



#TransPolicyAgenda

OUR FIGHT FOR EQUALITY



Table of Contents

4	Letter from Bamby Salcedo
5	Context & Background
6	Dedication
7	Our Vision
8-9	Trans & GNC Ecosystem
10	Goals
11	Principles for Change
12-13	Our Collective Strategy
14-17	 Educational Access & Research Justice
18-23	 Economic Stability & Housing Equity
24-27	 Holistic, Accessible & Universal Health Care
28-33	 Ending Policing, State Violence & Criminalization
34-37	 Decriminalizing Migration & Global Trans Rights
38-41	 Gender Justice & Identity Autonomy
42	Conclusion

Dear Sibling—

I hope you are doing well and that these words fill your soul with much love. It is a true honor that I get to be the leader of a Trans led organization nationally, which is doing advocacy work, changing policies and providing direct lifesaving services in Los Angeles to Trans and Gender nonconforming individuals. Part of the work that we do as an organization is to ensure that our work is strategic in its nature. This #TransPolicyAgenda will serve as just that; a strategy that will support members of our community to get to a better place within our society.

This #TransPolicyAgenda was generated with much love, dedication, brilliance and passion. This #TransPolicyAgenda is not just a product of love, but a product of the resilience that exists within our community, where we fight to be treated with dignity by a society that is constantly telling us that we are not worth it, that we are not supposed to be part of decision making process, that we are not able to design the architecture of own lives. This #TransPolicyAgenda is for us to understand that in order to change the landscape of our lives and the lives of the people we love, we must build our #TransPower. We must demand policies that will favor the outcomes of our livelihood and that will support our achieving dignity and respect in our society. It's up to us to ensure that we take this road map and use it as a guide to collectively advocate for what is right for us. I lovingly invite you to use your power and advocate for Trans communities to live without fear to be who we are.

I am forever grateful to all of you who will participate in supporting us in this journey. I am grateful for the brilliance of the amazing individuals who contributed to making this first-ever #TransPolicyAgenda a reality. Thank you for all you do to elevate our community.



Best,
Bamby Salcedo
President & CEO
The TransLatin@ Coalition

Context

The **TransLatin@ Coalition** is a leading national advocacy organization and direct service provider for Transgender, gender non-conforming, and intersex^[1] (TGI) people in the city of Los Angeles. It is the only organization and direct service provider in Los Angeles founded on the activism of Transgender Latin@ Immigrants that directly works to address the needs of TGI people, while planning strategies to improve our quality of life.

We release this policy agenda out of necessity, with 396 Transgender murders reported in 2018, and many more left untold,^[2] hundreds of homeless TGI people, rising HIV/STD rates among our community, healthcare protections at risk, and various other forms of institutional violence; the system is legally killing us. As the TransLatin@ Coalition expands and serves as a vital resource for the TGI community, regardless of race, creed, age, size, immigration status, ability, or any other systemically stigmatized

identity--we notice a direct lack of resources and advocacy efforts centering the struggles of our community. This policy agenda will be used not only to work toward securing the legislative rights for our community and to hold the state accountable, but to demand **moral integrity** from society as a whole.

Background

In **November 2017**, the TransLatin@ Coalition held its first ever Transgender Policy Institute, which convened TGI movement leaders across California to improve their knowledge of policy and the legislative process. This convening showed our grassroots community that political engagement is a realistic and necessary expectation, and although policy is not the ultimate path toward our liberation, it is a tool we use to demand our rights as TGI people. We believe a combination of grassroots organizing, direct action, and political engagement are strategies toward the

collective liberation of our community. Along with the training component of this three-day institute, we identified immediate issues facing our community across the state.

In addition to the convening, we conducted a California Policy Survey for TGI people and hosted a series of strategy sessions with impacted experts. Our intent was to gather insight directly from TGI communities to guide the direction of the agenda. The survey and strategy sessions asked questions about the needs and state of TGI people in education, housing, healthcare,

criminalization, immigration, and employment. With a combination of community feedback, advocate input and intimate conversations with loved ones, coupled with our expertise as a direct service provider, we transformed our vision and these issues into tangible policy actions that address the current needs of our communities. The agenda outlines the identified issues and policy solutions we will advocate and organize for, with community blessings.

^[1] Intersex refers to people who are born with any of a range of sex characteristics that may not fit a doctor's notions of binary "male" or "female" bodies. Variations may appear in a person's chromosomes, genitals, or internal organs like testes or ovaries. (via [Interactadvocates.org](https://interactadvocates.org))

^[2] Trans Respect Versus Transphobia Worldwide. (Nov. 2018). 369 reported murders of trans and gender-diverse people in the last year. Available at: <https://transrespect.org/en/tmm-update-trans-day-of-remembrance-2018/>

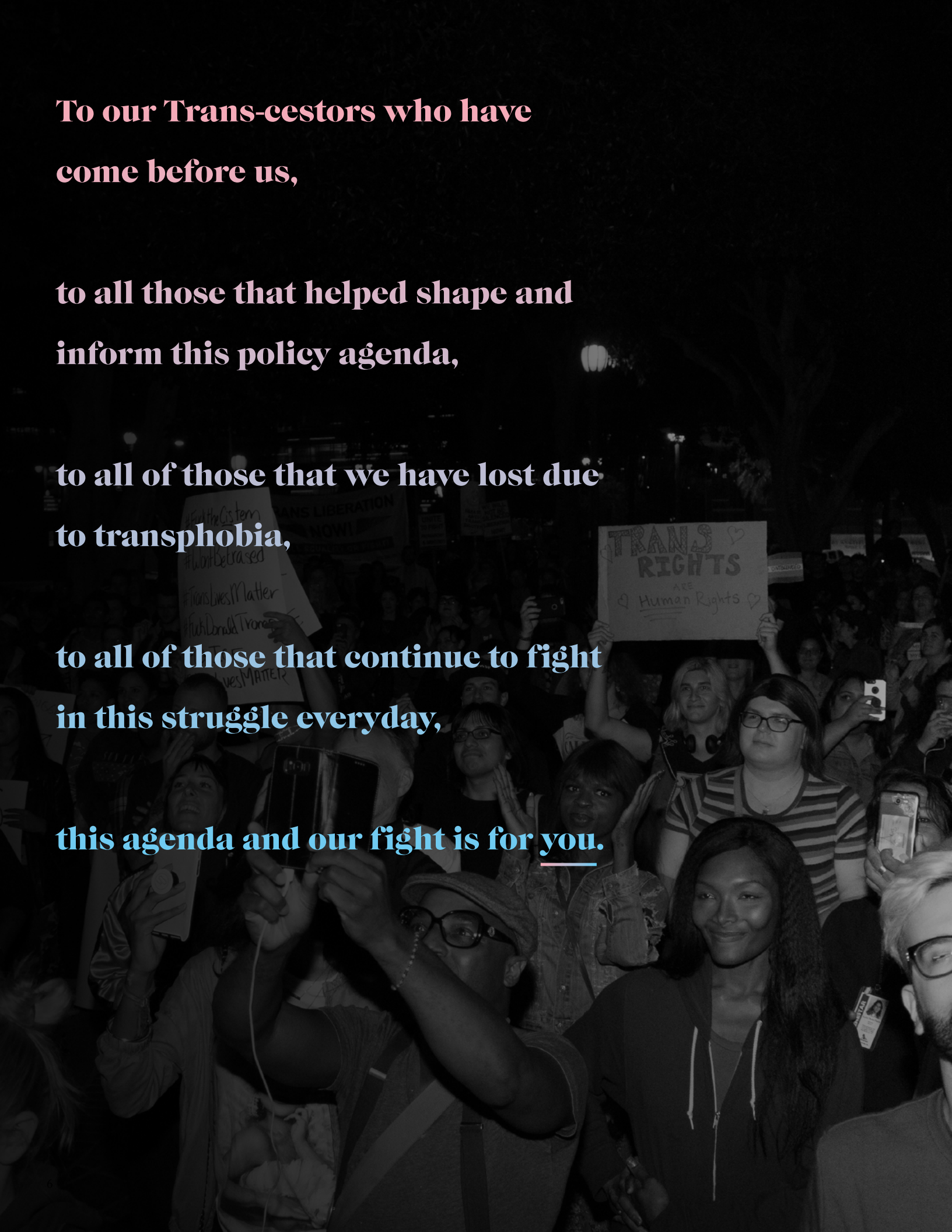
**To our Trans-cestors who have
come before us,**

**to all those that helped shape and
inform this policy agenda,**

**to all of those that we have lost due
to transphobia,**

**to all of those that continue to fight
in this struggle everyday,**

this agenda and our fight is for you.



Our Vision

The TransLatin@ Coalition envisions a world where transgender, gender non-conforming, and intersex (TGI) people are granted dignity, respect and autonomy in society, reflected through policy and systems that dictate our ability to live. Our purpose as the TransLatin@ Coalition is to amplify education, policy and resources to promote the empowerment of Transgender leadership to fulfill this vision. We foresee a world where those who are **visibly and non-visibly**^[3] transgender, gender non-conforming, or intersex can navigate the world without being demonized, fetishized, criminalized or murdered. TGI people experience discrimination in multiple aspects of society as a result of sociocultural factors that 'other'^[4] TGI people and a lack of comprehensive policy that protects our lives and

prohibits our mistreatment. TGI people deserve to be treated fairly socially, institutionally, and systemically. For too long we have been disenfranchised by a system that demeans our existence. It is time for us to thrive in a society and on land that has historically been ours. We are committed to advancing policies and practices that reflect this divine and moral vision.

Policy change works as a way of holding society and institutions accountable for violence and discrimination committed against us. We provide these local, state, and federal policy actions in hopes of improving and preserving the livelihood of TGI people in Los Angeles, California, across the country and globally. Investing in the collective liberation of the TGI community is a moral obligation and

works toward ensuring the health of the larger population within the United States and beyond.

Use these agenda action items as a resource for advocacy and community organizing across the country, with information specific to the state of California. The vision for this report is informed by data collected from our statewide survey, in-person strategy sessions, community conversations, past reports, impacted friends and family, in-depth research and advocate input; all credible and valuable forms of knowledge and understandings of TGI experiences.

^[3] 'Passing' privilege is an experience of many transgender people which refers to the idea that you are seen as a cisgender person although you are trans because of your gender expression. Many trans people are not 'passing' and may experience more violence and discrimination in society for not fitting society's expectations of gender or gender roles.

^[4] 'Other'ing refers to the idea of categorizing people and identities as other than themselves or the construction of normality, deviating from typical societal expectations and are penalized for it.

Trans & GNC Ecosystem

*Our work and vision for the Trans Policy Agenda builds on the Transgender and Gender Non-Conforming Ecosystem and Inherent Issues, developed by **Celia Sandhya Daniels**.*

The **ecosystem** captures the multiple personal and political aspects of a TGI person's life. It examines the various social, economic, and political factors where they need security, protections and access. In addition, the model provides a visual representation of the issues to be discussed below. The Trans Policy Agenda seeks to expand our understanding of TGI people's experiences and opportunities to create a healthy and larger ecosystem in humanity.

PROFILE SPOTLIGHT

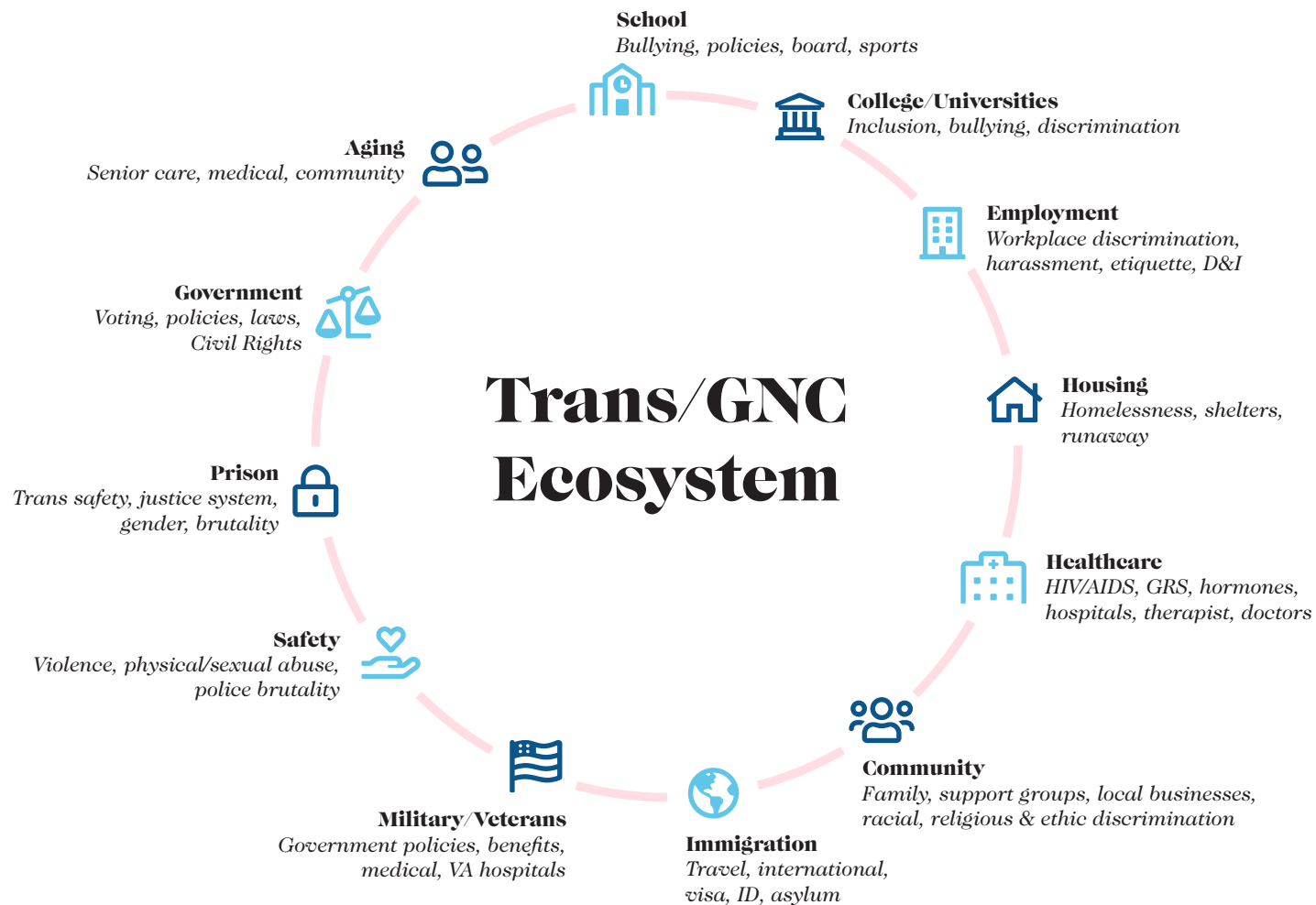
CELIA SANDHYA DANIELS

Entrepreneur, Composer, Musician, Photographer, Filmmaker



Celia Sandhya Daniels is an Asian Indian trans woman of color who is an entrepreneur, composer, musician, photographer and a filmmaker. She currently resides near Los Angeles with her family. As a transgender parent and gender non conforming activist, she volunteers for many non profit organizations, churches, institutions and LGBTQ+ organizations across southern California. Growing up as a lonely closeted trans kid from South India with stigma, discrimination and gender

dysphoria, she writes and speaks passionately about her struggles and challenges she faced in her family, work, school and community both in US and India. Celia brings a wonderful blend of ethnicity, culture, religion and corporate experience. She is currently focused on building allies with local communities, business, churches and organizations that fight for civil rights, youth empowerment, healthcare, immigration, education and employment.



Goals

*Our four main goals in releasing the
Trans Policy Agenda are as follows:*

1

Build campaigns that demand systemic change and prioritize the safety, respect, health and livelihood of TGI people at local, state, and federal levels.

2

Critique our socio-political climate, systems, existing laws and institutions that prevent and govern our abilities to live authentically.

3

Move political leaders to create policy change that addresses current needs of TGI people; while acknowledging a long(er) history of racism, transphobia, genocide, and neglect.

4

Abandon systems that are flawed in foundation and invest in innovative solutions created by people of Trans experience, for TGI communities.

Principles For Change

If we have to function within policy, it will be in a dignified manner.

As we **organize and advocate** towards our goals, we remember our rights as TGI people are non-negotiable and keep the following undeniable truths and principles in mind as we engage in policy work:

CENTER INDIGENOUS HISTORY AND PRACTICES

Within our labor and vision we center indigenous practices and traditions that recognize the blessings and divine right of existence TGI people provide to this world. We recognize our indigenous Trans-cestors as a guiding force towards liberation, decolonization and acknowledge the existence of two-spirit people as the true abolitionists of gender from the beginning.

REMEMBRANCE OF HISTORIES OF OPPRESSION AND VIOLENCE

Our current reality is reflective of a long(er) history of violence, racism, transphobia, genocide and neglect. We recognize this long history of oppression as a cycle we must collectively break to positively impact our

livelihood and well-being to this day and moving forward.

ABOLITIONIST LENS AND PRACTICES

Liberation is not achieved with only policy reform. We approach policy with the intent of critiquing systems of oppression, dismantling, and rebuilding systems from within or altogether. Our internal abolitionist practices and lens are intended to move us beyond institutional integration towards tangible systemic change that protects and serves TGI people.

CENTER NOT EXPLOIT

We center, not exploit, our TGI community in our pursuit of liberation and policy change. We follow the direction of TGI people of color and impacted experts to guide our work and initiatives.

Our Collective Strategy

TGI people are more than just figures of sex and fear. We are fully realized human beings that influence mass culture and have been here for centuries.

Our Collective Strategy places an emphasis on six foundational humanitarian issues TGI people face, particularly Transgender Women of Color, across the United States; **(1)** educational access & research justice, **(2)** economic stability & housing equity, **(3)** holistic and accessible universal health care & bodily autonomy, **(4)** ending policing, state violence & criminalization, **(5)** decriminalizing migration & global trans rights and **(6)** gender justice & identity autonomy.

The issues and barriers our communities face are multifaceted and interrelated; no one issue exists in isolation. The six identified issues

account for intersections that influence experience such as ability, race/ethnicity, socioeconomic status, immigration status, and others.

Working holistically toward ending systemic violence against our community is necessary to ensure our wellbeing. This intersectional approach calls for policy change in various areas of society that act as social determinants of TGI peoples' health, and effective and long-term implementation of these policy changes.



Educational Access & Research Justice

Educational Access refers to the ability of TGI people to participate and be reflected in our education system (primary, secondary, and higher education), specifically within school and campus curriculum requirements & policy protections. Research justice recognizes community members as experts and centralizes their voices and leadership in the development, implementation, analysis and reporting phases of the research process. Both issues speak to the vast need to document the violence experienced by TGI people under institutions of education and raise awareness about resources needed to create healthy collective learning.



Economic Stability & Housing Equity

Economic stability refers to TGI people's opportunities to gain access to employment and income that allows for financial security and to live a dignified life. Housing Equity refers to equitable opportunities to land and housing without discrimination, harassment, or high cost. The intersecting issues and solutions work hand-in-hand; economic stability allows for access to basic needs such as housing, and housing stability allows for opportunities of economic development.



Holistic, Accessible, & Universal Health Care

Holistic healthcare ensures the inclusion of TGI health care needs in the medical field, such as gender affirming and dysphoria resources and services. Accessible health care accounts for geographic location, transportation, and cost, while universal health care ensures that health care is available to all, not only select populations. These three components of TGI health support our vision for bodily autonomy; the right of TGI people to self-govern their body without coercion or political and social influence.



Ending Policing, State Violence & Criminalization

Policing and criminalization are the most violent issues our communities experience and require the most accountability. Policing and criminalization refer to the violent ways in which law enforcement and criminal justice systems overtly monitor and demonize TGI communities. This violence is perpetrated, and often allowed, through policies and field surveillance by entities meant to protect us (i.e. the government and law enforcement). Policy in this field is necessary to challenge power structures currently causing harm and ensure accountability for state violence.



Decriminalizing Migration & Global Trans Rights

Migration is not a crime and our policies must reflect this truth. TGI communities should be free to migrate without fear of government terrorism, especially when escaping government violence. Many TGI people flee their country of origin and are forced into international populations. Regardless of where we live and choose to migrate, our freedom to access and protections is a divine right and we pursue global Transgender rights under this truth. TGI people exist throughout this world and will continue to live within humanity. Strong relationships and alliances must be formed nationally and internationally to create safe homelands for TGI people.



Gender Justice & Identity Autonomy

Gender justice refers to actively challenging the violence, discrimination, and marginalization directly tied to gender identity and expression. Much of the violence faced by TGI communities is directly tied to systemic oppression; policies and permitted social behavior that targets and excludes our existence. Society holds a very narrow view of gender and systems are designed based on this ideology; this narrow ideology perpetuates the exclusion of TGI people. Policy should reflect TGI people's autonomy to live authentically without objection of our truth and existence.



Educational Access & Research Justice

Education, both within our community and of non-TGI people, is necessary to ensure TGI people can advance and be protected within our society. Education is a powerful tool that allows us to develop skills and mindsets that help us navigate U.S. systems. Many TGI people lose access to education due to financial barriers or mental health implications caused by discrimination and violence against them, impeding their abilities to earn college, and even high school degrees. For TGI people who are of immigrant experience, language access becomes an extremely difficult barrier while living in a system that centralizes the English language. We must ensure TGI people are supported and able to achieve their education goals.

Stigma, discrimination, exclusion, and violence are all rooted in ignorance. Education of the larger non-TGI population about TGI-specific issues and experiences is one of the main identifiable priorities of our community. It is necessary that the larger population is aware of TGI cultural identity to root our existence in histories and create cis-trans solidarity. Transgender

history and discourse must begin in schools and primary education to promote respect and acceptance from early ages.

It is just as critical for TGI people to document and tell their own stories, collect their own data and share their own experiences, for and by TGI people. A research justice process that centers the TGI community further validates TGI identities and builds institutional credibility.

“DROPPED OUT OF JUNIOR COLLEGE TWICE DUE TO TRANSPHOBIA/RACISM... UNMOTIVATING ME TO PURSUE A FUTURE WITHIN ACADEMIA. WENT FOR MESSAGE SCHOOL INSTEAD WHICH I AM CURRENTLY ENROLLED IN.”

**-MIXED JAPANESE NIKKEI YONSEI
NON-BINARY PERSON
SANTA ROSA, CA**

Current Landscape

Educational Access & Research Justice

Under Title IX, federal law states "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."^[6] This provision includes gender identity under 'sex' and grants TGI people rights in sites of education and affords them access to educational resources just like the general population. The California Student Safety and Violence Prevention Act of 2000 (AB 537), changed California's Education Code by adding actual or perceived sexual orientation and gender identity to the existing nondiscrimination policy. This prohibits harassment and discrimination on the basis of sex, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability.^[7] Also, the School Success and Opportunity Act (AB 1266) affords students the right to participate in sex segregated programs based on their gender identity, without respect to the gender listed in a pupil's records.^[8]

TGI people expressed their transition needs as one of the most prominent reasons for being pushed out of academia, in addition to the ever growing cost of higher education. A safe and supportive learning environment is needed to ensure TGI communities can exist and transition, if desired, while they participate in academic institutions.

Lack of gender affirming resources in schools and campuses impact TGI people's mental health, anxiety and overall ability to succeed for not having support while being TGI and in school. Limited access to education creates larger cyclical problems that impact employment opportunities, income, protections and ultimate safety. More intention must be made to address the nuanced needs of TGI people in education. Our current lives are also part of history and our current struggles must be documented to hold future society's accountable and learn about ourselves in the future. To create supportive educational institutions and appropriate data collection, we provide the following the policy actions:

What We Fight For..

At the local, statewide and federal levels

At the

Local level

TGI-wellness policies at local school districts

School wellness policies address the link between student health and learning. Wellness policies, inclusive of TGI youth needs, elevate educational outcomes and affirm their place in academia. At the local level, wellness policies are enacted at the county, for example through the Los Angeles County Board of Education (LACOE). Individual schools can also enact supportive wellness policies. Effective TGI wellness policies should affirm gender identity as a component of health and wellness, address the nuanced needs of TGI youth and raise healthy conversation topics around sexuality. We advocate for LACOE and all county school districts to seek collaboration with the city, after-school programs and organizations that work to promote the health and wellness of the entire community, especially TGI populations.

**"WOULD'VE COMPLETED (MY) GRADUATE DEGREE
ALREADY BUT HAD TO TRANSITION AS AN ADULT
WHICH TAKES TIME AND ENERGY AND HAD TO
DELAY SCHOOL."**

**-WHITE TRANS MAN
LOS ANGELES, CA**

Local research and data collection led by TGI community experts

Research, data and published reports, are institutional tools used for tangible political and social change. Documenting the experiences, perspectives and forward-thinking visions of TGI people is essential to transform our lived realities and shift perceptions of our communities.

^[6] United States Department of Justice. OVERVIEW OF TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, 20 U.S.C. A§ 1681 ET. SEQ. Available at: <https://www.justice.gov/crt/overview-title-ix-education-amendments-1972-20-usc-1681-et-seq>

^[7] GSA Network. AB 537: California Student Safety and Violence Prevention Act. Available at: <https://gsanetwork.org/resources/ab-537-california-student-safety-and-violence-prevention-act/>

^[8] California Department of Education. AB 537: California Student Safety and Violence Prevention Act. Available at: <https://www.cde.ca.gov/re/di/eo/faqs.asp>

Existing data collection is very limited to only specific experiences of TGI people, especially as they relate to HIV/AIDS and sexual health practices. The Centers for Disease Control and Prevention (CDC) provides limited county research on behaviors related to sex, HIV and AIDS collected through the National HIV Behavioral Surveillance (NHBS). NHBS data is collected through behavioral interviews and HIV testing among Transgender Women in 10 NHBS sites. The CDC also has included TGI inclusive questions on their Youth Risk Behavior Survey and their Behavioral Risk Factor Surveillance System. Beyond this research, we seek to capture data that extends our reality past sex and fear; a research agenda developed, led and directed by TGI community experts and TGI led community based organizations. We seek to urgently and effectively use data to meet community needs and ensure fair, ethical and humane research justice practices. We need policies that require agencies such as the Department of Health and Human Services, the Department of Labor, and the Department of Justice to work with local agencies and TGI-led organizations to administer local data collection efforts as they relate to TGI people's experiences with housing, healthcare, education, detention, and other institutions in which TGI people have experienced barriers. Already existing data collection efforts should also all include questions related to gender identity and sexual orientation.

At the

Statewide level

TGI-specific curriculum in primary, secondary and higher education

The absence of TGI-specific curriculum generates identity erasure and ultimately leads to our harm and discrimination. TGI history, culture and sensitivity taught to children, adolescents, and young adults leads to acceptance.

To address this absence, we advocate for policies that will expand implementation of curriculum similar to those included in the FAIR Education Act that centers TGI-specific curriculum. The inclusion of TGI-impacted experts in the curriculum development is critical to prevent bias, blind spots and assumptions of TGI people in our school system. To start, we advocate for TGI-specific curriculum be integrated in the California Department of Education's Health Education & History-Social Sciences curriculum frameworks within California public schools. Integration in health education includes topics such as safer sex practices for TGI people and replacing abstinence-only programs with sexual health education to

navigate our sexuality in a healthy way. The California Healthy Youth Act requires that all sexual health education and HIV prevention education be inclusive of LGBTQ students.^[11] This policy also heavily emphasizes an LGB perspective and policies that include more TGI inclusivity in a sexual health context is needed. Under history and social sciences, chapter development and TGI specific inclusion is necessary among world history, geography, sociology, and ethnic studies. For universities and colleges, we advocate for TGI-specific curriculum to be part of required course lists, as opposed to an optional elective.

POLICY INSIGHT

The FAIR Education Act, enacted in 2011, made California the first state in the nation to mandate the inclusion of LGBTQ people, and people with disabilities, in history and social science curriculum. Implementation of the policy began in 2017, and although there is acknowledgement of two-spirit people history and other Transgender leaders, the majority of curriculum is focused on the the Lesbian, Gay and Bisexual community.^[10]

Discrimination prevention and institutional support for TGI people in schools

The educational system can be an intimidating place for many TGI people, due to fear of discrimination from other students or the lack of support of TGI people within these institutions. Many community members, who have partially or completely finished a higher education degree, expressed transition needs as the biggest barrier in succeeding and participating fully. TGI youth also experience difficulties within the education system due to the lack of awareness around TGI identities, such as bullying and mental health issues. The Safe Place to Learn Act requires school agencies to adopt, on or before December 31, 2019, procedures for preventing acts of discrimination, harassment, intimidation and bullying, including cyberbullying. The policy must be publicized to students, parents, employees, and the general public. There have been additional amendments to this bill that have added provisions for LGBTQ+ community resources to be provided for K-12 teachers, a great step towards intentional inclusion¹². We advocate for partnerships between the State Department of Education, school agencies, and TGI led community based organizations to monitor the effectiveness of this policy while also developing policies that create mental health and counseling opportunities for TGI people in public schools.

To further promote acceptance and prevent discrimination in higher education, we advocate for policies that prioritize the development and expansion of resource centers to include TGI-specific programs and

^[10] Fair Education Act, information and resources for educators and families. About. Available at: <http://www.faireducationact.com/>

^[11] California Department of Education. Frequently Asked Questions

Questions and answers regarding comprehensive sexual health education, HIV/AIDS and STD instruction. Available at: <https://www.cde.ca.gov/ls/he/se/faq.asp>

^[12] California Legislative Information. (2015-2016). AB-827 Safe schools: Safe Place to Learn Act: lesbian, gay, bisexual, transgender, and questioning pupil resources. Available at: https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201520160AB827

services, especially TGI-inclusive mental health resources, gender-affirming campus health care, and gender-inclusive housing and dorming options. The Equality and Equal Access in Higher Education Act (AB 620) requires community colleges, CSU's, and UC's to adopt and publish policies against harassment, intimidation and bullying. In addition, each campus must designate an employee at each campus to address the needs of LGBT faculty, staff and students. The policy also revises the definition of gender to include "gender expression" under the Equity in Higher Education Act.^[13] We also need policies that allow TGI students to easily change their name and gender marker within school records and requires that changed name be respected by all professors and staff of each respective campus. These policies are useful in carving out space for TGI people within institutions of higher education.

Mandated TGI-training policies for all teachers, administrators and educators

All people involved in the personal and intellectual growth of youth will encounter TGI students in their care. To prevent potential harm to TGI youth and prepare educators with TGI sensitivity tools, we advocate for the development of a comprehensive training taught throughout the state; developed, led and taught by TGI people and TGI-led community based organizations. The training developed must be included in the requirements for teachers and educators to receive their credentials. Policies can be developed through the Commission on Teacher Credentialing that ensure that new teachers are knowledgeable in TGI cultural sensitivity.^[14] This will not only assist teachers, administrators, and educators in learning about the specific needs of TGI people, but it will also allow students to feel safer and understood while on campus.

At the

Federal level

Policies that prohibit school bullying and discrimination based on gender identity

It is necessary that there are policies that prohibit bullying and discrimination based on gender identity within institutions of education. TGI youth deserve to attend school without the fear of bullying on the basis of their gender identities. Many times TGI people who are engaged in the educational system have trouble completing their programs due to discrimination and a lack of support from the institutions themselves. There have been many state efforts, but federal policy that requires schools across the country to adopt anti-bullying policies is a collective way to ensure that TGI people are supported when navigating institutions of education across the US. In order to be effective, these policies should

require all public K-12 schools to enact anti-bullying policy with specific protections for bullying based on sexual orientation and gender identity, along with other categories like race and religion.

Holistic data collection of TGI communities among federal agencies

Gathering data at the national level can expand our collective understanding and acceptance of TGI people. We advocate for policies that require federal agencies, such as the Departments of Housing and Urban Development, the Department of Health and Human Services, and the Department of Labor, to conduct national research on experiences and needs of TGI people within their field. Unexplored topics include TGI-specific experiences regarding family acceptance and connections to HIV prevalence, external factors that contribute to depression and suicide, sexual health, sex work and the impact on the lives of TGI people, reproductive health, pleasure, intersex experiences, transmen lifestyles and non-binary identities. In addition, we advocate for increasing the number of nationally-representative health-related surveys that collect information on sexual orientation and gender identity.

Inclusion of TGI people in the 2020 Census

The Constitution requires that every resident of the U.S. be counted every 10 years, regardless of citizenship or immigration status. National data determines how legislative districts are drawn and the federal government uses Decennial Census data to distribute funds and assistance to states and localities.^[15] The 2020 Census will include information about same-sex married couples. Unfortunately, this information is limited and does not capture data on unpartnered gay, lesbian, or bisexual people or non-cis gender identities. Lack of data on TGI people further contributes to the historical erasure and neglect we are challenging and are committed to transforming. We need policies that require the U.S. Census Bureau to collect population data about TGI people that validates our existence and allows us to receive funds and assistance federally. ■

^[13] California Legislative Information. (2011-2012) AB-620 Public postsecondary education: nondiscrimination and training: sexual orientation, gender identity, and gender expression. Available at: http://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB620

^[14] Commission on Teacher Credentialing. Available at: <https://www.ctc.ca.gov/>

^[15] United States Census Bureau. (March 2017) Age and Sex. Available at: <https://www.census.gov/topics/population/age-and-sex/surveys-programs.html>



Economic Stability & Housing Equity

As TGI people we deserve to live our lives as the general population does. We deserve to wake up safely, work without prejudice and not have to worry whether our night includes a secure bed. It is very difficult for TGI people to gain access to employment due to explicit gender-based discrimination, lack of job-readiness opportunities on top of language barriers and immigration restrictions.

Little to no employment access blocks TGI people's opportunities to reach financial stability. Without access to employment, it is extremely difficult to gain access to stable housing--especially in urban cities transformed by gentrification, leading to higher rent. Housing is a major worry for TGI people and brings light to larger issues of tenant rights, land ownership, and need for resources to address intersecting determinants of health.

Our work aims to provide access to shelter and home for all members of society, especially the TGI community. We approach housing equity with a decolonial lens and acknowledge the history of those who inhabited

this land before us. We ask permission from our indigenous and two-spirit Trans-cestors to carve space on colonized land that centers our community and keeps us safe.

"IT'S EMPLOYMENT, WITHOUT ECONOMIC STABILITY WE HAVE NOTHING, WE ARE AT THE VERY BOTTOM OF THE LGBT COMMUNITY ECONOMIC LADDER AS WELL AS IN THE OVERALL BOTTOM 20% OF CITIZENS. WE NEED JOBS THAT PAY A LIVING WAGE & SKILLS FOR THOSE JOBS. WITHOUT THAT WE HAVE NOTHING & CANNOT GAIN EQUALITY."

**-WHITE TRANS WOMAN
RIVERSIDE, CA**

Current Landscape

Economic Stability & Housing Equity

We experience patterns of discrimination and lack of respect for our lives in employment and housing equity. As a people, many of us experience family rejection, housing instability, landlord or roommate abuse and are rarely provided with opportunities to grow professionally, all of which negatively impact other areas of our lives. In Los Angeles (LA), like many cities across the state, we see significantly high rates of houseless TGI people. At the same time, there are minimal occupations, outside of community advocacy and sexual health, available for TGI people in LA.

TGI community experts and TGI-led groups across the country have initiated cultural sensitivity trainings to inform organizations, government agencies, educators, and the general public about our existence, our stories and our needs. We advocate for widespread growth of this training and education to inform larger society about the existence of TGI people and prevent ignorance-based discrimination, especially in housing and employment.

Despite existing policies, TGI people, especially Trans Women of Color, experience a significant lack of access and discrimination in employment and housing. To tackle this reality, we advocate for the following policy actions:

POLICY INSIGHT

The **California Fair Employment and Housing Act**^[16] was amended by SB 396,^[17] which requires employers with 50 or more employees to include training and education for supervisors inclusive of harassment based on gender identity, gender expression, and sexual orientation. The policy also makes it unlawful to discriminate against any person in any housing accommodation on the basis of, among others, sex, gender, **gender identity**, gender expression, or sexual orientation. Among other provisions, these policies are intended to make workplaces safer for TGI people. Unfortunately, implementation is slow, minimal and not fully respected.

What We Fight For..

At the local, statewide and federal levels

At the

Local level

Job readiness and workforce development

Workforce development centers play a key role in preparing and referring individuals to employment opportunities. TGI people experience gender-based discrimination and require additional protections, programs and trainings to be part of a safe and healthy work environment. To develop a skilled and protected workforce, we advocate for TGI cultural sensitivity trainings to be required of workforce development centers and program staff that are funded by the city and county of Los Angeles. In addition, to prepare TGI people for the workforce, we advocate for TGI-specific programs and workforce development centers designed to assist and support TGI people at the local level. Partnership with TGI-led organizations and community ensures cultural sensitivity and provides experiential insight on improving and growing workforce development centers and programs.

Community re-entry programs and housing assistance for TGI people

Criminalized TGI people are frequently targeted by police enforcement and are therefore more likely to have experienced jail, prison, or immigration detention systems. TGI people struggle with the trauma of being detained and face systemic challenges to reintegrate into society after being released. We call in the following Los Angeles

^[16] California Department of Fair Employment and Housing. Employees and job applicants are protected from bias. Available at: <https://www.dfeh.ca.gov/employment/>

^[17] Thomson Reuters. California's new anti-harassment training requirement (SB 396). Are you ready? Available at: <https://legal.thomsonreuters.com/en/insights/articles/prepared-californias-new-gender-identity-sexual-orientation-anti-harassment-training-requirement-sb-396>

city and county departments and entities to examine and address the significant employment and housing needs of TGI people within re-entry populations, including intensive case management and re-entry housing assistance: The Office of Diversion and Reentry (ODR), Los Angeles Homeless Services Authority (LAHSA), workforce development boards, Los Angeles City and County Department of Health and Human Services, and the Transportation Department. In addition, we advocate for their partnership with TGI-led organizations and community to ensure cultural sensitivity and provide experiential insight on improving and growing re-entry programs for TGI people.

“ASIDE FROM DISCRIMINATION, THERE ARE TRANS PEOPLE THAT NEED SKILLS TRAINING, INTERVIEW TRAINING BEYOND A 1 SESSION EVENT. SOME TRANS PEOPLE NEED PERSONAL INTERACTION TRAINING. IT'S IMPORTANT TO BE ABLE TO GET ALONG WITH PEOPLE TO KEEP A JOB.”

**-LATINA TRANS WOMAN
LOS ANGELES, CA**

Ensuring restored land and housing access for TGI communities

TGI people, especially Trans Women of Color, are pushed to living in the streets by discrimination, family and social exclusion or an unsafe mental health environment. Emergency housing shelters or transitional living homes are one option for support. However, many facilities are sex-segregated or hold religious beliefs against TGI people. These policies and beliefs lead to discrimination based on perceived gender identity and contribute to a cycle of push-out and instability in the lives of TGI people.

In 2016, Los Angeles city residents approved a \$1.2 billion bond measure ([Proposition HHH](#)) to provide housing for the thousands of houseless residents in the city.^[18] Unfortunately, none of the funds are specifically allocated for TGI housing placements or speak to the unique needs of houseless TGI people. We advocate policies allocate funding and land for TGI-designated land projects with clean energy, water, and resources, which will address the many barriers TGI people face in attempting to achieve stability. These projects would provide emergency housing, permanent housing assistance and beds, medical and mental health services, legal services, workforce development, substance use treatment, re-entry assistance, anti-violence programs, and peer support groups. In

addition, we advocate for existing programs and shelters to require TGI cultural sensitivity trainings for all facility staff. Trans-led organizations that work directly with impacted TGI people are best positioned to lead this effort, in partnership with existing shelters and homeless services.

At the **Statewide level**

TGI cultural sensitivity requirements to workforce centers across the state

When policy is not meeting its intended outcome, we must revisit the policy and creatively strengthen the implementation process. Amendments to the California Fair Employment and Housing Act (SB 396), which mandates trainings regarding gender identity, has yet to be effectively monitored or enforced. Revisiting the policy requires the development of comprehensive curriculum of best practices and appropriate behavior towards TGI people to amplify education throughout the state. As required by law, entities must take a minimum of eight (8) hours of TGI cultural sensitivity training annually to ensure that TGI people are understood and accepted in the workforce. Effective implementation of this policy allows for a welcoming environment and reduced trauma for TGI people.

Housing opportunities for system impacted TGI people

It is difficult to find safe and stable housing as a TGI person in general, and the process becomes even more challenging with various intersecting barriers to access. Factors such as HIV status, substance use, mental health trauma, poverty, abusive relationships, criminalization, and many other stigmatized experiences contributes to systemic inability to find housing. We need policies that provide housing opportunities for TGI people who are system impacted, addressing the true causes of homelessness among our community. This includes housing for TGI people who are fleeing abusive relationships, survivors, preparing for or experiencing re-entry, experiencing substance use, and those who are severely low-income.

A program model to replicate is the Housing Opportunities for Persons with AIDS (HOPWA) program managed by the Department of Housing and Urban Development's (HUD) Office of HIV/AIDS Housing. The program was established to provide housing assistance and related supportive services for low-income persons living with HIV/AIDS and their families.^[19] Development of similar programs and funding allocation is needed to address the specific housing needs of TGI people, especially those who are HIV positive and are at high risk of HIV acquisition. Trans Women of Color especially are driven to engage in street economy, are

^[18] Los Angeles Housing+Community Investment Department. SUPPORTIVE HOUSING (PROP HHH). Available at: <https://hcidla.lacity.org/prop-hhh>

^[19] HUD Exchange. Housing Opportunities for Persons with AIDS. Available at: <https://www.hudexchange.info/programs/hopwa/>

diagnosed with HIV at alarmingly high rates, experience mental health trauma and live in severe poverty along with many other barriers. We advocate for policies that require state government entities to develop grants and support TGI-led community based organizations to serve and support houseless TGI individuals experiencing the various barriers to housing stability.

Paid medical leave for TGI people during gender-affirming care

Medical leave access in employment is centered around family or pregnancy, which is necessary, but access to medical leave should also extend to address the health needs of TGI people. Community members expressed that one of the difficulties in maintaining employment is the lack of consideration from employers to grant paid leave to pursue TGI affirming care.

Currently, California has two laws regarding medical leave that are similar to federal medical leave law. California Family Rights Act requires employers with 50 or more employees to provide eligible employees with up to 12 weeks of leave in a 12-month period for: (1) reason of a child born to, adopted by, or placed for foster care with, the employee, (2) to care for the employee's parent or spouse who has a serious health condition, as defined, or (3) because the employee is suffering from a serious health condition rendering him or her unable to perform the functions of the job. The New Parent Leave Act, extends bonding leave rights to employees of smaller employers. As of January 1, 2018, employers with between 20 and 49 employees must provide eligible employees with up to 12 weeks of leave to bond with a new child.^[20] We advocate for policy that expands existing medical leave law to include transition related and gender affirming care and protects employees from being denied medical leave for reasons related to recovery from said surgeries.

Grants and funding specifically intended to assist TGI people gain employment

The Removing Barriers to Employment Act (AB 1111) established the Breaking Barriers to Employment Initiative administered by the California Workforce Development Board. This initiative mandates the development and creation of grants and programs intended to assist vulnerable populations that experience barriers to employment, such as veterans, low and unskilled workers, out-of-school youth, the formerly incarcerated, single moms and others looking to escape poverty.^[21] We advocate for the inclusion of TGI people under the category of 'vulnerable populations'. Inclusion of the TGI category allows for existing funds to support TGI individuals with barriers to employment services they need to enter, participate in, and complete broader workforce preparation, training, and education programs. In addition, we advocate for TGI specific grant

funds for entrepreneurship training programs for TGI people to start their own businesses, become their own financial supporters and expand autonomous economic development.

"I THINK CIS PEOPLE'S LACK OF EDUCATION ABOUT TRANS PEOPLE IS A HUGE HURDLE. I CAN'T SAY FOR SURE, BUT I SUSPECT THAT WORRY ABOUT THE PERCEIVED HASSLE (WORRY ABOUT MISGENDERING, FOR EXAMPLE) OF EMPLOYING A TRANS PERSON HAS PREVENTED MANY OF US FROM LANDING A STABLE, FAIRLY COMPENSATING JOB."

**-XICANA TRANS WOMAN
PICO RIVERA, CA**

Removing barriers to workforce development for TGI people

Transgender women are required to register with Selective Service in order to qualify for workforce development services through CalJOBS. This policy limits the ability for Transgender women to engage in personal economic development. We advocate for CalJOBS, and any state or local entity that provides workplace development services, to remove this requirement in order to equally and respectfully provide services for Transgender women. In addition, we advocate for the Workforce Development Board to allow TGI people to access workforce and economic development using their chosen name, rather than requiring the use of legal name. Many TGI people do not have the opportunity to have their name changed legally, which hinders our ability to rightfully participate in the workforce and trainings to obtain sustainable employment.

At the **Federal level**

Labor protections for TGI people in the workplace

Federal policy creates national standards for states to mandate and follow. We advocate for federal policy to protect TGI people in the workplace and support TGI economic development. Existing efforts include the Equality Act, proposed national policy to prohibit employment discrimination on

^[20] California Department of Fair Employment and Housing. PDL, CFRA, NPLA, and FMLA Requirements and Obligations Available at: <https://www.dfeh.ca.gov/resources/frequently-asked-questions/employment-faqs/pregnancy-disability-leave-faqs/pdl-cfra-fmla-guide/>

^[21] California Legislative Information. (2017-2018). AB-1111 Removing Barriers to Employment Act: Breaking Barriers to Employment Initiative. Available at: https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=20170180AB1111

the basis of sexual orientation and gender identity. Expanded efforts to create consistent protections and employment opportunities are necessary for the livelihood of TGI people. We call in the Department of Labor to create federal programs that support capacity-building of TGI communities and ensure protections from discrimination.

Federal “Ban the Box” policy for public and private employers & renters

‘Ban the Box’ refers to the removal of application requirements that force people to disclose criminal records to determine eligibility for housing or employment. This precondition is especially inequitable for TGI people, considering the unique relationship between them and the criminal justice system. TGI people are often targeted for survival crimes and are more likely to encounter the criminal justice system. This reality must be taken into account to mindfully respond to the real life impact of jails, prisons and detention. In addition, The Fair Chance Act (AB 1008), effective January 1, 2018, added a new section to the Fair Employment and Housing Act making it illegal for most employers in California to ask about the criminal record of job applicants before making a job offer.^[22] We advocate for policies similar to the Fair Chance Act be implemented at the federal level to create consistent and equitable employment opportunities, especially for system impacted TGI people. Federal “Ban the Box” policies will drastically remove barriers to employment in both public and private sectors, while also alleviating unjust barriers that keep TGI communities from securing stable housing.

Federal and state job programs that employ system impacted TGI people

The most system impacted members of our TGI community are Black Trans Women and TransLatin@ Immigrants. These specific communities need significant support to successfully gain and maintain employment. State and federal agencies are well positioned to create partnerships with work centers, unions and businesses to generate employment and entrepreneurship opportunities for TGI people. We advocate for government sectors to provide living wage jobs specific for TGI people while simultaneously providing TGI cultural sensitivity trainings for employers and staff. An existing program to model is Job Corps, an education and job readiness training program for youth ages 16-24 in collaboration with the Department of Labor. A similar federal program that centers TGI people would significantly improve their lives and employment. ■

^[22] National Employment Law Project. (Dec. 2017). The California Fair Chance Act: Know Your Rights as a Jobseeker Under the New ‘Ban the Box’ Law Available at: <https://www.nelp.org/wp-content/uploads/Fact-Sheet-California-Fair-Chance-Worker-Know-Your-Rights.pdf>

QUEER &
TRANS
Liberation





Holistic, Accessible, & Universal Health Care

The TransLatin@ Coalition believes no TGI person should live without access to health care; it is a right of the people, our humanity and livelihood. TGI people experience a difficult time gaining access to appropriate and effective health care solely based on their gender identity, along with other explicit forms of stigma and discrimination. Lack of access to health care often leads TGI people, specifically Transgender Women of Color, to rely on underground resources as their primary source of transition related care. For non-binary trans people, access to gender affirming care is especially difficult because of provider unfamiliarity with genders outside of the man or woman gender binary.

Access to safe, competent, and TGI-inclusive medical care is essential to the emotional, mental, spiritual and physical wellbeing of TGI people. Financially, it can be extremely difficult to gain access to health care due to the high cost and unregulated care in the US, often compounded with lack of geographically accessible hospitals and clinics. In order to create a healthy community, health care must be holistic and inclusive of the

multiple needs of TGI people. The existing medical reality is unstable for TGI people who need access to frequent and regular medical care, especially as a medically transitioning transgender person.

**“MEDICAL PROFESSIONALS KNOW THAT THEY
HAVE A KNOWLEDGE GAP WHEN IT COMES TO
TRANS PATIENTS, YET DO NOTHING ABOUT IT
BECAUSE THEY AREN’T REQUIRED TO.”**

**-MEXICAN TRANS PERSON
OAKLAND, CA**

Current Landscape

Holistic, Accessible, & Universal Health Care

Currently, in healthcare settings, TGI people are protected from discrimination under the Affordable Care Act (ACA)^[23] Still, it remains difficult for TGI people to gain access to health care that is supportive of our identities. Rarely TGI people are able to find supportive health care that is both accessible and inclusive of their identities.

POLICY INSIGHT

The **California Insurance Gender Non-Discrimination Act** makes it unlawful for an insurance or health care service plan to refuse to enter into any contract, or to cancel or decline to renew or reinstate any contract, because of a person's gender identity. Also, it is unlawful for an insurance or health care service plan to modify the terms of the contract or to impose any limitations, exceptions, exclusions, reductions, copayments, coinsurance, deductibles, reservations, or other modifications because of a person's gender identity.^[24]

The World Professional Association for Transgender Health (WPATH) published Standards of Care (SOC) for the Health of Transsexual, Transgender, and Gender Nonconforming People.^[25] The published standards should be used as a minimum medical care baseline for TGI people by state and federal providers.

Still, transgender people face barriers when attempting to access health care. More attention must be paid to the specific needs of TGI people to ensure that our community is receiving appropriate care and can benefit from this nation's healthcare system. To improve healthcare access for the TGI community, we approach and understand health in a broader way. To manifest this vision, we advocate for the following policy actions:

What We Fight For..

At the local, statewide and federal levels

At the

Local level

TGI-inclusive documents and records

Community members express concerns with visiting medical facilities due to the fear of misgendering and discrimination based on their gender identities. There must be options and administrative processes available regarding having IDs and records that reflect a patient's gender identity, preferred name, and pronouns within health facilities to ensure safer environments for TGI people.

Holistic health programs addressing the needs of TGI people

It is difficult for TGI people to have access to medical care with a shortage of clinics and programs specifically intended to address their medical needs. We advocate for continued funding for local cities and counties to increase their capacity to provide TGI competent medical care. We must continue to fund existing TGI specific health programs and health screenings and fund the development of TGI specific healthcare programs and facilities with staff that is competent of the needs of TGI people medically.

In order to build a healthy TGI community, there has to be a well rounded approach to our health. This means understanding the multiple layers of discrimination that we experience when accessing institutions to take care of body and well being. Our local government must intentionally invest to support the livelihood of the local TGI community and create a pool of funding for programs that would give priority to organizations that are led by members of the TGI community. The funding allocated should be for programs that include healing practices like art (in all of its forms: painting, dancing, writing, etc.), mental health support, medical care and spiritual practices that will support our community to become healthy in the future. This also includes training for healthcare providers on TGI health and best practices.

^[23] National Center for Transgender Equality. Know Your Rights | Healthcare. Available at: <https://transequality.org/know-your-rights/healthcare>

^[24] Transgender Law Center. (April 2013) Department of Managed Health Care. Available at: <http://transgenderlawcenter.org/wp-content/uploads/2013/04/DMHC-Director-Letter-re-Gender-NonDiscrimination-Requirements.pdf>

^[25] World Professional Association for Transgender Health. Standards of Care Version 7. Available at: <https://www.wpath.org/publications/soc>

“TRANSPORTATION/LOCATION. THE CLINIC I GO TO IS ALL THE WAY IN LOS ANGELES PROPER. DEPENDING ON TRAFFIC, THAT DRIVE CAN TAKE ANYWHERE FROM 30 MINUTES TO OVER AN HOUR. MY COUNSELOR IS ALSO ABOUT A 45 MINUTE DRIVE AWAY. IF I DIDN'T HAVE ACCESS TO A CAR, I'M NOT SURE I'D BE ABLE TO MAKE IT TO ANY OF MY APPOINTMENTS.”

-XICANA TRANS WOMAN
LOS ANGELES, CA

At the

Statewide level

Mandated training to create TGI-inclusive medical care and healthcare facilities

Currently, many transgender people experience barriers to accessing transition related care, especially non-binary people, because of the little knowledge available to medical providers and facilities about TGI identities. More education around the existence and needs of non-binary people is crucial. This includes doctors and related staff being trained on TGI healthcare and needs. Any facility that does not comply should have state funding withheld from their budget.

Policies that create transgender cultural sensitivity training requirements for state funded health care facilities, which are to be facilitated by translated organizations, are crucial in improving inclusivity for TGI people in the medical field. Additionally, it is extremely important that at least one individual within any given health facility across the state is knowledgeable about TGI people, their health, and their needs. Preferably, during any given shift this staff member will identify within the TGI community and/or be bilingual.

Medi-Cal and insurance coverage of gender affirming care

Many TGI people live below the federal poverty level (making under \$16,754), which makes it difficult to pay for medical visits and

prescriptions that allow us to stay healthy and survive.^[26] The medical needs of TGI people vary based on their gender affirming needs and access to specific medical care can impact the overall wellbeing of community members. Community members have expressed that the cost to care is one of the largest barriers to accessing care related to their own individual transition, especially when insurance plans do not cover gender affirming care. Considering the barriers to employment for TGI people, insurance coverage must cover costs for sexual reassignment surgery (SRS), hormone replacement therapy, and mental health services. Medi-Cal plans are mandated to cover medically necessary gender affirming care, but additional provider and patient education is needed to ensure that TGI people can access this care and that procedures are not being wrongfully denied.^[27]

Policies must be developed and passed that allocate funding to TGI people's health needs and categorizes discriminatory barriers we face as economic uncertainty. These policies will support and cover the expenses for TGI people to access medical care in emergency rooms, clinics, hospitals, and other spaces where TGI people seek to access medical care. This includes visits to access medical care in emergency rooms, clinics, or hospitals.

Intersex rights and autonomy at birth

The sex characteristics resolution (SCR-110) in California calls upon health providers to foster the well-being of intersex children through the enactment of policies and procedures that ensure individualized, multidisciplinary care.^[28] The resolution has been signed in California, but a policy is needed that prioritizes the health and autonomy of intersex babies and children. Resolutions are only placeholders for actual policies and/or regulations that mandate that intersex people should not be mutilated because of expected or desired gender of binary bodies.

At the

Federal level

Reallocating and maintaining funding to the Ryan White HIV/AIDS Program

Trump has targeted the Ryan White HIV/AIDS program and has proposed that he will reallocate this funding to be used on efforts such as border security. This is extremely harmful to both HIV positive TGI people and TGI migrants. The Ryan White program provides HIV-related services in the United States for those who are uninsured or underinsured and has demonstrated its success at linking and retaining people in care,

^[26] California Department of Public Health. 2018 Federal Poverty Guidelines. Available at: <https://www.cdph.ca.gov/Programs/CID/DOA/CDPH%20Document%20Library/2018%20Federal%20Poverty%20Level%20Guidelines.pdf>

^[27] State of California—Health and Human Services Agency. (October 2016)

Department of Health Care Services. Available at: <https://www.dhcs.ca.gov/formsandpubs/Documents/MMCDAPLsandPolicyLetters/APL2016/APL16-013.pdf>

^[28] California Legislative Information. (2017-2018). SCR-110 Sex characteristics. Available at: https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SCR110

improving both individual health outcomes for enrollees, and a reduction in new HIV transmissions.^[29] This funding is especially important for TGI people's access to care for HIV/AIDS.

Ensuring access to health coverage, with explicit protections for transgender people

The Affordable Care Act and its corresponding regulations protect individuals from discrimination in health care on the basis of race, color, national origin, sex, including gender identity and pregnancy, age, or disability in certain health programs or activities. Section 1557 was the first civil rights law to prohibit discrimination on the basis of sex in health care settings, including protections for gender identity and pregnancy. Inclusion of "sex assigned at birth" or "recorded gender" as a list of protected classes to prevent discrimination of TGI individuals in accessing the health care they need, regardless of name and gender listed on driver's license or birth certificate is necessary. Defending health access is extremely important for TGI communities to ensure that discrimination is prevented under the law.

**"KAISER IS DEFINITELY PRO-TRANS, BUT BEING
NONBINARY I STILL GET DOCTORS AND OTHER
MEDICAL PROFESSIONALS WHO SAY 'IT'S GOING
TO BE REALLY HARD FOR ME TO REMEMBER THAT'
OR 'I LEARNED THAT THEY/THEM WAS NOT TO BE
USED FOR THE SINGULAR.' SO IT OFTEN FEELS
LIKE PEOPLE UNDERSTAND WANTING TO BE ONE
OR THE OTHER, BUT CHOOSING TO BE NEITHER
OR WANTING YOUR GENDER TO BE FLUID IS
CONFUSING TO MEDICAL PROFESSIONALS."**

**-WHITE NONBINARY PERSON
LOS ANGELES, CA**

Universal healthcare, regardless of immigration status

Healthcare is a human right, regardless of gender identity, economic and immigration status, race, and all other identities that make up our existence. The ACA currently includes guidance about expanding Medicaid access across the country, which is especially important for TGI people in parts of the South and rural areas that experience lack of access to healthcare services. These efforts should continue to expand until all TGI people are afforded appropriate and effective medical care, especially

TGI immigrants. We believe that healthcare is a universal and moral right for all people, especially TGI communities. TGI people experience health complications at high rates due to violence and discrimination leading them to need healthcare services addressing their specific needs. This also further extends into the importance and lack of accessibility of mental health services as well. It is crucial that TGI people who are eligible for federally funded healthcare programs have access to them, regardless of their immigration status.

We must replace the commodified nature of our country's healthcare system with one that prioritizes the wellbeing of ALL people, especially TGI people and immigrants. This includes enacting policies that move forward full-scope Medicaid, provide financial assistance to TGI immigrants who cannot afford healthcare coverage, and remove the five-year waiting period that 'qualifies' immigrants to receive care. ■

^[29] Health Resources and Services Administration. (Oct. 2016). About the Ryan White HIV/AIDS Program. Available at: <https://hab.hrsa.gov/about-ryan-white-hiv-aids-program/about-ryan-white-hiv-aids-program>



Ending Policing, State Violence & Criminalization

There is a long history of tension and violence from law enforcement against TGI people. We must address this violence and not allow law enforcement to threaten our freedom to live in public. The majority of TGI people share the experience and sentiment that law enforcement does not adequately respect TGI people and do not feel safe interacting with them. Prior to the development of a formal police force, unofficial policing of marginalized communities always took place, especially towards People of Color and LGBTQ+ individuals.^[30] Criminalization of TGI people has led to our increased incarceration, predominantly for TGI People of Color. These acts of violence and social discrimination are two of the most urgent issues facing our community.

In an ideal world, we'd begin by abolishing the police force as it currently exists, however this is not a realistic outcome through policy. We approach criminal justice work with an internal abolitionist lens, intending to critique, dismantle and rebuild our criminal justice system with community members in and out of jail and prison. As

a harm reduction tactic, we intend to improve relationships with law enforcement through ongoing dialogue to address past violence and reduce existing violence directed at TGI people. We urge law enforcement to address the histories of violence against TGI bodies by means of restorative justice and policy change.

**“RESPECT PRONOUNS AND GENDER IDENTITIES,
STOP POLICING AND TARGETING TRANS PEOPLE
FOR DOING REGULAR THINGS TO SURVIVE. STOP
PENALIZING TRANS PEOPLE MORE THAN CIS
PEOPLE.”**

**-BLACK/MEXICAN
NON-BINARY PERSON**

^[30] The History Of Policing in the United States, Part 1. Potter, Gary. (June 2013). Available at: <https://plsonline.eku.edu/insidelook/history-policing-united-states-part-1>

Current Landscape

Ending Policing, State Violence & Criminalization

At the federal level, no policy exists that requires law enforcement to implement LGBTQ+ specific trainings for cultural transformation, humility or sensitivity towards TGI people. Shifting the way police enforcement engages with vulnerable populations is a key component to TGI people feeling safe and protected. Police trainings are an effective tool in reducing the high rates of negative encounters between law enforcement and TGI people. Although many local counties across the country have Transgender-specific policies, harm against TGI people continues to persist.

In order to move forward and improve relationships between law enforcement and TGI communities of color, we must have important, honest and open discussions that (1) recognize the origins of policing, (2) acknowledge the continued disproportionate impact and overly aggressive policing among TGI communities of color and (3) adopt a forward-thinking framework that represents what people need from their local law enforcement.

We need accountability and justice for the violence against TGI people at the hands of law enforcement. To improve relationships with law enforcement and reduce the negative impact of TGI incarceration, we advocate for the following policy actions:

POLICY INSIGHT

The **Name and Dignity Act (SB 310)** established the right of an incarcerated person, in prison or county jail, to petition the court to obtain a name or gender change. The policy also requires the department or county jail to use the new name and list the prior name only as an alias. The bill helps ensure Transgender people are legally recognized for who they are and increases the likelihood of their successful reentry into society upon release from custody.^[31]

POLICY INSIGHT

The federal **Prison Rape Elimination Act (PREA)**, enacted in 2003, intends to deter sexual assault of incarcerated individuals. The law also provides guidance on the treatment of lesbian, gay, bisexual, transgender, and intersex people while incarcerated.^[32] We advocate for strict monitoring and effective implementation of its rules and guidance in all correctional facilities across the country.

What We Fight For..

At the local, statewide and federal levels

At the

Local level

Ending the criminalization of survival crimes

TGI people are forced to engage in survival crimes, such as sleeping outside, fare evasion, sex work, stealing of medicine, and other related acts to stay alive, maintain their health and wellbeing. Decriminalizing survival directly intersects with the decriminalization of poverty and lack of access to financial stability many TGI people face across the state and country. To tackle this cycle of harm we advocate for cities and counties to eliminate ordinances and policies that criminalize acts of loitering,

"I DO NOT BELIEVE IN POLICING. BUT OTHERWISE I THINK THEY NEED EXTENSIVE MANDATORY SENSITIVITY TRAINING AND A DECRIMINALIZATION OF SEX WORK"

**-MIDDLE EASTERN NON-BINARY PERSON
LONG BEACH, CA**

^[31] Equality California. (Feb 2018). SB 310 - Name and Dignity Act. Available at: <https://www.eqca.org/sb310/>

^[32] PREA Resource Center. (December 2012). PREA Standards and Policy Development Guidelines for Lesbian, Gay, Bisexual, Transgender and Intersex Inmates. Available at: <https://www.prearesourcecenter.org/sites/default/files/library/lgbtiadultwebinarfinaljdi121812.pdf>

sleeping outside, asking for resources, and other forms of survival many TGI people engage in as poor and/or homeless. Instead, we need policies that increase shelter beds and spaces for TGI people, reduce or eliminate rates for public transportation, reduce the cost of medicine or prescription drugs and make further investments to increase access to basic needs that address the social determinants of health.

Expanding law enforcement training and community-centered responses

According to the Bureau of Justice Statistics, major training areas within state and local law enforcement training academies include: operations (an average of 213 hours per recruit); firearms, self-defense, and use of force (168 hours); self-improvement (89 hours); and legal education (86 hours).^[33] On the contrary, topics of community policing, domestic violence, and mental illness were far less, with no mention of training regarding LGBTQ+ sensitivity. This is not a balanced or effective approach to officer training.

Although training is not definitive in reducing violence or improving community relations, this provides and raises awareness. AB 2504 requires the Commission on Peace Officer Standards and Training (CPOST) to develop and implement a course of training regarding sexual orientation and gender identity minority groups in this state of California.^[34] We advocate for policies that mandate Transgender sensitivity and cultural transformation training, prior to onboarding new and existing recruits. In addition, program funding should be withheld from departments that fail to comply. These trainings must include the perspectives of TGI people who have experiences with law enforcement or Trans-led community based organizations who work with these populations.

We advocate for diversion programs that create a direct link between law enforcement and TGI organizations. Depending on the comfortability of the organization, law enforcement can work more closely with community based organizations to develop pre-booking diversion programs that provide alternatives to incarceration, rather than increased jailing and TGI community members in the system. These programs would drop or halt the filing of criminal charges in exchange for an agreement that the TGI person will participate in a treatment program or other supportive services. These programs will consist of community service hours with an accredited TGI organization, access to mental health services, workforce development training, and substance abuse recovery classes.

Ending jail construction and investment in alternatives to incarceration

Incarceration does not transform or improve society, and reducing recidivism for TGI people will not come from the construction of new

jails and prisons. We advocate for reducing jail populations by increasing community-based rehabilitation and re-entry programs, shutting down existing facilities, and ending the narrative that incarceration improves society.

Los Angeles County holds the highest population of incarcerated people in a jail system throughout the nation, with an average daily population of thousands.^[35] A 3.5 billion budget was approved in LA toward jail construction and facility upkeep. Reallocating these funds towards diversion, decriminalization and investment in community-based resources can successfully lower the jail population size.^[36] We need city and county agencies to develop policies for programs that direct TGI people towards community-based resources and away from incarceration. Trans-led organizations are best positioned to provide re-entry services for TGI people who were criminalized and are formerly incarcerated. Significant challenges that come with the re-entry process, such as perceived gender identity, identity documents, gendered housing placements and social discrimination are best navigated by people who lived and intrapersonally understand the experience. Trans-led organizations can also serve as a site for conducting community service as an alternative to incarceration.

At the **Statewide level**

Police department policies that ensure safe interactions with TGI people

Without proper protocol and guidance on how to interact with TGI people, we are more likely to experience harm from police. A handful of police departments located in larger cities and counties have developed policies that provide guidelines for interactions with TGI community, but these are not implemented among all police and sheriff departments in various localities across the state. These policies provide guidance around topics such as pronouns, appearance related items (wigs, makeup, etc.), searches, housing placement, transportation, and other related topics. Safe interaction policies reduce (un)intended violence against TGI community members, especially Transgender Women. TGI communities would benefit greatly from the development of model policy for police and sheriff departments across the state, followed by a mandate for the adoption of such model policy among all police and sheriff departments in the state.

Policies that support and decriminalize safer sex practices

We advocate for policies that protect TGI people from being criminalized for safer sex practices. In several jurisdictions across the country, it is not

^[33] U.S. Department of Justice. (July 2016). State and Local Law Enforcement Training Academies, 2013. Available at: <https://www.bjs.gov/content/pub/pdf/slleta13.pdf>

^[34] California Legislative Information. (2017-2018). AB-2504 Peace officer training: sexual orientation and gender identity. Available at: <http://bit.ly/2WKxo08>

^[35] CNN. (Sept. 2016). Pop. 17,049: Welcome to America's largest jail. Available at: <https://cnn.it/2S9jg1S>

^[36] Justice LA. About L.A. County's Jail Plan. Available at: <http://justicelanow.org/jailplan/>

illegal for police officers to confiscate condoms from individuals or to use them as evidence for solicitation of prostitution. For many TGI people, especially transgender sex workers, this can put them at higher risk for contracting HIV because they are not able to carry safer sex resources. Many agencies place an emphasis on HIV prevention efforts such as condom usage but for many Transgender people that regularly engage in sexual activity with appropriate protection, this can put them at risk for criminalization. California became the first state in the nation to adopt a law aiming to protect sex workers from being prosecuted as prostitutes merely because they're carrying condoms.

**QUIT PROFILING US. IF WE HAVE CONDOMS
IN OUR PURSE OR POCKETS, WE PROTECTING
OURSELVES AND THE COMMUNITY THAT YOU
SERVE. ALSO, TRANS WOMEN AREN'T MEN AND
TRANS MEN AREN'T WOMEN. STOP TREATING AND
HANDLING US IN THOSE MANNERS.**

**- NATIVE AMERICAN
TRANS WOMAN,
NADLEEHI (TWO SPIRIT)
INGLEWOOD, CA**

Policies that increase safety, dignity, and respect for TGI people while incarcerated:

1) Mandatory training requirement for staff, officers, and wardens within state prisons and county jails.

Currently, jail and prison facility staff are not fully aware of the cultural needs of TGI people, which leads to harassment, misgendering, abuse, and an overall hostile living environment. Incarcerated TGI people need policies that implement a mandatory training requirement for all staff working within CDCR facilities and appropriate parties, especially the Board of Parole. These trainings must also not interfere with the resources available to incarcerated folks during time of training.

Also, state-funded Transgender-specific programming within facilities led by Transgender-led community organizations is necessary. These allow for a direct link among TGI incarcerated individuals and their community, which will allow for emotional and mental support, while also providing assistance with the reentry process. If a Transgender-led organization is not able to lead Trans-specific programming, facilitators (or staff) must undergo at least (8) hours of Transgender sensitivity training to learn

about our community's specific needs.

2) Removal of solitary confinement requirements and autonomy in housing placements.

Many times TGI people are placed in solitary confinement because of their identities and reasons meant to ensure them 'safety'. But, being placed in solitary housing units (SHU) limits access to programming and other services that could be beneficial to TGI incarcerated people. TGI people should be allowed the autonomy to determine their own housing placements within prison facilities. In Connecticut, TGI people have been granted the right to be housed in correspondence with their gender identity and not their sex, the right to be searched by a correction officer who matches their self-identified gender, to be addressed in a manner consistent with their gender identity and have access to commissary items, such as clothing, that matches their gender identity.^[37]

3) Access to adequate medical care and gender affirming care while incarcerated.

Due to housing placement based on sex assigned at birth, rather than gender identity, TGI people may not get the adequate health services they need based on the facilities in which they are placed. TGI people have additional health needs that differ from the cisgender population and treatment is often not available to address those needs. Policies must be developed that provide access to adequate medical care for TGI people that includes treatment based solely on medical need and not assumption, while appropriately treating the gender-affirming medical needs of TGI people.

4) Reducing barriers to support systems outside of prison

Transgender Women of Color are especially vulnerable to abuse and mistreatment by both staff and other prisoners while incarcerated. Without an accessible way of communicating with parties on the outside, this abuse often is not addressed. This also leads to losing connection to loved ones and parties assisting with the reentry process. To address this, policies must be developed that reduce, cap, or eliminate the cost of communications in both state prisons and county jails. This would directly address cost and commissions as they relate to phone calls, video visitation, and email correspondence.

5) Effective implementation of PREA

PREA is intended to improve the conditions for incarceration against sexual assault and harassment, however the policy is not respected in most to all detention facilities. Transgender people are still being housed based on biological sex, face risk of violence, and are not granted dignity and respect. Additional accountability is needed aside from PREA audits that do not reflect the true experiences of TGI people while incarcerated.

^[37] Hartford Courant. (May 2018). Law: Trans Inmates In Connecticut Will Be Housed Appropriately. Available at: <https://www.courant.com/news/connecticut/hc-ap-trans-inmates-connecticut-law-20180526-story.html>

Policies must be developed that include TGI people in the PREA Audit process and creates a direct line of communication between TGI people both inside and outside of detention facilities. Additionally, correctional facilities that do comply with the conditions and standards upheld by PREA should have funding withheld until compliance is ensured. Policies can also be developed that address the standards and guidance that PREA fails to enforce and mandate them separately, such as housing placement, preferred gender and name, appearance related items, and other related provisions.

At the

Federal level

Decriminalization of sex work

A historic lack of access and equity in areas like education, employment, housing, and health care continue to create a culture of uncertainty for TGI people, leading some to engage in sex work as a tool for survival. Misguided policies on sex work and trafficking inevitably have a disproportionate effect on Transgender people. In 2018, SESTA/FOSTA shut down online platforms that TGI people regularly used to find and screen clients. This forced many TGI sex workers to return to street based sex work, which simultaneously increased their risk of being exposed to violence. TGI sex workers should be allowed the autonomy to gain income in ways that are easiest to them, rather than further criminalizing them for simply trying to survive.^[38]

We reject any policies that contain provisions that intentionally or unintentionally harm trafficking victims and/or sex workers. We must work with victim service providers to develop policies and practices that decriminalize sex work and all related offenses, improve and monitor policing practices, and improve health and social services programs.

Monitoring and accountability of TGI violence at the hands of police

We need to collect data to ensure accountability to TGI communities for problems with policing. This data and its collection must not place community members in greater danger of retaliation or unauthorized disclosure of sexual orientation or gender identity. We advocate for policy that requires the Department of Justice to implement a data collection system that records the amount of arrests and rates of incarceration among TGI community members and to release a national report presenting those findings. This can be done through increased data collection through anonymous surveys, such as the Bureau of Justice Statistics Police Contact

Survey on police searches and seizures to analyze the scope of bias-based profiling practices and identify target regions and agencies in more need of nondiscrimination trainings and policies.

Decriminalizing HIV status

We advocate for policies that would support, not punish people based on HIV status. Last year, one such effort was approved in California through SB 239, which reduced penalties for the intentional transmission of an infectious or communicable disease, as defined, a misdemeanor punishable by imprisonment in a county jail for not more than 6 months. In the past, HIV status has been used as a way to criminalize LGBTQ+ communities. Amplifying a similar law at the federal level is needed to ensure TGI people are not criminalized for HIV status.

Anti-profiling policies that include gender identity and sexual orientation

Profiling and implicit bias contribute to the high rates of incarceration among TGI communities. Policies should be developed and passed that reduce and eliminate the use of bias-based profiling and policing practices. This includes addressing the use of actual or perceived race, ethnicity, national origin, religion, economic status, housing status, sexual orientation, gender, and gender identity in making law enforcement decisions and policing. ■

^[38] Medium. National Center for Transgender Equality. (Feb. 2018). Improving Responses to Human Trafficking and Violence Against Sex Workers. Available at: <https://link.medium.com/XkW4pWsT2T>

Wonder how you
Sleep at night knowing
I'm happy & Trans!
#flyaboveallthehaters

Trans
WOMEN

MY
REALS
POWER

Mi Existir
es
#Resistir



Decriminalizing Migration & Global Trans Rights

The act of migration--traveling towards a different land, language, culture and social norms--involves personal power and bravery. The United States is home to many transgender immigrants, especially Trans Latin@s who fled from violence in their home country. In seeking safety, TGI immigrants are confronted with legalized US xenophobia which allow for extreme inhumane acts. Existing policy criminalizes migration, which leads to detention, deportation, and repeated systemic violence. To achieve global trans rights and thrive beyond borders, we advocate for TGI autonomy to peacefully migrate and safely navigate all land without discrimination or criminalization. Transforming the way we think about land and humanity, from a territorial mindset to one that values the wellbeing of all people, moves us closer to this end. To bring indigenous justice to US stolen land, and equity for TGI people across the globe, we advocate for international dialogue of the rights, histories and identities of TGI people. We intend to change the landscape for TGI migrants in the US and internationally as well.

"THE BIGGEST STRUGGLE TO ME AS A TRANSLATINA IMMIGRANT IS NOT BEING VALIDATED FOR WHO I AM AND THE EXPERIENCES I HAVE GONE THROUGH. I WANT TO BE RECOGNIZED AS A HUMAN BEING REGARDLESS OF WHERE I COME FROM."

-TRANS LATINA WOMAN
LOS ANGELES, CA

Current Landscape

Decriminalizing Migration & Global Trans Rights

Transgender Latin@ migrant, Roxsana Hernandez, died while in Immigrant Customs Enforcement (ICE) custody in 2018. Her autopsy proves she experienced brutal physical violence and was neglected medical care before her death.^[39] Community experts and advocates are set out to ensure ICE takes accountability for the deliberate harm they caused her. Roxsana's case is an example of the negligence and atrocities ICE commits against TGI migrants; we are placed in detention centers, stripped of our identity, and released back out into the world in an extremely vulnerable state.

We advocate for immigration policy designed to include and protect marginalized migrants within this land; from our TGI elders, to TGI parents, to TGI workers, to TGI students to TGI children, we advocate for their livelihood, freedom to migrate and global protections. In addition, we advocate for the defunding of ICE and a divorce between federal immigration agencies and local law enforcement to ensure safety among local and national US residents.

POLICY INSIGHT

The **California Values Act**, sanctuary state law (SB 54) in effect since January 1, 2018, places limits on how state and local law enforcement agencies cooperate with federal immigration authorities, challenging federal efforts to rapidly expand deportations. The policy ensures state and local resources are not used to fuel mass deportations and continues to keep public spaces accessible regardless of immigration status, such as schools, health facilities, libraries and courthouses.^[40]

What We Fight For..

At the local, statewide and federal levels

At the

Local level

Effective implementation of sanctuary state policies at the local level

Many California cities and counties have declared themselves 'sanctuaries', enacting policies that intend to cut ties with ICE and limit sheriff department influence to promote local deportation. Without effective implementation at the local level, sanctuary policies only serve as statement placeholders. We advocate for effective local implementation of the California Values Act, including local resources for rapid response networks, deportation defense, oversight on privacy and data usage and support for TGI people released from detention centers in the areas of employment, housing and health access.

At the

Statewide level

Reentry programs for TGI people released from immigration detention

TGI immigrants are often released from immigration detention without a support system in the US, the city in which they were held, or a connection to community. The TransLatin@ Coalition currently hosts a program for transgender women in Cibola Detention Facility, Pod 900. We provide emotional support to address the isolation many TGI people face while detained and a direct community link both in and out of immigration detention. Programs like the model in Cibola detention center set a standard for care in all detention facilities. We advocate for policies that allocate funding for reentry and development programs led by and for TGI people within detention centers to ensure we are able to successfully reintegrate into society after wrongful criminalization.

^[39] The New York Times. (Nov. 2018). Independent Autopsy of Transgender Asylum Seeker Who Died in ICE Custody Shows Signs of Abuse. Available at: <https://www.nytimes.com/2018/11/27/us/trans-woman-roxsana-hernandez-ice-autopsy.html>

^[40] ACLU Northern California. California Values Act (SB 54). Available at: <https://www.aclunc.org/our-work/legislation/california-values-act-sb-54>

Ending abusive practices against TGI immigrants in detention

The Trans Care Memorandum,^[41] released under the Obama administration, details appropriate treatment of transgender people in detention. However, as a memorandum and not a policy, implementation is inconsistent and dependent on the individual facility. If ICE continues to exist, we must ensure they are not legally and institutionally harming and killing us in detention. We advocate for policies and practices that eliminate the use of solitary confinement for TGI immigrants and provide necessary medical care such as reproductive health, substance use treatment, gender affirming care, HIV/AIDS care, and appropriate mental health support. In addition, we advocate for an investment in tactics that prevent physical and sexual abuse against TGI people in detention. The Prison Rape Elimination Act (PREA) provides rules and guidance of safe housing and treatment for TGI people to prevent sexual abuse. Similar to the memorandum, implementation is inconsistent and does very little to protect the elimination of rape. ICE must enforce all policies that strive to protect and release vulnerable immigrants from detention.

Universal representation for TGI people, regardless of immigration status

Immigration status is not an indicator of whether someone deserves humane treatment. Lack of access to legal counsel allows for continued mistreatment from ICE, positions immigrants at a higher risk for deportation and leaves no room for systemic accountability. We advocate for policies that extend the right to legal counsel to all people on stolen land, especially undocumented TGI immigrants. We advocate for policies that advance the right to legal representation for TGI people in detention, immigration court, bond hearings, removal proceedings, and asylum cases in and out of detention. Immigrants with legal counsel are five times more likely to succeed in their case; however, only 32% of detained immigrants in California secure legal representation.^[42] We must increase legal counsel for TGI immigrants to afford all people due process, regardless of immigration status.

At the Federal level

Adoption of international policies that endorse inclusion of TGI people

As we seek global trans rights, we look to other countries for models towards TGI liberation and forward-thinking policy that prohibits

transphobia and improves quality of life for TGI people. In Argentina, for example, gender affirming surgery is declared a legal right under the Gender Identity Law.^[43] In India, 'hijra' or third gender people, are allowed equal access to education, health care, employment, protections from discrimination and are able to change identity documents without having gender affirming surgery.^[44] Mexico City granted the legal right for TGI people to change their gender on official documents without a court order. In addition, they prohibited any conduct of discrimination on behalf of public or private civil servants, or they are subject to investigation.^[45] Local agencies are also obliged to generate public policies in favor of the elimination of discriminatory behaviors and in favor of inclusion and equality. These international policy efforts serve as a model for US national policy to follow.

Opposition to the Public Charge Rule

The public charge rule^[46] punishes TGI immigrants and families for using public assistance programs, being sick and wrongly implies immigrants are a burden to the United States. If an immigrant is considered a public charge, the classification can impact their ability to adjust status and ultimately not eligible to receive access and protections on this land. The rule is being considered for expansion to include full-scope Medi-Cal, Medi-Cal part D for low-income elders, Section 8 housing assistance and food stamps under SNAP (Supplemental Nutrition Assistance Program). Considering the amount of exploitation, unpaid labor, medical neglect and overall blame immigrants experience from the US, access to basic needs is a reciprocal and feasible policy outcome at the federal level. TGI immigrants should not be criminalized and deported for seeking resources that ensure their livelihood and help them achieve stability.

Dismantle Immigration and Customs Enforcement (ICE)

Deportation and detention are inhumane and violent in nature. To truly reach global trans rights and work toward TGI liberation, we must collectively eliminate the ongoing violence ICE continues to ensue against TGI migrants. ICE has done more harm than good and it must be dismantled. ■

**"PARA MI LO MAS IMPORTANTE ES TENER UN
SEGURO SOCIAL Y UN PERMISO DE TRABAJO. UNA
VEZ OBTINIENDO ESO, A CUALQUIER PERSONA
IMIGRANTE SE LE ABREN LAS PUERTAS PARA
TENER UNA MEJOR CALIDAD DE VIDA."**

**-TRANS LATINA WOMAN
LOS ANGELES, CA**

^[41] U.S. Immigration and Customs Enforcement. (June 2015). Further Guidance Regarding the Care Of Trans Detainees. Available at: <http://bit.ly/2SpGjVG>

^[42] NILC. (June 2016) California's Due Process Crisis: Access to Legal Counsel for Detained Immigrants. Available at: <http://bit.ly/2DdlhyP>

^[43] Transgender Europe. (Sept. 2013). Argentina Gender Identity Law. Available at: <https://tgeu.org/argentina-gender-identity-law/>

^[44] CNN. (April 2014). Indian court recognizes gender self-identification. Available at: <https://www.cnn.com/2014/04/15/world/asia/india-gender-rights-ruling/>

^[45] RevistaG, MUNDO GAY A partir de hoy, homofobia, lesbofobia y transfobia son delitos en DF. Available at: <http://bit.ly/2GaPGmj>

^[46] Federal Register. (October 2018). Inadmissibility on Public Charge Grounds. Available at: <http://bit.ly/2GpJPSP>





Gender Justice & Identity Autonomy

Along from the institutional and structural violence that trans, GNC, and intersex people face caused by the state, social discrimination is one of the most prevalent forms of violence among our communities. This includes harassment and abuse for simply walking down the street, denial of services or access to public accommodations, and having our identities dismissed and disrespected. Identity Autonomy relates to our individual agency and ability to make decisions about how we would like to identify, how we want to be perceived in society, and not being challenged in our authentic existence. One of the biggest issues for our community is the negation of our identities--misgendering, deadnaming, blatant disrespect are all rooted in the colonial gender system that forces us into categories of gender expression. These expectations, along with the inaccessibility to gain access to changes on state and federal documents, further forces us to live life other than our true selves. We want to rid of the negative perceptions of our community that profile us as sex workers, uneducated, uncivilized, unsuccessful, incapable, hostile, and confused. These perceptions are all caused by the

lack of representation of our people in media, policy, and in positions of power.



The TransLatin@ Coalition unfurled a 'Trans People Deserve To Live' flag at Dodger Stadium during the 2018 World Series.

Current Landscape

Gender Justice & Identity Autonomy

In many states across the country, TGI people face many barriers to accessing resources because their identities are not recognized among various institutions within society. This can be challenged by implementing policies that require agencies and institutions to recognize TGI people on forms and within programs that typically exclude them.

We cannot continue to be excluded from society for simply trying to enter spaces and exist authentically. Our lives require more intentional policy efforts to protect TGI people from discrimination generally. To challenge discrimination and allow for identity autonomy, we advocate for the following policy actions:

“SOCIETAL REJECTION OF TRANS PEOPLE AS HUMANS. WHEN PEOPLE DON'T THINK WE'RE REAL, IT MAKES IT HARD TO EVEN EXIST, LET ALONE FIGHT.”

POLICY INSIGHT

The **Unruh Civil Rights Act** in the California Civil Code states that all persons regardless of gender identity are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.^[47] Public accommodations refer to any establishment that opens its doors up to the public, such as stores, hotels, hospitals, movie theaters, etc. This act is not respected as TGI people continue to experience discrimination and exclusion simply based on their identities. More effective implementation of non-discrimination policies must be in place to ensure safety for TGI people.

POLICY INSIGHT

California's **Gender Recognition Act (SB 179)** was passed which allows for non-binary people to gain access to ID Documents that reflect their gender identities by allowing for an 'x' as their gender marker. This also allowed for the use of the self-attestation standard to update gender markers on California birth certificates beginning January 1, 2018.^[48] There are only a handful of states that allow TGI people to identify in ways most comfortable to them.

What We Fight For..

At the local, statewide and federal levels

At the

Local level

Local gender identity non-discrimination policies

Not only is a non-discrimination policy necessary in many cities and towns across the country, but implementation of these policies is crucial. These policies should state that discrimination is prohibited on the basis of gender identity and sexual orientation, explicitly highlighting TGI populations, and include details on how to respect gender identity to ensure full access to facilities and gendered areas, use of preferred names and pronouns, and more. Every establishment should have a TGI policy at the city and county level.

Policies that protect and provide resources for TGI survivors

In a 2015 survey of nearly 28,000 Transgender people, nearly half (47%) of respondents were sexually assaulted at some point in their lifetime.^[49] TGI people face high rates of sexual violence in many institutions within society, but often are not given access to supportive services

^[47] Department of Fair Employment and Housing. (May 2017). UNRUH CIVIL RIGHTS ACT. Available at: https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2017/06/DFEH_UnruhFactSheet.pdf

^[48] Transgender Law Center. Fact Sheet: California's Gender Recognition Act (SB 179). Available at: <https://transgenderlawcenter.org/resources/id/ca-sb179>

^[49] James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). The Report of the 2015 U.S. Transgender Survey. Washington, DC: National Center for Transgender Equality. Available at: <https://www.transequality.org/sites/default/files/docs/USTS-Full-Report-FINAL.PDF>

to assist with healing from trauma. TGI survivors need access to safe housing, access to mental health services and case management, and lawyers to assist with prosecution cases or applying for U-Visas. Many agencies and organizations that provide services for sexual assault or domestic violence survivors are not aware of the specific needs of TGI people and thus do not adequately provide services to our community. Policies must also be developed that create alternatives to reporting sexual assault or domestic violence that do not include law enforcement, due to the negative relationships many TGI people hold with police. Programs can be developed that create partnerships between TGI-led community based organizations and the county Attorney General's offices to ensure TGI communities are supporting survivors through their cases, with or without law enforcement.

At the

Statewide level

Sanctuary state policies for TGI people

Sanctuary policies put the wellbeing of residents first, and keep local and state policies independent from federal law and enforcement.^[50] These types of policies are utilized in many contexts, especially in regard to immigration protections. Advocating for sanctuary policies includes fighting and showing opposition against restrictive policies, moving resources away from criminal and immigration enforcement, and welcoming and prioritizing people of different backgrounds, identities and countries. We advocate for policies that reclaim lands as sanctuaries for TGI people, which will ensure safety regardless of federal action, welcome TGI migrants, and prioritize and validate the existence of TGI people.

Eliminating provider attestation requirements and allow for self attestation

Prior to SB 179, an applicant for a new birth certificate had to submit a physician's declaration stating that they had undergone "clinically appropriate treatment" for the purpose of a gender transition. Now, to change a gender marker with the California Department of Vital Records, folks need only (1) submit a court-ordered gender change, OR (2) sign a declaration under penalty of perjury that they are changing their legal gender to conform to their gender identity. This type of policy is necessary on the state level to ensure that TGI people are in control of their own identities and genders. TGI people know what's best for themselves and how their gender should be represented on their IDs. Currently, seven states across the country have signed bills into law that allow for self-attestation.

Implement policies which improve access to public spaces for TGI people

Many states across the country have implemented policies that restrict access to multi user restrooms, locker rooms, and other sex-segregated facilities on the basis of a definition of sex or gender consistent with sex assigned at birth or "biological sex." Bathrooms are historical spaces of violence and segregation for many marginalized communities, based on colorism, racism, and classism. This is an urgent time for TGI people to be able access their restroom of choice and eliminate the narrative that we should be using separate facilities because of ignorance. We advocate for policies that allow access to sex-segregated facilities on the basis of gender identity and create requirements for at least one gender-neutral restroom within establishments, such as AB1732 which requires that all single-stall toilets in California be designated as gender neutral.^[51]

"I PERSONALLY BELIEVE THE BIGGEST ISSUE FACING THE TRANS COMMUNITY IS MORE INCLUSIVITY BY OTHER COMMUNITIES. AS TRANS, WE ARE A SMALL MINORITY GROWING STRONG AND IT'S IMPORTANT TO RESPECTFULLY PROTECT THE RIGHTS OF OTHER CHILDREN, TEENS, ADULTS, AND AGED PEOPLE. I THINK OVER TIME MANY GROUPS WILL REFORM THEMSELVES IN BEING MORE INCLUSIVE TO TRANS MEMBERS AND US TRANS WILL BE ABLE TO LIVE THE LIFE WE CHOOSE TO LIVE."

-NATIVE AMERICAN TRANS PERSON
HAWTHORNE, CA

At the

Federal level

Sex and Gender Protections as inclusive categories

Sex is different than gender and gender is different than sex. Sex refers to biological makeup and anatomy while gender refers to an internal state of being and how one's gender aligns, or does not align, with their sex assigned at birth. The conflation between the two leads to potentially harmful effects on the TGI community due to policies that explicitly

^[50] Love Resists. Sanctuary Policies. Available at: <https://www.uua.org/loveresists/sanctuary/sanctuary-cities-policies>

^[51] NBC Bay Area. (Sep. 2016). California Gender-Neutral Restroom Bill Becomes Law. Available at: <https://www.nbcbayarea.com/news/local/California-Gender-Neutral-Restroom-Bill-Becomes-Law-395340641.html>

^[52] The New York Times. (Oct. 2018). 'Transgender' Could Be Defined Out of Existence Under Trump Administration. Available at: <https://www.nytimes.com/2018/10/21/us/politics/transgender-trump-administration-sex-definition.html>

protect 'sex' while not including gender, or policies that protect gender but really only provide protections on the basis of sex. The Department of Health and Human Services is spearheading an effort to establish a legal definition of sex under Title IX, the federal civil rights law that bans gender discrimination in education programs that receive government financial assistance, according to a memo obtained by The New York Times.^[52] This memo intended to change the Dept of HHS definition of "sex" per Title IX so as not to include gender and thus erase TGI protections and recognition. The department argued in its memo that key government agencies needed to adopt an explicit and uniform definition of gender as determined "on a biological basis that is clear, grounded in science, objective and administrable." The agency's proposed definition would define sex as either male or female, unchangeable, and determined by the genitals that a person is born with, which contributes to a very narrow view and impacts our autonomy to live authentically and access federally funded programs or services. We advocate for policies that provide protections on the basis of sex and gender, while also bringing attention to the differences between the two.

Removal of religion based discrimination policies

In many states across the country, it is not entirely prohibited to discriminate against sexual or gender minorities on the basis of religious beliefs. Religion should not inform policy as this is a subjective ideology that allows for biases that keep our communities marginalized. Federal policies should be developed that prohibit discrimination on the basis of religious beliefs and prioritize the identities and existence of TGI people. This includes disbanding the Division of Conscience and Religious Freedom under the HHS Office of Civil Rights (OCR),^[53] created under the Trump Administration.

Protecting the privacy and rights of TGI travelers

Travelling is a struggle for many TGI people as the screening and security processes in airports can be intrusive and humiliating. The Transportation Security Administration (TSA) should develop policies that eliminate gender-based body scanners and gender-related alarms and pat-downs.

Decriminalizing TGI individuals' right to self-defense

TGI community members experience high rates of violence due to society's unfamiliarity and ignorance toward our identities. This leads many TGI people to experience physical and sexual violence, discrimination, and even death. Many times after our people are attacked or murdered, their lives are not given justice and attackers are not held accountable for their violence against us. Defenses claiming that the actions were taken in a state of panic are utilized in the courts as a legal defense that allows perpetrators to plead guilty under the argument that an individual's sexual orientation or gender identity justifies a loss of self-control, the use of physical violence,

or assault. But these are hate crimes. They are criminal acts committed, in whole or in part, because of the actual or perceived gender of our community.^[54] This defense further rationalizes our country's deeply rooted homophobia and transphobia and allows it to be used against our people in the legal process. Lack of policies with explicit prohibition on the use of this defense reveals a lack of value associated to the lives of TGI people across the United States. We advocate for policies that ban legal defenses on the basis of gender identity, provide accountability from federal agencies to provide financial resources for TGI people that have been victimized and TGI-led organizations supporting TGI people, and also document the prevalence of hate crimes against TGI people nationally and within each state. Considering the relationship TGI people hold to law enforcement, policies should also be developed that create alternatives and pathways to hate crime reporting that do not involve police.

"BEING ERASED BY THE TRUMP ADMINISTRATION. WE HAVE FAIRLY STRONG PROTECTIONS IN CALIFORNIA, ESPECIALLY WHEN IT COMES TO HEALTHCARE OR TRANS DISCRIMINATION, BUT BEING INVALIDATED OR PURPOSELY TOLD THAT WE DO NOT EXIST FOR ANY SORT OF FEDERAL ISSUE (PASSPORT, CITIZENSHIP, ETC) IS EXTREMELY DANGEROUS FOR OUR MENTAL HEALTH AND ONLY CONTINUES TO PUSH US TO THE MARGINS WHERE THE ONLY REAL WAY TRANS PEOPLE CAN MAKE MONEY IS THROUGH CRIMINALIZED ACTS."

-WHITE NON-BINARY PERSON
GLENDALE, CA

Federal nondiscrimination protections for TGI people.

Policies are needed that would hold society accountable for the unlawful discrimination that is faced by TGI people across the country. There are models such as The Equality Act, which would provide consistent and explicit non-discrimination protections for LGBTQ individuals, including employment, housing, credit, education, public spaces and services, federally funded programs, and jury service. This policy would amend existing civil rights law to explicitly include sexual orientation and gender identity as protected classes. Policies that prohibit discrimination in all regards, especially on the basis of gender identity and sexual orientation, are crucial in ensuring that TGI people are able to participate in society rightfully and safely. ■

^[53] U.S. Department of Health and Human Services. Conscience and Religious Freedom. Available at: <https://www.hhs.gov/conscience/index.html>

^[54] FindLaw. California Code, Penal Code - PEN § 422.55. Available at: <https://codes.findlaw.com/ca/penal-code/pen-sect-422-55.html>

Conclusion

We invite you to join us to manifest the Trans Policy Agenda and create a healthy and safe world for trans, gender non-conforming and intersex (TGI) people.

The TransLatin@ Coalition serves as the voice of Trans Latin@s in the United States, and our scope is broader beyond this land. We represent the entirety of the TGI community and advocate for all our needs. Our community has specific needs that are rarely represented in the policy process and that must change. This Policy

Agenda provides tangible legislative changes that can occur within our lifetime and that will improve the livelihood of our people. We hope to become a direct line of communication between policy makers, government and federal agencies and the community to critically advocate for the lives and protections of TGI people.

If we must engage in policy, it will be in innovative ways that change governmental structures from within. Solutions and liberation have never come from the state that governs us, but from grassroots leaders and those severely

impacted that have critiqued the system. We must use a bottom-up approach and learn the tactics that those with privilege have used to strip us of our rights for centuries. This agenda was, and will continue be, a collective vision and we invite you to join the fight with us.

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