


COMMENTARY



Queer asylum: Between hostility and incredibility

Diego Garcia Rodriguez¹ | Calogero Giametta² 

¹School of Sociology and Social Policy, University of Nottingham, Nottingham, UK

²School of Criminology, Sociology and Social Policy, University of Leicester, Leicester, UK

Correspondence

Calogero Giametta, School of Criminology, Sociology and Social Policy, University of Leicester, Leicester, UK.

Email: cg376@leicester.ac.uk

The field of queer migration studies has significantly evolved in recent decades, with interdisciplinary scholars exploring the unique experiences of LGBTIQ+ people. This scholarship has emphasised that migrations are not solely motivated by economic or familial factors but are interwoven with migrants' sexuality and gender (Lewis & Naples, 2014; Luibheid, 2008). Initially, the focus was on the internal migrations of queer people from rural to urban areas, but the scope has since broadened considerably. By intersecting perspectives emerging from queer, feminist and migration studies, scholars started to focus their critique on the heteronormativity of immigration institutions (Giametta, 2017; Murray, 2015; Raboin, 2017). This literature underscored that individuals subjected to border control—irrespective of their sexual orientation or gender identity—systematically encounter gendered and racialised violence inherent to such policies. Amidst this, queer migration scholarship expanded its study beyond strictly defined sexuality and gender identities to investigate the power dynamics and inequalities that arise through migration (Lewis, 2019; Luibheid, 2008; Mole, 2018; Seitz, 2017; Williams, 2010). These studies have elicited original theorisations concerning neglected migration histories moulded by post-colonialism, asylum seeking and labour migration.

Over time, the academic focus of queer migration scholars shifted to address issues of forced migration, especially considering growing gender and sexuality-based asylum cases. In this commentary, while we explore global trends in queer asylum scholarship, the United Kingdom will be used as a case study to illustrate wider phenomena considering our work in this context. Our research reveals that, while current legislation acknowledges the validity of claims based on gender and sexual identities, its practical application presents significant obstacles. In September 2023, the then British Home Secretary, Suella Braverman, emphasised that simply being LGBTIQ+ and fearing discrimination in one's country of origin should not qualify for protection.¹ She asserted that discrimination alone seems to warrant refugee protection in the United Kingdom, which is factually inaccurate and reflects anti-migrant sentiments among the political class. Her statements ignored the strict standards set by the Nationality and Borders Act (NABA) 2022, which has raised concerns about its conflict with international treaties. The subsequent Illegal Migration Act 2023 further tightened these policies, mandating the removal of individuals who enter through 'illegal' routes.

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The complexities inherent in the asylum-seeking process, demonstrated by the UK case, have drawn increasing academic interest, leading to the emergence of queer asylum studies. For LGBTIQ+ individuals, these difficulties are heightened due to the need to demonstrate their sexual orientation or gender identity. Queer asylum studies involve a critical examination of institutional practices, highlighting how immigration systems perpetuate hetero- and cis-normativity. In essence, queer asylum scholarship reveals the increasing visibility and inherent complexities of LGBTIQ+ asylum, aligning with broader global political, human rights and advocacy discourses.

EMERGING THEMES

The field of queer migration studies advocates for the understanding that migration processes are intricately tied to both gender and sexuality (Hucke, 2021). The objective is to confront and dismantle heteronormative and cis-binary presumptions, which play a significant role in enforcing border control policies (ibid.). Moving forward, our commentary will explore key themes in queer asylum scholarship, including the normative identity frameworks that shape asylum processes, credibility assessments and legal support and accommodation and detention. We will examine this vis-a-vis specific issues faced by LGBTIQ+ asylum seekers within the British system, providing an overview of current themes and practical implications for those seeking refuge.

Normative identity frameworks

A key critique in the field of queer asylum studies is the reductive interpretations of sexual and gender identities prevalent in asylum systems. The adoption of Western-centric frameworks fails to acknowledge the rich diversity and cultural specificity of LGBTIQ+ identities (Murray, 2011). In the United Kingdom, Home Office interviewers often ask inappropriate questions, relying on stereotypes like knowledge of gay clubs or reading Oscar Wilde, reflecting a neo-colonial bias that favours Western queer identities.² This results in constrained narratives for asylum claimants, marginalising those who do not fit homonormative frameworks, often leading to claim rejections.

Bisexual asylum seekers face unique challenges, often advised to 'choose to be straight'.³ Queer claimants using non-Western terms face disbelief due to interviewers' and translators' lack of understanding. In our research, we encountered cases where Bangladeshi asylum seekers used Bengali terms to describe non-normative gender identities, which were not understood by translators. A contrasting case emerging from our investigations involved an Iranian individual who identified as queer, yet the interviewer misinterpreted them as a lesbian due to their feminine gender expression. This normativity overlooks the diversity of sexual and gender identities, leading to identity erasure. This is exacerbated by interpreters lacking proficiency in the claimant's language while being inadequately trained in understanding gender and sexuality terminologies.

Credibility and legal support

LGBTIQ+ asylum seekers frequently face multiple forms of marginalisation, not solely based on their sexual orientation or gender identity but also intersecting with their health status, race, ethnicity, religion and social class (García Rodríguez, 2023). The inability of asylum systems to effectively address these overlapping vulnerabilities intensifies the challenges faced. Impacted by the lack of intersectional approaches, credibility assessments are another area of academic concern. Asylum seekers are required to undergo invasive procedures to prove their gender and sexual identities, a process that is informed by ethnocentric stereotypical frameworks that disregard the complexity of their identities. The need for greater socio-cultural sensitivity and awareness among asylum decision-makers is a significant point of discussion.

In the United Kingdom, throughout the asylum process, the claimant is required to narrate their story to Home Office officials, lawyers, judges and support organisations to build up a comprehensive 'file'. This encompasses a written account detailing the reasons for asylum, accompanied by supporting evidence such as photographs, letters, official documents and more. Claimants must highlight their past lived experiences in their home countries and are expected to express fear and suffering. Building up a file requires sound legal advice, a challenge intensified by severe cuts in the government budget for legal aid since 2014, which have reduced the availability of free legal support.

In building up their files with legal representatives and support workers, asylum claimants must demonstrate that their claim is motivated by a pursuit of safety. LGBTIQ+ asylum seekers face the challenge of having to prove their sexual or gender 'difference' and the dangers to which such difference might expose them. The only means of 'proving' this lies in their personal statement, as frequently their sexual and gender identities are known to no one else. This creates a paradox where the only evidence available to the claimant is their personal testimony, yet within the institutional framework, the word of the asylum seeker is met with suspicion. Adjudicators frequently employ strategic scepticism, intentionally choosing not to believe asylum seekers. Paradoxically, truth is recognised when skillfully presented and rehearsed with proficiency.

Accommodation and detention

Existing literature has noted the notable gap between policy and practice in the protection of LGBTIQ+ asylum seekers. While legislation may exist to safeguard these individuals, its implementation is often lacking, leaving them vulnerable to abuse, discrimination and neglect. Accommodation challenges reveal these issues. In the United Kingdom, asylum seekers have typically been accommodated in flats and houses while waiting for the adjudication of their refugee status. However, the impact of COVID-19 lockdowns, difficulties in agreeing housing contracts and a surge in applications, prompted the government to introduce contingency accommodation such as hotels in 2019. By June 2023, this practice had resulted in over 50,000 asylum seekers—approximately one-third of the UK's total—residing in hotels.⁴ The Home Office has declared an intention to phase out their use closing 50 hotels by January 2024.⁵ Alternatives comprise large-scale facilities on both land and moored vessels such as the Bibby Stockholm where a Nigerian asylum seeker attempted suicide.⁶

Mental health issues are widespread among those housed in hotels, stemming from the need to conceal their identities due to fear of negative reactions from co-inhabitants. A gay Iraqi asylum seeker we met described experiencing anxiety after being aggressively questioned about wearing a rainbow wristband, which he had put on for a Pride event, by another asylum seeker. Similarly, a Ugandan lesbian woman shared her experience of harassment after confiding her sexual orientation to a friend, leading to her relocation for safety. Many reported being housed in hotels situated in rural areas, which impedes their access to urban centres. The expectation set by the Home Office to exhibit 'authentic' queer identities becomes paradoxically unattainable due to their geographic isolation.

LGBTIQ+ asylum seekers are also exposed to detention threats. The United Kingdom is the only European country without a statutory time limit on the detention of individuals under immigration powers. This requires urgent policy revisions to protect the well-being of LGBTIQ+ detainees and advocate for the end of their detention due to their unique vulnerabilities. The Home Office has acknowledged that at least 129 LGBTIQ+ individuals were detained in 2022.⁷ With the forthcoming implementation of specific sections of the IMA, there is an anticipated increase in the number and duration of detentions.

CONCLUSIONS

Queer asylum scholarship must emphasise the need for intersectional analyses to investigate the impact of interwoven systems of oppression. This aligns with Cleton and Scuzzarello's viewpoint, who, within this issue, call for

intersectional readings of migration policies. Such an approach is crucial to address the needs of marginalised populations and defy Western-centric frameworks. Reflecting on the feminist methodologies proposed by Clark-Kazak, also in this issue, we must underscore the synergy between queer migration studies and feminist scholarship, since both fields share a commitment to disentangling the complexities of identity and discrimination. This is key to advocate for policies that truly protect (rather than paradoxically limit) the freedoms of LGBTIQ+ individuals seeking asylum. Our commentary is also in line with the reflexive stance that Fresnoza-Flot articulates in this issue, as we reveal the British case study to be a critical example of the broader trend in the Global North, where existing asylum policies often undermine the safety they are meant to ensure. Considering these challenges, the table below summarises research avenues that could further enrich queer asylum scholarship, proposing a comprehensive re-evaluation of practices that currently fail to uphold the dignity and rights of LGBTIQ+ asylum seekers.

Theme	Issues to explore
Exposing systematic discrimination	Future studies should focus on exposing the systematic criminalisation, discrimination and persecution faced by LGBTIQ+ individuals by examining inclusion and exclusion mechanisms and the interwoven relations of power within the refugee apparatus
Problematising identity categories	There is a need to problematise rigid, Western-centric identity categories and how they impact the assessment of asylum claims
Access to health	LGBTIQ+ refugees and asylum seekers often face barriers in accessing primary and preventive health services. Existing research has overfocused on HIV and sexually transmitted infections, overlooking other health concerns. Further research is needed to explore access to physical and mental healthcare critical for reducing risks among vulnerable asylum seekers
Intersecting factors in asylum claims	The intersection of multiple identities (e.g. gender, sexuality, race, religion, health status, education, class and others) in queer asylum experiences should be interrogated to ascertain their impact on the credibility of applicants
Negotiating identity and belonging	Queer asylum research should explore how LGBTIQ+ refugees and asylum seekers negotiate their identities and forge a sense of belonging, despite facing structural discrimination
Translating sexuality in asylum contexts	The process by which queer asylum seekers translate their sexuality in different cultural contexts should be examined. This includes studying how these translations contribute to a monolithic portrayal of sexualized and racialised individuals
Challenges in accommodation and detention	Queer asylum seekers often face violence in accommodation and detention facilities, largely due to inadequate housing policies and the prevalence of heteronormativity in asylum systems. These are themes that require further academic attention

As we look towards the future, the themes explored throughout this commentary should inform future research to recognise the diversity of sexual and gender identities among asylum seekers and inform the provision of adequate support to those in need, aligning with international human rights standards.

DISCLAIMER

The opinions expressed in this Commentary are those of the author and do not necessarily reflect the views of the Editors, Editorial Board, International Organization for Migration nor John Wiley & Sons.

DATA AVAILABILITY STATEMENT

Not applicable.

ORCID

Calogero Giametta  <https://orcid.org/0000-0003-1351-9103>

ENDNOTES

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