



## DEPARTMENT OF STATE

### **ISSUE: DISCRIMINATORY PROVISIONS IN US IMMIGRATION LAW, COMBINED WITH RELUCTANCE TO SUPPORT LGBT REFUGEE NEEDS, HAVE CREATED HOSTILE IMPEDIMENTS TO LGBT TRAVELERS, IMMIGRANTS AND REFUGEES**

**POLICY DESCRIPTION:** The US is one of only 13 countries barring entry to those with HIV and AIDS. Despite legal revisions in the last Congress, final administrative steps to remove this travel and immigration restriction have not yet been completed. In addition, unlike most industrialized countries, the United States does not allow lesbian and gay Americans to sponsor their foreign-born permanent partners for immigration. And in responding to LGBT human rights cases, the Bureau of Population, Refugees, and Migration (PRM) in the State Department has not fully embraced LGBT concerns when formulating Department policies on population, refugees, and migration, and in its oversight of refugee assistance and admissions programs.

### **RECOMMENDATIONS FOR CHANGE:**

- The US Department of Health and Human Services (HHS) should expedite the removal of HIV from the list of "communicable diseases of public health significance" that is used by the United States Citizenship and Immigration Services (USCIS) and the Department of State (DOS) to prevent foreign nationals from obtaining non-immigrant visas and legal permanent residence.
- Support full immigration rights for same-sex bi-national couples, including the rights and obligations referenced by the last Congress in the Uniting American Families Act.
- Encourage foreign partners to offer refugee protections to those who flee persecution based on sexual orientation or gender identity. In consultation with the UN, help meet immediate humanitarian needs and resettlement costs associated with LGBT refugee protection.

**PROCESS FOR MAKING CHANGES:** These changes will generally require legislation or formal administrative action. As a matter of human rights, and in an effort to promote an LGBT-inclusive US foreign policy, the Administration should announce immediate efforts to remove HIV from the list of



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"communicable diseases of public health significance." The Administration should similarly announce support for the enactment of legislation to support full immigration rights for same-sex bi-national couples. Support for LGBT refugees could be implemented without legislation through existing authorities in the Refugee Bureau in the State Department (PRM), and in coordination with other implementing federal Departments.