

REFUGEES, ASYLUM-SEEKERS, AND ASYLEES: DEFINITIONS

A [refugee or asylee](#) is a person “who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.” Lesbian, gay, bisexual and transgender (LGBT) people are understood as “social groups,” and so LGBT people who have to flee their home countries because of persecution can be defined as “refugees” or “asylees,” depending on a number of factors.

In the US context:

- [Refugees](#) are recognized as such by the US Government while they are still outside of the US, and move to this country with help from the Government. This [“refugee program” is largely inaccessible to LGBT people](#).
- [Asylum-Seekers](#) arrive in the US on their own, then apply for permission to live here permanently.
- [Asylees](#) have been granted permission by the Government to remain permanently in the United States.

Rights of Refugees, Asylum Seekers and Asylees Under U.S. Law			
	<i>Refugees</i>	<i>Asylum Seekers</i>	<i>Asylees*</i>
<i>Freedom of Movement</i>	Can move wherever they like in the US	Can live freely, be in immigration detention, or be in “supervised release.” [^]	Can move wherever they like in the US
<i>Employment</i>	Can earn money for work when they arrive in the US	Not permitted to work until asylum application pending at least 180 days	Can earn money for work when granted asylum status
<i>Financial Support</i>	Receive money to cover basic living expenses for their first few months (usually 8) in the country	Receive no financial support	Usually receive no financial aid, but eligible for VOLAG “matching grant” programs
<i>Educational Opportunities</i>	Provided classes in English, job training, other areas by organizations called voluntary resettlement agencies (VOLAGS) [#] during first few months (usually 8) in the US	Usually provided with no educational opportunities, and not eligible for programs with US Government support	Eligible for some educational opportunities offered by VOLAGS, as well as opportunities available to US permanent residents, citizens
<i>Case Management</i>	Provided with case management by VOLAGS during first few months (usually 8) in the US	Usually provided with no case management assistance, and not eligible for assistance supported by US Governments funds	Eligible for some case management offered by VOLAGS, as well as opportunities available to US permanent residents, citizens
<i>Other Government Programs</i>	Eligible for participation in a wide range of US Government-supported programs	Not eligible for federal means-tested public benefits	Eligible for participation in a wide range of US Gov’t-supported programs
<i>Path to Citizenship</i>	Must apply for legal permanent resident status (green card) after 1 year in the US ; can apply for citizenship after 5 years	Must gain asylum first	Can apply for green card 1 year after granted asylum, and for citizenship 5 years after granted asylum

*For details on benefits see: [Asylee Eligibility for Resettlement Assistance](#), January 2012, Catholic Legal Immigration Network, Inc.

[^]See [“How Refugees Get to the US,”](#) February 2010, Human Rights First and Jesuit Refugee Service/USA.

[#]Note: [Mutual Assistance Associations \(MAAs\)](#) or Ethnic Community-Based Organizations (ECBOs), as well as faith-based groups, sometimes provide help to LGBT refugees and asylees after their first few months in the US.

This information sheet has been produced by the LGBT Faith & Asylum Network

LGBT-FAN is a national coalition dedicated to helping people who are seeking safety in the United States because of persecution based on sexual orientation or gender identity in their home countries

For more resources or to get involved visit

www.lgbt-fan.org