

Good practices related to LGBTI asylum applicants in Europe

[Report](#), [Safety](#), [Asylum](#), [European Union](#)

The Fleeing Homophobia research, a study on policy and practice in 25 European countries, showed huge diversity in the handling of LGBTI asylum claims in the various EU Member States, and identified several challenges: the relevance of laws in the country of origin criminalising consensual same-sex sexual acts or the expression of non-standard sexual or gender identities; the requirement for LGBTI applicants to conceal their sexual orientation or gender identity upon return to the country of origin in order not to “provoke” violence and discrimination; the requirement to seek protection from homo- or transphobic state authorities in the country of origin; the growing trend of rejections based on non-credibility of the sexual orientation or gender identity itself, in many cases based on stereotypes; the problem of late disclosure to the asylum authorities and the increased disbelief that it causes; discrimination and violence faced by LGBTI applicants in reception facilities; the lack of complete and reliable human rights information about LGBTIs in countries of origin.

However, there has been progress over the same period and ILGA-Europe advocated for an improvement of EU legislation, in the frame of the recasting process of three asylum directives: the Qualification Directive (QD), the Asylum Procedures Directive (APD) and the Reception Conditions Directive (RCD).² Under the Qualification Directive,³ Member States now have an obligation to explicitly recognise not only sexual orientation, but also gender identity, as a reason for persecution which could lead to the granting of international protection.

In addition, under the newly adopted Procedures Directive people who conduct asylum interviews should be professionally trained in LGBTI issues. They should also be capable of recognising the need for special procedural guarantees based on applicants’ personal characteristics. The Reception Directive does not include provisions specific to LGBTI applicants, but some of its general provisions do apply to this group. In particular, all forms of violence in accommodation facilities, including gender-based violence, are to be prevented.

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