

Exhortations of happiness: liberalism and nationalism in the discourses on LGBTI asylum rights in the UK

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Abstract

The concept of homonationalism has proven useful to analyse the political problematisation of LGBTI human rights in the UK. This article analyses discourses on LGBTI asylum in the UK, and focuses in particular on the relationship between liberalism, nationhood and hospitality. Using the methods of discourse analysis, it demonstrates that with asylum, queerness becomes a porous frontier in and out of the nation. Looking firstly at narratives of asylum cases, the article shows how they create a specific temporality, where queer futures are deemed impossible outside of the UK. Then, it looks at how the tropes of the domestic homophobic past and the homophobic elsewhere interact in discourses to produce a unique type of politicisation of asylum, whereby British liberal queers can be invested in defending the rights of LGBTI asylum seekers. Finally, the article unpacks what constitutes the promise of “happy queer futures” in the UK. Doing so, it shows that homonationalism is more than a collusion between certain gay and lesbian subjectivations and the liberal state, but rather that it provides complex ways of understanding articulating sexuality, nationhood and homonormative practices. The article will thus argue that happiness works as an exhortation as much as a promise in asylum, and that the queer futurism offered by homonationalist discourses on asylum perpetuate a dream of the good life – albeit a homonormative conception of it, where happiness, individual freedom and autonomy on the market are closely intertwined.

Keywords

nation, queer, asylum, migration, liberalism

Since asylum rights were granted to LGBTI people in the UK in 1999¹, academics and activists alike have expressed a significant amount of unease. Asylum seekers face institutional disadvantages due to their legal position, for example in terms of access to housing or means of subsistence, as well as prejudice and misunderstanding from the state, the general public and occasionally activists too. Certain discourses on LGBTI asylum rights have objectified their plight while providing very limited platforms for asylum seekers to freely express themselves. Indeed, asylum seekers' voices (especially testimonial speech) are often subordinated in public discourse by enunciators with greater access and legitimacy to public arenas, such as journalists or experts. There are notable exceptions including art projects mounted in collaboration with the UK Lesbian and Gay Immigration Group (UKLGIG), including *Staying*, a performance with Oreet Ashery; *Babel*, a participatory play with Wildworks; and *Prisoners of Words Unsaid*, a collection of poems published by the UKLGIG.² More generally, asylum holds a central position in a larger multiplication of discourses on LGBTI human rights in the UK. There is growing concern about the relationship between certain formulations of LGBTI human rights and the reproduction of dominant discourses on the nation, hetero- and homo-normativities, familialism and the logics of neo-liberalism.

Social and academic criticism has questioned the assumptions behind certain forms of LGBTI assimilationist politics, including concerning marriage and family-making, the dominant subjectivation of LGBTI individuals as consumers and workers, and the progressive inclusion of some gay and lesbian subjects in discourses about the nation (in

1 See *Islam v SSHD* [1999] 2 AC 629 (House of Lords). This article also refers to a 2010 case relative to discretion in LGBTI asylum; see *HJ (Iran) v Secretary of State for the Home Department (Rev 1)* [2010] UKSC 31, [2011] 1 AC 596.

2 For information on these projects, see:

Staying: <http://www.artangel.org.uk/projects/2010/staying> (accessed 23/10/2014)

Babel: <http://wildworks.biz/projects/babel/#information> (accessed 23/10/2014)

Prisoners of Words Unsaid: http://uklgig.org.uk/?page_id=67 (accessed 23/10/2014)

countries such as the UK, France, the Netherlands, or the US). This criticism has emphasised that each of these progressive discourses obfuscates and erases the experiences of certain queer subjects, in particular in relation to economic capital, and that LGBTI politics can be “complicit” (Rouhani, 2007) in discourses producing racialised distinctions between more or less “advanced” cultures and civilisations. These criticisms take place in a context where the pursuit of certain LGBTI rights is concurrent with less progressive discourses concerning immigration, race and international relations, such as the war on terror in the US, or the failure of multiculturalism in the UK. (Lentin and Titley, 2011; Puar, 2007) Going further, Jasbir Puar proposes that “the ascendancy of queer is not just coincidentally occurring in relation to certain racial politics but is contingent upon them.” (Puar, 2008) A critique of homonationalism has been crucial in the formulation of this unease, and asylum certainly has a close relationship with the representation of nationhood in the UK. The concept of homonationalism, as a specific form of queer complicity whereby “heteronormative ideals pivotal to nation-state formation are now supplemented by homonormativities”, can be used in discourse analysis to describe the way asylum is problematised by various social actors, in particular in the political narratives found in the news and in advocacy. Following Puar, this article also contends that the discursive interface between nationhood and queerness is not restricted to homonormativities, but encompasses a variety of positions: homonormative, queer liberal, or queer diasporic. (Puar, 2008) While the criticism of these complicities is important, the necessity for LGBTI asylum seekers to become, or at least be recognised as an acceptable and assimilable subject remains essential for their survival, hospitality being conditional on the ability of the guest to speak the host's political language of identity. (Derrida, 2000) Asylum seekers themselves do not have the option to disidentify with the nation.

This article analyses LGBTI asylum rights in the UK in relation to the issues of nationhood

and queer liberalism. Following Joane Nagel's concept of the ethno-sexual frontier, this paper will claim that, in asylum, queerness is a porous frontier allowing passages in and out of the nation. (Nagel, 2003) In other words, there are ways of being queer and of being recognised as queer that condition the hospitality offered to asylum seekers. Studying asylum shows that homonationalism has broader implications than the mere collusion of specific queer interests vested in assimilation and reproduction of the nation. Rather, through asylum, the nation is imagined as an exceptional, tolerant haven – a haven that relies on specific sexual ontologies in relation to what it means to be a liberal LGBTI subject in the UK, and conceptions of tolerance which, as this article will show, correspond to a depiction of the queer, happy futures afforded by liberalism.

Looking at homonationalism in relation to LGBTI asylum also warrants the reminder that the discursive context within which LGBTI asylum is deployed in the UK is bound to the country's imperial history. As a consequence, LGBTI asylum is commonly understood in relation to post- (and neo-) colonial interpretative frames in the public sphere: for example, the retention of British sodomy laws in former colonies is regularly mentioned by news and human rights organisations alike.³ This indicates a difficulty in the formulation of LGBTI human rights discourses, insofar as they sit precariously between the global pursuit of LGBTI equality and an on-going civilising mission. Indeed, the sodomy laws that now brush up against LGBTI human rights discourses act as a reminder that sexuality still constitutes a standard of distinction between the civilised and the barbaric. In other words, the structure of the civilising mission remains in place, yet it now focuses not on sexual propriety but on sexual tolerance and LGBTI human rights.⁴

3 It includes organisations like Human Rights Watch, and various daily newspapers, from *The Independent* to *The Times*. (Human Rights Watch, 2007)

4 The role of the UK as a figurehead of LGBTI human rights is thus partly represented in relation to the postcolony. For example, discussions of Uganda's anti-gay laws in 2009 reported that then Prime minister Gordon Brown used a Commonwealth summit to talk to Ugandan President Yoweri Museveni, to state that

This article draws from a large corpus of UK discourses on LGBTI asylum, ranging from media narratives to administrative policies, and uses the methods of critical discourse analysis, and narrative analysis in particular, to study this heterogeneous corpus⁵. It begins by looking at media narratives of LGBTI asylum cases and the support statements asylum-seekers are asked to write about their lives. Analysing these narratives, it shows that queer refugee temporalities are understood and conceived in relation to a teleology of sexual modernity central to homonationalism. (Mepschen et al., 2010; Puar, 2007) Using the concept of homonationalism to analyse LGBTI asylum would start by seeing what there is to gain, especially for governmental social actors, in welcoming LGBTI refugees: in particular, gains in political legitimacy, especially as the state displays its commitment to equality and the project of LGBTI human rights, thus setting itself apart from all the countries of origin of asylum claimants. However, it has been shown that LGBTI claimants are routinely excluded, being asked to be “discreet” about their sexual orientation in their country of origin, or being disbelieved about their identity.⁶ The third section analyses this apparent contradiction between professing LGBTI human rights and practising exclusion. The article then discusses a report by Stonewall called *No Going Back*, and argues that “not going back” is an imperative for both queer refugees for whom queerness is an impossibility outside of the UK, and for liberal queers who rely on the hospitality given to persecuted queers to actualise their own position as protected sexual citizens in the UK. Finally, the article questions the promise

with this bill “The credibility of the Commonwealth is hanging by a spider’s thread. The putative legislation declares war on homosexuality.” (Watt, 2009) On the other side of the debate, Ugandan officials proposed that LGBTI activism was a form of neo-colonialism; the typical homophobic notion of “recruitment” was widely used, with Europeans said to be recruiting in Africa, in particular in President Yoweri Museveni’s speeches. (Rice, 2009)

- 5 In terms of asylum cases, this paper looks in particular at a well-publicised case from 2008 (M. Kazemi) and at the Supreme Court 2010 decision *HJ and HT v Secretary of State for the Home Department*.
- 6 As the UKLGIG notes in a 2010 report: “In 2009, 73% of all asylum claims made in the UK were denied at the initial decision making stage. However, in claims made by lesbians and gay men brought to UKLGIG’s attention, a staggering 98-99% were rejected at this initial stage.” (UKLGIG, 2010: 2) Concerning the persistent exclusion of LGBTI claimants, see the two reports by the UKLGIG. (UKLGIG, 2010, 2013) See also Stonewall’s report, *No Going Back*. (Stonewall, 2010) The problems listed by these reports range from inadequate country of origin information to poor training of the Home Office caseworkers; from issues around credibility to the continuing invisibility of lesbian claimants.

of a happy future contained in LGBTI asylum and looks at how asylum is crucial to the integration of queer liberalism in the nation.

Broken pasts, impossible futures

Asylum has the particularity of being a domestic issue (claimants are in the UK, needing help) that draws on international legal provisions and finds its origin in an unreachable elsewhere (the place of persecution). Distant suffering is characterised by the spectacle of an unfortunate who requires our help if we are to think of ourselves as compassionate. For Luc Boltanski, one of the possible answers to this spectacle is for the spectator to become indignant. This indignation is characterised by a focus on the persecutor, since indignation “presupposes precisely a redirection of attention away from the depressing consideration of the unfortunate and his sufferings and in search of a persecutor on whom to focus.” (Boltanski, 1999: 57) Asylum narratives tend to identify two types of persecutor: homophobes in the country of origin and the reluctant UK state in the country of arrival. This dynamic is well illustrated by the case of Iranian claimant Mehdi Kazemi in 2008 that generated many news articles over several months, and involved successful public appeals to then Home Secretary Jacqui Smith and discussions in the House of Lords. The case was also notable for arousing protests not only from activists but also from MPs and Lords.⁷

The *Independent* made a series of articles about the case, and followed its development quite closely. There are two steps in the newspaper's narrativisation of Kazemi's case: indignation

⁷ The news reporting of Kazemi's case is significant not only in terms of the quantity of articles published in various newspapers, but also because it was very rich in interdiscourse: in links and relations with other related LGBTI human rights issues and news stories. Kazemi was an Iranian student in the UK who claimed asylum on the grounds of sexual orientation; it was revealed that his decision followed news that his boyfriend had been hung in Iran. His claim was rejected at first, and he fled to the Netherlands and attempted to claim asylum there, although because of the Dublin II Regulation he could not claim asylum in the Netherlands and had to be sent back to the UK. By this point, his case had been picked up by a few social actors with potent access to public arenas, such as MP Simon Hughes, Lord Roberts of Llandudno, MEP Michael Cashman and activist Peter Tatchell. The case was reconsidered by then Home Secretary Jacqui Smith and Kazemi was granted leave to remain a few months later, in May 2008. This narrative makes for a good object of study as it involves a variety of enunciators, enunciative positions and a series of interdiscursive relations around LGBTI human rights.

about sexual persecution in Iran, and accusation of the British state for doing too little for asylum-seekers. Asylum narratives generally rely on the trope of rescue: the typical asylum narrative is about giving a safe haven to persecuted people – and identifying in the process, as Makau Mutua suggests, victims, savages and saviours. (Mutua, 2001) The use of rescue narratives is made even stronger here by the presence of an interdiscourse between Kazemi's case and the hanging of two young presumed gay men in Iran in 2005. Indeed, the newspaper narrates that before claiming asylum, Kazemi was a student in the UK, and that it was the arrest, questioning and execution of his boyfriend in Iran that had prompted him to claim asylum. For Rahul Rao, the 2005 hangings saw the establishment of such rescue narratives in the way LGBTI human rights are conceived in Britain. (Rao, 2010: 180) In his discussion of the hangings, he compares these narratives to Gayatri Chakravorty Spivak's discussion of the British abolition of Sati in India as white men saving brown women from brown men, and states: “something similar seems to be at work in the contemporary eagerness of white gays to save brown gays from brown homophobes.” (Rao, 2010: 182)

The consequence of the conflation of the asylum narrative with the rescue narrative is that no article in the national press questioned the legitimacy of Kazemi's claim. It is unanimously agreed that persecuted gay men should want to escape Iran or Uganda, and that the UK is a safe place for them to stay. This consensus about the intolerability of Iran for gay men materialises on the widespread insistence that “we” must not let people from Iran be deported back – as the titling of the articles covering Kazemi's case shows.⁸ Another use of the interdiscourse was the inclusion in some articles of an anecdote involving president

8 The articles have thus such titles as: “Hang fear of asylum plea gay”; “No gay person should be sent back to Iran”; “Gay teenager is facing gallows as his asylum bid is rejected”; “Teenager pleads with government: 'If I return to Iran, I will be executed'”; “A life or death decision”; “Disgraceful sexual persecution”; or “Iranian asylum seeker says he was 'one step from death'”. Titles are peritextual framings, and these give an entry point to the articles that insists on the humanitarian nature of Kazemi's situation. In this regard, the constant iteration of his story at the beginning of almost all articles (fear of persecution and asylum claim) act not only as a reminder of the story's background for the reader, but also as the justification for the human rights reading of the narrative. (A Life or Death Decision, 2008, Disgraceful Sexual Persecution, 2008, Gay Teen Faces Battle to Stay in the UK, 2008; Hughes, 2008; Syal, 2008; Verkaik, 2008b, 2008c; West, 2008)

Mahmoud Ahmadinejad being jeered at by an audience of students during a speech at Columbia University in New York, when he asserted that there were no gay people in Iran. The newspapers thus weave interdiscursive links between the asylum case and other stories in order to propose more or less well-defined persecutors to the readers: from particular politicians to the vaguer entity of the Iranian state.

The articulation of this first step (the accusation of Iran's repressive policies and culture) to the second step (the accusation of the UK, and in particular then Home Office secretary Jacqui Smith) is central in the formulation of the social problem of LGBTI asylum. It coincides with the contradiction in hospitality between the universalist principles central to the civilisational discourses of homonationalism, and the biopolitical management of the populations of refugees. Social problems are based on the idea that unfortunates consider themselves and are considered by others as victims, and that as such, they can identify culprits and call for reparation. (Cefai, 1996) However, in asylum cases, the punishment of culprits is impossible as they are out of reach. As far as the persecutor constituted by the Iranian state is concerned, the suffering presented in the narratives cannot be turned into a claim for reparation from either the victim or the benevolent reader: the stories of suffering remain at the level of a spectacle, where one cannot do anything about it apart from being moved or affected. However, the combination of this narrative strand with one where the British state is identified as guilty of reluctance solves the problem of the impossibility of reparation. Indeed the hardships of the asylum claims process present clear culprits (an uncooperative Home Office) and call for solving a series of problems including the Home Office's expectation of discretion from claimants.⁹ Asylum thus becomes a political problem, where institutions need to change and a claim for reparation can happen. This two-step process, once united to form one congruent narrative, opens up the possibility that asylum in

⁹ See *infra* for a discussion of the question of discretion.

the second part could become the reparation for the persecutions suffered in the first. The homogenising power of narrative thus allows for the juxtaposition of persecution in the asylum seekers' home country with the asylum process in the UK. This juxtaposition means that it is in the name of the original suffering, for which justice is unattainable in the country of origin, that reparations must be achieved in the UK. The possibility of reaching reparations in the form of a fair treatment of asylum claims thus places the moment of claiming as one that articulates two temporalities: broken pasts make sense in the light of the possible queer futures offered by the UK.

The temporality of LGBTI asylum is also illuminated by the support statement that claimants must produce during the process of claim-making. This document is the main tool for the examination of LGBTI asylum cases; it consists of a long self-narrative (more than twenty pages long) detailing the process by which the claimant realised that they were LGBTI, the problems or fear thereof they have encountered in their country of origin etc. With this document, claimants must convince the decision-makers that they are indeed LGBTI¹⁰, and that they have good reasons for fearing persecution, were they to be sent back to their country of origin. In other words, the aim of this document is for the narrative to be deemed plausible: to convince the decision maker that the LGBTI identity presented is the truth of the subject. Indeed, all types of asylum consist, to a certain degree, of a discursive production of the self as “a refugee other.” (Barsky, 1994)

Crafting oneself as a LGBTI subject in this narrative has a hermeneutic implication for claimants, who may reinvent themselves in the act of telling their personal stories, homogenising them in a series of events, causalities, chronologies etc. (Ricoeur, 1983, 1991) This Ricoeurian act of self-understanding is also a disciplinary one, to the extent that to be

¹⁰ Although for ease of reference I use the umbrella “LGBTI”, the issues surrounding credibility are quite different for LGB claimants than for trans* and intersex ones.

recognised as truthful, one must be recognisable as LGBTI.¹¹ This discipline relies on writing skills, the transmission of which is an important part of support organisations' work. This narrative work also incidentally reconciles its disciplinary function (conforming one's story to expectations of identity based on specific sexual ontologies, civilisational representations of sexuality etc.) with the biopolitical definition of the contours of "LGBTI refugees" experiences.

These narratives produce a queer refugee temporality at several levels. Firstly, in the narratives themselves, the stories establish temporalities of queerness articulating sexuality, persecution and migration. But this forced act of narration itself also produces a queer refugee temporality: it asks claimants to think of their queer futures in the future perfect, presenting the persecutions that can be predicted if they were to remain in their countries of origin. The broken trajectories of the asylum seekers' queer becoming take place in this future perfect, which "reopens the question of the future in a settled past." (Eng, 2010: 63) Their queer past is written up (a disciplined act of writing as a technology of the self) and at the same time written off (they must come to the conclusion of the impossibility of queer futures in the countries of origin to be plausible). In conclusion, the support statements articulate a queer refugee temporality to the extent that the act of writing the self for the state about their past as a broken queer trajectory is oriented towards the need for queer futures.

Professing human rights, practising exclusion

A critique of the homonationalist formulation of asylum must insist on the blind spots of apparently inclusive and queer-positive discourses – in this case how "queer futures" are imagined for asylum seekers. However, before this, very tangible exclusionary practices in

11 It is not the aim of this article to discuss the issues revolving around recognition, but it is a complex process that deserves a closer examination than has been offered so far in scholarship. For a selective list of publications that relate to these issues, but could be augmented by a theoretical discussion of credibility: (Berg and Millbank, 2009; Hanna, 2005; Millbank, 2005, 2009; Morgan, 2006; Saxena, 2006; UKLGIG, 2013; Yoshino, 2002)

asylum decisions must be examined and linked to these homonationalist discourses: the first one is the concept of discretion, and the second is credibility.

The insistence that LGBTI claimants be “discreet”¹² about their sexual orientation upon their return in their country of origin, in order not to elicit potential persecutions, has been used effectively as a means to refuse asylum. The notion has been considerably criticised and challenged, and was the subject of a Supreme Court decision in the UK in 2010, which decreased the possibility of this argument being mobilised.¹³ However, important limitations have been identified by practitioners and scholars alike. Some argued for example that the judgement did not do away completely with a reasoning based on discretion, and that it “slips in again through the back door of 'voluntary discretion'.” (Wessels, 2013: 75) Others, like Jenni Millbank, have shown that even when discretion becomes a less important hurdle, claimants tend to be rejected instead due to disbelief of their sexual orientation by the decision makers. (Millbank, 2009)

The unfairness of the discretion requirement, as well as its focus on homosexual acts (that, it presumes, could be discreet) rather than on questions of identity, are both at odds with most conceptualisations of sexuality in LGBT human rights discourse.¹⁴ This seems in turn to contradict the effects of homonationalist discourses. Indeed, if asylum can be part of homonationalist discursive and political strategies, then there should be a clear interest in displaying hospitality for LGBTI claimants. This hospitality exists in tension with the configuration of asylum as a social problem. Asylum is represented through the image of excess in public arenas, arriving asylum-seekers signifying an “overabundant multiple.”

12 The quote marks denote the problematic euphemisation implied by the term, as noted by many commentators who have replaced it by terms such as “concealment”. (Middlekoop, 2013)

13 (*HJ (Iran) and HT (Cameroon) v Secretary of State for the Home Department (Rev 1)* [2010] UKSC 31, 2010)

14 See for example the definition offered by the Yogyakarta principles, where sexual orientation refers to “each person’s capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender.” (International Commission of Jurists, 2007)

(Rancière, 2004) Asylum has thus often been theorised in relation the question of bare life, the camp dispositif, the idea of wasted lives, sovereign power, and the heritage of colonial infra-humanity. (Agamben, 1998; Bauman, 2003; Farrier, 2013; Mbembe, 2003) LGBTI asylum is no stranger to being assimilated to human excess, as is best exemplified by *The Sun's* reaction to the 2010 Supreme Court decision, expressing fear over the number of gays worldwide who could potentially seek refuge in the UK: “62 million more gays doesn't add up.” (Kelvin, 2010) In the specific context of UK asylum policies, this discursive environment has a tangible role in contributing to the exclusionary politics of asylum. Vicki Squire has for example shown how the narratives of control that permeate the public sphere have a strong influence on EU governmental, press and party political discourses on asylum. Squire analyses the way technologies are mobilised to enact restrictions while being depoliticised and remote from public scrutiny. (Squire, 2009: 15) Consequently, a critique of the homonationalist discourse of asylum must be attentive to two simultaneous forms of nationalist exclusion: one that sees asylum seekers as objects of fear and danger for the national body (the plethoric others); and one that creates effects of exclusion through civilizational discourses making tolerance a product of “our” British culture (the barbaric others). (Brown, 2006; Lentin and Titley, 2011) Professing human rights while excluding LGBTI claimants can therefore be understood less as a contradiction than as the tense coexistence of two modes of exclusion.

This tension is also central to the question of credibility. Legal analysis has shown how the practice of assessing claimants' credibility is fraught with difficulties, such as in the case of occasional same-sex attractions without self-identification as LGB¹⁵, of internalised

15 LGB is preferred to LGBTI here because the issue of recognition for trans* and intersex claimants involves different questions. Jhanna Bach has for example noted that claimants are expected to identify as trans* upon their first interview, despite not necessarily being familiar with UK terminology and finding it difficult to describe themselves to the Home Office; the author also mentions that narrative expectations from the Home Office are based on practices that might be common in the UK (for example, telling colleagues and family, seeking legal changes of name etc.) but not necessarily in the claimants' country of origin. (Bach,

conflicting values, of a disjunction between sexual behaviour and personal identity, or of self-identification as LGB without having pursued same-sex activities. (Middlekoop, 2013: 155–156) Likewise, the ability to perform according to certain stereotypes can help a claimant, and (non-)conforming gender performances can also influence decision making – even though case workers are advised in the Asylum Policy Instruction not to hold expectations in terms of gender performance. (Hanna, 2005; Home Office, 2011) Berg and Millbank have also shown that there often was an expectation of a Western type of narrative of realisation and coming out, and that failing to provide one could be detrimental to a claimant's credibility. This expectation disregards the possibility that claimants might make sense of their lives and experiences in a way that does not follow narratives that are premised on subject formations and political contexts specific to the UK, Europe or the US. (Berg and Millbank, 2009) The question of recognition is central to the practical problems posed by credibility: how do we recognise LGB people, and is it even possible? The question of recognition is perceived by all social actors as central to the process of asylum because of the two inherent risks of misrecognition: letting in undeserving refugees and excluding those who deserve protection.¹⁶

Assessing credibility acts thus as a safeguard creating the condition of distinction between the deserving and the undeserving among LGBTI claimants. In this context, credibility can be conceived of as a biopolitical tool for their management: it combines, like a Deleuzian machine of faciality, a function of recognition (the state is able to recognise claimants according to certain traits and features) with a function of exclusion (that which is not recognised is undeserving of protection). (Deleuze and Guattari, 2004) In this double action of discerning and deciding, this biopolitical management combines several intertwined

2013)

¹⁶ The news reporting of the 2010 Supreme court decision was mainly centred on the difficulty of ascertaining claimants' sexual orientation without relying on stereotypes.

effects: (1) a veridiction¹⁷ effect, for the aim of the process of recognition is to assert and regulate the truth about the claimants' sexuality; (2) a decisional effect, for it provides a rationale for the function of hospitality and exclusion; and (3) a population effect, for by recognising (and welcoming) certain types of claimants, it draws the limits of what constitutes the LGBTI population of “morally legitimate suffering bodies” that deserve care. (Ticktin, 2011)

Critics of the way credibility is assessed have emphasised the difficulty, if not the impossibility of carrying this biopolitical function – to the point of questioning the appropriateness of the state deciding whether claimants are LGB or not. (Middlekoop, 2013)

On the one hand, support organisations and advocates have tried, with relative success in the UK, to foster good practice at the Home Office.¹⁸ On the other hand, some also propose to shift to an assessment of the plausibility of an LGB claimant being perceived as such in their country of origin: this shift eschews the problem of having the state decide on ontological matters of sexuality, in order to examine instead “whether elements in the narrative indicate that the actors of persecution perceive him to be gay.” (Middlekoop, 2013: 169) In either case, the state exerts a biopower that objectifies a certain type of subject and relies on specific representations of suffering, liberalism and queerness mobilising a certain formulation of

17 Veridiction refers here to Michel Foucault's use of the term as a regime for the production of truth, understood not as the production of true statements, but rather as the arrangement of conditions under which the practice of truth can be regulated and made relevant. (Foucault, 1994a, 1994b)

18 The idea being that credibility be assessed on the basis of an interview that allows the claimant to tell their story as freely as possible. Risks associated with this practice include the expectation of specific narratives of identity and self-discovery, that might not apply to some claimants. As the report *Fleeing Homophobia* puts it: “This means that it should be geared towards enabling applicants to tell the story of the sexual orientation as they have experienced it, in a detailed manner and in a safe space.” (Berg and Millbank, 2009; Spijkerboer and Jansen, 2011: 62)

The Asylum Policy Instructions for sexual orientation asylum claims offer a description of a potentially useful approach. (Home Office, 2011: 10–11) Likewise, the guidance produced in 2012 on credibility proposes ways to make sure that claimants are not unfairly dismissed; however, as the UKLGIG has noted in their 2013 report, some claims are still dismissed for minor inconsistencies despite the guidance. There is indeed a significant gap between the good practice fostered in the guidance and the actual management of cases. For example, the guidance notes that no adverse judgement should be drawn from someone not having declared their sexual orientation at the screening phase, yet the UKLGIG has found instances of claimants being rejected on these grounds by Home Office case owners and immigration judges. (Home Office, 2009; UKLGIG, 2013)

homonationalism, which the rest of this article will analyse.

No going back

For refugees and asylum-seekers, queer futures are deemed impossible outside of the UK. Their narratives make sense only when their migratory journey is located in relation to their settlement in the UK. Failing to link their queerness with their life in the UK can be read by the administration as a sentence of inauthenticity of the queer subject: for example, a certain expectation for a narrative of “liberation” can sometimes make a narrative more credible in the eyes of Home Office decision makers.¹⁹ Conversely, impossible futures are interpreted by support groups as a future life of inauthenticity in the case of unsuccessful claims: having to conceal one’s sexuality in the country of origin, or as Kenji Yoshino puts it, reverting back to “covering”. (Yoshino, 2002)

Stonewall, an LGBTI advocacy group with a strong focus on lobbying work and the production of information, published a report in 2010 about LGBTI asylum that was covered and quoted from widely in newspapers. Part of its mission as a public enunciator is to engage with different social actors, from local and national government, media outlets, civil society, private companies etc. The title of the report, *No Going Back*, gestures towards the possibility of queer futures for those who have left their countries of origin. (Stonewall, 2010) The report is divided into several sections, which are simultaneously argumentative (they explain and criticise the process of decision-making at the Home Office) and narrative (each part follows the story of an asylum-seeker’s claiming asylum, from persecution in the country of origin to the appeal process etc.). The phrase “No going back” echoes the title of the report’s last section, “I can’t recover; Being sent back”, which states:

When asked what life would be like if they were returned to their country of origin, most asylum-seekers replied that this would simply never happen because

¹⁹ Such expectations were criticised by both the UKLGIG and Stonewall. (Stonewall, 2010; UKLGIG, 2010)

they would commit suicide in the UK before they were returned to face the persecution they had fled. (Stonewall, 2010: 30)

It also quotes asylum-seekers: “How can I live in Iran? I’m an openly gay person here. How can I be openly gay, then go back to my country and be ‘discreet’ at age 34 (Youness, Iranian asylum-seeker).” (Stonewall, 2010: 30) The report also recounts suicides, such as this one quoted from an *Observer* article²⁰: “In September 2003, Israfil Shiri, a gay Iranian asylum seeker, died six days after pouring petrol over his body and setting himself alight in the offices of a refugee charity in Manchester. He had fled Iran after the authorities obtained documented evidence of his sexuality.” (Stonewall, 2010: 31) In these examples, going back to their countries of origin is simply not possible for asylum seekers – an absolute absence of queer future epitomised by suicide. In this configuration, temporality and spatiality run parallel.

In the report, queer futures are only possible in the UK; there is thus a coincidence in these discourses between going back “there” (to a space void of tolerance) and going back “then” (to a time of persecution), which allows for an extended interpretation of the imperative of “not going back”. For British liberal queers, “not going back” can be interpreted in a temporal manner, through the teleology of sexual modernity. In this teleology, queers follow a path of emancipation starting from the civil rights era to today. For liberal queers, “not going back” means not reversing progress, refusing that the British state should still display homophobia in its treatment of LGBTI refugees. This equation between a homophobic elsewhere and a domestic homophobic past is also present in a remark about discretion that Stonewall’s Ben Summerskill made during the Kazemi case: “You only have to listen to people who were terrorised by the Metropolitan Police in the 1950s and the 1960s to know that telling gay people to live discreetly is toxic.” (Verkaik, 2008a)

²⁰ *The Observer*, 21 August 2005.

This equation between LGBTI refugees and liberal queers offers modes of engagement for UK-based organisations. Indeed, it becomes unacceptable for liberal queers to let refugees go back, for it would imply they would themselves experience a reversal through the loss of a queer-positive state upon which their sexual citizenship and liberal subjectivation rely. In other words, the mobilisation of liberal queers for the cause of LGBTI refugees is imperative to the extent that a liberal queer mode of subjectivation relies on the existence of a liberal queer-positive state. Therefore, the establishment and the perpetuation of this queer-positiveness is crucial to liberal queers, whether or not they are the direct recipients of this positiveness – in this case, it allows for the emergence of a form of solidarity that sees LGBTI organisations take on the plight of LGBTI refugees. “No going back” is thus an order that engages both queer refugees and liberal queers; the next section will explore this relationship in more detail and discuss it in relation to nationhood and the promise of happiness.

Happy futures

The idea of a queer future in asylum can be read in two ways. Firstly, as a promise: the idea of the safe haven relies on the UK promising queer happy futures to claimants who are persecuted in their countries of origin. Following Sara Ahmed's terminology, this promise orients subjects towards specific objects and goals (Ahmed, 2006, 2010: 21–49) – the realisation of one's sexual orientation, the freedom to love and establish public forms of intimacy etc. A second interpretation is to see asylum's queer futures as exhortations of happiness: that is, the idea that in order to be recognised as an LGBTI refugee, claimants must conform to a certain extent to representations of queer happy futures. Being able to produce, for example, a partner met in the UK can help the credibility of a story. The difference between the promise of happiness and the exhortation of happiness is that LGBTI asylum works from within a conceptualisation of sexuality where happiness comes from a

freedom afforded by liberalism, and where freedom is understood in a restricted manner as a matter of choice between a series of (homonormative) consumption practices. (Duggan, 2002; Newfield, 2002) The same phenomenon can be noted in the way Home Office case owners have sometimes assessed claimant's gayness by testing their knowledge of the commercial gay scene in London, such as describing the layout of Heaven, a large club in central London with multiple rooms:

You have to ask, what is his behaviour in the UK? If you were a gay man and you had been repressed or ostracised in your home country, then presumably coming to London would give you the chance to go to Soho or Heaven and enjoy the kind of lifestyle and bars and opportunities that that presents. Nicholas, UKBA senior caseworker (Stonewall, 2010: 16)

Alongside such assumptions that claimants are part of a commercial scene, other examples of questioning on cultural tastes have included a “First Tier Tribunal [that] could not accept that a Ugandan lesbian woman was not more familiar with lesbian books and magazines” (Spijkerboer and Jansen, 2011: 58) While this type of question is now less likely to be asked, since Home Office staff have been trained to avoid such questions, the UKLGIG's latest report shows that problematic lines of questioning are still being followed. (UKLGIG, 2013: 13–14) This type of questioning simultaneously reveals assumptions about the identification of sexual freedom as freedom to consume, and obfuscates the heterogeneity of the “gay scene” by identifying it solely as a specific commercial arena. It abstracts indeed how such scene works through distinction and social relations involving in particular, in the case of asylum-seekers, economic capital and ethnicity. In other words, the exhortation of happiness contributes to the reproduction of dreams of the good life and of queer optimism only insofar as LGBTI asylum seekers are recognisable as oriented towards liberal queer subjectivations. With asylum, a homonationalist framework does not simply mean praising the sexual

modernity of Britain, but it also means offering hospitality as a restrictive queer future comprising liberal and normative identities and experiences.

Asylum does not simply contribute to the reproduction of liberal queerness, but is an essential component in certain formulations of queer liberalism. Existing scholarship on the boom in discourses about LGBTI human rights seen in the past decade offer two convincing explanations: (1) the co-optation of LGBTI human rights discourses by both the liberal state and liberal and conservative gays and lesbians; and (2) the identification of LGBTI human rights as a cause that can replace a vacuum left after domestic advances, and the subsequent direction of some advocates towards culturalised representations of tolerance and worldwide sexual freedom. (Brown, 2006; Rao, 2010)

Homonationalism involves the production of (certain homonormative, liberal) queers as being “closer”²¹ to the nation than other subjects, both queer and non-queer – as most obviously demonstrated by the inclusion of gays and lesbians in the reproductive futurism of marriage, or the acceptance of LGB people in the army. (Edelman, 2004; Puar, 2008) With LGBTI asylum, the nation is re-imagined according to new founding myths of tolerance and openness, which reconfigure nationalism in such a way that the exclusion (or distancing) of certain subjects is based on a discourse extolling the virtues of inclusion and tolerance. (Stychin, 1997) Acts of tolerance are thus central to the togetherness of queers and the nation – a centrality that sits precariously with the history and endurance of homophobia in the UK. This issue is neither novel, nor specific to queers and homonationalism, and Ernest Renan had already emphasised the role of forgetting in the building of the nation: to imagine ourselves together in the community of the nation, we forget what might distance ourselves from each other, what might create dissension. (Anderson, 2006; Renan, 1990: 10–11)

21 Sara Ahmed proposes to use the notion of proximity to think of the nation beyond the inside/outside opposition: “The nation becomes imagined and embodied as a space, not simply by being defined against other spaces, but by being defined as close to some others (friends), and further away from other others (strangers).” (Ahmed, 2000: 100)

Asylum discourses are typical of such acts of forgetting: the representation of the safe haven cannot exist outside of a representation of the UK as tolerant. In turn, refugees can become the benchmarks for the demonstration of the UK's advancement on sexual tolerance, as demonstrated by a certain unanimity about the moral rightness of LGBTI asylum.²² Indeed, following Jacques Derrida's conception of hospitality, the host often needs the guest for its own existence: in other words, the relationship of dependence between the two can be thought as a need for a guest, a victim actualising the UK's new founding myths of tolerance and sexual modernity. (Derrida, 2000) Renan's act of forgetting takes place in this context, and represents the condition for an act of hospitality that is central to the self-imagining of the nation as sexually modern and tolerant. However, at the same time as asylum amounts to forgetting homophobia in the UK, it also triggers an explosion of discourses on homophobia: the victim status of asylum seekers being produced through self-narratives of homophobic violence. Public arenas are thus awash with tales of woe from LGBTI asylum-seekers. Therefore, at the same time as asylum performs the homonationalist act of producing the UK as an exceptionally tolerant civilisation, it also fosters and multiplies discourses on homophobia.

Consequently, asylum links queerness, liberalism and nationalism by simultaneously forgetting old discourses on homophobia and fostering new ones. The coexistence of narratives of homophobic suffering with acts of forgetting British homophobia can be interpreted in two ways. The first has to do with sympathy, which, as it is conceptualised by Adam Smith and Alexis de Tocqueville, is a result of the spectacle of suffering and revolves around the spectator's ability to take the place of the sufferer. This process, which Fabrice Wilhem calls a projective identification (Wilhem, 2007: 75), makes Smith assert that “[b]y

22 For example, tabloid's criticism, well established about asylum seekers of all sorts, does not question the moral rightness of LGBTI asylum, but asks rather: (1) how do we recognise liars?; and (2) how could the UK welcome all suffering queers in the whole world?

the imagination we place ourselves in his situation, we conceive ourselves enduring all the same torments, we enter as it were into his body, and become in some measure the same person with him.” (Smith, 2009) Sympathy is thus central to the phenomenon demonstrated in earlier analysis of “no going back”, in that it allows for such a comparison between queer refugees' current suffering and liberal queers' past suffering to be made.

Acts of forgetting can also be analysed following Nietzschean criticisms of resentment – a feeling where the focus lies on the punishment of persecutors rather than on the empowerment of sufferers. (Boltanski, 1999) For Wendy Brown, there has been a problematic investment in the wound in subaltern politics; in particular she talks of the fetishisation of a wound which comes to stand for an identity. (Ahmed, 2004: 32; Brown, 1995) A fetishisation of LGBT refugees' suffering can be read in the context of the continuous assimilation of certain forms of gay subjectivations, in particular homonormative ones whose representations are disseminated in public arenas to stand for sexual modernity and, of course, to serve those who have an interest in proclaiming the fight for LGBTI rights officially over. In this context, liberal queers can be represented as having two positions: on the one hand they are part of rescue narratives, thus absorbing queer subjects in colonial imaginaries; and on the other hand, LGBTI refugees reactivate the wound of being queer when it becomes harder to stand against counter-discourses in public arenas claiming that the battle for gay rights is over. In other words, queer suffering can be reintroduced in public arenas with LGBTI refugees' stories, at the cost of reinforcing discourses on sexual tolerance that claim that LGBTI people do not suffer so much in the UK.

This allows for a reappropriation of the pain of others; as Ahmed puts it, others can be envied for their enjoyment as well as for their lack thereof, in particular “for the authenticity of their suffering, their vulnerability and their pain.” (Ahmed, 2004: 162) In the case of LGBTI asylum, what she calls the “pleasures of being charitable” take a special significance within

the teleological narrative of sexual modernity: if homophobia is a thing of the past and queer positiveness a thing of the future, as well as being a frontier between the West and the non-West, then non-Western queer subjects can represent the past of the liberal queer subject. An investment in the lack of enjoyment of LGBTI refugees is thus also an investment in a wound that is “ours” but read as past. Suffering thus becomes a universalism where all suffering is equivalent, and “their” suffering can be compared to “ours” and be re-appropriated likewise. When discourses on LGBTI rights produce the state as benevolent, activism that bases itself on this premise can find ways to reactivate wounds that are coded as past, and LGBTI asylum and its victims enable this process to happen.

To conclude, this article has explored some of the links between asylum, nationhood and queer liberalism. It has claimed that asylum discourses produce representations of nationhood that place tolerance and a teleological vision of sexual modernity at their centre. This conceptualisation has tangible consequences for asylum seekers, who must present, and to a certain extent, reinvent themselves as liberal queers in order to be recognised as LGBTI and be offered hospitality. Finally, the article has shown that in asylum, homonationalism is not merely a discourse on British exceptionalism and sexual modernity. Rather, it proposes that homonationalism can designate an understanding of the nation that allows for the production of a certain type of queer futurism: one that is conflated with a liberal optimism that promises the good life to asylum seekers and liberal queers alike. But to what extent are the promises of the good life accessible to queer refugees? Especially when considering that they may be economically disadvantaged and socially marginalised, and thus have little purchase to the market autonomy that constitutes this promise. Homonationalist queer optimism might perhaps be, then, in Lauren Berlant's terminology, a form of cruel optimism to the extent that the very object of happiness promised by asylum (market-based, homonormative assimilation) denies the multiple ways in which asylum seekers and refugees are unable to reach it.

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