

ORR State Letter

#15-06

Date: June 17, 2015

TO: STATE REFUGEE COORDINATORS
STATE REFUGEE HEALTH COORDINATORS
NATIONAL VOLUNTARY AGENCIES
OTHER INTERESTED PARTIES

FROM: Robert Carey
Director
Office of Refugee Resettlement

SUBJECT: LGBT Resources and Information

ORR issues this State Letter in recognition of Lesbian, Gay, Bisexual and Transgender (LGBT) Pride Month. This State Letter provides LGBT resources and information. Additionally, this State Letter provides States with guidance on the use of Refugee Social Services (RSS) funding for services to LGBT refugees and other ORR-eligible populations.

Background

According to the U.S. Department of State, consensual same-sex acts are criminalized in nearly 80 countries. LGBT refugees flee their home countries for the same reasons as other refugees, but may also experience persecution due to their gender identity or sexual orientation. Allies who advocate for LGBT rights, such as lawyers or journalists, may also experience persecution.

LGBT refugees often arrive alone and remain isolated upon resettlement because they are excluded on the grounds of both their refugee and sexual minority statuses. While other refugees enjoy the support of those with whom they share a country of origin, LGBT refugees are often separated from their ethnic and national communities.

As a result, housing in the U.S. can be challenging. LGBT refugees may not feel comfortable living with or in close proximity to members of their ethnic or national communities; in some cases, LGBT refugees may suffer continued discrimination and harassment. Resettlement agencies may need to think creatively to ensure LGBT clients feel safe and protected.

LGBT refugees may have faced discriminatory employment practices in their country of origin because of their sexual orientation or gender identity. As a result, LGBT refugees, out of concern for their safety and wellbeing, may be reluctant to take certain jobs. For example, they may not feel comfortable accepting a job if it involves working with individuals from their community.

All people deserve to live with dignity and respect, free from fear and violence, and protected against discrimination, regardless of their sexual orientation or gender identity. ORR is committed to unlocking the opportunities all LGBT individuals deserve and the resources and care they need. ORR recognizes that LGBT refugees and other ORR-eligible populations face unique challenges and encourages States and other ORR stakeholders to take steps to address them.

ORR Initiatives for LGBT Populations

ORR recently expanded its Preferred Communities (PC) Case Management Program to provide targeted, strengths-based case management for more at-risk populations. The program recognizes the specialized needs of LGBT refugees and other ORR-eligible populations and the additional support they may need. Several PC grantees have developed capacity to support services for self-identifying LGBT clients and ORR will work with all PC providers to ensure capacity and enhanced services for LGBT refugees and other ORR-eligible populations.

Recognizing the need for training and technical assistance, ORR awarded a grant to The Heartland Alliance to develop the *Rainbow Response: A Practical Guide to Resettling LGBT Refugees and Asylees*. *Rainbow Response* is intended to support resettlement service providers in their efforts to tailor core services and meet the specific needs of LGBT clients. The manual is interactive and presents best practices for facilitating LGBT clients' social integration and self-sufficiency. The guide is available at:

<http://www.acf.hhs.gov/programs/orr/resource/rainbow-response-a-practical-guide-to-resettling-lgbt-refugees-and-asylees>.

Heartland Alliance's website (<http://www.rainbowwelcome.org/>) has additional resources for service providers as well as refugees and asylees.

ORR has also modified its Matching Grant Program Guidelines to include waiver language allowing grantees to transfer clients from one resettlement agency to another (within or across States) if the agency is unable to meet the special needs of the client. The waiver specifically includes language about LGBT populations.

Refugee Social Services

RSS supports employability services and other services that address barriers to employment such as social adjustment, interpretation and translation, day care for children, and citizenship and naturalization.

Allowable social services are delineated at 45 CFR §400.154 and §400.155. The regulations at 45 CFR §400.155(h) provide that RSS funding can be used for any additional services aimed at strengthening and supporting the ability of a refugee individual, family, or refugee community to achieve and maintain economic self-sufficiency, family stability, or community integration. Additional services must be demonstrated as effective and must not be available from any other funding source. Services provided under 45 CFR §400.155 must be consistent with the goals and priorities of the refugee program.

LGBT refugees and other ORR-eligible populations have unique needs that impact their ability to achieve and maintain economic self-sufficiency and community integration. Serving LGBT refugees and other ORR-eligible populations in an appropriate manner that promotes economic self-sufficiency is consistent with the goals and priorities of the refugee program. Therefore, ORR interprets the additional services described at 45 CFR §400.155(h) to include services aimed at reducing the barriers encountered by LGBT refugees and other ORR-eligible populations.

A State may consider providing transitional housing assistance as an additional service under 45 CFR §400.155(h). Difficulty identifying affordable and appropriate housing can be a barrier to LGBT refugees and other ORR-eligible populations achieving economic and social self-sufficiency. In particular, the lack of adequate housing options can create additional barriers to LGBT refugees and other ORR-eligible populations finding and retaining employment.

This option applies only if the plan for providing transitional housing assistance: does not substantially result in an absence of funding to provide other crucial employability and support services; directly improves the likelihood of client employment and self-sufficiency; does not supplant other available funding that could be used for the same purpose; and is dispensed according to stringent criteria related to need and time frame for assistance. States should be cognizant of implications for their clients' eligibility for other public assistance programs should transitional or emergency housing assistance count as income.

ORR welcomes submissions to the ORR Director pursuant to 45 CFR §400.155(h) to serve LGBT refugees and other ORR-eligible populations.

If you have questions about any of the information in this State Letter, please contact Carl Rubenstein at (202) 205-5933.