

Resettlement Assessment Tool: Lesbian, Gay, Bisexual, Transgender and Intersex Refugees

The *Resettlement Assessment Tool: Lesbian, Gay, Bisexual, Transgender and Intersex Refugees* has been developed to enhance UNHCR's effectiveness and harmonize procedures for assessing Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) refugees for resettlement.

Due to the discrimination and abuse they experience, many LGBTI individuals flee their home countries and seek protection abroad. LGBTI individuals may be under a continuous threat of human rights abuses due to discriminatory laws and hostile societal attitudes in the countries of asylum. Resettlement may be the only viable durable solution for LGBTI refugees facing specific protection risks due to their sexual orientation and gender identity. In some cases emergency processing or evacuation may be required as lengthy processing can exacerbate the security risks. It is important for UNHCR staff to develop a thorough understanding of the multiple forms of harm and discrimination experienced by LGBTI refugees, and to ensure that LGBTI refugees have fair access to the resettlement process and that their resettlement needs are assessed on a non-discriminatory basis.

Part One, the *User Guide* accompanying this tool, provides information related to each part of the process of resettling LGBTI refugees, from the identification of individuals in need of resettlement through interviewing and processing for resettlement to reception and integration considerations in the country of resettlement.

Part Two, the *Resettlement Assessment Tool: Lesbian, Gay, Bisexual, Transgender and Intersex Refugees*, provides a step-by-step guide for conducting an assessment of LGBTI refugees to determine whether resettlement is the most appropriate durable solution and to identify the resettlement needs of individual LGBTI refugees.

Part Three, *Terminology*, provides a list of appropriate terminology in the context of sexual orientation and gender identity.

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User Guide

Introduction

- This Resettlement Assessment Tool: Lesbian, Gay, Bisexual, Transgender and Intersex Refugees is designed to assist UNHCR staff:
 - to identify and assess the resettlement needs of LGBTI refugees
 - to conduct resettlement interviews with LGBTI refugees in a sensitive way
 - to prepare resettlement submissions using appropriate terminology and reflecting all relevant elements, including any specific post-arrival support needs of LGBTI refugees

What is sexual orientation and gender identity?

UNHCR recognizes that Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) refugees include a wide range of individuals who have been displaced or have protection needs for reasons of their sexual orientation and/or gender identity.¹

The concepts of sexual orientation and gender identity are defined in the **Yogyakarta Principles - Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity**:²

- ◆ **Sexual orientation** refers to: “each person’s capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender”.
- ◆ **Gender identity** refers to: “each person’s deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerisms”.³

Each person’s self-defined sexual orientation and gender identity are integral to their personality and one of the most basic aspects of self-determination, dignity and freedom.⁴ Sexual orientation can range along a continuum, including exclusive and non-exclusive attraction to the same or the opposite sex. Gender identity and its expression also take many forms, with some individuals identifying as neither male nor female, or as both. An LGBTI refugee may be at risk because of his or her sexual orientation or gender identity, or both. For example, a male-to-female transgender person who is attracted to men may be perceived as gay and thus at risk because of her sexual orientation as well as her gender identity.

People experience little or no sense of choice about their sexual orientation.⁵ For most people, sexual orientation or gender identity is determined at an early age (between middle childhood and early adolescence), but for others they may continue to evolve across a person’s lifetime. Some may not experience same-sex attraction until later in life. Different people realize at different points in their lives that they are LGBTI and their sexual and gender expressions may vary with age, and other

¹ UNHCR, *Working with Lesbian, Gay, Bisexual, Transgender & Intersex Persons in Forced Displacement*, 2011, available at: <http://www.unhcr.org/refworld/docid/4e6073972.html>.

² ICJ, *Yogyakarta Principles - Principles on the application of international human rights law in relation to sexual orientation and gender identity*, (hereafter “YP”), March 2007, available at: <http://www.unhcr.org/refworld/docid/48244e602.html>. The YP were adopted in 2007 by a group of human rights experts and, although not binding, reflect well-established principles of international law

³ YP, Preamble.

⁴ YP, Principle 3.

⁵ There is no consensus among scientists about the exact reasons that an individual has a particular sexual orientation. See, American Psychological Association, *Sexual orientation and homosexuality*, available at: <http://www.apa.org/helpcenter/sexual-orientation.aspx>.

social and cultural determinants. It is also important to note that not all these individuals will self-identify with the LGBTI terminology. Some may be unaware of these labels or may only be able to draw upon (derogatory) terms used by the persecutor.⁶

Specific protection risks faced by LGBTI refugees

International human rights law prohibits discrimination and violence on the grounds of sexual orientation and/or gender identity. **LGBTI individuals are entitled to live in society as who they are and should not be required to hide their sexual orientation or gender identity in order to avoid persecution and other harm. LGBTI people are as much entitled to freedom of expression and association as others.**⁷

Nevertheless, in many parts of the world, **LGBTI individuals experience serious human rights abuses and other forms of persecution due to their actual or perceived sexual orientation and/or gender identity.**⁸ Their behavior and appearance may be perceived as not conforming to social, cultural and religious norms, which may expose them to harm. Due to these experiences of violence and discrimination, many LGBTI individuals flee their home countries to seek protection abroad. UNHCR issued guidelines to provide substantive and procedural guidance on the determination of refugee status of individuals on the basis of their sexual orientation and /or gender identity, with a view to ensuring a proper and harmonized interpretation of the refugee definition in the 1951 Convention.⁹

LGBTI individuals frequently keep aspects of their lives secret. Many will not have lived openly as LGBTI in their country of origin or asylum and some may not have had any intimate relationships. That an applicant may be able to avoid persecution by concealing or by being “discreet” about his or her sexual orientation or gender identity, or has done so previously, is not a valid reason to deny refugee status. A person cannot be denied refugee status based on a requirement that they change or conceal their identity, opinions or characteristics in order to avoid persecution.¹⁰

Intolerance towards LGBTI individuals is also pervasive in a number of countries of first asylum and LGBTI asylum-seekers and refugees may be under a continuous threat of human rights abuses due to discriminatory laws and hostile societal attitudes. Where possible, many seek the perceived protection and greater anonymity of urban centres away from refugee camps and settlements, only to find themselves struggling with daily survival, discrimination and violence. In some contexts, LGBTI refugees struggle to access the services available to other refugees such as health care, education, self-reliance assistance as well as registration and refugee status determination. Local integration options in the first country of asylum thus may be limited or prove to be non-existent. LGBTI refugees also often do not have the option to return to their countries of origin as homophobia and transphobia are usually deeply rooted in society and persecution of LGBTI individuals unremitting.

The stigmatization and harm faced by people with diverse sexual orientation and/or gender identity can take different forms, ranging from **daily low-level harassment to immediate threats to life and freedom.** The violence and abuse can be perpetrated by State as well as non-State actors, including agents of the host state (such as police officers or health care officials), local residents, other refugees, or relatives.

⁶ For more information about terms, see below Part Three.

⁷ UNHCR, *Guidelines on International Protection No. 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees*, (hereafter “UNHCR, Guidelines on Sexual Orientation and Gender Identity”), September 2012, <http://www.unhcr.org/refworld/docid/50348afc2.html>, para 31.

⁸ See UN Human Rights Council, *Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity: report of the United Nations High Commissioner for Human Rights*, 17 November 2011, A/HRC/19/41, <http://www.unhcr.org/refworld/docid/512f0a512.html>

⁹ UNHCR, *Guidelines on Sexual Orientation and Gender Identity*, paras. 30–31.

¹⁰ UNHCR, *Guidelines on Sexual Orientation and Gender Identity*, paras. 30-31.

A number of countries, both countries of origin and countries of first asylum, maintain laws that criminalize consensual same-sex relations and which could create an unsafe and intolerable environment for an LGBTI individual.¹¹ Such laws have been found by international and national courts to violate human rights, including the rights to equality, privacy and non-discrimination.¹² Human rights reports have also emphasized the link between criminalization and homophobic hate crimes, police abuse, torture, and family and community violence faced by LGBTI persons.¹³

The box below provides examples of the specific protection risks that LGBTI refugees may experience in the country of asylum. Many of these risks are also common in the country of origin and **could be part of the refugee claim as forms of persecution**.

Specific protection risks faced by LGBTI refugees	
<ul style="list-style-type: none"> Physical and sexual violence, including beatings, abductions, honour killings, and rape (of women as well as men), often to make LGBTI individuals conform to society's gender roles and to intimidate others by setting "an example". 	<ul style="list-style-type: none"> Criminalization of consensual same-sex relations and associated risks of arrest, detention, prosecution and punishment. Elevated risks of abuse in detention.
<ul style="list-style-type: none"> Being compelled to conceal their sexual orientation and/or gender identity, due to fear of abuse, violence and loss of assistance. 	<ul style="list-style-type: none"> Discriminatory laws and practices relating to employment, housing, health care, education and family law and child custody, resulting in severe difficulties accessing basic assistance.
<ul style="list-style-type: none"> Family and community rejection, lack of support networks, and vulnerability to honour-related violence. 	<ul style="list-style-type: none"> Lack of access to safe and appropriate housing for at-risk individuals, which may further increase the risk of physical and sexual abuse and exploitation.
<ul style="list-style-type: none"> Forced marriage. 	<ul style="list-style-type: none"> Dependence on abusive relationships involving exchanging sex for protection, shelter or food.
<ul style="list-style-type: none"> Evictions from homes due to landlords and others discovering their sexual orientation and/or gender identity. LGBTI refugees may move frequently. 	<ul style="list-style-type: none"> Transgender individuals may be at particular risk where their self-identification and physical appearance do not match the legal sex on official documentation.
<ul style="list-style-type: none"> Severe psychological after-effects (e.g. PTSD, depression or anxiety) relating to past and ongoing physical and sexual violence, exclusion, and other harms flowing from LGBTI identity. 	<ul style="list-style-type: none"> Prejudicial health care and lack of access to HIV prevention and treatment. Transgender individuals often do not have access to the treatment they need, including transition-related care.
<ul style="list-style-type: none"> Harassment, threats and insults, sometimes on daily basis, in the street, at places of employment and sites of assistance, such as health care clinics. 	<ul style="list-style-type: none"> Lack of means of support due to discriminatory employment practices, risk of dismissal and abuse if their sexual orientation is discovered, and boycotting of LGBTI small businesses.
<ul style="list-style-type: none"> Reliance on survival sex work, exposing individuals to various physical dangers and health risks, including sexual and physical violence, and sexually transmitted diseases. 	<ul style="list-style-type: none"> Lack of access to food, including by being removed from food queues or turned away at delivery points.

¹¹ See e.g. *International Lesbian, Gay, Bisexual, Trans and Intersex Association, State-sponsored Homophobia, A World Survey of laws prohibiting same-sex activity between consenting adults*, May 2012, available at: http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2012.pdf. See also UNHCR, *Guidelines on Sexual Orientation and Gender Identity*, paras. 26–29, and

¹² For an overview of jurisprudence, see e.g. International Commission of Jurists (ICJ), *Sexual Orientation, Gender Identity, and Justice: A Comparative Law Casebook*, 6 September 2011, available at: <http://www.unhcr.org/refworld/docid/4f9eae7c2.html>, pp. 7–45.

¹³ UN Human Rights Council, *Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity: report of the United Nations High Commissioner for Human Rights*, 17 November 2011, A/HRC/19/41, <http://www.unhcr.org/refworld/docid/512f0a512.html>, para. 42.

These human rights abuses in the country of asylum may warrant the refugee's case to be considered for resettlement. As noted in the Resettlement Handbook, "**Resettlement may be the only viable durable solution** for LGBTI refugees facing intolerance and heightened risk in countries of first asylum, and **emergency processing or evacuation may be required** as lengthy processing can exacerbate the security risks".¹⁴

Once the risks in a particular country of asylum have been identified, they can be summarized in a fact sheet and used as standard text/information for the preparation of resettlement submissions.

UNHCR considerations

Providing protection and solutions to LGBTI refugees falls directly within UNHCR's core mandate. As any other person of concern to UNHCR, LGBTI refugees are entitled to protection and to be assisted without discrimination. UNHCR's Age, Gender and Diversity Policy calls on all staff to understand and integrate age, gender and diversity sensitive work practices. UNHCR offices must develop a thorough understanding of the circumstances of LGBTI refugees, and ensure that their human rights and refugee rights are met without discrimination. Safeguards must be put in place to prevent any action from inadvertently increasing marginalization, vulnerability, exclusion and stigmatization that may put LGBTI refugees at further risk or that could hamper LGBTI refugees accessing protection and solutions.¹⁵

Specific vulnerabilities and protection needs of LGBTI individuals are mainstreamed and addressed through the **utilization of existing resettlement categories**. These categories are important to bear in mind while making the assessment of the resettlement needs. Depending on their individual circumstances, LGBTI refugees may, for example, qualify under "Legal and/or physical protection needs", "Survivors of violence and/or torture", "Women and girls at risk", "Children or adolescents at risk", "Family reunification" and/or "Lack of foreseeable alternative durable solutions". Their cases may also be presented under the Medical needs category if they have a condition that meets the threshold for submission under this category.¹⁶

As with other resettlement cases, eligibility and priority level of LGBTI cases must be verified and determined through a resettlement interview. While LGBTI refugees are a vulnerable group in societies that are intolerant of people with diverse sexual orientations and/or gender identities, not all LGBTI refugees may be in need of resettlement. Likewise, although many LGBTI refugees may require submission on an urgent or emergency basis, based on the risks in the country of asylum, each case needs to be evaluated on its own merits.¹⁷

Laws criminalizing same-sex relations can impede LGBTI persons' access to national asylum procedures or deter them from presenting their sexual orientation or gender identity within their claims. In such situations, it may be necessary for UNHCR to become directly involved in these cases, including by conducting refugee status determination (RSD) and making resettlement submissions under its mandate.¹⁸ National and international staff members assisting LGBTI refugees and asylum-

¹⁴ UNHCR Resettlement Handbook, July 2011, available at: <http://www.unhcr.org/resettlementhandbook>, p. 200.

¹⁵ UNHCR, Age, Gender and Diversity Policy, 8 June 2011, available at: <http://www.unhcr.org/refworld/docid/4def34f6887.html>, see in particular paras. 5, 9, 12.

¹⁶ See Chapter 6. 4 of the UNHCR Resettlement Handbook for details on Medical needs submission requirements.

¹⁷ UNHCR Resettlement Handbook, Section 6.1.1. p. 246.

¹⁸ UNHCR's work is guided by international human rights law and its international protection mandate, according to which LGBTI individuals are entitled to the same rights as everybody else, including to protection and durable solutions. It should also be noted that States are prohibited from invoking their national law as a justification for failure to perform their treaty obligations according to the Vienna Convention on the Law of Treaties, 23 May 1969, UN Treaty Series, vol. 1155, p. 331, available at: <http://www.unhcr.org/refworld/docid/3ae6b3a10.html>, Article 27. See also, UNHCR, *MM (Iran) v. Secretary of State for the Home Department - Written Submission on Behalf of the United Nations High Commissioner for Refugees*, 3 August 2010, C5/2009/2479, available at: <http://www.unhcr.org/refworld/docid/4c6aa7db2.html>, para. 11.

seekers in the course of their official duties, including the resettlement process, enjoy the full range of UN privileges and immunities. Staff members assisting LGBTI refugees are protected from being accused of breaking the law when working in countries that criminalize same-sex relations. It needs to be noted, however, that UNHCR cannot provide guarantees to individual refugees that the national laws of the country of asylum will not be applied to them, even where these laws contravene international human rights law.¹⁹

Sexual orientation and gender identity remain sensitive or taboo topics in many societies although there is increasing awareness in many parts of the world, including within UNHCR, other UN agencies, NGOs, civil society and academia. **Personal, religious and cultural barriers of staff members (both UNHCR and partners) must not stand in the way of responding to the protection needs of LGBTI refugees on a non-discriminatory basis.**²⁰

Resettlement staff (as well as other UNHCR and NGO partner staff involved in the process, for example, registration, community services and protection staff, and security personnel) **needs to be trained and sensitized on how to support LGBTI asylum-seekers and refugees**, including on using appropriate terminology and being aware of the particular protection risks of LGBTI persons of concern. Managers must follow up and take appropriate disciplinary action on reports of inappropriate behaviour of UNHCR and partner staff towards LGBTI individuals, including on allegations of incorrect and biased RSD and resettlement assessments.²¹

Step 1: Identification of the resettlement need

As a result of the protection risks LGBTI individuals experience and out of fear of the consequences of exposure, many seek to conceal their sexual orientation and/or gender identity from others. LGBTI individuals may therefore fear approaching UNHCR, or not be able to immediately inform UNHCR about the nature or true extent of their refugee claim and/or resettlement needs. They may live in isolation and in the first instance approach a local LGBTI organization or NGO rather than go directly to UNHCR. Lesbian women and bisexual people may be even more marginalized and invisible than gay men.

Targeted information materials, community outreach and building partnerships with LGBTI organizations are therefore critical components in ensuring LGBTI persons' fair access to the refugee status determination and resettlement process and a proper identification of LGBTI refugees in need of resettlement consideration.

UNHCR Assessment of Resettlement Needs

The identification of the resettlement needs of an LGBTI refugee could be based on an internal or external referral, information in the refugee's file and the general protection risks faced by LGBTI refugees in the country of asylum. UNHCR staff must be aware of the specific protection risks faced by LGBTI refugees in the country of asylum, through for example collecting information on the legal and social status of LGBTI individuals in that country. In addition to specific legal risks, resettlement staff must also be aware of the risk of violence by family or community members, which the government may be unable or unwilling to control. One or more of the examples of the protection risks and associated resettlement needs outlined above may apply.

¹⁹ Law reform to repeal these laws is a broader human rights and development issue that needs to be addressed by the UN as a whole and at the national level, by the UN Country Teams.

²⁰ Under UNHCR's Code of Conduct, staff commit to showing respect for all persons equally without distinction of sexual orientation.

²¹ All refugees, including LGBTI refugees must have safe access to complaint mechanisms. For more guidance, see Chapter 4.4 and 4.5 of the UNHCR Resettlement Handbook, www.unhcr.org/resettlementhandbook.

The appropriateness of resettlement must be assessed, including through a review of the prospects for voluntary repatriation as well as quality of asylum, respect for basic human rights in the host country and the possibility of local integration.

As in other cases, assessing the resettlement needs also involve determining the priority of the resettlement submission.²² Emergency resettlement may be necessary to ensure the security of LGBTI refugees who face serious or life-threatening threats to their physical safety in the country of asylum. Temporary protective measures, such as safe shelter or relocation to an urban centre, may be required, and evacuation to an Emergency Transit Facilities (ETFs) where appropriate may be considered.

As part of the needs assessment, the following considerations must be taken into account:²³

- The applicant's **LGBTI identity may be material to his or her acceptance as a refugee and for the purposes of resettlement**. This may have been established during earlier interviews (e.g. if there was a previous RSD interview) or this element may come to light during the resettlement assessment process.
- Some LGBTI refugees may have fled their country of origin for **mixed reasons**, for example, because of an ongoing conflict as well as their sexual orientation and/or gender identity. Their protection risks in the country of first asylum may, however, be predominantly related to their sexual orientation and/or gender identity.
- The **resettlement needs should be assessed without reference to what the refugee may reasonably tolerate by way of being "discreet"** or concealing his or her sexual orientation and/or gender identity. The focus of the assessment should be on the risks of human rights abuses and other harm in the country of asylum, including any potential reach of agents of persecution in the country of origin into the country of asylum, for example, family members.²⁴
- **An applicant could be targeted because of a perception that he or she is LGBTI**, for example, due to appearance, behavior or dress. The applicant does not have to identify as LGBTI to require protection.
- It is also important to bear in mind that **LGBTI sub-groups may experience persecution and discrimination in distinct ways** and that this is explored during the assessment. For example, a lesbian woman may face particular risks due to being lesbian but may also share risks in common with other women.²⁵

Ensuring LGBTI refugees' fair access to the resettlement process

Ways for UNHCR and partner staff to ensure LGBTI refugees' fair and safe access to the resettlement process may, for example, include the following measures:²⁶

- Ensure proper external referral mechanisms for LGBTI individuals requiring protection interventions, including resettlement, are in place between UNHCR and partner organizations. Referrals should normally be made in writing and follow the usual principles for referrals, including:
 - informed consent (it should be explained to the applicant with whom and for what purpose the information is shared, including what services might be expected);

²² UNHCR, *Resettlement Handbook*, Section 6.1.1, p. 246.

²³ Please refer to the UNHCR *Guidelines on Sexual Orientation and Gender Identity* for detailed guidance on how to carry out refugee status determination in the context of sexual orientation and/or gender identity.

²⁴ UNHCR, *Guidelines on Sexual Orientation and Gender Identity*, paras. 30–32.

²⁵ See UNHCR, *Working with Lesbian, Gay, Bisexual, Transgender & Intersex Persons in Forced Displacement*, pp. 5-6 and UNHCR, *Guidelines on Sexual Orientation and Gender Identity*, para. 11.

²⁶ For information on tools and methodologies for the identification of resettlement needs more generally, please refer to the UNHCR *Resettlement Handbook*, Sections 5.2.5 and 5.5.

- confidentiality (information should not be shared with or made available to unauthorized staff);
- additional safeguards to protect sensitive individual information in countries in which LGBTI refugees risk prosecution due to their sexual orientation or gender identity;
- “need-to-know” (only the necessary facts are shared at the time the recipient of the information needs to know it);
- data protection (including of both paper and electronic files).
- Ensure proper internal referral mechanisms for individual cases within UNHCR, particularly in Protection (including RSD) and Community Services are in place.
- Strengthen the inter-agency coordination by organizing more regular resettlement meetings with NGOs and other relevant actors to develop shared understandings of appropriate resettlement cases, and improve the timeliness of identification and submissions.
- Provide privacy for all interviews, including at the registration stage. Inform LGBTI refugees that they may make requests regarding the gender and nationality of the interviewers and the interpreters, particularly in countries in which there is strong cultural disapproval of LGBTI individuals.
- Put up visible, culturally appropriate signs on UNHCR premises indicating an accepting environment for LGBTI individuals, for example, a rainbow or the poster “UNHCR, A Discrimination-Free Zone”.
- Conduct pro-active outreach to LGBTI refugees. Always check appropriate ways for undertaking outreach in the local context, including in camps or settlements, so as not to inadvertently expose someone to risk. It may, for instance, be done with the help of LGBTI refugees who have already approached the office or through a (national) LGBTI organization; this includes organizing participatory assessments with LGBTI refugees and/or conduct risk assessments using the HRIT tool.²⁷
- Ensure all current and new UNHCR and partner staff members undergo training on LGBTI refugee protection rights and concerns.

Step 2: Conducting the Resettlement Interview

LGBTI individuals require a supportive interview environment so that they can present their protection and resettlement needs fully and without fear. Discrimination, hatred and violence in all its forms can have a detrimental effect on the refugee’s capacity to present his or her case. Some may be deeply affected by feelings of shame, internalized homophobia and trauma, and may still be in the process of coming to terms with their identity. Their capacity to present the true extent of their protection and resettlement needs may in such cases be greatly diminished. Adverse judgments should therefore not be drawn from someone not having declared their sexual orientation or gender identity at the RSD interview or in other earlier stages of the process.

The following measures should be borne in mind when preparing for and conducting the resettlement interview with LGBTI refugees:²⁸

- An open and reassuring environment is crucial to establishing trust between the interviewer and the refugee and will assist the disclosure of personal and sensitive information.
- At the beginning of the interview, the interviewer needs to assure the refugee that all aspects of his or her case will be treated in confidence. Interpreters are also bound by confidentiality.
- Interviewers need to maintain an objective approach so that they do not reach conclusions based on stereotypical, inaccurate or inappropriate perceptions of LGBTI individuals. There are

²⁷ UNHCR, *The Heightened Risk Identification Tool*, June 2010, Second Edition, available at:

<http://www.unhcr.org/refworld/docid/4c46c6860.html>.

²⁸ UNHCR, *Guidelines on Sexual Orientation and Gender Identity*, para. 60.

no universal characteristics or qualities that typify LGBTI individuals any more than heterosexual individuals. Their life experiences can vary greatly even if they are from the same country.

- The interviewer and the interpreter must avoid expressing, whether verbally or through body language, any judgment about the refugee's sexual orientation, gender identity, sexual behaviour or relationship pattern.
- The interviewer and the interpreter must also use a non-offensive and appropriate vocabulary, particularly in the refugee's own language. Use of inappropriate terminology can deter the applicant from presenting his or her case.
- Specific requests made by refugees in relation to the gender or nationality of interviewers or interpreters should be considered favourably. This may assist the refugee to explain his or her case as openly as possible. If the interpreter is from the same country, religion or cultural background, this may heighten the applicant's sense of shame and hinder him or her from fully presenting all the relevant aspects of the claim. The choice of sex of the interpreter should be offered routinely.
- Questioning about incidents of sexual violence needs to be conducted with the same sensitivity as in the case of any other sexual assault survivors, whether survivors are male or female. Respect for the human dignity of the refugee should be a guiding principle at all times.
- Additional safeguards for LGBTI women are presented in the Resettlement Handbook.²⁹ Women refugees should, for instance, be interviewed separately, without the presence of male family members in order to ensure they have an opportunity to present their case.
- In the case of **transgender refugees**, where appropriate, it may be useful to explore during the interview whether the applicant has taken any steps to transition and how he or she would like to proceed in the future in this regard (e.g. medical interventions), bearing in mind that the applicant may not (yet) be able to fully assess or articulate all the options. This is also true for **intersex refugees**, however, neither transgender nor intersex refugees need medical intervention to be recognized as the gender with which they identify.
- In the case of **refugees with a partner**, they may not be aware that resettlement together as a couple could be an option. UNHCR considers the same-sex spouse to be an integral member of the nuclear family and the spouse should enjoy the same rights to derivative refugee status and inclusion in the resettlement submissions as those individuals whose union has been legally recognized.³⁰ It is therefore important during the interview to elicit the nature of the relationship and their aspirations for the future, in particular for applicants who are in a long-term partnership and/or are living together.
- There may be cases where an **LGBTI refugee is not the principal applicant of a resettlement case but is included as a family member of the case**. Examples include a case where a family is being submitted under the Medical Needs category due to the illness of the principal applicant and there is an LGBTI adolescent, (who is still legally a child). Care must be taken to preserve confidentiality if the LGBTI child does not wish family members to know about the sexual orientation or gender identity. The LGBTI child's specific needs as well as whether or not family members are aware of the child's sexual orientation must be included in the Resettlement Registration Forms (RRFs).

²⁹ See Chapter 7.3 of the *Resettlement Handbook*

³⁰ UNHCR, *Operational Guidance Note on Resettlement Case Composition*, June 2011, (Internal)
<http://swigea56.hcrnet.ch/refworld/docid/4dc7aaod2.html>

Step 3: Completing a Resettlement Registration Form (RRF)

Use of appropriate language

The protection and resettlement needs specific to the applicant's sexual orientation and/or gender identity should be clearly reflected in the Resettlement Registration Form (RRF), including legal and protection-related information on the treatment of LGBTI individuals in the country of origin as well as the country of asylum. Any other concerns, for example, those that the applicant has in common with other refugees in the country of asylum, should also be reflected.

It is important to pay attention to the language used in the RRF. To be LGBTI is not a practice, a "way of life," or a choice; it is an identity or orientation. It is not a problem or condition that one lives with; it is a fundamental characteristic of human nature, just as race or ethnicity. Below are some examples of language to avoid and suggestions of preferred wording (see also Part 3, Terminology):

Language to avoid:	Preferred language:
"homosexual"	"gay" or "lesbian"
"he-she"; she-male	"she" (male-to-female, MTF); "he" (female-to-male, FTM).
"he fears... on account of his gender identity problem"	"he fears ... on account of his gender identity"
"transvestite"; "transsexual"	"transgender"
"she practiced her sexuality freely"	"she lived openly as a lesbian"
"his family was aware of his choice"	"his family was aware of his sexual orientation"
"she was living with her sexuality discreetly"	"she concealed her sexual orientation"
"his homosexual inclination" or "homosexual lifestyle"	"his sexual orientation"
"hermaphrodite"	"intersex"

Specific considerations regarding transgender and intersex refugees

Intersex persons usually identify with one gender and sexual orientation. An intersex person may identify as male or female, while their sexual orientation may be lesbian, gay, bisexual or heterosexual. Intersex individuals may not identify as LGBTI at all, seeing their condition as part of their identity.³¹

Transgender and intersex refugees who have expressed a gender that differs from the biological sex on their documents or records may wish to have the new gender reflected in the RRF (and other registration and documentation). As a starting point, each person's profound, self-defined gender identity should be respected, regardless of whether the refugee has undergone any surgery or hormone treatment.

The refugee's gender identity should be clarified at the beginning of the RRF. Ask the refugee which pronoun he or she prefers.³² The refugee's self-defined gender as "he" or "she" should thereafter be consistently used throughout the RRF. "He/she" should be avoided. If the person identifies as female-to-male (FTM) transgender, the person should be referred to as he/him and the sex recorded

³¹ UNHCR, *Guidelines on Sexual Orientation and Gender Identity*, para. 10

³² Gay & Lesbian Alliance Against Defamation, *Media Reference Guide: A Resource for Journalists*, updated May 2010, available at: <http://www.glaad.org/reference>.

as male. If the person is male-to-female (MTF) transgender, the person should be referred to as she/her and record the sex as female.

Often transgender people cannot afford a legal name change, are too young to change their name legally or their country does not allow for legal name change. They should be afforded the same respect for their chosen name as anyone else who lives by a name other than their birth name.

Where the official documents from the country of origin/first country of asylum indicate the person's sex/gender as the changed gender identity, UNHCR should normally accept the changed gender identity. When preparing the RRF for such individuals, UNHCR should therefore:

- record the person's self-defined gender identity under "sex" (or "gender identity" where this option is available³³);
- the first (chosen) name should be the name reflecting the changed gender;
- chosen pronoun and preferred gender should be used throughout the RRF.

Where **the official documents from the country of origin/first country of asylum do not reflect the changed gender identity**, further evidence may be required. If there are no identity documents reflecting the gender change, the applicant's:

- sex and name at birth should be recorded under the bio-data.
- chosen name reflecting the preferred gender identity should be recorded under Alias Names.
- chosen pronoun and preferred gender should be used throughout the rest of the RRF.

Resettlement of LGBTI refugees with partners

UNHCR recognizes same-sex couples as a family unit for the purposes of resettlement processing. This includes legally recognized spouses, common-law couples and individuals who have established a long-term partnership. The concept of dependency (social, emotional or economic) is central to who is considered a member of the family.³⁴

Same-sex couples meeting the criteria for family membership should, as a matter of principle, be submitted as one case and not as two linked cases. This is particularly important where there otherwise would be a risk of a split decision by the resettlement country and separation of the couple. To minimize the risk of a split decision, the protection and resettlement needs of both partners should to the extent possible be reflected in the RRF.

Both individuals should be recorded under Section 2. Individual Bio-data. If they are not living together, explanations should be provided under Section 7. It is important to note that it may be beyond the applicant's control whether they can live together in the same house, in particular for LGBTI couples in countries that do not tolerate diversity of sexual orientation and gender identity and/or criminalize same-sex relationships.

It should be noted that some resettlement countries do not accept same-sex spouses for the purposes of immigration based on family reunification. Some States may require proof of co-habitation and/or legal registration, which for above-mentioned reasons often will not be possible for LGBTI couples to provide.³⁵

³³ For future versions of *proGres*, it is recommended to include the possibility of recording gender identity; MTF transgender and FTM transgender.

³⁴ UNHCR, *Resettlement Handbook*, 5.1.2, p. 178.

³⁵ See the Country Chapters linked to the UNHCR Resettlement Handbook online for resettlement States' descriptions of their family reunification programmes.

Step 4: Selection of the Resettlement Country

The applicant's LGBTI identity is a factor to consider in determining to which country the submission should be made. Unlike many other refugees, LGBTI refugees often undergo the integration process almost entirely alone, without the support of their families and the rest of the refugee community. Upon arrival and over the long-term, they may be at risk of isolation and re-victimization if resettled to areas where homophobia, transphobia and intolerance are prevalent.

For LGBTI refugees with specific needs, an early discussion with the proposed resettlement country is recommended to clarify legal, assistance and other issues relating to the local conditions in the resettlement country. As other traumatized refugees, some may need ongoing mental health care and economic assistance. Transgender and intersex refugees going through a transition will require legal recognition of their chosen gender and may also need specialized medical treatment. It would therefore be not appropriate to resettle transgender and intersex refugees to countries where such services are not available or where they would be *de facto* unavailable to refugees due to high costs.

Resettlement States also need to consider the specific needs of the LGBTI refugees when selecting the destination community. In most cases, LGBTI refugees will gravitate towards major urban centres as they offer greater opportunities for social support networks, and more LGBTI-specific resources. However, LGBTI refugees can be successfully resettled to more rural communities. Some studies have shown that it is the attitude, preparedness, openness and supportiveness of the welcoming community that matters most.³⁶

Factors for UNHCR to consider regarding the proposed resettlement country, and for resettlement countries to consider when selecting the community of destination include the following:

Factors to consider in selecting resettlement country / community of destination:	
✓	Are laws and policies relating to sexual orientation and gender identity non-discriminatory and LGBTI-friendly? <ul style="list-style-type: none"> ○ Private and family law, including recognition of marriage, common-law or domestic partnership, inheritance, custody, visitation rights for children and pension rights? ○ Legal recognition of changed gender? ○ Criminalization of same-sex relations?³⁷
✓	Are practices in accessing in police protection as well as employment, health care, education and other services non-discriminatory and LGBTI-friendly?
✓	What are the predominant social attitudes towards LGBTI people?
✓	Are there immigration provisions allowing for the reunification of refugee partners/spouses?
✓	Are post-arrival support and services for LGBTI refugees with specific needs available? <ul style="list-style-type: none"> ○ Counseling and trauma services? ○ Accessible and affordable medical treatment relating to transition for transgender and intersex individuals?
✓	Have NGOs and other service-providers in the place of resettlement been sensitized to LGBTI issues and the reception of LGBTI refugees?
✓	Are there LGBTI community or service organizations? Do refugee serving organizations link up with LGBTI organizations?
✓	Is there an existing refugee community from the same country of origin in the resettlement community and if so, would this provide a source of support or possible further persecution?

³⁶ ORAM, *Rainbow Bridges*, April 2012, available at: <http://www.oraminternational.org/images/stories/Publications/oram-rainbow-bridges-2012.pdf>.

³⁷ No current resettlement country has legislation that criminalizes same-sex relations.

Emergency Procedures

The identification or referrals of emergency, urgent or sensitive cases may require immediate protection intervention. Emergency processing or evacuation may be required as lengthy processing can exacerbate the security risks. Each office should have a clear strategy of ways to protect refugees facing heightened risks of danger, including LGBTI refugees, making use of mechanisms such as safe shelter, relocations, evacuations to an Emergency Transit Facility and emergency or urgent resettlement submissions.³⁸

Safe shelter in the country of first asylum

In response to real or perceived threats to their security, LGBTI refugees often move from one accommodation to another, or from one part of the city to another, to maintain anonymity. UNHCR may need to provide safe shelter.³⁹

It is important to consult with LGBTI refugees and the agencies assisting them when considering housing options. Factors to bear in mind include:

- Are the existing safe shelter mechanisms safe for LGBTI refugees if the refugee community has threatened them?
- Would placing a group of LGBTI refugees in one location or safe house be likely to expose them to violence if the location of that facility is discovered by members of the public or by other refugees?
- Are transgender refugees accepted in women's shelters, or are other options required?
- Is it possible to make use of a housing model with scattered sites, i.e. identify and pay rent for private housing? This may be the preferred option provided funding is available;
- Do national LGBTI NGOs have any safe shelter options that would be appropriate protection responses for refugees?

Emergency Transit Facilities (ETFs)

The use of Emergency Transit Facilities (ETFs) may be explored for refugees in urgent need of transfer from the first country of asylum due to imminent risk of violence or *refoulement*, and/or resettlement processing in that country could not take place.⁴⁰ The suitability of this option should be carefully considered, bearing in mind the individual circumstances of the refugee, and the ETF facilities and current population.

It should be noted that most ETF facilities offer only collective accommodation and require the refugee to live in close vicinity to other refugees from the same community. Transfer via an ETF may therefore not be suitable for LGBTI refugees who have been threatened by their own community and / or who are severely traumatized. Ideally, refugees requiring emergency or urgent resettlement should be moved directly to the resettlement country.

³⁸ For more on emergency and urgent submissions, see 6.1.1 and 7.6.4 of the *UNHCR Resettlement Handbook*.

³⁹ For more details consult the guidelines on internal relocation and safe houses in: *UNHCR Manual on Security of Persons of Concern*, November 2011, <http://www.unhcr.org/refworld/docid/4f6313032.html>.

⁴⁰ UNHCR, *Guidance Note on Emergency Transit Facilities: Timisoara, Romania / Manila, Philippines / Humenné, the Slovak Republic*, 4 May 2011, available at: <http://www.unhcr.org/refworld/docid/4dddec3a2.html>.

Resettlement Assessment Tool: Lesbian, Gay, Bisexual, Transgender and Intersex Refugees

The following four steps should be followed to assess the resettlement needs of LGBTI refugees, and guide the preparation of the resettlement submission. See the attached User Guide for guidance.

Step 1: Identification of the resettlement need

Step 2: Conducting the resettlement interview

Step 3: Completing a Resettlement Registration Form (RRF)

Step 4: Selection of the resettlement country

Step 1: Identification of the Resettlement Need		
Ensuring LGBTI refugees' fair access to resettlement process		
1.1	Proper internal and external referral mechanisms for LGBTI individuals requiring protection interventions are in place.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
1.2	Pro-active outreach to LGBTI refugees is regularly conducted, including participatory assessments and assessments using HRIT.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
1.3	Resettlement staff are sensitized to the protection risks facing LGBTI refugees and are trained on how to serve them, including the use of appropriate terminology.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Remarks:		
UNHCR assessment of resettlement needs		
1.4	An LGBTI refugee, or refugee perceived to be LGBTI, has a protection need that warrants resettlement consideration. This may relate to their sexual orientation and/or gender identity, or to other circumstances of their life.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
1.5	Legal Protection	
	<ul style="list-style-type: none"> Consensual same-sex relations are criminalized in the country of asylum. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	<ul style="list-style-type: none"> Access to employment, housing, health care, education and child custody is restricted due to discriminatory laws and practices towards LGBTI individuals in the country of asylum. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	<ul style="list-style-type: none"> LGBTI refugees do not have access to national asylum procedures in the country of asylum. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	<ul style="list-style-type: none"> LGBTI refugees fear reporting physical or sexual violence to the police, or receive no protection from the police. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Remarks:		
1.6	Shelter and accommodation	
	<ul style="list-style-type: none"> The refugee lacks safe and appropriate housing. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	<ul style="list-style-type: none"> The refugee has been forced to move either to avoid being identified as LGBTI, or in response to threats, actual violence or eviction due to the refugee's sexual orientation and/or gender identity. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Remarks:		

1.7	Physical, psychological and sexual violence <ul style="list-style-type: none"> The refugee was subjected to harassment, threats and insults due to their actual or perceived sexual orientation or gender identity. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	<ul style="list-style-type: none"> The refugee was subjected to physical violence, such as beatings, torture, abduction, honour-related violence or destruction of property. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	<ul style="list-style-type: none"> The refugee was subjected to sexual violence, including rape or penetration with an object. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	<ul style="list-style-type: none"> The refugee was subjected to or threatened with arrest, detention, prosecution and/or punishment. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	<ul style="list-style-type: none"> The refugee relies or relied on sex work for survival, and is or was exposed to physical dangers and health risks. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	<ul style="list-style-type: none"> The refugee faces psychological effects (e.g. PTSD, depression or anxiety) relating to past and ongoing physical and sexual violence, exclusion, and other harms flowing from LGBTI identity. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	<ul style="list-style-type: none"> The refugee believes that revealing his or her sexual orientation and/or gender identity would be likely to result in harassment and/or violence. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	Remarks:	
1.8	Family support <ul style="list-style-type: none"> The refugee was subjected to forced marriage. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	<ul style="list-style-type: none"> The refugee was subjected to family violence that the authorities of the country of asylum were unable or unwilling to prevent. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	<ul style="list-style-type: none"> The refugee lacks family support due to rejection. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	<ul style="list-style-type: none"> The refugee's family support is dependent on the refugee not revealing sexual orientation and/or gender identity. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	<ul style="list-style-type: none"> The refugee depends on abusive relationships for basic needs such as protection, shelter and food. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	Remarks:	
1.9	Community support <ul style="list-style-type: none"> The refugee was subjected to threats / violence from other refugees. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	<ul style="list-style-type: none"> The refugee was subjected to threats / violence from members of the local community. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	<ul style="list-style-type: none"> The refugee lacks social support. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	Remarks:	
1.10	Health care <ul style="list-style-type: none"> The refugee faces severe barriers to accessing regular and/or emergency health care. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	<ul style="list-style-type: none"> The refugee faces severe barriers preventing access to HIV prevention or required treatment. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	<ul style="list-style-type: none"> Transgender and intersex individuals who have particular medical needs have no access to such treatment. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	Remarks:	

1.11	Economic and social rights	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	<ul style="list-style-type: none"> ■ The refugee lacks employment. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	<ul style="list-style-type: none"> ■ The refugee faces abuse in the workplace or is at risk of dismissal. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
	<ul style="list-style-type: none"> ■ The refugee lacks access to food, including due to discrimination in food distribution. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Remarks:		
Step 2: Conducting the Resettlement Interview		
Preparing for the resettlement interview		
2.1	<p>Interview environment is supportive for LGBTI refugees. Measures to create such an environment include:</p> <ul style="list-style-type: none"> ■ Interviewers, interpreters and all other staff involved in the process are adequately trained and sensitized on how to serve LGBTI refugees. ■ Specific requests made by the refugee in relation to the gender or nationality of interviewers or interpreters are considered. ■ Additional safeguards for preserving the confidentiality of LGBTI persons, including interviewing separately without the presence of family members, and paying particular attention to the risk of family violence to LGBTI women and LGBTI youth. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Remarks:		
Conducting the resettlement interview		
2.2	<p>The resettlement interview is conducted in a sensitive manner.</p> <ul style="list-style-type: none"> ■ The refugee is assured that all aspects of his / her case will be treated in confidence. ■ The interviewer maintains an objective and non-prejudicial approach. ■ The interviewer and the interpreter avoid expressing any judgment about the refugee's sexual orientation / gender identity. ■ The interviewer and the interpreter use a non-offensive and appropriate vocabulary, and ■ Questions about sexual orientation and gender identity are conducted in a sensitive manner, focusing on experiences and fears of harm and shame rather than on sexual experiences. ■ Questioning about incidents of sexual violence is conducted with the same sensitivity as in the case of any other sexual assault survivors. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Remarks:		

Step 3: Completing a Resettlement Registration Form (RRF)

3.1	<p>Transgender and intersex refugees</p> <ul style="list-style-type: none"> ■ Use the refugee’s self-defined gender as “he” or “she” consistently throughout the RRF. Do not use “He/she”. ■ If the person is female-to-male (FTM) transgender, refer to the person as he/him and record the sex as male. ■ If the person is male-to-female (MTF) transgender, refer to the person as she/her and record the sex as female. ■ Where the official documents from the country of origin / country of asylum indicate the person’s sex/gender as the changed gender identity, the person’s self-defined gender identity and the first (chosen) name reflecting the changed gender are used throughout the RRF. ■ Where the official documents from the country of origin / country of asylum do NOT reflect the changed gender identity, the person’s sex and name at birth are recorded under the bio-data, and the chosen name reflecting the preferred gender identity is recorded under Alias Names. Chosen pronoun and preferred gender should be used throughout the RRF. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3.2	<p>LGBTI refugees with partners</p> <p>If the LGBTI refugee has a partner, in principle, the partner should be recorded under Section 2. If the resettlement country requires the submission of the partner on a separate case:</p> <ul style="list-style-type: none"> ■ Cases of the couple are cross-referenced and listed in Sections 1 and 3 of each of the RRFs. ■ The need for the couple to travel together to ensure that they are not separated is stressed in Section 7. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3.3	<p>LGBTI refugee included in a case as a family member</p> <ul style="list-style-type: none"> ■ Any specific needs are recorded in <i>proGres</i>, to ensure that these needs are listed under “Specific Needs” of Section 2: Individual bio-data. ■ If the LGBTI refugee does not wish other family members to know about his/her sexual orientation / gender identity, this request is highlighted in the RRF for the attention of the resettlement country. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3.4	<p>Section 2: Individual bio-data</p> <ul style="list-style-type: none"> ■ Ensure the person’s self-defined gender identity under “sex” is recorded in <i>proGres</i>. ■ The first (chosen) name reflecting the changed gender is recorded in <i>proGres</i>. ■ If the LGBTI refugee has a partner, the partner is recorded under Section 2. If they are not living together, an explanation should be provided under Section 7. ■ Any specific needs are listed in <i>proGres</i> and appear under “Specific Needs” 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3.5	<p>Section 3: Relatives not included in this submission</p> <ul style="list-style-type: none"> ■ If the refugee is being submitted as a linked cross-referenced case, the partner of the linked case is noted. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

3.6	<p>Section 4: Refugee claim</p> <ul style="list-style-type: none"> ■ If the refugee’s sexual orientation and/or gender identity is part or all of the basis for the refugee claim, (usually on account of membership of a particular social group), this is explained in Section 4.1 “Summary of the Basis of the PRA’s Refugee Recognition” and in Section 4.2 “Summary of the Legal Analysis”. ■ Summary and relevant COI (where available) is included to support persecution of LGBTI individuals in the country of origin. ■ If the LGBTI refugee is submitted together with a partner, a separate statement of the partner’s refugee claim is included to strengthen the case and avoid a split decision from resettlement countries that require each refugee to have a claim. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3.7	<p>Section 5: Need for resettlement</p> <ul style="list-style-type: none"> ■ Lack of Prospects for voluntary repatriation or local integration (Section 5.1): <ul style="list-style-type: none"> ○ How the discrimination, harassment and/or violence on account of the refugee’s sexual orientation and/or gender identity affects the refugee’s prospects for voluntary repatriation and local integration is explained. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3.8	<ul style="list-style-type: none"> ■ Resettlement submission category and prioritization (Section 5.2): <ul style="list-style-type: none"> ○ Any links between the refugee’s sexual orientation and/or gender identity and the primary (and secondary) submission category and the priority level are explained. ○ The resettlement needs are assessed without reference to what the refugee may reasonably tolerate by way of being “discreet” or concealing his or her sexual orientation and gender identity. ○ The resettlement needs are assessed taking into account persecution and discrimination experienced in distinct ways by lesbian, gay, bisexual, transgender or intersex people. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3.9	<ul style="list-style-type: none"> ■ Emergency or Urgent submissions (Section 5.3): <ul style="list-style-type: none"> ○ The need for urgent or emergency processing is justified. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3.10	<p>Section 6: Specific Needs Assessment</p> <ul style="list-style-type: none"> ■ Details of any specific type of assistance and support related to the refugee’s sexual orientation and/or gender identity required upon resettlement are provided. ■ Where applicable, need for counselling services or medical treatment relating to harms experienced, or transition for transgender and intersex refugees are provided. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3.11	<p>Section 7: Additional Remarks</p> <ul style="list-style-type: none"> ■ If the couple is forced to live separately in the country of asylum, it is explained here. ■ If the couple is presented as separate, cross-referenced cases, the need for both cases to travel together is explained. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

3.12	Section 8: Declaration <ul style="list-style-type: none"> All individuals over the age of 18, including LGBTI refugees, have signed the declaration. 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3.13	Section 9: Attachments <ul style="list-style-type: none"> All medical reports or psychosocial assessments, if applicable. Any official documents indicating the refugee's sex/gender as the changed gender identity, if applicable. Any other documentation required by the circumstances of the case – e.g. a Medical Assessment Form (MAF) 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Step 4: Selecting the Resettlement Country		
4.1	State admission criteria in relation to accepting LGBTI refugees and same-sex couples for resettlement are reviewed.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
4.2	Laws relating to sexual orientation and gender identity of the resettlement country are non-discriminatory and LGBTI-friendly.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
4.3	The specific type of assistance, support or treatment required upon resettlement is available in the selected resettlement country.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
4.4	The selected resettlement country is able to expedite processing for emergency and urgent cases.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Emergency Procedures		
	Case is an emergency, urgent or sensitive case that required temporary protection measures, such as placement in a safe shelter or evacuation to an ETF.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Terminology

- Refer to **UNHCR Guidelines on International Protection No. 9: Claims to Refugee Status based on Sexual Orientation and Gender Identity, Section III Terminology, and the UNHCR Resettlement Handbook, Terms, p. 199.**⁴¹

Bisexual describes an individual who is physically, romantically and/or emotionally attracted to both men and women.

Gay is often used to describe a man whose enduring physical, romantic and/ or emotional attraction is to other men, although the term gay can be used to describe both gay men and lesbians.

Gender identity refers to each person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth.

Gender expression refers to each person's external manifestation of gender, which can correspond or not with culturally normative expectations in terms of masculinity or femininity.

Intersex or "disorders of sex development" (DSD) refers to a condition in which an individual is born with a reproductive or sexual anatomy and/or chromosome pattern that does not seem to fit typical notions of being male or female. Individuals with these conditions were previously referred to as "hermaphrodites", however this term is considered outdated and should not be used unless the applicant uses it. An intersex person may identify as male or female, while their sexual orientation may be heterosexual, lesbian, gay, bisexual or heterosexual. Intersex individuals may not identify as LGBTI at all, seeing their condition as part of their identity.

Lesbian is a woman whose enduring physical, romantic and/or emotional attraction is to other women.

LGBTI is an abbreviation for Lesbian, Gay, Bisexual, Transgender and Intersex individuals.

Sexual orientation refers to each person's capacity for emotional, affectional and sexual attraction to, and intimate relations with, individuals of a different or the same gender or more than one gender.

Transgender is an umbrella term for people whose gender identity and/or gender expression differs from the sex they were assigned at birth. Transgender is a gender identity, not a sexual orientation and a transgender individual may be heterosexual, gay, lesbian or bisexual. The transition to alter one's birth sex is not a one-step process and may involve a range of personal, legal and medical adjustments. Not all transgender individuals choose medical treatment or other steps to help their outward appearance match their internal identity.

The term **homosexual** should be avoided as it tends to make lesbians invisible, does not encompass bisexuals, transgender and intersex people, and may be considered offensive.

Refugees may be unaware of these labels, or may not self-identify with the LGBTI terminology as presented above. Some may only be able to draw upon (derogatory) terms.

⁴¹ For more info on terminology, see also: <http://www.glaad.org/reference>.