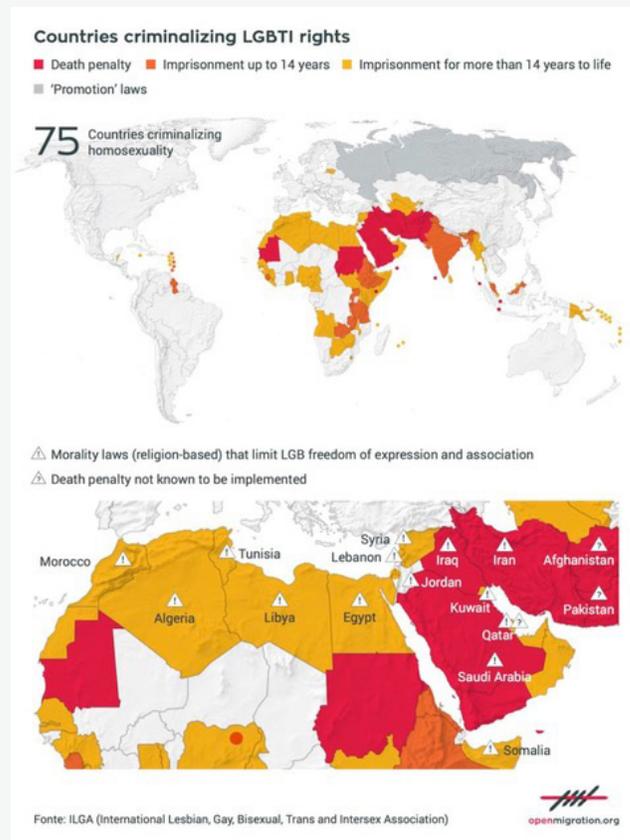


# Protecting and Advocating for Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) Asylum Seekers



Every year, EBSC provides legal assistance and psychological support to 300+ LGBTI people fleeing violence and persecution in their home countries.



<http://openmigration.org/en/analyses/the-double-stigma-of-lgbti-refugees/>

## Why do LGBTI people seek political asylum?

- Laws have been passed in 17 countries (such as Russia) that limit LGBTI freedom of expression. 75 countries worldwide criminalize homosexuality. In 14 countries, being gay can lead to a life sentence in prison. In 13 countries, homosexuality is punishable by death. <sup>1</sup>
- In countries that recently recognized same sex marriage, such as Mexico, there are backlashes of violence against LGBTI people, including homicide. <sup>2</sup>
- Police in many countries are among the most intolerant of the gay community; making a police report can bring additional violence and trauma.
- Many LGBTI people suffer violence on a regular basis from society and/or their own families. Many are disowned by their families and forced to move, facing incredible financial and emotional hardship. Others risk losing their jobs or their children if their sexual orientation or gender identity are discovered.

<sup>1</sup> <http://openmigration.org/en/analyses/the-double-stigma-of-lgbti-refugees/>

<sup>2</sup> Yucatan Ranks Fourth Place in Homophobic Crimes in the Nation, [www.yucatanahora.com](http://www.yucatanahora.com) (Jan. 19, 2011).

# What is the U.S. asylum process like for LGBTI people?

Attaining asylum is a complex and difficult journey. Even if their claim is successful, LGBTI refugees are forced to confront the reality of a country that can often be homophobic and hostile to immigrants and people of color. Moreover, many LGBTI people – even in the Bay Area – do not have the support of their family or religious community due to lack of acceptance of their sexual orientation or gender identity, making the experience even more isolating.<sup>3</sup> If detained, trans people face greater danger than cisgender immigrants, including increased risk for sexual assault while in detention.<sup>4</sup> To apply for asylum, LGBTI people must go through a rigorous process of retelling painful experiences of abuse and persecution; this process itself can be extremely traumatizing for survivors. Being “out” and “visible” is necessary to prove an asylum case, but this can also put people at risk for additional violence.

## How does EBSC help?

Since filing its first LGBTI asylum case in 2004, EBSC has helped over 1,700 LGBTI people receive asylum. EBSC helps LGBTI asylum seekers obtain free or low-cost psychological evaluations and serves as fiscal sponsor for OLAS, a community support program for LGBTI immigrants from Latin America. EBSC also makes referrals to other LGBTI organizations for ongoing support, medical treatment, and other needs.



## OLAS LGBTI Sanctuary Project

<http://www.olas-sanctuary.org/>

*“It helps me to be in an LGBTI community of immigrants and share our experiences since I am very isolated in my day-to-day life.” – OLAS participant*

OLAS was founded in 2014 to support LGBTI immigrants from Latin America who are seeking asylum in the U.S. due to experiences of violence and discrimination in their countries of origin. Many suffer from Post Traumatic Stress Disorder, clinical depression, or anxiety disorders and often do not have the support of family or church. OLAS facilitates workshops and retreats in the Bay Area and the Central Valley. Led by bilingual, qualified mental health professionals, events focus on community building and healing from trauma through group support, meditation, and the arts. Events are offered at a nominal cost, with no one turned away for lack of funds.

## Highlight on Transgender Asylum Seekers

While all LGBTI people face discrimination, transgender asylum seekers may be especially visible and vulnerable to harassment and persecution. Trans people are especially vulnerable in detention centers, where they may not have access to necessary medication, such as hormone treatment, and often experience higher amounts of abuse.<sup>5</sup>

## Rita’s Story

“Rita” was born in Mexico and was physically, emotionally, and sexually abused by relatives and a neighbor. She also received verbal abuse from classmates and coworkers for being an effeminate boy. A few years ago, while walking with a transgender friend and wearing a dress herself, Rita was abducted and raped by three policemen in Mexico. She fled to the U.S. and began to clean houses for a living. She suffered abuse from her boyfriend, who threatened to harm her if she returned to Mexico. Three years ago, Rita found out about EBSC and started the process for asylum. It was the first time she had disclosed some of the abuse she had suffered. Rita was granted asylum and is currently receiving treatment to transition. She is excited to advance her career in the airline industry now that she has permanent legal status.

<sup>3</sup> [http://www.slate.com/blogs/outward/2017/06/28/for\\_lgbtq\\_refugees\\_to\\_the\\_u\\_s\\_newfound\\_visibility\\_can\\_be\\_problematic.html](http://www.slate.com/blogs/outward/2017/06/28/for_lgbtq_refugees_to_the_u_s_newfound_visibility_can_be_problematic.html)

<sup>4</sup> A Government Accountability Office report (2013) found that one-fifth of confirmed sexual assault cases between 2009 and 2013 in detention facilities involved trans immigrants (Slate.com).

<sup>5</sup> <http://remezcla.com/features/culture/road-to-asylum-for-transgender-immigrants/> and <https://www.hrw.org/report/2016/03/23/do-you-see-how-much-im-suffering-here/abuse-against-transgender->

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