



DREAMERS AT RISK

LGBTQ PEOPLE AND THE NEED FOR THE DREAM ACT

IF Congress and the Administration fail to provide legal status to Dreamers, thousands of lesbian, gay, bisexual, transgender or queer (LGBTQ) Dreamers will be at risk of detention, and being deported to countries where they will be in grave danger.

Of the approximately 11 million undocumented immigrants in the United States, more than a million are “Dreamers” who were brought to the United States as minors and have spent most of their lives living in the United States. Approximately 75,000 of those Dreamers are LGBTQ.

In 2012, the Obama Administration created the Deferred Action for Childhood Arrivals (DACA) program to protect Dreamers who have no criminal history and have stayed in school or the military. Nearly 800,000 people received DACA status since 2012, which allowed them to come out of the shadows and live fully within their communities. Of that number, approximately 36,000 are LGBTQ.

However, the Trump Administration announced in September 2017 an end to the DACA program. As a result, thousands of DACA recipients have already begun losing protections¹ and that number will rise sharply after March 5, 2018, if Congress fails to act.

This is particularly dangerous for LGBTQ Dreamers because it is a crime to be LGBTQ in as many as one-third of the countries around the world. Thousands of people every year are arrested, harassed, tortured, and even murdered because of their sexual orientation or gender identity. Sending LGBTQ Dreamers back to these countries would gravely threaten their health and safety. Here are a few examples of places where LGBTQ DACA recipients would face persecution or violence if they were deported there.

MEXICO

- Nearly 80% of DACA recipients were born in Mexico.
- While Mexico has no anti-LGBTQ criminalization statutes and some legal protections, these laws are not enforced consistently. Violence against LGBTQ people remains a significant danger.²
- Sixty percent of LGBT people surveyed by the Mexican government reported having known an LGBT person who was murdered within the three years of the survey.³
- Approximate number of active DACA recipients: 548,000⁴

CENTRAL AMERICA: EL SALVADOR, GUATEMALA, HONDURAS

- Violence associated with gangs and drug trafficking has made El Salvador and Honduras some of the world's most violent countries. Activists have said that being LGBTQ substantially increases vulnerability to violence, with transgender individuals facing the highest risk.⁵

¹ <https://www.americanprogress.org/issues/immigration/news/2017/11/09/442502/thousands-daca-recipients-already-losing-protection-deportation/>

² <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265600#wrapper>

³ <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265600#wrapper>

⁴ DACA Recipients Data from: https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca_population_data.pdf

⁵ <http://www.washingtonblade.com/2017/03/02/lgbt-migrants-flee-violence-poverty-central-america/>



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- Rene Martinez, a prominent LGBTQ activist in Honduras' second largest city San Pedro Sula was kidnapped and strangled to death in June 2016.⁶ The city has become known as the "murder capital of the world" because of rampant drug-related violence. Anti-LGBTQ violence and discrimination are commonplace.
- Two trans women were kidnapped and murdered with gunshots to their face in San Luis Talpa, El Salvador in February 2017.⁷
- LGBTQ Guatemalans face sexual violence and abuse at the hands of gangs and often also from fellow migrants as they flee and once they arrive in the United States.⁸
- None of these Central American countries have laws protecting people from violence or discrimination on the basis of their sexual orientation or gender identity (hate crimes). Instead, several of them have laws that harm LGBTQ people.
- Approximate number of active DACA recipients: (25,900 + 17,700 + 16,100 =) 59,700

BRAZIL

- World's highest reported number of incidents of violence against transgender people each year, with 938 murders from 2008-2016.⁹
- According to Brazilian human rights groups, a gay or transgender person is killed approximately every 28 hours Brazil.¹⁰
- Police in Brazil often fail to report homicides as hate crimes, which may mean those numbers ought to be even higher.¹¹
- Approximate number of active DACA recipients: 5,780

JAMAICA

- Outlaws same-sex relations through so-called "anti-buggery laws," with sentences up to 10 years in prison¹²
- Has been described by NGO's as "the most homophobic place on earth."¹³
- Each year, dozens of cases of assault against LGBTQ persons are reported to the police, who often fail to investigate the cases.¹⁴
- Approximate number of active DACA recipients: 2,640

PAKISTAN

- Same-sex relations in Pakistan are illegal under the British colonial era Section 377 of the Pakistan Penal Code. Prison sentences of up to 10 years can be imposed on violators.
- Gay men are accused of bringing shame to their families, and have been subject to violence and even being murdered by relatives.¹⁵
- A transgender woman was tortured and beheaded in October in a gruesome hate crime.¹⁶
- Approximate number of active DACA recipients: 1,340

6 <http://www.washingtonblade.com/2016/06/04/prominent-lgbt-activist-murdered-in-honduras/>

7 <http://www.washingtonblade.com/2017/02/21/salvadoran-lgbt-activists-seek-justice-murdered-trans-women/>

8 <http://www.washingtonblade.com/2014/12/23/gang-rape-prompts-gay-guatemalan-look-asylum-u-s/>

9 http://transrespect.org/wp-content/uploads/2017/03/TvT_TMM_TDoV2017_PR_EN.pdf

10 <https://www.nytimes.com/2016/07/06/world/americas/brazil-anti-gay-violence.html>

11 <https://www.nytimes.com/2016/07/06/world/americas/brazil-anti-gay-violence.html>

12 State Department Human Rights Report: <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

13 <http://content.time.com/time/world/article/0,8599,1182991,00.html>

14 State Dept Human Rights Report: <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

15 <https://news.vice.com/video/blackout-pakistan>

16 <http://www.pinknews.co.uk/2017/10/24/transgender-woman-tortured-and-beheaded-in-pakistan/>