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Home // News // Press Releases

Wasserman Schultz, Castro, Barragán, Pocan Lead Members in Supporting Asylum Access for Vulnerable LGBTQI+ Individuals and Families

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Tags: [Foreign Policy](#) , [Immigration](#)

Washington, D.C. –Today, U.S. Representative **Debbie Wasserman Schultz** (D-FL), Vice Chair of the Congressional Equality Caucus, was joined by Rep. **Joaquin Castro** (D-TX), Ranking Member of the House Foreign Affairs Subcommittee on the Western Hemisphere, Rep. **Nanette Barragán** (D-CA), Chair of the Congressional Hispanic Caucus, and Rep. **Mark Pocan** (D-WI), Chair of the Congressional Equality Caucus in authoring a letter to President Biden, Secretary of State Antony Blinken, and Secretary of Homeland Security Alejandro Mayorkas highlighting the dangerous conditions that many LGBTQI+ migrants confront on their way to the U.S. and requesting specific actions to reinforce asylum access for queer people who face violence and persecution in their home countries.

The letter was signed by 30 Members of Congress, including Reps. **Suzanne Bonamici** (D-OR), **Jamaal Bowman** (D-NY), **Salud Carbajal** (D-CA), **Tony Cárdenas** (D-CA), **Judy Chu** (D-CA), **Veronica Escobar** (D-TX), **Adriano Espaillat** (D-NY), **Valerie Foushee** (D-NC), **Robert Garcia** (D-CA), **Raúl Grijalva** (D-IL), **Henry Johnson** (D-GA), **Barbara Lee** (D-CA), **Jim McGovern** (D-MA), **Jerrold Nadler** (D-NY), **Grace Napolitano**



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As the year comes to an end, along with National Pride Month and Immigrant Heritage Month, we must ensure that our commitment to protect the rights of LGBTQI+ people extends to and beyond our borders," said Rep. **Wasserman Schultz**. "I'm confident that President Biden will do everything possible to ensure that our border policy accommodates the needs of the most vulnerable migrants, including LGBTQI+ individuals and families who face violence and persecution throughout the Western Hemisphere."

"LGBTQI+ people in Latin America and the Caribbean face real danger from discriminatory laws and outright acts of violence in their home countries," said Rep. **Joaquin Castro**. "Our nation has long been a refuge for persecuted people, and LGBTQI+ migrants and refugees deserve access to that protection. We must work abroad and at our borders to ensure that LGBTQI+ rights are upheld just as any other human right."

"LGBTQ+ asylum seekers, refugees, and migrants, like everyone else, deserve equal protection and respect regardless of who they love," said CHC Chair Rep. **Nanette Barragán**. "Statistics show they face extraordinarily high rates of violence both in their home countries and on their journey to the United States. The Biden Administration's commitment to protect LGBTQ+ communities across the world is needed and welcomed, but ensuring they are treated with the dignity they deserve, especially while under our government's care, also requires concrete actions. I'm proud to join Reps. Wasserman Schultz, Castro, and Equality Caucus Chair Mark Pocan in urging the Administration to implement tangible policies that will better protect the rights of LGBTQ+ migrants. I look forward to working closely together to make this a reality."

"LGBTQI+ people face persecution and violence around the world at a disturbing rate, causing many to flee their home countries. The U.S. has a responsibility to ensure the wellbeing of these LGBTQI+ migrants, refugees, and asylum seekers," said Equality Caucus Chair Rep. **Mark Pocan**. "I am committed to working with my colleagues and the Administration to ensure our immigration and border policies support LGBTQI+ people and other marginalized communities escaping oppression in their home countries."

The letter is endorsed by 40+ organizations, including the **Human Rights Campaign, Immigration Equality, the Latin America Working Group, Refugees International, the Transgender Law Center, the Council on Global Equality, the LGBTQ Freedom Fund, the National Immigrant Justice Center, the Women's Refugee Commission, the Immigrant Defenders Law Center, the International Refugee Assistance Project, the African Human Rights Coalition, Alianza Americas, the Bridges Faith Initiative, the Church World Service, the Haitian Bridge Alliance, the Coalition on Human Needs, the Los Angeles LGBT Center, the Washington Office on Latin America (WOLA), InReach, the Santa Fe Dreamers Project, Robert F Kennedy Human Rights, the National Center for Lesbian Rights, the**



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Center for Immigrant Children's Rights, African Communities Together, The National LGBTQ Task Force Action Fund, Equality California, We Are All America, Rainbow Railroad, the New York Immigration Coalition and Lawyers for Good Government.

"The President's Asylum Ban puts LGBTQ refugees in grave danger, subjecting them to further harm as they are forced to wait in Mexico or dangerous transit countries in order to seek protection from the U.S.," said **Bridget Crawford, Immigration Equality's Director of Law and Policy**. "Moreover, the alternative pathways for migration proposed by the Administration largely exclude queer families and expose LGBTQ refugees to additional dangers. The Biden Administration must stop taking a 'carrot and stick' approach to managing asylum. The 'carrot' of alternative pathways creates a compelling incentive for anyone with the means and ability to pursue them. However, the 'stick' of penalizing the most vulnerable for saving their own lives is illegal, immoral and contrary to [President Biden's promise](#) to protect vulnerable LGBTQ refugees and asylum seekers."

"The Biden administration must restore the asylum system so it is consistent with national and international law, especially for the most vulnerable populations such as LGBTQ+ people from Latin America," said **Vicki Gass, Executive Director of the Latin America Working Group (LAWG)**. "The Administration's Circumvention of Lawful Pathways rule is not an option for people who face sex trafficking, kidnapping, or violence due to their sexual orientation, gender, or gender identity because these countries cannot guarantee their safety and frequently the perpetrators of violence against LGBTQ+."

"As we close out Pride month, the Biden administration must renew its support for LGBTQI+ migrants by ensuring that our asylum system truly protects the most vulnerable from violence and persecution," said **Alvaro Huerta, Litigation and Advocacy Director at Immigrant Defenders Law Center**. "The government should not be forcing LGBTQI+ asylum seekers to seek protection in countries where rampant homophobia puts them in harm's way, nor should it be deporting LGBTQI+ migrants to countries that engage in or tolerate discrimination. The Biden administration must immediately rescind the asylum ban and restore our asylum system to one that truly welcomes LGBTQI+ migrants with open arms and serves as a model for the world."

The letter highlights the horrific conditions that many LGBTQI+ people in Latin America and the Caribbean face in their home countries and the danger that awaits them on the journey to the U.S. It also notes that certain parole programs may exclude LGBTQI+ people or force them to apply for asylum in countries where anti-LGBTQI+ violence is prevalent.

In the letter, the Members ask the Administration to:



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persecution and violence against queer people.

- Prioritize diplomatic efforts to push Western Hemisphere governments to respect LGBTQI+ rights.
- Ensure that U.S. security and law enforcement assistance are not funding discrimination and targeted violence.
- Provide enhanced training to USCIS, CBP, and ICE personnel, as well as foreign nationals working in regional processing centers, on best practices for interviewing LGBTQI+ asylum seekers with sensitivity and cultural competency.
- Informing LGBTQI+ migrants of their rights to nondiscrimination and confidentiality.

The complete letter can be [found here](#). The text of the letter appears below:

Dear President Biden, Secretary Blinken, and Secretary Mayorkas,

This past June marked the celebration of Pride Month, a time to recognize the progress that our society has made towards equality for all and dedicate ourselves to the challenges that lie ahead. We admire your Administration's unprecedented emphasis on championing LGBTQI+ rights beyond our borders, from investing in the Global Equality Fund to issuing a first-ever Memorandum on Advancing the Human Rights of LGBTQI+ Individuals Around the World.

We appreciate that you have endeavored to reverse the damage done to our immigration system by the previous president. While we welcome your commitment to expanding refugee resettlement and other legal pathways, we fear that some actions directed at facilitating migrant processing have caused harm to LGBTQI+ refugees.^[1] As such, we write to bring attention to aspects of your immigration policy that must be reformed to adequately protect these groups.

The situation for LGBTQI+ people in Latin America and the Caribbean remains dire, driving many individuals to seek refuge from countries that enforce bigoted laws or turn a blind eye to brutal violence and discrimination. At least twenty Western Hemisphere nations outlaw same-sex marriage, adoption by same-sex couples, or both.^[2]

Queer people throughout the region are targeted by their governments and neighbors alike, facing high rates of rape, torture, and murder. LGBTQI+ people across the region are up to 300% more likely to be murdered.^[3] A trans person was murdered nearly every day between 2021 and 2022.^[4] Anti-LGBTQI+ violence is particularly acute in common transit countries for migrants,^[5] meaning that queer people who are forced from their homes face similar threats on the way to our border, with some reporting continued harassment in U.S. immigration detention once they arrive.^{[6] [7]}



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countries where LGBTQI+ marriage or adoption are barred.^[9] It is critical to amend these qualifications to clarify that permanent partners and children adopted by queer parents are eligible.

While we appreciate your work to protect refugees from the treacherous journey northward by opening regional processing centers, the announced locations are in countries that are deadly for LGBTQI+ people. Real and perceived queerphobia could deter queer people from admitting their sexual orientation, gender identity, or sex characteristics, undercutting their ability to seek protection.^[10]

We remain deeply concerned about your Administration's "Circumvention of Lawful Pathways" rule.^[11] which renders asylum seekers, including LGBTQI+ asylum seekers, presumptively ineligible if they do not first seek asylum in notoriously dangerous transit countries or wait in Mexico – where queer refugees are routinely brutalized – for an appointment with immigration officials. It is not humane to ask LGBTQI+ individuals to seek asylum or wait in countries where they will face violence, kidnapping, or sex trafficking based on their sexual orientation, gender identity, or sex characteristics.^[12]

We are also deeply concerned by the ongoing practice of conducting eligibility interviews in Customs and Border Protection custody, where LGBTQI+ and HIV-positive refugees face mistreatment, abuse and lack meaningful access to counsel.^[13]

We recognize the necessity of a flexible transition, given the situation that your Administration inherited and the refusal of Congressional Republicans to engage on immigration reform. We do not discount the urgency and difficulty of helping as many LGBTQI+ individuals as possible.

But temporary parole programs cannot replace our moral and legal obligation to protect the most vulnerable, universally marginalized groups, such as queer people. As such, our primary recommendation is to end restrictions that turn away LGBTQI+ asylum seekers or force them to apply from third countries where they will be harmed.^[14] We also ask that you take action to prevent the removal of LGBTQI+ migrants to countries that engage in or tolerate discrimination.

We recommend that you prioritize diplomatic efforts to push Western Hemisphere governments to respect LGBTQI+ rights and ensure that U.S. security and law enforcement assistance are not funding discrimination and targeted violence.

Additionally, we ask that you provide enhanced training to USCIS, CBP, and ICE personnel, as well as foreign nationals working in regional processing centers, on best practices for interviewing LGBTQI+ asylum seekers with sensitivity and cultural competency. The U.S. should notify refugees of their rights to nondiscrimination and confidentiality in their native language so they can comfortably admit to the fears that have driven them to pursue asylum.



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...the world and look forward to collaborating with your administration to finally establish the
fundamental right to asylum for queer people.

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[1] <https://www.federalregister.gov/d/2023-10146/p-233>

[2] <https://www.equaldex.com>

[3] <http://www.oas.org/es/cidh/informes/pdfs/ViolenciaPersonasLGBTI.pdf>

[4] <https://www.forbes.com/sites/jamiewareham/2021/11/11/375-transgender-people-murdered-in-2021-deadliest-year-since-records-began/?sh=2734f976321c>

[5] <https://www.wola.org/analysis/lgbt-rights-and-peace-in-colombia-the-paradox-between-law-and-practice>

[6] <https://humanrightsfirst.org/library/a-line-that-barely-budges-u-s-limiting-access-to-asylum/>

[7] <https://humanrightsfirst.org/wp-content/uploads/2023/05/Barriers-and-Harms-As-Biden-Asylum-Ban-Takes-Effect31.pdf>

[8] <https://www.uscis.gov/FRP>

[9] <https://www.uscis.gov/i-130>

[10] <https://www.unhcr.org/media/39410>

[11] <https://www.dhs.gov/news/2023/04/27/fact-sheet-us-government-announces-sweeping-new-actions-manage-regional-migration>

[12] <https://immigrantjustice.org/staff/blog/explainer-biden-administration-plans-rapid-deportation-asylum-seekers-detained-border>

[13] <https://immigrantjustice.org/staff/blog/obstructed-legal-access-june-2023-update>

[14] <https://immigrantjustice.org/staff/blog/explainer-biden-administration-plans-rapid-deportation-asylum-seekers-detained-border>



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