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Practice, Prospects and Challenges of NGOs

Working with LGBTIQ Asylum-Seekers in Germany:

Homonationalism as a Practice-Informing Concept

for International Social Work with LGBTIQ Asylum-Seekers and Refugees

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Table of Contents

Index of Abbreviations.....	I
1. Introduction.....	1
1.1. Background	1
1.2. Aims and Research Questions of the Thesis.....	4
1.3. Literature Review	5
1.3.1. Previous Studies on Queer Asylum in Countries of the Global North	5
1.3.2. International Social Work with LGBTIQ Asylum-Seekers	9
2. The Context of Queer Asylum in Germany	10
2.1. LGBTIQ Rights in Germany.....	10
2.2. Asylum Procedures and Refugee Policies for LGBTIQ in EU and in Germany	13
2.2.1. EU and International Legislation	14
2.2.2. Germany and National Legislation	16
2.3. How LGBTIQ Asylum-Seekers are Perceived in Germany	19
3. Theoretical Framework.....	23
3.1. Discursive Understanding of Sexuality and Bio-politics.....	23
3.2. Queer Theories	26
3.3. Queer Migration Scholarship.....	28
3.4. Homonationalism(s) and Instrumentalization of Queer Asylum	29
4. Methodology.....	32
4.1. Research Design.....	32
4.2. Research Participants	34
4.2.1. LSVD-Project – Queer Refugees Deutschland (QRD)	34
4.2.2. Rainbow Refugees Support – Frankfurt (RRF)	35
4.2.3. Fliederlich e.V.	35
4.2.4. RosaAsyl.....	35

4.2.5.	Nürnberg City Council for Integration – Project Bleib (PB).....	36
4.2.6.	Bavarian Red Cross Nürnberg (BRCN).....	36
4.2.7.	Rainbow Refugees Mainz (RRM).....	36
5.	Findings.....	37
5.1.	Scope of the Organizations’ Practice	37
5.2.	Asylum-Seekers and Refugees that NGOs are Working with.....	50
5.3.	Political and Theoretical Approaches of the Organizations	56
5.4.	German Asylum System for SOGI-based Claims.....	64
6.	Discussion	69
6.1.	Key Findings.....	70
6.2.	Interpretation of Findings.....	75
6.4.	Implications for ISW	77
6.3.1.	Theoretical Implications.....	77
6.3.2.	Macro and Micro Level Practical Implications for ISW	81
7.	Conclusion	85
7.1.	Evaluation.....	86
7.2.	Limitations	86
6.6.	Recommendations for Future Research.....	87
	Statutory Declaration.....	i
	Appendix.....	ii
	Informed Consent Form.....	ii
	Interview Questions	iii
	References.....	vi

Index of Abbreviations

BAMF:	Federal Office for Migration and Refugees
BfMFI:	The Federal Government Commissioner for Migration, Refugees, and Integration
BMFSFJ:	The Federal Ministry of Family Affairs, Senior Citizens, Women and Youth
BRKN:	Bavarian Red Cross – Nürnberg
BY:	The Free State of Bavaria
DSSH:	The Difference, Stigma, Shame, Harm Model
EU:	European Union
HE:	The State of Hesse
ILGA:	The International Lesbian, Gay, Bisexual, Trans and Intersex Association
ISW:	International Social Work
LGBTIQ:	Lesbian, Gay, Bisexual, Trans-gender/sexual, Intersex, Queer
LSVD:	The Lesbian and Gay Federation in Germany
NGO:	Non-Governmental Organization
NRW:	North Rhine – Westphalia
PB:	Project Bleib
QRD:	Queer Refugees Deutschland
RP:	Rhineland – Palatinate
RRF:	Rainbow Refugees Frankfurt
RRM:	Rainbow Refugees Mainz
SOGI:	Sexual Orientation and Gender Identity
SOGICA:	Sexual Orientation and Gender Identity Claims of Asylum
UNHCR:	United Nations High Commissioner for Refugees

1. Introduction

1.1. Background

As of 2017, the number of people who have the refugee status around the world has reached 25.4 million, apart from 3.1 million people still on the path for seeking asylum. In Germany, these numbers are 970,365 for refugees and 429,304 for asylum-seekers (UNHCR, 2018). Among these constantly increasing number of refugees and asylum-seekers, a specific attention has been received for women, children and partly for disabled people due to group-specific vulnerabilities and protection needs. Until recently, another group of people, lesbian, gay, bisexual, transgender and transsexual, intersex and/or queer (LGBTIQ) asylum-seekers and refugees has not aroused much attention¹. It is not a new phenomenon that LGBTIQ people around the world are migrating or fleeing from one place to another owing to or regardless of their sexual orientation and gender identity (SOGI). What is rather new is the adoption of LGBTIQ and SOGI in legal instruments regulating international protection for people whose reason to flee is SOGI-based persecution (Spijkerboer & Jansen, 2011).

This particular group is named as LGBTI in the legal instruments regulating international protection on grounds of SOGI-based persecution (UNHCR, 2012). Lesbian, gay and bisexual (LGB) refer to the cluster of sexual orientation (SO), whereas transsexual and/or transgender and intersex (TI) refer to the cluster of gender identity (GI). However, LGBTI-Q will be used instead to refer to the target group within this study. Q is an abbreviation for 'Queer' which is a relatively new term that has a political stance against the normative understanding of identities as fixed and static. Queer stresses rather the fluidity within multiple aspects of identities (Green & Peterson, 2006). While queer can refer to those identified as non-binary and genderqueer, it is also used as an umbrella term for referring to any non-heteronormative identity. The latter is taken into account while using the term queer within this study, with an attempt to stay close to the legal terminology (LGBTI), but at the same time not to be exclusive of those having non-heteronormative lived

¹ Statistical information on number of asylum claims according to persecution grounds in EU Member States is scarce. There is not comprehensive information on the number of LGBTIQ asylum-seekers and refugees in Germany, but only estimations. Establishing clear statistics on the number of queer asylum-seekers and refugees is also difficult since some asylum-seekers lodge their applications on other grounds than SOGI-based persecution; and having been granted refugee status thereof, despite having SOGI-based persecution among their reasons to flee.

experiences, yet not identifying as such. LGBTIQ and queer are used interchangeably thereof.

When LGBTIQ asylum-seekers lodge their applications on the grounds of SOGI-based persecution in their respective country of origin, these claims are examined in the framework of 'membership in a particular social group'. As stated by Gartner (2015), following their asylum claims, LGBTIQ asylum-seekers are expected to prove: first the credibility of their SOGI in the eyes of the decision-makers; second their fear of persecution in their respective home-country; and lastly how well-founded their fear of persecution is. He asserts that, the result of SOGI-based asylum claims rest much more on "the existence of usually non-existent evidence" than it does for claims based on political, religious or ethnic persecution. Even though European Union (EU) has been adopting some legal instruments that are to standardize a fair procedure for accessing to international protection on the grounds of SOGI-based persecution, this asylum procedure is complicated by stereotypes of decision-makers on how to be queer. This creates problematic asylum systems for EU Member States wherein the asylum-seekers with non-normative identities are forced to represent themselves in a restricted Western understanding of queerness. One of the reasons behind this overlooked aspect is the presumption that asylum-seekers and refugees are only consisted of heterosexuals and cisgenders (Gartner, 2015) – i.e. they are all "straight until proven otherwise" (Rachel A. Lewis, 2014).

In addition to the problems during credibility assessments, there are several other challenges that LGBTIQ asylum-seekers and refugees face through their encounters with asylum institutions inside Germany. These can be listed as: the argumentations of decision-makers on discretion, disbelief, state protection and internal flight alternative against such asylum claims by overlooking the continuation of persecution; problems arise on the stage of reception wherein asylum-seekers and refugees are confronted with SOGI-based discrimination and violence in arrival, accommodation, and detention centers in Germany both by their fellows and the staff working in those facilities; lack of LGBTIQ sensitizing trainings for decision-makers, reception facilities' staff and unresponsiveness towards the group specific needs as a result; non-consideration of the psycho-medical needs of transsexual asylum-seekers and refugees who are on different stages of their transitioning process; problems with translators when an interpreter assigned to the interview or hearing of a queer asylum-seekers and is deprived of a SOGI-sensitivity or awareness, or even have prejudices

against (Raza, 2018). Such structural problems shows the inadequacy of the protective measures taken in Germany for SOGI-based claimants (Jelpke, 2019).

In general, people lodging their application on grounds of SOGI-based persecution do not really find a 'safe haven' in Germany. They are confronted with the contradiction of a welcome culture (*Willkommenskultur*) with challenging asylum processes, the lack of necessary support structures (SOGICA, 2016), and the continuation of SOGI-based discrimination and violence combined with racism and Islamophobia (Bayramoğlu & Lünenborg, 2018). Moreover, SOGI alone is not adequate to explain the complex lived experiences of LGBTIQ asylum-seekers and refugees (Giametta, 2017). Such an overemphasis on SOGI risks overlooking the impact of poverty, unemployment or class differences on the lives of LGBTIQ asylum-seekers and refugees (Güler, Shevtsova, & Venturi, 2019).

Accordingly, the current study aims at elaborating on sexuality as a vector of power that operates on bodies. Sexuality is considered as a point of juncture wherein various systems of power such as class, race, nationality and gender intersect within the context of flight and migration. Asylum institution is analyzed within the framework of *bio-politics* (Foucault, 1990), taking into account its impact on sexuality as not only exclusionary by a disposal of the right to asylum of SOGI-based claimants, but also regulatory by enforcing "the hegemony of liberal queerness as a universal way of being queer in the world" (Raboin, 2016) to the claimants as the only way to gain asylum. The study further proposes the concept of *homonationalism* (Puar, 2017) for International Social Work (ISW) to yield a multidirectional political analysis in context of queer asylum. In the end, the study addresses two levels of concern regarding the context of queer asylum in Germany:

- 1) interrogating the ways queer asylum serves to reproduce hegemonic discourses that are not only against but also in favor of the right to asylum of LGBTIQ claimants;
- 2) exploring the scope of the work conducted by NGOs assisting LGBTIQ asylum-seekers and refugees, and the relevance of post-structural, queer and post-colonial modes of thinking within their very practice.

Overall, the next section includes a literature review summarizing the main arguments of the studies on queer asylum from other asylum granting countries of the Global North. It is followed by a chapter on the context of queer asylum in Germany illustrating the legal developments regarding LGBTIQ rights in Germany with a historical analysis; how SOGI-based asylum is incorporated in German and European

legislation; and the public opinion on LGBTIQ asylum-seekers in Germany. Theoretical framework chapter includes discursive understanding of sex and bio-politics; queer theories; queer migration scholarship; and homonationalism. Then the rest is regarding the empirical part of the study: methodology, findings, discussion and conclusion.

1.2. Aims and Research Questions of the Thesis

The main research question of this master thesis is: *How do the non-governmental organizations (NGOs) in Germany assist LGBTIQ asylum-seekers before, during and after their claims?* combined with the sub-questions below:

- How does the asylum system in Germany work for SOGI-based claims?
- What is the relevance of post-structural, queer and post-colonial modes of thinking within the practice of NGOs?
- What are the implications for ISW on queer asylum?

The first sub-question functioned as a research-informing question for my thesis where I did readings on the development of LGBTIQ rights and asylum in Germany and followed by the contemporary legal procedures on queer asylum in international legislation and in German national legislation. On one hand, the second sub-question functioned as a theory-informing question since the theme of the thesis intersects at the focus of post-structuralist, queer and post-colonial modes of thinking. On the other hand, it also functioned for contemplating on the relevance of such de-construction theories to the very practice with LGBTIQ asylum-seekers and refugees. Therewith, the third and the last sub-question was answered by some insights in the light of the findings.

Despite the existing literature on queer asylum for the other asylum granting countries of the global North, there is no academic studies in English on queer asylum in Germany. Therefore, this project will aim at filling this gap. It will be executed through comparing the prospective findings of the present project about Germany with the findings of the previous literature on queer asylum in the other countries of the Global North, scrutinizing the different and similar patterns. However, the focus will not be only on the legal procedures and their oppressive practices on a theoretical level, but also on how NGOs implement various service provisions to LGBTIQ asylum-seekers before, during and after their asylum claims, and subsequently how these practical insights can be utilized for ISW practice with LGBTIQ asylum-seekers and refugees.

1.3. Literature Review

1.3.1. Previous Studies on Queer Asylum in Countries of the Global North

Fleeing Homophobia research project conducted by Spijkerboer and Jansen (2011) is one of the first comprehensive studies on the management of SOGI-based asylum claims in Europe. Previous to *Fleeing Homophobia*, there was another study more general on the situation of LGBTIQ rights in Europe which identified in one of its sections the problems within the asylum procedures of the Member States in terms of SOGI-based claims (FRA – European Union Agency for Fundamental Rights, 2009, 2010). *Fleeing Homophobia* has filled a research gap through its extensive and qualitative research thereof and yielded the further need there to investigate. Juridical, governmental, academic and practice-related professional data were added to the literature (Jansen, 2015). Another study called *Supporting and Including LGBTI Migrants (Needs, Experiences & Good Practices)* by Gavrielides et al. (2017) aiming at providing guidance to the professionals working with LGBTIQ migrants is a relevant source for the good practice examples of handling of SOGI-based asylum claims in Europe. However, the scope is limited to the comparative data from the UK, Greece, Netherlands, Italy and Cyprus. Lastly, another comprehensive research project called *Sexual Orientation and Gender Identity Claims of Asylum: A European Human Rights Challenge (SOGICA)* by (Ferreira, Dustin, Held, & Danisi, 2016) has been ongoing since three years. The project is based in the School of Law at the University of Sussex and funded by the European Research Council under the EU's Horizon 2020 research and innovation program. It explores the frameworks of EU and Council of Europe besides from the case examples from the Italy, Germany and the UK. The results of the project will be published in 2020. The study consists of social and legal matters experienced by people who lodge their SOGI-based asylum application in EU Member States.

In light of these socio-legally explorative studies, the main fields in which problems arise during the handling of SOGI-based asylum claims are as listed: “discretion”; “criminalization of consensual same sex sexual acts”; “safe countries of origin”; “state protection”; “internal protection”; “credibility”; “late disclosure”; “country of origin information”; “reception” (Jansen, 2014; Spijkerboer & Jansen, 2011).

- *Discretion* is an argument used by decision makers to claim that applicants do not really need international protection because they can go back to their respective

home country and live safe by concealing their SOGI in order to avoid persecution. Even though it was declared by United Nations High Commissioner for Refugees (UNHCR) inapplicable due to its contradiction with human rights, it is still used as an argument in some courts among the EU Member States.

- *Criminalization of consensual same sexual acts* are not recognized as a legitimate reason alone to be granted asylum. The claimants are still expected to establish how well-founded their fear of persecution is.
- Among the *safe countries of origin* list, which is used by some asylum-granting Member States including Germany, there are countries who openly criminalize LGBTIQ acts or if not, still have a very hostile and legally non-protective environment for LGBTIQ individuals. This automatically paves the way for an easy rejection of SOGI-based asylum claims.
- *State protection* is also used as an argument by decision-makers wherein source of fear of persecution is non-state actors such as family, relatives, friends, neighbors. This trajectory puts the claimants at the risk by expecting claimants' state to fully protect them, which in most cases is not in practice.
- *Internal protection* is another argumentation used to reject SOGI-based asylum claims by expecting claimants to go to a 'safer' city change within their respective home country. This, as in the logic of state protection argumentation, overlooks the continuation of the risk of persecution.
- *Credibility* is the most crucial stage where the *translation of culture* turns out problematic which by the fate of asylum claims is on the hand of decision-makers who might have a fixed and linear Western understanding of SOGI expressions and experiences.
- *Late disclosure* is another problematic situation which occurs when claimants get out of 'the closet' and discloses their SOGI after the first interview. This mostly leads to a rejection of the application. This overlooks a probable mis- or lack of information on the legitimacy of SOGI as an asylum ground and an unfamiliarity with talking openly about one's own sexuality to strangers, especially to official authorities.
- *Country of origin information* about from where asylum-seekers come has also a lack of necessary information about the situation of LGBTIQ individuals and their rights.

- *Reception* stage of asylum brings about several issues. LGBTIQ asylum-seekers and refugees are often confronted with SOGI-based discrimination and violence both by their fellows and reception facilities' staff in arrival; accommodation and detention centers.

There are several other studies conducted on queer asylum in the asylum-granting countries of the Global North. Some of the studies below focuses more on the legal procedure with an emphasis on a macro level discursive analysis of queer asylum through a post-colonial lens; how such discourses on queer asylum serve to border nation-states and to limit the access to citizenship (including refugee status), whereas others focuses more on personal experiences of people who apply SOGI-based asylum through an ethnographic approach; examining their coping strategies, differential formation of belongings (Chávez, 2010), resilience and “capacity to navigate essentializing social and legal readings of their subjecthood that construe them as either victims or liars” (Giametta, 2017, p. 33). These are from Belgium (Dhoest, 2019), Canada (LEE & BROTMAN, 2011; Murray, 2014), France (Fassin & Salcedo, 2015), Netherlands (Hertoghs & Schinkel, 2018), Norway (Akin, 2015, 2017a, 2017b; Akin & Svendsen, 2018; Mühleisen, Røthing, & Svendsen, 2012), Scandinavian countries -Denmark, Norway, Sweden- (Petter Hojem, 2009), Spain (Perego, 2017), Sweden (Byström & Wood, 2018; Lukac, 2017; Wimark, 2019), the United Kingdom (Bennett & Thomas, 2013; Dustin, 2018; Giametta, 2017; Raboin, 2016), the United States (Bowmani, 2017; Cantú & Luibhéid, 2005; Chávez, 2010, 2011; Heller, 2009; Rachel A. Lewis, 2014; Llewellyn, 2017; McGuirk, 2018; Shah, 2013; Tabak & Levitan, 2014; Taracena, 2018).

There is no academic literature in English found, related directly to LGBTIQ asylum in Germany, but rather some project reports, commentaries or manuals from international and national non-governmental organizations (FRA – European Union Agency for Fundamental Rights, 2017; Lesbian and Gay Federation in Germany; Rajanayagam & Awadalla, 2016; SOGICA, 2016).

The main findings and arguments of these studies above that focus more on the very experiences of asylum-seekers are that asylum procedures conducted with SOGI-based claimants resulting in these asylum systems' complicity in enforcing a narrow Western understanding of SOGI expression to claimants as the only way for gaining access to international protection. The credibility assessments in which interviewees must prove their SOGI to interviewers are complicated by the stereotypes

of decision-makers on how to *truly* be a LGBTIQ. These binary constructs of modernity on sexuality and gender which decision-makers utilize when assessing the credibility of claimants' SOGI, such as homosexual vs. heterosexual (Sedgwick, 1990), ignore the diversity and fluidity of conceptualization of sex within disparate individual and collective characteristics in other locations of the world (Wieringa & Sívori, 2013). Furthermore, this process also reduces LGBTIQ identity to sexual conduct during the interviews as if SOGI can be measured or detected through well investigation of the narratives of the interviewees, which leads to the *sexualization* of asylum-seekers. On one hand this process denies the agency of the asylum-seekers as subjects by reducing their identity to sexual conduct. On the other hand, this process paves the way to another sphere where the asylum-seekers, with an awareness of the dominant stereotypes on *queerness*, put some aspects of their identity forward and hold some behind. This way, they use the concept of "performativity" (Butler, 1990, 2004) consciously as a strategy in order to overcome a possible asylum rejection due to being found *incredibly queer* by decision-makers, despite having identified as LGBTIQ.

On the other side, the main findings and arguments of these studies above that focus more on a macro level discursive analysis of queer asylum are that the asylum process is serving to aggravating the illusionary division between West and the rest, associating West with liberal and progressive values as homo-/transphobia free places and East with non-civilized anti-feminist/LGBTIQ attitudes. Thus, it is followed by the establishment of a *homophobic Other*, and the victimization of LGBTIQ asylum-seekers and refugees rather than depicting them simply as people bearing (human) rights. At this point, Giametta (2017, p. 14) notes the timescale when SOGI-based persecution is recognized as a legitimate ground for asylum, that is only after SOGI has gained political importance within the global arena. In parallel, the development of LGBTIQ rights functions to point out that these rights do not exist within the legal systems of every country in the world. Despite asylum taking place as a *human right* within the international law (specifically based on SOGI here, albeit it is formulated as a human right on any 'legitimate' ground), "it is framed by politicians and granted by decision-makers more as a courtesy that the receiving state offers to the claimant" (Giametta, 2017, p. 7).

1.3.2. International Social Work with LGBTIQ Asylum-Seekers

Despite the contemporary international attention has been given to queer asylum regarding the legal procedures, it is a matter of fact that there is a wide lack of LGBTIQ asylum-seekers within social work literature (Fish, 2012, p. 192). There are not so many books illustrating the problems faced by LGBTIQ asylum-seekers and refugees and how social work can correspond in those stages, but there are rather journal articles with some case studies of specific countries' asylum systems.

Heller (2009) argues, in her article *Challenges Facing LGBT Asylum-Seekers: The Role of Social Work in Correcting Oppressive Immigration Processes*, that during their asylum path LGBTIQ claimants are exposed to an ambivalence of “covering” and “reverse-covering”. First, they should cover some aspects of their identities which become a reason for them to be persecuted in their respective home-countries; and then they should reverse-cover the same aspects of their identity in asylum-granting countries to prove the veracity of their SOGI to decision-makers. In order to do so, they should exaggerate some of their behaviors or stress some parts in their personal narratives, so that their performance comply with cultural stereotypes of decision-makers. Therefore, LGBTIQ asylum seekers are often confronted with a Western understanding of SOGI expressions and experiences as a “uniform and linear trajectory” (Berg & Millbank, 2009). The expectation of covering also serves as a discretion argument when denying SOGI-based claims to send them back to their respective home countries. Followingly, she claims that social workers should be critical when assessing the demands of reverse-covering both as a strategy to increase the chances of a positive asylum decision; and as a risk of re-production of cultural stereotypes. However, she asserts that the stance of the social worker on covering demands should be entirely on seeing it as persecution (Heller, 2009).

Moreover, the literature draws attention to the significance of a comprehensive network with regional, national, and international networking with relevant organizations for a competent social work practice with LGBTIQ asylum-seekers and refugees. Establishing knowledge and contact in cooperation with governmental and non-governmental organizations is of vital importance to have sustainability and to develop useful strategies for clients. “Developing human rights-based practice may also entail challenging restrictive immigration legislation and systems and their accompanying ethos” (Fish & Karban, 2015, pp. 197–198).

2. The Context of Queer Asylum in Germany

2.1. LGBTIQ Rights in Germany

Germany is nowadays considered as a progressive country with respect to the civil rights of its LGBTIQ citizens. However, this progress was not that present by the late 20th century. Approximately until 1970s, homosexuals were mostly persecuted based on paragraph 175 of the German Criminal Code which dates back to the foundation of the German Empire. The paragraph had existed almost 123 years with changing definitions of its criminal offences and degrees of its punishments. It was only until 1994 that the paragraph was fully abolished by re-united Germany (Burgi & Wolff, 2016).

In its long history, paragraph 175 was taken over from the Prussian law. During the transition period from the North German Confederation to the German Empire, the paragraph was adapted unchanged to the new criminal code of the German Empire in 1871 as below:

“Acts of lewdness and lasciviousness contrary to nature committed between persons of the male sex or by humans with beasts, is to be punished by imprisonment; a sentence of loss of civil rights may also be passed.”²

Criminalizing sexual activity especially between males, even outlawing the civil rights of the persons of concern in some cases, the paragraph functioned as a way of social control by disciplining the citizens in terms of their sexuality. Since the state was identified as a particularly masculine realm, this main discourse was extremely indifferent to female homosexuality during the German Empire. The strength of state was associated with a healthful, Germanic masculinity, whereas decadence of national power was associated with “abnormal, racially deviant and feminine” men (Bruns, 2018). There was a hierarchy of different forms of masculinity that ignored the women sexuality.

During the Weimar Republic era, Magnus Hirschfeld, an open-minded and progressive sexologist of his time, initiated a series of actions aiming at advocating for the ubiquitousness and normality of homo- and transsexual behaviors. In 1918, he

² The *Reich* Criminal Code (RStGB) of 15 May 1871.

established the Foundation for Scientific Sexual Research³ through the backing of the Minister of Internal Affairs. Subsequently in 1919, the Institute for Sexual Sciences⁴ was established, which was leading reformist and alternative-thinking research (Mancini, 2010, pp. 115–118). Despite the foundation of the Scientific Humanitarian Committee⁵ and Action Committee⁶ which were uniting homosexual organizations, doing advocacy; nation-wide petitions; political-networking; and awareness-raising through lectures and seminars around Germany for the abolishment of the paragraph 175, the reform proposals did not succeed (Davidson-Schmich, 2017).

As soon as the National Socialists (NS) took over the government in 1933, they directly annihilated Dr. Hirschfeld's Institute for Sexual Sciences and the books existed at its library. Nazis made some amendments to the paragraph, broadening the scope of the offences and intensifying the punishments (Lesbian and Gay Federation in Germany, 2010b). Through the raids by the police, not only the individuals were targeted, but also the related meeting points and related civil rights movements. In addition to being sent to concentration camps, the ones who were captured during the raids were marked out through "pink triangles" with an obligation to always wear them (Burgi & Wollf, 2016). This time, besides gay men, lesbian women were also persecuted, such as in *Ravensbrück* concentration camp which was only for women who were found deviant of the social norms (Sweet, 1995).

After World War II (WWII), paragraph 175 was maintained in two newly emerged German states. In the Federal Republic of Germany, the Nazi composition of the law was used as it was, whereas in the German Democratic Republic, the first step was taken in 1968, and the full application of the paragraph was ceased. However, this was due to the reasoning that the paragraph was embodying a Nazi ideology, but not to initiate a decriminalization of homosexual acts. It was only until 1988 when the paragraph was fully repealed from the criminal code in East Germany. In Western Germany, due to conservatives' majority in the government and their rejections to proposals for the abolishment of the paragraph, it kept on existing with some small amendments. In the end, the number of prosecutions were five times higher in the West, then it was in the East. Beyond the prosecutions, LGBTIQ people also faced

³ *Die Stiftung für wissenschaftliche Sexualforschung.*

⁴ *Das Institut für Sexualwissenschaft.*

⁵ *Wissenschaftlich Humanitäres Komitee.*

⁶ *Der Aktionsausschuss.*

several social circumstances such as: loss of status, conversion therapies, pressure for marriage, ostracization from social groups like religious communities, ban of homosexual organizations etc. Nevertheless, in both states by the re-unification, there were some nation-wide activist organizations emerging (Davidson-Schmich, 2017).

After the unification of the East and West and the foundation of the 'new' Federal Republic of Germany, a nation-wide organization advocating for gay rights was established and was pushing for social change on national and European level (Lesbian and Gay Federation in Germany, 2010a). In 1994, after almost 123 years, paragraph 175 was completely repealed from the penal code. Since then, also due to the pressure resulting from the complications with the anti-discrimination law⁷, LGBTIQ community in Germany has gained more rights such as: life partnership law for same-sex couples and ban of discrimination of gays in German army in 2001; parliament decision for rehabilitation of NS regime's homosexual victims in 2002; removal of the necessity for transgender people of surgery or dissolving previous marriages as a pre-requisite for having not at birth assigned gender on their passports in 2005; same-sex marriage in 2017; and registration of intersex people's gender as 'divers' (other) on official documents in 2019. According to Davidson-Schmich (2017), all these series of civil rights granted to the LGBTIQ community was a success of an activism that combined "outside in" and "inside out" ways of pushing for social change. These are partly led by some mainstream organizations such as Lesbian and Gay Federation in Germany (LSVD)⁸ and German Association for Trans- and Intersexuality⁹ on a national level; and International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) on a European level.

According to the results of a survey called *Attitudes Towards Lesbian, Gay and Bisexual People in Germany* that was carried out in late 2016 by the Social Science Survey Centre in Duisburg ¹⁰ with 2,000 people aged 16 years or older, there is a broad agreement among the so-called German society on prohibition of homophobic discrimination, and on granting more rights such as: marriage; adoption; support for assisted reproduction. Yet, the number of respondents who find 'covertly' discriminative behaviors as immoral are almost three times less than who find 'overtly'

⁷ Antidiskriminierungsgesetz.

⁸ Lesben- und Schwulenverband in Deutschland.

⁹ Deutsche Gesellschaft für Transidentität und Intersexualität.

¹⁰ Sozialwissenschaftliches Umfragezentrum GmbH Duisburg.

discriminative behaviors as immoral. This indicates that in cases where the discriminative behaviors towards LGBTIQ people are not so apparent, there is a tendency to find those behaviors acceptable. Furthermore, 20 per cent of the respondents have disparaging attitudes when it comes to trans people (Küpper, Klocke, & Hoffmann, 2017). Moreover, as stated by Heinzinger (2019), Germany went back from the 3rd place last year to the 23rd this year within a *Gay Travel Index* that is annually updated by a magazine called 'Spartacus', that ranks countries according to their queer-friendliness. The Index includes the assessment of around 200 countries and the criteria used are discrimination resulting from the laws, and violent attacks and hostilities targeting queer community. There are some explanations made for this dramatic decline. Germany was already on the 22nd place in 2017, and with the legalization of marriage for all it moved forward to the 3rd place in 2018, then went back to the 23rd in 2019. This implies that there was not much progress besides the marriage for all, conversely a deterioration. Another explanation for this going back in placement within the index is, according to the magazine, the increase of trans- and homophobic acts of violence in Germany since the emergence of right-wing populist groups. Comparing the statistics of these hostile acts in each federal state of Germany, Bavaria lags behind. All other federal states except Bavaria already have an action plan for sexual diversity (Heinzinger, 2019).

2.2. Asylum Procedures and Refugee Policies for LGBTIQ in EU and in Germany

It is not a new phenomenon that LGBTIQ individuals all around the world are on the move from one place to another, regarding to or regardless of their experiences of SOGI-based discrimination and violence. However, what is new is that queer asylum was introduced into the asylum systems and thus entered the legal terminologies. This happened for the first time when the Dutch Judicial Department of the Council of the State convicted that, not gender identity, but sexual orientation-related persecution provides a person with the ground for asylum. After this step taken by the Netherlands, some other EU Member States such as Germany in 1986 and Norway in 1998 adopted this legal development and acknowledged homosexuality as a ground for asylum. It is important to note that LGBTIQ were always a part of migration flows to varying degrees. Nevertheless, since the people consisting these migration flows are – still – assumed to be only heterosexual, these amendments within the legal systems paved

the way for rendering LGBTIQ visible within migrant populations and asylum systems (Akin, 2017b).

2.2.1. EU and International Legislation

In 2004, formerly called *Council Directive 2004/83/EC* has been amended. Called *Qualification Directive* afterwards, this directive defines the criteria to be eligible for international protection. These amendments in 2004 have brought some changes towards the inclusion of sexual orientation into the refugee definition that had no gender-sensitive aspect beforehand. However, gender identity was not added in the wording of *the Qualification Directive* until 2011 (Jansen, 2015, p. 1). Since these changes took place regarding qualification of refugees, LGBTIQ asylum-seekers are interpreted and recognized as a member of a 'particular social group' when their grounds for asylum are SOGI-related (Biekša, 2011, p. 1558). In Article 10, SOGI is openly mentioned as a reason for persecution (FRA – European Union Agency for Fundamental Rights, 2017).

According to the guidance provided by UNHCR on the refugee definition, a person who is under the risk of persecution cannot be asked to cover or hide his identity in order to avoid persecution (UNHCR, 2012). Discretion argumentation cannot function as reasoning to render persecution as non-persecution. However, in the case of queer asylum, discretion argumentation is still striking up in several EU Member States (Biekša, 2011, p. 1560). People who are lodging their asylum application based on the grounds of SOGI-related persecutions due to their sexual identities are often rejected with reasoning that they can go back to their country and live safe by covering or hiding their identities.

Similar to discretion argumentation and its contradiction with human rights, after the recognition of SOGI-based persecution as a legitimate ground for asylum, credibility assessments of LGBTIQ asylum-seekers have begun being problematic by extreme interrogations of asylum-seekers' private sexual lives by the interviewers in several Member States. In Germany some homosexual were was found to be "in a phase of experimentation, the exploration of their own possibilities and desires, not having a fixed preference" (Stengel, 2019); in Austria some homosexual men were found to be acting too much like a girl, therefore faking; some were found on the contrary not gay enough; in Czech Republic some were exposed to some 'phallometric' tests where the level of sexual arousal of asylum applicants were measured by exposing them to erotic

heterosexual photos and videos and considering a muscle activity as an indication for not being homosexual; in the United Kingdom, Belgium, the Netherlands, Ireland, and Cyprus some were asked to provide extremely detailed information about their sexual lives where their rights to privacy were violated; in the United Kingdom some were asked to bring some visual media material showing asylum-seekers themselves during their sexual intercourse as a proof that they are LGBTIQ (Human Rights Watch, 2018).

After such scandalous incidents where LGBTIQ asylum-seekers were degradingly interrogated and asked to disclose their sexual lives in their interviews, this issue of credibility assessment for LGBTIQ asylum-seekers has taken more attention. A lawyer focusing on queer asylum in the UK, S. Chelvan, has developed a model of practice in 2011, to be applied by the interviewers when they are assessing the credibility of asylum-seekers' SOGI (Jansen, 2014). This model is called 'difference, stigma, shame, harm' (DSSH) model, suggesting interviewers to focus on these four aspects in the personal narratives of the interviewee, regarding their personal experience of their own sexuality. Taking this model suggested by Chelvan as a practical tool, *the UNHCR Guidance Note on Refugee Claims Relating to Sexual Orientation and Gender Identity* (2008) has been interchanged with *Guidelines on International Protection No. 9 in October 2013* (UNHCR, 2012).

These recommendations from UNHCR are nevertheless not legally binding for the Member States. They mostly draw upon the Yogyakarta Principles, which were generated in Geneva in 2007 during a meeting by a group of UN bodies, human rights specialists, academics and activists through the discussions on the advancement of LGBTIQ rights taking group-specific vulnerabilities into consideration. Since then, Yogyakarta Principles functions as a legal tool regarding the application of international human rights law to SOGI (Akin, 2017b). In 2010, with a LGBTIQ Roundtable meeting took place by UNHCR, the relation between human rights law and refugee law was better recognized by acknowledging the contribution of the Principles as a practical tool. (Turk, 2013, p. 122). As a result, this advancement regarding the application of DSSH model has shifted the over-focus in asylum interviews on applicants' "sexuality and risk of harm" towards an individual experience of "difference" during the identity development of each applicant, due to their non-conforming identities. Thus, DSSH model that is promoted by UNHCR is a remarkable improvement. However, there should be still measures to be taken in order to have a greater account of enormous diversity of SOGI expressions, and not to think them as

“immutable and linear” which are predominantly based on Western gay male experience (Dawson & Gerber, 2017, pp. 320–321).

2.2.2. Germany and National Legislation

According to the article 16a [Right of asylum] within the Basic Law¹¹ of the Federal Republic of Germany, people persecuted on the political grounds have the right to asylum. Thus, it is granted to everyone who flees political persecution, but in general political persecution is considered as acts performed by a state. Provision of this asylum status is based on the national constitution and independent from the refugee status provided based on the Geneva Convention Relating to the Status of Refugees of 1951.

There is another legal instrument called the Asylum Act¹² that determines the criteria of eligibility for recognition as an asylum-seeker. There, in section 3a [Acts of persecution], the grounds accepted for enjoying asylum are specifically stated. In the next section 3b [Grounds for persecution], there is detailed information on how to define a particular group that is under the risk of maltreatment and violation of human rights due to their group-specific characteristics. In the first paragraph of the section, it is openly stated as follows regarding queer asylum:

“4. a group shall be considered to form a particular social group where in particular:
a) members of that group share an innate characteristic, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it, and
b) that group has a distinct identity in the relevant country, because it is perceived as being different by the surrounding society;
a particular social group may include a group based on a common characteristic of sexual orientation; this shall not include acts punishable under German law; if a person is persecuted solely on account of their sex or sexual identity, this may also constitute persecution due to membership of a certain social group.”

¹¹ Grundgesetz für die Bundesrepublik Deutschland.

¹² Asylgesetz (AsylG).

The third important legal instrument regulating immigration, the Residence Act¹³, also mentions queer asylum and the ban of deportation by a definition of persecution where it is inclusive of SOGI. Based on section 60 of the Residence Act, people can be granted asylum in Germany since 2004, as can be seen below:

“Section 60: Prohibition of deportation

(1) In application of the Convention of 28 July 1951 relating to the Status of Refugees (Federal Law Gazette 1953 II, p. 559), a foreigner may not be deported to a state in which his or her life or liberty is under threat on account of his or her race, religion, nationality, membership of a certain social group or political convictions. This shall also apply to persons who are entitled to asylum and to foreigners who have been incontestably granted refugee status or who enjoy the legal status of foreign refugees on other grounds in the Federal territory or who have been granted foreign refugee status outside of the Federal territory in accordance with the Convention relating to the Status of Refugees. When a person's life, freedom from bodily harm or liberty is threatened solely on account of their sex, this may also constitute persecution due to membership of a certain social group [. . .]”

Note: Article 10 of EU Directive 2004/83/EC is applied “depending on the conditions in the country of origin – a sexual orientation, for example homosexuality [can] be a defining characteristic for a social group” (International Commission of Jurists, 2013, pp. 17–18).

Given these sources of national legislation, people can be granted asylum based on persecution on the grounds of a person's sexual orientation (especially homosexuality) in Germany. On the other hand, persecution based on a person's gender identity is not always a recognized ground for granting asylum (Deutsche Aidshilfe, 2017). Nevertheless, even in theory it looks possible to grant people asylum based on German national legislation on SOGI-related persecutions, in practice this type of asylum is given to a very limited number of people annually because it only encompasses asylum based on political grounds. In the case of LGBTIQ asylum-

¹³ Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet

seekers, that law applies more to openly LGBTIQ activists fleeing their countries. Instead, as a signatory to the 1951 Refugee Convention, Federal Republic of Germany grants asylum status to LGBTIQ asylum-seekers more based on the Geneva Convention Relating to the Status of Refugees of 1951.

Apart from the national legislation, since 2015, there are some practices aiming at being in favor of LGBTIQ asylum-seekers and refugees within the accommodation and detention centers. However, in Germany, the federal states are in charge of the regulation and management of housing services for refugees by considering their vulnerabilities. It is their responsibility to assure the protection and security in accommodation centers, including related training for the staff in those facilities to meet the needs of the vulnerable groups. Therefore, the practices and the services provided are relatively and slightly different within each federal state (Federal Office for Migration and Refugees, 2018, p. 61).

In 2017, the formerly called *'Initiative for the Protection of Children and Women in Refugee Accommodation Centers'* which was launched the previous year by the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth (BMFSFJ)¹⁴, the United Nations International Children's Emergency Fund (UNICEF) and other civil-society organizations has been renamed as *'Initiative for the Protection of Refugees in Refugee Accommodation Centers'*. While renaming, it is also aimed at broadening the scope of the project by inclusion of refugees who are LGBTIQ, disabled or with other vulnerabilities (Federal Office for Migration and Refugees, 2018, pp. 61–62).

In the end of the same year, LSVD launched the project 'Queer Refugees Deutschland' (QRD) with the support of the Federal Government Commissioner for Migration, Refugees, and Integration (BfMFI)¹⁵. They created a website with eight languages that provides basic and necessary information on queer asylum in Germany. Furthermore, they have a website including a contact list of organizations and services around Germany that assist LGBTIQ asylum-seekers. The website makes it easier for LGBTIQ asylum-seekers to hear about and to get into contact with those organizations, before, during and after their applications. In addition to the coordination of LGBTIQ asylum-related services all around Germany, they provide the

¹⁴ *Bundesministerium für Familie, Senioren, Frauen und Jugend.*

¹⁵ *Beauftragte der Bundesregierung für Migration, Flüchtlinge und Integration.*

staff working in reception facilities with some trainings in order for them to take account of group-specific protection needs and vulnerabilities of LGBTIQ asylum-seekers. With an empowerment approach, refugees themselves are encouraged to get involved in activism (Federal Office for Migration and Refugees, 2018, p. 62).

Apart from such mainstream queer organizations like *Aidshilfe* or LSVD, there are various small-scale organizations in several cities, working on a grassroots level. Yet, these service providers are accumulated more in big cities. They work to improve the situation for queer asylum-seekers and refugees in Germany on macro and micro level, by assisting their clients before, during and after their asylum claims.

2.3. How LGBTIQ Asylum-Seekers are Perceived in Germany

It is hard to talk about a generalized public opinion in Germany on the queer asylum since there is not a comprehensive research. Rather, there is a general attitude towards the refugee question in the so-called German society, which was much more welcoming and hospitable in the beginning in 2015 that has been going gradually on the opposite direction since then. The growing far-right movements in the country with their anti-immigration rhetoric is an indication of this situation (Benček & Strasheim, 2016; SOGICA, 2016). However, it would not be too unfound to come up with an assumption that the German public, as elsewhere in the countries of the Global North, is likely to find LGBTIQ refugees less 'dangerous' and less 'threatening' compared to non-LGBTIQ refugees. This can be exemplified through a discourse of a politician from Norway where a gay rights sentiment was instrumentalized for an anti-immigration discourse. In Norway in 2015, when the public debate was going on about how to afford the costs of dealing with the high numbers of refugees coming to the country, an openly gay politician, Vegard Rødseth Tokheim from the Conservative Party (*Høyre*) suggested to give priority to LGBTIQ refugees rather than leaving the selection process of refugees to UNCHR to fill their national UN quota. His argument was that LGBTIQ refugees are more likely to adopt the liberal Western values due to their SOGI background. Furthermore, they were probably not going to have partners from their home-countries for which they can apply for family reunification, and they were also most probably not going to have kids which would rule out facing a probable problem of second-generation migrants in future. Thus, it would for sure reduce the integration costs compared to the process with non-LGBTIQ refugees (Akin & Svendsen, 2018, p. 39).

Nevertheless, even though queer asylum is not taking so much attention in the public debate with respect to its human-rights aspect, violence against LGBTIQ refugees have been covered quite often in German media. Unsurprisingly, these media coverage are usually pointing out to the violence where LGBTIQ refugees are exposed to by other migrants and refugees, rather than a problematization and criticism of the issues arising from the problematic asylum system on SOGI-related claims. This situation leads to keeping a closed eye on the structural homophobia and transphobia resulting from the asylum system in Germany. The shifting focus also cause the externalization of homo/transphobic attitudes and behaviors to the people coming from the countries of the Global South, hence, preventing a public discussion on the homo/transphobic attitudes and structures within the German society itself. When one takes a look at the aftermath of the Cologne incidents in 2015 and the related public debate occurred afterwards, it is possible to see the same pattern where a women-rights sentiment was instrumentalized for justifying a xenophobic anti-immigration discourse (Rajanayagam & Awadalla, 2016). In a similar vein, in his work where he analyzes the neo-nationalist project of Dutch-ness in the Netherlands, Mepschen (2018, p. 26) argues that the liberal accomplishments in the national discourse regarding sexual rights are seen so disconnected from their historical context that they are understood as a static natural aspects embedded in the national characteristics as if they have been always there. This, as a result, leads to casting the concept of progress as an always ongoing process aside, and rendering own nation post-progressive. This point of view is very-well applicable to the context of Germany as well, in which patriarchal attitudes and anti-feminist/LGBTIQ behaviors are often associated with Muslim immigrant men in the dominant discourse (Bruns, 2018). For example, it is almost not-known that after the WWII between 1949 and 1969 when people were set free from the concentration camps, the homosexuals persecuted by the National Socialist regime were imprisoned again in the Federal Republic of Germany (West Germany) where homosexual acts stayed illegal in the constitution (Burgi & Wolff, 2016; Turk, 2013). This was only until 50 years ago in Germany. It is not to downplay the LGBTIQ emancipation and the legal rights achieved so far in Germany, but to remind how easy it is to abstract progressive achievements from their historical context, which makes it easier to associate the so-called Global South with patriarchy, misogyny and homo- and transphobia.

According to Rajanayagam and Awadalla (2016), another problem regarding LGBTIQ refugees in Germany is the social service provisions and the way they are structured by 'white Germans'. They point out to the salience of a 'paternalistic approach' within these service provisions, where the asylum-seekers and refugees themselves are positioned only as the receivers of the support provided to them. On the contrary, the structure of those services should take the perspectives and the needs of the asylum-seekers and refugees into full consideration. This is necessary to implement an empowering approach supporting service users to establish their autonomy, and worth of esteem and respect.

Another remarkable criticism brought on queer asylum in Germany and on the structure of the service provisions is that sexual orientation is the first thing comes up in discussions regarding SOGI-related asylum, whereas gender identity, thus the situation of and the challenges transgender, intersex, genderfluid asylum-seekers facing plays second fiddle to these discussions. Furthermore, while talking about sexual orientation within the asylum context, what comes dominant is gay cis men where lesbian women are overlooked. Correspondingly, majority of the service provisions, media coverage and policy-making steps are being conducted in this narrow direction orientated to gay cis-men (Bundesstiftung Magnus Hirschfeld, PLUS Rhein-Neckar e.V., LSBTTIQ Beauftragten der Stadt Heidelberg, 2018).

Another incident that can shed a light on the hard-to-generalize public opinion on LGBTIQ refugees in Germany is the moment when the American philosopher and gender critic Judith Butler rejected the Civil Courage Award given to her by LSVD at Christopher's Street Day (the mainstream gay march in Germany) in Berlin in 2010. The reason behind this rejection of Judith Butler, in her own words, was that the organization's 'complicity with anti-Muslim racism' (Günay & Wolter, pp. 184–185). She criticized some rhetoric adopted by some activists of LSVD on the severity of the homo/transphobic behaviors in countries of the Global South and how the LGBTIQ nationals of those countries are keeping on being exposed to such behaviors by their countrymen even inside Germany. Butler showed her stance against homonationalism and the tendency to associate anti-feminist/LGBTIQ behaviors with Muslim immigrant men. Another incident in a similar vein was when Jewish-Israeli queer activist residents of Berlin were organizing a workshop called *Pinkwashing Israel*, explaining how the national politics in Israel is instrumentalizing the gay movement in the international arena to create a 'progressive' and 'democracy-friendly' image despite

the discriminative and pro-occupation policies and the negative image of the country that comes with those policies (Günay & Wolter, p. 185). However, as in the case of Judith Butler, the public discussions in the aftermath of these instances were mostly in direction of blaming Butler and these activists with antisemitism, despite the Jewish background of them all.

Considering the Muslim majority within the migrant population in Germany, it is possible to assume that there is tendency of using a stereotyping lens in two opposite extremes when it comes to queer asylum seekers and refugees in Germany. They are either seen 'exotic' due to being open with their SOGI despite their 'intolerant' cultural backgrounds, therefore more likely to adopt liberal Western values as potential 'model migrants', or as 'permanent victims of their intolerant cultures' even after they flee their country and arrive in Germany.

3. Theoretical Framework

3.1. Discursive Understanding of Sexuality and Bio-politics

If sex is repressed, that is, condemned to prohibition, nonexistence, and silence, then the mere fact that one is speaking about it has the appearance of a deliberate transgression. A person who holds forth in such language places himself to a certain extent outside the reach of power; he upsets established law; he somehow anticipates the coming freedom. (Foucault, 1990, p. 6)

In the *History of Sexuality*, Foucault (1990) argues that our understanding of sexuality in modern times is mostly informed by *the repressive hypothesis*. Accordingly, our sexuality is seen as repressed and in need of being liberated. However, this is confronted with his findings about the multiplication and the proliferation of the discourse on sex since 19th century by which sex is treated as a source of the ultimate truth to understand human nature, rendered as an object of knowledge and a sphere of societal control. As his way of historical analysis, he looks at the discourses on sex before as well and finds a contradictory pattern.

According to his discourse analysis on sex until late 17th century, before the adoption of a Victorian regime restricting talking openly about sex, talking about sex with open or relatively direct expressions were not socially unacceptable and thus were not likely to come across to a pressure of being found inappropriate. Sex was unhinderedly communicated through among people. "It was a period when bodies made a display of themselves" (Foucault, 1990, p. 3). However, from 18th century on, with the domination of a Victorian regime and the bourgeoisie society, sex was confined through "the rule of the couple, procreation, and silence" when talking about sex. The rise of the interest of institutions exercising the power in societies, such as Church, population science, law, psychiatry, medicine etc., were chronologically in parallel with the rise of bourgeoisie and capitalism. Foucault states that there was a "multiplication of discourses concerning sex in the field of exercise of power itself: an institutional incitement to speak about it, and to do so more and more; a determination on the part of the agencies of power to hear it spoken about, and to cause it to speak through explicit articulation and endlessly accumulated detail." (Foucault, 1990, p. 18). That also led to a strict distinction within society between social sphere and private sphere, wherein the latter sex was set a limit to be communicated through or expressed outside the boundaries of the private sphere (Foucault, 1990, p. 3).

However, what he argues is that with this repression pattern developed on talking about sex through the effect of Victorian regime was not really stopping people from talking about sex in a direct sense, rather the discourse was finding its alternative ways to talk about, observe and analyze sex, hence in a way was getting obsessed with it. Followingly, he claims that sex is not something separate from power as only repressed by it, but a way in which power itself functions through and emerge. In his formulation of power, he argues against seeing power only negative and repressive through a "juridico-discursive" conception, and claims that power also has productive features, and no one is outside the sphere of power (Foucault, 1990, 93–96, 102).

Furthermore, Foucault analyzes the changing elaboration of the concept of legal rights in different eras and how power functioned through it. Up till the Classical Age, there was an understanding of power in the form of "deduction" – e.g. death penalty or taxes. Sovereigns were "letting live" or "taking life away" of their citizens as a way of social control. However, after the Classical Age, the pattern of the exercise of power has changed. Interest of power was not only deduction anymore but rather the life itself, the life of the population. Now, the institutions of power were supporting, promoting, and controlling life of the citizens and the whole population. Therefore, the system of power in the modern era has been "fostering life" or "disallowing it to the point of death." (Foucault, 1990, pp. 133–136). This new power over life is functioning in different ways on the individual human body and on the species-body. Individual human body was treated as an economic machine, disciplined and optimized to be economically productive, and sex was conceptualized as a reproductive activity. This was called "anatomy-politics of the human body". The species-body on the other hand, was the focus of attention with an interest on regulating the production of the population through the control over birthrate, longevity, public health, housing, and migration (Foucault, 1990, p. 140). Foucault coined the term "bio-politics" regarding these control mechanisms over the population. Bio-politics replaced the law with normalizing controls and constituted "regulatory mechanisms" – e.g. sending criminals to rehabilitation programs instead of only imprisonment or death sentence.

In short, Foucault points out that the deployment of sexuality is significant due to its direct influence on the materiality of human body. It makes us think that there is an essence to our sexuality, that is preceding this social construction, which makes us think in the terms of "the repressive hypothesis". However, as he argues, sex has

nothing to be liberated but only a vector for an easier and efficient exercise of power over human body and for appropriation of it.

After Foucault, a contemporary Italian philosopher Agamben (1998) reformulates the concept of bio-power and bio-politics. By using Aristotle's distinction between *zoē*/political life and *bios*/biological life, Agamben coins the term "bare life" referring to the latter (Agamben, 1998). According to him, it has always been essential to Western classical thought the entry of political life into the sphere of biological life, and thus he asserts that bio-power was fundamental to politics not only from modern times on but since classical times. Furthermore, he claims bio-politics functions through a "structure of the exception" (Agamben, 1998, p. 7) which is exercised through a paradoxical process of "inclusive exclusion":

"The fundamental categorical pair of Western politics is not that of friend/enemy but that of bare life/political existence, zoē/bios, exclusion/inclusion. There is politics because man is the living being who, in language, separates and opposes himself to his own bare life and, at the same time maintains himself in relation to that bare life in an inclusive exclusion." (Agamben, 1998, p. 8)

In its relation to migration, asylum functions as a "gradually improving bio-political machinery" (Raboin, 2016, p. 71) that decides who has the right to be a citizen or not whereby the contemporary state letting live or disallowing to the point of death by granting or rejecting asylum to the claimants in a pattern of inclusive exclusion. The materialization process of this state of exception can be exemplified through brutal detentions centers and refugee camps (Zembylas, 2010) which works hand in hand with a creation of collective fear towards the Other (Ahmed, 2004) – which is in this case immigrant/refugee/asylum-seeker. With an interest in the security of the state/population/us, there emerges the categories of the normal (who are the legitimate citizens) vs. the abnormal (who are illegal immigrants, un-qualified refugees or fake asylum-seekers). Within this process, the first has the right to live, whereas the latter automatically is reduced to bare life and his political life is disposable. Furthermore, specifically related to the queer asylum context, the bio-political machinery of asylum does not only function as an exclusion mechanism but also as a regulatory mechanism thereof bolstering "the hegemony of liberal queerness as a universal way of being queer in the world" (Raboin, 2016) and exposing these ways

of culture-specific SOGI expressions to the claimants as the only way of being granted asylum. Followingly regarding the practice of inclusive exclusion, a parallel mentality between state-operated perspective and liberal humanitarian perspective regarding the inclusion of the Other (immigrant/refugee/asylum-seeker) can be tracked (Agamben, 1998), which in return leads to a reproduction of power relations where some people claimed to be deserving and some others to be disposed citizenship and reduced to bare life. This critic of liberal humanitarianism in where the acts are disconnected from the political and historical background of migration context and power relations specifically regarding queer asylum is also brought about by Giametta (2017) through the term he coined “*sexual humanitarianism*”.

3.2. Queer Theories

As of 19th century, in addition to the binary of assigning every single individual to a female vs. male gender, people now have been seen assignable also to a homosexual vs. heterosexual binary. In the late 20th century in US, Sedgwick (1990) wrote her book disapproving with the widespread acknowledgement of the symmetrical binary opposition between homosexuality and heterosexuality categories as distinct and fixed identity characteristics. Her piece of work is assumed to be one of the initiators of queer theories. This was an era when the AIDS epidemic was on the rise, gay-bashing was a part of daily life and coming-out as LGBTIQ was a phenomenon and one of the main purposes of queer activism when she was writing her book – she coined the term “closet” in this regard, referring to hiding homosexual traits from public either partially or entirely. Thus, it was a time when the establishment and the advent of this binary between homosexual and heterosexual within the language was forceful. However, she does not only refer to this single binary opposition, but rather refer to the centrality of this dichotomous divides in the Western thought, such as female/male, feminine/masculine, private/public, secrecy/disclosure, knowledge/ignorance, natural/unnatural. She asserts that reducing individuals or situations to one end of these binaries is too simplistic and void of encompassing all aspects since each end of these binaries requires the opposite end in order to be defined and to exist.

Correspondingly, she talks about the establishment of the term homosexual and how only after the term homosexual coined there was a term heterosexual. Furthermore, since the term homosexual coined, people has begun to identify themselves not only with their gender but also with their sexual orientation. In this way,

she indicates the confluence of language, as discourse, with sexual identity, through her approval of Foucauldian view (Sedgwick, 1990, pp. 7–8). However, she does not aim at bringing an explanation to how such categories are established, but rather to “ask how certain categorizations work, what enactments they are performing and what relations they are creating, rather than what they essentially mean.” (Sedgwick, 1990, p. 27).

Regarding identity politics, she further points out to the minoritizing vs. universalizing views on homosexuality, where the first suggests that some are born homosexual as different than the majority whereas the latter suggests that all individuals carries homosexual characteristics in varying degrees. She acknowledges the successful right-claims of gay/lesbian movements based on a minoritizing view; however, she also mentions the double-bind this minoritizing view leads through a status-quo of heterosexism, by which heterosexual is constructed as privileged albeit dependent on the term homosexual, and the homosexual as subordinated.

“Far beyond any cognitively or politically enabling effects on the people whom it claims to describe, moreover, the nominative category of ‘the homosexual’ has robustly failed to disintegrate under the pressure of the decade after decade, battery after battery of deconstructive exposure – evidently not in the first place because of its meaningfulness to those whom it defines but because of its indispensableness to those who define themselves against it” (Sedgwick, 1990, p. 83).

In *Gender Trouble*, Butler (1990), another main thinker of queer theories, takes the problematization of sexual orientation categories as fixed one step further, and she problematizes the taken for granted constitution of sex and gender, by which sex seen as naturally-constructed and gender as culturally-constructed. She argues against the common understanding of sex as pre-discursive and always already there. After examining the overwhelming similarity between the binary system of gender and binary system of sex, she comes up with the question whether sex itself is a discursive agent that operates on the bodies.

“If the immutable character of sex is contested, perhaps this construct called “sex” is as culturally constructed as gender; indeed, perhaps it was always already gender, with the consequence that the distinction between sex and gender turns

out to be no distinction at all. It would make no sense, then, to define gender as the cultural interpretation of sex, if sex itself is a gendered category. Gender ought not to be conceived merely as the cultural inscription of meaning on a pre-given sex (a juridical conception); gender must also designate the very apparatus of production whereby the sexes themselves are established. As a result, gender is not to culture as sex is to nature; gender is also the discursive/cultural means by which “sexed nature” or “a natural sex” is produced and established as “pre-discursive,” prior to culture, a politically neutral surface on which culture acts.” (Butler, 1990, p. 10)

According to her analysis, gender is not result of an inner essence but a product of performativity where some behavioral patterns sustained through “repetition and rituals” and put upon the body of the doer. Gender originates through performativity that lies in the way we talk, we move, the words we use, the gestures we show etc. Within this process, some behaviors are approved, and some are not by others, which leads then to their reinforcement or weakening within the cultural matrix. This matrix primarily exposes people to “forced heterosexuality”, where female sex is expected to show feminine characteristics and the male sex is expected to show masculine characteristics. That Butler finds suspicious and makes her question whether sex as preceding any discourse is a human construct itself. She confronts with this reciprocal relation between gender and sex that exposes a compulsory heterosexuality and she aims at de-sexualizing the body (Butler, 1990, p. 45).

In the end, she claims that the deconstruction of an essential gender identity and followingly that the construction of gender as performativity paves the way for new alternative political strategies. She calls for “acknowledged fragmentation” and “anti-foundationalist approach to coalitional politics” as an alternative to normative and fixed definitions on identity brought on by minoritizing views (Butler, 1990, p. 22).

3.3. Queer Migration Scholarship

In the shadows of post-coloniality, globalization, and the now infinite “war on terrorism,” queer diasporas have also become a concerted site for the interrogation of the nation-state, citizenship, imperialism, and empire. (Eng, Halberstam, & Muñoz, 2005)

Queer migration scholarship, while examining the intersections of migration and sexuality, brings together migration studies; studies of citizenship, belonging and border regimes; post-colonial studies; and queer theories. The main argument is the common understanding of ‘migrants are heterosexuals’ and ‘queers are citizens’,

taking countries of the Global North to the center of their criticism, which are granting asylum to the nationals of the countries of the Global South. They call for arguing against this common understanding by considering the heterogeneous population of migrants as well as 'citizens', their positioning towards LGBTIQ-rights and how the LGBTIQ rights are instrumentalized through discourses on human-rights and asylum by a colonial approach. A critical approach to immigration practices and policies which presumes migrants to be heterosexual and cis-gendered is interrogated by focusing on various discursive constructions of us vs. the Other. Therefore, rather than integrating queer migration into the previous traditional understandings of migration in the literature, the aim is to exclusively reassess the practices, policies and structures.

Within their process of analysis, heteronormativity is used as an analytical lens generally for the context of migration, whereas homonormativity becomes more relevant when analyzing the context of asylum. The concept of heteronormativity indicates the mapping of society through a simplistic homo-hetero binary in which the norm is procreational sex, 'biological' male-female couples and middle class. Thus, while taking LGBTIQ-identified individuals into their analysis, albeit not restricted to, these identity categories are not considered essential and fixed, but rather constitutes between multiple relations of power of race, gender, class, and 'geopolitical location in experiences of migration'. Linear and Eurocentric modes of analysis on queer migration depicting migrants fleeing from 'oppression' to 'liberation' is argued against. Instead, a holistic analysis of colonial past, globalization and their influence on the emergence of the current migration routes is offered, whereby assimilation or integration is not seen as a process starts when a migrant arrives in a host-country, but as an already ongoing process before migrant leaves his or her home-country, through the engagement in nation-states, being under the effect of their regimes of power and knowledge production, thus already having been transformed by those (Luibheid, 2008, pp. 169–170).

3.4. Homonationalism(s) and Instrumentalization of Queer Asylum

Like modernity, homonationalism can be resisted and resignified, but not exactly opted out of: we are all produced as subjects through it, even if we are against it. It is not something that one is either inside of / included or against / outside of — rather, it is a structuring force of neoliberal subject formation. (Puar, 2017, p. 230)

Othering processes towards immigrants in countries of the Global North is another aspect of the issue of LGBTIQ asylum. Patriarchal attitudes and anti-feminist/LGBTIQ

behaviors are often associated with Muslim immigrant men in the dominant discourse (Bruns, 2018). This contributes to the constitution of a homophobic Other and leads to a risk for queer community to engage in a neoliberal Enlightenment discourse aiming at integrating newcomers to the norm of white, male and middle-class and serving as a gatekeeper of the nation as a racialized white construct, which brings the term of 'homonationalism' into the debate (Puar, 2017).

With *Terrorist Assemblages: Homonationalism in Queer Times* written during the aftermath of September 11, 2001, Puar (2017) is taking further the genealogy of discourses on sex in the United States and bringing a deep analysis of how power functions through the discourses on homosexuality and queer rights. She regards heteronormativity as a bio-political mechanism, in where homonormativity is also involved as operating on human bodies. This occurs within, according to her analysis, the discourses of nation, militarism and securitization which base the existence of homosexual subjects and their rights in opposition to the existence of sexually aberrated and racially perverse terrorist bodies. This way, homosexuals previously outside the heteronormative matrix of good citizens are now included in this national discourse through the constitution of a good homosexual citizen by which a certain typology is regulated and promoted as normal through homonormativity. That functions hand in hand with Orientalist hypothesis of Islamic sexual repression and own nation as enlightened, secular, and tolerant serving the imperial project's discourse on war/terrorism (Puar, 2017, pp. 9–14).

In the beginning of the book, she lists three symptoms of 'the queer times' we are currently living in, referring to the contemporary neo-imperialism and homonormativity. Bio-politics of homonationalism is functioning through these three symptoms: "sexual exceptionalism; queerness as a regulatory norm; and the ascendancy of whiteness". (Puar, 2017, pp. 1–36).

"Sexual exceptionalism" describes above-mentioned phenomena of the absorption of previously excluded queer subjects into the heteronormative national identity through a certain type of homo-normativity – i.e. homonationalism. "Queer as regulatory" refers to the conceptualization of queer identity by the activists and scholars as an intrinsically 'transgressive category', thus a category positioning liberalist features of agency, autonomy and resistance to its center. This conceptualization hence ends up as a normalizing regulatory mechanism of homonationalist biopolitics. "The ascendancy of whiteness" defines the process how white

hegemony operates not through a simple principle of exclusion, but through a liberal multiculturalist inclusion. Exclusion thus occurs inextricably within this particular form of inclusion (Puar, 2017, pp. 1–36).

In short, homonationalism functions through these three symptoms engendering an acceptable queer identity. This bolsters the image of a tolerant nation for the queers who complies with the norms of this specific form of nationally acceptable queerness, thus enjoying the provided privileges. Conversely, the queer subjects who do not fit into this acceptable identity since they are far too aberrant to be included in this identification constitutes another 'Other'. Conclusively, on a macro-level this leads to a “global political economy of queer sexualities” that “repeatedly coheres whiteness as a queer norm and straightness as a racial norm” (Puar, 2017, xxxii).

The literature regarding such issues not only shows that sexuality is a vector of organizing and bordering the projects of nation-state, citizenship and national identity, but also connects migration to post-colonialism, by which a discourse on a progressive and superior culture of West is constantly stressed (Luibhéid, 2002; Mepschen, Duyvendak, & Tonkens, 2010; Murray, 2014). Therefore, the interrelations between the discourses on sex, gender and race is consequently leading to exclusions that are paradoxically offering the chance for inclusion to Others by expecting them to conform to the norms of a white construct of nation (Somerville, 2005, p. 175). This progressive Western identity is constituted through an essentialist approach to so-called national culture, as if these characteristics have always been embedded in the national culture (Mepschen, 2018), by overlooking own racist, misogynous, homophobic past and present in the favor of guarding 'Fortress Europe' (Mepschen et al., 2010). At the same time, the argument that people oppressed due to their SOGI fleeing to modern/civilized West in order to freely become their selves is ending up bolstering this simplistic East-West dichotomy serving some political figures' anti-immigration, Islamophobic or apolitical humanitarian discourses favoring culturalist perspectives (Butler, 2008; Giametta, 2017). However, it is noteworthy that the reverse homonationalism occurs also in the countries of the Global South serving some religious and conservative politicians' culturalist arguments against “progressive legislation and demands of access to abortion, against discrimination on the basis of sexual orientation, for adolescents' right to sexual and reproductive information, and even to efforts to outlaw violence against women, by labeling them as foreign. 'It's not our culture,' they claim.” (Wieringa & Sívori, 2013, p. 17).

4. Methodology

4.1. Research Design

Research Design	Qualitative Study			
Data Collection	Semi-structured Expert-interviews			
Sampling Method	Convenience	Purposive	Snowball	
Data Analysis	Thematic Analysis			
Participants				
Participants' Federal State and City Information	North Rhine-Westphalia (NRW), Köln	Hesse (HE), Frankfurt	Bavaria (BY), Nürnberg	Rhineland-Palatinate (RP), Mainz
Numbers of Participants	1	1	4	1
Interview Technique	Skype	Skype	In Person	Skype

The study conducted for this thesis is a qualitative study, as can be seen in the table above. Its data collection method is expert-interview aiming at the exploration of the practice, prospects and challenges of NGOs in Germany that are assisting LGBTIQ asylum-seekers. Thus, the interviewees are the representatives of such NGOs and they are working in various positions in those organizations. The interview questions were semi-structured, gathering information on the prepared questions but still leaving room for the spontaneity and further input provided by the interviewees. On one hand, expert-interviews were *systemic* since the aim was collecting expert-knowledge from non-state professionals on the formal procedures of asylum claims in Germany on SOGI-based persecution. On the other hand, expert-interviews were *theory-generating* since they were questioning the subjective opinions or political positionings of the NGO workers on relevant matters and taking into consideration that these own subjective interpretations are always incorporated into experts' practice (Bogner & Menz, 2009).

The data analysis method used in this thesis is thematic analysis with a contextualist method as “a method which works both to reflect reality, and to unpick or unravel the surface of reality.” (Braun & Clarke, 2006, p. 96), in the sense that it seeks

factual knowledge on the legal and practical processes; and examines further the discourses on asylum and sex. Thus, the identification of the themes within the data was through a mixture of inductive and deductive methods.

The sampling strategy was a mixture of convenience, purposive and snowball sampling. The first interviewee who is from Köln was a professional who I have met half a year ago in a seminar in Würzburg in where the interviewee made a presentation on the topic of SOGI as a ground for asylum in Germany. Due to the congruence of my thesis theme and the interviewee's field of work, I contacted that interviewee the first. Also, another interviewee from Nürnberg was a colleague of one of my fellow students. My fellow student provided me the contact due to the congruent field of work of her colleague. These two were therefore convenience sampling. Most of the other contacts have been found through the website of Queer Refugees Deutschland project, where there is comprehensive list of NGOs working in this field around the country. I wrote emails to 15 NGOs in total, asking whether they would be interested in taking part in the study. Three of the interviewees (one from Frankfurt and two from Nürnberg) were found through the afore-mentioned purposive sampling, whereas the rest of the interviewees (one from Nürnberg and one from Mainz) were found through the contacts provided by some interviewees at the end of their interviews. Thus, these two were snowball sampling.

There are seven interviews conducted in total. They are in chronological order with the representatives of NGOs from Köln (1), Frankfurt (1), Nürnberg (4) and Mainz (1). Three of the interviews were conducted via Skype video calls, whereas the rest were conducted via face-to-face in person meetings. Two interviews from Nürnberg and one interview from Mainz included two representatives from the same NGO. The questions were not double answered within these interviews, but rather the interviewees themselves were contributing to each other's answer or giving the word fully to the other when they found it necessary. The rest of the interviews were with one single representative from each NGO.

After the first two interviews, the interview questions have been revised. Some questions were completely ruled out, some new questions were added, and only the wording has been changed with some questions. In the rest of the five interviews, the revised version stayed the same without any further changes, which is also the version attached in the Appendix.

Due to the limited duration (5 months) and finances of the thesis, interviewing LGBTIQ asylum-seekers themselves was ruled out. Even though the argument '*giving space to talk, to the ones who are never heard*' is often used in refugee research, the ethical aspect of the possible objectification of participants is quite a controversial point especially in researches that are not primarily aiming at a benefit of the target-group but that are more for the personal gain of the researcher – which is in this specific case finishing my master studies for me. The results reported within this thesis might hopefully one day have a positive influence on the policy-making processes on asylum claims based on SOGI persecution in Germany, however it is a prospective effect on a long-run that cannot have an immediate influence on refugees' and asylum-seekers' current lives. Thus, I personally opted out interviewing refugees and asylum-seekers themselves, with a reasoning that 'do no-harm' is not enough for an ethical research as argued by Mackenzie, McDowell, and Pittaway (2007). Nevertheless, the main research question and the sub-questions of the study regarding more the legal procedure for SOGI-based asylum claims in Germany and how NGOs implement their work while assisting LGBTIQ asylum-seekers still provide a relevance for the chosen data collection method of expert-interviews.

4.2. Research Participants

4.2.1. LSVD-Project – Queer Refugees Deutschland (QRD)

QRD is a project initiated by the nation-wide LGBTIQ rights German organization LSVD, and the project is funded by BfMFI. They officially launched the project in 2016 and their office is in the city of Köln.

The aim of the project is to create a nation-wide network of all organizations that are working with LGBTIQ asylum-seekers and refugees; and the organizations that are run by asylum-seekers and refugees themselves. They also aim at involving the clients themselves in organizational matters by encouraging them for own activism. Furthermore, they have a very useful website translated into 8 languages (Arabic, English, German, Persian, Russian, Turkish, Urdu) with numerous information (for refugees, for organizations and supporters, on legal information with regard to asylum and LGBTI, on the situation of LGBTI in the world, for translators and interpreters) in addition to the contact information of relevant organizations that are providing several services to LGBTI asylum-seekers and refugees around Germany.

4.2.2. Rainbow Refugees Support – Frankfurt (RRF)

RRF is an organization established in Frankfurt through the collaboration of *Aidshilfe* organizations in several cities of the federal state of Hesse (Frankfurt, Wiesbaden, Kassel, Darmstadt, Offenbach, Giessen, Marburg, Fulda, Hanau) creating a network in 2015. This network has been also supported by the Hessian Ministry of Social Affairs. Like in other Hessian cities, RRF Frankfurt is providing legal and social counselling to the clients in addition to several social activities. They also provide accommodation since April 2018 to their clients via their shelter called 'LGBTIQ Refugee Accommodation La Villa'.

4.2.3. Fliederlich e.V.

Fliederlich is a very rooted organization existed since 1978 in Nürnberg with activists struggling for LGBTIQ rights; and offering several psycho-social, cultural services and activities to their clients. Since 2015 mid-October, they started providing services specifically for LGBTIQ asylum-seekers and refugees, including legal and psycho-social counselling, and offering social and cultural activities. They have every Thursday a tea/coffee gathering event called Queer Café, wherein all German and non-German participants from queer community interacts and socialize. They also provide accommodation services to their refugee clients by launching the first shelter in Nürnberg only for LGBTIQ refugees in February 2016 in cooperation with the Municipality of the city of Nürnberg. They are networking and cooperating on a very established manner with their co-workers around both in the city of Nürnberg and around Bavaria.

4.2.4. RosaAsyl

RosaAsyl is a project initiated by IMEDANA e.V. Before RosaAsyl, since 2007, IMEDANA has had an organization specialized in working only with woman asylum-seekers and refugees in the region. This project was called das Internationale Frauencafé (IFC). Therefore, they are very well-versed in asylum and gender issues due to their long experience. In 2018, they initiated RosaAsyl and they broaden their target-group also to LGBTIQ asylum-seekers and refugees. Therefore, they have two specific offers, one for only women and one for only LGBTIQ. Both IFC and RosaAsyl are pushing for macro-level changes regarding more special protection for vulnerable groups and more special accommodation shelters. Their project is supported by EU and the city of Nürnberg. They work in cooperation with Fliederlich.

4.2.5. Nürnberg City Council for Integration – Project Bleib (PB)

The council of the city of Nürnberg for Integration is not an NGO but rather an institution. This institution exists for 30 years working for the rights of migrants in Nürnberg. PB is a project supported by EU and the city of Nürnberg and is a subproject of the network FIBA2 – refugees in occupation and education East Bavaria. Their target group is only recognized refugees. They are aiming at assisting their clients' integration by providing advice and support for career opportunities like a secure employment or a study placement in Germany. Even though not all their clients are LGBTIQ, the representative of the project is specialized in LGBTIQ manners and these manners are considered when doing social counselling according to the needs of the clients. For the service provision that are not in the scope of the project, they are referred to the other organizations in Nürnberg like Fliederlich and RosaAsyl and vice versa, since they are all working in cooperation.

4.2.6. Bavarian Red Cross Nürnberg (BRCN)

Bavarian Red Cross Nürnberg is a city branch of the German Red Cross which is a member of International Red Cross and Red Crescent Movement. The organization has specific provision of aid for asylum-seekers and refugees. The representative and the social worker I interviewed with is the person in charge for refugee and integration counselling, who is also specialized in working with LGBTIQ refugees. Additionally, the interviewer is doing counselling in one of the two accommodation shelters in Nürnberg for only LGBTIQ asylum-seekers and refugees. They are also working in cooperation with Fliederlich by referring the clients to each other when needed.

4.2.7. Rainbow Refugees Mainz (RRM)

RRM is a project from the network called QueerNet Rheinland-Pfalz e.V. within the state of Rhineland-Palatinate. RR-Mainz is one among the others within the cities of the federal state (Trier, Pfalz, Koblenz). They support LGBTIQ asylum-seekers and refugees with the service provisions of legal and psycho-social counselling. Albeit rarely, they provide psychological aid too. All the workers in the organization are doing their work on a voluntary basis. Their team speaks Arabic, English, French and German.

5. Findings

The main categories occurred after the identification of the themes are:

1. Scope of the organizations' practice
2. Asylum-seekers and refugees that NGOs are working with
3. Political and theoretical approaches of the organizations
4. German asylum system for SOGI-based claims
5. Suggestions for macro/micro level improvements

5.1. Scope of the Organizations' Practice

Mostly, the service provisions specifically for LGBTIQ asylum-seekers and refugees are conducted as projects by some already existent German activist LGBTIQ-rights organizations. Due to the emergent need in this direction from 2015 on, they have taken steps to offer specialized services for LGBTIQ asylum-seekers and refugees.

The representatives interviewed defined their job as social worker, counsellor or project coordinator. However, they all do counselling on psycho-social and legal matters and refer their clients to external professionals when necessary. Their background in education is mostly social work or social pedagogy, but there are political science, media, law or art history graduates as well, in addition to the volunteers from similar disciplines. Nevertheless, the lawyers and the psychologists are mostly not the colleagues that are worked with under the same organization, but rather external cooperation partners whom the clients are referred to.

Albeit not a must, trainings the representatives received before starting to work with LGBTIQ asylum-seekers and refugees are mostly workshops from the Waldschlösschen Academy¹⁶ in Göttingen, which is an education center against homo-, trans- and interphobia, as well as racism and hostility towards immigrants. This academy works through an intersectional and empowerment approach since 1981. Moreover, some representatives had extra trainings (Fortbildung or Weiterbildung) generally on asylum counselling, whereas some others had extra trainings specifically on trauma counselling. However, learning by doing constitutes a big part of the work as well.

¹⁶ *Stiftung Akademie Waldschlösschen*

The restriction of the target-group

RosaAsyl's target group is restricted to only asylum-seekers, therefore when a client is granted a refugee status, he/she is being referred to other relevant organizations. This restriction is present within PB's work as well as they work with no asylum-seekers but with refugees. Apart from these two organizations (PB, RosaAsyl), all NGOs interviewed include both asylum-seekers and refugees within their target-group. It manifests itself in their practice of assisting people on their path to asylum even before they arrive in Germany, if the clients contact them beforehand. Only two of the NGOs (PB and BRCN) are not exclusively working for LGBTIQ asylum-seekers and refugees but also for non-LGBTIQ clients. RosaAsyl on the other hand has one specific part of the project for only women clients (there has been only cis-gender women so far, even though anyone who is identified as a woman is welcomed) and another part for only LGBTIQ clients. However, relatives or partners of clients can also be person of concern when relevant, as seeking asylum is only one way of staying in Germany and the NGOs are trying to encompass all legal possibilities.

The strategies they use for reaching their clients

(1) Most often the clients are reaching the NGOs first. This access is via the use of telephone calls and of internet (Facebook, WhatsApp, websites). This process is facilitated by the translation of the information on the websites of the organizations into several languages which are commonly spoken by the target-group. In case the asylum-seekers contact them before they arrive in Germany, social workers try to arrange to bring them to reception camps and accompany them from the very beginning.

(2) Another strategy are the regular visits to the reception facilities. That is first to inform asylum-seekers residing there about the project and the service provisions, but it is also to inform the staff there including social workers, custodian, federal officials, security and even police. Handing out short-guides, flyers, putting posters and stickers on the boards are among what is being done. Through this strategy, it is enabled that either the asylum-seekers and refugees in these facilities get to know about such organizations, or the staff being informed about such projects refers asylum-seekers and refugees to such organizations.

However, it is important consider the influence of varying immigration policies of each federal state on the work of the NGOs. The establishment of such a cooperation

between camp workers and NGO workers is relatively easier in NRW, HE and RP due to the support received from the local governments. However, the most Bavarian reception facilities are not only for 'Arrival' but also for 'Decision, Return', wherein there is an obligation for the asylum-seekers to stay inside. That strict regime of reception facilities currently called '*AnkERzentrum*' is not present in every federal state in Germany which is often contested in the public debates by the opposition parties and civil organizations, that they function as jails for asylum-seekers. These centers became reality after the migration reforms of *Horst Seehofer*, the Federal Minister of Interior¹⁷ and the leader of the Christian Social Union¹⁸. 9 *AnkERzentren* in total started operating in 2018 (7 in BY, 1 in Saxony, 1 in Saarland). The aim is to accommodate asylum-seekers in one place where all relevant authorities are present for the entire procedure from arrival to the decision on asylum, and from relocation to another part of Germany to deportation, in order to have a faster and more efficient procedure. There, people with a positive decision on asylum are being quickly distributed among the municipalities, while others remain in *AnkERzentren* until deportation or voluntary return (MacGregor, 2018).

In a similar vein with this stricter camp regime, entrance of NGO workers to the reception facilities to spread information on their project is not always allowed in the federal state of BY, whereas regular visits are easier in the federal states of NRW, HE and RP. In addition, there is a well-established cooperation between reception facilities and NGOs in RP.

(3) Another way these organizations are heard of by the asylum-seekers and refugees is basically through information going the rounds within the immigrant and the queer community.

High importance of information on the asylum procedure and the legal rights

As emphasized by the representative of QRD, the most crucial part of the work is providing the clients with necessary information on the asylum procedure and their rights during this procedure. It is emphasized also by other interviewees due to two reasons:

¹⁷ *Bundesministerium des Innern, für Bau und Heimat*

¹⁸ *Christlich-Soziale Union in Bayern (CSU)*

(1) It is often that claimants are not aware of the legitimacy of SOGI as a ground for asylum. Therefore, they sometimes lodge their applications on different grounds, even though they have their legitimate ground. This situation results from the intersectionality of several persecutions one can experience in his/her own country, but not necessarily from bogus claims.

(2) Due to being unaccustomed to talking openly about own sexual life or purposely avoiding it especially in front of strangers and official bodies, claimants sometimes refrain talking about these matters in their initial hearings. For these reasons, it is extremely essential to inform the clients before they lodge their asylum applications, so that provision of a different information afterwards will not cause a negative decision on their asylum claims.

Especially with the fastened procedure of the first hearings after arrival, it is more of a challenge for the clients and the NGOs:

“The first challenge for sure is that they have to contact us. Second, timing is a challenge because 3 days after they arrive in the reception centers, they already have an interview. This was different in the past. It was even weeks and months. Now, the problem is that they do not know who to give an interview, what to tell, some of them do not even know that they can tell that they are homosexual. This is the most important one because the persecution based on SOGI is a reason for their right to asylum. If they do not tell in the beginning, then they have many difficulties afterwards. They have to tell it in the first interview and tell more about the background of the persecution. Since many of them do not know it, we have to explain them their special legal situation beforehand. But for that, we have only 3 days and this is a huge challenge.”¹⁹

Services provisions:

(1) The provision of psychosocial and legal counselling is the core of the work. Legal counselling is present, when some clients contact them before they come to Germany.

(2) There are established help lines and support groups for asylum-seekers and refugees, whereby the clients contact those in charge immediately when an urgent need pops up.

¹⁹ Interview with the representatives of RRM, February 24, 2019

(3) The support provision for the victims of violence is another point. This is not limited to only providing it after an incident occurs, but rather as a preventive intervention. Therefore, it includes awareness-raising and defense trainings with women and LGBTIQ clients. Additionally, awareness-raising on the matters of sexually transmitted diseases like HIV, is present too.

(4) Collaboration with researchers and organizing workshops for the staff (social workers, custodian, federal officials, security, police, healthcare workers) working with LGBTIQ asylum-seekers and refugees is also a crucial service targeting rather the professionals dealing with these groups. The reason behind is apparently spreading reliable information from the very practice on the grassroots level by influencing the knowledge production on the specific field of queer asylum, and further influencing macro-level positive social change within the asylum systems.

(5) Accompanying asylum-seekers to their hearings at Federal Office for Migration and Refugees (BAMF) or at the courts is also among the service provisions. This is of high importance since it indicates to the judges that there is a public interest by the side of the civil society in such cases which can hopefully reduce the chances of mistaken decisions. Also, it gives more credibility to the asylum-seekers being at the hearing with NGO workers from LGBTIQ organizations against a possible misbelief by the judges of a bogus claim regarding the SOGI of the claimants. Furthermore, it becomes a psychological support for the clients as well.

“1: ... People have the right to take one person for translating or supporting them. But only one person. And one has to inform BAMF around 2 weeks before. At the beginning, sometimes they made problems, they said no you cannot with them. But since middle 2016, there was a letter from the head office saying that they must allow.”²⁰

(6) The clients are accompanied to the appointments at Welfare offices, offices of Foreigner’s Affairs, Job Center, and sometimes flat visits too, when requested by them.

(7) Free German courses and advices on the opportunities for occupation and education in Germany is provided as well. The provision of German courses is also

²⁰ Interview with representatives of Fliederlich, February 6, 2019

for people whose applications are pending and do not have a recognized status yet, thus might not have access to the German language and integration courses provided by the state.

(8) Financial support is provided too, albeit limited, mostly for necessary needs like public transportation, medication etc. The financial support for public transportation is especially important, when the clients are coming to these organizations from the surrounding cities and are not able to afford the travel costs.

(9) Some leisure time activities are organized as well on a regular basis, like tea/coffee gatherings once a week, social and cultural events like going to cinema, party, theater, swimming pool, museum or some short vacations. Some of these activities arranged by the women part of the project RosaAsyl is only for women and their kids in order to have some 'protected areas'. Hanging out together through leisure time activities matters as the prevalence of the stigmas within clients' lives can be overwhelming. Thus, it is of high importance for the clients to be able to think beyond the stigmas ascribed to them such as being LGBTIQ, a woman, an asylum-seeker or a refugee, as stated by a representative of RosaAsyl;

*"2: We also want to give them support to reach their personal aims. We want them to feel as human beings, not just as a number. For example, on Tuesday coffee times, they should have just good time and an exchange with other people. They should feel as normal people, not just as refugees who are not really wanted. The one part is for them to have a good time basically."*²¹

(10) Childcare support is provided for women who have kids.

(11) Common accommodation only for LGBTIQ asylum-seekers and refugees is provided as well. These special shelters are existent in in Köln, Frankfurt and Nürnberg with a quota of around 20 to 30 persons. In comparison with the others, Nürnberg has two shelters. The shelters are all run by the cities' municipalities. Mainz do not have one yet, but RRM is working on this project. Due to the limited quotas, the shelters have long waiting lists. Therefore, the most NGOs provide aid for flat or room search for the clients.

²¹ Interview with representatives of RosaAsyl, February 7, 2019

Main aims of the projects:

(1) As mentioned before, the most crucial point and thus the main aim of most projects is getting into contact with the clients before their first hearings, providing them a safe and trustful environment, informing them about the procedure and their rights, and accompanying them to the hearings.

“When they contact us very early, then we ask the authorities for 'Special Interviews' and special translators, who know about the situation in the countries and LGBTIQ issues. We talk with and prepare them for the interviews and then we accompany them to the interviews...”²²

Hence, visiting reception facilities (like *AnkERzentren*) to inform the residents and the staff there about the projects is essential. The hostile environment for women and LGBTIQ in common accommodation renders this vital, as can be seen from what the representative of PB said:

“We also visited in the last years, once a week, the camps. We went to 200 camps. Once for example, we visited a camp next to Rott, there were only, really only Salafist Chechens. We went back to the car and one Chechen boy jumped into the car and said, 'Please save me, I am gay, I am here with the radicals!'. And then we took him to the Landratsamt that he can move. Then he got contact to Fliederlich etc. It was very important to visit the camps on the countryside.”²³

Additionally, the mentioned camp visits are also important due to the chance of informing asylum-seekers who do not have a recognized status yet about the free German course offers so that they can start their integration process earlier.

(2) The integration into the job market is another purpose. It is done by cooperation with some companies like banks or hotels, aiming at increasing the chances for the clients to arrange a training or find a job.

(3) Political work and lobbying for raising awareness and creating public interest on queer asylum in Germany is constituting a big part of the work.

²² Interview with the representatives of RRM, February 24, 2019.

²³ Interview with the representative of PB, February 7, 2019.

(4) Encouraging clients to self-organize and do their own activism. Self-emancipation is seen by all the representatives as a way for the empowerment of clients.

(5) Networking with political figures, governmental and non-governmental organizations, and creating an association of LGBTIQ asylum-seekers on a federal level is among the goals. This networking is conducted by (a) a self-organized cooperation on a regional, national or international level with institutions, other NGOs and political figures, by (b) nationwide meetings of organizations working with all asylum-seekers and refugees, and by (c) nationwide meetings of organizations specifically working with LGBTIQ asylum-seekers and refugees.

The importance of this self-organized cooperation of NGOs lies behind the referrals from one organization to another due to restricted target groups or specific scopes of the projects. When the offers and the requests are not compatible, or when there are more specialized offers present, networking makes it possible to offer clients better-qualified services instead of returning them.

“1: ... I got one client who came to me. It is a trans woman from Latin America and she is illegal in Germany since 2 years but that is a very special case. It is not often that we have people illegal in Germany for that long, but it happens.

- How are you assisting her?

1: I went with her to a good lawyer. She is in a very special situation because people who come to us already did registration for asylum and she did not do it. So, she can make her asylum application wherever she wants in Germany. When you are a LGBTIQ refugee or any refugee and you have the chance to choose when you can do your asylum application, you do not do it in Bavaria, you really do not. So, what I did is I talked to another LGBTIQ organization in Berlin and I will bring her, or help her to go to Berlin, do her asylum application in Berlin and get help from this organization immediately when she arrives in Berlin. So, I am getting her transferred to a more LGBTIQ-friendly environment.”²⁴

Sometimes networking highly matters in case of transferring a client to another city or of a client being sent back to another country.

²⁴ Interview with representatives of RosaAsyl, February 7, 2019.

“... When we started to set up our organization in 2015, it just took a couple of months and we had all organizations contacting us, they introduced their work to us, and we see how we could work together. They also introduced us to people we should talk to. It was very beneficial that day because they have done some work already and they identified the people who we should talk to, and yeah it is a queer network which works. I like this a lot because you know there is a lot of people who have Dublin cases, and sometimes, of course you know about the Dublin Regulation, there is nothing we can do about. So, in those cases we are then contacting organizations in other European countries and see how we can still support when people go back to Sweden or to Italy or other countries.”²⁵

(6) Bridging the German queer community with queer asylum-seekers and refugees is among the aims as well, in order to increase the social contact for each side for gaining understanding of and acceptance from each other. This also paves the way for a politicization of the queer movement in an anti-racist and pro-migration manner, especially for the ‘apolitical’ members of the white queer community. For the asylum-seekers and the refugees on the other hand, it opens a way for a queer network and the chance for an easier integration and self-emancipation.

The feedbacks from clients regarding the projects are mostly positive basically due to not being alone during the process and being in solidarity. However, the representatives stated that it is also not rare to receive negative feedbacks from the clients in cases of negative asylum decisions or desperate situations.

The duration of the service provisions of the projects is mostly not limited. The provision continues as long as the clients are coming to the organizations. However, some projects limit the duration due to the restriction of their target group when the target group is only asylum-seekers, plus persons with Duldung²⁶ or illegality. In this case, the service provision encompasses the process before and during the asylum claims, up until being granted a recognized status, otherwise the process after the recognition as well. The duration of the service provision lasts on average 2-3 years. Nevertheless, there are some clients whose applications are pending even for more than 5 years.

²⁵ Interview with representative of RRF, January 22, 2019.

²⁶ Temporary suspension of deportation; a certificate issued for refugees obliged to leave Germany.

Specific aspects and challenges of the work

(1) The rapidity of the hearings right after the initial reception, in a time period of 3 days, is a big challenge both for NGOs and the asylum-seekers since it exacerbates their chances of getting into contact for the preparation before the interviews. Even though asylum-seekers are provided with some information material on the procedure of their application in initial reception, there is not any detailed information on how to formulate and tell their asylum narratives. In addition, they are not informed at all about SOGI being a legitimate ground for asylum by these information materials provided by the state.

(2) Another often stated challenge from all the representatives is the high rejection rates of BAMF on asylum claims based on SOGI-related persecution. This is becoming a problem timewise for the clients since the process of going to court and appealing to the decision of BAMF is taking very long, even up to 5 years in some cases, which leads to a burden for the clients because they are stuck in this liminality, and are not able to initiate the process of getting out of this in-between state and eventually settling down.

The representatives from Mainz asserted that there is not any pattern to the rejections of BAMF, since they are random. Some representatives from Nürnberg however asserted that there is a pattern of those rejections by BAMF in two directions:

- Regarding the cases of claimants coming from countries like Nigeria or Iran where homosexuality is criminalized, decision-makers are prone to reject the claims by an argumentation of disbelief on claimants' SOGI.
- Regarding the cases of claimants coming from countries like Armenia, Ukraine or Azerbaijan, where homosexuality is not criminalized but subject to strong societal ill-treatment, decision-makers are prone to reject the claims by an argumentation on internal flight alternative.

Furthermore, in addition to this existent challenge of high rejection rates of BAMF, NGO representatives stated also the importance of always having up-to-date knowledge on the changing legal procedures in order to give the clients a proper legal counselling.

(3) What comes next is the limited number of shelters specifically for LGBTIQ asylum-seekers. It is often that the clients are confronted with a hostile environment within reception facilities both by the residents and the staff in those facilities. Albeit some good examples, not all the staff in every facility is attempting to meet the needs of

LGBTIQ asylum-seekers. The provision of a safe room to LGBTIQ asylum-seekers is legally mandatory, when demanded in order to ensure safety, nevertheless, it also depends on the number of rooms and beds in such facilities. Another example is that sometimes LGBTIQ asylum-seekers are provided a separate single room after experiencing a SOGI-based harassment from other residents, but the new room provided is still on the same floor with those other residents, which in the end does not bring a solution to the problem at all and LGBTIQ asylum-seekers continue facing the same situation.

Since these shelters are run by local municipalities or administrative districts, launching them is also dependent on the detection and consideration of a protection need for LGBTIQ asylum-seekers and refugees by those local political figures, which ends up as another challenge in presence of a lack of sensibility in this regard.

(4) Finding translators for the interviews who are LGBTIQ-sensitive is also a challenge due to their limited number. NGOs are mostly arranging them with their cooperation partners. However, it is not possible when the claimants are not making a request for a special interview before their hearing. Therefore, it becomes a challenge when the translators assigned by BAMF are not sensitive in LGBTIQ matters, or even have hostile attitudes that can disrupt the course of the interviews of the claimants, where they do not feel comfortable to talk about their SOGI.

(5) Language barrier is also an often-stated challenge by the representatives since it is not possible to cover every language spoken by the asylum-seekers and the refugees.

(6) What is specific for the work is also handling the different stages of coming-out process of the clients. Albeit not often, there are some clients who are not identified as LGBTIQ, despite practicing non-heterosexual contacts, due to their different ways of interpretation of sexual behaviors and self-identification. Sometimes that also results from societal fear and avoiding the transgression of the social norms. Therefore, it is important with these encounters to keep the balance of not imposing own cultural scripts of sexual identities and providing emotional support and social acceptance to the clients.

(7) Another challenge is the hardship of finding doctors and psychologists speaking the same language with the clients. It is not rare coming across to doctors, who have conservative mindsets on LGBTIQ matters according to what the representatives said.

(8) Non-punishment of offenders based on racism and homo- or transphobia despite the legal steps taken is another challenge for defending the clients against discrimination within the legal sphere. In addition, some NGO representatives stated that the clients were exposed to discrimination and harassment within their integration courses by their classmates. Nevertheless, there were no steps taken to warn the offenders about the LGBTIQ rights in Germany, or any suggestions for sensibilization of the offenders through the inclusion of LGBTIQ matters within the curriculum of integration courses were not taken into consideration by the authorities, as criticized by the representative of QRD:

“... And the other thing is that, this approach that we cannot talk to the migrants about these issues and I am personally of the opinion, I said it million times and I will say it everywhere, that people who come to Germany, there is huge possibility that they never had an opportunity to talk about LGBTIQ issues in their home countries. Once they come to Germany, integration course is a must for everyone, who is recognized. And they have missed opportunity to inform them about LGBTIQ issues and their rights in Germany, because of the fear that we will offend them. Many people are offended by the carnival as well. I know a couple of friends of mine who will never go to the carnival, but you talk about carnival in your integration courses, you talk about the beer fest. I know people who don't drink and don't want to drink beer and they just hate it and the smell of it. But you talk with them about it, beer fest in Bayern. Why cannot you talk about the legality of LGBTIQ people in Germany? It does not matter if they like it or not. It is not your issue. Your issue is to provide the information. So, it is a limitation.”²⁷

(9) Not all the lawyers are familiar with the actual situation of LGBTIQ individuals in the countries of origin of the claimants. This challenge is partly handled by the NGOs by the provision of up-to-date country of origin information through the publications from international organizations like Amnesty International, Human Rights Watch, sometimes also Foreign Ministries of different countries of the Global North.

²⁷ Interview with the representative of QRD, January 15, 2019.

(10) Another specific part of the work is the intersection of Islam religion and LGBTIQ identity. Despite the majority of Muslim population among the clients, not all of them are strictly practicing their religion but the religion for them functions rather as a source of faith and culture. Nevertheless, for some the religion plays a vital role in their lives and thus they are sometimes in need of LGBTIQ-sensitive religious counselling. Albeit not yet fixed and still in a trial process, the representative from BRKN refers their clients to an Imam who is sensible on LGBTIQ matters.

(11) A specific aspect of the work is that LGBTIQ asylum-seekers and refugees are not a homogenous group. As stated by the representatives, they have a wide range of people based on their political views and religious beliefs. Therefore, it is not possible to come up with a prototype that can serve as a handbook for how to work with all people who are identified as LGBTIQ or it is also not possible to talk about an automatic understanding of unity or community among LGBTIQ people since everybody has his or her own interpretation of identification, belonging and representation, as stated by the representative of PB below:

“... So, it is not one group because you have people coming from political movements. Like, X, a friend from the queer movement in Uganda. They are very political. They have the same discussions like in Europe. It is a queer movement. They do not want to identify with a definition of a man or a woman. So, it is a movement from the so-called queer scene. But we have also clients here, a man who insists to have an operation... He has a totally different background. He believes in the patriarchal system, he is against gay people, he is homophobic. He only thinks he is in the wrong body. So, this is not a homogeneous group. There are so many different backgrounds. Even we have a lot of men from Afghanistan and Pakistan who have sex with men, but they say they are not gay. Who are they then? So, you cannot say it is one, homogeneous group... Or for example, we have a lot of Afghani men prostitutes, but they are not gay but just prostituting themselves... So, you have very different aspects under this world - LGBTIQ. Q is totally different to the others, I think. Everybody has an individually unique opinion; therefore, it is hard to say that we have one group here... There is this couple, they are married, they do not want to do anything with the others. So, they cannot find a similarity. Or we have a lesbian couple from Ukraine. They never feel comfortable with

the gay or transsexual people and they have a kid. They say we do not want to engage with others. So, the specific thing is that it is not one group. It depends on the individual. When the people sit together, like on the flyer of the Queer Café... Here is Y, from queer-left. He was at the women march demonstration. He says he does not identify as a man, but he was kicked out, the women in the march says it is only for women... We have all these discussions every day... So, Y is from the queer movement in Uganda, but he has also children. Then, the social worker from Fliederlich said he was not exactly gay, and we had so much discussions. Even the bisexual people have a lot of conflicts with gay and lesbian. Because gays and lesbians tell them - you have not really decided, know what you are... So, it is sometimes really hard because people are not fighting together. Everybody has his or her own interest.”²⁸

5.2. Asylum-Seekers and Refugees that NGOs are Working with

Number of the clients

The numbers of the clients each NGO has is diverse, due to the time when they launched the project or the scale of the organization.

(1) RosaAsyl has so far 30 clients but they did only start last October. Internationales Frauen Café on the other hand, which is the women part of the project has around 90 clients now, and they have been running this project for more than ten years.

(2) The representative of BRKN said that she is currently in contact with 50 clients including her clients from both of the LGBTIQ accommodation shelters in Nürnberg.

(3) The representative of RRF stated that he has been counselling 90 refugees since he started in February 2018, however the overall number for RRF as an organization is more than 300 clients since the beginning of the project.

(4) PR has 800 clients in total, which is much higher than others. This is however due to their broader target-group including non-LGBTIQ clients.

(5) For Fliederlich, this number is around 120 clients since the end of 2017.

(6) There are more than 300 clients of QRD, since the launch of the project.

(7) Lastly, RRM has approximately 55 clients.

²⁸ Interview with the representative of PB, February 7, 2019.

Proportions of L-G-B-T-I-Q

According to the self-definition of the clients;

(1) For RosaAsyl and Internationales Frauen Café together, LGBTIQ clients constitute 30% of the whole number. Among the LGBTIQ however, the majority is gay men.

(2) For BRKN, this distribution is approximately 70% gay, 20% transgender, 5% lesbian, 5% bisexual clients.

(3) For the representative of RRF, he has seen 90 clients since he started, more than 70% were gay, 15% transgender, 10% lesbian, 1% intersex and 1% genderqueer clients. Among the trans clients however, the number of trans women were higher than the number of trans men.

(4) For PR, there have been only 12 LGBTIQ clients among the total number of 800 and they were mostly bisexual. However, the representative stated that the clients might have not shared their SOGI with them, which is especially likely due to the education and work oriented scope of the project which does not really require talking about one's SOGI.

(5) For Fliederlich, this distribution is 85% for gay men, 10% for transgender, 5% for lesbian women. Again, among the transgender clients, the number of trans women is higher than the number of trans men.

(6) For QRD, the majority is gay men, followed by bisexual and lesbian clients. Then come the transgender clients, in which trans women are more than trans men. They had so far only two cases where the clients identified themselves as non-binary or genderqueer. They never had any intersex clients.

(7) For RRM, the majority is gay men, 10% are lesbian women and 5% are transgender clients.

During the interviews, the representatives were also asked whether they were approached by some clients who are not identified as LGBTIQ. The answer to this question were either (a) a clear no because these organizations are openly working for LGBTIQ asylum-seekers and automatically the incoming clients are identifying themselves as such, or (b) that there were some gay men clients who were having sex with men (either for joy or for prostitution) but not being identified as gay, or (c) that for some clients with a bisexual history, it was not clear to identify as homo- or bisexual.

Different service provisions of each group

On a legal manner, the whole group is basically divided into which are LGB and TIQ since the first refers to sexual orientation (SO) and the latter to gender identity (GI). Therefore, when it comes to legal aid, SO/GI is an essential determinant.

For RosaAsyl and Internationales Frauen Café, the service provisions are separate for LGBTIQ clients and cis-women clients – albeit there is no limitation to cis-women for the latter, the trans women clients so far have preferred to go to the LGBTIQ part of the project as mentioned before. For example, there is Queer Café once a week for LGBTIQ clients and for Internationales Frauen Café once a week for women clients as coffee/tea gatherings simply for socialization. For the women part, there are German classes on every Monday and small trips to a museum or a swimming pool every Friday, in addition to a 3 days long vacation once in every summer only with women and their kids. However, among the LGBTIQ group the service provisions are mostly not differing since the main work is to assist them with their individual asylum cases.

For RRF, there are two special counsellors one of whom is a trans man and the other is a trans woman. They offer counselling to the transgender clients on the matters of transition options, hormone therapy and medication. This special offer is conducted for transgender and transsexual clients by the representative of QRD interviewed, who herself went through the same process and is thus self-experienced. However, despite not having counsellors specialized in transgender and transsexual matters, all the NGOs are assisting their transgender clients on their needs of medical and psychological care.

Apart from the medical care, what is also most often stated by the representatives that the transgender clients in common accommodation are much more under risk due to the majority of men and thus the hostile environment in those facilities. Hence, transgender clients in state-provided common accommodation are given priority for more protection e.g. arranging a single room.

Lastly, it is important to note that the NGO workers when answering the questions regarding the different service provisions for each group were always stating the idiosyncratic nature of each of their clients' case, saying that these needs are changing for each individual case and therefore it is not so possible to come up with a generalization for each group of gay men, lesbian women, bisexual men and women etc.

Home countries of clients and their reason for their flight

Most prevalent countries from where the clients are coming from in order are Iraq, Iran, Syria, Azerbaijan, Russia, Somalia, Pakistan, Afghanistan, Ukraine, Nigeria, Armenia, Ethiopia, Jamaica, Chechnya, and Djibouti. Albeit not too many, following countries were also among the clients fled; Ghana, Malaysia, Egypt, Eritrea, Kazakhstan, Sudan, Uganda, Tajikistan, Georgia, El Salvador and Cuba.

However, here it is also important to note that 'Initial Distribution of Asylum-Seekers' distribution into different reception facilities around Germany that clusters the asylum-seekers according to their respective country of origin. This has also an influence on the number of clients coming from a specific country each NGO has.

Challenges faced by the clients inside Germany

- (1) As mentioned above also among the challenges for NGO workers are: the lack of information on the asylum procedure and the legitimacy of SOGI as a ground for asylum; hardship of finding LGBTIQ-sensible translators; mistrust to talk openly about one's SOGI in front of official bodies; disbelief on claimants' SOGI within the credibility assessments constitute for the asylum-seekers the challenges before their hearings.
- (2) Not being allowed to work or to take part in integration and German courses offered by the state, before the grant of a recognized status is another obstacle that leads to indigence, time loss, feelings of in-betweenness and loss of motivation. This long-lasting and uncertain process of asylum is a huge challenge, whereby it is almost impossible to stabilize the clients psychologically, due to the continuation of that instability and uncertainty in their lives.

“What also comes as a big problem is that they have to wait for a long time until they know that they are secure. Because the whole process, a lot of them are denied in the first place, then they have the second chance to appeal but then that takes 2 years and they are still in the same situation. They do not know what will happen tomorrow, how long this procedure will take, when they finally can settle down and feel safe... So, no psychological help does not make it better. That is what my colleague said in the beginning, a lot of people broke down in between because they cannot deal with the situation anymore.”²⁹

²⁹ Interview with the representatives of RosaAsyl, February 7, 2019.

(3) Unsafety within the reception facilities is a difficulty, whereby the clients are still exposed to what they fled their countries for, both by the other residents and those facilities' staff. Due to the limited number of rooms and beds, it is not always possible to provide a single room for the claimants. In addition, the system of 'Initial Distribution of Asylum-Seekers' of BAMF whereby the asylum-seekers are put into same facilities with their country men and women, regardless of their reason to flee exacerbates this likelihood of LGBTIQ asylum-seekers to come across to others from the same country of origin with hostile attitudes towards LGBTIQ individuals. Furthermore, it is also not always possible to transfer the clients to a shelter only for LGBTIQ asylum-seekers and refugees, since there are not too many.

(4) Continuation of the experience of homo- and transphobia inside Germany is also an adversity. As stated by the representatives, SOGI-based discrimination is occurring both within the mainstream German society and white queer community. This sometimes leads to a loss of motivation and disappointment for the clients.

*"Those who already stayed a longer time in Germany or got accepted and moved out, often realize that even Germany is not free of LGBTIQ-bullying and that there's still way to go in terms of LGBTIQ-acceptance in the society."*³⁰

However, these discriminative behaviors sometimes occur among the LGBTIQ asylum-seekers and refugees as well.

*"...For example, some of the gay men from Iraq, they speak badly about the gender fluid people from Iraq or the trans people from Iraq. Or we had an incident with a gay man from Morocco who is calling one man from Sudan, a nigga..."*³¹

(5) Housing and job search are an issue that all asylum-seekers and refugees face. When it comes to LGBTIQ asylum-seekers and refugees, the covert or overt racism manifesting itself by that the landlords/agencies/employers not giving any chance to non-white candidates is intensified. Especially for LGBTIQ clients who are more easily detectable and categorizable by the mainstream society it is more of a challenge than

³⁰ Interview with the representative of BRKN, March 14, 2019.

³¹ Interview with the representative of RRF, January 22, 2019.

just denial. Transgender, transsexual and genderqueer clients are more likely to get discriminated against, during e.g. apartment-search.

“Once my client has been invited for an official viewing of the apartment. On site, the landlord meant that he only wanted to see a transsexual person and made immoral offerings. My client would only get the apartment for rental, if my client agreed to these offerings etc.”³²

(6) Discrimination in the public offices and authorities experienced by the LGBTIQ asylum-seekers and refugees can be also generalized to all migrant, asylum-seeker and refugee population in Germany since such stories are often heard and talked about. Due to the covert nature of such discriminative acts, non-punishment of the offenders and thus similar offenses persist.

“1: The challenges... All the challenges are the contacts and the problems with BAMF, with Ausländerbehörde, Sozialamt, Jobcenter. There are sometimes really strange things where the people... For example, going to Ausländerbehörde to make a new date for your Ausweis. And they send them away, and the next time one of us goes with them to Ausländerbehörde and suddenly it is not a problem anymore. That is time, it is wasted time. Normally, Ausländerbehörde has to do so, but sometimes I think, especially here in Nürnberg, they do not like the people, and they send them away and if some German people coming together with them, it is just not a problem anymore. I do not know; it is a challenge for sure, but I do not know how it can be reduced. The only way is to change all the people working there.”³³

(7) The inadequate number of psychologists and the long waiting lists for psychotherapists in Germany also prevent the clients from receiving psychological help after being recognized and having obtained a health insurance provided by the state.

³² Interview with the representative of BRKN, March 14, 2019.

³³ Interview with the representatives of Fliederlich, February 6, 2019.

(8) After the recognition another challenge arises, namely being sent to small towns or villages for residing. It is not causing a problem for the clients financially since it is possible to find a study placement or employment anywhere. However, such small towns are lacking resources regarding the social integration e.g. specific offers for LGBTIQ refugees and get-together meetings, which can provide the clients with a sense of belonging and solidarity – which is a challenge for LGBTIQ German citizens in small towns as well.

(9) Substance abuse and infection with STDs like HIV are also among the difficulties experienced among the clients, albeit not often. In addition, depression or stress-related disorders are also prevalent among the clients which is worsened with their experiences in Germany.

Public opinion on LGBTIQ asylum-seekers and refugees in Germany

According to the representatives, it is hard to talk about a public opinion on this topic, because LGBTIQ asylum-seekers and refugees are not discussed in public debates. Some representatives explain this with the asylum-seekers' intention not to take much attention, besides the disinterest of German society, whereas others explain it with a possible ignorance of German society about the presence of LGBTIQ individuals in countries of the Global South.

Moreover, some representatives also pointed out to the politics of fear and its intersection with queer asylum. They argued that the German citizens are more likely to accept LGBTIQ asylum-seekers – especially who are gay men and trans women, in comparison to non-LGBTIQ asylum seekers – especially who are young, Muslim and men. The argumentation was that coming across to a non-heterosexual asylum-seeker restraining the collectively and subtly imposed fear against all asylum-seekers and refugees, that is activated with stereotypes such as brutal, non-civilized, radical, thus creating a moment of judgement with less fear that is leading to an acceptance in the end.

5.3. [Political and Theoretical Approaches of the Organizations](#)

Naming of the target group

In this part, the representatives were asked about their word choice for naming their target-group both using SOGI-related and migration-related terms, such as gay & lesbian, LGBT, LGBTIQ, LGBTIQ+, queer or sexual minority, and migrant, immigrant,

asylum-seekers or refugees. With this question, it is aimed at examining the way these professionals use such terms and their political positionings towards homonormativity and freedom of movement for all.

Regarding SOGI-related terms, most representatives either say LGBTIQ to be inclusive of all, or queer (for all) to make it shorter and easier. Some use both also interchangeably as umbrella terms for the whole non-heterosexual target-group. However, when it came to explaining, why they used the term queer, there were different explanations. Some claimed that queer is a better-known word among their clients, especially among younger generations, therefore they prefer to say queer, whereas others claimed that the term queer is known more in academia or more among intellectual groups, therefore they rather use LGBTIQ to be understood by most of their target. Thus, the use of the term queer was not in the sense of a theoretical and a political critical stance against normativity, but rather as an umbrella term for LGBTIQ, or to refer to their clients, who identify as gender-fluid or non-binary. Nevertheless, when organizing workshops for the people working with LGBTIQ asylum-seekers and refugees, all the representatives prefer to use the term LGBTI to stay close to the legal terminologies.

Regarding migration-related terms, all representatives stick to the terms of immigration legislation. Migrant and immigrant are used to refer to the people migrating voluntarily elsewhere to improve their lives. Asylum-seekers and refugees are used to refer to the people fleeing armed conflict or any kind of persecution, with the distinction that refugees are the ones who are granted a recognized status of international protection whereas the asylum-seekers are the ones whose claims for international protection are still not yet lodged or pending. Their argumentation for the way they used the terms was that they work almost always within the legal system to assist their clients and their claims, hence they need this compatibility and clarity within the languages no matter how pro-migration they are. Therefore, the strategies some oppositional political groups against anti-immigration policies or stricter immigration controls implements based on the use of language such as calling migrants for all regardless of the reason behind with the aim of challenging the configuration of migration as a crime – i.e. illegalization of migration fall short for the very practice of NGOs. Apart from that, there is a tendency among the representatives to use '*Geflüchtete*' instead of '*Flüchtlinge*' for the term refugee in German language since it sounds less judgmental according to what they say.

Theories elaborated within the professional work

When asked about the theories used, discussed or led the way to their practice, the main answer given by the representative was that they were not following as an organization one single theory altogether, but rather these theoretical approaches are personal views of each colleague. There was a consensus on the use of human rights theory and philosophy since the social work is seen as a human rights profession by all, besides that anti-racist and anti-oppressive perspectives are considered as a prerequisite for the work.

However, there were also some critics on practice-oriented theories, such as client-centered therapy with asylum-seekers. It was criticized the suggestions of the theory on bringing the clients to the conflict situation for them to see the resolution themselves, or expecting clients to be well-versed on detailed legal matters so that they can make their decisions themselves are not compatible with the reality that asylum-seekers experience. The over-control of asylum-seekers lives by social, financial and legal means are not leaving another way to social workers than explaining to their clients their options when there is a decision to make, via an easy and understandable language explaining the laws and eventually making a decision together.

Apart from that, it was also pointed out an understanding of social work profession as political, by naming Sylvia Staub-Bernasconi. It was argued that a human-rights profession should necessarily be politically engaged in order to push for positive social change. Marxist, feminist and queer theories were also mentioned having an influence on representatives' personal worldviews. Through the elaboration of such critical theories, it was argued against a neoliberal understanding of social work focusing on short-term solutions without bringing any change to the underlying system producing and reproducing such inequalities with the imbalanced distribution of wealth around the world through global capitalist economy and the privatization of public services and further every sphere of life. Followingly, racial, patriarchal and heterosexist configurations of the society are considered in a reciprocal interrelation with each other for the sake of the maintenance of capital, thus a holistic critical approach to the system deemed necessary.

On one side, a representative was arguing in a similar vein with Butler's argument against the configuration of sex as natural and gender as cultural. She was asserting that both sex and gender are social constructions. Nevertheless, she was combining

this argument with a stance against sex reassignment surgery, suggesting that ‘we should not change the body but the society’. The same representative subsequently stated that she does not argue such personal opinions with their clients because they can get hurt in case it relates to their personal experiences, but rather shows nonjudgmental acceptance and affirmation. However, the same representative shared her experience from another context where she worked with kids, that she is receiving often comments from the kids about her masculine appearance and followingly questions on her womanhood. In such moments with kids however, she said she did not abstain from discussing about sex and gender with them, explaining how they are based on learned behaviors, and that the kids were quite open to listen and ask more questions on the topic.

On the other side, another representative was criticizing the overemphasis of queer theories on terminology while still appreciating the way queer theories challenge the normative and static understandings of identities. Nevertheless, they were taking the self-definitions of the clients as they are, and their work is concerned more with pragmatic solutions to the clients’ cases. Thus, such de-constructivist theories do not have a big influence on their practice, she says. Furthermore, she was also pointing out to the proliferation of the use of the term transgender instead of the term transsexual nowadays, with an aim to be more ‘politically correct’ by including both pre- and post-surgery trans people regardless of their will to go through a sex reassignment surgery or not. As a person went through the surgery however, she herself prefers to be identified not as transgender but as transsexual. Hence, she was stating how individual these self-identifications are as another reason why this overemphasis on terminologies fall short sometimes.

Lastly, the varying conceptions of SOGI expressions in different locations of the globe was also mentioned, albeit not always with an anti-Eurocentric sentiment. It was exemplified that in Pakistan, men are considered homosexual only when they are in the passive role during the same-sex sexual intercourse, whereas the men in the active role do not identify as homosexual, or that in some other locations of the world the hetero-/homosexual binary is not that strong as it is in Germany. It was by some explained through the distinction within some cultures between the sexual conduct and the sexual identity and how one of them do not necessarily lead to the other, in contrast to the understanding of sexuality in Germany.

Opinions on homonationalism

In this part, the representatives were shown and read some quotes on the instrumentalization of LGBTIQ rights by some politicians in the countries of the Global North favoring anti-immigration or Islamophobic discourses that are strengthening the association of the people coming from the countries of the Global South with anti-feminist and anti-LGBTIQ attitudes and behaviors, and on how the existence of such relevant rights are becoming an indicator of liberal values and civilization in the Global North. Afterwards, they were asked about their opinions on this phenomenon, whether they observe it themselves in Germany, and whether their opinions in this regard has an influence on their practice.

In the beginning, the conception of culture in a generalizing manner such as Western and Eastern cultures was problematized by some representatives. It was argued that there is not such a general culture in Germany based on the modern understanding of nation, but rather a mixture of cultures via different groups that are subject to constant change through the interrelations among each other. Furthermore, the fact that a country is receiving asylum-seekers or sending too many asylum-seekers is not seen as a marker of a superior or an inferior culture. It was considered rather as a mundane result of the organization of social life in different locations of the world, that is always contingent upon the changing politics and accordingly the amendments of legal rights. Hence, it was considered as a phenomenon that is likely to happen inside Germany as well due to the current proliferation of the support for right-wing groups and its effect on the occurrence of an anti-LGBTIQ environment, as can be seen from the statement of a representative below:

“... modern civilized West - pfff. I have a problem with this term. Because I think civilization is not only here, it is everywhere... Yes, it is a fact that people are fleeing their countries because of their SOGI and trying to live in Europe, in the Unites States, in Canada. But I think it is okay. For me it is okay if someone is acting in this way. I also thought for myself, okay let's have AFD in Germany stronger and stronger, then where do I go?”³⁴

³⁴ Interview with the representatives of Fliederlich, February 6, 2019.

The phenomenon of homonationalism was justified by the representatives and further it was stated that it is present in Germany as well. The representatives were saying that in case there occurs a homo-/transphobic attack that is conducted by a person with a migration background, the people who are not for women rights or LGBTIQ rights were utilizing such incidents to trigger an anti-immigration sentiment claiming that the immigrants including asylum-seekers and refugees are causing disturbance of the social order in Germany. Jens Spahn, who is an openly gay politician from Christian Democratic Union, and Alice Weidel from the Alternative for Germany were named as examples from Germany who utilizes homonationalism strategy appealing to the LGBTIQ German voters.

Besides the instrumentalization for a general anti-immigration sentiment, it was also claimed that the same occurs targeting only Muslim people. The people coming from Muslim majority countries where the homo-/transsexual acts are criminalized are automatically associated with being homo-/transphobic themselves, which results in an Islamophobic pattern for the instrumentalization of LGBTIQ rights. This perspective is overlooking the presence and rights-struggles of LGBTIQ individuals in those locations of the world by creating a taken for granted ambivalence between Muslim identity and LGBTIQ identity, rejecting the ability of those to identify with both. As a counterargument to this perspective, the representatives mentioned that they have clients also from other locations of the world that where the majority is Christian, such as Armenia, some parts of Ethiopia, El Salvador, Jamaica and Cuba.

“When I talk about this situation to other people, the situation in Jamaica or in El Salvador, they get surprised. Because a lot of people think that these SOGI-related persecutions are only in Arabic or Muslim countries. These persecutions are happening all around the world but unfortunately people are discussing about it only in the context of Arabic and Muslim countries. They are not aware of the general situation. In fact, there is a kind of culturalism, cultural ignorance and hostility in general in the public opinion because many people only address Arabic countries but no other countries. But I think it is because of the ignorance about the situation.”³⁵

³⁵ Interview with the representatives of RRM, February 24, 2019.

Followingly, it is argued by some representatives that the phenomenon of anti-feminism or homo-/transphobia are not connected to Islam in specific, but rather to all religions. The religions were considered as a means for the assistance and the operation of patriarchal societies. Thus, what is problematized was not the religions in specific, but the patriarchal configuration of the social that is assisted not only by religion but by non-faith-based thought and belief systems as well.

“... it is not a Muslim issue, transphobia or homophobia. It is a patriarchal issue. Patriarchy does not only exist in Pakistan or India or Turkey or Saudi Arabia, it also exists in Germany, with its different connotations, with pro s and con s, but patriarchy is still there, it has not gone away. It is still mama, papa and kinder... I would say, when it comes to the very core of the issue why people are against LGBTIQ people, then we realize that it is all about reproduction and family. Because LGBTIQ people, some want families as well, some want to reproduce and have their own biological children, that is not the issue... And it is not just a Muslim fear, it is a Hindu fear as well. It is a fear within the Christian countries in Africa, in Brazil nowadays, we never thought about it. So, I think these are very vague generalizations of such issues which are multi-faceted... I come from a Muslim family, my mom does not have an issue, but her brother does. So, my mom is not patriarchal, but her brother is patriarchal. So, it is a different mindset issue, it has nothing to do just with religion. But my opinion is that, patriarchy has always assisted religions. That we forget. All religions are assisted by patriarchal system. They feed them. It is like the patriarchy is the order and religions are like pets.”³⁶

At the same time, the prevalence of homo-/transphobic attitudes or the reluctance to talk about such topics among the asylum-seeker and refugee population was mentioned by some representatives, by still acknowledging the existence of people there among who do not have a problem with others' way of being. Besides, another representative criticized the overemphasis on offending Muslim people, when talking about women rights and LGBTIQ rights, the violence and killing in the name of honor in different locations of the world where the majority is Muslim. According to her, it was ending up as reverse-racism, wherein an open-discussion or an intervention is

³⁶ Interview with the representative of QRD, January 15, 2019.

abstained, since it is not one's 'own culture', implying that the human-rights of the people of those 'other cultures' are deemed in such cases disposable. In parallel, the same representative was asserting that reverse-homonationalism occurs also within the countries of the Global South. She said that it is often to hear such accusations with racism or Islamophobia against the critics on some oppressive measures that are verbalized by Western political figures. Thus, homonationalism is seen rather as a strategy for any conservative politician anywhere in the world for declaring the right-claims that are considered not compatible with societal values as 'foreign' and attempting to block such progressive demands.

It is further debated by some representatives the high homonormativity within the queer movement in Germany which is ending up with the attempts for integration of LGBTIQ community to the heterosexist matrix of the society instead of a complete critic of the system itself that is always favoring the norm of the couple, reproduction and family – i.e. overemphasis on same-sex marriage campaigns that results in an adaptation of queers into the norm of family, and its assisting of the production and consumption oriented global capitalist economy. The lack of transnational networks within the queer movements in Germany and too much focus on pragmatic matters inside Germany without a neo-liberalism and capitalism critic was argued against.

The effect of colonialism on the governing of social life in different locations of the world was also discussed by some representatives. By some examples given on the 'homophobia as a colonial legacy' such as *paragraph 377* in India that derives from the British colonialism criminalizing same-sex acts that was abolished very recently, it was argued that the stereotypes of Eastern vs. Western cultures were not always as it is nowadays. It was used as a stance against an essentialist understanding of culture. Followingly, considering the interwoven power relations between countries and their constant effect on each other's governing of social life therein, the importance on gaining awareness on the colonial history and giving support to relevant right-struggles in different countries via establishing transnational networks were pointed out.

Immigration controls in Germany

All the representatives interviewed were for the right to asylum and actively fighting against any attempts to disrupt it. Hence, they were against closing the borders. However, when they were asked about the public discussions on reducing the

numbers of refugees and asylum-seekers in the country, one representative stated that he found the receiving of economic migrants problematic, but not the people fleeing armed conflict or any other kind of persecution. The rest of the representatives were against any restriction to immigration without making a distinction based on the reasons for movement of incoming people.

Accordingly, it was argued by many representatives that the core of this issue of migration in Germany is the lack of an immigration law that is enabling people to come to Germany easily for improving their material livelihoods. This leads to an overload on the asylum system in Germany, whereas immigration can be an alternative to the asylum path for integration of new-comers, which in return can ease the situation both for the new-comers and BAMF. In parallel, the contradiction of the mainstream argument of limited financial resources for receiving more refugees and at the same time recruiting workers from Eastern European countries – e.g. elderly care workers from Poland was pointed out and argued against that this possibility of integrating refugees into the labor market is possible as well. However, it was also referred to that the rise of extreme right-wing groups with anti-immigration agendas should be taken into consideration with relation to the current migration steering strategies.

5.4. German Asylum System for SOGI-based Claims

Overall opinion of the representatives on the asylum system for SOGI-based claims in Germany is that it is not functioning properly due to many cultural aspects overlooked, when it comes to the credibility assessments of claimants' SOGI, and the specific needs not well-considered regarding the vulnerability of LGBTIQ asylum-seekers during and after their claims.

It was argued that more than four third of claimants are rejected by BAMF in their first application when their claims are SOGI-based. The decision-makers are not finding the claimants 'credibly' LGBTIQ. Therefore, besides that any asylum-seeker is having his or her destiny at the hands of the interviewers, LGBTIQ asylum-seekers are facing an extra challenge of proving their SOGI to the authorities. Thus, this process is highly contingent on the stereotypes of the decision-makers on how to be LGBTIQ, or on how well-versed the claimants themselves are with culture specific SOGI-expressions that are probably compatible with the decision-makers' preconceptions.

Furthermore, the great importance of providing LGBTIQ asylum-seekers with non-state operated asylum advice by NGOs pointed out, and how this practice is not really taking place was criticized. A representative was arguing that there are international laws in EU legislation for the right of asylum-seekers for receiving non-state advice before their very first hearings but that is not really in practice and the right is violated. The asylum-seekers are rather only shown very short video materials in arrival centers that are superficially explaining the asylum application process. Considering an unawareness of SOGI as a legitimate ground for asylum or an unfamiliarity to openly talk about own sexuality in front of others, having some non-state advice for LGBTIQ asylum-seekers, before their hearings, are more of an importance. The fastened procedure of asylum application right after arrival makes it more of a challenge for asylum-seekers since the chances for reaching an organization well-versed with this specific field is declining with the time limit up until the hearing.

It is also stated the authorities are more likely to believe in the claimants' SOGI, when there are some LGBTIQ organizations involved in the asylum case of the claimants. Therefore, accompanying the claimants to their hearings is crucial, which is a provided service by all the organizations interviewed. However, it makes it on the other hand a big challenge for claimants whose claims are SOGI-based and are not in contact with any relevant organization.

Strategies for using this restrictive legal system in favor of your clients

First of all, all the representatives referred to the significance of keeping up-to-date knowledge by following the legal and political changes regarding asylum in Germany. That was found necessary in order to come up with useful strategies for the clients.

Moreover, some 'loopholes' are used alternatively to the asylum path. These loopholes are the way of integration via an education visa or a work permit; the law 25A of the Act on the Residence, Economic Activity and Integration of Foreigners in the Federal Territory³⁷ on 'Granting of residence in the case of well-integrated juveniles and young adults' when a claimant is under a certain age and stayed in Germany for a certain period of time; Church asylum where churches accommodate asylum-seekers preventing them from being deported; commission on hardship cases³⁸ where

³⁷ Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet

³⁸ Härtefallkommission

the representatives go to a commission with clients, presenting their skills and likelihood of well-integration of if they have to leave the country. These loopholes are however used, when it is not likely for claimants to receive a positive asylum result, or when it is more likely to receive a positive result via the way of integration than the way of asylum.

For such strategies like Church asylum or commission on hardship cases, some NGOs are in contact with specific networks that are specialized with these legal practices. Therefore, these are not strategies randomly put into practice by NGOs assisting the claimants, but rather strategies used counselling specialized experts after evaluation of individual cases of each claimant and thereof advantages and disadvantages.

Additionally, some NGOs are creating a nation-wide data bank of positively resulted asylum claims in Germany that are SOGI-based. By collecting positive cases, the NGO workers are trying to contribute to the country of origin information list which is lacking in the situation of LGBTIQ rights in those countries. Furthermore, it is giving more chances to the lawyers assisting the claimants during their appealing process.

Suggestions for macro/micro level improvements

In this part, the representatives were asked about their suggestions for improvements on micro and macro levels. The suggestions are all in line with what they stated as the challenges for their work with LGBTIQ asylum-seekers before.

- (1) The duration between the very arrival of the asylum-seekers and their first hearings should be prolonged. During this time interval, the asylum-seekers should be provided with non-state advice for interview preparation so that they are not rejected due to lack of information or the unfamiliarity with the asylum interview's assessment logic.
- (2) The asylum-seekers should be informed about the legitimacy of SOGI as a ground for asylum and further it should specifically take place on asylum application forms of BAMF.
- (3) There should be more visits by the side of the NGOs working with LGBTIQ asylum-seekers to the reception camps around Germany in order to reach out as many asylum-seeker, as possible at the very beginning of their asylum path, and to inform the facility staff on the projects for possible referrals of clients to the NGOs.
- (4) The NGOs should be working more closely to the main social work institutions in Germany such as Caritas, Diakonie, Workers Welfare Institution (AWO), Arbeiter-

Samariter-Bund Deutschland (ASB) or German Red Cross, so that they can refer their clients when necessary to the NGOs, working with LGBTIQ asylum-seekers and refugees.

(5) The decision-makers should be subject to sensitivity trainings on LGBTIQ issues and on the diversity of SOGI-expressions in different locations of the world that are not always in line with mainstream Western understanding of sexuality.

(6) BAMF should take into consideration choosing those as translators, who are sensitive to LGBTIQ issues, when assigning them for interviews or hearings of SOGI-based claimants.

(7) Country of origin information list should be inclusive of the aspects of homo- and transphobia in the respective countries.

(8) The discretion argument for rejecting SOGI-based claims should be rendered invalid since, covering or hiding one's personal characteristics is contrary to the principles of human rights.

(9) There should be more safe spaces for LGBTIQ asylum-seekers in reception facilities. Furthermore, more accommodation shelters only for LGBTIQ asylum-seekers and refugees should be opened around Germany.

(10) In order to start the integration process of the asylum-seekers earlier, they should have access to German language classes regardless of recognition. In parallel, location of the camps should not be far from cities where the asylum-seekers are isolated from the social life in Germany and the asylum-seekers' movement should not be restricted while their applications are pending.

(11) LGBTIQ-sensitizing content should be added to the integration classes for informing the overall asylum-seeker and refugee population on the LGBTIQ rights in Germany without a concern of offending them.

(12) People with any migration or flight background should be more involved in the provision of services besides white queer community. This is of high importance to not fall into a paternalistic way of providing aid to LGBTIQ asylum-seekers and refugees in addition to providing them with a chance for self-emancipation.

(13) Queer movement in Germany should be more politicized regarding LGBTIQ asylum-seekers and refugees.

(14) More volunteers should be encouraged to get involved and further, some TANDEM-like projects should be developed, where one volunteer is assigned to

accompany the refugees to the appointments at hospitals, Job Center, apartment visits etc. or provide support for other relevant matters.

(15) There should be more funding possibilities by both Germany and EU on a long-term basis for NGOs working with LGBTIQ asylum-seekers and refugees, since depending on short-term funds renders the sustainability of their work uncertain.

(16) In Social Work study programs in Germany, the subject of queer asylum should be incorporated to the curriculums in order to sensitize prospect social workers in this regard.

(17) The system of *AnkERzentren* where asylum-seekers are kept in a facility with all relevant authorities for asylum procedure, with an obligation for them to stay inside should be abolished, since it creates a prison-like atmosphere, where asylum-seekers are completely isolated from the society for long times in common accommodation until they receive a decision on their claims.

(18) The apparently not-functioning Dublin System should be abolished and UNCHR's program of resettling refugees to the EU countries that are lacking resources and are not welcoming for not only LGBTIQ but for all asylum-seekers and refugees should be stopped.

(19) Lodging asylum applications in German Embassies in the country where the asylum-seekers are persecuted should be possible in order to create safer paths to asylum without dangerous journeys.

(20) Germany should become openly a country of immigration and amend the current migration laws and policies. By doing so instead of focusing too much on asylum, she can ease the overload on her asylum institutions.

6. Discussion

The findings of this study indicate the insufficiency of the protective measures taken in Germany for the LGBTIQ asylum-seekers and refugees. Although BfMFI³⁹ has given support to commence and run the nation-wide project ‘Queer Refugees Deutschland’ in 2016 aiming at mainstreaming the good practices with LGBTIQ asylum-seekers and refugees around the country, and BMFSFJ⁴⁰ has included LGBTIQ as a vulnerable group with specific protection needs within their project ‘Initiative for the Protection of Refugees in Refugee Accommodation Centers’ launched in 2016 (Federal Office for Migration and Refugees, 2018, pp. 61–62), LGBTIQ asylum-seekers and refugees in Germany still face many challenges during their encounters with the asylum institutions. These challenges occur during asylum-seekers’ personal asylum interviews at BAMF, their hearings at federal administrative courts, and their stay in reception facilities (Güler et al., 2019; Spijkerboer & Jansen, 2011), which point out that the protective measures taken fall short and are ineffective (Jelpke, 2019).

SOGI functions as a marker in the legal process for access to asylum, yet it is not adequate to solely explain the intricacy of the lived experiences of LGBTIQ asylum-seekers and refugees. Hence, keeping in mind the impact of poverty, unemployment and class difference on LGBTIQ asylum-seekers’ and refugees’ lives, the current study aims at elaborating on sexuality as a vector of power that operates on bodies, being a point of juncture wherein various systems of power such as class, race, nationality and gender intersect within the context of flight and migration. This way, the study contributes to the previous literature on queer asylum in countries of the Global North. Primarily informed by post-structural, queer and post-colonial modes of thinking, and using relational and discursive analysis, “geopolitical location of a given person in experiences of migration” (Luibheid, 2008) considered significant within the study. It is asserted that positionality of a given person cannot be scrutinized regardless of changing temporalities and spatialities within the process of migration since various positionalities lead to various effects enabling or restricting persons’ access to the exercise of power in disparate times and locations.

³⁹ *Beauftragte der Bundesregierung für Migration, Flüchtlinge und Integration.*

⁴⁰ *Bundesministerium für Familie, Senioren, Frauen und Jugend.*

Consequently, the study addresses two levels of concern regarding the context of queer asylum in Germany:

- 1) interrogating the ways queer asylum serves to reproduce hegemonic discourses that are not only against but also in favor of the right to asylum of LGBTIQ claimants;
- 2) exploring the scope of the work conducted by NGOs assisting LGBTIQ asylum-seekers and refugees, and the relevance of post-structural, queer and post-colonial modes of thinking within their very practice.

6.1. Key Findings

The process of lodging an asylum application in Germany on the grounds of a SOGI-based persecution does not proceed any different than it is for applications on other grounds, except the content of personal asylum interviews at BAMF. Basically, after arrival and registration, asylum-seekers are allocated to the arrival centers around the country based on their respective country of origin regardless of their grounds for asylum. Until asylum-seekers file a personal asylum application, they are obliged to stay in these arrival centers. After the application, they receive a certificate of their permission to reside which *extends* their *freedom of movement* to the district where the arrival center is located. What comes next is the personal asylum interview, which is the most crucial part for the fate of asylum, whereby asylum-seekers are interviewed by a case officer of BAMF with a duty for LGBTIQ asylum-seekers to prove the credibility of their SOGI in the eyes of the interviewer, explain their fear of persecution in their home country and demonstrate how well-founded their fear of persecution is. If their application is denied, asylum-seekers have the right to lodge an appeal at a federal court, a process that is entailed to a certain time limit. In case of a negative decision by the federal court, a second appeal can be lodged against the decision at a higher administrative court. During these hearings, applicants are obliged to provide the decision-makers with the same information necessary during the personal asylum interviews at BAMF (Federal Office for Migration and Refugees).

One of the most notable findings of the study is firstly the LGBTIQ asylum-seekers' lack of information on the legitimacy of SOGI as a ground for asylum. In fact, SOGI-based persecution as a ground for asylum does not take place on the asylum application forms of BAMF⁴¹. This exacerbates the situation for LGBTIQ asylum-seekers since 'late disclosure' most often lead to a negative decision, if not, a burden

⁴¹ Interview with the representative of QRD, January 15, 2019.

on LGBTIQ asylum-seekers with an extended duration and uncertainty of the asylum procedure. Secondly, BAMF offers special interviews with specially trained decision-makers dealing with gender-specific human rights violations and special LGBTIQ-friendly translators for distinctive cases. Nonetheless, LGBTIQ asylum-seekers are not well-informed about this offer, a process in which a request for a special interview should be lodged two to three weeks prior to the personal asylum interview. As mentioned by the representatives of the NGOs interviewed, the fastened process of asylum application whereby a personal asylum interview takes place in a few days right after the arrival turns the situation against informing LGBTIQ asylum-seekers about the procedure and their rights beforehand. NGOs try to fill this gap by regularly visiting reception facilities in order to inform the staff working and the asylum-seekers and refugees accommodating in those reception facilities. However, these visits to *AnKERzentren* are occasionally interrupted by the prohibition of NGOs' entrance to the centers⁴².

As mentioned by all the interviewees of the study, SOGI-based asylum claims in Germany currently are most often denied right after first personal asylum interviews at BAMF since decision-makers find the SOGI of claimants not genuine. This results in a pattern of "fast-tracking" (Raboin, 2016, p. 71) for denying SOGI-based claims with an argumentation on disbelief. Previously, this pattern was configured with an argumentation on discretion, whereby asylum-seekers were returned to their countries and asked to hide/cover their SOGI identities that lead them to be persecuted. Berg and Millbank (2009) explain this shift from "discretion to disbelief" as a tactic of asylum granting countries to bypass the critics from civil society on the violation of human rights through discretion argument. Besides the culture of disbelief among the decision-makers present within credibility assessments during personal asylum interviews at BAMF and hearings at federal administrative courts that are further complicated by stereotypes on how to be queer, the SOGI-based asylum claims are rejected with preposterous argumentations even if SOGI claims are found credible. Among those argumentations are state protection and internal flight alternative as reported in the previous literature (Güler et al., 2019; Spijkerboer & Jansen, 2011). Moreover, late disclosure of SOGI after the first interview most often cause to the rejection of the asylum claims, which is a procedure neglecting the possibility of

⁴² Interview with the representatives of RosaAsyl, February 7, 2019.

claimants' mis- or lack of information on the legitimacy of SOGI as a ground for asylum, or even a potential unfamiliarity with talking openly about one's own sexuality in front of official bodies that can pave the way for avoiding disclosure⁴³.

The challenges faced during the reception phase of the asylum path on the other hand results from the continuation of SOGI-based discrimination and violence through LGBTIQ asylum-seekers' and refugees' encounters with their fellows and reception facilities' staff. The system of 'Initial Distribution of Asylum-Seekers' of BAMF allocating the asylum-seekers to reception facilities based on their respective country of origin regardless of their reason to flee aggravates the likelihood of LGBTIQ asylum-seekers and refugees to get confronted with their fellows having hostile attitudes. Nonetheless, discrimination and violence are not only exposed by the fellows but also by the facilities' staff including social workers, custodian, federal officers, security and police. In case of a threatening situation or a fear inside reception facilities, LGBTIQ asylum-seekers can lodge an application for transfer to another center. Yet, this information is not well-spread either, and the transfer process takes around two to three weeks whereby the experience of discrimination and violence continues. Therefore, it is an urgent need to open more accommodation centers around Germany that are only for LGBTIQ asylum-seekers and refugees, and further considering the needs of vulnerable groups during the reception stage and creating more safe spaces inside mixed-populated reception facilities.

Digital media use proves significant for LGBTIQ asylum-seekers and refugees for finding relevant NGOs and contacting them. This includes the use of Facebook, WhatsApp and websites of the NGOs. The most efficient use to contact the relevant organizations is when it happens before the very first personal asylum interview of asylum-seekers due to a possibility for an interview preparation. However, it is still of high importance when this contact is established later due to the guidance offered by NGOs with the further asylum procedures. Additionally, digital media use paves the way for LGBTIQ asylum-seekers and refugees to come up with new coping strategies and flourish a sense of belonging in their new place of residence. Providing LGBTIQ asylum-seekers and refugees with "transnational network", "social/emotional support" and "tools for social media activism" digital media use becomes an influential way of

⁴³ See the link: <https://www.refworld.org/docid/5cb597a27.html> for UNHCR's cautioning against the use of punitive measures for non-compliance with obligations of applicants.

self-empowerment (Bayramoğlu & Lünenborg, 2018). Digital media use also enormously facilitates the work of NGOs assisting LGBTIQ asylum-seekers and refugees with its “functions of information, community and action”, demonstrating the materiality of the concept of “queer social capital” (Rodriguez, 2016) which is depicted by a representative of an NGO also as “queer-networking”⁴⁴.

While referring to the target-group, LGBTIQ as an umbrella term is not used in a rigid and normative way by the NGO workers. LGBTIQ alone is not considered explanatory and sufficient for the complexity of sexuality. SOGI is deemed not fixed but rather fluid, thus not an essential part of one’s identity but subject to change in respect of time and location. Even though the group is termed as ‘LGBTI’ within the legal documents regulating international protection (UNHCR, 2012) – dividing it into two, which are LGB referring to sexual orientation (SO), and TI to gender identity (GI) –, what is taken into consideration by NGOs is the self-definition of clients themselves. By naming the target group as ‘LGBTIQ’ (lesbian, gay, trans-sexual/-gender, intersex, queer) or only as ‘Queer’, NGOs aim at being inclusive of not only self-identified non-binaries and genderqueers, but also anyone whose experience does not fit into these SOGI categories or anyone having non-heteronormative experiences yet does not want to identify as such. Furthermore, it is emphasized that LGBTIQ does not constitute a monolithic entity hanging on “the hegemony of liberal queerness as a universal way of being queer in the world” (Raboin, 2016), but rather a very mixed group with different social, political and religious views and experiences, converging and diverging within and with each other. This elaboration therefore disengages itself from the function of “queerness as a regulatory norm” (Puar, 2017).

Mentioning the common psychological difficulties faced by LGBTIQ asylum-seekers and refugees, the representatives of the NGOs interviewed stressed rather how the social and legal structure where asylum-seekers find themselves inside is influential on their psychological well-being. Therefore, psychological aid solely falls short along the time- and effort-consuming asylum process wherein asylum-seekers get stuck in a liminal zone with a burden of uncertainties that hinders them from settling down and developing future perspectives. This interrelation renders it necessary to incorporate the impact of structural inequalities on psychological well-being into psycho-social counselling with refugees. In opposition to a pathologizing lens, being aware of the

⁴⁴ Interview with the representative of RRF, January 22, 2019.

socially structured nature of emotions and making clients aware on these aspects helps them to cognitively externalize the internalized “social suffering” away from one’s self towards an outer stimulus: adversities of asylum process (Allan, 2015). As a result, asylum-seekers and refugees emancipate themselves from the negative feelings and thoughts tangled with a probable self-blame. Accompanied by the acknowledgement of structural inequalities and social suffering, an effective psycho-social counselling works within a framework of resilience and self-empowerment/-emancipation, by expanding the isolated client-focused domain of psychological counselling to external factors in order to encourage a positive social change opposed to intolerant understandings and discriminatory structures within the society. In line with these insights of Allan (2015), NGOs providing psycho-social counselling services to LGBTIQ asylum-seekers and refugees do a multi-level work by bridging the white queer community with incoming LGBTIQ asylum-seekers and refugees, thus fertilizing the “queer social capital” (Rodriguez, 2016), encouraging their clients for self-activism, combined with advocacy work through regional, national and international networks with governmental and non-governmental organizations.

Another adversity for LGBTIQ asylum-seekers and refugees that is often overlooked is the continuation of the experience of homo- and transphobia inside Germany. As stated by the representatives, SOGI-based discrimination is occurring both within the mainstream German society and white queer community (Kommattam, 2019). Transgender and transsexual asylum seekers and refugees experience more often discrimination during the processes of job- and flat-search in Germany besides the everyday discrimination any LGBTIQ struggles with⁴⁵. While imagining Europe as a discrimination-free region with an open society, LGBTIQ asylum-seekers and refugees are confronted with this unexpected reality. This experience is aggravated with intersectionality of racist and Islamophobic discriminations (El-Tayeb, 2012; Rajanayagam & Awadalla, 2016). An awareness on LGBTIQ asylum-seekers’ and refugees’ experiences of various types of discrimination and violence inside Germany is therefore necessary for rendering the hardships visible and heard as well as interfering with the illusionary division of the world between homo-/transphobia free countries and the rest (Puar, 2017).

⁴⁵ Interview with the representative of QRD, January 15, 2019; Interview with the representative of BRKN, March 14, 2019.

6.2. Interpretation of Findings

The findings portray that LGBTIQ asylum-seekers are challenged by decision-makers with a burden of proof despite their claims relying “the existence of usually non-existent evidence” (Gartner, 2015) compared to other asylum claims that are not SOGI-based. Mistrust is the norm within this “terrain of suspicion” (Giametta, 2017) which is underlined by a “filtering logic” (Perego, 2017) differentiating *genuine refugees* from *bogus economic migrants*. Disbelief in the SOGI of claimants constitutes a big difficulty, since asylum claims are very quickly rejected at first interviews with an argumentation of not being found credibly ‘LGBTIQ’ by decision-makers. Furthermore, the elaboration of SOGI as a provable and measurable component strengthens the understanding of SOGI as *immutable and linear*. This predominantly white gay male experience-based understanding automatically excludes first lesbian, bisexual, transsexual, transgender or genderqueer asylum-seekers; and further excludes disparate non-heteronormative experiences that fall outside Western frames of SOGI, and engages asylum-seekers into a “regime of compulsory disclosure” (Decena, 2008) wherein people experiencing non-heterosexuality are forced to normatively identify as LGBTIQ. Therefore, credibility assessments within queer asylum cases do not function only as exclusionary, but also as a regulatory mechanism on sexuality.

The findings further show the common pattern in countries of the Global North of framing asylum not as a (human) right stated in international law but rather as a generosity offered to asylum-seekers by receiving states. This pattern of thinking is reproduced both by state and non-state humanitarian perspectives centering *misery* within the frame of international protection, instead of *bearing (human) rights*. Within this circular reasoning, the liable Western subject is assigned to the role of benefiting and availing others. Applied to queer asylum, this humanitarian logic transforms into “sexual humanitarianism” (Giametta, 2017), particularly emphasizing the suffering of LGBTIQ people elsewhere in the world than in the West, re-presenting non-Western LGBTIQ subjects as to be *rescued*. As a result, LGBTIQ-friendliness label functions as a marker of civilization signifying the border between the West and the rest of the world, and further leads to disregarding the structural problems of poverty, employment and class difference as possible reasons for LGBTIQ asylum-seekers and refugees to flee (Güler et al., 2019, p. 351).

In light of these insights, it is crucial to not stumble into the conceptualization of sex within the framework of “the repressive hypothesis” (Foucault, 1990) that considers sexuality as a separate entity from power and in need of being liberated from it. In order to do so, one should de-construct the understanding of both sex and gender as pre-discursive (Butler, 1990). This can assist an analysis of the asylum institution within the frame of *bio-politics* (Agamben, 1998; Foucault, 1990) and grasping a better understanding of hegemonic discourses re-produced through queer asylum. The simplistic depictions of LGBTIQ asylum-seekers fleeing from oppression to liberation are void of explaining and developing useful strategies for the realities of the asylum-seekers and refugees; and the conditions in the asylum granting countries. It is important to note here the parallel mentality between repressive hypothesis and the mainstream liberation narratives. By formulating power not only as restricting and exclusionary in a juridico-discursive sense but also as productive, it is possible to notice and acknowledge the regulatory mechanisms of the “gradually improving bio-political machine of asylum” (Raboin, 2016). Via these regulatory mechanisms, discourses on queer asylum re-produce the dominant Western depictions of SOGI expressions as a universal way of being queer and the “cis-heteronormative and racialized borders that delimit the domain of citizenship” (Perego, 2017) for the newcomers. The first materializes itself within the credibility assessments when claimants are to narrate their stories in a rigid and stereotypical way in order to be found *authentic* to gain asylum, whereas the latter materializes itself within the homo-nationalist (Puar, 2017) constitution of *good queer citizens* by deprivileging queers who do not conform to this nationally acceptable imaginary of queerness, in a way disciplining them and creating another Other. This operates through a structure of inclusive exclusion thereof, wherein inclusion and exclusion are inextricably connected and serving to discipline and include, or else to other and exclude queer bodies.

6.4. Implications for ISW

6.3.1. Theoretical Implications

The findings of the study imply on one hand the necessity for ISW to elaborate on the insights of queer theories on sexuality to critically assess the Western understandings of SOGI expressions and experiences. This can help to acknowledge and develop a critical understanding first on the binary system of sex and gender followed by heteronormativity, and then the normative and canonizing views on LGBTIQ identities followed by homonormativity. This can help to develop a critical stance on “stage model” explanation of SOGI development of individuals, that underpins the credibility assessments of LGBTIQ asylum seekers’ claims, deeming SOGI as an “uniform and linear trajectory” (Berg & Millbank, 2009). Yet, as simply expressed by Sedgwick (1990, p. 42) “many gay adults may never have been gay kids and some gay kids may not turn into gay adults”.

On the other hand, an elaboration on sexuality through post-colonial theories can facilitate ISW to acknowledge the diversity of SOGI expressions and experiences in different times and in different locations of the world that do not fit into the Western understandings of SOGI; how illegalization of LGBTIQ acts or the proliferation of anti-LGBTIQ sentiments are partially shaped by past and present colonial interrelations (Han & O'Mahoney, 2018; Kalende, 2014; Thomas & Steger, 2018); and how discourses on LGBTIQ rights are instrumentalized in favor of culturalist arguments both in countries of the Global North and Global South.

Thus, I argue that the incorporation of the concept *homonationalism* into ISW curriculums within debates related to queer asylum can bring a multi-level understanding to the issue. Since homo-nationalist conceptualization is not solely focuses on sexualities but it is combined with an analysis of citizenship, it brings together post-structural, queer and post-colonial modes of thinking. Through a conceptualization of power as a sphere nobody is outside of, *homonationalism* paves the way for acknowledging our complicity within the re-production of power asymmetries; and taking responsibility to consciously execute strategies to transform those power asymmetries. In order to not to fuel but to contest both the exclusionary and regulatory immigration policies relying on the schema of ‘nationally acceptable imaginary of good gay citizens’, gaining awareness on homo-nationalist phenomenon is necessary.

Differential belonging

Such an understanding generated by the concept of homonationalism however brings further the need for new formulations of citizenship that are more inclusive. Acknowledging that the recognition of differences creates always another Other, bringing new non-exclusionary formulations of citizenship becomes a non-stop process that is never complete and that requires an active engagement with the political configurations of the social in respect of time and location.

In order to do so, the use of differential belonging (Chávez, 2011) can guide us along the way. Putting the relationality into the center of belongings while addressing oppression and privileges, differential belonging serves as “a progressive enactment of cultural citizenship”. It indicates that nobody must be a certain identity, but a relationality of belongings is fair enough to politically engage. “Who someone is, is constructed by where they belong, and where they choose to belong.”. By not being bound to fixed identities and subjectivities brought about by normative formulations of belongings, differential belonging connects varicolored people and further reveals the fictionality of differences created by the understanding of normative belonging (Chávez, 2011), that is in line with the call of Butler (1990) to develop new possibilities through “an anti-foundationalist coalitional politics”. This strategy can be simply exemplified by the very work of the NGOs interviewed in this study, in terms of their attempts to bridge queer movement with migrant movement. By increasing the connection between two communities and further showing the fictionality of the normative constructions of being a queer and being a migrant, they link queer rights to migrant rights.

Reconciling ISW and the political analysis of the social

As queer asylum demonstrates the interconnectedness of the fields of sexuality; migration; colonialism; and citizenship, ISW does not fall out of the scope of politics and can only be executed from a heterogenized approach to political analysis (Razack, 2009). Such a heterogenized approach to political analysis can be implemented via an elaboration on the concept of homonationalism, linking the post-structural, queer and post-colonial modes of thinking on the political configurations of the social. LGBTIQ asylum therefore can be seen not as a challenge but as a chance for ISW to gain an acknowledgment of the relevance of a critical perspective on sexualities within the context of flight and migration.

To avail a heterogenized approach to political analysis within ISW, it is necessary to critically reassess the policies and practices of neoliberal structures and global power relations shaping immigration controls; and re-production of tangible and intangible borders. Therefore, that requires more than a neoliberal understanding of social work that aim at bringing short-term solutions to social problems without a consideration of dominant structures and hegemonic discourses that causes them. In order to do so, structural social work theory (Mullaly, 2007) can shed a light on this path. While elaborating on the incorporation of sexualities into social work agenda, Mullaly (2007) differentiates legal justice from social justice. Social justice is defined as beyond distributing the access to the exercise of power to deprivileged social groups in a society. In the case of SOGI, interchangeable use of legal justice and social justice is seen problematic because of the risk of justifying dominant hegemonic ideologies where contribution is allowed just when it is desired by those in power, which results in an assimilationist pattern. Yet, when social justice is extended with a liberationist pattern, there arises the chance of reshaping the dominant social order (Mulé, 2008). Thus, it is of high importance to see these right-claims for LGBTIQ recognition not as a static aim, but as a path for the social acceptance of LGBTIQ within the dominant social order (Mulé, McKenzie, & Khan, 2016), as it is in the case of legal improvements for LGBTIQ asylum. As claimed by Butler (1990, p. 5) the political task is apparently not denying the politics of re-representation, which is impossible because there is no space where one can position him/herself outside the juridical structures of language. The task is rather a critical reassessment of the practices that are reciprocally validating the practices of representation politics.

Re-representation of Other

Despite the concern of this study aiming at not to stumble into instrumentalizing LGBTIQ rights in favor of anti-immigration rhetoric, it is expressed by all representatives, albeit in disparate formulations, the prevalence of homo-/transphobia and reluctance to talk about such topics among the non-LGBTIQ asylum-seeker and refugee population. NGO workers are confronted with this situation when their LGBTIQ clients experience discrimination and violence from their fellows and relatives in reception facilities or elsewhere in Germany. While the use of this observation during meetings with state officials in order to influence policymakers to create special reception facilities only for LGBTIQ asylum-seekers, or simply to request the transfer

of an LGBTIQ client from one facility to another due to the experience of a threatening situation, the use of this observation also serves to depict non-LGBTIQ asylum-seeker and refugee population as monotype and backward, disregarding the diversity thereamong, serving to bypass a public debate on the homo-/transphobic structures within Germany; and to the creation of a homophobic Other. Furthermore, the use of this observation on the prevalence of homo-/transphobia and reluctance to talk about such topics among non-LGBTIQ asylum-seekers and refugees, unsurprisingly, often ends up with the argumentation on the irreconcilability of Islam and LGBTIQ rights. This works hand in hand with depictions of Islam as a monolithic entity and causes to silence those identified both as Muslim and LGBTIQ (Siraj, 2014, 2016), denying their agency and speaking on behalf them. Thus, creation of such a subaltern favors not only anti-immigration but also Islamophobic rhetoric by instrumentalizing LGBTIQ rights. What this ambivalent situation shows is that there is a need for a “hyper self-reflexivity” (Kapoor, 2004) when attempting to represent the subaltern subjectivities. Without getting into a superficial discussion based on a simplistic framing of ‘political correctness’ with an argumentation against ‘closing an eye on the human rights violations in countries of the Global South just because it is not our culture, therefore not our business either’, that circularly centers the citizens of countries of the Global North as responsible subjects; and of countries of the Global South rather as objects to be known and rescued, one should imbricate agency to the act of representation. Only this way an act of representation can be legitimate since it does not silence the subject and make it an object of knowledge, but rather give the subaltern the space to speak (Spivak, 2003). This current example pointing out the thin line between Islamophobia and advocacy for the rights of LGBTIQ asylum-seekers and refugees experiencing SOGI-based discrimination and violence from their fellows and relatives can be handled through a strategic use of the aforementioned observation within meetings influential for policymaking that regards LGBTIQ asylum-seekers and refugees for instance. Instead of focusing more on subalternity in subalterns’ (assumed to be) cultures, focusing the states of subalternity generated by the asylum process within receiving countries is not unreasonable. However, misleadingly mixing up two different debates and turning such observations into a culturalizing arguments can do nothing else but only silence the persons of concern. Therefore, acts of representation should be critically and strategically executed in respect of the time and location of an act of speech.

Problems with deconstruction theories' elaboration on otherness in SW practice

When using deconstruction theories while dealing with subordinated identities, it is important to note that, even though it allows social work profession to reflect on “the binary frames of difference” that can facilitate inclusion of non-normative identities, the excessive focus on “hybridity” and “in-determinability” can also risk ignoring some normative belongings formulated by clients themselves that are not compatible with “the deconstructive ideal” (Ploesser & Mecheril, 2012). This is significantly relevant for social workers assisting LGBTIQ asylum-seekers and refugees, since claimants are expected to reverse-cover some aspects of their SOGI expressions in order to comply with the preconceptions of the decision-makers for the sake of their claims' fate. While these preconceptions most probably contain Western understandings of both hetero- and homo-normatively formulated SOGI expressions, asylum-seekers and refugees themselves can be indeed utilizing these normative belongings for their subject-formation apart from the expectations of the asylum systems.

6.3.2. Macro and Micro Level Practical Implications for ISW

Macro-level implications

As there are more public debates on queer asylum taking place, the concerns are also oriented on LGBTIQ-sensitizing trainings. The findings of the study also show the need for sensitizing trainings in context of queer asylum for anyone working in the field, such as decision-makers, practitioners, policymakers. Such training offers are provided by NGOs working with LGBTIQ asylum-seekers and refugees for reception facilities' staff in Germany; namely in arrival, accommodation and detention centers. However, there are a set of points to consider:

“For instance, is training to be designed to confront the homophobia and heterosexism of individual adjudicators? Is the objective to provide information about the realities of LGBT lives? Will training aim to improve adjudicators' legal interpretation of the refugee definition as it applies to LGBT cases? Is there a need to provide factual information about country conditions? Should training focus on providing adjudicators with better interviewing skills to create a safe hearing room for sexual minority refugees?” (LaViolette, 2015, p. 197)

Even though such points are all to partly include in any kind of LGBTIQ sensitizing training in context of queer asylum, attempting to include all points in detail would reduce the efficiency of a training. It is important to keep trainings “specific, targeted and forming part of a larger campaign for independent and fair refugee determination systems” (LaViolette, 2015) for the fate of their efficiency. Therefore, it is necessary to take into account the target group of any training e.g. for decision-makers, for policymakers or for reception facilities’ staff, and organize the content accordingly. Yet, as mentioned by LaViolette (2015) such trainings in the end should not be seen as a “panacea” for challenges and problems of procedures on SOGI-based asylum claims. Albeit having the potential to partly meet some needs, LGBTIQ sensitizing trainings in context of queer asylum is only one-side of a problematic situation that requires multi-level analysis and a holistic approach.

For researchers, it can be hard and problematic to reach LGBTIQ asylum-seekers and refugees if they choose to remain invisible and not to share their stories with strangers, combined with a risk of making them an object of knowledge. For practitioners who work with LGBTIQ asylum-seekers and refugees on the other side, it can be hard to have some extra time from the very practice to spread their knowledge from the grassroots level and network with researchers. Therefore, it is a crucial need to encourage more engagement between researchers and practitioners, a cooperation that can push more efficiently for social change on policymaking processes.

The human rights violations occurring within decision-making processes on SOGI-based asylum claims in the asylum granting countries of the Global North that are shown in this study imply that there is not a standard procedure of assessing SOGI-based claims and UNHCR’s published guidance or judgements of ECtHR in this regard is partly or not at all respected in asylum granting countries. Hence, asylum institutions should be exposed to more pressure for complying with international law and to cease human rights violations.

Queer asylum should not be scrutinized with a unilateral analysis leading to sexualization of LGBTIQ asylum-seekers and refugees. Such an analysis putting the most focus on SOGI for scrutinizing the lived experiences of LGBTIQ asylum-seekers and refugees overlooks the impact of poverty, unemployment and class differences. It should not be scrutinized either with hegemonic discourses reproducing colonial power asymmetries that lead to illusionary divisions of homo-/transphobia countries and the rest of the world.

Micro-level implications

As clearly illustrated by Heller (2009) LGBTIQ asylum-seekers and refugees are exposed to an ambivalence of first “covering” the aspects of their identities which become a reason for them to be persecuted, and then “reverse-covering” the same aspects of their identity in order to prove the veracity of their SOGI by exaggerating some of their behaviors or some points in their personal narratives so that their performance comply with cultural stereotypes of the asylum interviewers. Followingly, she claims that social workers should be critical when assessing the demands of reverse-covering both as a performative strategy for claimants to gain asylum and as a risk of reproducing power relations. However, she asserts that the stance of the social worker on covering demands wherein it serves for discretion argumentation of decisionmakers for denying SOGI-based asylum claims should be entirely on seeing it as persecution

Apart from the handling of this paradoxical situation of covering and reverse-covering demands from claimants, there is a set of points to take into consideration. Asylum-seekers, especially the ones who do not have a recognized status yet, might be not-willing to share detailed information with the professionals about their SOGI. Therefore, it is ultimately necessary as a social worker to establish a trustful relationship with clients. On one hand, social workers should create a safe environment for clients to open about their stories or traumatic experiences, if there is any. On the other hand, there should not be any pressure from social workers in this direction. (Fish, 2012, p. 155). Stigmatization of clients with trauma and victimhood requires attention in order to not to slide down into “re-inscription of powerlessness” (Fish & Karban, 2015, p. 195).

Moreover, the social worker should always have adequate and up-to-date knowledge on local and national immigration legislations regarding LGBTIQ asylum. An understanding of the requirement for the credibility assessment; how to show a stance against argumentations on discretion, state protection, and internal flight alternative used by decisionmakers when denying SOGI-based asylum claims by following recent case examples of rulings from asylum-granting countries; gaining awareness on the problems arising during reception and on the problem of social isolation in small towns lacking queer social resources are very crucial in order to be come up with supportive strategies that can ease the process for clients (Fish, 2012, p. 156).

Lastly, as a social worker assisting LGBTIQ asylum-seekers or refugees, one should establish a level of knowledge of and contacts with local organizations from both the governmental and the non-governmental sector. In the long run, such a professional network would facilitate better referrals when needed, in addition to provision of an opportunity for clients to contact those, who went through similar experiences and struggles. A resource-oriented approach by which the client is not reduced to normative formulations of belonging that are, apparently, 'asylum-seeker or refugee'; and 'LGBTIQ' in this case, but as a person with his/her own unique resilience and strengths is fundamental to empowerment (Fish & Karban, 2015, pp. 196–197).

7. Conclusion

The first purpose of this study was to add the case of Germany to the discussions on LGBTIQ asylum-seekers and refugees. As the findings illustrate, German asylum procedures on SOGI-based claims present similar problems identified in the previous literature from the other asylum granting countries of the Global North. These problems mostly occur during credibility assessments, a process dominantly biased by Western understandings of SOGI expressions whereby claimants are forced to comply with expectations of decision-makers in order to gain asylum. As a result, SOGI-based claims are very quickly denied with an argumentation on disbelief. Besides disbelief, claims are also denied through argumentations on discretion, internal flight alternative and state protection even when SOGI of claimants are found credible. In addition to the problems that arise when assessing SOGI-based claims, LGBTIQ asylum-seekers and refugees face discrimination and violence within the reception stage of their asylum path, both by their fellows and reception facilities' staff. These show the insufficiency of the protective measures taken in Germany for the LGBTIQ asylum-seekers and refugees.

The study further explored how hegemonic discourses on queer rights and queer asylum are used for bordering nation-states and access to citizenship therein, that are imbricated in inclusion and exclusion mechanisms. It is shown that queer rights and queer asylum are instrumentalized to justify culturalizing arguments by politicians and policymakers in both countries of the Global North and South. What is notable to pay attention is also how some liberal humanitarian perspectives deprived of a political and historical analysis of global power relations re-produced such power dynamics by utilizing a narrative of flight from oppression to liberation and by disregarding the flight reasons of LGBTIQ asylum-seekers and refugees that are not SOGI-based.

In order to not to fuel but to contest both exclusionary and regulatory immigration policies on disparate SOGI expressions, the relevance of a critical approach through post-structural, queer and post-colonial modes of thinking on sexualities for the work with LGBTIQ asylum-seekers and refugees proved to be significant through the examination of the practice of queer asylum specific NGOs in Germany. Despite that the NGO representatives interviewed mostly said that their work is not much theory-based and did not name theories as such, their good practice examples showed the opposite. Their use of LGBTIQ identity categories not in a normative and regulatory

way; service provisions in a non-paternalistic manner; encouragement of clients for self-emancipation; and constant advocacy work pushing macro level positive social changes by not overlooking the structural problems were interpreted as parallel to the aforementioned modes of thinking. Thus, it considered as an indicator of the relevance, albeit not named by the practitioners as such.

7.1. Evaluation

The current study contributed to the insights of queer migration scholarship by adding the case of Germany to the literature. The importance of a multi-level analysis to queer asylum was shown. What made the study distinct was the connection made between the use of post-structural, queer and post-colonial modes of thinking on sexualities, and practice with LGBTIQ asylum-seekers and refugees. Despite that such critical perspectives in social work aiming at acting against and transforming oppressive structures are most often criticized with 'being only semantically different' and not really making an impact on micro-level practice (Sakamoto, 2005), the findings of the study showed through the good practice examples of the NGOs whose representatives are interviewed that the awareness on aforementioned modes of thinking, an elaboration on such critical perspectives facilitated them to do their work not by extending exclusionary and regulatory immigration policies on SOGI-based asylum claims (McGuirk, 2018) in Germany, but by challenging structures and empowering clients. These findings in the end can be used to develop useful strategies for supporting LGBTIQ asylum-seekers and refugees and putting pressure on asylum institutions for a better procedure complying with international law and human rights.

7.2. Limitations

One limitation of the study is examination of queer asylum only on one level, that is of non-state practitioners. Insights from asylum-seekers and refugees themselves, BAMF interviewers or federal administrative courts' judges were not present. A multi-level research design can bring a more comprehensive understanding to the topic.

Another limitation was that there were six NGOs whose representatives were interviewed. These NGOs were located in four different cities and in four different federal states of Germany. Therefore, the findings are not representative for practice, prospects and challenges for any NGO in Germany working with LGBTIQ asylum-seekers and refugees, but rather guiding.

Lastly, since the purpose of the study was to show the shortcomings in German asylum system that do not well consider and meet specific needs of LGBTIQ asylum-seekers and refugees, the language of the study was problem-oriented. That risks denying the agency and the resilience of the target-group. However, naming the challenges for LGBTIQ asylum-seekers and refugees that result from the very structures also paves the way for an understanding of the coping mechanism developed by asylum-seekers and refugees.

6.6. Recommendations for Future Research

In line with the limitations mentioned, future research can focus on examining queer asylum all on macro, mezzo and micro level. Such a multi-level research design might allow researchers to integrate post-structural, queer and post-colonial modes of thinking on sexualities to the research and explore better the transfer between theory and practice.

Moreover, the findings showed that there are slightly different policies and practices in each federal state of Germany regarding the protective measure taken for LGBTIQ asylum-seekers and refugees. Future research can aim at revealing those different policies and practices in each federal state through a comparative research. Findings of such a research can help the process of developing a nation-wide standardized and fair process for the management of SOGI-based asylum claims.

Lastly, the research showed having to stay for long periods in common accommodation worsens the situation for LGBTIQ asylum-seekers and refugees. In the light of the findings, this situation is apparently exacerbated by the so-called system of *AnkERzentren* in Germany wherein asylum-seekers are kept inside with an obligation to stay in a facility where all relevant authorities are present for the entire procedure from arrival to the decision on asylum, and from relocation to another part of Germany to deportation. Considering the recent amendments adopted by German Parliament in the beginning of June regarding immigration and asylum policies that extend asylum seekers' length of stay in initial reception centers from up to six months to eighteen months (Ott & Judith, 2019), future research can target the asylum-seekers, refugees and workers in *AnkERzentren* and in any initial reception center in Germany to reveal such problem-ridden structuring of reception facilities.

Statutory Declaration

I hereby declare that I have developed and written this Master's thesis completely by myself, and have not used sources or means without declaration in the text. Any thoughts from others or literal quotations are marked as such. I assure that this Master's thesis has not been used to pass any previous examination.

03.07.2019, Würzburg

Appendix

Informed Consent Form

Title of the project:

Study Program:

Researcher:

I confirm that I have read and understood the information shared with me for the above study. I have had the opportunity to consider the information, ask questions and have had these answered satisfactorily.

I understand that my participation is voluntary, and I am free to withdraw at any time without giving any reason and without any consequences for me until 30.03.2019. After this time, the researcher will be at the point of writing up his research, therefore will not be able to remove quotations from the final thesis.

I have been informed that the interview will be voice-recorded and transcribed. I give my consent for this recording and transcription to be made.

I understand that all information I provide will be treated as confidential and will be anonymized.

I agree to the use of anonymized direct quotes from my interview in publications and presentations arising from this study. I agree that the transcript of the interview in which my identity remains anonymized will be added to the appendix of the thesis

The consent forms and original audio recordings will be stored safely only accessible by the researcher. Transcripts will be seen by supervisors of the thesis.

I agree to take part in the above study. The participation of the study involves an interview which will take approximately one and a half hours.

I am free to contact the researcher, Eren Aygün, erennaygun@gmail.com at any time for further information.

_____	_____	_____
Name of the Participant	Signature of the Participant	Date
_____	_____	_____
Name of the Researcher	Signature of the Researcher	Date

Interview Questions

1. Questions about the organization:

- What is your organization doing and what is your position in the organization?
- How do you reach to LGBTIQ asylum-seekers?
- Which service provisions do you have for LGBTIQ asylum-seekers? (financial, social, legal, psychological etc.)
- What are your projects and the main aims of your projects?
- How do LGBTIQ asylum-seekers benefit from your projects? What kind of feedbacks do you receive from your clients?
- How long are the asylum-seekers able to receive support? (Do you follow up some cases?)
- How are you getting into contact with other governmental/non-governmental organizations?
- From which professions are your co-workers within your organization? (social worker, psychologist, lawyer etc.)
- What kind of training do you get for working with LGBTIQ asylum-seekers?
- What do you find specific within your work with LGBTIQ asylum-seekers?
- What are the challenges you encounter within your work with LGBTIQ asylum-seekers? How can those challenges be reduced?

2. Questions about the asylum-seekers that are worked with:

- How many asylum-seekers approximately do you work with in total - and how many of them are identifying themselves as LGBTIQ?
- How many are lesbian/gay/bisexual/trans/intersex/queer people?
- On which aspects do you think the protection needs for each group (lesbian/gay/bisexual/trans/intersex/queer) of asylum-seekers are different and similar?
- Do you have different service provisions for each group? If yes, how?
- From which countries are the LGBTIQ asylum-seekers coming? Why do you think they are coming from these countries?
- What are the difficulties experienced by LGBTIQ asylum-seekers before and after their claims? (inside Germany)
- Once the LGBTIQ asylum-seekers enter Germany, how are their experiences with homophobia/transphobia in Germany?

- Which medical and psychological difficulties do they experience?
- How are LGBTIQ asylum-seekers perceived in Germany?

3. Questions about organizational approaches:

- How do you name your target group (queer/LGBTI/LGBTIQ/Sexual minorities - Migrant/immigrant/refugees/asylum-seekers)? Why do you choose these terms?
- Which theories do you use in your work?
- On which topics are you often elaborating in your team-meetings?
- “People oppressed due to their SOGI fleeing to modern/civilized West in order to freely become their selves is an argument of some political figures who are in favor of culturalism (Giametta, 2017; Butler, 2008).”

What do you think about this statement?

- “Patriarchal attitudes and anti-feminist/LGBTIQA behaviors are often associated with Muslim immigrant men in the dominant discourse (Bruns, 2017).”

What do you think about this statement?

- Do your opinions about these statements have an influence on your work?
- There are some discussions in the public debate in Germany on reducing the numbers of migrants and closing the borders. What is your stance in this regard?

4. Questions about the asylum system in Germany for LGBTIQ asylum:

- How do you find the asylum procedure for SOGI-based claims in Germany?
- What do you think about the credibility assessment for SOGI-based claims?
- How are your experiences in legal-aid for SOGI-based claims? (preparation for interviews etc.)
- How do you use this relatively restrictive legal system in favor of your work and your clients?
- How are their experiences in reception centers, accommodation centers or in detention? How are you assisting them in these regards?
- How are your clients’ experiences with deportation or illegality? How are you assisting them in these regards?
- How could the policies and practices be improved regarding SOGI-based claims’ evaluations?

5. Future-oriented questions:

- With which structural limitations are you confronted regarding LGBTIQ asylum in Germany? How can you address those limitations?

- What should be improved from a social work perspective? (within your work + within the system)
- What would the improvement change?

6. Is there anything else you would like to add?

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