



# Immigration Reform and the LGBT Community

## What the Border Security, Economic Opportunity, and Immigration Modernization Act Does for LGBT Immigrants

In June, the Senate passed the Border Security, Economic Opportunity, and Immigration Modernization Act of 2013 by a bipartisan majority of 68-32. It is now time for the House of Representatives to pass comprehensive immigration reform. According to analysis by the Williams Institute, there are nearly 1 million LGBT adult immigrants living in the United States today, 30 percent of whom are undocumented. Passage of common-sense immigration reform with a path to citizenship is particularly important for undocumented LGBT immigrants, whose double minority status has compounding harmful effects on their social, economic, and psychological well-being. Here are some of the ways the Senate's immigration bill and H.R. 15 in the House would help LGBT immigrants:

**A** The Senate's immigration bill creates a path to citizenship for the more than 267,000 LGBT undocumented adults living in the United States.

# 267,000



For them, a path to citizenship would mean:



Higher wages



More job security



Progress in bringing family separations to an end



Greater access to social services

Source: Crosby Burns and Ann Garcia, "Infographic: The LGBT Undocumented: By the Numbers," Center for American Progress, March 8, 2013, available at <http://www.americanprogress.org/issues/immigration/news/2013/03/08/55676/infographic-the-lgbt-undocumented-by-the-numbers/>.

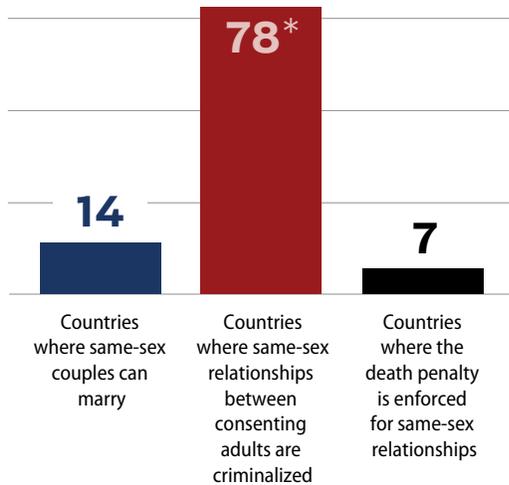
**B** The Senate's immigration bill prohibits the use of solitary confinement based on an immigrant's sexual orientation or gender identity. Each day, 300 immigrants are placed in solitary confinement. Solitary confinement has been used for LGBT immigrants in detention facilities to "protect" them from assault.



300 = 30

Source: Detention Watch Network, "Alternatives to Detention Fact Sheet"; Lutheran Immigration and Refugee Services, "Talking Points: Detention System Reform/ Alternatives to Detention"; Detention Watch Network, "Mandatory Detention Fact Sheet." These fact sheets are available at <http://www.detentionwatchnetwork.org/sites/detentionwatchnetwork.org/files/background%20fact%20sheets.pdf>.

**C** LGBT people come to the United States seeking protection from persecution on account of their sexual orientation or gender identity.



\* The legal status of same-sex relationships is unclear in Iraq and India.

Source: Lucas Paoli Itaborahy and Jingshu Zhu, "State-Sponsored Homophobia" (International Lesbian, Gay, Bisexual, Trans and Intersex Association, 2013).

**D** One in five refugees seeking protection in the United States are denied asylum because they missed the one-year filing deadline. The Senate's immigration bill eliminates the one-year filing deadline for asylum seekers.

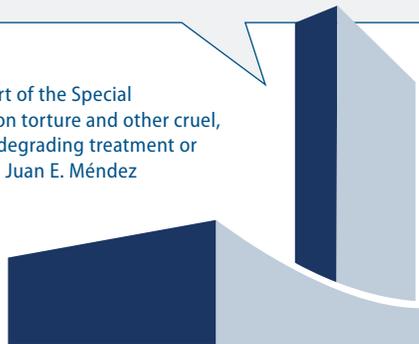


Source: National Immigrant Justice Center, Human Rights First, and Penn State Law, "Deadline and the BIA: No Protection, No Process" (2010).

**E** The Senate's immigration bill would improve the treatment of LGBT immigrants in detention.

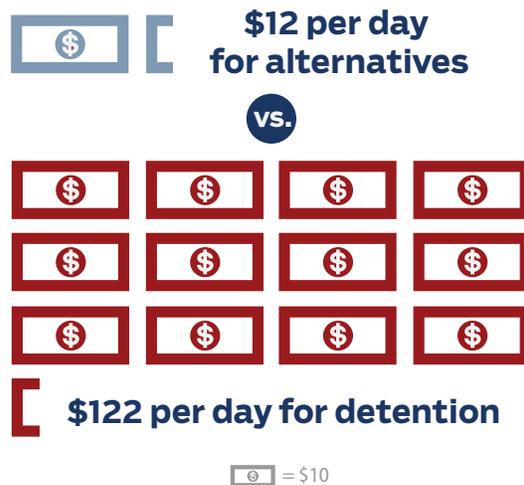
"According to information received, 16 gay and transgender individuals have allegedly been subjected to solitary confinement, torture and ill-treatment, including sexual assault, while in detention in U.S. immigration facilities. ... Given the lack of evidence to the contrary, the Special Rapporteur determines that the rights of the aforementioned victims have been violated under the Convention against Torture."

—U.N. Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez



Source: U.N. General Assembly, "Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez" (2013).

**F** The Senate's immigration bill authorizes a secure alternatives program that will decrease the number of LGBT immigrants in detention. Alternatives to detention cost \$12 a day, as opposed to \$122 a day to detain an individual.



Ian Urbina and Catherine Rentz, "Immigrants Held in Solitary Cells, Often for Weeks," The New York Times, March 23, 2013, available at <http://www.nytimes.com/2013/03/24/us/immigrants-held-in-solitary-cells-often-for-weeks.html?pagewanted=3&r=3&pagewanted=all&>