

WHAT YOU NEED TO KNOW BEFORE APPLYING FOR ASYLUM BASED ON GENDER IDENTITY

SUPPORT GUIDE /// Every Number Has a Face

64

countries still criminalize gender identity
and sexual orientation.

In 12 of them, the penalty can be death.

37

countries worldwide formally recognize
asylum on the basis of gender identity.

A WORD BEFORE WE BEGIN

We know how much persecution can instill fear in your daily life. We understand that the decision to leave everything behind is not a choice, but a matter of survival—and when your very identity becomes a "crime" punishable by imprisonment or even death, quality information can mean the difference between life and death.

However, the immigration system is cold and bureaucratic. This guide was written to help you. It is not a substitute for a lawyer, but it will guide you through these first steps so that you can significantly increase your chances of success.

64 countries criminalize homosexuality and gender identity (2024)

— FairPlanet / ILGA World, 2024

12 countries where the penalty may be death.

— ECPM / ILGA World, 2025

If you come from one of these places, asylum is not a favor you are asking of another country. It is a right of yours, protected by international law.

This guide is organized into six sections: where to seek asylum, how the process works, what can make or break your application, how to keep evidence safe, where to seek immediate help, and a visual map of destination countries.



Every Number Has a Face.

WHERE TO SEEK ASYLUM

Only 37 countries in the world formally recognize in their legislation or immigration policies that persecution based on sexual orientation or gender identity is a valid reason to grant asylum. If you go to a country that is not on this list, you risk being deported back to danger.

AMERICAS

Canada

IRCC / Immigration and Refugee Board

Brazil [△]

CONARE — see note below

Chile

Departamento de Extranjería

Ecuador

Dirección de Refugio

Honduras

Instituto Nacional de Migración

Nicaragua

Dir. General de Migración

Paraguay

CONARE

Venezuela

CONARE

EUROPE

Germany

BAMF

Spain

OAR

Italy

Comissione Territoriale

Ireland

IPO

Norway

UDI

Denmark

Udlændingestyrelsen

Netherlands

IND

Austria

BFA

Czech Rep.

OAMP

Liechtenstein

APA

Montenegro

Asylum Directorate

United States

USCIS

Argentina

CONARE

Costa Rica

Dir. General de Migración

El Salvador

CODER

Mexico

COMAR

Panama

ONPAR

Uruguay

CORE

United Kingdom

Home Office

France

OFPRA

Portugal

SEF / AIMA

Sweden [△]

Migrationsverket — see note below

Finland

Migri

Belgium

CGVS / CGRA

Switzerland

SEM

Bulgaria

SAR

Kosovo

DCAM

North Macedonia

SRA

Romania

IGI

AFRICA & OCEANIA

South Africa

Dept. of Home Affairs

Uganda

Office of the Prime Minister

Australia

Dept. of Home Affairs

Kenya

Refugee Affairs Secretariat

South Sudan

CRA

New Zealand

Immigration New Zealand

BEFORE CHOOSING YOUR DESTINATION: READ CAREFULLY

The list above shows the countries where the law allows asylum applications based on gender identity. But the law and reality do not always coincide. Two countries on this list require special attention before making any decision.

! ATTENTION — SWEDEN

96% of LGBTQI+ applications were rejected — including documented illegal deportations.

Despite scoring 68% on the 2026 Rainbow Map for LGBTI rights, Sweden rejected 96% of asylum applications based on sexual orientation and gender identity between 2020 and 2023. An investigation by RFSL (2024) documented that immigration authorities illegally require applicants to prove "self-hatred" to appear credible, and deport people to countries where they face death. Consult Rainbow Migration or RFSL before choosing Sweden as a destination. Source: RFSL, 2024.

! ATTENTION — BRAZIL

1 trans person murdered every 3 days — the country with the most trans deaths in the world.

Brazil formally recognizes asylum based on gender identity and CONARE is active. However, Brazil is the country with the highest number of murders of trans and travesti people in the world: at least 145 deaths in 2023, one every 3 days, according to ANTRA. Most victims are Black trans women under 35. If you consider Brazil as a destination, carefully evaluate the regional context and seek support from local organizations before making a decision. Source: ANTRA, 2024.

For all countries on this list, we strongly recommend consulting a specialized organization before choosing your destination. Contacts are on page 8 of this manual.

THE PROCESS: WHAT WILL HAPPEN TO YOU

1

ARRIVAL AND APPLICATION

As soon as you arrive at the border or airport of the safe country, immediately tell an officer:

"I am afraid to return to my country and I want to apply for asylum."

Do not lie about your reasons. Telling the truth from the first minute is your best defense.

2

THE SCREENING INTERVIEW

This interview usually happens on the same day of arrival at the border, or in the following days if you are already inside the country. It lasts between 30 minutes and 2 hours.

What will happen: you will be photographed and fingerprinted. An officer will ask your name, country of origin, how you arrived, and why you are afraid to return.

You have the right to a free interpreter. You can ask for the interviewer to be a woman (or a man). At the end, keep the copy of the transcript—it will be used in later stages.

What to bring: any identity document. If you have nothing, do not give up—you can still apply for asylum.

3

CASE PREPARATION AND THE LAWYER

After screening, the longest and most important phase begins.

When to look for a lawyer? Immediately. Ideally before the merit interview.

WHAT IS THE MERIT INTERVIEW? It is different from screening. It is the main hearing—the one that will decide your case. A judge will hear your whole story in detail. It can last 2 to 6 hours. Having a lawyer before this interview is not a luxury—it is the difference between winning and losing.

4

THE DECISION: HOW LONG WILL IT TAKE?

Times vary greatly by country. During the wait, you generally have the right to temporary housing, access to healthcare, and, in many countries, to work.

Country	Average time to decision
Canada	44 months on average (2025)
United States	6–12 months for interview; decision can take years
United Kingdom	Majority receive decision in 6 months (2025)
Germany	6 to 18 months on average
Europe (average)	30% approval rate in 1st instance

WHAT CAN SAVE YOUR APPLICATION

5x

more likely to win asylum are people with legal representation, compared to those who try alone.

— American Immigration Council, 2016

1. HAVE A LAWYER

A lawyer knows what the judge wants to hear. They know how to organize your documents and how to protect you from abusive questions. Never go to a hearing alone if you can avoid it. See the contact list at the end of this manual to find free lawyers.

2. HAVE CONCRETE EVIDENCE

It is not enough to say "I am gay" or "I am trans". The judge will ask for proof. Examples of what to keep:

- > **Hate messages**
Screenshots of WhatsApp, Facebook, or Instagram where people threaten you with death or assault because of your identity.
- > **Police reports**
Any police record of assaults you suffered. If the police themselves assaulted you, your lawyer's report will serve as proof.
- > **Medical reports**
Hospital or doctor papers showing you were treated after physical assault or sexual violence.
- > **Photographs**
Photos of you with partners, or participating in LGBTQI+ events—even secret ones—that prove your identity.
- > **Witness letters**
Letters written and signed by friends, partners, or community leaders confirming your story.

THE PARADOX OF DANGER: HOW TO KEEP EVIDENCE SAFE

The messages and photos that will save you in the destination country are the same ones that could put you in jail—or worse—if the police in your country find them on your phone while you try to flee.

1. Do not travel with evidence saved in your phone's memory.
2. Create a secure email account (like ProtonMail) or a cloud (like Google Drive with a strong password).
3. Send all photos, screenshots, and documents to that cloud.
4. Delete everything from your phone. Delete dating apps (Tinder, Grindr). Clear your messages.
5. When you arrive in the safe country, access the cloud and give everything to your lawyer.

WHAT CAN DESTROY YOUR APPLICATION

Avoid these three fatal mistakes that destroy thousands of asylum applications every year.

ERROR 1 — MISSING THE ONE-YEAR DEADLINE

In countries like the United States, you have exactly one year from the day you stepped into the country to file your asylum application. If you wait 366 days, your application will be denied almost automatically. Do not wait. Ask for help immediately.

ERROR 2 — LYING OR INVENTING DETAILS

The immigration system is trained to find lies. If you don't remember an exact date because you were traumatized, say: "I don't remember because of the trauma". That is acceptable. Inventing a date and then contradicting yourself will make the judge think your whole story is false.

ERROR 3 — HIDING THE TRUTH OUT OF SHAME

Many people apply for asylum saying they fled for "political problems" because they are ashamed to admit their sexual identity. If you do this, and only later confess the real reason, the judge will not believe you.

WHERE TO ASK FOR HELP: VERIFIED CONTACTS

You are not alone. Keep these contacts. If you can, write to them even before you flee.

Rainbow Railroad

They help get you out of a dangerous country and pay for emergency travel. They've saved over 25,000 people.

✉ info@rainbowrailroad.org

→ www.kin.institute/recursos

Immigration Equality

Free attorneys in the US to advocate for your asylum case. They assist over 750 people per year.

📞 (917) 654-9696 (Mon, Wed 9:30am–5:30pm / Tue 11am–5:30pm)

✉ communications@immigrationequality.org

HIAS

A global organization that protects refugees in various countries around the world.

📞 1-800-HIAS-714 (U.S.)

✉ info@hias.org

Rainbow Migration

Practical and emotional support, as well as legal assistance, for those fleeing to the UK.

📞 +44 0203 752 5801 (UK)

✉ hello@rainbowmigration.org.uk

LGBT Asylum Support NL

Emergency support and protection for those fleeing to the Netherlands.

📞 +31 6 19407030 (NL)

✉ info@lgbtasylumsupport.nl

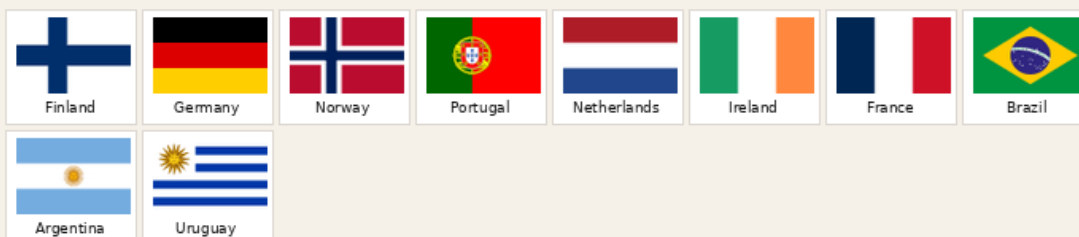
THE COLORS OF DESTINATION

Countries that recognize asylum based on gender identity · Ordered by level of protection

T1 Specific LGBTQI+ programs, binding guidelines, and high approval rates



T2 Inclusive legislation and specific procedures for SOGIESC cases



T3 Established legal recognition, but without dedicated programs



T4 Existing legal protection, but variable social or political environment



CLASSIFICATION CRITERIA

This classification is based on three verified sources: (1) ILGA-Europe's Rainbow Map 2026, which evaluates 49 European countries on 76 LGBTI protection criteria (0% to 100%); (2) existence of specific government programs for LGBTQI+ refugees, such as Canada's Rainbow Refugee Assistance Partnership; and (3) binding guidelines for asylum decision-makers in SOGIESC cases.

TIER 1 — Countries scoring $\geq 85\%$ on the Rainbow Map or with documented dedicated LGBTQI+ resettlement programs.

TIER 2 — Countries scoring between 60% and 84% on the Rainbow Map or with explicitly inclusive asylum legislation.

TIER 3 — Countries with formal legal protection, but without specific programs or with less developed procedures.

TIER 4 — Countries where asylum law includes gender or sexual orientation, but the social, political, or security environment is variable.

ATTENTION: The Rainbow Map score measures internal legal protection, not the asylum approval rate. Example: Sweden scores 68% but rejected 96% of LGBTQI+ applications between 2020-2023, with documented illegal deportations (RFSL, 2024). Brazil recognizes asylum based on gender identity, but is the country with the most murders of trans people in the world: 1 every 3 days (ANTRA, 2024). Always consult a specialized organization before choosing your destination.

REFERENCES AND VERIFIED DATA

- [1] FairPlanet. (2024). Which countries impose the death penalty on gay people?
- [2] Williams Institute. (2022). LGBTQI+ Refugees and Asylum Seekers: A Review of Research.
- [3] Tahirih Justice Center. (2025). Countries that Name Sex/Gender As a Basis for Protection.
- [4] EUAA. (2025). Fact Sheet No 38: LGBTIQ Applicants in Asylum and Reception Systems.
- [5] American Immigration Council. (2016). Access to Counsel in Immigration Court.
- [6] Immigration Equality. (2020). Asylum Manual: The One-Year Filing Deadline.
- [7] Scottish Refugee Council. (2025). Asylum Screening Interview Guide.
- [8] Immigration Equality. (2024). Direct Legal Services — Annual Report.
- [9] Government of Canada / IRB. (2025). Refugee Claim Processing Times.
- [10] UK Home Office / Migration Observatory. (2025). The UK's Asylum Backlog.
- [11] RFSL. (2024). Reasons for Rejection in SOGIESC Asylum Cases in Sweden.
- [12] ANTRA. (2024). Report on Murders of Trans People in Brazil.
- [13] ILGA-Europe. (2026). Rainbow Map and Index 2026.

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