



The place where Only Gays Go: Constructions of Queer Space in the Narratives of Sexually Diverse Refugees

Journal:	<i>Journal of Place Management and Development</i>
Manuscript ID	JPMD-11-2022-0108.R2
Manuscript Type:	Academic Paper
Keywords:	Refugee, Asylum Seeker, Qualitative, Queer, Social Constructivism

SCHOLARONE™
Manuscripts

The Place Where Only Gays Go: Constructions of Queer Space in the Narratives of Sexually Diverse Refugees

Alex Powell*

Purpose: The purpose of this paper is to develop an understanding of how gay and lesbian spaces are constructed and deployed within the context of asylum claims by sexually diverse people. Through doing this, I detail the ways in which the present deployment of place, as a form of evidence for a relatively fixed conception of sexual difference, does not correspond to the self-conceptions of sexually diverse asylum seekers.

Design/Methodology/Approach: This study draws on the experiences of eight sexually diverse refugees who agreed to participate in semi-structure interviews. Deploying a queer narrative analysis approach, these experiences are explored to develop a detailed understanding of how sexually diverse spaces are constructed within refugee status determinations. This interview-led approach is combined with a critical epistemology informed by queer theory to understand the role of place in the construction of sexual identity.

Findings: The central finding of this study is that engagement/attendance with/in particular places and spaces is overdetermined as a form of evidence of LGBTIQ+ identity within refugee status determination. Further findings relate to the relationship between places and sexual identities more generally. This paper helps to shed light on how sexually diverse

* Lecturer in Law, School of Law and Social Sciences, Oxford Brookes University. Contact: a.powell@brookes.ac.uk. Thanks are due to Dr Kay Lalor and Dr Jenny Kanellopoulou who have provided outstanding editorial support during my work on this article and offered invaluable feedback. Thanks are also due to Dr Max Morris for their feedback on an earlier draft of this work. Finally, I wish to thank the three anonymous reviewers for their feedback which has undoubtedly made this a far stronger article. All mistakes remain my own.

1
2
3 identities are conceived in essentially ontological and fixed terms, with the result that places
4
5 are often flattened, with the diversity and tensions within them being ignored and occluded.
6
7

8 **Originality/Value:** The originality of this study emerges from the analysis of new qualitative
9
10 data. This originality is strengthened by the successful combination of empirical research,
11
12 queer theoretical insights, and the application of this combination to policy. This remaining a
13
14 relatively rare combination. In addition, in contrast to existing literature, the paper looks
15
16 specifically at how LGBTIQ+ or queer spaces are conceptualised within refugee status
17
18 determination processes.
19
20
21
22

23 **Keywords:** Refugee, Asylum Seeker, Qualitative, LGBTIQ+, Queer, Social Constructivism.
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60

Introduction

Recent months have seen fundamental changes to refugee law in the UK. The passing of the Nationality and Borders Act 2022 (NABA) created a two-tiered system for refugee status determination (RSD).¹ The result of this is that many claimants will be denied the chance to make a claim for full refugee status (see Prabhat et al., 2022; House of Lords International Agreements Committee, 2022). Further, an as yet unclear number of claimants who have entered the UK via a third country— potentially making their claims inadmissible according to the NABA— face the prospect of having their claim transferred to Rwanda (Home Office, 2022). Charities and academics have sounded specific warnings about the prospect of sexually diverse (SD) claimants being caught up in these changes (Prabhat et al, 2022).²

The possibility of sexual orientation forming a ground for asylum was recognised in 1999.³ Since this recognition, one of the most fundamental issues facing SD claimants has related to proving that one is, in fact, or would be perceived as, SD (Danisi et al, 2021; Powell, 2021; Dustin, 2018). Although, this issue has traditionally occurred at the point of

¹ Though as I make the final edits to this piece (June 2023), this has now again been abandoned in preparation for the passing of the Illegal Migration Bill. Given the pace of change around asylum in the UK, this article is current to the period of its original drafting, around March 2023.

² These concerns are even more profound in the context of the currently proposed Illegal Migration Bill. See: Rainbow Migration, 'Rainbow Migration's submission to the Joint Committee on Human Rights: Illegal Migration Bill' (5th April 2023) Available at: <https://www.rainbowmigration.org.uk/publications/rainbow-migrations-submission-to-the-joint-committee-on-human-rights-illegal-migration-bill/> accessed: 20/06/2023.

³ *Islam v Secretary of State for the Home Department and R v Immigration Appeals Tribunal Ex p Shah* (1999] UKHL 20, (1999] 2 AC 629.

1
2
3 RSD, recent changes may mean that these issues often shift to another part of the process,
4
5 such as determining whether or not a claimant could safely be sent to Rwanda. However, in
6
7 the absence of a detailed regime of secondary legislation and guidance around the NABA, the
8
9 situation remains uncertain (Powell & Rifath, 2023).
10
11
12

13 Regardless of how these uncertainties are resolved, the issue of how one proves that
14
15 they are a SD person will remain a core issue within the claims of SD people.⁴ Indeed, the
16
17 International Agreements Committee of the House of Lords registered their concern
18
19 regarding the uncertainty of the new arrangements in their recent report (House of Lords,
20
21 2022). As such, this paper looks at the role of place within the narratives of SD refugees to
22
23 draw attention to how places and identities are mutually co-constructed within social and
24
25 legal institutions. While previous research (see, for example, Dustin & Held, 2021) has
26
27 looked at the role of place in the lived experiences of refugees, this paper instead focuses on
28
29 how certain spaces are analytically characterised as a core determinant of identity within the
30
31 context of RSD.
32
33
34
35

36 This partially links to work McGuirk (2018) has undertaken in the US context, where
37
38 she offered an analysis of how forms of conspicuous consumption structure LGBT
39
40 subjectivities. Linked to this, this paper seeks to explore the role of conspicuous spaces as a
41
42 part of the construction of sexual identities within UK refugee adjudication.
43
44
45

46 Drawing on eight semi-structured interviews undertaken between September 2018
47
48 and March 2020, I examine how place is deployed, implicated, and analysed as being
49
50 evidence for the SD of claimants. Through doing this, I critically evaluate the co-construction
51
52 of SD identities and places within claimant narratives. I also reflect on how this construction
53
54 poses particular difficulty for those who experience their SD in terms not consistent with neo-
55
56
57
58
59

60
⁴ For a discussion of the term sexually diverse see Author (2021).

1
2
3 liberal, American and European modes of sexual identity (Nasser-Eddin, Abu-Assab &
4
5 Greatrick, 2018).
6
7

8 In this study, interviews provided a means through which to understand how SD
9
10 refugees construct both their own identities and how these identities were interpreted and
11
12 analytically characterised by the RSD system. The research is approached from a queer
13
14 perspective, which, as identified by Halberstam (1998), means that it adopts diverse and
15
16 mixed methods to produce findings that challenge the existing structure of knowledge. As
17
18 such, interviews sought to understand how refugees construct their own SD and then
19
20 contrasted this construction to the expectations underlying UK policy and practice.
21
22
23
24

25 The project gained ethical approach from the City Law School Research Ethics
26
27 Committee on 23rd September 2018 under application ID: ETH1819-0040. Interviews were
28
29 undertaken in semi-private settings such as cafes. These locations were chosen by the
30
31 participants themselves to ensure that they were places of comfort.
32
33
34

35 The paper develops over three sections. The first explores the legal framework
36
37 existing prior to the passing of the NABA, setting out the framework against which the
38
39 informants made their claims. Section two looks at the role of evidence within these claims,
40
41 paying particular attention to how engagement with certain spaces and places was
42
43 conceptualised and weighted within the narratives of claimants. Through doing this, I argue
44
45 that certain spaces are overdetermined as a form of evidence. Finally, section three offers an
46
47 analysis of how the overdetermination of place leads to other key features of claimants
48
49 narratives being ignored or obscured.
50
51
52
53

54 **1. Law, Policy and People: Proving Group Membership**

55

56
57 The legal status of asylum claims by SD people has greatly developed over the past 20 or so
58
59 years. Despite this, the rights won remain tightly tethered to individualised, liberal, and
60

1
2
3 fundamentally identity-driven conceptions of SD. These conceptions are also often highly
4 racialized (Held, 2017). The core features of these conceptions are outlined within Duggan's
5 (2002) concept of homonormativity which argues that SD people are accepted insofar as they
6 embrace a liberal, pro-market, nationalist and essentially conservative life course. This life
7 course sees its clearest expression within the lives of middle-class, white, gay men who do
8 little to challenge the privileged normative status of heterosexuality.
9
10
11
12
13
14
15
16
17

18 The possibility of claiming asylum on the basis of SD was first recognised in the 1999
19 case of *Shah and Islam*.⁵ Specifically, in obiter comments where the judge confirmed that
20 'homosexuals' were capable of forming a Particular Social Group (PSG) for the purposes of
21 the Convention. This is significant because the UK, as a signatory to the Refugee
22 Convention, and its 1967 protocol,⁶ has agreed to recognise as refugees anyone who:
23
24
25
26
27
28
29

30 Owing to well-founded fear of being persecuted for reasons of race, religion,
31 nationality, membership of a particular social group or political opinion, is outside the
32 country of his nationality and is unable or, owing to such fear, is unwilling to avail
33 himself of the protection of that country; or who, not having a nationality and being
34 outside the country of his former habitual residence as a result of such events, is
35 unable or, owing to such fear, is unwilling to return to it.⁷
36
37
38
39
40
41
42
43

44 After it was confirmed that a fear of persecution arising from SD could give rise to refugee
45 status, new issues arose within the RSD process. Specifically, academics and third sector
46 organisations recognised a practice which came to be known as discretion reasoning (Dustin,
47 2018; Millbank, 2002; 2009a). Discretion reasoning was prominent in a number of common
48 law jurisdictions. The practice was described by one judge as 'a reasonable expectation that
49
50
51
52
53
54
55
56

57
58
59
60

⁵ Ibid.

⁶ Protocol Relating to the Status of Refugees (adopted 31 January 1967, entered into force 4 October 1967) 606 UNTS 267 (Protocol).

⁷ Convention Relating to the Status of Refugees, 28 July 1951, 189 UNTS 137.

1
2
3 persons should, to the extent that it is possible, co-operate in their own protection'.⁸ However,
4
5 Dustin (2018) identified that in many cases discretion reasoning acted as a catch-all excuse
6
7 for rejection.
8
9

10
11 During the period where discretion reasoning was utilised, numerous academics drew
12
13 attention to its harmful effects. For example, Millbank (2002) drew attention to how
14
15 conceptions of public and private spaces played a crucial role in structuring the treatment of
16
17 claims by SD people. Specifically, she identified that the early Australian and Canadian case
18
19 law attempted to place SD within domestic spaces. This, by which we mean the idea that it
20
21 was reasonable to be asked to keep one's sexual diversity private or discreet within the home,
22
23 she proposed, partly underpinned early development of the discretion reasoning as explored
24
25 above. Indeed, the expectations of decision-makers still appear to contain an implicit
26
27 assumption that persecution happens in public spaces. Similarly, LaViolette (1996) has
28
29 documented how the absence of objective evidence of persecution was an issue for the
30
31 earliest SD claimants in Canada. This shows that law has long constructed appearance within
32
33 public space as central to the performance of a 'credible' narrative of SD.
34
35
36
37
38

39 In 2010, the then newly formed UK Supreme Court handed down a landmark decision
40
41 in *HJ (Iran) & HT (Cameroon)*.⁹ This decision saw the court hold that discretion reasoning
42
43 was incompatible with the UK's obligations under the Convention. In providing this
44
45 judgement, the court outlined a new test which sets out that a decision maker should 'firstly
46
47 ask itself whether it is satisfied on the available evidence that... [the claimant] is gay' (82). If
48
49 the decision-maker is satisfied that the claimant is gay, then they move to the second stage of
50
51 the test. The second stage states that if the decision maker is satisfied that the claimant is
52
53
54
55
56
57

58 ⁸ V95/03567 (1996] RRTA 246. P. 246

59 ⁹ *HJ (Iran) and HT (Cameroon) v Secretary of State for the Home Department* (2010] UKSC 31; (2011] 1 AC
60 596

1
2
3 indeed a sexually diverse person, they should then ‘ask... whether... [they are]... satisfied on
4
5 the available evidence that gay people who lived openly would be liable to persecution in the
6
7 applicant’s country of origin’ (82). If this stage of the test is satisfied, then the third stage
8
9 asks the decision maker to consider ‘what the individual applicant would do if he [sic] were
10
11 returned to that country’ (82). If the applicant would be open and have a well-founded fear of
12
13 persecution, then they are a refugee. Similarly, if the applicant would hide their SD to avoid
14
15 having a well-founded fear of persecution, then they are also a refugee. However, if the
16
17 claimant would be discrete for personal reasons, then are not a refugee.
18
19
20
21

22
23 The new test is widely regarded as having shifted the focus within Home Office
24
25 decision-making from ‘discretion to disbelief’ (Millbank, 2009a). Thus, the main issue SD
26
27 claimants now face when trying to demonstrate that they are entitled to protection as refugees
28
29 lies in proving that they are, or would be seen as, a SD person.
30
31

32
33 Between 2011 and 2013, Rainbow Migration found that 86% of declined claims were
34
35 refused on the basis of a lack of credibility (UKLGIG, 2013). This should not be regarded as
36
37 surprising when it is considered that, as Lewis (2014) identifies, the new test left decision
38
39 makers in a position where they have ‘no idea what claimants need to do to prove their sexual
40
41 orientation’ (p. 963). In recent years, it has been argued that practice has moved towards
42
43 claimants being asked to provide complex narratives of identity development which may not
44
45 be compatible with all experiences of sexual diversity (Powell, 2021).
46
47
48

49
50 The move towards a focus on identity is provided for under the Asylum Policy
51
52 Instruction: Sexual Orientation in Asylum claims (UK Visas and Immigration 2016) and links
53
54 to Chelvan’s ‘Difference, Shame, Stigma, Harm’ model (Chelvan, 2014; 2020). This model
55
56 purports to provide decision-makers with a useful framework through which to support
57
58
59
60

1
2
3 claimants and has been deployed across a range of legal systems, as well as gaining the
4
5 endorsement of the UN High Commissioner for Refugees (UNHCR, 2012).
6
7

8 While the model undoubtedly offers some useful features which may help some
9
10 claimants in putting forward their claims, it has been argued that it overly privileges sexuality
11
12 as a form of identity and, in so doing, erases other dimensions of sexuality such as those
13
14 relating to sexual desire and sexual behaviour (Powell, 2021a; 2021b). Otherwise put, the
15
16 policy focuses overly on the social and community elements of SD which, while very
17
18 prominent in European and US culture, are less applicable to people coming from countries
19
20 that have different epistemologies of sex and identity. Some have even argued that themes in
21
22 the model appear to have become calcified as fixed requirements in the minds of many
23
24 decision-makers (see: Dawson and Geber, 2017). Indeed, Rainbow Migration have also
25
26 drawn attention to the increasing overreliance of decision-makers on complex narratives of
27
28 self-realisation, this occurring within a timeline consistent with Home Office practice having
29
30 been influenced by the DSSH model (UKLGIG, 2018).
31
32
33
34
35

36 Within my interviews, one of the most common ways in which participants felt they
37
38 were able to convince Home Office decision-makers of their sexual diversity was by
39
40 demonstrating presence in places coded as LGBTIQA+. Often this would take forms such as
41
42 providing photographs of themselves in gay clubs or attending pride events. In the next
43
44 section, I explore these narratives to critically consider the role of space and place in the
45
46 context of RSD.
47
48
49
50

51 **2. Pink Cocktails, Pride, and Credibility**

52
53
54 As mentioned above, it has been argued that the conception of sexuality adopted within RSD
55
56 overly privileges identity above other forms of SD such as sexual behaviour and sexual desire
57
58 (Powell, 2021a). One element of this privileging is a focus on the spaces and places which
59
60

1
2
3 one inhabits as markers of their sexual identity. As such, this section explores the
4
5 construction and role of places within the narratives of SD refugees. This builds on existing
6
7 research, such as that undertaken by Dustin and Held (2021), which has looked generally at the
8
9 role space plays in the lived experiences of refugees. However, I look more specifically at
10
11 how place is constructed as a constitutive element of sexuality itself in the context of RSD.
12
13

14
15 Note should be taken here that the phrases spaces and places have largely been used
16
17 interchangeably. However, I would endorse the framing of Lalor and Browne (2018) which
18
19 argues that one of the primary issues in conceptualising place and space, in the context of
20
21 critical sexualities studies, is consideration of where the focus is placed when LGBTIQ+
22
23 rights 'here' are seen as largely achieved. In this regard, while I have used the terms
24
25 relatively interchangeably, place can be seen as referring to where specific concepts and
26
27 bodies are located whereas spaces are the locations which, on contact with discourse, become
28
29 places.
30
31
32

33
34 All of the asylum claimants I spoke to had provided, during the course of their claim,
35
36 evidence of their attendance at pride events, venues generally regarded as being for the
37
38 LGBTIQ+ community, as well as attendance at groups aimed at providing support asylum
39
40 seekers and refugees. As Held (2022) has argued, 'when LGBTIQ+ refugees arrive in Europe
41
42 and claim asylum, decision-makers and others often assume—in a homonationalist vein—
43
44 that they find safety, liberation and freedom and are happy and keen to go to gay prides and
45
46 queer spaces' (p. 2). Homonationalism is defined by Puar (2006) as 'arrangements of...sexual
47
48 exceptionalism—homonormativity—that complicates the dichotomous casting away of the
49
50 nation as only supportive and productive of heteronormativity and disallowing of
51
52 homosexuality (p. 68). As such, Held (2022) is essentially referring to how decision-makers
53
54 assume that asylum seeker journeys can be linearly conceived as being from a regressive
55
56 homophobic country of origin and into an accepting UK. For example, one of the refugees I
57
58
59
60

1
2
3 spoke to, said: ‘My lawyer told me to do things like go to a lesbian bar and take photos and
4
5 go to pride and take photos, but I was just doing that to try and satisfy them that I was a
6
7 lesbian’ (Masani, Ugandan Refugee to Author). As this suggests, decision-makers view
8
9 attendance at certain places, be that bars or pride ceremonies, as being an important hallmark
10
11 of a credible claim.
12
13

14
15 This view hints at the role liberalism in shaping how SDs are conceptualised. This is
16
17 because the presumption from decision-makers is that there is a coherent way of being— a
18
19 ‘way of life’, as Weeks (2012, p. 534) put it—that claimants either do or do not fit. This, of
20
21 course, ignores the complexity of human lives which rarely fit into archetypal models. As
22
23 such, liberal legalism encourages decision-makers to see the question of whether or not one
24
25 is, for example, a gay man as being a factual matter answerable with reference to particular
26
27 attributes such as the occupation of particular places. This ignores the extent to which both
28
29 identities and places are socially constructed in historically and culturally specific terms.
30
31
32

33
34 Linking to the above, Masani went on to tell me about how, during her meeting with
35
36 the Home Office, she had felt that the decision-makers had a fixed idea of the key
37
38 components of a credible claim made on the basis of SD. Specifically, she told me that,
39
40
41

42 When I met with the Home Office for my interview, they asked me a lot of questions
43
44 like, are there any lesbian spaces in Uganda, and then what about in Nigeria? They
45
46 asked me about the “LGBT” community and then all these questions about what bars
47
48 I go to in London and Manchester and where do I meet other lesbian people. It was
49
50 like they expected me to spend time with other people of my sexuality (Masani,
51
52 Ugandan Refugee to Author).
53
54
55

56 As this suggests, decision-makers view SD as being an attribute that has broad social
57
58 connotations which lead those who are SD to enter and occupy certain places. It is also
59
60

1
2
3 interesting to reflect that Masani felt the decision-makers had expectations relating to her
4 being a part of a broader 'community'. In this sense, places such as the pride parade and the
5 lesbian bar are constructed as almost ontological in nature. They are viewed as zones in
6 which authentic expressions of an essentially fixed identity are played out. The dynamic of
7 this construction is essentially that gay men or lesbians go to pride parades and socialise in
8 certain places. This is viewed as a fundamental element of the identity category. Seemingly,
9 in the view of decision-makers, those who do not go to such venues are not aligned with the
10 category. As such their claim to be, for example, a gay man is viewed as not credible.
11
12
13
14
15
16
17
18
19
20
21

22 This reasoning is contrary to the fact that, as Held (2022) has argued, for many SD
23 refugees LGBTIQ+ places fit into a concept she describes as ambivalent spaces. Held
24 defines the concept of ambivalent spaces as those which are 'important and can offer support,
25 but on the other hand... (these spaces) are shaped by intersectional differences and power
26 relationships' (p. 3). As such, while some participants, such as Echo, told me that, 'They
27 asked me about, yeah, are you gay, and then I always joined for the pride London from 2013,
28 so my lawyer provided pictures from the pride I was joining' (Eco, Indonesian Refugee to
29 Author) and Chataluka, who more directly told me that, 'Going out to gay clubs, I enjoyed
30 that. When I come to London, also, I have been to gay clubs for the first time as, like, being
31 curious. I took some pictures there and I had them since I moved here. So, that was also good
32 that I have it documented with dates' (Chataluka, Egyptian Refugee to Author), suggesting
33 that they enjoyed the experiences of attending these places, this was far from a universal
34 experience. For example, other participants such as Masani and Adroa found these spaces
35 hostile or difficult to occupy.
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54

55 As Held (2017) has established, these venues can be sites of discomfort where
56 refugees feel othered or are subject to experiences of discrimination and racism. For
57 example, Adroa told me that he had experienced racism in gay clubs explaining that, 'You go
58
59
60

1
2
3 to a club for gay people and they look at you differently... they say what's up black man,
4
5 what's up black boy' (Adroa, Ugandan Refugee to Author). As this suggests, the weight
6
7 placed on attendance in these places fails to account for the racialized ways in which spaces
8
9 are experienced and constructed. In particular, insufficient regard is paid to how LGBTIQ+
10
11 spaces are often coded as white.
12
13

14
15 The issues relating to the ambivalence of these spaces comes through even in Browne
16
17 and Brown's (2016) conceptualisation of what it means for a space to be a gay space.

18
19 Specifically, they identify that,

20
21
22
23 'Gay spaces are marked as different and named as "gay", but this is not the case for
24
25 straight spaces. What this means is that sexualities remake everyday spaces... People
26
27 using those spaces can conform to the norms of the spaces. As a result, they are not
28
29 subject to violence, looks or comments. Their "normality" remains unremarked and
30
31 invisible. In this way places also remake people's lives, identities and bodies' (p. 2).
32
33

34
35 The issue here is that such spaces still embed particular normativities. In the context of gay
36
37 male spaces, one particularly significant form of normativity links to issues of racialisation.
38
39 At its most simplistic, it could be said that gay identities are often implicitly coded as being
40
41 white (Hunter, 2010). The result of this is that ethnic minorities, as well as those who may
42
43 adopt more culturally specific articulations of SD, may experience hostility (Ruez, 2017).
44
45

46
47 Indeed, Abasi noted that he was made to feel uncomfortable in these spaces
48
49 specifically for being a refugee stating that, 'I used to be open about myself being a refugee,
50
51 in the beginning. Then I stopped, because of the way people look at you. It's different and
52
53 they think, "Oh you're a refugee so most probably you are claiming benefits, you're taking
54
55 advantage of our resources" and doing this and that' (Abasi, Egyptian Refugee to Author).
56
57

58
59 This presents a further consideration because the very fact that a claimant is a refugee or
60

1
2
3 asylum seeker may mean that certain spaces become sites of discomfort for them, often due
4
5 to intersecting forms of stigma such as classism, racism or xenophobia. Note here should be
6
7 taken that, under the hostile environment, the UK has to a large extent dispersed the border
8
9 diffusely across society which itself produces barriers between people and leads to a
10
11 particular, often suspicious, construction of refugees (Griffiths and Yeo, 2021).
12
13
14

15
16 These experiences of great weight being placed on attendance at certain venues were
17
18 far from unique. For example, Echo identified that, 'Yes, I think having photos from pride
19
20 was something the Home Office read a lot into' (Indonesian, Refugee to Author). While
21
22 Abasi told me that, 'They needed a lot of convincing... some photos from gong to clubs and
23
24 going to pride, just to support my statements' (Abasi, Egyptian Refugee to Author).
25
26 Abdullah told me how some of his friends had seen their claims rejected because they could
27
28 not show sufficient engagement with LGBTIQ+ places, stating that, 'They also told me
29
30 like, well we haven't been to bars... we haven't been to gay bars and this wasn't enough, this
31
32 led them to believe that they can now reject me' (Abdullah, Omani Refugee to Author). As
33
34 mentioned above, all claimants made at least some mention of being expected to provide
35
36 photos of themselves attending pride and LGBTIQ+ during their claim.
37
38
39
40

41
42 These findings also correspond to other research such as that undertaken by Dustin &
43
44 Held (2021) and Dhoest (2019). For example, in the Belgian context, one participant stated,

45
46 If you don't engage in associations, if you don't build up LGBT networks that
47
48 strongly affects your credibility. So those people are, so to speak, forced to march in
49
50 the pride parade... purely for their file (Dhoest, 2019, p. 1085).
51
52
53

54
55 Relatedly, one of my participants had an experience which speaks to the profound role of
56
57 places in contemporary constructs of sexual diversity. Abdullah claimed asylum after a photo
58
59 of him attending a pride parade while in the UK made it to the front page of the Guardian. In
60

1
2
3 particular his claim developed out the fact that anyone within his country of origin would
4
5 perceive him as being gay following the publication of the photo. Specifically, he told me
6
7 about how,
8
9

10
11 I was taking part in the pride parade and during my participation there was a picture
12
13 of me on the Guardian front page and it was so explicitly me and it was zoomed in,
14
15 my face, this guy and it was like one of the top photos show on the guardian articles
16
17 on the...pride parade' (Abdullah, Omani Refugee to Author).
18
19

20
21 As this suggests, there is a relatively widely held perception that attending certain types of
22
23 places makes someone a certain type of person. Indeed, the fact that this perception is shared
24
25 by both a presumed homophobic community from the claimants country of origin and a
26
27 presumed tolerant—or homonationalist—community in the country of reception speaks to
28
29 how SD are allowed the conceptual space to exist only when they confirm to the expectations
30
31 of others existing in a narrow, and relatively segregated zone.
32
33

34
35 Interestingly, in my study, most participants identified that the encouragement to
36
37 demonstrate presence in LGBTIQ+ places came from their representative. For example,
38
39 Chataluka told me that,
40
41

42
43 What my solicitor helped me with was that she asked me about certain things should
44
45 be in my, err, my evidence. For example, I would have to attend the pride and take
46
47 pictures there. Which was the first time ever I went to pride' (Chataluka, Egyptian
48
49 Refugee to Author).
50
51

52
53 Later on, this participant also identified that he felt he had built up his case in a 'professional
54
55 way'. While this shows how valuable effective representation can be in terms of claimants
56
57 receiving advice on how they can prove something as intangible as SD, it is concerning that
58
59
60

1
2
3 ‘professionalism’ is a requirement in process that is intended solely to address the question of
4
5 whether or not it is likely that the given claimant is, or would be perceived as, SD.
6
7

8
9 Similarly, Masani told me that, ‘My lawyer told me to do things like go to a lesbian
10 bar and take photos and go to pride and take photos, but I was just doing that to try and
11 satisfy them that I was a lesbian’ (Masani, Ugandan Refugee to Author). In total, half of the
12 participants I spoke to identified that it was their lawyer who advised them that they should
13 submit photos of them in LGBTIQA+ places and spaces.
14
15
16
17
18
19

20
21 As Bruce-Jones (2017) has argued, asylum applications have the power to rearticulate
22 and modulate the ways in which identities are conceptualised. To put this another way, if
23 participants frequently use these forms of evidence, then this will cement it as an expectation
24 with decision-makers. As such, while it makes sense that lawyers wish to assist their
25 individual clients, this also normalises particular forms of evidence as being indicative of a
26 credible claim. This issue is similar to the observations of McGuirk (2018) in the US context
27 with regard to their conceptions of meritorious claims. As this suggests, there is a need for
28 practitioners to be wary that the way in which they support their own clients has the potential
29 to contribute to the fixing of decision-maker expectations.
30
31
32
33
34
35
36
37
38
39
40
41

42 This conception of sexuality is linked to a specific context, such as that in Europe,
43 where SD people are viewed as fitting distinct categories. In effect, as being a specific type of
44 person. This perspective was identified by some participants. For example, Adroa told me
45 that,
46
47
48
49
50

51 They don’t understand that maybe black people can be gay. And even if they think you
52 can be gay, they want you to behave like a white man...they expect you to go to gay
53 clubs... they expect you to behave in a basically European way. (Adroa, Ugandan
54 Refugee to Author).
55
56
57
58
59
60

1
2
3 Previous research has problematized the deployment of sexuality within the UK asylum
4 system for overly prioritising models of sexual identity over sexual behaviour and sexual
5 desire (Powell, 2020; 2021a). In this register, it seems that the focus on attendance in
6 particular spaces is a part of the construction of a wider, gay, lesbian or bisexual identity
7 which is viewed as being effectively ontological in nature. Only by adopting this position,
8 that one either is or is not within a pre-social category, does it make sense to take photos of
9 someone in particular place as being a form of objective evidence. As such, the reliance on
10 place adds to the existing evidence that sexualities within the context of RSD are constructed
11 in overly identity-driven terms, with certain places themselves becoming viewed as
12 constituent elements of those identities. It is in this register that attendance at pride parades
13 and in certain places is seen as supporting the fit of a given claimant within that category.

3. **Gay Enough for the Government?**

31
32 Juss (2015) has argued that the judgment handed down in HJ (Iran) and HT (Cameroon),
33 which in the ebullient words of Lord Rodger stressed that,
34

35
36
37 Just as male heterosexuals are free to enjoy themselves playing rugby, drinking beer
38 and talking about girls with their mates, so male homosexuals are to be free to enjoy
39 themselves going to kylie concerns, drinking exotically coloured cocktails and talking
40 about boys with their straight female mates.¹⁰
41
42
43
44
45
46

47 Had the result of formulating refugee rights, at least in regard to SD people, as based around
48 consumption, hyper-visibility, and public proclamations of identity (Juss, 2015, p. 134). This
49 could be seen as one of the reasons why being visibly SD, and appearing in public settings,
50
51
52
53
54
55
56
57

58
59 ¹⁰ *HJ (Iran) and HT (Cameroon) v Secretary of State for the Home Department* (2010] UKSC 31; (2011] 1 AC
60 596 (78]

1
2
3 has come to be such a key issue. As remarked above, this kind of framing also fits with the
4
5 liberal individualist way in which states such as the UK conceptualise SD people.
6
7

8 To take this further, the commitment to individualism means adopting a view where
9
10 systems of power and domination are not recognised. Instead, a society is understood as
11
12 being made up of a number of free individuals who make choices. In this register, for
13
14 example, the ability to understand that a white person socialised in one context may make
15
16 choices which differ from a black person socialised in another context is obscured. This is
17
18 because, for liberal legalism, both are simply free individuals who are empowered to make
19
20 choices. The idea that their choices may link to a history and a context is, in a sense,
21
22 anathema to the underlying philosophy of liberalism (Brickell, 2001). It is in this register, I
23
24 would argue, that the fixation on whether or not a claimant has attended a particular kind of
25
26 place is an issue that would only happen from within the paradigm of liberalism. Because it is
27
28 only in this register that identities would be so flatted as to be considered a simple matter of
29
30 something someone either is or is not. This, of course, ignores the fact that, as Millbank once
31
32 put it, some SD people are 'simply homebodies' with no desire to go out and socialise.
33
34 (Millbank, 2009b, p. 19). Notwithstanding this, they may very well be SD people.
35
36
37
38
39
40

41 However, it is also important to reflect on the wide range of complexities that are not
42
43 accounted for when decision-makers approach SD with a simplistic expectation that
44
45 claimants will attend spaces traditionally associated with SD. Attention must also be paid to
46
47 the forms of SD that are occluded when the forms of social identity tie that are connoted by
48
49 attendance in certain spaces are made the central or focal point of analysis.
50
51
52

53 Firstly, Babu noted the difficulties SD claimants face when they are placed into a
54
55 detention centre. Specifically he identified that,
56
57
58
59
60

1
2
3 You're basically put in detention centre with people who are like terrorists, people
4 from the Taliban... Of course, being gay that puts you at like, you're very vulnerable
5 to this kind of like... I was harassed a few times in there. I reported it, but nothing
6
7
8
9
10 (Babu, Egyptian Refugee to Author).

11
12
13 As he went on to note, this means that within these places it was not possible for him to
14 openly be himself. Given that he had come to the UK from Egypt, where he had been hiding
15 his SD in order to avoid persecution, it is not clear when decision-makers would have
16 expected him to have attended queer places. Further, the fact that he had not felt able to be
17 open about his SD in the UK also undermines the idea that those who come to the UK
18 seeking protection will immediately want to be open. Instead, they may continue to
19 strategically adapt their self-presentation depending on who they are engaging with. These
20 issues have been more thoroughly explored by Dustin & Held (2021).

21
22
23
24
25
26
27
28
29
30
31
32 Similar issues can be noted for those who lived in diaspora communities. For
33 example, Babu also noted that, 'We fear not just the country, we fear the people that we live
34 around as well. So, it's quite different. (Egyptian Refugee to Author).' As such the idea that
35 once someone arrive in the UK, they will be able to openly be SD is overly simplistic.
36
37
38
39
40
41 Indeed, this rests of a prior assumption that the UK is a safe space to be entirely open, often
42 premised on an imagined contrast between the heaven of the UK compared to backwards
43 persecution elsewhere (Lalor & Browne, 2018). However, SD people may continue to limit
44 their openness or exposure depending on who is around them. In particular, this might mean
45 that, for those who wish to maintain relationships with either people in their country of
46 origin, or those who wish to engage with diaspora communities in the UK, there may be a
47 continued reluctance to enter spaces that visibly mark them as a SD (See further: Mole 2021).
48
49
50
51
52
53
54
55
56
57 This may mean that some claimants are, for example, uncomfortable attending pride or
58 frequenting bars.
59
60

1
2
3 These issues were also apparent in the narrative of Abeo, who told me about his
4 experiences of being placed in Home Office accommodation. Specifically, he identified that,
5
6

7
8 I was taken to an apartment in Middlesbrough... I was staying in an apartment with
9 three other people. And that was also a big thing for me because, I don't know these
10 people, so I don't know how much of my sexuality I can bring. So, I had to go back
11 into the closet (Abeo, Nigerian Refugee to Author).
12
13
14
15
16

17
18 Again, this shows how wider factors can impact the ability of SD claimants to dispense with
19 the evidential expectations of decision-makers. This is because, if a claimant is, as a result of
20 the accommodation they have been placed in, unsure about how those around them might
21 react if they were open about their SD they are likely to strategically limit their openness.
22
23
24
25
26
27

28 In addition, during an asylum claim, those claimants who are provided with
29 government support are given an allowance of approximately £40 a week. Given the high
30 cost of attending many LGBTIQA+ spaces, which often centre on nightlife and include entry
31 fees and high prices for drinks, note should also be taken of the extensive structural barriers
32 that prevent claimants attending such spaces.
33
34
35
36
37
38
39

40 For many SD migrants and refugees online dating may be perceived as being a safer
41 and less intimidating way of meeting other SD people (Masullo, 2018, p. 60). This
42 corresponds to the findings of researchers such as Mowlabocus (2010) and Morris (2021)
43 who have charted the role of technology and the increasing availability of social media in
44 shifting SD identities, encounters and communities. As such, the reliance on attending
45 physical spaces should also be reconceived in recognition of the increasing digitalisation of
46 social life. This is a complicating factor because online environments can often be highly
47 sexualised places, which may mean that the kinds of encounters within these spaces fall foul
48
49
50
51
52
53
54
55
56
57
58
59
60

1
2
3 of the Home Offices guidance on how to approach sexually explicit evidence even when this
4
5 is voluntarily provided (Home Office, 2016).
6
7

8 The continued focus on attendance in particular places could be understood as being a
9
10 part of state-sponsored attempts to maintain forms of special segregation regarding SD
11
12 people. To code certain spaces as SD with the result that those performing identities which
13
14 are not sufficiently homonormative can be, in effect, banished into those spaces. For
15
16 example, Spain has noted how the role of spatial segregation can be used as a mechanism
17
18 through which groups with greater amounts of power seek to maintain domination over less
19
20 powerful groups (Spain, 1992, pp. 15-17). Viewed in this register, the idea that certain
21
22 spaces are coded as spaces that connote certain sexualities takes on an even more problematic
23
24 edge, figured as a limit zone in which queerness is legitimised with a presumption that, when
25
26 appearing within other spaces, people will conform to heteronormative modes of being. In
27
28 this sense, while some may view such places as liberating, note should also be taken that the
29
30 existence of such spaces can strengthen governmental and domesticating forces that people
31
32 experience within other spaces.
33
34
35
36
37
38

39 As McGuirk (2018) has argued in the US context, this framing sees less a sea change
40
41 from repression to liberation but rather an evolution from outright rejection and hostility to a
42
43 selective tolerance or allowance to those who adhere to homonormative scripts and observe
44
45 the proper spatial segregation. A part of this segregation links to participation in constructions
46
47 of the UK as a space of liberation through consumption. These logics are, in a sense,
48
49 validated by attending commercialised LGBTIQ+ spaces associated with consumption.
50
51 Thus, those most likely to succeed in their asylum claims could well be seen as those most
52
53 helping the construction of the UK as tolerate in opposition to their intolerant countries of
54
55 origin (Lalor and Browne, 2018).
56
57
58
59
60

1
2
3 In accordance with the above, it is significant to note that wider forces—such as the
4 market—have also become deeply embedded into these places. Example of this can be taken
5
6 from the corporate sponsors which are often attached to pride parades. For example,
7
8 Andersson (2019) has noted how many gay and lesbian places have embraced consumption
9
10 and the logics of the market at the expense of supporting coalitional politics that empower
11
12 those who are oppressed. Building on this, Adler (2020) has problematised how campaigns
13
14 for gay rights have failed to present arguments that protect and uplift the most marginalised
15
16 queers due to their focus on neo-liberal, capital oriented, rights. In the focus on appearances
17
18 within venues it appears that the protection of SD refugees has come to follow the same
19
20 dynamic as that problematized by Adler with the result that performing an identity which the
21
22 government will recognise requires entering spaces that demand the embrace of capitalism.
23
24
25
26
27
28

29 As such, the focus on place within RSD sits at the centre of a domesticated,
30
31 consumerist, and spatially segregated construction of sexuality. Under this construction, SD
32
33 is conceived of as first and foremost an identity relating to where someone goes and who they
34
35 spend time with. Here, SD is effectively sanitised, placed at an acceptable distance from sex,
36
37 and conceived as being about who someone is and where they go, rather than an historically
38
39 contingent and socially constructed category which anyone might belong to.
40
41
42

43 **4. Conclusion**

44
45
46 In this paper, I have argued that RSD draws on and (re)produces certain conceptions of
47
48 sexuality. These conceptions focus on sexuality as a form of social identity (Powell, 2021a).
49
50 When conceived as a social identity, sexuality is viewed as having implications for the places
51
52 one inhabits. As I have shown above, it is in this context the certain places are seen as
53
54 indicative of SD. Yet the narrowness of these stereotypical notions of identity raises
55
56 significant concerns around the appropriateness and justness of decision-making processes.
57
58
59
60

1
2
3 This focus on particular places as a zone where only SD people go, in turn, leads to
4
5 other forms of evidence regarding SD being given less weighting. For example, given that the
6
7 system, in focusing on evidence of inhabiting certain places –is trying to generate forms of
8
9 objectivity it is likely that the attention given to these forms of evidence means that, for
10
11 example, self-identification continues to have a more limited weight given to it. Further, as I
12
13 have noted, it is likely that practitioners, in trying to secure status for their claimants, have
14
15 solidified or strengthened decision-makers expectations of this “evidence”. As such, it is
16
17 arguable that the focus on attendance at particular places leads RSD to be a forum within
18
19 which the conception of sexuality as a predominantly social identity is reified.
20
21
22
23

24
25 Moving forward, it is crucial that further research and policy takes greater notice of
26
27 the contingency of this construction of sexual diversity. Human lives are complex, relating to
28
29 the socio-cultural histories that impact the construction of categories of SD which—I argue—
30
31 do not simplistically translate across national and cultural borders. For example, it cannot be
32
33 straightforwardly assumed that claimants will understand their sexual desires as, in turn,
34
35 leading them to have a sexual identity (Powell, 2021a), let alone lead this identity as meaning
36
37 they will attend certain places. However, the issues are also practical in nature, linked to the
38
39 lack of resources given to asylum seekers in the UK when compared to the costs of attending
40
41 the places expected by decision-makers. Additionally, regard should be given to the fact that
42
43 such spaces can be highly sexualised which may be uncomfortable for those who are still
44
45 coming to terms with their own SD.
46
47
48
49

50
51 At a more practical level, those arranging such places, such as those engaged in the
52
53 organisation of pride parades or running venues should be aware of the multifarious ways in
54
55 which exclusion from these spaces functions, and the impacts this can have, especially where
56
57 appearance in such places is often crucial to RSD. Those attempting to make such places
58
59 more inclusive should note the ambivalence of these spaces currently and the extent to which
60

1
2
3 such places become saturated in the logics of neo-liberal individualism. Indeed, while noting
4
5 the economic constraints they face, such issues may be better remedied if local authorities
6
7 were to act in order to provide free, and non-alcohol driven, spaces in which a wider range of
8
9 SD people could gather.
10
11

12
13 Finally, it should be noted that the NABA has resulted in fundamental changes to UK
14
15 Law. While the exact outlook for the asylum system remains unclear, with a lack of
16
17 secondary legislation and ongoing legal challenges currently leaving limited detail regarding
18
19 the eventual frameworks actual operation, it is clear that those entering the UK by irregular
20
21 means face severe limitation on their ability to claim asylum in the UK.
22
23

24
25 Nonetheless, once things settle down –particularly when it is considered that SD
26
27 people from Rwanda have been accepted as refugees in the UK— there will still be a need for
28
29 the UK to make determinations about whether claimants are or will be perceived as SD. As
30
31 such, even as the UK asylum system changes understanding the role of place in SD claims
32
33 remains of crucial importance, and it is this understanding which this article has sought to
34
35 develop.
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60

References:

- Adler, L. (2020) Life at the Corner of Poverty and Sexual Abjection: Lewdness, Indecency and LGBTQ Youth in Ashford, Chris & Maine, Alexander (eds) *Research Handbook on Gender, Sexuality, and Law* Cheltenham: Edward Elgar
- Andersson, J. (2019) Homonormative Aesthetics: Aids and “de-generational unremembering” in 1990s London *Urban Studies* 56: 2993-3010.
- Browne, K & Brown, G. (2016) An introduction to the Geographies of sex and Sexualities in Browne, Kath & Brown, Gavin (eds) *The Routledge Research Companion to Geographies of Sex and Sexualities* London and New York: Routledge
- Brickell, C. (2001) Whose, “Special Treatment”? Heterosexism and the Problems with Liberalism. *Sexualities* 4:211-235.
- Chelvan, S. (2014) LGBTI Asylum Claims—The Difference, Stigma, Shame, Harm Model. available online: <http://www.righttoremain.org.uk/legal/lgbti-asylum-claims-the-difference-shame-stigma-harm-model/> (accessed 5th July 2022)
- Chelvan, S. 2020. The Emotional Journey and the DSSH Model: A Positive Tool for Credibility Assessment. Paper presented at the SOGICA Conference, online, July 7–9
- Danisi C, Dustin M, Ferreira N, Held, N (2021) (eds), *Queering Asylum In Europe: Legal and Social Experiences of Seeking International Protection On Grounds Of Sexual Orientation and Gender Identity*. Cham: Springer
- Dawson, J & Gerber, P. (2017) Assessing the Refugee Claims of LGBTI People: Is the DSSH Model Useful for Determining Claims by Women for Asylum Based on Sexual Orientation?, *International Journal of Refugee Law* 29: 292–322,
- Dhoest, A. (2019). Learning to be Gay: LGBTQ Forced Migrant Identities and Narratives in Belgium *Journal of Ethnic and Migration Studies* 45:1075-1089.
- Duggan, L. (2002) The New Homonormativity: The Sexual Politics of Neo-Liberalism in Castronovo, R & Nelson, D (eds), *Materializing Democracy: Towards a Revitalized Cultural Politics* Durham and London: Duke University Press
- Dustin, M. (2018) Many Rivers to Cross: The Recognition of LGBTQI Asylum in the UK *International Journal of Refugee Law* 30:104-127.
- Dustin, M & Held, N (2021). “They Sent me to the Mountain: The Role Space, Religion and Support Groups Play for LGBTIQ+ Asylum Claimants in Mole, R (Ed) *Queer Migration and Asylum in Europe*. London: UCL Press.
- Griffiths, M & Yeo, C (2021). The Uk’s Hostile Environment: Deputising Immigration Control. *Critical Social Policy* 41:521-544.
- Halberstam, J. (1998) *Female Masculinity*. London: Duke University Press.

- 1
- 2
- 3 - Held, N. (2017) ““They Look at you like an Insect that Wants to be Squashed””: an
- 4 Ethnographic Account of the Racialised Spaces of Manchester’s Gay Village’
- 5 *Sexualities* 20: 535-55.
- 6
- 7 - Held, N. (2022) “As Queer Refugees, we are out of category, we do not belong to
- 8 one, or the other”: LGBTIQ+ Refugees’ experiences of “ambivalent” queer spaces
- 9 *Ethnic and Racial Studies* 1: 1-22.
- 10
- 11 - Hunter, M. (2010) All the Gays are White and All the Blacks are Straight: Black Gay
- 12 Men, Identity, and Community *Sexuality Research and Social Policy* 7:81-92.
- 13 - Juss, S. (2015) Sexual Orientation and the Sexualisation of Refugee law *International*
- 14 *Journal on Minority and Group Rights* 22:128-153.
- 15 - Lalor, K & Browne, K. (2018) Here Versus There: Creating British Sexual Politics
- 16 Elsewhere (2018) *Feminist Legal Studies* 26:205-213.
- 17 - Lewis, R. (2014) “Gay? Prove It”: The Politics of Queer Anti-Deportation Activism
- 18 *Sexualities* 17: 958 – 975.
- 19
- 20 - Masullo, G. (2018) The Integration of Homosexual Migrations into the Italian Gay
- 21 Community in Mangone, E. Masullo, G and Gallego, M (eds), *Between Recognition*
- 22 *and Processes of sexual racialization in Gender and Sexuality in the Migration*
- 23 *Trajectories: Studies Between the Norther and Southern and Northern Mediterranean*
- 24 *Shores* London: Information Age Publishing
- 25 - McGuirk, S (2018), Incredible Subjects: NGOs, Attorneys and Permissible LGBT
- 26 Asylum Seeker Identities. *Polar*, 41: 4-18
- 27 - Morris, M (2021) The limits of Labelling: Incidental Sex Work Among Gay, Bisexual
- 28 and Queer Young Men on Social Media *Sexuality Research and Social Policy* 18:
- 29 855-868.
- 30
- 31 - Mole, R (2021). Rethinking Diaspora: Queer Poles, Brazilians and Russians in Berlin.
- 32 In Mole, R (ed), *Queer Migration and Asylum in Europe*. London: UCL Press
- 33 - Mowlabocus, S. (2010). *Gaydar Culture: Gay Men, Technology and Embodiment in*
- 34 *the Digital Age* London and New York: Routledge
- 35 - Millbank, J. (2002) Imagining Otherness: Refugee Claims on the Basis of Sexuality in
- 36 Canada and Australia. *Melbourne University Law Review* 26: 144-177.
- 37 - Millbank, J. (2009a) From Discretion to Disbelief: Recent Trends in Refugee
- 38 Determinations on the Basis of Sexual Orientation in Australia and the United
- 39 Kingdom *International Journal of Human Rights* 13: 391-414.
- 40 - Millbank, J. (2009b) “The Ring of Truth: A Case Study of Credibility Assessment in
- 41 Particular Social group Refugee Determinations *International Journal of Refugee law*
- 42 21: 1-33.
- 43
- 44 - Nasser-Eddin N, Abu-Assab, N, Greatrick, A (2018). Reconceptualising and
- 45 Contextualising Sexual Rights in the MENA Region: Beyond LGBTIQI Categories.
- 46 *Gender & Development* 26:173-18.
- 47
- 48 - Prabhat, D; Rifath, R; Singleton, A; Ziegler, R; Powell, A; Sedacca, N. (2022)
- 49 Reconsidering Asylum: Is it for those who need protection *Border Criminology*
- 50 available online at [https://blogs.law.ox.ac.uk/research-subject-groups/centre-](https://blogs.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2022/05/reconsidering)
- 51 [criminology/centreborder-criminologies/blog/2022/05/reconsidering](https://blogs.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2022/05/reconsidering) (accessed
- 52 21/07/2022).
- 53
- 54 - Powell, A (2020). Normative Understandings: Sexual Identity, Stereotypes and
- 55 Asylum Seeking in Ashford, C & Maine, A (eds), *The Research Handbook on*
- 56 *Gender, Sexuality and Law*. London: Edward Elgar.
- 57 - Powell, A. (2021a) “Sexuality” Through The Kaleidoscope: Sexual Orientation,
- 58 Identity, and Behaviour in Asylum Claims in the United Kingdom. *Laws* 10:90-110.
- 59
- 60

- 1
2
3 - Powell, A. (2021b) Queering refugee law: a study of sexual diversity in asylum policy
4 and practice in the United Kingdom. PhD Thesis: City, University of London
5 - Powell A, Rifath R (2023) Sexual Diversity and the Nationality and Borders Act
6 2022. *Legal Studies*. Forthcoming.
7 - Puar, J. (2006) Mapping US Homonormativites *Gender, Place & Culture: A Journal*
8 *of Feminist Geography* 13:67-88.
9 - Ruez, D. (2017) 'I never felt targeted as an Asian... Until I went to a gay pub': Sexual
10 Racism and the aesthetic geographies of the bad encounter *Environment and Planning*
11 49: 893-910
12 - Spain, D. (1992) *Gendered Spaces* Chapel Hill & London: University of North
13 Carolina Press
14 - Home Office, Memorandum of Understanding (MOU) Between the UK and Rawanda
15 14th April 2022.
16 - Law Society [https://www.lawsociety.org.uk/topics/immigration/nationality-and-](https://www.lawsociety.org.uk/topics/immigration/nationality-and-borders-act-and-rwanda-asylum-partnership)
17 [borders-act-and-rwanda-asylum-partnership](https://www.lawsociety.org.uk/topics/immigration/nationality-and-borders-act-and-rwanda-asylum-partnership) (accessed 3rd November 2022).
18 - House of Lords International Agreements Committee (2022) Memorandum of
19 Understanding Between the UK and Rwanda for the Provision of an Asylum
20 Partnership Arrangement. HL Paper 71 available online at:
21 [https://www.gov.uk/government/publications/memorandum-of-understanding-mou-](https://www.gov.uk/government/publications/memorandum-of-understanding-mou-between-the-uk-and-rwanda)
22 [between-the-uk-and-rwanda](https://www.gov.uk/government/publications/memorandum-of-understanding-mou-between-the-uk-and-rwanda) (Accessed 15th November 2022)
23 - UK Lesbian and Gay Immigration Group (UKLGIG). (2013) Missing the Mark:
24 Decision Making on lesbian, Gay (Bisexual, Trans and Intersex) Asylum Claims
25 Available online at: [https://www.rainbowmigration.org.uk/sites/default/files/2021-03/](https://www.rainbowmigration.org.uk/sites/default/files/2021-03/Missing-the-Mark-Oct-13_0.pdf)
26 [Missing-the-Mark-Oct-13_0.pdf](https://www.rainbowmigration.org.uk/sites/default/files/2021-03/Missing-the-Mark-Oct-13_0.pdf) (accessed 25th June 2022).
27 - UK Lesbian and Gay Immigration Group (UKLGIG) (2018). Still Falling Short.
28 Available online at [https://www.rainbowmigration.org.uk/publications/still-falling-](https://www.rainbowmigration.org.uk/publications/still-falling-short/)
29 [short/](https://www.rainbowmigration.org.uk/publications/still-falling-short/) (accessed 21 June 2023).
30 - Law Centre (NI) Information Briefing. (2011) HJ (*Iran*): A Fundamental Shift in
31 Asylum Law. *Law Centre* available online at:
32 [http://www.lawcentreni.org/Publications/Law%20Centre%20Information%20Briefing](http://www.lawcentreni.org/Publications/Law%20Centre%20Information%20Briefings/HJIranMarch2011.pdf)
33 [s/HJIranMarch2011.pdf](http://www.lawcentreni.org/Publications/Law%20Centre%20Information%20Briefings/HJIranMarch2011.pdf) (accessed 15th November 2022).
34 - United Nations High Commissioner for Refugees. (2012) Guidelines on International
35 Protection No9: Claims to Refugee Status Based on Sexual Orientation and/or Gender
36 Identity Within the Context of Article 1A(2) of the 1951 Convention and/or its 1967
37 Protocol Relating to the Status of Refugees. UN Doc HCR/GIP/12/09 23 October
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60