# Trans asylum seekers face grave danger under new EU Return Regulation

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**The European Parliament's adoption of the Return Regulation on 26 March 2026 marks a dangerous turning point in the European Union's approach to migration. It places enforcement above protection and expediency above fundamental rights. For trans asylum seekers, this is not simply another restrictive policy, it is a direct threat to life, dignity and safety.**

Across civil society, there is a near-universal alarm. The Regulation expands detention, weakens procedural safeguards and accelerates removals, all while enabling deportations to third countries such as Albania and Tunisia, where arrangements already exist, and to countries such as Morocco and Egypt, which the EU has recently designated as 'safe' countries of origin. It signals a broader political shift, one in which deterrence, detention and deportation are no longer exceptional measures but central pillars of EU migration policy. In this shift, those already at the margins are pushed further into harm.

Trans applicants of international protection exist at the intersection of multiple, compounding vulnerabilities. Many flee targeted persecution, criminalisation and systemic violence in their countries of origin. Yet under this Regulation, they risk being funnelled into a system that reproduces those same harms through prolonged detention, legal uncertainty and removal to so-called 'return hubs' in countries such as Tunisia, where recent patterns of repression are stark. Between late 2024 and early 2025, at least 84 LGBTI people were arrested across Tunis, Sousse and Sfax. This was followed by a further 71 arrests reported by the Tunisian NGO Damj later in 2025, the majority involving trans women. These are not environments in which safety can be presumed.

Detention is not a neutral administrative tool. For trans asylum seekers, it is frequently a site of abuse. Placement in gender-segregated facilities based on legal or assigned gender exposes trans applicants of international protection to harassment, assault and severe psychological distress. The expansion and normalisation of detention under this Regulation will inevitably deepen these harms.

The introduction of third-country return mechanisms raises equally grave concerns. Deportations to countries that do not guarantee the rights and safety of LGBTI people risk placing trans asylum seekers in environments where discrimination is systemic and violence is widespread. For example, Albania, which is under consideration as a location for return hubs, has become a critical battleground for trans rights as it navigates EU accession pressures alongside an increasingly vocal anti-gender movement. While certain legal protections have been introduced, they are being actively undermined by coordinated disinformation and legislative efforts aimed at erasing trans identities. The Aleanca LGBT (Alliance Against Discrimination of LGBT) indicates that 45% of LGBTI respondents reported experiencing violence or discrimination in 2024, a trend that has persisted into 2025.

At the same time, weakened safeguards and reduced suspensive effects of appeals increase the likelihood of wrongful returns. For trans applicants of international protection, whose claims are already too often mishandled, this risk is compounded by the broader direction of the Common European Asylum System reforms adopted in 2024, including the Screening Regulation, which prioritises speed over careful and individualised examination of protection needs. The result is a system in which errors are more likely and the consequences far more severe.

TGEU will continue to work with the European Commission, the European Parliament, Member States, the EU

asylum agency and civil society to monitor the real-world impact of these measures, document threats to trans applicants, highlight instances of harm, and push for mechanisms within the legislation to pause or review removals where safety cannot be guaranteed. We are committed to ensuring that trans people seeking asylum are treated with attention, fairness and legal rigour and that no one is returned to persecution under the guise of administrative efficiency.

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