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Whose Land of the Free? Latina Transgender Immigrants in the United States

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Abstract

Transgender women from Latin America are driven to migrate to the United States in pursuit of a place where they can escape violence and discrimination. However, their experience in the United States continues to be one of oppression. Transgender Latina immigrants in the United States are the target of systematic oppression and interpersonal violence that affect their overall health and well-being. These experiences have led many transgender Latina immigrants to assume leadership roles and to organise social movements in demand for their human rights and dignity in the United States. Recommendations are provided for community leaders, policymakers, and academics.

Keywords: Latina transgender immigrants, Asylum seekers, Systematic Oppression, Interpersonal Violence, United States, Trump

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Introduction

Immigrants and Asylum-seekers come every day to the United States fleeing detrimental conditions in their countries. The number of asylum seekers and refugees from Mexico and Central America has increased by 58% from 2016 to 2017 (Kitidi, 2018). Moreover, lesbian, gay, bisexual, transgender and queer (LGBTQ) undocumented adult immigrants in the United States total more than a quarter of a million people (Burns, Garcia, & Wolgin, 2013; Center for American Progress Immigration Policy, 2017). A report by Jeanty and Tobin (2013) for The National Center for Transgender Equality, estimated "that between 15,000 and 50,000 of these undocumented adults are transgender" (p. 6). Many factors serve as drivers for the migration of transgender Latinas including the freedom to express their gender identity, transgender acceptance and safety, and economic opportunity (Cerezo, Morales, Quintero, & Rothman, 2014).

However, the main reason for the migration of Latina transgender

immigrants (LTIs) to the United States is their experiences with discrimination and violence in their Latin American country of origin due to their gender identity (Cerezo et al., 2014; Gowin, Taylor, Dunnington, Alshuwaiyer, & Cheney, 2017; Palazzolo, Yamanis, De Jesus, Maguire-Marshall, & Barker, 2016; Yamanis et al., 2018). Once at the U.S./Mexico border or inside the United States, many LTIs seek asylum due to fearing for their lives in their Latin American countries.

In many Latin American countries, LTIs experience violence, oppression, and discrimination before migrating to the United States (Cheney et al., 2017; Gutiérrez Gamboa, Evangelista García, & Winton, 2018). Even during the migration process, LTIs experience violence. For example, in 2018, around 50 LGBTQ individuals were part of a caravan of hundreds of Central American and Mexican migrants that were making their way to the U.S./Mexico border. These LGBTQ migrants formed their separate group after experiencing discrimination, harassment, violence, and robberies at the hand of other migrants and people they had encountered in their journey (Perez, 2018). Perez (2018), interviewed a 23-year-old transgender woman from Honduras who was part of the caravan and who stated, *"They have denigrated us. Supposedly you're emigrating from your country because of the violence, the discrimination, the homophobia, and it turns out that in the very caravan you face this kind of violence"* (para. 29). Hence, LTIs come to the United States seeking refuge from the violent experiences they have had in Latin America and throughout their migration process (Rodríguez, 2016).

LTIs assert that returning to their Latin American countries of origin would likely lead to continued violence and potentially being killed. According to a report by Transgender Europe (2016), 78% of the reported killings of transgender and gender-diverse people occurred in Central and South America, with five of the top countries in the world with the highest numbers of murders of transgender individuals being Brazil (n=845), Mexico (n=247), Colombia (n=108), Venezuela (n=104), and Honduras (n=80). Moreover, it is not uncommon for LTIs to be murdered in their country of origin after they were denied asylum and deported from the United States. Camila Diaz Cordova, a 29-year-old Salvadorian transgender woman, is one of many examples of this outcome (Renteria, 2019). Hence, for many LTIs, denial of asylum often makes the difference between life and death. On the other hand, for those LTIs who stay in the United States, regardless of immigration documentation status, their experiences with discrimination, violence, and oppression are not over. The purpose of this article is to (1) list some of the experiences that LTIs face in the United States with systematic violence, (2) describe several of the health and well-being effects of discrimination and

violence on LTIs, and (3) highlight a few examples of the work that LTI leaders are doing to address these experiences.

LTIs and Systematic Violence

Various professional associations in the United States are voicing concerns and disapproval about current policies and events that are discriminatory and oppressive towards disenfranchised and marginalised populations. For example, the National Association of Social Workers (NASW) has voiced opposition to Donald Trump's plan to withdraw DACA or the Deferred Action for Childhood Arrivals (NASW, 2017), which provides undocumented youth with the opportunity to work and attend college. Also, the American Psychological Association spoke against the Trump administration's rule that discriminates against transgender individuals serving in the military (American Psychological Association, 2018). Due to their multiple oppressed identities, LTIs are affected by racism, xenophobia, sexism, and transphobia. Hence, the violence and discrimination supported by leaders in government, as exemplified by the policies mentioned above, hurt LTIs at multiple intersections.

Many hateful and discriminatory messages have emerged from leaders in government. This rhetorical violence includes a Tweet from Trump in 2017, in which he categorised transgender individuals in the military as a burden (Phillip, Gibbons-Neff, & DeBonis, 2017). Moreover, in 2017 the Trump administration defined DACA youth recipients as "illegal" and suggested that having these youth in the United States led to the harm of other Americans (The White House, 2017). This hateful rhetoric not only affects the mental health of LTIs, but it also translates into oppressive policies that threaten their dignity and equality. The National Center for Transgender Equality (2019) and many other advocacy groups continue to keep track of adverse policy changes and proposals that originate from the Trump administration at the federal level (see for example https:// transequality.org/the-discrimination-administration).

Moreover, at the state level, 21 anti-transgender bills were introduced in various states in 2018 (Human Rights Campaign [HRC], 2018). These policies then lead to a detriment on the lives of LTIs. The experiences of LTIs with the U.S. legal system serves as an example of the systematic challenges they face as immigrants of colour, as transgender individuals, and as women.

The U.S. Citizenship and Immigration Services (USCIS) considers LGBTQ+ refugee and asylum claims in their many immigration courts, mostly under the consideration of these individuals experiencing persecution as a "particular social group" (United Nations General Assembly, 1951). However, USCIS requires many documents from

transgender individuals when presenting their cases, making it confusing and difficult for them to engage in the legal process. This cumbersome legal process affects the outcomes of an asylum petition. Nationally, asylum cases, for a variety of reasons, were denied 57.6% of the time in 2018 (Transactional Records Access Clearinghouse [TRAC], 2018). However, disparities in denials by country of origin and immigration court exist. For example, although Mexicans are the third largest asylee group, even with legal representation, they have the highest denial rate within the ten largest nationalities that seek asylum (TRAC, 2017). Moreover, judges at Lumpkin Immigration Court in the state of Georgia denied 93.5% of all asylum cases in 2018 (TRAC, 2018). In consequence, LTIs also experience institutionalised violence when held in jails and detention centres.

LTIs experience significant violence when involved with the U.S. legal system. For example, "detention puts LGBT immigrants at risk of abuse and exploitation [since] LGBT immigrants are 15 times more likely than other detainees to be sexually assaulted in confinement" (Center for American Progress Immigration Policy, 2017, p. 20). Moreover, "transgender individuals are especially vulnerable to discrimination and denial of medical services" while detained (Burns et al., 2013 p. 23). A tragic example of these experiences is the case of asylum seeker Roxana Hernández, a transgender woman from Honduras who died in 2018 while in custody of the U.S. Immigration and Customs Enforcement (ICE) agency after being severely abused and not receiving the appropriate medical care. In other instances, many transgender individuals spend long periods in solitary confinement. For many, these experiences in detention are ultimately the path to deportation.

LTIs Health and Well-Being

A study by The TransLatin@ Coalition (2013), found that for the 101 transgender Latina immigrant participants, 84% came to the United States, solely or in part, to escape violence. This report also found that 69% of the participants "have met another Trans Latina who was murdered because of her gender identity" (TransLatin@ Coalition, 2013, p. 29). The report also establishes that "61% of all participants have been victims of sexual abuse," "78% have experienced random acts of violence such as being insulted or physically attacked on the street," and "34% have been robbed for being Trans Latina" (TransLatin@ Coalition, 2013, p. 29-30). Interpersonal violence and hate crimes against LTIs are common. Moreover, "these acts of violence are not single incidents, but happen across a lifetime, and often a single individual experiences multiple acts of violence or intolerance on a daily basis" (Stotzer, 2009, p. 177). For many LTIs, these experiences have led to their violent deaths.

Violent deaths are a concern for Latinx (a gender-neutral form of the

term Latino) and LGBTQ+ people in the United States. In 2015-2016, the age-adjusted homicide rate for Hispanics increased by 8.2% (U.S. Department of Health and Human Services, 2018). Among LGBT communities, 15% of homicide victims in 2017 were Latinx (The National Coalition of Anti-Violence Programs, 2018). According to a report by the Human Rights Campaign, 82% of a total of 22 transgender people killed in the United States in 2018 were women of colour, including four Latinx women (HRC, 2018). For LTIs, the women represented in these statistics are more than numbers; they are not only friends and neighbours, but also a reminder of what their lives are and could be in the United States. Hence, witnessing this violence, along with their own experiences, affect the well-being of LTIs in the United States.

Broadly, the literature suggests that: a) transgender women tend to experience violence and poorer mental health at higher rates than other populations (Jauk, 2013; Lytle, Blosnich, & Kamen, 2016; Seelman, Young, Tesene, Alvarez-Hernandez, & Kattari, 2016; White Hughto, Reisner, & Pachankis, 2015;Testa et al., 2012), b) Latinx individuals experience higher rates of trauma (Archuleta & Lakhwani, 2016; Martinez et al., 2015; Molina, Little, & Rosal, 2016), and c) studies have noted that transgender Latinas also experience high rates of violence that in consequence affect their mental health (Reading & Rubin, 2011; Rodríguez-Madera et al., 2017). At the same time, some studies have found that documentation status further affects depression scores in undocumented transgender Latinas (Yamanis et al., 2018). However, it has also been established that resilience for transgender individuals could lie in alternative social support and relationships (Hwahng et al., 2018). These social support structures have led to the development of empowerment, leadership, and social movements among LTIs.

LTI Leadership and Social Action

The approval of same-sex marriage in 2015 sparked hope for the future of LGBTQ+ rights in the United States. However, the election of Trump as U.S. President in 2016, created uncertainty for many LGBTQ+ people of colour. Social advocacy groups and activists feared for the progress made towards equal rights in the United States (Gonzales, 2016). There are also concerns from the immigration rights standpoint. For example, in February 2019 many accused Trump of being unconstitutional and misinforming the public when he declared a national emergency at the U.S./Mexico border and demanded the allocation of funding to build a wall between the countries (Baker,2019). Hence, throughout the United States, many transgender Latina leaders are working to address racial and gender inequality, transphobia, and immigrant rights in an attempt to secure the human rights of transgender women. A commonality

among these leaders is their focus on enforcing change as the political climate in the United States becomes unwelcoming to LGBTQ+ and immigrants. Their efforts include providing support and basic needs to other LGBTQ+ immigrants and demanding change at the systemic level.

Transgender Latina activists simultaneously engage in assisting others in need of support while also fighting discriminatory policies as a way to resist an oppressive system. For example, at the beginning of 2019, Ruby Corado, a Salvadorian immigrant and CEO of Casa Ruby in Washington, D.C., went to Texas to bring 15 LGBT asylum seekers from Central America to Casa Ruby (Lavers, 2019). These migrants were released from ICE custody and will now receive housing and many other services at Casa Ruby. Moreover, activist Estrella Sanchez, community organiser and advocate holding various leadership roles at the local and national levels, also works with transgender migrants in the state of Georgia. Estrella, a Mexican who was granted asylum in 2018 (Redmon, 2018),links transgender Latinas to resources in their communities, visits them at immigration detention centres, is vocal in the media about the experiences of LTIs, and organises protests against injustices. At the same time, others like Ruby and Estrella are enforcing change at the national level.

Various transgender Latinas lead national efforts dedicated to the human rights of LTIs in the United States. One of them, Bamby Salcedo, is the President and CEO of the TransLatin@ Coalition. Bamby, a nationally recognised activist, born in Mexico, dedicates part of her work to providing training to agencies, community leaders, and other transgender and gender-nonconforming individuals (TransLatin@ Coalition, 2019). Another national leader is Raffi Freedman-Gurspan. Raffi is a Latina and Indigenous transgender activist from Honduras who made history as the first openly transgender person to serve as White House staffer after being named Senior Associate Director for Public Engagement by President Obama's administration in 2015 (Wagner, 2015).Until recently, Raffi strived to improve public education as Director of External Relations at the National Center for Transgender Equality. Unfortunately, it would be impossible to highlight and discuss the critical work being done by the countless other transgender Latinas in the United States in just one paper. However, we can list how community leaders, lawmakers, and academics can support their work.

Moving Forward in the United States

The International Bill of Gender Rights (IBGR) could serve as a guide in the efforts to secure the human rights of LTIs in the United States (International Conference on Transgender Law and Employment Policy, Inc. [ICTLEP], 1996)(see Table 1). Moreover, the Convention and Protocol Relating to the Status

of the Refugees of 1966 and the Universal Declaration of Human Rights of 1948 should complement the IBGR when considering the needs of LTIs.

1.	The right to define gender identity
2.	The right to free expression of gender identity
3.	The right to secure and retain employment and to receive just compensation
4.	The right of access to gendered space and participation in the gendered activity
5.	The right to control and change one's own body
6.	The right to competent medical and professional care
7.	The right to freedom from involuntary psychiatric diagnosis and treatment
8.	The right to sexual expression
9.	The right to form committed, loving relationships and enter into marital contracts
10.	The right to conceive, bear, or adopt children; the right to nurture and have custody of children and to exercise parental capacity

Table 1 *Items Listed on the IBGR (1996)*

The ten items contained in the IBGR could lead community leaders, lawmakers, and academics to take specific actions. Following are some recommendations for these groups when working with transgender and gender non-conforming (T/GNC) individuals. It is imperative to highlight groups like the TransLatin@ Coalition (2013), the Movement Advancement Project and Equality Federation Institute (2017), the National Center for Transgender Equality (2016), and others, have already provided many of these recommendations.

Recommendations Based on the IBGR

Community leaders serve as a vital form of support and advocacy to minority groups. These leaders can start by validating and respecting the gender identity and gender expressions of all people and using the pronouns of their choice. Moreover, community leaders can also incorporate the sociocultural aspects of gender identity and expressions into the organisation of social movements. They can also advocate for the right of employment and just compensation of people of all gender identities and expressions. Community leaders can also advocate for T/GNC individuals' rights to comprehensive, competent, and accessible healthcare and demand the de-pathologising of gender identity. Additionally, leaders can include the right to sexual expressions and behaviors of people of all gender identities and expressions in their advocacy efforts. In doing so, community leaders should allow and support people of all gender identities and expressions to be part of the spaces of their choice and to be part of all activities. Finally, they can also support the inclusion of all types of relationships and families in community spaces and demand equal rights for people of all gender identities and expressions.

Lawmakers can draft, support, and implement policies that ensure the human rights of their T/GNC

constituents. For example, they should allow individuals to self-identify their gender in official documents like birth certificates and identification cards and prohibit the discrimination of people based on their gender identity and gender expressions. Furthermore, political leaders should guarantee the right to employment and just compensation of people of all gender identities and expressions while also prohibiting employment discrimination and compensation inequality based on gender identity and expressions.

Additionally, lawmakers should guarantee the right of T/GNC individuals to use spaces of their choice (e.g., public bathrooms) and to participate in activities of their choice (e.g., military service). Lawmakers can also ensure the continued upholding of marriage equality at the federal level and make illegal any attempt to undercut this right at the state and local levels. Finally, they should ensure that no person or agency discriminates against LGBTQ+ individuals and couples that seek to become parents through different mediums, including adoption. Policymakers can also help improve the health and healthcare of T/GNC individuals by making sure that they have the right to receive competent medical care free of discrimination and advocate for the inclusion of gender affirming procedures as medically necessary care for T/GNC individuals who decide to engage in such services. Moreover, political leaders should deem the harmful "conversion therapy" practices as illegal. Finally, lawmakers can also decriminalise the self-determination of consenting adults to engage in sex work.

The third group that can make a difference in the lives of T/GNC individuals by following the IBGR are academics and researchers. First, researchers should allow individuals to self-identify their gender and avoid misgendering individuals in research studies. Researchers should also include transgender individuals in gendered studies that align with their gender identity (e.g., violence against women research). Moreover, researchers should examine the effects of employment discrimination and compensation inequality on T/GNC individuals. Research studies can also measure the outcomes of incompetent medical care and lack of access to medical care on T/GNC patients. Research can explore the challenges of oppressive policies that limit T/GNC individuals' right to self-determination to control their bodies, including the potential harm of psychiatric disorders like "Gender Dysphoria" and the medicalisation of the sexual expressions and behaviours of T/GNC individuals. Researchers can also help demystify the effects of non-traditional families on minors. Finally, academic institutions should increase the number of academics and researchers who are T/GNC of all racial/ethnic, spiritual, and cultural backgrounds.

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