

# Input by civil society to the EASO Annual Report 2019

Fields marked with \* are mandatory.

The production of EASO's *2019 Annual Report on the Situation of Asylum in the European Union* is currently underway. The yearly [annual report](#) series present a comprehensive overview of developments in the field of asylum at the regional and national levels.

The report includes information and perspectives from various stakeholders, including experts from EU+ countries, civil society organizations, the UNHCR and researchers. To this end, we invite you to submit information on developments in asylum law, policy or practice in 2019 (and early 2020) by topic as presented in the online survey.

Please note that the EASO Annual Report does not seek to describe national systems in detail but rather to present key developments of the past year, including improvements and challenges which remain. Your input can cover practices of a specific EU+ country or the EU as a whole. You can complete all or only some of the sections. It is preferred to provide your submission in bullet points to facilitate drafting.

All submissions are publicly accessible. For transparency, 2019 contributions will be published on the EASO webpage. Contributions to the 2018 annual report by civil society organisations can be accessed [here](#). All contributions should be appropriately referenced. You may include links to supporting material, such as analytical studies, articles, reports, websites, press releases or position papers. If your organisation does not produce any publications, please make reference to other published materials, such as joint statements issued with other organisations. Some sources of information may be in a language other than English. In this case, please cite the original language and, if possible, provide one to two sentences describing the key messages in English.

The content of the EASO annual report is subject to terms of reference and volume limitations. Submissions may be edited for length and clarity or may not be included in the final report. Contributions from civil society organisations feed into EASO's work in multiple ways and inform reports and analyses beyond the annual report.

Please complete the online survey and submit your contribution to the 2019 annual report by **Thursday, 12 March 2020**.

## [Instructions](#)

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Before completing the survey, please review the list of topics and types of information that should be included in your submission.

For each response, please only include the following type of information:

- New developments and improvements in 2019 and new or remaining challenges;
- Changes in policies or practices, transposition of legislation or institutional changes during 2019.

Please ensure that your responses remain within the scope of each section. Do not include information that goes beyond the thematic focus of each section or is not related to recent developments.

## Contributions by topic

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### **1. Access to territory and access to asylum procedures (including first arrival to territory and registration, arrival at the border, application of the non-refoulement principle, the right to first response (shelter, food, medical treatment) and issues regarding border guards)**

- No data on the number of people accessing EU in order to submit asylum on the grounds of sexual orientation and gender identity (SOGI) are collected in EU member States. Yet, research shows that thousands of these claims are submitted each year in these States (see the SOGICA project).
- Recent data make clear that SOGI minorities seeking asylum in Europe often undergo horrifying experiences in their countries of origin, forcing them to undergo long and risky journeys in an attempt to escape (Danisi, Dustin, Ferreira, Held, *Queering Asylum in Europe*, Springer, 2020; Güler, Shevtsova, Venturi (eds), *LGBTI Asylum Seekers and Refugees from a Legal and Political Perspective*, Springer, 2019). European countries have a responsibility to reduce the risk of persecution in countries of origin through their external relations policies, including through EU structures and mechanisms. Given the specific risks faced by SOGI minorities and considering recent developments within international human rights law (IHRL) (Danisi, 'Crossing borders between IHRL and IRL', NQHR 2019), EU member States shall introduce – as a matter of urgency – humanitarian admission programmes and, in particular, humanitarian visas that provide documentation to people in flight to reach Europe safely, in parallel to already more established mechanisms such as resettlement. They could be operated through 'humanitarian corridors', similar to those facilitated by the Community of Sant'Egidio or Protected Entry Procedures (Higgins, 'Safe journeys and sound policy', KCIRL 2019), as supported by the European Parliament.
- Research shows that no specific procedures are in place for SOGI claimants upon arrival in EU member States, including info on the possibility to claim asylum on SOGI grounds (Danisi, 'What 'Safe Harbours' are there for SOGI claims?', GenIUS 2018). For this reason, it is important that: a) at the points of arrival in EU, including airports and at border, and in other public spaces (transport hubs, medical facilities, schools, accommodation facilities), there is accessible (e.g. graphic and easy-read formats) information in different languages available explaining that SOGI persecution is a reason for claiming asylum; b) upon arrival and at the point of lodging an asylum claim, claimants are encouraged to disclose any potential reasons for needing protection, including their SOGI. One suggestion is to include a box about SOGI in a form alongside other optional questions (for example, adding a specific box in current national forms, such as the Italian 'C3' form). Support in completing forms from trained staff and interpreters would be useful, given the lack of compulsory training in SOGI asylum across EU countries. Without these improvements, SOGI minorities inevitably submit 'late' claims and are penalised as a result. In this respect, there would need to be guidance for officials, to ensure there were no negative consequences for claimants who disclosed their SOGI only at a later stage in the asylum process, as many claimants will not feel sufficiently confident to mention their SOGI at this time.

- Research also shows that the right to first response is often disregarded when SOGI minorities are involved (Danisi, Dustin, Ferreira, Held, *Queering Asylum in Europe*, Springer, 2020). Although EU law in force does not require to provide specific accommodation on SOGI grounds (Ferreira, 'Reforming the Common European Asylum System: enough rainbow for queer asylum seekers?', *GenIUS* 2018), the obligation to carry out individual assessments at arrival under EU and IHRL, including the ECHR, shall aim to the identification of the best available accommodation solution to avoid harassment and discrimination on SOGI grounds. The same is true for medical treatment, especially in relation to transgender asylum claimants who may need access to specific care. Individual assessment may be facilitated by forms designed to give claimants flexibility when completing them based on their particular circumstances in terms of SOGI, as well as in all other aspects of their lives. Furthermore, the identification of SOGI asylum claimants should lead to the automatic signposting of claimants to relevant groups, in order to ensure that they receive more tailored and effective legal advice and social support. This approach is reflective of a fairer sharing of responsibility amongst all asylum system actors, with asylum officers taking a more pro-active approach to identifying SOGI claimants than is currently the case.

## **2. Access to information and legal assistance (including counselling and representation)**

- Research illustrates that, too often, access to general and specific information and legal assistance is not available to SOGI asylum claimants, owing to the lack of legal advisors in reception facilities or of adequate financial resources. Where legal counselling services are accessible, legal advisors as well as lawyers are not specifically trained on SOGI asylum more often than not (Danisi, Dustin, Ferreira, Held, *Queering Asylum in Europe*, Springer, 2020). This situation risks to damage asylum claimants, especially when wrong advices jeopardise their overall credibility. According to the same research, if members of SOGI minorities receive adequate and specialised legal support before they submit their claims, they are more likely to file well prepared and credible asylum claims, avoiding the likelihood of a refusal and the costs to all parties of going through an appeal. By securing free legal representation even before the screening process, potential claimants will be able to understand the possible grounds on which they can claim asylum and how to prepare their initial claim. In compliance with the right to access an effective asylum procedure (Article 18 CFR), legal representation for SOGI claimants should be not only available, but also compulsory and supported through legal aid from the start of process (including at administrative level and during appeal). This approach extends to ensuring access to legal representatives and to NGOs offering legal advice for claimants living in detention and accommodation centres, as well as at hearings. Where no free legal representation is available at administrative level, then independent legal advice and information by NGOs should be guaranteed. Alternatively, reception staff and accommodation centres' staff should be trained to assist claimants in producing their personal statements, as is the case in the Italian accommodation system, provided that the quality and independence of such support can be ensured. Therefore, regressive measures and systems should be reviewed accordingly, such as in the UK, where reductions across the board in Legal Aid provision have affected SOGI claimants' access to legal advice and representation (even though, asylum is formally an area that remains within the scope of Legal Aid provision), or in Germany (also in relation to appeal).

## **3. Provision of interpretation services (e.g. introduction of innovative methods for interpretation, increase/decrease in the number of languages available, change in qualifications required for interpreters)**

- Research shows that interpretation services, where available, are not provided taking into account SOGI specific needs. For example, in Italy, during the appeal SOGI claimants often need to find an interpreter in case a hearing is scheduled. In other countries, there are still serious concerns related to interpreters' gender, religious beliefs, ethnicity and, more importantly, their sensitivity towards SOGI matters (Danisi, Dustin, Ferreira, Held, *Queering Asylum in Europe*, Springer, 2020). All these factors may have an impact on

the quality of the interpretation and atmosphere of the interview, so great care needs to be taken in the choice of interpreters. Public authorities should be open to also replace interpreters where appropriate (Ferreira et al., 'The reform of the Common European Asylum System: Fifteen recommendations from a Sexual Orientation and Gender Identity Perspective', SOGICA 2018).

#### **4. Dublin procedures (including the organisational framework, practical developments, suspension of transfers to selected countries, detention in the framework of Dublin procedures)**

•◆No data are available on SOGI claimants transferred under the Dublin Regulation currently in force. Yet, qualitative research shows that these transfers have taken place, for instance between Austria/Germany and Italy, even when SOGI claimants show serious health conditions or other needs that cannot be adequately addressed in the country of destination (Danisi, Dustin, Ferreira, Held, Queering Asylum in Europe, Springer, 2020). Current Dublin rules do not prevent claimants from falling into situations of stark uncertainty. No individual guarantees to address SOGI claimants' specific needs are currently asked from destination country's authorities. To address these protection gaps, the pending reform of the Dublin Regulation will need to review the criteria in place for allocation of responsibility to a State for a given asylum claim paying attention to aspects that are more in tune to SOGI claimants' needs and rights, such as family and other personal connections, cultural background, linguistic knowledge and protection of SOGI minorities. If transfers are allowed, the reform will need to require specific individual guarantees, at least in terms of access to adequate health care and specific accommodation solutions, when SOGI asylum claimants have to be moved from one State to another.

#### **5. Special procedures (including border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads)**

•◆Accelerated procedures, including border or prioritised procedures, have proved particularly problematic for SOGI minorities, whose cases are recognised as being complex and in need of thorough preparation and consideration. This is demonstrated by judicial developments taking place in the UK in 2019. In 2013, before the UK courts ruled that the 'Fast track detention' process was unlawful causing its suspension, a woman applied for asylum for fear of persecution owing to her sexual orientation while she was in detention, but her application was rejected. As a result, she was returned to Uganda, where she was also raped. In 2019, after six years, the England and Wales High Court held that the woman must be brought back to the UK to have her asylum claim fairly heard. It recognised that she required a longer timeframe to obtain relevant evidence in light of the complexity of her case [PN v Secretary of State for the Home Department [2019] EWHC 1616 (Admin)]. It is suggested that these procedures, including those based on the concept of 'safe country' of origin, should not apply to SOGI claimants. It is therefore regrettable that, always in 2019, Italy has introduced in its legal order a first list of 13 'safe countries of origin' in order to accelerate the evaluation of claims of claimants coming from countries such as Algeria, Morocco, Tunisia, Ghana and Senegal. This development neglects that even countries with a generally good human rights record may be unsafe for SOGI minorities (Ferreira et al., 'The reform of the Common European Asylum System: Fifteen recommendations from a Sexual Orientation and Gender Identity Perspective', SOGICA 2018) (e.g, for a case involving Morocco, see below the Belgian Council of Alien Law Litigation, 24 April 2019, decision no. 220.190).

#### **6. Reception of applicants for international protection (including information on reception capacities – increase/decrease/stable, material reception conditions - housing, food, clothing and financial support, contingency planning in reception, access to the labour market and vocational training, medical care, schooling and education, residence and freedom of movement)**

- Recent research confirms that SOGI claimants have specific needs in terms of accommodation (Danisi, Dustin, Ferreira, Held, *Queering Asylum in Europe*, Springer, 2020). Yet, the provision of SOGI-specific accommodation is not required by the current Reception Directive (Ferreira, 'Reforming the Common European Asylum System: enough rainbow for queer asylum seekers?', GenIUS 2018). Local NGOs in some EU member States have tried to fill this gap by setting up specific accommodation centres for lesbian, gay, bisexual or transgender (LGBT) claimants. In 2019 a new accommodation – Casa Caterina – entirely dedicated to transgender asylum claimants was opened in Bologna (Italy), thanks to the cooperation between a local transgender association (MIT) and institutional as well as other non-institutional actors. Given the positive experiences of SOGI asylum claimants in these accommodation centres, where discrimination and harassment on SOGI grounds can be easily avoided while specific needs can be adequately addressed, it is recommended that SOGI-specific accommodation should be made available across EU. Such accommodation facilities need to be discreet, of small scale, and only used upon confirmation that the claimants in question prefer it to general asylum or refugee accommodation, to ensure the safety and self-determination of the claimants. They should guarantee privacy, including in shared toilet and bathroom areas, and, when not managed by public entities, should not be contracted out to organisations that reflect conservative or religious values, where there is a risk that SOGI claimants will feel coerced to stay 'in the closet'. To avoid social isolation, this kind of accommodation should be set up in areas, like larger cities, where SOGI claimants may access appropriate information, support groups and social activities. At the same time, in 'camp-style' accommodation, which should eventually be discontinued where it still exists, the incidence of harassment, bullying and violence on SOGI grounds should be monitored and reduced. To this end, relevant accommodation facilities should support training and events led by relevant organisations to raise awareness of SOGI equality and rights.
- In 2019 in Italy, following the adoption of Decree Law no. 113/2018, the – SPRAR – reception system in place has been transformed in a more limited reception mechanism dedicated only to people beneficiary of international protection and unaccompanied minors, thus depriving people still in the asylum process to be hosted in its facilities and to access its services. For example, the provision of vocational training and integration initiatives, including language courses, for asylum claimants that existed under the former SPRAR system have been abolished. While this development is regrettable, it is suggested that, given that access to the labour market is essential, reception centres and accommodation facilities in all EU member States should play a greater role by facilitating the search of employment opportunities as well as path of integration and labour specialisation. Broader employment policies should sustain these efforts, including through the creation of part-time jobs and 'mini jobs' to allow claimants and refugees to gradually integrate into the labour market and provide them with an independent income. Such efforts would help asylum claimants and refugees to avoid exploitation, which was reported also by SOGI claimants employed, among others, in agriculture (Danisi, Dustin, Ferreira, Held, *Queering Asylum in Europe*, Springer, 2020).
- Recent research also shows that access to health services is still problematic for SOGI asylum claimants and refugees (Danisi, Dustin, Ferreira, Held, *Queering Asylum in Europe*, Springer, 2020). Two particular areas of healthcare must be more responsive to SOGI asylum claimants' needs: first, mental health; second, hormonal treatment for trans claimants and refugees, including continuity of medical care, confidential treatment of data and respect for claimants' choices to a greater extent. Access to healthcare should be universal, not restricted to emergency provision, include trained staff and interpretation services, to be publicly provided (whether through health insurance schemes or otherwise).

**7. Detention of applicants for international protection (including detention capacity – increase /decrease/stable, practices regarding detention, grounds for detention, alternatives to detention, time limit for detention)**

•◆Also in 2019 of great concern is the UK's continuing detention – without time limit – of asylum claimants, including SOGI minorities. Recent research confirms that SOGI asylum claimants in detention not only experience re-traumatisation, they also often experience difficulties in accessing the information and advice they need to make their claim (Danisi, Dustin, Ferreira, Held, Queering Asylum in Europe, Springer, 2020).

## **8. Procedures at first instance (including relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, determination of international protection status, decisionmaking, timeframes, case management - including backlog management)**

- Research shows that procedures at first instance do not consistently address SOGI claimants' specific needs. With the exclusion of a few local good practices in some EU States, it found a general lack of trained staff on SOGI asylum as well as intimidating and not empathic attitudes within decision-makers, who still adopt lines of questioning that are still excessively sexualised, intrusive of SOGI claimants' privacy and dignity and, often, assume the claimant's lack of credibility as starting point. Even where, like in the UK, there is relatively good guidance on SOGI decision-making provided by the Home Office, it is inconsistently applied (Danisi, Dustin, Ferreira, Held, Queering Asylum in Europe, Springer, 2020). To ensure the necessary improvement across EU for fair asylum procedures, it is suggested to ensure that decision-makers have appropriate academic and professional qualifications and, once selected, receive a minimum level of training in SOGI asylum – including not only asylum law and policy, but also more general matters such as equality and unconscious bias – and undergo a period of shadowing before making decisions autonomously on asylum claims. The interview environment needs to be considerably improved to create an atmosphere conducive to open disclosure by SOGI claimants and to develop the trusting relationships, for example by carrying out interviews in a private setting and by emphasising that confidentiality is respected by the interviewer and also by any interpreter or third part present. Considering some existing good practices identified by the same SOGICA research, it is important to allow supporters to be present at interviews to reduce the power imbalances that still characterise asylum interviews. Equally, decision-makers should be more open to hearing individual accounts and their interviewing technique needs to be made less intimidating and to include an open line of questioning in SOGI cases. Eurocentric perceptions and stereotypes on sexual minorities should be avoided when decision-makers judge SOGI claimants' circumstances (see below the Italian Court of Appeal of Brescia, judgment no. 1350/2019). By moving away from the range of prejudices still used regarding SOGI, such as the belief that proving SOGI depends on having a partner, decision-makers are strongly recommended to analyse evidence – particularly the personal testimony – submitted by claimants more carefully, without any sort of bias and in a manner consistent with the relevant COI (see below the Finnish Supreme Administrative Court, KHO:2019:99, 2019, for which 'definitions of sexual orientation and gender identity are unique to each individual and cannot be assessed using generalised concepts'). In addition, negative assessments of credibility need to be better justified by making appropriate use of COI.
- Recent research also reports that SOGI claimants' requests to change interviewer – in terms of gender or other personal characteristics – are rarely met (Danisi, Dustin, Ferreira, Held, Queering Asylum in Europe, Springer, 2020). SOGI claimants should be able to ask for a different interviewer, namely on grounds of religious belief and ethnic or national origin, where the interviewer's identity is likely to inhibit the claimant in responding. It is suggested that, under certain limited circumstances and without breaching equality principles or law, the replacement of an interviewer to facilitate more open testimony should be allowed.
- According to recent data, SOGI asylum cases are still decided inappropriately across Europe, at least in terms of Refugee Convention's grounds, of standard of proof and of burden of proof (Danisi, Dustin, Ferreira, Held, Queering Asylum in Europe, Springer, 2020). We recommend that decision-makers need to consider grounds for claiming SOGI asylum besides membership of PSG, such as political or religious belief. Recognition of the multiple and intersecting grounds for claiming protection would better recognise the many factors and identities that are the basis for SOGI persecution. When a membership of a SOGI minority

should be nonetheless established, it needs to be done in the light of two key points: first, the recognition that 'objectively proving' a claimant's SOGI is an impossible task; second, actual membership of a PSG is secondary, as perceived membership is the relevant issue (see below the Italian Court of Appeal of Trieste, decision no. 541/2019). Decision-makers must be also made aware that the applicable standard of proof is only to a 'reasonable degree' and to take far more seriously than at present the principle of the benefit of the doubt. Finally, in order to respect the claimants' sense of personhood and autonomy, self-identification should be the default position in any SOGI case determination; the burden of proof should then be on the authorities to find appropriate evidence negating the claimed SOGI (as at second instance, see below).

## **9. Procedures at second instance (including organisation of the process, hearings, written procedures, timeframes, case management - including backlog management)**

- Also in relation to procedures at second instance, research shows that these are far from being SOGI-friendly in light of the lack of general (asylum) and specific (SOGI asylum) training of judges, of disproportionate time to reach a final decision, of intimidating conduct of the hearings and of biased and stereotyped approach to decision-making (Danisi, Dustin, Ferreira, Held, *Queering Asylum in Europe*, Springer, 2020). Improvements are therefore required to the environment in which hearings take place. There needs to be greater consistency in the way that judges treat claimants: they should always be respectful, demonstrate cultural sensitivity, and use the pronouns preferred by the claimants. All judicial authorities should develop a code of conduct that encompasses rules on these matters, with a focus on equality, diversity and fairness, similar to the UK Equal Treatment Bench Book. There must also be measures in place, such as induction and training, to ensure that all judges are familiar with and apply such codes. In terms of procedures, the recent position of the Italian Supreme Court on the obligation of judges to actively support SOGI claimants in gathering evidence before rejecting their appeal is particularly welcomed (see below Supreme Court, judgment no. 267/2020).
- A question of particular importance in the Italian context is the removal of the asylum claimants' entitlement to be heard in person (Decree Law no. 13/2017, converted into Law no. 46, 13 April 2017, so-called 'Decreto Minniti'). This is no longer a statutory obligation, and only happens when the judge decides, autonomously or upon the legal representative's request, to hear the claimant rather than simply relying on the recording of the claimant's interview with the first instance decision-maker (Commissione Territoriale). This new system prevents the judge from requesting clarification and eliciting further information directly, and risks depersonalising the asylum claimant in the eyes of the judge. Although data show that some Italian judges always hear SOGI claimants in the belief that these are particularly complex cases (Danisi, Dustin, Ferreira, Held, *Queering Asylum in Europe*, Springer, 2020), we recommend that all judges should hear the claimant in person whenever possible, and especially when the appeal would otherwise be rejected.

## **10. Availability and use of country of origin information (including organisation, methodology, products, databases, fact-finding missions, cooperation between stakeholders)**

- Research shows the lack or the inadequacy of COI insofar SOGI claims are involved. Accurate country of origin information for SOGI minorities is a concern even in countries like the UK, where Country Policy Information are very detailed in comparison to other countries, like Germany or Italy, where the quality of available COI is very poor (Danisi, Dustin, Ferreira, Held, *Queering Asylum in Europe*, Springer, 2020). The quality of COI urgently needs to be improved, there should be more SOGI-specific information available, and similar COI should be available and used more widely throughout the EU. SOGI-specific COI needs to cover a range of aspects related to the legal and social experiences of SOGI minorities and go well beyond broad-brush generalisations about country conditions for all people belonging to sexual and gender minorities, something that can be done also by involving relevant NGOs in claimants' countries of origin in gathering useful data. In parallel, EU member States could explore the possibility of allocating caseloads on the basis of staff members' country-specific understanding, as is already the case in Germany.

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**11. Vulnerable applicants (including definitions, special reception facilities, identification mechanisms/referrals, procedural standards, provision of information, age assessment, legal guardianship and foster care for unaccompanied and separated children)**

•◆ In line with EU asylum law, SOGI claimants do not generally fall within the category of ‘vulnerable’ applicants across Europe. In some countries, only specific groups of people belonging to sexual and gender minorities are considered as such. In the UK, for example, only transgender individuals are specifically recognised as ‘vulnerable’ for detention purposes (Danisi, Dustin, Ferreira, Held, Queering Asylum in Europe, Springer, 2020). In light of the general risk of creating a hierarchy among asylum claimants and of stigmatising whole categories of asylum claimants as somehow lacking in capacity or resourcefulness, it is suggested that the next CEAS reform should avoid the category of vulnerable applicants and confirm the proposed move to the notion of ‘specific needs’. SOGI claimants should be included amongst those likely to have specific needs, which may trigger adaptations to make the asylum system more responsive to SOGI needs, as recommended so far.

**12. Content of protection (including access to social security, social assistance, healthcare, housing and other basic services; integration into the labour market; measures to enhance language skills; measures to improve attainment in schooling and/or the education system and/or vocational training)**

•◆ Recent data show that there are no integration policies or specific, even basic, services in place to address SOGI claimants’ needs across Europe once international protection is granted (Danisi, Dustin, Ferreira, Held, Queering Asylum in Europe, Springer, 2020). It is nonetheless worth noting that a related development took place in Germany in 2019. Introduced in July 2016 as a temporary policy, the German residence obligation legislation requires that individuals, after receiving international protection, and if they rely on State benefits, have to stay for three years in the federal State where their claim was processed or even in an assigned municipality. On 13 May 2019, the German Parliament (Bundestag) has rendered this residence obligation (‘Wohnsitzauflage’) an indefinite policy. During the parliamentary debate, it was argued that this policy has proven to be successful for integration. It is suggested instead that, with this regulation, Germany is reducing the choices of refugees and further increasing their social isolation, especially for people claiming asylum on SOGI grounds.

**13. Return of former applicants for international protection**

•◆ Nothing to report.

**14. Resettlement and humanitarian admission programmes (including EU Joint Resettlement Programme, national resettlement programme (UNHCR), National Humanitarian Admission Programme, private sponsorship programmes/schemes and ad hoc special programmes)**

•◆ See above, answer to question no. 1.

## 15. Relocation (ad hoc, emergency relocation; developments in activities organised under national schemes or on a bilateral basis)

- Nothing to report.

## 16. National jurisprudence on international protection in 2019 (please include a link to the relevant case law and/or submit cases to the [EASO Case Law Database](#))

In 2019 the following national jurisprudence has dealt specifically with SOGI asylum (summaries in web pages indicated):

- UK  
BF (Albania) v The Secretary of State for the Home Department [2019] EWCA Civ 1781 (25 October 2019) - <http://www.sogica.org/database/bf-albania-v-the-secretary-of-state-for-the-home-department-2019-uk/>
- Italy  
Supreme Court (Corte di Cassazione), decision no. 267/2020 - <http://www.sogica.org/database/supreme-court-judgment-9-january-2020-no-267-italy/>  
Supreme Court (Corte di Cassazione), decision no. 11176/2019 - <http://www.sogica.org/database/supreme-court-23-april-2019-judgment-no-11176-italy/>  
Court of Appeal of Trieste, decision no. 541/2019 - <http://www.sogica.org/database/corte-di-appello-di-trieste-25-july-2019-n-541-italy/>  
Court of Appeal of Brescia, decision no. 1350/2019, <http://www.sogica.org/database/court-of-appeal-of-brescia-judgment-no-1350-2019-italy/>
- Belgium  
Council of Alien Law Litigation, 24 April 2019, decision no. 220.190 - <http://www.sogica.org/database/decision-no-220-190-2019-council-of-alien-law-litigation/>
- Finland  
Finnish Supreme Administrative Court, KHO:2019:99, 2019 - <http://www.sogica.org/database/finnish-supreme-administrative-court-kho201999-2019/>
- Greece  
Piraeus Administrative Court of Appeal, 12 June 2019 - <http://www.sogica.org/database/piraeus-administrative-court-of-appeal-2019/>

## 17. Other important developments in 2019

- Still in 2019 no clear and comprehensive statistics have been released in relation to SOGI claims in EU. Any transparent and accountable asylum system needs to keep and publish rigorous and up-to-date statistics on different types of asylum claims and their outcomes, including SOGI-based claims. Statistics should not only include the number of SOGI claims submitted, but also what grounds are used to refuse or accept them. This would also provide an evidence basis for measuring the successes and shortcomings of SOGI asylum decision-making explored in recent scholarly research (Danisi, Dustin, Ferreira, Held, Queering Asylum in Europe, Springer, 2020). Reasons put forward to avoid the production of such statistics

– for example, confidentiality, costs, data privacy, etc. – remain unconvincing and can be easily addressed. To address the lack of data, the SOGICA project has submitted FOI requests on SOGI asylum in Germany, Italy and the UK to relevant governmental authorities with different degrees of success. The requests were submitted in 2019 and the related answers (or lack of), which contain useful data for the sections above, can be found at [www.sogica.org/en/fieldwork/](http://www.sogica.org/en/fieldwork/).

## References and sources

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### 18. Please provide links to references and sources and/or upload the related material in PDF format

- Whole body of evidence for all points made in this submission can be found in: Danisi, Dustin, Ferreira, Held, *Queering Asylum in Europe: Legal and social experiences of seeking international protection on grounds of sexual orientation and gender identity*, 2020 (Cham: Springer) (forthcoming).
- All references mentioned in this submission are also available at <http://www.sogica.org/en/publications/>; <http://www.sogica.org/en/case-studies/> and <http://www.sogica.org/en/sogica-database/>.

### 19. Feedback or suggestions about the process or format for submissions to the EASO Annual Report

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I accept the provisions of the EASO [Legal and Privacy Statements](#)

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