

>THEMES

ASYLUM

ALBANIA

Aleanca's survey found that 79% of LGBTI respondents may leave Albania due to discrimination. Dozens of LGBTI people reached out to CSOs for support in seeking asylum in the EU, and many shared that their claims had been rejected.

BELARUS

Civil society reported that several LGBT people left the country this year to seek asylum.

DENMARK

LGBT Asylum and TransAktion continued documenting cases of trans asylum seekers without access to trans-specific healthcare, being harassed, and their asylum claims rejected. They also continued to criticise the border regime, the conditions in camps, and housing placement in remote towns when granted asylum.

The Minister of Foreigners and Integration announced plans to establish an asylum centre for LGBTI asylum seekers.

In June, various LGBTIAQ+ organisations called for support to asylum seekers and refugees and condemned plans to deport Syrian refugees, which has frightened many others.

LGBT Asylum, among others, lobbied against stricter border regimes, migration and asylum policy and laws - including the government's intention to establish asylum camps for case processing in third countries and the lack of protection of (LGBTI+) refugees from Afghanistan.

Various LGBTIAQ+ organisations set up a hearing on LGBTI+ Refugees in parliament.

ESTONIA

The Chancellor of Justice, Estonia's National Human Rights Institution found in 2020 that migration officers violated the right to private life of a gay refugee when disclosing his sexual orientation to his wife. The man was twice denied the right to reunite with his wife and son by the Police and Border Guard Board. In 2021, he applied for reunification only with his son. Thanks to the intervention of the Estonian Human Rights Centre, the reunification was granted in November. Altogether, it took three years for the man to be reunited with his child.

FINLAND

In February, the UN Committee on the Rights of the Child found that Finland failed to consider the best interests of the child of a lesbian couple when rejecting his asylum request, and to protect him against a real risk of irreparable harm when the family had no other choice but to return to Russia. This was the first time that the CRC made a decision on sexual orientation issues, and the first individual communication ruling by a UN Treaty body on children in same-sex families.

FRANCE

Ghana, Benin, and Senegal were removed from the list of safe countries this year, but other countries unsafe for LGBTIQ+ people remain.

In March, the Council of State ruled that contrary to case law, LGBTIQ+ asylum seekers coming from a country that criminalises or persecutes LGBTIQ+ people, should not be automatically granted status.

In December, lawyers specialised in asylum cases held a demonstration outside the national asylum court against the abusive rejections of asylum claims, including when based on sexual orientation.

GERMANY

In May, civil society condemned the practice of the Federal Foreign Office for the unsafe practice of conducting investigations of asylum seekers in their home countries and outing them.

In June, the Federal Council approved a law that gives authorities access to asylum notices and judgments, countering privacy rights.

After an eight-year process a Russian asylum seeker was granted refugee status in the spring, showing that persecution by non-state actors can also be grounds for status.

GREECE

On 7 June, a new Joint Ministerial Decision was issued categorising Turkey as a safe country. CSOs called on the government to repeal the decision.

TGSA published 'LGBTI refugees in Greece' based on interviews with refugees and case workers.

IRELAND

Minister for Equality, Roderic O’Gorman announced in June that his Department would develop a policy to make Direct Provision housing safer. For instance, safe accommodation for trans people will be put in place.

In January, a bisexual man from Nigeria was denied refugee status and faced deportation after the Minister for Justice questioned his claim, saying it was unrealistic that a man would have a same-sex partner if that was illegal in his home country. The High Court did not accept the man’s appeal for procedural reasons, but took issue with the Minister’s arguments and so did CSOs. In the same month, a lesbian asylum seeker who fled death threats in Zimbabwe was also denied status.

In October, 26 LGBTI+ refugees were welcomed to Ireland from Afghanistan and are supported by LGBTI+ individuals and organisations.

ITALY

Trans migrants, asylum seekers, refugees, and stateless persons expressed their support for the Zan law.

LITHUANIA

LGL received over 40 inquiries from LGBTIQ migrants and/or asylum seekers regarding poor housing conditions, lack of medical care, and anti-LGBTQI bias and/or harassment from authorities and peers alike. Applications from LGBTIQ asylum seekers were seemingly rejected *en masse*. In December, the head of the Migration department said LGBTI asylum seekers will be “tolerated” in their home countries as long as they hide their identities. Politicians called the increase in migration flow an “illegal migrant crisis” and “hybrid war”.

MALTA

The government issued a new policy, whereby asylum seekers from “safe countries” will not be eligible for a work permit for the first nine months following arrival. The regulation will also affect LGBTIQ asylum seekers.

NETHERLANDS

The report ‘Transcripts from the Margins’ found that trans asylum seekers are routinely failed.

CSOs urged Prime Minister Rutte to protect LGBTI asylum seekers in unsafe asylum centres. COC lobbied the government to make it easier for LGBTI Iranians to seek asylum.

NORTH MACEDONIA

At least one trans person and one lesbian left the country and got international protection in an EU country.

NORWAY

A member of parliament questioned Norway’s family reunification policy, which asks for proof of marriage of two years of cohabitation, which is close to impossible for LGBTQ asylum seekers to obtain.

POLAND

An increasing number of Polish LGBTQ people are leaving the country as the political situation continues to worsen.

PORTUGAL

ILGA Portugal, in partnership with Queer Tropical and AMPLOS, carried out training for LGBTI+ organisations on migration and asylum issues this year and will deliver training on LGBTI+ issues to NGOs working on migration and asylum.

In August, ILGA Portugal issued a statement urging the government to proactively act and safeguard the security and integrity of Afghan women, activists and LGBTI+ people. Portugal has already received Afghan asylum seekers, and ILGA Portugal and Associação Plano i are cooperating to support one LGBTI family.

SPAIN

The situation of LGBTI asylum seekers did not improve this year. The NGO Kifkif warned about a new rise in HIV infections among trans asylum seekers, the underreporting of discrimination and violence that LGBTI asylum seekers must endure, and a lack of access to social and healthcare services. Kifkif and many other NGOs also criticised the draft legal gender recognition (LGR) law (see under **Legal Gender Recognition**), which does not include migrants, asylum seekers, and refugees in its scope.

SWEDEN

New asylum regulations were adopted in June, despite civil society’s concerns on the changes over the past months. The law makes temporary residence permits the default for refugees and makes it significantly more difficult for anyone to acquire permanent residence in the country. Sweden has made its migration policies stricter in general, sparking concern among non-EU citizens this year.

TAJIKISTAN

Leaving Tajikistan has become more difficult due to COVID-19 travel restrictions.

TURKEY

Hevi LGBT published "[LGBTI+ refugees and their rights violations during the Covid-19 pandemic](#)", finding that LGBTI+ individuals without legal residence are almost never able to access healthcare services except for cases of emergency.

TURKMENISTAN

The government has restricted immigration, giving access only to 'pure Turkmen' to enter the country. The government control over LGBT people who are trying to leave the country continues to grow. Visa restrictions are also a barrier. It is unknown how many people have managed to leave.

UNITED KINGDOM

The government held a consultation on its [New Plan for Immigration](#), which was harshly [criticised by NGOs](#). First, asylum applicants might be placed in reception centres abroad, possibly even in the country they are fleeing from - this would expose LGBTQI asylum seekers to unprecedented risk of violence. Second, appeal procedures would also be fast tracked. Third, evidence of someone's SOGIESC would have to be provided at the beginning of the procedure, which is virtually impossible for LGBTQI people as they are fleeing from countries where having such evidence could be life threatening. In July, the government [responded](#) to these concerns by [saying](#) it would train all relevant staff.