

The Struggle of LGBTQ Migrants

Tyler Dardis

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Dr. Sudarshana Bordoloi

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Introduction

Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) migration is a new subset of migration studies; and with that comes some issues. With the LGBTQ community being a marginalized minority there is not a whole lot of data on the subject of their migration patterns. There are still many cases and research done into the situations LGBTQ migrants face, and many of the laws and policies that affect them. Though conditions and policy have improved for more developed/western nations, many parts of the world still have oppressive politics towards the LGBTQ populations. This review aims to bring together literature ranging from historical context, contemporary case studies, sociological ideas, and studies on improvements that could be made with this marginalized migrant minority.

Literature was retrieved from reputable journals dealing with migration, sociology, and sexuality. Journals include the “Forced Migration Review”, the “Journal of Homosexuality”, and the “Journal of Gay and Lesbian Social Services”. An article relating to gay migration by Robert Aldrich was taken from “The Encyclopedia of Global Human Migration”, and other contemporary articles about current issues and struggles with LGBTQ migrants were used.

The structure of this paper goes as follows. To begin, there will be a look into the history of LGBTQ migration, starting with the enlightenment period, on to more modern events such as the Stonewall Riots of 1969 in New York City. This gives context to the migratory patterns we see, bringing light to the rural to urban migration that is commonly seen with this group, and showing the shift in public discourse with such a controversial topic. Second, this review will look into contemporary case studies of issues that the LGBTQ population face. This includes harsh policy and public discourse aimed against them that many times push them to seek asylum in neighboring countries, with hopes of getting to prized locations such as America or Canada for example. This will focus around East Africa, and Eastern Europe; looking at both the effects on sending and receiving nations. Third, the ambiguity of the definition of asylum law will be looked at, as well as how to define an individual as LGBTQ. Due to complications in defining LGBTQ individuals, many have to cover/reverse-cover, a circular process to hide or present gay characteristics to prove one’s identity. Finally, LGBTQ populations deal with a lot of trauma in these processes of seeking asylum, whether it be from covering/reverse-covering, abuse, etc. Due to this, many studies and stories are coming out on the importance of the mental health of

LGBTQ migrants, and the use of social work to improve conditions for these incoming asylum seekers.

History

When looking back at history for context into shifts in LGBTQ thinking and discourse, the enlightenment period needs to be considered. Though same-sex relations wouldn't be seen in the same light as many western nations today, there was a paradigm shift in the thinking about sex, and the morality surrounding it. Though controversial and contested at the time, more open minded and liberal thinking was beginning to appear around this era. Figures such as Marquis de Sade "... argued precisely for the naturalness of perverse sexual behavior..." (Bauer 25) and worked on rationalizing sex and in a context which wasn't limited to solely male and female activity. Sade was up against many of the other thinkers and philosophers of the time, such as Immanuel Kant who believed reason controlled desires, rather than Sade's idea of the body controlling desire. Kant believed homosexual acts, masturbation, etc. were unnatural as they do not serve the future of humanity. Discourse of the time can be seen in the arrest of Sade where he was "...imprisoned for thirteen years in 1771 on charges of sodomy and other sexual transgressions on instigation of his mother-in-law, he died during his second imprisonment on charges of being the author of pornographic fiction." (Bauer 26)

Shortly after the enlightenment period we begin to see some of the first noted migration patterns within the LGBTQ community. In the 1800's into the 1900's there is a north to south migration in Europe, with gay northern Europeans going down to the southern Mediterranean areas of Europe. Places like Greece and Italy were hotspots for this relocation. This also had ancient roots dating back to the Romans and ancient Greeks that "...offered the heritage of a society where same-sex desires, though regulated by social codes and mores, were celebrated." (Aldrich 1) Other popular destinations around this period were Sri Lanka and Thailand. Many famous individuals of the time were notable migrants to these locations. With that being said, the wealthy and affluent were the ones with resources to make these moves, unlike the poor and uneducated of the time.

For most LGBTQ migrants the cities were the main attractor, with popular ones being Paris, London, and Berlin. Cities like London boasted "... vibrant, if somewhat clandestine, gay culture dating back to the 1700s" (Aldrich 2). These areas were centers of renaissance and

culture: areas of free and open thinking that became more accepting of differences in times that were marked with discrimination and differentiation. Some events would change these patterns; such as the trial of Oscar Wilde in London. At this time, LGBTQ Londoners fled to France. Another period was when the Nazi party came to power in Germany, making Berlin no longer a sought-out destination due to persecution of the LGBTQ community. This pattern of migration to urban cities, and creation of urban enclaves would be repeating throughout the world, especially in America around the 1950s and on.

Cities that were home to the fronts of the gay liberation movements such as the Stonewall Riots of New York in 1969, became hubs or gay meccas in America. Another notable location was the Castro District in San Francisco which became the home of Harvey Milk, who opened a camera store called Castro Camera. Milk became the first openly gay public official elected in the United States, and a gay icon in American culture. This was known as the “Great Gay Migration”, where mainly people from the heartlands of America began to move into large cities and metropolitan areas. Gay enclaves would form many times around these historical sites of gay liberation. The cities offered “...greater anonymity for those who wished to disappear into the crowds...” (Aldrich 3) and escape the isolation of rural life.

Much like how rural-urban migration repeated itself from Europe to America, likewise it did to other parts of the world, like Asia. Urban centers such as Thailand, Tokyo and Singapore became gay meccas as well. It is worth noting in Thailand’s case that “...a significant number [of LGBTQ migrants] come from the poorer regions and from minority ethnic groups” (Aldrich 3). Many of these individuals end up in “boy bars”, massage parlors, etc.; having a slight connection to past histories of 1800’s with this region being a hotspot for the wealthy and affluent. This shows that even within the LGBTQ community, exploitation of minorities within the minority is not unheard of. This is also called double-discrimination: discrimination “...on the basis of both ethnicity and sexuality” (Aldrich 3).

Case Studies

The main region of the world that deal with the highest intolerance and strict policy towards LGBTQ populations are in Africa and the Middle East. The case that will be reviewed is of East Africa, specifically Uganda and Kenya. This case starts with the passing of Uganda’s Anti-Homosexuality Act in December of 2013, which gave rise to “...incidents of violence,

blackmail, media ‘outings’, loss of employment, and expulsion from school” (Zomorodi 91). This justification of discrimination and hatred pushed many LGBTQ people out of the country, with a reported 400 Ugandan LGBTQ individuals seeking asylum in neighboring Kenya between January of 2014 to February of 2015. LGBTQ organizations meant to protect this already vulnerable community began to shrink and lose resources. Though the law was annulled in August of 2014, it did not stop the public discourse of discrimination and violence from happening. Much of the public took it into their own hands and continued to spread hate and violence. Even receiving countries like Kenya were not without flaws. With anti-sodomy laws, discrimination and violence, Ugandan LGBTQ members were not free from suffering after leaving Uganda. Migrants many times had to choose to be protected at the cost of being ‘outed’ and visible to others.

As mentioned, Kenya was the main receiving country of these LGBTQ asylum seekers. With the help of the United Nations High Commissioner for Refugees (UNHCR), cases were initially prioritized, with “... one case [that] sped through in a record eight months between entry into Kenya and resettlement in the United States” (Zomorodi 91). Cases gradually increased, with many people expecting to be sent to western nations which had high acceptance and tolerance of LGBTQ members. As the number of migrants increased, organizations such as UNHCR couldn’t handle it all, and other LGBTQ organizations of Kenya and Uganda were relied upon. As mentioned before, Ugandan LGBTQ organizations shrank after anti-homosexuality laws passed, and Kenyan organizations quickly became overwhelmed due to “...significant strains on their human and financial resources” (Zomorodi 92). At this time many asylum seekers had high hopes and were at times promised ‘escape,’ a reality that wasn’t true for all.

The case of Uganda and Kenya shows a couple important topics to discuss. First, that LGBTQ migration and treatment of LGBTQ individuals in general are still very much an issue. Though we see lots of progress in western countries, whether it be in same-sex marriage, or anti-discrimination laws and protection; many parts of the world are without these rights and protections. This brings a much-needed call for further research into areas such as Uganda and Kenya, along with other African and Middle Eastern nations, which still don’t offer basic protections when it comes to human rights, or migration. Second, there needs to be an increase in communication and coordination between organizations such as UNHCR, and other domestic

LGBTQ organizations. Many false promises and mis-information are spread to migrants, promising safe, and quick relocation to countries in western Europe or the United States. Many of these migrants are in a very vulnerable state and are not told and informed of what they are getting into. One of the major changes that could occur, and is surely a fairly universal trend when it comes to improving migration processes, is to increase funding and human capital.

Parts of the world that may not even border countries with illegalities based on sexual orientation, such as Kenya, still are heavily impacted by this issue. The one case study that will be observed is in Serbia, an Eastern European nation that is a transit country for many migrants, both LGBTQ and non-LGBTQ. For many of these migrants Western Europe is the destination but many have become "...protracted to the point that transit countries effectively [become] destination countries" (Badali 90). Though countries such as Serbia do not have policy making LGBTQ acts illegal, or condemnable by death, "[t]he LGBTQ community in Serbia [have] for years experienced widespread societal intolerance, discrimination, and violence" (Badali 92). Though countries like Serbia are not the ideal locations for LGBTQ migrants to be, they are the best or only option for many, much like the case with Kenya in Eastern Africa.

Due to poor public discourse on the issue of LGBTQ rights in Serbia many obstacles are formed. "Discrimination and violence facing queer migrants often 'follow' them to reception centers..." (Badali 95), creating tension and misguided judgements when it comes to deciding the fates of LGBTQ migrants. On top of insufficient training of service providers and insufficient facilities and protections for LGBTQ migrants, the experience definitely reflected public discourse. Migrants who do not show stereotypical 'gay' traits are many times denied their claim for asylum status. This creates an issue and need for reverse covering (explained in "Problems Defining") where LGBTQ migrants need to act or perform a certain way to prove one's identity. In the case of a gay man for example, the heteronormative stereotype would be to act feminine. The cause for much of this obstacle is unclear legal protections for LGBTQ migrants (explained in "Problems Defining").

When looking at the case study of Serbia, we can see the expanded concern of LGBTQ rights, and the struggles in certain parts of the world. There is fear and stigma attached to sexuality that is very damaging to migrants. The focus is turned from the abuses of the victim to the victim themselves. They have to turn to performance and acting out a role that is many times not applicable to their culture. LGBTQ stereotypes are many times from western cultures,

predominantly male, and white. As we can see, a large number of asylum seekers are from the Middle East, and Africa; being of color, and not sharing many cultural traits.

Problems Defining

As mentioned earlier, in the case of Serbia, legal protections, asylum law, and LGBTQ migrants become difficult to define and are very ambiguous in nature. To begin, we will look at asylum law, which gives no concrete protections or acknowledgment to LGBTQ migrants. The asylum law states protections for "...individuals who are persecuted on account of race, nationality, religion, political opinion, and membership in a particular social group" (Heller 300). The last part about 'membership in a particular social group' varies depending on location and court rulings. In the case of the United States, since there is no Supreme Court ruling, it comes down to individual courts and their rulings on the matter. Some are more liberal when it comes to interpreting the meaning behind this, and others are not. Some would consider LGBTQ members to be in this grouping, others would not.

Not only is the way to define 'membership in a particular social group' up in the air, so is the way to define an LGBTQ migrant in the first place. There are three main arguments on identification of LGBTQ persons, and that is "...for being gay, acting gay, or mistakenly perceived as gay" (Heller 300). With the first argument, simple self-identification of being a member of the LGBTQ community should be enough. The second is based on displaying stereotypical characteristics of LGBTQ members, and the third is the perception and judgement of another person; in this case it would be the people hearing an asylum claim. Sadly, many times the judgement of whether a person is a member of the LGBTQ community is decided on stereotypical characteristics and whether they are present or not. This leads us to the idea of cover and reverse-covering, a concept coined by Yale Law Professor Kenji Yoshino.

To begin, covering is as it states: a person 'covers' their identity. They do not display characteristics that would make them a part of a minority community. In the case of an LGBTQ migrant this is practiced very often, if not a day-to-day ritual, where they hide LGBTQ traits that would out them to others. This protects them in a sense against possible violence and discrimination they would otherwise face. Reverse-covering on the other hand is the opposite: this is to present characteristics that identify them as part of a minority community. In this case,

an LGBTQ migrants would have to perform stereotypical LGBTQ identities, such as a gay man being effeminate, or a lesbian woman being masculine.

This process of covering and reverse covering is an ongoing cycle, where many try to cover identities in their day-to-day life, but reverse-cover to ‘prove’ or plead their case for asylum status. This does not come without its complications though, as this process itself can be very traumatic and exposing for an LGBTQ individual. In many ways this holds people back, just like many of the discriminatory policies and laws in many parts of the world.

Improving Conditions

When it comes to improving conditions for asylum seekers, it is not necessarily easy; but work has been done to look into the conditions LGBTQ migrants face, and the assistance that is necessarily to aid in the process of migrating and resettling.

There are many sources of literature that explain the need for improved social work and social services to be provided for this vulnerable community. With many LGBTQ migrants facing “...physical and emotional abuse, assault, shunning, blackmail, forced heterosexual marriage, ‘corrective rape’ and pressure to participate in conversion therapy...” that leads to “mental health problems, such as post-traumatic stress disorder (PTSD), complex trauma syndromes, anxiety and depression...” (Kahn, et al. 1166) Focus on mental health is a priority. This includes the improvement of mental health professionals’ and service providers’ trainings, as many of them “...lack the necessary skills and knowledge to assist them” (Kahn, et al. 1167). Some suggestions are “...mandated trainings for refugee and asylum officers on the experiences of survivors of torture, particularly LGBTQ survivors and unaccompanied minors” (Hopkinson, et al. 1663). This would give much greater competency to social services, bringing awareness of cultural norms, and things such as linguistics, and treating issues with much more sensitivity and care.

Another area that can greatly improve conditions and situations of LGBTQ migrants is education. As said earlier, dealing with Kenya and Uganda, many migrants are blind to the realities that they face. Many expect to go to western nations quickly, but due to overloading of cases, and other problems discussed, they become trapped in transit countries. These transit countries become the makeshift, if not permanent, destination country where discrimination and abuse are still likely. Also, educating people on the realities and opportunities of ways to get

granted asylum status based off sexuality is very important. Presenting the ideas of reverse-covering as a way to get claims granted, though very harmful in many senses, is one of the ways to take advantage of the current asylum system for LGBTQ individuals. For others that is simply not an option, putting them in too much of a vulnerable situation. Social workers are able to discuss some of these options, finding what works best on a case-by-case basis.

Some of the first quantitative rather than qualitative studies are beginning to be done, like with the research done in “Persecution Experiences and Mental Health of LGBTQ Asylum Seekers” (Hopkinson, et al.), a study that looks into trauma severity of LGBTQ migrants, as well as relating them to non-LGBTQ migrants. Some of the key findings from this study “...suggest that asylum seekers persecuted due to their LGBTQ identity may experience higher rates of sexual violence, earlier age of first trauma, higher incidence of persecution at the hands of family members, and higher rates of suicidality than asylum seekers persecuted for other reasons (e.g., religious, political, or ethnic affiliation)” (Hopkinson, et al. 1658). Though there were several limitations due to the complexity of sexuality, sample selections, etc., this is a very important step to get better data on a subject matter that is severely lacking. More studies such as this could greatly help find areas that need to be addressed and give concrete numbers on the importance of the issue.

As noted earlier, with ambiguity in asylum law, there needs to be increased clarification of protections based explicitly on sexual orientation. Heller stated adding a “demand to cover” protection, which means if an individual has to ‘cover’ their identity to avoid persecution, or even death, they should qualify for asylum status. Over the past 20 years, there have been improvements, with Canada taking the first step towards including sexual orientation in refugee claims, in 1991. With that being said, many other countries still do not have these same inclusions; even the United States which is limited to the ambiguous statements such as ‘member of a particular social group’. One of the things to note is that if the United States, for example, clarified asylum criteria, it “...would likely force changes in other areas of the American legal and social systems” (Heller 306).

When it comes to improving conditions for asylum seekers in countries such as Serbia, where public discourse is discriminatory, it appears that grassroots movements have some of the best results. Contrary to international pressure to change discourse, where it is a top down approach to structural and societal change; there needs to be continued and increased grassroots

movements towards acceptance and tolerance. Serbians for example, see acceptance advocated by other Serbians, rather than an external force or other nation. This has been shown to be much more successful in altering public discourse, and "... further serve to support Serbian acceptance of migrants' sexual and gender identity" (Badali 107). Whereas if LGBTQ acceptance is pushed by international pressure, it can cause a backlash or "boomerang" effect which could embolden right-wing nationalism.

Conclusions

There are still many issues when it comes to LGBTQ migration. Historically, sentiment has improved over the decades and centuries, and much political progress has happened to give protections to LGBTQ people. But this did not come easy and is not universal for the world. Many countries still have harsh laws that can lead to imprisonment or death due to sexuality, or others offer little to no protection for these individuals. These areas are seeing the migrants' issues, and asylum seekers to this day. It must be noted that international intervention on pushing ideology isn't always the answer, though it may seem to be the right thing to do. Grassroots movements from the natives of the nation seem to have the greatest success in changing the tide of public discourse.

With it being such a new subset within Migration Studies, not much is known. Information and data can be 'closeted' out of fear of prosecution or death. Areas of the world where it would be most beneficial to have information relating to LGBTQ populations are the areas with some of the sparsest information. Though there may be an increase of knowledge and statistics in more western nations, that is still lacking in and of itself. Research into quantitative data is key to understanding and proving certain aspects of what differentiates LGBTQ migrants and what makes them an important group to assist. Hopes are that research such as this will continue, reaching more and more people. Increasing acceptance and tolerance will help reveal 'closeted' individuals who are/were afraid of possible prosecution; which in turn will only help the representation of data.

Continued research and methods of dealing with LGBTQ migrants mental health and past trauma is also a key issue that needs continued stress. Improvements in this prove critical to ensuring safety and educated decisions on the part of the migrants. As social services improve and recognize the special circumstances that LGBTQ migrants have to face, a greater

understanding and respect can be given to these individuals. The migrants themselves are empowered with information that can help them make their own decisions based off their situation, rather than being at the will of others. It cannot be forgotten that in many of these organizations, even when looking at the UNHCR, that there is a lack of resources to deal with the caseloads. Improving resources would help greatly; not only on personal levels, but also in improving camps and refugee locations for better protections from possibly discrimination and hate.

Probably one of the most important things to be considered is changing asylum law and clarifying it to include sexuality as a qualifying factor. This will reduce the need for covering/reverse-covering, and the trauma that is piled on top of an already traumatized person, in most cases. When adding that clarification, it begins to take the pressure off LGBTQ migrants to 'prove' themselves in this unfair process, but instead looks more into the trauma that these individuals are facing. This not only helps the asylum-seeking process, but also begins conversation and change in national politics and changes in national level social and societal structure.

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