

**A WORLD REPORT
ON THE
LGBT IMMIGRANT
EXPERIENCE**

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**for the
QUEER DETAINEE EMPOWERMENT PROJECT**

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INTRODUCTION

As Americans, we tend to view the world through our own lens, often forgetting that our particular history, culture, traditions, and dominant influence in the world are unique to us. It is no different with the LGBT experience.

While the United States is certainly not the world leader in the fight for gender and sexual equality, LGBT Americans experience an ever-growing freedom as compared to a majority of other communities abroad. One might assume that immigration to the United States is the happy ending for internationals who have fled their country for the relative freedom of a more tolerant place. But there are many circumstances, past and present, which contribute to a much more complex reality.

It begins with home - a place that traditionally represents safety and belonging, a “temple of the familiar”¹ - but that for many LGBT immigrants is the opposite - isolating, dangerous, and sometimes deadly.

Although international queer experiences can be similar, especially under common cultural or religious influence, each individual’s relationship to their home communities, their particular journey to the United States, and their sexual and gender identity and expression will be unique to them.

Some come to the U.S. on student or tourist visas, some as refugees. Others seek asylum at a port of entry - an arduous process that can last years, and that often results in detainment. Still others are undocumented, risking imprisonment and potential deportation every day.

It is also important to note that integration into American society does not necessarily imply an escape from the past.

LGBT individuals find freedom in the United States, but they may carry with them a history of complex trauma. They’ve spent a lifetime navigating

¹ (Hardy, 2017)

severe cultural messaging that is just as difficult to abandon as it was to leave their homes in the first place. Many immigrants of color confront racism in surprising new ways. Some feel alienated from local immigrant communities that can be just as homophobic as their counterparts at home.

Often, an open examination of identity happens for the first time in their lives. Culture shock can combine with a new sense of freedom that puts these individuals at higher risk for negative health outcomes such as HIV and substance use disorders. To compound the risks, many individuals experience a mistrust of health and service providers for fear of the discrimination they may have received in such interactions at home.

This handbook does not attempt to address any of these issues. Nor does it intend to identify this population only by their struggles. In fact, you will learn that LGBT immigrants have much to teach about resilience, perseverance, and hope as they begin new lives armed with hard won wisdom and perspective.

The goal here is to give the reader a comprehensive and multilayered portrait of the many possible factors that may have brought these individuals to this moment.

With context and awareness, it's a place to start.

PART ONE
HOME

LAWS

When examining the pervasiveness of homophobia around the world, it is essential to be aware of the institutional realities, as well as the cultural norms and values around gender and sexuality, that combine to profoundly affect the lives of LGBT people coming to the United States.

Though societal attitudes and structural systems have an inextricable relationship, let's begin with laws and policies.

Institutional discrimination against the LGBT community is normative, often legalized, and results in diminished access to information, services, and opportunities, as well as denial of the rights and protections that many others in the same society may take for granted.

LGBT individuals around the world live under a wide spectrum of laws and policies that range from constitutional protection in five countries (*Bolivia, Ecuador, Fiji, Malta, and the UK*) to the death penalty in six (*Iran, Saudi Arabia, Sudan, Yemen, Nigeria, Somalia, plus the ISIS-occupied territories in Iraq and Syria*).

For an overview of the most current sexual orientation laws, visit [this map](#) provided by the *International Lesbian, Gay, Bisexual, Trans and Intersex Association (ilga)*.



SEXUAL ORIENTATION LAWS IN THE WORLD - OVERVIEW

ILGA, THE INTERNATIONAL LESBIAN, GAY, BISEXUAL, TRANS AND INTERSEX ASSOCIATION

MAY 2017
ILGA.ORG



CRIMINALISATION

72 STATES

	Implemented in 8 States (or parts of)	14 Y - life (prison)	14 States
	not implemented in 5 States	Up to 14 Y	57 States
	Religious-based laws alongside the civil code: 19 States	'Promotion' laws	3 States
		No penalising law	

In green, yellow and orange countries, same-sex sexual acts were decriminalised or never penalised: 123 States

PROTECTION

85 STATES

Many States run concurrent protections

	Constitution	9 States
	Employment	72 States
	Various	63 States
	Hate crime	43 States
	Incitement to hate	39 States
	Ban on 'conversion therapy'	3 States

RECOGNITION

47 STATES

A small number of States provide for marriage and partnership concurrently

	Marriage	22 States		Joint adoption	26 States
	Partnership	28 States		2nd parent adoption	27 States

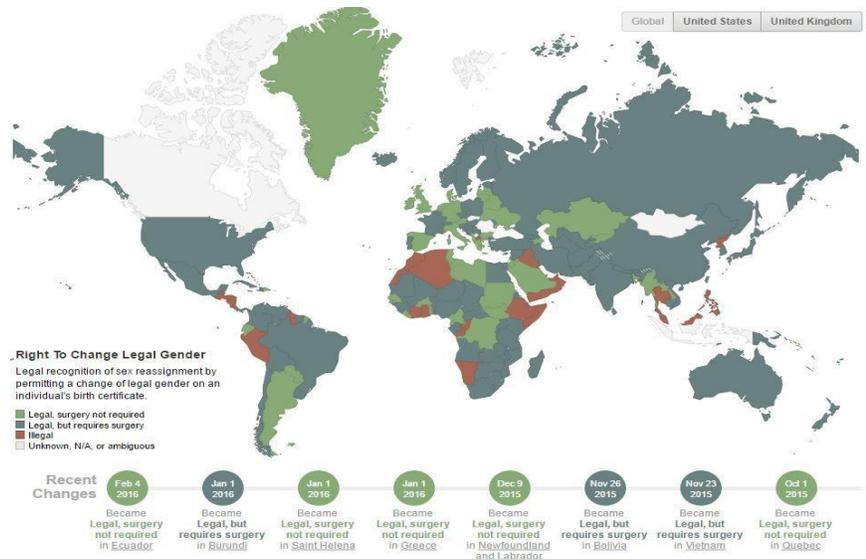
Separate detailed maps for these three categories are produced alongside this Overview map.

The data represented in these maps are based on State-Sponsored Homophobia: a World Survey of Sexual Orientation Laws: Criminalisation, Protection and Recognition, an ILGA report by Amigos Carriñ and Lucas Ramón Menéndez. The report and these maps are available in the six official UN languages: English, Chinese, Arabic, French, Russian and Spanish on ILGA.org. This edition of the world map (May 2017) was coordinated by Amigos Carriñ and Lucas Ramón Menéndez (ILGA), and designed by Eduard Enoki (eduardo.enoki@gmail.com).

More broadly, there are 11 distinct rights or protections that are commonly denied to LGBT people...

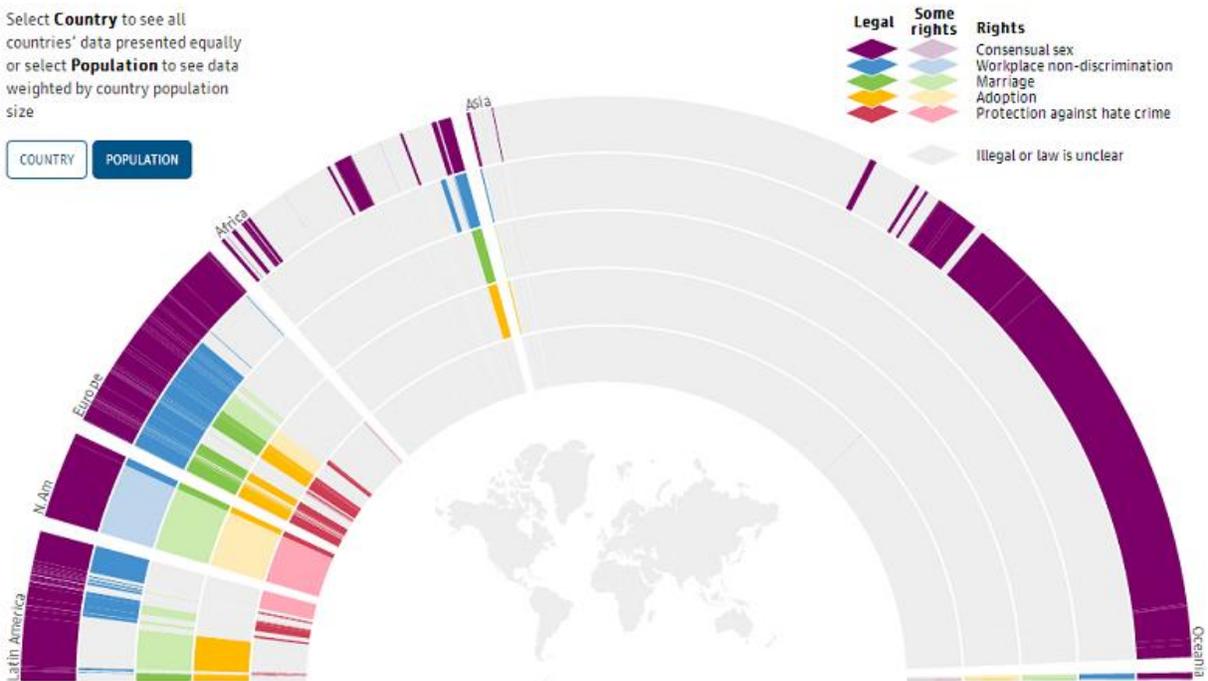
1. Homosexual activity
2. Marriage
3. Changing gender
4. Same sex adoption
5. Discrimination (hate crimes)
6. Employment discrimination
7. Housing discrimination
8. Military
9. Blood donations
10. Age of consent
11. Conversion therapy

Visit [here](#) for interactive maps, exploring each topic individually, as well as a comprehensive and chronological history of how LGBT rights have evolved from year to year.



[Here](#) is another helpful resource, which describes each country's rights to:

- Consensual sex
- Marriage
- Adoption
- Protection from workplace discrimination
- Protection from hate crimes



A BRIEF HISTORY OF SODOMY

Sodomy (noun) - anal or oral copulation with a member of the same or opposite sex; also, copulation with an animal.²

In law, sodomy has historically been defined as any non-procreative sexual act such as masturbation, oral, or anal sex. These laws weren't necessarily designed to discourage homosexuality, which before the 19th Century, was only defined through *behavior*. It wasn't until urbanization, industrialization, and the development of medical language in the 19th Century that homosexuality could be applied as an individual *identity*. Instead, laws regulated sexual behavior more generally by steering sexuality toward marriage, protecting women, children and younger men from assault, and maintaining public order and decency. In practice, these laws were almost never enforced, except for rare instances involving assault of an animal.³

And while sodomy laws may seem antiquated to modern American sensibilities, it was only recently that the U.S. Supreme Court struck down state anti-sodomy laws in Texas. Before *Lawrence vs. Texas* in June 2003, thirteen states had similar laws on the books.⁴

A long time ago...

² (Merriam-Webster Dictionary, 2017)

³ (Canaday, 2016)

⁴ (Canaday, 2016)

Homosexual acts were first criminalized as early as 1075 BC with the Middle Assyrian Law Codes, which condemned male-to-male intercourse in the military.⁵

In Ancient Rome, same-sex intercourse was considered normal, but only if the younger, passive partner was of lower social status - a prostitute or a slave.⁶

But a 1533 British law has had the most far reaching impact on global attitudes towards homosexuality. When King Henry VIII abandoned the Roman Catholic Church and created his own state religion, the **Church of England**, he merged Christian doctrine with law, taking secular jurisdiction over individual behavior. Sodomy (or “buggery”) became a crime, indistinguishable from a sin.⁷ The word buggery comes from the Old French word *bougre*, meaning “heretic.”⁸

The Buggery Act of 1533 made “the abominable crime of buggery, committed either with mankind or with any animal” punishable by hanging, a penalty that stayed in effect until 1861. It wasn’t repealed until 1967.

As for British influence throughout the world, it may be surprising to learn that over forty countries that still criminalize homosexuality do so through the direct inheritance of Colonial England’s penal codes.

In fact, Henry VIII’s Buggery Act of 1533 is *still* in effect in its former colony of **Jamaica**. When England finally repealed its sodomy law in 1967, Jamaica had gained its independence a mere five years earlier in 1962, and has yet to change these laws adopted by the British constitution.⁹

⁵ (Halsal, 1998)

⁶ (McGinn, 1998)

⁷ (Houston, 2017)

⁸ (Online Etymology Dictionary, 2017)

⁹ (Gaskins, 2014)

While Jamaican laws don't criminalize LGBT status, Article 76 of the 1864 ***Jamaican Offenses Against the Person Act (OAPA)*** equates sodomy with other colonial era crimes such as "setting fire to a ship with intent to murder," "attempting to administer poison," "child stealing," and "infanticide." A criminal found guilty of buggery "shall be liable to be imprisoned and kept to hard labor for a term not exceeding ten years." Jamaican law also criminalizes any *attempt* at an "unnatural act" as well as "outrages at decency" such as holding hands or any other act of intimacy between men.¹⁰ Take note: sexual behavior between women in Jamaica is legal.

In 2011, Jamaica added a national Bill of Rights to its Constitution. While it guarantees all citizens a broad range of civil rights, it specifically holds up as constitutional any laws dealing with sexual offenses, pornography, and the traditional definition of marriage between a man and a woman.

Where are LGBT rights getting worse?

¹⁰ (*Jamaican Ministry of Justice*)

To give a better idea of just how dangerous it is to even associate with homosexuality in other parts of the world - here are some current laws and policies.¹¹

Country	Law	Offense	Sentence
Nigeria	Criminal Code of 1990	Homosexual act involving men or women	14 years in prison
	Same-Sex Marriage (Prohibition) Act of 2013	Belonging to a gay organization, supporting same-sex marriage, displaying same-sex affection in public	10 years in prison
		Marrying someone of the same sex	14 years in prison
Uganda	Anti-Homosexuality Act of 2014 (“Kill the Gays” Act) (passed in Parliament but not yet enacted)	“Offence of homosexuality”	7 years in prison
		“Aggravated homosexuality” (with a minor, or by someone with HIV)	Life in prison
		Aiding and abetting same-sex sexual acts, including conducting a gay marriage (includes individuals, companies, and non-governmental organizations)	7 years in prison, or fines and license revocation (one can be extradited back to Uganda if offense happens in another country)
Russia	Federal Law #135-FZ (Anti-Propaganda Law)	Propaganda of “nontraditional sexual relations among minors, manifested in the distribution of information aimed at	Fines up to US \$150 for individuals and US \$30,000 for corporations, with heavier fines and possible deportation for

¹¹ (76 Crimes, 2017)

		forming non-traditional sexual relations or the attraction of non-traditional sexual relations”	a foreign citizen.
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It is also arguable that the growing rights of LGBT people in some countries are directly related to the removal of rights in others.

According to Kaleidoscope Trust, a U.K. based organization supporting international LGBT rights, “There are really complicated links between the two. If you look at the history of advancement of LGBT rights in the U.K., every advance is accompanied by a backlash. To a certain extent, that’s happening on a global scale now - the advances that are being made in some parts of the world encourage a backlash in other parts of the world. The struggle for even basic human rights for LGBT people – freedom of association, freedom from violence – becomes harder to achieve when the opponents can point to something like gay marriage, and make the argument that 'if we give these people even the most basic of human rights, next they'll be asking to get married in our churches.’”¹²

TRANS LAWS

¹² (Saner, 2003)

It is illegal to change your gender in many countries.

But countries that condemn homosexuality do not formally penalize transgendered individuals to the same degree (*transphobia* separate from laws and policies is another issue altogether). Although **Iran** punishes homosexual sex with the death penalty, it approved legal recognition of gender identity (with the requirement of surgery) in 1987 when Iran's religious leader, Ayatollah Khomeini, issued a *fatwa* (a legal decision handed down by a spiritual leader).¹³ This has created a “double-edged sword” - while transgendered people who have successfully undergone complete gender reassignment are recognized by the government, the law fails to recognize people who have not had the surgery. At the same time, it reinforces stigma. The current policy suggests that trans individuals suffer from psychological disorders and require medical intervention in order to be entitled to full citizenship.¹⁴

India has a centuries-old community of transgendered women, commonly known as *hijras*, who were criminalized under British colonial rule in much the same way that buggery was.¹⁵ It is estimated that there are between 450,000 and 2,000,000 hijras in India.¹⁶ The latest census data estimates that the total number of trans individuals in India is upwards of 4.8 million.¹⁷ In August 2017, **India's** Supreme Court recently ruled that sexual orientation is covered under clauses in the Indian Constitution related to liberty.¹⁸ But in 2016, the Supreme Court had already ruled that transgender Indians have the right to self-identify as male, female, *or a third gender*. Although the court defines transgendered people as “neither wholly female, nor wholly male,” which entirely misunderstands trans identities, it was a significant step forward in trans rights.¹⁹

¹³ (Equaldex,2017)

¹⁴ (Ansari, 2017)

¹⁵ (Feder, 2016)

¹⁶ (Indian Express, 2015)

¹⁷ (Abraham, 2017)

¹⁸ (Kentish, 2017)

¹⁹ (Bajoria, 2017)

By 2015, the upper house of India's Parliament had already passed the ***Transgender Person's Bill***, which was introduced to the lower house in February 2016. (it is expected to come to a vote in the winter 2018 Parliamentary session.)²⁰ Though there are debates about the current draft, with its stigmatizing definition of a third gender, and which doesn't define discrimination or the penalties for those who violate transgender rights, it would reserve 2% of seats in government-funded schools and in government jobs. It also forms a national commission for transgender rights, and imposes a maximum penalty of one year in prison for hate speech against a transgender individual.²¹ That said, the latest draft does not extend civil rights protections such as marriage, divorce, or adoption, and would force a trans individual to submit to a medical examination, which is in stark contrast to the original bill which allowed an individual to self identify.²²

Finally, **Argentina** is considered a world leader in trans protections with its 2013 ***Gender Identity Law***. It is the first of its kind to allow transgender people to change their gender on their birth certificates and IDs without first having to undergo psychological or medical tests.²³ The law states that "*In no case will it be needed to prove that a surgical procedure for total or partial genital reassignment, hormonal therapies or any other psychological or medical treatment has taken place.*" The law also makes access to hormone treatment and surgery a legal right, and guarantees their availability for free in the public and private health systems.²⁴

Despite the great international strides in transgender rights, it would be quite irresponsible to equate rights with freedom from discrimination. In fact, transphobia can be even worse in countries that have developed protective measures for the trans community, as cultural and religious

²⁰ (NDTV, 2016)

²¹ (Rights of Transgender Persons Bill, 2016)

²² (Abraham, 2017)

²³ (He, 2016)

²⁴ (Transgender Europe, 2012)

influences clash with progressive policies. In another section, we will explore the implications of transphobia around the world.

THE IMPACT OF INSTITUTIONAL HOMOPHOBIA

At their least influential, anti-LGBT laws create a chilling effect, in which communities simply don't acknowledge the presence of LGBT people at all. In **Saudi Arabia**, there are no established LGBT organizations, and abuse or discrimination go unreported because of strong social pressure to ignore LGBT matters.²⁵

At worst, laws condemning homosexuality create a fearful and hostile environment, in which civilians and even friends and family take state policies into their own hands. In **Nigeria**, this has led to an increase in extortion and violence against LGBT people and restrictions on organizations providing services to LGBT people. The laws allow some police officers to legitimize abuse, including widespread extortion, mob violence, arbitrary arrest, torture in detention, and physical and sexual violence. Ultimately, it allows people to engage in homophobic violence without fear of legal consequences, creating a "climate of immunity."²⁶

In 2017 alone, there have been government sponsored "purges" of suspected gays and lesbians - mostly in the form of mass incarceration, torture, and humiliation - in **Tajikistan, Egypt, Azerbaijan, Tanzania, Indonesia, and Chechnya** - even though most of these countries don't explicitly criminalize homosexuality. These covert government operations have a "copycat" effect, in which each country follows roughly the same sequence of events. From [The Washington Post](#):²⁷

- The sequence generally starts with someone — most likely a religious figure or government official — publicly denigrating acts of alleged sexual deviance. In countries where homosexuality is taboo and driven underground, such comments may be the first thing a person has heard in public about LGBT people.
- As public anger grows against sexual minorities, political leaders often have no tools to counter the tide. Leaders usually side with the denunciations, or even calls for criminalization, and obscenity and prostitution laws are often turned against sexual minorities.

²⁵ (Country Reports on Human Rights Practices, 2009)

²⁶ (Human Rights Watch, 2016)

²⁷ (Bearak, 2017)

- Gays and lesbians are rounded up, imprisoned, and tortured for acts of indecency or debauchery. Those imprisoned are tortured into giving the names of other community members.
- Government officials justify crackdowns by casting it as *the will of the people*, and claim that the main reason for such raids was the numerous appeals by the country's citizens.

Detainees in **Azerbaijan**, where over 80 people were arrested for suspected homosexuality, were subjected to beatings, verbal abuse, and forced medical exams. Transgendered women had their heads shaved.

But Azerbaijan's Ministry of Internal Affairs claims that the raids had "nothing to do with anyone's sexual orientation." Instead, the ministry accused the detainees of being engaged in prostitution.²⁸

Ayaz Efendiyev, leader of the right-wing Justice Party, released a statement on Facebook, calling these prisoners "creatures who are sources of immorality, dangerous diseases and who have been cursed by God." In addition, he believes that "Western circles are trying to destroy our national traditions under the name of 'human rights.'"²⁹

In the Soviet republic of **Tajikistan**, the government has announced that it has compiled a registry of "proven" gays and lesbians, including 319 men and 48 women, as part of an operation federal prosecutors have called a "Morality Purge."³⁰

In **Egypt**, 33 people were arrested for waving rainbow flags at a pop concert and were charged with "debauchery," "immorality," "blasphemy," and "promoting sexual deviancy." Several other men have recently been detained in Cairo for "promoting habitual debauchery" through online dating apps.³¹

Reports from **Chechnya**, where over 100 young men were beaten into forced confessions, describe violent interrogations with electric shocks.³²

²⁸ (Brown, 2017)

²⁹ (Veron, 2017)

³⁰ (Bearak, 2017)

³¹ (BBC, 2017)

³² (Kramer, 2017)

Homosexuality is so unspeakable there that families are expected to perform “honor killings” of gay relatives. In connection to the recent raids, authorities reportedly told parents: “*Kill your gay sons or we will.*”

But Chechen leader, Ramzan Kadyrov, has denied any persecution, saying “You cannot detain and persecute people who simply do not exist in the republic.”³³

Under the oppressive fear of imprisonment and torture, and without a trace of acknowledgment or protection, LGBT individuals in these countries, even where homosexuality is legal, are faced with the impossible choice between cutting ties with their communities, living a secret life in constant fear of exposure, or seeking asylum abroad.³⁴
(We will discuss asylum in further detail in Part Two.)

What factors contribute to cultural homophobia?

³³ (Pasha-Robinson, 2017)

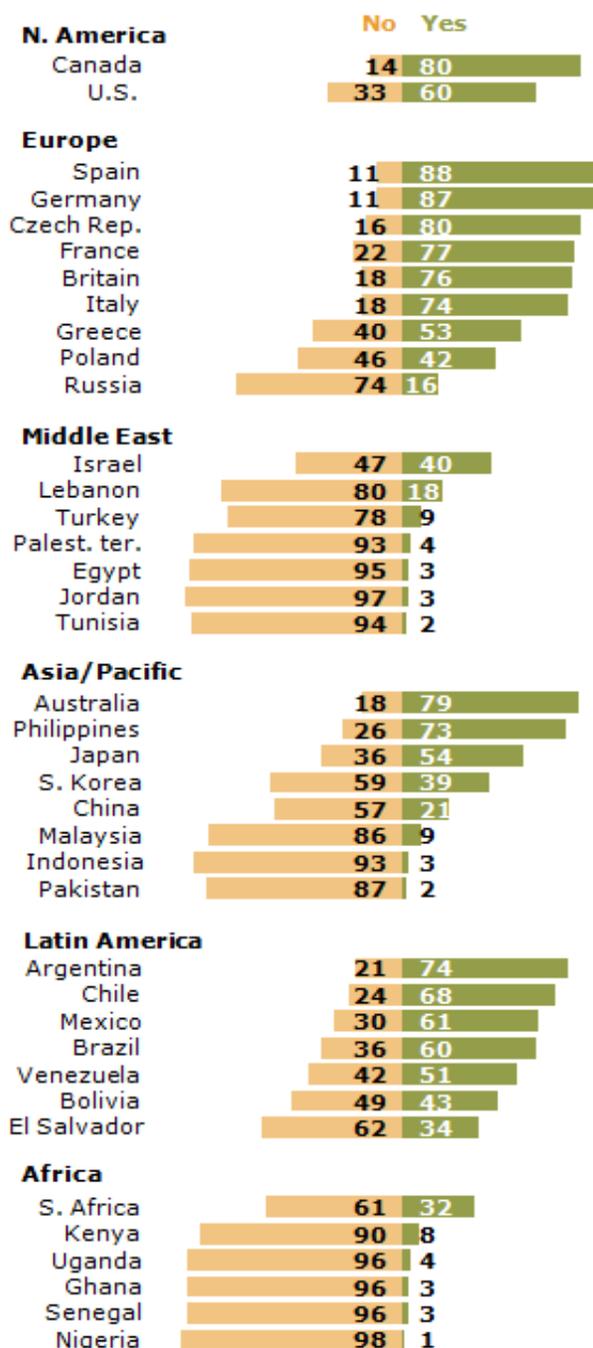
³⁴ (Bearak, 2017)

A 2013 study by the Pew Research Center surveyed 39 countries on public attitudes toward homosexuality. It found a significant divide between a broader acceptance in North America, Europe, and some of Latin America, and an equally significant rejection in the Middle East, Africa, parts of Asia, and Russia. Results were mixed in Israel and parts of Latin America.

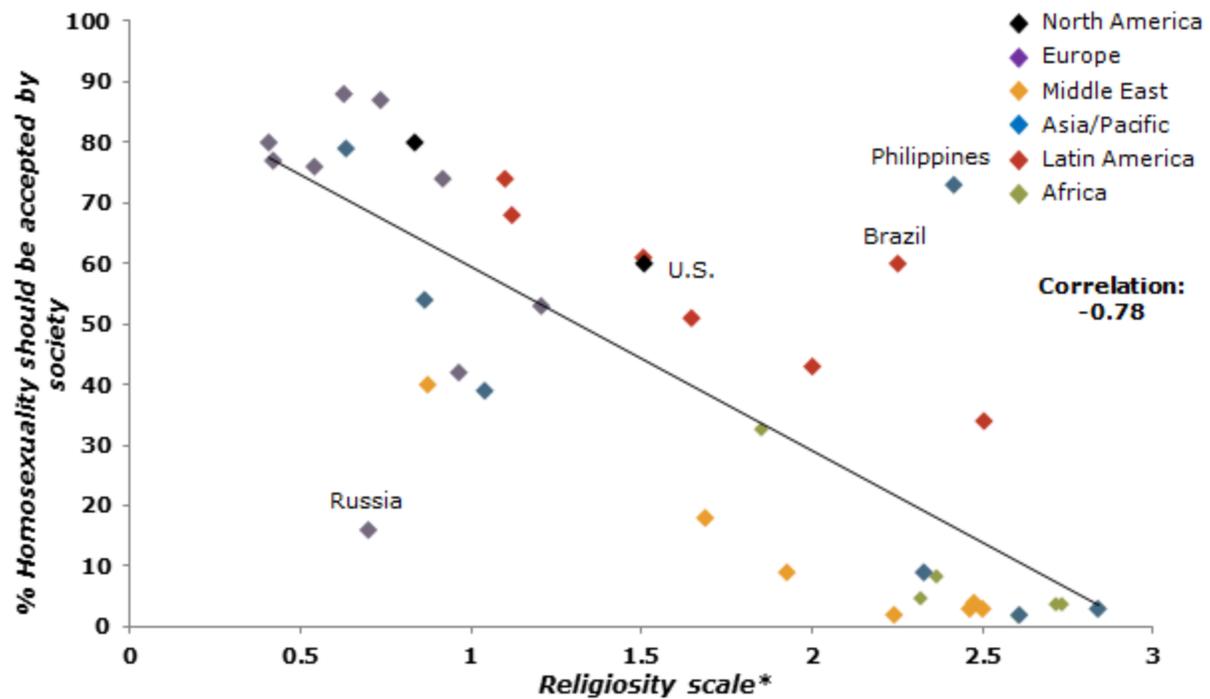
Public attitudes have remained fairly stable in these countries over the past two decades, with the exception of the U.S., Canada, and especially South Korea, which have all experienced a marked increase in public acceptance.

In general, Pew Research found that acceptance of homosexuality is most widespread in wealthier countries where religion is less central to cultural life, as compared to poorer countries with higher levels of religiosity. This is especially true of predominantly Muslim countries, and in Sub-Saharan Africa - even in South Africa, where homosexuality is legal and discrimination is unconstitutional, but where only 32% of the population supports these measures.

Should Society Accept Homosexuality?



Less Tolerance for Homosexuality in More Religious Countries



Beyond religiosity, what other factors affect the climate around homosexuality? ³⁵

- **Hypermasculinity** - in aggressively male-dominated societies, masculinity and sexual control are praised as signs of virility and power. In that light, homosexuality or homosexual acts may be seen as an affront to manhood.
- **Pop culture** - for example, **Jamaica** has a very popular anti-gay reggae music scene, with lyrics and music videos that openly celebrate the murder of LGBT people.
- **History of slavery** - the rape and humiliation of colonial slaves was often a public punishment. This extreme form of emasculation created an association between same-sex sexual violence and homosexuality.
- **Western cultural imperialism** - LGBT rights can be viewed as liberalism being imposed on traditional values. This combines with colonially inherited religiosity to create a unique paradox of historic influence and contemporary rejection of western culture.
- **Anti-sodomy laws** - as discussed, these laws cast a shadow of criminalization on any act that is most commonly associated with homosexuality.
- **Evangelical Christianity** - As the influence of Evangelicals has waned in the United States, missionaries have exercised influence in places like East Africa, lobbying and investing in anti-gay legislation, participating in anti-gay conferences, and supporting human rights violations in the name of “leading nations into repentance”³⁶
- **Sex tourism** - with a growing demand for male (gay and straight) and trans sex by both international visitors and locals, the public image of homosexuality is more and more identified with illicit prostitution.
- **HIV** - sex workers, men who have sex with men (MSM) and trans individuals are often blamed for the epidemic, making it impossible to develop sensible sex education and prevention strategies
- **Fear and shame** - LGBT folk hiding from possible discrimination may protect themselves from future homophobic assault with outward denunciation of homosexuality

³⁵ (Monroe, 2013)

³⁶ (Baptiste, 2014)

It is important to emphasize how many of these factors relate historically and currently to the dominance of Western societies. To merely contrast less progressive cultures with our own liberalism would deny the interrelatedness of cultures, and the inextricable and complicated power that the west has wielded, as well as the equally complex reaction to this influence by the rest of the world.

HOMOPHOBIA IN LATIN AMERICA

Machismo (noun) - a strong or exaggerated sense of manliness; an assumptive attitude that virility, courage, strength, and entitlement to dominate are attributes or concomitants of masculinity.

Origin: 1940s: from Mexican Spanish, from macho 'male', from Latin *masculus*.³⁷

Marianismo (noun) - cultural attitudes associated with martyrdom of the Virgin Mary and notions of self-sacrifice, duty, caretaking, passivity, honor and sexual morality.³⁸

Latin America has a history of rights-based constitutions, many written following the military dictatorships and government oppression of the 1970s and '80s. These constitutions were meant to prevent crimes like widespread disappearances or politically motivated killings from happening again. But they also became key tools for LGBT activism, which have led to major legislative progress.

Gay marriage was legalized in **Mexico City** in 2010. In 2008, **Ecuador** approved one of the world's only constitutions that bans discrimination on the basis of sexual orientation and gender identity, while **Argentina** legalized adoption for same-sex couples in 2010, and **Chile** passed hate crime legislation in 2012.³⁹

And progressive laws do affect public opinion. In **Mexico City**, approval of same-sex marriage jumped 6% between 2013 and 2014. In that same time, public approval in conservative **Chile** went up by more than 8% to nearly 50% approval, and by 20% in **Uruguay**, reaching 70% approval. That said, in a parallel to the American debate over LGBT rights, much of this shift occurred in cosmopolitan areas, while many people still hold on to the ancestral *machismo* and *marianismo* that has defined gender relations in Latin America for generations.⁴⁰

On the other hand, the Central American countries of **Guatemala**, **Honduras**, and **El Salvador** are significantly poorer and more highly

³⁷ (Dictionary.com, 2017)

³⁸ (Ugarte et al., 2013)

³⁹ (Eulich, 2016)

⁴⁰ (Eulich, 2016)

influenced by Evangelical Christianity, creating a markedly more hostile environment to LGBT individuals as compared to their Latin American neighbors. As a result, there is an ever growing trend in migration away from these countries towards safer environments like **Mexico**.

But even in **Mexico**, the tension persists. Since May 2016, when Mexican president Enrique Peña Nieto proposed that legalized same sex marriage be expanded to the entire country, there has been a dramatic rise in violence and hate crimes, with 26 murders of LGBT individuals in a single year.⁴¹

In Latin America as a whole, there is an LGBT-related homicide every single day.⁴² In fact, Latin America experiences the highest rates of violence against LGBT individuals in the world.⁴³ It is arguable that the rising violence against LGBT people is strongly correlated with the recent initiatives by liberal governments and politicians like Nieto. As new laws threaten traditional views, the people protected by these laws are not only attacked for their non-traditional sexual identities, but also for what conservatives perceive as undue influence in the political process.

It is also suggested that Latin American *machismo* doesn't so much condemn private sexual behavior (as long as it's kept "in the bedroom"), but that people are attacked due to socially unacceptable appearance or public behavior, which is more essentially a threat to established gender norms.⁴⁴

⁴¹ (First Post, 2017)

⁴² (Torres, 2014)

⁴³ (Eulich, 2016)

⁴⁴ (Torres, 2014)

So what about international attitudes towards the transgendered?

Gender fluidity has been accepted, and even celebrated in various societies throughout history.



Before colonization, many indigenous cultures revered individuals who exhibited both masculine and feminine qualities. On **Mexico's** Oaxaca Peninsula, *Muxes* were a third gender inspired by the intersex gods and deities of the Aztecs and Mayans.

The *Bugis* society in **Indonesia's** South Sulawesi recognized five genders- male and female, *Calabai* (biological males who embody female qualities and social roles) *Calalai* (biological females who take on a masculine identity) and *Bissu*, those who encompassed all of these gender aspects, otherwise referred to as *gender transcendent*.



And before **Spain** conquered the **Incan** empire, an ancient third gender was recognized in shamans, who represented the duality in Incan mythology - male/female, past/present, and living/deceased.⁴⁵

⁴⁵ (Phillips, 2017)

Contemporarily, societal conversations around gender tend to be far more binary. *Heteronormativity*, which draws a strict line between the biological, anatomical, social, and psychological natures of gender, produces an explicit and implicit set of rules that strongly reinforce societal attitudes:

- Female genitalia = female identity = feminine behavior = male partner
- Male genitalia = male identity = masculine behavior = female partner

Overall Public Support for Transgender Rights

Ipsos surveyed people in 23 countries about their views on six policy questions affecting transgender people. BuzzFeed News assigned each response a score — from 0 for “Strongly disagree” to 100 for “Strongly agree” — and averaged those scores for each country.



Here’s how the countries scored:



We asked if they believe that transgender people should be...

- ...protected from discrimination by the government
- ...allowed to use the restroom of the sex they identify with
- ...allowed to have surgery so their body matches their identity
- ...allowed to marry a person of their “birth sex”
- ...allowed to conceive or give birth to children
- ...allowed to adopt children

BuzzFeed News scored each respondent’s answer on the six questions based on the following scale:

- Strongly agree = 100
- Somewhat agree = 75
- Don’t know = 50
- Somewhat disagree = 25
- Strongly disagree = 0

* Countries with low internet penetration. Ipsos considers responses to online surveys in these countries to be less representative of the overall population than in countries with broader internet access.

** India survey was conducted in person rather than online.

[The above 2016 survey](#)⁴⁶ polled the public in 23 countries:

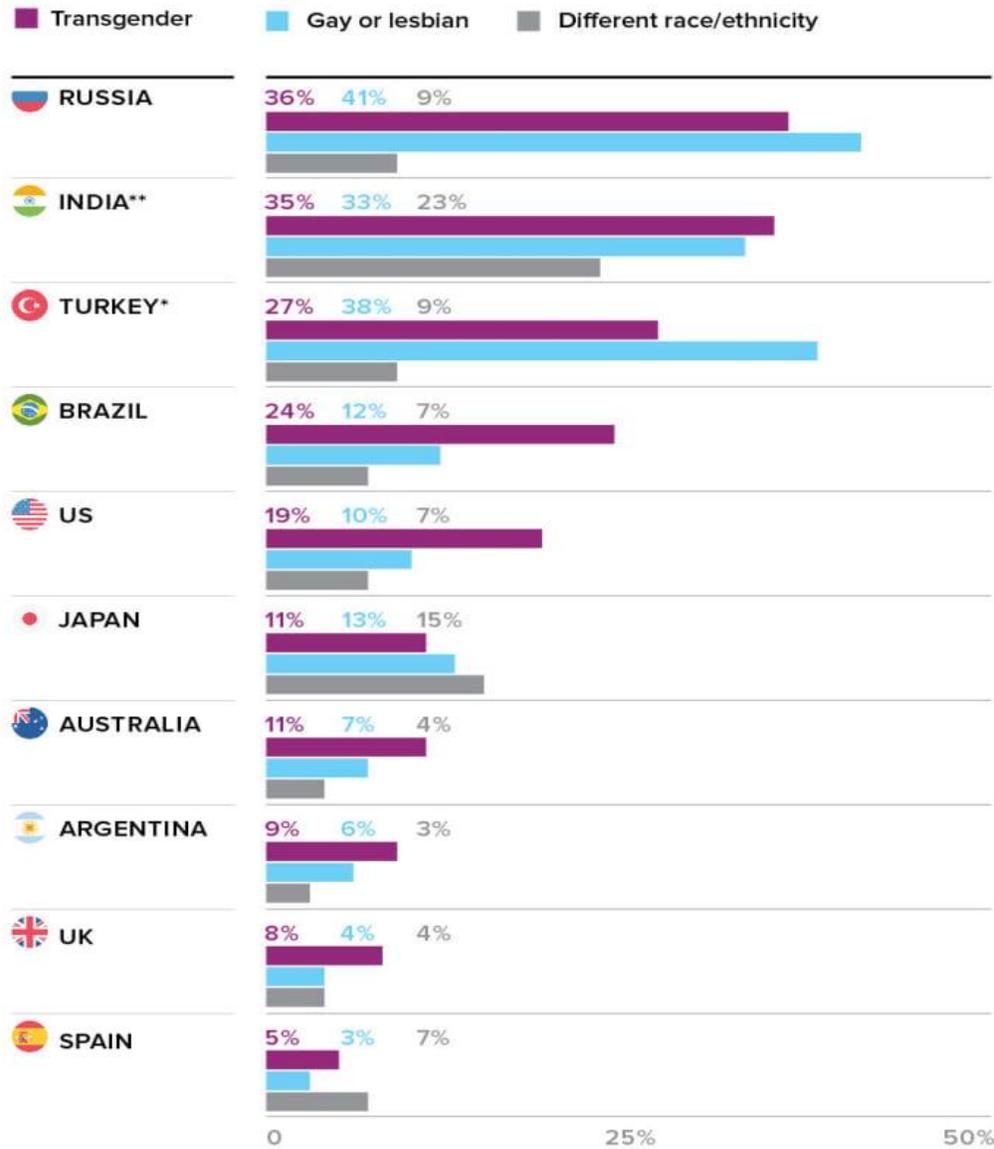
As with rates of homophobia, there is generally (with the exception of some previously mentioned Latin American cultures) a correlation between progressive laws and more accepting public attitudes. It is no surprise that **Spain** and **Sweden** top the list, since they have consistently been at the forefront of LGBT rights - in fact, Sweden was the first country in Europe to allow people to legally change their gender in 1972. And as previously discussed, **Argentina's** revolutionary gender identity law requires no doctor's approval or proof of medical intervention. On the other hand, **Russian** attitudes, most recently influenced by the "gay propaganda law" of 2012, are significantly more negative. The same lawmaker who proposed the law, Vitaly Milonov, has introduced legislation that would prosecute doctors who perform sex reassignment surgery.⁴⁷

⁴⁶ (BuzzFeed News, 2016)

⁴⁷ (Feder, 2016)

Here's another poll, which provides a direct comparison between attitudes about transgenderism, homosexuality, and race.

“I would not like to have neighbors who are...”



The **Middle East** is a region where gender segregation is widespread and dress codes are sometimes enforced by law. When so much of the social structure is based around a clear-cut distinction between male and female, anything that confuses the distinction is viewed as a threat to the established order.⁴⁸

That said, there is a significant trans population in **Pakistan**, where it is estimated that there are over one million *hijras* (trans women) like those in **India**. Pakistani hijras are often rejected by their families and live together on the outskirts of society in homes run by *gurus* - older and more experienced mentors and mother figures. In these chosen families, a young trans woman must obtain her guru's permission to have a "proper transition," or what they also call *castration*, in order for their mentors to determine whether or not they are physically and emotionally ready. Most trans women in Pakistan are sex workers, and their collective living communities also serve as protection and shelter from the assault and abuse that is all too common in their day-to-day lives. As a visitor to a hijras house remarked, "Behind that closed door, there's a real sense of community, identity, and an abundance of talent and ambition."⁴⁹

Violence against trans women is especially serious in **Turkey**, where sexual and physical assault are "almost an inevitability, rather than being a tragic crime worthy of prosecution." In fact, most people accused of assaulting or murdering a trans individual are quickly released by authorities, and trans people are murdered by their families as "honor killings." It is one of the most dangerous countries in the region to be a transgender person, accounting for just as many murders as in **India**, which has a population 16 times larger.⁵⁰

Most transgender people in Turkey live in poverty, and until recently, had been primarily sequestered to a ghetto called Tarlabasi, which was the only relatively safe place for them to live in all of Istanbul. Of late, due to

⁴⁸ (Whitaker, 2016)

⁴⁹ (BBC, 2016)

⁵⁰ (Carter, 2014)

gentrification, most of the population has been pushed out of the city altogether. They have few economic opportunities outside of sex work, hairdressing, and cosmetology, and although Turkish society denounces prostitution, trans sex workers- a particularly coveted taboo- are very popular in Istanbul. This contributes to a vicious cycle of being both condemned and exploited.

The danger is even more significant in **Latin America**, where 79% of the world's murders of transgender people takes place. Six of the ten countries with the highest murder rates are in Latin America: **Brazil, Mexico, Colombia, Venezuela, Honduras, and Guatemala**. And despite its revolutionary gender identity law, **Argentina** is eleventh.

Between 2005 and 2012 in **Colombia** alone, 60 trans women were killed without a single person ever being brought to justice for their crimes. 90% of these murders were related to sex work. Commonly, trans women are thrown out of their homes at a young age, denied an education, and barred from any legitimate employment opportunities. 70% of trans women in Latin America perform sex work exclusively for survival or to compensate for low incomes from other low-paid jobs.⁵¹

Working in the sex trade puts trans women at a significantly higher risk of contracting HIV. In fact, the prevalence of HIV in Latin America is 35% of all trans women, as compared to less than 1% for the rest of the female population.⁵² To compound matters, the majority have no access to basic health care, no specialized clinics serving their specific medical needs, and because of the violence of threat against them, most try to conceal their identity, rarely seeking medical attention to begin with.⁵³

Trans individuals experience the highest rate of HIV of any population in Latin America, a problem that is significantly compounded due to discrimination by health care providers.⁵⁴ In fact, HIV is considered to be

⁵¹ (He, 2015)

⁵² (Ugarte et al., 2013)

⁵³ (Gillette, 2013)

⁵⁴ (Torres, 2014)

the most considerable *effect* (rather than cause) of stigma against LGBT people around the world.

Stigma - (noun) a mark of disgrace associated with a particular circumstance, quality, or person.

(In medicine) - a visible sign or characteristic of a disease.

Origin: Late 16th Century, via Latin from Greek, denoting a mark made by branding⁵⁵

Negative cultural climates that ignore, marginalize, and threaten LGBT people are directly linked to negative social and health outcomes, such as lowered socioeconomic status, lack of employment, dependency on patriarchal figures, lack of communication with partners, violence, and as discussed, much higher HIV rates. For example, in many **African** countries, where stigma affects LGBT people the most severely, the median prevalence of HIV of men who have sex with men is 15% - the highest in the world.⁵⁶

More than 90% of new HIV infections in **Central Asia, Europe, North America, the Middle East** and **North Africa** are among stigmatized populations, including LGBT individuals, sex workers, prisoners, and intravenous drug users.⁵⁷

Population	How much more likely to acquire HIV than the general population?
Transgendered	49x
MSM	24x
Intravenous drug users	24x
Sex workers	10x
Prisoners	5x

It is essential to emphasize that an LGBT individual is more likely to fall into more than one of these categories.

⁵⁵ (Oxford Dictionary, 2017)

⁵⁶ (Hagoplan et al., 2017)

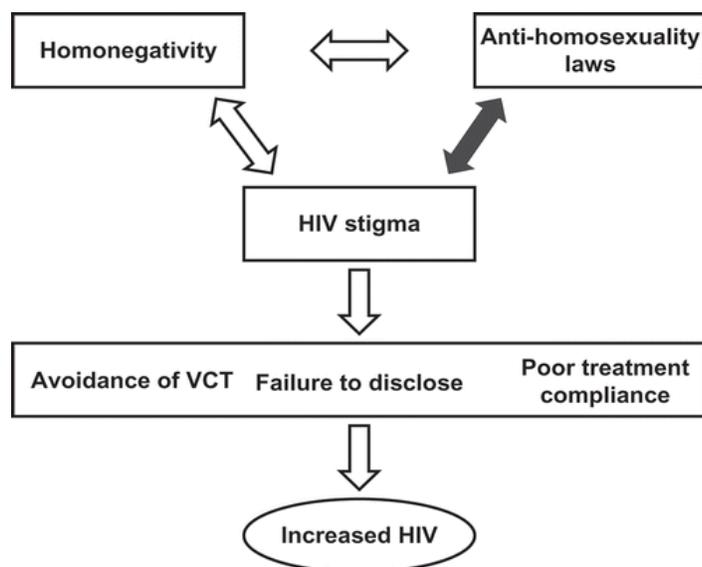
⁵⁷ (UNAIDS, 2016)

So, how does stigma lead to sickness?

In a culture of silence or hostility, in which sufficient sex education is nowhere to be found, there is an equally insufficient understanding of sexual risks. For example, a recent study in **Nicaragua**, where HIV rates have soared, revealed that 95% of respondents recognized HIV as a serious disease internationally, but only 68% considered it a problem in their country. Survey participants primarily identified migrants and sex workers as the source of risk, and although 95% acknowledged vaginal sex as a primary mode of transmission, far fewer knew that anal sex holds a much higher risk.⁵⁸

In another multi-country study, Pew Research Center found that the majority of people in **Pakistan, Nigeria, and Ghana** believe that contraception is immoral, regardless of HIV risk.⁵⁹

The active presence of an LGBT community is considered a significant



protective factor in HIV prevention. Higher engagement with peers is directly related to the likelihood of receiving an HIV test, participating in formal or informal sexual education, and seeking treatment. This leads to higher odds of viral suppression and lower rates of transmission.

But often, a culture of oppressive heteronormativity can influence the internalization of homophobia, or self-stigma.

This, in turn, can lead to the avoidance of HIV testing altogether, which is associated with taboo sexual behavior or being “out.”⁶⁰

⁵⁸ (Ugarte et al. 2013)

⁵⁹ (Lipka, 2014)

⁶⁰ (Avert.org, 2017)

It is also common for people to choose not-knowing over the possible stigmatization of being labeled positive. This leads to later diagnosis, lower uptake of HIV care, and poor adherence to treatment, which makes the risk of passing HIV on to others much higher.⁶¹

Finally, for those who do learn that they are HIV positive, it is less likely that they will disclose to others. In the **Nicaraguan** study, 88% of respondents claimed that they would not disclose their HIV status to anyone.⁶²

⁶¹ (Anekwe, 2012)

⁶² (Ugarte et al., 2013)

STIGMA IN HEALTHCARE SETTINGS

In **Pakistan**, there is only one clinic in the entire country that openly treats LGBT individuals, and its leader, a gay Pakistani man who was deported from the United States when he contracted AIDS in the 1990s, believes that it wouldn't even make the news if a bomb destroyed his clinic. A more traditional way that an LGBT Pakistani might seek care is to visit an Imam, a respected Muslim leader. It is common for homosexuality to be diagnosed by taking the patient's pulse and detecting an "overheated liver" which is thought to create watery and wasteful semen, and to be treated with herbal remedies that are promised to eliminate same-sex urges.⁶³ It is common in **Syria** for doctors to give patients steroid injections to "make them straight."⁶⁴

Doctors and other health providers can be just as susceptible to environmental influences as anyone else. **China** decriminalized homosexuality in 1997 and no longer considered it a disorder by 2001. But its public hospitals persist in pseudoscientific methods aimed at curing gay people. Most of these treatments, which include inappropriate medications and electric shocks, are endorsed by parents, who fear that their single son's homosexuality will threaten the patrilineal family line. A recent report by Human Rights Watch has documented several cases in 12 Chinese provinces.⁶⁵

In **Nigeria**, where the national prevalence of HIV is 5.4%, 8 out of 10 health professionals express negative views about the care of HIV positive patients.⁶⁶ In another study, 95.3% of Nigerian doctor respondents had previously refused treatment to a positive patient. And 90% of health care workers who participated in a study in **India** endorsed mandatory HIV testing prior to surgery, while 61% disagreed with the requirement of a patient's informed consent.⁶⁷

⁶³ (BBC, 2016)

⁶⁴ (Asoleibi, 2017)

⁶⁵ (The Economist, 2017)

⁶⁶ (Umeh et al., 2013)

⁶⁷ (Famoroti et al., 2013)

Reluctance to care for LGBT individuals may be influenced by the association between HIV and LGBT identities, but there are many more factors that come into play. A public health study in **Zimbabwe** explores additional themes.⁶⁸

- LGBT people can be perceived to have brought illnesses upon themselves and “get what they deserve”.
- Discrimination can extend to the idea that patients are cursed, possessed by demons, or have brought shame upon their entire family.
- When patients do disclose their sexual orientation, attention can be diverted away from needed health care to inappropriate curiosity about sexual behavior.
- In order to receive the same access to care as the general population, people must pretend, deny, or lie about their sexual identities. For example, it is standard procedure in Zimbabwe to test sexual partners for STIs together. Sex workers unable to bring a partner can be denied services, and sexual minorities sometimes resort to bringing a “proxy partner.”
- Patients living with advanced HIV or STI infections (or any other chronic illness) often report a lack of understanding by doctors that results in only basic history taking and treatment, resulting in increased morbidity and mortality.
- Healthcare workers can be unwilling to examine patients for fear of contamination.
- Breach of confidentiality is common, especially at local clinics staffed by community members.
- Professionals may abuse their roles by promoting religious views and framing treatment in moral terms.

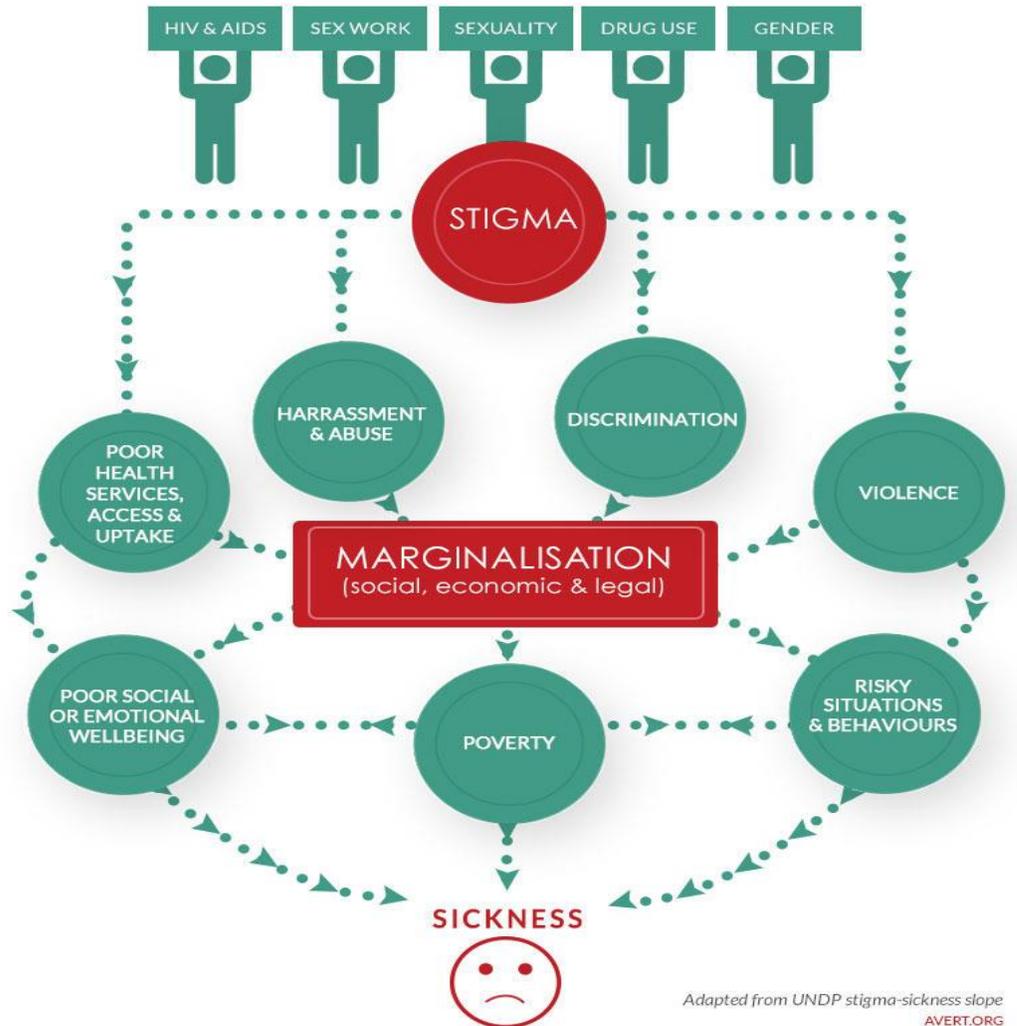
Here is a helpful framework that combines all of the elements of stigmatization that lead to illness.⁶⁹

⁶⁸ (Hunt et al., 2017)

⁶⁹ (Avert.org, 2017)

HOW STIGMA LEADS TO SICKNESS

Many of the people most vulnerable to HIV face stigma, prejudice and discrimination in their daily lives. This pushes them to the margins of society, where poverty and fear make accessing healthcare and HIV services difficult.



HIV is not the only life-limiting illness that stigma perpetuates. LGBT individuals are at significantly higher risk for cancer, stroke, heart disease, and depression.⁷⁰

⁷⁰ (Hunt et al., 2017)

CULTURAL VALUES TO CONSIDER

Think of cultural values all landing on a continuum between two contrasting ways of approaching a societal issue. Although no culture is homogeneous, and there exist a variety of attitudes and behaviors anywhere, here are eight important concepts that may frame one's cultural orientation.⁷¹ Imagine how any one of the following influences might be a significant factor in the family and community dynamics of an LGBT individual. How might someone's sense of responsibility toward the collective good, their relationship to time, or their sense of agency affect their decisions about how to value their individual well-being? How would they define well-being in the first place?

INDIVIDUALISM vs. COLLECTIVISM

People defined by "I" and their unique attributes.	People defined by "We" and group identity
Personal goals valued over group welfare	Group goals take precedence
Focus on autonomy and independent thought	Interdependence and harmony valued
Personal attitudes and needs inform behavior	Obligations and relationships inform behavior
Nuclear families more common than extended	Extended families offer protection for loyalty
Love considered central to marriage	Love carries less weight in marriage
Social interactions are shorter but more frequent	Social interactions longer and more intimate

HIGH POWER DISTANCE vs. LOW POWER DISTANCE

The less powerful accept inequality	People believe inequality should be minimized
Power perceived to uphold order/stability	Power is seen as corrupt and dominant
Upward mobility is limited	Higher upward social mobility
Less access to knowledge/resources/skills	Transient and sharable resources
Social groups have variable power	Social groups believe in equal governance
Social hierarchy needs no justification	People recognize shared basic human interest

WEAK UNCERTAINTY AVOIDANCE vs. STRONG UNCERTAINTY AVOIDANCE

More comfort with ambiguity	Threatened by uncertainty
Tolerance of change	Emotional need for predictability

⁷¹ (CulturePlus, 2017)

Rule breaking is allowed
Different viewpoints acceptable
Exchanges are informal
Reliance on one's word over contracts

Intolerance of rule breaking
Rigid beliefs held
More formalized interactions
Reliance on verified correspondence

FUTURE ORIENTED vs. SHORT-TERM ORIENTED

Tendency to imagine future possibilities
Delayed gratification
Set long-term goals and develop plans
May neglect current relationships/obligations
Propensity to save and invest

More focused on the present and past
Immediate satisfaction
Less concerned with future plans
Live in the moment
Spend now rather than save for later

HIGH ASSERTIVENESS vs. LOW ASSERTIVENESS

Value dominant, "tough" behavior
Strength is admired
Aggression viewed as "winning"
Value competition and success
Value what you do over who you are
Think of others as opportunistic
Speak directly
Value expressing true thoughts/feelings
Performance is rewarded
Results stressed over relationships

Assertiveness is socially unacceptable
Modesty is admired
Competition associated with defeat
Value relationships and cooperation
Value who you are over what you do
Think of others as inherently trustworthy
Speak indirectly
Value detached, self-possessed conduct
Merit based rewards threaten harmony
Seniority and experience respected

DOING vs. BEING

Belief that people control their destiny
Assertiveness can change the environment
Value initiative
Linear and limited view of time
High sense of urgency
Education is critical for success
Value training/development

Stress fitting into the world as it is
Focus on understanding the world
Value peace and unity
Time is unending and circular
Low sense of urgency
Motivation for money is inappropriate
Value quality of life

HIGH HUMANE ORIENTED vs. LOW HUMANE ORIENTED

Belief that others are important
Concern extends to nature
Sensitive to discrimination
Motivated by belonging/affiliation
Responsible for well-being of others
Relationships offer protection
Children expected to be obedient
Elderly parents cared for by children

Belief that the self is important
Concern for self-enhancement
Less sensitive to discrimination
Motivated by pleasure/comfort
Expected to solve personal problems
Own state provides protection
Children are autonomous
State cares for elderly

INDULGENCE vs. RESTRAINT

Pleasure seeking encouraged
Fun pursued for personal enjoyment

Hedonistic pleasure should be curbed
Strict regulation by social norms

THE FAMILY SYSTEM

homeostasis (noun) -

- 1. The tendency of a system to maintain internal stability, owing to the coordinated response of all its parts to any situation or stimulus that would tend to disturb its normal condition or function.*
- 2. (Psychology) A state of psychological equilibrium obtained when tension or a drive has been reduced or eliminated.*
- 3. (Etymology) The ability of members of a colony of social insects to behave cooperatively to produce a desired result, as when bees coordinate the fanning of their wings to cool the hive.⁷²*

The family unit is an interdependent, emotional unit - it is impossible to understand one member without examining the whole.⁷³ Whether someone identifies as extremely close or entirely disengaged from their family, they are inextricably affected by the thoughts, beliefs, and actions of other members.

Evolutionarily, this makes a lot of sense - emotional cohesiveness is one of the most important survival techniques humans have employed. We naturally seek each other's attention, approval, and support. Cooperation amongst family members can provide safety and shelter. At the same time, a change in one person's functioning will no doubt change the functioning of every other member.⁷⁴

Change is inevitable. It is also inherently challenging. Families often seek to avoid any change to the status quo through spoken and unspoken rules and norms that govern functioning and maintain *homeostasis*. Some of these rules are influenced by larger cultural expectations and pressures, and some are inherent to the family itself. In every family, there is a constant negotiation between trying to maintain stability and introducing

⁷² (Random House Dictionary, 2017)

⁷³ (GenoPro, 2017)

⁷⁴ (Kerr, 2000)

change.⁷⁵ With this in mind, consider the following family dynamics, which are more common to Asian, African, Hispanic, and Middle Eastern families, and how they may compound the already complex reality for any LGBT individual, whose very difference creates threat to a family's status quo.⁷⁶

- ***Interdependence*** - some families may stress conformity and expect unquestioned loyalty over independence. The decision-making process is family first, and the concept of having a private life may not even exist.
- ***Extended families*** - instead of a nuclear family consisting of just parents and children, the family is organized around an extended network of relationships with parents, siblings, grandparents, aunts, uncles, and cousins. Many family members may be involved in decisions about health care, finances, and marriage. Often times, family elders are consulted before any decision is made.
- ***Multigenerational households*** - many people live under one roof with at least three generations. Many cultures are *patrilocal*, meaning that married couples are expected to live with the husband's parents.
- ***Arranged marriage*** - in patrilocal societies like **China** and **India**, if a man's parents are involved in choosing their son's mate, it is for economic coalitions, caste system maintenance, and also because they are choosing "a live-in companion and, eventually, a nurse for their dotage."⁷⁷
- ***Role flexibility*** - in extended family networks, different members - grandparents, aunts, uncles, cousins, or older siblings - can take on a parental or care taking role, carrying a more central influence than in American culture.
- ***Globalization and technology*** - as the world becomes smaller and more connected through the internet, newer ideas and perspectives are reaching parts of the world that were once isolated. This can create intergenerational tensions between older family

⁷⁵ (Marriage and Family Encyclopedia, 2017)

⁷⁶ (Carteret, 2011)

⁷⁷ (The Economist, 2017)

members with traditional values and younger ones, who have more access to the influence of dominant western cultures.

THE SHIFTING FUNCTION OF MARRIAGE⁷⁸

It is obvious that LGBT people in most of the world have no path towards a marriage of their choosing, but the ways in which marriage functions for a culture will inevitably play a significant part in the expectations of the community. In highly traditional settings, marriage is much more about binding families and much less about personal fulfillment or any choice in the matter.

Defenders of traditional marriage view it as an institution which has been increasingly undermined by premarital sex, single-parent households, and the legalization of gay marriage. And for centuries, most societies defined marriage as a required step on the road to full adulthood. This is changing very quickly in western society, as marriage is no longer seen as essential to raising children - in 2015, just under half of all American babies were born to unwed mothers. In **Columbia**, 84% of all children are born out of wedlock.

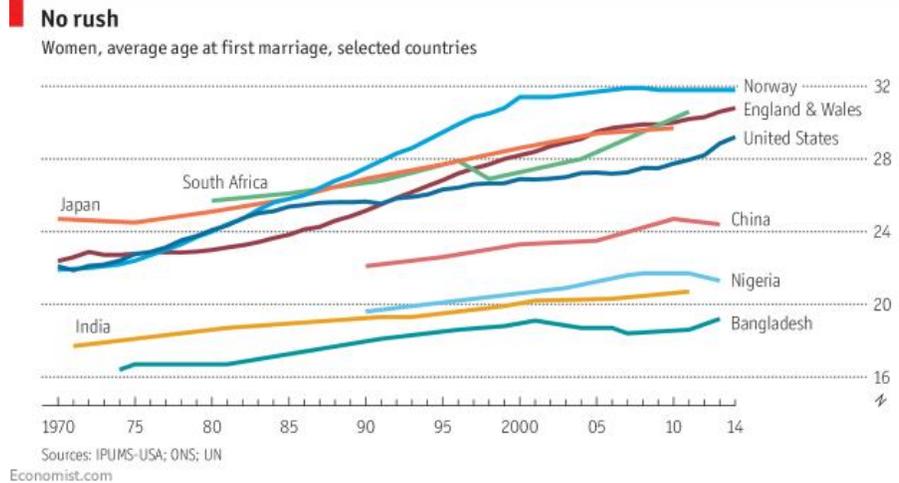
But as discussed, looser trends in western society are often contrasted by eastern traditionalism. If a man in **China** is unmarried by the time that he is 25, he is seen as a threat to society. Finding a suitable bride in a country with a shortage of women is such a cultural priority, that men's parents are known to offer a prospective mate as much as 500,000 yuan (\$75,000) as a "bride price." In **Japan**, only 2% of births are to unwed mothers, and the percentage is even lower in **Northern Africa, India, and the Middle East**. In most of these countries, the offspring of unmarried couples aren't considered fully human.

That said, there are trends towards autonomy all over the map, and these patterns bode well for LGBT individuals as views of marriage become less entrenched in the strictest of traditions. For example, as **India** becomes

⁷⁸ (The Economist, 2017)

wealthier and more urban, the introduction of marriage and dating apps is upending the tradition of arranged marriages within caste systems, and shifting the power of decision to younger generations. The percentage of women marrying by the age of 18 has dropped from 47% to 27% in a single generation.

Everywhere in the world, marriage decisions are transferring from parents to children. The clearest sign of this is the universal rise in the age of marriage, even in **Bangladesh**, where the average age of a women has risen from 16 to 19 between 1975 and 2014.

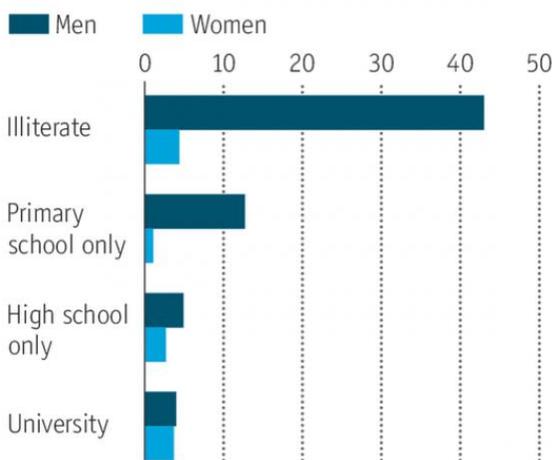


The other major global change is that marriage is becoming more and more contingent upon education and class. Although is it a union that the

majority of people aspire to, it is increasingly viewed as a destination as opposed to a rite of passage. In **England**, 65% of professionals, but only 44% of the working class are married. And as women become more independent in the labor market, marriage is no longer the only option for supporting a family.

The undateables

China, percentage of men and women who have never been married at age 35-39
By education



Sources: 2010 census; Quanbao Jiang

In **China**, the percentage of unmarried men with no formal education is drastically higher than rates of singlehood for high school and college graduates. In a country that traditionally cherishes its sons, it is now daughters who are treated as the promise of family stability.

All of these trends are making marriage less obligatory, more optional, and ultimately, less bound by the strictest of rules - even in the most collectivist of societies. In the long term, this movement could slowly extend towards a culture's LGBT community.

TRUST WITHIN THE FAMILY

On the entire spectrum from collectivist to individualist, most societies tend to agree that the family is fundamental to our sense of belonging. But when it comes to a sense of solidarity between members, cultures differ in their beliefs about the presence of *trust* in their own families.

In **Asia** and the **Middle East**, family trust is considered almost universal, while results are mixed in **Europe** and **America**. Given the heterogeneous nature of every culture, it is impossible to know how religion, history, tradition, socioeconomic status, and public policies affect family trust, but the following chart gives an interesting general picture of how significant a role it plays around the world.⁷⁹

⁷⁹ (Institute for Family Studies, 2015)

Country	% that “completely” trust their families
Egypt	99
Jordan	97
Turkey	94
Spain	94
Argentina	92
China	90
Sweden	89
Nigeria	88
Russia	88
Great Britain	86
Philippines	86
Canada	83
Chile	83
South Korea	83
Australia	82
France	80
Peru	79
Germany	76
South Africa	76
Brazil	71
United States	70
Poland	70
Ghana	67
India	65
Netherlands	63

What happens when trust is broken?

honor (noun) -

1. *High respect; great esteem*
2. *Adherence to what is right or to a conventional standard of conduct*

shame (noun) -

1. *A loss of respect or esteem; dishonor.*
2. *A painful feeling of humiliation or distress caused by the consciousness of wrong or foolish behavior.⁸⁰*

The concepts of *honor* (and the risk of *shame* as a result of any threat to honor) are powerful determinants of family and community behaviors and expectations, and are entirely dependent on the opinions of others. They are control strategies of human personality in every culture on Earth, and exist in every person and group in varying degrees and configurations.⁸¹

In individualistic cultures, morality tends to be governed through legal processes, and is *internalized* so that people experience guilt for their transgressions, and are cleared as innocent when justice is served.

In collectivist cultures, the community enforces morality *externally*, so that any threat to honor affects an entire family's reputation.⁸² Through the following lenses, continue to imagine how these cultural frameworks might affect the prospects of an LGBT individual.

⁸⁰ (Oxford Dictionary, 2017)

⁸¹ (Pilch, 2012)

⁸² (Zwemer Center for Muslim Studies, 2017)

On the border between **South Africa** and **Lesotho**, the customs and border control office displays

WARNING!
POSSESSION OF
ILLEGAL WEAPONS
COULD CONDEMN YOU TO:
25 YEARS IN JAIL AND
COMMUNITY AND
FAMILY REJECTION.
PLEASE HAND IT IN FOR THE
SAKE OF YOUR COMMUNITY.



this
sign:

83

While American law enforcement would never use the threat of family rejection as a deterrent from crime, some cultures hold the importance of interpersonal relationships at such a high value that the loss of community support is a punishment equal to prosecution for a crime. These pressures can be used for good (as above) or ill (any deviation from the expected norms).

⁸³ (DeGruy, 2005)

While some cultures define honor around family cohesiveness, yet others include ideals of masculinity and religious devotion as determinants.

In the United States and abroad, some family values are believed to be influenced by “honor culture,” which emphasizes loyalty, chivalry, bravery, and commitment as its main tenets. It is also significantly organized around what social psychology researchers define as the *Honor Ideology for Manhood (HIM)*. Some of its tenets include:⁸⁴

- A man has the right to act with physical aggression toward another man who calls him an insulting name or slanders his family.
- A real man doesn't let other people push him around.
- A real man can always take care of himself.
- A real man will never back down from a fight.
- A real man never leaves a score unsettled.
- A real man is seen as tough in the eyes of his peers.

By these standards, consider how a queer individual might be compared to the acceptable standard of manhood, and how a “real man” might be expected to react to the dishonor of an LGBT family member.

⁸⁴ (Barnes et al., 2012)

THE INFLUENCE OF GOD

As for religion, the Bible itself is a book rife with themes of honor and shame:⁸⁵

My salvation and honor depend upon God. (Psalm 62:7)

Whoever believes in him will not be put to shame. So the honor is for you who believe. (1 Peter 2: 6-7)

These were the “pivotal social values” of the Ancient Near Eastern culture of the Old Testament⁸⁶, and most religious traditions are steeped in responses to the guilt, shame, and fear resulting from Adam and Eve’s original sin in the Garden of Eden.⁸⁷

In scripture, the stories of Adam, Abraham, Joseph, Moses, Job, David, and many others all share a common narrative - that of God’s faithful being saved from the threat of shame and gifted with honor through salvation. Further, the Bible explicitly states that men committing “shameful acts with other men” is a direct dishonor to God - an evil comparable to that of “whisperers, backbiters, haters of God, violent, proud, boasters, inventors of evil things, disobedient to parents.”⁸⁸

Honor and shame are also fundamental to the Bedouin honor codes that shaped Islamic tradition, since most Arab nomads in the Middle East converted to Islam by the turn of the 7th Century.⁸⁹ It is impossible to examine the history of strife between Christians and Muslims without the understanding that it is predicated on the belief that the west has repeatedly shamed and humiliated Islam.

⁸⁵ (Bible - New King James version)

⁸⁶ (Zwemer Center for Muslim Studies, 2017)

⁸⁷ (Islamic Shame and Honor Worldview, 2014)

⁸⁸ (Romans 1:30, New King James version)

⁸⁹ (New World Encyclopedia, 2016)

The Qu'ran was a progressive text for the 7th Century, which gave women rights and freedoms not afforded to women in Christian and Jewish traditions until the 20th Century.⁹⁰ Although it provides guidance for an ethical life, and nowhere does it call for individual acts of revenge, it has been used to justify “honor killings” by individuals who seek to avenge the dishonor caused by family shame. The victims of such murders are usually women, who have been judged to have violated religious principles by refusing to agree to an arranged marriage, engaging in a relationship not approved by family members, having sex outside the marriage, and in extreme cases, for talking to strangers or becoming the victim of a rape.⁹¹ Men are allowed much more sexual freedom, but homosexuality is considered wholly unacceptable.

The U.N. estimates that, globally, there are over 5,000 honor killings every year. In **Turkey**, a government study reported that about 1,000 such murders took place between 2003 and 2008. The term “gay honor killing” was introduced by the English newspaper *The Independent* in a 2008 report on the murder of a Turkish gay man⁹², but families have played roles in the deaths of LGBT people far before the term was coined.

It is important to emphasize that such acts made in the name of God do not equate to being sanctioned or encouraged by any mainstream religious organizations. According to the Council of Europe, “these practices emanate from cultural and not religious roots, and are perpetuated worldwide, mainly in patriarchal societies and communities.”⁹³

⁹⁰ (Holm, 2012)

⁹¹ (BBC, 2014)

⁹² (Birch, 2008)

⁹³ (Council of Europe, 2003)

DOUBLE LIVES

In cultures where honor and shame are the dominant social controls, secrecy, deception, and lying are necessary strategies to avoid condemnation and defend one's reputation.⁹⁴ For an LGBT individual, it is about survival.

The result is often a splitting of realities, in which someone compartmentalizes between a visible life that is acceptable to others and a secret life that is unacceptable and must be hidden.

As renowned psychotherapist and author Esther Perel illustrates of a client:

Growing up in a very traditional Muslim family, he developed the capacity to be the son at home who pretended to be that which his parents expected from him, and then there was the man outside, who did what he really wanted. So living in a dual reality - the faithful one and the authentic one - the traditional Muslim one, and the gay one - living dual realities is something that he knew very well.⁹⁵

This is not to imply that there are no LGBT communities in oppressive traditionalist countries. Despite the risk of violence and exposure, there are weekly underground dance parties in the **Pakistani** capital of Karachi, hosted by two people who hope to become the first openly gay married couple in Pakistani history. Despite warnings that "there are religious fanatics who will eliminate you," they maintain that "as long as we don't face death threats, we have to stay in Pakistan. People say it's a very dangerous country, but I think it's the most coolest country."

There are also ambiguities as to what constitutes a gay community in Pakistan. There is an openly accepted (if not officially sanctioned) tradition of sex between poor laborers who cannot afford to sleep with female prostitutes. Because women are inaccessible, they often resort to sleeping

⁹⁴ (Pilch, 2012)

⁹⁵ (Perel, 2017)

with one another by socializing in “hot spots” known for MSM sex. That said, most Pakistanis don’t equate it with gay sex.

According to a BBC documentarian, “Pakistan isn’t this super rigid heterosexual place like my family and friends make it out to be. There’s actually a lot going on. And despite what my expectations were, I’ve actually found that there’s a really exciting LGBT movement. There are a lot of people taking big, brave steps to fight for equality.”⁹⁶

That said, sometimes staying in one’s country is no longer an option. In the next section, we will explore the realities behind the complex process of migrating to the United States.

⁹⁶ (BBC, 2016)

PART TWO
FLIGHT

INTRODUCTION

Refugees fleeing their countries because of political unrest and/or their LGBT status face enormous challenges in their quest for safe resettlement. They are at much higher risk for abuse, imprisonment, and denial of basic protections. Their negative experiences with bureaucracies at home may be exacerbated abroad, as receiving refugee status in other countries can be a long and arduous process, and conditions in refugee camps can be comparable to prisons. Although the United Nations Refugee Agency considers LGBT individuals a “protected class” whose cases are expedited, the process can still take years.⁹⁷

The American response to LGBT refugees and asylees varies. Since 1990, there has been a legitimate path to protection for people fleeing persecution based on sexual orientation, and we will explore the intensive and tenuous process of seeking asylum. In contrast, there has been silence by the current administration in regards to the recent LGBT crisis in Chechnya, and the hotly debated and contested refugee ban leaves LGBT individuals little option to seek shelter in the United States.

An asylum seeker who is in the United States illegally and has been detained by the Department of Homeland Security (DHS) can spend significant time in Immigration and Customs Enforcement (ICE) custody while they apply for protection and await immigration proceedings. Make no mistake - detention centers are prisons, often owned by private corporations whose primary goal is to make a profit - and LGBT individuals are particularly vulnerable to abuse and neglect in these unregulated facilities.

Finally, there is a significant population of undocumented LGBT individuals all over the country - people living in dual shadows. And for queer DACA recipients (Deferred Action for Childhood Arrivals), whose legal status is currently threatened as the future of the program hangs in the balance, the stakes are particularly high. Nearly 800,000 Dreamers

⁹⁷ (Clark, 2017)

face the spectre of deportation to countries and cultures they've never known.

TERMS AND DEFINITIONS

It is very common to confuse asylees with refugees (though asylees *are* refugees) - but both classifications include people who have been persecuted, or fear they'll be persecuted, on the grounds of:

1. Race
2. Religion
3. Nationality
4. Political opinion
5. Membership of a particular social group. (LGBT individuals are considered part of this last category.)⁹⁸

Let's begin with some basic terms.

migrant - *someone who moves to another country for more than a year; can include temporary workers, international students, and those seeking protection from unrest at home. 232 million people a year become international migrants, and 740 million move within their own countries.*⁹⁹

immigrant - *a migrant who intends to settle in a new country*

refugee - *someone recognized as needing international protection who is outside of their home country and unable or unwilling to return because they fear serious harm due to armed conflict or persecution. You can only seek refugee status in the United States from outside the country.*

asylee - *someone who meets the definition of a refugee, and who is already in the United States, or seeking entry at a port of admission (a port/airport/border). The UN Refugee Convention in 1951 deterred*

⁹⁸ (USCIS, 2015)

⁹⁹ (Travis, 2015)

nations from deporting asylum seekers immediately back to their countries, and required fair and efficient asylum procedures to ensure dignity and safety while claims were being processed.¹⁰⁰ This expectation is hardly met by current standards.

visa - *a document obtained by a U.S. Embassy or Consulate abroad and placed in a foreign passport, which allows a traveler to enter the country for an already specified reason and period of time. Visa holders must demonstrate that they have enough money for travel, room, and board, that they will not rely on any government funding for support, and that they do not intend to stay permanently. A visa does not guarantee entrance into the country - the final decision rests with U.S. Customs and Border Control¹⁰¹ Visit the [U.S. State Department](#) for categories of visas.*

undocumented immigrant - *a foreign-born person who doesn't have the legal right to be or remain in the United States. The term "illegal alien" means the same thing, but is nowhere to be found in U.S. immigration law and is considered degrading.¹⁰²*

¹⁰⁰ (Travis, 2015)

¹⁰¹ (Immigration Equality, 2017)

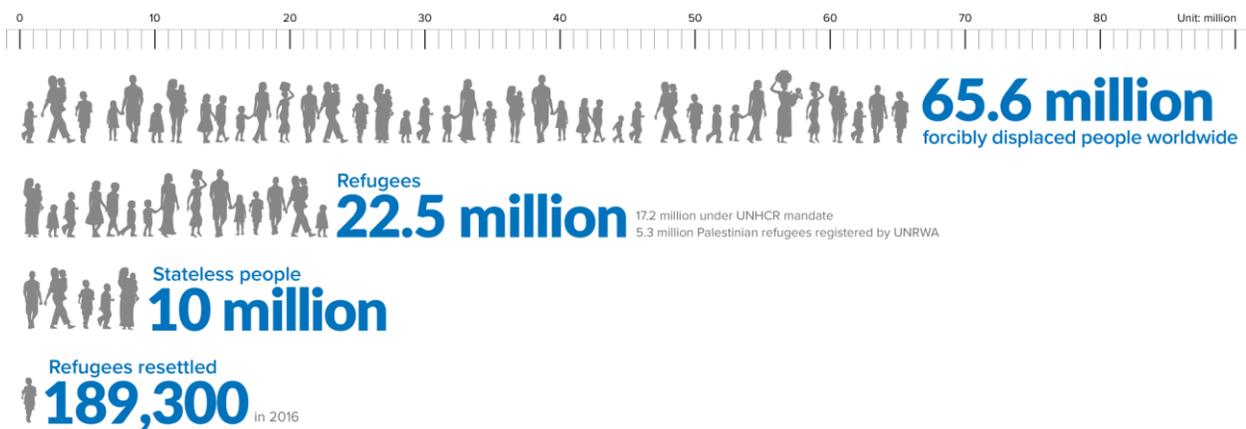
¹⁰² (Gasson, 2017)

REFUGEES

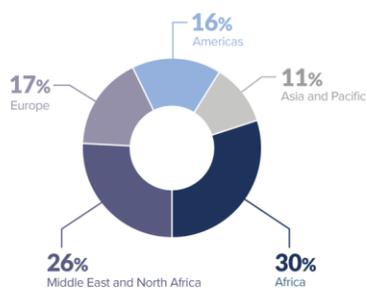
Refugees have been protected by international law since the 1951 United Nations Refugee Convention, which was formed during the aftermath of WWII, in order to assist millions of Europeans who had lost their homes to displacement and destruction. It guaranteed basic rights such as housing, benefits, and job assistance. The **U.N. Refugee Agency (UNHCR)** estimates that in 2016, there were 65.6 million people forcibly displaced from their homes - 22.5 million were considered refugees, half of whom are under the age of 18.¹⁰³ Less than 1% of the world's refugees are placed in a third country. The vast majority return to their homes when unrest ends, or they end up living in camps for decades.¹⁰⁴

¹⁰³ (UNHCR, 2017)

¹⁰⁴ (Calamur, 2017)



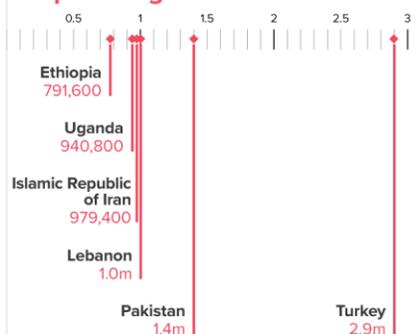
Where the world's displaced people are being hosted



55% of refugees worldwide came from three countries



Top hosting countries



28,300 people
a day forced to flee their homes because of conflict and persecution

10,966 staff
UNHCR employs 10,966 staff (as of 30 June 2017)

130 countries
We work in 130 countries (as of 30 June 2017)

We are funded almost entirely by voluntary contributions, with 87 per cent from governments and the European Union.

The majority (74%) of people fleeing civil war or persecution end up in urban cities, where they live in private accommodations (for example, most Syrian refugees have fled to Middle Eastern cities). The other quarter are in rural areas, where many live in camps - temporary settlements built by governments, the United Nations, or international organizations such as the Red Cross.¹⁰⁵ Camps that are certified by the U.N. meet standards that provide temporary security, food, shelter, hygiene and medical care, as well as garden plots, schools, and markets. While some refugee camps can hold over 100,000 people, the average camp houses about 11,400.¹⁰⁶

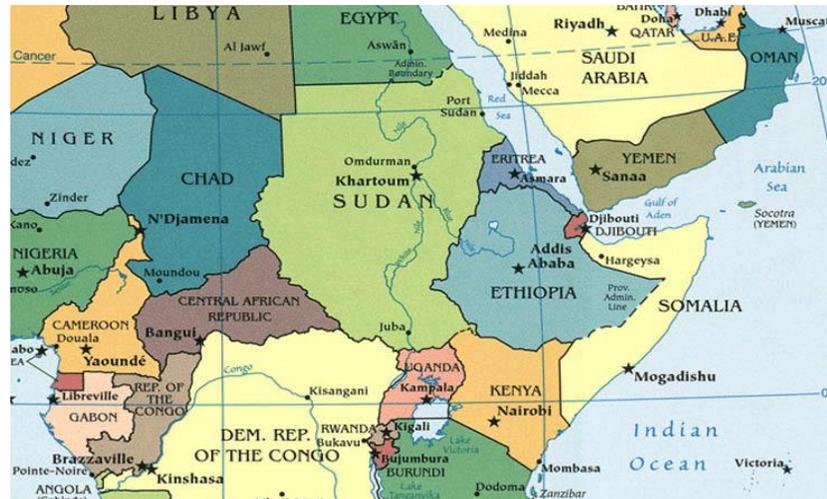
¹⁰⁵ (UNHCR, 2015)

¹⁰⁶ (UNHCR, 2012)

Most refugees are eventually returned to their home countries or integrated into the places where they first seek asylum, options that are out of the question for many LGBT individuals.¹⁰⁷

REFUGE in KENYA?

Intolerance of homosexuality has grown dramatically in East Africa under the influence of American Evangelical missionaries, as well as the 2014 introduction of the Ugandan Anti-



Homosexuality Bill. Kenyan law punishes (but seldom enforces) homosexual acts with up to 14 years in prison, but by contrast, organizations supporting the community are generally free from discrimination. It has since become the nearest safe haven for hundreds of LGBT East Africans, 90% of whom are Ugandan, while the rest come from Tanzania, Ethiopia, Burundi, Democratic Republic of Congo, and Somalia.¹⁰⁸

LGBT refugees in Kenya, unlike refugees from Somalia and South Sudan who are extremely poor, come from a wide range of educational and economic backgrounds. But they all learn that having spent their entire lives hiding from their families and communities at home, they must continue to do so in Kenya.

¹⁰⁷ (Feder, 2014)

¹⁰⁸ (Wesangula, 2017)

By Kenyan government standards, all refugees are required to live in remote camps in the country's north. But the United Nations Refugee Agency (UNHCR) and its partner NGOs have quietly allowed LGBT people to hide out in Nairobi with the knowledge that there are often violent attacks against LGBT people within the camps. LGBT refugees in Nairobi are just 500 of the 600,000 refugees in the country, and they have received a disproportionately large number of slots allocated for resettlement.¹⁰⁹ That said, there can be a mistrust of refugees who claim sexual minority status, because heterosexual people will sometimes pretend to be gay or bisexual as an attempt at being fast-tracked by the U.N. for resettlement.¹¹⁰

For those who can successfully prove their LGBT status, the U.N. goes so far as to ask people awaiting resettlement interviews to sign a "code of conduct," instructing them to stay in the closet and keep a low profile for their only safety. Few speak Swahili, and most Kenyans, when hearing a Ugandan accent, will assume that an asylum seeker is gay. These refugees are forced to hide in safe houses from suspicious neighbors while they endure the years-long process of determining eligibility for resettlement in Europe or North America.¹¹¹ Some even say that they miss Uganda despite the danger. Unlike Nairobi, its capital Kampala has gay-friendly areas and a popular club that would regularly pay off the police to avoid raids. In Kenya, they are practically under house arrest.¹¹²

Recently, the fate of LGBT refugees in Nairobi has quickly deteriorated, as reports have surfaced describing evictions by landlords, police brutality, and even homophobic treatment by UNHCR staff, who sometimes purposefully delay refugee determinations.¹¹³ Even well meaning staff can make poor assumptions, believing that LGBT individuals can return to their home countries as long as the relocated site is in a different city where they are unknown. LGBT refugees have also been advised to return on the

¹⁰⁹ (Kushner, 2016)

¹¹⁰ (Clark, 2017)

¹¹¹ (Kushner, 2017)

¹¹² (Kushner, 2016)

¹¹³ (Igunza, 2015)

condition that they remain discreet about their sexual orientation or gender identity. But return is rarely a viable solution.¹¹⁴

Finally, a loss of UNHCR funding has resulted in a government takeover of the resettlement process. This has dramatically lengthened the interview period by up to three years. Worse, while the U.N. officially acknowledges sexual orientation as a basis for persecution, the Kenyan government treats these refugees as criminals as opposed to people in need of international protection. In May of 2017, the Kenyan police force arrested 18 gay men in Nairobi and shipped them to the Kakuma refugee camp in accordance with their refugee laws.¹¹⁵ But while camps provide a safe haven for most of the people escaping violence and death, an LGBT person cannot escape the

cultural ideology that is alive and well within the camp walls.¹¹⁶



Kakuma, in the isolated northwest of Kenya, holds 200,000 people, mostly from the war-torn countries of South Sudan and Somalia. Anyone from the peaceful country of Uganda stands out, and is vulnerable to persecution by other refugees at the mere assumption that they are gay. Ugandans are forced to live on a small compound in the corner of the camp, where they sleep in shifts, taking turns guarding their

compound at night, ever since there was an attempt to burn it down by fellow refugees.¹¹⁷

These camps exist to protect vulnerable populations, but often cannot provide a safe space to LGBT people, who are abused by camp staff and

¹¹⁴ (US Department of Health and Human Services)

¹¹⁵ (Rosendall, 2017)

¹¹⁶ (Moitozo, 2017)

¹¹⁷ (Igunza, 2015)

refugees alike. A recent report by Vice News describes administrative neglect of a gay man by the UNHCR, which had known his sexual orientation, but chose not to protect him when he was verbally harassed, threatened with machetes, and smeared with human feces. When he officially reported these abuses and asked to be moved to another camp, he was told to return in six weeks, after his case could be reviewed. Ultimately, his case was denied.¹¹⁸



Another report describes a gay man in a Kenyan refugee camp who was stabbed in the stomach with the broken end of a bottle, but who refused to ask for medical care out of fear that camp officials would turn him in to the Kenyan police.¹¹⁹

The UNHCR does have a high ethical code towards the LGBT population - they have recently released a [comprehensive global report](#) on the agency's efforts and progress towards protecting LGBT refugees, and have found that $\frac{2}{3}$ of their offices have specific LGBT registration measures in place, but that only $\frac{1}{5}$ of offices around the world have received adequate training in order to meet the specific needs of LGBT refugees.

¹¹⁸ (Moitozo, 2017)

¹¹⁹ (Feder, 2015)

The unfortunate truth is that even if these standards are eventually implemented everywhere, they cannot protect from the powerful cultural ideology that pervades many regions.¹²⁰

INTERNATIONAL RESPONSE TO CHECHEN “GAY PURGE”

While the Trump administration has been entirely silent over the 2017 round ups and torture of gay men in the Russian Republic of Chechnya, European countries have collectively condemned the Chechen government for its extreme violation of human rights. The European Parliament passed a resolution in May, calling for an international investigation, and urging all EU countries to step forward and offer protection. The Russian LGBT Network (an NGO), which has hidden over 60 victims in central Russia, has lobbied 20 EU countries for assistance, but only five have offered any help - **France, Germany, Lithuania, Canada**, and a country that prefers to remain anonymous.

France’s Emmanuel Macron was the first world leader to welcome refugees from Chechnya - he has advocated for sheltering more Syrians as well - and personally emphasized France’s humanitarian values in a private meeting with Russia’s Vladimir Putin.¹²¹ In Canada, the government has joined forces with a Toronto based organization, Rainbow Railroad, to form a “clandestine initiative” that has secretly evacuated over thirty men and women to safety.¹²²

As for the many countries that have spoken but failed to act, foreign ministers claim “refugee fatigue” as the main obstacle, with tens of thousands of asylees already awaiting entry into their countries.¹²³

But asylum seekers who have escaped to European countries are discovering that they are still in danger, as other Chechen immigrants have taken up the charge that authorities at home have started. There is a “close

¹²⁰ (Moitozo, 2017)

¹²¹ (Couch, 2017)

¹²² (Guly, 2017)

¹²³ (Eriksson, 2017)

knit Chechen diaspora in Europe,” where communities are very much united behind their home culture of loyalty and pride, inspired by strict Sharia law, which controls various aspects of a Muslim follower’s life, such as daily routines and familial and religious obligations. To have a homosexual “anywhere on the family tree” is considered a shame that must be redeemed. Razman Kadyrov, the leader installed by Putin, is a spiritual leader for many Chechens whether at home or abroad, and it is his endorsement of honor killings that threatens the lives of LGBT refugees anywhere there are other loyal Chechens.

According to one man hiding out in Berlin, “For gay Chechens it doesn’t matter where we go. We can go to Mars. If there are other Chechens there, they will never let us live in peace.”¹²⁴

¹²⁴ (Shuster, 2017)

FLEEING FROM CENTRAL AMERICA

Killings and violence against LGBT people in **El Salvador**, **Honduras**, and **Guatemala** are driving hundreds of Central Americans north.

Amnesty International reports “epidemic levels of violence and threats by criminal gangs” in the Northern Triangle. The

UNHCR claims that over 90% of the Central American LGBT refugees it interviewed in 2016 had experienced sexual and gender-based violence in their home countries.¹²⁵



In the southern Mexican city of Tapachula, a hub for those fleeing Guatemala, it is estimated that a new LGBT refugee arrives every day.¹²⁶ But once in Mexico, many refugees continue to be plagued by gangs that also operate along the country’s southern border. Once there, many claim that Mexican authorities never informed them of their right to apply for asylum, and are often discouraged from doing so if they

do ask for an application. Authorities also fail to investigate most formal complaints of human rights violations.¹²⁷ Those detained in the National

¹²⁵ (Maloney, 2017)

¹²⁶ (Levinson, 2017)

¹²⁷ (Amnesty International, 2017)

Migration Institute (NMI) in Tapachula report beatings by guards and demands for sexual favors as a price for better treatment.¹²⁸

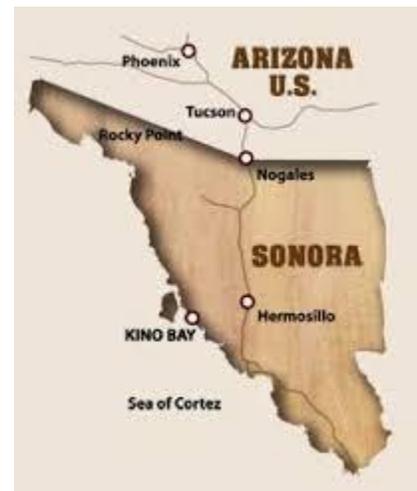
THE RAINBOW CARAVAN



On August 10, 2017, a “Trans Gay Migrant Caravan” of Central American LGBT individuals arrived at the Dennis DeConcini Port of Entry in Nogales, Sonora to request asylum in the U.S. The group was formed in migrant shelters in southern Mexico, and decided to traveled north from Mexico

City to Nogales under the banner of “The Rainbow 17”. Traveling on foot and by bus, they raised awareness by exposing the region’s violence against LGBT individuals, as well as the abuse and exploitation of queer migrants in Mexico.¹²⁹

Some of the members of the caravan had been granted political asylum by the Mexican government, but finding it unlivable and just as dangerous as Central America, decided to seek asylum in Arizona.



After surrendering to immigration officials in Nogales, Arizona, the Rainbow 17 were split between two New Mexico detention centers where they would soon undergo “credible fear interviews” with ICE officials (more on the asylum process to come). Their pro bono lawyers from the Transgender Law Center based in Oakland, California went to work securing humanitarian parole for their clients, who were at high risk for physical and sexual abuse in detention.¹³⁰ One such individual was sponsored by QDEP and brought to New York, where she

¹²⁸ (Levinson, 2017)

¹²⁹ (Lavers, 2017)

¹³⁰ (Taracena, 2017)

has obtained housing and medical support as she begins the process of rebuilding.

LGBT and MIDDLE EASTERN

People escaping the dangerous, war-torn countries of Syria and Iraq often flee to nearby “first-asylum cities” in the Middle East, where they experience the double stigma of being a refugee and LGBT. Since the Syrian civil war began in 2011, 4.9 million displaced people have resettled in Lebanon, Jordan, Iraq, and especially Turkey - the country that currently holds the most refugees in the world (2.9 million).¹³¹

LGBT refugees are at heightened risk of harassment, arrest, kidnap, torture, rape and even murder. And some, especially trans women, are targeted by extremists or criminal gangs. There are also more severe obstacles to finding jobs and shelter, hard enough for any refugee.¹³²

These individuals are at high risk for hate crimes, and are often considered the most appropriate for immediate resettlement. As an extreme example, in late 2016, a gay Syrian refugee was gang raped, beheaded, and mutilated in Istanbul while he awaited resettlement.¹³³ Due to the severity of risk, The U.N. prioritized LGBT individuals in the almost 20,000 Syrians it recommended for resettlement in the United States. (It is sometimes English language skills and family ties that determine where the U.N. believes refugees will be most adaptable, and the U.S. is often considered the safest option for LGBT internationals.¹³⁴) In 2016, the Obama White House took in over 12,587 Syrian refugees. (By comparison, Canada accepted almost 40,000).¹³⁵

But everything changed with Trump.

¹³¹ (Zong, 2017)

¹³² (Saltmarsh, 2016)

¹³³ (BBC, 2016)

¹³⁴ (Ozebek, 2015)

¹³⁵ (Zong, 2017)

TRUMP'S TRAVEL BAN

Trump's original **Executive Order 13769**, which banned refugees from eight countries, proclaimed:

*The United States should not admit those who engage in acts of bigotry or hatred (including "honor" killings, other forms of violence against women, or the persecution of those who practice religions different from their own) or those who would oppress Americans of any race, gender, or sexual orientation.*¹³⁶

The travel ban emphasized the need to protect Americans from gender and sexual violence, while entirely excluding LGBT individuals trying to escape the very same violence by the hands of the Islamic State and other violent regimes. This hypocrisy was especially apparent in light of the administration's prioritization of religious-based persecution of minority Christians, making membership to any other social group automatically less worthy of protection.¹³⁷

After months of court battles, a third version of President Trump's contentious travel ban was upheld by the Supreme Court on December 4, 2017, allowing it to stand while a federal appeals court heard arguments over its legality. The first ban in January wreaked total havoc in airports all over the country at the surprise and immediate implementation of an absolute ban on refugees from eight Muslim-majority countries before it was quickly struck down by a federal judge. Version 3.0 is an indefinite ban of citizens from **Iran, Chad, Libya, North Korea, Syria, Somalia, and Yemen**, as well government officials and their families in **Venezuela**. The latest version removed **Iraq**, and eliminated language that gave protective status to persecuted religious minorities (which was widely believed to be a pro-Christian provision)¹³⁸, but is still debated over

¹³⁶ (WhiteHouse.gov, 2017)

¹³⁷ (Gruberg, 2017)

¹³⁸ (Thrush, 2017)

whether it discriminates against Muslims, or whether it is simply a ban that protects against the “heightened risk of terrorism” in these countries.¹³⁹

Unlike the original travel ban in January which halted the entry of refugees for 120 days (and indefinitely for Syrians), the latest version does not include any specific language about refugees. But the Trump administration has dramatically diminished its refugee program, lowering the annual cap to 45,000 for 2018, the lowest any White House has allowed since the president was given the power of decision in 1980. (Obama set the cap at 110,000 in 2017). The United States is not simply one of many countries that accepts large numbers of refugees - historically, it has accepted more refugees than every other resettlement country combined.¹⁴⁰ (In 2015, it accepted 60% of all refugees worldwide.) The refugee program had received wide bipartisan support until Republicans began to object to the resettling of refugees from war torn countries in the Middle East under Obama.¹⁴¹ It is also suggested that, if the U.S. as a global leader turns its back on its refugee program, other countries will follow suit in a global domino effect.

In late October of 2017, Trump quietly implemented a new refugee policy, which limits resettlement from 11 “higher risk” countries to a “case-by-case basis”. Though the administration has not publicly named these countries, sources have confirmed that they include the countries in the travel ban, as well as **Egypt, Iraq, Mali, and Sudan**, the majority of which are Muslim countries. (People from these countries comprised 43% of the refugees accepted into the U.S. in the previous year.) The Trump administration has cited national security as the purpose of this policy, *but no refugee has ever committed an act of terror in the United States*. And although it is not a formal ban, refugees from these countries already undergo additional security screenings - in effect, the administration is using this policy to pause the interview process, which is already severely backlogged.¹⁴²

¹³⁹ (Rhodan, 2017)

¹⁴⁰ (Gruberg, 2017)

¹⁴¹ (Feder, 2017)

¹⁴² (Calamur, 2017)

Update: On February 14, 2018, The U.S. State Department announced that it would shutter 20 refugee resettlement offices across the nation, and that it would cut back operations in an additional 40. Although the department says this is an attempt to “reduce costs and simplify management structure...to help programs run in a way that is fiscally responsible and sustainable in the long term,” some states (like Louisiana and Hawaii) are losing their only office. Plans for an additional 11 officers are now cancelled.

The Trump administration claims that its goal is to help recently arrived refugees to assimilate quickly “to promote national security and also so they can become self-sufficient.” But the largest cut in history to these agencies, which refugees can use for up to five years for assistance with housing, jobs, banking, medical care, school enrollment, will make it much more difficult to aid in the assimilation process.¹⁴³

As for LGBT people from these countries who have been recommended for resettlement in the U.S., their futures now hang in the balance. The halting or slowing of the extensive admissions process leaves no option but to remain in hiding in hostile first-asylum countries like Turkey where they could wait for years. For those refugees already in line, resettlement in the U.S. represents their last shot at safety.

¹⁴³ (Rosenburg, 2018)

PART THREE
INTEGRATION

A BRIEF HISTORY OF QUEER IMMIGRATION IN THE U.S.

1875

The Page Act barred Chinese women from entry to the U.S. because they were “prostitutes”, setting the precedent for using sexuality as a criteria for exclusion.¹⁴⁴

1917

The Immigration and Nationality Act excluded those with “*constitutional psychopathic inferiority*,” setting the groundwork for more specific exclusions to LGBT people.¹⁴⁵

1965

The Immigration Act of 1965 explicitly prohibited “*mentally defective*” LGBT individuals from immigrating to the U.S. under a medical clause, describing homosexuals as “*sexual deviants and psychopathic personalities*.”¹⁴⁶ The American Psychiatric Association eliminated homosexuality from the Diagnostic and Statistics Manual (DSM) in 1973, but this change was not extended to immigration laws until 1990.¹⁴⁷

1987-2009

Congress bans anyone with HIV (whether a foreigner seeking to live in the U.S. or a tourist) from entering the country. Enacted during a time when there was widespread fear that the disease could be transmitted to the respiratory tract, health authorities were required to categorize HIV as a “*communicable disease of public health significance*”. Immigration waivers were available to HIV positive people who were in heterosexual marriages, but not for gay men. The ban also discouraged foreigners already living in the U.S. from testing and medical care, who were afraid to

¹⁴⁴ (Vimo, 2017)

¹⁴⁵ (Sridharan, 2008)

¹⁴⁶ (Karp, 2016)

¹⁴⁷ (Bregman, 2017)

risk deportation. And because of the restriction, no international conference on the AIDS epidemic was held in the U.S. after 1990.¹⁴⁸

1990

With very little fanfare, Barney Frank, congressman from Massachusetts, wrote the comprehensive immigration exclusion amendment that defined the reasons for denying entry into the U.S. and quietly left out the sexual preference exclusion that had been on the books since 1965.¹⁴⁹

1990

After a ten-year asylum fight, Fidel Armando Toboso-Alfonso, a gay Cuban man targeted by the Castro regime, was granted withholding of deportation based on his homosexuality by the Board of Immigration Appeals (BIA).¹⁵⁰ (He'd had a previous criminal charge and was ineligible for asylum - the distinction is explained in the next section)

1994

Attorney General Janet Reno used the Toboso-Alfonso case as binding precedent, requiring immigration judges to recognize sexual minority status as grounds for an asylum case. This provision was made possible thanks to the U.N. in 1951, which established the category of “particular social group” in an attempt to protect persecuted individuals that they did not otherwise explicitly anticipate. U.S. immigration law began to officially consider the LGBTQ community such a group.”¹⁵¹

1996-2013

The Defense of Marriage Act (DOMA) barred same-sex couples from using their marriage to confer immigration benefits when the federal law defined marriage as “a legal union between one man and one woman as husband and wife.” The Supreme Court ruled DOMA invalid in June 2013,

¹⁴⁸ (Preston, 2009)

¹⁴⁹ (Out4Immigration, 2013)

¹⁵⁰ (Out4Immigration, 2013)

¹⁵¹ (Langson, 2017)

and the Board of Immigration Appeals expanded the definition of marriage to include same-sex spouses.¹⁵²

2000

In the asylum case of Hernandez-Montiel, the U.S. Court of Appeals ruled that "a gay man with a female sexual identity, who may be considered a transsexual" is entitled to asylum and withholding of deportation.¹⁵³

2007

In the case of Jorge Soto Vega, an immigration judge denied asylum because Vega didn't appear gay to him. An immigration judge can determine the credibility of a decision based on the "demeanor, candor, and responsiveness" of the applicant.¹⁵⁴ With the help of Lambda Legal, the case was appealed and won.¹⁵⁵

2009

The Obama administration lifted the 22 year HIV ban, saying that "if we want to be a global leader in combating H.I.V./AIDS, we need to act like it."¹⁵⁶ Public health experts claimed this reversal as a victory, because a ban gave Americans a false sense of security that they were safe from the disease, despite its significant risk here. The ban also kept thousands of refugees, students, and tourists out of the country, and complicated the adoption of children with H.I.V.¹⁵⁷

2014

The Board of Immigration Appeals (BIA) clarified that the distinction of "*social visibility*" it requires of a particular social group need not be literal - that "society can consider persons to comprise a group without being able to identify the group's members *on sight*," and that a group's eligibility for asylum was based on the particular *society* in question, not the individual

¹⁵² (Karp, 2016)

¹⁵³ (Out4Immigration, 2013)

¹⁵⁴ (Karp, 2016)

¹⁵⁵ (Out4Immigration, 2013)

¹⁵⁶ (Preston, 2009)

¹⁵⁷ (Dwyer, 2010)

prosecutor.¹⁵⁸ This is important, because sexual and gender identities are not externally visible and verifiable in the same ways that race, ethnicity, religion, or national origin may be.

2015

The Supreme Court ruled in *Obergefell v. Hodges* that it is unconstitutional for states to deny same-sex couples the right to marry. With comprehensive marriage equality in all 50 states, immigrants could marry in their state of choice and then pursue the immigration benefits available to the state's heterosexual couples.

ASYLUM

The U.S Department of Health and Human Services estimates that 3,500 LGBT refugees arrive in the country annually, and that another 1,250 are granted asylum.¹⁵⁹ That said, it is difficult to determine the precise demographics for the following reasons:¹⁶⁰

- UNHCR does not officially track LGBT refugees.
- The United States Citizenship and Immigrations Services (USCIS) Asylum office does not compile statistics of successful asylum cases based on sexual orientation or gender identity.
- Many refugees do not self identify, especially if they've been resettled for another reason or are afraid to disclose among fellow refugees.
- Western categories of gender and sexual identity may not correspond to those of other cultures.

But it is possible to extrapolate. In the United States, between 3.8% and 4.6% of Americans fall within the LGBT population, and rates are likely to be similar throughout the world. The percentage of LGBT asylees is estimated to be larger due to the dangerous circumstances that force people to leave their homes - between 5-10% of all cases. These numbers are likely

¹⁵⁸ (Karp, 2016)

¹⁵⁹ (Meko, 2014)

¹⁶⁰ (US Department of Health and Human Services)

to increase, as LGBT civil rights gain global attention, and as UNHCR has worked to revise and expand its policies concerning LGBT people.

There are three ways in which an LGBT person who fears persecution can gain legal residence in the United States.¹⁶¹

- 1. Asylum** - the applicant is required to show that there is a *1 in 10 chance* (a “*reasonable possibility*”) that they will be persecuted in their home country due to their LGBT identity or HIV positive status. Asylees can apply for a green card after one year. There is also a one-year deadline for an asylum applicants upon entering the U.S. If they file their application after that, they will have to prove that they are entitled to an exception to the one-year deadline, which can be very difficult to do. (They must provide evidence that their own circumstances, or that the conditions in their home country, have changed to the degree that deportation would result in persecution - examples would include newly coming out, transitioning genders, receiving an HIV diagnosis, or people finding out at home that you are gay and threatening you).¹⁶²
- 2. Withholding of Removal** - if an individual has a criminal conviction, applies after the one-year deadline for asylum, has already been ordered deported, or has returned to the U.S. after already being deported, they can be granted residence by proving that there is more than a 50% chance (“*more likely than not*”) they will be persecuted. This is *not* a path towards permanent residence like asylum, and the U.S. retains the right to deport someone to another country. In addition, one must apply annually for work authorization, cannot travel outside of the country because they will be considered “self deported”, and if conditions in one’s home country changes, such that fear of persecution is no longer reasonable, DHS can reopen the case.¹⁶³

¹⁶¹ (Heartland Alliance, 2009)

¹⁶² (Heartland Alliance, 2009)

¹⁶³ (Nolo, 2018)

3. Convention Against Torture (CAT) - residence can be granted to someone who can prove that they are “more likely than not” to be tortured by the government (or by others undeterred by the government) if they were removed to their home countries, though torture “does not include lesser forms of cruel, inhuman, or degrading treatment or punishment.”¹⁶⁴

If someone is detained at a port of entry without valid travel documents, they will undergo a **Credible Fear Interview**, in which an asylum officer determines whether there is a significant possibility that they will be persecuted for their LGBT status if sent home. If successful, the individual will be allowed to apply for asylum before an immigration judge. If the individual has already been convicted of a felony, ordered deported, or if they’ve already been deported and have returned to the U.S., they can request a **Reasonable Fear Interview**, which will allow them to apply for Withholding of Removal or CAT.

UPDATE: the new “Last In, First Out” policy:

On January 29, 2018, USCIS announced a change to its asylum interview schedule, which gives priority to people who apply for asylum now, and will schedule an interview within 21 days of the application. This is especially important, because it gives asylees very little time to gather evidence of persecution to argue their cases. It also moves people who have already applied and are awaiting an asylum decision to a lower priority, in reverse order - the longer ago you applied, the longer you will wait.¹⁶⁵

USCIS justifies this decision by claiming: “The aim is to deter individuals from using asylum backlogs solely to obtain employment authorization by filing frivolous, fraudulent or otherwise non-meritorious asylum applications. Giving priority to recent filings allows USCIS to promptly place such individuals into removal proceedings, which reduces the incentive to file for asylum solely to obtain employment authorization.

¹⁶⁴ (USCIS, 1999)

¹⁶⁵ (RIFNYC, 2018)

This approach also allows USCIS to decide qualified applications in a more efficient manner.”¹⁶⁶

¹⁶⁶ (USCIS, 2018)

Asylum Roadmap



For LGBT asylum seekers, the process has inherent complications. Many LGBT refugees do not realize that their gender and sexual identities are criteria for protection to begin with, and may be frightened to self disclose if they are amongst family and friends who may reject them. It can also be an intimidating prospect to speak openly with a foreign government official, when hiding has been essential to survival at home.¹⁶⁷ Finally, the *one year deadline* on applications prevents the necessary protection of many individuals who are not aware of the time limit. The policy was determined as part of broad, enforcement-based immigration reform in 1996, and was intended to be a deterrent for people who didn't really have asylum claims, but very few exceptions have been made for those who do. Between 1998 and 2010, an estimated 21,000 cases likely to meet asylum criteria were denied simply due to the time limit. Ultimately, the policy "requires DHS to reject otherwise meretricious asylum applicants who filed later, but it poses no bars on fraudulent applicants who filed within a year."¹⁶⁸

An asylum applicant must prove much more than LGBT identity. They must show evidence that they have been persecuted in the past, or that there is a strong likelihood that they will be harmed if they are deported.

Under law, persecution can be physical, emotional, and/or psychological, and can include beating, torture, kidnapping, confinement, sexual assault, rape, forced sterilization or abortion, forced institutionalization, electroshock therapies, or drug injections, and in some very extreme cases, loss of a job or inability to travel safely. Harassment, discrimination, and lack of access to adequate medical care are not considered persecution.¹⁶⁹

¹⁶⁷ (Kerr, 2015)

¹⁶⁸ (Hesson, 20130)

¹⁶⁹ (Heartland Alliance, 2009)

Evidence of persecution can include:

- *Medical and police reports*
- *Photographs or letters from people who witnessed abuse*
- *Documentation from reputable sources that show a pattern of mistreatment of LGBT people exists in their home countries*
- *Proof of sexuality that includes pictures and documentation by past partners and friends*
- *Candid, credible, sincere testimony with as many dates and details as possible*

THE BURDEN OF PROOF

It can be very difficult for people from places like Saudi Arabia or Iran where homosexuality is punishable by death (and where it can be dangerous to be openly gay or report a hate crime) to have formal proof of persecution.¹⁷⁰ But it is the applicant's oral testimony that is considered equally crucial in deciding their fate.

Speaking candidly and publicly about one's sexual or gender identity may carry a great deal of complexity for an LGBT individual from another culture. One is suddenly expected to relive, in granular detail, their most personal and traumatic experiences. They may be articulating experience out loud for the very first time in their lives, and the previously necessary instinct to hide and obfuscate can quickly become a significant barrier to asylum. In addition to a possible mistrust of bureaucracy, an LGBT individual might not have language or vocabulary around sexuality (in English or their native language). Reports of extreme scrutiny by asylum officers are common, in which interviewees may not have a concept for sexual orientation in their native language. For example, an applicant may not identify as queer at all, but engages in homosexual behavior. On the other hand, he may identify as queer but have a wife and children at home.

A further complication for detained asylum seekers related to the evidence required of a successful asylum case is the complete disregard for due process in ICE facilities. 94% of detainees have no resources to hire a lawyer and are forced to represent themselves in complicated and confusing

¹⁷⁰ (Bilefsky, 2011)

legal environments, and detention center law libraries are woefully out of date and incomplete. Yet, immigrants are 10 times more likely to win an asylum case with legal counsel. It is also commonly reported that mail and correspondence containing crucial pieces of evidence are often withheld, misplaced, or lost, leaving people with no formal proof with which to argue their cases.¹⁷¹

In addition, it is estimated that one fifth of asylum interviews contain stereotyping and inappropriate, sexually explicit questioning.¹⁷²

LGBT individuals in this position have described the interview process as a vicious cycle:

*You find it hard to disclose the harm that's happened to you and the reason for it, and the official looks doubtful and repeats questions. This makes you feel more anxious and confused and speak less coherently, and the official disbelieves you further.*¹⁷³

Although the Board of Immigration Appeals has ruled that social visibility must not be determined literally, lawyers have been known to urge their clients to flaunt their sexuality or gender identity for the benefit of less evolved judges and officials. Romulo Castro, a gay man from Brazil who escaped to the U.S. in 2000, says of his childhood:

"I was persecuted for being fruity, a boy-girl, a fatso, a faggot — I felt like a monster. Here, being gay was my salvation. So I knew I had to put on the performance of my life."

After years of hiding his identity at home, Mr. Castro was urged by his attorneys to be "anything but bashful," and attended his interview wearing makeup and a bright pink shirt. He was also warned that his case would be harder to win, because Brazil has developed an international reputation for gay pride parades and drag queens. But armed with dozens of articles documenting persecution of gays in Brazil, and sharing personal pictures dressed in drag, his performance paid off. He was granted asylum in 2009.¹⁷⁴

¹⁷¹ (Arria, 2017)

¹⁷² (Beresford, 2016)

¹⁷³ (Singer, 2015)

¹⁷⁴ (Bilefsky, 2011)

THE PRECARIOUS LABEL OF ‘BISEXUAL’

The B in LGBT is an often overlooked segment of the LGBT population, and a bisexual’s lack of adherence to the hetero/homosexual binary has created unique barriers to asylum. Bisexuals can occupy doubly outsider territory, where they are considered “not gay enough” for a queer community, and “not straight enough” for the dominant culture. The same assumptions can apply to an immigration judge, who might not understand or accept the ambiguities of sexual fluidity. Bisexuals also live outside of the boundaries of identity politics, which delineate insiders vs. outsiders, even in ways that have historically protected outsiders from discrimination.

In asylum decisions, there has been a historical shift that has placed bisexual immigrants on the losing end of both ends of the spectrum. In earlier cases, when sexuality was considered less an identity than a behavior, sexual fluidity has been judged as “arrested development” and, ultimately, latent homosexuality. That is, if someone had engaged in any homosexual behavior at all, they were “just gay enough” to be denied permanent residence.

Since 1994, sexual minority status has been grounds for asylum. However, this shift to an emphasis on sexual identity has had a negative collateral effect for bisexuals. If, for example, a bisexual man is married to an opposite-sex partner but still fears persecution in a homophobic country, his fluid identity can now work against him. According to more contemporary immigration decisions, an individual who successfully downplays their same-sex sexuality through “covering” is expected to continue being successful at passing, and is not considered “out enough” to warrant protection. As for sexual behavior, the person’s bisexuality is more often considered a temporary or passing phase, and therefore less significant than identity.

In the eyes of courts, the bisexual has gone from “kinda gay” to “not gay enough.”¹⁷⁵ The 2015 case of a Nigerian woman in the U.K. best illustrates this issue. Aderonke Apata, a well-known LGBT rights activist who risked the death penalty if deported, applied for asylum and was denied on the grounds that, though she currently had a girlfriend, she had previously had a heterosexual relationship and two children. A petition that included

¹⁷⁵ (Sin, 2014)

30,000 signatures plus explicit video footage of Apata and her girlfriend were not enough to sway the Home Office, which ruled: “You can’t be a heterosexual one day and a lesbian the next day, just as you can’t change your race.”¹⁷⁶

UNDOCUMENTED and QUEER

In 2013, [The Williams Institute](#) estimated that there are 904,000 LGBT adult immigrants in the U.S., 30% of whom are undocumented.¹⁷⁷ That is, of the over 11 million undocumented immigrants in the U.S., **267,000** identify as LGBT.¹⁷⁸ (71% are Hispanic, and 15% are Asian or Pacific Islander. 67% are men, 33% are women).¹⁷⁹ These numbers are conservative in their exclusion people who do not self-identify and LGBT teens under the age of 18.

This population includes people who have entered the U.S. illegally, but also those who have overstayed their visitor visas, and/or are currently applying for asylum. Because these people are at the cross-section of two marginalized groups, they are particularly vulnerable.

During the asylum application process, an individual is not permitted to formally work, and may only seek employment authorization six months after applying. Many LGBT refugees have not necessarily escaped war or poverty, but lives where they were highly educated and securely employed. According to a young Russian chemist, who escaped Putin’s increasingly oppressive gay propaganda laws:

“It makes no sense, because most of our arrivals have advanced degrees and speak good English,” he said. “They’re capable of being productive, paying taxes, but we are not letting them do those things while they’re waiting. After your tourist visa runs out, you’re basically undocumented. It can be hard to rent an apartment or get a cellphone. You have problems navigating everyday life.”¹⁸⁰

¹⁷⁶(Bennett, 2015)

¹⁷⁷ (Burns et al., 2013)

¹⁷⁸ (National LGBT Immigration Task Force, 2014)

¹⁷⁹ (Gates, 2013)

¹⁸⁰ (Associated Press, 2014)

When LGBT immigrants do attain under-the-table employment, many report workplace discrimination at rates even higher than that for the rest of the undocumented population. Neither population is afforded full and equal protection from workplace abuse or discrimination - the Trump administration quickly reversed Obama's federal protection of transgender workers. As combined, their dual vulnerabilities are especially severe. An overwhelming 90% of undocumented transgender people experience workplace harassment and abuse, yet very few report any violations in fear of being "outed" twice.¹⁸¹

Due to the issues around securing and maintaining employment, undocumented LGBT people experience severe income inequality as well. While there is no data on the specific disparity, undocumented immigrants make \$14,000 less a year than the average income for U.S. born residents, and transgendered individuals experience a rate of poverty four times that of the general population.¹⁸²

Finally, undocumented LGBT immigrants are much more likely to forgo medical treatment, and are barred from accessing federal healthcare benefits, even at full price. But they experience higher risk of abuse, more occupational hazards and less protection in their jobs, higher risk for cancer, depression, and substance abuse disorders, and higher rates of HIV.¹⁸³

Despite economic insecurity, health disparities, and the consistent threat of detainment and deportation by the government, LGBT refugees do enjoy more freedoms than they did at home. That said, the community ties that many immigrants rely on to mitigate the isolation of being undocumented are often unavailable - and many must live in dual shadows, especially if they live in foreign-born communities where people tend to be more socially and religiously conservative than native-born Americans.¹⁸⁴

As an example, many Hispanic LGBT immigrants in the U.S. express the particular challenge of being a double minority, both sexually and ethnically. They are often forced to straddle two separate cultures in order to maintain ties with both communities, a term coined *mestiza*

¹⁸¹ (Burns et al., 2013)

¹⁸² (Burns et al., 2013)

¹⁸³ (Cawal, 2015)

¹⁸⁴ (de Leon, 2014)

consciousness where they inhabit a borderland between full acceptance from either group. (After all, mainstream LGBT culture is just as racist as Hispanic culture is homophobic.) Machismo culture and Christianity, which are such powerful determinants of gender rigidity in Latin American countries, are compounded by the minority status of American Hispanics, which can create an even stronger expectation of traditional values in the face of oppression. Gay men and women may be accused of being race traitors who have abandoned family solidarity due to the influence of looser American values.¹⁸⁵ And terms like *mariquita*, *maricon*, and *pajaro* (equivalents of *fairy* or *faggot*) are common insults in colloquial Spanish.¹⁸⁶

¹⁸⁵ (Acosta, 2008)

¹⁸⁶ (Ramos, 2011)

DACA

In 2012, the Obama administration introduced the **Deferred Action for Childhood Arrivals** program, which gave legal residence and work authorization to young undocumented immigrants brought to the U.S. before the age of 16 and who have lived in the country since 2007. An estimated 22% of undocumented immigrants are under the age of 18, and in 2016, 1.9 million people were eligible for DACA- 788,000 applicants were accepted.¹⁸⁷ All DACA recipients must renew their status every two years for a fee of \$465, and must either be in school, have graduated, or be honorably discharged from the military.¹⁸⁸

The benefits of the program are undeniable. 90% are gainfully employed, compared to 55.8% who had jobs before DACA. 72% are in higher education, and 92% report pursuing educational opportunities that would not have been possible before.¹⁸⁹ Recipients (but not other undocumented immigrants) are allowed in some states to apply for colleges and universities, and are eligible for in-state tuition and financial aid.

It is estimated that there are 75,000 LGBT Dreamers and that 36,000 have participated in the DACA program.¹⁹⁰ And for many queer recipients, DACA has meant the chance to live openly and authentically in a way that would never have been possible in their home countries.

On Tuesday, September 5, 2017, The Trump administration announced the cancellation of DACA, citing executive overreach with rhetoric typical of the anti-immigrant movement, blaming the presence of lawbreaking illegal aliens who steal jobs from native-born Americans and depress worker wages. Independent economists tend to disagree, claiming that the educated, high-skilled workers who make up the DACA program population have more capacity to add productivity to an already healthy job market that is in need of new workers (It is more complicated situation for the economy when it comes to undocumented, unskilled workers - experts believe the economy would ultimately benefit, but at the limited cost of job opportunities for low-skilled native-born Americans).¹⁹¹ Obama's response

¹⁸⁷ (Glum, 2017)

¹⁸⁸ (American Immigration Center, 2017)

¹⁸⁹ (Glum, 2017)

¹⁹⁰ (Conron & Brown, 2017)

¹⁹¹ (Kurtzleben, 2017)

to the announcement stressed fairness to a group of people who are in the United States through “no fault of their own”, and are just as American as anyone born here.¹⁹² As for popular opinion, 86% of Americans (And 75% of Republicans) support the passage of The DREAM ACT.¹⁹³

In January 2018, a federal judge temporarily blocked Trump’s executive order, and USCIS was forced to begin accepting applications for renewals (though no new applications are being processed). The administration tried to skip the federal appeals process by asking the U.S. Supreme Court to take up the case - but on February 26th, the high court refused the case, handing it back down to the 9th Circuit court of appeals, which is expected to hear several DACA-related cases over the summer. For the time being, recipients have a reprieve, and Congress has more time to strike a deal.

For LGBT people, losing protection through the DACA program would not simply mean the loss of opportunity to study and work in the United States, but the risk of deportation to foreign countries they’ve never known. Further, young people who have lived openly in the U.S. would be forced to go into hiding in certain countries.

The most frequent countries of origin for DACA recipients are **Mexico, El Salvador, Honduras, and Guatemala**. As discussed in Part One, survival for LGBT individuals in this part of the world is particularly precarious. It is no exaggeration that deportation could be a death sentence - the Northern Triangle and Mexico are currently experiencing an epidemic of gang violence that often falls on LGBT victims, and that local law enforcement officials, sometimes corrupted by gangs themselves, do little to prevent.¹⁹⁴ And as discussed, the legal

Top countries of origin for DACA recipients

Current DACA enrollees

	Total	%
Mexico	548,000	79.4
El Salvador	25,900	3.7
Guatemala	17,700	2.6
Honduras	16,100	2.3
Peru	7,420	1.1
South Korea	7,310	1.1
Brazil	5,780	0.8
Ecuador	5,460	0.8
Colombia	5,020	0.7
Argentina	3,970	0.6
Philippines	3,880	0.6
India	2,640	0.4
Jamaica	2,640	0.4
Venezuela	2,480	0.4
Dominican Republic	2,430	0.4

Note: Only refers to individuals who are active DACA recipients, as of Sept. 4, 2017. Figures rounded by USCIS. Only top 15 countries shown.

Source: U.S. Citizenship and Immigration Services.

PEW RESEARCH CENTER

¹⁹² (Shear & Davis, 2017)

¹⁹³ (Kendell, 2017)

¹⁹⁴ (Center for Migration Studies, 2017)

option for DACA recipients to apply for asylum is complicated by the unreasonable one-year application deadline. How a child who has recently moved to the United States and has no relationship yet to their sexual or gender identity could anticipate the necessity for future protection from persecution is anyone's guess.¹⁹⁵

¹⁹⁵ (Gruberg, 2017)

DETENTION

The mass detention of immigrants costs American taxpayers over \$2 billion a year, but is greatly incentivized for corporate profit. Congress requires Immigration and Customs Enforcement (ICE) to maintain a “bed quota” of 34,000 detainees a night - an arbitrary number that has increased steadily since 2009 with the growth of the private prison industry. ICE pays corporate prisons (which hold 73% of the nation’s immigrant detainee population) approximately \$157 a day, per person.¹⁹⁶ And as harsh criminal sentences for nonviolent criminal offenders have become less common, prisons have focused on the “growth area” of immigrant detention.

Today, the system holds over 40,000 people a day in over 250 facilities, and the Department of Homeland Security has recently announced that it plans to increase the number to 45,000.¹⁹⁷ As an example of how closely ICE and the private prison industry are united by profit, Daniel Ragsdale, the second in command at ICE, recently announced that he was leaving his job to work for GEO Group, the second largest prison company in the nation. It is now considered standard practice for these corporations to hire directly from the agencies they seek contracts with.¹⁹⁸ Worse, private prisons are far more likely to violate rules and standard practices than government-run facilities, which leads to much higher rates of violence, understaffing, and neglect. Detainees can spend years awaiting a hearing, usually without any legal representation, and often without basic sanitation and nutrition - a study by the Southern Poverty Law Center revealed repeated reports of filthy conditions, rotten and spoiled food, and physical and sexual assault by ICE officers.¹⁹⁹

¹⁹⁶ (National Immigrant Justice Center, 2018)

¹⁹⁷ (Southern Poverty Law Center, 2016)

¹⁹⁸ (Gibert, 2017)

¹⁹⁹ (Southern Poverty Law Center, 2016)

The circumstances for LGBT detainees are even more dire.

- Nonheterosexual people are *twice* as likely as their heterosexual peers to be sexually assaulted while in detention (assault of a trans woman is *15 times* more likely).²⁰⁰
- Trans individuals are gendered according to their anatomy or legal documentation, and are placed with the wrong populations, where they are singled out for sexual, physical, and psychological abuse by detainees and officers alike.²⁰¹ (6 in 10 trans people report sexual assault while in detention.)²⁰² In one incident at an Arizona facility, a trans woman was forced to drink an ICE officer's semen out of a styrofoam cup. He admitted to the abuse and spent two days in a county jail - she waited another five months in a cell with all men as she awaited her asylum decision.²⁰³ Another trans woman reports that ICE guards shaved her long, waist length hair and was told to "be a man" as they dumped buckets of cold water on her and threw her into a solitary cell.
- Often for protective purposes, LGBT detainees are placed in "administrative segregation" (a euphemism for solitary confinement).²⁰⁴ While the intent is to avoid the kind of abuse described, segregation can last up to 23 hours a day and bars detainees from library resources, outdoor recreation, and legal and counseling services that may be available to others. It also limits the time that one can visit with loved ones.²⁰⁵ 15 or more days of solitary confinement is considered a form of torture by the United Nations, and can create serious and irreversible psychological damage.²⁰⁶
- There are many reports of HIV+ detainees being denied life-sustaining medicine, resulting in sickness, and sometimes death. In the absence of antiretroviral drugs that suppress HIV and stop its progression into AIDS, the unsanitary and substandard conditions of a detention center puts these individuals at much higher risk for opportunistic infections.²⁰⁷

²⁰⁰ (Gruberg, 2017)

²⁰¹ (GLAAD, 2017)

²⁰² (Burns et al., 2103)

²⁰³ (Fusion, 2014)

²⁰⁴ (Cawal, 2015)

²⁰⁵ (Burns et al., 2013)

²⁰⁶ (United We Dream, 2015)

²⁰⁷ (Burns et al., 2013)

- Transgendered people are often denied specialized medical care and hormone replacement therapy, and are further discriminated against by transphobic medical personnel who will deny basic medical care for common sickness or injury.

In April 2012, ICE established its first GBT Pod in Santa Ana, California, which was an immigration detention center that exclusively held gay, bisexual, and transgendered detainees. Since then, immigrant rights organizations were able to build a strong and thriving network of support around the Southern California facility that was so successful that it convinced the city council to restrict its contract with ICE, ultimately creating an environment that made the detention center unviable.

Although this was seen as a victory by immigrant rights advocates, there has been a complicated consequence - GBT detainees have primarily been relocated to the Cibola County Correctional Center:



which now has the only unit in the country for current and future transgender detainees. It is a private prison in Milan, New Mexico - 80 miles west of Albuquerque and a 15 hour drive from Los Angeles. The networks, resources, and presence of grassroots efforts to support these detainees pales in comparison to the support that was available in California. While the length of detention and uncertainty about the future is reason enough for detainees to lose hope, their transfer to remote

locations with little local support and far less visitation opportunities can be devastating.²⁰⁸

Finally, it is possible for someone in detention to apply for parole before an immigration judge, contingent upon legal ID documents, their lack of threat to the community (no criminal record), and their commitment to appearing at all future hearings. But parole also requires that a detainee have a “sponsor” - a friend or relative in the U.S. who can provide food and housing. The implications for a LGBT immigrant vary, since it is much more likely that they have traveled alone and are escaping persecution as opposed to joining family and friends already in the country. In addition, any possible sponsor who is themselves undocumented will be more wary of being on ICE’s radar.²⁰⁹

²⁰⁸ (Rivas, 2017)

²⁰⁹ (Heartland Alliance, 2009)

culture shock (noun) - a condition of confusion and anxiety affecting a person suddenly exposed to an alien culture or milieu.²¹⁰

If someone has survived the long and difficult road from migration to legal residence in the U.S., there are still many considerations as to their successful integration into a new culture. It is important to remember that, just because someone may have left their home because it was dangerous, does not mean there isn't much about their lives that they will miss. They are bound to experience a sense of cultural bereavement, which can last for many years.²¹¹

Also, there is a profound contrast between a life of hiding and the new opportunity of freedom. As one lesbian woman from Ghana describes: *"Some of us are still hiding here. Mentally, we're still in Africa."* The psychological shift towards a new way of living in the world may be a long and complicated process.²¹²

The following section is by no means a comprehensive discussion of the various factors that may come into play as someone adjusts to a new life here.

- **Climate** - some immigrants from the southern hemisphere have never experienced the harsh temperatures of winter, let alone four distinct seasons. A good winter coat can be a first necessity.
- **Language** - the implications of a language barrier are obvious, and can affect every aspect of an individual's interactions.
- **Medical care** - it may be difficult to believe that a medical professional will be sensitive to one's gender or sexual identity after experiencing discrimination at home, nor will it feel immediately comfortable to talk about sexual health if it was something that was only regarded with shame or denial in other cultures. In the past, lying and non-disclosure was a survival tool, essential to get from one day to another. One must learn to build the confidence to advocate for their health.²¹³
- **Religious organizations** - Is a sponsoring agency that supports an asylee a religious one, and if so, will they use a gender and sexuality

²¹⁰ (American Heritage Dictionary, 2016)

²¹¹ (Clark, 2017)

²¹² (Ajara, 2018)

²¹³ (Trenchard, 2017)

lens through which to offer services? There is much-needed preventative and reproductive care that a Catholic charity, for example, would not recommend.

- **Drugs and alcohol** - Release from detention and/or escape from oppressive environments at home are cause for celebration. But some individuals might not have received proper education about the impacts and consequences of certain drug use. For example, a gay immigrant recently reported that, due to his complete inexperience with any mind-altering substances at home (even alcohol), he accidentally smoked crystal meth in his first week in New York City, thinking that he was smoking marijuana.²¹⁴
- **Sex education** - the same goes for sex if the individual is coming from a country where there is little to no acknowledgement of same sex behavior, let alone safe practices. (This topic requires more discussion below.)
- **Mental health** - many cultures (including our own) stigmatize mental illness to the point of shunning those perceived to be different, and in some countries, the concept of “mental health” doesn’t exist at all.²¹⁵ In others, the term is synonymous with “crazy”. An LGBT individual may have been portrayed as such in their home country, and may themselves be wary of entering therapy. A recently arrived asylee from Nigeria suggested that, when discussing mental health concerns with people from other cultures, it may be better to use words like *trauma*, *depression*, or *anxiety* that carry less cultural stigma.²¹⁶ In addition, after years of cumulative trauma, it may be their initial instinct to protect themselves by avoiding it altogether. Finally, some immigrants are frustrated by the the emotional response they get from therapists who are deeply moved by their harrowing experiences. Says one Syrian refugee: “If you are crying, you are not helping me. You need to make me feel stronger.”²¹⁷

²¹⁴ (Alsoleibi, 2017)

²¹⁵ (Clark, 2017)

²¹⁶ (Edafe, 2018)

²¹⁷ (Alsoleibi, 2017)

RECOGNIZING COMPLEX TRAUMA

“Language feels too bulky to speak to trauma. What happens when we open our mouths to speak it? Out comes dust. Blathering. A cry. A stammer. A circling, a return again and again to try to say what happened.”²¹⁸

-Dawn Lundy Martin

There is currently no diagnostic distinction in the DSM-V between **Posttraumatic Stress Disorder (PTSD)** that is caused by a single instance of trauma, and **Complex PTSD (C-PTSD)**, which is caused by prolonged, cumulative trauma over longer periods of time, usually within the context of specific relationships with trusted individuals, and during developmentally vulnerable times in the victim’s life.²¹⁹ An LGBT person’s “pre-flight” trauma may be overlooked due to a focus on the trials and tribulations of immigration.²²⁰ But is much more likely that an LGBT immigrant who has suffered discrimination, exploitation, sexual and physical abuse, or imprisonment prior to migration will experience complex trauma.

The simple form of PTSD will present with four primary symptoms that last for at least a month:²²¹

1. Intrusive thoughts related to the trauma (flashbacks/nightmares)
2. Avoidance of anything related to the traumatic event
3. Negative changes in beliefs and feelings
4. Hypervigilance, irritability, or difficulty sleeping

A person who is experiencing C-PTSD, however, will experience several additional difficulties:

1. Emotional regulation - persistent sadness, extreme anger, self-destructiveness, suicidal ideation
2. Consciousness - amnesia or dissociation
3. Self-perception - helplessness, shame or guilt
4. Interpersonal relationships - mistrust, isolation, or repeated attempts to find a rescuer
5. Finding overall meaning - loss of faith or sense of despair

²¹⁸ (Martin, 2017)

²¹⁹ (Firestone, 2012)

²²⁰ (Messih, 2017)

²²¹ (American Psychiatric Association, 2015)

6. Self harm
7. Substance abuse

Due to all of these additional symptoms and behaviors, it is very common for individuals to be misdiagnosed with borderline personality disorder. And although treatments for standard PTSD are commonly used for the more complex form, additional support such as in-depth psychotherapy is necessary.²²² For this reason, it is absolutely imperative that people who may be suffering from C-PTSD be referred to trauma-informed mental health services as soon as they are willing.

RACISM IN THE LGBT COMMUNITY

Imagine coming from a country where, despite your sexual minority status, you are of the racial majority. As racial dynamics are nothing but social constructions that are dependent upon the society that created them, a black African coming to the U.S. for the first time is, in effect, becoming “black” for the first time. And as xenophobic and nationalist rhetoric gathers strength in the American debate over immigration, racist voices have been louder, more persistent, and less taboo.

LGBT people of color were at the front lines of the Stonewall Riots in the summer of 1969, the major turning point in the fight for gay rights in America. But it is an unfortunate common perception that the LGBT community is primarily organized around the “cult of the white man” to the exclusion of everyone else under the queer umbrella. In a recent report on racism in the gay scene, 80% of black men, 79% of Asian men, and 75% of south Asian men claim they have experienced discrimination at the hands of white gay men.²²³ Middle Eastern gay men have increasingly reported experiences of being turned away from gay clubs, especially after the Pulse Nightclub massacre in Orlando, where the shooter was Muslim.²²⁴ On gay dating apps, blatant racism is “endorsed and defended under the guise of *preference*” where it is common for member profiles to shamelessly advertise with “*whites only*” or to reject a person of color with the caveat: “*sorry, not into black guys.*”²²⁵ Ironically, it is equally common for people

²²² (Croft, 2015)

²²³ (Jones, 2016)

²²⁴ (Jones, 2016)

²²⁵ (Pink News, 2012)

of color to be fetishized as mere sex objects, valued only for their physical attributes, and disembodied from their humanity.²²⁶ According to a black man describing his experience of gay dating apps:

*“I frequently receive messages where men express their interest in my “big, black dick” despite not knowing the size of my aforementioned appendage. Men often assume I “like it rough” without me telling them any of my preferences. A few men have even asked me to be their slave.”*²²⁷

SAFER SEX IN AMERICA

For some recently arrived LGBT folk, the anonymity of urban American cities without social ties to the past can be liberating and conducive to sexual exploration, where frequent access to multiple partners is now possible.²²⁸ It is also a chance to redefine what sex can mean to someone, if it only existed before in the most secretive of circumstances. According to a newly arrived gay refugee:

*“Syrian sex is 5-minutes, finish up, take your purse and leave. You have to make it quick, or someone will catch you.”*²²⁹

There is now an opportunity to explore sexual dynamics that are free of danger and constraints, but for some people, taboos still remain, and American notions of intimacy and transparency may seem very foreign. In addition, sex work is common among newly arrived LGBT immigrants, especially ones without work authorization:

*“Most of my gay friends from Syria went through it. You have to eat. You have to sleep.”*²³⁰

And as mentioned, drugs and alcohol are an inherent part of the gay “hookup culture” and can be attractive to someone who is relieved at their newfound freedom, and who also desires to fit in. But drug use can be especially dangerous for people with no prior exposure, and who are not

²²⁶ (San Pedro, 2008)

²²⁷ (Small, 2015)

²²⁸ (Bianchi, 2007)

²²⁹ (Alsoleibi, 2017)

²³⁰ (Clark, 2017)

prepared for how certain substances will affect their judgment. 2 out of 5 newly arrived gay immigrants are infected with HIV within their first three years.²³¹

Truvada, (or “Prep”, pre-exposure prophylactic) is a once-daily medication that prevents the transmission of the HIV virus. For newly arrived folk who are exploring their sexuality for the first time or engaging in sex work, this drug, along with instruction in how to properly use condoms and lubrication, is highly effective in protecting people from infection.

It is also important to note that in the state of New York, ALL people, regardless of immigration status, have a right to guaranteed health care at a Federally Qualified Health Center (FQHC). They also have the right to financial assistance, emergency medical care, emergency transportation, and free interpretation as well.

Visit www.findahealthcenter.hrsa.gov for locations.

One can apply for NY State Medicaid if they have a PRUCOL letter from a lawyer, verifying legal residence in the United States, while they await an asylum decision.

To find out which NYC programs someone may be eligible for, regardless of immigration status, visit <https://access.nyc.gov> or call 311.

²³¹ (Messih, 2017)

CONCLUSION

Here ends our exploration of too complex an issue to sum up in a mere 100 pages. It is my hope that this handbook has oriented the reader to the complexity and variability of factors that may influence the LGBT immigrant experience, and to put it into the global, historical, cultural, and psychosocial contexts that it lives. And yet, each individual that this report represents will hold entirely different experiences and beliefs.

May this information be used as a tool towards understanding, curiosity, and humility, as we confront a moment in American history where we must consider what values we defend, and how we can use our privilege in the world to make it a safer place for those who aren't so lucky.

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