

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

Note on Terminology: A wide variety of terms, abbreviations and acronyms are currently in use to refer to people of diverse sexual orientation and/or gender identities. While acknowledging that the use of terminology has evolved and is constantly evolving, for the sake of internal consistency and alignment with other UNHCR documents, this document uses the acronym 'LGBTI' to describe the diverse groups of people who do not conform to conventional or traditional notions of male and female gender roles.

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 may 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 or expression. 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 refugees of diverse sex, sexual orientation and/or gender identity, and to ensure that they 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**, 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.

Part One – User Guide

Introduction

This Resettlement Assessment Tool 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; and
- to prepare resettlement submissions using appropriate terminology and reflecting all relevant elements, including any specific post-arrival support needs of LGBTI refugees.

UNHCR recognizes that 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

Some key concepts are defined in the Yogyakarta Principles (YP)² and the Yogyakarta Principles plus 10 (YP10)³:

- ◆ **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”.⁴
- ◆ **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”.⁵
- ◆ **Gender expression** refers to: “each person’s presentation of the person's gender through physical appearance – including dress, hairstyles, accessories, cosmetics – and mannerisms, speech, behavioral patterns, names and personal references, and noting further that gender expression may or may not conform to a person’s gender identity”.⁶
- ◆ **Sex characteristics** refers to: “each person’s physical features relating to sex, including genitalia and other sexual and reproductive anatomy, chromosomes, hormones, and secondary physical features emerging from puberty”.⁷

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.⁸ Sexual orientation can range along a continuum, including exclusive and non-exclusive attraction to the same or different sex. Gender identity and its expression also take many forms, with some individuals identifying as neither male nor female, or as both. LGBTI refugees may be at risk because of their sexual orientation or gender identity, or both. For example, a transgender woman who is attracted to men may be perceived as gay and thus at risk because of sexual orientation as well as gender identity.

Regardless of how sexual orientation is formed, and regardless of whether it is an innate characteristic or a characteristic that develops over time, it is essential to the human experience and a fundamental component of human dignity. When individuals are forced to conceal their

¹ UN High Commissioner for Refugees (UNHCR), *Working with Lesbian, Gay, Bisexual, Transgender & Intersex Persons in Forced Displacement*, 2011, available at: <https://www.refworld.org/docid/4e6073972.html>.

² International Commission of Jurists (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: <https://www.refworld.org/docid/48244e602.html>.

³ ICJ, *The Yogyakarta Principles Plus 10 - Additional Principles and State Obligation on the Application of International Human Rights Law in Relation to Sexual Orientation, Gender Expression and Sex Characteristics to Complement the Yogyakarta Principles* (hereafter “YP10”), 10 November 2017, available at: <https://www.refworld.org/docid/5c5d4e2e4.html>.

⁴ YP, Preamble.

⁵ YP, Preamble.

⁶ YP10, Preamble.

⁷ YP10, Preamble.

⁸ YP, Principle 3.

sexual orientation, or are persecuted or discriminated against on the basis of their sexual orientation, it is a human rights violation of such magnitude as to trigger a need for international protection.

For many 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 who they are and who they are attracted to and their sexual and/or gender expressions may vary with age, and other social and cultural determinants. It is also important to note that not all these individuals will self-identify with the commonly used terminology. Some may be unaware of these labels or may only be able to draw upon (derogatory) terms used by the persecutor (see Part Three).

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 and expression. **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.**⁹

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.**¹⁰ Among others, some 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 (sometimes combined with other causes of displacement, such as armed conflict, ethnic violence, or targeted human rights violations for other reasons), 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.¹¹

LGBTI people frequently keep aspects of their lives secret. Many will not have lived openly in their country of origin or asylum and some may not have had any intimate relationships. The fact that applicants may be able to avoid persecution by concealing or by being “discreet” about their sexual orientation or gender identity, or have 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.¹²

Intolerance towards LGBTI individuals is also pervasive in a number of countries of first asylum and LGBTI refugees and asylum-seekers 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 centers 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.

⁹ UN High Commissioner for Refugees (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 “Guidelines on Sexual Orientation and Gender Identity”), 23 October 2012, HCR/GIP/12/01, para. 31, available at: <https://www.refworld.org/docid/50348afc2.html>.

¹⁰ UN Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity*, 17 November 2011, available at: <https://www.refworld.org/docid/4ef092022.html>.

¹¹ UNHCR, *Guidelines on Sexual Orientation and Gender Identity*, para. 4.

¹² UNHCR, *Guidelines on Sexual Orientation and Gender Identity*, paras. 30-31.

LGBTI refugees often do not have the option to return to their countries of origin as homophobia and transphobia may be deeply rooted in society and the persecution of LGBTI individuals remains unremitting.

The stigmatization and harm faced by LGBTI people 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 family members.

A number of countries, both countries of origin and countries of first asylum, maintain laws that criminalize consensual same-sex relations creating an unsafe and intolerable environment.¹³ Such laws have been found by international and national courts to violate human rights, including the rights to equality, privacy and non-discrimination.¹⁴ 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.¹⁵

The box below provides examples of the specific protection risks 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, honor 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"> ▪ 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"> ▪ Family and community rejection, lack of support networks, forced marriage and vulnerability to honor-related violence.
<ul style="list-style-type: none"> ▪ Evictions from homes due to landlords and others discovering their sexual orientation and/or gender identity.
<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.
<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"> ▪ 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"> ▪ 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"> ▪ 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"> ▪ 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.

¹³ See e.g. International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), *State-sponsored Homophobia*, available at: <https://ilga.org/state-sponsored-homophobia-report> and UNHCR, *Guidelines on Sexual Orientation and Gender Identity*, paras. 26–29.

¹⁴ See e.g. ICJ, *Sexual Orientation, Gender Identity, and Justice: A Comparative Law Casebook*, 6 September 2011, pp. 7-45, available at: <https://www.refworld.org/docid/4f9eae7c2.html>.

¹⁵ UN Human Rights Council, Report of the United Nations High Commissioner for Human Rights on Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity, para. 42.

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| <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"> ▪ Dependence on abusive relationships involving exchanging sex for protection, shelter or food. |
| <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"> ▪ Lack of means of support due to discriminatory employment practices, risk of dismissal and abuse if their sexual orientation is discovered, and boycotting of small businesses. |
| <ul style="list-style-type: none"> ▪ Lack of access to food, including by being removed from food queues or turned away at delivery points. |

These human rights abuses in the country of asylum may warrant a 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."¹⁶

Please note that each individual refugee may face particular risks associated with their sexual orientation and/or gender expression and that their experience may be markedly different from other LGBTI refugees in the same country of asylum (factors include, but are not limited to, age, gender and diversity characteristics, such as disability, religion and race). For the preparation of resettlement submissions, any standard text regarding the situation in a country of asylum should be limited to a general description of the conditions that LGBTI refugees face in that particular country.

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 their specific rights as refugees 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.¹⁷

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. 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.¹⁸

As with other resettlement cases, eligibility and priority level of cases of LGBTI refugees must be verified and determined through a resettlement interview. While LGBTI refugees are a vulnerable group in societies that are intolerant of people with a diverse sexual orientation and/or gender identity, not all LGBTI refugees may be in need of resettlement. Likewise, although many LGBTI

¹⁶ UN High Commissioner for Refugees (UNHCR), *UNHCR Resettlement Handbook, 2011*, July 2011, p. 200, available at: <https://www.refworld.org/docid/4ecb973c2.html>.

¹⁷ UN High Commissioner for Refugees (UNHCR), *Age, Gender and Diversity Policy*, 8 June 2011, paras. 5, 9 and 12, available at: <https://www.refworld.org/docid/4def34f6887.html>.

¹⁸ UNHCR, *UNHCR Resettlement Handbook, 2011*, pp. 256-261.

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.¹⁹

Laws criminalizing same-sex relations can impede LGBTI persons' access to national asylum procedures or deter them from presenting their sexual orientation and/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.²⁰ National and international staff members assisting LGBTI refugees and asylum-seekers in the course of their official duties, including the resettlement process, enjoy the full range of UN privileges and immunities. Staff members, either national or international, 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.²¹

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. It is important to remember that as humanitarian workers we have a set of **core obligations** to the individuals whom we serve. These obligations apply to **all persons of concern**, including those who are LGBTI, and apply to **all staff members**, regardless of where we come from. We need to remember these obligations as we **reconcile our personal, cultural, religious and societal beliefs** with our professional obligations, while recognizing that compliance with the UNHCR Code of Conduct is mandatory in all aspects of our work, including our communication with refugees and other stake-holders and our actions, irrespective of the personal beliefs and values of an individual staff member.²²

Resettlement staff (as well as other UNHCR and NGO partner staff involved in the process, for example, registration, community-based protection and protection staff, and security personnel) **need to be trained and sensitized on how to support LGBTI refugees and asylum-seekers**, including on using appropriate terminology, creating safe spaces 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 behavior of UNHCR and partner staff towards LGBTI individuals, including on allegations of incorrect and biased RSD and resettlement assessments.²³

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 (including humanitarian workers and service providers). 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 and seek protection and support. They may live in isolation and in the first instance approach a local organization working with LGBTI persons or NGO rather than go directly to UNHCR. Lesbian and bisexual women, and transgender persons may be even more marginalized and invisible than gay men.

¹⁹ UNHCR, UNHCR Resettlement Handbook, 2011, p. 246.

²⁰ 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 Article 27 of the *Vienna Convention on the Law of Treaties* (United Nations, *Vienna Convention on the Law of Treaties*, 23 May 1969, United Nations, Treaty Series, vol. 1155, p. 331, available at: <https://www.refworld.org/docid/3ae6b3a10.html>). See also, UN High Commissioner for Refugees (UNHCR), *UNHCR intervention before the Court of Appeal of England and Wales in the case of MM (Iran) v. Secretary of State for the Home Department*, 3 August 2010, C5/2009/2479, para. 11, available at: <https://www.refworld.org/docid/4c6aa7db2.html>.

²¹ 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.

²² Under UNHCR's Code of Conduct, staff commit to showing respect for all persons equally without distinction of sexual orientation.

²³ All refugees, including LGBTI refugees, must have safe access to complaint mechanisms. For more guidance, see UNHCR, *UNHCR Resettlement Handbook*, 2011, pp. 127-151.

Targeted information materials, community outreach and building partnerships with local LGBTI organizations are therefore critical components in ensuring LGBTI persons' fair access to the RSD 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 a refugee of diverse sex, sexual orientation and/or gender identity could be based on an internal or external referral, information in the refugee's file or protection risks faced by LGBTI refugees in the country of asylum. UNHCR staff must be aware of the specific 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 perpetrated 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.

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.²⁴ 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 center, may be required, and evacuation to an Emergency Transit Facility (ETF) where appropriate may be considered.

As part of the needs assessment, the following considerations must be taken into account:²⁵

- The applicant's sexual orientation and/or gender 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.²⁶
- **An applicant could be targeted because of a perception that he or she is** of diverse sexual orientation and/or gender identity, for example, due to appearance, behavior and/or dress. The applicant does not have to identify as lesbian, gay, bisexual, transgender or intersex to require protection.
- It is important to bear in mind that **LGBTI persons are not a homogenous group**. While LGBTI people as a group are affected in many of the same ways, there are also distinct and unique concerns for lesbian, gay, bisexual, transgender and intersex people. Each individual experiences discrimination differently depending on gender, age, the context and the person's profile.²⁷

²⁴ UNHCR, *UNHCR Resettlement Handbook, 2011*, p. 246.

²⁵ 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.

²⁶ UNHCR, *Guidelines on Sexual Orientation and Gender Identity*, paras. 30–32.

²⁷ UNHCR, *Guidelines on Sexual Orientation and Gender Identity*, para. 11.

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:²⁸

- Ensure effective external referral mechanisms for LGBTI individuals requiring protection interventions, including resettlement, are in place between UNHCR and partner organizations, with appropriate oversight for integrity purposes. 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);
 - confidentiality (information should not be accessible to unauthorized staff);
 - additional safeguards to protect sensitive information in countries where LGBTI refugees risk prosecution due to their sexual orientation and/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 effective internal referral mechanisms for individual cases within UNHCR are in place, particularly in Protection (SGBV, CP and CBP).
- Strengthen inter-agency coordination by organizing 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 (provided the request can be met by the operation) of the interviewers and the interpreters, particularly in countries in which there is strong cultural disapproval of LGBTI persons.
- Put up visible, culturally appropriate signs on UNHCR premises indicating an accepting environment for LGBTI individuals, for example, wearing a rainbow pin or hanging "You are safe here" or "UNHCR, a Discrimination-Free Zone" posters.
- With due consideration of the "do no harm" principle, conduct pro-active and sensitive 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 trained volunteers, other LGBTI refugees who have already approached the office or through local organizations. This includes participatory assessments and/or risk assessments using the Heightened Risk Identification Tool (HRIT).²⁹
- Ensure all current and new UNHCR and partner staff members undergo training on rights and protection of LGBTI persons.

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, stigma and violence in all its forms can have a detrimental effect on the refugee's capacity to present a 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 disclosed their sexual orientation and/or gender identity at the RSD interview or in other earlier stages of the process.

²⁸ UNHCR, *UNHCR Resettlement Handbook, 2011*, pp. 198-200 and 219-228.

²⁹ UN High Commissioner for Refugees (UNHCR), *The Heightened Risk Identification Tool*, June 2010, Second Edition, available at: <https://www.refworld.org/docid/4c46c6860.html>.

The following measures should be borne in mind when preparing for and conducting the resettlement interview with LGBTI refugees:³⁰

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 the 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 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 judgement about the refugee's sexual orientation, gender identity, sexual behavior and/or relationship pattern.

Individuals may come out at any point and may use different terminology. Many, if not most, people will not identify as "LGBTI" or as lesbian, gay, bisexual, transgender or intersex. They will also not identify as a "person of diverse sexual orientation or gender identity." Follow their lead. If you don't understand the terminology the individual uses, ask them what the word means to them.

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 the case properly. When speaking to transgender people, remember to refer to the person by the name, pronoun and title they specify. **If you are not sure what to use, ask.** Keep in mind that LGBTI persons may use pronouns other than "he" or "she", such as "they".

Specific requests made by refugees in relation to the gender and/or nationality of interviewers and/or interpreters should be considered favorably, provided the request can be met by the operation. This may assist the refugee to explain the case as openly as possible. If the interpreter is from the same country, religion and/or cultural background, this may heighten the applicant's sense of shame and hinder them from fully presenting all the relevant aspects of the claim. The choice of sex of the interpreter should be offered routinely.

Employ non-intrusive and non-sexual questions. For example, questions about sexual habits and behavior are as irrelevant as in cases of heterosexual couples. Questioning about incidents of sexual violence needs to be conducted with the same sensitivity as in the case of any other SGBV survivor, 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 women are presented in the Resettlement Handbook.³¹ 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 they plan to proceed in the future in this regard (e.g. transitioning in its different forms), bearing in mind that the applicant may not (yet) be able to fully assess or articulate all the options. Remember that bodily modifications are irrelevant to an individual's self-determined gender identity. Many transgender individuals do not wish to change their gender expression and/or physical body for legitimate reasons and will not pursue transition.

Refer to an **intersex person** by their name, pronoun, title and gender they specify. When in doubt, **ask** the individual if they prefer particular terminology and avoid stigmatizing language including

³⁰ UNHCR, *Guidelines on Sexual Orientation and Gender Identity*, para. 60.

³¹ UNHCR, *UNHCR Resettlement Handbook*, 2011, pp. 312-329.

“disorder” or “hermaphrodite”. Children with intersex traits may be subjected to medically unnecessary surgeries, hormonal treatments and other procedures in an attempt to forcibly change their appearance to align with societal expectations about male and female bodies. The UN considers surgery and other unnecessary treatments on intersex individuals to be a fundamental human rights violation.

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.³² 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 resettlement cases where a refugee of diverse sex, sexual orientation and/or gender identity is not the principal applicant but is included as a family member. Care must be taken to preserve confidentiality if the refugee does not wish family members to know about their sexual orientation and/or gender identity. The specific needs for the refugee, as well as whether or not family members are aware, must be included in the Resettlement Registration Form (RRF).

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 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 applicants have 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. Sexual orientation and/or gender identity is a fundamental characteristic of human nature, just as race or ethnicity, and should be acknowledged as such. References like “a practice”, “a way of life”, “a choice” and/or condition should be avoided. Also note that language used to describe sex characteristics, sexual orientation and gender identity varies greatly across the world, regions, countries and communities and depends on factors like age, gender, education and cultural background.

Below are some examples of language to avoid and suggestions of preferred wording:

Language to avoid:	Preferred language:
“homosexual”, “homo”	“gay” or “lesbian” or “queer”
“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”; “trans*”
“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”

³² UNHCR, *Operational Guidance Note on Resettlement Case Composition*, June 2011, para. 5, available at: <https://intranet.unhcr.org/content/dam/unhcr/intranet/protection-operations/resettlement/documents/english/key-policies-and-guidelines/Case%20Composition.pdf> – internal.

“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 characteristics can originate from a wide range of genetic, chromosomal or hormonal variations. Some chromosomal variations may not be visible at all. Intersex people are typically assigned the sex of female or male at birth, and the majority of intersex people identify as male or female. Keep in mind that intersex sex characteristics are distinct from gender identity and sexual orientation. Like all people, people with intersex characteristics may identify with any sexual orientation and with any or no gender.

Transgender and intersex refugees who have expressed a gender that differs from the sex assigned at birth and reflected on their documents or records may wish to have the correct 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 gender affirming surgery or hormone treatment.

The refugee's gender identity should be clarified at the beginning of the RRF. Ask the refugee which pronoun they prefer. The refugee's self-defined gender as “he” or “she” or “they” should thereafter be consistently used throughout the RRF. “He/she” should be avoided. If the person identifies as transgender male (female-to-male), the person should be referred to as he/him/they and the sex recorded as male. If the person is transgender woman (male-to-female), the person should be referred to as she/her/they 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 the name that corresponds to their gender identity 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 in accordance to their gender identity, UNHCR should normally accept the change in the document which corresponds with a person's 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 available);
- the first (chosen) name should be the name corresponding to the gender reflected on the document;
- pronoun and gender declared by the applicant should be used throughout the RRF.

Where the official documents from the country of origin/first country of asylum do not reflect the gender with which the applicant identifies, and where there are no identity documents reflecting the gender change, a discussion with the applicant on how to proceed with their resettlement case should be undertaken, resulting in an agreement on one of two options:

Option 1:

- if the applicant agrees, the sex and name as assigned at birth should be recorded under the bio-data section;
- the name corresponding to the applicant's declared gender identity should be recorded under Alias Names;
- the pronoun corresponding to the applicant's declared gender identity should be used throughout the rest of the RRF; and

- an explanation of any discrepancy between the applicant's sex and name as assigned at birth and their declared gender identity and name in accordance to their gender identity should be outlined in Section 7 of the RRF.

Option 2:

- if the applicant wishes to use their declared gender identity where this differs from their official documentation, their declared gender and corresponding name should be recorded in the biodata section, contingent upon the approval of a Protection or Resettlement supervisor;
- the person's sex and name as assigned at birth should be recorded under Alias Names;
- a detailed explanation of this discrepancy should be outlined in Section 7 of the RRF;
- the pronoun corresponding with the applicant's declared sex and/or gender in accordance with their gender identity should be used throughout the rest of the RRF.

Some resettlement countries may not be willing to accept RRFs where the biodata is different from that on the applicant's national documentation. In this situation, Option 1 should be pursued, provided the applicant agrees. In situations where resettlement countries are willing to accept the submission of RRFs where the applicant's name and gender in accordance to their gender identity differs from that of their national documentation, then Option 2 should be pursued, provided the applicant agrees.

Where possible (i.e. after discussing with concerned states), and where the applicant agrees, the second submission method should be prioritized, unless the protection or resettlement focal point believes this could result in protection risks, including in the country of asylum.

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.³³

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. 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 and/or criminalize same-sex relationships.

Although very few resettlement countries do not recognize same-sex relationships, 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.³⁴

Step 4: Selection of the Resettlement Country

The applicant's sexual orientation and/or gender 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 other refugees. 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.

³³ UNHCR, *UNHCR Resettlement Handbook*, 2011, p. 178.

³⁴ See the Country Chapters linked to the UNHCR Resettlement Handbook for resettlement States' descriptions of their family reunification programs, available at: <https://www.unhcr.org/protection/resettlement/4a2ccf4c6/unhcr-resettlement-handbook-country-chapters.html>.

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. Intersex refugees with specific medical needs and transgender refugees going through transition will require legal recognition of their chosen/affirmed gender and may also need specialized medical services. It would therefore not be 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 centers as they offer greater opportunities for social support networks, and more 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.³⁵

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 and expression 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? ○ Legalization of sexually and gender non-conforming relations?
✓	Are practices in accessing police protection as well as employment, health care, education and other services non-discriminatory and LGBTI-friendly?
✓	What are the predominant social attitudes towards persons of diverse sex, sexual orientation and/or gender identity?
✓	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 services for intersex individuals and those relating to transition for transgender 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 organizations working with LGBTI persons?
✓	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?

³⁵ Organization for Refuge, Asylum & Migration (ORAM), *Rainbow Bridges: A Community Guide to Rebuilding the Lives of LGBTI Refugees and Asylees*, April 2012, available at: <https://www.refworld.org/docid/524d3e9d4.html>.

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 ETF, and resettlement submissions with urgent or emergency priority.³⁶

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.³⁷

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 women 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?
- Do national NGOs working with persons of diverse sex, sexual orientation and gender identity have any safe shelter options that would be appropriate protection responses for refugees?

³⁶ UNHCR, *UNHCR Resettlement Handbook, 2011*, pp. 246-247 and 359-361.

³⁷ For more details on internal relocation and safe houses: UN High Commissioner for Refugees (UNHCR), *UNHCR Manual on Security of Persons of Concern*, November 2011, First Edition, available at: <https://www.refworld.org/docid/4f6313032.html>.

Part Two – Resettlement Assessment Tool

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	Sensitive 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 real or perceived sex, 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 police protection, documentation, 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"> Laws of general application are disproportionately and/or discriminatorily used against LGBTI individuals. 	<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, honor-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, corrective 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 their diverse sex, 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 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 services. 	<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 women and youth with diverse sex, sexual orientation and gender identity. 	<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 their 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 and non-intrusive 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 pronoun as “he” or “she” or “they” consistently throughout the RRF. Do not use “He/she/they”. ■ If the person is transgender man (female-to-male), refer to the person as he/him and record the sex as male. ■ If the person is transgender woman (male-to-female), 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 gender they identify with, the person’s self-defined gender identity and the name corresponding to the correct gender are used throughout the RRF. ■ Where the official documents from the country of origin/country of asylum do NOT reflect the real gender identity, the person’s sex and name as assigned at birth are recorded under the bio-data, and the name corresponding to the real gender identity is recorded under Alias Names. Pronoun and gender corresponding to an applicant’s real gender identity 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 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 refugee does not wish other family members to know about their 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 name corresponding to the gender identity is recorded in <i>proGres</i>. ■ If the 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 sex, 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 an individual refugee 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	<p>Section 8: Declaration</p> <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 correct 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 LGBTI 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

Part Three – Terminology

There is currently a wide variety of terms and acronyms in use to refer to people who do not conform to conventional and/or traditional notions of sexuality and/or male or female gender roles. These terms and acronyms are also constantly evolving and updated.³⁸

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

Bisexual is an adjective that describes people who have the capacity for romantic, emotional and/or physical attraction to person(s) of the same sex and/or gender, as well to person(s) of a different sex and/or gender.

Cisgender refers to a person whose sense of personal identity and gender corresponds with their assigned sex at birth.

Coming out is a process of self-acceptance. People may acknowledge their identity first to themselves and then share it with others. Publicly identifying one's identity may or may not be part of coming out, and the concept of coming out is not specific to every culture. For some, a coming out can be a lifelong process.

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 and/or the gender attributed to them by society.

Gender expression refers to each person's external manifestation of one's gender identity expressed through one's name, pronouns, behavior, clothing, haircut, voice and/or bodily characteristics.

Intersex is an umbrella term describing a wide range of natural bodily variations related to sex characteristics (including genitals, gonads, reproductive organs and chromosome patterns) that do not fit typical binary notions of male or female bodies. Intersex people are typically assigned a sex (male or female) at birth, and the majority of intersex people identify as male or female. Like all people, intersex people may identify with any sexual orientation and with any gender or with no gender.

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

LGBTI is an acronym for Lesbian, Gay, Bisexual, Transgender and Intersex persons that is also used as shorthand for "persons of diverse sex, sexual orientation and/or gender identity". The acronym refers to a group of people and cannot be used to refer to a single person.

Queer is an umbrella term sometimes used by some sexually and gender non-conforming people to refer to the entire sexually and gender non-conforming community. Traditionally a negative term,

³⁸ Consulted sources: UN High Commissioner for Refugees (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*, 23 October 2012, HCR/GIP/12/01, available at: <https://www.refworld.org/docid/50348afc2.html>; UN High Commissioner for Refugees (UNHCR), *UNHCR Resettlement Handbook, 2011*, July 2011, available at: <https://www.refworld.org/docid/4ecb973c2.html>; and UNHCR-IOM, *LGBTI Training Package – LGBTI Glossary 2017*, 2017, available at: <https://lgbti.iom.int/lgbti-training-package>.

queer has been re-appropriated by some LGBTI persons to describe themselves. It is considered inclusive of a wide range of sexual orientations and gender identities. Others now use the word with pride to identify themselves. You may not want to refer to someone as “queer” unless you know that’s how they identify themselves.

Sexual orientation refers to each person’s enduring capacity for profound romantic, emotional and/or physical feelings for, or attraction to, (a) person(s) of a particular sex and/or gender. It encompasses hetero, homo and bisexuality and a wide range of other expressions of sexual orientation.

SOGIESC is an acronym for Sexual Orientation, Gender Identity, Gender Expression, and Sex Characteristics.

Transgender is used by some people whose gender identity and, in some cases, gender expression, differs from what is typically associated with the sex they were assigned at birth. Trans, transgender, gender diverse and gender non-conforming may be used as “umbrella terms” representing a variety of words that describe an internal sense of gender differing from the sex assigned at birth, whether one feels male, female, another gender or no gender.

Transition is the process of changing one’s external gender presentation to be more in line with one’s gender identity. Transition typically occurs over a long period of time and includes some or all of the following personal, medical and legal steps: telling one’s family, friends and co-workers, using a different name, pronoun and/or title, dressing differently, changing one’s name and/or sex on legal documents, and possibly (though not always) undergoing hormone therapy and/or one or more other types of treatment. The steps involved in transition vary from person to person. In some countries, surgery is a requirement for legal gender recognition, in violation of UN human rights norms.