

General Convention of The Episcopal Church 2022 Archives' Research Report

Resolution No.: 2022-D045
Title: On Supporting LGBTIQ+ Refugees and Asylum Seekers
Proposer: Ms. Janet Day-Strehlow
Topic: Homosexuality, Human Rights, Immigration

Directly Related: (Attached)

2018-D009 Set Forth Christian Principles to Guide Responses to Human Migration
2012-D011 Urge Equal Application of Immigration Law to Same-Sex Partners
2009-D076 Urge Immigration Equality for Same-Sex Couples
2006-D005 Oppose Criminalization of Homosexuality

Indirectly Related: (Available in the [Acts of Convention](#) database, searchable by resolution number)

2015-D074 Extend Temporary Protective Status to Immigrants Fleeing Abuse
2006-A095 Reaffirm Support of Gay and Lesbian Persons
2000-A053 Adopt Migration Ministries Mission Statement
1997-D081 Develop Advocacy Agenda of Refugee Admissions and Asylum
1982-B061 Reaffirm the Civil Rights of Homosexuals

In preparing this report, the Archives researched the resolutions in the Acts of Convention database for the period 1973 through 2018, selecting “direct” resolutions that have a substantive bearing on the proposed legislation. The “direct” resolutions are attached and “indirect” resolutions are available in the Acts of Convention database. Committee members who require other research assistance should contact the Archives through the [Research Request Form](#) or call 800-525-9329.

D045 - On Supporting LGBTIQ+ Refugees and Asylum Seekers

Final Status: Not Yet Finalized

Proposed by: Ms. Janet Day-Strehlow

Endorsed by: Ms. Sinead Doherty, Ms. Laura Russell

Requests New Interim Body: No

Amends C&C or Rules of Order: No

Has Budget Implications: No

Cost:

HiA: HB

Legislative Committee Currently Assigned: 07 - Social Justice & International Policy

Completion Status: Incomplete

Latest House Action: N/A

Supporting Documents: No

Resolution Text

Resolved, the House of _____ concurring,

That the 80th General Convention of the Episcopal Church express its full support of the UNHCR (United Nations High Commissioner for Refugees) and IOM (International Organization for Migration) in their mission to protect LGBTIQ+ persons forced to seek refugee or asylee status because they fear being persecuted based on their sexual orientation, gender identity, gender expression and/or sex characteristics (SOGIESC); and be it further

Resolved, that the General Convention urge all nations, especially the United States, to actively accept vulnerable SOGIESC refugees and asylees, and not send them back to their countries of origin, where they face persecution, violence, prison and possible death; and be it further

Resolved, that the 80th General Convention request that the Episcopal Migration Ministries highlight the issues surrounding LGBTQI+ refugees and asylees and offer information on ways of support, including these, for example, in their Toolkit for Congregations.

Explanation

“In many parts of the world, individuals are subject to serious human rights abuses because of their real or perceived sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC), particularly when these do not conform to dominant

social and cultural norms. As of this writing, nearly 70 United Nations Member States criminalize consensual same-sex sexual acts *de jure* or *de facto*. Six States impose the death penalty, and sources indicate that the death penalty may be prescribed in five additional States, though with less legal certainty.¹

Severe persecution and discrimination from both State and non-State actors force lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ+) persons – including children and older persons, with and without disabilities – to leave their places of habitual residence in search of a safe environment in which they can fully exercise their rights. They may or may not be forced to cross an internationally recognized national border in order to access a safer environment. They may also be stateless - not considered as a national of any State under the operation of its laws.

LGBTIQ+ people frequently experience continued harm during the onset of an emergency situation,² while in transit and upon arrival in places of asylum. This harm includes but is not limited to: Stigmatization, sexual and gender-based violence, abuse by or lack of protection from security forces, arbitrary detention, refoulement, and exclusion from access to essential basic services. LGBTIQ+ persons who do cross a national border may arrive in countries where they face similar or higher risks of homophobic, bi-phobic and transphobic violence from both nationals of the host country as well as from other displaced people. These risks are exacerbated by other factors, such as xenophobic hostility, misogyny, irregular migration status, socioeconomic marginalization, isolation from traditional support networks and trauma-induced emotional duress. “ **

UNHCR and IOM are committed to protecting the rights of people with diverse SOGIESC. Despite significant activity discrimination against these vulnerable migrants is still endemic. Even in countries of asylum, they can face stigma and abuse.

REFERENCE MATERIALS

**** 2021 Global Roundtable LGBTIQ+ Persons in Forced Displacement and Statelessness: Protection and Solutions – Discussion Paper.**

<https://www.unhcr.org/611e33704>)

¹ International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), *State Sponsored Homophobia: Global Legislation Overview Update*. December 2020 Updated Edition. Geneva: ILGA.

² An emergency situation is a large-scale forced displacement situation which requires an immediate response. See *UNHCR Emergency Handbook*, 4th edition (2015), <https://emergency.unhcr.org/about>

³ UN Office of the High Commissioner for Human Rights (OHCHR), *Joint UN Statement on Ending Violence and Discrimination Against Lesbian, Gay, Bisexual, Transgender and Intersex People*, September 2015.

2021 Global Roundtable on Protection and Solutions for LGBTIQ+ People in Forced Displacement: <https://www.unhcr.org/publications/brochures/611e48144/2021-global-roundtable-protection-solutions-lgbtqi-people-forced-displacement.html>

UNHCR, Guidelines on International Protection No. 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity
<https://www.unhcr.org/publications/legal/509136ca9/unhcr-guidelines-international-protection-9-claims-refugee-status-based.html>

Queer asylum politics of separation in Germany:
<https://www.tandfonline.com/doi/full/10.1080/0966369X.2021.1931048>

LGBTQ Resettlement through a Veil of Secrecy:
<https://www.frontiersin.org/articles/10.3389/fhumd.2021.594214/full>

State-Sponsored Homophobia Report: <https://ilga.org/state-sponsored-homophobia-report>



Resolution Number: 2018-D009
Title: Set Forth Christian Principles to Guide Responses to Human Migration
Legislative Action Taken: Concurred as Amended
Final Text:

Resolved, That the 79th General Convention of The Episcopal Church recognize that human migration has always been part of the human condition, and that human migration will continue in future, and will likely increase due to any number of variables including the effects of climate change on human habitat, economic instability, or ongoing war and conflict, and remembering the call in both Hebrew and Christian Scriptures to welcome the stranger, building stronger and more diverse community: “You shall also love the stranger, for you were strangers in the land of Egypt” (Deuteronomy 10:19) and “I was a stranger, and you welcomed me; Truly I tell you, just as you did it to the least of these who are members of my family, you did it to me” (Matthew 25: 35, 40); and be it further

Resolved, That this General Convention set forth these principles to guide our church’s response to human migration, including internal migration, in the future:

1. We recognize the fundamental human rights of all people as expressed in our Baptismal Covenant and we reaffirm that the Universal Declaration of Human Rights applies to all refugees and both regular and irregular migrants;
2. We remember that Mary, Joseph, and Jesus were refugees, as they were forced to flee into a foreign land to escape violence;
3. We call on all governments to keep their commitments and legal obligations to respect the rights and dignity of all people, including access to justice and social services, while recognizing the complexity of developing just immigration policies in any country, and the legitimate need to protect borders and address security threats to sovereign nations;
4. We commit the church to learning and engaging migration issues as part of the Jesus Movement, sacredly holding the voices and leadership of migrants themselves and honoring their leadership in this process;
5. We will endeavor to learn and address root causes of migration and advocate for just solutions with Anglican/Episcopal, ecumenical, and interfaith partners;
6. We acknowledge the connection between U.S. policies, and the policies of other states, and the root drivers of migration, including climate change, armed conflict, and disruption of local economies through global trade policies;
7. We stress the importance of demonstrating hospitality and welcome as Christian values at the local level, preaching hospitality and positive storytelling to overcome xenophobia;
8. We insist that the United States of America and other powerful, wealthy nations, and all nations to the best of their ability, contribute to resettlement, establish and maintain safe and orderly humanitarian protection for refugees, internally displaced persons, and other migrants seeking long-term solutions and safety;
9. We call on all nations to maintain family unity and safety during migration;
10. We insist that economic and foreign relationships among governments should not increase the need of migration due to economic hardships, persecution, and violence;
11. We insist that governments strive to maintain conditions which are conducive to internal stability and employment opportunity;

12. **In the event that people are forced to migrate, we insist that our governments address the drivers holistically, without racial, ethnic, socioeconomic status, sexual orientation, gender identity, physical or mental ability, health status, or religious prejudice;**
13. **We insist that our governments adhere to the internationally accepted principle known as non-refoulement, that stipulates that countries should not return migrants and refugees to unsafe conditions in their home countries or other countries;**
14. **We recognize the links between migrants in vulnerable transit situations and human trafficking and other dangers, and will seek to establish and maintain robust, safe, and orderly routes for refugees;**
15. **We urge governments to expand refugee resettlement as a humanitarian response that offers individuals safety and opportunity;**
16. **We recognize that displacement due to climate change already happens and will increase, and we insist that our governments and the international community must commit to development of long-term protection solutions for persons displaced by climate change; and be it further**

Resolved, That this General Convention recognize the process underway at the United Nations to establish a Global Compact on Refugees,[i] and a Global Compact on Migration, processes that have included advocacy by The Episcopal Church Representative to the UN and by the Office of Government Relations Refugee and Immigration Policy Advisor; and be it further

Resolved, That this General Convention urge the Office of the Presiding Bishop to ensure continued representation of The Episcopal Church at the United Nations and other multinational consultations with faith communities on refugee and migrant issues, alongside the Anglican Communion Office, Lutheran World Federation, and other ecumenical and interfaith partners in responding to the global refugee crisis; and be it further

Resolved, That this General Convention encourage all congregations and dioceses to learn about the intricacies of migration, including root causes through the resources provided by Episcopal Migration Ministries and its Partners in Welcome network and engage in aiding migrants to the best of their ability.

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Austin, 2018* (New York: General Convention, 2018), pp. 1065-1067.



Resolution Number: 2012-D011
Title: Urge Equal Application of Immigration Law to Same-Sex Partners
Legislative Action Taken: Concurred
Final Text:

Resolved, That the 77th General Convention urge enactment of legislation to permit same-gender legal domestic partners and spouses of United States citizens and lawful permanent residents to seek lawful permanent resident status in the same manner as different-gender spouses of citizens and lawful permanent residents; and be it further
Resolved, That the 77th General Convention encourage dioceses and congregations to pray for, support, and advocate for the immigrants, refugees, and strangers in their communities, including lesbian and gay families facing unwanted moves, deportation or being split apart due to unequal treatment of same-gender couples under federal immigration law.

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Indianapolis, 2012* (New York: General Convention, 2012), pp. 111-112.



Resolution Number: 2009-D076
Title: Urge Immigration Equality for Same-Sex Couples
Legislative Action Taken: Concurred as Amended
Final Text:

Resolved, That the 76th General Convention of The Episcopal Church urge that the leadership of both Houses of Congress assure fairness in immigration and specifically provide immigration equality for same-sex couples by permitting a citizen or permanent resident alien to sponsor an immigrant partner for permanent residence in the United States.

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Anaheim, 2009* (New York: General Convention, 2009), p. 359.



Resolution Number: 2006-D005
Title: Oppose Criminalization of Homosexuality
Legislative Action Taken: Concurred as Amended
Final Text:

Resolved, That the 75th General Convention adopt the following statement:

The 75th General Convention of The Episcopal Church declares that efforts to criminalize homosexual behavior are incompatible with the Gospel of Jesus Christ, incompatible with resolutions at successive Lambeth conferences including the 1998 Lambeth Resolution I.10, and incompatible with the Primates' statement from Dromantine which declares that the, "victimization or diminishment of human beings whose affections happen to be ordered towards people of the same sex is anathema to us. We assure homosexual people that they are children of God, loved and valued by him, and deserving of the best we can give of pastoral care and friendship." In affirming these consistent statements we declare our opposition to the imposition of civil or criminal penalties, especially imprisonment and execution, upon gay and lesbian people and our opposition to laws anywhere in the world that specifically target and impose imprisonment for homosexual behavior, speech, or assembly of gay and lesbian people and their supporters; and be it further

Resolved, That the 75th General Convention commend the government of Brazil for its courageous efforts to extend the protections of the U.N.'s Declaration on Human Rights to include gay and lesbian people and that the Secretary of Convention convey this resolution to the Brazilian Ambassador to the United States and the Episcopal Primate of Brazil. We commend to their attention Lambeth 1998 I.1, which affirms and adopts the U.N. Declaration on Human Rights; and be it further

Resolved, That the 75th General Convention direct the Executive Council to monitor the progress of efforts to criminalize or decriminalize homosexuality and efforts such as Brazil's to extend the protections of basic human rights; and be it further

Resolved, That the Secretary of the 75th General Convention convey this resolution to the Archbishops of Canterbury and York, all Primates in the Anglican Communion, the President of the United States, the U.S. Ambassador to the United Nations, Secretary General of the United Nations, Anglican Observer of the United Nations, heads of state of all nations represented by Bishops and Deputies, all U.S. Senators and Representatives and the Governors of all states or territories within the pastoral jurisdiction of The Episcopal Church.

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Columbus, 2006* (New York: General Convention, 2007), pp. 671-672.