

1 Shannon Minter (SBN 168907)
2 Amy Whelan (SBN 215675)
3 Julie Wilensky (SBN 271765)
4 NATIONAL CENTER FOR
5 LESBIAN RIGHTS
6 870 Market Street, Suite 370
7 San Francisco, CA 94102
8 Tel.: (415) 392-6257
9 Fax: (415) 392-8442
10 sminter@nclrights.org
11 awhelan@nclrights.org
12 jwilensky@nclrights.org

13 *Attorneys for Amici Curiae*
14 *National Center for Lesbian*
15 *Rights et al.*

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA

18 EAST BAY SANCTUARY
19 COVENANT, et al.,

20 Plaintiffs,

21 v.

22 DONALD J. TRUMP, et al.,

23 Defendants.

Case No. 18-cv-06810-JST

**BRIEF OF AMICI CURIAE NATIONAL
CENTER FOR LESBIAN RIGHTS,
CENTRO LEGAL DE LA RAZA, EL/LA
PARA TRANSLATINAS, GLBTQ LEGAL
ADVOCATES & DEFENDERS,
IMMIGRATION EQUALITY, LAMBDA
LEGAL DEFENSE & EDUCATION FUND,
INC., AND TRANSGENDER LAW
CENTER IN SUPPORT OF PLAINTIFFS’
MOTION FOR PRELIMINARY
INJUNCTION**

Date: December 19, 2018

Time: 9:30 a.m.

Dep’t: Courtroom 9

Judge: Hon. Jon S. Tigar

INTERESTS OF AMICI CURIAE

The National Center for Lesbian Rights (“NCLR”) is a national nonprofit legal organization dedicated to protecting and advancing the civil rights of lesbian, gay, bisexual, transgender, and queer people and their families through litigation, public policy advocacy, and public education. Since its founding in 1977, NCLR has played a leading role in securing fair and equal treatment for LGBTQ people and their families in cases across the country involving constitutional and civil rights. NCLR’s Immigration Project has provided free legal assistance since 1994 to thousands of LGBTQ immigrants nationwide through, among other services, direct representation in impact cases and individual asylum cases, as well as advocacy for immigration and asylum policy reform.

NCLR is joined by additional amici Centro Legal de la Raza, El/La Para Translatinas, GLBTQ Legal Advocates & Defenders, Immigration Equality, Lambda Legal Defense & Education Fund, Inc., and Transgender Law Center. Statements of interest of each amicus are in the Appendix.

Amici write to highlight the harm to lesbian, gay, bisexual, transgender, and queer (“LGBTQ”) asylum seekers that will result from the interim final rule barring asylum for individuals who enter the country while covered by a presidential proclamation suspending entry at the southern border (“the Rule”), and the President’s proclamation suspending the entry of individuals who cross between ports at the southern border (“the Proclamation”). *See* Aliens Subject to a Bar on Entry Under Certain Presidential Proclamations; Procedures for Protection Claims, 83 Fed. Reg. 55,934 (Nov. 9, 2018); Addressing Mass Migration Through the Southern Border of the United States, 83 Fed. Reg. 57,661 (Nov. 9, 2018).

ARGUMENT

I. THE RULE AND PROCLAMATION WILL CAUSE DIRECT AND IRREPARABLE HARM TO LGBTQ ASYLUM SEEKERS AT THE SOUTHERN BORDER.

Amici respectfully submit this brief to assist the Court in analyzing the harms to Plaintiffs’ clients and the public interest that will result from the Rule and Proclamation, which will cause direct and irreparable harm to LGBTQ asylum seekers arriving at the southern border.

1 Although asylum seekers come to the southern border from all over the world, many LGBTQ
2 people are fleeing persecution based on their sexual orientation or gender identity in their home
3 countries of Honduras, El Salvador, Guatemala, and Mexico. As this Court recognized in issuing
4 a temporary restraining order, under the Rule and Proclamation, “[a]sylum seekers will be put at
5 increased risk of violence and other harms at the border, and many will be deprived of
6 meritorious asylum claims.” Dkt. No. 43 at 2. The Rule and Proclamation will cause irreparable
7 harm to asylum seekers, especially those, including LGBTQ people, who are particularly
8 vulnerable. In addition to facing violence and other persecution in their countries of origin,
9 LGBTQ asylum seekers, especially those who are transgender or gender-nonconforming, risk
10 violence and other serious harms at the southern border due to their gender identity or sexual
11 orientation, and it is unsafe for them to remain in Mexico while they await processing and entry
12 into the United States. The effect of the Rule and Proclamation is to foreclose a path to asylum
13 for many LGBTQ refugees with meritorious claims, and to place an already vulnerable group at
14 a significantly higher risk of violence and other harm.

15 **A. Many LGBTQ People Who Arrive at the Southern Border Are Fleeing**
16 **Violence and Persecution in Their Countries of Origin.**

17 Many LGBTQ people who arrive at the southern border seeking refuge in the United
18 States are fleeing violence and persecution based on their sexual orientation or gender identity.
19 While asylum seekers at the southern border come from all over the world, many come from
20 Honduras, El Salvador, and Guatemala, known as the “Northern Triangle” countries of Central
21 America. These countries are experiencing “epidemic” levels of violence, including gender-
22 based violence, and are among the most dangerous countries in the world.¹ LGBTQ people in the
23 Northern Triangle countries are “particularly exposed to violence,” which is “related intrinsically
24
25

26 ¹ United Nations High Comm’r for Refugees, *Women on the Run 2* (2015), available at
27 <http://goo.gl/5AAS2Z>; Silva Mathema, Ctr. for American Progress, *They Are (Still) Refugees:*
28 *People Continue to Flee Violence in Latin American Countries* (June 1, 2018), at
<http://goo.gl/drFqu2>.

1 to the multiple forms of discrimination that LGBTI² people face in different spheres of their
2 family and working life, as part of society more widely and institutionally, on the basis of their
3 gender identity or sexual orientation.”³ In November 2018, Loly Mendez, a transgender woman
4 who arrived at the southern border with a group of LGBTQ asylum seekers, told reporters that in
5 her home country of El Salvador, she had received threats that if her breasts grew, “they would
6 cut them off,” and that her best friend, also a transgender woman, had been murdered.⁴ Lady
7 Perez, who began identifying as transgender at age five in her home country of Honduras,
8 disclosed that her father disowned her, she was subject to insults and beatings, her boyfriend was
9 killed, and she was warned to leave Honduras “or else.”⁵ Other LGBTQ individuals seeking
10 asylum shared their experiences, including César Mejía, who experienced discrimination and
11 was beaten in Honduras,⁶ Nehemias de Leon, who brought documents supporting his claims of
12 persecution and said that returning to Guatemala “would be a death sentence,”⁷ and Christian,
13 who was shot several times by members of a local gang in Guatemala because he is gay.⁸ Shanne
14 Smith, a transgender woman from Honduras who arrived at the southern border with a group of
15 LGBTQ asylum seekers earlier this year, told reporters she had been the victim of physical
16
17
18
19

20 ² This brief uses “LGBTQ” to refer to people who are lesbian, gay, bisexual, transgender, and
21 queer, except when quoting sources that use other acronyms, such as “LGBTI” (lesbian, gay,
22 bisexual, transgender, and intersex).

23 ³ Amnesty Int’l, *No Safe Place: Salvadorans, Guatemalans, and Hondurans Seeking Asylum in
24 Mexico Based on Their Sexual Orientation and/or Gender Identity* 4 (Nov. 2017), available at
25 <http://goo.gl/Q7KPiQ> (footnotes omitted).

26 ⁴ Sonia Perez D., *In Mexico Caravan, LGBTQ Migrants Stick Together for Safety*, KQED News
27 (Nov. 13, 2018), at <http://goo.gl/yT9yoH>.

28 ⁵ *Id.*

⁶ Kaelyn Ford, *Threat of Violence at Home Spurs LGBT Migrants on to the Border*, ABC News
(Nov. 17, 2018), at <http://goo.gl/tWHLX4>.

⁷ Vanessa Romo, *LGBT Splinter Group from Migrant Caravan Is the 1st to Arrive in Tijuana*,
NPR News (Nov. 13, 2018), at <http://goo.gl/FDzkUg>.

⁸ Adolfo Flores, *LGBT Members of the Caravan Went Ahead First to Dodge Danger and
Discrimination*, BuzzFeed News (Nov. 14, 2018), at <https://goo.gl/1sbsf3>.

1 attacks in her home country,”⁹ and Steffany told reporters that as a transgender woman, she
2 could not go back to Honduras because she would be killed.¹⁰

3 The violence and discrimination these LGBTQ refugees experienced in their countries of
4 origin are not isolated incidents. According to the U.N. High Commissioner for Refugees, 88
5 percent of LGBTQ asylum seekers and refugees from the Northern Triangle interviewed in a
6 study reported experiencing sexual and gender-based violence in their countries of origin.¹¹ In
7 Honduras, “sexual violence against LGBT individuals forces them into ‘internal displacement’ or
8 to flee the country in search of international protection.”¹² At least 264 LGBTQ people in
9 Honduras have been killed since 2009, and the Inter-American Commission on Human Rights
10 (IACHR) has expressed concern about the “high levels of violence against transgender people.”¹³
11 The IACHR has also received information that killings of LGBTQ people in Honduras tend to go
12 unpunished due to discriminatory stereotypes among police.¹⁴ In Guatemala, police regularly
13 extort LGBTQ people by waiting outside clubs and bars to demand protection money or
14 payments to avoid jail, and gay and transgender people often experience police abuse.¹⁵ In El
15 Salvador, the U.S. State Department has reported that public officials, including police, engaged
16 in violence and discrimination against “sexual minorities,” and that 52 percent of transgender
17
18
19

20 ⁹ Jorge Rivas, *The Nightmare Isn’t Over for Trans Women on the Refugee Caravan*, Splinter
21 News (May 8, 2018), at <http://goo.gl/rMzT1x>.

22 ¹⁰ Ari Honarvar, *Caravan Asylum Seekers Let in, but Their Harrowing Journey Continues*,
23 Rewire.News (May 4, 2018), at <https://goo.gl/EU7HS7>.

24 ¹¹ Amnesty Int’l, *No Safe Place*, *supra*, at 7.

25 ¹² Human Rights Watch, *Honduras Events of 2017* (2018), at <http://goo.gl/R5KzEg>.

26 ¹³ Amnesty Int’l, *No Safe Place*, *supra*, at 9; Anastasia Moloney, “Terrorized at home,” *Central
27 America’s LGBT People to Flee for Their Lives; Report*, Reuters (Nov. 27, 2017), at
28 <http://goo.gl/xcbeV6>.

¹⁴ Rachel Banning-Lover, *Where Are the Most Difficult Places in the World to Be Gay or
Transgender?*, The Guardian (Mar. 1, 2017), at <http://goo.gl/fbLa4D>; see Inter-American
Comm’n on Human Rights, *Situation of Human Rights in Honduras* ¶ 137 (2015), available at
<http://goo.gl/JdsYVd>.

¹⁵ U.S. Dep’t of State, Bureau of Democracy, Human Rights & Labor, *Guatemala 2013 Human
Rights Report 22-23* (2014), available at <http://goo.gl/35KPmm>.

1 people surveyed had suffered death threats or violence.¹⁶ According to Amnesty International,
 2 “high levels of impunity are common” in the Northern Triangle, and LGBTQ people “very rarely
 3 obtain justice when they report the serious attacks they have suffered,” which “perpetuates the
 4 circle of violence to which [they] are subjected and increases their lack of protection.”¹⁷

5 **B. LGBTQ Asylum Seekers at the Southern Border Are Not Safe Waiting in in**
 6 **Mexico.**

7 LGBTQ asylum seekers traveling by land to the southern border face a dangerous
 8 journey to the United States involving a high risk of violence, including sexual assault. Refugees
 9 from El Salvador, Guatemala, and Honduras who are transgender or gender-nonconforming are
 10 particularly susceptible to attack and harm, as they are “exposed to gender-based violence at
 11 every point in their journey in search of protection.”¹⁸ LGBTQ people face severe persecution in
 12 Mexico, and LGBTQ refugees are especially vulnerable, in particular near the border with the
 13 United States.

14 1. LGBTQ People Face Persecution and Violence in Mexico, and Refugees
 15 Are Especially Vulnerable.

16 Violence against LGBTQ people in Mexico has increased in recent years. Mexico is not a
 17 safe place for LGBTQ people, particularly for those who are transgender or gender-
 18 nonconforming, and for those who are also at intense risk due to their indigenous or racial
 19 identities.¹⁹ LGBTQ people, especially transgender women and others who are gender-
 20 nonconforming, face violence and persecution in Mexico, and are often forced to seek protection
 21 outside of the country.²⁰ Violence against the LGBTQ community, particularly against
 22

23 ¹⁶ U.S. Dep’t of State, Bureau of Democracy, Human Rights & Labor, *El Salvador 2016 Human*
 24 *Rights Report* 4, 27–28 (2017), available at <http://goo.gl/UNhesc>.

25 ¹⁷ Amnesty Int’l, *No Safe Place*, *supra*, at 18.

26 ¹⁸ *Id.* at 5.

27 ¹⁹ Kate Morrissey, *Should Asylum Seekers Heading to the U.S. Stay in Mexico?*, San Diego
 28 Union Tribune (May 21, 2018), at <https://goo.gl/ELYFxH>.

²⁰ Carolina Romero, *Violence Against Mexico’s Transgender Community Goes Unpunished*, El
 Universal (Oct. 16, 2018), at <http://goo.gl/tRbnd2>; Human Rights First, *Is Mexico Safe for*
Refugees and Asylum Seekers? (Nov. 2018), available at <https://goo.gl/LmVvwt>.

1 transgender women, has increased throughout Mexico since the recognition of marriage for
 2 same-sex couples,²¹ and nearly 200 transgender women have been murdered since 2016.²² While
 3 refugees generally face “acute risks of kidnapping, disappearance, sexual assault, trafficking, and
 4 other grave harms” in Mexico, LGBTQ refugees face a heightened, targeted risk due to their
 5 gender identity or sexual orientation.²³ The UNHCR reported that two-thirds of LGBTQ asylum
 6 seekers and refugees coming from the Northern Triangle who were interviewed in a study in
 7 2016 reported suffering sexual and gender-based violence in Mexico.²⁴

8 In recent weeks, a group of LGBTQ asylum seekers from the Northern Triangle who
 9 arrived at the southern border described their acute susceptibility to discrimination and violence
 10 along their journey, including from other asylum seekers. After experiencing discriminatory
 11 treatment by other travelers and local residents, a group of LGBTQ refugees from Central
 12 America split off in Mexico City from a larger group traveling by land to the Southern border.²⁵
 13 They explained, “[w]e traveled together to care for each other, not only from the violence of the
 14 state and criminal organizations, but also from the violence from civilians migrating with us.”²⁶
 15 Fearful of being violently attacked, they “stick by each other’s sides 24 hours a day, walking and
 16 sleeping in a group and even using the buddy system for going to the bathroom.”²⁷ A gay asylum
 17 seeker from Honduras, César Mejía, described instances of LGBTQ people being denied food
 18 and access to showers by other asylum seekers or local groups providing aid,²⁸ and Lady Perez, a
 19

21 ²¹ Cornell Univ. Law School LGBT Clinic & Transgender Law Center, *Report on Human Rights*
 22 *Conditions of Transgender Women in Mexico* 4 (May 2016), available at <http://goo.gl/KUe1dz>.

23 ²² Romero, *supra*.

24 ²³ Human Rights First, *Is Mexico Safe*, *supra*; see Amnesty Int’l, *No Safe Place*, *supra*, at 20.

25 ²⁴ Amnesty Int’l, *No Safe Place*, *supra*, at 20; see also United Nations High Comm’r for
 26 Refugees, *supra*, at 7 (noting that transgender women refugees from Mexico, El Salvador, and
 27 Honduras experienced gender-based violence and lack of police protection, and that being
 28 transgender “further exacerbated the level of violence they experienced”).

29 ²⁵ Romo, *supra*; Maya Srikrishnan, *Border Report: A Caravan Within the Caravan Has Arrived*
 30 *in Tijuana*, Voice of San Diego (Nov. 12, 2018), at <http://goo.gl/1BLzhf>.

31 ²⁶ *Id.*

32 ²⁷ Perez D., *supra*.

33 ²⁸ Romo, *supra*.

1 transgender asylum seeker from Honduras, described how she and other transgender women had
2 experienced harassment by “many men” in the group.²⁹

3 2. LGBTQ Asylum Seekers Also Face Heightened Risks of Violence While
4 Waiting at the Border to Present Their Claims, and They Cannot Safely
5 Remain in Mexico.

6 LGBTQ asylum seekers face a heightened risk of violence and exploitation as they await
7 permission by U.S. Customs and Border Patrol (“CBP”) to present their claims at ports of entry.
8 In recent months, immigration authorities have been processing limited numbers of asylum
9 seekers each day, resulting in significant backlogs and forcing asylum seekers to wait days,
10 weeks, or even months to present their claims to an immigration officer.³⁰ Asylum seekers turned
11 back from a point of entry have been attacked, raped, kidnapped, and trafficked by cartel
12 members waiting outside ports of entry, who have increased their surveillance and control
13 around border crossings and see asylum seekers as easy targets.³¹

14 LGBTQ asylum seekers turned away from points of entry at the southern border have
15 been subjected to additional human rights abuses in Mexico, as Plaintiff Al Otro Lado and
16 Amnesty International have documented.³² In April and May 2018, a group of transgender
17 asylum seekers from Central America who had arrived as part of a large group of others seeking
18 refuge were repeatedly turned away from the San Ysidro point of entry.³³ On April 30, 2018, the

19 ²⁹ Perez D., *supra*.

20 ³⁰ Dara Lind, *The US Has Made Migrants at the Border Wait Months to Apply for Asylum*, Vox
21 (Nov. 28, 2018), at <http://goo.gl/5LEyty>; see Dep’t of Homeland Security, Office of Inspector
22 General, *Special Review – Initial Observations Regarding Family Separation Issues Under the*
23 *Zero Tolerance Policy* 6 (Sept. 27, 2018), available at <http://goo.gl/fFZbKM> (acknowledging
24 “backlog”); see also Amnesty Int’l, *Americas: US Government Endangers Asylum Seekers with*
25 *Unlawful Policies* (Nov. 26, 2018), available at <http://goo.gl/Qty5CE> (describing visit to
26 temporary shelter where U.S. authorities have forced thousands “to wait in Tijuana for weeks or
27 months before allowing them to request asylum at the border”).

28 ³¹ See Human Rights First, *Crossing the Line: U.S. Border Agents Illegally Reject Asylum*
29 *Seekers*, 16-19 (May 2017), available at <http://goo.gl/HZYSUp>.

30 ³² Ari Honarvar, *LGBTQ Asylum Seekers Face Danger at the United States-Mexico Border*, Teen
31 Vogue (May 15, 2018), at <http://goo.gl/cXk4yd>; Amnesty Int’l, USA: “You Don’t Have Any
32 Rights Here”: *Illegal Pushbacks, Arbitrary Detention & Ill-Treatment of Asylum-Seekers in the*
33 *United States* 23 (2018), available at <https://goo.gl/SpZw6M>.

³³ *Id.*

1 morning after the refugees were first turned away by U.S. Customs and Border Control, two
 2 transgender women from the group were detained by municipal police for more than 24 hours,
 3 along with other transgender women who had been separately taken into custody, and one
 4 woman was beaten and injured.³⁴ On May 6, 2018, a group of six armed men attacked and
 5 robbed a shelter where 11 LGBTQ asylum seekers were staying, setting the door on fire.³⁵ The
 6 attackers returned a few hours later and shouted homophobic slurs at the asylum seekers,
 7 threatening to kill them if they did not leave the neighborhood.³⁶ After receiving these death
 8 threats, the group of 11 LGBTQ asylum seekers, which included unaccompanied minors,
 9 returned to the San Ysidro point of entry to request asylum.³⁷ CBP officials turned them away,
 10 claiming they lacked capacity to receive the group's asylum claims.³⁸

11 **C. The Rule and Proclamation Cause Direct and Irreparable Harm to LGBTQ**
 12 **Asylum Seekers by Foreclosing Access to Asylum and Subjecting Them to an**
 13 **Increased Risk of Violence and Harm in Mexico.**

14 Given the well-documented persecution and violence facing LGBTQ asylum seekers in
 15 their home countries and on the Mexico side of the border, those who need to reach safety as
 16 soon as possible often feel compelled to enter the United States outside of a port of entry.³⁹ The
 17 Rule and Proclamation foreclose asylum for a refugee who enters the United States along the
 18 southern border other than at a port of entry. *See* 83 Fed. Reg. at 55,952; Proclamation. This
 19 directly and irreparably harms LGBTQ asylum seekers, a group that Amnesty International has
 20 described as having “special protection needs.”⁴⁰ Under the Rule and Proclamation, many
 21 LGBTQ asylum seekers will be foreclosed from bringing asylum claims, even if their claims
 22 would otherwise be granted. *See, e.g., Avendano-Hernandez v. Lynch*, 800 F.3d 1072, 1080-82

23 ³⁴ *Id.*

24 ³⁵ *Id.*

25 ³⁶ *Id.*

26 ³⁷ *Id.*

27 ³⁸ *Id.*

28 ³⁹ *See, e.g., Dep't of Homeland Security, supra*, at 7 (noting “evidence that limiting the volume of asylum-seekers entering at ports of entry leads some . . . who would otherwise seek legal entry into the United States to cross the border illegally”).

⁴⁰ Amnesty Int'l, *Americas: Stuck at the Door* 8 (Nov. 2018), available at <http://goo.gl/biCA9h>.

1 (9th Cir. 2015) (holding that a transgender woman could not be deported to Mexico due to the
2 high likelihood she would experience torture). This harm is both direct and irreparable, and the
3 balance of equities and public interest tilts decisively in favor of enjoining the Rule and
4 Proclamation.⁴¹ To hold otherwise would greatly harm the most vulnerable asylum seekers,
5 including those who are LGBTQ, who face persecution and violence in their countries of origin
6 and at the southern border, and who cannot safely remain in Mexico while they wait to present
7 their claims at a point of entry.

8 **CONCLUSION**

9 For the reasons above, Amici urge the Court to grant Plaintiffs' Motion for a Preliminary
10 Injunction.

11
12 Dated: December 5, 2018

Respectfully submitted,

13 NATIONAL CENTER FOR
14 LESBIAN RIGHTS

15 By: /s Julie Wilensky

16 Shannon Minter
17 Amy Whelan
18 Julie Wilensky
19 NATIONAL CENTER FOR
20 LESBIAN RIGHTS
21 870 Market Street, Suite 370
22 San Francisco, CA 94102
23 Tel.: (415) 392-6257
24 Fax: (415) 392-8442

*Attorneys for Amici Curiae
National Center for Lesbian
Rights et al.*

25 ⁴¹ In addition, as the Court found in its order granting a temporary restraining order, refugees
26 who violate the rule are placed in expedited removal proceedings, where they will receive “far
27 fewer procedural protections.” Dkt. 43 at 31 (citing 83 Fed. Reg. at 55,943 and *Vasquez v.*
28 *Holder*, 635 F.3d 563, 566 (1st Cir. 2011)). Further, a grant of asylum confers important benefits
not provided by withholding of removal or protection under the Convention Against Torture,
such as the ability to proceed through the process with immediate family members and a
pathway to citizenship. *Id.* (citing 8 U.S.C. §§ 1158(b)(3), 1159(b)-(c), 1427(a)).

APPENDIX OF ADDITIONAL AMICI

1
2 **Centro Legal de la Raza (“Centro Legal”)** was founded in 1969 to provide culturally
3 and linguistically appropriate legal aid services to low-income residents of Oakland’s Fruitvale
4 District and the greater Bay Area. Centro Legal’s Immigration Program provides legal
5 representation and consultations to detained and non-detained immigrants, refugees, and
6 asylum-seekers throughout Northern California. Annually, Centro Legal de la Raza advises
7 and/or represents hundreds of individuals seeking relief before the immigration courts, Board
8 of Immigration Appeals, and the Court of Appeals. As Centro Legal represents and provides
9 assistance to many asylum-seekers and people seeking protection-based relief due to harm
10 suffered or feared based on gender identity and sexual orientation, it has a substantial interest in
11 the present case.

12 **El/La Para TransLatinas (“El/La”)** is an organization for transgender Latinas
13 (“TransLatinas”) that works to build collective vision and action to promote the survival of
14 TransLatinas and improve their quality of life in the San Francisco Bay Area. El/La Para
15 TransLatinas provides individual case management services, mental health counseling referrals,
16 a food program, workshops, and community networking activities. El/La also focuses on anti-
17 violence work and seeks to promote the overall safety and well-being of TransLatinas in the
18 Bay Area.

19 **GLBTQ Legal Advocates & Defenders (“GLAD”)** is a Boston-based, non-profit legal
20 organization that engages in litigation, public policy advocacy, and education to create a just
21 society free of discrimination based on gender identity and expression, HIV status, and sexual
22 orientation. GLAD has litigated as party counsel or amici in federal court in various civil rights
23 cases involving LGBTQ people, including marriage and DOMA, the transgender military ban,
24 whether HIV is a “disability,” the scope of discrimination “because of sex,” criminal appeals,
25 affirmative action, the scope of free speech and free exercise claims, and asylum cases for
26 LGBTQ people.

27 **Immigration Equality** is a national nonprofit organization providing free legal services
28 and advocacy for indigent lesbian, gay, bisexual, transgender, and queer (“LGBTQ”)

1 immigrants. Through its in-house attorneys and nationwide network of pro bono partners,
2 Immigration Equality presently represents over six hundred LGBTQ and HIV-positive
3 individuals in affirmative and defensive asylum, withholding of removal and related applications
4 and proceedings. In addition to providing direct representation to LGBTQ asylum seekers,
5 Immigration Equality offers assistance, support and training to other attorneys, publishes a
6 comprehensive manual on the preparation of asylum claims related to sexual orientation and
7 gender identity, and provides training on the adjudication of LGBTQ asylum cases to Asylum
8 Officers within the Department of Homeland Security. Through its work, Immigration Equality
9 has developed substantial expertise in the proper application of the United States immigration
10 laws to LGBTQ asylum seekers and their claims. For these reasons, Immigration Equality has an
11 urgent and direct interest in the outcome of this case.

12 **Lambda Legal Defense & Education Fund, Inc.** is the nation’s oldest and largest
13 nonprofit legal organization committed to achieving full recognition of the civil rights of lesbian,
14 gay, bisexual, and transgender people and people living with HIV through impact litigation,
15 education, and public policy work. Lambda Legal actively litigates and advocates for LGBTQ
16 and HIV-affected immigrants and asylum seekers, and its work has helped establish important
17 immigration jurisprudence. *See, e.g., Velasquez-Banegas v. Lynch*, 846 F.3d 258 (7th Cir. 2017)
18 (discussing discrimination and persecution against people living with HIV/AIDS and LGBTQ
19 people in Honduras); *Hernandez-Montiel v. INS*, 225 F.3d 1084 (9th Cir. 2000) (recognizing that
20 individuals may be protected against removal to countries in which they would face persecution
21 based on their sexual orientation); *Pitcherskaia v. INS*, 118 F.3d 641 (9th Cir. 1997) (ruling that
22 lesbians and gay men who suffer violence in their homelands need not prove the malicious intent
23 of persecutors claiming that they act only to “cure” gay people such as with forced psychiatric
24 hospitalization, electroshock therapy, or drugs).

25 **Transgender Law Center (“TLC”)** is the largest national trans-led organization
26 advocating self-determination for all people. Grounded in legal expertise and committed to
27 racial justice, TLC employs a variety of community-driven strategies to keep transgender and
28 gender nonconforming (“TGNC”) people alive, thriving, and fighting for liberation. TLC

1 believes that TGNC people hold the resilience, brilliance, and power to transform society at its
2 root, and that the people most impacted by the systems TLC fights must lead this work. TLC
3 builds power within TGNC communities, particularly communities of color and those most
4 marginalized, and lays the groundwork for a society in which all people can live safely, freely,
5 and authentically regardless of gender identity or expression. TLC works to achieve this goal
6 through leadership development and by connecting TGNC people to legal resources. It also
7 pursues impact litigation and policy advocacy to defend and advance the rights of TGNC
8 people, transform the legal system, minimize immediate threats and harms, and educate the
9 public about issues impacting our communities.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28