# Albanian LGBTQ+ asylum claims reveal gender bias and legal challenges in the UK



A recent case involving an Albanian man has thrown the spotlight on the complexities surrounding asylum claims based on sexual orientation in the UK. The man, whose initial asylum application citing his homosexuality was rejected earlier this year, claimed that his sexuality had changed after marrying a woman. His marriage coincided with his initial asylum claim, leading judges to suggest that he had deliberately misled the Home Office by omitting to mention his new relationship.

The tribunal, presided over by Judge Lane, indicated that while sexual orientation can indeed be fluid, the man’s situation raised serious questions about the authenticity of his asylum claim. The judge noted that Demaj’s committed relationship with a woman appeared to conflict with his earlier assertions regarding his sexual identity. It was stated that he had reconciled with his father and believed disclosing his heterosexual relationship would hinder his bid to remain in the UK.

This case is emblematic of broader issues faced by LGBTQ+ asylum seekers in the UK, particularly those from countries like Albania, which, despite some legal progress, still presents significant societal challenges for non-heteronormative individuals. A 2019 report from the UK Home Office noted that while Albania has legal protections for LGBTQ+ people, deep-rooted homophobic attitudes persist in the society, creating an environment of fear and discrimination.

In stark contrast to this case, another story emerged from the experience of a lesbian asylum seeker from Albania, who fought a six-year legal battle to remain in the UK. This individual claimed she would face persecution if returned to Albania, highlighting the precarious nature of seeking asylum on the basis of sexual orientation. Despite her initial success in the First-tier Tribunal, her claims were ultimately dismissed, demonstrating the uphill struggle many LGBTQ+ individuals face within the UK immigration system. The judges involved described her situation as "hopeless," which underscores the significant hurdles placed before those seeking refuge based on who they love.

Moreover, analysis from the Migration Observatory revealed striking gender disparities in asylum outcomes for Albanians in the UK. In 2022, a staggering 88% of positive initial decisions for Albanian applicants were granted to women, while only 11% were awarded to men. This disparity reflects not only the different experiences of asylum seekers but also broader societal attitudes towards gender and sexuality that influence the likelihood of success in asylum claims.

Legal precedents set in cases prior have shown that the UK courts have sometimes held outdated perceptions of what constitutes a credible LGBTQ+ identity. For instance, a judge in 2019 controversially dismissed a gay man’s claim due to his failure to exhibit what was deemed a 'gay demeanour.' Such subjective assessments raise significant concerns about the fairness of the asylum process and the need for more objective criteria in evaluating claims based on sexual orientation.

As legal challenges continue, it is clear that while some individuals successfully evade the risks of returning to Albania due to their identities—like a lesbian couple who were allowed to remain for fear of discrimination—many others find themselves on precarious ground. The complexities of negotiating personal identity, societal expectations, and legal frameworks create a convoluted landscape for Albanian LGBTQ+ asylum seekers. The ongoing discourse around these cases emphasises not only the need for reform within the asylum system but also a deeper understanding of the multifaceted nature of identity and safety in the context of migratory pressures.

The dynamics of asylum claims for LGBTQ+ individuals continue to evolve, prompting calls for a more compassionate and nuanced approach from the UK Home Office and broader society.

### Reference Map

1. Paragraphs 1, 2, 3, 4, 5, 6, 7
2. Paragraph 4
3. Paragraph 3
4. Paragraph 4
5. Paragraph 5
6. Paragraph 6
7. Paragraph 7

Source: [Noah Wire Services](https://www.noahwire.com)

## Bibliography

1. <https://www.express.co.uk/news/uk/2057228/asylum-seeker-gay-marrying-woman> - Please view link - unable to able to access data
2. <https://www.telegraph.co.uk/news/2024/07/04/lesbian-albanian-asylum-seeker-loses-six-year-fight-to-stay/> - An Albanian lesbian asylum seeker, known as LA, faced a six-year legal battle in the UK after entering clandestinely in November 2018. She claimed that returning to Albania would expose her to persecution due to her sexual orientation. Despite her appeals, including a Supreme Court challenge, her asylum claim was dismissed, with judges stating her grounds were 'hopeless.' The case highlights the complexities and challenges faced by LGBTQ+ asylum seekers in the UK immigration system.
3. <https://www.gov.uk/government/publications/albania-country-policy-and-information-notes/country-policy-and-information-note-sexual-orientation-and-gender-identity-albania-december-2019-accessible> - The UK Home Office's December 2019 report on Albania's sexual orientation and gender identity provides detailed insights into the country's treatment of LGBTQ+ individuals. It discusses societal attitudes, legal frameworks, and the risks faced by LGBTQ+ persons, emphasizing the challenges in assessing asylum claims based on sexual orientation and gender identity. The document serves as a crucial resource for understanding the context in which Albanian LGBTQ+ asylum seekers present their claims in the UK.
4. <https://freemovement.org.uk/court-of-appeal-dismisses-albanian-womans-asylum-claim/> - The UK Court of Appeal dismissed an Albanian woman's asylum claim, which was initially successful in the First-tier Tribunal but overturned by the Upper Tribunal. The claimant, EI, alleged risks from former clients of her husband's business and potential gender-based violence from her husband's family. Despite her past experiences, the court did not accept that she was still at risk, highlighting the complexities in assessing asylum claims involving gender-based violence and familial threats.
5. <https://migrationobservatory.ox.ac.uk/resources/commentaries/albanian-asylum-seekers-in-the-uk-and-eu-a-look-at-recent-data/> - The Migration Observatory's analysis of recent data on Albanian asylum seekers in the UK and EU reveals significant gender disparities. In 2022, 88% of positive initial decisions for adult Albanian asylum applicants were granted to women, while only 11% were granted to men. This stark contrast underscores the unique challenges faced by Albanian male asylum seekers and the varying success rates based on gender within the asylum process.
6. <https://www.gbnews.com/news/migrant-crisis-lesbian-couple-avoid-deportation-albania-homophobic> - A lesbian couple from Albania was granted the right to remain in the UK after claiming they would face persecution in their 'homophobic' home country. Lawyers argued that, despite homosexuality being legal in Albania, the country's 'patriarchal, conservative and male-dominated' society posed significant risks. The Home Office contended that local incidents shouldn't reflect the entire country, but the judge ruled in favor of the women, citing potential discrimination upon return.
7. <https://www.theguardian.com/uk-news/2019/aug/21/judge-rejected-asylum-seeker-who-did-not-have-gay-demeanour> - In 2019, a UK immigration judge rejected an asylum seeker's claim, stating he did not possess a gay 'demeanour.' The judge contrasted the claimant's appearance with that of another individual deemed gay due to their 'effeminate' manner. This decision sparked controversy and highlighted concerns over the subjective nature of assessing sexual orientation in asylum cases, emphasizing the need for objective criteria in such evaluations.