

# HELPING LGBTQ REFUGEES AND ASYLUM SEEKERS IN THE AGE OF ISIL

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While lesbian, gay, bisexual, transgender and queer (LGBTQ) people in Iraq and Syria have long faced extraordinarily difficult challenges, the rise of the Islamic State of Iraq and the Levant (ISIL) has in recent years produced particularly horrific images and accounts of violence and bloodshed targeting LGBTQ people and other minorities. Even before ISIL's rise, LGBTQ people in those countries, as well as other countries in the Middle East, were subjected to violence, persecution and discrimination that continues largely unabated. ISIL's anti-LGBTQ violence is in many ways an outgrowth of pre-existing negative attitudes and violence towards LGBTQ people.

This paper seeks to provide background information about the situation facing LGBTQ people in ISIL-occupied areas of Iraq and Syria and offer some solutions to help LGBTQ people who are fleeing violence and persecution in those countries and surrounding regions. The ideas in this paper were developed during a series of discussions with human rights groups, refugees and refugee agencies that were conducted over the course of several months, as well as from documents, articles and papers focused on the issue, which are referenced and linked to throughout the paper below.

## I. Background on ISIL

ISIL, also referred to as ISIS or as *Daesh* in Arabic, is a jihadist<sup>1</sup> militant group that seeks to establish a Sunni Islamic caliphate throughout the Islamic World. In various forms, ISIL dates back a number of years, although it did not come into prominence until June 2014 under the leadership of Abu Bakr Al-Baghdadi.

ISIL now controls approximately 35,000 square miles and 6 million people in parts of Iraq and Syria, terrorizing religious and other minorities in areas under its control in an effort to suppress any possible opposition. This has included beheadings of Shia Muslims and foreigners, burning prisoners of war alive, sexual enslavement of Yazidi and Christian women, as well as throwing men accused of same-sex acts off of buildings. ISIL has also inspired or directly organized recent terrorist attacks outside the area under its direct control, including Indonesia, France, Belgium, the U.S., Bangladesh and Turkey.

According to U.S. intelligence sources, ISIL is comprised of 27,000 to 31,000 fighters, 15,000 of which are foreign-born, from 86 different countries.<sup>2</sup> Some estimates assert that ISIL has roughly US\$2 billion<sup>3</sup> in assets, built up through oil smuggling, looting ancient artifacts, and forcibly collecting taxes.

Opposition to ISIL has grown steadily over the last several years, with the Arab League, the United States, Russia, the European Union and many African countries coordinating targeted attacks against ISIL. In his State of the Union address earlier this year, President Barack Obama referred to ISIL as a "direct threat" to the United States and Secretary of State John Kerry accused ISIL of "genocide" in March 2016.

<sup>1</sup> "What is jihadism?," BBC News, December 11, 2014, (retrieved May 17, 2016). <http://www.bbc.com/news/world-middle-east-30411519>; Muslims also use the term *takfiri*, which refers to Muslims who accuse followers of Abrahamic faiths of apostasy. See: <https://en.wikipedia.org/wiki/Takfiri>

<sup>2</sup> "Foreign Fighters: An Updated Assessment of the Flow of Foreign Fighters into Syria and Iraq," The Soufan Group, December 2015 (retrieved April 19, 2016). [http://soufangroup.com/wp-content/uploads/2015/12/TSG\\_ForeignFightersUpdate3.pdf](http://soufangroup.com/wp-content/uploads/2015/12/TSG_ForeignFightersUpdate3.pdf)

<sup>3</sup> Jose Paglieri, "Inside the \$2 billion ISIS war machine," <http://money.cnn.com/2015/12/06/news/isis-funding/>

## II. ISIL Persecution of LGBTQ People

ISIL has unleashed a reign of terror against civilians and vulnerable minorities living in areas it has seized, including barbarous violence against LGBTQ people.<sup>4</sup> ISIL's extreme ideology is interpreted by its followers to require the death penalty for those who engage in sexual relations outside of heterosexual marriage, including same-sex sexual relations. Therefore, gay and bisexual men in particular, or men alleged to have sex with men, have been publicly identified as targets for violence and have been methodically hunted down through social media and through their phone logs.<sup>5</sup>

When caught, many are subjected to extreme violence, including torture. The methods that ISIL has used to murder gay and bisexual men have been incredibly vicious. ISIL has tied nooses around these men's necks and dragged them behind trucks, burned them alive,<sup>6</sup> thrown them off buildings, stoned them to death,<sup>7</sup> and glued their rectums shut and abandoned them in the desert to die.<sup>8</sup> OutRight Action International, formerly IGLHRC, has documented the ongoing murders<sup>9</sup> of people whom ISIL has accused of being gay, which now number over three dozen.

While ISIL's methods of murdering men accused of being gay have been particularly brutal and well publicized, gay and bisexual men had already been dealing with a sharply deteriorating security situation for a number of years, facing arbitrary arrests, rape and torture by various militias and even the Iraqi Army.<sup>10</sup> ISIL may be attacking LGBTQ people -- already widely despised and stigmatized in society -- to increase its popularity among the conservative population.<sup>11</sup>

Meanwhile, lesbians, bisexual women and transgender men also face extremely harsh conditions, although their suffering is often less visible and usually receives much less publicity, especially given the generally more private nature of many women's lives in the Middle East. These women and trans men are often forced into marriage to conceal their "non-conforming" sexual orientation or gender identity, and they suffer silently, and sometimes are beaten or even starved to death by husbands or families who reject them. Often these crimes are categorized as gender-based violence, if they are even recorded at all, with the victim's sexual orientation or gender identity ignored or denied.

These crimes were highlighted in the first-ever hearing on LGBTQ issues<sup>12</sup> before the United Nations Security Council in August 2015, convened by the United States and Chile, where nine of the 15 members of that body forcefully condemned the crimes.

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<sup>4</sup> Saurav Jung Thapa, "Islamic State Continues Barbarous Violence Against LGBT Community," Human Rights Campaign, July 30, 2015 (retrieved March 17, 2016). <http://www.hrc.org/blog/islamic-state-continues-barbarous-violence-against-lgbt-community>

<sup>5</sup> "Why my own father would have let IS kill me," BBC News Magazine, July 23, 2015 (retrieved March 17, 2016). <http://www.bbc.com/news/magazine-33565055>

<sup>6</sup> [http://www.nytimes.com/2015/08/23/opinion/sunday/frank-bruni-gay-and-marked-for-death.html?\\_r=2](http://www.nytimes.com/2015/08/23/opinion/sunday/frank-bruni-gay-and-marked-for-death.html?_r=2)

<sup>7</sup> "ISIS conducts more executions of men for being gay," Fox News, June 3, 2015 (retrieved March 17, 2016). <http://www.foxnews.com/world/slideshow/2015/06/05/isis-conducts-more-executions-men-for-being-gay.html#/slide/publicly-executed-by-isis-for-being-gay>

<sup>8</sup> "Why my own father would have let IS kill me," BBC News Magazine, July 23, 2015 (retrieved March 17, 2016). <http://www.bbc.com/news/magazine-33565055>

<sup>9</sup> Timeline of publicized executions for "indecent behavior" by IS militias," Outright Action International, January 2016 (retrieved on March 17, 2016). [https://www.outrightinternational.org/dontturnaway/timeline?\\_ga=1.218347929.1437771118.1444770227](https://www.outrightinternational.org/dontturnaway/timeline?_ga=1.218347929.1437771118.1444770227)

<sup>10</sup> "Why my own father would have let IS kill me," BBC News Magazine, July 23, 2015 (retrieved March 17, 2016). <http://www.bbc.com/news/magazine-33565055>

<sup>11</sup> Ibid

<sup>12</sup> Jean Freedberg "Op-ed: We Just Saw a Turning Point for Global LGBT Rights," Advocate, August 28, 2015 (retrieved March 17, 2016). <http://www.advocate.com/commentary/2015/08/28/op-ed-we-just-saw-turning-point-global-lgbt-rights>

### **Personal Story**

By “M,” a gay asylum seeker in the U.S. from Iraq.

*As a young man growing up in Iraq, I always knew I was gay. However, it was not something anyone spoke about.*

*It took me until my junior year in college to fully understand what being gay meant and to accept whom I am and I was very lucky in that aspect. I never took part in the LGBTQ community in Iraq because of the risks. My social background, and my profession, made it difficult to even come close to coming out. LGBTQ people in Iraq are harassed, extorted, discriminated against and harmed.*

*I was told repeatedly that being LGBTQ is a “sin” and that it is “wrong” in Iraq. To this day I have not come out to my family. They know I am seeking asylum in the U.S., but I cannot tell them why. When I was in Iraq this was to protect my safety, but now it is to protect them.*

*There are many documented stories<sup>13</sup> about campaigns levied on the grounds of restoring so-called morality. These campaigns embolden people to harass and attack LGBTQ people and to continue to subjugate them. Some LGBTQ people, like me, continually question their sexuality and do not come out. All of this adds to misunderstanding of LGBTQ people both in and out of the community.*

**“...the advance of the Islamic State meant that it was not a question of if but of when.”**

*I decided ultimately to leave Iraq, leaving behind a successful and promising career in the finance business where I worked for foreign investment companies. The violence against LGBTQ people and the advance of the Islamic State meant that it was not a question of if but of when. Coming from a wealthy and politically active family put my life in greater danger because having a gay son would not have went easily with the extended family circle who are obsessed with their public image.*

*In the U.S., I am fortunate to have more opportunities and chances to make a difference. I continue to be involved in the financial and political community in Iraq through meetings and conferences held in the Washington, D.C. area. I am also a member of IraQueer, a registered non-profit organization working to raise awareness for and about the LGBTQ community in Iraq and the Kurdistan region. We empower the community through providing information, spreading awareness, offering support and training and sharing painful and heartbreaking personal stories.*

*Despite the hardship of leaving my family, I know that it is something that I had to do. While I am thousands of miles away, I will not forget about my fellow LGBTQ Iraqis who have to suffer through abuse and mistreatment by their families, the government and the militias. I know what it's like to live in constant fear of losing your life and I do not want younger generations to go through the same suffering. Through IraQueer, we hope to show people in Iraq that they are not alone.*

<sup>13</sup> "Iraq's Anti-Gay Pogrom," The Daily Beast, August 16, 2009 (retrieved May 18, 2016). <http://www.thedailybeast.com/articles/2009/08/16/iraqs-anti-gay-pogrom.html>

### III. Challenges Facing LGBTQ Refugees Fleeing ISIL

As ISIL continues its path of destruction across Iraq and Syria, millions of people -- including women, religious and ethnic minorities and LGBTQ people -- have escaped, fearing for their safety, and have settled temporarily in cities and refugee camps in Turkey, Lebanon, Jordan and other neighboring countries. It is extremely difficult to determine the specific number of LGBTQ refugees, since LGBTQ people often do not self-identify, fearing violence and repercussions from their host country or other refugees. Many LGBTQ refugees simply do not disclose their status due to fears of discrimination or breaches of confidentiality, meaning that their resettlement organizations and others often do not know that they are LGBTQ.

All refugees (LGBTQ or otherwise) face difficult circumstances. Many refugees cannot get work permits or do not speak the language of the country where they are living, especially those who flee to Turkey. International funding and staffing for refugee programs is also woefully inadequate: For example, in Turkey, which already has a population of over 2.7 million refugees, the office of the U.N. Refugee Agency (UNHCR) is facing funding cuts, despite the increasing numbers of refugees.<sup>14</sup>

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#### **A large proportion do not realize that coming out can be to their benefit in the resettlement process**

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LGBTQ refugees face additional challenges, including violence and discrimination from their fellow refugees and sometimes from U.N. workers who are assigned to help them. Many of them cannot find work, leading to acute poverty and survival sex. A large proportion do not realize that coming out can be to their benefit in the resettlement process, especially given the persecution they have faced previously due to their LGBTQ status. Many just prefer to remain closeted.<sup>15</sup>

While those who take the risk of disclosing their LGBTQ status are often put on a “fast track” for resettlement, it still takes about two years and requires several rounds of interviews and background checks. During this period, refugees continue to face social stigma, and struggle to survive financially, while trying to overcome traumas experienced during years of war and violence. LGBTQ refugees who have cleared this daunting process are usually designated for resettlement in Europe, Canada or the United States.

Upon arrival in their country of resettlement, they face continued challenges and are often ostracized or attacked<sup>16</sup> by fellow expatriates in their new country because of their LGBTQ status. In Germany, for example, the Lesbian and Gay Federation counted 106 cases of violence against LGBTQ refugees in and around Berlin over a five-month period, with most of the cases occurring in or near refugee centers. Sometimes, LGBTQ refugees are placed in cities with no services and support for LGBTQ people or with refugee resettlement organizations that are insensitive to LGBTQ concerns, leading to continued stigmatization and trauma.

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<sup>14</sup> “UN agencies ‘broke and failing’ in face of ever-growing refugee crisis,” The Guardian, September 6, 2015 (retrieved April 12, 2016). <http://www.theguardian.com/world/2015/sep/06/refugee-crisis-un-agencies-broke-failing>

<sup>15</sup> “No Place for People Like You: An Analysis of the Needs, Vulnerabilities, and Experiences of LGBT Syrian Refugees in Lebanon,” Heartland Alliance International, December 2014 (retrieved April 19, 2016). [https://www.heartlandalliance.org/wp-content/uploads/sites/13/2016/02/no-place-for-people-like-you\\_hai\\_2014.pdf](https://www.heartlandalliance.org/wp-content/uploads/sites/13/2016/02/no-place-for-people-like-you_hai_2014.pdf)

<sup>16</sup> Kirsten Grieshaber and Mike Corder, “Across Europe, gay migrants face abuse in asylum shelters,” Associated Press, February 22, 2016 (retrieved March 17, 2016). <http://bigstory.ap.org/article/9eeca103e37c43fba6593e9fc97f1413/across-europe-gay-migrants-face-abuse-asylum-shelters>

## IV. LGBTQ Asylum Seekers to the U.S.

In addition to refugees, there is another group of LGBTQ people who have fled violence and discrimination in Iraq, Syria and many other countries - asylum seekers. The prior section focused primarily on refugees who have first fled to a “third” country such as Turkey, where their refugee applications has been processed before entering the U.S. or other countries. Asylum seekers, however, have typically entered the U.S. on a regular visa (for example as a tourist or a student) and have then filed a claim that they be allowed to stay in the United States permanently, out of fear that they will be persecuted at home based on their sexual orientation or gender identity.

Asylum seekers face their own set of challenges. First, once they have filed for asylum, they are prohibited from working in the U.S. during the first six months that their asylum claim is being processed. They are simultaneously ineligible for federal benefits, which means that they lack any access to means of subsistence beyond their own savings (if they can access it) or the generosity of those in the city where they are living. The U.S. is the only country in the developed world that denies both work authorization and benefits to asylum seekers.<sup>17</sup>

There is also a problematic one-year filing deadline for asylum claims. Once a person has been in the U.S. for one year or longer, they can no longer file a claim for asylum in the U.S. (with few exceptions such as when their home country has changed their laws regarding LGBTQ people). This is particularly problematic for LGBTQ people, who may not even realize that their sexual orientation or gender identity could be grounds for claiming asylum. Having lived their lives in societies that shun LGBTQ people, it is hardly intuitive that their status could actually benefit them in claiming asylum.

## V. Recommendations

While the U.N., the Obama Administration and others have taken steps to help LGBTQ people fleeing violence, a great deal of work remains to be done, including:

- Helping LGBTQ people still inside Iraq and Syria,
- Expediting resettlement of LGBTQ refugees to third countries,
- Providing needed resources for refugees in transit,
- Ensuring that UNHCR and NGO staff receive LGBTQ cultural competency training,
- Resettling LGBTQ refugees in locations that have sensitive and supportive services,
- Addressing the concerns of LGBTQ asylum seekers, and
- Improving data collection

### Helping LGBTQ People Still Inside Iraq and Syria

Many LGBTQ people in Iraq and Syria do not have the resources to flee to relatively safer locations in Turkey, Lebanon, Jordan or other nearby countries. This is especially problematic because they typically cannot claim refugee status while still living in their own country and must cross an international border in order to do so.

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<sup>17</sup> “At Least Let Them Work,” Human Rights Watch, November 12, 2013, <https://www.hrw.org/report/2013/11/12/least-let-them-work/denial-work-authorization-and-assistance-asylum-seekers-united> (retrieved June 1, 2016).

- Recommendation for the U.S. government:

The U.S. government should allow LGBTQ Iraqis<sup>18</sup> to claim refugee status while still in their own country, thereby reducing their processing time and allowing them to reach safety more rapidly. This has been done in the past for religious minorities in Eurasia and the Baltics; in Cuba for a wide variety of groups; and for Iraqis associated with the United States during and after the 2003 Iraq War.<sup>19</sup>

## Expediting Resettlement of LGBTQ Refugees to the U.S.

While UNHCR and receiving countries like the United States have taken steps to speed up the processing time for LGBTQ refugees, more can still be done.

- Recommendations for the U.S. government:

The U.S. government allows UNHCR, U.S. embassies, and qualified NGOs to refer individuals directly to the United States Refugee Admissions Program for resettlement in the United States. This is known as a “P-1” referral. Currently, few qualified, trusted NGOs in the Middle East are authorized to make direct P-1 referrals. The United States should authorize a greater number of NGOs in the Middle East with experience working with local LGBTQ communities to make “P-1” referrals.

The U.S. government can also alleviate the backlog by taking in more refugees. The Obama Administration has sought to do just that but has encountered strong opposition from Congressional lawmakers who seek to reduce the number of refugees, or seek to introduce additional obstacles in the resettlement process. As of April 2016, the United States had taken in only 3,523 of an estimated four million refugees from Syria’s civil war, according to UNHCR. And of the 70,000 refugees that the United States took in from around the world in 2014, fewer than 100 refugees were LGBTQ<sup>20</sup> according to U.S. Ambassador to the U.N. Samantha Power.

## Providing Needed Resources for Refugees in Transit

Refugee resettlement is an arduous, lengthy process that can last for years. During that time, LGBTQ refugees need help with finding housing, employment, language training and psychosocial support. Although there are some safe houses, they are reportedly very temporary.

- Recommendation for the U.S. government and for UNHCR:

The U.S. government and UNHCR should provide further resources to LGBTQ groups and competent, LGBTQ-supportive relief organizations in Turkey, Jordan, Kurdistan (Northern Iraq) and Lebanon to help LGBTQ refugees meet their basic needs as they await resettlement in a third country. This would include, but not be limited to, safe and secure housing, LGBTQ-welcoming employment, language training and psychosocial support.

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<sup>18</sup> This cannot be done in Syria, since U.S. the U.S. Embassy suspended consular operations there in 2012.

<sup>19</sup> “Priority Categories,” Refugee Council USA, Undated (retrieved March 17, 2016). <http://www.rcusa.org/priority-categories>

<sup>20</sup> Neil Grungras, “Stop Neglecting the True State of LGBT Refugees,” Advocate, January 12, 2016 (retrieved March 17, 2016). <http://www.advocate.com/commentary/2016/1/12/stop-neglecting-true-state-lgbt-refugees>

## Training UNHCR and NGO Staff

While UNHCR and other NGOs have conducted trainings to work with LGBTQ refugees, there have nonetheless been cases of LGBTQ refugees reporting discrimination from UNHCR staff.<sup>21</sup> It is essential that LGBTQ people feel comfortable and safe disclosing their sexual orientation or gender identity in order to access appropriate and expedited processing.

- Recommendation for UNHCR and NGOs:

Additional training for staff, and particularly for new UNHCR and NGO staff, should focus on ensuring that they handle LGBTQ cases properly and create a safe environment for LGBTQ refugees to feel comfortable disclosing their status.

Staff should also inform refugees that they have the option of speaking to “international” staff instead of someone from their region.

- Recommendation for UNHCR

UNHCR and the U.S. government should allow lawyers to accompany LGBTQ refugees to all protection and resettlement interviews, which has not typically been permitted.<sup>22</sup> LGBTQ people need the assistance of legal professionals in pressing their cases. The International Refugee Assistance Project and other refugee legal aid organizations can provide lawyers at no cost to refugees.

## Providing Sensitive and Supportive Resettlement in the United States

Refugees undergo several layers of screening with UNHCR, the U.S. government, and other organizations before entering the U.S. and may repeatedly disclose their sexual orientation or gender identity. However, that information is not made available to the refugee resettlement agencies in the U.S. during the initial refugee allocations process. Thus, an LGBTQ refugee may end up being resettled by an agency without particular sensitivity to LGBTQ concerns, or in an area without a visible LGBTQ community or targeted direct services such as healthcare or housing. It is crucial to ensure that LGBTQ refugees work with organizations that are sensitive to LGBTQ people's unique needs and that the refugees are settled in cities with necessary services and support for LGBTQ people.

- Recommendation for U.S. government:

The U.S. government should make the LGBTQ status of refugees available to the refugee agencies during the refugee allocations process, provided this information can be transmitted securely and without risking retribution, so that LGBTQ refugees who choose to make their status known can be resettled in appropriate locations with LGBTQ-sensitive agencies.

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<sup>21</sup> “No Place for People Like You: An Analysis of the Needs, Vulnerabilities, and Experiences of LGBT Syrian Refugees in Lebanon,” Heartland Alliance International, December 2014 (retrieved April 19, 2016). [https://www.heartlandalliance.org/wp-content/uploads/sites/13/2016/02/no-place-for-people-like-you\\_hai\\_2014.pdf](https://www.heartlandalliance.org/wp-content/uploads/sites/13/2016/02/no-place-for-people-like-you_hai_2014.pdf)

<sup>22</sup> Katherine Reisner and Catherine Crooke, “Why Can’t Refugees Get Lawyers?” The New York Times, July 28, 2015, [http://www.nytimes.com/2015/07/28/opinion/why-cant-refugees-get-lawyers.html?\\_r=1](http://www.nytimes.com/2015/07/28/opinion/why-cant-refugees-get-lawyers.html?_r=1) (retrieved May 2, 2016).

## Addressing the Concerns of LGBTQ Asylum Seekers

As mentioned above, asylum seekers are prohibited from working in the U.S. for the first six months that their asylum claim is being processed. They are simultaneously ineligible for federal benefits, which means that they lack any access to means of subsistence, beyond their own savings (if they can access it) or the generosity of those in the city where they are living.<sup>23</sup>

The one-year filing deadline for asylum claims also has disproportionate impact on LGBTQ people, who may not realize that their sexual orientation or gender identity could be grounds for claiming asylum.

- Recommendation for U.S. government and UNHCR:

The U.S. government should allow asylum seekers to work immediately upon filing their application, or, if not, provide them with access to federal benefits as a means for subsistence while their application is being processed.

The U.S. government should also eliminate the arbitrary one-year filing deadline and allow applicants to claim asylum whenever they feel they cannot return to their country of origin, or whenever they realize that they are eligible for filing an asylum claim.

## Improving Data Collection

While privacy concerns need to be considered paramount, better data collection on LGBTQ refugees who self-identify is crucial to help guide resources appropriately while avoiding waste and duplication. While UNHCR records the LGBTQ status of individual refugees in their files in the “notes” section, officials cannot easily aggregate the data to gain a better perspective on the size, scope or needs of the LGBTQ refugee community.

- Recommendation for U.S. government and UNHCR:

UNHCR, as well as U.S. government agencies such as the Department of Homeland Security and the Bureau of Population, Refugees and Migration at the State Department, should conduct more systematic data collection and analysis of the number and condition of LGBTQ individuals seeking asylum/refuge to better understand the situation and help advocates, UN agencies, NGOs and host governments more successfully identify solutions.

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<sup>23</sup> “At Least Let Them Work,” Human Rights Watch, November 12, 2013, <https://www.hrw.org/report/2013/11/12/least-let-them-work/denial-work-authorization-and-assistance-asylum-seekers-united> (retrieved June 1, 2016).

## VI. Acknowledgements and Further Resources

HRC is grateful to a number of organizations who provided background and information that helped make this paper possible, including:

- [Council for Global Equality](#)
- [Heartland Alliance International](#)
- [HIAS \(formerly Hebrew Immigrant Aid Society\)](#)
- [Human Rights First](#)
- [International Organization for Migration](#)
- [International Refugee Assistance Project \(IRAP\)](#)
- [Organization for Refugee, Asylum and Migration \(ORAM\)](#)
- [OutRight Action International](#)

A number of other organizations are also working to ensure that LGBTQ people and others can escape violence and persecution and resettle safely in the U.S., including:

- [Center for American Progress](#)
- [Immigration Equality](#)
- [International Rescue Committee](#)
- [LGBT Freedom and Asylum Network \(LGBT-FAN\)](#)
- [LGBTI Caucus of the Refugee Congress](#)
- [Refugees International](#)
- [U.S. Committee for Refugees and Immigrants](#)

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