

LGBT Refugees and President Trump's Refugee and Muslim Ban Executive Order

President Trump's Executive Order

President Trump's January 27th executive order sought to:

- Halt the refugee admissions program for a minimum of 120 days. The suspension of processing ensures refugees will not be eligible for entry for the foreseeable future;
- Ban the resettlement of Syrian refugees indefinitely;
- Bar entry of all nationals of Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen for a minimum of 90 days. It contains provisions that could be used to halt entry and resettlement from these countries for much longer;
- Prioritize refugee claims for those persecuted based on their status as a religious minority in their home country over claims of other vulnerable refugees; and
- Reduce refugee admissions by 60,000.

Federal courts have stayed part of that order, and the president has stated his intent to issue a revised order.

LGBT People and the Executive Order

The executive order claims to protect Americans, including from "those who would oppress Americans of any race, gender, or sexual orientation." If implemented, the order—or any similar effort to halt resettlement—will in fact prevent many individuals fleeing oppression because of their sexual orientation from reaching safety in the United States. Leading U.S. LGBT activists have expressed opposition to the strategy of using LGBT people as a justification for banning refugees and highlight the lack of evidence that refugees pose a danger to LGBT Americans.

Persecution Prompting Need for Refugee

LGBT status is explicitly criminalized in over seventy countries, including six of the seven countries whose nationals are banned from entry through the executive order. LGBT people in Yemen, Sudan, Iran, and Somalia can face the death penalty. In all seven countries, LGBT people face a climate of societal and institutionalized homophobia. Many LGBT people are persecuted by multiple actors, including their families, state forces, and terrorist groups such as ISIS.

Safety in Frontline Host Countries

LGBT people around the world are forced to flee their homes due to persecution based on sexual orientation and gender identity. Because many of these individuals face rejection from their families, they flee alone and do not have a support system in the host countries where they await resettlement.

They encounter rejection in refugee camps and institutionalized homophobia in host countries. In Turkey, Lebanon, and Jordan—frontline host countries in the global refugee crisis—LGBT people face marginalization and hostility. As in many parts of the world, transgender people are particularly vulnerable to violence. Due to the extreme risks and persecution that LGBT people face even in refugee-hosting countries, they are sometimes identified as vulnerable and in need of resettlement.

Cases of homophobic attacks against LGBT refugees underscore the dangers they face in refugee-hosting countries. In July 2016, a gay Syrian refugee was beheaded in Turkey. Prior to his murder, he had received threats and had been kidnapped and raped.

Putting LGBT Refugees at Greater Risk

Halting the refugee admissions program—or the resettlement of refugees from Syria or other targeted Muslim majority countries—leaves vulnerable LGBT refugees awaiting resettlement to face violence, discrimination, and even death. For those already cleared for resettlement, medical and security clearances are likely to expire during the 120-day pause, meaning an even longer wait in unsafe conditions. Prioritizing individuals fleeing persecution based on their status as a religious minority means that other vulnerable individuals—such as LGBT people—may be left without protection.

The United States has based its resettlement program on vulnerability, and should not prioritize only religious minorities over those persecuted based on race, nationality, membership in a particular social group, and political opinion, as well as those who face persecution based on religion but are not part of a religious minority.