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FROM PERSECUTION TO PROTECTION: THE LEGAL LANDSCAPE FOR LGBTQ+ MIGRANTS WORLDWIDE.

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Abstract: -

This article sheds light on the unique challenges related to migration faced by the LGBTQ+ community. Through a comprehensive analysis of global migration policies, asylum procedures, the experiences of LGBTQ migrants, and the futuristic Indian perspective, this piece aims to contribute to a deeper understanding of the current state of affairs and advocate for more inclusive legal frameworks. Safeguarding the migration rights of LGBTQ+ individuals is a moral obligation towards the society and the international community. This will start by acknowledging the challenges and implementing policies and laws that will respect the dignity and rights of all individuals, not considering their gender and migration status. For LGBTQ individuals, the migration laws often add a layer of complexity, as they may be discriminated due to their gender identity. This article explores how migration laws impact the lives of LGBTQ migrants and examines both the progress that has been made and the persistent challenges that remain. It explores and advocates the legal, social, economic, and psychological aspects of inclusive agendas that uphold the fundamental and human rights of LGBTQ migrants.

Further, it also talks about the emigration of LGBTQ+ people from India. A comparative study of various nations is presented, along with the need for global cooperation in addressing the LGBTQ+ refugee crisis.

Keywords: Human rights violation, Indian LGBTQ emigrants, refugee protection, sexual orientation, queer community refugee.

Review of Literature

A comprehensive review of literature on this topic provides an insightful analysis of the global legal challenges faced by LGBTQ+ migrants. It explores the evolving legal frameworks, human

rights protections, and the varying degrees of acceptance and persecution experienced by LGBTQ+ individuals as they migrate across different regions. It discusses the impact of these legal landscapes on the lives of LGBTQ+ migrants, examining how legal protections or lack thereof shape their experiences and influence their decision to seek asylum or migrate to more inclusive environments. The effectiveness of international and national legal instruments in safeguarding the rights of LGBTQ+ migrants could be a central focus, with an eye towards shedding light on areas for improvement and future research.

Introduction: -

The legal landscape of migrants worldwide is dynamic and complex, that is covered by international, national, and regional laws. It deals with a varied range of issues, including immigration, asylum, refugee status, and human rights. Countries generally have different policies governing and looking after the entry, stay, and rights of migrants, while international agreements such as the Geneva Convention establish principles for refugee protection.

Similarly, the legal landscape for LGBTQ migrants is marked by a diverse set of challenges. This involves and entails navigating and negotiating immigration and asylum policies with considerations for sexual orientation and gender identity. While some nations have witnessed remarkable progress in recognizing LGBTQ rights, others present significant obstacles, including discrimination and discriminatory laws and societal attitudes. International organizations and treaties, such as the UN Refugee Convention, play a role in safeguarding the rights of LGBTQ migrants. The necessity for complex legal frameworks that guarantee inclusivity and protection for this vulnerable group is highlighted by the intersectionality of migration, sexual orientation, and gender identity. Additionally, debates about policies regarding immigration, border control, and social integration contribute to the emerging legal framework, making it a very important aspect of global governance and human rights discourse.

For a long time now, the human rights of LGBTQ+ migrants have been an under-studied area, which requires sincere attention from all the nations. With the increase in voluntary migration of LGBTQ+ people each year, migration remains to be that feature of the modern world, which is set to continue.

LGBTQ Migrants worldwide: -

The legal rights and protections for LGBTQ migrants are different worldwide. There are few countries that made significant progress and advancement in recognizing and defending the rights of LGBTQ individuals, while the rest of the world may have more conservative or restrictive policies.

In the nations that are more progressive in nature, the LGBTQ migrants may witness legal protections against discrimination, and their rights may be compared with the non-LGBTQ migrants. In some specific regions, LGBTQ individuals, also the LGBTQ migrant, may face challenges and obstacles that are related to discrimination, persecution, or lack of legal recognition.

Past instances of persecution and discrimination against

LGBTQ migrants: -

The mistreatment of LGBTQ+ people go far beyond discrimination and remains a major concern for their persecution. Migration has often become a survival strategy for those who wanted a more accepting and tolerant environment. The criminalization of homosexuality in many countries has forced LGBTQ individuals to migrate. The Migration helps reduce persecution in the form of legal penalties, social ostracization, violence, and threat of death. This leads to their social isolation. Migration allows them to find more accepting environments where they can freely express their identities without fear of reprisal, a more supportive legal environment and a respectable social identity.

At present, homosexuality is still considered illegal in as many as 64 countries. In 2023, a new law issued by the Ugandan government stipulates a 20-year prison term for the "promotion of homosexuality," which may include organizations that support the rights of LGBTQ+ individuals. A Taliban judge in Afghanistan declared that homosexual men need to be punished by being thrown onto a wall or stoned to death. "LGBT people are sometimes subjected to harassment, beatings and assaults, sexual violence and rape, torture, blackmail and extortion," according to police in Nigeria. Same-sex relationships between men are illegal in Pakistan. Gay males who engage in same-sex relationships in Iran face punishments that "range from flogging to the death penalty."

These instances show why LGBTQ+ community people prefer to travel to countries with less stringent laws on homosexuality or that embrace homosexuality like any other. They move out and leave their homeland just in search of some basic human rights and equal treatment. Even the asylum policy provided in many countries hardly considers the specific and different needs of the LGBTQ+ people who seek asylum.

Human rights conventions, laws and treaties: -

LGBTQ Migrants with different and varied Sexual Orientation are safeguarded under laws relating to International human rights through covenants, laws and treaties which co-relate to their SOGIESC that is Sexual Orientation, Gender Identity, Gender Expression, and Sex Characteristics and their status of migration. International Bill of Rights Protection relating to SOGIESC is generally available in the International Bill of Rights that comprising the treaties of The Universal Declaration of Human Rights; The International Covenant on Civil and Political Rights; & The International Covenant on Economic, Social and Cultural Rights. The prior mentioned conventions are legally bound and state signatories that are obligated towards reforming their domestic laws to line up with their international legal commitments. Convention on Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Convention on the Elimination of All Forms of Racial Discrimination are the other conventions that offer with varied Gender Identity sex characteristics. The Council of Europe and The Organization of American States, are examples of some of the regional organizations that have pledged their commitment to safeguard and enhance the quality and rights of LGBTQ+ people.

Some human rights experts introduced the Yogyakarta Principles which are a set of international guidelines, that correspond to the sexual orientation of people. In response to the lack of coherence in the various international human rights law frameworks for people with diverse SOGIESC. The Yogyakarta Principles which were released in 2007, act as a global framework for the human rights of LGBTQ+ individuals. Not like an international treaty, the principles are a soft law tool and do not, by them, constitute a legally binding mechanism for human rights.¹ Nonetheless, all signatory states are required to abide by the legally binding international conventions and standards as stated in the Yogyakarta Principles. Regarding the safeguarding of

¹ UN Women uses both “LGBTIQ+” and “diverse SOGIESC” where appropriate in global contexts.

migrant rights, the United Nations December 2018 adoption of the Global Compact for Safe, Orderly, and Regular Migration (GCM) was approved and adopted by the UN General Assembly in December 2018 with the goal of fostering better collaboration on global migration in all its forms. One of the fundamental tenets of the GCM is gender responsiveness, which that ensures, every immigrant, regardless of gender, has their human rights upheld at every stage of the migration process, that their particular needs are recognized and met, and are given the authority to effect change.²The GCM however, makes no mention of the rights of immigrants with different SOGIESC. To protect the rights of migrant labourers, in 2003 the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was enforced. Aligned with the GCM, the convention's text does not form clear allusions to individuals with different SOGIESC.

Discriminatory provisions in immigration laws and policies inconsonance with sexual orientation, as well as violence directed towards LGBTIQ+ migrants have drawn the attention of various Committees. Migrants varied socioeconomic experiences under international refugee law, people with different Sexual Orientation, Gender Identity, Gender expression, and sex characteristics, SOGIESC are entitled to the same protections as other refugees. Article 1A(2) of the UN Convention Relating to the Status of Refugees, 1951, and its Protocol, 1967, specify that people may apply for asylum based on five factors: race, religion, nationality, membership in a social group, or political opinion. During 2008 the term “social group” was defined by the UNHCR in a guidance note to include sexual orientation and gender identity. In 2012, the guidance note underwent additional updating. According to UNHCR estimates, at least 42 States have granted asylum to LGBTQ people who had a legitimate fear of being persecuted because of their gender identity or sexual orientation. But unfortunately, the exact number is unknown because each State has its own set of criteria for granting asylum.

Cross-Country Examination of LGBTQ+ Migration Legislation:-

Different countries have different LGBTQ+ migration laws and policies. The legal landscape is dynamic and keeps evolving with time.

CANADA

Previous scenario: The first ever criminal trial of homosexuality in Canada dates back to as far

as 1648 when a military drummer was sentenced to the gallows for sodomy. In the 1950s the “fruit machine” was employed in Canada to eliminate all homosexuals from the civil services, police, and military. The Criminal Code in 1948 identified gay men as “criminal sexual psychopaths” and “dangerous sexual offenders.” It was in 1969 when Canada decriminalised homosexuality.

Present scenario: Canada has come a long way from LGBTQ activity being considered as a crime from the colonial period to being one of the safest and least discriminatory nations in the world. Now, it is known for its inclusive policies and is one of the early adopters of same-sex marriage. The Government of Canada is of the view that, someone’s gender identity should not be a reason for them to be denied the chance to immigrate to Canada. The immigration application of Canada does not mandate the gender identity of a person. The Canadian Government permits LGBTQ community people refugee status if they are being oppressed or persecuted in their own country due to their sexuality. There are also various immigration programs in which individuals from the LGBTQ+ community would be eligible to settle in Canada as permanent residents.

USA

Previous scenario: Documented execution for sodomy started in 1624 in US. In 1649 the first conviction for lesbian behaviour was noted. Sodomy laws persisted in the early colonies until they were challenged in 1925. Defence of Marriage Act was enacted in 1996 which denied allied recognition of same-sex marriage. This created complications for immigration benefits. LGBTQ migrants who were held in detention centres faced challenges related to their sexual orientation, including inadequate access to healthcare, increased vulnerability to harassment, and a lack of appropriate accommodations. They also faced the risk of deportation to places where they could be persecuted for their sexual orientation.

Present scenario: DOMA was declared unconstitutional in 2013. Also, the LGBTQ Asylum Project provides access to legal representation and additional resources for queer asylum seekers. The applications from LGBTQ couples are treated at par with applications from heterosexual couples by the US Citizenship and Immigration Services. The Memorandum on International Initiatives to Advance the Human Rights of LGBT Persons commits to instruct U.S. government personnel and key partners to efficaciously direct the protection of LGBT refugees and asylum

seekers and ensure that they have same and equal opportunity to protection and assistance³. Now immigration rights are also extended to the children of LGBTQ couples⁴.

United Kingdom

Previous scenario: During the 1900s the immigration experiences of LGBTQ people were challenging. The early to mid-20th century saw widespread discrimination, persecution, social stigma, and criminalization of homosexuality, which affected the lives of LGBTQ individuals. The lack of legal protection against the discrimination of LGBTQ people made it difficult for immigrants to seek refuge there. The asylum claims of persecuted LGBTQ people were also not readily understood.

Present scenario: Currently there has been an increase in LGBTQ people seeking asylum in the UK, especially from Pakistan, Jamaica, Nigeria, and Ghana. Although the UK is taking steps to make the asylum process easier for LGBTQ applicants, it is not being completely successful. The Immigration and Asylum Act is designed to assist LGBTQ asylum seekers. But still, it is found that the immigrants are being inappropriately questioned about their sexual preferences. Even then, around 2000 LGBTQ people seek asylum in the UK every year⁵. Article 1(a) (ii) of the Geneva Convention provides for the legal framework and protection for LGBTQ asylum claims.

Australia

Previous scenarios: The Australian states and territories decriminalized homosexuality at different times. But before their decriminalization, LGBTQ people had to face discrimination and persecution owing to their gender identity. The immigration policies of Australia also discriminated against LGBTQ individuals. Homosexual acts were considered one of the major grounds for excluding or deporting individuals under immigration laws.

Present scenarios: Over time, Australia's immigration policies were reformed to remove explicit discrimination based on sexual orientation. Amendments were also made in the character test provisions to prevent arbitrary discrimination against LGBTQ individuals. Australia, like other countries, also started considering asylum claims based on persecution due to gender identity. Now asylum seekers can apply for protection if they face persecution because of their LGBTQ

³Paper from Los Angeles Pierce College, and University of Salford

status in their home countries.

Germany

Previous scenario: Germany replaced the Nazi-era laws that criminalized homosexuality but still the legal situation for LGBTQ individuals remained complex. Homosexual acts were decriminalized in the 1970s. Germany was forced to take into consideration about decriminalising of LGBTQA and improving their migration facilities after a major part of German population either came out or supported homosexual acts.

Present scenarios: Now Germany has made significant advancements in LGBTQ rights, including the protections for LGBTQ migrants. Germany grants asylum to those who are persecuted due to their gender identity or sexual orientation. LGBTQ people can seek refuge in Germany if they are persecuted in their homeland because of their LGBTQ status. Guidelines have been set by the German government to ensure an unbiased evaluation of asylum applications pertaining to LGBTQ persecution. It is anticipated that decision-makers will take into account the particular difficulties LGBTQ asylum seekers experience. Internationally, Germany has become a liberal and tolerant country for the LGBTQ community.

South Africa

Previous scenario: During the Apartheid Era, which was from 1948 to 1994, homosexuality was criminalized in South Africa and it was considered immoral⁶. Those involved in same-sex relationships were persecuted with the help of The Immorality Act 1957 and the Suppression of Immorality Amendment Act. These regulations made it illegal to engage in some illicit conduct outside marriage, including consenting same-sex relationships. The punishment for the violation of the Immorality Act could also result in jail time, fines, and criminal prosecutions.

Present scenario: When it comes to LGBT travel, South Africa shines brighter than the rest of Africa. World's first constitution to outlaw differentiation based on sexual orientation was drafted in South Africa on May 8, 1996. Then, on October 9, 1998, the courts legalized homosexuality; this decision went into effect retrospectively on April 27, 1994. On the African continent, South Africa continues to be a popular destination for migrants. But as Victor Chikalogwe reports, many refugees and asylum seekers have had their hopes for a new, safe home shattered. When

⁶ Lorinda Venter, LGBTQIA+ rights in South Africa, International Bar Association

queer African migrants encounter the homophobic and xenophobic sentiments that are pervasive in South African society, they frequently encounter the same forms of social and economic marginalization from which they had wanted to flee. Large-scale xenophobic attacks have been the result of a resurgence of anti-immigrant sentiment during the past ten years, most notably in 2008, 2013, and 2015. The absence of a cogent migration policy, inadequate administration, and corruption have severely hampered the department of home affairs, which is in charge of immigration-related concerns⁷.

Difficulties faced by LGBTQ Migration in India:-

In India, people belonging to LGBTQ community have to face the risk of factors like violence and even displacement through forced migration and homelessness. Indian families when it comes to this are still lacking behind in accepting the truth and therefore the child belonging to this community still face different kinds of family resistance, to extent that they have to leave their family and home. Families to avoid this particular stigma often send their children for gender conversion or therapies.

Delhi High Court made a decision in 2009 defending and enhancing consensual gay sex had in fact led to steady gains. As a result of study in 2011 regarding the changing and evolving attitudes in India towards homosexuality following the 2009 Delhi High Court decision painted, "a global picture; representing that decriminalization continuously results to an uplift in the grade of social acceptance and, majorly, self-acceptance of sexual minorities.

From across the various nations, the LGBTQ refugees saw India as one of the most progressive and advanced countries in this region. With the law supporting them, the LGBTQ refugees found better survival conditions and social supporting aspects in India than in their own country of origin.

The condemnation of homosexual acts by the state, that is endorsed, continuously serves to both legitimize and re-establish social discrimination, police abuse, and other forms of marginalization against LGBTQ refugees. The LGBTQ refugees are not only foreigners but also identify themselves as sexually and gender non-conforming. Neil Grungras, the founder and executive director of ORAM exclaimed that "Based on our field experience and research in other countries,

⁷ 11 October 2018, A Double Challenge: LGBTI Refugees and Asylum Seekers in South Africa

we worry that this legal setback could have a dramatic impact on the conditions of LGBTI refugees in and from India, especially when it comes to core survival needs like protection from community violence and access to housing, health care, and employment."

ORAM is Organization for Refugee, Asylum & Migration, headquartered in San Francisco, California, it is the most important worldwide supporter of individuals escaping persecution due to their gender identity or sexual orientation. Through the help of advocacy and education, ORAM lends its support to the millions of refugees and asylum seekers worldwide. It also offers help in technical field to individuals and organizations that wish to work with LGBTI refugees, asylees, and asylum seekers.

Challenges in implementation: -

LGBTQ immigration rules can be difficult to implement for a variety of reasons, including the need for inclusive policies, broader society attitudes, and complex legal issues. Among the difficulties encountered in putting LGBTQ immigration regulations into effect are:

1. Inefficient legal safeguards- In nations where there are inadequate legislative safeguards against discrimination based on sexual orientation or gender identity, LGBTQ migrants may encounter difficulties. They may be subject to abuse or rights denial as a result of the absence of legal protections. When immigrants move to another country, that country must have the necessary laws to protect LGBTQ immigrants.
2. Poor asylum facilities- The way that LGBTQ asylum seekers are handled in immigration detention facilities has garnered quite criticism. These people might have particular difficulties and dangers because of their gender identity or sexual orientation. LGBTQ people may be at danger for safety in badly run asylum shelters. An apprehensive living environment can result from other residents' or staff members with homophobic and transphobic attitudes, which can lead to verbal, physical, or emotional harassment.
3. Conversion therapy- Conversion therapy is a dangerous and extensively discredited treatment that aims to change a person's gender identity or sexual orientation. It is often referred to as reparative or ex-gay therapy. There are significant ethical and human rights issues with conversion treatment. Conversion therapy is a real possibility, and its use or threat to LGBTQ asylum applicants can make matters worse. LGBTQ people who are applying for asylum frequently argue that they are being persecuted because of their

sexual orientation. One of the main causes of their persecution may be that they either experienced or were afraid of conversion therapy in their native nations.

4. Intersectionality- LGBTQ immigrants combine various identities, including race, ethnicity, nationality, socioeconomic class, and more, with their sexual orientation or gender identity. Their experiences can be uniquely shaped by the intersections of various identities. LGBTQ migrants come from a variety of cultural, racial, and national origins. In addition to their LGBTQ identity, other elements that influence their experiences include immigration status, language ability, and familiarity with the social and legal systems of the host nation. Immigration officers, service providers, and support groups must be cognizant of the many cultural origins of LGBTQ migrants and possess cultural competency. It is imperative to comprehend the intersections of diverse identities in order to deliver inclusive and efficient support.
5. Transgender and Non-Binary Issues-Particular difficulties and problems arise for transgender and non-binary people in the context of LGBTQ migration. These difficulties frequently result from an amalgamation of issues including gender identity, cultural diversity, legal recognition, access to healthcare, and societal attitudes. Transgender and non-binary people may apply for asylum if they are being persecuted because of their gender identity. The special experiences of transgender and non-binary asylum seekers should be taken into consideration by asylum procedures, as they may face prejudice and persecution due to their sexual orientation as well as their gender identity. People who identify as transgender or non-binary may be especially at risk in immigration detention centres. When people are placed in facilities that are gender-segregated because of their assigned sex at birth rather than their gender identity, it can lead to harassment, violence, and a lack of access to quality healthcare.
6. Political Backlash- In the context of LGBTQ migration, political backlash can result in unfavourable responses or resistance by political figures, organizations, or social groups against laws, customs, or persons involved in LGBTQ migration. This pushback has an impact on the inclusion, rights, and well-being of LGBTQ migrants and can take many different forms. Politicians and other public figures may utilise anti-LGBTQ rhetoric as a kind of political objections. This discourse has the potential to create a hostile atmosphere that encourages stigmatisation and discrimination against LGBTQ immigrants. Opposition from conservative or anti-LGBTQ groups can lead to legal battles, policy reversals, or delays in the implementation of supportive measures.

7. Lack of Availability and Navigation of the data- One of the main problems is the shortage of proper information about the circumstances and possibilities of LGBTIQ+ people throughout the migration process. This is most important because there is not enough political will, funding, or capability to gather and analyse this kind of data. The analysis and dissemination of SOGIESC findings persists to be uncommon, even in nations where data on the subject are gathered. Human rights organisations and local and international NGOs conduct research on transnational violations against LGBTIQ+ migrants, including those committed by traffickers, smugglers, and border agents. Nevertheless, many of the LGBTIQI survivors choose not to report these violations due to their precarious circumstances.
8. Discrimination of human rights violations and abuse in transit LGBTIQ+-Because of their SOGIESC, LGBTIQ+ or homophobic migrants encounter unique and difficult risks while travelling. The denial of access to essential services, like health care, unsafe shelters, harassment and violence in immigration detention centres, significant physical and sexual violence from a range of perpetrators, and discrimination and differentiation by border agents, immigration officers, and service providers are a few of these. When travelling abroad, women who are transgender may experience a disproportionate amount of violence and abuse, including from smugglers, traffickers, and other migrants. Many LGBTIQ+ migrants who travel through unofficial channels are held in immigration detention facilities in both their intended and transiting countries, where they frequently endure and come across physical abuse. The lack of accurate legal documentation can pose additional challenges for LGBTIQ+ migrants, particularly for transgender and gender diverse individuals. If a person's official documentation does not reflect their gender identity or expression, they may face discrimination and mistreatment from border officials, law enforcement, social service providers, and other officials, and their ability to cross borders or checkpoints may be difficult and sometimes denied.

Precedents related to migration of LGBTQ: -

It was not many but only 10 years ago that UK apex Court declared that gay people should not have to hide and conceal their sexual identity for avoiding persecution in their own home country. Following is case law related to this above statement.

Sexual orientation was the reason why the UK Supreme Court granted asylum to HJ and HT,

who were from Iran and Cameroon, respectively, six years ago. Had they been returned back to their native countries, they would have been forced to conceal and fake their sexual orientation in order to avoid persecution—which is, grave harm inflicted or approved by the government. In the country Iran, homosexuality carries death sentence, and in Cameroon, homosexuality is illegal; those found guilty face sentences of up to five years in prison.

The two men had to convince the judge that expecting them to conceal their sexual orientation in order to escape persecution was violative of the 1951 Refugee Convention.⁸ They have been previously denied their requests by the courts for asylum on the grounds that the men would find it "reasonably tolerable" to conceal and hide their formation of sexual orientation. Under the "Anne Frank" policy—which suggested that, the men would be safe if they hid from the police but not if they didn't—the lower courts upheld the idea that it was reasonable to anticipate that HJ and HT would conceal their true identities.

The Supreme Court rejected the said judgment. It was quoted by a judge:

"To pretend a person's sexuality does not exist, is to deny them the fundamental right to be who they are." According to the judge, combating discrimination is one of the goals of the Refugee Convention. Therefore, it might not be appropriate to expect people to return to their home countries and conceal who they are.

In this particular case, LGBT people were successfully shielded from discrimination in their native nations. However, not all of this cases always end up as it successfully did in case of HJ and HT did. In their case, Lord Hope, a judge on the Supreme Court, stated:

"The truth is that in present day now there is a huge gulf between the attitudes of societies on either side of the divide regarding LGBTQ community's people and their experiences. It's among the most pressing and important social issues of the day."

LGBT asylum seekers in the UK were formerly subject to a procedure known as the "reverse of justice" or "guilty until proven innocent." This is due to presence of the fact that LGBT asylum seekers must demonstrate their homosexuality and their chances of being persecuted in order to be granted protection from discrimination.

Data discovered that prior to this significant judgment, 73% of asylum claims overall were

⁸This ensures non-discrimination for those of all sexual orientations and gender identities under "other status" of Article 2 in General Comment

granted, while 98–99% of LGBT asylum claims were denied.

Orashia Edwards who is a bisexual man, believed that if he were sent back to Jamaica, his native country he would be murdered.⁹ In Jamaica, engaging in sexual activity with another man is illegal and provides 10-year sentence. The Human Rights Watch stated in 2014 that "unchecked violence" against LGBT individuals was occurring in Jamaica. Following a three-and-a-half-year court battle after which Orashia was granted permission to remain in the United Kingdom.

UK has frequently sent LGBT asylum seekers back to their unsafe home countries. This can have disastrous results in certain and some situations.

Jackie Nanyonjo fled Ugandan persecution for her lesbian beliefs and immigrated and escaped to the UK. In January 2013, she applied for asylum in Britain and was denied. Jackie was in pain and throwing up blood when she arrived, but the Ugandan authorities detained her for several hours because the British authorities had used excessive force to remove her. Jackie fled into hiding, worried that her sexual orientation had come to light. Unfortunately, she passed away on March 8, 2013, as her health declined and she died without getting proper justice, not every story has happy ending.

Few recommendations suggested:-

- Governments, legislators, and national and local humanitarian and development actors must opt for and look after for deliberate action to safeguard and advance the rights of LGBTIQ+ individuals during the process of the migration and to address the various, interconnected forms of discrimination they encounter. The following lists specific suggestions based on the various stages of migration. Origin countries: Establish safe and just environments for LGBTIQ+ individuals in their home countries so that migration is an option they can choose from.
- Enact new legislation or bolster the existing ones to guarantee that LGBTIQ+ individuals receive equal and complete access to legal and employment protections.
- Put into action campaigns to raise and spread awareness and encourage respect for the rights of LGBTIQ+ individuals and to stop and restrict violence against them in all and

⁹ International Gay and Lesbian Human Rights Commission (IGLHRC). (2013). United Nations Treaty-Based Bodies – CEDAW, Paper on London School of Economics and Political Science

every forms

- Work together with civil society groups which focus on various SOGIESC issues to develop new services or improve access to already-existing ones.
- Reduce the risk of migration during the journeys.
- Create and execute human rights-based, gender-responsive immigration laws and policies, and grant LGBTIQ+ migrants to access to inclusive services that address their unique needs.
- Revise existing policies on gender-based violence and migration to include provisions and to end violence against LGBTIQ+ people.
- End all forms of violence against LGBTIQ+ migrants. Looking at the circumstances and into all the offences and breaches of human rights against members of the LGBTIQ+ community, including those involving trafficking victims and survivors, providing LGBTIQ+ survivors of violence access to vital services, such as justice, health, and social services, including for victims and survivors of trafficking and those who have suffered and faced violence at the hands of smugglers with the goal of identifying, prosecuting, and punishing and criminalizing those responsible.
- Take action to address and recognize the violation of human rights during transit, such as creating and enhancing mechanisms for LGBTIQ+ migrants to report instances of gender inequality and gender-based violence. Examine and update immigration detention procedures for LGBTIQ+ migrants by growing detention alternatives for LGBTIQ+ migrants, particularly transgender women and people of colour, who are more vulnerable to violence and discrimination.
- Transgender women should no longer be detained in men's immigration detention centres. Ensuring that everyone in immigration detention who needs it has timely and unhindered access to hormone therapy and HIV treatment.
- Boost the protection of LGBTIQ+ immigrants by allowing access to humanitarian visas or asylum to those who fear persecution because of their SOGIESC

Summing up: -

Globally, the legal environment for LGBTQ migrants has changed drastically over the years, moving from a history of persecution to one that is increasingly characterized by protective measures. Although there has been progress in many areas, issues such as social stigmas, discriminatory laws, and uneven acceptance rates still exist. Nations must never stop promoting

inclusive legal frameworks that protect LGBTQ migrant rights and guarantee their freedom from discrimination and persecution. International cooperation and campaigning are still essential for advancing tolerance and equity for all people, regardless of gender identity or sexual orientation. Ongoing efforts are required to close gaps, remove obstacles, and establish an atmosphere where LGBTQ migrants can seek safety, contribute, and live true lives fearlessly as nations work towards greater acceptance and understanding.

