



LGBTIQ Applicants in Asylum and Reception Systems

The information presented in this fact sheet complements the developments reported in the [Asylum Report 2025](#). It covers the period 2024-2025.

Direct link to the section: <https://euaa.europa.eu/asylum-report-2025/section-9- safeguards- children-and-applicants-special-needs>

Lesbian, gay, bisexual, trans-gender, intersex and queer (LGBTIQ) persons can face discrimination, persecution and violence in their country of origin, with many countries throughout the world still criminalising certain sexual expressions. Asylum claims based on sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC) have increased in recent years.¹

Within the Common European Asylum System (CEAS), common standards for LGBTIQ asylum applicants are defined in the recast Qualification Directive, the recast Asylum Procedures Directive and the recast Reception Conditions Directive. When the application is approved, LGBTIQ applicants are generally granted international protection under the qualification of being a “member of a particular social group”.



1. Changes foreseen in the Pact on Migration and Asylum

The Pact on Migration and Asylum, adopted in 2024, will enter into application in June 2026. It contains specific reception and procedural safeguards for individuals with vulnerabilities, including LGBTIQ applicants, to ensure their protection.²

The Asylum Procedure Regulation includes:

- Special procedural guarantees due to the sexual orientation or gender identity of an applicant (Recital 17) and the complexity of gender-related claims in all procedures (Recital 21).
- Specific requirement of competent staff who carry out personal interviews, taking into account personal and general circumstances surrounding the application, including gender identity or sexual orientation (Article 13.7(a)). Interviewers and interpreters should be of the sex of the applicant's preference (Article 13.9).
- The examination of an application must fully consider the applicant's personal circumstances, such as gender identity or sexual orientation, in order to assess whether the acts which the applicant has experienced or could be exposed to would amount to persecution or serious harm (Article. 34).



The Qualification Regulation includes:

- The concept of membership of a particular social group includes membership of a group based on a common characteristic of sexual orientation, and gender-related aspects, including gender identity and gender expression, may constitute a basis to identify a particular social group (Article 10.1).

The Reception Conditions Directive includes:

- A non-exhaustive list is provided of categories of applicants for international protection who are more likely to have special reception needs, explicitly mentioning lesbian, gay, bisexual, trans and intersex people (Article 24 (f)).

2. Developments at the EU and international levels

- The European Commission published a report which assesses the implementation of the current LGBTIQ Equality Strategy 2020-2025 and how the situation of LGBTIQ persons, including asylum applicants, has evolved in the EU. The report refers to asylum applicants in the context of the specific procedural safeguards of the Pact on Migration and Asylum which need to be implemented by 2026.³
- In this context, the European Parliament's Intergroup on LGBTI Rights made recommendations for the parliamentary mandate 2024-2029 and noted that adequate protection of LGBTIQ applicants is needed within CEAS and its reform, including those from a safe country of origin.⁴ Briefings published by the European Parliament observed that concrete action on issues such as marital status and family law remained problematic for LGBTIQ persons, including asylum applicants.⁵ A recent briefing focuses on key challenges faced by LGBTIQ asylum applicants in view of the new procedures set out in the Pact on Migration and Asylum.⁶
- To support EU+ countries in the correct and effective implementation of relevant EU rules, the EUAA developed a guide on SOGIESC in asylum, covering aspects related to reception, the examination procedure and cross-cutting elements of these two fields, accompanied by an information note on SOGIESC-related concepts and terms.⁷
- In 2024, the newly established Committee of Experts on Sexual Orientation, Gender Identity and Expression, and Sex Characteristics started its mandate. It is composed of 37 members, including appointed representatives from the Council of Europe, Member States, various international organisations and observers from 8 LGBTIQ NGOs.⁸ The committee was mandated by the Committee of Ministers to produce key deliverables, including a draft recommendation on the equality of rights of intersex persons, a strategy to fight discrimination and promote SOGIESC rights and a review of the Council of Europe's Recommendation [CM/Rec\(2010\)5](#) to Member States which refers to the right to seek asylum for SOGIESC persons.⁹
- The Council of Europe's Steering Committee on Anti-discrimination, Diversity and Inclusion (CDADI) observed that civil society organisations (CSOs) which provide specialised support services to LGBTIQ asylum applicants lack essential resources and continuous training. The limited funding and number of staff challenge their ability to ensure comprehensive and sustainable support services.¹⁰
- UNHCR identified a series of actions to better protect LGBTIQ persons in forced displacement. These included expanding partnerships and cooperation with national and refugee-led organisations, investing in training of UNHCR staff and partners, and improving processes for ethical, safe and harmonised data collections on LGBTIQ applicants.¹¹



- UN Women estimates that only 37 countries worldwide formally grant asylum to persons who have experienced discrimination in their country of origin based on their SOGIESC.¹² A [mapping](#) of the situation in 49 European countries by the NGO ILGA Europe found that 33 countries have sexual orientation expressly included as qualification criteria in their asylum law but observed that sex characteristics, gender identity or intersex status are not always explicitly mentioned in policies and legislation related to asylum seekers and refugees.¹³

3. Developments at the national level

- In their [assessment](#) of the implementation of the LGBTIQ Equality Strategy 2020-2025, the European Commission found that 12 Member States in 2024 (Belgium, Denmark, Germany, Ireland, Greece, France, Italy, Luxembourg, Malta, the Netherlands, Portugal and Sweden) had national LGBTIQ strategies or action plans in place while other countries were developing them.¹⁴ Some of the action plans and strategies explicitly include concrete measures to support asylum applicants, for example the creation of special accommodation, specific training on gender identity and sexual orientation for frontline staff, etc.
- Following its [National LGBTIQ+ Inclusion Strategy 2024-2028](#), the Irish government published in June 2025 its [National LGBTIQ+ Inclusion Strategy II – Action Plan](#) for the period 2025-2026. It includes activities such as LGBTIQ cultural competency training for International Protection Office staff and other SOGIESC-related training for case officers.¹⁵
- The Danish Immigration Service created a [guide](#) for staff at accommodation facilities in order to raise awareness and better support the reception needs of LGBTIQ residents.¹⁶
- In Malta, the legal scope of gender was expanded and now recognises non-binary persons in procedures for nationals and refugees, allowing them to change the gender and name assigned to them at birth (through [Act XXV of 2024](#)). The new act amends the [Gender Identity, Gender Expression and Sex Characteristics Act](#) which previously referred solely to 'male' and 'female' identities.¹⁷
- In Spain, the number of people who have been granted refugee status because of their sexual orientation and who would be at risk of persecution in their country of origin has grown steadily in recent years. There was a 2.5% increase since 2022, accounting for 11% of all refugees.¹⁸
- The Dutch Ministry for Asylum and Migration communicated a revised country policy for Türkiye, taking into consideration the current situation and that LGBTIQ persons in Türkiye cannot obtain protection from the authorities unless the individual case shows that this is possible.¹⁹ Furthermore, the Dutch Immigration and Naturalisation Service published a country information [report](#) specifically focusing on the situation of LGBTIQ in Senegal.²⁰





A first reception facility (Casa Arcobaleno) in Naples, Italy was opened in January 2025 for up to six LGBTIQ persons. Coordinated by the Ministry of the Interior, Arci Mediterraneo, a social enterprise, manages the facility as part of the national system for reception and integration (SAI) programme to provide support to LGBTIQ asylum seekers and refugees.²¹

The reporting on national practices, activities and recommendations serves as examples which are not exhaustive and do not imply endorsement on the part of the European Union Agency for Asylum (EUAA). Due to the continuously changing situation, the information described may have changed or been updated by the time of publication. Please consult the original sources for the latest developments and information.



To search for more developments by topic, country or year, consult the [National Asylum Developments Database](#).

To read more case law related to asylum, consult the [EUAA Case Law Database](#). See also the EUAA fact sheet No 39 on [Jurisprudence on LGBTIQ Applicants in International Protection](#), September 2025.

Sources

Please see [Sources on Asylum 2024](#) for the full list of over 1,500 references which were consulted for the Asylum Report 2025.

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⁶ European Parliament, European Parliamentary Research Service (April 2025). Key challenges faced by LGBTI asylum applicants in the EU.

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⁸ Council of Europe, Committee of Experts on Sexual Orientation, Gender Identity and Expression, and Sex Characteristics (ADI-SOGIESC), 14 May 2024. <https://www.coe.int/en/web/sogi/committee-adi-sogiesc#%7B%222269946203%22%3A%5B%5D%7D> and <https://www.coe.int/en/web/sogi/committee-adi-sogiesc>

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