



September 9, 2021

President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

The Taliban's August 2021 takeover of Afghanistan has focused international attention on the safety and livelihood of many vulnerable populations, including women and girls, and lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI) Afghans. As the decision to withdraw from Afghanistan will be part of your legacy, so too will be the actions your Administration takes to ensure the well-being of these populations.

Same-sex activity was already criminalized before the Taliban took control, but the new regime's mandate to rule with Sharia law makes the fate of LGBTQI Afghans even more precarious, subjecting them to the very real possibility of a death sentence. There are already alarming reports from LGBTQI Afghans about their fear of living under Taliban rule, with many saying that they have gone into hiding in fear for their lives. A Taliban judge recently decreed: "For homosexuals, there can only be two punishments: either stoning, or he must stand behind a wall that will fall down on him." An exodus of LGBTQI refugees has commenced and will likely expand.

We are deeply disappointed that your Administration did not press to extend the August 31 deadline to evacuate more at-risk refugees from Kabul, but we are heartened by your pledge to continue to support refugee evacuation and resettlement in the coming weeks. The United States bears a special responsibility not to abandon those we have encouraged along the path to democracy and human rights, and to act expeditiously to ensure their safety.

We urge your Administration to adopt a ten-point plan to protect the security of LGBTQI Afghan refugees:

1. Prioritize the evacuation and resettlement of vulnerable refugee populations, including LGBTQI people, and ensure that any transitory stay in a third country is indeed temporary by expediting refugee processing.
2. Provide and effectively implement explicit "Priority 2" (P-2) access to the U.S. refugee program for the highly vulnerable population of LGBTQI individuals fleeing Afghanistan. Waive the application fee for any LGBTQI Afghan applying to relocate to the United States on an expedited basis via humanitarian parole and look favorably upon those emergency requests. Initiate a new program of Temporary Protected Status (TPS) for Afghans in the United States, including those paroled into the United States on an emergency basis.
3. Ensure that existing lists that have been collected by various governments of at-risk Afghans, including those who wish to flee because of their sexual orientation or gender identity, are carefully safeguarded so that they do not fall into Taliban or third-country hands and are not used to target individuals or family members. Use the lists as a basis for expedited P1 or P2 refugee processing or humanitarian parole for those who seek protection abroad.
4. Lift or expand the FY 2022 refugee cap of 125,000 refugees accepted into the United States.
5. Work with our allies to coordinate refugee protection for LGBTQI Afghans, open avenues to other countries for migration and asylum, and provide assistance to neighboring countries that have acted as points of first entry for thousands of refugees as well as countries where LGBTQI Afghan refugees will be processed.
6. Provide funding to support the temporary housing, livelihoods, and security of LGBTQI refugees in third countries while they are being processed for refugee resettlement in the United States or elsewhere.
7. Recognize NGOs that have been reliable partners in identifying and recommending LGBTQI Afghans to the State Department for protection and instruct U.S. embassies to process LGBTQI refugee applications on site when referred by these designated partners.
8. Recognize for the purposes of refugee relocation, humanitarian parole, or any other entry into the United States any same-sex Afghan partner as a spouse. Take an equally expansive view of the definition of family for LGBTQI relocation given the lack of legal recognition for LGBTQI partnerships in the region.
9. Expand LGBTQI-sensitive resettlement programs in the United States and engage with NGOs and local communities to expand the U.S. capacity to absorb larger numbers of LGBTQI

Afghan refugees in supportive and inclusive environments, including through new refugee sponsorship programs.

10. Speak out forcefully against human rights abuses by the new Taliban regime and any increased targeting of vulnerable communities, including LGBTQI people, and use existing mechanisms to sanction and hold accountable perpetrators of human rights abuse. Negotiate explicit human rights monitoring access, with a particular focus on vulnerable communities including LGBTQI Afghans, when the mandate of the UN Assistance Mission in Afghanistan is renewed by the Security Council later this month.

The international community must act in concert to protect vulnerable populations now placed at risk. We urge the United States to increase and prioritize its immediate, medium-term and long-term efforts on behalf of the LGBTQI community in Afghanistan using these ten protection priorities.

Sincerely,

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