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# Fleeing the Closet

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Inclusive Refugee Programs and LGBTQ Policy in  
the Asylum Seeking Process

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## Working Abstract

In 1951, The United Nations Refugee Convention established asylum for those with a “well-founded fear of being persecuted” based on membership in a “particular social group”, yet many countries today continue to actively discriminate against individuals seeking asylum on the basis of their sexual orientation and/or gender identities. In an effort to distance themselves from the discrimination and criminalization that exists in their home countries, many lesbian, gay, bisexual, transgender, and queer (LGBTQ)-identifying individuals seek safety as asylees abroad. This research examines the extent to which accepting asylum protocol as well as protections and rights offered to sexual and/or gender minorities impact the movement of LGBTQ asylees. By analyzing the application procedure and programs offered to a state’s incoming refugee population in conjunction with the antidiscrimination legislation and freedoms afforded to that state’s LGBTQ populations throughout 40 countries around the world, this paper finds that heightened asylum protocol rather than inclusive LGBTQ legal rights influences the resettlement of LGBTQ asylees.

## Introduction and Background Information

Impelled by threats of violence and a need to flee stigma, compelled by a desire to express and exist, the movement of sexual and gender minorities defies traditional notions of social migration and refugee exodus. When seeking refugee protections, queer and trans refugees are positioned against existing narratives of flight and identity and are often forced to navigate their own existence precariously.<sup>1</sup> Pressed to disclose and prove their closeted identities and recount experiences of violence or trauma, lesbian, gay, bisexual, transgender, and queer (LGBTQ)-identifying individuals are often pigeonholed within the broader bureaucracy of the asylum application.<sup>2</sup> The failure to recognize the intersectionality of an individual’s refugee status and queerness here not only opens LGBTQ refugee populations to a greater chance of discrimination and violence, but leaves many inadequately prepared to address the unique

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<sup>1</sup> Murray, David A.M. *Real Queer: “Authentic” LGBT Refugee Claimants and Homonationalism in the Canadian Refugee System*. Report no. 1. York University. Vol. 56. Anthropologica. Toronto, Canada: University of Toronto Press, 2014. 21-32.

<sup>2</sup> Murray, David A.M. *Real Queer*. 25.

challenges of resettlement.<sup>3</sup> By understanding the current realities of both refugees and LGBTQ persons abroad, one can better understand the unique challenges posed to LGBTQ refugees and obtain significant insight in regards to their decision-driven resettlement.

The current definition of a refugee as put forth by the United Nations Refugee Convention of 1951 states that a refugee is an individual with “a well-founded fear of being persecuted because of his or her race, religion, nationality, membership of a particular social group or political opinion” as well as someone who “is unable or unwilling to avail him— or herself...for fear of persecution”.<sup>4</sup> While 142 countries are currently party to both the 1951 Convention and its 1967 Protocol, scores of the 65 million refugees and internally displaced persons that exist around the world today continue to live in a state of uncertainty.<sup>5</sup> The likening of refugees to “deathly Skittles” by public officials, such as Donald Trump Jr., and the recent rise of “security-driven” xenophobia have facilitated the rise of stricter border enforcement to quell refugee inflows in Eastern Europe and in the United States.<sup>6,7</sup> Increasingly pernicious asylum procedures like these coupled with the lack of urgency espoused at the international level are indicative of a global landscape that subtly condones the plight of millions living in displacement.

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<sup>3</sup> Murray, David A.M. *Real Queer*. 29.

<sup>4</sup> United Nations Refugee Agency. Office of the High Commissioner on Refugees. *The Refugee Convention, 1951*. Compiled by Paul Weis. 4-272.

<sup>5</sup> United Nations Refugee Agency. Office of the High Commissioner on Refugees. *States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol*. UNHCR. 1-5.

<sup>6</sup> Graham-Harrison, Emma. "Still the refugees are coming, but in Europe the barriers are rising." *The Guardian*, October 31, 2015. Accessed June 1, 2017. <<https://www.theguardian.com/world/2015/oct/31/austria-fence-slovenia-wire-europe-refugees>>.

<sup>7</sup> Kopan, Tal. "Trump admin quietly made asylum more difficult in the US." *CNN*, March 8, 2017. Accessed June 1, 2017. <<http://www.cnn.com/2017/03/08/politics/trump-immigration-crackdown-asylum/index.html>>.

Concurrently, same-sex sexual acts and non-binary/gender “deviant” expression are criminalized in over seventy countries and are punishable by death in eight.<sup>8</sup> Legal frameworks exist to suppress the “expression of homosexuality and gender variance” and inhibit collective organization and action around such identities.<sup>9</sup> In Russia, for example, several queer activists were recently detained for attempting to raise awareness regarding the persecution of gay men in Chechnya.<sup>10</sup> The inability to mobilize compounded by the absence of legal and social protections make LGBTQ persons increasingly vulnerable in areas of traditional safety. While many queer and trans persons relocate in hopes of escaping homophobic and transphobic persecution, their security is circumstantial. Hate crimes on the basis of one’s sexual orientation are not recognized by police in 153 countries and trans women continue to face “alarming murder rates” around the world, with trans women of color facing a “1 in 8 likelihood” of murder just in the United States.<sup>11,12</sup> Even amidst these harrowing realities, it is important to acknowledge the significant strides that have been made in furthering LGBTQ rights. Since 2000, 22 countries have recognized marriage between same-sex couples and in the past 15 years alone, 10 countries have legally recognized the existence of a third gender outside the male-female binary. The legal and social progress that has been made in the face of ongoing

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<sup>8</sup> International Lesbian, Gay, Bisexual, Trans and Intersex Association: Carroll, A. and Mendos, L.R., *State-Sponsored Homophobia 2017: A world survey of sexual orientation laws: criminalisation, protection and recognition*. Geneva: ILGA, 2017. Accessed May 14, 2017.

<sup>9</sup> International Lesbian, Gay, Bisexual, Trans and Intersex Association: *State-Sponsored Homophobia 2017*. 17.

<sup>10</sup> Kramer, Andrew E. "Russians Protesting Abuse of Gay Men in Chechnya Are Detained." *The New York Times*, May 2, 2017. May 1, 2017. Accessed May 20, 2017. <<http://www.nytimes.com/2017/05/01/world/europe/russia-gay-rights-chechnya.html?mcubz=1>>

<sup>11</sup> International Lesbian, Gay, Bisexual, Trans and Intersex Association: *State-Sponsored Homophobia 2017*. 60.

<sup>12</sup> HRC. "Violence against the Transgender Community in 2016." *The Human Rights Campaign*, 2017. Accessed May 25, 2017. <<http://www.hrc.org/resources/violence-against-the-transgender-community-in-2016>>.

persecution has been fundamental to shaping today's disproportionately safe and viable queer and trans landscape and continues to bear significant influence on LGBTQ movement and resettlement.

As asylum protocol and LGBTQ freedoms become increasingly constrained in today's political climate, the trajectories of refugee resettlement begin to be shaped by individual necessity and agency-driven decision calculus. A fundamental understanding of the criteria and priorities utilized in this decision-making process is necessary if states aim to create affirming environments for incoming sexual and gender minorities.

### Research Question

In an era of evolving discourse surrounding the influx of refugee populations and the legal protections afforded to queer and trans folk, little attention is given to the implications of such discussion and policies on the migration and eventual resettlement of LGBTQ-identifying refugees. Although provincial governments have some degree of influence in regards to the privileges they afford their LGBTQ communities, the national government ultimately sets the overarching rights and freedoms of its LGBTQ citizens and residents and shapes the protocol for incoming asylees in most countries around the world.<sup>13</sup> By evaluating various facets of the asylum protocol and spheres in which a state grants rights to sexual and/or gender minorities, one can understand, in isolation and through intersection the larger question of where and why LGBTQ asylees relocate to the areas they do. More specifically, how the inclusivity or exclusivity of a state's asylum procedure and rehabilitation programs as well as the extent of its

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<sup>13</sup> UNHCR. *The 1951 Convention relating to the Status of Refugees and its 1967 Protocol*. Report. The UN Refugee Agency. Geneva, Switzerland: UNHCR, 2011. 1-16.

legal protections afforded to LGBTQ-persons affects the relocation of refugees seeking asylum on the basis of their sexual or gender orientation?

### Hypothesis

The political and nationalistic rhetoric currently being espoused in the global north in the face of growing refugee and migrant populations has actively undermined “traditions of refugee protection and human rights”.<sup>14</sup> I hypothesize that a state’s asylum protocol rather than its policies regarding LGBTQ inclusion and rights is the driving factor in shaping LGBTQ refugee resettlement. Given the fact that LGBTQ refugees are often fleeing criminalization, long-term imprisonment, threats of violence, and the greater dehumanization of their existence, many are looking for refuge in countries that are merely more inclusive than their current environments rather than those of the utmost security.<sup>15</sup> I argue that LGBTQ refugees are fleeing areas of the world that pose a moderate or high level of risk to their safety and relocate to areas that offer them greater protections without placing them in direct danger.

While these states do not immediately absolve LGBTQ persons from all forms of discrimination, they offer sufficient protection to appease individuals who may have been the subject of structural or physical violence in their home countries.<sup>16</sup> Ultimately, these arguments bolster my primary argument; refugees are relocating to areas of the world with greater access to economic success, fewer legal obstructions, timely application processes, systematic pathways to citizenship and some degree of legal LGBTQ protections, as these areas will afford them greater

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<sup>14</sup> Schlein, Lisa. "UN: Growing Xenophobia Undermining Protection for Refugees." VOA. October 03, 2016. Accessed May 13, 2017. <<http://www.voanews.com/a/growing-xenophobia-undermining-protection-for-refugees/3534625.html>>.

<sup>15</sup> Neil Gurgans, Rachel Levitan, and Amy Slotek. *Unsafe Haven: Security Challenges Facing LGBT Asylum Seekers and Refugees in Turkey*. Rep. no. 24. Tufts University, 2009. 41-61

<sup>16</sup> Neil Gurgans *Unsafe Haven*. 53

opportunities for social rehabilitation and economic assimilation rather than merely emphasizing social liberation.

### Prevailing Arguments and Grounds for Research

Understanding how LGBTQ persons exist as a social group outside of their persecution while taking time to comprehend the legalized discrimination and criminalization they encounter in parts of the world is vital to understanding the qualifications for LGBTQ asylum.

While recent strides in the legal recognition and decriminalization of homosexual and transgendered/non-binary individuals around the world have pushed more countries to be more accepting of incoming LGBTQ asylees, many states refute claims for asylum on the grounds that LGBTQ folk lack the “collective nature” fundamental to a social group.<sup>17</sup> By defining social groups on the concept of social perception, some states have unfairly pushed LGBTQ folks to publicly disclose their sexuality or gender as a means of potentially securing aid, a step that often opens them up to a greater likelihood of violence.<sup>18</sup> Given that many countries began to utilize a variety of methodologies in evaluating the requirements of a social group, the United Nations Refugee Agency (UNHCR) issued the Guidelines on Membership in a Particular Social Group in 2002, which combined the “protect characteristic” and “social perception” approaches to interpreting social group membership.<sup>19</sup> Under these guidelines, LGBTQ folk constitute a social group as they share “characteristics other than their risk of...persecution” and given the fact that

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<sup>17</sup> Marouf, Fatma E. *The Emerging Importance of "Social Visibility" in Defining a "Particular Social Group" and Its Potential Impact on Asylum Claims Related to Sexual Orientation and Gender*. Report. Yale University. 1st ed. Vol. 27. Yale Law & Policy Review. 47-106.

<sup>18</sup> Marouf *The Emerging Importance of "Social Visibility" in Defining a "Particular Social Group"*. 73.

<sup>19</sup> Marouf *The Emerging Importance of "Social Visibility" in Defining a "Particular Social Group"*. 60.



these “characteristics...[are] innate, unchangeable [and] fundamental to identity” and are therefore eligible for asylum.<sup>20</sup>

In the realm of immigration, the intersection of meso and micro theories suggests that decisions to relocate oneself are driven by individual decisions as they exist in larger networks.<sup>21</sup> In other words, an individual’s decision to seek refuge on the basis of one’s sexual orientation or gender identity is not made in isolation; these decisions are informed by the safety, freedoms, and access to capital that sexual and/or gender minorities afforded by their home state as well as the networks of resources, economic and social support available to them abroad. The lack of fundamental rights for LGBTQ individuals, ranging from the legality of “conversion” therapy to the failure to recognize genders outside the male and female binary, coupled with active efforts on the part of the state to torture and kill people of different sexual and gender orientations, serves as the proximate causes for migration.<sup>22</sup>

Given the legality of employment and housing discrimination against LGBTQ persons in some states and the impending threats of criminalization and death, these proximate causes can be understood to intersect with larger root causes such as the “deprivation of basic needs” and the “inequitable distribution of rights and resources”.<sup>23</sup> The severity of these root causes has forcibly driven many from their home countries and has them to seek safety elsewhere. Collectively, these factors constitute a “well-founded fear of being persecuted” amongst LGBTQ folk and therefore also qualify them for asylum.

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<sup>20</sup> Marouf *The Emerging Importance of "Social Visibility" in Defining a "Particular Social Group"*. 61.

<sup>21</sup> Boswell , Christina. *Addressing the causes of migratory and refugee movements: the role of the European Union*. Working paper no. 73. Institute for Peace Research and Security Policy, University of Hamburg. Hamburg, Germany: UNHCR. 1-27.

<sup>22</sup> Boswell. *Addressing the causes of migratory and refugee movements*. 4.

<sup>23</sup> Boswell. *Addressing the causes of migratory and refugee movements*. 7.

## Methodology

To determine whether more emphasis is given to comprehensive refugee protocol rather than widespread LGBTQ protections by sexual and/or gender-based asylum seekers, I will be conducting a statistical review of asylum procedures and legal protections of LGBTQ individuals across 40 countries. Given the constraints placed on quantitative data collection and reporting from LGBTQ communities, I will be working within the confines of state-by-state estimates to gauge where LGBTQ refugees hail from and where they “choose” to emigrate. Prepared by The Heartland Alliance’s Rainbow Welcome Initiative, the quantitative data draws percentage values using statistically conclusive estimates on the percentage of LGBTQ individuals comprising a country’s total asylee population and total refugee population to estimate the total number of LGBTQ refugees and asylees leaving and entering the country.<sup>24</sup>

### *Sample Size Determination*

The 40 countries selected for the study provide a robust sampling pool prime for statistical analysis. The states included were chosen primarily on the basis of the availability of LGBTQ refugee and asylees data as presented by The Heartland Alliance and were further informed by their position on the United Nations Development Program’s Human Development Index (HDI) Report for 2016. Given that the United States, Canada, the United Kingdom, and several other developed countries lack information and estimates on their LGBTQ refugee and asylee populations, these states were not included as part of the study. Instead, the 40 countries chosen as part of the study represent countries largely in the process of reforming their asylum

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<sup>24</sup> The Heartland Alliance. *Rainbow Welcome Initiative: An assessment and recommendations report on LGBT refugee resettlement in the United States*. Report. Department of Health and Human Services. Washington, D.C.: Department of Health and Human Services, 2012. 1-46.

protocol and LGBTQ-policies as well as countries that are relatively close to states with stringent policies against LGBTQ populations.<sup>25</sup>

### *Queer and Trans Flight*

To evidence the claim that legal policies used to criminalize and discriminate against LGBTQ folk ultimately push them to seek refuge abroad, I will be examining the Heartland Alliance's Level of Risk classifications for each state (See Appendix I) in conjunction with the total number of LGBTQ refugees fleeing and the total number of LGBTQ asylees entering each state.<sup>26</sup> The classification system ranges from "Minimal" to "High" with two sublevels for "Low" and "Moderate".<sup>27</sup> Using R's one-way ANOVA function, I aim to evaluate and prove or disprove the following two trends – LGBTQ refugees are leaving areas of greater risk and LGBTQ asylees are moving to areas of lesser risk.

### *Asylum Protocol Evaluation*

I will then conduct a point-based evaluation of each country's asylum procedure using a 1-0 and 1-0.5-0 point system survey I have created (See Appendix II). Utilizing a range of questions within broader classifications of the asylum, the point system aims to quantitatively evaluate the legal protections and obstructions that exist in the asylum protocol, timeliness and extensiveness of the application procedure, and the availability of social assistance programs. Consulting the Library of Congress's literature review of asylum procedure, the UNHCR's Handbook on Resettlement, and periodic state-to-state updates via RefWorld, the point-system

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<sup>25</sup> The Heartland Alliance. *Rainbow Welcome Initiative*: 38-40.

<sup>26</sup> The Heartland Alliance. *Rainbow Welcome Initiative*: 43.

<sup>27</sup> The Heartland Alliance. *Rainbow Welcome Initiative*: 43.

will result in a raw score ranging from 0-12, with 0 indicating the weakest asylum protocol possible and 12 representing a robust and accommodating asylum protocol<sup>28</sup>. I hope to also disaggregate the raw cumulative scores from the subset classifications to determine which aspect of the asylum protocol is the most pertinent in shaping the relocation patterns of LGBTQ asylees.

### Subset of Refugee Law Evaluation Table – Legal Requirements and Application Procedure

Figure 1. A portion of the asylum protocol's point-based system tabulations and findings.

COUNTRY OR STATE	<i>Is the state party to UN Refugee Convention &amp; 1967 Protocol?</i>	<i>Is there a federal protocol for accepting refugees?</i>	RL I TOTAL	<i>What does the state RSD procedure entail?</i>	<i>Is there an urgent/emergency and/or temporary asylum protocol?</i>
	RL I - A 1 / 0.5 / 0	RL I - B 1 / 0.5 / 0		RL II - A 1 / 0.5 / 0	RL II - B 1 / 0.5 / 0
Albania	1	1	2	1	1
Algeria	1	0	1	0	0.5
Argentina	1	1	2	1	1
Armenia	1	1	2	1	1
Azerbaijan	1	1	2	1	0
Belarus	1	1	2	0.5	1

### LGBQ Policy Evaluation

I will proceed to conduct a similar point-based evaluation of each country's policies in regards to its policies surrounding sexual orientation using a 1-0 and 1-0.5-0 point system survey I have created (See Appendix III). Evaluating key questions within broader classifications of freedoms and rights afforded to sexual minorities, the point system aims to quantitatively examine the legal protections and obstructions for queer individuals, freedoms of expression and from discrimination, family planning options, and prevalence of external threats to LGBQ

<sup>28</sup> Global Legal Research Center. *Refugee Law and Policy in Selected Countries*. Report. Refugee Law and Policy in Selected Countries. Washington, D.C.: Law Library of Congress, 2016. 1-310.

persons. Drawing from the annual State-Sponsored Homophobia Report prepared by the International lesbian, gay, bisexual, trans and intersex association (ILGA), Equaldex's state-by-state reporting on LGBQ freedoms, and the work done by the William's Institute, the point-system will result in a raw score ranging from 0-10, with a 0 being representative of states with minimal LGBQ protections and a 10 being indicative of a legally inclusive area for queer folk.<sup>29</sup> I also hope to break down the raw scores and utilize the smaller sub-scores of each classification to determine which aspect of LGBQ inclusion is the most pertinent in shaping the relocation patterns of LGBTQ asylees.

### Subset of LGBQ Policy Evaluation Table – Legal Protections & Discrimination Prevention

Figure 2. A portion of the LGBQ-based policies' point-based system tabulations and findings.

COUNTRY OR STATE	Are homosexual acts between adults legal in criminal law?		Are age limits for homosexual and heterosexual acts equal?		Is expression of sexual orientation targeted under the law?		IS LGB discrimination in employment and services legal?	
	LGB I - A 1 / 0.5 / 0	LGB I - B 1 / 0.5 / 0	LGB I TOTAL	LGB II - A 1 / 0	LGB II - B 1 / 0.5 / 0	LGB II TOTAL		
Albania	1	1	2	1	1	2		
Algeria	0	0	0	0	0	0		
Argentina	1	1	2	1	0.5	1.5		
Armenia	1	1	2	1	0	1		
Azerbaijan	1	1	2	1	0	1		
Belarus	1	1	2	1	0	1		

#### *Trans Policy Evaluation*

Finally, I will utilize a similar point-based evaluation of each country's policies in regards to its policies surrounding gender identity using a 1-0 and 1-0.5-0 point system survey I have created (See Appendix IV). By examining critical questions within broader classifications of resource accessibility and legal protections offered to trans folk, the point system aims to

<sup>29</sup> International Lesbian, Gay, Bisexual, Trans and Intersex Association: Carroll, A. and Mendos, L.R., *State-Sponsored Homophobia 2017: A world survey of sexual orientation laws: criminalisation, protection and recognition*. Geneva; ILGA, 2017. 1-193

quantitatively examine the legal protections and obstructions for gender minorities, freedoms from hate crimes and discrimination, hormone access, and availability of reconstructive surgery to trans persons. Pulling from Equaldex’s state-by-state reporting on gender discrimination and trans rights as well as particular maps on transgender rights provided by TransRespect.org, the point-system will yield a raw score ranging from 0-10, with a 0 noting states that fail to recognize and assist their trans populations and 10 representing states who fully aim to protect and assist their trans populations under the law. I also hope to deconstruct the raw scores and utilize the smaller sub-scores of each classification to determine which aspect of trans policy is the most pertinent in shaping the relocation patterns of LGBTQ asylees.

### Subset of Trans Policy Evaluation Table – Legal Protections & Hate Crime Recognition

Figure 3. A portion of the gender-based policies’ point-based system tabulations and findings.

COUNTRY OR STATE	<i>Is an individual legally allowed to change their name?</i>	<i>Is an individual legally allowed to change their gender?</i>	T I TOTAL	<i>Is gender identity recognized in antidiscrimination legislation?</i>	<i>Are gender identity based hate crimes recognized?</i>	T II TOTAL
	T I - A 1 / 0.5 / 0	T I - B 1 / 0.5 / 0		T II - A 1 / 0.5 / 0	T II - B 1 / 0.5 / 0	
Albania	0	0	0	1	1	2
Algeria	0	0	0	0	0	0
Argentina	1	1	2	0.5	0	0.5
Armenia	0	0	0	0	0	0
Azerbaijan	1	1	2	0	0	0
Belarus	1	1	2	0	0	0

### Graphical and Statistical Methods of Analysis

After obtaining a raw score for a state’s asylum protocol, LGBTQ policies, and trans-affirming programs, I will observe and comment on graphical trends within each of the three tiers of the data utilizing the difference between the total number of LGBTQ refugees and the total number of LGBTQ asylees as the outcome variable. Looking at the raw numbers of

LGBTQ asylees in isolation here would provide a faulty graphical foundation given that nearly all countries, by the estimates used, see a positive influx of LGBTQ asylees, whether that be accidental or purposeful.<sup>30</sup> Examining the disparity between LGBTQ refugee and asylee populations in these cases contextualizes broader movement patterns.<sup>31</sup> By evaluating the difference in these raw numbers, we are not only provided with a contextualization in regards to the country's capability to host refugees given its size, but also given a frame of reference in regards to the strength of a country's LGBTQ refugee program. Ultimately, the data visualization will indicate whether a country is contributing more to the outflows of LGBTQ folks or assisting them through inflows into their own borders and highlight the existence of larger trends as gains are made in asylum protocol and LGBTQ policy respectively.

#### Subset of Cumulative Raw Score Totals Table – Level of Risk and LGBTQ Asylee Totals

Figure 4. A portion of the raw scores of each independent variable and a portion of the total LGBT asylee estimates.

COUNTRY OR STATE	LEVEL OF LGBT RISK	RL TOTAL 0 - 12	LGB TOTAL 0-10	T TOTAL 0 - 10	ASYLEE TOTAL	LGBT ASYLEE %	LGBT ASYLEES
Albania	Low	10.5	5.5	2	6277	6.00%	376
Algeria	Moderate	3.5	0	0	247	8.00%	19
Argentina	Low	12	9.5	5	111	8.00%	8
Armenia	Low	11	4.5	1	6440	6.00%	386
Azerbaijan	Moderate	9.5	3.5	4.5	1178	8.00%	94
Belarus	Moderate	9	3.5	2	1594	6.00%	95

To further substantiate the trends or lack of trends observed in the bar graph visualizations, I will also run a multiple linear regression model in R utilizing the cumulative refugee law and LGBTQ raw scores as independent variables and the total number of LGBTQ

<sup>30</sup> The Heartland Alliance. *Rainbow Welcome Initiative*: 38.

<sup>31</sup> The Heartland Alliance. *Rainbow Welcome Initiative*: 38-40.

asylees entering each state as the dependent variable<sup>32</sup>. Given the fact that we aim to understand the variety of influential factors shaping *resettlement*, it is critical that the total number of LGBTQ asylees be viewed in isolation as the dependent variable of the model. Using the multiple linear regression, I will be able to assess the strength of each of the three independent variables and observe how the three factors compare in importance to one another in regards to resettlement. I will also be able to note if any of the variables are significant in shaping the dependent variable by evaluating the summary of my regression model. Employing the sub-category raw scores within the refugee law and LGBTQ policy evaluations, I will be able to pinpoint what aspects of the refugee law and asylum protocol are of significance and the importance of each sub-category in shaping resettlement patterns of LGBTQ asylees. Additional disaggregation and analysis of state-by-state data according to region may prove to be indicative of local trends.<sup>33</sup> Using these statistical evaluation tools and a significance level of 0.10, I will be able to determine the influence asylum procedures and the LGBTQ-based freedoms have on the relocation patterns of sexual and gender minorities around the world.

### Findings and Discoveries

#### *Queer and Trans Flight*

Classified as events-related refugees under Kunz's Displacement Typology, LGBTQ persons, like many other discrimination driven refugees, are expected to flee with greater

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<sup>32</sup> The Heartland Alliance. *Rainbow Welcome Initiative*: 38.

<sup>33</sup> UNHCR. *Refugee Protection and International Migration in the Americas: Trends, Protection Challenges and Responses*. Report no. 1. United Nations High Commissioner for Refugees. Vol. 1. Geneva, Switzerland: United Nations High Commissioner for Refugees, 2009. 7-10.



intensity as the likelihood and severity of persecution increases.<sup>34</sup> The output of the ANOVA tests conducted in Figure 5 substantiates this claim. Given the fact that p-value of 0.0323 yielded by the LGBTQ refugees and Level of Risk linear regression model ANOVA falls below the significance level of 0.10 utilized in this study, one can conclude that there is a statistically significant difference between the mean number of LGBTQ refugees fleeing countries of “Minimal”, “Low”, “Moderate”, and “High” levels of risk. The significance of the “Minimal”, “Low” and “Moderate” level of risk classifications as seen by the p-values denoted with asterisk(s) in Figure 6’s linear regression allows one to conclude that the level of risk posed to LGBTQ residents of a state directly influences the number of LGBTQ refugees fleeing that state. Furthermore, we can also safely conclude that as one moves from a state of “Low” level risk to LGBTQ persons to one of “Minimal” risk, the number of LGBTQ refugees fleeing the state is expected to drop by nearly 162 refugees.

### R Output – ANOVA Function and Summary

Figure 5. Levels of Risk vs. LGBTQ Refugees ANOVA Function and Summary

	<b>DF</b>	<b>Sum Square</b>	<b>Mean Square</b>	<b>F Value</b>	<b>P Value</b>
<b>Level of Risk</b>	3	658929	219643	3.276	0.0323*
<b>Residuals</b>	35	2346674	67048		

1 observation deleted due to missingness, \* = Statistical Significance at  $\alpha = 0.10$

<sup>34</sup> Collins, John S. *Refugee Theory, Law, and Settlement*. Report. Department of Geography, University of Manitoba. Canada: University of Manitoba, 1996. 11-31.

## R Output – Linear Regression Model and Summary

Figure 6. Levels of Risk vs. LGBTQ Refugees Linear Model and Summary

	Estimate	Standard Error	t Value	P Value
<b>(Intercept)</b>	439.8	129.5	3.397	0.00171
<b>Level of Risk - Minimal</b>	-439.8	183.1	-2.402	0.02176*
<b>Level of Risk – Low</b>	-278.2	145.7	-1.909	0.06444*
<b>Level of Risk - Moderate</b>	-422.1	144.7	-2.916	0.00615*

Residual Standard Error: 258.9 on 35 degrees of freedom  
 Multiple R-Squared: 0.2192                      Adjusted R-Squared: 0.1523  
 F-Statistic: 3.276 on 3 and 35 DF                      P-Value: 0.03234  
 \* = Statistical Significance at  $\alpha = 0.10$

## R Output – ANOVA Function and Summary

Figure 7. Levels of Risk vs. LGBTQ Asylees ANOVA Function and Summary

	DF	Sum Square	Mean Square	F Value	P Value
<b>Level of Risk</b>	3	198790	66263	0.648	0.59
<b>Residuals</b>	35	3579202	102263		

1 observation deleted due to missingness, \* = Statistical Significance at  $\alpha = 0.10$

Subsequently, the ANOVA test between the LGBTQ asylee population and the Level of Risk classifications in Figure 7 yields a non-significant p-value of 0.59; this finding suggests that no significant difference between the mean number of LGBTQ asylees entering countries of “Minimal”, “Low”, “Moderate”, and “High” levels of risk exists. In other words, the level of risk that sexual and gender asylees are prone to abroad does not influence their patterns of resettlement.

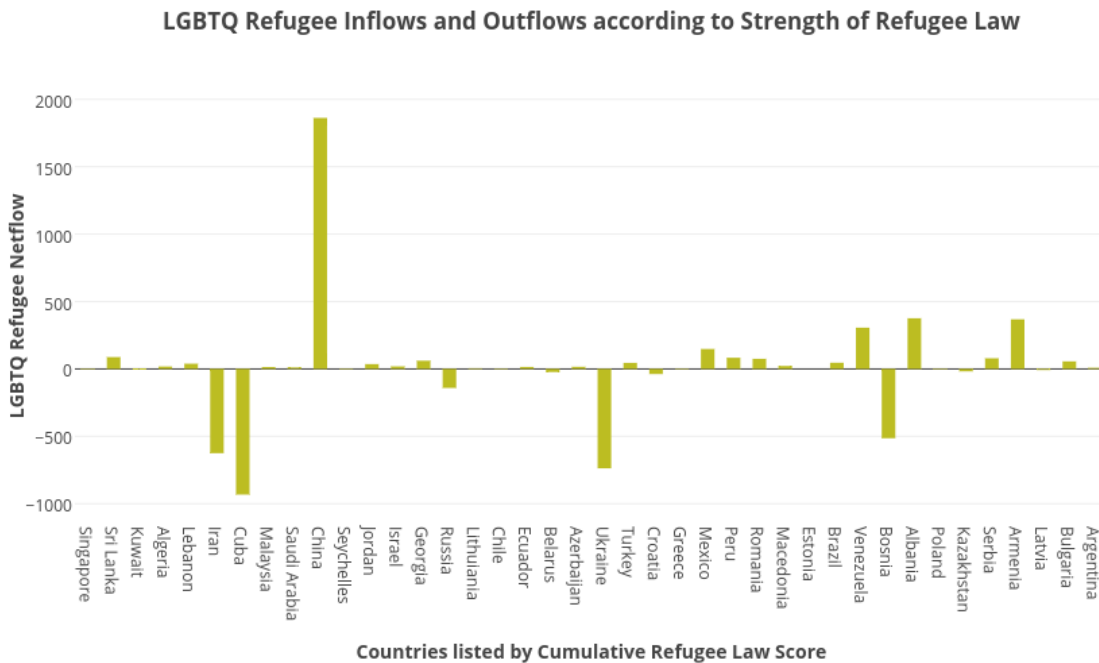
### *Asylum Protocol Analysis*

From a foundational graphical analysis of Figure 8, one can see that the countries arranged on the horizontal x-axis are done so by the strength of their overall asylum protocol, with Singapore on the left with a cumulative refugee law score of 0 and Argentina on the right

with a cumulative refugee law score of 12. The vertical y-axis in the bar graph contextualizes refugee and asylee movement by quantifying the net flow of LGBTQ persons, with a positive number denoting a net-inflow of asylees into the state and a negative number denoting a net-outflow of refugees from the state. Although the graph displays no glaring trends as asylum protocol is strengthened, upon closer look, one can observe a slightly positive trend moving left to right amidst the 20 countries with the strongest refugee law (Ukraine to Argentina).

**Graphical Representation – LGBTQ Refugee Inflows and Outflows by Refugee Law**

Figure 8. Increasingly Robust Asylum Protocol vs. Net Flow of LGBTQ Persons Bar Graph



Examination of the effects of asylum protocol on LGBTQ asylee inflows utilizing the linear regression model in Figure 9 yields an important statistically significant finding. We can conclude with nearly 95% certainty that the number of incoming LGBTQ asylees will increase by 208.6 if a state opts to be party to the 1951 United Nations Refugee Convention and its 1967 Protocol and works to develop and institute a clear and robust national-level asylum protocol.

**R Output – Linear Regression Model and Summary**

Figure 9. Asylum Protocol Subcategories vs. LGBTQ Asylees Linear Model and Summary

	Estimate	Standard Error	t Value	P Value
<b>(Intercept)</b>	241.49	173.45	1.392	0.1726
<b>RL - Refugee Law</b>	208.60	109.53	1.905	0.0651*
<b>RL – Application</b>	-115.96	75.24	-1.541	0.1323
<b>RL – Programs</b>	-47.82	78.89	-0.599	0.5533
<b>RL – Citizenship</b>	-19.96	99.42	-0.201	0.8420

Residual Standard Error: 309.5 on 35 degrees of freedom

Multiple R-Squared: 0.1168

Adjusted R-Squared: 0.0159

F-Statistic: 1.158 on 4 and 35 DF

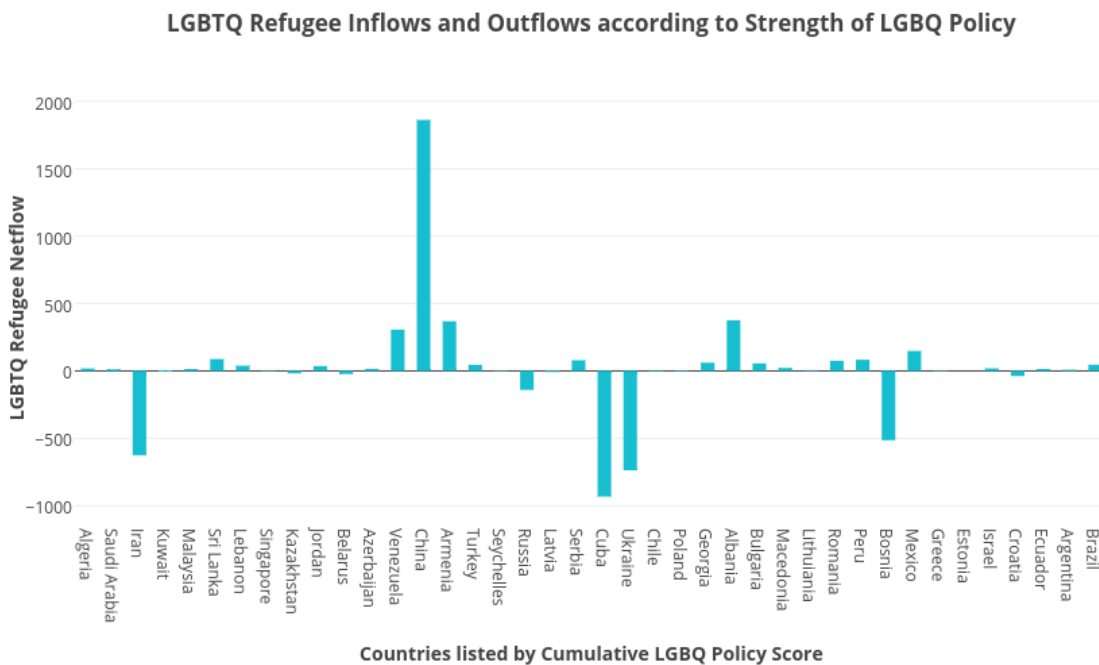
P-Value: 0.3462

\* = Statistical Significance at  $\alpha = 0.10$

*LGBQ Policy Evaluation*

**Graphical Representation – LGBTQ Refugee Inflows and Outflows by LGBQ Policy**

Figure 10. Increasing LGB Protections and Rights vs. Net Flow of LGBTQ Persons Bar Graph



From a foundational graphical analysis of Figure 10, one can see that the countries arranged on the horizontal x-axis are done so by the strength of their overall LGBQ policy, with Algeria on the left with a cumulative LGBQ policy score of 0 and Brazil on the right with a

cumulative LGBQ policy score of 9.5. The vertical y-axis in the bar graph contextualizes refugee and asylee movement by quantifying the net flow of LGBTQ persons, with a positive number denoting a net-inflow of asylees into the state and a negative number denoting a net-outflow of refugees from the state. The graph displays no significant trends as LGBQ policies are strengthened, suggesting that the expansion of LGBQ protections and liberties is not directly related to an increase in LGBTQ asylees. This finding further corroborates the conclusions of the ANOVA test performed in Figure 7, suggesting that the level of risk posed to a state's sexual and gender minorities bears little impact on their inflow into the state.

### R Output – Linear Regression Model and Summary

Figure 11. LGBQ Protection Subcategories vs. LGBTQ Asylees Linear Model and Summary

	Estimate	Standard Error	t Value	P Value
<b>(Intercept)</b>	105.04	123.74	0.849	0.402
<b>LGB – LGBQ Law</b>	111.32	88.36	1.260	0.216
<b>LGB – LGBQ Expression</b>	-50.56	109.42	-0.462	0.647
<b>LGB – LGBQ Union</b>	-99.74	102.01	-0.978	0.335
<b>LGB – LGBQ Family</b>	14.72	143.32	0.103	0.919
<b>LGB – LGBQ Therapy</b>	-22.18	90.08	-0.246	0.807
Residual Standard Error: 317.9 on 34 degrees of freedom				
Multiple R-Squared: 0.09438		Adjusted R-Squared: -0.03879		
F-Statistic: 0.7087 on 5 and 34 DF		P-Value: 0.621		
* = Statistical Significance at $\alpha = 0.10$				

Examination of the effects of LGBQ policies on LGBTQ asylee inflows utilizing the linear regression model in Figure 11 offers no statistically significant findings at the 0.10 significance level. It should be noted though that the p-value of 0.216 of the LGBQ Law variable suggests a “trend toward significance”.<sup>35</sup> In other words, if a state were to decriminalize same-sex sexual activity and apply an equal age of consent to heterosexual and homosexual

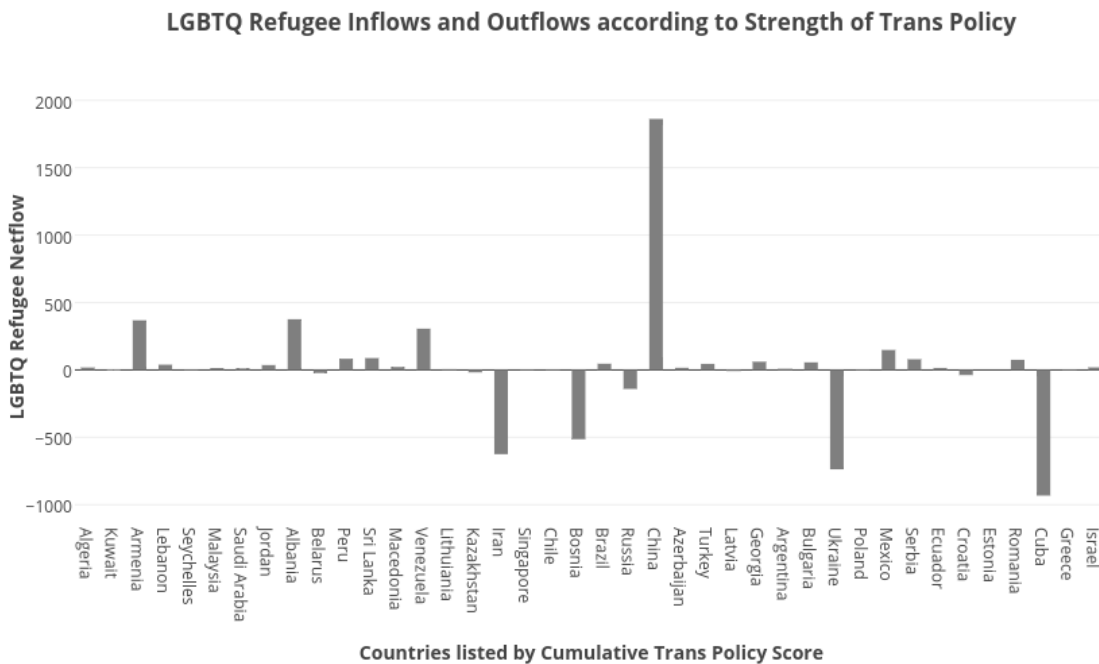
<sup>35</sup> Hankin, Matthew. “Still. Not. Significant.” AcademiaObscura.com. <<http://www.academiaobscura.com/still-not-significant/>> (accessed June 4, 2017).

sexual activity, it would be able to expect a 111.3 increase in the inflow of LGBTQ asylees with nearly 80% confidence.

*Trans Policy Evaluation*

**Graphical Representation – LGBTQ Refugee Inflows and Outflows by Trans Policy**

Figure 12. Increasing Trans Protections and Rights vs. Net Flow of LGBTQ Persons Bar Graph



From a foundational graphical analysis of Figure 12, one can see that the countries arranged on the horizontal x-axis are done so by the strength of their overall trans and gender-based policies, with Algeria on the left with a cumulative Trans policy score of 0 and Israel on the right with a cumulative Trans policy score of 8. The vertical y-axis in the bar graph contextualizes refugee and asylee movement by quantifying the net flow of LGBTQ persons, with a positive number denoting a net-inflow of asylees into the state and a negative number denoting a net-outflow of refugees from the state. The graph displays no significant trends as Trans policies are strengthened, suggesting that the expansion of Trans protections and resource

access is not directly related to an increase in LGBTQ asylees. This finding also further corroborates the conclusions of the ANOVA test performed in Figure 7, suggesting that the level of risk posed to a state's sexual and gender minorities bears little impact on their inflow into the state.

### R Output – Linear Regression Model and Summary

Figure 13. Trans Protection Subcategories vs. LGBTQ Asylees Linear Model and Summary

	<b>Estimate</b>	<b>Standard Error</b>	<b>t Value</b>	<b>P Value</b>
<b>(Intercept)</b>	122.336	110.759	1.105	0.277
<b>T – Gender Law</b>	17.345	87.778	0.198	0.845
<b>T – Gender Discriminate</b>	-61.602	79.315	-0.777	0.443
<b>T – Gender Prosecution</b>	-8.205	70.645	-0.116	0.908
<b>T – Gender Hormone</b>	-57.566	122.299	-0.471	0.641
<b>T – Gender Surgery</b>	96.474	120.288	0.802	0.428
Residual Standard Error: 325.7 on 34 degrees of freedom				
Multiple R-Squared: 0.04955		Adjusted R-Squared: -0.09022		
F-Statistic: 0.3545 on 5 and 34 DF		P-Value: 0.8757		
* = Statistical Significance at $\alpha = 0.10$				

Examination of the effects of Trans policies on LGBTQ asylee inflows utilizing the linear regression model in Figure 13 also offers no statistically significant findings at the 0.10 significance level. It should be noted though that the p-value of 0.428 of the Trans – Gender Surgery variable suggests a “potential for significance” if the sample size is increased.<sup>36</sup> For this variable, we can claim with 57% confidence that if a state were to provide access to gender reassignment surgery/treatment under medical supervision and accept funding from both private and public insurance companies for the procedure, it would see a 96.5 increase in the inflow of LGBTQ asylees.

<sup>36</sup> Hankin, Matthew. “Still. Not. Significant.” AcademiaObscura.com. <<http://www.academiaobscura.com/still-not-significant/>> (accessed June 4, 2017).

*Comprehensive Analysis***R Output – Linear Regression Model and Summary**

Figure 14. All Survey Subcategories vs. LGBTQ Asylees Linear Model and Summary

	<b>Estimate</b>	<b>Standard Error</b>	<b>t Value</b>	<b>P Value</b>
<b>(Intercept)</b>	149.19	213.62	0.698	0.4914
<b>RL - Refugee Law</b>	251.35	143.24	1.755	0.0916*
<b>RL – Application</b>	-112.60	102.46	-1.099	0.2823
<b>RL – Programs</b>	-44.63	97.77	-0.457	0.6520
<b>RL – Citizenship</b>	-39.05	137.40	-0.284	0.7786
<b>LGB – LGBQ Law</b>	97.79	138.64	0.705	0.4871
<b>LGB – LGBQ Expression</b>	-42.78	164.81	-0.260	0.7973
<b>LGB – LGBQ Union</b>	-172.73	131.76	-1.311	0.2018
<b>LGB – LGBQ Family</b>	29.39	171.95	0.171	0.8656
<b>LGB – LGBQ Therapy</b>	28.65	109.24	0.262	0.7953
<b>T – Gender Law</b>	28.86	100.29	0.288	0.7759
<b>T – Gender Discriminate</b>	-13.72	110.08	-0.125	0.9018
<b>T – Gender Prosecution</b>	-56.54	95.62	-0.591	0.5597
<b>T – Gender Hormone</b>	28.41	150.61	0.189	0.8519
<b>T – Gender Surgery</b>	38.95	147.45	0.264	0.7938

Residual Standard Error: 333.6 on 25 degrees of freedom

Multiple R-Squared: 0.2669

Adjusted R-Squared: -0.1437

F-Statistic: 0.6501 on 14 and 25 DF

P-Value: 0.7981

\* = Statistical Significance at  $\alpha = 0.10$ 

Examination of the effects of asylum protocol as well as LGBQ and Trans policies simultaneously on LGBTQ asylee inflows utilizing the linear regression model in Figure 14 offers one statistically significant finding at the 0.10 significance level. With more than 90% confidence, one can conclude that the number of incoming LGBTQ asylees will increase by 251.35 if a state opts to be party to the 1951 United Nations Refugee Convention and its 1967 Protocol and works to develop and institute a clear and robust national-level asylum protocol. The overall model yields results with 20% confidence and would benefit from a broader and more comprehensive sample size.



*Regional Analysis – Europe***R Output – Linear Regression Model and Summary**

Figure 15. All Survey Subcategories for European Countries vs. LGBTQ Asylees Linear Model and Summary

	<b>Estimate</b>	<b>Standard Error</b>	<b>t Value</b>	<b>P Value</b>
<b>(Intercept)</b>	-3206.409	1871.084	-1.714	0.336
<b>RL - Refugee Law</b>	NA	NA	NA	NA
<b>RL – Application</b>	127.468	97.836	1.303	0.417
<b>RL – Programs</b>	236.709	192.246	1.231	0.434
<b>RL – Citizenship</b>	112.316	132.555	0.847	0.553
<b>LGB – LGBQ Law</b>	952.917	611.754	1.558	0.363
<b>LGB – LGBQ Expression</b>	-506.716	329.416	-1.538	0.367
<b>LGB – LGBQ Union</b>	83.223	118.290	0.704	0.610
<b>LGB – LGBQ Family</b>	-368.862	331.578	-1.112	0.466
<b>LGB – LGBQ Therapy</b>	417.171	276.724	1.508	0.373
<b>T – Gender Law</b>	308.252	214.377	1.438	0.387
<b>T – Gender Discriminate</b>	353.558	210.666	1.678	0.342
<b>T – Gender Prosecution</b>	-295.256	137.169	-2.152	0.277
<b>T – Gender Hormone</b>	4.924	101.504	0.049	0.969
<b>T – Gender Surgery</b>	-91.816	111.610	-0.823	0.562
Residual Standard Error: 82.37 on 1 degrees of freedom				
Multiple R-Squared: 0.9458		Adjusted R-Squared: 0.2408		
F-Statistic: 1.342 on 13 and 1 DF		P-Value: 0.5964		
* = Statistical Significance at $\alpha = 0.10$				

The fifteen countries selected for this sampling subset included all European states surveyed throughout the course of this study. One should note that this sampling subset includes the state of Turkey, given its membership in the European Union as a “candidate country”, and does not include the Russian Federation, given its placement between the European and Asian continents.<sup>37</sup> The overall model should be evaluated with caution given its use of a notably small sample size. Examination of the effects of asylum protocol as well as LGBQ and Trans policies simultaneously on LGBTQ asylee inflows utilizing the linear regression model in Figure 15

<sup>37</sup> European Commission. “EU Neighborhood Policy and Enlargement Negotiations – Turkey.” <[https://ec.europa.eu/neighbourhood-enlargement/countries/detailed-country-information/turkey\\_en](https://ec.europa.eu/neighbourhood-enlargement/countries/detailed-country-information/turkey_en)> (accessed June 4, 2017)

offers no statistically significant finding at the 0.10 significance level. It should be noted that one can expect to see a 952.9 increase in LGBTQ asylee inflow within Europe with a little more than 60% confidence if a state were to decriminalize same-sex sexual activity and apply an equal age of consent to heterosexual and homosexual sexual activity. With nearly 62% confidence, one can also conclude that the number of incoming LGBTQ asylees to Europe will increase by 417.171 if a state opts to ban conversion therapy for its LGBTQ residents and allow homosexuals to openly serve in its military.

### *Selected Case Analysis – Strong Refugee Law Programs*

#### **R Output – Linear Regression Model and Summary**

Figure 16. All Survey Subcategories for Strongest Refugee Law Programs vs. LGBTQ Asylees  
Linear Model and Summary

	<b>Estimate</b>	<b>Standard Error</b>	<b>t Value</b>	<b>P Value</b>
<b>(Intercept)</b>	80.07	392.654	0.204	0.8414
<b>RL - Refugee Law</b>	NA	NA	NA	NA
<b>RL – Application</b>	-34.052	52.485	-0.649	0.5270
<b>RL – Programs</b>	48.847	62.112	0.786	0.4447
<b>RL – Citizenship</b>	-29.171	66.496	-0.439	0.6676
<b>LGB – LGBQ Law</b>	141.621	147.292	0.961	0.3526
<b>LGB – LGBQ Expression</b>	-52.918	94.491	-0.560	0.5843
<b>LGB – LGBQ Union</b>	-13.811	72.892	-0.189	0.8524
<b>LGB – LGBQ Family</b>	-5.164	89.494	-0.058	0.9548
<b>LGB – LGBQ Therapy</b>	-16.605	54.366	-0.305	0.7645
<b>T – Gender Law</b>	-92.985	50.798	-1.830	0.0885*
<b>T – Gender Discriminate</b>	-17.859	51.876	-0.344	0.7358
<b>T – Gender Prosecution</b>	-74.359	50.878	-1.462	0.1660
<b>T – Gender Hormone</b>	19.682	81.668	0.241	0.8130
<b>T – Gender Surgery</b>	37.097	88.078	0.421	0.6800

Residual Standard Error: 114.8 on 14 degrees of freedom

Multiple R-Squared: 0.4659

Adjusted R-Squared: -0.02998

F-Statistic: 0.9395 on 13 and 14 DF

P-Value: 0.542

\* = Statistical Significance at  $\alpha = 0.10$

Given the fact that asylee resettlement, in itself, “necessitates” some form of formal asylum procedure, a linear regression model utilizing only the countries with the strongest legal support for their overall asylum protocol.<sup>38</sup> The twenty-eight cases selected for this sampling subset were required to have a full score of 2 in the Refugee Law subcategory of the Asylum Protocol survey, meaning that the state was party to the 1951 UN Refugee Convention, its 1967 Protocol, and had its own clear and robust national-level asylum protocol. From the linear regression model, it should be noted that one can expect to see a 141.621 increase with 64% certainty in LGBTQ asylee inflow amongst countries with strong refugee law programs if a state were to decriminalize same-sex sexual activity and apply an equal age of consent to heterosexual and homosexual sexual activity. Going forward, the model would benefit from a larger sample size and could stand to provide more insight into how LGBTQ asylees in developed countries such as the United States and Canada would prioritize their needs.

### Analysis and Discussion

All refugee decisions are complex. The stratification of statistical data regarding LGBTQ resettlement patterns aims not to simplify or reduce these decisions, but quantitatively measure and evaluate a multitude of factors that could bear influence on such choices. While several claims can be made regarding the availability of choice in the asylum protocol and the influence of geographical and procedural confounding factors, it is important to give weight to the notion that LGBTQ asylees are seeking out more-secure environments and will relocate to areas where greater protections are offered to them, as refugees, LGBTQ persons, or as both. States continue to yield significant influence in regards to asylum acceptance, but this influence is partially

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<sup>38</sup> UNHCR. “Information on UNHCR Resettlement” < <http://www.unhcr.org/en-us/information-on-unhcr-resettlement.html> > (Accessed June 6, 2017).

accounted for given the weight provided to the application procedure required by a state's overall asylum protocol.

Overall, the analysis of our data suggests that the movement of LGBTQ asylees is most informed by the presence of a robust and clear refugee law in the state offering resettlement. In other words, a state is likely to see a substantial increase in its LGBTQ asylee populations if it is party to both the 1951 United Nations Convention of Refugees and its 1967 Protocol and if it offers its own federal refugee protocol rather than merely operating in conjunction with the UNHCR. The legalization of same-sex sexual acts and varying gender identities bear positive impact on the influx of LGBTQ asylees as do the access to marriage, joint and second-parent adoption, and hormone and gender reassignment surgery, but these claim can be made with much less certainty. One can also conclude that the level of risk posed to LGBTQ refugees bears significant influence on their flight, but not necessarily on their relocation and resettlement. While similar findings remain inconclusive at the regional level, further sampling and data analysis may provide greater insight into patterns of settlement and security.

### Recommendations and Conclusion

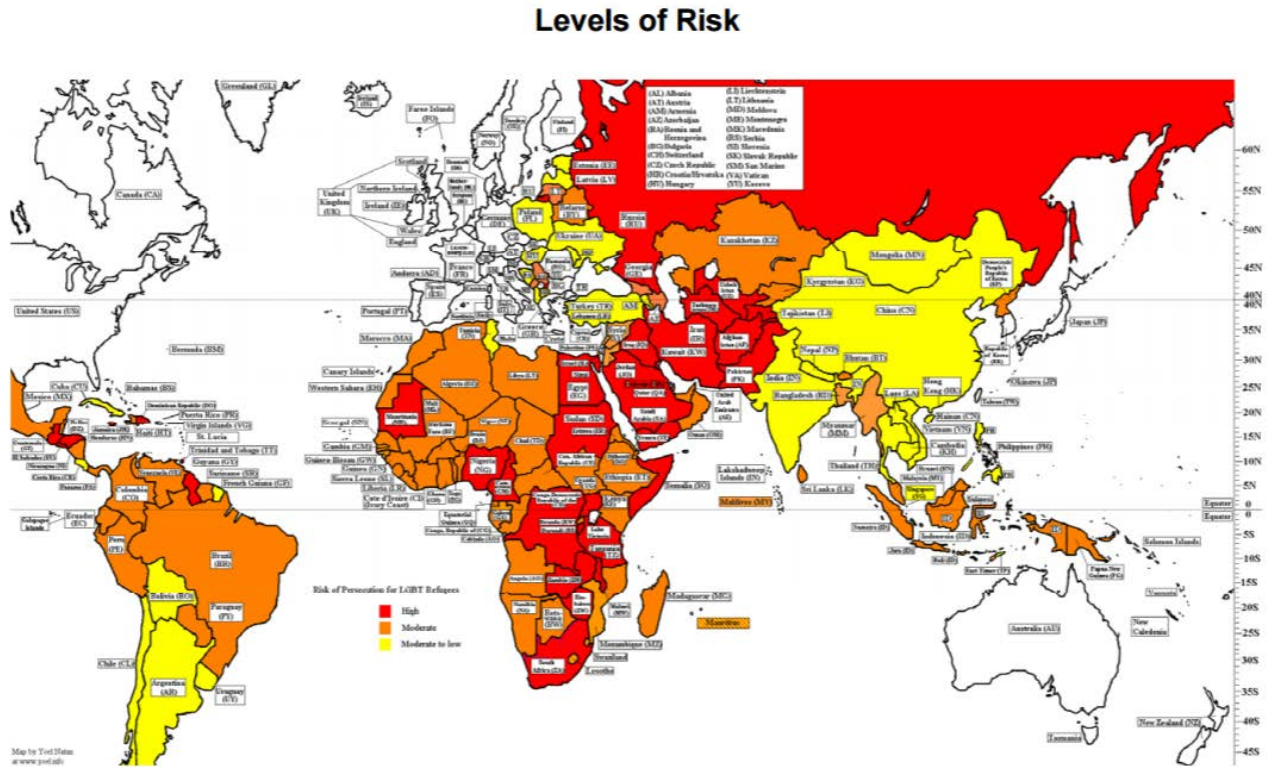
Further studies would benefit from greater insight regarding the estimation calculations provided by The Heartland Alliance and the ability to apply meaningful estimates to refugee and asylee populations in the United States, Canada, and much of Western Europe. The limitations of LGBTQ data collection in regards to the validity and safety of these groups in certain environments also constrain the conclusions that can be made on their behalf; by looking to broaden the sampling pool of states surveyed and obtaining insight into developed countries who offer greater protections to LGBTQ populations, one will be able to draw conclusions with

greater precision. Additional insight via interviews with UNHCR agents, LGBTQ activists, as well as resettled queer and trans refugees is recommended as it could provide insight into confounding factors and variables that the study currently fails to account for.

Although one may argue that persecution-driven migration and resettlement is largely random and circumstantial, it is important to consider that asylum decisions for LGBTQ persons are molded by a multitude of factors given the fact that their flight is often prompted by persecution, criminalization, and suppression. Evaluation of federal protocol offering refugee, queer, and trans protections around the world in regards to LGBTQ movement offers tremendous insight into the needs of these communities given the current shortcomings and safety concerns of LGBTQ data collection and public reporting. Amidst shifting perceptions of refugee populations and a rapidly changing scope of queer and trans rights and protections, understanding the flight of LGBTQ persons remains critical to creating environments and atmospheres that affirm, protect, and liberate their existence.

Appendixes

Appendix I. Levels of Risk Map



## Appendix II. Refugee Laws and Policies in Certain Countries

### A. Legal Protections & Obstructions

- a. Is the state party to the United Nations 1951 Convention relating to the Status of Refugees and 1967 Protocol?
  - i. 1 Point = The state is party to both the Convention and Protocol.
  - ii. 0.5 Points = The state is party to either the Convention or the Protocol.
  - iii. 0 Points = The state is party to neither the Convention or the Protocol.
- b. Does the state have federal level procedures defining the state's protocol for accepting refugees?
  - i. 1 Point = The state has a defined procedure for accepting refugees.
  - ii. 0 Points = The state does not have a defined procedure for accepting refugees.

### B. Application Process

- a. What does the application procedure entail?
  - i. 1 Point = Application and/or Health Screening and/or Interview
  - ii. 0.5 Points = Application and/or Health Screening and/or Interview and/or Additional Step (e.g. Character Test, Family Interview, etc.)
  - iii. 0 Points = The state does not have an application procedure for refugees.
- b. Does the country offer an urgent/emergency asylum procedure?
  - i. 1 Point = Yes
  - ii. 0 Points = No
- c. Is there an appeal procedure for denied applicants?
  - i. 1 Point = Yes
  - ii. 0 Points = No
- d. How long does the final application decision take to make?
  - i. 1 Point = Less than two weeks
  - ii. 0.5 Points = Two to four weeks
  - iii. 0 Points = More than one month

### C. Social Programs & Assistance

- a. Does the state provide any special-assistance social programs once refugees have arrived in the state?
  - i. 1 Point = Yes, special-assistance social programs are provided.
  - ii. 0.5 Points = Special-assistance social programs are provided, but not through the state.
  - iii. 0 Points = No, special-assistance social programs are not provided.
- b. Does the state provide any special-assistance financial programs once refugees have arrived in the state?
  - i. 1 Point = Yes, special-assistance financial programs are provided.
  - ii. 0.5 Points = Special-assistance financial programs are provided, but not through the state.
  - iii. 0 Points = No, special-assistance financial programs are not provided.
- c. Are refugees allowed to obtain employment in the state upon arrival?
  - i. 1 Point = Yes, refugees are allowed to obtain employment upon arrival.

- ii. 0.5 Point = Employment decisions are made on a case-by-case basis.
- iii. 0 Points = No, refugees are not allowed to obtain employment upon arrival.
- d. Does the individual's immediate family also qualify for asylum protection?
  - i. 1 Point = Yes, the individual's immediate family qualifies for asylum protection as well.
  - ii. 0 Points = No, the individual's immediate family does not qualify for asylum protection as well.

D. Path to Citizenship & Travel Restrictions

- a. Does the state offer a pathway to obtaining citizenship for incoming refugees?
  - i. 1 Point = Yes. A pathway to obtaining citizenship is offered and takes less than 5 years.
  - ii. 0.5 Points = Yes. A pathway to obtaining citizenship is offered and takes more than 5 years.
  - iii. 0 Points = No pathway to citizenship is offered.
- b. Is travel within the state permitted? Are there any restrictions on travel?
  - i. 1 Point = Yes, travel within the state is permitted.
  - ii. 0 Points = No, travel within the state is not permitted.



### Appendix III. Sexual Orientation Law and Policy in Certain Countries

#### A. Legal Protections & Obstructions

- a. Are homosexual acts between adults legal in criminal law?
  - i. 1 Point = Homosexual acts are legal under criminal law.
  - ii. 0.5 Points = Homosexual acts are legal under criminal law, but restrictions apply on the basis of gender.
  - iii. 0 Points = Homosexual acts are illegal under criminal law.
- b. Are the age limits for homosexual acts and heterosexual acts equal?
  - i. 1 Point = Yes, age limits for homosexual and heterosexual acts are equal.
  - ii. 0.5 Points = Age limits for homosexual and heterosexual acts are equal in some parts of the country and unequal in other parts.
  - iii. 0 Point = No, age limits for homosexual and heterosexual acts are not equal.

#### B. Expression & Discrimination

- a. Are there laws that target freedom of expression related to sexual orientation?
  - i. 1 Point = No, no laws exist that target freedom of expression as it pertains to sexual orientation.
  - ii. 0 Points = Yes, laws targeting freedom of expression as it pertains to sexual orientation exist.
- b. Is discrimination on the basis of sexual orientation in employment and service forbidden?
  - i. 1 Point = Yes, sexual orientation discrimination in employment and service is illegal.
  - ii. 0.5 Points = Sexual orientation discrimination in employment or service is forbidden.
  - iii. 0 = No, sexual orientation discrimination in employment and service is legal.

#### C. Cohabitation and Civil Unions

- a. Is non-registered same-sex cohabitation recognized?
  - i. 1 Point = Yes
  - ii. 0.5 Points = Yes, in some regions or parts of the country.
  - iii. 0 Points = No
- b. Can same-sex couples enter into partnerships or civil unions?
  - i. 1 Point = Yes, same sex couples can enter partnerships and civil unions.
  - ii. 0.5 Point = No, but some recognition of same-sex relationships exists within the law.
  - iii. 0 Points = No, same sex couples cannot enter partnerships and civil unions

#### D. Family Planning

- a. Is adoption by same-sex couples legally protected?
  - i. 1 Point = Yes, both joint adoption and second-parent adoption by same-sex couples are legally protected.

- ii. 0.5 Point = Yes, but only joint adoption/second-parent adoption by same-sex couples is legally protected.
    - iii. 0 Points = No, neither joint adoption nor second-parent adoption by same-sex couples is legally protected.
  - b. Can same-sex couples get legally married?
    - i. 1 Point = Yes, same-sex couples get legally married.
    - ii. 0.5 Point = Same-sex couples can get legally married in certain parts of the country.
    - iii. 0 Points = No, same-sex couples cannot get legally married.
- E. Conversion Therapy and Military Practice
  - a. Is sexual orientation changing therapy legal?
    - i. 1 Point = Yes, sexual orientation changing therapy is illegal.
    - ii. 0 Points = No, sexual orientation changing therapy is legal.
  - b. Are homosexuals able to serve openly in the military?
    - i. 1 Point = Yes, homosexuals are able to serve openly in the military.
    - ii. 0 Points = No, homosexuals are not able to serve openly in the military.

## Appendix IV. Gender Rights Law and Policy in Certain Countries

### A. Legal Recognition of Name Changes and Transitions

- a. Is an individual allowed to change their name without encountering significant legal obstacles?
  - i. 1 Point = Yes
  - ii. 0.5 Points = Yes/No, but differences exist in practice and/or such changes are only legal in parts of the country
  - iii. 0 Points = No
- b. Is an individual allowed to change their gender without encountering significant legal obstacles?
  - i. 1 Point = Yes
  - ii. 0.5 Points = Yes/No, but differences exist in practice and/or such changes are only legal in parts of the country.
  - iii. 0 Point = No

### B. Discrimination and Hate Crimes

- a. Is gender identity recognized and protected in antidiscrimination legislation?
  - i. 1 Point = Yes
  - ii. 0.5 Points = Yes/No, but differences exist in practice and/or the legislation only pertains to parts of the country.
  - iii. 0 Point = No
- b. Are gender identity based hate crimes recognized under the law?
  - i. 1 Point = Yes
  - ii. 0.5 Points = Yes/No, but differences exist in practice and/or the legislation only pertains to parts of the country.
  - iii. 0 Point = No

### C. Criminalization and Prosecution

- a. Are there laws criminalizing Trans people and Trans issues?
  - i. 1 Point = Yes
  - ii. 0 Points = No
- b. Are Trans identities prosecuted under the law?
  - i. 1 Point = Yes
  - ii. 0 Points = No

### D. Hormone Access

- a. Are hormones accessible under medical supervision?
  - i. 1 Point = Yes
  - ii. 0.5 Points = Yes, but only in certain parts of the country.
  - iii. 0 Point = No
- b. Is hormone treatment funded by public and private insurance?
  - i. 1 Point = Yes, hormone treatment is funded by both public and private insurance.
  - ii. 0.5 Point = Hormone treatment is only funded by public or private insurance.

- iii. 0 Points = No, hormone treatment is not funded by public or private insurance.

E. Gender Reassignment Surgery/Treatment Access

- a. Are gender reassignment surgery/ treatments accessible under medical supervision?
  - i. 1 Point = Yes
  - ii. 0.5 Points = Yes, but not all surgeries are available and/or surgeries are only available in certain parts of the country.
  - iii. 0 Point = No
- b. Are gender reassignment surgery/ treatments funded by public and private insurance?
  - i. 1 Point = Yes, gender reassignment surgery/ treatment is funded by both public and private insurance.
  - ii. 0.5 Point = Gender reassignment surgery/ treatments is only funded by public or private insurance.
  - iii. 0 Points = No, gender reassignment surgery/ treatment is not funded by public or private insurance.

## Appendix V. Total LGBT Asylee and Refugee Estimates

**Total Estimated LGBT Asylees and Refugees, 2001-2010**

NATION	Total Asylees	Weighting (percent)	Total LGBT Asylees	Total Refugees	Weighting (percent)	Total LGBT Refugees
Afghanistan	1346	6.0%	81	10438	2.8%	292
Albania	6277	6.0%	377	2	4.2%	0
Algeria	247	8.0%	20	35	5.6%	2
Angola	193	8.0%	15	129	5.6%	7
Argentina	111	8.0%	9	0	5.6%	0
Armenia	6440	6.0%	386	437	4.2%	18
Azerbaijan	1178	8.0%	94	1860	4.2%	78
Bangladesh	1493	8.0%	119	7	5.6%	0
Belarus	1594	6.0%	96	4240	2.8%	119
Bhutan	63	4.0%	3	31000	2.8%	868
Bolivia	105	8.0%	8	0	5.6%	0
Bosnia-Herzegovina	265	6.0%	16	18900	2.8%	529
Brazil	585	8.0%	47	0	5.6%	0
Bulgaria	949	6.0%	57	0	4.2%	0
Burkina Faso	315	8.0%	25	0	5.6%	0
Burma	4078	4.0%	163	71992	2.8%	2016
Burundi	428	6.0%	26	9861	2.8%	276
Cambodia	379	4.0%	15	100	4.2%	4
Cameroon	6124	6.0%	367	67	4.2%	3
Central African Republic	217	6.0%	13	222	4.2%	9
Chad	373	6.0%	22	76	4.2%	3
Chile	68	6.0%	4	0	4.2%	0
China, People's Republic	62311	3.0%	1869	270	2.8%	8
Colombia	32675	4.0%	1307	1497	2.8%	42
Congo, Democratic Republic	1002	6.0%	60	7897	2.8%	221
Congo, Republic	1977	6.0%	119	1079	4.2%	45
Cote d'Ivoire	1403	6.0%	84	80	4.2%	3
Croatia	42	4.0%	2	1404	2.8%	39
Cuba	757	4.0%	30	34368	2.8%	962
Djibouti	0	6.0%	0	21	5.6%	1
Equatorial Guinea	0	6.0%	0	53	4.2%	2
Ecuador	189	8.0%	15	0	5.6%	0
Egypt	4919	8.0%	394	45	5.6%	3
El Salvador	3163	8.0%	253	0	5.6%	0
Eritrea	2577	6.0%	155	6410	4.2%	269
Estonia	131	8.0%	10	186	5.6%	10
Ethiopia	9929	6.0%	596	11482	2.8%	321
Fiji	1325	8.0%	106	0	5.6%	0
Gambia	731	8.0%	58	52	5.6%	3
Georgia	894	8.0%	72	195	5.6%	11
Ghana	152	10.0%	15	1	7.0%	0
Greece	26	6.0%	2	0	4.2%	0
Guatemala	4516	8.0%	361	0	5.6%	0

<b>NATION</b>	<b>Total Asylees</b>	<b>Weighting (percent)</b>	<b>Total LGBT Asylees</b>	<b>Total Refugees</b>	<b>Weighting (percent)</b>	<b>Total LGBT Refugees</b>
Guinea	3448	6.0%	207	0	4.2%	0
Guinea-Bissau	14	8.0%	1	0	5.6%	0
Guyana	114	8.0%	9	0	5.6%	0
Haiti	17764	6.0%	1066	72	4.2%	3
Honduras	750	8.0%	60	20	5.6%	1
India	6826	8.0%	546	13	5.6%	1
Indonesia	5753	8.0%	460	62	5.6%	3
Iran	5026	8.0%	402	36703	2.8%	1028
Iraq	6134	6.0%	368	55865	2.8%	1564
Israel	243	8.0%	19	0	5.6%	0
Jamaica	142	10.0%	14	0	7.0%	0
Jordan	486	8.0%	39	53	5.6%	3
Kazakhstan	453	8.0%	36	1300	4.2%	55
Kenya	2424	8.0%	194	63	5.6%	4
Korea, North	0			100	4.0%	4
Kuwait	50	10.0%	5	91	7.0%	6
Kyrgyzstan	339	8.0%	27	453	5.6%	25
Laos	246	6.0%	15	15626	2.8%	438
Latvia	138	8.0%	11	352	5.6%	20
Lebanon	662	6.0%	40	0	4.2%	0
Liberia	3179	8.0%	254	23748	2.8%	665
Libya	29	6.0%	2	0	4.2%	0
Lithuania	113	8.0%	9	87	5.6%	5
Macedonia	277	8.0%	22	17	5.6%	1
Malaysia	144	10.0%	14	0	7.0%	0
Mali	646	8.0%	52	0	5.6%	0
Mauritania	1864	6.0%	112	476	4.2%	20
Mexico	1488	10.0%	149	0	7.0%	0
Moldova	505	8.0%	40	8107	2.8%	227
Mongolia	807	8.0%	65	0	5.6%	0
Morocco	101	10.0%	10	0	7.0%	0
Nepal	3522	8.0%	282	22	5.6%	1
Nicaragua	289	8.0%	23	0	5.6%	0
Niger	227	8.0%	18	0	5.6%	0
Nigeria	706	8.0%	56	326	5.6%	18
Pakistan	3834	6.0%	230	254	4.2%	11
Peru	1392	6.0%	84	0	4.2%	0
Philippines	341	8.0%	27	0	5.6%	0
Poland	59	8.0%	5	0	5.6%	0
Romania	938	8.0%	75	0	5.6%	0
Russia	5852	10.0%	585	25931	2.8%	726
Rwanda	806	8.0%	64	1310	4.2%	55
Saudi Arabia	118	10.0%	12	0	7.0%	0
Senegal	312	8.0%	25	0	5.6%	0
Serbia and Montenegro	1463	6.0%	88	202	4.2%	8

<b>NATION</b>	<b>Total Asylees</b>	<b>Weighting (percent)</b>	<b>Total LGBT Asylees</b>	<b>Total Refugees</b>	<b>Weighting (percent)</b>	<b>Total LGBT Refugees</b>
Seychelles	34	8.0%	3	0	5.6%	0
Sierra Leone	1492	6.0%	90	6284	2.8%	176
Singapore	14	10.0%	1	0	7.0%	0
Somalia	3987	6.0%	239	59840	2.8%	1676
South Africa	130	8.0%	10	0	5.6%	0
Soviet Union, former	1170	10.0%	117	617	7.0%	43
Sri Lanka	1588	6.0%	95	169	4.2%	7
Sudan	2132	8.0%	171	18869	2.8%	528
Suriname	3	8.0%	0	0	5.6%	0
Syria	344	8.0%	28	140	5.6%	8
Tajikistan	87	8.0%	7	39	5.6%	2
Tanzania	171	8.0%	14	0	5.6%	0
Togo	2054	6.0%	123	735	4.2%	31
Turkey	565	8.0%	45	0	5.6%	0
Turkmenistan	279	6.0%	17	0	4.2%	0
Uganda	1177	10.0%	118	168	7.0%	12
Ukraine	1284	8.0%	103	29985	2.8%	840
United Arab Emirates	15		0	0	0.0%	0
United Kingdom	62		0	0	0.0%	0
Uzbekistan	1703	6.0%	102	3126	2.8%	88
Venezuela	7663	4.0%	307	0	4.2%	0
Vietnam	242	6.0%	15	17070	2.8%	478
Yemen	314	6.0%	19	89	4.2%	4
Yugoslavia, former	1119	6.0%	67	3852	2.8%	108
Zambia	139	10.0%	14	0	2.8%	0
Zimbabwe	2035	8.0%	163	39	5.6%	2
<b>TOTALS</b>	<b>271374</b>		<b>15161</b>	<b>526681</b>		<b>15061</b>