**THE CASE OF INSECURE HOUSING AND HOMELESSNESS AMONG LGBT ASYLUM SEEKERS IN THE UNITED STATES
Situation Brief
LGBT Asylum Support Task Force
10-28-2015**

**INTRODUCTION**

While the LGBT rights movement has been positive for LGBT Americans over the past few decades, the fight for equality is far from over. In the U.S. being LGBT can be grounds for losing a job, can make finding a place to live difficult, or can hinder full access to a range of social services. Because there is no federal non-discrimination law that protects LGBT individuals from discrimination, this protection is left up to individual States. Today, 28 states do not have non-discrimination laws to protect LGBT people from unfair treatment (ACLU 2015).

The remaining challenges for LGBT Americans are significant but pale in comparison to the situation in many places in the world. In over 76 countries, identifying as LGBT is a criminal offense that is punishable by fines, imprisonment and even death[[1]](#footnote-1). People who escape such danger may flee to the United States seeking opportunity and acceptance for who they are.

*In reality, the expectation that the United States will be a safe haven for an LGBT asylum seeker is often tarnished, and the most basic resources to survive are hard to find. Chief among the challenges faced by LGBT asylum seekers is finding adequate shelter and avoiding homelessness.*

The following sections address the major drivers of housing insecurity and homelessness among LGBT asylum claimants in the United States:

**UNIQUE CHALLENGES AMONG LGBT ASYLUM SEEKERS**

**(1) A Lengthening** **U.S. Asylum Process Leads to Housing Insecurity**

The LGBT asylum process is lengthy, requires expert legal assistance, and is psychologically grueling for victims of trauma. Since 1994, when the first LGBT asylum claims were allowed in the U.S., the legal resources needed to win an asylum have remain exorbitantly great. Claimants must prove that their country condition is unsafe, and that they themselves are LGBT and face imminent persecution. The facts that build a case are often extremely personal and take time to prove through contact with former family, friends and employers often from the country of origin. The time it takes to build a case for asylum can take months but most be done within a year of entering the United States according to U.S. Asylum law. In the past, after filing a claim, asylum seekers could wait up to several months for a hearing with an immigration officer. Now, because of an overwhelmed immigration system, waiting for a hearing can take years.

In order to avoid homelessness, LGBT Asylum seekers commonly apply for a permit to work while they wait for their case to be adjudicated. This permit is available only after 180 days of their case’s submission and takes an additional 90 days to process and deliver the social security card. With this work permit and social security number asylum seekers can find limited employment opportunities and access some social services. However, the reality of the situation is still far from a hopeful picture of freedom and equality that the U.S. seemed to promise. Nearly all asylum seekers are in poverty, live in inadequate housing and have limited mobility and access to information.

**(2) Diaspora Re-ignites Discrimination and Homelessness**
It is common for immigrant communities to seek the support of their diaspora. But, for the LGBT asylum seeker, accessing the support of people from their home country living in the United States is challenging and even dangerous. In dozens of cases documented by the LGBT Asylum Support Task Force, asylum seekers may stay , for example, with fellow Ugandans or Jamaicans only to be subjected to the abuse and discrimination from which they had originally fled. Case 1, documents the threat of living with people from an asylum seeker’s country of origin.

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| **Ronald: From Kampala to the Street**Ronald fled Kampala, Uganda because he was violently attacked by an organized mob because he was gay. Knowing that the refugee camps in Kenya were not a safe option, he was lucky enough to come to the United States through his job to attend a conference. While here, he realized he could not return home and began looking into asylum. After his conference ended, he had to live with a friend in Los Angeles while he researched the customs and immigrations system of the United States. A few weeks into his stay, his friends, recent immigrants from Uganda, discovered he was gay and gave him 48 hours to get out of their home. Ronald heard about the LGBT Asylum Task Force through a gay Ugandan friend and was able to buy a ticket to Boston. Again, without enough money to stay in a hotel, Ronald connected with an old friend’s family from university and took shelter with them. In a similar chain of events, his second Ugandan host family discovered he was gay and kicked him out of the house. This time without warning and in the dead of winter. Ronald was left on the street with just a bag of belongings. He luckily found a warm place to stay through the LGBT Asylum Support Task Force’s community of support.**Firenza: Riches to Rags**Firenza was born into an influential Ugandan political family. At age 17 she confessed to her mother she was not interested in boys, but in girls. Her mother responded by picking up a boiling teakettle and pouring it over her daughter’s legs. Firenza’s family later married her against her will to a man whose nightly marital rapes resulted in 2 children; though she abhorred him, she loves her children deeply. Firenza lived in a beautiful home with maids, cars, and social position. Living a lie was unsustainable however. Firenza joined an LGBT activist organization. She fell in love. The police arrested her and her sweetheart. Guards, then other prisoners were encouraged to rape the “queers” with impunity. As a result of their brutality, Firenza will need reconstructive surgery on her vaginal, urinary, and anal tracts. She is in constant pain. She eventually bribed her way out of prison, made it to the USA and became nanny to a Ugandan family. That family discovered Firenza’s sweetheart on her phone and imprisoned Firenza as a virtual slave, with very little food. Firenza was finally able to make a desperate call to the LGBT Asylum Support Task Force. They picked up a trembling and weak Firenza while her “keepers” were out, and removed her to safety. She had no money and no way to get any. The Task Force is now housing Firenza and giving her a stipend for food until she can receive her work permit. **Other Asylum Seekers:** The LGBT Asylum Support Task Force has thus far helped over 100 asylum seekers from 14 countries. In nearly every case, homelessness and hunger have been their first concern. The “lucky ones” moved from sofa to sofa as temporary guests of people who threw them on the streets if they learned the guest is LGBT; the least lucky were sleeping in bus stations, or trying to find safety in homeless shelters that are sometimes more dangerous to an LGBT person of color than the streets.  |

**(3) Discrimination Against LGBT People Is Still Legal in 28 States:**

While discrimination against LGBT Americans is wrong and allowable in 28 states, discrimination against LGBT asylum seekers can lead to extreme conditions of acute poverty and homelessness[[2]](#footnote-2). In a study completed in 2009 by Refugee Support, interviewed 40 LGBT asylum seekers and found the following housing conditions to be common among them:

* LGBT asylum seekers are exceptionally transient, often experiencing ‘hidden homelessness’ as they stay for short and indeterminate periods with friends and acquaintances
* They face insecurity from blackmail and in some cases lose their sources of income or housing when their sexuality or gender identity is exposed
* Many LGBT asylum seekers are mistrustful of police and reluctant to report abuse, and
* They cannot rely on their respective national or ethnic communities for support because they fear anti-LGBT reprisals from them[[3]](#footnote-3).

While these experiences are anecdotal they are powerful and point clearly to heightened vulnerability among LGBT asylum seekers.

 **POLICY RECOMMENDATIONS:**

LGBT asylum seekers face an array of unique challenges during the asylum process that adversely affect security of tenure and adequacy of housing. Seemingly insurmountable, asylum seekers are challenged to find ways to keep a roof over their heads, and stay warm and healthy through the drawn out asylum process. Why must it be so difficult for LGBT asylum seekers? Do people that have fled the threat of imprisonment, torture, or death have to be subjected to the most vulnerable and unsupportive environments in the United States? The following recommendations are meant to begin a discussion around targeted policy changes to improve the living conditions for LGBT asylum seekers:

1. Abolish the One Year Filing Deadline: Recently supported by the Center for American Progress (a leading U.S. think tank), ending the one year filing deadline would allow asylum seekers to adjust, in a healthy manner, to the lived experience of actually identifying publically with their sexual orientation or gender identity. It would also allow them time to gather evidence and connect with the right legal support to build the strongest case possible in their defense.
2. Expedite the Asylum Process Once A Claim is Filed: The dramatically longer waiting time from when a claim is filed and actually heard creates a cascade of vulnerability for LGBT asylum seekers and makes finding secure tenancy almost impossible. Hiring more well-trained immigration officers could expedite this process, or acknowledging the uniquely challenging situation that many LGBT asylum seekers are in, and making their cases of priority.
3. Provide Federal Support for LGBT Asylum Seekers: Refugee Cash Assistance (RCA) should be provided to LGBT asylum seekers once their claim has been filed, and throughout the application process. This support, routinely provided to refugees, is often crucial for security of tenure. Extending this support to all LGBT asylum seekers throughout the lengthy, delayed application process would, at a minimum, provide asylum seekers a chance to have a safe place to live.

 **NEXT STEPS:**

Asylum Seekers often go from a place of violence to another place of vulnerability, navigating an asylum process that can take years to resolve. While Asylum Seekers face incredible obstacles to living stable, happy lives as LGBT people, they are still the fortunate ones. Over 90% of people who wish to find asylum in a country that welcomes LGBT people are either living indefinitely in refugee camps, or in hiding. The global crisis related to violence and discrimination against LGBT people is, in many places, only becoming more acute.

**A Call To Action:** Now is the time to act. We must make the stories heard of asylum seekers, of their challenges and of their successes in finding asylum and becoming productive members of their new country and society. A *call to action* is needed among the dispersed but critical network of LGBT asylum support organizations to make the demands for change that are overdue for these communities of LGBT people hoping for a better life in the United States. The UNHCR, the federal government, and state and local authorities should be creating a safety net for these vulnerable populations and helping them integrate into society with all the social, financial, and political resources available to refugees. Asylum seekers have a legal right to seek asylum; let us ensure they can survive and thrive in their new milieu and receive the respite from fear and violence they deserve.

1. U.N. Commission on Human Rights, “Report of the United Nations High Commissioner for Human Rights on Discriminatory Laws and Practices and Acts of Violence against Individuals based on their Sexual Orientation and Gender Identity” (2015) [↑](#footnote-ref-1)
2. ACLU (2015): Non-discrimination Laws State by State, <https://www.aclu.org/map/non-discrimination-laws-state-state-information-map> [↑](#footnote-ref-2)
3. Julie Fish (2012) *Social Work with Lesbian, Gay, Bisexual and Trans People: Making a Difference*, Policy Press [↑](#footnote-ref-3)