EU ‘safe country’ rules put trans asylum seekers’ lives at immediate risk

article, asylum, freedom of movement, hate crime

On 10 February, the European Parliament adopted legislation that will have immediate and dangerous consequences for trans people seeking asylum in the European Union.

By creating an EU list of so-called ‘safe countries of origin’ and expanding the ‘safe third country’ concept, the Union risks fast-tracking trans applicants out of protection and back into harm. A country may appear ‘safe’ in overall asylum figures, but those figures often hide the real and targeted dangers faced by trans people.

For trans people, persecution is rarely reflected in general recognition rates. Trans people experience targeted violence and systemic discrimination in far too many countries, and state inaction further puts them at acute risk, including physical assault, sexual violence, arbitrary arrest, persecution and even death, as well as denial of basic rights and protections. Yet under the new rules, nationals of countries deemed safe, including Bangladesh, Colombia, Egypt, Kosovo, India, Morocco and Tunisia, as well as EU candidate countries, in principle, will have their claims channelled into accelerated procedures on the assumption that they are unlikely to be well-founded. Applicants will need to counter this presumption under tight deadlines and with limited legal support.

Evidence from countries considered safe conclusively demonstrates the dangers that trans people face every day. For example, in Georgia, an EU candidate country, LGBTI people face routine harassment, discrimination and violence. In May 2023, 30 men attacked five trans women in Tbilisi, assaulting them, damaging their home and issuing death threats. In September 2024, Kesaria Abramidze, a 37-year-old prominent trans activist, model, actress, and influencer, was murdered in her apartment just one day after the Georgian parliament passed restrictive anti-LGBTI legislation. The law bans same?sex marriage, prohibits public expression or ‘promotion’ of LGBTI identities in education and media, curtails trans-specific healthcare and adoption rights, and allows censorship of gatherings and symbols of LGBTI life. Courts have failed to fully prosecute those responsible for mass anti-LGBTI violence, and the European Court of Human Rights has found that authorities violated activists’ rights by failing to prevent homophobic and transphobic attacks. These incidents reflect entrenched hostility and impunity.

In Türkiye, hate speech and hostility towards LGBTI people have surged, including from MPs who have described LGBTI people as deviant and perverse. Murders of trans women and other hate crimes, particularly in Istanbul, Izmir and Ankara, often do not receive political attention, while media coverage is minimal. The government has been considering a judicial reform bill that would criminalise public expression of LGBTI identities, impose prison sentences for behaviours deemed contrary to biological sex and ‘public morality’, restrict access to trans-specific healthcare and even punish symbolic same?sex union ceremonies, a package widely condemned by TGEU as enabling harassment and legal persecution of LGBTI people. For trans people in such contexts, safety is fragile and protection uncertain.

The expansion of the ‘safe third country’ concept intensifies these risks. Applications may now be declared inadmissible on the basis of transit or an agreement with a third country, even where the applicant has no meaningful connection with it. With no automatic suspensive effect of appeal, meaning that a rejected applicant’s removal is not put on hold automatically while they challenge the decision, trans people may be transferred before their case is properly heard. This exposes trans people to chain refoulement, where they are sent onwards to a

place in which they face the danger of persecution because adequate protection is not available, and to systems that do not protect their rights, where legal safeguards are weak, access to justice is limited, and trans people face violence, discrimination and denial of basic protections. Cooperation between the EU and Tunisia illustrates the danger: despite documented collective expulsions, torture, ill treatment, and obstruction of asylum procedures, Tunisia is treated as a partner on migration control. Gay men and trans women in Tunisia face arrests and prosecution under laws criminalising same-sex relations, alongside widespread violence and discrimination. Sending trans applicants to Tunisia under this regime would put them in grave danger.

This legislation prioritises procedural efficiency over human dignity, externalises Europe's responsibility for protection, and shifts burdens onto countries with well-documented human rights concerns. Trans people seeking safety are not statistics, and their lives cannot be reduced to a presumption attached to a passport.

TGEU will continue to engage with the European Commission and Member States to document the impact of these measures on trans applicants, flag evidence of harm, and call for the suspension mechanisms in the legislation to be activated where countries or categories of persons are not safe in practice. We remain committed to defending the right of every trans person seeking asylum to an individual, fair and thorough assessment of their claim, and to ensuring that no one is returned to persecution under the guise of efficiency.

Your support makes change possible

We work across Europe and Central Asia to advance trans rights, build strong communities, and drive change through research, advocacy, and community-building.

Your donation helps us continue this vital work — defending trans lives, amplifying trans voices, and advocating for justice every day.

donate now