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**Proving gender and sexuality in Europe’s borders**

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## Proving gender and sexuality in Europe's borders

**Abstract:** The aim of this thesis is to explore Greek authorities' normative expectations for a "credible" account in asylum claims based on sexual orientation and gender identity (SOGI). As caseworkers' accounts portray, through 16 semi-structured interviews, essentialist perceptions of evidence, truth, and truthful gender and sexuality dominate in the procedure of "credibility assessment". Asylum claimants are expected to bear and perform a sexual and gender identity which is fixed, immutable, narratable and narrow-defined; at the same time, they are expected to provide narratives that demonize their "homophobic", "oppressive", and "backward" Islamic societies and cultures. This homonationalist and orientalist discursive framework which is founded on Eurocentric and white-centered presumptions of sexual citizenship and the fear for the "other" that threatens to destabilize western neoliberal social norms, produces further exclusions for women and lower-class applicants and ignores SOGI's intersections with gender, class and race.

**Key words:** SOGI claims, Greek Asylum Service, Credibility Assessment, Sexual Identity, Sexual Citizenship, Homonationalism.

*Most important things in life cannot be rationally proved, as patriarchy indicates,  
and the attempt to prove them is as degrading as futile*

Natalie Wynn, transtrenders

### 1. Introduction

#### 1.1 The sociopolitical framework, or the chronicle of a dystopia.

In March 2016, following the so-called refugee crisis outburst, the European Union (EU), in an effort to limit the rising refugee flows arriving in the EU territory, co-signs along with Turkey a joint statement in order to "address the migration crisis" (European Council 2016). The statement's text was both too brief and too vague, however, it led to the establishment of an admissibility procedure for Syrian asylum seekers in the five Greek hotspot islands (Chios, Lesbos, Leros, Kos, Samos), based on the arbitrary perception of Turkey as a safe third country. In parallel, as predicted by the national legislation for asylum (Law 4375/2016) voted by the Greek parliament few days after the statement's joint signature, two different asylum procedures were formed: a regular procedure in the mainland with extended deadlines and long waiting periods and a fast-track, border procedure in the five hotspot islands with stricter deadlines and less guarantees, part of which was the admissibility procedure for Syrians. Furthermore, through an administrative decision, geographical restriction was imposed to those applying for asylum in the borders, limiting their freedom of movement to the respective island and leading progressively to extreme overpopulation in the five hotspots.

In November 2019, few months after the right-wing conservative New Democracy party came to power, Greek parliament passes a new asylum law (Law 4636/2019). The government explicitly tied the law to its objectives of accelerating asylum procedures and increasing returns, by reducing safeguards for people seeking international protection (AIDA 2020, 18). At the same time, since the beginning of 2020, a few months before the outburst of the pandemic, more and more reports record the use of pushbacks, accompanied by violence, by the Greek Coast Guard in cooperation with the Greek Army and Frontex (BVMN 2020; HRW 2020; UNHCR 2020; ECRE 2020). According to press releases, by June 2021 Greek authorities had forcibly returned more than 7,000 people, including children, to Turkey. Survivors' testimonies include confiscation of belongings, passports, money, even prescribed medication, verbal abuse, humiliation, deprivation of food, water and sanitation facilities, excessive use of violence and detention by the Greek police and military forces, prior to their return to Turkey (OMCT 2021).

Part of Greek government's immigration policy was the inauguration of the first three "closed controlled access centers" in autumn 2021, firstly on Samos and then on Leros and Kos as part of the new EU-funded facilities which will be established in the five hotspot islands. Closed centers are located in remote areas, surrounded with barbed wire fencing, and feature surveillance cameras, x-ray scanners and magnetic doors (ECRE 2021a). The operation of the closed controlled centers seems to be tightly connected with the EU policy on migration and asylum. In September 2020, EU Commission proposes a new Pact on Migration and Asylum to address migration's control. Part of EU Commission's proposal is the establishment of mandatory accelerated border procedure applicable to all asylum seekers, with few exceptions, and its interrelation with a respective return border procedure for those non eligible for asylum (European Commission 2020). Both procedures, could be easily assumed to be closely related with the massive extension of closed camps/detention centers at Greek borders. Furthermore, the New Pact is strongly focused on the externalization of asylum and on the role and responsibilities of non-EU asylum countries.

In June 2021, in line with this externalization policy and five years following the EU-Turkey statement, Greece unilaterally designates Turkey as a safe third country for applicants from Afghanistan, Bangladesh, Pakistan, Somalia and Syria through a Joint Ministerial Decision (JMD). As a result, the use of admissibility procedures is expanded not only to four additional nationalities apart from Syrians but it constitutes also part of the regular procedure in the mainland. The JMD has already resulted in a mass, rapid rejection of asylum claims submitted by applicants from the above five nationalities, who account for over 67% of asylum applicants in Greece, despite the fact that official reports document systematic and longstanding severe violations of human rights and the rule of law in Turkey (GCR 2021a). It is notable that since March 2020, Turkey has not been accepting the return of migrants from Greece (GCR 2021b). As Stephania, a European Asylum Support Office's (EASO) caseworker and one of this research's participants, mentions: "Government has paused returns to Turkey, but keeps rejecting asylum claims as inadmissible. This practice has as a result the absolute deprivation of asylum seekers' rights. Undocumented migrants do not exist for the Greek state. They don't have access to hospitals,

work, school, or any kind of service. Nobody knows, if they are alive or not.” As Stephania explains, migrants whose application has been rejected, exist in a situation of “slow death”, in an in-between zone of life and death (Berlant 2007), in protracted legal uncertainty, social exclusion, destitution, homelessness, prolonged detention and even death.

Under the framework of necropolitics at the EU borders, refugee and migrant bodies, which count as nothing else than numbers and statistics, are condemned to a living death, bearing a life that is not worth living (Mbembe 2008). In this context, queer asylum seekers are considered the “favored refugees” that fit perfectly into the refugee definition. “Saving” LGBTIQ asylum seekers from their “homophobic and oppressive” societies serves EU’s sexual politics on the promotion of LGBTIQ rights and constitutes a self-justification of violent exclusionary necropolitical practices. However, as Jasbir Puar has noted, this deployment of strategies of inclusivity by neoliberal western democracies is mediated through realms of exclusion (Puar 2017, 25): Only applicants that can prove their “genuine” LGBTIQ identity instead of pretending queerness to abuse the system should be saved and protected. Queer refugees’ right to enter the EU territory is conditioned upon their sexual truth, which is in turn evaluated by the asylum mechanism, the only authoritative mechanism to define what is “real” and what is “fraudulent”. In order to be deemed credibly queer by the state, asylum seekers need to meet authorities’ expectations for a credible account. Otherwise, their claim will be rejected as non-credible and they will be deportable to their countries of origin or third countries. In essence, the EU holds a double agenda to serve its policy on border making: on the one hand, establishing a fortress Europe founded on violent anti-migratory practices in the Aegean, and, on the other hand, promoting queer refugees’ rights, which represents Europe as a “queer heaven” where queer refugees -those who have proven their sexual truth- are rescued from their “barbaric, oppressive, premodern and homophobic” cultures of origin. These two ostensibly contradictory agendas coexist and serve the same policy: border making through cultural othering.

In this thesis, I discuss with 16 caseworkers about their expectations for a credible account in SOGI asylum claims, in an attempt to study how the Greek state defines and regulates *queer* in order to distinguish the *truthful*, those who deserve to be saved, from the *bogus*, those who deserve to be deported. In this regime of sexual truth, in order for their claims to be judged as credible, applicants are expected to fulfil state’s neoliberal, homonormative desires for the proper sexual citizen. Through this form of legal epistemic violence, asylum system reproduces further intersectional exclusions based on asylum seekers’ gender, race and social class, while serving its aims on cultural othering and border making.

## 1.2 Sexual Politics in western neoliberal democracies and asylum practices as exclusionary mechanisms

In order to develop my analysis and critique of this queer necropolitical framework, in which Greek neoliberal politics through diverse forms of control, surveillance and epistemic violence differentiate the authentic queer refugee from the fraudulent claimant, I draw on Jasbir Puar’s (2017) concept of “homonationalism”. In her book *Terrorist Assemblages*, Jasbir Puar questions the idea that the nation-state is always heteronormative and that the queer citizen is always “alien”. Instead, she examines how neoliberal democracies instrumentalize the

inclusion of the marginalized sexual populations in order to produce new “others” and secure their borders. As she put it: “acceptance and tolerance for gays and lesbians have become a barometer by which the right to and capacity for national sovereignty is evaluated” (Puar 2013, 336). Through Puar’s political analysis, in this thesis I am trying to show how through the asylum apparatus the Greek nation-state claims sexual diversity and queer refugees’ rights in order to grant asylum only to those who are considered assimilable into the model of the neoliberal sexual consumer-citizen, while at the same time works on reproducing inequalities and exclusions for the racialized, gendered, classed subjects who are deemed as “bogus” queers.

In developing my argument about how inclusion in the Greek nation-state is mediated through epistemologically violent exclusionary practices, I examine how, in the asylum apparatus, a neoliberalized form of sexual citizenship has turned into a benchmark against which all queer asylum seekers are measured. Although problematizing the notion of sexual citizenship by itself is beyond the scope of this text, my aim in this thesis is to draw attention to the exclusionary effects of sexual democratization (Butler 2004) through examining the regulation and normalization of queerness. Sexual citizenship, as defined in neoliberal democracies, leaves unquestioned traditional and conventional forms of citizenship, which are reproduced in heterosexual, patriarchal, capitalistic frameworks (Duggan 2003; Richardson 2017). By claiming sexual freedom through consumption, homonormativity, family values and the individualistic self-willed subject, sexual citizenship has turned into a marker that idealizes the progressive modern West in opposition to the undeveloped, backward premodern East (Sabsay 2012; Duggan 2003; El Tayeb 2011). In this way, neoliberal western nation states promote orientalist and colonial practices under the guise of sexual freedom in order to secure their borders from racialized “others”.

In this framework, asylum systems, founded on Eurocentric and white-centered discourses, constitute homonationalist biopolitical mechanisms of population’s control which, in a self-justificatory effort, invest in discourses of freedom, protection, liberation, and rights. In recent years, there is a burgeoning field of scholarship in queer migration studies which, through both theoretical analysis and empirical research, challenges these epistemically violent, exclusionary mechanisms of western nation-states. This research draws on an ongoing discourse in critical and social/law studies on how asylum systems as authoritative state mechanisms invest on scrutinization of sexual truth in order to provide access to citizenship, rights and national identity only to “authentic queers” (Fassin and Salcedo 2015; Murray 2014; 2018; 2020; Hertoghs and Schinkel 2018; Berg and Millbank 2009; Giametta 2017; Lewis 2013; 2014; Akin 2017; Danisi et al. 2021).

More specifically, there is a body of literature on how asylum apparatuses in the Global North, in order to control who will have access to their territory, insist on monolithic, essentialist, and temporally and spatially fixed notions of sexual identity (Shakhsari 2014; Giametta 2017; Akin 2017; Nasser-Eddin et al. 2018; Shuman and Bohmer 2014; Saleh 2020; Berg and Millbank 2009; Ricard 2014; Jansen 2018). This corpus has noted that asylum authorities, in their effort to distinguish the authentic queer refugee who deserves to be

saved from the fraudulent queer claimant whose aim is to abuse asylum procedures, establish regimes of sexual truth by recognizing as “real” queer refugees only those that can be assimilated to their national imaginary about the progressive queer neoliberal citizen (Murray 2014; 2020; Lewis 2013; 2014 Akin 2017; Giametta 2017; Hertoghs and Schinkel 2018). Through this inclusion, as many authors have highlighted in their researches, western nation states reproduce inequalities and exclusions based on gender, race and class since the “genuine” queer refugee needs to fit in the model of the homonormative, middle-class, secular, male, gay consumer-citizen (Murray 2014; 2020; Lewis 2013; Saleh 2020; Giametta 2017; Akin 2017; Hertoghs and Schinkel 2018; Nasser-Eddin et al. 2018; Tschalaer 2020). By setting concrete requirements about how queer identities should experience and express their gender and sexuality, they appropriate queer as inherent to western progressive civilization and they reproduce new dichotomies of backwardness and progress (Shakhsari 2014; Giametta 2017; Nasser-Eddin et al. 2018; Murray 2018). In this way, as this literature has highlighted, asylum apparatuses erase the complexity and the nuances of queerness, and normatively define how proper queer claimants should perform their gender and sexuality (Saleh 2020; Shuman and Bohmer 2014; Giametta 2017). This is how the biopolitical mechanism of asylum not only decides who are the “genuine” queer refugees and who can be deported as “bogus” claimants but at the same time it defines how the “real” queers, as the legitimate bodies to be saved, will live as national subjects.

Despite this burgeoning literature on queer asylum, there is no sustained enquiry on Greek practices in this field. Due to its geopolitical position, Greece receives every year numerous asylum claims, many of them based on SOGI. However, not only Greece applies an anti-migratory “necro-policy” in its borders, as it was described above, but on the other hand equality, inclusion and justice are not guaranteed for non-normative queer subjects.<sup>1</sup> Despite the fact that the Greek government instrumentalizes queer rights and equality, there is no appropriate legal framework and queer subjects are targeted, even when they are Greek nationals.<sup>2</sup> Under such terms, sexual citizenship in the Greek apparatus is strictly defined, homo-normalized and accessible only to a limited number of gendered and classed subjects. Consequently, the inclusion of queer subjects in the Greek national imaginary, is mediated by systemic realms of exclusion. My aim in this research is to study how this restrictive, neoliberal and homonationalist approach on sexual citizenship intersects with authorities’ practices in credibility assessment in queer asylum claims. Pursuing the groundbreaking work of queer and feminist scholars (Puar 2017; 2013; Sabsay 2012; Shakhsari 2014; Giametta 2017; Akin 2017; Nasser-Eddin et al. 2018; Shuman and Bohmer 2014; Saleh 2020; Berg and Millbank 2009; Murray 2014;2020; Lewis 2013; 2014; Saleh 2020; Hertoghs and Schinkel 2018), this thesis seeks to illustrate how in the Greek asylum

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<sup>1</sup> On September 21, 2018, Zak Kostopoulos/Zackie Oh, member of the LGBTIQ+ community was beaten to death by the police. Furthermore, in June 2021, Dimitris Kalogianni, a trans woman from Lesbos was identified dead, three months after her disappearance. These two examples, are only indicative of non-normalized LGBTIQ subjects’ reality in Greece.

<sup>2</sup> In December 2015, Greek parliament voted in favor and legalized cohabitation agreement to same-sex couples. However, same-sex marriage is not currently legal in Greece.



apparatus the two ostensibly contradictory theoretical approaches of universalism and cultural relativism coexist while serving the purpose of border making. Though a regime of sexual truth, Greek authorities exclude racialized, gendered and classed queer applicants by using, as a measure of evidence and truth, the universal queer identity and the dichotomy between the “progressive” West and the “oppressive, homophobic” East. However, both frameworks are founded on essentialist definitions of identity and culture and reproduce abjection for the racialized “other” through a different perspective.

### 1.3 Framing the research

#### Research question

The main aim of this research is to discuss how decision makers in Greece assess credibility in SOGI asylum claims and how *queer* is defined and deployed within the Greek asylum system. To do so, the current study will focus on credibility’s assessment practices and methods, as described by the participating caseworkers. It will further analyze how caseworkers perceive and understand sexuality and gender and how these notions are intersected with space, time, religion, class, gender and race. Trying to answer the main research question, the following sub-questions need to be discussed: What are the decision-makers looking for when assessing claims’ credibility? Which are the main difficulties and struggles that caseworkers face during the procedure? How are the applicants expected to express their gender and sexuality in their countries of origin and in Greece? Which experiences and feelings are considered compatible with queerness, and which are not? What are the limitations, biases and exclusions through which queer is defined by state authorities in the context of asylum? And finally, how does the apparatus of asylum interpellate asylum claimants to truth regimes of sexuality and gender?

#### Research’s contribution

With regards to this research’s contribution, this is original in three ways. First, it discusses an understudied topic in the Greek asylum law. Despite the fact that since 2015, Greece is one of the main entrance-points for numerous queer asylum seekers in Europe, there is very little research in terms of SOGI claims. Second, this research discusses case workers’ empirical work in SOGI decision-making. Since today, there is a lot of academic research in Europe around queer asylum, however very few of this work is focused on case workers’ approach and internal criticism on national and international policies. Caseworkers, as those who are burdened to apply governments’ policies, are typically represented as uncritical supporters of nation-states’ exclusionary asylum mechanisms. However, as this study illustrates, this generalization ignores and obscures caseworkers’ perspectives, struggles and efforts to sometimes resist a regulatory system that separates applicants to real and bogus queers. These voices may be a small, though a hopeful, minority. Finally, this research aims to approach the legal process of asylum claims’ assessment through the lens of feminist/queer theory and post-colonial studies. This goal was by default challenging since, on the one hand, law claims to taxonomize reality in an objective and impartial manner, when, on the other hand, feminist and queer studies aim to call into question

these presumptions of objectivity. However, the current essay argues that this at first sight contradictory intersection constitutes a pivotal tool towards a more inclusive and more equal asylum system. In a world of inequality, as Athena Athanasiou (2021) points out, law is our ally, because we do not have the luxury for it to be our enemy. Consequently, I hope that the current research will contribute, along with all the relevant literature, to the drafting of new/amended guidelines for a less restrictive and exclusionary assessment of SOGI asylum claims.

### Methodology

To address research questions, in the current thesis I discussed with 16 caseworkers the issue of credibility assessment in SOGI asylum claims. Working as a lawyer in the field of refugee law in Greece since 2016, I had the chance to assist and represent queer asylum seekers and witness at first hand GAS' abusive practices and abusive behaviors. This experience in combination with the almost complete absence of previous researches in the topic were my main motives to conduct this research. Due to the limited sample of the research, the findings provide only an indication of the methods and practices on credibility assessment. Interviews were conducted online, in September and October 2021, due to covid-19 restrictions and since participants were located in various locations, either on Greek islands (Lesvos, Samos, Chios, Kos, Leros, Crete) or in the mainland (Athens, Thessaloniki, Ioannina). The only criterion for caseworkers' participation was their availability and there was no selection process. However, in an effort to study a representative sample of the methods and criteria that GAS applies to assess credibility, I approached caseworkers from various Regional Asylum Offices across the mainland (seven participants) and the hotspot islands (nine participants). Prior to the discussion, interviewees provided their informed consent to participate in the research. They were informed that their participation will be anonymous and that their names will be pseudonymized. Anonymity was the key for many participants to share their views on GAS' practices and describe their difficulties, struggles and their feelings of abandonment by a system which has the rejection of asylum claims as its main goal. For this reason, and even though my initial intention was to provide more information about each interlocutor background, such as their former education, their professional experiences, their sexual orientation, their social class etc., I omitted these references and I kept only their gender, identifiable through their pseudonym. In some cases, I was directly asked by the participants to not mention their educational and professional background that could personalize them, in order to prevent stigma and problems at work. Interviews were recorded upon participants' consent and following the transcription of the discussion, files were destroyed. Interviews with the participants were semi-structured and gradually, as I was proceeding with the study, were becoming less structured. Progressively, I limited my contribution to the discussion, I was asking less questions and I was providing more time and space to the participants to focus on topics they deemed important and share their experiences respectively. During the survey this method proved very useful and help me to approach issues which case workers would be reluctant to elaborate if a specific question was asked. For instance, despite the fact that almost half of the participants shared with me that the interview's

atmosphere and their instinct help them to understand applicants' SOGI, none of the participants admitted this practice when they were asked directly if they base their judgements on their intuition.

### Interlocutors' Profile

With regards to participants profile, an initial but crucial distinction should be made: Case workers, who participated in the research were deployed either by GAS (five participants) or by the European Asylum Support Office (EASO) (11 participants). According to the former law for asylum (Law 4375/2016), EASO's case workers, even though not civil servants, could assist GAS to conduct the interviews and draft opinions in border procedure, while the issuance of the first instance decisions remained responsibility of GAS. In 2019 (Law 4636/2019), EASO's role was extended to the mainland and the regular procedure. According to the provisions, case workers are not required to have a legal background, thus participants educational background varied greatly: legal studies, psychology, international and European studies, languages, theology, political sciences, sociology and education studies. The majority of the participants (12/16) held a master's degree, while two of them were Ph.D. candidates. Years of experience as caseworkers were also not standard and varied between one year and a half, to seven years of experience. With regards to the number of SOGI cases that they had handled, this varied between two cases and one hundred cases.

Furthermore, there were other important differences of my interlocutors' profiles. Regarding, for instance, their previous professional experience, there were participants (12 participants) who had worked in the field of refugee law in various positions, such as lawyers in Greek NGOs, psychologists, educators, shelter coordinators etc. On the other hand, some of my interlocutors (four participants) had no former working experiences in the field of migration and asylum and they were previously working in the private sector (law firms or private companies). Concerning their motivation for the position, my interlocutors expressed in general a lack of motivation and a feeling of frustration related to the pressure they receive by GAS and the current anti-migratory policies. Some of the EASO case workers recognized that their job, despite challenges, is well-paid, and highlighted this factor as the main motive for this professional career. It is worth mentioning that none of the participants was a permanent employee and they all had fix-term contracts.

In addition, during the discussion, some of my interlocutors elaborated more on their political ideology and their sexuality. Some of them stated a clear opposition to government's policy on migration and asylum, defining it as "anti-migratory", "racist", "neoliberal" and "nationalist". On the contrary, some of the participants remained neutral and seemed to perceive themselves more as state's representatives whose role was to defend state's migration policy without putting it into question. One further element that seemed crucial during the research was caseworkers' sexual orientation. Three of my interlocutors were identified as LGB in our discussion (a gay man, a lesbian woman and a bisexual woman). Through their accounts, it was noticeable that they had a (self-)reflective background and were more open to accept as credible varied expressions of gender and sexuality than GAS proposed normative definitions. All of the participants were cisgender and their age varied between 25-45 y/o.

Despite the fact that participants were mainly white, middle-class, cisgender, Greek citizens, their approach varied a lot and depended on factors such as their sexuality, educational background, religious and political views. However, even though these variables' intersections were important, they were not enough to explain participants' understanding. Participants' views and opinions towards the topic were modifiable, multidimensional, often contradictory and they could not be taxonomized as purely inclusive or exclusive towards queer refugees, in a binary, simplistic way, based solely on their political/ideological approaches or their gender and sexuality. There were participants, for example, who, on the one hand, supported that credibility assessment should set more requirements for the applicants to avoid system's abuse by "bogus" claimants, and, on the other hand, in their accounts they analyzed how asylum system reproduces exclusions, and forces applicants to invent reasons of fleeing their countries, that could fit in the definition of refugee.

In terms of specific training on SOGI asylum claims evaluation, most of the case workers have not received any special training. Only five of them have attended a training on SOGI asylum claims conducted by EASO on their own initiative. Tina, one of the participants mentioned that she is a case worker since 2014, but she only attended the relevant training in 2021. Nancy mentioned that she has also attended the training, four years after she started working as a case worker. According to her, the training was helpful but "When you are dealing with SOGI claims for four years, you have learnt how to do it by your own". Furthermore, some participants mentioned that although they asked for access to training on SOGI claims, this was not feasible and they did not have the opportunity. They also mentioned that in lack of these trainings their personal experience and contacts with members of the LGBTIQ+ community helped them to familiarize better with such claims. It was also noted that cooperation among case workers (exchange of transcripts of previous interviews and drafted opinions/decisions) was also important, in lack of specialized personnel on SOGI claims.

#### Particularities of the Greek asylum system

As it was mentioned above, EASO case workers are responsible only for conducting the interview and drafting an opinion suggesting whether the applicant should be granted international protection or not. Responsible for the final decision is GAS administrative personnel, as the signatory authority. That means, for example, that GAS officers may not agree with a positive opinion and reject the case. During the research, EASO case workers reported extensively on this practice, expressing that in many cases "they were trying hard to persuade GAS officers to accept their opinions". As Panos, an EASO caseworker, described: "When our opinions are negative, there is no problem with GAS, but when our opinions are positive, they are returning them to us multiple times asking for further details and clarifications. Sometimes, I am persuaded that the applicant is credible but I don't know how to structure a legal argument about it based on the guidelines available, and because I know the consequences, I just draft a negative opinion from the beginning."

Furthermore, my interlocutors also described a very fragmented system, especially in the five hotspot islands, where the top priority is the acceleration of the procedure at any cost. They mentioned that in many cases they

were obliged to conduct asylum interviews remotely without having visual contact with the applicant who was in a different place. This practice was extensively applied following the fire in Moria camp, in September 2020. They also mentioned that, for administrative reasons, they were not always in a position to draft the opinion for the interviews that they had conducted. Practically, in some cases this meant the following scheme: an EASO caseworker was responsible for the conduct of the interview (which could take place remotely), a second EASO caseworker was responsible for the opinion's drafting, and a third GAS caseworker was responsible for the issuance of the decision. Furthermore, both EASO and GAS caseworkers mentioned that in many cases they were pressed by GAS to complete an interview in a very short time, in some cases less than two hours. In cases they asked their coordinators for the re-scheduling of an interview, they were treated as lacking the necessary professional skills for caseworking. As Mona mentions: "During the period, that followed the law amendment [end of 2019], we are under such pressure that it is impossible to conduct an appropriate interview. We have very little time and we are constantly pressured to issue opinions and decisions. Nobody cares for decisions' quality. In 2017 and 2018 things were different. We used to have at our disposal even eight hours for an interview and we could even reschedule. Now this is impossible. What is happening now is a bad joke, not an asylum process".

Prior to proceeding to the substantive analysis about caseworkers' expectations for a credible account, it is worth to be noted that, even though according to UNHCR guidelines, credibility, as a term, refers to a claim, during this study the term credible has been used to describe the applicant. During my discussions with the participants, they were mostly talking about a general credibility of the applicant, instead of their claims, when using the terms credible and non-credible. For such reason and even though I disagree with the characterization of the applicant as credible, this term may be met at some points in this paper.

#### 1.4 Credibility assessment in SOGI claims: The legal framework

According to Greek practice, credibility assessment is the first stage of an asylum claim's assessment. To proceed to examine whether the applicant is eligible for protection, authorities need to assess first whether applicant's story is credible. According to GAS administrative practice, credibility assessment is distinguished in two parts: Internal credibility's assessment which covers the consistency of applicant's statements, the sufficiency of details and the plausibility of the narrative, and external credibility's assessment that follows which covers the verification of the applicant's statements according to the country-of-origin information. For the needs of the current research the term credibility will be referred only to internal credibility.

Based on previous research on the topic, what could be considered as a benchmark in credibility assessment in SOGI claims in Europe is the A, B and C judgment of the Court of the European Union (CJEU) (Zisakou 2021).<sup>3</sup> According to the judgement that was issued in 2014, practices such as intrusive questions on

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<sup>3</sup> Joint cases C-148, C-149 and C-150/13 A, B and C v *Staatssecretaris van Veiligheid en Justitie* [2014] EU:C:2014:2406,

applicants' sexual practices, stereotypes around applicant's appearance or the previous knowledge of organizations for the protection of the LGBTIQ+ rights in their country of origin and the use of evidentiary means such as photos and videos or the submission of the applicant to medical and psychological exams should not be used in credibility assessment due to their non-compliance with human rights standards and the Common European Asylum System (CEAS).

This judgment contributed importantly to the limitation of implicit questioning on applicant's sexual practices and the use of inappropriate means of evidence in the EU (Zisakou 2021). However, national authorities progressively shifted the focus of questions from sexual practices to identity formation, feelings and inner processes of self-realization and acceptance, which turned to be the sole field of examination (UKLGIG 2018, 24-26; Jansen 2018, 74-78; Gustafsson Grønningsæter 2017, 9-14, Zisakou 2021). As Sophia reports, "It's forbidden to ask questions related to applicant's sexual practices or to expect photos as proof. Questions are focused on applicants' experiences, and feelings of stigma and shame at the time of realization of their SO."

In 2011, the Difference, Shame, Stigma, Harm (DSSH) model was introduced as a method to assess credibility in SOGI claims by moving the weight from external behavior of the applicant to their *inner emotional journey* by exploring their lived experience of difference, stigma, shame and harm (Hungarian Helsinki Committee 2015, 74-86). The main idea of the tool is to "[h]elp the decision maker to ascertain the applicant's sexual orientation or gender identity, rather than focus on sexual practices" and is based on a "four-stages test" (Chelvan 2013, paras 1, 18). As the author of the DSSH model describes, "being LGBTIQ is a current identity" and does not refer only to sexual practices (Hungarian Helsinki Committee 2015, 78, 90). Consequently, he suggests that decision makers must explore not just "the applicant's conduct, but also the emotional and affectional component to sexual identity" (Chelvan 2013, para 14). According to EASO's guide, "this model is based on the notion that there are some basic characteristics or elements that are likely to be common to people acknowledging a gender or sexual identity that is contrary to the heteronormative societies in which they live" (EASO 2018, 180; see also Hungarian Helsinki Committee 2015, 77). Among others, the model relates applicants' sexuality and gender with negative feelings and thoughts, self-denial, suffering and harsh inner processes in their countries of origin by implicating that the queer experience in a country that criminalizes same-sex relations is a one-size-fits-all experience of shame, suffering and pain. The model has been also endorsed by UNHCR guidelines (UNHCR 2012, para 62). According to the participants, DSSH is the basic instrument on SOGI asylum claim's assessment and consists the main part of EASO training on SOGI claims.

DSSH model is also applied by GAS, even though not always directly. GAS has not issued specific internal guidelines for the assessment of SOGI claims; however, case workers have received by GAS or EASO some model questions as a supportive material for SOGI interviews. It should be noted that, in a fragmented administrative system, such as the Greek one, there is no single material that both EASO and GAS caseworkers receive as internal guidance. In the context of this research, EASO and GAS caseworkers referred to different

model questionnaires. However, both GAS and EASO model questionnaires are structured on the model's suggestions. More specifically, in GAS model questionnaire, there is a section about the formation of the applicant's identity where questions around the process of self-awareness and acceptance are included.<sup>4</sup> Furthermore, it is suggested to case workers to ask applicants to elaborate on their feelings and experiences of difference and shame.<sup>5</sup> In EASO model questionnaire, the DSSH model is explicitly mentioned. There is a section under the title "Sexual Orientation & Self-realization" which includes questions around the time and the conditions under which the applicant realized their SOGI and the feelings that accompanied this process of realization.<sup>6</sup> Some of my interlocutors referred directly to the model and shared their own experience of its implementation. Lydia, mentions: "This DSSH model that we are using and on which EASO training is focused is based on stereotypes and on the idea that LGBTIQ people experiences are similar." Nikos adds: "To be honest, DSSH model confuses me. I don't think that it's easy to focus on such questions. Sometimes applicants have different experiences that do not fit into the model." Other fields of inquiry that are suggested in both model questionnaires are the societal and family's reaction to applicants' SOGI, extended questions around applicants' previous relationships, their knowledge with regards to the LGBTIQ+ community in the country of origin and in Greece, and, inquiry about incidents of violence.

## **2. Becoming credible, becoming queer**

This introductory chapter discusses the ways in which issues of credibility are raised and negotiated in the Greek asylum apparatus, from the perspective of caseworkers involved in the process. Despite the fact that some of the participants deem that credibility assessment is feasible when they follow the general guidelines and they are in a position to understand if the applicants refer to a lived experience or not, many of them indicated that what we can see, hear and understand as true depends on how a certain society, in a certain space and time, defines truth. Notions of truth cannot be universalized and are not irrelevant to power relationships in a nation-state, which presumes and imposes essentialist definitions of a "true" sexual identity, as strictly and exhaustively defined and framed as the borders of its territory (Murray 2018).

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<sup>4</sup> Among the suggested questions are the following: "When did you realize that you are homosexual? How did you realize your SO? How did your life change after realizing that you are homosexual?"

<sup>5</sup> Questions as "How did it feel when you realized that you are homosexual?" or "How did you feel being a homosexual in your country of origin?" are proposed.

<sup>6</sup> In these sections are included questions as: "What are the characteristics you would say define you as a person? When did you realize that you are interested in men/women? How old were you when you started realizing that you are interested in men/women/both? Did something specific happened and you realized that you are a homosexual?" "What kind of feelings or thoughts did you go through when you realized that you are interested in men/women? Did your life change in any way once you realized that you are interested in men/women? How were you feeling as a child?"

## 2.1 Believing what we are able to imagine

According to UNHCR (2013), ‘credibility’ refers to whether something or someone is capable of being believed, or whether something or someone is trustworthy or reliable (27). Credibility assessment and decision making, according both to UNHCR and CEAS, should be held in an objective and impartial manner and ‘it should be a neutral assessment of the material facts in which subjectivity should be kept to a minimum’ (UNHCR 2013, 37). In an effort to minimize subjective assessments, UNHCR (2013) suggests that credibility indicators, such as sufficiency of details, specificity, internal consistency and plausibility, should be used by caseworkers.

During the research, in reflecting on their own participation in the processes of credibility assessment, some of my interlocutors mentioned the specificity and the sufficiency of details -what they called “experientiality”- as something they find useful. As Tina put it: “what helps me to assess applicants’ credibility in SOGI claims is the experientiality in applicants’ answers, the details that accompany a lived experience.” Applicants need to describe their experiences in detail and put them in a chronological order, since, as Fani adds, “inconsistencies in time and date is a sign for non-credibility”. According to some of the participants, the provision of details by the applicant is a key indicator of their credibility, because it gives caseworkers the chance to “dive” into the applicant’s world and assess the veracity of their experiences. As Manos explains, “to find a SOGI claim credible, what we are looking for is experientiality: a narration that includes many spontaneous details is evidence of a lived experience, in contrast to a narration that is communicated in general terms. There are cases where applicants referred to lived experiences and this is clear. In such cases the applicant *puts us, the caseworkers, into their world* and makes us understand how they used to live, as LGBTQI, in X country, under certain circumstances.” Furthermore, according to Mona, specificity of the details and experientiality in the applicant’s narrative help caseworkers to approach the applicant’s world and imagine what has truly happened: “What I personally look for to consider the claim as credible is to be able to *imagine* what the applicant narrates to me. In order to do that, I need the applicant to provide details.”

However, as it will be further explained in the following chapters, there is no universal way of perceiving and defining what counts as a real experience. Instead, our understanding is intermediated through our positionality, which is related to our gender, race, religion, origin, social class and the space and the time an experience is lived and shared.

## 2.2 (De)constructing a “lived” experience

During the research, not all participants agreed that the provision of details is an indication of credibility. As they argue, there is no objective definition of a detailed account. Instead “a detailed narrative” is a convention for the needs of the assessment, a construction that is neither objective nor stable. According to Tasos, case workers are co-responsible for the level of specificity in applicants’ answers and through their questions can make an account more or less detailed: “Our assessment is never objective. Someone who wants to reject a



claim, they will find the basis to reject it. On the other hand, if we want to work with the applicant and help them, we will find the basis to consider their claims credible. For example, we can pose follow-up questions to what applicant describes and based on these questions we can find the consistency and the details to assess applicants' account as descriptive and related to a lived experience.”

Despite the fact that for some of the participants experientiality of an account is the key element for its credibility, according to some others, the so-coveted objectivity in credibility assessment cannot be achieved. As Saba Mahmood (2009) has argued, mechanisms of law are never neutral but are encoded with a set of cultural and epistemological presuppositions and there is no universal way of perceiving reality (859). Even though the “dominant white culture” imposes a universal perception of what is real and true, we perceive the version of reality that our culture communicates (Anzaldúa 1987). Culture here does not refer to fixed and permanent characteristics which constitute a rigid cultural identity, but rather as changeable and modifiable in space and time. As Aviar Brah (1991) points out, cultures should be perceived “less in terms of reified artefacts and rather more as processes” (174) since culture is malleable and always under construction rather than given and unchanging (Douzinas 2000, 137).

Some of my interlocutors highlighted that applicants' experiences are not fixed and linear and cannot simply fit into the binary scheme of “true or false”. As Sophia explains, contradictions in applicant's story and in the way they express it cannot always be understood in the asylum procedure. As she explained, during an interview with a minor gay boy from Pakistan, the applicant started laughing when he was describing her how he was raped. “In the beginning I couldn't understand why he is laughing. I know that this reaction could be assessed as an indication for disbelief by other colleagues, but progressively I understood that there were many reasons why the applicant was reacting in such a strange way for me, among them his awkwardness to discuss such an experience with me. The problem is that the asylum process does not allow space or time for such complexity.”

Applicants' experiences and reality cannot be simplistically categorized as authentic or not because they are complex and are shaped constantly in moving time and space. According to Lydia, there is no such thing as the “real lived experience” neither applicants' accounts could be distinguished as reliable or not. “Credibility in general is a very difficult part of the interview. It is mostly about intuition. And this is very fluid, because you understand that there are parts where the applicant is telling the truth and parts where they hide things for different reasons. We, as case workers, anticipate to find some elements to verify credibility, that we will never receive. I remember very few interviews where what I expected coincide with what the applicant provided me with.”

Furthermore, applicants' version of reality is intermediated through language, which affects importantly how a story is told, heard and perceived. According to the participants, it is not only due to the content of the narrative that an objective and impartial credibility assessment cannot be achieved by the decision-makers. It is also due to the language and the way a story is told and narrativized. Visibility of experiences is tightly

related to discursive practices. As Jacques Derrida (1997) argues, the truth about past events is always mediated by language (narrative) and is therefore permanently conditional, as the various narration styles paraphrase the truth. Thus, as the narrative can never be proven to be true or false, our perception about it is based on the belief that it is true, and not on knowledge (certainty/ truth). Therefore, in every plausible narrative there is a spectral dimension which affects the certainty that this account is true or false, and since the caseworker cannot put themselves in the place of the applicant, they cannot have any access to the truth of their narration. As Kiki put it: “We are unable to assess whether applicants’ narratives are plausible or not because everything has taken place in a completely different place than our urban environment in Greece. Both the way that we assess the applicants answers but even the way that applicants perceive our questions are subjective. Every story is expressed through language. Every single account is a theoretical construct, even for a material fact”.

According to participants’ descriptions, applicants’ realities are spectral and cannot fit into a binary monolithic scheme of “credibility vs incredibility”, since there are many factors that intersect and define how subjects perceive their reality. The conception of space, time, order and the importance of the events are neither static nor exhaustively definable, but rather dynamic and negotiable (Danisi et al. 2021, 83). These notions are not rigid and fixed, but rather active, fluid and always under construction. As participants describe, while applicants are moving in space and time, their perception of who they are and what has happened cannot remain the same, but is always ‘in process’. Respectively, according to Athena Athanasiou (2012), “subjectivity is itself a social temporality”, because it is never fixed, timeless and homogenous but rather spectral, always incomplete, provisional and depended on time; “subjectivity is inescapably haunted by unfinished and unrealizable pasts, presents and futures.” (208).

In addition, as observed during the research, caseworkers’ interpretations around applicants’ stories and narrations were not similar. In my discussion with the participants, their views around certain issues varied importantly from participant to participant. During the interviews, some of the participants focused, for example, on the situation in Afghanistan, especially for men who have sex with men. In an effort to generalize and explain the conditions under which this happens, through their answers we are presented with three different versions of reality. According to Mona, for example, even though it is very common for men to have sex with men in Afghanistan, applicants *do not have feelings* for their partners. This phenomenon is due to women’s societal role and their absence from social life. Consequently, according to Mona, in such cases, homosexuality is not part of applicants’ identity and applicants cannot be deemed eligible for asylum. On the other hand, according to Panos, even though men have sex with men in Afghanistan, due to cultural reasons, the war conflict and the lack of access to education, applicants *are not able to express their feelings* towards their partners. Finally, according to Tasos, due to oppression and prohibition of same-sex relationships, even though applicants are falling in love with their partners, because this is “natural”, *they pretend that they do not love each other* to avoid having trouble within Afghani society. These three different versions of reality

could amount to different adjudications regarding applicants' credibility. Factors such as caseworkers' educational and theoretical background around gender, sexuality and migration, political views or sexual orientation seem to affect their assessment and deprive decisions' objectivity and impartiality.

Despite the fact that, for the purposes of the asylum procedure, a true story and a lived experience is told, expressed and perceived in a universally common way, this does not correspond either to the complexity of the applicants' experiences or to the diversity and subjectivity of caseworkers' interpretations. However, in a Western juridico-legal system which emphasizes the precision of details and insists on essentialist and monolithic definitions of space, time and truth, reality is considered fixed, rigid and objectively narratable (Murray 2018, Ricard 2014). Nuanced mental and emotional experiences need to be timely and spatially precise and to be narrated in a chronological order. In order to be deemed credible, applicants reduce the complexity of their experiences and they are disempowered of their own perspective of what has happened in order to produce an account that will be suitably recognizable by the authorities.

### 2.3 Filling the gaps with the state's desires

In view of this inability to assess an account's credibility in an objective and impartial manner, assessing if the credibility indicators are met in a claim turns to be a necessary technical part of the procedure. As Tasos explains, caseworkers, in a rather technical way, are looking for the credibility indicators, knowing a priori that this cannot lead to a conclusion of what has truly happened to an applicant's life. "We are not in a position to assess what happened, we are merely trying to check if credibility indicators, such as consistency, sufficiency and specificity, are fulfilled, and, therefore, if we are provided with what we look for to consider the claim credible".

According to Kiki, this could be described as a 'fiction test'. "We, as case workers, expect concrete accounts. If an applicant 'has studied' before the interview, they can pass the test." According to the participants, presence of details, linear description of the stated events, placed in concrete time and space, spontaneity, and effortless speech flow, are some of the key-elements for a credible account. As Maja Hertoghs and Willem Schinkel (2018) have described it, asylum adjudication operates according to a conception of truth that is strictly procedural where a "performative believability" is anticipated, which is related to the presence of details and to experiences and identities that are always fixed and narratable. Judith Butler (2005), drawing on Foucault's thought about truth as always already interconnected with power, argues that what distinguishes experiences is not their truth, since there is no true speaking voice or unmediated account, but the authority that intervenes and makes them more or less visible and intelligible. Consequently, "giving an account of oneself" is always contingent upon certain social norms (Butler 2005). In order for someone to make themselves recognizable as subjects, they need to make themselves substitutable into norms, categories, expectations and truth. Respectively, in asylum procedure, in order for an applicant to be believed and be read as credible, they have to perform believability according to authorities' expectations. This is how the state, by

possessing and distributing “narrative authority”, defines which experiences are authentic and thus authorizes the terms of reality and truth.

#### 2.4 Affective adjudications in lack of an objective assessment

In order to examine how asylum authorities exercise legal, epistemic violence on queer applicants’ bodies by demarcating and defining what is true and what is real and why the state produces a discursive regime of a fixed and definitive sexual and gender identity, a note on the historicity of normative “definitions” of gender and sexual identity is in order. In the West, for example, where LGBT(IQ)rights are now considered “a measure of progress”, SOGI until very recently were defined through medical discourse. By 1973 homosexuality consisted a psychiatric classification and in terms of gender identity, it was only in 2019, when World Health Organization stopped classifying trans situation as a 'Mental Disorder. However, these previously medical categories were mostly related to pejorative social connotations than objective scientific truth. It was very recently that from medical discourse, the West shifted to “coming out” discourse and started considering LGBT(IQ) rights as human rights and core values of “western civilization”. In this way, neoliberal democracies provided progressively access to rights to LGBT(IQ) people, such as the same-sex marriage, previously deprived of based on their gender and sexuality, by showing how science does not exist outside the social world and how scientific truth is always political and related to state’s power (Fassin and Salcedo 2015). Under such (economic) terms,<sup>7</sup> LGBT(IQ) rights became a positive benchmark of modernity and a symbol of tolerance, which is currently, as it will be discussed in the following chapters, extensively deployed as a normative xenophobic and islamophobic discourse, to distinguish white middle-class Europeans from the “others”.

This inability to define what gender and sexuality “is” and to rely on an evidentiary logic was acknowledged by many of the participants. As they mentioned, in lack of evidence, documents and an effective method to assess applicants’ SOGI, it is usually their intuition and the general atmosphere of the interview that play a pivotal role in helping them to assess whether applicants’ claimed SOGI is credible or not. As Lydia mentioned: “These very few cases that I rejected was due to my instinct. For sure there were discrepancies in their narrative, but inconsistencies always exist. I really cannot answer you why, in legal and factual terms, I rejected these cases. I strongly believe that most of the case workers reject SOGI claimants based on their instinct.” Respectively, according to Fani, “Through years and experience I think that I am in a position to understand if the applicant is lying to me or not. It is not always something you can describe, it is something untouchable, like an instinct, that we gain through our experience. We assess credibility as a whole.”

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<sup>7</sup> It is indicative for example that in 2015 the UN LGBTI Core Group held an event on the economic cost of LGBT exclusion where it was presented that fiscal effects from exclusionary practices, estimated by the World Bank to be 5% of GDP.

Tina, on the other hand, seems to be aware that this criterion can disproportionately discriminate against applicants, since it cannot be included as a legal basis of rejection in the reasoning of the decision and consequently cannot be doubted and challenged in the second instance of the adjudication. “I cannot explain it well, but in a way, we can understand by the general impression and the behavior of the applicant during the interview, if their SO, is credible. Of course, it is also our responsibility to help them with our questions. Even though in most of the cases I have a feeling, let’s say an instinct, about applicants’ SO, I cannot write it down in the decision. For this reason, I am trying to limit this emotion and avoid using it as a basis for disbelief.”

The main question that arose during the research is how this feeling about applicants’ credibility is shaped. Is there a “queer affect” that caseworkers are in a position to feel and understand, or is this based on biases and presumptions about queer identities? Could caseworkers shape the same feeling regarding sexuality of an upper-class, well educated, gay man from Iran and a non-heterosexual working class woman from a rural area of Cameroon who doesn’t speak English and does not self-identify as lesbian? Being unable to proceed to an objective credibility assessment of applicants’ gender identity and sexuality, caseworkers’ intuition, becomes what separates those applicants who bear a true sexual and gender identity and thus deserve to be protected from those who are not genuinely queer. As Sara Ahmed (2004) has written, a feeling is not always something that brings bodies together, but in some cases, it works to differentiate them. Feelings could distinguish bodies to black and white, to secular and Muslim to genuine and bogus, to credible and non-credible, since the “other” is always read through a misrecognition. This happens because there are some emotions that are “stuck” to certain bodies under particular conditions and display the idea that they will always be understood as “others” (Ahmed 2004). We fail to see and recognize these bodies, because they have failed to follow the norm. These are the “imogeneous others”, who will always be excluded due to the unknown form that they may take (Ahmed 2004). Consequently, caseworkers’ feeling about applicants’ credibility with regards to their gender and sexuality is not socially disengaged and neutral but it bears all the biases and presumptions that are well-rooted in the Western imaginary about how a proper queer citizen should be, behave and look like.

This essay seeks to illustrate how, under the pretext of a neutral and value-free assessment, the nation-state deploys its “authoritative objectivity” as a self-justificatory apparatus to shape and regulate a genuinely recognizable and exclusionary sexual and gender identity, in order to save the deserving -that is, assimilable- queers. During this process, as it will be analyzed in the following chapters, there are factors such as applicants’ class, race, gender and religion that intersect with sexuality, space and time that are being constantly neglected by a neoliberal, (homo)nationalist, orientalist asylum system. This form of epistemic, legal violence, is not only a theoretical debate but has material consequences in applicants’ lives: Through credibility assessment, (some) queer subjects are considered eligible to enter the nation-state’s territory while the “others”, those who cannot be assimilated to state’s desires about queer, are becoming deportable to third countries and their countries of origin.

### 3. Looking for a genuine sexual identity

What I described above, through the narratives of caseworkers, is how the Greek state defines credibility and establishes a mechanism to distinguish genuine from bogus experiences in order to control who will enter its territory. What I will try to show in the following chapters is how “evidence” and “truth” about sexual and gender identities are intermediated and regulated through the state’s normative desires, and how in this sexual regime of truth, applicants are supposed to have -and be able to prove- a determined and immutable sexual and gender identity. As this research showcases, the figure of the queer refugee is premised upon a limited definition and all enactments that do not conform with it render applicants’ claims as non-credible. Under this process, asylum system as a biopolitical mechanism which is not only repressive but productive, not only decides which queers deserve to be saved as genuine and who can be deported as bogus, but also how the “real” ones are supposed to experience and perform their identity as queer subjects in the Greek society.

As participants shared with me, in order for the applicants to be believed, they are supposed to self-identify using LGBTIQ terms and perceive their SOGI as “either innate or established early in life” (Berg and Millbank 2009, 210). In any case, applicants’ gender and sexuality are supposed to be unchangeable and fundamental elements for their identity (Giametta 2017; Hertoghs and Schinke 2018; Nasser-Eddin et al. 2018; Shuman and Bohmer 2014; Saleh 2020; Jansen 2018). Applicants should follow a hard linear process of self-discovery which moves from a position of ‘closeted’ to ‘coming out’, and takes place at an early age. In Irene’s words: “I found it strange when the applicant realizes their SO at a later stage in their lives. I remember an applicant from Pakistan who told me that he realized his SO around 40 years old. To be honest, I found that strange.”

Applicants are expected to be conscious about their subjective process of self-realization, and to be able to describe it in the context of the refugee status determination process. As the majority of participants highlighted, among the main fields of inquiry in asylum interview is the moment of self-realization. This moment, which is defined as a cornerstone to applicant’s identity formation, is deemed by authorities as always precisely locatable and identifiable in time, and thus narratable as such. According to Sophia, despite the fact that the applicant may not be prepared to share in their interview their moment of self-awareness, this does not mean that the applicant has not passed through this necessary ‘stage’ in their process of self-discovery: “The moment of self-realization is one of the most important parts of the procedure; if the applicant cannot answer when they realized their SO, this means that they may need some help from the caseworker to recall, reflect and answer.” Furthermore, this moment is expected to be accompanied by deep inner thoughts of self-awareness. As Panos describes, the moment of self-realization is expected to be related to existential thoughts and reflections: “When someone is realizing their same-sex SO, from this moment a process of thoughts begins. If tomorrow I fall in love with a man, then I will start thinking about what has changed in me and who I am.”

In this framework of epistemic violence, which is rooted on the idea of the sovereign self-sufficient and (self-)knowing subject, a genuine sexual identity is considered to be premised upon inner processes of self-

awareness. As Manos explains, being sexually attracted to others' bodies without reflecting on your identity is an indication of non-credibility: "In this case, the applicant was telling me that during a summer camp, he was playing karate with some other peers and by touching others' bodies he became gay, without being in a position to explain his internal processes and his thoughts about this transition. Furthermore, sexual practices without being accompanied by deep feelings for one's partner are not compatible with a real queer identity. According to Mona, having same-sex sexual experiences being incited only by sexual attraction is a reason for disbelief: "The fact that a man is having sex with men does not mean that they have feelings for them and that this is a core part of their identity".

However, during the research some of the participants criticized this requirement of a well-defined sexual identity as a Westernized notion of queer that excludes and obscures queer applicants' multiple and different experiences and performative enactments. As Kiki claimed: "I found it very problematic that we, who belong to what is called 'Global North', define what sexuality and gender is for the applicants. I don't think that we have the tools to proceed to such a definition. Not even caseworkers among themselves define such terms in the same way. However, by assessing their accounts we have the authority to apply a kind of limitless power on applicants' bodies by deciding their future and their lives."

As Murray (2018) argues, sexual and gendered desires, practices, identities and prejudices are organized in deeply different ways within and across social, cultural, and national borders. Despite the fact that according to postcolonial and queer/feminist studies, focus should be given not only on how concepts are shaped by the contexts in which they emerge, but also on the ways in which they "travel" across borders and on how they are received and re-articulated in new contexts (Richardson 2017, 210), in the normative, disciplinary asylum apparatus, LGBTIQ terms, instead of having a flexible and an inclusive meaning, have a clear-cut and restrictive definition. Nof Nasser-Eddin, Nour Abu-Assab and Aydan Greatrick (2018) argue that these terms are used in various ways by asylum seekers but their deployment by refugee status determination authorities excludes the experiences and the expressions of sexual minorities in Middle East and North Africa region. LGBTIQ terms may now have an extensive transnational mobility, although they are interpreted in various ways and they have different meanings related to different socio-cultural contexts (Murray 2018). As, Manos poses it: "There are applicants that do not use the same terms as we do. I remember an interview during which the applicant was telling me that he is a woman and after many questions I realized that what he meant is that he is gay and not that he feels as being a woman."

Furthermore, during the research, not all the participants agreed with a linear, clear-cut, and definitive process of self-realization of sexual identity. According to Lydia:

There is no single moment of realization, and I can verify it as a lesbian woman. I can provide more than 40 moments of self-realization. Most of the applicants are 18-19 y/o. Today they may self-identify as gay and tomorrow they may understand that they are not gays, they are bisexual, for instance. They were possibly attracted by someone of the same-sex and were caught together and this is how they fled, without

passing through this experience or reflecting on their identity. However, the whole procedure is structured based on the single moment of self-realization, and when this is not provided the applicant is disbelieved.

As it was understood through participants' opinions and comments, a monolithic and essentialist perception of sexual identity, invariable in space and time, dominates in the asylum procedure. This perception of the subject who is always self-conscious and capable to express themselves and define who they are has its roots in enlightenment, modernity and secularism, when the human subject and its experiences were universalized by the West. However, as Costas Douzinas (2000) points out, according to feminist, queer and critical race theories, "the universal subject was nothing more than the Western white middle-class man who, under the claims of non-discrimination and abstract equality became the measure of all" (165). The theory of a realization process of one's SO that consists of specific stages, such as desire- confusion-denial-acceptance-formation of an identity, has been widely suggested during the previous decades in Euro-American contexts. However, it has received strong criticism not only because it reflects the experiences of white, middle-class men in the West, with little consideration of expressions of minority sexualities in non-Western contexts and women, but also because it ignores sexuality's and gender's fluidity. As Tasos highlighted it: "I don't believe that credibility indicators can work in SO claims, because SO is something personal and subjective, because sexuality's spectrum is wide and because sexuality's expressions vary extremely." Queer theorists, since the '90s have challenged the idea of thinking of gender and sexuality in terms of pre-existing, fixed and taxonomic identities and rather conceptualized them as complex performative instantiations of social processes, as constantly changing and fluid (Butler 1999, Foucault 1978, Berlant and Warner 1998). As Jasbir Puar (2017) has written: "Queerness irreverently challenges a linear mode of conduction and transmission: there is no exact recipe for a queer endeavor, no a priori system that taxonomizes the linkages, disruptions, and contradictions into a tidy vessel" (xxiii).

According to some of the research participants, expecting applicants to describe their identity as innate and immutable cannot work because sexual identity is always at stake and negotiable in space and in time and cannot be defined exhaustively, let alone under the duress of the refugee status determination interview. As Kiki argues: "In asylum adjudication we are trying to find cornerstones and rigid definitions of a stable and well-defined identity when Identity is something that is being shaped continuously in space and time. It is something that is always pending and that is always changing. In asylum procedures, we refuse to recognize this liminal condition of the subjects, and when we do so, is not for good." This representation that dominates in the asylum system excludes applicants' experiences that do not correspond to this identity-formation model, and thus become invisible and unintelligible, such as cases where applicants relate their SO with sexual gratification and sexual acts instead of innate dispositions and fixed identities. This discourse represses same-sex desires and practices and results either in exclusion of those refusing to be assimilated into the national-sexual epistemology of identity, or in assimilation through legal epistemic violence. Despite the fact that asylum process constantly ignores the spatial and the temporal situatedness of sexuality and gender, these



categories are not fixed and formed as if waiting to be uncovered at the borders of the nation-state, but are constantly shaped throughout the migration process (Akin 2017, 461). As Judith Butler (1999) describes, sexual identity does not pre-exist but is formed constantly through itinerant practices of identification. During the asylum process, in order for the applicants to be recognized and assimilated, they are deprived of their sexual experiences and are expected to provide a narrative about a rigid and intelligible sexual identity to be considered credible. Through this practice of subjectivation, applicants are transformed and they re-define themselves by conforming to a Westernized queer identity which is visible, well-defined and does not allow space for different qualities, nuances and contradictions.

#### **4. Enhancing the dichotomies**

Normative understandings of gender and sexuality do not only rely on essentialist notions of identity which are fixed in space and time; this research shows that under this framework of epistemic violence, applicants at the same time are required to reproduce narratives that repudiate and demonize their countries of origin, their culture and their religion juxtaposed with the queer Greek “heaven” where they have found safety and release. As Sima Shakhshari (2014) have written, in asylum procedures, state works to erase difference (by perceiving sexual identity as universal) while emphasizing difference (backwardness vs freedom) based on the binary scheme “Third World barbarism vs. First World freedom” (1004). Applicants are expected to have suffered enough in their Islamic oppressive countries and provide a narrative of pain, difference, stigma, shame and harm to be considered credible. They are also expected to convincingly disassociate with their “barbaric” religion and culture and adopt a lifestyle of a neoliberal sexual citizen which is based on individuality, sexual freedom and visibility.

##### 4.1 The truth from the oppressed suffering body

During the research, some of the participants expressed the view that in order for an account to be deemed credible and corresponding to applicants’ realities in their countries of origin, it needs to refer to an “oppressive” culture and a “barbaric, homophobic” society. In such a suffocating context, queer subjects have no other choice than suffering. As Lila stated: “It is expected from the applicants to have negative feelings and a negative opinion about their countries of origin. In any case, this is the reason why the applicants fled their countries and came to Europe, where they could find safety, regardless if they have been persecuted or not.”

According to some of the participants, this perception of countries of origin as places of backwardness and oppression is necessary for asylum seekers’ claim to be believed. This expectation does not cover only their societies, but it is also extended on how they perceive themselves. Based on the stereotypical idea that the more homophobic is the society the more different and abnormal would the individual feel (Hertoghs and Schinke 2018; Giametta 2017; Saleh 2020; Jansen 2018), applicants are expected to have passed through an

inner struggle, to have developed negative feelings about themselves and to have felt different in their countries, in order to be believed. As Vicky described it: “What I expect to hear from the applicant is the *pure* difficulty. What does it mean to be gay in Iran.” In this colonialist regime of truth production, applicants’ suffering bodies, by their oppressive and cruel societies, are becoming, as Didier Fassin and Estelle d’Halluin (2011) have written, the evidence of their truth and trustworthiness. Under the white saviorism discourse only applicants that have suffered enough, have been deprived of their agency as vulnerable subjects, and expect to be protected by morally superior and charitable West, are the “morally legitimate bodies” to be saved (Ticktin 2011).

Under this orientalist representation, applicants’ accounts of joy and pleasure, or experiences that deviate from the model of the oppressed, do not have a place in the asylum system. As Stephania explains, applicants’ sexual experiences are not related to their sexual and gender identity and should not be shared. However, when applicants are tortured, raped, or sexually abused, then this information turns to be relevant and details are asked about how the applicant has suffered in their country of origin. “Applicants are often willing to discuss about their sexual experiences. I remember a case in which the applicant wanted to tell me all the details about his sexual life and every time, I was trying to stop him from sharing more. These details are not relevant to asylum claims, except for the cases that this is related to sexual abuse, rape or harassment. Only in such cases we ask for further details.”

Despite the fact that accounts about oppression and suffering in applicants’ cultures and countries seem to be an indication of credibility, according to GAS guidelines, during the research some of my interlocutors doubted that queer applicants’ experiences correspond to such a monolithic understanding centered around pain and repression. Instead, they emphasize applicants’ complex realities and contradictions, which do not move linearly from oppression and death to liberation and progress (Akin 2017; Shakhsari 2014). As they explain, applicants in many cases were happy and pleased with their same-sex sexuality in their countries of origin. As Tasos argues: “Sometimes applicants’ answers are surprising. When I asked a lesbian woman from Senegal about her self-realization and the accompanied feelings, she answered me: How should I feel, I was feeling perfect, I was horny, and I was doing what I wanted to do: a lot of sex. If she was afraid? Of course, she was afraid, but this doesn’t mean that she couldn’t enjoy her sexuality. Humans are complex beings; we are not predictable and we don’t follow models.” Furthermore, according to Maria, in some cases, applicants’ accounts reveal how their experiences differ from an essentialist, rigid understanding of their gender, sexuality, culture and religion and incite case workers to transform their perception on such notions. In her words: “Based on the guidelines, it is expected from the applicants to feel different, ashamed and oppressed in their countries, since they are in danger and they ask for protection, but to be honest, this is not always the case. I remember a case where the applicant hadn’t felt shame or oppression. The only feeling that he described to me was happiness, liberation and release. I found it very real. From this point, I started thinking differently about applicants’ experiences.”

Even though the European asylum determination system expects refugees to move linearly from oppressive homophobic societies to a queer heaven, applicants' realities are more complicated and nuanced and they do not always showcase a movement from death to safety. As participants highlighted during the research, in many cases applicants SOGI was not the single reason why they left their countries. On the contrary, gender and sexuality intersected with other factors, such as their social class. As Fani explains: "Through my experience as caseworker, I realized that economic criteria are combined with other reasons for asylum in most of the cases that I have handled. However, this system ignores completely applicants' class, by excluding poverty as a basis for asylum." Respectively, according to Stephania: "Applicants from Africa, in most of the cases are poor and they have faced difficulties in accessing social rights. They do not want to return and they seem not to appreciate their countries not only due to their SOGI but due to the general situation." As some of the participants highlighted, asylum claimants are not always persecuted and threatened to death and torture due to their sexuality or gender. Instead, factors such as class intersects with sexuality and gender and it is this intersection that renders applicants' lives unbearable to their countries of origin. However, in a rigid essentialist asylum system, where there is no place for this interrelation, applicants are disempowered through legal, epistemic violence from their own perspective on reality in order to make their experiences readable and intelligible by a western juridico-legal system.

#### 4.2 Queer or Muslim?

Furthermore, in cases of queer Muslim applicants, authorities expect an extra disassociation from applicants' "oppressive" religion to believe their claims. In order to prove the credibility of their SOGI, applicants need to answer, as Jasbir Puar (2017) has argued, on the fundamental "dilemma of their subjectivity": Are they queer or Muslims? (21). According to some of the participants, Islam and queerness are not compatible. As Nikos shared: "I always check the applicant's religious beliefs before the interview. I would find it strange if a faithful Muslim was at the same time gay. Until now, this has never happened to me. In cases that I have handled, applicants were non-religious. In any case, if this happens, it will surprise me, I don't think it is compatible." Furthermore, according to Nancy, applicants' disassociation with Islam is an indication of their credibility: "Applicants' religious beliefs are important in credibility assessment. In MENA region, for example, applicants will not identify as Sunni or Shia Muslims, due to the oppression they have experienced by Islam. As it applies to claims that are related to political views, the majority of the applicants do not have strong religious beliefs."

Following 11/9, there has been an instrumentalized effort by Western media and governments to equate Islam with terror and backwardness (Puar 2017, Sabsay 2012, Mahmood 2009). Islam, under an oversimplified Eurocentric discursive figuration, is identified as a religion of oppression and death, inseparable from sexual backwardness, where sexual minorities and women have no other choice than suffering. This representation was evident in Stephania's words: "Religion is related to applicants' SO. Iran for instance is a theocratic state. It is an Islamic republic. They cannot disobey the religious rules or believe in anything else. Applicants from

Iran have reflected on the interaction of their religion with their sexuality and most of them feel a deep aversion to Islam. They dislike their religion. Most of them are non-religious, few of them are atheist. Their view of Islam is that Islam is the religion of war and terror and difference is not tolerated. There is always a punishment in Islam.” Under this narrative, faith in Islam is considered incompatible with liberation and freedom and an indication of repressed sexuality, void of agency. As Sophia explains, applicants’ political views that align with Islam are both evidence of conservatism and repression, and a proof of a cis GI and a straight SO: “There are some discrepancies that cannot be justified. I remember for example an applicant that was part of a Muslim political party that was publicly against LGBTIQ people and, at the same time, he was telling me that he is a homosexual.”

In this discursive context, Muslims were constructed as cultural others, as sexually undeveloped, primitive and religiously repressed, and their societies as sexually conservative, intolerant and constitutively anti-democratic (Sabsay 2012). Only those who have disassociated with their barbaric religion and who have adopted “Western” values, values that could humanize Islamic societies and save queers and women from the oppression, could be considered as real and admissible queers. Otherwise, they would be unavoidably deemed bogus claimants who pretend queerness. In this way, during the asylum process, applicants’ trustworthiness is evaluated through the “regulatory apparatus of queer liberal secularity” (Puar 2017, 13). However, as Saba Mahmood (2009) argues, both the religious and the secular are not immutable essences, but constructions which gain a particular understanding with the emergence of the modern state. Secularism is a uniquely “Cristian/western achievement” and a product of Judeo-Cristian tradition (Mahmood 2009). During the research, Christianity, in contrast with Islam was assumed to represent a religion more liberal and tolerant to queerness. As Lydia argued: “Religious beliefs play a role, only when the applicant is Muslim. If the applicant is a catholic Cristian gay man from Cameroon for example, I don’t think that anyone will ask him about his religion. Nobody will tell him, being gay is not allowed by your religion, even though it is actually true. In interviews where I omitted to ask applicants about how they feel with regards to their religious beliefs, my team leader always reminded me of this because according to her this is an important field of assessment in SOGI claims.”

Despite this well-rooted narrative of repressive Islam, during the research there were participants who through their practice challenged this orientalist/ colonialist representation. According to Vicky, for example, Muslim religion and homosexuality are not contradictory: “Religion is not only the rules, but has to do with a kind of spirituality that the applicant may be in need of”. Similarly, according to Tasos: “there are applicants that do not provide what it is expected about their relationship with Islam. They reply, for instance that ‘homosexuality is prohibited by Islam, but I am a Muslim, what can I do?’” As some of the participants explained, not all the applicants have passed through inner conflicts in terms of their religion. Additionally, some participants reported having been motivated by Muslim applicants to deconstruct Islamophobic approaches to queer Muslim subjectivities. As Panos described it: “With regards to religion, indeed there is a section in the

interview where the applicant is asked about their religious beliefs. What it is expected, is an internal conflict, since Islam does not accept homosexuality. However, I remember an applicant who in this question answered that he feels ok as a Muslim because ‘if Allah didn’t approve homosexuality, then he wouldn’t create us as homosexuals.’ This was very illuminating.”

As some of the participants highlighted above, this normative understanding of Islam as an oppressive and conservative religion, does not correspond to all queer subjects’ experiences and perceptions. However, and since it constitutes an indication of a credible account, applicants strategically use emancipatory narratives, occupying the victimhood position that is assigned to them, so as to be recognizable within the asylum apparatus and to be believed (Akin 2017, 467). As Manos said, in most of the cases “applicants themselves are referred to their oppressive religion, especially in countries such as Iraq, Iran or Afghanistan.” Similarly, according to Nancy: “applicants, from my experience always have a negative opinion about their societies, their cultures and their religion. This is what we are looking for in the asylum procedure. They are coming to prove you their fear in their countries, they cannot come and start saying how much they love their countries.” This controversy between how applicants perceive the situation in their countries and how they are expected to describe it during the asylum procedure highlights the mechanism under which the nation-state monitors, disciplines, and actively shapes refugees’ identity. Under the fear of rejection, detention and deportation, applicants are being violently assimilated to this version of liberal secular diversity, where inclusion is premised upon realms of exclusion (Puar 2017, 25).

#### 4.3 Sexual citizenship: Homonormative expectations in the (homo)nationalist asylum apparatus

According to authorities’ normative expectations, not only applicants’ countries of origin are represented as deeply homophobic and oppressive, but, on the other hand, Greek society is considered as a queer heaven, where queer refugees can find freedom and safety. As Kiki put it: “What typically is expected to be expressed by applicants is how terrible their lives were in their country of origin and how they have found sanctuary and protection in Greece, where everything is perfect”. If not, this could only be due to their cultures and religion that keep them bound to oppression, discretion, internalized homophobia and the closet, even when they arrive in the “Greek queer paradise”. This is what Murray called “queer migration to liberation nation” narrative (Murray 2020, 70). As Lila describes it:

With regards to their feelings here in Greece, the majority of the applicants are telling me that they are relieved. Even though in camps the situation is hard for SOGI claimants, since they co-habit with Muslim population, they have the chance to access UNHCR or lawyers in the field, where they can discuss about their SOGI. I believe this is important because they understand in this way that Greek society will accept them. However, in the future some of them remain closeted even in Greece, but I believe that this is due to their cultural background and their community, and not because of the Greek society.

According to participants, in order for the applicants to be read as credibly queer, they need to perform a lifestyle that is based on sexual freedom, public visibility, individuality, consumption, and family values. Under the western queer liberal apparatus, applicants are expected to perform their queer identity by conforming to homonormative expectations about sexual citizenship. For the purposes of the research, I use the term homonormativity as an analytical device, which implies upholding and sustaining conventional institutions based on a depoliticized gay culture of individualism, domesticity and consumption, without contesting dominant heteronormative assumptions (Duggan 2003, p. 50). As Tina put it: “Since we live in a straight world, what I am waiting from applicants to express in terms of their feelings is what a straight person would feel for their partner.” Furthermore, and without aiming to challenge the significance of sexual politics and problematize the notion of sexual citizenship by itself, I use this term to highlight how the queer identity, articulated through the language of rights, was normalized, conformed to liberal models and how it contributes to cultural othering and border making. In liberal democracies, under the claim for sexual justice and gender equality, sexual citizenship became the marker that distinguishes the so-called advanced western world in opposition to the undeveloped “others”, and the benchmark against which all sexual subjects are measured (Sabsay 2012, Richardson 2017). This juridical framework of sexual citizenship, constituted the place where the global queer identity meets nationalism, an essentialist notion where universalism intersects with cultural relativism.

As some of the research participants described, in order for their account to be deemed credible, applicants are expected to be in a same-sex relationship in Greece. According to Panos: “If applicants are not currently in a same-sex relationship in Greece, this is considered an indication for non-credibility.” This relationship is strictly defined as a monogamous homonormative same-sex relationship, where applicants are having feelings of exclusive, true love for their partners without having open sexual relationships. As Mona described it: “In terms of feelings towards their partners, it is like our feelings. Taking into account the hostile environment, when people are falling in love in these societies, they are falling in deep love. When I recognize this love, this passion, I cannot refuse it as non-credible.” Respectively, according to Panos, SOGI is not related to sexual attraction but can only be a matter of deep, pure feelings. “In another case, when I asked an applicant from Gambia what he enjoys in his relationships with men, he replied that what he likes is to have anal sex with men. I was very confused and I asked my team leader, how I could assess that claim. What she answered me was that sexual contacts have nothing to do with homosexuality. SO is about feelings and love.” Finally, according to authorities’ expectations, applicants are required to participate actively and visibly in the queer community to be believed. As Manos stated: “Applicants’ life in Greece is also a field of examination. Since in Greece they are free, it is an indication of credibility if the applicant has come in touch with LGBTIQ organizations, or if they are in a relationship here. When someone is free to express themselves, following years of oppression, I cannot find the reason why to abstain from this expression in Greece.”

According to participants' descriptions above, applicants need to fit in a model of neoliberalized form of sexual citizenship which is strictly defined according to specific standards of recognizability. Sexual identity, as it has been constructed by the nation-state is a place of sameness, despite the fact that what "queer" manifests strongly is the politics of difference (Sabsay 2012). Under this homonormative context, applicants are expected to conform to a narrative grounded in visibility politics by manifestly stating their sexual identity (Lewis 2013). In order for asylum seekers to prove their sexuality, they need to bear a formed outed sexual identity, visible in the public sphere. They are supposed to fulfil the stereotype of the male political activist who is active and out as a sexual citizen. They need to be openly in a same-sex relationship to reverse the norm that all migrants are heterosexuals and all queer are citizens (Lewis 2013). As Vicky said: "With regards to previous relationships it has to be explained why the applicant wasn't in a same-sex relationship". By echoing the norm of patriarchy, where (masculine/universal) sexuality is always active, extrovert and intrusive, silences and behaviors that are not manifestly declared are being translated as non-credible, as they do not exist as expressions of queer, by constituting the destabilizing otherness that could call our heteronormative world into question.

However, as participants' contact with the applicants shows, coming out as a queer refugee in Greece does not always correspond to finding a safe queer heaven. Instead, asylum seekers regularly face racism, discrimination, violence and humiliation. During the research, some of the participants described a very harsh reality and a discriminatory Greek society towards queer refugees. As Tasos observes, applicants in Greece are victims of a multiple marginalization, "Greek LGBTIQ community does not always support LGBTIQ refugees. They are marginalized within the community, as they are marginalized in their diaspora communities. Due to this double marginalization, a third one is born: Applicants and queer refugees cannot be integrated in Greek society and work here, so many of them are working in sex as escorts. As sex workers, they are marginalized in a third level. They are refugees, they are LGBTIQ people, and they are also sex-workers."

As participants observed, in their effort to be assimilated to the national imaginary for a progressive queer friendly Greek society, applicants consciously hide discrimination, humiliation and human rights violations that they had experienced in Greece, aiming in a more favorable treatment by the authorities during their asylum claim's assessment. As Lydia emphasized:

"Asking applicants about how they feel in Greece is hypocritical. We represent Greek authorities and they are having an interview for asylum. What are they going to say? The majority of them is telling me that they feel better in Greece, which I don't think that reflects the reality. I remember the case of a trans woman from Morocco. When she arrived in the island, she was placed in a tent next to the police, to be protected. When other applicants were passing by, they were spitting on her and they were laughing at her. Greek Police's reaction to such acts was to throw her out during the night, to throw out her clothes, destroy her tent and keep laughing at her by just joining other applicants in an unlawful, racist, unacceptable behavior.

This was something that this woman never mentioned in her interview for asylum. Instead, she answered me that in Greece she is feeling better because she can go out without needing to hide herself for being a trans woman.”

According to Sophia, this narrative, not only does not correspond to Greek society’s stance towards queer refugees, but it silences discriminations towards queer subjects: “In most of the cases, when we ask about their lives in Greece, the reaction is too enthusiastic. They are telling us: Here we can express ourselves, human rights are respected, everything is fine. The image that they describe does not correspond to Greece’s stance towards LGBTIQ rights, not to mention towards LGBTIQ refugees’ rights.”

In order for their gender and sexuality to be deemed credible, applicants need to fit in the globalized queer identity. Trying to perform this strictly defined sexual identity, applicants face a double challenge: not only do they need to assimilate their experiences to a neoliberal sexual citizenship apparatus, which corresponds to the western-centric assumption around coming-out, sexual freedom, the right to choose, and public visibility, but they also need to transform the reality that they face in Greece in order to correspond to a “queer-paradise” discourse, by leaving out all the inequality and discrimination they have experienced due to intersectional forms of racism, which are based, apart from their SOGI, on their race, ethnicity, class and immigration status. Consequently, asylum seekers, in order to be believed, are found in a struggling situation to emphasize, on the one hand, on what they may have never experienced in their perceived homophobic and oppressive countries of origin, and, on the other hand, to erase and hide experiences of racism and discrimination in Greece. This is how violently sexual citizenship, as defined in neoliberal democracies, contributes to the production of new “others” and becomes for the Greek nation-state the basis to justify its exclusionary practices through the inclusion of the favored queer citizens in the national imaginary (Puar 2017, Sabsay 2012, Duggan 2002).

## **5. Gender and class: Reproducing patriarchal, neoliberal structures**

In this chapter, I will try to show how turning the notion of the progressive, neoliberal sexual citizen into a measure to assess claims’ credibility discriminates especially against women and claimants from lower social classes. By echoing patriarchal and neoliberal structures, western-centric assumptions around sexual citizenship reproduce, apart from racial, also gendered and classed inequalities, and exclude women and working-class applicants by erasing their experiences and perceiving them as non-credible.

According to participants’ accounts, an essentialist binary stereotypical representation of gendered roles dominates in the asylum determination context. Women are represented as passive by nature, monogamous, affectionate, and sensitive, meant to be wives and mothers. Under such a normative patriarchal understanding of gender in essentialist terms, lesbian women are perceived as those who failed to accomplish their destination as “natural” women. They are represented as bearing characteristics socially attributed to masculinities, as hypersexualized and incapable of deep feelings. As Stephania mentioned:



I have handled many cases of lesbian women from Cameroon where I assessed the claims credible. Most of the applicants were meeting other women at home with the presence of their children. Then, they had been caught by their husband who, in most of the cases, beat them violently and this was the reason why they fled. What was strange for me in such cases, was that even though these women had children, they were exchanging partners very often, they were meeting other women in their houses in front of their children and, finally, they left their children behind and fled to another country, without having any contact with them from then onwards. As a woman, I wonder how this could be possible. How could they meet with other women in front of their children? How could they leave their children? I find it really strange.

According to Stephania, womanhood seems to be related to bearing and taking care of children. In contrast with heterosexual women who, following their natural tendency are “wives and protective mothers”, lesbian women seem to prioritize sexual life instead of family values. Even though this behavior does not contest their lesbianism, it puts their womanhood into question. In this context, lesbianism could only be pathologized as failed heterosexuality. As Lila explained: “in contrast with men, women regularly mention that they were abused by their relatives at an early age and this was the reason why they stopped being attracted to men and they became lesbians.” Non-heterosexual women, who, according to some of the participants, failed to accomplish their gendered role, are represented in a stereotypical way as not only hypersexualized and careless towards their children, but as also bearing characteristics socially attributed to masculinities. As Stephania argued: “Gay men are expressing themselves in a more sensitive way while lesbian women in most of the cases are more tough, without many expressions. They don’t speak much about their feelings.” In this context, non-heterosexual women are represented in a caricature way, as hypersexualized, masculine lesbians who failed to fulfil their roles as women. While homonormativity, as it will be analyzed below in this chapter, is the measure through which SOGI asylum claims are assessed, in lesbian women, a controversial, stereotypical representation is observed. This is possibly related to the fact that femininity is so strongly associated with passivity, sacrifice and void of agency in patriarchal gender classification that everything that deviates from this truth regime is largely pathologized and caricatured.

Under this rigid, essentialist understanding, female same-sex experience cannot be accepted in its variations and nuances. As it was analyzed in the previous chapter, in order to be deemed credible, applicants need to have a well-structured visible identity in the public sphere. Silences and less loud expressions of sexuality that do not fit into the active, progressive, free to choose and to consume sexual citizen, are erased and could not constitute part of the common imaginary for female queer. In this way, complexity and different qualities of female same-sex experiences are silenced, women are disproportionately disadvantaged and the articulation of female same-sex desire is rendered even harder. According to research participants, women often lack knowledge about queer community in their countries of origin and their experiences are restricted to private meetings with their partners, which cannot be considered compatible with a queer identity. As Manos shared:

In another case of a woman from Cameroon, the applicant wasn't in a position to provide any kind of information with regards to LGBTIQ people's lives in Cameroon. For instance, she didn't know if there are any organizations, what the law predicts about homosexuality, where lesbian and gay people meet in Cameroon. She only mentioned private meetings with women in houses. I didn't find this reasonable. When someone lives for years in a country and they have relationship with people of the same sexuality, it is expected to have an idea of what is going on in the country. It is not possible to ignore everything.

As many authors have highlighted, women's sexuality is even less visible in public sphere, due to their societal roles that have been attributed to them by patriarchy (Giametta 2017; Lewis 2014; Nasser-Eddin et al. 2018). In contrast to men, whose sexuality is in general socially accepted as open and public, women's sexuality belongs to the private sphere and it is often oppressed, even when it is heterosexual. In many cases, non-heterosexual women applicants do not have experiences of romantic or sexual relationships with women that were publicly expressed in a way that led them to deviate from their societal role, which is something expected to be heard by the authorities (Shuman and Bohmer 2014). This lack of representational space in many cases could be considered an indication of non-credibility.

Furthermore, according to participants, it is not only applicants' gender that disadvantage their account's credibility. Another important factor that asylum procedure systematically ignores is applicants' social class which is interrelated with possibilities and prospects of education. As Lydia explained, applicants' educational background is fundamental in order for them to fulfil authorities' expectations on a credible account: "Applicants educational background in general is not high. I remember only one interview where the applicant had studied in the university. He was an activist from Cameroon. The interview was very easy, I asked him very few questions. He was in a position to understand what I was asking him. We were speaking the same language. He knew everything about human rights organizations in his country, he was very up to date."

In addition, applicants educational background is strongly related to the languages spoken. As participants mention, applicants from upper classes who speak English are in a favored position to better support their claims, since under the western queer hegemony, English tends to constitute the universal queer language. Also, applicants who speak English have the chance to come in touch with the "queer culture" as produced in the global North, and familiarize themselves with terms, notions and inner processes that are deemed to accompany an LGBTIQ identity. As Nancy explained:

Another indication is that SOGI claimants in most of the cases speak English very well, because they need to communicate and participate in a more LGBTIQ friendly society. I remember an applicant from Palestine. He (sic) had lived in many different countries. When we started the interview, he identified as a gay man and, as the interview progressed, he revealed to me that he wanted to be submitted to gender reassignment surgery. He expressed his inner process around realizing his GI in much detail. It was very difficult to proceed with the interview with all these terms in Arabic, so we continued the interview in English to understand each other. It was more comfortable for him to discuss about this in English, without

the presence of an Arabic interpreter. In the end he told me: 'I feel that I am a woman'. But we ended up there after many questions and after having shifted the language of communication. This took us a lot of time. We first discussed about aesthetic interventions, about clothes, about what we like. The fact that we spoke the same language and that I understood what he was talking to me about was important for the applicant to feel safe. It was only after all these that he told me about his trans gender identity.

Apart from the educational background and a very good knowledge of the English language, what Lydia highlights is that applicants' credibility is related to whether applicants have previously lived in an urban or rural area: "It is not only the educational background of the applicant; it is more the region where the applicant used to live. When applicants are asked for LGBTIQ organizations, for example, in most of the cases they answer that they don't know any of them, that they may exist in the capital, but they have never been there." Respectively, according to Stephania, applicants coming from upper classes, living in urban environments and speaking English have more possibilities to be believed by the authorities:

In contrast to African countries, in Iran, LGBTIQ claimants are more educated and are able to discuss about their SO openly. Last week, I handled a case of a man from Iran. He didn't self-identify as gay regarding his SO. He told me that he feels attracted by both genders and that there are periods of time when he is not attracted by any gender. He couldn't find an LGBTIQ category to fit in. As he told me, if he had to, he would say that he is rather bisexual. Despite the complexity of the applicant's sexuality, this interview was not difficult for me. This had to do with the educational background of the applicant. He had gone to the university; he was speaking English and it was easy for him to elaborate on these matters and to make me understand how he feels. When applicants are coming from war zones, such as Afghanistan or Somalia or very poor countries, this is very rare, almost impossible. Applicants from Iran are usually coming from upper classes and have been working in cities. When they are leaving their country, they know what they have fled from, and they are ready to elaborate on this and on their feelings.

What Stephania implies above is that working class applicants coming either from rural areas or from war zones, tend to be confused with their gender and sexual identity, to struggle with themselves and to be depressed and unhappy with their queerness, even when they arrive in Greece. This perception is also evident in Nancy's words; "Indeed, there are cases where the applicant does not have a westernized profile, and they may not have an educational background or speak English. In such cases, applicants have feelings of self-denial. They are telling us: I know that I am not normal, I don't want to be like that, I would like to have an affair with the opposite sex. In such cases, applicants have less possibilities to be considered credible and it is much more difficult in case we consider them eligible for asylum to provide a reasoning and draft the decision."

According to some of the participants' views, coming in touch with the western queer culture, the culture of sexual politics and rights, is the only thing that could liberate subjects from pain and suffering, and a western liberal democracy is the only place where queer subjects could feel safe and proud. According to their

expectations, only applicants who could identify with the neoliberal sexual citizen, a westernized, male, middle-class subject who is happy with his normalized sexual identity, could be believed as credibly queer. All the rest, in deviating from these normative standards rules and not conforming to neoliberal sexual politics, are grounds for disbelief and thus rejection.

## **6. Forms of resistance: Deconstructing truth, redefining justice**

In the previous chapters, I focused on how caseworkers, as state's representatives and consequently holders of power, have endorsed essentialist westernized definitions of queer identity, and how they contribute to the reproduction of an exclusionary model, which leaves no space for the racialized, gendered and classed others. In this chapter, I will try to highlight how, on the other hand, a limited but important minority of caseworkers, through their practices and their decisions, make efforts to resist power's mechanisms. By adopting a Foucauldian approach on power, according to which power relationships are not imposed from above but are pervasively rooted in the social nexus, where power is not only repressive but productive (Foucault 1982), I will focus on how actions of power incite other actions (action upon action) and form resistance. In this way, I will try to show how in the asylum apparatus, there is a link and a reversal between power and resistance. Caseworkers, as at the same time holders and recipients of power, being in a position to determine applicants' deservingness, try to resist a mechanism that distinguishes subjects as genuine and bogus.

During the research, participants extensively mentioned different ways of being submitted to state's power, through government's policies on migration and asylum. They explained that especially after the implementation of the new law for asylum, effective by January 2020, when acceleration became the top priority for the government, they were forced by regional asylum offices' (RAOs) managers to conduct more interviews and draft more decisions, on a daily basis. According to Tasos:

This accelerated procedure that is promoted discriminates against LGBTIQ applicants, who need more time to raise and discuss issues that are related to their sexuality, due to the sensitive nature of their claims. On the one hand, we have the applicant, who needs special procedural guarantees that are not met in a system of accelerated procedures, and on the other hand, we have the Asylum Service, which puts pressure on us to accelerate and to draft more and more decisions. We, as caseworkers, are stuck in the middle, trying to find a balance and not to discriminate against the applicants. This is a very stressful situation.

Furthermore, according to research participants, current pressure is related not only to quantitative, but also to qualitative statistics, since in some RAOs case workers are being accountable when they draft more positive opinions/decisions than expected. As Lydia explained: "The pressure is very intense. I know from colleagues in other asylum offices, that when they have issued in a row some positive decisions then they were forced to reject some cases to conform with the expected rates, because they are controlled by GAS." This pressure became even more intense following the issuance of the Joint Ministerial Decision, according to which Turkey is considered safe for applicants from Syria, Afghanistan, Somalia, Pakistan and Bangladesh. As Nikos put it:

“During previous years, I used to feel fine with my job and with what I was doing. We weren’t receiving political pressure to draft rejective decisions. This is not the case anymore. It is not a matter of law, it’s government’s policy”.

Under such a restrictive framework, where caseworkers are forced to accelerate decision making and are accountable for every positive decision they draft, rejecting claims’ credibility would be the less demanding way to handle the situation, since rejecting an account as non-credible exempts case workers from examining subsequent elements of the refugee definition, and requires less justification and country of origin information research. However, some of the participants insist on resisting state’s regulatory mechanisms, even if this is equivalent to more demanding work, and to being treated with disbelief by their colleagues and supervisors. Doubting the idea that a third person could decide on someone’s gender and sexuality, and being incited by different motives, such as their religious beliefs for a moral world with no pain, or their political ideas for a world of equality without borders, some of the participants mentioned that they refuse to consider applicants’ SOGI non-credible. As Stephania explained: “In SOGI claims, I almost never reject a case. I know that some of the applicants may have lied to me but the burden of the responsibility was very heavy. I am not God to know who is telling me the truth. If they had lied to me, God may punish them later in their lives.” According to Tina, what is important in their work is how caseworkers will justify SOGI claims’ credibility, which in the majority of the cases should be taken for granted. “I am not strict as a case worker in general but in SOGI cases I am even less demanding. I prefer to accept than to reject a claim. Maybe this is not very professional, but I am trying to justify it in my decisions and since now I never had any problems with the quality department. To be honest, even if I have, I don’t care.” Respectively, according to Maria, procedure’s gaps should be used in favor of the applicant. As she explains, in contrast with other claims, in SOGI claims there is a high level of subjectivity in the assessment, because applicants’ stories are impossible to be verified. This should be used in applicant’s interest. “In credibility assessment, I try not to expect anything specific from the applicants, but rather to give them space to speak about whatever they want to. I pose the proposed questions, but not in order to receive concrete answers -I don’t believe that there are right or wrong answers- but in order to help them.” What some of the participants mentioned in our discussions is that, in their effort to restore the inequalities and exclusions that this system reproduces, they try to use the law as a tool to interpret applicants’ claims and experiences as credible and grant them asylum without prior taxonomizing them to good and bad queers. As Kiki says, “I don’t think that it is fair for the applicants to be in such a position [trying to prove their sexuality and gender identity]. What I do as a caseworker is to use the legal tools that we have in order to grant refugee status to as many applicants as I can, to facilitate, in a way, people’s lives. This is what justice is for me.”

In an asylum system that treats applicants as by default cis and straight who aim to misuse asylum procedures, and constructs them as bogus queer and thus, deportable subjects, claimants’ only way to be deemed credible is to be assimilated by state’s expectations about a real sexual identity through scrutinization of their sexual

and gendered experiences and expressions. However, this mechanism of subject formation, apart from being violative and intrusive, produces by itself exclusions and does not leave space for the racialized, gendered and classed others to perform their sexuality according to state's desires. However, as this research shows drawing on queer and feminist theory, the way that we perceive and perform our SOGI is an intersection of race, class, gender, continuously transforming in space and time which is related to social norms and is not of our making. Consequently, even if in asylum procedures sexuality and gender are perceived as fixed, immutable and narratable, that have to be ascertained by state as a regulatory mechanism of asylum seekers' bodies, some of the participants deny that there could be any effective method to assess one's "truth" about their gender and sexuality. Based on this perception and recognizing their positionality, they prefer to abstain, to the measure that they can, from any power's exercise on queer migrants' bodies, by considering their claims credible, as a way to redefine what is truth for the purpose of restoring justice.

## **7. Discussion**

Through analyzing caseworkers' accounts, this thesis discussed the national state's expectations on a credible account in queer asylum claims. As the research material indicated, credibility criteria move mainly towards two directions: First, applicants are expected to bear a sexual and gender identity, which is universal, well-structured, fixed, narratable and visible in the public sphere. In order to be deemed as "genuinely" queer, applicants need to be readable through the lens of neoliberal sexual politics and homonormativity. Second, applicants are expected to move linearly from "homophobic, conservative and intolerant" societies, where they could only bear feelings of self-denial, stigma and difference, towards the Greek "queer heaven", where they could be free, out, and proud for their LGBT identity. "Real" queer refugees liberated from "oppression" and "fear", according to authorities' expectations, are supposed to demonize their "backward" cultures and societies and to disassociate with their "barbaric, Islamic" religion. This orientalist, homonationalist perception on "sexual diversity" discriminates against the racialized, gendered and classed "others" who do not consume the queer culture as produced in the free market of the West and remain illegible and unintelligible by dominant, Eurocentric, capitalist and homonormative models of recognizability. In asylum apparatus, queer subjects, who cannot fit in normative understandings of citizenship, race, class, gender and sexuality, are deemed the "bogus" claimants by the authorities and are rendered deportable, as those who pretend queerness and whose aim was to abuse the asylum system. The implementation of this exclusionary, epistemically violent asylum mechanism, illustrates how sexual politics and queer rights are instrumentalized by neoliberal democracies, as a self-justificatory apparatus, in order to reproduce sexual citizenship premised upon racism, sexism, class exploitation and contribute to further border securitization.

Based on the critical analysis of asylum authorities' practices in credibility assessment, this research apart from studying which subjects are considered "genuinely" queer and which are not, draws further attention to how the "authentic" queer refugee is assimilated and is supposed to perform their identity in a neoliberal

democracy, such as Greece. Rejecting the presumption that gender and sexuality can be approached rationally through a monolithic, discursive evidentiary procedure and reflecting more on the spectral dimension of gender and sexuality as variable notions in space and time I argue that asylum apparatus works as a biopolitical mechanism for those assimilated. As Judith Butler (1999) pointed out, sexual identity does not precede iterative performances; instead, it is constantly shaped, through practices of identification even during asylum procedure, through subjects' performative acts of identification. This is how, asylum procedure, by insisting in essentialist, homonormative, neoliberal definitions of a "genuine" universal queer identity and of the queer-friendly, progressive West, constitutes a violent process of subjectivation for queer refugees.

This binary and monolithic approach, as other authors have argued (Shakhsari 2014), highlights how western national states, in their effort to secure their borders and values, erase difference, by expecting and reproducing a universal queer identity, defined in the Global North and, at the same time, enhance hierarchized difference, by dichotomizing modern/progressive West and premodern/backward East. As this research illustrated, the two ostensibly contradictory theoretical approaches of universalism and cultural relativism, that coexist in asylum procedure, are founded, from a different perspective, on essentialist, rigid definitions of identity and culture. Both theoretical frameworks reproduce abjection for the destabilized, racialized "other", who could put homonormative, neoliberal norms into question while serving the purpose of border making.

Overall, my goal in writing this thesis was not only to contribute to an academic discussion of the mechanisms of power. In an era of necropolitics at Europe's borders, where control, surveillance, securitization and scrutinization are normalized and migration is penalized, I do believe that claiming and fighting for an equal and inclusive asylum system is a commitment that brings together empirically involved and situated research and activist political work. State practices to distinguish the "real" from the "bogus" queer refugee constitute a form of legal, epistemic violence that has very "real" and tangible consequences on asylum seekers' bodies since those who cannot be assimilated by the state's homonationalist expectations become deportable to their countries of origin. Without turning a blind eye to the profound political and economic causes of these neoliberal, patriarchal, homonormative understandings of truth, gender and sexuality that dominate asylum procedures, the purpose of this thesis is not limited to a criticism of the asylum system's inadequacies and abusive practices. In 2021, UNHCR has committed to urgently and regularly revising their guidelines on queer refugee claims in light of the latest research on gender studies and human rights law (UNHCR 2021). This commitment, among others, was a result of activists', academics' and asylum lawyers' expressed and well-founded arguments on how the procedure produces further intersectional exclusions and ignores queer claimants' lived experiences. And so, my expectation in conducting the research, for the purpose of this thesis, is that this work, along with the burgeoning relevant literature produced by empirically involved and situated academics and researchers, might contribute to the establishment of an asylum procedure where Geneva Convention will be interpreted through an intersectional feminist and queer approach.

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