

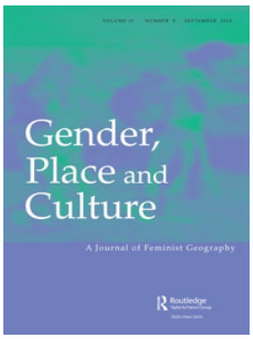
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Competing marginalities and precarious politics: a South African case study of NGO representation of transgender refugees

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ABSTRACT

On the 26th of November 2012, the South African transgender rights organisation Gender Dynamix (GDX), Lawyers for Human Rights (LHR), and the Consortium for Refugees and Migrants in South Africa (CoRMSA) met with the South African states Portfolio Committee for Home Affairs. The purpose of their meeting was to discuss issues regarding the Alteration of Sex Description and Sex Status Act 49 of 2003, statelessness and the closure of Refugee Reception Offices in metro areas. The organisations involved play a critical role in representations and understandings of 'transgender' and 'refugees and asylum seekers' in South Africa, respectively. The meeting offered, I suggest, the perfect platform for organisations who, in their day-to-day work, assist transgender people seeking asylum in South Africa to come together, using the transgender refugee as an intersectional subject, around which their separate presentations might have easily coalesced. Yet, curiously, this did not happen. Extending transgender geographies in the Global South and offering an opening towards a broader conversation regarding advocacy for transgender refugees, I argue that transgender refugees represent a zone of precarious politics for organisations in South Africa dealing with competing marginalities. Indeed, it is not simply that transgender refugees are transgender but transgender and migrants, a dual precarity. This alignment with the migrant body is perceived as threatening by transgender organisations to the already precarious nature of transgender visibility. At the same time, given the increased global precarity of transgender rights, the inverse is true for refugee organisations.

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The Trans Murder Monitoring Project (TMM), started in 2009, collects, collates, and analyses reports of homicides of trans and/or gender-diverse people worldwide. Given that 'precarity is, of course, directly linked with gender

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norms' (Butler 2009, ii), we might call the TMM an archive of trans precarity. The research data suggests, 'in vividly graphic form, that murders of trans and/or gender-diverse people do occur in all six world regions' (Transgender Europe (TGEU) 2009). When the project started, the numbers translated into the murder of approximately one transgender person being reported every third day. However, these figures indicate only those reported, and it is believed the actual number is undoubtedly much higher (Fedorko and Berredo 2017, 4).

In 2017, 69% of those reported murdered by the TMM were transgender migrants (Fedorko and Berredo 2017, 15). However, it is unknown how many were refugees or asylum seekers. Indeed, of central concern to this paper, there is very little presently available data indicating the number of transgender people globally who are refugees or asylum seekers. The only countries which currently provide disaggregated data are Denmark and the United Kingdom. Given the TMM data, which speaks to a kind of global persecution, including the disaggregation regarding migrants, it would be fair to postulate that this number may well be quite significant. It is curious then that this data is seemingly absent.

On the African continent, as one of the six world regions surveyed by the TMM, South Africa is the only country that not only Constitutionally protects transgender individuals but also offers the possibility of asylum through the South African *Refugees Act 130 of 1998*, implemented by the Department of Home Affairs (DHA). Coupled with access to state-sponsored affirming healthcare, this enabling legal environment has long made South Africa, as noted by Sibusiso Kheswa (2014), former director of South African transgender rights organisation Gender Dynamix (GDX), 'a place of choice for many persecuted transgender and gender non-conforming people who are seeking refuge from other African countries' (72). Nevertheless, since the arrival of South Africa's first transgender asylum seeker in the late 1990s and despite the highly publicised arrival of Malawian Tiwonge Chimbalanaga in 2010, very little has been said or done at a state level by either transgender rights organisations or refugee rights organisations to advocate for transgender asylum seekers coming to South Africa (Camminga 2018a). If, as the TMM data suggests, transgender people are (increasingly) under threat and a high number of those who are killed are migrants, the absence of any visibility of transgender asylum seekers as either constituents or stakeholders across organisational spaces, especially in engagements with the state, is conspicuous.

Within queer migration studies, an emergent body of scholarship, concerned with the emphasis placed on asylum structures and the state (Chossière 2021; Venturi 2017) and the focus on these structures in the Global North (Camminga and Marnell 2022), has begun to shift towards considering other salient aspects of migration such as belonging (Asante

2022) family (Wimark 2016) and local integration (Karimi 2021). There has also been a greater emphasis on the specificity of migratory experiences (Hucke 2022; Tschalaer 2021). While some attention has been paid to transgender asylum experiences (Avgeri 2021; Collier and Daniel 2019; Wayne 2016), several scholars have noted it is not nearly enough (Rosenberg and Oswin 2014; Browne, Nash, and Hines 2010). However, the current literature does present two important strands that this paper takes up. Firstly, transgender refugees, perhaps more so than their gay and lesbian counterparts, experience great difficulty negotiating the dual precarity of being both a refugee and transgender (Avgeri 2021; Camminga 2020a; 2018b). Relatedly, the literature also points to the critical role that organisations, as support structures, points of information and sites of safety, play in navigating this dual precarity (Andrade 2018). For organisations, however, as I illustrate in this paper, these issues do not present as dual precarities but as competing marginalities.

This article contributes to this growing literature, extending transgender geographies in the Global South by considering the absence of transgender refugees as a distinct constituency for transgender organisations and refugee and migrant groups in South Africa. Browne, Nash, and Hines (2010) remind us when considering transgender geographies that 'adopting a spatially specific analysis' can help to illuminate the 'very different historical/geographical developments across this broad category' (574). In her overview of transgender geographies, Nash (2010) further stresses the 'need to attend to the specificity of transgender experiences in myriad spaces' (587). Relatedly, 'refugeeness', as highlighted by Chossière (2021), is 'a highly context-dependent reality' (2). I present the South African example here not as something peculiar to the country but rather as a possible entry point into the broader question of how and where we see advocacy for transgender refugees and why, perhaps, it is that we do not.

Furthermore, there is a relative absence of focus in queer migration on the role of organisations. However, given the numbers outlined by TMM, it is worth considering instances in which organisations fail to advocate for transgender asylum seekers as constituents with specific needs as indicative of challenges faced by organisations working at the interstices of transgender rights and refugee rights. These challenges mean that, rather than their dual precarity being recognised, transgender refugees fall through the gap created by competition between recognised constituents: transgender people (citizens) and refugees.

I begin by sketching out the tensions of a November 2012 parliamentary meeting between the South African state, represented by the Portfolio Committee for Home Affairs, and a handful of human rights organisations representing the interests of transgender people and the interests of refugees and migrants, respectively. The meeting offered, I suggest, the perfect

platform for organisations who, in their day-to-day work, assist transgender people seeking refuge in South Africa to come together using the transgender refugee as an intersectional subject around which their separate presentations might have easily coalesced. Yet, this did not happen.

To understand the politics of this meeting, I follow this by unpacking the South African state's ongoing tense and volatile response to refugees and migrants while also highlighting the precarious status of transgender rights in South Africa. I argue that transgender refugees represent a zone of precarious politics for organisations in South Africa dealing with competing marginalities. Indeed, it is not simply that transgender refugees are transgender but transgender *and* migrants. This alignment with the migrant body is perceived as threatening by transgender organisations to the already precarious nature of transgender visibility. At the same time, the inverse is true for refugee organisations. Given the increased global precarity of transgender rights, it might well be perceived as divisive for refugee organisations, already operating in environments increasingly antagonistic to migrants, to openly claim allegiance with transgender organisations or transgender constituents.

Case study

On 26 November 2012, a meeting regarding the Department of Home Affairs (DHA) took place between Portfolio Committee for Home Affairs and three civil society organisations - GDX, Lawyers for Human Rights (LHR) and the Consortium for Refugees and Migrants in South Africa (CoRMSA). Ubiquitous to modern democracies, Departments or Ministries such as the DHA are responsible for issues internal to the state, including but not limited to recording and registering births, deaths and marriages and the legal comings and goings of a variety of differently designated bodies. In addition, they often legislate which bodies are acknowledged as citizens and, by extension, police who may call a given state home. Furthermore, each South African government department has a corresponding Portfolio Committee comprised of Members of Parliament (MPs). As the 'engine room' of the South African parliamentary system, Committees are tasked with ensuring 'public participation in the parliamentary process' and determining whether Departments are delivering on promises (Calland 2007, 89). To this end, civil society organisations play a crucial role in engaging with Committees about Departments.

Established in 2005, GDX is a South African NGO widely acknowledged as the 'first African based organisation solely focused on the transgender community' (Gender Dynamix 2012). The organisation has long engagemed with the DHA, particularly regarding access to legal gender recognition in South Africa as facilitated by the *Sex Description and Sex Status Act 49 of 2003* (henceforth Act 49). Though a profoundly pathologising and outdated

law, haphazardly applied since its inception, Act 49 is considered the cornerstone of transgender rights in South Africa (Matthyse et al. 2020). Importantly, it only applies to South African citizens. Thus, like in many countries, transgender refugees and asylum seekers do not have access to legal gender recognition in South Africa. This has some dire consequences. In engagements with the police and the general public, due to discrepancies between documents and presentation, transgender refugees and asylum seekers are often accused of fraud by both the police and the public. Ava, a transgender woman from Central Africa, who sought asylum in South Africa, and whose papers indicate that she is male, describes the experience as 'actually living like someone who is illegal in a country [South Africa] where I am using legal papers…everywhere you go, they will tell you, 'no, this is not you' … It's like life stops…If you don't look like that [like the image on your asylum or refugee documents] you are cheating … [they will say] 'this is not your paper' (Camminga 2019, 215)

As I have argued elsewhere, Ava's situation has left many in South Africa inhabiting a form of statelessness – carrying documents that misidentify them in a state that provides refuge (Camminga 2017, 67–69). GDX, since its founding, has worked closely with the DHA pursuing a strategy of 'partnering with the state through education and outreach' (Camminga 2020b, 243). They appeared before the Portfolio Committee to draw attention to the ongoing difficulties experienced by transgender citizens in accessing Act 49.

LHR, founded in 1979, is an NGO that provides free legal services to 'victims of unlawful infringements of their constitutional rights' (Lawyers for Human Rights 2017). In the past, LHR has provided legal services to transgender asylum seekers and has assisted transgender organisations, like GDX, and individuals in South Africa when faced with discrimination. In addition, LHR has been particularly vigilant regarding the treatment of migrants and asylum seekers in South Africa through its Refugee and Migrant Rights Program (Lawyers for Human Rights 2010) and met with the Committee to discuss the limited availability of law and policy mechanisms to assess, prevent and reduce statelessness.

The final organisation to appear before the Committee was CoRMSA. Founded in 1999, CoRMSA's main aim is to promote and protect the rights of refugees and migrants in South Africa and has worked closely with lesbian, gay, bisexual and transgender (LGBT) groups in South Africa (CoRMSA 2008). Impacting both the ability to apply for asylum and renew asylum-seeker documents in South Africa, CoRMSA attended to present on the closure and relocation of Refugee Reception Offices. The relocation would have particularly dire consequences for transgender asylum seekers who can only access state-subsidised gender-affirming healthcare, community support, psychosocial care and organisational support in metropolitan areas such as Cape Town, where organisations like GDX and LHR are situated (Camminga 2019).

The meeting was reasonably straightforward. Each organisation spent their allotted time presenting their specific issues, followed by a question and answer session. The Committee responded to the presentations with a mixture of fear and derision focusing on two key areas: foreign influence and foreign bodies, including those who might want to change their 'gender now and again' (Portfolio Committee on Home Affairs 2012). When GDX could not provide an answer for the exact number of transgender people in South Africa, the source of the organisation's funding was queried. Posed as a need to 'verify validity' (Portfolio Committee on Home Affairs 2012), implicit in the question is the suggestion that the organisation is the outcome of foreign aid and donor-based funding. By no means an innocent inquiry, this line of questioning has a long history across the African continent and poses these kinds of organisations and their constituents as foreign interlopers and, by extension, threats to the state (see Nyanzi 2013). Following LHR's presentation, the Committee focused on what they feared would be a 'stateless explosion' should residence rights be granted to foreign nationals with children. Most striking, however, was the challenge levelled by MP Sizeni Grace Bothman at CoRMSA regarding the nationality of their presenters. Roshan Dadoo, Regional Advocacy Officer for CoRMSA, responded with incredulity:

> You want to know if we are South African citizens? I don't know what that's got to do with it. Here is my green ID book. I can pass it round if you'd like to look at it. I will tell you how I got that ID because you probably think I don't have a South African accent. Well, I don't because I was born to parents who were in exile… My father… left the country… with O.R. Tambo [Oliver Reginald Kaizana Tambo was an anti-apartheid activist and president of the African National Congress (ANC)], and he ended up in London, establishing the first overseas mission of the ANC (Portfolio Committee on Home Affairs 2012).

Perhaps nothing better sums up this sense of fear regarding foreignness and the antagonistic response of some of the MPs to the presentations made than the follow-up question, again, posed by Bothman:

> My question here is specifically to say if you are South African, you will know the country's situation, and you will first say, 'this is my country. I love this country so much. What can I do to assist this country to resolve this problem?' Rather than taking on another problem and loading it on the country…It doesn't mean South Africa hate those people [foreigners] but that they don't like them…now you NGOs, you are not going to assist the country (Portfolio Committee on Home Affairs 2012).

If the politics of precarity ever had a theatre, this may well have been it. The Committees' underlying fear of foreigners, both in terms of bodies and influence, was made plain by the accusations levelled at CoRMSA: their very existence an indication that they were at best unpatriotic and at worst, an

outright threat to the South African national security. Notably, Bothman's comments regarding 'you NGOs' were directed not just at CoRMSA but at the room at large. In so doing, flagging a genuine concern regarding each organisation's commitment to South Africa and its citizens.

Migrants

It is not so much what was said at what might seem like an inconsequential meeting in the South African parliament, though what was said does provide some important indicators, but rather what was not said or left unsaid. This absence provides a critical entry point to the broader analysis of this paper. Given the context, institutional overlap, historical connections and the potential for an alliance between those present, the meeting arguably provided the possibility for a moment in which transgender refugees, as a specific constituency in South Africa, might have strategically been brought to light or, at the very least, had their existence noted. Indeed, transgender refugees may have provided a clear point of convergence for organisations to rally around and present a united front. However, this did not happen during the meeting and has not happened since. This begs the question, why?

In the first years of democracy, the DHA was faced with several significant tasks, many of which went to the heart of what it would mean to be a citizen in the new South Africa. Undoing the pernicious homeland policies, correcting the newly established National Population Register, and Pass Laws of the Apartheid government meant extending citizenship rights and, by extension, adequate documentation to the majority of the population. Given the mammoth nature of the task facing the DHA, the country 'had little patience to address the needs of immigrants' (Hicks 1999, 393). In many ways, the new South Africa perpetuated the ideas of the old. Within the first few years of Constitutional democracy, neither the word 'refugee' nor the term 'asylum seeker' appeared in South African law. At the dawn of democracy, the Aliens Control Act 1991 (ACA), also known as 'Apartheid's final act', became the key legislative means of controlling entry into South Africa (Crush and McDonald 2001, 1). The Apartheid government had been openly antagonistic towards the very notion of asylum seekers. The ACA, a document primarily based on the deeply racist and xenophobic Aliens Act of 1937 and the 1913 Immigration Act, arguably continued the spirit of exclusion envisioned by its creators. The ACA further entrenched understandings of the black foreign body as dangerous, undesirable, and a threat to the South African legal system and social imagination. Centrally, as with Apartheid, the new South Africa maintained a genuine concern about the possible 'floods' and 'waves' of migrants from impoverished Africa (Peberdy and Crush 1998, 29).

It was not until the passing of the Refugees Act in 1998 that asylum seekers had an explicit legal claim to protection in the country for the first time (Handmaker 2011). On paper, the Act aligned refugee protection with the Constitution, protecting those fleeing a broad scope of persecutions. South Africa, in the process, became the only country on the African continent that not only recognised but constitutionally protected and ostensibly offered asylum to those persecuted, not only on the grounds of sexual orientation but also gender (Camminga 2019). However, Sue Peberdy (2010) suggests that the language, history and introduction of refugee legislation and the subsequent immigration legislation, along with policing measures attached to these, have contributed to a particularly exclusionary construction of South African nationhood. At the heart of this exclusionary construction lies the figure of the migrant or, in the words of the Portfolio Committee MPs: 'the foreigner'.

There are various categories of documented and undocumented non-nationals in South Africa. Documented non-nationals include asylum seekers, refugees and temporary and permanent residents who are legally in the country. Undocumented migrants are, by law, expected to exit the country. The line between documented and undocumented is relatively straightforward, but as the Southern African Migration Project notes

> documented migrants, especially black foreigners, are often incorrectly perceived *a priori* as being illegally in the country and treated as such …such actions towards foreigners stem from a social status of being black and foreign, a status that does not necessarily equate to a status of being illegally in the country (Klaaren and Algotsson 2004, 2)

This also holds for refugees and asylum seekers who are often not recognised as such by the general public or, indeed, by the Portfolio Committee. Janet McKnight (2008) explains that a rampant misconception remains in South Africa that all migrants 'are 'illegal aliens' and, therefore, threaten the thriving but unstable new democracy' (19). The perceived undifferentiated flow of migrants into the country has led to an increasing moral panic, underpinned by the notion that South Africa is a haven of freedom, human rights and prosperity. This belief and the fear underpinning it are perhaps most clearly recognised in the exchange between Bothman and Dadoo. The patriotism expected by Bothman in her assertions regarding the 'love for this country' places NGOs like LHR and CoRMSA in the difficult position of being seemingly unpatriotic in assisting others before their own. More specifically for adding to the problems of South Africa by assisting those who are perceived as a threat to South African livelihoods rather than protecting the country from people like 'them' – migrants. This perception among political leaders is not uncommon. There have been numerous instances where South African political leaders have made less than welcoming remarks

regarding migrants in South Africa, often conflating refugees and asylum seekers with all migrants or illegal foreign nationals (see: Whittles 2016).

Other than the documents they carry, there is no way of visibly differentiating asylum seekers and refugees from other migrants in South Africa. As evidenced by the meeting, accents perceived as not South African, as in the case of the presenters from CoRMSA, invite questioning regarding nationality, rights, and ultimately legality. Moreover, as with the continued treatment of the presenters, regardless of their South African identity documents, it is also unclear that if refugees and asylum seekers were differentiated from the general notion of who foreigners are, they would be treated any better.

The transgender person

The meeting brought two issues into resounding clarity. First, the migrant, in South Africa, not unlike elsewhere globally, is somewhat of a political pariah, existing in a zone of precarious politics so overwhelming that it is difficult, as the cases of CoRMSA and the LHR attest, to even talk about refugees and migrants as a particular constituency. Second, this fear of the migrant is so all-pervasive that it is enough for foreignness to be gestured to, in the form of a question regarding funding sources, to ensure the absolute silence on migrant issues of an organisation like GDX. While this may explain the absence of coalition-building of transgender groups with refugee groups, what of refugee groups with transgender organisations?

Regarding the development of a critical transgender politics in South Africa, it must be noted that, from the outset, rights and protections as provided for within the South African Constitution did not emanate from a mass mobilisation of transgender people. Instead, these rights appeared as part of an expansive notion of equality during the creation of the Constitution itself. In this regard, Thamar Klein (2009) argues that 'the achievement of formal equality [in South Africa for transgender people] did not result instantly in practical equality and the elimination of social difference' (15). Even Act 49, the country's key piece of legislation facilitating the adjustment of gender markers on identity documents for transgender citizens of South Africa, did not emerge from a transgender constituency agitating for rights but rather, and curiously so, from the state itself in 2003. Lobby groups such as the *Cape Town Transsexual/Transgender Support Group,* possibly presenting the first political manifestation of transgender in South Africa, then formed because of the emergence of the Act and disappeared soon after its promulgation. Due to this, transgender rights, though acknowledged and protected in South Africa, are still considered by trans organisations to largely be precarious.

This fear regarding the precarity of rights is all the more evident when we consider that the DHA has, since Act 49's promulgation, appeared to

almost flagrantly ignore the legislation and its various stipulations. Documents are regularly 'lost' (DeBarros 2013). Though not required to undergo surgery, applicants are often turned away for not having done so (Hess 2015). The amount of time for which applicants wait for gender marker change far exceeds what could be considered reasonable (Mamba Writer 2016). In her 2008 paper on the state of transgender rights and healthcare access in South Africa, elucidating the shortfalls of Act 49 and the state's response, Klein (2008) unequivocally states: 'this must lead sooner or later to a court case' (9). As the parliamentary meeting suggest, by 2012, this was still not the case.

Toby Beauchamp (2009) reminds us that the monitoring and concern regarding the possible duplicitous nature of transgender populations, which we might read in the questions posed in the meeting regarding funding and 'change gender now and then', and, some might argue, the very framing and history of Act 49 itself, initially titled 'The Re-Orientation of Sexual Alignment Bill' (see: Camminga 2019; Lock Swarr 2012) are,

> inextricable from questions of national security and regulatory practices of the state[.] State surveillance policies that may at first appear unrelated to transgender people are, in fact, deeply rooted in the maintenance and enforcement of normatively gendered bodies, behaviours and identities … transgender bodies are intimately tied to state security, nationalism and the us/them, either/or rhetoric that underpins … government constructions of safety. (357)

The South African state has long been framed by its constitutional leaders as a nation whose body can be 'be bolstered or, more regularly, contaminated by outsiders - native or foreign' (Landau 2011, 6). The migrant is therefore not the only threat. Coalition building is not only hampered by the precarious nature of transgender rights as outlined here but, more specifically, by the response of transgender organisations to this precarity, one which is markedly different from refugee and migrant organisations. GDXs strategy has, since its founding, been to work with the state, to present as non-threatening, in attempting to address issues through dialogue rather than apply pressure through the courts. Meanwhile, organisations like CORMSA and LHR have had a far more antagonistic relationship with the South African state because they have often pursued litigation. In fact, inviting further animosity from the MPs present, part of CORMSA's presentation regarding the moving of Refugee Reception Offices noted the ongoing legal battles between the organisation and the DHA.

Indeed, GDX considers a significant portion of its work to be 'daily engagement with the administrative state' (Thoreson 2013, 655), as evidenced by the November meeting. Myrle Beam (2020), in her searing critique of present-day transgender organising, refers to this as transgender movement buildings' 'desire for the state's desire'. This kind of advocacy work, this effort to work with the state away from the 'public eye' (Thoreson 2013, 653) rather

than litigate, makes coalition-building challenging. Moreover, it is something that might read as a desire on the part of transgender organisations for the 'us' of the state, pitting refugee organisations, perhaps inadvertently, as the 'them' that state representatives such as Bothman believe them to be, in Beauchamp's 'us/them' dichotomy.

While there have certainly been some legal gains for transgender people globally, the general global precarity of transgender rights and transgender people has meant a continued and growing 'uncertainty, backlash and attacks on our communities' (Chiam et al. 2019, 9) and these very gains. In terms of transgender refugees, given the concern over backlash and the loss of already existing rights, it becomes clear why transgender organisations might be fearful of mentioning migrants who are increasingly considered a threat by the state. Given this fear and given transgender organisations' own approach to rights work, it is also clear why refugee organisations, though they may work with transgender organisations assisting refugees, might be unwilling to claim transgender people publicly.

Intersectionality and precarity

Isabell Lorey has defined precarity as 'a category of order that denotes social positionings of insecurity and hierarchisation, which accompanies processes of Othering' (Puar 2012, 165). Thus far, I have argued that the formulation of migrants and transgender people in South Africa as competing marginalities has meant that individuals who occupy both positions - transgender and migrant - represent a zone of precarious politics for organisations. The South African example illustrates that being a migrant or a refugee and transgender are locational positions whose dimensions are considered separate. This separation is maintained even when those present from civil society work across these dimensions daily.

As theorised in the foundational work of Kimberlé Crenshaw (1991), intersectionality is a lens that allows us to understand that, when subject positions are expounded or maintained as either/or categories, people who take up interstitial positions are subjugated to 'a location that resists telling' (1242). Crenshaw highlights that subjugated identities are forged at intersections between subject positions that are already marginalised - such as migrant and transgender. The silence is a relational outcome and a form of maintaining intersecting systems of power, fear, and marginality. Organisations play a critical role in maintaining and potentially disrupting these systems, not least through allocating recognisability (Butler 2009).

In a 2012 report, *Opening Doors: A Global Survey of NGO Attitudes Towards LGBTI Refugees & Asylum Seekers*, the Organisation for Refuge, Asylum and Migration (ORAM) makes clear that NGOs 'provide the lion's share of refugee support and protection services today', and thus 'NGOs, as gatekeepers of

refugee protection, play an essential role in opening or closing doors' to LGBT asylum seekers (10). In his comparative study on local integration for LGBT asylum seekers in Brazil and Spain, Vítor Lopes Andrade (2018) notes that when single focus NGOs, though they may work across differences, do not 'adopt strategies' that make this cross-sectional work publicly clear, the consequences are a generalised 'silence' as well as a lack of policy development 'regarding assistance and local integration' across groups (99). The cumulative outcome is policies for refugees and policies for transgender people with no 'consolidated actions', resulting in a 'situation of two parallel policies that do not intersect' (Andrade 2018, 100). Similarly, in her work on transgender organising in South Africa and Namibia, Ashley Currier (2015) highlights how, by publicly representing what it is to be transgender, organisations render 'culturally intelligible the boundaries, interests, and experiences of transgender persons to interlocutors, hence fixing the boundaries of a transgender constituency and collective identity' (110). Such fixing can normalise and privilege particular elements of identity or ways of being, such as citizenship, thereby establishing a dominant and singular understanding of who transgender people are (Currier 2015). ORAM (2012) refers to this absence of understanding that refugees might also be transgender, for instance, as a 'dense shroud of invisibility and silence' (1).

As Butler (2004) reminds us, ultimately, 'the public sphere is constituted in part by what can appear, and the regulation of the sphere of appearance is one way to establish what will count as reality, and what will not' (XX). Working with a sense of their own insecurity, organisations globally are faced with difficult choices in terms of how to represent their constituents. Of course, for their work to be impactful and to ensure their longevity, organisations need to apply 'practical sense … choos[ing] suitable and convenient positions and avoid[ing] compromising ones' (Gallardo and Rundell 2016, IX). However, these negotiations cannot come at the expense of certain constituents. Especially if this runs the risk of reinforcing relational hierarchies and inadvertently colluding with state processes of Othering, surveillance, and exclusion. More importantly, these negotiations contribute to the definition of what is possible or recognisable and, ultimately, protectable in the case of transgender refugees. Reinforcing notions of competing marginalities by necessity maintains 'locations that resist telling'. For example, when the transgender refugee is publicly unclaimed, the refugee can only ever be cisgender, while the transgender person can only ever be a citizen. Thus the transgender refugee 'remains unrecognisable precisely because they exist at the limits of established norms for thinking embodiment and even personhood' (Butler 2009, ii).

Precarity is a condition that is unevenly distributed as well as shared and relational (Farhadi 2020). If those advocating for marginalised groups fail to recognise the dual precarities of some members of these groups, they run the risk of becoming complicit with the very systems of power which

perpetuate these precarities while maintaining fear, silence, and hierarchy. In this case, the absence of the voices and perspectives of transgender asylum seekers ensures the ongoing 'inadequate recognition of the complexly situated subject by various lawmaking or law-enforcing bodies or policy initiatives' (Grabham 2009, 2). Combating this requires an expansive imagination of community and movement work on multiple rather than single registers, starting with survival and support for those most in danger without concern for citizenship status and a commitment to intersectional politics for transgender as well as refugee groups.

Conclusion

In *Stepping Back, Looking Outward: Situating Transgender Activism and Transgender Studies*, Susan Stryker highlights possibilities for coalition building between those who cross gender borders and those who cross geographical borders (Currah 2008). Stryker points out that both groups run the risk of becoming undocumented and experiencing increased levels of state surveillance, as well as being at greater risk of state-based violence. Speaking to the US context specifically, though this can be extrapolated more broadly, she explains:

> People … who cross gender borders, regardless of where they were born and how they make their living, have a common stake with other sorts of migrants who work without documentation. They have a common stake with those who are profiled, whose movements are restricted, and who become targets of border control for reasons other than gender. It is the same power of the state that has deployed itself against us all, a power that attempts to limit our access to the means of life, that gives us a motive for resistance. (Currah 2008, 96)

Further to Stryker's statement is the possibility that the person who crosses geographical borders might also be the person who also crosses gender borders. Transgender refugees, those who cross gender and geographical borders, are an increasingly visible population within the global asylum regime. Fleeing persecution in their countries of origin, they pose several challenges to the global asylum system, structured at its core by the *1951 Refugee Convention*. Focusing on South Africa as one country of arrival, I have suggested, drawing from the TMM data, that there is a conspicuous absence of visibility of transgender refugees as constituents across organisational spaces, especially in engagements with the state. I have argued that this is because transgender refugees experience dual precarity as both transgender people and migrants. For organisations, this dual precarity manifests as a set of competing marginalities. Using a November 2012 meeting between the South African state and a group of civil society organisations, I have illustrated how these competing marginalities might manifest and how it is that transgender refugees come to represent a zone of precarious politics.

In some sense, transgender refugees are too transgender for migrant organisations and too foreign for transgender organisations.

Browne, Nash, and Hines (2010) remind us that transgender geographies warrant a consideration of the specificity of place and transgender lives. Such that the 'political, social, and economic constitutions of 'place' create diverse modes of service delivery [and] offer different histories[,] … how this relates to or has an impact on transgender people's lives and experiences is not uniform or universal' (574). Thus, there is a need to 'press forward with work considering the intersectionality of subject positions' (Nash 2010, 577) that are 'complications' of gender, race, legal status, and citizenship experiences. Bothman's questions are not out of step with broader international concern regarding the place of the migrant and, indeed, transgender people. Referring to the regulation of asylum specifically, James Darling (2011) writes that the world is now one of growing uncertainty 'over the place of the nation state' with increasing 'demands for the securing of traditional frontiers', be they gender or geographic borders 'against seemingly new "threats"' (263). Echoing Beauchamp (2009), this has led to the emergence of what Darling (2011) describes as 'complex and varied modes of governance, discipline, and regulation, all designed to secure the boundaries of home, community, and nation', reasserting ideals of security, stability and cohesion (263).

How transgender refugees experience migration and their gender cannot be separated. They intersect in ways that cannot be captured wholly by the 'dimensions of those experiences separately' (Crenshaw 1991, 1244). To talk about transgender refugees is to talk about a complex group of people who sit at the precarious interstices of transgender justice and rights, on the one hand, and migration issues and asylum, on the other - a subject position that in its entirety is by its very nature co-constituted. By extension, there is a specificity to the transgender refugee experience that neither the refugee experience nor the transgender experience can separately speak to. When refugee organisations do not include transgender people and when transgender organisations do not include refugees, or when organisations do not build a politics of solidarity for fear of backlash, legislation that is created to cater to either population will inevitably compound the exclusion of those living at the interstices of these experiences. When we consider this 'inadequate recognition', it becomes apparent that this exclusion, however inadvertent, risks collusion with the callous, extractive, and exclusionary state politics that foster precarity to begin with.

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