



The state's sexual desires: the performance of sexuality in the Dutch asylum procedure

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Published online: 18 October 2018

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Abstract

The facticity of sexuality is a key driver of the asylum procedure in “LGBT” cases, where non-heterosexual identities can be grounds for gaining” refugee status.” The procedure becomes a test of sexual veracity by means of a truthful performance. This performance is primarily discursive, but it is also bodily in terms of the way bodily comportment is considered indicative of a “true story.” Underlying this process is a conception of sexuality as a fixed, invisible but ever present identity. Sexuality, we argue, gets configured in ways akin to what is commonly called an “infrastructure.” The veracity and facticity of accounts of, and for, this ‘infrastructure of selfhood’ can only be ascertained in live encounters during the asylum procedure. This article ethnographically highlights how such a particular facticity is composed in the Dutch asylum procedures. Building on Judith Butler’s work on narrative accounts of the self, we show how the state intervenes in crucial ways in asserting the authority to assign truth to such a narrative account.

Keywords Asylum · Ethnography · Facticity · Infrastructure · Sexuality · The state

Gender and sexuality play a pivotal role in constructing the nation (Yuval-Davis 1997; Nagel 1998; Puar 2007). Historically, nation-states have actively intervened in family planning, in crafting heteronormativity, and in promoting gendered forms of labor. In this article, we look at one site at which the state’s governing of sexual identity is especially salient, namely in the selection of migrants “deserving” asylum in the

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Netherlands, based on a procedural and inquisitorial assessment of the truthfulness of their LGBT¹ identity. As we show, the “facticity” of sexuality is a key driver of the asylum procedure in such LGBT cases, where non-heterosexual identities can be grounds for gaining an official status as refugee. The process through which this facticity is established rests on a conception of sexuality as a fixed, invisible but ever present identity. In a sense, sexuality gets operationalized in the asylum procedure in ways very much akin to what is commonly called an infrastructure. In this case, sexual identity becomes an infrastructure of personhood. Indeed, if sexuality is constitutive of the nation, it is not difficult to see it treated by the state as a structure that is “infra,” or “below” the structure of the social. At the same time, the veracity and facticity of the specifics of this infrastructure can only be ascertained in live encounters during the asylum procedure, i.e., through interviews in which the asylum seeker must present him- or herself as non-heterosexual and, as such, as threatened.

The Netherlands, according to Thomas Spijkerboer (2016) was one of the first countries to accept sexuality as a ground for a refugee status in 1981 (2016, p. 668). While a person can claim refugee status on the basis of political opinion, nationality, race, or religion, LGBT claims are defined under “membership in a particular social group.” Importantly, when claiming a refugee-status through sexuality, an applicant especially needs to reveal what is assumed to be a deeply internal form of self-definition (cf. Neilson 2005; Berg and Millbank 2009; Millbank 2009; Berger 2009). Hence, both sexuality and the figure of the refugee are translated into a legal procedure within which applicants must “prove” (make credible) that they have fled a certain (allegedly) homophobic place, that they belong to a certain ab-normalized gender or sexuality, and that they have experienced, or fear to experience more, state and communal violence (“persecutions”) on the basis of that ab-normalized gender or sexuality. And thus to be accepted as so-called LGBT refugees, applicants need to reiterate what David Murray (2016) refers to as the “queer migration to liberation” narrative (2016, p. 3). This story of sexual savior matches what Jasbir Puar (2007) calls homonationalism, a narrative of queer liberation as always opposed to the violence of “backward” others and elsewhere. Homonationalism gives rise to regimes of securitization and it intensifies racist and Islamophobic images of “the other” (cf. Puar 2007, 2013; El-Tayeb 2012; Raboin 2016). In relation, both agendas of rescuing LGBT refugees and securing the state against “backward” others lead to an intense and suspicion-induced asylum procedure. Indeed, as Berg and Millbank (2009) also show, asylum procedures across Europe, North America, and Australia are driven by the firm belief that, as one immigration official puts it, “most asylum applicants lie” (interview, 2013). Accordingly, LGBT applicants face the “daunting double challenge of proving their sexual orientation” (Murray 2016: 40). This article especially zooms into the tense practices of recognizing sexual desire as both true and worthy of a refugee status in the Netherlands.

In line with Judith Butler’s seminal work (cf. 1990), we regard gender and sexual identities as iterative performances that do not constitute identities that precede their performance in practices. The asylum procedure presents a case in which sexual

¹ Present acronyms include more gendered and sexual identities, e.g. LGBTQITIA (adding Queer, Two-spirit, Intersex, and Asexual). “LGBT,” the acronym employed in this article, is an emic term and presents which identities are intended to be included as grounds for a refugee status in the Netherlands.

identity is formatted through a strict proceduralization of such iterative performances. But sexual identity in the asylum procedure, while the performative result of iterative practice, is crucially different from sexual identity in everyday practices as described by Butler. The asylum procedure becomes a test of sexual veracity and facticity by means of a truthful performance, and it thus constitutes a particular kind of epistemological practice, which seeks truth and knowledge and assumes that the object of knowledge—sexual identity—is fixed and present, even if *prima facie* invisible. This practice is primarily discursive, but it is also bodily in terms of the way bodily comportment is considered indicative of a “true story.”

The asylum procedure operates with a conception of truth that is strictly procedural. It refers to facts, but these are fundamentally beyond the reach of the asylum administrators. Their facticity is rather one of truthfulness, trustworthiness and narrative, and performative believability. Factual veracity thus becomes, in practice, the believability of a procedural performance of sexual identity. That believability hinges on the presence of details (which stand in for facts) and on the existence of a linear sexual storyline (of awareness, coming out, and persecution). In this sense, the asylum procedure offers a distinct case in which persons are asked to “give an account of oneself” (Butler 2005). It thereby offers a prime arena in which states and governmental apparatuses sort and sanction sexual identities. They do so by means of a procedural kind of “truth game” (Foucault 2009).

This article highlights the ways in which the Dutch asylum procedure is constitutive of a particular facticity of sexuality. It illustrates the kinds of veracity and facticity involved, and the specific kinds of gender and sexuality performances that are legitimized and sanctioned. Giving an account of oneself in the context of the asylum procedure is thus very much informed by the state’s desires in the realm of sexuality, and national belonging and citizenship, we argue, are channeled through those desires. As a consequence, sexuality is construed as an infrastructural property of selfhood. It becomes, for the practical purposes of ascertaining the right to asylum, a fixed structure upon which the self is built. As in the case of infrastructure in the conventional sense of the term, this structure is generally invisible (Lampland and Star 2009, pp. 17, 207). Infrastructures involve categorizations, classifications, norms, and standards, and it thus remains important to consider the ways any infrastructure is always constructed out of contingently arranged elements. The same applies to sexuality as a fixed and foundational element of selfhood, as we argue it comes to be considered in state practices of asylum determination. If infrastructures are usually invisible, they can become visible at moments of breakdown, or when they are reflexively rendered visible by means of what Bowker (1994) calls “infrastructural inversion,” which involves practices of reflexive awareness of infrastructure.

In this article, we argue that such an inversion is staged in the practices that form the core of what is known as “the asylum procedure.” Here, that means that what becomes visible are the fixed ways in which sexuality is considered as an infrastructure of selfhood. Precisely the ways in which the truth of a person’s sexual identity is sought after in the state practices we studied does the state’s infrastructural way of conceiving of that identity become apparent. The asylum procedure constitutes a way of rendering visible how a person’s sexual identity gets to be considered the deep and fixed (infrastructural) core of the self. The asylum procedure stages a narrative and embodied visual account that is intended to bring a person’s assumed sexual infrastructure into the

light. What the procedure evaluates is the truth of one's narration and account of one's sexual identity, of the threats to the body that resulted from its sexual infrastructure, as well as of one's bodily comportment in relation to that infrastructure. Such account-giving is a typical moment of infrastructural inversion, as it involves, according to Judith Butler, some form of interpellation, a "being undone by the other" or at least a being held accountable by the addressee of the self-account (Butler 2005). In this article, we use Butler's work to understand what happens in the asylum procedure, but the main theoretical contribution we seek to make lies in adding to Butler's analysis an understanding of the pivotal role of the state in the ways subjects and their accounts come into being. We thus seek to contribute both to theories of subject formation and to work on infrastructures by considering the ways in which the state configures the subject as infrastructurally sexual.

The state and the subject: Giving an account of oneself

In *Giving an Account of Oneself*, Judith Butler discusses the way in which account-giving always occurs in relation to certain norms. Butler says: "the very terms by which we give an account, by which we make ourselves intelligible to ourselves and to others, are not of our making. They are social in character, and they establish social norms, a domain of unfreedom and substitutability within which our 'singular' stories are told" (Butler 2005, p. 21). Butler thus points at the paradoxical character of giving an account of the self. The singularity of the self cannot but be expressed in a narrative account that undermines that singularity, and that necessarily folds the account into the accounts of others, into norms and expectations, truths and categories. To make oneself recognizable as a subject, the subject has, to a certain extent, to make itself substitutable (Butler 2005, p. 37). The social character of this account-giving also introduces a certain opacity into the self, according to Butler: if the self is constituted socially, it cannot be considered reflexively aware of all that goes into its constitution. This opacity is then part and parcel of the self, and the failure of a complete account of the self is not so much an ethical problem (Can the subject be held responsible if it is opaque to itself?) as it is a precondition for the sustaining of ethical bonds (Butler 2005, p. 20).

In her conceptualization of account-giving, Butler starts from, and expands beyond, Nietzsche's idea that such account-giving occurs in the face of punishment. Butler expands her analysis to include other illocutionary situations. Yet the kind of situation in which the account-giving we analyze occurs, very much resembles what Butler summarizes as the Nietzschean conception of giving an account of oneself: "I start to give an account, if Nietzsche is right, because someone has asked me to, and that someone has power delegated from an established system of justice" (Butler 2015, p. 11). Butler here, and elsewhere (2015), does not think directly of the state in discussing the normative system at play here, but in the case we analyze, it becomes clear that the state intervenes in crucial ways in ratifying, or sanctioning, the (non)veracity of the account given.

In *Senses of the Subject* (2015), Butler again underlines the importance of narrative accounts for subject formation. Interpreting the opening pages of David Copperfield, Butler notes how "narrative authority does not require being at the scene. It requires only that one is able to reconstruct the scene from a position of non-presence in a

believable way” (Butler 2015, p. 4). She then continues to assert the paradox of the narrative account that ensues from this. What we seek to add to her theory of subject formation is an analysis of the way the state mediates this paradox and renders a narrative account of the self (un)believable by sovereign decision. At key moments of entry into the nation-state, what Butler calls the “impossible position” one must occupy in analyzing what she calls “narrative authority,” is resolved by the intervention of state power, which, by decision, renders the impossible possible. If Butler focuses on the believability of David Copperfield’s account of himself and says “what he relates may or may not be true, but it hardly matters, once we understand that the story he reaches for says something about his authorial ambitions and desires” (Butler 2015, p. 4), we seek to contribute to this an understanding of how, at key moments of subject formation, the state enacts “authorial ambitions and desires.” At the same time we add a perspective on subject formation through infrastructural work to the existing literature on asylum and sexuality.

Therefore, we analyze how sexuality, in the asylum procedure, operates as a focus of accounts of the self that are met with suspicion. Presenting a particular sexual identity, and being from a country or place where one is under threat because of this identity, sets in motion a process in which the truth of one’s sexuality is to be ascertained by the state (cf. Millbank 2009; Lewis 2013). And in this process, the subject requesting asylum is interpellated to give an account of one’s sexual self. The procedural format in which narrations of the sexual self have to be given constitutes sexuality as an infrastructural feature of the self. In these asylum practices, sexuality is constituted as a fixed, deep-rooted, hidden but visualizable, narratable, in short accountable fundamental structure that organizes the self. And this infrastructure—if narrated well by the standards of the state power to which the account is directed—can thus at the same time be an entry ticket to the nation-state, at least in the limited sense of being considered an individual deserving asylum precisely because of the particular make-up of what is assumed to be one’s sexual infrastructure. The state’s infrastructures involved in the regulation of bodies are thus, as we seek to show, intimately connected to a sexuality that, in this connection, is temporarily configured as infrastructure itself. In the process of determining the deservingness of asylum, sexuality is turned into an infrastructure of selfhood, one that it, of course, never is but that it nonetheless needs to show itself to be, and be narrated to be, in order for asylum to be granted.

The paradox of laying bare, through narrative procedures and, ultimately, a decision, what the innate status of a person’s sexual desire and identity is can only be sustained because it is the work of power. And here, we argue, perhaps the state is a bad Foucaultian or Butlerian. Perhaps the state recognizes, as Butler says, that “no one transcends the matrix of relations that gives rise to the subject; no one acts without first being formed as one with the capacity to act” (Butler 2015, p. 8). Indeed, as we show, state officials are interested in the formation of sexual subjecthood, by asking things like “when did you first start to feel ...?” But whether the state acknowledges the historical character of subject formation, or considers sexual identity as the emergent shape of what is always already there, we argue that the decision the state enacts renders such questions irrelevant. Ultimately, the decision, and the sovereign power that speaks through it, has the effect of configuring the subject, however formed, as fixed for all present purposes. And these purposes are supremely political, as they concern the entry into or expulsion from the nation-state.

Asylum & sexuality

Here, in public, it is quite easy to be an LGBT (sic), but in the asylum procedure ... if you say “I am LGBT” then you are doing that because you want an asylum status, and then it becomes a different kind of story (immigration officer at a workshop about the ““LGBT refugee,” 2014, translation by the authors).

I do not think you can judge it, and so I think that you should accept a person’s statement that he is a homosexual, or a bisexual, or a transsexual or a whatever kind of sexual ... unless you are able to show a conclusive scientific method capable of measuring sexuality ... but also one that does not breach a person’s human dignity (interview with an asylum lawyer, 2015, translation by the authors).

The four letters used by the immigration official in the first quote—“Lesbian,” “Gay,” “Bisexual,” and “Transgender”—stand for a grouped set of people of various gendered and sexual senses of self that challenge a norm of heterosexuality. However, while LGBT is supposed to be an umbrella term for various ways of diverting from the hetero-norm, it is the homosexual male that constantly comes to represent the group, for instance, explicitly in policy documents. The gay man, as such, becomes the dominant umbrella category problematically covering, among the other “letters,” transgender persons and lesbian women (cf. Lewis 2014).

The asylum procedure, in general, is a way through which a person may make an end to a situation of illegalization and deportability by narrating a story of forced refuge and fear for violence. Berg and Millbank (2009) emphasize that although many asylum applicants experience difficulties in “credibly” speaking of a past of violence within a context of suspicion and decision (cf. Bohmer and Shuman 2008), particularly applicants seeking asylum on the basis of sexuality face a unique struggle precisely because they need to narrate “extremely private experiences” (2007, p. 196). What especially complicates the sharing of such intimate details is the fact that, as both quotes above illustrate, their claims are always questioned in terms of credibility. Indeed several scholars show that while many European countries—including the Netherlands—have rejected the so-called “discretion” measure, the requirement that LGBT applicants hide their sexual desires for a safe life upon forced return, a very strong focus on the facticity and veracity of claims to an “LGBT-self” takes center stage (Millbank 2009; Spijkerboer and Jansen 2011; Rachel Lewis 2014; Spijkerboer 2016). Hence, it is the asylum applicant who is burdened with the very difficult task of proving the “truth” of their sexual desires (cf. Dauvergne and Millbank 2003).

The following quote from a work manual for officers of the Dutch Immigration and Naturalisation Service (the IND) summarizes what, within the Dutch context, is expected of an LGBT claimant:

When an asylum seeker claims he is LGBT, it is up to the asylum seeker to substantiate that claimed homosexuality [notice how quickly LGBT is translated into homosexuality]. For this end, it is the hearing officer’s task to make this person extensively speak of his claimed sexual orientation and the situation of homosexuals in the country of origin. The IND will have to examine if the sexual orientation is credible, or if this motive is a mere pretense aimed at acquiring a residence permit (IND work instruction 2014, translation by the authors).

A person claiming homosexuality must be evaluated by the IND (Immigration and Naturalization Service) as a true and credible member of the LGBT group. The only way to be recognized by those assigned the authority to recognize is, first, to present a heavy and sad story of sexual self-discovery and a specific past (of feelings, troubles, relationships, and contacts) and, second, to answer to both general and specific questions about that narrative. In the Netherlands this presenting, questioning, and answering happens at the second hearing of the IND. While the story, questions, and answers are done via an official translator, the IND officer conducting the hearing types the story, questions, and answers down into the asylum report. After the hearing is finished, this official asylum report and the internal minutes made are all that (officially) remains. The decision maker—another IND officer than the one conducting the hearing—reads the report and evaluates the statements and answers. Based on their reading and evaluation, they formulate a preliminary decision. Both the hearing and the decision are the central spatiotemporal practices (in that they are both moments and sites) discussed in this article.

The questions developed for the second hearing enact a normative context within which an applicant must become intelligible as a deserving LGBT-refugee (see also Murray 2016). In that same context, other intelligibilities/assigned-subjectivities are at work too. For instance, before persons are recognized as both truthful and in need of asylum (i.e., as “deserving”), they are also seen as people that potentially abuse “state generosity,” or that potentially threaten a national order or national security. The figures of the abuser and the dangerous must be actively ruled out in order for the “authentic” refugee to be ruled in. As such, the process toward a decision of rejection or permission is an intense one that includes much evaluating and weighing. It is a process that is grounded both on “the international pledge to protect refugees” and on a deeply seated suspicion for, and need-to-monitor, all those that “appear at the borders” and present themselves as seeking asylum. Suspicion must be undone by appealing to the figure of the credible refugee, which, in the cases analyzed here, is the “credible LGBT refugee.” One becomes a credible LGBT refugee by presenting, in the eyes of the IND officers, a worthy IND story of the sexual self and a certain measure of threat or suffering that sexual self has experienced in the (so-called) country of origin.

It is relevant to note here that the worthy-IND-story has a history of its own, and is constantly subject to small or larger changes, which, in themselves, have their bearing amongst others in changing sources of knowledge, academic debate, politics, and NGO reports. Consequently, manuals, workshops, and reports are a few of many things continuously produced as part of the asylum process. That process—the doings of the state—is, generally but also particularly, in its dealings with “sexual minorities,” monitored by various national and international organizations such as Amnesty International, the UNHCR, Dutch gay rights organizations like the COC and Secret Garden, the Refugee Council, and many different academics and critical researches that aim to shape the ways of the state. In LGBT cases, the IND is eager to improve its ways, to let organizations and researchers in, and to learn from various insights. And so no general question or pushed focus at the asylum hearing is without dispute, negotiation, and different knowledge authorities. However, and crucially, the state, represented by the IND, is still focused on being able ultimately to make clear-cut decisions about who can enter and who cannot. And so, in light of this practical decisionism, the various organizations and persons that claim that it is impossible to evaluate legitimately the truths of LGBT-ness are unsuccessful. Hence, while “legal sexual intelligibilities” rely

on knowledges produced elsewhere, travelling in, such knowledges are taken up in limited ways as a decision is always at the forefront of the IND's objectives.

There is a large body of literature generally concerned with the intersections between state power and queer migrations and the ways in which such regimes of power affect and transform sexual and gendered identities (cf. Luibhéid 2002; Manalansan 2003; Luibhéid 2005; Cantu 2009; Middelkoop 2013; Walker-Said 2014). Specifically, Jasbir Puar's term homonationalism (Puar 2007) has inspired different scholars to study the ways in which discourses of queer liberation and tolerance enter Islamophobic imaginaries of otherness and selfhood as well as inspire the increase of practices of securitization (Puar 2007; El-Tayeb 2012; Haritaworn et al. 2014; Raboin 2016). In a similar vein, and specifically writing about the Netherlands, Judith Butler has noted how "the acceptance of homosexuality is the same as embracing modernity. We can see in such an instance how modernity is being defined as sexual freedom, and the particular sexual freedom of gay people is understood to exemplify a culturally advanced position as opposed to one that would be deemed pre-modern. It would seem that the Dutch government has made special arrangements for a class of people who are considered presumptively modern" (Butler 2008, p. 3). And so, more encompassing discourses of alterity, suffused with racism and with a specifically instrumental use of (homo)sexual identity, are at play in the context of immigration to the Netherlands—as they are in other Western countries.

However, while important to mention here, our analysis is not primarily informed by these perspectives. Studies of discourses of homonationalism form important contributions in themselves (cf. Balkenhol et al. 2016), but in our analysis, we have opted to let the ethnographic scrutiny of key state practices prevail. These practices center on the ways in which asylum applicants (can) give an account of themselves, which is something several scholars have also attended to (see Berg and Millbank 2009; Millbank 2009; Middelkoop 2013; Lewis 2014; Spijkerboer 2016). We align our arguments with this extensive body of work by specifically adding a detailed ethnographic analysis of the ways in which what Berg and Millbank (2009) call an "essentialist view" of sexuality as "either innate or established early in life" (2007, p. 210) is sought, recognized, and denied or accepted. Hence, instead of zooming out of the procedure to show a homonationalist agenda (Raboin 2016; Murray 2016), to give an historical and comparative account of practices of LGBT recognition (Berg and Millbank 2009) or a legal analysis of different asylum policies and their practical enactments (Spijkerboer and Jansen 2011), we further zoom into the details of the encounters staged in a procedure that seeks a facticity of sexuality through a routinized inversion of what appears to be seen as a fixed infrastructure of personhood.

Before delving into the work of the state (and in particular here: the IND), a note of caution needs to be made. The at times critical analysis presented here of the work and norms of the IND is not meant to assume they can never be "right" about a person. They may very well be. Rather, the aim of this article is to analyze the ways through which practices and performances of sexual identity get construed in the asylum procedure. This involves looking at what kind of (vulnerable) images of sexuality lie underneath the questions and evaluations of the IND and at how the vulnerability of those images is wiped out and over for the purpose of clear-cut decision-making. The procedure is designed so that it must do a job of separating "the deserving" from "the undeserving" applicants, and so it ultimately has no place for uncertainties. These are

sifted out along the way, in a procedural practice that constitutes a discursive truth game. As such, the state's imaginary of sexual desire becomes a powerful and concrete thing distributed across the bodies of people that are, at first, prohibited from "crossing the national border," a border that has been made into a legal procedure and place. Accordingly, it is important to keep in mind that an LGBT case never stands alone. It is always already part of the more general framework of suspicion within which IND officers are trained to work and evaluate asylum cases. As the first quotation above shows, most IND officers will not have a similar way of understanding a person's sexuality outside the procedure, some might be humbler and more open to various experiences of sexuality while others might not, but what matters is what sexuality becomes in relation to, and as part of, the procedure.

Giving an account in the procedure

Several aspects of "giving an account of oneself," in the sense Judith Butler gives it, are pertinent in the asylum procedure we analyze here. Clearly, the account occurs in the face of norms: it has to show deservingness, and therefore both "true" sexual otherness in relation to heterosexual norms, and it at the same time has to highlight precarity in the face of that sexual otherness. This takes place in a radically asymmetrical situation in terms of power. Power here takes the "punitive" form that Nietzsche assumes: failing to provide a convincing—that is to say: effective—account of one's sexuality means failing to qualify for asylum and this means the threat of being sent back to one's country of origin or the threat of being released into the life of "illegality."

So, the Immigration and Naturalization Service (IND) is focused on ascertaining the true nature of one's sexual desires, and it is interested in categorizing those desires under the rubric of either "heterosexuality" (which means access denied) or in some category that deviates from the norm (in which case access—asylum—may be granted). Sexual desires and attractions, according to the IND questioning scheme, need to affect a person's sense of self. That is, persons must have felt they were different or other and that they, as such, were violently not accepted in what should be iterated as the homophobic countries they claim they came from (nothing is "simply" accepted as a truth in the procedure).

In the following section, we draw on ethnographic fragments of the questioning process and explore what kind of aspects are made to be a part of a person's sexual self-account. The first fragments are taken from the application of F, a young Ugandan woman who lived an illegalized life in the Netherlands a few years prior to applying for asylum.² Because F applied for asylum from within the Netherlands she was allowed to apply for asylum in an "open" application center located in the North of the Netherlands: Application Center Ter Apel. Applicants who arrive at a so-called outer EU border—via the sea or the air—are prohibited from entering into the European Union via the Netherlands and are consequently detained in a detention center, a place they may leave after successfully getting refugee status. The next fragments show moments of the second hearing in F's application, which is a crucial interview in that it is then and there that a person is asked to give an account of sexual self in relation to the

² the authors modify identifiable details on asylum applicants and IND officers (like names and dates) in order to safeguard their anonymity

dangers one would continue to endure in case of deportation. F was interviewed by a woman (C) who worked for the IND for over 30 years. In a conversation with one of the authors, she said that she preferred conducting interviews and disliked making life-altering decisions as she did not agree with that responsibility. Decision-making and interviewing, as we emphasize later, are separated practices in the Dutch asylum procedure. A first fragment of that tense moment of encounter:

C (IND officer): You are now given the opportunity to speak of the direct reason for having left your country of origin.

F (Applicant) looks at the table, takes a deep breath, nods, and says, almost whispering, “yes.”

C: Okay, yes? Well, start with where the problems started.

F takes a moment of silence and starts talking in Luganda, looking from C (who does not speak this language) to the interpreter. The interpreter translates: “I fled my country because I am a lesbian, I have feelings for women and that is forbidden in my country” (observations of an asylum hearing 2015, translation by the authors).

The IND officer asks the applicant to start her self-account with the problems that led to her application. F’s problem is an LGBT problem, which establishes the path of her self-account already. It must now be about the discovery of one’s sexual otherness, about the struggle that is firmly expected to come with this, about sexual and romantic desires, and about the concrete dangers that accompany those desires. And so, this particular applicant follows through. F talks about her playful romance and sexual affection for a (girl)friend, while C enthusiastically, and quite loudly, types everything down. F explains that she and her friend slowly learned about their mutual romantic feelings. It was fun and playful at their boarding school, where they had fun and sex in secret, until the matron caught them in the shower together. F mentions quite briefly how she was caught and how, consequently, she was kicked out of school and “outed” to her father. C has specifically noticed this moment in F’s story and, when F is finished saying the things that she deems important, C asks for more details about that particular moment.

C: And where were you caught at school exactly?

F: When we were in the third class ... that was in 2007.

C: And who, in which situation?

F: The Matron.

C: Where and how?

F: We were making love in the bathroom.

C: At school?

F: Yes.

C: And she could just walk in?

F: I do not know why she came in but we were making love and she started screaming.

C: She was able to just enter the bathroom? A slight tone of astonishment in her voice.

F: Yes.

C: No lock on the door? (More surprise in her tone of voice.)

F: Yes.

C types loudly [she types up the report of the hearing] and asks, if you knew that it was dangerous, why did you do it?

F (while smiling): We just went in there to shower, but we had not control over our feelings, it just happened.

C: She started screaming, and what happened after that?

F: She hit us, and we were forced to leave into the dormitory, there she told all pupils that she saw us, she made a parade and after that we had to leave.

C: What is a parade, how should I see that?

F: All pupils come together and we had to stand in front, they told all pupils about us and we were beaten up.

C: By whom?

F: All the teachers were hitting us.

C: They were also present? (C sounds surprised).

F: When she made the parade everybody came, the teachers too. (Observations of an asylum hearing, 2015, translation by the authors.)

C needs the details of who, when, why, and where. The details add up to an evaluable account that C wants F to construct. In other words, they, together, establish F's self-account intelligible in terms of IND norms of decision-making. C's tangible (and readable) sense of surprise subtly shows how her own (trained) ideas of logic—about

how to behave sexually, when one's sexual practices, once discovered, are so heavily punished—enters the hearing and, as such, F's account-of-self.

While IND officers form their questions based on the story a person presents—questions, as mentioned above, enabling the IND evaluation—IND officers ask more general questions as well. The general-question-format forms a guideline, and the more “creative” or experienced IND officers (experience enables a sort of creativity) choose their own moments and words to get a similar story on paper—one that is, for example, more adapted to the applicant and “the flow” of the hearing.

In the following we turn to the case of L, a Jamaican applicant who applied for asylum in detention as he arrived at the outer EU borders as mentioned above. When a refugee council volunteer caringly asked him if he had a hard time being detained he told her that he rather felt safe and free as he was now relieved from the constant threat of homophobic violence in the poor neighborhoods of Kingston. We share fragments from a second hearing. The IND officer (X) who conducts the interview was relatively new to the job. She seemed to follow the work manuals and instructions more consistently and strictly than some others do, which also often made her appear quite detached from the conversation:

X (looking mostly at her computer screen): I am going to ask you a couple of questions about your sexual orientation. When did you discover that you were gay? The translator has a soft and kindly sounding voice and looks at L directly. X sounds more monotonous/routine-like.

L: At the beginning of puberty I became conscious of being gay.... I didn't know what I was feeling about the same sex, strange feelings, I wondered what it was.

X: how old were you when you discovered you were attracted to men?

L: 11 or 12, the beginning of puberty.

X: What did you do when you first found out, well, when you knew you fell for men?” (the “well” is the translator).

L: I was still trying to understand, I couldn't talk about it, I didn't have friends who were of that same nature as myself. I began looking for ways, it's like, I don't know how to explain, I wanted to experience more of the male organs, so I'd go to a window, a fence, where I got to see a male in the nude (...) it was a feeling I couldn't control it, I just wanted to see more, I wanted to experiment, I once tried to force myself not to feel it, but it didn't work.

The IND officer needs the applicant to illustrate the assumed “discovery” of his sexual orientation. Sexuality, as such, seems to be something inner, individual and inevitable. It will, sooner or later, be discovered and one is not assumed to deny that part of the self (or, in other words, that discovery of the full self). Inherently related to the discovery of self is the discovery of being strange and Other. One must, as such, discover one's abnormalcy in the eyes of others as an external corollary to discovering one's true and inner sexual self. In a sense, the IND seeks to “check” the observations of others, in the

subject's country of origin, and by doing so it assumes the epistemic role of those who violated the subject. The IND mirrors the epistemic position of those who posed a danger to the subject, but it deploys the obverse valuation of the discovery of the truth of the subject's sexual infrastructure. At once, then, a person has both become "LGBT" and "abnormal," which enables the IND to expect a so-called "inner struggle" and a "process of self-acceptance." Hence, the IND officer cunningly paves a way to more questions about experiences and feelings and how the sense of being different has affected other relationships in one's life too—religion, family, jobs. The IND officer, as such, enables a decision maker to bind such answers together tightly via a (more general) "logic" of "coherency" and "consistency," and what a person may be expected to remember (to remember names and dates, et cetera). Another fragment of the same hearing:

X: How were you educated about homosexuality by your friends, family and by society in general?

L: That it was not normal; it was bad; they had these phrases like god did not make Adam & Steve; it wasn't right; gays deserve to die ... a whole lot of things.

X: And when you found out you were gay, what was your perception of homosexuality?

L: To me it was a beautiful feeling, I had no regrets, if god wanted, he would have made me different, somewhere along the line he would have made me different.

X (no response, next question) Did you accept it immediately?

L: It was a process, I had to go through a phase of accepting, I had to overcome the teasing of boys in the neighborhood, boys in class, even teachers....

X: You say it was not immediate; it was a process; have you ever suppressed your feelings?

L: Do you mean that I held it all in?

X: Yes.

L: Yes, for the most part I kept it inside; I couldn't share it.

Underneath the IND's insistence on the applicant's being different lies a norm of double otherness. The person must know he or she is other (and affected by his or her own otherness) within the national "self" to which he or she actually belongs (Jamaica in this case). By presenting such a particular conscious otherness, the person whose sexual identity is under evaluative scrutiny must show him- or herself as a very particular other in the Dutch asylum setting: a particular LGBT other, an LGBT refugee (the kind of sexual other the Dutch need to "protect"). The following two quotations show that other

applicants are also questioned about processes of self-acceptation. The quotations are taken from two different official asylum reports. These reports are drafted by IND hearing officers and read by another IND officer who is assigned the task of decision-making. A decision is predominantly based on a critical reading of those reports.

IND: Have you gone through a process of self-acceptance? Have you ever struggled with your homosexual orientation?

Applicant: No, I had no problems with that (from a report of an asylum hearing, 2016).

IND: You just stated that people in Jamaica do not accept homosexuals, what did that do to you ... that other people did not accept your feelings?

Applicant: I did not have special feelings about my homosexuality (from a report of an asylum hearing, 2015)

The fragments of L's second hearing and the two quotations subtly show how sexuality, assumed to be an "inner truth" that, while initially latent, in the end cannot be avoided and must, preferably (for the purposes of the asylum procedure), become manifest through a social process of consciousness, separation, and struggle. While L works along with such expectations, both quotations show how other applicants do not necessarily recognize that expected struggle. In relation, sexuality is assumed to, at first, be a form of shame and denial, until it "inevitably" surfaces again in terms of acts and feelings, for example, with sexual partners, porn videos, love relationships. Here, subject formation is recognized as historically emergent, and yet it, at the same time, is construed as a necessary emergence or breaking into plain sight, out of a core (an 'infra') that must have always already been present. This additional fragment of L's second hearing further illustrates the latter point:

X: Have you had relationships in your country of origin? She adds "a long term relationship"?

L: Yes, I have.

X: When was your first long-term relationship?

L: My first was in 2003 [he takes a few seconds to think if that's corrects] Yes, it was in 2003.

X: Where did you meet?

L: The first time was in ().

X: How long have you been involved with each other?

L: It lasted for three years.

X: Have you lived together?

L: Yes we lived together for three years in my house, which I shared with my mom.

X: What is his name?

L: His family name? (the IND confirms and the applicant mentions the name)

X: How old is R?

L: Older than I was, his age.... He was in his 30s.

X: What was his profession?

L: When he moved in, we were both taking on a security position, I was with my second company ... [L takes a tissue to wipe an old tear off his face].

X: What were his hobbies?

What the IND considers as an “outer expression” of sexuality—being lovers—is made evaluable by inquiring after small details a person is considered to remember: hobbies, age, jobs. Such details, treated as facts, enable IND officers to note inconsistencies “on the spot” or when reading the report. In this case, the IND officer heard something—in the fragment above—that she seemed to see as a potential fault of the applicant, she inquires after it at a later stage:

X: you said you lived together with R in (), but you were also living with your mother, how did you do that?”

L: I slept in her bed; I didn’t throw anything in her face; I respected her; when she left for work than we had time together but my boyfriend had his own room.

X is trained to pay close attention to each possible “gap” in the account an applicant gives and by specifically delving into such “gaps” she enables both L and the decision maker to solve or find an inconsistency “how could you live with your mother and boyfriend in the same house, while hiding your sexuality from your mother?”

The purpose of interviewing a person claiming LGBT-ness is to produce an intelligible sexual self-account of the person, a story an IND officer can make sense of. It is in such an account that sexuality becomes considered as an infrastructure, as a fixed basis upon which the self’s sexual life is built and in which it is firmly rooted. At the same time, sexuality can only become this kind of infrastructure in the context of a permanent suspicion coupled to a will to classify. For the IND, one “is” either this or that; one is heterosexual, or “L,” “G,” or “B,” et cetera. And what one “is” needs to be clear, out in the open, and consistently so. The active role of the IND officer has exactly that purpose. Their ways of focusing on certain things, inquiring after details (such as an ex-lover’s hobbies), produces a specific account of sexual becoming that fits such rigid classifications. With that comes the experience of

being different and, as such, a story of separation and of danger, which is what can justify asylum in the first place. In the process, a “self” accounted for in this way becomes an evaluable, classifiable other.

As Butler says in her recent book *Senses of the Subject*, “of course, many people do act as if they were not formed, and that is an interesting posture to behold” (Butler 2015, p. 8). In the asylum procedure, exactly that posture is required of the asylum applicant. Sexual identity cannot be accounted for as formed, and perhaps is accounted for as in formation and thus as a becoming. The only becoming that withstands suspicion is the becoming of an awareness of one’s sexual self that, itself, must be assumed to have been there all along. That is why sexuality is construed as an infrastructure of the self: it is not formed and in formation, but fixed. It is not becoming, but being, and it needs to be convincingly accounted for accordingly. At the same time, it can only be presumed to be just that by way of an infrastructural inversion, i.e., by an opening up of the contingent set of elements of veracity that constitute this assumed necessity. What is innate, natural, or necessary, it appears, cannot be circumscribed without an intimate engagement with a contingency that the procedure temporarily recognizes. After all, it is designed to be able to go in different ways, ultimately structured by the work towards, and the performativity of, a decision. In the next part, we elaborate on the arguments that make up an IND decision over truthfulness and sexuality.

Sex and decision

In order to work toward an “objective decision” (by which a specific kind of “distance” is meant), more than one IND employee works on a single asylum case. Preferably, it is not the hearing officer who makes the decision. It should be a person who has not seen, heard, or sensed the person applying. Personal contact is assumed possibly to blur a decision maker’s ability to weigh all “the elements” of an asylum story in a rational and objective manner. When the hearing officer does make the (first) decision, they discuss the case with one or more IND colleagues. A case never depends on the judgment of one single person.

The IND, first, makes a preliminary decision based on, among other things, the reports of the hearings (crucial documents). When that decision is positive it ends then and there; the person is accepted and housed in the Netherlands (a whole different quite troublesome trajectory kicks off), but when the IND wants to reject the person, they write up a preliminary decision (“voornemen”) spelling out all the arguments in favor of a rejection. The person’s expert representative, the lawyer, has one day to respond to that decision with a so-called “zienswijze,” they officially write to the IND explaining why they should alter the negative decision into a positive decision. Again, another IND officer looks at both the preliminary decision and the lawyer’s response, weighs the different arguments and makes a final decision against which, in case of a negative final decision, the applicant may appeal.

In this article, we will not follow, or even keep up with, the complex and minute schemes and scales of decision making. Rather, we zoom in on a few crucial arguments made against or in favor of people that claim to belong to the LGBT category and that would, on that basis, deserve an asylum permit.

A refusal

The following quotations are taken from the official final decision, a rejection (2016) handed out in documentary form to an applicant in Dutch (our translation). In this section, we draw on the written decision and the arguments summed up in that decision. A first quotation:

If the applicant were truly homosexual, he would have been able to credibly speak from his inner feelings and observations about what homosexuality contains, certainly now, after he has been in Europe for many years.

The state works with a fixed image of true sexuality—it cannot but decide over its truthfulness, and in order to decide, sexual identity must be like a mold in which one’s life unfolds and that imprints itself in both internal and external ways on that life. As discussed above, true sexuality is considered to lie deep within a person. It is deeply inner, and of a person, and yet it has surface traceability, as both those committing violence in the home country and the IND are considered to have discursive and visual access to it. The IND has been given the task of testing whether a person who appeals for asylum and a form of belonging in the Netherlands actually fits, to at least some substantive extent, to the norms that reproduce a figure of sexual innateness and, as an external corollary, social otherness. All people that claim homosexuality must be able to talk about their “selves” in an abstract or at least descriptive manner, and by doing so they reproduce, quite precisely if their appeal is to be successful, the specific state figure of the true LGBT-refugee. The staff of the IND knows what a true gay man is and a gay man should know that as well, at least, he should know this in terms that fit the norms of the IND. The quotation above reveals how the inner-that-leads-to-knowledge is, at times, replaced by an outer that should have taught a person what their inner truly is (Europe, the Netherlands). The inner self and the outer of Europe (imagined, here, in this quotation, as a place of sexual knowledge and freedom) collide in a sense. But both lead to a rejection: the person has not grown up in Europe or the Netherlands, he does not speak Dutch (but Swahili), and he is expected to know true homosexuality on the basis of his own experiences. But Europe, a place that lies far outside and beyond both his history and his body, is also supposed to be a source of sexual (self) knowledge.

His statements involving what homosexuality contains are least of all convincing. In that context he states, on page x of the second hearing, that homosexuality means that a man sleeps with a man. Homosexuals do everything what a man normally puts into a woman into a man, they kiss everywhere, and dress up like women. In the hearing of [date] he further stated that there is the difference between a homosexual person and someone who is not homosexual that lies in the ways in which they behave, in their hobbies. Homosexuals, he states, dress up neatly, they do women stuff and they respect people.

It is obvious that the applicant presents a very flat and stereotyped image of what homosexuality contains. An image that might be expected of people that mock people with a homosexual nature or who are ignorant of what homosexuality

truly is. It is not credible that the applicant, if he really was a homosexual, would present such a superficial and shallow image of what homosexuality is. Thus, his images least of all present the applicant as truly homosexual. (Quoted from an official decision document, slightly modified for this article and by the authors' translation).

Homosexual men, in the procedure, are not allowed to have stereotypical ideas and answers about homosexual men. However, the IND has produced its own authoritative stereotypes by which they enable themselves to reject less worthy, "superficial," and 'non-profound' stereotypes of homosexuality. The applicant seems to make himself visible as a mocking person, and again, homosexuals should never mock "their own kind." He, as such, must be a deceiving heterosexual applicant. But, as heterosexuality constitutes the norm, it is not called as such, and hence sexuality is taken away from the applicant, rather than visibly assigned. That is, the subject's sexuality becomes "neutralized," in that it is of no further practical consequence in the procedure. Continuously, and in a noteworthy reversal of prevailing practice, conformity to heterosexuality, rather than deviating from heteronormativity, is the constant suspicion.

The applicant has stated that he is a homosexual and that he was born that way and still is that way. When he is asked to explain further that claimed inner homosexuality he only refers to (...) sexual acts. As such, he presents feelings to sleep and have sex with men. Those feelings he discovered at the age of ten. From that point onwards he started to have sex with friends and he continued doing so. The applicant, further, has not substantially shown that his feelings went much further than merely having sexual contact. From an applicant who is truly homosexual it might be expected that he would be able to assert credibly when predominantly referring to sexual acts. (Quoted from official decision document.)

While the applicant matches the IND image of sexuality as something inner—something he was born with—he fails the IND expectation of being able to speak well and eloquently about the feelings, sensations, troubles, and non-sexual pleasures that this "innerness" produced. His talk of sex acts is not enough, it, rather, must be "more" in a highly particular sense. Here, the IND enters the normative sphere of sexual and romantic desire itself—how it works, what experiences and feelings belong to it. The decision maker holds an observed lack of recognizable romantic and sexual desires against the person because he has presented his sexual identity by talking about sex acts alone.

It is non-credible that if the applicant had been romantically involved with S, it would still be unclear if S had ever heard of the applicant. After all, when two people enter into a relationship it may be assumed that they converse with one another on what it is that makes them attracted to one another. (Official decision document.)

Here, the state enters into a discussion of sexual or romantic (homosexual) relationships and what people should talk about and discuss in relation to them. A person in danger is expected to remember exactly why another person once wanted him, as this person must have told him, and he should also remember when and where that conversation took place. He must especially remember and talk about their presumed conversation as he has failed at so many other aspects of the dominant imaginary of homosexuality (or the so-called LGBT sexuality at that) and asylum testing in general (this applicant, for example, did not have authentic documents, he did not tell the IND anything about his travel to Europe, and he did not apply for asylum immediately). Hence, when suspicion is raised somewhere, it affects the pressure to answer well elsewhere:

This judgment [of non-credibility] is ratified by the applicant's statement that he, in the Netherlands, repeatedly tried to have sexual contact with a woman. The reason for this was that he wanted to and that he felt like it. Although the applicant has also stated that this did not go well, it can be regarded as very curious (*bevreemdend*) that the applicant, especially in the Netherlands, turns to a woman while he states he would not be drawn to women at all (official decision document).

The exclusiveness (and suspicions) of being granted asylum establishes the IND norms of sexuality quite narrowly: the fragment above shows how a person must be extremely consistent in his claimed homosexual desires, which are here measured by his more recent sexual contacts. So while in the case previously discussed, the state deems an exclusive focus on sex acts a meager way of establishing a sexual identity, now sex acts become the explicit focus of the state representatives, and the applicant's account of them works against his presented sexuality (see also Berg and Millbank 2009 and Lewis 2014 for similar catch-22 situations). Homosexual identity is thus considered to be precisely circumscribed in terms of the bodily practices that perform it. But it is at the same time considered to transcend bodily performance in the discursive performance of the account a person gives of his or her homosexual identity. It is then deemed to be not exhaustively accounted for when bodily performance is all the account presents. This way, the state has apparent access to sexual identity in paradoxical ways, and the recognition of legitimate sexual identity-related reasons for asylum hinges on the ability of the asylum seeker to walk a fine line in bodily and discursive performance. And crucially, both this bodily and discursive performance are about, exactly, the bodily and extra-bodily, discursive performance of sexual identity. What is at stake is the state's judgment about the performance of accounting for the performance of sexual identity. And so power, here represented by state practices in highly asymmetrical situations, wrests a position between a person's sexual identity as practically performed and a highly particular, reflexive performance of that sexual identity—namely the account a person is able to give of it in the course of the asylum procedure.

An acceptance

A positive decision is never textually revealed to applicants and lawyers; they are accepted, which needs no explanation; and the act of acceptance is enough. Decision makers do motivate their decisions internally, at times very extensively, but in LGBT cases there is little (internal) explanation. This is one example of an internal decision motivation where the IND officer summarizes the story of the applicant and comes to an explanation of his positive decision in the case of L that we also discussed in the previous section:

The applicant is especially interviewed (*gehoord*) on his sexual orientation. The incidents and events concerning his asylum story have not been completely interrogated. However, the sexual orientation of the applicant is credible.

This does not explain what the decision maker saw when reading the case, why he decided in favor of this applicant. In an interview the decision-maker explained how he reads the official reports that made him decide in favor of the applicant's appeal. A few quotations:

Well, I read a piece of text right, I did not see him or whatever, so I just purely read the answers he gives, is he vague or can he tell something about it, and also, you compare it to the policy of Jamaica.... there are questions about his relationships and he responds immediately, he is not incoherent or vague. So and then I won't doubt his orientation either, because yeah, we cannot do that, you know.

The applicant has taken his potential inconsistencies and vagueness away. He has undone the sharp edges of a general suspicion that all applicants initially embody. The decision maker also reads the right pace of answering into the report, which, again, takes away general suspicion. But what is the focus in determining whether one's presented sexuality is credible?

Well the most important questions [that makes him decide positively], that's hard to say, about [sexual] orientation, it is also hard with, for example, [converted] Christians, you don't really have a question that you always have to pose, so it's the full story that I read and then I might find it vague, or I find that there have been too few questions, or I think there should be an additional hearing, but with [sexual] orientation it is more about a story or a feeling than that you can really say "he is not."

"Matters of the heart" are ungraspable ("like with converted Christians") but still they are grasped quite literally, by the "full story" of them, and the general feeling that story gives a decision maker. But the decision maker still feels vulnerable deciding over an applicant who did all the other procedural things right (this person

had all the documents needed, travel tickets, a passport, he never contradicted himself and never failed to respond to a question-for-details). He explains:

Yes with things like this, it really is hard, yes and look, if you do the hearing, and a person walks in dressed in hot pants and gives answers in a feminine manner, that happens a lot, that you feel like “ah that one is gay” but if you read a file it’s much harder.

The decision maker also said that because his colleague did not inquire after all the presented “problems” the applicant had faced “(...) the incidents are not interrogated in detail, ehm, so I assume that there is an essence of truth in there (...)” He assumes his colleague must have thought L to be truly gay, as he reads she never asked “further.” He cannot find any suspicious aspects in the account and so he follows his colleague by reading her into the report she made. This relates to his statement about seeing a person’s gayness performed and physically expressed (“talking in a feminine manner”). A text cannot perform gayness by its looks alone and so the decision maker feels he misses some crucial information, such as the atmosphere, looks, and ways of comportment of the applicant himself.

When an applicant has already failed to take away some of the suspicion that she embodies—and succeeded, moreover, in further aggravating suspicion’s rationality—a person’s presented sexuality seems more easily dismissed. But when all seems to be in order—papers, a travel story, etc.—the IND struggles a bit more with rejecting a person, because, at that point, the evaluation focuses entirely on sexual desire itself and has to make do without “external” epistemological crutches.

Conclusion: The state’s sexual desires

What does a state desire in the realm of sexuality? An obvious answer would be: normality. And that is partly the case in the asylum procedure we are describing here. Sexual identities need to be legible in dominant registers. But, at least in the case we discuss, those registers allow for variety and are not narrowly conceived in the sense that they foster heteronormativity by only allowing for conformity to heterosexuality. In the Netherlands, the state’s infrastructural work in determining rightful, deserving belonging (in the sense of persons being granted asylum status) is intricately intertwined with the ways sexual identity is, or can be, performed. The asylum procedure is thus not only a set of practices that make explicit, in a kind of “infrastructural inversion” (Bowker 1994), how the state conceives of proper citizenship. It also makes explicitly visible how citizenship, thus configured, is tied to particular notions of sexuality as infrastructurally fixed. Yet, as infrastructure studies make abundantly clear, infrastructure is not merely a fixed structure that is “infra” or “below” the surface. It is not a foundation, but, as we have shown, there is an interest in rendering it foundational. However, the work of turning sexuality into a foundation, the work of asylum officials engaging narrative accounts of the self with suspicion, can precisely for that reason be considered infrastructural work. That

work at once illustrates the mediating role sovereign power plays in subject formation, exactly at the moment when it may matter most, at the site of entry into the nation-state, and exactly at the relational configuration (gender and sexuality) that remains so pivotal for modern nation-states.

Highlighting the state's role in subject formation in terms of infrastructural work has both the theoretical and the political importance of showing how infrastructural inversion (the as yet indeterminate search for the truth of sexual identity) unsettles the very possibility of notions of subjecthood and sexual identity as ever being foundational in the sense that the state's decision seeks to render them performatively. As Angela Mitropoulos has said, "to think of politics as infrastructural is to set aside questions of subjectivity, identity, demands, promises, rights and contracts, and instead to render visible the presumptions that the knots of attachment, adherence, care or fondness [...] have already been tied by nature or supposedly incontestable forms of connection (by kinship, race, money, sexuality, nation, and so on)" (Mitropoulos 2012, p. 118). To illustrate the state's infrastructural work, and the infrastructural inversion it enacts but that is nonetheless governed by the assumption of infrastructure as foundational, is to open up questions of power, national belonging, and sexual identity to considerations of the practices and the presumptions that, so to speak, precede foundationalist claims of subjects and selves.

The fact that sexual identity can be a reason for asylum is interesting in the ways it forces the state to make explicit how citizenship and sexuality are connected, and subsequently, how sexual identity is determined. "Determined" is indeed the word here, because the task of the state in the asylum procedure is to assess the truth of people's sexual identity in a situation of contingency and decision. And the infrastructural work in which this paradox is enacted assumes, from the start, a certain set of identities that are clearly demarcated—at least clearly enough to be distinguished by immigration and naturalization officers. Those IND officers, then, are not only experts of asylum law. They have been made to be experts of sexuality, and in a sense theirs is a presumption to know the person better than the person knows him- or herself, as they, in a way, name the person's sexuality.

The determination of that sexual identity has far-reaching consequences. Sexual identity, as assessed by the state, determines citizenship, in the sense of being or not being granted asylum. In this process, heteronormativity becomes apparent in the assumption that sexual identity must be "visible"—an assumption that is heteronormative because visibility is always easiest for the dominant, heterosexual identity. Sexuality, in the asylum procedure, is both the "deep" core of a person's identity, and externally visible. It is an innate thing, something of the person's inside, but at the same time its veracity is only accorded when it can be expressed in words, i.e., when an account of it can be given in such a way that this account is, itself, a believable performance of sexual identity. It is telling that the state here demands of the asylum seeker a conformity to bureaucratic procedure: one's sexual identity must be translated into an account, since only then can the state's infrastructure of rightful citizenship account for it. To count as a citizen, then, is to be counted by the state as, for instance, a prosecuted gay man from "a homophobic country."

In the demand of an "account." then, lies a conception of sexual identity that is configured by the state. In the introduction of this article, we quote Judith Butler, who says that "the very terms by which we give an account, by which we make

ourselves intelligible to ourselves and to others, are not of our making. They are social in character, and they establish social norms, a domain of unfreedom and substitutability within which our ‘singular’ stories are told” (Butler 2005, p. 21). Throughout this article, it is clear that the “social character” of account-giving is, in this case, heavily mediated by the state. This also means that the “unfreedom” Butler mentions is closely connected to the “freedom” of being granted asylum and the right to reside in the Netherlands. The unfreedom in the specific ways and practices in which one can, or must, account for one’s sexual identity, is here the obverse of the freedom to perform that sexual identity as someone with certain rights of citizenship in the Netherlands. In this way, the state configures “sexual identity” in highly particular ways. Sexuality, in the procedure, is something of the inside, although it is fully evaluated with respect to how it relates to the outside that is a person’s “country of origin.” It is at once something one “has” or even “is” prior to its externalizations, expressions, and performance, and it is something to feel and see, to be put into words, into an account of self. But when one or the other is missing, a decision becomes less certain. Sexuality is thus made into both inside and outside, both inner core and surface, both innate nature and expressive account, both invisible and visible. And, in the state’s procedure that is geared towards ascertaining the “truth” of one’s sexual identity, it needs to be both. It needs to be invisible, as it needs to be a person’s deepest and most inner core. But it also needs to be visible as it needs to be the case that: a) a person was treated, violently, as abnormal; b) the IND must be able to ascertain, discursively, visually, etc., that a person’s sexual identity is indeed so-and-so.

Because of the “inversion” of a prevailing sexual order that the procedure stages, heteronormativity surfaces in the procedure as a form of suspicion. In the procedure everybody is suspected to be heterosexual, because homosexuality is such a convenient strategy of getting a permit. Heterosexuality is such an important norm that it must very much be undone, one must become a non-heterosexual. Suspicion, as we have shown, centers not on deviating from the heterosexual normal but on—secretly, at the core of one’s true selfhood—conforming to it. In other words, in the hermeneutics of suspicion that informs the asylum procedure, the state expects and suspects normalcy (heterosexuality), while it only excepts and accepts (in the sense of granting asylum) a “proper” deviation from normalcy.

When X (an IND officer) says “how could C [a lover] see you were gay, if I look at you I see a normal man sitting in front of me,” this shows both how sexual identity is connected to visibility and how normalcy is at work as a suspicion: “but you look normal, why are you saying you are not normal?” As non-normalcy (which is non-heterosexuality) is a way to gain entrance, it is immediately suspect. It shows how one’s sexuality gains the state’s compassion; a person gets something when they become other other (an abnormal sexual subject (although homosexuality is increasingly normalized in the Netherlands) and an other-as-refugee). Suspicion at the same time exists in the face of an assumed truth. To speak a story of sexuality, of a sexual self, is then to respond to norms of heterosexuality, desire, and love, and, in the procedure, most importantly, it is to tell a true story. This truth cannot be “subjective” truth (like sexuality), but it must consist of things that can be checked, such as names; the memory must work via a specific logic that produces IND-trust, which, then, makes a person truly gay (in the eyes of the state).

In the account of the self that the state demands and which determines the truth of one's sexual identity and, *eo ipso*, of one's right to asylum, truth is displaced to a realm of factual attributes. A translation of sexual identity thus occurs, and it is assumed that a true identity expresses itself in a cloud of names, dates, objects, and preferences that can be verified. To determine one's inner sexuality, then, it needs to be externalized and translated into the traces sexuality leaves in the world of persons, names, and objects. A person must thus account for her or his sexuality in this process of suspicion and truth-seeking. The IND works down a list or frame of reference with points to check, and an applicant, instructed by a lawyer, must adhere to those questions well. The applicant must work to fit into a normative frame. As such, legal and procedural norms produce a specific sexual or desiring subject, and the state desires that people show themselves as such a subject in the format of questioning and answering, accounting for, and defending oneself in a little hearing room where an authoritative figure (a representative of the state) types everything down, but only once; there is one chance to succeed. (If the words are typed down they stick to a person. They cannot be taken back.)

Ours is thus a highly specific case in which giving an account of the self is tied to normative demands. Our analysis thereby seeks to further theories of subject formation by paying close attention to the ways in which the state, at a crucial juncture of entry into the nation-state, configures subjects by enacting a work of exacting, and ratifying, sexual identity as an infrastructural property. Our analysis thus illustrates one way in which sovereignty and sexuality penetrate each other: the state desires certain sexual identities, and sexual identity becomes what it is determined to be in a state procedure. In the process, violence is never far away. For, in its demand for the visibility of sexuality, the state assumes the position of the violator from whom the asylum seeker is considered to have fled. The state tries to see through the eyes of the violators from whom the asylum seeker fled, because it wants to check the veracity of the violence. The way it does so is to recognize that, indeed, the non-heterosexual identity of the person in question is overtly visible, sensible, or knowable. In this sense, the state mirrors the epistemic position of the violators in the subject's country of origin. This, finally, is a reminder not only of the heteronormativity inherent in the state's desires of sexual identities, but also of the constituent role that violence plays in the forging of those identities.

Acknowledgments Maja Hertoghs would like to thank her colleagues and family, especially Cat Smits. Special thanks to the IND employees, the asylum lawyers, and the people of the refugee council for giving her access to their quite controversial and vulnerable work practices. Most thanks and regards go to the people that have let her observe, and be a witness to, their intense and personal application processes. And finally, the authors thank the Editors and the reviewers of *Theory and Society* for their very insightful suggestions.

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References

- Balkenhol, M., Mepschen, P., & Duyvendak, J. W. (2016). The nativist triangle. Sexuality, race, and religion in discourses on 'Dutchness'. In J. W. Duyvendak, P. Geschiere, & E. Tonkens (Eds.), *The*

- culturalization of citizenship. Autochthony and belonging in a globalizing world.* Basingstoke: Palgrave Macmillan.
- Berg, L., & Millbank, J. (2009). Constructing the personal narratives of lesbian, gay and bisexual asylum claimants. *Journal of Refugee Studies*, 22(2), 195–223.
- Berger, S. (2009). Production and reproduction of gender and sexuality in legal discourses of asylum in the United States. *Signs: Journal of Women in Culture and Society*, 34(3), 659–685.
- Bohmer, C., & Shuman, A. (2008). *Rejecting refugees: Political asylum in the twenty-first century.* New York: Routledge.
- Bowker, G. C. (1994). *Science on the run: Information management and industrial geophysics at Schlumberger* (pp. 1920–1940). Cambridge, MA: MIT Press.
- Butler, J. (1990). *Gender Trouble.* London: Routledge.
- Butler, J. (2005). *Giving an account of oneself.* New York: Fordham University Press.
- Butler, J. (2008). Sexual politics, torture, and secular time. *The British Journal of Sociology*, 59(1), 1–23.
- Butler, J. (2015). *Senses of the subject.* New York: Fordham University Press.
- Cantú Jr., L. (2009). The sexuality of migration: Border crossings and Mexican immigrant men. Edited by Nancy a. In *Naples and Salvador Vidal-Ortiz.* New York: NYU Press.
- Dauvergne, C., & Millbank, J. (2003). Burdened by proof: How the Australian refugee review tribunal has failed lesbian and gay asylum seekers. *Federal Law Review*, 31, 299–342.
- El-Tayeb, F. (2012). ‘Gays who cannot properly be gay’: Queer Muslims in the neoliberal European City. *European Journal of Women’s Studies*, 19(1), 79–95.
- Foucault, M. (2009). *Le Courage de la vérité. Le gouvernement de soi et des autres. Cours au Collège de France, 1984.* Paris: Seuil.
- Haritaworn, J., Kuntsman, A., & Posocco, S. (2014). *Queer necropolitics.* London: Routledge.
- Lampland, M., & Star, S. L. (2009). *Standards and their stories. How quantifying, classifying, and formalizing practices shape everyday life.* Ithaca: Cornell University Press.
- Lewis, R. (2013). Deportable subjects: Lesbians and political asylum. *Feminist Formations*, 25(2), 174–194.
- Lewis, R. A. (2014). ‘Gay? Prove it’: The politics of queer anti-deportation activism. *Sexualities*, 17(8), 958–975.
- Luibhéid, E. (2002). *Entry denied: Controlling sexuality at the border.* Minneapolis: University of Minnesota Press.
- Luibhéid, E. (2005). Introduction: Queering migration and citizenship. In E. Luibhéid & L. C. Jr (Eds.), *Queer migrations: Sexuality, U.S. citizenship, and border crossings.* Minneapolis: University of Minnesota Press.
- Manalansan, M. (2003). *Global divas: Filipino gay men in the diaspora.* Durham: Duke University Press.
- Middelkoop, Louis. 2013. “Dutch court asks court of justice to rule on the limits of verification of the sexual orientation of asylum seekers.” European Law Blog, News and Comments on EU law 23 April 2013.
- Millbank, J. (2009). The ring of truth’: A case study of credibility assessment in particular social group refugee determinations. *International Journal of Refugees*, 22(1), 1–33.
- Mitropoulos, A. (2012). *Contract & contagion: From biopolitics to Oikonomia.* New York: Minor Compositions.
- Murray, D. A. B. (2016). *Real queer? Sexual orientation and gender identity refugees in the Canadian refugee apparatus.* London: Rowman & Littlefield International.
- Nagel, J. (1998). Masculinity and nationalism: Gender and sexuality in the making of nations. *Ethnic and Racial Studies*, 21(2), 242–269.
- Neilson, V. (2005). Homosexual or female—Applying gender-based asylum jurisprudence to lesbian asylum claims. *Stanford Law and Policy Review*, 16(2), 417–444.
- Puar, J. K. (2007). *Terrorist assemblages: Homonationalism in queer times.* Durham: Duke University Press.
- Puar, J. (2013). Rethinking homonationalism. *International Journal of Middle East Studies*, 45(02), 336–339.
- Raboin, T. (2016). Exhortations of happiness: Liberalism and nationalism in the discourses on LGBTI asylum rights in the UK. *Sexualities*, 20(5–6), 663–681.
- Spijkerboer, T. (2016). Uit de kast, maar ook uit de brand? Lesbische, homoseksuele, biseksuele en transgender asielzoekers in Nederland. *Ars Aequi*, 668–672.
- Spijkerboer, T., & Jansen, S. (2011). *Fleeing homophobia: Asylum claims related to sexual orientation and gender identity in the EU.* Amsterdam: COC Nederland/VU University Amsterdam.
- Walker-Said, C. (2014). Sexual minorities among African asylum claimants: Human rights regimes, bureaucratic knowledge, and the era of sexual rights diplomacy. In *In African asylum at a crossroads:*

Activism, expert testimony, and refugee rights, edited by Benjamin Lawrance, Iris Berger, Trish Redeker-Hepner, Jo Tague and Meredith Terretta. Athens: Ohio University Press.

Yuval-Davis, N. (1997). Women, citizenship and difference. *Feminist Review*, 57, 4–28.

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