The queer time of death: Temporality, geopolitics, and refugee rights

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Abstract
Using the ethnographic data from interviews with the Iranian queer and transgender refugee applicants in Turkey, the UNHCR, and NGOs in Istanbul, Ankara, Denizli, Kayseri, and Nevsehir, I explore the way that refugee rights as a temporally and spatially contingent concept normalizes queer and transgender refugee subjects, while managing the lives and deaths of different populations. Through examining the chronopolitics and geopolitics of rights within the refugee discourse, I point to inconsistencies in the universality of human rights and argue that while the designation of an act as “violation of human rights” committed by states or citizens, is arbitrary and contingent on the place and time of the act, the recognition of the refugee in the human rights regimes relies on essentialist and timeless notions of identity that travel in the teleological time of progress. The Iranian queer and trans refugees in Turkey are suspended in an in-between zone of recognition where rightfulness and rightlessness come together in a temporal standstill. The “protection” of trans and queer refugees under the rhetoric of rights in this in-between zone is tied to the management of life and death of populations through the politics of rightful killing.

Keywords
Chronopolitics, geopolitics, human rights, LGBT identities, necropolitics, queer and transgender refugees, temporality, UNHCR

The time of death: Temporality and refugee rights

What happens between the two, and between all “twos” one likes, such as between life and death, can only maintain itself with some ghost, can only talk with or about some ghost . . . And this being-with specters would also be, not only but also, a politics of memory, of inheritance, and of generations. (Derrida, Specters of Marx, 1994)
The crowd in front of the police station is chatting in clusters in the brutal summer heat. Refugee applicants occasionally stop their conversation to say hello to friends and acquaintances that arrive on foot or on bicycles. It is Wednesday, the signature day (rooz-e emzaa) in Kayseri; a weekly ritual in every “satellite city” in Turkey, when refugee applicants are required to appear in person at designated local police stations to sign and prove their presence. Until this spring, Marjan also came to this police station to sign as an Iranian transgender woman refugee applicant, hoping to be resettled in Canada, but her dream was never fulfilled. This April, Marjan died due to lack of access to proper health services. Her forgotten memory is not the only ghost that haunts the refugee rights discourse. What happens in Turkey, the in-between zone that demarcates Europe and its Asian underdog, the ambivalent space of rightlessness and rightfulness where refugee claims are processed and refugee applicants reside temporarily, is haunted by the ghostly presence of refugees that maintain the “twos” of rights. “Oppression and freedom,” “homophobia and gay rights,” “backwardness and progress,” and “rightlessness and rightfulness” are maintained through the ghostly figures of transgender and queer refugees who stand between life and death, seemingly moving in the progressive time of rights towards the future time and space of freedom in the “first world,” where the forward-looking and right-seeking desiring bodies are fixed into timeless and immutable identities that legitimate their claims for refuge.

And the geographical in-between-ness of Turkey, where non-European refugee applicants reside and are managed by refugee rights regimes, maintains the boundaries that separate the “East” from the “West.” Paradoxically, becoming European in an ambivalent future, a desire that informs the immigration and human rights policies of the Turkish state and its compliance with the disciplinary measures of the European Union, does not render Turkey a safe haven for transgender and queer people. Four transgender murders and 11 assaults in the first seven months of 2013 in the cosmopolitan tourist-oriented Istanbul do not take into account the number of suicides, health-related deaths, and murders in smaller cities. More notably, these numbers do not say anything about the living circumstances that lead to the numerous deaths of transgender women (Littauer, 2013). Nor is the promise of rights and freedom in the teleological narratives of refugee discourse quite achievable for queer and trans people who arrive in the “third country of asylum,” which is often Canada, the USA, or Australia. Disillusioned with the promise of rights and equality, Sayeh, an Iranian transgender refugee woman committed suicide less than a year after arriving in Toronto in 2008. Neither the hardships that she endured in Turkey under the “protection” of the United Nations High Commissioner for Refugees (UNHCR), nor the lack of access to housing, work opportunities, and healthcare in Canada entered the register of violation of human rights. And, even as the geopolitical and the developmental logic of human rights regimes assume transphobic and homophobic violence to be particular to the Middle East, the story is not that different for racialized queer and trans people in final refugee destinations such as the USA, where three black trans women were murdered in April of 2013 alone (Beyer, 2013). Yet, it would be
unimaginable for the UNHCR to grant refugee status to black trans women citizens of the USA (see Grevatt, 2013).

The act of remembering and mourning queer and trans death may disrupt the erasure of bodies that do not matter in the heteronormative division of lives into valued versus disposable bodies. However, living with specters of the past, present, and future is not just to live with the memory of those who are no longer present, but with the ghostly presence of living refugees who are not organized into the realm of remembering and documentation. The time of refugee rights is the time of “slow death” in the in-between zone “of ongoingness, getting by, and living on, where the structural inequalities are dispersed, the pacing of their experience intermittent, often in phenomena not prone to capture by a consciousness organized by archives of memorable impact” (Berlant, 2007: 759). To conjure the specter of the refugee as the living dead is to ask what the conditions of queer and trans refugee lives in Turkey or the “third country of asylum” are. How do these conditions engender a tempo of rights that lead to “slow death”? Where and when are certain acts marked as the “violation” of human rights and when and where are they seen as individual crimes?

In order to approach these questions, I use ethnographic data from interviews with the Iranian queer and trans refugee applicants in Turkey, the UNHCR, Association for Solidarity with Asylum Seekers and Migrants (ASAM), KAOS GL,1 The Helsinki Citizen’s Assembly,2 and a few other organizations that provide services to refugees in Istanbul, Ankara, Denizli, Kayseri, and Nevsehir. Exploring the way that refugee rights as a temporally and spatially contingent concept normalizes refugee subjects while managing the lives and deaths of different populations, I argue that temporality is deployed in two distinct, yet related ways in the refugee rights discourses: (1) The progressive movement of time in teleological narratives of freedom is contingent on the timelessness and immutability of queer/trans refugee’s identity; (2) The progressive time of rights comes to a halt in the in-between zone of “temporary refuge” in processing zones, where refugees live a slow death in the sluggish tempo of rights. The paradox of refugee rights, wherein refugees move in a linear progressive time, while their sexual identities and their rights come to a halt points to the way that refugee rights discourses are contingent on geopolitics and are thus intertwined with the spatial designation relating to the production and reception of refugees.

**Paradox of rights**

According to the UNHCR, between 1 January 2010 and 1 July 2013 there were 537 LGBTI refugee applicant arrivals in Turkey, 471 of which are from Iran.3 Turkey extends protection under the 1951 United Nations Convention relating to the Status of Refugees and the amending 1967 protocol only to persons originating in Europe. However, the Turkish government allows non-European asylum seekers to remain in Turkey temporarily while their cases are pending with the UNHCR. Refugee applicants are required to register with the Turkish Ministry of Interior
and the UNHCR, while waiting to be interviewed several times in a span of several years. If approved as refugees, they are allowed to apply for resettlement in a third country of asylum. Upon registration with the UNHCR, the applicants are assigned to small “satellite cities,” where they are registered by the Turkish Police and are required to stay during the time they are interviewed and evaluated through medical and sometimes psychological examination by the UNHCR and the embassy of the country of asylum.

The registration process with the UNHCR, registration and assignment to small satellite towns in Turkey, interviews with the UNHCR for refugee status determination, and interviews with the third country of asylum take years. During this time, asylum seekers are required to pay for their own basic expenses such as housing, food, transportation, and healthcare. Queer asylum seekers and refugees in Turkey often have limited or no access to financial support, face consistent harassment from local townspeople, and experience work and housing discrimination (ORAM, 2011 [2009]). When filing complaints with the Turkish police, they are encouraged to “dress like real men or women” in order to avoid being harassed. Before the UNHCR improved its guidelines and produced literature to educate its staff, many asylum seekers were asked invasive questions about their preferred sexual position, the number of sexual partners they have had, or whether they have been to a “gay bar” in Turkey. Some police officers still ask similar intrusive questions. These questions are meant to verify that the applicants are “true refugees,” “true gay and lesbians,” or “true transgender” individuals. Sometimes, police interpreters who are refugees themselves, “out” queers and ridicule them publicly.

While the Turkish government provides limited social and medical services to refugees, this requires a fee-based foreign identity card (kimlik) and a temporary resident permit, which has to be renewed every six months. The high cost of the kimlik and the resident permit are unaffordable for most refugee applicants who cannot find work, or work “illegally” and are paid low wages. The social security and solidarity fund, established under local governments, are responsible to help any person who arrives in Turkey and applies for financial aid. Provincial boards that are led by the deputy governor and members of the civil society meet to decide on the distribution of small amounts of financial aid to applicants. According to a Helsinki Citizen’s Assembly advocate, the boards in satellite cities are often conservative and therefore reject queer and trans refugee applications.

**Fixed identities in progressive time**

The UNHCR in Turkey processes the LGBTI cases relatively faster (after Bahai refugee cases) and with a low rejection rate. This has given asylum based on sexual orientation the “golden case” reputation, and it has made these cases prone to allegations of fraud. Although the UNHCR staff I interviewed acknowledge that “fake cases” are rare, according to queer and trans refugees, some interviewers cross-examine refugee applicants, insinuating that they are lying about their sexuality. The UNHCR assesses LGBTI claims based on the “truth” of applicants’
sexual identity. The purpose of the main interview is to decide whether an applicant is really “gay,” “lesbian,” “trans,” or “bisexual.” In order to test the truthfulness of their claim, the UNHCR assesses the consistency of the applicant’s story, the alignment with the “country profile” (the accumulated knowledge about human rights violations in the applicant’s home country), and the authenticity of their sexual identity. While the UNHCR officers are no longer supposed to ask intrusive questions, the “right questions” are about the applicant’s personal life history and childhood, when they started to “feel different,” the applicant’s family reaction, and their experiences with the police and authorities in Iran. The assumptions of inherent homosexuality underlie the questions about childhood memories. Ali, a gay man in Nevsehir, told me, “How am I supposed to know how I felt about my sexuality as a child? Does everyone know from the time they’re born that they are gay? Well, I didn’t and I still don’t know how I felt as a child.” Ali, who has been waiting for the result of his interview for over eight months, is worried that his inability to remember his childhood feelings may have given the interviewer the impression that he is not gay.

While the efforts of organizations that have trained the UNHCR officers about homophobia and transphobia are laudable, they too, keep intact the normative notions of gender, sexuality, and desire. For example, ORAM, a refugee rights organization, relies on the UNHCR’s interpretation of “membership in a particular social group.” Membership in a particular social group is interpreted by the UNHCR as either sharing a characteristic that “is immutable or so fundamental to human dignity that [one] should not be compelled to forsake it,” or “a characteristic which makes a group cognizable or sets it apart from society at large. The characteristic will often be one which is innate, unchangeable, or which is otherwise fundamental to identity, conscience, or the exercise of one’s human rights” (Unsafe Haven, ORAM, 2011 [2009]: 6–7). ORAM explains that gay men have the immutable characteristic of being sexually or emotionally attracted to men, and lesbians to women. Transsexuals’ gender identity, rather than their sexual orientation, ORAM explains, is viewed as “immutable and fundamental to the person’s identity” (Unsafe Haven, ORAM, 2011 [2009]: 7).

The assumptions of a refugee’s “immutability” in the essentialist juridical discourses of asylum produce the refugee as one with a fixed, timeless, and universally homogenous identity. It is inevitable that queer refugee applicants repeat essentialist notions of identity in order to fit the “immutability of character,” the criterion that qualifies gays, lesbians, and trans people as refugees. Applicants’ narratives, their material conditions, and their multiple and complex subjectivities are reduced to rational and linear definitions in order to match the acceptable “immutable” identity, defined and sanctioned by the refugee law, and reified by some diasporic queer organizations that coach queer refugees in “homonormativity” (Duggan 2002). However, the regulatory practices of the human rights regimes conceal the process of the construction of normative refugee subjects, by portraying them as prior to discourse.
What further authenticates these identities is “verification” letters by gay and lesbian organizations. Some of these organizations that reify essentialist notions of sexual identities, only support people whom they consider to be “authentic” LGBT individuals. These organizations often consider sexuality in Iran to be backward, repressed, and in need of liberation. For example, Saghieh Ghahreman, the director of a diasporic Iranian queer organization that helps LGBT refugee applicants in Turkey, repeats homonormative notions of sexual identity that are limited to the binaries of man/woman and heterosexual/homosexual. In response to an interviewer’s problematic question: “Why [do] some lesbians feel like they have to dress and behave like men?” Ghahreman says, “this mistake happens among homosexuals. Homosexuals themselves know by instinct what they are, but they are not aware of it consciously. They don’t know their rights. So, they (lesbians) think, ‘If I don’t have the same desires as other women, maybe I am not a woman!’” This essentialist conception of sexuality that operates within the hetero/homosexual binaries characterizes the work of many Iranian queer organizations that act as experts and normalize developmental sexual identities. Their developmental logic lies in their teleology of progress (liberation from backwardness to freedom), and in their excavation of the truth of sexuality in one’s childhood.

Refugees also participate in the regulations of others, accusing those who do not fit the normative sexual and class conventions of fraud. Of course, the nature of the refugee rights process that “tests” refugees in order to separate the “deserving” from the “undeserving” leads to this sense of mistrust and competition. At times, policing by others leads to forms of competition in order to prove to the UNHCR that one is more authentic in their identity than others. Mahmoud, a macho looking man (laat), was one of the alleged “fake cases” about whom I was warned during my interviews in Kayseri. When my friend, Sepehr, approached Mahmoud to tell him that I was interviewing LGBT people, Mahmoud immediately responded, “No, I am not LGBT, but I am bi.” Others, who were standing around, perceived his unfamiliarity with the LGBT linguistic conventions as the proof of fakeness of his case. After my return from Turkey, Sepehr told me that Mahmoud has become homeless, but no one is supporting him, because he is assumed to be a “fake case.” Admitting that he had made a mistake about Mahmoud’s case, Sepehr told me, “there is no way that he is not gay. He knows all about the gay scene in Tehran and knows people who only a gay man would know. But, he is the type who hung out in Karimkhaan or Park-e Daneshjoo.” Sepehr’s reference to these neighborhoods and parks in Tehran is a code for working-class men who may not necessarily identify as gay, but have sexual relationships with other men. “Not looking gay” also subjected Ghader, another gay man from Denizli to accusations of fraud. Unknown to other gay refugees in Denizli, Ghader came to meet me for an interview. As he entered the house, there was an uncomfortable silence, followed by polite and indirect questions that implicitly suggested the possibility of fakeness of his case. His outdated, yet carefully put together fashion was noticeably different from the rest of the gay refugees in
Denizli, marking him as a working-class man with “javaadi” fashion. When we left the living room to talk in private, he told me that he is a “top” and that he used to meet other men at Park-e Daneshjoo. “I don’t like to socialize with the gay people here. I don’t mix well with them,” Ghader whispered.

The policing of identities in these interactions exemplify the way that particular forms of modern sexual identities that are recognized and deemed legitimate by the refugee rights regimes are produced and regulated according to normative notions of race, class, and gender, in a nexus that includes the UNHCR, queer NGOs, queer refugees, and states. Normative notions of authentic gender and sexuality are not the only conventions that the queer refugee applicant has to repeat convincingly and without contradictions in multiple interviews. The UNHCR officers often measure the credibility of an applicant’s claim for a “well-founded fear of persecution.” In order to present a successful and legitimate claim to asylum officers, applicants often repeat stories that inevitably demonize the “home-country” (Anker 2005; Luibhéid 1998; Miller 2005), thus reproducing the Third World backwardness and barbarism vs. First World freedom narratives (Razack, 1998). In the process of normalization, linear progression from the past to future is integral to the articulation of the LGBT refugee whose characteristics are deemed immutable, while her/his identity is inextricably attached to developmental lag in the tempo of progress.

The stories of refugees are more complex than the hegemonic narrative of leaving the homophobic Iran for a free and queer-friendly life in the third country of asylum. The UNHCR’s insistence on unraveling the “truth” of one’s identity may, in fact, be the reason for some applicants to fabricate stories, in order to “pass” the test of authenticity. Pejman, an Iranian gay man who has “passed” the UNHCR refugee test, told me:

I left because I was fed up with the situation in Iran. I knew that you could become a refugee for being gay. Many of my friends had left. I didn’t have problems with the state for being gay. So, I made up a story in my interview, just to make sure that the UN would not reject me. But it doesn’t mean that I didn’t have a good reason to leave. In fact, the way that this [the economic situation in Iran] is going, all 70 million Iranians have legitimate cases to become refugees!

The recognition of the refugee in the human rights regimes relies on essentialist notions of identity, which are fixed in time, while simultaneously moving forward in the teleological time of progress. The articulation of difference between self and other in the refugee rights discourse works to erase difference (thus universalizing sexual identities) while emphasizing difference (third world versus first world). The refugee as an immutable other only enters the realm of recognition when she or he is placed in particular locations (“third world”) and situated within a temporal lag in the linear time of development. The fixity of the universal notion of refugee and its simultaneous temporal and spatial contingency give way to an aporia where the particular and the universal have to be reconciled through normalization.
The linear logic of human rights produces the refugee as one who moves from the temporally lagging and spatially backward “homeland” towards the future of progress (Fortier, 2001), where he or she is handed the “gift of freedom” (Nguyen, 2012). What remains constant in this tempo of progress is the fixed universal sexual identity (gay, lesbian, or transgender) of the refugee, whose authenticity is measured against the universal normative sexual categories (that of white Euro-American subjects).

Emptying refugee specters from the empty time of progress

My second day in Kayseri, Sepehr, a young educated Iranian gay man, walks me to the police station on the signature day so that I can meet queer and trans refugees for interviews. He has told me about different groups of Iranian refugees, “fake” LGBT cases, and the difficulty of access to healthcare for many people. Sepehr and I lean against the wall near the signature center entrance, waiting for queer and trans refugees. Everyone has to come and sign or the police may deport them. Baha’is, political refugees, and queer refugees mingle as they come and go. As queer and trans refugees arrive, Sepehr approaches them and introduces them to me. Sohrab, a gay man who insists that I visit his and his boyfriend’s apartment to see their living condition, lets out a bitter laugh and looks at a woman (not a LGBT case) who is standing near us. She is talking to her friend about joining the swimming pool where she is a member. Sohrab says in a sarcastic tone, “this is how it is here. Their pool membership fee is more than our rent!” He also lashes out at another gay man with a “zakhm-e zaboon” (sharp-tongued comment), telling the relatively well-off gay man that his recent cosmetic surgery in Turkey has made his nose look crooked. Sohrab’s resentment makes more sense to me when I visit him and his boyfriend – a working-class feminine man, who I learn later, is a sex worker – in their basement apartment. The walls are moldy and the apartment is hot and damp. They live in a room that has no furniture except for a desk, a chair, and a mattress, which is laid on the floor. Sohrab invites me to sit next to him on the mattress. “There is mold under the mattress... And none of the organizations that pretend to work for LGBT refugees have done anything for us,” Sohrab tells me as I set up my voice recorder. (Author’s field notes)

The abstract category of “LGBTI refugee” in the refugee rights discourse often recuperates the homogenous and pre-discursive sexual identities and reifies civilizational binaries that separate the homophobic “third world” from the free and gay-friendly “first world.” This categorization does not, however, capture the living situation of queer and trans people in satellite cities in Turkey, where those marked as refugee applicants are stripped of rights in the name of rights. Nor does it suggest any reasons other than homophobia and transphobia for the movement of those who are marked as LGBTI refugees. Since the imposition of harsh economic sanctions by the USA and the EU against Iran, life conditions for many ordinary Iranians – especially those who are marginalized – have become extremely difficult. The economic situation makes queer and trans working-class people, especially those who have visible markers of queerness, more vulnerable to
losing their jobs and being subjected to economic and physical violence, a factor which may contribute to the increased number of people leaving Iran in hopes of a better life. Clearly, not all queer and trans applicants in Turkey have left Iran for economic reasons, and not all queer people have the same experience with the Iranian state. However, for many people, reasons for leaving are a lot more nuanced than the usual narrative of ‘gay executions’ that has become the sine qua non of legitimacy for queer refugees from Iran.

Refugee applicants are not allowed to work in Turkey, but some people find ‘illegal’ work. For those who cannot work in Turkey and live on savings from Iran, the dropped value of the Iranian currency due to the sanctions makes life almost unaffordable in Turkey. As it is the case with undocumented people in most parts of the world, refugees who work ‘under the table’ are often exploited by their employers and receive lower wages than most citizens. Most available jobs for refugee men involve operating heavy machinery or construction work. Sahand and Shayan, two transgender men in Denizli, have to pass as cisgender men in order to find work. Sahand, who has a small body and cannot perform heavy work, is often fired from his jobs. He has developed a skin irritation on his chest because he binds tightly and works outdoors in the extreme summer heat. Neither Sahand nor Shayan have had top surgery in Iran, as they were not able to afford the cost. The Iranian state has significantly reduced the subsidy for gender reassignment surgeries since the sanctions have crippled Iran’s economy. ‘They only gave me a 2.5 Tomans loan which was barely enough for my hysterectomy and ovariectomy,’ Sahand said as he showed me the bulk of paperwork that identifies him as a person with ‘gender identity disorder.’ He has brought all his medical and psychological evaluation records from Iran to prove to the UNHCR that he is indeed a trans-gender person. Sahand, who needs medicine for a chronic health condition, has not been able to receive any medical help or medicine since he has been in Turkey. Two days after we met, he called to let me know that he lost his painting job because his employer has moved to a different city. The Denizli police would not give him permission to leave his satellite city and he did not want to risk being deported for leaving without permission.

Being fired from one’s job is an every day anxiety for many queer and trans refugees. Shayan does not socialize with other queer refugees or Iranian refugee applicants, because he is worried that others might out him as a trans man to his employer. ‘If somebody else can get my job, they would not hesitate to say that I am not a [cisgender] man!’ Passing is an ironic reality of queer and trans refugee applicants in Turkey. The term used when one is recognized as a refugee by the UNHCR is “ghabool shodam” (“I was accepted’ or ‘I passed the exam’). Passing the test of being gay, lesbian, or transgender according to the UNHCR standards, and passing as straight or cisgender at work or in public in Turkey mark forms of policing and surveillance that queer and trans refugees experience on a daily basis.

The situation for many transgender women is even more devastating. In most cases, transgender women cannot pass as cisgender and face hostility and violence. Darya, a trans woman who has had surgery in Thailand told me that the only
available job to trans women in Iran and in Turkey is sex work. Darya, who speaks fluent Turkish and can pass as a “real woman” as she put it, was working as a hairdresser in Denizli, until one of the customers outed her to her employer. Darya was fired and has not been able to find work since. Shadi, a young transgender woman from a working-class background, left Iran because she was constantly harassed on the streets. She has no money to pay rent and has managed to support herself by living with different “boyfriends.” On several occasions, she has been in domestic violence and sexual abuse situations and has been forced to have sex in return for shelter (which her housemates had initially offered as a gesture of friendship). Because of criminalization of sex work, Shadi has never reported domestic violence and rape to the police, nor has she told the UNHCR about the way she has survived in Turkey so far. She is concerned that the police would arrest her, rather than the abusers, and is afraid that telling the UN would jeopardize her case.

Many refugees prefer not to seek medical and mental health services with UNHCR referral, because the UN-referred professionals report the results of refugees’ health condition to the UNHCR. The UNHCR, in turn, relays this information to the “third country of asylum.” This often prolongs refugees’ resettlement processes, as the third country of asylum expects the refugees with health issues to receive a “reasonable” number of treatment sessions before they are allowed to enter its territory. The UNHCR randomly orders medical and psychological evaluation by “experts” for some queer and trans refugee applicants. A UNHCR staff member told me that many Iranian queer and trans refugees suffer from mental health issues and depression because of the trauma that they have suffered in Iran. Juxtaposing a traumatic past against a future of freedom becomes the impetus for psychological evaluation that unofficially bars queer and trans refugees who are diagnosed with trauma from entering the borders of the third country of asylum – at least until they are “corrected” and ready for a trauma-free life. Frustrated with waiting for so long for his case to be processed, Ali, a gay man in Nevsehir, told me, “I am not depressed because I am gay. I am depressed because I have been waiting for so long without any support. My interview is not for another six months and I don’t even know if I will pass. Nobody cares about how I am going to make it here. I would be happier if I was dead.” While queer and trans refugees are pathologized as those suffering from depression because of an assumed repressed sexuality, which can be set free upon arrival in the “third country of asylum,” the everyday conditions of refugee life (both in Turkey and the “third country of asylum”) that might lead people to depression, suicide, and even death from lack of healthcare and social services are often erased.

The living conditions of queer and trans refugee applicants in Turkey highlight the paradoxical situation wherein refugees who are under the protection of human rights apparatus are stripped of rights. Despite the developmental logic of refugee rights, wherein refugees move progressively from oppression/rightlessness to freedom/rights, there is an in-between zone where the time of rights is suspended (this is not to assume rights/freedom upon arrival in the “third country of asylum,” even as the refugee discourse purports to deliver such promise). This is the transition
space of processing of rights, where the refugee-in-progress is neither protected by rights of citizenship in “homeland,” nor is recognized or resettled as a refugee in the “third country of asylum.” The time of rights becomes the time of life-as-death, when refugee applicants cannot work, don’t have access to healthcare, and are denied the freedom to move. The arbitrary and discretionary nature of recognition and resettlement of refugees brings into crisis the contradictory claims of protection of refugee rights, necessitating an analytical shift that departs from the teleological narrative of moving from the “home of oppression” to the “home of freedom” (Fortier, 2001); a narrative that erases the contradictions of rights and its violence (Kuntsman, 2009). The violence of rights lies not solely in the everyday experience of rightlessness in the cloak of rights, but in the erasure of the refugee specters which are absent in the accounts that emphasize oppression in the “sending country” and freedom and opportunities in the “receiving country.” The everyday life of refugee applicants who are stalled in the time warp of rights disrupts the linear movement of the progressive time of rights, pointing to the disruptions, dead time, and life-as-death that many queer and trans refugees experience in the process of recognition and resettlement. The in-between zone of recognition is where rightfulness and rightlessness come together in a temporal standstill, and where the “protection” of trans and queer refugees under the rhetoric of rights is tied to the management of life and death of different populations.

**Chronopolitics and geopolitics of rights**

“I know my rights. I want you to know (yours) too.” These words appear in Persian on the cover of a booklet that an ASAM staff member in Ankara hands to me. The booklet with “how to” tips includes a range of information from the asylum application process to tourist activities in Turkey. ASAM, an implementation partner of UNHCR has recently taken the responsibility of registering refugees and assigning them to satellite cities. After unsuccessful attempts in getting an appointment with someone in this office, my research assistant and I decide to appear without an appointment. While waiting to be seen by a staff member, I notice the only woman among a few Middle Eastern looking men sitting in the refugee waiting area. She is holding a sleeping toddler in her arms, gazing blankly at the registration booths. The two children chasing each other in between the chairs keep running to her and the man sitting next to her. From their accent, I gather that they are from Afghanistan.

The staff member re-appears from the door adjacent to the registration windows and instructs us to follow her upstairs. After interviewing a staff member who is in charge of satellite cities, we are escorted to the General Coordinator’s office. As soon as we sit across from his desk, I notice the large surveillance television that monitors every room in the building, including the refugee waiting room. I see the Afghani woman and her family waiting, an hour after we saw them downstairs. The coordinator is skeptical of being recorded and instead, gives us a quick tour of their facilities. The last stop is the registration booth that is separated by glass windows from the refugee waiting room. As the coordinator tells us about the process of registration and
assignment to satellite cities, I notice the exhausted and agitated look on the Afghani refugee woman’s face. She is still sitting and waiting.

Half an hour later in the metro station, we run into the Afghani refugee family again. The husband, who is now carrying his paralyzed toddler in his arms, talks to us in broken Turkish, assuming that we are from the UN. I respond in Persian, telling them that we are not UN officers. His wife, Maryam, tells me that they have been waiting for a long time in a small satellite city with no access to healthcare, and with no work opportunities for her husband. They tell us that they left Iran a few months ago because of the hard economic situation in Iran. They could not afford to pay for their youngest child’s medical expenses and were hoping for a better life in a third country of asylum. The husband tells me that in comparison to Turkey, their lives were much better in Iran.

I am not surprised to hear that Maryam and her family have left Iran for Turkey after living in Iran as refugees for several years. An advocate at the Helsinki Citizen’s Assembly in Istanbul had told me earlier that until 2010, the largest number of refugee applicants in Turkey was from Iraq, followed by Iran and Afghanistan. However, the number of Afghan refugee applicants has exceeded the number of Iraqis due to the imposition of the harsh economic sanctions on Iran by the USA and EU in 2011. Some Afghan refugee applicants come to Turkey from Afghanistan, but most are refugees who have left Iran in hopes of a better life elsewhere. Since the rise of Taliban and the US occupation of Afghanistan, about 2.5 million Afghan refugees and undocumented immigrants live in Iran. The second wave of movement of Afghan refugees from Iran to Turkey is a direct result of economic sanctions that have scapegoated immigrants and refugees as economic burdens. Even though the number of refugees (excluding the Syrian arrivals) in Turkey has increased from 5000 to 50,000 since 2009, the UNHCR still resettle the same number of refugees. This translates into a backlog of cases and a much slower process for refugee applicants who are waiting to be interviewed. The increased waiting time compels people to circumvent the conventional UNHCR processing centers in Turkey, and to attempt entering Greece or Australia via boats — a route that is highly dangerous.

A few days after I leave Ankara to interview Iranian queer and trans refugee applicants in Denizli, Maryam calls and tells me in a distressed voice that the UNHCR has cancelled their interview date without any future appointments. I contact an attorney at KAOS GL to ask if this is happening to other Afghan refugees. The answer is yes. The UNHCR has decided to freeze the processing of all Afghan refugee cases. I am told that it is no longer just the adjudicating process that is suspended. The registration of Afghan applicants has stopped altogether until further notice. I am reminded of my visit to Turkey in 1995 as a volunteer with a US-based non-profit refugee advocacy organization. At that point, the UNHCR had not written guidelines for the recognition of sexual orientation as grounds for seeking asylum. Most Iranian refugee applicants were Kurdish people who lived in dire conditions in the outskirts of Turkish border towns. The UNHCR had closed the cases of many applicants, even though they met the criteria for refugee status. The UNHCR commissioner explained to us that Iran hosted one of the largest populations of refugees in
the world, because of the influx of Afghan refugees during the rule of Taliban and the massive entrance of Iraqi refugees due to the Iraq sanctions. If the UNHCR recognized more than a certain number of refugees from Iran, he further explained, the Iranian government would refuse to cooperate.

After speaking to Maryam, I walk back to the living room to join my gracious hosts – gay men who have been complaining about the lengthy UNHCR process and the conservative environment in Denizli. Compared to Maryam and her family, they are the “golden cases” of the refugee pool in Turkey. So is the economy of gendered and sexed refugee bodies in the market for rights that is inevitably tied to geopolitics. (Author’s field notes)

In the Origins of Totalitarianism, Hannah Arendt (1986) highlights the separation of the right of human and the right of citizens, pointing to the rightlessness of people without a state. Positing rights not as an abstract universal concept that follows the modern notion of natural rights, but as attached to nationalization and territorialization, Arendt rightly argues that the refugee embodies the inherent contradiction between the universal individual rights and the claim to national sovereignty. The universal principal of human rights conflicts with state sovereignty, where state sovereignty relies on the “international community.” The post–1950s’ rights declarations and guidelines have proven to be inconsistent in solving the paradox of sovereignty, when the liberal democratic states (such as the USA) refuse such rights to citizens under the rhetoric of “national security,” while the “international community” takes punitive measures against the “illiberal” states through sanctions.

Arendt is right in arguing that the exclusion of refugees from citizenship rights negates the inalienability of the “Rights of Man,” which is the underlying foundation of the liberal state. The “inalienability” of rights assumes rights to be independent of the state. Yet, refugees’ alienable rights prove the ineffectiveness of human rights without citizenship. Stateless refugees, according to Arendt, live in a state of rightlessness, where the “prolongation of their lives is due to charity and not to right, for no law exists which could force the nations to feed them” (1986: 296). Arendt argues that the “right to have rights” is contingent on the national origin. The seemingly universal human rights are “enjoyed only by citizens of the most prosperous and civilized countries (1986: 279).

Even as the claims of having, giving, and exporting rights mark the difference between the “civilized” and the “uncivilized” countries in the international order of rights, cultural and political citizenship are not enjoyed equally by those who are excluded from normative race, sexuality, and gender in “civilized countries.” The inconsistency in the value of the life of different populations and their disposability calls for an analysis of the chronopolitics and geopolitics of rights. As Elizabeth Freeman argues, the chronopolitics of development extends beyond local conflicts to the management of entire populations: both the state and the market produce biopolitical status relations not only through borders, the
establishment of private and public zones, and other strategies of spatial containment, but also and crucially through temporal mechanisms. Some groups have their needs and freedoms deferred or snatched away, and some don’t. (Freeman, 2005: 57)

The recognition of a person as a refugee who deserves protection and rights changes according to the temporal expansion and restriction of rights. Insofar as the time and space of rights are in tandem with the geopolitical clock and the interests of the international human rights regimes, the “right refugee” passes the test of recognition. The double movement of spatial difference and temporal deference of rights bring the abstract notion of rights into crisis. For Afghan refugees who were once recognized as deserving the “protection” of rights, but are denied recognition as they become the excess of the rights-bearing subject, time of rights is out of joint. Refugee rights differ and defer from their own promises of protection.

The chronopolitics of rights also brings the violation of rights under crisis. The designation of an act as “violation of human rights” committed by states is temporally and spatially contingent. The recognition of an act by the human rights regimes as a violation against a rights-bearing individual in the same location is arbitrary. This recognition changes with time and is contingent on the relationship between the state that governs the individual, and the “liberating” states that weigh heavily on the scale of human rights regimes. Maryam and thousands of Afghani refugees highlight the fact that the temporality of rights is contingent on geopolitical interests of the “liberating states” that govern the human rights regimes. This is apparent in the way that the priority of “rightfulness” may change before and after “liberation,” even if “liberation” has deteriorated the conditions of life for many. The universal claims of rights are contradictory in the way that lives of Afghani refugees become worthy of saving at one point, and disposable in another political moment.

Just as the notion of rights is not abstract, “refugee” is not abstracted from constitutive temporal and spatial trajectories. There is a vast difference between Afghan, Iranian, Iraqi or Syrian refugees and asylum seekers in Turkey. This is not to point to the obvious difference in nationality, but the temporal and spatial constitution of refugee categories in the international human rights regimes. Granted that the USA is a major contributor to UNHCR’s programs, it is likely that the decisions on refugee recognition are contingent on the relationship between the “country of origin” and the USA at any given time. Just the way that the recognition of one person as a refugee who deserves rights is contingent on time, the location of violation is a determinant in refugee recognition decisions. The same violation in the territory of the liberating state may be dismissed as a “crime” committed by one individual against another (for example, transgender murders), and not as an indicator of the “violation of human rights” according to indices that divide the states into violators and protectors of rights. It is hard to imagine that queer or trans citizens of a “liberating state” would be recognized as refugees, even if they experience similar or worse conditions of living, in the “fourth world.”
In the same vein, the protection of rights seems to become irrelevant for queer and trans refugees who are targeted by racial violence, economic violence, and anti-immigrant violence in the third country of asylum. The 1951 Refugee Convention and the UNHCR definition of a refugee as someone who

does not seem to apply to queer and transgender refugees (or citizens) who are subjected to police violence, economic violence, and racism in the USA or Canada.

The spatial designation of rights is further complicated in Turkey as an in-between processing zone, where the binaries of West/East, freedom/oppression, civilized/backward come to an uneasy tension. In order to prevent “illegal” entrance of refugee applicants to Europe, most Iranian queer and transgender refugee applicants are assigned to Denizli, Kayseri, Eskisehir, Nevsehir, and other small towns that are far from cosmopolitan centers or major ports near Europe. A UNHCR officer told me that the Turkish government sends queer and transgender refugees to conservative cities in order to expose the local population to queers in order to “open their minds.” Considering Turkey’s pending case with the European Union, where being gay-friendly marks progress, this strategy is a normalizing move to regulate and manage both the local population and the queer and trans refugees. Queer and trans refugees become the guinea pigs of civilizational projects that measure progress according to neoliberal tolerance for queerness in a desire for proximity to Europeanness.\textsuperscript{10} The placement of queer and trans refugees in conservative cities (paradoxical to claims of protection of rights of queer refugees) thus serves to prevent queers from crossing lines of public “indecency” and behaving “normal” in order to avoid tensions in conservative towns, to train the “homophobic locals” in the regions of Turkey that are less “European” in being “gay-friendly” by exposing them to foreign queers, and to keep the boundaries of Europe from the dangers of non-European refugee influx through Turkish borders.

**Whither now, whiter rights?**

If the refugee moves from the past of oppression to the future of freedom in the “third country of asylum,” when does the time of rights begin and when does it end? The notion of refugee rights, which has proved to be contradictory and unachievable for those who do not fit normative notions of citizenship, race, class, gender, and sexuality, is the only available framework for queer and trans refugee advocacy in the time of rights. Ironically, it is exactly because of rights that queer and trans refugee lives become disposable in the process of recognition and resettlement. Elsewhere, I have named the politics of the unstable life, which is
simultaneously imbued with and stripped of liberal universal rights, *the politics of rightful killing*. Arguing that neither biopolitics (Foucault, 2008) nor necropolitics (Mbembe, 2003) may be sufficient to analyze the global division of populations into those whose lives are worth saving and those whose lives are deemed disposable, I suggest the politics of rightful killing as a form of power in the contemporary political situation, wherein those whose rights and protection are presented as the raison d’être of war are sanctioned to death and therefore live a pending death precisely because of those rights.

Within the context of refugee rights, the politics of rightful killing operates through a suspension of time and fixing of sexual identities in the telos of progress, wherein the past of oppression “there” is juxtaposed against the future of freedom “here” through the absence of the presence of refugees who live a slow death in the name of rights in-between here and there. Shifting the analysis towards multiple temporalities (Puar, 2007) and disrupting the linear telos of progress in the refugee rights discourse, may open up possibilities for reconciling the inevitable position of living in the time of rights. A critical analysis of human rights and refugee rights requires moving beyond the binary of citizen/refugee and questioning abstract configurations of citizen, refugee, and rights. Situating these figurations within their temporal and spatial production and regulation, expands the possibility of analysis beyond the binary formations of abstract rights of citizenship (and lack thereof for an abstract figure of refugee) and draws attention to the management of different populations/multitudes in changing temporal framings that are not predictable and do not follow a teleological logic of rights.

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**Notes**

1. See the KAOS GL (n.d.) website.
2. See the website for the Helsinki Citizens’ Assembly (n.d.).
3. UNHCR breaks down the numbers to 439 “homosexuals” (gay men), 48 lesbians, 25 FTMs, and 25 MTFs.
4. Duggan defines homonormativity as “a politics that does not contest dominant heteronormative assumptions and institutions but upholds and sustains them while promising the possibility of a demobilized gay constituency and a privatized, depoliticized gay culture anchored in domesticity and consumption.” (2002: 176).
5. This is not to say that refugee applicants do not have legitimate reasons for seeking asylum. Neither does pointing to the formative and performative processes of asylum suggest that queer refugee applicants and asylum seekers are duped or that they “lie.” Clearly, the pressure to tell the story is tied in with the refugee’s claim to legitimacy of presence (Sanadjian, 1995).

6. For an overview of the sanctions on Iran see Raha Iranian Collective (2012).

7. Since 2007, more than 45,000 mostly Afghan, Iranian, and Iraqi asylum-seekers have tried to reach Australia through the Islands and over a 1000 have drowned. For the latest tragic incident see Aljazeera, (2013).


9. For a definition of refugee see the UN Refugee Agency’s explanation (UNHCR, n.d.)

10. One such project that aims to train and educate the Turkish population in tolerating refugees is ASAM’s “Suspended Lives and Perceived Lives Project,” funded by the EU’s “European instrument for Democracy and Human Rights Program,” and implemented with the help of the Turkish Ministry of Interior.

References


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