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LETTER FROM BERLIN

German deportations ignore risks LGBT asylum seekers face at home

Berlin is 'making a lot of wrong decisions,' say rights lawyers working with gay and trans migrants.



Gay Syrian refugee partners Steve, left, and Auz at the Berlin headquarters of the LSVD, the German Lesbian and Gay Association in 2016

BY MORGAN MEAKER

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BERLIN — Before she fled her home country of Lebanon, Eliana could only find work as an escort. As a trans woman, she faced the constant threat of arrest and torture at Beirut's notorious Hbeish prison.

In Germany, where she applied for asylum in October 2015, Eliana worked at a beauty salon, went to German language classes and wore what she wanted. For the most part, she felt accepted.

That feeling of security was shattered earlier this year, when she received a deportation letter from the Federal Office for Migration and Refugees, known locally by its German acronym, BaMF.

The office had rejected her application for asylum on the grounds that Eliana crossed the Mediterranean from Turkey to Greece as a man and therefore could not be considered trans, despite reports that women regularly suffer sexual abuse on migrant routes to Europe.

For Eliana, who still bears the traces of violence inflicted by family members and acquaintances on her body, the deportation order was a shock. "It was humiliating," she says. "Everything I had been planning and working on fell apart."

In her Berlin apartment, Eliana rolls down a sock to show me the places where her skin is still stained deep purple. In 2012, Eliana's brother found out she was trans and gay, and working as an escort. On the first day of Ramadan, he sent his friends to find her. They beat her in the street.

“ “They are sending people back for reasons that don't reflect the reality in their home country” – *Knud Wechterstein, founder of Rainbow Refugees*

Scrolling through images she took of her injuries, she shows me an image of her foot, ripped open to reveal slashes of raw flesh. Her ribs and hips still cause her pain, she says.

Salma Arzouni, a friend who works at GladT, an organization that supports LGBT asylum seekers, was also surprised by the letter. "Her case was very strong so we didn't expect this decision at all," she said.

Eliana is one of many LGBT asylum seekers in Germany who have received deportation orders telling them to return to countries considered "safe" by the German government — but where their lives are still at risk.

There are no statistics for the number of LGBT asylum seekers who have received deportation orders, but rights groups report that up to 50 percent of their clients' applications have been rejected.

* * *

Germany's decision-making process does not take into account the specific dangers LGBT people face in their home countries, says Knud Wechterstein, founder of Rainbow Refugees in Frankfurt.

"BaMF are making a lot of wrong decisions," he says, leafing through a large binder of letters that explain why his clients — who come from Iraq, Pakistan, Serbia and Iran — were refused the right to stay in Germany. A large part of his work involves helping LGBT asylum seekers appeal their deportation orders.

"They are sending people back for reasons that don't reflect the reality in their home country."





▲ Enena, a lesbian refugee from Syria, participates in a gathering to promote The International Day Against Homophobia, Transphobia and Biphobia on May 17, 2016 in Berlin | Sean Gallup/Getty Images

A BaMF spokesperson says the ministry reviews each case individually, considering refugee protection “if the asylum seeker can credibly show that they would be in danger because of their sexual orientation in their country of origin.”

Asylum applications made by Lebanese nationals, for example, are rarely accepted. According to BaMF statistics, in the first half of 2017, under 12 percent of asylum seekers from Lebanon received positive replies. But members of Lebanon’s LGBT community do not feel safe in their country. A [2017 report](#) by Beirut-based equal rights organization Proud Lebanon details incidents of public and police violence, including arrest, torture and prosecutions on the grounds of sexual orientation.

Officially, Germany only considers a handful of countries — EU member countries, the western Balkans, Ghana and Senegal — as [safe](#). Unofficially, authorities decline to grant asylum to migrants from many other countries, say lawyers and rights groups. And for asylum seekers from [Morocco](#), [Pakistan](#), [Russia](#) and [Tunisia](#) who are gay or trans, the working assumption that their country is “safe” does not match their own experience of institutional or violent persecution. In Tunisia, for example, same-sex relations are punished by up to three years in prison.

“What we see is that LGBT people who don’t come from Syria usually have a lot of difficulties,” says Sabrina Latz, project manager at the [Queer Refugees Network](#) based in the east German city of Leipzig. In 2017 so far, [over 93 percent](#) of Syrian applicants have been granted asylum, compared to 58 percent of Iraqis and 8 percent of Russians.

When the ministry made a U-turn on an asylum case earlier this year, it became clear to Latz that not all BaMF decisions stand up to public scrutiny.

““In Lebanon, animals have more rights than trans women” – *Eliana, a trans woman seeking asylum in Germany*

A 29-year-old gay man from Tunisia who had been forced by police to undergo an anal test — a practice condemned by the UN



January. The Queer Refugees Network – which had supported the man’s case — made the decision public and drummed up support on social media, prompting BaMF to reopen the case. A month later, it reversed its decision and granted the applicant refugee status.

The victory was a rare exception, Latz says, adding that it was not easy to get BaMF to change its mind without consistent public pressure even if the decisions were in large part “not fair” or “humane.”

In a recent case, BaMF officials rejected an Iraqi man’s application on the grounds that he is married to a woman and has three children, and that he could therefore not be considered as gay.

“The asylum process needs BaMF to be more sensitive towards the topic of LGBTI persecution and the situation inside different countries,” Latz says. “Many of our clients are married because they are not able to live openly as gay men in their home countries.”

According to Frankfurt-based migration lawyer Jonathan Leuschner, the gist of German authorities’ argument is often that people are unlikely to face serious persecution in their home countries if they keep their sexual orientation to themselves.

“Yet the European Court of Human Rights has ruled that any such argument poses an infringement on one’s right to the free development of personality,” Leuschner says.

“I recently received a rejection for an LGBTI applicant from Jamaica — a country where homosexuality is punished with up to 10 years in jail — that argued Jamaica does not criminalize homosexuality ‘as such,’ but ‘only’ for sexual intercourse and physical intimacy between men,” Leuschner says. “It is beyond me how one would sustain this differentiation.”

* * *

While BaMF rejected Eliana’s case on the basis that Lebanon is “safe” for her, she is dreading her return to a country where she has to live in fear.

“In Lebanon, animals have more rights than trans women,” she says.

Eliana chose not to appeal her deportation decision, a process that can take years. “I’ve already lost two years of my life, I can’t wait two more,” she says.

Her friends tried to persuade her to stay, but the deportation order changed her perception of German hospitality. “I would rather live on the street than be humiliated here.”



▲ Homosexual Syrian migrants Steve, Auz and Enana in Berlin in 2016
| Tobias Schwarz/AFP via Getty Images



▲ Omar, a 20-year-old Syrian refugee and gay, in Aalsmeer, the Netherlands, in 2016 | Emmanuel Dunand/AFP via Getty Images

Morgan Meaker is a freelance human rights journalist covering minorities in Europe and the Middle East.

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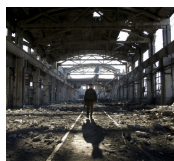
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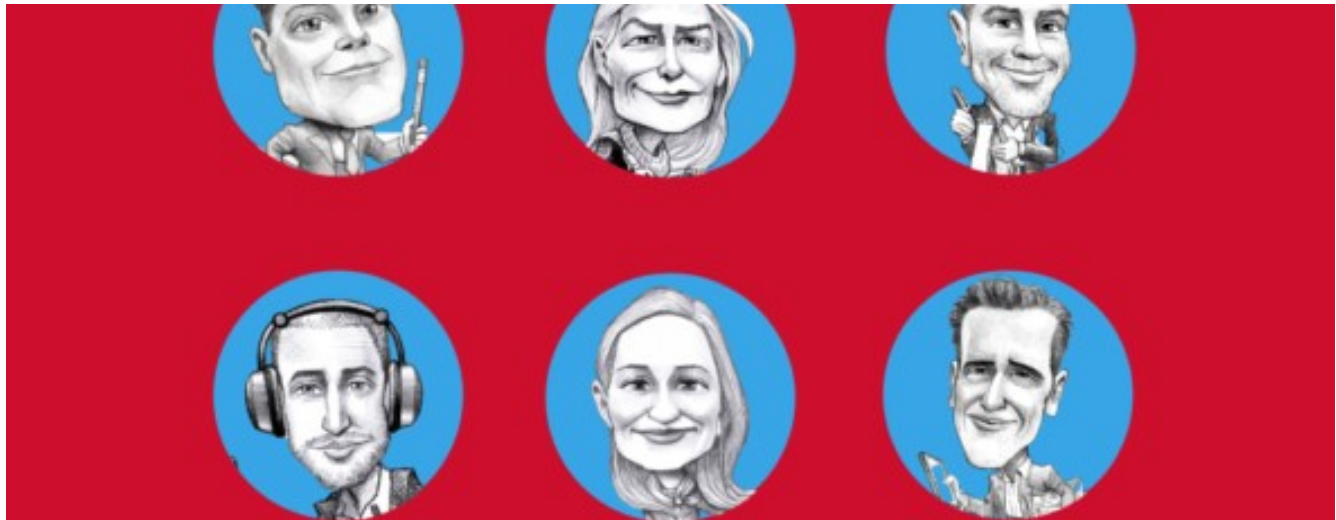
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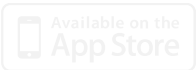
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