

IR AND BORDER SECURITY

Imposition of Individualised UK Ideals on LGBT+ Refugees

This paper discusses the personal and private sphere in relation to the immigration of LGBT+ refugees into the UK. Gender roles and performativity are often associated with the private sphere in traditional IR, but this paper focuses on queer feminist IR lenses that show the interrelation between border security and personal identity. These connections impact which refugees are seen as fitting UK stereotypes of sexuality and gender, and overall result in influencing decisions about whom is granted asylum. Feminist IR structures are used to combine immigration border security and personal experience to analyse the socio-political structures that are placed upon claimants and the resulting performativity. Examples are used of specific refugees' difficulties in proving their identities. This paper concludes that LGBT+ refugees' experiences of immigration are based on intersections of IR theory and judges' decisions based on personal concepts of gender and sexuality within the context of the UK.

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The impact of gender and gender-based assumptions on security is pervasive throughout international relations,¹ regardless of the topic viewed. While this concept is often refuted by the more classical IR scholars—such as Tickner, Morgenthau, and Huntington—when taking feminist or queer² based lenses in IR research, there appears a clear focus on gender and individual experience.¹ Thus, the study of border security's gendered dynamics demonstrates the importance of debates within IR scholarship, serving to disprove mainstream IR theories in favour of queer feminist theories. Most assumptions about gender and border crossings become related to how the state values personal freedoms based on Western heteronormative assumptions. Examples include who has rights, as well as agency, and who feels able to express themselves in the formal channels the state expects.² These channels are often based around extensive paperwork, and written proof of lived experiences, which can be both hard to obtain and interact with for those without a background of institutional access.

A significant number of these assumptions in mainstream IR theories are based around the idea of the Sovereign Man, a person with personal agency and control, which in practice is often not afforded to LGBT+ refugees.³ This difference between theoretical ability and application in reality is heightened when discussing asylum and refugee claimants, whose need for safety in the United Kingdom relies on Western ideas of conventional gender presentation, and what is deemed safe or acceptable within their country as a result. Gender presentation, or gender performativity as discussed by Judith Butler, are the acts that a person does to perform the cultural and social expectations that come along with their gender marker in society, which can in turn be influenced by

intersectional identities, such as ethnicity.⁴ The social structures which create the latter serve the role of institutions, which in turn are the institutional systems that govern states, and then make decisions about immigration. While performativity can seem superficial and determined only on a case-by-case basis, decisions about gender performance influence who is allowed refuge in the UK, and assumptions about safety and validity claims within the EU—at least while the UK was a member state.³

Gender plays a pivotal role in LGBT+ refugee claims' acceptance in the UK due to assumptions of how gender should be performed, as personal presentations of identity are taken to reflect or contradict Western ideals, which creates a cycle of imposing the UK's overarching conceptions of individuality onto the state's border security policies. As such, this paper will examine how individual assumptions about gender dictate the UK's security practice in favour of Western elitism, combined with a focus on individual experiences. Then, the paper will move forward to examples of asylum-seekers and refugee applicants' experiences. EU states' acceptances of claimants often focus on determining people's capacity to be safely accepted, and on assessing an applicant's need compared to others. While gender may appear to only have surface level implications, the decisions regarding who needs asylum

³ This paper will be focusing on cases within the past 20 years, going up to and during Brexit, though at the time or writing Brexit was not completely resolved.

⁴ LGBT+ has been used in this paper instead of Queer in relation to claimants' identities as it is also an umbrella term but carries less of a Western connotation. The use of Queer is often linked to Western conceptions of what is cis and heteronormative and what is not and comes from a history of specifically English language usage. As such, in order to be more accurate for the descriptions of those who are already engaging with Western assumptions on the presentation of identity, LGBT+ is being used here as an umbrella term instead. Additionally, due to the evidence given, this paper overarchingly focuses on gay and lesbian experience, but the overall applications of individual intersections with IR due to marginalized sexual and gender identity merit the umbrella.

have gender-based impacts for LGBT+ identifying individuals as well.

Background on Refugees' Experiences

The manner in which claimants have to interact with the UK's asylum-seeking system, similar to that of other EU countries, requires a comprehensive explanation about their reasons for seeking asylum upon the first interview. This system forces LGBT+ minorities into a position of immediately needing to provide the strongest case of gay, lesbian, or otherwise non-heteronormative and cis-normative presentation. Importantly, this requirement additionally requires the assumption that all the claimants will be in a position to out⁵ themselves, completely and in a fully coherent manner, from their first interaction in the UK.

The need for a complete and in-depth explanation pressures individuals to engage with a subject that had often not been safe to talk about in their home countries, due to discriminatory laws and fears of physical danger. This explanation during the first interview must be done in minute detail, which can be difficult given the occasional intrusive nature of judges' questions into individuals' personal lives. Furthermore, any information that an applicant adds after this first interview must only be new and unknown beforehand.⁵ This means that if an applicant stated they were not LGBT+, or did not feel comfortable to out a part of their identity at the start of the process, they cannot alter their application later on to add details, or contradict what was established before.

The UK's vetting process of LGBT+ refugee seekers is exhaustive, and leads to many to be turned away or results in a refusal of their application. As further contextualisation, charts exposing the number of cases denied in regard to LGBT+ identity and asylum in the UK state that more than half of the recorded cases from 2015-2018 were refused.⁶ The implication of the high num-

ber of cases in which claimants were likely interpreted as not being LGBT+ enough by a Western judge is problematic when trying to differentiate between personal and state level decisions. Examples of accepted ways to prove LGBT+ identity include an individual presenting their gender identity or sexual orientation as ascribing to Western stereotypes of queerness, having an active love life whenever possible, and often an assumption that they are out to family and friends. In these cases, there is no separation line between claimants and judges as classical IR often states and assumes; the realm of an individual's private identity becomes a public matter of what is considered by UK officials as both a real and acceptable identity. While mainstream IR strictly separates the private and public spheres, queer and feminist IR has acknowledged that the way these categories are constructed is based on subjective concepts of heteronormative Western identities. As Richter-Montpetit discusses, it is not possible to clearly separate a person's private sphere from their public opinions and social interactions in the space of social and political institutions.⁷ In this way, presentation and Western aesthetics also come into consideration, as the judges and courts' decisions about allowing people to stay in the UK frequently depend on the assumptions of antiquated UK stereotypes of what an LGBT+ person looks like, how they should behave. For example, many refugees share stories of being criticized for not having dated once they have arrived in the UK, thus their lack of interest in dating immediately upon arrival to the UK can be problematic when trying to prove their identities to a Western state.⁸ There is pressure to prove one's sexual orientation by having regular relationships, or romantic interactions, immediately after moving to the UK, in order to validate that they are not heterosexual. However, this implicit requirement does not take into consideration refugees' past trauma and experiences, or the fact that they often emigrate with family members, who may not be accepting of their sexual orientation or gender identity.

⁵ Colloquial and now widely accepted term for disclosing one's sexuality or identity, if this identity is not cisgender or heterosexual.

¹ Hereafter abbreviated as IR.

² Queer can be used to describe an umbrella of LGBT+ identities, but specifically in this context refers to the gender and sexuality based theory of IR that focuses on the individual's relations with the state.

As of recently, LGBT+ asylum seekers and refugees to the UK seeking protection from homophobia and transphobia-based discrimination cannot be forced to return to their country of origin under the recommendation to be “discreet” about their identities. However, this change has not decreased the disputes about identity validity, as more claims have since been rejected outright.⁹ A significant amount of the past reasoning for forcing the return of refugees and others seeking protection assumed that if they were less open about their identities, then they would be safe, and no significant impact would be created on their home lives.¹⁰ However, this reasoning was usually based on a judge’s personal assumption that an applicant did not ‘appear’ LGBT+ and as such was safe from any physical harm unless they willingly announced their identity, if they held that identity at all.¹¹ This practice is based on the concept that people could read or judge identity solely based on physical appearance, and a short interview, in a context where asylum applicants already need to provide a performative explanation of their personal experiences, which may never have been shared before. This questioning and performativity has not changed with the legal alterations that have occurred over the past years, both the acceptance of LGBT+ individuals under the refugee category of “social groups” and the change in rules of why they can be refused entry.¹² However, the personal assessment of identity according to different cultural norms, and thus the personal element that underpins this element of IR, has remained.

The Immigration Process Through Asylum Seekers’ Experiences

The documentation of proof that asylum seekers must provide to ensure they are allowed to live in the UK is an important area of imposing individual-based UK gender norms onto those claiming asylum from a different, often non-Western culture. This initiates the blurring of personal and state boundaries. It is commonly understood that as part of fleeing persecution, refugees,

or those going to the UK to claim asylum, are frequently in a rush, and thus unable to prepare and collect evidence in a way that they might want.¹³ However, this limitation is often overlooked in assumptions of how people will provide proof to the state that they need refuge.¹⁴ While this problem may seem overarching, Amnesty International identified that the inability to “collect documentary proof and evidence of their personal experiences before leaving their countries” is specifically an “obstacle to objective and fair assessment of asylum applications based on persecution as a result of sexual orientation.”¹⁵ Furthermore, the idea that paperwork clarifies and declares everything it needs to for those reading it does not easily apply to LGBT+ asylum seekers’ situations in which the paperwork can complicate the application process, and sometimes does not give a way to prove or clarify their claim.¹⁶ Paperwork is regarded as a system to clearly transmute knowledge, but is established for a Western country upon already existent Western ideals of how autonomy, gender expression, and relationships should work, which marginalizes the spaces asylum seekers have. The documentation itself also quickly becomes complicated with ideas of proof. The issue of how an LGBT+ refugee should provide proof that they were in a relationship when that relationship itself was secret is a common problem.¹⁷ The UK’s response in interviews has often been to seek personal stories, but these are required to match with the judge’s idea of what being LGBT+ entails. What then results is a national-level decision about border control, national security and provisions, becoming solely based on the judge’s individual ideas of how a person from a different culture meets antiquated UK LGBT+ stereotypes.

Judges’ specific requests to asylum seekers to justify themselves with descriptions of how they express their sexual orientation also create an immigration policy that is significantly more based on individual-level analysis of a situation rather than any of the protocols regarding refugee and asylum seekers in the UK or EU as a whole.

These requests and demands are often invasive and require a significant amount of personal storytelling from applicants. A clear example is Namigadde, a lesbian woman from Uganda who was seeking asylum in the UK. In her case, it became so difficult for her lawyers to argue that she was a lesbian, and have the Home Office lawyers and decision makers agree, that the argument changed to one of “perceived homosexuality,” regardless of her true identity.¹⁸ Namigadde was asked in detail how many relationships she had had with women, and when the interviewer found her explanations lacking, they brought her identity into question by challenging if she truly was a lesbian, as she was not always in a relationship with another woman.¹⁹ The lawyers required standards of stable dating, within a committed relationship, that did not take into account Namigadde’s life, experiences of homophobia, and difficulty meeting a partner, and instead disagreed with her on her identity.²⁰ Beyond examples like Namigadde regarding the difficulty of proving one’s LGBT+ identity, interviews with the Home Office require a significant amount of personal sharing. Many of the interview questions focus on how personal experiences made refugees feel, and ask them—either directly or indirectly—to relive very personal moments or understandings of their own identity.²¹ This is a form of performativity and explanation that is not expected of applicants that are seen as heteronormative and cisnormative, and is significantly based on the assumption that an LGBT+ identifying person from a different country will act in the ways dictated by the stereotypes about an LGBT+ person from the UK.

Requests for proof to the UK have included implications of how one should come out, and how publicly an individual needs to be able to share their identity for it to be considered valid, which interrelates closely with how people expect gender to be performed. Interviewees have offered to record themselves engaging in sexual acts with their partner to prove that they are gay, such as in the case of Chris and Jason, in which they faxed photographs of themselves having

sex so that Chris could gain asylum.²² This level of personal sharing forces the claimants to perform their own desire and own attraction to other genders, and to place themselves within a UK-driven expectation for how homosexual desire should physically represent itself in their actions. This also becomes voyeurism committed by the state on individuals attempting to cross a border, making it inherently more invasive and unsafe for people who do not ascribe to the state’s default standard of heteronormativity. Therefore, the border should be permeable to those who need to seek asylum, but the requirement for some to publicly share their private lives highlights the lack of equality between people’s experiences. By placing individuals in a situation where they feel required to share pornography with a judge in order to secure safety from persecution elsewhere, the threshold for safety and sanctuary has been lowered significantly. These LGBT+ claimants are not being protected or dealt with in a way equitable to heterosexual cisnormative applicants, and are instead forced to interact with their identity in a potentially traumatic way.

The expectation for people to be out and comfortable with sharing their identity without reservations impacts the safety of LGBT+ refugees as well by placing them in a position in which they must perform a niche gender role, but are often not safely able to do so. Many seek refuge because it is unsafe for them to continue living with their families. Interviews in a Stonewall survey contain various testimonies from subjects being raped or beaten by their family for their sexual orientation, and receiving death threats that they had serious concern would be carried out.²³ However, a way to help prove one’s identity when claiming asylum, if someone cannot easily do it themselves, is to have a friend or family member advocate for the validity of the claim.²⁴ Putting this pressure on people forces them to directly contradict their own norms for safety and disclosure, and their practices for how they should act with regards to their gender, personal life, and publicity about their sexuality.

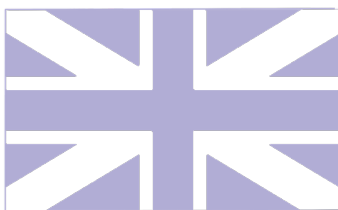
Assumptions of how people should present their identity, or that non-heteronormative sexuality should be declared publicly, are individual-level norms that then become changed and affected by people's status specifically as LGBT+ asylum seekers.

The invasiveness of the questions asked in interviews allows the judge to base the outcome of an interview on the gendered appearance and work that an applicant has done in order to conform to expectations. These assumptions can take the form of physical appearance, such as wearing make-up, gay men behaving in an effeminate way, and gay men wearing women's clothes, as well as ideas about the dating life of a gay person—that they will date in the same way a heterosexual person from the UK does, regardless of cultural or personal differences.²⁵ These demands regarding a person's proof of identification with standards that are not explicitly set or justified in law result in a cycle of people needing to use highly emotional histories, and be more performative for a Western audience. This then entrenches the unbalanced power dynamics present in the interactions between claimants and judges which take advantage of the asylum seeker's vulnerable position. Therefore, this method deviates from the purpose of the asylum claims themselves. Further, the personal nature of LGBT+ individuals' interviews and their legal battles for asylum in the UK ignores the EU legislative focus in asylum claims on past state's inability or unwillingness to provide protection for individuals. This phenomenon would not have occurred without the blending and normalization of state power within individual spheres, which occurs along gendered lines.

The political implications of a gender-based approach to IR

While this paper has interwoven gen-

der into the analysis and explanation of the examples and background of asylum seekers in the UK, it is also worth justifying the feminist and queer lenses through which asylum claims must be analyzed. The gendered component of IR analysis and refugees' identities are required to understand the decision-making process involved. Mainstream IR analysis, such as Morgenthau's works starting in the 1940s, and then the founding IR theorists in the 1970s and 1980s like Huntington, or Waltz, is based along state lines, traditional impersonal balances of power, and views security and borders as factors that a state interacts with, instead of as components that an individual influences.²⁶ However, the interactions between the state's policy and the individual asylum claimants are a part of the border security and foreign policy of the state. The refugees that are accepted and prioritized are those that meet the state's policy requirements, as well as the criterion decided by the EU, and then the UK, as to what constitutes a refugee, and what the state has capacity for. The immigration decisions and rejections, as such, are directly linked to the integrity and security policy of the UK's borders. The gendered assumptions for how an individual should act in regard



to their identity shape many of the responses to asylum claims, and change the nature of the interviews themselves, thus connecting the two aspects.

Gender contributes to the power dynamics between the interviewer and the applicant by creating social constructs in which both must behave, while the system grants more agency and power to one person—in this case, the interviewer—by allowing them to dictate the situation's outcome. This power imbalance, in the context of the applicant's need for asylum, then forces the applicant's gender to become performative, which reinforces their unequal position in the power

imbalance. This need to present themselves in a way that is not normal to the claimant can be increased due to racism and sexism, depending on the claimant's and interviewer's respective identities and personal biases.²⁷ As such, there are a large number of constraints and expectations placed on the applicants' social role and conduct, which then carries over to how they dress, present, and identify within a society where appearance and social cues are a large part of the construction of gender. Every individual has a perception of gender roles informed by their place in society, and in this context one person leads others to be impacted by their personal cultural understanding of gender and sexuality.²⁸ There is a long history of erasure of identity and forced assimilation to Western and especially British culture, especially in the context of immigration and migrants.²⁹ Examples of this include erasure of hijra identities in British colonialism affecting Indian identities, and discriminating and over-policing African immigrants due to both racism, and for not sharing the same cultural practices.³⁰ Therefore, the impact of changing others' presentations of identity in order to cross a border is increasingly related to the wider scope of IR and state security, while continuing to be based primarily on interpersonal dynamics driven by personal and societal understandings of gender, as theorized by queer feminist IR scholarship.

The practice of determining the validity of an asylum claim based on the claimant's performance of gender according to Western ideals creates a system integrating personal relations to international borders. This brings forward concepts that are part of the private sphere in mainstream IR theory, such as gender and sexual identity, thus placing the judges in a system of hyper analysis of what norms they decide to approve. With a main concern being credibility, a judge needing to determine a claimant's sexual orientation or gender identity leads to self-surveillance from both sides. Participating in deciding if an LGBT+ applicant's identity is valid "results in higher levels of self-monitoring, as the 'expert' holders of knowledge

recognize the ways in which that knowledge must be organized and articulated in order to meet the particular logics of the refugee system."³¹ This further embeds the judge in the process of demanding more documentation, and gives them the agency to ask for more validation of an applicant's claims by verifying experiences against their own. As such, this process creates a further shift away from refugee laws' primary focus on providing safety to claimants, and further towards a personal interpretation of who is allowed refuge.

Conclusion

LGBT+ asylum claimants' experiences are specifically driven by the intersections between IR theory, concepts of border safety, and UK judges' personal conceptions of how LGBT+ people should perform their gender and sexuality. The responsibility thus rests on both the legal border system for relying on, continuing to construct, and promoting Western gender and cultural norms for refugees, and on the judges for implementing this value system to the detriment of those seeking aid. There is an expectation from the judges that people who identify as LGBT+ are required to give personal and potentially traumatic details about their lives, to perform openness and give narratives that match a Western conception of what LGBT+ identity should appear as in order to validate their claims for refuge. The specific questions that judges ask claimants are based on the social role that they assume LGBT+ people fulfill, on performing their gender in relation to their sexuality in a clearly articulate way, and ascribing to stereotypes of homosexual attraction and behavior, such as wearing makeup and dressing in a more feminine way if the claimant is male. This reliance on Western performativity results in LGBT+ claimants' experiences with the border to be harsher and less safe than heteronormative and cisnormative requests for asylum, and thus affects border security and safety as a whole. The assumption in IR theory that the state is protecting its borders does not take into

consideration those whose experiences with border control, when applying for entry as asylum seekers, are specifically based on how others perceive them. As such, it is not possible to make sense of the circumstances of LGBT+ asylum claimants and refugees without considering the gendered political implications of immigration and IR, taking into account the individual experiences of both claimants and judges, and the resulting impact on border permeability and immigration.

Endnotes

- 1 J. Tickner, "Identity in International Relations Theory: Feminist Perspectives," in *The Return of Culture and Identity in IR Theory*. Y. Lapid and F. Kratochwil (Boulder: Lynne Rienner Press, 1996).
- 2 Sheldon Magardie, "Is the Applicant Really Gay? Legal Responses to Asylum Claims Based on Persecution Because of Sexual Orientation," *Agenda: Empowering Women for Gender Equity*, no. 55 (2003): 81-84, www.jstor.org/stable/4066302.
- 3 Tickner, "Identity in International Relations," 147-162.
- 4 Judith Butler, "Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory," *Theatre Journal* 40, no. 4 (1988): 519-31, doi:10.2307/3207893.
- 5 Kate Karban, and Ala Sirriyeh, "2.7: LGBT asylum seekers and health inequalities," in *LGBT Asylum Seekers and Health Inequalities in the UK*. (Bristol: Policy Press, 2015), 4.
- 6 "Asylum Claims on the Basis of Sexual Orientation: Experimental Statistics," Home Office: UK Visas and Immigration, London, November 2017.
- 7 Richter-Montpetit, Melanie. "Everything You Always Wanted to Know About Sex (in Ir) but Were Afraid to Ask: The 'Queer Turn' in International Relations." *Millennium - Journal of International Studies* 46, no. 2 (2018): 225,229. <https://doi.org/10.1177/0305829817733131>.
- 8 Kirstie Brewer, "How Do I Convince the Home Office I'm a Lesbian?," *BBC News*, February 26, 2020, <https://www.bbc.com/news/stories-51636642>.
- 9 Rachel Lewis, "Deportable Subjects: Lesbians and Political Asylum," *Feminist Formations* 25, no. 2 (2013): 178, www.jstor.org/stable/43860691.
- 10 Satvinder Juss, "Sexual Orientation and the Sexualisation of Refugee Law," *International Journal on Minority and Group Rights* 22, no. 1 (2015): 134, www.jstor.org/stable/24676538; Jenni Millbank, "From discretion to disbelief: recent trends in refugee determinations on the basis of sexual orientation in Australia and the United Kingdom," *The International Journal of Human Rights* 13, no. 2-3 (2009): 393, <https://doi.org/10.1080/13642980902758218>.
- 11 Lewis, "Deportable Subjects: Lesbians and Political Asylum," 179; Jamie Grierson, "Home Office Refused Thousands of LGBT Asylum Claims, Figures Reveal," *The Guardian*, September 2, 2019, <https://www.theguardian.com/uk-news/2019/sep/02/home-office-refused-thousands-of-lgbt-asylum-claims-figures-reveal>.
- 12 Lewis, "Deportable Subjects: Lesbians and Political Asylum," 178.
- 13 Sheldon Magardie, "Is the Applicant Really Gay? Legal Responses to Asylum Claims Based on Persecution Because of Sexual Orientation," *Agenda: Empowering Women for Gender Equity*, no. 55 (2003): 83, www.jstor.org/stable/4066302.
- 14 Magardie, 83.
- 15 Magardie, 83.
- 16 David A. B. Murray, "Queer Forms: Producing Documentation in Sexual Orientation Refugee Cases," *Anthropological Quarterly* 89, no. 2 (2016): 469-471, www.jstor.org/stable/43955539.
- 17 Stefan Vogler, "Legally Queer: The Construction of Sexuality in LGBQ Asylum Claims," *Law & Society Review* 50, no. 4 (2016): 862, www.jstor.org/stable/44122547.
- 18 Lewis, 175.
- 19 Lewis, 175.
- 20 Lewis, 175.
- 21 Brewer, "How Do I Convince the Home Office I'm a Lesbian?""
- 22 Rachel Lewis, "Gay? Prove It: The Politics of Queer Anti-Deportation Activism," *Sexualities* 17, no. 8 (December 2014): 958-59, doi:10.1177/1363460714552253.
- 23 Chaka Bachmann, "No Safe Refuge: Experiences of LGBT asylum seekers in detention," *Stonewall* (London: 2016): 11-12, https://www.stonewall.org.uk/system/files/no_safe_refuge.pdf
- 24 Vogler, "Legally Queer," 862.
- 25 Lewis, "Deportable Subjects: Lesbians and Political Asylum," 179; Jamie

Grierson, "Home Office Refused Thousands of LGBT Asylum Claims, Figures Reveal."

26 Sandra Whitworth, "Feminism," in *The Oxford Handbook of International Relations* ed. C. Reus-Smit and D. Snidal (Oxford: Oxford University Press, 2010), 3-4.

27 Butler, "Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory."

28 Spike V. Peterson, and Anne S. Runyon, *Global Gender Issues in the New Millennium, Third Edition* (Westview: Westview Press, 2010), 6-7.

29 Erik Bleich, "The Legacies of History? Colonization and Immigrant Integration in Britain and France," *Theory and Society* 34, no. 2 (2005): 171, www.jstor.org/stable/4501720.

30 Bob Carter, et al. "The 1951-55 Conservative Government and the Racialisation of Black Immigration" *Policy Papers in Ethnic Relations*, no. 11 (1987): 6, <https://web.warwick.ac.uk/fac/soc/CRERC/publications/pdfs/Policy%20Papers%20in%20Ethnic%20Relations/PolicyP%20No.11.pdf>.

31 Murray, "Queer Forms," 470-471.