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LGBTQ Immigrants Coming to the United States: The Problems They Face

This Research is centered around LGBTQ immigrants coming to the United States and the problems they face. One example of this would be the effects that laws and rulings have on the migrating LGBTQ community coming to the United States. The relevance of this research is substantial because it aids in humanitarian awareness and resolutions around the world. It gives a current day synopsis of the day to day struggles members of the LGBTQ community face before and after migrating to The United States. With collective research and data, it brings other academic factual information into one piece of literature so that it is easily accessible to all audiences.

LGBTQ immigrants face prevalent discrimination that contributes to the daily challenges they face within their lifestyle. By bringing the selected prevalent information together, it shows how more recent events can change the way the United States views immigration and asylum seeking LGBTQ migrants. Through change and reform of some laws and programs would allow major loopholes and pathways for the LGBTQ asylum seekers to benefit or to be negatively hurt from. With new data presented through academic research and peer reviewed journals, many of the LGBTQ asylum seeking members come from Latin America. Unfortunately as a result of some former and current legislation, majority of the asylum seekers choose to stay illegal aliens in fear of not being granted citizenship. As a result of that, the majority of LGBTQ asylum seekers are undocumented and choose to hide their stories and identities. This in turn causes grief within the LGBTQ advocacy field in which they look to establish programs and resources to help immigrants in the United States.

Immigration laws have been presented in the United States dating back to 1790 when the Naturalization Act was passed. That act granted only white male property owners citizenship which excluded women, nonwhites, and indentured servants. However, for LGBTQ immigrants it took decades to take them into consideration. This law was presented by congress entitled “ An act to Establish an uniform rule of Naturalization”. The law explicitly states, “Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That any [Alien](#) being a free white person, who shall have resided within the limits and under the jurisdiction of the United States for the term of two years, may be admitted to become a citizen thereof on application to any common law Court of record in any one of the States wherein he shall have resided for the term of one year at least, and making proof to the satisfaction of such Court that he is a person of good character, and taking the oath or affirmation prescribed by law to support the Constitution of the United States, which Oath or Affirmation such Court shall administer, and the Clerk of such Court shall record such Application, and the proceedings thereon; and thereupon such person shall be considered as a Citizen of the United States. And the children of such person so naturalized, dwelling within the United States, being under the age of twenty one years at the time of such [naturalization](#), shall also be considered as citizens of the United States. And the children of citizens of the United States that may be born beyond Sea, or out of the limits of the United States, shall be considered as natural born Citizens: Provided, that the right of [citizenship](#) shall not descend to persons whose fathers have never been resident in the United States . . .”.

The Nationality Act of 1965 also known as the Hart-Celler Act, granted asylum for immigrants who already had family living within the United States at a capped capacity of 290,000 each year. Judiciary House representative Emmanuel Celler states, “Forty years of testing have proven that the rigid pattern of discrimination has not only produced imbalances that have irritated many nations, but Congress itself, through a long series of enactments forced by the realities of a changing world saw fit to modify this unworkable formula so that today it remains on the books primarily as an expression of gratuitous condescension,” Unfortunately that did not include LGBTQ immigrants and prohibited them from entering the country until 1990.

Behind the LGBTQ Immigration

William Institute of Law reports that there are 1,274,500 immigrants in the United States that are members of the LGBTQ community. There are 984,800 documented (77.3%) and 289,700 undocumented (21.9%). In August of 2021, Senator Amy Klobuchar and 13 other colleagues issued a letter requesting that the department would “use a broad range of diplomatic and programmatic tools and resources to protect vulnerable LGBTQI+ refugees and asylum seekers”. President Biden then signed a “presidential memorandum” that requires government agencies to “ensure that U.S. diplomacy and foreign assistance promote and protect the human rights of lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons around the world” (Yurcaba, 2021).

Statistical Data and Evidence

Members of the LGBT community seeking asylum in the United States often show history and psychological effects of enduring violence and trauma. Statistics report that 3% - 35% of asylum seekers are victims of maltreatment and violence in their home countries (Office of Refugee Resettlement, 2012). This in turn causes mental health disorders such as Post

Traumatic Stress Disorder (PTSD) , depression, anxiety, ect. *Persecution Experiences and Mental Health of LGBT Asylum Seekers* was a study published in December of 2017 where an assessment was taken on the mental health, trauma history, persecution history, etc were gathered from 61 torture survivors in New York City. 29 countries were reported to be the origins of where these LGBT members migrated including Eastern Europe, Central Asia, Africa, and the Middle East. It was determined that 69% of the clients encountered their first prosecution under the age of 18 and 65% of these same victims experienced sexual violence. One of the major methods of assessment taken was The Harvard Trauma Questionnaire (HTQ). It is a self report that aids in assessing PTSD symptoms (Mollicia et al., 1992). Hopkinson reports , “Average HTQ scores at intake were above the clinical cutoff for PTSD (N = 57; M 2.8, SD .5) and were just below the cutoff at the 6-month follow-up (N = 34; M 2.4, SD .64). Forty-four (72.1%) clients reported current or past suicidal ideation. History of sexual violence was associated with higher HTQ scores at intake ($t(52) = -2.3, p = .03$) but not higher rates of suicidal ideation ($\chi^2 = 1.4, p = .2$).”

In the last 50 years LGBTQ asylum seeking immigrants coming to America often face discrimination, abuse, sexual violence, and prejudice. Sharita Goldberg's report, “Dignity Denied: LGBT Immigrants in U.S. Immigration Detention.” , elaborates on the quality of life in the detention centers and the rights of the LGBTQ migrants that are in these facilities. She states, “The complaints obtained through this request include incidents of sexual assault by guards and fellow detainees, withholding of medical treatment, verbal and physical abuse by guards and fellow detainees, the use of solitary confinement based solely on the sexual orientation or gender identity of the immigrant, incidents of LGBT immigrants being humiliated by guards in front of other detainees, and inappropriate use of restraints in violation of ICE’s Performance-Based

National Detention Standards, or PBNDS.20 ”. This report it provides the overall projects new findings, testimonies, and data that would’t be found elsewhere. The knowledge that is provided gives different opinions and nuances that will show the loopholes in the United States asylum laws and rules for the LGBTQ asylum seeking migrants.

With the effects of dicrimination towards LGBTQ asylum seeking immigrants in detention centers and court systems, it can be a challenging process to be granted citizenship in the United States. In the article “Challenges Facing LGBT Asylum-Seekers: The Role of Social Work in Correcting Oppressive Immigration Processes” by Pamela Heller, she discusses what social workers can do to help support and make sure LGBTQ migrants can receive the correct treatment and help. The document states that “Asylum protects individuals who are persecuted on account of race, na- tionality, religion, political opinion, and membership in a particular social group. Membership in a particular social group could be interpreted broadly, “provid[ing] potentially endless protection, [and so] America and the inter- national community have struggled to define its scope” (Baniyas, 2007, p. 125). In the United States today, the definition of “particular social group” varies depending on the location of the court because the Supreme Court has not yet ruled on the issue. Social workers need to understand that the complexities of the law in this area require clients to seek legal advice from an attorney experienced in LGBT asylum cases.” This information brings clear picture to the importance of the role of social workers for equal rights and a fair trial for asylum seeking immigrants coming to the United States.

Impact of increased enforcement in pending legislationon LGBT immigrants”, and Recommendations to help with this issue. In the first part of the report “Abuse in immigration detention” Sharita makes sure she covers the dangers condition in the detention centers, sexual

assault, solitary confinement, and unequal medical care. Next Sharita will cover what ICE has done to try and improve these issues, by using special and protective custody units, and their base level standards as a whole. Sharita reports on what legislative laws could impact LGBTQ migrants and detention/ custody. In the report by the Center for American Progress there are a total of 76 sources to help support and show evidence of everything being stated throughout the report. Most sources are from scholars or government officials and reports. This source will add from the viewpoint after LGBTQ immigrants come to America or illegally come over and migrate to the United States.

Research done by Bilefsky brings a newer struggle and challenge that LGBT asylum seekers face once entering America to the table. It is stated that Judges grant green cards on the harsh assumption that asylum seekers only need asylum if they are "gay enough" to bare consequences. Personal stories from members of the LGBT community are shared with the exclusivity of LGBT members Romeo Castro and Jhuan Marrero. It is stated that between 2009 and 2010, the Citizenship and Immigration Services received 38,000 asylum applications, however it is not specified how many applicants are a part of the LGBTQ community. It is a requirement for asylum seekers to provide evidence of their sexual orientation and the risk they have for being prosecuted in their home countries in order for a judge to grant asylum.

This has a good connection to this topic because it describes the real life struggle of what it takes to be granted asylum as a member of the LGBTQ community. This source is unique because it informs about true stories from asylum seekers.

Overall there should be more documentation of the type of asylum seeking immigrants entering detention centers. This is so that the United States and organizations can figure out what their approach should be to the problem coming into the country. There were some loopholes in

previous research such as lack of documentation and the changing of certain laws which restricted aid to asylum seekers.

Breaking Down Evidence

In the Evidence we mentioned the effects of discrimination in the LGBTQ asylum seeking immigrants. What is the overall effect of their mental and physical health? We believe that there should be a system in place to help protect LGBTQ migrants trying to stay in the United States. In the article "Dignity Denied: LGBT Immigrants in U.S. Immigration Detention" by Sharita Gruberg she mentions the horror stories that she received from the LGBTQ migrants that were in the detention system by the US/ Mexico border.

One major theme that we are seeing is the immediate living conditions in America for migrants and what they experience after their migration. We found some of the modern issues that happen to LGBTQ migrants when they enter the U.S. come to America. DACA was a very useful program for members of the LGBTQ to find well paying jobs and higher education in America. This topic will help show why some of the programs need to be reevaluated or removed in order to help migrants in certain communities like the LGBTQ. In some discoveries, asylum protects individuals LGBTQ members who are persecuted on the basis of race, nationality, religion, political opinion, and membership in a particular social group. We found evidence because Social workers need to understand that the complexities of the law in this area require clients to seek legal advice from an attorney experienced in LGBT asylum cases. Also things we found important are the role of social workers in the immigration process and how social workers have ignored the issue for years.

A term that we have found and used to describe a part of going to court for asylum seeking LGBTQ is “Covering and Reverse Covering” and what it has to do with the asylum process. This process is when a LGBTQ member dresses and acts like a stereotype in order to be guaranteed asylum in the United states. Since the role of social workers in this process it gives a new perspective on the issues within the LGBTQ asylum seeking process. As a group we believe by improving this process it will change the negative effects that come with social workers and LGBTQ asylum seeking individuals.

We found that depending on the geological region, LGBTQ members are still against the idea of their societies norms. Where are these countries' colonies and what is the main religion behind each one of these countries? The history of why these countries discriminate against the LGBTQ community we found depends on religion and geography. With the trends throughout recent years countries with laws restricting LGBTQ rights have been changing for the better. And we believe that has been a major part of what helps decrease the amount of LGBTQ asylum seekers from places like India.

The data that we have been presented with is very astonishing seeing the number of migrants that were undocumented and LGBTQ migrants from South and central American countries. Overall, there should be more documentation of the type of asylum seeking immigrants entering detention centers. This is so that the United States and organizations can figure out what their approach should be to the problem.

Our team found that there were some loopholes in previous research such as lack of documentation and the changing of certain laws which restricted aid to asylum seekers. In conclusion, we found that refugees who flee to America intend to reach a place where they can

live a better life. Many of the countries around the world have laws that restrict and put LGBTQ members at risk of being assaulted, arrested, violently harassed, killed, and much more. Data and documents that we have analyzed of these issues show that these people are left with the choice of staying in their home countries with the risk of death or illegally fleeing to America. But at the same time Unfortunately once they get here they often times experience discrimination.

For members of the LGBT community, they risk worse treatment such as rape, murder, kidnapping, robbing, ect. In a general sense these people have the right to seek asylum in the United States. If America was more open to the migration of foreigners, the chances of these asylum seekers living a better life would be greater.

Ideas for Change

A major change that can be brought to help LGBTQ migrants as a whole is by reforming our migration system. If the United States changes the way we allow asylum migrants into the country and let LGBTQ organizations lead the way for helping LGBTQ migrants into the country. These organizations can monitor how foreign countries are treating the LGBTQ community and laws that may harm them so they can be ready to help the individuals in those countries seek asylum. When it comes to the United States and asylum immigration in the United States it can be a tricky topic. Because people in the United States already have ideologies that are against a marginalized group like the LGBTQ community. It can be hard to just change one system for immigrants. There needs to be a whole movement to help change the way the south views LGBTQ members which is vaguely hard because you cannot force people to be upset or something that goes against their religion. Is the United States where to change the process that

migrants come into the United States it will help mitigate a lot of the discrimination that marginalized groups have come into the United States especially the LGBTQ community. But as long as there are people in the United States Bringing religion into politics rather than their own ethical views we will still have the imminent problem facing LGBTQ asylum-seekers coming to the United States.

Another change that can be brought up is more inclusive federal laws to help reduce discrimination. If certain laws were more inclusive it would help the issues of covering and reverse covering, or aid with making certain laws apply to certain certain people.

When there is more inclusive laws it helps with states determining for the people And LGBTQ asylum-seekers coming to the United States. Lately's a lot of southern states typically seen as republican states have been deciding on the rights of others based off of their religion. These states are all coming out with laws that state different things or regulations that don't call along with the states around them. This can be very misleading because on Wednesday you may be eligible for something that you may not be in the state 10 miles from you. This will generally help The LGBT community as a whole and will give a pathway in the right direction to help make it a safe place for asylum seeking LGBTQ immigrants. When people aren't using stereotypes to determine whether a person is a part of the LGBT community it will help normalize the way people view TV asylum sinking LGBQT community.

Another idea for change is having all inclusive restrooms in the detention centers so that the LGBTQ members do not feel confined in which restroom they want to use. As well as providing abortions for trans men that may not want to have a child because of their gender identity. And there should be more training for the workers and officers that work in this field to help provide a safe and healthy environment for LGBTQ assyul seekers. But when it comes to politics we

should not force our views onto others just because we view something as different or quote on quote other just because you're not used to it. Not doing this affects the migrant LGBTQ community coming to America as well as the community here in the United States. But as long as there is religion involved and not separated from the government, there will still be politicians who will always have negative views on the asylum seeking LGBTQ members and LGBTQ community.

Conclusion

In conclusion, refugees who flee to America do so because they intend to reach a place where they can live a better life. Many of the countries around the world have laws that restrict and put LGBTQ members at risk of being assaulted, arrested, violently harassed, killed, and much more. Data and documents that has been analyzed on the topic of LGBTQ immigration show that these immigrants are left with the choice of staying in their home countries with the risk of death or illegally fleeing to America. Unfortunately, research shows that once they reach the United States they often times experience discrimination that can be prevented given the proper protocols from the government. The issue of immigration is not their only danger, being an LGBTQ member is one as well. For members of the LGBT community, they risk worse treatment than the average immigrant such as rape, murder, kidnapping, robbing, ect all once considering their sexuality and gender orientation.

One major solution to this unfortunate occurrence would be to nationally take bias out of legislative practices. Some protocols that determine citizenship status such as "covering" and "reverse covering", are detrimental to the wellbeing of these asylum seekers. It is a fatuous practice that not only psychologically deters these immigrants but emotionally as well.

In the transition of presidency, Trump started the Migrant protection protocols (MPP) which sent over 700,000 migrants back to their home countries. However, the Biden Administration has been court ordered to end the MPP and title 42 to protect the entry of asylum seekers. These sources establish a clear line of research and display a breakdown of the daily experiences that migrant lgbtq community endures. In a general sense these people have the right to seek asylum in the United States. If America was more open to the migration of foreigners, the chances of these asylum seekers living a better life would be greater.

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