

## So much for Dutch tolerance: life as an LGBT asylum seeker in the Netherlands

July 3, 2017 11.37am BST



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The minority view ... [Melanie Lemahieu](#)

Aziz is from Kabul in Afghanistan. His boyfriend was murdered by his own family in early 2014. They threatened to kill Aziz too, so he fled. After he arrived at an asylum camp in the Netherlands, the family beat his mother and siblings. He sought asylum claiming he was in fear of his life, but the Dutch authorities rejected the application.

Aziz then discovered he could appeal based on his fear of persecution in Afghanistan for being gay. He was told to gather as much evidence as possible. Yet despite even managing to retrieve documents verifying that a tribal council had approved the boyfriend's family's request to kill him on sight, he was rejected.

The judge doubted his sexuality because it had only been raised after the initial rejection. The judge also dismissed a document from a family member confirming the mortal threat, claiming an Afghan would not help a gay relative in this way.

Aziz is far from alone. According to a report from 2011, approximately 200 people seek asylum in the Netherlands each year fearing persecution either for sexual orientation or gender identity. Across the EU, the report's co-author told me that she roughly estimates there are 10,000 applications per year.

### LGBT asylum explosion

Beyond this, however, we don't know enough: there is no official data on applicants' religious

backgrounds, how they fare or how the numbers are changing over time. One clue to what is happening to the numbers across Europe may be an estimate that LGBT asylum applicants to Belgium nearly tripled between 2009 and 2014.

A 2011 EU directive made persecution for sexual orientation or gender identity valid grounds for asylum – just in time for the dramatic increase in refugees to the continent. With 76 countries criminalising same-sex sexual relations and five applying a death sentence, LGBT asylum applications in Europe are almost certainly surging.

The Netherlands is particularly interesting. As the first country to legalise gay marriage, the Dutch see gender and sexuality as central to a proud progressive history. Amsterdam has long been a global gay capital.

Amsterdam’s famous Gay Pride canal parade. [Kavalenkava](#)

Yet like much of Europe, the past 30 years has seen a resurgence of xenophobic populist nationalism in the Netherlands. Amid continuing waves of migration, notably from former Dutch colonies and Turkey and Morocco, nationalists warn of the threat to the national culture and the country’s liberal tradition, particularly from Muslims.

With more than a million Muslims in a country of 17m, fears about the supposed exceptional homophobia of Muslim migrant communities have ignited a moral panic over “tolerating intolerance” in the past decade. This has been amplified by Europe’s refugee crisis.

Pim Fortuyn crusaded to end immigration of Muslims to the Netherlands [Geert Wilders](#). [EPA](#) until he was killed in 2002. His successor, Geert Wilders, has campaigned to ban the Qur'an and “send Moroccans back”. Many might consider these politicians “far right” and “extremist”, but their Islamophobia has helped shape the public discourse.

Refugees are often met with suspicion, and Muslims in particular are often seen as having loyalties elsewhere that will stop them from assimilating into the (presumed homogenous) “native” population. Yet despite this fear of an emergent “parallel society”, scholars have found it is the majority that tends to isolate itself and treat newcomers with hostility rather than the other way round.

## What’s going on

It is generally understood that a Dutch person’s sexual identity may be fluid. Yet LGBT asylum applicants must often conform to strict stereotypes. Applicants have been rejected for various failings in their “gay performance”, including not being effeminate enough or not participating in a gay scene in their home country. A young Pakistani whom I interviewed was rejected because he did not cite any great personal struggle in “coming out”. The courts said he couldn’t be gay in Pakistan without facing such a struggle.

My research also confirms previous reports that applicants have been denied for not being familiar with homosexuality laws or with LGBT bars in their home country. Others have been rejected for being married to a member of the opposite sex or having children. Similar cases have been recorded across Europe.

I've spoken to Dutch asylum seekers who have been asked during their asylum procedure how they reconcile being LGBT and Muslim. They felt a pressure to disavow their faith and their home country. Would someone of any other faith be asked this question?

A warm welcome? Novikov Aleksey

It is no longer considered appropriate in Europe for an interviewer to ask applicants about their sex lives, as it's deemed an invasion of privacy and an offence against human dignity. But I found they still sometimes do in the Netherlands, often to the great humiliation and confusion of the applicant.

Equally, a “discretion requirement” used to allow asylum rejections if it was decided the individual could safely return home by covering up their sexual orientation or gender identity. This was struck down in 2007, yet my research in the Netherlands shows it still sometimes decides applications.



In short, LGBT people face challenges that are a whole level beyond the great difficulties the rest of asylum applicants go through. If it's this bad in the Netherlands, we urgently need more research into other Western countries.

The last time I was in contact with Aziz in early 2016, he had been sent to a “freedom-restricting location” for asylum seekers awaiting deportation. The only thing keeping him in the country was a rule preventing deportation because the Dutch government considers Afghanistan unsafe for LGBT individuals.

Others will not even enjoy this distressing limbo. Until we recognise the unique difficulties of LGBT applicants, we are simply reinforcing the bigotry that has destroyed their lives back home.

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*This article is part of a series on sustainability and transformation in today's Europe, published in collaboration with EuropeNow Journal and the Council for European Studies (CES) at Columbia University. Each article is based on a paper presented at the 24th International Conference of Europeanists in Glasgow.*

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