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Policies on human rights and gender aspects in migrants' integration

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Policy Paper

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This paper recommends that government authorities house LGBTI+ refugees near support organizations, near doctors willing and able to help them when needed, and near work opportunities, via subsidies for support organizations.

1.   Introduction

Just over a decade ago, the European Parliament and the Council of the European Union played an important role in the history of asylum by passing Qualification Directive 2011/95/EU, which standardized that the interpretation of a potential 'refugee' included those seeking protection related to sexual orientation and gender identity (henceforth: SOGI).[1] Since then, the number of refugees who identify as sexual minorities or gender non-conforming—e.g. lesbian, gay, bisexual, transgender, intersex, queer, or with other terms, henceforth: LGBTI+—has increased due to a range of reasons, from increased access to online information about LGBTI+ diasporas[2], to new local legislation hostile to their LGBTI+ positions[3], such as Uganda's 2023 Anti-Homosexuality Act.[4]

NGOs that work with LGBTI+ refugees note the ways these individuals might be vulnerable throughout their intake procedure.[5] They might have unique health care needs, such as related to HIV treatment or prevention, or gender-affirming care (e.g. hormone treatment).[6] They struggle in navigating changing rules about credibility, such as what evidence authorities may request as

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[1] European Parliament and Council of the European Union, "Directive 2011/95 - Standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast)" published on December 20, 2011; accessed 2023 via
https://www.eumonitor.eu/9353000/1/j9vvik7m1c3gyxp/vivl5tzbn1xj

[2] Karimi, A. (2020). Refugees' transnational practices: Gay Iranian men navigating refugee status and cross-border ties in Canada. Social Currents, 7(1), 71–86.

[3] B. Camminga and John Marnell, *Queer and Trans African Mobilities: Migration, Asylum and Diaspora* (London 2022).

[4] BBC, "President Museveni signs Anti-Homosexuality Bill into law," (29 May 2023), accessed via
https://www.bbc.com/news/world-africa-65745850
Note: Homophobic legislation is not endemic to African culture; one major contribution to the success of African anti-LGBTI legislation is U.S.-based Evangelical Christian activists.

[5] ILGA Europe, "Policy Briefing on LGBTI Refugees and EU asylum legislation" (September 2021); accessed 2023 via
https://www.ilga-europe.org/policy-paper/policy-briefing-on-lgbti-refugees-and-eu-asylum-legislation/

[6] Rainbow Europe, "The Reception of LGBTIQ+ Refugees in Europe" (2020); accessed 2023 via
https://rainbowelcome.eu/toolkitdocs/ReceptionofLBTIQ+RefugeesinEurope_RainbowWelcomeStudy.pdf;
[Fix citation] [Fled, but not yet safe: transgenders in azcs], *NOS* (3 August 2018), accessed via
https://nos.nl/nieuwsuur/artikel/2244405-gevlucht-maar-nog-niet-veilig-transgenders-in-azc-s

proof of LGBTI+ identity. They could report gender-based violence or physical threats in refugee camp, or be "exposed to the additional risk of falling victim to exploitation and human trafficking."[7] For those seeking more background on debates and definitions regarding LGBTI+ asylum, see the (optional) section following the Conclusions/Recommendations.

When LGBTI+ refugees rehouse from camps, many seek to live independently. Issues of affordable housing, segregation, and autonomy are germane to all refugees. The European Commission Action Plan for Integration and Inclusion (2021-2027) promotes "an integrated approach to migrants' inclusion" that "take[s] into account the combination of personal characteristics, such as gender [or]… sexual orientation… that can represent specific challenges for migrants."[8] Coupling these two topics, this policy paper emphasizes that LGBTI+ refugees should be given special attention in the rehousing process. Those housed in facilities or neighborhoods without LGBTI+ visibility might face hostility or go back into "the closet," effecting emotional wellbeing.[9] With proper housing, LGBTI+ refugees are more likely to achieve the aforementioned "peaceful coexistence" that the Commission seeks to build.[10]

> **The most effective way to ensure the safety and integration of LGBTI+ refugees, as outlined above, is for the European Commission to support local, self-organized groups of LGBTI+ refugees, in which participants share experiences, expertise, and compassion. These groups assist not only with information and programming throughout the asylum application procedure, but also with rehousing and support during refugees' years of integration within their new host society.**

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[7] While this statement might apply to all asylum seekers, especially women, IGLA writes: "LGBTI persons face harassment, isolation and discrimination by staff and other asylum seekers in reception centres. Such violence often forces them to avoid reception centres. This self-exclusion deprives them from access to essential services such as shelter, food, healthcare, and other vital services. And as a consequence, LGBTI persons become even more vulnerable and are exposed to…": ILGA Europe, p. 7 (point 5).

[8] European Commission, "Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions" (24 November 2021), p. 6; accessed 2023 via https://home-affairs.ec.europa.eu/system/files_en?file=2020-11/action_plan_on_integration_and_inclusion_2021-2027.pdf

[9] CITATION ON MENTAL HEALTH

[10] CITATION on mental health & requote action plan

2. Methodology

Focusing on recent history and the present, ITHACA's researchers at Leiden conduct and archive interviews with LGBTI+ asylum seekers and the asylum organizations that assist them.
We base our recommendations in this policy paper on the following qualitative data:

- Interviews with LGBTI+ refugees (N = 30)[11] in the Netherlands;
- Interviews with lawyers, social workers, and others working with NGOs that advocate for LGBTI+ refugee rights (N=10), in the Netherlands, Denmark, and Germany, including:
  - LGBTI Asylum Support (the Netherlands)
  - Love Planet (the Netherlands)
  - Rainbow Anonymous (the Netherlands)
  - Dutch Refugee Council
  - LGBT Asylum (Denmark)
  - Danish Refugee Council
  - Queer Consultation Berlin (Germany);
- Four 'Policy Council Events' with local stakeholders (NGOs, lawyers, refugees);[12]
- Publicly accessible LGBTI-refugee narratives (N = 100), such as those presented in European newspapers, magazines, television, or art, 1990-2023.

There are limitations in our data. For example, it is hard to find narratives from those who were deported after losing their case for asylum.[13] Related, our data only includes the fortunate few who had the opportunity to apply for asylum in Europe. For example, Sonny Jermain Ndhlovu from Zimbabwe, "Not everyone in Africa can do that [fly to the Netherlands]. I just picked up my passport and left." Passport, flight tickets, visa requirements (including application costs, proof of sufficient funds, acquiring invitation letters) all limit mobility.

The next section (Findings) illuminates how the above actors discuss two key issues: **post-procedural housing;** and **self-organization** – that is, groups *comprised of* and *working for* LGBTI+ refugees in local settings. "Migrant agency" is central to ITHACA's research: the narrative-centered methods above help ensure that migrants are active in shaping the policies that affect them, which ties closely to our second set of findings.[14] At the risk of overemphasizing the "victim"

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[11] Buhari's research focuses on queer migrants from sub-Saharan Africa, many of whom sought asylum in the Netherlands: "Selected countries of origin include Uganda and Nigeria, two countries with recently increased criminalisation of same-sex sexualities; Ghana and Cape Verde, two countries with visible and well organised diaspora communities in the Netherlands; and Kenya, a country that despite its anti-LGBTIQ+ legislation and absence of legal protection mechanisms for LGBTIQ+ people, functions as an important transit location for queer migrants in the East African region": Buhari, forthcoming. To supplement, this paper also cites some narratives collected in 2015-2019 published in *Immigrants on Grindr*. Our methods and techniques were inspired by feminist methods, e.g. Sharlene Hagy Hesse-Biber, "The practice of feminist in-depth interviewing," in *The practice of qualitative research*, edited by Sharlene Hesse-Biber & P. Leavy (London: Sage, 2006); and Patricia Leavy, *Oral History: Understanding Qualitative Research* (Oxford, 2011). Building rapport and making clear agreements prior to the interviewing process is highly crucial. As researchers, we remain aware of our own positionalities, our multitude of intersecting social identities, and how these might influence our data; thus, we aim for self-reflexivity throughout the process of interviewing, analyzing, and writing.

[12] 'Policy Council Events' are central to our shared research in ITHACA; as of June 2023, we have hosted two international meetings (in Greece and Morocco), and over thirty local and national events (in Azerbaijan, France, Greece, Italy, Jordon, Morocco, the Netherlands, and Tunisia).

[13] See e.g. "Het Beloofde Land" (The Promised Land), produced by Leon Coetzer and Vincent Roeff with interviewers Tatjana Khrapoviskaja & Lia Ent (23 August 1992), accessed via Beeld & Geluid (the Netherlands Institute for Sound & Vision); see also Spijkerboer, Jensen; and Schrover & Kampman: 31-34.

[14] Migrants can become the "protagonists of their stories and gain agency over the tools of their own self- expression ITHACA": ITHACA, "Archives of Migrant Memory: Italian partner," 75. See also "GA 101004539 – ITHACA – Part B," 16;

narrative, the first set of findings emphasizes vulnerability, yet shows how immigration procedures shape this vulnerability.[15]

3. Research findings

3.1 Post-Procedural Rehousing

3.1.1 LGBTI+ Migrants need space to express their identity…

Stephan Jäkel, a founder of the LGBTI+ asylum shelter in Berlin, Germany, argues that safe housing lays a critical foundation for identity expression: "Many LGBTI+ refugees are young, and have a 'second coming out' in Germany. When they live in an accepting place, they are able to explore their sexual orientation or gender identity more fully. This needs time. The first year in Germany is not only about the bureaucracy of their case, but also a time to figure out their identity."[16] During policy council events and individual interviews, LGBTI+ refugees expressed feeling unsafe at the camps. Even before facing any potential threats or violence, they are unsure of the level of tolerance of anyone around them, from roommates to staff: "You have to hide it if you're not sure of the acceptance," shared asylum seeker Barnabas from Uganda, living in the Netherlands.[17]

Daniel from Nigeria was explicit about violent threats: "I have complained to Migration many times that I feel unsafe in that camp, because a lot of people are trying to attack me."[18] Daniel could not trust that the (European) staff at his asylum center would protect him against homophobic threats. Others at these centers might open up to fellow refugees about their traumatic experiences, but LGBTI+ refugees did the opposite. As Barnabas pointed out: "There's no war in Uganda. So if I say I'm from Uganda, anyone at the camp can figure it out, that I'm gay."[19]

Even if a singular facility in Europe takes into account an applicant's SOGI when housing them during their application process, the applicant's safety is not secure; for example, after a fire in the Netherlands, LGBTI+ refugees were transferred to other cities, and transgender women were mistakenly sent to an all-male facility.

All of these housing/safety issues also apply to *post-procedure refugees*. As with newly arrived asylum seekers, some refugees are rehoused and grouped in neighborhoods with others of their ethnic background. This is not helpful for LGBTI+ people, who might not want to connect with their diasporic community and/or extended family. Even after securing refugee status in the Netherlands, Barnabas felt excluded from the Ugandan diasporic community, despite their shared socio-political alienation: "[They] still ostracize LGBT people, still think like the way other Ugandans think – that being *that* [i.e. gay, or LGBTI+] is a curse or a sin."[20]

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and Ċetta Mainwaring, "Migrant agency: Negotiating borders and migration controls." *Migration Studies* 4, no. 3 (2016): 289–308.
[15]

[16] Stephan Jäkel, Head of Department HIV-STI Prevention and Refuge, Schwulenberatung Berlin; Policy Council Event, 16 March 2023.
[17] Interview by J. Buhari, 2022 (with pseudonym).
[18] Shield, *Immigrants on Grindr,* p. 132.
[19] Interview by J. Buhari, 2022.
[20] Interview by J. Buhari, 2022

3.1.2 …But they can also feel isolated.

Unlike refugees fleeing war or ethnic persecution, LGBTI+ refugees often arrive in a country solo. This might lead to issues of loneliness. Even when engaging with the LGBTI+ community, newcomers find it hard to meet locals. Without social connections, they lack not only emotional benefits, but also the practical benefits that an extended network provides: access local news, potential jobs, housing opportunities.[21] LGBTI+ refugees are not defined as "vulnerable" in the EU Directive of Recognition 2013/33, yet this definition applies at some local levels, such as in Berlin, where NGOs receive support to help LGBTI+ refugees with e.g. psychosocial issues from previous traumas.

Yet thinking ahead to the second set of findings – about migrant agency and self-advocacy –there are also negative consequences in connecting LGBTI+ refugees to weakness. As one participant suggested: "What employer wants to hire someone so vulnerable?"[22]

3.1.3   European towns can be unexpected sites of intolerance

After pleading their cases to asylum officers for a year or more, LGBTI+ refugees are often re-housed to small towns, where they are surprised to learn that locals hold homophobic or transphobic attitudes. Stephan Jäkel praised Berlin's support for LGBTI+ refugees but hopes for more support outside of the capital: "We need safe houses in the bigger cities of every state [region], where queer communities exist. When they come to little villages far from any bigger city, it's really hard." In these smaller villages, they are more likely to "face loneliness and depression."
In order to nuance and deemphasize the idea that LGBTI+ might only feel safe in a metropolis: one refugee-participant was housed in a small, generally conservative Dutch town with his male partner, yet he always felt safe and free to be open within the community. He did not mind being known among the locals as "the Black gay couple."[23] Yet if they wish, LGBTI+ refugees should be given priority for rehousing in urban centers where they may feel more confident expressing their orientation/identity in public.

3.1.4 Urban centers are central to LGBTI+ migrants' ability to thrive.

Gay male migrants who settled in Amsterdam describe the city as a "gay little village" that felt simultaneously like a major metropolitan center, but also a tight-knit community.[24] Barnabas (from Uganda) reflected on his experiences walking through Dutch cities, where he enjoyed "seeing other LGBT people express themselves, PDA [public displays of affection], all without feelings of guilt or shame or having to hide. It's pleasing!" Even in the 1990s, gay foreigners remember feeling "at home" in Amsterdam, such as Vasco from Bulgaria: "I didn't feel comfortable the first time I went [to Amsterdam's gay spaces]. But I went back. My confidence was up."
Mads Ted Drud-Jensen, co-founder of LGBT Asylum Denmark, linked the geography of re-housing to a refugee's ability to thrive in their new host country: "It is important to take into consideration where are they placed, what part of the country; it's necessary to place people where they have access to bigger cities, because that's typically where you can find LGBTI+ networks. Support

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[21] Shield, *Immigrants on Grindr:* 117-124. "We are really lonely here," said Parvin from Iran (in Denmark).

[22] Policy Council Event, 2 March 2023.

[23] Yet others feel the vigilant eye of gossiping neighbors: the interviewee mentioned that there were only a few known homosexuals in the town, so if anyone "sees you with this person, they immediately know who you are [a homosexual], and you could become a target."

[24] Dennis (b. 1954, UK) grew up in a quiet town in the English midlands, as the son of immigrants who planned to repatriate to Jamaica; he has lived in Amsterdam since 1973.

networks, networks that can provide a new family." He emphasized a "focus on safety, security, when they're accommodated in their own apartment or shared housing."

In summary, our findings confirm that some generalizations regarding urban areas are germane for queer newcomers. NGOs that cater to LGBTI+ people – refugee or otherwise – are mainly located there, as are (medical, legal) specialists with knowledge of LGBTI-specific issues. Visible LGBTI+ communities and establishments bolster an individual's sense of identity and belonging. Yet gentrification and soaring housing prices means that fewer people with limited resources can secure safer homes.

3.2   Self-Organizations & Migrant Agency

NGOs provide legal advice, social networks, and programming for LGBTI+ refugees; yet LGBTI+ refugees are not just "clients" of support groups. Within local NGOs, refugees can become leaders, or can assist in smaller ways that still benefit the overall experience of new LGBTI+ refugees. Former asylum-seekers can and want to take on leadership roles within NGOs for LGBTI+ refugees, whether at the local or national levels. With training, these individuals might provide social support to future migrants – support that they too often lacked. The EU can help these local initiatives by facilitating local finances or spaces.

3.2.1   Existing NGOs that advocate for LGBTI+ asylum seekers can assist with re-housing practices; but they are already overburdened.

European officials working to re-house refugees should consults NGOs working with LGBTI+ refugees. These (often grassroots) organizations possess expertise in relation to issues specific to particular ethnicities. Unfortunately, many NGOs are underfunded and overburdened, and must prioritize helping (procedural) applicants: "The amount of refugees asking for help is becoming huge", says Sandro Kortekaas from LGBT Asylum Support Netherlands.

3.2.2   New LGBTI-migrant self-organizations can provide necessary support future LGBTI+ refugees who arrive in their areas

When seeking new contacts in a host country, LGBTI+ migrants often have their best luck befriending other LGBTI+ newcomers, whether they meet online, or in real-life events.[25] For example in 2016 and 2017, the Swedish organization WelcomeOUT brought together LGBTI+ refugees from all parts of Sweden to convene in Uppsala for three days of seminars, marches, and meals. Yet the finances for WelcomeOUT were only sustained for two years. The EU could provide stable support – via funding for events, personnel, space – for self-organized groups of LGBTI+ refugees, past and present.

As mentioned in the first set of findings, LGBTI+ refugees experience loneliness, and crave spaces for expressing their SOGI. In addition to seminars or marches, self-organizations could arrange "low-threshold" events for those less connected to any LGBTI+ community, such as via movie nights, picnics, small concerts, or age-bounded social events in which participation appears easier. There are many other unique issues LGBTI+ refugees face, from sexualized racial-othering, to stereotypes related to perceived class, colonial legacies, religion, or race. Kane from Uganda reflects on racial exclusion within sexually charged environments in Dutch LGBTI+ spaces:

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[25] Migrant-to-migrant networks can also be forged independently, such as by scrolling through online profiles on a geo-locative app: Shield, *Immigrants on Grindr,* Chapter 4.

Most of the white guys, they do not think that we have a brain, that we can hold a good job – like we are just only known for sex and that's what we can bring to the table. When they found out some of us have a big job or a big position – or some of us are engineers or have an education – they're like huh? They are shocked.

Media narratives tend to frame Muslim identity as incompatible with LGBTI+ identity. Yet these same media narratives – as well as what we observe in our interviews – also show that LGBTI+ refugees negotiate religious backgrounds when engaging with other identities in Europe.[26] In Denmark, the organization Sabaah is run by and for LGBTI+ people with especially Muslim-immigrant background, and has helped progress discussions from sexual racism to Islam and homosexuality.

3.2.3   …as well as providing support for researchers and government organizations.

The leadership of LGBTI-migrant advocacy NGOs tends to be non-migrants. This is not a problem *per se*; but organizations by-and-for-migrants could offer services that LGBTI+ refugees would find particularly attractive. Existing NGOS are willing to help researchers, but they also worry that asking their constituents to participate in a study might confuse their role as a service provider: "We don't want to say [to our refugee clients]: if you give us your data, we give you safe housing."[27] In other words, constituents might associate the NGO's support with their asylum case, and thus misunderstand that giving out interviews to researchers will help them get a successful case, or better services. Migrant self-organizations could help navigate this dilemma, ultimately helping match researchers with new participants to provide not just interviews, but also advice on cases, or recommendations for government policies.

4.   Policy recommendations

The final recommendations refer to the findings above, based on agency-centered qualitative data by/about LGBTI+ refugees in Europe.

1.   When rehousing an LGBTI+ refugee, geography is key. Their new home should allow easy access to LGBTI+ organizations, doctors competent to treat their unique health needs when needed, and if applicable, to members of their existing LGBTI+ network. Given the shortage of labor, and given the labor market discrimination of LGBTI+ people in some non-urban communities, rehousing strategies should take into account **labor-market opportunities.** Existing NGOs can help in the process.

2.   **Governments should encourage and support **new LGBTI+ migrant self-organizations with space, funding and/or personnel. These groups could prioritize social events for those who feel isolated or who are unsure of their orientation/identity. At the same time, they should engage with existing NGOs who have expertise on (e.g. legal) rights and procedures.

3.   **Government organizations should value the expertise of new, local self-organizations (i.e. as synergy): LGBTI+ migrant leaders can **consult on and provide support for government policies (e.g. housing, integration). In some cases, a national umbrella organization would assist with this.

Based on our findings, we recommend support for LGBTI+ migrant self-organizations, which foremost provide space and support for discussion of issues that disproportionately affect the quality-of-life of LGBTI+ newcomers; further, we emphasize that these new organizations can also assist with the formal logistics of the asylum and integration processes, and further, with crafting future policies.

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[26] E.g. interview with Kayode (August 2023); [media link]
[27] Stefan, Policy Council Event, 16 March 2023.

5. Background on LGBTI+ Asylum Definitions

Gradually, over the past decades, various courts have re-interpreted the 1951 Refugee Convention's definition of a refugee—i.e. someone with a "well-founded fear of being **persecuted**" due to belonging to a "**particular social group**"—so as to include sexual minorities, trans and intersex people.[28] The Netherlands[29] set a legal precedent already in 1981.[30] Yet the practice of granting asylum on LGBTI+ grounds remains largely an occurrence of the last two decades, with the help of a 2004 EU Qualification Directive,[31] and the 2007 Yogyakarta Principles.[32]

Yet NGOs continue to lead debates regarding how LGBTI+ asylum policies should be implemented: rejecting the "discretion" clause that had allowed European asylum offices to deport LGBTI+ individuals with the advice that the applicant remain inconspicuous about their SOGI in their country of origin[33]; challenging state policies that insist that LGBTI+ asylum seekers must express a paradigmatic emotional narrative;[34] debating what counts as "persecution" in a country of origin; lamenting the "lack of sensitivity and training" among those processing the asylum applications of asylum seekers, which can result in—for example—the rejection of asylum seekers who only felt comfortable disclosing their sexual orientation or gender identity later in the asylum procedure;[35] criticizing asylum outcomes that declared that certain applicants were "not gay enough;"[36] questioning why some asylum centers cluster refugees who share a religion, language,

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[28] Richard Mole, *Queer migration and asylum in Europe* (UCL Press, 2021): 5-10. Emphasis added.

[29] The Netherlands was also the first to legislate non-discrimination in the labor market, in 1993, which became a European standard via the 1997 Treaty of Amsterdam.

[30] Before there was legal precedence, a handful of gay men applied for asylum in the Netherlands on grounds related to homosexuality, albeit unsuccessfully; of them, some eventually secured labor visas, while others were deported; see Marlou Schrover and Frerik Kampman, '"Charter flights full of homosexuals". The Changing Rights of Homosexual Immigrants in The Netherlands, 1945-1992', *TSEG / The Low Countries Journal of Social and Economic History* 16:3/4 (2020). For examples of this superlative, see Gert Hekma, *Homoseksualiteit in Nederland* (Meulenhoff 2004); Petrus Koenders, *Tussen christelijk réveil en seksuele revolutie. Bestrijding van zedeloosheid in Nederland, met nadruk op de repressie van homoseksualiteit* (Amsterdam University Press 1996); Johannes Warmerdam and Petrus Koenders, *Cultuur en ontspanning. Het COC 1946-1966* (Interfacultaire Werkgroep Homostudies, Rijksuniversiteit Utrecht 1987). Yet even in the Netherlands and other countries sympathetic to LGBTI+ asylum in theory (e.g. Denmark, Sweden) the majority of those who sought protection on the grounds of SOGI alone were rejected through the 1990s: For Denmark, see Søren Laursen and Mary Lisa Jayaseelan, *Disturbing knowledge: decisions from asylum cases as documentation of persecution of LGBT persons (*Copenhagen: LBL [Now: LGBT Denmark] and Danish Refugee Council 2009), 5. On A-status, see fn 53. In attempting to enumerate data on LGBTIQ+ asylum in Denmark, they reported that **only one** applicant in the 1990s—of the three-dozen or so applications whose cases related to LGBTI issues in that decade—received Convention-status residence rights (a.k.a. A-status) in Denmark.

[31] Jansen and Spijkerboer, *Fleeing Homophobia,* 19; Michael O'Flaherty, 'The Yogyakarta Principles at Ten', *Nordic Journal of Human Rights* 33:4 (2015): 280-298.

[32] Ibid., 13. In 2006 in Yogyakarta, Indonesia, twenty-nine international experts gathered to define universal human rights pertaining to sexual orientation and gender identity on various grounds related to human rights, including the right to asylum. They were never adopted by the United Nations as hoped.

[33] Richard Mole, *Queer Migration and Asylum in Europe,* 5-7. Also Mole, 10: 'According to [Sabine] Jansen… the discretion requirement was used in the adjudication of queer asylum applications of the following states: Austria, Belgium, Bulgaria, Cyprus, Denmark, Finland, France, Germany, Hungary, Malta, the Netherlands, Poland, Romania, Spain, Norway and Switzerland.' After 2007, Dutch policy no longer expected that LGBTI+ applicants could hide their sexuality and be safely deported.

[34] Namely one in which the LGBTI+ individual confesses feelings of conflict and shame during years of puberty.

[35] E.g. ILGA-Europe (International Lesbian, Gay, Bisexual, Trans and Intersex Association Europe), 'Our advocacy work'. Accessed via https://www.ilga-europe.org/print/what-we-do/our-advocacy-work/asylum-europe (12 May 2021).

[36] Sandro Kortekaas, "NietGayGenoeg 2.0" (30 October 2019); accessed via https://nietgaygenoeg.petities.nl/

or ethnicity;[37] and advocating for LGBTI+ refugees to receive support for attending annual meetings, seminars, demonstrations, and Pride events.[38]

Academics, lawyers, NGO leaders, refugees, and current asylum seekers all agree that LGBTI+ asylum seekers have unique needs and experiences throughout the asylum process. This policy paper focuses on two of those needs: re-housing for LGBTI+ people granted refugee status; and support for migrant self-organizations.

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Works cited

Bergdahl, Aretha. "Sweden's First Pride Festival for Asylum Seekers." *Vice*, 16 September 2016; ttps://www.vice.com/sv/article/vd879m/refugee-pride-uppsala-welcome-out-635

BBC News. "President Museveni signs Anti-Homosexuality Bill into law," 29 May 2023; https://www.bbc.com/news/world-africa-65745850

De Wever, Wilfried. "Policy briefing on housing for refugees and migrants in Europe." European Council on Refugees and Exiles, and Network of Integration Focal Points, 2007; https://ec.europa.eu/migrant-integration/library-document/policy-briefing-housing-refugees-and-migrants-europe-0_en

Dhoest, Alexander. "Media, visibility and sexual identity among gay men with a migration background." *Sexualities, 19*(4) 2016: 412–431.

Dhoest, Alexander and Łukasz Szulc. "Navigating online selves: Social, cultural and material contexts of social media use by diasporic gay men." *Social Media + Society, 2*(4) 2016: 1–10.

European Commission. "Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Action plan on Integration and Inclusion 2021-2027." 24 November 2021;

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[37] E.g. Marlon, ITHACA Policy Council Event, (2 March 2023): "that poses major challenges for LGBT Arabic people."

[38] E.g. LGBT Asylum DK; e.g. WelcomeOUT Sweden:

Aretha Bergdahl, "Sweden's First Pride Festival for Asylum Seekers," *Vice* (16 September 2016); accessed 2023 via https://www.vice.com/sv/article/vd879m/refugee-pride-uppsala-welcome-out-635

https://home-affairs.ec.europa.eu/system/files_en?file=2020-11/action_plan_on_integration_and_inclusion_2021-2027.pdf

European Parliament and Council of the European Union. "Directive 2011/95 - Standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast)." December 20, 2011;

https://www.eumonitor.eu/9353000/1/j9vvik7m1c3gyxp/vivl5tzbn1xj

Gottlieb, Nora, C. Püschmann, F. Stenzinger, J. Koelber, L. Rasch, M. Koppelow, and R. Al Munjid. "Health and Healthcare Utilization among Asylum-Seekers from Berlin's LGBTIQ Shelter: Preliminary Results of a Survey." *International Journal of Environmental Research and Public Health* 17(12): 2020.

Hekma, Gert. *Homosexuality in the Netherlands from 1730 to the modern age [Homoseksualiteit in Nederland van 1730 tot de Moderne Tijd]*. J. M. Meulenhoff, 2004.

ILGA Europe. "Policy Briefing on LGBTI Refugees and EU asylum legislation." September 2021; https://www.ilga-europe.org/policy-paper/policy-briefing-on-lgbti-refugees-and-eu-asylum-legislation/

"ITHACA: Interconnecting Histories and Archives for Migrant Agency," https://ithacahorizon.eu/

Jansen, Sabine and Thomas Spijkerboer. *Fleeing Homophobia: Asylum Claims Related to Sexual Orientation and Gender Identity in Europe.* COC Amsterdam/Vrije Universiteit Amsterdam, 2011.

Karimi, A. "Refugees' transnational practices: Gay Iranian men navigating refugee status and cross-border ties in Canada." *Social Currents*, 7(1) 2020: 71–86.

Koenders, Petrus. *Tussen christelijk réveil en seksuele revolutie. Bestrijding van zedeloosheid in Nederland, met nadruk op de repressie van homoseksualiteit*. Amsterdam University Press, 1996.

Laursen, Søren and Mary Lisa Jayaseelan. *Disturbing knowledge: decisions from asylum cases as documentation of persecution of LGBT persons.* Copenhagen: LBL [Now: LGBT Denmark] and Danish Refugee Council, 2009.

Luibhéid, Eithne and Lionel Cantú. *Queer migrations: Sexuality, U.S. citizenship, and border crossings*. University of Minnesota Press, 2005.

Mainwaring, Ċetta. "Migrant agency: Negotiating borders and migration controls." *Migration Studies* 4(3) 2016: 289–308.

Mole, Richard. *Queer migration and asylum in Europe.* UCL Press, 2021.

O'Flaherty, Michael. "The Yogyakarta Principles at Ten." *Nordic Journal of Human Rights* 33(4) 2015: 280-298.

Rainbow Welcome. "The Reception of LGBTIQ+ Refugees in Europe." 2020;

https://rainbowelcome.eu/toolkitdocs/ReceptionofLBTIQ+RefugeesinEurope_RainbowWelcomeStudy.pdf

Schrover, Marlou, and Frerik Kampman. "Charter flights full of homosexuals: The changing rights of homosexual immigrants in the Netherlands, 1945–1992." *TSEG: The Low Countries Journal of Social and Economic History, 16*(3/4) 2020: 5–36.

Shield, Andrew DJ. "Queer Migration and Digital Media." *The Oxford Research Encyclopedia of Communication*. 31 August 2021. https://doi.org/10.1093/acrefore/9780190228613.013.1165

Shield, Andrew DJ. *Immigrants in the Sexual Revolution: Perceptions and Participation in Northwest Europe*. Palgrave Macmillan, 2017.

Shield, Andrew DJ. *Immigrants on Grindr: Race, Sexuality and Belonging Online.* Palgrave Macmillan, 2019.

Spijkerboer, Thomas. "Querelle Asks for Asylum." In: Peter Fitzpatrick and James Henry Bergeron, eds., *Europe's Other: European Law between Modernity and Postmodernity.* Dartmouth Publishing Company, 1998.

UN Human Rights Office of the High Commission. "LGBTI and Gender-Diverse Persons in Forced Displacement: Independent Expert on sexual orientation and gender identity"; https://www.ohchr.org/en/special-procedures/ie-sexual-orientation-and-gender-identity/lgbti-and-gender-diverse-persons-forced-displacement

Warmerdam, Johannes and Petrus Koenders. *Cultuur en ontspanning. Het COC 1946-1966*. Rijksuniversiteit Utrecht, 1987.

Additional/ further reading

Akin, Deniz. 'Queer Asylum Seekers: Translating Sexuality in Norway', *Journal of Ethnic and Migration Studies* 43:3 (2017) 458-474.

Andrikopoulos, Apostolos, and Jan Willem Duyvendak. 'Migration, Mobility and the Dynamics of Kinship: New Barriers, New Assemblages', *Ethnography* 21:3 (2020): 299-318.

Bonjour, Saskia and Marlou Schrover. 'Public Debate and Policy-making on Family Migration in the Netherlands, 1960-1995', *Journal of Ethnic and Migration Studies* 41:9 (2015).

Boston, Nicholas and Jan Willem Duyvendak. 'People of Color Mobilization in LGBT Movements in the Netherlands and the United States', *The Ashgate Research Companion to Lesbian and Gay Activism* (2015.

Brennan, Sarah French. 'Specter of the Fraud: Muslim Sexual Minorities and Asylum in the Netherland', *Perspectives on Europe* 46:1 (Spring 2016) 75-79.

Castells, Manuel. "City and culture: The San Francisco experience," in I. Susser (ed.), *The Castells reader on cities and social theory* (Malden, MA: Blackwell: 1983).

Dhoest, Alexander and Łukasz Szulc. "Navigating online selves: Social, cultural and material contexts of social media use by diasporic gay men," *Social Media + Society, 2*:4 (2016): 1–10.

El-Tayeb, Fatima. ''Gays Who Cannot Properly Be Gay': Queer Muslims in the Neoliberal European City', *The European Journal of Women's Studies* 19:1 (2012) 79-95.

Grigolo, M., 'Sexualities and the ECHR: Introducing the Universal Sexual Legal Subject', *European Journal of International Law* 14:5 (2003) 1023-1044.

Luibheid, Eithne. "Queer/Migration," *GLQ: A Journal of Lesbian and Gay studies* 14: 2-3 (2008).

Luibhéid, Eithne and Karma R. Chávez, *Queer and Trans Migrations : Dynamics of Illegalization, Detention, and Deportation* (Urbana 2020).

Millbank, J. "A Preoccupation with Perversion: The British Response to Refugee Claims on the Basis of Sexual Orientation, 1989-2003," *Social & Legal Studies* 14:1 (2005) 115-138.

Nyanzi, Stella, and Andrew Karamagi. 'The Social-Political Dynamics of the Anti-Homosexuality Legislation in Uganda', *Agenda: Empowering women for gender equity* 29:1 (2015) 24-38.

Puar, Jasbir K. *Terrorist Assemblages. Homonationalism in Queer Times*. Durham 2008.