



May 19, 2016

Simon Henshaw  
U.S. Department of State  
2201 C Street NW  
Washington, DC 20520

**Re: Notice of Public Comments on the FY 2017 U.S. Refugee Admissions Program (Public Notice 9528)**

On behalf of the Human Rights Campaign's more than 1.5 million members and supporters nationwide, I write in response to the Department of State's request for comments regarding the appropriate size and scope of the FY 2017 U.S. Refugee Admissions Program (Program). The Human Rights Campaign (HRC) appreciates that the Department of State (Department) has undertaken this important request for public comment.

As the nation's largest organization committed to equality for lesbian, gay, bisexual, and transgender (LGBT) people, HRC is concerned about the plight of LGBT refugees, who face enormous challenges around the world. From discrimination and bullying to violence and murder, LGBT people are among the most vulnerable individuals in the world. It is therefore essential that the United States continue to serve as a beacon of hope and safety for all people who face persecution, no matter who they are or whom they love.

In that light, we commend the Department for the work it has undertaken to keep our nation's doors open to refugees. We applaud the Department's leadership on these issues and the opportunity to provide comments that we hope will further strengthen the Program.

## **Data Collection**

Since 1975, the United States has welcomed more than three million refugees into the country.<sup>1</sup> In September 2015, Secretary of State John Kerry announced that the United States would increase the number of refugees admitted into the country to at least 100,000 refugees in FY 2017.<sup>2</sup> We welcome the Department's commitment to increase the number of refugees allowed to resettle in the United States.

Unfortunately, there are no definitive statistics on the number of LGBT refugees worldwide. Many LGBT refugees, who may be fleeing their homeland for a variety of reasons, do not disclose their sexual orientation or gender identity to officials processing their application for fear that they will suffer discrimination and harassment both at the hands of fellow refugees as well as from those who are assigned to help them. LGBT refugees who do disclose their sexual orientation or gender identity can face verbal, physical, or sexual abuse and too often suffer in silence for fear of further stigmatization.

The Department should commit to working with its partners in the resettlement process to provide a safe and supportive environment that encourages LGBT refugees to disclose who they are. The Department should also collect voluntary data on a refugee's sexual orientation or gender identity when entering the United States so that the Department can craft policies that will improve the lives of LGBT refugees.

## **Providing Sensitive and Supportive Resettlement in the United States**

Refugees undergo several layers of screening with UNHCR, the United Nations' refugee agency, and other organizations before entering the United States. Even if an LGBT refugee repeatedly discloses their sexual orientation or gender identity during the resettlement process, that information is not provided to refugee resettlement agencies in the United States during the refugee allocations process. Thus, a resettlement agency may resettle an LGBT refugee without particular sensitivity to LGBT concerns, or in an area

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<sup>1</sup> U.S. DEPARTMENT OF STATE, REFUGEE ADMISSIONS, <http://www.state.gov/j/prm/ra/> (last visited May 12, 2016).

<sup>2</sup> See U.S. DEPARTMENT OF STATE, CONGRESSIONAL PRESENTATION DOCUMENT, <http://www.state.gov/documents/organization/257056.pdf> (last visited May 12, 2016) and Remarks by John Kerry, Secretary of State, Joint Press Availability with German Foreign Minister Frank-Walter Steinmeier (September 20, 2015), <http://www.state.gov/secretary/remarks/2015/09/247077.htm>.

without a visible LGBT community or targeted services. It is essential that resettlement organizations are sensitive to LGBT people's unique needs and that refugees are settled in cities that can provide necessary support and services to LGBT people.

### **U.S. Refugee Admissions Program Priority System**

While the U.S. government allows UNHCR, U.S. embassies, and qualified non-governmental organizations (NGOs) to refer individuals directly to the Program for resettlement in the United States, known as a "P-1" referral, few qualified, trusted NGOs are authorized to do so. Most referrals are made through UNHCR. As a result, the process to admit refugees into the United States is painfully slow, often taking 18 to 24 months.<sup>3</sup> Increasing the number of NGOs authorized to make referrals is essential to alleviating long wait times.

Finally, we commend the Department for its recent policy change to allow a resettled refugee living in the United States the right to apply for their same-sex partner to join them under the Priority 3 ("P-3") family reunification program. While this is an important step forward, the current rule is overly burdensome for same-sex couples who often cannot marry in their country of origin, either due to legal restrictions or social stigma, and who must provide the Department with evidence of an ongoing relationship going back at least one year overseas in order to qualify for the program. Submitting such evidence may be unfeasible for couples who lived in a country where it could be dangerous to retain proof of a relationship, such as a photo album. Moreover, P-3 reunification is limited to a small number of countries, which leaves out many countries where being LGBT is particularly challenging, such as Uganda or The Gambia.

### **Recommendations**

We recommend that the Department consider the following when assessing the size and scope of the FY 2017 U.S. Refugee Admissions Program:

- Conduct more systematic data collection and analysis on the number of LGBT refugees entering the United States in order to identify solutions that will better

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<sup>3</sup>Allan Smith, *Why Middle Eastern Refugee Have to Wait an Astonishingly Long Time to Get into the US*, BUSINESS INSIDER (Sept. 14, 2015), <http://www.businessinsider.com/refugees-wait-a-long-time-to-get-into-us-2015-9>.

assist the federal government address the needs of LGBT refugees in the application process.

- Administer cultural competency trainings for NGOs that partner with the federal government to resettle LGBT refugees. Trainings will help combat the discrimination and harassment that some LGBT refugees face during the application process.
- Inform resettlement agencies of a refugee's LGBT status during the refugee allocations process so LGBT refugees are resettled in communities with LGBT-appropriate support and services. This information should only be disclosed if permissions is granted by the refugee, is transmitted securely, and will not risk retribution against the individual.
- Authorize a greater number of qualified, trusted NGOs with experience working with LGBT communities to make P-1 referrals. This could help alleviate the long wait times for LGBT refugees applying for resettlement.
- Allow P-3 applicants to provide proof of relationship that does not potentially place them in harm's way. In addition, expand P-3 eligibility to other countries where LGBT people face persecution.

We appreciate the opportunity to weigh in at this time. Please do not hesitate to reach out to us if we can serve as a resource for you going forward.

Sincerely,

A handwritten signature in cursive script that reads "David Stacy".

David Stacy  
Government Affairs Director