

# SOGI-Related Forced Migration in East Africa:

Fleeing Uganda After the Passage  
of the Anti-Homosexuality Act

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**The Global Philanthropy Project** is a collaboration of funders and philanthropic advisors to expand global philanthropic support to advance the human rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people in the Global South and East. Established in 2009, GPP's mission is to support the human rights of LGBTI people by expanding financial resources and deepening knowledge. The opinions and findings in this report reflect views gathered by the author during individual interviews and reviews of literature and do not necessarily reflect the views of the members of the Global Philanthropy Project.

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*Due to sensitivities regarding asylum seeking and general security concerns, the names of individuals and specific organizations in Uganda and Kenya have not been cited in this report.*

## EXECUTIVE SUMMARY

Over the past decade, lesbian, gay, bisexual and transgender (LGBT) Ugandans have sought safety and asylum in various countries, but never in such numbers or with such a high degree of visibility as following the passage of the Anti-Homosexuality Act in December 2013. When reports of LGBT Ugandans seeking refuge in Kenya began to surface in the months following, many international donors and LGBT activists in the region felt at a loss for how to respond. Stories of LGBT Ugandans in the Kakuma refugee camp and Nairobi highlighted difficult living conditions, harassment, arrests and violence. Refugee service providers, including the United Nations High Commissioner for Refugees (UNHCR), struggled to respond to the unexpected influx, one that coincided with a government crackdown on refugees in Kenya. It seemed that the Ugandans had left one hostile and insecure environment for another, yet the numbers continued to grow. Instead of slowing, following the Anti-Homosexuality Act's nullification in August 2014, the stream of asylum seekers from Uganda continued and even increased.

Donors and activists alike felt that they lacked the full picture of what was occurring, why, and what the range of possible and appropriate interventions could be. This research sought to gain a greater understanding of the LGBT Ugandans who fled their country following the bill's passage, to determine (to the extent possible) their numbers and characteristics, and to capture some of their experiences of asylum seeking. It examines the constellation and interaction of push and pull factors underlying this unprecedented outflow. It also looks at the impacts of this migration on service providers, pre-existing refugee communities, LGBT-led organizations and the LGBT rights movements in Uganda and Kenya.

The research engaged more than 100 respondents from a broad cross-section of stakeholders. These included LGBT Ugandan asylum seekers in Kenya

and abroad; LGBT-led organizations in Uganda, Kenya and the Ugandan diaspora; organizations focused on legal aid, protection and security, and refugee service provision; UNHCR in Kenya; international funders and other actors providing emergency assistance.

It is important to note that this is not an exhaustive examination of all the contexts in which LGBT Ugandans are seeking refuge. Because the greatest number of LGBT Ugandan forced migrants appears to have sought safety in Kenya, much of the research focused there. Many individuals have fled to other places, particularly in North America and Europe, and some limited information on these situations has been integrated into the report.

The findings of the research are intended to inform the individuals and organizations who have been responding or wish to respond to this complex situation; to help strengthen protection mechanisms within Uganda and Kenya; and to support proactive and sustainable interventions to address LGBT forced migration. While the recommendations are focused on the situation related to Uganda, it is hoped that they have relevance to the region more broadly and wherever similar situations may arise.

### Key Findings

**THE NUMBERS** ■ Exact figures are difficult to determine, as not all Ugandans entering Kenya register as asylum seekers. Based on data provided by UNHCR and service providers in Kenya, at least 400 LGBT Ugandans sought safety or asylum in the country between January 2014 and February 2015; about half of this total arrived in the first months of 2015. Considering accounts of LGBT Ugandans staying in Kenya illegally and/or temporarily, the number is likely closer to 500, if not more.

As of early March 2015, 29 LGBT Ugandans had been resettled from Kenya to the U.S., Canada, Sweden, the Netherlands, and Norway. The U.S. Embassy in Nairobi reported that another 50 individuals had been approved for resettlement.

Because few countries track or publish data regarding SOGI-related asylum claims, it is not possible to determine the total number of LGBT Ugandans who have applied for asylum in other countries.

**DEMOGRAPHICS** ■ Service providers and LGBT organizations in Kenya reported that the overwhelming majority of the Ugandans they interacted with were young—most in their late teens or early twenties—and identified as gay men. There were few reports of trans-identified individuals or lesbians and only one reported case of an intersex individual among asylum seekers. Theories regarding the reasons behind this are elaborated on later in the report.

The forced migrants span a range of socio-economic backgrounds from impoverished, with little formal education or work experience, to middle-class and highly educated. Some have left behind spouses and children in Uganda; a few women are reported to have migrated with their children. In terms of their geographic origins, there are reports of arrivals from across Uganda's regions, from both urban centers and rural areas.

**PUSH AND PULL FACTORS** ■ The unprecedented exodus of LGBT Ugandans cannot be attributed solely to the passage of the Anti-Homosexuality Bill, though it certainly played an instigating role. A variety of push and pull factors, some of which have changed over time, conspired to turn an initial stream of forced migrants into a substantial flow. Many push factors were pre-existing in Uganda and were exacerbated by the perceived green light for discrimination and abuse given by the law's passage. In 2014, Ugandan human rights organizations recorded an increase in arrests and harassment by police, threats and incidents of violence, media outings, evictions, and family rejection. At the same time, demands to support the relocation and welfare of individuals experiencing these violations were beyond the capacity of Ugandan groups mandated to provide

such services. Allies in the Global North launched fundraising appeals and began sending money to enable individuals to flee Uganda; however, many international institutional funders remained wary of providing emergency response funds and propping up potentially unsustainable interventions. Additionally, the decision of several prominent LGBT movement leaders to seek asylum was seen as a motivating factor for other community members.

In Kenya, UNHCR and its partners initially prioritized the unexpected new caseload and expedited the resettlement of LGBT Ugandans. Several Kenyan LGBT-led organizations responded to the influx by making their pre-existing services available to the new arrivals or creating new programs to address their specific needs. The services and support available in Kenya, and the rapid processing by UNHCR, acted as increasingly powerful pull factors as news of these resources made its way back to Uganda. This draw may be especially strong for young LGBT Ugandans whose education and employment opportunities have been limited by stigma and discrimination, and whose lack of social safety nets makes them particularly vulnerable.

## Challenges and Recommendations

Three main challenges emerged from the research. First, how to **promote the safety and well-being** of LGBT Ugandan forced migrants in Kenya. The Kenyan government's encampment policy and increased anti-terrorism efforts put all urban refugees at heightened risk of arrest, abuse and deportation. By virtue of their nationality and, often, their lack of Swahili, LGBT Ugandans are easily identified, particularly in the confined environs of the Kakuma refugee camp. This vulnerability is compounded by homophobic attitudes among the Kenyan public and anti-sodomy laws used to harass and arbitrarily detain LGBT individuals. In such an uncertain and hostile environment, it has been difficult to identify safe accommodation options for LGBT Ugandan forced migrants, either in the camp or elsewhere, and to help them become self-sustaining. The situation has also revealed the plight

of other LGBT refugees whose struggles have received far less attention.

The second challenge is how to **manage expectations** of LGBT Ugandan forced migrants. The initial prioritization of all LGBT Ugandan cases by UNHCR and the provision of financial assistance to those in Nairobi fostered the belief that all Ugandan LGBT asylum seekers would receive the same support, regardless of differing levels of vulnerability, and that asylum seeking in Kenya was a sure route to quick resettlement. Changes in the treatment of LGBT Uganda asylum seekers, due to limited resources and allegations of fraud, have been met with protests by asylum seekers. The high expectations extend to Kenyan LGBT organizations from whom migrants demand forms of support unavailable to LGBT Kenyans. The situation has been exacerbated by international activists' promises to help individuals "escape" to a safer life. As refugee processing times lengthen, the challenge becomes how to support a group so focused on resettlement to become self-sustaining.

Intersecting these two concerns is the challenge of **promoting effective communication and collaboration** among the numerous and varied stakeholders responding to the forced migrants. There are examples where the crisis has created opportunities for the development of new relationships, such as between UNHCR and LGBT-led groups in Kenya. Yet it has also sparked conflicts—primarily between local LGBT organizations and groups responding from abroad—and raised questions about mandates, responsibility, transparency and regional solidarity.

Given the complexities of the push and pull factors involved in this migration, as well as the challenging context in Kenya, stakeholders must consider a variety of strategies—both to address the root causes of the outflow from Uganda and to respond to the current needs of LGBT forced migrants in Kenya.

**Strategies to support LGBT Ugandan forced migrants in Kenya must be sustainable and inclusive of LGBT refugees and migrants from other countries who are facing many of the same challenges.** This means supporting the self-organizing and self-management of LGBT refugee groups with the involvement of local advisors, such as Kenyan LGBT groups and refugee service providers, to inform approaches to safe housing and livelihoods. Kenyan LGBT organizations that have extended their services to forced migrants need funding to ensure that they can continue to serve their core constituencies while responding to this crisis; an examination of the protection and security risks Kenyans face in doing this work is critical. At the same time, longer-term efforts are equally important for creating a less discriminatory environment in Kenya for LGBT forced migrants.

**Strategies to manage expectations of forced migrants must address both potential forced migrants and those already in Kenya.** Information dissemination in Uganda, through formal and informal mechanisms, is critical for helping individuals make educated decisions about asylum seeking and other alternatives such as temporary relocation. In Kenya, refugee service providers and LGBT organizations working with forced migrants should inform new arrivals of their options, as well as threats related to the local context, so that asylum seeking is not the default choice.

**Strategies to address the vulnerabilities that lead to asylum seeking or migration must be re-examined and strengthened.** In Uganda, more rigorous analysis of LGBT individuals' requests for emergency assistance is needed to understand the threats driving forced migration and why people are at risk, and to draw out lessons learned to inform more proactive protection measures. Donors and Ugandan LGBT organizations should work together to evaluate and strengthen existing emergency response mechanisms; they should also discuss proactive organizational security plans that address the protection concerns of staff and

members. Simultaneously, a re-examination of whether current program and funding priorities are responsive to community needs could generate a more holistic approach to underlying factors related to security, such as health and livelihoods.

**There is a need for better communication and collaboration among stakeholders to promote transparency, greater coherence and efficiency in responding to LGBT forced migrants.** More structured systems of information sharing between LGBT organizations and activists in Uganda and Kenya can strengthen relationships and their ability to jointly address migrant trends. It may also enable more constructive engagement with actors based outside the region, such as individuals and groups sending emergency funds to Ugandans. Among donors, more consistent information sharing will enable more efficient identification of, and responses to, funding gaps. Overall, greater transparency regarding who is doing what will reduce tensions and lead to more collaborative engagement.

### **Lessons Learned and Further Questions**

The situation of LGBT Ugandans in Kenya has revealed both systemic weaknesses and new opportunities for strengthening responses to LGBT forced migrants. It has shed light on pre-existing LGBT refugee populations, and the hardships and discrimination they have been facing with little support. It has illuminated the need for more creative and effective protection strategies and to build the expertise and sensitivity of service providers. And it has forced a re-examination of the LGBT movement in Uganda—both its ability to respond to the expressed needs of the LGBT community as well as the priorities of the international funders who support LGBT rights organizations.

At the same time, the heightened attention to the migrants has opened doors for mainstreaming SOGI into service provision and sensitizing those mandated to protect and serve them. It has created

opportunities to build and strengthen relationships within Kenya and across the border, and raised important questions regarding what regional and international solidarity should look like.

As the number of LGBT migrants to Kenya continues to grow, allegations of human smuggling and asylum fraud further complicate circumstances. Organizations in the region must grapple with the question of whether preventing the further outflow of LGBT Ugandans is possible. As resettlement is not and cannot be the solution for all LGBT forced migrants, further exploration is needed to determine how to make temporary relocation to Kenya, and other countries in East Africa, a safer and more viable option. LGBT-led organizations working in the region can identify and map various relocation possibilities as well as discuss proactive and structured means of communication—both to serve as an “early warning system” regarding LGBT forced migration and to enable collaboration.

Additional important questions remain regarding how to respond to this particular situation and the situation of LGBT refugees more broadly.

#### *FOR LGBT-LED ORGANIZATIONS IN UGANDA:*

- What methods can organizations use to ensure that their members, as well as those not affiliated with LGBT groups, know of sources of support available locally and can access information about temporary relocation or asylum seeking? What are ways to ensure that people living in rural areas can access this information?
- What capacity do LGBT-led organizations have to provide the services (health, economic empowerment, and psychosocial support) they believe are needed to mitigate vulnerabilities within the LGBT community?
- How effective are existing measures to promote safety and security?
- What are the reasons for the limited communication between Ugandan and Kenyan LGBT-led groups and how can these be addressed?



#### *FOR LGBT-LED ORGANIZATIONS IN KENYA:*

- Should LGBT-led organizations integrate forced migrants into their mandates? If so, how? Do stand-alone or time-limited programs make more sense?
- What are the specific security risks involved in this work and how can they be proactively addressed?
- How can relationships between LGBT-led groups and refugee service providers be strengthened?

#### *FOR REFUGEE SERVICE PROVIDERS IN KENYA:*

- What lessons have been learned regarding effective strategies for responding to a small number of LGBT asylum seekers as opposed to larger groups?
- Is it possible to mitigate the pull factor of assistance while still responding to the particular vulnerabilities of LGBT asylum seekers?
- How can refugee service providers support LGBT refugee-led organizing both in the refugee camps and in Nairobi? How can they support the involvement of Kenyan LGBT-led groups in this work?
- How can organizations ensure that interventions in this situation do not sideline or make invisible non-Ugandan LGBT asylum seekers and forced migrants?

#### *FOR DONORS WORKING IN THE REGION:*

- Are donors willing and able to fund programs to address the needs of LGBT forced migrants? What are the current barriers to supporting such programs and how might they be addressed?
- Are donors willing to fund diaspora groups who wish to advocate for and work with LGBT asylum seekers in the Global North?
- What opportunities are there for donors focused on the human rights and security of LGBT communities to explore integrating health, economic and social security into their priorities? Or to collaborate with funders who focus on these issues?
- What are the reasons for inconsistent information sharing among donors? How can this be improved?

## **METHODOLOGY**

More than one hundred respondents were engaged for the research, which was conducted between December 2014 and May 2015. The majority of interviews were conducted in person in Uganda and Kenya, with the remainder conducted via phone/Skype and over email. Interviews were semi-structured and included an overview of the goals and scope of the research. Kim Mukasa, a legal officer for gender and sexuality at the Refugee Law Project, played a critical role in organizing meetings with Ugandan LGBTI activists and conducting interviews with individuals in Uganda who have sought asylum and returned or who have expressed interest in asylum seeking.

Interviews with individual forced migrants sought to represent a diversity of identities and experiences. In Uganda, care was taken to ensure inclusion of LGBT organizations and activists working outside of Kampala and in rural areas, as well as, lesbian- and trans-led groups. In Kenya, the research engaged organizations working in Nairobi and the Kakuma refugee camp as well as LGBT activists and organizations working along the Uganda-Kenya border and across much of western Kenya. Though it was not possible to interview all organizations involved in responding to the forced migrants, the research sought a representative sample.

#### *INTERVIEWEES INCLUDED:*

- Potential and returned forced migrants living in Uganda
- LGBT Ugandan asylum seekers/refugees in Kenya
- LGBT Ugandan human rights defenders who sought asylum in the U.S. and Canada in 2014
- Representatives of organizations of LGBT Ugandans in the diaspora
- Representatives of organizations working with LGBT Ugandan asylum seekers in the Netherlands and Sweden
- U.S.-based individuals and groups providing financial assistance to LGBT Ugandan forced migrants



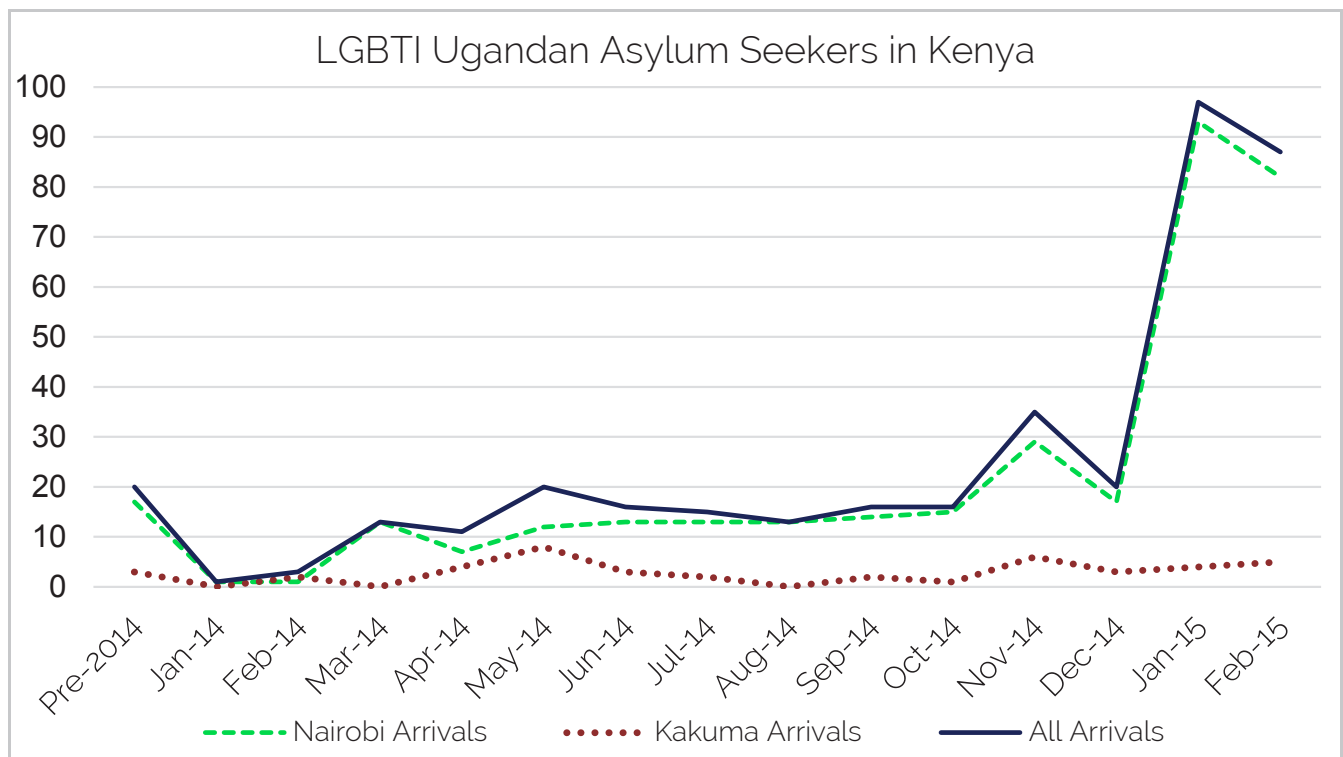
- LGBTI activists and representatives of LGBT-led organizations in Uganda and Kenya
- Representatives of NGOs focused on protection and security in Uganda and East Africa
- Representatives of organizations providing legal aid and refugee assistance in Uganda and Kenya
- Representatives of UNHCR in Kenya
- Representatives of international funders supporting LGBT-led organizations in the region
- U.S. embassy representatives in Uganda and Kenya
- Representatives of international human rights advocacy organizations
- Experts on LGBTI rights and forced migration

## THE NUMBERS

The total number of LGBT Ugandans in Kenya cannot be determined, since not all Ugandans entering Kenya register as asylum seekers, but

was likely greater than 500 at the beginning of 2015. Between January 2014 and February 2015, UNHCR registered 363 Ugandans seeking asylum on the grounds of persecution based on their sexual orientation or gender identity (SOGI). Of that total, 50 percent arrived and were registered in 2014, meaning that an equivalent number sought asylum in the first few months of 2015. This constituted a dramatic increase.

The vast majority of asylum seekers—almost 90 percent—were registered in Nairobi while the remainder was registered in the Kakuma refugee camp. It is difficult to say with certainty, at any given time, how many of these asylum seekers are in Kakuma or Nairobi. The numbers fluctuate as individuals cycle between the camp and Nairobi seeking faster case processing, in response to threats of violence and arrest, and according to the availability of financial support from service providers and outside supporters.



SOURCE: UNHCR KENYA

It is worth noting that, until this influx of LGBT Ugandans, there had not been a system in place for UNHCR in Kenya to track the number of SOGI-based claims they received. Once this system was created in early 2014, arrivals from earlier in the year and from 2013 were added. According to that data, there were 20 cases of LGBT Ugandans from prior to 2014.

UNHCR and its partners at first expedited resettlement in response to the small number of LGBT Ugandan asylum seekers and the high level of threat they faced, arriving at a time when the Kenyan government, in response to a terrorist attack, launched a crackdown targeting urban refugees. As of early March 2015, 29 LGBT Ugandans had already been resettled from Kenya to the U.S., Canada, Sweden, the Netherlands and Norway. According to the U.S. Embassy in Nairobi, another 50 individuals were in the pipeline for resettlement.

In addition to those registered with UNHCR, there are also reports of LGBT Ugandans entering the country who do not seek asylum for various reasons. They may not be aware of the option or how to pursue it, or they may be uninterested in becoming a refugee. With a valid passport and entry stamp, Ugandans may remain legally in Kenya for an extendable period of six months. With proper documentation they can also be employed in Kenya under the terms of the East African Community Common Market. Respondents gave accounts of individuals temporarily relocating to Kenya both legally and illegally, i.e. without passing through an official border checkpoint. For example, an organization based on the Kenya-Uganda border described how some individuals crossed into Kenya, rented a house and waited a few months to evaluate the fallout of the bill's passage before returning to Uganda. There are also accounts of individuals registering as asylum seekers and returning to Uganda.

While the vast majority of migrants appear to be

in Nairobi, there are reports of LGBT Ugandans staying in other major cities and in border towns near Uganda. The porous border and the fluid nature of the migration make it difficult to verify the number of LGBT Ugandans in Kenya at any one time. However, as an indicator of the substantial influx, one Kenyan organization serving men who have sex with men (MSM) estimated that they had served almost 500 Ugandans in 2014.

Because few countries track or publish data regarding SOGI-related asylum claims, it is not possible to determine the total number of LGBT Ugandans who have applied for asylum in other countries. According to respondents, there are Ugandans seeking asylum on the basis of SOGI-related persecution in the U.S., Canada, the U.K., Norway, Sweden, the Netherlands, Belgium and Switzerland. There are also anecdotal accounts of individuals temporarily relocating or seeking safety in Rwanda, the Democratic Republic of Congo and South Africa. The Friends New Underground Railroad, an initiative based in the U.S., claims it has assisted more than 1,000 LGBTQ individuals to leave Uganda, almost 300 of whom have reached their "final destination" in a wide variety of countries—some apparently on work or visitors visas.<sup>1</sup> One respondent working with LGBT asylum seekers in Sweden said, "Most of the people I meet have paid someone to arrange a fake passport for them, a smuggler... Others have managed to get visas to Sweden, and thus travel here 'legally.'"

## DEMOGRAPHICS

Service providers and LGBT organizations in Kenya reported that the overwhelming majority of the Ugandans they interacted with were young—most in their late teens or early twenties—and identified as gay men. There were few reports of trans-identified individuals or lesbians and only one reported case of an intersex individual

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<sup>1</sup> Note: the initiative has renamed itself the Friends Ugandan Safe Transport Fund. See their FAQs at <http://friendsugandansafetransport.org/faqs/>.

among asylum seekers. These characteristics were also observed by organizations in Sweden and the Netherlands assisting LGBT Ugandan asylum seekers.

*These guys are very young. They get to understand that the environment in Nairobi is a bit safe. Most of them are coming from the village, not Kampala. The environment in the village is very hostile for them.*

—MSM SERVICE PROVIDER IN KENYA

The reported prevalence of gay forced migrants is in contrast to claims from Ugandan organizations who estimate that dozens of transwomen have fled to Kenya, primarily from the poorer neighborhoods of Kampala. Respondents in Uganda and Kenya speculated that transwomen may be more likely to identify as gay as a protection measure in Kenya, may be engaged in sex work in Nairobi or other towns and choose not to seek asylum, and/or may fear that life in Kakuma would be too dangerous. Desire to avoid staying in the refugee camp was cited by a few others as a reason that gender non-conforming individuals, transmen, lesbians or bisexual women may not register as asylum seekers.

*[They are coming from] towns and other areas of socialization. This is clear as they have the urban vocabularies of LGBTI slang and are quite informed. This is different from those from remote parts.*

—LGBT ORGANIZATION WORKING WITH REFUGEES IN KENYA

According to organizations in Kenya, the forced migrants span a range of socio-economic backgrounds: from impoverished, with little formal education or work experience, to middle-class and highly educated. Some have left behind spouses and children in Uganda; a few women are reported to have migrated with their children. In terms of their geographic origins, several refugee service providers reported arrivals from across Uganda's regions, from both urban centers and rural areas. There were conflicting reports about whether the majority originated from Kampala or villages in Uganda. Several LGBT organizations working

in Kakuma and Nairobi reported that most of the Ugandans they met had lived in Kampala. The possible predominance of migrants from Uganda's capital likely stems from internal migration of LGBT individuals to Kampala and the presence of LGBT community networks and organizations there, which facilitate information sharing.

Some respondents observed changes in the demographics over time. For example, one Kenyan LGBT group providing direct assistance reported that there was greater diversity in the ages of those who arrived between January and July 2014; starting in August, after the nullification of the Anti-Homosexuality Law, they noted that arrivals were almost entirely young people. They also noticed that those arriving then had fewer physical injuries.

## PUSH AND PULL FACTORS

While the passage of the Anti-Homosexuality Bill is the most obvious push factor, it is only one in a constellation of factors that created the unprecedented exodus of LGBT Ugandans. In the years preceding the law's passage, Ugandan organizations and international human rights watchdogs documented the discrimination, harassment, violence, and denial of access to services that LGBT Ugandans faced.<sup>2</sup> Many respondents believe that the adoption of the law, in December 2013, legitimized these abuses and gave license for more. They also felt that the annulment of the law by Uganda's Constitutional Court in August 2014 did little to change the hostile environment; some even suggested that, since the act was struck down on a technicality and not because of its substance, it emboldened the public to take matters into its own hands. This spirit of a popular cause was

<sup>2</sup> See, for example, Civil Society Coalition on Human Rights and Constitutional Law and Human Rights and Awareness Promotion Forum, "Protecting 'morals' by dehumanising LGBTI persons? A critique of the enforcement of the laws criminalising same-sex conduct in Uganda," October 2013. Available at [http://www.hrapf.org/sites/default/files/publications/section\\_145\\_research\\_report\\_full\\_version.pdf](http://www.hrapf.org/sites/default/files/publications/section_145_research_report_full_version.pdf); and U.S. Department of State, Bureau of Democracy, Human Rights and Labor, "Country Reports on Human Rights Practices for 2013: Uganda." Available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dclid=220173>.

reinforced by Ugandan members of parliament petitioning for the bill's re-introduction and by reports, in November 2014, of politicians considering a new law targeting the LGBT community, the Prohibition of Promotion of Unnatural Offences Bill.

*Even though they struck down the law, the general public has been poisoned. It's not the law people are afraid of—it's their very neighbors, their friends, their relatives. When you hear about violations, it's not done by the law. The police arrest you and parade you, but then they release you because they have nothing to charge you with. Once you go back to the community, you're at the mercy of the people you live with.*

—UGANDAN LGBT RIGHTS ACTIVIST

After the bill's passage, under the threat of the Anti-Homosexuality Law's "promotion" clause, many organizations working with the LGBT community initially suspended or scaled back their programs and tried to lower their profile. The police raid of the Makerere University Walter Reed Project, accused of "recruiting homosexuals," and the forced suspension of the Refugee Law Project on allegations of "promoting homosexuality" signaled a new level of scrutiny and aggression by the Ugandan government. It created an environment in which, as one LGBT activist put it, "people were scared to access services and service providers were afraid to provide them." The hostile environment prompted several prominent LGBT leaders to seek asylum in the Global North; many respondents in Uganda viewed their decision as a motivating factor for other members of the LGBT community to leave the country. One Ugandan activist said, "When members see this, they think, 'If these cannot take the heat, who am I to do so?'" In some cases, the departures led to the collapse of LGBT-led groups. This loss of support may also have motivated some community members to leave the country.

Ugandan organizations in 2014 documented an overall increase in reports of threats and incidents of violence, blackmail, media outings, loss of

employment, and expulsion from school. A widely held belief that the legislation still contained the requirement to turn in suspected LGBT individuals led to pre-emptive family rejections, evictions and reports to the police even before the bill was signed into law. Arrests increased in the first half of 2014 (see Appendix 1: Chart 1), however, no charges were made under the Anti-Homosexuality Act. While police may have used the new law as a pretext, charges were made only under the existing penal code, which criminalizes same-sex conduct. No one has ever been convicted of same-sex offences under Uganda's penal code. In that sense, the enactment of the Anti-Homosexuality Act did little to change the status quo in which laws are used to detain, harass and intimidate—but not prosecute—LGBT people. Specific incidents of arrest or violence certainly played a large role in driving individuals' migration, but in the climate of fear and anxiety created by the bill, others simply did not want to wait for something to happen. Many Ugandan respondents described the cumulative nature and impact of discrimination, and said that a sense of having exhausted relocation options could have pushed people to leave the country.

Groups providing emergency assistance to individuals under threat, namely the National LGBTI Security Committee and Sexual Minorities Uganda (SMUG), received an unprecedented number of requests for assistance in 2014. Demands to support individuals' relocation and welfare exceeded the financial and human capacity of the two groups who struggled to document and verify the multitude of cases and who faced risks to their own personal safety in doing so. Despite the increased demands for emergency assistance from individuals, many international institutional funders remained wary of providing emergency response funds for this kind of work and propping up potentially unsustainable interventions. There were also concerns regarding the transparency and accountability of these systems. For some respondents in Uganda, the perceived ineffectiveness or favoritism in the responses of these emergency mechanisms was

cited as a push factor and a reason why LGBT Ugandans sought help from supporters outside the country.

Soon after the passage of the law, allies in the Global North launched fundraising appeals and began sending money directly to individuals or through intermediaries in Uganda and Kenya. Many respondents, particularly in Uganda, cited offers of financial assistance, promises to secure visas, as well as general encouragement from abroad as key factors in prompting and enabling individuals to flee Uganda. According to information from some of these allies and a review of online crowdfunding sites, more than \$125,000 has been raised and disbursed. The Friends New Underground Railroad alone has contributed approximately \$92,000 to help people "escape from Uganda."<sup>3</sup> Through her rescue and relief funds, Melanie Nathan, an activist based in the U.S., has raised at least \$18,000 for the emergency needs of LGBT individuals in Africa.<sup>4</sup> The Kuchu Diaspora Alliance (KDA), a group of Ugandan LGBT activists living in the U.S. and in partnership with the Metropolitan Community Church of New York, provided almost \$5,000 to groups of LGBT Ugandans in Nairobi and Kakuma for food, medicine and shelter. KDA also provided support for one well-known transwoman, who had been arrested multiple times, to flee to Kenya, which raised expectations within the LGBT community in Uganda. Uganda Gay on Move, a diaspora group in the Netherlands, solicited friends around the world to send money to one individual who was eventually resettled to the U.S. Other fundraising efforts found on websites like GoFundMe and stories from asylum seekers indicate that thousands more may have been sent to help individual Ugandans leave the country. In general, these actors have connections to people in Uganda; they believe they have done due diligence and that their systems are effective at getting support directly to those in need.

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3 Email correspondence with Gabi Clayton, representative of the Friends New Underground Railroad, 4 April 2015.  
4 Information on each of Melanie Nathan's five fundraising campaigns is accessible at [www.indiegogo.com/projects](http://www.indiegogo.com/projects).

The perception that Kenya is a safer, less homophobic country than Uganda was an immediate pull factor, in addition to its proximity and porous border. According to testimony from several asylum seekers who arrived in the first half of 2014, they fled to Kenya with a general goal of finding safety and protection; they were not aware of what asylum seeking entailed or the possibility of resettlement to a third country.

*We might be having people who are not necessarily asylum seekers per se, but who crossed the border and are specifically looking for resettlement because now the process is easy.*  
—REFUGEE SERVICE PROVIDER IN KENYA

In Kenya, UNHCR initially prioritized the unexpected new caseload and expedited the asylum cases of LGBT Ugandans. In a country where refugees may wait years hoping for resettlement, at least one Ugandan case sped through the process in a record eight months between entry into Kenya and resettlement to the U.S.<sup>5</sup> For those who decided not to go to Kakuma, a UNHCR partner in Nairobi provided start-up financial assistance of 12,000 Kenyan shillings (approximately \$120 USD) and a regular stipend of 6,000 Kenyan shillings per month. This assistance was at first made available to all LGBT Ugandan asylum seekers in Nairobi and, in principle, had no time limit. UNHCR admitted that the agency and its partners "may have created a pull factor for young Ugandans to travel to Kenya, attracted by automatic assistance and relatively quick resettlement processing."<sup>6</sup>

With the growing caseload and limited financial resources, UNHCR and its partners were forced to reconsider whether they could sustain this approach. By the end of 2014, they no longer automatically considered all LGBT Ugandans

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5 From an interview with a Kenyan LGBT activist on 14 December 2014, and a phone interview on 27 March 2015 with a Ugandan activist resettled to the U.S. from Kenya within eight months in 2014.  
6 Kuchu Times, "Resettlement is not a Human Right. It is a Privilege - UNHCR to Ugandan LGBTI Refugees in Kenya," available at <https://www.kuchutimes.com/2015/04/resettlement-is-not-a-human-right-it-is-a-privilege-unhcr-to-ugandan-lgbti-refugees-in-kenya/>



vulnerable and began assessing needs on a case-by-case basis. But expectations had already been raised. One new arrival in February 2015 told the researcher, "I expect to be in Kenya for three months and be resettled to the West."

Kenyan LGBT-led organizations initially responded to the influx with flexibility and generosity, making their pre-existing services available to the new arrivals or creating new programs to address their specific needs. For some, this meant adapting previous protection strategies originally created for their own members; for example, one group in Western Kenya expanded its temporary relocation program to provide safe housing, asylum counseling and medical referrals to more than 30 gay Ugandans, and connected them to UNHCR. Another organization, which had been working with LGBT refugees in Kakuma, invited LGBT Ugandan arrivals at the camp to join its peer support group; the organization also created a transition house where forced migrants could rest temporarily and receive counseling on their various options. Several groups working with MSM provided Ugandans with access to STI and HIV testing and counseling services, as well as referrals to organizations that could provide treatment. A Ugandan ally created a program in Nairobi, called Ark Communes, to offer shelter and support to LGBT Ugandan migrants and has been playing a large role in supporting asylum seekers' advocacy to UNHCR.<sup>7</sup>

The services and support available in Kenya and the rapid processing by UNHCR acted as increasingly powerful pull factors as the news of these resources made its way back to Uganda. Happy images of those who had been resettled to the Global North circulated on social media. Many respondents described how LGBT Ugandans in Nairobi encouraged their friends and partners to join them, sharing information about the asylum process and stories of a freer life. For young LGBT Ugandans whose education and employment opportunities have been limited by stigma and

discrimination, and whose lack of social safety nets makes them particularly vulnerable, these can be powerful incentives.

## CHALLENGES

### Safety and Well-being

Of enormous concern to all stakeholders is the safety and well-being of the LGBT Ugandans in Kenya. While they share the vulnerabilities of any forced migrant in Kenya, there are some that relate specifically to their identity and require particular sensitivity.

The Kenyan government's encampment policy, reissued in late March 2014, makes it illegal for asylum seekers or refugees to live outside designated refugee areas. In the press statement that renewed the directive, the Kenyan Interior Minister requested that all Kenyans report to police any refugees or illegal immigrants found outside the camps.<sup>8</sup> Under Kenya's Refugees Act (1996), the punishment for "residing without authority outside the designated areas" is a fine of up to 20,000 Kenyan shillings and/or imprisoned for up to six months.<sup>9</sup> Operation Usalama Watch, an anti-terrorism campaign launched shortly after the issuance of the encampment directive, has heightened scrutiny of all foreigners. These policies pose serious threats to all asylum seekers and refugees in Kenya, heightening their vulnerability to arrest, detention, abuse and deportation.<sup>10</sup>

8 Press Statement by Cabinet Secretary for Interior and Coordination of National Government on Refugee and National Security Issues on 26th March 2014. Available at [http://www.hrw.org/sites/default/files/related\\_material/PRESS%20STATEMENT%20BY%20CABINET%20SECRETARY%20FOR%20INTERIOR%20%20COORDINATION%20OF%20NATI%20%20%20.pdf](http://www.hrw.org/sites/default/files/related_material/PRESS%20STATEMENT%20BY%20CABINET%20SECRETARY%20FOR%20INTERIOR%20%20COORDINATION%20OF%20NATI%20%20%20.pdf). The directive for all urban refugees to relocate to Kenya's refugee camps was first issued in December 2012 and successfully challenged in the High Court of Kenya on the basis that it violated the Kenyan Constitution. A 2014 ruling, following the reissuance of the directive, upheld the encampment order.

9 Republic of Kenya. Refugees Act, 2006. Available at <http://www.rckkenya.org/rokdownloads/Resources/Conventions.%20policies%20and%20legislation/The%20Refugee%20Act%202006.pdf>

10 Human Rights Watch, "World Report 2015, Country Summary: Kenya," January 2015. Available at [http://www.hrw.org/sites/default/files/related\\_material/kenya\\_5.pdf](http://www.hrw.org/sites/default/files/related_material/kenya_5.pdf)

7 For more information, see <http://arkcommunes.weebly.com/>

There are some options for those who do not wish to seek asylum but, instead, temporarily relocate to Kenya. Under the terms of East African Community Common Market, Ugandans have the possibility of staying legally in Kenya as visitors, students or workers. In order to do so, they must possess a "valid common standard travel document," such as a passport or a national identity card.<sup>11</sup> While preferable, since this option reduces legal risks to migrants, it may be beyond the reach of many LGBT Ugandans. One Kenyan organization that provided safe shelter and assistance to arrivals in early 2014 said that many of those they helped did not have legal documents and, in some cases, did not know their own legal names. The cost of a Ugandan passport is potentially prohibitive (120,000 Ugandan shillings in a country where the average monthly income is about 300,000) and the country has just embarked upon the creation of a national identity card.

Kenya's anti-sodomy laws, while rarely enforced, are used as a pretext by police to detain and harass LGBT individuals—Kenyan and non-Kenyan alike.<sup>12</sup> According to a 2013 Pew Research Center survey, 90 percent of Kenyans believe homosexuality should not be accepted by society (compared to 96 percent of Ugandans).<sup>13</sup> LGBT Ugandans who expected to find a more accepting and open environment in Kenya put themselves at risk by failing to realize the continued necessity of personal security strategies.

Service providers, including UNHCR, have endeavored to provide safe accommodation to LGBT Ugandan asylum seekers but the size and visibility of the population has proved challenging. The pre-existing LGBT refugee caseload was considerably smaller and originated from seven

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11 EAC Secretariat, The East African Community Common Market (Free Movement of Persons) Regulations, Annex 1, November 2009. Available at [http://www.eac.int/commonmarket/index.php?option=com\\_docman&task=doc\\_view&gid=47&tmpl=component&format=raw&Itemid=6](http://www.eac.int/commonmarket/index.php?option=com_docman&task=doc_view&gid=47&tmpl=component&format=raw&Itemid=6)

12 Under Kenya's penal code, same-sex sexual activity is a felony punishable by up to fourteen years in prison.

13 Pew Research Center, "The Global Divide on Homosexuality," 4 June 2014. Available at <http://www.pewglobal.org/files/2014/05/Pew-Global-Attitudes-Homosexuality-Report-REVISED-MAY-27-2014.pdf>

different countries in the region (see Appendix 1: Chart 2). The protection needs of those refugees had been managed through UNHCR's strategy of integration in the refugee camps (what others termed "hiding in plain sight") and an implementing partner's program of scattered-site housing in Nairobi. These strategies were rejected by a substantial number of the Ugandans, leaving the agencies to improvise new and sometimes untested solutions.

In early 2014, Operation Usalama Watch ensnared a group of more than 30 LGBT Ugandan asylum seekers in Nairobi, who were given an ultimatum either to be deported or report to Kakuma camp.<sup>14</sup> Upon their arrival at Kakuma, fearing exposure and attacks, the group refused to be integrated into the camp's various communities, preferring to stay together. In response, in July 2014, UNHCR constructed special shelters for the group in a "protection area" of the camp close to the reception center.<sup>15</sup> While construction of shelters for highly vulnerable people is typically done by UNHCR, the usual procedure for other refugees is to be provided with materials to build their housing themselves. According to a respondent working with LGBT individuals in the camp, this perceived "special treatment" of the group created resentment among other refugees, including non-Ugandan LGBT refugees who had voiced concerns about their own insecurity for years.

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14 Email correspondence with UNHCR Kenya representative, 29 May 2015.

15 Protected areas are a strategy UNHCR Kenya uses in Kakuma to provide longer-term safe housing to those at heightened risk of various threats. See Human Rights Center, University of California, "Safe Haven: Sheltering Displaced Persons from Sexual and Gender-Based Violence. Case Study: Kenya." May 2013. Available at <http://www.unhcr.org/51b6e2fdg.html>



## Non-Ugandan LGBT Refugees in Kenya

Compared to the Ugandans, the number of registered LGBT refugees of other nationalities in Kenya is small (see Appendix 1: Chart 3). However, there may be many more who may not have based their asylum claims on SOGI or who arrived as *prima facie* refugees, i.e. as part of a large group escaping conflict or generalized violence, for example, from Somalia or South Sudan. One unexpected outcome of the visibility of and response to the Ugandan asylum seekers is that it has emboldened other LGBT refugees to now come forward and seek support.

While this should be welcomed as an opportunity to gain a greater understanding of the particular experiences and needs of LGBT refugees in Kenya and to assess the risks they face, their assertions are sometimes met with skepticism and seen as a fraudulent attempt to expedite their cases. While there may be false claims among them, this development nonetheless suggests the need to re-examine the situation of LGBT refugees in Kenya more broadly, with particular attention to those living in the refugee camps where it can be more difficult to evade persecutors once identified as LGBT. At least two refugee service providers working in Kenya have recently strengthened their focus on LGBT asylum seekers and refugees, and have begun working with Kenyan LGBT organizations to address discrimination in the refugee camps.

A difficult and unavoidable consequence of the shelters is that they increase the visibility of the LGBT Ugandans and some individuals feel confined to them for their safety. As the numbers continued to grow, UNHCR added another compound to the protection area to accommodate them. According to respondents living in Kakuma, some 2015 arrivals have been taken to a new part of the camp, primarily occupied by Sudanese, in response to overcrowding in the LGBT area, but that they have tried to join the earlier arrivals. UNHCR reports that some LGBT individuals prefer not to stay in the protection area and that they encourage those who can live safely and “anonymously” in the general community to do so.<sup>16</sup> LGBT Ugandans at high risk may be placed by UNHCR in a Nairobi safe house designated for vulnerable individuals awaiting resettlement. In rare instances, they may be evacuated to one of UNHCR’s three emergency transit facilities located in the Philippines, Romania, and Slovakia, while awaiting resettlement.

In Nairobi, a UNHCR partner has offered Ugandan LGBT asylum seekers stipends and shelter through a pre-existing scattered-site housing program. Though the organization had developed

relationships with landlords and identified houses in which vulnerable asylum seekers could stay, many Ugandans rejected this approach. They instead requested receiving the funds allocated for shelter as part of their monthly stipends so they could arrange their own housing. With little understanding of Nairobi’s neighborhoods, they struggled to find safe, affordable accommodation. Some have been reported to the police by their neighbors or have experienced violent attacks. Given Kenya’s current political realities, it is difficult to know whether the community and police attention to Ugandans is motivated by their SOGI, their foreign national identity, or a combination of the two.

In trying to keep pace with the needs and size of the influx, UNHCR and its partners have also adapted existing resources. A transit center, intended for short-term stays for asylum seekers transitioning from Nairobi to the refugee camps, was also being used by Ugandan new arrivals who planned to stay in Nairobi. While waiting to receive their initial installment of financial support from UNHCR’s partner, they stayed longer than the usual two to three days, straining the capacity of a space meant to hold 70 people.

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<sup>16</sup> Email correspondence with UNHCR, 30 May 2015.

*We are punished by other fellows in the camp. They are saying—especially the Somalis and the Sudanese—we should punish them because their president is the reason I had to leave home.*

—LGBT UGANDAN ASYLUM SEEKER IN KAKUMA

By virtue of their nationality and, often, their lack of Swahili, LGBT Ugandans are easily identified, particularly in the confined environs of the refugee camp. In Kakuma, in addition to the general problems of overcrowding, limited rations, and the harsh conditions of the camp, LGBT Ugandans report discrimination by staff of UNHCR implementing partners and police, threats and harassment from other refugees, and physical attacks. Ugandan LGBT respondents living in Kakuma described how shop owners refused to serve them, church leaders preached against them, and potential employers refused to hire them. Of note, the persecution appears to be both politically motivated and based on the Ugandan's SOGI. One respondent pointed out that the vulnerabilities of the LGBT Ugandans are not necessarily different from those of refugees who face hostility because of their ethnicity or political affiliation.<sup>17</sup>

Despite these very real protection issues, LGBT Ugandans asylum seekers in the camp ostensibly have their basic needs met; food and shelter are free, and medical and legal services are available through the International Rescue Committee and the Refugee Consortium of Kenya respectively. A local LGBT organization endeavors to provide psychosocial support, but says much more is needed, since many arrivals are contending with trauma and depression, compounded by the stressful situation in the camp.

In Nairobi, despite access to financial and social assistance, many LGBT Ugandans have had difficulty supporting themselves. Several respondents working with the asylum seekers lamented the challenge of supporting a population

fixed on resettlement to become self-sustaining. One Kenyan LGBT organization described the many requests they received from Ugandan migrants asking for employment or money for transportation, medical costs, rent, and upkeep. There is a network of refugee service providers in Nairobi that can supply food assistance, non-food items and other kinds of support. However, according to one respondent, many of them have a limited understanding of SOGI and refer LGBT individuals to the UNHCR partner with a program specifically mandated to serve them, even for services that organization does not provide. Refugees are eligible to work in Kenya, but to apply for a work permit they must first find a potential employer to endorse their application. Some refugees have resorted to hawking goods on the street, an activity that puts them at risk of arrest and assault. One refugee service provider estimated that a quarter of the LGBT Ugandan asylum seekers in Nairobi were engaged in sex work to support themselves which also carries associated health and security risks. Another service provider reported that when gaps in provision of financial assistance occurred, some urban asylum seekers were unable to pay their rent in Nairobi and relocated to Kakuma.

In both Kakuma and Nairobi, those with particular health concerns may struggle to access and afford treatment. A Kenyan organization working with LGBT people in Kakuma supplies supplemental, nutritious foods so that people living with HIV can maintain adherence to treatment. Another respondent told a story of an HIV positive migrant who decided to return to Uganda, since he was unsure that he could maintain adherence in Kenya. A Kenyan organization related how they had arranged for a Ugandan asylum seeker to receive a series of needed surgeries; while traveling from Kakuma to the second surgery, he was arrested and taken back to the camp.

<sup>17</sup> See, for example, Human Rights Watch, "Hidden in Plain View: Refugees Living without Protection in Nairobi and Kampala." November 2002. Available at <http://www.hrw.org/reports/2002/kenyugan/>.

## High Expectations

The initial response to the Ugandan LGBT asylum seekers by UNHCR and its partners proved to be financially, logistically and politically unsustainable. UNHCR had prioritized the at-first small Ugandan LGBT caseload by expediting registration, processing, and, with the help of willing foreign embassies, resettlement; through an implementing partner, all LGBT Ugandan asylum seekers in Nairobi could access a monthly stipend as their cases were processed. As the numbers grew, these agencies modified what had at first been a blanket response to this population. By the end of 2014, UNHCR and its partners no longer automatically considered all LGBT Ugandans highly vulnerable and began assessing needs on a case-by-case basis. This meant that newer cases could experience longer waiting times for registration, refugee status determination, and resettlement. LGBT Ugandan asylum seekers in Nairobi were notified that financial assistance would now be extremely limited and time-bound, and that they would need to identify ways to become self-sustaining.

*Any kind of assistance has to be sustainable. As a refugee, you don't save money because you don't know what the future will bring. If you throw money at refugees with the promise it will keep coming, you devastate them because they don't have the capacity to plan for the future.*

—LGBT RIGHTS RESEARCHER AND ADVOCATE

While the changes can be rationalized in the context of Kenya's large refugee caseload and by the desire to ensure that genuinely at-risk individuals are assisted, some asylum seekers and advocates have perceived the modifications as insensitive and negligent. In March 2015, a group of Ugandan LGBT asylum seekers staged a protest at UNHCR's office in Nairobi and, in an open letter, declared "The gaps in provision of protection and humanitarian services to LGBTIQs migrants by the UNHCR, the long delays for interviews and resettlement have resulted in several life threatening challenges to the LGBTIQ migrants

living in Kenya." They called for accelerated case processing and increased financial assistance to the urban LGBT caseload.

It is important to note that the treatment the Ugandans initially received was, in some ways, exceptional and has had unexpected impacts on other refugees. For example, LGBT Ugandan asylum seekers in Nairobi were at first entitled to financial assistance for a theoretically unlimited length of time while other vulnerable refugees, such as unaccompanied minors, are entitled to only four months of financial assistance. This policy toward LGBT Ugandan asylum seekers meant that, in 2014, the UNHCR partner providing the monthly stipends spent their entire year's financial assistance budget within two months. As the organization and UNHCR scrambled to raise more funds, they were forced to scale back generally in the provision of financial assistance to refugees for three months.

Toward the end of 2014 and continuing into 2015, there was a dramatic increase in Ugandans making SOGI-related claims in Kenya; for example, UNHCR saw 186 new arrivals within the first two weeks of February. These cases were not immediately registered and raised red flags for possible asylum fraud and human smuggling. In response, UNHCR halted registration for several days and, with its partner, reiterated that asylum seekers must first be registered before they can be assessed for eligibility to receive financial assistance. Following this influx, and in response to complaints from asylum seekers, UNHCR and its partners held several information sessions for the entire LGBT Ugandan caseload in Nairobi to explain the refugee status determination and resettlement processes, and to manage expectations. This is, again, a noted exception; UNHCR Kenya has never done this for any other group.

The shifting dynamics demand that asylum seekers adjust their expectations accordingly. However, it seems that the fixation on resettlement remains and it is expectations of support to ride out longer

processing times that have increased. One refugee service provider felt that UNHCR's education effort was commendable but missed the mark, saying, "People are more interested in how they can survive during the process. [They] know that they are no longer being prioritized." They felt that asylum seekers are now seeking information about the law, if they can get a work permit, where the friendly clinics are, and where to find relatively safe housing.

At the outset of this research, respondents almost universally agreed that there is a huge gap in knowledge of the asylum regime among individuals and organizations. Kenyan organizations described migrants arriving with little understanding of the asylum process, how long it could take, or the living conditions in the refugee camp. Ugandan activists told stories of individuals seeking resettlement assistance directly from foreign embassies. This lack of understanding must now be diminished as information regarding the asylum process and the resources available in Kenya circulates within the country and trickles back to Uganda. The challenge is to ensure the accuracy of this information and to temper the very powerful stories and images of those who successfully were resettled.

In this sense, the role of supporters outside the region is critical. Several respondents argued that well-wishers based in the Global North created a siren song, emphasizing the need to help LGBT Ugandans escape their country, prioritizing exit strategies only, and making promises of financial and other support that they could not fulfill. Some of these allies are recognizing the need to tone down the "rescue" rhetoric and acknowledge the complexity of the situation. In a March 2015 piece, for example, Melanie Nathan exhorted refugees and potential asylum seekers to "do whatever you can to improve your situation from within—instead of languishing around waiting for some outsiders to help you."<sup>18</sup>

<sup>18</sup> Melanie Nathan, "A Message to Ugandan Gay Refugees in Kenya: Time to Consider Improving Education and Skills for Successful Resettlement Trajectory," 28 March 2015. Available at <http://www.africanhrc.org/#/A-Message-to-Ugandan-Gay-Refugees-in-Kenya/c1bm0/551708c60cf2aa181166e5bb>

## Communication and Collaboration

Intersecting these challenges of protection, well-being and managing expectations, is the challenge of promoting effective communication and collaboration among the numerous and varied stakeholders responding to the forced migrants. The central underlying questions regard who has the responsibility to respond and how.

In Kenya, UNHCR and its partners most clearly possess a mandate to provide protection and humanitarian assistance, and to seek permanent solutions for asylum seekers and refugees. However, the agency has repeatedly highlighted the difficulties they face prioritizing the relatively small number of LGBT Ugandans within a large and growing refugee caseload (compare the hundreds of LGBT Ugandans to the more than half a million refugees in the country). Citing challenges of under-staffing, fraudulent asylum claims, and the threatening political and security environment for asylum seekers and refugees in urban areas, UNHCR has looked to Kenyan LGBT organizations to provide aid to the Ugandan migrants (shelter, food and other basic assistance)—services that have not been part of these groups' programs and that they do not provide to LGBT Kenyans.

*You can't deny them services. They need them...If we don't cater for them, our members are not safe, they [the Ugandans] are not safe. It's all inclusive.*

—KENYAN ORGANIZATION PROVIDING HEALTH SERVICES TO MSM

Kenyan LGBT groups providing assistance to the Ugandans have faced strains on their human and financial resources. Like UNHCR and its partners, they were caught off guard by the influx. While these organizations have responded with flexibility and initiative, they are overtaxed and fearful of jeopardizing their core mandates. Some Kenyan organizations created new programs or expanded programming to respond to the migrants, consequently sacrificing attention and, sometimes funding, that could have supported Kenyan beneficiaries.

The same MSM-focused organization that in 2014 provided services to 500 Ugandans also served 835 Kenyans in the same year; responding to the Ugandans almost doubled their caseload. Organization staff described holding outreach activities attended by one hundred Ugandans, sometimes overwhelming their capacity to provide counseling and testing. In addition to these strains on their capacity, staff are concerned about the effectiveness of their service provision since they are finding it difficult to follow up with such a mobile and transient population. Organizations are also fearful of the potential risks to their work in providing services to a population that may be in Kenya illegally. Providing assistance to the Ugandans has drawn unwanted scrutiny to organizations; said one respondent, "People asked what we were doing with the Ugandans...some neighbors even thought we are doing smuggling."

Within the Kenyan LGBT movement, there is growing resentment for the attention that some Ugandan migrants have attracted with irresponsible behaviors in Nairobi and are, by association, drawing to the Kenyan LGBT community. Several respondents expressed fears that such heightened attention to the LGBT community could jeopardize the gains of the Kenyan movement. At a time when space for civil society in Kenya is shrinking—threatened by the Security Laws (Amendment) Act and proposed changes to the Public Benefit Organizations Act—organizations working to promote the human rights of LGBT people are wary of anything that could threaten their hard won and still-developing relationships with police and policy makers. A desire to reduce the risks to all parties has, in part, driven Kenyan LGBT organizations to advocate for the rapid processing and resettlement of LGBT Uganda asylum seekers.

Some of the Kenya LGBT-led groups expressed a desire for Ugandan LGBT-led organizations to recognize the risks they were taking and to support their efforts. They suggested that the Ugandan groups could be more proactive in contributing

ideas, effort, and resources, for example, by helping to fundraise for the assistance being provided in Kenya. Most organizations working with the LGBT community in Uganda, while deeply concerned for the well-being and safety of those in Kenya, feel that providing direct support across the border is beyond their capacity and jurisdiction; their focus is on helping individuals manage risks in Uganda and find ways to stay in the country. There have been some exceptions, however, with examples of Ugandans sending support such as food and medicine to community members in Nairobi and Kakuma.

*People who want to "save" us...their intentions are good, but they need to work with people on the ground.*

—UGANDAN LGBT ACTIVIST

Those seemingly most willing to respond to the situation, supporters primarily based in the U.S., have been accused of jumping in blindly. Members of the Ugandan LGBT diaspora, particularly activists who played a large role in the Ugandan movement, feel both a responsibility and deep desire to help. Respondents from Ugandan and Kenyan LGBT organizations described those efforts well-intentioned but out of touch (despite diaspora activists' direct connections with some LGBT asylum seekers), and problematic in that they raised unrealistic expectations through online advocacy and by sending money directly to individuals. Some respondents in Uganda cited similar frustrations with non-diaspora actors, saying that their methods both incentivized people to leave Uganda and supported fraudulent cases. Furthermore, they worried that these initiatives undermined faith in, and credibility of, Ugandan LGBT organizations as they should be the first line of support for community members. While diaspora activists say they are interested in engaging in constructive conversations and seem to feel marginalized by their colleagues in the region, other non-Ugandan allies have been less receptive to feedback from local organizations.



Attempts by Ugandan LGBT activists to address their concerns directly with non-diaspora activists have been, at times, combative.

Many respondents cited a lack of transparency around funding as a major reason for tensions among stakeholders. Both institutional donors and local LGBT groups felt they did not know enough about how much money was being provided to organizations to assist LGBT Ugandans in Kenya and to whom it was granted. They had the same concerns regarding supporters outside the region, wondering how much money they had raised and to whom it had been sent. Within Uganda, groups felt that there was a lack of clarity on who had funds for emergency assistance for community members or how much was available at any time. For their part, those providing such assistance feared exploitation of these mechanisms if they advertised that they had received funds.

These concerns, while frustrating, have enabled stakeholders to identify gaps in communication and yielded new opportunities for collaboration. For example, in order to respond to the influx of LGBT Ugandans, there are now working groups in Nairobi and Kakuma, comprised of UNHCR and its implementing partners, and Kenyan organizations focused on LGBT rights. This has opened channels for information sharing and strategizing that were previously non-existent. One refugee service provider noted that while some implementing partners and UNHCR staff are still in need of capacity building on SOGI (particularly in Kakuma), they are seeing a higher degree of willingness to engage on these issues, provide assistance, and discuss protection strategies. Another service provider in Kenya said there was more clarity on who is able to provide what and cited the positive outcome of greater access to healthcare for LGBT asylum seekers in Nairobi. Both Ugandan and Kenyan organizations say they have been able to refer asylum seekers to UNHCR and its partners.

Within Kenya, especially among members of the Gay and Lesbian Coalition of Kenya, there seems to be a high degree of information sharing and coordination. Groups providing services and support to the forced migrants have shared best practices and provided referrals to one another, and advocacy to UNHCR seems streamlined. Communication across the border, however, is more haphazard and seems mainly to rely on personal and pre-existing relationships. Communication among organizations that work with MSM appears strongest by virtue of their connections through shared projects. There are some practices that could be further developed; some respondents provided examples of Ugandan organizations alerting Kenyan groups to the possible arrival of asylum seekers (for instance, after outings in media), but said they wished this sort of communication would be more systematic. Overall, Kenyan LGBT organizations desired more information from their Ugandan counterparts: about political and other developments that could affect the migration, the provision of support in Uganda (possibly to prevent migration), and how they hope Kenyan organizations can help. As one respondent put it, "Right now LGBT organizations work as nations."

## RECOMMENDATIONS

Given the complexities of the push and pull factors involved in this migration as well as the challenging context in Kenya, donors and NGOs must consider a variety of strategies—both to address the root causes of the outflow from Uganda and to respond to the current needs of LGBT forced migrants in Kenya. Some factors are difficult to address in the short-term, such as public attitudes in Uganda toward LGBT people. Others are challenging in a different way: it is difficult to mitigate the impact of the initial actions by UNHCR and outside supporters that created such high expectations among asylum seekers. However, it is possible to promote the dissemination of accurate information regarding asylum seeking and to improve understanding of the various options available to those under

threat. There are also steps that can be taken to strengthen protection strategies and minimize risks to LGBT individuals in both Uganda and Kenya.

The following recommendations address the challenges of safety and well-being for LGBT forced migrants in Kenya, the role of education in managing expectations, safety and quality of life issues in Uganda, and ways to promote solidarity and coherence among various stakeholders.

***Strategies to support LGBT Ugandan forced migrants in Kenya must be sustainable and inclusive of LGBT refugees and forced migrants from other countries who are facing many of the same challenges.***

Donors and groups in the region should support the self-organizing and self-management of LGBT refugee groups to identify their needs, priorities and possible solutions. Support from local advisors, such as Kenyan LGBT groups and refugee service providers, is vital in providing knowledge on the local context, personal security strategies and referrals to LGBT-friendly service providers. This approach should also inform support for scattered-site housing options in Kenya and the development of training and income-generation programs to strengthen the safety and economic security of asylum seekers and refugees. Ark Communes, for example, is trying to create an integrated approach to housing, psychosocial support and economic empowerment. It is also important to recognize that some sources of support are less formal but effective; for example, an organization working with sex workers on the Kenya-Uganda border tapped into their member network to provide safe shelter and food to a group of male sex workers who stayed for a few weeks and then returned to Uganda.

Donors should ensure that refugee service providers and Kenyan LGBT organizations that have availed their services to LGBT forced migrants have the funds, support and capacity they need to serve a potentially growing constituency. This is also a time to address bigger picture questions, such as

whether and how Kenyan LGBT organizations wish to integrate forced migrants into their mandates. Regardless, Kenyan LGBT organizations and donors should discuss ways to build, rather than divert, resources for work with this population and jointly address potential risks to organizations.

Longer-term efforts are equally important for creating a less discriminatory environment for LGBT forced migrants. The situation has highlighted the need to mainstream SOGI into the programs and policies of refugee service providers, and a new level of awareness regarding the presence of LGBT refugees means these partners could now be more receptive to such measures. Ongoing sensitivity training for refugee service providers is critical and must be conducted with local LGBT partners to ensure that services are truly accessible and responsive to the particular needs of the community. Donors should also support ongoing programs to engage Kenyan police and to sensitize community and faith leaders, particularly in the refugee camps, to reduce stigma and harassment.

***Strategies to manage expectations of forced migrants must address both potential forced migrants and those already in Kenya.***

Information dissemination in Uganda is critical for helping individuals make educated decisions. Ugandan LGBT organizations should provide information on the asylum seeking process, the realities of camp life and risks in Nairobi, and chances of resettlement. They should also explore and share options to stay temporarily in Kenya or other countries in East Africa, working in partnership with other LGBT rights organizations to map out the possibilities, including relocating and/or finding employment under the East African Community protocols. This information should be integrated into legal and protection trainings for LGBT activists and organizations, and disseminated to LGBT community members. Groups should also identify ways of making this information available to those not actively involved in any LGBT group, for example, by tapping into informal networks and



social media and finding ways to reach rural and poor LGBT people. They can also connect with international allies to provide the same and create greater consistency in messaging.

In Kenya, refugee service providers and LGBT organizations working with forced migrants should inform new arrivals of their options and not immediately refer individuals for asylum seeking. Resettlement is not and cannot be the solution for all LGBT forced migrants. To manage expectations and shape personal security strategies, an orientation to Kenya's cultural and legal environment is critical. For those already in Kenya, the emphasis should be on information that will inform survival strategies, such as how to get work permits, access services, and identify safer neighborhoods in which to live. Some best practices for working with asylum seekers and refugees are already being developed in Uganda through the Refugee Law Project of Makerere University, which facilitates refugee support groups, and the Angels Refugee Support Group, which is led by LGBT refugees from various countries in East Africa.<sup>19</sup>

***Strategies to address the vulnerabilities that lead to asylum seeking or migration must be re-examined and strengthened.***

A range of threats and perceived threats is driving forced migration. Donors should support members of Uganda's Security Working Group (a network of organizations that includes the National LGBTI Security Committee and SMUG) and other Ugandan organizations in conducting a deeper analysis of reported individual cases to understand why people are at risk and draw out lessons to inform more proactive protection measures. Ugandan organizations willing to provide emergency response support to LGBT community members have been hamstrung by limited funds and capacity. Donors should work with them to address the capacities that need strengthening, develop more robust accountability mechanisms

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<sup>19</sup> See, for example, Refugee Law Project, School of Law, Makerere University: <http://www.refugeelawproject.org/our-work/refugee-support-groups.html>

and provide funds so they are able to more effectively respond to individuals under threat. In addition, there should be ongoing discussions between donors and LGBT groups about organizational security plans, which may include emergency funding for staff and members of those organizations, and how to respond to potential legal threats to organizations' survival. Ugandan organizations should assess whether "know your rights" trainings and sensitizations on protection and security have had the intended impact of creating greater security consciousness and personal responsibility for protection strategies.

At the same time, a re-examination of whether current program and funding priorities are responsive to community needs could generate a more holistic approach to underlying factors related to security. There is a sense among Ugandan LGBT organizations that a focus on advocacy, encouraged by donors, has come at the expense of addressing the daily needs of community members that exist regardless of the status of the law. Donors and LGBT organizations should discuss opportunities to support and expand programs on health, psychosocial support and livelihoods; and more explicitly address how a greater focus on these issues could bolster the protection and security of LGBT community members. Many LGBT organizations in Uganda are experimenting with, or express interest in, support for vocational training and financial literacy programs, savings and credit or revolving loan schemes, or providing small business training and startup funds. Some are also looking at or providing integrated services, e.g. temporary shelter, counseling and economic empowerment. Across the board, respondents in Uganda highlighted the need for more psychosocial support and counseling services to address social isolation and rejection, especially for individuals under threat, returned migrants and frontline activists. The issue of family acceptance deserves greater attention, as family rejection is widely cited as a risk factor. At least one organization in Uganda has begun conducting family mediation based upon a model

shared by an LGBT organization in Kenya. Greater sharing of best practices among groups in Uganda could strengthen programming and open up possibilities for better collaboration among groups.

***There is a need for better communication and collaboration among stakeholders to promote transparency, greater coherence, and efficiency in responding to LGBT forced migrants.***

More structured systems of information sharing between LGBT organizations in Uganda and Kenya will strengthen their ability to problem solve, plan and advocate jointly to address migrant trends—both to UNHCR and service providers, and to institutional funders. Through joint mapping of roles and resources, organizations in the region will be able to clarify who is able to provide what forms of support or services. This kind of collaboration may also enable more constructive engagement with actors based outside the region, such as individuals and groups sending emergency funds to Ugandans. If these well-intentioned actors are uninterested in talking with local LGBT groups, then consistent messaging by all other stakeholders about the best ways to help those in need can minimize potentially harmful impacts.

The Ugandan LGBT diaspora in the Global North is eager to do their part. They can play an influential role as connectors between LGBT communities in East Africa and audiences in the Global North, and in resource mobilization to support communities back home. They can strategize with colleagues in East Africa about how they can be most helpful. Since potential asylum seekers reach out to them for advice, they should also be involved in providing information on various migration options.

Lastly, more consistent information sharing among donors will create a picture of the overall funding needs related to the situation, enable identification of funding gaps and determine who is able to fill them. Donors should communicate clearly to organizations in East Africa what kinds of support they are able to offer (including funding, networking

and advocacy) and have frank conversations about what kinds of responses are needed in the short- and longer-term. As local organizations have demonstrated flexibility in interpreting their mandates, international donors should do the same in response to this new and relatively untested situation. This could mean reconsideration of what constitutes "emergency" funding.

## APPENDICES

### APPENDIX 1: CHARTS

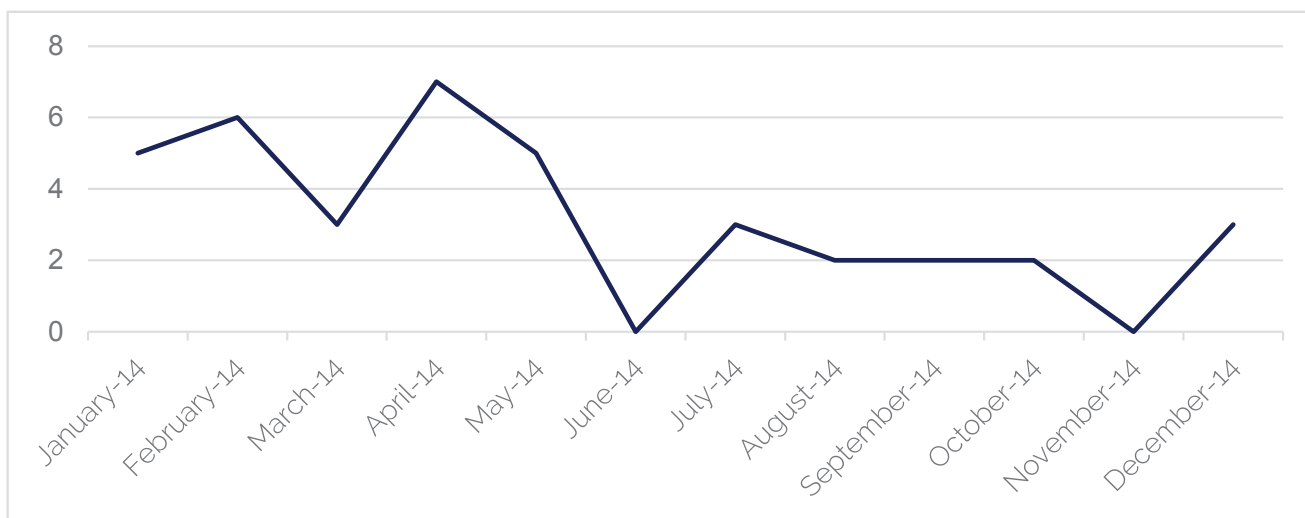
#### APPENDIX 2: TIMELINE OF EVENTS IN UGANDA AND KENYA

#### APPENDIX 3: OVERVIEW OF THE REFUGEE STATUS DETERMINATION PROCESS IN KENYA

#### APPENDIX 4: CASE STUDIES FROM UGANDA AND KENYA

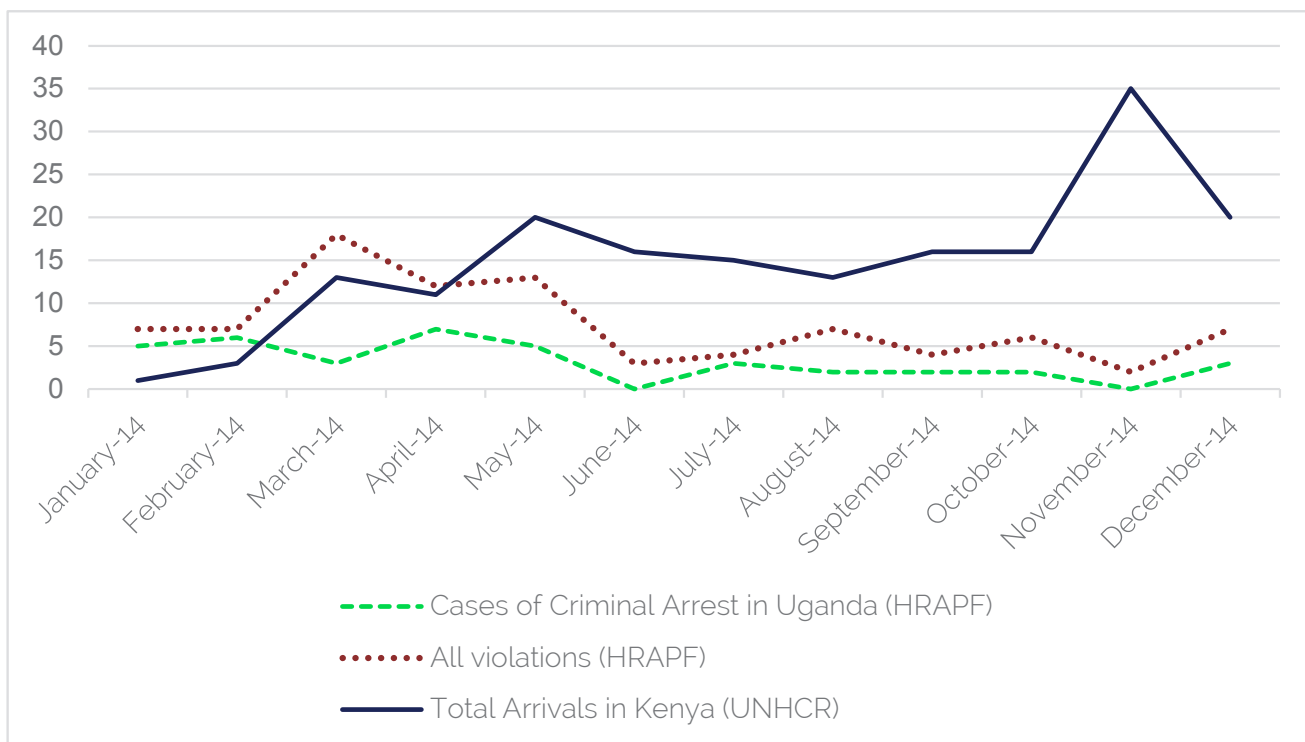
### Appendix 1: Charts

CHART 1: Criminal Arrests of LGBT People in Uganda, 2014



SOURCE: HUMAN RIGHTS AWARENESS AND PROMOTION FORUM

CHART 2: Trends in Criminal Arrests and Other Rights Violations of LGBT People in Uganda Compared to Asylum Seeking in Kenya, 2014

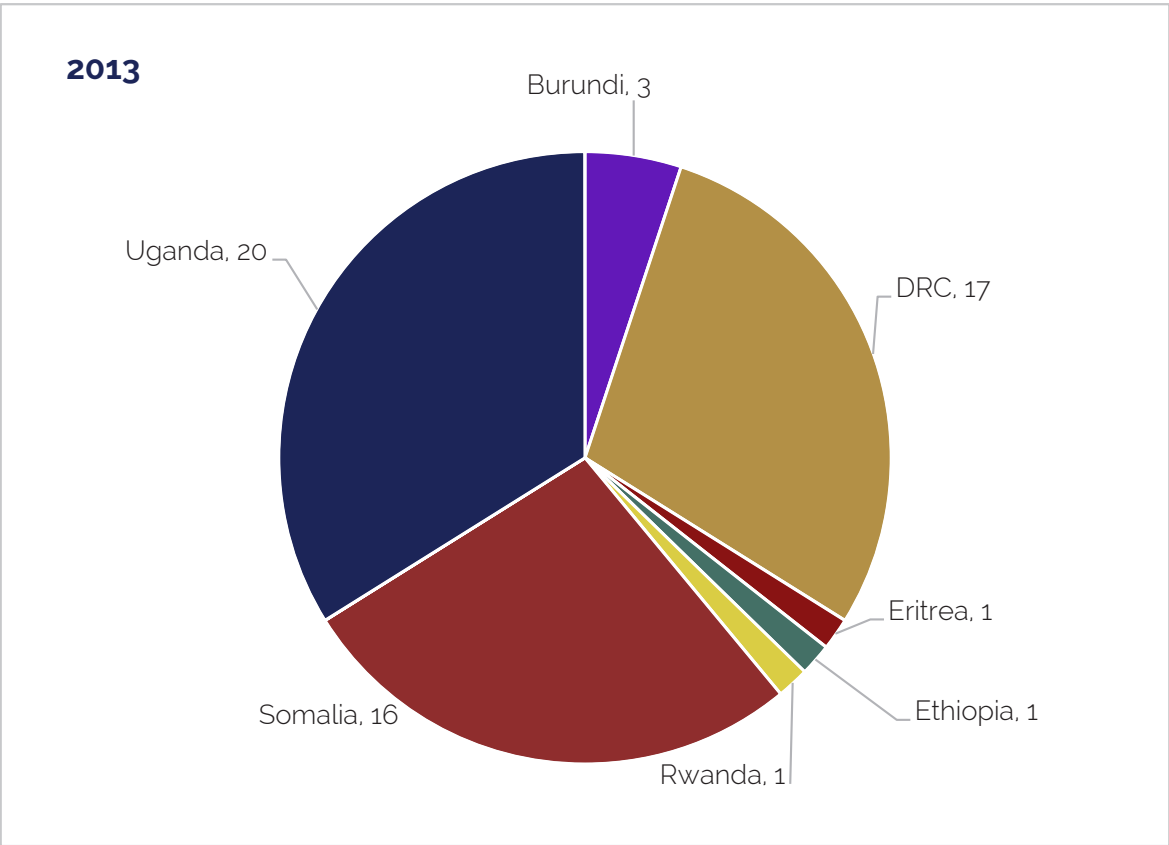
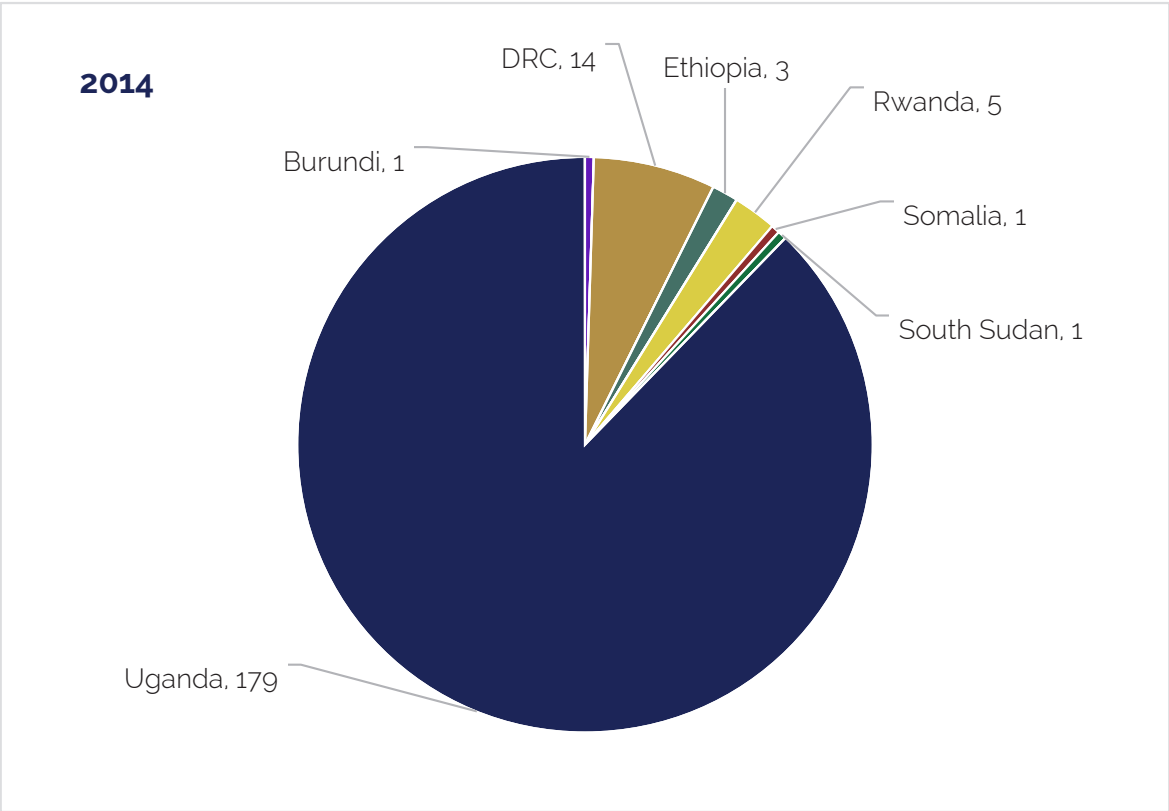


SOURCE: HUMAN RIGHTS AWARENESS AND PROMOTION FORUM AND UNHCR KENYA.

"All violations" include reported cases of criminal arrests, abduction, family rejection, blackmail, media outing, eviction, mob justice, threats of violence, theft, criminal assault, corrective rape and arson.

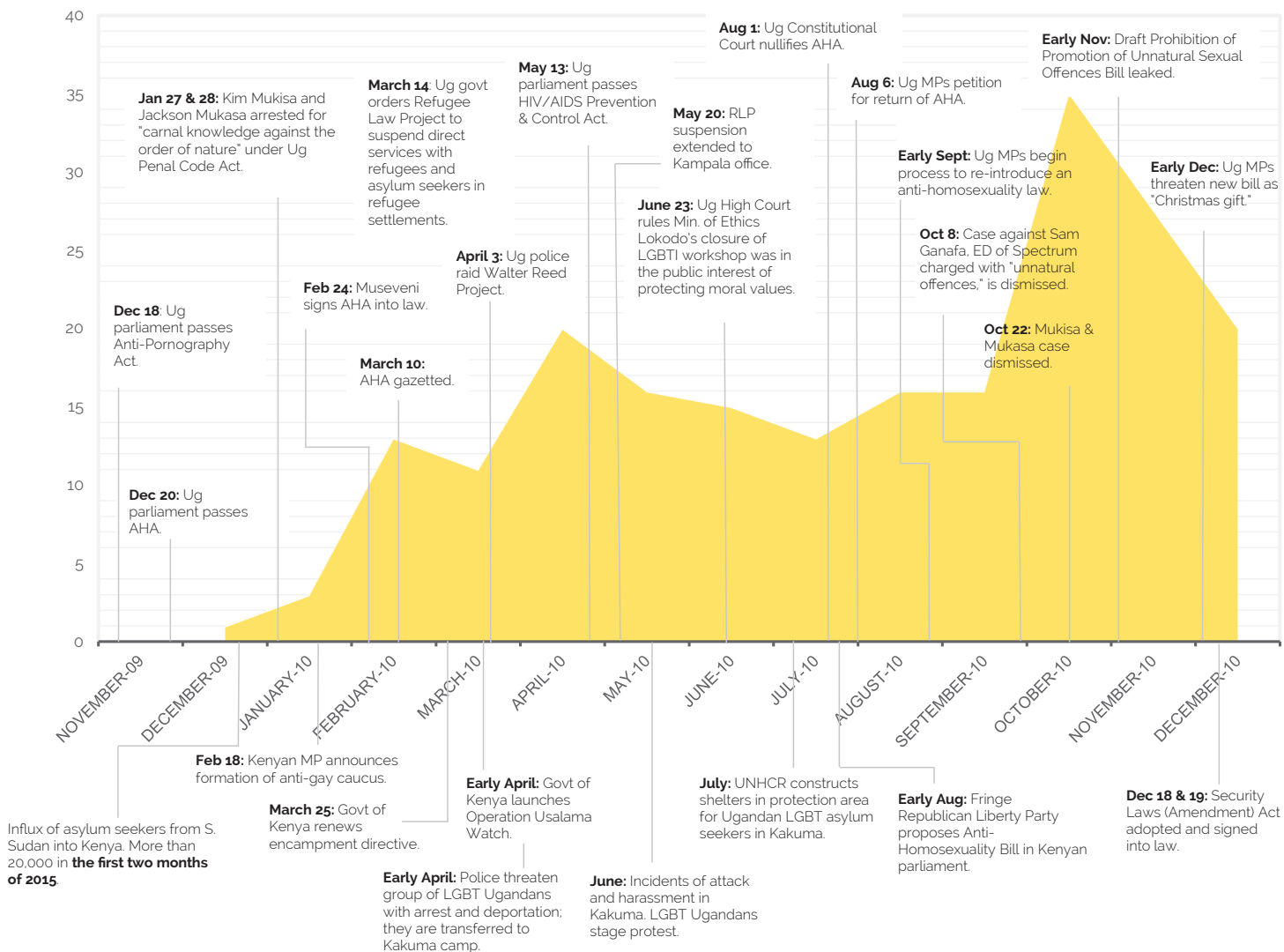
Appendix 1: Charts (Cont'd)

CHART 3: LGBTI Asylum Seekers in Kenya by Year of Arrival



SOURCE: UNHCR KENYA

## Appendix 2: Timeline of Events in Kenya and Uganda Overlaying Number of LGBTI Ugandan Asylum Seekers Registered by UNHCR in 2014



### Appendix 3: Overview of the Refugee Status Determination Process in Kenya

The Refugee Status Determination (RSD) process is used to determine whether an asylum seeker meets the international legal definition of a refugee, and therefore qualifies for protection and assistance by the international community. The Kenyan government's Department of Refugee Affairs (DRA) has overall responsibility for refugee matters and is headed by the Commission for Refugee Affairs. Roles in RSD are currently shared between DRA and the United Nations High Commissioner for Refugees (UNHCR).

Over the past few years, DRA registration of asylum seekers in Nairobi has been on and off depending on the status of security operations and actions to enforce the government's encampment policy. As of January 2015, DRA had resumed registration in Nairobi.

This is the current process for asylum seekers in Kenya:

- Upon entry into the country, asylum seekers must register with DRA. They are then issued individual asylum seeker passes, which are proof of their legal status in Kenya.
- After DRA, asylum seekers approach UNHCR for registration appointments. UNHCR conducts an initial assessment to identify extremely vulnerable individuals and target relevant interventions. Applicants are then provided with an asylum seeker certificate confirming they have applied for asylum and which specifies the date of their appointment with UNHCR's RSD unit.
  - ▶ Under Kenya's current encampment policy, eligibility interviews for RSD should occur in the Kakuma and Dadaab refugee camps. However, if there are compelling reasons interviews may be conducted in Nairobi.
  - ▶ The cases of vulnerable people with specific protection needs may be identified for accelerated processing.
- ▶ Waiting times vary. "In Nairobi, an asylum seeker registering in November 2014 would receive an appointment for an interview ten months from registration; while a particularly vulnerable person, identified for an accelerated RSD process, would wait six months. In Kakuma... waiting times for interview could be two years."<sup>20</sup>
- ▶ For those staying in Nairobi, a separate needs assessment by a UNHCR implementing partner is required in order to access temporary financial assistance for food and shelter and possible vocational training.
- Applications are reviewed by UNHCR and DRA staff. Decisions on RSD are overseen by a joint Technical Advisory Committee (TAC) and must be signed off on by the Kenyan Commissioner for Refugee Affairs.
  - ▶ Under Kenya's 2006 Refugees Act a decision should be made within ninety days. However, the average waiting time is 18 months from registration to issuance of a decision. For those awaiting a decision on an appeal, the wait could be two years and, sometimes, as long as five years.<sup>21</sup>
- Successful asylum seekers are issued a notification of recognition by the Kenyan Commissioner for Refugee Affairs. (Prior to July 2014 the UNHCR issued "mandate certificates" or "letters of protection.") Under the Refugees Act anyone recognized as a refugee is entitled to a refugee identity document and subsequently a refugee identity card.
- Once granted refugee status, individuals can be referred for resettlement processing which requires another interview with UNHCR. Resettlement countries make the final decision to accept or deny a case.

20 United Nations High Commissioner for Refugees Policy Development and Evaluation Service, "Building on the Foundation: Formative Evaluation of the Refugee Status Determination (RSD) Transition Process in Kenya," April 2015. Available at <http://www.unhcr.org/5551f3c49.pdf>

21 Ibid.

- ▶ The average time between RSD and departure is 205 days, or about seven months.<sup>22</sup>
- ▶ Resettlement is available to only one percent of the more than 550,000 refugees in Kenya.

## Appendix 4: Case Studies from Uganda and Kenya

*For confidentiality, pseudonyms have been used in all cases unless otherwise noted.*

### CASE STUDY 1

Sam and Desmond were living in Western Uganda in early 2014 when they were both outed in local tabloids as homosexuals. Because of the threats they faced, they decided together to flee to Rwanda and see if they could get asylum in a Western country. A friend in Rwanda put them up and, not knowing the process, they approached various embassies in Kigali trying to seek protection. Desmond returned to Uganda after just a few days, feeling that he was too big a burden to his Rwandan friend. Sam eventually approached UNHCR to apply for asylum, but found the process tedious. His appointments were repeatedly postponed or rescheduled. The lists of questions and the interviews were long. He worried about having enough money to support himself while he waited. After three months in Rwanda, he decided to return to Uganda. He says, "I will never ask for asylum again."

Desmond says that when he returned to Uganda, he continued to live in fear for his life. Boda boda drivers would hurl insults at him when he walked around town. He lost his job as an entertainer and nobody wanted to hire him for events. "[It's like] coming back home as if you're a foreigner in your own country," Desmond says. He remains traumatized and depressed. Both say they had thought about seeking asylum in Kenya, but that they didn't have enough money to travel that far. Sam now believes that temporary relocation within Uganda is the best option.

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22 Interview with UNHCR implementing partner 17 December 2014.

### CASE STUDY 2

Sharif is 25 years old, the former director of a small grassroots organization called Pearl Uganda Initiatives, which ran peer support and economic empowerment programs in Wakiso district. At the age of 16, Sharif's mother died and his father discovered Sharif was gay. His father reported him to the police and essentially disowned him, kicking him out of the house and refusing to pay his school fees. Of his remaining family members, only Sharif's uncle accepted and supported him. Between 2007 and 2010, Sharif was arrested twice more and spent time in prison. Both times, he received legal assistance and support for temporary relocation in Uganda from Ugandan organizations.

At the time of the Anti-Homosexuality Act's passage, Sharif, in addition to running Pearl Uganda Initiatives, was working as a peer educator on HIV and AIDS. Once the law passed, he was unable to continue his work since it was no longer possible to meet with LGBT people in groups. He says that, since he was known as an LGBT activist in the community where he lived, he started receiving threats, and was robbed and beaten. In April 2014, Sharif's landlord presented him with a letter from the area's local councilor which instructed Sharif to move away from community within two weeks and accused him of bribing and recruiting young boys into homosexuality. Sharif moved to a friend's place and, soon after, his name and photograph were published in the Hello tabloid. He asked an NGO for advice and was advised to sit tight, but he didn't feel safe in the country and wanted to go away for a while. He didn't think anyone would be able to help him if he was arrested since his organization was known for supporting gays. He couldn't afford to relocate in Kampala and was reluctant to leave his job and support network. But after his experience of prison, he didn't want to risk it again. He left Uganda at the end of April, alone on a bus to Nairobi.

Sharif arrived in Kenya without any knowledge of the asylum process or the possibility of resettlement. He had planned to be in Nairobi a



short time, staying with friends who were already there, but then he heard some of them saying that they were going to Canada and the U.S. With help from a Ugandan friend, he registered as an asylum seeker with UNHCR. He had plenty of documentation to prove he was an activist facing threats, including the newspapers in which he was mentioned, an ID card from Pearl Uganda Initiatives, and bail papers from the police.

After he registered, a refugee NGO provided Sharif with a stipend and arranged for him to stay with three other Ugandans in a house in Nairobi. He had interviews with UNHCR in May and June 2014 and was granted refugee status. After three months of assistance, however, he was told that the NGO no longer had money to support him and he was transported to Kakuma refugee camp. While in the camp, he had an interview for resettlement to the U.S., but since it was taking a long time for his required medical exam to be scheduled, he decided to return to Nairobi at the end of October. Again, he was given a stipend by the refugee NGO and he found a place to stay with a few others. He spent one month in Nairobi, completed the paperwork necessary for resettlement, and left for the U.S. in December 2014.

Sharif explains that he managed to survive in Kenya because he also received financial assistance from a friend in Australia and an ally in the U.S., saying, "You can't work in Nairobi when you don't speak Swahili, even when you speak English. Nairobi is expensive and [the NGO]'s support was not enough." When asked what he would tell LGBT community members back home, he says, "I want them to hear my advice. If someone doesn't have a problem with the community or with his family, I advise him to stay in Uganda, not to leave the country. Everything is very tough...Even America is just for surviving... If they have the possibility to shift from one community to the next community. Even in Kenya, in Nairobi, everything is so hard." Sharif wishes he had had money to relocate within Uganda. The entire Pearl Uganda Initiatives team

has sought asylum: three have been resettled to Canada and another awaits resettlement in Kenya.

### *CASE STUDY 3*

Elijah and Musa are a gay couple that fled to Kenya together in June 2014. Elijah had been arrested in Kampala and was released on police bond. He reached out to a Ugandan LGBT organization for help and they talked through his options. Some friends who had already gone to Kenya told him he would be safe there and his partner decided to go with him. Though they had their first refugee status determination interview a month after their arrival, they were still waiting to hear back from UNHCR in February 2015. They had tried to find employment in Nairobi but had difficulty because they don't speak Swahili or possess identification documents to enable them to work legally. With the stipends they received from a UNHCR partner, Musa took the initiative to start hawking small goods on the street. Though he was working illegally, he was able to make enough income to sustain their life in Nairobi and to send some money home to their families in Uganda. But he faced abuse and attacks on the street and was arrested by the police. One night, a group of men broke into their home and attacked them with machetes. After the attack they no longer feel safe in Nairobi or in Kenya more generally. They have been warning other LGBT Ugandan refugees in Nairobi about what they experienced.

### *CASE STUDY 4*

Jessica is a 23-year-old lesbian living in Kampala. She supports herself through various jobs, but has not been able to maintain any employment for very long. She lost her last job when she refused to give sexual favors to her manager and he learned that she was a lesbian. He fired her, claiming she would "spoil" her female co-workers. She has been able to make enough money to pay her rent and buy food and often has friends in need staying with her. They are family to her. Her landlord knows about her sexual orientation but agreed that Jessica could rent there as long as she was a quiet and respectful tenant. After a fight with her girlfriend, in

which her partner became verbally and physically abusive, the landlord asked her to vacate the house within two weeks. Jessica estimates that she has moved 100 times in the past five years. She says she doesn't really have a relationship with her family because they don't accept her sexuality. After the Anti-Homosexuality Act passed, one of her friends who had gone to Kenya encouraged her to join him there. He was staying with a group of LGBT people in a small city. She visited but found the house overcrowded and "too full of drama," so decided to return to Kampala. She says that intimate partner violence is prevalent in the LGBT community, and there is need for counseling and mediation.

#### *CASE STUDY 5*

Robert is a bisexual man in his early twenties who was rejected by his family. He works in a video store in Kampala, selling gay pornography videos covertly. He says his coworkers know about his sexual orientation, but are tolerant. Outside of work, however, he has experienced police harassment and extortion, and has been arrested several times. He currently has two gay friends staying with him. He says they are uninterested in working and that he supports them financially. Robert says that relocation within Ugandan could be a viable option but he is considering seeking asylum. He has friends who went to Kenya and they have encouraged him to join them, but he is not sure if it is a good idea. He has heard stories about the harsh conditions in Kakuma refugee camp and of people in Nairobi being unable to find work and turning to sex work to survive. He has also heard that there is an NGO giving people money to live in Nairobi instead of the camp and that some people were resettled after only three months.

#### *CASE STUDY 6*

Victoria is a 25-year-old lesbian who was living in western Uganda with her partner. In November 2013, unknown assailants attacked them at home; they were kidnapped, tortured and then abandoned. She believes the attack was motivated by their sexual orientation. Though she is from a

self-described well-off family, Victoria felt that she could no longer stay in Uganda. She had heard stories of LGBT people ending up in jail and of a girl who was killed by her parents for being a lesbian. A friend of hers in Kampala knew someone who went to Kenya and received help from UNHCR, but at the time, Victoria didn't know resettlement to a third country was a possibility. She arrived in Kenya in March 2014 and registered with UNHCR. While awaiting assistance from a UNHCR partner in Nairobi, she was caught in a police raid aimed at rounding up foreigners. Along with other LGBT Ugandans, she was given an ultimatum: she could either go to Kakuma or being deported immediately. Victoria chose to go to Kakuma, but later returned to Nairobi. With the stipend she receives from a refugee service provider, she has found a place to live. Her first landlord accused her of being a lesbian and evicted her; the refugee NGO helped her to relocate. As a cover story, she pretends that she is a student and she has created a regular routine so that her neighbors will not suspect otherwise. Victoria has been slated for resettlement to the U.S. She thinks there are fewer Ugandan bisexual or lesbian women seeking asylum in Kenya because they fear being a refugee and the harsh conditions in the camp; she believes they would rather relocate within Uganda. She also sees the newer arrivals as rude and impatient, bringing security risks on themselves. Her advice to them is "Yes, you can come but you have to be patient. It's not as easy as you think, but in time it will be okay."

#### *CASE STUDY 7*

Richard and Emmanuel fled to Kenya in March 2014. In 2013, Richard had been exposed in Ugandan newspapers for supposed involvement in a gay "sex scandal." In December 2013, his neighbors recognized and reported him. The police searched the home where he lived with his partner and arrested them both. After the police extorted money from them, they were released on bond the same day. The couple sought legal aid and decided to relocate to another area of Kampala. In January 2014, they hosted a party at their house,

which was raided by police. They were again arrested and released after paying the police. Again, they relocated to another area. When the Anti-Homosexuality Bill was signed in February 2014, Richard decided to apply for a passport. When he went to the Resident District Commissioner's office to get the required documents stamped, the police detained him. They interrogated him and demanded that he provide information on other LGBT individuals. He sent a message warning his partner at home, who then fled to Kenya. As soon as he could, Richard joined him.

In March 2014, they went together to the UNHCR office in Nairobi to register as asylum seekers. After going through several rounds of interviews, their asylum claims were rejected. They say the reasons

given were that they failed to identify themselves and to prove their marriage, and did not give adequate information regarding the circumstances of their arrests. They appealed the decision and were interviewed again. In January 2015, they returned to UNHCR for a decision and were told to come back in July 2015. At this point, they became frustrated. Richard says he felt that he could no longer stay in Kenya because it is too expensive and insecure. He says that police arrested them several times and extorted money for their release. The couple decided to return to Uganda and are now living again in Kampala as they await a decision from UNHCR. Richard says he still travels to Kenya, but that he intends ultimately to stay in Uganda. He says, "The country is homophobic, and there is discrimination and stigma."