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## **Trump administration again weakens LGBT protections**

***Congress should reject rule, ensure equal access to health and welfare programs.***

By Ryan Thoreson

HRW (08.01.2021) - <https://bit.ly/38Dotpk> - With less than two weeks left in office, the administration of US President Donald Trump has finalized yet another rule rolling back nondiscrimination protections for lesbian, gay, bisexual, and transgender (LGBT) people seeking the services of health and welfare programs funded by the US Department of Health and Human Services.

Previously, a federal regulation expressly prohibited health and welfare programs receiving federal funding from discriminating on the basis of sexual orientation and gender identity. But the administration's new rule, first proposed in 2019, erases this language. It also deletes a requirement that recipients recognize the marriages of same-sex couples, replacing it with a generic statement that the US Department of Health and Human Services will respect Supreme Court decisions.

The previous regulation was used to ensure adoption and foster care agencies who receive federal support serve all qualified parents, including same-sex couples. Rolling back existing nondiscrimination protections will harm those families, as well as the many kids awaiting placement in loving and supportive homes.

In 2019, Human Rights Watch argued that these changes threatened children's rights as well as families' freedom from discrimination and right to health. We've previously documented how these types of changes can function as a license to discriminate, shutting LGBT people out of health and welfare services that should be open to all.

In the coming weeks, Congress should swiftly reject this regressive rule. The Congressional Review Act allows Congress to disapprove of a recently enacted regulation and, with the president's signature, prevent it from taking effect. With an upcoming presidential transition, the US government should take this opportunity to make clear again that the programs it funds are open to all qualified people, regardless of their sexual orientation or gender identity.

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## **LGBT+ candidates score series of historic wins in U.S. elections**

***Record numbers of LGBT+ candidates are standing in the US elections and early results suggest historic wins across the country.***

By Hugo Greenhalgh

Thomson Reuters Foundation (04.11.2020) - <https://bit.ly/35kNK6f> - LGBT+ candidates scored a series of historic wins in the U.S. elections, including Sarah McBride becoming the first openly transgender person to win a State Senate seat.

At least 117 of a record 574 LGBT+ candidates on the ballot had won at the time of publication, nine of them trans, according to the LGBTQ Victory Fund, which backs LGBT+ candidates.

"It's a huge milestone for members of the LGBTQ community," said Stephanie Byers, who became the country's first trans Native American state legislator in the Kansas House of Representatives.

"Gender is no longer the only thing that someone sees when we run for office ... they also realise that we run more broadly, not just on LGBT issues," the 57-year-old retired music teacher told the Thomson Reuters Foundation.

While data on other LGBT+ candidates is still emerging, other victors included Ritchie Torres and Mondaire Jones, respectively the first out gay Afro-Latino and Black men elected to Congress.

"Tonight's wins for LGBTQ people of colour and transgender Americans across the country are historic and long overdue," said Sarah Kate Ellis, president of the LGBT+ rights organisation GLAAD, in a statement.

"Their victories represent a leap forward for LGBTQ acceptance and a demand for more of the progress and equality that their very presence demonstrates."

### ***Outstanding victory***

McBride, who became the first trans person to address a major party convention when she spoke at the Democrat National Convention in 2016, is the country's highest ranking openly trans official after winning the Delaware State Senate race.

The 30-year-old tweeted that she hoped her victory "shows an LGBTQ kid that our democracy is big enough for them, too".

Veteran human rights campaigner, Peter Tatchell, who last year travelled with McBride to Australia and New Zealand, said her election marked "an outstanding victory for trans people".

Other landmark victories included Mauree Turner, who identifies as non-binary, or as neither male or female, and became Oklahoma's first Muslim state representative, according to the LGBTQ Victory Fund.

"Conversion therapy and trans students not getting the opportunity to play the sport that they would like to play ... that's the type of things that we're combatting when we show up," said 27-year-old Turner in an interview on Wednesday.

Michele Rayner became the first Black openly LGBTQ+ woman to be elected to Florida's state legislature, while Shevrin Jones became the state's first Black LGBTQ+ state senator. Georgia got its first openly LGBTQ+ state legislator, Kim Jackson.

"Having visible LGBTQ people in positions of political power is crucial to ensuring that LGBTQ people across America are championed," said Eloise Stonborough, associate director of policy and research at Stonewall, Europe's largest LGBTQ+ organisation.

### **Queer siblings**

A National Election Pool exit poll conducted by Edison Research indicated that LGBTQ+ voters represent 7% of the 2020 electorate, higher than the estimated 4.5% of the adult population.

LGBTQ+ voters made up 6% of the electorate in the 2018 midterm elections, and 5% in the 2016 presidential elections.

"The more of us that run, the better," said Jabari Brisport, a newly elected New York state senator and the state's first openly LGBTQ+ Black lawmaker.

"We have to keep pushing and open the door wider and wider for more of our queer siblings to enter politics as well and fight for an agenda that uplifts us as equal citizens like everyone else."

As the 2020 presidential election result teetered on a knife edge, with millions of votes still uncounted, LGBTQ+ rights groups said the early wins showed the growing political importance of the community.

"Over the last three elections, the share of LGBTQ voters has continued to increase, solidifying our community as a key rising constituency that politicians must court," Human Rights Campaign (HRC) president Alphonso David said in a statement.

"Our issues matter, our votes matter and politicians around the country have taken notice."

Alan Wardle, director of the Global Equality Caucus, a network of LGBTQ-supporting parliamentarians around the world, said the elected representatives sent out "a strong signal that LGBTQ+ people belong in public life".

## **U.S. Christian groups spent \$280m fighting LGBT+ rights, abortion overseas**

***Right-wing U.S. groups have put more than \$280 million into campaigns against LGBT+ rights and abortion worldwide since 2007, almost \$90 million of which focused on Europe.***

By Rachel Savage

Thomson Reuters Foundation (27.10.2020) - <https://bit.ly/326bgSf> - Right-wing U.S. groups have put more than \$280 million into campaigns against LGBT+ rights and abortion worldwide since 2007, almost \$90 million of which focused on Europe, according to a [report](#) on Tuesday.

Many of the 28 groups - most of which are Christian - have close links with U.S. President Donald Trump, who is campaigning for re-election on Nov. 3, investigative website openDemocracy found, amid the rising popularity of the far-right in Europe.

"These findings show how Trump-linked groups have built a frightening global empire," Mary Fitzgerald, openDemocracy's editor-in-chief, told the Thomson Reuters Foundation in emailed comments.

One of the main groups is the American Center for Law and Justice (ACLJ), whose chief counsel Jay Sekulow is Trump's personal lawyer. It supported a ruling in Poland last week banning abortion in cases of foetal defects, the report said.

The ACLJ - shown through its financial records to have spent \$18 million globally since 2007, 80% of it in Europe - did not respond to a request for comment.

Another major player is the Alliance Defending Freedom (ADF), whose international arm filed legal briefs against same-sex marriage in Italy and backed a Northern Irish bakery that refused to make a cake with "Support Gay Marriage" on it.

It also opposed same-sex adoption in Austria and trans women in France seeking to legally change their gender by submitting arguments in cases at the European Court of Human Rights.

"ADF International is a global human rights organisation that protects fundamental freedoms and promotes the inherent dignity of all people," a spokeswoman for ADF International said in emailed comments.

"Rather than engaging with our arguments, OpenDemocracy seeks to shut down debate by launching what is nothing more than a smear campaign."

The openDemocracy investigation highlighted a lack of transparency among U.S. church organisations, which do not have to pay taxes, reveal their funders or how they spend their money overseas.

The biggest spender was the Billy Graham Evangelistic Association, which poured \$96 million into influencing foreign laws and citizens, although its spending is unknown since 2015 when it was reclassified as a church association.

Its president Franklin Graham - the son of the U.S. evangelical preacher - has praised the LGBT+ rights record of Russia, where homophobic violence has risen since the adoption in 2013 of a ban on "gay propaganda" towards minors.

The association did not respond to a request for comment.

Africa was the second most popular destination for anti-LGBT+ efforts. Several of the groups supported the death penalty for gay sex in Uganda, known as the "Kill The Gays" bill, which was overturned by the country's constitutional court in 2014.

"Trump-linked U.S. evangelicals, funded by secret donors, are exporting homophobia around the world," British LGBT+ activist Peter Tatchell said in emailed comments.

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## **Anti-LGBT persecution in El Salvador, Guatemala, Honduras**

### ***US barriers to asylum block path to safety.***

HRW (07.10.2020) - <https://bit.ly/33Urfc> - The governments of El Salvador, Guatemala, and Honduras have failed to effectively address violence and entrenched discrimination against lesbian, gay, bisexual, and transgender (LGBT) people, leading many to seek asylum in the United States, Human Rights Watch said in a report released today. Yet policies by the administration of US President Donald Trump have made it almost impossible for them to obtain asylum.

The 138-page report, "['Every Day I Live in Fear': Violence and Discrimination against LGBT People in El Salvador, Guatemala, and Honduras, and Obstacles to Asylum in the United States](#)," documents violence experienced by LGBT people in the three Northern Central American countries collectively known as the Northern Triangle, including at the hands of gangs, law enforcement officials, and their own families. Human Rights Watch found that Northern Triangle governments fail to adequately protect LGBT people against violence and discrimination, and that they face major obstacles if they attempt to seek asylum in the United States.

"LGBT people in the Northern Triangle face high levels of violence that their own governments appear unable or unwilling to address," said Neela Ghoshal, senior LGBT rights researcher at Human Rights Watch. "For some LGBT people in the region, seeking asylum in the United States is the only hope of safety, but the Trump administration has blocked them at every turn."

Human Rights Watch interviewed 116 LGBT people from the three countries. Some described violence by family members, leading them to flee home as young as at age 8. Others described bullying and discrimination that drove them out of school. Many said family rejection and discrimination led to economic marginalization, particularly for trans women, and poverty was likely to increase the risk of violence.

LGBT people sometimes face violence and discrimination from the very law enforcement agents charged with keeping them safe. Carlos G., a gay refugee who traveled to the United States from Honduras in 2018, said that gang members there shot him, telling him: "Today you're going to die, faggot." He was afraid to report the incident to the police, who had previously harassed him for being gay and demanded sexual favors. Carlitos B., a non-binary person from Guatemala, fled after their brother assaulted and threatened to rape them. When Carlitos reported to the police, they laughed at Carlitos's gender expression.

Pricila P., a trans woman from El Salvador, said police forced her off a bus and beat her. "One of the police officers grabbed my testicles and squeezed," she said. "He said, 'You're realizing you're a man because you feel pain.' He said that I would become a man by

force.” She fled to the United States in 2019, after gang members assaulted her, abducted her gay friend, and warned her that she would be next.

Both Honduras and El Salvador have passed hate crimes legislation in the last 10 years, but neither country has convicted anyone on hate crimes charges. In a landmark ruling in July 2020, a court in El Salvador convicted three police officers of murdering Camila Díaz, a trans woman who had been deported in 2018 after attempting to seek protection in the United States, but a judge dismissed hate crimes charges against them.

None of the three countries has comprehensive civil law protections against discrimination, Human Rights Watch said. While Honduras outlaws employment discrimination on the grounds of sexual orientation and gender identity, activists said they know of no cases in which the law had been enforced. In Guatemala, a pending Life and Family Protection Bill could be used to justify discriminatory denial of services on “freedom of conscience” grounds.

Given the persecution that many LGBT people face in the Northern Triangle, the US government should rigorously protect their ability to safely enter the United States and apply for asylum. Instead, the US government has increasingly closed doors to them with a series of policies that restrict access to asylum and that narrowly interpret the refugee definition in ways that exclude LGBT people from protections they previously enjoyed.

In March 2020, the US government entirely closed its land borders to asylum seekers based on the pretext of Covid-19, leaving them to suffer persecution in their home countries or be stranded in Mexico. In June, the US Departments of Justice and Homeland Security proposed a major regulatory change to the US asylum system that would severely restrict LGBT people’s ability to be granted asylum by barring asylum on the basis of “gender.” In September, the Justice Department issued yet another regulation that puts asylum even further beyond their reach, tightening time limits on asylum applications and allowing immigration judges to introduce their own evidence into asylum cases, even if such evidence reflects biases such as anti-LGBT prejudice.

These policies followed other severe measures the Trump administration has taken to prevent asylum seekers from ever reaching the United States and to limit their access to asylum if they do, including family separation; prolonged detention; the “Remain in Mexico” program; an expedited asylum review process allowing for little or no contact with lawyers; an attempt to bar asylum seekers who transited through third countries before arriving at the US border; and a policy of transferring Salvadoran and Honduran asylum seekers to Guatemala, where they lack effective protection. Among the asylum seekers affected by all these measures are LGBT people, who may be particularly at risk of violence and discrimination in northern Mexico.

“The governments of El Salvador, Guatemala, and Honduras need to stem rampant anti-LGBT violence and ensure that laws and policies protect LGBT people from persecution, including by police,” Ghoshal said. “As long as LGBT people continue to experience threats to their lives and safety based on their identity in their countries of origin, the US should welcome them with open arms, rather than slamming the door on them.”

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## **Yurok Tribe joins federal lawsuit over data on tribal, LGBTQ foster youth**

By Andrew Butler

The Times-Standard (28.08.2020) - <https://bit.ly/35prwvn> - The Yurok Tribe is one of more than half-a-dozen parties that sued the Department of Health and Human Services and the Administration for Children and Families on Thursday over Trump administration rollbacks of requirements the suit says work toward better placement and care for both American Indian children and youth in the foster care system who identify as lesbian, gay, bisexual or transgender.

The lawsuit centers around the elimination of a 2016 rule that mandated child welfare agencies report data about the tribal membership and affiliation of foster children; voluntarily disclosed data about the sexual orientation of foster youth and foster and adoptive parents; and collect data about how agencies identify, serve, and place the two underserved groups which are over-represented in the U.S. foster care system.

The data collection mandates are in their infancy and have only begun to be adopted in California, and even less so nationwide, according to Yurok Tribal Court Chief Justice Abby Abinanti, who told the Times-Standard on Friday that the lawsuit aims to protect “essential” data collection techniques aimed at ensuring American Indian and LGBTQ+ youth in the foster system are better cared for and avoid falling through the system’s cracks into human trafficking and other perils disproportionately facing foster youth.

“The foster system, like many systems, has layers of problems. One of those layers is kids falling into trafficking due to (poor data collection, accounting, and placement),” Abinanti said. “You can’t address a problem like that after it has happened. You have to go to the root of it, which begins with implementing and developing better tracking and data collection from the start. I know that’s not a flashy headline or topic — like adding salt to a meal — but you can’t start any meal without salt.”

According to a news release from the Yurok Tribe on Thursday’s legal action, “American Indian and Alaska Native children and LGBTQ+ youth are over-represented in U.S. foster care, which sees nearly 500,000 children — who overwhelmingly hail from marginalized populations, low-income families, and communities of color due to systemic inequities — placed in out-of-home care every year. These vulnerable populations have unique needs, yet suffer negative treatment and outcomes — including separation from their culture, homelessness, abuse, sex trafficking, involvement in the criminal justice system and more — at a far higher rate than other children and youth in foster care.”

The data collection mandates — which the Trump administration in May 2020 announced it would eliminate — enable the foster care system to better follow the Indian Child Welfare Act, which requires American Indian foster children to be placed with family members or with tribal members whenever possible.

Being stripped away from family and tribe is a reality that has faced American Indian youth for hundreds of years, according to Abinanti.

“There’s a lot of historical trauma in our communities. ...The Indian Slave Act, boarding schools and massacres have all left traumatic scars on all Indian people,” Abinanti said. “Yesterday’s historical trauma trickles down into today’s trauma. (With this lawsuit), we want to ensure that the foster system does not inflict more harm and trickle down into tomorrow’s trauma.”

By eliminating much of the language in the 2016 rule, the lawsuit contends the Administration for Children and Families violated the Administrative Procedure Act in multiple ways by, “(ignoring) the lost benefits that collecting the data would offer foster children, youth, and families; (abandoning) its prior conclusions, analysis, and long-standing positions on the benefits of demographic data without sufficient reason or

explanation; (failing) to consider HHS's core statutory requirement to collect 'comprehensive national information' about the 'demographics,' 'status,' and 'characteristics' of foster children and youth, and (refusing) to consider arguments and alternatives other than its favored ones."

The Yurok Tribe's release says the data collection mandates since 2016 had enabled the "ACF, child welfare agencies, and organizations serving foster children and youth (to) identify and understand the most critical challenges facing the foster care system, (and helped) direct resources more effectively, and would reduce the frequency of bad outcomes for children and youth."

"Without the data, the entities that assist these at-risk populations are left guessing on matters of critical importance," the tribe's release says.

Abinanti said there are around 200 Yurok children in the foster care system alone.

Along with the Yurok Tribe, the Cherokee Nation and several other groups filed Thursday's lawsuit in the U.S. District Court for the Northern District of California. They are: California Tribal Families Coalition, Facing Foster Care in Alaska, Ark of Freedom Alliance, Ruth Ellis Center, True Colors, Inc.

The plaintiffs are represented by Democracy Forward, Lambda Legal, and the Michigan State University College of Law's Indian Law Clinic.

"Once again, the Trump administration's contempt for lawful, evidence-based policymaking has hurt vulnerable populations," Anne Harkavy, Executive Director of Democracy Forward, said. "We've filed suit to help prevent the Trump administration from keeping American Indian and Alaska Native and LGBTQ+ foster youth in the shadows."

The Times-Standard on Friday afternoon sent requests for comment on the suit and the policy to both the Department of Health and Human Services and to the Administration for Children and Families, the latter of which acknowledged the request and said a response would be processed; no further response from either agency was received before this article's Aug. 28 publication deadline. Further communication from the ACF on Aug. 31 stated that it was agency policy not to comment on ongoing litigation.

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## **Trump administration doubles down on trans discrimination**

***US Congress should pass the Equality Act.***

By Ryan Thoreson

HRW (25.06.2020) - <https://bit.ly/2ZngsPB> - The Trump administration is moving ahead with a rule that would write transgender people out of sex discrimination protections in health care. While advocates fight the rule in court, transgender people will continue to face discriminatory treatment and refusals of care.

This comes despite a United States Supreme Court ruling last week that affirmed employment protections for lesbian, gay, bisexual, and transgender people, reasoning that gender identity discrimination is a form of sex discrimination prohibited by law.

Human Rights Watch has documented the daunting barriers that transgender people face finding healthcare services. Transgender people often are unable to find care, encounter



discrimination or refusals in healthcare settings, or simply avoid seeking care because of concerns they will be mistreated.

When the administration first proposed the new rule in 2019, Human Rights Watch joined thousands of other organizations and individuals in raising its serious concerns with the US Department of Health and Human Services (HHS). Although it received more than 20,000 comments opposing the rule, HHS adopted the regulation, leaving transgender people even more vulnerable to the routine discrimination they already face in healthcare settings.

The rollback of healthcare protections is the latest in a long string of Trump administration attacks on transgender people.

Since 2017, the administration has withdrawn regulatory protections for transgender children in schools, fought recognition of transgender people under federal employment laws, banned transgender people from serving in the military, rolled back protections for transgender people in prisons, and threatened to cut off funding to schools that let transgender girls participate in sports.

The administration's cruel assault on transgender rights shows no signs of letting up. Just after the healthcare regulation was finalized, the US Department of Housing and Urban Development said it would propose a rule permitting single-sex homeless shelters to turn away transgender people.

The Supreme Court's recent decision pulls the rug from under these anti-transgender regulations by making clear that sex, as prohibited grounds for discrimination, includes gender identity. Instead of waiting for the courts to strike them down, the US Senate should pass the Equality Act, which would expressly protect transgender people from discrimination in employment, housing, federally funded programs, and other domains. As the past week shows, unless lawmakers take action, the administration will continue its campaign to deprive transgender people of their fundamental rights.

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## **Supreme Court rules federal civil rights law protects LGBTQ workers**

By Melissa Quinn

CBS News (15.06.2020) - <https://cbsn.ws/2AFab9B> - The U.S. Supreme Court ruled Monday that it is illegal for an employer to fire someone because of their sexual orientation or gender identity, delivering a major victory in the fight for civil rights for LGBTQ people.

The court's 6-3 ruling extends the scope of Title VII of the Civil Rights Act, which bars discrimination on the basis of sex, race, color, national origin and religion, to include LGBTQ people. Chief Justice John Roberts and Justice Neil Gorsuch, who authored the majority's opinion, joined the liberal wing of the bench in ruling that "an employer who fires an individual merely for being gay or transgender violates Title VII."

"Judges are not free to overlook plain statutory commands on the strength of nothing more than suppositions about intentions or guesswork about expectations," Gorsuch wrote. "In Title VII, Congress adopted broad language making it illegal for an employer to rely on an employee's sex when deciding to fire that employee. We do not hesitate to recognize today a necessary consequence of that legislative choice: An employer who fires an individual merely for being gay or transgender defies the law."

The cases involving Title VII, of which there were three before the court, were the first involving LGBTQ rights to reach the justices since the retirement of Justice Anthony Kennedy in 2018. Kennedy authored the majority opinions in all major gay rights cases decided by the court, and President Trump replaced him with Justice Brett Kavanaugh, an appointment that shifted the court rightward.

The justices heard oral arguments in the legal battle over Title VII at the start of its term in October, during which Gorsuch, appointed to the high court by Mr. Trump, emerged as the likely swing vote.

Two of the three cases before the court involved gay men who said they were fired because of their sexual orientation.

Donald Zarda, who has since died, worked as a skydiving instructor in New York and argued he was fired after a woman accused him of touching her inappropriately and telling her he was gay during a tandem skydive in 2010.

Zarda filed a charge with the Equal Employment Opportunity Commission (EEOC) arguing he was discriminated against because of his sexual orientation and gender. He then sued his employer, Altitude Express, in federal district court in New York, alleging his firing violated Title VII.

The 2nd U.S. Circuit Court of Appeals sided with Zarda, finding "sexual orientation discrimination is motivated, at least in part, by sex and is thus a subset of sex discrimination for purposes of Title VII."

Like Zarda, Gerald Bostock, a child welfare services coordinator for the Clayton County Juvenile Court System in Georgia, said he lost his job because of his sexual orientation. Bostock was fired for "conduct unbecoming of a county employee" after he started participating in a gay recreational softball league in 2013.

Bostock sued Clayton County, alleging he was fired because of his sexual orientation in violation of Title VII. The 11th U.S. Circuit Court of Appeals upheld the district court's dismissal of the case.

The third legal battle before the justices raised the question of whether Title VII prohibits discrimination based on gender identity.

At the center of the case is Aimee Stephens, a transgender woman, who was fired from R.G. & G.R. Harris Funeral Homes in Michigan after she told her employer in 2013 she suffered from gender dysphoria and would dress as a woman at work. Stephens died in May.

Stephens filed a discrimination charge with the EEOC arguing she was illegally fired based on sex and gender identity in violation of Title VII. The EEOC then filed suit against the funeral home.

The federal district court ruled for Harris Homes, but the 6th U.S. Circuit Court of Appeals sided with Stephens. In its ruling, the lower court said "discrimination on the basis of transgender ... status violates Title VII."

In a dissenting opinion on Monday, Justice Samuel Alito, joined by Justice Clarence Thomas, accused the majority of legislating from the bench and likened the opinion to "a pirate ship" that "sails under a textualist flag."

"There is only one word for what the Court has done today: legislation," he wrote. "The document that the Court releases is in the form of a judicial opinion interpreting a statute, but that is deceptive."

In a separate dissent, Kavanaugh said it's the role of Congress and the president, not the court, to alter Title VII.

"When this Court usurps the role of Congress, as it does today, the public understandably becomes confused about who the policymakers really are in our system of separated powers, and inevitably becomes cynical about the oft-repeated aspiration that judges base their decisions on law rather than on personal preference," Kavanaugh wrote. "The best way for judges to demonstrate that we are deciding cases based on the ordinary meaning of the law is to walk the walk, even in the hard cases when we might prefer a different policy outcome."

Mr. Trump told reporters at the White House the decision from the high court was "very powerful," adding, "they've ruled and we live with the decision."

The Supreme Court's ruling was cheered by former Vice President Joe Biden, the presumptive Democratic presidential nominee, who called it a "momentous step forward for our country."

"Today, by affirming that sexual orientation and gender identity discrimination are prohibited under Title VII of the Civil Rights Act, the Supreme Court has confirmed the simple but profoundly American idea that every human being should be treated with respect and dignity," he said in a statement.

The cases before the court pitted the Trump administration against the EEOC, which has said Title VII's protections extend to LGBTQ people. The Justice Department, however, believes Congress needed to clarify the reach of the law.

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## **The plight of undocumented transgender women during a health crisis**

***A new episode of Showtime's Vice shows the fears and vulnerabilities faced by this community.***

By Daniel Reynolds

The Advocate (31.05.2020) - <https://bit.ly/2MsiGqL> - Vice is shining a spotlight on the issues facing undocumented transgender Latinx women during the COVID-19 epidemic in the United States.

In tonight's "Undocumented" episode of the Showtime newsmagazine docuseries, reporter Paola Ramos met with two trans women to learn the risks facing this community amid a health crisis.

During normal times, trans women and undocumented people are vulnerable, especially at the intersection of these groups. In Latin America, the life expectancy for trans women is 35; and the Vice subjects had fled their native countries to escape the lethal hate crimes faced by their peers.

Seeking asylum at the border, the two women in the Vice episode were released from ICE custody but continue to be monitored. Each showed a tracker attached to her ankle. The

women, who are HIV-positive sex workers living in a coronavirus epicenter, New York City, are especially at risk for the virus.

They are scared, the woman, whose identities and faces were obscured for protection, told Vice. "But we have to" keep working in order to live, without the ability to utilize the social distancing or masks recommended by the Centers for Disease Control and Prevention.

"Only God knows how we would recover, or if we would recover. That's our fear," one said.

Undocumented people have provided many of the essential services during the pandemic, but they are unable to receive any benefits of the federal safety net provided by the CARES Act. Without legal status, "sex work becomes their only way of survival," Ramos reported.

There are many other risks at play. Densely packed ICE detention facilities have become hotbeds for the virus's spread. The New York Times reports that, as of mid-May, 36 people tested positive at a New Jersey location, with four deaths among staff members.

"The guards weren't taking safety measures," one of the trans women told Vice of her own experience in detention, which was made even more harrowing by the threat of a deadly disease. "The experience in ICE has been one of the worst ones of our lives."

"Only eight of us got out and we're scared for our friends," she added.

Even before COVID-19, trans people raised the flag about dire conditions in ICE facilities. In 2019, 29 migrants detained in ICE's only transgender unit, the Cibola County Correctional Center, handwrote and signed a letter accusing guards at the facility of abuse and medical neglect. In 2018, Roxsana Hernandez, a 33-year-old Honduran trans woman seeking asylum, died in custody at Cibola. Many believe it was due to medical neglect.

There have been some signs of progress in visibility. Ramos (pictured above) above has seen the mainstream media paying more attention to essential workers and undocumented people. But "what's still missing in mainstream media is the focus on undocumented transgender folks," she said. It why's Vice did the reporting it did, in order to open the eyes of views to their struggles.

"Many of us are thinking about what it means to survive a pandemic. But if you're undocumented and transgender, that meaning has turned into something completely different," Ramos said. "You have to go through so many other barriers, you have to think through so many other plans."

What did Ramos learn from her reporting that shocked her?

"It is shocking to understand that for some people, staying home is not an option. That's not part of the vocabulary," Ramos said, adding, "The transgender undocumented migrants that we talked to are forced to do sex work because it's their only way of survival."

The sight of their dehumanizing trackers is also a grim reminder for these women "that no matter what they do ... they're being seen and being portrayed by society as criminals," even to the clients they have sex with for survival, said Ramos, a reality that was "hard" for a reporter to hear.

However, Ramos was also surprised by the resilience she found among the activists and organizers who are helping provide transgender undocumented people with basic resources. The episode also visits with a Queens collective as it prepared food and other necessities for those in need — another sight not seen in mainstream reporting.

"It's the two sides of the story. It is extreme desperation ... but we also found this extreme resilience that also is often left out of the conversation," Ramos said.

What wasn't shocking for Ramos was how the Trump administration has continued its hard-line stances toward migrants. If it wanted to, it could free all those in its detention centers to prevent a more deadly outbreak of COVID-19. But don't expect that outcome anytime soon.

"Detention and deportation have always been in line with how this administration operates. And so, it's not surprising to expect more even amidst a crisis," Ramos said.

However, as the Vice episode shows, helped those in need is still possible with the work of concerned activists. "I think something that this pandemic has illuminated is that a lot of people cannot depend on the federal government so they're taking change into their own hands," Ramos said.

Ultimately, Ramos wants her reporting to be "the start of a conversation" for both Democrats and Republicans in fixing America's broken immigration system. "Even when you are released from ICE, that's just the beginning of the story for many people. What it means to get by, and what it means to rebuild one's life, and what it means to rebuild this American dream that everyone comes here for, that just starts when you leave ICE," she said.

So how can Americans help members of this vulnerable community? They can donate to groups that support transgender undocumented people and provide them with food and other essentials. But also, "I think it's a matter of people understanding, first of all, that undocumented transgender folks exist. They are out there. And also that they're deserving of opportunities," Ramos said.

Even for Ramos, the experiencing of reporting on this issue has been "eye-opening" of her own privilege, as she talked with people that cannot even afford masks and gloves during a health crisis. "If I think survival is hard for me ... it's way harder for other people. I think it's just always important to keep that in mind," she said.

Another thing to keep in mind? Transgender migrants come to the United States with "a very simple dream, which was to move beyond what's expected for them," Ramos said. What's expected "in many cases is just to live a longer life with a little bit more dignity."

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## **Trump team moves to scrap protections for LGBTQ patients**

***The health department's top civil rights official also defended the administration's approach to vulnerable populations.***

By Dan Diamond

Politico (24.04.2020) - <https://politi.co/2KUxo9o> - The Trump administration is moving to scrap an Obama-era policy that protected LGBTQ patients from discrimination, alarming health experts who warn that the regulatory rollback could harm vulnerable people during a pandemic.

The health department is close to finalizing its long-developing rewrite of Obamacare's Section 1557 provision, which barred health care discrimination based on sex and gender identity. The administration's final rule on Thursday was circulated at DOJ, a step toward

publicly releasing the regulation in the coming days, said two people with knowledge of the pending rule. The White House on Friday morning also updated a regulatory dashboard to indicate that the rule was under review. Advocates fear that it would allow hospitals and health workers to more easily discriminate against patients based on their gender or sexual orientation.

The Obama administration moved to create its non-discrimination protections in response to advocates and health care experts who said that LGBTQ patients were being turned away from necessary care or intimidated from seeking it out. The broad rule also offered specific protections for transgender patients for the first time and extended protections for women who had abortions. But a federal judge in 2016 blocked those protections following a lawsuit from religious groups, and the Trump administration has steadily worked to weaken the rule before it could take full effect.

In last year's proposal, the health department also proposed changes that went further than simply rolling back the new Obama protections, moving to eliminate similar nondiscrimination protections for LGBTQ patients that were contained in other regulations.

"If the final rule is anything like the proposed rule, HHS is adopting changes that would be harmful in the best of times but that are especially cruel in the midst of a global pandemic that is disproportionately affecting vulnerable communities and exacerbating disparities," said Katie Keith, a lawyer and Georgetown professor who's tracked the rule.

HHS declined to comment on the possibility of a pending rule, and an administration official said that there are no protections to "scrap" given that Texas Judge Reed O'Connor tossed the Obama-era policy last year.

"A federal court has vacated the gender identity provisions of the regulation and we are abiding by that court order," a HHS spokesperson said. "We do not comment on the rulemaking process and refer you to recent public filings made by the Department of Justice before the Supreme Court on what constitutes sex discrimination under civil rights laws."

The health department's top civil rights official also defended the administration's approach to vulnerable populations. "As we have shown in our recent efforts to protect persons from disability and age discrimination during the pandemic, HHS will vigorously enforce civil rights laws as passed by Congress, before, during, and after any rulemaking," Roger Severino, the HHS civil rights chief, said in a statement. He added that the Obama administration "declined to recognize sexual orientation as a protected category under Obamacare, and HHS proposed to leave that judgment undisturbed" in last year's proposed rule. Severino was an active critic of the Obama-era non-discrimination rules before joining the administration.

Any rule issued by the Trump administration on LGBTQ protections could be short-lived. The Supreme Court is set to rule on whether the Civil Rights Act protects LGBTQ workers, which could create a new regulatory framework and force health officials to swiftly return to the drawing board.

Meanwhile, advocates say they're worried that LGBTQ patients could be deterred from seeking care during a public health crisis. The liberal-leaning Center for American Progress published findings that 8 percent of lesbian, gay, and bisexual adults and 29 percent of transgender adults said they had been turned away by a health care provider based on their sexual orientation or gender identity.

"I'm really scared about what that means for testing, for treatment, for people's comfort-seeking care," said Sharita Gruberg, who oversees CAP's work on LGBTQ populations. "This is not the time we want people to avoid seeking care and treatment."

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## **The number of anti-LGBTQ hate groups grew 43% in 2019 - White House says that's a "far-left smear"**

***The White House said that it's "disgusting" to call them out for associating with and promoting anti-LGBTQ hate groups.***

By Alex Bollinger

LGBTQ Nation (02.04.2020) - <https://bit.ly/2xXKY8v> - Anti-LGBTQ hate groups are on the rise in the U.S., according to a new report from the Southern Poverty Law Center (SPLC), but the Trump administration is calling it a "far-left smear."

The SPLC released its 2019 "[Year in Hate and Extremism](#)" report, which says that the number of anti-LGBTQ hate groups rose by 43% since 2018. It is now following 70 anti-LGBTQ hate groups in the U.S.

"The Trump administration has demonstrated a clear willingness to embrace their leaders and their policy agenda," the SPLC report states, referring to how Trump administration officials have filed legal briefs on behalf of hate groups, spoken at events organized by hate groups, nominated judges connected to hate groups, and even hiring former hate group employees to work in key civil rights positions.

"According to a report by Lambda Legal, a third of the more than 50 U.S. circuit court judges nominated by Trump have a 'demonstrated history of anti-LGBTQ bias,'" the SPLC report says. "Lambda argues that the justice system is 'now indisputably in a state of crisis.'"

The report says that much of the growth in anti-LGBTQ hate groups has taken place "at the grassroots level" and cites Steven Anderson and his Faithful Word Baptist Church as an example. Anderson has been banned from 33 countries due to his hate speech – which includes calling the victims of the Pulse nightclub shooting "disgusting homosexuals... worthy of death" – and his organization was just added to the SPLC's list of hate groups.

Out White House deputy press secretary Judd Deere – who is on-board when it comes to Trump's anti-LGBTQ equality agenda – called the report "disgusting."

"While the radical left has pushed false accusations that LGBTQ Americans are threatened, the president has hired and promoted LGBTQ Americans to the highest levels of government, including positions at the White House, Cabinet agencies, and ambassadorships," Deere told NBC News.

Deere also cites Trump's "global campaign to decriminalize homosexuality" – an initiative that the White House announced but took few discernible steps to advance and that has had no successes – and his "bold declaration" to end HIV transmissions in the next 10 years, a promise experts are skeptical Trump's policies will achieve.

One anti-LGBTQ hate group tracked by the SPLC, the Alliance Defending Freedom, said that it was "appalling" to release the report during the coronavirus pandemic and said that the SPLC should "retract the report."

"Stop sowing division and join the rest of America against our common foe: COVID-19," said a spokesperson for ADF, a group that is currently fighting a legal battle to ban transgender girls from competing in school sports.

A group that merely opposes LGBTQ legislation will not appear on the SPLC's list of hate groups. It has to "attack or malign" LGBTQ people in its actions or official communications, often by associating homosexuality with pedophilia, calling for death to LGBTQ people, and saying that LGBTQ people are a threat to children. Hate speech, the SPLC argues, is often a precursor to violence.

"We are not against Christian groups," said the SPLC's Lecia Brooks. "For us, it's more about the way they go out of their way to demonize LGBTQ folks."

"Sadly, there is not enough public outcry against anti-LGBTQ groups because we have just let it go saying, 'That's just their religion.'"

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## **Lawmakers in the US unleash barrage of anti-transgender bills**

***Proposed laws threaten health, rights of trans kids.***

By Ryan Thoreson

HRW (20.01.2020) - <https://bit.ly/2GaqVor> - Protecting children's health is critical, and that means allowing doctors and their patients to decide what care is needed to keep a child physically and mentally healthy.

Yet on Wednesday, lawmakers in the US state of South Dakota will consider a bill that would make it a felony for healthcare providers to give gender-affirming care to minors. If passed, medical professionals who provide transgender children with puberty blockers, hormones, or other transition-related care would face up to 10 years in prison.

In a cruel twist, the bill makes an exception for doctors and parents to make surgical interventions – whether or not they are necessary – on intersex children, a practice that seriously jeopardizes health and rights. If enacted, the bill would perversely give doctors a free pass to perform medically unnecessary surgeries on intersex infants too young to participate in the decision, but would make it a criminal offense for a doctor to provide medically recommended treatment to an informed transgender 17-year-old seeking care.

This is the sixth year in a row lawmakers in South Dakota have targeted transgender kids, following failed efforts to restrict them from accessing bathrooms and locker rooms, playing sports, and learning about gender identity in schools.

But this year, other states are pursuing a similar path. Lawmakers in Florida, Georgia, Kentucky, Missouri, South Carolina, and Texas are considering similar bills this session to prevent trans youth from accessing gender-affirming care.

Such bills are a threat to the health and rights of transgender children. Research shows that affirming health care is critically important for the mental health of transgender kids. The American Academy of Pediatrics and other professional groups have therefore recommended a gender-affirming approach, which may include delaying puberty so that young people can make their own decisions about surgical interventions when they turn 18.

Unfortunately, these proposed laws are the tip of the iceberg for attacks on LGBT youth. Across the US, lawmakers are moving ahead with bills to repeal nondiscrimination



protections, legalize conversion therapy, exclude transgender kids from athletics, and bar transgender kids from bathrooms and locker rooms.

These bills not only interfere in doctor-patient and parent-child relationships, but flatly ignore transgender and intersex children's rights to health and equal protection of the law. Lawmakers who believe in equality should roundly reject these bills and strengthen efforts to protect children from discrimination.

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## **Judge orders US to return illegally deported gay asylum seeker before he's killed**

***ICE deported him to Africa before his case had been heard. It may be too late to bring him back now.***

By Juwan J. Holmes

LGBTQ Nation (09.01.2020) - <https://bit.ly/2tTMO8F> - A court has ordered the Department of Homeland Security to allow the return of Oumar Yaide, a gay asylum seeker deported from San Francisco back to Chad before his asylum case could be reheard.

The U.S. Government must work with Yaide's lawyers to "formulate a mutually agreeable plan" that ensures Yaide can return as soon as possible.

Yaide arrived in the United States in 2009 seeking political asylum from his native country due to being a member of the Gorane, a Chadian ethnic group which he claims is "a disfavored group." The application was denied in 2014, and the final appeal was also denied in 2018.

Upon his detainment for deportation, however, Yaide requested to have his case reopened due to homosexuality becoming criminalized by Chad in 2016. Immigration Customs and Enforcement (ICE) agents ignored his pending review and deported him. ICE agents took him from a California prison and flew him in handcuffs from Sacramento to Addis Ababa, Ethiopia before his attorneys were informed.

While Yaide's fear that "torture and death" became closer to becoming reality, his attorneys filed a writ of habeas corpus asking for his return, and a temporary restraining order from deporting him. Judge Charles R. Breyer ruled that the deportation "violates [Yaide's] procedural due process right to pursue his motion to reopen."

Breyer also wrote, "obviously, imprisonment or death would foreclose Yaide's ability to pursue his motion to reopen" regarding ICE knowingly sending Yaide to a country where he faces death for his sexuality.

The Department of Homeland Security claims that Yaide is beyond their jurisdiction now, and so they can't retrieve him. Yaide's Chadian passport is expired and the country may not issue him a new one, court documents show.

Chad is one of an approximate 68 countries in the United Nations where consensual same-sex activity is illegal, according to advocacy group ILGA World. Persecution of LGBTQ+ people has been an accepted basis for some asylum seekers since at least 1994.

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