Fortress Europe: Reform to EU Asylum Pact Will Harm Trans Refugees

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This weekend, EU Member States will attend an emergency meeting at the EU Council in Brussels. This meeting is expected to unblock the problematic Asylum Procedure Regulation (APR) and Asylum and Migration Management Regulation (RAMM). Both pieces of proposed legislation pose significant risks to trans asylum seekers and refugees. We are particularly worried about an uptick in two issues with border Member States:

- Increased illegal pushbacks
- Loss of transparency in 'agreements' with third countries.

As a so-called EU 'solidarity mechanism', this fails. It will only allow Member States to buy themselves out of receiving asylum seekers.

What's in the proposals?

We are particularly concerned over the proposed extension of the Safe Country of Origin List. It will deteriorate the chance to a fair procedure for trans, gender diverse, and LBI asylum seekers. This lowers the chance of a successful claim.

Member States will also have increased discretion over which countries are safe to return individuals to. Paired with the EU's own efforts to strike agreements with third countries, the EU will soon be surrounded by so-called 'safe' countries. This will facilitate more deportation. For trans and gender diverse asylum seekers, this often means deportation back to a country where they fear for their life or safety.

The EU and Member States are particularly courting North-African countries. Many refugees leave these countries by boat to cross the Mediterranean Sea. Among them are Morocco, Algeria, Libya, Egypt, and Tunisia. All criminalise homosexuality. They do not provide protection against hate crimes. None of them allow legal gender recognition. This means trans people from these countries will only hold papers with their deadname and assigned sex. Legalising and facilitating deportations to these countries is dangerous. Trans people will face state-sponsored transphobic persecution and prison.

Furthermore, the proposed Programmes on Relocation and Resettlement lacks vital protections. Trans asylum seekers and refugees are not included as a vulnerable group. This leaves them at higher risk of discrimination and mistreatment in the asylum application process.

All of this endangers the safety and wellbeing of trans asylum seekers and refugees.

The proposed restrictions will limit or deny:

- Access to a fair process
- Protection schemes
- Successful asylum claims

What’s next?

Current legislation already makes it difficult for trans asylum seekers and refugees to have their unique needs met. This hard move to the right will only make things worse.

The proposed reform undermines the international human rights obligations of the EU Member States. It is counter to the self-proclaimed “Union of Equality and LGBT Freedom Zone”. We call on the EU Parliament to reject these plans.