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**‘Provenly’ Queer and Entitled for Asylum:
A Qualitative Study of the Social Exclusion that Heteronormativity
Produces through the Finnish Asylum System**

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Abstract: Queer asylum seekers find themselves at an intersection of multiple exclusions because of their refugeeness and queerness, among other features (Danisi et al. 2021). In the European context, the borders of the EU have been externalized as a part of constructing ‘fortress Europe’, which, arguably, is a continuation of the colonial legacies of the United Nations Convention Relating to the Status of Refugees from 1951 (see Varada Raj 2006, Spijkerboer 2017b, Mayblin 2014). Within this asylum regime of the EU, the externalization of borders, and the consequent exclusion of asylum seekers, queer asylum seekers arguably face compounded exclusion because of their queerness. Concerning the case of Finland, this thesis employs queer theory and social exclusion theory together to investigate how heteronormativity operates in the evaluations of sexual orientation and gender identity as asylum grounds in the asylum procedures conducted by the Finnish Immigration Service, and how it produces and reproduces social exclusion. The study employs a qualitative research design, including data production through semi-structured interviews with the personnel of the Finnish Immigration Service. The data produced through the interviews are subsequently analyzed through the theoretical framework, and elements of social constructionism and critical discourse analysis are incorporated as well. The findings of the study then guide painting a ‘queer future’ of the queer asylum seekers and a pathway for future research.	
Keywords: asylum, queer, refugeeness, heteronormativity, homonormativity, homonationalism, credibility assessment, performativity, queer theory, social exclusion	
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Acronyms

COI = Country of Origin Information

EU = European Union

Migri = Finnish Immigration Service

PSG = a particular social group

SOGI = sexual orientation and/or gender identity

UN = United Nations

UNHCR = United Nations High Commissioner for Refugees

Chapter 1: Introduction

“you only leave home
when home won’t let you stay.” (Shire 2015)

A poet and educator Warsan Shire captures in “Home” how the complexities present in the refugees’ countries of origin are overlooked in public discourses. Such discourses tend to construct refugees as security threats and dismiss the manifold insecurities that they are experiencing (Spijkerboer 2017b, Perocco 2018). Furthermore, a refugee who diverges from the mainstream in terms of their sexual orientation or gender identity (SOGI) experiences compounded insecurity because of their refugeeness *and* their SOGI (Danisi et al. 2021). While European societies tend to portray themselves as safe havens for gay and trans people in contrast to their countries of origin that are constructed as ‘savage’, the ever-persisting homophobia and transphobia within the EU suggest a non-existence of such safe havens (Spijkerboer 2017a). The realities that a queer asylum seeker faces in their country of origin as well as in the host country are all but simple. Perhaps they would not arrive on the multiply discriminatory shores of EU states if their home let them stay.

1.1. Background, Topic, and Significance

Refugees find themselves at intersections of multiple uncertainties, as they have left their countries of origin to seek refuge elsewhere. Through dangerous routes, often with the help of smugglers (Gerard and Pickering 2014, Freedman 2016), they seek safety. Once they arrive in Finland - or any other country - to seek asylum, they need to convince the authorities of this foreign country of their plight. This may involve very personal details that they may have never uttered to anyone, especially in cases where sexual orientation or gender identity (SOGI) is the reason for seeking asylum (see Danisi et al. 2021). Refugees’ realities have been at the center of my academic interests from the beginning of my studies in social exclusion. The further I have gotten in investigating issues that refugees face, the more I have started to understand the ever-unfolding webs of complexities involved in situations of refugees.

The current asylum regime in the EU is built upon a Convention that was drafted after the Second World War (United Nations Convention Relating to the Status of Refugees

1951) in 1951 to cater to white, European needs - the non-European refugees of color were initially excluded from the Convention (Mayblin 2014). The 1951 Convention was exclusive also in the sense that it only applied to those who had fled before 1951 under specific circumstances (United Nations Convention Relating to the Status of Refugees 1951). This specification was finally removed from the Protocol that was formulated for the Convention in 1967 (United Nations Protocol Relating to the Status of Refugees 1967). However, expanding the Convention to include refugees who would flee after 1951 did not remove its exclusive origins: drafting states like Britain were reluctant to make it inclusive because of its potential outcome of people from previous colonies seeking protection in European countries (Mayblin 2014). Thus, I would argue that the origins of the Convention are rooted in exclusion.

A key component of the Convention is the non-refoulement clause that prohibits states from returning asylum-seekers to states where they are at risk of persecution (Costello and Foster 2016). According to Thomas Spijkerboer, a professor in migration law, the EU has implemented and continues to reinforce its border externalization policies whereby access to legal border crossings is limited for asylum-seekers and that sets non-European migrants in an inferior position relative to Europeans (Spijkerboer 2017b). This has led to an increased reliance on illegal and unsafe transport methods resulting in more fatalities and exacerbated insecurity for the refugees (Spijkerboer 2007, Varada Raj 2006, Gerard and Pickering 2014). I would argue that the reasoning behind the externalization measures is to avoid breaking the non-refoulement rule since returning refugees to their countries of origin is not necessary if they cannot reach the country in the first place (Cantor et al. 2022). Governmental immigration agencies function also as a part of this externalization regime. Finnish Immigration Service (Migri) is the governmental agency responsible for taking care of immigration, integration, asylum, and citizenship matters in Finland (Maahanmuuttovirasto 2004). It carries out the functions and principles laid out in the Aliens Act relevant to the aforementioned matters (Ulkomaalaislaki 30.4.2004/301). Sections 87 § and 88 § of the Aliens Act, and their subsections are the most relevant to this thesis, as they concern international protection and define the criteria for granting it (Ulkomaalaislaki 30.4.2004/301). The legislation is based upon the principles laid out in the 1951 Convention (United Nations Convention Relating to the Status of Refugees 1951) and the 1967 Protocol (United Nations Protocol Relating to the Status of Refugees 1967).

Therefore, Migri becomes a central point of concern when zooming into asylum matters in the Finnish context.

I have spent a significant amount of time focusing on the specificities of refugee women's situations and their gendered experiences because as a woman myself, I can relate to women's experiences. Due to the patriarchy that governs the functions of our society, the 'male' is set as the default human while the 'female' - let alone anyone outside the binary - is an anomaly. As a renounced feminist writer Caroline Criado Perez elaborately argues in *Invisible Women*, the world has been designed for men which is why women and those outside the binary need to go an extra mile or two or a million to compensate for the gendered misfit of the society to their needs (Criado Perez 2020). I would argue that asylum-seeking and the relevant government functions and structures are no exception. There is much research done into how women and girls experience exclusion and violence en route, at borders, and in their destinations because of their refugee status and their gender (see Freedman 2016, Yazid and Natania 2017, Gerard and Pickering 2014). Though more research into the gendered exclusionary functions of European borders is called for, the matters regarding gender and sexual minorities are even less researched, perhaps because of their status as taboos.

Asylum-seekers who belong to gender or sexual minorities - whose identities defy heteronormativity - find themselves at an intersection of numerous vulnerabilities (Jansen 2013): they lack protections of human rights (Agamben 1995), they do not fit into the norms dictated by society when it comes to sexual orientation or gender identity or both, and they may be subjected to racism (Danisi et al. 2021). They may have other vulnerabilities, examples of which would be disability, experiences of violence, and level of education. Considering the flaws and peculiarities in the asylum system, which I will discuss in more detail in the literature review, asylum-seekers who present their sexual or gender identity as grounds for asylum, are vulnerable to multiple levels of discrimination. While this has previously been researched with a focus on the structural deficiencies of asylum systems (Foster 2014, Jansen 2011), I found myself questioning the role that heteronormativity plays in the asylum decisions given to persons belonging to gender or sexual minorities. A professor and researcher in international law Dr. Carmelo Danisi along with scholars in the fields of law,

politics, and sociology (2021) touch upon this topic in *Queering Asylum in Europe*, although they have a greater focus on the treatment of SOGI applicants in asylum systems overall (Danisi et al. 2021). Research on gender and sexual minorities tends to revolve around homosexual men while other identities remain overlooked. Thus, I seek to explore the role of heteronormativity in the assessment of SOGI asylum claims and the social exclusion it creates and upholds.

1.2. Research Problem and Questions

Based on the history of the European asylum regime (Mayblin 2014, Perocco 2018) as well as the prerequisites set for the refugees in the original Refugee Convention (United Nations Convention Relating to the Status of Refugees 1951), I would argue that the regime is founded upon an ontology of Western superiority. Furthermore, the definition of a ‘refugee’ in the Convention communicates the patriarchal and heteronormative ontologies that the Convention is based upon through the selection of only certain valid reasons for persecution (United Nations Convention Relating to the Status of Refugees 1951). Migri operates as a part of the wider asylum regime of the EU that actively works to externalize its borders which practically means a lack of access to safe border crossings (Spijkerboer 2017a, Varada Raj 2006), seeking to keep non-European refugees out of the EU (Spijkerboer 2017b) and formulating legislation that makes asylum-seeking less like a process to provide refuge for those who need it and more like an obstacle course. Asylum-seekers whose identities do not match the heteronormativity that still today guides European ontologies and epistemologies are vulnerable to falling through the cracks of the heteronormative asylum system (Danisi et al. 2021). As prior research suggests, their identities may be subjected to degrading and de-validating assessments (Jansen 2013, Foster 2014, Spijkerboer 2017a, Danisi et al. 2021).

This leads to the research questions that I seek to address to investigate the marginalization of gender and sexual minorities in Migri’s asylum decisions. As the questions iterate, a central point of discussion in this thesis is the ontological and epistemological assumptions based on which Migri operates. Furthermore, on top of these aforementioned large and foundational questions, this research weaves together discourses on contemporary asylum proceedings, social exclusion, and queerness. The research questions are as follows:

1. How does heteronormativity manifest in Migri's asylum procedures in cases where sexual orientation or gender identity is presented as an asylum ground?
2. How does this produce and reproduce the social exclusion of queer asylum seekers?

My hypotheses for the research, based on prior research on similar topics, call into question the functionality of the asylum regime under which Migri exists. I hypothesize that Migri seeks to address issues of heteronormativity on a performative level but it continues to underpin the asylum decisions through the organization's ontology that translates into reality in failing to recognize one's gender or sexual identity. This underlying heteronormativity then creates a framework to which only those who express their gender or sexual identity 'correctly' fit into.

Those who do not fit into the framework are, in contrast, excluded on multiple levels: their identity is revalidated and therefore, they are excluded from the space of recognition, and from the rights and liberties that asylum would grant them. There could be more layers of exclusion, but these are the most relevant ones in this research. This is because the Convention and the Aliens Act provide a possibility for some applicants to receive asylum based on their gender and sexual identity, it appears to be functional. This functionality then is like a green light for the legislation to remain as it is while its exclusionary measures towards gender and sexual minorities remain unaddressed. Furthermore, cases where the applicant only appeals to their gender or sexual identity after applying for asylum multiple times provide cover for the organization to act with caution when it comes to such asylum grounds - even if the applicant is appealing to it in their first application. Finally, heteronormativity underpinning Migri's decision-making enables the reproduction of the exclusion of gender and sexual minorities: without the ontological heteronormative convictions, I believe this issue would be much easier to solve. Instead, its resolution requires a shift in the norms that uphold its functions and therefore, rethinking its normative assumptions altogether.

1.3. Significance, Aims and Objectives

I am afraid reaching such a normative shift described above might be a task too formidable to muster because heteronormativity is ingrained in the fundamental assumptions based on which asylum decisions are made and is continuously taken for granted. It goes unnoticed because of how it has been internalized. Thus, I believe examining the issue in-depth would be the first step. This is what this research is seeking to do. Its significance lies in the reality that it exposes: the heteronormativity that exists between the lines of recognizing the issues embedded in heteronormativity itself. The results of this research could contribute towards recognizing the complex ways in which heteronormativity operates in the European asylum regime for it to shift closer to solidarity and humanity. Furthermore, this research provides new perspectives on the dimension of social exclusion to the ongoing discourse on the treatment of gender and sexual minorities in asylum decision-making and, on the other hand, this further contributes to the discourses on social exclusion through a theoretical examination of the asylum decisions and exclusions of gender and sexual minorities.

Indeed, this research aims to contribute to the discourses on the asylum procedures on SOGI-related grounds which could be utilized for a reformation of the asylum system. I have three main objectives through which I seek to reach my aims. The first one is to flesh out how heteronormativity functions in Migri's asylum decisions. The second one is to identify and examine the exclusionary functions of asylum decisions about gender and sexual minorities. My third and final objective is to examine how heteronormativity and its functions in asylum decisions create and uphold mechanisms that socially exclude gender and sexual minorities.

1.4. Definition of Terms

This research centers around several key terms that beg definition since there are multiple ways of understanding them depending on one's background, subjective assumptions, and contexts. Thus, to ensure clarity and a conceptual foundation for my research, I will define the following key terms: social exclusion, heteronormativity, queer, refugee, asylum-seeker, the West or Western, a particular social group, and discretion. First and foremost, I draw my definition of **social exclusion** from a professor in sociology and public health Jennie Popay (2010), an economist and a philosopher Amartya Sen (2000), a professor in urban studies and sociology Hilary Silver (2007), as well as a professor in sociology Ruth Levitas (1996). They define it

as the multidimensional, dynamic, and relational exclusion for reasons of gender, disability, race, sexual orientation, illness, background, or other features at individual, household, local, regional, and global levels (see Popay 2010, Sen 2000, Silver 2007, Levitas 1996). I will dive deeper into social exclusion as a theory in Chapter 2.

Closely related to social exclusion in this thesis is **heteronormativity**. Michael Warner, a social theorist who coined the term (McCann and Monaghan 2020), defined it as how heterosexuality and the gender binary have become the center around which society functions and which queer theory seeks to challenge (Warner 1991). Contextualizing today's advocacy for gender and sexual minorities' rights, a researcher in critical femininity studies Hannah McCann and a scholar in queer and feminist studies Whitney Monaghan add that advocacy rhetoric tends to assimilate homosexuality to heterosexuality perhaps to make it more understandable and relatable for straight people (McCann and Monaghan 2020). This may mainstream the plight of gender and sexual minorities which then carries the risk of the minorities not gaining rights on their terms but on heteronormative terms (McCann and Monaghan 2020). With this understanding of heteronormativity, I can begin to contest '**queer**' which does not have a simplistic definition. An integral part of the concept is its deliberate ambiguity. However, broadly it refers to sexual or gender identities that diverge from heteronormativity. It is resistant to strict categorizations and that is where its political power derives from. Because of this wide scope of identities that it may encompass, there is a danger of employing the term in a reductive manner, conflating a range of diverse identities under a single term which may erase many nuances and important dimensions of the identities of queer persons. In this thesis, I use the term with a consciousness of the diversity within and beyond being queer. Furthermore, its meaning does not end at a mere noun but it can be used as a verb ('queering') which, according to McCann and Monaghan, may be its most powerful form because it communicates perseverance and action (McCann and Monaghan 2020). I will discuss queerness and heteronormativity more in-depth in the context of social exclusion in Chapter 3.

The context in which I will discuss the aforementioned terms is that of asylum-seeking. Thus, it is necessary to establish what I mean by '**a refugee**' in this thesis. The basis for the definition of the term is derived from the Convention with the modification through the Protocol as

owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. (United Nations Protocol Relating to the Status of Refugees 1967)

Giorgio Agamben, a philosopher and political theorist, provides a deeper definition of refugees through his analysis of refugees' vulnerability as stateless (Agamben 1995). I integrate the idea of statelessness into refugeeness because refugees are *de facto* stateless due to their lack of access to rights that are usually ensured by one's state. Since they have had to flee their state of origin or residence due to persecution, their rights are no longer guaranteed, making them stateless (Agamben 1995). However, I do not leave the definition of refugee to this. As a political philosopher and gender studies scholar Judith Butler asserts, refugees exercise their agency actively despite their position in society (Butler 2020). Thus, in this thesis, refugees are understood as active agents who find themselves in precarious positions as persons who have fled from their countries of origin or residence due to persecution. **Asylum-seekers** are *de facto* refugees who seek to be officially recognized as refugees by the host country through the asylum process.

This research is located in Finland and the EU which are both a part of what I refer to as the 'West'. My definition of **the West or Western** in this study is informed by prior research that directly or indirectly constructs it as a set of states that have currently or previously been colonial powers or that have benefited from colonialism perpetuated by European states like Britain, France or Germany, or the contemporary states such as the United States or Australia (Mayblin 2014). Furthermore, the West is in a dominant position in world politics and therefore also has a significant influence on discourses on SOGI (Danisi et al. 2021). However, the West is not a monolith and has blurry lines in terms of which states are included in it. In terms of this study, it is essential to note that Finland and the EU are considered a part of the West.

I find it necessary to define '**a particular social group**' (referred to as '**PSG**' henceforth unless it appears in a quote) and '**discretion**' in the context of the EU asylum regime. In the Convention and Finnish law, a PSG is considered one of the

reasons for persecution that is required for a person to be granted asylum (Ulkomaalaislaki 30.4.2004/301 87 b §, United Nations Convention Relating to the Status of Refugees 1951). According to the Convention and the Guidelines that have followed it (UNHCR 2019), a PSG refers to a social group in the society that 1) has some characteristic in common that is so integral to their identity that they cannot be expected to give it up or hide it, or 2) a group that is perceived as different from the rest of the society by the rest of the society (Foster 2014). The Convention and the relevant Guidelines have specified that the two conditions are alternatives in identifying a PSG (United Nations Convention Relating to the Status of Refugees 1951, UNHCR 2019) while the Finnish law requires both of them to be fulfilled in Aliens Act 87 b § (Ulkomaalaislaki 30.4.2004/301). As such, it is a contested part of refugee law that has been interpreted in several ways which is relevant to the discourse on the evaluation of SOGI as asylum grounds. Discretion, on the other hand, refers to the practice of immigration officials expecting the applicant to be able to be discreet about their sexual or gender identity in their country of origin to avoid persecution. This practice, also referred to as ‘sending back to the closet’, is largely disputed and rejected by many countries’ immigration agencies (Jansen 2013). It has been a central point of discourse when it comes to the evaluation of sexual or gender identity as an asylum ground.

1.5. Literature Review

Engaging with prior research on refugeeness (see Agamben 1995, Butler 2020), the contemporary asylum regime in the EU of border externalization (Mayblin 2014, Spijkerboer 2007 and 2017b Varada Raj 2006, Gerard and Pickering 2014) and how the borders function to exclude queer asylum-seekers (Jansen 2011, Foster 2014, Spijkerboer 2017a, Danisi et al. 2021) raises questions of how queer applicants are assessed by Migri. Danisi et al. go into great detail about the heteronormative assumptions employed in the Italian, German, and British asylum systems (Danisi et al. 2021). Migri’s practices and epistemological assumptions have been investigated by Vanto et al. (2022) and Blumgrund (2022). Based on these engagements with prior research, I identified how heteronormativity is at play in Migri’s asylum decision-making in cases of SOGI to be a topic requiring further research.

As mentioned, I consolidate my understanding of a ‘refugee’ in the writings of Agamben (1995) and Butler (2020) in addition to the definition provided by the Convention (United Nations Convention Relating to the Status of Refugees 1951). While I have encountered other prosperous writers on refugee matters, such as Hannah Arendt, I chose to use these works because of their relevance to the contemporary questions on the EU’s exclusionary borders and queer asylum-seekers. Agamben (1995) explored the essence of refugeeness and the realities that come along with such a position. He presented an analogy of refugees as ‘bare life’ which I found quite descriptive of refugees’ reality. As the international system relies upon nation-states to deliver human rights to their citizens, refugees who cannot rely on their state of citizenship, are left without a nation-state to rely on. Consequently, their rights are not guaranteed - humanity does not make one qualify for human rights, citizenship does. Therefore, refugees are *de facto* stateless and ‘bare life’, according to Agamben (1995). Butler, however, problematizes Agamben’s ideas by pointing out that the narrative of inherent vulnerability must be disputed, as rendering refugees ‘vulnerable’ implies passivity and lack of agency. In reality, refugees exercise their agency continuously as active agents despite their position in society (Butler 2020). Furthermore, Butler argues that refugees are all but bare when they find ways to cope with their plight, negotiate distressing circumstances at borders that seek to exclude them, and further, find extraordinary solutions to the obstacles they may face (Butler 2020). This discourse on the essence of refugeeness begs for further depth that would account for the complexities of agency when multiple marginalized identity markers - such as queerness in addition to refugeeness - are at play.

In the context of this understanding of refugeeness, Lucy Mayblin, a political sociologist, provides context for the contemporary asylum regimes that find their bases in the Convention (Mayblin 2014). She disputes the narratives of ‘refugee crises’ in Europe referring to large numbers of non-European migrants seeking refuge in EU countries, and calls out the inherent racism and colonialism that is weaved into the asylum system in the EU (Mayblin 2014). As mentioned in 1.1, Britain, for instance, originally sought to avoid including non-European nationalities and, thereby, people from its previous colonies, in the protections of the 1951 Convention (Mayblin 1951). Although the Protocol removed the specifications concerning refugees’ origins (United Nations Protocol Relating to the Status of Refugees 1967), the colonial

mindsets and ontologies remain (Mayblin 2014). However, the inclusion of non-Europeans in the international asylum system does not mean that the right to seek asylum is protected. The EU has gone to great lengths in preventing entry through its borders by externalizing border control to third states and closing legal passageways (Varada Raj 2006, Spijkerboer 2017b, Freedman 2016). According to Spijkerboer, this externalization regime is upheld by institutions executing border and immigration policies in the EU member states and has resulted in bifurcation of law where Europeans are included in the enjoyment of rights whereas non-European refugees fall outside of them (Spijkerboer 2017b). This has had concrete impacts on refugees, manifesting in loss of life (Spijkerboer 2007), exclusions from protections (Spijkerboer 2017b), increased violence, discrimination, and gendered rights violations (Freedman 2016), and exacerbated insecurity experienced by refugees (Gerard and Pickering 2014). The gendered impacts, including increased gender-based violence, human trafficking, inadequate living conditions, and reproductive health issues have largely been established in works such as those by Jane Freedman (2016), Nergis Canefe (2018), Sylvia Yazid and Agatha Lydia Natania (2017), Alison Gerard and Sharon Pickering (2014) as well as Logan Randle (2020).

The gendered effects of the asylum regime brought me to inquire about the position of refugees with non-homonormative sexual and gender identities. *Fleeing Homophobia: Sexual Orientation, Gender Identity, and Asylum* edited by Spijkerboer assesses how SOGI is approached in the asylum process (Spijkerboer 2013). In the introductory chapter of the book, a legal researcher Sabine Jansen identifies the main issues that gender and sexual minorities face in the European asylum system (Jansen 2013). SOGI applicants are often thought to belong to a PSG but its assessment is non-uniform, biased, and situated in heteronormativity (Jansen 2013). Michelle Foster, a professor of international refugee law and statelessness, further elaborates on this by pointing out that being perceived differently by the surrounding society is required for a group to be considered a PSG, some jurisdictions have determined that closeted SOGI persons cannot be perceived as different since they do not exhibit those characteristics that would set them apart (Foster 2014). Foster criticizes this in her text, as she asserts that then by openly expressing their SOGI, those persons would be persecuted (Foster 2014). How an applicant's SOGI is investigated has at times been invasive and humiliating, and in many cases where SOGI is considered 'proven', the decision has

been negative, pointing to the applicant being able to live ‘discreetly’ in their country of origin. Furthermore, the credibility of the applicant’s account has often been undermined because of its mismatch with Western and heteronormative expectations (Spijkerboer 2013). Finally, the role of COI has been too substantial considering the lack of detail and lack of information altogether on some topics like trans rights in some countries (Jansen 2013). Jansen points to cases where a country of origin has been deemed the same for a SOGI person because no COI was telling otherwise - in fact, there was no COI on the topic at all (Jansen 2013).

The EU Courts made salient rulings on matters concerning SOGI in 2013 and 2014 that have become widely applied case law in EU states. A case from the Court of Justice of the EU known as the XYZ ruling entailed that the existence of laws criminalizing homosexuality implies that homosexuals form a PSG and that the applicant cannot be expected to conceal their identity to live in their country of origin (*Minister voor Immigratie en Asiel v X and Y and Z v Minister voor Immigratie en Asiel 2013*). Furthermore, the ruling included that an implemented law that criminalizes homosexuality and includes punishments for it is considered persecution (*Minister voor Immigratie en Asiel v X and Y and Z v Minister voor Immigratie en Asiel 2013*). Similar to this XYZ case, a so-called ‘ABC ruling’ by the EU Court of Human Rights determined that the assessment of the asylum claim must preclude questioning on the details of the applicant’s sexual activities, accepting evidence produced by performing sexual acts, ‘testing’ the applicant’s homosexuality or manufacturing footage of sexual acts (*A, B, C v Staatssecretaris van Veiligheid en Justitie 2014*). Furthermore, it was ruled that presenting one’s homosexuality as the ground at a later stage should not affect their credibility (*A, B, C v Staatssecretaris van Veiligheid en Justitie 2014*). Arguably the verdicts in both, ABC and XYZ, improved the rights of queer applicants in the asylum process and clarified how their claims should be assessed.

As I turn to more recent works to build a contemporary image of the situation, texts by Spijkerboer (2017a) and Danisi et al. (2021) show that similar issues continue to plague the scene of asylum decision-making in the EU. Spijkerboer situates the European asylum law with regards to SOGI in a dichotomy where Europe is set in the epicenter of justice and human rights and therefore is idealized, whereas the non-

European countries of origin are demonized (Spijkerboer 2017a). This constitutes homonationalism, which refers to the contemporary performative celebration of the diversity of gender identities and sexual orientations being constructed as a central feature and justification of the dichotomy between Europe and the rest (Danisi et al. 2021, Spijkerboer 2017a). The demonized non-European countries of origin are also constructed as plagued by non-Christian oppressive religions (Perocco 2018) that persecute SOGI persons. Asylum-seekers from such countries, thus, reinforce the dichotomy by seeking refuge in the beacon of human rights in Europe to get away from their countries of origin (Spijkerboer 2017a). All the while the issues of discretion, excessive reliance on flawed COI, Western norms and heteronormativity underpinning assessments of SOGI and membership in PSG, reliance on internal relocation even in cases where the risk of persecution is not tied to a specific location within the country of origin as well as the burden of proof falling unjustly on the shoulders of the applicants continue to plague the EU asylum regime (Danisi et al. 2021).

Narrowing the EU's asylum systems down to the Finnish case, the rate of positive asylum decisions made by Migri in the aftermath of the 2015 refugee 'crisis' has arguably decreased (see Vanto et al. 2022). Vanto et al. (2022) suggest that collectivized discretion, meaning the dismissal of personal aspects of cases, being less likely to believe in the applicants' asylum grounds and their veracity at least partially accounts for the decrease. Furthermore, a scholar in theology and asylum Ilona Blumgrund establishes in her study of Migri's decision-making in cases of Christian faith as the asylum ground that Migri's decisions are underpinned by theological assumptions that are embedded in norms that do not match the expressions of faith by applicants from many different cultural and social backgrounds (Blumgrund 2022). These phenomena of collectivized discretion and normative assumptions may be trends that are relevant in the investigations into heteronormativity in Migri's assessment of SOGI cases.

Indeed, how heteronormativity informs asylum decision-making in the Finnish context and how such practices consequently function to exclude asylum-seekers because of their SOGI remains to be researched. Though Danisi et al. draw close to this topic in their research, the cases of Italy, Germany, and the UK (Danisi et al. 2021)

arguably differ from the Finnish case. Furthermore, the aspect of social exclusion remains untouched in terms of research on asylum decisions made when SOGI is presented as grounds for asylum in the wider EU asylum regime, and all the more in the specific case of Finland. Therefore, I seek to research this overlooked aspect of the EU asylum regime that functions as a part of the wider patriarchal and heteronormative structures.

1.6. Thesis Overview

Building upon the foundation laid in this introduction, I will research how SOGI asylum decisions are made by Migri to evaluate how Migri functions to exclude and marginalize asylum-seekers who belong to sexual or gender minorities as a part of the EU's border externalization regime. My research is grounded on social exclusion and queer theories which I will discuss in detail in Chapters 2 and 3. Embedded in ontologies and epistemologies informed by feminist and queer thought, my methodological approach entails semi-structured interviews with personnel from the asylum unit of Migri. I will discuss my methodology in Chapter 4. Following this, I will analyze my data utilizing the elaborate theoretical framework I have formulated in Chapters 2 and 3 and the methodological approach described in Chapter 4. Finally, I will discuss my main findings, draw my conclusions, and present my recommendations for further research in Chapter 6.

Chapter 2: Social Exclusion

Social exclusion takes center stage in this study, as the literary background of the asylum system in Finland and the queer approach to studying the assessment of SOGI as an asylum ground pave the way for understanding how the social exclusion of queer asylum seekers operates. Therefore, it is essential to establish a thorough understanding of the subject. I will first discuss the meaning of it as well as its various dimensions in Subchapter 2.1. Following this, I will problematize the relationship between social exclusion and inclusion to consolidate the significance of social exclusion as a theoretical framework. Finally, I expand beyond the status quo and the established understanding of social exclusion which will lead up to discussing queer theory in tandem with social exclusion in Chapter 3.

2.1. What is Social Exclusion?

My research is embedded in the theoretical framework of social exclusion. René Lenoir, a former Secretary of State for Social Action (Sen 2000) is esteemed for coining the term in *Les Exclus* in which he identified “the excluded” in the French population that, at the time, accounted for about a tenth of the population (Lenoir 1974). It has since become a policy concern in the EU, springing programs seeking to counter the issue of social exclusion (Levitas 2006).

Social exclusion is an ambiguous term that is loaded with meaning and simultaneously carries a risk of being misunderstood precisely because of its ambiguity. Drawing from Popay (2010), Sen (2000), Silver (2007), and Levitas (1996) social exclusion in this thesis is understood as exclusionary processes that operate on political, cultural, social, and economic dimensions at individual, household, local, regional, and global levels which result in continuums of inclusion and exclusion. Silver adds that “social exclusion is a structural process of social isolation, of stripping away multiple dimensions of social involvement” (Silver 2007, 2). Thus, although the concept has been tightly intertwined - and at times confused - with poverty, it differs from it significantly. While poverty is generally understood as monetary deficiencies, social exclusion goes beyond that. As Sen puts it, “We must look at impoverished lives, not just at depleted wallets” (Sen 2000, 3). Sen discusses social exclusion through concepts of poverty, including that of capability deprivation that captures the dimensions of

poverty that are not only monetary but focus on the lack of ability to engage in leisure activities, have a fulfilling social life, or participate politically, for instance (Sen 2000). I would argue that although Sen uses the terms of poverty extensively to discuss social exclusion, poverty is included in the concept of social exclusion, not the other way around. Silver captures this thought, as she states that “exclusion encompasses but transcends poverty” (Silver 2007, 4).

Indeed, social exclusion is multidimensional, meaning that its effects are manifold across different spheres of life that may overlap and interact (Sen 2000, Silver 2007). Such spheres include the social, economic, political, and cultural. Exclusion in one dimension may invoke exclusion in another, for instance, discrimination in the job market might lead to economic exclusion which, in turn, may influence one’s ability to engage in social relations, resulting in exclusion in the social sphere as well (Silver 2007). Sometimes this is referred to as cumulative disadvantage, meaning the process of a disadvantage leading to another, resulting in their accumulation and subsequent exclusion in multiple dimensions. However, I agree with Silver in that cumulative disadvantage is not always applicable, and instead, social exclusion takes place in more nuanced ways: one may be economically well-off and still excluded in the political or social spheres, or the other way around (Silver 2007).

In addition to being multidimensional, social exclusion is dynamic (Sen 2000, Silver 2007): it depends on and is shaped dynamically by circumstances, over time and as a result of changes in any of the dimensions of exclusion (Silver 2007). Theorizing social exclusion as a continuum of inclusion and exclusion aids in grasping the dynamic nature of the concept: its state may shift over time as a result of changes in one’s circumstances (Silver 2007, Popay 2010). However, it must be noted that it is very rare if not impossible for a person to be completely included or excluded and thus, in this analogy of the continuum, one will never reach either end of it. Furthermore, the life course theory that Silver discusses provides tools for analyzing the specifics of the dynamicity of social exclusion (2007). The theory entails focusing on the trajectories consisting of one’s experiences and pathways that involve transitions in terms of one’s role(s) and turning points on the trajectories which demonstrates the multiple moving parts involved in social exclusion and how they may shift or change, resulting in dynamic changes in the state of social exclusion (Silver 2007).

Finally, social exclusion is relational (Sen 2000) which points to it taking place in relation to other individuals, groups, institutions, and actors in society. Exclusion cannot take place in a vacuum but it happens in relation to something. Relationality points to its social aspects: Sen focuses on the role of community and public life in his discussion of relationality (2000). Material deprivation may lead to an inability to participate in social and public life and limit the role that community can play in one's life, thus resulting in exclusion. This relational aspect of social exclusion is a central one to its analysis, as it transcends its material dimensions. As Sen discusses, a dignified life necessitates more than just fulfilling the basic needs sufficing for survival - participating in social life, being a part of a community, and being able to 'appear in public without shame' are examples of such things (Sen 2000).

Besides the multidimensional, dynamic, and relational aspects of social exclusion, it is necessary to discuss the active and passive forms of exclusion. Like Silver iterates, the notion of exclusion

entails an *active relationship* between excluders and the excluded. Excluders are *agents* who use specific *mechanisms* to push others out and deny access to resources and relations. Even if it looks like the excluded want to withdraw from society, they may be doing so in reaction to poor treatment. (Silver 2007, 2)

Sen discusses this kind of exclusion where certain policies are aimed at a group of people for an exclusionary purpose, or when policies have exclusionary consequences even if they were not anticipated, as *active* exclusion (Sen 2000). Directly connected to the topic of this thesis, Sen uses the withholding of a "usable political status" from immigrants as an exemplary case of active exclusion (Sen 2000, 14-15). In such a case the state actively excludes the immigrants.

Silver seems to suggest that exclusion always involves an active imposition of measures on those who are consequently excluded (Silver 2007) while Sen counters this idea in his discussion of passive exclusion (Sen 2000). He defines passive exclusion as one that is not deliberate but takes place as a result of 'social processes' set forth by poor economic policymaking, for instance (Sen 2000). The importance of this distinction arises from its effect on analyzing the roots of the issue (Sen 2000).

2.2. Social Exclusion versus Inclusion

To build a firm theoretical foundation, I find it necessary to problematize the foundation of social exclusion presented above. A rather logical expectation is that the antonym of social exclusion is social inclusion. This is, however, not the case (Silver 2007, Levitas 1996). Furthermore, in an ideological sense, I do not consider social inclusion to be the goal of eradicating social exclusion. This is because arguably the notion of inclusion is exclusive in itself, and many types of inclusion may be forms of exclusion (Silver 2007, Sen 2000, Levitas 1996).

When I first encountered the idea that social inclusion is not the answer to social exclusion, I wondered: would it not make sense that instead of *excluding*, the various actors in society were incentivized to *include*? However, by taking a closer look at the notion of inclusion, it becomes apparent that it cannot be the goal of dismantling exclusive structures. Firstly, drawing from Silver, “inclusion of some groups may reinforce the exclusion of others” (Silver 2007, 1) as her example demonstrates: citizenship rules set by the state make inclusion attainable to some while excluding others. On the other hand, ostracizing and excluding some groups reinforces internal coherence within the groups included (Silver 2007). This line between ‘us’ and ‘them’ and alienating ‘them’ does seem to reinforce the sense of collective identity and inclusion within the group which simultaneously drives exclusion as well.

Furthermore, not only does inclusion have exclusive tendencies between groups but it may be exclusive in itself. Indeed, Sen draws attention to what he calls “unfavorable inclusion” or “adverse participation” (Sen 2000, 28-29). This point raises questions on who defines the terms of inclusion in each case. For instance, in the Finnish context women’s inclusion in the paid workforce has entailed different pay scales for men and women for the same jobs until the 1960s, in addition to the persisting phenomenon of devaluation of feminized work and the subsequent gender pay gap (Mankki and Sippola 2021). In other words, women became included in the paid workforce which, at its face value, sounds like great progress. However, upon closer inspection, it becomes evident that their inclusion was dependent upon adverse conditions. This demonstrates how inclusion may not be as advantageous for the included party as it might appear at first glance.

As Levitas continues on this note, it can be argued that the opposite of social exclusion is integration - however, she goes on to criticize such a notion by pointing out that it

almost always refers to integration into the paid labor market and thus, anyone who is not able or willing to take part in paid labor will always be excluded (Levitas 1996). I would argue - and Levitas seems to agree with me (Levitas 1996) - that using the term 'integration' as opposed to 'inclusion' goes beyond the point since integration is arguably a process of inclusion. Therefore, to discuss integration as a process to counter exclusion creates confusion and ultimately still guides the discussion to inclusion.

Furthermore, participation in the system is not always voluntary. Coerced participation by powerful actors or mere circumstances may be seen as inclusion. Thereby, any instance of 'inclusion' begs closer inspection of the terms under which it takes place, who it benefits, and who has set it forth. In some cases the actor or actors who are driving the inclusion of a marginalized person or a group is doing it to 'help' which is arguably yet another manifestation of a power play from the excluders' side: the excluded are essentialized and reduced based on their marginalization. As a result, the 'inclusion' is just another form of exclusion (Levitas 1996, Sen 2000).

2.3. Beyond Social Exclusion

Finally, the very concept of inclusion only exists if there is a structure one can be included in or excluded from. The notion of inclusion, thus, implies that there is also a possibility of exclusion. I would argue that the terminology of inclusion is only necessary as long as there are structures that set criteria for it, and as long as such structures exist, social exclusion will exist. Therefore, the actual antonym for social exclusion is not inclusion. It is not integration. It is reimagining and deconstruction. It all starts with reimagining. What would society look like if it did not rely on exclusionary structures and if it did not function on ideologies that necessitate inequality and exclusion - such as capitalism, neoliberalism, patriarchy, Eurocentricity, and heteronormativity? There are many ways to reimagine society, and in the context of my thesis, it refers to the process of painting society anew with institutions and structures that would not create and uphold social exclusion. However, reimagining is not enough. It necessitates the deconstruction of the exclusionary structures that are currently in place. According to Paulo Freire, an educator and a philosopher, oppression and dehumanization that are interlinked with social exclusion

may be countered by liberation and thus, humanization, which the oppressed must lead (Freire 1970).

I have to point out that social exclusion and oppression should not be merely equated to each other. As the theorizing of social exclusion above has shown, oppression can be understood as an element of social exclusion and that is how I view it in this thesis. Although Freire (1970) discusses the dynamics between the oppressors and the oppressed in the context of education, those dynamics transcend disciplines and I find them highly relevant to the case of the asylum system. The ideas that liberation is a part of the humanization of both, the oppressed and the oppressors and that it needs to be led by the oppressed with the ‘convert’ oppressors joining in - if the oppressors were to lead such a revolutionary movement, they would simply recreate an oppressive system in a different form - seem to model the ideal approach to undoing social exclusion (Freire 1970). Thus, bringing this theorizing by Freire into the context of social exclusion that has been discussed thus far, it becomes evident that the excluded need to be at the forefront of efforts to undo it. Their voices need to be centered and the excluders or those who are not subjected to social exclusion should take a role of listening and following the excluded in the deconstruction and reimagining endeavors. This positioning towards the ways to counter social exclusion informs the theoretical framework I employ, but mapping out the details of the liberation of queer asylum seekers goes beyond the scope of this research. The most relevant dimensions of social exclusion in this research will be its dynamic and relational aspects as well as the idea of adverse inclusion. I will discuss social exclusion further in tandem with the queer theory in Chapter 3, and contextualize it in the evaluations of SOGI in the Finnish asylum system.

Chapter 3: Queer Social Exclusion

When I started to draft my theoretical approach to this research I had a moment of doubt on whether to approach social exclusion through the lenses of queer theory or intersectional theory. I had more prior knowledge of intersectionality than queerness and the relevant theories but from the understanding that I had of queer theory, it seemed more fitting because of its focus on issues relating to SOGI. Upon investigating queer theory further, I decided to employ it because of its compatibility with the subject matter. In this Chapter, I will first discuss queer theory, after which I will weave it together with the social exclusion theory to give birth to what I refer to as queer social exclusion theory. Finally, I will contextualize the queer social exclusion theory in the evaluations of SOGI as asylum grounds in the Finnish asylum procedures.

3.1. Queer Theory

In this discussion on queer theory, I will build on the definition of ‘queer’ established in Chapter 1 to discuss the theory that I will then weave into the social exclusion theory. I will draw from writers whose works have had foundational effects on queer theory, such as those by Michel Foucault (1978), Michael Warner (1991), Teresa de Lauretis (1991), Judith Halberstam (2005), and Judith Butler (2005). As queer theory continues to evolve, I believe it is fundamental to give space to more contemporary works as well, and thus, much of my queer theorizing arises from *Queer Theory Now: From Foundations to Futures* by Hannah McCann and Whitney Monaghan (2020).

Queer theory was coined by Teresa de Lauretis (McCann and Monaghan 2020), a scholar and writer in queer studies, who distinguished it from the existing theories and approaches to lesbian and gay studies by pointing to its capacity to transcend and transgress the confinement of the terms that had been employed in the field thus far (de Lauretis 1991). Building on this initial notion by de Lauretis, it is imperative to establish that there is no single queer theory but rather queer theories (McCann and Monaghan 2020). Indeed, it should be borne in mind that it is not a monolith although I refer to it in singular for the sake of linguistic clarity. At the essence of all branches of queer theory is the contestation of strict categorizations and definitions as I mentioned in the definition of the term (de Lauretis 1991, McCann and Monaghan 2020). This is closely tied to what is generally understood as the core of queer theory:

questioning the normativity of gender and sexuality (McCann and Monaghan 2020). While patriarchy plagues the structures through which the society functions from a gender perspective, heteronormativity plagues it by alienating anyone who deviates from identifying with the gender assigned at birth or forming relationships with the ‘opposite gender’ which in itself is an assertion founded upon the ontology of the gender binary (McCann and Monaghan 2020).

Butler (2004) breaks down in detail how the social construction of gender operates which calls for weariness towards taking it simply as given. As I mentioned in Chapter 2, Butler argues that gender is produced and reproduced through its regulation - through the norms and customs that are associated with gender - and without them, it ceases to exist (Butler 2004). Furthermore, according to her, gender is performative or in other words, one *does* gender. She continues to analyze gender through the idea of it only materializing in the context of heterosexual relations and she problematizes such a notion through the perspective of queer theory by pointing out that gender does not necessitate sexual activity and sexual activity does not necessitate specific genders (Butler 2004). In Western ontology, gender is understood in binary while several non-Western cultures entail various more expansive conceptions of gender (McCann and Monaghan 2020). Indeed, queer theory seeks to expose and reject heteronormativity that governs the binary conception of gender and heterosexual relations and therefore, underpins social norms (de Lauretis 1991).

While ‘queer’ is understood to encompass *identities* not conforming to heteronormativity, McCann and Monaghan warn against taking the notion of identity for granted (McCann and Monaghan 2020). Queer theory may be useful and relevant not only when it comes to sexual or gender *identities*, but also to sexual or gendered *practices*. Furthermore, “...even talking about “identity” does not necessitate talking about distinct categories. Rather, identity can be understood as fluid and dynamic” (McCann and Monaghan 2020, 154). In the increased visibility of homosexuality in the society, heteronormativity has given birth to homonormativity. According to Michel Foucault, a philosopher and a social theorist, the arguments employed in favor of normalizing homosexuality are the same as those that have been used to deem it unnatural (Foucault 1978). In other words, the same factors that have been used to undermine its legitimacy or naturalness are employed to drive its normalization. I would

argue that consequently the queer is trapped in conditional recognition governed by heteronormativity. The regime of patriarchy, neoliberalism, and heteronormativity has created an image of what it is to live a ‘good’, ‘normal’ life, and such normality entails milestones and norms about sexuality and relationships (McCann and Monaghan 2020) that are even referred to in advocacy for gay rights - an example of which is campaigns for gay marriage. In such a view, queerness can exist in the society as far as it remains within the heteronormative confines. Homonormativity, thus, dictates the ‘right’ way to be queer (McCann and Monaghan 2020). Furthermore, as the example of gay marriage demonstrates, heteronormative order is embedded in the institutions that regulate the functions of society and consequently, “queer struggles aim not just at toleration or equal status but at challenging those institutions and accounts” (Warner 1991, 6).

A further manifestation of heteronormativity is found in homonationalism which refers to the narrative of Western states standing for the rights of sexual and gender minorities while the non-Western world in its backwardness discriminates against these groups (Danisi et al. 2022, 80; McCann and Monaghan 2020). Homonationalism is then utilized to justify the dichotomy between the West as the epicenter of human rights and the savage ‘rest’ (Spijkerboer 2017a). This is evident in the case of queer asylum seekers in the Finnish case which I will discuss in further detail in Subchapter 3.3. However, a significant part of homonationalism is a performative way of seemingly advocating for a selective set of queer rights without a true concern for the full recognition and liberation of queer people (McCann and Monaghan 2020).

Besides queer identities and practices, queer theory is about race, class, ethnicity, nationality, and disability, and it concerns matters of citizenship, human rights, and marginality (McCann and Monaghan 2020). Indeed, recognizing and resisting such issues is integral to queerness (Warner 1991). Though queer theory is resistant to socially constructed categories, recognizing the significance and consequences of such categories in society does not devalidate or diminish the value of queer theory. Furthermore, no one or nothing in society exists in a vacuum, and therefore, studying solely one’s SOGI would be illogical because all other aspects potentially influencing one’s reality would be dismissed (McCann and Monaghan 2020). However, the malleability of queer theory and the tribute it pays to categories beyond SOGI by

suggesting their abolition already provides tools for accounting for the complexity of identities. I find it more important to focus on heteronormativities and their doings and undoings with an appropriate consciousness of social factors beyond SOGI.

Finally, I will discuss the temporality of queer theory. According to Judith Halberstam, a feminist and queer academic, it comes with the inevitable inspection of ‘heteronormative temporality’ that is marked by milestones such as marriage, reproduction, and parenthood indeed built around heteronormativity (Halberstam 2005). “These temporalities have become ingrained into our understandings of how a normal life *should* be lived” (McCann and Monaghan 2020, 216) which is a central feature of heteronormativity. However, as the discussion thus far hints, queer theory diverges from these milestones. It suggests non-conformity to these pre-dictated goals that a person striving for a ‘good’ life should reach. With this in mind, it is important to note that one’s queerness is not defined by their non-conformity (Halberstam 2005) but there are as many ways of being queer as there are queer people. It is an important criticism of queer theory that it should not expect non-conformity from queer people because then it is just imposing yet another restricting structure on them. Furthermore, queer theory should be employed with a consciousness of the complexity of the relations between the queer and the non-queer beyond a simple dichotomy in which the queer are uniformly oppressed and non-queer are in positions of power (Cohen 2005).

Turning to the future, queer theory generally calls for shattering “social expectations of normative reproduction and thus the “future” of social life altogether” (McCann and Monaghan 2020, 221). However, attention must be paid to the dangers of being merely ‘anti-normative’ because then it “might lose its critical edge in deconstructing identities/boundaries” (McCann and Monaghan 2020, 14). I would also point out that if the idea of resistance to strict categorization and norms becomes mainstream, it would give birth to a normative way of resisting oppressive norms, thereby being paradoxically normative in itself. Bearing these criticisms in mind, rejecting the social expectation that involves the heteronormative ingredients for a ‘good life’ is, in itself, a way of resisting heteronormativity. Furthermore, I argue that imagining a future outside the heteronormative structures of ‘good life’ would be a natural outcome of employing the queer theory. Instrumentalizing the resistance to categorizations and

strict structuring and drawing from queer literature (see de Lauretis 1991, Foucault 1978, Warner 1991, Butler 2004, Halberstam 2005, Cohen 2005, McCann and Monaghan 2020), 'queer future' would entail freedom for everyone to paint their own future. Furthermore, the approach that I will take in 'queering the future' is much informed by its context which in this case is one of the EU asylum regimes. I will discuss the queer future in more detail in the following Subchapters on queering social exclusion theory and contextualizing the subsequent queer social exclusion theory.

3.2. Queer Social Exclusion Theory

With the established understanding of social exclusion and queer theory, I can now begin to weave them together. I will embed queer theory in social exclusion theory in a manner that perspectives of queer theory may guide the application of social exclusion in the subject matter. Indeed, queer theory is a way of studying social exclusion in its emphasis on resisting categorizations and exclusionary heteronormativity.

Through the application of queer theory to social exclusion theory, the first point of focus I take a pitstop at is 'active' and 'passive' exclusions. Since queerness transcends the normative ways of understanding gender and sexual identities and practices, it is located outside the normative frameworks and thereby, excluded. Arguably exclusion results from heteronormative order passively but on the other hand, those who the heteronormative order benefits perpetuate exclusion on those who fall outside of it which makes the exclusion active. Even without exclusive intent behind policies, exclusion is brought about by linguistic confines, and I would argue that policies that fail to account for the diversity of sexual and gender expressions result in active exclusions of queer people. Although the passive and active dimensions of exclusion result from heteronormativity, I would argue that only the active form of exclusion demands accountability. Indeed, building upon these tensions between passive and active exclusions, the order that passively excludes also provides a framework for active exclusion: the exclusionary norms not only influence policy-making but attitudes across society which then makes institutions, policy-makers, and citizens active agents of exclusion. Coupling Sen's conceptualization of active exclusion in terms of policies (Sen 2000) and Silver's deliberations on the inherently active nature

of exclusion (Silver 2007) with queer theory, it becomes evident that heteronormative assumptions that inevitably result in the exclusion of queer people are active in nature.

In queering social exclusion theory, the focus is drawn on the non-conforming identities and practices that lead to exclusion which operates multidimensionally, dynamically, and relationally. In this study, I will focus on its relational aspect and touch upon its dynamic dimension. The relationality of social exclusion is salient from the queer perspective, as it demonstrates how heteronormativity operates through how queer asylum seekers are excluded in relation to each other, to non-queer asylum seekers as well as residents and citizens of the host country and the countries of origin. The queer, deviant from the hegemonic norms, is defined against those norms and because of the deviance, excluded. Furthermore, they are excluded in relation to the institutions that execute their exclusion as well as the society that they are excluded from through the asylum procedures.

The dynamic nature of social exclusion is relevant to this study, as it facilitates understanding how the social exclusion of queer asylum seekers may change because of the ever-shifting norms, policies, and practices regarding SOGI. Furthermore, the very construction of gender and sexuality itself is dynamic because of the shifting norms influencing its regulation (Butler 2004). It is inevitable that the nature and manifestation of social exclusion based on SOGI is dynamic, as it results and reproduces the attitudes and norms towards SOGI - as well as the homonormativity and homonationalism that complicate this phenomenon through their performative imposed of rights without truly making a change (Danisi et al. 2021). Social exclusion from a queer perspective is not dynamic only because of its interaction with gender and sexuality but with legislative and normative shifts about race, gender, class, and ability.

Queer theory points out how the identity of a queer person results in different kinds of exclusion depending on the definition of their identity as well as their conformity to the ingredients of the 'good life' as dictated by homonormativity. For instance, a genderqueer person who does not pin their gender nor sexual identity to a single definable category "...is understood as a perverse *threat* to the future, via the association with death" (McCann and Monaghan 2020, 220) because they fail to reproduce as a part of a heteronormatively constructed ideal of a nuclear family

(Halberstam 2005). A genderqueer person is therefore arguably excluded to a higher degree than, for instance, a gay man who conforms to homonormative expectations by getting married and having children.

The idea of adverse inclusion is especially salient in discussions of social exclusion in tandem with queer theory. Queerness, in its resistance to dominating norms, especially regarding gender and sexuality, is excluded from the very terms and norms through which the surrounding world is understood in the Western imaginary (McCann and Monaghan 2020). However, it is arguably included through its recognition as the 'other' - indeed, it is understood through its relation to the norms that denounce it (Butler 2004). This is a crude example of adverse inclusion discussed by Sen (2000) but certainly not the only one. In examining the idea of adverse inclusion through the lenses of queer theory, the dimension of homonormativity stands out. I would argue that it is the most relevant aspect of queer theory in terms of the tensions between inclusion and exclusion because it demonstrates how the heteronormative order dictates the terms for the queers' inclusion, thereby ultimately resulting in their exclusion. Queers may be included and recognized in the heteronormative functioning society as long as they pertain to the heteronormative milestones and ways of life, including getting married and forming a nuclear family (Halberstam 2005) - these are the terms they need to adhere to be included. I would point out, however, that the heteronormativity order is oppressive to those who fit the norm in terms of their identity but do not practice it by, for instance, forming a nuclear family and having children. This demonstrates a contradiction in the heteronormative order as the importance of performativity is generally rejected (Butler 2004), yet refraining from heteronormative practices - performing one's gender and sexuality - arguably results in social exclusion.

However, departing from the terms of inclusion inevitably results in exclusion, and as queer theory suggests, at the heart of it is the resistance and non-conformity to such terms which implies their exclusion (McCann and Monaghan 2020). I argue that even those queer people who adhere to the heteronormative order and who reach the related milestones are only included conditionally for as long as they conform, and their queerness is still regarded as a distinguishing feature that does not grant them full inclusion. Rather, I argue that they become tokens of homonationalism, 'included' objects which can be used to perpetuate the idea that the West is the haven for queer

people and the epicenter of human rights while in reality, their inclusion is dependent on conformity to oppressive norms.

With this understanding of social exclusion in the present through the lenses of queer theory, I will now turn to the aspect of the future. As discussed in Subchapter 3.1., I argue that integrating queer imaginaries into the theory is immensely important because it is a form of resistance to heteronormativity. Simultaneously, I draw from Paulo Freire in Subchapter 2.3. to frame my theoretical approach to future contravening social exclusion. Coupling Freire's central principle of liberation from oppression - in this case, social exclusion - is the leadership of the oppressed, not the oppressors (Freire 1970). In other words, the oppressed should be at the forefront of liberation.

When weaved together with queer theory, the queer should be at the forefront because they are the oppressed in the heteronormative order while those who perpetuate the heteronormative order are the oppressors. I base my theorizing of the ways to go about this liberation on ideas arising from queer theory. Firstly, to imagine a queer future, the heteronormative order must be deconstructed, as per Butler's analysis of the regulation of gender (Butler 2004). The regulation of gender dictates how gender is understood and I conceptualize heteronormativity as its regulative power in the heteronormative order. Therefore, deconstruction of the oppressive structures consists of tearing back layers of heteronormativity that are based on norms of heterosexuality and binary conception of gender, normative roles assigned to each pole of the gender binary, strict categorizations of feminine and masculine, and the subsequent power dynamics of gender and sexuality. The deconstruction of heteronormativity inevitably entails the undoing of homonormativity and homonationalism because they are rooted in heteronormativity. This process undoes the structures of social exclusion that operate through heteronormativity, giving way to reimagining a queer future.

As is evident from the discussion of queer theory and deconstruction, the rejection of heteronormative expectations and practices that lead to its normative reproduction is at the center of queer reimagining. I acknowledge that imagining queer future involves imagining new normativity, queer normativity, which is arguably antithetical to queer theory (see McCann and Monaghan 2020). However, I argue that such normativity would be flexible and malleable to any given individual or group without strict

structuring that would govern their functions - only oppressive purposes being off limits. In queer future, the terms of inclusion and exclusion are irrelevant because the structures that divide people into those who are 'included' and 'excluded' are dismantled. Instead, in this imaginary, society functions in such a way that markers of 'difference' like SOGI, race, ethnicity, nationality, class, or disability are irrelevant to one's recognition, treatment, or opportunities and therefore, their inclusion or exclusion. In order not to fall into mere chaos, some structures are necessary. In the queer imaginary I employ, the 'structures' would be founded upon principles of equality and the non-negotiable value of each human that does not set prerequisites for recognition.

3.3. Queer Social Exclusion Theory in the Context of Asylum Procedures in Finland

Now that I have weaved queer theory into social exclusion theory, giving birth to queer social exclusion theory, I will apply it in the context of queer asylum seekers. It is not only useful but necessary to verbalize the connections between the theory I introduce above and the case of queer asylum seekers in Finland and make it evident how I intend to apply the theory. I must, however, make a terminological note before delving into the theoretical applications. When I refer to 'queer asylum seekers', I do so with a consciousness of the complexity and uniqueness of their identities and thus, it is not used as a reductive term deeming them only 'queers' and 'asylum seekers' or a monolith of 'queer asylum seekers'. However, I will use the term 'queer asylum seeker' for the sake of clarity and simplicity though I encourage the active recognition of the multiple other dimensions to their identities - each with a unique set of identities of their own.

In the case of queer asylum seekers, the issues relating to heteronormativity are exposed. As prior research suggests, there is a tendency for Western heteronormative assumptions to take center stage in European asylum decision-making when it comes to SOGI-related claims (see Danisi et al. 2021, Spijkerboer 2017a, Jansen 2013). I argue that such a heteronormative assessment of asylum claims based on SOGI reinforces the European border externalization regime. The heteronormative standards of a 'good life' as described by McCann and Monaghan (2020) are applied to queer asylum seekers through the assessment of the 'depth' of their past

relationships, their potential relationships with the ‘opposite’ gender, and the extent to which they identify as queer (Danisi et al. 2021, Spijkerboer 2017a, Jansen 2013). The requirements of forming deep emotional connections with a person of the ‘opposite’ gender and strongly identifying as queer are embedded both in the hegemonic heteronormative understanding of ‘good life’ (McCann and Monaghan 2020) and Western norms in which the validity of one’s is found in their identity (Danisi et al. 2021). Therefore, the performativity of gender, as suggested by Butler (2004) is ignored in the asylum process; engaging in sexual practices is not regarded as queerness and is rarely regarded as evidence of belonging in a PSG (Danisi et al. 2021). On the other hand, how the asylum seeker has performed their gender and sexuality in their country of origin has been of interest to asylum decision-makers to establish whether they have ‘come out’ and therefore, if they are at risk of persecution (Danisi et al. 2021, 78; Jansen 2013, 3). I would argue that even if it would pertain to queer theory to only consider one’s identity, it is irrelevant in the context of asylum-seeking: according to the Aliens Act 87 b §, if one is considered a member of such a social group by the persecutor(s), the claimant is considered to have a well-founded fear of persecution (Ulkomaalaislaki 30.4.2004/301 87 b §). Furthermore, the fluidity of gender and sexuality counters the heteronormative order which is why queer claimants’ prior relationships with the ‘opposite’ gender are often considered a factor that nullifies their queerness (Danisi et al. 2021).

Bearing in mind the tensions between heteronormativity and queer asylum seekers, both passive and active forms of social exclusion appear relevant. I am focusing predominantly on the active forms of exclusion where the state and its apparatus is the excluder while the queer asylum seekers are the excluded, as I argue that the heteronormative ontologies of Migri result in the social exclusion of queer asylum seekers. This takes place through the failure to account for heteronormative biases and attitudes as well as a lack of awareness of queerness that may translate into exclusionary decision-making (Danisi et al. 2021). Indeed, I argue that the heteronormative ontologies govern social norms in addition to the state apparatuses which could be described as passive exclusion (Sen 2000). However, as discussed above, recognition of the active nature of the exclusion and thereby, the agency of the excluder, drives accountability which arguably is essential for countering social exclusion. Thereby, I expect active exclusion to take center stage as Migri does operate

on existing policies which, when resulting in exclusion, is considered active regardless of its intentionality (Sen 2000).

With the role of active exclusion established, I argue that individual, national, and international levels at which social exclusion may take place are the most relevant ones to consider. I will examine the individual level because the queer asylum seeker is at the very center of this research, and the effects of asylum decision-making grounded in heteronormativity reflect the exclusion of the queer individual. On the other hand, exclusion manifests on a national level, as I focus specifically on the Finnish case of asylum decision-making and thereby, its effects can be seen on the national level. As Migri operates as a part of the wider European border regime, the impacts of Migri's asylum decision practices may transcend national and EU boundaries and reach the applicant's community in their country of origin, and therefore, the theoretical framework is applied on an international level as well.

The relational and dynamic features of social exclusion of queer asylum seekers manifest on all the enforcement levels. On the one hand, queer asylum seekers who do not fit homonormative expectations are socially excluded in relation to those who do fit the norms but on the other hand, the homonormative queer applicants are also subjected to social exclusion in relation to those who are non-normative. Furthermore, all queer asylum seekers arguably experience social exclusion to an extent in relation to their non-queer peers (Danisi et al. 2021). Asylum seekers regardless of their background or asylum grounds may experience social exclusion in relation to the citizens or residents of the host country because of language and cultural barriers, traumatic experiences, or other factors that may contribute to their exclusion (Spijkerboer 2017b, Gerard and Pickering 2014, Freedman 2016). Potential exclusionary policies as well as racist and xenophobic attitudes may exacerbate the exclusion in relation to the non-refugee citizens and residents who are not targeted by the exclusionary policies and biases (Perocco 2018). Queer asylum seekers also arguably face social exclusion, or are in danger of it, in their countries of origin which, alongside persecution, has contributed to them seeking asylum in the first place (Danisi et al. 2021). Besides other individuals, asylum seekers arguably experience exclusion in relation to the EU and therefore, Finland, through the EU border externalization regime (see Spijkerboer 2007, Spijkerboer 2017b, Varada Raj 2006, Gerard and Pickering 2014) and in relation to the host society.

The situation of queer asylum seekers is incredibly dynamic for several reasons. The legislation and attitudes towards refugees and asylum proceedings are subject to changes. Furthermore, the political events domestically and abroad influence the normative assumptions about refugees which I argue may reflect in the asylum proceedings as well. The situation of the applicant may be influenced also by the potentially dynamic changes in their country of origin. According to prior research, such changes may or may not affect decision-making in real time since COI is not always fully updated or accurate despite a high degree of reliance on it (Jansen 2013, Danisi et al. 2021). Besides this, queer asylum seekers' position is dynamic because of their SOGI: the legislation and attitudes towards SOGI are also in a constant shift which is also reflected in the ways that SOGI-based asylum claims are assessed. This dynamic situation is directly related to the social exclusion they experience.

In the case at hand, the social exclusion of queer asylum seekers involves forms of adverse inclusion. The recognition of their queerness and their subsequent inclusion in the Finnish society is dictated by the heteronormative assumptions present in European asylum regimes (Danisi et al. 2021). Furthermore, their inclusion as it pertains to their status as refugees is dictated by immigration laws that may not always reflect the realities that they face (Spijkerboer 2017a, Jansen 2013). This inclusion serves to purport homonationalism, as it amplifies the narrative that EU states are a haven for the queer who are brutalized in their less 'civilized' countries of origin (Danisi et al. 2021). Furthermore, the idea of 'doing queer right' and the exclusions that follow from contravening this homonormativity is especially salient in the asylum procedures: queers outside homonormativity are not seen to be genuinely queer, and therefore, asylum may be denied. Prior research suggests that the 'inclusion' of asylum seekers in European societies through positive asylum decisions is conditional on their performance of queerness - for them to be recognized as queer and therefore, be granted asylum, they are expected to comply with homonormativity (Danisi et al. 2021, Spijkerboer 2017a, Jansen 2013). In practice, this manifests in the emphasis on the longevity and emotional depth of the romantic relationships the applicant has formed and the formation of a queer identity that the applicant can present in the asylum process (Danisi et al. 2021). If the applicant does not fulfill such expectations, their queerness might not be considered proven. Even if it is considered proven and they are included through asylum, this 'inclusion' remains conditional with the

backdoor open for various levels of exclusion depending on potential non-conforming life choices or self-expression in the future. Indeed, the case of queer asylum seekers demonstrates how the notion of 'inclusion' also implies the looming presence of exclusion.

Finally, in this case, the exclusive system to be reimagined and deconstructed is the EU's asylum regime. Through the lenses of queer theory combined with the foundational idea of the oppressed leading the efforts to humanize the oppressed and the oppressors (see Freire 1970), reimagination and deconstruction of the asylum regime is not only about reforming certain parts of the system. It is about deconstructing the entire asylum system and reimagining it anew through queer ontologies that reject categorization and where the value or status of life is not tied to the fulfillment of strict norms. As I mentioned in Subchapter 3.2., the rejection of the hegemonic heteronormativity through queer imaginaries would inevitably result in new queer normativity. However, even when contextualized in the asylum system in Finland and more widely in the EU, such normativity would be malleable as per the queer ideas. Due to the scope of this research, I will touch upon this aspect of the queer future only briefly based on my analysis of the role of heteronormativity in the current asylum system as well as the social exclusion that it perpetuates.

Chapter 4: Research Design, Methods, and Ethical Considerations

I begin to discuss my research design by laying out my methodological approach. First, I discuss my ontological and epistemological points of departure that are grounded in and informed by my theoretical approach. Following this, I discuss my qualitative research approach as well as my methods of data production and analysis. Finally, I come to evaluate the ethical considerations that underpin, inform, and arise from my research design.

4.1. Research Methodology

My ontological and epistemological approaches are intertwined with queer social exclusion theory discussed in Chapters 2 and 3. The approaches are informed by and grounded in queer thought that my theoretical approach arises from. Furthermore, in terms of data collection and analysis methods, this research is designed based on the methods' compatibility with my theoretical, ontological, and epistemological frameworks.

Queer thought, indeed, shapes my ontological point of departure concerning migration and asylum seeking and, therefore, international politics as well as gender and sexuality. On par with the assertion by McCann and Monaghan (2020), I consider gender and sexuality and the related normativity - such as heteronormativity - to underpin all activities in society and international politics. When it comes to my ontological approach to gender and sexuality, I consider them socially constructed and performed and their existence relies on their performance (see Butler 2004). Furthermore, I assert that neither gender nor sexuality is static but may shift and change, and one's description of their own sexuality or gender cannot be overruled by any other person's or entity's description. These ontological assumptions become essential when applied in the context of the queer applicants' asylum process, as they guide how the assessments are conducted.

This ontological approach is closely entwined with the epistemological approach, as it concerns the definitions of 'knowledge' and valid ways to acquire it. Conventionally the utmost goal for 'scientific knowledge' seems to be objectivity which is why much research has been written in a passive voice in an attempt to erase the researcher's

deliberations. However, in accordance with feminist writer Donna Haraway's ideas (1988), I dispute the idea that reaching 'neutrality' or 'objectivity' is possible. Furthermore, I would argue that the use of such rhetoric implies an omniscient position which no researcher can claim because human beings are inherently biased simply because they *are* humans. Therefore, it is not meaningful to claim 'objectivity' by erasing 'I' from the text. Instead, such erasure imposes a danger of conflating one's arguments and observations with the findings of other researchers. My approach is using active voice to distinguish between my ideas and the ideas of others, whether they arise from literary sources or my data. Thus, my epistemological approach is largely informed by queer and feminist research (see Haraway 1988), as it entails knowledge production with recognition of my subjectivity concerning the subject matter.

My ontological and epistemological approaches are informed by and intertwined with the queer social exclusion theory I employ in this research. Together they provide a methodological foundation on which I can begin to ground my data collection and analysis methods.

4.2. Qualitative Research Approach

With the established methodology laid out above, I will discuss my qualitative research approach. Broadly, qualitative research explores the detail and nature of the research subject, and the sample sizes tend to be rather small (Matanda and Mawere 2022). I would argue that it is the best-suited approach for this research since it captures complexities that quantitative data cannot capture - though because of the usually small sample size in qualitative data, the results cannot easily be projected on a wider scale. Considering the relational and dynamic nature of the functions of the asylum decision-making procedures as well as their effects on asylum seekers, my research methods need to encompass those complexities as much in detail as possible. I do acknowledge that quantitative methods that facilitate identifying numerical or statistical patterns (Matanda and Mawere 2022) could be relevant to the topic of this research but it goes beyond the scope and purpose of this particular study.

Furthermore, it "can be employed to solve a need or problem at hand in a community or society at large" (Matanda and Mawere 2022, 60) which is precisely what I seek to do in my research in the context of exposing heteronormativity at play in the

evaluations of SOGI in the Finnish asylum system as well as how social exclusion operates through it. Furthermore, “qualitative research methods help to gain insight into the processes involved in co-constructions of meaning, lived experiences, cultural rituals, and oppressive practices” (Atkinson 2017, 65) which, in this research, would be the decision-making practices in the asylum system. The qualitative research approach enables investigating the processes at play in asylum decision-making as well as the meanings of which are co-constructed by the researcher and the participants.

Within qualitative research, there are two major approaches: correlational and descriptive research (Matanda and Mawere 2022). In qualitative correlational research the goal is to study the correlation between two variables, and in the center of this approach is the ‘why’ while in descriptive qualitative research, the main concern is the nature or characteristics of a phenomenon (Matanda and Mawere 2022). As the central focus of this research is the nature of the evaluation of SOGI as an asylum ground in Finland, this research is descriptive in nature. The correlational approach is arguably applicable, as the study touches upon the relationship between heteronormativity, decision-making, and queer social exclusion. However, the main goal is to describe the impact of normativities on decision-making and as it produces social exclusion, rather than analyzing the potential correlations in-depth. Thus, I employ the descriptive qualitative approach in this research.

On the note of data production, I make a conceptual distinction between data collection and production: data is not simply waiting to be collected but is rather produced with and by the researcher (Ramazanoglu and Holland 2002). Furthermore, the subsequently produced data does not contain ready-made facts to be simply transferred onto the thesis. Rather, the data must be analyzed through the theoretical, ontological, and epistemological lenses (Ramazanoglu and Holland 2002) which is precisely what I seek to do.

4.3 Data Production through Semi-structured Interviews

Within this qualitative research approach, my choice of a data production method is that of **semi-structured interviews**. In semi-structured interviews, the researcher formulates a set of questions before the interview but also picks on points that the participant articulates and asks follow-up questions. In other words, “the objective is

to guide a participant in conveying an account of an experience as it relates to the topic of study” (Galletta 2013, 47), and thus, the questions’ purpose is to facilitate the participant in discussing the topic at hand. Furthermore, the participants’ responses are embraced in also impacting the course of the interview. This conversational approach, indeed, allows for asking follow-up questions, modifying the questions along the way, and letting the interviewee bring up aspects that were not addressed in the initial interview questions (Matanda and Mawere 2022). To situate the method in the jungle of qualitative data production methods, it falls between structured interviews, in which the researcher strictly adheres to a set of questions, their order and phrasing, and unstructured interviews, in which the researcher may have some questions prepared for the interview that is closer to an organic conversation in nature (Atkinson 2017).

For the semi-structured interviews, I formulated a set of questions that were grounded in my research questions. The set only acted as a roadmap to follow, and I diverted from the predetermined questions in the first interview. After the first interview, I modified the original questions based on how the participant responded so that the questions would better aid the participants in discussing the subject matter in the upcoming interviews. I continued utilizing the questions differently in each interview based on how the participants responded and engaged with the questions.

The matters of language and translation affected the data production. I conducted the interviews in Finnish because as mine and the participants’ native language, it arguably was the most comfortable option. All the data remain in Finnish unless directly quoted in the analysis. I transcribed each interview verbatim in Finnish with occasional omissions of filler words such as ‘niinku’ (eng. ‘like’) if they were repeated multiple times in a single sentence. I decided to omit filler words in such cases because that did not entail omission of any meaning, and because their higher occurrence did not communicate anything meaningful to the study, since the participants or their experiences are not studied but rather, the content of their responses. The quotes that I use in the analysis are translated from Finnish to English with emphasis on both, the exact word choices and the overall meaning. Thus, I emphasized these two features for the translation to be as close to the original as possible. All quotes with their original and translated versions may be found in the Appendices.

The data production continued after the transcription process, as I sent each participant the interview transcript so that they could comment and modify their responses. The comments and modifications were written in different colors so that they could be distinguished from the original responses. The participants contributed only rather small additions and comments to their original responses which I included in the analysis. Finally, one participant provided comments also on the quotes that were used in the analysis which I integrated in the analysis to preserve the meaning that the participant wanted to convey to as high a degree as possible.

The use of semi-structured interviews as the method of data production begs the question of who are the participants in this research. It is a rather salient question in this research, especially considering my theoretical point of departure. After critical evaluations of different options, I decided to conduct my interviews with Migri personnel who occupy expert and advisory positions relevant to SOGI in asylum decision-making, as well as those who conduct asylum interviews and make asylum decisions. I chose to pursue this route, as the participants' expertise on the evaluations of SOGI can be expected to shed light on the assumptions and normativity that underpin them. Involving both advisory and expert personnel as well as the interviewers and decision-makers facilitates forming a complete image of the subject matter, as they contribute their perspectives from different positions in the asylum system. Furthermore, my original plan for the research involved analyzing SOGI-related asylum decisions but due to the highly confidential nature of the information in the decisions, it was not possible to obtain the decision documents for this thesis. Thus, I identified interviewing Migri personnel who have detailed insights on the assessment of SOGI in the asylum procedures as an appropriate route to investigate the topic.

The research includes five participants, three of whom are in expert or advisory positions and two of whom conduct the asylum interviews and make decisions. To preserve the anonymity of the participants, I pseudonymized their names. The pseudonyms are common Finnish male and female names that have been assigned in a randomized manner. In other words, the 'gender' of the name does not correlate with the participant's actual gender, as the participant's gender has not been taken into account in choosing the pseudonym. The participants along their pseudonyms and positions in Migri are as follows:

Table 1: Interview participants, according to pseudonyms and tasks relevant to the assessment of SOGI as asylum grounds

Pseudonym	Mikko	Jenni	Minna	Elsa	Roni
Tasks relevant to SOGI matters in asylum procedures	Asylum interviews and decision-making	Expert on SOGI matters, advisory tasks	Expert on SOGI matters, advisory tasks	Asylum interviews and decision-making	Expert on SOGI matters, advisory tasks

Concerning the choice of participants, an alternative route could have been to interview queer asylum seekers themselves, in accordance with Freire’s ideas of centralizing the voices of the oppressed (Freire 1970). However, after evaluating the ethical aspects of such an approach, I concluded that it would not be ethical to potentially cause the participants to relive their trauma and dehumanizing experiences merely for my research which is relatively limited in scope and depth. Furthermore, interviewing asylum seekers would shift the research design to center around their experiences of social exclusion rather than around the structures that perpetuate exclusion. I acknowledge that for future research into this topic, it would be imperative to hear and amplify the voices of the queer asylum seekers which requires resources to ensure that the research is ethically sound.

Besides the Migri personnel or queer asylum seekers, I considered interviewing stakeholders such as legal aids, social workers, or representatives who have worked with queer asylum seekers. Ultimately, however, my choice of participants was much influenced by my already existing network and connections that are more established within Migri than with the stakeholders. I considered that interviewing all the aforementioned groups would allow for forming a thorough image of the phenomenon based on multiple vantage points, yet it would go beyond the scope of this research.

Beyond identifying the group of people to interview, I selected the individual participants from my connections amongst the advisory and expert personnel in the Asylum Unit of Migri. I then engaged in snowballing which entailed consulting the participants on relevant persons to contact for the research (see Kimber and Dairon 2023). It was only necessary to engage in snowballing during the first interview, as I had already identified most of the participants. It did not yield direct results, as the

participant pointed to another person whom I might consult. However, this person was able to provide potential names of who to contact. Through this, I found the two participants whose work entails asylum interviews and asylum decision-making.

4.4. Data Analysis Through Theoretical Framework

Following the data production, I analyzed the data utilizing the theoretical framework of queer social exclusion laid out in detail in Chapter 3. I begin the data analysis through codification which will then function as a roadmap for the analysis. In the analysis, I employ elements of critical discourse analysis and social constructionism in addition to the theoretical framework.

I begin the analysis by codifying the data which refers to the process of arranging the data according to both, preconceived themes and the themes that arise from the text that then act as the codes (see LeCompte 2000). I found the codification process instrumental to the analysis, as it aided in organizing the data in a manner that highlighted the focal points of the analysis. My preconceived codes arose from my theoretical framework, and the choice of codes arising from the text was informed by the queer social exclusion theory as well as themes from prior research on evaluations of SOGI in the asylum system in the EU.

After the process of codification, I begin analyzing the content of the data. The queer social exclusion theory provides a framework for the analysis. I apply different elements of the theory at different stages to effectively dissect the data. First, my focus is drawn to the features that the queer perspective exposes such as the manifestations of heteronormativity and homonormativity, tensions between queer identity and performativity as well as categorizations of gender and sexuality. After dissecting the data through these perspectives, I will employ the social exclusion perspective while maintaining the queer lenses. As a result, I can begin to analyze how social exclusion is produced and reproduced in the asylum procedures through the features exposed through the queer perspective. The analysis is informed by and structured based on phenomena and patterns identified in prior research (see Danisi et al. 2021, Spijkerboer 2017a, Spijkerboer 2013).

In addition to the theoretical framework, I will employ some elements of social constructionism and critical discourse analysis (CDA) in my analysis. Discourse refers

to social interactions that are partially or entirely linguistic in nature (Fairclough and Wodak 1997) and thus, the participants are effectively taking part in discourse concerning the queer asylum seekers as well as the evaluation of SOGI as asylum grounds. As participants in such a discourse, they participate in creating and reproducing social realities, in a socially constructionist view (Weinberg 2014). In other words, social constructionism is the idea that discourse does not only describe reality but simultaneously constructs it (Weinberg 2014, Wodak 2014). CDA accounts for the idea that discourse is not only interaction through speech or writing but also social action involving power and social structures (Fairclough 1992). Therefore, in addition to the linguistic aspect of discourse, it addresses the social context and power relations in which the discourse is situated (West et al. 1997). I identified the aforementioned elements of social constructionism and CDA to correspond with the overall framework of queer social exclusion theory, and to contribute further dimensions to it. Therefore, I incorporate these elements in the analysis in tandem with the theoretical framework.

4.5. Ethical Considerations

Despite my efforts to eradicate any ethical issues from the research, some dilemmas remain. The most significant one has to do with the interviews. As discussed in Chapters 2 and 3, I adhere to ideas that Freire has laid out about liberation: the oppressed should be at its forefront, not the oppressors (Freire 1970). In the context of my research, this would arguably mean that the queer asylum seekers voices are centered and that they are interviewed. However, this begs another question: to what extent is it ethical to subject persons who are, because of their identities and their status as refugees, in vulnerable positions to revisit or even relive their trauma? If I expected my research to carry the potential of substantial steps forward in their liberation, it could be a meaningful route to take. However, I recognize that while I keenly hope that this thesis will bear concrete effects, the impact arguably weighs significantly less than the potential suffering that such interviews might cause. Thus, as an ethical precaution, I decided to reject the idea of interviewing those who would, according to my theoretical approach, be the most appropriate participants. A more ethical route would be interviewing persons who have insight into the proceedings but who are not personally impacted the same way that the asylum seekers themselves are which is the route I take. Hence, I chose to pursue interviewing Migri personnel.

I recognized, again, that this approach is not without ethical dilemmas either. I minimized the amount of personal data that was collected: I only recorded the participants' voices and occupational information, except for two participants who wished to have their cameras on and gave their consent for recording it orally. The voices are recorded as a part of the interview recordings so that I can go back to the data and conduct a more in-depth analysis, and occupational information is crucial for establishing the credibility and relevance of the participants' insights. However, there are always ethics to be considered when dealing with personal data. To ensure the privacy of the participants, only I have access to the data and the responses will only be connected to pseudonyms, not the participants' real names. This is done pertaining to a privacy notice detailing the processing and storing of personal data. Despite relatively little personal data, some respondents may be identifiable based on occupational information. Hence, I discuss the findings in a way that does not link the responses to their specific tasks in a way that would render the participants identifiable. Though it may strengthen the analysis to establish connections between responses and the position of the participant from which the response arises, an ethical approach is one of ensuring anonymity. Thus, such connections will not be made.

In addition to the aforementioned measures, the snowball method presents a potential breach of anonymity, since some participants would know others' identities since they would have had recommended them. However, my strategy to avoid this is to express to the participants my appreciation for the recommendation but not express whether I will interview the recommended person. There may be many reasons for deciding not to interview them such as the incompatibility of their area of expertise with the research topic or their unavailability. On the other hand, the participants interviewed as a result of snowballing will not be informed of having been recommended. Thereby, the snowball method does not impose threats to the participants' anonymity. Furthermore, ultimately the snowballing did not yield direct references and therefore, did not present privacy concerns.

Besides the ethical considerations relative to the interviews, it is imperative to evaluate the ethics of my position as a researcher relative to the subject matter. As a white straight-passing woman, my understanding of the realities of refugees relies on my readings on it as well as on my conversations with them. I cannot and do not wish to speak on their behalf - though I am familiar with their plight through literature and

personal encounters, I do not consider myself to be in a position to speak for them. In terms of queerness, I reject the idea that my queerness would qualify me to speak for others whose experiences may be worlds apart from mine. Thus, I do not wish to speak on behalf of queer people who have experienced belittling, dehumanization, exclusion, or even persecution. Furthermore, considering the factors of refugeeness and queerness together, it is rather apparent that I am not in a position to claim to speak from their perspective. I find the most ethical approach to entail acknowledging my own position as it relates to the positions of queer asylum seekers and conducting the research from that perspective. It is necessary to articulate that I do not think it ethical for me to claim to be a voice for them - employing Freire's (1970) ideas, as someone who falls into the group of oppressors, my place is not at the forefront of the liberation of queer asylum seekers but rather amplifying their voices and following their lead.

Finally, it is worth evaluating the ethics of power dynamics present in this research. I am conscious of my position of power in relation to queer asylum seekers in the Finnish context as a white Finnish woman. Furthermore, as a researcher, I have power over the use of the data. Thus, the methodological and theoretical approaches must be clearly stated for accountability. In addition to this, I strive to acknowledge my biases, as I discuss in Subchapter 3.1., and I seek to produce knowledge that arises from the data in tandem with the theory that is not dependent on my views.

Chapter 5: Analysis and discussion

My analysis of the data relies on the theoretical framework of queer social exclusion theory discussed in-depth in Chapter 3, and my methodology laid out in Chapter 4. I begin the analysis in Subchapter 5.1. with observations of the participant's engagement with the subject matter during the interviews to provide context for analyzing the substance of the data. Building upon this foundation, in Subchapter 5.2. I will analyze how homonormativity emerged as a dominant form of heteronormativity. Although I analyze homonormativity in a separate Subchapter, it underpins the data as a whole and I will discuss it throughout the analysis. With the background of the general patterns, I will analyze the specific aspects that arose in the interviews. The analysis in Subchapter 5.3. pertains to the tension between the applicant's identity and expression of SOGI, how they are approached in the asylum procedures as well as how assumed identities are approached. Subchapter 5.4. concerns the tension between the burden of proof and the right to self-identification, how fluidity of gender and sexuality are approached, as well as the approach to the 'closet' or discretion principle. Finally, I will address the dynamics of the credibility assessment with a focus on the 'benefit of the doubt' principle and COI as well as their application in Subchapter 5.5.

5.1. General Observations

5.1.1. Observations Concerning Participants

The participants' approaches to the issues discussed in the interviews seemed to be linked to their tasks at Migri. Jenni, Roni, and Minna, who engage with SOGI issues mainly through advisory tasks, spoke on the issue with references to literature, court rulings, law, example asylum cases, and guidelines throughout the interview. Additionally, Roni provided several hypothetical examples of asylum seekers presenting SOGI as their grounds to demonstrate the variable different cases that may appear. Minna, on the other hand, provided in-depth reflections on the matters of SOGI in general as well as concerning asylum matters. In the interviews with Mikko and Elsa, who engage with the issue primarily through asylum interviews and decision-making, personal reflections played a more significant role in their responses although they made references to literary sources as well.

Each interview included the aforementioned features such as references and personal reflections, as well as shifts between institutional and personal tones. However, in some interviews some features were stronger than in others, creating specific tones for each. For instance, Mikko's and Elsa's responses reflected overt criticality towards Migri's practices and the asylum procedures and centered on the potential truthfulness of the persecution that the asylum seeker is fleeing which set a tone of solidarity towards the applicants. Minna's responses included deeper analysis and reflections on the conceptual understandings of SOGI and simultaneously reflected an in-depth understanding of the applicants' inner world which formed a mixed tone of understanding, solidarity, and institutionality. In contrast, Roni approached the issue through the challenges involved in the evaluation of SOGI as well as the challenges the applicants face but also referred to cases of applicants falsely presenting SOGI as an asylum ground. This produced a mixed tone of solidarity and suspicion. Jenni's responses were tightly anchored on the existing legislation and rulings which gave the interview a more institutional tone.

Building upon the tones in the interviews, each participant expressed acknowledgment of the power dynamics in the asylum procedures, as they discussed the position of the asylum interviewer compared to the applicant. Furthermore, they articulated consciousness of their position of power compounded by potential cultural differences with asylum seekers. The interviews included reflections on the multilayered dynamics as well as the challenges presented by the unusual situation. In his reflections on the challenges involved in the assessment of SOGI-related grounds, Mikko questioned

...how would you really assess somebody's gender or sexual identity even if you like knew the person? Even if they were your friend, what would you like know about them from outside [unclear word]? And like based on what they say what their thoughts and feelings [...] really are? So maybe at least in my opinion, already in itself, it is really difficult that a government authority could even do any assessment of some other person's sexual or gender identity.

Though this acknowledgment was present throughout the interviews, I would argue that its effect on the power dynamics is limited. The law on international protection leaves space for the discretion of the individual decision-makers which provides an avenue for them to exercise that power. However, the governmental institutions and the legal framework within which they operate take precedence in the power dynamics.

Furthermore, this individual discretion is bestowed in the same manner on the decision-makers who embrace heteronormativity and who are likely to reproduce it as well as those who would take action against it. Thus, analyzing power remains a central point of concern in this study.

5.1.2. Patterns in the Responses

Zooming in from the general observations of the participants' engagement, certain patterns emerged from the responses. Throughout the interviews, it was explicitly stated that asylum interviews are the main avenue for investigating the applicants' SOGI-related claims. Indeed, in the asylum interview, the applicant has the opportunity to talk about their asylum grounds and backgrounds in-depth and in detail. Furthermore, according to all participants, the most important evidence that the applicant may provide to substantiate their claim is by explaining in as much detail and depth as possible how they came to understand their SOGI, what it means to them, and how it has affected them. Thus, my interviews with the participants centered around the asylum interviews.

My initial approach was to discuss the investigations on sexual orientation and those on gender identity separately to break away from the narrative that reduces 'queer' to a monolith consisting of homosexual men (Danisi et al. 2021, Spijkerboer 2017a). However, I noticed in my first interview that the participant merged matters of sexual orientation *and* gender identity in their responses. After the first interview, I decided to ask most questions on the assessment of SOGI jointly and address the potential differential assessments through explicit questions on the differences, including a reference to section 87 b of the Aliens Act (Ulkomaalaislaki 30.4.2004/301) that addresses the sexual orientation and gender identity differently. This altered approach seemed to produce fruitful discussion which I will return to in Subchapter 5.2.

Throughout each interview, the unpronounced 'default applicant' was a lone male. I was expecting this, as the 'default human' in our society is set to be the male (Criado Perez 2020), and homonormativity tends to dominate discussions of SOGI which sets the default queer to be a homosexual male (McCann and Monaghan 2020). In the interviews, a vast majority of the hypothetical and real-life examples of SOGI cases presented a male applicant. The male gender was in some cases specified explicitly, such as when Mikko introduced an example case that he had encountered by saying

that "the applicant had been - I mean he was a male applicant - and he had been married to a woman in his home country." More often, however, the male gender of the applicant was revealed indirectly through the details of the story. In such narratives, the gender of the applicant was not pronounced at any point in the story, yet the gender was revealed through the reference to 'dating women' in the context of pointing to their potential actions if they were not queer. This, furthermore, manifests how heteronormativity dictates that gender and sexuality are perceived as inherently linked and they, thus, maintain each other (see Butler 2004). I would argue, in accordance with Criado Perez (2020), that this narrative further demonstrates that the 'male default' is so deeply internalized that specifying the male gender does not seem necessary. Considering that the Finnish language has only one pronoun 'hän' for the singular that does not indicate gender but may mean 'he' or 'she', the pronouns used did not reveal the gender of the example applicant in question. Instead, the gender became evident through the context or by 'reading between the lines'. The existence of female applicants presenting SOGI grounds was acknowledged and referred to but only in comparison to the male applicants. Their absence in the discourse coincides with their absence or invisibility in queer discourses (McCann and Monaghan 2020) as well as SOGI-related asylum discourses (Danisi et al. 2021, Spijkerboer 2013).

A similar tendency was present concerning SOGI, in addition to gender. Homonormativity manifested through the narratives of the interviews though, in contrast to the male default, the homosexuality of the applicant was most often explicitly expressed. Such a homonormative pattern - along with the male centrality - was expected based on prior research (see Danisi et al. 2021, Spijkerboer 2013, Spijkerboer 2017a), yet it contradicted the statements of the participants in which they explicitly or implicitly acknowledged heteronormativity and homonormativity as problematic phenomena. Minna, for instance, pointed to the problem of homonormativity when comparing the assessments of sexual orientation and gender identity:

In Finland, there are relatively few applicants who present their gender identity as grounds but that is, of course, also a challenge that when one encounters it, in a way, how one knows how to approach it in the interview.

This provides insights as to why homosexuality is centralized but simultaneously highlights the challenges of adequately investigating an applicant's gender identity when necessary. It reaffirms the homonormative approach to issues of SOGI in the asylum procedures which weakens the non-homonormative queer applicant's position as well. I would argue that this suggests that the non-homonormative queer applicant is excluded from adequate procedures which may result in a negative decision. In my observations from the data through the lenses of queer social exclusion, the manifestations of heteronormativity in the asylum procedures create and uphold social exclusion of queer asylum seekers from Finnish society and potentially the EU as well, as the negative decision may entail a ban from Finland and other EU states (see Ulkomaalaislaki 30.4.2004/301 150 §). I would argue that the social exclusion queer asylum seekers face is predominantly active. As Sen iterates, social exclusion unexpectedly resulting from policies or practices, such as those governing asylum procedures, is active in nature (Sen 2000). Drawing from Sen (2000) and Silver (2007), I would argue that in such a case they are excluded *through* the asylum system *in relation* to the 'default applicant' who fits the homonormative expectations.

5.2. Homonormativity, the Beloved Child of Heteronormativity

Heteronormativity in its simplest form entails recognition of only heterosexuality and the strict gender binary of male and female, masculinity and femininity, and the marginalization of anything divergent (Warner 1991). Its presence in the asylum procedures seems to be rather minimal based on the interviews. Arguably its influence on the procedures would manifest in the lack of recognition of queer identities and expression altogether but I did not identify this in my data to any degree. Therefore, based on the data, queer asylum seekers are not socially excluded in relation to other asylum seekers in the contemporary asylum system in Finland to the same degree that they have been in the EU asylum systems (see Spijkerboer 2013, Danisi et al. 2021). There was uniform recognition of the diversity in SOGI throughout the interviews. Arguably, heteronormativity cannot be approached this simply, but its nuances must be accounted for to truly investigate its role in asylum procedures.

Heteronormativity took its form predominantly through homonormativity (see McCann and Monaghan 2020, Danisi et al. 2021) in the interviews. Although homosexual women, bisexuality, transgender, asexuality, and non-binary identity were

mentioned at times, the focus was predominantly on homosexual men. This focus was mostly implicit, such as in Roni's discussion on the kinds of features that the applicant would be guided to expand on in their account:

If one has had something like they have, for instance, lost their job or cannot get an apartment because they are in a relationship with a person of the same gender or something like this so these things usually come up in the story quite naturally.

This particular statement corresponds to the general pattern of homonormativity through its implicit presentation of a homosexual applicant as an example case. It exemplifies the cases that recurred throughout the interviews in which the unpronounced SOGI of the example applicant was homosexuality, as homonormativity dictates. Furthermore, it demonstrates the homonormative narrative that was present throughout the interviews. As mentioned in Subchapter 5.1., homosexuality was not only the 'default' example of SOGI, but the issues of sexual orientation *and* gender identity were often merged. Conflating queer identities in the discussions entailed presenting the male homosexual applicant as a representative of queer applicants. This highlighted the prevalence of homonormativity in the discourses on queer asylum seekers which has been identified in prior studies as well (see Spijkerboer 2017a, Jansen 2013, Danisi et al. 2021). Furthermore, the conflation of homosexuality and queer identities erases the nuances of queerness and of the non-homonormative identities. This complicates their recognition, as the homonormative ontology fails to account for them. As they are not accounted for, their needs cannot be accounted for either. Therefore, I would argue that the lack of recognition linked to homonormativity as a structural feature of Migri functions to socially exclude the non-homonormative queer asylum seekers. This social exclusion is relational which is revealed in the different positions that homosexual applicants and non-homonormative queer applicants have in relation to each other.

I would argue that the relational features of social exclusion are present in the evaluations of SOGI grounds in terms of their compatibility with homonormativity. Generally, the procedures tend to favor the 'default applicant' while non-homonormative queer applicants may be excluded from adequate proceedings because the procedures are catered to homonormative SOGI grounds, as indicated in the interviews and prior research (see Spijkerboer 2013, Danisi et al. 2021). Potential

failures to account for non-homonormative profiles may result in their exclusion from international protection and the Finnish society if they consequently receive a negative decision. Thus, I would argue that homonormativity continues to underpin the asylum procedures which causes the social exclusion of non-homonormative queer applicants in relation to the ‘default applicant’.

While addressing the potential differences in the assessments of sexual orientation and gender identity, I referred to the Aliens Act, according to which *sexual orientation may be identified as a common trait of a particular social group* whereas *gender identity must be taken into account* (Ulkomaalislaki 30.4.2004/301, 87 b §). Considering that a PSG is one of the five explicitly listed grounds for asylum in Finnish law (Ulkomaalislaki 30.4.2004/301, 87 b §), I argue that this difference in how sexual orientation and gender identity are referred to is significant: one’s sexual orientation seems to lead to receiving asylum more certainly than one’s gender identity. In the interviews, however, all participants rejected the idea that sexual orientation and gender identity would be treated or assessed differently in terms of one’s belongingness in a PSG. The participants stated rather uniformly that gender identity may be considered a valid trait that is shared amongst a PSG in the same way that sexual orientation is. Minna drew directly from the Aliens Act (Ulkomaalislaki 30.4.2004/301) in her reflection on the matter:

Regarding a particular social group, there are two relevant elements: one of which is that members of the group have a specific background, another innate characteristic, or a belief that is so integral to the members of the group in terms of identity or conscience that they cannot be expected to give it up. And then that others, like they are perceived as different from the rest of the society that in a way if one thinks about it from that perspective, then it is ultimately about the same thing. That you are perceived as different and that is why you have been or you are in danger of rights violations.

This seems to nullify the point of concern on differences between the assessments of sexual orientation and gender identity and de-centers homosexuality as the norm. Arguably this counters the homonormative approach that is codified into the law (see Ulkomaalislaki 30.4.2004/301, 87 b §) and puts sexual orientation on a pedestal while dismissing gender identity. Furthermore, it demonstrates the dynamic nature of social exclusion, as the decision-making practices have shifted away from homonormativity

which arguably has immediate impacts on the assessment and therefore, social exclusion of non-homonormative queer asylum seekers. Simultaneously, the situation of social exclusion in this regard remains dynamic, since the law remains homonormatively exclusive.

Besides demonstrating the dynamic nature of social exclusion, this deliberation raises the issue of divergence from heteronormativity in the country of origin as the decisive factor in one's belongingness in a PSG. Because this de-centers homosexuality, I would argue that this approach diverges from the homonormativity that is otherwise present in the ontologies that guide asylum procedures. This is not without problems, however, as the attention shifts to whether SOGI fulfills the criteria for being considered a member of a PSG. According to Foster, UNHCR's guidelines require that the applicant has an innate characteristic, such as SOGI, that they cannot be expected to give up *or* that is a reason for the surrounding society to perceive them as different (Foster 2014). However, as Foster (2014) describes, Finland - alongside other national legislations - diverges from these guidelines by demanding both requirements to be fulfilled. This makes it more difficult for queer persons to be recognized as members of a PSG, as there are more requirements for their recognition, rendering them more vulnerable in the asylum process (Foster 2014, Danisi et al. 2021). From a queer perspective, I would argue that this is an oppressive practice because of endorsing categorizations. Furthermore, for asylum seekers who are already vulnerable to social exclusion at multiple fronts (see Degani and De Stefani 2020, Gerard and Pickering 2014) because of their SOGI and refugeeness, among other potential factors, the exclusion from the definitions of a PSG adds another layer to the multidimensional exclusion. This is a wider issue in the asylum system, as applicants of multiple different asylum profiles besides queer asylum seekers may be members of a PSG (Foster 2014).

Two participants expressed that it is problematic how this section in the Aliens Act concerning accounting for sexual orientation and gender identity (Ulkomaalaislaki 30.4.2004/301, 87 b §) and decision-making practices do not match, or suggested that it may be time for the law to be updated. Although this particular section distinguishing between sexual orientation and gender identity is not effectively applied, according to the participants, I would argue that it shapes the discourse on the matter and therefore, the realities that the asylum seekers face (see Fairclough and Wodak 1997). Indeed,

the effects of the law are not limited to their application but, as a significant part of societal discourse, social norms shape how laws are formulated and reciprocally, the laws then uphold those social norms (see Fairclough and Wodak 1997, Weinberg 2014). This is recognized in prior research (Spijkerboer 2013, Danisi et al. 2021) as well as in the asylum assessment guidelines in Finland in the context of the applicants' countries of origin, according to the participants. If non-heteronormative expression of sexual orientation or gender identity is criminalized in the country of origin but the criminalizing law is not applied, it does not mean that queer people could live freely, since the law still affects social norms and with such a law in place, it is not possible to receive protection from the government against persecution (Spijkerboer 2013, Danisi et al. 2021). Applying this line of thinking to the Aliens Act 87 b § on sexual orientation and gender identity in relation to a PSG (Ulkomaalislaki 30.4.2004/301), I would argue that the law reaffirms homonormativity in asylum procedures and assessments of SOGI even if it is not explicitly applied.

However, contrary to the overall homonormative narrative, all the participants took a firm stance that the applicant is not expected to label themselves with any specific SOGI, to use specific or definitive terms, or to identify themselves as belonging to any of the narrow definitions such as 'gay', 'trans', 'bisexual' or 'lesbian'. Instead, the participants highlighted the importance of the applicant describing their identity, experiences, feelings, and thoughts so that it becomes evident how they diverge from heteronormativity in the society of their country of origin. In the context of discussing potential labels or terms to describe the applicant's SOGI or the lack thereof, Roni referred to a case from the Supreme Administrative Court:

It's much more important that they tell in their own language about it, tell that who they are, what and who they are interested in, what is their life story and from there we start to unravel it [...] that are they interested in their own gender, both genders or neither [...] I remembered that we had some decision by the Supreme Administrative Court where it was unclear to us what the identity was and also to the Administrative Court, and still in the Supreme Administrative Court it was unclear but they ruled there that it does not matter because it is clear that they belong to this kind of minority either way, that is enough.

This highlights the importance of self-identification and the description of one's SOGI in a way that the examiner may rule based on the facts of the matter rather than certain

terminology that the applicant may have or may have not used. Through its rejection of strict categorizations and frameworks of SOGI, it seems to be in line with the queer theory. Furthermore, it is arguably a practice that counters heteronormativity (see Warner 1991, McCann and Monaghan 2020). As the categorizations arguably exclude non-homonormative queer applicants from recognition and thereby asylum, I would argue that the rejection of such categorizations effectively prevents social exclusion that may be enacted upon applicants through the asylum procedures. In contrast to the prior studies of asylum procedures in the EU (see Spijkerboer 2013, Spijkerboer 2017a, Danisi et al. 2021), this suggests a development in the approach to assessing SOGI, as it facilitates the recognition of diverse and non-homonormative SOGI. This recognition of queerness beyond labels and strict categories arguably demonstrates that the social exclusion that queer asylum seekers face through asylum procedures has dynamically changed and potentially decreased over time. However, endorsing self-identification appeared to be rather complicated in practice which manifested in my interviews about expressions of SOGI.

5.3. Sexual Relations, Deep Reflections, and False Assumptions

Homonormativity arose through the tension between the applicant's ability to reflect on the depth of their SOGI-related identity and the performativity of their SOGI was expressed in each interview to variable degrees. The relevance of this tension is pronounced particularly in the legal assessment of one's asylum claim where the presence of deeper reflections on one's identity may make all the difference in the outcome of the decision, according to the participants.

Almost all participants referred to behaviors such as living together with one's partner in a homosexual relationship or participating in queer rights marches or organizations in relation to the applicant's expression of their SOGI. However, this kind of expression is arguably not directly connected with the performativity that constructs gender or sexuality but is, rather, a consequence of it (see Butler 2004). Indeed, performativity in this text means 'bodily practices' such as one's physique or sexual activities that stand out as 'queer' in case of diversion from heteronormative expectations (see Butler 1999, McCann and Monaghan 2020) which is the meaning I also employ in this analysis.

Performativity of gender and sexuality arose as a central issue and a potential obstacle to the recognition of one's SOGI in the interviews. Thus, it became an important part of the study to investigate how performativity is approached in asylum proceedings. Based on the prior readings on the matter (see Jansen 2013, Spijkerboer 2017a, Danisi et al. 2021), *identity* is expected to be more emphasized than self-expression. In Western ontology, the modern construction of homosexuality centers around identity (Danisi et al. 2021) which is reflected in the asylum procedures. The heteronormative order dictates the rules of the 'validity' of one's SOGI instead of the queer person defining their SOGI themselves (McCann and Monaghan 2020) although Roni, among other participants, suggested the contrary in his comment above concerning the applicant's self-identification. I would argue that the responses implied that there are 'right' and 'wrong' kinds of stories told in the asylum interviews, which demonstrates homonormativity.

The responses to questions concerning how investigations of SOGI grounds center around identity corresponded with prior research (Danisi et al. 2021, Spijkerboer 2013). I would argue that my participants' approaches to the expression of gender and sexuality are much affected by the ABC ruling from the EU Courts that precluded the investigations of the applicant's sexual practices from the asylum procedures to respect the applicant's privacy and dignity (*A, B, C v Staatssecretaris van Veiligheid en Justitie 2014*). Following the ruling, the participants rather expressively stated that they refrain from entertaining stories that involve details about sexual activity. While the purpose of such avoidance is to respect the applicant's privacy and integrity, it is not without problems. I would argue that the strict focus on matters of identity and self-reflection and negligence of expression centers around the Western identity-centered conception of SOGI (see Danisi et al. 2021) and practically rejects the validity of one's SOGI if it is presented through accounts of expression. Furthermore, the deliberations on the matter varied. For instance, Roni commented that

We have applicants that they really cannot get to the issue of their identity, that they really don't know how to tell about anything else than that who they have had sex with, where, and how many times.

Roni seemed to highlight the applicants' focus on sex and sexual activity and the struggle to address the matters that are of interest to Migri: the dimension of identity

and reflections on it. I would interpret this approach to be influenced by the prohibition in the ABC ruling to investigate the applicants' sexual activities. However, when read in the context of the tone of the interview overall, the comment arguably implied that such a focus on sex and sexual activity would be deliberate from the applicant's side. This is a rather skeptical approach to an expression-centered account that is potentially calibrated to a homonormative focus on deep matters of identity. However, Roni - and almost all the other participants - also contemplated the reasons for such a focus, and the difficulty of suddenly discussing matters as deep as one's identity. Minna captured the essence of the contemplation:

It can be that a person in a way like, indeed, rather expresses the sexual orientation perhaps, for instance, through sexual activities or so. It may be easier to tell about than, let's say, an identity that is like quite true, it is indeed a very intangible concept.

Generally the intangibility of 'identity' was recognized by the participants in each interview and the focus on it in the asylum procedures was problematized. However, the extent of this recognition varied. Almost all participants would agree on the above notion articulated by Minna but when brought into the context of the assessment of the asylum claims, the responses began to differ.

According to some participants, accounts of sexual activity were just as significant and insightful into the applicant's 'inner world' and potential danger of persecution as accounts of their identity. However, according to others, the accounts of sexual activity were to be avoided altogether and the applicant should be directed to tell about their identity instead. I would argue that the most significant point in this discussion arose when considering whether an applicant can be a member of a PSG based on their SOGI grounds that rely on accounts of expression. The significance of this lies in that arguably the distinction between identity and expression in relation to a PSG may have a direct effect on whether the applicant is granted asylum. Mikko explained the tension between accounts of sexual activity and deeper reflections on identity in relation to a PSG like this:

It feels like in our decision-making practices it would require also the kind of like contemplation on one's feelings and thoughts and indeed, the identity [...] so I feel like although it [expression] is also a big and significant thing in sexual identity, it still

perhaps does not weigh that much versus then, indeed, identity and these experiences of difference and accounts like this.

This recognition of the importance of performativity of sexuality - and gender – arguably corresponds with Butler’s deliberations (Butler 2004). However, it entails brute recognition of the decision-making practices that, according to Mikko, do not bend to consider one as a member of a PSG solely based on their expression of SOGI. As Danisi et al. (2021) argued in their study, performativity, and self-expression are closely linked to persecution. Indeed, I would argue that if one has a certain identity that is not outwardly expressed, and another person acts against the heteronormative order but has not contemplated their identity very deeply, the latter is more likely to be persecuted. Thus, I agree with Danisi et al. (2021) that granting asylum based on SOGI-related grounds should not be dependent on the depth of their reflection on their identity. Furthermore, the applicability of a PSG based on the applicant’s reflection on their identity but not expression is arguably a manifestation of heteronormativity (see McCann and Monaghan 2020) through its rejection of performativity. This, again, functions to exclude those who do not match the heteronormative expectations. The relationality of social exclusion arguably manifests in this phenomenon, as the potential rejection of the asylum claim then leads to the social exclusion of the applicants highlighting the performativity of their SOGI in relation to those who are willing or able to reflect on their identity.

The view expressed by Mikko was not shared by all participants. For instance, Elsa recognized a more complex way of approaching this tension in her response to whether an applicant can be considered a member of a PSG based on the expression of their SOGI even when there are no deeper reflections on identity: “It can be like that as well because personal circumstances and cultural context may also affect processing the case.” I would argue that this approach that does not tie matters of SOGI concretely to identity accounts for further complexities in the grounds, as the persecution may be solely based on actions, and the persecutors are, in fact, unlikely to know the deep contemplations of the persecuted (see Danisi et al. 2021). Therefore, the emphasis on identity arguably puts queer asylum seekers in a rather difficult position, as persecution is often linked to how SOGI is performed since expressions of SOGI are more likely to come to the awareness of the persecutor than deep reflections of identity. Therefore, expressions of SOGI could put a person in more danger than reflections of identity.

However, similar danger arises if one lives according to their identity and subsequently diverges from the norms in the country of origin, as their SOGI becomes visible to the surrounding society. My data suggests that a greater emphasis is placed on the applicant's reflections on their identity rather than expression although living according to one's identity was thoroughly discussed as well. However, the variation in the responses suggests that the identity-centered approach is not necessarily uniformly applied in the asylum procedures. I would argue that this may be a sign of some resistance to homonormativity.

However, this is not the only way in which the performativity of sexuality and gender is relevant in the assessment of SOGI. According to my participants, it manifests in the investigation of an *assumed* identity that is often investigated if the applicant's SOGI is not considered proven. The Aliens Act states that the applicant does not need to be a member of a PSG in reality if the persecutor perceives them as such and persecutes them for it (Ulkomaalaislaki 30.4.2004/301, 87 b §). In other words, if a person is persecuted because they are perceived as different, and in this case, perceived as queer, the true state of their SOGI becomes irrelevant. , I would argue that expression becomes rather salient in deciphering how the persecutor - or surrounding society - would come to assume one's SOGI as divergent from the norms. Jenni provided an example of the potential elements present in the assessment of the danger of persecution based on assumed identity:

For instance, if the applicant tells us that they are a homosexual then we also have to assess the assumed homosexuality that has possibly the information of - what could it be - if they have participated in Pride marches or have been seen with men or with women, or whatever it could be, that if this information would have spread to their home country and they are assumed to be something that they say they are even if we would not accept the identity.

Jenni explicitly highlights the relevance of expression through the examples of participation in Pride marches or non-heteronormative sexual behavior in cases where a person is assumed to be of a certain SOGI. This recognition of the significance of expression implies its relevance to SOGI in general although it is not reflected in the asylum procedures, as I discuss above. Furthermore, this arguably demonstrates how expression of gender or sexuality may make one more susceptible to persecution. I would argue that expression is a determining factor *de facto* to the occurrence of

persecution based on SOGI, as the expression, by the very meaning of the word, involves outward behavior while matters of identity are hidden unless *expressed* through behavior or actions. Therefore, the current focus on the identity of the applicant over their expression not only reaffirms the Western hegemonic heteronormativity that centers around identity (Danisi et al. 2021) but it puts the asylum seekers whose persecution has been linked to their expression of SOGI in a disadvantageous position. Furthermore, I found it interesting and rather contradictory that according to the data, the expression of SOGI is not considered sufficient when the applicant's SOGI is investigated which may lead to the rejection of their asylum claim, as discussed in the prior paragraphs. In other words, one is not considered queer based on expression in the asylum system. However, expression of SOGI may be a relevant factor in the formation of an assumed identity that leads to persecution which would suffice for asylum. I would argue that this Western hegemonic heteronormativity potentially leads to the social exclusion of the non-homonormative applicants whose SOGI is not recognized based on its expression in relation to those whose *assumed* identity may be considered proven based on a similar account.

5.4. Self-identification, Fluidity, and Closet

The idea of self-identification is arguably a cornerstone of SOGI: the only factor that truly defines one's SOGI is self-identification (Butler 2004, McCann and Monaghan 2020), which the participants also asserted, as discussed in Subchapter 5.2. This is complicated in the asylum process, as the decision on whether international protection is granted rests upon the reality of the persecution in the country of origin as well as the reasons for it (Ulkomaalaislaki 30.4.2004/301, 87-88 §). As Danisi et al. discuss about Italian, German, and British asylum systems, mere self-identification rarely suffices for asylum to be granted (Danisi et al. 2021) but further evidence must be presented. Minna corroborated this in the context of discussing the ways to navigate investigating the applicant's SOGI if it is centered around its expression:

The applicant has a right to self-identification but we cannot take it as given. They must present evidence. [...] And of course when investigating the like development of the identity then probably like the most useful approach is through addressing [...] the context, environment, what memories are connected to that time. So like can you tell something, we don't define what but like can you tell something?

In this response, Minna recognizes the ‘expertise’ of the applicant in their own SOGI and the weight that is put on their account of their life and experience. The same idea of the applicants’ expertise and self-identification was communicated in all interviews to some degree. Furthermore, in terms of evidence, the participants were in consensus on the importance of the applicant’s account of their life, experiences, feelings, thoughts, and memories both, about and irrelevant to SOGI. This was identified as the most crucial element of the credibility assessment as well: to what extent the applicant can tell about their own life in their own words consistently and coherently? Therefore, I would argue that an application with SOGI-related grounds is built around the self-identification and the individuality of the applicant’s account while pointing to the necessity to elaborate one’s story beyond the statement of one’s SOGI.

While the applicants are, in a sense, given the power to self-identify and support their identification with personal accounts of their life, experience, thoughts, and feelings, there seem to be conditions for these accounts. The tension between identity and expression arises again, as the question mounts on whether the applicant provides the ‘correct’ kind of accounts. This tension is not new to research: Danisi et al., for instance, have identified the phenomenon of balancing between the two in their research on the asylum systems in the EU (Danisi et al. 2021). Furthermore, heteronormative definitions of ‘acceptable’ ways to live, including “‘ordinary’ family units as comprising a ‘mother’ and a ‘father’” (McCann and Monaghan 2020, 11) as well as the ideas of a ‘good life’ seem to spill over to the expectations for the evidence. For instance, the examples that some participants provided on the kinds of matters that the applicant could emphasize in their account to provide evidence would be reflections on romantic relationships or potential wishes to have a relationship, and future with their partner. I would argue that this sets heteronormative standards for the responses because static relationships that may involve forming a family and planning a future together, for instance, spring from heteronormativity (McCann and Monaghan 2020). Therefore, the heteronormative expectations for the evidence that the applicant provides in the form of the interview arguably result in the rejection and dismissal of less normative forms of SOGI.

The tensions between heteronormativity and queerness manifest also in matters of sexual and gender fluidity. According to Butler (2004) as well as McCann and Monaghan (2020), SOGI is not necessarily fixed but may fluidly change over time.

However, while the expectation of static sexuality and gender is heteronormative, the experience of fluidity is not shared by everyone, and a static SOGI does not make any queer person less queer (McCann and Monaghan 2020). The idea of fluidity roused many kinds of responses in the interviews. There was recognition of the tension between the need to investigate the potential persecution that the applicant may face in their country of origin and the potential fluidity that might affect whether they would be persecuted. In the discussion on the fluidity of SOGI, Mikko also addressed the guidelines used in the procedures:

I feel like for us like the training and all these guidelines we have, they don't perhaps take it into account that, indeed, sexual identity and gender identity can and is able to change [...] so it is very interesting that like it can really be like this and exactly when, after all, there are so many forms of sexuality as well. And overall, there are different kinds of people with an LGBTI background so with this perhaps our guidelines should be updated and maybe like look at it with a little bit more open mind.

Mikko's remarks communicate a willingness to account for the fluidity of the SOGI in the asylum procedures that are not, however, reflected in practice. On the other hand, this may imply that the phenomenon is not recognized at a wider scale in Migri's functions. However, there was a consensus amongst the participants that changes in the status of the applicant's SOGI should be investigated and they are allowed to explain it. Simultaneously this suggests considerable suspicion towards the applicant as they, indeed, need to *explain*. This dynamic indicates that the fluidity of SOGI is considered non-normative and deviant from the expectations of a static identity set by heteronormativity (see Danisi et al. 2021). Furthermore, such a pattern manifests the power dynamics in place, as the system itself that embodies the hegemonic heteronormativity governs the procedures and the individuals who may have consciousness of heteronormativity and seek to work towards liberation become a part of the system with little power to affect its practices (see Freire 1970). Furthermore, I would argue that this exemplifies the way adverse inclusion operates (see Sen 2000). The applicant is 'included' – in other words, granted asylum – on heteronormative conditions, and upon 'breaking' conditions through fluid changes in one's SOGI, their 'inclusion' may come to an end. Thereby, adverse inclusion is a form of exclusion, since the adversely included cannot be 'included' on their own terms but by the terms that an external entity like Migri defines.

However, on the matter of fluidity and in the interviews overall, the participants referred rather consistently to research and reports on the matter that constantly shape how SOGI is approached in the asylum proceedings in the Finnish context and the wider context of the EU. Some participants also highlighted development projects that aim to improve the assessment of various asylum grounds which may be a pathway for individual workers in the system to gain more agency to effect change. The potential changes in the approach to fluidity manifest the dynamic nature of social exclusion: an expanded understanding of the fluidity of SOGI increases the chances of one's SOGI being considered proven which is more likely to lead to a positive decision and thereby, counter their social exclusion.

Some responses pointed to the other side of the coin on fluidity. In response to the discussion on fluidity, Roni raised the issue of applicants taking advantage of the concept:

If the applicant can explain it [fluidity or development of identity] then there's nothing to say about it. But when the living reality that we live in is that a person applies based on homosexuality, is perhaps granted the permit, and then is found guilty of sexually assaulting an underage girl or is found to have children in Finland, and to us he has always said that never, ever, has he even looked toward women and would not even want to [...] so yes it is possible that it develops but that it develops immediately after you receive asylum.

This response models the ontology of homonormativity and the male default discussed in Subchapter 5.1. according to which the 'default applicant' is a homosexual male. It seems that their perceived homonormativity as a homosexual man overrides their potential divergence from it because of the suspicion directed at them, as the attention is shifted from the issue of fluidity to that of unreliability. Furthermore, the suspicion directed at the 'default applicant' within the discussions of fluidity arguably discredits its seeming recognition. I would argue that the element of suspicion is highlighted by the reference to sexual violence towards a child which appeals to emotions. Recognizing the power embedded in a discourse that speaks reality in existence (Fairclough and Wodak 1997), the example arguably reflects distrust and suspicion towards the 'default applicant' which inevitably constructs boundaries to the realities that they navigate. Thereby, compatibility with homonormativity is not beneficial to the 'default applicant' who experiences exclusion from international protection

because their male gender renders them suspicious and dangerous (see Bredström 2010). Simultaneously, the non-normative applicants may benefit from the potential female gender that renders them deserving of protection (see Sjöberg and Gentry 2007). Furthermore, the ‘default applicant’'s potential divergence from homonormativity may not be recognized in the procedures once their identity as a homosexual male has been identified by the examiner. The shift from fluidity to the suspicious ‘default applicant’ evidently points to the social exclusion of the ‘default applicant’ and applicants with fluid SOGI in relation to the non-default applicants as well as those with a rather static SOGI.

Arguably the relational aspect of social exclusion is highlighted in the way that ‘default applicants’ are excluded in relation to women and children (see Sen 2000) who are constructed as the ones qualified for asylum (see Freedman 2016). It contributes to the discourse in which the immigrant male is a danger and a threat to women and thereby, to society (Bredström 2010). On the other hand, the dimensions of SOGI in cases of female or underage applicants remain unpronounced to a large degree in discourse which inevitably affects their assessment (Danisi et al. 2021). Arguably the homonormativity present in assessments of SOGI works to exclude the non-homonormative applicants through evaluations that potentially fail to address the realities outside of homonormativity. Indeed, the exclusionary dynamics present in the asylum procedures seem to be manifold, complex, and targeted at certain profiles relative to others depending on the specific elements present in each case.

Besides the issue of fluidity, the discretion principle or the practice of sending the applicant ‘back to the closet’ (see Spijkerboer 2013, Danisi et al. 2021) was contemplated in most interviews at some point. As mentioned, the participants referred to research and reports in their responses, and some of them referred to the same sources I use in this thesis, such as *Fleeing Homophobia Sexual Orientation, Gender Identity, and Asylum* (Spijkerboer 2013). In all interviews, the discretion principle was discussed to some degree and it was unanimously condemned. Jenni summarized the participants’ approach to the discretion principle succinctly: “We cannot like assume that the applicant would hide their identity, that is the starting point.”

This condemnation corresponds with the XYZ ruling by the Court of Justice of the EU in which expecting the applicant to conceal their SOGI to avoid persecution was

precluded (*Minister voor Immigratie en Asiel v X and Y and Z v Minister voor Immigratie en Asiel 2013*). In addition to rejecting the discretion principle in cases where the applicant is ‘out’ and their identity is considered proven in the assessment of their SOGI, Roni expanded its application:

The outcome in the home country is exactly the same regardless of the terms if they deviate from the heteronormativity. They get busted, so to say, that for some time they can hide it but in many societies at some point when you don’t live according to the norm, don’t date a woman, for instance, don’t get married at a certain age but you start to be a little like over-age already and you have never dated. You basically come out by force.

This approach reflects a significant change in the asylum procedures when it comes to the discretion principle, as it used to be a rather standard practice in Finland and in several other EU states (see Spijkerboer 2013, Danisi et al. 2021). Indeed, it was expressed by all participants to some degree that the ‘closet’ is not an option even in cases where the applicant has never lived according to their identity or expressed their SOGI in any way in their country of origin. As Roni explains above, they would be outed eventually merely through refraining from practices that are considered normative in their country of origin. Thus, applying the discretion principle meant that the applicants were effectively excluded from the societies in the EU through the asylum system, only to be included in the society in their country of origin under restrictive conditions. Such an exclusionary practice has dynamically changed after the XYZ ruling (*Minister voor Immigratie en Asiel v X and Y and Z v Minister voor Immigratie en Asiel 2013*), as discussed by the participants. The discretion principle corresponds with heteronormativity, as it conceals the existence of non-normative identities or practices. Thus, this development in the asylum procedures in Finland implies resistance to heteronormativity and corresponds with the queer theory in the endorsement of the diversity of SOGI and the visibility of such diversity. I would argue this results in a decrease in the exclusion experienced by queer asylum seekers in Finland through the asylum system. Furthermore, the rejection of the discretion principle arguably prevents them from being socially excluded in their countries of origin through conditional inclusion.

5.5. Who is Credible According to Whom?

Considering the various aspects discussed so far from identity and expression to the discretion principle, there is a component that underpins all the aspects: the credibility assessment. Determining the applicant's credibility is a crucial part of the asylum case, as SOGI grounds often rely entirely on the applicant's account given in the asylum interviews (Spijkerboer 2013, Danisi et al. 2021). In addition to considerations like the timing when the SOGI-related ground is presented and the degree of coherence and consistency of the applicant's account, issues like the use of COI and application of the 'benefit of the doubt' principle affect the credibility assessment to a significant degree.

In the discussions on the credibility assessment in the interviews overall, matters of consistency and coherence were emphasized. On SOGI-related grounds, credibility assessment is arguably a site where heteronormativity manifests (Danisi et al. 2021). Indeed, the criteria of the 'valid' or 'correct' ways of being queer are dictated by heteronormativity which manifests in the emphasis on deep reflections of identity, seeking to form a nuclear family, procreate and reach the milestones that comprise 'good life' (see Halberstam 2005, McCann and Monaghan 2020). As discussed on the tension between identity and performativity in the evaluations of SOGI, these heteronormative expectations of "how a normal life *should* be lived" (McCann and Monaghan 2020, 215) have become standards against which the applicant's account is measured. I would argue based on the interview responses read in tandem with prior research (see Danisi et al. 2021, Spijkerboer 2013, Spijkerboer 2017a) through the lenses of queer theory (see McCann and Monaghan 2020, Butler 2004, Halberstam 2005, Foucault 1978, Warner 1991) that determining the applicant's credibility is largely dependent on its correspondence with heteronormativity and therefore, the presence of deep reflections, accounts of already reached milestones of a 'normal life' or a wish to reach them in the future. Therefore, heteronormativity arguably underpins the assessment of SOGI-related claims as it defines the outcome of the credibility assessment which is a central feature of the asylum procedures.

Regarding the relationality of social exclusion (see Sen 2000) through the credibility assessment, the homonormative and non-homonormative queer asylum seekers are arguably socially excluded in similar and different ways in relation to each other, non-queer asylum seekers, and the surrounding society. The heightened emphasis on the asylum interviews and therefore, their credibility, in the cases of SOGI grounds

arguably subjects the queer asylum seekers to the danger of social exclusion because of the potential inability to provide the 'correct' kind of account. The interviews seem to suggest that the credibility of the queer applicant's account hangs on its compatibility with heteronormative expectations which arguably puts them at a heightened risk of exclusion from international protection in relation to non-queer applicants.

A matter closely related to the credibility assessment is the 'benefit of the doubt'. The UNHCR Guidelines state that if the applicant attempts to substantiate their claim and provides a generally credible account but there is still a lack of sufficient evidence, the applicant should be given the 'benefit of the doubt' (UNHCR 2019). This guideline is rather vague, and while the burden of proof to substantiate the claim primarily lies on the applicant, the applicant and examiner have a shared "duty to ascertain and evaluate all the relevant facts" (UNHCR 2019, 196). Because of the conditions given for applying the principle, there is room for interpretation as to when it should be applied. However, I would argue that the very 'benefit of the doubt' principle communicates recognition of the applicant's potentially vulnerable position and danger of persecution in their country of origin. Roni and Elsa raised the issue of vulnerabilities that are often present in cases where the 'benefit of the doubt' is applied, as the applicant cannot be expected to tell about their experience consistently or in much detail because of traumatic experiences or other limiting factors. Elsa expressed the general approach towards the 'benefit of the doubt' implicitly in the context of discussing the lack of COI:

Of course, we always have to make the decision in the applicant's favor. And not like the other way around. Or that we can't like think that it would be the other way around as a default.

According to this response, the point of departure is rooted in the 'benefit of the doubt' instead of suspicion. Most participants agreed on this. However, Mikko added further reflections on cases in which applying the 'benefit of the doubt' becomes rather complicated:

If like there is like uncertainty that the assessment is kind of at stake, then in a way it should be ruled in the applicant's favor but somehow it feels like it is, on the other

hand, sometimes also very hard that if, for instance, the Finnish Immigration Service rules that the applicant's account is very unconvincing that then like, what then.

As Mikko points out here, the 'benefit of the doubt' may not be applicable if the applicant's credibility is undermined which is in accordance with the UNHCR Guidelines (UNHCR 2019). However, because the asylum law leaves room for some interpretation for each examiner of an asylum case, I would argue that the principle may be applied - or not applied - in a non-uniform manner. This gives more space for the hegemonic heteronormativity to manifest on the level of individual decision-makers, as the Guidelines do not take a more specific stance (UNHCR 2019).

According to the participants, the purpose of the 'benefit of the doubt' principle seemed to be the 'last resort' after fulfilling the examiner's duty to ascertain the facts of the applicant's case together with the applicant. This is done by formulating the interview questions so that it would be as easy as possible for the applicant to talk about their life and relevant facts. Furthermore, almost all participants emphasized the importance of creating a safe, open, and confidential environment in which the applicant would feel safe and secure to share the relevant facts from their life that are often personal and intimate feelings and thoughts when it comes to SOGI.

As vulnerabilities seem to play a significant role in whether the 'benefit of the doubt' is applied, it is necessary to consider the role of heteronormativity in determining who is in a vulnerable position. Generally, women and children are perceived as those in need while men, especially young men, are not considered to be as needy (Sjoberg and Gentry 2007), as mentioned in the discussion on the dimension of fluidity. Such a manifestation of heteronormativity arguably passivizes women and children which also has exclusionary effects. This approach seemed evident in Roni's response concerning the conditions in which the 'benefit of the doubt' is applied:

We probably have it a little bit on all grounds whether the applicant is in a vulnerable position. Are they able to tell about their grounds? If they are, then why don't they tell us? What factor in a way prevents the applicant from telling about it in more detail, more widely, in more depth? So perhaps if there is some kind of vulnerability [...] But with this kind of normal male applicant in good health, we don't very easily take the route of 'benefit of the doubt'.

The 'default applicant' and their exclusion from the 'benefit of the doubt' principle is pronounced quite explicitly in this response. The discussion on the general role of the vulnerabilities is in consensus with the other participants' deliberations as well as with the UNHCR Guidelines (UNHCR 2019). However, the notion regarding the "normal male applicant in good health" does not address the potential vulnerabilities that they may have because of trauma, violence, or other factors that may not be evident at first glance. This further reaffirms the hegemonic heteronormativity that constructs *men* as a non-vulnerable and non-emotional monolith (see McCann and Monaghan 2020, Danisi et al. 2021) and *refugee men* as aggressive and dangerous and thus, as untrustworthy threats (see Bredström 2010). Indeed, homosexual male applicants are not immune to social exclusion relative to others despite their 'defaultness'. Instead, in this instance, their gender makes them vulnerable to social exclusion. I would argue that the application of the 'benefit of the doubt' may have a determining role in whether asylum is granted, as it causes balances to shift the applicant's way if the applicant cannot provide enough evidence to corroborate their claim (see UNHCR 2019). Therefore, arguably the construction of a monolith 'default applicant' bears the danger of rejecting applicants who would be entitled to asylum.

I identified multiple patterns of the relationality of social exclusion relevant to the application of the 'benefit of the doubt'. One such pattern is that the applicants diverging from homonormativity are excluded from effective recognition that would account for the elaborate complexities of their identities and practices. Furthermore, it manifests with the 'default applicant' paradoxically because of their 'defaultness' through the apparatus of the 'benefit of the doubt'. The apparatus is reserved for the 'vulnerable' non-default applicants who are, in turn, socially excluded because of the lack of recognition of their non-normative SOGI. I would argue that the withholding of the principle might result in a different decision than if they were given the 'benefit of the doubt' when appropriate as well as potential care they may need.

Besides the benefit of the doubt, the use of COI has raised several issues in the asylum procedures in the EU. It has been relied on too heavily and it has often been incomplete, outdated, or irrelevant (Jansen 2013, Spijkerboer 2017a, Danisi et al. 2021). I would argue that COI is an integral part of the asylum process, as it may corroborate and consolidate the applicant's accounts and provide the interviewer and

decision-maker with information about the applicant's country and society of origin which inevitably facilitates understanding the applicant's account.

Upon discussing the role of COI in asylum procedures, the contemporary reality in Finland seemed to diverge from the findings of prior research (see Jansen 2013, Spijkerboer 2017a, Danisi et al. 2021). Each participant emphasized the supplementary role of COI, and that if it is in direct contradiction with the applicant's account, that alone cannot be held against the applicant. Deeming their account non-credible would require far more inconsistencies and contradictions. Indeed, all participants expressed criticality towards COI. However, its role is crucial in investigating whether there is a danger of persecution, according to Minna:

Of course, it has an absolutely determining role in that in a way that what the position of these people is, how the societal attitudes are, do rights violations happen, what is the legislative stance. Of course, it has a central role but often, after all, country of origin information is quite disadvantageous from the perspective of those people, so it must be a very exceptional situation and, in my view, it is also a very exceptional situation if then a negative decision is made.

Minna's comment establishes that COI often corroborates the applicant's account of the persecution, as it is disadvantageous for them in the sense that their living conditions would be dire if they lived openly in their country of origin. I would argue that the statement that negative decisions are rare if such COI is available suggests that in the contemporary asylum system in Finland, the use of COI is generally favorable from the perspective of the applicant in receiving asylum. Elsa builds upon this idea, as she addresses situations in which relevant COI is unavailable:

There are many such minorities about which it [COI] is very difficult to acquire, COI may not necessarily be available, nor information about the situation of the community. And then we obviously cannot do it like... like assume that if it is not available that then everything would be ok there.

This reflects an evident development in the asylum procedures compared to prior research, according to which the lack of relevant COI has, at times, been interpreted as a lack of persecution in some EU states (Spijkerboer 2013, Danisi et al. 2021). I would argue that such use of COI serves the EU border externalization project, as it facilitates returning asylum seekers to their countries of origin (see Spijkerboer 2017b;

Arbel, Dauvergne, and Millbank 2014; Gerard and Pickering 2014). However, as Elsa deliberates, in the contemporary system in Finland, there is a recognition that the lack of COI does not imply a lack of persecution towards a given group. Arguably this is connected to the 'benefit of the doubt' as well: if reliable COI cannot be acquired, the applicant's case may come to depend on whether they are given the benefit of the doubt.

Roni further discusses the use of COI, the lack of relevant COI, and the ways to approach it:

Usually, we then look at what is the situation of the quote-unquote, ordinary homosexuals in the country of origin. Because fundamentally all the other categories are always then in even worse positions.

This comment acknowledges the hegemonic position of homosexuals - or 'ordinary' homosexuals - in relation to other queer people and implies that it is more likely for COI to be available relating to homosexuals. However, this manifestation of homonormativity is turned into a tool to favor other queer applicants through the deduction that they are 'always' in worse situations than homosexual applicants. I would argue that this assertion is exceptional in the way that it recognizes COI as a product of a homonormative reality that may be utilized for the benefit of the non-homonormative queer persons who are generally manifoldly excluded through homonormativity. Furthermore, this implies acknowledgment that the homonormative order favors homosexual men over queer who do not comply with homonormativity. Therefore, I would describe this approach as an act *against* hegemonic homonormativity. This phenomenon demonstrates the dynamic nature of social exclusion as well, as its reproduction is prevented through such an anti-homonormative approach. Although COI is only one element in the asylum procedures, the changes in its use, as discussed above, have direct impacts on the social exclusion that the applicants experience. The broad way that COI has previously been used in multiple EU countries (see Spijkerboer 2013, Danisi et al. 2021) has inevitably resulted in the exclusion of numerous asylum seekers through the asylum system from the host societies and the EU as a whole. In contrast, the contemporary use of COI in Finland implies that the 'benefit of the doubt' is often applied in terms of lack of, incomplete or irrelevant COI.

In the following Chapter, I will draw the analyses of the numerous aspects that contribute to the heteronormativity of the asylum procedures in Finland into a discussion to lay out in greater detail how it produces social exclusion.

Chapter 6: Conclusion

In this Chapter, I summarize the main findings of this study that were presented in Chapter 5. Upon the presentation of the main findings, I provide a glimpse into a queer future of asylum procedures through the lenses of queer social exclusion theory, based on the findings of this study. Realizing the queer future requires more research, and thus, I discuss queer future alongside recommendations for further research.

6.1. Main Findings

As I assert in the analysis in Chapter 5, there are patterns in the assessment of SOGI as asylum grounds in the asylum procedures in Finland that seem to shift away from heteronormativity and therefore, result in a decrease in the social exclusion of queer asylum seekers. On the other hand, some patterns further purport heteronormativity and the subsequent social exclusion. Embracing the applicant's self-definition instead of enforcing strict categorizations or labels of the applicant's SOGI is a shift away from heteronormativity (see McCann and Monaghan 2020, de Lauretis 1991). Consequently, I argue that social exclusion based on a lack of belonging to a certain category is decreased.

Furthermore, the outright rejection of the discretion principle communicates a rejection of a heteronormative practice and a significant development from prior practices in European states (see Spijkerboer 2013, Danisi et al. 2021). In terms of social exclusion, this shift in the practices reflects dynamic changes in their social exclusion, as queer asylum seekers are no longer socially excluded based on the idea that they could live discreetly in their countries of origin. Moreover, this change results in that queer asylum seekers are no longer sent 'back to the closet' only to be adversely included for as long as they conceal their SOGI.

Finally, a similar shift is evident in the use of COI. While previously the lack of adequate COI may have been equated to a lack of persecution of a given group (see Spijkerboer 2013, Danisi et al. 2021), the data suggests that if there is a lack of relevant COI in the current day, it is assumed that the situation of non-homonormative queer people is worse than those of homonormative queer. In the lack of COI altogether, it is not assumed that there is no persecution. This approach to non-homonormative queer asylum seekers is a significant shift away from heteronormativity in the asylum

proceedings and arguably an *anti-heteronormative* practice. Such a shift has led to a dynamic change in the social exclusion of queer asylum seekers because of its direct impact on the outcome of the asylum procedures.

Despite these developments, heteronormativity persists in the asylum procedures in Finland and continues to produce and reproduce the social exclusion of queer asylum seekers. Heteronormativity manifests predominantly in the form of homonormativity in the procedures. Section 87 of the Aliens Act (Ulkomaalaislaki 30.4.2004/301) perpetuates homonormativity in its differential references to sexual orientation and gender identity as asylum grounds in relation to a PSG. The non-application of this particular section communicates the decreased role of heteronormativity in the asylum procedures which dynamically decreases the susceptibility of queer asylum seekers to social exclusion. However, the section in the Aliens Act (Ulkomaalaislaki 30.4.2004/301, 87 b §) continues to influence social realities and it, therefore, reproduces heteronormativity in the asylum procedures.

The recognition of queerness in the asylum procedures in Finland is based upon a Western conception of SOGI that rejects its validity if it is performed and not deeply reflected upon (see Danisi et al. 2021, McCann and Monaghan 2020, Butler 2004). Therefore, the applicant is more likely to receive asylum if they conform to the heteronormative conception of SOGI and is able to reflect on their identity rather than discuss how they express their SOGI. Arguably an applicant who diverges from heteronormativity in this regard is susceptible to social exclusion in relation to the applicant who conforms to it. Furthermore, the heteronormatively queer applicant who provides the ‘correct’ kind of account is only adversely included, according to heteronormative terms. The conditionality of the inclusion is manifested through the dimension of fluidity of SOGI. On the one hand, fluidity is recognized as a phenomenon and the applicant can talk about it in a hearing, according to the data. On the other hand, they may need to *explain* such changes in one’s SOGI which highlights the heteronormative conditionality of their ‘inclusion’.

This issue of fluidity raised suspicions towards the ‘default applicant’ which manifested in relation to the ‘benefit of the doubt’ as well. In some responses regarding both features of the asylum procedures, the ‘default applicant’ was constructed as the untrustworthy, suspicious character who would abuse the potential fluidity of SOGI

and is undeserving of the ‘benefit of the doubt’. This falls in line with how refugee men are constructed in Western societies, according to prior research (see Bredström 2010). Furthermore, it reinforced the heteronormative view of women and children as needy and therefore, worthy of the ‘benefit of the doubt’ and men not as such (see Sjoberg and Gentry 2007) and their uneven worthiness of the ‘benefit of the doubt’. Such an approach to the ‘default applicant’ subjects them to social exclusion in relation to their non-default peers. Furthermore, homonormativity persists in that the homosexual male applicant is constructed as the ‘default applicant’ who was present in most examples that the participants presented and who was, at times, constructed as the representative of all queer applicants. Consequently, with the assessment of SOGI in the asylum procedures catered primarily for the ‘default applicant’, non-queer asylum seekers are socially excluded in relation to the ‘default applicant’.

Finally, heteronormativity manifested in the kind of evidence that the applicants are expected to provide to corroborate their self-identification as well as in their credibility assessment. The heteronormativity of the expectations for the evidence manifests in two ways. Firstly, the account the applicant provides should center around the reflections on identity rather than on expression. Secondly, the heteronormative understanding of a ‘good life’, including milestones like forming a romantic relationship, seems to spill over to the desired evidence. As self-identification does not suffice for asylum, the failure to provide adequate evidence may result in an adverse outcome and consequent social exclusion. On the other hand, the potential success in providing the expected evidence may result in an adverse inclusion, as the heteronormative conditions are fulfilled. The credibility assessment exhibits similar patterns. In addition to assessing the consistency, detail, and individuality of the applicant’s account, on SOGI-related grounds, the detail and individuality are potentially expected to involve elements of the heteronormative conception of a ‘good life’. Failing to provide such an account then may lead to social exclusion in relation to those who are able to conform to these heteronormative expectations. Furthermore, similarly to the provision of the expected evidence, those who are deemed credible, are adversely included because they fulfill the condition of conforming to the heteronormative expectations.

6.2. Future of Queer Asylum Seekers and Further Research

Recognizing how heteronormativity manifests in Migri's asylum procedures and how it produces and reproduces social exclusion of queer asylum seekers guides the way to imagine the system anew. As mentioned, there have been promising shifts away from exclusion-inducing heteronormative practices. However, such shifts do not suffice for the true liberation of the queer asylum seekers, as they are *adversely* included on heteronormative conditions and thereby, effectively excluded (see Freire 1970 regarding liberation and Sen 2000 regarding adverse inclusion). This will continue unless the various manifestations of heteronormativity are transformed. In the imaginary of queer social exclusion theory, there are no criteria, besides self-identification, for the validity of one's SOGI (see McCann and Monaghan 2020). It may be performative, reflective, or both. It may involve normative characteristics or none at all. It may be fluid or static. It may or may not have a name. Its properties do not determine its validity. Centering the queer asylum seekers' own experience, expression and identification arguably frees them from the oppressive confines of heteronormativity and the social exclusion it creates. Drawing from Freire, the liberation from heteronormativity results in *humanization*, as they regain the power to define their being and identity instead of the oppressors - or excluders - defining it for them (see Freire 1970). Since queer asylum seekers should be the leaders in their liberation (see Freire 1970), I only paint a suggestive imaginary of it. Painting a more complete image necessitates further research with queer asylum seekers as the main informants.

It is evident that theoretical ideas on the humanization of queer asylum seekers are rather different from those that can be implemented in government functions. Upon reflecting on the potential ways to bring the imagined future of queer asylum seekers onto a practical level, there are no simple answers. Truly reconciling the full humanization of queer asylum seekers with adequate and thorough asylum procedures would require multidisciplinary research to ensure an institutionally functional outcome and that queer ideas are not co-opted. This balancing act has already been researched extensively (see De Jong and Kimm 2017, Calkin 2017) but the question remains: how to institutionalize ideas without losing their critical edge? Indeed, further multidisciplinary research is needed to find implementable answers to this question in the context of assessing SOGI as asylum grounds.

Zooming out from the Finnish system onto the EU's administration and its border externalization regime (see Varada Raj 2006, Spijkerboer 2017b, Gerard and Pickering 2014), it becomes evident that the effects of such efforts depend on the level at which they take place. Hypothetical shifts in the Finnish system will have a limited impact on the status quo at the EU level. Furthermore, the rulings of EU Courts and the EU's administration shape the asylum functions in Finland as an EU member state. Thereby, achieving real changes in the situation of queer asylum seekers would necessitate shifting away from institutionalized heteronormativity at the EU level. Heteronormativity seems to continue to underpin the investigations of SOGI as asylum grounds in Finland, according to the interviews, as well as in other European states (see Danisi et al. 2021). Arguably it is a part and parcel of the EU border externalization regime (see Freedman 2016, Varada Raj 2006). This relationship between heteronormativity in the asylum system and the EU's border externalization regime remain a subject for further research.

As Mayblin (2014) elaborately discusses, the roots of the contemporary asylum system in the EU are found in colonialism which Perocco (2018) complements in his discussion on the racism towards refugees in the EU. The elements of colonialism and racism are arguably intrinsically linked with the EU border externalization regime (see Varada Raj 2006, Freedman 2016, Gerard and Pickering 2014, Spijkerboer 2017b, Spijkerboer 2007, Cantor et al. 2022). Therefore, as heteronormativity in the asylum system and the social exclusion of queer asylum seekers in Finland and in the EU are embedded in the wider frameworks of the EU, researching the relationship between heteronormativity, racism, and xenophobia is a topic for further research.

Reflecting upon the findings of this study, the humanization of the queer asylum seekers does not seem to be fully realized in the near future. However, while the liberation project is underway, the oppressive system does not define the humanity of those whose queerness it fails to recognize (see Freire 1970). Wrabel, a singer and advocate for the rights of sexual and gender minorities, beautifully reaffirms this:

“There's nothing wrong with you

It's true, it's true

There's something wrong with the village” (Wrabel 2017)

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Appendices

The quotes are listed in the order in which they appear in the text. For each quote, the following are listed: the pseudonym of the corresponding participant, the translated version of the quote, and the original version in Finnish.

Quote 1

Mikko:

"...how would you really assess somebody's gender or sexual identity even if you like knew the person? Even if they were your friend, what would you like know about them from outside [unclear word]? And like based on what they say what their thoughts and feelings [...] really are? So maybe at least in my opinion already in itself it is really difficult that a government authority could even do any assessment of some other person's sexual or gender identity."

"...miten sä oikeesti niinku arvioisit jonkun sukupuoli- tai seksuaali-identiteettiä vaikka sä niinku tuntisitkin sen ihmisen et vaiks se olis joku sun ystävä niin mitä sä tavallaan niinku tiedät hänestä päälle päin [epäselvä sana] ja niinku hänen kertoman perusteella et mitä sit oikeesti ne niinku ajatukset ja tunteet ja niinku ne on, niin ehkä toi on ainaki mun mielestä niinku jo itsessään tosi vaikeeta että niinkun viranomainen voi edes tehdä jotain arviota jonkun muun ihmisen seksuaali- tai sukupuoli-identiteetistä."

Quote 2

Mikko:

"The applicant had been - I mean he was a male applicant - and he had been married to a woman in his home country. "

"Hakija oli tota ollu - hän oli siis miespuolinen hakija - ja hän oli ollu avioliitossa naisen kanssa kotimaassaan."

Quote 3

Minna:

“In Finland, there are relatively few applicants who present their gender identity as grounds but that is, of course, also a challenge that when one encounters it that, in a way, how one knows how to approach it in the interview.”

“Sukupuoli-identiteettiin vetoavia hakijoita on melko vähän ainakin Suomessa, mut se on myös totta kai sitä kautta haaste että sitten kun se tulee kohdalle että tavallaan niinkö miten osaa niinkö lähestyä sitä niinkö siin puhuttelussa.”

Quote 4

Roni:

“If one has had something like they have, for instance, lost their job or cannot get an apartment because they are in relationship with a person of the same gender or something like this so these things usually come up in the story quite naturally.”

“Sit jos ihmisel on ollu jotakin että on vaikka menettäny työpaikkansa tai ei saa asuntoa koska on parisuhteessa saman sukupuolisen kanssa tai jotain tämmöstä niin ne tulee yleensä sieltä kertomuksesta aika luontevasti.”

Quote 5

Minna:

”Regarding a particular social group, there are two relevant elements: one of which is that members of the group have a specific background, another innate characteristic, or a belief that is so integral to the members of the group in terms of identity or conscience that they cannot be expected to give it up. And then that others, like they are perceived as different from the rest of the society that in a way if one thinks about it from that perspective, then it is ultimately about the same thing. That you are perceived as different and that is why you have been or you are in danger of rights violations.”

“tietyn yhteiskunnallisen ryhmän kannalta siinä on kaks olennaista elementtiä ja se toinen on se että ryhmään kuuluvilla on joku tietty tausta, muu luontainen ominaisuus tai usko joka on ryhmän jäsenille identiteetin taikka omantunnon kannalta niin keskeinen ominaisuus ettei heidän voida edellyttää luopuvan siitä, ja sitten et muut, niinkö ympäristö mieltää heidät siitä muusta yhteiskunnasta erottuvaksi, et tavallaan

niinko jos ajattelee sitä tosta näkökulmasta niin kysehän on loppupeleissä samasta asiasta, et sut mielletään erilaiseksi ja sen takia suhun on kohdistunut tai kohdistuu oikeudenloukkausten vaara.”

Quote 6

Roni:

“So it’s much more important that they tell in their own language about it, tell that who they are, what and who they are interested in, what is their life story and from there we start to unravel it [...] that are they interested in their own gender, both genders or neither [...] I remembered that we had some decision by the Supreme Administrative Court where it was unclear to us what the identity was and also to the Administrative Court, and still in the Supreme Administrative Court it was unclear but they ruled there that it does not matter because it is clear that they belong to this kind of minority either way, that is enough.”

“Et paljon tärkeämpää on se et hän sillä omalla kielellään kertoo siitä, kertoo että kuka hän on, mistä ja kenestä hän on kiinnostunut, mikä se hänen elämäntarinansa on ja sieltä kautta lähetään sit haarukoimaan sitä. [...] Että onko kiinnostunut omasta sukupuolesta, molemmista sukupuolista, ei kummastakaan [...] Ja mä muistelin et meil ois joku KHO:n päätöskin ollu missä meil oli jääny epäselväks että mikä se identiteetti on, ja hallinto-oikeudelle, ja se oli KHO:ssakin vähä epäselvää mut siellä todettiin et ei sil oo mitään merkitystä koska on ihan selvää että hän kuuluu kuitenkin tämmöseen vähemmistöön, et se riittää.”

Quote 7

Roni:

“We have applicants that they really cannot get to the issue of their identity, that they really don’t know how to tell about anything else than that who they have had sex with, where and how many times.”

“Meillä on asiakkaita et he ei millään pääse siihen identiteettiin, he ei millään osaa kertoa mistään muusta ku siitä et kenen kanssa on harrastanu seksiä, missä ja montako kertaa. “

Quote 8

Minna:

“It can be that a person in a way like, indeed, rather expresses the sexual orientation perhaps, for instance, through sexual activities or so. It may be easier to tell about than, let’s say, identity that is like quite true, it is true that it is very intangible concept.”

“Voi olla että joku henkilö tavallaan niinkö nimenomaan ilmaisee sitä seksuaalista suuntautumistaan ehkä ennemmin niinkö vaik seksuaalisen toiminnan kautta tai tälleen et siitä voi olla helpompi kertoa kun sitten vaikka identiteetistä mikä on niinkö ihan niinkö totta, on totta et se on hyvin vaikeasti hahmotettava käsite.”

Quote 9

Mikko:

“It feels like in our decision-making practices it would require also the kind of like contemplation on one’s feelings and thoughts and indeed, the identity [...] so I feel like although it [expression] is also a big and significant thing in sexual identity, it still perhaps does not weigh that much versus then, indeed, identity and these experiences of difference and accounts like this.”

“Meillä tuntuu olevan täs niinku päätöskäytäntönä se et se vaatis sen myös sen semmosen niinku tunteiden ja ajatusten ja just siihen identiteettiin liittyvän pohdinnan [...] must kyl tuntuu et tota et vaikka sekin on iso ja merkittävä asia tossa seksuaali-identiteetissä niin silti sillä ei oo ehkä kuitenkaan niin isoo painoarvoa versus sit siihen just näihin identiteettiin ja näihin erilaisuuden kokemuksiin ja tälläseen kertomiseen.”

Quote 10

Elsa:

“It can be like that as well because the personal circumstances and cultural context may also affect processing the matter.”

“Voi niinkin olla, koska ne henkilökohtaiset olosuhteet sekä kulttuurinen konteksti voivat vaikuttaa myös asian prosessointiin.”

Quote 11

Jenni:

“For instance, if the applicant tells that they are a homosexual then we also have to assess the assumed homosexuality that has possibly the information of - what could it be - if they have participated in Pride marches or have been seen with men or with women, or whatever it could be, that if this information would have spread to their home country and they are assumed to be something that they say they are even if we would not accept the identity.”

“Esim. Jos hakija kertoo olevansa homoseksuaali niin sitä oletettua homoseksuaalisuutta arvioida että onko tämä mahdollisesti tämä tieto vaikka - mitä se vois olla - onko hän käynyt vaikka jossain pride-kulkueessa osallistunut tai onko hänet nähty miesten kanssa tai naisten kanssa, tai mitä ikinä se voikaan olla, että tämä tieto olisi levinnyt kotimaahan ja hänen oletetaan olevan jotakin sitä mitä hän kertoo olevan vaikka me ei sitä identiteettiä hyväksyttäiskään.”

Quote 12

Minna:

“The applicant has a right to self-identification but we cannot take it as given. They must present evidence. [...] And of course when investigating the like development of the identity then probably like the most useful approach is through addressing [...] the context, environment, what memories are connected to that time. So like can you tell something, we don't define what but like can you tell something?”

“Hakijalla on oikeus itseidentifikaatioon mutta me ei voida ottaa sitä annettuna vaan pitää esittää näyttöä. [...] Ja sit tietysti kun selvittää sitä identiteetin jotenki kehittymistä niin varmaan niinkö silleen niinkö hyödyllisintä on tota [...] missä yhteydessä, missä ympäristössä, mitä muistoja sulla liittyy siihen aikaan. Nii et niinkö pystyksä kertomaan jotain, ei määritellä et mitä mut voiksä kertoo jotain.“

Quote 13

Mikko:

“I feel like for us like the training and all these guidelines we have, they don’t perhaps take it into account that, indeed, sexual identity and gender identity can and like is able to change [...] so it is very interesting that like it can really be like this and exactly when, after all, there are so many forms of sexuality as well. And overall, there are different kinds of people with an LGBTI background so with this perhaps our guidelines should be updated and maybe like look at it with a little bit more open mind.”

“Must tuntuu et meillä niinkun se koulutus ja nää kaikki niinkun ohjeet mitä meillä on niin se ei ehkä huomioi sitä että just seksuaali-identiteetti ja sukupuoli-identiteetti pystyy tai niinkun voi muuttua [...] ni toi on tosi kyl mielenkiintosta että tota oikeesti näin voi olla ja just ku kuitenkin niinku seksuaalisuudenkin muotoja on niin erilaisia ja ylipäänsä HBLTI-taustaisia ihmisiä on erilaisia niin tässä pitäisi ehkä kyllä meidänkin ohjeita päivittää ja just ehkä kattoo sitä vähn silleen avarakatseisemmin.”

Quote 14

Roni:

“If the applicant can explain it [fluidity or development of identity] then there’s nothing to say about it. But when the living reality that we live in is that a person applies based on homosexuality, is perhaps granted the permit, and then is found guilty of sexually assaulting an underage girl or is found to have children in Finland, and to us he has always said that never, ever, has he even looked toward women and would not even want to [...] so yes it is possible that it develops but that it develops immediately after you receive asylum. “

“Jos se asiakas osaa sen selittää ja kertoa ni ei kait siinä mitään. Mut sitten kun se elävä todellisuus mitä me nyt tässä eletään on että ihminen hakee homoseksuaalisuuden perusteella, ehkä saa luvan, ja sit hän syyllistyy alaikäisen tytön seksuaaliseen väkivaltaan tai hältä löytyy lapsia Suomessa ja hän on meille kertonut et koskaan, ikinä, millonkaan en oo naiseen päin edes kattonu enkä haluakkaan[...] Et joo on mahdollista että se kehittyy mut se et se kehittyy saman tien kun sinä saat sen turvapaikan.”

Quote 15

Jenni:

“We cannot like assume that the applicant would hide their identity, that is the starting point.”

“Me ei niinkun voida olettaa että hakija piilottaisi tätä identiteettiään niin se on se lähtökohta.”

Quote 16

Roni:

“The outcome in the home country is exactly the same regardless of the terms if they deviate from the heteronormativity. They get busted, so to say, that for some time they can hide it but in many societies at some point when you don’t live according to the norm, don’t date a woman, for instance, don’t get married at a certain age but you start to be a little like over-age already and you have never dated. You basically come out by force.”

“Lopputulokset kotimaassa on ihan sama, oli se termi mikä hyvänsä, jos hän poikkeaa siitä heteronormatiivisuudesta. Niin sanotusti kärkehtää siitä et aikansa pystyy piilottelemaan mutta monessa yhteiskunnassa sit jossain vaiheessa kun sä et elä sen normin mukaan, et seurustele vaikkoin naisen kanssa, et mee tietyn ikäsenä naimisiin, vaan sä alat olla vähän niinku jo yli-ikänen etkä oo koskaan seurustellu. Ni sähän tuut tavallaan kaapista ulos väkisin.”

Quote 17

Elsa:

“Of course, we always have to make the decision in the applicant’s favor. And not like the other way around. Or that we can’t like think that it would be the other way around as a default.”

“meiän totta kai täytyy se hakijan eduksi se asia sit aina niinkun, päätös tehdä. Eikä niinkun toisin päin. Tai et ei voida niinkun ajatella et se ois toisin päin jotenkin niinkun oletuksena.”

Quote 18

Mikko:

“If like there is like uncertainty that the assessment is kind of at stake, then in a way it should be ruled in the applicant’s favor but somehow it feel like it is, on the other hand, sometimes also very hard that if, for instance, the Finnish Immigration Service rules that the applicant’s account is very unconvincing that then like, what then.”

“Jos tavallaan niinku on sellasta niinku epävarmuutta et se on vähän niinkun vaakalaudalla se arvio niin sitten tavallaan pitäis huomioida se just hakijan eduksi mut jotenkin sit tuntuu että, et toisaalta se välillä myös tosi vaikeeta et jos vaikka niinku Maahanmuuttovirasto arvioi että se on tosi epäuskottavaa jotenki se hakijan kerronta niin niinku miten sitä sitten.”

Quote 19

Roni:

“We probably have it a little bit in all grounds whether the applicant is in a vulnerable position. Are they able to tell about their grounds. If they are, then why don’t they tell us. What factor in a way like prevents the applicant from telling about it in more detail, more widely, in more depth. So perhaps if there is some kind of vulnerability [...] But with this kind of like normal male applicant a good health, we don’t very easily take the route of ‘benefit of the doubt’.”

“Meil on varmaan vähän kaikis perusteissa pikkasen sitä, että onks se hakija haavottuvassa asemassa. Onks sillä kyky kertoa siitä asiastaan. Jos on, niin miksi hän ei sitten kerro. Mikä tekijä tavallaan niinko estää kertomasta siitä tarkemmin, laajemmin, syvemmin. Et ehkä jos on jotakin tämmöstä haavottuvuutta [...] Mutta että tämmönen niinku normi perusterve mieshakija niin ei hirveen herkästi lähetä siihen ‘benefit of the doubt’:iin kyllä sitten.”

Quote 20

Minna:

”Of course, it has an absolutely determining role in that in a way that what the position of these people is, how the societal attitudes are, do rights violations happen, what is the legislative stance. Of course, it has a central role but often, after all, country of origin information is quite disadvantageous from the perspective of those people, so it must be a very exceptional situation and, in my view, it is also a very exceptional situation if then a negative decision is made.”

“Totta kai sil on ihan ratkaiseva rooli siinä et tavallaan et mikä näiden henkilöiden asema on, minkälaiset on ne yhteiskunnalliset asenteet, tapahtuuko oikeudenloukkauksia, miten lainsäädäntö suhtautuu, totta kai sillä on niinkö keskeinen mutta useimmiten kuitenkin se maatieto on noiden ihmisten niinkö näkökulmasta aika epäedullinen että kyl täytyy olla hyvin poikkeuksellinen tilanne ja nähdäkseni myöskin on hyvin poikkeuksellinen tilanne semmonen että on tehty kielteinen päätös sitten.”

Quote 21

Elsa:

“There are many such minorities about which it [COI] is very difficult to acquire, COI may not necessarily be available, nor information about the situation of the community. And then we obviously cannot do it like... like assume that if it is not available that then everything would be ok there”

“On monia sellasia vähemmistöi joiden suhteen on tosi vaikee saada, sitä maatietoo ei välttämättä niinku oo saatavilla, eikä tietoa sen yhteisön tilanteesta. Ja silloin me ei tietenkään voida tehdä sitä niinkun hakijaa vast... siis niinkun olettaa että, et jos sitä ei oo saatavilla niin silloin siel ois kaikki ok.”

Quote 22

Roni:

“Usually, we then look at what is the situation of the, quote-unquote, ordinary homosexuals in the country of origin. Because basically all the other categories are always then in even worse positions.”

“Yleensä me katotaan sitten että mikä se niinku ihan taas lainausmerkeissä perus homoseksuaalien tilanne siellä kotimaassa on. Koska lähtökohtaisesti nää kaikki muut on sitten aina huonommassa asemassa vielä.”