



IMPACT OF MASS DEPORTATIONS

on LGBT People

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In his first week in office, President Trump followed through on his campaign language¹ related to mass deportation of immigrants. He signed over a dozen immigration-related executive orders and other policy directives, including orders declaring a national emergency at the Southern border,² ordering the armed services to seal the border,³ ending birthright citizenship,^{4,5} restoring his prior administration's "remain in Mexico policy" for asylum seekers,⁶ terminating the CPB One immigration app and humanitarian parole for asylum seekers,⁷ directing federal officials to take actions against state and local jurisdictions that do not cooperate with his immigration policies,⁸ and allowing ICE officers to conduct raids in sensitive locations like medical offices, schools, and churches without clearing it with a supervisor.⁹ By the end of his first week in office, as many as 1,500 active-duty troops had already been dispatched

¹ Ximena Bustillo, *Trump Signs Sweeping Actions on Immigration and Border Security on Day 1*, NPR (Jan. 20, 2025, 9:41 PM), <https://www.npr.org/2025/01/20/g-s1-43650/trump-inauguration-day-one-immigration>.

² *Declaring a National Emergency at the Southern Border of the United States*, THE WHITE HOUSE (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/declaring-a-national-emergency-at-the-southern-border-of-the-united-states/>.

³ *Securing Our Borders*, THE WHITE HOUSE (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/securing-our-borders/>.

⁴ *Protecting the Meaning and Value of American Citizenship*, THE WHITE HOUSE (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-meaning-and-value-of-american-citizenship/>.

⁵ Currently, the challenge to birthright citizenship has been temporarily blocked by a federal district court. See Mike Catalini & Gene Johnson, *A Federal Judge Temporarily Blocks Trump's Executive Order Redefining Birthright Citizenship*, ASSOC. PRESS (Jan. 23, 2025, 3:47 PM), <https://apnews.com/article/birthright-citizenship-donald-trump-lawsuit-immigration-9ac27b234c854a68a9b9f8c0d6cd8a1c>.

⁶ Ted Hesson et al., *Trump Administration Says It Is Reinstating 'Remain in Mexico' Program*, REUTERS (Jan. 21, 2025, 5:58 PM), <https://www.reuters.com/world/americas/trump-administration-reinstating-remain-mexico-program-2025-01-21/>.

⁷ The White House, *supra* note 3.

⁸ *Protecting the American People Against Invasion*, THE WHITE HOUSE (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/>.

⁹ Luke Barr & Julia Reinstein, *Trump Authorizes ICE to Target Courthouses, Schools and Churches*, ABC NEWS (Jan. 22, 2025, 7:49 AM) <https://abcnews.go.com/Politics/trump-authorizes-ice-target-schools-churches/story?id=117954409>.

to the U.S.-Mexico border,¹⁰ hundreds of immigrants had been arrested, and U.S. military C-17 aircraft began deporting migrants in what the Trump Administration is calling “the largest deportation operation in U.S. history.”¹¹

In this way, President Trump’s second administration has continued and extended his first administration’s immigration policies.¹² LGBT people who are not U.S. citizens, including those who are undocumented, will be disproportionately impacted by these proposed changes. This brief provides a snapshot of LGBT people living in the U.S. who are not U.S. citizens by relying on official statistics from the National Crime Victimization Survey (NCVS), 2022-2023, and the 2023 American Community Survey (ACS). The NCVS is a nationally representative survey that includes information about LGBTQ people, whether or not they have been victims of a crime, as well as being one of the primary sources of non-fatal crime in the United States. Since 2017, the survey has documented citizenship status, sexual orientation, and gender identity. Estimates using these data are nationally representative of the U.S. population aged 16 years or older.¹³

LGBTQ PEOPLE IN THE US WHO ARE NOT CITIZENS

The 2023 ACS survey data estimate that approximately 45.5 million people aged 16 years or older in the U.S. are foreign-born, of whom about half (47%) are not naturalized citizens. According to the NCVS 2022-2023 and a previous Williams Institute study,¹⁴ up to 3% of non-U.S. citizens identify as LGBT, which translates to as many as 640,000 LGBT people who could potentially be affected by the changing policy landscape.¹⁵

Using NCVS data, we estimate that 3.0% of LGBT people in the U.S. are not U.S. citizens.

Further, the Pew Research Center found that approximately half of immigrants in the U.S. who are not U.S. citizens were unauthorized immigrants.¹⁶ This suggests that, of the LGBT non-citizens, up to 288,000 are undocumented.¹⁷ Immigrants without documentation, including those who are LGBT, are among the most likely to be impacted by the immigration policies of the Trump administration.

¹⁰ Lolita C. Baldor & Tara Copp, *Pentagon Is Sending 1,500 Active Duty Troops to Help Secure the US-Mexico Border*, ASSOC. PRESS (Jan. 22, 2025, 3:51 PM), <https://apnews.com/article/troops-border-deploy-active-duty-09324578d2b89db5c44e0ba08f42df47>.

¹¹ Sara Dorn, *Everything To Know About Trump’s ‘Mass Deportation’ Plans: ICE Tops 1,000 Daily Arrests*, FORBES (Jan. 28, 2025, 10:41 AM), <https://www.forbes.com/sites/saradorn/2025/01/24/deportations-have-started-white-house-says-everything-to-know-about-trumps-plan/>.

¹² Drishti Pillai & Samantha Artiga, *Expected Immigration Policies Under a Second Trump Administration and Their Health and Economic Implications*, KAISER FAM. FOUND. (Nov. 21, 2024), <https://www.kff.org/racial-equity-and-health-policy/issue-brief/expected-immigration-policies-under-a-second-trump-administration-and-their-health-and-economic-implications/>.

¹³ The NCVS interviews all persons in households aged 12 or older, but sexual orientation and gender identity are only asked of people aged 16 or older.

¹⁴ Shoshana K. Goldberg & Kerith J. Conron, *LGBT Adult Immigrants in the United States*, THE WILLIAMS INST. (Feb. 2021), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Adult-LGBT-Immigrants-Feb-2021.pdf>.

¹⁵ Our lower bound of this estimate is 1.5% or 320,000 LGBT people.

¹⁶ Jeffrey S. Passel & Jens Manuel Krogstad, *What We Know About Unauthorized Immigrants Living in the U.S.*, PEW RSCH. CTR. (July 22, 2024), <https://www.pewresearch.org/short-reads/2024/07/22/what-we-know-about-unauthorized-immigrants-living-in-the-us/>.

¹⁷ This estimate has a lower bound of 144,000 LGBT people who are undocumented.

PARTICULAR VULNERABILITIES FOR LGBTQ NON-CITIZENS IN THE US

LGBT immigrants have specific vulnerabilities that are different than those of many of their non-LGBT counterparts. Some immigrants, with or without legal authorization, arrive in the U.S. fleeing sexual orientation- or gender identity-based persecution in their home countries. A previous Williams Institute study analyzed fear claims heard by the United States Citizenship and Immigration Service¹⁸ to understand applications for asylum in the U.S. based on LGBT status.^{19,20} The Williams Institute estimated that 1.2% of credible fear interviews²¹ and 1.7% of reasonable fear interviews²² were related to LGBT status. Notably, nearly all claims based on LGBT status (98.4%) were found by immigration officials to present a credible or reasonable fear of persecution or torture.

Depending on their country of origin, LGBT people who are deported could face persecution and violence in their home countries.²³ Consensual same-sex sexual acts are criminalized in 61 countries worldwide. The death penalty is a legal punishment for same-sex sexual acts in at least seven of these countries.²⁴ Countries that criminalize put LGBT people at risk of extrajudicial violence, blackmail, and extortion, as well as prosecution, incarceration, fines, corporal punishment, and death.^{25,26} Policies that result in increased deportations could put LGBT people whose home countries criminalize their identities and their relationships at risk of violence and unsafe conditions.

In addition to the threats caused by potential deportation, LGBT immigrants who are detained risk spending an indefinite time in immigration detention. The United Nations High Commission on Refugees (UNHCR) has noted that those held in U.S. immigration detention centers face inadequate nutrition and unsafe drinking water, limited access to medical services, the improper use of solitary confinement, and overall substandard living conditions, all of which fail to meet minimum standards under international law.²⁷ Research has documented harsh and unsanitary living conditions, failures to protect against sexual and physical violence, and disproportionate use of solitary confinement for LGBT immigrants in U.S. detention, as well as refusals to provide necessary medications for

¹⁸ Fear claims are categorized and assessed as either “credible fear” or “reasonable fear” of persecution or torture. The difference depends on the pathway with which they reach an asylum officer.

¹⁹ Ari Shaw et al., *LGBT Asylum Claims in the United States*, THE WILLIAMS INST. (Mar. 2021), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Asylum-LGBT-Claims-Mar-2021.pdf>.

²⁰ Another Williams Institute comprehensive review identified the research and data needs to understand LGBTQ refugees and asylum seekers. See Ari Shaw & Namrata Verghese, *LGBTQI+ Refugees and Asylum Seekers: A Review of Research and Data Needs*, THE WILLIAMS INST. (June 2022), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBTQI-Refugee-Review-Jul-2022.pdf>.

²¹ These are interviews conducted when entering the country where officials have determined the asylum seeker has a credible fear and will likely succeed in their claim.

²² These are interviews that occur at the individual’s request when an individual has been ordered to be removed from the United States.

²³ Clara Mora, “Shoot Them!” *The Trump Administration’s Immigration Policy and Its Effect on LGBTI Migrants and Asylum Seekers*, 34 GEO. IMMIGR. L.J. 121 (2019).

²⁴ *Legal Frameworks: Criminalisation of Consensual Same-Sex Sexual Acts*, ILGA WORLD, <https://database.ilga.org/criminalisation-consensual-same-sex-sexual-acts> (last visited Jan. 29, 2025).

²⁵ *About LGBTI People and Human Rights*, THE OFF. OF THE HIGH COMM’R FOR HUM. RTS., <https://www.ohchr.org/en/sexual-orientation-and-gender-identity/about-lgbti-people-and-human-rights> (last visited Jan. 29, 2025).

²⁶ Kellyn Botha, *Our Identities Under Arrest: A Global Overview on the Enforcement of Laws Criminalising Consensual Same-Sex Sexual Acts Between Adults and Gender Diverse Expressions*, 2nd ed., ILGA WORLD (Nov. 2023), https://ilga.org/wp-content/uploads/2023/12/Our_Identities_Under_Arrest_2023.pdf.

²⁷ United Nations High Commissioner for Refugees, *UNHCR’s Views on the Detention of Asylum Seekers: Using International Law to Advocate Against Detention of Individuals Seeking Protection in the U.S.* (Sept. 2022), <https://www.unhcr.org/us/sites/en-us/files/legacy-pdf/631f449d4.pdf>.

transgender immigrants and for people living with HIV, including those who are LGBT.^{28,29,30,31} Guidelines from the United Nations High Commission on Refugees (UNHCR) explicitly call for treating LGBTQ+ and disabled immigrants seeking asylum as members of vulnerable groups, with particular attention to their safety.³²

LGBTQ PEOPLE WHO ARE UNDOCUMENTED: FINDINGS FROM CALIFORNIA

Over one-third of LGBT immigrants live in California.³³ Previous Williams Institute reports analyzed the 2015-2021 California Health Interview Survey documenting the characteristics and well-being of LGBT immigrants from Latin America without permanent residency status (known as a “green card”) and Asian LGBT non-citizen immigrants in California.³⁴ Notably, LGBT immigrants in California from Latin America without green cards were older, less educated, less economically resourced, more often uninsured, and not receiving routine health care compared to U.S.-born LGBT citizens. Among Asian LGBT non-citizens in California, 85.5% were in the workforce, but 31.0% were living under 200% of the federal poverty level. Compared to Asian non-LGBT non-citizens, Asian LGBT non-citizens had higher rates of psychological distress.

These particular disparities, while only representative of California, hold broad implications. Increases in deportations and racialized policing adversely affect the health and well-being of immigrant populations.³⁵ In such a climate, immigrants avoid police, medical services,³⁶ and places of education.³⁷ President Trump’s immigration-related Executive Order³⁸ and reversal of guidance that will permit arrests by Immigration and Customs Enforcement and Customs and Border Patrol in sensitive locations such as churches and schools³⁹ will likely result in greater disparities in well-being and further avoidance of schools, medical facilities, and police protection services.

²⁸ Liza Doubossarskaia et al., “No Human Being Should Be Held There”: The Mistreatment of LGBTQ and HIV-Positive People in U.S. Federal Immigration Jails, IMMIGR. EQUAL. (June 2024), <https://immigrationequality.org/wp-content/uploads/2024/06/No-Human-Being-Should-Be-Held-There-THE-MISTREATMENT-OF-LGBTQ-AND-HIV-POSITIVE-PEOPLE-IN-U.S.-FEDERAL-IMMIGRATION-JAILS.pdf>.

²⁹ Carlos E. Gerena, *Clinical Implications for LGBT Asylum Seekers in U.S. Detention Centers*, 34 J. GAY & LESBIAN SOC. SERV. 489 (2022).

³⁰ Laura P. Minero et al., *Latinx Trans Immigrants’ Survival of Torture in U.S. Detention: A Qualitative Investigation of the Psychological Impact of Abuse and Mistreatment*, 23 INT’L J. TRANSGENDER HEALTH 36 (2021).

³¹ Channele Diaz et al., *Harmful by Design—a Qualitative Study of the Health Impacts of Immigration Detention*, 38 J. Gen. Internal Med. 2030 (2023).

³² United Nations High Commissioner for Refugees, *Detention Guidelines: Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention*, THE UN REFUGEE AGENCY, <https://www.unhcr.org/us/media/unhcr-detention-guidelines> (last visited Jan. 22, 2025).

³³ M Valle Pease et al., *Asian LGBT Non-Citizen Immigrants in California*, THE WILLIAMS INST. (Nov. 2023), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Asian-LGBT-Immigrants-Nov-2023.pdf>.

³⁴ *Id.*

³⁵ Vanessa Cruz Nichols et al., *Policing Us Sick: The Health of Latinos in an Era of Heightened Deportations and Racialized Policing*, 51 PS: POL. SCI. & POL. 293 (2018).

³⁶ Maria Elena De Trinidad Young et al., *Beyond “Chilling Effects”: Latinx and Asian Immigrants’ Experiences with Enforcement and Barriers to Health Care*, 61 MED. CARE 306 (2023).

³⁷ Francisco I. Pedraza & Maricruz Ariana Osorio, *Courted and Deported: The Salience of Immigration Issues and Avoidance of Police, Health Care, and Education Services among Latinos*, 42 AZTLÁN 249 (2017).

³⁸ *Protecting the American People Against Invasion*, THE WHITE HOUSE (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/>.

³⁹ Rebecca Santana, *Trump Administration Throws Out Policies Limiting Migrant Arrests at Sensitive Spots Like Churches*, ASSOC. PRESS (Jan. 21, 2025, 05:01 PM), <https://apnews.com/article/immigration-enforcement-sensitive-locations-trump-ab0d2d2652e9df696f14410ebb52a1fc>.

CONCLUSION

Donald Trump's second presidential administration can adversely impact LGBT non-citizens. This brief describes some of the demographics, characteristics, and experiences of LGBT non-citizens. The threat of immediate mass deportations directly puts 144,000–288,000 LGBT undocumented immigrants at risk and potentially up to 639,000 LGBT non-citizen immigrants, with or without current legal status, at risk.

As the Trump administration makes policy decisions regarding the detainment and deportation of immigrants in the U.S., LGBT immigrants and those who are living with HIV face heightened vulnerabilities, creating significant health and mortality risks for immigrants in these groups.

METHODOLOGY

The NCVS began documenting citizenship, sexual orientation, and gender identity in mid-2016. Citizenship was measured with the following question, "Are you a citizen of the United States? That is, were you born in the United States, born in a U.S. territory, born of U.S. citizen parent(s), or become a citizen of the U.S. through naturalization?" Those who responded "no" were categorized as non-U.S. citizens. Sexual orientation was measured with the following question, "Which of the following best represents how you think of yourself?" with response options: "Lesbian or gay," "Straight, that is, not lesbian or gay," "Bisexual," "Something else," or "I don't know the answer." To measure gender identity, respondents were asked about their sex assigned at birth and their current gender identity. Respondents who indicated they were lesbian, gay, or bisexual, had a current gender identity that differed from their assigned sex at birth, or indicated their current gender identity is "transgender" were categorized as LGBT.⁴⁰ All others were considered as non-LGBT.

The 2023 ACS was analyzed relying on the IPUMS Online Data Analysis System.⁴¹

All analyses incorporate appropriate weight and design variables for population estimates. The estimate of LGBT unauthorized people assumes that the overall share of authorized versus unauthorized immigrants among non-citizens in the U.S. is the same for LGBT non-citizens.

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⁴⁰ Respondents could refuse to answer their sex assigned at birth but also indicate their current gender is "transgender." These respondents are included in our categorization of LGBT.

⁴¹ IPUMS USA, *IPUMS ONLINE DATA ANALYSIS SYSTEM*, <https://usa.ipums.org/usa/sda/> (last visited Jan. 22, 2025).