International Institute of
Social Studies

Erasmus

Transnational Subjectification and Stereotyping of LGBTQ+ Asylum Seekers in Dutch Immigration Proceedings

A Research Paper presented by:

Wren Heath

United States of America

in partial fulfillment of the requirements for obtaining the degree of
MASTER OF ARTS IN DEVELOPMENT STUDIES

Major:

Social Policy for Development

Members of the Examining Committee:

Dr. Karin Astrid Siegmann

Dr. Silke Heumann

The Hague, The Netherlands
November 2024

Contents

List of Acronyms

AZC	Asielzoekerscentrum (Asylum Seekers' Centre)
BBB	BoerBurgerBeweging (Farmer-Citizen Movement)
COA	Centraal Orgaan Opvang Asielzoekers (Central Agency for the Reception of Asylum Seekers)
CJEU	Court of Justice of the European Union
COO	Country of Origin
DSSH	Difference, Stigma, Shame, Harm
ETIAS	European Travel Information and Authorisation System
IND	Immigratie en Naturalisatiedienst (Immigration and Naturalization Service)
LGBTQ+	Lesbian, Gay, Bisexual, Transgender, Queer+
LGBTQRAS	Lesbian, Gay, Bisexual, Transgender, Queer Refugees and Asylum Seekers
MENA	Middle East and North Africa
NSC	Nieuw Sociaal Contract (New Social Contract)
PSG	Particular Social Group
PVV	Partij voor de Vrijheid (Party for Freedom)
SOGIESC	Sexual Orientation, Gender Identity and Expression, and Sex Characteristics
UNHCR	United Nations High Council for Refugees
VVD	Volkspartij voor Vrijheid en Democratie (People's Party for Freedom and Democracy)
(IND) WI	(IND) Work Instructions

Acknowledgements

Abstract

This study digs deep into the relationship between stereotyping in asylum procedures of LGBTQ+ (Lesbian, Gay, Bisexual, Transgender, Queer+) applicants, institutional powers such as government-run immigration services, and the transnational subjectivities of those applicants. Semi-structured, conversational interviews were held with four current LGBTQ+ refugees, and two former LGBTQ+ refugees who are now community leaders in related projects, Additionally, ethnographic data was gathered during LGBTQ+ refugee community events around the Netherlands. This study argues that individual subjectivities are shaped by the imposition of stereotypes by power institutions (i.e. immigration regimes) and that those institutions then reflect the subjectivities –real or perceived– of the population in their treatment and processing of said population. The research demonstrates how interactions with the IND (Immigration and Naturalization Service) centering on experiences of marginalization and discrimination have an impact on participant subjectivities through the imposition of western, eurocentric stereotypes on asylum seekers that are usually unfamiliar with them.

Relevance to Development Studies

This study is rooted in critiques of protectionist immigration regimes. Using the lens of 'subjectivities' (Butler, 1990), this study calls into question the use of stereotypes within asylum applications and procedures. Given the context of the Netherlands as a 'destination' country for many migrants and refugees at a global level, it is important to recognize the international power dynamics that are present in an asylum interview. For LGBTQ+ refugees in particular, this study highlights the problematic narrative of Difference, Stigma, Shame and Harm (DSSH) that LGBTQ+ refugees are expected to share. The core issue of LGBTQ+ asylum cases is not their treatment in the receiving country, but that country of origin circumstances leave no choice but to leave. By focusing on the role of stereotypes and subjectivities of LGBTQ+ asylum seekers, this study hopes to draw attention to not only the Dutch context but also the global barriers to equality and freedom for LGBTQ+ people.

Keywords

agency, asylum, (im)mobility, LGBTQ+, Netherlands, queer, refugee, subjectification, transnational subjectivities

Chapter 1. Introduction

How does one prove that they are gay? or bisexual? or transgender? What evidence could be sufficient to encompass a life of being othered? Does anyone have the right to ask for this information in the first place?

A Brief Context of the Current Political Climate Towards Refugees

In November 2023, the Party for Freedom (PVV) led by Geert Wilders won the general election in the Netherlands. The PVV and Wilders are known for their anti-immigration and anti-Islamic views which not only have ramifications on the asylum procedures, but also on the treatment of asylum seekers throughout the asylum-seeking process. On May 15th 2024, a new coalition was formed in the Dutch parliament between the conservative parties PVV, VVD, NSC and BBB. They released a join statement titled "HOOP, LEF EN TROTS - Hoofdlijnenakkoord 2024 – 2028 [HOPE, COURAGE AND PRIDE - Main outline agreement 2024 – 2028]" which briefly outlines their plans for the next four years, including their stance on immigration and asylum.

The coalition aims to enact emergency protocols (Aliens Act 2000 (on the basis of Articles 110 and 111)) to limit the number of people allowed to request and receive asylum in the Netherlands by suspending asylum applications, reducing asylum appointment receptions, deport people (by force if necessary), and refuse housing to asylum seekers (Hoofdlijnenakkoord, 2024, p. 3-4). Additionally, they seek to withdraw the Netherlands from the European Commission's asylum and migration policy.

This document includes a prime example of homonationalism. It describes how female, LGBTQ+ (Lesbian, Gay, Bisexual, Transgender, Queer+), and Christian asylum seekers will be prioritized and protected, specifically from violence from fellow asylum seekers (ibid, p. 4). This protection comes from the explicit threat of the male asylum seeker, the Muslim asylum seeker; in essence, the stereotyped asylum seeker (Alessi, 2020), and plays on Dutch pro-LGBTQ+ mainstream sentiments to victimize LGBTQ+ asylum seekers and villainize "bad" claimants.

On September 13th 2024, the coalition followed up on the promises made in the May Coalition Accords by releasing the official Government Program for the "Elaboration of the main points agreement by the cabinet" (Rijksoverheid, 2024). The updated program elaborates on all points addressed in the Coalition Accords. For the Asylum and Migration section, the focus is on the overburdened asylum reception system and action steps to reduce the number of asylum claimants and refugee status holders in the Netherlands.

All steps to limit refugee influx and deport people already in the Netherlands are the same as introduced in the Coalition Accords, provided with more detail and more political weight. However, there is more elaboration on how the government will shorten the period of time available to people to claim asylum and reside in the Netherlands while their claim is being processed as well as removing the possibility to appeal a negative

decision (Rijksoverheid, 2024, pg. 21). It also elaborates on Dutch border security through EU wide border externalization and the use of the European Travel Information and Authorisation System (ETIAS) to monitor people moving around the Schengen region. It is within this hostile climate that LGBTQ+ refugees are expected to navigate.

1.1 An Overview of the IND

Imagine you have just arrived in the Netherlands to claim asylum because your life was in danger in your home country. Imagine having been physically, mentally, and sexually abused for most of your life because you are trans, because you are different. Now, here in this new place that has legalized same-sex marriage, anti-discrimination laws and gender-affirmaing care, you hope for a better life. That is, until you are physically, mentally, and sexually assaulted throughout the asylum process. You are not believed when you tell the immigration officers that you are trans. You are not believed when you tell them that you were kicked out of your home because of your gender and sexuality. You are not believed because your documents do not align with your current gender expression or because you have not physically transitioned. This is the experience of an unnumbered[1] amount of trans and queer refugees in the Netherlands.

LGBTQ+ asylum seekers face a unique form of discrimination within the legal immigration process. The discrimination involves having to "prove" their LGBTQ+ identity to an immigration officer based on stereotypes of what LGBTQ+ asylum seekers "should" experience according to the Dutch government. The burden of proof[2] is on the asylum seeker to not only demonstrate membership of the "particular social group" of the LGBTQ+ community, but also that they have reason to fear for their lives in their country of origin. "Particular social group", or PSG, comes from the universally adopted definition of a refugee put forth by the UNHCR (United Nations High Commission for Refugees) 1951 Convention, amended by the 1967 Protocol:

> owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it. ("UNHCR Emergency Handbook; Refugee definition," 2019).

PSG is defined by "whatever the common characteristic that defines the group, it must be one that the members of the group cannot change or should not be required to change"

---

[1] "unnumbered" is used here because it is unknown exactly how many trans persons have claimed asylum in the Netherlands. However the most recent estimate is that about 10,000 LGBTQ+ related asylum claims are submitted to the EU annually (Fleeing Homophobia Report)

[2] The burden of proof is always that of the asylum seeker regardless of the type of asylum claim. The distinction for LGBTQ+ asylum seekers is to prove both an LGBTQ+ identity and persecution based on that identity. For contrast, a refugee from a known war zone only has to prove nationality, not also that there is a war going on.

(Hathaway 1998, p. 160). The SOGIESC (Sexual Orientation, Gender Identity and Expression, and Sexual Characteristics) of an asylum claimant is undisputedly an aspect of personhood that cannot or should not be required to change.

But how does one prove membership of a particular social group? Further, how does one prove an LGBTQ+ identity and experiences of persecution based on those categories? The IND[3] (Immigration and Naturalisation Service), like many immigration entities across Europe and around the world, use stereotypes to assess the personal stories of LGBTQ+ asylum applicants, even while recognizing that SOGIESC cannot be proved and that stereotypes are not particularly accurate (Lewis, 2014; Jansen, 2019; Lalor, 2021; Powell, 2021; Jansen, 2022; Rodriguez, 2023). Still, the IND searches for "credibility".

The IND Work Instructions demonstrate the process of credibility assessment for LGBTQ+ asylum seekers. However, it should be noted that IND Work Instructions are not policy but internal guidelines for IND staff. According to WI 2019/17, the following must be taken into account when assessing credibility of a sexual orientation claim: "the private life of the asylum seeker; their current and previous relationships and contacts with LGBTQI+ communities in their country of origin and in the Netherlands, and discrimination, repression and persecution in the country of origin. The emphasis is put on the personal experiences of the asylum seeker." (AIDA, 2023, p. 40). The WI does not explicitly refer to gender identity.

This excerpt is from the 2023 Asylum Information Database Annual Country Report for the Netherlands, a report managed by the European Council on Refugees and Exiles. The report is useful in laying the foundation of what the IND should be doing when it comes to standard operations for LGBTQ+ asylum seekers. IND officers are expected to refrain from asking questions about an applicant's sexual activity history. They do not require mental or physical health exams, photos, videos, or other forms of documentary evidence.

Furthermore, if evidence is presented voluntarily, they cannot consider it (Jansen, 2019, p. 26). IND officers are allowed to ask questions about "stereotypical characteristics" (elaborated below) but with an understanding that adherence to a stereotype does not make a claimant more or less credible (Jansen, 2019, p. 26). "In WI 2015/9, five themes are mentioned, which the IND uses in the interviews and in assessing the credibility of someone arguing their belonging to the LGBTQ+ community:

---

[3] The IND is the government entity responsible for all migration related movements in and out of the Netherlands. The IND asylum process consists of a primary interview to determine the type of asylum seeker and which track they should be on (Dublin, Safe COO, Well-founded, Regular), then asylum seekers are sent to Ter Apel for initial processing, which is supposed to take three days but often is longer due to staff shortages. Once that is done, asylum seekers are sent to AZC or COA camps around the country as space allows. There they are meant to wait for their second interview which should be within six months of the first interview; however, as of 2023 has been extended to 15 months due to overburdened asylum processes. If an asylum seeker receives a negative decision, they can appeal it through a regional court (AIDA, 2023, pp. 20-26).

1. Private life (including family, friends and relations) and religion. 'This is about the own experiences, such as becoming aware of the sexual orientation, the process (of self-acceptance), the reactions from the environment, and any relationships;'

2. Current and previous relationships, homosexual contacts in the country of origin and contact with or knowledge of homosexual groups in the country of origin;

3. Contact with homosexuals in the Netherlands and knowledge of the Dutch LGBT community;

4. Discrimination, repression and persecution in the country of origin;

5. Future after (forced) return to the country of origin. (Jansen, 2019, p. 26)

It is quite explicit what the IND is not supposed to do in an LGBTQ+ asylum interview. A significant portion of the literature on LGBTQ+ refugee and asylum law is focused on the inadequate and paradoxical nature of immigration law, policy and practice (Lewis, 2014; Raj, 2017; Jansen, 2019; McNeal and Brennan, 2021; Powel, 2021; Jansen, 2022; Rodriguez, 2023). What the IND should be doing can be contrasted with the reality of their practices which can be found detailed in Sabine Jansen's "Pride or Shame?" reports.

Jansen is a Dutch legal scholar with a focus on EU and Dutch LGBTQ+ asylum law. In 2019, Jansen published the first "Pride or Shame?" report which focused on the how the IND handled LGBTQ+ asylum claims in the context of the then recent ABC and XYZ judgements[4]. The follow up 2022 report asks if there has been any change or improvement for LGBTQ+ asylum seekers since the implementation of the WI 2018/9 (resulting from the ABC and XYZ judgements). From both studies, Jansen found that the IND did and continues to use stereotypes in its interviews and decision making.

1.2 What Stereotypes? What Assumptions?

The Netherlands is one of many countries that uses the DSSH (Difference, Stigma, Shame and Harm) model for assessing asylum claims. Chelvan created the DSSH model specifically for framing LGBTQ+ experiences in asylum procedures (2013, p. 28).

Chelvan suggests we should focus on when the applicant identified as different, how this difference was stigmatized by others, how the stigma generated (self) shame and the extent to which the shame and stigma resulted in harm (Chelvan 2013: 28).

---

[4] The case *XYZ Minister voor Immigratie en Asiel* deals with 'discretion' and criminalisation. 'Discretion' is in quotes because it pertains to the 'discretion requirement', "the idea that LGBTI asylum seekers can return to their country of origin when they behave 'discreetly', conceal their sexual orientation or exercise 'restraint'" (Jansen, 2019, p. 17). The XYZ judgment put an end to this requirement. Additioanlly, XYZ upheld that criminalisation of homosexual acts "must be regarded as being a punishment which is disproportionate or discriminatory and thus constitutes an act of persecution" (Jansen, 2019, p. 18). The ABC judgment deals with credibility. Specifically, it set the precedent for the legal awareness that one cannot objectively prove their SOGIESC. Additionally, ABC dictates that "that no conclusions are to be drawn solely on the basis of stereotyped notions associated with homosexuals" as this would infringe upon the right to dignity and privacy (Jansen, 2019, p. 22).

> Understanding what counts as 'serious harm' involves intensely emotional experiences that are not easily imparted to adjudicators (Raj, 2017, p. 9).

The DSSH model is effective because it adheres to standardized preconceived notions of the persecuted LGBTQ+ refugee experience. It is worth exploring the eurocentric and Dutch specific context that informs how the DSSH model so heavily relies on stereotypes.

Post World War II, the Netherlands adopted a narrative of colorblindness and rejection of racial categories. As such, "Dutch efforts to project anti-racism as a national characteristic in the long shadow of World War II (Wekker 2016; Siebers 2017), colourism and racialisation are inextricable from the politics and experience of asylum" (McNeal and Brennan, 2021, p. 164). This led to discourse surrounding culture as the dominant way to negotiate and mark differences. "Attacking conservative migrants and Muslims as signs of rejection of sexual liberty and consumerism became an assertion of a retrenched Dutch identity" (McNeal and Brennan, 2021, p. 167).

Having been the first country to legalize same-sex marriage in 2001, the Netherlands stood out as a country of tolerance, at least for the LGBTQ+ community. Pim Fortuyn was an openly gay and an Islamophobic politician in the early 2000s that gave voice to the rising homonationalism sentiments. He ran on a platform that believed "sexuality should not be controlled but Dutch identity most certainly should. Gays can do what they want but outsiders must assimilate. Society cannot tolerate 'intolerance' (McNeal and Brennan, 2021, p. 168). While this statement is a clear example of homonationalism, the definition of such is also useful.

Jason Puar defines 'homonationalism' as the process by "which 'acceptance' and 'tolerance' for gay and lesbian subjects have become a barometer by which the right to and capacity for national sovereignty is evaluated; An analytic category deployed to understand and historicize how and why a nation's status as 'gay-friendly' has become desirable" (Puar, 2013, p. 336). In other words, homonationalism claims that immigrants are a threat to the gay community in the host country. Pim Fortyun and others that espouse homonationalism perpetuate eurocentric, classist, and queerphobic sentiments that help to create a sense of nationalistic protectionism and homonationalist homonormativity (Puar, 2007; McNeal and Brennan, 2021).

The particular view of LGBTQ+ identity and asylum that is informed by homonationalism fuels the stereotypes and assumptions used to assess LGBTQ+ asylum claims. The stereotypes range and vary depending on the case and LGBTQ+ identity. A few examples are elaborated on below.

For example, gay men are often expected to act effeminate. If they present as "too masculine" the IND could render the case as non-credible.

> So, a gay person shouldn't be very tough … [so] what I did, that time, because I love sport … I left [the] gym. I tried to lose my weight … I don't want to eat. Like I just only eat juice and some vegetables. I say OK. If I reduce my weight maybe they can

believe who I am … so I left [the] gym. I left my happiness, what I want." (Gay male asylum seeker in the Netherlands, Alessi, 2020).

Similarly, bisexuals often face claims that they are not sufficiently homosexual, and thus "disbelieved or, if they are believed, their capacity for heterosexual relationships is seen to mitigate their need for protection" (Raj, 2017, p. 6), as the example below illustrates.

> I apologise if you find my question inquisitive, but how did you feel when you had intercourse with men? (…) Can you describe how you felt while you were intimate with a woman? (...) Can you describe the difference in experience/feeling between having intercourse with a man and having intercourse with a woman? (...) Why did you feel more attracted to men than to women? (Questions asked by IND officers to a bisexual man claiming asylum in the Netherlands, Jansen, 2019, p. 51).

Lesbians tend to face criticisms of an "abstracted lifestyle", as in, where female same-sex relations are not criminalized it should be easier for them to live in the closet in their COO (Country of Origin) (Raj, 2017, p. 8). Raj elaborated for a rejected lesbains' case wherein the immigration officer claimed "she 'had merely adopted the persona of a homosexual' for a protection visa. By judging her claims against some abstracted lifestyle, being gay became synonymous with consumerism or promiscuity. On review, while her claims were accepted, the administrative decision-maker did not consider how the bureaucratic stereotype of an amorphous 'homosexual persona' denied the ways queer asylum seekers negotiated their intimate lives in specific cultural contexts. Due to a lack of cultural curiosity (or even desire to seek country information) on the part of the initial decision-maker, her claim was rejected. (Raj, 2017, p. 8)

> When did you become aware of your lesbian orientation? – At the age of thirteen. I had a friend who came to me regularly, and I loved her. But I had never reached the stage of actual sex.
> In which way and how did you experience this? Have you gone through a process of self-acceptance? Can you describe it? – No, I didn't have any contradictions in my feelings. The feeling was very strongly focused on other girls, and from the age of eighteen I also had sexual relationships with girls. (Questions asked by IND officers to a lesbian woman claiming asylum in the Netherlands, Jansen, 2019, p. 69).

Transgender applicants are often expected to have known from an early age, been rejected in the home, and to have always gravitated towards characteristics of the opposite sex (Jansen, 2019). In many trans cases, evidence is requested "which showed that individuals who identified within such a social group lacked employment options, frequently engage in sex work, and use drugs" (Raj, 2017, p. 7). The following quote illustrates this.

Have you ever tried to be like other boys? – No, I haven't. I kept on behaving girlish. (...) When they started threatening me, I had to leave. That's how I ended up on the streets. There, I started to behave even more effeminately, and there I started to live my life the way I wanted to. Then, everything became more difficult. (Questions asked by IND officers to a trans woman claiming asylum in the Netherlands, Jansen, 2019, p. 72).

In general, LGBTQ+ asylum seekers are more or less expected to adhere to the stereotypes and expected experiences of having a process of self-awareness and acceptance, to be able to define and relate to homosexuality, to have gone through or currently have an internal struggle with the LGBTQ+ identity, to have grown up in an LGBTQ+-hostile environment, to be able to talk about intimate sex details, to be able to articulate emotions or feelings towards themselves and others (loathe or longing, respectively), to have had a moment of awakening or awareness (i.e. a coming out experience), to reject religion particularly if coming from a Muslim background, to take risks in order to be with someone of the same sex or to transition, to know about LGBTQ+ organizations and initiatives in their COO and receiving country, to have had sexual experiences with people of the same sex (Lewis, 2014; Raj, 2017; Jansen, 2019; McNeal and Brennan, 2021; Jansen, 2022). This is by no means an exhaustive list of stereotyped expectations from the IND; however, its length is telling enough of the severity of the issue.

Compounding the problematic practice of stereotyping in the first place, is the precarious balancing act asylum seekers must perform in order to be believed based on those stereotypes. Too much or too little can lead to a negative decision based on incredibility.

Ethnocentric indexes used by adjudicators to visibly render a person's sexuality produce a 'double bind' for queer asylum seekers to negotiate. Hesitancy in oral testimony often undermines the credibility of the narrative, whilst well-scripted recountings of experience are disbelieved for the lack of emotional response. Either the individual fails to provide a 'coherent and plausible' narrative because of shame or trauma, or they respond in an unemotional manner, which makes the accounts of sexual persecution unbelievable (Millbank 2009: 17). (Raj, 2017, 8)

Stereotypes are constructed from perceived assumptions and biases about a particular group (Zhang, et al. 2022). It is often the case that "the relationship between mobility in the context of transnationalism and globalization, and the constitution of sexual identities, is politically highly ambiguous. It has been argued, for example, that globalization is contributing to the imposition of a modernist, Eurocentric, universalist sexual subjectivity and a formulaic picture of sexuality." (Stychin, 2000, p. 606).

Wherein the expectations and stereotypes are based in eurocentric assumptions of queerness which hold refugees and asylum seekers to those eurocentric assumptions and punish (by way of incredibility) those who do not fit the mold (Stychin, 2000; Puar, 2007; Millbank, 2009; Zisakou, 2023). This concept is elaborated on further in the analysis. The

examples given above are emblematic of what Dutch and other receiving-country immigration officers expect to see and thus project onto the LGBTQ+ asylum applicant.

1.3   Research Problem

While there have been many studies done on the needs and treatment of LGBTQ+ refugees and asylum seekers globally (Stychin, 2002; Millbank, 2009; Raj, 2017; Mole, 2021; Powel, 2021), and the Dutch specific context has been covered from the legal perspective (Jansen, 2019; McNeal and Brennan, 2021; Spierings, 2021; Jansen, 2022), there is a research gap in a few key areas.

First, the intersectional identities of LGBTQ+ asylum claimants (including but not limited to gender, sexuality, race, class, immigrant status, refugee status, sex worker status, trafficking victim status) allows for a problematization of the identity based credibility system currently in place. Given that all my participants are impacted by intersectionality[5] (Crenshaw, 1989), it is necessary to add for this context and to the existing literature. Next, the theme of how LGBTQ+ asylum seekers negotiate identity and belonging is lacking in the literature (Rodriguez, 2023). This is discussed in relation to transnational subjectivities in the analysis.

The issues regarding treatment and experiences of discrimination within COA (Central Agency for the Reception of Asylum Seekers) camps is also understudied because it is difficult for researchers to access refugee camps (Jansen, 2014). Some of my participants were able to speak at length on their experiences and shed some light on the situation. Underlying this study are the assumed western-aligned construction of narratives of "refugee", "gay", "lesbian", "queer", etc.. This construction is problematic because it standardizes who and what is a refugee, more specifically in this case, what an LGBTQ+ refugee is and how they are "supposed" to behave. The issue of proof and credibility is central to the discussion of stereotypes and subjectivities. Throughout this analysis, is the questioning of how systemically constructed ideas of LGBTQ+ identities interact in the asylum space and the impact of that on refugees themselves.

1.4   Research Questions

A. How do stereotypes inform LGBTQ+ asylum seekers' subjective experiences in the asylum process?
B. How do LGBTQ+ refugees and asylum seekers negotiate transnational subjectivities within local , national and international institutions of power?

---

[5] Intersectionality refers to the overlapping of systemic oppressions based on identities or social groupings (Crenshaw, 1989). The elaboration of how intersectionality impacts LGBTQ+ refugees is in Chapter 4.

1.5 The Use of LGBTQ+

Throughout this RP, I have made the choice to use LGBTQ+ instead of "queer" for international recognizability. It became clear over the course of my interviews that LGBTQ+ and its variations were more widely known and accepted and used as an identifying label than "queer". To more accurately reflect my participants and their terminology, I use LGBTQ+. Of course there was some variance. When asked how they self-identify, some people used "gay" to refer to all LGBTQ+ people, others primarily focused on gay, lesbian and bisexual identities, others only meant it for male homosexuality. Overall, LGBTQ+ was more representative of what people are familiar with in home countries and in the Netherlands.

Chapter 2. Theoretical Discussion

2.1 Works Echoed Throughout the RP

The key purpose of this study is to understand and delineate the relationship between individual subjectivities and institutional structures. To better understand both the individual and the institutional, Butler's (1990) theory of subjectification and Giddens' (1984) theory of structuration were crucial. While both theories speak to the dichotomy of structure and agency, they do so from different epistemological and ontological positions.

Both Butler and Giddens reject purely deterministic models of social life (whether biological essentialism or structural determinism). Both emphasize the mutability of social categories and the importance of human agency in the production of social reality. While Butler focuses on the power of discourse and normative frameworks in shaping subjectivities, Giddens emphasizes the interplay between agency and structure in shaping social life, stressing that social structures are both enabling and constraining. Both serve to inform how LGBTQ+ refugees and asylum seekers may negotiate transnational subjectivities within local, national and international institutions of power. By utilizing both theories, Butler helps us understand the formation of subjective identities, while Giddens' theory can use that in an applied relationship to institutions and structures.

Playing a more minor role, but still relevant to the theoretical discussion are the concepts of (im)mobility (Sheller, 2018), liminality (Peter, 2024), and queer borderlands (Abbou, 2018).

2.1.1 Subjectification and Structuration

Identity construction is highly intertwined with the concept of subjectification. The sociological and philosophical frameworks of Judith Butler's work are deeply necessary to understand LGBTQ+ refugee identities and experiences. Butler famously proliferated the idea that gender is something we do, and that performativity is how actions and behaviors constitute identity rather than expressing a pre-existing identity (Butler, 1990).

Butler argued that identity is not inherent but constructed through repeated performance. Drawing on Foucault's ideas of power and knowledge, Butler posits that subjects are formed within power structures and that individuals are both the products of power relations and the means through which power is exercised (ibid, 1990). The result of internalized norms, power structures, and how individuals understand themselves through these norms is what Butler and Foucault called subjectification. The use of subjectification provides this research with a basis of understanding that how subjectivities are performed shapes the structures and systems around us and how we as people interact with the same systems, which in turn impacts how we are perceived and how we perceive others. This is particularly useful when thinking about political and policy norms that are entrenched in the systemic view point of the subjectified individual.

Subjective identities are not only how we interact with the world around us every day, but also how power structures in turn interact with each other and various intersectional populations. Our subjectivities inform how we move through systems and how those systems treat us. It is with all of these complex identities –sex work, human trafficking, abuse, etc…– that people are coming into the asylum procedure with, which leads us to the concept of structuration.

Deeply related to subjectification is Anthony Giddens' work on structuration. Giddens proposes that social structures are both the medium and the outcome of the practices they recursively organize (Giddens, 1984). The theory emphasizes the dynamic relationship between agency (individuals' capacity to act independently and make their own free choices) and structure (the recurrent patterned arrangements influencing and limiting available choices and opportunities) (Chatterjee, 2019). "Structures exist only insofar as individuals act within them and reproduce them through social practices" (Giddens, 1984).

Giddens highlights the significance of time and space in social interactions, meaning that how individuals perceive social systems and structures changes over time (ibid, 2019). Structuration is relevant to this RP because it captures the nuanced relationship between individual agency and structural power. It emphasizes the intertwined and inseparable relationship of structure and agency, of how one informs and enables the other within the same system. Structuration theory allows a conduit for conversation between LGBTQ+ refugees' intersectional identities and experiences with institutional power. From structuration comes the analytical look at how LGBTQ+ refugees' subjectivities interact with the power structures of immigration systems and multiple governments.

2.1.2 Im/mobility, Liminality, and (Queer) Borderlands

Based in the complex relationships between movement, power, and inequality, Sheller develops the concept of mobility justice to highlight how patterns of mobility and immobility are deeply connected to issues of social justice, environmental sustainability, and global inequality (2018, p. 9). She argues that mobility is not just about physical movement but is intertwined with broader political, economic, and social systems that produce uneven access to movement and enforce immobility on certain groups.

Sheller uses the concept of (im)mobility to capture the dual and interconnected processes of mobility and immobility, highlighting how they coexist and reinforce each other (ibid, p. 2). Mobility justice is not just about expanding freedom of movement for all but also about addressing how systems of power dictate both who gets to move and who is forced to stay in place or be displaced. Mobility justice as a framework lends itself well to analyzing subjectified experiences of LGBTQ+ refugees in the Dutch asylum processes because of its already critical view of institutions of power. (Im)mobilities, like (queer) borderlands, speaks to the fluidity and multiplicity of the mobile experience; specifically, the dichotomy between forced mobility (as in the case of refugees) and mobility infrastructure (such as the IND).

Liminality is useful in understanding "social structures during periods of social transition" (Peter, 2024), and has been approached as a transitional zone between two

stages of life, into which subjects enter after ritually detaching themselves from the prevailing social order. The inter-structural movement 'between the formerly familiar and stable and the not-yet familiar and stable' (Turner and Turner, 1992, 132). (Peter, 2024).

This understanding of liminality is characterized by isolation, transition and exclusion, which are also characteristics of the refugee and asylum seeker experiences. Liminality will be used in this research paper to analyze the temporal and spatial dynamics of waiting in camps for LGBTQ+ asylum seekers. While liminality could be applied to other aspects of the asylum process, and has been (van der Pijl, 2018; Chossière, 2021; Wimark, 2021; Bhagat, 2023; Rodriguez, 2023; Peter, 2024), the scale and scope of this paper led me to choose a limited analysis of liminality in refugee spaces.

(Queer) Borderlands is based on the original theorization of borderlands in Gloria Anzaldúa's *Borderlands/La Frontera* (1987), who theorizes borderlands "as a space of connection, mixture, and fluidity rather than a line of separation" (Bost, 2024, p. 42). Anzaldúa also used her concept of the borderlands to move beyond the binary sex and gender categories (Bost, 2024, p. 42). Not only can borders hold gendered ideas of vulnerable femininity and be latent with masculine ideas of domination, they can also represent lines (physical or not) between "us and them", "we" and "the other".

In Anzaldúa's example of the US-Mexico border and here with the Dutch asylum proceedings, the "us vs them" divide is upheld by the white cisgendered heterosexual middle class male majority seeking to keep out the brown queer impoverished emasculated other. "While queer borderlands offer spaces for identity exploration and cultural sanctuary, they also highlight the ongoing struggles against systemic oppression and the need for inclusive narratives that embrace multiplicity and fluidity" (Bost, 2024, p. 44). The use of liminality with queer borderlands is intentional as one contextualizes the other when discussing LGBTQ+ asylum seekers.

Chapter 3. Methodology

3.1 Positionality

In foregrounding my positionality, I do so with the intention of informing the reader on where this study is situated, and I within it, not necessarily from the 'objectivity' referred to in standpoint epistemology of critical feminist studies (Harding, 1992). My positionality is that of a privileged academic migrant with a powerful passport. Also included in my positionality is my shared identity as a queer person and what it means to have a non(hetero)normative experience of the world.

I find it important to note my positionality particularly as an "insider-outsider" to the target group (Dwyer & Buckle, 2009), wherein I am a queer person but am not a refugee. Thus, there is a limit to how much I can relate to participants. In reality, I could relate only very little because of the difference in not only how each person comes to find their queer identity, but of the variance in cultural norms and acceptance surrounding queerness.

Still, I chose to use the hyphenated "insider-outsider" rather than only outsider to challenge to dichotomized manner in which they are often presented and to highlight my role as an "active member researcher", or someone who is part of group activities and committed to the values and goals of the group without necessarily being part of the group themselves (Dwyer & Buckle, 2009, p. 55). While doing so I risk overestimating my role within the community, I found and continue to find the commonalities and shared experiences more powerful than differences, particularly when talking with participants about difficult topics. Dwyer & Buckle summarize the dualistic relationship as follows

> Many feminist researchers have advocated for a participatory model (Reinharz, 1983, cited in Cotterill,1992) that aims to produce "non-hierarchical, non-manipulative research relationships which have the potential to over come the separation between the researcher and the researched" (p. 594). To make interviewing an interactive experience, researchers are invited to bring their personal role into the research relationship by answering participants' questions, sharing knowledge and experience, and giving support when asked (Oakley, 1981, cited in Cotterill, 1992). One does not need to be either an insider or an outsider to do this. (Dwyer & Buckle, 2009, p. 62).

Informed by my positionality is the choice (and necessity, in my opinion) to overlay the methodological choices with a decolonial framework. The scope of my research justifies a decolonial approach for a few reasons. Firstly, I think all types of research could benefit from aspects of decolonial methodology. Any research being produced by a western academic institution, one that is deeply embedded in colonial legacies and settings, should strive to incorporate decolonial and postcolonial methods in an effort to end the flow of colonial knowledge production and exploitation.

Another reason I feel the need for decolonial methods is because my project intersects with the historical roots of colonized and colonizer. Many refugees and asylum seekers coming to Europe today are from previously colonized countries (EUAA, 2024), and many LGBTQ+ refugees flee their home countries because of anti-LGBTQ laws that have origins in colonial eras. Decolonial methodologies are a conduit for understanding how I can investigate (Mignolo, 2021) instead of research. To learn how I can hold people in their trauma and pain, what gives me the right to do so–if anything–and how I can honor people and their stories (Cairo, 2021).

In particular, holding space, as outlined by Aminata Cairo (2021), is used in this research. Holding space describes a practice that is rooted in community care, intentionality and appreciation. It is not about information extraction, not about exploitation or power dynamics. I understand holding space to be a conscious effort on the part of the researcher to care for the communities and people in them. It was important to me that all participants felt heard, valued, and cared for during the research process and after, as I remain active in LGBTQ+ refugee spaces and continue to see them even after the research was completed[6].

3.2 Ethical Considerations

Because my participants were primarily current refugees, I took particular care in preparing for and mitigating ethical concerns. All participant data was anonymized, pseudonymized or redacted based on which was most appropriate. Transcripts were stored on a secure hard drive and no sensitive data was conveyed through messaging or email. Due to the informal nature of the interviews and my intention to keep it that way to ensure participants were relaxed and comfortable, I used verbal informed consent rather than written consent forms.

At the beginning of each conversation, I outlined the project purpose, explained the semi-structured nature of the conversation, provided example questions, explained how data would be stored and used, and emphasized that they were free to skip questions or end the conversation at any point. Participants were asked if an audio recording was permissible before recording began. There was space for participants to ask any clarifying questions they might have had questions before starting. Because they knew the conversation would be more or less on their terms and in their words, they tended to relax and ease into the flow of the conversation once we began.

There were more broad considerations for talking with current refugees. Concerns of data being used against them or them approaching me because they thought I could help them in some way outside of the research. Although participants were as fully informed as possible, the risk of people being identified or exposed through participation, and the fear of this might have kept people from approaching me in the first place. Additionally a concern is participants following up with me asking for legal or practical support that I am

---

[6] Sections of this paragraph were taken from my final essay for 3211 Decoloniality in the Development Research Context.

not in a position or authority to provide. As much as I want to be of use, and for this project to be useful to LGBTQ+ refugees, I am mindful of the power dynamic at play and how they might see me as a gatekeeper or resource of information.

Additionally, in considering my ethnographic role, while announcements had been made about who I was and what I was doing there, these events were open for people to come and go. It was very possible not everyone I interacted with was aware of why I was there. However, because it was not an interview setting, I did not ask personal or sensitive questions in the casual conversations that came up. The primary results of the ethnography were general observations of the group or subgroup interactions that are not identifiable to one person or group. Therefore, I have decided to keep the ethnographic data. Though I do not do so lightly, drawing on Henderson and Esposito's explanation of harm in research, I am aware that I am in the position of power to define harm and it is my responsibility to mitigate it (2019, p. 883).

> One problem with the research community's ideas about harm, and decisions about how harm can be caused and/or avoided, is that they are based on (a) previous evidences of harm that we can identify, understand, and predict, and (b) any information that we can extrapolate from that evidence. While this construction of harm helps us avoid inflicting harm that we recognize and understand, it does not help us avoid harm that we do not recognize or understand. Though this construction allows governmental bodies and researchers to define harm—and allows researchers to decide how to mitigate it—without having to include potential subjects/ participants in the work of defining and mitigating, it also allows researchers to work unhindered by questions of harm that government and academic communities have not yet considered. (Henderson and Esposito, 2019, p. 883)

In response to ethical concerns raised by power dynamics, I built in multiple checkpoints with participants to ensure I am representing them as they want to be represented. This included discussing my analysis and results with them and inviting them to the draft seminar in September. While not a perfect solution, all efforts were made to be transparent and inclusive of participant voices.

3.3 Main Sources

This project is rooted in post-positivist, subjectivist epistemology, with an understanding that knowledge is informed by multiple sources, perspectives and realities, and the ideal of perfect objectivity is unattainable. Such that "experiences of truth are necessarily imperfect because they are ameliorated by our values and experiences" (Farrow and Mathers, 2020). Post-positivism also acknowledges that the observer, or researcher, is influenced by their background, context, and biases. Subjectivism, as it sounds, recognizes the personal experience as valid and factual knowledge (O'Leary, 2013, p. 7). With the focus being on the subjective experiences of participants, and placing a high value on meeting people on their own terms, this project utilized semi-structured interviews and limited ethnography.

3.3.1 Approach to Data Collection

My connection to each of the organizations came about quite naturally as I sought to learn more about LGBTQ+ advocacy in the Netherlands. I had contact with Rainbow Den Haag[7] and the COC[8] as a volunteer for months prior to asking for research opportunities. When it came time to find sources for research, I reached out to the people I knew, asking for a meeting or connection recommendations. I also reached out to LGBT Asylum Support and Het Wereld Huis, organizations I had no prior contact with, and obtained no response from them. Through the Rainbow Den Haag and COC events for queer refugees (that I obtained explicit permission to attend), I found current and former refugees who were willing to be a part of my study.

When I initially approached the organizers of Rainbow Den Haag to ask if I could ask for participants in that space, they told me to be careful. They had said that many researchers had come through before, that many people had already given their stories not only to the IND but also to researchers like me. If I was going to do this, I had to be mindful that people may not want to share, or may expect something in return. I was particularly sensitive to how I presented myself and the research, and made clear what I would expect from participants.

At the various events I attended from Rainbow Den Haag and the COC, I was invited by the organizers to present my project and invite people to approach me after the presentations and formal gathering time if they were interested in being part of my project. Through this method, I did not approach anyone asking if they wanted to participate, but was fully voluntarily approached on behalf of the other person. Once someone expressed interest, I reviewed the details of the study and what would be asked of them as well as their rights as participants. I chose to not approach people in an attempt to limit power dynamics or pressure people may feel to participate.

Following this summary of expectations, eleven people expressed interest, however, only six responded to my scheduling follow up messages. The events I was at were explicitly and only for LGBTQ+ refugees and asylum seekers and were open to current and former (with and without residence status) refugees. Because of this base setting, anyone who approached me was a potential participant. Criteria for participation was very broad as I wanted the research to be informed by a range of experiences. The only requirements were to be a current or former refugee who identifies with the LGBTQ+ or queer community. The people who approached me at those events had various reasons for why they did so. One person said because he was also a student (or trying to be) and wanted to support me in my studies. Another person said she just wanted someone to listen to her and know her story. I did not ask people why they approached me; the information I know is what they voluntarily offered. Throughout the research/data collection process, what became most clear was that the people who I was talking to were seeking some validation of their struggles, they wanted someone to listen empathetically to

---

[7] Rainbow Den Haag is a local nonprofit that runs social events for LGBTQ+ refugees in The Hague.

[8] The COC is an LGBTQ+ advocacy organization and has asylum and refugee specific programming. COC stands for Culture and Leisure in Dutch. It is not widely known as anything but "COC".

them and care about who they are. The refugee participants will not be connected to any organization as a level of identity protection.

3.3.2 Qualitative Interviews

Semi-structured, conversation based interviews were conducted with former and current refugees and refugee advocacy group organizers. The choice of semi-structured qualitative interviewing was deliberate as this methodology allows space for personal narratives of subjectivities to flow in a more conversational way (Keyel, 2021). The interviews were semi-structured in the way that I had open-ended questions related to the research and let the conversation flow around those questions and the participant's desire to talk or not talk about certain topics. Namely, if we touched on something they did not want to elaborate on, we moved the conversation to a different topic. Or vice versa, if they were keen to discuss a topic in detail we would spend more time on that. Keeping the structure flexible allowed for participants to guide the conversation around issues they most wanted to talk about, and I would ask (clarifying) questions regarding the research. By doing this, I hoped to keep the participant lead, subjective narrative intact as much as possible.

Four current refugees, one former refugee, and one community organization leader were interviewed. Initially, I had planned to only talk with former refugees who already had status to minimize the potential risk to participants. However, it soon became clear that it would be very difficult to find and interview former refugees given the timeframe available for research. Most social activities organized by and for refugees are focused on the active refugee population, more specifically, the ones in the camps around the Netherlands. Because I was using these organizations to find participants, it made sense to switch the population focus.

I found participants through refugee support organizations I had previous contact with, as outlined above. Particularly due to the sensitive nature of the conversations, I made great efforts to ensure the participants were comfortable and felt safe during the interviews.

Interviews took place in person and online according to what the participant preferred. Five interviews were conducted in person and one online. For the in person interviews, I was able to offer travel reimbursement for the participants thanks to support from the Zaaier Grant. The ability to meet in person and have expenses covered was greatly appreciated not only by me but also by the participants. One in particular, who lives in a camp three hours from the Hague and with poor internet connection, said it was the only way she would be able to talk with me. Additionally, the Zaaier Grant allowed me to travel to participants who could not come to the Hague. For the online interview, it was conducted via secure Microsoft Teams meetings. The meeting link was sent five minutes before the meeting and was password entry to mitigate the risk of "zoom bombing"[9] (Roberts et al., 2021). All participants were contacted and interviews were scheduled either via WhatsApp or email. While I had given email as an option, WhatsApp messaging was preferred by refugee participants for its convenience and because some participants didn't

---

[9] Zoom bombing is when uninvited persons join online meetings and cause disruptions.

have an email address. Before exchanging phone numbers with refugee participants, I explained the ethical considerations at play; namely, that I would not share their number with anyone and expect the same from them, that I would not contact them about anything unrelated to the project, that I would delete their number after the project was over unless expressly asked not to.

The interview length ranged from twenty minutes to two hours, with the majority being around forty minutes. After providing the basic overview of the project and all participants rights and obtaining informed verbal consent, conversation flowed as per the participant's direction. In other words, while I did have some questions prepared[10], most of the conversations did not require me to use specific interview questions as information came up naturally.

While not all participants were from English speaking countries, given the widespread international use of English, particularly as a lingua franca, all participants spoke English, thus all interviews were conducted in English. All quotations used are unedited with filler words not taken out and punctuation applied as accurately as possible from the audio recording. This was done to represent the participants as accurately as possible, to not change their words or manner of speaking.

Participant Profiles

In an effort to introduce the readers of this paper to the full humanity of the persons I conducted the research with, I have provided brief character profiles of my participants here. All names are pseudonyms. More details of their experiences are elaborated on throughout the paper.

Coral is a trans woman from Guatemala. Coral had to leave her home country because her political activism and SOGIESC repeatedly made her a target of violence. She came to the Netherlands about five years ago. In that time, circumstances led her to sex work. She now advocates for the rights of sex workers and trans refugees.

Mike is a gay man from Uganda. He came to the Netherlands almost two years ago after multiple threats were made on his life. He is currently studying computer science at a Dutch university. He hopes to work in the tech sector.

Mason is a bisexual man from Uganda. He has been in the Netherlands for about ten months. He was rejected by his family and had been reported to the police for being gay. He still struggles with the traumatic events that led up to his leaving Uganda. He wants to live freely and openly in the Netherlands.

Paul is a gay man and former refugee from Uganda. He came to the Netherlands about ten years ago. Very soon after arriving in the Netherlands, he became active in refugee support organizations. He continues to be active in refugee support and advocacy and serves as a leader for his community.

Mina is a trans woman from Russia. Mina has a master's in computer science and was progressing in that field when it became too dangerous for her to live as an out trans

---

[10] The sample interview guide can be found in Annex A.

woman. She came to the Netherlands seeking protection. While still in the asylum process she has been harassed and threatened. She plans to pursue a PhD after gaining residency status.

Sue a lesbian from Uganda. She was trafficked into Belgium and made her way to the Netherlands after escaping the people who trafficked her. She was found by the Dutch police and placed on the asylum track. Sue has a girlfriend still in Uganda she speaks to as often as she can. Eventually, they hope to be united in the Netherlands.

3.3.3 Ethnography

While the events I attended were primarily to meet participants, I was also there as a regular attendee and could participate as one of the group. These events were social gatherings put on by LGBTQ+ refugee support organizations, namely Rainbow Den Haag and the COC. This led to me being in an ethnographic-like scenario before I realized I was doing ethnography. While ethnography as such may have a variety of definitions, it is generally agreed that it involves "in-depth, case-oriented study, including long-term fieldwork and open-ended, often narrative-oriented interviews" and participant observation (Janmyr, 2022, p. 3). It was not my intention to use ethnography in this project, however, I found some useful insights from being invited into a community-only space. For logical and ethical reasons, I am only including observations from events I was explicitly invited to as a researcher. I found these spaces valuable to include here because these events were places people could perform and share their subjectivities. In other words, to be who they are in comfort and without fear of harm[11]. For example, I could see how people gathered mostly by country of origin, that these events were some of the only few times they left their camps, and that the connections and relationships built in these spaces have the ability to provide a lifeline for some people. Being in these spaces allowed me to see both the embodiment of and rejection of LGBTQ+ stereotypes among the refugee community.

Everyone in the space knew I was a student researcher and was aware of my presence as an "outsider". Throughout the events, much information was shared with me. I sought to represent all voices anonymously without sharing sensitive information. I draw on those experiences to inform the larger picture of how LGBTQ+ refugees find and retain community, and use those spaces for collective sharing of joy and pain. I found the ethnographic data and perspective as a researcher useful because ethnography as a method allows for "questions of power, knowledge, reflexivity and subjectivity" in the research (Janmyr, 2022, p. 1). Although, I am aware that this study lacks the long term engagement necessary for a true ethnography and therefore default to using "mini-ethnography" in reference to my use of this method.

---

[11] Generally, these events were safe spaces. That's not to say that all people who attend automatically feel safe. I did not speak to everyone there or claim to understand the intricacies of what makes those events safe or not for each individual.

3.4 Limitations

The primary limitation was the small sample because there was less data to work with. Although, this also allowed for in-depth conversations and personal follow up with each of the participants. While all participants were found through local LGBT advocacy organizations, this allowed for only relevant and interested participants to be considered. No participants were contacted individually or outside an organization setting. While this helped to concentrate potential participants, it also meant that all participants had access to 1) a source that informed them of the organization and it's events (i.e. social media, a COA associate, or a friend/contact); 2) the means to attend these events, usually through travel funds provided by COA; 3) the motivation to attend (i.e. the feeling that they would benefit from the event). None of these are inherently positive or negative but they do inform the type of participants I gathered. For example, in order for a COA associate to tell a refugee about Rainbow Den Haag, that refugee has to be out as LGBTQ+ to at least that COA employee. In other words, my sample was limited by not including people who were "closeted"[12] (Sedgwick, 1990), and people who had limited access to information about events and how to attend these events, and people who do not already have some kind of connection not only to an organization like Rainbow Den Haag or community more broadly. Of the current refugees I talked to, four had primary friend groups from Rainbow Den Haag events and two had no primary friend groups in the community organizations or the COA residence.

Additionally, the sample of people and interviews I collected is limited by the identities the participants hold. I spoke with four people from Uganda, one from Russia and one from Guatemala. This means that my data is missing voices from the Middle East, South Asia, Central Asia and East Asia. Further, the data is both informed and limited by the LGBT identities the participants have. The "Q+" is too broad to have reasonably included all identities.

---

[12] To be closeted, or in the closet, is a way for LGBTQ+ people to express or describe not being public about their LGBTQ+ identity. It is used by members of the community and not by allies or non-LGBTQ+ persons.

Chapter 4. Negotiating Transient Identities

4. 1 Intersectionality in Asylum Claims

Intersectionality, in its original use by Kimberle Crenshaw, drew attention to the overlapping systematic oppressions experienced by African American women in the US (Crenshaw, 1989). The term has since been used to apply to people or people groups around the world subject to systemic overlapping oppressions (Chib, et al, 2022). Intersectionality acknowledges that someone can be concurrently affected by their intersections of marginalization. In the context of this study, participants are not only refugees, they are also members of the LGBTQ+ community, and may also hold additional identities that add to their intersectional experience of oppression.

In this study, there are also cases of trafficking survivors and sex workers, people from low socioeconomic backgrounds, and living in the Netherlands without residence permits. The recognition of all the intersectional oppressions is crucial if scholars and immigration officers are to understand how refugee subjectivities are shaped by intersectionality.

Intersectionality is important in the discussion of credibility and stereotypes because the intersectional subjectivities are often ignored in the IND's creation of stereotypes which leads to a perceived lack of credibility. "Only those asylum seekers presenting themselves in a manner that is consistent with a relatively circumscribed, and broadly "western", conception of sexuality are likely to be viewed as "genuine" (Powel, 2021). The assumption and imposition of "western" LGBTQ+ norms is not only problematic in general, but has real harm in its implications from the IND. "Western" conceptualizations of sexuality can be "comprised of (1) sexual orientation, which refers to the attractions one has to others; (2) sexual behaviour, which covers the intimate engagements in which a given person partakes; and (3) sexual identity, which covers a wider spectrum of social and political behaviours that demark who someone is.

Often, asylum claims conflate these three concepts" (Powell, 2021). In practice this looks like immigration officers assuming a man who has sex with men identifies as gay when this is not always the case. The assumption is that activity is connected to identity and that the only identities those actions fit are gay or bisexual. When asylum claimants do not adhere to or use the same words or behaviors expected by the western stereotype, they are less likely to be seen as credible.

Additionally, the decision and outcome are highly dependent on the applicant's country of origin (COO) because the legal severity of being LGBTQ+ varies from country to country. For example, "Country of origin policy often refers to 'LGBT' and usually makes no distinction between the different subgroups. "This recently changed when transgender people from Iran were no longer qualified as a 'risk group'. Later on, transgender people from Venezuela did get classified as a risk group." (Jansen, 2022, p. 120). While the IND places an emphasis on personal stories, they also look at the COO

and if it is "safe" for the individual to return to; which often results in not only the diminishing of identities but also puts asylum seekers in precarious situations (AIDA, 2023, p. 95)[13]. In doing this, the IND chooses to place more emphasis on one piece of an intersectional identity while minimizing other pieces.

> In many countries of origin, they are confronted with structural human rights violations and the State Secretary does not pay sufficient attention to the serious consequences that this has. Often it is not possible to obtain gender-affirming health care and legal recognition of gender identity in the country of origin. Because they do not conform to the gender that is expected of them, they are confronted with excessive violence, by fellow citizens and by authorities. In addition, for trans women, sex work is in many cases the only way to earn a living, which contributes significantly to their marginal position in the country of origin. (Jansen, 2022, p. 120).

The transnational subjectivities of LGBTQ+ refugees are inherently intersectional. As someone moves through not only physical boundaries but also multiple discourses of power that transcend borders. The institutional power of the IND is one of determining credibility of one's SOGIESC, which as established is a flawed premise; however, the IND has given itself the task of doing just that.

4.1.1 Determining Credibility

It is well known that asylum claims must be seen and assessed as "credible" to the immigration authorities in the receiving country (Lewis, 2014; Raj, 2017; Jansen, 2019; McNeal and Brennan, 2021; Jansen, 2022). For the Netherlands in particular, Sabine Jansen has done an extensive review of what it is to include credibility in one's asylum case. Credibility assessment is critical in asylum cases, but evaluating an applicant's sexual orientation poses unique challenges. Cultural misunderstandings and language issues complicate these assessments, and authorities are often skeptical of self-identification, fearing fraudulent claims by those seeking asylum based on persecution for sexual orientation. This fear leads to efforts to verify orientation, despite the impossibility of objectively determining it. EU law mandates that credibility assessments avoid relying solely on stereotypes, emphasizing that these evaluations must be conducted fairly and without bias (Jansen, 2019, p. 42).

Additionally, the UNHCR "Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status" makes clear that in all cases that lack "sufficient proof", the benefit of the doubt must be granted to potential refugees (2019, p. 196). The benefit of the doubt is extremely necessary given that many people seeking refugee status do not have all variants of "proof" for their case, tangible or not. The burden of proof and legal pressure for proof also ignores the multiple intersectional identities that LGBTQ+ refugees commonly have and the systemic barriers that work against them. The "proof" requested generally follows the DSSH model. IND officers look for stories of struggle and shame.

---

[13] The IND has a continuously updating list of safe COO, wherein "safe" is dependant on various communities, identities and ever-changing circumstances.

Often, they expect stories to hinge on a "coming out" moment after which everything gets worse (Lewis, 2014).

In one of the community meetings I attended, there was an LGBTQ+ former IND employee there. She now works in assisting LGBTQ+ asylum seekers with their cases and interviews. In talking about these procedures, she confirmed what the academic reports show; that is, although under WI 2018/9 IND interviewers are not permitted to engage with stereotypes in their interviews, they are human and biases emerge regardless.

It cannot be understated how deeply the intersection of gender, sexuality, race, religion, health status, education, class, country of origin and other identities impacts each individual asylum case. Rogruiguez discusses the interplay between the oversimplification of intersectional identities and western centric narratives:

> The oversimplification of complex journeys of sexual identity development by legal systems through the expectation of rigid trajectories negatively impacts LGBT asylum claims. Decision-makers often overlook the concealment of non-normative genders and sexualities among asylum-seekers due to oppressive social forces leading to the rejection of their claims based on Western-centric normative "gayness". This reveals "the tacit (re)enforcement and imposition of Western narratives of what counts as intelligible sexual and gender identities, persecution, or injury" to highlight the complicit nature of the resettlement paradigm in producing, disciplining, and shaping queer refugees as normative LGBT subjects and "secure" (i.e. non-terrorist) citizens of the country of resettlement. (Rodriguez, 2023, p. 526)

The prevalence of intersectionality and the oversimplification of such, could not be more clear than from the research participants of this study. None of the participants are "only" refugees but also have other overlapping identities and experiences that contribute to intersectional trauma requiring an intersectional approach. Sue, for example, is a lesbian refugee from Uganda, where she can face life imprisonment or the death penalty for "practicing homosexuality" (HRW, 2024). For Sue, however, being a lesbian refugee is not her only identity. She is also a survivor. She was trafficked to Europe, and physically and sexually assaulted before she was found by police in the Netherlands.

Given what little was known about her situation by the Dutch authorities, they classified her as a refugee before she sought to claim asylum herself. While it is a means for her to gain legal residence, it was not her choice and now she must remain in the system until a verdict is reached on her case. Unsuprisingly, Sue struggles with mental health challenges such as depression, anxiety, and suicidal thoughts. All of these compounding and intersecting factors result in Sue's case being particularly unique but also one of thousands.

Sue, like all refugees, has a case of intersectional challenges that need to be responded to with intersectional approaches. I say "all" here because no refugee is only a refugee. Each person holds a multitude of stories and identities within them. Many scholars and activists in the field of LGBTQ+ refugee rights, including myself, understand and argue that being believed, of having one's story be found credible, is necessary if immigration authorities are to treat LGBTQ+ refugees and asylum seekers with respect

and dignity.

As Jansen mentioned in the quote above, the IND (and other immigration authorities in western "destination" countries) fear the overuse or misuse of LGBTQ+ identity as a gateway to easy access of refugee status. This fear is based on what Rodriguez (2024, p. 526) elaborates on as "western-centric normative gayness", of which refugees are a threat. While the normative homonationalist rhetoric focuses mostly on men from Arab countries as the primary threat, it can also be expanded and weaponized against all migrants in its most extreme form (Puar, 2007). In this case, Sue is also a threat because of her position as a (perceived) single, African woman who does not fit the Dutch "normative gay" image (Puar, 2007; Spierings, 2021).

As discussed, that image being one of a white, middle class gay man in a monogamous relationship. The idea of homonationalism was discussed in the introduction because it is foundational to understanding how, in protecting the homonationalist state, stereotypes and archetypes are enforced on LGBTQ+ refugees not only during the detainment and interview phases but also throughout their lives in the Netherlands following a positive decision.

4.2 Challenges in Accommodation and Detention

It is well known that LGBTQ+ refugees and asylum seekers face exorbitant amounts of harassment and discrimination throughout their process, not least of which occurs while they wait in refugee camps run by COA (Jansen, 2019; Yvon der Pijl, 2018; Mole, 2021; Danisi, et al., 2021; Nematy, et al., 2022). With the risk of academic redundancy, I found it important to include in my analysis because all participants mentioned issues with discrimination at their respective facilities. Seeing as none of my participants were at the same camp, and none of them had exactly the same issues, it is worth repeating here that the COA facilities insufficiently address the issues of discrimination faced by refugees in the camps, and the physical and mental health issues that result from that discrimination.

> I just accepted that this is not the place to make friends. Nobody should expect to make friends there, any meaningful connections or anything. Of course, some people may get lucky, but you shouldn't expect to make any friends there [COA camp]. (Mina, 2024).

> I really don't expect this second interview to come anytime soon. I think I have to wait at least another seven months. Maybe, I don't know. Some people may get lucky, maybe I will get lucky, but I shouldn't expect it. (Mina, 2024)

Mina talked with me at length on the conditions she faces in COA facilities. As did Coral and Sue. Mike and Mason had little to say about their experiences within the camps, claiming that it was "uncomfortable but not unbearable" (Mason, 2024). Various aspects of this have already been touched on in the analysis but I draw particular attention to it here for its pervasiveness of an issue. It has been known for years that LGBTQ+ refugees suffer

unduly in refugee camps yet little has been done to improve the situation. From talking with the participants, some of whom were in camps nine years ago, four years ago, and currently, I have learned that not much has changed.

> If you are having a coffee break and you are gay seated with somebody. So the other group they can say you see the other guy in the corner is a gay. You know the reaction people say I don't care about it, but also they are not positively out to you. So that back talking about you is also it means you are not safe a little bit… And to integrate in this community is also difficult if you are gay. (Paul, 2024)

Paul was a refugee nine years ago. He currently works with an LGBTQ+ refugee advocacy group and other jobs on the side. When we talked about stereotypes, common norms and assumptions, he stressed the importance of solidarity in community. He had said that just because someone was LGBTQ+ does not mean that they cannot or do not discriminate against other LGBTQ+ people. It seems obvious and counterintuitive that on the one hand, anyone can do harm to anyone, and on the other hand, people might discriminate less within their own groupings. However, Paul along with Coral, Mina, and Sue all had stories to share of harassment and ill treatment from other LGBTQ+ people in the camps.

Sue suffered from extreme depression and anxiety following the traumatic events of the trafficking, understandably so. However, it was not until she expressed explicit concerns of self harm that COA did anything in response to her calls for help. In another incident with COA staff, Sue was discriminated against because of her lesbian identity.

> I needed to talk to someone. Things were piling up in my head. At some point, I just wanted to die because of the shame, because of how I generally felt about myself, but yes, it took me over five months, and they kept telling me that, you know, this is Netherlands. For any medical attention, you have to wait for a long time. It didn't matter how severe it was for me. I had to wait, and it took for me to really break down to the point of wanting to die that I got the help from a specialist, a trauma specialist. (Sue, 2024)

Coral also had negative experiences with fellow refugees, LGBTQ+ and not, as well as staff within the camps. I want to draw attention to the shared experience of poor health care available in the camps. Four of the six participants mentioned inadequate health care in the camps. It is not uncommon for refugees to experience inadequate health care, particularly mental health care (Danisi, et al., 2021; van der Pijl, 2018; Nematy, 2021; Jansen, 2019). In response to the myriad of research, reports, and complaints about the lack of adequate health care, the IND has done nothing to date to rectify this (Rodruiguez, 2023, p. 532).

> No, no help, no support until I was feeling really ill. And my boyfriend took me to the hospital. But it was like if it's not COVID, you can't...In the camp, it's also scarce

because there's only one doctor for... Yeah, for mine, it was the one doctor. One doctor. And it's very bureaucratic. Like the Netherlands. First you have to call. The one doctor. No, first you call to the line and speak to a customer service. Explain your symptoms. And if she clicks on all the symptoms, then you get to get an appointment. That's in the camp. Then you go to a doctor. And of course you have to be insured. Because the Netherlands is with insurance. (Coral, 2024)

The quotes from participants demonstrate the various levels of insecurity they faced within COA facilities due to harassment from other refugees and COA staff. While there are guidelines and rules for how all refugees, including LGBTQ+ refugees, should be treated (WI 2015/8, paragraph 3). These standards are not maintained or enforced. The pervasive use of stereotypes not only impacts asylum application outcomes, but as we are focusing on here, the treatment of LGBTQ+ refugees in camps as they await decisions. The stereotyping, it can be argued, serves the state in two ways. It allows states to create and maintain a heteronormativity; that is, the cisgendered, heterosexual 'norm' of life the states aim to perpetuate.

Within the camps, people can be subject to harassment or community based on COO, religion, political opinions, and of course LGBTQ+ identity. It is common practice for the IND to place "similar" people together (e.g. Arabs, Muslims, LGBTQ+ persons), however this separation can be harmful and based in stereotypes (Jansen, 2019; McNeal and Brennan, 2021). For example, it is very difficult to convince the IND that a practicing Muslim is also LGBTQ+ because the IND officers believe these to be incompatible (Jansen, 2019; McNeal and Brennan, 2021). Of course, this is a perceived stereotype but it is one that places LGBTQ+ Muslims in a precarious situation not only for their asylum case but also in the camps where they can receive harassment and threats from other Muslims.

One example of this is a lesbain from the MENA (Middle East and North Africa) region who I spoke with at one of the community events. She was describing her life in different COA locations and how it changed when she emphasized different parts of her identity. When she was initially placed with other MENA people, she felt she could not be herself for risk of harassment. However, when she transferred based on her LGBTQ+ identity and was placed with other LGBTQ+ women, she felt safer.

The scope of this RP is limited and will not discuss the role of religion in depth, there are, however, other sources that do such as McNeal and Brennan's 2021 article "Between homonationalism and Islamophobia: comparing queer Caribbean and Muslim asylum seeking in/to the Netherlands". It would be remiss to not mention religion given how large of a role it can play in LGBTQ+ asylum cases and the treatment of such in the camps.

4.2.1   Camps as Liminal Spaces

When discussing the conditions of the camps, it is not only the treatment and amenities that must be considered but also the liminality of the space and the structural agency available to refugees inside it. Many studies have been done on the liminality of refugee

camps, as well as the liminal spaces LGBTQ+ refugees inhabit before arrival and after receiving a decision (van der Pijl, 2018; Chossière, 2021; Wimark, 2021; Bhagat, 2023; Rodriguez, 2023; Peter, 2024). However, in this section it is my intent to add the specific voices of my participants and to put them in conversation with liminality and Mimi Sheller's concept of (im)mobility and mobility justice (Sheller, 2018).

Liminaltity is commonly understood as a transitory phase, a temporary place of uncertainty and sense of being "betwixt and between" (van der Pijl, et al., 2018, p. 18). However, liminality is not just temporal, but also physical. While refugees, or anyone, is in a liminal space, they are still a person with a life. Thus is it necessary to consider "the 'in-between' as a place where people live, rather than pass through, enabling examining the time and space between departure and arrival as a social process that (trans-)formatively affects individuals and communities" (Peter, 2024, p. 2).

> Throughout the existing literature, terms like "vulnerability" and "vulnerable" are frequently used to describe the experiences of LGBTQRAS, which may inadvertently perpetuate stereotypes about this population as powerless and devoid of agency. Previous studies have examined the concept of "vulnerability" vis-a`-vis the case of asylum-seekers. From facing social isolation to experiencing a state of liminality, to confronting oppressive governmental systems, manifestations of vulnerability among this population have been described as diverse and cumulative. However, it is crucial to approach "vulnerability" with nuance, ensuring we do not inadvertently strip asylum-seekers of their agency. In light of this, we should critically evaluate the language we employ in future studies, acknowledging the capacity of refugees and asylum-seekers for self-determination. (Rodriguez, 2023, p. 541).

Rodriguez draws a line between vulnerability, agency and liminality. Agency is a term that none of my participants felt a direct connection with. As Mike and Mason converted agency into freedom, Coral and Sue responded more with "What agency? What empowerment?" (Coral, 2024). If someone was treating them poorly, a report could be made but COA was unlikely to do anything about it. If verbal, physical or psychological harm was done, again it would be reported but not dealt with. In terms of personal autonomy of movement, they can leave the camp but must return before the evening curfew or will not be let in. They must always carry identification with them. If they need travel money to attend LGBTQ+ specific events, they must request so in advance and with "proof" they are LGBTQ+ and going to an LGBTQ+ event.

> When I was just going to my camp, they told me we had a meeting with COA and were telling us how everyone is equal, everyone is treated the same. But in reality, it's not. It's just, they're just words. (Sue, 2024).

It seems as if agency is restricted due to the liminal nature of the camp setting. Because COA knows it is a transitory space in which they have all the control, they can restrict agency and movement in specific and temporally constrained ways, such as denying transport, transfer or entry. In a larger sense, the IND restricts the agency of refugees by

imposing the liminal space in the first place. "Asylum seekers usually have to wait months, even up to a year or more, before they know whether they qualify for a residence permit. During this time, they are not allowed to work, that is, they are excluded from the formal labour market and, hence, a substantial form of income. This situation might push them into exploitative labour conditions, particularly when there is an urgent need for money, for example, to acquire hormones or other medical treatment." (van der Pijl, et al., 2018, p. 18)

> I was ready to stay alive, you know? Okay, I'm going to look for a job and set some money aside to pay my debt in Guatemala and money to live here, to pay my rent, to pay my things, my food and everything. But then, in March 2020, the coronavirus hit the world. And that was another shock, you know? That was another thing because the government was telling us, stay inside, don't go out… So I started doing clandestine sex work. (Coral, 2024)

Expanding on Sheller's concept of (im)mobility, as discussed in the introduction, Sheller's 2018 book *Mobility Justice* discusses many intersectional inequalities among mobility and access. As mentioned, liminality for refugees can occur before moving, while in transit, while waiting in camps or detention facilities, and after receiving an asylum decision. In each of these stages, the ability to move is restricted by external factors such as states, laws, borders, the environment, or even illness and death (Chossière, 2021, p. 5). According to Sheller's framework, all of these liminal spaces could potentially be (and usually are) disruptions of (im)mobility and sources of mobility injustice. Inherent in the mobility justice framework are the underlying power relations. In this case, between state and refugee wherein the power is so imbalanced the refugees are all but stripped of agency. The lack of agency is exacerbated in liminal spaces where access to resources and support is constrained.

4.3 Negotiating Identity and Belonging

Subjectification informs how LGBTQ+ refugees understand and negotiate experiences of identity and belonging both in transit and in the receiving country. The impact of transient identities and the perception of such was a common theme among research participants. All participants expressed some recognition of the change in identity classification from the home country to the Netherlands. For some, this was a categorical labeling of "LGBTQ+" or "refugee" or "victim"; all of which are words ascribed to them which they could then choose to apply for themselves. Although, even if one rejected the label, that does not mean it does not apply to them still. Sue, for example, was labeled a refugee and victim before she had the chance to claim any label for herself:

> They took me to Ter Apel[14]. Actually, after the interview, let me call it an interview, after the first interview, they took me to Ter Apel and said I would get help there.

---

[14] Ter Apel is the first reception center asylum seekers go to when entering the Netherlands. They typically spend one to two weeks there before being transferred to a more long term COA location.

That's how I ended up going to Ter Apel. I didn't know I was going to Ter Apel to ask for asylum, by the way. I just thought, oh, these people are going to help me. They're going to help me find the people who assaulted me, who violated me. But it turned out I was asking for asylum, and I didn't know. So from the moment I went to Ter Apel, I cried and begged whoever would listen to me to help me, get justice, to help me find the people who did this to me. But everyone dismissed me. That was heartbreaking. (Sue, 2024)

Even though Sue did not leave Uganda as an out lesbian or a trafficking victim, she now holds those identities as part of who she is. However, the labels used to categorize identities and experiences are inherently more clear and straightforward than the experiences themselves. How can the lived reality of past and ongoing trauma, mental health struggles, physical and sexual abuse, separation from a partner or any real emotional support be summarized in a label? I do not believe it can nor should be.

The IND WI categorize victims of rape and trafficking as "vulnerable applicants" and "persons who need special procedural guarantees"[15] (AIDA, 2023, p. 145). In order for the IND to hold someone with this status, they would need a very good reason. Otherwise, the person should be provided psychological support and housing until they are able to present their case (AIDA, 2023, p. 145). The very inarticulability of Sue's experience lends to an understanding of transient subjectification (Kang, 2020), of how she negotiates her own sense of identity and belonging in this new space she finds herself.

It's been so, so hard for me to be heard. Starting with the police, when I was telling them my story, what had happened to me, they kept interrogating me. At some point, they put me in a single room, and I remember being so terrified, but then they kept asking questions and details, and in that moment, I felt so ashamed.

I'm better now because I've met with people who I talk to, and I can easily speak, but that time, I was so terrified, and I couldn't even give the great details of what had happened to me, but I felt like I was also being harassed by the people that I thought were going to help me. I don't know if it can even be done, but I want the people who talk to us, like the first people that I talked to, maybe I expected empathy because they were even women. I expected empathy to be a little bit less harsh, but I feel like it was so harsh, and they dismissed whatever I was talking, and they kept saying, oh, you're not the only one.

This happens all the time, so I felt like I'd run to these people for help, but they were actually dismissing me and invalidating my feelings, like what had happened to me, like it was me, yet it wasn't. It shouldn't be normalized.

(Sue, 2024)

Coral left her home country as a political refugee. Upon arrival and asylum claim interviews in the Netherlands, her trans identity came up. From the interviews, IND officials found everything credible except her trans identity.

---

[15] The screening process for identifying "vulnerable applicants" is not a standardized procedure. As such, it results in many people not receiving the care or time they need upon arrival (AIDA, 2023, p. 145).

My story didn't fully convince them that I was a transgender. Of course, because if you see my passport, my photo is a male photo. If you see my ID, because in Guatemala, nobody's going to take a photo with makeup. (Coral, 2024)

The IND's expectations of a trans woman's experience, following the DSSH model, would have found Coral's story more credible had she presented a coherent narrative of trauma, pain, unacceptance and fear (Jansen, 2022)[16]. The IND had provided an intent to deny her asylum claim because they did not find her "trans enough" on the basis of her not being out in her home country. Her subjectified experience of living under the oppressive Guatemalan government was highly informative and impactful for how she lived there and why she left. Her transient subjectification of the experience and identity she now claims in the Netherlands is inherently tied to who she is and, at the same time, is exogenously impacted by the systems around her. Because of the labels she was given ("refugee", "trans", "not trans enough", "gay", "queer"), Coral was subject to expectations of how people with those identifiers behaved.

For one category, Coral herself felt it was inevitable. As a trans woman, she is no stranger to sexual assault and harrassment. And as someone who had debts to be paid, she and other trans women in the camp had no choice but to turn to sex work for money. She was given the label of prostitute but she never ascribed this to her identity. Sex work was and continues to be necessary for so many women to make ends meet. For Coral, sex work is a means of survival, not empowerment.

Because of the things that I left in Guatemala, they were cut from one day to another, you know? I had investments, I had a car, I had a debt, I had a loan, I had credit cards, things like that, you know? I had a whole life there… What am I going to do? That was my question. I'm in an asylum process, I can't work. And I saw myself surrounded in a room with a bunch of trans and I saw what they were doing. And they were doing, in the middle of the night, they were getting dressed pretty and going out. (Coral, 2024)

Sex work, for Coral, was a double edged sword. It was a method of survival, a way for her to provide for herself. But it also brought stigma, slurs, rape, assault, addiction, and mental health issues. From this position of being assigned labels and taking on labels, Coral, and other refugees must navigate what is useful and what is not. "Language also provides a severe constraint on participation and acceptance. Moreover, while migration may facilitate the expression of a sexual identity, it may involve a sense of leaving other identities behind." (Stychin, 2000, p. 606).

The process of categorical determination is dually an administrative function of immigration services and an imposition of western norms, assumptions, and stereotypes on refugees. Both Sue and Coral were categorized and assessed as the IND saw fit, without regard to the reality of the lived experiences and identities they held true for themselves. What is visible to me here and has been found in other research, is the exogenous

---

[16] For a more exhaustive list of stereotyped expectations, see the introduction section 1.2 "What Stereotypes? What Assumptions?".

determination of identity and its imposition on refugees (Ticktin, 2011; Jansen, 2019; Thimm & Chaudhuri, 2019; Stychin, 2000).

This imposition of identity categories, I, and others, argue, is done for the purpose of state control and maintenance of a preferred internal population. "Liberal law reform occurs, but only within a strict set of constraints as to the requirements which are imposed as the price of recognition for the good homosexual. Recognition rights, as opposed to redistributive politics, are inexpensive for the neo-liberal state." (Stychin, 2000, p. 618).

Both Sue and Coral have had traumatic and complex experiences that led them to the asylum process in the Netherlands, and continued throughout the procedure. They were subjected to the Dutch stereotypes which inherently clashed with their subjective experiences. While it would not be unreasonable to believe that the intersectional complexity of their stories would make their claims more credible, in fact, the stereotypes used by the IND are so eurocentric, classist, and queerphobic they create a new standard of normativity for LGBTQ+ asylum claimants (Puar, 2007; Millbank, 2009; Zisakou, 2023). In Coral's case, her original claim was denied because of it forcing her to appeal through the courts.

4.3.1   Stereotypes in the Legal Context

The concept of negotiating one's identity and sense of belonging is integral to understanding the multifaceted elements of performativity and stereotyping involved in LGBTQ+ asylum cases. While there has been much work done on the experiences of LGBTQ+ refugees, less so has been published on transnational subjectivities in relation to local immigration law. Work by Stefan Vogler has been influential in the understanding of legal implications of transnational identity. Vogler, working in the context of the US, focuses on the framing of rights of LGBTQ+ refugees in accordance with local laws that are based in stereotypes. While there is a geographical difference, there are enough similarities in scope and content to be applicable. Vogler's account of US asylum law rings true of Dutch asylum law as well:

> Specifically, the law requires that petitioners prove their sexual orientations and subsequently that immigration officials classify claimants as belonging to a "particular social group." This requirement results in the codification of specific sexual identities in asylum law, which allows state actors to regulate aspects of the asylum process and render sexual subjectivities visible to the state (Shuman and Bohmer 2014). At the same time, the flexibility of the "particular social group" category allows petitioners to stake out new claims based on their unique sexualities. Thus, asylum serves as a site for the proliferation of state-recognized sexual identities and may legitimate broader understandings of sexuality in society writ large. It also speaks to on-going debates about the etiology of sexuality: is it essential and unchanging or constructed and fluid?... "My findings show that legal systems significantly impact the construction of sexual identity categories and (re)produce particular understandings of sexuality. (Vogler, 2019, p. 3, 10)

Legal accounts are useful here in exposing how reliant immigration regimes are on

stereotypes of LGBTQ+ applicants. "A critical problem for refugee adjudicators is negotiating the cultural differences and the emotional experiences of those who seek asylum. In 2012, the United Nations High Commissioner for Refugees (UNHCR) updated its sexual orientation and gender identity protection guidelines to address the need for culturally sensitive decision-making that disavows stereotypes (UNHCR 2012: 15-16). Psychologist Sharalyn Jordan argues that the demand for LGBT (intersex is not specifically featured in her discussion) refugees to 'come out' forces the narratives of claimants to meet ethnocentric and masculine expectations of sexual visibility" (Raj, 2017, p. 5). As Raj points out, there is a need and precedent for culturally sensitive and diverse-aware approaches to LGBTQ+ asylum claimants. However, as seen across multiple studies including this one, stereotypes and the expectation of them to be upheld, and discrimination that comes based on stereotypes, persists within IND and COA.

4.3.2   Subjectification and Freedom

The experience of simply existing as an LGBTQ+ person in a country with anti-LGBTQ+ laws shapes one's subjectivity and structural relation to the state that discriminates against them. Further, the relation to the state of origin impacts how someone is received and interacts with the receiving state (Hertogh & Schinkel, 2018, p. 697). As Mike and Mason discuss, there is a lack of trust and stability in both their home countries and the Netherlands because of their interactions with the state and its institutions. How they identify (as LGBTQ+ persons) is inherently tied to their interactions with state authorities. In other words, their subjective identities inform the structural agency available.

This is not to say that subjectivities are the only factor impacting structural agency, it is however the one currently in focus for this paper. Subjectivities and structural agency are not fixed or predetermined, rather they fluctuate as one moves literally and preverbally throughout life (Stychin, 2000, p. 602). The structural agency Mike has in Uganda is significantly different from the structural agency he experiences in the Netherlands, however, both are constrained agencies due to the nature of being subject to a state and its laws. Mike and Mason contrasted how they felt constrained due to their sexuality in Uganda with the ability to be open and out in the Netherlands.

> It has been difficult to express my feelings like in public, like when I was still in Uganda for so long time, because it has been like that for over 15 years back with me. So when I came here and I got the right to express my feelings with anyone in public without any blockage, so I feel good. (Mike, 2024)

Regardless of the real or perceived structural agency involved, the informed subjective experience is one of freedom for both Mike and Mason. What is surprising from Mike and Mason's stories is that both of them are currently in the asylum procedure, living in camps and, from the outside, seem to have quite limited freedom in terms of mobility, access to work and school. Moreover, Mason was first told he was free before he identified as free.

Yeah, when I came here and during my sessions with my psychologist, she told me I'm free. Here I'm free to do everything I want so long as I don't go beyond the law. Like I don't break the law. But it's concerning with my rights, with expressing who I am, with doing what I want. In the line with what I've been prevented to do when I was still in Uganda. I'm free. Which is different from Uganda. In Uganda, as I've told you, it's totally different. Yeah. So here, I'm free to the extent that I even attend the meetings with my fellows in [community organization]. In Uganda, it is prohibited. So I think I've got some free mind to do what I want. (Mason, 2024)

I came to the Netherlands to seek for protection. I could say I came to look for freedom of speech, of belonging, freedom of expression… ever since I came here I feel safe. First of all, I am proud to be who I am. And I'm proud to move freely. I can't fear that someone is gonna point out at me or be like this one is a gay. (Mike, 2024)

The topic of freedom arose when asked about what, if any, sense of agency they felt in the Netherlands. They understood agency as freedom. In Giddens' theory of structuration, he addresses how structure and agency are mutually constitutive, how structures (rules, norms, institutions) are both the medium and the outcome of social practices (Giddens, 1984). Applied to Mason and Mike, the institutions that create a safe environment for LGBTQ+ people in the Netherlands also apply to them and help create a sense of freedom and safety. However, the institutions that facilitate their entry (or not) into the country also impact their sense of freedom and safety.

The transnational subjectivities Mike and Mason have as people with freedom are shaped not only by their individual actions and experiences, but also through their entanglement with norms, discourses, and institutional power, which extend across national borders (Butler, 1990). While strong feelings of freedom were not necessarily expected from people still in camps and procedures, it is a prime example of subjectivities being shaped by institutions and institutions reflecting those subjectivities. The expected LGBTQ+ behavior created and enforced by Dutch society and the IND creates a normative framework from which refugees are also expected to understand.

Chapter 5. Conclusions

In conducting research for this paper, I met people from all over the world and traveled to many parts of the Netherlands. I talked with people who laughed to hide their pain. I talked with people who would do anything to fight for who they are and the ones they love. I talked to people who were on the brink of giving up, and some who had already seen their fate as doomed. I talked with so many people who have considered or attempted suicide because living with the weight of their experiences was too heavy. Each time my heart broke a little bit more for the pain they endured.

When I started this research I do not think I could have emotionally articulated the value of representation for LGBTQ+ asylum seekers. I do not think I will ever know the full weight of it, either. What I do know is that by pursuing this research, making the connections I have, and being a listener, I have become a resource for people. This research has led me to the resources and information available in the Netherlands to assist LGBTQ+ asylum seekers and I am now in a place to share those resources with the people I meet.

As for the participants, I think it is relevant to share their experiences in relation to borders, physical and political. Very often, participants would refer to their country of origin in comparison, in remembrance, in reverence or disdain, but always from their subjective experience. For Mason, the border between his home country and the Netherlands was the death penalty for homosexuality. For Mina, the border was safety. For Mike, the border was freedom. For Sue and Coral, the border was trauma. Each of them has a before and after in which they have a continuum of conceptualizations of their LGBTQ+ identity. By this, I mean that how an LGBTQ+ identity is experienced is influenced by the environment that surrounds oneself.

The asylum process also impacts how LGBTQ+ identities are lived and understood through the interactions with receiving country immigration policies, social norms, and exposure to new or different terminology. "These terms [non-English LGBTQ+] are not only linguistically diverse but also carry sociocultural implications that often do not have direct equivalents in English. Even within a single non-Western context, there may be a multitude of terms, each with slightly different meanings, further complicating their translation and incorporation into research." (Rodriguez, 2023, p. 520). The borderland is also a transition point for language use wherein, in efforts to "prove" one's membership to a particular social group, a refugee must claim a label easily understood by the receiving country.

In conversations with participants and ethnographic observations at group events for LGBTQ+ refugees, I came to understand the translation of identity across borderlands as a simultaneous communal and individual phenomenon. As people came and went for a particular community gathering for LGBTQ+ refugees, I could see how people congregated primarily with people from their own countries of origin. There was a sense of seeking familiarity and comfort with people who could share a memory and a struggle.

Even for people who had different spatial and temporal border crossings, there was still a connecting point. Even for people from different regions or communities made use of conceptual translation to meet people at this new liminal borderland of being a refugee, waiting for a decision.

The translation of concepts, literally and culturally, also needs to be examined for its impact on how the IND views LGBTQ+ refugees. Linking to the earlier discussion of credibility, there are particular stories and stereotypes that the IND measures people against as a test of "credibility" (Jansen, 2019, p. 42). The means by which individuals are assessed in interviews follows a pattern of what IND officials believe the LGBTQ+ (refugee) experience to be. Stereotyping in immigration procedures remains an issue for LGBTQ+ asylum seekers. While it is a harmful practice and the IND should implement the recommendations below, stereotyping is also widely known to occur and that is useful knowledge for asylum lawyers. The impact on LGBTQ+ refugee subjectivities cannot be measured; however, I hope this study has brought light to the severity of the issue.

5.1 Policy and Legal Implications

In order to formulate legal and policy implications, it is necessary to draw in the state's perspective. Using Scott's 1998 Seeing Like a State, Scott argues that states often seek to make society legible by reducing complex realities into data points, or categories that can be more easily governed (ibid, 1998). This process involves abstracting the rich, diverse, and fluid nature of local cultures, identities, and practices into easily manageable systems. However, in doing so, states frequently overlook or erase the complexities of subjectivities and lived experiences.

In the context of Butler's (1990) (and by extension, Foucault's) understandings of subjectivity and subjectification, they are theorizing about the process by which people are made subjects, specifically in the way people are being subjected to and being a subject of (institutions, norms, society). The recognition of transnational subjectivities as fluid identities that transcend national borders and challenge the state's binary classifications has profound political and legal implications. Traditional state policies on citizenship, immigration, and refugee status often fail to account for the hybrid and border-crossing nature of people's lives (Raj, 2017).

There is a disconnect between state discourse and refugee discourse, between state realities and refugee realities. In the IND WI 2018/9, it explicitly states that IND officers are not to discriminate, that SOGIESC asylum claimants are due "special procedures" and that those procedures include psychological and medical support, and heightened awareness of trauma from the IND (ibid, p. 7). The Netherlands is a signatory of the 1951 UN Convention relating to the Status of Refugees and the 1950 ECHR Convention for the Protection of Human Rights and Fundamental Freedoms. The Netherlands has, on paper, all it needs to provide a safe and inclusive immigration system. However, as demonstrated in this research paper and similar studies, LGBTQ+ refugees are stereotyped and discriminated against.

It is argued in this paper that LGBTQ+ asylum seeker subjectivities are shaped by institutions of power, namely the IND and eurocentric views of LGBTQ+ identities. The IND does this by imposing stereotypes on LGBTQ+ asylum seekers from which subjectivities are shaped and informed. The prime example of this was Mason, who when talking to the IND about his sexual activity mentioned men and women, at which point the IND officer in the interview asked if he was bisexual. Mason went along with it but was essentially prescribed a sexuality based on sex activity that was inappropriately asked for by the IND. Through the types of questions and persistence of the IND, they used constructed narratives of what the LGBTQ+ refugee experience is and enforced this narrative onto asylum applicants. In this way, the IND perpetuates western queer stereotypes not only onto asylum seekers, but for themselves as well.

5.2 Recommendations

In order to improve the asylum procedure, legal standing and political situation for LGBTQ+ asylum seekers, I propose the following recommendations. These recommendations are based on the reports and recommendations by leading scholars, academics, activists, and lawyers in the field of LGBTQ+ asylum, applied to this specific research.

To begin with, the IND should drop its emphasis on emotional story-telling, narratives of self-discovery, and expectations of shame. "The most important question should not be, 'What inner conflicts did you have with yourself in the LGBTI-phobic society you fled?' but 'Why did you flee?'" (Jansen, 2022, p. 139). This would remove the emphasis on the credibility of the asylum seeker and redirect it to the reason they fled in the first place.

The IND should allow people to self-identify (and not correct them when they do so). It is not their job to prescribe genders and sexualities to people. Nor should they place too heavy an emphasis on a person's LGBTQ+ identity if it is not the sole reason they left their COO.

To implement these changes, the IND should also incorporate more robust training for all its staff, particularly the people involved in the interview process. The questions they are allowed to ask as well as their behavior in the interviews should be addressed. Cultural competency training should also be implemented to increase the awareness of people's biases and stereotypes. Cultural competency training for the Netherlands would include a history of LGBTQ+ and refugee rights in the Netherlands, the dominant cultural assumptions and norms around LGBTQ+ people and how to think critically about one's assumptions.

Following the previous recommendations would logically lead to an end of the use of stereotypes in asylum procedures. Although it is on paper that the IND does not allow the use of stereotypes, it is obviously not the case and should be addressed more strictly. Additionally, a change to the type of questions asked and more monitoring and evaluation

of interviews could help to curb the amount of inappropriate questions LGBTQ+ asylum seekers get asked.

COA staff should also receive cultural competency training. Each COA location should have at least one designated LGBTQ+ support person[17] who is properly trained in the experiences and needs of LGBTQ+ refugees. COA and IND training should be trauma-informed, based in nonviolent approaches, psychologically informed and from an international and intersectional lens.

In general, policymakers should be aware that individuals' identities and experiences are complex and cannot be reduced to legal categories. Policies should incorporate local, lived experiences of refugees and migrants, recognizing their agency and knowledge. A more just approach to migration would ensure equitable access to movement and the right to remain, challenging global inequalities that force mobility or enforce immobility on vulnerable populations.

5.3 Political Outlook

The recent political action in the Netherlands (the 15 May Coalition Accords and the 13 September Government Program[18]) reveal a deepening bias in how LGBTQ+ asylum seekers are categorized and treated within a restrictive political climate. Following the rise of right-wing parties and their anti-immigration stance, new measures intensify border security, limit asylum requests, and restrict appeals, often forcing deportations and reducing housing options for refugees. While the government purports to prioritize the protection of "vulnerable" groups, including LGBTQ+ refugees, this selective focus leverages Dutch pro-LGBTQ+ sentiments in a divisive manner.

By framing Muslim male asylum seekers as implicit threats to LGBTQ+ and female applicants, the policy effectively reinforces stereotypes, casting certain asylum seekers as "bad" claimants. This use of homonationalism, exploits the LGBTQ+ asylum narrative to justify harsher immigration restrictions while stigmatizing specific groups. Consequently, LGBTQ+ asylum seekers are entangled within a biased framework that grants them conditional support, contingent on reinforcing negative stereotypes against other asylum seekers, particularly Muslims. This exclusionary approach not only limits genuine inclusivity but also threatens the integrity and fairness of the asylum process.

While the political situation in the Netherlands right now is more openly unfriendly towards refugees, it is by no means new. As discussed in the introduction, the Netherlands has a long history of anti-immigration sentiments. However, in the present context is of course when this study is conducted, with an understanding that what is happening now will undoubtedly impact asylum processing for years to come in the Netherlands.

---

[17] Currently, only some COA locations have a designated LGBTQ+ support person and they are not specially trained on LGBTQ+ issues.

[18] As discussed in the introduction.

References

Abbou , J. (2018). "Queer Solidarity Smashes Borders." A politics of solidarity with migrants as queers. *Migrations Society*, 173, 79-98. https://doi.org/10.3917/migra.173.0079.

AIDA. (2023). 2023 Update: Netherlands Country Report.

Ahmed, S. (1990). "Home and away". *International Journal of Cultural Studies.* 2:3, 329-347.

Alessi, E.J., Kahn, S., Greenfield, B. et al. (2020). "A Qualitative Exploration of the Integration Experiences of LGBTQ Refugees Who Fled from the Middle East, North Africa, and Central and South Asia to Austria and the Netherlands". *Sex Res Soc Policy* 17, 13–26. https://doi.org/10.1007/s13178-018-0364-7.

Anzaldúa, Gloria. (1987). *Borderlands: La Frontera: The New Mestiza.*

Balaguera, M. (2018). Trans-migrations: Agency and Confinement at the Limits of Sovereignty. Signs, 43(3), 641–664. https://www.jstor.org/stable/26553026.

Berg & Millbank (2009). "Constructing the Personal Narratives of Lesbian, Gay and Bisexual Asylum Claimants", *Journal of Refugee Studies*, 22(2), 195–223.

Bhagat, A. (2023). Queer Global Displacement: Social Reproduction, Refugee Survival, and Organised Abandonment in Nairobi, Cape Town, and Paris. Antipode, Available from: 10.1111/anti.12933.

Braidotti, R. (2011). "Nomadic Subjects: Embodiment and Sexual Difference" in *Contemporary Feminist Theory,* Second Edition.

Budhiraja, Sangeeta; Susana Fried and Alexandra Teixerira (2010) "Spelling it out: form alphabet soup to sexual rights and gender justice", in Amy Lind (ed) *Development, Sexual Rights and Global Governance*, London & New York: Routledge, pp. 131-144.

Butler, J. (1990). *Gender Trouble*. New York: Routledge.

Bost, S. (2024). "Border Women, Queer Mestizas, and Nagualas" in *The Routledge Companion to Gender and Borderlands.* 1st. Ed. Routledge.

Cairo, A. (2021). Holding Space. In Holding Space: A storytelling approach to trampling diversity and inclusion. 79-84.

Canaday, Margot (2003) "'Who Is a Homosexual?'": The Consolidation of Sexual Identities in Mid-Twentieth-Century American Immigration Law," 28 *Law & Social Inquiry* 351–86.

Cant, B. (1997). Invented identities? Lesbians and gays talk about migration. London; Herndon, VA: Cassell.

Charmaz, K. (2017). "Constructivist grounded theory", *The Journal of Positive Psychology*, 12:3, 299-300, DOI: 10.1080/17439760.2016.1262612

Chatterjee, I., Kunwar, J., & den Hond, F. (2019). Anthony Giddens and structuration theory. In S. Clegg, & M. Pina e Cunha (Eds.), *Management, Organizations and Contemporary Social Theory* (pp. 60-79). Routledge. https://doi.org/10.4324/9780429279591-4.

Chelvan, S. (2013). *From Silence to Safety: Protecting the Gay Refugee?*. Counsel, May 2013, 26-8.

Chossière, F. (2021). "Refugeeness, Sexuality, and Gender: Spatialized Lived Experiences of Intersectionality by Queer Asylum Seekers and Refugees in Paris". Available from: 10.3389/FHUMD.2021.634009.

Corbin, J., & Strauss, A. (1990). Grounded theory research: Procedures, canons, and evaluative criteria. Qualitative Sociology, 13, 3-21.

Crenshaw, K. (1989). "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics," University of Chicago Legal Forum: Vol. 1989: Iss. 1, Article 8. Available at: http://chicagounbound.uchicago.edu/uclf/vol1989/iss1/8

Danisi, C., et al. (2021). *Queuing Asylum in Europe: Legal and Social Experiences of Seeking International Protection on grounds of Sexual Orientation and Gender Identity*. Springer Nature.

Delve, Ho, L., & Limpaecher, A. (2024). Open, Axial, and Selective Coding in Qualitative Research: A Practical Guide. Practical Guide to Grounded Theory. https://delvetool.com/blog/openaxialselective

Dwyer, S. C., & Buckle, J. L. (2009). The Space Between: On Being an Insider-Outsider in Qualitative Research. *International Journal of Qualitative Methods*, 8(1), 54-63. https://doi.org/10.1177/160940690900800105

EUAA. (2024). Country of Origin Information. https://euaa.europa.eu/country-origin-information

Farrow, R. and Mathers, B. (2020), "Conceptualising Research Methodology for Doctoral Researchers in Open Education (with penguins)", *International Journal of Management and Applied Research*, Vol. 7, No. 3, pp. 349-359. https://doi.org/10.18646/2056.73.20-025

Foucault, M. (1990) *The History of Sexuality,* Vol. 1. New York: Vintage.

Fortier, A.-M. (2001). "'Coming home': Queer migrations and multiple evocations of home". *European Journal of Cultural Studies*, 4(4), 405-424. https://doi.org/10.1177/136754940100400403.

Giddens, A. (1984). *The Constitution of Society: Outline of the Theory of Structuration*. Berkeley: University of California Press.

Goderie. 2018. ""We Do Not Matter": Transgender Migrants/Refugees in the Dutch

Asylum System". *Violence and Gender* 5(1): 1–11. http://doi.org/10.1089/vio.2017.0009.

Hagen-Zanker, J., (2008). "Why Do People Migrate? A Review of the Theoretical Literature". Maastricht Graduate School of Governance Working Paper No. 2008/WP002, Available at SSRN: http://dx.doi.org/10.2139/ssrn.1105657.

Halley, J. (1996) "The Status/Conduct Distinction in the 1993 Revisions to Military Anti-Gay Policy: A Legal Archaeology," 3. GLQ: 159–252.

Haney Lopez, I. (2006) *White by Law: The Legal Construction of Race*. New York: New York Univ. Press.

Hathaway, J.C., Foster, M., (2014). *The Law of Refugee Status*. Cambridge University Press.

Harding, S. (1992). "Rethinking Standpoint Epistemology: "What is Strong Objectivity"". *The Centennial Review*, 36(3), 437–470. http://www.jstor.org/stable/23739232

Henderson, K., & Esposito, J. (2019). Using Others in the Nicest Way Possible: On Colonial and Academic Practice(s), and an Ethic of Humility. *Qualitative Inquiry*, 25(9-10), 876-889. https://doi.org/10.1177/1077800417743528

Hertoghs & W. Schinkel. (2018). "The State's Sexual Desires: The Performance of Sexuality in the Dutch Asylum Procedure", *Theory and Society*, 47, 691–716.

Human Rights Watch. Uganda: Court Upholds Anti-Homosexuality Act. URL https://www.hrw.org/news/2024/04/04/uganda-court-upholds-anti-homosexuality-act.

IND. (2024). Applying for Asylum in the Netherlands. https://ind.nl/en/residence-permits/asylum/apply-for-asylum-in-the-netherlands#requirements.

IND, Work Instruction 2015/ Special procedural guarantees, 20 July 2015, 6, available in Dutch at: https://bit.ly/48zBFaB.

IND Work Instructions, 2021/9, 25 June 2021, available in Dutch at: https://bit.ly/49Q0lwI and

IND Work Instruction 2021/12, 25 June 2021, available in Dutch at: https://bit.ly/3UVPQDD.

Jansen, S. (2019). Pride or Shame: Assessing LGBTI Asylum Applicants in the Netherlands Following the XYZ and ABC Judgements. COC Netherlands.

Jansen, S., (2022). Pride or Shame: The Follow Up. COC Netherlands.

Janmyr, M. "Ethnographic Approaches and International Refugee Law", *Journal of Refugee Studies*, 2022;, feac042, https://doi.org/10.1093/jrs/feac042

Keyel. J. (2021). "Encountering and processing secondary traumatic stress during qualitative interviews with displaced Iraqis":. *Qualitative Research*,

Available from: 10.1177/1468794120927679

Kolasi, K. (2020). "Structuration Theory". In: Romaniuk, S., Thapa, M., Marton, P. (eds) *The Palgrave Encyclopedia of Global Security Studies*. Palgrave Macmillan, Cham. https://doi.org/10.1007/978-3-319-74336-3_360-1.

Koninkrijksrelaties, M. van B.Z. en, n.d. Verdrag betreffende de status van vluchtelingen [WWW Document]. URL https://wetten.overheid.nl/BWBV0001002/1956-08-01

Lalor, K., (2021). "Senthorun Sunil Raj: Feeling Queer Jurisprudence: Injury, Intimacy, Identity". *Fem Leg Stud* 29, 277–281. https://doi.org/10.1007/s10691-020-09433-3

Lamurey, N. (2024). "The asylum crisis in the Netherlands: here's the rundown". The Dutch Review. https://dutchreview.com/culture/asylum-crisis-netherlands/.

Lewis, R.A., 2014. "Gay? Prove it": The politics of queer anti-deportation activism. *Sexualities* 17, 958–975. https://doi.org/10.1177/1363460714552253

Lugones, M. (2008). *Coloniality of Gender*. Duke University Press.

Manganini, I. (2020). "The Refugee Status Determination of Transgender Asylum-Seekers: a Queer Critique". *The Global Migration Research Paper Series*, Geneva.

McNeal, K.E., Brennan, S.F., 2021. "Between homonationalism and Islamophobia: comparing queer Caribbean and Muslim asylum seeking in/to the Netherlands", in: Mole, R.C.M. (Ed.), *Queer Migration and Asylum in Europe*. UCL Press, pp. 162–183. https://doi.org/10.2307/j.ctv17ppc7d.15

Mingnolo, W. (2021). *The Politics of Decolonial Investigations*. Duke University Press.

Millbank, J. (2009). "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(2–3), 391–414.

Mole, R. C. M. (Ed.). (2021). *Queer Migration and Asylum in Europe*. UCL Press. https://doi.org/10.2307/j.ctv17ppc7d.

Nasser-Eddin, N., and Abu-Assab, N. (2020). "Decolonial Approaches to Refugee Migration: Nof Nasser-Eddin and Nour Abu-Assab in Conversation". *Migration and Society* 3, 1, 190-202.

Nematy, A., Namer, Y. & Razum, O. "LGBTQI + Refugees' and Asylum Seekers' Mental Health: A Qualitative Systematic Review." *Sex Res Soc Policy* 20, 636–663 (2023). https://doi.org/10.1007/s13178-022-00705-y.

O'Leary, Z. (2013). Taking the Leap into the Research World. In The Essential Guide to Doing Your Research Project, 2nd ed. Sage.

Pascoe, P., (2009) *What Comes Naturally: Miscegenation Law and the Making of Race in America*. Oxford: Oxford Univ. Press.

Peter, L. (2024). "Jointly enclosed in-between: the collective meaning of liminality in

refugees' and other migrants' mental health care".. *Anthropology & Medicine*, Available from: 10.1080/13648470.2024.2339705.

Powell, A. (2021). "Sexuality" through the Kaleidoscope: Sexual Orientation, Identity, and Behaviour in Asylum Claims in the United Kingdom" Laws 10, no. 4: 90. https://doi.org/10.3390/laws10040090

Puar, J. K. (2007). Terrorist Assemblages: Homonationalism in Queer Times. Duke University Press. https://doi.org/10.2307/j.ctv1131fg5

Purkey, A. (2014). "A Dignified Approach: Legal Empowerment and Justice for Human Rights Violations in Protracted Refugee Situations". Social Science Research Network.

Raj, S. (2017). "A/Effective Adjudications: Queer Refugees and the Law". *Journal of Intercultural Studies,* 38(4), 453-468. Available from: 10.1080/07256868.2017.1341394.

Rijksoverheid (2024). Regeerprogramma kabinet-Schoof.
Regeerprogramma kabinet-Schoof | Publicatie | Rijksoverheid.nl

Rijksoverheid (2024). HOOP, LEF EN TROTS - Hoofdlijnenakkoord 2024 – 2028 [HOPE, COURAGE AND PRIDE - Main outline agreement 2024 – 2028.

Roberts, J.K., Pavlakis, A.E., & Richards, M.P. (2021). It's more complicated than it seems: Virtual qualitative research in the COVID-19 era. *International Journal of Qualitative Methods,* 20, 1-13. https://doi.org/10.1177/16094069211002959.

Rodriguez., Calogero, Giametta. (2024). "Queer asylum: Between hostility and incredibility. International Migration", Available from: 10.1111/imig.13221.

Rodriguez, D. (2023). "Critiquing Trends and Identifying Gaps in the Literature on LGBTQ Refugees and Asylum-Seekers". *Refugee Survey Quarterly*, Available from: 10.1093/rsq/hdad018.

Scott, J. (1998). *Seeing Like a State. How Certain Schemes to Improve the Human Condition Have Failed.* Yale University Press.

Spierings, N. (2021). "Homonationalism and Voting for the Populist Radical Right: Addressing Unanswered Questions by Zooming in on the Dutch Case", *International Journal of Public Opinion Research*, Volume 33, Issue 1, Pages 171–182, https://doi.org/10.1093/ijpor/edaa005.

Sheller, M. (2018). *Mobility Justice: The Politics of Movement in an Age of Extremes.* Brooklyn, NY: Verso.

Shirin, Heidari., Ryan, Whitacre., Jinan, Usta., Meriç, Çağlar., Thanasis, Tyrovolas, Aesha, Rajan., Monica, Adhiambo, Onyango. (2024). "Liminality and transactional sex among queer refugees: Insights from Lebanon, Turkey, Greece, and Switzerland". *Journal of Refugee Studies*, Available from: 10.1093/jrs/feae047.

Stychin, C.F. (2002), "'A Stranger to its Laws': Sovereign Bodies, Global Sexualities, and Transnational Citizens". *Journal of Law and Society*, 27: 601-625. https://doi.org/10.1111/1467-6478.00169.

T. de Lauretis, "Queer Theory: Lesbian and Gay Sexualities," in special issue, Differences: *A Journal of Feminist Cultural Studies* 3, no. 2 (1991)

Thimm, V., & Chaudhuri, M. (2019). Migration as mobility? An intersectional approach. Applied Mobilities, 6, 273 - 288.

Tiago, EK., (2015). Atlas.ti as a tool for analysis of qualitative research according phenomenological approach. ETD: Educação Temática Digital, 16(1), 1001-.

Ticktin, M. (2011). *Casualties of Care. Immigration and the Politics of Humanitarianism in France,* Berkeley, University of California Press.

UNHCR, (2019). Refugee Definition. URL https://emergency.unhcr.org/protection/legal-framework/refugee-definition

Vogler, S. (2016). "Legally Queer: The Construction of Sexuality in LGBQ Asylum Claims". *Law and Society Review.* 50(4), 856-889.

Vogler, S. (2019). "Determining Transgender: Adjudicating Gender Identity in U.S. Asylum Law". *Gender & Society,* 33(3), 439-462. https://doi.org/10.1177/0891243219834043.

Wimark, T. (2021). "Homemaking and perpetual liminality among queer refugees." *Social and Cultural Geography.* 22(5):647–665.

X, Y, Z v Minister voor Immigratie en Asiel, C-199/12 to C-201/12, European Union: Court of Justice of the European Union, 7 November 2013, https://www.refworld.org/jurisprudence/caselaw/ecj/2013/en/95981.

Yvon van der Pijl, Brenda C. Oude Breuil, Lene Swetzer, Marilena Drymioti, and Marjolein

Zhang B, Hu Y, Zhao F, Wen F, Dang J, Zawisza M. Editorial: "The psychological process of stereotyping: Content, forming, internalizing, mechanisms, effects, and interventions." *Front Psychol.* 2023 Jan 5;13:1117901. doi: 10.3389/fpsyg.2022.1117901. PMID: 36687881; PMCID: PMC9850150.

Zisakou, S., (2023). Proving gender and sexuality in the (homo)nationalist Greek asylum system: Credibility, sexual citizenship and the 'bogus' sexual other. Sexualities 13634607231208043. https://doi.org/10.1177/13634607231208043

Annex A: Interview Guide

Introduce yourself and the topic again. Explain a little bit about the project. Review consent and participant rights. Review data confidentiality and storage. Ask for clarification and questions. Ask to start the audio recording.

- Can you tell me a bit about yourself? Where you're from and how long you've been in the Netherlands, and where you are in your asylum proceedings?
- How would you describe your (queer) identities in your mother tongues? What are the connotations of these terms in that culture or space?
- What terms of identity have been given to you (that you may or may not agree with)?
- What terms of identity do you resonate with?
- What LGBTQ+ stereotypes have you found/faced in your home country and in the Netherlands?
- What do you think of the terms "LGBTQ+ and queer"? Do you feel represented by them? How do you relate to these terms as an asylum seeker?
- What do you want to share? Is there anything you want to talk about?