

KEY FINDINGS

1

MIGRANTS WITH DIVERSE SOGIESC ARE A HETEROGENOUS GROUP

Migrants' sociopolitical status in terms of race, gender, gender identity/expression, sex characteristic, ethnicity, religion, physical and mental ability and class structure impact how vulnerabilities manifest themselves during pre-departure, transit, while in the host country and upon return to countries of origin. For instance, while cisgender, gay and bisexual men are among the most visible targets of public discrimination, they may enjoy relative social advantages as male-identifying individuals – such as greater freedom of movement – in patriarchal societies.

The populations of interest in the report include two groups:

- Those whose motivation for migration is related to their diverse SOGIESC;
- Those whose reasons for migration are unrelated to their diverse SOGIESC.

These two groups share similar vulnerabilities and opportunities in migration contexts. The majority of the migrants interviewed migrated for reasons related to their diverse SOGIESC. In cases where SOGIESC-related persecution did not take place, their diverse SOGIESC was a contributing factor to migration.

2

TRANSGENDER MIGRANTS ARE THE MOST VULNERABLE SUBGROUP

Transgender migrants are the most vulnerable group within the broad category of migrants with diverse SOGIESC, and face difficulties at most stages of migration:

- During transit and on arrival, legal documents, and difficulties changing names and gender, caused problems, as they were often at odds with the migrants' identity;
- Reception centres are often organized along gender binary divisions, with transgender individuals assigned accommodation and living quarters according to their sex assigned at birth, leaving them vulnerable to abuse within these contexts;
- Trans- and xenophobia in working environments mean transgender migrants can struggle to find employment;
- In countries of origin, transit or host countries, the medical needs of transgender individuals (i.e. hormone therapy), were sometimes unknown, causing disruption in care, while mental health needs were insufficiently addressed.

3

MIGRANTS WITH DIVERSE SOGIESC'S PRIMARY PROTECTION NEEDS ARE ACCESS TO PHYSICAL AND MATERIAL SAFETY, LEGAL SAFETY AND HEALTH CARE

The study identified the following primary protection needs and areas for protection strengthening:

- Access to physical and material safety: when migrating, individuals with diverse SOGIESC were at increased risk of physical abuse, harassment, violence and exploitation. This was true during the journey, from border guards, and other officials; on arrival, transit, or upon return, at reception centres which are set up around gendered divisions; and within host countries, particularly against individuals engaged in sex work.
- Access to legal safety: barriers to legal regularization determined by migrants' irregular status and/or their diverse SOGIESC, in case of transgender individuals, hindered basic rights. Across contexts, access to accommodation, employment, education, and comprehensive physical and mental health care often depended on migrants' ability to obtain legal status in their country of transit or residence. Migrants who did not qualify as refugees (largely if they did not belong to a persecuted "group" within their host country) faced challenges to obtain protection in the host country.

- Access to health care, including physical and mental health: homophobia and transphobia contributed to limiting access to health care for migrants with diverse SOGIESC, with some opting out of treatment to avoid discrimination. Much of the health care they received was limited to emergency care and basic needs, while ignorance of intersex and trans needs also added to a risk of mal- or ill-treatment.¹

4

KNOWLEDGE OF AND ATTITUDES TOWARDS MIGRANTS WITH DIVERSE SOGIESC AMONG PROTECTION ACTORS IS KEY YET OFTEN LACKING AND POTENTIALLY DISCRIMINATORY

The knowledge of SOGIESC diversity and the generalized institutional and societal attitudes towards LGBTIQ+ migrants shaped migrants' experiences in origin, transit and host countries. Inadequate services and responses to meet the needs of migrants with diverse SOGIESC, stereotyped expectations surrounding LGBTIQ+ lifestyles and behaviours and discrimination from actors involved in protection, law enforcement, service providers, international organizations and non-governmental organizations (NGOs) staff were all reported during the study. The lack of awareness and discriminatory attitudes towards migrants with diverse SOGIESC resulted in worsening the situational vulnerability commonly faced by migrants, given the external context's inability to understand the needs of migrants with diverse SOGIESC.

5

GOOD PRACTICES IDENTIFIED CAN BE SCALED UP AND REPLICATED ACROSS CONTEXTS

- The study identified good practices across contexts that serve as a solid foundation for the development of future protection programming and assistance to migrants with diverse SOGIESC. Civil society organizations (CSOs) that participated in this research established successful models of cooperation bringing together international organizations, local municipalities and civil society groups, to provide economic resources to support migrants with diverse SOGIESC. CSOs, in some contexts, also integrated psychosocial health care that responded to the unique vulnerabilities and post-traumatic stress disorders led by migrants with diverse SOGIESC.
- Partnerships between international organizations and NGOs reinforced the potential for synergies and protection. In one case study, an independent public institution and monitoring mechanism provided an available resource and reporting mechanism for anyone who had been a witness or target of discrimination. This institution provided information about rights to victims of discrimination and mounted campaigns for equal opportunities and against discrimination, formulated recommendations for government authorities and generated tools, publications and statistics to reinforce the protection response for migrants with diverse SOGIESC.

- Other good practices include CSOs and activists supporting and defending migrants with diverse SOGIESC when they were detained or threatened by police and State authorities. In some instances, people accompanied migrants with diverse SOGIESC to medical appointments, a practice which was highlighted as pivotal.

6

CSOs AND CBOs ARE CENTRAL ACTORS FOR THE PROTECTION OF MIGRANTS WITH DIVERSE SOGIESC

CSOs and community-based organizations (CBOs) have emerged as central actors in the provision of services to migrants with diverse SOGIESC, often in partnership with international organizations, such as IOM and UNHCR. Across contexts, respondents voiced the need to integrate the work of these stakeholders by establishing or strengthening safe referral mechanisms and developing shared procedures. Respondents stressed that referral systems needed to be constantly updated, and enough resources – both human and financial – needed to be invested. In some cases, the more formal referral systems were considered too slow, therefore causing delays in the referral process, and respondents recommended simplifying them to make them more accessible to the different actors involved.

7

MIGRANTS WITH DIVERSE SOGIESC ARE INDIVIDUALS AND RIGHTS HOLDERS CAPABLE OF ASSESSING THEIR NEEDS AND PARTICIPATING IN THE DESIGN OF SOLUTIONS TAILORED TO THEIR NEEDS

When designing and implementing programmes for migrants with diverse SOGIESC, stakeholders should be mindful to offer them democratic spaces for their participation as active subjects. Migrants with diverse SOGIESC need to be given a space to voice their needs, and knowledge production should be supported and linked to the efforts of protection stakeholders. LGBTIQ+ migrants already deploy self-protection mechanisms in the absence of formal institutional protection systems, including through LGBTIQ+ community networks. Protection actors should ensure that any supplementary protection services recognize, preserve, and support these existing self-protection mechanisms, as opposed to disrupting or dismantling them.

8

RETURN AND REINTEGRATION OUTCOMES ARE INFLUENCED BY SOCIETAL NORMS WHICH CONTRIBUTE TO THE ORIGINAL DRIVERS OF MIGRATION

Return and reintegration outcomes for LGBTIQ+ migrants were influenced by societal expectations and norms associated with diverse SOGIESC, which interfered with returnees' ability to start their lives anew or go back to their lives with the experiences gained through their migration.² When returning to their countries of origin, migrants with diverse SOGIESC tended to face the same challenges they experienced pre- or during their migration; family rejection, discrimination within their communities, and difficulties accessing support, employment or housing.

² IOM. *IOM Guidance on Referral Mechanisms for the Protection and Assistance of Migrants Vulnerable to Violence, Exploitation and Abuse and Victims of Trafficking*. (2019).

RECOMMENDATIONS

RECOMMENDATIONS FOR THE PROTECTION OF MIGRANTS WITH DIVERSE SOGIESC

1
Ensure that shelters and reception centres are inclusive of diverse SOGIESC.

2
Raise awareness of diverse SOGIESC-sensitivity in employment and education, health and housing and facilitate migrants with diverse SOGIESC access to these services.

3
Establish SOGIESC-sensitive referral mechanisms.

4
Establish protection procedures and referral mechanisms sensitive to SOGIESC diversity, including access to international protection for asylum-seekers.

5
Ensure access to health-care services sensitive to diverse SOGIESC.

6
Align return and reintegration programmes with the needs of migrants with diverse SOGIESC, including through stronger monitoring of the reintegration outcomes of migrants with diverse SOGIESC.

CROSS-CUTTING RECOMMENDATIONS FOR INTERNATIONAL ORGANIZATIONS

7
Raise awareness at institutional and structural levels to enable the long-term inclusion of migrants with diverse SOGIESC.

8
Secure long-term funding to scale best practices for migrants with diverse SOGIESC identified in this report.

9
Develop synergies with private sector entities and employers to advocate for the hiring of migrants with diverse SOGIESC.

10
Develop standardized operational procedures to strengthen protection programmes for migrants with diverse SOGIESC, including provision of a space for migrants with diverse SOGIESC to participate in assessing their own needs, co-designing solutions, and monitoring programmes aimed at their protection and inclusion in society.

11
Reinforce intra- and inter- agency coordination within the UN system and response coordination actors and cohesion in support of migrants with diverse SOGIESC.

CROSS-CUTTING RECOMMENDATIONS TO IMPROVE MIGRANT PROTECTION

12

Work on alternatives to detention for migrants, and ensure they are responsive of the needs of migrants with diverse SOGIESC.

13

Ensure the legal safety of all migrants, including migrants with diverse SOGIESC, and facilitating access to dedicated services for migrants with diverse SOGIESC without discrimination.

14

Align international migration law with emerging protection needs informed by the development of soft law Instruments, policy, legislation, judicial decisions and the teachings of the most highly qualified publicists to make it comprehensive of all migration-related instruments, in line with the most recent development of the Global Compact for Safe, Orderly and Regular Migration implementation.