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## **Challenges Facing LGBT Asylum-Seekers: The Role of Social Work in Correcting Oppressive Immigration Processes**

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*Asylum remains an important means for lesbian, gay, bisexual, and transgendered (LGBT) immigrants to stay in the United States. Social workers providing services for immigrants must understand the key aspects of the asylum process. This author extends the seminal work of Yoshino (2006), who explores the ways society forces oppressed groups to downplay or cover aspects of their identities. Yet, LGBT asylum-seekers must prove the authenticity of their sexual identity by reverse-covering, emphasizing traits based on stereotypes of sexual minorities. Reverse-covering demands made by the asylum process, challenge LGBT immigrants, particularly given the influence of race and culture on sexual identity. This article presents micro- and macro- practice implications.*

**KEYWORDS** *LGBT asylum-seekers, challenges, immigration*

### INTRODUCTION

Although a number of scholars have begun to look at the immigration experience of LGBT people (Luibheid, 1996; Rank, 2002), social work has virtually ignored the experiences of LGBT immigrants and asylum-seekers. For example, Potocky-Tripodi's lengthy manual on practice with refugees and immigrants only includes two paragraphs on gays and lesbians (2003, pp. 207–208), with no mention of their special treatment in asylum law.

The absence of LGBT in the asylum literature is problematic as social workers in macro and micro practice occupy important positions advocating for and intervening on behalf of immigrants seeking asylum in the

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United States. Contemporary political debate on immigration, the marginalized status of many LGBT immigrants, and the oppressive nature of the asylum process challenge the profession of social work to understand the theoretical, socio-historical and legal issues affecting LGBT asylum-seekers.

Social workers should understand that asylum *may* be a method for LGBT immigrants to acquire refugee status to remain in the United States and the particular challenges facing this population. LGBT asylum-seekers likely have experienced significant trauma, often have few financial resources, and face linguistic, cultural, and racial oppression as members of targeted groups (Potocki-Tripodi, 2003).

This article utilizes the concepts of “covering” and “reverse-covering,” as articulated by Yale Law Professor Kenji Yoshino (2006) to aid social workers in understanding the complicated asylum requirements for LGBT people. Here, Yoshino’s theoretical and conceptual frame of covering and reverse-covering provides a blueprint for social work practice with LGBT immigrants and policy advocacy on asylum requirements.

Yoshino (2006), borrowing the term from sociologist Erving Goffman (1963), describes covering as the process through which people individually and collectively downplay characteristics identifying them as members of oppressed and marginalized groups. In contrast, reverse-covering occurs when an individual is compelled to display or perform stereotypical aspects of his or her identity. Individuals cover and reverse-cover for a variety of reasons, though external pressure generally plays a role.

In recent years, successful asylum claims by gay men (whom the majority of the few published immigration court cases are about) have sometimes required that the asylees display or perform stereotypical gay attributes, typifying an oppressive reverse-covering demand. While there has been some attention to this issue (Morgan, 2006), including an application of the “reverse-covering” concept to the asylum requirements (Hanna, 2005), social work scholars have yet to explore the potential for Yoshino’s paradigm to influence practice with LGBT asylum-seekers.

Yoshino argues that “[c]overing is a hidden assault on our civil rights. . . . [and] is the way that many groups are being held back today” (2006, xi). Covering demands and reverse-covering demands for LGBT asylum-seekers thus represent a serious form of oppression against an already marginalized group, a situation deserving the attention of the social work profession. By understanding and challenging covering and reverse-covering demands, social workers in micro and macro practice can begin to improve the asylum-process for LGBT immigrants.

This article begins by explaining the concept of covering and reverse-covering, to explain the paradigm presented by Yoshino and understand its relevance for social work. The first part situates the asylum requirements for LGBT people in the context of covering demands more generally. Next, the article briefly examines the history of immigration, the treatment of

homosexuality, and origins of asylum protections for immigrants. Asylum law is then explained in further detail, to provide an understanding of why courts sometimes require reverse-covering by LGBT asylum-seekers. The next part discusses the complications of reverse-covering for LGBT asylum-seekers. Finally, the article analyzes the potential of Hanna's (2005) proposal that covering demands constitute *per se* persecution for asylum purposes to serve as a beginning platform for social work policy advocacy.

## UNDERSTANDING COVERING AND REVERSE COVERING

### Yoshino's Paradigm

In order to explore covering and reverse-covering demands in asylum requirements, it is important to understand the definitions and implications of those concepts as Yoshino uses them. Yoshino writes:

We are at a transitional moment in how Americans discriminate. In the old generation, discrimination targeted entire groups—no racial minorities, no women, no gays, no religious minorities, no people with disabilities allowed. In the new generation, discrimination directs itself not against the entire group, but against the subset of the group that fails to assimilate to mainstream norms (p. 21–22).

To avoid discrimination, disfavored groups are forced to cover aspects of their identity in order to reap the social, political, economic and legal benefits of mainstream society. Covering does not mean *changing* one's identity (converting) or *denying* one's identity (passing), but rather to selectively minimize traits that visibly mark one as having a disfavored or disadvantaged identity.

Yoshino distinguishes between conversion, passing, and covering as distinct modes of assimilation for LGBT people, as well as representing distinct historical trends in society's treatment of sexual minorities. Passing and conversion demands still exist for gays and lesbians, although Yoshino posits that covering demands have become more pervasive. The distinction between passing and covering marks an important conceptual difference with relevance for recognizing and responding to oppression, as covering behavior and demands may be less detectable or recognizable. According to Yoshino (2006, p. 18), "passing pertains to the *visibility* of a particular trait, while covering pertains to its *obtrusiveness*."

Yoshino presents four axes along which covering occurs: appearance, association, activism and affiliation. How you look, how you spend your time, your political values, and the people in your life may be vulnerable to covering demands. Employers, courts, institutions, colleagues, family, and friends all potentially make covering demands. Yoshino describes instances

of all of these scenarios, such as his experience of a colleague telling him, “You’ll have a better chance at tenure if you’re a homosexual professional than if you’re a professional homosexual” (p. 17). Yoshino describes numerous instances of covering demands addressed at targeted identities, including “an African American woman prohibited from wearing cornrows, a Latino struck from a jury for acknowledging his capacity to speak Spanish, a Filipina nurse barred from speaking Tagalog at work” (p. 130–131).

Yoshino also describes an attorney, Robin Shahar, who lost her job after engaging in a civil commitment ceremony with her lesbian partner. When Shahar sued for discrimination, she lost her lawsuit because the court felt that her *conduct* was being punished, not her lesbian identity (pp. 97–98). Many covering demands target “mutable” traits, which courts have been reluctant to protect in the way that they protect race, gender, disability, and (sometimes) sexual orientation (Yoshino, 2006, pp. 23–24). Similarly, courts also consider reverse-covering demands, demands to emphasize stereotypical aspects of one’s identity, non-discriminatory. For example, an employer could legally terminate a female bartender for refusing to wear make-up and “feminize” herself in other ways (Jespersen v. Harrahs, 2005).

### LGBT Covering and Reverse-Covering

For LGBT people, demands to cover have historically involved expressions and behaviors, including expressing affection for a partner, telling family of one’s sexual identity, and introducing a partner to one’s children. For example, gay men and lesbians often face significant demands to cover in child custody disputes, with some courts requiring that parents not have partners stay overnight and rewarding parents who have kept their sexuality hidden from their children (Yoshino, 2006, pp. 101–104). The courts in these cases punish people not for being LGBT, but for openly expressing that aspect of their identity.

Yet, LGBT asylum-seekers face an opposite requirement from the child custody context, creating conflicting social and legal demands. The asylum context is likely the only legal setting where LGBT people face demands to reverse-cover, or put on view, their sexual identity (Yoshino, 2006, p. 93). While unusual for sexual minorities, reverse-covering demands oppress by requiring behavior to conform to stereotypical notions of LGBT identities.

For asylum-seekers, demands to cover and reverse-cover occur cyclically. First, they will have all faced the demand to *cover* in their original countries. Next, applicants must reverse-cover in order to be granted asylum. Statutory language does not explicitly require asylees to “act gay,” but as detailed below, the various elements of an asylum case, the subjective perceptions of the decision-makers, and recent cases punishing those who

did not reverse-cover, give rise to a *de facto* reverse-covering demand. Finally, if the asylum claim fails, asylees will be required to cover again upon return to their original country.

## IMMIGRATION, ASYLUM, AND SEXUALITY

### History of Immigration

United States immigration law has often reflected the hostilities and xenophobia present in American culture. When the Supreme Court in 1882 upheld legislation restricting Chinese immigration as an exercise of Congressional plenary powers, it “paved the way for another century of increasingly discriminatory exclusions” (Foss, 1994, p. 443). Over the next several decades, immigration policies became more restrictionist, using national origin quotas to restrict non-western Europeans from migrating to the United States.

Immigration policies today continue to reflect and foster fears, prejudices, and nationalist attitudes toward “the other.” In recent years, immigrants to the United States have faced an upsurge in hostility, evidenced by changes in policy both before and after September 11, 2001 (Spotts, 2002). As examples of significant policy developments of which social workers should be aware, the 1996 Illegal Immigration Reform and Immigrant Responsibility Act makes it difficult for many immigrants to access public welfare benefits, and the USA PATRIOT Act of 2001 imposes significant burdens on immigrants, particularly those from the Middle East.

### Exclusion of Homosexual Immigrants

In addition to race-based exclusion, immigration policies have historically prevented people with a same-sex sexual orientation or non-conforming gender identity from entering the country. For example, the Immigration and Naturalization Act of 1952 (INA) functioned to exclude homosexual people.

Although the INA does not list “homosexual” as an excludable category of immigrants, in practice, people believed to be homosexual were not allowed into the U.S. (Foss, 1994, p. 451). According to Foss’s description, when immigrants arrived in the United States, an Immigration and Naturalization Service (INS) official would determine whether they should be examined by a Public Health Service (PHS) physician for classification as excludable “sexual psychopaths,” a status given those thought to be homosexual. Neither immigration officials nor PHS physicians had any objective criteria for deciding who, was in fact a homosexual, and “absent some statement from the alien, no determination was possible” (p. 456). The prejudices that necessarily guided the immigration officials are parallel to the current situation

in the asylum process where judges only grant asylum to perceivably gay individuals.

Although the PHS stopped automatically classifying homosexuals as psychopaths in 1979, the exclusion of sexual minorities continued until 1990, when the statute finally changed (Foss, 1994, p. 457–458). While much improved today, Ayoub and Wong (2006) describe how the immigration context continues as a forum of inequality for gay men and lesbians:

Under the Immigration and Nationality Act (INA), U.S. citizens and lawful permanent residents may sponsor their spouses for immigration purposes. . . . In 1996, Congress clarified the meaning of “spouse” under the INA, and all federal statutes, to refer only to a person of the opposite sex who is a husband or a wife, thereby excluding recognition of same-sex spouses (p. 568).

### Asylum Law: Historical and Modern Developments

In the relatively restrictive and nationalist context of immigration law and policy, refugee and asylum law stands out because of its origin as an international doctrine intended to protect human rights, rather than to protect national interests. Several significant international documents created a universal human rights paradigm that influences refugee and asylum law today, beginning with the 1948 Universal Declaration of Human Rights. This document provided a springboard for the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees. The United States, Canada, and Australia adopted the language of these conventions as their framework for refugee and asylum law.

A refugee applies for refugee status before arriving, while asylum may be granted to someone otherwise meeting the criteria of refugee, but who has already arrived in the United States. By definition, refugees cannot return to their countries of origin due to fear of persecution based on race, nationality, religion, political opinion, or membership in a particular social group. Asylum became available to qualified immigrants in the United States in 1980.

Monica Saxena (2006) argues that the origins and political background of the 1951 Convention “suggest a broad interpretation . . . [and] imply a wider understanding of what constitutes a cognizable harm for granting asylum” (p. 336). Saxena’s interpretation of the history of asylum law indicates that refugee status should be more inclusive. In some ways, U.S. law has become more inclusive by extending refugee status to new groups, including victims of female genital mutilation, people with HIV, and sexual minorities (Neilson, 2004; *In re Kasinga*, 1996; *In re Toboso-Alfonso*, 1990). Conversely, Alice Edwards (2005) argues that asylum law throughout the world has become

progressively more restrictive in recent years as international human rights doctrine has become less influential over immigration policy worldwide.

For LGBT people, asylum policies stand in stark contrast to the homophobic history of American immigration law. In 1990, asylum was granted to a man from Cuba, Fidel Toboso-Alfonso, on the basis of his sexual orientation (Toboso-Alfonso, 1990). In 1994, Attorney General Janet Reno declared that Toboso-Alfonso's case would constitute precedent for all immigration courts. This sudden and dramatic turnaround in the law induces cognitive whiplash. In a few short years, gay and lesbian immigrants went from being excluded on the basis of their orientation to being protected on the basis of their orientation. Where they would have needed previously to pass as straight to avoid exclusion, an openly gay identity suddenly became an asset for some immigrants.

Many immigrants will not qualify for asylum, but some LGBT people have been able to take advantage of the protections offered by asylum. Because the federal government does not release statistics showing the breakdown of the basis for asylum, it is difficult to know how many people have been granted asylum on the basis of sexual orientation. According to Robert Leitner (2004), the most relied on estimate comes from a 1996 *Washington Post* article putting the number at about sixty as of that year (Branigin, 1996).

## UNDERSTANDING THE BASICS OF ASYLUM LAW

### Fitting into a "Particular Social Group"

Asylum protects individuals who are persecuted on account of race, nationality, religion, political opinion, and membership in a particular social group. Membership in a particular social group could be interpreted broadly, "provid[ing] potentially endless protection, [and so] America and the international community have struggled to define its scope" (Bantias, 2007, p. 125). In the United States today, the definition of "particular social group" varies depending on the location of the court because the Supreme Court has not yet ruled on the issue. Social workers need to understand that the complexities of the law in this area require clients to seek legal advice from an attorney experienced in LGBT asylum cases.

U.S. Circuit Courts of Appeals disagree over whether people should be protected for being gay, acting gay, or being mistakenly perceived as gay. Scholars also disagree over which standard should be used. Hanna (2005) argues for a self-identification model, whereby the law would protect anyone stating LGBT identity, without regard to how that person appears or behaves. Hanna recognizes the distinction between identity and behavior significant to sexual minorities. She argues that "while some gay people are capable of resisting any expression of that orientation, they are still gay and not necessarily immune from fear of persecution" (2005, p. 919). Hanna's



proposed standard ensures that someone who does not fit stereotypes could still receive asylum in the U.S. However, her proposal requires that the asylum-seeker identify with a particular label.

Joseph Landau (2005) argues in favor of a broad standard to recognize performance of identity, regardless of which labels one applies to oneself. Landau believes that transgender individuals, who might insist they are not gay or lesbian, would best be protected by a legal definition of social group focused on behavior as a common characteristic. For example, men who dress as women, but identify as heterosexual and have sex primarily with women could receive protection under Landau's standard. Landau's suggestion protects asylum-seekers who do not identify with specific labels, such as gay or lesbian, but who are persecuted for engaging in same-sex relationships or gender non-conforming behavior.

As further pressure to engage in reverse-covering, the credibility (in the eyes of the decision-maker) of asylum-seekers determines in large part the outcome of the hearing because "cases often depend on the value of their word alone, since asylum-seekers can rarely specifically corroborate the central elements of their claims" (Kagan, 2003, p. 367). While credibility alone should not determine whether an individual will receive asylum, a significant number of applications for refugee status worldwide are rejected because of a finding of adverse credibility (Kagan, 2003; Anker, 1992–1993).

The credibility determination often depends "on personal judgment that is inconsistent from one adjudicator to the next, unreviewable on appeal, and potentially influenced by cultural misunderstandings" (Kagan, 2003, p. 367). One recent case suggested the possibility for an otherwise strong asylum case to fail because the claimant is not perceived as gay enough (*Soto Vega v. Gonzalez*, 2006). The asylum-seeker, Jorge Soto Vega, began life in a small town in Mexico where as a young man he was beaten, abused, teased, and tormented by family, classmates, and community due to his homosexuality. He escaped the persecution by moving to the United States where he lived for several years without legal documents, but returned to Mexico upon his mother's death. After carrying out his familial obligations, he returned to the U.S. where immigration officials discovered him living without documents (Petitioner's Opening Brief [Petitioner], 2006).

The Immigration Judge (IJ) initially denied Soto Vega's asylum claim. According to Soto Vega's appellate brief, the unpublished IJ decision stipulates that Soto Vega could evade future persecution in Mexico by covering his gay identity (Petitioner, 2006). Under the paradigm suggested by the IJ's decision, an asylum-seeker must prove to be "gay enough" to face future persecution. The contradictory covering and reverse-covering demands "undermine completely the very reasons for granting asylum based on sexual orientation" (Petitioner, 2006, p. 13).

In January 2007, Jorge Soto Vega was granted asylum because the government did not prove that Soto Vega would be able to avoid future

persecution. The same judge actually emphasized that people should *not* need to cover their sexual identities to avoid future persecution (Lambda Legal, 2007). Despite Soto Vega's ultimate success, no ruling was made regarding the appropriateness of considering the obviousness of sexual identity in the awarding of asylum.

### SHOULD LGBT IMMIGRANTS REVERSE-COVER?: RACE, CLASS, AND CONFLICTING SOCIAL NORMS

Given the oppressive nature of reverse-covering demands, this part explores the problems raised by reverse-covering demands and the consequences that social workers need to be aware of when discussing reverse-covering with clients.

#### Essentializing Stereotypes

Deborah A. Morgan (2006) presents an analysis of asylum law by using critical race theory concepts to understand the real experiences of LGBT immigrants. Morgan points out that the reverse-covering demand of the asylum hearing depends on the stereotypes of what it means to be a sexual minority. Where the focus should be on the kinds of behavior perpetrated or threatened *against* the asylum-seeker, the attention instead turns to the behavior of the individual seeking protection. A gay man must be effeminate, a lesbian should be masculine. A male-to-female transgender person must have undergone surgery. These kinds of essentializing generalities obscure the complex ways that identity and behavior interact.

Morgan continues by explaining that these stereotypes about sexuality are intricately linked with race. She states that "[t]he criteria used to ascertain whether or not the applicant's identity and behavior meet the evidentiary requirements are based on racialized sexual stereotypes and white gay norms" (2006, p. 153). According to Morgan, if behavioral characteristics of wealthy gay white men (or at least a stereotyped perception of that behavior) are taken as the baseline for all gay men, it may be difficult for an asylum-seeker to adequately reverse-cover and prove he is gay. As with many immigrants, asylum-seekers may be disproportionately low-income, are often people of color, and generally come from cultures with stark differences from North American cultural norms (Morgan, 2006). These differences mean that the stereotypes upon which the reverse-covering demand rests likely do not have relevance for many asylum-seekers.

#### Conflicting Demands

There is also an assumption inherent in the reverse-covering demand that once arriving in America, asylum-seekers will be able to suddenly stop

covering and project a gay identity. It is not unusual for immigrant communities to harbor the same prejudices as the sending country (Leland, 2001; Potocki-Tripodi, 2003). In addition, language and cultural barriers may prevent contact with the wider LGBT community.

When individuals go before immigration officials, they usually have recently fled from a setting where *not* covering or passing could be punished with violence or even death (Hanna, 2005). In short, they have become experts at covering and so the requirement to reverse-cover, to highlight their gay identity, may be quite difficult and counterintuitive to the asylum-seeker. For these reasons, an asylum-seeker may have continued to cover in America, a reality that the reverse-covering demand ignores.

In addition to racism, homophobia, ostracism from one's own community, language barriers, and other challenges, there still remains the reality that American social, legal, and economic systems reward *covering* by LGBT people. The same society which requires covering day in and day out, at the risk of losing one's job, custody of children, or social standing, simultaneously institutes a reverse-covering paradigm for asylum-seekers (Yoshino, 2006).

One can imagine the plight of a lesbian immigrant facing a child custody hearing one day and an asylum hearing on the next. Should she make sure that the whole world knows she's a lesbian or should she keep that fact even from her children? Given the reverse-covering paradigm for asylum, it would seem that if one's own children don't know one's sexual orientation, the legal elements of the asylum case might be difficult to prove. One Canadian attorney reports that decision-makers have been known to quiz asylum-seekers on "gay 101" including questions about the location of gay bars (Jimenez, 2004). Obtrusively projecting sexual identity cannot be reasonably expected of anyone, least of all vulnerable immigrant populations, until the demand to cover (along with other forms of oppression) has been entirely eradicated in the United States and other receiving countries.

## IMPLICATIONS FOR SOCIAL WORK PRACTICE

Social workers advocating for LGBT asylum clients must understand that not every immigration court treats every sexual minority group similarly. Additionally, some people who identify with the same group, but who perform their identity in different ways, might receive disparate treatment. For example, some courts may view sex reassignment surgery as necessary for transgender asylum-seekers, although not all people identifying as transgender choose or desire surgery. On the macro level, social workers must push for asylum standards that recognize the diversity of sexual identity expression and performance, especially in light of the diversity of asylum-seekers. Social workers can also educate lawmakers, immigration judges, and

the public about the negative effects that forced passing may have had on asylum-seekers fleeing countries where serious punishments exist for open homosexuality.

### Strategies for Micro-Level Practice

Victoria Neilson and Aaron Morris (2005) point to several factors making it difficult for LGBT immigrants to complete the asylum process within the allotted one-year filing time, including the complexity, expense, emotional difficulty of the process, the lack of knowledge about the protections available to sexual minorities, and the fear of outing themselves to their communities. All of these challenges present opportunities for social work interventions, including education about the availability of asylum and work focused on the emotional challenges raised by an asylum application.

A social worker helping an immigrant seeking asylum based on persecution as a sexual minority faces tough choices under the current system. The current state of the law leads to a preference that asylum claimants be recognizably and undeniably LGBT. Presenting stereotypical characteristics of these groups will bolster the possibility of success in the asylum case. Social workers should not act as extensions of the oppressive asylum process by encouraging clients to reverse-cover, yet they should also understand that reverse-covering may provide LGBT asylum-seekers with an advantage.

Social workers, as always in working with diverse populations, must be aware of how their own perceptions, standards, norms, cultures, and worldviews influence their image of the client. Understanding their own reactions can perhaps help them to understand how an immigration judge may view the client, and to use that insight to “work with their clients to construct new stories that both reflect the clients’ own, if constructed, reality, and can be heard by the legal system” (Grose, 2006, p. 32).

Social workers will necessarily need to reach agreements with clients on how they choose to present themselves. The asylum hearing may be a priority to the client, meaning other concerns may be put aside, while other clients will be unwilling to risk embracing an openly LGBT identity, while still others will be uncomfortable embracing stereotypes which might not be part of their identity at all.

### Strategies for Macro-Level Practice

Given social work values of combating oppression, increasing equality, and seeking protections for vulnerable and targeted groups, changing the asylum process to eliminate covering and reverse-covering demands could naturally become a goal for macro practitioners. The fact that U.S. asylum law derives

from international human rights doctrine intended to combat subjugation makes it particularly important to eliminate oppression in the actual process. The discussion here considers one proposed method for changing asylum law, including counterarguments and an assessment of feasibility.

Hanna (2005) advocates for a new definition of persecution that would expand to include covering demands. In many settings, covering demands occur with the threat of bodily harm, and therefore actually *constitute* persecution as defined by current law (Hanna, 2005). It is worth exploring whether nations, like the U.S., should grant asylum to immigrants who can show that they have been forced to cover in their countries of origin. While promising, the proposal presents some difficulties that must be explored and addressed before social work embraces the policy.

The covering paradigm does not always neatly fit into the international context. Often, the coerced covering experienced by asylum-seekers looks more like a threat to convert or pass, rather than the covering demands experienced in the U.S. context (Hanna, 2005). While the gay rights movement has often been exported from this country (Katyal, 2002), the same stages described by Yoshino have not necessarily developed in many nations, in part because of the different ways of understanding and expressing sexuality. As Katyal (2002, pg. 99–100) writes, “some cultures view homosexuality as an activity, not an identity; others view it as a necessary phase in a quest for full-fledged adulthood; and still others equate it with transgenderism.” Furthermore, it would be premature to discuss the demand to “cover” in countries punishing same-sex sexual activity with the death penalty (Human Rights Watch [HRW], 2005).

Another challenge in adopting covering as *per se* persecution for asylum purposes would be “slippery-slope” concerns. The concept of covering works as a new paradigm for civil rights in part because of the universal experience of covering demands. Everyone at one time or another has had to cover (Yoshino, 2006). By implication, protecting covering as *per se* persecution for asylum would make many more people eligible for refugee status. This would be especially true if, as discussed above, forced covering constituted persecution even when the threat was not as serious as under the current asylum requirements for persecution.

As a final challenge to any expansion of asylum protection for LGBT people, the current political climate in the United States has not been particularly friendly to either immigrant rights or gay rights (HRW, 2007). Proposing policy changes that would make it far easier for LGBT people to immigrate to the United States and receive the benefits of asylum status might not receive widespread support. Detractors, invoking the slippery-slope argument, would raise alarms about the country being overrun by gay immigrants. It might be most difficult to work through the legislative channels to change asylum law, with politicians fearing the repercussions from anti-gay, anti-immigrant constituencies. Yet, a legislative change would also have

the greatest legitimacy and power to adopt a full-scale anti-covering asylum process.

Despite the challenges, there is an added benefit. If asylum law adopted the “demand to cover” definition of persecution, the United States would necessarily need to consider how those demands occur domestically. The gay parent who cannot have guests overnight starts to look more like the gay Iranian man who chooses to forego having a partner because of the risk of getting caught. While the outcomes for the two would be different, losing custody for the former, possible execution for the latter, the legal focus would have shifted to the legitimacy of the demand. Ultimately, a change in asylum law would likely force changes in other areas of the American legal and social systems.

## CONCLUSION

Asylum stands as an important protective mechanism for LGBT people fleeing oppression worldwide, but the process could be greatly changed and improved by eradicating covering and reverse-covering demands. Social work should utilize its knowledge, skills and values on a micro and macro level to create these changes. Those working directly with clients should have some familiarity with the basics requirements of asylum law. Social workers also need to weigh the contradiction of reverse-covering as an advantage and as a source of oppression for clients, especially in light of the essentializing racial and cultural stereotypes upon which reverse-covering demands are made. One possibility for improving the asylum process, to make it more consistent with social work values, would be to make covering demands *per se* persecution. Policy advocates need to continue to consider the options for improving the asylum process for LGBT people.

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