

EXPERIENCES OF AFRICAN LGBTI ASYLUM SEEKERS IN SOUTH AFRICA

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DECLARATION

This work is submitted for the Masters degree in Forced Migration Studies in the Graduate school of Humanities and Social Sciences at The Witwatersrand University, Johannesburg.

I declare that this work is my own and that it has not been submitted for any other study in any other university.

Signature  on the 28/02/2018

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ABSTRACT

This study largely focuses on the general experiences of African sexual and-gender-minority asylum seekers in South Africa. With South Africa having a progressive constitution as well as being the pioneer in implementing the widely recognised task of hosting the first sexual and gender minority asylum seekers and refugees on the continent, the country has raised interest, necessitating inquiry into whether these policies benefit the individuals that they initially weremeant for in their everyday experiences.

This study reveals that sexual and gender minority asylum seekers from various African societies feel a sense of freedom when living in South Africa because the enshrined laws formerly and constitutionally protect their rights. Additionally, the participants in this study revealed that the stronger economic state of South Africa relative to the rest of the continent - wheremost countries are struggling economically - affects most migrants' decisions to migrate to this country and contribute to elevating the welfare situations of their households in their home countries. They do this even in the face of being alienated by those families or societies owing to their gender or sexual preferences. The inevitable sense of obligation towards economically supporting their families in their countries of origin increasesthe respondents' sense of belonging to their communities of origin despite their circumstances.

Nevertheless, the South African migration laws do not always translate into an easier life for sexual minority asylum seekers from Africa because like any other African society, South Africa has cultural traditions that view sexuality-and-gender minority advocacy as an imposition from western cultures and thus un-African.

This study's findings included a range of factors, including the corruption and exploitation found at the Home Affairs department, the deep rooted evidence of anti-sexual-and-gender minority beliefs held in society leading to malfunctions in the asylum processes and various others. Other issues emanating from interviews of this study are xenophobia and HIV/AIDS as these are part of the daily lived experiences of the general migrant community, although the target group of this research was the more vulnerable owing to their disadvantaged situations in relation to their sexualities and genders. Sex work is another interesting factor that some respondents indicated as an income-generating venture and this is also marred by exploitation and discrimination. All in all, experiences of marginalisation of African sexual minority asylum seekers largely affect underprivileged communities.

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ABBREVIATIONS:

CoRMSA:	Consortium for Refugees and Migrants in South Africa
GALA:	Gay and Lesbian Alliance
IOM:	The International Organization for Migration
LGBTI:	Lesbian, Gay, Bisexual, Transgender and Intersex
PASSOP:	People Against Suffering Suppression Oppression and Poverty
RSDO:	Refugee Status Determination Officer
UNHCR:	United Nations High Commissioner for Refugees

CHAPTER 1: INTRODUCTION

The impact of the law and policies regarding sexual minorities' asylum and refugee determination has been explored in other studies from a policy formulation and the law implementation perspective (Lewin et al., 2013; Morgan, 2005; O'Flaherty & Fisher, 2008; Tabak & Levitan, 2014; Marouf, 2008). However, not much research shows the sexual minorities' asylum, refugee laws and policies impact on individuals' lives during or after the process of seeking asylum (Okisai, 2015). Therefore, in this study, the experiences of the target group of African sexual minority migrants in South Africa were examined to explore the impact that the law has on their everyday experiences. The literature review shows that South Africa has made a major transition in developing policies and laws intended to recognise the rights of this interest group.

Although South Africa has been recognised for implementing groundbreaking gender and sexually inclusive migration laws (Okisai, 2015; Ako, 2010), other African societies have criticised this policy and its implementation, citing, amongst others, cultural and religious reasons (Epprecht, 2012; Msibi, 2014). However, most sexual and gender minorities from these African countries tend to perceive South Africa as the preferred country to which to flee based on its legal stance towards protecting sexual minority asylum seekers (Milani, 2012; Epprecht 2012). This consequently makes this country an excellent target for such studies.

In contrast to the perceived reality that most respondents had, although South Africa has earned a unique reputation for its sexual and gender minority asylum and refugee laws, both on the African continent and globally, these laws appear idealistic and may not entirely reflect the real,

lived experiences of sexual minority asylum seekers and refugees; this is documented in studies showing evidence of homophobic and similar incidents (Amit, 2011; Bennett, 2000; CoRMSA, 2009). Similarly, this study aims to add to the body of this field of knowledge by reflecting the convergence or the disjuncture of the sexual and gender minorities' asylum and refugee laws through the experiences of African sexual and gender minority migrants in Johannesburg, South Africa. The results of this exercise also shows that although the participants chose South Africa as their destination country to seek asylum, they are not entirely confident that their everyday life challenges of discrimination, harassment and violence are made easier by the progressive minority sexuality inclusive asylum laws. Moreover, the existing intersection of underprivileged respondents proved that being migrants and sexual minority makes their challenges much more severe (De Fillipis, 2016, Walker Said, 2015, Camminga, 2017).

1.1 Rationale of the Study

This study commits to contributing to the body of knowledge around minority sexuality studies in Africa in the aftermath of South Africa's implementation of pro-sexual-and-gender minority migration policies from the perspective and lived experiences of sexual minority African migrants. African minority sexuality asylum seekers and refugees are an interesting target group for this study because of the obvious safety threat existent in most African states with strong anti-sexual minority laws, with some countries having same-sex relationships punishable by death (Budd, 2008; Jansen & Spijkerboer, 2011). Apart from the harsh laws criminalizing minority sexuality, African sexual and gender

minority asylum seekers migrate from societies with strong homophobic sentiments and attitudes that, coupled with strong anti-sexual minority religious and cultural traditions, lead to extensive physical and emotional acts of harm against these individuals (Grungras et al., 2009; La Violette, 2011). African sexual minority peoples' encounters and interactions with strategic entities such as the officials at the Department of Home Affairs as well as law enforcement departments in the destination society are also important to this study. Apart from government institutions, responses received from this study's participants provide an insight into the general local population's views or responses to sexual minority asylum seekers or refugees from Africa as (Shuman & Hasford, 2014; Jordan & Morrissey, 2013; Thomas & Hour-Knipe, 2009) recounts some of them. The interactions that everyday people and service providers in the strategic departments as the Home Affairs and the Police department have with African sexual minority asylum seekers and refugees guide this study. This investigation is important due to the fact that it examines these individuals' lived experiences both as migrants and as minorities suffering severe discrimination in strategic aspects of their daily lives by state and private entities. The term LGBTI, has been used in this research report because it is the formal term used in the academic, social and legal discourse even though it has been critiqued for undermining the complexity and fluidity of sexuality. This term is also deliberately utilized in the title of the study to draw attention and debate on the issues minority sexuality advocacy provokes.

South Africa stands out on the African continent as the only country to explicitly recognize that gender based persecution and sexual orientation are grounds for asylum, and is therefore a potential place of safety for sexual-and-gender minority asylum seekers (Murray & Viljeon, 2007;

Keevy, 2009; De Vos, 1996). However, a number of studies such as (Middleton, 2010; Lewin et al, 2013; Dunkle et al., 2013) have shown that South Africa is not entirely a safe option as a place of refuge for such people. Middleton (2010) states that South Africa might offer asylum to sexual-and-gender minority asylum seekers as this is clearly stipulated in the refugees act but, there is evidence of minimal protection of these asylum seekers once they are within its borders. La Violette (2009) also states similar concerns; she points out that political asylum may seem hopeful, especially for individuals applying for refugee status, but it has many challenges for sexual minorities because of the inconsistencies in how the law is implemented in practice. South Africa cannot be isolated from other countries that have severe incidents of societal homophobia (Wells & Polders, 2006), although it does offer some hope for sexual-and-gender minorities because it has all-inclusive policies enshrined in its laws; thus being favored ahead of those states without such constitutional or legal provisions. Hence South Africa has become the default focus country in which to base this study, because, like other African societies, it has a history of severe incidents of homophobia which still requires more inquiry; this despite the presence and recognition of progressive laws (Currier, 2012; Bennet, 2000; Gevisser & Matebeni, 2008).

This research endeavors to elaborate on the problems experienced by a selection of asylum seekers, all from African countries. African societies like South Africa have strongly embedded cultural traditions and attitudes towards minority sexualities, and these contribute to homophobia (Tamale, 2011; Msibi, 2014). There is evidence which shows how challenging it is for sexual-and-gender minorities to survive in African societies (Bhagat, 2017). Berg and Millbank (2009) assert that sexual minorities continue to live discreetly because “societal homophobia”

exists, as does credibility challenges in the asylum processes and that all these problems are compounded by the stereotypical perceptions about sexual-and-gender minority people; these are rarely addressed in African societal contexts.

This study is intended to address the known knowledge gaps contributing to the general societal perception of individual's lives. The study extends, not only to African gay and lesbian people (as already focused on in Montello's 2011 study); the focus includes a wider range of minority sexualities and gender identities and African peoples' experiences, not only in the asylum process but also in their general everyday lives as migrants and the practicalities of how the law impacts upon them.

Gay people are not the only marginalised group amongst sexual minority individuals. Research shows that bisexual, transgender and intersexual groups are arguably even more marginalised in some cases, even within the sexual-and-gender minorities' context (Husakouskaya, 2013). Additionally, forms of persecution and violence may also differ, depending on sexual orientation and gender identity. For instance, lesbian women may be more likely to suffer rape, the rationale being "corrective rape" (Posel, 2011) whereas transgender individuals may face stigmas in the health system (Husakouskaya, 2013).

Another area of focus in the studies that have been done concerning sexual-and-gender minority migrants pertains to the varying challenges in the delivery of services at the Home Affairs department affecting the outcome of decisions that have been made on sexual-and-gender minority asylum applications (Camminga, 2017; Wilcox, 2017). Amit (2011) Grungras et al., (2009), O'Flaherty and Fisher (2008) and Middleton (2010) have all expressed their concern about the poor

understanding of gender, sexuality and gender identity in the Refugee Status Determination Officer's (RSDO) decisions for asylum and refugee claims. Most of the aforementioned studies uncovered evidence of stereotyping, prejudice and hostility within the system. These studies focused mainly on the functioning of the legal system; however they do not focus on to what extent available legal protection affects the everyday life of African sexual-and-gender minority asylum seekers. The perspective from the recipients' point of view will be considered in this research.

The United Nations' (UN) concern about sexual minorities' persecution issues in member states policy reforms has brought about a growing recognition of sexual orientation and gender identity as being a ground for asylum (UNHCR Guidance Note, 2008). In 2008, the UN released a guidance note on asylum claims brought on the basis of sexual orientation and gender identity. These were drawn up after the discussion paper on the protection of sexual and gender minority asylum seekers and refugees that outlined how such claims could be decided. In the same context, the South African asylum and Refugees Act (1998) states and confirms its commitment to the asylum principles that "an individual shall be protected and be granted asylum by the state if they experience persecution - or fear persecution - because they belong to a social group that includes among others gender, and sexual orientation. South Africa's law therefore accords with the UN guidance note (Act No. 1A (2) of the 1951 Convention). The South African asylum and refugee law follows the UNHCR guidance note on asylum claims is based on gender identity because they both recognise the need to include this category of asylum

seekers and refugees and to consider them as vulnerable groups of individuals who can be persecuted.

1.2 Background

This study is focused on sexual minority refugees and asylum seekers in Johannesburg. Individuals in this study have had varying experiences and the study recognizes that some respondents are still in the process of seeking asylum whilst others have refugee status. Furthermore, some respondents remain undocumented. This study was conducted in Johannesburg with the help of the research resources of the African Centre for Migration & Society at the University of the Witwatersrand.

Johannesburg is a compelling community for this study; it has social diversity and the urban and economic status as well as location, which attract vast numbers of migrants (Rogerson, 1996) and asylum seekers. Johannesburg might qualify as an African cosmopolitan city (Landau & Freeman, 2010; Grant & Thompson, 2015) with a very active business entity, assisted by the physical infrastructure and evidenced by informal traders from all over the country and beyond, selling a variety of merchandise on the city's pavements and in its stores.

The respondents in this study are part of the diverse and relatively densely populated city of Johannesburg. This city was at the center of important historical events including apartheid and as a result it contains remnants of a formerly racially segregated society translating into the low, average and high-income communities (Beal et al., 2014). Consequently, recent scholars argue that the emancipation of this society from the past racial stratification in reality does not mean that the economic segregation has improved (Seekings, 2008; Durrheim et al., 2011). The on going segregation is argued to be evident from the physical spaces that people from various economic groups occupy (Lemanski, 2004). To day Johannesburg society is contemporary and complex with

economically driven lifestyles as well as inclusive public policies (Nutall, 2004). It can also be argued that Johannesburg's communities, has embedded notions and attitudes that are anti-sexual-and-gender minority as previously alluded to (Tamale, 2011). For instance, recent years saw a significant number of incidents of minority sexuality individuals seeking asylum and refuge in South Africa from Uganda and Malawi causing negative comment in international and local headlines (Bhagat, 2017; Westoll, 2015). These events have exposed some of the mainstream thoughts on sexual-and-gender minority advocacy (or homophobia) in the African context, and in most cases evoking negative responses, thus intensifying the cause for concern (Daily Nation 13 June 2011; Standard Digital 23 July 2012; Uganda and Kenyan Guardian 18 May 2012).

Although there are some studies done on institutions rendering services to sexually marginalised asylum seekers (PASSOP, 2012) as well as their experiences, this study embarks on contributing more on the subject of sexual minority migrants, by looking at the lived experiences from a segment of the African sexual minority migrants' perspectives because this group of people is still very marginalized. The discontent with, and responses to, the generous act by the Government of South Africa to allow sexual minorities who have been persecuted - or fear to be persecuted owing to sexual orientation and gender identity - is perceived to make an important contribution to the body of knowledge if it is viewed from the perception of the sexual minority asylum seekers and refugees' daily, real life experiences. It is even more concerning because these narratives are coming from the underprivileged category of sexual-and-gender minority asylum seekers from African social backgrounds,

these important forces of their real life intersecting and compounding their already unbearable situations (Beetar, 2016).

The economic landscape of the population in Johannesburg is not mainly the concern of this study; however, as narratives of various individuals of the African sexual minority asylum migrants, particularly those without legal papers, the issue of income in their lived experiences often emerges. For each individual, the interactions with the asylum processing officials may be different and, of course, there could be similar or related incidents. However, the sexual minority being vulnerable may in most instances mean that they are prone to exploitation, especially through bribes (which is hardly available for most poor asylum seekers such the participants of this exercise) in the process of acquiring legitimate papers. Additionally most underprivileged asylum seekers may not have the resources to enlighten them on the whereabouts the important procedures of the needed services. For example the more exposure to information one has, the more likely one is to demand recognition for one's legal rights as some respondents reviewed, after having had education sessions on their rights from an NGO called Sonke Gender Justice in this instance. These privileges have an economic implication in that, for an individual to be exposed to them, they might have had to break through their poverty cycle or that they are trying to attempt migrating by forming networks with resources and information these particular respondents showed.

Like any marginalised group, the African sexual-and-gender minorities' possibility of empowerment in terms of knowledge has a link to how economically and socially privileged an individual is, confirming most of the issues (De Fillipis, 2016) is concerned with in his “‘What about the rest of us?’: An overview of LGBT Poverty issues and a call for action’

work. This study has, according to several respondents' narratives, indicated that social networks played a significant role in the individual participant's migration processes, and that its importance does not cease when these individuals reach South Africa, but that it is vital even as they embark on the asylum seeking process, which, as revealed by participants, can be complex. African sexual-and-gender minority asylum seekers and refugees who manage to flee their countries of origin to South Africa have an organised social capital network although they are usually not formally organized such as (Scheibe et al. 2014; Scheffran et al., 2012) have stressed.

This research report therefore argues that it is important to engage with sexual minority asylum seekers to have an insight of how they are experiencing the effectiveness of the law.

1.3 Research Questions

Migration has become growing part of modern society. However, its experiences can be harsh for some marginalised categories of people such as the sexual-and-gender minorities from underprivileged anti-sexual-and-gender minority African societies (Camminga, 2017). South-to-South migration may be argued as having similar motivations as other international migration patterns (Bakewell, 2009), although sexual-and-gender minorities potentially have personal and contentious reasons for migrating. Some of these narratives may have been recorded in studies preceding this one, but documenting more narratives on African sexual-and-gender minorities' asylum seekers and refugees has been necessary for this study in an attempt to explore the unique details in these individuals' migration stories.

This research's emphasis is on sexual minority asylum seekers and refugees; they are referred to as sexual and gender minorities because people who self-identify as Lesbian, Gay, Bisexual, Transgender and Intersex are categorised as minorities compared to the mainstream gender binary of male and female.

The main focus of this study is on the experiences sexual-and-gender minority asylum seekers encounter during their interactions with the refugee system and beyond this system in their lives as refugees from African societies. Morgan (2008) claims that the legal framework around the sexual-and-gender minority asylum sector essentially faces major challenges, thereby facilitating flaws in the asylum process.

Apart from that, Amit (2011) elaborates more on the importance of legislative efficiency in protecting sexual-and-gender minority asylum seekers and refugees in South Africa as she unveils some of the flaws in

the system that prevent this efficiency. Relating to the law and the real life experiences of African sexual-and-gender minority asylum seekers/refugees is the essence of this study. Additionally, this study ventures mostly into establishing the general overview as to how the asylum laws of South Africa concerning the sexual-and-gender minority refugees are utilised by those they were intentionally formulated for in their own words and understanding. Although the focus of this study is on the experiences of African sexual-and-gender minority asylum seekers, they are not isolated from the normal daily encounters of this society and this has been reviewed in the interviews. For instance, social challenges stemming from Afrophobic violence and exploitation of minority groups of people such as underprivileged migrants also affects minority sexual and gender asylum seekers (Tshaka, 2013; Human Rights Watch World Report, 2014; Muholi, 2012). These questions are meant to add to the already existing body of knowledge on experiences of sexual-and-gender minority studies in Africa because there has not been extensive research in this field.

Sexual minorities are trying to negotiate their existence as migrants in a society that is indifferent to their public and intimate realities (Phelan, 2001; Walker-Said, 2015; Akanji & Epprecht, 2013; Myers & Milner, 2007), therefore it is vital to have a clear perspective of their lives in their views to implement sustainable progressive future actions, that such studies as this one would be privileged to be a part of. To aid sexual minority migrants' struggles, law enforcement institutions are obliged to implement policies that are legally drafted to protect such vulnerable groups; whether it is reflected in their reality is one of the reasons these

lived experiences have to be explored. Therefore, the questions this study is based on are not far from this paradox and they are as follows:

- How safe does South Africa appear to be for the sexual-and-gender minority migrants in this study?
- How have the current sexual-and-gender minority asylum and refugee laws affected the sample in this study?

1.4 Research Objectives

In this research, the main question that was addressed is as follows:

Does the South African minority sexuality asylum and refugee laws make African sexuality minority asylum seekers everyday lives less challenging?

Sub – Questions

The following are the subsequent questions to the main question:

- What do African sexual minority asylum seekers anticipate their lives would be like in South Africa as a host country?
- How does Africansexual minority asylum seekers view the lawis implemented in their lives in South Africa?
- How does African sexual minority refugees'sexuality affect their everyday interactionsin their host society?
- To what extent hasAfrican sexual minority asylum seekers' expectations for their new community been met.

- How much influence has South Africa's privileged economic status on the continent affect African sexual minority individuals' decision to flee to this country.

CHAPTER 2: LITERATURE REVIEW

This section reviews the existing knowledge regarding sexual-and-gender minority individuals and their experiences. Also, the law, migration and asylum conditions are discussed as part of what other scholars have unveiled. The literature ranges from the contextual definitions of these concepts as part of studies, and then relate them each other as part of this study's focus. Ultimately, the section culminates in placing this study in the existing literature and systematically pointing out knowledge gaps in the daily life experiences of African sexual minority asylum seekers and similarities regarding the aforementioned concepts, as observed through the considered literature.

Gender analyses are essential in the evolution of migration studies and it is far more challenging than studying sex roles (Donato et al., 2006). As a crucial entity of this study mainly focuses on gender and sexuality because they play various roles in how - and what - migration experiences will affect individuals seeking asylum. Apart from confirming that African sexual-and-gender minority asylum seekers flee from their countries owing to the dire consequences of being a minority in this category (genders and sexualities) (Tamale, 2013; Nyazi, 2013; Manion & Morgan, 2006; Love, 2014), this research shows that other factors such as political instability as well as good migration policies in the host country also influence an individual's decision to seek asylum in South Africa (Weiner, 1992-1993; Adepoju, 2002; Hartmann, 2010). To highlight relatable and vital work done for African sexual minority asylum seekers in South Africa, the following review of related literature shows how this study fits in the pro-sexual-and-gender minority migration discourse in African societies.

2.1 Brief overview

Although some studies have been done on the functioning of the asylum determination institutions of African sexual minority migrants and asylum seekers (Amit, 2011; Montello, 2012); Akanji&Epprecht, 2013; Handmaker, 2001; Mireku, 2002), and that interested institutions have handled cases of sexual minority claims, African societies still maintain homophobic notions and policies leading to more individuals fleeing from their native countries (Tamale, 2013; Nyazi, 2013). As a result, South Africa remains the preferred destination for sexual minority asylum seekers of African descent owing to its non-discriminatory inclusive legislature on migrants' rights (Klinck, 2009). This research is inspired by the fact that some studies show prevalence of flaws in the South African asylum process (Amit, 2009: 2010; CoRMSA, 2009) by further exploring how African sexual minority asylum seekers and refugees interact with the law in their lives - even beyond the asylum determination process. The scope of this study includes the experiences of individuals in the sexual minority identities from an all-inclusive perspective (all members of the sexual-and-gender minority social group) and will add to or might fill up the gaps from previous studies considering general experiences and how the sexual minority asylum laws impact these. It will also attempt to put into context the lived experiences and expectations of African sexual minority individual asylum seekers and refugees living in South Africa.

The law is a vital part of this study because the South African Refugees Act, No. 130 of 1998 conforms to the general requirements of the United Nations Convention, United Nations High Commissioner for Refugees guidance notes on Refugee Claims relating to Sexual Orientation and

Gender Identity (UNHCR (2012) Guideline on International Protection No. 9) and the Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity. These global entities such as the United Nations as already alluded to have provided the legal platform for sexual-and-gender minority asylum seekers to apply for a place of safety if they fear - or have encountered - persecution as a result of their sexualand gender identity, (The UNHCR (United Nations High Commission for Refugees,2008). African states although reluctant in most instances have not been left out in debates leading to address this challenge (Walker-Said, 2015; Massaquoi, 2013).Guidance notes are a form of international legal framework fromwhich domestic law and policies are tobe drawn. For example the Refugee's Act (Act 130 of 1998) is in accordance with theinternational standard by which it is pioneered (Palmary et al, 2010). Additionally, in general terms South Africa has done substantial work in generally addressing the gender and sexual- related persecution cases for sexual minority migrantsby stating in the constitution that, individuals may not be discriminated against based on their race, gender, sex, pregnancy, marital status, ethnicity, social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth according to Act 108 of 1996 section 9 (3) (Montello, 2012; Mireku, 2002). However, homophobic beliefs are prevalent in the South African society as well, in spite of the laws that recognise the rights of sexual minority refugees (Akanji&Epprecht, 2013). South Africanlegal provisions provide an ideal model from which the reality of gender-and-sexual minority African asylum seekers may depart or converge which is the aim of this study.

2.2 Consideration of the South African Law

The South African development of sexual minority laws has undergone significant milestones as it strove to address policy concerns resulting from various kinds of persecutions perpetuated during the apartheid regime (Handmaker, 1999). The Apartheid regime was responsible for migration and population management and these are among the social aspects in which the history of South Africa played a vital role of shaping these entities (Handmaker, 2001). This further pronounced the stratification of class, race as well as gender identity (Mkhize et al., 2010; Tamale 2011). The background of segregation laws in South Africa included the criminalisation of sexual minorities, as studies such as Currier (2012) indicate and as Montello (2012) recounts. We conclude that South Africa has come from a troubled past and has attempted to create an equal environment socially and legally in post-apartheid South African society (Croucher, 2002). The newly drawn constitution not only addresses the fundamental human rights of local sexual minority citizens but also the rights of those seeking asylum as well as refuge (Refugees Act No 130 of 1998).

Specifically, the South African government demonstrates commitment to the equality of all its citizens and also sexual minority asylum seekers and refugees by enshrining these concerns in the constitution of the Republic of South Africa (Act 108 of 1996), this particular act in section 9(3), clearly indicates that no one may be discriminated against based on, race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

Furthermore, and central to this study is the asylum law which particularly allows sexual minority asylum seekers and refugee claims to be considered for either refugee claims or asylum seeker determination in South Africa. In line with the international standard guidelines and protocols for migration legal concerns such as the UNHCR guidance notes concerning refugee determination based on sexual identity as well as the Yogyakarta Principles, the South African Refugee Act (130 of 1998), states that,

(a) A person qualifies to have the refugee status if that person has a well-founded fear of his or her race, tribe, religion, nationality, political opinion or membership of a particular social group, is outside the country of his or her nationality and is unable or unwilling to avoid himself or herself of the protection of what country, or, not having a nationality and being outside the country of his or her former habitual residence, is unable or owing to such fear unwilling to return to it” it further states in section (b) that, “owing to external aggression, occupation. Foreign domination or events seriously disturbing or disrupting public order in either part or the whole of his or her country of origin or nationality, is compelled to leave his or her place of habitual residence in order to seek refugee elsewhere; or (c) is a dependent of a person contemplated in (a) or (b)”¹. Besides, the Act also states that “no person may be refused entry into the republic, expelled extradited or returned to any other country or be subject to any similar measure, if as a result of such person is compelled to return to or remain in a country where, (a) he or she may be subjected to persecution on account of his or her race, religion, nationality, political opinion or membership of a social group; or (b) his or her life, physical safety or freedom would be threatened on account of

external aggression, occupation, foreign domination or other events seriously disturbing or disrupting public order in either part or the whole of that country” (Refugees Act No. 130 of 1998).

This law is core to migration debates including the sexual minority asylum and refugee concerns that, in this case, comply with the provisions of this law in the category of “a particular social group” and it elevates South Africa to a leading position that is meant to ensure that the rights and protection of sexual-and-gender minority asylum seekers are respected and granted. This with the provision that the applicants meet predetermined screening requirements. These events contribute to South Africa being a celebrated country owing to the progressive laws especially those concerning migration (Barnard - Naude, 2013). This country (South Africa) is also commended for its bold stance given that there are major societal cultural and traditional beliefs and attitudes that contradict these pro- sexual-and-gender minority laws (Hackman, 2013). Apart from this commitment, the constitution of South Africa recognizes same sex marriages and further expresses non-discrimination of sexual minorities (Tielman&Hammelburg, 1993).

Having considered this brief but important aspect of the law as well as South African society’s outlook on sexual minority migration issues, this country’s society has had serious incidents of homophobia regardless of how inclusive and progressive its sexual minority asylum and refugee laws is (Middleton, 2010; Montello, 2012). Events of homophobic attacks and unfair treatment of sexual minority individuals show that the South African societies are yet to transform their attitudes towards sexual minority people in line with the law and the integration policies in this state (UNDOC, 2002; Wells & Polders, 2006). This aspect significantly inspires the question of this study as it strives to find out the connection

between what is comprehended in the legal provisions and what actually transpires in African sexual minority asylum seekers' real lives in Johannesburg (South Africa).

Generally, critical research has been conducted towards highlighting cases of stigmatisation of sexual minority asylum seekers by both state and private entities (Lewin et al., 2013; Middleton, 2010), contrary to what the law requires. For example, Amit (2012) describes how the South African asylum determination process is defective because of the inadequate implementation of the law. Besides corruption among service providers such as Home Affairs department, the limitation of RSDO's definition of what could be considered as serious phenomena of persecution to generally political ground as well as a history of persecution as proof for future risk as opposed to the six approved qualification grounds of persecution in the official South African 1998 Refugee Act could be one example of the law implementation imperfections (Amit, 2012).

The democratic transition in South Africa created a platform for advocacy concerns, including sexual minority human rights and legalization of the same sex marriages was one of the major milestones of success that was put in place in the aftermath of South Africa's democratic transition (Reddy, 2006). This brought to the attention of advocacy activists the need for enshrined legal protections which was later translated in action oriented protection for sexual-and-gender minority citizens - given the prevalence of homophobic violence and general attitudes (Thoreson, 2013). The critiques leveled against how the law is being translated in the real lives of sexual-and-gender minority citizens, asylum seekers has also been part of the major concerns in the migration

sector of this country where sexual-and-gender minority asylum seekers are concerned(Klaaren&Springman, 2011).

To provide a basic reference for nation states where decisions for asylum applicants need to be made, the UNHCR guidance notes have been drawn up for member states to assist them apply pro-asylum laws for sexual minority asylum seekers and refugees. In South Africa the basic flaw - as Amit (2012) points out - is that primary, frontline service providers (in the asylum and refugee system RSDO's) examine the applicants based on each individual's explanation being fear of persecution from their countries of origin. That is why sensitising decision makers on the realities of societies from which the applicants would be fleeing and those where they seek asylum, is viewed as necessary to avoid inconsistent and incoherent decisions (Amit, (2012); Millbank, 2003-2004). Apart from the previous study, Amit & Kringer (2014), highlights the inconsistent practices in terms of Department of Home Affairs officials applying their sole purpose of service with intentionally flawed delivery. In this regard, (failing to give proper documentation to foreign national applicants and therefore justifying their eligibility to be sent out of the country jeopardizing their rights, the situation according to Amit & Kringer (2014) study compromises the certainty of the system to be sure of who is in the country). In an effort to mitigate various malpractices like the ones referred to above, the UNHCR guidance notes for asylum claims based on sexual-and-gender identity attempt to provide an international general standard for a rights-based approach to protect sexual-and-gender minority asylum seekers (La Violette, 2009). Additionally, the UNHCR guide serves as a means to improve awareness for stakeholders, for instance decision makers, especially RSDO's, on specific real life experiences of sexual-and-gender minority individuals as well as a

profound analysis of the legal concerns that matter (UNHCR Guidance Note, 2008). The UNHCR guidelines on asylum claims based on sexual- and-gender identity are vital because they provide advice on all aspects of such claims (UNHCR Guidance Notes, 2008).

Consequently, in South African asylum and refugee law the mainstream discourse on human rights becomes vital. South Africa has a definitive and progressive constitution but - in this discussion – it is argued that there is a dichotomy between what is stated in the law and the actual implementation thereof (Akanji&Epprecht, 2013; Modi, 2003; South Africa (Human Rights Watch), (2013). This dichotomy has severe implications for African sexual minority asylum seekers and refugees when they encounter injustice insofar as their rights and entitlements are concerned (Lewin et al., 2013). Evidence of these unrealised rights and entitlements is indicated in the way service providers both inside and outside the asylum system perceive or respond to their obligations of serving and or protecting the interests and rights of African sexual minority asylum seekers and refugees (Holnnes, 2013; Scott, 2013). There have been various studies highlighting issues of the gap between what is written in the law and what is actually practiced (Amit, 2011; Epprecht, 2012; Julian, 2013; Millbank, 2003-2004) from perspectives that go beyond this study however, there have been valuable contributions to this discussion in terms of scope because in several instances they are based on similar contexts as this study's society in terms of culture and mainstream views.

Elaborating on the lack of conjunction between what the law prescribes and practice, Amit (2012) describes the major setbacks and flaws in the migration system as stemming from the gaps in the delivery of services by the department that has inconsistencies in abiding by its basic delivery

of justice as its mandatory legal requirements. In relation to the discord between service provision structures and the actual implementation of services, Babbha, (2004) cites the limited access to formal and informal structures that enhance migration as the real challenge. An informal and formal structure in this context implies the everyday unspoken social cultural conditions and the state's legally enshrined processes that might encourage marginalised individuals to migrate. These challenges are claimed to be the result of the distinct inconsistencies in the implementation of the pro sexual minority asylum laws. For instance, Middleton (2009) observes from case files for lawyers for human rights that few applicants of asylum actually have their refugee statuses legitimately and effectively made owing the systems challenges resulting in flawed interpretations. To some extent this particular finding coincides with the perspective that claims that sexual minority asylum seekers and refugees might avoid basing their applications on their sexuality or history of torture or threats relating to their sexuality from the countries they are fleeing from owing to further scrutiny and torture in the determination process (O'Flaherty & Fisher, 2008). Basically, asylum seekers may avoid exposing and or increasing their vulnerability by making their asylum applications based on their sexuality because they might fear being marginalised or not treated as seriously as political and economic asylum seekers as Heise, (1989) and Goldberg, (1994) states. Elaborating on this issue, scholars have indicated how individuals have been forced to adopt or depending on the situation, maintain identities in order to conceal their own in order to conform to societies' expectations and in most instances to be secure from any possible harm (O'flaherty& Fisher, 2008; Jansen & Spijkerboer, 2011). The state has therefore approved the need for sexual minority claimants to be accredited as being part of a potentially vulnerable social group (Morrissey & Jordan, 2013).

As a result the state's modification of its strategies to leave room for procedures meant for individuals who are vulnerable as a result of mental illness or psychological impacts of homophobic and trans-phobic trauma for them to clearly recount their experiences becomes essential as noticed by Morrissey and Jordan (2013). This would contribute to addressing the challenges in acquiring quality information from asylum seekers especially with a secretive background as would be expected in Africa as a whole and on as sensitive a subject as one's sexuality. Apart from that, lack of data on African sexual minority experiences that can generally be substantiated by cultural and homophobic attitudes in these societies (Samba, 2009; Donnelly, 2013), also further inspired this research. It is vital to document the various aspects of the sexual minority individuals because they might unveil substantial information that societal structures might link to political and economic entities. For example, Montello (2012) singles out the lack of institutional support for gay migrants as encouragement for them to venture into alternative ways of survival in South Africa. This relates to asylum seekers and refugees because although they might be classified as vulnerable immigrants whose claims could be considered seriously and carefully, the basic part of their experiences in the new society of welfare is not addressed by this state because sexual minority individuals are expected to be integrated in their host society as opposed to being encamped, as the South African refugee protection policy advocates (Handmaker, 2001; Wambungu, 2003).

Within the South African context sexual-and-gender minority refugees' and asylum seekers' have been discussed in relation to the wide and encompassing discourse in terms of their entitlements and what the state's obligations ought to be in line with their relatively clear mandate

pertaining to these vulnerable individuals. For instance, Amit (2012) emphasises this concept, with indications of gaps that need to be addressed. Similarly, CoRMSA(2009) reports highlights the experiences of sexual-and-gender minority asylum seekers putting much emphasis on policy redress to deal with the inadequacies that pose challenges to the daily lives of the minority sexual refugees and the law enforcers. These studies give a perspective on the progress and outstanding challenges in the sexual-and-gender minority migration law implementation in South Africa. Besides, despite the fact that this study's focus being on individuals' perspectives on the policy's actual implementation through their real lives experience stories, it is important to look at the analysis of the present situation of the law and how it is operating in practice, which is within the scope of this study. Similar to this study is Montello's (2012) study that focuses on how African gay migrant men perceive their rights and practices in relation to their social spaces while in the process exploring the discourses in which these aspects of society exist in the South African context (Montello, 2012). Although this study deals with all gender and sexual minority asylum seekers and refugees from Africa and all their experiences as they settle in this destination country.

Exploring socialisation issues of marginalised African gay migrants and the framework, in which they are brought to reality, seems to be beyond the scope of this study. However, part of the paradox in Montello's (2012) study, related to this study is the minority sexuality individual's life encounters in a society that Montello (2012) describes as possessing homophobic notions of citizenship or belonging and at the same time having in place the most progressive and liberal laws which play a significant role in sexual-and-gender minority individuals decisions to migrate or seek asylum in this society. This study is distinct from Amit's

(2012) and Montello's (2012) because it specifically engages with perspectives of sexual minority asylum seekers on the implementation of the pro sexual-and-gender minority migration laws through the narrations of their life experiences and that no migration law practitioner will be engaged in this exercise. This study particularly stresses on engaging with the views and experiences of the grassroots stakeholders who are at the receiving end of the migration services.

Without this study aligning its theme with survival, it may be reflected in the lived experiences of African sexual minority asylum seekers/ refugees upon careful exploration because their narratives may reflect the common theme of these individuals' quest for safety and survival. These narratives review how the legal support structure which can be any legal institutional mandate sworn to provide protection or support for sexual minority asylum seekers is manifested in an appropriate way in these individuals lives. Having stated the significance of Montello's (2012) argument to this study, it is also valuable to emphasise how diverse and multi dimensional this study's subject can be.

Although it is from the health implication perspective, Epprecht (2012) elaborates on the challenges of the traditional beliefs of silence where same-sex encounters and relationships are concerned as observed by support groups relating the subject to the disjuncture of the law and supporting policies. In his analysis, Epprecht (2012) adds by claiming that the culture of quiet acceptance of same sex relationships as well as secretive bisexuality observed in most African societies could basically result in the increased prevalence of HIV/AIDS, and it provides a good observation to review in this literature because it could be part of the realities of the African asylum seekers and refugees. "Coming out" or being open about one's sexuality (for Individuals categorised as sexual

minorities) is often perceived as a western notion with an imperialist interpretation because the norm in most African societies is to render homosexuality invisible (Epprecht, 2012; Epprecht, 2004, Cited in Msibi, 2014).

Although this study focuses on asylum law, the discussion on how implementation of the government's legal obligations to sexual-and-gender minority migrants and citizens in this group guides the study on the specific problems found in implementing the laws. Receiving societies have multi-dimensional concerns and a scope on currently debated issues on sexual minority citizens is vital for this study because this is a community in which asylum seekers are expected to integrate and most importantly share resources. Gender and sexual minority based asylum claims are complex with compound rationales behind different individuals' decisions for movement. This is because sexual-and-gender minority asylum seekers, like other minority or marginalised groups of people have layered challenges that lead to their migration with the underlying basic quest for survival. This is part of the reasoning behind this study's effort in documenting experiences so that the importance of holistic approaches for African sexual minority migration concerns could be emphasized possibly in policy, theories and general populations' attitudes.

Regarding this study from the African sexual minority asylum seekers' and refugees' point of view in terms of their lived experiences motivates an idea that this study will have rich narratives of first hand witnesses of how the law is implemented. Several studies have been conducted where institutions and structures have been probed for the existence of imperfections in the implementation of the asylum and refugee laws for sexual-and-gender minority applicants. This study intends to extend the

knowledge base of the South African sexual minority asylum law and its conjunction with experiences of African sexual minority asylum applicants as well as refugees. Because individuals have varying experiences and interpretation of the responses they receive in their host communities. This study places its emphasis on exploring the asylum law from the beneficiaries' perspective because much as recurring themes are important for the knowledge base of incidents of sexual minority persecution and its relation to the consistency with the obligation for the state entities to protect people in this category, unique narratives are equally important too. Therefore, outstanding experiences will make stakeholders view these situations from another perspective. Understanding the aims of this research from various perspectives is cardinal however, considering the following academic point of view will be beneficial in understanding the evolution of the general social responses to the existence of minority sexuality and gender issues in various sectors of society.

2.3 Experiences of sexual minority migrants in South Africa

This section looks at the daily interactions of sexual minority asylum seekers and the interaction experienced when acquiring their asylum papers. Sexual minority people in Africa, decide to migrate for varied reasons. Sexuality and gender is an interesting issue in migration debates that needs even more investigation. Sexuality has recently become a greater area of inquiry in African migration debates. In most instances issues such as political instability, economic turmoil and poverty in general are treated as the more pertinent issues in most African contexts. (Consider President Kenyatta's statement when urged to revisit the

sexuality and gender laws in the country, during former United States' President Obama visit to the country).

Migration debates have, identified sexuality as an aspect of human day to day existence that forces individuals to migrate from one country to another. This has the potential to influence policy maker's decisions (Carrillo, 2004;2). In his analysis he also explains how “sexual migration” is an important concept in contemporary sexuality studies providing insight on international relocation caused (directly or indirectly) by the migrant’s sexuality (Carrillo, 2004). As a result investigating the experiences of asylum seekers whose motives to flee their home countries are mainly their sexuality is still an important area of study

As already alluded to, challenges stemming from uncondusive environments for sexual-and-gender minority people in Africa, lead to individuals opting to flee from their countries. In Africa heterosexual ideals are very rooted in society; they are perpetuated by strong culturally inspired perceptions of how minority sexualities and genders deviate from the norm and are therefore deemed un-African (Montello, 2011;Nsibi, 2014). Sexual-and-gender minority asylum seekers usually allude to the fact that they strongly fear to be ostracisedby their own communities where their sexuality or gender preference is taboo. For instance Hoad (1999) reveals that not only are sexual minorities perceived and labeled “un African”, they are also regarded as a threat and that this is a western health problem inflicted on some African individuals. With these ideals and views in context, African societies subscribe to the view that sexuality-and-gender minorities do not exist and they distance themselves from debates concerning this matter.

Homophobic notions and practices are regarded as efforts targeted at correcting the 'deviations' of a few individuals; that is deviations from the ideal practices of sexual identity and genders as approved by society. As a result most sexual minority individuals in Africa, fear disclosing their gender preferences or sexuality even to their close family members because they do not feel protected by either the state or the family's cultural traditions. Such societies regard this sexuality issue as a punishable offence for perpetrators defying the will of the state and traditional culture. Bruce-Jones et al.(2011) also point out the same issue. Confirming that sexual minority' fears of being arrested for being different is a harsh reality that they have to live with in their day-to-day existence. Families of most sexual minorities in African contexts, do not want to be associated with these individuals because they are not just a culturally unacceptable reality (especially in religious terms), but, they are viewed as criminals by some states and hence a source of trouble. Criminalisation of homosexuality in most African states is crucial and so far thirty-six countries have enshrined laws criminalising homosexuality, with some providing for, and implementing, the death penalty and harsh jail sentences, (Jansen & Spijkerboer, 2011). Therefore individual members of sexual-and-gender minority social groups do not only conceal their gender preferences or sexuality to just protect themselves, they also do this to protect their families. When these individuals make plans to migrate, they carefully devise it so that it does not give away the real reason for their decision.

Based on the circumstances at the borders, or eventually at the asylum offices, sexual minority individuals are almost always cautious about revealing the real reason for their migration and later seeking asylum. This is because, even though South Africa has been strong as a state

advocating and implementing pro-sexual minority migration - as well as claiming to enforce domestic laws for this vulnerable group -it has lagged behind with regards converting society's (including officials) negative views on sexual minorities. For instance, CORMSA (2009) talks about traumatic and invasive practical experiences that sexual-and-gender minority asylum applicants had to endure, where their sexuality was being questioned based on the stereotypical views on their physical appearances. This examination during the determination process for sexual-and-gender minority asylum seekers and refugee statuses is usually problematic. To this effect Amit(2011) further emphasises the flaws inherent in the migrants' determination process.

Another aspect that could potentially can be marred by the disclosure of the applicant's sexuality or gender, is when applying for secure employment, thus the more reason for most sexual-and-gender minority migrants to keep their sexuality or gender s undetected (Montello, 2011).

2.4 The economic push and pull factor

For most respondents in this study, the motivation for fleeing from their original countries is layered. This resonates on how important it is in migration studies to pay attention to each and every aspect that leads to individuals deciding to migrate in that one risks leaving out important factors. Martin (2001: 1) reflects on the “problematic aspects of categorizing types of migrants based on their “push “factors from the source countries and “pull” factors from their receiving countries”. It is observed in this study that. Even if respondents mainly migrate from their countries from different parts of Africa because of the hostile conditions of sexual minorities, other challenges such as ailing economies resulting to poor living conditions also influence their decisions. Adepoju, (2006) also elaborates on how economic difficulties spur migrations world-wide. However, the migrants under consideration should not be categorised as economic migrants owing to the reality that their sexualities and or gender preferences have a great influence on how African societies negatively respond to them, therefore affecting the quality of their lives. This is in addition to the issues of the consequences of the poor economies. Stressing a similar point, Turton (2003:9) talks about the issue of categorizing migrants as “Fussy Boundaries” and Adepoju (in Kok et al., 2006) refers to them as “voluntary and compelled” migrants or “blurring boundaries” according to Castles (2002:1143).

The need for valuable social networks and economic resources to improve individuals' livelihoods will be revealed in this study in that negative perceptions of sexual minorities in Africa has made it difficult for most respondents to create such networks. Therefore South African society appears to be relatively conducive owing to its formal stance on

sexual minority issues allowing such asylum seekers to form social networks without fearing exposing their sexuality or genders. To this extent, Carrillo (2004) purports that sexuality as a transnational migration force reveals how modern global sexualities were formerly viewed. In this instance South Africa is viewed as the relatively best option because it has better pro-sexual and gender minority laws as well as economic policies that underprivileged asylum seekers aspire to utilise.

Migrants from underprivileged backgrounds usually have a sense of obligation to financially support family members in the countries they flee from and they also have a desire to return whenever they can(Shandy, 2003). Sexual minority migrants may also be part of the pattern despite the unique atrocities that they encounter because of their preferences, they have a sense of obligation and honour to visit or send remittances to their original family households. To this effect Adepoju (2006) describes the migration patterns in the African context as following a cyclical model in that individuals strongly have ties in their home countries and in most instances they would want to return home at some point. Montello's (2011) study shows that African sexual minority asylum seekers realise how the discriminatory policies against them as minority individuals in their societies can limit their chances of stable economic opportunities, making South Africa's all-inclusive policies particularly desirable in terms of economic privileges and opportunities. Besides respondents indicated that although South Africa is a better place to live as a sexual minority, surviving in this country is not challenge free because one needs to be ready economically. Over and above the real pressures of economic challenges on these individuals, it is evident that life-threatening incidents of homophobia are quite prevalent

in South Africa; this is not just reported on in the media but it also forms part of the narratives of the participants of this study.

However, despite all the uncertainties of economic stability that sexual minorities experience in their settling-in process as migrants who are marginalized and threatened to be killed in their home societies, respondents in this study showed that they live a better every day normal life to a certain extent without fearing for their lives or being harassed in South Africa.

The following section elaborates more on the intersections that dominantly prevails in African minority sexuality asylum seekers as already alluded to in this section about the economic aspect of their many challenges.

2. 5 Intersections

The reality of different forces playing important roles in the challenges faced by sexual minority asylum seekers in Africa is unavoidable and clear in this study (Beetar, 2016). Most of these issues are not new to this reportor other studies prior to this one such as (McQuaid, 2017; Mavhandu-Madzusi, 2014) have dealt with the challenges of intersectionality in the livelihoods of sexual minority communities. However, they have to be addressed in the context of this study exercise and existing studies that relates to it in a particular section such as this. In other words, the amount of disenfranchisements that the population that the sexual minority people endure globally and in South Africa cannot be underestimated (Collins, 2009; Walker-Said, 2015; Camminga, 2017) thus the need for the emphasis of such research and emphasis such as this one.

The intersections in this study's example signify, homophobia, poverty, xenophobia and racism. Sexual- gender minority people are particularly not accepted in the contemporary African society because they are viewed as unnatural from a wide spectrum of this continent's societies traditional religious context (Bhagat, 2017; Tamale, 2009; Nyazi, 2014; Manion & Morgan, 2006). Apart from that, the large cultural entity has stood by the argument that, the variety of gender and sexual minority existence in Africa is not only not real but un-African and simply an imposition on the continent by the west (Epprecht, 2012; Nsibi, 2014) and the advocacy for their basic human rights is not regarded as priority (HUMAN RIGHTS WATCH, 2014). As a result, by openly identifying oneself as a sexual or gender minority in Africa, one opens themselves to this clear disadvantage from most basic privileges (Isaack, 2005). To justify these notions (Nyazi, 2013; Ochiolla, 2010; HUMAN RIGHTS WATCH, 2014) indicates that their countries will not tolerate sexual minority people or engage in such debates. This automatically compromises sexual minority individuals' political and cultural support or protection. Their identity can also be at stake when these two significant societal entities distance themselves from these individuals (Akanji & Epprecht, 2013; Phelan, 2001; Walker-Said, 2015). The notion of un-Africaness and unbiblicalness of homosexuality to some extent gives some justification for perpetrators to violate the victims (Magardie, 2003).

The fact that the participants of this study are underprivileged sexual minority (De Fillipis, 2016) migrants from Africa brings another vital dimension to the level of vulnerability of these individuals towards violence and harassment (Masipa, 2008; Bond & Desai, 2008; Tella, 2016). This study, like many others such as (Hunter-Gault, 2015;

Annes&Redlin, 2011) demonstrate that, poor African sexual minority people are not just harassed by the heterosexual majority but that they are targeted even among the local poor sexual minority communities because they are seen as a threat towards the challenging competition of the already scarce resources (Beetar, 2016; Adjai&Lazaradis, 2014). This was shown to be a reality by most respondents who actually argued in realization that, revealing or openly living their daily lives as sexual minorities, would mean being subjected to violent attacks and public ridicule. Navigating unfamiliar spaces in the new host community when one lacks the tools to make such vital activities such as knowing the language for communication purposes can also be challenging for minority sexuality asylum seekers and refugees in this country as it is for any other underprivileged migrant (Harris, 2002). This is an issue in these communities because although English is widely utilized by local people, they usually prefer vernacular especially in such private spaces and it is used to deduce peoples' identity and in this case who to target for abuse (Harris, 2002).Tshaka, (2013), similarly refers to how underprivileged communities can be intolerant to individuals from foreign African countries in violent situations like the ones which broke out in the recent xenophobic or what he terms afrophobic attacks. All in all, sexual minority asylum seekers and refugees who are underprivileged such as participants in this study have more challenging aspects in their daily existence compounding their vulnerability to physical abuse and exploitation such as being targets for theft, bribes and public ridicule owing to their sexuality.

CHAPTER 3: RESEARCH DESIGN AND METHODOLOGY

This study adopted a qualitative descriptive approach. Sexual minority people are generally quite a sensitive study population in a conservative context like the African communities where this study was conducted because they are highly marginalized. To acquire the meaningful and open insight on the level of various challenges that sexual minority individuals who embark on seeking asylum in an African city like Johannesburg can be, qualitative methods will be utilized as a mode of enquiry as Patton, 1990: 14 recommends. This is an explorative study on African sexual minority asylum seekers' experiences in Johannesburg and the practice of the South African sexual minority refugee and asylum law. African sexual minority asylum seekers are a marginalized group whose complex challenges as migrants in South Africa have to be heard and according to Liamputtong, (2007), qualitative enquiry helps the researcher learn about the realities of silenced, marginalized and secluded groups of people who are often forced in such situations by powerful dominant societal hierarchy. Owing to the nature of this study's complexity, the need to understand important aspects of the participants' meanings and interpretations of individuals' experiences, qualitative methods are appropriate because they are flexible and fluid (Liamputtong, (2007:7). This study aims at utilising the qualities of qualitative methods that include a focus on "individual and collective action, beliefs, thoughts and perceptions" (Macmillan and Schumacher, 2006) "of human beings that are examined and explained under the basic research entity of qualitative methods" (Silverman, 1993). In this research, reliance will be mainly on people's descriptions and narrations as well as feelings of their life experiences, as a result, qualitative methods are the better preference for this particular study.

Apart from looking at what the law states in terms of rights and duties for both the state and the sexual minority asylum, this study involves people's descriptions and feelings about both incidents and routines in lives, which will be better addressed by the qualitative methods. Sexual and gender minority individuals are part of a social categories of society who behave and have certain cultures informed by certain discourses central to their everyday lives (Somekh & Lewin, 2011; Guba & Lincoln, 1998). However, this study, with the help of the qualitative approach, will not only focus on the similarities and continuity of perceptions but it will also focus on the differences and the changes of different entities and uniqueness of individuals given the time and space (Someck & Lewin, 2011).

Qualitative analyses and methods also work with the point of view that experiences of human life are not standard but are varied and to make the capturing of in-depth and detailed information of the participants (Patton, 2002), in-depth individual interviews are the preferred tool of data collection because it will help this exercise to collect profound information from the participants narrations. The in-depth unstructured individual interview method has been chosen for collecting information because respondents will be given a chance to express themselves and giving their subjective views on their personal experiences of life in Johannesburg as contemporary sexual and gender minority asylum seekers (Gaskell & Bauer, 2000; Mooney, 2000). Apart from the in-depth unstructured interviews, observation, literature review, reflexivity and field notes were used to address the gaps that each particular method is prone to as well as securing valid and reliable outcomes as Patton, (1999) explains. Various methods are important in this exercise for organizing and comparing themes in the data collected (Patton, (1999). Furthermore,

the qualitative approach will not only expose the main contradictions of meanings of the respondents but, those of the researcher's own, is important for qualitative method owing to its focus on the participants and the researcher to have a major role in the process of the entire study (Kirkwood, 1993; Mooney, 2000).

The purpose of employing in-depth unstructured individual interviews is to avoid specific answers that will not highlight the background of that response but rather to focus on the stories of individuals. In-depth individual interviews are a base for narratives which are going to be one of the major methods utilised in this study, and according to Elliot (2005) "narratives are a discourse with a clear chronological order that link actions in a significant way for distinct addressees". A significant advantage of peoples' real life accounts is the fact that they are not open-ended and as a result enhance the quality of detail and the depth of the individuals' interpretation of their life's events (Lieblich et al., 1998; Gergen&Gergen, 1997). Thus the stories told by African sexual and gender minority asylum seekers showcase their lived experiences at different stages of their migration, asylum seeking process, acquisition of refugee status or non thereof, and will provide detailed understanding of such important entities of one's social existence such as cultural and social meanings that create major parts of their life stories (Patton, 2002). The fluidity and the ability to capture rich detail from respondents' experiences verify the relevance of the use of narratives in this study.

3.1 Research Design

To gain insight of this study, the initial point of inquiry was investigating the existing literature and there are various studies of African sexual minorities general advocacy regarding decriminalization and political will for social inclusion that also includes asylum seekers in this particular social group. To start familiarizing myself with my subject context, I attended workshops where African migrant sexual minority challenges were presented and discussed at the Wits University Graduate Centre conference facility. This led me to acquire information on important organizations' where I could seek participants of my study. I could not successfully meet the respondents I had hoped to meet arranged from these workshop encounters. Outside the university arrangement, I had organized to meet some people through my acquaintances from Zambia and Uganda and among these people, I only managed to interact with one participant and our appointment for the interview could not be fulfilled because this person passed on and it was alleged that he was poisoned by his colleagues from his home town who discovered his sexuality. I had a briefing with my supervisor and we discussed the way forward, that's when GALA was contacted and a contact person was acquired for a snowball sampling exercise.

Mainly this study used the snowball sampling in that our contact people led us to few other participants who also made contacts to other people to participate. Neuman, (1994) also explains how snowball sampling takes effect in stages involving more people at each stage based on the initiating individual or a few people. For this exercise this technique worked well and it made me successfully meet participants of a wide range of genders and sexualities.

During the meetings with the participants I was also able to do observations through our interactions although this was not reliable because the time was not enough and the participants were not in their natural environment as Schwartz and Schwartz, (1955) recommends. Therefore the general observations that were done were based on the direct observations on participants' reactions such as body language and what they stressed on in their narratives.

For interviews, open-ended questions were utilized in this study because it was from these questions that did not require specific and direct responses that the much needed narratives were generated. As Berg, (2004) recommends, investigative techniques such as open-ended questions help studies to incorporate the study populations history, culture, interactive activities and emotional lives. Capturing these rich aspects of the study participants' experiences was vital for this exercise. Additionally, narratives helps the study by putting into perspective, the significance of situations that respondents encounter as individuals, the sequence in which they happen and how this is placed in the broader perspective of the world view or the particular society, Elliot, (2005). All in all 16 interviews were conducted and my supervisor, our contact person and I were mostly present in these interviews because others were conducted without my supervisor. As a team we briefed the respondents about the nature of our interviews and all the participants expressed that they were willing to talk about their lives. Berg, (2004) similarly encourages including study populations' to be actively part of the study process. Challenges faced during these interviews were not profound. However, apart from various emotional triggers during this exercise which were dealt with by allowing and assuring the participant that it was alright for them to take their time and by empathizing with them by

having a moment of silence to let the respondents recount and narrate at their own pace, two interviewees stood out because one individual showed some psychological challenges, and the other showed the intensity of how in danger his life was, this was triggered when he recounted a story of how his uncle has sent someone to assassinate him because he is dishonoring the family by being a sexual minority individual. These two particular incidents were handled with caution and appropriately by referring the participant who showed psychological concerns to the campus treatment therapy entity and the other participant whose life was at risk was referred to the Police department for his protection. All the participants who managed to participate in this study were able to express themselves very well in English as this was our language mode of communication we utilized throughout the exercise and the acquired information for the study met the standard of what Patton, (1990) describes this kind of data as, which is “ direct quotations of peoples experiences, views, feelings and activities”. These interviews were conducted at the Wits University in my supervisor’s office at the department African Centre for Migration and Society).

3.2 Participants of the study

In this study, participants were adult as well as young sexual minority asylum seekers in Johannesburg from various African countries. There was no restriction regarding the number of people to be interviewed; however, only 16 interviews were conducted owing to the size of the study and the availability of the resources. From the 16 interviews that were conducted, only 15 have been analyzed and recoded for this study’s

purposes. This study aimed at interviewing participants from different parts and countries of Africa to obtain a broad perspective of individuals from various countries and 15 participants were interviewed as the sample for this study, therefore, based on this number of participants this study is only a report of these individuals' experiences. Apart from being from different regions of Africa, interviewees included those with varying marital status increasing the possibility of obtaining different life stories; people's social and economic responsibilities are considered to be related to their marital or relationship status. To an extent that this study could accommodate this allowed for a wider, cross-sectional view of the phenomenon under study.

Furthermore, the intention was to acquire information from broader sections of the population not only in terms of relationship status but in terms of economic status as well because sexual and gender minority migrant and asylum seekers exist in a real world which comprises of economical challenges. This also involves considering stories of respondents at varying stages in their migration or asylum seeking process. For example there are new arrivals and those who have stayed longer, settled migrant statuses as well as those that are not or those who have not yet formalized their migrant statuses. This was important in this study because there is a theme of migration as a result of fleeing the atrocities (usually authorised by governments) of belonging to minority sexualities or gender. However, it usually had an economic connotation and understandably so because these individuals ultimately need to have the economic resources to survive.

Generally this study is focused on the data contribution from the respondents because as a result of their sexual minority or sexual orientations as well as coming from African backgrounds. Clearly

sexual minority individuals have to struggle in order to live on a daily basis in societies with such strong negative perceptions about them. However, different in-depth stories and feelings were described by individual participants on the face of it, all authentic. Sexual minority African individuals trying to seek asylum in Johannesburg provide a good and all-encompassing source of information on how these people - who are the target of legislation - find that these laws are incorporated into their personal real life experiences. The participants also consisted of respondents from established sexual and gender minority support groups in Johannesburg such as the Holy Trinity Catholic Church LGBTI support group. Among the concerns for the participants is the fact that they are foreigners who have undergone traumatic experiences because of their sexual orientation (or sexuality) and may require specialised assistance. Such participants were referred to relevant organisations to attend to their grievances. Although such unfortunate circumstances are greatly regrettable in any human's daily life, the depth and diversity of the information that was intended to be gathered in this research offered a better insight that tried to address questions regarding the extent of the applicability of the law in the lives of ordinary sexual and gender minority asylum seekers.

3.3 Sample

For this study, the sample size was reduced to 15 respondents because of time and financial constraints. In order to achieve its goal, the study focused on the quality of the information to ensure a broad range of experiences for use in the analysis, from which meaningful results could be derived. Even before all the respondents could be interviewed sufficient information emerged so that conclusions could be made on what would be useful information to inform the objective of the study. Purposive sampling was utilised in this study, because it has an advantage in having a good insight into identifying people who would be appropriate to provide information required for the study (Vureen et al., 2000). The respondents were derived from the Johannesburg based Holy Trinity Catholic Church LGBTI support group. Also used were narratives of participants from support groups or organisations such as PASSOP and GALA, government documents and interaction with organisations that are well recognised for addressing issues of refugees (such as the UNHCR) to have a better understanding of what practically takes place in the refugee and asylum processes, especially in the current context.

3.4 Analysis

This study's data is analysed and interpreted qualitatively and this process was applied throughout the data collection and analysis. This was necessitated by the fact that interpretation of information - as understood from the context and feelings of the participants - was made as the introspection was carried out, and was interpreted by the researcher who developed an understanding of the experiences of the respondents. In the same vein, Henry (in Bickman & Rog, 1998) emphasises how continuous

analysis of data in the process of the research works in that it allows for attention to interviews and interpretations and helps in forming emerging conclusions. Basically qualitative analysis is a challenging task owing to its complexity and demanding nature in that it does not rely on fixed rules and theories of statistical nature (Patton, 1999). Qualitative analysis was judged to be appropriate for this study because the conclusions will be based on themes and codes. As Henry (in Bickman & Rog, 1998) explains, individual respondents' narratives will be analysed.

In this study not only will the codes and thematic analysis be put to use by utilising recurring and general themes in the data acquired from the participants, but the researcher's skills obtained during the course of this study and the experience of doing this research have been vital for this data analysis process (Terre-Blanche & Durrheim, 2006). Additionally, the skills that the researcher obtained in this particular journey equipped her with sufficient knowledge to understand personal situations as well as the political, economic and cultural dynamics of different individuals from different parts of Africa. This is basically their life stories as sexual minority asylum seekers and refugees in another African society with its own similar and unique dynamics.

A snowballing exercise was utilised, whereby a contact person from GALA was approached and through him, participants from sexual minorities from African societies were contacted and asked for their willingness to participate in this research. There was a discussion with the contact person on the specific attributes for respondents that were required for this research such as individuals in the sexual minority categories with challenges in their asylum application as well as those who had obtained their refugee status. The analysis of this study started with observing how respondents expressed themselves and articulated

issues around their real situations. Although the in depth interviews were audio recorded, notes on important observations and stressed points made were taken. The recorded information was transcribed and later the patterns and recurring themes from the data were taken note of and coded for interpretation. After every interview, a reflection on the interview was held with the researcher's supervisor and the contact person (who was also part of the research team) for purposes of sharing the recurring patterns and outstanding as well as interesting aspects of the information shared among the researchers. To work out the recurring themes and codes, this information was analysed on a table wherein the data was carefully and wholly counted for and addressed. The transcriptions were thoroughly made so that all the emotions and feelings were captured to provide perspective to each situation.

3.5 Ethical Considerations

Ethical issues are an integral part of any research programme and it has to be addressed with concern, Meezan & Martin, (2009). Bickman & Rog, (2008) also states the importance of planning and accommodating ethical issues into a social research exercise. Therefore, ethical considerations are vital for this particular study owing to its sensitivity and cultural taboo concerns around issues of minority sexuality that this study mainly concerns itself with. However, as in most studies researchers face ethical dilemmas and to some extent, this study might have one or a couple of ethical issues to resolve. For instance talking about an intimate subject such as individual's experiences as a sexual minority including the process of applying for asylum and their day-to-day experiences requires tact on the researchers part as well as empathy whilst observing how challenging it must be to recall - and in some instances relive - these

situations. Similarly Guillemin and Gilliam (2004) and Morgan and Martin (2009) confirm that various kinds of research encounter ethical dilemmas and concerns and the researcher must give ethical issues serious consideration. Also important to this study's respondents is confidentiality, privacy and anonymity and these aspects were addressed in this study especially as the researcher was required to be highly conscious of the individuals' concerns regarding confidentiality particularly when reviewing harsh experiences (Liamputtong, 2007).

Participants were guaranteed anonymity and therefore no real names have been used in this study. Additionally the Wits University provides a platform where all kinds of studies that are done by students abide by the ethical conduct structure and rules provided by this institution and in this particular case these standards were adhered to.

3.6 Researcher's Responsibilities

With the high potential of psychological distress that this study could induce, the researcher was obliged to refer respondents who might require these services to supportive services such as psychological institutions and legal aid entities (Meezan and Martin, 2009). The process of this research required utmost understanding and empathy with the lived experiences of the African sexual minority asylum seekers and refugees. Therefore, when it was noticed that participants needed specialised help they were provided with information for such appropriate services as the National counseling line.

This research study required an appropriate environment and good rapport with the respondents to encourage them to express themselves more freely about sensitive issues that they might not disclose on other

platforms that they might find insecure (Valentine, 2007). The researcher therefore took particular interest in learning more about African sexual minority asylum seekers' challenges in their everyday lives to try and create a basis for a social level interaction between researcher and respondent. This presented a platform for the researcher to create a more appropriate environment for the respondents to be psychologically comfortable to share intimate parts of their life narratives.

Transparency was ensured and recorded by obtaining a written consent from each respondent. This study is meant for academic purposes, therefore, the researcher introduced herself as a student from the University of the Witwatersrand; this kind of affiliation gave the respondents full assurance and a better understanding that their information would be treated with caution as the purpose and the objectives of the study was explained to them. The researcher was fully aware of the responsibility required of a scholar who is required to uphold the University's ethical standards. This contributed to the assurance of my participants' safety and confidentiality. In addition, the respondents were clearly assured that, as a scholar undertaking this research assignment, there were no other interests such as monetary gain from this study (a requisite of the ethics committee of the University of the Witwatersrand). Additionally as already alluded to in the ethics section, participants were assured that their involvement in the study was entirely voluntary and that if they felt uncomfortable continuing with the interviews they could, at any stage, withdraw from participating in the study.

Another important aspect of the reflexivity issues in this study was the awareness of the researcher that her personal involvement could have an impact on such a sensitive study. The researcher is a female migrant

researching on sexual minority fellow migrants seeking asylum in South Africa, and has some awareness of the marginalisation that people who are sexual minorities encounter, both in their countries of origin and in their destination countries. Reflexivity also reflects on the constant self-awareness of the researcher as cardinal to the research process (Pillow, 2003: 178). Therefore, the issue of the researcher's self-awareness was a serious aspect of this study, given its sensitivity as a consequence of the intimate subject of people's experiences of their sexual and minority genders.

3.7 Limitations

Other potential and real setbacks for this study emanated from the reality of the taboo status and secrecy encompassed in the complexity of the issues of sexual minority discussions that form a significant part of this study. In addition there were those of time as well as resource constraints. These posed a potential limitation in that some respondents were not willing to talk about intimate or sensitive issues that came up in the responses owing to their intimate nature. This sensitivity issue might hinder the study, as the respondents might be cautious giving information because of their prior experiences of marginalisation and the fear of future victimization. The interviews of this research were done from neutral departmental offices as a precautionary measure to protect the participants whose anonymity and safety were a concern owing to the potential violent reactions they might possibly encounter once people realised they were participating in this study. Having said that, it was noticed that there was a level of uneasiness from some respondents because they were in an unfamiliar environment. It therefore, took some rapport building to encourage them to fully express themselves and

narrate their life stories. This study had the potential to uncover more issues that might have needed more time to address, however limited time was one of the basic constraints in this study. Despite the limitations, this study's data collection was completed successfully and the intended target was achieved. The qualitative evaluation completed in the concurrent section was undertaken based on this information.

CHAPTER 4: DATA ANALYSIS AND DISCUSSION

4.1 Why is South Africa the choice of destination for sexual-and-gender minority asylum seekers?

There is one common factor about South Africa that most respondents agreed on and it is that this country has legally rejected homophobia and all the efforts to amend the constitution regarding the removal of the minority sexuality rights based on the traditional leaders council appeal, have been officially declined (Klarsfeld et al., 2014). This makes this country the preferred destination or transient place to Europe for almost all the asylum seekers who participated in this study. Consistent with this reasoning both IOM and CORMSA (2011) acknowledge that South Africa is a preferred host country in this continent for asylum seekers and refugees claiming asylum based on their sexuality and gender because this state has generally committed itself to protecting migrants who fear or have suffered marginalization and violence based on their sexuality and gender preferences.

Montello (2012) also elaborates on the role South Africa has played in being a place of refuge for marginalized and, in most cases, violently abused sexual minority individuals from the African countries which continuously declare that they will not succumb to international human rights calls for the states to protect the sexual minorities from violence, citing these calls to be western inspired ideas. Despite its notable stance on pioneering the banning of discrimination based on sexual orientation according to its 1996 constitution, South Africa has experienced heightened levels of homophobic violence leading to recent sexual minority advocacy calls which are gradually making some headway (Harbeson & Rothchild, 2016).

In the African context, ideas that support equality for sexual minority people are not welcomed owing to the cultural and traditional convictions that influence such views and attitudes. Msibi, (2014) claims on the conceptualization of minority sexuality theorization in the African context, clearly indicate the outlook of advocacy issues concerning this minority group being viewed as an imposition from the developed countries. Basically African governments do not prioritize sexual minority people's grievances (Abbas & Ekine, 2013; Love, 2014; Ocholla, 2010).

For instance Uganda has publicly stated their intention to intensify laws criminalising homosexuality (Daily Maverick, 2013). The Ugandan government course of action show cases similar responses of other many African states in the same situation of global calls for including highly marginalized sexual minority people in the advocacy programs. Basically, this is an example of how African states emphasize their conservative stance on what they claim are western dominant policy advocacy for sexual minority citizens and migrants. For instance, Nyazi's, (2013) compilation of an analysis of the Gambia's President Yahya Jammeh reveals how bold most African states can be in denouncing all issues relating to minority sexuality based on religious and traditional beliefs and committing to severely punish people falling under this category.

Respondents in this study from these African countries shared similar sentiments regarding the lack of support from their governments in terms of protection; they actually fear for their lives in most instances. For example, many respondents in this study come from Zimbabwe and they

also cited lack of the intention by their state to protect sexual minorities. Lack of faith in their countries' constitutional or legal development process was part of the reason they fled their home countries. This is because government's pronouncement on this issue translates into the way social entities not only perceive but also respond to sexual minority tolerance situations. Apart from fleeing from a life threatening situation in their home country, the proximity of Zimbabwe to South Africa as well as the political and economic unrest that Zimbabwe has been through in recent years is the reason many of its citizens migrate to this neighboring country (Chan, 2011). Overall, Zimbabwean respondents indicated their desire to be free in terms of expressing their sexuality and they mentioned that a certain degree of that freedom could only be achieved in South Africa; that is the main reason they chose South Africa as the destination country to flee to. The following is a summary of a response to the question as to why the respondent chose South Africa :

“People here, are less homophobic than back home, I decided to come here (South Africa) when things started getting bad. It's hard to live as a gay back home because you have to live under the carpet, once people know that you are gay they start talking. But here in South Africa you get to live freely as a gay person you can even get a job and be out that you are gay person while in Zimbabwe you can't”.

Basically the respondent mentioned in the above summary statement implies that the reality of the consequences of rejection upon his family and the community members' realisation of his sexuality. In his experience the South African community is not as critical of his sexuality or his gender reality. This respondent in his narrative to a large extent indicated that his new community also provides some sense of anonymity in that not many people know him especially

and that South Africa is a big place with a many different places where one can choose to express or not express one's sexual identity. The general public is less concerned about one's sexuality or gender in South Africa because they are aware of how the law provides for freedom of expression in this matter. Furthermore, there are so many people here and they all mind their own business unlike home where chances of meeting people who know or know your close relatives are higher. Besides, Johannesburg is a much more urbanized city and people in this space are more individualistic as opposed to the relatively communal lifestyles in their original communities. The advantage of the urban infrastructure also acts as an attraction for these asylum seekers as the respondent in the following extract reacts:

“When you are in Botswana you hear people saying nice things about South Africa they will be like – hey it’s a place to go, it’s free even during apartheid. But people are free here; this may be the reason why I came here in the first place. You are free to wear women’s clothes. I am sure South Africa is a nice democratic country I am free to be myself, I pay renti am a sex worker ...huh...a professional sex worker, and I work in Sandton and I am also a peer educator”

South Africa is glorified not only at the continental level as a leader in promulgating enlightened laws, but at the individual level where sexual minority asylum seekers aspire to experience this environment - which also has better economic prospects than their countries of origin. The respondent of the excerpts below and above revealed how a simple, mundane activity - such as the type of clothes worn - becomes an important experience because this individual comes from a conservative society. The respondent quoted above also expressed himself on the kind of job he does although he indicated that in spite of the freedom he enjoys

he also faces the challenges that comes with civilization, namely dependency on an income to survive and living a more individualistic existence. This response also indicates the lack of integration of foreign nationals, specifically sexual minority asylum seekers (in this instance) in mainstream society with local nationals. Integration of foreign nationals in the South African community has been a challenge as Klaaren et al., (2011) explains on the links that this social phenomena has with this country's history of apartheid. The participant in this excerpt also shows that life in South Africa could perhaps be quite individualistic as a foreign national because he senses that the general public does not care what happens to them as a group or as individuals because they are not regarded as part of the community. This is what he entailed in this sentence "*you are on your own, no one is after you!*" this respondent also added by reviewing his regrets for assuming this destination country would be entirely safe.

"I came to South Africa, I said may be when I came here (South Africa), I will have a job that I will be doing, living in South Africa will not be terrible....and that may be I will find an organisation that will help me with my problems.....but that is not happening living in South Africa is not easy, you pay for this, you pay for that, they are here, and you are there.....you are on your own, nobody is after you. I thought South Africa would be safe"

Despite South Africa's huge shortfalls in providing effort free migration for sexual minorities, being considered acceptable by these individuals in this context is almost not that odd because it has not criminalised homosexuality and that individuals are to some extent free to be who they are without being condemned to death by the state. Similarly, Bosia (2010) confirms that South Africa might still be working out means

of getting agents of the government and the general public to act in line with their progressive constitution, but it still is the only state that provides a place of refuge for the continent's sexual-and-gender minority asylum seekers. Montello's (2012) study also shows that African sexual minority asylum seekers have a better comprehension of the South African legislation - as well as the Bill of Rights that makes them free to express themselves - because they are sexual and gender minorities.

Based on the responses in this study, participants made it clear that South Africa provides them some sense of safety owing to the anonymity that comes with living in a foreign country. Migrating to a new country also works positively towards sexual minorities' freedom to live as minorities when compared to the humiliation - as well as life threatening situations - they may fear or may have encountered in their home environments. Significantly the theme of freedom reoccurred in the participants' narratives, although they were all careful to qualify what they really meant by using the term "freedom". They clarified it by describing what they envisioned this society to be and what it really turned out to be in terms of surviving as sexual-and-gender minorities. For instance one could notice even from the excerpts from the respondents' narratives that almost all of the individuals I interviewed mention "freedom to work", indicating that although jobs are hard to find, they feel less judged in their process to look for work. However, most respondents - especially those from neighboring countries such as Zimbabwe and Botswana - admitted to being cautious about revealing their sexual identities to their employers because they fear being fired or having people from their home countries finding out their gender or sexualities - which could eventually be revealed to their close relatives at home.

According to the narrations of the respondents, the theme of “freedom” recurred as a significant motivation for their migration to South Africa; this was the case for different individuals participating in this study from different parts of Africa. Freedom in this context is viewed as not constantly being worried about nearly everyone - including family members - harassing or intending to harm someone because they perceive his or her sexuality or gender as taboo. As respondents living the reality of sexual minorities in an underprivileged society these participants felt that losing valuable connections back home owing to the unavoidable reality of homosexuality should come with some risk. Therefore, participants viewed seeking asylum in a much more accommodating society - without revealing the real reason to their families -and ultimately living a better life in this new community openly and without hiding their gender and sexual preferences. This is their understanding of being free in the destination society. Magardie, (2003) and Walker-Said, (2015), have indicated similar concerns being raised by minority sexuality asylum applicants in their studies on this particular migration policy implementation. Apart from that, the individuals who have migrated to South Africa seeking asylum and refuge are aware of this countries' constitutional support of their situation (PASSOP, 2013) as opposed to how their situations are reacted to and viewed upon in their countries of origin - administratively as well as the by society in general. As a result migrating far away from their families and societies, to a country that has sexual-and-gender minority peoples' interests positively acknowledged and formally enshrined becomes logical following from their perception of South Africa as the preferred destination country, not only of choice but one that promises their dream of “freedom”.

Respondent: ..."as a gay person living in Zimbabwe it's not...you don't have a lot of freedom you don't express your freedom, I decided to come to South Africa so that I have the freedom that I want." (Stan, [not a real name] a gay respondent from Zimbabwe)."

Respondent: I am not happy with everything, I am happy about the fact that I am free to be where I want to be and wear what I want to wear. So some of the things I wanted I got them here in South Africa but some of them I didn't, like even the gay people here in South Africa are not free." (Lavender [not a real name] a transgender man)."

These three responses give a significant indication that the participants in this study realised that South Africa is a challenging destination, however, it provides them with an environment where they have some sort of claim over their gender or sexual identity. In other words, this study's respondents can to a large extent express and live the reality of their sexuality - or their genders - with limited criticism from their close communities and the public in general.

Response: "Auuhh... nothing much happened when I was back home hmmm... but it was very, very different from home in that you don't live an easy life to live as a gay man in Zimbabwe, because you have to live under the carpet because once people know that you are gay they start talking. But here in South Africa you get to live "freely" as a gay person you can even get a job and be out that you are a gay person while in Zimbabwe you can't." (Zachariah a Zimbabwean gay man)."

Sexual-and-gender minoritymigrants flee from very real dangers in their home countries. Although South African society does show homophobia, the government's commitment - as well as other advocacy organisations working to ensure sexual minorities' human rights - is significant. This

assurance encourages sexual-and-gender minorities to flee to South Africa and try to build their lives here. Almost all the respondents aspired to live a fairly secure life in South Africa, more so than they would in their home countries. Respondents show that South Africa's progressive laws cater for the understandably unique challenges of their minority group. As a result African sexual minorities feel South Africa is a better society in which to live. Similarly Manalansan (2006) also indicates, individual peoples' decisions around their sexuality can be guided by their broad social structures even if sexuality seems to be a private thing.

The following extracts from narratives show the clarification of negative real life experiences of some of the respondents of this study who decided to flee to this country, when their lives were affected after they decided to announce their sexuality. These individuals not only changed their relationships with their families, they received negative responses from their broader societies. These reactions to this phenomenon were basically at the center of the drastic decisions their families came up with:

“Respondent: Okay... when my... when I lost my parents, which I came out to, I told them that ...this is what I am, this is my life, ... and they are okay with me, I have been living my life with no problem.

Sommm when I lost my parents ,.....my uncle now...may be because of the property that they did want to me to acquire or I don't know he started pressurising me to get married; I told him that I cannot get married because I am a gay.

In this instance, the respondent was literally forced to marry so as to conform to the normal tradition of all men his age; he later narrated the dire consequences of his defiance to this particular situation that later resulted in his migration to this country.

The above situation shows how institutionalised ideals of sexuality affect the daily life decisions of individuals and families in a similar way, as shown in earlier accounts of participants choosing to migrate to South Africa. In this example however, the family of the respondent reveals how heterosexuality is the norm and that any other form of sexuality or gender cannot be tolerated. Not only do families encourage such ideals or norms but also, they are reinforced by broader sectors of society's cultural and legislative structures. Nyazi, (2013), writes on similar issues where a government official such as a president could threaten the lives of people based on their non conforming genders or sexuality. This creates a real social surveillance challenge for the sexual minorities in their home countries. For instance, the narrative of this respondent continues below and it reveals the extent to which his life and the lives of those around him were forced to comply with the expectations of society. So much so that he was made to make the critical decision to marry against his will. As the respondent narrates his defiance of his families' expectations warranted his death and as a result, he migrated to South Africa where the law supports his existence. This respondent, like others in this study, also confirms that his decision to migrate has not entirely resolved the challenges of non-tolerance violence and the well-founded fear of rejection that he fled from in his country of origin and his immediate family, because some of these problems exist in his destination country as well. As a result respondents try to present themselves as being in heteronormative compatible lifestyles (Montello, 2012). African sexual minorities who participated in this study were cautious about revealing their sexuality and gender even if this might be at the core of their decision to flee their home society. The following extract indicates how revelation of an individual's sexuality or gender in this particular African family set-up is responded to which could not be unique to this family

alone. Additionally, it is clearly seen in this account that the threats made to these asylum seeker's lives is not curtailed when they migrate, however, as long as there are other migrants from the same societies, their lives or livelihoods are compromised. The participant's narration below indicates the lengths to which close families can go in trying to eliminate the shame of having a homosexual child in such a way that they send people to trace him and possibly harm him physically.

"Little did I know that this was an abomination in my country. I said that's for you, it's not my life, I did not live the life for you I am living the life that's meant for you, then the pressure was too much even now they found a lady that I should marry they started, even now they keep insisting that I should marry and forced me to marry.

Here is a picture of the lady that they said I should marry

(Removes the picture of his traditional wedding to a lady the family chose for him) he told me that I should marry the lady, I said okay, if the marriage I will do it. This is the lady he forced me that I should marry the lady

Researcher: mmm...

Respondent: it's okay I did marry, so after everything I said, I told them that I have married, you said I should marry I married the lady for you,, you are the one who said I should marry you are the one I married for, its not me, instead of if I don't take care of her, if I don't take care and stay with the lady he is going to agree with me, I say what now

Researcher: mmmm

These problems are coming after having the traditional marriage I left in march because my home country has many districts but I lived in Lagos, I left the lady there I ...went to Lagos, when I came back there I told the lady that you can now pack out because I am leaving to live across. Later the lady moved out to live with her family. My uncle now..... arranged guys to come assassinate me ahhhh.... Out of these guys arranged, one of them now came, one is a gay that is a situation they now came and meet me and they said I should stay somewhere or go and leave this country, he said my uncle paid them.. that I will kill you".

Real life threats were interestingly revealed in some of the narratives of respondents of this study, these mostly emanating from strong anti-sexual-and-gender minority social cultural norms, usually from other people in society. However, in this example close relatives to this participant organised people to assassinate him for going against their family tradition not only in his home country but they seem to have followed him to South Africa as well. This respondent indicated the severity of the threat to his safety on his life even in his country of asylum, and from his expression he is prepared to flee from this country as well. This situation is usually exacerbated, especially by participants from neighboring countries, owing to the high possibility of having more acquaintances from their societies also migrating to South Africa.

Respondent: "I came and I met someone who is a bishop and he told me that my uncle has paid someone to kill me. I don't know what to do and now I started thinking of which country I should go to. I tried to get myself to South Africa but since I was here, I worked at the salons this I also explained to them that what bring me here so they can help me get salon papers." (Nigerian gay man).

There is another interesting reaction from a family member upon realising that their relative is a sexual-and-gender minority apart from the above insert. The account below shows the respondent's aunt spreading information about the informant's sexuality to a number of church members, creating an uncomfortable situation for the respondent and leaving him with little choice but to migrate somewhere where his sexuality will be private. What is worth comment - and similar to the narrative above - is that in both situations close family members were deliberately endangering the respondent's lives by making these respondent's sexuality known to people other than family exposing them to obvious risk of physical and emotional harm. Other members of broader society could inform the authorities for this is illegal. Therefore, when most participants realise that their close family members - and in many cases guardians - are not willing to provide that sense of physical and psychological security, their desperation to survive increases. Sexuality or gender issues are predominantly private in African societies. As a result, in most of the circumstances discussed in this study's interviews, participants feared not only physical harm but also the social consequences of being publicly scrutinised and usually condemned, making the decision to flee their home countries more attractive. For sexual-and-gender minorities the most promising place to flee to is South Africa. This also confirms Tamale's (2011) and the CoRMSA's (2011) reports which also describe how much better a life individual sexual-and-gender minorities anticipate in South Africa. South Africa is also viewed as a place where individuals who are in the sexual minority in the African context aspire to economically thrive. This because of the country's policies supporting their genders or sexualities, an evident impediment for most places of work in their countries of origin. In the first extract we see the respondent referring to openly

revealing his sexuality in order to secure papers for employment and this indicates the extent of privileges this country can offer.

“Researcher: so ..ahh tell us what happened to you more about your life experiences...something that really happened to you.

Respondent: ..well myself I grew up with my aunt who is a Pentecostal church pastor, so one day it happened that she realised that...l...l.. was a gay man and she didn't take it very well. So she started preaching to me that I was wrong and she started telling people about me being gay, at church people were gossiping about my sexuality...so the only option was to... .come to South Africa. So without telling anyone, I just packed my bags and I ..met a friend online and we talked about me coming to here and I left. Because it was not okay for me at home . '. People were joking at my church they were talking about my sexuality and wasn't acceptable.”

Zachariah (Zimbabwean gay man).

4.2 Egalitarian, Democratic, or Progressive Society

Although some studies confirm that the progressive laws of South Africa do not translate to a “progressive community”, responses from this study reveal that comparatively the South African community is, to an extent, more liberal than other more conservative African countries. Similar to Montello’s (2012) study, this study found that most of its participants revealed that for those who can manage to flee, South Africa is the best choice. Real life experiences are obviously determined by various factors experienced by the participants. This is shown by studies with various perspectives, focusing on, for example, minorities, sexuality and gender and asylum seekers. However, like any qualitative study recurring

and outstanding experiences of respondents' narratives was noted and is analyzed in this section.

Experiences of sexual minority asylum seekers and refugees in their home countries as well as here in South Africa are multi-layered. This study concentrated on experiences which include issues of traditional perceptions of the minority genders and sexualities held by religions in Africa, both Christianity and Islam.

The participant's responses show that the experiences of African minority gender and sexuality asylum seekers have been both challenging, and promising. This is largely due to legislation that supports this marginalized group. A good example of a real life illustration of this situation would be how most participants explained how their lives have been in South Africa in terms of the extent to which they feel judged as misfits in the community, as well as how mainstream society view issues concerning sexual minorities. Basically, the investigation shows that this country's mainstream outlook on this minority community is that of leniency, although in general society feels these issues are taboo. This is consistent with societies of origin for African sexual minority asylum seekers, however the destination society has a progressive campaign to educate the public about integration and diversity as required by the constitution. Montello's (2012) interpretation of the sentiments of most African gay respondents who indicated that South Africa is their country of choice because they are able to express themselves also confirms the fact that the participants in his study also felt that the country's government is actively involved in ensuring equality for marginalized people such as the sexual minority asylum seekers. Nevertheless, it further shows that not all social spaces are favorable for these individuals. Therefore, although respondents in this research feel South Africa is a

place worth trying to seek asylum - or live in - as an African sexual minority it is still challenging. This is evident not only from their explanations but in the way they react to the reality of the state's protection of their rights - which is basically cautious. The CoRMSA (2011) report also discusses the layered reality of these minority migrants' experiences reflecting how the sexuality minority migration laws in South Africa are being implemented by this society. Generally, these progressive laws have made life easier for asylum seekers but not entirely so. This is evident in that, participants discussed various violent and intolerant occurrences that they experienced.

“Response: The two communities have different way of treating gay men sometimes it's so hard that even organisations, churches and also...the family sometimes disowns you...you know. Sometimes even other gay people can betray you at home.” (Zachariah], Zimbabwean gay man).

The above response from Zachariah a gay young man from Zimbabwe gives an account of how the broader perception of gay people reflects on how they are treated as well as how this does not apply to the South African situation which, in his view, implements a more forward thinking approach of treating sexual-and-gender minority matters especially in the public domain. In other words South Africa is seen as being more accepting of sexual minority individuals than other African societies and in this analysis this observation is linked to the general position and interpretation of the existence of sexual-and-gender minority people in society by both the state and other vital institutions of society.

Not only do religion and culture play a significant role in the experiences of people who participated in this study and other people in similar predicaments as Tamale (2011) and Msibi(2014) indicate, The research

shows that that the less privileged individuals encounter even more challenging situations owing to their vulnerability. For instance, most respondents indicated how they desperately tried to hide their sexuality or gender and in some instances went through humiliating experiences when looking for employment because they needed to earn a living.

Additionally, African ethnic groups are influenced largely by the patriarchal systems that define most of the peoples' social groups and elicit pride in their particular localities. As a result, diverting from the norm brings about negative reactions as people in these societies strive to follow the set standards for individual member's roles. The current target group of asylum seekers has strongly affirmed the difference of the level of adherence to the cultural social norms they were obliged to conform to in the societies from which they fled as compared to more liberal (if restricted) existence they adopt once they come to South Africa.

The following narrative shows how participants view South Africa as a place that is more flexible with their sexuality and gender, and that the fact that they are migrants gives them the constrained ability to expose their sexuality or gender because they are anonymous in this society. Besides that, their new found freedom of expression as sexual-and-gender minority people backed by the state, civil society and some churches became an exciting experience for most of them. In this instance expression would mean showing one's identity by dressing a certain way and conducting oneself as one feels comfortable, without being condemned and eventually suffering some form of harm. The respondent in this example talks about her decision not to go to the Home Affairs department because she was ordered to take off her hair extensions to reveal her "real identity", she was also interrogated on her choice of dress which included the contents of her luggage. Therefore, in the narrative she

shows how ignoring and avoiding the standard procedure of visiting Home Affairs offices to apply for the acquisition of authentic asylum documents, would eliminate major problems.

"it's a place to go, its free even during apartheid, but people are free here this may be the reason why I came here in the first place... .You are free to wear women's clothes.... I didn't want to go to home affairs because I wanted to be free I wanted to express my freedom... live my own life to the fullest. That's how I decided to come to South Africa, people say hey...there is this place in Gauteng" (transgender woman from Botswana).

Various African ethnic groups follow the heteronormative ideals insofar as gender and sexuality is concerned. Most ethnicities in contemporary African societies have evolved in such a way that any form of transgression from the norm is strongly opposed and viewed as taboo (Tamale, 2011).

As a result, sexual minorities are strongly frowned upon to the extent that they are viewed as outcasts and can even be 'eliminated'.

Countries in Africa have enshrined laws based on these beliefs and practices and the international human rights advocacy calls have not made significant impact on the situation. This is because, in most instances, it has reinforced the claim of most African religious and traditional entities view that consider "the support of minority sexuality and gender rights are a western theory". Msibi (2014) in his analysis of the theorization of the Queer theory in relation to the African societal context alludes to similar sentiments of how the sexual and gender minority concept is easily ignored in that it is believed to be a western idea. Recently United States of America president Obama's call for

minority and sexual rights advocacy was met with resistance in his recent visit to Kenya as the country's president specifically stated that this was not a challenge or priority for Kenya (Aljazeera, 2015).

4.3 Is South Africa Gay Friendly?

Although most respondents admitted that South Africa is a place to seek asylum, they were reluctant to confirm whether this society is free from homophobia. Basically the attitudes and perception of sexual minorities in South African societies - especially in the townships and informal settlements - is largely conservative. Based on Reddy's, (2001) study, the South African societies mimic other African societies according to the observation made from the narratives in this study. Respondents' level of abuse, especially physical assaults and verbal abuse was usually reported by interviewees who at one time resided in informal settlements or townships, whereas those who reside in the suburbs and around the CBD experienced less traumatic incidents. This is also evident in the accounts of these individuals' life stories, which indicated that their experience as refugees (or as asylum seekers) has not been free from homophobic encounters. When respondents were asked whether they had experienced unfriendliness in this society because of their sexuality, majority of them indicated that whilst there is a level of tolerance for sexual minorities in this country when compared to most respondents' home countries, these individuals felt alienated in most public spaces. This corresponds with the current debates on the issues of homophobia in the South African society and how it resonates with other African countries (Walker-Said, (2015);

Wells & Polders, (2006); Akanji&Epprecht, (2013). An example of such a harsh response from the public is illustrated in the following extract from a respondent's narrative. The following extract includes the term "booo" by which the respondents illustrate the humiliation or shaming sounds that people in pubs would make when they identify a sexual-and-gender minority:

Respondent: "Auhhm... I think I experience a lot of hostility because I have been called names and even in the clubs people boooo you on day to day even when you are walking around, people are still prejudiced, we are still yet to fight for our rights".

Concerns about sharing scarce resources have been a prominent rationale for violent attacks on migrants and this phenomenon is common in the less privileged communities of South Africa as Nkealah, (2011) confirms. The respondents of this study have affirmed this theory as their narratives describe a pattern that shows more experiences of homophobia in the townships than in the suburban areas. However, this pattern is not clear cut because some individuals in this study showed that one needs to be careful in all locations, as the general public in most African societies can have negative attitudes especially with the influence of culture which transcends geographical or economical barriers.

There were exceptions where individuals experienced hostility towards them regardless of where they stayed, and evidence of this is illustrated in the following extract of a respondent's interview.

"Sometimes people say bad things when they see you pass but just keep quiet y..You don't know them,...you know what I mean...like yesterday somebody by my flat said something bad to me and attacked me and I reported them to the police."

Researcher: "In your neighborhood where you stay..."

Respondent: "Mmmm... (nodding) yes..."

Researcher: "Do you think the police respond accordingly once they realise the complaint is related to you being gay (or your sexuality)?"

Respondent: "It depends, uumh...the police that I toldhe was a good person, so he gave me a letter to go to the hospital because I was bleeding too much. I, I came ... and they told me that if the guy comes back I should go back and report him, but I didn't find this guy who attacked me. And then four days later, the police came and they started shouting at me saying why didn't you come back to the police station, we told you to come and report if the guy is here, how can you open a case and the person who committed a crime is nowhere to be seen and you are not telling us where he stays. I told them... I don't know, how can I know about someone who attacks me... he used to stay here at my flat but it's a big flat so I don't know the room number... it's like when this guy saw that I am going to report the case... he run ..away from this place."
(Zimbabwean gay man)

Another interesting aspect in this individual's experience is how the police officers could not follow through the case very well. However, they showed some concern in that they responded to the respondent's complaints. This instance shows that some police officials provide services in line with their mandate to protect people regardless of their sexuality because they were willing to confront and perhaps charge the perpetrator, as the constitution requires.

This incident could be an isolated one where African sexual-and-gender minority asylum seekers and refugees are protected by law enforcers

(particularly in this situation the police officers). Most respondents shared stories about their experiences of lack of support from these officials; instead they end up being abused. Based on the studies done globally on issues of sexual and gender minorities, certain geographical areas have been highlighted as being an issue in terms of the levels of general cultural views and the influence this has on the attitudes these societies have on sexual-and-gender minorities (Luibheid, 2008). On a global scale heteronormativity has firm roots in African societies as compared to the liberal views of some western countries and political parties. Mugo (2013) highlights this by addressing the gaps African societies - such as Malawi - face in attempting to include sexual minorities. In a rather similar manner the findings of this study indicate that to some extent the more conservative and underprivileged communities are, the more reluctant they are to accommodate individuals of the sexual-and-gender minorities when compared with the more relaxed suburban locations. The following extract of a real life example is from the study's interviews and is indicative of homophobic attitudes in one of the township communities of Johannesburg.

"I have been long here in South Africa and it has been bad, but yoh during that time. . . I . . . I..could only I myself in my room because it was dangerous on the streets, because of the mentality people had out there in the location (Township), they wanted to wipe out foreigners because they are taking their jobs" (Transgender woman from Botswana).

"In the townships it's worse than in other areas because people are violent there... (coughs) ..There is xenophobia they can even rape you...it's like you are an animal" (Zimbabwean gay man)

4.4 Xenophobia and sexual minority asylum seekers.

Some attitudes by South African nationals and officials indicate their displeasure in the fact that the state protects the rights of themarginalizedsexual minorityAfrican foreign nationals. Specific comments like “...*you think South Africa is a dumping place for gays and lesbians?*” are indicative of the level of how much the majority of the society is negatively responding to the positive state sexual minority laws as (Akanji&Epprecht, (2013) recounts and also highlighting how the sexual minority rights have been dominating current important debates even in Africa. The above example illustrates a caption from a respondent’s story of his interaction with the RSDO at Home Affairs. The negative attitudes - such as the one referred to above - are not only uttered by officials but much of society shows a sense of unwillingness to integrate with sexual minorities in general as respondents to this study revealed. For instance, the recent uproar about underprivileged South Africans' dissatisfaction with the state's pro-migrant policies that, in their reasoning, results in migrants taking their employment opportunities and small scale income generating ventures.Nkealah, (2011) also reveals that underprivileged citizens are only responding violently against African foreign nationals (migrant) because they stiffen the competition for the already constrained resources. The consequences of these sentiments as well as similar attitudes have led to some of the most devastating violent attacks on African foreign nationals the worst ones being in April 2008 in Johannesburg’s Alexandra Township as well as parts of Soweto and the most recent ones in Durban, Johannesburg’s Jeppetown, Soweto and Alexandra areas.

Like most African migrants, African sexual minority migrants regard South Africa as their place of refuge. However, they have challenges of

internalizing the idea that this is their home; it is even more problematic for them in that their vulnerability is compounded by the fact that their sexualities and genders preferences are frowned upon at least by the general society (Amnesty International, 2014). Evidence of similar sentiments by the study participants can be seen from extracts of narrations from the interviews. The integration process of foreign nationals in South Africa has not progressed smoothly (Landau, Ramjathan&Singh, 2005) and similarly African societies in general have not assimilated the reality of openly accepting sexual-and-gender minority individuals (Tamale, 2011). Therefore, this study has consistently been in accord with previous studies findings; responses indicated experiences and fears of respondents being victims of violent Afrophobic as well as homophobic attacks.

Based on the narrations as indicated in the captions above and below, it is evident that many participants have been affected by the reality of xenophobic violence in this country. Xenophobic violence incidents in South Africa have put the country's integration policy in extreme jeopardy(Klots, (2000). The xenophobic violence - as well as general attitudes - contributed immensely to various respondents' inability to integrate in this country. In this example of experiences it is clearly understood that the anti-immigrant violence breakouts in various sections of Johannesburg and recently Durban have targeted African black migrants, which leads scholars to argue that the term Afrophobia would be appropriate (Ncube, 2015). This study focused on exploring the experiences of African sexual minority asylum seekers specifically with the intention of understanding their everyday lived experiences in a

country with a progressive constitution, although having a conservative and exclusive society has made most of the study's experiences not pleasant as Mgbako, (2016) gives accounts of the various kinds of stigma, . The Afrophobia theory is a fitting explanation of this study's findings, in that most of the violence encountered is targeted at these African sexual minority migrants who are trying to seek asylum whereas, similar migrants from other parts of the world are not usually susceptible to this kind of violence. However, for the purpose of this study's analysis, the term xenophobia is utilised, despite the fact that it is focused on African sexual minority migrants who are affected by these perceptions and ultimately, violence.

In most interviews, respondents gave their idea on how receptive the South African community is for foreign nationals. They also felt that there is a disjuncture between how individuals interact with African sexual minority migrants and the prescripts of the formal integration policy that, in Africa, is unique to South Africa. Participants of this research exercise stated that they have been subject to xenophobia even among the sexual minority marginalised nationals. The idea of South Africa being a better place for African sexual minority asylum seekers is compromised by the reality of the widespread xenophobia as elaborated by one of the respondents in the next excerpt:

"I have some bad experiences with the gay people here in South Africa saying that we are trying to upstage them, it was in this bar that I was attacked ...I still have scars in my head...(takes the hair piece off and shows the scars)....they say wena' .you think you are all that, we know you are not from here, they started making fun of my country..they said ... ahh your country Botswana is a boring place, its messed up they cant

even take care of their own people.. you feel very dirty like you are not part of them...they make you feel ..-like a foreigner..."

In this interview the respondent explains that he underwent his ordeal of xenophobia as a minority within a minority group, and it was basically life threatening. This excerpt shows the severe extent to which xenophobic attacks can go. The participant in this particular example showed emotionally how this incident and many others (some not xenophobic) have affected his daily interactions with people. Another interesting aspect emanating from this narrative, is the way experiences of xenophobic violent contribute to the disintegration of the migrant and national communities in that victims feel even more de-humanised and alienated. As a result, African sexual-and-gender minority asylum seekers and refugees continue to live cautiously as African migrants and as sexual and gender minority individuals from Africa. This account proves the same point in terms of the varying aspects such as HIV/AIDS, sex worker and participants reality of being sexual minorities that subjects them to more discrimination in this destination community (Mgbako, (2016).

4.4.1 Location as a factor in the abuse and xenophobic attacks on LGBTI asylum seekers

An observation was made in this study that much of the exploitation of sexual-and-gender minority migrants in South African society occur more in certain geographical locations than in others. Jost et al. (2010) confirm that the majority of underprivileged people living in townships and informal settlements where human rights abuse such as, violence - not only on sexual minority migrants but general xenophobic attacks on foreign nationals - are prevalent. Basically, the realities of holistic challenges driven by marginalization in these host communities are

argued to be reinforced when other victims, and especially the undesired foreign African sexual minority migrants are added to the equation. Although their study was not specifically aimed at analyzing violent xenophobic attacks on African sexual minority migrants, Landau et al. (2005) makes similar observations around the reasons for the intensity of such violent reactions in the underprivileged sectors against minority groups - such as foreign nationals - in post-apartheid South Africa. Most respondents who are relatively underprivileged reported experiencing violent attacks on them. As part of this pattern, occasional attacks on African sexual-and-gender minority migrants are encountered in these communities, as narrated by some respondents in this study.

However, one respondent revealed a violent attack on him as a result of his gender/sexuality from an unsuspected area in the city of Johannesburg. This encounter indicates that these attacks may occasionally be experienced in other areas that are not necessarily severely underprivileged.

Respondent: "Yah...like I said there is homophobic people out there but its better than Zimbabwe...at least gay people are free yah...sometimes people say bad things when they see you pass but just keep quiet y..you don't know them,...you know what I mean...like yesterday somebody by my flat said something bad to me and attacked me and I reported them to the police".

Researcher: "In your neighbourhood were you stay...?"

Respondent: "Mmmm... (Nodding) yes..."

Researcher: "Do you think the police responded accordingly once they realise the complaint is related to you being gay(or your sexuality)?"

Respondent: "It depends, uumh...the police that I told.... he was a good person, so he gave me a letter to go to the hospital because I was bleeding too much. I came.. and they told me that if the guy comes back I should go back and report him, but I didn't find this guy who attacked me. And then four days later, the police came and they started shouting at me saying why didn't you come back to the police station, we told you to come and report if the guy is here, how can you open a case and the person who committed a crime is nowhere to be seen and you are not telling us where he stays. I told them... I don't know, how can I know about someone who attacks me... he used to stay here at my flat but it's a big flat so I don't know the room number... its like when this guy saw that I am going to report the case... he run ..Away from this place.

So the laws of this place are going in line but when it comes to public spaces.. ^they should teach people how to treat gay people and that police that they shouldn't be harsh. Because you find other people who are curious and other people who are homophobic... its hard sometimes even when you get sick...for you to get treatment, they treat you badly even when they know that they are not allowed, so you end up confused."
(Zimbabwean gay man).

Below is the narration from the study's respondent's experiences during the period of the 2008 xenophobic attacks in the township, which is relevant in this research because other respondents also indicated how devastating this series of attacks was. Other participants who shared their experiences of xenophobic attacks were relatively new comers in the country as compared to the participant quoted in the extract below. Interestingly, xenophobic forms of violence have been in existence long before the massive attacks were experienced in 2008, just as Klots, (2000) and Reddy, (2001) studies proves. The following participant

narrates his experiences in terms of the fears and concerns he had concerning the reality of xenophobic attacks in this specific township located in Johannesburg city. The townships seemed to be more dangerous, with various violent attacks immerging in a short time-span fueled by the resident masses that have various kinds of complaints about the manner of neglect they endure from service providers. In this example, the participant explains how people he has interacted with justify their brutal acts by blaming their lack of employment opportunities on stiff competition with the migrants. This claim resonates with Sharp's, (2008) findings on the enquiry done to locate the general publics rationale behind the devastating xenophobic violent attacks incident of 2008. This brings another dimension, compounding the problem further because it meant that underprivileged migrants will be undesirable in this country owing to the competition for resources and ultimately placing the already vulnerable sexual minority asylum seekers at a more disadvantage to have their asylum applications considered and also to be accepted in the general community. The respondent talks about how dangerous this particular situation was as he stresses that he kept himself locked up in his room, the intensity of this reality could be seen from his eyes which became teary as he recounted his experience.

"Even here people can harass you there is xenophobia. I have been long here in South Africa and it has been bad, but yoh during that time . . . I . . . I could only I myself in my room because it was dangerous on the streets, because of the mentality people had out there in the location (Township), they wanted to wipe out foreigners because they are taking their jobs'"(Transgender man from Botswana).

4.5 Perceptions about “home”

Another aspect that stood out in this study was the aspect of the connection and the meaning of “home” to the African sexual minority asylum seekers in South Africa. Earlier in this discussion the aspect of freedom from all kinds of persecution has been stressed, and this is one underlying reason why individuals in the minority sexuality and gender groups decide to flee from their “home” countries. It is vital to understand the experiences of African sexual minority asylum seekers and refugees in a holistic way. Therefore, this section focuses on how respondents tried to highlight the fact that their sense of obligation and belonging to their families is quite strong. This perception goes beyond the differences that individuals experienced - or continue to experience - at the household level concerning their sexualities and genders. Contrary to the literature on sexual-and-gender minority asylum seekers in African societies that sometimes “home” means a place of psychological and sometimes physical torture, the revelations of most respondents in this study indicates that these individuals could be detested by general society but they are valued in their personal households as providers. Respondents showed some form of obligation to contribute or showed concern about the well being of their families as a way of staying connected. In the same vein, although from a different perspective of gender and migration studies, Webster (1998), confirms that the feminist theories about how migrant black women (who are the focus of Webster’s 1998 study) are viewed to perceive their homes and families as victims of persecution, but this is not so. For instance, contrary to the understanding of feminist interpretation that homes are largely a place of inequality and persecution as a result of deep patriarchy attitudes, when asked, these migrant women indicated that home provides a unique source of comfort and support

from their societies' inequality challenges (Webster, 1998). From another perspective, African queer theory is viewed from the perspective of contribution culture, family, colonisation, faith neoliberalism and other factors that have played a part in shaping the intricate facets of African sexual-and-gender minorities' oppressive and “closet” (secretive) conditions (Nyeck&Epprecht, 2013). Although, this theory speaks to the underlying contributing factors of the challenges most African sexual-and-gender minority asylum seekers and refugees in South Africa experience from their home countries which led to their migration decisions, they, like any other asylum seekers, long to live and belong to their home societies. As one respondent for this research, a transgender from Botswana described:

“even when I am with Zimbabweans I don't feel...free because I don't trust people because you don't know ukuthi someone will cause you trouble’. Even if you around..

Nigerians...whatever, there is such a feeling that you are another person in another country I see myself under Pressure.

I am not free, even today there was a guy he left the car and I kept thinking if it was at home, I wouldn't feel so scared of hugging out with people. Some of them tell me ukuthi wena.. 'you are tall and dark you are not fit to be here in South Africa...yah....so those are the challenges. . . .yah.. . . South Africa... (sighs).

It's a nice place and all that... ..sometimes I just want to go back home or talk to my family back home, but I will not be free to be who I am'

*I want to go home but I don't want to go behind the door, I want to have the right papers so that I can go home and come back. Because without papers the home affairs would be like why did you come back to South Africa what... you are bringing this "sh*t" (swear word) in our country, you are messing up this place.*

So I just stay here even if I don't have the papers because I have a job...you understand...I send money home when I want to... but I miss home we have loved ones at home, I miss home also...you understand I miss...my mom's home cooked meal...I don't even know if my uncles are alive... (emotional)"

Researcher: "mmmmh?"

Respondent: "It's the treatment at the home affairs that discourages me to go there, because of being gay they treat you like..ohh you here because you want to be "stabana"why didn't you just go to Pretoria... .so you start using somebody else's I D pretending that you are South African and you are not....you know. But I miss home, I miss Francis Town, I miss SelebiPikwe, I miss all those places, I used to have fun there ... I have been in South Africa for 16 years can you imagine that."

Researcher: "Don't you meet people from home?"

Respondent: "I do meet people from home, when they see me they say hey wena what are you doing here, you know like judging me"

The following is part of the evidence from the data collected for this study indicating how more African sexual minority asylum seekers view their “homes” from this study. Being isolated from some kind of group - such as one representative of one's identity and one's sense of belonging (national identity broad as it may seem) - compounds the level of

vulnerability for migrants. Respondents of this study confirm this through their various experiences. Basically a theme of violent exploitation has recurred in this study's interviews with the African sexual minority refugees and asylum seekers and their minority genders and sexualities largely contribute to their vulnerability. As previously discussed, these various versions of violent abuse are sustained by negative attitudes towards the most vulnerable groups of the host society, especially these participants, in that they are in the minority genders and sexuality groups. The following interview excerpt presents an example of the real life occurrence of exploitation and the consequences of being an underprivileged minority. It leaves individuals with few choices for survival in a foreign society. Additionally, this extract also shows how some individuals feared being sent back home because they are trying to sustain their lives in South Africa as asylum seekers.

“So I am scared that may be they might send me back home to Zim.so I just do it. Mmmm sometimes nama clients akona.because you will be going with people that you don't know to make imali (money) to survive. Because you know that I have to send some money at home for example I have got brothers that are going to school and cousins back at home which I am like the bread winner and like I have to send something and I have rent to pay here and I have to put food on the plate.” (Zimbabwean transgender woman)

Interestingly, some respondents indicated in their experiences that their families treated them with condemnation with regard to their sexuality and genders. In some cases this led to verbal and/or physical torture; however, these respondents are not deterred from having a sense of obligation and connection to these families.

Below is an illustration from this respondent's story about the persecution he experienced from home.

Respondent: "... (cough) ...yah... when I was done with my grade 12 ... I was just staying at home. I used to do piece work at the salon back in Zimbabwe ...by then my mother started treating me badly ...may be it was the kind of job I was doing at the salon, she started calling me names ..like "imbwa" because my mom is Zambian she says this means a dog...."

Researcher: "...mmmuhh...and then what happened?"

Respondent: "Its like my mother knew I was gay, so she liked my sisters more than me. I had to find a way of getting a job or go to South Africa Jozi coz I hear people saying good things about it ...yea...so you know I head from the salon guys who told me about someone who needed people to help her with braiding hair. I contacted her and she said I can come. So ..musi I thought if my mother can give me a hard life ,I don't stand a chance if other people attack me..Yah ..that's what happened at home "

"The Nigerian boss promised to loan me the money and I had no choice but to work for him and he said he liked the way I plaited ama "cornrows "(braids) but he never gave me the money he just paid my salary,..it was just enough for rent and food and I had to send money or groceries back home." (Zimbabwean gay man)

4.6 Interactions with Home Affairs Officials

One of the important aspects of the study, and certainly the paradox of the investigation, is the relationship between the real lives of African sexual-and-gender minority migrants and the provisions of the migration laws is that it is questionable whether the liberal pro-LGBTI South African laws reflect the way services are implemented at the Home Affairs department and other law enforcement entities, and indeed by society in general. De la Hunt & Kerfoot, (2011) expresses similar concerns in their analysis of the South African migration law by arguing that implementation of adequate legislature is only the beginning of the task to fulfill the universal human rights mandate, but the will, or the capacity to implement it correctly completes this cause. This situation was explained in the real life experiences of respondents as disclosed in their interviews conducted in this study.

This section discusses the findings after examination of experiences of the participants with Home Affairs officials and the police. In this study, participants' experiences were found to have varied quite widely. Although some interviewees have successfully secured their asylum status, they aired concerns about how the process of acquiring these papers is characterised by exploitation (specifically bribery). Some respondents however reported that they had acquired their documents with relatively fewer challenges.

According to this study sexual-and-gender minority asylum seekers' experiences with the Home Affairs officials were to some extent similar but it was also varied and this situation warranted deeper investigation. Interestingly the general conscience of the reality of this interaction is usually viewed as one, which is influenced, by marginalisation, humiliation and exploitation (in form of bribes from vulnerable asylum seekers). The majority of respondents admitted in their narrations that

these forms of injustices are rife at the Home Affairs. CORMSA, (2009) also verify such claims after interacting with African sexual minorities who participated in their study.

An explanation - given by some respondents for their preference to avoid basing their claims for asylum on their sexuality despite being fully aware that South Africa has their legal backing through its pro-sexual-and-gender minorities migration laws - also corresponds with other studies, for example Amit (2011). Some participants in this study indicate skepticism towards utilising the privilege of claiming refugee or asylum status based on their sexuality by citing economic or political instability as the basis for their asylum application. Montello (2012) also elaborates on similar situations as he describes some of the experiences of African gay men in Johannesburg.

Exploration of the everyday encounters of the participants of this research brings forth other vital aspects of their existence in South African society that are generally experienced by other marginalised groups of people. This is important because not only was the data collection meant to answer the guiding research questions, but also to raise other important issues involved the everyday lives of the African sexual minority asylum seekers in this society. Participants of this study talked not only about their encounters at the home affairs department, but they also referred to particularly challenging intricate situations for migrants as well as marginalised people in Africa. This includes the ongoing battle with the HIV/AIDS epidemic, Peculiar to this study's participants was the aspect of the sense of belonging as well as the issue of freedom as sexual-and-gender minorities whose gender and or sexuality is a highly contentious subject in both the hosting and sending cultural societal perspectives. A

continuation of the analysis of relevant aspects from the interviews is contained in the following segment.

4.7 Lengthy asylum document processing time and bribes

There was also a notable percentage of respondents who have opted not to pursue the privilege of claiming asylum based on their sexuality or gender in this country, even though they are aware that they are entitled to do so. A number of these respondents claimed that this was because the system process discourages them. The reluctance to claim also depended on how they migrated to this country; they fear being deported back to their home countries, because as Marin, (2016) claims, the system in most cases associates asylum seekers to illegal migrants and sometimes applicants have experienced bad treatment owing to such views. In such instances where some individuals crossed the borders through irregular means, they fail to seek asylum or in some cases where they do and their applications drag on, this has led them to having stayed too long without seeking legal permits hence making them illegal migrants and they just avoid crossing the borders again, as one respondent recounted. Amit & Kringer, (2015) have also recently done studies on similar concerns of properly documenting applicants or deliberately denying them that right by taking longer periods to process these applications rendering the applicants illegal migrants. Besides this issue, Marin, (2016) also notes that the asylum and refugee status determination entity at the Home Affairs Department lacks properly trained workers who would appropriately interpret these asylum seeker and refugee applications. Despite these negative examples from the respondents' stories, there were respondents who narrated positive and

encouraging stories. This group adds an important variation to the experiences of sexual minority asylum seekers that should not be ignored.

The participant named 'Mulumba' further indicates how lucky he was to obtain his papers even if it took a long time and he was forced to offer a bribe. Based on his explanation, it appears that asylum seekers from West Africa are not granted this status easily. Mulumba's response reveals that in some instances social perceptions of the respondent's nationality may also play a role in the way their asylum application is responded to. In this instance he was asked for bribes and also underwent unnecessary complications in the process when officials specifically told him that applicants from his part of the continent do not easily acquire asylum papers.

Researcher:.. "mmm...and then what happened?"

Respondent: "they said that they are not offering asylum to Cameroonians and Nigerians." (Mulumba Cameroonian gay man)

George from Nigeria also recounted similar experiences in an extract below although he was more elaborate in explaining how migrants applying for asylum become vulnerable to the abuse of officials. The two respondents narrated how the asylum papers are not usually obtained when applications are launched. From the accounts given by these two respondents, it is evident that the Home Affairs officials can manipulate the asylum application process and can make it become lengthy and complicated. The result is vulnerable asylum seekers having limited options; hence have to succumb to exploitation in order to obtain proper documents. In the excerpt below the respondent talks about "giving something" to the officials to process the asylum papers. The implication

here is that applicants, through coercion, pay substantial amounts of money in the form of bribes.

Respondent: "so when I got there, I didn't get it for that day it was not easy coz there was a lot rush and I think the problem in the Home Affairs the one in Pretoria is that I think they are not organised and again I think they have gotten to the extent that they don't really give asylum just like that.. yah they give but you have to pay ..you have to.. you know make a plan".

Researcher: "mmmm"

Respondent: "yah you have to give them something for them to give you asylum. Because its so crazy like even when you go there,..The way they are treating us foreigners like for getting asylum ..I know its a free thing like you know.. and stuff like that, so as in the way they treat us foreigners like as if we are dogs as if we are goat and all that you they push people, they beat people, they even chase them away like, they even decide like okay I am not giving you people you know.. stuff like that. So the first day that I went there, I didn't get the asylum, that was on Thursday and I you know ..did all the necessary stuff , they got my umm..."

Researcher: "so sorry you say you didn't get asylum..dido you..could you not just get it?"

Respondent: "I didn't ..I didn't get it ..because they gave me for my further form and they asked me okay they are not going to give us today like it was late and they had to close and all that and blablabla, you know they make up a story so I left that Thursday hoping for the next

Thursday. So the next Thursday I went ..I got the asylum but getting the asylum wasn't easy."

Researcher: "mmm"

Respondent: "coz I know what I have gone through I know the way they..they asked to tell us to stay in the sun before we come in..you know they ask you to stay in queue. you know even to stay in the right queue you have to pay, you have to make a plan,..they are some guys there which call themselves you know.. cops.They don't wear cops uniform, they feel ..okay for you to stay on right queue, so that ..that right queue they can firstly take you guys inside and you know stuff like that and you have to make a plan and. .. you know it wasn't easy for me to get the asylum I have gone through a lot of stress which a lot of people are going through right now."

Researcher: "mmm"

Respondent: "so it wasn't easy/"

(George Nigerian gay man)

The above participant's version of what happens at the Home Affairs office is similar to Mulumba's, although this one is more detailed with some interesting themes in his narrative that are discussed further below.

Similar to Mulumba, George (a Nigerian gay man) had to pay a bribe to an official at the Home Affairs department for him to be in a "correct queue" for processing his asylum papers. This participant narrated the ill treatment he experienced and observed other foreign nationals go through at the hands of officials at the Home Affairs department. He explains the term "correct queue" as referring to the queue that the officials made that composed of individuals who had agreed to negotiate some form of bribe

for the services they received in their applications. Specifically he explains how individuals were physically abused by beating or being pushed back and forth as well as being made to endure the torture of waiting for long hours in long queues without any protection from the weather elements.

In almost all instances these respondents indicate that they have had to pay bribes or organize favors to have their papers processed. These bribes and favors had to be extended not only to one person but sometimes to several people in charge of the line leading to the front desk officials. Apart from bribes as already indicated, some responses in this study show that applicants experienced sexual exploitation as well. This is illustrated in one of the response narrations, although the participant's narration in the excerpt above does not show this. These challenges lead to reactions of mistrust and frustration for most individuals in the process of asylum application.

A pattern of avoiding going through the process of applying for asylum has also been observed in the narrations and respondents gave accounts of how they reach this decision. Respondents talked about how the services at the Home Affairs office were time consuming. This was especially applied to participants who were in immediate need to earn some form of income for their survival, as they had no reliable social networks. In some instances respondents ended up with expired documentation, making life in a foreign country even more challenging. This caused some asylum seekers to just leave the country and come back in with more days on their permits so that they could pursue the asylum seekers permit process.

On examining this situation, it was observed that asylum seekers from neighboring countries often give up - or do not attempt to apply for this

status legitimately at Home Affairs and that many participants especially those coming from far countries are willing to endure the undesirable process just to obtain the correct documentation. Participants who have resources to have their visas renewed resort to that option after experiencing poor service at Home Affairs. There are instances of participants who tried to follow the right procedure. However; their interactions with the officials were marred with abuse by these authorities as elaborated on in the following excerpts:

Researcher: "Yah...so how are your asylum papers?"

Respondent: "Ahh...my papers are not okay, I don't have them, but I am scared to go to home affairs, because eee...when they know that you don't have papers...yoh they harass you all the time so that you can pay them. This one time one guy asked me about them until I just slept with him so that he could get off my back. Some people would come... you know and grab you...its hard ...sometimes you want to be who you are but you cant...korewhen you live in fear." (Kalunga -Gay man from Botswana).

In this interview the respondent's lack of proper asylum documents was attributed to the poor service and severe abuse of authority by Home Affairs officials. Further, this respondent highlights the tendency of the officials to exploit the fact that they are aware of the predicament of most African sexual minority migrants not having proper documents. Evidently, this narration shows how humiliating and intrusive the exploitation can be by narrating specifically how officials can be physically abusive to applicants. The majority of participants in this research exercise are skeptical about visiting the Home Affairs office for asylum applications because they dread interacting with exploitive and

abusive officials at the department. Corrupt practices and sexual abuse were the main form of exploitation used by officials.

4.8 Sexual exploitation

Sexual and gender minorities including migrants and asylum seekers are among the most victims of human rights abuses in South Africa according to O' Flaherty & Fisher, (2008). This study exercise also highlighted the presence of such experiences especially with officials the in respondents narrations.

These narrations of experiences by participants indicate that sometimes these officers demand sex and, in order to stop them from being bothered further, they just comply as 'Kalunga' narrates. The unfortunate fact is that such exploitation might not even be a guarantee that these individual's applications will be processed or that the whole process will be any easier. Experiences such as these have led to a number of the study respondents and other sexual minority migrants mentioned in their stories resorting to giving up on pursuing their asylum applications. These narratives showed evidence of invasion of privacy, bribes and sexual abuse experiences that underprivileged African sexual-and-gender minority asylum seekers encounter.

The vulnerability of African sexual minority asylum seekers in South Africa is to a certain extent sustained by the fact that these individuals have no support for them to assert their fundamental human rights as a minority social group away from their home countries. Most African states do not support sexual minority individual's rights because they consider this minority's issues as being divergent from the norm; these policies are informed by traditional structures such as culture/religion (Mertus, 2007).

Respondents from different countries reported having gone through some specific exploitation at the hands of individuals at the Home Affairs department. Individual participants from far flung countries such as the West African countries repeatedly confirmed going through the experience of being asked for bribes. Although they avoided discussing the issue of sex, some respondents indicated that sexual abuse was either not a big challenge or the respondents just avoided this issue owing to the painful experiences and taboo aspects surrounding the topic.

It was noticed that some participants were not comfortable talking about sex - especially men - because in the African culture alternative sexuality is considered to be taboo. In addition it is not common for the topic of sex to be discussed with individuals of the opposite gender. While most participants from neighboring countries reported having been sexually abused, West African interviewees usually reported being forced to pay bribes. This can be attributed to the view that West Africans have money and they have connections with fellow migrants from their places of origin with financial resources so they are able to “make a plan”. Reviewing the discussions and interactions we had after each interview, the issue of exploitation emerged hence the recurrent themes that respondents faced were bribes and sexual abuse.

The response by ‘George’ shows his aloofness to his experiences of sexual abuse, and further implies that the officials want money. George prefers to give them that money to speed up the asylum application process. However, ‘Amanda’ the participant from Botswana in her interview reflected that officials take advantage of their privilege to detailed information about individual applicants who through the process expose their vulnerabilities. These aspects are manipulated to an extent where individuals are left with no choice but to succumb to exploitation

at the hands of these officials. 'Amanda' also revealed, "once some officials realise that you are gay, lesbian or transgender (applicable in this case) they start teasing and abusing you". The same sentiments were shared by 'Stan' and 'Zachariah' both Zimbabwean asylum applicants.

This aspect of exploitation by officials charged with provision of services to migrants resonates with Murray and Viljoen (2007). The two writers have reported such claims and advocate against inhuman atrocities committed against vulnerable asylum seekers, confirming the experiences of African sexual-and-gender minority asylum seekers who are less privileged and are forced to use sex to negotiate their freedom and their asylum process, confirming the observations of this study. There is also a pattern of participants who paid bribes, and being from underprivileged income groups because, based on their responses, these individuals have had challenges in raising the amounts of money they were asked to pay for their asylum applications to be processed. In the desperation of wanting their issues attended to and lacking the financial capability to pay, sex becomes the only commodity available for negotiation in such transactions.

The experience of bribery and corrupt transactions is not unique to African sexual-and-gender minority asylum seekers. However, the participants in this study reveal that, officials purposely sexually abused them, especially after knowing about their sexualities or genders. This is an indication that society and every important entity in it perceive the abuse of this group of people as not being problematic. In the same vein, Heise, (1989) also clarifies this by highlighting the reality of the lack of concern and urgency by the general public to the severe ill-treatment which in most instances is either costly or degrading to sexual-and-gender minority individuals. This can be compared, for example, to the amount

of attention similar atrocities receive when they are politically motivated. More clarity of this claim can be seen in the context of recent debates on the need for African states to consider the rights of the sexual-and-gender minority comments made by Barrack Obama (the then United States of America president) during his visit to Kenya. During this visit, the Kenyan president - Uhuru Kenyata - was hailed across Africa as a good leader for specifically stating that issues around sexual-and-gender minority human rights were not the priority for his country (Aljazeera, 2015). This broad statement clearly reflected the broad views of African societies towards sexual and gender minority individuals and collective challenges concerning abuse and exploitation of this clearly vulnerable group.

Additionally, a high percentage of individuals decided not to disclose their real reason for migration and they consistently hid their sexuality and gender related challenges even if they lived discreetly in their home countries as well as in the destination country. This decision seemed to recur in the responses of the study participants from neighboring countries such as Zimbabwe who seemed to avoid claiming for asylum based on their gender or sexuality on their first visit to the Home Affairs. However, a respondent from Cameroon also indicated that he went through the same experiences of events at the asylum office.

One important aspect of people's migration choices is that it is very layered in that they have a number of reasons that led up to their decision to flee their countries of origin although the main underlying reason for the participants of this study was their fear of persecution owing to their gender and sexuality. Therefore before these respondents give the underlying reason as to why they fled from their countries they tried to

give other reasons such as economic hardship and political instability in their home countries.

Most respondents attributed their reluctance to claim asylum not only to the exploitation levels at the asylum office, as Okisai, (2015), D Epifanio, (2011) also indicates in their studies, but also to the fact that they did not want to expose their gender and or sexuality to these officials because they knew that their cases would not be treated with confidentiality or with the privacy needed (which is also another form of exploitation and disregard for these individuals rights). Additionally other applicants in the asylum offices can easily overhear what is being discussed and that could be detrimental in that there might be familiar people in the queues who might pick up parts of the private details of applicants stories and can easily disseminate this information through their social networks and even back to home countries. As a result, some of my respondents especially those from neighboring countries, opted to use their passports because they would want to migrate to and from their home countries for the sake of loyalty and a sense of belonging to families and as such, they intended to keep their gender or sexuality private.

Not all asylum seekers intend to cut their connections with their families. This is why they looked for a way to keep their sexuality or gender preferences private. This is also important because they need their family support both socially and economically. These respondents did not just worry about coming out to their families and societies because of the apparent dangers this may pose both physically and psychologically, but they wanted to stay cautious about revealing their sexuality and gender so that they maintained as well as fulfilled their responsibilities of contributing to enhancing the welfare of their families. Therefore, Nsibi's

(2014) theorisation of the concepts surrounding the minority genders and sexualities in an African context tends to support the study's understanding of a form of sexuality and/or gender preference that does not conform to the norm, by keeping it away from public knowledge. Participants also clearly stated their intention to belong and stay functional within their original societies as part of their justification to keep their true sexuality and gender preferences hidden.

Strikingly, the following excerpt illustrates a participant referring to the sexual-and-gender minority asylum issues as a political agenda - giving an important view of how in some instances society in South Africa has interpreted the legal human rights of the sexual minority on the continent and around the world. Thoreson, (2014) in relation to the respondent's narration, explains how current homophobic views and attitudes could be a product of these states political economy aiming at enriching activists and therefore critically raising concerns of their solidarity and responsibility.

Researcher: "So what happened at home office?"

Response: "At home office ..what happened is that ...I tried to apply for asylum and the guy...ahmm I think he is , homophobic he doesn't like gay people ...whereby they view gay people as a political agenda by the government... .and that sort of thing".

Researcher: "And then...what happened?"

Respondents: "I went back to home affairs... at that point my passport had expired already, for me to get a job it was very, very difficult.. so I went back home."

Researcher: "okay"

Respondent: "And again with the time of the year it was going to be very difficulty... because if police finds you they can arrest you."

Researcher: "So at the moment you don't have asylum papers?"

Respondent: "No I don't have".

Researcher: "What do you hope to do in this situation?"

Respondent: "But then again I cant go back home because if I do I will be jailed so its better I just stay here because going back there... hey to stay there you won't be free."

Researcher: "What do you mean being jailed?"

Respondent: "You want to be free, like you want to be free with yourself like you will be living a lie"(Zimbabwean gay man)

The above narration is much like other participants' ordeals with the officials at Home Office, however this respondent raised an important issue about how the issue of the sexual-and-gender minority migration debate is potentially viewed more as a political agenda than a human rights advocacy issue. As Epprecht (2004) suggests, there is a significant perception in the analyses of the African sexual minority advocacy debates to be more of a "gatekeeper" state, in that African societies are intolerant of minority individual's sexuality rights. However, they are compelled to protect these rights by the political "super-power" states. Basically, state employees were trying to be tolerant to this participant because they are fulfilling the constitutional mandate. Given an option they would act differently towards African sexual minority asylum seekers. As already pointed out in the previous sections, the same South African mandate that other theorists view as an imposition on this country

by the west, is viewed by other theorists as a proof of commitment and thus a source of hope for sexual-and-gender minority individuals trying to seek asylum in South Africa (Tamale, 2011). Although this participant is aware of the extent of homophobia in African societies, he actually feels that staying in South Africa would be more suitable owing to the liberties available to him in this society as a sexual minority individual rather than his own home country (specifically Zimbabwe in this case). To stress the lack of freedom he expects for someone like him in Zimbabwe, he refers to the dire consequences of such intolerance and the subsequent life of repression of one's true sexuality and or gender (living a lie) as "being jailed". The respondent in this excerpt feels strongly about staying in a country that has some formal recognition of sexual-and-gender minority asylum seeker rights, even if his own asylum application is not processed. The researcher has noticed in her analyses of the data that respondents from nearby countries seem to have expired visas and are willing to stay in the country illegally - fearing to leave the country because they will not be allowed to return. In some interviews respondents said that they would rather leave the country informally, so that they can be smuggled back in the country again. In the study the researcher encountered another scenario provided by respondents from neighboring countries who avoid applying for asylum as a sexual minority in South Africa and instead opt to visit other neighboring countries to extend their visitor's permits. This particular respondent is actually avoiding his own home country as did many participants in this project. Apart from avoiding severe intolerance back home, this participant was very reluctant to face the harsh processes at the home Affairs given his sexual minority.

Zimbabwean gay man account 2

Researcher: "Okay let me ask you this, do you find it easy or.. Let me say do you feel encouraged to go to home office, I mean in an event were you feel like you need to use their services ...may be the information you're getting from people who have been to department of home affairs to seek asylum in this country running away from persecution from home?"

Respondent: "I hear stories from my friends, that they can be harsh....so I wanted to go and apply for my asylum papers but I am scared. I never want to go and apply because I have heard bad things. Now I use my visitors' permit, so I go to Mozambique or anywhere so that they can allow me back."

When faced with similar instances all respondents tend to endure the process of securing legitimate asylum statuses even if they are made to succumb to extreme forms of exploitation. The example below shows how this participant from Cameroon was made to pay a substantial amount of seven thousand Rand in addition to the inconvenience of postponing his case from week to week. Most encounters by these participants involved some form of bribery to the officials to accelerate the process. Given that the issue of poverty plays a part in most of the participants' narrations, individuals from far-flung African countries experienced real challenges to acquire the amounts of money being asked to bribe the officials in the asylum seeking process. For most participants South Africa is an economic place of refuge. They also migrate to this country to look for employment opportunities, implying that they come here without any form of income but they hope to generate it here. Additionally the long distance trips which some of the participants undertake indicates that they have to take detours through some countries en route to South Africa, hence they will have spent some or all of the money they had saved to survive on. As a result they invest in their strong

social networks from their home countries to come to their aid in situations where they are required to pay these unavoidable bribes at the Home Affairs offices.

"To do my papers I went to apply for asylum at the home affairs ...I was given a number for the line and by 4 o'clock on Monday we went to queue coz that's what the man at home affairs told us. My Nigerian boss said I should look after the salon for him so I did not continue going to the home affairs. But I went there again after two weeks and the guy there charged me R5000 and I needed to find that money somewhere. The Nigerian boss promised to loan me the money and I had no choice but to work for him and he said he liked the way I plaited ama "cornrows" (braids) but he never gave me the money he just paid my salary,...it was just enough for rent and food and I had to send money or groceries back home." (Zimbabwean gay man' account)

Like other migrants from Africa, African LGBTI asylum seekers fund part of their journeys to South Africa from their societies of origin, specifically their family groups and therefore have a sense of obligation to not only survive and be economically stable and "successful" in the country they flee to, but they are expected to contribute or support financially to the well being of their families. For this reason most respondents regard having legitimate documentation from the Home Affairs to be very important. This is to enable them be able to secure work and employment here in South Africa.

In some instances according to the responses in this study, respondents feel insecure about revealing their sexuality or gender preferences because

they are aware of how this would threaten their chances of sustaining their jobs or even acquiring a job at all.

(Examples of these sentiments)

Respondent: "In Zimbabwe I was working as a sales man...nmmm..by the time I was living, I wasn't working because the company had closed down. The time I came so I started looking for places and companies to get a job..then I started to work in a restaurant. almost 7 to 8 months it was difficult because it was a part time job."

Researcher: "So do you always disclose your sexuality when you are looking for a job or do you indicate it when you re interviewed for employment?"

Respondent: "Auh. . . you don't disclose because if you do then they don't give you the job or if you are already working then they can fire you and now there is a policy with government to give jobs to South Africans first."(Zimbabwean gay man)

Researcher: "Do you feel free to expose your sexuality, like when you are looking for a job or just at your place of work?"

Respondent: "Nooo I don't mean that kind of freedom ...mmm unless I know the people around me because even here I don't trust everyone. Even at home was becoming suspicious so I was forced to have a girl friend although we broke up. " (Cameroonian gay man)

On the other hand, Mamgo (a gay man from Nigeria) had a different experience in that, when he explained his ordeal to the officers at Home Affairs, they were impressed to see a Nigerian masculine looking man disclosing that he was gay and thus seeking asylum. As a result his

asylum process went well although he had other problems relating to anomalies in his papers because there was a spelling mistake of his name on the documents, which he attempted to rectify unsuccessfully. Mamgo did not indicate having bribed anyone during his process of obtaining his asylum papers or even having gone through an exploitative encounter.

Among African societies there is a strong presence of conservative beliefs and attitudes supported by a real dominance of religious factions. As members of these societies, respondents of this study are aware of the religious response to their sexualities and genders that are mostly detrimental to them. In almost all the responses of this research there is an indication of a struggle in making the painstaking decisions of leaving home to take an unknown journey and ultimate destination, although these sexual-and-gender minority individuals hung on to the hope that their country of destination has policies that would support and protect them.

Importantly, one notable aspect in the studies' interviews was that social connections played a role in the facilitation of every individual's social welfare and migration plans.

In many of these instances individuals did not involve their close relatives for support, neither emotionally nor materially and most respondents said they were cautious about explaining their intention to flee because they might have to disclose their genders and sexuality in the process of explaining their reasons.

Although, these individuals feel marginalised, a good number of them still keep close relations with their families' and they even feel obliged to contribute to their home families' welfare. That is partly why most

interviewees viewed economic stability as cardinal not only for their own individual survival but also for their struggling families back home.

A majority of the respondents expressed the importance of their families' ignorance of their sexualities and genders not only for the sake of their own individual survival interests, but also because they were concerned about their families coping with the shame of their (the respondent) being ostracised, and also giving themselves a chance to provide for their families without the fear of condemnation or by psychological pressure.

Most condemnation and psychological pressure comes from Christian and Islamic beliefs that support the view that individuals in the sexual minority are dirty sinners. Therefore, anything they do and anything that comes from them is contaminated. "God created man and woman or Adam and Eve, so that they shall procreate and fill the earth" is a belief that many Christians would claim as they condemn same sex activities and marriages, justifying their non-tolerance attitudes towards sexual-and-gender minority people.

Van Klinken (2012) elaborates in his study on how the religious imperative is reinforced and applied in explaining logic behind the main conservative religious stance towards calls for sexual-and-gender minority rights in Zambia (Van Klinken, 2012).

This leaves most African sexual-and-gender minority people in jeopardy because most African communities have deeply embedded religious beliefs. As a result, those who manage to migrate and escape their dangerous communities, do that.

Even if migration decisions in most of the respondents' stories seemed to have been arrived at without hesitation owing to the challenges being

experienced in their home societies, these decisions were arrived at after careful planning whether formally or informally. This is because these individuals had to organize their material and social capital for their survival once they arrived in their destination country. Migrants with the challenge of belonging to a minority group, having been shunned by most parts of the society, take great care to choose their social network to facilitate their migration process. Consequently, migrating from one's country proves to be stressful psychologically as well as resource draining, as shown in the narratives in this study.

An example of African society that has been in the limelight of anti-sexual-and-gender minority policy formulation debates is Uganda. The situation in Uganda brought about significant attention to the sexual-and-gender minority community in Africa as a whole, and for individuals in this minority group the attention mostly meant misery as opposed to positive awareness for the masses. By the year 2012 global debates around Uganda's parliamentary introduction of the campaign in support of the Homosexuality bill dominated the media. As already alluded to, this situation did not just expose Uganda's overview on sexual-and-gender minority issues but other African countries' statements or positions on this subject were exposed. An illustration of the anti-sexual-and-gender minority statement of the existing law in Uganda reads as follows: -

'Section 140 of the Uganda penal code states that "carnal knowledge of any person against the order of nature" must be penalized and must be sentenced to 14 years of imprisonment.'

This law also goes on to indicate that, if passed, convicted homosexual conduct could result into a life sentence and or the death penalty could

even be imposed should the perpetrators be charged with aggravated homosexuality “ (Daily Maverick, 2014).

Basically the reality of the Uganda debates concerning the rights of sexual-and-gender minority individuals reflects the severity of the challenges African sexual minority people endure or potentially face in the African societal context from the regional, national levels to the most grass root levels.

In this respect, prominent leaders such as the religious and political representatives in most African societies - including South Africa - have aired their concerns on moral degeneration, taboos and the perception that sexual minority issues advocacy is an example of western ideology imposed on African societies. As a result, these leaders have been advocating for more stringent measures and severe punishment for individuals found to be part of sexual minorities.

For instance in Uganda parliamentarians’ have been known to be insisting on the promotion of the death penalty amendment to the existing Homosexual bill of that country. Another prominent leader, who has continuously shown his displeasure of the existence of sexual minority advocacy and calls for all countries in Africa to follow, is the Zimbabwean president Robert Mugabe. In addition, religious leaders in Zambia have been indicating how the sexual minority goes against Christian beliefs.

4.9 The issue of sex work

It was observed that most of the respondents stated that their plans for their existence in South Africa, either as their destination or transit country, did not unfold as intended. This includes the processing of asylum or refugee status documents as well as these individuals' everyday livelihoods.

In the interviews conducted on the life experiences of the African sexual- and-gender minority migrants in South Africa as this study's focus, the issue of sex work as well as sexual bribes came out often as issues that the respondents frequently encounter. Respondents reported having been forced to have sexual intercourse with either police officials - or in rare occasions Home Affairs officials - who reprimanded them for lack of proper asylum documentation - or in the case of the Home Affairs officials, for ensuring the successful processing of their asylum papers or making sure they were lesbian, transgender or gay.

For instance the following is an example of respondents who were sexually abused by police officials who demanded bribes before releasing them from police custody (as they had no proper asylum papers):

"Sometimes I used to face some difficulties with ...with...uuh...with cops ...because sometimes they would ask for money. I bribe and then you don't have ... and sometimes they would demand i-sex...or they will start calling you names, ukuthi wena ...wena u foreigner....what what...they would say makosha (whore) istabane..."

Forced or voluntary sex work stood out as an economical survival aspect for the interviewees of this study. All the respondents stressed the realities of the harsh economic situations people face in a foreign country particularly in an urban situation such as the city of Johannesburg or Cape Town - where most of the respondents participating in this research had lived at the time of the interviews. Although Nyanzi's (2013), study was focused on the Uganda's context of the predicament of severe discrimination and violation of human rights gender-and sexual minorities who are displaced get into with regards to sex work as well as HIV/AIDS.

Most respondents who either hinted or talked about having been involved in sex work at some point in their experiences here in South Africa showed determination to break out from this form of trade. They indicated in their stories that the work is usually filled with problems such as abuse and exploitation.

Finding institutions that advocate for the rights of sexual-and-gender marginalised African migrants has been a positive experience for most respondents as some of them even confirmed that this has helped them operate securely in their places of work. This includes sex workers who wish to continue in their industry.

4.10 HIV/AIDS

HIV/AIDS was not the focus of this study and the majority of the respondents did not bring up this subject, however, in the few responses it was talked about, it was interesting and striking. This resulted in addressing the reality of marginalised individuals with chronic illnesses particularly HIV/AIDS who happen to be seeking asylum in this country. One important issue concerning the reality of the prevalence of

HIV/AIDS in Africa and migration issues is that it creates another dimension in dealing with issues of treatment as in South Africa one needs proper documents to access treatment. Apart from the asylum papers aspect, the HIV/AIDS challenge is generally marred with stigmatisation in Africa and this adds to more adversities that African sexual and gender minority asylum seekers have to experience.

Emphasising the necessity to sensitise the healthcare providers and victims on HIV/AIDS Hayes, (2013) focuses on HIV/AIDS, its relation to migration and how vulnerable asylum seekers such as the sexual-and-gender minorities' daily lives are impacted by this situation, especially in sub-Saharan Africa. HIV/AIDS in African societies is still not well understood by government officials as well as the general public. It is therefore largely an unspoken "taboo" illness, mainly owing to its relation to its sexually transmitted nature. Sexual minority migrants with HIV/AIDS shared another dimension of realities for minority sexuality and gender individuals.

Shedding more light on the aspect of HIV/AIDS for sexual minority citizens as well as asylum seekers, Epprecht (2012) explores the challenges of the cultural attitudes of intensified secrecy around issues of minority sexuality and genders being projected in the public health systems as well. Sexually and gender marginalised individuals suffer real challenges where the stigma of the HIV/AIDS illness is concerned because the disease was initially associated with homosexuality in western societies and in African societies it was basically associated with promiscuity before a lot of sensitisation took place world-wide. The unfortunate reality is that the remnants of stigma related to notions of promiscuity are very prevalent and widespread in African societies.

This situation has added to the already more than tripled burden of African sexual minority individuals living with HIV/AIDS. Asylum seekers in South Africa experience serious, and sometimes life threatening, challenges. The relation between the two subjects of HIV/AIDS and African sexual minority asylum seekers experiences is that healthcare providers have to be aware of the needs of people with HIV/AIDS and how crucial their responsibilities to provide services and care for them is to their survival.

The findings in this study's responses proves to the contrary in that these respondents experiences with South Africa's service providers especially the Home Affairs department. The lengthy, corrupt and exploitative complicated process of applicants acquiring their asylum papers leads to individuals - even with their full knowledge of their HIV/AIDS status - to engage in risky behaviors that could result in them catching the HIV.

This segment describes how largely intimate issues for marginalised groups of people such as the African sexual-and-gender minority migrants and other refugee applicants are usually ignored, or not accorded the privacy that they require, by mainstream society which also influences service providers.

Researcher: "So how do you think the South African laws protect LGBTI asylum seekers and refugees in reality?"

Response: "For me I am sure I think something can still be done, because they are some stages when you are gay I law yakona... because sometimes it takes away from your dignity, because they would force you to come to the court, they start laughing at you since you are gay or something...they start saying hey..wena you are gay, because even when you see the South African law it says you have rights. You have so many

rights...sometimes they keep you in a dirty cell with dirty blankets. You have a right to a clean environment and sometimes they lock you up for days and if you are on ARV'shey... .your right to live you don't have it. Sometimes even to make a phone call. . . .they don't give you a phone so that you can call people to get you out...Because if you are on ARV's immediately you are off. You can die, and that's life and you cant communicate with people to help you in the situation. Imagine not drinking medicine for the whole weekend... how many days.... which them they don't see, they don't even know about rights....because most of the times when you tell them about rights they say ... rights... .what rights.”
(Nigerian transgender man)

From these narratives and observations, it is clear that underprivileged African sexual-and-gender minority asylum seekers have real challenges including avoiding exposure to HIV/AIDS virus or managing their health in cases where individuals are already infected. Sexual-and-gender minority asylum seekers in African context have limited choices in negotiating safe sex as a consequence of trying to survive in this harsh social environment. In their narratives, most African sexual-and-gender minority migrants boldly stated that experiences of contracting the deadly but manageable HIV/AIDS virus as well as managing one's positive status is a constant reality. This emerged as an important aspect of this study on these individuals' daily lives in their host society. Thomas et al., (2009) and Nyanzi, (2013) explain how the states in receiving countries should consider sexual minority migrants living with HIV/AIDS as a serious issue that need not be hidden anymore.

HIV/AIDS is still a challenge in African underprivileged social groups and African sexual-and-gender minority asylum seekers are an example of such a vulnerable group of individuals. For respondents who talked

about this issue –such as the ones quoted in the excerpts have their social vulnerabilities increased considering the HIV/AIDS issue and owing to their status in society, which adds another complex layer to their daily lives. These kinds of issues leads to these individuals leading a more “closeted lifestyle” (which is basically a more hidden, taboo and undisclosed sexual or gender identity as well as HIV/AIDS status lifestyle). As a result this poses more practical challenges for general HIV/AIDS prevention measures. Additionally, individuals struggle to structure healthy lifestyle choices into their normal daily living.

Researcher: "mmmm...and then what happened?"

Respondent: "yah...as I said about the problems I had with the Home Affairs department... I explained this story to my then boss Tumi (not the real name). Tumi was a good person but she was on to something.....you see...uhm... because she introduced me to some Indian guy...like the pimping thingTumi had taken the money from the guy before I met him. My issue was that I am HIV positive and I need my papers so that I can go to the hospital....mmm Tumi said she can get them done for me, that she knows some guy from Nigeria who does that for her employees in the salon, coz I am a hairdresser I do weaves and cornrows (braids)."

Researcher: "Have you managed to get on treatment...sorry to interrupt"

Respondent: "yah...mmm finally I am I managed to because I now have papers (I really worked hard to get them) “whispering”, my problem is you don’t have a say in this situation so things can happen ...they rape you , rob you, you cant ask for protection you have no rightsthey call you foreigner or “slut”. People tell you about bad things happening at the hospitals ...like nurses calling you” makosha” so I was scared to go

ku hospital without proper papers plus being gay is a big problem ...ya ne” (Zimbabwean gay man)

Above the respondent emphasises the importance of acquiring proper documentation despite the appalling kind of exploitation that one has to endure owing to the fact that it is directly connected to health services that this particular participant needed as a result of his HIV/AIDS positive status. Besides the burden of being a sexual or gender minority individual, this respondent's serious health issue brings in concerns of stigmatisation as well as homophobia by the health workers. Although, based on this example, the participant had fears of visiting health facilities based only on what he was told; enough people had recounted negative experiences to convince him to be expecting horrible services from these particular institutions. This participant recounts, another source of exploitation and eventual vulnerability, from his own social network, as he talks about his employer (who is a valuable connection), employs him as a hairdresser and secretly uses his services to work as sex workers. The respondent tries to highlight how similar crude incidents have occurred in his life as an underprivileged HIV/AIDS positive sexualminority migrant. He also stresses how the situation he is in further increases his vulnerability which he can not defend himself from. However, some respondents showed that they were encouraged by the assurance provided by the official stance of the state to protect the rights of sexual minorities including asylum seekers, however, they are aware of the reservations that the general public have about integrating with foreign nationals and more so sexual minority asylum seekers. Apart from that they are also conversant with the general perceptions and responses people have towards individuals living with HIV/AIDS as negative attitudes concerning this issue is a reality in the whole continent (kalichman and Simbayi, (2003).

4.11 The work of good policies and the influence of institutions

This section tries to demonstrate how the well-intentioned progressive policies in South Africa have contributed in the experiences of African sexual minority migrants. The implementation of the pro sexual minority policies in South Africa provides a consoling and positive outlook of everyday life for African asylum seekers migrating to South Africa.

However, based on these individuals' experiences in their home countries and the perceptions of the general public in South Africa, it shows that they are still not as free to express their sexualities and expose their gender differences as South African societies are still influenced by the traditional and religious discourses of the past (Tamale, (2011)). As a result, the perceptions of heteronormativity are very part of the African sexual-and-gender minority migrants' experiences. Even if they are aware of how the injustices they are suffering - owing to the personal violation and intrusiveness that some of their encounters have been - they would rather hide their gender/sexualities or flee danger than confront it because they know - and have encountered - how influential societal discourses can be in people's lives.

To clearly illustrate the effect of social institutional discourses on gender and sexualities, Foucault (1999) explains his understanding of queer theory by emphasising that sexuality and gender are anchored in historical, social and cultural aspects rather than the biological origins.

Respondents in this study also showed their understanding of the fact that, despite the backing by good South African policies, the cultural historical aspects of this slightly exceptional African society could mean

that their existence would not be entirely homophobia free. For instance one respondent explains his encounters as he narrates

Researcher; "Basically we would like to know about your story on your experiences backhome ...mmm...and how you got here and specifically how you chose South Africa as your destination."

Respondent: "Uhuummh..(Clearsthroat) ...I I..I came to South Africa ...I..think in..1994..and when I came to South Africa I was lonely ...I didn't have a place to go, I didn't know anyone, I had no friends...you know musi.. when you are in Botswana you hear people saying nice things about South Africa they will be like ...hey.. it's a place to go, its free even during apartheid, but people are free here this may be the reason why I came here in the first place..."

Ahh...(sighs).. the justice was good because you know.. Sisonke helped. It was part of my healing process and legal issues, but...its too difficult when you go to home affairs and you start explaining ...you know...because you are a gentleman and you are saying this....that you wear women's clothes,... .they ask you questions. I tell you there are long queues, its boring even they remove your weave (hair piece or extensions). Its difficult, you know you are being searched its more difficult when you are in this situation ...I mean transgender, they search your bags they start asking why you are carrying womens clothes. Its .".they ask you and when you say you are gay, they swear at you and tell you that 'ooh "wena" you think south Africa is a place is place to come and do your rubbish'.

I tell you like.. when I see people from home I hide like I don't want guys to see what I am doing here in South Africa even when I am at home I can

be free to be who I am but I will be hiding from the side even on the streets."

The South African vision in its policies has been made clear, however there are mixed responses from people and institutions who are supposed to implement these policies, because the parties implementing policy are not only informed by those policies but they are very influenced by their history, traditions and cultures or religions.

The researcher noticed from the respondents' body language and facial expressions - including their choice of words - that they are aware that people view them as sexual and gender minorities because these people are part of society.

For instance, one respondent narrated his encounter with his family (his uncle) forcing him to marry and how he followed through with that particular plan, even though he knew that he was not interested in marrying the woman because he was not attracted to her because of his sexuality. Similarly, 'Mulumba' from Cameroon organised a girl to present to his mom as his girlfriend in pretense because he wanted to appeal to his mom and family as the ideal heterosexual male of his age.

Although there are no respondents from an Islamic background in this research, there is evidence from studies showing how intolerant this religion's beliefs can be towards sexual minority issues as in the Christian phenomenon (Kugle, (2010), Epprecht, (2012), Awondo, et al., (2012).

As a result, secularisation in South Africa plays an important role in not placing any religion's ideals and beliefs as the only guide for societal attitudes, but it is guided by the holistic international standards of human rights. This has largely contributed to African asylum seekers' confidence

in the South African state to protect their interests that other African states are unwilling to protect or even be seen to uphold. As sexual minority individuals they are aware of the feelings harbored by various members of African societies including South Africa. However in South Africa they feel that there is some form of legal protection against individuals and institutions that exploit and violate them.

CHAPTER 5: CONCLUSION

The focus of this research was on exploring the experiences of African sexual minority migrants in South Africa. This study also intended to investigate African sexual minority migrants' everyday existence in the host country and most importantly how the migration laws of this country have impacted the everyday reality of these individuals. There have been other studies to this effect done in South Africa. However, an all-encompassing exploration of personal experiences of sexual-and-gender minority individuals from Africa in this important societal context (South Africa) is significantly under-researched and thus worthy of more consideration as a study area. Although this research may not cover all the important aspects of the experiences of African sexual minority asylum seekers, it might be an important contribution to the literature on sexual-and-gender minorities in Africa. Responses to the issues this particular group raised about the host society need to be attended to. Therefore, understanding the asylum seeking process and life as an African sexual minority refugee in South Africa from the perspective of these individuals is cardinal in this study. Several studies including Amit(2011) and Lewin et al.(2013) concentrate on how the asylum system executes its services along with its flaws and the challenges that applicants encounter as a result.

Quite vital for this study's consideration is the reality surrounding an individual's motivation to embark on their migration process, which is generally to sustain their lives. For many African sexual minority asylum seekers who cross in to South Africa, this is coupled with high expectations of freedom and fewer life threats resulting from their sexuality and gender preferences and the response this receives from

African societies. South Africa gives the African sexual-and-gender minority people some hope because of its having most progressive laws. In addition, it gives reassurance to these vulnerable migrants of a more secure existence in comparison to their home countries. African states are known for their criminalisation of sexual-and-gender minority related issues, which compel individuals who fall in these categories of minority members of these societies to flee when they have both a chance and the resources. The criminalisation of homosexuality in most African societies is compounded by traditional, religious beliefs and attitudes, which emphasise the ideal of heterosexuality as the norm, which they believe is in line with the order of nature or creation. Consistent with this paradigm, Msibi (2014) and Epprecht (2012) reflect more on how societal views are academically interpreted on the contentious aspects related to the divergence of the sexual minority categories from the “norm” of the general societal constructs. Most African religious and political leaders perceive sexual-and-gender minority issues as taboo and that they are a Eurocentric concept imposed on African societies (Msibi, 2014).

South Africa is an interesting target for this study. This is not only for its progressive laws, but the way that society still has conservative attitudes about minority genders and sexualities, which seems to be a paradox. The complexity in this reality affects not only is the implementation of the migration policies of migrants applying for asylum based on their gender and sexuality, but also society in general's perspective on sexual-and-gender minority people. The issue of migrants in this sexual-and-gender minority indicates a different, layered and challenging experience, different from these individuals' original expectations.

“Freedom” was a term utilised in the study to describe the liberal nature of South African society when compared with other African countries

where most sexual minority asylum seekers emanate. The South Africa's apparent conducive atmosphere for the African sexual minority migrants appears enhanced by the legal protections laid down in the constitution. The responses of this study clarified the reality of sexual minorities expressing some sense of liberty in that they can express their sexualities even through simple aspects of it such as dress. This is one of the liberties they would not enjoy at home. The liberty of expressing one's sexuality and gender in this minority category is not always experienced without challenges. As confirmed in this study analysis, sexual minority asylum seekers have encountered rejection and resistance from service providers and society as a whole, with instances of serious life threatening and traumatizing life experiences. This study's findings also show that African sexual-and-gender minority asylum seekers are subject to xenophobia in the country.

The issue of economic empowerment fits in with the extent of vulnerability for African sexual minority asylum seekers as emphasized with the issue of bribes - especially at the Home Affairs department. This study confirmed through most responses that bribery is almost an unavoidable reality at the home affairs offices if one intends to acquire the asylum documents in a shortest period of time. This is necessary for even simple things as being in the proper waiting queue for this process. In addition to the bribery, is the exploitation of the applicants that, according to this study's analysis, can be sexual in nature. Sexual exploitation and rape are some other challenges that the vulnerable asylum seekers have to encounter from society and services providers - such as the police. Basically not all responders indicated that they have experienced sexual violence while seeking asylum in South Africa.

Related to the subject of exploitation and segregation is the aspect of African sexual minority asylum seekers living with HIV/AIDS. The big concern from the responses of this study confirmed that acquiring legitimate documentation was cardinal to accessing treatment for individuals living with HIV/AIDS and to have such an important task progress the input of proper and sustainable implementation from service providers involved is crucial (Epprecht, 2012; Amnesty International Report2008).

One big challenge that African sexual minority asylum seekers have to encounter is that many applicants are being turned down and those who are not they are made to go through desperately lengthy processes to acquire these documents, leading to frustrations and desperate measures to get out this trap.

Amit (2011) and CoRMSA (2009) also confirm that the rejection of asylum applications in South Africa exceeds the number of applications because there are enormous numbers applications that are not successful.

The complexity of the asylum process has led to applicants being forced into engaging in risky behaviors such as sexual bribes (sexual exploitation on the part of people in authority) even with the full knowledge of their HIV or AIDS status.

Another cardinal aspect experienced by asylum seekers has relevance to African sexual minority individuals living with the HIV/AIDS were the law enforcement officials - such as the police - who would randomly check for documentation without which perpetrators had either to have sexual intercourse with them or give them bribes to be released.

The overall experiences for sexual minority asylum seekers are marked with bribes and the exploitation of vulnerable applicants including the respondents of this study.

PASSOP (2011), also reports serious concerns concerning exploitations and the corrupt nature in which Home Affairs in South Africa operates.

Additionally, the process and execution of examining the applicants for asylum when we examine the category of people seeking asylum as a result of their gender and sexual preferences is flawed, based on the narrations of the respondents in this study. If the recommended general standards are to be considered, there is a need to re-examine the whole process and identify and address areas of weakness. One basic concern that emerged in this study is the way that privacy has been violated, especially during the examination interview sessions during the asylum qualification process.

The researcher's findings from the participants' experiences from their home countries correspond with Tamale's (2011) perspective on deeply entrenched conservative attitudes in African societies, compounding the already structuralised anti-sexual minority policy outlook. Strong religious ideals also inspire the non-tolerance of the sexual-and-gender minority people in Africa. Therefore, debates and experiences of African sexual-and-gender minority people as suggested by the findings of this study have not run smoothly.

Sexual minority asylum seekers have different views about staying connected to their families because, although some are completely rejected by their relatives, some still have strong connections with their families. As a result these individuals try to keep their sexuality and gender

undisclosed because, even if they are victims, they understand how their situation is viewed even if they do not approve of these beliefs and attitudes.

When a member of a family migrates, especially from an economically poor country or society, that member takes up the responsibility of enhancing their family's welfare. This is owing to the fact that economic pressures are very much part of the decisions to migrate for these individuals as well as their sexuality or genders.

Most violence against sexual minorities has occurred in low-income and informal settlements, and this study to a certain extent confirms this. Similar to this notion, Jost et al. (2010) confirms that there is lack of tolerance in certain areas of Johannesburg and that this has led to a number of brutal murders and incidences of sexual assault. In this study, apart from one response, all respondents confirmed that they have actually experienced physical abuse from the general public and those who affected either lived in the Johannesburg CBD area and not in the Townships. However, anti-sexual minority sentiments are expressed anywhere irrespective of the geographical area, even at the Home Affairs office and in public domains.

One good example illustrating the positivity of the sexual minority advocacy campaigns in the inner city of Johannesburg is the Holy Trinity Catholic church's efforts in incorporating programs that support this minority group of people in this complex society.

Montello (2012) also elaborates and confirms how positively the presence of the Holy Trinity Catholic church's support for sexual minority people as well as asylum seekers from African countries reinforces their hope for a secure existence and belonging to some religious affiliation in this

foreign country. This is important support for the sexual-and-gender minority asylum seekers in this part of South Africa because, as this study reflects on its findings, there is a significant prevalence of conservative religious negative perceptions of sexual minority people. Similar paradigms are reflected and analysed in Van Klinken (2013) as he discusses the responses of the Christian and political discourses in Zambia to the call to recognise the sexual minority rights as recommended by the UN secretary general Ban Ki Moon on his visit to this particular country.

5.1 Summary

To sum up, the general overview of the findings in this study indicate that as much as the progressive constitution of South Africa concerning sexual minority asylum seekers and refugees has shown and championed political reform, social reform has lagged behind. This is evident in this study's narratives that indicate that even if sexual minority migrants from underprivileged communities feel protected by the progressive policies of the South African government, they are not entirely liberated from homophobic attitudes and violence. However, this study also confirms that South African society in comparison to other African societies shows a level of tolerance to individuals in the sexual minority; for this reason these minorities from African countries usually choose South Africa as a destination country to seek refuge.

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APPENDIX 1: RESEARCHERS NOTES

I had moments of reflection especially on how I relate or rather rethink the initial assumptions I had come up with in relation to the realities of sexual-and-gender minority individuals as asylum seekers and refugees because I had a better insight of the complexities surrounding their real lives not only as migrants but as minority sexuality individuals. As an individual who has grown up in the African societal context which has its deeply imbedded prejudices around issues concerning sexual-and-gender minority members of these societies, I was to a certain extent influenced by some of the prejudiced norms that have been revisited through my interactions that gave me a profound insight about my target population.

Furthermore - and quite central to this study's - analysis is the attention to detail and themes that stand out which qualitative analysis traditionally addresses which educated me on not only the issues I had planned for this study but, also the concerns both verbally expressed or not that are paramount in the daily existence of African sexual-and-gender minority asylum seekers and refugees.

As in-depth structured interviews commenced with the participants, a realisation of how real and devastating sexual-and-gender minority individuals from African societies experiences was observed. Additionally, apart from being real, I observed and experienced as a researcher how emotional and sensitive this topic is for vulnerable sexual-and-gender minority individuals, and the ethical considerations planned for the study have been utilised throughout the study. To familiarize myself with conducting interviews with such marginalised and traumatized respondents, my supervisor and my contact person for my respondents conducted and accessed the interview with me, and although I asked some questions, I was mainly observing how my supervisor managed and responded to situations in the interview professionally. After every interview my supervisor and I reviewed all the issues that arose during the interviews including ethical ones, most especially those which involved referring individuals to fitting specialists for further assistance such as the psychological institutions and legal aid entities.



Research Office

HUMAN RESEARCH ETHICS COMMITTEE (NON-MEDICAL)

R14/49 Chiponde

CLEARANCE CERTIFICATE

PROTOCOL NUMBER H14/11/05

PROJECT TITLE

Experiences of African LGBTI Asylum seekers and refugees in South Africa

INVESTIGATOR(S)

Ms LM Chiponde

SCHOOL/DEPARTMENT

Africa Centre for Migration and Society

DATE CONSIDERED

21 November 2014

DECISION OF THE COMMITTEE

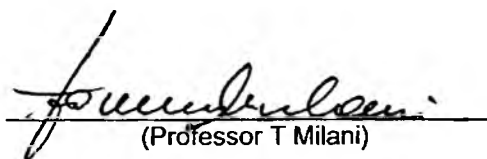
Approved Unconditionally

EXPIRY DATE

15/01/2017

DATE 16/01/2015

CHAIRPERSON


(Professor T Milani)

cc: Supervisor : Prof I Palmary

DECLARATION OF INVESTIGATOR(S)

To be completed in duplicate and **ONE COPY** returned to the Secretary at Room 10000, 10th Floor, Senate House, University.

I/We fully understand the conditions under which I am/we are authorized to carry out the abovementioned research and I/we guarantee to ensure compliance with these conditions. Should any departure to be contemplated from the research procedure as approved I/we undertake to resubmit the protocol to the Committee. **I agree to completion of a yearly progress report.**

Signature

____/____/____
Date

PLEASE QUOTE THE PROTOCOL NUMBER ON ALL ENQUIRIES

Research Participant Information Sheet & Consent Form

Title of research project:

Experiences of African LGBTI asylum seekers in Johannesburg

Names of principal researchers:

Lyn Chiponde and Ingrid Palmary

Department/research group address:

African Centre for Migration & Society, Wits University, 1 Jan Smuts Avenue,
Braamfontein, Johannesburg

Telephone: (011) 717 4698

Telephone: 0832354602

Email: Ingrid.palmary@wits.ac.za

Nature of the research:

Interviews about LGBTI asylum seekers experiences of living in Johannesburg

Participant's involvement:

Consent to participate in an interview

What's involved:

Your participation in this study will include answering some questions about your experiences of living in Johannesburg as an LGBT/I asylum seeker

Risks: There are very few risks in participating in this study. I will ask you some questions about your life and work. You may experience some discomfort in discussing some of the topics in the interview. But, you may find it helpful to talk about these issues with someone. If for any reason you are uncomfortable you can skip a question or chose to stop the interview at any time. If any of the topics discussed in the interview upset you, I can refer you to a counselor that you can talk with further.

Benefits: You may not receive any direct benefit from participating in this study. But, this research will help us to understand the experiences of LGBTI asylum seekers better.

Costs: There are no direct costs associated with this research project.

Payment: You will receive transport money and lunch reimbursement of R100.

- I agree to participate in this research project.
- I have read this consent form and the information it contains and had the opportunity to ask questions about them.
- I agree to my responses being used for education and research on condition my privacy is respected, subject to the following:
 - I understand that my personal details will be used in aggregate form only, so that I will not be personally identifiable
- I understand that I am under no obligation to take part in this project.

- I understand I have the right to withdraw from this project at any stage.

PARTICIPANT:

Printed Name

Signature/Mark or Thumbprint

Date

Person who sought consent

Printed Name

Signature/Mark or Thumbprint

Date