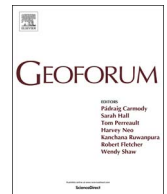




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Forced (Queer) migration and everyday violence: The geographies of life, death, and access in Cape Town

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ABSTRACT

LGBT+ rights have recently gained international attention across the continent and have resulted in expanding tensions surrounding access to both city and state in South Africa. The experiences of LGBT+ asylum seekers, an underexamined group of migrants in South Africa, adds further complexity to the literature that has already challenged common-sense notions of Cape Town as a safe haven for sexual minorities. Increasing xenophobic tensions in South Africa's major urban centres combined with neoliberal-led cut-backs at municipal and national levels has further hidden and made invisible the struggles of LGBT+ asylum seekers. Accessing shelter and employment are interrelated facets of the right to the city as these aspects determine whether forcibly displaced queer people are allowed to live or are simply abandoned and left to die. Thus, this article asks, 'What is the interplay between access to the right to the city and the opposing social realities of death?' Using data from fieldwork conducted in 2014–2015 in Cape Town with NGOs and asylum seekers, I seek to examine the violent processes in which state-structured violence embedded in the heteronormative urban space impedes the survival of forcibly displaced queer people. I argue that LGBT+ asylum seekers in Cape Town navigate a landscape of abandonment and death in their attempts to access the right to the city.

1. Introduction

LGBT+¹ rights have recently gained international attention across the continent and have resulted in expanding tensions surrounding access to both city and state in South Africa. The experiences of LGBT+ asylum seekers, an underexamined group of migrants in South Africa, adds further complexity to the literature that has already challenged common-sense notions of Cape Town as a safe haven for sexual minorities (Lock-Swarr, 2012; Oswin, 2007). 20478751720850South Africa's constitution is amongst the strongest in the world offering protection regarding same-sex desire; but, as the literature suggests, these rights are unevenly guaranteed. In Cape Town, this unevenness rests on white male capital and the globalization of 'gayness' as a commodity that can be accessed in spaces of sexual consumption (bars, clubs, etc.) or as Natalie Oswin names as a form of queer globalization (2007). Yet, those queers who do not have the capacity to consume are cast into township space where violence and structural barriers undercut everyday life (Livermon, 2012; Tucker, 2009). As this article will show, LGBT+ asylum seekers exemplify this spatial unevenness as they face additional pressures due to the entangled discriminations of race, class, and sexuality. Queer asylum seekers face structural and everyday

forms of violence as they navigate both the core and periphery of the city facing violence in every aspect of public and private life despite legal provisions on a national scale.

Increasing xenophobic tensions in South Africa's major urban centres (Klotz, 2016; Oluwaseun, 2016) combined with neoliberal-led cut-backs at municipal and national levels (Bond, 2011; Ferguson, 2007) has further hidden and made invisible the struggles of LGBT+ asylum seekers. Accessing shelter and employment are interrelated facets of the right to the city as these aspects determine whether forcibly displaced queer people are allowed to live or are simply abandoned and left to die. Thus, this article asks, 'What is the interplay between access to the right to the city and the opposing social realities of death?' Using data from fieldwork conducted in 2014–2015 in Cape Town with NGOs and asylum seekers, I seek to examine the violent processes in which state-structured violence embedded in the heteronormative urban space impedes the survival of forcibly displaced queer people. I argue that LGBT+ asylum seekers in Cape Town navigate a landscape of abandonment and death in their attempts to access the right to the city. In doing so, this article draws on various queer scholarship focused on consumption, migration, and survival and aims to add further complexity to these debates through the theoretical interplay of access and death.

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¹ Lesbian, Gay, Bisexual, and Trans – I use the + to indicate other forms of sexual or gender identity as a means to be exclusive of non-western forms of sexuality. The Acronym of course bears its own tensions as having a western intellectual and activist tradition; however, it is useful shorthand for the purposes of this article.

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I will illustrate that tensions surrounding class, race, space, and sexuality, are inseparable in Cape Town. Indeed, my research adds further nuance to the literature on same-sex desire in the city by engaging explicitly with the apparatus of the heteronormative state in its construction of desired queer subjects through the exclusion of undesirable others. Cape Town, unlike other major urban centres in South Africa, such as Johannesburg or Durban, has historically provided a safe-haven for gay-white men since before the apartheid era (Tucker, 2009).

This article is organised into four sections. In section one, I situate my analysis within theorizations of the right to the city and access and the politics of abandonment and death in the context of queer space in Cape Town. Following this, I develop my theoretical framework of state-structured heteronormativity particularly in relation to housing, employment, and police violence. Section three and four provide empirical data gathered from my fieldwork where I tackle issues of violence when forcibly displaced queer migrants attempt to access the state and subsequently attempt to survive in Cape Town upon relocation.

2. Framing Queer Space in Cape Town

Henri Lefebvre's conception of the right to urban life and the overall aims of democracy, social justice, and equity seem disconnected with the everyday realities of the urban poor in the global south (Lefebvre, 1991; Mitchell, 2003). For many asylum seekers, not only is achieving status difficult, but, this right to the city has no direct implications for their livelihoods or socio-economic circumstances. The debates surrounding 'the Right to the City' and neoliberal financial governance (Peck, 2015) have been expanded by many scholars to include such factors as gentrification, housing, and incarceration, in relation to austerity on urban and national scales (Soederberg, 2014; Wacquant, 2009; Wyly, 2015). Indeed, as argued by Kafui Attoh, the 'rights' in the city remain in a black-box and continue to be unexplained (2011). Using the insights within critical human geography this article juxtaposes the right to the city with the politics of survival (Mitchell and Heynen, 2009)—the interplay between access to shelter and employment and death (Das Gupta, 2014; Mbembe, 2003; Shakhshari, 2014).

In this sense, the usage of the right to the city as a conceptual tool in this article is meant to bridge issues of access with the violence of state-led heteronormativity. Access, as defined by Jesse Ribot and Nancy Peluso, as the ability to benefit from material things such as institutions, people, objects, and symbols (2003) is placed in contention with Sima Shakhshari's notion of queer refugees being suspended in a liminal zone of rightfulness and rightlessness as an abandoned population (2014). This article illustrates how various oppressions of race, sexuality, and class, share overlapping boundaries that are interwoven, incoherent, and thus, difficult to disentangle within neoliberalism in Cape Town. As Oswin (2014) emphasizes, neoliberal futures for same-sex couples coincide with state strategies of accumulation. That is to say, same-sex desire, on a global scale, is classed and raced where white gay men are afforded visibility and freedoms in both public and private spaces of desire while queers of colour remain marginalized in physical, textual, and/or virtual spaces (Benedicto, 2015; Nash, 2011).

Access, beyond who gets to use what and when, (Neale, 1998) is also deeply linked to structural issues of control particularly concerning land (Appadurai, 1986; Ferguson, 1994; Hart, 1986). Beyond issues of access to land, housing, and natural resources (Bolzoni et al., 2015; Sultana, 2011) this article contends that further theoretical complexity using queer theory's understanding of death especially for hidden, invisible, and forgotten populations is required to understand access to shelter and employment for sexual minorities. Although critical discussions around David Harvey's accumulation by dispossession have been coloured by questioning access, Marxian conceptions of the right to the city do not contend with the heteronormative state directly. Accessing shelter and employment is an implicitly heteronormative

exercise that needs to be queered and named as such. Expanding upon Derek Hall, Philip Hirsch, and Tania Li's work on exclusion surrounding land issues, I pay attention to their conceptions of exclusion by force and legitimation (2015). Force can be explicit or implicit and normative ideas about which bodies belong in the city fuel exclusion by legitimation. In the case of forcibly displaced LGBT+ migrants, the logic of exclusion rests on the overlapping interactions between race, class, and sexual-orientation based anxieties.

The logics of force and legitimation (Hall et al., 2011) do not allow LGBT asylum seekers to navigate Cape Town with ease. As the empirical sections of this article will show, queer asylum seekers face a constricting state—particularly through their interactions with the Department of Home Affairs (DHA)—that reifies xenophobic and homophobic tensions found through the navigation of everyday life in Cape Town.

Everyday life, as theorized by Lefebvre and others, cannot be removed from the processes of urban austerity that make the 'everyday' a site of power and resistance (De Goede, 2006; Lefebvre, 1991).² South Africa, from segregation to apartheid, has a continuous history of race-based hierarchical forms of governance inseparable from relations of production (Wolpe, 1976). In the post-apartheid era, globalization provides a new overlay of race-class based exclusions for the racialized poor, including migrant workers, within logics of neoliberal capitalism (Hart, 2002; Griffin, 2011).

Tying exclusions with issues of racialization within development issues in the global south, Li (2009) adds that the 'right' to survival—with regard to the right to food and employment by the Indian national state—is a state-led strategy which decides which populations are made to live and which populations are allowed to die. Although a deep theorization of the surplus population in relation to queer asylum seekers goes beyond the scope of this paper, what Li calls, 'letting die' should be recognized as a type of state-led violence mediated through national and urban processes of neoliberalism that excludes people from, shelter, and employment (Li, 2009). Achille Mbembe's *Necropolitics* compliments Li's conception of 'letting die' and considers the intersections of state-sovereignty, sexuality, and death (2003). Using both Mbembe and Li, it is important to note that neoliberal strategies of exclusion in urban space create the landscape of letting live/die for forcibly displaced queer migrants explored further in the theoretical framework section below.

Colonial history, race, and the 'letting die' strategies of the heteronormative state are inseparable aspects of violence faced by queer asylum seekers. Li notes that letting die is, "a stealthy form of violence..." which undoubtedly protects some queer bodies and relegates unwanted bodies to lives of abject poverty, improper access, and death. Projects of racial hegemony such as apartheid never disappear instead, they continually reconstitute themselves and this is visible across Cape Town's queer spaces (McIntyre, 2011). Colonization not only produced the racial hierarchy crucial to the functioning of apartheid, but its legacy continues to be central to the production of unwanted bodies vis-à-vis ongoing forms of racialization in city and township spaces.

In Cape Town, 'making live' strategies for gay white men in De Waterkant has been apparent through the spatial construction of a queer enclave amongst heterosexual space. Williams (2008) offers some nuance regarding queer spaces in township areas as places of resistance and enclaves of security for racialized people; however, the same cannot be said for LGBT+ displaced people who face additional discrimination due to their foreign origins. This article pays particular

² Jamie Peck and Adam Tickell's article, *Neoliberalizing Space*, offers a critique of the transformation of the welfare state vis-à-vis the promotion of entrepreneurialism, enterprise and urban development within the city. Ultimately, they argue that despite the neoliberal cities rhetoric of innovation and openness the policies generated from this thinking has been narrow and has resulted in coercive measures forcing 'modern' cities to 'keep-up'—trading welfare rights for uneven spatial development (Peck and Tickell, 2002).

attention to the ways in state-led forms of violence are implicitly heteronormative under the context of xenophobic tensions vis-à-vis access to shelter and employment.

Queer forced migrants are representative of the most flexible elements of neoliberalized labour. They are often undocumented, unwanted, and are placed in the bottom rungs of society by their new communities. Colonialism in South Africa, not only created “racially ontologized hierarchies of space, which permitted the hyper-exploitation of certain (colorized) bodies...” (McIntyre and Nast, 2011) it also regulated sexual practices. A history of kinship and same-sex desire goes beyond the scope of this paper (Schmidt, 2007); however, it is important to recognize that queerness or sexual variance is not ‘un-African’. More, as Anne-Marie Makhulu notes, the racial and class project of apartheid necessitated the reproduction of a specific mode of production that made certain bodies more precarious in comparison to white elites. Migrant women were cast into the countryside—indicating that ‘letting die’ is long evidenced in South Africa’s colonial history (Makhulu, 2016).

The queer body in Cape Town, implicitly white, affluent, male and spacialized in the city’s De Waterkant gay area, is diametrically opposed to the body of the refugee which is not wealthy, only somewhat urban, and entirely unwanted by an increasingly xenophobic population. Even though black populations outweigh white ones the hierarchical legacies of apartheid permeate through these spaces delineating acceptable white South African male bodies and unwanted dark ‘African’ ones. The exploitation of forcibly displaced queer migrants rests not only on asymmetric power relations between the regulatory and ‘rights-granting’ state but between everyday interactions amongst which bodies are necessary and which are extraneous to the fabrics of South African society. To wear queerness and race on one’s body results in continuous frictions between all levels of society—examples of housing and employment allow us to distill these violent interactions; however, the body of the foreign-born queer is an unending site of contestation. As Zethu Matebeni contends, whiteness and gayness in queer space in South Africa are assumed, implicit, accepted, and non-negotiable; however, expressions of non-normative sexuality in African populations are made invisible and remain unrecognized in bourgeois spaces of queer consumption (2011).

The queer consumption literature deepens our understanding of neoliberal space by suggesting that queer spaces have transformed from places of resistance and belonging against heteronormative ideals to places of consumption that are elitist and exclusionary (Binnie, 2014; Burns, 2012; Puar, 2007; for Cape Town see Tucker, 2009) As Oswin (2008) outlines, queer studies must move towards a subject less critique. Meaning, sexuality is subject forming and is embedded in power relations beyond issues of “space access” and “inclusion based identity politics”. The queer critique requires material conditions and can no longer exist in the realm of identity politics. Not only does urban represent more than a geographical space but it is also an institutional setting where everyday politics are decided—the urban is material and for LGBT asylum seekers in Cape Town this involves flexible and forcible unemployment, housing instability, intense discrimination, violence, and death. The category of ‘queer migrant’ must be explored within its liminal existence (Shakhsari, 2014) within continental, national, and urban specificity. Queer refugees have always been of two worlds, but as Sylvia Tamale notes, the categorization brought on by the LGBT+ acronym is unable to historicize African sexualities (2011). Indeed, as Tamale highlights, silence regarding sexuality in the African context also reflects a complex understanding of permissibility within the fluid nature of sexuality that contrasts Western notions of sexuality that seek to categorize and homogenize. African bodies have been sites of curiosity, fetishism, desire, and disdain throughout colonial history as simultaneously hyper-sexualized and abhorrent (Tamale, 2011).

Western understandings of African sexuality continue to be influenced by colonial mindsets as suggested by Magubare (2007) in their analysis of HIV/AIDS prevention programmes on the continent that

operated under the premise of hyper-sexualized African males who needed to learn to control their sexual appetite. The increase in state-sanctioned homophobia since Uganda’s 2009 anti-homosexuality bill has only furthered the discourse of African nations as backward and illiberal; however, they fail to account for the colonial projects in various African states that prevented reproduction and subjugated entire societies to violence. Homophobia in Africa today is not only a response to the universalized forms queer identity, but also a re-assertion of black male heterosexuality that has been threatened by Western colonialism (Lewis, 2011). The South African heteronormative state is thus, a composite of these forms simultaneously denying queer African identities while allowing spaces of white gay male consumption linking with global forms of homonormativity (Duggan, 2002; Puar, 2006). Queer refugees, unable to participate in gay consumption due to class, race, and ethnic barriers, are left to die.

3. Developing State-Structured Heteronormativity

Despite United Nations conference on Housing and Sustainable Urban Development—Habitat III in Quito—listing the challenge of finding adequate housing free from sexual and gender-based forms of violence in the context of urbanisation (HIII – New Urban Agenda 2016) the literature remains silent on the ways in which racialized sexual minorities experience significantly greater dimensions of violence. A key aspect of systemic violence, argued in this article, is tied to heteronormativity. As mentioned in the previous section, the South African heteronormative state is a contradictory composite of homonormative gay male consumption and national commitments to heterosexuality. Jacob Zuma’s anti-gay rhetoric where same-sex marriage is viewed as a, “disgrace to the nation and to God” is a clear example of the constitution being disconnected from lived reality (IOL, 2006; Reid, 2010; Stobie, 2014). Zuma’s rhetoric has shifted throughout the years; however, increased xenophobia due to tensions of economic scarcity have created further spaces of discrimination for migrants and refugees in major urban centres in the country (Charman and Piper, 2012; Mabera, 2017).

Broadly, foreign migrants in South Africa face xenophobic tensions and violence in township areas under the context of resource scarcity resulting in precarious work or unemployment, inadequate housing security, or police violence.³ Many asylum seekers struggle to find consistent and meaningful employment due to the nature of the refugee determination process which necessitates renewal of asylum permits at the port of entry every six to twelve months (Amit, 2011). This process makes employment precarious rent becomes difficult to pay and results in housing insecurity. Although the difficulties faced by migrants should not be understated, forcibly displaced queer migrants remain a hidden population due to the structural forces of heteronormativity vis-à-vis access and death.

This section contends that access and death are built-in features of state-structured heteronormativity. As many African scholars on sexuality have discussed, sexuality in Africa cannot be stripped from its colonial past (Davids and Matebeni, 2017; Hoard et al., 2005; Matebeni, 2011; Mbali, 2004; Tamale, 2008). Oswin’s understanding of neoliberal futures for same-sex desire (2014) takes on a different role in South Africa where queer bodies remain subjected to colonial mindsets of

³ Insufficient and inadequate housing for South Africa’s urban poor characterizes the precarious situations in which queer asylum seekers and refugees seek housing access. Significant proportions of urban migrants live in tiered levels of informality where they erect shacks in the backyards of other properties whether it be state granted low-income housing or larger informal settlements. This phenomenon, distinct to South African urban informality, has created a new class of landlords who depend on the rent generated from these backyard dwellings (Lemanski, 2009). For migrants, renting becomes the only form of tenure in informal settlements and although there seems to be no shortage of growth in the informal housing market, the houses are still owned by South Africans who require down-payments amongst other requirements to secure housing which is similar to renting in the formal housing market (Gunter, 2014).

incivility, hyper-sexualization, and disease particularly within the discourse of the AIDS epidemic in the country (Hunter, 2010). This article explores abject forms of violence that are shaped through interactions within urban space and state-structured heteronormativity particularly concerning housing, employment, and police-based violence. This state-structured discrimination needs to be named not only as a practice of heteronormativity, but one that has particular features tied to the urban experience in South Africa. Thus, this article intentionally centres scholarship within South Africa as a lens with which to relate to broader structural forces of globalization. As empirical sections in this article will show, sexuality does play a factor in the adjudication and renewal of asylum claims and thus, cannot be erased as a dimension of access and death.

Access to human rights or as Hannah Arendt nuances as citizenship rights (1976) are a key facet by which scholars and policy makers understand refugee or stateless persons' claims to the nation and city. As Arendt suggests, human rights are not citizenship rights and a strong institutional state needs to be present in order to protect and bolster human rights as a fundamental moral imperative (Arendt, 1976; Bernstein, 2005; Parekh, 2011). However, as Harvey (2003) argues, accessing the right to the city is not simply a means to access what already exists but a shift in ability to change the city in fundamental ways. The central tension highlighted by Harvey and other Marxist scholars is that accumulation through the re-entrenchment of private property rights under neoliberal governance have made the city an inaccessible space fraught with 'inequality, alienation, and injustice' (Caprotti, 2014; Harvey, 2003; Parnell and Pieterse, 2010). However, the lives of LGBT+ asylum seekers are stuck in a limbo waiting indefinitely for status and facing continued alienation even after being granted status through housing, employment, and police-violence as the following section will show.

Thus, adding to the scholarship on the right to the city, this article also seeks to examine the world from within the African metropolis. As Achille Mbembe and Sarah Nuttal suggest, western scholarship has failed to account for the complexity within African cities. Johannesburg, for example, cannot be read continually as a city of crime, unequal economic relations, and spatial apartheid. It must also be considered a site of "fantasy, desire, immigration" within the universalized reading of urban space as an arena of capitalist accumulation and exploitation (Mbembe and Nuttal, 2004). Using this approach, the article seeks to re-frame Mbembe's *Necropolitics* to include the nuances within queer refugee life in Cape Town. Indeed, the shattered imaginary of Cape Town as a safe haven allows room for new queer stories that fill in-between the porous boundaries of 'City Bowl' and township space within the processes of accumulation and urban austerity.

The opposite of access for LGBT+ asylum seekers and refugees is a slow (not passive) form of death. Forcibly displaced sexual minorities simply do not fit into the logics of accumulation especially in gay Cape Town. As *Necropolitics* dictates, the role of sovereignty allows for the regulation of death and expulsion—contrasting rights based discourse surrounding access. Eithne Luibheid's concept of nationalist heterosexuality complicates the pre-occupation with status for migrants within neoliberalism—that is to say, the state arbitrarily decides which bodies are desirable through complex legal mechanisms that operate on race, class, gender, and sexuality-based exclusions (2008, 2011). In the U.S context, Debanuj DasGupta argues that immigration laws frame certain (HIV+) queer bodies as 'diseased' aliens in contrast to the 'self-regulation, enterprising, good citizen subject' (DasGupta, 2014). 'Letting die' or as DasGupta names it, slow death, is interlinked with the cost-benefit analysis of neoliberalism. Shannon Winnubst accounts for this through her assertion that the neoliberal state—a departure from liberalism—transformed citizens into entrepreneurs, ownership to interest maximization, utility to human capital, and human rights to subjects of interest. The neoliberal state remains one that continues to regulate certain bodies through incarceration, exclusion, expulsion, and death (Winnubst, 2015). Forcibly displaced queer migrants do not fit

within these logics and are thus, committed to a slow death of expulsion from shelter, housing, citizenship, and undoubtedly the right to the city.

Martin Manalansan provides further nuance to the queer migration literature by pointing to the ways in which women and third-world queers fit into the exploitative logics of neoliberalism through sex tourism and the internet. Similar to DasGupta, Manalansan highlights that queer asylum gained prominence during the AIDS pandemic as undocumented migrants became infected and were clearly portrayed as illegal and undesirable in the global north (Manalansan, 2006). Queer asylum seekers are only able to gain access if they can play to the interests of legal, political, cultural, and economic desires of the state thereby reproducing universalized sexual identities and practices. As David Murray notes, LGBT+ asylum seekers must prove that they are gay enough within the migration regime or face rejection—the heteronormative state's understanding of sexual variance is limited and rooted in antiquated stereotypes with material consequences of life and death (Murray, 2014).

Mbembe's *Necropolitics* frames African societies as spaces of immense killing, looting, and death in order for other continents to emerge as economic and social forces. Elizabeth Povinelli's *Economies of Abandonment* furthers this argument within neoliberalism linking 'laissez-faire' to 'faire mourir' – let die. Through research with Australian Indigenous peoples, Povinelli argues that Indigenous communities are abandoned and face 'agentless, slow death' a particular mode of killing that is quiet and slow and conducted vis-à-vis market integration (Povinelli, 2011). The heteronormative state continues its re-configuration as illustrated by Jasbir Puar's *Terrorist Assemblages* that argues that the U.S no longer unequivocally excludes homosexuals, rather, it is a particular form of homosexual subject that is included and 'made American' in order to create a more diametrically opposed Muslim 'terrorist' subject (Puar, 2007).

As noted above, the South African heteronormative state is similar to the one described by Puar. South African exceptionalism dictates continental superiority through western liberal commitments as evidenced by its progressive constitution; however, 61 percent of South Africans find homosexuality to be unacceptable a rate which is remarkably higher when looking at township spaces with racialized populations (PEW, 2013). Lesbians, for example, face daily violence and are seen as challenging heteropatriarchal norms (Lock-Swarr, 2012). Most transgendered and lesbian individuals interviewed in a Human Rights Watch study reported high levels of discrimination from the government and in their own social spheres. Many queer individuals live a life of fear and self-policing that hinders their ability to finish school and find employment. In cases of exposure they face continuous rejection by their social circles and are ridiculed in public and private spaces (HRW, 2011). Clearly, these examples of violence and exclusion are tied to material considerations and access to safe livelihoods for queer people in South Africa. Although sexual minorities face greater levels of exclusion than their heterosexual counterparts this article emphasizes the intersections between sexual orientation and forced displacement in the context of state-led violence. Cape Town's informal housing market is structured by backlogs, poor access to services, and tiered levels of informality. The urban poor in South Africa perceives resource scarcity which has led to indiscriminate forms of violence and abuse towards forcibly displaced people within the city (Lemanski, 2009; Gunter, 2014). This is important because forced queer migrants occupy these informal spaces even in their liminal presence in Cape Town. Queerness and forced migration are thus two interrelated forces that create deeper levels of social exclusion.

LGBTI Refugee Support and Advocacy Project conducted by PASSOP studied the lives of queer asylum seekers after they received their six-month permits in the country. Ninety percent of LGBTI refugees were unemployed, respondents felt unsafe in their homes, and many of the participants reported that they were mistreated by Department of Home Affairs (DHA) officials, security personnel and interpreters when they went to apply or renew their permit (PASSOP, 2012). Using these preliminary studies, I conducted in-depth interviews with experts and LGBT+

asylum seekers in order to discover the ways in which discrimination and violence persists and the limits of access within South Africa's post-apartheid constitution. LGBT+ asylum seekers are continually expelled, first from their country of origin, from their homes and their communities, and are then prevented from accessing Cape Town. Although Cape Town is the gay capital of Africa for some elites residing in privileged spaces, this dream is not realised for LGBT asylum claimants who flee to Cape Town under the false pretense of accessing these imagined spaces and instead becoming subject to politics of abandonment and death.

4. The heteronormative state and its violent discriminations

Violence in urban space has structural and 'everyday' dimensions which constrain the lives of queer asylum seekers. The concept of access, whether it be the 'right to the city' or more imminent material considerations such as shelter and employment needs to be brought to the forefront of understanding state-structured violence and heteronormativity. Simply put, this group of 'hidden' migrants must navigate a tricky set of state-determined barriers in order to gain status and live in Cape Town. However, once they achieve 'official' asylum status—itsself a slippery category that rests on continuous return to the port of entry for renewal—their existence continues to be liminal as they face constant threats of job loss, housing precarity, and extreme violence on the fringe or urban space—a slow death. Using Li's notion of 'letting die', I suggest that entry into Cape Town does not promise safety or survival, and the heteronormative state must be named as a complicit actor structuring the pathways of everyday violence faced by queer asylum seekers.

State-structured violence rests on an inherent tension between South Africa's championing of LGBT+ rights internationally and the lack of concern given to LGBT+ asylum claims domestically. Along with Norway and Brazil, South Africa led a resolution on Human Rights Sexual Orientation and Gender Identity in 2011 (HRC, 2011) and as my informant at the Lawyers for Human Rights (LHR) stated, "South Africa is bound by international obligations...if you cannot openly live as a homosexual in your country of origin that can be grounds for persecution...this position is officially accepted by Home Affairs but is not met in practice unless there is international media attention" (Interview M 2014). Post-apartheid South Africa is meant to be a liberal beacon amongst examples of authoritarianism and corrupt governments in Sub-Saharan Africa. However, with more than half of South Africans, especially outside major cities, holding homophobic views the state has difficulty reconciling these seemingly opposed beliefs on same-sex desire. This is an overarching structural barrier to accessing the state, regulations surrounding LGBT+ asylum claims are poorly applied, and training the DHA concerning sexual minorities is virtually non-existent. The adjudication process thus, has violent implications and actively discriminates against queer asylum seekers.

Briefly, the process of seeking asylum in South Africa, and particularly in Cape Town, is purposefully made difficult. Starting at the port of entry, an asylum seeker is issued with a non-renewable asylum transit permit which used to expire in fourteen days and now expires in five. Asylum seekers must arrange a meeting with a Refugee Status Determination Officer (RSDO) in order to be granted a six-month initial permit. Recall that many asylum seekers are poor and face extreme hardship while fleeing their countries of origin—if they make it to the port of entry they must arrange for their own transportation to either Pretoria or Durban in the short duration of 5 days. The DHA is severely disorganised and is commonly considered the worst run department of the nation. Transit permits often expire by the time interviews can be conducted and asylum seekers often face *refoulement*⁴ if they are unable to make strong cases for their stay (DHA, 2013; Interview K 2014).

⁴ Being sent back to their country of origin where they would face the threat of severe violence – refoulement is illegal according to South Africa's own mandates with the UNHCR

LGBT+ Asylum seekers face particular hardship as Cape Town is often their destination of choice, since no Refugee Reception Office exists in Cape Town, queer asylum seekers are continually made to return to either Pretoria, Durban or their port of entry in order to renew their permits, bearing financial costs and employment precarity. This precarity lends itself to the politics of abandonment—the state does not account for unemployment or job loss or the inability for asylum seekers to pay rent.

Examining discrimination in terms of employment is complex as often asylum seekers are able to find employment as their permits have a six-month expiry and, often, these individuals are able to work for less than minimum wage and thus, drive-down the cost of labour for many establishments. However, since the DHA faces intense backlog and asylum seekers are often routed to their port of entry—where they face even more delays—their position at work becomes precarious and they risk losing their jobs. Although this is a structural factor faced by asylum seekers in general, sexual minorities face an additional layer of discrimination.

LGBT+ asylum claims are often deemed manifestly unfounded by the DHA due to missing information and cross-cultural misunderstandings that reflect state-based heteronormativity and the lack of norm internalisation by state officials. Again, although South Africa has committed to receiving claims from sexual minorities, the signing of the UNHCR note on Sexual Orientation and Gender Identity has not led to a remarkable rise in these types of claims. The DHA website, for example, does not make mention of this category for seeking asylum regardless of the legal prescriptions. It is important to note that many asylum seekers who have fled their countries of origin due to their sexual orientation may still not feel comfortable disclosing their identity in status determining interviews. My informant at LHR suggested that asylum claimants who switch their stories and disclose their sexual orientation at a second board interview face rejected claims because they have no access to legal aid and face a system of linguistic and institutional barriers which makes the process of disclosure uncomfortable (Interview M 2014).

When sexuality is disclosed the DHA officials have difficulty adjudicating them in accordance with the alleged legal standards to which the South African state has ascribed. Often, officials commit *refoulement* by saying that these individuals should hide their sexuality and seek internal replacement in the country of origin. Not only is this illegal, but it shows a poor understanding of sexuality—it blames the victim. As I have suggested, the queer body exists in liminal space and queer people are actively forced into this liminality. The DHA suggests that making claims on sexual orientation is the moral responsibility of the asylum seeker. However, once the claim based on sexual orientation is made the DHA official suggests a return to the country of origin anyway. Again, linking to Necropolitics, the queer body within its liminal space, is constantly redirected to threats of violence whether within or outside of Cape Town.

The participants faced various forms of discrimination in their own encounters with the DHA. Katanga and JP—being able to pass off as straight—were given asylum status without much concern. Anele, a trans-woman, did not have that privilege. While waiting in line outside the DHA office in Cape Town she was instantly singled out by a security guard who exclaimed, "this is not the line for the gays!". Apart from the fact that no actual line "for the gays" exists, the guard's ignorance and discomfort with non-normative gender identities/sexuality is clear. The guard's statement represents the poor treatment of sexual minorities in even mundane interactions with Home Affairs—that is to say, there is no cohesive training for lower-level employees especially regarding sexual minorities. More, Anele, recalls getting looks from other asylum seekers in the queue. Anele was not made to feel safe and was picked out of a crowd of asylum seekers because she wore her non-conformity on her body. Furthermore, the guard's statement reflects the attitudes of other asylum seekers, he separates Anele from the other migrants, the presence of sexual minorities (who do not pass as straight) make other

asylum seekers uncomfortable. There is a double-discrimination, not only from the state but from other foreigners too.

Anele received a quick interview with the Home Affairs official. She was forthcoming about her sexuality/gender identity while explaining her flight from Zimbabwe. The official responded with, “There are no gays in Zimbabwe. Mugabe does not allow gays”. Anele was denied a renewal permit and was re-routed to her country of origin. Although, she was able to return at a different port of entry at a later date, the official’s justification shows an extremely shallow understanding and empathy for sexual minority based asylum claims. The official uses the tautological reasoning of illegality to suggest that same-sex desire itself does not exist in Zimbabwe because that would be illegal. Certainly, the disconnect between South Africa’s international rhetoric and practice is clear. Unlike other asylum seekers, Anele was unable to hide her non-normative gender and sexual identities and thus, the queer body becomes a contested space. Anele needed her queer identity to perform the appeal for asylum; however, the official’s homophobic views prevented this claim from being taken seriously. The state, as I have argued, is implicitly heteronormative, non-normative sexualities are thus, viewed with contempt as being ‘unAfrican’ and unwanted in South Africa. The forces of state-led heteronormativity and violence work in contradictory ways. Asylum seekers and migrants are portrayed as ‘African others’ resulting in severe violence in township spaces, and yet, same-sex desire is simultaneously un-African and thus, also ‘un-South African’ barring a white minority in the city’s centre.

Chuk’s account of his treatment at Home Affairs reveals a similar tale of violent discrimination. Unlike Anele, Chuk’s sexuality was not overtly clear to the DHA officials; however, his luck took a downward turn when he missed his scheduled interview due to a chest infection.

Chuk- “...I went back when I was healthy and the lady asked me for a doctor’s note...[upon seeing the doctor’s note] they suddenly decided not to renew my permit and they said ‘you must pay a fine’. How am I supposed to keep my job if the permit is not accepted? They said go from here and repeatedly called me Makwerekwere [Foreigner]... The doctor’s note was from health4men [Gay men’s health clinic in Cape Town] so they asked me why would I become a gay? The lady brought 4 people to look at the form and they started laughing and saying I was gay and because of that I must pay R2500 fine...”

There are several troubling facets of this passage. First, the adjudication of claim renewals is clearly disorganised. There seems to be a poor understanding of protocol by the officials and if there is a fine system for missed interviews it certainly is not made clear to the claimants. Chuk’s case reveals the intersections of the heteronormative state and its violent outcomes. Since Chuk was able to hide his sexuality, the officials had no concern about his initial claim and his renewal for years. This illustrates that sexuality can be a crucial factor in gaining access to Cape Town and this, passage shows the ways in which sexuality coupled with foreign origins have material consequences such as job loss. Fines of R2500 are extremely hefty especially when one’s livelihood is contingent on their repayment. Using the derogatory term for foreigner also reflects the ways in which asylum seekers are viewed as social outcasts and others due to their African status. Asking someone why they ‘became gay’ once again illustrates poor training and homophobic attitudes towards sexual minorities.

Other participants in this study claimed similar sentiments in their interactions with the DHA. Jefferey suggested that one official pulled out a bible from under her desk and pointed to the passage in which being gay was forbidden. Clearly, officials have a history of condescending and patronizing asylum seekers due to their sexualities. That is to say, once sexuality becomes an apparent factor in the adjudication of these claims, the DHA officials become ill-equipped to deal with issues of trauma and are entirely insensitive to same-sex desire in general. Not only does this contradict South Africa’s alleged aims in the international arena it also shows that sexual minority rights have only gained traction to a mostly white urban elite in Cape Town.

Junior, a trans-man, who fled from the Congo recalls a story where a DHA official told him that not only are there no gay people in the Congo and thus, his story is false but also that homosexuality was an abomination and blamed the South African constitution for this abhorrent practice. The official said, “in other countries it just cannot happen...” indicating a strange reverence for laws outside South Africa while still being embedded in the wider context of nation-wide xenophobia towards ‘other’ Africans.

The asylum process in South Africa requires the crossing of several barriers. As I have mentioned, queer Cape Town lives on as an imagined destination for sexual minorities in Africa due to its history of gay friendly spaces and the state’s progressive laws. However, queer asylum seekers are meant to occupy two contradictory forms in order to access the city and subvert the heteronormative state. Often, being perceived as heterosexual and cis-gendered works if the claimant originates from a war-torn country. However, as the dialogue revealed by Chuk suggests, the discovery of one’s sexuality clearly acts as a barrier to access and becomes a source of emotional ridicule and financial instability. More, the privilege of hiding one’s sexuality is not immediately available to all claimants and thus, the queer body is either a site of contention with regard to access or is simply erased and made invisible. When asylum seekers are not forthcoming about their sexuality at the site of the first interview, and then decide to ‘come out’ in subsequent interviews they are denied entry and are considered liars. Thus, queer asylum seekers are simultaneously too gay or not gay enough in the eyes of the heteronormative state, at different times, this liminal position creates an added dimension of violence that not only challenges Cape Town’s position as a safe haven for the forcibly displaced queers of Africa but, also makes surviving in the city difficult. Simultaneously, the queer asylum seeker must learn to be gay and must hide their queerness from larger society in order to remain safe—this is the curious working of heteronormativity that seeks to categorize certain bodies as abhorrent to societal norms despite the existence of legal provisions.

5. Violence in urban space: employment, housing, and police

Violence in urban space has an innumerable number of dimensions; however, the focus of employment, housing, and police violence reflects the ways in which the state’s heteronormativity is practiced and how afro-homophobic mindsets constrain the lives of sexual minorities. The divide between city and township space must be viewed as a porous barrier. Keeping in mind the liminality experienced by the queer refugee boundary, it is important to recognize that this liminality exists within and exceeds the somewhat artificial boundaries of urban and township space. State-structured violence is not limited to just township space. The queer body, embodying the various tensions of sexuality, race, and class, is in fact the space of contention that receives differing treatment from the police, violence in intimate spaces and within extremely personal relationships, and thus, is excluded from meaningful and sustainable employment. That is to say, displacement from country of origin and the transnational longing for home is never quelled by Cape Town. Queer asylum seekers live in a continuous space of marginalization making the right to the city a distant fantasy.

As I have argued, navigating the heteronormative state poses particular challenges to queer asylum seekers where their race, class, and sexuality intersect to create tiered dimensions of discrimination. It is important to note that the heteronormative state has direct material consequences on the lives of sexual minorities. Recall Chuk’s concern when he said, “How am I supposed to keep my job if the permit is not accepted?” Often, the biggest worry for queer asylum seekers is survival and although the heteronormative state lacks cohesion the ways in which these sexual-minority based claims are navigated create unexpected and unfair barriers to access. Thus, this section is focused on the everyday dimensions of violence and the material consequences of state-led heteronormativity rooted in afro-homophobic mentalities.

South African scholarship has focused on the elements of violence especially towards lesbians and has critically discussed the concept of masculinity that shapes attitudes towards sexual minorities (Livermon, 2012; Lock-Swar, 2012). Furthermore, the scholarship has examined the particularities of neoliberal space and its market-driven associations with gay consumerism that have shaped the lives of white gay males in the city bowl before the end of apartheid in 1994 and through its re-configuration as a space for consumption implicitly tied with South Africa's anti-discrimination laws. The rhetoric of liberation, rooted in South Africa's post-apartheid constitution, intersects with gay consumer power and thus, Cape Town for white gay men is indeed safe and accessible. In contrast, the 'African other' refugee's liminal position as 'un-African' due to sexual preference and/or gender identity and 'too African' due to country of origin represents a contradiction that prevents access to the city and further commits the subject to an undefined, hidden, slow death.

Housing and employment are intimately tied features that are important to the livelihoods of asylum seekers upon relocation to South Africa. Katanga, a gay-male who was able to navigate the asylum system by passing, was fired from his workplace upon the manager discovering his sexuality. His manager made sexual passes at him and even invited him out to on a date, when Katanga refused the manager threatened that he would report him to the police (an empty threat because Katanga had all the appropriate documents) and fired him the next day. Jeffrey and Junior reveal similar stories of discrimination at their respective workplaces where their sexuality placed them in lower-level positions such as office chores and cleaning because of their perceived femininity. The assertion of doing household like chores for gay men instills a hierarchy that is based in heteronormativity. The designation of these alleged demeaning forms of work reflect the hetero-patriarchal norms of even seemingly progressive organisations that would hire queer migrants.

Recall that Anele was denied an asylum permit by the DHA official during her first attempt and thus had to subvert the necessary legal requirement in order to find formal employment in the city. Because she was unable to obtain this permit she took odd-jobs for clients who often did not pay her. She said, "When I came I found a job working in the garden for a German man...I was looking for any job so I said I would clean for him...I worked there for one month but he did not pay me any more...at the end of the month he said I did not do a good job and he dismissed me...". Documentation via the asylum permit is a central facet to surviving in Cape Town, and the migrants who are able to receive a permit occupy a slightly better position than those who do not. Anele was pushed into sex work due to the rejection of her claim and lack of legal support.

The trend towards increasingly precarious forms of work for Cape Town's surplus queer migrants is visible through Anele's account of survival in the city. When she was not paid, could not afford rent, and thus, had no place to stay, she turned to sex work. She emphasized, "I worked some jobs like cleaning, gardening but it was not enough to survive so I am doing sex-work now. It is not a good job but for me it is the only way I can make enough money to survive...". It is important to note that Anele has difficulty negotiating safe sex due to her transgendered identity intersecting with her overall financial marginality. She fears that her clients will refuse payment if she requests protected sex further illustrating the micro-dimensions of violence queer asylum seekers face.

During my interview, I noticed a deep gash under her skin and asked her what happened. She said, "my boyfriend attacked me, he tried to slash my throat...he left me he tried to kill me because he discovered I am a foreigner...Delft is very homophobic. When I take the minibus one guy said I do not want to sit beside the moffie [derogatory term for queer] they said you are a moffie we do not want moffies in the bus. Then the same man comes to my house at 12 midnight and says oh baby I am sorry I am sorry and he demands sex...". State-structured heteronormativity works in complex ways. In this account Anele shows

repeated attacks from members in her township spaces that are severely homophobic in public while demanding sex in private. Her relationship with her boyfriend results in near-death because of her 'African' origins. Undoubtedly, the mentalities of xenophobia cut through even the most intimate and personal ties. This article has aimed to further this view by arguing that xenophobic attacks and homophobic mindsets are linked and that these forms of violence are hard to separate especially when the queer body becomes the simultaneous site of contestation and protest.

Anele's account reveals that there is no private space where LGBT asylum seekers can feel safe and data collected from other participants reveals similar tensions. Although Junior, JP, and Jeffery could accumulate both social capital and steady incomes to move out of their respective townships into the suburbs of Cape Town, the other participants have not been so lucky. As Chuk said, "Cape Town is safe for some people but I am a black, gay, foreigner it is not safe for me". Chuk resides in Delft and his rent is R300 a month an amount he cannot pay without employment. Chuk finds himself constantly living in fear as he says, "Black South Africans never accepted me...in Delft they say every *kwerekwere* must move out".

Chuk has been attacked repeatedly, his landlady has requested his eviction many times due to his inability to find work and thus, pay rent. Chuk rents a garage which has no door, although he has a roof over his head he faces a constant threat of violence from his neighbours who have discovered his "foreign" identity. His relationship with his landlady is complicated—at first Chuk could afford to live inside the house; however, due to his inability to pay rent, he was moved to the insecure garage. Since Chuk is unable to pay the rent his landlady complained against him to the taxi drivers that have local political clout and—like vigilantes—often take matters of crime into their own hands. Thus, Chuk was physically abused by these taxi drivers and all his possessions were placed in the hands of his landlady until he was able to pay the rent. Unfortunately, Chuk's asylum permit has also—at the time of this writing—been confiscated by his landlady. Without the permit Chuk cannot legally procure employment. By default, Chuk was made homeless, and although his landlady did not discover his sexuality, his foreignness coupled with the inability to pay the rent made him an undesirable tenant—the state provides no safety nets in this case and asylum seekers such as Chuk are placed in violent-prone situations without the basic requirements of food, shelter, and sanitation.

Katanga also revealed a similar situation of housing violence. Being of Congolese origin Katanga was able to secure housing with a distant Congolese relative. At first the relationship was amicable; however, Carla discovered Katanga's sexuality and extorted him for more money. Carla threatened that she would reveal Katanga's sexuality to all his Congolese friends and expose his relationship with a white man. In 2012, Carla revealed Katanga's sexuality to his cousin in Cape Town—his cousin later called Katanga's immediate family in the DRC and Katanga was cut-off from any remaining funds that his father was sending him without the knowledge of his mother. Since, Carla revealed Katanga's sexuality Katanga has faced repeated assaults from members of his own community and his former friends. Katanga's story is indicative of the ways in which cycles of violence fueled by homophobia repeat themselves from the country of origin to the asylum seeker's lives in Cape Town. Although Katanga fled his homophobic homeland, the Congolese micro-community which Katanga was able to find solace abandoned him due to his sexuality. Importantly, intolerant views do not disappear. Landlord-tenant power relations are uneven. Katanga trusted Carla with his sexual identity and she was able to use this for her own benefit threatening not only social ruin but also eviction if Katanga did not pay her for her silence. Although Carla clearly faces economic constraints of her own the fact that homosexuality remains a social taboo continues to endanger the livelihoods of sexual minorities in South Africa.

Carla eventually revealed Katanga's sexuality to his entire family after months of harassment Katanga was financially cut-off and faced

emotional exile. Katanga took this in stride and eventually his family grew accustomed to his sexual orientation and slowly started to accept him. However, Katanga faced another difficult barrier to access in the form of police violence—a re-iteration of the heteronormative afro-homophobic state. Katanga and his boyfriend entered a convenience store in the affluent area of Sea Point where the store owner, a fellow Congolese man, refused to sell them cigarettes because they were gay. The store owner said, “why are you being gays?” at which point Katanga’s boyfriend exchanged angry words with the store owner. The store owner started to chase both men down the street with the help of a gang of Congolese men incensed at the display of same-sex desire displayed by two Congolese men regardless of the ‘safe’ urban space in Cape Town. Katanga went to the police for help who stated, “you cannot involve us in foreigners’ problems...”. Meanwhile, Katanga’s boyfriend was struck in the back of the head and was pronounced dead. At the station, Katanga was ridiculed as a *mkwerekwere*—the case was not investigated.

Katanga’s story is harrowing on two fronts: the escalation of violence by the intensely homophobic Congolese men and the complete inaction of the police. The violence enacted by the Congolese men reflects engrained attitudes that homosexuality is “un-African”. Using Lock-Swarr and Livermon’s work on varying masculinities, I suggest that same-sex desire challenges common-sense conceptions of what it means to be a Black African male (Livermon, 2012; Lock-Swarr, 2012). Likely, the Congolese store owners would not attack white gay males who wish to purchase something from their store. The area which this attack took place—Sea Point—is close to other gay commercial spaces and is very much part of the Central Business District in the city. However, the fact that this level of violence occurred in an area which is considered cosmopolitan and multicultural further indicates that violence is not solely a “township” problem. The police completely ignored Katanga’s plea for help as he knew his boyfriend was being assaulted. The police did not want to be disturbed by the issues of foreigners establishing a distance between South Africans and other Africans. In other words, the foreigners must deal with their issues amongst themselves and the police did not want to interfere in issues they found beneath them. More, when Katanga went to file a police report it seems as though the police continued to make derogatory statements towards Katanga’s “foreign” origins—despite filing a case where someone died, the police have not made an effort to arrest the perpetrators thus far.

Junior faced housing and police violence too. He had found a home with a lesbian couple near the township of Gugulethu through his Canadian sponsors. Junior said, “Even though they were lesbians they are xenophobic they told me ‘you are from the Congo go home’”. When Junior was assaulted and evicted from his house in Gugulethu he attempted to file a report at the police station. When the police discovered that Junior was gay and from the Congo one particular officer physically assaulted him and said, “We do not want you here go back to the Congo you *moffie*”. When I asked Jeffrey about his interactions with the police in face of the assault he faced he said, “There is no point in going to the police they do not want to help us”. Junior’s experience particularly reveals a vitriolic attitude towards foreigners and sexual minorities it seems as though the officer senselessly attacked Junior outside of any jurisdiction and knew that he would get away with it because Junior’s social status was so low and he would have nowhere to turn to. Junior could not provide any reasons for the abuse and was baffled at the treatment he received. These accounts, similar to Puar’s notion of assemblages (2007) that are muted and pronounced, and break the linearity and coherency of body and time pose a challenge to feminist conceptions of intersectionality. While, intersectionality seeks to name, stabilize, and form the subject, assemblages break these categories apart. Junior’s foreign identity, in fact, supersedes any forms of queer solidarity, the ‘African other’ with all its alleged negative connotations works to dehumanize forcibly displaced queer people in South Africa’s most ‘gay-friendly’ city.

6. Conclusion

The Necropolitics of survival for forcibly displaced queer migrants are structured through hidden, personal, and intimate forms of violence. The participants of this study reflect social forces that expose transnational love, relationships, and sexuality contextualized under urban poverty and survival. These individuals illustrate forms of social exclusion that are unpredictable and deeply personal. Everyday forms of violence or micro-aggression in fact structure their existence—they are part of two worlds: Simultaneously South African and ‘African’; western and traditional, urban and township and are thus, hidden from policy and academic spheres. The main theoretical contribution of this paper rests on the mapping of state-structured heteronormativity and violence on the porous boundary of urban and township space. This concept attempts to capture the asymmetric power relations in which asylum seekers navigate daily. I have framed state-structured heteronormativity and its violent outcomes within the debates of access and death. Importantly, I have not suggested that the material bases of discrimination have disappeared in the post-apartheid era; rather, I have insisted that discrimination is fueled by mindsets surrounding issues of resource scarcity. Cape Town’s gay urban space remains commodified by white male capital; however, these spaces that indicate a high degree of inclusion are, in fact, exclusionary. This queer dream of consumption is a distant imaginary for LGBT+ asylum seekers as their homes are spaces of violence and discomfort. More, identity categories (race, class, sexuality) are not static and overlap with different magnitudes through time and space. Housing and employment violence occur through these artificial (politically salient) and thus, porous boundaries of city and township. LGBT+ asylum seekers continue to navigate violent spaces and struggle against the structures of state-based heteronormativity. Some are re-routed to their country of origin, others find a sense of home in Cape Town, but most exist on the fringe of society with precarious access to resources and transnational desires for belonging.

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