

THE QUEER IMMIGRANT IN THE UNITED STATES:
FROM IMMIGRATION TO INTEGRATION

by

Cassidy Jean Lee

A Senior Honors Thesis Presented to the
Faculty of the Department of Political Science
University of Houston

In Partial Fulfillment of the
Requirements for the Degree
Bachelor of Arts in
Political Science

Chair of Committee: Dr. Michelle Belco
Committee Member: Dr. Elizabeth Simas
Committee Member: Dr. Carol Cooper

University of Houston
May 2022

Abstract

The LGBTQ+ immigrant community faces barriers in leaving their country of origin, immigrating to a new country, and integrating into their new community. This paper examines reasons for LGBTQ+ flight, describes the historical treatment of LGBTQ+ migrants in the U.S., analyzes the current barriers and resources for queer migrants during their immigration journey, and provides recommendations on moving forward in the policy and organizational landscape. Results from the investigation show that the LGBTQ+ migrant continues to face barriers during every step of their immigration and integration, most of which are not entirely mitigated by organizational or government resources. As a result, this research emphasizes the need for the United States federal government to draft policies that protect queer migrants and address their unique integration needs.

Table of Contents

Abstract.....	2
Chapter 1: Portrait of a Queer Immigrant	6
Chapter 2: Origins and Development of LGBTQ+ Immigration Policy	8
The Immigration Act of 1917.....	8
Investigations into Queer Immigration Applications	8
Criteria for Investigating the LGBTQ+ Immigrant.....	8
The Investigation of Alfons Zinkower	9
The Lavender Scare	10
Heightened Fears About Homosexuality	10
The Hoey Committee	11
The Immigration and Nationality Act of 1952	13
Crimes of Moral Turpitude.....	13
Medically Defining the Queer Immigrant	13
Quiroz v. Neelly (1961).....	14
Boutilier v. INS (1966).....	15
Interpretation, Enforcement, and Implications of Medically Classifying the Queer Migrant	16
1965 Hart-Celler Immigration and Nationality Act (1965 INA)	17
The End of the Active Pursuit.....	18
The Removal of “Homosexual” as a Mental Disorder.....	18
Breaking Down Ambiguity in Queer Migrant Investigations	19
INS Records of Deportations and Exclusions	20
Ongoing Discrimination	21
Richard Longstaff Denied Citizenship (1984)	21
Bowers v. Hardwick (1986)	23
Heteronormative Perception of Family and the Challenges for Queer Migrants	24
U.S. Refugee Act of 1980	24
Recognizing Sexuality and Gender as Marginalizing Factors in Immigration	25
Defense of Marriage Act (1996)	26
Ending the Discriminatory Definitions and Beginning to Listen to Migrant Voices.....	27
Chapter 3: Current Barriers and Problems for Queer Migrants	29
The Nonexistence of Data Representing the Queer Immigrant.....	30
Hurdles for the Queer Immigrant	31
Lack of an LGBTQ+ Immigrant Community	31
Barriers to Legal Services	33
Accessing Healthcare and Medical Settings	34
Overcoming Homelessness	36
Language Barriers	38
Lack of Funding for LGBTQ+ Immigrant Resources.....	39
Queer Migration in Trump’s America	40

Presidential Rhetoric and Actions	41
Detention Facilities.....	48
U.S. Societal Perceptions of the Queer and Immigrant Communities.....	51
Social Perceptions and Experiences	51
Impact of the Current Societal Perceptions of the LGBTQ+ Community on the Queer Migrant	53
Burden of Proof for the Queer Asylum Applicant.....	53
Homosexual Credibility in a Migrant’s Personal History	53
Fitting the Mold: Appearing to be a Queer Applicant.....	55
Obstacles for the Queer Asylee to Consider	56
Report Card: Current Status of the LGBTQ+ Migrant Under President Biden	57
Biden Administration Rhetoric and Action for the LGBTQ+ Community	57
Dealing with the Discrimination: Addressing Policies in Effect from the Previous Trump Administration	58
Chapter 4: Resources for the LGBTQ+ Immigrant	61
Federal Programs.....	61
Temporary Assistance for Needy Families (TANF)	61
State Administered Programs	61
Health and Human Services Targeted Assistance	62
Wilson/Fish Programs	62
Voluntary Agencies Matching Grant Program.....	63
Organizational Resources	63
Legal Services	63
Healthcare Services	65
Employment Services	66
Housing Services	68
Educational Services	68
Chapter 5: Moving Forward: Policy Changes for the LGBTQ+ Immigrant.....	70
Organizational Recommendations	70
Improve Outreach and Accessibility of Programs to LGBTQ+ Migrants	70
Put the Needs of the Clients First	71
Refugee Services	73
Federal Government Recommendations	73
Increase Funding Targeted for LGBTQ+ Communities	73
Address Discrimination Against the Queer Community.....	74
Improve Data Collection for the LGBTQ+ Community	76
Reform the U.S. Immigration System to Improve Inclusionary Practices	77
Increase the Accessibility of Healthcare	78
Protect DACA Recipients from Instability by Codifying their Existence	79
Bibliography	80
Addendum	93
Visual Timeline of LGBTQ+ Immigration-Related Policy and Practice.....	93
Figure 1 Table of Values:	96

Figure 2 Table of Values: 97

Chapter 1: Portrait of a Queer Immigrant

The United States receives more than 1 million immigrants each year and hosts more than 40 million immigrants, or about one-fifth of total migrants in the world.¹ In fact, in the United States today, about 13.7% of the population is composed of immigrants.² The majority of these immigrants live in “20 major metropolitan areas, with the largest populations in the New York, Los Angeles and Miami metro areas.”³ Overall, Americans believe that “immigrants strengthen the country,” citing immigrant work effort and talent.⁴ However, the LGBTQ+ immigrant in the United States oftentimes has a different story than the “traditional” immigrant in American perception. Queer immigrants are likely to encounter unique barriers when immigrating to the United States, and they do not have the same integration experience as their heterosexual and cisgender counterparts. Though there are no federal data sources that inform about LGBTQ+ immigrants specifically, a significant amount of information can be pieced together from migrant narratives, LGBTQ+ immigrant-serving organizational interviews, and general data on the LGBTQ+ and immigrant communities.

Globally, the LGBTQ+ population often faces persecution in their country of origin, as same-sex relationships are criminalized in 69 countries and are punishable by the death in 11.⁵ Even in countries that do not criminalize homosexuality, those who identify as queer often face discrimination in other areas, such as housing, employment, and education.⁶ LGBTQ+

¹ Budiman, Abby. “Key Findings about U.S. Immigrants.” *Pew Research Center*, 2020, www.pewresearch.org/fact-tank/2020/08/20/key-findings-about-u-s-immigrants/. Accessed 28 June 2021.

² *Ibid.*

³ *Ibid.*

⁴ *Ibid.*

⁵ Human Rights Watch. “#OUTLAWED: ‘the Love That Dare Not Speak Its Name.’” *Human Rights Watch*, 2021, internap.hrw.org/features/features/lgbt_laws/. Accessed 17 Mar. 2022.

⁶ Shaw, Ari, et al. “LGBT Asylum Claims in the United States.” *Williams Institute*, 4 Mar. 2021, williamsinstitute.law.ucla.edu/publications/lgbt-asylum-claims. Accessed 22 Dec. 2021.

individuals also are more likely to be victims of violence, demonstrated by higher rates of domestic violence, rape, and murder.⁷ Many LGBTQ+ people emigrate from their countries annually in search of a new home where they can express their sexuality or gender identity without fear of repercussions.

In the United States, there are an estimated “1,274,500 LGBT foreign-born adults... 289,700 (22.7%) who are undocumented and 984,800 (77.3%) who are documented.”⁸ Current data also suggests that the majority of queer immigrants live in California, Texas, New York, and New Jersey.⁹ Historically, the United States has discriminated against LGBTQ+ immigrants, subjecting them to investigations for exclusion or deportation based on their sexual orientation or gender identity. Today, queer immigrants struggle disproportionately with housing instability and access to LGBTQ+ competent medical care. While there are organizations that work with the LGBTQ+ immigrant community directly, they often are not well-funded, and many are ineligible for federal grants.

Existing research about the history of LGBTQ+ immigration demonstrates that the queer immigrant poses unique challenges and problems both for immigration policy and immigrant serving organizations. This project aims to better understand how the United States government and immigrant serving organizations can adjust their policies and procedures to address the unique barriers encountered by the LGBTQ+ immigrant while adhering to anti-discriminatory practices.

⁷ Shaw, Ari, et al. “LGBT Asylum Claims in the United States.” *Williams Institute*, 4 Mar. 2021, williamsinstitute.law.ucla.edu/publications/lgbt-asylum-claims. Accessed 22 Dec. 2021.

⁸ Goldberg, Shoshana K., and Kerith J. Conron. “LGBT Adult Immigrants in the United States.” *Williams Institute*, 23 Feb. 2021, williamsinstitute.law.ucla.edu/publications/lgbt-immigrants-in-the-us/. Accessed 29 Nov. 2021.

⁹ *Ibid.*

Chapter 2: Origins and Development of LGBTQ+ Immigration Policy

The Immigration Act of 1917

Prior to 1917, LGBTQ+ identifying immigrants were not mentioned by name in legislation or singled out explicitly in practice. While the United States had already set precedent of creating immigration laws that were “exclusionary in nature,” namely the 1875 Page Act and the 1882 Chinese Exclusion Act that prohibited “undesirable” immigrants, it was not until the Immigration Act of 1917 that LGBTQ+ immigrants faced explicit discrimination.¹⁰ In 1917, the policy landscape expanded upon the previous exclusionary immigration legislation to exclude queer or gender nonconforming migrants from entry.¹¹ For migrants open about their LGBTQ+ identity, the Immigration Act of 1917 permitted their exclusion from the United States, deeming queer migrants “Constitutional Psychotic Inferior,” or CPI.¹² This step of equating the LGBTQ+ community with mental illness is only the beginning of the discrimination that was to come in future policy.

Investigations into Queer Immigration Applications

Criteria for Investigating the LGBTQ+ Immigrant

In the late 1940s, the Public Health Service (PHS) defined LGBTQ+ people as individuals “with abnormal sexual instincts,” comparing nonconforming sexuality or gender identity with communicable diseases that could spread and infect the U.S. population.¹³ This classification further served to exclude LGBTQ+ migrants, as immigration policy at the time was

¹⁰ University of California, Berkeley Library. “We’re Here, We’re Queer, and We’re in the Public Record! - Spotlight Exhibits at the UC Berkeley Library.” *The LGBTQ Movement and Life as Seen through Government Information*, 7 Mar. 2018, exhibits.lib.berkeley.edu/spotlight/queer/feature/immigration. Accessed 1 Mar. 2022.

¹¹ Kratz, Jessie. “Immigrating While Queer: Part I.” *Pieces of History: National Archives*, 17 June 2021, prologue.blogs.archives.gov/2021/06/17/immigrating-while-queer/. Accessed 1 Mar. 2022.

¹² *Ibid.*

¹³ *Ibid.*

to only allow immigrants who would not pose any sort of threat to the population. Under this definition, having an LGBTQ+ identity would be harmful to other members of society, providing basis for discrimination. This type of discretionary discrimination was widely used, with investigators often tasked with making their own determinations about a migrant's sexuality or gender identity, regardless of how they responded to identity questions when immigrating.

The Investigation of Alfons Zinkower

An example of discrimination against LGBTQ+ immigrants is the case of Alfons Zinkower, a visa applicant who was investigated for his sexuality after a single informant tipped off investigators that Zinkower is a “fairly well known queer.”¹⁴ This tip, scrawled in barely legible cursive on a torn corner piece of paper, was enough for investigators to begin following Zinkower's daily activities, investigating his personal trips to Shanghai, and interviewing his acquaintances. After finding that there was “not the slightest indication that [Zinkower] is homosexual,” the investigators decided to continue digging into his personal life, rather than ceasing the investigation.¹⁶ The end goal of this investigation? To “exclude Zinkower as a CPI” because investigators believed that identifying as queer (“or even vaguely that way”) was “more dangerous than a TB case.”¹⁷ The relentless investigation into Zinkower's visa application details the investigator's belief that homosexuality is a communicable disease that could spread in the United States as a result of admitting queer immigrants.

¹⁴ Kratz, Jessie. “Immigrating While Queer: Part I.” *Pieces of History: National Archives*, 17 June 2021, prologue.blogs.archives.gov/2021/06/17/immigrating-while-queer/. Accessed 1 Mar. 2022.

¹⁵ Department of State. U.S. Embassy. LGBTQ+ Informant Tip, Photo 5. 1 April 1947-31 December 1947. 12028958. Visa Application File for Alfons Zinkower. National Archives at College Park, Maryland.

¹⁶ Department of State. U.S. Embassy. Investigator Progress Notes, Photo 1. 1 April 1947-31 December 1947. 12028958. Visa Application File for Alfons Zinkower. National Archives at College Park, Maryland.

¹⁷ Department of State. U.S. Embassy. Investigator Progress Notes, Photo 3. 1 April 1947-31 December 1947. 12028958. Visa Application File for Alfons Zinkower. National Archives at College Park, Maryland.

Zinkower, aware of the investigation into his supposed “unnatural sexual disposition,” wrote to the American Consulate General in Shanghai (his location at the time) to explain his lack of a current female romantic partner.¹⁸ Zinkower cites his previous relationship history with several women, including an engagement and long-term relationship with two girlfriends, while advocating that he was a musician at “respectable establishments” in Germany and Shanghai with a clean police record.¹⁹ Though the record is unclear about if Zinkower successfully proved that he was not homosexual, his visa application is one of the few records that clearly show discrimination against those accused of being queer. The investigation of Zinkower offers an important window into the investigative methods used by visa evaluators, even when there was little evidence to support these claims.

The Lavender Scare

Heightened Fears About Homosexuality

During World War II, queer communities faced “increased legal repression,” including policies that rejected LGBTQ+ military enlistment, categorizing queer Americans as “unfit for service,” and revoking veteran’s benefits for those discharged because of homosexuality.²⁰ The end of World War II brought a new wave of targeted discrimination against LGBTQ+ Americans, including citizens from birth, immigrants legally in the country, and visa applicants. In the early 1950s, “queer and gender nonconforming persons were being flushed out of the federal workforce and the military,” a result of the political tension rampant during the Cold

¹⁸ Department of State. U.S. Embassy. Zinkower’s Letter to the American Consulate in Shanghai, Photo 8. 1 April 1947-31 December 1947. 12028958. Visa Application File for Alfons Zinkower. National Archives at College Park, Maryland.

¹⁹ *Ibid.*

²⁰ National Park Service Department of the Interior. “LGBTQ America: A Theme Study of Lesbian, Gay, Bisexual, Transgender, and Queer History.” 2016.

War.²¹ Instead of hiding in the closets like in the past, the LGBTQ+ community faced defined, targeted discrimination and scrutiny at dinner tables across America, perceived by many as another “external threat.”²² With the growing anxiety in the United States about the possibility of communists and subversives in the federal government (commonly known as the Red Scare), there was a new fear created: “that there were homosexuals employed in the civil service,” dubbed the Lavender Scare.²³ Senator Joseph P. McCarthy of the House Un-American Activities Committee delivered a speech titled “Enemies from Within” in February 1950 that described “atheism and immorality” as traits of communism.²⁴ This statement implicitly defined the presence of homosexuals, an “immoral” community, as the presence of communism in the government.²⁵ This rhetoric, built on the fear of communism infecting the United States, led to public uproar about “the revelation that there were homosexuals in the civil service.”²⁶

The Hoey Committee

From 1947 to 1949, the State Department fired 91 LGBTQ+ employees because of their queer identity, pushing Congress to pass Senate Resolution No. 280 in June 1950.²⁷ This legislation created the Hoey Committee, convened to determine “the extent of the employment of homosexuals and other sex perverts in Government; to consider reasons why their employment by the Government is undesirable; and to examine into the efficacy of the methods used in dealing with the problem.”²⁸

²¹ Kratz, Jessie. “Immigrating While Queer: Part I.” *Pieces of History: National Archives*, 17 June 2021, prologue.blogs.archives.gov/2021/06/17/immigrating-while-queer/. Accessed 1 Mar. 2022.

²² *Ibid.*

²³ National Security Agency. “The Lavender Scare - the Origin of the Policy to Exclude Homosexuals from Federal Service.” 10 Oct. 2018.

²⁴ *Ibid.*

²⁵ *Ibid.*

²⁶ *Ibid.*

²⁷ *Ibid.*

²⁸ *Ibid.*

The Committee's findings, published in December 1950, affirmed prior knowledge that those "afflicted with sexual desires" (including queer Americans) were mentally ill, coinciding with the CPI classification from previous years. The Committee ultimately found that queer federal employees would not meet the "acceptable standards of personal conduct" because they were "generally unsuitable" and "constituted security risks."²⁹

A recent investigation into the Committee's findings noted that they had "found little evidence" in support of the claim that LGBTQ+ people were unfit to work for the government, as they "had never found a single example of a homosexual American citizen who had been blackmailed into revealing state secrets."³⁰ Despite this, the notion that the LGBTQ+ community posed a threat to national security became "accepted as official fact" by federal agencies, and was sent to American embassies and international foreign intelligence agencies for use.³¹ The Hoey Committee's findings justified the exclusion of homosexuals by the United States and its allies in security-related situations for years to come, including the official ban of LGBTQ+ employees in the federal government by President Eisenhower.³² This discrimination, while not targeted directly at migrants, served to augment the country's fears of the LGBTQ+ community, which called for the discrimination and prejudice against migrants in coming years.

²⁹ National Security Agency. "The Lavender Scare - the Origin of the Policy to Exclude Homosexuals from Federal Service." 10 Oct. 2018.

³⁰ Johnson, David K. *The Lavender Scare: The Cold War Persecution of Gays and Lesbians in the Federal Government*. Chicago, Ill., University Of Chicago Press, 2006.

³¹ *Ibid.*

³² United States, Executive Office of the President Dwight D. Eisenhower. Executive Order 10450: Security requirements for Government employment. *Federal Register*, vol. 18, no. 2489, p.936, <https://www.archives.gov/federal-register/codification/executive-order/10450.html>.

The Immigration and Nationality Act of 1952

Crimes of Moral Turpitude

The Immigration and Nationality Act of 1952, otherwise known as the McCarran-Walter Act or the 1952 INA, brought changes to how queer migrants were classified for exclusion during the U.S. immigration process. Rather than use the label CPI like the 1917 Immigration Act, the 1952 INA was more direct in targeting the queer community, categorizing them as having “a psychopathic personality” and “mental defect.”³³ It explicitly excluded “aliens coming to the United States to engage in any immoral sexual act,” specifically referring to sodomy, which was a criminal act in the U.S. at the time.³⁴ More generally, the 1952 INA excluded anyone who had been convicted of, admitted to committing acts that constitute the essential elements of “a crime involving moral turpitude,” or had “an attempt or conspiracy to commit such a crime.”³⁵ This change broadened the description of what would classify a person as homosexual, giving investigators a wider definition to qualify an applicant as inadmissible.

Medically Defining the Queer Immigrant

To further the barriers created for LGBTQ+ migrants, the Immigration and Naturalization Services (INS) created a new process to justify LGBTQ+ exclusions. While all immigrant applicants at the time required an approved medical exam, suspected queer migrants were sent to the Public Health Service for a special examination. If a migrant was determined to be a homosexual during this exam, they would be “issued a Class A medical exclusion that would

³³ Kratz, Jessie. “Immigrating While Queer: Part I.” *Pieces of History: National Archives*, 17 June 2021, prologue.blogs.archives.gov/2021/06/17/immigrating-while-queer/. Accessed 1 Mar. 2022.

³⁴ *Ibid.*

³⁵ United States, Congress. *Immigration and Nationality Act: Inadmissible Aliens*. 27 June 1952. <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1182&num=0&edition=prelim>

exclude them from approval.”³⁶ However, the exact standards to determine a person’s sexuality were blurry at best. With no direct picture of what a queer migrant looked like, enforcement was loosely based on a person’s “behavior, appearance, or character,” assuming that their sexuality was “probably the result of a more serious mental or psychological problem” that would be basis for exclusion.³⁷

Because of the vague language used to screen migrants for homosexuality in the 1952 INA, the 1960s brought a slew of immigration cases that involved queer petitioners, ready to challenge the INA language of “psychopathic personality” and “sexual deviate.”³⁸ These cases, primarily *Quiroz v. Neely* (1961), *Fleuti v. Rosenberg* (1963), *Immigration and Naturalization Service (INS) v. Lavoie* (1967), and *Boutilier v. INS* (1967), sought to highlight the contradictions between interpretation and implementation of the 1952 policy and its statutes. These cases were unique because of the blatant demonstration of how INS officials conducted insanely personal investigations into migrant lives, even for migrants who had lived and worked in the United States for decades.³⁹

Quiroz v. Neelly (1961)

In *Quiroz v. Neelly* (1961), Sara Quiroz sexuality underwent investigation because she was suspected of being queer, as she had short hair and frequently wore pants.⁴⁰ The court found that this evidence “established that the applicant is a homosexual,” and, in turn, had a

³⁶ Kratz, Jessie. “Immigrating While Queer: Part I.” *Pieces of History: National Archives*, 17 June 2021, prologue.blogs.archives.gov/2021/06/17/immigrating-while-queer/. Accessed 1 Mar. 2022.

³⁷ *Ibid.*

³⁸ *Ibid.*

³⁹ *Ibid.*

⁴⁰ United States, National Archives, Records of Rights. *Quiroz v. Neelly*. 23 June 1961, recordsofrights.org/records/225/quiroz-v-neely/2. Accessed 1 Mar. 2022.

“psychopathic personality.”⁴¹ Though Quiroz’s doctor argued that “homosexuals are not necessarily psychopathic personalities as that term is understood and used by the medical profession,” the court found it was “unnecessary ‘to embark’ ... ‘on an amateur’s voyage on the fog enshrouded sea of psychiatry’” because regardless of “whatever the phrase [psychopathic]” means to Quiroz’s psychiatrists, “to the Congress it was intended to include homosexuals.”⁴² Quiroz’s appeal was denied, and she was subsequently deported for identifying as queer.

Boutilier v. INS (1966)

Clive Boutilier immigrated to the United States with a permanent residency visa in June 1955. Ten years later, he faced deportation proceedings for being “afflicted with a psychopathic personality” under the 1952 INA. Regardless of his gainful employment as a maintenance man in New York City or his familial connection to his parents and siblings residing in the United States, Boutilier triggered an investigation into his sexuality when he applied for citizenship in September 1963.⁴³ While petitioning for naturalization, Boutilier submitted an affidavit admitting to a prior arrest in 1959 for sodomy with a 17-year-old male; in a subsequent investigation by INS, Boutilier confessed to a history of queer encounters, including sexual relations with men 3-4 times per year before and after entering the United States, sharing an apartment with his male partner, and actively participating in homosexual acts.⁴⁴ Because Boutilier admitted to participating in homosexual activity, PHS determined that Boutilier was afflicted with a Class A exclusion of having a psychopathic personality prior to his admission in 1955, and that he had

⁴¹ United States, National Archives, Records of Rights. *Quiroz v. Neelly*. 23 June 1961, recordsofrights.org/records/225/quiroz-v-neelly/2. Accessed 1 Mar. 2022.

⁴² *Ibid.*

⁴³ “Clive Michael Boutilier, Petitioner, v. the Immigration and Naturalization Service, Respondent, 363 F.2d 488 (2d Cir. 1966).” *Justia Law*, 2014, law.justia.com/cases/federal/appellate-courts/F2/363/488/264218/. Accessed 2 Mar. 2022.

⁴⁴ *Ibid.*

repeatedly continued his homosexuality after admission; with this, Boutilier was given deportation notice.⁴⁵

In his appeal, his lawyers argued that the unclear wording of the 1952 INA should be considered “void for vagueness,” as “the lack of specificity offends the constitutional right to due process of law,” and that the phrase “psychopathic personality” are “words of art” that are not enforced uniformly, serving “a special undisclosed meaning for the purpose of the statute.”⁴⁶ Boutilier’s defense furthered that the requirement for suspected homosexual migrants to be examined by PHS was an abusive delegation of power, where physicians were “mandatorily required...to classify aliens who are homosexuals to be afflicted with a psychopathic personality.”⁴⁷ This appeal, though it continued the questioning on the lack of specificity in the 1952 INA, was not successful, and Boutilier was deported.

Interpretation, Enforcement, and Implications of Medically Classifying the Queer Migrant

Though only a few cases of INS investigations are explained in detail, they are a drop in the ocean compared to the number of deportations in the United States based on LGBTQ+ identity. The INS did not explicitly list homosexuality as reason for deportation (as shown previously through their description of charging migrants as being afflicted with psychopathic personality and possessing immoral characteristics), but the organization consistently targeted known queer immigrants for fitting these definitions. Many migrants utilized the legal defense that the existing legal language used to discriminate against LGBTQ+ immigrants was inherently

⁴⁵ “Clive Michael Boutilier, Petitioner, v. the Immigration and Naturalization Service, Respondent, 363 F.2d 488 (2d Cir. 1966).” *Justia Law*, 2014, law.justia.com/cases/federal/appellate-courts/F2/363/488/264218/. Accessed 2 Mar. 2022.

⁴⁶ United States, National Archives, Records of Rights. *Boutilier v. INS*. 24 January 1966, <http://recordsofrights.org/records/226/boutilier-v-ins/2>. Accessed 1 Mar. 2022.

⁴⁷ *Ibid.*

vague, and that without explicit exclusions of queer migrants in legislation, LGBTQ+ immigrants would continue to challenge deportation orders. Further, these cases proved that there was no set definition on what constituted a homosexual, and there was no psychiatric authority willing to support the claim that queer migrants were inherently psychopathic. In some ways, “the reality of [the migrants’] personal lives countered the mythical image of the unstable, and dangerous, homosexual who should be excluded from American society,” both a legal and perceptual problem that would need to be addressed in future policy to prevent loopholes in implementation.⁴⁸

1965 Hart-Celler Immigration and Nationality Act (1965 INA)

The Hart-Celler Immigration and Nationality Act brought a new wave of challenges for the LGBTQ+ migrant. Though the 1965 INA is “generally lauded for ending explicitly ethnic and racial discrimination,” its design purposefully allowed for continued discriminatory implementation against queer migrants.⁴⁹ First, the act codified a ban on migrants who are considered “sexual deviates,” an extension of previous targeted LGBTQ+ discrimination.⁵⁰ This ban poses a direct contradiction to the welcoming tone set by the policy, which reads, “No person shall receive any preference or priority or be discriminated against in the issuance of an immigrant visa because of his race, sex, nationality, place of birth, or place of residence.”⁵¹

Further, the act is known for its prioritization of family reunification, constituting 75 percent of

⁴⁸ Kratz, Jessie. “Immigrating While Queer: Part II, the Fight Ahead.” *Pieces of History*, National Archives and Records Administration, 25 June 2021, [prologue.blogs.archives.gov/2021/06/25/immigrating-while-queer-part-ii-the-fight-ahead/](https://blogs.archives.gov/2021/06/25/immigrating-while-queer-part-ii-the-fight-ahead/). Accessed 22 Dec. 2021.

⁴⁹ Luibhéid, Eithne. “‘Treated Neither with Respect nor with Dignity:’ Contextualizing Queer and Trans Migrant ‘Illegalization,’ Detention, and Deportation.” *Queer and Trans Migrations: Dynamics of Illegalization, Detention, and Deportation*, edited by Eithne Luibhéid and Karma R. Chávez, Urbana, Chicago, IL, University of Illinois Press, 2020, p. 21.

⁵⁰ United States, Congress. *Immigration and Nationality Act of 1965 (Hart-Celler Act)*. 1 December 1965. <https://www.govinfo.gov/content/pkg/STATUTE-79/pdf/STATUTE-79-Pg911.pdf>

⁵¹ *Ibid.*

immigrants allowed, but consequently enabled “continued racial and ethnic discrimination by elevating nuclear family and sibling ties as the primary grounds for legal admission.”⁵² The preservation of heteronormative ideals of what constitutes a family (in this case, a marriage between a man and a woman and legally recognized children, either biological or legally cared for) provided an additional barrier to immigrants seeking reunification with a same-sex partner or another LGBTQ+ familial tie that went unrecognized by the act.

The End of the Active Pursuit

The Removal of “Homosexual” as a Mental Disorder

As a result of continued persistence from psychologists in immigration cases that identifying as queer does not equate to psychopathic personality traits, the American Psychological Association (APA) removed “homosexual” as a mental disorder descriptor in the DSM-III in December 1973, wherein it had been previously defined as a form of “sexual deviation,” coinciding with the 1965 INA language.⁵³ This change was significant for LGBTQ+ migrants at the time, as the recognized psychological definition affirmed that, “being queer did not mean the person was mentally ill or worse, psychopathic,” weakening the INS justification for its use in deportation and exclusion proceedings.⁵⁴

⁵² Luibhéid, Eithne. “‘Treated Neither with Respect nor with Dignity:’ Contextualizing Queer and Trans Migrant ‘Illegalization,’ Detention, and Deportation.” *Queer and Trans Migrations: Dynamics of Illegalization, Detention, and Deportation*, edited by Eithne Luibhéid and Karma R. Chávez, Urbana, Chicago, IL, University of Illinois Press, 2020, p. 21.

⁵³ Drescher, Jack. “Queer Diagnoses: Parallels and Contrasts in the History of Homosexuality, Gender Variance, and the Diagnostic and Statistical Manual.” *Archives of Sexual Behavior*, vol. 39, no. 2, 25 Sept. 2009, pp. 427–460, pubmed.ncbi.nlm.nih.gov/19838785/, 10.1007/s10508-009-9531-5. Accessed 3 Mar. 2022.

⁵⁴ Kratz, Jessie. “Immigrating While Queer: Part II, the Fight Ahead.” *Pieces of History*, National Archives and Records Administration, 25 June 2021, prologue.blogs.archives.gov/2021/06/25/immigrating-while-queer-part-ii-the-fight-ahead/. Accessed 22 Dec. 2021.

Breaking Down Ambiguity in Queer Migrant Investigations

Due to legal precedent and INS attempting to maintain their authority in acknowledging the perceived homosexual threat, there was a sharp increase of deportations in the 1970s as the INS utilized PHS medical examinations as their last hope in proving the mental defects that supposedly afflicted queer migrants. Amid pushback from LGBTQ+ activists fighting for acceptance in society (and the lack of authoritative psychological research that affirmed psychopathy for queer identities), the Public Health Service changed practices in 1979 to no longer classify patients as mentally ill or psychopathic for their queer identity alone, as they announced that “homosexuality could not be determined through medical examination.”⁵⁵ This is unsurprising, as there was significant pushback within the courts themselves, with migrants bringing psychiatrists who would contradict the PHS definition of mental illness with the current DSM definition. With both the APA and PHS rejecting the 1965 INA definition of homosexuality as psychopathic, there was no longer an authority that would verify the legislation’s definition as accurate in court. This led the INS to announce in 1980 that they would no longer actively investigate LGBTQ+ immigrants and, instead, they would only continue LGBTQ+ migrant investigations if it met one of three criteria:

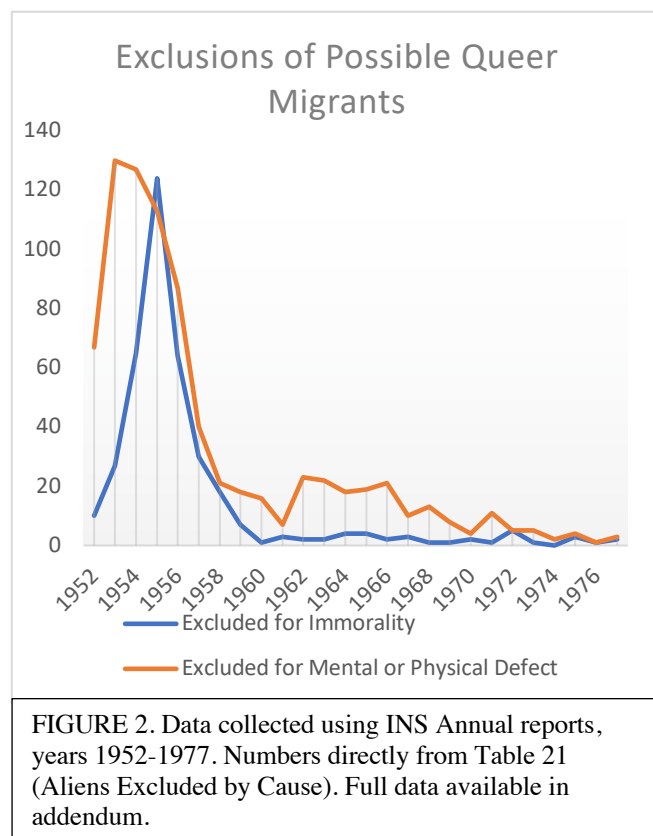
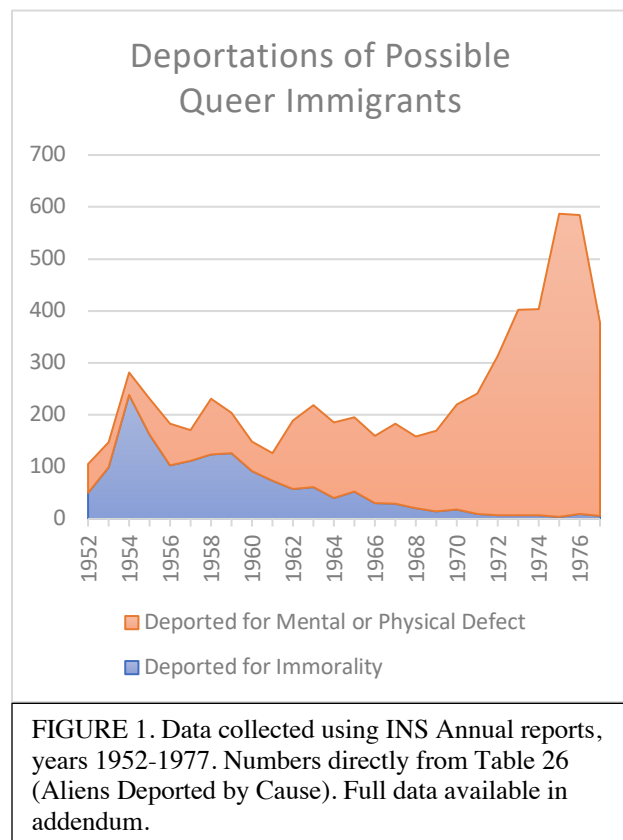
1. The migrant “openly identified themselves under the LBGTQ umbrella,”
2. The migrant displayed an “unsolicited unambiguous admission of homosexuality,” or
3. A “third party...identified [the migrant] as a queer.”⁵⁶

⁵⁵ The New York Times. “HOMOSEXUAL, a U.S. RESIDENT 19 YEARS, FACES DEPORTATION.” *The New York Times*, 3 June 1984, p. 40, www.nytimes.com/1984/06/03/us/homosexual-a-us-resident-19-years-faces-deportation.html. Accessed 1 Mar. 2022.

⁵⁶ Kratz, Jessie. “Immigrating While Queer: Part II, the Fight Ahead.” *Pieces of History*, National Archives and Records Administration, 25 June 2021, prologue.blogs.archives.gov/2021/06/25/immigrating-while-queer-part-ii-the-fight-ahead/. Accessed 22 Dec. 2021.

While the INS ceasing active investigations into a migrant's sexual or gender identity may have appeased activists at the time, the agency still regularly found itself in headlines for its discrimination against LGBTQ+-identifying migrants, as loopholes still existed for investigators to exploit in deporting queer immigrants.

INS Records of Deportations and Exclusions



The above charts represent INS data on deportations and exclusions from the years 1952-1976. Though the INS did not clarify in deportation or exclusion data if a case was specifically due to an immigrant's sexual orientation or gender identity, they can be used as a general portrait of the number of queer migrants impacted by exclusionary policies. One interesting insight from the graphs is that, even after homosexuality was no longer classified as a mental disorder in 1973, investigators increasingly deported immigrants based on a supposed mental defect.

Additionally, the graphs also show far more immigrants deported for their LGBTQ+ identity rather than excluded from entry. This is likely due to investigators discovering possible queer migrants through community tips and conducting subsequent investigations that lead to affirming their homosexuality.

Ongoing Discrimination

Though the INS stopped the deportation and exclusion of immigrants based on LGBTQ+ identity in 1980, queer migrants still encountered significant discrimination within the U.S. legal system because of other technicalities.

Richard Longstaff Denied Citizenship (1984)

Richard Longstaff immigrated from northern Europe to Oklahoma in 1965 at the age of 24 with a permanent residency visa. After a few years of steady employment in the airline industry, Longstaff moved to Dallas, Texas, where he saved money to open his own clothing store, which specialized in showcasing “bar clothes” and swimwear from “gay manufacturers.”⁵⁷ When he became increasingly involved with the Dallas political scene, he decided to apply for his citizenship. After filling out the required forms and recording his fingerprints, he describes how his naturalization interview “turned into an interrogation,” where he was repeatedly asked if he was a homosexual, where he had had “homosexual experiences,” and the frequency of his sexual encounters.⁵⁸ When his application arrived before a Judge Joe Estes three weeks later, Estes denied his application because Longstaff was “homosexual before he came to the United States.”⁵⁹ Longstaff claims that investigators knew from looking at the Dallas police reports that

⁵⁷ Longstaff, Richard. “Richard Longstaff.” *The Dallas Way: An LGBTQ History Project*, 8 Dec. 2017, www.thedallasway.org/stories/written/2017/12/8/richard-longstaff. Accessed 3 Mar. 2022.

⁵⁸ *Ibid.*

⁵⁹ *Ibid.*

he was a “suspected homosexual,” and that alone was enough to create barriers to his naturalization request.⁶⁰

Judge Estes argued that Longstaff had “entered the United States under false pretenses,” as he had unknowingly lied when asked during entry if he had psychopathic personality, creating an issue of morality that justified the deportation, rather than using mental defects as justification like in previous cases.⁶¹ After repeated appeals, the Supreme Court denied to hear the case, reasoning that the case “affects too few people,” leaving Longstaff placed for deportation.⁶² Longstaff called Congressman Micky Leland’s office, who pressured the INS to drop deportation for Longstaff, and, years later, the INS agreed to return Longstaff’s green card with the condition that he does not attempt to apply for naturalization in the future.⁶³

This case demonstrates that, though INS released their intentions to stop actively pursuing suspected queer migrants, they still willingly dragged queer migrants into a lengthy, expensive, and often very-public legal battle to argue their sexuality should play a determining factor in their immigration. During the height of the case’s notoriety, Longstaff’s struggle was covered by several major news outlets, including the New York Times who noted that, “though officials do not inquire about sexual orientation when a foreigner seeks to enter the United States, Federal

⁶⁰ Longstaff, Richard. “Richard Longstaff.” *The Dallas Way: An LGBTQ History Project*, 8 Dec. 2017, www.thedallasway.org/stories/written/2017/12/8/richard-longstaff. Accessed 3 Mar. 2022.

⁶¹ Kratz, Jessie. “Immigrating While Queer: Part II, the Fight Ahead.” *Pieces of History*, National Archives and Records Administration, 25 June 2021, prologue.blogs.archives.gov/2021/06/25/immigrating-while-queer-part-ii-the-fight-ahead/. Accessed 22 Dec. 2021.

⁶² Longstaff, Richard. “Richard Longstaff.” *The Dallas Way: An LGBTQ History Project*, 8 Dec. 2017, www.thedallasway.org/stories/written/2017/12/8/richard-longstaff. Accessed 3 Mar. 2022.

⁶³ Kratz, Jessie. “Immigrating While Queer: Part II, the Fight Ahead.” *Pieces of History*, National Archives and Records Administration, 25 June 2021, prologue.blogs.archives.gov/2021/06/25/immigrating-while-queer-part-ii-the-fight-ahead/. Accessed 22 Dec. 2021.

law still bars homosexual aliens, along with psychopaths and those with mental defects.”⁶⁴ This case, though clearly not the first instance of discrimination against LGBTQ+ immigrants, was unique in that it was one of the first to meet the public eye, with Longstaff’s lawyer commenting that, “[Longstaff] is the only person that I have ever heard of who’s ever been asked about sexual preference at a naturalization interview...The only way someone can be excluded from the country now is if they walked in and said, ‘Hello, I’m a homosexual.’”⁶⁵ Though migrants expected a semblance of relief with the 1980 INS announcement to retire active investigations, the loopholes to continue the same discrimination were left open, leaving queer migrants to question their own presence and future in the United States.

Bowers v. Hardwick (1986)

The Supreme Court of the United States (SCOTUS) denied the appeal of Georgia’s anti-sodomy law in 1986, with “Justice Byron White framing the case that homosexuals were not protected by the Constitution even in the privacy of their own homes.”⁶⁶ This case, solidifying the queer crime of existing while homosexual, signified that the “privacy to engage in a person’s intimate relationships was not beyond the reach of the government.”⁶⁷ Though not specifically targeting migrants, this anti-homosexual interpretation of the law by SCOTUS gave INS another method of rejecting attempted naturalizations from queer immigrants who confess to sexual encounters with the same gender, a personal privacy that was not investigated in the lives of heterosexual immigrants.

⁶⁴ The New York Times. “HOMOSEXUAL, a U.S. RESIDENT 19 YEARS, FACES DEPORTATION.” *The New York Times*, 3 June 1984, p. 40, www.nytimes.com/1984/06/03/us/homosexual-a-us-resident-19-years-faces-deportation.html. Accessed 1 Mar. 2022.

⁶⁵ *Ibid.*

⁶⁶ Kratz, Jessie. “Immigrating While Queer: Part II, the Fight Ahead.” *Pieces of History*, National Archives and Records Administration, 25 June 2021, prologue.blogs.archives.gov/2021/06/25/immigrating-while-queer-part-ii-the-fight-ahead/. Accessed 22 Dec. 2021.

⁶⁷ *Ibid.*

Heteronormative Perception of Family and the Challenges for Queer Migrants

U.S. Refugee Act of 1980

The U.S. Refugee Act of 1980 was a dramatic shift from the national origin quotas established in the 1965 INA, incorporating the international definition of a refugee in response to international crises that the U.S. immigration policy at the time was not able to adapt to. For refugees to apply for status based on LGBTQ+ identity, they must demonstrate that:

1. “They are outside of their country of nationality or former habitual residence;
2. They fear persecution (the ‘subjective’ element);
3. Such persecution is well-founded (the ‘objective’ element);
4. Such persecution is for reasons of race, religion, nationality, membership or a particular social group or political opinion, and;
5. Owing to such fear, they do not wish to return to their country of nationality or former habitual residence.”⁶⁸

Though the Refugee Act was necessary to codify “a distinct institutional and legal process for responding to migrants seeking protection from persecution” and to “set up processes for selecting and administering the resettlement of people who entered the U.S. through the refugee system,” the act also creates problems for those who identify as LGBTQ+.⁶⁹ Once recognized refugees are referred to the U.S. by the UN High Commissioner for Refugees, the migrants go through the rigorous vetting process in the United States, meeting with Department

⁶⁸ UN High Commissioner for Refugees. *UNHCR’s Views on Asylum Claims Based on Sexual Orientation And/or Gender Identity: Using International Law to Support Claims from LGBTI Individuals Seeking Protection in the U.S.* Nov. 2016.

⁶⁹ Luibhéid, Eithne. “‘Treated Neither with Respect nor with Dignity:’ Contextualizing Queer and Trans Migrant ‘Illegalization,’ Detention, and Deportation.” *Queer and Trans Migrations: Dynamics of Illegalization, Detention, and Deportation*, edited by Eithne Luibhéid and Karma R. Chávez, Urbana, Chicago, IL, University of Illinois Press, 2020, p. 22.

of Homeland Security (DHS) for face-to-face interviews and medical screenings that determine their eligibility. It's only after this screening process that they are sent to local NGOs who help with their integration and self-sufficiency.⁷⁰ While the Refugee Act provided a method for LGBTQ+ migrants who experienced persecution in their home country to apply for a refugee visa in the U.S., the resettlement process has been criticized for “selecting and resettling” migrants in a way that “racializes and (hetero)genders” them to “condition their possibilities within labor markets, the welfare state, and citizenship norms.”⁷¹ In forcing the migrant to justify their sexual orientation or gender identity; demonstrate the possibility of persecution in their home country; and repeatedly relive their LGBTQ+ trauma during resettlement interviews, immigration cases, and INS interrogations, the Refugee Act of 1980 created substantial barriers for migrants fleeing persecution to achieve the American dream.

Recognizing Sexuality and Gender as Marginalizing Factors in Immigration

The early 1990s consisted of many legislative efforts to amend Refugee Act of 1980. One criticism of the revisions addressing LGBTQ+ asylum and refugee seekers is that the policies used sexuality and gender “as a basis for social group identity or tool of persecution on which refugee or asylum claims could be made,” narrowing the migrant’s story to the single factor of their marginalization instead of “as broad social axes of power and struggle that are relevant to everyone.”⁷² These policies emphasized the “specific legal and social norms of sexuality and gender that have been set by powerful others, and that reproduce colonial, racial, and class

⁷⁰ USA for UN Refugee Agency. “The U.S. Refugee Resettlement Program Explained.” *Www.unrefugees.org*, 20 Oct. 2021, www.unrefugees.org/news/the-u-s-refugee-resettlement-program-explained/#:~:text=Resettlement%20is%20the%20selection%20and. Accessed 5 Mar. 2022.

⁷¹ Luibhéid, Eithne. “‘Treated Neither with Respect nor with Dignity:’ Contextualizing Queer and Trans Migrant ‘Illegalization,’ Detention, and Deportation.” *Queer and Trans Migrations: Dynamics of Illegalization, Detention, and Deportation*, edited by Eithne Luibhéid and Karma R. Chávez, Urbana, Chicago, IL, University of Illinois Press, 2020, p. 22.

⁷² *Ibid.*, p. 23.

logics,” lending migrant stories to exploitation and victimization without regard for their trauma or wellbeing during the process.⁷³ Though the process of immigration has historically claimed to “uphold” the rights of migrants, “the relatively small numbers [of queer migrants] whose applications result in legal status endure homophobia, transphobia, misogyny, racism, and exploitation throughout the process and after settlement...violently ‘strip[ping them] of rights’” in the interim.⁷⁴ Examples of some of the legislation include “bills seeking to repeal birthright citizenship for children who were born in the United States to migrant parents,” which serves to demonstrate the “exclusionist rhetoric” that perpetuates “the norm of the United States as a nation grounded in white, middle class domesticity and reproduction.”⁷⁵ While these revisions applied to all migrants, they disproportionately impacted LGBTQ+ migrants by adhering to the heteronormative definition of a “normal” familiar relationship. Critics argue that these exclusionary attempted revisions “send a powerful message about who is [and who is not] worthy to add to their children to the future community of citizens.”⁷⁶ Policies that continually discriminated against queer migrants amplified the distrust of the U.S. immigration system from LGBTQ+ immigrants worldwide, showing them that they are not welcome to participate in the American Dream.

Defense of Marriage Act (1996)

One that posed a significant problem for LGBTQ+ couples seeking admittance to the United States was the Defense of Marriage Act (DOMA), which was codified in 1996. This law,

⁷³ *Ibid.*

⁷⁴ *Ibid.*

⁷⁵ Luibhéid, Eithne. “‘Treated Neither with Respect nor with Dignity:’ Contextualizing Queer and Trans Migrant ‘Illegalization,’ Detention, and Deportation.” *Queer and Trans Migrations: Dynamics of Illegalization, Detention, and Deportation*, edited by Eithne Luibhéid and Karma R. Chávez, Urbana, Chicago, IL, University of Illinois Press, 2020, p. 24.

⁷⁶ *Ibid.*, p. 23.

written to “define and protect the institution of marriage,” specifically defined marriage as “the union of one man and one woman.”⁷⁷ This definition’s intentional nonrecognition of same-sex couples was aimed primarily at the individual U.S. states who had already codified same-sex marriage into their laws, but it nevertheless created a complex issue for LGBTQ+ migrant couples. Same-sex couples with one partner residing in the United States and another internationally could no longer use their marriage as “a basis for legal immigration,” and couples that included one transgender-identifying partner faced “complex legal difficulties,” such as accepting perpetual misgendering or being forced to immigrate under another provision.⁷⁸ The exclusions within DOMA included that “a nonbiological parent could not have a legal relationship with a child of the biological parent in a same-sex couple,” creating new issues for same-sex couples who had children together and were reviewing their immigration options.⁷⁹

Though these revisions are not directly positioned to target queer immigrants, their existence and debate sends a clear message to LGBTQ+ migrants who are looking to immigrate to the U.S.: that they are not welcome, nor will the U.S. government recognize their identity and family ties.

Ending the Discriminatory Definitions and Beginning to Listen to Migrant Voices

In June 2013, the U.S. Supreme Court decided to strike the DOMA definition of marriage in *United States v. Windsor*.⁸⁰ As a result of this, the United States Citizenship and Immigration

⁷⁷ Cornell Law School. “Defense of Marriage Act (DOMA).” *LII / Legal Information Institute*, 2018, [www.law.cornell.edu/wex/defense_of_marriage_act_\(doma\)](http://www.law.cornell.edu/wex/defense_of_marriage_act_(doma)). Accessed 6 Mar. 2022.

⁷⁸ Luibhéid, Eithne. “‘Treated Neither with Respect nor with Dignity:’ Contextualizing Queer and Trans Migrant ‘Illegalization,’ Detention, and Deportation.” *Queer and Trans Migrations: Dynamics of Illegalization, Detention, and Deportation*, edited by Eithne Luibhéid and Karma R. Chávez, Urbana, Chicago, IL, University of Illinois Press, 2020, p. 24.

⁷⁹ Cornell Law School. “Defense of Marriage Act (DOMA).” *LII / Legal Information Institute*, 2018, [www.law.cornell.edu/wex/defense_of_marriage_act_\(doma\)](http://www.law.cornell.edu/wex/defense_of_marriage_act_(doma)). Accessed 6 Mar. 2022.

⁸⁰ *Ibid.*

Services (USCIS) began “to review immigration visa petitions filed on behalf of a same-sex spouse in the same manner as those filed on behalf of an opposite sex spouse.”⁸¹ Around the same time, President Obama formed the Blue Ribbon Commission in April 2014 to address growing concerns about the treatment of migrants during the U.S. deportation process. This commission’s goal was to make “deportation ‘more humane’ through a consultative process that included few affected migrants.”⁸² The commission included voices of marginalized migrants, including queer migrants, who shared their experiences and perceptions on the current state of the immigration system. From this, recommended changes to the immigration system were brought forth to the administration to for governmental consideration.

A little over a year later, in June 2015, SCOTUS also struck the section of DOMA that “allowed individual states to not recognize same-sex marriages performed in other states” in *Obergefell v. Hodges*. Combined, these changes towards focusing on LGBTQ+ and migrant voices, rather than silencing them (as they historically have been) created a positive shift for the LGBTQ+ community in the United States and was a first step in mending the lack of trust that many queer migrants had expressed with the U.S. immigration system and societal protections for LGBTQ+ people.

⁸¹ Luibhéid, Eithne. “‘Treated Neither with Respect nor with Dignity:’ Contextualizing Queer and Trans Migrant ‘Illegalization,’ Detention, and Deportation.” *Queer and Trans Migrations: Dynamics of Illegalization, Detention, and Deportation*, edited by Eithne Luibhéid and Karma R. Chávez, Urbana, Chicago, IL, University of Illinois Press, 2020, pp. 24-25.

⁸² *Ibid.* p. 19.

Chapter 3: Current Barriers and Problems for Queer Migrants

LGBTQ+ immigrants encounter several barriers during the immigration and integration process in the United States. One report breaks these barriers into four main categories:

1. “Getting here,”
2. “Getting by,”
3. “Facing prejudice,” and
4. “Finding support.”⁸³

First, a migrant must determine if their circumstances make them eligible to apply for refugee or asylum status, and, if not, whether they should make the move to the United States. Next, once immigrants have arrived, they must find temporary means of supporting themselves, especially for asylum seekers who often have long wait times to have their case heard. Oftentimes, migrants will “live with friends, family, or acquaintances,” while others may “live in college dorms, hostels, community organization spaces or rental units.”⁸⁴ While in this stage, many migrants experience homelessness, either living “on the streets and between homeless shelters,” or generally relying “on friends, informal networks, and community organizations to get by.”⁸⁵ Third, many migrants find themselves facing “racism, xenophobia, and anti-immigrant sentiment,” while LGBTQ+ migrants specifically encounter increased persecution or discrimination based on their sexual or gender identity.⁸⁶ Lastly, in order to have a successful integration, it is important that migrants find a community of support. However, for queer immigrants, it can be difficult to discern which organizations or communities will be safe and

⁸³ McGuirk, Siobhan, et al. “Stronger Together: A Guide to Supporting LGBT Asylum Seekers.” *LGBT Freedom and Asylum Network*, Oct. 2015.

⁸⁴ *Ibid.*

⁸⁵ *Ibid.*

⁸⁶ *Ibid.*

accepting of their diversity. As such, queer migrants “can be cautious about revealing their sexuality, gender identity, specific needs, and immigration status to potential service providers,” limiting the ability to access a support network for many.⁸⁷ This chapter will explore different barriers that the LGBTQ+ immigrant may encounter in more detail.

The Nonexistence of Data Representing the Queer Immigrant

One major problem that those interested in LGBTQ+ immigration research find is that there is not much data available about the United States LGBTQ+ immigrant community. This is because the Department of Homeland Security “does not record applicants’ sexual orientation or gender identity” when processing and collecting other forms of data from asylum applications.⁸⁸ When diving into the collected asylum application data, DHS records only list the “broadest categories of persecution” from an applicant’s claims, meaning it is then “impossible to state the number of asylum claims made per year that either cite anti-LGBT persecution or are submitted by people who identify as LGBT.”⁸⁹ Though DHS does not track statistics of LGBTQ+ claims directly, the international refugee and asylum system both “reflect a distinct rise” in LGBTQ+ applicants.⁹⁰ Excluding queer migrants who base their asylum claims on other factors, it is estimated that “between four and six percent of the asylees in other countries could be lodging claims based on their LGBTI status.”⁹¹ Using this estimate, it could be suggested that, “of the

⁸⁷ McGuirk, Siobhan, et al. “Stronger Together: A Guide to Supporting LGBT Asylum Seekers.” *LGBT Freedom and Asylum Network*, Oct. 2015.

⁸⁸ *Ibid.*

⁸⁹ *Ibid.*

⁹⁰ Organization for Refugee, Asylum & Migration. “Rainbow Bridges: A Community Guide to Rebuilding the Lives of LGBTI Refugees and Asylees.” Organization for Refuge, Asylum and Migration, 30 Apr. 2012.

⁹¹ *Ibid.*

96,046 total asylum applications the U.S. received in 2014 alone, 4,802 would have cited anti-LGBT persecution.”⁹²

Further, outside of refugee or asylum applications, there is no other method of tracking queer migrants who immigrate using a different visa type or method. Current estimates suggest that 3% of both the documented and undocumented immigrant population would identify as queer.⁹³ However, since the federal government does not have a method to account for LGBTQ+ identity upon entry, nor would immigrants necessarily feel safe to self-disclose their identity, there is no method for LGBTQ+ researchers to employ data outside of rough estimates. This poses a problem when determining how to best provide assistance to queer migrants, simply because there is not a way to support claims of possible benefits or to track LGBTQ+ migration in different regions, countries of origin, or during the integration process.

Hurdles for the Queer Immigrant

Outside of barriers to entry for LGBTQ+ migrants, there are unique barriers for the queer immigrant community to overcome depending on their individual situation.

Lack of an LGBTQ+ Immigrant Community

For refugees specifically, resettlement location is determined by representatives from resettlement agencies, who try to determine the “particular needs of each incoming refugee” to best match them with “specific resources available in U.S. communities.”⁹⁴ However, studies have shown that “very few LGBT refugees disclose their sexual orientation or gender identity to

⁹² McGuirk, Siobhan, et al. “Stronger Together: A Guide to Supporting LGBT Asylum Seekers.” *LGBT Freedom and Asylum Network*, Oct. 2015.

⁹³ Goldberg, Shoshana K., and Kerith J. Conron. “LGBT Adult Immigrants in the United States.” *Williams Institute*, 23 Feb. 2021, williamsinstitute.law.ucla.edu/publications/lgbt-immigrants-in-the-us/. Accessed 29 Nov. 2021.

⁹⁴ U.S. Department of State. “Reception and Placement - United States Department of State.” *United States Department of State*, Feb. 2021, www.state.gov/refugee-admissions/reception-and-placement/. Accessed 12 Mar. 2022.

refugee resettlement agencies, other than the limited number granted refugee status specifically on this basis.”⁹⁵ For queer migrants who are not considered refugees, estimates suggest that the majority of LGBTQ+ immigrants resettle in California (estimated 59,600 migrants) and Texas (43,300); other states with a notable population include Florida, New York, Georgia and Illinois.⁹⁶

LGBTQ+ immigrants may choose to remain “segregated” from communities that have a high population of migrants from their country of origin, as many create a “self-imposed isolation” as a security measure to protect themselves from similar discrimination or persecution to what they had faced before arrival.⁹⁷ This isolation can be devastating for refugees and non-refugees alike because community participation “is critical to the resettlement process.”⁹⁸ However, research demonstrates that community “networks are essential in immigrants’ economic success and their social and psychological adjustment.”⁹⁹ By creating a community of LGBTQ+ immigrants, there is a higher chance of creating migrant networks, or “sets of interpersonal ties that connect migrants through kinship, friendship, and shared community origin,” which could prove useful in creating a “social capital” for the migrant, often leading to increased support during the adjustment period.¹⁰⁰

⁹⁵ Portman, Scott, and Daniel Weyl. “LGBT Refugee Resettlement in the US: Emerging Best Practices | Forced Migration Review.” *Fmreview.org*, 29 Apr. 2013, www.fmreview.org/sogi/portman-weyl. Accessed 22 Dec. 2021.

⁹⁶ Goldberg, Shoshana K., and Kerith J. Conron. “LGBT Adult Immigrants in the United States.” *Williams Institute*, 23 Feb. 2021, williamsinstitute.law.ucla.edu/publications/lgbt-immigrants-in-the-us/. Accessed 29 Nov. 2021.

⁹⁷ Portman, Scott, and Daniel Weyl. “LGBT Refugee Resettlement in the US: Emerging Best Practices | Forced Migration Review.” *Fmreview.org*, 29 Apr. 2013, www.fmreview.org/sogi/portman-weyl. Accessed 22 Dec. 2021.

⁹⁸ *Ibid.*

⁹⁹ *Ibid.*

¹⁰⁰ Hao, Lingxin, and Yukio Kawano. “Immigrants’ Welfare Use and Opportunity for Contact with Co-Ethnics.” *Demography*, vol. 38, no. 3, 13 Nov. 2019, pp. 375–389. *Duke University Press*, read.dukeupress.edu/demography/article/38/3/375/170483/Immigrants-welfare-use-and-opportunity-for-contact, 10.1353/dem.2001.0027. Accessed 12 Mar. 2022.

Though resettlement agencies do not always consider LGBTQ+ status for a refugee's initial placement, research has demonstrated that LGBTQ+ immigrants "undeniably benefit from resettlement to locations with a positive legal environment, an established LGBT community, and a critical mass of other LGBT migrants."¹⁰¹ These LGBTQ+ "hubs" would encourage local businesses, housing resources, and communities to create a more welcoming environment for queer migrants, which is crucial for future success. However, since many migrants and refugees alike are not comfortable with disclosing their sexual and gender identity, the barrier to a welcoming community continues to exist.

Barriers to Legal Services

One frequent problem for queer immigrants is a lack of access to legal representation. For starters, those without a green card face a unique problem, as they "are ineligible for many public benefits," because "in immigrant proceedings, plaintiffs lack the right to legal assistance at government expense."¹⁰² While this federal right is not protected for those without a green card, it is important to note that HIV positive migrants do have access to legal representation, as they are protected with a few federal benefits due to their status.¹⁰³ However, for those not included in the protected federal class, there is often not enough state or organizational funding to fill the gap.

For organizations that provide queer migrants with assistance integrating, many reported that "the lack of pro bono or affordable attorneys providing litigation services for immigrants is a

¹⁰¹ Portman, Scott, and Daniel Weyl. "LGBT Refugee Resettlement in the US: Emerging Best Practices | Forced Migration Review." *Fmreview.org*, 29 Apr. 2013, www.fmreview.org/sogi/portman-weyl. Accessed 22 Dec. 2021.

¹⁰² Medina, Caroline, et al. "Serving LGBTQ Immigrants and Building Welcoming Communities." *Center for American Progress*, Jan. 2018, www.americanprogress.org/issues/lgbtq-rights/reports/2018/01/24/445308/serving-lgbtq-immigrants-building-welcoming-communities/. Accessed 8 May 2021.

¹⁰³ *Ibid.*

major barrier to meeting community needs,” as there are often many more immigrants who are unable to provide sufficient funding for counsel than there are lawyers who have affordable services.¹⁰⁴ In order to mitigate this problem, many organizations reported providing “workshops with attorneys to conduct initial screenings and inform clients of the law so that they could handle their own cases,” lessening the financial barrier for many who are capable of handling their own case after a consultation.¹⁰⁵ On top of the lack of affordable attorneys, migrants are also burdened with the fees of filing for applications for immigration benefits themselves.¹⁰⁶

Accessing Healthcare and Medical Settings

Another significant barrier faced by LGBTQ+ immigrants is accessible and affordable healthcare services. Many LGBTQ+ people report facing discrimination or refusal of services outright by a healthcare provider, oftentimes discouraging the person from returning. In fact, a 2010 Lambda Legal Study on LGBTQ+ healthcare experiences found that more than half of LGBTQ+ respondents reported experiencing discrimination, and 10 percent reported being refused care outright.¹⁰⁷ Additionally, healthcare services also pose a financial barrier for many migrants, as they are ineligible for federal programs like Medicaid to help insure their care and many are excluded from “purchasing insurance in state exchanges,” making the decision to seek necessary health services a financial decision for many.¹⁰⁸ While the federal government does offer some healthcare services, oftentimes a migrant must already be a citizen or a victim of trafficking to be eligible.¹⁰⁹

¹⁰⁴ Medina, Caroline, et al. “Serving LGBTQ Immigrants and Building Welcoming Communities.” *Center for American Progress*, Jan. 2018, www.americanprogress.org/issues/lgbtq-rights/reports/2018/01/24/445308/serving-lgbtq-immigrants-building-welcoming-communities/. Accessed 8 May 2021.

¹⁰⁵ *Ibid.*

¹⁰⁶ *Ibid.*

¹⁰⁷ *Ibid.*

¹⁰⁸ *Ibid.*

¹⁰⁹ See “Federal Programs” in Chapter 4.

For LGBTQ+ immigrants specifically, there is a drastic need for increased accessibility to healthcare services because they are impacted by the “adverse experiences of discrimination, stigma, violence, and other social, political, and economic determinants of health.”¹¹⁰ In particular, research shows that, “certain populations of the LGBTQ community are more vulnerable to suffering from chronic health conditions; see higher prevalence and earlier onset of disabilities; and experience higher rates of illness and health challenges related to HIV/AIDS, substance use, mental illness, and sexual and physical violence.”¹¹¹

Since the role of providing access to or giving referrals for healthcare services, especially mental healthcare services, often falls to organizations that assist immigrants, there is often not adequate training for organizational staff to assist with LGBTQ+ migrants who may be struggling. An example of a common problem with untrained or underqualified staff attempting to provide services is “ask[ing] insensitive questions or forc[ing migrants] to retell traumatic stories that had nothing to do with the services being sought,” posing a major roadblock for immigrants who are seeking help.¹¹² However, completely removing healthcare services or referrals from community organizations is also not a sufficient resolution, as “some organizations noted that if they were unable to meet [healthcare-related] needs— while continuing to provide certain primary services—these [migrants] did not return.”¹¹³ Because

¹¹⁰ Kates, Jennifer, et al. “Health and Access to Care and Coverage for Lesbian, Gay, Bisexual, and Transgender (LGBT) Individuals in the U.S. - Health Challenges.” *Kaiser Family Foundation*, 3 May 2018, www.kff.org/report-section/health-and-access-to-care-and-coverage-lgbt-individuals-in-the-us-health-challenges/. Accessed 12 Mar. 2022.

¹¹¹ Gruberg, Sharita. “Improving the Lives and Rights of LGBTQ People in America.” *Center for American Progress*, Jan. 2021, www.americanprogress.org/issues/lgbtq-rights/reports/2021/01/12/494500/improving-lives-rights-lgbtq-people-america/. Accessed 8 May 2021.

¹¹² Medina, Caroline, et al. “Serving LGBTQ Immigrants and Building Welcoming Communities.” *Center for American Progress*, Jan. 2018, www.americanprogress.org/issues/lgbtq-rights/reports/2018/01/24/445308/serving-lgbtq-immigrants-building-welcoming-communities/. Accessed 8 May 2021.

¹¹³ *Ibid.*

healthcare is such a personal matter, especially for LGBTQ+ migrants who “experience higher rates of sexual trauma and endure verbal and physical abuse in their home countries,” making them wary of seeking treatment in the U.S., it is important that there be a solution that includes keeping the immigrant community safe at an affordable cost with providers that are adequately trained and are trustworthy.¹¹⁴

Overcoming Homelessness

Housing is another barrier that the immigrant community must overcome. Though “there are not immigrant-specific data related to housing stability, research shows that LGBTQ people are disproportionately impacted by homelessness.”¹¹⁵ Current researchers interviewing LGBTQ+ immigrant community organizations and government officials found that several commented specifically on the “lack of welcoming housing for LGBTQ immigrants,” often referring to the lack of affordable housing options for migrants who don’t qualify for government assistance, as well as the discrimination that LGBTQ+ migrants encounter when finding housing options.¹¹⁶ This barrier is unlikely to be resolved soon, as organizations that provide homeless services have reported “average increases in the [LGBTQ+] proportion” of those they served in the past ten years, and that LGBTQ+ homeless people “were reported to have been homeless longer and have more mental and physical health problems than non-LGBTQ” counterparts.¹¹⁷

Experiencing homelessness can be detrimental for immigrants in the process of integrating into their community, as experiencing instability in one’s shelter can significantly

¹¹⁴ Medina, Caroline, et al. “Serving LGBTQ Immigrants and Building Welcoming Communities.” *Center for American Progress*, Jan. 2018, www.americanprogress.org/issues/lgbtq-rights/reports/2018/01/24/445308/serving-lgbtq-immigrants-building-welcoming-communities/. Accessed 8 May 2021.

¹¹⁵ *Ibid.*

¹¹⁶ *Ibid.*

¹¹⁷ Choi, Soon Kyu, et al. “Serving Our Youth.” *Williams Institute*, 2 Mar. 2021, williamsinstitute.law.ucla.edu/publications/serving-our-youth-lgbtq/. Accessed 12 Mar. 2022.

reduce “prospects for future educational attainment, employment growth, health stability, and family preservation.”¹¹⁸ While one study reports that “rates of lifetime adult homelessness are similar among US immigrants and native-born residents,” it also notes that “the longer that immigrants had lived in the United States, the greater their risk for homelessness.”¹¹⁹ This finding is consistent with previous literature that found that, “the health immigrant effect,” otherwise known as the idea that foreign born individuals in the United States will maintain similar standards of health as in their native country (which is often considered healthier than their U.S. counterparts), “declines for immigrants in the United States as they acculturate and develop habits similar to native [United States] residents,” likely due to an “increased susceptibility to mental illness, substance abuse, and other factors” that increase the risk of homelessness.¹²⁰ This study, while it does not discuss LGBTQ+ foreign-born homelessness specifically, notes that immigrant communities “may require special outreach since they are less likely to have health insurance coverage, may have language barriers and lack of knowledge about support programs, may be more reliant on social capital and supportive ethnic networks, and may experience other cultural issues.”¹²¹ These findings are important for organizations that work with immigrant communities, as it suggests that housing stability should be a primary concern for migrants not only upon arrival, but as they continue to integrate.

¹¹⁸ United States Interagency Council on Homelessness. “The Importance of Housing Affordability and Stability for Preventing and Ending Homelessness.” *United States Interagency Council on Homelessness*, 2019, www.usich.gov/resources/uploads/asset_library/Housing-Affordability-and-Stability-Brief.pdf, 10.1111/j.1475-6773.2011.01350. Accessed 12 Mar. 2022.

¹¹⁹ Tsai, J., and X. Gu. “Homelessness among Immigrants in the United States: Rates, Correlates, and Differences Compared with Native-Born Adults.” *Public Health*, vol. 168, Mar. 2019, pp. 107–116, 10.1016/j.puhe.2018.12.017.

¹²⁰ *Ibid.*

¹²¹ *Ibid.*

Language Barriers

A common barrier for many immigrants to overcome is communicating in English effectively and efficiently in their new communities. In the United States, it is estimated that “over 25 million people in the United States have limited English proficiency (LEP),” and that “21 percent of the total LEP population lives in counties that include the cities of Los Angeles, Miami, Houston, Chicago, and New York City,” which are major cities for the LGBTQ+ immigrant population.¹²² English proficiency is a significant factor to consider when looking at an immigrant’s ability to integrate, as those with LEP are “more likely to live in poverty” and find it difficult “to locate and use [basic] services.”¹²³ One particular area for concern is non-Spanish speaking LEP immigrants, as many immigrant-serving organizations have noted “that it is generally difficult to find language services for non-Spanish speakers.” While language access largely depends on an organization’s location and the number of community members who need a specific language, out of the LGBTQ+ immigrant-serving organizations interviewed, “nearly 80 percent...reported that they provide materials to clients in more than one language, and half reported having signs in their offices that were in more than one language.”¹²⁴ Overcoming the language barrier is a significant challenge for migrants because it presents as another task that takes time and financial resources, with many language-learning programs requiring a fee to participate. Overall, “resources for education in English as a second language are limited for both adults and children, which may present barriers to successful integration, particularly in the first

¹²² Medina, Caroline, et al. “Serving LGBTQ Immigrants and Building Welcoming Communities.” *Center for American Progress*, Jan. 2018, www.americanprogress.org/issues/lgbtq-rights/reports/2018/01/24/445308/serving-lgbtq-immigrants-building-welcoming-communities/. Accessed 8 May 2021.

¹²³ *Ibid.*

¹²⁴ *Ibid.*

generation.”¹²⁵ However, without learning English, immigrants may find a negative impact on “educational outcomes, employment opportunities, and earnings,” as well as their “ability to engage in civic organizations, understand political discourse, and become citizens.”¹²⁶ In order to provide the best possible service for LGBTQ+ migrants, it is important to have informational materials available in a variety of languages and encourage them to attend language learning programs.

Lack of Funding for LGBTQ+ Immigrant Resources

In general, a common barrier that organizations and immigrants alike face is a lack of funding for resources, as “the need for services far outweighs the organizational capacity to provide them.”¹²⁷ Funding doesn’t only impact the ability to provide services, but also impacts the organization’s ability to “effectively inform the community about their services.”¹²⁸ Without the financial resources to dedicate full-time staff to tasks like community outreach, there is going to be a gap between “connecting existing services with the LGBTQ immigrant community.”¹²⁹ One author notes that “there is no financial incentive for institutions to recognize the basic human needs of LGBT or other asylum seekers, who are left in the impossible situation of being forbidden to earn a living or access most government forms of assistance.”¹³⁰ Even when considering the contributions gathered from public donations, one study on donations to community organizations in the U.S. explains that, “organizations who help immigrant

¹²⁵ National Academies of Sciences, Engineering, and Medicine. “The Integration of Immigrants into American Society, Issue Brief: Language Integration.” 2015.

¹²⁶ *Ibid.*

¹²⁷ Medina, Caroline, et al. “Serving LGBTQ Immigrants and Building Welcoming Communities.” *Center for American Progress*, Jan. 2018, www.americanprogress.org/issues/lgbtq-rights/reports/2018/01/24/445308/serving-lgbtq-immigrants-building-welcoming-communities/. Accessed 8 May 2021.

¹²⁸ *Ibid.*

¹²⁹ *Ibid.*

¹³⁰ McGuirk, Siobhan, et al. “Stronger Together: A Guide to Supporting LGBT Asylum Seekers.” *LGBT Freedom and Asylum Network*, Oct. 2015.

communities and refugees are lacking money of their own, with data showing that “between 2011 and 2015, barely 1% of all money granted by the 1,000 largest U.S. foundations was intended to benefit immigrants and refugees.”¹³¹ The financial gap persists between the resources that are desperately needed by the immigrant community and the services community organizations are able to provide adequately. Especially when evaluating immigrant communities with specific needs, like the LGBTQ+ migrant community, the financial barrier for both migrants and organizations that serve migrants create a limitation to how many immigrants are able to access and be served by these resources.

Queer Migration in Trump’s America

Donald Trump’s election in 2016 came as a shock to some, with “51% [of voters] say[ing] Trump’s election ma[de] them feel uneasy.”¹³² After the election, 1 in 10 voters said that immigration should be Trump’s first priority in office, ranking in third on the list overall.¹³³ Despite campaign promises that he would be “better for the gay community” than opponent Hillary Clinton, in addition to promising that he planned to “protect our LGBTQ citizens from the violence and oppression of a hateful foreign ideology,” Trump’s presidency did not prove his statements true.¹³⁴

¹³¹ “State of Foundation Funding - National Committee for Responsive Philanthropy.” *National Committee for Responsive Philanthropy*, 13 May 2020, www.ncrp.org/initiatives/movement-investment-project/our-active-movement-areas/pro-immigrant-and-refugee-movement/state-foundation-funding#2. Accessed 10 Mar. 2022.

¹³² Pew Research Center. “Low Marks for Major Players in 2016 Election - Including the Winner.” *Pew Research Center - U.S. Politics & Policy*, Pew Research Center - U.S. Politics & Policy, 21 Nov. 2016, www.pewresearch.org/politics/2016/11/21/presidential-election-reactions-and-expectations/. Accessed 13 Mar. 2022.

¹³³ *Ibid.*

¹³⁴ Signorile, Michelangelo. “Trump’s Cabinet: A Who’s Who of Homophobia.” *The Boston Globe*, 15 Dec. 2016, www.bostonglobe.com/opinion/2016/12/15/trump-cabinet-who-who-homophobia/9UDr8MnXIQAxjO369qzT0J/story.html. Accessed 13 Mar. 2022.

Presidential Rhetoric and Actions

Donald Trump was often criticized for his rhetoric, with some describing his communication style as more like “a demagogue and not like a president,” explaining that he often “took advantage of preexisting distrust and polarization and frustration, and he used rhetorical strategies that were designed to make all of those things worse.”¹³⁵ His use of “stochastic terrorism,” or dehumanizing and treating his opponents, the media, and even members of his own party as objects and berating them consistently, is essentially a “call to war” that has only been used in presidential rhetoric before during wartime efforts.¹³⁶ Among his list of opponents: both the queer and immigrant communities. Through Trump’s rhetoric and actions during his presidency, he “energized [sexist, racist, and homophobic] groups by igniting their hate and making the use of bigoted speech more normalized, if not more acceptable.”¹³⁷ This reinvigoration of homophobia across America limited the ability for LGBTQ+ people to come out of the closet by openly self-identifying in their communities, and it served to exacerbate the lack of trust and the mounting fear for queer immigrants integrating in their new communities.

Discriminatory Abuse towards LGBTQ+ and Immigrant Communities

To start, Trump’s repeated hateful rhetoric and endorsement of anti-LGBTQ+ organizations and leaders normalized homophobia in leadership positions, including in his Vice President, Mike Pence. Despite campaign promises to protect the queer community during his

¹³⁵ Mercieca, Jennifer. “How President Trump’s Rhetoric Has Affected U.S. Politics.” *NPR*, 19 Jan. 2021, www.npr.org/2021/01/19/958472423/how-president-trumps-rhetoric-has-affected-u-s-politics. Accessed 12 Mar. 2022.

¹³⁶ *Ibid.*

¹³⁷ Stalsburg, Brittany L. “Trump and the Normalization of Hate.” *HuffPost*, HuffPost, 23 May 2016, www.huffpost.com/entry/trump-and-the-normalizati_b_10101492. Accessed 13 Mar. 2022.

presidency, Trump could be credited to turning a blind eye (in the absolute best-case-scenario) towards the abuse and discrimination happening in his own administration.

Condoning Vice President Pence's Anti-LGBTQ+ Agenda

Pence had always been clear “opponent of the gains made by the L.G.B.T. community,” with a history of supporting conversion therapy and regularly associating with religious, political, and educational organizations that hold homophobic views.¹³⁸ In a 2017 *New Yorker* profile on Pence, Trump joked that Pence “wants to hang them all,” when the conversation turned to LGBTQ+ rights.¹³⁹ Others note that, when examining Pence’s political history, “his extreme positions [that seek] to undermine the rights and freedoms of LGBTQ people, women and others has been a defining element of his agenda.”¹⁴⁰ In 2018, Pence was the first VP to speak at the Values Voter Summit, hosted by the Family Research Council, which was “designated as an ‘anti-LGBT hate group’ by the Southern Poverty Law Center,” only a year after Trump was the first president to ever attend.¹⁴¹ Trump’s dismissal of the gravity of the comments he and his Vice President made, as well as the message they sent with their actions that supported anti-LGBTQ+ ideas made the United States a more polarized and unsafe location to be “out of the closet” as a queer person.

¹³⁸ Stack, Liam. “Mike Pence and ‘Conversion Therapy’: A History.” *The New York Times*, 30 Nov. 2016, www.nytimes.com/2016/11/30/us/politics/mike-pence-and-conversion-therapy-a-history.html. Accessed 13 Mar. 2022.

¹³⁹ Mayer, Jane. “The Danger of President Pence.” *The New Yorker*, The New Yorker, 16 Oct. 2017, www.newyorker.com/magazine/2017/10/23/the-danger-of-president-pence. Accessed 13 Mar. 2022.

¹⁴⁰ Human Rights Campaign. “The Real Mike Pence: A Lifetime of Attacks on the LGBTQ Community.” 2018.

¹⁴¹ Fitzsimons, Tim. “Pence Is First vp to Speak at Anti-Gay Group’s Values Voter Summit.” *NBC News*, NBC News, 24 Sept. 2018, www.nbcnews.com/feature/nbc-out/pence-first-vp-speak-anti-gay-group-s-values-voter-n912641. Accessed 13 Mar. 2022.

Political Participation in LGBTQ+-Related Matters

Trump also personally used his office to promote anti-LGBTQ+ people and organizations, both on the international state and at home.

International Anti-LGBTQ+ Presidential Actions

In March of 2017, Trump delegated the Center for Family and Human Rights (the same anti-LGBTQ hate group that Pence and Trump had both spoken at previously) to represent the United States at the UN Commission on the Status of Women.¹⁴² In the following years, Trump sent other delegates who previously sought to limit the rights of transgender students and who was the liaison between evangelical Christians and the Trump campaign; during the summit, the United States delegation “recommend adding an amendment making clear that it was referring only to women and girls,” as well as to “remove language underscoring the need for stronger ‘gender-responsive’ human rights protections and investments in social services.”¹⁴³ Both of these recommendations, as well as the United States’ delegations goal to use the “United Nations negotiations spaces...to undermine existing commitments,” served not only to normalize anti-queer sentiments, but to also force other countries to comment that the U.S. had been on “the wrong side of rights” during the discussions.¹⁴⁴

Also on the global stage, Trump “refused to sign a statement in support of an Inter-American Court of Human Rights’ ruling on marriage equality and transgender rights,” in February 2018.¹⁴⁵ This action, especially when federal rulings had already determined LGBTQ+

¹⁴² Brownworth, Victoria A. “A Timeline of Trump’s Anti-LGBTQ Actions.” *Philadelphia Gay News*, 6 Jan. 2021, epgn.com/2021/01/06/a-timeline-of-trumps-anti-lgbtq-actions/. Accessed 5 Mar. 2022.

¹⁴³ Lynch, Colum, and Robbie Gramer. “At the U.N., America Turns Back the Clock on Women’s Rights.” *Foreign Policy*, Foreign Policy, 14 Mar. 2019, foreignpolicy.com/2019/03/14/at-united-nations-women-rights-gender-health-trump-diplomacy/. Accessed 13 Mar. 2022.

¹⁴⁴ *Ibid.*

¹⁴⁵ Brownworth, Victoria A. “A Timeline of Trump’s Anti-LGBTQ Actions.” *Philadelphia Gay News*, 6 Jan. 2021, epgn.com/2021/01/06/a-timeline-of-trumps-anti-lgbtq-actions/. Accessed 5 Mar. 2022.

marriages to be Constitutional in the United States, demonstrates Trump's dedication to advancing an anti-LGBTQ+ agenda and appeal to the homophobia popular amidst his party, rather than promote the ideals and status-quo of the country he was leading.

Domestic Anti-LGBTQ+ Presidential Actions

At home, Trump also continued his trail of discrimination against LGBTQ+ people. In July 2018, Trump's Department of Justice formed the "Religious Liberty Task Force," with intentions of protecting the "great tradition of religious freedom" in the United States.¹⁴⁶ However, this was met with criticism that it was "a discriminatory affront to civil liberties masquerading as protections for people of faith."¹⁴⁷ Additionally, in June 2019, Trump continued his three-year refusal to celebrate LGBTQ+ Pride Month along with the rest of the U.S., banning "U.S. embassies from displaying the rainbow flag for Pride month" and refusing "acknowledge the 50th anniversary of the Stonewall riots," a monumental moment in LGBTQ+ Pride History.¹⁴⁸ Lastly, Trump also nominated several Supreme Court Justices who have "extensive records of being anti-LGBTQ+," including Amy Coney Barrett, Brett Kavanaugh, and Neil Gorsuch.

Anti-Immigrant and Anti-LGBTQ+ Executive Policy Influence

During his presidency, Trump enacted policy through the use of executive orders more frequently than his immediate predecessors, averaging 55 executive orders issued per year for a total of 220 during his presidency.¹⁴⁹ In comparison, Obama had averaged 37 each year during

¹⁴⁶ Edelman, Adam. "Sessions' Religious Liberty Task Force Panned by Civil Rights Groups, LGBTQ Advocates." *NBC News*, NBC News, 31 July 2018, www.nbcnews.com/politics/justice-department/sessions-religious-liberty-task-force-panned-civil-rights-groups-lgbtq-n896271. Accessed 13 Mar. 2022.

¹⁴⁷ *Ibid.*

¹⁴⁸ Brownworth, Victoria A. "A Timeline of Trump's Anti-LGBTQ Actions." *Philadelphia Gay News*, 6 Jan. 2021, epgn.com/2021/01/06/a-timeline-of-trumps-anti-lgbtq-actions/. Accessed 5 Mar. 2022.

¹⁴⁹ University of California Santa Barbara. "Executive Orders | the American Presidency Project." *University of California Santa Barbara*, 2021, www.presidency.ucsb.edu/statistics/data/executive-orders. Accessed 13 Mar. 2022.

his first term, for a total of 147 in his first four years, and 276 during both terms.¹⁵⁰ In fact, his administration's executive order usage was criticized by some, noting that his administration had "worked aggressively to turn back the clock on our nation's civil and human rights progress."¹⁵¹

Anti-Immigrant Executive Policy Influence

In January 2017 with Executive Order 13767, titled "Border Security and Immigration Enforcement Improvements," Trump advanced policies that "undermine human rights" for migrants, including "expanded use of detention, limits on access to asylum, enhanced enforcement along the US-Mexico border, and the construction of a 2,000 mile border wall."¹⁵²

In September 2017, Trump repealed the Deferred Action for Childhood Arrivals (DACA) program, with Sarah Huckabee Sanders, his press secretary at the time, noting that the decision was because Trump "wants DACA made permanent as part of 'comprehensive' immigration legislation that would end illegal immigration, prevent visa overstays and create a 'merit based' system of immigration."¹⁵³ Regardless, the decision impacted an estimated "75,000 LGBTQ immigrants and their families," worrying many about their ability to remain legally in the United States.¹⁵⁴

¹⁵⁰ University of California Santa Barbara. "Executive Orders | the American Presidency Project." *University of California Santa Barbara*, 2021, www.presidency.ucsb.edu/statistics/data/executive-orders. Accessed 13 Mar. 2022.

¹⁵¹ The Leadership Conference on Civil and Human Rights. "Trump Administration Civil and Human Rights Rollbacks - the Leadership Conference on Civil and Human Rights." *The Leadership Conference on Civil and Human Rights*, 2021, civilrights.org/trump-rollbacks/. Accessed 13 Mar. 2022.

¹⁵² Center for Migration Studies. "President Trump's Executive Orders on Immigration and Refugees - the Center for Migration Studies of New York (CMS)." *The Center for Migration Studies of New York (CMS)*, 14 Feb. 2017, cmsny.org/trumps-executive-orders-immigration-refugees/. Accessed 13 Mar. 2022.

¹⁵³ Romo, Vanessa, et al. "Trump Ends DACA, Calls on Congress to Act." *NPR*, 5 Sept. 2017, www.npr.org/2017/09/05/546423550/trump-signals-end-to-daca-calls-on-congress-to-act. Accessed 13 Mar. 2022.

¹⁵⁴ Brownworth, Victoria A. "A Timeline of Trump's Anti-LGBTQ Actions." *Philadelphia Gay News*, 6 Jan. 2021, epgn.com/2021/01/06/a-timeline-of-trumps-anti-lgbtq-actions/. Accessed 5 Mar. 2022.

Anti-LGBTQ+ Executive Policy Influence

Limiting Data Collection of the LGBTQ+ Population

In March 2017, the Trump administration required that any questions relating to sexual orientation or gender identity “be removed” from the 2020 Census, citing “no federal data need to add the questions.”¹⁵⁵ Because there is no federal data collected about queer Americans, there is a direct impact on the LGBTQ+ community’s ability to self-advocate for their needs and express their differences with data to back it up. Critics of the removal note that, “Census data is critical to understand people's needs, understand their demographics, and determine where government resources are directed. Excluding data about LGBTQ people and their families will negatively impact LGBTQ people.”¹⁵⁶ In other words, to best help the queer community, it is important to have data that represents them and their needs.

Allowing Agency-Wide Discrimination Against LGBTQ+ People

Trump’s use of executive influence also allowed for organizational discrimination against the LGBTQ+ community. In May 2017, Trump signed Executive Order No. 13798, giving Attorney General Jeff Sessions discretion to discriminate against LGBTQ Americans and women in agencies across the federal government to protect ‘religious freedom.’¹⁵⁷ Later that year in July, Trump announced via Twitter that he would “ban qualified transgender people” from serving in the U.S. military, when “more than 15,000 transgender Americans were actively serving at the time.”¹⁵⁸

¹⁵⁵ Wang, Hansi Lo. “Trump Officials ‘Did Not Want’ Census Survey to Ask about Sexual Orientation.” *NPR*, 20 Sept. 2018, www.npr.org/2018/09/20/649752485/trump-officials-did-not-want-census-survey-to-ask-about-sexual-orientation. Accessed 13 Mar. 2022.

¹⁵⁶ *Ibid.*

¹⁵⁷ Brownworth, Victoria A. “A Timeline of Trump’s Anti-LGBTQ Actions.” *Philadelphia Gay News*, 6 Jan. 2021, epgn.com/2021/01/06/a-timeline-of-trumps-anti-lgbtq-actions/. Accessed 5 Mar. 2022.

¹⁵⁸ *Ibid.*

As some Congressional effort was made to improve the state of equality in the U.S., Trump said in May 2019 that he “would refuse to sign the Equality Act if it were passed,” a policy seeking to incorporate anti-LGBTQ+ discrimination into the Civil Rights Act of 1964.¹⁵⁹

Later, in November 2019, in *Family Equality v. Azar*, DHS announced that they are no longer “enforcing anti-discrimination protections against federal grantees that deny services to, or otherwise discriminate against, individuals,” impacting services like LGBTQ+ emergency housing, foster care, senior services, and more.¹⁶⁰ In June 2020, Trump signed a Child Welfare Executive Order that discriminated against potential queer foster and adoptive parents for their identity, effectively ignoring the, “the alarming levels of harm LGBTQ families and youth face in the system.”¹⁶¹

The Trump administration exercised efforts to remove protections previously interpreted to include sexual orientation and gender identity, such as “Title VII of the Civil Rights Act of 1964, Title IX, Section 1557 of the Affordable Care Act, and the Fair Housing Act.”¹⁶² With Trump’s encouragement, the Department of Justice also “reversed the government’s stance on the inclusion of [sexual orientation and gender identity] in sex discrimination under Title VII, opposing its own Equal Employment Opportunity Commission.”¹⁶³

¹⁵⁹ Brownworth, Victoria A. “A Timeline of Trump’s Anti-LGBTQ Actions.” *Philadelphia Gay News*, 6 Jan. 2021, epgn.com/2021/01/06/a-timeline-of-trumps-anti-lgbtq-actions/. Accessed 5 Mar. 2022.

¹⁶⁰ *Ibid.*

¹⁶¹ Cook, Currey. “Trump Signs Anti-LGBTQ Child Welfare Executive Order.” *Lambda Legal*, 30 June 2020, www.lambdalegal.org/blog/20200630_trump-admin-child-welfare-executive-order. Accessed 5 Mar. 2022.

¹⁶² Gruberg, Sharita. “Improving the Lives and Rights of LGBTQ People in America.” *Center for American Progress*, Jan. 2021, www.americanprogress.org/issues/lgbtq-rights/reports/2021/01/12/494500/improving-lives-rights-lgbtq-people-america/. Accessed 22 Dec. 2021.

¹⁶³ *Ibid.*

Trump’s executive influence also directly impacted queer asylum seekers in December 2020, where “the Department of Homeland Security and the Department of Justice published the final text of a rule...[that] has the potential to impact the ability of LGBT asylum claimants.”¹⁶⁴

Three major changes are described in the text:

1. It excludes gender as a social group (allowing a judge to potentially deny asylum based on the applicant’s persecutory fear because of their gender identity),
2. It “narrows the definition of ‘political opinion’ as a basis for credible fear” (affecting asylum seekers who fear persecution due to prior activism during a regime change in their country of origin), and
3. It alters the “legal threshold to exclude the cumulative harm of violence, stigma, and discrimination from family, state, and non-state actors that many LGBT people face.”¹⁶⁵

These changes, among the other discrimination that migrants faced during Trump’s presidency, demonstrate the extreme barriers that immigrants had to overcome in proving their eligibility for asylum or refugee status.

Detention Facilities

The Trump administration received severe backlash for the treatment of immigrants in his detention centers, with scholars suggesting that “when militarization of the southern border failed to prevent migration..., detention started to become the major strategy for responding to undocumented migration.”¹⁶⁶ Under Trump’s presidency, the U.S. amassed the “largest

¹⁶⁴ Shaw, Ari, et al. “LGBT Asylum Claims in the United States.” *Williams Institute*, 4 Mar. 2021, williamsinstitute.law.ucla.edu/publications/lgbt-asylum-claims/.

¹⁶⁵ *Ibid.*

¹⁶⁶ Luibhéid, Eithne. “‘Treated Neither with Respect nor with Dignity:’ Contextualizing Queer and Trans Migrant ‘Illegalization,’ Detention, and Deportation.” *Queer and Trans Migrations: Dynamics of Illegalization, Detention, and Deportation*, edited by Eithne Luibhéid and Karma R. Chávez, Urbana, Chicago, IL, University of Illinois Press, 2020, p. 28.

immigrant detention system in the world,” which was responsible for the inhumane treatment of migrants, especially those who identified as LGBTQ+.¹⁶⁷

Conditions of Detention for Queer Migrants

Migrants who are considered vulnerable populations are recommended release from detention to maintain their safety. Although LGBTQ+ migrants are considered a vulnerable population by DHS standards, U.S. Immigration and Customs Enforcement (ICE) detained queer migrants deemed eligible for release in 88 percent of cases.¹⁶⁸ For the migrants offered release, “ICE required the payment of extremely high bonds that most could not afford, so they remained detained anyway.”¹⁶⁹

Many reports have indicated that, “while in detention, conditions are organized around and perpetuate sexualized, gendered, racialized, and economic abuse.”¹⁷⁰ Specific complaints about the conditions describe “sexual assault, denial of adequate medical care and mental health treatment, arbitrary long-term solitary confinement, frequent discrimination and abuse by officers and facility staff, and ineffective complaints and appeals processes.”¹⁷¹ A 2017 report of reported sexual assault and misconduct allegations “suggest that sexual assault and harassment in immigration detention are not only widespread but systemic, and enabled by an agency that

¹⁶⁷ Luibhéid, Eithne. “‘Treated Neither with Respect nor with Dignity:’ Contextualizing Queer and Trans Migrant ‘Illegalization,’ Detention, and Deportation.” *Queer and Trans Migrations: Dynamics of Illegalization, Detention, and Deportation*, edited by Eithne Luibhéid and Karma R. Chávez, Urbana, Chicago, IL, University of Illinois Press, 2020, p. 29.

¹⁶⁸ Gruberg, Sharita. “ICE Officers Overwhelmingly Use Their Discretion to Detain LGBT Immigrants.” Center for American Progress, 26 Oct. 2016.

¹⁶⁹ Luibhéid, Eithne. “‘Treated Neither with Respect nor with Dignity:’ Contextualizing Queer and Trans Migrant ‘Illegalization,’ Detention, and Deportation.” *Queer and Trans Migrations: Dynamics of Illegalization, Detention, and Deportation*, edited by Eithne Luibhéid and Karma R. Chávez, Urbana, Chicago, IL, University of Illinois Press, 2020, p. 29.

¹⁷⁰ *Ibid.* p. 30.

¹⁷¹ *Ibid.*

regularly fails to hold itself accountable.”¹⁷² Even when specific detention centers have “a record of inhumane and degrading treatment” and “unexplained deaths,” they still “continue to receive contracts to detain migrants,” largely due to the Trump administration’s rollback of “the meager protections that are supposed to be in place while vastly expanding the numbers detained.”¹⁷³ This isn’t surprising, seeing that the “average number of people in detention on any day has grown by more than 40 percent” during Trump’s presidency, continuing a growing trend of detentions and deportations in the United States over the last 25 years, where the current facilities are proven to be insufficient to handle the demand.¹⁷⁴

Impact of Detention for the LGBTQ+ Migrant

For queer migrants subject to detention, they exist in a system where they are “97 times more likely to be sexually victimized than non-LGBT people in detention.”¹⁷⁵ LGBTQ+ detained migrants “often suffer serious mental health after-effects” due to detention conditions like “the loss of personal liberty, staff abuse, marginalization by other detainees, lack of access to appropriate medical care, [and] substandard hygiene.”¹⁷⁶ LGBTQ+ migrants, who are already likely to have trauma associated with leaving their country of origin, are severely negatively impacted by the conditions in United States detention centers. For queer migrants around the

¹⁷² Speri, Alice. “1,224 Complaints Reveal a Staggering Pattern of Sexual Abuse in Immigration Detention. Half of Those Accused Worked for ICE.” *The Intercept*, 11 Apr. 2017, theintercept.com/2018/04/11/immigration-detention-sexual-abuse-ice-dhs/. Accessed 13 Mar. 2022.

¹⁷³ Luibhéid, Eithne. “‘Treated Neither with Respect nor with Dignity:’ Contextualizing Queer and Trans Migrant ‘Illegalization,’ Detention, and Deportation.” *Queer and Trans Migrations: Dynamics of Illegalization, Detention, and Deportation*, edited by Eithne Luibhéid and Karma R. Chávez, Urbana, Chicago, IL, University of Illinois Press, 2020, p. 31.

¹⁷⁴ Kassie, Emily. “How Trump Inherited His Expanding Detention System.” *The Marshall Project*, The Marshall Project, 12 Feb. 2019, www.themarshallproject.org/2019/02/12/how-trump-inherited-his-expanding-detention-system. Accessed 13 Mar. 2022.

¹⁷⁵ Moreau, Julie. “LGBTQ Migrants 97 Times More Likely to Be Sexually Assaulted in Detention, Report Says.” *NBC News*, NBC News, 6 June 2018, www.nbcnews.com/feature/nbc-out/lgbtq-migrants-97-times-more-likely-be-sexually-assaulted-detention-n880101. Accessed 13 Mar. 2022.

¹⁷⁶ Tabak, Shana, and Rachel Levitan. “LGBTI Migrants in Immigration Detention.” *Forced Migration Review*, 29 Apr. 2013, www.fmreview.org/sogi/tabak-levitan-detention. Accessed 13 Mar. 2022.

world considering immigrating to the United, the conditions of our detention and immigration processes certainly deter migratory ambitions.

U.S. Societal Perceptions of the Queer and Immigrant Communities

LGBTQ+ migrants exist in the unique persecutory intersection of marginalization based on their sexual orientation or gender identity and their immigrant status. As such, the way that the United States community perceives both groups drastically impacts a queer immigrant's ability to integrate, as they have to balance their identity or status with their comfort in their respective communities.

Social Perceptions and Experiences

For queer Americans, discrimination is a common experience, with “more than 1 in 3 LGBTQ Americans fac[ing] discrimination of some kind in the past year, including more than 3 in 5 transgender Americans.”¹⁷⁷ For those who experience discrimination, there is an adverse psychological impact in 50% of victims.¹⁷⁸ In order to avoid discrimination, “more than half of LGBTQ Americans report hiding a personal relationship, and about one-fifth to one-third have altered other aspects of their personal or work lives.”¹⁷⁹ For immigrants adjusting to a new community, hiding a large part of their identity can be detrimental to their integration, bringing them to an isolation where they feel they cannot share their own identity or experiences. Regarding the COVID-19 pandemic, queer Americans have reported a “significant impact” on their mental health, coinciding with the lack of community and connections during lockdowns

¹⁷⁷ Mahowald, Lindsay, et al. “The State of the LGBTQ Community in 2020.” *Center for American Progress*, 6 Oct. 2020, americanprogress.org/article/state-lgbtq-community-2020/. Accessed 30 Nov. 2021.

¹⁷⁸ *Ibid.*

¹⁷⁹ *Ibid.*

and subsequent safety efforts.¹⁸⁰ LGBTQ+ Americans also face risk of physical violence, with FBI hate crime statistics highlighting that 20% of hate crimes in 2019 were based on sexual orientation or gender identity.¹⁸¹ In a country where only 21 states have full protections against discrimination against the LGBTQ+ community (and 27 states have no LGBTQ+ discriminatory protections), feeling safe as a queer person has proven to be difficult in and of itself.¹⁸²

For immigrant communities in the United States, there are concerns about the safety of queer individuals, especially as “anti-immigrant ideology has gained mainstream acceptance, infiltrated policy implementation, been used as a wedge issue to scare constituents and become fodder of media personalities who regularly demonize immigrants to a wide audience,” otherwise “promoting xenophobia and preventing a reasonable conversation” about U.S. immigration today.¹⁸³ This anti-immigrant sentiment is closely related to racial discrimination in the United States, where 80 percent of Americans recognize discrimination against Black people, 76% say the same about Hispanic people, and 70% recognize it against Asian people.¹⁸⁴ This awareness of discrimination is especially important when marginalized groups share that “experiences of discrimination increase the likelihood of saying that what happens to the other group would affect them,” affecting their own perceptions about their community and

¹⁸⁰ Mahowald, Lindsay, et al. “The State of the LGBTQ Community in 2020.” *Center for American Progress*, 6 Oct. 2020, americanprogress.org/article/state-lgbtq-community-2020/. Accessed 30 Nov. 2021.

¹⁸¹ Federal Bureau of Investigation. “2019 Hate Crime Statistics.” *FBI*, 2019, ucr.fbi.gov/hate-crime/2019/topic-pages/victims. Accessed 8 May 2021.

¹⁸² Freedom for All Americans. “LGBTQ Americans Aren’t Fully Protected from Discrimination in 29 States.” *Freedom for All Americans*, 2022, freedomforallamericans.org/states/. Accessed 13 Mar. 2022.

¹⁸³ Anti-Defamation League. “Mainstreaming Hate: The Anti-Immigrant Movement in the U.S.” *Anti-Defamation League*, 2018, www.adl.org/the-anti-immigrant-movement-in-the-us. Accessed 13 Mar. 2022.

¹⁸⁴ Daniller, Andrew. “Majorities of Americans See at Least Some Discrimination against Black, Hispanic and Asian People in the U.S.” *Pew Research Center*, Pew Research Center, 18 Mar. 2021, www.pewresearch.org/fact-tank/2021/03/18/majorities-of-americans-see-at-least-some-discrimination-against-black-hispanic-and-asian-people-in-the-u-s/. Accessed 13 Mar. 2022.

themselves.¹⁸⁵ For immigrants integrating in American communities, recognizing discrimination against others of the same or similar ethnic backgrounds can be extremely discouraging and isolating, decreasing their trust in their society and deteriorating their ability to integrate.

Impact of the Current Societal Perceptions of the LGBTQ+ Community on the Queer Migrant

For queer migrants, they may feel that there are no community resources in comparison to the wealth of resources available for non-LGBTQ+ immigrants. Many “continue to face homophobia and transphobia” in their communities, and often find they are “rejected or ignored by organizations that could potentially give them a helping hand...[with the organization being] either openly hostile to them, or act[ing] as if they don’t exist.”¹⁸⁶ By not having community support, migrants face difficulties integrating fully into their new communities.

Burden of Proof for the Queer Asylum Applicant

LGBTQ+ migrants who attempt to receive asylum status in the United States are subject to scrutiny from immigration service providers during their case, as well as during their integration process. This process of questioning every detail of the migrant’s history can often unearth trauma and knowingly allow for discrimination against the immigrant, which is harmful for the migrant’s wellbeing.¹⁸⁷

Homosexual Credibility in a Migrant’s Personal History

One of the factors that a migrant must consider is their credibility in proving their queer identity. Common factors in a migrant’s history that common endure scrutiny are marriages,

¹⁸⁵ Cox, Kiana. “Most U.S. Adults Feel What Happens to Their Own Racial or Ethnic Group Affects Them Personally.” *Pew Research Center*, Pew Research Center, 11 July 2019, www.pewresearch.org/fact-tank/2019/07/11/linked-fate-connectedness-americans/. Accessed 13 Mar. 2022.

¹⁸⁶ McGuirk, Siobhan, et al. “Stronger Together, a Guide to Supporting LGBT Asylum Seekers.” *LGBT Freedom Asylum Network*, 2015.

¹⁸⁷ Medina, Caroline, et al. “Serving LGBTQ Immigrants and Building Welcoming Communities.” *Center for American Progress*, Jan. 2018, www.americanprogress.org/issues/lgbtq-rights/reports/2018/01/24/445308/serving-lgbtq-immigrants-building-welcoming-communities/. Accessed 8 May 2021.

gender presentation, validity of their sexual orientation, and prior involvement or employment in their country of origin.

Marriage and Bisexuality

For applicants who are still married in their country of origin, they may justify a prior “heterosexual” marriage through demonstrating that it was forced, that they hoped it would “cure” their homosexuality, or that it would “provide a cover” for their same-sex relationships in private.¹⁸⁸ Applicants are also advised to include “expert testimony from a psychiatrist or psychologist” to “educate” the likely-heterosexual adjudicator about “the complex psychological components that make up a person’s sexual orientation.”¹⁸⁹ Regardless, the applicant is tasked with proving that their identity is still valid regardless of prior (or current) marriages that may present the applicant as a heterosexual person (therefore ineligible for asylum based on sexual orientation or gender identity persecution fears).

Similar to appearing heterosexual because of a marriage, bisexual applicants will also have to prepare to explain their sexuality and the unique risk that they are at. Applicants may have to be able defend their inability to “choose” to be heterosexual by not engaging in same-sex relationships, so having a mental health professional available to advocate for the validity of bisexuality as a sexual orientation could be vital for the case’s success in proving the possibility of further persecution.¹⁹⁰

¹⁸⁸ Immigration Equality, and National Immigrant Justice Center. “Winning Asylum, Withholding, and CAT Cases Based on Sexual Orientation, Transgender Identity And/or HIV-Positive Status.” June 2006.

¹⁸⁹ *Ibid.*

¹⁹⁰ *Ibid.*

Return Trips to Country of Origin

For applicants who have returned to home after previously residing in the United States, they may choose to justify their continued fear of persecution even after “returning of their own volition in the past” by explaining they weren’t aware that their identity was a valid method of applying for asylum or that they realized the danger they were in during their final trip to their country of origin.¹⁹¹ One case demonstrating this justification is *Boer-Sedano v. Gonzales* (2005), where the applicant was granted asylum after his testimony proved that he needed to return home in order to gather sufficient income to survive in the United States.¹⁹²

The applicant also needs to be careful and explain how they modified their behavior in their home country, as the adjudicator may otherwise decide that the applicant would not face persecution in their home country if they did not “flaunt their homosexuality;” this can be avoided by explaining that “it is one thing to spend a couple of weeks avoiding the public eye and potential harm, but it is quite another thing to be forced into a life of celibacy to survive,” as was affirmed in *Karouni v. Gonzales* (2005).¹⁹³

Fitting the Mold: Appearing to be a Queer Applicant

A second factor an LGBTQ+ asylum seeker will need to be able to justify is their appearance as a homosexual. While they may not fit the U.S. societal perception of what a queer person looks like or acts like, the migrant may choose to explain the perception of a queer person in their home country. In this case, it would be beneficial for the applicant to fit the stereotypical

¹⁹¹ Immigration Equality, and National Immigrant Justice Center. “Winning Asylum, Withholding, and CAT Cases Based on Sexual Orientation, Transgender Identity And/or HIV-Positive Status.” June 2006.

¹⁹² United States Court of Appeals for the Ninth Circuit. *Boer-Sedano v. Gonzales*. 12 Aug. 2005, www.refworld.org/cases,USA_CA_9,4821a2ba2.html. Accessed 13 Mar. 2022.

¹⁹³ Immigration Equality, and National Immigrant Justice Center. “Winning Asylum, Withholding, and CAT Cases Based on Sexual Orientation, Transgender Identity And/or HIV-Positive Status.” June 2006.

“effeminate gay man” or “masculine lesbian woman” that is common in the United States because the adjudicator may be more likely to “believe other aspects of the case” if the applicant “looks gay” in the adjudicator’s sense of the word.¹⁹⁴

One example of justifying one’s sexual identity because of doubts that they would be perceived as gay is *Soto-Vega v. Ashcroft* (2003), where the applicant’s proven history of “persecution from police and the public in his native Mexico” was unimportant to the Judge, who did not believe that the applicant “look[ed] gay,” and as such, believed that he would not be subject to further persecution were he to return.¹⁹⁵ However, since Soto-Vega had a prior record of persecution in his home country, as well as an expert witness who testified that, “according to cultural markers in Mexico, Soto-Vega was obviously recognizable as a gay man,” his appeal was successful.¹⁹⁶

In cases where a queer applicant finds that they are needing to justify their sexual orientation or gender identity to the court, it is useful to include “testimony from a country conditions expert,” who can verify that because of the applicant’s appearance or their cultural status (unwed at a certain age, living with someone of the same sex, etc.) they would be at risk of persecution as a recognizable queer in their country of origin.¹⁹⁷

Obstacles for the Queer Asylee to Consider

For those considering applying for asylum status in the United States, it is important to consider several factors. First, there are not abundant affordable legal resources, so the cost of defending the applicant’s claim in court may present a barrier. Asylum seekers are “not provided

¹⁹⁴ Immigration Equality, and National Immigrant Justice Center. “Winning Asylum, Withholding, and CAT Cases Based on Sexual Orientation, Transgender Identity And/or HIV-Positive Status.” June 2006.

¹⁹⁵ *Ibid.*

¹⁹⁶ *Ibid.*

¹⁹⁷ *Ibid.*

an attorney by the government,” although it is beneficial to obtain one, if possible, as “chances of obtaining asylum are statistically five times higher if the applicant as an attorney.”¹⁹⁸ Of those who apply without legal representation, 90 percent are typically denied, while “almost half of those with representation were successful.”¹⁹⁹ Another consideration is the mental toll that the process takes on applicants, as the process itself can take “between 6 months and several years,” depending on the particular facts of their individual claim.²⁰⁰ During this time, the migrant may be forced to relive their trauma and defend their sexual orientation or gender identity to several different investigators, their own legal team, as well as the court, which can be very draining for migrants. Overall, the process of applying for (and obtaining) asylum in the United States is arduous for queer migrants.

Report Card: Current Status of the LGBTQ+ Migrant Under President Biden

Biden Administration Rhetoric and Action for the LGBTQ+ Community

While Biden is historically considered a supporter of the LGBTQ+ community, his “ambitious slate of actions” promised on the campaign trail to “go beyond reversing” the discriminatory policies set forth by the Trump administration was received positively among the queer community.²⁰¹ The general consensus among LGBTQ+ Americans after Biden’s first 100 days was that “he’s done well,” but that he has not done enough of “the legislative things and working with Congress,” especially with the number of bills at the federal and state level that are

¹⁹⁸ National Immigration Forum. “Fact Sheet: U.S. Asylum Process.” *National Immigration Forum*, 10 Dec. 2020, immigrationforum.org/article/fact-sheet-u-s-asylum-process/. Accessed 14 Mar. 2022.

¹⁹⁹ *Ibid.*

²⁰⁰ *Ibid.*

²⁰¹ Wax-Thibodeaux, Emily. “Biden’s Ambitious LGBT Agenda Poises Him to Be Nation’s Most Pro-Equality President in History.” *Washington Post*, The Washington Post, 11 Jan. 2021, www.washingtonpost.com/politics/2021/01/11/biden-lgbtq-policies/. Accessed 14 Mar. 2022.

actively targeting LGBTQ+ communities.²⁰² Biden’s administration is composed of a “record number of LGBTQ officials,” and he has received praise that his “administration looks like America,” complementing the intentional diversity among his staff.²⁰³ Overall, Biden has been noticeably more receptive of the queer community than his predecessor, and the general sentiment of approval from the LGBTQ+ community reflects his support. Sharon McGowan from Lambda Legal (an LGBTQ+ legal advocacy organization) reflected on Biden’s early presidency by saying that, “There’s a lot of work to do and a lot of damage to be undone, and so it has been very gratifying to see people tapped for these positions who have deep knowledge around working in the federal structures to promote civil rights and promote LGBTQ equality.”²⁰⁴

Dealing with the Discrimination: Addressing Policies in Effect from the Previous Trump Administration

On his first day in office, Biden issued an executive order to implement the Supreme Court’s affirmation in *Bostock v. Clayton County*, “extending protections against discrimination on the basis of sexual orientation and gender identity” in the workplace, and for programs in housing, education, healthcare, and credit.²⁰⁵ Also on day one, Biden issued another executive order for advancing “racial equity and support for underserved communities through the federal government, explicitly including LGBTQ people within the measures” to give equitable access to government programs and engaging with historically marginalized groups.²⁰⁶

²⁰² Yurcaba, Jo. “Undoing 4 Years of ‘Damage’: LGBTQ Advocates on Biden’s First 100 Days.” *NBC News*, NBC News, 2 May 2021, www.nbcnews.com/feature/nbc-out/undoing-4-years-damage-lgbtq-advocates-biden-s-first-100-n1266035. Accessed 14 Mar. 2022.

²⁰³ *Ibid.*

²⁰⁴ *Ibid.*

²⁰⁵ Human Rights Campaign. “President Biden’s Pro-LGBTQ+ Timeline.” *Human Rights Campaign*, 2021, www.hrc.org/resources/president-bidens-pro-lgbtq-timeline. Accessed 14 Mar. 2022.

²⁰⁶ *Ibid.*

Within his first week, Biden also issued an executive order repealing “the discriminatory ban on transgender people openly serving in the military,” that had previously impacted more than 15,000 active service members from Trump’s policy.²⁰⁷ In early February, Biden issued a “memorandum aimed at protecting the rights of LGBTQ people worldwide,” an important acknowledgement of queer communities worldwide and an acknowledgement of the 69 countries that still currently criminalize same-sex relations.²⁰⁸ Also in February, Biden postponed the implementation of the Trump-era policy change that allowed DHS to discriminate against potential foster and adoptive parents based on sexual orientation or gender identity.²⁰⁹

In March 2021, Biden issued an executive order addressing gender equality at home and abroad, creating “a White House Gender Policy Council to advance gender equality in domestic and foreign policy development, combat systemic bias and discrimination, focus on increasing female participation in the labor force and decrease wage and wealth gaps.”²¹⁰

The U.S. Department of State announced in June 2021 that they will “begin the process of including a non-binary gender marker and have modernized existing requirements for updating gender markers on United States passports” to align with the Human Rights Campaign Blueprint for Positive Change and affecting at least “1.2 million non-binary adults, 2 million transgender people, and as many as 5.5 million people who were born intersex” in the United States, who now have a passport gender marker that more closely matches their identity.²¹¹ The new passport marker, first issued in October 2021, “no longer requires medical certification if an

²⁰⁷ Human Rights Campaign. “President Biden’s Pro-LGBTQ+ Timeline.” *Human Rights Campaign*, 2021, www.hrc.org/resources/president-bidens-pro-lgbtq-timeline. Accessed 14 Mar. 2022.

²⁰⁸ *Ibid.*

²⁰⁹ *Ibid.*

²¹⁰ *Ibid.*

²¹¹ *Ibid.*

applicant’s self-selected gender does not match the gender on their other citizenship or identity documents,” marking a huge win for the LGBTQ+ community in noting the differences between biological sex and gender identity.²¹²

Unlike the anti-LGBTQ+ international presence that was representative of the United States at the United Nations under Trump, Biden delivered a speech in September 2021 at a UN General Assembly Meeting where he urged that, “We all must defend the rights of LGBTQI individuals so they can live and love openly without fear.”²¹³

A common criticism of Biden’s presidency so far is that he has not done enough to translate his executive policies into federal law through Congress, specifically referencing the Equality Act. Though both Biden and VP Harris have repeatedly signaled their support for the bill, as of March 2022 it is currently stuck in the U.S. Senate, where it has idled since its receipt in the Senate during March 2021.²¹⁴ Critics of Biden’s first year note that “considering how much of [his first year] was rectifying the devastation of the prior four years, getting us back to where we were in 2016 is not good enough.”²¹⁵ Regardless of frustration with the federal government’s inability to push the Equality Act through, the Biden administration has brought significant positive change for the LGBTQ+ community in reversing Trump administration discriminatory policies.

²¹² Human Rights Campaign. “President Biden’s Pro-LGBTQ+ Timeline.” *Human Rights Campaign*, 2021, www.hrc.org/resources/president-bidens-pro-lgbtq-timeline. Accessed 14 Mar. 2022.

²¹³ *Ibid.*

²¹⁴ United States, Congress, House. Equality Act. *Congress.gov*. <https://www.congress.gov/bills/117/congress/house-bill/5/all-actions-without-amendments?q=%7B%22search%22%3A%5B%22equality+act%22%5D%7D&s=1&r=3>. 117th Congress, House Resolution 5, passed 25 Feb. 2021.

²¹⁵ Anders, Caroline. “Biden Has Promises Left to Keep on His LGBTQ Agenda.” *Washington Post*, The Washington Post, 28 Jan. 2022, www.washingtonpost.com/politics/2022/01/28/biden-has-promises-left-keep-his-lgbtq-agenda/. Accessed 14 Mar. 2022.

Chapter 4: Resources for the LGBTQ+ Immigrant

Federal Programs

The federal government operates a few programs that are meant to assist immigrant communities, but the funding qualifications are often very specific and leave many migrants ineligible for assistance.

Temporary Assistance for Needy Families (TANF)

The U.S. Department of Health and Human Services (HHS) operates the Temporary Assistance for Needy Families (TANF) program to provide grants to individual states to assist families with “financial assistance and related support services,” including “childcare assistance, job preparation, and work assistance” in some states.²¹⁶ For refugees to qualify for this grant, they must be a resident in the state that they apply in, a legal or qualified alien, unemployed or underemployed, and either have a child under 18 years old, be pregnant, or be 18 years or younger and the head of the household.²¹⁷

State Administered Programs

U.S. Office of Refugee Resettlement (ORR) operates a few programs for refugees who do not qualify for TANF, Supplemental Security Income, or Medicaid programs, like the option for refugees to be granted “special refugee cash assistance” and “refugee medical assistance” during their first eight months in the U.S., along with other social services meant to help refugees “obtain employment, achieve economic self-sufficiency, and adjust socially as quickly as

²¹⁶ Department of Health and Human Services. “Temporary Assistance for Needy Families.” *Benefits.gov*, 2022, www.benefits.gov/benefit/613. Accessed 10 Mar. 2022.

²¹⁷ *Ibid.*

possible.”²¹⁸ The only immigrants eligible for this program are those who are Haitian, Cuban, Amerasian, or a victim of trafficking.²¹⁹

Health and Human Services Targeted Assistance

The Department of Health and Human Services also manages the Targeted Assistance program, which is available to “refugee of Amerasian, Cuban, or Haitian race/ethnicity, who was granted asylum and is now a US citizen,” and provides funding for “employment-related and other social services... in areas of high refugee concentration and high welfare utilization.”²²⁰

Wilson/Fish Programs

Wilson/Fish programs are operated under ORR in 12 states (Alabama, Alaska, Colorado, Idaho, Kentucky, Louisiana, Massachusetts, Nevada, North Dakota, South Dakota, Tennessee, Vermont, and California), and they provide “integrated services and cash assistance to increase refugees prospects for early employment and self-sufficiency.”²²¹ They also aim to “reduce [the refugee’s] level of welfare dependence and promote coordination among voluntary resettlement agencies and services providers.”²²² To qualify for this program, the refugee must be granted asylum and be a current U.S. citizen, with Amerasian, Cuban, or Haitian heritage, or be a victim of trafficking.²²³

²¹⁸ Office of Refugee Resettlement. “Refugee and Entrant Assistance-State Administered Programs.” *Benefits.gov*, 2022, www.benefits.gov/benefit/620. Accessed 10 Mar. 2022.

²¹⁹ *Ibid.*

²²⁰ Department of Health and Human Services. “Refugee and Entrant Assistance-Targeted Assistance.” *Benefits.gov*, 2022, www.benefits.gov/benefit/873. Accessed 10 Mar. 2022.

²²¹ Office of Refugee Resettlement. “Refugee and Entrant Assistance-Wilson/Fish Programs.” *Benefits.gov*, 2022, www.benefits.gov/benefit/874. Accessed 10 Mar. 2022.

²²² Office of Refugee Resettlement. “Refugee and Entrant Assistance-Wilson/Fish Programs.” *Benefits.gov*, 2022, www.benefits.gov/benefit/874. Accessed 10 Mar. 2022.

²²³ *Ibid.*

Voluntary Agencies Matching Grant Program

The Matching Grant program is an alternative to the aforementioned state-administered refugee assistance, and is operated through HHS to help refugees “attain self-sufficiency within four months after arrival without access to public cash assistance,” where “participating agencies agree to match the Office of Refugee Resettlement grant with cash and in-kind contributions.”²²⁴ For a refugee to qualify for this assistance, they must not be U.S. citizen, and instead must be a Haitian, Cuban, or Amerasian refugee or victim of trafficking that has been granted asylum.²²⁵

Organizational Resources

Organizations who help immigrant communities and refugees lack financial support to serve the needs of the LGBTQ+ migrant on their own. Providing resources to immigrant populations, especially marginalized immigrant populations like queer migrants, is vital because it demonstrates “acceptance and belonging,” which “are not simply produced by institutional policies and practices; they also reflect interactions and local practices of recognition and inclusion.”²²⁶ Increasing the availability of resources and funding for these organizations sends a message to the immigrant community that they are not only welcome, but encouraged to become a part of American society, which benefits their ability to integrate fully.

Legal Services

Many immigrants have a need for legal services at some point during their immigration experience, whether it be for their legal documentation or for representation in court. However,

²²⁴ Department of Health and Human Services. “Refugee and Entrant Assistance- Voluntary Agencies Matching Grant Program.” *Benefits.gov*, 2022, www.benefits.gov/benefit/621. Accessed 10 Mar. 2022.

²²⁵ *Ibid.*

²²⁶ Okamoto, Dina G. “Welcoming, Trust, and Civic Engagement: Immigrant Integration in Metropolitan America.” *The ANNALS of the American Academy of Political and Social Science*, vol. 690, no. 1, July 2020, pp. 61–81. *JSTOR*, journals.sagepub.com/doi/abs/10.1177/0002716220927661?journalCode=anna, 10.1177/0002716220927661. Accessed 22 Dec. 2021.

for many migrants, legal services pose a significant financial barrier. Many organizations that serve LGBTQ+ migrants have some form of legal services for their clients, such as providing counsel or hosting workshops for migrants to learn their rights.

Providing Counsel

For queer migrants, having a dedicated legal counsel can greatly benefit their chances of success. In fact, immigrants involved in legal action more likely to win their cases if they have legal representation, succeeding six times more often than those lacking legal counsel.²²⁷ Of queer migrant organizations that have provided information on their services, twenty noted that they offer legal services, ranging from “direct representation of clients to pro bono attorney referrals.”²²⁸

Legal Education Workshops

Another way that LGBTQ+ immigrant organizations provide legal services is through hosting legal education workshops. While these workshops do not provide direct representation for clients, they have the benefit of informing immigrants of their rights and helping them recognize when their rights are violated by authority figures. This legal education is helpful for queer migrants who often face discrimination during their immigration and integration process. Many of these workshops are meant to, “help immigrants understand their rights and to provide information on how to file their own cases—not only with regards to immigration issues but also other legal matters as well.”²²⁹ This benefit extends past the immigration process alone, as

²²⁷ Caplow, Stacy, et al. *Accessing Justice: The Availability and Adequacy of Counsel Removal Proceedings: New York Immigrant Representation Study Report*. Dec. 2011.

²²⁸ Medina, Caroline, et al. “Serving LGBTQ Immigrants and Building Welcoming Communities.” *Center for American Progress*, Jan. 2018, www.americanprogress.org/issues/lgbtq-rights/reports/2018/01/24/445308/serving-lgbtq-immigrants-building-welcoming-communities/. Accessed 8 May 2021.

²²⁹ *Ibid.*

workshops can help migrants know their rights as tenants, workers, and residents (and, for many, eventual U.S. citizens).

Healthcare Services

The LGBTQ+ population has historically had difficulty in accessing healthcare in a nondiscriminatory setting, and queer immigrants have frequently cited discrimination concerns and financial barriers as roadblocks to seeking treatment. Many organizations offer forms of medical treatment or referrals for the queer migrant to access.

Medical Access

Few organizations are able to provide in-house medical care, however, many organizations provide “referrals to medical clinics.”²³⁰ Of the organizations that will assist clients with medical needs, many note that they typically provide services “targeted more specifically at the LGBTQ community, such as hormone treatments or referrals for transgender clients.”²³¹ Though not many organizations can afford in-house treatment (or have the resources to refer to community health partners), those that do benefit the immigrant by creating a pathway to necessary medical treatment. As queer migrants are frequently hesitant to disclose their LGBTQ+ identity with untrusted people, it is beneficial for organizations to provide community referrals so that the migrant knows the referred organization is a safe place to disclose their identity.

²³⁰ Medina, Caroline, et al. “Serving LGBTQ Immigrants and Building Welcoming Communities.” *Center for American Progress*, Jan. 2018, www.americanprogress.org/issues/lgbtq-rights/reports/2018/01/24/445308/serving-lgbtq-immigrants-building-welcoming-communities/. Accessed 8 May 2021.

²³¹ *Ibid.*

Mental Health Services

Many LGBTQ+ immigrants have experienced traumatic events, whether it be from persecution in their country of origin, problems with their immigration journey, or other personal experiences. Organizations that provide mental health services or referrals benefit the immigrant by helping them form coping strategies to deal with traumatic feelings, alleviate some of their emotional burden, and create a community of survivors who can depend on one another for support in knowing they are not alone. LGBTQ+ immigrant-serving organizations list common problems their clients seek treatment for, including “trauma, substance and drug abuse, domestic violence, sexual abuse, hate crimes, coming out, and being transgender.”²³² To help these clients, some organizations provide “in-house one-on-one, couples, family, and group therapy with trained psychologists,” while others “refer clients to mental health providers” in the community.²³³ Regardless of the method, providing mental health services to LGBTQ+ migrants is extremely necessary and beneficial.

Employment Services

During integration, many migrants encounter problems securing stable employment. Many organizations describe hosting workshops, one-on-one sessions, and offering community connections to assist migrants with better understanding the U.S. job market, obtain certifications, and feel comfortable with a stable job to support themselves.

²³² Medina, Caroline, et al. “Serving LGBTQ Immigrants and Building Welcoming Communities.” *Center for American Progress*, Jan. 2018, www.americanprogress.org/issues/lgbtq-rights/reports/2018/01/24/445308/serving-lgbtq-immigrants-building-welcoming-communities/. Accessed 8 May 2021.

²³³ *Ibid.*

Job Readiness Programs

Some LGBTQ+ organizations provide job readiness programs, which can help prepare immigrants for the differences between the job market in their home country and in the United States. While organizations indicate that, “the need for employment assistance is rarely the first point of entry at community-based social service organizations, it is often a concern for clients as they consider paths to self-sufficiency.”²³⁴ The programs are geared towards “developing or refining skills needed to find a job,” and “developing or refining those skills needed to perform the duties of that job.”²³⁵ Examples of workshop activities include creating a resume, navigating job postings, interviewing with employers, and translating the migrant’s skills from prior employment into qualities that the local job market is looking for.²³⁶

Job Placement Services

Many LGBTQ+ migrants struggle with finding a sense of community while integrating, largely due to a fear of persecution after disclosing their sexual orientation or gender identity to neighbors. Without a community network, queer immigrants do not necessarily reap the benefits of finding opportunities through word of mouth or neighborly referrals. Because many LGBTQ+ immigrant-serving organizations offer job placement services, migrants can make-up for some of the missed connections in their community network. Organizations report that their programs are aimed to develop “employable skills” for migrants to take to new jobs, such as “basic computer skills” or specialized education such as “cosmetology and tailoring.”²³⁷ Through programs like

²³⁴ Medina, Caroline, et al. “Serving LGBTQ Immigrants and Building Welcoming Communities.” *Center for American Progress*, Jan. 2018, www.americanprogress.org/issues/lgbtq-rights/reports/2018/01/24/445308/serving-lgbtq-immigrants-building-welcoming-communities/. Accessed 8 May 2021.

²³⁵ *Ibid.*

²³⁶ *Ibid.*

²³⁷ *Ibid.*

these, migrants are able to transfer some of the skills they have from their country of origin into employment in the United States, creating a path to self-sufficiency in their future.

Housing Services

The LGBTQ+ community is disproportionately affected by housing instability and homelessness, so many immigrant-serving organizations help combat this by providing housing resources. While many organizations cite difficulties finding sufficient housing for the large number of immigrants who need assistance, providing housing services as part of the LGBTQ+ immigrant organization's duties can alleviate stress for immigrants about housing instability. One problem that organizations face is that "most of the housing available was limited to specific populations, such as those living with HIV/AIDS, young people, and seniors," and that many other organizations who provide housing services generally (such as churches) are often discriminatory towards LGBTQ+ migrants.²³⁸

Educational Services

Organizations that provide educational resources for migrants oftentimes assist with immigration-related knowledge, but others also provide services that help alleviate the language or certification barriers for migrants with English and GED courses.

Immigration-Related Education

Many immigrants intend to eventually naturalize, so organizations often have workshops that help clients prepare "to take a citizenship test..., provide information about changing immigration laws, and provide 'Know Your Rights' trainings."²³⁹ With this, migrants have a free

²³⁸ Medina, Caroline, et al. "Serving LGBTQ Immigrants and Building Welcoming Communities." *Center for American Progress*, Jan. 2018, www.americanprogress.org/issues/lgbtq-rights/reports/2018/01/24/445308/serving-lgbtq-immigrants-building-welcoming-communities/. Accessed 8 May 2021.

²³⁹ *Ibid.*

resource to explain the citizenship test and its contents, understand how new legislation may change their legal standing, and inform clients of their rights under their immigration status. All of these training sessions are beneficial, as they help prepare the migrant for future endeavors (like naturalization) and give information on overcoming possible barriers (such as changing laws or discrimination in their daily life).

English Classes and GED Courses

Other organizations report offering English courses for non-native English speakers and GED courses for clients looking to gain additional certifications. Providing educational access through these programs is significant for clients because “many immigrants—including LGBTQ immigrants—have limited educational opportunities in their home countries due in part to war and trauma from the persecution they faced.”²⁴⁰ Migrants who take part in these courses are able to increase their job opportunities, as well as experience a better sense of community during integration because they are then able to communicate with their neighbors efficiently.

²⁴⁰ Medina, Caroline, et al. “Serving LGBTQ Immigrants and Building Welcoming Communities.” *Center for American Progress*, Jan. 2018, www.americanprogress.org/issues/lgbtq-rights/reports/2018/01/24/445308/serving-lgbtq-immigrants-building-welcoming-communities/. Accessed 8 May 2021.

Chapter 5: Moving Forward: Policy Changes for the LGBTQ+ Immigrant

Organizational Recommendations

Improve Outreach and Accessibility of Programs to LGBTQ+ Migrants

Organizations can increase their accessibility for LGBTQ+ migrants by finding new ways to connect with community members, working to close language barriers, and collaborating with other LGBTQ+-friendly community organizations. While many organizations want to serve LGBTQ+ migrants effectively, they note that they do “not know how to inform the community of their services.”²⁴¹ Organizations can improve their reach by increasing their visibility in the community. One method of increasing visibility is asking volunteers to visit immigrant-populated neighborhoods to post informational flyers and speak to residents about available services. Once organizations increase their visibility and clientele, their services are much more likely to travel via word-of-mouth by immigrants.

Additionally, organizations should work to address the language barriers that separate their services from their potential clients. One way to do this is to “ensure that forms are clear to non-native English speakers and that ID or citizenship information is not required to access services that are not dependent on immigration status.”²⁴² This would mitigate the fear that many immigrants express about attempting to access resources only to be turned away because of their immigration status. Organizations should also work to address language barriers through their programming, including hiring bilingual staff to translate documents or lead workshops, or work with interpreting services for non-English speaking clients.²⁴³ In order to decide what languages

²⁴¹ Medina, Caroline, et al. “Serving LGBTQ Immigrants and Building Welcoming Communities.” *Center for American Progress*, Jan. 2018, www.americanprogress.org/issues/lgbtq-rights/reports/2018/01/24/445308/serving-lgbtq-immigrants-building-welcoming-communities/. Accessed 8 May 2021.

²⁴² *Ibid.*

²⁴³ *Ibid.*

to prioritize, organizations should focus on the immigrant population most prevalent in their radius and consider the language that is most widely used within their community.

Overall, organizations can also collaborate with other LGBTQ+ or immigrant community organizations near them. While funding has proven to be a significant barrier for organizations to provide their services, by connecting with community organizations and government offices that foster inclusion, organizations could create a stronger connection between the queer immigrant community and the services and resources available within their organizational network.²⁴⁴ By highlighting this network of services in each organization, clients are able to locate other organizations that may provide a resource not available at their original location. This network also lets migrants know which other organizations are likely to be accepting of LGBTQ+ migrants, avoiding discrimination in practice.

Put the Needs of the Clients First

Organizations also provide a more significant benefit to the community when they “adopt a client-centered approach” that does “not try to assume that they know everything about an individual” and creates “a safe, affirming, and culturally competent organizational environment.”²⁴⁵ By not assuming the needs of the LGBTQ+ immigrants in their community, organizations can focus on offering a safe environment for migrants to express their concerns, which lets the organization decide how best to approach problems with the resources they offer. Listening to the migrant’s experience also serves to not marginalize them further because it

²⁴⁴ Medina, Caroline, et al. “Serving LGBTQ Immigrants and Building Welcoming Communities.” *Center for American Progress*, Jan. 2018, www.americanprogress.org/issues/lgbtq-rights/reports/2018/01/24/445308/serving-lgbtq-immigrants-building-welcoming-communities/. Accessed 8 May 2021.

²⁴⁵ McGuirk, Siobhan, et al. “Stronger Together: A Guide to Supporting LGBT Asylum Seekers.” *LGBT Freedom and Asylum Network*, Oct. 2015.

allows them to share their individual experience and needs in a safe space without fear of further persecution.

Organizations should make sure that their services maintain a confidential support system between migrants and all staff, including volunteers and community referrals. Confidentiality is extremely important for LGBTQ+ migrants, as organizations are not able to assume who the migrant is comfortable knowing their LGBTQ+ identity. Additionally, organizations often have access to an abundance of the client's personal information, such as their "personal history, medical status, [and] financial arrangements."²⁴⁶ For migrants to trust in an organization's resources, they also must trust that their information will remain safe.

Alongside this, it is important for organizations not to marginalize LGBTQ+ migrants further by pressuring them to share their stories or experience. This puts an undue burden on the migrant due to "the power dynamics, gratitude, and desire to nurture that exist among people who are being helped and people who are helping."²⁴⁷ Organizations must recognize that, while it can be beneficial for their organization to share the stories of those that they have helped, many migrants do not want to share their personal stories or may struggle with legal difficulties in their own cases if they share certain details. Because organizations have a power imbalance in the organization-client relationship as a source of authority, it is unfair to pressure migrants into sharing their experiences. To combat this, organizations should train all staff and volunteers on mindful conversations, and only assign competent staff to tasks where they will discuss personal information or the offer the opportunity to share a personal story with migrants. This individual needs to understand the importance of confidentiality and know how to balance their power as a

²⁴⁶ McGuirk, Siobhan, et al. "Stronger Together: A Guide to Supporting LGBT Asylum Seekers." LGBT Freedom and Asylum Network, Oct. 2015.

²⁴⁷ *Ibid.*

representative of the organization with empowering the migrant to do what they are most comfortable with.

Refugee Services

As LGBTQ+ refugees face unique problems, it is useful for organizations in densely refugee populated areas to establish a mentorship program or to host “social gatherings” designed and marketed for refugees specifically, as general LGBTQ+ community interactions “cannot rival what LGBT refugees can offer each other.”²⁴⁸ Creating a sense of community is imperative to the integration process, and offering queer refugees the opportunity to interact with one another is important because “LGBT refugees naturally bond with those whose experiences, hardships and dreams they share.”²⁴⁹ One suggestion to implement this is for organizations “to develop participant-led social groups comprised of local LGBT refugees and asylum seekers” that would “organize social outings and help LGBT refugees make friends and explore their new neighborhoods,” comparable to what other organizations focusing on trauma-informed care have implemented successfully.²⁵⁰

Federal Government Recommendations

Increase Funding Targeted for LGBTQ+ Communities

The federal government could benefit the LGBTQ+ immigrant community significantly by ensuring that LGBTQ+ people “are not denied critical services due to their sexual orientation or gender identity” by organizations that receive any of the “billions of dollars each year for programs and projects to improve the general welfare of Americans,” as discriminating against

²⁴⁸ Portman, Scott, and Daniel Weyl. “LGBT Refugee Resettlement in the US: Emerging Best Practices | Forced Migration Review.” *Fmreview.org*, 29 Apr. 2013, www.fmreview.org/sogi/portman-weyl. Accessed 22 Dec. 2021.

²⁴⁹ *Ibid.*

²⁵⁰ *Ibid.*

marginalized populations undermines the effectiveness of the grants' purposes.²⁵¹ Additionally, there needs to be funding that specifically is earmarked for LGBTQ+ immigrants, who are often ineligible for public benefits due to not having citizenship or permanent residency status.

Creating programs targeting queer migrants by naming them specifically “would ensure that money goes to helping this population and incentivize service providers to target at least some of the services they offer in order to meet the needs of LGBTQ immigrants.”²⁵² Increasing funding for LGBTQ+ organizations would also help existing organizations provide services in-house, which would benefit queer migrants who are not likely to trust multiple organizations with disclosing their LGBTQ+ identity. This funding would also help increase affordable housing options, healthcare services, and outreach programs that benefit the LGBTQ+ migrant community. Further, by granting funding specifically for queer migrants, other organizations would be incentivized to provide resources for LGBTQ+ migrants alongside their existing clientele.

Address Discrimination Against the Queer Community

Recognizing Violence Against the Transgender Community

The Biden administration needs to address transgender violence, which is not only a problem amongst the American public, but also occurs at the hands of the state, as shown through the violence in U.S. detention centers directed at LGBTQ+ individuals. To recognize the “national epidemic of violence against transgender people” in the United States today, the Biden

²⁵¹ Gruberg, Sharita. “Improving the Lives and Rights of LGBTQ People in America.” *Center for American Progress*, Jan. 2021, www.americanprogress.org/issues/lgbtq-rights/reports/2021/01/12/494500/improving-lives-rights-lgbtq-people-america/. Accessed 22 Dec. 2021.

²⁵² Medina, Caroline, et al. “Serving LGBTQ Immigrants and Building Welcoming Communities.” *Center for American Progress*, Jan. 2018, www.americanprogress.org/issues/lgbtq-rights/reports/2018/01/24/445308/serving-lgbtq-immigrants-building-welcoming-communities/. Accessed 8 May 2021.

administration needs to take action by “establishing a cross-agency task force driven by a dual mission to address the killings of and violence against transgender people.”²⁵³ This suggestion would go further than the current show of support via Twitter, including a tweet in June 2021 that reads, “To transgender Americans across the country — especially the young people who are so brave — I want you to know your President has your back. During Pride Month — and all the time.”²⁵⁴ By creating the task force, which would help to “prevent violence by addressing enhanced data collection and hate crime reporting, discrimination, economic security, safe and secure housing, trauma-informed care, the criminalization of sex work, police violence against transgender people, and other safety concerns of transgender people,” the Biden administration would show support through action instead of merely tweeting encouragement.²⁵⁵

Passing the Equality Act

Though the Biden administration has persistently communicated its support of the Equality Act, it remains stalled in a Congress that refuses to compromise on its existence. The Equality Act would significantly benefit the LGBTQ+ immigrant community, as it “funds a wide range of programs, including shelters, schools, community health centers, adoption agencies, and law enforcement or carceral institutions.”²⁵⁶ Given the conditions that the LGBTQ+ immigrant community is subject to, the protections guaranteed in the Equality Act are not only needed, but

²⁵³ Gruberg, Sharita. “Improving the Lives and Rights of LGBTQ People in America.” *Center for American Progress*, Jan. 2021, www.americanprogress.org/issues/lgbtq-rights/reports/2021/01/12/494500/improving-lives-rights-lgbtq-people-america/. Accessed 22 Dec. 2021.

²⁵⁴ Biden, Joseph [@POTUS]. “To transgender Americans across the country — especially the young people who are so brave — I want you to know your President has your back. During Pride Month — and all the time.” *Twitter*. 7 June 2021. <https://twitter.com/potus/status/1402045647847673856>.

²⁵⁵ Gruberg, Sharita. “Improving the Lives and Rights of LGBTQ People in America.” *Center for American Progress*, Jan. 2021, www.americanprogress.org/issues/lgbtq-rights/reports/2021/01/12/494500/improving-lives-rights-lgbtq-people-america/. Accessed 22 Dec. 2021.

²⁵⁶ Santos, Thee, et al. “What You Need to Know about the Equality Act.” *Center for American Progress*, 15 Mar. 2021, www.americanprogress.org/article/need-know-equality-act/. Accessed 14 Mar. 2022.

overdue. Once passed, the Biden administration should “deploy its executive authority to secure the full enforcement of the Equality Act across all relevant federal agencies and departments,” preventing chances for discriminatory loopholes to be formed and reinforcing their support.²⁵⁷

Encourage State and Local Governments to Cooperate with Federal Inclusion Efforts

The Biden administration could benefit LGBTQ+ migrants by incentivizing major cities with large immigrant populations to offer support services that assist queer migrants. In doing this, the federal government would encourage cities to provide “services that are accessible to LGBTQ immigrants and offered in a culturally competent manner, including health, employment, housing, language access, and education,” further extending existing resources to the queer community.²⁵⁸ Regardless of the organizations present in any given city, cities should be encouraged to “include LGBTQ organizations in their immigrant integration efforts,” as this would make existing resources more inclusive and available to queer migrants.²⁵⁹ To promote inclusion, these changes should be implemented by a diverse team, including the voices of queer immigrants in the decision-making process.

Improve Data Collection for the LGBTQ+ Community

A major problem that faces the LGBTQ+ community in general, and the queer immigrant community by extension, is the lack of federally collected data about the population. Without having data that describes the current experiences of the LGBTQ+ American population, “policymakers are ignoring these groups’ vast diversity of experiences, particularly among

²⁵⁷ Gruberg, Sharita. “Improving the Lives and Rights of LGBTQ People in America.” *Center for American Progress*, Jan. 2021, www.americanprogress.org/issues/lgbtq-rights/reports/2021/01/12/494500/improving-lives-rights-lgbtq-people-america/.. Accessed 22 Dec. 2021.

²⁵⁸ *Ibid.*

²⁵⁹ Medina, Caroline, et al. “Serving LGBTQ Immigrants and Building Welcoming Communities.” *Center for American Progress*, Jan. 2018, www.americanprogress.org/issues/lgbtq-rights/reports/2018/01/24/445308/serving-lgbtq-immigrants-building-welcoming-communities/. Accessed 8 May 2021.

transgender individuals, intersex individuals, and people of color.”²⁶⁰ The Biden administration should make it a priority to include questions about sexual orientation and gender identity on federally-funded surveys, including the Census, which was previously restricted from collecting LGBTQ+ data under the Trump administration.

Reform the U.S. Immigration System to Improve Inclusionary Practices

Refugee and Asylum Services

The Biden administration should prioritize rebuilding the U.S. Refugee Resettlement Program with the goal of protecting LGBTQ+ refugees through voluntarily polling migrants to self-identify as LGBTQ+ and place those who self-identify in a “culturally competent” location that would offer the best integration experience.²⁶¹ Additionally, to streamline the application process for potential queer refugees or asylum seekers, USCIS “should note whether LGBTQ people likely qualify as refugees in its country condition memos,” clarifying for migrants their chances of success in applying for LGBTQ+ refugee status before submitting their application.²⁶² Another suggestion is for legal representation to be provided to LGBTQ+ asylum and refugee seekers, which would benefit the marginalized population who oftentimes faces scrutiny based on “credible fear” justifications that are subjective to the investigator and judge.²⁶³

Address Abuse in Detention Centers

The experiences of LGBTQ+ immigrants who have suffered through detention by the Department of Homeland Security has only highlighted DHS’ “routine failure to follow its own

²⁶⁰ Gruberg, Sharita. “Improving the Lives and Rights of LGBTQ People in America.” *Center for American Progress*, Jan. 2021, www.americanprogress.org/issues/lgbtq-rights/reports/2021/01/12/494500/improving-lives-rights-lgbtq-people-america/.. Accessed 22 Dec. 2021.

²⁶¹ *Ibid.*

²⁶² *Ibid.*

²⁶³ *Ibid.*

rules” and that they are “incapable of safely housing LGBTQ immigrants.”²⁶⁴ The Biden administration should recognize the abuse, neglect, and mistreatment that has plagued queer migrants at the hands of DHS by issuing a “directive that detention resources should not be used to detain vulnerable populations, including LGBTQ people, and establish a presumption of release for these populations.”²⁶⁵ Doing so could also establish an enforceable timeline for DHS to make determinations in an immigrant’s case regarding their credible fear of return, which would increase the number of released migrants who are not a danger to others and who can “reasonably ensure appearance” at their court date.²⁶⁶ Alternatives to DHS detention could include community based organizations who could ensure that the migrant complies with government regulations or regular check-ins conducted by local authorities with the migrant in anticipation of their court date, which would decrease the number of migrants abused in detention.

Increase the Accessibility of Healthcare

The LGBTQ+ population suffers from major mental health issues (including depression, anxiety, suicidal thoughts, and substance abuse) more often than heterosexual and cisgender peers, but there is a significant “dearth of training on LGBTQ-specific cultural competencies for health providers.”²⁶⁷ To address the lack of competent healthcare options for queer Americans, the Biden administration should “take action to expand mental health support services and training for LGBTQ populations” by disseminating cultural competency care forms to healthcare

²⁶⁴ Gruberg, Sharita. “Improving the Lives and Rights of LGBTQ People in America.” *Center for American Progress*, Jan. 2021, www.americanprogress.org/issues/lgbtq-rights/reports/2021/01/12/494500/improving-lives-rights-lgbtq-people-america/.. Accessed 22 Dec. 2021.

²⁶⁵ *Ibid.*

²⁶⁶ *Ibid.*

²⁶⁷ *Ibid.*

providers, including awareness and medical outreach to the LGBTQ+ population in federal funding efforts, and incentivizing competent mental health care use, especially in rural and underserved areas.²⁶⁸

Protect DACA Recipients from Instability by Codifying their Existence

The Biden administration should work with Congress to create long-lasting protection for DACA recipients, including establishing a “support network of LGBTQ-affirming and culturally competent service providers to improve outreach to LGBTQ people eligible for DACA and assist with enrollment.”²⁶⁹ Services could also be created within DHS to inform eligible DACA applicants of alternate paths to citizenship and immigration relief. With an estimated 66,825 DACA recipients self-identifying as LGBTQ+, codifying their protections not only affirms their existence and right to live in the U.S., but sends a strong message of support for the LGBTQ+ immigrant community.²⁷⁰

²⁶⁸ Gruberg, Sharita. “Improving the Lives and Rights of LGBTQ People in America.” *Center for American Progress*, Jan. 2021, www.americanprogress.org/issues/lgbtq-rights/reports/2021/01/12/494500/improving-lives-rights-lgbtq-people-america/.. Accessed 22 Dec. 2021.

²⁶⁹ *Ibid.*

²⁷⁰ *Ibid.*

Bibliography

- Anders, Caroline. “Biden Has Promises Left to Keep on His LGBTQ Agenda.” *Washington Post*, The Washington Post, 28 Jan. 2022, www.washingtonpost.com/politics/2022/01/28/biden-has-promises-left-keep-his-lgbtq-agenda/. Accessed 14 Mar. 2022.
- Anti-Defamation League. “Mainstreaming Hate: The Anti-Immigrant Movement in the U.S.” *Anti-Defamation League*, 2018, www.adl.org/the-anti-immigrant-movement-in-the-us. Accessed 13 Mar. 2022.
- BBC News. “Homosexuality: The Countries Where It Is Illegal to Be Gay.” *BBC News*, BBC News, 12 May 2021, www.bbc.com/news/world-43822234. Accessed 17 Jan. 2022.
- Biden, Joseph [@POTUS]. “To transgender Americans across the country — especially the young people who are so brave — I want you to know your President has your back. During Pride Month — and all the time.” *Twitter*. 7 June 2021. <https://twitter.com/potus/status/1402045647847673856>.
- Brownworth, Victoria A. “A Timeline of Trump’s Anti-LGBTQ Actions.” *Philadelphia Gay News*, 6 Jan. 2021, epgn.com/2021/01/06/a-timeline-of-trumps-anti-lgbtq-actions/. Accessed 5 Mar. 2022.
- Budiman, Abby. “Key Findings about U.S. Immigrants.” *Pew Research Center*, 2020, www.pewresearch.org/fact-tank/2020/08/20/key-findings-about-u-s-immigrants/. Accessed 28 June 2021.
- Caplow, Stacy, et al. *Accessing Justice: The Availability and Adequacy of Counsel Removal Proceedings: New York Immigrant Representation Study Report*. Dec. 2011.

- Center for Migration Studies. “President Trump’s Executive Orders on Immigration and Refugees - the Center for Migration Studies of New York (CMS).” *The Center for Migration Studies of New York (CMS)*, 14 Feb. 2017, cmsny.org/trumps-executive-orders-immigration-refugees/. Accessed 13 Mar. 2022.
- Choi, Soon Kyu, et al. “Serving Our Youth.” *Williams Institute*, 2 Mar. 2021, williamsinstitute.law.ucla.edu/publications/serving-our-youth-lgbtq/. Accessed 12 Mar. 2022.
- “Clive Michael Boutilier, Petitioner, v. the Immigration and Naturalization Service, Respondent, 363 F.2d 488 (2d Cir. 1966).” *Justia Law*, 2014, law.justia.com/cases/federal/appellate-courts/F2/363/488/264218/. Accessed 2 Mar. 2022.
- Cook, Currey. “Trump Signs Anti-LGBTQ Child Welfare Executive Order.” *Lambda Legal*, 30 June 2020, www.lambdalegal.org/blog/20200630_trump-admin-child-welfare-executive-order. Accessed 5 Mar. 2022.
- Cornell Law School. “Defense of Marriage Act (DOMA).” *LII / Legal Information Institute*, 2018, [www.law.cornell.edu/wex/defense_of_marriage_act_\(doma\)](https://www.law.cornell.edu/wex/defense_of_marriage_act_(doma)). Accessed 6 Mar. 2022.
- Cox, Kiana. “Most U.S. Adults Feel What Happens to Their Own Racial or Ethnic Group Affects Them Personally.” *Pew Research Center*, Pew Research Center, 11 July 2019, www.pewresearch.org/fact-tank/2019/07/11/linked-fate-connectedness-americans/. Accessed 13 Mar. 2022.
- Daniller, Andrew. “Majorities of Americans See at Least Some Discrimination against Black, Hispanic and Asian People in the U.S.” *Pew Research Center*, Pew Research Center, 18 Mar. 2021, www.pewresearch.org/fact-tank/2021/03/18/majorities-of-americans-see-at-

least-some-discrimination-against-black-hispanic-and-asian-people-in-the-u-s/. Accessed 13 Mar. 2022.

Department of Health and Human Services. “Refugee and Entrant Assistance-Targeted Assistance” *Benefits.gov*, 2022, www.benefits.gov/benefit/873. Accessed 10 Mar. 2022.

Department of Health and Human Services. “Refugee and Entrant Assistance- Voluntary Agencies Matching Grant Program.” *Benefits.gov*, 2022, www.benefits.gov/benefit/621. Accessed 10 Mar. 2022.

Department of Health and Human Services. “Temporary Assistance for Needy Families” *Benefits.gov*, 2022, www.benefits.gov/benefit/613. Accessed 10 Mar. 2022.

Devine, Catherine, et al. “Millions Are Victims of Hate Crimes, Though Many Never Report Them.” *Center for Public Integrity*, Center for Public Integrity, 16 Aug. 2018, publicintegrity.org/politics/millions-are-victims-of-hate-crimes-though-many-never-report-them/. Accessed 22 Dec. 2021.

Drescher, Jack. “Queer Diagnoses: Parallels and Contrasts in the History of Homosexuality, Gender Variance, and the Diagnostic and Statistical Manual.” *Archives of Sexual Behavior*, vol. 39, no. 2, 25 Sept. 2009, pp. 427–460, pubmed.ncbi.nlm.nih.gov/19838785/, 10.1007/s10508-009-9531-5. Accessed 3 Mar. 2022.

Edelman, Adam. “Sessions’ Religious Liberty Task Force Panned by Civil Rights Groups, LGBTQ Advocates.” *NBC News*, NBC News, 31 July 2018, www.nbcnews.com/politics/justice-department/sessions-religious-liberty-task-force-panned-civil-rights-groups-lgbtq-n896271. Accessed 13 Mar. 2022.

- Federal Bureau of Investigation. "2019 Hate Crime Statistics." *FBI*, 2019, ucr.fbi.gov/hate-crime/2019/topic-pages/victims. Accessed 8 May 2021.
- Fitzsimons, Tim. "Pence Is First vp to Speak at Anti-Gay Group's Values Voter Summit." *NBC News*, NBC News, 24 Sept. 2018, www.nbcnews.com/feature/nbc-out/pence-first-vp-speak-anti-gay-group-s-values-voter-n912641. Accessed 13 Mar. 2022.
- Freedom for All Americans. "LGBTQ Americans Aren't Fully Protected from Discrimination in 29 States." *Freedom for All Americans*, 2022, freedomforallamericans.org/states/. Accessed 13 Mar. 2022.
- Goldberg, Shoshana K., and Kerith J. Conron. "LGBT Adult Immigrants in the United States." *Williams Institute*, 23 Feb. 2021, williamsinstitute.law.ucla.edu/publications/lgbt-immigrants-in-the-us/. Accessed 29 Nov. 2021.
- Gruberg, Sharita. "ICE Officers Overwhelmingly Use Their Discretion to Detain LGBT Immigrants." Center for American Progress, 26 Oct. 2016.
- . "Improving the Lives and Rights of LGBTQ People in America." *Center for American Progress*, Jan. 2021, www.americanprogress.org/issues/lgbtq-rights/reports/2021/01/12/494500/improving-lives-rights-lgbtq-people-america/. Accessed 22 Dec. 2021.
- . "Serving LGBTQ Immigrants and Building Welcoming Communities." *Center for American Progress*, Jan. 2018, www.americanprogress.org/issues/lgbtq-rights/reports/2018/01/24/445308/serving-lgbtq-immigrants-building-welcoming-communities/. Accessed 22 Dec. 2021.
- Hao, Lingxin, and Yukio Kawano. "Immigrants' Welfare Use and Opportunity for Contact with Co-Ethnics." *Demography*, vol. 38, no. 3, 13 Nov. 2019, pp. 375–389. *Duke University*

- Press*, read.dukeupress.edu/demography/article/38/3/375/170483/Immigrants-welfare-use-and-opportunity-for-contact, 10.1353/dem.2001.0027. Accessed 12 Mar. 2022.
- Hebrew Immigrant Aid Society. "Fact Sheet: Refugees in the United States." Oct. 2017.
- . "U.S. Safe Haven for LGBT Refugees." *HIAS*, 2019, www.hias.org/us-safe-haven-lgbt-refugees. Accessed 22 Dec. 2021.
- Hopkinson, Rebecca A., et al. "Persecution Experiences and Mental Health of LGBT Asylum Seekers." *Journal of Homosexuality*, vol. 64, no. 12, 10 Nov. 2016, pp. 1650–1666, www.tandfonline.com/doi/full/10.1080/00918369.2016.1253392, 10.1080/00918369.2016.1253392, 10.1080/00918369.2016.1253392. Accessed 22 Dec. 2021.
- Human Rights Campaign. "President Biden's Pro-LGBTQ+ Timeline." *Human Rights Campaign*, 2021, www.hrc.org/resources/president-bidens-pro-lgbtq-timeline. Accessed 14 Mar. 2022.
- . "The Real Mike Pence: A Lifetime of Attacks on the LGBTQ Community." 2018.
- Human Rights Watch. "#OUTLAWED: 'the Love That Dare Not Speak Its Name.'" *Human Rights Watch*, 2021, internap.hrw.org/features/features/lgbt_laws/. Accessed 17 Mar. 2022.
- Immigration and Naturalization Service. "1961 Annual Report." 1961. Contained data from 1952-1961.
- . "Annual Report." 1997. Contained information from years 1961-1977.
- Immigration Equality, and National Immigrant Justice Center. "Winning Asylum, Withholding, and CAT Cases Based on Sexual Orientation, Transgender Identity And/or HIV-Positive Status." June 2006.

- Johnson, David K. *The Lavender Scare: The Cold War Persecution of Gays and Lesbians in the Federal Government*. Chicago, Ill., University Of Chicago Press, 2006.
- Kassie, Emily. "How Trump Inherited His Expanding Detention System." *The Marshall Project*, The Marshall Project, 12 Feb. 2019, www.themarshallproject.org/2019/02/12/how-trump-inherited-his-expanding-detention-system. Accessed 13 Mar. 2022.
- Kates, Jennifer, et al. "Health and Access to Care and Coverage for Lesbian, Gay, Bisexual, and Transgender (LGBT) Individuals in the U.S. - Health Challenges." *Kaiser Family Foundation*, 3 May 2018, www.kff.org/report-section/health-and-access-to-care-and-coverage-lgbt-individuals-in-the-us-health-challenges/. Accessed 12 Mar. 2022.
- Kirmayer, L. J., et al. "Common Mental Health Problems in Immigrants and Refugees: General Approach in Primary Care." *Canadian Medical Association Journal*, vol. 183, no. 12, 5 July 2010, pp. E959–E967, www.ncbi.nlm.nih.gov/pmc/articles/PMC3168672/, 10.1503/cmaj.090292. Accessed 22 Dec. 2021.
- Kratz, Jessie. "Immigrating While Queer: Part I." *Pieces of History: National Archives*, 17 June 2021, prologue.blogs.archives.gov/2021/06/17/immigrating-while-queer/. Accessed 1 Mar. 2022.
- . "Immigrating While Queer: Part II, the Fight Ahead." *Pieces of History*, National Archives and Records Administration, 25 June 2021, prologue.blogs.archives.gov/2021/06/25/immigrating-while-queer-part-ii-the-fight-ahead/. Accessed 22 Dec. 2021.
- Lambda Legal. "Family Equality v. Azar." *Lambda Legal*, Nov. 2019, www.lambdalegal.org/in-court/cases/family-equality-v-azar. Accessed 5 Mar. 2022.

“LGBTQ Immigrants.” *National Immigrant Justice Center*, 2020, immigrantjustice.org/stop-abuse-detained-lgbt-immigrants. Accessed 2 Jan. 2022.

Longstaff, Richard. “Richard Longstaff.” *The Dallas Way: An LGBTQ History Project*, 8 Dec. 2017, www.thedallasway.org/stories/written/2017/12/8/richard-longstaff. Accessed 3 Mar. 2022.

Luibhéid, Eithne. “‘Treated Neither with Respect nor with Dignity:’ Contextualizing Queer and Trans Migrant ‘Illegalization,’ Detention, and Deportation.” *Queer and Trans Migrations: Dynamics of Illegalization, Detention, and Deportation*, edited by Eithne Luibhéid and Karma R. Chávez, Urbana, Chicago, IL, University of Illinois Press, 2020, pp. 19–40.

Lynch, Colum, and Robbie Gramer. “At the U.N., America Turns Back the Clock on Women’s Rights.” *Foreign Policy*, Foreign Policy, 14 Mar. 2019, foreignpolicy.com/2019/03/14/at-united-nations-women-rights-gender-health-trump-diplomacy/. Accessed 13 Mar. 2022.

Mayer, Jane. “The Danger of President Pence.” *The New Yorker*, The New Yorker, 16 Oct. 2017, www.newyorker.com/magazine/2017/10/23/the-danger-of-president-pence. Accessed 13 Mar. 2022.

McGuirk, Siobhan, et al. “Stronger Together: A Guide to Supporting LGBT Asylum Seekers.” LGBT Freedom and Asylum Network, Oct. 2015.

Medina, Caroline, et al. “Serving LGBTQ Immigrants and Building Welcoming Communities.” *Center for American Progress*, Jan. 2018, www.americanprogress.org/issues/lgbtq-rights/reports/2018/01/24/445308/serving-lgbtq-immigrants-building-welcoming-communities/. Accessed 8 May 2021.

- Mercieca, Jennifer. "How President Trump's Rhetoric Has Affected U.S. Politics." *NPR*, 19 Jan. 2021, www.npr.org/2021/01/19/958472423/how-president-trumps-rhetoric-has-affected-u-s-politics. Accessed 12 Mar. 2022.
- Moreau, Julie. "LGBTQ Migrants 97 Times More Likely to Be Sexually Assaulted in Detention, Report Says." *NBC News*, NBC News, 6 June 2018, www.nbcnews.com/feature/nbc-out/lgbtq-migrants-97-times-more-likely-be-sexually-assaulted-detention-n880101. Accessed 13 Mar. 2022.
- National Academies of Sciences, Engineering, and Medicine. "The Integration of Immigrants into American Society, Issue Brief: Language Integration." 2015.
- National Immigrant Justice Center. "LGBTQ Immigrants." *National Immigrant Justice Center*, 2020, immigrantjustice.org/stop-abuse-detained-lgbt-immigrants. Accessed 22 Dec. 2021.
- National Immigration Forum. "Fact Sheet: U.S. Asylum Process." *National Immigration Forum*, 10 Dec. 2020, immigrationforum.org/article/fact-sheet-u-s-asylum-process/. Accessed 14 Mar. 2022.
- National Park Service Department of the Interior. "LGBTQ America: A Theme Study of Lesbian, Gay, Bisexual, Transgender, and Queer History." 2016.
- National Security Agency. "The Lavender Scare - the Origin of the Policy to Exclude Homosexuals from Federal Service." 10 Oct. 2018.
- Office of Refugee Resettlement. "Refugee and Entrant Assistance-State Administered Programs" *Benefits.gov*, 2022, www.benefits.gov/benefit/620. Accessed 10 Mar. 2022.
- Office of Refugee Resettlement. "Refugee and Entrant Assistance-Wilson/Fish Programs." *Benefits.gov*, 2022, www.benefits.gov/benefit/874. Accessed 10 Mar. 2022.

- Okamoto, Dina G. “Welcoming, Trust, and Civic Engagement: Immigrant Integration in Metropolitan America.” *The ANNALS of the American Academy of Political and Social Science*, vol. 690, no. 1, July 2020, pp. 61–81. *JSTOR*, journals.sagepub.com/doi/abs/10.1177/0002716220927661?journalCode=anna, 10.1177/0002716220927661. Accessed 22 Dec. 2021.
- Organization for Refugee, Asylum & Migration. “Rainbow Bridges: A Community Guide to Rebuilding the Lives of LGBTI Refugees and Asylees.” Organization for Refugee, Asylum and Migration, 30 Apr. 2012.
- Pew Research Center. “Low Marks for Major Players in 2016 Election - Including the Winner.” *Pew Research Center - U.S. Politics & Policy*, Pew Research Center - U.S. Politics & Policy, 21 Nov. 2016, www.pewresearch.org/politics/2016/11/21/presidential-election-reactions-and-expectations/. Accessed 13 Mar. 2022.
- Portman, Scott, and Daniel Weyl. “LGBT Refugee Resettlement in the US: Emerging Best Practices | Forced Migration Review.” *Fmreview.org*, 29 Apr. 2013, www.fmreview.org/sogi/portman-weyl. Accessed 22 Dec. 2021.
- Romo, Vanessa, et al. “Trump Ends DACA, Calls on Congress to Act.” *NPR*, 5 Sept. 2017, www.npr.org/2017/09/05/546423550/trump-signals-end-to-daca-calls-on-congress-to-act. Accessed 13 Mar. 2022.
- Santos, Thee, et al. “What You Need to Know about the Equality Act.” *Center for American Progress*, 15 Mar. 2021, www.americanprogress.org/article/need-know-equality-act/. Accessed 14 Mar. 2022.
- Shaw, Ari, et al. “LGBT Asylum Claims in the United States.” *Williams Institute*, 4 Mar. 2021, williamsinstitute.law.ucla.edu/publications/lgbt-asylum-claims. Accessed 22 Dec. 2021.

Signorile, Michelangelo. "Trump's Cabinet: A Who's Who of Homophobia." *The Boston Globe*, 15 Dec. 2016, www.bostonglobe.com/opinion/2016/12/15/trump-cabinet-who-who-homophobia/9UDr8MnXIQAxjO369qzT0J/story.html. Accessed 13 Mar. 2022.

Speri, Alice. "1,224 Complaints Reveal a Staggering Pattern of Sexual Abuse in Immigration Detention. Half of Those Accused Worked for ICE." *The Intercept*, 11 Apr. 2017, theintercept.com/2018/04/11/immigration-detention-sexual-abuse-ice-dhs/. Accessed 13 Mar. 2022.

Stack, Liam. "Mike Pence and 'Conversion Therapy': A History." *The New York Times*, 30 Nov. 2016, www.nytimes.com/2016/11/30/us/politics/mike-pence-and-conversion-therapy-a-history.html. Accessed 13 Mar. 2022.

Stalsburg, Brittany L. "Trump and the Normalization of Hate." *HuffPost*, HuffPost, 23 May 2016, www.huffpost.com/entry/trump-and-the-normalizati_b_10101492. Accessed 13 Mar. 2022.

"State of Foundation Funding - National Committee for Responsive Philanthropy." *National Committee for Responsive Philanthropy*, 13 May 2020, www.ncrp.org/initiatives/movement-investment-project/our-active-movement-areas/pro-immigrant-and-refugee-movement/state-foundation-funding#2. Accessed 10 Mar. 2022.

Tabak, Shana, and Rachel Levitan. "LGBTI Migrants in Immigration Detention." *Forced Migration Review*, 29 Apr. 2013, www.fmreview.org/sogi/tabak-levitan-detention. Accessed 13 Mar. 2022.

The Leadership Conference on Civil and Human Rights. "Trump Administration Civil and Human Rights Rollbacks - the Leadership Conference on Civil and Human Rights." *The*

Leadership Conference on Civil and Human Rights, 2021, civilrights.org/trump-rollbacks/. Accessed 13 Mar. 2022.

The New York Times. “HOMOSEXUAL, a U.S. RESIDENT 19 YEARS, FACES DEPORTATION.” *The New York Times*, 3 June 1984, p. 40, www.nytimes.com/1984/06/03/us/homosexual-a-us-resident-19-years-faces-deportation.html. Accessed 1 Mar. 2022.

Tsai, J., and X. Gu. “Homelessness among Immigrants in the United States: Rates, Correlates, and Differences Compared with Native-Born Adults.” *Public Health*, vol. 168, Mar. 2019, pp. 107–116, 10.1016/j.puhe.2018.12.017.

UN High Commissioner for Refugees. *UNHCR’s Views on Asylum Claims Based on Sexual Orientation And/or Gender Identity: Using International Law to Support Claims from LGBTI Individuals Seeking Protection in the U.S.* Nov. 2016.

United States, Congress, House. Equality Act. *Congress.gov*.
<https://www.congress.gov/bill/117th-congress/house-bill/5/all-actions-without-amendments?q=%7B%22search%22%3A%5B%22equality+act%22%5D%7D&s=1&r=3>. 117th Congress, House Resolution 5, passed 25 Feb. 2021.

United States, Congress. *Immigration and Nationality Act: Inadmissible Aliens*. 27 June 1952.
<https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1182&num=0&edition=prelim>

United States Court of Appeals for the Ninth Circuit. *Boer-Sedano v. Gonzales*. 12 Aug. 2005, www.refworld.org/cases,USA_CA_9,4821a2ba2.html. Accessed 13 Mar. 2022.

United States, Executive Office of the President Dwight D. Eisenhower. Executive Order 10450: Security requirements for Government employment. *Federal Register*, vol. 18, no. 2489,

p.936, <https://www.archives.gov/federal-register/codification/executive-order/10450.html>.

United States Interagency Council on Homelessness. “The Importance of Housing Affordability and Stability for Preventing and Ending Homelessness.” *United States Interagency Council on Homelessness*, 2019,

www.usich.gov/resources/uploads/asset_library/Housing-Affordability-and-Stability-Brief.pdf, 10.1111/j.1475-6773.2011.01350. Accessed 12 Mar. 2022.

United States, National Archives, Records of Rights. *Boutilier v. INS*. 24 January 1966, <http://recordsofrights.org/records/226/boutilier-v-ins/2>. Accessed 1 Mar. 2022.

United States, National Archives, Records of Rights. *Quiroz v. Neelly*. 23 June 1961, recordsofrights.org/records/225/quiroz-v-neely/2. Accessed 1 Mar. 2022.

University of California, Berkeley Library. “We’re Here, We’re Queer, and We’re in the Public Record! - Spotlight Exhibits at the UC Berkeley Library.” *The LGBTQ Movement and Life as Seen through Government Information*, 7 Mar. 2018, exhibits.lib.berkeley.edu/spotlight/queer/feature/immigration. Accessed 1 Mar. 2022.

University of California Santa Barbara. “Executive Orders | the American Presidency Project.” *University of California Santa Barbara*, 2021,

www.presidency.ucsb.edu/statistics/data/executive-orders. Accessed 13 Mar. 2022.

USA for UN Refugee Agency. “The U.S. Refugee Resettlement Program Explained.”

Www.unrefugees.org, 20 Oct. 2021, [www.unrefugees.org/news/the-u-s-refugee-resettlement-program-](http://www.unrefugees.org/news/the-u-s-refugee-resettlement-program-explained/#:~:text=Resettlement%20is%20the%20selection%20and)

[explained/#:~:text=Resettlement%20is%20the%20selection%20and](http://www.unrefugees.org/news/the-u-s-refugee-resettlement-program-explained/#:~:text=Resettlement%20is%20the%20selection%20and). Accessed 5 Mar. 2022.

U.S. Department of State. "Reception and Placement - United States Department of State."

United States Department of State, Feb. 2021, www.state.gov/refugee-admissions/reception-and-placement/. Accessed 12 Mar. 2022.

Wang, Hansi Lo. "Trump Officials 'Did Not Want' Census Survey to Ask about Sexual Orientation." *NPR*, 20 Sept. 2018, www.npr.org/2018/09/20/649752485/trump-officials-did-not-want-census-survey-to-ask-about-sexual-orientation. Accessed 13 Mar. 2022.

Wax-Thibodeaux, Emily. "Biden's Ambitious LGBT Agenda Poises Him to Be Nation's Most Pro-Equality President in History." *Washington Post*, The Washington Post, 11 Jan. 2021, www.washingtonpost.com/politics/2021/01/11/biden-lgbtq-policies/. Accessed 14 Mar. 2022.

Wilkes, Rima, and Cary Wu. "Immigration, Discrimination, and Trust: A Simply Complex Relationship." *Frontiers in Sociology*, vol. 4, 17 May 2019, www.frontiersin.org/articles/10.3389/fsoc.2019.00032/full, 10.3389/fsoc.2019.00032, 10.3389/fsoc.2019.00032. Accessed 29 Sept. 2019.

Yurcaba, Jo. "Undoing 4 Years of 'Damage': LGBTQ Advocates on Biden's First 100 Days." *NBC News*, NBC News, 2 May 2021, www.nbcnews.com/feature/nbc-out/undoing-4-years-damage-lgbtq-advocates-biden-s-first-100-n1266035. Accessed 14 Mar. 2022.

Addendum

Visual Timeline of LGBTQ+ Immigration-Related Policy and Practice

Date	Title	Significance
1917	Immigration Act of 1917	Was the first policy that explicitly excluded LGBTQ+ immigrants from entry into the United States; deemed queer migrants "Constitutional Psychotic Inferior."
1947	PHS defines LGBTQ+ individuals as being "with abnormal sexual instincts"	Further created justification for excluding queer migrants, as their identity was thought to be communicable in the same way a disease spreads.
1950	Lavender Scare	A term used to describe the fear that the American public had about homosexuality spreading in the United States, similar to the fear that the general American public held towards communism spreading.
February 1950	"Enemies from Within" speech by Sen. McCarthy	Compared homosexuality to atheism and immorality, which he reasoned were communistic traits and a threat to Americans during a time of increased fears about communism.
June 1950 - December 1950	Hoey Committee	A Congressional Committee convened to determine how widespread the problem of LGBTQ+ employment in the federal government was, uncover why their employment was not desirable, and propose a solution that would end the problem. Agreed with prior policies and practices that same-sex attraction is equivalent to mental illness, and, as such, federal employees were not able to continue employment while homosexual because of their risk to American security.
1952	McCarran-Walter Immigration and Nationality Act	Updated legislation to target queer immigrants by categorizing them as immoral and psychopathic. Excludes anyone who has been involved with, convicted of, or attempted to commit "crimes of moral turpitude" (same-sex sexual relations).
April 1953	Eisenhower bans LGBTQ+ employees in the federal government	Restricted the employment of LGBTQ+ people in the federal government because of the Hoey Committee's findings. LGBTQ+ applicants were not considered for government employment until 1975.

1961	Quiroz v. Neelly	Quiroz was suspected of being queer because of her appearance, and the court determined that, regardless of her psychiatrist testifying that she was not psychotic as the medical community would define, she was inadmissible to the United States because of what Congress had intended when writing the legislation.
1965	Hart-Celler Immigration and Nationality Act	Changed immigration language to exclude those who were "sexual deviates," justifying LGBTQ+ exclusion. Also promoted heteronormative ideals of what constitutes a family tie, excluding diverse families often seen in LGBTQ+ communities.
1966	Boutilier v. INS	Boutilier was investigated for his sexuality when attempting to apply for citizenship because he admitted to having prior homosexual experiences. Because the court determined Boutilier was queer when he entered the United States and that he continued partaking in homosexual activities after entry, he was both immoral for lying during entry and psychotic for identifying as queer.
December 1973	APA removes "homosexual" from the DSM	Removes LGBTQ+ identity as a descriptor for mental illness, lessening the legitimacy of framing LGBTQ+ immigrants as psychotic in deportation hearings.
1979	PHS no longer equates queer with psychopathic	Lessens justification for deporting LGBTQ+ immigrants because of psychopathy
1980	INS no longer actively pursues LGBTQ+ immigrants	The organization would still pursue those who self-identified as LGBTQ+, was identified by another person as queer, or gave an unsolicited suggestion that they were homosexual. Didn't cease the deportation of queer immigrants in total, but stopped investigations that had very little evidence.
	U.S. Refugee Act of 1980	Codified a way for the U.S. to respond to requests for refugee and asylee status. Was criticized for further for possibly marginalizing refugee and asylee groups based on the classification system and for forcing migrants to relive their trauma throughout the application and interview process.
1984	Richard Longstaff Denied Citizenship	Longstaff was applying for naturalization after having resided in the United States for over 20 years as a permanent resident. During his interview, his sexuality was questioned, and after admitting he was a homosexual, he was denied citizenship because he had lied about his sexuality when entering the US (as he had said he was not psychotic, when, by U.S. definition, he was). The

		case reached SCOTUS, who declined to hear it. After the case gained public attention, the deportation orders against him were dropped and he was told he could remain in the U.S. with his permanent resident status as long as he did not apply for citizenship in the future.
1986	Bowers v. Hardwick	SCOTUS denied the appeal of Georgia's anti-sodomy law, demonstrating that queer Americans were not to be protected by the right to privacy under the Constitution in their personal lives.
1996	Defense of Marriage Act	Legislation to target individual states who were considering codifying same-sex marriage in their state's constitution. Defined marriage as being between a man and a woman at the federal level, which created complex issues for LGBTQ+ couples attempting to immigrate on family visas or queer migrants with children.
2003	Soto-Vega v. Ashcroft	Soto-Vega was initially not granted asylum because the judge had determined he was not at a reasonable risk of being identified as queer. However, an expert witness testified that Soto-Vega may not fit the mold of a gay man in the U.S., but he was concurrent with the stereotype of a gay man in his native Mexico.
2005	Boer-Sedano v. Gonzales	Boer-Sedano granted asylum regardless of his repeated trips to his home country. He reasoned he needed to return in order to gather sufficient income to be self-sufficient in the United States.
2005	Karouni v. Gonzales	Karouni granted asylum because he would otherwise be "forced into a life of celibacy" because of his queer identity if he returned.
July 2013	United States v. Windsor	SCOTUS removes the DOMA definition of marriage, allowing USCIS to begin reviewing applications of LGBTQ+ married couples in the same way that heterosexual married couples were considered.
June 2015	Obergefell v. Hodges	SCOTUS removes the DOMA exclusion for individual states to not recognize same-sex marriages performed in other states, making same-sex marriage legal throughout the U.S.

Figure 1 Table of Values:

Year	Deported for Immorality	Deported for Mental or Physical Defect	Total Deported
1952	50	56	20,181
1953	100	48	19,845
1954	239	43	26,951
1955	162	69	15,028
1956	103	80	7,297
1957	112	59	5,082
1958	124	107	7,142
1959	126	78	7,988
1960	92	57	6,829
1961	73	54	7,438
1962	58	131	7,637
1963	61	158	7,454
1964	40	146	8,746
1965	53	143	10,143
1966	30	130	9,168
1967	29	154	9,260
1968	21	137	9,130
1969	14	155	10,505
1970	18	202	16,893
1971	9	232	17,639
1972	7	307	16,266
1973	7	395	16,842
1974	7	396	18,824
1975	4	583	23,438
1976	10	574	36,925
1977	6	372	30,228
Total	1,555	4,866	372,879

Sources:

Immigration and Naturalization Service. "Annual Report." 1997. Contained information from years 1961-1977.

Immigration and Naturalization Service. "Annual Report." 1961. Contained data from 1952-1961.

Figure 2 Table of Values:

Year	Excluded for Immorality	Excluded for Mental or Physical Defect	Total Excluded
1952	10	67	2,944
1953	27	130	3,637
1954	65	127	3,313
1955	124	113	2,667
1956	64	87	1,709
1957	30	40	907
1958	18	21	733
1959	7	18	480
1960	1	16	411
1961	3	7	743
1962	2	23	388
1963	2	22	309
1964	4	18	421
1965	4	19	429
1966	2	21	512
1967	3	10	468
1968	1	13	460
1969	1	8	525
1970	2	4	576
1971	1	11	655
1972	5	5	617
1973	1	5	504
1974	0	2	589
1975	3	4	994
1976	1	1	1,546
1977	2	3	1,035
Total	383	795	27,572

Sources:

Immigration and Naturalization Service. "Annual Report." 1997. Contained information from years 1961-1977.

Immigration and Naturalization Service. "Annual Report." 1961. Contained data from 1952-1961.