

*The Council for Global Equality · The Episcopal Church · Hebrew Immigrant and Aid Society (HIAS) · Heartland Alliance for Human Needs and Human Rights · Human Rights Campaign · Human Rights First · International Rescue Committee · Lutheran Immigration and Refugee Service · Organization for Refugee, Asylum and Migration (ORAM) · RefugePoint · St. Paul's Foundation for International Reconciliation · Unitarian Universalist Association · U.S. Committee for Refugees and Immigrants · Women's Refugee Commission*

The Honorable Anne Richard  
Assistant Secretary of State  
Bureau of Population, Refugees and Migration  
Department of State  
2201 C Street NW  
Washington, D.C. 20520

VIA FACSIMILE

April 17, 2012

**Re: Expedited resettlement for vulnerable refugees at serious risk, including LGBTI refugees.**

Dear Assistant Secretary Richard,

Congratulations on your recent appointment. We are writing as a diverse group of civil society organizations concerned with the protection of refugees at risk, including lesbian, gay, bisexual, transgender and intersex (LGBTI) refugees. We acknowledge and appreciate the leadership of the Department of State in its commitment to protecting LGBTI persons abroad as well as the Bureau of Population, Refugees and Migration's (PRM) leadership on the protection of LGBTI refugees, including through its engagements with the United Nations High Commissioner for Refugees (UNHCR). Violence against LGBTI persons can also constitute a form of sexual and gender-based violence, an issue that your office has also recognized as a priority.

In many countries, people who have fled persecution on the basis of their sexual orientation or gender identity face further persecution because the prejudice they faced at home is shared by members of the public or other refugees in their country of asylum. In addition, many countries to which LGBTI refugees flee, including Uganda, Kenya and Lebanon, also criminalize same-sex relations thus exposing some refugees to an additional threat of arrest and detention. Even in countries such as Turkey and Jordan in which same-sex relations are legal, LGBTI refugees are often at immediate risk of violence from their own families and refugee communities. Local law enforcement may not only be unwilling to assist them but may be openly hostile. In Uganda, NGOs have documented cases of LGBTI refugees being abducted, beaten, and raped, as well as attempts to burn them alive. Because of the risks and lack of protection LGBTI refugees face in some countries (as PRM-supported research is now documenting), they often have few options but to seek resettlement to countries where they will not be regularly targeted on the basis of their sexual orientation or gender identity.

In December 2011, the President issued a memorandum in which he recognized that some LGBTI refugees may face such high risks of imminent danger that they need to be resettled on an expedited basis. This memorandum specifically required agencies including the Department of State to ensure "that the Federal Government has the ability to identify and expedite resettlement of highly vulnerable persons with urgent protection needs." The United States has the world's largest resettlement program.

However, its virtue should not be limited to the volume of refugees it resettles but also to how well its resettlement program can be used as a tool of protection for the world's most vulnerable refugees, including LGBTI refugees. By improving its ability to provide expedited resettlement, the United States would significantly improve access to protection for the refugees at the most imminent risk, including LGBTI refugees facing imminent risks of harm.

In October 2011, PRM issued a fact sheet that outlines (i) its ability to expedite all steps in the resettlement process for individuals whose lives are at serious risk and (ii) its ability to expedite some steps in less serious cases that do still have major protection concerns. The fact sheet is an important step forward because it improves transparency by identifying the types of cases eligible for expediting and indicates some of the steps that can be expedited. We appreciate PRM's work in developing this public fact sheet. Nevertheless, even for life-threatening cases, the fact sheet states that, at present, the fastest the United States can resettle a refugee is eight weeks - primarily because of security and medical checks. However, we believe the United States can and must do better.

We urge PRM to continue to move forward with its efforts to develop an effective system for expediting the resettlement and protection of LGBTI and other refugees facing serious risks of harm. These steps should include:

- **Designate a specific senior focal point within PRM's Front Office on issues of gender, including LGBTI refugee protection, reporting directly to the Assistant Secretary.** In the recent past, we have found it valuable to work with a dedicated focal person for LGBTI refugees at a senior level within PRM. Given recent changes in PRM personnel, we request that you designate a specific focal point on gender issues, including LGBTI refugee protection, within PRM's Front Office with the person reporting directly to you – as a means of ensuring appropriate oversight of progress.
- **Reconvene the working group on expedited resettlement.** In 2011, PRM convened a working group on expedited resettlement that included representatives of the Department of Homeland Security (DHS) as well as NGOs. We request that PRM rapidly reconvene this group and include both the dedicated senior focal point in PRM's Front Office (as requested above), alongside DHS, National Security Council and NGO representatives.
- **Create detailed expedited resettlement guidelines specific to the different regions in which the Resettlement Support Centers (RSCs) operate.** Detailed expedited resettlement guidelines are critical to developing and implementing a formalized, consistent and transparent expedited resettlement program. In September 2010, a group of NGOs, including some of the signatories to this letter, outlined some of the key elements that should be included in detailed expedited resettlement guidelines. We understand that PRM subsequently developed draft expedited resettlement guidelines but these were never finalized after questions about how standard guidelines would be implemented in different locations with different procedures, visa requirements and local challenges. Given the differences that exist in the different regions in which the eight RSCs operate, we suggest that PRM move forward in developing guidelines for each region. Expert staff at several of our organizations would be happy to offer our assistance in working with PRM to draft workable expedited resettlement guidelines for each of the eight regions - taking note of specific contextual challenges. Such guidelines would serve as an important means of standardizing the processing of expedited cases and developing a shared understanding between PRM and NGOs of the types of cases that are appropriate for expedited processing and the time frames required.

- **Continue to work with the Department of Homeland Security (DHS) and other agencies to resolve delays in the security screening process that are preventing the expedited resettlement of refugees at risk.** Effective, accurate and timely security screening is an important part of the resettlement process. The delays and inefficiencies in current U.S. security check processes are undermining the ability of the United States to resettle refugees in a timely manner. As U.S. government agencies move forward - under the leadership of the National Security Council - to address these delays and inefficiencies, we urge the development of a consistent, quick, accurate and effective system for conducting security checks in expedited resettlement cases for individuals at imminent risk.
- **Create a pilot project for expedited resettlement with the RSC in Kenya to assess the potential for a more formalized expedited resettlement program with shorter time frames.** Kenya offers an excellent opportunity for a pilot project on expedited resettlement as the RSC, Refugee Coordinator and USCIS Refugee Officers are all based in Nairobi and exit permits can be issued rapidly. There are also LGBTI and other refugees in the region who are facing imminent risks of harm, including some whose resettlement would not be affected by the current delays in the conduct of the Security Advisory Opinion (SAO) process. To support such a pilot project, we have created a small working group of NGOs including some Voluntary Resettlement Agencies that would like to work closely with designated representatives of PRM in developing and implementing this project.
- **Support refugees facing high risks of violence, including those who are LGBTI, in accessing safe shelter while waiting for resettlement.** At present many LGBTI refugees wait for a number of months or longer for resettlement to the United States without access to safe shelter, which in some countries exposes them to significant dangers including violence from members of the public or other refugees. PRM should fund NGOs to run safe shelter programs (based primarily on 'scattered housing' models to ensure refugee security) in specific countries such as Uganda, Kenya, Lebanon, Turkey and Jordan as well as support the transfer of LGBTI refugees to a suitable Emergency Transit Facility (after an assessment of whether and how these facilities could be made suitable for LGBTI refugees) in cases where no safe in-country shelter can be provided.
- **Create a Priority 2 (P-2) category within the U.S. Refugee Admissions Program for "LGBTI persons with serious protection concerns" who are in or from specific risk countries as a means of speeding up access to resettlement for those at risk.** An 'open-access' P-2 category for LGBTI persons with serious protection concerns would allow LGBTI persons to directly approach RSCs for pre-screening, without a UNHCR referral. This is particularly important for those who are in-country, as UNHCR does not refer any individuals who are still in their country of origin. The designation would allow urgent refugee cases to avoid the lengthy period of time consumed by UNHCR Refugee Status Determinations and Resettlement Registration Forms (RRFs). We would be willing to work with PRM as a group to identify the most suitable countries for a P-2 category for LGBTI persons. A similar request was previously noted in a letter submitted by a group of NGOs to Secretary Clinton on March 27, 2012.
- **Work with NGOs to design and implement appropriate trainings to enable NGOs working closely with particularly vulnerable refugees and individuals to refer them for resettlement, and to identify those cases already in the pipeline that need to be expedited.** The USRAP has

not conducted any NGO resettlement referral trainings since 2007. A new and more partnership-oriented NGO Referral Program is critical to identifying and expediting the most vulnerable cases.

- **Work closely with DHS and Health and Human Services to systematically integrate creative alternative solutions in emergency situations when expedited refugee processing is not practical or available.** In the Northern Iraq Refugee Crisis of 1996, PRM and its partner government agencies demonstrated through the Guam Operation that humanitarian parole and asylum could be applied successfully to expeditiously rescue and resettle refugees. In Macedonia and Fort Dix in 1999, PRM and its partner agencies applied “bifurcated refugee processing” to expedite cases. DHS has decided that it can use video interviews when refugee interviews have expired, and should consider using this as a last resort when in-person DHS interviews cannot be safely arranged in time to ensure the protection of an at-risk refugee. These processing avenues outlined above remain available today, and should be systematically integrated into the USRAP as alternative paths to rescue.
- **Expand the Priority 3 (P-3) category for family reunification for LGBTI refugees to be able to be reunified with same sex partners.** At present the P-3 category does not make provisions for the family reunification of same sex partners in resettlement. The Department of State has the authority to make this designation without changes to law or regulation.

We would encourage PRM to complete the designation of a senior gender focal point (including the portfolio of LGBTI refugees), the reconvening of the expedited resettlement working group and the drafting of expedited resettlement guidelines for at least one region by June 2012 in time to report to the President on progress since the Presidential Memorandum of December 6, 2011. Implementation of all the measures above will significantly improve the protection of LGBTI refugees who are facing serious risks of harm in their countries of asylum. We look forward to working with you and your staff to further this shared goal as part of efforts to implement the provisions of the President’s memorandum of December 6, 2011.

Sincerely

Mark Bromley  
Council Chair  
**The Council for Global Equality**

Alexander D. Baumgarten, Director of Government Relations, and Deborah Stein, Director of Episcopal Migration Ministries  
**The Episcopal Church**

Sid Mohn  
President  
**Heartland Alliance for Human Needs and Human Rights**

Gideon Aronoff  
President and CEO  
**Hebrew Immigrant Aid Society (HIAS)**

Joe Solmonese  
President  
**Human Rights Campaign**

Elisa Massimino  
President and CEO  
**Human Rights First**

Robert Carey  
Vice President of Resettlement and Migration Policy  
**International Rescue Committee**

Linda Hartke  
President and CEO  
**Lutheran Immigration and Refugee Service**

Neil Grungras  
Executive Director  
**Organization for Refuge, Asylum and Migration (ORAM)**

Sasha Chanoff  
Executive Director  
**RefugePoint**

The Rev Canon Albert Ogle  
**St. Paul's Foundation for International Reconciliation**

Bruce Knotts  
Director, United Nations Office  
**Unitarian Universalist Association**

Lavinia Limon  
President and CEO  
**U.S. Committee for Refugees and Immigrants**

Sarah Costa  
Executive Director  
**Women's Refugee Commission**

Cc: Elizabeth Amory  
Director for Human Rights  
Office of Multilateral Affairs and Human Rights  
**National Security Staff**

Elizabeth Drew  
Director for Human Rights and Gender  
Office of Multilateral Affairs and Human Rights  
**National Security Staff**