

Guidelines Refugee Status Directive

[Report, Safety, Asylum](#)

The Directive adopted in 2004 by the European Union sets out the minimum rules governing the award conditions under which of refugee status is granted. This new EU legislation, which defines criteria for being granted refugee status as well as the rights of people recognised as refugees, breaks ground by including specific reference to sexual orientation.

The purpose of these guidelines is to identify the relevant parts of the Directive for LGBT persons and to enable national organisations to assess whether national legislation meets the Directive's standards in this area.

In 2004, the European Union adopted a Directive setting out the minimum rules governing conditions under which refugee status is granted¹. It applies to third country nationals (i.e. persons from outside the EU) who request asylum within a Member State of the EU. It covers the criteria for being awarded refugee status, but also the rights of persons once they are recognised as refugees. Amongst those who apply for asylum, some are lesbian, gay, bisexual and transgendered (LGBT). In some cases, they will be fleeing persecution unrelated to their sexual orientation, for example, due to their involvement in political movements opposed to the government of the country of origin. In other cases, an individual's sexual orientation is the principal reason why they have experienced persecution or are at risk of persecution. The Directive will be highly relevant to the processing of such claims within the EU.

The Directive will enter into force on 10 October 2006. By then, all national legislation should be in compliance with the requirements of the Directive. Certain states have special 'opt-out' arrangements for EU immigration legislation. In this case, the Directive does not apply to Denmark, but it applies to all the remaining 24 states.

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