

## **”There isn’t any safe option”**

### **- on the conditions for LGBT+ refugees in neighbouring areas of their countries of origin**

LGBT Asylum continuously receive inquiries from LGBT+ asylum seekers and -refugees around the world, who reside in countries next to – or close to – their country of origin. A part of these inquiries come from persons who are under protection of, or registered with, the UNHCR – including in countries, which criminalize LGBT+ persons.

These inquiries seem to show that in many of these contexts, local authorities and humanitarian actors fail to meet the needs and ensure protection of LGBT+ refugees, who constitute a particularly vulnerable group. Hence, they further point to an urgent need for increased attention on ensuring the protection of LGBT+ refugees in neighbouring countries and for increased efforts in ensuring the resettlement of LGBT+ refugees.

### **LGBT Asylum receive inquiries of help from neighbouring areas**

The following analysis is based on inquiries that LGBT Asylum has received from LGBT+ persons around the world via email or Facebook.

During 2018 and 2019 we have received more than 250 inquiries from LGBT+ persons outside the Schengen Area. These persons have typically been seeking help, as they experience being in danger due to their sexual orientation or gender identity – some of them have already fled their country of origin. Around half of these inquiries have come from persons, who are located in the neighbouring countries to Syria, or in Pakistan, Morocco, Iran, Uganda, Kenya or Bangladesh.

Fourteen of those who have contacted us, have explicitly referred to being registered with, or being under the protection of the UNHCR, in a country next to – or close to – the country from which they have fled. Most of these inquiries – which this note will zoom in on – come from Kenya, more specifically the Kakuma Camp, but other places include Jordan, Lebanon and Russia.

Many LGBT+ refugees end up in countries, where they have been told they can seek protection with the UNHCR. However, the accounts we receive indicate that LGBT+ asylum seekers and refugees are not offered sufficient protection in neighbouring countries and areas, not with the UNHCR either.

### **Lacking access to safety**

The first challenge is that the UNCHR are difficult to access, especially for LGBT+ persons. Asylum seekers and refugees are queuing in front of screening points for hours, risking having to wait weeks or months to talk to the UNHCR. Further, several of the UNHCR offices and screening points are located close to offices of local authorities, and LGBT+ persons account of experiencing harassment and discrimination upon arrival, and not feeling safe approaching the UNHCR.

Some LGBT+ refugees, who have contacted LGBT Asylum, account:

*"I was given referrals by RAS headquarters to reach UNHCR protection desk at Shauri Moyo sub-office, but couldn't access the compound at all, being stopped by the security guards."*

*"I, as an LGBTIQ refugee and asylum seeker in Kenya, go through a lot. We are so much less privileged compared to other refugees. We are voiceless. The only hope has always been UNCHR and its implementing partners, but of recent we have been so much ignored. The fact that we are LGBTIQ asylum seekers and refugees in a country that criminalizes homosexuality is more worrying. We are abused, blackmailed, raped, refused a chance to work due to the fact that Kenya doesn't recognize us, because it's illegal to be gay or to belong to any homosexual related programs."*

### **Insecurity and abuse in the camps**

When it comes to accounts of life in the camps, most of the inquiries, as previously mentioned, come from the Kakuma Camp in Kenya. Those, who contact LGBT Asylum, tell about a camp that is overcrowded, unhygienic, and full of disease (like cholera and typhoid), i.a. due to very poor toilet facilities and contaminated water. Asylum seekers and refugees sleep on a thin mat, either outside or in a small room without doors, accompanied by 3-5 other persons, thus being in constant risk of theft and abuse by other persons in the camp or the local population. Consequently, it is not possible to protect oneself from uninvited guests, which further endangers the situation of LGBT+ persons.

The insecure environment for LGBT+ persons in these countries, which can include criminalisation, abuse and persecution, are thus conditions that LGBT+ refugees also experience in the refugee camps. Specifically, we receive accounts of discrimination, threats, physical and psychological violence and abuse, rape, exploitation, and blackmail.

### **Experiences with homo- and transphobia from police, local authorities, and UNHCR staff**

The UNHCR are often dependent on local authorities regarding safety:

*"Refugees can face a variety of protection problems in Kenya that would trigger an appropriate response on the part of UNHCR or its partners. When refugees raise security concerns, UNHCR usually liaises with police authorities as it is the responsibility of the Kenyan Government to provide for the security of the refugees. UNHCR does not have its own security apparatus to extend physical safety and ensure law and order." – UNHCR Kenya*

However, local authorities in Kenya and many other places are not a safety net for LGBT+ persons, rather on the contrary, as the police are most often perceived as homo- and transphobic. Further, several have experienced homo- and transphobia amongst the UNHCR employees. This means that LGBT+ asylum seekers and refugees do not experience protection, but rather exposure to mob violence, and police brutality and violence.

As some LGBT+ refugees have written to LGBT Asylum:

*"The Kenyan police are a particularly brutal force to me and frequently beating and making humiliations, both physically and sexually. The police itself are responsible for much of the violence against me."*

*"I have been assaulted on various occasions in various places elsewhere here in Kenya. I have been discriminated, blackmailed and survived a number of death threats and sexual abuse all because of my sexual orientation, and still there isn't any safe option by authorities rendered to me."*

### **Lack of protection in the country of residence and long-term prospects for resettlement**

LGBT Asylum receive accounts from LGBT+ refugees who cannot find housing or jobs due to their sexual orientation or gender identity, which leads to unemployment and homelessness, and several must resort to extremes to survive. This could for instance be illegal and unprotected sex work with negative consequences for safety, health and well-being.

In these contexts, LGBT+ refugees are a particularly exposed group of asylum seekers and refugees, who are often in a similarly vulnerable situation as they were in the country of origin from which they have fled – now just in a foreign country with long-term prospects of resettlement.

Many LGBT+ asylum seekers and refugees are thus depressed, scared and desperate, and express a great wish and need for resettlement (as quota refugees) via the UN, or as a minimum a wish for actual protective efforts from the UNHCR or other actors. Unfortunately, the UN resettlement program is an extremely protracted process, which can last over 5 years.

As an LGBT+ refugee writes in an email to LGBT Asylum:

*"Many of us are victims of violence. We are blackmailed, we are desperate, we lack good representation. We used to get a stipend of 40 dollars a month by UNHCR, but since this year [2019] started it was cut off, yet we don't have any other sources of income and UNHCR Nairobi seem not to mind much about our issues any more, so we just can't predict the future. We are so hopeless and depressed."*

### **There is a need for action**

The accounts and calls for help we receive in LGBT Asylum, and which have been described in this note, are in accordance with other accounts, which have regularly appeared in various media outlets and on social media in recent years. They all point to the fact that LGBT+ refugees are not safe in the neighbouring areas to the countries from which they have fled.

Therefore, there is a pressing need to 1) increase the efforts to ensure protection of LGBT+ refugees in neighbouring areas of their countries of origin, and 2) ensure better possibilities for resettlement (as quota refugees) via the UN.