

SEC. __. ESTABLISHING CATEGORIES OF ALIENS FOR PURPOSES OF REFUGEE DETERMINATIONS.

(a) **IN GENERAL.**—The categories of aliens described in subsection (b) may establish, for purposes of admission as a refugee or asylee under sections 207 or 208 of the Immigration and Nationality Act (8 U.S.C. 1157, 8 U.S.C. 1158), that such aliens have a well-founded fear of persecution on account of their gender identity, sexuality, or membership in a particular social group, by asserting such a fear and asserting a credible basis for concern about the possibility of such persecution.

(b) **ALIENS DESCRIBED.**—For purposes of subsection (a), the following categories of aliens are described—

(1) Individuals who identify with one or more marginalized sexual and gender identities such as LGBTQIA (Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual), and any similar non-heterosexual or non-cisgender (gender that does not match with the gender you were assigned at birth) identity, who are nationals of, or residents of, or individuals who lack nationality as a stateless person, but habitually resided in any of the following countries or territories, or their successor states, all of which maintain anti-LGBTQIA+ laws:

- (A) Islamic Republic of Afghanistan;
- (B) People’s Democratic Republic of Algeria;
- (C) Antigua and Barbuda;
- (D) People’s Republic of Bangladesh;
- (E) Barbados;
- (F) Negara Brunei Darussalam;
- (G) Republic of Burundi;
- (H) Republic of Cameroon;
- (I) Republic of Chad;
- (J) Union of the Comoros;

(K) Cook Islands;
(L) Commonwealth of Dominica;
(M) Arab Republic of Egypt;
(N) State of Eritrea;
(O) Kingdom of Eswatini;
(P) Federal Democratic Republic of Ethiopia;
(Q) Islamic Republic of the Gambia;
(R) Republic of Ghana;
(S) Grenada;
(T) Republic of Guinea;
(U) Republic of Guyana;
(V) Islamic Republic of Iran;
(W) Jamaica;
(X) Republic of Kenya;
(Y) Republic of Kiribati;
(Z) State of Kuwait;
(AA) Republic of Lebanon;
(BB) Republic of Liberia;
(CC) Libya;
(DD) Republic of Malawi;
(EE) Malaysia;

(FF) Republic of Maldives;

(GG) Islamic Republic of Mauritania;

(HH) Republic of Mauritius;

(II) Kingdom of Morocco;

(JJ) Republic of the Union of Myanmar;

(KK) Republic of Namibia;

(LL) Federal Republic of Nigeria;

(MM) Palestine, also known as the Occupied Palestinian Territories, also known as the West Bank, East Jerusalem, and Gaza;

(NN) Sultanate of Oman;

(OO) Islamic Republic of Pakistan;

(PP) Independent State of Papua New Guinea;

(QQ) State of Qatar;

(RR) Saint Kitts and Nevis;

(SS) Saint Lucia;

(TT) Saint Vincent and The Grenadines;

(UU) Independent State of Samoa;

(VV) Kingdom of Saudi Arabia;

(WW) Republic of Senegal;

(XX) Republic of Sierra Leone;

(YY) Republic of Singapore;

(ZZ) Solomon Islands;

(AAA) Federal Republic of Somalia;
(BBB) Republic of South Sudan;
(CCC) Democratic Socialist Republic of Sri Lanka;
(DDD) Republic of Sudan;
(EEE) Syrian Arab Republic;
(FFF) United Republic of Tanzania;
(GGG) Republic of Togo;
(HHH) Kingdom of Tonga;
(III) Republic of Tunisia;
(JJJ) Turkmenistan;
(KKK) Tuvalu;
(LLL) Republic of Uganda;
(MMM) United Arab Emirates;
(NNN) Republic of Uzbekistan;
(OOO) Republic of Yemen;
(PPP) Republic of Zambia;
(QQQ) Republic of Zimbabwe;

(2) Nationals of, or residents of, or individuals who lack nationality as a stateless person, but habitually resided in any country that the Secretary of State determines maintains anti-LGBTQIA+ laws.

(A) Any Member of the House Committee Foreign Affairs, Senate Foreign Relations Committee, House Committee on the Judiciary, and Senate Committee on the Judiciary may in writing request a determination regarding any foreign state or territory for purposes of

the applicability of this subsection from the Secretary of State. The Secretary of State must respond in writing with their determination within 90 days of receipt of a request made under this subsection.

(c) EXCEPTION.—Nationals or residents of, or individuals who lack nationality as a stateless person but habitually resided in a country or territory identified in subsection (b) are no longer considered eligible for the benefits of this Act if the Secretary of State certifies in writing to the appropriate congressional committees that the country or territory in question has removed all laws from its legal code that:

- (1) Outlaw same-sex relations; and
- (2) criminalize forms of gender expression.

(c) WRITTEN REASONS FOR DENIALS OF REFUGEE STATUS.—Each decision to deny an application for refugee status of an alien who is within a category established under this section shall be in writing and shall state, to the maximum extent practicable, the reason for the denial.

(d) EXCLUSION FROM NUMERICAL LIMITATIONS.—Aliens provided refugee status under this section shall not be counted against the numerical limitations on refugees established in accordance with the procedures described in section 207 of the Immigration and Nationality Act (8 U.S.C. 1157).