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EDITED BY

Valery Buinwi Ferim,
University of Fort Hare, South Africa

REVIEWED BY

Erman Örsan Yetiş,
The University of Sheffield, United Kingdom

*CORRESPONDENCE

Gnana Sanga Mithra S.
✉ Sangamithra0212@gmail.com

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Transnational ties: LGBTQ+ rights, migration, and legal frameworks in Thailand and India

Gnana Sanga Mithra S.*

Vinayaka Mission's Law School, Vinayaka Mission's Research Foundation (DU), Chennai, India

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Introduction

Migration studies have traditionally focused on cisgender, heterosexual men, portraying them primarily as economic migrants seeking better opportunities abroad (Mole, 2018). This limited perspective overlooked the diverse and complex experiences of migrants shaped by gender and sexuality. Over the past three decades, however, migration research has evolved to adopt a more inclusive and intersectional approach, recognizing how sexuality influences migration at every stage from the decision to migrate to the challenges faced in transit and the experiences of settlement and integration in host societies (Palmary, 2021). The incorporation of sexuality as an analytical framework has been pivotal in broadening migration scholarship. Researchers have demonstrated that sexuality not only shapes individual migration experiences but also impacts the broader socio-cultural and political dynamics of both origin and destination communities (Carrillo, 2004; Cantú, 2009; Luibhéid, 2002; Manalansan, 2006). This shift has led to the development of queer migration studies, which examine the unique struggles of LGBTQ+ migrants, including persecution in their home countries, the limitations of asylum policies, and the heteronormative biases embedded in immigration laws. Many LGBTQ+ migrants flee environments where their identities are criminalized or socially ostracized, seeking not just economic opportunities but also personal safety, legal recognition, and social acceptance (Hondagneu-Sotelo, 2017). For some individuals, migration is a means of escaping restrictive social norms, repressive legal frameworks, or familial rejection. Others migrate in search of communities where they can freely express their gender identity and sexual orientation. However, sexual identity can also create new barriers in host countries, where racial, cultural, and economic factors intersect with gender and sexual norms, affecting the level of acceptance and opportunities available to migrants. As migration scholarship continues to evolve, integrating sexuality as a central lens provides a deeper understanding of power, marginalization, and resilience in global migration flows (Baas and Yang, 2020). By moving beyond heteronormative assumptions and recognizing the diversity of migrant experiences, scholars contribute to a more inclusive and equitable analysis of human mobility in an increasingly interconnected world.

Migration patterns across different regions are shaped by a variety of historical, economic, political, and social factors. In Asia, migration from countries like China and the Philippines has played a crucial role in shaping transnational labor markets, remittance economies, and diaspora communities (Bula and Cuello, 2019). The historical movement of laborers, particularly domestic workers, seafarers, and construction workers, has made the region a focal point for studying global labor migration. The Philippines, for instance, has developed one of the world's most extensive labor export programs, institutionalizing migration as a key economic strategy. Meanwhile, Chinese migration, historically driven by trade, investment, and political shifts, has contributed to the formation of vibrant overseas

Chinese communities across Southeast Asia, North America, and Europe. Africa, on the other hand, presents a different migration landscape, with intra-regional movement being as significant as international migration. Additionally, forced migration due to political upheaval and violence has been a defining characteristic of African migration patterns, with countries like Sudan, the Democratic Republic of Congo, and Somalia producing large refugee populations.

Traditionally, migration studies have focused on South–North movement, particularly the flow of migrants from developing regions to wealthier countries in Europe and North America. However, recent research highlights the increasing significance of South–South migration. The Global South is highly heterogeneous in terms of economic conditions, governance, and legal frameworks, leading to distinct migration patterns across regions (Kofman and Raghuram, 2012). While some countries serve as points of origin due to economic hardship or political instability, others have emerged as regional destinations due to their relative economic prosperity and stability. One key distinction among regions is the legal framework governing migration. Many developing countries have restrictive immigration policies that complicate the movement of people, while others have more open borders that facilitate regional mobility (Careaga and Batista, 2017). For instance, the African Union's free movement protocols aim to enhance intra-African migration, yet implementation remains uneven due to national security concerns and economic disparities (Caarten et al., 2022). Similarly, migration policies in Asia vary widely, with some countries like Singapore and Malaysia relying on large numbers of migrant workers while maintaining strict immigration controls. The Middle East and North Africa (MENA) region presents another distinct migration pattern, characterized by both labor migration and displacement due to conflict. The Gulf Cooperation Council (GCC) countries, including Saudi Arabia, the UAE, and Qatar, host millions of migrant workers from South and Southeast Asia, who often face legal and social challenges due to restrictive labor laws. Meanwhile, countries such as Jordan, Lebanon, and Turkey have become major destinations for refugees fleeing conflicts in Syria, Iraq, and Afghanistan. Migration from MENA to Europe has also intensified in recent years, leading to policy debates on asylum, border control, and integration in host countries such as Germany, Greece, and the UK. South–South migration has also been an area of growing academic interest, particularly in regions like Latin America, Africa, and Asia, where people move across borders for economic opportunities, trade, or political refuge. Turkey, for example, serves as a key transit country for migrants from the Middle East and Central Asia aiming to reach Europe. However, many migrants remain in Turkey due to restrictive border policies, creating new demographic and economic challenges.

LGBTQ migration trends in Thailand

Thailand has emerged as a regional hub for LGBTQ individuals seeking safety, employment, and social integration. The country's [Gender Equality Act, B.E. 2558 \(2015\)](#) prohibits discrimination based on gender identity and sexual orientation, making it one of the most LGBTQ-friendly legal environments in Asia (Fongkaew

et al., 2019). A 2023 survey by Pew Research Center revealed that 85% of Thai citizens support LGBTQ rights, making Thailand the most accepting country in Asia for LGBTQ individuals. Additionally, the country ranks second globally in LGBTQ tourism, attracting over 4.5 million LGBTQ tourists annually, contributing approximately \$5 billion to the Thai economy (World Bank, 2023). Thailand has also seen a steady rise in LGBTQ migration, particularly from neighboring countries where LGBTQ rights are heavily restricted. According to the [Migration LGBTQ Rights Report \(2023\)](#), an estimated 15,000 LGBTQ individuals from countries like Malaysia, Indonesia, and Myanmar have migrated to Thailand in search of greater legal protection and social acceptance. Malaysia and Indonesia continue to criminalize same-sex relationships, with penalties ranging from imprisonment to corporal punishment under Sharia law. Similarly, in Myanmar, LGBTQ individuals face systemic discrimination, with reports indicating that over 60% of LGBTQ individuals in Myanmar have been victims of police violence (Human Rights Watch, 2023).

Cities such as Bangkok, Pattaya, and Chiang Mai have become LGBTQ-friendly hubs, with inclusive policies in housing, employment, and healthcare. 76% of LGBTQ migrants in Thailand report experiencing a better quality of life after migration, with improvements in job security and mental wellbeing (Thailand LGBTQ Migration Survey, 2023). However, despite its progressive environment, Thailand has yet to legalize same-sex marriage. The country's Civil Partnership Bill, introduced in 2020, would grant same-sex couples limited legal rights but has not yet been passed into law. The absence of full marriage equality and adoption rights poses challenges for LGBTQ migrants seeking long-term settlement, family security, and legal recognition of their relationships.

LGBTQ migration trends in India

India, with its diverse socio-cultural landscape, has witnessed significant legal progress in LGBTQ rights, but social acceptance remains uneven, leading to high levels of internal migration among LGBTQ individuals. The historic *Navtej Singh Johar v. Union of India* (2018) ruling by the Supreme Court decriminalized homosexuality by striking down Section 377 of the Indian Penal Code, a colonial-era law that criminalized same-sex relationships. However, despite this legal breakthrough, India does not have comprehensive anti-discrimination laws to protect LGBTQ individuals in workplaces, housing, or healthcare. As a result, 63% of LGBTQ individuals in India migrate internally from rural areas to urban centers in search of safety, economic opportunities, and community support (Indian LGBTQ Migration Survey, 2023). The top destinations for LGBTQ migrants in India include Mumbai, Delhi, Bengaluru, Chennai, and Hyderabad, where organizations and non-governmental organizations (NGOs) provide social and legal support. A survey by the [International Labour Organization \(ILO\) \(2023\)](#) found that 74% of LGBTQ individuals in India experience workplace discrimination, with only 27% being open about their identity at work due to fear of harassment or job loss. This discrimination is a key driver of migration, as LGBTQ individuals seek employment in more inclusive companies, often in multinational corporations that

have diversity policies. For transgender individuals, migration is even more critical due to social exclusion and lack of economic opportunities. Despite the Transgender Persons (Protection of Rights) Act, 2019, which provides legal recognition for transgender individuals, its implementation has been inadequate (Gupta et al., 2019). The National Human Rights Commission (NHRC) (2023) reported that 92% of transgender individuals in India are unable to secure formal employment, leading many to migrate to metropolitan areas where informal work opportunities and NGO assistance are more accessible. Additionally, over 60% of transgender individuals in India face family rejection, forcing them to relocate to urban centers for community support (Sangama, 2023).

Legal protection in India and Thailand

LGBTQ individuals in both Thailand and India continue to face significant legal and social challenges, particularly in areas of marriage, workplace inclusion, healthcare, and asylum rights. Thailand has yet to recognize same-sex marriage, and its proposed Civil Partnership Bill offers only limited legal protections, failing to grant full spousal rights. Similarly, in India, the Supreme Court ruled against same-sex marriage legalization in 2023, asserting that the matter falls under parliamentary jurisdiction, leaving LGBTQ couples without legal recognition or adoption rights. In the workplace, only 4% of companies in India have formal LGBTQ-inclusive policies, compared to 78% in Thailand [International Labour Organization (ILO), 2023], reflecting the stark disparity in corporate inclusivity. Securing housing remains another challenge, as 45% of LGBTQ individuals in India report discrimination from landlords, compared to 21% in Thailand (Human Rights Watch, 2023), forcing many LGBTQ migrants to seek alternative or informal housing arrangements. Access to healthcare is also a critical issue, with 30% of transgender individuals in India being denied medical services due to their gender identity [National Human Rights Commission (NHRC), 2023], whereas in Thailand, gender-affirming healthcare is widely available but remains costly and largely unregulated, making it inaccessible for low-income LGBTQ migrants. Moreover, while Thailand is a preferred destination for LGBTQ asylum seekers fleeing persecution in countries such as Malaysia and Myanmar, the country lacks a formal asylum policy, leading to years-long waits for legal residency. India, on the other hand, has no formal asylum protections for LGBTQ refugees, leaving those escaping criminalization and violence in neighboring countries without any legal safeguards. These legal and structural barriers highlight the urgent need for policy reforms in both Thailand and India to create more inclusive and protective environments for LGBTQ individuals, particularly migrants and refugees. Thailand has made significant progress in LGBTQ rights, becoming the first Southeast Asian nation to legalize same-sex marriage. The law, signed by King Maha Vajiralongkorn on September 24, 2024, and enacted on January 23, 2025, grants same-sex couples equal rights in marriage, adoption, healthcare consent, and inheritance. However, despite this milestone, Thailand lacks anti-discrimination laws explicitly protecting LGBTQ individuals in employment, healthcare, housing, and education. Additionally, transgender

individuals are still unable to legally change their gender on official documents, limiting their access to essential services and increasing their vulnerability to discrimination. India, on the other hand, has seen incremental progress in LGBTQ rights, particularly in political representation. In 2024, the Congress Party and the Nationalist Congress Party appointed LGBTQ activists to key political positions, signifying a growing acceptance of sexual and gender minorities in governance. However, same-sex marriage remains unrecognized. The Indian Supreme Court, while decriminalizing homosexuality in 2018, left the decision on same-sex marriage to Parliament, which has yet to enact any legislation on the matter. Furthermore, the Transgender Persons (Protection of Rights) Act, 2019, though intended to safeguard transgender rights, has been criticized for its bureaucratic gender verification process and inadequate employment protections, leaving many transgender individuals vulnerable to discrimination.

Discussion

LGBT+ inclusion in India and Thailand presents a complex interplay of legal advancements, cultural attitudes, economic barriers, and social challenges. Despite both countries making progress in recognizing and protecting LGBT+ rights, significant disparities persist between policy implementation and societal acceptance. While Thailand enjoys a global reputation for LGBT+ tolerance, the lived experiences of LGBT+ individuals reveal numerous obstacles, including the lack of comprehensive anti-discrimination laws, employment challenges, and rigid gender norms in education. Similarly, India, having made historic legal progress with the decriminalization of Section 377 and the Transgender Persons (Protection of Rights) Act, still struggles with deeply ingrained societal prejudices and inconsistent enforcement of protective measures (Bhagat, 2017). A key theme emerging from this analysis is the role of cultural and religious traditions in shaping public perceptions of LGBT+ identities. In India, conservative family structures and religious ideologies continue to exert pressure on LGBT+ individuals, often resulting in forced marriages, social obligations, and mental health challenges. Many LGBT+ individuals face honor-based violence or coercion into heterosexual marriages to uphold family reputation (Alessi et al., 2015). The lack of legal recognition of same-sex marriages and adoption rights further exacerbates their struggles. Thailand, despite being more open in social attitudes, still holds rigid cultural norms. Pride events and LGBT+ spaces in Thailand are vibrant, but they often coexist with prevailing heteronormative assumptions and taboos. Cultural festivals and family ties can pressure LGBT+ individuals to conform to traditional roles. Economic factors, such as income inequality and job segregation, also influence LGBT+ experiences, as visible activism and acceptance tend to cluster in urban middle-class contexts. Beyond the legal frameworks, the lived realities of queer migrants (many of whom work as domestic laborers) must be understood in relation to cultural attitudes, activism, and homemaking practices. In Thailand, many queer migrants often participate in visible Pride events, community organizations, and activist coalitions, which facilitate empowerment and collective resilience. These platforms enable many queer migrants to “come out” and establish a sense of belonging, even in a context where

marriage equality has only recently been recognized. In India, by contrast, activism involving queer migrants remains less visible and more fragmented. Family structures, societal stigma, and limited legal recognition constrain queer migrants' opportunities for solidarity and participation. Many struggle with homemaking processes that balance safety, identity, and social acceptance. This divergence highlights how cultural and political environments shape not only the rights but also the lived experiences of queer migrants. A comparative analysis therefore requires attention to activism, solidarity networks, and homemaking processes as much as to legal reforms.

The healthcare sector also demonstrates significant gaps in LGBT+ inclusivity. Both India and Thailand have strong HIV/AIDS intervention programs, yet access to general healthcare services remains problematic due to stigma and lack of medical training in LGBT+-specific health concerns. Medical professionals in both nations often lack cultural competence regarding LGBT+ health issues, leading to misdiagnoses or discriminatory treatment. The persistence of conversion therapy in certain regions further highlights the need for policy intervention and public awareness campaigns to address mental health disparities (Avila and Meyer, 2022). In India, mental health services remain largely inaccessible to many LGBT+ individuals due to affordability and the shortage of sensitized professionals. Thailand, despite having a more advanced healthcare infrastructure, still lacks widespread integration of LGBT+ healthcare services, particularly for gender-affirming treatments and mental health support. Additionally, media representation and advocacy efforts play a crucial role in shaping public attitudes toward LGBT+ rights. While both countries have seen increased LGBT+ visibility in mainstream media, representation often remains stereotypical or tokenistic. In India, recent films and web series have started portraying LGBT+ characters in more nuanced ways, but deep-rooted societal taboos continue to hinder widespread acceptance. In Thailand, the popularity of LGBT+ narratives in entertainment does not necessarily translate into legal or social equality, highlighting the gap between representation and real-world change.

Limitations

The present findings should be interpreted in the context of certain limitations. First, given the multisectoral scope of this review, the inclusion of a broad range of sources may have influenced the findings. While efforts were made to incorporate literature that specifically addressed LGBT+ discrimination, social exclusion, and disparities, some relevant studies may have been omitted due to the *a priori* specification of inclusion criteria. The selection process aimed to balance breadth and depth while maintaining methodological rigor. Despite these efforts, certain studies with valuable qualitative insights may not have met the inclusion criteria, potentially limiting the comprehensiveness of the review. Second, while the inclusion of gray literature enhanced the comprehensiveness of the analysis, it also introduces potential concerns regarding the quality and reliability of some sources. Gray literature, including reports from non-governmental organizations (NGOs) and policy briefs, may lack the rigorous peer-review process that characterizes academic publications. However, to

mitigate this concern, all gray literature sources were carefully evaluated for credibility and methodological soundness. Many of these sources contributed valuable large-scale mixed-methods studies that complemented and expanded upon findings from peer-reviewed literature. The corroboration between gray literature and academic research strengthens the reliability of the conclusions drawn from this review. Third, the language of publication posed a significant constraint. While this review deliberately included both Thai- and English-language literature to ensure a more comprehensive understanding, certain limitations remained. Many Thai domestic journals are not indexed in widely recognized international databases, which restricted access to potentially relevant studies.

Conclusion

While both India and Thailand have made strides toward LGBT+ inclusion, numerous systemic barriers remain that hinder full social and legal acceptance. Legal progress alone is insufficient; societal attitudes, economic opportunities, and healthcare accessibility must evolve concurrently to ensure meaningful inclusion. The paradox of tolerance vs. actual lived experiences underscores the necessity for policy reforms that bridge the gap between legal protections and everyday realities for LGBT+ individuals (Sangama, 2023). Future efforts must prioritize comprehensive anti-discrimination laws, enhanced legal recognition of same-sex partnerships, and targeted economic policies to support LGBT+ inclusion in the workforce. Policymakers in both India and Thailand should consider legal reforms that provide equal marriage, adoption, and inheritance rights for LGBT+ individuals. Additionally, increasing representation in media, education reforms, and community-driven advocacy can play crucial roles in shifting societal attitudes (Ayoub and Bauman, 2019). Furthermore, healthcare reforms should focus on ensuring LGBT+-inclusive medical training and expanding mental health services that are accessible and affirming. Addressing economic disparities through affirmative workplace policies and corporate diversity initiatives is essential for long-term inclusion. Governments must also work to eliminate harmful practices such as conversion therapy and ensure safe spaces for LGBT+ individuals in both rural and urban settings. By fostering an intersectional approach that considers legal, economic, social, and cultural factors, both India and Thailand can move toward greater inclusivity. Ensuring dignity, equality, and opportunity for LGBT+ individuals in both nations requires sustained governmental commitment, community-driven advocacy, and a shift in public perceptions to create truly inclusive societies (Baas, 2020). Both countries stand at a critical juncture where proactive policy changes, combined with grassroots activism, can lead to a future where LGBT+ individuals are not only legally protected but also socially embraced. Ultimately, a comparative perspective between Thailand and India shows that legal progress is necessary but insufficient. Queer migrants' lives are shaped equally by cultural and activist environments, which determine their ability to participate, make homes, and build solidarities in host societies. Future research and policymaking must integrate these dynamics, ensuring that queer migrants, including those working as domestic laborers, are not merely included in legal debates but are also

recognized as active agents in shaping communities of resilience and belonging.

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