



## **EMN Ad-Hoc Query on Updated information on asylum applications by LBGTs and religious converts**

Requested by Laura SEIFFERT on 29th November 2017

### **Protection**

Responses from Austria, Belgium, Bulgaria, Croatia, Czech Republic, Estonia, Finland, France, Germany, Ireland, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Slovak Republic, Slovenia, Sweden, United Kingdom, Norway (21 in total)

#### Disclaimer:

*The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.*

### **Background information:**

The Netherlands currently analyses, using text mining, a possible increase in the number of asylum based on sexual orientation (lesbian, gay, bisexual, and transgender - LGBT) and religious conversions (to another religion or atheism) during the last two years.


After having consulted the previous two ad-hoc queries on this topic launched by Finland in March 2017 and the Netherlands in May 2016, the Netherlands would like to obtain updated information on the scale of this phenomena and the nationalities concerned.



We are aware that most Member States do not have statistical data on these applications. Nevertheless, we would like to ask the NCPs to provide best estimates whenever possible, as even a general indication would be very useful for us.






### **Questions**

1. Persons with which nationalities apply mostly for asylum on the grounds of being LGBT and/or a religious convert in the last two years? Please specify if the nationalities differ for the two categories. If possible, please provide numbers.
2. Did you see an increase in the number of asylum applications based on being LGBT and/or a religious convert during the last two years? If possible, please provide numbers.
3. Did the increase apply to the same nationalities as under question 1? If not, could you specify which nationalities were concerned?
4. During which phase of the asylum procedure are claims concerning being a LGBT or a religious convert usually brought forward by the applicant? a) during the first asylum application, b) during a subsequent asylum application after the first asylum application was rejected, or c) during the judicial appeal procedure.

### **Responses**

	<b>Country</b>	<b>Wider Dissemination</b>	<b>Response</b>
	Austria	Yes	<ol style="list-style-type: none"><li>1. There are no statistics broken down by religious affiliation and/or sexual orientation.</li><li>2. There are no statistics broken down by religious affiliation and/or sexual orientation.</li></ol>

			<p><b>3.</b> -</p> <p><b>4.</b> - Source: Ministry of the Interior.</p>
	Belgium	Yes	<p><b>1.</b> - As regards being LGBT the following nationalities are most relevant: Cameroon, Senegal and Iraq. - As regards religious converts this asylum motive is mostly invoked by Iranian nationals.</p> <p><b>2.</b> No substantial increase during the last two years for what concerns LGBT, but there was an increase for the decisions issued in 2017 compared to previous years referring to the asylum motive religious converts/apostasy.</p> <p><b>3.</b> LGTB: N/A religious converts: More decisions for Iranian nationals based on this asylum motive in 2017 compared to 2016.</p> <p><b>4.</b> The asylum motive of religious conversion or apostasy as well as the asylum motive sexual orientation/gender identity is quite often invoked in the framework of a subsequent asylum application (high number of decisions for these asylum motives not to take the subsequent application into consideration).</p>
	Bulgaria	Yes	<p><b>1.</b> Most often men with Afghan nationality and women from African countries apply for asylum on the grounds of being LGBT and most often persons with Iranian nationality apply for asylum on the ground of being a religious convert.</p> <p><b>2.</b> No.</p> <p><b>3.</b> N/A</p> <p><b>4.</b> Claims concerning being a LGBT or a religious convert usually are brought forward by the applicant during the first asylum application and during a subsequent asylum application after the first asylum application was rejected.</p>





	Croatia	Yes	<p><b>1.</b> 1. In Croatia mostly Iranian asylum seekers convert to Christianity. Applicants of asylum on the ground of being LGBT are mostly from Nigeria. No statistics are kept on the number of applications for asylum filed by members of the LGBT community or a religious convert.</p> <p><b>2.</b> 2. Case workers indicate that the number of applications based on religious conversion increased during the last two years, but no statistics are kept on the number of asylum applications based on a religious convert.</p> <p><b>3.</b> 3. Yes.</p> <p><b>4.</b> 4. Such information is not statistically recorded. Based on experience it can be said that claims concerning being a LGBT or a religious convert are brought forward during all stages of the asylum procedure but mainly during first or subsequent applications.</p>
	Czech Republic	No	
	Estonia	Yes	<p><b>1.</b> The Estonian Police and Border Guard Board does not register the grounds on which the asylum applications are based, therefore it is not possible to provide detailed information required in this query.</p> <p><b>2.</b> Since LGBT and religious conversion cases are not registered separately from other asylum applications, it is not possible to provide exact numbers.</p> <p><b>3.</b> N/A</p> <p><b>4.</b> N/A</p>
	Finland	No	
	France	Yes	<p><b>1.</b> Sexual orientation and gender identity are not mentioned by asylum seekers (AS) from all nationalities and this can vary depending on the nationality. In Africa: this reason is most often</p>


mentioned by AS from Cameroon, Senegal, Gambia, Nigeria, Uganda, Tanzania, Kenya and Algeria. It also appears, to a lesser extent, in asylum applications from Morocco, Tunisia, Mauritania, Mali, Guinea, Ivory Coast, Burkina Faso, Congo, Democratic Republic of Congo, Niger and Chad. It is rarely mentioned by AS from other African countries. However it is increasing in asylum applications from Gabon and very recently from Sudan. In Asia, it is quite important in asylum applications from Pakistan, less in asylum applications from Bangladesh and Iran, and rare among the applications from Sri Lanka, Mongolia and Afghanistan. It is also mentioned in asylum applications from Georgia, and is increasing in the applications from Albania and Kosovo, sometimes in the issues of couples.



Sometimes, it is linked to the issue of forced marriage or violence against women. Bisexuality is more often mentioned by Cameroon and Nigerian nationals, as well as homosexuality (for example in Guinea). Generally, the OFPRA agents do not notice any strong relationship between the repetition of this reason and the observed level of repression against LGBTs in the country of origin, except in Cameroon, Nigeria, Uganda and Gambia, where homosexuality is strongly punished and from where a lot of AS come mentioning the ground of being LGBT in order to prove their fear. Homosexuality is more often mentioned by men than women, except in a few cases such as Albania, Senegal, Uganda, Cameroon and Guinea, where there are as many men as women, and in Mongolia, Nigeria, Democratic Republic of Congo, Tanzania and Kenya. Transgender and intersex applicants are a minority among LGBT applicants, whatever their nationality (for example, Morocco, Algeria, Colombia, Syria, Russia, Djibouti and Angola). Religious grounds are more often mentioned in Algeria (for Christians or non-practicing Muslim), Erythrea (Pentecostal Church), Somalia (for women who refused to wear a veil or female genital mutilation on their daughters), and in China (Falun Gong or religious affiliation). Some decisions from the National Court of Asylum (CNDA) – second instance decision after OFPRA - mention such cases, for Iranian, Algerian, Guinean and Afghan nationals. (See AHQ from April 2017 for additional information regarding Iranian applicants) Since the French Office for the Protection of Refugees and Stateless Persons (OFPRA) does not record any statistics related to the reasons for asylum applications, it is very difficult to evaluate the number of applications linked to these reasons.

**2.** The French Office for the Protection of Refugees and Stateless Persons (OFPRA) does not record any statistics related to the reasons for asylum applications.



**3.** The French Office for the Protection of Refugees and Stateless Persons (OFPRA) does not record



			<p>any statistics related to the reasons for asylum applications.</p> <p><b>4.</b> The French Office for the Protection of Refugees and Stateless Persons (OFPRA) does not record any statistics related to the reasons for asylum applications.</p>
	Germany	Yes	<p><b>1.</b> 1.No statistics are kept on individual grounds for asylum in Germany. Regardless of this, it can be ascertained that for many years conversion to Christianity has frequently been presented as grounds for asylum. Asylum seekers most frequently citing conversion to Christianity as grounds for asylum are from Iran, but also from Afghanistan, Pakistan, Iraq and other countries of origin. No statistics are kept on the number of applications for asylum filed by members of the LGBT community. Asylum seekers from a large number of countries of origin cite persecution associated with sexual orientation and gender identity as grounds although it is not possible to pinpoint countries of origin for the above-mentioned reasons.</p> <p><b>2.</b> 2.No statistics are kept on the number of asylum applications based on being LGBT and/or a religious convert during the last two years.</p> <p><b>3.</b> 3.See response given to 2 .</p> <p><b>4.</b> 4.Such information is not statistically recorded. Based on experience it can be said that claims concerning being a LGBT or a religious convert are brought forward during all stages of the asylum procedure but mainly during first or subsequent applications.</p>
	Ireland	No	
	Latvia	No	
	Lithuania	Yes	<p><b>1.</b> There were only two cases of asylum applications on the grounds of being LGBT and/or a religious convert in the last two years in Lithuania. Therefore, no comprehensive conclusions or detailed</p>


			<p>overview available.</p> <p><b>2.</b> n/a</p> <p><b>3.</b> n/a</p> <p><b>4.</b> n/a</p>
	Luxembourg	Yes	<p><b>1.</b> No specific statistical information available. Besides some prevailing data protection concerns, Luxembourg is currently not in a position to filter out the requested information from the publicly available data, as only the nationality and the country of origin are registered. In Luxembourg, the grounds on which international protection are granted, such as religion and sexual orientation, are registered only in the personal file of the international protection, which is not for public consumption. Concerning claims based on religious conversions, Luxembourg would like to reiterate its findings provided in the FI EMN NCP AHQ on Asylum claims based on conversion from Islam to another religion, launched on 7 March 2017, mentioning that approximately 5% of the applicants for international protection from Iran and Iraq claim being persecuted because of their alleged change of religion. A phenomenon observed in Luxembourg since 2012. For Iran, we observe primarily conversions to Christianity and the Baha'i religion; for Iraq, applicants claim having converted to Christianity. In regard of the applicants from Eritrea Luxembourg is confronted with a low number of applicants claiming to be member of the "Jehovah's Witnesses" and the "Pentecostal church" and for Afghanistan citizens, only one case of religious conversion has been registered so far.</p> <p><b>2.</b> See answer to Question 1.</p> <p><b>3.</b> N/A.</p> <p><b>4.</b> No information available. As mentioned above, there are data protection concerns in filing this kind of information. The grounds on which international protection are granted is registered in the personal file of the applicant for international protection but they are not displayed on the cover of the file.</p>

	Malta	Yes	<ol style="list-style-type: none"> <li>1. Malta is unable to provide a reply to this query as statistics in relation to the grounds for protection claimed by the applicants are not kept.</li> <li>2. Please refer to reply in question 1.</li> <li>3. Please refer to reply in question 1.</li> <li>4. Please refer to reply in question 1.</li> </ol>
	Netherlands	Yes	<ol style="list-style-type: none"> <li>1. The Dutch Immigration and Naturalisation Service does not register whether an asylum applications is based on the ground of being a LGBT and/or a religious convert due to data protection and privacy obligations. However, a recent manual examination of relevant asylum cases provides some insights into the nationalities of the applicants. Asylum applications based on a LGBT motive are mostly launched by migrants with the following nationalities: Iraq, Iran, Uganda, Afghanistan and Nigeria. Asylum applications based on a religious conversion are mostly launched by migrants with the following nationalities: Iran, Afghanistan and Iraq. It should be noted that for some nationalities asylum applications on the grounds of being a LGBT and/or a religious convert account for a significant share of all applications with this nationality. For example in the examined files approximately 80% of all applications by Iranians were based on a LGBT or religious conversion motive. For Afghan nationals the share of applications based on an LGBT or religious conversion motive accounted for approximately 40% of all applications by Afghans in the examined files.</li> <li>2. Case workers indicate that the number of applications based on being LGBT and/or a religious convert increased during the last two years. As LGBT and religious conversion cases are not registered in the IT system, it is not possible to provide exact numbers.</li> <li>3. As LGBT and religious conversion cases are not registered in the IT system, it is at the moment not possible to indicate for which nationalities an increase took place.</li> <li>4. There are signals from the units handling the asylum cases, that in many cases the claim of being a LGBT or a religious convert is brought forward at a later stage of the asylum procedure (e.g. after first hearing) or during a second or subsequent application after the applicant has spent some time at a</li> </ol>



			reception facility.
	Portugal	Yes	<ol style="list-style-type: none"> <li>1. Asylum requests are analysed in case by case basis, so it is not possible for us to specify such numbers</li> <li>2. NA</li> <li>3. NA</li> <li>4. NA</li> </ol>
	Slovak Republic	Yes	<ol style="list-style-type: none"> <li>1. Religious converts from Iran and Iraq</li> <li>2. No</li> <li>3. N/A</li> <li>4. a) during the first asylum application</li> </ol>
	Slovenia	Yes	<ol style="list-style-type: none"> <li>1. The majority of requests for international protection on the grounds of religious convert in the last two years came from Iran citizens, on the grounds of being LGBT from different countries: Serbia, Iraq, Cameroon.</li> <li>2. In the last two years (especially in the first half of 2016), there has been a noticeable increase in applications from Iran, where applicants have claimed a change in religion from Muslim to Christianity. Before that we recorded somewhere between 3-5 applications pre year. Between January and June 2016 there were over 50 such applications. The vast majority of them was baptized in the Evangelical Church in Ljubljana. The number of Iranian applications on these grounds began to drop drastically after June 2016 (only a case per month, but not every month), mainly because the majority of the applications were rejected on this basis (confirmed by the Administrative and Supreme Court). There were no other cases of applications on the grounds of religion convert during this period. During this time, we had</li> </ol>

			<p>seven applications for international protection on the grounds of LGBT reasons. The numbers are roughly the same every year - applications for international protection on the grounds of being LGBT are not high (less than 10 yearly).</p> <p><b>3.</b> See previous answer.</p> <p><b>4.</b> Most applicants mention these reasons during filing an application. We do not have exact numbers, the cases where religious grounds have been mentioned during a subsequent application or during the judicial appeal procedure are extremely rare. In the case of the LGBT population, all of them claim these grounds from the very beginning of the asylum procedure.</p>
	Sweden	Yes	<p><b>1.</b> Since Sweden do not register grounds for asylum application we have no information available.</p> <p><b>2.</b> Since Sweden do not register grounds for asylum application we have no information available.</p> <p><b>3.</b> NA</p> <p><b>4.</b> No information available.</p>
	United Kingdom	Yes	<p><b>1.</b> Experimental statistics on applications of asylum on the ground of being LGB (note this does not cover Transgender) are available in the report below, covering the period 1 July 2015 to 31 March 2017. <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/663468/asylum-claims-basis-sexual-orientation.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/663468/asylum-claims-basis-sexual-orientation.pdf</a> To note: these are experimental statistics, so have a number of data quality issues and limitations. They should be interpreted with caution. The report has data on the number of asylum claims where sexual orientation (LGB) forms all, or part, of the basis for the claim, broken down by nationality, between 1 July 2015 and 31 March 2017. It will not include religion or transgender cases. The nationalities with the highest number of asylum claims where sexual orientation had been raised as part of the basis for the claim were: • Pakistan (1,000, 20% of Pakistani asylum claims over the period) • Bangladesh (454, 14%) • Nigeria (362, 18%). However, the nationalities with the highest proportion of total claims that were based on sexual orientation were: • Uganda (257, 67%) • Cameroon (105, 38%) • United Rep of Tanzania 20, (32%)</p>

			<p><b>2.</b> N/A (The data available is not broken down by year and therefore we cannot provide an answer this question.)</p> <p><b>3.</b> N/A</p> <p><b>4.</b> Asylum seekers have every opportunity to provide evidence to support their claim throughout the asylum process and all protection claims, including those where LGBT or religious conversions are raised, are carefully considered. We are obliged to consider all evidence irrespective of what stage of the asylum process it is submitted. The credibility of the LGBT claim or the religious conversion needs to be established to a reasonable degree of likelihood, taking account of all available evidence. Guidance to caseworkers on assessing credibility is available at:  <a href="https://www.gov.uk/government/publications/considering-asylum-claims-and-assessing-credibility-instruction">https://www.gov.uk/government/publications/considering-asylum-claims-and-assessing-credibility-instruction</a></p>
	Norway	Yes	<p><b>1.</b> Norway does not have any statistics on converts. Norway has manual counts for the number of decisions made where asylum seekers have given “reactions due to sexual orientation” as the basis of their asylum application. Based on the year decision was made and the result: Decision year  International Protection granted Protection not granted Total  2015 23 45 68  2016 19 15 34  2017, Jan-Oct. 4 5 9  Total 46 65 111  According to citizenship: Nationality Number of applicants for Jan. 2015 – Oct. 2017  Uganda 50 Nigeria 15 Burundi 5 Kamerun 5 Gambia 5 Andre 31  Totalsum 111  The applications have originated from the same countries these past years. The numbers were fairly small and fairly stable from 2013 to and including 2015, but then there has been a decline in the numbers these past two years – especially for 2017.</p> <p><b>2.</b> In 2015 there were many more negative decisions than positive. The past two years, the number of asylum seekers who note sexual orientation as grounds for international protection have declined.</p> <p><b>3.</b> N/A</p> <p><b>4.</b> Norway does not have exact information about this, but we do know that applicants bring up sexual orientation and religious conversion as grounds for their asylum application at many points in the</p>

			process, not only at the beginning; many of the applicants report this very late in the process.
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