8. Sexual Citizenship

The discussion in Chapter 5 of queer migrant women's positionality vis-à-vis the figure of the lesbian exposed that, for queer migrant women, successful 'integration' in Switzerland, in part, hinges on becoming a 'good lesbian' oriented towards the homonormative ideals prevailing in Switzerland. However, since discursive formations eventually render the positionality of a lesbian unattainable by a migrant, queer migrant subjects become trapped in a paradoxical space of (n)either/(n)or. This leaves them struggling for the definition and acknowledgment of their sexual-cum-national identities in everyday interactions with partners, friends, family, and work colleagues.

These are always also negotiations of *sexual citizenship*, which are crucially shaped by dominant discourses produced by the state and other institutions and organizations. In Chapter 3.4, I took up Eithne Luibhéid's suggestion to frame the ways in which migrant sexualities are regulated in terms of a *carceral archipelago* (Luibhéid 2002, Foucault 1977). This concept addresses how sexual normativity is produced and enforced by a system of surveillance that works across a number of institutions such as immigration and asylum procedures, welfare legislation, labor market regulations, professional associations, and so on, which together create "a regime of power that *all* migrants must negotiate" (Luibhéid 2008a:174, emphasis original). This chapter concentrates on how such state discourses, legislations, policies, and practices shape the lives of the queer migrant women interviewed for this study, as well as the strategies they devise to work through, with, around, or against these rules and regulations.

In the biographical accounts, two of the most dynamic and contested legal frameworks in contemporary Switzerland emerge as the most significant sites through which queer migrant sexualities are disciplined and controlled. The first regulates the formalization of same-sex partnerships, the other immigration and asylum procedure.[1] Chapter 8.1 discusses the different stances interviewees take toward *partnership formalization*

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1   Same-sex partnership registration and immigration/asylum procedure are both regulated by a set of laws, some of which touch upon both issues. The pertinent laws are located in the Swiss constitution *(Bundesverfassung (BV))*; the *Bundesgesetz über das internationale Privatrecht (IPRG)*; the *Bürgerrechtsgesetz (BüG)*, which regulates access to Swiss citizenship; the *Ausländergesetz AuG* (literally 'Foreigner Law'), which regulates regular immigration and family reunification; the *Asylgesetz AsylG* (asylum law), which regulates asylum procedure; and the *Partnerschaftsgesetz (PartG)*,

and analyzes how they negotiate the regulations and practices tied up with it. Chapter 8.2 examines how Swiss state policies and practices *discipline migrant sexualities* by producing and enforcing normative sexualities before emigration, at the border, and after immigration. This discussion particularly focuses on how these policies and practices affect the self-conceptions, everyday lives, and migration biographies of queer migrant women, as well as the strategies they devise to mitigate the negative effects of these policies.

8.1   Partnership Registration: An Intimate Decision?

The federal Partnership Act came into effect shortly after the fieldwork for this research had started, replacing an uneven patchwork of earlier cantonal acts (see Chapter 2.2). Throughout the data gathering period, same-sex partnership formalization was extremely topical and dynamic, with old barriers and possibilities being removed and new ones being established continuously. The issue was on everyone's lips, and accordingly all interviewees had given the matter more or less thought, or were feeling the effects of these rapidly shifting legal frameworks and associated practices. This sub-chapter examines queer migrant women's perspectives on and experiences with partnership registration. The analysis, on the one hand, focuses on how transnational configurations of same-sex relationships are implicated in queer migrant women's views on, and practices with regard to, partnership registration. On the other hand, it engages with the question of how interviewees' considerations about registration are shaped by the fact that 'marrying' is often inextricably tied to the right to stay in the country.

While interviewees generally welcomed the new possibility of formalizing a partnership, it at the same time remained a highly ambivalent issue. Paradoxically, registering was tied to a sense of coercion, especially in those cases in which the Partnership Act had been intended to bring the most relief. This concerned cases in which partnership formalization represented the only means to obtain a residence permit in Switzerland, a situation that was recurrent in interviewees' accounts. Although most interviewees entered the country with student visas or work permits, these permits expired at some point, requiring them to come up with a different strategy if they wanted to stay in the country. The remaining possibilities were often limited to options presented in the context of regulations concerning family reunification. As discussed earlier (Chapter 2.3), before the Partnership Act became operative, the only legal possibility of effectuating family reunification for a same-sex partner lay in the 'hardship case regulation.' While this regulation allowed for an individual case assessment, at the same time it required considerable social, cultural, and economic capital to be successful. Accordingly, many queer migrants instead resorted to 'fictitious' heterosexual marriages to be able to stay in Switzerland. The federal Partnership Act significantly facilitated family reunification for homosexual partners and has almost completely replaced the 'hardship case regula-

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which regulates the marital status "*in eingetragener Partnerschaft*"/"in registered partnership" (see also Chapter 2).

tion.' However, as will be explored in this sub-chapter, the Act has not solved all issues for queer migrants and has even created new ones.

This sub-chapter discusses the stances interviewees took toward partnership formalization, and the strategies they devised to negotiate attendant regulations, policies, and practices. These can be categorized as follows: First, partnership registration was always tied up with a complex *process of negotiation* among partners. These were always also contestations of what interviewees called homeland "mentality" or "culture," by which interviewees mainly signified their struggles with internalized cultural values and norms that discourage same-sex partnership registration. As discussed previously, while non-migrant lesbians in Switzerland also have to negotiate conflicting values, racialized queer migrants additionally have to navigate discourses that pit their allegedly homophobic culture against an allegedly gay-friendly Western culture. This in turn converts the question of whether to register a partnership or not to a contestation of loyalties in terms of national and cultural identities. Against this backdrop, partnership registration usually only became a viable strategy after a lengthy process of 'getting used to the idea.' This personal development has a distinct air of coercion about it: As registration becomes a 'must,' being the only way that will allow one or both partners to stay in Switzerland, queer migrants are *forced* to accommodate same-sex partnership registration in their value systems. Second, some interviewees predominantly viewed partnership registration as a *transnational strategy* that enabled them to create options and possibilities and to improve their personal mobility and safety. This contrasts with the third stance toward partnership registration, which mainly frames "marriage" in terms of *romantic views* on coupledom and of lifelong dreams fulfilled. Lastly, there were those interviewees who had *decided against* registering their partnership, despite the sometimes precarious legal situations in which they found themselves. The reasons for not registering diverge, but most accounts at least also cite concerns that partnership formalization may restrict their ability to travel or move back to their home country.

8.1.1   Negotiating Partnership Formalization

Until recently, Ariane Velusat's partner Florencia Díaz, an Argentinian citizen, lived in Switzerland as a *Sans Papier*.[2] When the Partnership Act became operative, the young couple were initially told that it was not possible for them to register, since Florencia Díaz was already in the country illegally.[3] They were at a loss as to what to do : *"On était mais constamment dans un drame, vraiment, elle se voyait repartir, moi je me voyais faire je sais pas quoi, je me disais 'Bon au moins je finis ma formation et je pars. Ben je pars à Argentine voilà.'"* – "We were in constant drama, really, she saw herself returning, me I saw myself

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2   Swiss term for undocumented immigrants or generally immigrants that stay in the country illegally.

3   While this information was incorrect at the time, this regulation did come into effect in 2011 *(Lex Brunner)*, see https://www.sans-papiers.ch (downloaded on July 15, 2014). Today *Sans Papiers* have to leave the country to register their partnership abroad and apply for family reunion or have to reapply for a visa to return for registration. This regulation continues to be contested.

doing I don't know what, I told myself 'Okay I at least finish my professional training and I leave. Okay I leave for Argentina, that's it.'" To Ariane Velusat's relief a lawyer informed them that registration is possible nevertheless. *"Ah voilà c'est ça"* – "Okay that's decided," she thought, but her partner assessed the situation differently: *"Et Florencia elle m'a dit 'Non stop, moi je me marie pas pour les papiers.' J'ai dit 'Non mais tu peux pas dire ça.' Bon. Ça nous a pris un an et demi, pour nous dire 'Oui on le fait, et pas uniquement pour les papiers.' Et oui ça nous change la vie."* – "And Florencia told me 'No, stop, I won't get married for the papers.' I said, 'No but you can't say that.' Well. It took us a year and a half to tell ourselves 'Yes we do it, and not just for the papers.' And yes, this changes our lives."

Although Ariane Velusat and her partner are aware that registration is their only means to ensure an unthreatened common life in Switzerland, and despite Florencia Díaz' precarious situation that not only carries the constant threat of deportation but moreover renders her unable to apply for an apprenticeship, a job, or a bank account in Switzerland, the couple refuse or are unable to view registration as a pure formality. Instead, they take their time to adopt the idea as their own and eventually manage to arrive at the conviction that they will not only register their partnership "for the papers."

While such issues have to be negotiated by heterosexual migrants as well, in the case of queer migrants the reluctance to register "just for the papers," even in the face of legal precariousness, is often additionally complicated by notions of heteronormative homeland 'culture.' When I asked Ramiza Salakhova and Nara Agayeva whether they were considering registration in order to finally terminate Nara Agayeva's asylum procedure – which at the time of the interview had extended over more than four years – the couple explained:

NA: *Weisst du, für Ramiza ist es immer noch sehr schwierig, ihre Homosexualität zu akzeptieren. Und wenn sie sich jetzt dann bewerben muss, dann müsste sie auf diesen Formularen das immer so ankreuzen (Ramiza nickt), und hier im konservativen Kanton Luzern- ich würde* <u>*morgen*</u> *den B-Ausweis [Aufenthaltsbewilligung] bekommen.*
RS: *Ja man muss das ankreuzen auf den Formularen.*
NA: *Weisst du wir haben kein Problem mit unserer Homosexualität, und wir wären schon 'out,' aber rein* <u>*theoretisch*</u>*, von unserer Mentalität aus der wir kommen- (hält inne)*
TB: *Aber so als Strategie im schlimmsten Fall?*
NA: *Ja, natürlich, als Strategie haben wir das. Ich habe bei [der Anwältin] angerufen um zu fragen wo meine Bewilligung bleibt von der ARK [Asylrekurs-Kommission] und dann hat sie gesagt übrigens könnt ihr euch ja jetzt eintragen lassen. Aber siehst du wenn sogar* <u>*ich*</u> *mir überlege, wann der richtige Zeitpunkt ist, um mich bei der Arbeit zu outen- und mich kennen sie dort als Mensch, aber wenn du da so kommst und sie kennen dich nicht-*
RS: *Aber wir wollen auch nicht einfach das machen wegen- es muss auch stimmen. Wir wollen nicht lügen. Wir wollen nicht so wie diese die das machen-*
TB: *Gegen innen.*
NA: *Ja wir wollen das nicht machen nur wegen der Bewilligung.*

NA: You know, for Ramiza it's still very difficult to accept her homosexuality. And when she has to apply for jobs now, then she would have to check this [box] on the forms

(Ramiza nods), and here in the conservative canton of Lucerne- I would get the B permit [residence permit] <u>tomorrow</u>.
RS: Yes you have to check that [box] on the forms.
NA: You know we don't have a problem with our homosexuality, and we would be 'out,' but strictly <u>theoretically</u> speaking, from the mentality we come from- (pauses)
TB: But like as a strategy in the worst case?
NA: Yes of course as a strategy we have that. I called [the lawyer] to ask where my permission from the ARK [asylum recourse commission] was and then she said by the way you can register your partnership now. But see, if even <u>I</u> think about when the right point in time has come to come out at work- and they know me as a person there, but if you come like that and they don't know you-
RS: But we also don't want to do that because of- it also has to be right. We don't want to lie. We don't want to do it like these-
TB: It has to be right on the inside?
RS: Yes we don't want to do this just because of the permit.
—Nara Agayeva and Ramiza Salakhova

The utterance, "You know we don't have a problem with our homosexuality, and we would be 'out,' but strictly theoretically speaking, from the mentality we come from," crystalizes the origin of Nara Agayeva's ambivalence concerning partnership formalization. On the one hand, it expresses her awareness that to become a 'good lesbian' entails a 'coming out,' an assertive attitude about one's homosexuality, and ideally also partnership registration. On the other hand, this act is hindered by her own homeland "mentality," which in itself remains ambivalent: "The mentality we come from" does not foresee formalization of same-sex partnerships, and yet it remains *hers*. In this moment, Nara Agayeva refuses to reject ownership of this "mentality" for the sake of fulfilling the Western lesbian norm; to allow herself to be coerced into partnership registration by Swiss asylum procedure would mean to betray her cultural identity. In the cracks of this moment of resistance the possibility of representing both a lesbian *and* a citizen of the homeland flashes through from between the interstices of Nara Agayeva's negotiation of Swiss homonormative ideals as coerced by Swiss asylum procedure on the one hand and what she identifies as her homeland "mentality" on the other.

Nara Agayeva's 'culture' argument is echoed in Siti Mohd Amin's account. For a short while, a Malaysian girlfriend and her child lived with Siti Mohd Amin in Switzerland. When this partner asked her to marry her, Siti Mohd Amin declined on the basis of their shared "culture":

> I say I never do married with the same- same- girl and girl, you know, I never have this experience, so even I don't think about that, you know? […] It's very bad idea in how about our culture, I say our culture is not <u>allowed</u> to do that, 'cause we are same culture, so she know that I also know and- we don't do it you know.
> —Siti Mohd Amin

As Nara Agayeva invokes her and her partner's "mentality," Siti Mohd Amin calls upon "our culture" to substantiate her declination to marry, and is moreover alienated by the fact that her girlfriend, who is of the "same culture," even came up with the idea to begin

with, asserting that she should know better. Now, several years later, Siti Mohd Amin regrets her decision. Like others before, her girlfriend eventually left her for a man and returned to Malaysia, leaving her alone once more. Her increasing social isolation in her everyday life in Switzerland, coupled with her longstanding desire to find a committed partner, has caused a shift in Siti Mohd Amin's perspective on partnership registration:

> SMA: And now, I thinking myself- (smiles) Okay, I don't do again the same mistake what I do before […]
> TB: So if another one asks you to marry you will think about it?
> SMA: Yeah. I think, to keep long relationship, you know? I know it's quite boring every two, three years I change a new girlfriend, ugh, I hate it also.
> —Siti Mohd Amin

Although in Siti Mohd Amin's case registration is less tied to a sense of coercion, the shift in her value system with respect to partnership registration is nevertheless grounded in a sense of urgency, which in her case is the desire to mitigate her increasing social isolation. But although such shifts in personal perspectives on partnership registration are tied to precarious situations and thus have a sense of coercion to them, a close reading of the above two cases suggests that these developments cannot be read in terms of subjugation to Swiss immigration procedure or adaptation to the Swiss/lesbian norm (alone). Instead, partnership registration emerges as a crucial arena in which sexual, national, and cultural identities are negotiated. Within these negotiations, the issue of partnership registration can also become a site of resistance to expected behavior, especially in cases in which partnership registration remains the only option to secure a residence permit. Both couples, Ariane Velusat and Florencia Díaz, and Nara Agayeva and Ramiza Salakhova, resist registration on grounds of their values and "culture" or "mentality" respectively, even in the face of legal precarity. However, as registration becomes a 'must,' queer migrants are required to accommodate this fact in their value systems.

By contrast, Nour Saber strategically uses registration of a relationship that no longer exists to secure her residence permit. She justifies this as follows:

> Tu t'installes avec quelqu'un, et tu viens en tant qu'étrangère et puis tu t'installes avec ta compagne ici en Suisse, tu te pacses c'est quand même un symbole d'amour, tu passes trois ans c'est aussi une preuve que c'est pas vraiment une utilisation de pacs pour, pour euh, contourner les institutions quelque chose comme ça, mais je comprends que malheureusement bon des gens dans ce genre de situation y a des gens qui profitent du système aussi, pour avoir des permis de séjour, pour s'installer ici en Suisse ils font des pacs blancs ou quelque chose comme ça. Mais ce que je trouve injuste c'est que dans ma situation on- voilà moi j'ai tout laissé pour venir s'installer ici et puis juste maintenant je me retrouve prisonnière, et puis je dépends complètement de ma compagne. […] C'est-à-dire en fait c'est la loi elle-même qui pousse les gens à la contourner. A faire des magouilles.

You come here as a foreigner and then you settle down with your partner here in Switzerland, you register your partnership, this is a symbol of love after all, you spend three years together, this is also proof that it's not really utilization of partnership reg-

istration to, to eh, bypass the institutions or something like that, but I understand that unfortunately well people in this type of situation, there are people who profit from the system also, in order to have the residence permit, in order to be able to settle down in Switzerland they register fictitious partnerships or something like that. But what I find <u>unjust</u> is that in my situation they- well I've left everything behind to settle down here and now I find myself a prisoner, and so I completely depend on my partner. [...] In other words, it's in fact the law <u>itself</u> that pushes people to bypass it. To fiddle with it.

—Nour Saber

The *"magouilles"* (fiddling with the law) Nour Saber perceives herself to be engaging in refers to keeping her partnership registered even though the couple has already broken up. To unregister would mean she would have to leave the country. The fact that she engages in these *magouilles* is explained by the injustice of the law itself. At the same time, the above statement frames Nour Saber's situation as exceptional, to be distinguished from those of 'other immigrants' who really *do* abuse the system; in contrast to them, she really *does* love her partner, and she really *did* live with her, and she really *did* intend to stay with her for the years to come. To be suddenly rendered a criminal only because the relationship does not last as she was hoping in her view exposes the law as inadequate and out of touch with reality: *"Les gens se séparent, les gens font une pause, [...] on prend deux apparts"* – "People separate, people take a break, [...] people get different apartments," which the law (which decrees that a couple needs to be registered for a certain number of years before a foreign partner can obtain an independent status of residence) does not factor in. By positioning herself in juxtaposition to the 'bad' immigrants that exploit Swiss immigration regulations by engaging in 'fictitious' marriages, and by framing her own actions as rightful in contrast, Nour Saber's statement asks for multiple readings. While the statement is complicit in racist discourses in Switzerland, which is here used to frame Nour Saber's position as exceptional, it at the same time represents a strategy of resistance against expulsion, and of saving face and dignity in the face of denigration and exclusion.

In sum, in cases in which the right to stay in the country hinges on partnership registration, partnership formalization emerges as a 'must' to a similar extent that it represents a redemptive option. This creates a condition in which interviewees are forced to accommodate the idea of same-sex marriage in their value systems. This is often a difficult and lengthy process, especially because affected interviewees did not see partnership formalization as a purely formal matter but instead perceived it as a practice that necessarily affects the internal qualities and character of a partnership. For instance, the couples were wary that binational partnership registration creates dependencies that inadvertently establish inequalities within the relationship, creating circumstances that contribute to what the Act purportedly seeks to prevent, such as unstable relationships and illegal registration. In other words, in these situations the Act itself creates the realities it seeks to foreclose.

Another kind of partnership formalization, which has lost some, but by no means all, of its topicality since, marked a crucial turning point in some accounts. In the face of

the administrative hurdles and risks involved in the 'hardship case procedure' prior to the introduction of the Partnership Act (see Chapter 2.3.1), *hetero*sexual marriage was sometimes used strategically to secure a residence permit. The following paragraphs discussing this strategy are based on two interviews with queer migrant women who had married men in order to obtain a residence permit, as well as on two interviews with an LGBT rights activist (the president of *SLAP*) and an immigration lawyer specializing in immigration and homosexuality. For reasons of anonymity the concerned queer migrant women I interviewed myself did not wish to discuss this issue in a formal interview, hence they do not appear on the list of interviewees in the annex (Annex I).

The character of these strategic heterosexual marriages varied. In some cases, they involved the transfer of considerable amounts of money. Other cases were acts of solidarity and mutual support: Compatriots helping another, a gay and a lesbian couple marrying one another. However, this strategy sometimes only *seemed* to represent the "path of least resistance" (as the president of *SLAP* put it), as it established dependencies that in some cases led to abusive and exploitative situations akin to those heterosexual migrants and especially migrant women often find themselves exposed to. However, there were also reports of cases in which, from the point of view of the queer migrants, the strategy succeeded, sometimes with benefits that exceeded those of its original function. One case in particular demonstrated that these 'fictitious marriages' are not always as fictitious as their name might suggest. This lesbian woman – one of those I interviewed informally – reported that she had been living in the same household with her husband (a compatriot of hers) for ten years, in a relationship of mutual support and respect. During this time, she had had some relationships with women, but her husband remained the calm anchor in her life. "You need somebody, that's it," she summarizes the quality of their connection.

While today the Partnership Act renders the strategy of heterosexual marriage in theory obsolete for many queer migrants, the conversations with the women who used this strategy indicated that this strategy will continue to be used, for instance by women who are single; who do not understand themselves to be homosexual; or who cannot imagine formalizing a partnership with another woman. While the Partnership Act is likely to be used to obtain a residence permit in the future as well, in the course of this research I did not (yet?) encounter any women registering a partnership with another woman for this purpose. This is likely also due to the fact that the main interview phase for this project took place shortly before and not too long after the introduction of the Partnership Act in 2007. However, this (non-)finding may also be a first indication that marrying a man (instead of a woman) may carry advantages beyond a residence permit, such as upholding the pretense of a heteronormative life vis-à-vis the family or other people. At least in the case of one strategic heterosexual marriage I learnt of, this factor played a central role. In any case, binational same-sex partnerships with one Swiss partner or registered partnerships among non-Swiss citizens are certainly already met with as much suspicion by the authorities as corresponding heterosexual marriages. In the case of an LGBT activist I interviewed, one day the local police officer, whom this activist knew well personally as the latter was a member of the municipal council of this rural community, appeared at his door unannounced to check whether his Asian registered partner indeed did live with him.

8.1.2 Partnership Formalization as a Transnational Strategy

There were also research participants whose permits of residence did not hinge on partnership registration, and who conceptualized partnership formalization as a *transnational strategy* to extend personal options and mobility rather than (only) as a romantic act or a strategy to obtain the right to inherit from a partner or visit the partner in hospital, for instance. These women mainly undertook registration because it offered administrative advantages, like an improved status of residence allowing for more extended stays abroad. Still, registration was always *also* seen as a symbolic tie that reaches beyond administrative concerns. Ayesha Umar's following statement is exemplary of such considerations:

> *TB: Was hat dazu geführt, zu diesem Entscheid euch registrieren zu lassen?*
> *AU: Das war keine emotionelle Entscheidung, sondern mehr eine Kopfentscheidung, dass wir egal wie das Beziehung aussieht das einfach zu machen, miteinander zu wohnen und leben zu können. Ja. […]*
> *TB: Okay. Und ihr habt das einfach gemacht um einfach ohne weitere Bewilligungsprobleme und so weiter zusammen leben zu können?*
> *AU: Ja. Also einfach dafür und ein bisschen schon eine Sicherheit zusammen, oder? Ein bisschen Commitment zueinander zu geben also wenn irgendwas passiert dann diese Sicherheit für uns gibt. Ja.*
>
> TB: And what led to it, to this decision to register?
> AU: This was not an emotional decision, but more of a rational decision, that we'll just do this no matter the state of our relationship, in order to be able to live together. Yes. […]
> TB: Okay. And you simply did this to just be able to live together without any further problems concerning permits of residence and so on?
> AU: Yes. Just for that and a bit, a certain security together, you know? Give each other a bit of commitment in case anything happens then there is this security for us. Yes.
> —Ayesha Umar

At the time of this interview, there was a great deal of motion in Ayesha Umar and her partner's relationship. They had moved apart, experimenting with new forms of relationships and probing whether they still want to be together. Despite these uncertainties, they decided to formalize their partnership in Switzerland, although they had already registered it in another Western European country. As Ayesha Umar's above statement illustrates, with their registration the couple intended to create a safe haven within which they can experiment with their relationship without having to fear interference from the state in their intimate decisions. As an avowed cosmopolitan, Ayesha Umar wants to be able to move freely, nationally and internationally, and to have the possibility *not* to live together, or *not* to live in Switzerland, while at the same time retaining the option of coming back. However, despite the fact that the decision to register was much more "rational" than "emotional," beyond formal arguments it is still clearly meant to install commitment and a sense of security *within* the partnership through its current turbulences. In other words, even where partnership registration was pre-

dominantly effectuated on the basis of strategic deliberations, it always also remained a symbol of love and commitment that reaches beyond rational arguments, and which as such has its own effects on a relationship.

8.1.3   Romantic Views on 'Marriage'

Such predominantly strategic perspectives on registration stand in stark contrast to Augusta Wakari's view on marriage. She views partnership formalization predominantly as an *act of romance*. However, even here partnership registration does not appear as unproblematic. The following statement exposes Augusta Wakari's perspective on her "marriage," which had taken place between our first and second interviews:

> It's my dream actually since before. But before I got married I couldn't <u>believe</u> myself have to take medicine to calm me down. I was really like (tense) 'Hhhu (tense) I'm getting married I'm getting married!' and then- 'How if eh- if she find another one? And we are married?' It's not like we are just <u>girlfriends</u> you know? […] Until now for me it is not easy to trust people […], because before I wanna trust but then along the way too many things happened, they play with another man while still in relationship with me, so it is very difficult for me to trust them, and now it's really really different, […] she [her partner] <u>really</u> shows me that 'It is okay, you are safe, it is okay to trust.' […] It sounds very simple but when one should master that, you have the sweetest life because everything is in pure heaven once you <u>believe</u> inside. But that's the most difficult thing. But I'm <u>willing</u> to learn that.
> —Augusta Wakari

On the one hand, marriage promises the fulfillment of a lifelong dream, but on the other hand evokes negative experiences with previous partners. As discussed in Chapter 5, in retrospect Augusta Wakari assesses that she had been pushed into a masculine role in her relationships in Indonesia, which had exposed her to separations from feminine girlfriends who would often cheat on her with men. These experiences now render it difficult for her to trust a partner. At the same time, she sees the ability to trust as pivotal in reaching the "heaven" of marriage.

8.1.4   Reasons not to Register

Some interviewees had explicitly decided *not* to register their partnership. Some of these cases were mentioned before: Barbara Wiegand is repulsed by proliferating homonormativity, which she sees as increasingly marginalizing more "exalted" and "non-conformist" queer people like herself, who might choose to devise alternative forms of relationships beyond couple- and motherhood; Beatriz Krais does not see a reason why she should obtain a certificate from the state telling her that she is together with her partner; and Marta López is concerned with the notion of ownership tied to partnership formalization, not seeing how such a concept could support her in implementing her emerging ideal of open relationships. While these views on partnership registration are also represented among non-migrant queer people (see Chapter 6), there are some rea-

sons *not* to register a partnership that are directly tied to interviewees' positionalities as migrants.

Decisions not to marry often hinge on the fear of not being able to return to the homeland again, or of being restricted in one's personal mobility. For Jasmine Sieto, registering a partnership is not an option because she sees this as threatening her ability to return to assume her role as the eldest in her family in Indonesia (see Chapter 6.1.3). Since she is single at the moment, the issue is not of particular urgency, but her account suggests that should she meet someone, she would view the question of registration primarily from the perspective of a prospective returnee. To make this case she draws on the situation of two Indonesian women in Holland who she is friends with: "I know two people in Holland, they also cannot go back again to Indonesia, yeah, because they get married and then they not accepted in Indonesia." Not marrying leaves open the door for a return more widely.

In sum, while the positionalities of participants in this study with regard to 'marrying' varied widely, they were always inextricably *also* tied to their positionalities as migrants. While there is no question that the Partnership Act has brought relief to many binational (with one Swiss partner) or non-Swiss same-sex couples and has significantly extended queer migrants' options and mobility, it by no means erases all issues queer migrants grappled with before the introduction of the Act. For those who are forced to register their partnership in order to obtain a residence permit, registration is always tied to a sense of coercion. This may result in paradoxical outcomes, in which the Act creates the realities it seeks to discourage, such as unstable relationships or 'fictitious' registration or marriage. The question of whether to register a partnership is further tied up with a renegotiation of value systems tied to national and cultural identities. Within these conflicting loyalties, partnership registration also emerges as a site of *resistance*, as some queer migrant women refuse to bow to the prescripts of immigration procedure (that is, to register) for 'cultural' reasons even in the face of severe legal precarity. Finally, it must not be forgotten that the Act only facilitates the entry of queer migrants who are in binational relationships or in relationships with non-Swiss citizen with a residence permit, while failing to engage with the plight of queer migrants who are single or in relationships with foreign nationals that are equally barred from access to a residence permit.

8.2   Producing and Controlling Sexualities at and within the Border

This sub-chapter is concerned with how Swiss state and non-state regulations, discourses, policies, and practices produce, control, and discipline migrant sexualities before emigration, at the point of entry, and even after immigration. The first part addresses the ways in which migrant sexualities are disciplined before migration, at the border itself, and in the initial controlling practices carried out by immigration and asylum authorities. It exposes the difficulties queer migrant women face if they lack a formal 'pretext' for entering the country, and furthermore raises the question of who is absent from this study. The second part analyzes how state policies and practices,

especially those related to the regulation of immigration and asylum procedure on the one hand and same-sex partnership registration on the other, continue to affect the self-conceptions, everyday lives, and biographies of queer migrant women even after immigration. A final part revisits asylum procedure, demonstrating how queer asylum seekers are forced to dissociate themselves from their homeland in order to be granted access to Switzerland.

8.2.1   "Il faut vraiment un 'prétexte'": Regulating Sexuality before Emigration and at the Border

As the example of the couple Nara Agayeva and Ramiza Salakhova shows, migrant sexualities are already disciplined and controlled *before* emigration. The couple fled from a post-Soviet state on the grounds of the pressure they faced because of their relationship and at the time of the interview were in the process of claiming asylum in Switzerland. As this sub-chapter engages with this case from different perspectives, the couple's account is laid out in some detail in the following paragraphs.

Nara Agayeva and Ramiza Salakhova met at their common workplace in their home country, and soon fell in love. To Nara Agayeva, this did not come as a surprise. She had long acknowledged, if not communicated, her same-sex desires. Not so for Ramiza Salakhova: When she met her future partner, she still understood herself as heterosexual and lived with her husband and daughter. The secrecy of the couple's budding relationship was hard-won. Although Nara Agayeva had been given her own apartment by her father, her mother unceremoniously moved in with her after she was told by one of Nara Agayeva's neighbors about 'women visitors.' As a result, this space became unavailable to the couple, with Ramiza Salakhova's family home out of bounds as well. The couple also had to be careful not to raise suspicion at work, and Ramiza Salakhova was supposed to return to her husband right after work; he did not like that she worked at all and checked on her regularly by phoning her workplace. Against this backdrop the couple had to devise complex strategies to carve out space and time for themselves. Nara Agayeva's car, in which she would drive her lover home and to go shopping, became their 'queer bubble' and the only place where they could talk and act freely. However, a work colleague eventually gave the couple away to Ramiza Salakhova's husband. When the husband, abusive to begin with, learned of his wife's involvement with another woman, his acts of violence against his wife and their child escalated. With no hope of support from the local authorities, Nara Agayeva, Ramiza Salakhova, and the latter's daughter soon found themselves exposed to "unbearable pressure" (Ramiza Salakhova) that turned everyday life into a matter of "life and death" (Nara Agayeva).

With Ramiza Salakhova homebound, Nara Agayeva started to plan their flight to the U.S., but was denied a tourist visa at the U.S. embassy on grounds of not being married. Their argument was that without husband and children, the risk was too high that Nara Agayeva would overstay or marry in the U.S., even though she presented ample proof of real estate holdings, financial resources, and a well-paid job in her home country. In other words, U.S. immigration refused Nara Agayeva a visa based on the absence of a stereotypically heterosexual biography. Throughout the visa application process Nara Agayeva's homosexuality was rendered invisible. She was complicit in this

invisibility, as she did not feel that she was in a position to clarify her sexual orientation or the couple's situation at the U.S. embassy. Through an acquaintance, Nara Agayeva eventually managed to organize tourist visas for Switzerland, and once there the newly formed Salakhova-Agayeva family applied for asylum on grounds of the persecution they suffered due to their sexual orientation. At the time of the interview, the women had been waiting to obtain refugee status in Switzerland for four years.

However, the way in which the U.S. state disciplined and controlled Nara Agayeva's sexuality *prior* to emigration was quite exceptional in the biographical accounts generated in the context of this study. As elaborated in Chapter 5, many interviewees did not understand themselves to be homosexuals before they left their countries, and those who did, did not come to Switzerland as refugees. As Nour Saber says about homosexuals emigrating to Western European countries from the *"monde arabo-musulman"* (the "Arab-Muslim world"): *"Pour émigrer [comme homosexuelle], il faut vraiment un, entre parenthèse, un 'prétexte'"* – "To emigrate [as a homosexual] you really need, quote unquote, a 'pretext,'" like academic studies or a job. Indeed, such 'pretexts' were typically what interviewees indicated as the reason for their migration at the outset of the interview, only to qualify this later in their narratives with motivations related to sexuality, such as a broken heart, their parents' efforts to separate them from a female partner, a vague feeling of having to explore something about themselves, and so on. Most interviewees in this study were able to present such a 'pretext' when they applied for a visa for Switzerland, and since most emigrated by themselves rather than with a dependent partner, they did not have to declare their sexual orientation when applying for a visa or arriving at the border, but could instead present valid, legally obtained papers permitting them to enter the country as students or employees. The fact that considerable economic, cultural, and social capital is required to obtain visas for Switzerland certainly goes a long way towards explaining the class bias in this sample and raises questions as to who was absent from this study.[4]

As asylum seekers, Nara Agayeva and Ramiza Salakhova were not able to present such a 'pretext.' While still in their country of origin, the couple's plan to flee was driven by the prospect of living their homosexual relationship freely but also *privately* and *anonymously* in a metropolitan U.S. context:

> RS: *Wir dachten, oh dort ist frei, wir können zusammen leben, und niemand wird es wissen!*
> NA: *Und wir müssen uns nicht outen. […] Ja, mit diesem Wunsch [nach Anonymität] sind wir auch hierher gekommen, wir wollten ja niemanden trauen.*

> RS: We thought, oh, there it is free, we can live together, and nobody will know!
> NA: And we don't have to come out. […] Yes, we also came here with this wish [to live anonymously], we didn't want to trust anyone.
> —Ramiza Salakhova and Nara Agayeva[5]

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4   For instance, possession of tens of thousands of Swiss Francs has to be proven upon application for a student visa.

5   The interviews were conducted with both women present. Their account was accordingly a co-creation, one woman prompting the other to tell this or that story, and they commented and complemented each other's accounts. A strong "we" guided the narrative, suggesting that the women

However, in asylum procedure it was exactly this 'disclosure' of the true nature of their relationship that very quickly crystalized as the crux for admittance into the country on a more permanent basis. When Nara Agayeva realized this in a meeting with their prospective lawyer, she asked the translator to tell the lawyer that she and her partner were a couple. However, the translator, a woman originating from a country neighboring their own, refused to translate this information.

> *Und ich schau auf Anwalt, der schaut auf mich, und ich kann ihm nicht erklären, und die Frau weigert sich, [...] und dann hab ich gesagt 'Hör zu, wir <u>SIND</u> ja kein Paar, wird sind Schwestern, aber wenn wir keinen Aufenthaltsgrund haben dann müssen [wir] <u>LÜGEN</u>,' und die Frau hat aufgeatmet (lacht) dann hat sie gesagt, 'Dann ja,' und [dass] also diese Wörter könnte sie ja nicht aussprechen, aber dort hat sie es [trotzdem] gemacht, und Anwalt war ja auch erleichtert und hat gesagt ja dann ist es ja keine Sache.*

> And I look at the lawyer, and he looks at me, and I can't explain to him, and the woman refuses to cooperate, [...] and then I said 'Listen, we <u>AREN'T</u> a couple, we are sisters, but since we don't have an acknowledged reason to stay then [we] have to <u>LIE</u>,' and the woman was relieved (laughs) then she said, 'Then yes,' and she said [that] she could not utter these words, but there she did it [anyway], and the lawyer was relieved, too, and said in this case it's no problem.
> —Nara Agayeva

This situation addresses, but does not reify, two concerns voiced by Swiss LGBT rights advocates as discussed at the outset of this book (see Chapter 1). The first is the observation that, unlike Nara Agayeva, many sexually non-conforming migrants arriving at the Swiss border as 'sexual refugees' do not find themselves in a position to 'disclose' their dissident sexual identity, be it because they do not understand their sexuality in terms of an identity and are hence not aware of the 'confession' required to establish themselves as homosexual and hence *legible* and *classifiable* subjects for Swiss asylum officials; or be it because they are not informed about the fact that they need to disclose their sexual dissidence to the authorities; or because they refrain from doing so due to experiences of violence from authorities in their home country. Activists and practitioners point out that the realities of sexually non-conforming refugees stand at odds with Swiss asylum legislation, which requires the reason for the asylum claim to be presented in a "credible manner" *("glaubhaft")* within forty-eight hours of arriving at the border. If the claim is made later, the narration is likely to be deemed "implausible" *("unglaubhaft")*, with chances of being granted asylum dwindling. The second concern is the role of the translator in interactions between queer asylum seekers and lawyers or asylum officials. Again in contrast to Nara Agayeva, many asylum seekers are particularly reluctant to speak about their homosexuality in the presence of compatriots, out of shame and for fear that they might spread the news in the diasporic community (Queeramnesty 2014).

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had forged a common history over time, likely especially also in the context of asylum procedure (see below).

In contrast to Nara Agayeva, Ramiza Salakhova still felt deeply ashamed of her same-sex desires when she arrived in Switzerland. She did not identify as a lesbian and had never 'come out' to anyone. She was utterly shocked when her partner told their lawyer that they are a couple, only to learn from him that their only possibility of obtaining asylum was to explain the intimate nature of their relationship to the asylum authorities. In the ensuing lengthy interviews with asylum officers, Nara Agayeva and Ramiza Salakhova were forced in turn to disclose intimate details – such as since when their relationship became sexual – to substantiate their claims of being persecuted homosexuals. *Solche Fragen man wird verrückt"* – "Such questions you go crazy," Ramiza Salakhova states. The sense of public exposure continued to haunt her for months after the interview, during which Ramiza Salakhova found herself unable to speak the word *'Lesbe.'* She felt literally branded. As the couple relate:

> RS: *Das- das war so- ehm ich konnte nicht einfach 'Lesbe' aussprechen dieses Wort. Das war für mich-*
> NA: *Sie hat gedacht dass hier auf dem Stirn geschrieben 'Lesbe' Wort geschrieben, so ein Gefühl hatte sie und- ja. Sie hatte sich draussen nackt gefühlt, also es wäre wahrscheinlich anders, wenn wir nicht gesagt hätten, dass wir ein Paar sind. Aber als wir uns geoutet haben, sie hat so sich Gefühl als ob irgendwie-*
> RS: *Verstehst du Tina, coming out das ist gut, aber wenn das ist zwangsmässig, du <u>MUSST</u> [...] und ich musste alles erzählen und das ist nicht so einfach plötzlich du <u>MUSST</u> das erzählen, entweder <u>oder</u>... ja und das war- und ich denke ich habe Rückschritt gemacht- ich habe erzählt ich habe- aber es war so brutal ja und dann fühlte mich als ob ich nackt wäre so- <u>un</u>gemütlich, so ja. und dann nachher langsam haben wir Freundinnen gefunden-*
> NA: *Wir haben uns langsam- [daran] gewöhnt.*
> RS: *Ja.*
>
> RS: This- this was so- ehm I just couldn't say 'lesbian' this word. For me this was-
> NA: She thought that here on her forehead 'lesbian' word was written, this is the feeling she had and- yes. She had felt naked outside, well this would probably be different if we hadn't said that we were a couple. But when we came out, she had a feeling like somehow-
> RS: You see, Tina, coming out is good, but if this is forced, you <u>HAVE</u> to [...] and I had to tell everything and that's not so easy, suddenly you <u>HAVE</u> to tell or <u>else</u>... yes and this was- I think I regressed- I told and I have- but it was so brutal yes and then I felt as if I was naked so- <u>un</u>comfortable, so yes. And then slowly we found friends-
> NA: We slowly- got used [to it].
> RS: Yes.
> —Nara Agayeva and Ramiza Salakhova

By stating that "*We* slowly got used [to it]," Nara Agayeva includes herself in Ramiza Salakhova's experience of shame and fear of exposure (also manifest in Nara Agayeva's own hesitation to expose her sexual orientation at work), which also complicates her own recurrent assertion that she has known that she is a lesbian "ever since I've been able to think" (see below).

After these initial interrogations the Salakhova-Agayeva family were catapulted into a space that is simultaneously situated *at* the Swiss border – they have not been admitted yet – as well as *within* it – they have an (albeit highly regulated and restricted) everyday life in the territory of Switzerland. After six months in a home for asylum seekers, with an everyday life marked by a lack of privacy, a fear of discovery, and worrying they would receive a negative decree by the asylum authorities, they were transferred to a small, furnished flat in a village, where they have since been staying for over four years while awaiting recognition. During this period, the couple have neither been allowed to work nor to move – the work Nara Agayeva has pursued in this time has been purely voluntary. As a result of the work restriction, they do not have the economic means to travel to the nearby city to take part in the lesbian community on a regular basis. For the same economic reasons, they cannot invite people to their 'home,' which they tend to refrain from doing anyway; not having had the chance to furnish their apartment themselves, they do not feel at home in it. Due to the work restriction they also do not meet many new people. The social isolation resulting from these enforced spatialities is further aggravated by the couple's *imagined* geographies: They eschew contact with the local villagers (whom they assume to be homophobic based on their Catholicism) as well as with the neighbors in their house (whom they assume to harbor the same "mentality" as their compatriots because they suspect them of being Muslim immigrants). These imposed and imagined geographies amalgamate to isolate the couple in a profound way. Their desire to 'come home' to a place where they can live out their homosexuality unhindered (which originally did *not* mean 'openly') is thus not fulfilled but *deferred*. Window-shopping at local furniture shops, Nara Agayeva and Ramiza Salakhova dream of their future apartment in the nearby city, its women's café, and its promise of more anonymity. Accordingly, the notion their narratives convey of Switzerland is highly ambivalent, fluctuating between frustration about their current situation on the one hand and their imagined future in it on the other. They are in Switzerland, but they aren't; they have arrived, but they haven't.

8.2.2   "Je suis parachutée": Regulating Migrant Sexuality within the Border

Between the first and second interview with the couple, Ramiza Salakhova finally obtained temporary asylum in Switzerland. Nara Agayeva's permit has not arrived yet; her case seems less clear-cut. The permit requires Ramiza Salakhova to look for work immediately. When I arrived at their apartment for the second time, Ramiza Salakhova had just returned from the *RAV*.[6] She was in distress; for the third time in a row a clerk assumed that she had been married to a Swiss man when she told them she was divorced. She replied that no, she had been married to a foreigner. *"Aber Sie reden Deutsch"* – "But you speak German," the clerk interjected. From this conversation, the border emerges as a continuous practice rather than a single event of admission or rejection, and as a 'border within' that continues to monitor migrant sexualities. Although she has a residence

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6   The *Regionale Arbeitsvermittlungszentren RAV* are the governmental regional employment agencies assisting people in looking for jobs and coordinating the payment of unemployment benefits.

permit now, Ramiza Salakhova continues to be confronted with stereotypical imaginations of immigrant women guiding governmental discourses and practices. Ideas about 'the unemployed' interlink with notions of gender, sexuality, class, and ethnicity, coagulating with the assumption that migrant women are heterosexual, married to Swiss men, dependent, unskilled, and (unlike in Ramiza Salakhova's case) not proficient in the local language.[7] These assumptions successfully mask the fact that the state *materializes* these very stereotypes through its own practices: Swiss immigration procedure *itself* has turned Ramiza Salakhova into a dependent, unemployed, and 'unskilled' migrant woman.

Such relegations of interviewees to stereotypical assumptions about female immigrants were systematic in the biographical material generated in the context of this study. These stereotypes, such as the figure of the dependent and oppressed Muslim woman or the figure of the Black woman as a 'whore,' are deeply rooted in colonial racial prejudice and as such represent manifestations of the persistent coloniality of power (Lugones 2007, see Chapter 3.4.7). Beatriz Krais was suspected of being a prostitute at the immigration bureau when she applied for an extension of her residence permit : *"Deux trois fois au téléphone quand je disais que j'étais Brésilienne je sentais qu'il [se] disait 'Mais celle-là c'est une pute, qui veut un permis pour aller faire le trottoir' [...]. Après bon il me voyait, je ne suis pas- je suis pas typée Brésilienne quoi"* – "Two or three times on the phone when I said I was Brazilian I felt that he said [to himself] 'But this one is a whore who wants a permit to go do the sidewalk' [=prostitute herself] [...]. After that, well, he saw me, you know I'm not- I'm not the Brazilian type." Beatriz Krais experienced how the stereotype of the whore rests on a visual economics rooted in racial stereotypes that, in her case, work to her advantage since she is *"typée Européene"* – "the European type," that is, light-skinned. Based on such incidences, Beatriz Krais has developed an acute awareness that had she been *typée Brésilienne*, she would likely not have obtained her Swiss citizenship a few years later, which was voted on by the general assembly of her municipality.[8] Such stereotyping also effectuates a sense of *permanent* exclusion that persists even after successful 'naturalization': *"Je suis toujours étrangère [...], je serais jamais Suisse"* – "I will always be a foreigner [...], I will never be Swiss," Beatriz Krais states, a

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7   For more extended analyses of the ways in which immigration and welfare systems interact to marginalize migrants see Cohen 2005, Fujiwara 2008.

8   In this practice it is the people present at the general assembly of a municipality rather than the municipal authorities who assess applications for citizenship. The application is voted on after a short CV is read to the assembly with the applicant present. While in 1990 90 percent of all Swiss municipalities handled naturalizations in this manner, as of 2013 it was still practiced in about 30 percent of all municipalities. Beatriz Krais' perception and fear of systematic discrimination based on negative stereotypes has been corroborated by political scientists: Naturalization by general assembly significantly promotes systematic discrimination based on national, ethnic, or racial stereotypes. In the case of citizens from Ex-Yugoslavian states, for instance, the rate of naturalizations rose by 75 percent (!) after the task was relegated to municipal authorities (as opposed to 6% in the case of Italian citizens). In such general assembly votes, no correlation could moreover be established between the decree and applicants' language skills, the duration of their stay in Switzerland or other indicators of 'integration.' Negative decrees are highest in the rural municipalities where the right-wing *Schweizerische Volkspartei SVP* is dominant (Hainmüller and Hangartner 2012 and 2013).

sentiment echoed almost verbatim in several other accounts, such as for instance Augusta Wakari stating that "Here you <u>know</u>, I <u>always</u> be a foreigner, no matter if I have a Swiss pass, I'm still a foreigner, <u>still</u>!" These cumulated accounts demonstrate how in Switzerland, as is the case of Western Europe in general, racialized immigrant populations always remain newcomers. They are perceived as always having just arrived, no matter whether they have indeed just arrived or whether it had been their great-grandparents who had come to Switzerland (El-Tayeb 2011, see also Chapter 1). As Fatima El-Tayeb writes:

> Migrants and their contested ability to adapt to European societies have been at the center of public and policy debates since their massive postwar arrival in the 1950s, but paradoxically these debates have seen little change over the last five decades – their focus often still is on the moment of arrival […]. (El-Tayeb 2011:xii)

The logical conclusion that these immigrants are "by now as European as those worrying about them," El-Tayeb continues, is prevented "by an often unspoken, but nonetheless seemingly precise, racialized understanding of proper Europeanness that continues to exclude certain migrants and their descendants" (ibid:xii).

By contrast, another interviewee was confronted with the stereotype of the *male* immigrant. Upon returning to Switzerland from Germany, Jasmine Sieto wanted to declare some goods to reclaim the VAT. It was quite late at night when she went looking for the customs officials in the train station, who were drinking coffee in their office. At first, they did not show any inclination to address her query or even acknowledge her presence, but when she insisted they suddenly jumped up and harshly ordered her to empty her entire suitcase. Their aggressive demeanor and the fact that she was about to miss her connecting train irritated her, and when she expressed this concern with some agitation, one of the officials shouted to his colleague: "*Hey du, mach die Tür zu, der ist gefährlich hier!*" – "Hey you, close the door, this guy here is dangerous!" Their hetero- and homonormative gaze did not allow these officers to recognize Jasmine Sieto as a lesbian. As a masculine-looking woman she is automatically assigned to the 'group' of male immigrants instead, who, as the officer's reaction indicates, are assumed to be prone to aggression and physical violence. As the scene unfolded, the officer ripped Jasmine Sieto's residence permit apart. They eventually allowed her to pass, but she missed her train.

The persisting attachment of stereotypes of immigrants to sexually non-conforming migrant women by the state and further powerful institutions, regulations, and practices not only renders invisible these women's professional skills and independence from a husband but also their queer sexuality. This in turn blocks the state's view on queer migrant women's positionalities, realities, and vulnerabilities. Furthermore, these incidences reveal that migrant sexualities continue to be tied into a system of surveillance and discipline, even after admission into the country (or even if, as in the case of migrants' descendants, migration has not even occurred), appearing as a 'border within' that not only renders queer migrants invisible but continuously calls their presence in the country into question. The remainder of this sub-chapter is concerned with a case that crystallizes the effects of this 'border within,' and concludes that the carceral

archipelago of Swiss state practices regulating migrant sexualities is especially also productive of specific spatialities.

Nour Saber, the daughter of two university professors, grew up in the capital of an Arab country. She highlights that her parents are people who carry "intellectual baggage" and have traveled widely, and she places particular emphasis on the fact that they are atheists and as such function based on "reason rather than religion." Nour Saber is convinced that it is this specific combination of an intellectual background and secularity that has enabled her parents to grant her the space to unfold and live out her dissident sexuality. *"Je le savais"* – "I knew," her mother simply replied, when in her twenties Nour Saber wrote her an e-mail from France, declaring that she loves, and lives with, another woman. *"Du moment où t'es heureuse, c'est tout ce qui m'intéresse"* – "All I'm interested in is that you're happy," her mother wrote, and promptly placed a double bed in Nour Saber's old room for when she visits with her partner. As discussed in Chapter 6, Nour Saber is very specific about the family circumstances she grew up in, describing them as exceptionally liberal for the *"monde arabo-musulman"* ("Arab-Muslim world"). In retrospect, she identifies intellectual and artistic spaces as the only places in her city where homosexual people had a certain visibility and acceptance, while in all other realms of life she experienced homosexuality as strictly taboo. Upon discovery by the authorities, she says, *"c'est même pas un jugement hein? c'est directement la prison"* – "it's not even a conviction, you know? It's straight to prison."[9]

In Nour Saber's perspective, in her home country the possibility of identifying as a homosexual is highly contingent upon education and social status. She sees homosexuality in her home country as *"un phénomène élitiste."* At the same time, Nour Saber considers it impossible to live a homosexual life in her home city, and frames emigration as the only solution for people who want to lead a homosexual life (see Chapter 7.2.3). This view is key to understanding Nour Saber's migration narrative and her key concerns. Throughout her account the image drawn of the life of homosexuals in her country of origin functions as that which must be avoided at all cost and is consequently that which drives all of Nour Saber's current decisions and actions in the diaspora.

Before coming to Switzerland, Nour Saber studied in France. There she fell in love with a Swiss woman, who she later followed to Switzerland. At the time of the interview, just a couple of years later, the couple has broken up. This leaves Nour Saber not only severely heartbroken but also in a precarious legal situation. In order to secure a residence permit for Nour Saber, the couple registered their partnership when they came to Switzerland. Now, Nour Saber's ex-partner has consented to keeping the registration up, regardless of whether they get back together or not, in order to enable Nour Saber to

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9   In Nour Saber's homeland, homosexual acts are punishable with up to several years in prison. At the time of the field phase for this research, reports by local LGBT activists indicated that while this law was applied relatively rarely, the situation of homosexuals in the country was deteriorating: Homosexuality was gaining a certain visibility, which in turn triggered a rise in homophobia. It has only been in the past few years that first political efforts have been taken to legalize homosexuality in the country – however, very recently a court sentenced several men on the basis of their assumed homosexuality, and forced medical testing continues to be used to determine whether men had been involved in homosexual acts.

stay in the country. Besides the emotional pressure this causes (for instance, the couple have to pretend that they still live together), the situation renders Nour Saber completely dependent on the goodwill of her ex-partner. She points out that others might not be so lucky as to have a supportive partner, and calls into question all the forms of permits of residence that are contingent on continuance in a partnership (which in Swiss immigration jargon is termed *"Aufenthaltsgrund: Verbleib beim Partner"* – "Reason of stay: remaining with partner").

There is a specific spatiality to Nour Saber's sexual citizenship: She cannot return to France because her papers there have expired, and the option of returning to her country of origin she dismisses as follows:

> *Rentrer chez moi ça veut dire <u>condamner</u> mon <u>choix sexuel</u>. C'est-à-dire je vais <u>plus pouvoir</u> vivre mon homosexualité. Mon homosexualité c'est juste il faut faire un trait là-dessus. Je peux plus la vivre. Donc pour moi c'est un choix [...] <u>très</u> amer, c'est une option, voilà, très très amère, de rester ici en Suisse. Surtout après une séparation, et puis avec un très grand sentiment de déracinement, surtout c'est très très douloureux [...], parce que j'pourrais plus retourner en France. Donc je suis, prisonnière aujourd'hui ici en Suisse. Je suis <u>prisonnière</u>, exactement, c'est le terme exacte.*

> Going back home means to <u>condemn</u> my <u>sexual choice</u>. That means I will <u>not be able</u> to live out my homosexuality any more. My homosexuality, it's true, I [would] need to put an end to that. I cannot live it out anymore. So for me it is a <u>very</u> bitter choice, yes, it's a very very bitter option to stay in Switzerland. Moreover after a separation, and then with a very great feeling of uprooting, moreover it's very very painful [...], because I could not return to France. So I'm a prisoner here in Switzerland today. I'm a <u>prisoner</u>, exactly, that's the exact term.
> —Nour Saber

Nour Saber's temporary residence permit is tied to her partnership registration, the regulations of which render it impossible for her to move within Switzerland. She is currently unemployed and in the small industrial town where she lives has no professional prospects that dignify her qualifications as an academic, even more so because she lives in the German-speaking part of Switzerland and does not speak any German. The next city is too far away to commute to and is moreover situated in another administrative unit, which complicates job application procedures significantly for potential employers, diminishing her chances of success.

"Je suis arrivée ici avec ma compagne où j'suis <u>parachutée</u>, j'ai pas de repères ici, j'ai pas de famille, j'ai pas d'amis, j'ai pas, j'ai rien. J'ai complètement déraciné ici" – "I came here with my partner where I am <u>parachuted</u>, I don't have any points of reference here, I don't have family, I don't have friends, I don't have, I have nothing. I'm totally uprooted here," Nour Saber establishes. She sees her sense of uprootedness as a result of the combined "administrative and social" difficulties that she faces as *both* an immigrant *and* a lesbian in Switzerland:

> *Déjà les immigrés sont [...] pas toujours les bienvenus en Suisse. [...] En plus être un étranger homosexuel c'est encore plus difficile. [...] C'est une difficulté en fait administrative, en tant*

qu'étrangère, et une difficulté sociale en tant que lesbienne. Donc on cumule, les femmes immi-grées lesbiennes, on cumule, deux difficultés. Une sociale, et une administrative. C'est ça.

Immigrants as such are [...] already not always welcome in Switzerland. [...] Moreover, to be a homosexual foreigner is even more difficult. [...] It's in fact an administrative difficulty with respect to being a foreigner, and a social difficulty with respect to being a lesbian. So immigrant lesbians cumulate two difficulties. One social, and one admin-istrative. That's the way it is.
—Nour Saber

The web of regulations, institutions, and discourses controlling migrant sexualities rel-egates Nour Saber to a social position that does not reflect her cosmopolitanism and the social status she claims: *"C'est <u>très</u> difficile parce que passer d'une ville, <u>très</u> culturelle [en France] à une ville, entre parenthèses '<u>ouvrière</u>,' industrielle, pour moi c'était vraiment très très très très difficile"* – "It's <u>very</u> difficult because coming from a <u>very</u> cultural city [in France] to a, quote unquote, '<u>working class</u>' town, an industrial town, for me it was really very very very very difficult." In her view, these difficulties emerge from multiple mechanisms resulting in a loss of status and exposure to experiences of exclusion based on her po-sitionality as an Arab lesbian. It is because she is a *lesbian immigrant* that she is forced to stay in town; and it is because she is an *Arab* that she is relegated to the status of a second-class immigrant there. As she explains, Southern European immigrants who have been living and working in town since the 1950s now look down on the more recent Arab migrants. In her experience, this loss of status materializes at the local immigra-tion office, which always takes several months to renew her residence permit, during which she cannot leave the country. Nour Saber contrasts these practices with those in France:

Quand j'étais en France, moi mon permis de séjours je l'avais en trente minutes. Bon des étu-diants de troisième cycle on avait un guichet spécial hein, on faisait même pas la queue avec monsieur et madame tout le monde, on avait un guichet spécial trente minutes, hop on avait notre carte de séjour.

When I was in France, I had my residence permit within thirty minutes. Okay, university students we had a special desk you know, we didn't queue with Mr. and Mrs. Everybody, we had a special desk, and we had our residence permit in no time.
—Nour Saber

Nour Saber is robbed of her partner, home, and job, but above all she is deprived of her social status. But as established above, in her view the lesbian identity and especially the ability to live out one's homosexuality abroad is inextricably linked to an elevated social status. The cumulative acts of disqualification and loss of status she experiences thus directly threaten her sexual identity, since they always carry with them the threat of deportation to her country of origin. From Nour Saber's perspective, this would mean that she could not live out her homosexuality any longer: *"Il faut faire un trait là-dessus. Je peux plus la vivre"* – "I [would] need to put an end to that. I cannot live it out anymore."

From Nour Saber's account emerges a specific *geography* of the carceral archipelago that regulates migrant sexualities, one which is mirrored in Nara Agayeva and Ramiza Salakhova's accounts. Both narratives convey a sense of confinement perpetuated as much by real walls and borders as by a conglomerate of regulations, practices, and discourses into which queer migrants are tied. Personal experiences in the country of origin and in Switzerland combine with dominant discourses around lesbians and immigrants in both of these places to produce imaginations about spaces – such as the sense that the local villagers are homophobic and xenophobic – that contribute to a sense of confinement and subjection as much as the very real bans, regulations, and threats of deportation. Moreover, these geographies are productive of a dichotomy between the rural and the urban: The city signifies the desired future and promises jobs, culture, anonymity, freedom, queerness, and *arrival*, whereas the rural signifies the present and represents confinement, unemployment, homophobia, racism, religious fundamentalism, social control, coercion, and *deferral*. From this, Switzerland paradoxically emerges as both the desired home that enables queer migrants to live out their homosexuality in a supportive environment, as well as a space marked by a 'border within' that continuously calls the presence of queer migrants into question.[10] This 'border within' consists of an assemblage of spaces, institutions, practices, and discourses regulating migrant sexualities, among which interlocking state regulations and practices related to immigration and asylum procedure on the one hand and partnership registration on the other stand out as particularly dominant.

8.2.3   "A country that doesn't fit you": The Violent Gift of Asylum

Revisiting her pre-migration Self, Nara Agayeva says about growing up and living in her homeland:

> *Ich war eigentlich nie einverstanden mit diesen Gesellschaft [im Herkunftsland], mit mein Familie, mit Leben in unseren Gesellschaft, und die ganze <u>Muslimität</u> und so, [...] ich hatte mich <u>immer</u> unpassend zu diesen Gesellschaft gespürt und eigentlich <u>war</u> ja auch so, nach dem <u>Sehen</u>, also ich <u>sah</u> nicht wie alle anderen Menschen aus, nicht wie alle anderen muslimischen Frauen wahrscheinlich auch. Ich mochte Hosen zum Beispiel anziehen, was nicht typisch bei uns war und mit dreissig Jahr war ich nicht verheiratet, was auch, ja, [bedeutete] entweder man [ist] krank oder was noch <u>Schlimmeres</u> oder so. Ja, und dann aber ich hab mir gedacht, naja, man soll so sein [wie man sein] muss und, es ist ja ein Schicksal, würd ich sagen. Aber seitdem dass ich meine Freundin kennen gelernt habe, da sind wir eigentlich zusammen zum Gedanken gekommen dass wir homosexuell leben müssen, und darum eigentlich geflohen sind.*

In fact I never agreed with this society [in her homeland], with my family, with life in our society, and the whole <u>Muslimity</u> and all that, [...] I had <u>always</u> felt <u>like I didn't fit</u> in this society, and in fact that <u>was</u> the case, too, from <u>looking</u> at me, well I didn't <u>look</u> like other people, probably also not like all other Muslim women. For instance I liked to wear pants, which was not typical, and at thirty years of age I was not married,

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10   These imaginations of the rural and the urban were disrupted in other accounts, see Chapter 10.

which also [meant] that, yes, you are either ill or something, something even <u>worse</u> or something like that. Yes, but then I thought, well you need to be how [you] need to be, it's fate, I would say. But ever since I got to know my partner, together we came to the thought that we need to live homosexually, and this is in fact also why we fled.
—Nara Agayeva

Here gender roles and sexual orientation emerge as pivotal to Nara Agayeva's sense of social unbelonging. Her increasing sense of entrapment is tied to the growing "Muslimity" of the post-Soviet society she grew up in, which she witnessed with great anxiety. A former member of a national sports team in Soviet times, Nara Agayeva was working as a sports teacher when her country became independent. In fury and with a great sense of impotence she had to watch as, step by step, girls were excluded from sports lessons, which not only dried out her source of income but also stripped her of her professional self-conception.

When asked about whether she had been interested in girls and women before coming to Switzerland, Nara Agayeva is quick to answer:

Also seitdem dass ich denken kann wusste ich schon dass ich eine Lesbe bin. [...] Zuerst habe ich mich krank gefühlt (lacht) ich dachte stimmt was mit mir nicht, bin ich krank? Und dann habe ich mich anders überlegt, ich dachte das ganze <u>Gesellschaft</u> krank ist, ich nicht (lacht). Als Trotz. Also wahrscheinlich ist das ja sehr selbstsicher, aber je mehr ich dort gelebt habe, desto mehr war ich überzeugt, dass das <u>Gesellschaft</u> krank ist. Und ich hab da einfach gelernt, das zu verstecken, weil Zeit hatte ich genug von kleinem Alter, ich hatte noch nicht in der Schule gegangen dass ich wusste es schon und Kindergarten und so (lacht), also wenn ich den Spielfilmen angeschaut habe oder die Märchen angeschaut habe oder gelesen, dann hatte ich mich natürlich assoziiert mit mit männlichen Personage also [...] ich bin ein Prinz also anstatt Prinzessin oder irgendeine Soldat statt weiss ich nicht, Rote Kreuz so (lacht), naja, das wusste ich schon. Also geliebt hab ich ja natürlich damals niemanden oder (lacht)?

Well ever since I've been able to think I've known that I'm a lesbian. [...] First I felt sick (laughs) I thought is there something wrong with me, am I sick? But then I came to the conclusion that the whole <u>society</u> is sick, not me (laughs). Out of spite. Well probably that is very self-assured, but the longer I lived there, the more I was convinced that the <u>society</u> is sick. And I simply learnt to hide that, because I had time enough from when I was little, I hadn't even gone to school yet and I already knew, and in Kindergarten and the like (laughs), I mean if I watched movies or watched or read fairy tales, of course I associated myself with the male personage, I mean [...] I'm a prince rather than a princess or some soldier instead of I don't know, Red Cross or something like that (laughs), that I already knew. Well of course I didn't love anybody back then, you know?
—Nara Agayeva

These two passages position Nara Agayeva not only as a rebel within her social environment but catapult her almost entirely out of her "society." Her resistance is thereby framed solely in terms of her inner knowledge about her lesbian identity, which she harbored "ever since I've been able to think." Having resisted gender and sexual social

norms as a child already emerges as a great source of pride to Nara Agayeva and depicts her as someone who found her center within herself rather than in external acceptance. Still, despite these early realizations and this inner sense of mooring, Nara Agayeva never spoke about her sexual orientation prior to her emigration – not even later when she had 'women visitors':"*Darüber [eine Lesbe zu sein] habe ich mit keinem Mensch geredet, als ob dieser Teil von mir nicht existiert*" – "I never spoke to anybody about this [being a lesbian], as if this part of me did not exist," she states.

It is only at first glance that her utterance "Well of course I didn't love anybody back then" and her silence about her sexual orientation prior to leaving her country contradicts her initial statement that she had always known she was a "lesbian." In her deliberations, being a lesbian emerges as a subject position that does not only hinge on sexual desires or practices, on the act of 'coming out,' or even on being aware of the term "lesbian." Instead, always already having been a "lesbian" especially also signifies living according to alternative role models in an act of rebellion against assigned gender roles and normalized heteronormativity, and refusing to allow the deep inner knowledge of one's own queerness to be subjugated by social expectations, even in the face of isolation and disapproval.

To Nara Agayeva's great relief and confirmation, in Switzerland things eventually seem to fall into place as she experiences a sense of being enfolded within a society where the subject position of the lesbian is available and visible:

Wenn du in einem Land lebst und noch NIE irgendwo anders gewesen bist, und dann PLÖTZLICH kommst du in eine andere Kultur, weisst du dann werden dir viele Sachen klar. [Zum Beispiel] so meine Weltanschauung, mich haben fast alle meine – ausser Freunde – alle meine Bekannte haben mich für verrückt gehalten. Als ich dann da [in der Schweiz] gewesen bin da habe ich schon gesagt 'Mann war ich progressiv für unser Land!' (lachen). [...] Wahrscheinlich habe ich zu früh verstanden dass ich eine Lesbe bin.

If you live in a country and have NEVER been to another place and then SUDDENLY you come into a different culture, you know, then a lot of things become clear. [For instance] my view of the world, almost everyone I knew – except for my friends – thought I was crazy. And then when I was here [in Switzerland] I said 'Man, was I progressive for our country!' (laughter) [...] Probably I understood too early that I was a lesbian.
—Nara Agayeva

Finally having found her ideological and emotional home, she also feels a strong pang of regret about what could have been. She was in her thirties when she came to Switzerland and has been waiting for her asylum application (and with it her work permit) to be approved for four years. As she states with a bitter undertone: *"Manchmal denke ich, schade dass wir nicht hier [in der Schweiz] geboren wurden, dann würden wir also nicht erst ab jetzt glücklich leben, sondern wie normale Menschen. Es ist nicht fair wenn man eigentlich in ein Land geboren wurde das nicht zu einem passt"* – "Sometimes I think it's too bad we weren't born here [in Switzerland]. Then we would not only live happily from now on, but like normal people. It's not fair when you're born into a country that doesn't fit you."

The parts of her account in which Nara Agayeva relives her sense of difference and exclusion in her home country and her sense of arrival and homecoming in Switzer-

land are clearly central to her biographical narrative and key to understanding how she frames her sexual and national Self. At the same time, this narrative should not only be read in terms of a story of self-assertion and liberation (which it is), but *also* as an account co-shaped by the context of asylum procedure. As discussed in Chapter 3.4, queer migration scholarship has shown how asylum practices in Western countries operate on the basis of a violent narrative regime that forces queer asylum seekers to retell the story of the gay-friendly West versus the homophobic South or Orient in order to obtain approval for their claim. This story must establish the claimant as an irreversibly and clearly defined homosexual subject that is legible as such to Swiss asylum authorities, and it must establish Switzerland as a safe haven for the claimant *as* a homosexual. By enforcing the reproduction of this logic of "Your country has failed you, you are safe here," asylum thus also emerges as a "violent gift" (Miller 2005). It is hence also against the backdrop of the asylum process that we have to read Nara Agayeva's almost excessive identification with the "lesbian" identity even in reference to times long before being able to name it as such, or Ramiza Salakhova's repetitive assertions that to come out is a good thing, despite her persisting sense of shame. Nara Agayeva's account furthermore ties into the same logic when she states that having been a lesbian in her home country above all meant to have been *progressive*: "'Man, was I progressive for our country!' [...] Probably I understood too early that I was a lesbian." From this statement, the homeland emerges as backward, and Swiss society as modern exactly because the lesbian subject position is available within it. To fully adopt a lesbian identity in Switzerland hence – again – entails a break with homeland culture as, like Nermina Petar or Teresa Ruiz, Nara Agayeva finds herself unable to assume the subject position of being *both* a lesbian *and* a citizen of her homeland. At the same time, her statement does not reflect on the subversive paradox it creates by placing a definitive lesbian in a place where by definition none can exist.

In the context of asylum procedure the question further arises as to the relationship between research interviews and asylum hearings. Although these two kinds of stories cannot be equated, neither are they discrete. Migration scholar Rolf Haubl generally cautions against conducting biographical interviews with asylum seekers whose status as refugees has not been confirmed, as the possibility that the claimant perceives the researcher to be in a powerful position that might influence the asylum claim cannot be excluded. This may result in strategic-tactical narratives that, in Haubl's eyes, must not be confused with biographical narratives conducted in research contexts (Haubl 2003, quoted in Thielen 2003:99). While I agree with Haubl to a certain extent, Nara Agayeva and Ramiza Salakhova's narrative also rehearses the more general point Lynn Fujiwara's makes about immigration to the U.S.:

> Immigrants are disciplined from their first initiation to demonstrate the ideas of American morality. [The] notion of citizenship as a self-constituting practice (a practice in which immigrants strategically utilize microstrategies to negotiate the systems of power within public domains) applies here, as immigrants have consciously shaped themselves into what is culturally and governmentally defined as worthy, to acquire the resources they need or desire. (Fujiwara 2008:120, references ommitted)

From Fujiwara's argument emerges that there is no clear demarcation between what is strategic and what is felt, or between what one needs to *present* and what one *is* as an immigrant. Biographies asylum seekers narrate in a research context hence always allow for an analysis of what the narrators feel they have to "shape themselves into" in order to obtain the right to stay in the host country. At the same time, Nara Agayeva's acts of resistance (see also Chapter 8.2.1) demonstrate very clearly that biographies told in the context of asylum are never mere stories of victimization. Her account is above all a demonstration of her enormous resourcefulness, which enables her to organize visas for Switzerland and allows her to guide the family through the asylum procedure, to arrange for free professional education for herself, to organize a free car and computer by working as a volunteer, and so on. This powerfully works against theoretical stances on asylum that implicitly frame queer asylum seekers as mere victims of the machinery of homonationalist discourse production.

8.3   Conclusion

This chapter has exposed how a web of Swiss state regulations, policies, and practices produce national normative hetero- and homosexualities, which are deployed to discipline, regulate, and control migrant sexualities. It has further discussed the strategies queer migrant women devise to negotiate this process of disciplining, and how this affects their self-conceptions, everyday lives, and biographies. The 'sex work' of state policies and practices becomes particularly evident in regulations, policies, practices, and discourses related to same-sex partnership registration and to immigration/asylum procedure respectively. Queer migrant women's perspectives on, experiences with, and strategies to deal with these repetitive practices of disciplining and controlling expose that the border represents neither a line in space nor a one-time event in which entry is allowed or denied, but instead constitutes an assemblage of social sites and practices forcing queer migrants to always carry a 'border within,' which continuously calls into question their right to be in or stay in the country. In these processes of demarcation, dominant ideas about (homo)sexuality coalesce with dominant ideas about nationality, race, ethnicity, class, culture, and gender to draw and monitor the lines between who is modern, who is backward or 'traditional'; who is sexually 'normal' and who is sexually 'deviant'; and who can inhabit a 'normal' liberated (homo)sexual identity and who cannot – lines that are productive of exclusionary nationalisms that eventually lead to the question of who is assimilable as a potential (future) citizen, and who is not.

However, although all queer migrant women are subjected to these disciplinary processes, this does not mean that they are helpless victims of these mechanisms. This chapter exposed how women successfully negotiate and resist such normalizing discourses and practices or turn the very machinery productive of homonational norms to their favor.

Although the main focus of this chapter was on state regulations, policies, and practices around immigration/asylum procedure, it is worth remembering that these are not the only components of the carceral archipelago regulating migrant sexualities. As discussed throughout this study, other institutions, organizations, discourses, and

practices such as political parties, the welfare and healthcare system, psychoanalysis, research, and even migrant and LGBT rights organizations contribute to this system of surveillance as well. That being said, within this web of regulatory forces, it is important to uphold a conceptual distinction between coercion on the one hand and institutions and practices queer migrants engage with by their own volition on the other, although the two may sometimes be hard to discriminate between. It *does* make a difference whether one is forced to yield information about one's sexuality in the context of asylum procedure, or whether one volunteers to take part in a research project on transnational sexualities; and it does matter whether one is subject to a therapy aimed at exorcising one's homosexuality, or whether one seeks personal guidance to gain an understanding of one's desires and inclinations. The question of agency must hence be considered when analyzing the workings of the carceral archipelago of migrant sexualities.