

LGBTQIA+ Migrants:

Know Your Rights

Information for LGBTQIA+ migrants, asylum seekers and refugees
in the canton of Vaud



Note on inclusive writing in French: the French language assigns genders to all nouns and there must be agreement with adjectives describing nouns. When you see an 'X' at the end of a word in French, we are using a form of inclusive writing. This means that we try to make visible not only the masculine or feminine gender, but that of any person. For example, migrant.e.x means a migrant of any gender. The x refers to a gender other than masculine or feminine, a neutral gender or no gender at all. This is one way of writing, and there may be others.

Objective of this brochure

Rainbow Spot is an association that informs and supports LGBTQIA+ migrants in the canton of Vaud. Through our work, we have seen that many people live in isolation, fear, and face numerous forms of discrimination. The Rainbow Spot Association carried out research to better understand their situations and to inform the public. This brochure is the result of that work. The aim is to provide information that may be useful to those concerned.¹

The information presented here is general in nature. It does not provide answers to specific situations and covers only some aspects of the law. It is important to always consult a competent association or service that can answer specific cases. The aim of this brochure is to provide information and guidance for LGBTQIA+ migrants.

¹ This brochure includes extracts from interviews with LGBTQIA+ migrants conducted as part of this research. Quotations are followed by a fictitious first name.

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1. What does LGBTQIA+ mean? How do I want to talk about myself?

“The story of my childhood, what I went through and all that, I’d still like them to listen and realize what we’ve been going through in relation to our sexuality since childhood and right up to my arrival in Switzerland, what I’ve been through (...)” (Issa).

LGBT? LGBTI? LGBTIQ+? LGBTQIA+? What is it?

This brochure presents a **few ways of talking** about sexual and romantic orientation, gender identity and expression, and sexual characteristics. These are just **some of the possible words**. They correspond to expressions often used today in French-speaking Switzerland. But they are not used everywhere. In many countries, the words are different and just as accurate.

What matters is how I want to talk about who I am. What counts is my self-determination. In other words, I decide for myself and can use my own words, for example, to say who I feel attracted to (or not) sexually or

romantically, how I feel in my body, whether or not I fully agree with the gender (male, female) I’ve been given. The person or institution in front of me is obliged to respect my own way of defining myself.

The definitions and terms proposed here can be useful for talking about my situation and **finding other people** in similar situations, as the terms are often used here in French-speaking Switzerland. They sometimes help us find each other, to come together in safer, more protected groups, to recognize each other as **having similar or common experiences**. These explanations can also help me find my way around different associations. => See *NETWORK* (section 10 of the brochure).

LGBTQIA+: lesbian, gay bisexual, transgender, queer, intersex aromantic, and asexual people (the plus sign refers to the fact that this list is not closed, it also includes non-binary and pansexual people, for example, and is still evolving).

SOGIESC (French: OSIEGCS): sexual orientation, gender identity, gender expression and sex characteristics.

Non-binary gender (French: agenre): a person who does not identify with any gender.

Asexual·le·x: a person who feels little or no sexual attraction.

Aromantic: a person who feels little or no romantic attraction.

Bisexual: a person who feels an emotional and/or sexual attraction to people of the same gender and to people of different genders.

Gay: men who feel a romantic and/or sexual attraction to men.

Intersex: a person whose biological sex characteristics differ from the general medical concept of male or female bodies. Intersex can be anatomical, hormonal, chromosomal or genetic.

Lesbian: women who feel a romantic and/or sexual attraction to women.

Non-binary: a person whose gender identity lies outside the masculine/feminine poles and the «man/woman» binary (neither, both, in-between, etc.).

Queer: historically a homophobic slur, then used positively by homosexual movements. Today, it expresses the fact of being outside masculin/feminine, homo/hetero norms.

Pansexual: a person who feels an emotional and/or sexual attraction for people regardless of their gender.

Trans(gender): someone who does not recognize themselves, or not entirely, in the gender assigned to them at birth.

2. As an LGBTQIA+ migrant, how can I access information about my situation ?



“... in any case, I did not know the word ‘intersex’ (...) at the time, I did not know, I spoke a little awkwardly, I have this, I have that, I have this, (...) [I had] no information, until recently, (...) I knew nothing at all about my situation, about the word intersex, (...) if we knew this word, it could have helped us... (...) it gives immense access to information and that is, let’s say ignorance, it’s as if we’re walking in the dark, we see nothing and everything, so that’s like a weapon, for life and also for oneself, for many things” (Amin).

“(...) when you don’t speak the language, the only option you have is to talk to your friend, so that he can look for information, but if he doesn’t want to, he’ll tell you: no, it doesn’t exist. (...)” (Paul).

Like all LGBTQIA+ people, I have the right to be informed, if I so wish, about issues of sexual orientation, gender expression, gender identity and/or sexual characteristics.

What can I do if there's no information where I am and I don't feel safe enough to ask?

There are several **LGBTQIA+ associations** in the canton of Vaud. Perhaps one of them can provide me with information and support. It may be that a specialized association (e.g. for trans or intersex people, or one specializing in migration or sexual health) is better suited to my situation. These associations can also work together to support me, if I so wish. => *See NETWORK.*

Whichever person or association I contact, it must be done **at my own pace and according to my own needs**. No one can pressure me or block me in my efforts. If I'm in a relationship, the person I'm living with can't prevent me from getting information, nor can they force me to do so. If I have difficulties or violence in my relationship => *see sections 4 and 6.*

If I have a problem or doubt with the answers to my needs or questions, I can stop the relationship with the person or service at any time, take my time, and look for another association or service that might be able to help me better.

3. What rights do LGBTQIA+ people have ? Do I have these rights as a migrant ?

“(...) I thought a lot about the transition, the process, how it’s done, as a migrant without a residence permit, do I have rights, do I have access to anything?(...)” (Inès).

“(...) it’s already difficult I find to go and ask, you don’t know if you have rights, and you still have to say on top of that that you’re in a homosexual situation, (...), it’s true that I thought about it, (...) how we were going to be received, our situation is complicated (...)” (Séverine, Zelia’s partner).

Sexual orientation, gender identity, gender expression and sexual characteristics **are an integral part of the human dignity of every person**, and must not be a basis for discrimination or abuse.

Human beings of all sexual orientations, gender identities, gender expressions and sexual characteristics are entitled to the full **enjoyment of all human rights**.

(From the Yogyakarta Principles and the Yogyakarta Principles plus 10. At the international level, these principles define the human rights of LGBTQIA+ people).

As an LGBTQIA+ person, I must **not be discriminated** against because of my sexual or romantic orientation, gender identity, gender expression and/or sexual characteristics.

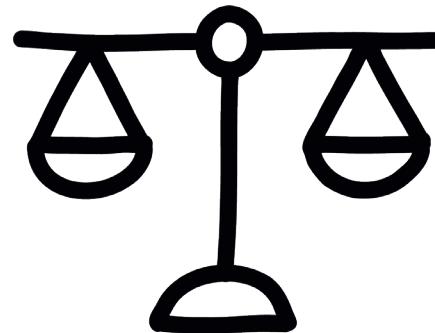
I have the right to respect for my private life. This means, for example, that I must be able to live in the gender in which I recognize myself, that my sexual orientation, gender identity and/or sexual characteristics must not be revealed without my consent, that I must not be pressured to change my sexual orientation or gender identity (in particular through “treatments”, “therapies” or spiritual interventions that claim to “cure” me).

I must not be subjected to verbal, psychological, physical or sexual violence. Homophobic or transphobic comments or acts (e.g. insults, threats, harassment, beatings, whether on the street, in a center or home, in the family or on social networks) are prohibited attacks on myself and my integrity.

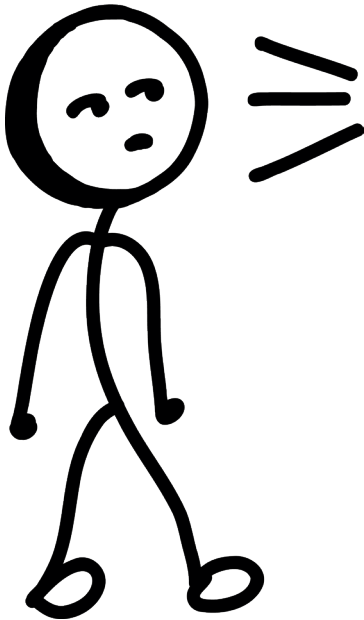
At work, the person, company or institution that employs me has an obligation to protect me and my health. They are not allowed to discriminate or harass me at work, or to fire me because I am LGBTQIA+.

As an LGBTQIA+ migrant, asylum seeker or refugee living in Switzerland, I enjoy the same rights.

I must be able to live my sexual orientation, gender identity, gender expression and/or sexual characteristics freely, without discrimination or violence, **regardless of my residency status, origin, religion, ethnicity, race or nationality.**



4. Am I being discriminated against?



“And the fact that you’re a foreigner, that you’re gay, that you’re positive, well that makes things worse, sometimes you don’t dare talk too much, because people already know you’re a foreigner, they don’t talk to you much, and then when you say you’re gay, they think its normal for you to be like that..., and when you say you’re positive, well, they’re not even going to touch you, not even look at you, because you’re going to contaminate them just by looking at you” (Paul).

“(...) Among the staff who worked there, the [security guards], there were also people who, I felt, were against people like this [trans people].” (Ajda).

At a **societal level**, discrimination means to treat a certain group unfavorably or in a worse way than others, such as LGBTQIA+ people. This means that they have an inferior place in society. Discrimination leads **to inequality, exclusion and violence**.

In legal terms, discrimination means being **treated unequally** on the basis of a personal characteristic, such as by being lesbian, gay, bisexual, trans or intersex.

When this inequality is based **on more than one personal characteristic**, for example also origin, race, disability or illness, this is **multiple or intersectional discrimination**. This means that these different forms of discrimination act together, and their impact can be amplified.

What can I do if I experience discrimination or violence ?

The first step I can take is **not to remain isolated, but to seek information** from a network of associations and institutions. You can find some at the end of this brochure. => *See NETWORK*.

Depending on the case, I may file a complaint or take other legal or non-legal steps.

Things to keep in mind :

- Get informed before taking any action, and be accompanied by a legal advisor, a lawyer, an association or a trade union, as appropriate.
- Find out about the cost of legal representation and proceedings, and about the possibility of legal aid.
- Act quickly (there are deadlines for taking legal action).

In the event of **physical, sexual or psychological violence**, I am strongly advised to contact the LAVI center, which can provide me with legal, psychological, medical and/or material assistance. I can contact the LAVI center even if I don't file a complaint => *See NETWORK*.

If I have no legal status, as the LAVI center is bound by **confidentiality**, there is no risk of information being passed on, except in very special cases where minors are in danger.

Warning : if I file a complaint, there is a chance that the authorities will be informed that I do not have legal status. It is therefore very important to seek advice and support before taking this step.

If I am a victim of **domestic violence** and my **residence permit** is linked to the person who is abusing me, I may be able to keep my residence permit, even if I separate from them. I can receive advice and support regarding my situation. => *See sections 6 and NETWORK*.

Every association or institution should be able to receive **any case of discrimination or violence** I experience (e.g. homophobic, transphobic, racist, linked to my residency status and/or my disability). If need be, they should be able to **refer me to another structure** so that I can find the right help. Some associations may be better suited to my situation. => *See NETWORK*.

5. What is my right to asylum as an LGBTQIA+ PERSON?

“(...) I didn’t know my rights, I didn’t know all that (...). So they asked me these questions, I was surprised...: “Are there people who know [about my sexual characteristics]? And I was like “uh... no...”, I was embarrassed, I was not prepared. (...) afterwards, they stopped, it wasn’t clear, and I wasn’t expecting that, in my head I didn’t think it could be a reason, and so all the questions were about the situation in my country.” (Amin).

Can my sexual orientation, gender identity, gender expression and/or sexual characteristics be grounds for asylum in Switzerland?

Yes. Sexual orientation, gender identity, gender expression and/or sexual characteristics are grounds for asylum under Swiss and international law. The recognized legal ground is “membership in a particular social group”.

Under what conditions can I obtain asylum?

There are several legal conditions. Mainly, I can be granted asylum if I am in serious danger in my **country of origin** because of my sexual orientation, gender identity, gender expression and/or sexual characteristics

as well as potentially for other reasons, such as political opinion or religion. This danger must be sufficiently **strong and affect me personally in a concrete way.**

How can I apply for asylum?

I can apply for asylum orally or in writing at a **Federal Asylum Center (FAC)** (in French, *Centre fédéral pour requérants d’asile (CFA)*), at a Swiss border crossing or at the border control office of a Swiss airport. All asylum-seekers are assigned to a FAC. The authority examining my asylum application is the State Secretariat for Migration (in French, *Secrétariat d’Etat aux migrations (SEM)*). From the start of my application, I will have legal representation. Associations are not a part of the FAC, but they can provide me with information.

If possible, **it can be very useful to be in contact with LGBTQIA+ associations specialized in asylum matters BEFORE going to a FAC.** => *See NETWORK.*

Do I have to provide proof?

As it can be very difficult to obtain proof, my statements should in principle suffice. They should be as detailed and coherent as possible. If I have any documents or other evidence of the danger I'm in, I should hand them over to the SEM or my legal representative. I do not need to provide any intimate photographs or videos. To help me tell my story and/or find evidence, it may be useful to get in touch with associations/organisations. They can help me, in coordination with my legal representative.

Will I be heard?

I must be able to express myself freely and fully about my reasons for seeking asylum at my hearing(s) with the SEM, and give all evidence that shows the risks I personally face in my country of origin. My legal representative should help me prepare, and I can also call on the support of associations that will accompany me during the process. I can also ask to be accompanied

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to mention this to my legal representative as soon as possible.

Will my words be understood?

Everyone present at my hearing(s) (hearing officer, interpreter, note-taker, legal representative) must **respect me**. They should **not judge** my sexual orientation, gender identity, gender expression and/or sexual characteristics. They should be able to listen and understand my story in my own words. If there are any difficulties during my hearing(s), it is important that I discuss them promptly with my legal representative and this should be communicated to the SEM. If I'm in contact with associations that are supporting me in my process, I can also talk to them about this problem. => *See NETWORK.*

What happens if I am not able to talk about my reasons for seeking asylum soon?

It's important that **I talk about my reasons for asylum as soon as possible**. But it can be difficult to talk about my sexual orientation, gender identity, gender expression and/or sexual characteristics. These are intimate aspects of my person, and it can be complicated to talk about them if I've had to hide in my country. But if I do manage it, **it's very useful to explain my situation**

early on to legal representation. External resources, such as an LGBTQIA+ association, can sometimes help me speak out => *See NETWORK.*

What can I do if I am not able to speak because of my trauma ?

I have the right to **access psychological or medical support.** If I feel that I need it, that it would help me feel better and to be able to express myself, I can mention it to my legal representative. If I'm in contact with an association, they can also support me in this process. Healthcare providers must respect my sexual orientation, gender identity, gender expression and/or sexual characteristics. => *See section 9.*

What are my rights if I have specific medical needs ?

If I need specific medical care or treatment, for example in connection with my gender identity and/or sexual characteristics, **I have the right to access care and continue my care or treatment.** I can discuss this with my legal representative and with the Medic Help service. If I'm in contact with an association, they can also support me in this process. Healthcare providers must respect my sexual orientation, gender identity, gender expression and/or sexual characteristics. => *See section 9.*

Can I choose the gender of the people questioning me ?

Yes, if my grounds for asylum are related to my sexual orientation, gender identity, gender expression and/or sexual characteristics, I can choose the gender of the people present at my hearing(s). **This applies to all SEM staff involved in my hearing(s)** (hearing officer, interpreter, note-taker), as well as to my **legal representative.** It is advisable to communicate my decision to my legal representative.

If I am a trans or non-binary person, should my gender identity and expression be respected ?

Yes, everyone involved in my asylum process must respect my gender identity and expression. I have the right to use the **title(s)** (madam, sir, no title (in French: *madame, monsieur*), **pronoun(s)** (she/he/they/no pronoun, etc.; in French: *elle, il, iel, ille, etc.*), and/or **first name(s) that correspond to my gender identity and gender expression.** I can request that they be used by staff, even if my official documents remain unchanged. However, my official first name(s) and pronoun are used in official communications (summons, decisions). For information on changing your gender => *See section 8.*

What other guarantees apply to me ?

Protecting my privacy

During the hearings, I may not be questioned about my sexual practices or acts. In addition, all persons examining my asylum application are bound by a **duty of confidentiality**. They must not reveal any information about my sexual orientation, gender identity, gender expression and/or sexual characteristics without my consent.

Prohibition of discrimination

The fact that I am an LGBTQIA+ person should not influence the decision concerning my asylum application. I must be treated on an equal footing with everyone else. **I must not be subjected to homophobic, transphobic or inter-sexophobic remarks or attitudes**, during my hearings or at any other stage of my process. If this happens, it's a good idea to talk to my legal representative and/or the associations around me => *See NETWORK*.

6. What other rights related to migration do I have as an LGBTQIA+ person ?

It's not possible to cover all residence permit situations here. But in all cases, I should be treated equally and without discrimination based on my sexual orientation, gender identity, gender expression and/or sexual characteristics. This brochure gives two example situations: first, marriage and family reunification, and secondly, undocumented migrants and the possibilities of regularization.

Can my sexual orientation, my gender identity, my gender expression and/or my sexual characteristics be a reason for another type of authorization to stay, apart from asylum ?

No. But I have the same rights as anyone else, for example in connection to marriage, work and study. In certain circumstances, the fact of being LGBTQIA+ may be an aspect to be taken into account when keeping or obtaining a residence permit (see below).

Can I get married as an LGBTQIA+ migrant ?

Yes, I have the right to marry regardless of my sexual

orientation, gender identity, gender expression and/or sexual characteristics. I can do so regardless of my nationality or residence permit.

Please note : **undocumented persons face restrictions when it comes to getting married**, as the registry office is not allowed to perform marriages if a person is without a residency permit. If I have no legal status, I must first apply to the Population Department (*Service de la population*, or SPOP) for a temporary residence permit, before I can start the procedure at the registry office. This residence permit will be granted subject to certain conditions (no evidence of it being a marriage of convenience, conditions for subsequent family reunification are met). We strongly advise you to contact

an association before starting this procedure => *See NETWORK*.

Can I obtain a residence permit on the basis of my marriage ?

Yes, but the rights and conditions vary, depending on my nationality (whether I'm from an EU/EFTA country or a non-EU country), and the nationality and permit type of the person residing in Switzerland. Depending on the situation, we may have to meet **conditions relating to housing, living together, integration** (language, employment or training, financial independence) and **time limits** (for non-EU nationals, the application must be made within 5 years). Applications must be addressed to the SPOP. We strongly advise you to contact an association before starting the application process => *See NETWORK*.

What happens in the event of a separation ?

Under certain conditions, it is possible to keep my residence permit. The consequences of such a situation and the right to a permit vary, depending on my origin (EU/EFTA or third country), that of my partner or spouse, and the type of permit. If I come from a European country and work (or have financial means), I'm entitled to a residence permit in any case. In other situations, where cohabitation has been interrupted, there

are two possible reasons for keeping the permit: **cohabitation has lasted 3 years and I meet the conditions for integration**, OR there are «**exceptional personal reasons**». Exceptional personal reasons can arise, for example, when I'm experiencing **domestic violence**, when I'm exercising visitation rights over a child living in Switzerland, or if **reintegration into my country of origin is not possible, notably because of my sexual orientation, gender identity, gender expression and/or sexual characteristics**. The migration authority will assess the situation and issue a decision (first the SPOP, then the SEM).

=> If I'm experiencing domestic violence ?

In such a situation, requirements apply regarding the severity and evidence of the violence. Regardless of the permit, LGBTQIA+ migrants **must be protected**, defended and supported, just like any other victim. To get help, it's very important to contact the **LAVI centre and/or another association**. => *See NETWORK*.

=> If I can't go back to my country of origin ?

The criteria for deciding whether reintegration to the country of origin is not possible include, for example, state of health, social and family network, professional situation and possibility of finding a new job. **If a par-**

ticular difficulty linked to sexual orientation, gender identity, gender expression and/or sexual characteristics prevents my reintegration, it is important to mention it. For example, in the case of a Mauritian trans person, the Federal Administrative Court recognized that reintegration was not possible because Mauritius prohibits gender reassignment (medical and administrative) and that she would be discriminated against and deprived of adequate medical treatment. Each case is different and will be assessed individually, but it's always important to document my situation. **Associations and healthcare professionals** can help me do this. => *See NETWORK.*

Can I regularize my residency status in relation to my sexual orientation, gender identity, gender expression and/or sexual characteristics ?

Like all other undocumented migrants, as an LGBTQIA+ migrant I can, under certain (restrictive) conditions, apply to regularize my residency status. Mainly, this may be in the case of a long stay and successful integration (mastery of French, work, training). Other criteria may also be important, such as the impossibility of reintegrating in my country of origin, very serious health conditions, or a particular personal or family situation.

The authority must consider all aspects of my situation (length of time in Switzerland, health, family, work, situation in the country, etc.). It is therefore important to document as many elements as possible to explain my situation.

Just because I'm an LGBTQIA+ person doesn't mean I can be regularized. But it is possible that a **particular difficulty linked to sexual orientation, gender identity and/or sexual characteristics** could have an impact on my work, my health or the possibility of reintegrating into my country of origin (for example, if I am a trans person and could not live in my gender, or if I risk being deprived of medical treatment and my health could be seriously endangered). It's important to document this situation, with the help of associations and health professionals. => *See NETWORK.*

Please note : when applying for regularization, people without residency status must register with the SPOP. This always implies a certain risk of refusal and deportation. It is therefore **very important to consult with relevant associations before submitting your application and to prepare your file properly.**

If I'm a trans or non-binary person, should my gender identity and expression be respected?

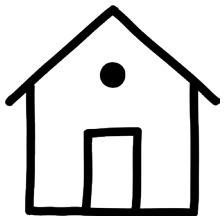
Yes, everyone involved in my procedure (permit, marriage) must respect my identity and gender expression. I have the right to use **the title(s)** (madam, sir, no title; in French: *madame, monsieur*), **the pronoun(s)** (she, he, they, no pronoun etc.; in French: *elle, il, iel, ille*, etc.), and/or **first name(s) corresponding to my gender identity and gender expression**. I can request that they be used by staff, even if my official documents remain unchanged. However, my official first name(s) and pronoun are used in official communications (summonses, decisions). For information on changing your gender => *see section 8*.

What other guarantees apply to me?

Prohibition of discrimination: the fact that I am an LGBTQIA+ person must not influence the decision concerning my permit application. I must be treated on an equal footing with any other person. If I'm in a relationship, my relationship must be treated the same as a heterosexual couple, and we should **not be subjected to homophobic, transphobic or intersexophobic remarks or attitudes** (e.g. at the SPOP or civil registry

office). If this happens, it's a good idea to talk to an association that can give me guidance => *See RESEAU*.

Protection of my privacy: all questions from the authorities must respect my privacy. They must not concern my sexual practices or acts. Furthermore, the authorities have a **duty of confidentiality**. No information about my sexual orientation, gender identity, gender expression and/or sexual characteristics may be revealed without my consent.



7. What are my rights in the places where I'm staying or that house me?

"(...) I usually sit on the edge of a window, people look at me, I'm always in my corner, I don't mix with others, I'm afraid, and I sit all the time in front of the window and then one day there was dust and they wrote "faggot", oh my god, I was scared, I was afraid, the fear I had that day!" (Issa).

"At the time, I didn't have any contacts, I was in my own circle, one that was not closed, but really full of judgments and so on, so I was hidden between all the people around me, all my friends and acquaintances (...), there was this judgment, a lot of judgment, so I hid." (Inès).

If I live in a Federal Center for Asylum Seekers (FAC) (in French: Centre fédéral pour requérants d'asile (CFA) or in an EVAM (Etablissement Vaudois d'Accueil des Migrants) facility

What are my rights in the event of discrimination, insults, threats or violence, or if I feel unsafe?

The facility's staff and the responsible authority must intervene to remedy the situation and take measures to

ensure my safety. I can get help from my legal representative or social worker. I can seek help from an association. => See NETWORK.

Can my sexual orientation, gender identity, gender expression and/or sexual characteristics be revealed?

No. **I have a right to privacy.** My sexual orientation, gender identity, gender expression, sexual characteristics, or my medical information (e.g. surgery, hormone treatment, HIV/AIDS treatment) **cannot be divulged** 21

without my consent. This applies to facility staff (management, security) and to residents.

If I am a trans or non-binary person, should my gender identity and expression be respected ?

Yes, all staff must respect my identity and gender expression. I have the right to use **the title(s)** (sir, madam, no title, etc.; in French: *madame, monsieur*), **pronoun(s)** (she, he, they, etc.; in French: *elle, il, iel, ille*, etc.), and/or **first name(s) corresponding to my gender identity and gender expression.** I can ask for these to be used by staff, even if my official documents remain unchanged. If I undergo a body search, it must be carried out by a person of the same gender. This is the case be the case even if I have not made an official gender change. For information on gender change in civil status documents => *see section 8.*

Do I have any special rights if I'm vulnerable ?

The right to respect for my private life includes, in certain situations, **taking into account my particular needs.** This may be in the case in relation to health care, for example after sexual reassignment surgery or during treatment for HIV/AIDS, or when there is a particular risk in using communal sanitary facilities or a shared

room, for example if I am an intersex or trans person. The risk of an invasion of my privacy may be greater. Appropriate protection measures should therefore be taken.

If I'm in a precarious situation or homeless, I can find help, shelter or emergency accommodation in places such as le Point d'Eau, la Marmotte, la Soupe populaire, le Sleep-in

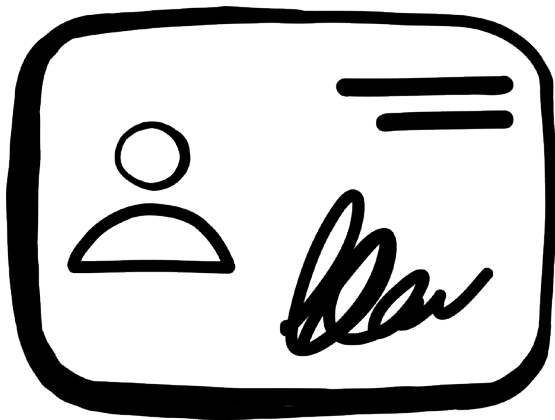
What are my rights in these places ?

These places must respect my sexual orientation, gender identity, gender expression and/or sexual characteristics. They must **respect my privacy and safety**, and take steps to protect me if I experience discrimination or violence. In such cases, it may be useful to enlist the help of an association. => See NETWORK.

8. If I'm a trans person, how do I go about legally changing my gender (and first name) ?

How can I do it ?

It is possible to officially change my gender (i.e. to modify my sex in the civil register), and if I wish, to change my first name at the same time. I can do this simply by **making a declaration to the registry office**. No medical or psychologist's certificate is required. I should not be questioned about my gender identity. I can do it in



the canton of Vaud or in another canton. From the age of 16, I can do it without my parents' consent. I can do it even if I don't speak French, but I must be accompanied by an interpreter. If I'm on social assistance, **my social worker can help me** with the civil status formalities and, if necessary, request documents from the SPOP and SEM. I can also be accompanied to the registry office by a support person.

Do I have to pay a fee ?

It depends on my situation. If I'm a student or on social assistance, I can get a fee waiver by presenting a certificate. The fee is between Fr. 75.- and Fr. 105.-, but in some cases it may be higher. If I'm receiving social security benefits, my social worker can help me with these formalities to apply for **assistance with these costs**.

Can I change my gender in my civil status, regardless of my nationality or residence permit ?

Yes, but I cannot do it if I do not have a residence permit, because that means I'm turning myself in to the authorities. Recognition of the change by my country of origin can sometimes pose a problem. For example, my country of origin may refuse to change the data in my passport. I am therefore advised to check first whether my country of origin recognizes the change. The embassy should be able to provide me with this information.

Please note: if I am an asylum seeker or refugee, I must not contact the authorities or representative of my country of origin.

Before taking any steps, it is therefore important to get more information:

- I can contact the Transgender Network Switzerland (TGNS) or Checkpoint Vaud's Pôle Trans => *See NETWORK.*
- I will find more information on the TGNS website (*Association suisse des personnes trans*), <https://www.tgns.ch/fr/information-2/droit/>.
- I can find information and the form to make an appointment at the registry office on the canton of Vaud's website: <https://www.vd.ch/themes/population/etat-civil>.
- I can also find information on the Federal Office of Justice's website: <https://www.bj.admin.ch/bj/fr/home/gesellschaft/zivilstand/faq/geschlechtsaenderung.html>.

9. As an LGBTQIA+ migrant, what are my rights to healthcare?

“(...) I find that trying to find out about our sexual orientation, for example, who’s playing the woman, who’s playing the man, that kind of question, I hate it! (...) I had some at the first interview, (...), I had this question, at the first meeting with the psychologist (...). I don’t know what they think before they say that, but for me these questions are none of their business, it’s an intimate matter, and it only concerns the person. (...) we don’t ask straight people how you make love, we don’t ask that kind of question!” (Issa).

“When I arrived here, I hit a brick wall, because I never thought it would be so difficult, first the healthcare issue, and then with the other issues related to the permit, the transition, it’s a long process, it’s necessary for everyone, I understand, but obviously it’s not easy because of the situation that health insurance is mandatory, so without insurance you can’t make any transition or anything, (...)”. (Ludmila).



LGBTQIA+ migrants have the right to access healthcare without discrimination on the basis of, for example, migration status, origin, race, sexual orientation, gender identity, gender expression, and/or sexual characteristics.

Is it okay for healthcare providers to disclose the fact that I am an LGBTQIA+ person ?

No. Healthcare providers should always respect my privacy. They must not reveal my **sexual orientation, gender identity, gender expression and/or sexual characteristics**. Furthermore, they are bound by **medical privacy** with regard to all information about my health.

If I'm a trans or non-binary person, should my gender identity and expression be respected ?

Yes, healthcare providers must respect my gender identity and gender expression. I have the right to use the **title(s), pronoun(s) and/or name(s) corresponding to my gender identity and gender expression**, and I can ask for them to be used by staff, even if my official documents remain unchanged. This also applies to all other people in a healthcare facility with whom I interact, such as reception staff.

What are my rights during consultations with healthcare providers ?

Protecting myself and my integrity: questions asked during consultations should not infringe on my dignity

(e.g. by judging or mocking me), and must not be intrusive regarding my sexuality, my body or my privacy. They must always be respectful, and be limited to what is necessary for the consultation, unless I wish to raise other issues.

The medical examination must respect my body and my privacy. It must be limited to what is necessary for treatment. No one can ask me to fully undress during an exam unless there is a legitimate medical reason for doing so. I have the right to ask why medical staff wants me to undress. If I am a **trans, non-binary or intersex person**, there is no reason why I should have to show my torso or genitals if this has nothing to do with the medical examination. I should not be subjected to any degrading treatment, for example, my intersex variation or physical transition should not be viewed as a curiosity.

Do I have the right to refuse treatment or surgery if I am intersex ?

Yes, intersex people must not undergo medical treatment or surgery without their informed consent. This means giving your consent after receiving fully understood information. **No non-vital, non-emergency operations should be performed on intersex children.** If I am an

intersex person or if I am the parent of an intersex child, I can find information and support from the InterAction Association. => *See NETWORK.*

Can I make a medical transition if I am a migrant ?

Yes, **there are no legal restrictions linked to my migratory situation**, as long as I have health insurance (see below). In Switzerland, certain steps are necessary to access, for example, hormone treatment or surgery. For more information, please contact the Checkpoint Vaud pôle trans or TGNS. => *See NETWORK.*

I can also find information on the TGNS website: <https://www.tgns.ch/fr/information-2/droit/>.

My migratory status is not a reason for refusing psychological follow-up, a psychiatric certificate, hormone treatment or surgery. If doctors have doubts about my residency status, it may be useful to contact an LGB-TQIA+ association specializing in asylum and migration to discuss the situation with the doctors => *See NETWORK.*

What are my rights in relation to health insurance ?

All persons residing in Switzerland, including LGB-TQIA+ migrants, regardless of their residency status, and irrespective of their sexual orientation, gender identity, gender expression and/or sexual characteristics, must have health insurance and be able to access health-care in compliance with the Federal Law on Health Insurance (LAmal). This concerns compulsory health insurance (basic insurance).

Any restrictions on basic health insurance, such as those relating to my sexual orientation, gender identity, gender expression, sexual characteristics, origin, illness or residence status, **are prohibited**. A health insurance company **cannot refuse my application**. *Please note* : my approval for health insurance is not automatic, I have to take the necessary steps (within 3 months of taking up residence), unless I have applied for asylum (this is done through the SEM, then the EVAM, who pay the insurance costs).

Am I entitled to help paying for my health insurance premiums ?

Yes, depending on my financial situation, through **cantonal health insurance subsidies**. I may be entitled to **27**

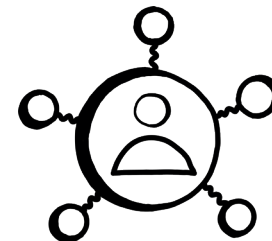
this assistance **regardless of my residency status**. This assistance is not automatic. You must apply to the *Office vaudois de l'assurance-maladie* (OVAM). I can apply online on the canton of Vaud website, or I can go to my local social insurance agency and get help. If I'm undocumented, I should seek advice and help beforehand from an association or a hospital social service. If I'm waiting for my residence permit (or its renewal), the subsidies will have no impact on the decision concerning my permit.

Are the medical costs for my gender transition covered?

Yes, migrants with health insurance have the same rights as other insured persons. This also applies to medical interventions for gender transition (e.g. hormone treatment, surgery). These interventions are reimbursed by basic insurance, but certain conditions must be met before reimbursement. For more information on these conditions, please contact Checkpoint Vaud's Pôle trans or TGNS. => *See NETWORK*.

I can also find information on the TGNS website <https://www.tgns.ch/fr/information-2/droit/>.

10. NETWORK: which association(s) or other services can I contact ?



Canton of Vaud :

Association	For who ?	Website
<i>Agnodice</i>	Children and adolescents (under 18 years of age) who are transgender, non-binary, and those who are questioning their gender identities; their parents and relatives	https://agnodice.ch
<i>Appartenances</i>	Migrants	https://www.appartenances.ch
<i>Astrée</i>	Victims of all forms of trafficking and exploitation	https://www.astree.ch
<i>Centre LAVI Fondation PROFA</i>	Victims of physical, sexual or psychological violence and/or their families	https://www.profa.ch/lavi
<i>Checkpoint Vaud Fondation PROFA</i>	Men who have sex with men*, trans people and their partners	https://www.profa.ch/checkpoint
<i>Collectif vaudois de soutien aux sans-papiers</i>	Undocumented migrants (without legal status)	https://sans-papiers-vd.ch

<i>Droit de rester</i>	Persons refused asylum (emergency assistance)	http://droit-de-rester.blogspot.com/
<i>Fleur de Pavé</i>	People who work as prostitutes	https://www.fleurdepave.ch
<i>L-Check</i> <i>Fondation PROFA</i>	Women* who have sex with women, trans people and their partners	https://www.profa.ch/l-check
<i>La Fraternité</i> <i>CSP Vaud</i>	Any foreign or Swiss person seeking information on migration issues	https://csp.ch/vald/services/
<i>Lilith</i>	Lesbian, bi and queer women who love women	https://www.associationlilith.ch
<i>Pôle agression et violence (PAV)</i>	Victims of intimate violence, LGBTI+ minors and adults and their entourage	https://association-pav.ch
<i>Pôle trans</i> <i>Checkpoint Vaud</i> <i>Fondation PROFA</i>	Trans people, non-binary people and people questioning their gender identity (over 18). Also answers questions from relatives of and professionals working with trans or non-binary people	https://www.profa.ch/pole-trans
<i>Service d'aide juridique aux exilé-e-s (SAJE)</i>	Asylum seekers, provisionally admitted and rejected asylum seekers https://www.eper.ch/project-explorer/service-daide-juridique-aux-exilees-saje	
<i>VoGay</i>	People involved in LGBTIQ+ life	https://vogay.ch

Canton of Geneva :

<i>Asile LGBTIQ+</i>	LGBTIQ+ people in situations of forced migration	https://asile-lgbt.ch
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In Switzerland :

<i>Aide Suisse contre le SIDA</i>	Persons living with HIV	https://aids.ch/fr/
<i>Familles Arc-en-Ciel</i>	Families where at least one parent is a homosexual, bisexual or trans person	https://www.regenbogenfamilien.ch/fr/
<i>InterAction</i>	Intersex and gender variant people	https://www.inter-action-suisse.ch/ de/home
<i>LOS</i>	Lesbian, bisexual and queer women	https://www.organisation-lesbienne.ch
<i>LGBTIQ Helpline</i>	Anyone with questions or concerns about all matters surrounding life as an LGBTIQ person	https://www.lgbtiq-helpline.ch/fr
<i>OSAR</i>	Refugees	https://www.osar.ch

<i>Pink Cross</i>	Gay and bisexual men	https://www.pinkcross.ch/fr
<i>Queer Amnesty</i> <i>(Focus Refugees)</i>	LGBT asylum seekers and refugees	https://queeramnesty.ch/asyl/
<i>TGNS</i>	Trans people, i.e., transgender or transidentitary people, and all people who do not identify, or only partially identify, with the gender they were assigned at birth	https://www.tgns.ch/fr/

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