

## “LGBTI Refugees”: Rights and Narratives Interlinking Gender, Sexuality and Violence\*

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### Abstract

Since 2002 international agencies have recognized refugee status on the basis of sexual orientation and gender identity. This article looks at the articulation between sexual rights and refugee rights and the emergence of the category “LGBTI refugees”. The relationships between gender, sexuality and violence are discussed in connection with the narratives about violence produced by various agents from the institutional world of refugees, and by asylum seekers themselves. The analysis is based on ethnographic field research in Spain and Brazil.

**Keywords:** Sexuality, Gender, Refugees, LGBT, Rights.

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## Introduction

Since 2002, international agencies have officially affirmed the pertinence of recognition of refugee status to those who request it based on sexual orientation and gender identity. The category “LGBTI” (Lesbian, Gay, Bisexual, Transgender and Intersex) refugees<sup>1</sup> emerged from an articulation between two fields of rights, those related to refugee status and those related to gender and sexuality. This is a discursive context in which gender and sexuality interconnect with the notion of “refugees”, finding provisional roles in the naming of new subjects, in the category of victims, who deserve protection of the state.

The emergence of new subjects and rights is linked here to the increasingly intense presence of the so-called sexual rights<sup>2</sup> in the international plane and to government policy agendas in recent decades (Vianna, Lacerda, 2004). Amid this process, Eric Fassin has highlighted the attribution of a positive value to homosexuality in the West, at the heart of sexual policies that give shape to the idea of “sexual democracies”. This idea contains an important defense of rights related to sexuality, that can be included in current political agendas to the same degree to which their guarantee is linked to the maintenance of democratic values. On the other hand, as Eric Fassin affirms (2011), this implies the risk that the idea of “sexual democracy” can operate in a

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<sup>1</sup> In documents related to UNHCR and in some realms of the institutional universe of refugees, the most commonly used category in reference to these forms of requests is that of SOGI (Sexual Orientation and Gender Identity). Nevertheless, the category of “LGBTI refugees” frequently appears disputing space with the acronym SOGI and I believe that it has been more successful in the sense that it confers greater intelligibility to the theme, especially in countries that speak the Romance languages.

<sup>2</sup> Adriana Vianna (2012) defines “sexual rights” as a “recent contemporary invention”, “a diverse and heterogeneous set of principles, demands, disturbances and political subjectivities” (Vianna, 2012:228). This definition indicates a multiple and relatively instable group. This applies in a more or less similar way to the more established fields of rights, which also interact with “sexual rights” in this scenario.

normative manner, and be instrumentalized for racist, xenophobic or Islamophobic purposes. These uses can be illustrated by the way that in the United States the rhetoric of sexual conflict of civilizations was used in the war against “terrorism” under the justification of liberating Afghan women. In Europe the same rhetoric has served current policies for restricting immigrants, enacted with support from more conservative parcels of the feminist and LGBT movements (Fassin, 2012; Fassin, Salcedo, 2015).

Leticia Sabsay (2012) maintains that this is nothing more than discourse in the more shallow sense of the term: we are witnessing the empty triggering of a “progressive sexual rhetoric” by the part of countries that intend to be the lighthouse of Western democracies. Sabsay’s arguments approximate the way that Judith Butler describes the articulations between a “cultural presumption of progress” and a “gross utilization and exploitation of the norm of ‘liberty’ as it functions in contemporary sexual politics” in a narrative of war in which Islam is seen to be backwards, a type of “abject ruin” (Butler, 2016:187-9). For Butler, the feminist and LGBT movements can only escape the trap if they are not politically limited to a desire for recognition by the state, and instead participate in new alliances against the violence of the state.

The reinforcement of nationalisms and the related processes of racialization have been increasingly indicated as undesired effects of the way that gender and sexuality have operated as language in international political disputes: together with notions of “(homo)sexual citizenship”, in a reading that articulates liberty, nation and citizenship, borders are also established between a “West” characterized by respect for sexual diversity and gender, by egalitarianism and modernity; and an “East” identified by the denial of rights, by hierarchy, prejudice, backwardness and obscurantism. In this perspective, what is considered as “modernization” or “sexual liberty” would also be part of a construction that negatively racializes that which goes beyond national borders of countries that present themselves as models of Western democracies, in an interplay in which sexuality acts as a

fundamental element of the production of contemporary “Orientalisms”, to recall the expression of Said (2001).

This debate cannot be transposed to the Brazilian context without being mediated. Nevertheless, Brazil is not isolated from this debate. Although much has been said about the discrepancies between the enactment of policies to confront violence against LGBT individuals and the discourses that accompany them, the centrality of the issues related to gender and sexuality in the recent presidential elections in Brazil in 2014, have not gone unnoticed. These themes arose with a special emphasis in the electoral debates over abortion and violence against LGBT individuals and divided the candidates into distinct ideological fields. There was special commotion in relation to the participation of one minor candidate in a television debate in which he called for the “majority” to confront LGBT individuals, thus calling attention to his candidacy and giving voice to the emerging conservative wave that later became sharper. It is in this conjuncture that the declaration of the recently elected President Dilma Roussef can be understood, in her first interview after re-election, in which she defined the criminalization of homophobia as a “civilizing measure” in opposition to “barbarity” (SAGGESE, 2015). Although the firm response signified a reaction to the conservative attacks that incited violence against LGBT individuals in those elections, the suggestion of the confrontation between “civilization” and “barbarity” with the criminalization of homophobia as a dividing line, reveals a certain distortion at that time in which the fight against homophobic violence disturbingly divided the same sphere of production as our own “barbarians”.

At the interconnections between sexuality, migrations and refugees, it should be observed that in some twenty years, Brazil passed from being a country that was mostly the origin of people requesting refugee status based on sexuality and gender to being a country that accepted requests of “LGBTI refugees”, due in part to the construction of a legal apparatus that allowed, for example,

same-sex marriage”.<sup>3</sup> Even so, requests for refugee status abroad do not cease, although in recent years entities that defend LGBT rights have affirmed in the press that they have stopped issuing reports supporting these requests. A report from 2012 published on UOL, a leading Brazilian news portal, presents the significant statements of a Brazilian activist who said that situations such as these conceal the advances in LGBT rights in Brazil. “We are not an Iran”, the activist emphatically exclaimed in the report.<sup>4</sup>

Nevertheless, we are also not France or the United States: issues related to gender and sexuality in Brazil do not perform the same role domestically as do the projects of the “war on terror” and the “closing of borders” in these countries, as contemporary social criticism has indicated. Nevertheless, despite our currently disturbed political field, a register that locates sexuality in the language of rights, at the same time that it locates it at the center of broad political disputes, appears to predominate in recent years, as Sérgio Carrara has found. Carrara affirms that the incorporation of activist LGBT and feminist agendas by nation states and international agencies indicates – in a movement that transcends national contexts – “a much broader process of transformation through which passes, in the West, the very “apparatus” of sexuality, as conceived by Michel Foucault” (Carrara, 2016:324).

The reconfiguration of the apparatus of sexuality would also influence the reaccommodation of borders and limits, delineating subjects of rights or victims to be protected by the state and at the

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<sup>3</sup> Although no official data are available about this, it is possible to support this affirmation based on the statements of agents involved with the universe of refugees in Brazil. Based on this information, we can gather that Brazil continues to be a country of origin of people who request refugee status for reasons that strongly include factors related to gender and sexuality, although it is impossible to quantify the requests and there are public declarations of Brazilian activists affirming they do not support these requests, as we have seen. The absence of available data makes it very difficult to risk any firm conclusions about this theme.

<sup>4</sup> “Cresce número de brasileiros gays no exterior que pedem asilo alegando homofobia” (Garcia, 2012) [<http://noticias.uol.com.br/cotidiano/ultimas-noticias/2012/04/04/cresce-numero-de-brasileiros-gays-no-exterior-que-pedem-asilo-alegando-homofobia.htm> – accessed on December 13, 2016].

same time redefining mechanisms of administration, control and criminalization of populations. If homosexuality, for example, can assume acceptable forms and more positive versions, “sexual tourism” and “human trafficking”, for example come to be “social problems” and generate great social concern and investments from national and transnational apparatuses.<sup>5</sup> The insightful reading of Carrara (2016) on which this argument is inspired, allows a sufficiently elastic approach to quite thorny processes, which are loaded with obliquities that otherwise do not become explicit. More than a linear and univocal movement of advances, these processes can be better understood in their constitutive contradictions and ambiguities. This requires from us, as researchers in the field of gender and sexuality studies, new analytical investments.

Between the refusal of any notion of “sexual citizenship” in the liberal mark and the maintenance of an idea of “sexual democracy” with the rejection of its conservative uses, a counter reading of the processes of recognition of rights and the related gaps that open will allow highlighting tensions and torsions. I take inspiration from the vocabulary used by Anne McClintock to affirm that we are dealing simultaneously with violence and power, but also with processes of production of differences, fantasies and desires (McClintock, 2010). It is in this entanglement that we can glimpse how “the experiences of people, of desire and anger, of memory and power, community and revolt, are inflected and mediated by the institutions through which they find their meaning – and that they, in turn transform” (McClintock, 2010:37).

My expectation is that an ethnographic exploration of the articulation between migrations and refugee status and sexuality in different national contexts can offer framings that are simultaneously partial and encompassing of these complex dynamics of production of subjects and differences. I seek to approximate the ambiguities and disjunctions of systems that

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<sup>5</sup> As demonstrated well by the works of Adriana Piscitelli (2013), which are also mentioned by Carrara (2016).

suppose the protection and at the same time the control and criminalization of migrants;<sup>6</sup> and of how these systems, articulated to gender and sexuality, operate as a source of limitations, but also as ground for agency for people who move through them among different territories and categories. In the final instance, I consider that, at different levels, it is sexuality itself as an “apparatus” that is revised in these processes.

I believe that anthropological knowledge at its interlocution with feminist theory can contribute to the debate through the perspective of localized knowledge that can offer framings that are simultaneously partial yet capable of grasping complex dynamics of production of subjects and differences (Haraway, 1995). In this article, I present initial reflections from a study about the production of the figure of “LGBTI refugees” using as sources documents, interviews and conversations with workers from the institutional world of refugees in Spain and Brazil, mainly considering questions about the processes of recognition of these

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<sup>6</sup> This article was written when the Brazilian law for the protection of refugees co-existed with the determinations of the Foreigners Statute, a comprehensive law in place since the military dictatorship in Brazil, which delegated to the Federal Police broad powers concerning immigration and was guided by a perspective of foreigners as a national threat. At the time of conclusion of this article, the Chamber of Deputies approved proposed law 2516/15, which revoked the Foreigners Statue and presented changes in the direction of recognition of immigrants as subjects of rights. The proposed law is now being deliberated by the Senate, and its versions were subject of intense debate in the Chamber of Deputies. One of the central points was the scope of action of the Federal Police, which is responsible for monitoring people who enter and leave national territory in the border regions. Although the law can be recognized as an advance, its analysis requires pondering, not only because of its possible weaknesses, but also because it is not the only element to act in the national policies concerning migration. According to Bela Feldman-Bianco (2017), “beyond the need to approve this law, we must consider that Brazil is aligned to a new world order and the global agenda in fighting drug trafficking, human trafficking and that of contraband – which includes the approval of an anti-terrorism law, and thus, greater control at the borders. This is a question that requires considerable attention and mobilization, given that it involves a policy of criminalization of immigrants and the judicialization of the migratory question, which is being exported by multilateral agencies at the global level”.

subjects and the dynamics involving regimes of visibility and invisibility related to sexuality.<sup>7</sup> At the conclusion, I present two stories involving people requesting refugee status who identify themselves as homosexuals in Spain and Brazil, to explore the centrality of narratives in their appeal for recognition of refugee status and to question ambiguities between protection and criminalization, migration and refugee status. I hope, in this way, to contribute to the debate delineated in this introduction, by exploring the relations between violence and the production of subjects and victims at the intersection between refugee status, migrations and sexuality.

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<sup>7</sup> The objective of the study that gave origin to this work includes multiple dimensions related to the construction of the recognition of the refugee based on sexual orientation and gender identity in the field of rights, with special attention to the emergence of the category of “LGBT refugees” in the universe of documents and in the institutional world of the refugee. Considering its formal and institutional arrangements, I also sought to address how people are interpellated by this category considering the positions of subject that they occupy. The field study has been realized in Spain and Brazil, considering the pertinence of addressing the theme in different national contexts. In this article I work with the acronym LGBTI or LGBT, because it seems to me to be the most current category in the contexts in which I have been participating, and also appears to be a category that identifies these subjects as a “particular social group” in many documents. In a more technical approach, especially concerning some UNHCR documents, the more generic term in reference to this theme, which is supposedly less marked by Western political identities, is “SOGI” for “Sexual Orientation and Gender Identity”. In methodological terms, I note that in the same way that the LGBT category – or on the international plane LGBTI – cannot be considered as a descriptive category of the subjects to which it refers broadly, the category of “refugees” does not refer to a shared experience or to an essence of the subjects. It first involves a production of categories and subjects as “refugees” amid the entanglement of documents and complex administrative processes, that oppose, for example, “refugees” and “economic migrants”.

### **LGBTI refugees: documents, categories and subjects**

The category “refugee” emerged at a historic moment after World War II, as a “specific social category and legal problem of global dimensions” (Malkki, 1995:498). The legal mark is the signing of the Geneva Convention of 1951, which defined that the quality of the “refugee” can be granted to a person who, due to fear of persecution for reasons of race, religion, nationality, or membership in a specific social group or for holding specific political opinions, is outside of their country of nationality and for this reason does not want the protection of this country or cannot or does not want to return to this country.<sup>8</sup> Another legal foundation is the Protocol Relating to the Status of Refugees of 1967, which expanded the scope of the original convention and recommended cooperation of national authorities with the United Nations through the U.N. High Commissioner for Refugees (UNHCR), a UN agency with local offices.

The way that the 1951 Convention and the 1967 Protocol are incorporated to refugee policies also involves regional and national articulations and contexts, in a confusing pile of documents that becomes denser at certain intersections.<sup>9</sup> In

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<sup>8</sup> The best known paragraph of the 1951 Convention says that the term “refugee” will apply to any person who: “As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, national- ity, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it” (UN Convention Relating to the Status of Refugees 1951).

<sup>9</sup> In Latin America, it is important to emphasize the articulation of two other documents, referring to the local political context: in Central America, during the Cold War, in Nicaragua, Guatemala and El Salvador it is estimated that there were 2 million refugees and displaced persons, who were difficult to fit within the Geneva Convention and the protocol of 1967. Thus, in Mexico in 1981 the Colloquium on the International Protection of Refugees in Central America Mexico and Panama was held, which suggested the adaptation of international laws on refugee status to the needs generated in the realm of the crisis in Central

general, however, both continue as the broadest base to which other norms and guidelines refer which establish, since the 1990s, women and “LGBT” as specific social groups that require specific protection. In terms of gender and sexuality, a rapid analysis of the path of internationally circulating documents indicates a movement of specification of the categories and subjects of rights, passing through a first moment in which “homosexuals” and “women” are addressed in the same document as being vulnerable to gender-related persecution, and in a second moment in which there is a separation of these categories and subjects and the emergence of categories such as “sexual orientation” and “gender identity” and the term “LGBTI”, in a movement of autonomization of sexuality. These two moments are separated by just over ten years, between the first document in 2000, and the current guidelines from 2012 (UNHCR, 2012).

In the current guidelines, the chapter about “belonging to a specific social group” has particular importance, because it discusses the bases upon which LGBTI individuals can be established as a “specific social group” in light of situations of violations of rights under the Geneva Convention. The understanding is that belonging to the “specific social group” of LGBTI justifies the refugee request when this group is found in contexts in which it “has its rights systematically violated” and those seeking refugee status classify as “potential victims of these violations”.

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America. Another colloquium, held in Cartagena de Indias, Colombia, in 1984, led to the Cartagena Declaration on Refugees. Following the guidelines of the Mexico Colloquium, the Declaration extended the category of refugee to those who had their human rights violated or had to escape due to grave disturbances of public order. In 1994, the San Jose Declaration, drafted in Costa Rica, reaffirmed Cartagena and expanded a bit more its scope by focusing on refugees internally displaced within Latin American countries. This process was revived in 2004, in light of the war in Colombia, with the release of the Mexico Plan of Action, which pointed to protective measures for refugees, including the installation of a resettlement program, in Latin America. These processes are described well in Barichello (2012).

In terms of the categories that articulate gender, sexuality and violence, the category of “persecution” should be mentioned, which defines these relations in terms of refugee status. In the current document, “persecution” is determined by the degree of the events reported and by the “opinions, feelings and psychological state of the solicitant”: “it is possible to consider that it [the term persecution] encompasses grave human rights violations, threats to life and liberty and other serious forms of violence. Nevertheless, less serious forms of violence, if on-going, can also constitute persecution. The equivalency of actions to persecution will depend on the circumstances of the case, as well as age, gender, opinions, feelings and psychological state of the solicitant” (UNHCR, 2012).

The document also indicates that threats of “serious abuses” and “physical, psychological and sexual violence” are common to LGBTI requests”, highlighting rape as “a form of torture” and a “violation of personal dignity”. In this line, actions qualified as “torture” include “efforts to change an individual’s sexual orientation or gender identity by force or coercion”. This information is compiled, based on other UN reports: the information about torture has origin in the data presented by the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment concerning LGBTI; the item about arbitrary detentions and the situation of imprisoned LGBTI individuals is related to the report of the UN Working Group on Arbitrary Detention and so on. The foundation for the argument thus depends on information produced by a system of indicators specific to international agencies. Concerning refugee status, the information about the violation of rights of LGBTI individuals in a wide variety of countries is fundamental to the “analysis of the credibility” and “well-founded fear of persecution” of the requests presented.<sup>10</sup>

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<sup>10</sup> The transformation of violence in indicators and reports, is, therefore, an essential element in the processes of recognition of refugees and, more broadly, of the action of international agencies in local contexts. This explains the highly successful international mobilization for the recent approval of an Independent

A more detailed analysis of the documents goes beyond the scope of this article.<sup>11</sup> It is worth mentioning, however, that to this universe of documents corresponds the actions of international, national and local entities, which means that in Spain and Brazil there began to appear seminars, pamphlets and training sessions about the issue of “sexual orientation”, “gender identity” and “refugee status”. Unlike Spain, however, in Brazil, there is a relative absence of people requesting refugee status as LGBTI, which requires what the UNHCR considers to be a “public voice” that is capable of giving flesh and bones to this category. Similarly to the way that the deaths of LGBT are denounced by the movement in its effort to give shape to “homophobia”, as demonstrated by Roberto Efreim Filho (2016; 2017), here it is the lives of those who escape death – and their scars and “traumas”- which compose this category.

In Brazil, the passage of people considered to be “LGBTI” through institutions is difficult to capture and even more difficult to politically mobilize.<sup>12</sup> For example, a worker from an entity that deals with refugees told me that the trajectories of the people that she serves directly does not correspond to the expectations of

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Expert on Sexual Orientation and Gender Identity at the UN, which found strong opposition from some of the countries that compose the UN Human Rights Council. The mechanisms for production of indicators in the international realms have been critically addressed by anthropological studies, which have highlighted the risk of establishing categories and hierarchies when converted into indicators and reports, as well as the action of research companies in this field (Merry, 2011).

<sup>11</sup> A more detailed analysis of the chain of documents, and of the changes in the categories related to gender and sexuality, within them, is found in França and Oliveira (2016). José Díaz Lafuente (2016) offers a quite comprehensive analysis of the legal order related to asylum and refugee status for reasons of sexual orientation and gender identity in Spain and the European Union.

<sup>12</sup> In Brazil, the few studies about the theme, such as those of Vítor L. Andrade and Fernanda Martinelli, also reveal the difficulties identifying possible interlocutors who are refugees or seeking refugee status based on sexual orientation and gender identity (Lopes Andrade, 2015; Andrade, 2016; Martinelli, 2015).

journalists and researchers. She mentioned someone seeking asylum from an African country who identified himself as a homosexual and had began a process to “cure” his homosexuality with the “help” of a Neo-Pentecostal church in Brazil. Meanwhile, a woman refugee from a Middle Eastern country who identified herself as a lesbian underwent a moment in which she reconsidered her sexual identity, attributing her homosexuality to deep sexual repression that she had experienced in her country. Although they are not the rule, these narratives illustrate some of the disjunctions between categories and the trajectories that they suppose.

The more or less rarefied character of these contacts and the absence of “public voices” are commonly interpreted as proof of the “invisibility” of the issue. I consider, however, that this line of explanation – used by part of the international literature about the theme and common in the rhetoric of the LGBT movement – proves to be insufficient in light of the active construction of the theme in the arena of international rights and given the high value attributed to causes involving sexuality and refugee status. In this situation, regimes of “visibility” and “invisibility” of LGBT individuals can be better interpreted as a dynamic field that is produced in the articulations between international scenarios of rights, administrative processes of competence of nation states and institutions of humanitarian assistance.

The explanatory concept of “invisibility” also does not account for what documents from the UNHCR in Brazil and abroad qualify as an underreporting of the cases referring to sexual orientation and gender identity. An excessive attachment to the numbers does not necessarily lead us to a safe anchoring here: first, because the precise numbers referring to both countries are not reliably provided by the responsible entities, both concerning the situation of the process and concerning the profile of those requesting refugee status; second because, in terms of “LGBTI”, the enunciation of motives related to sexuality and gender as a base for request is also a strategic choice.

Recognizing this need for caution, it is worth mentioning that both in Brazil and in Spain, countries in which the number of refugees is small when compared to other countries, we are speaking of a few dozen officially recognized requests for refugee status based on sexual orientation and gender identity.<sup>13</sup> More recent UNHCR data account for 126 people identified by its office in Brazil who requested refugee status and identify themselves as LGBT – although this data does not allow understanding the connections between sexual orientation, gender identity and the requests. In Brazil, Caritas, the main entity that works with refugees in Brazil, affirms that it has served some 200 immigrants or people requesting refugee status classified as LGBT between 2015 and 2016 in São Paulo. In relation to Spain, I did not find similar data.<sup>14</sup> It is considered that both countries receive few refugees in relative terms, despite the growing number of requests.<sup>15</sup>

Concerning refugee status and LGBTI individuals, there is a general concern among workers to explain what they consider to

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<sup>13</sup> In Brazil, according to data from information presented by the UNHCR (Acnur; Leite, 2015), the country now has 18 requests based on sexual orientation and gender identity recognized and 23 pending analysis. In Spain, according to the Ministry of the Interior, in 2012 and 2013 there were 15 and 14 requests granted respectively, with no more recent data (Reyes, 2014).

<sup>14</sup> The recent data from UNHCR and Caritas in São Paulo were mentioned in public situations in Rio de Janeiro and São Paulo, respectively, at which members of the two entities were speakers.

<sup>15</sup> The number of refugee requests in Brazil rose from 966 in 2010 to 28,670 in 2015 and there are now 8,863 recognized refugees in the country (BRASIL, 2016). The data cited here do not include Haitian refugees. Between 2010 and 2014 39 thousand Haitians entered Brazil, and were granted visas by the Immigration Council for “humanitarian reasons”. In Spain, there were some 15,000 requests for asylum in 2015, which was three times above the number of 2014, but represents only 1% of the requests in the European Union (CEAR, 2016). It is not difficult to understand that Brazil and Spain, in general terms, receive few refugees, considering the 3.2 million people requesting refugee status worldwide, the 21.3 million refugees (who have not requested this status and Palestinians) and of the 65.3 million people considered to be under “forced migration” worldwide. These numbers have grown rapidly since 2014 (UNHCR, 2016).

be a low number of recognitions in relation to the processes in general. They commonly highlight the difficulties created by the need to prove the “sexual orientation” of the claimants, in terms of a supposed “truth” of sexual identity (Oliva, 2012; Jansen; Spijkerboer, 2011; Spijkerboer, 2013; Kobelinsky, 2013; Bennett, 2014; Fassin; Salcedo, 2015; Murray, 2016). With the exception of scandalous situations, such as the application of phallometry tests in the Czech Republic in 2010, to determine the credibility of the refugee request base on sexual orientation,<sup>16</sup> studies have found great difficulties with these interviews.

The inexistence of an explicit standard for the interviews, which is essential to the production of a successful narrative, would in thesis allow accepting different trajectories but also establishes a type of gray zone in which there are presumptions about a convincing narrative in terms of gender and sexuality. This causes not only great anxiety among the refugees about suitable gestures, stories and behaviors, but also a large number of denied requests for refugee status related to performances by the requesting individuals that were considered to be unconvincing. Those requesting refugee status must thus find a tenuous equilibrium, based on sexual orientation and gender identity, given that they are emerged in a murky territory in which they face various expectations and it thus remains unclear how they should present themselves.

On these grounds, sexuality as a contemporary “apparatus” that is central to the production of the truth of subjects (Foucault, 1982; 1994; 2008) is articulated to other “apparatuses”, given that the person requesting refugee status on any grounds is also interpellated by a process of production of the self as “a refugee” from the perspective of the “institutional world of refugees” (Facundo, 2014). In the articulation between the production of the self according to regimes of truth related to sexuality and to refugee status, a type of model narrative is established, which is

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<sup>16</sup> The procedure generated an international scandal and provoked the reproach of the UNHCR for violating the human rights of LGBTI people (UNHCR, 2011c).

marked by the association between migration to another country and the “West” as a “chronotype” for the development of certain sexual and gender identities (Murray, 2016:22). The construction of these narratives involves the relationship with different actors in the universe of refugees, from humanitarian assistance agencies to the administrative structures in the nation states that are articulated in distinct forms depending on the context in which they are found.<sup>17</sup>

In Spain, people with whom I spoke, including staff members at UNHCR and refugee and immigrant support groups, point to the first interview at border zones – which is conducted by police employees, often hurriedly, without suitable interpreters and without lawyers present – as the main problem confronted by those who seek “LGBTI” refugee status. The stories may be discarded as less credible if they are similar to others, if they have few details, if there are mistakes about dates or details in the narratives. Despite the training offered to the border agents by the LGTB program of the Community of Madrid and to which advances have been accredited, one UNHCR employee in Madrid with whom I spoke on my last field visit affirmed that “deep down” the agents involved with refugees in Spain are still looking

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<sup>17</sup> In Spain, this route can follow a first interview by police staff; the completion of forms; the interview with employees of refugee services, the legal, social and psychological services of public agencies; until the interview conducted by employees of the Interministerial Commission of Asylum and Refugees. In Spain, people requesting refugee status are sent to the Commissaries of Authorized Police, to the Foreigners Workshops or to the Office of Asylum and Refugee Status). The process is undertaken by the Interministerial Commission of Asylum and Refugee Status, with final determination by the Ministry of the Interior. In Brazil, the first contact with authorities to whom they request refugee status occurs in contact with the Federal Police, within the national territory or in primary border zones; this contact is often intermediated by refugee support agencies, notably by the Caritas Archdiocese, a Catholic Church related organization, which also conducts interviews considered to be complementary to the process of requesting refugee status (thus being admitted by CONARE) and intermediates the process of requesting recognition of refugee status together with CONARE – the National Committee for Refugees, of the Ministry of Justice, which issues the final decision related to the refugee.

to prove the sexual orientation of those requesting LGBTI based refugee status, but “they do not do it in writing”.<sup>18</sup>

In Brazil, the action of the Federal Police in primary border zones<sup>19</sup> has also been called problematic and even in internal administrative processes, in which those seeking refugee status face professionals said to be “unprepared”, trained according to a perspective that emphasizes security in migratory processes. In relation to processes of eligibility, when asylum seekers are already on national territory and the cases are being processed by the National Committee for Refugees, of the Ministry of Justice, (CONARE), employees of the UNHCR and CONARE in Brazil suggest that the sensibility in relation to gender and sexuality depends to a certain degree on the training and individual concerns of the interviewers.

In recent years, for example, episodes were reported in which officials responsible for determining refugee status asked questions considered to be invasive and inappropriate, such as; is the soliciting person accustomed to being “active” or “passive” in sexual relations.<sup>20</sup> The general orientation, however, is that the issue of credibility be evaluated according to an analysis of the plausibility of the narrative of the subject, which has little or nothing to do with proving his or her sexual identity. The “analysis of credibility” as a whole would be a combination of “evidences” presented in the case, including the report of the soliciting person – in a previously filled in form and in a personal interview – “documents” that may prove the history narrated, “reports” of

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<sup>18</sup> Interview conducted with an employee of UNHCR in Madrid, February 9, 2016.

<sup>19</sup> The primary zones are defined by decree n. 84.853, of July 1, 1980, which concerns the jurisdiction of services and other customs controls. They correspond: “a) to the area, terrestrial or aquatic, occupied by customs ports; b) to the land area occupied by airport customs operations; c) to the area adjacent to the points of customs-monitored borders and respective customs stations”.

<sup>20</sup> According to the report of an employee of UNHCR in Brasília, shared in an informal interview conducted in May 2016, and reaffirmed in a public event held in Rio de Janeiro.

people in similar situations and “Country of Origin Information (COI)” about the claimant. The final report issued by the official responsible for determining eligibility should not be a type of testimony of the history told, but of its plausibility.<sup>21</sup> In both the Spanish and Brazilian contexts, it is understood that there is an effort to construct processes that seek to protect the “intimate life” of those requesting refugee status. At the same time, the evaluation of the testimony of the claimants and its confirmation with other information, especially that about territories of origin, continues to be central to the recognition of refugee status. On one hand, it is justified to be concerned about protecting the instrument of refugee status as an apparatus for protecting refugees and to prevent frauds that can weaken this instrument, which is essential to guarantee the protection of the subjects. On the other hand, the production of legitimate and recognized “refugees” also delineates a group of people who do not fit into the possibilities for protection offered by nation states, and is located on its margins as migrants who are considered irregular.

Below, I will reconstitute two stories about people requesting refugee status identified as “homosexuals” in Spain and Brazil. The reports are important because they allow, even if in a fragmented manner, to access different layers that involve the recognition of violence and of the victims in the context of humanitarian reason (Fassin, 2012; Malkki, 1996). Although there is an imbalance in the details of the narratives, they are similar in their production of truth and their silence at the intersection between sexuality and refugee status. The veracity of the stories is not the prime issue, what is more important is how they allow

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<sup>21</sup> According to a CONARE eligibility official, “it is important that in the report, the official is able to say, based on the data presented by the requesting person, if it is reasonably possible that this took place or not. It is nearly impossible for you to be 100% sure. You will say, in relation to the claimant’s declaration, if it is coherent (...). And then you will say if the COI corroborates the claimant’s report, if there are reports of other people with a similar history, or from the family, if there is one. And then you will construct the analysis of the general credibility of the case” (Interview with CONARE eligibility official, May 2016).

accessing how the sexuality is announced, that is, how the production of sexuality takes place in articulation with the production of the figure of the “refugee”. Their trajectories also allow destabilizing borders that appear to be well established in the field of rights, such as those that separate “migrants” from refugees” or subjects to be protected from subjects to be controlled or criminalized in their movements. In the first narrative, the protagonist is a claimant from El Salvador who I interviewed in Barcelona. The second narrative concerns a solicitant from a non-identified African country and was told to me by workers from entities related to serving refugees in São Paulo.<sup>22</sup> The stories are analyzed in the light of other reports with which I have had contact in the field research in Brazil and in Spain.

## **Narratives, Sexuality and Violence**

### **1. Ariel**

I would not be confessing if it were not for the Red Cross psychologist. I already have fewer nights of insomnia and nightmares of being persecuted and assassinated, when I am able to sleep. Thanks to the psychological intervention I see things differently and I can speak, since speaking about the issue is very difficult for me, because I see myself as a shame to my family, even if I am not.<sup>23</sup>

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<sup>22</sup> Given the difficulty of contacting people seeking refugee status in Brazil who could be in some way associated to the category of LGBT, the history that I reproduce is not the result of an interview conducted with the refugee seeker, but was reported to me by workers involved in the institutional world of the refugee. In the Brazilian context, the stories analyzed and the research questions have been delineated using as a resource fragments obtained in the various moments in which I circulated through institutions related to refugee status in the country.

<sup>23</sup> In the original: “no lo estuviera confesando si no fuera por la psicologa de la cruz roja (...) ya son menos las noches de insomnio y las pesadillas de ser perseguido y asesinado en los momentos que logro dormir. Gracias a la intervencion psicologica veo las cosas diferentes y puedo hablar ya que hablar del tema es muy dificil para mi ya que me veo como la verguenza de la familia,

The portion of the document transcribed above concludes Ariel’s report about “his life story”. I met this Salvadoran who is requesting refugee status in Spain at an activity of sociability organized by an NGO in Catalonia.<sup>24</sup> Upon reading the document that he sent me after the interview, I perceived that for him to “speak about himself” is mainly to explain his sexual identity, for which he sees himself as being a disgrace to his family.

During the war in El Salvador, and in the years that followed,<sup>25</sup> Ariel saw all of his brothers migrate to the United States. Upon remaining in El Salvador, he became a public employee in a city in that country, getting involved in tense relations with other employees, commerce, the police and the *pandillas*.<sup>26</sup> At this time, he committed what he considered to be

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aunque no lo es” (documento archivo de campo/Ariel, Barcelona, fevereiro de 2016)

<sup>24</sup> I have chosen not to present Ariel’s age and details of his trajectory that may identify him. I focus the analysis on his story in the period after he left El Salvador.

<sup>25</sup> The civil war took place between 1980 and 1992, victimizing 75 thousand civilians and provoking the exodus of 20% of the population. The Fuerza Armada de El Salvador (FAES) and the leftist guerrilla organization, the Frente Farabundo Martí para la Liberación Nacional (FMLN) entered into armed conflict after a series of military governments in the previous five decades, with violent repression of popular revolts, instability and social inequality. In the political context of the cold war, it also directly and indirectly involved the United States, the Soviet Union, Cuba and Nicaragua. The report of the Truth Commission for El Salvador (2007) presents information about the war, about the patterns of violence and those responsible. It should be noted that the report found that the state was responsible for 85% of the deaths compared to 5% for the FMLN. The discussion about the conflict is beyond the scope of this article, but it can be said that there are some analyses that point to aspects more related to gender and sexuality involving the conflict (Arévalo, 2015; 2016).

<sup>26</sup> The *pandillas* are types of gangs that operate in El Salvador and now also in Guatemala and Honduras (known as the northern triangle of Central America). Their operations are blamed for the movement of people from these countries towards Costa Rica, Mexico and the United States, where they eventually seek refugee status. Formed in waves of migration of Salvadorans to the United States during the civil war, the *pandillas* continued to operate in the 1990s with the later deportation of immigrants to El Salvador and got progressively stronger. They are

the greatest mistake of his life: he revealed his homosexuality to a colleague. As a result, he began to be persecuted by his boss, who invited him to parties and insisted that he perform oral sex on him and on the others present. Upon resisting the harassment, Ariel received an ultimatum from the *pandillas* sent by his boss: either run away immediately or be killed, because “they don’t want any ‘culero’<sup>27</sup> among them”.

At this time, he gathered his belongings and left. With money sent by his family, he hired a coyote [migrant smuggler] to take him from El Salvador, Guatemala and Mexico to the United States. He tried three times. On the first attempt, he spent 6 months in different immigrant detention centers in the United States, which he called “*common prisons*”. He recalled the guards giving orders in English and, when the Latin American immigrants did not understand, they were insulted and yelled at. He also remembers the repeated body counts at different times of day, the uncomfortable cell and the cries of those who fell off the narrow beds at night, long waits without water or food, walking with feet and hands bound and the impossibility of creating small personal ties given the constant transfers. Family members could not visit him, because he was in the United States irregularly. He described how he felt: “Very frustrated, very frustrated. Very difficult. It is one of the most difficult experiences that I had in life because

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in part responsible for the high rates of homicides in the country. The mass incarceration of their members allows the intensification of the organization of the gangs, divided between two main factions, Maras Salvatruchas and Barrio18. They also established themselves as actors capable of being politically organized in relation to the state and nationalized their organizations in relation to the incarceration. Charging fees for the protection of shop owners and transportation companies, among other illicit activities, it is estimated that the *pandillas* include some 50 thousand direct members in El Salvador with nearly 500 thousand people involved in their support network, which is marked by an hierarchical operation, corruption and ties with the police, politicians, and government employees. With an average of 24 killings per day, El Salvador has one of the world’s highest rates of homicide.

<sup>27</sup> The term *culero* in El Salvador is commonly used pejoratively in reference to homosexuality.

without doing anything and because you want to protect your life they do what they do to you...you reach a point that you don't understand (...) I don't know how to explain to you, its something horrible, daily harassment”(interview with Ariel Januar 2016).<sup>28</sup>

Ariel repeatedly evaluated his contact with agents of the state and care agencies through which he passed according to the possibility of having his story heard, whether he was given the opportunity to present a suitable narrative and that his needs be understood. It is for this reason, that when I met him, he dedicated part of his time to writing down the facts that led him to migrate. At the immigrant detention center, where he was held for the first time, Ariel came to request international protection, but he was only able to tell his story within a very limited scheme: over a telephone he heard questions that often only allowed yes or no answers. He also said that, in jail, he could not document his situation. Like those seeking refugee status from Bangladesh, Russia and other Latin American countries who he met in prison, Ariel had his request denied the day after his phone interview. After an appeal and a new refusal, Ariel was deported to San Salvador.

Once again he tried to migrate and wound up being held in the city of Tapachula, on the Mexican border with Guatemala.<sup>29</sup> Sent to Guatemala, he stayed there a few days and once again crossed the border to Mexico and from there went to the U.S. border. He was once again captured by the U.S. immigration

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<sup>28</sup> In the original: “Muy frustrado. Muy frustrado, muy difícil, o sea, es una de las experiencias más difíciles que he tenido en mi vida. Porque sin hacer nada, sin haberle hecho nada y por querer proteger tu vida, te hagan lo que te están haciendo, yo creo que a veces llega un momento donde no lo entiendes. (...) no sé cómo explicarte, es algo que es horrible, todo el día como un acoso”.

<sup>29</sup> Tapachula today, according to UNHCR, receives an intense flow of people seeking refugee status from Guatemala, El Salvador and Honduras, escaping the violence of the *pandillas* and heading for the United States. Nearly 14% of those requesting refugee status are LGBT, for which reason the UNHCR is now working on the possibility that they could receive refugee status in Mexico instead of continuing the journey in conditions made difficult by the coyotes.

police and isolated in a cell for enough time to remove the thorns that had stuck in his skin during his escape through the desert. He estimates that his family spent some US\$25,000 in this process between coyotes, guides, theft and expenses in the U.S. prison.

Given the failures, Ariel decided to migrate to Spain, where he entered as a tourist and later requested refugee status. There, lodged with refugees who he considered to be “homophobic”, he felt that “he couldn’t do anything, or say anything” because he is “Latino”. He said that “everyone said its necessary to understand the Arabs because they are Arabs, but with the Latinos there is always discrimination, no one understands”. Ariel’s perception that some suffering is worth more than others, suggested a process in which Latin American immigrants are treated as inferiors, not rarely as “economic migrants” and not as “refugees”. This perception is shared by people who work with refugees in Spain, who told me that violence in El Salvador had been understood as “common violence” and not as “human rights violations” and “although more people die in El Salvador than in Afghanistan”, the situation in the country has not been considered a “humanitarian crisis”.

At the end of the interview, he insisted on showing me the screen of his phone in which appeared the image of a mangled body, in a pile of meat and blood, with his feet and hands tied. Seeing my surprise, Ariel said he would show me a “cleaner” one, with “nearly no blood”: and the screen showed the image of a youth with a bullet wound in his head, and hands tied. He said: “that’s how they kill in El Salvador”. Finally he added, “just look at the picture”. Even so, the certainty of the justice of his request and the strength of his arguments do not erase the misgiving that it all went wrong. In this case, he would pass through another universe of categories and institutions: the time in Spain would allow him to ask to regularize his situation by establishing roots, as an immigrant.<sup>30</sup>

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<sup>30</sup> During my stay in Spain, I also spoke with Micaela, a transsexual woman who had escaped El Salvador after living for a year with abuse and violence by

## 2. Obinze

I call the protagonist of the second report Obinze. Detained at the international airport in Guarulhos, in São Paulo state in Brazil, Obinze made contact by whatsapp with the lawyer of an NGO who works with refugees in São Paulo, with the help of a friend who waited to receive him in Brazil.<sup>31</sup> All his communications took place through the “Espaço Conector” [Cnconnector Space], a 200m<sup>2</sup> room between the arrivals wing and the immigration department at the airport, which is run by the Federal Police, where people who are not admitted to Brazil await a decision, whether because they were barred by the Federal Police, or because they were sent there upon refusing to return to their country, after airline companies refused to take them to their countries of destiny on international connections.<sup>32</sup>

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members of the pandillas, who forced her to use her residence for activities related to drug dealing. When I met her, Micaela had just received a “*tarjeta roja*”, a card that attests to the acceptance of her request for refugee status and allows for the provision of resources for her subsistence for a few months. Her history was similar to Ariel’s narrative, such as the presence of sexual violence and situations of incarceration. Unlike Ariel, however, Micaela chose Spain as her first destination, because she hoped to count on the help of family members who lived there. But they turned out to be agents of new situations of violence, and from whom she escaped with the help of an NGO dedicated to LGBT immigrants and refugees. There are countless other stories like those of Ariel and Micaela, published in documents of the agencies who work with refugees, about people considered to be LGBT from the Northern Triangle who sought refugee status in Spain. These reports help to compose the situation by which I interpret Ariel’s narrative in this study.

<sup>31</sup> Although I have tried to speak with this person seeking refugee status, who I call Obinze in this text, he did not make other contacts with the staff of the NGO and his whatsapp number seems to have been deactivated.

<sup>32</sup> In May of this year, the NGO Conectas asked the Federal Police for data about migrants who passed through the Espaço Conector. The response was that this data is classified, and that it is up to the airline companies to divulge. The only data obtained was that in the first semester of 2015, 949 people passed through the space. The NGO then asked for information from the Brazilian aviation agency INFRAERO, which affirmed that the space is the responsibility of the company that recently won the concession for the airport administration. The

In principle, a request for refugee status to the Federal Police should be enough for him to be released, but it must be expressed clearly. Although theoretically the Espaço Conector is not an immigrant detention center, people can stay there for days, weeks or months. In 2014, human rights entities denounced arbitrary actions and violation of rights involving the Espaço Conector. According to a member of the NGO Conectas, “the situation at Conector is unacceptable and cannot be a first step towards the creation of a migrant detention center, a practice that is widely criticized by international human rights agencies”.<sup>33</sup> According to information from the federal public defender’s office in São Paulo, the situation is currently less severe,<sup>34</sup> after a Term of Cooperation was signed in 2015 between various authorities, to provide “humanitarian solutions” for the services at the Espaço Conector and avoid the return of people seeking refugee status to countries where their life is at risk.<sup>35</sup>

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same request for information was then made to ANAC, the National Civil Aviation Agency, and the response was that the cases are the responsibility of the Federal Police.

<sup>33</sup> “Direitos Humanos. Migrantes em Guarulhos Pessoas são privadas de liberdade no aeroporto de SP por tempo indeterminado” [People are denied freedom at the airport in São Paulo for undetermined periods] (CONNECTAS, August, 2014).

<sup>34</sup> From an informal interview conducted in June 2016.

<sup>35</sup> The term of cooperation between the federal prosecutor for citizens rights (PFDC), the National Secretariat of Justice (SNJ), and the National Committee for Refugees (CONARE), the federal public defender’s office (DPU) and the Secretariat of Development and Social Assistance (SDAS) of the municipality of Guarulhos and the UN High Commissioner for Refugees indicated efforts towards providing “humanitarian solutions” for services at the Espaço Conector and avoiding that people seeking refugee status be returned to countries where they are at risk. The text of the agreement presents the following objective: “The purpose of this term of technical-institutional cooperation is to promote and strengthen, based on mutual cooperation, the protection and promotion of humanitarian and solidary solutions to situations of migrants not admitted at the airport of Guarulhos – São Paulo, allocated in an area commonly known as the ‘Conector de Guarulhos’ [Guarulhos Connector]”.

Although this Term of Cooperation was signed in early 2015, and gave permission to access the Humanized Service Post for Migrants at the Guarulhos Airport for people held in the Espaço Conector, the fact is that, advised to request refugee status by writing his own declaration, the response to Obinze’s request was delayed, and he found it difficult to wait. The advice of the attorneys from the public defender’s office in São Paulo and Guarulhos and from the NGO that assisted him was that he insist on the request and wait patiently, in the room that he shared with five other people, including Nigerians and Ghanaians. Upon seeing a companion from Ghana being sent back to that country, Obinze began to send messages affirming that he was *desperate* and that he *would kill himself* if he was not admitted to Brazil. At one point when the messages took on an intense emotional tone, he revealed to the attorney from the NGO that he was a *homosexual*, as is his brother. He said that his brother was arrested, tortured and had his hand cut off, but was abandoned in the place where he was being held when his captors perceived the presence of the “blue helmets”,<sup>36</sup> and was able to escape to a neighboring territory. Obinze became afraid and traveled to Brazil, but his brother remained in the territory where he took shelter, because he did not have money to travel. The NGO employee also said that Obinze demonstrated concern for his brother, because his cut-off hand would indicate guilt for a grave crime and the stigma would keep him from getting work. Obinze said he was sure that he would be killed if he returned to his country of origin.

After nearly four days in the Conector, Obinze’s request was accepted and he was released. After moving into a friend’s home, and finding work, Obinze visited the NGO attorney who helped him, and asked: “you didn’t ask how I can be homosexual and Muslim?”. He then said that every day “he prays and asks to be pardoned by God for being a homosexual. But that is the way he is and he cannot change”. The last news that the NGO had about

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<sup>36</sup> The “blue helmets” are the UN peacekeeping forces, who are currently serving in nine missions in different African territories.

him is that he was able to rent a room, where he lives in São Paulo.<sup>37</sup>

### **Final considerations**

Some aspects can be considered when we analyze the narratives of Ariel and Obinze in parallel to the production of categories, rights and subjects at the intersection between refugee status and sexuality. First, it is important to highlight the ambiguities between protection and criminalization that have been described in the literature as the heart of “humanitarian reasoning” (FASSIN, 2012) and as we saw, also envelop the transformations at the center of the “sexuality device” itself (CARRARA, 2016). In Ariel’s case, we accompanied his movements through different nation states. In principle, if his attempt to enter the United States clandestinely had been successful, he would not necessarily have needed to seek asylum – based on sexuality or not. Ariel would have been in a situation similar to those of his brothers, immigrants without documents in the United States, getting by under the fragile conditions inherent to this. Upon being stopped by the immigration police and detained, Ariel alleged the need for international protection, without being properly heard. The options through which he navigated refer to the categories in which his

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<sup>37</sup> His story is similar to that of other people seeking refugee status, such as Ravi, who comes from an Asian country, who was held for five days in the Espaço Conector. Ravi emphasized that he is “different” because he is a Hindu living in a majority Muslim region and because of his “sexual orientation”. He said he passed through processes of “purification” in his country, including whippings, fasting, drowning, intimidation and prison. Before reaching Brazil, Ravi lived in Australia, where he was not able to regularize his situation and passed through different countries in the Caribbean, and was constantly denied admission, until reaching Brazil. In Brazil, Ravi also stayed in the Espaço Conector for nearly a week. He said that he had to repeat his story and had his e-mails examined. He contacted organizations that serve people requesting refugee status, who told him to request this status, and with the help of the organizations, he was able to leave the Conector and live in Brazil, where he works as a teacher. The account is the result of an interview I did with Ravi in September 2016.

movements can be framed: from migrant to refugee, from criminal to victim.<sup>38</sup>

Obinze, similarly, was held for a few days in a space of liminality, occupying the margins of the state (DAS & POOLE, 2004) in a territory characterized only as a “connection” between the arrivals area and national space. Like Schrodinger’s cat box,<sup>39</sup> the black box of the “Espaço Conector” functions as a type of

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<sup>38</sup> These categories, it is worth remembering, are also disputed in other spaces. A recent report published by Amnesty International about forced migrations and violence in the Northern Triangle of Central America, a region that includes El Salvador, Guatemala and Honduras, informs that the national and local authorities interviewed by agents of Amnesty International tend to minimize the relations between violence and the growing displacements in these countries, attributing them to searches for economic prosperity, and the desire for family reunion, particularly with relatives living in the United States. According to a report from Amnesty, the local agents had cited the Plan of the Alliance for the Prosperity of the Northern Triangle as one of the main initiatives destined to “address the fundamental causes of migration” (Amnistia Internacional, 2016:6). This is a development plan with actions that intend to avoid the migrations and displacements considered to be irregular, which has resources from the United States and seeks to stimulate the region’s economies. Although the election of Donald Trump as U.S. president brought a certain uncertainty about the continuity of the plan, Salvadoran newspapers recently reported an infusion of US\$97.9 million to El Salvador under the plan, corresponding to one of the parcels for 2017. The total destined under the plan is US\$750 million, administered by the U.S. Agency for International Development.

<sup>39</sup> This is an imaginary experiment proposed by physicist Erwin Schrödinger, in which a cat is placed in a sealed box with radioactive material, a Geiger counter and poison. If the Geiger counter detects a radioactive emission, it triggers the poison in the box and the cat is killed. If this does not happen, the cat remains alive. The state of the cat would only be known upon opening the box. Until then it would be simultaneously “living” and “dead”. Schrödinger sought to illustrate, with this experiment, the illogical character of the Copenhagen Principle, under which a particle could exist in all states until being observed. This presumption would cause the radioactive material to simultaneously emit and not emit radiation, which would lead us to a “living” and “dead” cat, which we understand is impossible, as is the Copenhagen logic. I use this analogy in reference to the “Espaço Conector” not because I believe that both states are possible, but to emphasize the paradox that accompanies this type of suspension of space-time in the space in the primary zone.

suspension of time in which Obinze simultaneously can be “requesting refugee status” and be an “illegal immigrant”, “victim” and “suspect” and at the limit, “living” and “dead”. As Vianna and Facundo affirm (2014), we are not addressing only movements between different territories, but also movements between different “moral spaces”, which are simultaneously regulated by protocols for humanitarian protection and by police strategies for controlling migratory flows.

The way that people experience it, this intersection of structures of protection and criminalization can become incomprehensible, leading to feelings of desperation and frustration. It is as if they are shaped as traps whose structures are deaf to their stories, which are considered key to opening them. The central importance of having an opportunity to tell their story and be properly heard takes place amid the complex webs of production of truth that are related to the process of recognition of “refugees” in contexts of truth related to the process of recognition of “refugee status” in contexts in which words can be as decisive as scars of violence inscribed on bodies (FACUNDO, 2014; FASSIN, 2012). This process clearly involves, not only a narration, but a framing of a narrative that can be recognized as the legitimate story of a refugee, as Facundo (2014) observed well.

Ariel and Obinze question themselves as they confront the administrative structures that they pass through in order to grasp the opportunities that their stories be legitimated by different agents whom they meet. From an analytical perspective, the truth of the sexuality of the subjects is not important here, but the moments of enunciation of sexuality. For Ariel, this enunciation took place with the assistance of the psychological apparatuses of the humanitarian institutions: with the help of the Red Cross, he comes to enunciate his sexuality and produce himself as a “homosexual” in the administrative processes of refugee status. Obinze mentions being a “homosexual” at a time described as one of intense desperation, in which he appears to have only his own life as an element of negotiation. As if his own story is not

enough, he also declares the homosexuality of his brother and the mutilation and disgrace that he underwent for this reason.

A narrative of violence that is characterized by images of horror and brutality is also triggered by both. Obinze narrates the episode of capture, detention and mutilation of his brother, as well as his rescue by UN forces. For Ariel, the evidence of “brutality” in the images of the mangled bodies that circulate on whatsapp among Salvaorans is the irrefutable argument of violence and of the need for protection – and also the way found to make a valid testimony of this violence. In these narratives, the “brutality” appears to act in the production of legitimate victims, and is triggered both by those requesting refugee status and by agents of humanitarian institutions.<sup>40</sup> To paraphrase Liisa Malkki (MALKKI, 1996), in her studies about Hutu refugees in Tanzania, the manner in which they die is important here – as it is, anywhere in the world. The way that the story is told is also important, that is, the conventions by which the torture, assassination, sexual violence, mutilation, death or other forms of violence are inscribed in the statements of the refugees and also in those of the institutions involved with refugees.

If the narratives and the images of “brutality” produced by refugees contain the argument and proof of the correctness of their requests, in the context of humanitarianism, this is not sufficient on its own. The violence must be constructed in the form of a “grave violation of human rights”, of “grounded fear of persecution” of a “humanitarian crisis” – and in terms of the LGBT individuals, also in the form of “homophobia”. The processes that operate the

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<sup>40</sup> Roberto Efrem Filho (2016; 2017) makes a good analysis of how “brutality” appears as an “irrefutable” argument of the LGBT movement when confronting “homophobia” and even in the production of this category in reference to a specific type of violence, with LGBT individuals as victims. In the context in which I work, the “brutality” and the “horror” - and even the violence articulated by the documents in the forms that foresee the “persecution” of the LGBTI – appear to act in the production of legitimate victims, and are triggered both by those seeking refugee status and by those whose narratives are produced in the context of humanitarian actions.

transformation of “criminals” into “victims” of “migrants” into “refugees” of “common violence” into “grave violation of rights”, “discrimination” and “persecution”, all categories that identify the field of action of the humanitarian apparatus in the form of refugee status, obey mechanisms in which narratives are a central device, but which are not limited to them. The stories, sufferings and violences – and in the final instance, life itself – are evaluated in light of a logic that, at the limit, makes them more or less human. It is through this entanglement of practices, categories and meanings that people whose trajectories are riddled with violence navigate in their national contexts and in the displacements that they undergo. The effort here was to trace some of these threads.

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