

Logics of Citizenship and Violence of Rights: The Queer Migrant Body and the Asylum System

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Border and migration studies document how states produce migrant subjectivities via bio-political practices, which are plotted against the figure of the ‘undeserving’ migrant. However, there is little research on the politics of the recent but growing tendency in Western states to include the category of ‘LGBT’ in their asylum policies. Furthermore, there has been little attention to the role of activists in border regimes. Hence academia fails to fully grasp the violence of rights-based migration politics and to understand the dispersed sexual politics of borders. This article examines the relationship between LGBT emancipation, border enforcement and migration activism in the United Kingdom. It appears that asylum policies construct hierarchies of migrants, currently with the LGBT asylum seeker towards the top of the pecking order. Activists contest, but simultaneously perform, the sexual and territorial border. The save-ability of the queer migrant is constructed at the same time that immigration violence is conducted, through indefinite detention and the Detained Fast Track system. Law turns out to be a violent governmental technology when gender and sexuality rights are used to further close the border.

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Introduction

The first time I met Mercy Assiimwe¹ was in 2014 in Yarl's Wood Immigration Removal Centre in Bedford, United Kingdom. She had applied for asylum in the UK because she was at risk of persecution by local authorities in Uganda, due to their discovery of her relationships with women. Mercy was given 'removal directions' by the Home Office and it became essential to quickly establish a massive support network so as to halt the deportation. Therefore, together with other activists, I launched a campaign encompassing a petition and a demonstration in front of Westminster. This led to wide coverage by a range of national and international media outlets. They produced news stories in which the homophobic and persecutory stance of the Ugandan authorities was emphasised and outrage about the failure of the UK to safeguard the lives of LGBT people was expressed.

The experience of campaigning in support of Mercy caused the critiques of global queer activism to become concrete in, and targeted against, the politics of my own actions. For example, Henriette Gunkel warns against the risk involved in online LGBT-related petitions that are run by Western-based organisations against homophobia in African countries.² She notices that in the process of campaigning, the 'long history of same-sex intimacies and LGBT politics' is ignored.³ This results in the unintentional endorsement of the 'geopolitical mapping of homophobia' on the African continent, without asking why LGBT politics are now so heavily contested.⁴ Both the petition I wrote in support of Mercy and the subsequent news stories can be criticised for presenting Uganda as uniformly homophobic in contradistinction to a UK that is imagined as a place of sanctuary.

This research is informed by my, at times, disquieting experience with Mercy's campaign. It uncovers the violence inherent to

¹ For privacy reasons, the real name of the person concerned is replaced by a fictive name and the relevant media coverage is not referenced.

² Henriette Gunkel, 'Some Reflections on Postcolonial Homophobia, Local Interventions, and LGBTI Solidarity Online: The Politics of Global Petitions' (2013) 52(2) *African Studies Review* 67.

³ *ibid* 76.

⁴ *ibid*.

citizenship logics and border enforcement and it shows how certain bodies are gendered and sexualised and thus explicitly constructed as ‘deserving’ refugees. These, in turn, are placed in conflict with ‘undeserving’ queer or non-queer migrants. Furthermore, this research reflects on the politics of activism in support of queer asylum seekers and demonstrates how resistance struggles are immanent to border regimes and the production of migrant subjectivities. For this purpose, over a period of nine months, five UK-based activist collectives and NGOs engaged in queer asylum activism have been studied and interviewed. What emerges is a complex picture of the sexual and gender politics of borders and border struggles, within which progressive legislation and emancipatory activism appear to be complicit in the reproduction of violence.

1. Theoretical Debates

1.1 Queer Migration Scholarship

This research is foremost located in the recent but growing body of queer migration scholarship. Queer theory is an academic strand that gained prominence in the 1990s in Northern America and subsequently travelled to Europe and the global South. As one of its foundational thinkers, Judith Butler argues that gender is not inherently binary and coherent, with a precursory sexed body; rather she understands this dichotomy to be a social construction.⁵ According to Butler, gender is a performance of gender norms, through which all persons come to understand themselves. These norms are discursively omnipresent, but within their repetition something can go ‘awry or adrift’, which provides the space for subversion and change.⁶ A queer understanding of gender/sexuality mandates a critical interrogation of the systems that create distinctions between what is normal and abnormal. It asks why and under which circumstances some lives, the lives of those who fail to adhere to these norms, become

⁵ Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (Routledge 1990).

⁶ Judith Butler, ‘Performativity, Precarity and Sexual Politics’ (2009) 4(3) AIBR: Revista de Antropología Iberoamericana iii.

precarious and ‘unlive-able’.⁷ As such, queer theory acknowledges that gender expectations and norms are culturally, locally and temporally defined.

A queer perspective on gender and sexuality reveals the heteronormativity present in many regulatory institutions. Heteronormativity refers to ‘institutions, structures of understanding and practical orientations [that] make heterosexuality seem not only coherent—that is, organised as a sexuality—but also as privileged’.⁸ This results in structural discrimination against people with non-normative sexualities and gender expressions. Queer critique is also attentive to homonormativity. Homonormativity implies a politics that does not contest heteronormativity, but that asks for inclusion.⁹ An illustrative case in point is the institution of marriage. According to critics, focusing on the right of gays and lesbians to marry obscures the ways in which marriage is an institution through which property and access to benefits and tax advantages are unequally distributed. As such, inclusion within the institution of marriage means inclusion within an institution that is exclusionary at its core, to the detriment of many others who are deprived from the rights and benefits associated with marital status.¹⁰ While same-sex marriage lifts discriminatory barriers that are experienced by some, for others the issue of marriage might not be the most crucial one, as they perhaps suffer from more acute problems such as institutional racism or the severe impact of austerity measures.¹¹ Critics of homonormativity, then, point to the demobilising and depoliticising effects of a normative, inclusionary LGBT-politics that conceptualises emancipation in terms of inclusion into dominant hierarchies instead of radical opposition. The homonormative queer becomes a ‘neoliberal figure

⁷ *ibid* iv.

⁸ Lauren Berlant and Michael Warner, ‘Sex in Public’ (1998) 24(2) *Critical Inquiry* 547, 548.

⁹ Lisa Duggan, ‘The New Homonormativity: The Sexual Politics of Neoliberalism’ in Russ Castronovo and Dana D Nelson (eds) *Materializing Democracy: Toward a Revitalized Cultural Politics* (Duke University Press 2002).

¹⁰ Ryan Conrad, *Against Equality: Queer Revolution, Not Mere Inclusion* (AK Press 2014); Dean Spade and Craig Willse, ‘Marriage Will Never Set Us Free’ *Organize Upgrade* (6 September 2013) <<http://www.organizingupgrade.com/index.php/modules-menu/beyond-capitalism/item/1002-marriage-will-never-set-us-free>> accessed 31 July 2014.

¹¹ *ibid*.

complicit in the abandonment of broad-based social justice struggles in favor of incorporation for a select few'.¹²

Queer migration scholarship emerged in the 2000s and builds on the work of feminist scholars who debunked the implicit assumption within migration studies that migrants are male.¹³ Furthermore it critiques the general assumption that all migrants are heterosexual and all women are cisgender and female.¹⁴ For instance, family reunion schemes are generally based on the heterosexual nuclear family model and as such these schemes normalise and privilege heterosexual relationships over non-normative ones.¹⁵ Queer migration scholarship, therefore, redirects attention to the experiences of queer migrants and examines 'how overlapping regimes of power and knowledge generate and transform identity categories'.¹⁶ This is reflected in the understanding that categories such as race, class, sexuality and gender intersect and culminate in complex power relations that produce particular subject positions. Queer, in this strand of academic research, is thus understood to refer to both migrants who identify as LGBT and to those whose sexual practices and gender identifications do not align with this acronym. Consequently, it engages in a 'double movement',¹⁷ as it aims to recover subjects that are largely invisible in migration studies while simultaneously emphasising that some queers may exceed hegemonic frameworks of understanding.

¹² Eithne Luibhéid, 'Sexuality, Migration and the Shifting Lines between Legal and Illegal Status' (2008) 14(2) *GLQ: A Journal of Lesbian and Gay Studies* 287, 307.

¹³ Martin F Manalansan IV, 'Queer Intersections: Sexuality and Gender in Migration Studies' (2006) 40(1) *International Migration Review* 224; Eithne Luibhéid, 'Heteronormativity and Immigration Scholarship: A Call for Change' (2004) 10(2) *GLQ: A Journal of Lesbian and Gay Studies* 227.

¹⁴ Karma R Chavez, *Queer Migration Politics. Activist Rhetoric and Coalitional Possibilities* (University of Illinois Press 2013).

¹⁵ Tracy Simmons, 'Sexuality and Immigration: UK Family Reunion Policy and the Regulation of Sexual Citizens in the European Union' (2008) 27(2) *Political Geography* 213.

¹⁶ Eithne Luibhéid, 'Queer/Migration: An Unruly Body of Scholarship' (2008) 14(2) *GLQ: A Journal of Lesbian and Gay Studies* 170, 170.

¹⁷ *ibid* 171.

1.2 Sexual and Gender Politics at the Border

Critical migration and border studies scholars have extensively documented how bordering practices produce migrant subjectivities that are not inherent characteristics of people, but that become inscribed onto certain bodies due to unequal power relations.¹⁸ The current hegemony of the Westphalian nation-state system implies that the state is the legitimate and sovereign entity to rule over a bordered territory.¹⁹ Membership of the state is expressed through citizenship criteria. Political belonging is thus profoundly territorialised and territorial belonging profoundly politicised. By means of citizenship requirements and immigration policies the state constructs particular subjectivities as ‘deviant’, on the basis of which migrants can be denied entry.²⁰ Citizenship requirements are dynamic and a migrant’s status is defined on a sliding scale depending on the political climate and the (labour) needs of a state.²¹ Hence, these categorisations are exemplary for a Foucauldian understanding of bio-political power assertion, as they represent regulatory mechanisms through which populations become identifiable and subsequently controllable.²²

Though border and migration scholars predominantly study border enforcement as enacted by states,²³ it is important to note that the state is not monolithic. Rather, other governing authorities may develop policies through which ‘illegal’ migrants can access services that would not otherwise be accessible to them. For instance, the Don’t Ask Don’t Tell program of the municipality of Toronto,

¹⁸ Nicholas de Genova, Sandro Mezzadra and John Pickles (eds), ‘New Keywords: Migration and Borders’ (2014) 29(1) *Cultural Studies* 1.

¹⁹ Anne McNevin, *Contesting Citizenship: Irregular Migrants and New Frontiers of the Political* (Columbia University Press 2011).

²⁰ Rutvica Andrijasevic, ‘Sex on the Move: Gender, Subjectivity and Differential Inclusion’ (2009) 29 *Subjectivity* 389.

²¹ Sandro Mezzadra and Brett Neilson, *Border as Method, or, the Multiplication of Labor* (Duke University Press 2013); Nicolas de Genova, ‘The Legal Production of Mexican/Migrant “Illegality”’ (2004) 2(2) *Latino Studies* 160; Nicolas de Genova, ‘Migrant “Illegality” and Deportability in Everyday Life’ (2002) 31 *Annual Review of Anthropology* 419.

²² Michel Foucault, *The History of Sexuality Volume 1: An Introduction* (Robert Hurley tr, Vintage Books 1990).

²³ William Walters, ‘Foucault and Frontiers: Notes on the Birth of the Humanitarian Border’ in Ulrich Bröckling, Susanne Krasman and Thomas Lemke (eds) *Governmentality: Current Issues and Future Challenges* (Routledge 2011).

Canada, enables access to social services for all members of the city, regardless of immigration status.²⁴ In this situation, the state's regulation of populations via the production of citizen/migrant subjectivities is mediated. Furthermore, when access to services such as healthcare or housing is connected to immigration status, it effectively means that the border travels wherever a migrant goes. Additionally, the securitisation of the border—the process through which border-crossing becomes a security issue—is frequently out-sourced.²⁵ For example, Yarl's Wood Immigration and Removal Centre is run by security company Serco and appropriately located at the Twinwoods Business Park. Illegality is thus big business which leads some to speak of the 'illegality industry'.²⁶

Migrant subjectivities produced through borders and immigration policies are heavily sexualised and gendered.²⁷ Namely, only those whose sexual and gender practices are intelligible according to hegemonic gender and sexuality norms can become eligible for permitted border-crossing. With reference to asylum seekers in the context of European immigration, Leticia Sabsay notes that only those performing a 'recognisable form of gayness or transgenerness' are allowed entry.²⁸ She goes on to interpret LGBT asylum as a tool for compulsory assimilation or grounds for exclusion. Several studies confirm this, as they point to the profound stereotypical reasoning on the basis of which asylum claims are accepted or rejected.²⁹ That

²⁴ Jean McDonald, 'Building a Sanctuary City: Municipal Migrant Rights in the City of Toronto' in Peter Nyers and Kim Rygiel (eds) *Citizenship, Migrant Activism and the Politics of Movement* (Routledge 2012).

²⁵ Didier Bigo, 'Security and Immigration: Toward a Critique of the Governmentality of Unease' (2002) *Alternatives: Global, Local, Political* 63.

²⁶ Ruben Andersson, *Illegality, Inc: Clandestine Migration and the Business of Bordering Europe* (University of California Press 2014).

²⁷ Andrijasevic (n 20); Bradley S Epps, Keja Valens and Bill Johnson González (eds), *Passing Lines: Sexuality and Immigration* (Harvard University Press 2005); Eithne Luibhéid, *Entry Denied: Controlling Sexuality at the Border* (University of Minnesota Press 2002).

²⁸ Leticia Sabsay, 'The Emergence of the Other Sexual Citizen: Orientalism and the Modernisation of Sexuality' (2012) 16(5) *Citizenship Studies* 605, 611.

²⁹ Sabine Jansen and Thomas Spijkerboer, *Fleeing Homophobia: Asylum Claims Related to Sexual Orientation and Gender Identity in Europe* (Free University Amsterdam 2011); Rachel Lewis, 'Deportable Subjects: Lesbians and Political Asylum' (2013) 25(2) *Feminist Formations* 174; Alice M Miller, 'Gay Enough: Some Tensions in Seeking the Grant of Asylum and Protecting Global Sexual

is, when testing the credibility of the claimant's story, immigration officials and judges often assume that all queer people engage in cross-gender identification or that they immediately engage a gay public life upon arrival in the new country by frequenting gay establishments. Queer asylum seekers are thus assumed to be 'out' in a particularly recognisable way associated with white middle-class Western-style commercialism and consumerism, and if they are not their credibility is deemed severely questionable.

What happens in these instances is that only a particular homonormative queer asylum seeker is rendered intelligible and subsequently eligible for asylum status.³⁰ The homonormative queer asylum seeker is a particular subject position produced through immigration regulations, who further entrenches the hegemony of gender norms and immigration systems instead of radically challenging them. Furthermore, through the constitution of this subjectivity, asylum policies establish yet another hierarchy of vulnerability.³¹ Such policies reinforce a discourse that distinguishes between the genuine and the bogus, the deserving and the undeserving migrant. Consequently, asylum policies 'keep migration exclusion morally defensible'.³² This places the queer asylum seeker in conflict with other migrants.³³

What we therefore see is that immigration regulations 'act as a disciplinary power that assembles and produces sexual subjectivities in highly normative ways'.³⁴ This generates structures of impos-

Diversity' in Epps et al (eds) (n 27); David A B Murray, 'Real Queer: "Authentic" LGBT Refugee Claimants and Homonationalism in the Canadian Refugee System' (2014) 56(1) *Anthropologica* 21.

³⁰ Sarah Keenan, 'Safe Spaces for Dykes in Danger? Refugee Law's Production of Vulnerable Lesbians' in Sharron FitzGerald (ed) *Regulating the International Movement of Women: From Protection to Control* (Routledge 2011); Lionel Cantú Jr, *The Sexuality of Migration: Border Crossings and Mexican Immigrant Men* (NYU Press 2009); Laurie Berg and Jenni Millbank, 'Constructing the Personal Narratives of Lesbian, Gay and Bisexual Asylum Claimants' (2009) 22(2) *Journal of Refugee Studies* 195.

³¹ Keenan (n 30).

³² Jacqueline Bhabha, 'Internationalist Gatekeepers? The Tension between Asylum Advocacy and Human Rights' (2002) 15 *Harvard Human Rights Law Review* 161, 161.

³³ Luibhéid (n 12).

³⁴ Simmons (n 15) 222.

sibility which may result in a precarious life for those who cannot become intelligible within the normative asylum regulations. On the basis of this, some migrants' lives are considered to be 'worth sheltering' in contrast to those whose lives become unliveable.³⁵ Immigration laws, including LGBT asylum policies, are thus one way in which power operates and generates 'unequal regimes of living and dying'.³⁶

1.3 Law's Violence

Eithne Luibhéid's concept of 'unequal regimes of living and dying' is a necessary consequence of the bio-political power that constructs migrant subjectivities. It is also part of a set of critical race theorist, feminist and queer arguments challenging the progressivity strived for via the assertion of a liberal rights discourse.³⁷ Such a liberal discourse centres around a rights-based subject who is assumed to have certain pre-determined interests. Subsequently, gender and sexuality are understood as fundamental grounds for political identity. The resulting identity politics fits a liberal political framework through the constitution of 'minorities' who are assumed to be universally and pre-discursively existent. Queer critique of a liberal rights discourse can, but does not necessarily, entail the full dismissal of the usefulness of the law for redressing injustices.³⁸ Rather, the aim is more to 'destabilise the measuring of social change and of "progress" in terms of legislation'.³⁹ Fundamentally, a queer critique of liberal rights discourses is about when, where and why the gains of

³⁵ Butler (n 5) xii.

³⁶ Luibhéid (n 16) 183.

³⁷ Kimberlé Crenshaw et al (eds), *Critical Race Theory: The Key Writings that Formed the Movement* (The New Press 1995); Aeyal Gross, 'Sex, Love and Marriage: Questioning Gender and Sexuality Rights in International Law' (2008) 21 *Leiden Journal of International Law* 235; Carl F Stychin, *Law's Desire: Sexuality and the Limits of Justice* (Routledge 1995).

³⁸ Dean Spade, *Normal Life: Administrative Violence, Critical Trans Politics, and the Limits of Law* (South End Press 2011); Jasbir Puar, *Terrorist Assemblages: Homonationalism in Queer Times* (Duke University Press 2007); Jin Haritaworn, Adi Kuntsman and Silvia Posocco (eds), *Queer Necropolitics* (Routledge 2014).

³⁹ Jasbir Puar, 'Homonationalism as Assemblage: Viral Travels, Affective Sexualities' (2013) 4(2) *Jindal Global Law Review* 23, 23.

rights-based LGBT movements lead to the disqualification of sexualised and racialised others,⁴⁰ and about bringing into sight the severe and sometimes deadly consequences thereof.

Jasbir Puar coined the concept of homonationalism to ask these questions in the US context.⁴¹ She states that the core critique provided by homonationalism is in ‘addressing the insidious collusion between racism and liberalism’.⁴² In the context of the War on Terror, she illuminates how ‘tolerance’ of gay and lesbians became the decisive ‘barometer by which the legitimacy of, and capacity for national sovereignty is evaluated’.⁴³ The imagined exceptionality of a US progressive stance on sexuality, by means of which LGBT identities were enshrined, legitimated the imperialist wars in Afghanistan and Iraq, and Orientalist projections onto Muslim Others. Homonationalism thus provides insight into how sexual progressivity in the shape of ‘saving gays’, next to ‘saving women’,⁴⁴ has become an integral part of national identity construction.

Homonationalism is ‘a field of power rather than an activity or property of any one nation-state, organisation, or individual’,⁴⁵ that ‘can be resisted and resignified, but not opted out of: we are all conditioned by it and through it’.⁴⁶ This becomes evident when one considers successful asylum claims in the existing homonormative context. In these instances, the sexual exceptionalism of the ‘host country’ is confirmed and placed in contradistinction with a ‘home country’ that is demonised as uniformly homophobic and persecutory.⁴⁷ This contributes to the ‘self-congratulatory posture inherent in the geopolitics of asylum’.⁴⁸ The victories of LGBT rights-based movements thus run the risk of complicity in such politics where

⁴⁰ Sarah Bracke, ‘From “Saving Women” to “Saving Gays”: Rescue Narratives and their Dis/Continuities’ (2012) 19(2) *European Journal of Women's Studies* 237.

⁴¹ Puar (n 38).

⁴² Puar (n 39) 27.

⁴³ *ibid* 24.

⁴⁴ Bracke (n 40).

⁴⁵ Puar (n 39) 25.

⁴⁶ *ibid* 23.

⁴⁷ Keenan (n 30); Murray (n 29); Sima Shakhsari, ‘Killing Me Softly with Your Rights: Queer Deaths and the Politics of Rightful Killing’ in Haritaworn et al (eds) (n 38).

⁴⁸ Miller (n 29) 146.

they are not ‘critically engaging with the politics of contemporary migration’.⁴⁹ This is especially the case where movements fail to reflect on the fact that many contemporary refugees are fleeing from protracted conflicts created by Western military forces and partially legitimised through the rhetoric of ‘saving gays’.

1.4 Activism and Queer Migration Politics

‘Saving gays’ is also an implicit impetus for activism in support of queer asylum seekers. However, there is little academic work that looks into the connections between queer politics and activism, and migration politics and activism. Notable exceptions are the work of Karma Chavez,⁵⁰ Dean Spade,⁵¹ and Nicolas de Genova.⁵² Chavez introduces the concept of queer migration politics and defines it as:

activism that seeks to challenge normative, inclusionary perspectives at the intersection of queer rights and justice and immigration rights and justice. ... It may reflect a queer approach to migration politics. It may refer to politics by and for queer migrants. It may also include collaborations or connections amongst activists who predominantly identify as queer or with queer politics and those who primarily identify as or advocate on behalf of migrants.⁵³

Chavez goes on to study queer migration politics, and particularly the responses of activists to migration rhetoric in the US, and conceptualises these as coalitional moments. In these moments activists respond to and reconstruct the dominant rhetoric, a rhetoric on the basis of which queer and migrant people are excluded and their presence made illegitimate. Such coalitional moments form a con-

⁴⁹ Luibhéid (n 16) 180.

⁵⁰ Chavez (n 14).

⁵¹ Spade (n 38).

⁵² Nicolas de Genova, ‘The Queer Politics of Migration: Reflections on “Illegality” and Incurability’ (2010) 4(2) *Studies in Social Justice* 101.

⁵³ Chavez (n 14) 6-7.

crete alternative to the narrow politics of LGBT inclusion and the utopian ‘not yet’ of radical politics.⁵⁴

Spade discusses a critical trans politics to call into question the effectiveness of legislating for trans liberation.⁵⁵ He shows that immigration control systems and the inseparable mechanisms for punishment are important instruments for trans subjection. Subsequently, Spade argues for a trans politics that refuses to succumb to the logics of citizenship, and aims to illuminate how a politics opposing immigration enforcement is intimately connected to trans issues and thus should be a fundamental element of trans politics. Leading towards a similar argument about resistance against border enforcement, De Genova signals the commonality between the refusal to assimilate ‘illegal’ migrants into citizenship logics and the incorrigibility inherent to queer politics.⁵⁶ A protest staged by Latin-American ‘illegal’ immigrants in the US, and particularly their usage of the slogan ‘*¡Aquí estamos!*’ (we are here!), leads De Genova to point out the resemblance with the queer slogan ‘We’re here, we’re queer, get used to it’. Both ‘assert not only their irreversible presence ... but also uphold the intractable challenge of their own intrinsic incorrigibility’.⁵⁷ The politics of incorrigibility is then ‘a *queer* politics of migration. That is to say, it was a politics that defied and rejected all of the normative categories of state sovereignty and its immigration regime.’⁵⁸

Regulation, through citizenship categories and immigration enforcement, is thus identified as a means for subjection⁵⁹ and assimilation.⁶⁰ From this perspective, it follows that a queer politics aims to resist the normalising forces of state-driven regulations of human life. This resonates with Michael Warner’s argument that a queer politics should oppose all logics of normativity that define and curtail individuals and box them into restrictive and oppressing

⁵⁴ *ibid* 7.

⁵⁵ Spade (n 38).

⁵⁶ De Genova (n 52).

⁵⁷ *ibid* 103.

⁵⁸ *ibid* 105, emphasis in original.

⁵⁹ Spade (n 38).

⁶⁰ De Genova (n 52).

identity categories.⁶¹ In the context of migration, De Genova uses the ‘destabilizing force of queer politics’ to provide an analytical lens through which the activism of migrants can be understood when such actions ‘exceed the normative confinements of citizenship’.⁶² This differs greatly from Chavez’s usage of queerness.⁶³ For her, ‘queer’ does not necessarily refer to Warner’s anti-normativity, but also concerns what is needed to make life liveable.

These two positions, stressing the politics of anti-normativity or using queer as a frame through which to examine the (im)possibilities of liveability are exemplary of the divergent interpretations of queer politics in the wider academic literature on queer theory. This tension is precisely the location of this research. If queer politics is understood in its most radical capacity, then activism in support of an asylum seeker who can only be ‘save-able’ when presented in a homonormative manner seems to be an odd, if not contradictory, situation. This invites questions about the tensions between radical queer and migration politics and the limits of asylum legislation for the realisation of radical aims. Furthermore, the context of homonationalism mandates an awareness of what the political stakes are of struggles that ‘desire ... the state’s desire’.⁶⁴

2. Immigration Debates and LGBT Rights in the UK: Reading Sideways

This section discusses key topics in the current immigration debate. Additionally, LGBT rights and LGBT asylum policies are introduced. By jointly discussing these issues, this chapter and the next engage in ‘reading sideways’.⁶⁵ This involves making connections between ‘seemingly unrelated and often disjunctively situated moments and

⁶¹ Michael Warner, *The Trouble with Normal* (The Free Press 1999).

⁶² De Genova (n 52) 106.

⁶³ Chavez (n 14).

⁶⁴ Melissa Autumn White, ‘Sexual Nationalisms: Notes on Queer Migration and Asylum Politics in Canada’ *Queer Migration Research Network* (22 September 2011) <<http://queermigration.com/2011/09/sexual-nationalisms-notes-on-queer-migration-and-asylum-politics-in-canada>> accessed 11 August 2014.

⁶⁵ Puar (n 38).

their effects’,⁶⁶ such as between the emancipation of some LGBT lives and the indefinite detention of ‘illegal’ migrants. This allows an illustration of the tensions between queer and migration politics in the UK.

2.1 Immigration Anxieties and Border Practices

Fuelled by Islamophobia and aggravated by the 9/11 attacks in New York in 2001 and the London bombings in 2005, immigration has remained a heated topic. The growing support for the UK Independence Party (UKIP) signals the centrality of immigration in political debates, as this party is known for its anti-European and anti-immigration stance. Consequently many anxieties roam around, such as the idea that migrants ‘steal British jobs’ or come to the UK solely to misuse the free National Health Service. In particular, the Schengen agreement is presumed to lead to an unstoppable and massive influx of poor eastern European migrants. The presence of these immigration anxieties has led the current and previous governments to harden immigration policies so as to ‘curve net migration’.

This is the background against which the ambition of Home Secretary Theresa May to create a ‘hostile environment’ for illegal migrants should be read.⁶⁷ The most recent attempt to create this environment can be found in the Immigration Act 2014. This act became a law in May 2014, but some elements have not come into force yet or are undergoing pilot phases. However, the provisions in the act evidence the proliferation of borders that has been discussed in the literature review and shows how border enforcement is dispersed throughout the UK and enacted by various actors. For example, landlords are to be required to check the immigration status of their tenants and will be liable for a £3,000 fine if they are found letting to an ‘illegal’ migrant.

⁶⁶ *ibid* 117.

⁶⁷ Alan Travis, ‘Immigration Bill: Theresa May Defends Plans to Create “hostile environment”’ (*Guardian*, 10 October 2013) <<http://www.theguardian.com/politics/2013/oct/10/immigration-bill-theresa-may-hostile-environment>> accessed 4 September 2014. See also Sheona York, ‘Revisiting removability in the ‘hostile environment’, in the present volume.

‘Illegal’ migrants are often detained in immigration removal centres whilst they await a decision on their immigration status and other ‘security related’ issues by the Home Office, the ministerial department responsible for immigration control. The use of immigration detention is highly criticised and many activists and NGOs are working to abolish this practice, or to install a time limit for detention at the very minimum. They argue that immigration detention effectively criminalises the movement of people and that indefinite detention is a severe breach of migrants’ human rights.

Until very recently, the Detained Fast Track (DFT) asylum system was another controversial element of the UK immigration system. DFT allowed border officials to detain asylum seekers and accelerate the decision-making process if the officials believed the case to be straightforward. The aim was to process DFT cases within 10-14 days. This means that once a migrant had been placed on DFT it was almost impossible to obtain refugee status, because it was extremely difficult to gather evidence and properly prepare the claim and any possible appeals under such time pressure. Unsurprisingly therefore, the refusal rate for initial decisions of DFT cases in the largest detention centre in the UK and Europe, Harmondsworth Immigration Removal Centre, was 99% in 2010, compared with 70% for all asylum claims on a national level.⁶⁸

Following years of resistance against DFT by activists, in 2015 the High Court found several elements of this system unlawful: the general operation of DFT,⁶⁹ the detention of asylum seekers not at risk of absconding during their appeal,⁷⁰ the short time limit to process asylum claims and appeals,⁷¹ and the inability to take the complexity of asylum claims into account.⁷² As a response the government had suspended the application of DFT and sought permission to appeal against the Court of Appeals ruling which found

⁶⁸ Detention Action, *Fast Track to Despair: The Unnecessary Detention of Asylum Seekers* (2010).

⁶⁹ *Detention Action v Secretary of State for the Home Department* [2014] EWHC 2245 (Admin).

⁷⁰ *R (Detention Action) v Secretary of State for the Home Department* [2014] EWCA Civ 1634.

⁷¹ *Detention Action v First-Tier Tribunal* [2015] EWHC 1689 (Admin).

⁷² *Lord Chancellor v Detention Action* [2015] EWCA Civ 840.

DFT to be 'systemically unfair'.⁷³ On 9 November 2015 the Supreme Court refused this permission.⁷⁴ Effectively this means a huge and important victory for the migration and anti-DFT activists, as the Court of Appeals ruling is now definite.

2.2 LGBT Politics and Sexual Exceptionalism in the UK

The UK has institutionalised LGBT issues through specialised legislation. For example, the Civil Partnership Act of 2004 created the possibility for the registration of same-sex civil partnerships. Concurrently, regulations for protection against homophobia in the workplace were instantiated with the Equality Employment Regulations in 2003 and the Equality Act Regulations in 2007. Additionally, the Gender Recognition Act of 2004 enabled transsexuals to alter their legal sex, and legislation permitting same-sex marriage entered into force in England, Wales and Scotland in March 2014. This list of LGBT legislation is not exhaustive, but features here to illustrate that regulations have been developed through which LGBT people are included in existing institutions. Emancipation and equality, then, have predominantly been achieved through the expansion of existing categories and structures in such a way that they no longer discriminate against LGBT people.

In an exclusive letter to PinkNews (an important online platform within the UK gay media), Prime Minister David Cameron applauds the introduction of same-sex marriage and writes that 'the introduction of same-sex civil marriage says something about the sort of country we are. It says we are a country that will continue to honour its proud traditions of respect, tolerance and equal worth.'⁷⁵ This statement is in line with the ambition expressed by Home Secretary Theresa May 'to promote LGB&T rights abroad'.⁷⁶ May

⁷³ *ibid.*

⁷⁴ Supreme Court, Permission to Appeal (October to November 2015) 4.

⁷⁵ David Cameron, 'When People's Love is Divided by Law, it is the Law that Needs to Change' *PinkNews* (28 March 2014) <<http://www.pinknews.co.uk/2014/03/28/david-cameron/>> accessed 3 September 2014.

⁷⁶ HM Government, *Working for Lesbian, Gay, Bisexual and Transgender Equality: Moving Forward* (UK Home Office 2010) 10.

states that ‘the UK has already stopped the deportation of asylum seekers who have to leave particular countries because their sexual orientation or gender identification puts them at proven risk of imprisonment, torture or execution’, and so the UK will now work ‘to progress LGB&T equality internationally and raise human rights standards overseas’.⁷⁷ It is striking how the protection of LGBT asylum seekers functions to deploy an image of the UK as a sanctuary for LGBT people in contradistinction with a world ‘overseas’ that has yet to achieve this standard.

This exceptionalist and ‘saviourist’ discourse is not only produced by government officials but also by prominent British gay activists.⁷⁸ For example, the direct action organisation Outrage! Engages in the promotion of LGBT rights through a variety of campaigns and is a prominent voice on domestic and international LGBT matters. However, when Outrage! engaged in campaigns against the planned prohibition of same-sex relationships and marriages by the Nigerian and Ugandan governments in 2006 and 2007, African LGBT activists responded with a Public Statement of Warning, in which they condemned Outrage!’s actions.⁷⁹ The statement claimed that the campaigns exaggerated the happenings in Nigeria and that, instead of supporting local activists, it exposed them to greater risk. Specifically, the anti-same-sex marriage bill in Nigeria was said to be dormant, but attention drawn to it by Western-based campaigns could contribute to its passing. This would be a way for Nigerian politicians to show that they will not have the West dictate to them what Nigerian morals and politics should look like. Such a passing could subsequently be followed by intensified homophobic violence. Hence, the activists characterised Outrage!’s campaigns as ‘ego-boosting’ and ‘neo-colonialism’.

⁷⁷ *ibid.*

⁷⁸ Jin Haritaworn, Tamsila Tuaeir and Esra Erdem, ‘Gay Imperialism: Gender and Sexuality Discourse and the “War on Terror”’ in Adi Kuntzman and Esperanza Miyake (eds) *Out of Place: Interrogating Silences in Queerness/Raciality* (Raw Nerve Books 2008).

⁷⁹ ‘African LGBTI Human Rights Defenders Warn Public against Participation in Campaigns Concerning LGBTI Issues in Africa Led by Peter Tatchell and Outrage!’ *Monthly Review* (31 July 2007) <<http://mrzine.monthlyreview.org/2007/increase310107.html>> accessed 2 September 2014.

In the context of rising Islamophobia and anti-immigrant sentiments, the exceptionalist discourse features as a characteristic of the UK against which the appropriateness of migrants is evaluated. The UK becomes imaginable as a safe haven for gay people yet to be liberated from their oppressive cultures, and homophobia becomes a presumed feature of non-queer migrants, especially Muslims.⁸⁰ The homosexual-Muslim-victim subject⁸¹ then works to depict the white gay rights activist as a heroic figure, ‘carrying “the white man’s burden” of gay liberation’.⁸² Consequently it is extremely difficult for Muslim queers to speak out as there is no liminal space for them to occupy between the hegemonic discourse on sexual exceptionalism and thriving Islamophobia. Hence, the transformation of gender and sexuality issues into mainstream political topics is not necessarily indicative of ‘a progress in sexual and gender politics’ but rather signifies ‘a regression in racial politics’.⁸³

2.3 LGBT Asylum: Saving Homonormative Queers

Since 2011 the numbers of LGBT asylum claims in the UK have been recorded, but official statistics on this are not yet available. The 1951 Geneva Refugee Convention and its 1967 protocol define the grounds on which individuals can claim asylum, such as race, political conviction, religion or membership of a particular social group. Since the 1990s the UK has interpreted this last category as encompassing asylum claims on the basis of sexuality.⁸⁴ However, up until 2010 the applicant was generally expected to be discrete about his or

⁸⁰ Haritaworn et al (n 78); Jin Haritaworn, ‘Loyal Repetitions of the Nation: Gay Assimilation and the “War on Terror”’, *Darkmatter* (2008) <<http://www.darkmatter101.org/site/2008/05/02/loyal-repetitions-of-the-nation-gay-assimilation-and-the-war-on-terror/>> accessed 25 August 2014.

⁸¹ Bracke (n 40).

⁸² *ibid* 245.

⁸³ Haritaworn et al (n 78) 17.

⁸⁴ Derek McGhee, ‘Accessing Homosexuality: Truth, Evidence and the Legal Practices for Determining Refugee Status: The Case of Ioan Vraciu’ (2000) 6(1) *Body & Society* 29.

her sexuality and was thus sent back.⁸⁵ This expectation of discretion was overturned in the Supreme Court ruling in the 2010 case *HJ (Iran) and HT (Cameroon) v Secretary of State for the Home Department*.⁸⁶ The argument was that the expectation amounted to a breach of human rights, as illustrated by Lord Rodger in his speech: ‘Just as male heterosexuals are free to enjoy themselves playing rugby, drinking beer and talking about girls with their mates, so male homosexuals are to be free to enjoy themselves going to Kylie concerts, drinking exotically coloured cocktails and talking about boys with their straight female mates’.⁸⁷ The overturning of the discretion requirement was thus grounded in a particular conception of same-sex practices and desires, namely consumerist, ‘out’ and male.⁸⁸

The UK Gay and Lesbian Immigration Group (UKGLIG) have published two reports on LGBT asylum policies and practices, one in 2010 and one in 2013. The main finding of the 2010 report was that 98-99% of the asylum claims made on the basis of sexuality were rejected at the initial application, compared to 73% of all asylum applications.⁸⁹ In the same year the LGB charity Stonewall published a report on institutionalised homophobia at the many different stages of the asylum process.⁹⁰ The report mentioned inappropriate questioning by Home Office officials and stereotypical reasoning to justify refusals. For example, lesbians are frequently disbelieved because they have been married or given birth. Additionally, religious convictions and homosexuality are dictated to be incompatible.⁹¹ Therefore, asylum claims are frequently rejected because it is as-

⁸⁵ Jenni Millbank, ‘The Preoccupation with Perversion: The British Responses to Refugee Claims on the Basis of Sexual Orientation’ (2005) 14 *Social and Legal Studies* 115.

⁸⁶ [2010] UKSC 31.

⁸⁷ *ibid* 36.

⁸⁸ Sarah Keenan, *Subversive Property: Law and the Production of Spaces of Belonging* (Routledge 2014) 8.

⁸⁹ UKGLIG, *Failing the Grade. Home Office Initial Decisions on Lesbian and Gay Claims for Asylum* (2010).

⁹⁰ *No Going Back: Lesbian and Gay People and the Asylum System* (Stonewall 2010).

⁹¹ UKLIG, *Missing the Mark: Decision Making on Lesbian, Gay (Bisexual, Trans and Intersex) Asylum Claims* (2013); Calogero Giametta, ‘“Rescued” Subjects: The Question of Religiosity for Non-Heteronormative Asylum Seekers in the UK’ (2014) 17(5/6) *Sexualities* 583.

sumed that one cannot be religious or have been married, and be gay or lesbian. The 2013 report by UKGLIG praised the Home Office for significant progress since the 2010 report, but criticised the continuing inappropriate treatment of LGBT asylum seekers. In particular, the intrusive questioning about sexual arousal and the fact that almost all LGBT cases are rushed through Detained Fast Track is condemned.

What is evident, in both the statement of Lord Rodger and the findings of the reports, is that queer asylum seekers can only become intelligible in a particular way. They need to present their sexuality in such a manner that they can become visible and thus 'save-able' according to the sexual ontologies underlying the UK asylum system. As such, the system produces homonormative queer asylum seekers who do not challenge the presumed fixedness of sexual ontologies and immigration categories but rather further entrench them.

3. Border Contestations, or, the Dilemmas of Activism

This section discusses the activisms of five UK-based collectives and NGOs, and analyses what their activism does. It reveals the dilemmas that activists struggle with and that are generated by activism itself.

A total of five activist collectives and their actions were studied: the London-based Movement for Justice by Any Means Necessary (MFJ), SOAS Detainee Support (SDS), a nameless queer-anarchist collective, UK Gay and Lesbian Immigration Group (UKGLIG) and the Lesbian Immigration Support Group (LISG) in Manchester. These groups differ in a variety of ways, including their degree of institutionalisation, their central concern with either migration or queer issues and the type of actions they engage with. What they share is a dissatisfaction with the current treatment of queer asylum seekers and a commitment to effecting change. The concept of 'activism' is applied in a loose manner so as to encompass both unpaid grass-roots level organisers as well as professionalised non-governmental organisations. As this paper is not primarily concerned with conceptualising 'civil society', it is considered that a broad use of 'activism' contributes to the development of a rich understanding of key issues, shared objectives and divergent strategies that would otherwise not be achievable. Data were gathered over a period of

nine months through participatory observation in public meetings and collective actions, analysis of available online material and semi-structured interviews with key informants.

I am an active member of one of the collectives studied, SOAS Detainee Support, and I campaigned for a queer asylum seeker, as discussed in the introduction to this paper. This positionality was conducive to building relationships of trust; it presumed a shared ideology and established a distinct social interaction between the interviewees and myself. It also follows that I have a set of preconceptions with which I approach this research and that informed the initial decision to pursue this particular enquiry.

Lastly, it is important to note that the selected groups and their actions are not representative of the broad landscape of queer asylum activism and as such the generalisability of the findings is necessarily limited. However, this paper does not aspire to state anything decisive about activism in the UK; rather it is an attempt to think through some of the issues and possible ramifications of queer asylum activism when it encounters the geopolitical context of immigration control.

3.1 Queer Asylum Activism

The collectives and campaigns studied have in common that they challenge the status quo of the treatment of LGBT asylum seekers in the UK. One way of doing this is to campaign in support of an individual asylum seeker. An example is the Prossie N Must Stay! campaign, which later transformed into Bring Back Prossie N. This campaign was initiated by Movement for Justice by Any Means Necessary (MFJ). Prossie N is a Ugandan woman who applied for asylum on the grounds of sexuality but was denied refugee status. In December 2013 she was deported and is currently in hiding in Uganda. To counter the fact that deported asylum seekers are rarely heard of after their forced return, MFJ provided Prossie with a means to speak out via a voice-recording which is published online. This recording is central to the second part of the campaign, namely the demand to bring her back. Alongside an online presence established with the use of social media such as Facebook and Twitter, the campaign also entails direct actions such as demonstrating at the London Gay Pride in June 2014.

Campaigns in support of individual asylum seekers are often connected to collective actions that challenge the wider immigration control system in the UK. For example in the campaign to Shut Down Yarl's Wood, supported by a vast variety of feminist and migration activists, the demand is to close this immigration removal centre where the vast majority of migrant detainees are women, as current and former detainees claim to have been sexually abused by male security guards. Next to the sexual abuse, the violence inflicted on all detained migrants through the practice of detention is emphasised, which leads to a condemnation of forced deportations and the harsh asylum system in general. In campaigns such as these, the experiences of individual asylum seekers like Prossie N are elements that contribute to a narrative that disapproves of immigration detention and that reveals the entrenched violence of the UK immigration system. Indeed, it is common practice to list a variety of wider demands when campaigning for an individual asylum seeker (see figure 1), to feature individual campaigns in collective actions targeted at the immigration system, or to connect one individual campaign to another. Ira Putilova, who fled Russia and successfully claimed asylum on the basis of political activism and sexuality, does all this in the public statement she wrote after being released from Yarl's Wood: 'We came and left, but Yarl's Wood stayed and we should do something with it. Help people inside. ... Because borders and detention centres should disappear and all homophobes and racists should be sent to the moon! Fuck them! Free Prossie N!'

Alongside direct actions, there is also research-based advocacy and trainings, where the intention is also to effect changes in policy, practices and public opinion. The UK Gay and Lesbian Immigration Group (UKGLIG) is a prominent advocacy group that does not set up campaigns for individual asylum seekers but does cooperate with thirty other NGOs in the Detention Forum. This Forum challenges the use of immigration detention and aims to influence policy through public campaigns, lobbying Members of Parliament and conversing with the Home Office. When this kind of activism explicitly cooperates with the Home Office one of the main points of difference in the activist landscape becomes visible.



Figure 1. Placards connecting the case of Prossie N with demands to end detention, end Detained Fast Track and end the deportation of LGBT refugees. Photographer: Tina Hibbins.

3.1.1 *Between Reformism and Radical Politics*

One way to map the five collectives and NGOs studied is to imagine a continuum, with a position of reformism at one end and radical politics at the other (see figure 2). It is then possible to identify three issues on the basis of which the groups can be distinguished. The first is a no border politics, around which the activists involved in MFJ, SDS and the queer-anarchists organise. Such politics denies the legitimacy of geopolitical state lines and promotes freedom of movement and the right to stay. This position rhetorically challenges the production of migrant subjectivities by expressing that No One is Illegal, which is to insist that illegalisation is a form of dehumanisation. Furthermore, as described by refugee and activist Ira Putilova, this politics refers to ‘invisible borders in people’s minds—homophobia, transphobia, xenophobia, racism, sexism, ageism, etcetera’.⁹² Hence this standpoint enables coalitional activism that rejects all kinds of boundaries. For example, when one of their members was

⁹² Interview with Ira Putilova, asylum seeker and member of nameless queer-anarchist collective (London 18 August 2014).

detained in 2011, MFJ connected the struggles against racism and homophobia as they ‘purposely chose to go out into the communities in Brixton, Whitechapel and Stratford’.⁹³ Antonia Bright, a member of the organisation, explained that to ‘fight about racism and homophobia at the same time in Black and Asian communities’ was deemed crucial because ‘there is an assumption about homophobia within Black communities, which is overblown. I think it is part of racism’.⁹⁴ Struggles against the oppression that is induced by borders are thus understood to be a simultaneous fight against prejudices pertaining to migration, ‘race’, religion and a resistance to homophobia.



Figure 2. Overview of campaigns and activist collectives on a continuum of reformist and radical politics.

The second and third issue around which the activists organise is the use of immigration detention and the Detained Fast Track system. The Lesbian Immigration Support Group (LISG) and UKGLIG cooperate with the Home Office through advising on improvements to these elements of the immigration system. Paul Dillane, executive director of UKGLIG, says that he ‘would place money on it’ that all organisations in the Detention Forum are against the use of immigration detention.⁹⁵ However, as it is most likely that the UK will continue this practice, it is thought best to be realistic: ‘if you

⁹³ Interview with Antonia Bright, member of Movement for Justice by Any Means Necessary (London 31 July 2014).

⁹⁴ *ibid.*

⁹⁵ Interview with Paul Dillane, Executive Director of UK Gay and Lesbian Immigration Group (London 19 August 2014).

cannot abolish, reform'.⁹⁶ This is in stark contrast to the standpoint of SOAS Detainee Support (SDS) who have been invited to join the Detention Forum but repeatedly rejected this invitation as they perceive the attempt to 'improve' detention is at risk of whitewashing it. Acknowledging that the continuum of figure 2 is an ideal model, LISG is considered less reformist than UKGLIG, as the former does participate in direct actions relating to wider migration issues and also campaigns for individual asylum seekers. However, like UKGLIG, LISG has cooperated with John Vine, the Independent Chief Inspector of Borders and Immigration, to pursue his research regarding the treatment of LGBT asylum seekers, as ordered by Home Secretary Theresa May. One of the demands of both LISG and UKGLIG is that the intrusive questioning is stopped and that LGBT cases are not rushed through the Detained Fast Track system.

The reformist and radical activisms are not deeply antagonistic, because even the most radical ones have to engage with the UK asylum system when campaigning for individuals. That is, a campaign for an individual is a move to 'expand immigration legislation'⁹⁷ and to set a precedent for similar cases in the future.⁹⁸ Instead of radical rejection, this implies recognition of the current policies. Therefore, the groups and campaigns mediate the realities of immigration control and an 'idealist' perspective on borders and migration in a variety of ways. Negotiating the border is thus a complex practice that requires constant repositioning along the continuum between reformist and radical politics that is contingent on the concrete aims of each activist action.

3.2 Beyond the immediacy of activism

3.2.1 *Representational Dilemmas*

The negotiation of the border through activism may lead to some counterintuitive ramifications, one of which is the issue of representation. In order to resist the threat of removal directions, the course

⁹⁶ *ibid.*

⁹⁷ Bright (n 93).

⁹⁸ Putilova (n 92).

of action many campaigns take is to present the asylum seeker as a legitimate and deserving refugee who is at real risk. In LGBT asylum cases this includes presenting the individuals as explicitly 'out' and claiming their inalienable sexual rights, so as to render them 'undepotable'.⁹⁹ The campaign of asylum seeker and member of LISG Aderonke Apata demonstrates this well. A woman and a self-identified lesbian from Nigeria, Aderonke claimed asylum in the UK and is currently awaiting a decision. She has appeared with her current partner in a documentary recounting the homophobic violence they both experienced in Nigeria, and has been pictured in news articles on her case and about her relationships with women. These frequent appearances with her partner may serve to 'prove' the truth of Aderonke's asylum story and her 'real gayness'. This politics of visibility, then, implies a further entrenchment of the prevalent sexual ontologies, instead of queerly destabilising them. This is not to say that Aderonke 'performs' an insincere gayness as if she is in reality not 'truly lesbian', but that the structures of homonationalism and homonormativity intersecting with immigration control permits for limited ways in which one can be visible, and thus 'existent'.

The second representational dilemma pertains to the fact that these campaigns also have to imagine the immigrant's home country and the UK in oppositional ways. The persecutory nature and violence of the home country has to be emphasised so as to depict this geography as a space of existential threat, in opposition to which the UK can be imagined as a place of sanctuary. This results in a rhetorical mapping of homophobia away from the UK and onto the home country. For example, the campaigns for Prossie N (MFJ) and SaveAnne (SDS) repeatedly depict Uganda as a uniformly homophobic space in their petitions and placards or banners. When this message is endlessly repeated by these and other campaigns, the association between 'dangerous', 'homophobic' and 'Uganda' can start to lead a discursive life of its own. These campaigns thus produce 'problematic proximities'¹⁰⁰ between 'Uganda' and 'homophobic violence' and run the risk of simplifying the real issue of homophobia in Uganda in order to make it work for the UK's discourse of sexual exceptionalism. Subsequently, this discourse obscures the

⁹⁹ Lewis (n 29).

¹⁰⁰ Sarah Ahmed, 'Problematic Proximities: Or Why Critiques of Gay Imperialism Matter' (2011) 19(2) *Feminist Legal Studies* 119.

oppression and violence being conducted by the UK in the name of ‘saving gays’ both during imperialist wars abroad and at home, as it covers up the systemic violence of immigration detention. We will turn to this issue in the next section.

3.2.2 *Immigration Violence*

As discussed, some of the more reformist groups single out the position of LGBT asylum seekers in the UK asylum and overall immigration system and demand specialised treatment for LGBT cases. As the current situation stands, the asylum system is found to exhibit institutional homophobia. Or, in the words of UKGLIG’s Paul Dillane: ‘We do not believe this is reasonable or fair and we will continue to advocate for greater respect and better protection of LGBT people who flee to this country in search of sanctuary’.¹⁰¹ When LGBT cases are mistreated the system is thought to ‘fail’ and improvement would mean a ‘fair immigration system’.¹⁰²

In addition to this exemplifying reformist politics rather than radical politics, it raises the question of how we should interpret these aims. What happens when the immigration system is made LGBT friendly, for example, as UKGLIG proposes, in the concrete shape of no longer placing LGBT cases on fast track? One consequence is that the LGBT asylum seeker is placed in direct conflict with other migrants, and in particular with other migrants at risk of being found ‘bogus’ and ‘undeserving’. As such LGBT reformist politics contribute to the legitimisation of all the other aspects of asylum policies and of the immigration control system in general. When Detained Fast Track is considered to be an inappropriate system to assess the complexity of LGBT asylum cases, it is questionable whether it was the correct system via which other asylum cases should be judged. Rather, reformism focused solely on LGBT rights implicitly sanctions the possibility and desirability of distinguishing between ‘complex’ and ‘simple’ asylum cases, something the Home Office itself does not have any concrete criteria for but makes

¹⁰¹ Paul Dillane, ‘From our New Executive Director’ (UKGLIG blog, 15 August 2014) <<http://uklgig.org.uk/?p=1440>> accessed 15 September 2014.

¹⁰² Interview with Aderonke Apata, asylum seeker and member of LISG (Manchester 7 August 2014)

contingent on the discretion of the officer at the initial asylum interview. More fundamentally, making detention centres ‘LGBT proof’ may result in the covering up of the systemic violence inherent to immigration detention. If immigration detention is considered to be an outright case of state violence and the production of disposable bodies, then making it more endurable for a privileged group of people does not seem to cut to the core of the issue. Rather, it runs the risk of obscuring the fact that violence is an unavoidable part of immigration detention.

What seems to happen in these instances of singling out LGBT asylum seekers as a special and privileged group of migrants is that some queer lives can become liveable alongside the disposability and ‘killability’ of other queer and non-queer bodies. As Jasbir Puar wrote in the context of homonationalism and sexual exceptionalism in the US,¹⁰³ the folding into life of some (homonormative) queer subjects implies the exclusion and folding out of life of sexualised and racialised others. The bio-politics on which the folding into life is premised thus necessitates a necropolitics,¹⁰⁴ which refers to the active and deliberate production of death by the sovereign power.¹⁰⁵ The bio-politics on which specialised LGBT asylum policies and practices are based, thus seem to go hand in hand with the necropolitics that produces social death—life stripped of all rights and thus of liberal-legal personhood¹⁰⁶—via the indefinite detention of (queer or not) ‘bogus’ refugees. At times it also results in literal death: death through the consequences of forced return; as a result of the violence applied by immigration officials to a migrant who is forcefully deported; or death in detention due to inadequate medical treatment, violence within the detention centres or suicide. Activism that privileges LGBT asylum seekers as a special category of ‘real’ refugees runs the risk of complicity in this death-producing politics.

However, it should not be forgotten that the motivation behind both reformist and radical activism is precisely a resistance against death-production. Anne of the SaveAnne campaign and

¹⁰³ Puar (n 38).

¹⁰⁴ Haritaworn (n 38).

¹⁰⁵ Achille Mbembe, ‘Necropolitics’ (2003) 15(1) *Public Culture* 11.

¹⁰⁶ Lisa Marie Cacho, *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected* (New York University Press 2012).

Prossie N were fleeing from politics that folds them out of life, such as what was happening through the Ugandan anti-homosexuality bill in early 2014 (this bill was then rejected by the constitutional court in August 2014). In addition, Ira Putilova fled from increasing homophobia in Russia and the threats she received because of her political activism. Whilst her solicitor advised her not to mention her sexuality as a reason for seeking asylum, as the evidence on political activism was strong enough, Putilova insisted on including this in her claim so as to set a precedent for future cases in the UK and Europe. She expects more LGBT asylum requests from Russians in the future, due to the enactment of homophobic legislation there. Putilova calls this her ‘tiny bit of activism’ within her asylum claim.¹⁰⁷

These examples show that, rather than rejecting activism in support of LGBT asylum seekers as opportunism, it seems more accurate to acknowledge that activists sometimes need to defer to the bio-politics of one state in order to survive the necropolitics of another. Activists have to navigate a tremendously complex world, fraught with geopolitical power relations and currently within a historical conjuncture that produces hegemonic discourses of homonationalism and sexual exceptionalism. This navigation comes with a variety of dilemmas, which have been discussed, but these dilemmas perhaps tell us more about ‘the state of the world’—the world within which activism is carried out—rather than about ‘activism’ itself, as if this could exist devoid of any context.

3.3 Border Performance

The joint discussion of sexual exceptionalism, immigration policies, and activist practices in support of queer asylum seekers in this and the previous chapter enables us to read sideways. It enables us to see the consequences and controversial aspects of immigration control in the UK as well as the activism that tries to negotiate this—both radical and reformist. In such practices, the activists contest the sexual and territorial borders, but the dilemma is that they unwillingly contribute to their re-inscription.

¹⁰⁷ Putilova (n 92).

Therefore, rather than being entirely oppositional to border enforcement, activists are also border performers. That is, they give meaning to the border by negotiating and contesting it.¹⁰⁸ The ‘border regime’¹⁰⁹ thus not only consists of official border guards and unofficial border enforcers such as health service providers or landlords, but also of activists. This leads to the understanding of activism in support of queer asylum seekers as social struggles during which what is at stake is ‘no less than the state itself,’ because they ‘operate within the fetishized ... parameters of already-constituted (reified) state formations and their regimes of “legality” and “illegality”’.¹¹⁰ Activists can and do alter the meanings of such parameters, but they cannot completely opt out of bordering practices and immigration systems. Therefore, their struggles not only challenge state formation, but also reinforce it.

Conclusion

This research makes a connection between distinct academic fields (migration, queer and border studies) and shows the linkages between them. It is demonstrated how concepts like the performance of gender norms and the performance of borders are dramatically akin to each other. Building strongly on the work of Chavez,¹¹¹ Spade¹¹² and De Genova,¹¹³ this paper contributes to the few connections that have been made so far between queer politics and activism, and migration politics and activism. This study adds to that emerging field a perspective on the border work that is being done within and through activism in support of queer asylum seekers. Furthermore it illustrates the tensions between radical queer and rights-based migration politics, as the resistance against the violent death-production inherent to immigration law necessitates the presentation of the asylum seeker as worthy of saving. Rather than anti-normative de-

¹⁰⁸ Johnson Corey et al, ‘Interventions on Rethinking “the Border” in Border Studies’ (2011) 30(2) *Political Geography* 61.

¹⁰⁹ De Genova (n 18).

¹¹⁰ De Genova (n 52) 112.

¹¹¹ Chavez (n 14).

¹¹² Spade (n 38).

¹¹³ De Genova (n 52).

stabilisation this implies an appeal to the bio-political categorisations of immigration control.

Where does this leave queer asylum activism? Is it possible to envision some kind of division of labour between radicals and reformists, where both are valued for the way they push back and rearrange the boundaries caused by immigration control? Can they be complementary, whereby reformists deal with the immediate violence experienced by queer asylum seekers while the radicals produce a counter-hegemonic discourse challenging the very fundamentals of a system that territorialises belonging and subjectivity? These are questions that have occupied my mind ever since Mercy's campaign and to which I have yet to find answers. I invite all those involved in queer asylum activism to reflect on our actions, our politics and our ethics. It is important to keep an eye on the ever-evolving context within which our activism gets signified and potentially instrumentalised for political agendas we may wish to oppose. Neither reformist nor radical politics should be given our uncritical allegiance, but with the use of our critical thought we should commit to seeking grounds for activism whenever and wherever needed.