Migration Studies, 2024, **12**, mnae042
https://doi.org/10.1093/migration/mnae042
Original Article

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Sexual asylum regimes and politics of belonging: Narratives of deservingness in the political-public discourse in Switzerland

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Abstract

This article explores the ways in which narratives of deservingness in the field of sexual asylum become crucial elements of national border drawing and boundary work, and important instruments of a politics of belonging. Switzerland is a particularly interesting case study in which to explore these issues due to the supposed humanitarian tradition on the one hand and conservative policies on gender and sexuality issues on the other hand. Drawing on literature on belonging and sexual nationalism, we conduct a qualitative analysis of textual data representing the political–public discourse. Four interconnected narratives of deservingness regarding the sexual asylum regime were isolated: (1) postcolonial geopolitics of national imaginaries; (2) Eurocentric/Western representations of queerness and a corresponding politics of the queer body; (3) hierarchizing categories of vulnerability; and (4) a general narrative of (dis)belief. We argue that the political–public discourse on sexual asylum should be understood as part of a broader moral economy concerned with the creation and definition of the Swiss community and its politics of belonging.

Keywords: boundaries; deservingness; politics of belonging; Switzerland

1. Introduction

> The political debate about gays and lesbians who have left their homeland for fear of persecution and punishment is in full swing [in Switzerland]. Not without reason, as the State Secretariat for Migration (SEM) confirms. The number of applications has clearly increased, says the SEM's spokeswoman. She does not have concrete figures to hand. She explains that homosexuality alone is not a reason for asylum. The decisive factor is whether the applicants are threatened with serious consequences because of their sexual preferences. Whether they go to prison or fear for life and limb, they must be able to credibly demonstrate the seriousness of their situation.[1]

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This quote from a Swiss newspaper in 2019 indicates that in Switzerland, as in many other European countries, asylum claims based on sexual orientations or gender identities (SOGI) (as they are currently labelled in the official handbook of the Swiss administration[2]) have come to be officially recognized while provoking political debates. Through discourses around queer asylum, new boundaries are drawn in reference to regimes of sexuality (Foucault 1978). Focusing on one aspect of this discourse, we ask what are the narratives of deservingness that shape the politics of belonging in the Swiss sexual asylum regime? By sexual asylum regime, we mean the asylum regime and all its actors, discourses, practices that contribute to its formation and governance and that are related to sexual orientation and gender identity/queerness.

In this article, we argue that political–public discourses around sexual asylum—the thematic intersection of sexual orientation and gender identity/queerness and asylum—must be considered against the background of a double bordering by asylum regimes (Tsianos and Karakayali 2010; Horvath, Amelina, and Peters 2017; Rass and Wolff 2018). On the one hand, asylum regimes can be considered as political projects of governance, and on the other hand as political projects of belonging. The first concerns their capacity in a *physical and legal sense* to sort deserving from undeserving people, resulting in them being granted or denied access, rights, and entitlements to national territories. The second, *politics of belonging*, stands for '*the maintenance and reproduction of the boundaries of the community of belonging by the hegemonic political powers*' (Yuval-Davis 2006: 205). Symbolic boundaries between 'us' and 'them' (re)produce important distinctions (Fischer, Achermann, and Dahinden 2020) and create not only images about the others, but, relationally, also particular self-images of 'us'. Such boundary work is crucial in political–public discourses in the sexual asylum regime, particularly regarding questions of deservingness. European asylum regimes incorporate and reproduce ideas about the national imagined communities of value (Anderson 1983; Anderson 2013) about 'who we are and who they are'.

We will demonstrate that such narratives of deservingness, which function as filtering devices in terms of bordering and boundary making, can be understood as fundamental to a politics of belonging and its associated moral economy: Deservingness impacts politics of belonging, and vice versa. While scholars have demonstrated that deservingness is a powerful means of bordering in the realm of migration and asylum regimes, (Holmes and Castañeda 2016; Holzberg, Kolbe, and Zaborowski 2018) our article adds to this literature in two main regards:

First, existing work engaging with deservingness discusses the concept as applied in asylum centres (Casati 2018), or for the analysis of UNHCR and EU resettlement programmes (Koçak 2020; Strasser 2022): Hence, most of the literature focuses on deservingness for asylum claims in general (e.g. also Marchetti 2020; Borrelli 2022). Furthermore, scholars who focus on narratives of deservingness related to the sexual asylum regime show for example how performances of vulnerability and perceived credibility impact deservingness (Held and Dustin 2018; Akin 2019). Most of these studies are qualitative and ethnographic in view of their methodological approaches and they focus primarily on the *experiences* of queer asylum seekers and how (un)deservingness is produced in individual cases (e.g. Tschalaer 2019; Koçak 2020). In contrast, we conduct a qualitative analysis of the sexual asylum and its narratives of deservingness by focussing on the political-public discourse: We do not ask how and why an individual is considered as (un)deserving, but what are the narratives that can be identified in public–political discourses. This allows us to learn how queer deservingness is discursively produced by and contingent upon bordering and symbolic boundary making in view of political–public actors and contexts.

Second, we contribute with a case study—Switzerland—which is often neglected in international debate while being a particularly interesting case for the topic at hand. One of Switzerland's best-known myths is its liberal humanism (Ludi 2014). Welcoming those

who are considered as genuinely deserving people in need is an often declared (historical) self-representation of the Swiss federal state and at the core of Swiss nationalism (Efionayi-Mäder 2003). In contrast, Switzerland is also known for its restrictive asylum regime (Motz 2021), resulting among other things from various anti-asylum initiatives and referendums launched over the last three decades, mainly by the country's dominant right-wing party—the Swiss People's Party (SVP) (Miaz and Stünzi 2020). This paradox—an imaginary of a humanitarian, liberal nation versus restrictive regimes in the realm of migration and asylum—is, however, no exception in Western Europe. What makes the Swiss case interesting is the fact that Switzerland is a comparative latecomer in Europe to the domain of politics around gender and sexuality: At the federal level, women's suffrage was not introduced until 1971 (Studer 2001). Furthermore, same-sex marriage was accepted—after a referendum—only in 2022 (Admin 2022a). This raises the important question of how a country that lags in terms of progressive sexual regimes produces narratives of deservingness in its sexual asylum regime. However, Switzerland is of course not a unique case in all respects. Like in other European countries, the amount of sexual asylum claims has increased in Switzerland since the 1990s (Bertschi 2007; Jansen 2013). And as in other countries, the issue gained some political and public attention over the last two decades, and the Swiss authorities started to develop specific guidelines for such cases (for instance for questioning). Finally, the Swiss asylum system is embedded in a shared European migration and asylum regime, especially because of the Dublin Agreements (Kriesi and Trechsel 2008; Affolter 2021; Admin 2022b). Our case is therefore interesting, but not 'extreme' in every respect. Factors such as the conservative sexual regime, the political system in terms of federalism and direct democracy, and the strong focus on a humanitarian self-image are peculiarities. In many other respects, however, the country is similar to other Western European countries, for example in its practices, which are mainly based on the Dublin Convention.

To analyse the related narratives of deservingness, we go back to queer theory—which, of course, has many meanings (Seidman 1994). For this article, it means that we are interested in understanding the 'regime of sexuality' (Foucault 1978) as it is embodied in the field of asylum, in terms of its public and political discourses and practices that are interlaced with social institutions. This seems to be a theoretically justified decision, since, after all, '*sexuality constitutes a "dense transfer point for relations of power" that structure all aspects of international migration*' (Foucault 1978: 103; Luibheid 2008: 169).

A sexual regime is organized around specific perceptions of gender and sexuality, which unfold their power at the intersection with race, migration, and class. We thus investigate '*a field of sexual meanings, discourses, and practices that are interlaced with social institutions and movements*' (Seidman 1994: 169). More concretely, we are interested in the sexual regime in terms of categories of knowledge and of a normative language that erects moral boundaries, political hierarchies, and is part of a politics of belonging. We follow a Foucauldian understanding of discourses as a way of constituting knowledge (Foucault 1972). We are studying those knowledges and discourses which organize narratives of deservingness in the asylum regime. Such discourses are more than ways of thinking and producing meaning: They are imbued with power and practices.

Subsequently, we use the term sexual asylum regime in relation to our topic. We understand the sexual asylum regime as a vast network of different actors, coined by power relations, that are in constant exchange shaping the discourses and practices around SOGI-based asylum claims, organizing, hierarchizing and classifying the different forms of queerness-related asylum claims (Foucault 1978). In light of the numerous changes in recent decades in the factual handling of such cases, it is also important for us to emphasize that this regime of sexual asylum is constantly evolving (Ferreira and Carmelo 2021).

Our analysis is based on a corpus of textual data, including media reports, expert interviews, as well as institutional documents, covering the period 2013 to 2020. Furthermore, the emic vocabulary—including specific notions and categories such as homosexual, trans*

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person, LGBTIQ+, SOGI, queer, etc., which are used by our interview partners and which we find in the analysed documents—is considered as part of our empirical material. Given our anchorage in queer theory, we will, however, use the analytical category of queerness, which comprises and overarches all the emic categories and is attached to an anti-categorical epistemology.[3]

2. Asylum regimes, sexual liberalism, and deservingness

Sexuality and gender identities have come to play a crucial role in national and European politics of belonging and othering. Scholars have demonstrated how sexuality relates to nation-building and nationalism, the role it has played for imperialist governance during colonialism, and the ways in which it is based on culturalized, racialized but also orientalist underpinnings (Jaunait, Le Renard, and Marteu 2013). Today, notions of freedom of (some) sexual orientations and gender identities are mobilized in nationalist politics in Europe as a means of boundary marking against migrants and asylum seekers (Dietze 2010; Mepschen, Duyvendak, and Tonkens 2010).

In political–public discourses and among political actors, there is a prevailing idea that (Western) European societies champion sexual freedom, with a liberal sexual regime being presented as a specifically (Western) European value and a positive sign of so-called 'modernity'. Meanwhile, the 'others' are characterized by backwardness and illiberalism in terms of freedom of sexual orientations and gender identities (for France: Fassin 2012; for France and the UK: Giametta 2018; for the Netherlands: Mepschen et al. 2010; for Germany: Tschalaer 2019; also: Fassin and Salcedo 2015). Studying the UK, Raboin (2017) explicitly discusses these processes with regard to queer asylum. Raboin illuminates how the practices towards LGBT (lesbian, gay, bisexual, transgender)-asylum in the UK are means of constructing a liberal 'us' (a *queer haven*) and argues that the geopolitics of sexual rights are performative tools for the "*representation of a racialised queer-liberal state*" (p. 13). Since protecting (some) forms of queerness allows to foster the imaginaries of the liberal 'us', one might expect (some) sexual orientations and gender identities to prove advantageous in increasing the chances of asylum in a country presented as a safe haven (Yuval-Davis et al. 2005; Raboin 2017). At the same time, despite the implementation of SOGI-related persecution as potential reasons for asylum, the asylum regimes in most European countries became noticeably restrictive during the last decades, mirroring nationalist practices (Giametta 2018; De Genova 2020), whereby also sexual asylum cases face restrictive regimes.

Sexuality is and was historically of importance for nation-building, the nation, and its boundaries. Nowadays, it is values of liberty and equality in particular that are introduced to what has been called '*new sexual nationalisms*' (Fassin 2009, 2012). This means that the newly discovered alleged liberal values concerning sexuality, gender, and some forms of queerness were turned into a political project and put at the core of the imaginaries of nations; those values become markers of the 'us' and at the same time means of othering and exclusions, as they frame reasons to exclude certain populations (Fassin and Salcedo 2015). These new sexual nationalisms are a crucial facet of national politics of belonging (Jaunait, Le Renard, and Marteu 2013). This becomes even more evident when we follow Wimmer (2011: 718), who argued that '*if we define nationalism as a political project […], then nations are best conceived as (imagined) communities of individuals within which this political project is widely shared*'.

The new sexual nationalisms are mirrored in particular forms of boundary making and intersect with racial, neo-oriental, and postcolonial logics. We draw on and expand this existing literature on sexual nationalism and sexual asylum by looking at the Swiss case and focusing on the importance of deservingness. Deservingness, here, is a moral and legal filtering mechanism deciding upon entrance, but also a means of making distinctions

between the ‘us’ and the ‘them’. Deservingness hence relates to the projects of governance and belonging at the same time. Taking into account legal, moral, and economic dimensions (Holmes and Castañeda 2016, Ravn et al. 2020), deservingness ‘*participates […] as a conditional attribution enabling a moral demarcation […] between people who are understood as worthy of […] aid and those who are not*’ (Holmes and Castañeda 2016: 5f) and incorporates hierarchies of who is deserving and who is not.

Research on queer asylum has studied how deservingness is created. Tschalaer (2019, 2020) for example illustrates how in the German case, adapting ‘*German/Western standards of moral on gay/queer sexualities*’ (Tschalaer 2019: 1) increases the chances of receiving a protection status. Tschalaer also demonstrates how decision makers’ practices relate to imaginaries of Islam, and how, in cases of lesbian asylum seekers, imaginaries of sexuality and blackness shape bureaucrats’ perceptions of victimhood. Similar patterns are described by Held (2015), who emphasizes how credibility for lesbian asylum seekers in the UK is constructed around racialized and Western imaginaries of sexuality and being ‘out’. Akin (2017, 2019) illuminates further how genuine refugeeness is constructed in Norway, where, due to racialization, queer refugees face an ambiguous status, as their queerness feeds imaginaries of tolerance, while their widespread racialization leads to nationalist reactions. Koçak (2020), finally, investigates the creation of queer deservingness in UNHCR resettlement programmes. Koçak describes how some queer asylum seekers would reinforce their own deservingness for a place in the resettlement programs by pointing at others as ‘*fake cases*’ (45), reproducing the discourses of the international refugee governance system by ‘*peer policing and disciplining of sexualities and gender identities*’ (45) (see also Giametta 2018).

In our study, we consider deservingness as a discursive practice that takes place in political-public arenas and is produced by the various actors involved. We seek to identify narratives of deservingness, taking into account that they are dynamic and vary according to place and period (Ludi 2014), and may even be contradicting each other (Ravn et al. 2020).

3. Data and methodology

Our case study follows a qualitative–interpretative approach and is based on a diverse corpus of textual data and expert interviews (Meuser and Nagel 2009). We first conducted seven expert interviews with people involved in the sexual asylum regime. They are members of local parliaments (two) and of pro-asylum NGOs (two), legal experts (two), or work for a state institution (one). Due to the COVID-19 pandemic, six out of seven interviews were conducted online, five in German and two in French, between October 2020 and May 2021.

In a second step, we selected a corpus of different text types: newspaper articles, minutes of parliamentary debates, administrative documents, and publications by NGOs and political parties. To maintain the focus on political–public discourse we chose to prioritize the inclusion of publicly available documents in the corpus. Besides the historical overview, the main analysis covers the period from 2013 to 2020. We chose this starting date because in an influential decision the Court of Justice of the European Union (CJEU) clarified again that homosexuality can be grounds for asylum and membership of a particular social group, which further institutionalized the topic.[4] Using bilingual (French/German) keyword search, we conducted open online research (Google/LexisNexis) and identified thirteen Swiss media articles from our period that cover the topic of sexual asylum and contain narratives of deservingness. Furthermore, we looked at minutes of parliamentary sessions about the topic of sexual asylum in the cities of Bern, Zurich, Basel-Stadt, and Geneva, as well as in the National Council. Based on a bilingual key word search in the respective data bases, all related eighteen sets of minutes found were included in the analysis. With this

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selection, we take into consideration Switzerland's federalist structure. Additionally, we included documents from different institutions and organizations: four documents representing the guidelines for related cases as well as six country reports issued by the Swiss migration authorities; two documents relating to the topic published by NGOs; and two documents published by political parties that explicitly mentioned queer asylum (we searched the media releases and websites of the five major Swiss parties, their youth organizations, as well as the gay SVP for theoretical considerations. However, we found relevant data only in two cases). In line with research ethics we anonymized all actors, be they NGOs or members of political parties. In contrast, politicians that publicly took a voice with their name, we did not anonymize.

The data was analysed with Atlas.ti following an inductive approach inspired by grounded theory (Charmaz and Mitchell 2001) and a discourse analytical approach (Wodak and Meyer 2015: 20). With the aim of identifying narratives of deservingness in the Swiss discourse over time, we initially conducted an open coding of each document and interview transcript. Then we triangulated, juxtaposed, and compared the codes between the different text sources (Charmaz and Mitchell 2001). In the process, four code-families emerged from the data that represent the four narratives of deservingness that we will discuss in detail below.

4. The Swiss asylum regime and politics of belonging

The Swiss authorities faced the first sexuality-related asylum claims in the 1990s (Bertschi 2007). Since then, three turning points in the Swiss sexual asylum practice are of particular importance (Büchler 2022: 48–53).

The first turning point was preceded by the international debates of the 1980/90s which revolved around the transnational emergence of gender-specific asylum (Achermann and Hruschka 2012; Barzé 2012). The predecessor institution of the SEM responded by establishing a working group on gender-specific persecution, which also addressed homosexuality (Deputy of a state institution). For the 1998 revision of the Swiss Asylum Act, the Social Democratic Party, the Refugee Council and Women's NGO's advocated for the incorporation of gender as a reason for asylum. In the official statement, the Federal Council rejected the said proposal. The Federal Council referred to the efforts to harmonize the European asylum system and to an expected increase in asylum applications, especially from '*women from countries with strong fundamentalist forces*'.[5] With the aim of avoiding such an increase, the government advocated against the explicit mention of 'gender-specific persecution' as a reason for asylum. Instead, a sub-paragraph was added stating that '*motives for seeking asylum specific to women must be considered*' (Art. 17 Abs. 2 AsylA).[6] However, in 1999, the term *gender* was included in the Swiss Asylum Ordinance on procedural questions. In 2003, this was interpreted to also be relevant to asylum for male applicants by the former Schweizerische Asylrekurskommission (Asylum Appeal Commission, ARK).[7] Sexual asylum was initially embedded in a discussion on the inclusion of women-specific grounds for asylum, and it only implicitly also included male homosexuals. Furthermore, sexual asylum cases became a sub-group of the broader term *gender-specific*, all of which were treated under the term *particular social group* (Bertschi 2007; Hruschka and Portmann 2012).

A second turn happened in 2006 when the so-called 'Schutztheorie' (protection theory) was implemented. This new provision in principle allows for the protection of claimants persecuted by private actors, in situations where the state is not able or willing to provide protection (Büchler 2022: 50). At the same time, an initial comprehensive study on asylum based on homosexuality was published and brought the topic onto the political agenda. The study revealed that only four out of the ninety claims identified had been granted asylum between 1993 and 2007 (Bertschi 2007). [8] These numbers had significant effects:

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First, the authorities became more aware of the number of asylum applications based on homosexuality. Second, sympathetic stakeholders could now use figures to support their arguments for better protection of sexual asylum claims. Following a motion in 2009, the issue was brought into parliamentary debate, and a motion by a green politician sought to add persecution for '*sexual identity or orientation*' as an explicit motive for asylum:

> In about 85 states, consensual sexual acts between adults of the same sex are punishable by law, and, in some states, there is even the threat of the death penalty. Against this background, it is necessary that gender-specific persecution is not simply subsumed in the catch-all element of 'belonging to a particular social group', but that a separate motive for persecution is created.[9]

The goal was thus the transition from a de-facto practice (as a particular social group) to a de-jure practice with an explicitly named category. However, due to said de-facto practice the motion was deemed unnecessary by the government,[10] and, with a clear left–right divide, the motion was rejected by the National Council. A politician from the SVP further argued that introducing this change would lead to less control, more unjustified asylum claims, and the potential arrival of '*hundreds of thousands*' of new asylum seekers.[11] From this point onwards, claims based on homosexuality were discursively linked to the idea of unjustified and abusive asylum claims, an important element in the Swiss (and European) asylum debates (Miaz and Stünzi 2020).

The third turning point impacting the Swiss sexual asylum regime resulted from the CJEU's decision that homosexuality could qualify as a reason for asylum, published in 2013 (Jansen 2013).[12] The ruling led to a renewed institutional and political awareness of the issue in Switzerland. Furthermore, it provided stakeholders in favour of sexual asylum with a basis for new arguments, and the topic gained enhanced attention in the Swiss media and entered public discourse to a greater extent.

It is important to emphasize the shared characteristics of these turning points. First, the topic not only was politicized by NGOs or politicians, but also bureaucratized by state institutions: Many of the national and international developments were implemented in an incremental way—a silent bureaucratization and diffusion of policies. Second, Switzerland's (sexual) asylum regime was, and still is, exposed to transnational trends. The emergence of the topic and the development and implementation of guidelines and practices were a function of what was happening in other countries, or transnational institutions such as the UNHCR (2012). Additionally, we must emphasize the inherent male bias of the Swiss sexual asylum regime, to which '*women-specific reasons*' for asylum were introduced in 1998. Over time, this practice increasingly applied to new categories such as trans* people. Nevertheless, the documents and the interviews show that in many people's minds a sexual asylum seeker is mostly equated with a cis-male homosexual.

5. The four narratives of deservingness

Against the backdrop of the institutional development of the Swiss *sexual asylum regime*, our analysis brought up four different narratives of deservingness. First, we will discuss them separately before elaborating on their entanglements in the conclusion. Importantly, we demonstrate that these narratives contribute to boundary work and bordering in terms of a project of politics of belonging and sexual nationalism.

5.1 Postcolonial geopolitical imaginaries of sexual (il)liberalism and deservingness

> And then, of course, it [the decision] also firmly depends on what kind of imaginaries we have of these countries of origin. eg via media reports. Or how great is our trust in these

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> countries of origin, in their governments. […] We've assisted various people, from Sierra Leone, or from states like the Comoros, or Jamaica, destinations that I know at best from travel brochures, but certainly don't know how the governments work there. … Uganda is one of the countries that has been very much in the press lately, when a gay activist was beaten to death with a hammer, and then we have had about seven or eight positive applications from Ugandan people. (Representative of asylum NGO 1)

The assessment of deservingness in the sexual asylum regime is related to the imaginary that stakeholders have of a certain country of origin in view of its sexual regime, with particular countries having a reputation for being especially homo-/queerphobic. Overall, asylum claims from these countries will be judged as more deserving than those from places that are perceived to have a more liberal sexual regime and safe structures. Of course, we do not deny that there are countries where people suffer from severe persecution due to their queerness. However, such imaginaries do not necessarily align with the factual situation. Nevertheless, they produce distinctions between 'us' (the liberal, modern Swiss) and 'them' (the sexually illiberal countries) which generate narratives of deservingness.

The SEM mandates country reports in which experts collect information, including on sexual regimes. Nonetheless, studies show that many stakeholders in the public and political realm have no detailed knowledge about these issues (Van der Kist and Rosset 2020). Rather, the stakeholders also resort to media coverage or use social media to inform themselves. In addition, as indicated in the quote above, if a country receives no media attention or is not, or only partially covered, less deservingness is generated in the public and political imagination about sexual asylum claims from those countries. In this way, deservingness must also be seen as a dynamic, contextual process, which is subjected to trends, current events, and an economy of attention—as can be inferred from the above interview excerpt.

Our analysis reveals what we call here a 'geopolitics of deservingness'. This is based on postcolonial or other representations of modernity/progress versus tradition/backwardness in which sexual freedom is linked to the former, and it can therefore be understood as a project of politics of belonging within sexual nationalism. The country report on sexual minorities in Kosovo[13] illustrates further how this discursive construction of 'them' and 'us' relationally creates the imaginary of the modern and progressive West and the unmodern, backward 'other':

> The constitution of, and legislative power in Kosovo are based on progressive and modern European role models. […] The events and measures carried out with international support should not hide the fact that the attitude of large sections of the population continues to be negative. […] The analyst […] therefore expressed the opinion that the time is not yet ripe for members of sexual minorities in politics. […] The modern legislation in Kosovo, oriented towards Western European patterns, does not coincide with the attitude of the majority towards sexual minorities.

This particular framing of the question of tolerance towards sexual minorities makes evident the legacies of historical Western European representations, in this case of the Balkans as the 'European's uncivilized self', as Todorova (2009) has argued (Tošić 2009). More generally, what we see is that Western European countries of arrival are represented as superior while other regions are framed as if they had to catch up with 'modernisation' (Massad 2008; Bhambra 2014). While scholars have largely demonstrated how the European asylum system incorporates postcolonial structures and inequalities (Krause 2021; Mayblin and Turner 2021), we argue that, beyond this, the alleged liberalism or illiberalism of a sexual regime turns directly into a marker to sustain this coloniality of power (Quijano 2000) and Western superiority (Said 1979)—geopolitics of deservingness.

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Similarly, scholars have pointed to the fact that such narratives (re)produce a catch-all imaginary of a queerphobic and monolithic African continent and of a liberal West—'*a simplistic oppression-to-liberation narrative*' (Marnell 2022: 39). These narratives also reproduce the idea of queer migration as something that goes unidirectionally from South to North, neglecting queer migration within the 'Global South' and the African continent (Camminga and Marnell 2022).

Against this backdrop, it comes as no surprise that media articles represent Switzerland as particularly liberal and tolerant towards queerness. An example can be found in a tabloid portraying a Syrian refugee's night of partying. The headline '*with refugee Hadi (23) in gay heaven*' is revealing. He and his friends are cited as '*lov[ing] the peaceful and tolerant atmosphere that prevails here*' and thus the article focuses on how they are enjoying their newfound freedoms in Switzerland.[14] This self-portrait of being a safe haven for queer people is mobilized in terms of politics of belonging.

Deservingness is a double-edged narrative which serves sexual nationalism: First, claims by asylum seekers from countries associated with an imaginary of illiberal sexual regimes are often judged as deserving. Simultaneously, in contemporary public representations, migrants and asylum seekers from those countries are depicted as threats to the alleged sexual freedom, liberal order, and 'advanced' values of an open Europe (Fassin and Salcedo 2015; Mepschen 2020; Holzberg, Madörin, and Pfeifer 2021). The imaginaries about repressive sexual regimes in countries of origin turn in this case into undeservingness and are instrumentalized to assert anti-asylum and anti-immigration politics. Sexual nationalism produces the idea of the Swiss 'we' whose core value is a liberal sexual regime while simultaneously including and excluding others. A parliamentary debate in Zurich about accommodation for LGBT asylum seekers illustrates the latter point. After cases of homophobic mobbing in an accommodation centre for asylum seekers, the issue became politicized. As a reaction to the cases, individualized housing solutions for LGBT asylum seekers were demanded by members of the Social Democratic Party of Switzerland. In the debate, the topic was used to call for stricter measures against an undefined group of 'intolerant' asylum seekers by opponents of the demand:

> Allegedly, there are LGBT asylum seekers in Zurich who are bullied by other asylum seekers. It is undisputed that the asylum system brings people to our city who are extremely intolerant of the Western way of life. … The whole of society is threatened by it.[15]

The following statement by the gay section of the radical right SVP points in the same direction:

> It is also our opinion that much stricter action should be taken against foreigners or asylum seekers who […] openly oppose our liberal basic attitude. Homophobia is particularly widespread among young people with a migration background.[16]

Using such homonationalist narratives (Puar 2007), Switzerland's supposedly liberal policies and values regarding its sexual regime are mobilized both as a reason for accepting *some* persecuted people (here homosexuals) *and* as an argument for excluding asylum seekers who supposedly do not conform to these liberal attitudes—hence, they become a filtering device in terms of a national politics of belonging.

5.2 Deservingness produced through performative acts and a politics of the queer body

> Men who are more feminine have better chances than those who do not correspond at all to the image of a homosexual person. … Men […] with a very masculine appearance,

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> muscular, with beards and macho-like body language, they are believed much less than men who correspond to our image of a homosexual man. The same happens with women. So, I've seen more women [being believed] with shaved haircuts and, according to our understanding, male body language, than those with long hair, adorned, red fingernails, and children in their home country. (Representative of asylum NGO 1)

Studies such as those from Topel (2016) and Tschalaer (2019) have shown that sexual asylum claims are often denied because decision makers do not believe the claimant is genuinely queer. In the quote above, a member of an NGO indicates that this also happens in Switzerland with homosexual-identifying people. With the implementation of sexual asylum, a new filtering device emerged: the institutional zeal and eagerness to supposedly 'define' one's sexual orientation/gender identity and to prove the related persecution associated. Assessments are based on an (oral) sexual asylum stories and applicants need to reconstruct themselves as archetypical sexual asylum claimants.

This of course requires a formulation according to a European/Western imaginaries of sexuality and gender identity that represents a stereotypical white middle-class gay identity (Tschalaer 2019). In other words, the process of establishing prima facie 'evidence' of one's queerness is heavily based on representations of European/Western queerness, which produce perceived deservingness and can be understood as another facet of a project of politics of belonging. It should be noted that the expectations are not uniform across the groups: for example, trans* people face different expectations (e.g. the body as evidence) and obstacles (e.g. medical care) than other categories of queer asylum seekers.

A 2019 case published in a Swiss newspaper reveals these processes.[17] A gay Iranian man's asylum claim, which he based on persecution related to his homosexuality, was denied. The institutions involved did not consider him a genuine refugee and, furthermore, according to the newspaper, cast doubt on his homosexuality. He happened to live in the same village as a politician from the Christian Democratic Party of Switzerland (BDP, today 'The Centre') who got to know him and started to advocate his case. The politician—unlike the institutions—believed in his homosexuality and considered him deserving. When the journalist asked how he could know that the Iranian man was *actually* gay, he replied '*I noticed it quickly. By the way he moves, the way he acts—in short, by his whole behaviour*.'[18] Although the article does not specify what kinds of behaviour led to this assessment, it indicates that in the politician's view, the deservingness of this specific asylum seeker stems from conformity to his own representation of a gay man. Based on this reasoning, the politician considered the man's story credible: The threat of persecution, his turning away from Islam. This example, as well as the opening quote, point to what D. Fassin has theorized, for other asylum contexts, as 'politics of the body': '*The body is not only the site where power is exerted or resisted, it is also the site where truth is sought or denied*' (2011: 284).

In asylum processes, medical and psychological certificates often confirm the existence of physical scars or psychological trauma compatible with the story recounted and they have become a key element in improving one's chances of securing refugee status (Fassin and D'Halluin 2005). In the case of persecution due to sexuality and gender identity *body performances* of gender and queerness corresponding to the European/Western gay story fulfil a similar function. In other words, Eurocentric and Western imaginaries of queerness become part of the politics of belonging: They draw clear boundaries through a politics of the queer body which defines who is included or excluded from the national community in both a symbolic and legal sense.

5.3 Deservingness produced through hierarchized vulnerability

> The number and proportion of asylum seekers who are considered particularly vulnerable and whose specific needs must be considered in the asylum procedure and in

> accommodation have increased, […]. These are unaccompanied minors, asylum seekers who have suffered torture, rape or other forms of psychological or physical violence, people with disabilities, victims of human trafficking, or people who are persecuted because of their sexual orientation or gender identity.[19]

This quote from a report about the Swiss practice illustrates that (genuine) sexual asylum cases are defined as particularly vulnerable, together with a list of other categories of asylum seekers. Strasser (2022) argues that the vaguely defined concept of vulnerability is ambivalent given that it represents a moralized assessment tool of un/deservingness. Importantly, there is little consensus about what vulnerability is, as like deservingness it is also a category of practice, entangled with power, used to justify one's exclusivist argumentation. Strasser further demonstrates that, based on a gendered, sexualized, and neo-orientalizing epistemology, vulnerability became an additional yardstick for moral ideas about 'good' or suitable refugees. In the context of vulnerability and sexual asylum, we can identify an epistemology of vulnerability based for example on gendered and postcolonial geopolitical imaginaries about illiberal sexual regimes in certain countries of origin analysed above and the alleged superiority of the gay-friendly, egalitarian, and sexually democratic West. Therefore, the idea of vulnerability as embedded in a narrative of deservingness which is part of Swiss politics of belonging and reinforces Swiss/European supremacy.

Vulnerability attributed to sexual asylum seekers is explicitly acknowledged in administrative guidelines developed to inform street-level bureaucrats.[20] Exemplary, in a report about the evolution of Swiss asylum practices from 1979 to 2019, the following quote about the hearing in gender-specific (including LGBT) cases is found:

> Asylum seekers who claim gender-specific persecution often find it difficult to talk about intimate and personal matters. For this reason, the interviewer must […] be familiar with the prevailing moral concepts in the country of origin. The appropriate questioning technique, an appropriate tone, and psychological skills are prerequisites for creating an atmosphere of trust, which is particularly important for a hearing in such a situation.[21]

For the administration, those institutionally defined as particularly vulnerable should be able to count on a sensitive questioning technique and the psychological skills of the interviewers. Yet, this simultaneously introduces a distinction between those considered vulnerable and those who are not perceived as such—a problematic differentiation given that the latter might also have experienced fundamental traumas. Similarly, the idea of vulnerability introduces hierarchies between and among asylum seekers who claim protection due to their sexuality or gender identity, and potentially also between and among other categories of claimants. A telling example for distinctions among sexual asylum seekers is the observation by a member of an NGO regarding trans-related claims:

> Trans* people might have a slight advantage compared to the sexual orientation cases, because it is pathologised. […] it's not so long ago that it was, according to the ICD, a psychiatric diagnosis. (Representative of asylum NGO 1)

This hierarchy of vulnerability becomes even clearer when this interview partner narrates in the following how a young, wealthy, and well-educated homosexual man is, according to her, more likely to be considered as being able to cope with his situation, and thus might be rejected due to his lack of individually attributed vulnerability. This also indicates how deservingness is constructed intersectionally and how characteristics of an individual may shape ideas about vulnerability and deservingness in a counterrotating manner: An individual may be considered deserving based on some attributes—being homosexual, trans*, or

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living in a certain country while being considered as undeserving based on other attributes, such as being male, young, and educated.

Importantly, in absolute terms, cis-men currently represent most accepted queer asylum cases (albeit also of the rejected ones), thus their perceived lack of vulnerability for being young men does not mean that their asylum claims necessarily will get rejected. And similarly, it may well be that trans* people are not always perceived as vulnerable, and they have difficulty obtaining asylum. But what the quote demonstrates is that there is a boundary-making discourse that revolves around a contextually constructed vulnerability. It is a practice of hierarchization by the institutions, in which individual situations are measured against a pre-imagined yardstick of deservingness through perceived vulnerability affected by intersectional considerations, including gender, race, and class (Seidman 1994; Zisakou 2021).

These distinctions and concomitant hierarchizations can be seen as a facet of the Swiss politics of belonging that results in a deviation from *rights to political asylum* in terms of a system of protection towards a *vulnerability/humanitarian*-driven system, similar to what Fassin (2012) identified as "*politics of compassion*". The Swiss asylum regime, by defining vulnerable asylum seekers along the lines of gender and sexuality (and in intersection with race), creates a tool of un/deservingness, reducing individual rights and transforming them into an ambiguous compassion for the most vulnerable/deserving. Vulnerability as a tool for measuring un/deservingness contributes to the production of national boundaries by narrowly defining the group of belonging according to often stereotypical Western representations as well as fundamental European/Western humanitarian superiority and postcolonial imaginaries.

5.4 'Abusing' the asylum system and (dis)belief regarding sexual orientation and gender identity

> It must not be that every asylum seeker suddenly pretends to be homosexual to obtain asylum. […] we need a straightforward approach without false political correctness.[22]

In this fourth narrative, (dis)belief regarding the queerness of claimants is at stake: Asylum seekers are accused of *making up stories/identities* to be granted refugee status. While the above cited manifesto of the Gay SVP refers to homosexuality, sexual asylum cases are by far no exception as other asylum seekers are also constantly exposed to the suspicion of abusing the system. The argument of abuse is omnipresent in the political-public discourse about asylum, in Switzerland and beyond (Leyvraz et al. 2020). According to Miaz and Stünzi (2020), the consequences of the rhetoric of the 'fight against abuse' are considerable: It is the framework within which the question of asylum is framed, understood, debated, and acted upon. This means that queer asylum seekers who can provide a narrative of being 'genuine' are, in a following step, exposed to disbelief about their story of persecution.[23] But it is often difficult to prove the '*sexual asylum story*' (Tschalaer 2019) because the persecution may be informal or cumulative in nature, and because such "*stories*" are easily deniable given the asylum procedure's reversed burden of proof.

The right-wing journal *Weltwoche* provides an example of this abuse debate: '*Is homosexuality, particularly among asylum seekers from Islamic and African countries, developing into a successful model to secure recognition?*'[24] The effect of this generalized narrative of disbelief is that these cases are particularly carefully investigated, as observed by a legal expert:

> I always find interesting the meticulousness with which—it's only comparable with religious cases—[…] they look at how a person is. Often very negatively in the sense that it could be that the person is lying. (Legal expert 2)

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Disbelief plays a central role in the (re)production of a boundary and in the alleged need to defend a national community of belonging from 'trespassers'. The 'safe haven' is considered to only protect those who are really deserving but must simultaneously be defended against those lacking the required attributes, and often also racialized persons. Accessing the community, or also the mere intention of doing so, is suspected of abusing, and menacing, the national community. Disbelief is also related to the idea of a Swiss community of solidarity in terms of its welfare state: Access to this community of solidarity is limited to those considered as belonging and deserving (Wimmer 2002), while the community must be shielded from the undeserving.

An SVP politician's statement in a debate on separate housing for LGBT asylum seekers illustrates this point:

> They'll become something LGBT or something in a flash because there's better housing, there's more money to send home. They're not that stupid; they're very intelligent. They know how to do it. Unfortunately, the only ones who are stupid are us. Therefore, stop with such things. Please think of the dignity of our fellow human beings in Africa, who should not be seduced with such things.[25]

This positioning is particularly characteristic of actors of the Swiss political right. Pro-asylum NGOs and left-wing politicians often defend the opposite view, of generalized *belief*, while simultaneously promoting the ideal of protection. Firstly, pro-asylum NGOs reject the idea that queerness would be an easy way to be recognized as a refugee and argue that there are no incentives to falsely claim asylum on these grounds. For example, in a newspaper article from 2010, an activist says: '*In the asylum process, there is an individual assessment. So, "false" homosexuals would be detected*'.[26] They turn the disbelief argument upside down, arguing that pretending to be queer is not a worthwhile strategy when claiming asylum as in fact very few sexual asylum cases are being granted. Secondly, these actors give priority to protecting the individual and reject the idea of shielding Switzerland. As a left-wing politician expresses it: '*I have this ideal of protection. For me, this is central. That people who are at risk in a structure, they need to be protected*' (Left-wing politician 2).

The left's narrative of belief draws the boundaries in a different way. It sets the threshold of disbelief differently, starting from a generalized belief. With this, the focus in the left-wing discourse is on the deserving and not the undeserving. The 'us' is here mostly addressed in terms of having a responsibility, to protect, which is not fulfilled. In contrast to the right-wing discourse, which paints the 'other' as a potential abuser trying to penetrate the community that needs to be protected, the left-wing paints 'them' as victims in need of protection and the 'us' as those who have the responsibility to protect.

Given the imaginary of the Swiss community, the filtering mechanism of (dis)belief has a crucial role: Denying asylum for a vulnerable person would conflict with the ideal of being a humanitarian host. However, by denying credibility, this idea seems not to be under pressure because those who are not credible would be abusing the system. Exclusion thus even sustains the narrative of protecting those who are deserving.

6. Conclusion

At the core of this article is the qualitative analysis of the political-public discourse which produces deservingness in sexual asylum in Switzerland. The production of deservingness in the Swiss sexual asylum regime has many facets—yet the overall picture which emerges shows that the narratives of deservingness are anchored in imaginaries of humanitarianism and liberalism, as well as (sexual) nationalist practices (1). They are interconnected with postcolonial representations, namely a hierarchization based on attributed so-called 'progressive' values in terms of a juxtaposition of modernity/tradition. They are further based on Eurocentric/Western representations of queerness and a politics of the queer body

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(2). Deservingness is also produced through hierarchizations of vulnerability (3) and the question of (dis)belief (4). Politics of deservingness leads to a distinction between 'good' and 'bad' refugees, between those who are potentially allowed to enter the national community and those who are denied entry. Importantly, narratives of deservingness participate in the co-production of an imaginary of a liberal, modern, humanitarian Switzerland that reinforces nationalism.

Importantly, the narratives of deservingness reveal their effects in close interaction with each other. For example, the role of country of origin and its reputation may become even more relevant if the person is perceived as conforming to a Western perception of queerness. It is also important to emphasize that an attribute of the claimant(s) can have different implications depending on who is using the narrative. As we have shown in the tabloid article discussing the example of the young refugee from Syria, coming from an Islamic country and conforming to Western notions of queerness increased deservingness. At the same time, in the right-wing newspaper, coming from an Islamic country is seen as an indication of less credibility and therefore less deservingness.

Our results contribute to the field of research on sexuality and asylum, but also to the debate on the othering and boundary making of (postcolonial) nation-states: How is accessibility produced, and who is attributed correspondence to those conditions, notably in the case of Switzerland? We do so by combining a broad selection of theoretical lenses, notably using queer theory and literature about politics of belonging. Our analysis reveals that political-public discourse about sexual asylum and the question of deservingness are *both* similar *and* different compared to other groups in the asylum system. On the one hand, some aspects are specific to sexual asylum: For example, deservingness is a question of representations of queerness and of politics of the queer body. Correspondingly, much work in this field has focused on how stereotypical and Western perceptions of queerness work as core filtering devices in asylum procedures for queer people. Importantly, even though terms such as *LGBTQI+* or *queer* are often found in the data, the discourse in Switzerland mostly focuses on (male) homosexuality. On the other hand, however, the terms under which deservingness is produced reflect issues that characterize the asylum bordering regime at large, beyond queer asylum: for instance, the issue of vulnerability, abuse, and disbelief of the ‘asylum story’. Yet, in sexual asylum cases these narratives are tainted in a specific way: Vulnerability is closely related to gender expressions, and abuse is connected to the alleged ‘ease’ of pretending to belong to this ‘*particular social group*’. Furthermore, another specificity is that deservingness in queer asylum procedures simultaneously produces narratives of belonging and boundary making in line with representations sexual nationalism.

It is further striking that, despite Switzerland’s ambiguous relation to sexuality- and gender-related issues and its undoubtedly conservative politics, the way deservingness is constructed in sexual asylum claims is in line with many other European countries. Although we set this study off by presenting Switzerland as a partially special case, the discourses regarding this issue do not appear to differ significantly from those found in the literature about other Western European countries. The result indicates that lagging in terms of gender and sexuality rights does not prevent discourses of sexual democracy, sexual nationalism, and homonationalism from taking hold in the realm of asylum. It speaks to the force of the transnational diffusion of such discourses and their possible disconnect from actual practices. Future research could further explore this. Further research could focus on how different narratives interact and have varying effects depending on the circumstances.

Acknowledgements

We thank all our interview partners as well as the people who have contributed through their valuable comments, especially from the nccr—on the move network and the

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Laboratoired'études des processus sociaux (LAPS) from the University of Neuchâtel. Inter alia, the article was presented at the IMISCOE 2021 and the SPSA 2022

Conflict of interest statement

No potential conflict of interest was reported by the authors.

Notes

1. Künzi (2019): Berner Zeitung: Nicht schwul genug. (https://www.bernerzeitung.ch/nicht-schwul-genug-837477425911) [5.8.2022].
2. SEM: Die geschlechtsspezifische Verfolgung. (https://www.sem.admin.ch/dam/sem/de/data/asyl/verfahren/hb/d/hb-d2-d.pdf) [5.8.2023].
3. We are aware that all these notions and categories are potentially grounded in a European-Western epistemology and, hence, risk reproducing particular power systems and epistemic violence (Spivak 1993). But given that we focus on the regime of sexuality of Switzerland, we need to analyse these categories, exactly in order to able to bring to light the particular 'regime of sexuality' embodied by these narratives of deservingness.
4. CJEU (2013): Judgment of the Court, 7 November 2013. (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62012CJ0199) [05.08.2022].
5. Fedlex (1996: 34): Botschaft zur Totalrevision des Asylgesetzes sowie zur Änderung des Bundesgesetzes über Aufenthalt und Niederlassung der Ausländer vom 4. Dezember 1995. (https://www.fedlex.admin.ch/eli/fga/1996/2_1_1_1/de) [5.8.2022].
6. Fedlex (2022): Swiss Asylum Act. (https://www.fedlex.admin.ch/eli/cc/1999/358/de) [5.8.2022].
7. Fedlex (2022): Swiss Asylum Ordinance (https://www.fedlex.admin.ch/eli/cc/1999/359/de) [5.8.2022]. EMARK (2006): EMARK Urteil 2003/2 (https://ark-cra.rekurskommissionen.ch/de/emark.html) [5.8.2022].
8. Unfortunately, no statistics are available on more recent trends.
9. Curia Vista (2009): Motion Erweiterung des Flüchtlingsbegriffes. Anerkennung der Geschlechtsspezifischen Verfolgung. (https://www.parlament.ch/de/ratsbetrieb/suche-curia-vista/geschaeft?AffairId=20093561) [5.8.2022].
10. Ibid.
11. Pomper (2010): 20 Minuten: Schweiz: Asyl für Homosexuelle?
12. CJEU (2013): Judgment of the Court, 7 November 2013. (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62012CJ0199) [05.08.2022].
13. SEM (2015): Focus Kosovo: Lage sexueller Minderheiten. (https://www.sem.admin.ch/dam/sem/de/data/internationales/herkunftslaender/europa-gus/kos/KOS-lage-se-minderheiten-d.pdf.download.pdf/KOS-lage-se-minderheiten-d.pdf) [5.8.2022].
14. Pomper (2019): 20 Minuten: Mit Flüchtling Hadi (23) im Schwulen-Himmel. (https://www.20min.ch/story/mit-fluechtling-hadi-23-im-schwulen-himmel-792061728076) [5.8.2022].
15. Gemeinderat Zürich (2018): *Detailansicht Geschäft | Gemeinderat Zürich*. (https://www.gemeinderat-zuerich.ch/geschaefte/detailansicht-geschaeft?gId=052e1f3d-b239-464a-806e-7a9f4007a498) [5.8.2022].
16. Gay SVP (?): Wer sind wir? (https://www.gaysvp.ch/index.php/ueber-uns/wer-sind-wir) [5.8.2022].
17. Künzi (2019): Berner Zeitung: Nicht schwul genug. (https://www.bernerzeitung.ch/nicht-schwul-genug-837477425911) [5.8.2022].
18. Ibid.
19. Parak (2019): Asylpraxis der Schweiz von 1979 bis 2019. (https://www.sem.admin.ch/dam/sem/de/data/publiservice/publikationen/asylpraxis-schweiz-1979-2019.pdf.download.pdf/asylpraxis-schweiz-1979-2019-d.pdf) [5.8.2022].
20. SEM (2021): Die geschlechtsspezifische Verfolgung. (http://www.sem.admin.ch/dam/sem/de/data/asyl/verfahren/hb/d/hb-d2-d.pdf) [5.8.2022].
21. Parak (2019: 161): Asylpraxis der Schweiz von 1979 bis 2019. (https://www.sem.admin.ch/dam/sem/de/data/publiservice/publikationen/asylpraxis-schweiz-1979-2019.pdf.download.pdf/asylpraxis-schweiz-1979-2019-d.pdf) [5.8.2022].
22. Gay SVP (?): Wer sind wir? (https://www.gaysvp.ch/index.php/ueber-uns/wer-sind-wir) [5.8.2022].
23. Asylum seekers must first qualify as refugees (Art. 3 AsylA), and the qualification must also be considered as at least credible (Art. 7 AsylA).
24. Mörgeli (2019): Weltwoche: Asylgrund Schwul (https://weltwoche.ch/story/asylgrund-schwul/) [5.8.2022].
25. Gemeinderat Zürich (2017): *Auszug aus dem substanziellen Protokoll 175. Ratssitzung vom 22. November 2017*. (https://www.gemeinderat-zuerich.ch/Geschaefte/detailansicht-geschaeft/Dokument/0bdcf6b7-3f3a-4e31-a0c4-948367e60bd9/2017_0169%20Protokollauszug%20substanziell.pdf) [5.8.2022].
26. Pomper (2010): 20 Minuten: Schweiz: Asyl für Homosexuelle?

References

Achermann, A. and Hruschka, C. (2012) 'Einleitung', in A. Achermann and C. Hruschka (eds) *Geschlechtsspezifische Verfolgung: die Schweizerische Praxis Vor Dem Hintergrund Der Europäischen Und Globalen Entwicklungen*, pp. 1–20. Bern: Editions Weblaw.

Admin. (2022a) *Die "Ehe Für Alle" Tritt Am 1. Juli 2022 in Kraft*, https://www.admin.ch/gov/de/start/dokumentation/medienmitteilungen.msg-id-85912.html#:~:text=Bern%2C%2017.11.2021%20%2D

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%20Gleichgeschlechtliche,an%20seiner%20Sitzung%20vom%2017.&text=Januar%202022%20in%20Kraft, accessed 13 Jan. 2023.
Admin. (2022b) *Schengen/Dublin—eine gemeinsame Grenze*, https://www.eda.admin.ch/missions/mission-eu-brussels/de/home/dossiers/schengen-dublin.html, accessed 13 Jan. 2023.
Affolter, L. (2021) *Asylum Matters: On the Front Line of Administrative Decision-Making*. Cham: Springer International Publishing.
Akin, D. (2017) 'Queer Asylum Seekers: Translating Sexuality in Norway', *Journal of Ethnic and Migration Studies*, **43**: 458–74.
Akin, D. (2019) 'Discursive Construction of Genuine LGBT Refugees', *Lambda Nordica*, **23**: 21–46.
Anderson, B. (1983) *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. New York: Verso.
Anderson, B. L. (2013) *Us and Them? The Dangerous Politics of Immigration Control*. Oxford: Oxford University Press.
Barzé, L. (2012) 'La pratique de l'Office fédéral des migrations (ODM) en matière de persécutions liées au genre', in A. Achermann and C. Hurschka (eds) *Geschlechtsspezifische Verfolgung : die Schweizerische Praxis Vor Dem Hintergrund Der Europäischen Und Globalen Entwicklungen*, pp. 67–108. Bern: Editions Weblaw.
Bertschi, M. (2007) 'Die Asylrechtliche Behandlung Der Verfolgung Wegen Homosexualität', *Asyl*, **4**: 3–10.
Bhambra, G. K. (2014) *Connected Sociologies. Theory for a Global Age*. London: Bloomsbury Academic.
Borrelli, L. (2022) 'Should (S)He Stay or Should (S)He Go? – Street-Level Suspicion and the Construction of the "(Un)Deserving Migrant', *Geopolitics*, **27**: 1093–116.
Büchler, T. (2022) *Claiming Home: Migration Biographies and Everyday Lives of Queer Migrant Women in Switzerland*. Bielefeld: transcript.
Camminga, B. and Marnell, J. (2022) 'Framing Queer and Trans African Mobilities: Absences, Presences, and Challenges', in B. Camminga and J. Marnell (eds) *Queer and Trans African Mobilities: Migration, Asylum and Diaspora*, pp. 1–20. New York: Zed.
Casati, N. (2018) 'How Cities Shape Refugee Centres: "Deservingness" and "Good Aid" in a Sicilian Town', *Journal of Ethnic and Migration Studies*, **44**: 792–808.
Charmaz, K. and Mitchell, R. G. (2001) 'Grounded Theory in Ethnography', in P. Atkinson et al. (eds) *Handbook of Ethnography*, pp. 160–74. London: SAGE Publications Ltd.
De Genova, N. (2020) 'Introduction. The Borders of "Europe" and the European Question', in N. De Genova (ed.) *The Borders of "Europe": Autonomy of Migration, Tactics of Bordering*, pp. 1–36. New York: Duke University Press.
Dietze, G. (2010) 'Occidentalism, European Identity and Sexual Politics', in H. Brunkhorst and G. Grözinger (eds) *The Study of Europe*, pp. 89–116. Baden-Baden: Nomos Verlagsgesellschaft.
Efionayi-Mäder, D. (2003) 'Asylpolitik Der Schweiz 1950–2000', *Asyl*, **2**: 3–9.
Fassin, D. (2011) 'The Trace: Violence, Truth, and the Politics of the Body', *Social Research: An International Quarterly*, **78**/2: 281–98.
Fassin, D. (2012) *Humanitarian Reason: A Moral History of the Present Times*. Berkeley: University of California Press.
Fassin, D. and D'Halluin, E. (2005) 'The Truth from the Body: Medical Certificates as Ultimate Evidence for Asylum Seekers', *American Anthropologist*, **107**: 597–608.
Fassin, E. (2009) 'La Démocratie Sexuelle Contre Elle-Même', *Vacarme*, **48**: 48–50.
Fassin, E. (2012) 'Sexual Democracy and the New Racialization of Europe', *Journal of Civil Society*, **8**: 285–8.
Fassin, E. and Salcedo, M. (2015) 'Becoming Gay? Immigration Policies and the Truth of Sexual Identity', *Archives of Sexual Behavior*., **44**: 1117–25.
Ferreira, N. and Carmelo, D. (2021) 'Queering International Refugee Law', in C. Costello, M. Foster, and J. McAdam (eds) *The Oxford Handbook of International Refugee Law*, pp. 78–98. Oxford; New York: Oxford University Press.
Fischer, C., Achermann, C. and Dahinden, J. (2020) 'Revisiting Borders and Boundaries: Exploring Migrant Inclusion and Exclusion from Intersectional Perspectives', *Migration Letters*., **17**: 477–85.
Foucault, M. (1972) *The Archaeology of Knowledge*. New York: Pantheon.
Foucault, M. (1978) *The History of Sexuality*. New York: Pantheon.
Giametta, C. (2018) 'New Asylum Protection Categories and Elusive Filtering Devices: The Case of "Queer Asylum" in France and the UK', *Journal of Ethnic and Migration Studies*, **46**: 142–57.

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Held, N. (2015) 'What Does a 'Genuine Lesbian'Look Like?: Intersections of Sexuality and 'Race' in Manchester's Gay Village and in the UK Asylum System', in Y. Taylor et al. (eds) *Sexuality, Citizenship and Belonging: Trans-National and Intersectional Perspectives*, pp. 139–56. New York: Routledge.
Held, N. and Dustin, M. (2018) 'In or out? A Queer Intersectional Approach to "Particular Social Group" Membership and Credibility in SOGI Asylum Claims in Germany and the UK', *GenIUS—Rivista Di Studi Giuridici Sull'orientamento Sessuale e L'identità Di Genere*, **2**: 74–87.
Holmes, S. M. and Castañeda, H. (2016) 'Representing the "European Refugee Crisis" in Germany and beyond: Deservingness and Difference, Life and Death', *American Ethnologist*, **43**: 12–24.
Holzberg, B., Kolbe, K. and Zaborowski, R. (2018) 'Figures of Crisis: The Delineation of (Un)Deserving Refugees in the German Media', *Sociology*, **52**: 534–50.
Holzberg, B., Madörin, A. and Pfeifer, M. (2021) 'The Sexual Politics of Border Control: An Introduction', *Ethnic and Racial Studies*, **44**: 1485–506.
Horvath, K., Amelina, A. and Peters, K. (2017) 'Re-Thinking the Politics of Migration. On the Uses and Challenges of Regime Perspectives for Migration Research', *Migration Studies*, **5**: 301–14.
Hruschka, C. and Portmann, C. (2012) 'LGBTI-Personen im Asylverfahren', in A. Achermann and C. Hruschka (eds) *Geschlechtsspezifische Verfolgung: die Schweizerische Praxis Vor Dem Hintergrund Der Europäischen Und Globalen Entwicklungen*, pp. 147–70. Bern: Editions Weblaw.
Jansen, S. (2013) 'Introduction', in *Fleeing Homophobia: Sexual Orientation, Gender Identity and Asylum*. New York: Routledge.
Jaunait, A., Le Renard, A. and Marteu, E. (2013) 'Nationalismes Sexuels?: Reconfigurations Contemporaines Des Sexualités Et Des Nationalismes', *Raisons Politiques*, **49**: 5–23.
Koçak, M. (2020) 'Who is "Queerer" and Deserves Resettlement?: Queer Asylum Seekers and Their Deservingness of Refugee Status in Turkey', *Middle East Critique*, **29**: 29–46.
Krause, U. (2021) 'Colonial Roots of the 1951 Refugee Convention and Its Effects on the Global Refugee Regime', *Journal of International Relations and Development*., **24**: 599–626.
Kriesi, H. and Trechsel, A. (2008) *The Politics of Switzerland: Continuity and Change in a Consensus Democracy*. Cambridge; New York: Cambridge University Press.
Leyvraz, A.-C., Stünzi, R., Rey, R. and Rosset, D. (2020) 'Einleitung: Die "Missbrauchsbekämpfung", Ein Vorherrschender Diskurs Im Asylbereich', in A.-C. R. Leyvraz et al. (eds) *Asile Et Abus: Regards Pluridisciplinaires Sur Un Discours Dominant*, pp. 9–16. Zurich: Seismo.
Ludi, R. (2014) 'More and Less Deserving Refugees: Shifting Priorities in Swiss Asylum Policy from the Interwar Era to the Hungarian Refugee Crisis of 1956', *Journal of Contemporary History*, **49**: 577–98.
Luibheid, E. (2008) 'Queer/Migration: An Unruly Body of Scholarship', *GLQ: A Journal of Lesbian and Gay Studies*, **14**: 169–90.
Marchetti, C. (2020) '(Un) Deserving Refugees: Contested Access to the 'Community of Value' in Italy', in E. M. Goździak, I. Main, and B. Suter (eds) *Europe and the Refugee Response: A Crisis of Values*?, pp. 236–52. New York: Routledge.
Marnell, J. (2022) 'Telling a Different Story: On the Politics of Representing African LGBTQ Migrants, Refugees and Asylum Seekers', in B. Camminga and J. Marnell (eds) *Queer and Trans African Mobilities: Migration, Asylum and Diaspora*, pp. 39–60, New York: Zed.
Massad, J. (2008) *Desiring Arabs*. Chicago: University of Chicago Press.
Mayblin, L. and Turner, J. B. (2021) *Migration Studies and Colonialism*. Cambridge: Polity Press.
Mepschen, P. (2020) 'A Postprogressive Nation: Homophobia, Islam, and the New Social Question in the Netherlands', in M. Derks and M. van den Berg (eds) *Public Discourses about Homosexuality and Religion in Europe and Beyond*, pp. 81–104. Cham: Springer International Publishing.
Mepschen, P., Duyvendak, J.-W. and Tonkens, E. A. (2010) 'Sexual Politics, Orientalism and Multicultural Citizenship in The Netherlands', *Sociology*, **44**: 962–79.
Meuser, M. and Nagel, U. (2009) 'The Expert Interview and Changes in Knowledge Production', in A. Bogner, B. Littig and W. Menz (eds) *Interviewing Experts*, pp. 17–42. London: Palgrave.
Miaz, J. and Stünzi, R. (2020) 'Le Discours sur les Abus dans le Domaine de l'asile : Contexte d'émergence Dans Une Perspective Historique et Européenne', in A.-C. Leyvraz et al. (eds) *Asile Et Abus: Regards Pluridisciplinaires Sur Un Discours Dominant*, pp. 27–66. Zurich: Seismo.
Motz, S. A. (2021) Die Genfer Flüchtlingskonvention in Der Schweiz: Studie Zur Umsetzung Des Flüchtlingsbegriffs in der Schweiz, https://www.unhcr.org/dach/wp-content/uploads/sites/27/2021/11/20211117-UNHCR-Schweiz-Studie-Art.-1-GFK.pdf, accessed 19 Jan. 2022.

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Puar, J. K. (2007) *Terrorist Assemblages: Homonationalism in Queer Times*. Durham: Duke University Press.
Quijano, A. (2000) 'Coloniality of Power and Eurocentrism in Latin America', *International Sociology*, **15**: 215–32.
Raboin, T. (2017) *Discourses on LGBT Asylum in the UK: Constructing a Queer Haven*. Manchester: Manchester University Press.
Rass, C. and Wolff, F. (2018) 'What Is in a Migration Regime? Genealogical Approach and Methodological Proposal', in A. Pott, C. Rass and F. Wolff (eds) *What is a Migration Regime?*, pp. 19–64. Wiesbaden: Springer Fachmedien Wiesbaden.
Ravn, S. et al. (2020) 'Shaping the "Deserving Refugee": Insights from a Local Reception Programme in Belgium', in B. Glorius and J. Doomernik (eds) *Geographies of Asylum in Europe and the Role of European Localities*, pp. 135–53. Cham: Springer International Publishing.
Said, E. W. (1979) *Orientalism*. New York: Vintage Books.
Seidman, S. (1994) 'Queer-Ing Sociology, Sociologizing Queer Theory: An Introduction', *Sociological Theory*, **12**: 166–77.
Spivak, G. C. (1993) 'Can the Subaltern Speak?', in L. Chrisman and P. Williams (eds) *Colonial Discourse and Post-Colonial Theory: A Reader*, pp. 66–111. New York and Sydney: Harvester Wheatsheaf.
Strasser, S. (2022) 'Ambivalences of (Un)Deservingness: Tracing Vulnerability in the EU Border Regime', in J. Tošić and A. Streinzer (eds) *Ethnographies of Deservingness: Unpacking Ideologies of Distribution and Inequality*, pp. 251–77. New York: Berghahn Books.
Studer, B. (2001) 'Citizenship as Contingent National Belonging: Married Women and Foreigners in Twentieth-Century Switzerland', *Gender & History*., **13**: 622–54.
Todorova, M. N. (2009) *Imagining the Balkans*. New York: Oxford University Press.
Topel, K. D. (2016) 'So, What Should I Ask Him to Prove That He's Gay: How Sincerity, and Not Stereotype, Should Dictate the Outcome of an LGB Asylum Claim in the United States', *Iowa Law Review*, **102**: 2357–84.
Tošić, J. (2009) 'Diversity" in the Balkans: Balkanism, Anthropological Approaches to the State, and the Political Realities of Contemporary Balkans', *Irish Journal of Anthropology*, **12**: 66–71.
Tschalaer, M. (2019) 'Between Queer Liberalisms and Muslim Masculinities: LGBTQI+ Muslim Asylum Assessment in Germany', *Ethnic and Racial Studies*, **43**: 1265–83.
Tschalaer, M. (2020) 'Victimhood and Femininities in Black Lesbian Asylum Cases in Germany', *Journal of Ethnic and Migration Studies*, **47**: 3531–48.
Tsianos, V. and Karakayali, S. (2010) 'Transnational Migration and the Emergence of the European Border Regime: An Ethnographic Analysis', *European Journal of Social Theory*, **13**: 373–87.
UNHCR (2012) '*Guidelines on International Protection No. 9*', https://www.unhcr.org/509136ca9.pdf, accessed 13 Jan. 2023.
Van der Kist, J. and Rosset, D. (2020) 'Knowledge and Legitimacy in Asylum Decision-Making: The Politics of Country of Origin Information', *Citizenship Studies*, **24**: 663–79.
Wimmer, A. (2002) *Nationalist Exclusion and Ethnic Conflict: Shadows of Modernity*. Cambridge, New York: Cambridge University Press.
Wimmer, A. (2011) 'A Swiss Anomaly? A Relational account of National Boundary-Making: A Relational account of National Boundary-Making', *Nations and Nationalism*, **17**: 718–37.
Wodak, R. and Meyer, M. (2015) 'Critical Discourse Studies: History, Agenda, Theory, and Methodology', in R. Wodak and M. Meyer (eds) *Methods of Critical Discourse Studies*, pp. 1–13. London: SAGE Publications Ltd.
Yuval-Davis, N. (2006) 'Belonging and the Politics of Belonging', *Patterns of Prejudice*, **40**: 197–214.
Yuval-Davis, N., Anthias, F. and Kofman, E. (2005) 'Secure Borders and Safe Haven and the Gendered Politics of Belonging: Beyond Social Cohesion', *Ethnic and Racial Studies*, **28**: 513–35.
Zisakou, S. (2021) 'Credibility Assessment in Asylum Claims Based on Sexual Orientation by the Greek Asylum Service: A Deep-Rooted Culture of Disbelief', *Frontiers in Human Dynamics*, **3**: 1–15.

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Migration Studies, 2024, 12, 1–18
https://doi.org/10.1093/migration/mnae042
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