VULNERABILITY AMPLIFIED

ASSESSING THE NEEDS OF LGBTI+ REFUGEES IN SOUTH AFRICA

Written by B Camminga, Thea de Gruchy and John Marnell

with contributions from Masi Zhakata, Thomars Shamuyarira and Anold Mulaisho

AFRICAN LGBTQI+ MIGRATION RESEARCH NETWORK

THE FRUIT BASKET

ACMS AFRICAN CENTRE for MIGRATION & SOCIETY

UNIVERSITY OF THE WITWATERSRAND, JOHANNESBURG

PACHEDU

Vulnerability Amplified: Assessing the Needs Of LGBTI+ Refugees In South Africa

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EXECUTIVE SUMMARY AND KEY FINDINGS

There is little available data on sexual and gender minorities (SGM)[1] who have relocated to South Africa, either as migrants or asylum seekers. Like most refugee-hosting countries, South Africa does not collect disaggregated data on asylum applicants who identify as lesbian, gay, bisexual, transgender or intersex (LGBTI+).[2] The Department of Home Affairs (DHA) – the government entity responsible for managing such claims – is therefore unable to provide population-specific information.

Since the implementation of the Refugees Act 130 of 1998, which recognises persecution based on sexual orientation and/or gender identity as grounds for asylum, there has been a steady number of LGBTI+ people seeking protection in South Africa. Recent years have seen increasing attention afforded to these individuals, as reflected in the small but growing number of articles, books and reports written about them.[3] However, this work is almost entirely qualitative. Such research is critical, but it only tells part of the story. The absence of reliable quantitative data makes it difficult to gauge the size of the SGM migrant community[4] or the extent to which specific issues affect it. In particular, it makes it difficult – if not impossible – to hold DHA, the police and other state entities to account. When reports emerge of SGM migrants being mistreated, the government can dismiss these incidents as isolated or anomalous. Indeed, it is easy to downplay the need for more stringent oversight and accountability mechanisms when there is a lack of hard figures.

It was a desire to address this knowledge gap that inspired the current project. Our goal was to collect baseline data that could augment existing research, as well as guide and support future advocacy interventions. This was achieved by rolling out three anonymous surveys administered via the WhatsApp messaging platform. As well as capturing basic demographic information, the surveys posed simple questions about participants' gender, sexuality, documentation status, reason for migrating and experiences of harassment and/or violence. The surveys were circulated through established community networks, which allowed us to source responses from people who might otherwise be unable or unwilling to participate in research.

This report presents data from 381 SGM migrants, primarily based in Johannesburg, Cape Town and Tshwane but also from other parts of the country. To the best of our knowledge, it is the first time that qualitative data on this population has been made available.

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[1] There is no universally accepted term to define the group of people whose sexual orientations and/or gender identities do not conform to socially prescribed norms. The acronym 'LGBTI+' is often used to identify this group in research and literature. Given the diversity of language used by respondents in this study, we give preference to the expansive term 'sexual and gender minorities'. However, where useful and appropriate, we maintain use of the more commonly circulated 'LGBTI+' acronym.

[2] At present only Belgium, Denmark and the United Kingdom provide disaggregated data on asylum claims by sexual and gender minorities.

[3] Examples include Access Chapter 2 (2019) *The Voice: Research Report – Life Experiences of LGBTI+ Refugees and Asylum Seekers in South Africa*, Pretoria: Access Chapter 2; Beetar, M. (2016) 'Intersectional (Un)Belongings: Lived Experiences of Xenophobia and Homophobia'. *Agenda: Empowering Women for Gender Equity* 30(1): 96–103; Camminga, B. (2018) '"Gender Refugees" in South Africa – The "Common Sense" Paradox', *Africa Spectrum* 53(1): 89–112; PASSOP and Leitner Center for International Law and Justice (2013) *Economic Injustice: Employment and Housing Discrimination against LGBTI+ Refugees and Asylum Seekers in South Africa*, Cape Town: Open Society Foundation for South Africa . Available from http://www.leitnercenter.org/files/2013_Leitner_SouthAfricaLGBTreport.pdf (accessed 21 October 2021); Marnell, J. (2021) *Seeking Sanctuary: Stories of Sexuality, Faith and Migration*, Johannesburg: Wits University Press; Palmary, I. (2016) *Gender, Sexuality and Migration in South Africa: Governing Morality*, Cham: Palgrave Macmillan.

[4] This report uses 'migrant' as an umbrella term for migrants, refugees and asylum seekers. This is done in recognition that established legal categories do not always align with lived experiences or reflect individuals' self-identifications. In South Africa, barriers to accessing the asylum system push some individuals who may be eligible for refugee protection into the immigration system (and vice versa) or force them to remain undocumented. The 'correct' legal terms are used when clarification is needed or when referencing specific individuals/groups.

Based on our analysis, we offer the following key findings:

GEOGRAPHIC SPREAD

Our results show that SGM migrants are spread far more widely across South Africa than previously thought. It is commonly believed that SGM migrants live in major economic hubs, such as Cape Town and Johannesburg, which are widely perceived to be more 'gay friendly' than other locations. As a result, services targeting SGM groups are concentrated within urban centres. The surprising number of participants living outside these areas suggests a need to reconsider how funding and support is spread, how research is conducted and where services are situated.

ACCESS TO MOBILE PHONES AND DATA

The surveys received almost double the number of responses we had predicted and yet there were many people who wanted to participate but could not. This was because they only had SIM cards and not mobile devices (commonly referred to being 'on SIM'). This shows that a significant proportion of the SGM migrant community has limited, if any, access to online content and social media. This is concerning given how much advocacy, support and community work is delivered via WhatsApp, Facebook and similar platforms. Knowledge of and exposure to LGBTI+ and/or migrant support structures among individuals who were unable to participate in the surveys was severely limited.

GENDER-BASED ASYLUM CLAIMS

South Africa technically extends protection from persecution based on both gender and sexual orientation, yet previous research indicates that transgender and gender-diverse persons have previously claimed – or been classified as claiming – asylum on the basis of sexual orientation.[5] Our data suggests a shift in this pattern, with a number of participants reporting that they claimed asylum due to persecution based on gender.

DIVERSITY OF LANGUAGE

The surveys, drawing from best-practice principles, asked several identity-based questions concerning sexuality and gender. The responses showed an astonishing range and mix of identities. Most remarkable was the use of terms commonly understood to indicate gender, such as transgender or non-binary, to signal sexuality, and vice versa. Of equal interest is the widespread use of a relatively new term 'non-binary'. Only two respondents self-identified as 'queer'. This finding has important ramifications for how researchers, advocates, lawyers, service providers, state bureaucrats and other stakeholders engage with SGM migrants, as well as how support programmes are structured and implemented.

A CONFUSING AND EXCLUSIONARY SYSTEM

Most participants reported being undocumented, an anticipated result given the well-established failings at DHA and the recognised social, cultural, economic, administrative and legal factors obstructing LGBTI+ people from claiming protection in South Africa. More surprising was the number of survey responses that seem to indicate confusion over asylum-related terms, categories, systems and processes. This suggests that programmes intended to support, guide and inform potential asylum seekers are not reaching all segments of the SGM community.

IMPACT OF COVID-19

Survey data suggests that LGBTI+ people continued to enter South Africa during the Covid-19 pandemic, possibly when travel restrictions were in place. New asylum claims were not being accepted during this period. This forced people to remain undocumented and therefore suspectable to police harassment. There was also a spike in lapsed asylum claims in 2020 and 2022. While it is impossible to attribute a definite cause to this trend, it is likely connected to the online permit renewal system rolled out during the pandemic. Both findings align with other research highlighting the detrimental effect of Covid-19 on LGBTQI+ asylum seekers.[6]

[5] Camminga, B. (2019) *Transgender Refugees and the Imagined South Africa: Bodies over Borders and Borders over Bodies*, New York: Palgrave Macmillan; Mudarikwa, M. et al. (2021) *LGBTI+ Asylum Seekers in South Africa: A Review of Refugee Status Denials involving Sexual Orientation and Gender Identity*, Cape Town: Legal Resource Centre. Available from: https://lrc.org.za/wp-content/uploads/LGBTI-ASYLUM-REPORT-RFS.pdf (accessed 13 June 2022).

[6] Bearak, M. (2020) 'Life on Hold: With Resettlement Suspended Because of COVID-19, LGBT Refugees in Kenya Live in Fear of Persecution', *The Vancouver Sun*, Weekend Review, 6 June; Camminga, B. (2021) 'LGBTQI+ and Nowhere to Go: The Makings of a Refugee Population without Refuge', *African Security* 14(4): 370–90; Dillane, P. & Powell, K. (2020) *The Impact of Covid-19 on Displaced LGBTQI Persons*, Toronto: Rainbow Railroad. Available from https://www.rainbowrailroad.org/what-we-do/report-the-impact-of-covid-19-on-displaced-lgbtqi-persons (accessed 21 November 2022).

INTRODUCTION

Recent decades have seen the emergence of a new, or at least newly recognised, migration phenomenon: the movement of people fleeing persecution based on sexual orientation[7] and/or gender identity.[8] On the African continent, South Africa remains the only jurisdiction to acknowledge the right to asylum for sexual and gender minorities, courtesy of its progressive constitution. Yet little is known about sexual and gender minorities (SGM) – people who are more commonly referred to as lesbian, gay, bisexual, transgender or intersex (LGBTI+) – who move to South Africa, whether they expressly seek protection or not. Apart from a handful of news stories,[9] NGO reports[10] and qualitative research,[11] there is minimal data on this population. What does exist paints a disquieting picture. One recent publication, Barriers to Protection: A Review of Refugee Status Denials involving Sexual Orientation and Gender Identity, exposes legal and procedural shortcomings committed by the Department of Home Affairs (DHA) and the inevitable erosion of rights that accompany systemic failures.[12]

Although welcome and necessary, reports such as this provide little insight into the size or constitution of the SGM migrant population – not because they have failed but because they have a limited scope and specialised focus.

South Africa continues to be plagued by high rates of xenophobia, homophobia and transphobia.[13] For SGM migrants, remaining inconspicuous – or as inconspicuous as possible – is a necessary survival strategy.[14] This presents challenges for researchers, lawyers, activists and service providers. It also makes it difficult to collect reliable demographic information. Not having baseline data hampers efforts to support and advocate on behalf of SGM migrants. Even organisations established for this express purpose struggle to document experiences, track shifts and trends, ascertain the extent of need, develop evidence-based interventions, or evaluate the impact of programmes.

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[7] Amit, R. (2012) *All Roads Lead to Rejection: Persistent Bias and Incapacity in South African Refugee Status Determination*. Johannesburg: ACMS; Bhagat, A. (2018) 'Forced (Queer) Migration and Everyday Violence: The Geographies of Life, Death, and Access in Cape Town', *Geoforum* 89: 155–63; Isaack, W. (2009) 'African Lesbian & Gay People – Final Destination South Africa?', in *Perspectives: Political Analysis and Commentary from Southern Africa* 1: 6–11. Available from https://za.boell.org/sites/default/files/hbs_perspectives_01.09_migration.pdf (accessed 21 October 2022); Magardie, S. (2003) '"Is the Applicant Really Gay?" Legal Responses to Asylum Claims Based on Persecution Because of Sexual Orientation', *Agenda: Empowering Women for Gender Equity*, 55: 81–7.

[8] Camminga, B. (2019) *Transgender Refugees and the Imagined South Africa*; Camminga, B. (2019) 'Shifting in the City: Being and Longing in Cape Town', in *Beyond the Mountain: Queer Life in Africa's 'Gay Capital'*, Z. Matebeni & B. Camminga (eds), 60–70, Johannesburg: Unisa Press; Theron, L. (2011) 'When a Progressive Constitution Is Not Enough, and Other Challenges', paper presented at the XIII IASFM conference, Kampala, Uganda.

[9] For example: Collison, C. (2021) 'Queer Migrants Find their Spiritual Sanctuary', *New Frame*, 1 December. Available from https://www.newframe.com/queer-migrants-find-their-spiritual-sanctuary/ (accessed 9 September 2022); de Greef, K. (2019) The Unfulfilled Promise of LGBTQ Rights in South Africa, *The Atlantic*, 2 July. Available from https://www.theatlantic.com/international/archive/2019/07/southafrica-lgbtq-rights/593050/ (accessed 21 November 2022); Washinyira, T. (2021) 'LGBTI Refugees Denied Asylum by Home Affairs Bigotry – Report', *News24*, 1 May. Available from https://www.news24.com/news24/southafrica/news/lgbti-refugees-denied-asylum-by-home-affairs-bigotry-report-20210501 (accessed 19 May 2022).

[10] For example: Access Chapter 2 (2019) *The Voice: Research Report*; PASSOP (2012) *A Dream Deferred: Is the Equality Clause in the South African Constitution's Bill of Rights (1996) Just a Far-off Hope for LGBTI+ Asylum Seekers and Refugees?* Cape Town: Open Society Foundation for South Africa. Available from https://www.refworld.org/docid/4ffd29f92.html (accessed 19 November 2022); ORAM (2013) *Blind Alleys: The Unseen Struggles of Lesbian, Gay, Bisexual, Transgender and Intersex Urban Refugees in Mexico, Uganda and South Africa*, Minneapolis: ORAM. Available from https://www.refworld.org/docid/524d46864.html (accessed 19 November 2022).

[11] For example: Camminga, B. (2020) 'Marooned: Transgender Asylum Seekers in Johannesburg', in N. Falkoff & C. Van Staden (eds), *Anxious Joburg: The Inner Lives of a Global South City*, 187–207, Johannesburg: Wits University Press; Marnell, J. (2022) 'Telling a Different Story: On the Politics of Representing African LGBTQ Migrants, Refugees and Asylum Seekers', in B. Camminga & J. Marnell (eds), *Queer and Trans African Mobilities: Migration, Asylum and Diaspora*, 39–60, London: ZED Books; Dill L. et al. (2016) 'Son of the Soil … Daughters of the Land: Poetry Writing as a Strategy of Citizen-making for Lesbian, Gay and Bisexual Migrants and Asylum Seekers in Johannesburg', *Agenda: Empowering Women for Gender Equity* 30(1): 85–95.

[12] Mudarikwa et al. (2021) *LGBTI+ Asylum Seekers in South Africa.*

[13] Marnell, J., Oliveira, E. & Khan, G. H. (2020) 'It's about Being Safe and Free to be Who You Are: Exploring the Lived Experiences of Queer Migrants, Refugees and Asylum Seekers in South Africa', *Sexualities*, 24(1/2): 86–110.

[14] Beetar, M. (2020) 'Bordering Life: South African Necropolitics and LGBTI+ Migrants', in S. Clisby (ed.), *Gender, Sexuality and Identities of the Borderlands*, 43–55, London, Routledge; Camminga, B. (2017) 'Categories and Queues: The Structural Realities of Gender and the South African Asylum System', *TSQ: Transgender Studies Quarterly* 4(1): 61–77.

Unsurprisingly, these challenges were exacerbated by Covid-19. As the pandemic unfolded, SGM migrants found themselves excluded from state support provisions.[15] Their vulnerability was further amplified by their inability to rely on country-of-origin networks (due to the potential for being outed, attacked and/or exploited) and their isolation from one another due to strict lockdown regulations. It also became evident that data on the distribution and composition of the SGM migrant population was desperately needed but virtually non-existent.

To assist the community, a grassroots coalition was established,[16] comprising the African LGBTQI+ Migration Research Network (ALMN),[17] the GALA Queer Archive[18] and three community networks, each situated in a major South African city: (1) the Fruit Basket, a trans-led LGBTI+ migrant rights organisation based in Johannesburg;[19] (2) Pachedu, a lesbian-led network of LGBTI+ migrants based in Cape Town;[20] (3) the PTA-Covid Network, a gay-led network of LGBTI+ migrants based in Pretoria. Coordinated by ALMN and GALA, the coalition raised and distributed emergency relief funds.[21] The project also supported capacity-building and skills-development for community leaders, leading to the eventual registration of one network, the Fruit Basket, as an organisation.

Due to restrictions on movement and face-to-face interactions, the entire crisis-relief campaign had to be implemented remotely. This was done using WhatsApp, a free cross-platform instant messaging and calling service for (compatible) smart phones. As word spread about the coalition's efforts, the community networks involved in the campaign began to expand, with more and more SGM migrants making contact and joining digital chat groups.

This should not be surprising. Research shows the power of digital communication tools to reach under-serviced and invisible communities. From delivering education programmes for women in Kenyan refugee camps[22] to facilitating eye-witness reporting on the degrading conditions of Australia's offshore refugee detention centres,[23] mobile phones and messaging platforms are increasingly playing a role in refugee support and advocacy. Apps, social media and other digital technologies are also being used to connect researchers with mobile or isolated populations.[24] This form of research is still in its infancy, but it is proving to be an effective and rigorous means of collecting data.

WhatsApp-based research during the 2014 Ebola outbreak in Sierra Leone indicates that, during times of crisis, messaging platforms can provide an outlet to voice experiences publicly and/or anonymously, while also allowing for self-expression and possibly addressing psychosocial needs.[25] A study exploring the experiences of 'queer refugees' moving from the Middle East through Turkey to Germany demonstrates that messaging platforms and dating apps offer possibilities for networking, coping strategies and a sense of belonging at different stages of a migration trajectory.[26]

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[15] Kavuro, C. (2020) 'South Africa Excludes Refugees and Asylum Seekers from Covid-19 Aid', *Mail & Guardian*, 29 May. Available from: https://mg.co.za/coronavirus-essentials/2020-05-29-south-africa-refugees-coronavrus-exclude-law/ (accessed 14 April 2021); Stoltz, E. (2021) 'Sex Workers, LGBTQ+ and Undocumented People Struggle to Find Shelters, Says Report', *Mail & Guardian*, 25 November. Available at https://mg.co.za/news/2021-11-25-sex-workers-lgbtq-and-undocumented-people-struggle-to-find-shelters-says-report/ (accessed 8 October 2022).

[16] Bornman, J. (2020) 'LGBTQIA+ Covid-Funds Project Rooted in Community', *New Frame*, 1 July. Available from https://www.newframe.com/lgbtqia-covid-funds-project-rooted-in-community/ (accessed 19 November 2022).

[17] For more information on ALMN, see www.almn.org.za.

[18] The GALA Queer Archive is a catalyst for the production, preservation and dissemination of information about the history, culture and contemporary experiences of LGBTI+ people in South Africa, and Africa more broadly. GALA's primary focus is to preserve and nurture LGBTI+ narratives and culture, as well as to promote social equality, inclusive education and youth development. For more information, see www.gala.co.za.

[19] For more information on the Fruit Basket, see www.facebook.com/everyfruit and @every_fruit on Instagram.

[20] For more information on Pachedu, see www.facebook.com/profile.php?id=100069472814160&_rdc=1&_rdr and @PacheduG on Instagram.

[21] For more information on the GoFundMe campaign, see www.uk.gofundme.com/f/covid19-amp-lgbtqi-people-in-south-africa.

[22] Dahya, N. et al. (2019) 'Social Support Networks, Instant Messaging, and Gender Equity in Refugee Education', *Information, Communication & Society* 22(6): 774–90.

[23] Reilly, C. (2016) 'WhatsApp Messages from a 'Prison' Island, Thousands of Miles Away', *CNET*, 18 August. Available from www.cnet.com/tech/mobile/whatsapp-messages-from-detention-a-thousand-miles-away-refugee-crisis/ (accessed 23 September 2022).

[24] de Gruchy, T. et al. (2021) 'Research on the Move: Exploring WhatsApp as a Tool for Understanding the Intersections between Migration, Mobility, Health and Gender in South Africa', *Globalization and Health* 17(71), https://doi.org/10.1186/s12992-021-00727-y; Jacobsen, J. & Kuhne, S. (2021) 'Using a Mobile App When Surveying Highly Mobile Populations: Panel Attrition, Consent, and Interviewer Effects in a Survey of Refugees', *Social Science Computer Review* 39(4): 721–43.

[25] Hannides, T. (2015) *Humanitarian Broadcasting in Emergencies: A Synthesis of Evaluation Findings*, London: BBC Media Action. Available from http://downloads.bbc.co.uk/mediaaction/pdf/research/humanitarian-broadcasting-in-emergencies-2015-report.pdf (accessed 21 November 2022).

[26] Bayramoğlu, Y. & Lünenborg, M. (2018) 'Queer Migration and Digital Affects: Refugees Navigating from the Middle East via Turkey to Germany', *Sexuality & Culture* 22(4): 1019–36.

Across the African continent, research with SGM populations, especially those seeking refuge, has been hindered by stigma, discrimination, exploitation, violence and criminalisation.[27] However, these populations need to be counted to ensure targeted, inclusive and impactful advocacy and policy responses. WhatsApp presents a cheap and effective way to achieve this. As the Covid-19 relief campaign demonstrated, WhatsApp is not only a convenient communication tool but also a powerful resource for resource-mobilisation, knowledge-exchange and solidarity-building. Most importantly, WhatsApp offers a way to mitigate some of the safety and security concerns facing SGM migrants.[28] It allows participants to make contact remotely and, where necessary, anonymously, as well as to remain in touch during difficult or transitory periods.[29] Messages sent on the platform are also protected via end-to-end encryption.[30]

It was WhatsApp's potential to easily share information that made this project possible. By harnessing the digital networks established during Covid-19, we were able to gather – for the first time – basic demographic data on an under-researched and largely invisible population. This was done by posing simple questions – for example, 'In which country were you born?' and 'Is your stay in South Africa documented or undocumented?' – that could build a clearer picture of the SGM migrant experience in South Africa.

Despite these countless benefits, technology cannot be considered a miracle problem-solver. Digital platforms can sometimes amplify rather than ameliorate social inequalities. This is because they are subject to circulations of power and socio-political dynamics, just like any other form of human interaction. We believe that some of these concerns were mitigated by our decision to work from a grassroots base and to meaningfully include SGM migrant voices during the project. This included asking our community partners about the data they most need, including their suggested survey questions and hosting collaborative data-analysis workshops. Our approach was informed by research that suggests that technology can empower displaced persons if they are directly involved in the design and deployment of digital tools.[31] For example, research conducted in the Philippines following Typhoon Haiyan found that people in disaster situations are more likely to share views with their peers rather than researchers, and that relationships of trust need to be developed alongside cultures of listening for interventions to be successful.[32]

As this report attests, WhatsApp-based research offers significant advantages when engaging hard-to-reach populations. The survey findings presented here provide crucial insights into the needs and experiences of respondents. However, as explained in detail below, the non-probability sampling method we employed means that our findings are not representative. This does not undermine the veracity or applicability of the data. Given the high number of responses we received, we are confident that our findings accurately reflects key aspects of the SGM migrant experience in South Africa. It is also notable that the survey data supports findings from earlier qualitative studies.

We hope the baseline data presented here will inform service delivery, facilitate movement-building, support needs analysis and assist with advocacy and fundraising efforts. Most importantly, we hope it will contribute to the actualisation of SGM migrants' rights. One way this might happen is by bolstering future litigation and advocacy campaigns to improve refugee status determinations. The project's findings hold enormous value not only for researchers, activists, lawyers and other professionals but also for LGBTI+ people seeking safety in South Africa. These individuals deserve to be heard, and it is our responsibility to explore new avenues for making this possible. Digital tools, when used alongside more traditional forms of research and advocacy, offer exciting opportunities to capture, present and share data.

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[27] Camminga, B. & Marnell, J. (2022) 'Framing African Queer and Trans Mobilities: Absences, Presences and Challenges', in B. Camminga & J. Marnell (eds), *Queer and Trans African Mobilities: Migration, Asylum and Diaspora*, 1–21, London: ZED Books.

[28] Marnell, J. et al. (2020) 'Sexual Health at the Margins: Exploring Mobility in the South African Rollout of Pre-Exposure Prophylaxis (PrEP) amongst Men Who Have Sex with Men', in E. Oliveira, S. J. Cooper-Knock & J. Vearey (eds), *SeaM: Security at the Margins*, 70–72, Johannesburg: ACMS. Available from https://issuu.com/move.methods.visual.explore/docs/seam-_security_at_the_margins_9dbd6e979a67cd (accessed 20 November 2022).

[29] Ndashimye, F., Hebie, O. & Tjaden, J. (2022). 'Effectiveness of WhatsApp for Measuring Migration in Follow Up Phone Surveys. Lessons from a Mode Experiment in Two Low-Income Countries during COVID Contact Restrictions', *Social Science Computer Review*, https://doi.org/10.1177/08944393221111340.

[30] Although there are many benefits of using WhatsApp as a data-collection tool, including end-to-end encryption, there are still security risks associated with the platform (as there are with any open-source software). For the safety precautions implemented for this project, see Section 2 of this report. An overview of shortcomings linked to WhatsApp can be found in Ameen S & Praharaj S. K. (2020) 'Problems in Using WhatsApp Groups for Survey Research', *Indian Journal of Psychiatry* 62(3): 327–28; Manji, K. et al. (2021) 'Using WhatsApp Messenger for Health Systems Research: A Scoping Review of Available Literature', *Health Policy and Planning* 36: 774–89.

[31] Srivastava, L. (2016) 'The If and When of Technology for the Global Refugee Crisis', *Open Migration*, 29 June. Available from https://openmigration.org/en/op-ed/the-if-and-when-of-technology-for-the-global-refugee-crisis/ (accessed 26 October 2022).

[32] Madianou, M. et al. (n.d.) 'Humanitarian Technologies project – Goldsmiths University'. Available from https://www.gold.ac.uk/media-communications/research/humanitarian-technologi-project/ (accessed 21 November 2022).

RESEARCH METHODS

The project sought to harness the popularity and prevalence of WhatsApp in South Africa to collect baseline data on SGM forced migrants.[33] The app's impressive penetration of the local telecommunications market[34] presented exciting opportunities to access people who might otherwise be unwilling or unable to participate. At the same time, implementing a mobile-based project with a deeply marginalised social group presented serious logistical and ethical issues. While we wanted to encourage broad participation, we recognised the importance of data integrity, both in terms of who was responding to the survey and how equipped they were to answer questions using WhatsApp. It was also anticipated that participants would have concerns about data protection, including how sensitive information would be stored and used. Drawing on lessons learnt from other WhatsApp-based research projects, we decided that a combination of face-to-face and remote interactions would mitigate these obstacles.[35] The former was limited to an in-person recruitment process, while the latter took the form of two remotely administered surveys. In the subsections that follow, we outline how this multi-stage process was implemented and reflect on challenges encountered during recruitment and data collection.

SURVEY TOOL

Before developing the survey, it was necessary to identify software that would meet the unique requirements of the project. After investigating different options, the research team decided to use engageSPARK, a US-based subscription service that allows users to build and administer surveys via various mobile platforms, including WhatsApp. The engageSPARK service was selected for a number of reasons, such as the possibility of sending customised messages from a business-verified account and the ability for real-time engagement with data. Most importantly, engageSPARK allowed for multiple message/response formats (i.e. different ways of sourcing data) and for multitiered question pathways (i.e. directing participants to specific questions based on their answers). The service also comes with inbuilt safety protocols, including compulsory opt-in from participants before messages can be sent and received. For this project, participants had to click a special link provided by a community fieldworker and then provide consent.

RECRUITMENT AND ENROLMENT

Recruitment was managed by three well-known activists: Thomars Shamuyarira (Zimbabwean, based on Johannesburg), Masi Zhakata (Zimbabwean, based in Cape Town) and Anold Mulaisho (Zambian, based in Pretoria). All three are embedded within extensive LGBTI+ migrant networks and are recognised as leaders within this community. The other members of the research team were B Camminga (South African, based in Johannesburg), Thea de Gruchy (South African, based in Johannesburg) and John Marnell (Australian, based in Johannesburg). All members of the research team had previously worked together in some capacity, and this familiarity certainly aided the project's viability.

Before data was collected, the research team underwent intensive training on the project's scope and purpose, as well as each person's role and responsibilities. Other topics included research theories, ethical compliance, data security, safety precautions and managing referrals. The workshop also provided an opportunity for team members to provide feedback on the draft survey questions and to practise responding to them using WhatsApp. Finally, roleplays and other practical activities allowed the community fieldworkers to build their skills and confidence. This included developing their own 'scripts' to guide conversations with potential participants.

[33] Dahir, A .L. (2018) 'WhatsApp is the most popular messaging app in Africa', *Quartz*, 14 February. Available from https://qz.com/africa/1206935/whatsapp-is-the-most-popular-messaging-app-in-africa (accessed 21 November 2022).

[34] Degenhard, J. (2021) 'Forecast of the Number of WhatsApp Users in South Africa from 2017 to 2025', *Statista*, 20 July. Available from https://www.statista.com/forecasts/1146895/whatsapp-users-in-south-africa (accessed 21 November 2022).

[35] de Gruchy, T. et al. (2021) 'Research on the Move'.

Each community fieldworker was assigned an enrolment zone based on where they live and work. To prevent duplicate enrolments or additional work, the recruiters were encouraged to share information among themselves. For example, if Thomars became aware of a potential participant in Cape Town, he would put them in touch with Masi so she could manage their enrolment. At times, community fieldworkers were asked to work outside of their designated zones (e.g. Anold travelled to Durban and Gqeberha to enrol participants from KwaZulu-Natal). There were also occasions when enrolments were done over the phone or Skype/Zoom. This was reserved for participants who lived far from metropolitan centres. Remote enrolments were avoided as much as possible to minimise the risk of recruiting outside the target group (i.e. non-SGM migrants) or including people who did not have access to WhatsApp-compatible phones.

In-person enrolments had multiple benefits. They provided an opportunity for the community fieldworkers to explain the scope and aims of the project, the risks and benefits of taking part and the safety and security protocols being implemented. At the same time, the community fieldworkers could assess participants' English levels and ability to complete the surveys. These engagements also served as a referral mechanism, in that participants were connected to support networks, and as a recruitment strategy, in that community members could suggest other people who might want to take part (i.e. snowball sampling). Finally, the in-person enrolments allowed participants to practise using WhatsApp to answer questions. This took the form of a short enrolment survey that had to be completed to join the project.

Before receiving the enrolment survey, the person being recruited had to provide verbal consent (written consent was also captured at the beginning of the survey). If verbal consent was granted, the recruiter saved their WhatsApp number into a cell phone that had been provided especially for this purpose. Names and other identifying information were never stored alongside phone numbers. Instead, each participant was allocated a unique identifier: 'Participant 001', 'Participant 002' and so on. The participant was also instructed to save their recruiter's contact information (each recruiter had a dedicated number for the project) as well as the US phone number from which the surveys would be sent. It was explained that the US phone number was linked to an automated bot and therefore any calls or messages to it would go unanswered.

Once this process was completed, the link for the enrolment survey was shared with the participant. As well as confirming eligibility and consent, the enrolment survey captured basic demographic information like age and place of residence (see Appendix I). It also introduced participants to the two types of question used in the survey (open-ended vs. multiple choice) and the different responses they required (typing a free-form answer vs. choosing from a predefined list of options). The community fieldworkers were present during the enrolment survey and could provide assistance as required. Support was limited to technical issues – the community fieldworkers did not answer questions on participants' behalf or push them towards particular responses, in order to protect the integrity of the data.

After answering the four enrolment questions, participants were sent a thank you message and additional information about the project. This included details on when to expect the next two surveys, confirmation of the R50 data reimbursement that would be automatically sent after each survey was completed and contact information for Queerwell, a free telephonic mental health service for LGBTI+ people in South Africa. A contact number for the project team was also included so that participants could report any issues or ask additional questions.

SURVEY ROLLOUT

The survey was delivered in two parts (see Appendix I). This was done for three reasons. First, we hoped to avoid confusing, frustrating or upsetting participants by asking too many questions at one time. Second, we wanted each part to be internally coherent by focusing on just one theme. Third, we intended to use the interval between surveys to identify any problems (e.g. potential comprehension issues) and address any technical bugs (e.g. check that the automated response pathways were working correctly).

The first survey was limited to basic demographics, including self-identification of gender and sexuality, country of birth, highest level of education and primary form of income. The second survey concentrated on migration issues, including participants' reason for moving to South Africa, documentation status, experience of the asylum system (if applicable), attempts to claim asylum elsewhere, interactions with the UNHCR and exposure to interpersonal and/or police violence.

The surveys were circulated two weeks apart, with the first shared on 15 February 2022 and the second on 28 February 2022. Two reminder messages were sent to participants who had not completed the first survey. No further contact was initiated with those who did not act upon the second reminder. Only participants who completed the first survey were provided with the link for the second one.

As indicated, those who successfully competed each survey were automatically sent R50 worth of data to cover the cost of taking part. This amount reflects the high price of data in South Africa[36] and is in line with current ethical guidelines.

LOGISTICAL, TECHNICAL & ETHICAL OBSTACLES

The project's reach and uptake proved to be far greater than expected. Its high participation rate is testament to the diligence and dedication of the community fieldworkers, each of whom worked tirelessly to contact and recruit SGM migrants.

Although successful, the in-person enrolments were not without challenges. The SGM migrant community is widely dispersed, even more so than the project team anticipated, which meant the community fieldworkers had to travel extensively to reach people. This process was not only time consuming but also physically and emotionally demanding. Feedback from the community fieldworkers included feeling unsafe in certain locations, having to rush from meeting to meeting and struggling to manage tensions in the field. For example, some participants assumed that the community fieldworkers had access to secret donor funds or were working for the government. These misapprehensions could stem from seemingly innocuous details, such as how the community fieldworkers were dressed on a particular day. There were also times when the community fieldworkers faced unreasonable demands, such as being asked to provide complex legal advice or to assist with housing, food and jobs.

The in-person recruitment process exposed limitations in studies targeting marginalised social groups, while also providing crucial insights into the everyday struggles facing SGM migrants. Many people in this community live in crowded, unsanitary and potentially dangerous environments – a reality known to the research team but one which we underestimated the severity of. There were multiple times when the community fieldworkers expressed shock at the dire living conditions they witnessed. The extreme poverty within the community was evident from the many people who wanted to take part in the project but who did not have access to a phone. These individuals often described themselves as being 'on SIM'. This phrase denotes people who own a SIM card but who share a single handset among multiple people, thus limiting their ability to make calls or send/receive messages.

One of the biggest hurdles the research team faced was misinformation. Many potential participants were fearful of being outed or of having sensitive information shared with DHA. In most cases, these concerns were allayed by the community fieldworkers. They were able to explain the project's scope, aims and methods, to clarify how information would be stored and analysed (unique identifiers, data encryption, etc.) and to give information about the research team (organisational affiliation, previous work, etc.). However, there were times when people declined to participate due to suspicions about the project.

In addition to these general anxieties, there are two incidents worth mentioning. The first involved a miscommunication with a local service provider, resulting in an erroneous statement about the project being posted on Facebook. The research team reached out to the service provider, who quickly removed the post and replaced it with correct information. However, rumours about the project had already begun to circulate in the community. This resulted in the research team spending considerable time fielding questions and reassuring participants. The second incident involved a local NGO that warned LGBTI+ migrants against participating in the project. This seemed to have more to do with gatekeeping, both in terms of community access and resource management. The research team attempted to meet with the NGO to discuss any concerns, but no engagements were forthcoming. Although the two incidents described here had minimal impact on overall participation rates, they do show how misinformation can have a ripple effect. Doubts about the legitimacy of a project can spread quickly, especially when working with people who are already distrustful of researchers. The project team was able to mitigate these challenges by addressing community concerns and by remaining transparent and accountable. Again, working from a grassroots base proved critical.

[36] Harrisberg, K & Mensah, K. (2022) 'As Young Africans Push to be Online, Data Cost Stands in the Way', *World Economic Forum*, 21 June. Available from https://www.weforum.org/agenda/2022/06/as-young-africans-push-to-be-online-data-cost-stands-in-the-way/ (accessed 26 September 2022).

SAMPLE LIMITATIONS

A higher-than-expected number of people responded to the survey. The enthusiasm with which the project was met not only affirms the size of the SGM migrant population in South Africa but also the desire of participants to have their experiences acknowledged. It also attests to the benefits of using an anonymous data-collection method. However, due to the recruitment strategy employed, the final sample cannot be considered representative. Remaining invisible is a key survival strategy for SGM migrants, especially those who depend on family or country of origin community support networks, and this makes it difficult to reach some people. Recruitment for this project relied on existing community networks. This strategy proved effective, but it inevitably shaped the constitution of our sample, as is reflected in the high number of Zimbabweans who took part (68.7 per cent of respondents). This outcome can be attributed to two factors: Zimbabweans are the largest migrant population in South Africa,[37] and two of our community fieldworkers are Zimbabwean. The response rate among Zimbabweans is not necessarily disproportionate considering the research context, nor does it undermine the veracity of the data, but it does mean that findings are not generalisable.

Two other limitations need to be recognised. First, the sample is skewed towards participants in metropolitan areas. As with the overrepresentation of Zimbabweans, this limitation is a result of the project's sampling strategy. The recruiters drew on networks in their immediate vicinity to connect with the highest number of people possible. It is usually assumed that SGM migrants prefer to live in urban areas, and this view is generally supported by the literature. The research team was surprised and excited to reach participants in peri-urban settlements, regional centres, small towns and rural areas. This finding not only challenges the received wisdom about where SGM migrants live but also raises the possibility that many SGM migrants are not connected to existing academic and activist networks. Second, the sample excludes SGM migrants who are unable to read and write in English. The decision to circulate the survey in just one language was due to resource and skill constraints. We recognise that many of the most vulnerable and isolated SGM migrants were unable to participate and that this has consequences for our results. However, given that this was a pilot study aiming to establish baseline data, we believe the findings remain relevant and useful. It is hoped that future projects can address such linguistic and geographical biases.

[37] Moyo, K. (2021) 'South Africa Reckons with Its Status as a Top Immigration Destination, Apartheid History and Economic Challenges', Migration Policy Institute, 18 November. Available from https://www.migrationpolicy.org/article/south-africa-immigration-destination-history (accessed 19 November 2022); Ndlovu, R. (2022) 'Four Out of Five Diasporan Zimbabweans Live in South Africa', Bloomburg, 6 September. Available from https://www.bloomberg.com/news/articles/2022-09-06/four-out-of-five-diasporan-zimbabweans-live-in-south-africa (accessed 9 October 2022).

DATA SET AND ANALYSIS

Participants' responses were collated by the engageSPARK software and then exported into MS Excel.

Project enrolment was successfully completed by 547 people. A slightly higher number of people (n=576) responded to Survey 1, though 170 of the registered phone numbers had to be removed during data cleaning (reasons for exclusion are outlined in Table 1). Survey 2 was sent to 406 participants, of whom 351 responded. Additional data cleaning led to a further thirty-two responses being removed.

In total, 381 responses to the Enrolment Survey, 380 responses to Survey 1 and 319 responses to Survey 2 were included in the final sample for analysis. A breakdown of participation rates at each stage of the project is indicated in Figure 1.

REASON FOR REMOVAL	NO. OF RESPONSES
Did not consent to participate in response to the initial question of the enrolment survey	13
Did not answer question 1 or 2 of the enrolment survey, but did answer following questions	7
Answered 2=no to question 3 of the enrolment survey or did not answer	20
Insufficient responses across the surveys	3
No answer or 2=no to question 4 of the enrolment survey	7
Response to question about their age indicated that they were a minor	3
Did not respond to survey 1	56
Did not consent to take part in survey 1 or survey 2	5
Did not respond after opting in to survey 1	1
Responses indicated that they were South African	54
Number was used to respond to the survey more than once	33
Total excluded after enrolment survey and survey 1	**202**

Table 1: Reasons for participants removal from the study

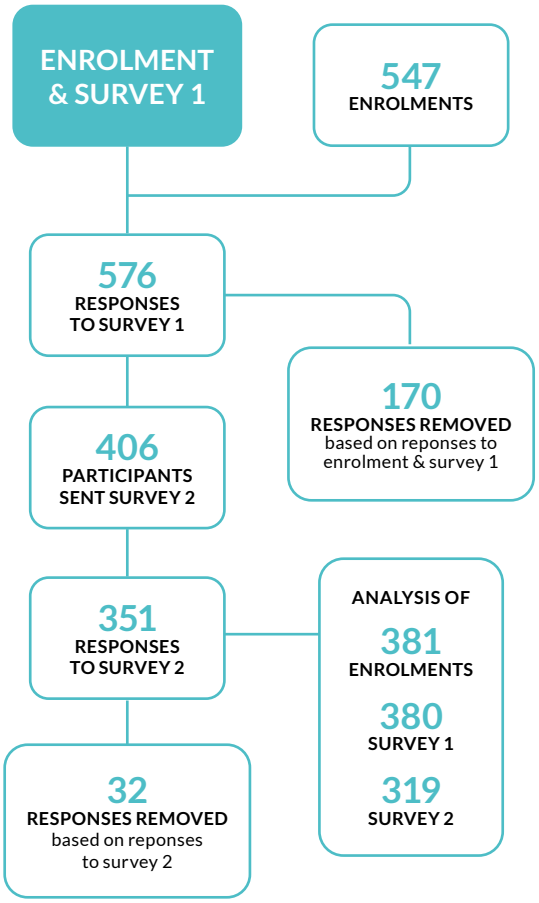

Figure 1: Responses to the surveys

Following initial cleaning of the data in MS Excel, the project team met in person to develop a post-coding framework. In particular, we needed to post-code non-standard responses to questions about sexuality and gender, as well as irregular or contradictory answers about documentation categories. Following these conversations, the cleaned and post-coded data was imported into the SPSS statistical software suite.[38]

Our analysis was limited to descriptive tests that would allow for a better understand of SGM migrants' gender and sexuality and their experiences of accessing documentation. As such, we performed descriptive chi-square tests to understand the relationship between categorical variables. The focus of this research was on understanding these relationships, contextualising them within the current literature and exploring what this means for future advocacy and research.

As noted, the snowball sampling method used for the project means that survey data cannot be regarded as representative. However, our analysis does support findings from earlier qualitative studies on SGM migrants in South Africa. Thus, we regard the results shared here as complementary to and enriching of existing knowledge.

[38] License: IBM SPSS Statistics, Version: 28.0.1.0 (142)

FINDINGS

SOCIO-DEMOGRAPHIC PROFILE

AGE	FREQUENCY	VALID %
18 - 29	197	55
30 - 39	144	40.2
40 - 49	14	3.9
50 - 59	3	0.8
Total no. of responses	**358**	**99.9**
PLACE OF RESIDENCE	**FREQUENCY**	**VALID %**
Cape Town	84	22
Johannesburg	176	46.2
Tshwane	60	15.7
Limpopo	8	2.1
Durban	35	9.2
Gqeberha	8	2.1
Mpumalanga	3	0.8
East London	2	0.5
Gauteng (excluding Johannesburg & Tshwane)	3	0.8
Other	2	0.5
Total no. of responses	**381**	**99.9**
LEVEL OF EDUCATION	**FREQUENCY**	**VALID %**
Never went to school	8	2.1
Junior/primary school	24	6.3
Senior/secondary/high school	259	68.3
Tertiary institute	88	23.2
Total no. of responses	**379**	**99.9**

Table 2: Socio-demographic data

COUNTRY BORN	FREQUENCY	VALID %
Botswana	11	2.9
Burkina Faso	1	0.3
Cameroon	3	0.8
Côte d'Ivoire	1	0.3
DRC	8	2.1
Eswatini	2	0.5
India	1	0.3
Kenya	7	1.9
Lesotho	3	0.8
Malawi	13	3.5
Mozambique	1	0.3
Namibia	5	1.3
Nigeria	9	2.4
Rwanda	3	0.8
Somalia	6	1.6
Tanzania	12	3.2
Uganda	10	2.7
Zambia	13	3.5
Zimbabwe	262	69.7
Other	1	0.3
Prefer not to say	4	1.1
Total no. of responses	**376**	**100.3**
INCOME	**FREQUENCY**	**VALID %**
Have income	258	69
No income	41	11
Sex work	62	16.6
Studying	13	3.5
Total no. of responses	**374**	**100.1**

Table 2: Socio-demographic data (cont.)

Participants were asked a series of basic demographic questions. This included their age and location (Enrolment Survey), as well as their level of education, their country of birth and what they do 'to get money' (Survey 1).

On the whole, participants in the project were young, with 95.2 per cent (n=341) indicating that they were aged between eighteen and thirty-nine years.

Participants were concentrated in the cities where our community fieldworkers were based, namely Johannesburg (n=176, 46.2 per cent), Tshwane (n=60, 15.7 per cent) and Cape Town (n=84, 22 per cent). The relatively low number of participants from Durban (n=35, 9.2 per cent) is a result of the sampling strategy, in that the fieldworker who travelled there was only able to stay a few days. Participants based elsewhere in the country reached out to the fieldworkers and were enrolled remotely.

Close to 70 per cent of participants (n=259) indicated having attended secondary school, with a notable number (n=88, 23.2 per cent) having attended a tertiary institute.

The sample was dominated by Zimbabweans, an unsurprising outcome given that two of the community fieldworkers are themselves Zimbabwean. Of the 376 people who provided their country of birth, 262 (69.7 per cent) identified as Zimbabwean. Of the twenty countries in which participants indicated they were born, there were only five – in addition to Zimbabwe – in which ten or more participants were born: Botswana (n=11), Malawi (n=13), Tanzania (n=12), Uganda (n=10) and Zambia (n=13).

Participants were asked about income generation as a free-form question. This was deliberately phrased in vague terms – 'What do you do to get money?' – to leave room for informal livelihood strategies. Responses were varied, but analysis indicated that a significant majority of participants (n=320, 85.6 per cent) had some form of income. Forty-one participants (11 per cent) indicated having no form of income, while thirteen participants (3.5 per cent) responded by saying they were studying. Of those who indicated that they had some form of employment, sixty-two (16.6 per cent) indicated engaging in sex work. This is potentially an underrepresentation, given the frequency with which sex work is identified as a livelihood strategy in studies involving SGM migrants in South Africa.[39] We note that those participants who responded with general phrases – for example, 'I work' or 'I have an income' – may (or may not) engage in sex work.

DATA ON GENDER AND SEXUALITY

BIRTH CERTIFICATE	FREQUENCY	VALID %
Male	218	57.8
Female	159	42.2
Total no. of responses	**377**	**100**
SEXUALITY (post-coded categories)	**FREQUENCY**	**VALID %**
Lesbian	88	23.2
Gay	123	32.4
Bisexual	40	10.5
Straight	10	2.6
Asexual	7	1.8
Queer	10	2.6
Gender Diverse	102	26.8
Total no. of responses	**380**	**99.9**
GENDER	**FREQUENCY**	**VALID %**
Transgender man	60	15.9
Transgender woman	70	18.6
Non-binary	110	29.2
Cisgender man	81	21.5
Cisgender woman	55	14.6
Other	1	0.3
Total no. of responses	**377**	**100.1**
INTERSEX	**FREQUENCY**	**VALID %**
Yes	32	8.5
No	312	82.5
I don't know what intersex means	34	9
Total no. of responses	**378**	**100**

Table 3: Sexuality and gender data

Survey 1 included a series of questions about gender and sexuality. We intentionally collected multiple responses to generate rich insights into how participants express and communicate their identities. This approach also allowed us to cross-reference different data points.

Just over half the participants (n=218, 57.8 per cent) indicated that the sex on their birth certificate or other identity documents is male. The remaining 42.2 per cent (n=159) indicated that the sex on their birth certificate or other identity documents is female.

[39] Alessi, E. J. et al. (2022) '"Those Tablets, They Are Finding an Empty Stomach": A Qualitative Investigation of HIV Risk among Sexual and Gender Minority Migrants in Cape Town, South Africa,' *Ethnicity and Health* 27(4): 800–16; Yingwana, N. (2022) 'Queering Sex Work and Mobility', Anti-Trafficking Review, 19: 66–86.

To fully capture and understand participants' understandings of their sexuality, we first asked them to describe their sexuality in their own words and then, in a separate question, to choose an option from a predefined list: 1=lesbian, 2=gay, 3=bisexual, 4=heterosexual (straight) or 5=other. If participants chose 'other,' they were again asked to describe their sexuality. Where necessary, participants' responses were post-coded based on their free-form written responses. The following categories were developed based on the information given: pansexual (n=8), asexual (n=7), queer (n=2), trans (n=81), non-binary (n=17), gender-nonconforming (n=2) and intersex (n=2). The interesting confluence of terms that are traditionally understood to describe gender with those that are traditionally understood to describe sexuality, in addition to the limited use of the term 'queer', is explored in detail on page 21. Due to the small number of participants in some categories, it was necessary to collapse them to improve the quality of our descriptive analysis. Pansexual and queer were collapsed into 'queer' (n=10). Trans, non-binary, gender-nonconforming and intersex were collapsed into 'gender diverse' (n=102).[40] Asexual was kept separate (n=7).

To collect data on participants' gender, we followed a similar process to that described above. Participants were first asked to describe their gender and then, in a separate question, to choose an option from a predefined list: 1=transgender man, 2=transgender woman, 3=non-binary, 4=cisgender man, 5=cisgender women, 6=other or 7='I need help understanding these words'. If a participant chose the last option, they were provided with the following explainer:

> *Cisgender* means you were born male and identify as male/a man or you were born female and identify as female/a woman. If you are **not** cisgender, you are usually transgender.

Following this explanation, participants were asked to choose from the list of options again. If participants chose 'other', they were asked to describe their gender using their own words. Our sample included sixty transgender men (15.9 per cent), seventy transgender women (18.6 per cent), eighty-one cisgender men (21.5 per cent), fifty-five cisgender women (14.6 per cent) and 110 non-binary participants (29.2 per cent). A more detailed discussion of this data can be found on page 23.

Finally, participants were asked whether they or their parents had ever been told that they, the participant, are intersex. Thirty-two participants (8.5 per cent) responded with a 'yes' answer. It should be noted, however, that there are several difficulties in ascertaining intersex respondents within any survey.[41] First, intersex is not included as an option on birth certificates across the African continent, though this might be changing in countries such as Kenya.[42] Second, respondents may not identify as or know they are intersex, even though their parents might have been informed otherwise. Third, it is more likely that another term, such as 'hermaphrodite', would be used to describe an intersex infant in many countries. The number of intersex respondents in this survey can be considered substantial. This is unsurprising – in many African societies, intersex people are persecuted partly because bodily diversity is confused with sexual orientation. South African law not only extends asylum protection to intersex people but also offers gender-affirming healthcare via state healthcare facilities. This makes the country a desirable destination for some intersex individuals.[43]

DATA ON MIGRATION AND ACCESS TO DOCUMENTATION

Survey 2 focused on length of time in South Africa, legal/permit status and experiences navigating the immigration and/or asylum system. Different question pathways were used to capture divergent experiences. Figure 2 visualises a particular set of questions that were asked in relation to documentation (see Appendix 1 for the full survey instrument). Participants were redirected depending on their answers, thereby allowing for multiple options and outcomes. This approach reflected the complexity of the issue being explored (e.g. participants having multiple permit types or transitioning from being documented to undocumented). We also sought to collect multiple data points that could be cross-referenced during analysis. Some of the data collected during Survey 2 had to be post-coded and, consequently, the number of responses for specific pathways is not always consistent. In particular, our analysis notes the presence of contradictory answers to some questions, which may suggest confusion about asylum-related terms and/or the documentation process.

[40] The process of collapsing terms into broad categories was done to facilitate our analysis. We recognise that each of these terms is unique and represents a specific form of self-identification. We also recognise that some of these terms are typically associated with gender while others are typically associated with sexuality. However, in order to identify and unpack relationships between variables, it was necessary to have overarching categories that can be compared. We intentionally choose categories with expansive framings. Our decision to use 'gender diverse' rather than 'transgender' was motivated by a desire to accommodate seemingly incompatible terms and thus create the largest cross-section.

[41] The GenIUSS Group (2014) *Best Practices for Asking Questions to Identify Transgender and Other Gender Minority Respondents on Population-Based Surveys*, Los Angeles: The Williams Institute, viii. Available from https://williamsinstitute.law.ucla.edu/wp-content/uploads/Survey-Measures-Trans-GenIUSS-Sep-2014.pdf (accessed 18 November 2022).

[42] Migiro, K. (2014) 'Kenya Takes Step towards Recognising Intersex People in Landmark Ruling - TRFN', *Reuters*, 5 December. Available from https://www.reuters.com/article/kenya-intersex-idUSL6N0TP1RB20141205 (accessed 18 November 2022).

[43] Phiri, P. (2018) 'Intersex, Transgender People in Zambia Self-Administer Hormones to Avoid Discrimination and Arrest', *Global Press Journal*, 6 December. Available from: https://globalpressjournal.com/africa/zambia/intersex-transgender-people-zambia-self-administer-hormones-avoid-discrimination-arrest/ (accessed 18 November 2022).

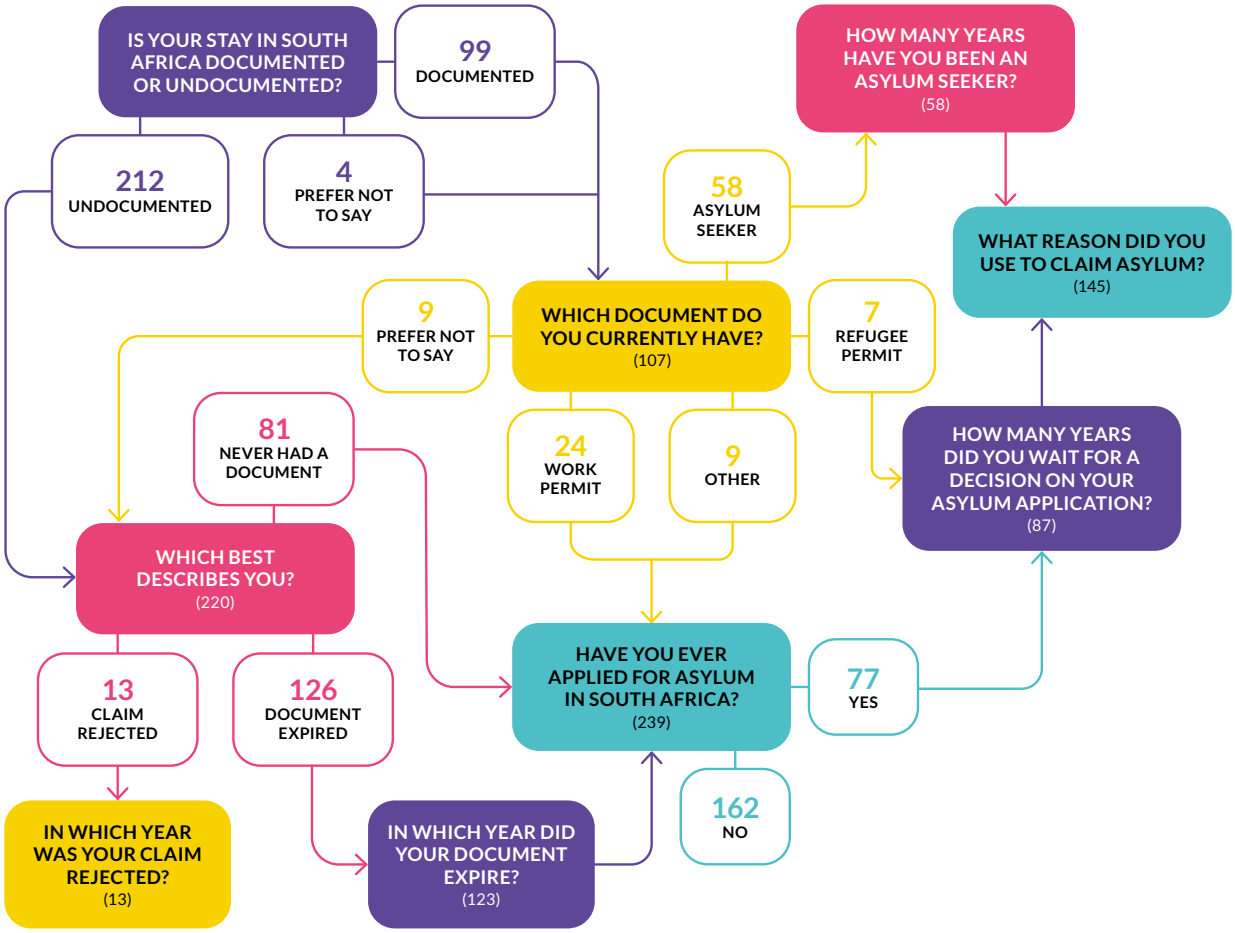

Figure 2: Visualisation of different question pathways in survey 2

Well over two-thirds of participants (n=222, 70.3 per cent) indicated being in South Africa for between one and five years. The next largest group (n=55, 17.4 per cent) reported being in the country for between six and ten years. Only a very small number (n=30, 9.5 per cent) have lived in South Africa for longer than a decade.

Participants were then asked about their current permit status. The majority (n=212, 67.3 per cent) indicated being undocumented, with only 31.4 per cent (n=99) indicating that their presence in South Africa was regularised.

The 212 participants who reported being undocumented were then asked which of the following options best described them: 1=never had a document (n=81, 36.8 per cent), 2=document expired (n=126, 57.3 per cent) or 3=claim rejected (n=13, 5.9 per cent).

Participants whose documents had expired or had been rejected were asked in which year this had occurred. These responses suggest an increase in expired documents occurring in 2020 and 2021 (see Figure 3). This is a worrying finding, given that all visas and permits valid on 15 March 2020 were automatically extended until 31 December 2021 as part of South Africa's Covid-19 response.[44] After this, refugees and asylum seekers could use an online system to renew permits. Although the blanket visa extensions were welcomed, the government faced criticism for poorly communicating this directive and for failing to protect the safety and security of those affected.[45] Similarly, the online renewal system was initially welcomed, but later condemned as ineffective and poorly managed.[46] It is likely that these factors contributed to participants becoming undocumented during this period.

[44] Scalabrini Centre of Cape Town (2022) 'Covid-19 Lock-down: Important Information for Refugees and Migrants in South Africa', 9 March. Available from https://www.scalabrini.org.za/covid_info/ (accessed 22 November 2022).

[45] Moyo, K., Sebba, K. R. & Zanker, F. (2021) 'Who Is Watching? Refugee Protection during a Pandemic - Responses from Uganda and South Africa', Comparative Migration Studies 9, https://doi.org/10.1186/s40878-021-00243-3; Mhlahlo, Z. & Kreuser, C. (2022) 'Home Affairs Department Fails to Serve Citizens and Non-nationals', Mail & Guardian, 23 June. Available from https://mg.co.za/opinion/2022-06-23-home-affairs-department-fails-to-serve-citizens-and-non-nationals/ (accessed 18 November 2022).

[46] Washinyira, T. (2021) 'Refugees Who Arrived after Lockdown Have no Way to Apply for Asylum', *GroundUp*, 1 October. Available from https://www.groundup.org.za/article/refugees-who-arrived-after-march-2020-risk-arrest-and-deportation/ (accessed 22 November 2022).

TIME IN S.A. (in 5-year categories)	FREQUENCY	VALID %
Less than a year	9	2.8
1 - 5 years	222	70.3
6 - 10 years	55	17.4
11 - 15 years	24	7.6
16 - 20 years	4	1.3
21 - 25 years	1	0.3
26 - 30 years	0	0
31 - 35 years	1	0.3
Total	**316**	**100**
DOCUMENTATION STATUS	**FREQUENCY**	**VALID %**
Documented (including on appeal)	99	31.4
Undocumented	212	67.3
Prefer not to say	4	1.3
Total	**315**	**100**
VISA / PERMIT HELD	**FREQUENCY**	**VALID %**
Asylum seeker	58	54.2
Refugee	7	6.5
Work permit	8	7.5
ZEP	6	5.6
LEP	1	0.9
Study permit	6	5.6
Visitor visa	3	2.8
Other	9	8.4
Prefer not to say	9	8.4
Total	**107**	**99.9**
UNDOCUMENTED PARTICIPANTS	**FREQUENCY**	**VALID %**
Never had a document	81	36.8
Document expired	126	57.3
Claim rejected	13	5.9
Total	**220**	**100**

Table 4: Documentation status data

Only thirteen participants (5.9 per cent) indicated that their claim for refugee status had been rejected. Three of these people indicated this happening in 2021. This finding aligns with concerns raised by SGM asylum seekers and community activists that status adjudications were being pushed through the system during the Covid-19 lockdown, when applicants had extremely limited access to legal support services.

Participants who indicated being documented where asked what type of permit they have (see Table 4). Just over half (n=58, 54.2 percent) reported being on an asylum seeker permit. Fewer than ten held refugee permits (n=7, 6.5 per cent), work permits (n=8, 7.5 per cent), Zimbabwean Exemption Permits (n=6, 5.6 per cent), Lesotho Exemption Permits (n=1, 0.9 per cent), study permits (n=6, 5.6 per cent) or visitor visas (n=3, 2.8 per cent).

Participants who reported having a work, study or other form of permit, as well as those who reported having an expired document or having never been documented, were asked whether they had ever applied for asylum (n=239). Those who provided a 'yes' response were redirected to a series of questions about this application (see Table 5).

Participants who indicated they either were an asylum seeker or had earlier applied for asylum were asked to indicate the grounds on which they had made their claim. This was done by selecting from a predefined list of five options – 1=sexual orientation, 2=gender, 3=religion, 4=nationality and 5=political opinion – based on recognised grounds for refugee status under South African law.[47] Of the 141 participants who responded to this question, fifty-four (38.3 per cent) indicated sexual orientation and twenty-one (14.9 per cent) indicated gender. Just under a quarter (n=32, 22.7 per cent) indicated that their claim was based on nationality, while twenty-five (17.7 per cent) claimed on the basis of political opinion and only three (2.1 per cent) claimed on the basis of religion. The six participants (4.3 per cent) who selected 'other' were asked to explain this choice. These responses point

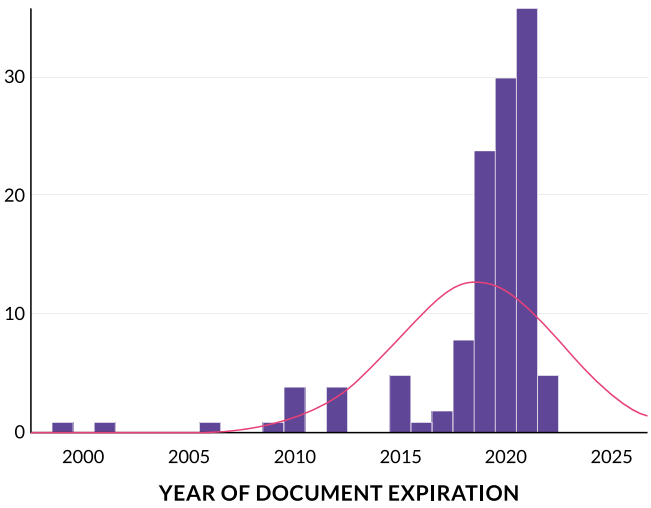

Figure 3: Year of document expiration

[47] According to the South African Refugees Act, a person qualifies for refugee status if they have 'a well-founded fear of being persecuted by reason of his or her race, gender, tribe, religion, nationality, political opinion or membership of a particular social group', with the latter category defined as 'a group of persons of particular gender, sexual orientation, disability, class or caste'.

to confusion around the grounds on which claims can be made (see pages 26 to 27). For example, four of the participants who selected 'other' indicated having applied for asylum for economic reasons. Another indicated that they had not yet made a claim for asylum, although their earlier responses indicate that they identify as a refugee.

Participants who had applied for asylum but no longer had a valid asylum permit were asked how many years they had spent waiting for a determination. Just over half (n=45, 51.7 per cent) indicated that the process took between one and five years, while a slightly smaller number (n=37, 42.5 per cent) reported the process taking less than a year. Only a very small number (n=4, 4.6 per cent) spent between six and ten years waiting for a determination and just one participant waited for between eleven and fifteen years.

Participants with a valid asylum permit were asked to indicate how many years they had been an asylum seeker. The vast majority (n=42, 72.4 per cent) had been an asylum seeker for between one and five years. Those who indicated a longer period can be broken down into the following periods: six to ten years (n=9, 15.5 percent), eleven to fifteen years (n=2, 3.4 per cent), sixteen to twenty years (n=2, 3.4 per cent). A further three participants (5.2 per cent) indicated

HAVE EVER APPLIED FOR ASYLUM	FREQUENCY	VALID %
Yes	77	32.2
No	162	67.8
Total no. of responses	**239**	**100**
REASON FOR CLAIMING ASYLUM	**FREQUENCY**	**VALID %**
Sexual Orientation	54	38.3
Gender	21	14.9
Religion	3	2.1
Nationality	32	22.7
Political opinion	25	17.7
Other	6	4.3
Total no. of responses	**141**	**100**
YEARS WAITING FOR ASYLUM DECISION	**FREQUENCY**	**VALID %**
Less than a year	37	42.5
1 - 5 years	45	51.7
6 - 10 years	4	4.6
11 - 15 years	1	1.1
Total no. of responses	**87**	**99.9**

Table 5: Asylum data

YEARS SPENT AS ASYLUM SEEKER	FREQUENCY	VALID %
Less than a year	3	5.2
1 - 5 years	42	72.4
6 - 10 years	9	15.5
11 - 15 years	2	3.4
16 - 20 years	2	3.4
Total no. of responses	**58**	**99.9**
RESPONSE THAT BEST APPLIED TO PARTICIPANTS	**FREQUENCY**	**VALID %**
I am an asylum seeker waiting for a decision on my first application	49	39.8
I am an asylum seeker on appeal	28	22.8
I am a recognised refugee whose asylum claim was recognised the first time	18	14.6
I am a recognised refugee whose asylum claim was recognised on appeal	12	9.8
Other	16	13
Total no. of responses	**123**	**100**
HOW PARTICIPANTS KNEW ABOUT CLAIMING ASYLUM IN S.A.	**FREQUENCY**	**VALID %**
Internet/Facebook	25	15.9
Radio/TV/Newspaper in country of origin	15	9.6
Radio/TV/Newspaper in S.A.	1	0.6
From a friend or family in country of origin	12	7.6
From a friend or family in S.A.	42	26.8
From LGBTQI+ networks in country of origin	15	9.6
From LGBTQI+ networks in S.A.	27	17.2
From an organisation or service in country of origin	5	3.2
From an organisation or service in S.A.	9	5.7
Other	6	3.8
Total no. of responses	**157**	**100**

Table 5: Asylum data (cont.)

being an asylum seeker for less than a year. This last finding is interesting given that RROs were closed to new applications throughout the Covid-19 pandemic. Again, this may be evidence of confusion about the asylum system and/or terms related to it.

Participants directed to this question pathway were then asked to indicate which of the following best described them: 1='I am an asylum seeker waiting for a decision on my first application' (n=49, 39.8 per cent of those who self-identified as having an asylum permit), 2='I am an asylum seeker on appeal' (n=49, 22.8 per cent of those who self-identified as having an asylum permit), 3='I am a recognised refugee whose asylum claim was recognised the first time' (n=18, 14.6 per cent of those who self-identified as having an asylum permit), 4='I am a recognised refugee whose asylum claim was recognised on appeal' (n=12, 9.8 per cent of those who self-identified as having an asylum permit) or 5='Other' 16 (n=16, 13 per cent of those who self-identified as having an asylum permit). In retrospect, this list should have included an option for those whose claims had been rejected or had lapsed. Not including this may have confused those participants who had previously indicated having a rejected claim or who had let their claim lapse due to the complicated and time-consuming nature of asylum renewals. While a limitation of the study, this oversight does not undermine the overall veracity of the data. Again, responses to this question indicated some confusion around the legal specifics of the terms 'asylum seeker' and 'refugee.' This is discussed more on page 27.

Finally, participants in this question pathway were asked how they knew they could claim asylum in South Africa. Over a quarter of participants – 26.8 per cent (n=42) – indicated that they knew 'from a friend or family in SA'. The second most common source of information was LGBTI+ networks in SA (n=27, 17.2 per cent). Both findings point to the significance of transnational networks for the transmission of knowledge about legal processes and rights in South Africa. The internet, including social media, was also identified as key source of information, with 15.9 per cent (n=25) selecting this option. This corresponds with findings from other studies, both local and international, that highlight how SGM migrants share and receive information online.[48]

All Survey 2 participants – regardless of the question pathway they were directed to – were asked a series of migration-related questions (see Table 5). These included questions on their motivation, contact with the UNHCR and experiences of violence or harassment.

Only 3.2 per cent (n=10) indicated that they had ever applied for asylum in another country.

HAVE EVER APPLIED FOR ASYLUM IN ANOTHER COUNTRY	FREQUENCY	VALID %
Yes	10	3.2
No	306	96.8
Total no. of responses	**316**	**100**
WHY PARTICIPANTS CAME TO S.A.	**FREQUENCY**	**VALID %**
To find employment	142	44.9
To join family	15	4.7
To access healthcare	3	0.9
To escape violence/ persecution	148	46.8
Other	8	2.5
Total no. of responses	**316**	**99.8**
HAVE HAD CONTACT WITH U.N.H.C.R.	**FREQUENCY**	**VALID %**
Yes, in S.A.	45	14.2
Yes, before coming to S.A.	9	2.8
No	262	82.9
Total no. of responses	**316**	**99.9**
HAVE EXPERIENCED VIOLENCE OR HARRASSMENT IN S.A.	**FREQUENCY**	**VALID %**
Yes	125	39.6
No	176	55.7
Prefer not to say	15	4.7
Total no. of responses	**316**	**100**
HAVE EXPERIENCED VIOLENCE OR HARRASSMENT BY THE POLICE IN S.A.	**FREQUENCY**	**VALID %**
Yes	49	35
No	83	59.3
Prefer not to say	8	5.7
Total no. of responses	**140**	**100**

Table 6: Migration experience data

Two responses stood out when participants were asked about their reasons for migrating. The most common reason was to escape violence/persecution (n=148, 46.8 per cent), closely followed by a desire to find employment (n=142, 44.9 per cent), with the latter category being broadly analogous to economic migration. A few participants indicated other reasons,

[48] For example: Bayramoğlu, Y. & Lünenborg, M. (2018) 'Queer Migration and Digital Affects'; Marnell, J. (2021) *Seeking Sanctuary*; Şahin, G. (2022) 'Ties That Matter: Queer Ways of Surviving a Transit Country', in B. Camminga and J. Marnell (eds), *Queer and Trans African Mobilities: Migration, Asylum and Diaspora*, 205–20, London: ZED Books.

such as to join family (n=15, 4.7 per cent) or to access healthcare (n=3, 0.9 per cent), but the low selection rate for these answers suggests that violence/persecution and employment remain the major migration drivers for LGBTI+ people. It is important to recognise that migration is rarely motivated by a single factor.[49] Survey participants could only select one response to this question. While the answer given likely indicates the primary motivation, this may not tell the whole story. As other studies suggest, violence/persecution often makes it difficult for LGBTI+ persons to find work, especially in countries with widespread poverty and unemployment, and so it can be difficult to draw a clear distinction between social and economic migration drivers.[50]

The vast majority of participants (n=262, 82.9 per cent) reported having no contact with the UNHCR. Most of those who had engaged with the agency had done so in South Africa (n=45, 14.2 per cent), with only a small number (n=9, 2.8 per cent) having had contact prior to their arrival.

Finally, participants were asked whether they had ever experienced violence or been harassed in South Africa. Over one-third of participants (n=125, 39.5 per cent) reported such experiences. A follow-up question for those reporting violence and/or harassment revealed that 35 per cent (n=49) have experienced mistreatment by the South Africa Police Service. This high number aligns with findings from other studies that detail police misconduct targeting SGM migrants.[51] We also note that 4.7 per cent (n=15) of participants declined to answer questions on violence and/or harassment, which may be indicative of underreporting.

READING THE DATA TOGETHER

Again, it is important to reflect on the limitations of our data. The aim of this research was to explore the relationship between participants' gender and sexuality and their experiences of accessing (or trying to access) documentation. The sampling approach used means that the data cannot be considered representative. However, descriptive analysis did highlight several things of note.

Here we present key findings that emerged when categorical variables were compared. It makes sense to concentrate on the statistical relationships that were observed, but it is also useful to note areas where no connections were identified. For example, no significant relationships were established between participants' level of education and the other data points. Although we did not implement the survey to test a specific hypothesis, we did anticipate that factors such as education might have some bearing on participants' income, use of language/labels or access to documentation. To find that this was not the case is itself interesting. We hope that future research not only elaborates on the findings presented here but also gathers additional data on areas where statistical relationships were not discerned.

Finally, it is worth bearing in mind that the low numbers associated with some data points makes it difficult to establish statistical relationships. For example, there were only one or two respondents for some countries of origin. What may appear to be a connection between country of origin and another data point (e.g. years spent in South Africa or engagement in sex work) may be the result of our small sample rather than a meaningful statistical relationship.

GEOGRAPHICAL CONSIDERATIONS

Variables analysed in relation to where participants are currently based revealed interesting findings. Due to our use of snowball sampling, it was unsurprising that participants with different gender identities were clustered in different locations, as there is a gendered nature to communities and networks. This was also reflected in the basis of asylum applications made. Of more interest, however, was the relationship between documentation and location. Participants in Tshwane (n=22, 44 per cent) and Gqeberha (n=4, 66.7 per cent) were more likely to be documented, while those in Cape Town, Durban and Gauteng (excluding Johannesburg and Tshwane) were more likely to be undocumented. This reflects proximity to RROs, as both Tshwane and Gqeberha have operational RROs, whereas the RRO in Cape Town remains closed.[52] There also appears to be a relationship between location and expired documentation. Of the 212 participants who reported

[49] Marnell, J. (2022) 'Telling a Different Story'.

[50] Benjamin, N. & Reygan, F. (2016) *PRIDE at Work: A Study on Discrimination at Work on the Basis of Sexual Orientation and Gender Identity in South Africa*, Geneva: ILO. Available from https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_481581.pdf (accessed 18 November 2022); Daly, F. (2022) *Developing Evidence For LGBT+ Inclusive Policy in Africa: A Literature Review*, Pretoria: African Human Rights Policy Papers. Available from https://www.chr.up.ac.za/images/publications/ahrpp/ahrpp4/AHRPP4.pdf (accessed 18 November 2022); Nyeck, S.N. et al. (2019) *The Economic Cost of LGBT Stigma and Discrimination in South Africa.* Los Angeles: Williams Institute. Available from http://williamsinstitute.law.ucla.edu/wp-content/uploads/Impact-LGBT-Discrimination-South-Africa-Dec-2019.pdf (accessed 18 November 2022).

[51] For example: Access Chapter 2 (2019) *The Voice*; Bhagat, A. (2018) 'Forced (Queer) Migration and Everyday Violence'; Hucke, V. (2022) 'Differential Movements: Lesbian Migrant Women's Encounters with, and Negotiations of, South Africa's Border Regime', in B. Camminga and J. Marnell (eds), *Queer and Trans African Mobilities: Migration, Asylum and Diaspora*, 205–20, London: ZED Books.

[52] Mhlahlo, Z. & Kreuser, C. (2022) 'Home Affairs Department Fails to Serve Citizens and Non-nationals'.

being undocumented, over half (57.3 per cent, n=126) indicated that their previous documents had expired. This was particularly prominent in Johannesburg (n=60, 61.2 per cent of undocumented participants in Johannesburg) and Tshwane (n=22, 68.8 per cent of undocumented participants in Tshwane).

As noted, it is difficult to draw associations between participants' country of birth and other variables. This is because most participants are from one country: Zimbabwe (n=261, 69.7 per cent). Nevertheless, several interesting details were noted during the analysis. This includes a significant percentage of participants from some countries – DR Congo (n=4, 50 per cent of Congolese participants), Kenya (n=4, 57.1 per cent of Kenyan participants), Tanzania (n=5, 41.7 per cent of Tanzanian participants), Uganda (n=4, 40 per cent of Ugandan participants) and Zambia (n=4, 30.8 per cent of Zambian participants) – identifying as non-binary. However, such findings must not be overstated. The small numbers of participants from many countries makes it impossible to draw firm conclusions. The example given here is probably reflective of our sampling approach, rather than indicative of a relationship between participants' gender identities and countries of origin. More than anything, this finding underscores the need for additional research to better understand particular experiences. This should include a focus on terminology use and self-identification practices among SGM migrants from diverse countries.

INCOME GENERATION

As noted, our data on income is limited. Participants were asked to answer the question 'What do you do to get money?' and their responses were then post-coded as either 1=has income, 2=does not have income, 3=engages in sex work or 4=studying. As such, it is likely that the responses underrepresent the number of participants engaged in sex work. Bearing this limitation in mind, we did identify a few interesting trends.

Our data suggests that gender-diverse participants (sexuality variable, n=29, 29.6 per cent of gender-diverse participants), male participants (birth certificate variable, n=56, 26 per cent of male participants) and trans women (gender variable, n=35, 50.7 per cent of trans women participants) are more likely to engage in sex work. This supports existing research on sex work as a livelihood strategy for gay men and trans women.[53] Additionally, participants who indicated engaging in sex work were more likely to have come to South Africa 'to escape violence/persecution' (n=28, 65.1 per cent of those who engage in sex work).

Our data also suggests that there is a relationship between the length of time participants have been in South Africa and their income. Those who had been in the country for longer were more likely to have some form of income. This included 87.5 per cent (n=21) of participants who reported being in the country for between eleven and fifteen years, and 100 per cent (n=4) of participants who reported being in the country for between sixteen and twenty years. Conversely, participants who had lived in South Africa for five years or less were more likely ›to indicate having no income (n=30, 83.3 per cent of participants with no income).

Interestingly, participants who were documented, specifically asylum seekers and those with work permits, were more likely to indicate that they did not have an income or that they were engaged in sex work. Of those who reported being documented, 16.7 per cent (n=16) indicated that they had no income, while 16.7 per cent (n=16) indicated engaging in sex work. By contrast, only 9.6 per cent (n=20) of undocumented participants indicated they had no income and only 12.4 per cent (n=26) reported engaging in sex work. Again, caution is required given that the number of participants who engage in sex work may be higher than reported.

Finally, participants with no income were more likely to be based in Tshwane (n=14, 23.7 per cent) and Durban (n=11, 33.3 per cent).

GENDER AND SEXUALITY

Several things stood out in relation to our data on participants' sexuality. Lesbian, gay and bisexual participants were all more likely to have applied for asylum than straight,[54] queer, asexual or gender-diverse participants. In addition, over half (57.4, n=31) of participants who indicated claiming asylum due to persecution based on sexual orientation identified as gay. This means that almost half (49.2 per cent) of the total asylum claims by gay participants were made on these grounds. Similarly, gender-diverse participants were more likely to have claimed on the basis of gender. Thirteen gender-diverse participants indicated this response, which translates to 61.9 per cent of both the recorded claims on the basis of gender and the total claims made by gender-diverse participants.

[53] Samudzi, Z. & Mannell, J. (2016) 'Cisgender Male and Transgender Female Sex Workers in South Africa: Gender Variant Identities and Narratives of Exclusion', *Culture, Health & Sexuality* 18(1): 1–14; Scheibe, A, Richter, M. & Vearey, J. (2016) 'Sex Work and South Africa's Health System: Addressing the Needs of the Underserved', *South African Health Review* 1: 165–78.

[54] 'Straight' was included in the list of options because men or women (cis or trans) in relationships with what would be commonly considered their binary opposite (e.g. a cis woman in a relationship with a trans man) can be understood to constitute a heterosexual or straight relationship.

WHY PARTICIPANTS CAME TO S.A.	LESBIAN	GAY	BISEXUAL	STRAIGHT	QUEER	ASEXUAL	GENDER DIVERSE	TOTAL
To find employment	50	43	20	4	4	0	21	**142**
To join family	8	2	3	0	0	0	2	**15**
To access healthcare	0	2	0	0	1	0	0	**3**
To escape violence/ persecution	18	64	10	4	1	4	46	**147**
Other	2	1	1	1	2	0	1	**8**
TOTAL	**78**	**112**	**34**	**9**	**8**	**4**	**70**	**315**

Table 7: Participants' sexuality in relation to the reasons why they came to SA

Of interest was the relationship between participants' sexuality and their reasons for coming to South Africa. Participants primarily came to South Africa to either escape violence/persecution (n=147, 46.67 per cent) or to find employment (n=142, 45.08 per cent). Those who indicated the former were more likely to identify as gay (n=64, 57.1 per cent of gay participants who responded to the question), asexual (n=4, 100 per cent of asexual participants who responded to the question) or gender-diverse (n=46, 65.71 per cent of gender-diverse participants who responded to the question), whereas those who indicated the latter were more likely to identify as lesbian (n=50, 64.1 per cent of lesbian participants who responded to the question), bisexual (n=20, 58.82 per cent of bisexual participants who responded to the question), straight (n=4, 44.44 per cent of straight participants who responded to the question) or queer (n=4, 50 per cent of queer participants who responded to the question). While certainly deserving of attention, these statistical relationships should not be mistaken as evidence that certain groups, such as lesbian women,[55] are less likely to face violence/persecution. It is not possible to draw such conclusions from this data.

Most intersex participants were undocumented (n=22, 73.3 per cent). Out of this group, seventeen (77.3 per cent) reporting that their documents had expired. Interestingly, three intersex participants (10 per cent of all intersex participants) indicated that they had applied for asylum elsewhere, while only seven endosex (non-intersex) participants (2.47 per cent of all endosex participants) indicated that they had. These numbers are small and so it is difficult to draw firm conclusions, but this is still an interesting relationship to have observed.

With regards to gender, three interesting things came to the fore during our analysis. The first is that trans men were more likely than trans women to have access to gender/sex-affirming documents. Over a quarter (31.7 per cent, n=19) of the trans men in the sample indicated that their birth certificate or other documents list their gender/sex as male, compared to only 12.9 per cent (n=9) of trans women having a birth certificate or other documents that recognise their gender/sex as female. The past five years have seen a number of court cases on legal gender recognition and name changes for trans people in different African

ASYLUM CLAIM	TRANS MAN	TRANS WOMAN	NON-BINARY	CIS MAN	CIS WOMAN	OTHER	TOTAL
Sexual orientation	4	3	13	26	8	0	**54**
Gender	6	5	4	3	1	1	**20**
Religion	0	1	1	0	1	0	**3**
Nationality	4	4	13	7	4	0	**32**
Political opinion	4	2	7	5	7	0	**25**
Other	1	0	0	3	2	0	**6**
TOTAL	**19**	**15**	**38**	**44**	**23**	**1**	**140**

Table 8: Participants gender in relation to the basis for their asylum claim

[55] For a nuanced qualitative reading of lesbian migrants in South Africa, see Hucke, V. (2022) 'Differential Movements'.

countries.[56] All of these judgements found in favour of the trans applicant.[57] These cases do not explain the discrepancy in access to gender/sex-affirming documents noted in this study, but they do point to a shifting socio-legal terrain[58] – and not just in those countries where visible litigation is occurring. Indeed, similar practices could be happening on an ad hoc basis elsewhere on the continent (some court documents suggest that this may well be the case). It is also notable that the claimants in all but one of these cases was a trans women. This may signal additional obstacles for trans women seeking legal gender recognition. Each of these dynamics deserves greater critical scrutiny, and we hope future research provides clarity on the data presented here.

The second noteworthy finding was that cisgender men were most likely to have made asylum claims on the basis of sexual orientation (n=26, 59.1 per cent of total claims made by cisgender men), whereas transgender participants were more likely to have made asylum claims on the basis of gender (n=11, 32.35 per cent of total claims made by transgender participants). Interestingly, non-binary participants' claims were more likely to be on the basis of sexual orientation or nationality (n=13 in both cases, 34.2 per cent).

It is worth mentioning that the ability to make an asylum claim on the basis of gender – though not a new provision – seems to be being utilised for the first time.[59] Fifteen (93.8 per cent) claims on the basis of gender were reported to have been made within the last one to five years, with only one (6.3 per cent) having been made earlier.

This sort of data is rarely straightforward, and making sense of it can be a challenge. There are many barriers that can prevent someone from accessing documentation in South Africa, and they are often exacerbated for LGBTI+ individuals.[60] In addition, people may self-identify using legal and administrative categories (e.g. 'refugee' and 'asylum seeker') even if they are not 'officially' recognised as such by the state. This has meant that in our data there are instances (n=15) where participants have indicated that they are undocumented and then later reported being a recognised refugee. All of the factors make it difficult to draw concrete conclusions about the relationship between gender, sexuality, documentation status and/or grounds for asylum.

VIOLENCE AND HARASSMENT

Several points of interest emerged when analysing data on experiences of violence and/ harassment in South Africa. Over a third of participants (n=125, 39.5 per cent) reported such incidents, while fifteen respondents (4.7 per cent) indicated that they would prefer not to answer. Participants who had applied for asylum were more likely to have experienced violence and/or harassment (n=39, 50.6 per cent of those who had applied for asylum) or to have declined answering the question (n=9, 69.2 per cent of those who indicated 'prefer not to say') compared to those who had not applied for asylum.

Participants who had been an asylum seeker for between one and five years were less likely to report having experienced violence and/or harassment (n=12, 28.6 per cent) compared to those who had been an asylum seeker for between six and fifteen years (n=7, 77.8 per cent of participants who had been asylum seekers for between six and ten years; n=2, 100 per cent of participants who had been asylum seekers for between eleven and fifteen years). In addition, gay participants were more likely to have experienced violence (n=55, 49.1 per cent of gay participants). This means that almost half of participants (44 per cent) who reported incidents of violence and/or harassment in South Africa identified as gay.

Finally, those who reported having contact with UNHCR, either in South Africa or prior to coming to South Africa, were more likely to report having experienced violence and/or harassment. Of the fifty-four participants who indicated contact with UNHCR at some point (n=45 in South Africa; n=9 prior to coming to South Africa), thirty-five (64.81 per cent) indicated that they had experienced violence and/or harassment.

Similar relationships between variables were not identified when analysing the data on violence and/or harassment perpetrated by the police.

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[56] Morgan, M. (2017) 'Transgender Man in Botswana Wins Landmark Case to Change Birth Certificate', *SBS News*, 6 October. Available from https://www.sbs.com.au/topics/sexuality/agenda/article/2017/10/06/transgender-man-botswana-wins-landmark-case-change-birth-certificate (accessed 19 November 2022); News24 (2017) 'Transgender Couples Take Home Affairs to Court to Change Sex Status', *News24*, 23 February. Available from http://www.news24.com/SouthAfrica/News/transgender-couples-take-home-affairs-to-court-to-change-sex-status-20170223 (accessed 19 November 2022); Simiyu, J. P. (2019) 'KNEC Yields to Court's Landmark Ruling on Transgender Student', *Kenyans.Co.Ke*, 16 September. Available from https://www.kenyans.co.ke/news/43947-knec-budges-courts-landmark-ruling-transgender-student (accessed 19 November 2022); Thomas Reuters Foundation (2017) 'Activists Celebrate Botswana's Transgender Court Victory', *Reuters*, 4 October. Available from https://www.reuters.com/article/us-botswana-transgender-court-idUSKBN1C91OW (accessed 19 November 2022).

[57] Camminga, B. (2020) 'One for One and All for One? Human Rights and Transgender Access to Legal Gender Recognition in Botswana', *International Journal of Gender, Sexuality, and Law* 1 (1): 241–67.

[58] The Continent (2021) 'Meet Uganda's First Transgender Citizen', *Mail & Guardian*, 9 October 2021. Available from https://mg.co.za/africa/2021-10-09-meet-ugandas-first-transgender-citizen/ (accessed 19 November 2022).

[59] Camminga, B. (2018) '"The Stigma of Western Words": Asylum Law, Transgender Identity and Sexual Orientation in South Africa', *Global Discourse* 8(3): 452–69.

[60] Bhagat, A. (2018) 'Forced (Queer) Migration and Everyday Violence'; Camminga, B. (2017) 'Categories and Queues'.

SPOTLIGHT ON KEY THEMES

In the sections that follow, we elaborate on two important themes that emerged during our analysis. First, we reflect on participants' use of language when describing their sexuality and/or gender. As well as providing insights into SGM migrants' self-identifications, this finding speaks to shortcomings in how migration and asylum systems are structured. Second, we consider participants' inconsistent answers about their documentation status. Rather than seeing these 'errors' as a weakness of the data, we read them as indicative of potential misunderstandings regarding migration/asylum terms, categories, systems and processes. Both themes represent important considerations for future research, while also marking inroads for advocacy interventions targeting SGM migrants and those who engage with them (lawyers, service providers, government officials, etc.).

SEXUAL AND GENDER DIVERSITY

Understanding participants' self-identification was an essential part of this study. On the African continent, research with sexual and gender minorities has historically focused on HIV and sexual risk concerning men who have sex with men (MSM) or who identify as gay and/or bisexual. While the focus on HIV and sexual risk has led to the strange morphing of MSM from a category of behaviour to one of identity,[61] the acknowledgement that words and terms morph in shape and meaning when moving between and within spaces has garnered little attention. Indeed, while it is widely acknowledged that identity formation across class, cultures and regions – between and within the Global North and Global South[62] – varies, this has rarely been considered in framing surveys and policy documents targeting SGM populations. Most often, identitarian labels such as 'gay', 'lesbian' and 'transgender' are treated with dubious categorial stability. This is particularly true when these terms are used in relation to asylum and refugee regimes.[63] Asylum is, after all, a system that requires self-identification (and, particularly in the case of transgender claimants, self-exposure)[64] for access. Thus, seeking safety in another country, whether through migration or asylum, hinges on practices and processes of self-identification. However, very little is known about how those seeking protection might identify outside of the expected frames provided by asylum systems.

1. Asking about gender and sexuality

Best practice examples from Nepal regarding working with sexual and gender minorities in the Global South suggest that 'survey instruments should respect the agency of respondents to declare their own identity'.[65] The Sexual Minority Assessment Research Team suggests that the optimal approach to surveying sexuality, in particular, would be to cover all three dimensions: sexual attraction, sexual behaviour and self-identification. In doing so the goals of the research project, and the socio-cultural and economic

[61] Camminga, B & Wairuri. K. (2021) 'Merely Revealing: Transgender People and the Shift from "MSM" to "Key Populations" in HIV/AIDS Programming in Africa', in S. J. Cooper-Knock & D. Ndlovu (eds), *Liberating Comparisons? Reconsidering Comparative Approaches*, 99–109, York: York Tree Publications. Available from https://liberatingcomparisonsnetwork.files.wordpress.com/2021/06/front-cover-combined.pdf (accessed 14 November 2022).

[62] Park, A. (2016) *Reachable: Data Collection Methods for Sexual Orientation and Gender Identity*, Los Angeles: The Williams Institute. Available from https://williamsinstitute.law.ucla.edu/wp-content/uploads/SOGI-Data-Collection-Mar-2016.pdf (accessed 14 November 2022).

[63] Arnold, S. K. (2013) 'Identity and the Sexual Minority Refugee: A Discussion of Conceptions and Preconceptions in the United Kingdom and Ireland', *Human Rights Brief* 20(3): 26–31; Cantu Jr., L. (2009) *The Sexuality of Migration: Border Crossings and Mexican Immigrant Men*, New York: New York University Press; Murray, D. A. B. (2016) *Real Queer? Sexual Orientation and Gender Identity Refugees in the Canadian Refugee Apparatus*, London: Rowan and Littlefield; Ou Jin Lee, E. & Brotman, S. (2011) 'Identity, Refugeeness, Belonging: Experiences of Sexual Minority Refugees in Canada', *Canadian Review of Sociology/Revue Canadienne de Sociologie* 48(3): 241–74.

[64] Camminga, B. (2020) 'Encamped within a Camp: Transgender Refugees and Kakuma Refugee Camp (Kenya)', in J. Bjarnesen & S. Turner (eds), *Invisibility in African Displacements*, 36–52, London: Zed Books.

[65] UNDP & Williams Institute (2014) *Surveying Nepal's Sexual and Gender Minorities: An Inclusive Approach*, Bangkok: UNDP, p.4. Available from https://williamsinstitute.law.ucla.edu/wp-content/uploads/Nepal-SGM-Mar-2014.pdf (accessed 21 November 2022).

context in which a survey is being distributed, must be considered. They warn, however, that 'in many instances, the burden on respondents will be too great to include' all three facets. For many studies, a singular aspect may be the most useful.

Our study included four questions focusing on gender and sexuality in the first survey. With regards to **sexuality**, our questions did not include sexual orientation or identity in the stem of the question, as these can often be confusing.[66] Instead, participants were first asked to describe their sexuality in their own words. This was followed by a question asking participants to describe their sexuality with multiple-choice options. This is also known as a two-step process and is considered to be the approach 'most likely to have high sensitivity, as well as high specificity, with adults.'[67] The multiple-choice options for sexuality were as follows: 1=lesbian, 2=gay, 3=bisexual, 4=heterosexual (straight) or 5=other. Those who responded with 'other' were able to provide their own terms. This led to 'pansexual', 'asexual', 'queer', 'trans', 'non-binary' and 'gender-nonconforming' being created as analytic categories. Notable here is the use of terms colloquially linked to gender (e.g. trans, non-binary and gender-nonconforming) to describe or identify sexuality. These unexpected but illustrative responses were then collapsed into three broader categories: asexual, queer (encompassing pansexual and queer) and gender diverse[68] (encompassing trans, non-binary and gender-nonconforming). This post-coding was done to ensure a workable analysis and to allow for different themes and relations to emerge from the data.

A general lack of knowledge regarding transgender people seeking asylum hinders efforts to extend protection in ways that address this population's specific needs. Gathering survey data on transgender people is difficult because of the broad meaning of transgender – both as a concept and an identity – and the cultural specificity the term can take up in different contexts. Aware of these challenges, our survey asked an open-ended question regarding gender and then a more specific question with multiple-choice option (i.e. the same format as was used to capture data on sexuality). Participants were first asked to describe their gender in their own words and then to select from a predefined list of options: 1=transgender man, 2=transgender woman, 3=non-binary, 4=cisgender man, 5=cisgender woman, 6=other or 7='I need help understanding these words'.

2. Language use

A wide range of terms were used, in varying combinations, for both gender and sexuality. This suggests that terms may hold different meanings for participants. Further research would be needed to understand if this is a cultural or linguistic difference, and what impacts this has on those who apply for asylum. Surprisingly, terms like 'queer', which have been in circulation for some time in South Africa, do not seem to have the currency that would be expected. Indeed, only two people chose to describe themselves as queer, and both were tertiary educated. Conversely, relatively newer language, such as 'pansexual', 'non-binary', 'asexual' and 'gender-nonconforming', showed far wider circulation than expected.

In many cases, language more commonly understood to describe or identify sexuality was used for gender, and vice versa. For instance, when asked about sexuality in both versions of the survey question – free writing and multiple choice – 123 respondents indicated 'other' and then described their sexuality via what would usually be considered their gender, with a predominance of the use of the term 'transgender'.[69] As an umbrella term, 'transgender' refers to people whose gender expression defies social expectations. In this instance, we can infer that there is something within the use of 'transgender' in this context that also implies a kind of sexuality or that is understood as being able to tell us something about sexuality. The number of respondents indicating being gender-diverse in relation to sexuality correlates with the responses for gender. Concerning questions relating to gender, it is important to note the number of trans men who participated in the project, which almost equals that of trans women. This challenges common perceptions regarding the potential presence and numbers of trans men in migrant populations.

3. Recommendations

Struggles with language for sexual and gender diversity are not uncommon when surveys are carried out in the Global South.[70] Rather than see this as a drawback, we understand the breadth of language used (and not used) to discuss sexual and gender diversity as indicative of a need for greater research and for more targeted approaches when working with people who are not heterosexual and/or cisgender. This survey suggests that, at the very least, some targeted approaches that rely on terms such as 'queer' may not reach their intended audience. The responses to this

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[66] Sexual Minority Assessment Research Team (2009) *Best Practices for Asking Questions about Sexual Orientation on Surveys*, Los Angeles: The Williams Institute.

[67] The GenIUSS Group (2014) *Best Practices for Asking Questions*, p. v; Park, A. (2016). *Reachable*.

[68] 'Gender diverse' is a term commonly used by NGOs in South Africa and beyond to describe the diversity of gender expression and identities. For example: Gender Dynamix & Lawyers for Human Rights (2022) 'A New Collaboration to Support Trans and Gender-diverse Refugees in South Africa', press release, 14 April. Available from https://www.lhr.org.za/lhr-news/press-statement-a-new-collaboration-to-support-trans-and-gender-diverse-refugees-in-south-africa/ (accessed 21 November 2022).

[69] In the multiple-choice question, this was done using the fifth option: 'other'.

[70] UNDP & Williams Institute (2014) *Surveying Nepal's Sexual and Gender Minorities*.

survey also indicate where more work might need to be undertaken regarding SGM migration to South Africa – and perhaps globally – as well as the identities, experiences and needs of these individuals. Given this, we propose the following recommendations:

- The diversity of socio-cultural backgrounds adds a layer of complexity rarely considered within asylum systems, which tend to focus on stable identity categories that signify particular sexual or gendered ways of being. These complexities are also seldom considered when attempting to extend services to these population groups. The language used by service providers often mirrors that of funders from the Global North. Given the diversity of answers to the survey, it would seem prudent to reconsider language and access when working with SGM migrants.
- Future survey instruments and engagements with SGM migrants must consider the inclusiveness of terms used and their broader appropriateness for the community.
- Across the African continent, many aspects of the needs and experiences of transgender and gender-diverse people remain un/under-explored. The penetration of these terms within the migrant community suggests that a large number of transgender and gender-diverse people have migrated to South Africa. Our lack of knowledge with regards to this community can hinder efforts to improve their health and socioeconomic status.[71] For future interventions to be effective, greater understanding of cultural and geographic diversity will be necessary. This is critical for future advocacy at the intersection of transgender and refugee/migrant rights.[72]
- This survey data shows that sexuality and gender are not siloed entities for many participants. It is often presumed that sexuality and gender imply two characteristics that operate independently, but for many participants this was either not the case, or the terms held different meanings. This is an area where in-depth research is necessary.
- Given that 'queer' was not a term that participants identified with, it may well be prudent for organisations, funders, researchers and policymakers who use this term to consider its value in reaching SGM migrants or reflecting their needs.

MIGRATION CATEGORIES, DOCUMENTATION STATUS AND LEGAL PROCESSES

The failure of protection mechanisms to accommodate SGM populations is now well established. Numerous studies expose the social, cultural, legal, administrative and procedural obstacles that prevent SGM asylum seekers from being recognised by governments.[73] Key barriers in South Africa include egregious misapplications of law, discriminatory behaviours by officials and endemic corruption at RROs.[74] These challenges are exacerbated by the heteronormative logic underpinning the immigration and asylum systems, which often excludes transgender and gender-diverse applicants from attaining papers that match their gender identity and expression.[75]

This research has been vital for spotlighting issues relating to documentation. However, the qualitative nature of this work makes it difficult to ascertain how widespread the challenges listed above are or to identify statistical relationships, such as whether a person's country of origin or time spent in South Africa has any bearing on their legal status. Our project addressed this knowledge gap by analysing quantitative data from a wide pool of participants. The findings testify to the value of using a survey to complement interview-based research. For example, over half of our participants reported being undocumented (n=212, 67.3 per cent). This finding corresponds with the aforementioned studies on the difficulties SGM migrants face when applying for or

[71] Hermaszewska, S. et al. (2022) 'Lived Experiences of Transgender Forced Migrants and their Mental Health Outcomes: Systematic Review and Meta-Ethnography'. *BJPsych Open* 8(3), https://doi.org/10.1192/bjo.2022.51. For insights from specific contexts, see Abramovich, A., Lam, J. S. H. & Chowdhury, M. (2020) 'A Transgender Refugee Woman Experiencing Posttraumatic Stress Disorder Symptoms and Homelessness', *Canadian Medical Association Journal* 192(1), https://doi.org/10.1503/cmaj.190974; Rosati, F. et al. (2021) 'Experiences of Life and Intersectionality of Transgender Refugees Living in Italy: A Qualitative Approach', *International Journal of Environmental Research and Public Health* 18(23), https://doi.org/10.3390/ijerph182312385.

[72] Camminga, B. (2022) 'Competing Marginalities and Precarious Politics: A South African Case Study of NGO Representation of Transgender Refugees', *Gender, Place & Culture*, https://doi.org/10.1080/0966369X.2022.2137473.

[73] For example: Berg, L. & Millbank, J. (2009) 'Constructing the Personal Narratives of Lesbian, Gay and Bisexual Asylum Claimants', *Journal of Refugee Studies* 22(2): 195–223; Güler, A. (2019), 'Refugee Status Determination Process for LGBTI Asylum Seekers: (In)consistencies of States' Implementations with UNHCR's Authoritative Guidance', in A. Güler, M. Shevtsova & D. Venturi (eds, 2018), *LGBTI Asylum Seekers and Refugees from a Legal and Political Perspective: Persecution, Asylum and Integration*, 117–39, Cham: Springer; Raboin, T. (2017) *Discourses on LGBT Asylum in the UK: Constructing a Queer Haven*, Manchester: Manchester University Press.

[74] Koko, G., S. Monro and K. Smith (2018) 'Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ) Forced Migrants and Asylum Seekers: Multiple Discriminations', in Z. Matebeni, S. Monro & V. Reddy (eds), *Queer in Africa: LGBTQI Identities, Citizenship and Activism*, 158–77, Oxon: Routledge; Marnell, J., Oliveira, E. & Khan, G. H. (2020) 'It's about Being Safe and Free to be Who You Are'; Mudarikwa et al. (2021) *LGBTI+ Asylum Seekers in South Africa*; Palmary, I. (2016) *Gender, Sexuality and Migration in South Africa*.

[75] Camminga, B. (2019) *Transgender Refugees and the Imagined South Africa*.

renewing permits. The survey data does not provide specifics on why participants are undocumented, but it does suggest that large numbers of SGM migrants are unable or unwilling to regularise their presence in South Africa. This is reflected in multiple data points, including the large number of participants who have never had a document (n=81), who have expired documents (n=126) or have never lodged an asylum claim (n=162). In addition to these findings, the survey indicates potential confusion among SGM migrants about how the South African immigration and asylum systems work and about the legal terms/categories used to describe people who cross borders. There is also evidence that the closure of RROs in parts of the country may be negatively affecting SGM migrants' ability to access documentation. This can be seen in the higher number of participants from Tshwane (n=22, 44 per cent of Tshwane-based participants) and Gqeberha (n=4, 66 per cent of Gqeberha-based participants) reporting being documented, compared to those from Cape Town (n=20, 27 per cent of Cape Town-based participants) and Johannesburg (n=22, 29.8 per cent of Johannesburg-based participants). The latter two locations do not have an RRO, either because there never was one or because the local branch was closed. Most participants living outside of urban centres, such as those living in Limpopo, Mpumalanga and non-metro Gauteng, reported being undocumented, though the low number of responses from these areas make it difficult to establish trends.

1. Sourcing data on documentation

Survey 2 contained several questions about documentation. These were asked at different points and in different ways so that responses could be screened for inconsistencies. This is regarded as good practice when designing surveys as it helps generate reliable findings.[76] For example, participants who indicated they have never been documented were later asked if they have ever applied for asylum. A 'yes' answer to the latter question would be flagged as a contradictory response. Similarly, participants who answered 'other' to questions related to documentation were required to enter a free-form response. These explanations provided clues that guided the post-coding process. Another way in which data was validated was by cross-referencing responses about time spent in South Africa with those about documentation. For example, some participants indicated being recognised as refugees despite being in the country for less than a year. This would not have been possible given that RROs were closed to new asylum applications between early 2020 and late 2022. Rather than exclude seemingly conflicting answers from the data set, we post-coded them where possible and noted any patterns or trends.

2. The value of messy findings

It is impossible to draw hard conclusions from data inconsistencies. However, the contradictory answers captured by the survey could be evidence of misunderstandings circulating among SGM migrants. Qualitative research suggests that the South African immigration and asylum systems are confusing, intimidating and often inaccessible for LGBTQI persons.[77] This is likely mirrored in our data. Participants' efforts to explain their situations using free-form responses shows a willingness to share information about documentation. A lack of familiarity with terms such as 'refugee' and 'asylum seeker' could explain seemingly contradictory responses. This reading would also explain other inconsistencies. For example, some participants seemed confused when asked about the grounds on which they claimed asylum. They first chose the 'other' option, only to then write about sexuality or gender. Although these responses could be post-coded to facilitate analysis, their presence in the data set warrants attention. There were also several participants who indicated reasons for asylum claims that fall outside of the Refugees Act, such as being 'poverty stricken' or 'to get employed'. This could suggest that some participants are unfamiliar with the categories used by state officials to assess asylum claims. There were also a small number of participants (n=3) who at one point indicated being documented and at another point said they had never applied for documentation, as well as a small number of participants (n=3) who indicated being both currently documented and having an expired permit.

These figures are too low to establish a statistical relationship, but they still tell us something important. One way this data can be read is as evidence of confusion over asylum-related terminology and/or processes, but it can also point to different ways of understanding and talking about documentation. How people claim and subvert language is relevant here. This includes SGM migrants using legal terms to describe themselves in ways that do not align with official definitions. The most common example is people self-identifying as refugees, even though this status has not been conferred on them by the government or the UNCHR. While this may seem like

[76] Kelley, K. et al. (2003) 'Good Practice in the Conduct And reporting of Survey Research', *International Journal for Quality in Health Care* 15(3): 261–66; Nardi, P. (2018) *Doing Survey Research: A Guide to Quantitative Methods*, New York: Routledge.

[77] Research with the general migrant and asylum-seeker population in South Africa has drawn similar conclusions regarding the inaccessibility of these systems. While we recognise that certain barriers and struggles are shared among all migrants and asylum seekers, we also note that there are specific challenges facing SGM people seeking protection. See Marnell, J. (2022) 'Telling a Different Story'.

an 'incorrect' use of language, it can also be regarded as a form of self-assertion by those whose protection needs are routinely overlooked. Despite being relatively common, this self-identification practice is unlikely to explain all the inconsistencies in this data set. It is probable that a combination of atypical language use and confusion over a complex legal system resulted in contradictory responses from some participants.

3. Recommendations

The presence of contradictory responses does not undermine the veracity or usefulness of the survey data. Rather, it exposes a critical nuance that researchers, activists, lawyers, service providers and other stakeholders need to be attuned to when addressing documentation concerns. In recognition of this finding, we advance the following recommendations:

- Care should be taken when discussing documentation issues concerning SGM migrants. Assuming that community members share the same understandings of legal terms/categories as other stakeholders could undermine the strength of research findings.
- Future engagements should aim to capture, describe and interrogate competing understandings of documentation-related terms. This will help to expand knowledge on language use and self-identification practices among SGM migrants. A better understanding of how language circulates and evolves will likely produce more effective interventions.
- The survey results suggest an urgent need for research, advocacy and outreach programmes. While it is important to flag issues like language usage and familiarity with bureaucratic processes, this should not overshadow the major takeaway from this project: the vast majority of survey participants remain undocumented. When read in conjunction with earlier qualitative studies, it is fair to say that this finding mirrors the day-to-day reality of most SGM migrants. Immediate attention needs to be given to addressing population-specific barriers to documentation.
- Evidence-informed outreach programmes are required to ensure that SGM migrants can navigate South Africa's complex immigration and asylum systems. It is evident that many SGM migrants do not have the support or knowledge to regularise their status.
- Research focusing on the impacts of RRO closures on SGM migrants would provide much-needed nuance to the findings outlined above. Our data suggests that DHA's failure to reopen RROs is having a negative impact on SGM migrants.

CONCLUSION

The number and diversity of responses to the WhatsApp surveys should not be surprising. Similar studies suggest that anonymous technology-assisted survey tools are particularly useful in societies and communities with high levels of stigma. The perception of safety associated with such approaches can lead to higher self-reporting of same-sex attraction and behaviour.[78]

The findings shared in this report are by no means representative, but they do provide a glimpse into a social group that remains under-researched and under-serviced. This challenge is exacerbated by the current lack of disaggregated data from DHA, which severely limits our ability to track the size and needs of the SGM migrant population. This project presents inroads for documenting and analysing the lives of these individuals. We see this work as complementary to the vital qualitative research conducted to date.

As well as presenting new data, our project sheds light on how future survey instruments might capture the experiences of people who are deeply protective of their privacy. The approach outlined here shows the benefits not only of mobile-based survey tools but also of collecting multiple data points on gender, sexuality and other sensitive topics. This is reflected by the rich data generated by including both free-form and multiple-choice questions.

Reliable data – both qualitative and quantitative – is necessary for responding to the needs of SGM migrants. We hope the findings shared here influence policy decisions, advocacy interventions, service provision and resource mobilisation. It is now clear that the number of LGBTI+ people moving to South Africa is larger than initially imagined. Moreover, it is a group whose constitution is far more diverse than often assumed. Further research and advocacy is urgently needed if these individuals are to realise their dreams of safety, freedom and dignity.

[78] Villarroel, M. A. et al. (2006) 'Same-Gender Sex in the United States: Impact of T-Acasi on Prevalence Estimates', *Public Opinion Quarterly* 70(2): 166–96.

APPENDIX 1: SURVEY TOOLS

ENROLMENT SURVEY

Initial message:

Hello, This is the team from Wits. Thank you for being willing to take part in this research! As has been explained this information is collected anonymously and is exclusively for research purposes. Do you want to participate in this survey? 1 = yes 2 =no

If the participant responded 2 = no:

Are you sure you DON'T want to take part in this survey? 1= yes 2=no

If participants responded 1 = yes:

Are you an LGBTQI+ person who has migrated to South Africa? 1= yes 2=no

Are you in South Africa at this moment? 1= yes 2=no

How old are you?

Where do you live? 1=Cape Town 2=Joburg 3=Pretoria 4=Limpopo 5=Durban 6=PE 7=Other

If the participant responded 7 = other:

You chose 'other' in your previous answer. Please write where you live here:

Closing message:

Enrolment complete! Thank you for taking part. Just a reminder your first survey will arrive towards the end of a month and the last survey two weeks after. You will receive R50 in data for each of these. If you haven't already please save this number: +13324563332 If you have any problems answering the questions, feel free to message the number provided above and we will call you back: +13324563332 If you are in need of support or counselling, following the survey, these are available free of charge from Queerwell: Queerwell +27 68 022 4581 Thanks so much for your time.

SURVEY 1

Initial message:

Hello, 🏳️‍🌈 This is the team from Wits University in Johannesburg. Thank you for completing enrolment a few weeks ago and for being willing to take part in this research! *__Remember__* your personal information is not being collected or being shared with anyone. We don't know your name or where you live. This survey is anonymous. You will be reimbursed with *__R50__* in airtime when you *finish* the survey. Do you want to participate in this survey? Reply 1 for *__yes__*. Reply 2 for *__no__*. 1 = yes 2 = no 3 = Please send me R2 airtime to start

If the participant responded 2 = no:

We hate to see you go 😔 Are you sure you *__DON'T__* want to take part in this survey? 1 = yes (I do not want to take part ❌) 2 = no (I want to take part ✅)

If participants responded 1 = yes:

(Qu 1/9) What is your highest level of school ✏️ ? 1 = never went to school 2 = junior/primary school 3 = high/secondary school 4 = university/tertiary education 5 = other

If the participant responded 5 = other:

You answered *__5 = other__* to the question above. Please message us your answer

(Qu 2/9) Describe your sexuality? Type an answer

(Qu 3/9) Which of the following best applies to you? 1 = lesbian 2 = gay 3 = bisexual 4 = heterosexual (straight) 5 = Other

If the participant responded 5 = other:

You answered *__5 = other__* in the last question please type your answer here

(Qu 4/9) Has a doctor or nurse ever told you or your parents that you are intersex? 1 = yes 2 = no 3 = I don't know what intersex means

(Qu 5/9) Which one appears on your birth certificate and other identity documents? 1 = male 2 = female

(Qu 6/9) Describe your gender? Type an answer

(Qu 7/9) Which of the following best applies to you? 1 = transgender man 2 = transgender woman 3 = non-binary 4 = cisgender man 5 = cisgender woman 6 = other 7 = I need help understanding these words

If the participant responded 7 = I need help understanding these words:

Cisgender means you were born male and identify as male/ a man or you were born female and identify as female/ a woman. If you are ***not*** cisgender, you are usually transgender. Based on this information which of the following best applies to you? 1 = transgender man 2 = transgender woman 3 = non binary 4 = cisgender man 5 = cisgender woman 6 = other 7 = Prefer not to say

If the participant responded 6 = other:

You answered ***6 = other*** as your answer. Please type your answer

(Qu 8/9) In which country were you born? 1= Botswana 2 = Burkina Faso 3 = Cameroon 4 = Côte d'Ivoire 5 = DRC 6 = Eswatini 7 = Ethiopia 8 = Eritrea 9 = Ghana 10 = India 11 = Kenya 12 = Lesotho 13 = Malawi 14 = Mozambique 15 = Namibia 16 = Nigeria 17 = Rwanda 18 = Pakistan 19 = Senegal 20 = Somalia 21 = Sudan 22 = Tanzania 23 = Uganda 24 = Zambia 25 = Zimbabwe 26 = Other 27 = Prefer not to share 28 = South Africa

If the participant responded 26 = other:

You answered ***26 = other*** other in the previous question. Please type your answer here

(Qu 9/9) What do you do to get money?

Closing message:

🎉 Survey one complete 🎉 Thank you for taking part. You should receive ***R50*** in airtime in the next 5 minutes. Just a reminder your second survey will arrive in two weeks. You will receive another ***R50*** in airtime once you finish the second survey. If you haven't already please ***save*** this number: +13324563332 If you have any problems answering the questions, feel free to message or call: +27683125117 And one of our researchers will call you back ☎️ If you are in need of counselling, following the survey, please contact Queerwell: Queerwell +27 68 022 4581 Thanks so much for your time. 🏳️‍🌈 B, Thomars, John, Anold, Thea and Masi (The Wits Team) 🏳️‍🌈

SURVEY 2

Initial message:

Hello again, 🏳️‍🌈 This is the team from Wits University in Johannesburg. Thank you for completing the first survey a few weeks ago and for being willing to take part in this research! ***Remember*** your personal information is not being collected or being shared with anyone. We don't know your name or where you live. This survey is anonymous. You will be reimbursed with ***R50*** in airtime when you *finish* the survey. Do you want to participate in this survey? Reply 1 for ***yes***. Reply 2 for ***no***. 1 = yes 2 = no 3 = Please send me R2 airtime to start

If the participant responded 2 = no:

We hate to see you go 😔 Are you sure you ***DON'T*** want to take part in this survey? 1 = yes (I do not want to take part ❌) 2 = no (I want to take part ✅)

If participants responded 1 = yes:

How many years have you been in South Africa? (please reply in numbers e.g. ***1*** or ***2*** or ***3*** or ***4***) (If you have been in South Africa for less than 1 year please respond with ***0***)

Is your stay in South Africa documented or undocumented? 1 = Documented (including appeal) 2 = Undocumented (including expired document or appeal rejected) 3 = I am a South African with an ID document 4 = prefer not to say

If the participant responded 1 = Documented (including appeal):

Which document do you currently have? 1 = Asylum seeker 2 = Refugee 3 = Work permit 4 = Zimbabwean special exemption/dispensation permit (ZEP) 5 = Lesotho special/ exemption permit (LEP) 6 = Angolan special/ exemption permit 7 = Study permit 8 = Visitors visa 9 = Exemption/ critical skills permit 10 = Permanent resident with RSA ID 11 = Other 12 = Prefer not to say

If the participant responded 11 = other:

You indicated ***11= other*** as your answer to the previous question, please explain

If the participant responded 2 = Undocumented (including expired document or appeal rejected):

Which best describes you? 1 = Never had a document 2 = Document expired 3 = Claim rejected

If the participant responded 2 = Document expired:

In which year did your document expire? (Please answer with the year e.g. ***1990*** or ***2001*** etc)

If the participant responded 3 = Claim rejected:

In which year was your claim rejected? (for example ***2006***)

If the participant responded 1 = Asylum seeker to question 3 or 1 = Never had a document to question 4:

Have you ever applied for asylum in South Africa? 1 = yes 2 = no

For how many years did you wait for a decision on your asylum claim? (Please indicate the number of years example ***3*** or ***5*** or ***10***. For less than a year please reply with ***0***)

For how many years have you been an asylum seeker? (Answer in numbers example ***3*** or ***5*** or ***10***. For less than a year please reply with ***0***)

What reason did you use to claim asylum? 1 = sexual orientation 2 = gender 3 = religion 4 = nationality 5 = political opinion 6 = Other

If the participant responded 6 = other:

You indicated ***6 = other*** as your answer to the previous question please explain

Which best applies to you? 1 = I am an asylum seeker waiting for a decision on my first application 2 = I am an asylum seeker on appeal 3 = I am a recognised refugee whose asylum claim was recognised the first time 4 = I am a recognised refugee whose asylum claim was recognised on appeal 5 = other

If the participant responded 5 = other:

You indicated ***5 = other*** to the last question please explain here:

How did you know you could apply for asylum in South Africa? 1 = Internet/Facebook 2 = Radio/TV/ Newspaper back home 3 = Radio/TV/Newspaper in South Africa 4 = From a friend or family back home 5 = From a friend or family in South Africa 6 = From LGBTQI+ networks back home 7 = From LGBTQI+ networks in South Africa 8 = From an organisation or service back home 9 = From an organisation or service in South Africa 10 = Other

If the participant responded 10 = other:

You chose ***10 = other*** as your answer to the last question, please explain

All participants were asked:

Have you ever had any contact with the UNHCR? 1 = yes in South Africa 2 = yes before coming to South Africa 3 = no

Have you ever applied for asylum in another country (not South Africa)? 1 = yes 2 = no

Why did you come to South Africa? 1 = to find employment 2 = to join family 3 = to access healthcare 4 = to escape violence/ persecution 5 = I am from South Africa 6 = other

If the participant responded 6 = other:

You answered ***6 = other*** to the last question. Please explain

Have you ever experienced violence or harassment in South Africa? 1 = yes 2 = no 3 = prefer not to say

If participants responded 1 = yes:

Have you ever experienced violence or harassment from the police in South Africa? 1 = yes 2 = no 3 = prefer not to say

Closing message:

🎉 Final survey complete 🎉 Thank you for taking part. You should receive ***R50*** in airtime in the next 5 minutes. Thank you so much for answering all our questions and for taking part. THERE ARE NO WRONG ANSWERS. The information you have provided will hopefully help organisations serve you better in the future. Look out for the report in the coming months! If you have any problems answering the questions, feel free to message or call: +27683125117 And one of our researchers will call you back ☎️ Thanks so much for your time. 🏳️‍🌈 B, Thomars, John, Anold, Thea and Masi (The Wits Team) 🏳️‍🌈

GLOSSARY

ASSIGNED SEX
The sex category assigned to an individual by medical, legal or other social authorities. Assigned sex is often determined to be either male or female based solely on a child's genitalia at birth. This may not align with gender identity.

BISEXUAL
Someone who is sexually, emotionally and/or romantically attracted to people of more than one gender.

BUTCH
A person who identifies in a masculine way, whether physically, mentally or emotionally. 'Butch' is sometimes used as a derogatory term for lesbian women, but it can also be claimed as a positive and affirmative identity label.

CISGENDER
An adjective describing a person whose gender identity matches the gender assigned to them at birth. Most cisgender people are endosex, but some are intersex. Cisgender people, as with transgender people, have diverse sexual orientations. They may be straight, gay, bisexual, lesbian, etc.

ENDOSEX
An individual whose sex characteristics meet medical or social norms for 'male' and 'female' bodies

GAY
A self-identifying man who is sexually, emotionally and/or romantically attracted to other men.

GENDER
Socially constructed roles, behaviours, activities and attributes that a particular society or community ascribes to individuals on the basis of their sex characteristics.

GENDER-DIVERSE
An umbrella term to describe an ever-evolving array of labels people may apply when their gender identity, expression or even perception does not conform to the norms and stereotypes expected by others.

GENDER EXPRESSION
How a person communicates their gender to the world, including but not limited to hairstyle, clothing name, pronouns and behaviours. Society identifies these cues as masculine, feminine or androgynous, although what is considered masculine or feminine changes over time and varies by culture and place.

GENDER IDENTITY
One's own deeply held internal sense of one's gender.

GENDER/SEX MARKER
The marker (generally 'M' or 'F' but in some countries also 'X') that appears on a person's identity documents (e.g. birth certificate, driver's license, passport, travel documents or permits).

HETEROSEXUAL
A person who is sexually, emotionally and/or romantically attracted so someone of the opposite sex and/or gender. Also referred to as 'straight'.

INTERSEX
An umbrella term for people born with any of several variations in sex characteristics, including chromosomes, gonads, hormones or genitals, that do not fit the typical definitions for assigned male or female bodies. Such variations may involve genital ambiguity and/or combinations of chromosomal genotype and sexual phenotype other than XY and XX. While most intersex people are cisgender (i.e. they identify with the sex they were assigned at birth), some are transgender (i.e. they do not identify with the sex they were assigned at birth). Intersex people also have diverse sexual orientations. They can be straight, gay, bisexual, lesbian, etc.

LESBIAN
A self-identifying woman who is sexually, emotionally and/or romantically attracted to other women.

LGBTI
An acronym used to refer collectively to lesbian, gay, bisexual, transgender and intersex persons. The plus symbol is sometimes added in recognition of fluid and shifting sexual/gender identities that may not be adequately described by the other terms.

MIGRANT (CROSS-BORDER)
A person who has traversed a national boundary, be it for work, study, to join family or any other reason. Many migrants feel they must leave their country of origin or residence because of poverty, political unrest, gang violence, natural disasters or other serious circumstances. A migrant is someone who has sought recognition through immigration mechanisms, rather than the asylum system, or has chosen to remain undocumented.

MSM
An acronym used for men who have sex with men. It is also a generic reference to same–sex sexual conducts between men, which may or may not imply a gay identity or emotional attraction.

NON-BINARY
People whose gender identity falls outside the binary categories of man and woman. They may define their

gender as falling somewhere in between man and woman, or they may define it as wholly different from these terms.

PANSEXUAL
The sexual, romantic or emotional attraction towards people regardless of their sex or gender identity.

QUEER
While historically queer has been used as an abusive term, some people have reclaimed the word and self-identify as 'queer'. For them, this reclamation is a celebration of not fitting into heteronormative norms or a radical stance that captures multiple aspects of identities.

REFUGEE
An asylum seeker who has been granted refugee status and thus granted protection by a state. The refugee meets the conditions stipulated in the Geneva Convention: a person who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail themselves of the protection of that country, or is stateless, being outside of the country of former habitual residence for the same reasons as mentioned before, is unable or, owing to such fear, unwilling to return to it.

SEX
While infants are assigned a sex, usually based on the appearance of their external genitalia at birth, a person's sex is actually a combination of several primary sex characteristics, including chromosomes, hormones and internal reproductive organs not commonly examined at birth, as well as secondary sex characteristics, such as facial hair and breasts.

SEX ASSIGNED AT BIRTH
The sex classification people receive at birth ('male' or 'female', often recorded on a birth certificate), typically based on external reproductive anatomy.

SEXUAL IDENTITY OR SEXUALITY
How a person understands themselves in relation to their sexual, emotional and romantic attractions. A person's sexual identity and sexual behaviours are closely related to their sexual orientation, but are distinguished as separate concepts: identity refers to an individual's self-perception of their sexuality, behaviour refers to their actual sexual practices and orientation refers to their overall sexual, emotional and romantic attractions.

SEXUAL AND GENDER MINORITIES (SGM)
An umbrella term for people whose sexual orientation, gender identity or sexual characteristics are different from the presumed majority of the population (i.e. heterosexual, cisgender and non-intersex individuals). Sexual and gender minorities includes considerable diversity as well as a multiplicity of identities and behaviours, including LGBTI+ people, gender-nonconforming people who may not see themselves as transgender and people involved in same-sex relations who may not see themselves as LGB, possibly preferring another word to self-identify (such as butch, queer or MSM) or possibly preferring no label at all.

TRANSGENDER (OR TRANS)
An umbrella term, sometimes abbreviated as 'trans', for people whose gender identity differs from societal expectations of the sex they were assigned at birth. Transgender people may experience discomfort or distress due to their gender not aligning with their sex and therefore wish to transition to the gender with which they identify. A person doesn't need to experience discomfort to be considered transgender.

TRANS AND GENDER-DIVERSE
This is an inclusive phrase that the South African organisation Gender Dynamix developed to reference all persons who do not identify with either the sex they were assigned at birth and/or the gendered expectations connected to that sex.

TRANSITIONING
The process through which a person takes steps to express or affirm their gender identity when it is different to that assigned to them at birth. This may take the form of a social transition and/or a medical transition. A social transition refers to a person's decision to publicly adopt a different gender. This may involve changing their name, pronouns, clothing and modes of address. A medical transition involves physical changes to a person's body so that it aligns with their gender identity. This is a complicated, multi-step process that can take years. A medical transition can also take different forms: some people may choose to take hormones only, while others may also undergo various forms of surgery. A medical transition isn't a prerequisite for someone to be considered transgender.

TRANS MAN/TRANSGENDER MAN
A person who was assigned female at birth but identifies as a man.

TRANS WOMAN/TRANSGENDER WOMAN
A person who was assigned male at birth but identifies as a woman.

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