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Queer Enough for The Netherlands? The Role of Stereotypes in Queer Asylum Decisions and Its Outcome

Million Kassa Bekele, Dr. Ester Driel & Dr. Roy Gigengack

Utrecht University, Netherlands

Abstract

The Netherlands was the first country to recognize sexuality as a ground for persecution back in 1981, which also called for working guidelines (WG) on how to assess asylum claims based on sexual orientation and gender identity (SOGI) (Jansen, 2018). After heavy criticism of the earlier WG (Jansen & Spijkerboer, 2011), the revised version (2015) advises adjudicators not to use stereotypes as an assessment tool for the "credibility" of asylum claims based on SOGI. Through a qualitative analysis of court documents, interviews, and ethnographic data, this paper demonstrates the mechanisms by which the asylum process continues to reinforce a stereotype-based version of 'queerness'. The procedure still views queer not as a social construct but as inborn, as a result, the investigation of asylum claims becomes not how queer asylum seekers (QAS) experience and embody the world around them, but rather how they are influenced by an innate queerness. Thus, the analysis shows that the assessment of QAS claims regulates QAS through the assertion of what queers should (not) do and feel, to be “credibly” queer. For example, the procedure universalizes the “discovery and acceptance” process, problematizes nonnormative relationships, disregards racialization and class, and asserts that all QAS must have certain knowledge. Hence, this paper argues that the procedure universalizes homonormativity, meaning that the middle-class white queer experience gets venerated as evidence of queerness in QAS. This has resulted in the production of deflected and deferred death. Taken together, these findings call for a different approach to evaluating QAS claims.

Keywords: Queer, asylum, homonormativity, border