I was actually doing quite well financially… Having had a good business and being financially stable never guaranteed my security as a gay man because sabotage based on sexuality was one thing that I had started to experience. My family eventually found out [that I was gay] *and I was expelled from the clan and then everybody wants to harm you in some way. I was arrested a couple of times, all because of who I am."*[180]

Aware of his rights to asylum in Kenya, Alpha was able to activate his network when faced with persecution, which like Daisy was able to able to support him when he arrived in Nairobi, mitigating the hardship and vulnerability cited by Bill and White when they arrived:

"*I attended high school with a Kenyan friend so he was actually a part of the community so when I decided it was finally time for me to leave and seek asylum elsewhere he was actually the first person that I turned to…I shared with him a little bit about the problems I was experiencing – it was pretty tough back at home, so he was quite open to and willing to receive me and he…actually also knew a little bit about the UNHCR... and he told me that I could come and stay in Kenya for some time… it wasn't even so hard for me to decide because I had a friend in Kenya who had some knowledge about the UNHCR."*[181]

[179] Interview with Alpha, Nairobi, 21 June 2020.
[180] Interview with Alpha, Nairobi, 21 June 2020.
[181] Interview with Alpha, Nairobi, 21 June 2020.

A cross-comparison of these four testimonies reveal individual experiences of agency and decision making before and during the migration process. They stress the reactive nature of migration, with each individual's migration necessitated by 'outing' within their local community, which posed serious protection threats to their physical integrity, damaged livelihoods activities and necessitated flight. Alpha and Daisy's prior research into asylum in Kenya provided them with structural enablers facilitating migration and aided decision making. It should be noted that both Daisy and Alpha were educated and owned land and businesses, demonstrating social class as an important structural factor involved in decision making during the migration process. Interestingly whilst White and Bill both mentioned *running for their lives,* Alpha and Daisy's language was much more controlled and calmer when recollecting their migration to Kenya demonstrating thoughtfulness and careful decision making. These testimonies have demonstrated continuums of reactive migration, and highlighted key structural forces that exhibit causal influence over decision making processes when migrating, which will be expanded on in the following subchapter.

4.2. Decision Making and Structures Affecting Agency.

Following Archer's process of morphogenesis, decision making and agency during the migration process are shaped by the structural conditions that make up an individual's social environment, which exert causal influence over decision making by enabling or constraining action. Across all interviews, participants were seen to have highly reactive migration profiles necessitated by 'outing' in their local community. In line with a morphogenic approach, I will begin by identifying key structures that influence refugee agency and decision making, demonstrating that refugee agency is highly constricted during reactive migration, decision making still takes place. This study identified the following structural enablers and constraints of agency and decision-making during reactive migration to Kenya: (1) Timeline of Flight & the Ability to Plan, (2) Networks, and (3) Economic Resources.

4.2.1. Structural Persecution: Timeline of Flight and the Ability to Plan.

All nine participants who discussed the determinants of their migration experienced 'outing', which necessitated relocation at different speeds, owing violence, abuse and persecution from police in DRC, and Uganda, as well as at the hands of their family in Congo-Brazzaville, DRC, Rwanda, and Uganda. The family were the most commonly cited perpetrators of abuse, violence and persecution, with eight participants stating that they were disowned and abused by their family. Targeting by the police and the family together were cited by three participants, and just by the police in one interview. Owing to the rapid onset of serious threats of abuse and violence observed after individuals were 'outed', participants were observed to make decisions based on the resources they had available to them. Higher levels of agency were observed in the testimonies of those who had time to plan their migration pathway, leveraging information and networks to create longer term plans and reduce vulnerability during and after migration.

Reactive Migration with Little Planning:

Three individuals were observed to have migration profiles that fell on the heavily reactive end of Richmond's continuum, these profiles were characterised by rapid flight with little ability to plan, resulting in vulnerability upon arrival in Nairobi. X, a gay man from DRC and East, a bisexual man from Uganda, explain how they were forced to flee rapidly as a result of being outed as gay:

"From my childhood my country can't accept us, especially my family. So, in 2014 I came in Kenya 'cause I was supposed to killed by police. My own family are the ones who delivered me to the police after I was captured with my boyfriend at my brother's house… When I was in the police car, I managed to give them some amount of money so I could flee.. I ran to my cousin's house, he help me to cross the border... We were living on the border of Uganda and Congo, and I ran to Uganda. In Uganda I was not safe – first they kill gay and lesbians, and secondly my family will come to me, so I decided to cross over to Kenya. I didn't know anyone there, I just ran."[182]

[182] Interview with X, Nairobi, 14 June 2020.

"So, the rumour [of me being bisexual] *spread in the club, they were telling around the community, my family members my colleagues my students, my fellow students even – so I ended up going into exile – I couldn't go back home… no one would help me… they were hunting for me, they put a big prize on the person who finds me. So, things totally went very worse* [sic]*, and I had a big problem that one of my uncles was also in the Ugandan army, so I thought that this guy can still find me across Uganda. I couldn't be safe… I ended up leaving without knowing what to do or where to go… I just ran across to Kenya but I didn't have anywhere to stay, I never knew anyone by then… Yeh so I just ended up on the Nairobi streets… I was just on the streets begging for food you know?"*[183]

These testimonies highlight how homophobia structured migration profiles by impairing individual's abilities to plan their migration pathway, which resulted in increased vulnerability when arriving in Kenya. Additionally, with little time to prepare and save for migration, individuals were left migrating with only the funds that they had available to them, which restricted their migration pathways to the countries within the East African region (discussed later). Rapid flight from countries of origin also prevented individuals from collecting the necessary documents and papers which would support their migration later on:

"Most people lack documentation and qualifications – I find that most people just took off from home, they didn't even plan they just left every other paper behind."[184]

Those who lack documents faced numerous barriers during their migration trajectory, including struggling to cross national borders and to access work opportunities in the country, thus further limiting options available to asylum seekers both during migration and whilst seeking asylum and resettlement in Kenya. Additionally, rapid flight profiles structured migration patterns to Kenya by barring access to visas to further (and more queer-friendly) locations, owing to the long and complicated process of obtaining a visa:

[183] Interview with East, Nairobi, 22 June 2020.
[184] Interview with Daisy, Nairobi, 22 May 2020.

"I never applied for visas to any Western LGBT friendly nations since I never really saw the need to do so since I was financially stable and because it never crossed my mind, but when I fled Uganda there was not enough time to apply for one"[185]

Rapid flight patterns were also observed to prevent individuals from researching their rights under asylum law, which resulted in individuals migrating without knowledge of their rights across East Africa (with Kenya the only country in the region to offer SOGI-based asylum) or knowledge of the process when arriving in Kenya:

"Information is not out there in Uganda, for example me – I didn't even know about refugee law when I was in Uganda, I didn't even know about asylum seekers, so the information is not there. For you, what you're looking at in that moment is "How can I get from this situation?"[186]

Heavily reactive migration can thus be profiled as flight necessitated close to immediately, providing no time to plan, save or prepare.

Reactive Migration with Flight with Planning:

Whilst outing necessitated the flights of all participants to Kenya, participants had different options available to them in their countries of origin that provided them with different capacities to plan and prepare for flight. Planning was observed to be a key mechanism that structurally enabled migration and mitigated risk and vulnerability when arriving in Nairobi. Two interviews with Ugandan queer refugees demonstrated extensive planning prior to migration, which DW explains begins following conversion therapy:

"Usually people have more time to prepare themselves, because it starts with these series of conversion therapy… that happens a lot… if like at all you've been in like expelled from school, the reactions from your parents... usually they can give you a second chance,

[185] Interview with Alpha, Nairobi, 21 June 2020.
[186] Interview with DW, Nairobi, 14 July 2020.

and that's when the conversion therapy comes through…. So those conversion therapies usually someone can learn the warning signs [of when they will be sent to the counsellor], *so then.. that's when they plan to be like "You know what, before this comes through... before the next time I'm being taken to the counsellor or a pastor, I will have gone."*[187]

The use of conversation therapy has been concluded to amount to torture, cruel, inhuman or degrading treatment,[188] and here DW's words identify conversion therapy as a common warning sign which is taken by some community members to begin exploring options of how to leave Uganda. Even after outing, DW reports individuals have some time to prepare and seek advice:

"Maybe there's that family member who is supportive, at that time maybe because they don't actually know, or because they don't even care. So when you get that one cousin, they can keep you safe for a while, and even give you solutions, you know… If you've been working, you know you can maybe save up some money and you go"[189]

The previously analysed testimonies of Alpha and Daisy demonstrated the importance of these safe spaces, allowing individuals to research the options available to them, their rights under asylum law and reach out to networks to ensuring they are supported when arriving in Nairobi, thus mitigating vulnerability. Two individuals used this time to save money which helped further reduce vulnerability in Nairobi:

"What helped me was I had come with some money. When I started thinking about leaving, I made sure to save some small money. That was really helping me out when I was struggling to find work when I first arrived."[190]

[187] Interview with DW, Nairobi, 14 July 2020.
[188] United Nations General Assembly (UNGA), 'Practices of So-Called "Conversion Therapy" - Report of the Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity', 1 May 2020, UN Doc A/HRC/44/53*, p. 15.
[189] Interview with DW, Nairobi, 14 July 2020.
[190] Interview with DW, Nairobi, 25 May 2020.

Networks formed an essential structure through which planning occurred, as well as structurally enabling migration.

4.2.2. Networks

As identified in Chapter 4.1, networks between Uganda and Kenya were observed to be a structure of fundamental importance, structurally enabling migration into Kenya. Networks were reported to be vital in structuring migration profiles by providing information, facilitating migration and providing support in Nairobi for new arrivals.

"My OBs told me – you know what in Kenya, you can have a refugee [sic], *you can go there and you can be hosted like, there's nothing like.. it is okay."*[191]

"[I had] *friends who were already in Kenya by then and were living here so it was easier to connect with them, than going to Tanzania where you don't know anyone or Rwanda where you're not really sure who will host you or who will be against you, so Kenya was easier and it was much easier to travel into, and, the mere fact that the UN main office are also here, are also a general factor that made me leave Uganda for Kenya…. By then I didn't really know about people seeking asylum, I got to know about it the moment I came to Kenya actually. I'd heard about the UN and refugees and all that, I didn't know the process, the content, like much about it really."*[192]

These testimonies, along with those aforementioned testimonies of Bill and Daisy signify the importance of individual networks during the decision-making process to migrate to Kenya, making them as structural enablers of fundamental importance. The presence of strong personal ties between Uganda and Kenya was evident throughout interviews with ten Ugandan participants in this study, which were absent when compared with interviews with French-speaking queer refugees living in Nairobi. Of the Ugandan participants who discussed the decision-making processes that underlay their decision to come to migrate to Kenya, four had personal connections in Nairobi (both Ugandan and Kenya), two had

[191] Interview with Mark, Nairobi, 22 June 2020.
[192] Interview with Cruz, Nairobi, 23 June 2020.

previously visited Nairobi, and three were advised to seek asylum in Kenya by their networks in Uganda. Two participants had their migration facilitated by their networks, receiving payment for transportation costs. These networks and personal connections were key in facilitating decision making and migration, and also provided much needed assistance both before and after migration to Kenya.

Whilst information was a key motivator of migration to Kenya, networks in Nairobi were essential to mitigate risk when arriving in Kenya. Four participants had connections in the city able to support and advise them, whilst five did not know anyone in the city when they arrived, which resulted in them reporting being much more vulnerable when arriving in Nairobi with no support, which resulted in homelessness and sleeping outside UNHCR. The absence of networks supporting French-speaking participants was reflective of a smaller and much less organized French-speaking population in Nairobi, and led to French-speaking participants reporting higher incidents of homelessness and poverty as opposed to Ugandan participants.

4.2.3. Economic Resources

Participants discussed at length how economic resources were a key structural force constraining and enabling the decision-making process during migration, with structural homophobia across East Africa limiting the opportunities available to individuals which seriously limited their decision-making abilities. Participants discussed widespread societal homophobia, and barriers that it creates in respect to education and work, which in turn structured migration patterns. Daisy described how homophobia in Uganda shapes and subjugates the lives of queers from a young age, starting with barriers to education:

"When you're the gay person in the home and if you're not lucky you don't get even to study, they don't prioritise your studies at home, they don't give you school fees. They see you as the other person, so you never get those opportunities to make yourself better... you never get to learn, never get to graduate, never get to learn a skill or something, so it's that.. it's the systematic operation on gay people in Uganda at least. So most people

don't have qualifications, they don't have papers, they don't go to school or other vocational jobs."[193]

Daisy's words reflect the subjugation of gender non-conforming individuals from a young age, who are easily identifiable as queer owing to their gender expression. Familial barriers to accessing education were compounded by homophobia within schools, which is discussed by DW and East. Both individuals were expelled from school owing to their SOGI, a practice which is known to affect many queer Ugandan children.[194]

"I had been expelled from school for being a lesbian. For having, ok maybe if it was just a relationship 'cause there were straight people who had relationships in school and they would just punish them -suspend them from school, come around and do maybe community work and what, but because it was this kind of relationship [queer romantic] *they just expelled me from school and my dad was so pissed at that."*[195]

The exclusion of queer individuals from education by family members and the schools themselves results in queer individuals in Uganda often struggling to access work opportunities later on in life, owing to their lack of qualifications as discussed above by Daisy. Additionally, structural homophobia was a key barrier to accessing work, as described by participants from Rwanda and Uganda:

"You can study but you can't work unless you created your business – no one can give you a job. Most LGBTIs are very poor unless they sell their body."[196]

"Also, financially if you start to maybe get a job and they get to know that you have this life, that you're a gay man, they'll destroy your job. I know men who are in our community, they got to know about their gay life and people would come to even their

[193] Interview with Daisy, Nairobi, 22 May 2020.
[194] N. Pikramenou, *Intersex Rights Living Between Sexes*, Cham, Springer, 2019, p. 91.
[195] Interview with DW, Nairobi, 25 May 2020.
[196] Interview with Christian, Nairobi, 14 June 2020.

shops and burn their shops, throw very bad things at the shop, cause a ruckus and for me that is a jinx your chances at succeeding just because of your sexuality."[197]

DW provided and interesting insight to enrich Daisy's words, highlighting how there are some professions where queer people are accepted in Uganda, which structure queer people, and particularly trans and non-binary people, into specific jobs which are often not paid well:

"We [queers] *have jobs that are expected to us, they think like queer people are supposed to be working in bars, , hotels, like those jobs that, that fall into the hospitality thing yeh? 'Cause you might find in a restaurant you're supposed to put on trousers or in the club no one really cares, so it's more like… the jobs have already been set for us. I can only go and work at night, I can't have a formal job, because for example if I'm a trans woman - they won't allow me to put on my dress if I'm to have a formal job, so eventually I'm going to have to be in salons… They already prescribed jobs for us, and for your own safety you even get to be like – you know what, I can't go to a hospital to ask for a job, I'll just go to a nail salon and ask. That kind don't care. Maybe I'll have to learn some fashion, maybe I'll work in the fashion industry because for them, they don't mind… They'll think that's why – the fashionista! Maybe he's just a cross-dresser, or maybe he's just modelling, just showcasing this, you know? We've learnt like, all of us that's what we're supposed to do. That's where I can work freely, and not have to explain myself."*[198]

Together these systems of economic oppression result in queer individuals who have been outed, as well as those whose gender expression makes them easily discernible as queer, to have limited access to livelihoods, preventing them from saving money and restricting the options they have available to them through: (1) Financial constraints related to the cost of travel, and (2) Accessibility of visas. Additionally, limited opportunities motivated migration to find opportunities outside of the sectors discussed as "queer appropriate".

[197] Interview with Daisy, Nairobi, 22 May 2020.
[198] Interview with DW, Nairobi, 14 July 2020.

Two participants discussed how financial considerations limited their options of which country to flee to, with decision making focusing on distance for money, opportunities, and cultural similarity:

"I was a footballer. We used to visit different kinds of countries, so at first when I came to Kenya when we were on a tour… I felt the love for the country and I just love the way these guys live their way, so what came in my mind at first when this happened was let me just move to Kenya, even according to the amount of money I had with me, it could help me just reach in Kenya."[199]

"With the resources I had Kenya was the furthest. And to me, actually it was the nearest and still the furthest that I could be from family and friends. Yeh, 'cause it was the nearest I could get 'cause then the bus just cost 60,000 UGX that's around 1000 KSH so I could afford that… And then at least I knew in Nairobi.. I thought I would just come and should I say integrate. Just come here take my papers around, find a job and just be there. I didn't think there would be any difference, someone couldn't tell I'm not Kenyan, except when I talk… I had heard from people from East Africa that I could even just come here and get a work permit and you know… just live here. That's what I had in mind."[200]

DW's words demonstrate not only how queer refugees in this study were unable to afford migrating further afield, but also that the lack of money available to them demanded they consider the opportunities for work a country could provide. The language abilities of an individual in regard to the country of asylum they intended to go to were cited by two participants who were carefully considering where they could find the most opportunities to support oneself. With English being Kenya's national language along with Kiswahili, several Ugandan participants cited their preference to migrate to Kenya over other countries:

[199] Interview with East, Nairobi, 22 June 2020.
[200] Interview with DW, Nairobi, 25 May 2020.

"Kenya is the easiest regarding to the language – we were colonized by the English so it's better if you know English than going to Rwanda, because in Rwanda you have to be knowing French so Kenya was the easiest for me, and I felt there I can survive, earn a living.. things would be easier."[201]

These results demonstrate that queers in East Africa face barriers to freely participating in the labour market and risk the collapse of their livelihoods if they are outed. This structures migration by limiting migration to bordering countries owing to the finances available to an individual, and also motivates decision-making by necessitating consideration of the opportunities available whilst seeking protection. Additionally, the financial resources available to an individual structure whether they can undergo 'regular' migration to queer-friendlier Western countries by obtaining visas. DW discusses how class and the financial resources available to rich queers differentially structure their migration patterns:

"If someone was doing so well back [home] *I think they would have ways of going abroad, and not coming to Kenya. And usually even queer people who come from well to do families, they usually have it a bit easier… because the money's there... maybe even the parents send them abroad so that they can take away that shame that comes in society that "Oh my son is gay" and all, so if the family is well off they usually just even take the kid away… But, then with people, when you don't have enough money, you don't even… and visas are actually very expensive, so Kenya is the nearest and furthest."*[202]

DW explains that some of the community members had first tried to apply for a visa to queer-friendly countries in the West, but had been rejected:

[201] Interview with White, Nairobi, 29 May 2020.
[202] Interview with DW, Nairobi, 14 July 2020.

"Some of them [queer people in Uganda] *were like, let me just go and find a job there* [in the West]*, where no one will care if I'm queer. Yeh, and for those who are here in Nairobi they were denied them, and the only way was to go through UN."*[203]

DW's words detail the difficulties non-Westerners have when applying for visas to enter the West, which are a necessary prerequisite to arrive within a territory and claim asylum. Whilst each country has different visa categories and different documentary evidence required for a visa to be granted to an individual, I will use the US as an example to demonstrate the structural barriers for queer individuals to travel to the West, which in turn structures their reactive migration profiles within East Africa. For the US, the non-refundable visa application fee for the adults from each of the countries of origin explored in this study cost $160.[204] Additionally, the application process for the US has an interview process that requests additional documentation to document the purpose for their visit, the intent to depart the US after the trip, and their ability to pay all costs of the trip.[205] The complexity of the application process undoubtedly bars individuals from the African continent from being able to claim asylum in the US.[206] 2018 statistics of US business and tourist "B" visas denial rates reveal 42.3% of Ugandan visas, 44.5% of Rwandan visas, 50.6% of DRC visas and 52.2% of Congo-Brazzaville visas were rejected.[207] It is easy to hypothesise that visas are almost inevitably rejected for those intending to claim asylum in the US, who will likely struggle to demonstrate the purpose of their visit and their intention to return home. Those who have faced the barriers to income generating activities and education that were previously discussed are likely to be

[203] Interview with DW, Nairobi, 14 July 2020.
[204] US Department of State - Bureau of Consular Affairs, *Fees for Visa Services* [website], https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/fees/fees-visa-services.html, (accessed 8 July 2020).
[205] US Department of State - Bureau of Consular Affairs, *Fees for Visa Services* [website], https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/fees/fees-visa-services.html, (accessed 8 July 2020).
[206] See, e.g., S. Levin, 'No African Citizens Granted Visas for African Trade Summit in California', *The Guardian*, 20 March 2017, theguardian.com/us-news/2017/mar/20/no-african-citizens-visas-california-annual-trade-summit (accessed 8 July 2020).
[207] U.S. Department of State, *Adjusted Refusal Rate - B-Visas Only by Nationality Fiscal Year 2018*, Washington D.C., U.S. Department of State, 2018.

unable to pay the application fee, let alone demonstrate their ability to pay all costs associated with their trip.

Economic resources have thus been shown to be an important variable structuring migration patterns amongst queer refugees living in Kenya. The pigeonholing of queer individuals, and particularly those who are gender non-conforming, results in disparities in opportunity and financial resources which limit the migration of queer individuals by: (1) barring access to visas for travel, limiting migration to visa-free travel countries in the vicinity, (2) limiting migration to the local region owing to the cost of travel, and (3) motivating migration for opportunities. This analysis has revealed an important class-based disparity amongst queers from persecutory regions, with those hailing from rich backgrounds capable of migrating outside of the migration system, and even "sent away" by their families to mitigate shame on the family. These results lead us to view the refugee system as one that largely facilitates the protection of poor people, who lack the privilege of migrating into the fortress of the Western world and shows the devastating effects of highly restrictive Western immigration systems.

4.3. Multivariate Desires to Migrate: Opportunity and Belonging.

This study thus far has identified how the persecution of queer individuals structures migration profiles by structuring the timelines of migration and restricting the economic power and thus agency of individuals when migrating. This undoubtedly resulted in migration predominantly in the pursuit of safety, but this study additionally identified the pursuit of a sense of belonging and opportunities unavailable in countries of origin as additional motivational factors driving the migration of queer individuals into Kenya. These results serve to challenge the unidimensional depiction of the *passive suffering life* of the refugee, (re)creating them as multidimensional subjects that have desires, preferences and long-term plans that are capable of informing decision making.

Opportunities:

As previously discussed, interviews demonstrated the complex subjugation of queer individuals across East Africa through violence and a quieter, value-based oppression,

which impaired the 'prosperity' of queer individuals through barriers to education and income generating activities. Whilst we should be clear not to essentialise queer individuals in persecutory environments as all abused and poor, this research has added to the body of country of origin information that attests to the economic subjugation of queer individuals, particularly those who are gender non-conforming or outed as queer. DW's reflections on the structuring of specific jobs, which are poorly paid, suggests a "glass ceiling" for some queer individuals, which structures them into distinct professions and, in Daisy's words, result in them never being able to "prosper". This desire for opportunity, and explicitly opportunities which queer individuals can access whilst being their authentic selves, served as a key motivating factor structuring migration. Whilst all participants in this study that discussed the causes of their migration had their journey necessitated by outing, Daisy discussed the presence of queer individuals seeking asylum in Kenya who are motivated solely by their desire to migrate for opportunities and prosperity:

"I know some people who go back because really nothing really happened.. and yes they are really gay but nothing really happened at their home, they're really okay with their parents and whatever, but they feel as gay people or as themselves they wouldn't prosper very well in Uganda so this is their ticket to go somewhere to better themselves because Uganda, yeh there are systems that work against you if you're a gay person.. you will never prosper you will never be better, especially if you want to live your truth so in Uganda your life is a lie – you live in denial or in hiding so that you prosper, or you live your truth and you be dumped because everything will be working against you."[208]

This testimony demonstrates the importance of the economic dimension of queer persecution and oppression in East Africa in motivating queer migration to Kenya. It highlights the existence of proactive queer migrants in Nairobi, who having reflected on the options available to them have determined the asylum system and process of victimisation as they pathway through which they can increase their net advantage. The

[208] Interview with Daisy, Nairobi, 22 May 2020.

prospect of resettlement was undoubtedly the key motivating factor for these individuals, and interviews revealed highlighted that queer refugees saw resettlement as the only durable solution for the community, and near guaranteed (though slow):

"When we come here we're running for our safety. So I expect the second country here to at least give me protection, at least give me a fair hearing, give me my status as soon as possible so that UN can process my resettlement."[209]

This desire for opportunity went further than just access to equal opportunities for queer individuals within their countries of origin, and exposed frustrations at global inequalities that motivated desires to access greater opportunities in the West through the process of resettlement. Three individuals discussed the prevalence of fraudulent claims for queer asylum and resettlement in Kenya by persons identifying as heterosexual/cisgender/not queer. DW discusses why people are non-queer people are lying to obtain SOGI specific refugee status and resettlement in Kenya

"People are lying because they want a better life, they want to have a good life, they want to go abroad.. they want to have a future which our countries don't give us. The system in African countries, or maybe Kenya and Uganda is fucked up, the opportunities are not for everyone. Hope is very expensive, you know because you fear you are going to get heart broken – I want to go through medical school, yet I'm seeing my other brother not even working, or I'm seeing a Kenyan citizen not even having a job. Why you guys think it's going to be different for me? So, then here there is an opportunity [asylum and resettlement], *one that I like, then the other trend that's coming through.. people calling through their relatives. After someone gets their.. they do their medicals or what, they call their relatives who are suffering back home. They tell her come to Kenya, say you are gay, uh, me, I'll be giving you $50 for your rent, we're going to stay there three to four months, but if you play it right you can spend just three years to go abroad."*

[209] Interview with White, Nairobi, 29 May 2020.

"People connect like their relatives and their families and etc you know, to come during the process and for them to be able to be taken abroad. And when you call these people you don't like orient them or tell them about the process or tell them what they're supposed to do, so most of them find themselves stuck or when they ask questions in interviews they don't have answers to, they give wrong answers."[210]

Social media serves as a key site of creating migration "pull" factors to Western opportunities, allowing the global disparities of wealth and opportunity to be viewed plainly. This was described by Refuge Point in 2018 as a key motivation of queer migration into Kenya after the AHA was passed,[211] and was mentioned by Daisy in this study:

"They have that pressure that they also have to be abroad. They see their siblings and their friends on social media and they're living a better life."[212]

Belonging:

In line with previous research into queer migration,[213] the theme of belonging and homecoming stood out, demonstrating a feeling of a not belonging and not being known in their countries of origin and in Kenya. The stigma directed toward queer individuals along with the very real threat of violent persecution resulted in feelings of estrangement between queer people and their families, their communities and their nation state.

"In Uganda when you are caught practicing homosexuality, you may not even make it to the prison. In most cases you don't make it to prison, because it is an abomination in the whole country. It's like Satan is in you. It's an abomination – you don't belong to anyone, you don't belong to the community, you don't belong to anyone, even if it means your

[210] Interview with Cruz, Nairobi, 23 June 2020.
[211] Refuge Point, 2018, p. 8.
[212] Interview with Daisy, Nairobi, 22 May 2020.
[213] See e.g. A.M. Fortier, 'Coming Home: Queer Migrations and Multiple Evocations of Home', *European Journal of Cultural Studies,* vol. 4, no. 4, 2001.

parents they disown you, everyone doesn't want any association with you, you're just someone who is just dumb so you better rot in jail or better you die."[214]

Whilst White's description of how law, violence and abuse at the hands of the State and non-State actors created feelings on not belonging, DW explained how the structuring of opportunities by societal homophobia led to the feeling of belonging only in small and specific spaces:

"Belonging in society – they've already created smaller societies where we are supposed to be. But you can't just be there and feel like you know what? It's me and I can be anywhere… so society has already like mapped out where we are supposed to belong."[215]

This feeling of not belonging, of not being legitimate and being hated was echoed by Pierre, a gay man from DRC, and Christian, a gay man from Rwanda, demonstrating that homophobia and the feeling of estrangement from nation, community and family is felt amongst queer individuals across East Africa:

"LGBT people are not legitimate people in DRC either in the state or in the population, and anyone who is found are killed. You are imprisoned for what you are, or you are burned by car tires. Others are thrown into Lake Kivu. I was thrown into the lake. My loved ones died."[216]

"LGBTIs really struggle…. They really hate LGBTI in Rwanda, and especially transgender people. Harassment is common if people know. The family will curse you forever and you risk being assaulted. You can study but you can't go to church and you can't work unless you created your business – no one can give you a job. Most LGBTIs are very poor unless they sell their body."[217]

[214] Interview with White, Nairobi, 29 May 2020.
[215] Interview with DW, Nairobi, 14 July 2020.
[216] Interview with Pierre, Nairobi, 2 July 2020.
[217] Interview with Christian, Nairobi, 14 June 2020.

Like DW, Cruz discusses how homophobia and transphobia left her excluded from wider society and yearning for a place where she could live authentically, highlighting the pain that living inauthentically makes you feel:

"What made me claim asylum? Generally the fact that I wasn't safe even from home… you must live a life whereby you have to hide from time to time, and you know not be your true self or live freely like anyone else would…It makes you also feel small you know? Like you feel like you don't belong, you're not wanted, which is also not right, because when people find out that you're trans or LGBTI they tend to distance themselves from you, they'll tend not to associate with you…so it was basically that, made me – you know [claim asylum]*"*[218]

Families were key factors that *othered* queer children and family members, which was highlighted throughout the interviews. Pressures to get married were the most commonly cited form of *othering* that created feelings of not belonging, along with pressures to dress or act a certain way, which was flagged by gender-fluid and trans* participants. Daisy went on to explain how the *othering* that occurred as a result of homophobia in Uganda from your family – those who are supposed to protect you – affected him:

"At that time when they passed the anti-gay bill, on the news it was such a familiar thing in our home to watch the news every evening with everyone else. And they would be so homophobic during this news, and they would talk about gay people in a very bad way. And I was just there dying inside... it killed me every evening…During that period [when the AHA was passed] *it was just too much for me, and I just started not being home. Just got away, you know sleeping with boys, forgetting to come back home, spending days without being home knowing that in the end they were just going to make all these ugly things about gay people or about me, so for me it was…enough was enough for me."*

[218] Interview with Cruz, Nairobi, 23 June 2020.

These interviews demonstrate how homophobia and oppression of queer identities renders individuals across East Africa illegitimate and hated, creating feelings of estrangement and not belonging within a family, community and nation.

4.4. Concluding Reflections on Queer Reactive Migration Profiles to Kenya

The analysis of the migration profiles of queer refugees has demonstrated the existence of continuums of reactive migration, with the migration of all individuals being necessitated by 'outing' in local communities. Whilst migration profiles were heavily reactive, differential experiences of decision making, planning and agency were observed amongst participants, supporting Richmond's assertion that individuals usually "*retain some degrees of agency and can be seen as following some strategy even under the severe duress of immediate threats to their security*".[219]

This study identified three key structural enablers and constrictors of agency and decision-making during migration: (1) Timeline of Flight & the Ability to Plan, (2) Networks, and (3) Economic Resources. These have been demonstrated to exhibit causal influence over migration profiles, structuring the manner in which individuals migrate and their experiences of vulnerability during migration. Structural homophobia was demonstrated to exhibit strong causal influence over queer individuals, shaping migration profiles by demanding rapid migration from countries of origin. Participants demonstrated different timelines of necessitated migration, with rapid flight profiles associated with constrained planning and decision-making abilities, and restricted agency. This study additionally identified the economic oppression of queer individuals in East Africa, which structured migration profiles by limiting the options of where individuals could migrate to, and also motivated migration in search of greater opportunities. Importantly, class-based disparities in queer migration were revealed, signifying the refugee system as a protection system mainly serving poor individuals, with rich queers capable of migrating further, and outside of the asylum system. Finally, testimonies challenged the image of the desperate and passive refugee by contesting

[219] O. Bakewell, 2010, p. 1699.

univariate motivations of migration, demonstrating protection, opportunity and belonging as multi-variate dimensions motivating migration.

Importantly, this study highlighted the importance of networks between Uganda and Kenya provide vital structures through which individuals can migrate to Kenya with a greater amount of agency and mitigate risk associated with arriving in Kenya with no support. With hundreds of individuals migrating between Uganda and Kenya since the passing of the AHA in 2014, networks were observed to be strengthening, owing to increased awareness of the possibility of asylum and resettlement from Kenya:

"Most didn't know about resettlement and asylum in Kenya. For most that was true, but it's different now. I think from last year, like, people have been told you know?... I think its just that.. because of the internet now, everything is online now, and people have the access to the internet….'Cause maybe you see a friend you were with on some pride in Uganda [whilst you're in Kenya]… *and then you know what they're going through. And then you ask them to come through here and apply for asylum. Because you're here you can support them now – help with travel and meet them here, you get? Yeh, but before it wasn't there. Because in Uganda it wasn't even let out... that information."*[220]

This provides us with an insight into the process of structural elaboration of migration networks through patterned migration into Kenya. DWs words demonstrate that as more individuals migrate, the structural power of the community in Kenya grows, directly connecting to more queer people in Uganda and enabling them to migrate. As such, we can identify a morphogenic cycle for the structural elaboration of migration networks:

(1) Consequences of past migration contribute to structural conditions (networks advising and facilitating migration) that have a causal influence (enable migration) over subsequent social interactions (migration from Uganda to Kenya)

[220] Interview with DW, Nairobi, 14 July 2020.

(2) Actors have agency, allowing them to decide where and how to migrate – for many who have fled to Kenya, this was clearly the option which presented the greatest net advantage during decision making.

(3) Owing to the movement of hundreds of Ugandans over the 5 years since the passage of the AHA, structural elaboration has caused reinforcement of the system, which now can be hypothesised to be more appealing owing to: (1) Help facilitating travel, (2) Networks available to receive and support individuals in Kenya, (3) Greater access to information.

Whilst networks were not observed in the small number of interviews with French-speaking participants, the smaller number of queer French-speaking refugees hailing from a variety of countries in the region is highly suggestive that networks exist but are likely to be much smaller and exhibit much less causal influence.

5. Structural Vulnerability and (Re)Creating Victim Identities in Nairobi

Having explored continuums of reactive migration, and structural enablers and constraints of queer reactive migration into Kenya, I shall now explore key structures responsible for constraining refugee agency in Kenya, examining how these structures causally influence social interaction and behaviour and how this structured behaviour serves to position refugees to (re)create victimhood utilising the morphogenic approach.

5.1. Structured Vulnerability of Queer Refugees in Kenya

Interviews with queer refugees living in Nairobi revealed how structural constraints of agency exacerbated the vulnerability queer refugees face in Kenya based on their SOGI, further constricting refugee agency and resulting in decreased degrees of power and a decreased "power to do". As a result of continued structural homophobia in Kenya coupled with barriers to the right to work, refugees in Kenya were rendered vulnerable in Nairobi and dependent on humanitarian intervention. This study observed how the changing nature of structures, owing to slashes to resettlement quotas and funding

restrictions, created a currency of vulnerability amongst refugees, which lays the foundation for the emergence of *structural victimhood.*

5.1.1. Structural Homophobia and Xenophobia in Nairobi

Xenophobia was a frequently discussed topic in interviews. Following the 2013 terrorist attack on the Westgate shopping centre xenophobia has rapidly spread across Kenya, particularly targeting refugees who were inextricably linked to the activities of Al-Shabaab owing to the high number of displaced Somali's living across the country.[221] Participants described how xenophobia shaped their lived experiences in Kenya, creating a general suspicion about why foreigners were living in Kenya. For Ugandans, the absence of war in Uganda led to queer Ugandans being easily recognisable:

"When you don't know that language, even when someone would genuinely help you they decline their assistance because they feel you are a foreigner, They ask you where you come from, you say I'm Ugandan... they say in Uganda there are no wars. Every Ugandan here in Kenya they just know that LGBT... they are all sugas [East African derogatory slang for a queer individual]*"*[222]

Language was a key method by which queer refugees were *othered* and recognised as foreigners, and participants demonstrated low levels of language proficiency in Kiswahili, which resulted in them easily being labelled as foreigners. Participants reported that xenophobic attitudes created a general negative attitude toward all foreigners in Kenya, but queer refugees were particularly discriminated against because of the intersection they face on their national, sexual and gender identities. Xenophobia often attracted attention toward queer refugees by neighbours, which can lead to outing and continued police harassment:

[221] P. D. Williams, 'After Westgate: Opportunities and Challenges in the war Against Al-Shabaab', *International Affairs,* vol. 90, no. 4, 2014, p. 908.
[222] Interview with White, Nairobi, 29 May 2020.

"I never experienced this level of xenophobia in Uganda… here in Kenya it's like people have a lot of reservations… [they believe] *everyone who is a foreigner is up to no good…we are more visible than are the locals* [sic*], even the accents and all that, so if you do something very small it will automatically draw attention and most of the time its attention that you don't need…you know they'll call the police on you … You end up paying money which you don't have… One thing will lead to another and eventually the authorities will be on your door. They'll be like "You! Aren't you terrorists? Aren't you terrorists? What are you doing here? In Uganda there are no laws, what are you doing here?" Once they hear that you're rainbow refugees now they will change everything, they will start targeting you."*[223]

Police harassment based on national, sexual and gender identities were cited as common, with police targeting queer individuals in order to extort money from them. As mentioned by Daisy, safe houses were a common target for police owing to the large number of queer refugees (10-15) choosing to live together to reduce the costs of basic needs. Targeting by the police most commonly necessitated relocation to another part of Nairobi, as police commonly repeatedly target known queer refugee safe houses in order to secure bribes for their release:

"Sometimes if they know you're there they'll keep coming... keep harassing you, arresting you just so they can get money out of you. We tell people not to pay bribes to try and break this cycle, but sometimes you just have to shift your house to get away from them."[224]

Relocation was a common theme cited amongst participants, with individuals moving around Nairobi following being outed in their local community. Relocation incurs big costs for safe houses, as individuals have to pay a deposit as well as one month's rent in order to secure a property in Nairobi. For many, these costs are unaffordable which can leave individuals in unsafe living environments.

[223] Interview with Daisy, Nairobi, 22 May 2020.
[224] Interview with Cruz, Nairobi, 23 June 2020.

Police were cited as common perpetrators of abuse and harassment towards queer refugees, which led to barriers when trying to access police protection and contributed to the permissive environment of abuse and violence described by participants:

"We are vulnerable to abuse because it's not that it's easy for you in case of any assault that you go the police station and state openly that "I've been assaulted because of being gay." You cannot state that openly and police won't listen to you. They won't."[225]

Testimonies of the lived experiences of queer refugees in Kenya highlighted the fear of continued violence and abuse having sought protection in Kenya. At the State level, a permissive environment for violence directed towards queer individuals is created by the continued criminalisation of consensual same-sex sexual activities. This resulted in a general feeling of fragility within Kenya, with participants reporting feeling protracted feelings of insecurity. Prior research has demonstrated abuse and violence was a common experience amongst queer refugees in general, particularly targeting those who are trans*, non-binary and gender non-conforming.[226] The results of this study echoed those of Refuge Point (2018), with all participants reporting that they fear abuse and violence in Nairobi. Three participants cited personal experiences of physical violence whilst in Kenya, yet participants all described incidents of homophobic physical, sexual and verbal violence within the community demonstrating the very real fear held by individuals:

"It's very hard to get security because you know here they even burn the rights of LGBTI you know? There is no security here in Kenya, so we struggle. I can say in the community, not myself, we are struggling. Like me, I have been assaulted 16 times, 16 times… you know I tried to change the place, I go from Kasarani to Kikuyu… but I lost the security you know? That's a very big issue of security in Kenya, so we are facing hard life according to security and even life. "[227]

[225] Interview with Bill, Nairobi, 22 May 2020.
[226] See, Refuge Point, 2018.
[227] Interview with Christian, Nairobi, 14 June 2020.

"Many of my friends, my colleagues… I've been with them here for a long time – many have been raped, others being assaulted, others being beaten to the extent that even you can find them in the hospital bleeding."[228]

Both homophobic and xenophobic attitudes in Kenya undoubtedly render queer refugees vulnerable, and gender expression was a key mediator of vulnerability across the city. Two participants discussed at length how those who are gender non-conforming, with those transgressing gendered expectations of behaviour and at a higher risk of being easily identified as queer.

"Yeh I have been trying my best to try and keep myself safe and keep away from these different kind of troubles, but almost 3 years back I have got a lot of situations in the house due to the transgenders… right now some of them are resettled already in Canada or in US. I've been getting different concerns from the neighbours – this one, maybe he's a gay who walks like lady, he has friends who look like ladies, dress like ladies, so insecurities have been very bad. They can't hide… people know they're LGBT without them saying." [229]

Trans* and non-binary individuals discussed having to be keenly aware of their gender expression, particularly the way they dressed and talked in order to try and keep themselves safe and avoid attracting abuse towards them:

"If you're a trans man and want to move around people don't like it if you dress how you want... they can attack you for it, so you have to put on ladies clothes to move around to ensure you stay safe."[230]

[228] Interview with East, Nairobi, 22 June 2020.
[229] Interview with East, Nairobi, 22 June 2020.
[230] Interview with Cindy, Nairobi, 30 May 2020.

"I understand my vulnerabilities, I still have my no fly zones, no communication, no hanging around, no group walking, no trespassing into this zone, there are some places where I won't open my mouth, because if they hear my male voice – uh uh. For me it's gonna be bad." [231]

Once in Kenya, queer refugees face homophobic abuse not only at the hands of Kenyans, but also face abuse at the hands of fellow refugees, which further marginalizes them from non-queer refugee support systems:

"After registering me at RAS, I went back to UNHCR and that's when I went to transit. I stayed in transit for like 3 months, without anything I was just sleeping, eating and yeh I had to live in transit with other people, but life there wasn't easy because other refugees were screaming things and pointing fingers. Some were calling me "suga" which means a gay person. So they were isolating me.. something like that. For three months that I was in the transit centre.. so outside was really difficult until I got to know the LGBTQ community but they're not in one place."[232]

Alongside abuse and violence, participants discussed how the combination of homophobia and xenophobia directed towards them resulted in structural marginalization, contributing to the high levels of isolation and poverty observed across the community by barring queer refugees from participating in society and particularly the economy:

"Trying to get work here and people know that you're not Kenyan, so imagine someone getting to know that your transgender and a foreigner, and you're trying to get a job here – it's really impossible... even starting your own business, it's really tough you know? It's hard to get enough business to sustain yourself. We normally need help." [233]

[231] Interview with Kay, Nairobi, 21 June 2020.
[232] Interview with Cindy, Nairobi, 30 May 2020.
[233] Interview with Cruz, Nairobi, 23 June 2020.

Cruz's testimony here supports the findings of 2018 research into the efficacy of livelihoods interventions with queer refugees, which found that 66% of participants were able to meet their material needs following assistance setting up livelihoods initiatives in the informal economy owing to the pervasive power of structural homophobia in Kenya.[234]

Additionally, homophobic attitudes held by Kenyan service providers served as barriers to accessing health services, as well as creating barriers during the Refugee Status Determination (RSD) interviews:

"The Kenyan service providers.. health service providers they are not that much sensitised about the LGBT community, which means that they use offensive language, and have refused to treat us before."[235]

"But most of the guys complain about that.. [during RSD] *you have to explain your entire life to someone but you come to understand that the interviewer is maybe not comfortable hearing what you are telling him or her. But since the person has to conduct the interview, do you think that person will conduct the interview to your best interests? The same applies to UNHCR, when they do assessments."*[236]

Structural homophobia and xenophobia thus can be seen to causally influence the lived experience of queer refugees living in Nairobi, rendering queer refugees vulnerable in two different ways:

(1) Structuring abuse, violence and harassment of queer refugees by both state and non-state actors,
(2) Structuring discrimination and value-based judgements that structure queer individuals into poverty and rendering rights and services inaccessible.

[234] Refuge Point, 2018, p. 32.
[235] Interview with Bill, Nairobi, 22 May 2020.
[236] Interview with Nyangas, Nairobi, 25 June 2020.

As a result, queer refugee agency is significantly constricted, rendering queer refugees less capable of exerting control over social relations and their social environment. Police harassment leaves queer refugees vulnerable, and also entails a financial cost associated with bribes and safe house relocation. Additionally, a lack of police due diligence creates a permissive environment for abuse and violence in Kenya at the hands of Kenyans and fellow refugees, further restricting agency by demanding queer refugees tightly control their behaviour and gender expression in order to stay safe. Finally, structural homophobia and xenophobia bar resource access (through work and services) owing to stigma and discrimination, structurally constricting agency. Thus, we can see that structural homophobia and xenophobia in Kenya position refugees to (re)create the image of the refugee victim by structuring them into extreme insecurity, thus positioning them to reaffirm the image of refugee suffering in public consciousness.

5.1.2. Exacerbating Vulnerability: The Right to Work & Structured Dependency

Law and justice are fundamental structures responsible for shaping interrelationships within society, and an analysis of the social situation demands that we look at how refugee law and policy create, maintain and institutionalise different norms in our societies.[237] National and international refugee law is a regime intending to protect asylum seekers and refugees through the coding of a legally constructed administrative category that serves to afford specific rights and responsibilities to those who are deemed to fall under the legal definition of a refugee. I shall argue that refugees face significant barriers when trying to access the right to work which exacerbates queer refugee vulnerability in Kenya by structuring them into poverty and insecurity. As a result, queer refugees have constricted agency, which exacerbates vulnerability and structures them to be dependent on humanitarian intervention.

The Kenyan Immigration Act obliges all non-Kenyans to obtain work permits in order to undertake employment in the formal labour market, which would otherwise be illegal and

[237] D. N. Schiff, 'Socio-Legal Theory: Social Structure and Law', *The Modern Law Review*, vol. 39, no. 3, 1976, pp. 287, 294.

incur penalties against the employer and employee.[238] Refugees are included under this provision and are afforded the right to apply for work permits on the same basis as other non-nationals which is enshrined in the Refugees Act: *"every refugee and member of his family in Kenya shall, in respect of wage-earning employment, be subject to the same restrictions as are imposed on persons who are not citizens of Kenya."*[239] Refugees in Kenya are afforded their own class of permits – class M work permits, which are valid for two years.[240] Applications cost 50.000Ksh, require a recommendation letter from a potential employer, and a letter confirming refugee status,[241] which affords access to the formal labour market only to those who have passed through RSD and been recognised as refugees.

Both refugees and asylum seekers interviewed in this study highlighted extreme structural barriers accessing the formal labour market. Participants reported work permits to be highly inaccessible – no-one interviewed had a work permit, and additionally no participants reported knowing anyone who had been able to successfully apply for one, which supports prior research demonstrating the inaccessibility of work permits for refugees in Kenya.[242] The exact reasoning is unclear for barriers to refugee work permits are unclear, but limitations may be due to the high level of unemployment across Kenya and the high dependence on the informal labour market observed amongst nationals, [243] with bribery in previous studies reported as necessary to obtain permits.[244] Participants proved resigned to inaccessibility of the formal labour market:

[238] Kenyan Citizenship and Immigration Act 2010, Art. 13(2)(f) and (g): A person who not being a citizen of Kenya, engages in any employment, occupation, trade, business or profession, whether or not for profit or reward, without being authorized to do so by an entry permit, or exempted from this provision by regulations made under this Act; or employs any person (whether or not for reward) whom he knows or has reasonable cause to believe is committing an offence under paragraph (f) by engaging in that employment.. shall be guilty of an offence.
[239] Kenyan Refugees Act (2006), Art 16(2)(4).
[240] S. O'Callaghan and G. Sturge, *'Against the Odds: Refugee Integration in Kenya,* London, Overseas Development Institute, 2018, p. 6.
[241] S. O'Callaghan and G. Sturge, 2018, p. 6.
[242] Norwegian Refugee Council, *Recognising Nairobi's Refugees,* Oslo, Norwegian Refugee Council, 2017, p. 31; S. O'Callaghan and G. Sturge, 2018, p. 6.
[243] S. O'Callaghan and G. Sturge, 2018, p. 6.
[244] Norwegian Refugee Council, 2017, p. 31.

"The acquisition of M working permits is by law, by Kenyan law it's a right, a basic right, for every refugee to acquire this permit provided you provide evidence that you know.. you have.. evidence that supports you have an employer that is willing to employ you and stuff like that. It usually turns out to be different, you see that?.. It almost seems like I don't have a right to work here in Kenya."[245]

As a result of structural barriers to the accessing the formal labour market, all participants described supporting themselves by participating in the informal labour market, including farming and raising animals, construction, tailoring, jewellery making, arts and crafts and sex work. Whilst Kenya's informal labour market houses 95% of the country's businesses and entrepreneurs,[246] informal economies are commonly associated with low productivity, poverty, invisibility under labour and social protection legislation and also dependency and increased vulnerability.[247] Refugees working in the informal economy in Nairobi are observed to experience higher levels of poverty than the host community.[248] Participants reported low earnings from their livelihoods activities owing to structural homophobia. As a result, individuals reported high levels of poverty which barred their ability to access basic needs including safe and sustainable housing and food:

"Life in Nairobi is so challenging for LGBTQ refugees, there's no work – there's no formal employment for us and while we can do some small things to raise a little money… we are all facing the same challenges, which mostly is rent and food… it is very hard to sustain ourselves."[249]

Underlying medical conditions were reported to worsen as a result of inadequate nutrition and malnutrition, owing to the barriers to consistent food and safe water, resulting in an overall low quality of both life and health:

---

[245] R. Zetter and H. Ruaudel, *Refugees' Right to Work and Access to Labor Markets - An Assessment*, Washington D.C., Knomad, 2016, p. 102.
[246] The World Bank, *'Informal Enterprises in Kenya'*, Washington DC, The World Bank, 2016, p. 1.
[247] ILO, *Transitioning from the Informal to the Formal Economy*, Geneva, ILO, 2014, p. 9.
[248] UNHCR, *Kenya Comprehensive Refugee Programme 2019-2020*, Geneva, UNHCR, 2019, p. 44.
[249] Interview with Nyangas, Nairobi, 25 June 2020.

"But, from what I see, people who have illnesses, chronic illnesses, and because of the underlying poverty it makes people not being able to feed well, the immunity drops tremendously and people are very susceptible to small illnesses and even transport to clinics and drugs are hard to afford. The water here is really bad… people who don't drink bottled water have problems with their teeth. It really affects the eyes, so it's all about the low quality of life, it all stems from not being able to provide for yourself."[250]

Whilst refugee poverty structured by barriers to the formal labour market resulted in the inability to meet basic needs, it also impaired the ability of queer refugees to protect themselves, which exacerbated the protection concerns they face, and positioned them to engage in negative coping mechanisms in order to survive. Cruz explains how barriers to the labour market limit the degrees of freedom experienced by the community, resulting in sex work being structured as one of the only industries which queer refugees can consistently earn money to ensure their survival:

"In most cases where you stay you find that you're staying with people, there is a time whereby you've looked for jobs all around, you've not got any job, there's rent to be paid, you'll have medical bills probably, you need food to survive you know? You need to eat everyday. When you find yourself at that vulnerable position, and jobless, literally that's one of the most revolting things that anyone would do [do sex work]*, and I've seen many people actually got through that in order to find something to eat, and it's not something that you're proud about or your happy about, but you find yourself just doing it just for the sake of surviving, and sometimes even when you do it you're risking your life but people won't really mind about that, they'll think about their problems that they're facing at the moment you know? If it happens to be the immediate solution, that's what someone will immediately run into."*[251]

Cruz's words reflect the lack of agency that she and others experience in regard to work. Without options for formal employment many in the community are forced to risk

[250] Interview with Nyangas, Nairobi, 25 June 2020.
[251] Interview with Cruz, Nairobi, 23 June 2020.

physical abuse, violence and exploitation in order to be able to eat. East discusses his experiences of engaging in sex work, and the protection issues that he has faced.

"I have been doing sex working [sic] *since I came to Kenya.. that was 2015… So I've been doing sex working* [sic] *till now. But honestly, I've gone through ups and downs in doing sex work, I've been used without getting paid, I've been raped, I have been drugged, abused, I've been blackmailed, getting various different types of diseases."* [252]

Additionally, structural poverty restricts refugee agency in choosing where and how to live, which impairs queer individual's ability to protect themselves, exacerbating their vulnerability. Structural poverty was observed to be a key mitigator of vulnerability, with queer refugees in Nairobi largely living in poor areas such as Rongai or Kibera Slum, where protection concerns, and crime are more likely.[253]

Queer refugees in Kenya thus face significant barriers accessing the formal labour market owing to the inaccessibility of work permits, which is compounded by the discrimination queer individuals experience in the informal labour market, resulting in high levels of structural poverty and the reliance of negative coping mechanisms such as sex work. As a result, queer refugees are forced to live in poor areas rife with protection concerns, and struggle to pay police bribes or the cost of house relocation following protection incidents which were previously discussed. It is clear that structural barriers to both the formal and informal labour markets exacerbate queer refugee vulnerability.

As a result of the structural poverty experienced by queer refugees in Nairobi, participants discussed the impossibility of being self-sufficient and the inevitability of dependency on humanitarian intervention:

"It almost seems like I don't have a right to work here in Kenya… we still have to keep getting donations from donors and yet we cannot achieve the goal of self-sustainability...

[252] Interview with East, Nairobi, 22 June 2020.
[253] Interview with DW, Nairobi, 25 May 2020.

that is like almost impossible right now and if you look at it – yes they still want us to work, but you know then if you cannot provide the support to enable us to work then it definitely becomes very hard for us to… be able to survive out here"[254]

"In these conditions.. without the right to work you are stripped of your independence. You have to depend on someone else."[255]

"I personally am not so educated, but I know I can work as an accountant because I was trained in the camp, so I perfectly know that if I'm allowed to work at my value… If I were not limited, if I could be given the right, if I could be allowed to work, if I could be given the work permit, I would not need HIAS or UNHCR… I work and I take care of myself, sustain myself."[256]

Participants were clearly frustrated when discussing how the manner in which they were structured into dependency, which denied them their agency, but were sadly resigned to their dependency on the humanitarian system as the only sustainable means of survival. Bill discussed how this resulted in a feeling of enslavement:

"UNHCR is in charge here and you don't have any other option. It's the organization that you are under, it registered you, it you know, is looking out for your resettlement. So there are less options… Sometimes you feel like you're enslaved because you have to abide with whatever they say, or sometimes you may not even have a platform to oppose what they say."[257]

Thus, structural homophobia and xenophobia in Nairobi operate in tandem to structural barriers to the right to work in both the formal and informal labour markets, positioning queer refugees into high levels of poverty which exacerbates their vulnerability and reduces the ability to access resources which constricts the options available to them and

[254] R. Zetter and H. Ruaudel, 2016, p. 102.
[255] Interview with Kay, Nairobi, 21 June 2020.
[256] Interview with Nyangas, Nairobi, 25 June 2020.
[257] Interview with Bill, Nairobi, 22 May 2020.

their *power to do*. Importantly, this structured insecurity positions refugees to (re)create the image of the suffering victim by structuring individuals into behaviour associated with victimhood – poverty and insecurity. Following Gidden's reflections on power we can see here how structural constraints on queer refugee agency and resource acquisition result in alterations in the balance of power between State and refugee, characterised by decreased refugee autonomy and high levels of dependency on humanitarian intervention. This analysis thus sheds light on how barriers to the right to work serve to support the politics of humanitarianism, by restricting refugee agency to such a point that dependency on humanitarianism is near inevitable.

5.1.3. Changing Structures: The Currency of Victimhood.

Both Giddens and Archer highlighted the dynamic nature of social structures, and this study examined how changes the international refugee system, particularly in response to funding and resettlement quota cuts, resulted in the changing of causal powers of structures in Nairobi. This study identified that with decreased services and resettlement places, humanitarian refugee structures demonstrated increased reliance on institutional vulnerability assessments, creating a *currency of victimhood.*

Funding Cuts:

Humanitarian organizations across Kenya have faced extensive funding cuts over the last three years, which has caused *"UNHCR and partner*[s] *to revise activities, available resources, and to re-prioritise needs"*.[258] As a result, funding constraints have had a negative impact on the delivery of services across all sectors, including protection and assistance,[259] SGBV,[260] and education,[261] and has resulted in UNHCR describing refugee needs in Kenya as *"overwhelming"* and they *"could not be met".*[262] Specifically for queer refugees in Nairobi, funding constrains have resulted in the cutting of services, including

[258] UNHCR, 2019, p. 11.
[259] UNHCR, *Kenya Comprehensive Refugee Programme 2016,* Geneva, UNHCR, 2016, p. 43.
[260] UNHCR, 2016, p. 33.
[261] UNHCR, 2016, p. 38.
[262] UNHCR, 2016, p. 47.

mental and physical health services, services for survivors of SGBV and livelihoods services specifically for queer refugees.[263]

As a result of funding cuts, queer refugees reported reduced access to services across the board, including health (physical and mental), livelihoods and basic needs assistance, and described being trapped in a perpetual limbo state of limbo when trying to access services and assistance owing to an overall decrease in the number of services available:

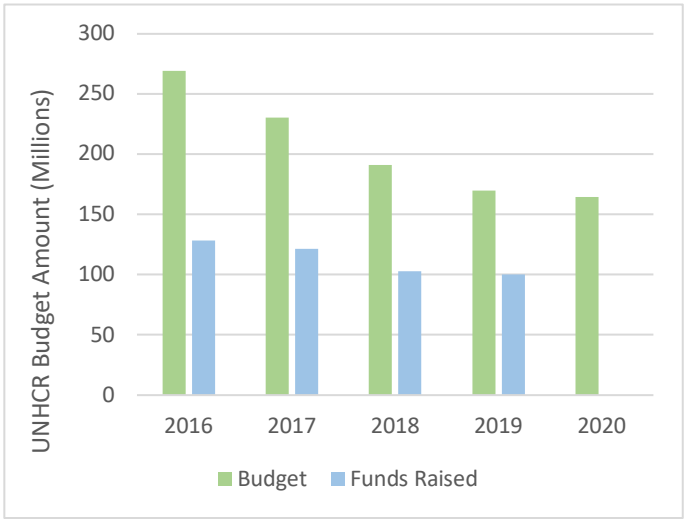

Figure 2: Chart Showing UNHCR Funding 2016-2020. *Source: UNHCR, Global Focus: Kenya* [website], *https://reporting.unhcr.org/node/2537?y=2018#year (Accessed 21 July 2020)*

"When you tell them stuff like I need some assistance, I need some help, everything – they just tell you you either have to wait, or you have to get the appointment, and they don't give you the time when the appointment is going to come, so people are here in Nairobi stranded, or in Kakuma stranded... they can do many things, but they are not given the opportunities"[264]

With high levels of poverty and dependency structured into the refugee experience in Kenya, the effects of funding cuts to the quality of life of queer refugees was drastic. Most notably, funding restrictions ended financial assistance for queer refugees living in Nairobi in 2017, which was funded by UNHCR through HIAS, and provided all queer refugees with a monthly $45 stipend to assist with basic needs. Whilst the stipend was small, it provided a necessary lifeline to individuals in Nairobi, and its discontinuation

[263] Women's Refugee Commission, 2019, pp. 58, 60.
[264] Interview with Kay, Nairobi, 21 June 2020.

was observed to instantly result in high numbers of individuals being unable to meet their basic needs including shelter and housing.[265]

"When the financial assistance ended everything changed. I became vulnerable as I didn't have a source of income. So that only makes you live a very low-quality life, generally, for everyone across the board."[266]

"Suddenly you are with no help, with no one to give you any help financially, no food, no guarantee that if you have ate [sic] *today at lunch you will be having another lunch tomorrow. You are not guaranteed to that, because you don't know if you'll get someone to help you with that food."*[267]

As a result, some queer refugees were forced to return to their countries of origin owing to the extreme levels of suffering they experienced in Kenya:

"The HIAS financial assistance was cut way back in January 2017, you see that life actually became quite unbearable for LGBT refugees and some of them actually even ended up even having to go back home, where they're actually still experiencing much more hardships than they used to back in the day so it's quite unfortunate."[268]

The return of queer individuals to persecutory environments demonstrates the crisis that funding constraints in Kenya have created amongst refugees who are structurally positioned to be dependent on humanitarian assistance. Whilst calls for assistance with basic needs skyrocketed, queer refugees reported that service providers are unable to assist with both basic needs and capital to support businesses and to bolster resilience:

[265] Women's Refugee Commission, 2019, p. 58.
[266] Interview with Daisy, Nairobi, 22 May 2020.
[267] Interview with White, Nairobi, 29 May 2020.
[268] Interview with Kay, Nairobi, 21 June 2020.

"There's someone who doesn't even have what to eat... And because they can't just go to UN and say "I just don't have what to eat" or maybe "I need uh maybe capital to work"... they are not going to work on that."[269]

Whilst participants reported serious restrictions to the humanitarian assistance in Nairobi, financial assistance and services are still being provided to those deemed most vulnerable during vulnerability assessments. With needs high throughout the community, this created a currency of vulnerability that motivated queer refugees to perform victimhood in order to increase their net advantage in Nairobi, by accessing financial assistance and services:

"I've also got to observe here the assessments that are done – how we end up being victimised is because even your case worker will.. for you to be able to get your case to go through… you have to victimise yourself… There're people with legitimate concerns for example if somebody has been working and lost a chicken on the streets and for some reason their stall gets taken away by the city council... they can obviously now not be able to continually survive because whatever they were depending on as an income has been taken away so it becomes very hard for them to survive. So when they go and present such a case to HIAS, HIAS will definitely then have to go through, and for you to be able to receive that support you have to victimise yourself and make the situation look like.. look almost.. impossibly horrible.. you have to make it seem like its very horrible for you, something bad.. maybe being assaulted, so that it makes these case workers feel that… you have to draw a lot of sympathy to be able to receive essential support that should simply be handed out without having to worsen your story or something like that… the fact is, this is something that we've witnessed first-hand, for example myself.. if you're actually in dire need and you do not get to worsen your story, it just turns out that you won't receive the support that you actually desperately need."[270]

[269] Interview with DW, Nairobi, 25 May 2020.
[270] Interview with Alpha, Nairobi, 21 June 2020.

The currency of vulnerability was present throughout all interviews, with participants reporting that if you are not amongst the most vulnerable you would not be able to get assistance from UNHCR or partner organizations. Vulnerability was considered to have currency to increase an individual's accessibility to services and assistance when it entailed protection concerns related to violence, and medical illness:

"It's really very difficult to get assistance from HIAS, even UNHCR unless you have something to show. You have be having a story, and it has to be a strong story. For example you have to be… maybe if you were attacked you have to be with bruises, you have to show you are having bruises for someone to help you. Or if you're evicted from the house. By the way, for you to get assistance... financial assistance from HIAS now, you have to be either you have a disease, you're sick, you have a chronical disease, or you... broken bones something like that, or you have been attacked."[271]

Funding cuts can thus be seen to be having serious effects on the queer refugee community in Nairobi who are structured into dependency on a humanitarian system which is decreasing the services and support it is able to provide. The withdrawal of financial assistance for the majority of queer refugees in Nairobi served as a turning point, further increasing the high levels of poverty. In the light of serious funding restrictions, humanitarian organizations have had to revise activities, available resources, and to re-prioritise needs, which has resulted in restricted programming and the increased reliance on vulnerability assessments to direct limited resources to *the most vulnerable.* Interviews with queer refugees have demonstrated that the reliance on vulnerability assessments has created a currency of vulnerability, which motivates individuals to *perform vulnerability* in order to increase their net advantage by accessing services and support from humanitarian organizations.

[271] Interview with Cindy, Nairobi, 30 May 2020.

Resettlement

Over the last four years resettlement quotas have dropped by 50%,[272] owing to decreases in international resettlement quotas. Prior to the election of president Trump the US was by far the country with the largest resettlement quota internationally, resettling 85,000 refugees from across the non-Western world in 2016[273] – triple that of Canada the second largest resettlement country at that time.[274] Whilst Canada has made efforts to bridge some of the gap created by the US administration's slashing of their resettlement quota, the total number of individuals resettled sits around 60,000 per year, a decrease of 50% over the last three years.[275] As a result, vulnerable individuals are facing protracted periods waiting for resettlement in first countries like Kenya.

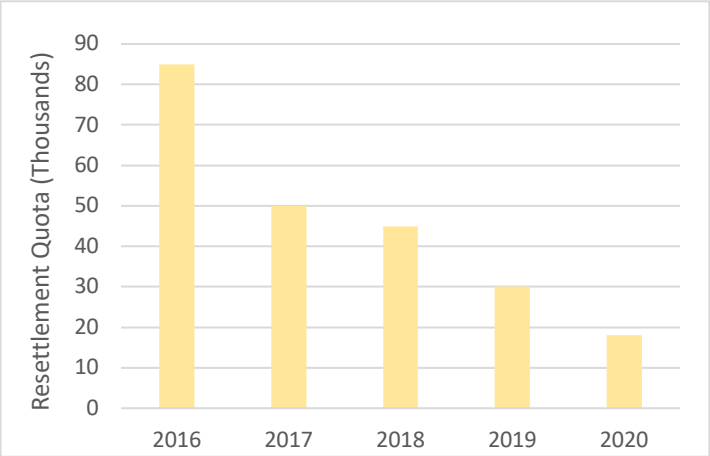

Figure 3: US Resettlement Quotas 2016-2020.
Source: Migration Policy Institute, *U.S. Annual Refugee Resettlement Ceilings and Number of Refugees 1980-Present* [website], *https://www.migrationpolicy.org/programs/data-hub/charts/us-annual-refugee-resettlement-ceilings-and-number-refugees-admitted-united (accessed 21 July 2020)*

[272] UNHCR, *Resettlement Data* [website], https://www.unhcr.org/uk/resettlement-data.html (accessed 21 July 2020).
[273] Migration Policy Institute, *U.S. Annual Refugee Resettlement Ceilings and Number of Refugees 1980-Present* [webpage], https://www.migrationpolicy.org/programs/data-hub/charts/us-annual-refugee-resettlement-ceilings-and-number-refugees-admitted-united (accessed 21 July 2020).
[274] M. Zilio, 'Canada on Track to Welcome More Than 300,000 Immigrants in 2016, *The Canadian Press*, 8 March 2016, https://www.theglobeandmail.com/news/politics/ottawa-seeks-to-bring-more-than-300000-newcomers-this-year/article29069851/, (accessed 11 August 2020).
[275] UNHCR, *Resettlement Data* [website], https://www.unhcr.org/uk/resettlement-data.html (accessed 21 July 2020).

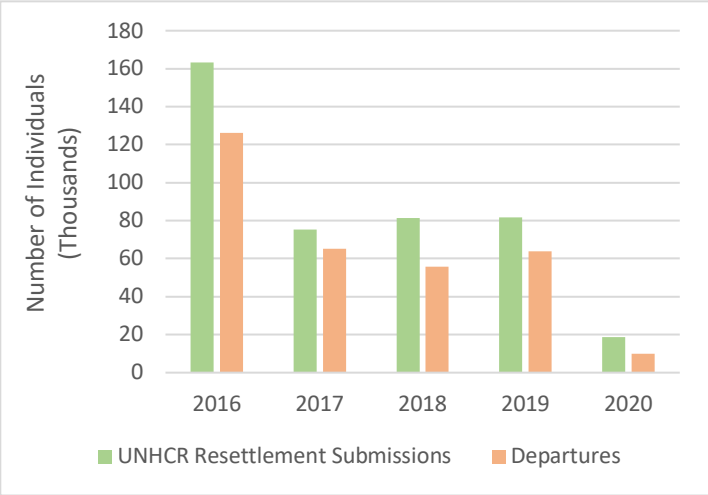

Figure 4: Global resettlement figures by year, disaggregated by number of cases submitted and number of cases departing. *Source: UNHCR, Resettlement Data* [website], UNHCR.org/uk/1951-refugee-convention.html (accessed 28 July 2020)

Prior to 2017, resettlement quotas were already well under projected needs. In 2016 UNHCR estimated 1,150,000 resettlement places were required internationally,[276] and only 11% of that number, 126,291 people,[277] were resettled throughout the year. Today, faced with decreasing resettlement quotas needs have never been higher – UNHCR estimates resettlement is the only durable solution for over 1,440,000 individuals,[278] demonstrating the urgent need for States to drastically increase their quotas. Owing to the extent of the gap between resettlement needs and quota spaces, UNHCR has determined that it will take at least 18 years to meet today's resettlement needs,[279] and UNHCR Kenya has stated that there is a low prospect of being resettled from Kenya.[280]

Increasing time waiting for resettlement was the most common topics raised by participants when discussing life in Kenya. Participants estimated an average wait of five years – half a decade - waiting in Kenya for resettlement:

[276] UNHCR, *Projected Global Resettlement Needs 2016*, Geneva, UNHCR, 2016, p. 12.
[277] UNHCR, *Resettlement Data* [website], https://www.unhcr.org/uk/resettlement-data.html (accessed 21 July 2020).
[278] UNHCR, *Projected Global Resettlement Needs 2020*, Geneva, UNHCR, 2020, p. 9.
[279] UNHCR, 'Gap Between Refugee Resettlement Needs and Opportunities Widens', Press Release, 25 June 2018.
[280] UNHCR, 2019, p. 26.

"In 2017 everything changed. It became a bit difficult - resettlement took longer… the LGBTI weren't given any more priorities like it was before, so the whole system changed abruptly three years ago. So, people take around four, five, six years now even."[281]

The increase in waiting periods for resettlement contrasted the beliefs held by several participants prior to migrating, who were surprised to spend such an extended time in Kenya:

"[I was told] *that usually the asylum process in Kenya takes 3 months, 3 to 6 months, so for me I expected that… I went to UNHCR knowing that I'd be taken to the camp for six months then be resettled… others who came here also believed they would go in six months and when they reach here and it's not 6 months, they wanted to expedite it in any way possible."*[282]

As previously explained, differential levels of research and planning prior to migration meant that not all who migrated to Kenya did so with knowledge about asylum, resettlement and timeline expectations. Regardless, queer refugees today face on average half a decade waiting in Kenya for refugee status and resettlement, structured into poverty and left dependent on a failing system. This is particularly disheartening because of the age of the population. Most queer refugees in Kenya are aged in their late teens or early twenties, an important period for personal and professional growth.

Whilst participants reported frustrations at the length of time that they were left vulnerable in Nairobi with little agency, a key frustration was the lack of transparency about the length of the process which participants reported impaired their agency to plan of the future – both in Kenya and abroad:

"You don't have a say as a refugee or as an asylum seeker… so what I would really do, or what I would recommend.. let them give us a known time frame that.. when you come

[281] Interview with Cruz, Nairobi, 23 June 2020.
[282] Interview with Daisy, Nairobi, 22 May 2020.

here and you seek for asylum you're going to take 2 weeks or one year or ten years before you come for assessment… even doing eligibility. Even doing eligibility for assessment, this is the limited time we give you.. it doesn't matter.. ten years or twenty years, and then you know what you have to do, but if they don't tell you now I'm in suspense, I don't know what I think, like… I don't know what I have to do."[283]

The lack of transparency within the timeline and process of resettlement impaired participants' abilities to plan for the future, further restricting individual agency, and exacerbating feelings of dependency and passivity, stuck in a constant state of waiting:

"A refugee is someone, I would say, is someone who has to sit there and wait. And be told, this is what you have to do, this is your right, you can't cross this, wait there until you attain… you get a resettlement country, but during that period, whatever goes on it's not your own doing.. you don't like.. whatever is going on in your life, everything is just inflicted on you, and you must accept whatever goes on in that process." [284]

With the process of resettlement highly opaque, with few updates about the status of their case, an inability to have a say in where you are resettled, participants reported confusion and frustration at cases moving at different speeds:

"It's actually quite the opposite because even for example to receive resettlement, it would be very very unfair to say that.. you know.. somebody who came for example in 2014 has had.. and uh they've actually been assaulted or brutalised in a certain way.. raped.. because this the reality of queer refugees, this is the reality of the life that we live. You know? They haven't... they're not being called for resettlement, but then somebody who came for example in 2018 you know has hardly had any kind of security issues they get to be called for resettlement." [285]

[283] Interview with Mark, Nairobi, 22 June 2020.
[284] Interview with White, Nairobi, 29 May 2020.
[285] R. Zetter and H. Ruaudel, 2016, p. 102.

Once again, vulnerability assessments utilized by UNHCR partners charged with referring resettlement cases to UNHCR were observed to create a currency of vulnerability, resulting in individuals moving at different times based on their vulnerability. Again, this currency of vulnerability was observed to be centred around physical vulnerability:

"There are things which like, put pressure on your file. The assaults, the arrests, all that, you get? The assaults and the bullying from the Kenyan community, you are beaten to death, you are stabbed, you have medical files you have all that you go to the ministry and tell them, my life in danger look at what I went through last week or the other month, or this is what happened, what I'm going through. They need to see blood on your file, to see blood on you to work on you. You see? They need to see blood on you. They need to see security issues; they need to see insecurity – that's when they say this person is going to die from here. Then they work on your resettlement and you move faster."[286]

"But what I've seen, to get resettlement you have to write to them ... write even that you've been attacked, even if they're just attacking you not so bad – you don't have broken bones and stuff, but you have to show them that you have broken bones and stuff like that for them to work on you."[287]

"I think the people who already got their resettlements are the ones who tell their friends that you know what? You need to put some rape in there you know. Throw in some police harassment in there."[288]

Thus, faced with protracted periods of displacement in Kenya whilst awaiting resettlement, characterised by continued abuse, structural poverty and a lack of opportunities, vulnerability is observed to gain a currency to expedite resettlement processing.

[286] Interview with White, Nairobi, 29 May 2020.
[287] Interview with Cindy, Nairobi, 30 May 2020.
[288] Interview with DW, Nairobi, 25 May 2020.

5.2. The (Re)Creation of Victimhood in Nairobi.

Having demonstrated how structures in Kenya position refugees into poverty and dependency, structuring individuals into unconscious behaviour associated with victimhood, I will now expand on the creation of the currency of victimhood and consciously performed victimhood. Faced with funding cuts and falling resettlement quotas, humanitarian agencies are increasingly relying on vulnerability assessments to ensure services, assistance and resettlement are offered to *the most vulnerable,* creating a system of labelling and identification selectively including and excluding the refugees based along the binary of vulnerable / not vulnerable. As such, many refugees faced with seriously constricted agency are positioned to *perform victimhood* in an effort to increase their net advantage. We can thus observe the *structural elaboration of victimhood* through Archer's process of morphogenesis, with refugee victimhood causal powers (re)created through its operation as an access criterion for access to rights, services and resettlement. This serves as a cyclical mechanism whereby refugees are structured to (re)create *victim* identities – passive, suffering bodies without history or agency, through both conscious (performed) and unconscious (lived) experiences of vulnerability.

5.2.1. Increased Reliance on Vulnerability Assessments

Over the last decade humanitarian thinking toward refugee vulnerability has moved from the collective, to the individual, resulting in humanitarian actors *"increasingly aiming to assess which populations were the "most vulnerable," and to focus their attention and resources on them."*[289] Vulnerability assessments are humanitarian bureaucratic procedures that label refugees as one side of a binary dichotomy: "vulnerable" or "not-vulnerable", which serves to have both material and political effects[290] by functioning as an access criterion for special protection or assistance in the migration context.[291]

[289] L. Turner, 'The Politics of Labelling Refugee Men as "Vulnerable", *Social Politics,* vol. 0, no. 0, 2019, p. 5.
[290] L. Turner, 2019, pp. 5-6.
[291] V. Flegar, 'Who is Deemed Vulnerable in the Governance of Migration? Unpacking UNHCR's and IOM's Policy Label for Being Deserving of Protection and Assistance', *Asiel- & Migrantenrecht,* no. 8, 2018, p. 375.

Through screenings and interviews, vulnerability assessments can determine access to services, assistance with basic needs food assistance, [292] and prioritised access to rights and resettlement as stated by UNHCR: *"UNHCR must continue to prioritize those who are most vulnerable and have the greatest protection risks."*[293] Whilst this is logically sound, issues arise owing to the incredibly restrictive structural environment for refugee agency, which has structured dependency and now affords resource value – access to services, rights, resettlement and assistance – to *vulnerability* in the context of greater competition for services and resettlement.

In Nairobi, queer refugees undergo multiple different vulnerability assessments, conducted by UNHCR, HIAS (protection partner in Kenya), resettlement embassies, as well as other service providers who they may approach for assistance and services. Newly arriving refugees are screened for by UNHCR when they arrive in Nairobi and referred to follow up assessments by HIAS who may offer one or a series of interviews and follow ups, based on an individual's specific case. Vulnerability assessments are conducted through one or a series of in-person interviews with humanitarian actors serving to explore risks of harm, primarily in relation to protection threats, the inability to meet basic needs, the limited access to basic services, food insecurity and the ability to cope with consequences of harm.[294] Outcomes vary depending on the individual, with those identified as vulnerable receiving special care, support and protection.[295] Following this logic, vulnerability can clearly be seen to denote the need for humanitarian assistance and,[296] owing to restrictions in services and resettlement spaces, also is a structural enabler of refugee agency.

With funding and resettlement spaces falling in Kenya, vulnerability assessments are now an increasingly important tool for all humanitarians to direct restricted services to those *most in need*. Participants highlighted the necessity of high levels of vulnerability in order

[292] L. Turner, 2019, p. 6.
[293] UNHCR, 2020, p. 11.
[294] UNHCR, *Jordan Vulnerability Assessment Framework,* Geneva, UNHCR, 2017, p. 4.
[295] UNHCR & The International Detention Coalition (IDC), *Vulnerability Screening Tool,* Geneva, UNHCR, 2016, pp. 1 - 2.
[296] L. Turner, 2019, p. 8.

to access services, particularly financial assistance, and also timely access to RSD and resettlement:

"For you to get assistance from HIAS you have to really have a strong story, or you have to be vulnerable. If you're not underage or if you live alone, or if you're not sick with a chronical disease you won't get help."[297]

This serves to reduce the refugee image into one solely defined by their corporeal vulnerability, limiting services only to *the most vulnerable,* which reduces and essentialises the individual's identity to a unidimensional life of suffering defined by vulnerability:

"With UNHCR and other partners, you try to cry to them, you tell them what is really happening on the ground – they won't believe it unless you brought an evidence with you, unless you've been beaten to the fullest or you're bleeding to death, that's when they recognise you that now you really need help. They keep on saying we consider people who are more vulnerable."[298]

As a result of the dependency of humanitarian organizations on vulnerability assessments, we can here observe the construction of a system of identification and labelling along the binary dichotomy of vulnerable / not vulnerable, which form access criterion for services, rights and resettlement. This binary can be observed to mirror the agent/victim binary previously discussed, with agents considered not vulnerable and victims considered vulnerable. In the aforementioned context of severely constricted agency, this binary causally influences queer refugees to *perform vulnerability* as a means to increase their net advantage.

[297] Interview with Cindy, Nairobi, 30 May 2020.
[298] Interview with East, Nairobi, 22 June 2020.

5.2.2. Performing Vulnerability

With humanitarians increasingly relying on vulnerability assessments to prioritise access to rights, services and resettlement, queer refugees reported being positioned to *perform* vulnerability, and particularly physical vulnerability, in order to access assistance. As such, we can observe that refugee victimhood demonstrates *causal influence* over the behaviour of queer refugees in Nairobi, positioning them to perform vulnerability in order to increase their net advantage in an environment of highly constricted agency.

UNHCR's Email Helpdesk: The Stage for Performance

Participants discussed at length a feeling of being forgotten by refugee stakeholders in Nairobi who are struggling to uphold humanitarian standards owing to funding restrictions. As a result, queer refugees cited the need to email HIAS and UNHCR at least weekly to remind them of their case:

"You don't need to keep quiet. You have to keep writing every day, every week, putting pressure on UNHCR, you have to keep writing in order to be given that interview. You have to keep reminding them "Hey dear I'm here, don't forget about me. I have issues, I'm having these problems"…. You can even lie about an issue so that you can be worked on… You keep torturing them, and by doing that you also torture yourself because you keep writing. Today I think... "Maybe they didn't buy this story last week, the last time I told them I am having this issue. Let me change this." You get?"[299]

White's testimony is indicative of an informal system through which queer refugees have to perform in order to access assistance, utilizing UNHCR's Helpline to make themselves and their cases visible. Emailing UNHCR regularly was described by participants as a necessity of the refugee experience:

"If you're a quiet person like me stood there just following what others are doing without saying anything you won't be heard, and you won't be helped. But what I've seen, to get

[299] Interview with White, Nairobi, 29 May 2020.

resettlement you have to write to them. Write even that you've been attacked, even if they're just attacking you not so bad – you don't have broken bones and stuff, but you have to show them that you have broken bones for them to work on you."[300]

Thus, the UNHCR Helpline provided an important site for the performance of vulnerability to humanitarian stakeholders, and was rendered necessary owing to barriers physically accessing humanitarian assistance owing to long waits for services, which rendered queer refugees unseen and unheard:

"You have to write to UNHCR almost every day. There are some people who write messages saying they have been beat, but that's because they want to be heard. But if you can't talk, you can write at least. If you can't do both things it's very difficult.. you can stay forever. You can even die."[301]

Homelessness

Participants discussed how queer refugees in Nairobi were perceived to be not vulnerable if they had access to housing, which was indicated by the ability to go and come back for services. This ability to leave UNHCR reflected refugee stability and thus a lack of vulnerability, and two participants discussed how, faced with delays to registration and RSD, sleeping outside UNHCR Nairobi expedited their processing:

"[When] *I went there to UNHCR and I met some other guys who were there. That day I wasn't registered because apparently there weren't registering new arrivals, so I had to go there for a week. Until the guys I met there told me like what's up, told me how the entire process runs. They told me I actually had to sleep at* [the] *UN office for two weeks because they told me if you always come and go, they will think you are OK. You are supposed to be homeless. So, if you can afford a place to stay you are not vulnerable… So, they told me now if you go and come back that means you're not vulnerable. You have*

[300] Interview with Cindy, Nairobi, 30 May 2020.
[301] Interview with Cindy, Nairobi, 30 May 2020.

people who can give you a house. You… You can have food and stuff. So, I had to stay there for two weeks."[302]

"It was actually a hustle to get my status – I had to go and sleep outside the UN for like a week. You know like… outside the UN because you keep on writing to them, they keep on telling you "Wait.. wait be patient, wait". So it was like a bunch of people were going through the same crisis, so we have to go and wait and sleep outside three, then after four days that's when they respond to you – "What's your issue, What's your emergency?" then that's when my refugee status came out and I was able to get the certificate…. I don't know but, I feel like they like seeing people oppressed, or maybe they're phobic, there's so much maybe phobia in the UN as well, so the person in charge of our things will take their time and they want to see people beg and bleed for them to do something, 'cause I didn't understand why they made me go sleep outside the UN, register my name when I'm outside there, then sleep for another 3 days outside for them to release my mandate."[303]

Both DW and Cruz here highlight the impossibility of assistance if individuals are identified as not vulnerable, which necessitates vulnerability as a pre-requisite for assistance.

Dress & Material Objects

Along with pressures to prove a lack of safe housing, DW also discussed the pressures on refugees to present themselves as living in poverty, erasing disparities of resources across the community in line with the image of the poor refugee:

"You are meant to be vulnerable. You can't be okay. No one can believe you. Like, someone might even. For example, they will tell us that if you go to RAS or UN and you are smart, they won't work on you. They don't have issues, you see, like you're supposed to have the constant need to go UN or RAS. You have to go in sandals, in slippers, you

[302] Interview with DW, Nairobi, 25 May 2020.
[303] Interview with Cruz, Nairobi, 23 June 2020.

can't have a nice phone. You can't live in a nice house -even if you can afford it, it's not acceptable. You're supposed to look a certain way. Yeh, that's how people see it. You're supposed to be in a terrible way, not supposed to be smart. Not supposed to have anything nice, or else you not a refugee okay. Refugees are supposed to be vulnerable people, they're supposed to be lacking all the time."[304]

Interestingly, DW's words highlight a link between poverty and intelligence – *"You're supposed to be in a terrible way, not supposed to be smart".* This here indicates that refugee poverty is believed to be rooted in unintelligence that supports the image of the passive refugee by rendering it inconceivable that queer refugees have agency or decision-making capacity.

Protection Concerns and Physical Violence

With the currency of vulnerability being centred around physical vulnerability, participants cited the performance of physical vulnerability as the most lucrative form of performance. Individuals performed physical vulnerability by documenting experiences of violence and emailing them to UNHCR, which was a necessity in order to be believed and assisted:

"Right now if you can go and report an incident - present everything that is happening to me... I was robbed, I was assaulted… They won't believe it unless you brought an evidence with you, unless you've been beaten to the fullest or your bleeding to death, that's they recognise you that now you really need help."[305]

"You have be having a story, and it has to be a strong story like for example you have to be… maybe if you were attacked you have to be with bruises, you have to show you are having bruises for someone to help you."[306]

[304] Interview with DW, Nairobi, 25 May 2020.
[305] Interview with East, Nairobi, 22 June 2020.
[306] Interview with Cindy, Nairobi, 30 May 2020.

With humanitarians demanding evidence for physical assaults, some queer refugees in Nairobi have taken to hurting themselves in order to demonstrate their physical vulnerabilities:

"When you get beaten up... even if you cut yourself with a knife while cooking and someone tells you "Can you take pictures? And email them to UN?" Tell them you've been attacked... it'll make them move on your case."[307]

Participants cited documenting physical attacks as a method of performing their corporeal vulnerability to UNHCR and other humanitarian organizations, which proved successful in expediting cases for resettlement as well as granting access to refugee status. Additionally, participants discussed a darker trend, demonstrating the depths of the desperation of refugees living in Nairobi, with individuals having to *prove* their corporeal vulnerability and thus their worthiness for services, rights and resettlement:

"People think that if the protection issue is prioritised and they're taken as a very vulnerable group they'll be airlifted and resettled sooner than other people. So, most people who are spearheading these protests have that logic – have that mislead logic "Oh lets insight violence, lets create this situation and maybe we'll be airlifted, maybe our cases will be expedited and I'll be out of this place sooner than later."[308]

"If that's how we're supposed to do and get help, so just know now people are going to start coming with false information in order to get help, or else LGBTI people in the community first go and be raped in order to be helped."[309]

"People just go to protests because they know the police are going to tear gas them, then they'll be taken to the cells and they'll call UN and tell them "I've been arrested" and what else, they'll come for them and eventually they'll give me some money for relocation,

[307] Interview with DW, Nairobi, 25 May 2020.
[308] Interview with Daisy, Nairobi, 22 May 2020.
[309] Interview with East, Nairobi, 22 June 2020.

so that I can leave where I was attacked from, and maybe go get a house somewhere, so if that's the system that mess everything."[310]

Thus, in the context of seriously constricted agency in Nairobi in tandem with structured dependency, queer refugees are structurally positioned to perform vulnerability as one of few means by which they can increase their net advantage. Queer refugees reported having to perform normative prescriptions of refugee vulnerability – poverty, passivity, insecurity and vulnerability – in order to access rights, services and resettlement. The performance of these normative prescriptions has important implications for the (re)creation of the image of the suffering image of the refugee victim, (re)creating norms of passivity and dependency.

5.2.3. (Re)creating Victimhood: Structural Elaboration of Refugee Victimhood

These testimonies demonstrate the level of suffering and desperation experienced by queer refugees, structured into poverty and dependency with extreme barriers to accessing services and resettlement. As a result of the impetus of vulnerability assessments, individuals have been structured to *perform* the refugee image of the refugee victim– poor, passive, insecure and vulnerable. Refugee *victimhood* can thus be seen to exhibit causal influence over queer refugees in the context of severely restricted refugee agency, positioning refugees to utilize their agency to perform the depoliticised suffering refugee image, incapable of action and necessitating rescue. This demonstrates refugee victimhood as a structure in Nairobi, causally influencing recurring patterns of social behaviour and structuring the ordered interrelationships between refugees and humanitarian agencies.

The structuration of victimhood was identified by Kay, who discussed that through interactions with humanitarian workers, vulnerability was transformed into victimhood. This discursive shift from vulnerability to victimhood was used intentionally to highlight

[310] Interview with DW, Nairobi, 25 May 2020.

the internal shift within a queer refugee as a result of humanitarian practice, which addressed vulnerability as an essentialised feature of their identities:

"Victimhood as I tell you it's a philosophy, it's an ideology – actually that's it, it's an ideology that thieves someone his agent power…Victimhood is an ideology that is removing the hands and independence of surviving and living, but vulnerability is where the problems come from … Instead of these people [humanitarians] *handling these vulnerabilities, they play a philosophy of implementing the ideology into people to accept the victimhood so these vulnerabilities will be a curse against these communities who cannot sustain themselves… These are the people who create the ideology of victimhood in order to mask to give us back our vulnerabilities to be handled by ourselves. To accept them as their fate which does not have a solution. That's the source of victimhood in our community."*[311]

Kays words here identify the causal powers of victimhood emerging from refugee structures, which causally influence individuals to accept their vulnerabilities as inherent and essentialised features of themselves, rendering refugee risk mitigation strategies and agency invisible. Kay went on to explain this was achieved by humanitarian agencies, who's risk mitigation strategies were impractical and based on the serious constriction of agency in order to protect them. In doing so, Kay identifies how individuals internalise and enact the normative prescriptions of refugee passivity and dependency:

"So for me my vulnerabilities exist there, but when you start telling me, "Kay you do not have to work, you do not have to leave the house I say: "Hold on you are going too wrong". Your job is to guide me to work through this…If you tell a trans person "Stay in your house for one year", people are not prisoners! They tell trans people to stay in the home, not to go outside. Do not walk in groups, do not have anything to do, just we have to stay in different places. We have to avoid to engage [sic] *into business… how should we live?"*[312]

[311] Interview with Kay, Nairobi, 21 June 2020.
[312] Interview with Kay, Nairobi, 21 June 2020.

As a result, risk of danger is localised as an inherent danger of harm acting on the vulnerable subject, which transforms vulnerability into structural *victimhood* when individuals accept passivity in order to protect themselves. This demonstrates another dimension through which queer refugees have their agency constricted, and further renders refugees dependent on humanitarian intervention by localising queer refugee risk mitigation and protection away from individuals and onto humanitarian organizations. This serves to (re)create the refugee as a passive dependent victim in need of protection, but also serves to homogenise the diverse lived experiences of queer refugees and over-simplify the complex forms of structural subjugation they experience.

Therefore, refugees in Kenya can be seen to consciously (re)create the image of the suffering refugee owing to the currency that humanitarians provide to suffering, which results in the structural elaboration of *refugee victimhood,* with performed victimhood reaffirming the image of the refugee victim. This demonstrates the impossibility of the escape from victimhood for refugees. Already rendered vulnerable in Nairobi owing to constrictions to their agency, they are then causally influenced to perform their vulnerability in order to gain limited agency and increase their net advantage. DW explains the damage that the internalisation of *victimhood* does individuals:

"The system makes you fuck up your life, if that's the story you're telling yourself, what happens to you? Yeh. It's going to be your story all your life. I don't... I think that's why people get into depression, that's why we have suicidal cases."[313]

"That's why we have suicidal cases. This is a time where they are just with themselves and, they are broken. Cause you know.. you're alone and you're having your time with you. And then you think of how you said they raped you, your father raped you… because every lesbian mother or queer mother is supposed to be raped in order to get help, like what's that? What if this kid grows up to hear that story, yet it wasn't true."[314]

[313] Interview with DW, Nairobi, 25 May 2020.
[314] Interview with DW, Nairobi, 25 May 2020.

"So with victimhood, you come back home and you start developing a PTSD [post-traumatic stress disorder] *because victimhood is a sort of torture. It's a sort of torture that people are intrenched in, they have adopted, that "You are a victim, you cannot do any business, you cannot do anything, you cannot engage into business, you cannot engage into transaction, you cannot do anything."* [315]

We can thus see humanitarian actors in Kenya as responsible for the cyclical (re)creation of refugee victimhood, by creating a currency of vulnerability in the context of extreme structural constrictions to refugee agency in Kenya. Refugee victim identities can be seen as structures in their own right, exhibiting causal influence on refugees to perform victimhood in order to increase net gain. Victim identities can be classified as a *structure of signification* through a structuration lens, encoding discursive meaning to the *refugee identity* through language and exhibiting causal influence over social interaction.

5.2.4. (Re)created Queer Refugee Identities in Nairobi

This thesis has demonstrated the impossibility of escape from *victimhood* faced by queer refugees. The image of the suffering refugee victim has been shown to be (re)created as a result of: (1) the structuring of refugees into exacerbated positions of vulnerability, which causally influences poverty and insecurity into their lived experiences, and (2) performed vulnerability as one of few options to increase net advantage. Thus, these structural conditions position refugees to behave in a manner that confirms the image of the refugee victim, reinforcing the structural power of refugee victimhood through structural elaboration and creating the social identity of the refugee victim. Participants described at length how refugee victim identities shaped their lived experiences in Nairobi, demonstrating another dimension of victimhood's causal influence, structuring social interactions with non-refugees. Ultimately, victim identities were described as dehumanising:

[315] Interview with Kay, Nairobi, 21 June 2020.

"In the community once they know you're a refugee there's a way they take you.. as if you're subhuman, you're substandard or something so, there's that ugliness to it."[316]

With barriers to obtaining work permits baring access to the formal economy, and homophobia within the wider society impairing the ability of queer refugees to gain self-sufficiency in the informal economy, participants cited that they were perceived as poor, and struggling to get by, engaging in crime as a last resort of their sheer desperation:

"Here people see us as people who don't have nothing… you're poor, you don't own anything.. they see us like criminals you know. But we are human beings, we are not criminals, we can give so much even to the economy if given a chance… the system here in Nairobi needs to treat LGBT refugees as people, as human beings."[317]

"The terms of being an asylum seeker or a refugee comes with the definition of a victim condition. And this victim condition, it causes someone to become a beggar. It labels someone to become a beggar or.. someone who begs for assistance in order to survive. Wherever you go globally, where you are in America or in Canada, or in UK or France... You're defined as someone who depends on the host community."[318]

Kay's words here demonstrate the social perception of queer refugee dependency focusing on financial dependency. Daisy reiterated this point, discussing how queer Kenyans used "$45" as a derogatory name for queer refugees, referencing the small monthly stipend that queer refugees were able to access until 2017:

"But here in Kenya once people know that you're a refugee they can be really mean, especially the LGBT community. They will throw statements like "45 dollars" because of the financial assistance we used to get, and it was a disregarding thing to say, they would tell us that that is what we are worth. And it's because they learnt we are refugees."[319]

[316] Interview with Daisy, Nairobi, 22 May 2020.
[317] Interview with Cindy, Nairobi, 30 May 2020.
[318] Interview with Kay, Nairobi, 21 June 2020.
[319] Interview with Daisy, Nairobi, 22 May 2020.

Expectations of refugee poverty drove assumptions about how refugees should live and look, with refugees expected to look poor – not able to have nice things or live in a nice place (as previously discussed). The image of the poor dependent refugee was observed to match discursive narratives of refugeehood, eliciting sympathy which was identified as a key emotion legitimising an individual's need and worthiness of help:

"It's not bad to seek asylum, it's not a crime, and so people shouldn't feel the need to be in more embarrassing situations for them to draw more sympathy, that they need to be in the very worst situation so that they are seen as worthy of help and protection. Someone can come with decency but also seeking asylum too."[320]

The dependency elicited by structural poverty was a source of serious frustration for participants, and resulted in queer refugees experiencing Kenya as a stagnant time spent waiting for intervention by others:

"Refugee policy should make refugees feel... at least not hurt, feel they have not lost… that I can start again here… Yes, I lost things back home, but I can start again. I can start afresh, I can get a job, I can get my money, I can pay for my bills. Not sitting there, waiting for god to give you HIAS.. wait for Jamie to give me 1$ or $10 to feed and buy gas in the house… A refugee is someone… who has to sit there and wait. And be told, this is what you have to do, this is your right, you can't cross this, wait there until you get a resettlement country, but during that period, whatever goes on it's not your own doing.. you don't like.. whatever is going on in your life, everything is just inflicted on you, and you must accept whatever goes on in that process."[321]

White's words here reflect how structured dependency on the humanitarian system serves to rob individuals of their agency, localising solutions to their problems outside of themselves. Dependency on external parties was articulated around resettlement as well

[320] R. Zetter and H. Ruaudel, 2016, p. 102.
[321] Interview with White, Nairobi, 29 May 2020.

as around day-to-day life, with financial assistance from external parties required for queer refugees to meet basic needs. As a result of dependency, queer refugees discussed how they were seen by humanitarian actors as traumatised individuals, incapable of decision making which legitimised humanitarian actors to develop services and *"refugee solutions"* without input from the community:

"It's a misconception actually that people believe of thing that someone who fled a persecution is a little bit traumatised,.. they are poor, they are ignorant… they have nothing, they are unworthy, so.. people tend to believe that they can decide on his behalf or they can influence his decision – they have to depend on us – humanitarians intend to win or control your agent power like you do not have a single ability to control or to live a proper life …it's clear their approach is… you do not know the place, you do not know anyone in the place, you have no one around you, you do not know even the map of the place, the country everything like that.. you have to live the way humanitarians believe is liveable for us… They say: "We are experts, we are the one who are working in the field" they sit down and they draw the policy without us at the table, and they bring it to the UN, who gives them cash to invest into those sham policy programs without truly knowing us, how we want to live our lives, and how we understand and try to address our vulnerabilities."[322]

Kay's words here reflect the presumption that refugees don't know anything and lack the tools to control any aspect of their lives. This presumption has key effects on refugee populations, serving to rob refugees of the knowledge that they are aware of their vulnerabilities, and are capable of using what little agency they have to mitigate the risks they face. Kay argues that this perception of refugee inability results in the exclusion of refugees from decision-making processes around program and policy development, which results in programming and policy being built in a manner which doesn't reflect refugee desires, needs and abilities. The denial of refugee agency to solve for their own

[322] Interview with Kay, Nairobi, 21 June 2020.

problems is compounded by the denial of refugee history, capabilities and professional identities observed as a result of barriers to the right to work:

"When you come in Kenya, you're a refugee – I'm a refugee in Kenya and the way they treat us, its like, we don't have a choice, we can't.. if you want to work you can't work, not until someone tells you to… We are refugees but we also have a life as people, you know? In order to survive you need to learn some simple skills, like craft making or assisting for building [helping at building sites] *which don't need a permit for working you know? So I had to know about making crafts, and helping some builders where I can get some money to live in Nairobi.. It really feels bad, 'cause uh, one thing you'd want in life is to do what you've studied for… I did electrical engineering and I did a diploma, so all I wanted to do was work as that… but if you don't have the necessary documents to apply for the work permit, you're not going to get a job whatsoever, if you're a doctor, if you're an engineer, if you're anyone.. you're not going to get a job."*[323]

Here Mark sees the noun 'refugee' as synonymous passive and without a history or life. His profession and identity associated with his profession was taken from him by structural barriers to the formal labour market, which resulted in the denial of his history and capacity by limiting the identities which he can inhabit. Having had a successful career before his flight his social identity was structured into essentialised *refugee victimhood,* through structural barriers inhibiting the ability to work and thus restricting and essentialising his identity to "a refugee". Thus, this thesis has demonstrated the morphogenic cycle of the (re)creation of victimhood amongst refugees, rendering victim identities near unavoidable, and powerful structures of refugee and non-refugee behaviour.

5.2.5. Contesting Victimhood: Agency in Nairobi

Whilst refugee agency was highly limited in Kenya, queer refugees discussed many tactics which they utilized to stay safe in Nairobi, again demonstrating that queer refugees

[323] Interview with Mark, Nairobi, 22 June 2020.

"*retain some degrees of agency and can be seen as following some strategy even under the severe duress of immediate threats to their security*".[324] Faced with pervasive gaps in relation to protection, service access and basic needs, queer refugees in Nairobi have established over thirteen grass-roots led CBOs, allowing the community to lead service development and provision, and roll out community led protection mechanisms:

"These CBOs have really made us feel safe in them, they shed the same tears as us. We share the same smiles, we smile together, we chat together, we understand each other, so it's very easy for anyone in those CBOs to know exactly what's happening."[325]

Participants discussed numerous protection mechanisms enacted by the CBOs including developing criteria for appropriate housing, and through partnership with Kenyan civil society the training of paralegals:

"Because when you get arrested the people you stay with or the CBO leaders will inform UNHCR or will inform the authorities…and in the end it's the paralegals who are coming to show the police this person is not breaking the law."[326]

This provided a mechanism not only capable of providing rapid response to protection incidents, but also served to sensitise Kenyan police to refugee rights and queer identities. In tandem to the establishment of community paralegals, participants talked at length of the importance of building relationships with queer Kenyans, who provided mentorship on staying safe in the landscape of urban Nairobi:

"First off I got to know about the queer Kenyan community. Because, since they're here, I knew that somehow I would get protection if I could befriend them. That was a trick, and it really worked. Because, mind you they also find the same challenges, but at least they speak the language and they are at home. It was, it makes it a bit easier when you

[324] O. Bakewell, 2010, p. 1699.
[325] Interview with White, Nairobi, 29 May 2020.
[326] Interview with Daisy, Nairobi, 22 May 2020.

know the Kenyan queer community than just knowing the foreign ones because at least they have some benefits as citizens."[327]

Whilst refugee agency was demonstrated to be highly limited in Nairobi, community organization was observed to be developing complex methods of community-led protection, which highlights the possibility of a positive future in Nairobi with CBOs gaining skills and capacities to obtain funding to take service provision into their own hands.

Whilst queer refugee livelihoods programs within the informal market were observed to struggle owing to structural homophobia, queer refugees reported organizing the form a variety of livelihoods programs which provided some income – including agriculture, jewellery making, candle making, tailoring and fashion design. Queer refugees reported working out through trial and error how to navigate the market, finding safe niches where they could conduct business:

I personally accept that it is not secure to sell in the markets before you do investigation. Whenever you have seen us, never no one has been beaten for us and we have been in those markets three times a week… Even the advisor, the gate keeper of the markets, even the owner of other businesses and the clients know us, because where we go we make sure that they are aware that we're there, who we are, and we make sure that we are all clear what we're coming to do, and ensure that our side of this agreement and policy meets their expectations. That keeps us safe – because it means we're all the same – just businesspeople… people should learn this, it can open doors but sometimes it's not easy".[328]

Kay's testimony demonstrates the community-led protection mechanisms which they have learnt through trial and error which helps them navigate the urban landscape more safely, increasing net advantage and bolstering self-sufficiency outside of dependency on

[327] Interview with DW, Nairobi, 25 May 2020.
[328] Interview with Kay, Nairobi, 21 June 2020.

humanitarian assistance. Kay is now a successful businesswomxn, owning a candle making business that rarely fails to cover all basic needs for their safe house. These are the examples of refugee excellence which are lost in narratives of victimhood, which render refugees caught in inescapable vulnerability leading to passivity and thus incapable of any agency. Whilst the protection environment is undoubtedly very complicated for queer refugees, the community have learnt ways to navigate the city, increasingly their net advantage despite powerful structures limiting agency. This recasts refugees as active risk takers, more than capable of mitigating their own risks which must be understood by humanitarians in order to provide meaningful assistance and protection whilst concurrently increasing refugee agency, and decreasing the currency of victimhood, allowing refugees to step into new identities not inherently tied to their previous experiences of victimhood.

6. Conclusion

This thesis has explored the essentialised social image of the refugee victim, both during migration and in Nairobi, utilizing the morphogenic approach to explore the interaction between structure and agency, and has demonstrated key structures responsible for the serious constrictions placed on refugee agency observed during migration and in Nairobi.

The analysis of the migration profiles of queer asylum seekers and refugees now living in Nairobi has revealed key structures enabling and constricting refugee agency and decision-making during displacement, revealing root causes of migrant vulnerability and resilience during migration. Queer migration was observed to be highly reactive, though limited agency and decision-making was observed amongst the majority of participants, directly challenging the image of refugee migration as desperate and devoid of choice and agency. Furthermore, this study has also challenged the univariate depiction of reactive migration as solely migrated by physical security concerns which contributes to the discursive narrative of refugee victimhood, showing the importance of opportunity and belonging in motivating queer migration. As a result, this thesis stands in opposition to unidimensional depictions of refugeehood, which reduce individuals to their bare refugeeness, thus serving to collectivise, passivize and dehumanise refugees. Thus, these

results serve to demonstrate the diversity of lived experiences during reactive migration, and rehumanise refugees, recasting them as individuals with long term desires, plans and motivations.

This study has shown that barriers to the right to work have served to exacerbate queer refugee vulnerability to structural xenophobia and homophobia, resulting in the inability of refugees to gain self-sufficiency and rendering them dependent on humanitarian intervention. Funding cuts and slashes to resettlement quotas have significantly worsened the situation for queer refugees, resulting in the humanitarian complex unable to adequately support individuals who have been rendered structurally dependent on humanitarian intervention. As a result, humanitarians are increasingly reliant on vulnerability assessments to determine who can and can't access services, assistance and resettlement, creating a currency of vulnerability in Nairobi. Furthermore, the social identity of refugee *victimhood,* built from discursive narratives surrounding refugee experiences, is a structure in its own right, causally influencing individuals to perform victimhood in order to increase their net advantage. Thus, it has been demonstrated that queer refugees in Nairobi are structured to (re)create the image of the *suffering victim* through structural elaboration in two ways: (1) Owing to structured vulnerability in Nairobi, that places individuals in positions of vulnerability and dependency, and (2) Performed vulnerability which has been demonstrated as a necessity to gain access to rights and services. The morphogenic approach helped visualise the process of identity (re)creation, whereby the positioning of refugees to enact behaviour associated with victimhood confirms societal expectations of *who is a refugee,* thus (re)creating the victim identity through structural elaboration.

This highlights the impossibility of escape from victimhood that refugees face in Kenya. It raises questions about the nature in which we are approaching humanitarian assistance, by revealing the structural basis for refugee vulnerability and insecurity which has been recast as essentialised features of the refugee experience. Without addressing the structural barriers to refugee self-sufficiency and agency, humanitarian intervention serves only to (re)create refugee dependency on humanitarian intervention, thus

(re)creating the need for humanitarianism. These results call us to recognise the reality of the modern-day refugee system – increasingly failing to provide assistance and, rendering individuals dependent on foreign intervention and positioning them as worthy only when they assume victimhood identities. This undoubtedly feeds into highly racialised and gendered depictions of the inherent capabilities and intelligence of refugees and more broadly, non-white individuals, rendering the structuring of victimhood identified in this study an important process through which discursive narratives of inherent difference are created and maintained.

I would like to close by posing the question of Western accountability in the forced displacement of queer individuals in Africa. The oppression, subjugation and persecution of queer individuals in Africa is intimately linked to the legacy of colonial influence (both historic and modern day) across the continent, which renders the former colonial powers who imposed homophobic laws on modern-day African states somewhat accountable for the displacement of the participants of this study. Ironically, this accountability is rarely acknowledged or considered in the humanitarian sector (dominated by predominately white western institutions), and instead the West is hailed as the saviour of queer refugees through the process of resettlement. But is resettlement really a durable solution for queer refugees, and particularly trans* individuals? So far in 2020, 28 trans* individuals, predominantly black womxn, were murdered in the US – still one of the most common states resettling queer individuals from Kenya, [329] suggesting the US is unlikely to provide protection, opportunity and belonging for queer refugees. This poses important questions about the nature of humanitarian intervention in the non-Western world, with white western organizations providing assistance and protection to queer refugees which is desperately needed in the West - we still have to go to protect and respect the most marginalized queer identities in the West, black trans* womxn.

[329] The National Center for Transgender Equality, 'Murders of Transgender People in 2020 Surpasses Total for Last Year in just Seven Months' [web blog], 7 August 2020, https://transequality.org/blog/murders-of-transgender-people-in-2020-surpasses-total-for-last-year-in-just-seven-months, (accessed 11 August 2020).

7. Bibliography

African Human Rights Coalition (AHRC), *'African HRC Advisory on LGBTI Refugee Stipends and Protests in Kenya'* [web blog], 26 February 2020, http://www.africanhrc.org/single-post/2020/02/26/African-HRC-Advisory-on-LGBTI-Refugee-Stipends-and-Protests-in-Kenya, (accessed 26 May 2020).

Alight (Formerly American Refugee Committee), *Status Update: COVID-19 & LGBTQ Refugees in Nairobi,* Minneapolis, Alight (Formerly American Refugee Committee), April 2020.

Andersson R., *Illegality, Inc: Clandestine Migration and the Business of Bordering Europe,* Berkeley, University of California Press, 2014.

Archer M. S., 'Morphogenesis versus Structuration: On Combining Structure and Action', *The British Journal of Sociology,* vol. 33, no. 4, 1982, pp. 455-483.

Bakewell O., 'Some Reflections on Structure and Agency in Migration Theory', *Journal of Ethnic and Migration Studies,* vol. 36, no. 10, 2010, pp. 1689-1708.

Bauer-Amin S., 'Resisting the Current "Refugee" Discourse: Between Victimisation and Reclaiming Agency', in J. Kohlbacher and L. Schiocchet (eds.), *From Destination to Integration –Afghan, Syrian and Iraqi Refugees in Vienna,* Vienna, Austrian Academy of Sciences Press, 2017, pp. 127-143.

Beemyn B. and M. Eliason, *Queer Studies: A Lesbian, Gay, Bisexual and Transgender Anthology,* New York, New York University Press, 1996.

Bhalla N., 'U.N. urges calm after protests by LGBT+ refugees in Kenya turn violent', Reuters, 16 May 2019, https://www.reuters.com/article/us-kenya-lgbt-refugees/u-n-urges-calm-after-protests-by-lgbt-refugees-in-kenya-turn-violent-idUSKCN1SM1CC, (accessed May 15th 2020).

Bond J., 'Gender and Non-Normative Sex in Sub-Saharan Africa', *Michigan Journal of Gender and Law,* vol. 23, no. 1, 2016, pp. 65-145.

Carlsnaes W., 'The Agent-Structure Problem in Foreign Policy Analysis', *International Studies Quarterly,* vol. 36, no. 3, 1992, pp. 245-270.

Carspecken P., *Critical Ethnography in Educational Research: A Theoretical and Practical Guide,* New York, Routledge.

Chouliaraki L., 'Victimhood, Voice and Power in Digital Media', in K. M Simonsen and J. R Kjærgård (eds.), *Discursive Framings of Human Rights: Negotiating Agency and Victimhood,* New York, Routledge, 2017, pp. 247-262.

Chouliaraki L. and R. Zaborowski, 'Voice and Community in the 2015 Refugee Crisis: A Content Analysis of News Coverage in Eight European Countries', *The International Communication Gazette,* vol. 79, no. 6-7, 2017, pp. 613-635.

De Jong G. F., and J. T. Fawcett, 'Motivations for Migration: An Assessment and a Value Expectancy Research Model' in G. F De Jong and R. W. Gardner (eds.), *Migration Decision Making: Multidisciplinary Approaches to Microlevel Studies in Developed And Developing Countries,* London, Pergamon Press, 1981, pp. 13-58.

Elder-Vass D., 'For Emergence: Refining Archer's Account of Social Structure', *Journal for the Theory of Social Behaviour,* vol. 37, no.1, 2007, pp. 25-44.

Finnish Immigration Service, *Status of LGBTI People in Cameroon, Gambia, Ghana and Uganda,* Helsinki, Finnish Immigration Service, 2015.

Flegar V., 'Who is Deemed Vulnerable in the Governance of Migration? Unpacking UNHCR's and IOM's Policy Label for Being Deserving of Protection and Assistance', *Asiel- & Migrantenrecht,* no. 8, 2018, pp. 374-383.

Fortier A. M., 'Coming Home: Queer Migrations and Multiple Evocations of Home', *European Journal of Cultural Studies,* vol. 4, no. 4, 2001, pp. 405-424.

Gartner L. J., (In)credibly Queer: Sexuality-Based Asylum in the European Union, in A. Chase (eds), *Transatlantic Perspectives on Diplomacy and Diversity,* New York, Humanity in Action Press, 2015, pp. 39-66.

'Gay Refugees Sent Back to 'Homophobic Kenya Camp', BBC News, 20 June 2019, https://www.bbc.co.uk/news/world-africa-48703112 (accessed 24 May 2020).

Ghorashi H., 'Agents of Change or Passive Victims" The Impact of Welfare States (the Case of the Netherlands) on Refugees', *Journal of Refugee Studies,* vol. 18, no. 2, 2005, pp. 181-197.

Giddens A., *Central Problems in Social Theory,* Berkeley, University of California Press, 1979.

Giddens A., *The Constitution of Society*, Berkeley and Los Angeles, University of California Press, 1984.

Grant H., "Prejudiced' Home Office Refusing Visas to African Researchers, The Guardian, 8 June 2019, https://www.theguardian.com/politics/2019/jun/08/home-office-racist-refusing-research-visas-africans (accessed 8 July 2020).

Gray H., 'Refugees as/at Risk: The Gendered and Racialized Underpinnings of Securitization in British Media Narratives', *Security Dialogue,* vol. 50, no. 3, 2019, pp. 275-291.

Green A. I., 'Queer Theory and Sociology: Locating the Subject and the Self in Sexuality Studies, *Sociological Theory*, vol. 25, no. 1, 2007, pp. 26-45.

Hardcastle M-A. R., K. J. Usher and C A. Holmes, 'An Overview of Structuration Theory and it's Usefulness for Nursing Research', *Nursing Philosophy,* vol. 6, no. 4, 2005, pp. 223-234.

Human Rights Awareness and Promotion Forum (HRAPF), *Uganda Report of Violations Based on Sexual Orientation and Gender Identity 2016,* Kampala, Human Rights Awareness and Promotion Forum (HRAPF), 2016.

Hylton A. and M. Politzer, 'I Can See You Are Gay; I Will Kill You', New York Times, 19 July 2019, https://www.nytimes.com/2019/07/18/opinion/lgbtq-africa-asylum.html (accessed 24 May 2020).

Hynes P., *The Dispersal and Social Exclusion of Asylum Seekers: Between Liminality and Belonging,* Bristol, Policy Press, 2011.

ICJ, *Yogyakarta Principles – Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity,* Geneva, ICJ, 2007.

ICJ, *Yogyakarta Principles Plus 10 – Additional Principles and State Obligations on the Application of International Human Rights Law in Relation to Sexual Orientation, Gender identity, Gender Expression and Sex Characteristics to Complement the Yogyakarta Principles,* Geneva, ICJ, 2017.

ILO, *Transitioning from the Informal to the Formal Economy,* Geneva, ILO, 2014.

ILGA, *State-Sponsored Homophobia 2019,* Geneva, ILGA, 2019.

Layder, D. *Understanding Social Theory,* London, Sage Publications, 1994.

Levin S., 'No African Citizens Granted Visas for African Trade Summit in California', The Guardian, 20 March 2017, theguardian.com/us-news/2017/mar/20/no-african-citizens-visas-california-annual-trade-summit (accessed 8 July 2020).

Lewis P. A., 'Agency, Structure and Causality in Political Science: A Comment on Sibeon', *Politics,* vol. 22, no. 1, 2002, pp. 17-23.

Long N., *Development Sociology: Actor Perspectives,* London, Routledge, 2001.

Luft A., 'LGBT Activism in Eastern Africa', in N. A. Naples, R. Hogland, M. Wickramasinghe, and A. Wong (eds), *In The Wiley Blackwell Encyclopedia of Gender and Sexuality Studies,* Chichester, Wiley Blackwell, 2016, pp. 1-7.

Luibhéid E., 'Sexual Regimes and Migration Controls: Reproducing the Irish Nation-State in Transnational Contexts, *Feminist Review,* no. 83, 2006, pp. 60-78.

Lusimbo R. and A. Bryan, 'Kuchu Resilience and Resistance in Uganda: a History', in N. Nicol, A. Jjuuko, R. Lusimbo, N. J. Mulé, S. Ursel, A. Wahab and P. Waugh (eds.), *Envisioning Global LGBT Human Rights: (Neo)colonialism, NeoLiberalism, Resistance and Hope*, London, University of London School of Advanced Study Human Rights Consortium Institute of Commonwealth Studies, 2018, pp. 323-245.

Mainwaring C., Migrant Agency: Negotiating Borders and Migration Controls, *Migration Studies,* vol. 4, no. 3, 2016, pp. 289-308.

Malkki L. H., *Purity in Exile,* Chicago, University of Chicago Press, 1995.

Migration Policy Institute, *U.S. Annual Refugee Resettlement Ceilings and Number of Refugees 1980-Present* [webpage], https://www.migrationpolicy.org/programs/data-hub/charts/us-annual-refugee-resettlement-ceilings-and-number-refugees-admitted-united, (accessed 21 July 2020)

Morawska W., *Studying International Migration in the Long(er) and Short(er) Dureé*, Oxford, International Migration Institute, 2011

Mutch A., 'Constraints on the Internal Conversation: Margaret Archer and the Structural Shaping of Thought', *Journal for the Theory of Social Behaviour,* vol. 24, no. 4, pp. 429 – 445.

Norwegian Refugee Council, *"Kenya, Uganda and Tanzania Shut Refugee Programmes as Europe and the US Reject Migrants* [web blog], 10 September 2018, https://www.nrc.no/news/2018/september/kenya-uganda-and-tanzania-shut-refugee-programmes-as-europe-and-us-reject-migrants/, (accessed 26 May 2020).

Norwegian Refugee Council, *Recognising Nairobi's Refugees,* Oslo, Norwegian Refugee Council, 2017.

Notaro S. R., *Marginality and Global LGBT Communities: Conflicts, Civil Rights and Controversy*, Cham, Switzerland, Palgrave Macmillan, 2020.

Nyers P., 'The Politics of Protection in the Anti-Deportation Movement', *Third World Quarterly,* vol. 24, no. 6, 2003, pp. 1069-109.

O'Callaghan S. and G. Sturge, *'Against the Odds: Refugee Integration in Kenya,* London, Overseas Development Institute, 2018.

O'Reilly K., *International Migration and Social Theory,* Basingstoke, Palgrave Macmillan, 2012.

Organization for Refuge, Asylum and Migration (ORAM), *Country of Origin Report: Sexual and Gender Minorities Uganda,* San Francisco, Organization for Refuge, Asylum and Migration (ORAM), 2014.

Outright International, 'Uganda: Arrests of Gay Men Have Begun', *Global Monitor* [web blog], November 1 1999, https://outrightinternational.org/content/uganda-arrests-gay-men-have-begun, (accessed 23 May 2020).

Oxford C. G., 'Protectors and Victims in the Gender Regime of Asylum', *NWSA Journal,* vol. 17, no. 3, 2005, pp. 18 – 38.

Parker J., *Structuration,* Buckingham, Open University Press, 2000.

Pikramenou N., *Intersex Rights Living Between Sexes,* Cham, Springer, 2019.

Pleasants N., 'Free Will, Determinism and the "Problem" of Structure and Agency in the Social Sciences', *Philosophy of the Social Sciences,* vol. 49, no. 1, 2018, pp. 3-30.

Refuge Point, *Disaggregating LGBTIQ Protection Concerns: Experiences of Refugee Communities in Nairobi,* Cambridge, MA, Refuge Point, 2018.

Richmond A. H., 'Sociological Theories of International Migration: The Case of Refugees", *Journal of Refugee Studies,* vol. 36, no. 2, 1988, pp. 7-25.

Richmond A. H., 'Reactive Migration: Sociological Perspectives on Refugee Movements', *Journal of Refugee Studies,* vol. 6, no. 1, 1993, pp. 5-24.

Schiff D. N., 'Socio-Legal Theory: Social Structure and Law', *The Modern Law Review,* vol. 39, no. 3, 1976, pp. 287-310.

Sewell W. H., 'A Theory of Structure: Duality, Agency and Transformation', *European Journal of Social Theory,* vol. 98, no. 1, 1992, pp. 1-29.

Sexual Minorities Uganda (SMUG), *'From Torment to Tyranny, Enhanced Persecution in Uganda Following the Passage of the Anti-Homosexuality Act 2014'*, Kampala, Sexual Minorities Uganda (SMUG), 2014.

Sibley M. A., 'Owning Risk: Sex Worker Subjectivities and the Reimagining of Vulnerability and Victimhood', *British Journal of Criminology,* vol. 58, no. 6, 2018, pp. 1462-1479.

Stones R., *Structuration Theory,* Basingstoke, Palgrave Macmillan, 2005.

The National Center for Transgender Equality, 'Murders of Transgender People in 2020 Surpasses Total for Last Year in just Seven Months' [web blog], 7 August 2020,

https://transequality.org/blog/murders-of-transgender-people-in-2020-surpasses-total-for-last-year-in-just-seven-months, (accessed 11 August 2020)

Turner L., 'The Politics of Labelling Refugee Men as "Vulnerable", *Social Politics,* vol. 0, no. 0, 2019, pp. 1 – 23.

'Uganda: Anti-Homosexuality Act's Heavy Toll', *Human Rights Watch,* 14 May 2014, https://www.hrw.org/news/2014/05/14/uganda-anti-homosexuality-acts-heavy-toll (accessed 23 May 2020).

U.K. Home Office, *Asylum Claims on the Basis of Sexual Orientation Experimental Statistics*, London, U.K. Home Office, 2017.

U.K. Home Office, *Country Policy and Information Note. Uganda: Sexual Orientation and Gender Identity and Expression*, London, U.K. Home Office, 2019.

U.K. Home Office, *Country Policy and Information Note Kenya: Sexual Orientation and Gender Identity and Expression,* London, U.K. Home Office, 2020.

United Nations General Assembly (UNGA), 'Practices of So-Called "Conversion Therapy" - Report of the Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity', 1 May 2020, UN Doc A/HRC/44/53*.

UNHCR, *Guidelines on International Protection No. 9,* Geneva, UNHCR, 2012.

UNHCR, *Kenya Comprehensive Refugee Programme 2016,* Geneva, UNHCR, 2016.

UNHCR, *Projected Global Resettlement Needs 2016*, Geneva, UNHCR, 2016.

UNHCR, *Jordan Vulnerability Assessment Framework,* Geneva, UNHCR, 2017.

UNHCR, *Contextual Information and Observations on LGBTI Asylum-Seekers and Refugees in Kenya,* Geneva, UNHCR, 2018.

UNHCR, 'Gap Between Refugee Resettlement Needs and Opportunities Widens', Press Release, 25 June 2018.

UNHCR, *Kenya Comprehensive Refugee Programme 2019-2020*, Geneva, UNHCR, 2019.

UNHCR, *Projected Global Resettlement Needs 2020*, Geneva, UNHCR, 2020.

UNHCR, *Kenya Registered Refugees and Asylum-Seekers* [website], https://www.unhcr.org/ke/wp-content/uploads/sites/2/2020/05/Kenya-Infographics-30-April-2020-1.pdf, (accessed 24 May 2020).

UNHCR, Kenya: Urban Areas [website], *https://www.unhcr.org/ke/urban-areas*, *(Accessed 14 May 2020)*.

UNHCR, *Resettlement Data* [website], https://www.unhcr.org/uk/resettlement-data.html (accessed 21 July 2020).

UNHCR & The International Detention Coalition (IDC), *Vulnerability Screening Tool,* Geneva, UNHCR, 2016.

U.S. Department of State, *Adjusted Refusal Rate - B-Visas Only by Nationality Fiscal Year 2018*, Washington D.C., U.S. Department of State, 2018.

U.S. Department of State - Bureau of Consular Affairs, *Fees for Visa Services* [website], https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/fees/fees-visa-services.html, (accessed 8 July 2020)

Vayrynen R., 'Funding Dilemmas in Refugee Assistance: Political Interests and Institutional Reforms', *International Migration Review,* vol. 35, no. 1, 2001, pp. 143-167.

'Violence Against the Transgender and Gender Non-Confirming Community in 2020 [web blog], 2020, https://www .hrc.org/resources/violence-against-the-trans-and-gender-non-conforming-community-in-2020, (accessed 10 August 2020)

Wesangula D., 'On the Run from Persecution: How Kenya Became a Haven for LGBT Refugees, *The Guardian*, 23 February 2017, https://www.theguardian.com/global-development-professionals-network/2017/feb/23/on-the-run-from-persecution-how-kenya-became-a-haven-for-lgbt-refugees (accessed 24 May 2020).

Williams P. D., 'After Westgate: Opportunities and Challenges in the war Against Al-Shabaab', *International Affairs,* vol. 90, no. 4, 2014, pp. 907-923

Women's Refugee Commission, *"We have a Broken Heart": Sexual Violence Against Refugees in Nairobi and Mombasa, Kenya",* New York, Women's Refugee Commission, 2019.

The World Bank, *'Informal Enterprises in Kenya'*, Washington D.C., The World Bank, 2016.

The World's Worst Place to Be Gay [online video], Presenter S. Mills, London, UK, BBC, 2011, https://www.youtube.com/watch?v=fV0tS6G8NNU, (accessed May 22 2020).

Zetter R. and H. Ruaudel, *Refugees' Right to Work and Access to Labor Markets - An Assessment*, Washington D.C., Knomad, 2016.

Zilio M., 'Canada on Track to Welcome More Than 300,000 Immigrants in 2016, *The Canadian Press,* 8 March 2016, https://www.theglobeandmail.com/news/politics/ottawa-seeks-to-bring-more-than-300000-newcomers-this-year/article29069851/, (accessed 11 August 2020).

Legislation and Case Law:

Kenya Citizenship and Immigration Act (2011).

Kenya Refugees Act (2006).

The 1951 Refugee Convention (adopted 28 July 1951, entered into force 22 April 1954), 189 UNTS 137.

List of Interviews:

Alpha, Interview, Nairobi, 21 June 2020.

Bill, Interview, Nairobi, 22 May 2020.

Christian, Interview, Nairobi, 14 June 2020.

Cindy, Interview, Nairobi, 30 May 2020.

Cruz, Interview, Nairobi, 23 June 2020.

Daisy, Interview, Nairobi, 22 May 2020.

DW, Interview, Nairobi, 25 May 2020.

DW, Interview, Nairobi, 14 July 2020.

East, Interview, Nairobi, 22 June 2020.

Kay, Interview, Nairobi, 21 June 2020.

Mark, Interview, Nairobi, 22 June 2020.

Nyangas, Interview, Nairobi, 25 June 2020.

Pierre, Interview, Nairobi, 2 July 2020.

White, Interview, Nairobi, 29 May 2020.

X, Interview, Nairobi, 14 June 2020.

APPENDIX 1: ABSTRACT (ENGLISH)

Well-meaning humanitarian advocacy and Western media have long since mobilized public support and funding for refugee issues utilizing images that depict refugees as *victims* of war, displacement and *"unbearable and hopeless poverty"*. As a result, refugees have been publicly constructed as victims, a narrative that serves to passivize, collectivise and dehumanise refugees, rendering them homogenous and passive recipients of humanitarian aid. This thesis seeks to address the *structure-agency impasse* in forced migration research, utilizing Archer's morphogenic approach to structuration theory to examine how structures enable and constrict the agency of queer refugees both during migration and whilst awaiting resettlement in Kenya. Fifteen in-depth interviews with queer asylum seekers and refugees living in Kenya revealed that whilst the agency of refugees is seriously constrained by structures during migration, participant's differential experiences of agency and decision-making during migration revealed continuums of reactive migration, shattering the depiction of the unified experience of forced displacement – desperate and void of any agency at all. Furthermore, this study challenges the unidimensional depiction of the refugee, defined by their suffering and flight, exposing multivariate motivations for migration aside from the escape of homophobic violence which include the pursuit of belonging an opportunity.

Having explored queer migration profiles and pathways in East Africa, this study then examined how refugees in Kenya are structured into victimhood. Utilizing the morphogenic approach, the structural positioning of refugees into positions of exacerbated vulnerability were highlighted, and the process of (re)creating victim identities through Archer's structural elaboration was demonstrated. Queer refugees were shown to (re)create victim identities in two ways: (1) owing to the structured exacerbation of vulnerability and barriers to the right to work, refugees are positioned into insecurity and dependency in Nairobi, and (2) owing to funding cuts and slashes to resettlement quotas, queer refugees were positioned to *perform* victimhood as one of few means of increasing their net gain. As such, this study serves to strongly question the essentialised image of the refugee victim, exploring continuums of agency constriction and enablement

which must be understood to provide meaningful refugee assistance. Furthermore, it highlights root causes of refugee disempowerment which must be addressed to provide a rights-based-approach to refugee programming.

APPENDIX 2: ABSTRACT (DEUTSCH)

Gut gemeinte humanitäre Interessensvertretungsarbeit und westliche Medien mobilisieren seit Langem die öffentliche Unterstützung und Finanzierung von Flüchtlingsfragen, indem sie Bilder verwenden, die Flüchtlinge als Opfer von Krieg, Vertreibung und "unerträglicher und hoffnungsloser Armut" darstellen. Infolgedessen sind Flüchtlinge öffentlich als Opfer konstruiert worden, eine Schilderung, die dazu dient, Flüchtlinge zu passivieren, zu kollektivieren und zu entmenschlichen, wodurch sie zu homogenen und passiven Empfängern humanitärer Hilfe werden.

Diese Masterarbeit befasst sich mit der Sackgasse „Struktur-Agentur“ in der erzwungenen Migrationsforschung, indem sie Archer’s morphogenetischen Ansatz zur Strukturtheorie verwendet, um zu untersuchen, wie Strukturen die Agentur queerer[330] Flüchtlinge sowohl während der Migration als auch in Erwartung der Umsiedlung in Kenia ermöglichen und einschränken.

Fünfzehn ausführliche Interviews mit in Kenya lebenden, queeren Asylwerbern und Flüchtlingen, ergaben, dass während die Unterstützung von Flüchtlingen streng durch Strukturen begrenzt ist, die TeilnehmerInnen unterschiedliche Erfahrungen mit den Themen Handlungsfähigkeit und Entscheidungsfindung während der Migration machen. Hierdurch wird das Kontinuum reaktiver Migration offenbart unter gleichzeitiger Erschütterung der Darstellung der einheitlichen Erfahrung von Zwangsumsiedlung als eine verzweifelte und ohne jegliche Handlungsfähigkeit.

[330] In dieser Arbeit wird die Terminologie "queer" verwendet, um Personen zu bezeichnen, deren sexuelle Orientierung oder Geschlechtsidentität von den Normen abweicht, die in heterosexuellen, cis-dominierten Gesellschaften erwartet werden. (Auch wenn) Häufig als LGBT/LGBTIQ+ bezeichnet – wird die Terminologie "queer" absichtlich verwendet, um diejenigen Inklusivität zu bieten, die sich außerhalb der stark eurozentrisch geprägten Vorstellungen von L,G,B oder T identifizieren.

Darüber hinaus hinterfragt diese Studie die eindimensionale Darstellung der Flüchtlinge, definiert durch ihre Leiden und ihre Flucht, und zeigt multivariate Motivationen für die Migration auf, abgesehen von der Flucht vor homophober Gewalt, wie das Streben nach Zugehörigkeit und Chancen.

Anschließend an die Untersuchung queerer Migrationsprofile und -wege in Ostafrika untersuchte diese Studie, wie Flüchtlinge in Kenia in die Opferrolle gegliedert werden. Mit Hilfe des morphogenen Ansatzes wurde die strukturelle Positionierung von Flüchtlingen in Positionen erhöhter Verletzlichkeit hervorgehoben und der Prozess der (Wieder-)Herstellung von Opferidentitäten durch Archer's strukturelle Ausarbeitung aufgezeigt. Queere Flüchtlinge stellen ihre Opferidentität auf zwei Wege (wieder) her: (1) aufgrund der strukturierten Verschärfung der Verwundbarkeit und der Barrieren zum Zugang auf das Recht auf Arbeit werden Flüchtlinge in Nairobi in Unsicherheit und Abhängigkeit gebracht, und (2) aufgrund von finanziellen Kürzungen und Reduzierung der *resettlement* Quoten wurden queere Flüchtlinge in die Position gebracht, die Opferrolle zu erfüllen, dies als eine der wenigen Wege um mehr Gewinn zu ermöglichen. Diese Studie dient dazu, das essentialisierte Bild des Flüchtling als Opfer stark in Frage zu stellen, indem sie die Kontinuitäten der Einschränkung und der Befähigung von Organisationen/Agenturen untersucht, die verstanden werden müssen, um sinnvolle Flüchtlingshilfe leisten zu können. Darüber hinaus zeigt sie die Ursachen für die Entmachtung von Flüchtlingen auf, die angesprochen werden müssen, um einen rechtebasierten Ansatz für die Flüchtlingsprogrammierung zu schaffen.

APPENDIX 3: LIST OF FIGURES