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The Poetics and Politics of Borders: An Archive

A ZINE FROM THE BORDERS RESEARCH GROUP,
UBC CENTRE FOR MIGRATION STUDIES



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The Borders Research Group conducts its activities on the traditional, ancestral, and unceded territory of the x^wməθk^wəyəm (Musqueam) people. This acknowledgment invites us to think about how the study of borders is inextricably linked to the struggle for decolonization, human liberation, and the reconfiguration of relationships with land, with each other, and with the broader global communities with whom we are interconnected.

Refuge: Sites of Power and Personhood

The CMS Borders Research Group introduces the second issue of its bi-annual zine, *The Poetics and Politics of Borders: An Archive*. Each issue of the zine features writing by graduate students whose work engages with a particular concept related to borders that has both popular and scholarly resonance.

Concepts such as borderlands, arrival, sovereignty, refuge, and place, tend to be overdetermined in migration and border studies. The zine aims to offer short ways to disentangle the assumptions that policy, academic, and activist worlds have attached to such concepts, thereby undoing the ‘common sense’ that tends to cohere around them through short, digestible essays aimed toward an interdisciplinary audience.

In this issue we turn to the theme of ‘refuge.’ Based on ongoing ethnographic fieldwork, Alix Mintha’s essay, prompts us to question how Canada’s asylum system become a stage for the performance of sexual and gendered identities. The essay offers a critical perspective on Canada as a site of refuge for those who must prove sexual persecution in ways that do not neatly map on to legal frameworks.

In this issue we also recap our events from term 2. Thank you to our members for an enriching, dynamic, and productive 2023-2024 academic year. A special and heartfelt thank you to Atreyi Bhattacharjee, the Borders Group Graduate Assistant, as well as the CMS staff, including Atmaza Chattopadhyay, Gabriele Dumpys Woolever, and Marie Frileux, for their critical support in making our events happen! We wish you rest, peace, and joy!

–Helena Zeweri, Borders Group Coordinator, 2023-2024

Rethinking Refuge: An Analysis of Canada's Reputation as a "Safe Haven" for Queer Asylum Seekers

Alix Mintha

SOGIESC Asylum

In today's global context, 72 countries criminalize same-sex relations between two consenting adults, and 9 countries have laws criminalizing forms of gender expression that target transgender and gender-nonconforming people (Human Rights Watch, 2024). Persecution varies from fines and incarceration to the imposition of the death penalty upon conviction of engaging in same-sex relations in 11 countries, in some or all jurisdictions (Mendos, Botha, Carrano Lelis, et al., 2020; Mulé, 2020). This state-imposed homophobia results in the persecution of many people based on their sexual orientation and or gender identity, leading many to flee their homelands as queer refugees to seek asylum elsewhere (Mulé, 2020). Currently, 37 countries offer asylum to migrants based on persecution of sexual orientation, gender identity, and sexual characteristics (SOGIESC) in their nation of origin (Shaw & Verghese, 2022). This has been instituted since the early 1990s when SOGIESC was added to Article 1 of the United Nations 1951 Geneva Refugee Convention under persecution due to "membership of a particular social group" (Lewis, 2014). To be granted asylum in Canada, queer migrants must not only prove a well-founded fear of persecution in their homeland but must additionally convince asylum adjudicators of their sexual and gender identity (Evans Cameron, 2023; Hersh, 2015). This process consists of a written narrative summarizing the basis of the claim and a hearing where the claimant will be subject to a cross-examination regarding their statement and the material "proof" they provided as evidence of their identity (Murray, 2016).

The "Deserving" Victim and "Bogus" Refugee

Since the recognition of SOGIESC asylum, Canada has become a primary destination for queer migrants, having gained a reputation as a "safe haven" in the global refugee regime. The nation has made great efforts to fashion itself as a site of refuge in the eyes of the global community, going so far as to codify this "safe haven" identity into law through the 2001 Immigration and Refugee Protection Act (Government of Canada, 2024). However, as documented by migrants and queer migration scholars, there is more than what meets the eye behind Canada's global acclaim (Mulé, 2020; Murray, 2016).

As they encounter a culture of skepticism and denial inside SOGIESC asylum hearings, queer migrants and their lawyers must overcome the asylum adjudicator's prejudice of "straight until proven otherwise" (Lewis, 2010: 430).

Drawing on queer migration scholarship and my own preliminary interviews with Ontario immigration lawyers and a lesbian asylum seeker, I hope to provide a glimpse into the lived realities of SOGIESC claimants seeking asylum. In line with this issue's theme of refuge, this article seeks to open up how we think about refuge in Canada. I ask, for SOGIESC claimants, is Canada truly the "safe haven" the state imagines itself to be?

Performing SOGIESC

A defining challenge of SOGIESC claims is establishing claimants as not only "authentic" refugees, but as "authentically" queer refugees in credibility assessments. Credibility assessments are particularly difficult to navigate primarily due to the precariousness and subjectivity of adjudicators' methodology and guiding jurisprudence (Rinadi and Fernando, 2019). Currently, SOGIESC asylum claims are processed through the Immigration and Refugee Board (IRB), an independent administrative tribunal of the Canadian government (Immigration and Refugee Board of Canada, 2024). Once these claims are received, their approval is determined at the discretion of individual quasi-legal IRB adjudicators (Verman and Rehaag, 2023).

Despite the recent release of specific SOGIESC Guidelines (see Chairperson's Guidelines 9) to assist adjudicators in interrogating and determining the credibility of claimants' queerness, there exists no standardized or legally binding method to distinguish "bogus" from "legitimate" SOGIESC claimants (Mulé, 2020; Rinaldi and Fernando, 2019). The lack of standardized criteria has led many IRB adjudicators to rely on what anthropologist David Murray calls "templates of authenticity", or their own assumptions about queerness and asylum that are often informed by reductive Western archetypes (2016: 41). Drawing on predominant assumptions about queerness and asylum, credibility assessments now encourage a performance of "authentic" queer refugee identities which are marked by displays of White, upper class, gay behavioral norms (Sari, 2019: 141). Such assessments reflect Canada's self-fashioning as a liberating "safe haven" (Mulé, 2020).

In recent years, queer migration scholarship has problematized these templates of authenticity, leading many scholars to argue that they constitute a colonization of queer migrants (Hersh, 2015; Mulé, 2020; Murray, 2016; Rinadi and Fernando, 2019). Templates of authenticity require claimants to establish the validity of their claims and thus their positions as “deserving” refugees, through adopting Western language, stereotypes, and queer lifestyles. Notably, in the space of asylum claims they naturalize a linear trajectory of self-realization and personhood. Queer refugees are assumed to move from a position of closeted to hypervisible, or “out” and “proud”, once they leave their less “liberated” home nation (Murray, 2014). Such frameworks not only rest on incorrect and narrow conceptualizations around human sexuality as fixed, chronological, and universal, but also fail to account for the lived realities of queer migrants (Berg and Millbank, 2009).

In my own preliminary research with a queer asylum seeker, I came across this colonial framework when discussing her experience establishing a SOGIESC identity. She described how her lawyer placed similar pressure on her to make herself a prominent participant in Toronto queer circles, asking her to attend Pride marches and queer bars to document herself there. Her lawyer even went as far as to suggest she marry her partner to strengthen the credibility of her claim, a request that made her deeply uncomfortable, as she was still grappling with her identity and the trauma that led her to apply for asylum. In fact, she most definitely did not feel safe to “come out” publicly or identify with the labels and aspects of Canadian queer culture she was instructed to participate in. Overall, feeling compelled to construct a ‘coming out’ story for the purposes of a SOGIESC claim was experienced as far from liberating.

The demands placed on SOGIESC claimants to “prove” their queerness through Eurocentric and essentialist understandings of sexuality constitutes a recolonization of migrants by the settler-state. The IRB’s refugee apparatus cannot be disentangled from Canada’s ongoing exploitative, capitalist, and colonial projects as they not only inform SOGIESC jurisprudence, but in many ways produce the inequalities that compel these migrations (Rinadi and Fernando, 2019). Many claimants come from colonized nation-states whose homophobic and transphobic laws were inherited from European colonial legal frameworks, notably British colonial law which sought to pathologize “unnatural” sex and non-Western identities (Mulé, 2020: 214). I argue the Canadian refugee apparatus is continuing the legacies of this history through the permeation of normative colonial scripts about “desired” and “illegitimate” sexual citizenship (Murray, 2020).

The IRB's establishment of credibility through the specific "telling" and visible embodiment of Western queerness encodes the policing of racialized and colonized queer bodies into guiding jurisprudence (Murray, 2020). Claimants' expected performance of "liberation" in exchange for the assignation of "authentic" refugeehood propels Canada's image as the rescuer "saving" queer refugees. While the nation gets favorable press as a humanitarian "safe haven", it simultaneously participates in the subjugation, delegitimization, and colonization of non-Western queer identities (Mulé, 2020; Murray, 2016).

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Borders Research Group Events Recap / Term 2, 2024



On February 29, 2024, we hosted a virtual screening of the documentary, “Safe Haven” followed by a discussion with Dr. Alison Mountz (U-Toronto) and Lisa Molomot, producer and documentarian. The film examines the challenges that war resisters fleeing the draft in Vietnam and deployment in Iraq, face while finding refuge in Canada.



On March 7, 2024, the group hosted a talk by Dr. Lisa McIntosh Sundstrom, Professor of Political Science at UBC-Vancouver, on Russian migration to Georgia in the wake of Russia’s invasion of Ukraine. Her talk examined what happens to advocacy movements when they migrate to new places.



On March 20, 2024, we welcomed Dr. Omid Tofighian (University of New South Wales) and artist and activist Elahe Zivardar, who gave a talk titled “Creative Resistance Against Australian Border Violence: The Politics of Shared Philosophical Activity.” This talk was co-sponsored by Green College and the UBC Alireza Ahmadian Lectures Series. The talk examined the political potential in co-generating knowledge about the violence of offshore detention. Elahe spoke about her experience being detained in Nauru and the forms of creative resistance the experience sparked. For those who missed the March 20th talk, Dr. Tofighian and Elahe also spoke at Green College on March 19th. The recording is available here:

<https://www.youtube.com/watch?v=6aGnh1r-r6s>.

The Borders Research Group

Mission Statement

The Borders Research Group aims to advance interdisciplinary dialogues about border regimes and the lived experience of borders through reading seminars, speaker events, and written and creative expression. We seek to expand our understanding of the many ways borders can be conceptualized: as physical spaces that monitor, manage, and limit human mobility; as a set of bureaucratic practices and logics; and as historical formations that are deeply entangled with colonialism and empire in all of its forms. We value the work of artists, community leaders, community activists, and advocates in amplifying critical analyses of bordering practices today. Our members' research spans a range of topics including but not limited to: the securitization of borders, cross-border labour mobility, the mediation of gender and sexuality, the externalization of sovereignty, carceral border regimes, and resistance and political mobilization.

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with any questions.*

Please visit our [website](#) to learn more!