

**Congress of the United States**  
Washington, DC 20510

February 4, 2010

The Honorable Hillary Rodham Clinton  
Secretary of State of the United States of America  
2201 C Street NW  
Washington, DC 20520-0099

Dear Madam Secretary,

We are writing to share our concerns about the safety of lesbian, gay, bisexual and transgender (LGBT) individuals in countries where these individuals' health and lives are threatened and governments provide inadequate protection. Our concern was sparked most recently by accounts of LGBT individuals from Iraq and Iran who have had to flee after being severely beaten or worse, or because they face a significant risk of such persecution. Unfortunately, this situation is not unique to Iraq and Iran. LGBT individuals in a number of other countries are also under threat. Moreover, we are troubled by the fact that a number of countries criminalize or are taking steps to increase penalties against the LGBT community.

We know you share our concern. We appreciate the attention that the United States Government has paid to the special circumstances of people fleeing countries where they face persecution due to their sexual orientation or gender identity, particularly Iraq and Iran. The U.S. Embassy in Baghdad, for example, has raised the unsolved attacks on gay men with the Ministry of Interior and the Human Rights Ministry. While we value these steps, we remain concerned about people's safety in both these and other countries with reports of persecution of LGBT individuals and/or groups. We are likewise very troubled that LGBT refugees from Iraq and Iran and possibly other countries face risks in first asylum countries where refugees often remain for years, and which are often nearly as hostile to the LGBT community as their home countries.

Therefore we respectfully request you to consider several ways in which your leadership and guidance would improve protection for LGBT individuals in both the countries where they are targeted and the first asylum countries where their safety is in question.

1. United States Ambassadors in countries of concern should strongly and consistently raise the fact that laws targeting homosexual activity and a lack of protection for LGBT individuals or groups violate international human rights law.
2. United Nations and its appropriate agencies, such as the Office of the High Commissioner for Human Rights, should increase their promotion of the human rights of LGBT individuals and ensure that appropriate programs are focused on support of such individuals and groups.

3. United Nations High Commissioner for Refugees (UNHCR) should increase the training of all of its employees, contractors and implementing partners following its Guidance Note on Refugee Claims Relating to Sexual Orientation and Gender Identity. UNHCR should maximize its implementation of this important guidance so that LGBT refugees are not disadvantaged by inappropriate conduct or inadequate processing by UNHCR employees or implementing partners. It appears that additional LGBT refugee protection tools would need to be developed. As the largest donor, the U.S. could help foster an appropriate focus on this issue.
4. For LGBT individuals, such as those from Iran and Iraq, who face risks in the countries of first asylum, as well as inside their home countries, resettlement processing should be expedited. This can be done in a number of ways, including:
  - a. Those LGBT refugees who can articulate a serious protection concern because of their sexual orientation or gender identity in the country of first asylum can be designated “refugees of special humanitarian concern” so they are eligible for Priority 2, or direct processing to the U.S. refugee admissions program. The United States already designated several groups of at-risk U.S.-affiliated Iraqis as P2-eligible in 2007 and 2008, and has used the designation for refugees from other countries in the past. We appreciate that this category of direct-access eligibility is reserved for some of the most at-risk groups and must be carefully crafted to identify a discrete group.
  - b. Processing of LGBT refugee applications can be expedited by UNHCR or the Department of State entering into agreements with qualified non-governmental organizations (NGOs) to identify or screen refugees who need to be taken immediately out of harm’s way. Those LGBT refugees with serious protection concerns who are so identified by NGOs – or who are otherwise known to UNHCR or the U.S. Government – should be “fast tracked” by UNHCR or the State Department, as appropriate.
  - c. In appropriate cases, individuals might be moved by UNHCR to its emergency transit centers (ETCs) in order to ensure their safety during refugee processing. Our understanding is that such transit centers are currently used to house populations whose safety cannot be guaranteed while they are in refugee processing. If such centers are used to temporarily house LGBT refugees, UNHCR would need to take steps to ensure that the centers are sensitive to the protection needs of LGBT individuals. In cases where evacuation to an ETC is not practicable, we urge you to work with the Secretary of Homeland Security to expeditiously parole or conditionally admit particularly vulnerable refugees to the United States for processing, as the United States did with applicants evacuated from northern Iraq in 1996 and Macedonia in 1999.
  - d. Finally, the U.S. agencies involved in the security clearance procedures required as part of the refugee resettlement process should continue to improve coordination in order to enable these procedures to be completed in a timely manner.

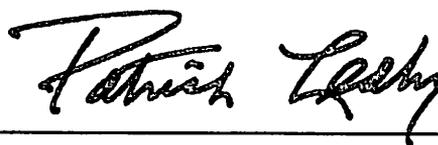
Again, thank you for your attention to this matter. We would be very pleased to work with you and support you in any way we can.

Sincerely,



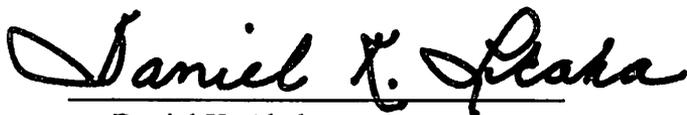
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Kirsten E. Gillibrand  
United States Senator



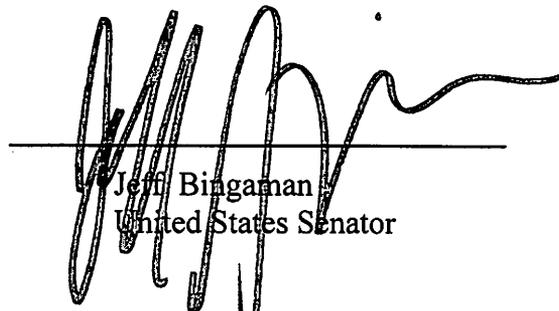
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Patrick J. Leahy  
United States Senator



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Daniel K. Akaka  
United States Senator



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Jeff Bingaman  
United States Senator



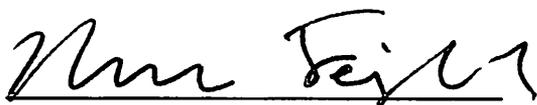
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Sherrod Brown  
United States Senator



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Robert P. Casey Jr.  
United States Senator



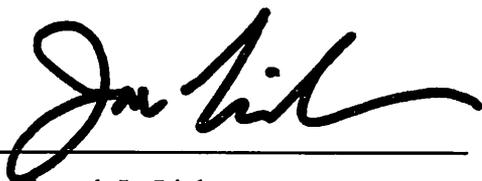
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Russell D. Feingold  
United States Senator



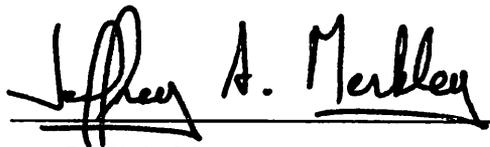
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Frank R. Lautenberg  
United States Senator



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Joseph L. Lieberman  
United States Senator

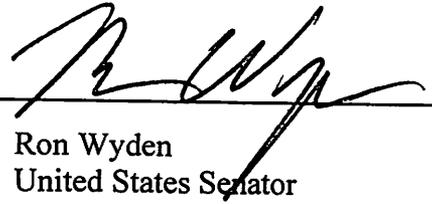


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Jeff Merkley  
United States Senator



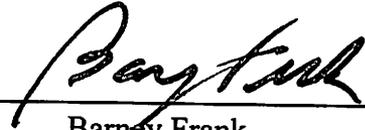
Charles E. Schumer  
United States Senator



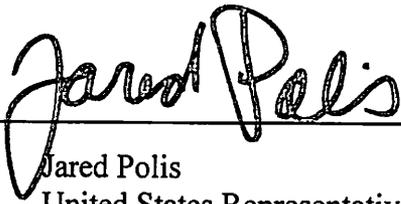
Ron Wyden  
United States Senator



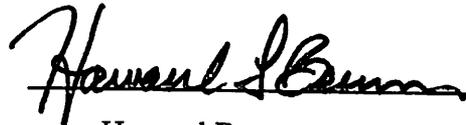
Tammy Baldwin  
United States Representative



Barney Frank  
United States Representative



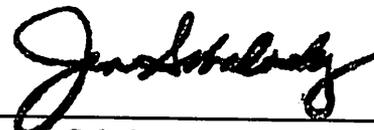
Jared Polis  
United States Representative



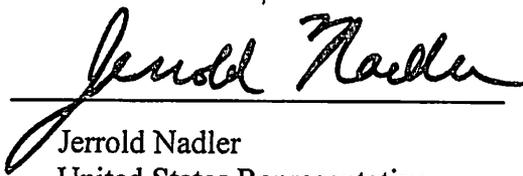
Howard Berman  
United States Representative



Gary Ackerman  
United States Representative



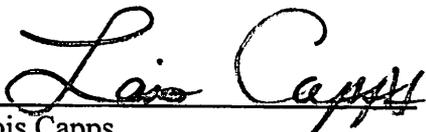
Jan Schakowsky  
United States Representative



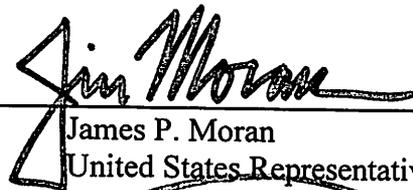
Jerrold Nadler  
United States Representative



Michael M. Honda  
United States Representative



Lois Capps  
United States Representative



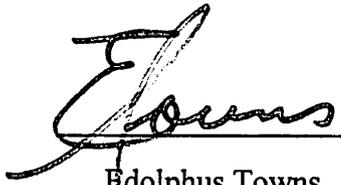
James P. Moran  
United States Representative

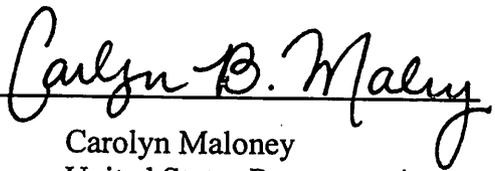


Zoe Lofgren  
United States Representative



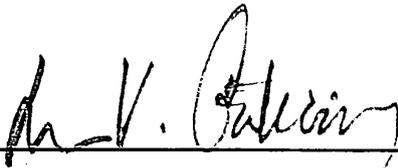
David Wu  
United States Representative

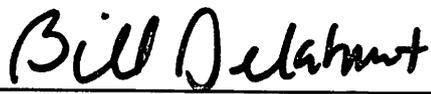
  
Edolphus Towns  
United States Representative

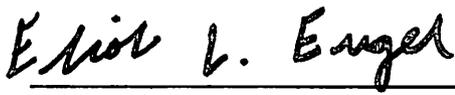
  
Carolyn Maloney  
United States Representative

  
Alcee Hastings  
United States Representative

  
John Conyers  
United States Representative

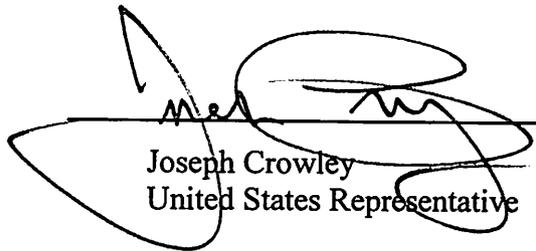
  
Luis Gutierrez  
United States Representative

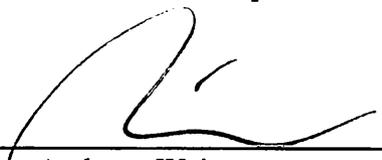
  
Bill Delahunt  
United States Representative

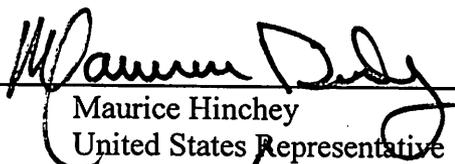
  
Eliot Engel  
United States Representative

  
Raúl M. Grijalva  
United States Representative

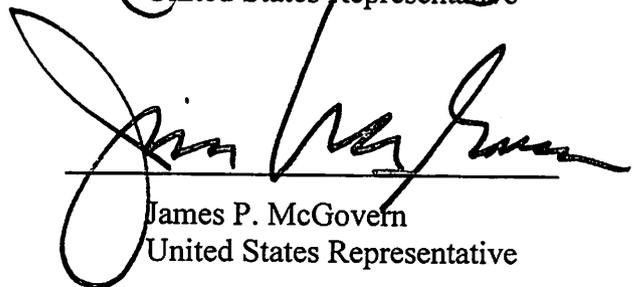
  
Chellie Pingree  
United States Representative

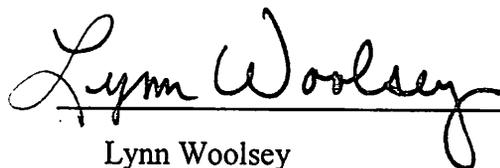
  
Joseph Crowley  
United States Representative

  
Anthony Weiner  
United States Representative

  
Maurice Hinchey  
United States Representative

  
Steven Rothman  
United States Representative

  
James P. McGovern  
United States Representative



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Lynn Woolsey  
United States Representative



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Paul Tonko  
United States Representative



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Mike Quigley  
United States Representative



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Steve Israel  
United States Representative



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Henry Waxman  
United States Representative



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Brad Sherman  
United States Representative