Please take 5 question pre-survey!



Multidisciplinary Care &

Advocacy for Patients at the

Intersection of Gender Identity,

Immigration Asylum, &

Houselessness

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lan Zdanowicz lan@qdep.org



Disclosures and Introductions

CAROLINA MIRANDA, MD SHE/HER

- No financial disclosures
- Peruvian immigrant
- Cisgender woman
- Family medicine doctor at FQHC
- Immigrant health, LGBTQIA health, abortion care
- Not an expert

LINA BARBENÈS SANTIAGO, LMSW SHE/HER

- No financial disclosures
- French Puerto Rican immigrant
- Cisgender woman
- Psychotherapist
- Immigrant and homeless mental healthcare
- Immigrants' rights activist
- not an expert

IAN ZDANOWICZ HE/THEY

- No financial disclosures
- Polish immigrant
- Transgender man
- Co-Director of Queer Detainee Empowerment Project and Coordinator of Direct Services Program
- LGBTQIA+ immigrant rights, trans and queer liberation, abolition of prison industrial complex

Agenda

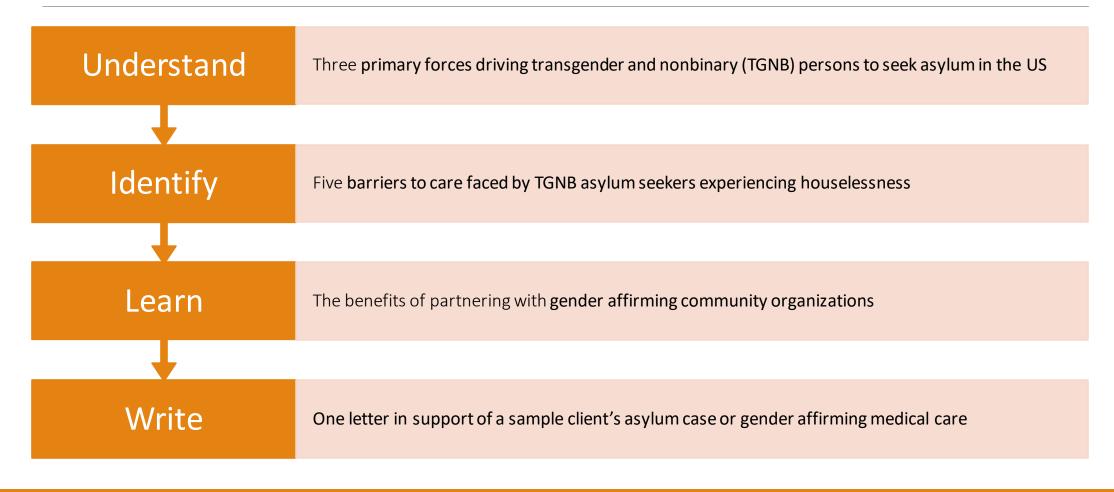
Presentation ~40 minutes

- ODisclosures, Introductions, and Objectives, Definitions
- Snapshot of TGNB Asylum Seeker
 - Who, where, why
 - How, after entry, detention
 - Barriers to care
- Multidisciplinary model

Workshop ~ 35 minutes

- Letter writing workshopMH providerMedical provider
- O&A

Learning Objectives



Definitions¹

Refugee status

- Outside of US, specific countries
- Unable or unwilling to return to home country
- Unable or unwilling to avail themselves of the protection of home country
- Persecution or credible fear of persecution on the basis of
 - Race
 - Religion
 - Nationality
 - Particular social group
 - Political opinion

Asylum seeker

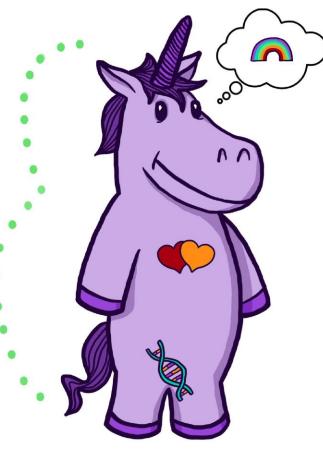
- Meet international definition of refugee
- In US or at the border
- Asylees may work in the US, apply for social security and government healthcare, petition to bring family members, apply for permanent status after 1 year

Definitions

- Gender Identity
- Gender Expression
- Sex Assigned at birth
- Sexual Orientation

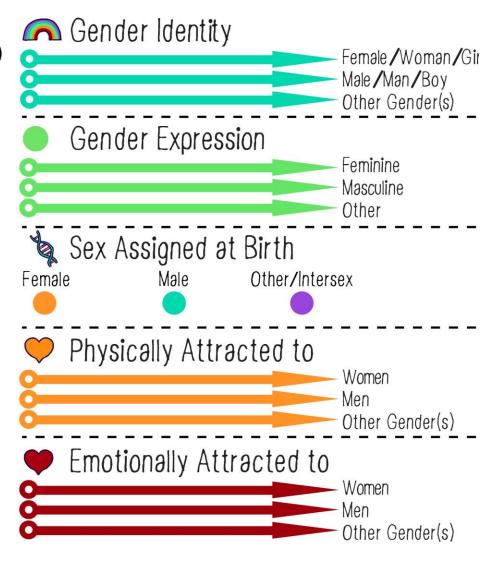
The Gender Unicorn





To learn more, go to:
www.transstudent.org/gender

Design by Landyn Pan and Anna Moore



Snapshot of a TGNB asylum seeker

Experience of new immigrants









Country of Origin

Migration
Journey

Apprehension & Detention

Release into Community

Mayra is a 29 yo transwoman from El Salvador who recently arrived to New York City. She came to the US seeking asylum on the basis of gender-based persecution. She moved to New York in search of medical, social, and legal services. She was referred to your clinic by the Queer Detainee Empowerment Project (CBO) for primary care and mental health care.





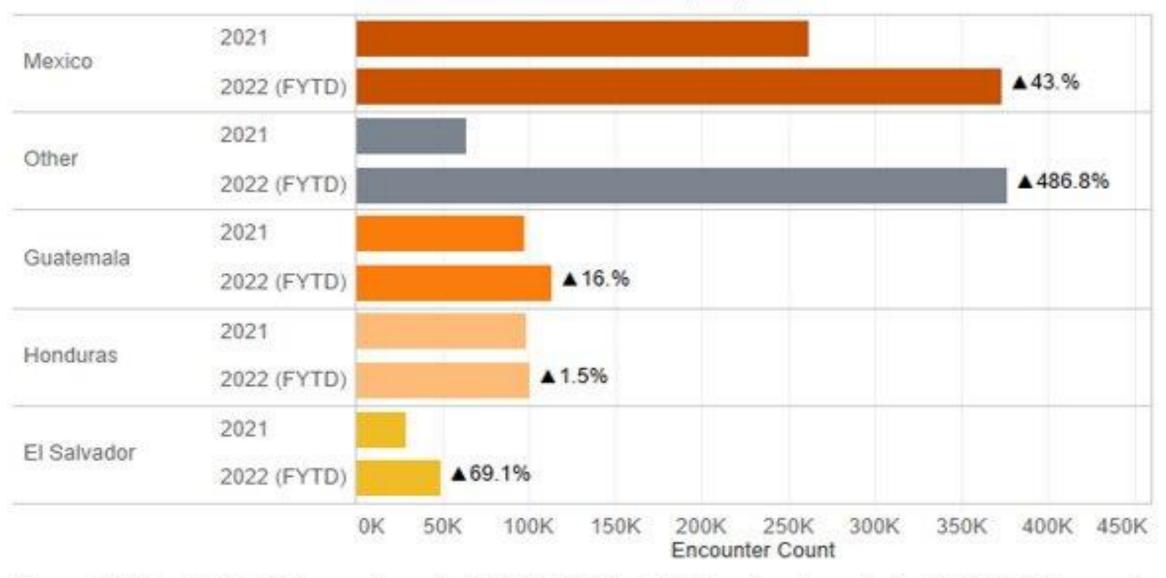
Who

TGNB PERSONS MAKE UP AN ESTIMATED 2% OF THE POPULATION IN LATIN AMERICA

NGO IMMIGRATION EQUALITY INDICATED THAT GUATEMALA, HONDURAS, AND EL SALVADOR ARE AMONG THE 10 COUNTRIES WITH THE HIGHEST NUMBERS OF REQUESTS FOR ASYLUM

The transgender activist Lorena Borjas with friends in Jackson Heights, Queens, in 2011. Credit: Brian Harkin for The New York Times

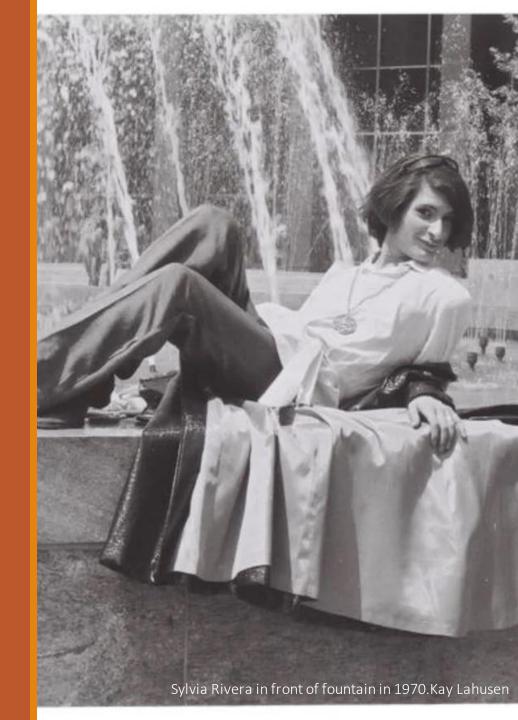
U.S. Customs and Border Protection (CBP) Encounters



Source: USBP and OFO official year end reporting for FY21; USBP and OFO month end reporting for FY22TD. Data is current as of 04/06/2022.

Case

- Mayra fled El Salvador after being assaulted by a group of men who had been following her outside of an LGBTQIA empowerment organization.
- She was severely beaten by these men while shouting transphobic insults at her and saying they would kill her.
- Fearing further discrimination and due to financial limitations, Mayra did not seek medical care after this attack. She has a poorly healed leg fracture resulting from this assault and consequent difficulty walking.
- Because of this physical limitation, she was unable to find work in her country of origin.





Why Leave

Poverty

Workplace discrimination, etc.

•Violence¹

- El Salvador, Honduras, and Guatemala among most violent globally
- Murder rates are above WHO epidemic levels (10:100k)
- •El Salvador 81.2, Honduras 58.9, Guatemala 27.3
- Worldwide, the highest rate of violence against SGM is found in the LAC region²
 - 88% of SGM asylum seekers & refugees from Central America reporting sexual and gender-based violence

Why leave

No access to justice

 66.8% of 413 police officers interviewed believed that LGBTQIA people did not have the same rights as others¹

Impunity

 In Honduras, only 13 of 225 violent deaths of LGBTQIA people from 2008 to 2015 resulted in a conviction²

Invisibility

- TGNB people not systematically identified
- Attacks on LGBTQIA people are rarely reported
- When reported, not classified as such
- Many destination countries don't compile statistical information

"I never tried to make a complaint because of what happened previously to some friends. My friend (...) went to report a crime and he hadn't even finished making the complaint when they were already at his front door, which is why he went to Mexico; another friend went to make a complaint and was killed on the way home, after doing so"

Carlos (Honduran) interviewed in 2017.

Case

- After fleeing El Salvador, Mayra traveled through Guatemala and Mexico for several months until she arrived to Piedras Negras. Her journey to the border was dangerous and physically exhausting because of her leg injury.
- She could not afford a plane ticket, so she took buses and walked for days. Mayra stopped in different towns to work to pay for her trip. She was constantly worried that someone would realize that she is transgender and attack her or not hire her. When she finally made it to the US border, she lived outside for several months until she was able to present herself at the border to claim asylum.
- Unfortunately, ICE's protocol dictated a transfer of all asylum seekers to detention facilities in Texas. Mayra spent 12 weeks in a men's detention facility because of her legal gender. During her detention, she was verbally and physically abused, so ICE placed her in solitary confinement to prevent any future attacks. During her 6 weeks there, her mental health deteriorated significantly.





How immigrants enter the US

With a visa

 Tourist visa, work visa, student visa, etc.

Presenting at a point of entry

• At land borders or the airport

Entering without inspection

- Most often on foot
- Very often results in apprehension by Custom and Border Patrol (CBP)
- Can still apply for an immigration benefit after arrest--excluding asylum

After Entry

- Based on the above circumstances, immigrants are
 - Transferred from ICE/CBP office at the border to ICE detention facility
 - Released from ICE's temporary custody at the border to the US with a humanitarian parole or other form of temporary status
- If entered without apprehension, can apply for immigration benefit from the US





Dangers of ICE detention for LGBTQIA immigrants

- Medical neglect
 - Especially dangerous for people living with HIV and trans people
- Solitary confinement
 - Used mostly on transwomen as a "preventive" measure to keep them "safe" from sexual harassment and violence
- Poor nutrition
 - Food served in ICE facilities contaminated and/or expired
 - Especially dangerous for PLWHIV or other health conditions
 - Lack of commissary funds





MEDICAID PROVIDES CRUCIALLY NEEDED CARE TO LOW-INCOME PEOPLE ACROSS THE COUNTRY, INCLUDING NEW YORKERS

WHEN TRANS PEOPLE GET THE CARE THEY NEED



78% OF TRANS PEOPLE HAD FROM A
IMPROVED PSYCHOLOGICAL BEFORI
FUNCTIONING AFTER RECEIVING TRATH
GENDER-CONFIRMING TREATMENT. 6% TO

FROM A RANGE OF 29% TO 19% BEFORE GENDER-CONFIRMING TREATMENT, TO A RANGE OF 6% TO .8% AFTER TREATMENT.

TRANS PEOPLE WHO RECEIVE GENDER-CONFIRMING TREATMENT HAVE FEWER MENTAL HEALTH AND SUBSTANCE ABUSE COSTS, WITH HIGHER RATES OF EMPLOYMENT.

HELP REPEAL MEDICAID EXCLUSIONS FOR TRANSGENDER
PEOPLE IN NEW YORK. VISIT SRLP.ORG





Barriers to Care

Interpersonal barriers

- Unconscious bias
- Trauma

Structural barriers

- Poverty
- Lack of provider education and training
- Stigma and oppression
- Insufficient research
- Discriminatory or gaps in policies and regulations

Unconscious bias

- •We are all biased
- •Some biases are outside our conscious awareness
- Think about tools and diagnoses critically
- Question what is "normal", "universal"
- •Take an Implicit Project quiz implicit biases you might have towards several populations

What is trauma?

Any disturbing experience that results in

- significant fear
- Helplessness
- Dissociation
- Confusion
- Other disruptive feelings intense enough to have a long-lasting negative effect on a person's attitudes, behavior, and other aspects of functioning.

Traumatic events include those caused by

- human behavior (rape, war, industrial accidents)
- nature (earthquakes)

Experience challenges an individual's view of the world as a just, safe, and predictable place

Personal trauma		System-induced trauma
•	Child abuse, childhood trauma Sexual abuse, sexual harassment	 Racial trauma Discrimination based on gender identity sexualit y
•	IPV and domestic violence Existing in a society where your intersection of identities are systemically oppressed	 Human trafficking Medical trauma Community violence Police violence Immigration detention
		• Poverty, homelessness

Trauma-informed Care

- Respect patients' body autonomy, agency and dignity
- •Communicate proactively and transparently. This is where the informed consent takes all its importance (for example with plain language, language justice)
- Educate the patient and their family (handouts, posters)
- Consider power dynamics
- Consider technical and physical accessibility
- Work collaboratively with patients, family, with other providers
- Follow up on referrals, asking feedback on referrals, sending reminders
- Provide preventive care
- Consider speaking to patients in a less formal setting than the hospital exam room (e.g. in shelter)
- •Keep in mind that working with a trauma survivor takes time- establish a relationship before expecting any disclosure of important information, improvement, or change from the patient.

Multidisciplinary Model



Multidisciplinary Model

Medical Care

- Accessible, affordable, comprehensive primary care
- •LQBTQIA affirming
- •Immigrant focused
- •In 3 languages

Mental Health Care

- Integrated behavioral health services
- •Telehealth increased access to MH services
- •Trauma informed interventions
- •In 3 languages

Social Services

- •Education, housing, food, employment, benefits, metrocards
- •In 4 languages

Legal Representation

• Pro bono immigration lawyers, pro se free legal clinics

Enrichment/Acculturation

•Language classes, social networks, peer support groups, employment support, pen pal sessions

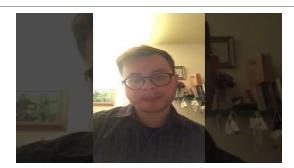
Communities Not Cages Press Statement WE ARE QDEP

A project of the Center for Transformative Action



The Queer Detainee Empowerment Project (QDEP) assists folks coming out of immigration detention in securing structural, health/wellness, educational, legal, and emotional support and services. We work to organize around the structural barriers and state violence that LGBTQIA TS & GNC detainee/undocumented folks face related to their immigration status, race, sexuality, and gender expression/ identity.

Queer Detainee Empowerment Project



Benefits to QDEP Members

- Faster access to vetted medical and mental health support
- Holistic approach to health and general wellbeing
- More financially sustainable model for QDEP





Medicolegal Nexus

Healthcare improves legal outcomes

- •Improved asylum grant rate with medical evaluations
 - •89% with vs. 38% without
- Medical or forensic evaluations
- Uncover histories not revealed to lawyers

Legal representation improves legal outcomes

- •Immigrants have a right to an attorney, but no legal right to an appointed attorney at the government's expense
 - •In FY 2017, 90% of cases without an attorney denied asylum
 - •54% of cases with legal representation denied asylum
 - •In FY 2017, 20.6 percent of asylum-seekers had an attorney



What is a medical or mental health affidavit

Expert medical evidence can

- 1. Substantiate claims of ill-treatment
- 2. Correlation between physical or psychological injuries and the ill-treatment
- 3. Explain a claimant's difficulties in giving evidence or recounting events by
 - Providing possible explanations for reluctance to divulge a full account
 of events
- 4. Address the possible effect of removal and return to the country of origin upon a person's physical or mental well-being or that of a family member
- Assess treatment needs
- 6. Reduce the need for the claimant to give testimony about traumatic events

What can you do?

Types of letters

- Medical affidavit for immigration asylum
 - licensed healthcare provider
- Psychological affidavit for immigration asylum
 - licensed mental health provider
- •"Gender verification" letter a.k.a. letter in support of changing gender marker on official documents
 - licensed healthcare provider OR licensed mental health provider
- Letter in support of gender affirming surgery
 - licensed healthcare provider AND 2 licensed mental health providers

Back to Mayra

- Mayra found a pro bono lawyer through QDEP. The lawyer is requesting a medical affidavit for Mayra focusing on her medical limitations and the benefits of her staying in the US
- Mayra is requesting a letter in support of gender affirming surgery and changing her gender marker on USCIS documents.



Breakout groups

Letter in support of gender affirming surgery

Left side of room

Brief medical affidavit

Right side of room



Brief medical affidavit

VIOLENT CONTENT

Sample Medical Affidavit

	t Your Application
NOTE: Use Form 1-589 Supplement Part B.)	B, or attack additional sheets of paper as needed to complete your responses to the questions contained in
withholding of removal under the Con- or other protection. To the best of your documents evidencing the general con-	was about your anytum or other protection claim (withholding of removal under 241(0XI) of the 1NA or vereintion Against Tomice, you must provide a detailed and specific account of the basis of your claim to supplied rability, provide specific dates, places, and descriptions about each event or action described. You must attacklidness in the country from which you are seeking asylum or other protection and the specific facts on which If this documentation is unavailable or you are not providing this documentation with your application, explai questions.
	astructions, Section II., Basis of Eligibility, Parts A D., Section V., Completing the Form, Part B.; and nat You Should Submit, for more information on completing this section of the form.
. Why are you applying for asylum of Convention Against Torture? Chec	or withholding of removal under section $241(b)(3)$ of the INA, or for withholding of removal under the ck the appropriate box(es) below and then provide detailed answers to questions A and B below.
I am seeking asylum or withholdi	ing of removal based on:
Race	Political opinion
Religion	Membership in a particular social group
Nationality	Torture Convention
If "Nes," explain in detail: 1. What happened: 2. When the harm or mistreatment 3. Who cancel the harm or mistreatment 4. Why you believe the harm or ris 4. Why you believe the harm or ris 5. Do you fear harm or mistreatment.	cultiment or threats; and mistoretament or threats occurred.
No Yes	n you return to your nouse country.
If "Yes," explain in detail:	
What harm or mistreatment yo Who you believe would harm	
Why you believe you would or	



Guidelines for the medical evaluation of torture and ill-treatment

I. Case information
Date of exam: Exam requested by (name/position):
Case or report No.: , , , , , , , , , , , , , , , , , , ,
Subject's given name:
Subject's family name:
Reason for exam: Subject's ID No.:
Clinician's name:
Informed consent: yes/no If no informed consent, why?:
Subject accompanied by (name/position):
Persons present during exam (name/position):
Subject restrained during exam: yes/no; If "yes", how/why?
Medical report transferred to (name/position/ID No.):
Transfer date: Transfer time:
Medical evaluation/investigation conducted without restriction (for subjects in custody): yes/no
Provide details of any restrictions:
II. Clinician's qualifications (for judicial testimony)
Medical education and clinical training
Psychological/psychiatric training
Experience in documenting evidence of torture and ill-treatment

III. Statement regarding veracity of testimony (for judicial testimony)

Relevant publications, presentations and training courses

For example: "I personally know the facts stated below, except those stated on information and belief, which I believe to be true. I would be prepared to testify to the above statements based on my personal knowledge and belief."

IV. Background information

Curriculum vitae.

General information (age, occupation, education, family composition, etc.)

Past medical history

Review of prior medical evaluations of torture and ill-treatment

Psychosocial history pre-arrest.

V. Allegations of torture and ill-treatment

- 1. Summary of detention and abuse
- 2. Circumstances of arrest and detention
- 3. Initial and subsequent places of detention (chronology, transportation and detention conditions)
- 4. Narrative account of ill-treatment or torture (in each place of detention)
- 5. Review of torture methods.

VI. Physical symptoms and disabilities

Describe the development of acute and chronic symptoms and disabilities and the subsequent healing processes.

- 1. Acute symptoms and disabilities
- 2. Chronic symptoms and disabilities

VII. Physical examination

- 1. General appearance
- 2. Skin
- 3. Face and head 4. Eyes, ears, nose and throat
- 5. Oral cavity and teeth
- Chest and abdomen (including vital signs)
- 7. Genito-urinary system
- 8. Musculoskeletal system
- Central and peripheral nervous system.

VIII. Psychological history/examination

- 1. Methods of assessment
- 2. Current psychological complaints
- 3. Post-torture history
- 4. Pre-torture history
- 5. Past psychological/psychiatric history
- 6. Substance use and abuse history
- 7. Mental status examination
- 9. Psychological testing: (see chapter VI, sect. C.1, for indications and limitations)
- 10. Neuropsychological testing (see chapter VI, sect. C.4, for indications and limitations).

Case Background

- •Mayra is a 29 yo transwoman from El Salvador who recently arrived to New York City. She entered the US seeking asylum and was previously living in Texas, where she was held in immigration detention for 12 weeks. Upon her release, she moved to New York in search of medical, social, and legal services. Today she is seeking information about a medical affidavit for her immigration asylum case and a letter in support of gender affirming surgery.
- Mayra fled El Salvador after being assaulted by a group of men who had been following her outside of an LGBTQIA empowerment organization. She was severely beaten by these men while they shouted transphobic insults at her. Fearing further discrimination and due to financial limitations, Mayra did not seek medical care after this attack. She has a poorly healed leg fracture resulting from this assault and consequent difficulty walking or standing for prolonged periods.
- •Because of her difficulty walking, it was difficult for her to find work in El Salvador. Since being in New York City, she has engaged in primary care, started physical therapy, and is planned for surgery to address her poorly healed fracture.
- •Mayra's lawyer requests a medical affidavit for Mayra focusing on her medical limitations and the medical benefits of her staying in the US.

Write a Brief Affidavit ~5 mins

Skip preamble/background section



Review Brief Affidavit

Letters in support of gender affirming care

Letter in support of gender affirming surgery

Below are the criteria you will likely have to meet for surgery to be covered by the patient's health insurance:

Gender reassignment surgery may be covered for an individual who is 18 years of age or older, or 21 years of age or older if the surgery will result in sterilization, and has letters from two qualified New York State licensed health professionals who have independently assessed the individual and are referring the individual for the surgery.

One of these letters must be from a psychiatrist or psychologist with whom the individual has an established and ongoing relationship.

The other letter may be from a licensed psychiatrist, psychologist, physician or licensed clinical social worker acting within the scope of his or her practice, who has only had an evaluative role with the individual. Together, the letters must establish that the individual:

- (i) has a persistent and well-documented case of gender dysphoria;
- (ii) has received hormone therapy appropriate to the individual's gender goals, which shall be for a minimum of 12 months
 in the case of an individual seeking genital surgery, unless such therapy is medically contraindicated or the individual is
 otherwise unable to take hormones;
- (iii) has lived for 12 months in a gender role congruent with the individual's gender identity, and has received mental health counseling, as deemed medically necessary, during that time;

Case background

- Mayra has been engaged in weekly psychotherapy since 5/2/2021. She has been undergoing medically supervised gender affirming hormone treatments with Dr. Miranda at Bronx Health Collective since 9/5/2020.
- Mayra reported to you that she has known she is a woman since she was 9-year-old. All her friends and coworkers know her as such. She legally changing her name last year.
- In therapy, Mayra has often complained about the fact that her body does not match her gender identity. This makes her feel anxious when meeting new people but has never made her doubt her sense of gender identity. Mayra also disclosed several depression symptoms associated with gender dysphoria, including anhedonia, low self-esteem, shame that prevents her from socializing with peers.
- Mayra has read a lot about benefits and risks of this surgery and knows several transwomen who
 have undergone this surgery as well.

Questions

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Please take 5 question post survey!



A few last words

- •Don't assume anything, be curious and stay critical of your institution, training, and workflows
- •This work is inherently political, it is impossible to practice medicine or mental health outside of systems of oppression. Advocacy is part of the job

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- 13. https://transequality.org/sites/default/files/docs/usts/USTSLatinReport-Nov17.pdf

Resources

LGBTQIA Resources

Transgender-Affirming Primary Care by Dr. Kyan Lynch

Creating an LGBTQ Affirming Practice by Dr. Noelle Marie Javier

CEI online courses on LGBTQ Health

<u>The World Professional Association for Transgender Health</u> (WPATH) Standards of care

Guidelines for the primary and gender affirming care of transgender and gender non binary people

Surgery referral assessment requirements

Immigration Resources for Clients

- New Americans Hotline at 800-566-7636
 - Mon-Fri 9 am 8 pm
 - Referrals to low-cost and free immigration legal providers
- Immigrant Defense Project at 212-725-6422
 - Arrested or convicted
- Case Status Information Line at 1-800-898-7180
 - Check order of removal
- Online ICE Locator www.locator.ice.gov
 - Find family/friends
 - A# and country of birth OR exact name, country of birth, and date of birth
- United We Dream Hotline 844-363-1423
 - Step-by-step support during a live raid
- National Immigration Legal Services Directory
 - https://www.immigrationadvocates.org/legaldirectory/
 - Finding a pro bono immigration attorney and other free services
- Physicians for Human Rights
 - https://phr.org/issues/asylum-and-persecution/asylum-network-trainings/



About the Network

NYLPI's Medical Providers Network (MPN) has a growing number of volunteer healthcare professionals who are dedicated to raising awareness of the health crisis in immigration detention. As of December 1st, our network has 240 volunteers, including licensed doctors, medical students, nurse practitioners, licensed social workers and mental health providers. Our volunteers review medical records, develop advocacy letters, visit individuals in immigration detention facilities, conduct in-person consultations or medical interviews and provide testimony supporting individuals in immigration proceedings. The power of our volunteers' expertise can be a force of change and is used to advocate for better care for people who are detained, supports requests for their release and contributes to strategic. systemic change.

A Breakdown of the Network





Total Volunteers

Licensed Physicians & Residents

Medical Students



Health Providers



Nurse Practitioners

Other Advocates

Immigration Resources for Clinicians

- New York Lawyers for the Public Interest
 - Network of medical providers who provide medical evaluations and affidavits. If you are interested in joining the network, please email Mia Soto, Health Justice Community Organizer at msoto@nylpi.org.
- Physicians for Human Rights
 - https://phr.org/issues/asylum-and-persecution/asylum-network-trainings/
- Expert Witnesses in US Asylum Cases: a handbook
 - https://law.unc.edu/wp-content/uploads/2019/10/expertwitnesshandbook.pdf
- International Association of Refugee Law Judges' Guidelines on the Judicial Approach to Expert Medical Evidence
- https://www.iarmj.org/images/stories/working_parties/guidelines/medicalevidenceguidelinesfinali un2010rw.pdf
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