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## Queer Zones: Refugees from Africa and Interactions with Canada's Borderlands

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On June 28, 2009, a group of queer Africans took to the streets of Toronto. In what is one of the largest and longest-running Pride parades in North America, this group led the way. As well as being queer and born in Africa, they were all also seeking refugee status in Canada. As they proceeded along the parade route, they shouted and chanted for their human rights to be respected as they denounced punitive acts they had lived through in their home countries. What was not obvious to the roughly one million fellow participants and spectators was this: for almost all members of this group, it was the first time they had had the opportunity—and courage—to display their queerness and publicly protest the types of oppression they had faced in their home countries because of their sexual orientation and gender identities.

I had the opportunity to volunteer with this group of people for several years. My role and responsibilities were to help them to file refugee claims and then, later, guide them to prepare for their hearings with the Canadian government's immigration and refugee system. This work led to my doctoral research, in which I assisted forty asylum seekers through the stages of the institutional process to claim refugee status. The particular people I interacted with had lived in Canada for as little as one week to as long as nine years. They had come from ten different African countries, half self identified as men, 40 percent as women, and ten percent identified themselves using the term transgender. I found myself in highly educated circles, for the vast majority had earned college or university degrees.

The appearance of queer African refugees who present at the Canadian border obliges us to look at human rights agendas that have gained traction in Canada. Specifically, we must pay attention to how these agendas relate to and circulate in queer communities, and how they shape people's interactions with and experiences of medical and legal practices in various locales. Canada has become a privileged site to produce, organize, and, for some, relinquish homelands so as to find safety for and freedom of sexual expression. In this essay, I look at the intersection of queer African bodies with the Canadian border and discuss ways to attend to these overlaps in order to better understand people's experiences.

## Zones

I am a queer African researcher who originates from a country with one of the harshest penalties for homosexuality in the world: life imprisonment. For this reason, I am familiar with the practice of creating borders to protect oneself from imagined and real risks to personal safety in an African context.

I refer to these spaces as “queer zones,” defined as private spaces created first as social and sexual territories, which then, out of necessity, become spaces to obtain basic needs such as shelter, food, healthcare, safety and family connection. These queer zones take form, in my experience and that of others, in people’s homes, a supportive individual office, a university dorm room, a foreign embassy, and a makeshift bar or nightclub, to name a few examples. When the borders of queer zones become compromised, and the queer body cannot be kept safe, the resulting forms of persecution, such as torture, arrest, imprisonment, extortion, rape, and death *specifically because of one’s sexual orientations or gender identities*, means that living with dignity is very difficult, if not impossible. As the borders of these zones are made insecure by the threat of sexual, physical, and psychological violence from agents of or associated with the state, it is difficult for these zones to survive within unsupportive societal settings. When people are unable to fight against mainstream ideas of right and wrong, moral and immoral, legal and illegal, which place queer Africans against a supposed status quo, they grow exhausted. For many of us, fleeing is understood as a deliberate strategy to *survive* (Massaquoi, 2013; Ossome, 2013).



## Performances

Queer Africans do not usually arrive at Canadian borders with a clear understanding of themselves as members of a sexual minority group defined in international conventions and supported in Canadian immigration law. Claiming refugee status in Canada, however, requires a person to quickly learn, hone, and enact this role to boost the chances of being able to stay. The competency and skill with which a person can perform as a queer person will determine whether or not they are accepted or believed to be a queer refugee (see Murray, 2014). African refugees who are queer find themselves negotiating notions of identity that shift before, during, and after they arrive at Canadian borders. When these notions interact with the workings of the state, which demand that they procure “proofs” of their sexuality and gender, the potential for inaccurate assessments and misguided decisions by Canadian border personnel is high. Queer African refugees have legal dossiers that are among the most difficult to bring before refugee board adjudicators specifically because of a paucity of “hard evidence” that people are able to procure to substantiate their claim that they are, in fact, queer. It is unlikely (or uncommon) for them to have pictures, wills, love letters, support letters from family, bills bearing two names, joint bank accounts, or available police reports. This is because the person has, in all likelihood, intentionally erased traceable signs that they are queer. Seeking refugee status is an indirect path to be granted stay in Canada. When such status is granted, the world becomes a safer place for queer bodies.

However, queer Africans who apply for protection from Canada face the increasingly high chance that their refugee claim will not be accepted. While the country does not collect data on claims made on the basis of sexual orientations and gender identities, it is estimated that about half of these are successful in any given year (Rehaag, 2008). In practice, Canada has in place institutional policies and practices that screen out particular bodies. For example, immigration medical examinations, to which all applicants for permanent residence submit as part of being considered, enforce a medico-legal borderland by excluding the diseased and disabled on medical grounds (Bisaillon, 2018; Hanes, 2009).

To understand how the Canadian border intersects with queer African refugee bodies, one can examine how queer refugee claims are rejected. Bill C-31 is a piece of federal immigration legislation that was enacted in 2012. Critics of changes brought about by Bill C-31 lament that refugees generally, and queer refugees in particular, are disadvantaged by adjustments to immigration legislation. In particular, many people argue that the Bill sets out too tight a timeline within which to obtain complete set of supporting documents needed to file a claim from within Canada. Prior to 2012, there were no such time limits. The expedited time frame does

not give queer claimants the chance to secure suitable legal counsel (that is, a person knowledgeable about what information is needed to succeed with a claim on behalf of a queer applicant), support a successful claim filing on behalf of queer, prepare themselves, or arrange for their application to be done in one of Canada's two official languages. A net effect of these circumstances, then, is a high rejection rate for queer Africans seeking asylum in Canada.

The Canadian state is organized to function from a heterosexual standpoint. This is an important point, as it shapes how people such as state decision-makers, adjudicators, and lawyers understand and work with refugee applicants – and in this case, queer African refugee applicants. For example, a consistent thread in refugee hearing rulings over time has been that people should have better hidden their sexuality in their home countries as a strategy to protect themselves against harms they experienced from others. In 2009, the immigration board rejected a claim made by a Nigerian man with the reasoning that he had the possibility within his own country to move to the capital city where it would have been easier to conceal his homosexuality (Sajjani, 2014). What we see here is that adjudicators are using their understandings, as Canadians, about what a Canadian person in the same situation *might* be able or *might* chose to do, to make decisions about refugee claimants. However, this sort of thinking often does not map on to options available to or desirable choices for African nationals. Suggesting that an African national elide her or his homosexuality to acquire social and legal entitlements, when we are not likely to accept a same request made of a Canadian national, is at once paradoxical and problematic. Through such a decision, then, a heterosexual standpoint is upheld at the expense of the idea that homophobic pronouncements should be challenged. These decisions also affirm the idea that public spaces are only for heterosexual activity, and that African states are justified in persecuting publicly-identified queer bodies.

The situation I describe in this essay obliges us to question how Canadian borders are defined in terms of racialized queer bodies; what strategies are used to regulate these bodies; who is kept out; and, what the lived realities are for those who are deemed undesirable border-crossers. Using a medico-legal borderland approach, as I have done, we see that *how* the state recognizes, and is implicated in, the demarcation of identity as legitimate or illegitimate affects the sexual, mental, and physical health of claimants—both on Canadian soil and in their nations of birth. The medico-legal borderlands have helped in successfully illuminating how medical and legal systems directly shape the lives of queer refugees, even when these systems are not in direct and intentional interaction with other.

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