

To be a global leader of human rights, the US must do more for LGBTI asylum seekers

By Ari Shaw

In October, 29 LGBTQI refugees [arrived in the UK](#) from Afghanistan, where the newly resurgent Taliban government has declared that LGBTQI human rights would not be respected under Sharia law. According to human rights groups, since the U.S. military withdrawal in August, the Taliban have generated a “kill list” of LGBTQI Afghans. Memories of anti-LGBTQI violence under the previous Taliban regime have led to a [flood of requests](#) to organizations like Rainbow Railroad that assist in resettling LGBTQI refugees.

Afghanistan is by no means the only country in the world where it is dangerous to be LGBTQI. Despite advances on LGBTQI rights in many countries over the past two decades, homosexuality remains [criminalized](#) in nearly 70 countries, and laws that [criminalize transgender people](#) are on the books in 13.

Even where laws do not exist that formally outlaw consensual same-sex conduct, LGBTQI people may still face stigma, persecution, and violence that cause them to seek refuge in another country.

According to the latest [Global Acceptance Index](#) (GAI) from the Williams Institute at UCLA School of Law—a measure of public support for LGBTQI people and their rights across 175 countries—social acceptance of LGBTQI people has decreased in 57 countries since 1980. While many countries have seen advances in LGBTQI rights and greater social acceptance of LGBTQI people during that time, a majority have either declined in public support for LGBTQI people or experienced no increase in support at all. This results in an ever-polarized world in which the most accepting countries become more accepting of LGBTQI people, while the least accepting become even less accepting.

Public attitudes towards LGBTQI people are important for understanding the violence and exclusion that LGBTQI people face in many aspects of their daily lives. Negative beliefs about LGBTQI people are linked to [discrimination](#) in employment, education, housing, and other dimensions of social and civic life, and these shared negative beliefs create stigmas that can be used to provoke and sanction violence and persecution on the basis of a person’s real or perceived sexual orientation or gender identity.

For LGBTQI people caught in such unaccepting countries, the decision to seek refuge is often one of life or death, and many of the [31 million refugees and asylum seekers](#) in the world today are LGBTQI.

According to a [recent analysis](#) of government data by the Williams Institute, an estimated 30,900 LGBTQI people claimed asylum in the United States between 2012-2017. This likely undercounts the actual number of LGBTQI asylum seekers because many LGBTQI people may fear coming out to asylum officials or other refugees or family members with whom they are traveling. Moreover, existing data that is publicly available do not include asylum seekers who were refused entry at the border or those who were placed into removal proceedings without the opportunity to claim asylum during fear interviews.

According to our analysis, the majority of LGBTQI people seeking asylum came from the Northern Triangle region of Central America: Honduras, Guatemala, and El Salvador. All three of those countries, according

to the GAI, have seen a decline in acceptance of LGBTQI people since 2009. But as LGBTQI people face less acceptance and more discrimination in many parts of the world, the U.S. is likely to see more LGBTQI people seeking refuge from other countries as well.

In a [Presidential memorandum](#) from February 2021, President Biden explicitly prioritized the advancement of LGBTQI rights as a pillar of U.S. foreign policy and development assistance, including the protection of LGBTQI refugees and asylum seekers. In recent statements, both Secretary of State [Antony Blinken](#) and USAID Administrator [Samantha Power](#) have echoed that commitment and pledged to implement “inclusive” policies to that end.

It is paramount that the Biden administration fulfills that commitment by doing its fair share in admitting refugees and asylum seekers—including Afghan refugees facing [imminent violence and persecution](#)—and ensuring appropriately trained border staff, asylum officers, and immigration judges understand the particular barriers facing LGBTQI migrants. To ensure the health and safety of LGBTQI migrants, it is also critical that demographic questions about sexual orientation, gender identity, and sex assigned at birth be included in all intake forms. The Department of Homeland Security and the Department of Justice must also record the grounds for asylum in electronic databases that are made available to the public.

International Human Rights Day is a reminder that LGBTQI rights are human rights. This week, President Biden hosted the Summit for Democracy, with a focus on advancing human rights. If the U.S. wants to be a leader in democracy and human rights abroad, it needs to ensure it is doing the same for LGBTQI asylum seekers and refugees at home.