



Input by civil society organisations to the Asylum Report 2026

Dear Colleagues,

The production of the *Asylum Report 2026* is currently underway. The annual [Asylum Report](#) presents an overview of developments in the field of international protection in Europe.

The report includes information and perspectives from various stakeholders, including experts from EU+ countries, civil society organisations, researchers and UNHCR. To this end, we invite you, our partners from civil society, academia and research institutions, to share your reporting on developments in asylum law, policies or practices in 2025 by topic as presented in the online survey (**'Part A' of the form**).

We also invite you to share with us any publications your organisation has produced throughout 2025 on issues related to asylum in EU+ countries (**'Part B' of the form**).

These may be:

- reports;
- articles;
- recommendations to national authorities or EU institutions;
- open letters and analytical outputs.

Your input can cover information for a specific EU+ country or the EU as a whole. You can complete all or only some of the sections.

Please note that the Asylum Report does not seek to describe national systems in detail but rather to present key developments of the past year, including improvements and challenges which remain.

All submissions are publicly accessible. For transparency, contributions will be published on the EUAA webpage and contributing organisations will be listed under the [Acknowledgements](#) of the report.

All contributions should be appropriately referenced. You may include links to supporting material, such as:

- analytical studies;
- articles;
- reports;
- websites;
- press releases;
- position papers.

Some sources of information may be in a language other than English. In this case, please cite the original language and, if possible, provide one to two sentences describing the key messages in English.





The content of the Asylum Report is subject to terms of reference and volume limitations. Contributions from civil society organisations feed into EUAA's work in multiple ways and inform reports and analyses beyond the Asylum Report.

NB: Similarly to last year, this year's edition of the Asylum Report will be leaner and more analytical, with streamlined thematic sections. The focus will be on key trends in the field of asylum rather than on individual developments. For this reason, information shared by respondents to this call may be incorporated in the Asylum Report in a format different than in the past years. It will also feature prominently as info boxes in the [country overviews](#).

Your input matters to us and will be much appreciated!

*Please submit your contribution to the Asylum Report 2026 by **Friday, 9 January 2026**.*





Contact details

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I accept the provisions of the EUAA [Legal and Privacy Statements](#)

General Observations

Before sharing information by thematic area, please provide your general observations on asylum developments as indicated in the following three fields:

1. What areas would you highlight where important developments took place in the country/countries you cover?

Legal developments

Several legislative changes were made during 2025 in Sweden, and many of them have a significant negative impact on asylum seekers with SOGIESC asylum grounds, but also the few of those applicants who have been granted refugee status and residency. As of April 1, 2025, a deportation order will not expire as long as the person is in Sweden. Before, the decision was valid for four years after which asylum could be applied for again. Now, the expulsion decision will expire five years after the former asylum seeker has complied with the expulsion decision and left Sweden. This means that rejected asylum seekers will have to leave before they can reapply for asylum. A new asylum application cannot be submitted until after five years counting from when the person left Sweden, the territory of the EU countries and the Schengen area. This impacts asylum seekers with SOGIESC asylum grounds who are denied asylum despite having a need for and legal right to protection, but who are denied due to the Swedish migration authorities' credibility assessments that are contrary to national Swedish law and international law, such as the EU directives and case law from the CJEU prohibiting credibility a assessment solely based on stereotypes about LGBTQI+ persons, but also the UNHCR Guidelines no. 9 stating i.e. that LGBTQI+ people do not have universally common characteristics and that the assessment should be individual and refrain from stereotypes. Before the new law about statutory limitations, asylum seekers with a need for protection due to a risk for persecution based on their SOGIESC, could in many cases apply for asylum again after four years and with the help of RFSL and lawyers specialised in SOGIESC grounds get a more fair new asylum trial in accordance with the rule of law, and then be granted the international protection that they were always in need of and entitled to. This possibility has now been removed, and RFSL can testify to hundreds of persons with SOGIESC asylum grounds being denied based on unlawful credibility criteria, who have been and are being





deported to countries such as Uganda, Nigeria, Iraq, the Gambia and many other countries with criminalising laws applied on LGBTQI+ persons.

The possibility of applying for a work permit after asylum has been denied through a so-called track change was removed as of April 1, 2025. The new rules apply to all persons who had a current deportation order or pending applications, regardless of whether the application for a change of track was submitted before April 1 or whether it has been several years since the person received their deportation order. Persons who were previously granted a work permit through a change of track are now not able to have their permits extended. Co-applicant family members are also affected. It is estimated that many thousands of people working in Sweden will be deported as a result of this new law (see for example [an article in Dagens Nyheter, "Nästan 5 000 kan utvisas när spårbytet försvinner", 2025-03-34, describing how nearly 5000 persons working in Sweden are expected to be deported as a consequence of the abolishment of the track change from asylum to work permit:](#)

<https://www.dn.se/sverige/nastan-5-000-kan-utvisas-nar-sparbytet-forsvinner/>). For many LGBTQI+ asylum seekers who face persecution at a return but were denied asylum due to credibility assessments based on unlawful stereotypes (source: RFSL's research examining the credibility assessments and rejection motivations in SOGIESC asylum cases,

<https://www.rfsl.se/wp-content/uploads/2024/09/Rejection-Motivations-in-SOGIESC-asylum-cases-in-Sweden.pdf>), the change of track from asylum to work permit was their only and last possibility to stay in Sweden legally and not be deported to countries where they risk imprisonment or in worst case the death penalty. The new law has received extensive criticism, for retroactively abolishing many thousands' of peoples' right to residency and leading to the deportation of thousands of people who until now have been legally working in Sweden and contributing to the society. The government's own party members are some of the most recent outspoken critics, see for example debates between the Minister of Migration and the Moderate Youth Party in December 2025 in Swedish Television and a debate between the minister and a local Moderate politician on the Swedish Radio:

<https://www.svt.se/nyheter/lokalt/stockholm/muf-om-utvisning-av-zahra-och-afshad-galenskaper-i-migrationssystemet> and <https://www.sverigesradio.se/artikel/kritik-mot-regeringen-efter-att-lagen-om-sparbyte-tagits-bort>.

Another new law is that from March 1, asylum seekers as a general rule are only entitled to financial assistance if they live exclusively in the asylum accommodation they have been allocated. If they choose to arrange their own accommodation instead, they will not receive a daily allowance or special grant from the Swedish Migration Agency. Exceptions can be made if they live with immediate family who are already residents in Sweden, or if there are other exceptional reasons. An application for a residence permit is considered to be withdrawn for asylum seekers who do not live in an asylum accommodation allocated and have not informed the Swedish Migration Agency of their address. This also impacts LGBTQI+ asylum seekers who are often at risk of facing threats or violence in common, big asylum centres, due to their real or perceived SOGIESC. Applicants that RFSL are in contact with describe that they often have to hide their SOGIESC in their accommodation, out of fear of being subjected to harm. This while expected to be "open" with their SOGIESC during their asylum process to "pass" the credibility assessment, meaning that the hiding for personal security reasons risks impacting their asylum process negatively. Before this new law, many LGBTQI+ applicants





chose to arrange their own accommodation for safety reasons and to be geographically closer to crucial civil society organisations such as RFSL, for help and support in their asylum cases.

Sources: <https://www.rfsl.se/en/organisation/asylum-and-migration/new-laws-2025-that-affect-lgbtqi-asylum-seekers/>
<https://www.migrationsverket.se/nyheter/news-archive/2025-04-01-changed-rules-for-statute-of-limitations-re-entry-ban-and-track-change.html>

2. What are the areas, where only few or no developments took place?

No development or improvement has occurred in the Swedish Migration Agency's and the Migration Courts' legal assessments of SOGIESC asylum claims. RFSL can verify this by having been taking part of many hundreds of decisions and judgements in SOGIESC asylum cases throughout 2025. RFSL has given legal advice to approximately 100 individuals with SOGIESC asylum claims during 2025, and therefore RFSL has had insight in their cases. This includes reading protocols from the oral asylum interviews, submitted evidence, written motivations in negative and positive asylum decisions. RFSL has access to all the judgements from the Swedish Migration Courts in cases with SOGIESC related asylum claims, through a legal database where all judgements in migration and asylum cases are published (the following database: <https://www.jpinfo.net.se/>). Thus, the numbers and statistics that RFSL has conducted based on the judgements from the Migration Courts in Sweden, are statistically secure.

As there are no official statistics over the Swedish Migration Agency's SOGIESC asylum decisions, it is not known how many SOGIESC asylum claims are denied every year by the first instance. However, as mentioned above, RFSL has access to all judgments from the Swedish Migration Courts. From the 1st of January to the 31st of December 2025, RFSL has gathered altogether 448 judgements from the Swedish Migration Courts in asylum cases where SOGIESC claims were assessed by the courts. In 418 of the cases, or 93,3%, the court rejected the SOGIESC asylum claims. Out of the 418 denied SOGIESC asylum claims, 313 or 74,88% were based on the credibility assessment, where the applicant's sexual orientation, gender identity, gender expression and/or sex characteristics were not assessed as credible. The remaining 105 judgements or 25,12% of the rejection motivations were based on sufficiency; most often when the country of origin was assessed as a so-called "safe country of origin" for LGBTQI+ people. The forthcoming research will be published in 2026.

In summary, RFSL can conclude that more than 93% of all the appealed negative asylum decisions from the Swedish Migration Agency to the Migration Courts in 2025 were also rejected by the courts, in all SOGIESC asylum cases in 2025. RFSL also concludes that the Swedish migration authorities' assessments of SOGIESC asylum cases are still contrary to national and international law. Therefore, we wish to emphasise that this unavoidably leads to that asylum seekers with a need for and the legal right to protection, are denied and deported to countries applying criminal laws on LGBTQI+ persons, including life imprisonment, torture and the death penalty.





3. Would you have any observations to share specifically about the implementation of the Pact on Migration and Asylum in the national context of the country/ countries you cover?

RFSL has written an extensive response to and analysis of the Swedish government's plan to implement the Asylum and Migration Pact, *Remissyttrande över Migrations- och asylpakten (Ds 2025:30)*, which was published on the 29th of December 2025. We wish to share our analysis and the observations RFSL has made in that response with the EUAA, including RFSL's great concern over how the Pact and Sweden's implementation of it will affect vulnerable asylum seekers with SOGIESC asylum claims, in a dangerous way. The original version of RFSL's response in Swedish is available on RFSL's website, and is attached in part B: https://www.rfsl.se/wp-content/uploads/2025/12/ry_Migrations-och-asylpakten.pdf. The informally translated English version is also attached in part B in this template.

PART A: Contributions by topic

Please share **your reporting on developments in asylum law, policies or practices in 2025 by topic**. Kindly make sure that you provide information on:

- ✓ New developments and improvements in 2025 and new or remaining challenges;
- ✓ Changes in legislation, policies or practices, or institutional changes during 2025.

- 1. Access to territory and access to the asylum procedure** (including first arrival to territory and registration, arrival at the border, application of the *non-refoulement* principle, the right to first response (shelter, food, medical treatment) and issues regarding border guards)

Developments in policy related to SOGIESC asylum law

A few important developments in Sweden took place related to what RFSL reported to the EUAA's *Asylum Report 2025*, regarding how for example the credibility assessment in SOGIESC asylum cases contradicted both national and international law (see pages 2-3 https://www.euaa.europa.eu/sites/default/files/2025-02/50_swedish_federation_for_lesbian_gay_bisexual_transgender_queer_and_intersex_rights_queer_youth_sweden.pdf). Like RFSL reported then, the Swedish government gave the Swedish Agency for Public Management the task to examine i.e. the Migration Agency's assessments and handling of SOGIESC asylum claims. In its final report in October 2024 (<https://www.statskontoret.se/publicerat/publikationer/publikationer-2024/manga-oar-sma--migrationsverkets-styrning-och-uppfoljning-av-den-rattsliga-kvaliteten-i-asylprocessen/>), the Swedish Agency for Public Management concluded that there were severe deficiencies in the Swedish Migration Agency's assessments of SOGIESC asylum claims, such as weak governance and inconsistency in decision-making. The report also described the extensive "external criticism" in RFSL and Queer Youth's legal investigations against the Migration Agency's legal assessments of SOGIESC asylum cases. Based on the findings and





recommendations in the report from the Swedish Agency for Public Management, the Swedish government gave the Migration Agency the task in its appropriation directive for 2025 to improve the uniformity and legal quality in decision-making and assessing SOGIESC asylum claims (*Regleringsbrev för budgetåret 2025 avseende Migrationsverket, 2024-12-19*, <https://www.esv.se/statsliggaren/regleringsbrev/Index?rbld=24754>). On the 23rd of September 2025 the Swedish Migration Agency reported back to the government what measures have been taken during 2025 and are planned in order to fulfil the task in the government's appropriation directive (https://www.migrationsverket.se/download/18.1b914ea619949195a7c5f9/1758884248943/%C3%85terrapportering_regleringsbrevsuppdrag_2_%C3%96kad_enhetlighet_och_r%C3%A4ttlig_kvalitet_i_%C3%A4rendeprocessen.pdf).

In its report, the Swedish Migration Agency briefly described that they have adopted a plan to implement the *EUAA Practical Guide on applicants with diverse sexual orientations, gender identities, gender expressions and sex characteristics (SOGIESC)*. They describe that this plan includes measures that will be taken to address the conclusions made by the Swedish Agency for Public Management as well as the "external criticism" against the legal assessments of SOGIESC asylum claims. The "external criticism" refers specifically to the three legal extensive investigations published by RFSL in 2020, 2023 and 2024, and Queer Youth (see below). Both organisations published separate analyses in September of the Swedish Migration Agency's report back to the government, (<https://www.rfsl.se/aktuellt/ny-rapport-fran-migrationsverket-rfsl-vaikomnar-forbattringar-och-kraver-stopp-for-otillatna-utvisningar/> and <https://rfslungdom.se/rattssakerhet-for-hbtqi-personer-i-asylprocessen/>). The Migration Agency also reported that they will investigate the possibility of doing a thematic follow-up of the quality of decision-making in SOGIESC asylum cases, including examining whether a method can be developed to keep statistics in these cases. This is something that RFSL is welcoming, as we have recommended the government and the Swedish Migration Agency to keep official statistics in SOGIESC asylum cases in our advocacy work for many years.

As part of the regular and close dialogue that RFSL and Queer Youth has had with the Swedish Migration Agency since 2018, the Swedish Migration Agency shared an internal and more detailed written implementation plan with both organisations in November. One of the planned measures, which RFSL has been working towards for several years, is removing the DSSH model from their internal routines that have been applied by case officers in SOGIESC asylum cases. RFSL has been assured by the Swedish Migration Agency's Legal Affairs Department that the routine referring to the DSSH model is repealed. RFSL is positive towards this. RFSL is also positive regarding the fact that the Swedish government gave the Swedish Migration Agency the task to improve the quality of assessing and decision-making in SOGIESC asylum cases, and also that the Swedish Migration Agency has developed a plan with measures to improve. RFSL is also positive regarding the fact that the Swedish Migration Agency has officially decided to implement the EUAA's Practical Guide, considering that it is not a legally binding document.





Development 2025 in SOGIESC asylum cases: Sweden does not live up to the application of the *non-refoulement* principle

Despite the above listed developments, the initiated measures and promised future improvement in the quality of decision-making in SOGIESC asylum case law, at the same time, RFSL concludes the following: More than five years have passed since RFSL's first legal investigation was published, followed by two reports altogether examining more than 3 360 individual SOGIESC asylum decisions. They showed systemic, severe legal errors in the Swedish Migration Agency's and the Swedish Migration Courts assessments of SOGIESC asylum claims, and how the credibility assessments rely solely on unlawful stereotypes and that strictly forbidden discretion-requirements still prevail. RFSL is positive to the continued regular dialogue with the Swedish Migration Agency, where we have met and spoken with the Legal Affairs Department several times during 2025. RFSL's strong impression is that we agree with the Swedish Migration Agency on RFSL's research conclusions and the problem description that unlawful stereotypes are being systematically applied in the credibility assessments, contrary to Swedish and international law. Despite this, at the end of 2025, in late December, RFSL can conclude from current SOGIESC asylum case law from the Swedish Migration Agency as well as the Swedish Migration Courts, that unlawful stereotypes are still the basis for the credibility assessments and that discretion-reasoning still occurs.

A few of RFSL's observations include: Questions to applicants during asylum interviews are often not phrased objectively, but rather made as statements based on assumptions that the applicant should have certain, specific life experiences only based on their claimed SOGIESC. Examples of commonly occurring "questions" asked by case officers in asylum interviews: "Tell me about your emotional process of self-realisation", "Why did you not think about risks with having a same-sex relationship?", "Considering how dangerous it is for LGBTQI+ people in [country], how come you can not elaborate more on your own SOGIESC?", "At your age, having realised your sexual orientation while a teenager, we expect you to have gone through a deep inner process and therefore require a deeper account for it", "How come you did not feel bad or any shame about your SOGIESC considering the LGBTQI-hostile environment you were in?". These are not objectively phrased open-ended questions, they are statements containing assumptions that the applicant must have certain life experiences if they are "genuinely" LGBTQI+.

The negative asylum decisions based on credibility are systematically motivated with the applicant's claimed lack of credibility based on them not having accounted in great detail for feelings, emotions and reflections related to the (wrongfully) expected inner journey of self-realisation and acceptance. The applicant is often not found credible about their SOGIESC based on what "risks" they or others around them are considered to have taken according to the Swedish Migration Agency. It is common that an applicant is found not credible if they for example saved an intimate video of themselves with a same sex partner, or if their partner acted in a "risky way" in a country where it is dangerous to be LGBTQI+. Such assessments are unavoidably subjective and thus prohibited according to the Swedish Migration Agency's own legal position paper, *RS/015/2021 Legal position on procedure and assessment of future risk for individuals claiming international protection needs related to sexual orientation, gender identity or gender expression*.





The credibility assessments and rejection motivations based on unlawful stereotypes, the use of subjective speculations and the occurring discretion-requirements can be verified by RFSL, as the organisation's lawyers on a daily basis take part of protocols from asylum interviews conducted at the Swedish Migration Agency, negative and positive asylum decisions from the Swedish Migration Agency and court rulings in SOGIESC asylum cases. RFSL is also currently conducting new research on SOGIESC asylum law, examining decisions and judgements in 2025, showing that no change or improvement has happened compared to what the previous legal investigations showed in 2020, 2023 and 2024. RFSL's experience from SOGIESC case law 2025 is that discretion-reasoning has been found in cases from for example Russia, Uganda, Iraq and Somalia, all having various forms of criminalising laws that are applied to arrest LGBTQI+ people. The credibility assessments still rely on stereotyped notions of LGBTQI+ people: The Swedish Migration Agency and the Migration Courts systematically apply the level of detail criterion on applicants' wrongfully expected experiences of deep, emotional journeys of self-realisation and acceptance, negative feelings such as difference, shame and fear. There is no scientific or legal basis for applying the level of detail criterion on inner feelings, and it has been established by the CJEU more than a decade ago that credibility assessments solely based on stereotypes are contrary to EU law, as they do not fulfil the requirement of an individual or objective assessment. The Swedish migration authorities' assessment of SOGIESC asylum claims are also contrary to the UNHCR guidelines no. 9, for example article 60.ii stating that "There are no universal characteristics or qualities that typify LGBTI individuals". The guidelines' article 4 further state that "It is important that decisions on LGBTI refugee claims are not based on superficial understandings of the experiences of LGBTI persons, or on erroneous, culturally inappropriate or stereotypical assumptions." This is clearly not fulfilled when the Swedish migration authorities apply strict requirements that all applicants with SOGIESC asylum claims must have experienced and have the ability to elaborate in great detail about an inner journey of self-realisation and acceptance.

RFSL can conclude that the Swedish migration authorities' assessments of SOGIESC asylum cases are still contrary to national and international law. Therefore, we wish to emphasise that this unavoidably leads to that asylum seekers with a need for and the legal right to protection, are denied and deported to countries applying criminal laws on LGBTQI+ persons, including life imprisonment, torture and the death penalty. As there are no official statistics over the Swedish Migration Agency's SOGIESC asylum decisions, it is not known how many SOGIESC asylum claims are denied every year. However, RFSL has access to all judgments from the Swedish Migration Courts. From the 1st of January to the 31st of December 2025, RFSL has gathered altogether 448 judgements from the Swedish Migration Courts in asylum cases where SOGIESC claims were assessed by the courts. In 418 of the cases, or 93,3%, the court rejected the SOGIESC asylum claims. Out of the 418 denied SOGIESC asylum claims, 313 of them or 74,88% were based on the credibility assessment, where the applicant's sexual orientation, gender identity, gender expression and/or sex characteristics were not assessed as credible. The remaining 105 judgements, or 25,12% of the rejection motivations, were based on sufficiency; most often when the country of origin was assessed as a so-called "safe country of origin" for LGBTQI+ people.





Application of the non-refoulement principle and development of a new form of case law:

Revocation of status and residency

RFSL has observed a significant increase in cases where protection status and residence permit is revoked for persons who have been granted refugee status and residency based on SOGIESC asylum grounds. RFSL interprets this to be a consequence of the government's appropriation directive for 2025 where the Migration Agency was tasked to prioritise cases concerning revocation. RFSL's lawyers and external lawyers with whom RFSL collaborates with, has regularly throughout 2025 assisted LGBTQI+ asylum seekers who have been granted refugee status and residence permits due to the persecution they face because of their sexual orientation, gender identity, gender expression and/or sex characteristics. Many of these individuals have received letters from the Migration Agency stating that a case has been opened to revoke their protection status and possibly also their residence permits. During 2025, RFSL and lawyers we collaborate with, have come in contact with such revocation cases approximately one or several times every week. These are former asylum seekers who have been granted protection and temporary or permanent residence permits on SOGIESC grounds. The grounds given by the Migration Agency for initiating an investigation are often vague, such as "anonymous tips". It is a routine that the Swedish Migration Agency initiates a case about revocation when a person has applied for a passport at their country of origin's embassy in order to apply for Swedish citizenship, with the sole purpose of proving their identity to the Swedish Migration Agency which is a requirement when applying for Swedish citizenship.

Another very common ground for the Migration Agency to initiate revocation is that they have found out that persons who were granted refugee status on the grounds of homo- or bisexual orientation have had children, or that they are cohabiting with a person of a different legal gender; regardless of what gender the other person identifies with or what relationship they have. RFSL, Civil Rights Defenders (see https://crd.org/sv/civ_qa/aterkalla-uppehallstillstand-i-fler-fall/) and other civil society organisations have observed an increase in the number of revocation cases involving LGBTQI+ individuals, and see a risk that the Migration Agency's investigation of LGBTQI+ individuals in particular is conducted by asking questions that violate their privacy regarding their SOGIESC, which is not permitted according to UNHCR guidelines no. 9, CJEU case law or the Migration Agency's own legal position paper RS015/2021. RFSL wishes to emphasise that individuals whose protection status is subject to consideration for revocation need and should have the right to a public counsel.

In 2025, RFSL has seen several cases where lesbian, bisexual, queer women and same-sex couples who have been granted refugee status are called to interviews by the Swedish Migration Agency, where they are asked detailed and invasive, detailed questions about how they went about performing home inseminations with, for example, a friend who accepted to





be a sperm donor. Other LBQ women may have been sexually assaulted, resulting in unwanted pregnancies, and during the revocation interview, they are asked detailed questions about the rape, which in itself is traumatic for them and difficult to talk about.

Other LGBTQI+ persons with refugee status who have started families in Sweden in different constellations – which is very common among rainbow families and within the LGBTQI+ community – who have chosen to live with the other parent/parents of a child who has a different legal gender than themselves, without having a romantic and/or sexual relationship, but because this is the most practical and best solution during infancy/early childhood years, have had their refugee status and residence permit revoked on the grounds that they "now live according to the norm," for example in Uganda, whereupon they are deported there – despite being LGBTQI+ persons who therefore could risk the death penalty there (<https://database.ilga.org/uganda-lgbti>).

RFSL's experience is that most common situation to trigger the Swedish Migration Agency to initiate a case about revocation for LGBTQI+ people, are anonymous tips to the Migration Agency that a former asylum seeker who may have lived in Sweden for a long time with a permanent residence permit has 'lied' about, for example, their homosexual orientation. In late summer 2025, RFSL took part of a case in which a lesbian woman from Nigeria had been granted refugee status and a residence permit several years earlier on the grounds of her homosexual orientation, which she had been assessed to have made credible. After the Migration Agency received a "tip" that the woman had lied about being a lesbian and a Muslim, along with photographs of her not wearing a veil, the Migration Agency opened a case for revocation and deportation. The woman was not given access to the evidence or the tips prior to the oral investigation to which she was then summoned, but was informed of and confronted with them on the spot, while being told to explain very sensitive issues in an extremely uncomfortable, and frightening situation, and to once again give a detailed account of her sexual orientation, an expected inner process (based on the unlawful stereotypes described above), and thoughts, feelings and reflections related to it – even though she had already been assessed having made her orientation credible and reliable during her asylum process. The woman described that the photos were taken at a Christian wedding where she was not allowed to wear her hijab and that she had the photos taken to see what she looked like without it. Her explanation was not considered credible, and she was deemed to have lied about being Muslim and therefore also about being a lesbian. Her refugee status and residence permit were revoked, and she was deported to Nigeria, where LGBTQI+ people can be punished with the death penalty in several states (<https://database.ilga.org/nigeria-lgbti>).

RFSL has written and published a document describing this new case law with revocation of status and permits, "Revocation and deportation - Updated December 2025". The document has been made available to asylum seekers and former asylum seekers as information material. It is also available for RFSL's coordinators and counselors within the RFSL Newcomers network, who meet and support asylum seekers. The material is not available online, but is attached in part B in this template.

2. Access to information and legal assistance (including counselling and representation)





Generally, RFSL's experience is that asylum seekers with SOGIESC related claims have the right to a public counsel, if they come from countries of origin where LGBTQI+ people are considered to risk persecution. That assessment is based on country of origin information which is available on the Swedish Migration Agency's country information database, Lifos (<http://lifos.migrationsverket.se/>). When applicants with SOGIESC asylum claims come from countries of origin that are considered "safe", they do not always have the right to a public counsel. These can be countries of origin that are listed on the Migration Agency's list over "safe countries of origin", but also countries that are not on that list, for example the U.S., from where RFSL has experienced a high number of LGBTQI+ applicants during 2025. RFSL published information about this development on our website: <https://www.rfsl.se/en/organisation/asylum-and-migration/information-for-trans-people-seeking-to-leave-the-us-for-sweden/>.

Revocation of status and residency: No access to information, no right to a public counsel

RFSL has reviewed a large number of cases in which individuals with refugee status and temporary or permanent residence permits, which were granted on the basis of real and/or attributed SOGIESC, receive a letter informing them that a case has been initiated to revoke their refugee status and possibly also their residence permit. This is done without the person receiving any written information about the grounds and basis on which their status and possibly also their residence permit are being considered for revocation.

RFSL's experience is that the person never receives the reasons for the opening of a case for revocation before the oral investigation is held. In some cases, lawyers who collaborate with RFSL describe that it has been possible to gain access to the material at the individual's request with the help of a lawyer, but this is an exception. Most often, the Migration Agency refers to confidentiality regulations and that it is detrimental to the investigation to disclose the documentation. Instead, the person is confronted with the "evidence", such as anonymous tips, during the investigation. Often, the person is not given a break to go through the material in peace. Instead, they are expected to answer questions about the material without having had any opportunity to read through it or understand what it is about. The Migration Agency often claims that the person themselves should know what the material is concerning. The person is expected to be able to answer why the material was submitted, even though it often concerns anonymous tips. The lawyers who work with RFSL testify that when they have been present as representatives, they have had to argue for a long time to convince the case officer for a ten-minute break to talk to their client about the documentation that they have been confronted with during the investigation. In a recent case, the documentation consisted of approximately 50 pages, and the Migration Agency's case officer did not want to grant a break for the lawyer and the client to look at and go through the documentation; instead, they had planned to only summarise the documentation orally. Furthermore, lawyers who collaborate with RFSL testify that it is common for the Migration Agency not to show the evidence to the person during the investigation, but instead to briefly summarise the content and then confront the person with questions.

RFSL's experience is that, with a few exceptions, the Migration Agency does not, as a rule, grant the right to a public counsel in cases concerning revocation of protection status.





However, the granted residence permit is always at a concrete and imminent risk when the Migration Agency considers that there is enough evidence to open a case about revocation of status and summon the person to an investigation. Sometimes the Migration Agency appoints a public counsel after the oral investigation has already been held, but at this late stage it is too late for the counsel to make a difference in the case. Since revocation of protection status, especially for persons granted such status on SOGIESC grounds, usually means that the person cannot extend their residence permit when this was granted due to their protection status, the consequence of revocation of protection status is that they are deported. Most people do not understand or become aware of this until they apply for an extension of their residence permit, and this is denied upon which they are deported - often to countries where LGBTQI+ persons are criminalised and can be punished with imprisonment or even the death penalty.

3. **Provision of interpretation services** (e.g. introduction of innovative methods for interpretation, increase/decrease in the number of languages available, change in qualifications required for interpreters)
4. **Dublin procedures** (including the organisational framework, practical developments, suspension of transfers to selected countries, detention in the framework of Dublin procedures)
5. **Special procedures** (including border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads)
6. **Reception of applicants for international protection** (including information on reception capacities – increase/decrease/stable, material reception conditions – housing, food, clothing and financial support, contingency planning in reception, access to the labour market and vocational training, medical care, schooling and education, residence and freedom of movement)

As previously noted, 2025 has brought significant changes to Swedish migration policy, including reforms to the housing system for asylum seekers. RFSL has identified particular concerns regarding the reception and return units that have been established or expanded across Sweden and are intended to accommodate asylum seekers throughout the asylum procedure (RFSL, 2025). Under the new system, applicants for international protection are no longer offered accommodation on a voluntary basis, but are required to remain in their assigned reception and/or return unit in order to retain access to financial and material support. Accommodation commonly involves shared rooms, including for single individuals of the same sex (Swedish Migration Agency, 2025).

Based on RFSL's experience, these changes have resulted in new and increased risks for SOGIESC asylum seekers. Feedback collected by local coordinators within the AMIF RFSL project shows that many individuals experience insecurity due to being unable to choose where in Sweden they are placed. Room allocation practices further undermine their sense of safety, as most asylum seekers arrive alone and are assigned to share rooms with unknown individuals. In order to request alternative arrangements, asylum seekers must disclose their





SOGIESC identity to accommodation staff, yet even in such cases, a private room is not guaranteed. RFSL has also received reports of asylum seekers feeling unsafe in their interactions with accommodation staff and other residents.

Local RFSL coordinators have established contact with migration accommodation facilities in their respective regions in order to raise issues affecting SOGIESC asylum seekers locally. RFSL welcomes that dialogue with accommodation staff has been possible to different extents. However, RFSL continues to see a significant need for further work on treatment standards and competence development regarding SOGIESC issues among Migration Agency staff working at the facilities.

Published government documentation (Ds 2025:30) further outlines changes scheduled to enter into force on the 12th of June 2026. RFSL has, as mentioned previously, responded to the document as requested. In addition to this response, there are several concerns directly related to housing conditions, including proposed geographical restrictions that would require applicants to remain within a limited area, most likely the county where their accommodation is located. Compliance is to be monitored through attendance checks, such as electronic registration or individual reporting requirements. Leaving the designated area or accommodation without permission may result in reductions or the withdrawal of daily allowances.

Information obtained through contacts between project coordinators and accommodation staff indicates that asylum seekers' freedom of movement may in practice be severely restricted, potentially confining individuals largely to their accommodation. RFSL considers that such restrictions would have particularly serious consequences for LGBTQI asylum seekers, as they limit the possibility of leaving the accommodation to access safe spaces or meet other LGBTQI people. Through both local work by coordinators and counsellors, as well as the work of RFSL's asylum lawyers, RFSL has observed that access to LGBTQI communities and support networks has been a key factor in enabling asylum seekers to feel safer and to be more open about their sexual orientation, gender identity, gender expression, and experiences of persecution.

Furthermore, holding meetings at reception and return centers, or requiring residents to leave the accommodation collectively at fixed times, risks exposing those who seek support, as other residents may identify who is attending such meetings. This creates an additional risk for LGBTQI asylum seekers and may deter them from accessing necessary support. RFSL therefore concludes that restrictions on freedom of movement increase vulnerability and risk contributing to greater legal uncertainty for LGBTQI asylum seekers.

Sources:

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https://www.migrationsverket.se/en/you-are-waiting-for-a-decision/asylum/you-have-applied-for-asylum/accommodation.html#svid12_2cd2e409193b84c506a2ee4d





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Ministry of Justice:

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- 7. Detention of applicants for international protection** (including detention capacity – increase/decrease/stable, practices regarding detention, grounds for detention, alternatives to detention, time limit for detention)
- 8. Procedures at first instance** (including relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, determination of international protection status, decision-making, timeframes, case management – including backlog management)

In this section RFSL would like to refer to and emphasize what we have reported above about our experience and work with asylum cases with SOGIESC claims, how these cases are examined, assessed and the quality of decision-making at the first instance, the Swedish Migration Agency. Like described above, our experience and insight is based on RFSL’s two lawyers’ daily work with legal advice, research and analysis of case law. Through this work, RFSL has access to and regularly reads protocols from the oral asylum interviews, submitted evidence, written motivations in many hundreds of both negative and positive asylum decisions. In our experience, questions to applicants during asylum interviews are often not phrased objectively, but rather made as statements based on assumptions that the applicant should have certain, specific life experiences only based on their claimed SOGIESC. Examples of commonly occurring “questions” asked by case officers in asylum interviews, are: “Tell me about your emotional process of self-realisation”, “Why did you not think about risks with having a same-sex relationship?”, “Considering how dangerous it is for LGBTQI+ people in [country], how come you can not elaborate more on your own SOGIESC?”, “At your age, having realised your sexual orientation while a teenager, we expect you to have gone through a deep inner process and therefore require a deeper account for it”, “How come you did not feel bad or any shame about your SOGIESC considering the LGBTQI-hostile environment you were in?”. These are not objectively phrased open-ended questions, they are statements containing assumptions that the applicant must have certain life experiences if they are “genuinely” LGBTQI+. The negative asylum decisions based on credibility are systematically motivated with the applicant’s claimed lack of credibility based on them not having accounted in great detail for feelings, emotions and reflections related to the (wrongfully) expected inner journey of self-realisation and acceptance.

The applicant is often not found credible about their SOGIESC based on what “risks” they or others around them are considered to have taken according to the Swedish Migration Agency. It is common that an applicant is found not credible if they for example saved an intimate video of themselves with a same sex partner, or if their partner acted in a “risky way” in a





country where it is dangerous to be LGBTQI+. Such assessments are unavoidably subjective and thus prohibited according to the Swedish Migration Agency's own legal position paper, *RS/015/2021 Legal position on procedure and assessment of future risk for individuals claiming international protection needs related to sexual orientation, gender identity or gender expression*. How the oral asylum interviews are conducted, does not live up to the right to an individual and objective assessment, according to international and national laws, for example the EU directives. This is because the questions asked and the credibility assessments made, are based on unlawful stereotypes and wrongful, inappropriate assumptions that LGBTQI+ people share universally common life experiences and characteristics, such as having experienced a deep inner process of self-realisation and that they all can account in great detail for feelings and reflections that they may not even have experienced.

Regarding evidence assessment, RFSL can conclude that written evidence is systematically disregarded as having “low evidential weight” in SOGIESC asylum cases. This is regardless of whether the submitted evidence is support letters from NGO's like RFSL's professional counselors testifying to their counseling sessions with LGBTQI+ asylum seekers and their testimony about what the patient has expressed about their SOGIESC and for example past persecution, or medical statements about a medical condition that is related to the SOGIESC asylum claims, photos and other evidence of the applicant being very active in LGBTQI+ organisations, having same sex relationships in Sweden, etc. To systematically disregard all other evidence except the oral testimony is contrary to the EU's Asylum Procedure Directive.

In summary, the RSD (refugee status determination) in SOGIESC asylum cases 2025 is, according to RFSL not in accordance with Swedish or international laws. The right to an individual and objective assessment is not fulfilled, rejection motivations and the decision about deportation are based on unlawful stereotypes that are the core in the credibility assessments. Also, strictly forbidden discretion-reasoning is still applied. This means that asylum seekers with SOGIESC asylum claims, who risk persecution and therefore are legally entitled to protection, are instead denied on unlawful grounds. Unavoidably, as a result, many of them are deported to countries where they risk persecution, torture or the death penalty, in countries where real and perceived LGBTQI+ people are criminalised. Sweden thus does not live up to the principle of non-refoulement in SOGIESC asylum cases.

9. Procedures at second instance (including organisation of the process, hearings, written procedures, timeframes, case management – including backlog management)

RFSL has access to all the judgments from the four Migration Courts in Sweden, where negative asylum decisions are appealed from the Swedish Migration Agency. The judgements are published and available on a legal database that RFSL has access to JP Infonet, jpinfonet.se. RFSL's asylum lawyer receives notifications on a daily basis when a new judgement is published where SOGIESC asylum claims are invoked and assessed, and is therefore able to collect, read and analyse all the cases from the Migration Courts where sexual orientation, gender identity, gender expression and/or sex characteristics are asylum grounds. By gathering all these SOGIESC asylum cases from the Migration Courts,





RFSL is able to keep statistics over the number of positive asylum decisions and negative asylum decisions from the courts. The numbers are statistically secure since RFSL's lawyers have access to all the judgements from the Migration Courts and have selected the ones where SOGIESC asylum claims are invoked by the asylum applicant.

From the 1st of January to the 31st of December 2025, RFSL has gathered altogether 447 judgements from the Swedish Migration Courts in asylum cases where SOGIESC claims were assessed by the courts. In 417 of the cases, or 93,29%, the court rejected the SOGIESC asylum claims. Out of the 417 denied SOGIESC asylum claims, 313 or 75,06% were based on the credibility assessment, where the applicant's sexual orientation, gender identity, gender expression and/or sex characteristics were not assessed as credible. The remaining 104 judgements or 24,94% of the rejection motivations were based on sufficiency; most often when the country of origin was assessed as a so-called "safe country of origin" for LGBTQI+ people. The forthcoming research will be published in 2026.

RFSL's asylum lawyers can conclude that the credibility assessments in the second instance, the Migration Courts, are - like in the first instance - also based solely on unlawful stereotypes, such as strict requirements of the applicant having experienced an inner emotional self-awareness journey and that they can account for feelings, reflections and risk assessments in great detail. Therefore, RFSL assesses that it is of great concern that more than 93% of all SOGIESC asylum claims are rejected by the Migration Courts, and that more than 75% of the refusals are based on the credibility assessment which is based on unlawful stereotypes. The majority of the applicants with SOGIESC asylum claims who are denied, are from and will be deported to countries like Uganda, Nigeria, the Gambia, Iraq, Afghanistan, Kenya, Tanzania, Morocco, Tunisia, Uzbekistan, where LGBTQI+ people face persecution such as imprisonment, in some cases torture and even the death penalty.

10. Issues of statelessness in the context of asylum (including identification and registration)

11. Children and applicants with special needs (special reception facilities, identification mechanisms/referrals, procedural standards, provision of information, age assessment, legal guardianship and foster care for unaccompanied and separated children)

In the regards, RFSL would like to emphasise that our target group is asylum seekers with SOGIESC asylum claims, which means that they are a vulnerable group. This should be considered when reading our observations and concerns expressed in this report about the different parts of the asylum procedure, such as the lack of access to an individual, objective assessment in general for vulnerable applicants with SOGIESC asylum claims.

Part B: Publications





1. If available online, please provide links to relevant publications produced by your organisation in 2025:

Remissyttrande över Migrations- och asylpakten (Ds 2025:30) (Consultation response on the Migration and Asylum Pact (Ds 2025:30), English version attached to the template)
https://www.rfsl.se/wp-content/uploads/2025/12/ry_Migrations-och-asylpakten.pdf

New laws 2025 that affect LGBTQI+ asylum seekers
<https://www.rfsl.se/en/organisation/asylum-and-migration/new-laws-2025-that-affect-lgbtqi-asylum-seekers/>

Ny rapport från Migrationsverket: RFSL välkomnar förbättringar och kräver stopp för otillåtna utvisningar (New report from the Swedish Migration Agency: RFSL welcomes improvements but demands that unlawful deportations are stopped)
<https://www.rfsl.se/aktuellt/ny-rapport-fran-migrationsverket-rfsl-valkomnar-forbattringar-och-kraver-stopp-for-otillatna-utvisningar/>

Information for trans people seeking to leave the US for Sweden
<https://www.rfsl.se/en/organisation/asylum-and-migration/information-for-trans-people-seeking-to-leave-the-us-for-sweden/>

2. If not available online, please share your publications with us at:
Asylum.Report@euaa.europa.eu

Consultation response on the Migration and Asylum Pact (Ds 2025:30), informal English translation

Revocation and deportation - Updated December 2025

3. For publications that due to copyright issues cannot be easily shared, please provide references using the table below.





Consultation response on the Migration and Asylum Pact (Ds 2025:30)

RFSL, the Swedish Federation for Lesbian, Gay, Bisexual, Transgender, Queer and Intersex Rights, has been given the opportunity to submit a consultation response to the Ministry memorandum "Migration and Asylum Pact" (Ds 2025:30). RFSL hereby submits the following comments.

Summary of RFSL's comments

Introductory comment

Given the extraordinarily short consultation period (24 November to 7 January), which also coincides with the Christmas and New Year holidays, RFSL has neither the resources nor any reasonable opportunity to analyse and comment in detail on all aspects of this comprehensive memorandum. It has therefore been necessary to limit ourselves to those parts that RFSL considers to pose the greatest risk to the particularly vulnerable group of LGBTQI asylum seekers, and to express our comments and concerns regarding these. RFSL would also like to point out that RFSL Ungdom (RFSL's youth association) has submitted a separate response to the memorandum and that RFSL supports the views expressed in that response. RFSL would also like to express that we share the views and criticism of the short consultation period expressed by the Institute for Human Rights in [a letter](#) to the Ministry of Justice.

Overview of the Migration and Asylum Pact

The memorandum describes how Sweden will implement the EU Migration and Asylum Pact, which will come into force in mid-June 2026. The pact consists of several binding EU regulations and directives. The aim is, among other things, to create a faster and more uniform asylum and migration system in the EU. At the same time, legal certainty must not be weakened. The latter is an objective that presents clear challenges, not least in terms of speeding up the process from application to decision. There are also clear challenges in how the regulations can work in practice for particularly vulnerable groups of refugees, who cannot be assessed at group level. These include LGBTQI asylum seekers, as well as women fleeing gender-based persecution and converts.

Key changes to be implemented are:

- Stricter controls at the EU's external border.

All those who arrive in the EU irregularly must undergo mandatory screening (health check, security check, identity check and fingerprinting). During the screening, they are not formally on EU territory in the legal sense.

- Faster and more uniform asylum procedures and faster return procedures.





A new border procedure will be introduced whereby certain groups will have their asylum applications examined directly at the border within a very short time. The focus will be on more efficient processing, faster decisions and a quicker transition to return if asylum is refused. Common rules will be introduced for monitoring, detention and the enforcement of returns.

Asylum Procedures Regulation

The explicit purpose of the Asylum Procedures Regulation is to "streamline, simplify and harmonise Member States' procedures by establishing a common procedure for international protection" (p. 38).

The memorandum on pages 283 onwards states that Articles 15-17 and 19, among others "fall outside the scope of the current assignment" and have instead been "dealt with by the Minimum Level Inquiry in the interim report *on the phasing out of permanent residence permits and certain adjustments to the minimum level under the EU Migration and Asylum Pact* (SOU 2025:31)". Articles 15-17 and 19 concern the right to legal advice, free legal aid and assistance. RFSL regrets that the memorandum only makes brief reference to the Minimum Standards Inquiry. In this way, it fails to comment on and justify what is proposed there. The inquiry proposes significant reductions in asylum seekers' access to and right to public assistance during the asylum process. Among other things, it proposes that the right to public assistance be removed in the first instance. RFSL is strongly critical of this proposal, which clearly risks hitting vulnerable groups, such as protection seekers with SOGIESC asylum claims, particularly hard. Asylum seekers' opportunities to access their rights, such as information about which of their grounds for protection are legally recognised and important to present, will be significantly restricted. RFSL believes that the proposals in the Minimum Level Inquiry, if implemented, will seriously undermine the legal security of the vulnerable group of LGBTQI asylum seekers and greatly reduce their real possibility to have their need for protection examined in a legally secure manner, thereby reducing their chances of being granted the protection to which they are legally entitled. RFSL refers to the consultation response submitted by RFSL and RFSL Ungdom (Queer Youth) regarding the other proposals in SOU 2025:31. The consultation response was submitted without either RFSL or Queer Youth being included as a consultation body for this report, which is a fact we regret.

With regard to guarantees for asylum seekers, in the chapter Access to the asylum procedure, on page 319 onwards, concerning personal interviews, the memorandum states that the applicant shall have the right to be assisted by a legal adviser during the personal interview. Furthermore: "The absence of the legal adviser shall not prevent the determining authority from conducting the interview. Member States may provide in national law that, where a legal adviser is present at the personal interview, the legal adviser may only make statements at the end of the interview (Article 13.13)." The memorandum's assessment is that the option "that the legal adviser may only make statements at the end of the personal interview should not be used." RFSL welcomes this assessment, but would like to emphasise that this is currently the practice, where it is up to each case officer at the Migration Agency to decide whether the public counsel is allowed to ask questions or make statements during the investigation or only





at the end, or not at all. This is something that RFSL strongly criticises. Based on experience of employed asylum lawyers acting as public counsel, as well as our close cooperation with other public counsel, RFSL finds that it strongly disadvantages the individual asylum seeker in cases where their counsel is not allowed to make necessary clarifying statements or ask supplementary questions during the investigation. In many cases, this leads to unnecessary misunderstandings that are not always possible to clarify retrospectively when reviewing the asylum investigation protocol and the written submission to the Migration Agency, without this being held against the applicant in the reliability assessment and contributing to a rejection decision despite the applicant's need for protection. RFSL therefore wishes to emphasise the importance of the investigation's assessment being followed in practice and that the legal adviser's submissions or questions are not limited to being presented at the end of the personal interview or not at all, which is often the case today.

The inquiry further notes that the provisions of Article 34 on the examination of an application are directly applicable and do not require any legislative measures. It also notes that, according to Article 34(2) of the Asylum Procedures Regulation, the determining authority shall examine applications objectively, impartially and on an individual basis. When examining an application, the determining authority shall take into account, inter alia, relevant statements and relevant documentation submitted by the applicant. However, RFSL notes that the Swedish Migration Agency's examinations and assessments of sexual orientation, gender identity and gender expression as grounds for protection do not meet the requirement for an objective or individual assessment. RFSL has shown this in three comprehensive legal investigations in [2020](#), [2023](#) and [2024](#) (see the reports on RFSL's website: <https://www.rfsl.se/en/organisation/asylum-and-migration/asylum-seeking-lgbtqi-individuals-deported-on-illegal-grounds/>). The research examines over 3,360 individual decisions and judgments, as well as in a currently ongoing review of LGBTQI+ asylum case law 2025. Nor is written evidence taken into account in these cases to the extent that both current EU law (the Qualification Directive *2011/95/EU*, Art. 4.2 and Art. 4.3 b)) and the new Asylum Procedures Regulation stipulate that it should be. Instead, oral accounts are considered to be entirely decisive on the basis of credibility criteria that lack both legal and scientific support, which thus contravene both Swedish and international law. Following [a review](#) carried out in 2024 by the Swedish Agency for Public Management, the Migration Agency was tasked by the government with improving legal certainty in its 2025 appropriation letter. Despite this, there have been no improvements in the quality of decision-making and the legal assessments of SOGIESC asylum cases. In light of this, RFSL wishes to emphasise the importance of ensuring that this part of the Asylum Procedure Regulation, concerning the obligation of national authorities assessing grounds for protection to make impartial, objective and individual assessments, is actually fulfilled in practice. Also, as stated in the Asylum Procedure Regulation, evidence other than oral evidence must also be taken into account.

Border procedures

A border procedure means that a Member State processes an application for international protection at the border, without first allowing the person to enter the country. According to Article 43(1) of the Asylum Procedures Regulation, an application may be examined under a border procedure if the applicant, where applicable, has undergone a screening under the





Screening Regulation and has not yet been allowed to enter the territory of the EU country. On page 369 of the memorandum, it is stated that, in summary, a border procedure may be applied in situations where a person who has not been allowed to enter Sweden applies for international protection and where the application is either rejected (refused consideration) or examined on its merits and certain grounds for an accelerated examination procedure are applicable. These grounds can be briefly described as situations where applications for international protection are considered unfounded (e.g. because the applicant has provided irrelevant, false or implausible information in support of their need for protection) or situations where there are otherwise special circumstances (e.g. because the applicant is considered a threat to national security or public order). The Asylum Procedures Regulation also contains a number of different situations in which the border procedure may not be applied or must cease to be applied. These situations take into account circumstances relating to both the individual applicant (e.g. Articles 21 and 53) and the reception and staffing capacity of the Member States. Article 21 of the Asylum Procedures Regulation states the following:

Article

Applicants in need of special procedural guarantees

- 1. Where applicants are found to be in need of special procedural guarantees, they shall receive the necessary support to enable them to exercise their rights and fulfil their obligations under this Regulation throughout the international protection procedure.*
- 2. Where the determining authority, including on the basis of an assessment by another relevant national authority, considers that the necessary support referred to in paragraph 1 of this Article cannot be provided in the context of the accelerated examination procedure referred to in Article 42 or the border procedure referred to in Article 43, paying particular attention to persons who have been subjected to torture, rape or other serious forms of psychological, physical, sexual or gender-based violence, the determining authority shall either not apply or cease to apply those procedures to the applicant.*

A prerequisite for vulnerable protection seekers, such as LGBTQI persons, to be exempted from a border procedure, in accordance with Article 21, is that these vulnerable groups with special procedural needs have been identified. RFSL is very concerned that vulnerable persons in need of protection and persons entitled to protection, such as LGBTQI persons, are at risk of ending up in a border procedure. This is the case, for example, if they come from countries of origin with an approval rate of 20 per cent or less, or from so-called "safe" countries of origin according to Article 42(j) and (e) of the Asylum Procedures Regulation. However, these countries are rarely "safe" for LGBTQI persons in particular. The risk of ending up in a border procedure appears to be obvious if the vulnerability assessment during the screening procedure has not identified the applicant's vulnerability due to sexual orientation, gender identity and/or gender expression. The fact that the applicant's vulnerability has not been identified is likely to be a very significant risk in most cases, as it does not seem realistic in many cases that applicants would immediately dare to disclose their LGBTQI reasons to, for example, a border police officer when they come from a country where the police and authorities arrest and punish LGBTQI persons.





RFSL also wishes to express concern that border procedures will affect the already particularly vulnerable groups of transgender, intersex and non-binary persons. RFSL wishes to emphasise the risk that a person seeking protection may be mistakenly perceived as having attempted to "deliberately mislead the authorities" under Article 42c) if their legal name, legal gender and/or physical appearance as stated in any identity documents do not correspond to how the person identifies themselves, their gender identity, gender expression and any other name they use for themselves. RFSL wishes to point out that when the person's own grounds for asylum are precisely gender identity, gender expression and/or an intersex variation, this should under no circumstances lead to the applicant being perceived as "misleading" the authorities and therefore ending up in a mandatory border procedure. It is therefore crucial that the decision-making authorities have the necessary expertise regarding the legal grounds for asylum that are relevant here: gender identity, gender expression and intersex variation.

As pointed out above, vulnerable persons, including persons with SOGIESC protection grounds, should not be subject to border procedures if the accommodation facility does not meet the requirements of the Reception Directive, as stated in recitals 61 and 62 of the Asylum Procedures Regulation. However, as this requires that LGBTQI grounds have been identified, which RFSL believes will be a major challenge in itself, there is a high risk that vulnerable persons in need of protection on LGBTQI grounds will still end up in border procedures in many cases. RFSL views this risk with great concern, as a fast-track procedure increases the risk that a person's need for protection on LGBTQI grounds will not be identified. In such cases, the person will not have access to the assessment of their need for protection to which they are entitled. RFSL believes that this risk is particularly significant as persons who end up in border procedures do not have the right to enter the country and are not legally considered to be in the country. The risk that vulnerable persons' LGBTQI protection grounds will not be identified and thus not assessed appears to be particularly high if these persons end up in border procedures during which they are not given real opportunities to contact, for example, civil society organisations and/or obtain legal assistance with knowledge of the grounds for protection that exist, which can assist the person in presenting these protection grounds.

Revocation of international protection under the Asylum Procedures Regulation and revocation of residence permits under the Qualification Regulation

With regard to the revocation of residence permits, RFSL would like to point out that in recent years we have witnessed and taken note of a sharp increase in the number of revocation cases, where refugee status and residence permits are revoked for persons who have been granted residence permits on the basis of their LGBTQI grounds. In many cases, the revocation case has been initiated on unclear, vague and arbitrary grounds, such as anonymous tips to the Migration Agency that a former asylum seeker who may have lived in Sweden for a long time with a permanent residence permit has "lied" about, for example, their homosexual orientation. Other common examples of when revocation cases are initiated are when lesbian, bisexual and queer women who have been granted refugee status have children. RFSL, Civil Rights Defenders and other civil society organisations are witnessing an increase in the number of revocation cases for LGBTQI people and a risk that the Migration Agency's





investigation of LGBTQI people in particular is being conducted by asking questions that violate their privacy about their sexual orientation and/or gender identity/gender expression, which is not permitted according to UNHCR guidelines no. 9 or the Migration Agency's own legal position *RS015/2021*.

RFSL has seen several cases where lesbian, bisexual and queer women and same-sex couples who have been granted refugee status are called to interviews where they are asked detailed and privacy-invading questions about how they went about performing home inseminations with, for example, a friend who acted as a sperm donor. There have also been cases where LGBTQI women have been subjected to sexual abuse, resulting in unwanted pregnancies, and during the revocation interview, they are asked detailed questions about the sexual abuse, which in itself is traumatic for them and difficult to talk about. Other LGBTQI persons with refugee status who have formed families in various constellations, which is very common among rainbow families, have chosen to live with the other parent of a child who has a different legal gender than themselves, without having a romantic and/or sexual relationship, but because this is perceived as the most practical and best solution during infancy/early childhood. This is despite the fact that they are LGBTQI people who, in Uganda (see ILGA country info: <https://database.ilga.org/uganda-lgbti>), risk in the worst case scenario being deported back there. This is despite the fact that they are LGBTQI persons who, in Uganda (see ILGA's country information: <https://database.ilga.org/uganda-lgbti>), risk the death penalty in the worst case.

In the second half of 2025, RFSL took part in a case where a lesbian woman from Nigeria had been granted refugee status and a residence permit several years earlier on the grounds of her homosexual orientation, which she was deemed to have proven. After the Migration Agency received a "tip" that the woman had lied about being a lesbian and a Muslim, along with photographs of her not wearing a veil, the Migration Agency opened a case for revocation and deportation. The woman was not given access to the evidence or the tips prior to the oral investigation to which she was then summoned, but was informed of and confronted with them on the spot, while being told to explain very sensitive issues in an extremely unpleasant, and frightening situation, and to once again give a detailed account of her sexual orientation, including an expected internal process, thoughts, feelings and reflections related to it. This was despite the fact that she had already been deemed credible, reliable and truthful during her asylum process. The woman explained that the photos were taken at a Christian wedding where she was unable to wear her hijab and that she had the photos taken to see what she looked like without it. This was not considered credible, and the woman was deemed to have lied about being Muslim and, therefore, about being a lesbian. Her refugee status and residence permit were revoked, and she was deported to Nigeria (see ILGA's country info: <https://database.ilga.org/nigeria-lgbti>), where LGBTQI people can be punished with the death penalty in several states.

RFSL interprets this new practice in recent years, with a number of cases initiated by the Migration Agency concerning the revocation of protection status and residence permits, as a direct consequence of recent regulatory letters in which the Migration Agency has been instructed to prioritise revocation. Since the Migration Agency has been tasked with





prioritising cases concerning the revocation of residence permits, civil society organisations have noted an increase in the number of former LGBTQI asylum seekers whose temporary or permanent residence permits have been revoked after the Migration Agency initiated an investigation into revocation. Since revocation of protection status, especially for persons granted such status on LGBTQI grounds, in many cases means that the person cannot extend their residence permit when this has been granted as a result of their protection status, one consequence of revocation of protection status is that the person is deported. This is not mentioned at all in the memorandum. The consequence of revoking protection status is that many people who have been granted protection and residence permits on LGBTQI grounds lose their right to continued protection and do not understand or become aware of this until they apply for an extension of their residence permit.

When protection status is revoked, no public counsel is appointed to the case, even though revocation of status often entails a concrete and imminent risk of serious consequences in the form of deportation to countries where LGBTQI people are criminalised and can be punished with imprisonment or, in the worst case, the death penalty. RFSL wishes to emphasise the need to clarify, when implementing the pact, that individuals whose protection status is under consideration for revocation have access to and the right to a public defender. This should be no later than when appealing the Migration Agency's decision on revocation to the Migration Court. It is crucial for the individual, especially when they belong to a vulnerable group with LGBTQI protection grounds, that they have access to support, advice and legal information from a lawyer or solicitor when their protection status is threatened with revocation, with the serious and life-threatening consequences that this can have. RFSL refers here to the guarantees for the person that are literally stated in Article 66 of the Asylum Procedures Regulation:

- (a) he or she shall be informed in writing that his or her right to be considered a person granted international protection is being reviewed and of the reasons for such a review.*
- b) He or she shall be informed of the obligation to cooperate with the determining authority and other competent authorities, in particular of the fact that he or she shall be required to make a written statement and to appear for a personal interview or a hearing and to answer questions.*

Based on the above-cited article of the Asylum Procedure Regulation, RFSL wishes to emphasise the person's absolute right to access information about the grounds and basis for the Migration Agency's initiation of a case concerning the revocation of protection status and possibly also residence permits. This is because RFSL has reviewed a large number of cases where persons with refugee status and temporary or permanent residence permits, which have been granted on the basis of the person's real and/or attributed, affiliation with the LGBTQ community, receive a letter informing them that a case has been initiated to revoke their refugee status and possibly also their residence permit. This is done without the person receiving any written information about the grounds and basis on which their status and possibly also their residence permit are being considered for revocation. RFSL's experience is that, with a few exceptions, the Migration Agency does not, as a rule, grant the right to public





assistance in cases concerning the revocation of status, which means that the person will no longer be able to extend their residence permit on the same grounds for protection. RFSL would like to emphasise that the residence permit granted is always at risk when the Migration Agency considers that there is sufficient evidence to open a case for revocation of status and summon the person for an investigation. Sometimes the Migration Agency appoints a public counsel after the oral investigation has already been held, but at this late stage it is too late for the counsel to make a difference in the case.

RFSL's experience is that the person never gets to see the evidence for opening a case for revocation before the oral investigation is held. In some cases, lawyers who work with RFSL describe that it has been possible to gain access to the material at the individual's request with the help of a lawyer, but this is an exception. Most often, the Migration Agency refers to confidentiality regulations and that it is detrimental to the investigation to disclose the documentation. Instead, the person is confronted with the documentation during the investigation. Often, the person is not even given a break to go through the material in peace and quiet. Instead, they are expected to answer questions about the material without having had any opportunity to read through it or understand what it is about. The Migration Agency often argues that the person themselves should know what the material is about. The person is expected to be able to answer why the material was submitted, even though it often concerns anonymous tips. The lawyers who work with RFSL testify that when they have been present as representatives, they have had to "nag" for ten-minute breaks to talk to their clients about the documentation they have been confronted with during the investigation. In a recent case, the documentation consisted of approximately 50 pages, and the Migration Agency investigator did not want to grant a break for the lawyer and client to look at and go through the documentation; instead, the investigator had planned to summarise the documentation orally. Furthermore, lawyers who work with RFSL testify that it is common for the Migration Agency not to show the evidence to the person during the investigation, but instead to briefly summarise the content and then confront the person with questions.

Another recent example that RFSL has heard about was when a lesbian woman who had children in her country of origin and who then came to Sweden through family ties was asked to provide DNA samples, both for herself and all her children, because an anonymous tip had claimed that the children had different fathers. DNA testing is an invasive bodily procedure and should not be forced on anyone, especially children, simply because the Migration Agency has received an anonymous tip, which as a rule should be considered to have no evidential value.

Now that the provisions of the Asylum Procedure Regulation on the revocation of international protection are directly applicable, RFSL wishes to emphasise that it is of the utmost importance that the practice that has developed and is currently in place with regard to revocation cases for persons who have been granted protection status and residence permits on LGBTIQI grounds, which are initiated on vague, arbitrary and legally uncertain grounds such as anonymous tips, family formation or being registered at the same address as someone of a different legal gender, must cease. RFSL urges the government to ensure that the initiation of revocation cases, and above all the implementation of revocation of protection





status and residence permits, is carried out on legal, predictable and legally secure grounds, and that the right to access the reasons for an initiated revocation case is fulfilled in accordance with the Asylum Procedure Regulation. This is not the case today, especially with regard to persons who have been granted protection on LGBTQI grounds.

Safe countries

Section 5.3.19 of the memorandum deals with so-called "safe countries"; "safe third countries" and "safe countries of origin", which are regulated in Articles 57-64 of the Asylum Procedures Regulation. Articles 57-63 are directly applicable. A safe third country is defined as a country that can be considered safe for an applicant who is not a citizen of that country, while a safe country of origin refers to a country that can be considered safe for its citizens or, in the case of stateless persons, for those who have previously been permanently resident there. According to Article 57, a third country is considered to provide effective protection if it has ratified and respects the Geneva Convention, or if it otherwise provides protection that meets basic human rights standards, such as sufficient means of subsistence, healthcare and education until a durable solution can be found. RFSL already sees a risk here that particularly vulnerable persons in need of protection, for example on LGBTQI grounds, may be sent to third countries that, according to this definition, can be considered "safe" solely on the basis that they have ratified the Geneva Convention. Afghanistan, Belarus, Egypt, Iran, Lebanon, Palestine, Pakistan, Russia and Syria are examples of countries that have ratified the Geneva Convention, but all of which have various forms of criminalising legislation against LGBTQI persons. The European Court of Justice has long established that criminal legislation used to arrest and, for example, sentence LGBTQI persons to prison constitutes persecution that qualifies for protection. RFSL wishes to emphasise that it is therefore crucial to ensure that Sweden continues to make individual assessments of applications for international protection when the need for protection is assessed in relation to what will now be defined as a "safe third country" under the Asylum Procedures Regulation.

Articles 60 and 62 regulate the determination of safe third countries and safe countries of origin at Union level, while Article 64 regulates determinations at national level. Member States may maintain or introduce national provisions allowing third countries other than those determined at Union level to be assessed as safe third countries or safe countries of origin. Member States shall notify the Commission and the European Union Agency for Asylum of the national designations made by 12 June 2026 and thereafter upon each new designation or amendment. Member States shall notify annually the third countries to which the concept of 'safe third country' applies in relation to specific applicants, in accordance with Article 64(4). When a country of origin can be considered "safe" under Article 61, this is grounds for placing applicants for international protection in an accelerated procedure under Article 42(e). In this context, reference is made to the section of this consultation response that deals with border procedures and the risk that RFSL highlights there, namely that particularly vulnerable applicants, such as persons with LGBTQI grounds who have not been identified in the vulnerability assessment, end up in an accelerated procedure.

RFSL views the implementation of this new regulation concerning the concept of "safe third country" with great concern, as it will mean that Member States can reject an application for





international protection without examining the merits of the application and deport the person to a so-called safe third country. This could happen, for example, if there is a "connection" between the applicant and the third country. Applications for international protection may be rejected if it is assessed that the person could have sought and been granted international protection in a country outside the EU that is considered safe.

The Asylum Procedures Regulation allows applicants for international protection to be sent to "safe third countries" or to "safe parts" of unsafe countries. The threshold for what is required for a country to be defined as safe is lowered. Furthermore, the requirement for a connection between the applicant and the third country to which they may now be deported is weakened. Persons whose application for international protection has been rejected can thus be sent to a country that is not their country of origin, as long as they have "connections" there.

With regard to the EU's list of safe countries of origin, the European Council has agreed that Bangladesh, Egypt, Morocco and Tunisia, among others, should be designated as "safe countries of origin". However, these countries are just a few examples of a large number of countries where the vulnerable group of LGBTQI asylum seekers are at risk of persecution in the form of imprisonment and, in some cases, torture, as is the case in Tunisia (according to [country information](#) published by ILGA), where people who are arrested risk being subjected to anal "tests" which are classified as torture by the UN. Against this background, RFSL sees a clear risk that many asylum seekers who need and are entitled to international protection on LGBTQI grounds will be deported back to their countries of origin, where they risk persecution. This is particularly true in cases where their vulnerability and LGBTQI grounds have not been identified. It is therefore of the utmost importance to ensure that Sweden, as a member state, continues to make individual assessments of applications for international protection to the greatest extent possible, and does not deviate from current case law, according to which Bangladesh, Egypt, Morocco and Tunisia, among others, are not considered "safe" for persons who belong or are attributed to the LGBTQI community. Accessible, relevant and up-to-date country information must be used when assessing whether a country of origin is "safe" for an applicant, or whether they risk persecution there on the basis of one or more of the grounds for protection: sexual orientation, gender identity and gender expression.

The Qualification Regulation

The memorandum states that Articles 9–14 of the Regulation "on the conditions for being considered a refugee and the granting and revocation of refugee status are directly applicable."

Protection needs based on sexual orientation and gender identity have been considered in national law (the Aliens Act), UNHCR guidelines and EU Court of Justice case law, and LGBTQI asylum seekers are generally granted protection status on the basis of their membership, or attributed membership, of a particular social group.

The reasons for the Qualification Regulation state the following:





(40) It is also necessary to introduce a common understanding of the persecution ground "membership of a particular social group". For the purpose of defining a particular social group, due consideration should be given to factors related to the applicant's sexual orientation or gender, including gender identity and gender expression, which could be linked to certain legal traditions or customs leading to, for example, female genital mutilation, forced sterilisation or forced abortion, insofar as they are related to the applicant's well-founded fear of persecution. Depending on the circumstances, disability may be a factor in defining a particular social group.

(41) The circumstances in the country of origin, including the existence and application of criminal laws specifically targeting homosexuals, bisexuals, transgender persons and intersex persons, may mean that such persons should be considered to constitute a particular social group.

(42) When assessing an application for international protection, the competent authorities of the Member States should use methods for assessing the credibility of an applicant in a manner that respects the applicant's rights under the Charter and the European Convention, in particular the right to human dignity and respect for private and family life. In particular, with regard to sexual orientation and gender identity, applicants should not be subjected to detailed questioning or testing on their sexual habits.

(42) When assessing an application for international protection, the competent authorities of the Member States should use methods to assess an applicant's credibility in a manner that respects the applicant's rights under the Charter and the European Convention, in particular the right to human dignity and respect for private and family life. In particular, with regard to sexual orientation and gender identity, applicants should not be subjected to detailed questioning or testing regarding their sexual habits.

Regarding the memorandum's reference to the definition of refugees in the Qualification Regulation, RFSL would like to state that the association welcomes the fact that the Qualification Regulation explicitly recognises that criminalising legislation can target both transgender and intersex persons, and that the recitals of the Regulation also explicitly recognise that gender expression, in addition to sexual orientation and gender identity, can define a particular social group. At the same time, RFSL notes with concern that the wording of Article 10.1 of the Qualification Directive, and the definition therein of what may constitute membership of a particular social group, does not mention intersex people.

Article 10 reads:

Reasons for persecution

1. The following factors shall be taken into account when assessing the reasons for persecution:





(d) The concept of membership of a particular social group shall include, in particular, membership of a group

(i) whose members have or are perceived to have an innate characteristic or a common background that cannot be changed, or a characteristic or belief that is so fundamental to their identity or conscience that they should not be forced to renounce it, and

(ii) which has a distinct identity in the country concerned because it is perceived as being different by the surrounding society.

[...] Depending on the circumstances in the country of origin, the concept of membership of a particular social group referred to in point (d) of the first subparagraph shall include membership of a group whose members share a common sexual orientation. When assessing whether a person should be considered to belong to a particular social group or when determining a characteristic feature of such a group, due consideration should be given to gender-related aspects, including gender identity and gender expression.

Given that neither intersex variation nor attributed membership of a particular social group is mentioned in the Regulation, RFSL wishes to emphasise the importance of these grounds for protection continuing to be recognised nationally as legal grounds for protection, in the same way as they are today, for example through the preparatory work for the Aliens Act, the Swedish Migration Agency's legal position *RS015/2021* and UNHCR guidelines no. 9.

Residence permits for family members (family reunification)

The memorandum states that Articles 23.1–23.6 of the Regulation "on the issuance and revocation of residence permits for family members of persons granted international protection are directly applicable". It is further assessed that the possibility of applying Article 23 on family reunification to other close relatives, including siblings, or married minors should not be utilised. No changes are proposed to the current wording of Chapter 5, Section 3, Paragraph 1 of the Aliens Act regarding residence permits for "spouses or cohabiting partners". However, on page 428 of the memorandum, reference is made to Article 3.9, which defines what is meant by family members under the Regulation. It states the following:

Article 3

Definitions

For the purposes of this Regulation, the following definitions shall apply:

9. family members: the following family members of the person granted international protection, if these family members are present on the territory of the same Member State in relation to the application for international protection and provided that the family already existed before the applicant arrived on the territory of the Member States:

(a) the spouse of the beneficiary of international protection or his/her unmarried partner in a stable relationship, if the law or practice of the Member State concerned treats unmarried couples as equivalent to married couples.





Prior to the implementation of the Protection Regulation, RFSL would like to emphasise the importance of ensuring that family members of LGBTQI individuals are not discriminated against in practice. This is because RFSL sees this happening today, despite the fact that this should not be the case, as stated in *the government's bill 2020/21:191 Amended rules in the Aliens Act*. RFSL is aware of several cases where family members, especially same-sex partners of people who have been granted refugee status in Sweden on LGBTQI grounds, have had their applications for residence permits on the basis of family ties rejected because they do not have sufficient evidence of their relationship, for example, when they cannot prove that they have lived together in a country where this is not permitted, and/or when their relationship is not recognised by the authorities, who instead often criminalise it, and when they have usually been forced to hide it from those around them. In many countries from which LGBTQI people flee and are granted refugee status, same-sex relationships are criminalised, which is one of the reasons for their flight and for the granting of protection status. The term same-sex relationships refers here to both same-sex couples and opposite-sex couples who are perceived to be of the same sex, for example when one of the partners is transgender and cannot live in accordance with their gender identity. In the vast majority of cases, there is no legal or real possibility of getting married or living together at the same address, as this can be associated with the risk of being exposed and prosecuted. They have very rarely been able to marry and thus become "spouses" in the legal sense. According to the wording of the regulation, they would therefore already be excluded from the definition of "spouse". The second definition of family member mentioned is "unmarried partners in a stable relationship, if the law or practice of the Member State concerned treats unmarried couples as equivalent to married couples". Based on the concept of "stable relationship" in the regulation, family members of LGBTQI persons would risk being excluded, including partners who have not been able to live together and/or whose relationship has not been recognised in any way in their country of origin or can be proven with documentation by themselves, as they have often been forced to hide it from those around them.

RFSL would like to see clarification that LGBTQI persons' families and partners who, for example, have been forced to hide their relationship and who have not been able to live together, for example due to criminalised legislation, are not discriminated against and excluded in the implementation of the pact regarding residence permits for family members. This is particularly important given that discrimination against LGBTQI family members already occurs in practice today, despite the fact that they should have the same right to family reunification as others.

RFSL also regrets the assessment in the memorandum that the possibility of applying Article 23 on family unity to other close relatives, including siblings or married minors, should not be utilised.

Today, in certain situations that are not covered by the main rules for residence permits, it is possible to be granted a residence permit on the grounds of "particularly compassionate circumstances". Children may be granted a permit on these grounds even if the circumstances are not as serious and weighty as those required for adults to be granted a permit. The possibility of granting residence permits to minors and adults on the basis of "particularly





compassionate circumstances" has been removed. At the same time, in practice, it is almost impossible to be granted a residence permit on the basis of "particularly compassionate circumstances". In this context, RFSL would therefore like to point out that reintroducing the possibility of granting residence permits on the basis of "particularly compassionate circumstances", which has a slightly lower threshold for applicants to meet, would be a desirable and welcome outlet for certain compassionate cases. RFSL therefore advocates the reintroduction of "particularly compassionate circumstances" for minors and adults as grounds for granting a residence permit.

Residence permits for persons granted international protection

The memorandum proposes that the initial period of validity for residence permits for persons granted refugee status should be three years and for persons granted subsidiary protection status thirteen months. Upon extension, it is proposed that the period of validity for residence permits should be three years for refugees and two years for persons in need of subsidiary protection.

RFSL considers that, in this context, it is not possible to comment on the inquiry's proposal without mentioning the inquiry *on the phasing out of permanent residence permits and certain adjustments to the minimum level under the EU Migration and Asylum Pact (SOU 2025:31)*. This is particularly in light of what is stated on page 439 of the memorandum: "The proposals now being put forward in connection with the provisions of the Qualification Regulation on periods of validity are based on the assumption that the Minimum Level Inquiry's proposal to remove the possibility of permanent residence permits will be implemented." In this regard, RFSL refers to its joint consultation response with RFSL Ungdom on *SOU 2025:31*. Furthermore, RFSL would like to emphasise that, even though this falls outside the scope of the present consultation response, the devastating consequences that the phasing out of permanent residence permits for asylum seekers will have, not least from an integration perspective, must also be highlighted in this context. People with LGBTQI protection grounds who are granted refugee status do not, as a rule, have temporary protection grounds, but rather permanent ones. The vast majority of asylum seekers fleeing such persecution come from countries with criminalising or otherwise repressive legislation that can be directed against LGBTQI persons and/or where both authorities and private individuals are guilty of persecution and abuse of LGBTQI persons and persons perceived to be LGBTQI persons. The situation in the countries of origin from which LGBTQI refugees are fleeing will not improve within a three- or five-year period, and asylum seekers cannot be expected to renounce their identity in order to avoid persecution. According to RFSL, in cases where persecution on the grounds of sexual orientation, gender identity and/or gender expression is the reason for asylum, it should be presumed that the need for protection remains after three years. The same applies to other similar groups, such as people from religious and ethnic minorities, where the need for protection can very likely be assessed as remaining.

RFSL meets and assists hundreds of individual asylum seekers with SOGIESC asylum claims every year, who testify to the impossibility of feeling safe and thus putting down roots in society when the residence permit and protection they are granted is temporary, and there is therefore a constant risk that it will not be extended and/or that they will be deported back to





the persecution they fled from. The hundreds of individuals we meet every year want nothing more than to become part of society in a country that does not criminalise who they are and punish them with imprisonment or the death penalty. In reality, however, this seems impossible when the same society makes it impossible for them to obtain permanent residence permits and threatens to retroactively revoke permanent residence permits that have already been granted. This is not worthy of a society that claims to be a constitutional state.

Screening Regulation

The screening includes, among other things, identification or verification of identity, registration of biometric data, health checks, vulnerability checks and security checks. For a person at the external border, it must be completed within seven days, while for a person within the EU territory, it must be completed within three days. Responsibility for carrying out the various steps shall be shared between the Migration Agency and the Police Authority (joint responsibility for identification and verification of identity, vulnerability checks, registration of biometric data and completion of screening forms, and sole responsibility for the Police Authority for security checks) and the country's regions (health checks). The screening shall only be carried out at specially designated locations at the external border or within the country. Permission to enter from an external border cannot be granted while the screening is in progress. The Parliamentary Ombudsman is tasked with acting as the supervisory mechanism to ensure that the screening procedure is carried out in accordance with fundamental rights and that the right to asylum is not restricted. The police authority and the Migration Agency are permitted to exchange the information necessary for them to fulfil their obligations as screening authorities. The regions are required to provide information about the results of health checks.

As stated in the memorandum, the purpose of the screening is to check individuals and obtain available information about them, so that once the screening has been completed, the case and the information obtained can be handed over to the competent authority for asylum assessment or return. Those covered by the screening are all third-country nationals who are found in connection with illegally crossing the external border, within the territory of a Member State but who have not fulfilled the entry conditions, or after being disembarked in connection with a search and rescue operation at sea, regardless of whether they are seeking international protection or not. It also covers persons seeking international protection at the border who do not fulfil the entry conditions.

RFSL initially questions whether it is realistic that LGBTQI persons would be able and dare to disclose their LGBTQI reasons to border police and/or other authorities when they have fled countries where authorities enforce criminalising legislation and punish LGBTQI persons. RFSL assesses, and sees a serious risk of, persons with an international need for protection on LGBTQI grounds running a high risk of not having access to an asylum assessment and thus their right to an assessment of their need for protection due to the introduction of the screening procedure. This is because there will inevitably be many real





obstacles for people who have fled persecution due to their sexual orientation, gender identity and/or gender expression to present and disclose these personal circumstances within a few days, which in most cases they have hidden throughout their lives because it could be life-threatening if, above all, the authorities become aware that they are LGBTQI persons. RFSL considers it unreasonable to expect someone who has fled the risk of imprisonment and, in the worst case, the death penalty because of their sexual orientation or gender identity to disclose this immediately after fleeing to a border police officer and/or other authority figure. For this reason alone, there is a real risk that LGBTQI refugees will not be identified as the vulnerable group they are and will therefore not have access to the asylum process and their right to have their need for protection assessed.

According to the regulation, the screening includes several different parts: a health check, a vulnerability check, identification or verification of identity, registration of biometric data and a security check. As RFSL has stated above, in the section on border procedures, we believe that there is a risk that screening carried out within a few days may particularly affect vulnerable groups such as transgender people, intersex people and non-binary people. This is because they may be mistakenly perceived as having attempted to "deliberately mislead the authorities" under Article 42c) of the Asylum Procedures Regulation, if their legal name, legal gender and/or physical appearance as stated in any identity documents do not correspond to how the person identifies themselves, their gender identity, gender expression and any name other than the legal name they use for themselves. RFSL wishes to point out that when the person's own grounds for asylum are precisely gender identity, gender expression and/or intersex variation, this should under no circumstances lead to the applicant being perceived as "misleading" the authorities in a way that is interpreted and applied to the person's disadvantage in the screening procedure and result in the person not having access to an assessment of their need for protection.

As stated in the memorandum, the purpose of the vulnerability assessment is to investigate whether the person in question is in a vulnerable situation, has been subjected to torture or has other special needs. LGBTQI persons are not explicitly mentioned as a vulnerable group in this section of the memorandum. However, section 7.10.3, "Vulnerability assessment under Articles 12.3–5", reference is made, among other things, to Article 24 of the new recast Reception Directive, which states that "the following categories of persons are likely to have special reception needs: minors, unaccompanied children, persons with disabilities, elderly persons, pregnant women, homosexuals, bisexuals, transgender and intersex persons, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with psychiatric conditions, including post-traumatic stress disorder, and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of gender-based violence, female genital mutilation, child marriage or forced marriage, or violence with sexual, gender-based, racist or religious motives.

In this context, RFSL would like to emphasise that our experience from more than five decades of working with LGBTQI asylum seekers is that the vast majority also have several other vulnerabilities in addition to their membership of the LGBTQI community: The





majority have already been subjected to serious abuse such as persecution in the form of serious physical, psychological and/or sexual violence, imprisonment and/or torture. A very large proportion suffer from serious mental ill health in the form of, for example, PTSD. Some LGBTQI asylum seekers also have neuropsychiatric disabilities such as autism and/or ADHD. The following, among other things, is stated in the reasons for the screening regulation:

(37) A preliminary vulnerability assessment should be carried out in order to identify persons who show signs of being vulnerable, having been subjected to torture or other inhuman or degrading treatment [...] or persons who may have special reception or procedural needs within the meaning of Directive (EU) 2024/1346 and Regulation (EU) 2024/1348 respectively. This should not prejudice further assessments in subsequent procedures after the screening has been completed. The vulnerability assessment should be carried out by specialised staff of the screening authorities who are trained for that purpose.

(38) During the screening, all persons concerned should be guaranteed a standard of living compatible with the Charter and have access to emergency medical care and necessary treatment of illness. Particular attention should be paid to vulnerable individuals, such as pregnant women, elderly persons, single-parent families, persons with immediately identifiable physical or mental disabilities, persons with visible psychological or physical trauma, and unaccompanied minors. In the case of minors, information should be provided in a child-friendly and age-appropriate manner. All authorities involved in the performance of screening-related tasks should report all cases of vulnerability they have observed or received reports about, should respect human dignity and integrity, and should refrain from discrimination.

The reasons for the regulation thus make it clear that exposure to torture, other inhuman or degrading treatment, special reception or procedural needs, as well as mental disabilities, mental or physical trauma, constitute particular vulnerabilities. As RFSL has described above, it is our experience that asylum seekers in need of protection on grounds of sexual orientation, gender identity, gender expression and/or intersex variation in most cases also have other vulnerabilities and special needs, in addition to their membership of the LGBTQI community. This puts them in a particularly vulnerable situation, in most cases with very few or no real opportunities to present their LGBTQI reasons to, for example, a border police officer within a few days. It is therefore crucial that the vulnerability checks that will be carried out are effective and identify asylum seekers with these grounds for protection. Otherwise, a large proportion of asylum seekers entitled to protection will never have access to the asylum assessment they are entitled to, but will instead be deported back to the persecution they have fled from. Recital (7) of the Screening Regulation emphasises that screening should also "contribute to identifying vulnerable persons so that **all** special needs are fully taken into account when determining and implementing the applicable procedure." RFSL would like to emphasise the importance of this in light of what has been highlighted above regarding how common it is for LGBTQI asylum seekers to have several parallel vulnerability factors at the same time. RFSL would therefore like to stress, ahead of the implementation of the Screening





Regulation, the importance of identifying all parallel vulnerability factors on an ongoing basis during the screening process.

With regard to the health check as part of the screening procedure, RFSL assesses that many asylum seekers with LGBTQI grounds are likely to feel less fear and more trust towards healthcare personnel than border police and other authorities conducting the screening. RFSL therefore wishes to emphasise the importance of the medical staff conducting the health check also having the necessary knowledge about sexual orientation, gender identity, gender expression and intersex variation. This is so that the identification of vulnerability based on these grounds in the health check can be taken into account in the entire screening process when assessing whether the person should be granted access to asylum assessment or not. This should be consistent with what is stated on page 491: "In order for the information from the health check to be entered into the screening form, the regions should report the information from the check to a screening authority."

The memorandum proposes on page 488 that the Migration Agency and the Police Authority should be responsible for vulnerability checks. As stated on page 479, the screening authorities may be assisted by non-governmental organisations in conducting vulnerability checks in accordance with Article 12.3 of the Screening Regulation. RFSL and Queer Youth have had a regular dialogue with the Swedish Migration Agency for several years, including regarding the implementation and execution of the Migration and Asylum Pact. Within the framework of this dialogue, we have been informed that the Migration Agency and the Border Police will share responsibility for screening, as also proposed in section 7.5.2, "Authorities that should be responsible for the screening process". RFSL and Queer Youth have informed the Migration Agency that we wish to participate in and/or contribute to quality assurance of vulnerability checks in order to give the authorities the best possible conditions for early identification of asylum seekers with LGBTQI grounds. This should be in the interests of both the individuals in need of protection and the authorities, and contribute to a more legally secure assessment so that persons in need of international protection have access to the assessment to which they are entitled. In light of this, RFSL would also like to express this request in its consultation response. Overall, RFSL would also like to point out that the memorandum should have provided more guidance than it does to the screening authorities regarding their respective areas of responsibility.

Contact with persons undergoing screening for legal advice

The memorandum makes the following assessment: "The provision in Article 8.6 on contact between organisations and other persons and the applicant during the screening process is directly applicable and does not require any legislative measures. The possibility of restricting access to persons for organisations and persons providing advice is already partially utilised under current law. Provisions that further restrict access should not be introduced."

RFSL agrees that further restrictions on access for persons and organisations offering, for example, legal and other advice should not be introduced. RFSL wishes to emphasise the importance of persons seeking protection who are undergoing screening having access to legal advice, particularly to facilitate the identification of vulnerable groups such as persons





with LGBTQI protection grounds. Such legal advice and information should be provided by RFSL, as this is something we are already working on to a large extent today.

The Regulation's provisions on an independent monitoring mechanism

Each Member State shall provide for an independent monitoring mechanism, which shall, inter alia, ensure compliance with fundamental rights and that the right to asylum is not restricted. Article 10 contains provisions on the monitoring of rights in connection with screening. According to Article 10(2), each Member State shall provide for an independent monitoring mechanism which shall:

(a) monitor compliance with Union and international law, including the EU Charter of Fundamental Rights, in particular with regard to access to the asylum procedure, the principle of non-refoulement, the best interests of the child and relevant rules on detention, including relevant provisions on detention in national law, during the screening; and

(b) ensure that substantiated allegations of failure to respect fundamental rights in all relevant activities related to screening are dealt with effectively and without undue delay, initiate investigations into such allegations where necessary, and monitor the progress of such investigations.

The memorandum states that the independent monitoring mechanism may also involve relevant international and non-governmental organisations and public bodies that are independent of the authorities conducting the screening. To the extent that one or more of these institutions, organisations or bodies are not directly involved in the work of the monitoring mechanism, the body shall establish and maintain close relations with them. RFSL welcomes this. We expect to be able to contribute to the monitoring mechanism within the framework of our work with the vulnerable group of international protection seekers with LGBTQI protection grounds. This is particularly in light of the fact that no supervisory authority is proposed to be established in the area of migration, and that the assessment in section 7.11.7 concludes that Sweden fulfils the requirements of Article 10.2 for an independent monitoring mechanism, and that no constitutional measures are deemed necessary.

Section 7.12 Information

Article 11.4 states that Member States may allow relevant and competent national, international and non-governmental organisations and bodies to provide third-country nationals with the information referred to in Article 11 during the screening process in accordance with national law. RFSL would like to emphasise that, within the framework of our dialogue with the Migration Agency, together with RFSL Ungdom, we have raised the issue of providing information to persons seeking protection in the screening process. In this consultation response, RFSL would also like to emphasise the importance of particularly vulnerable groups having access to adequate information and advice, especially as this can help to identify vulnerabilities as grounds for LGBTQI protection.





The Reception Directive

Applicants with special reception needs

Regarding applicants with special reception needs, the memorandum states (on page 928): “The definition of applicants with special reception needs is set out in Article 2.14. As before, there is a general principle that Member States shall take into account the special situation of these applicants when implementing the Directive. This is now set out in Article 24, which is a mandatory provision. Applicants with special reception needs are listed in a non-exhaustive list as: minors, unaccompanied children, persons with disabilities, elderly persons, pregnant women, homosexuals, bisexuals, transgender persons and intersex persons, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with psychiatric conditions, including post-traumatic stress disorder, and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, e.g. victims of gender-based violence, female genital mutilation, child marriage or forced marriage, or violence with sexual, gender-related, racist or religious motives.

It is further stated (on p. 929):

"It follows from Article 25.2, which is new, that when assessing special reception needs, Member States shall ensure that the staff carrying out the assessment are trained and receive further training in detecting signs of such needs and in how to meet them."

RFSL welcomes the recognition of homosexual, bisexual, transgender and intersex persons as applicants with special reception needs. However, RFSL wishes to emphasise the importance of identifying these applicants at an early stage so that their rights, such as protection against threats and violence during their stay, are met. RFSL believes that there are grounds for introducing requirements in Swedish legislation for ongoing assessments of special reception needs and also for ongoing assessments of special procedural guarantees. With regard to reception in general, RFSL refers to the positions expressed in its previous consultation response (available at <https://www.rfsl.se/verksamhet/remissyttranden/>) to the inquiry SOU 2024:68 - The Reception Act - a new law for orderly asylum reception and effective return.





Information: Revocation of refugee status and risk of deportation

The following information and advice is primarily intended for former LGBTQI asylum seekers who have been granted temporary or permanent residence permits, persons who have been granted protection status and residence permits on the basis of (actual or attributed) sexual orientation, gender identity and/or gender expression, regarding the risks of the Migration Agency revoking their protection status.

This information has been compiled by RFSL's asylum lawyer in collaboration with one of the LGBTQI-specialised lawyers with whom RFSL cooperates. We would like to draw the attention of all affected persons to the risk that the Migration Agency may initiate proceedings to revoke their status, and urge them to contact their former public counsel or other legal advice as soon as possible, for example RFSL's asylum lawyer and the lawyers with whom we collaborate.

It is important that these situations and revocation cases are identified before the Migration Agency informs individuals that it has initiated proceedings to revoke their status, and above all before individuals attend an oral hearing at the Migration Agency. This is because many do not understand that this may entail a risk of deportation to the country from which they were recently or many years ago granted protection.

It is of the utmost importance that our members and our target group who have sought protection on LGBTQI asylum grounds are aware that granted protection and residence permits can be revoked and that this may entail a risk of deportation to the country where they risk persecution, torture or the death penalty.

Background – the government prioritises revocation

The increase in cases where protection status is revoked is a consequence of [the 2023 budget letter for the Migration Agency](#), which states that the Migration Agency should expand its work on revoking residence permits. The Government's [letter of appropriation to the Migration Agency for 2025](#) also states that "the Migration Agency shall continue to prioritise work on revocation cases".

The Migration Agency has published written information on its website: [How we work with revoking permits](#).

In December 2024, the Government also announced that it was giving a [mandate to improve the transfer of information from the Police Authority and foreign authorities to the Migration Agency](#). This concerns information that could lead to the revocation of status declarations for people who return to their home countries despite having refugee or alternative protection status in Sweden. According to the government, there has previously been no general procedure for how the Migration Agency obtains information about people with protection status who return to their countries of origin. In accordance with the assignment, procedures and forms of cooperation should make it easier for the Police Authority and foreign authorities to provide relevant information to the Migration Agency. This can be expected to lead to more





revocation cases and more revoked residence permits. The assignment must be reported by 1 July 2025 at the latest.

Significance for LGBTQI persons

As part of RFSL's work on asylum law, RFSL and lawyers with whom RFSL collaborates assist LGBTQI asylum seekers who have been granted refugee status and residence permits due to the risks they face because of their sexual orientation, gender identity and/or gender expression. Many of these individuals and former clients of ours have received letters from the Migration Agency stating that a case has been opened to revoke their protection status and possibly also their residence permits.

These are former asylum seekers who have been granted protection and temporary or permanent residence permits on LGBTQI grounds, whose protection status is being revoked after the Migration Agency has initiated an investigation into revocation.

The grounds given by the Migration Agency for initiating an investigation include the fact that the person has applied for a passport at their country of origin's embassy in Sweden in order to apply for Swedish citizenship, or that the Migration Agency has found out that persons who have been granted refugee status on the grounds of homosexual orientation have had children, or that they are cohabiting with a person of a different legal gender.

The Migration Agency then informs the person that it has initiated an investigation into revoking their residence permit and/or protection status. When the Migration Agency revokes protection status, they write in the decision, for example, that "the Migration Agency assesses that you no longer belong to the LGBTQ group" or that the person now "lives according to the norm in their home country" and therefore no longer risks persecution.

RFSL has seen several cases where lesbian, bisexual and queer women and same-sex couples who have been granted refugee status are called in for interviews where they are asked detailed and invasive questions about how they went about performing home inseminations with, for example, a friend who acted as a sperm donor. Other LGBTQI women may have been sexually assaulted, resulting in unwanted pregnancies, and during the revocation interview, they are asked detailed questions about the sexual assault, which in itself is traumatic for them and difficult to talk about. Other LGBTQI persons with refugee status who have formed families in various constellations – which is very common among rainbow families – who have chosen to live with the other parent of a child who has a different legal gender than themselves, without having a romantic and/or sexual relationship, but because this is perceived as the most practical and best solution during infancy/early childhood years, have had their refugee status and residence permit revoked on the grounds that they "now live according to the norm," for example in Uganda, whereupon they are deported there – despite being LGBTQI+ persons who therefore could risk the death penalty there.

In late summer 2025, RFSL took part of a case in which a lesbian woman from Nigeria had been granted refugee status and a residence permit several years earlier on the grounds of her homosexual orientation, which she was deemed to have made probable. After the





Migration Agency received a "tip" that the woman had lied about being a lesbian and a Muslim, along with photographs of her not wearing a veil, the Migration Agency opened a case for revocation and deportation. The woman was not given access to the evidence or the tips prior to the oral investigation to which she was then summoned, but was informed of and confronted with them on the spot, while being told to explain very sensitive issues in an extremely uncomfortable, and frightening situation, and to once again give a detailed account of her sexual orientation, an expected internal process (based on unlawful stereotypes), thoughts, feelings and reflections related to it – even though she had already been deemed credible and reliable during her asylum process. The woman described that the photos were taken at a Christian wedding where she was not allowed to wear her hijab and that she had the photos taken to see what she looked like without it. This was not considered credible, and the woman was deemed to have lied about being Muslim and, consequently, about being a lesbian. Her refugee status and residence permit were revoked, and she was deported to Nigeria, where LGBTQI people can be punished with the death penalty in several states.

Another case we looked at involved a lesbian woman with young children who had been granted refugee status and a permanent residence permit and had lived in Sweden for over ten years. Her refugee status was revoked and she was deported with her young children to Uganda, despite the fact that the country had recently introduced the death penalty for LGBTQI people and that the woman had been publicly exposed as a lesbian, with her name and picture appearing in the notorious *Rolling Stone* magazine under the headline "HANG THEM", which calls for the murder of her and other outed LGBTQI people in Uganda. We do not know if the woman and her children are alive today, as we lost contact with her after the deportation was carried out.

We have also seen decisions where a lesbian woman was no longer considered to be a member of the LGBTQI community because she had become pregnant and was unable to provide sufficient details about how she became pregnant. Questions that violated her privacy were asked during the oral investigation into the revocation of her protection status.

Since the credibility and reliability assessment is crucial in LGBTQI asylum cases – especially when the applicant comes from a country where the migration authorities admit that LGBTQI people are subjected to treatment that warrants protection, such as imprisonment, torture-like "tests" or execution – and questioning the person's credibility and reliability regarding their LGBTQI asylum grounds means that their LGBTQI protection grounds cease to apply, LGBTQI refugees are particularly vulnerable to arbitrary assessments in cases concerning the revocation of protection status.

LGBTQI persons with temporary residence permits become particularly vulnerable when the Migration Agency has assessed and decided that there are no longer grounds for protection and no need for protection.

The consequence of having their protection status revoked is that many of the LGBTQI persons concerned lose their right to continued protection. They are then unable to extend their residence permits on the basis of their LGBTQI protection grounds.





Many do not understand this or only become aware of it when they apply for an extension of their residence permit, by which time it is too late.

Furthermore, this happens without the person having access to legal assistance from a solicitor or barrister. In cases concerning the investigation of the revocation of a person's protection status, there is no immediate risk of deportation, and therefore the Migration Agency does not recommend a public defender in the case and in the event of a possible oral investigation. The right to a public defender in cases concerning the revocation of protection status only exists in the appeal process.

The situation becomes particularly difficult to predict when the Migration Agency revokes status instead of, or at the same time as, a residence permit is also revoked, so that the person is not entitled to a public defender until an appeal is lodged with the Migration Court, and then at the appellant's own request, which is easy for them to miss. We have seen that persons who have had their protection status revoked are only informed of their right to a public defender when they are notified of the Migration Agency's decision to revoke their protection status.

<https://www.migrationsverket.se/Om-Migrationsverket/Aktuellt/Migrationsverket-svarar/Migrationsverket-svarar/2023-09-19-Migrationsverket-svarar-sa-jobbar-vi-med-att-aterkalla-tillstand.html>

<https://www.migrationsverket.se/English/About-the-Migration-Agency/Current-topics/The-Swedish-Migration-Agency-Answers/Migrationsverket-svarar/2023-09-19-The-Swedish-Migration-Agency-answers-how-we-work-to-revoke-permits.html>

