

LGBT Refugee Resettlement Guidelines / Agency Self-Assessment

October 2013

This document is intended to serve two purposes; first, as a set of guidelines for Voluntary Agencies (VOLAGs) to use for determining which of their affiliates are best suited to accept lesbian, gay, bisexual and transgender refugees for placement, and second, as an agency self-assessment to help refugee programs identify strengths and challenges that they may face when resettling LGBT refugees.

Secondary migration is relatively common for LGBT refugees, particularly those who are resettled as single, free cases. Selecting an appropriate resettlement site at the start of the process reduces costs and improves outcomes. The following guidelines, while not binding, serve to facilitate VOLAG efforts in making informed placement decisions. External factors outside the control of resettlement agencies can also affect successful placement. These factors include the general legal environment for LGBT persons, including the existence of anti-discrimination laws, access to health insurance for partners, and state law governing marriage or domestic partnership. Other factors include the size of the community, the existence of LGBT community organizations or faith communities supportive of LGBT persons, access to appropriate health care, and the existence of businesses that adhere to human resources policies that ensure a safe and welcoming environment for LGBT employees. These external factors should also be taken into consideration by national VOLAGS when placing LGBT refugees.

All affiliates from every VOLAG network should be prepared to respond to LGBT refugees. Even in parts of the country in which the legal and social environment is less conducive to LGBT refugee resettlement, agencies can still ameliorate external factors and provide a safe and welcoming environment. Resettlement affiliates interested in building their capacity to work with LGBT refugees are encouraged to review these guidelines when identifying programmatic and policy areas in need of strengthening.

VOLAGs and resettlement agencies are encouraged to visit the Rainbow Welcome Initiative website at www.rainbowwelcome.org for more resources and information.

I Legal Environment:

Rationale for the guidelines:

Laws extending protections to LGBT persons vary state by state. Resettling LGBT refugees in a state that has passed anti-discrimination legislation and has afforded equal benefits to LGBT persons and couples greatly reduces LGBT refugees' vulnerabilities and guarantees them the rights to which they are due, removing potential obstacles when seeking employment and housing, creating families, and accessing services and healthcare.

External factors affecting placement (1pt. each):

- State law prevents an employer from firing an employee for reasons based on sexual orientation or gender identity.
- Local law prevents an employer from firing an employee for reasons based on sexual orientation or gender identity.
- State law requires housing providers to rent to individuals without consideration of sexual orientation or gender identity.
- Local law requires housing providers to rent to individuals without consideration of sexual orientation or gender identity.
- State permits marriage between same-sex couples.
- State recognizes domestic partnerships for purposes of inheritance, partner benefits, and health care decisions.
- Local jurisdictions have domestic partnership ordinances that expand same-sex partnership rights beyond those that are granted under state law.
- State law allows same-sex couples to adopt children and jointly assume custody.
- State requires employers to provide health care insurance for domestic partners.
- Major employers in the state provide health care insurance for domestic partners.

Total points: _____

Minimum guidelines (2pts each):

- The resettlement agency is familiar with state and local laws governing workplace discrimination.
- The resettlement agency is able to name a specific legal services provider to assist refugees in employment discrimination claims.
- The resettlement agency is familiar with state and local laws governing housing discrimination.
- The resettlement agency has identified a specific legal services provider to assist refugees in housing discrimination claims.
- The resettlement agency is familiar with state and local laws governing marriage and domestic partnership.
- The resettlement agency is able to name a specific legal services provider to assist LGBT refugees in family law.

- The resettlement agency does not forbid or oppose same-sex families, including adoption of children.
- The resettlement agency has a relationship with employers who provide health insurance for same-sex domestic partners.

Total points: _____

II Social Environment / Access to Services:

Rationale for the guidelines:

LGBT refugees have an easier time integrating into American society when they have opportunities to form community and establish support networks. Most LGBT refugees resettle alone and are isolated from their ethnic and national communities because of their sexual orientation or gender identity. Without support from family, friends, and neighbors, LGBT refugees rely more heavily on the resettlement agency for their everyday needs, needs resettlement staff cannot always meet. To facilitate the successful cultural adjustment of LGBT refugees, cases should be allocated to communities in which there is a vibrant, supportive LGBT community and there are specialized services to address medical, mental health, legal, and social concerns particular to this population.

External factors affecting placement (1pt. each):

- LGBT community organizations exist in the resettlement community.
- Specialized medical services for LGBT persons are available.
- There are culturally competent mental health providers in the resettlement community.
- Immigration legal services are accessible to LGBT refugees and asylees.
- The resettlement community is home to LGBT-affirming places of worship.
- There is a concentration of LGBT refugees and asylees in the resettlement community.

Total points: _____

Minimum guidelines (2pts. each):

- The resettlement agency has an existing relationship with one or more LGBT community organizations, or LGBT-focused specialized health providers.
- The resettlement agency is able to make referrals to mental health programs with specific expertise working with post-traumatic stress disorder in non-U.S. populations.
- The refugee resettlement agency has an existing relationship with an immigration legal services organization that is BIA-accredited and which provides free or low-cost legal assistance, including family petitions, asylum, special juvenile immigrant visas, status adjustment, and naturalization.
- The resettlement agency provides services for asylees, including LGBT asylees.
- The resettlement agency follows up with phone calls for any asylees who are referred but then fail to show up for appointments.

Total points: _____

Best practices (3pts. each):

- The refugee resettlement agency has an existing relationship with a torture treatment program recognized by the National Consortium of Torture Treatment Programs (<http://ncttp.org>).
- The resettlement agency reserves spots in its Matching Grant program for asylees.
- They resettlement agency is in contact with more than 50% of local immigrant legal service providers (private and non-profit) who have handled asylum cases within the last year.
- The resettlement agency conducts trainings to local LGBT organizations and providers to raise awareness of, and increase capacity to assist, refugee populations.
- The resettlement agency is able to refer LGBT refugees to a place of worship within their faith communities that is welcoming to and inclusive of LGBT congregants.
- The resettlement agency or other resettlement agencies in the area currently provide services for LGBT refugees.
- The resettlement agency creates opportunities for LGBT refugees to participate in social activity groups with other LGBT refugees.

Total points: _____

III Welcoming Environment:

Rationale for the guidelines:

LGBT refugees are reluctant to disclose information pertaining to their sexual orientation and gender identity when accessing services at their resettlement agency. Many of them fear continued discrimination and worry that self-identifying will result in harassment and denial of services. LGBT refugees who have self-identified may feel excluded and unwelcome, preventing them from taking full advantage of the array of available services and classes. Cultivating an office environment that is inclusive of LGBT program participants signals to all staff and participants that everyone is welcome, regardless of sexual orientation and gender identity.

Minimum guidelines (2pts. each):

- At least one LGBT flag or poster is displayed in a prominent area.
- A “know your rights” document for LGBT individuals is displayed and/or included in welcome packets for newly arrived refugees.
- Language in intake forms and other paperwork is adjusted to be inclusive of LGBT individuals.
- All refugees are informed of LGBT services in the area during intake or cultural orientation
- All refugees receive information during cultural orientation that tolerance of diversity, including sexual orientation and gender identity, is a cultural value in the United States.

- All refugees receive information that violence or discrimination against LGBT persons, including violence perpetrated by relatives, may subject one to criminal charges and potential deportation.

Total points: _____

Best practices (3pts. each):

- Fliers detailing LGBT services are available at program locations in multiple languages.
- Brochures from local LGBT organizations and LGBT publications can be found in office lobby.
- LGBT refugees have access to a single occupancy or gender-neutral restroom.
- Cultural orientation and ESL classes engage participants in discussions surrounding sexuality, gender, sexual health, and healthy relationships.
- The resettlement agency has established methods to identify and gain access to LGBT resources in other communities to which refugees may move.

Total points: _____

IV Policies and Procedures

Rationale for the guidelines:

While the resettlement agency can take steps towards promoting an inclusive environment, policies must be in place to hold staff accountable and ensure continuity through staff transitions.

Minimum guidelines (2pts. each):

- The resettlement agency has a written policy, acknowledged by all staff, that bars discrimination against program participants or staff based on sexual orientation or gender identity.
- The agency must have a commitment to enforcing the anti-discrimination policy through appropriate disciplinary action.
- All refugees are able to speak with supervisors about problems they are having with case managers, other staff, or other participants.
- All refugees are able to provide information on discrimination without fear of retribution.
- The resettlement agency has a written policy, acknowledged by all staff, that strict confidentiality is upheld for all refugees and that information concerning sexual orientation and gender identity will not be shared with other participants (or staff not directly involved in the participant's case).
- LGBT refugees are offered and provided with professional interpretive services if they prefer to not rely on friends, family members, or other community members to fill this function.

Total points: _____

Best practices (3pts. each):

- LGBT refugees have the option of telephonic interpretation if they object to hired interpreters from within their local immigrant community.
- LGBT refugees are able to meet with their caseworker in private locations to avoid discussing sensitive information in front of other staff or participants.

Total points: _____

V Training:

Rationale for the guidelines:

Resettlement staff is diverse in nationalities, religious beliefs, and cultural backgrounds. While some staff may have extensive experience working with the LGBT community, and some staff identify as LGBT, others will have questions about issues affecting LGBT persons, and some may have reservations about working with LGBT refugees. Staff must be sensitive to the experiences, backgrounds, and concerns of LGBT refugees, and prepared to deliver quality, culturally competent services to this population.

Total points: _____

Minimum guidelines (2pts. each):

- All staff and volunteers are trained on core concepts relating to the LGBT community, including sexual orientation and gender identity.
- All staff and volunteers receive specific guidance on working with LGBT refugees. This may concern issues of confidentiality, appropriate boundaries and conduct, and organizational policies and procedures.
- Staff is trained in crisis management, suicide prevention, and safety planning.
- Staff and volunteers understand not to impose their own religious or cultural beliefs on any program participant.
- Volunteers adhere to organization policies regarding non-discrimination and safety.
- Volunteers are effectively supervised and managed.

Total points: _____

Best practices (3pts. each):

- New staff and volunteers are required to review Heartland Alliance International's "Rainbow Response" manual to learn about the specific needs of LGBT refugees.

- The resettlement agency institutes formal monitoring and evaluation mechanisms to track staff changes in behavior and attitude after training.
- The resettlement agency measures LGBT participants' satisfaction with services and assesses areas in need of improvement.

Total points: _____

VI Direct Services:

Rationale for the guidelines:

While the basic level of services remains the same, individual services must be tailored to address the specific needs of LGBT refugees. Housing and employment services in particular will need to be adjusted when considering LGBT refugees' concerns not shared by other refugee populations.

Minimum guidelines (2pts. each):

- The resettlement agency makes efforts to identify potential suitable roommates for LGBT program participants.
- The resettlement agency immediately makes alternative accommodations if LGBT refugees report being harassed by their roommates.
- The resettlement agency has identified appropriate housing arrangements for LGBT refugees, taking into consideration the neighborhood in which the apartment or house is located and the attitudes of the landlord and tenants.
- LGBT refugees' participation in the Matching Grant program is not revoked if they refuse a job offer based on security concerns.

Total points: _____

Best practices (3pts. each):

- Lessons on sexual orientation, gender identity, tolerance and anti-bullying are incorporated into youth and family programming.
- Staff investigates and identifies prospective employers whose policies protect LGBT employees from discrimination on the grounds of sexual orientation and gender identity.
- The resettlement agency administers a screening tool to determine whether LGBT refugees are eligible for torture treatment services.

Total points: _____

VII Assessment Score

TOTAL: _____

100-136 points: Affiliate is best positioned to resettle LGBT refugees.

76-99 points: Affiliate meets minimum guidelines and external factors affecting placement are favorable.

60-75 points: Affiliate meets minimum guidelines but the resettlement location may not have appropriate resources or a favorable legal climate for LGBT persons.

0-59 points: Affiliate does not meet minimum guidelines. Action plan should be developed before accepting known LGBT cases.