



MEMORIALIZING TRANSGENDER DAY OF REMEMBRANCE

**A REPORT FROM THE INTERAGENCY WORKING GROUP
ON SAFETY, OPPORTUNITY, AND INCLUSION FOR
TRANSGENDER AND GENDER DIVERSE INDIVIDUALS**

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Introduction

Transgender, gender nonconforming, nonbinary and intersex (transgender and gender diverse) people in the United States and around the world face epidemic levels of violence and discrimination. Tragically, this year our nation reached a grim milestone, recording the [highest number](#) of violent killings of transgender and gender diverse people on record. At least 46 transgender and gender diverse people have lost their lives to violence in America this year, and hundreds more have died in 2021 around the world. Systemic limitations in the collection of hate crimes data, and the persistent mis-gendering after death of transgender people lost to violence, contribute to undercounts of acts of anti-transgender violence. In spite of these data limitations, data on anti-transgender homicides this year show that anti-transgender violence disproportionately harms and kills transgender women and girls of color, and that a coordinated federal response is needed to end the crisis of anti-transgender violence and advance equality for gender diverse communities at the intersection of gender equity, racial justice, and reproductive rights.

On this Transgender Day of Remembrance, the Biden-Harris Administration memorializes the lives of transgender people tragically lost to violence in the last year, and the countless transgender people who face discrimination, violence, and harassment. We must honor them with action. To address the crisis of anti-transgender stigma and violence, the White House established the first Interagency Working Group on Safety, Opportunity, and Inclusion for Transgender and Gender Diverse Individuals (Working Group). The Working Group, which is led by the White House Domestic Policy Council and Gender Policy Council, is charged with leading a coordinated federal approach to addressing the root causes of discrimination, barriers to economic opportunity, and stigma that gender diverse people continue to face in the United States and around the world. The Working Group includes the Departments of Justice, Housing and Urban Development, Health and Human Services, Education, Homeland Security, Labor, Interior, Veterans Affairs, the Equal Employment Opportunity Commission, and the U.S. Interagency Council on Homelessness. The Department of State and the U.S. Agency for International Development also sit on the Working Group to align America's foreign policy and foreign assistance programs that protect transgender individuals from violence and discrimination around the world. To date, the Administration has taken significant and historic steps to advance LGBTQI+ equality. The third section of this report highlights over 45 key actions that the Administration is taking across the federal government to advance safety, opportunity, and inclusion for transgender and gender diverse communities.

To inform the priorities of the Working Group, throughout the fall of 2021 the White House convened 15 listening sessions with transgender and gender diverse people, advocates, and civil rights leaders from across the country and around the world. The findings of these listening sessions are summarized in this report, and the expertise and perspectives of transgender and gender diverse individuals with lived experience of discrimination and bias are guiding the Working Group.

Throughout the listening sessions, participants underscored that the fatal violence and hate crimes visited upon transgender people reflects systemic discrimination and institutional violence that has devastating consequences for gender diverse people across America and around the world. While many of the transgender and gender diverse people lost to violence whom we



memorialize today were victims of interpersonal violence, the root causes of this violence include systemic anti-transgender stigma and hate, pervasive discrimination, disproportionate criminalization, and marginalization and exclusion of gender minorities. The cumulative impact of anti-transgender bias, discrimination, and denial of economic opportunity often pushes transgender and gender diverse people into higher-risk environments and survival activities.

Systemic discrimination and bias against transgender communities is especially heightened today due to a historic spike in legislation targeting transgender people for discriminatory and unjust treatment. So far this year, hundreds of anti-LGBTQI+ bills have been introduced in state legislatures. Many of them target transgender children, seeking to prevent them from receiving appropriate and gender-affirming medical care, from using the bathroom where they will be most safe, and from joining sports teams with their classmates. As President Biden has [said](#), these legislative efforts defy our nation's values of freedom and equality. The Department of Justice has filed statements of interest and amicus briefs in litigation challenging such state bills as discriminatory and unconstitutional. Anti-transgender bills harm the wellbeing, freedom, and safety of transgender children and their families, and contribute to a hostile political environment that is [detrimental to the mental health](#) and safety of far too many young LGBTQI+ people. In listening sessions conducted by the White House with the families of transgender children in states where anti-transgender legislation has passed, parents have shared the pain and fear they feel as their own state leaders have targeted their children and undermined the safety of their families.

In the face of persistent discrimination and adversity, transgender people and communities nevertheless marshal incredible joy, resilience, and strength. As President Biden has [said](#), it takes courage to be true to your authentic self in the face of discrimination. And as President Biden's first-ever [proclamation](#) on Transgender Day of Visibility recognizes, we must honor and celebrate the achievements and resiliency of transgender individuals and communities, and recognize the generations of struggle, activism, and courage that have brought our country closer to full equality for transgender and gender diverse people in the United States and around the world.



Uplifting the Voices of Transgender and Gender Diverse People

To inform the priorities of the Working Group, in the fall of 2021 the White House convened 15 listening sessions with transgender and gender diverse advocates, researchers, families, subject-matter experts, and individuals who have experienced discrimination and bias. These listening sessions focused on root causes of anti-transgender violence and homicides, and the impact of gender-based discrimination and violence in housing, education, health care, foster care, workplaces, the criminal justice system, elder care, and immigration and asylum systems.

Health Equity, Health Care Refusals, and Access to Gender-Affirming Care

What we heard

‘Affirming care is not only lifesaving, but it ensures access to other basic needs.’

‘We have seen patients arrive at our gender-affirming health clinic for primary care with emergency needs and complex trauma because of their lack of access to care and denial of care.’

‘Denying medically necessary care is devastating to the mental health needs of young people.’

‘The fear of discrimination that trans people face leads to worse health care outcomes, because people delay important care when they believe they’ll face stigma.’

Transgender and gender diverse health care providers, doctors, researchers, and patient advocates shared their perspectives on the significant obstacles that transgender patients face when accessing comprehensive, gender-affirming health care:

Discrimination and denial of care. Participants in the listening sessions shared that gender diverse patients continue to face significant levels of discrimination and denial of care when they seek health services, including preventive and emergency health services. This discrimination and stigma can lead transgender patients to forgo critical care and contribute to significant health inequities for gender minorities in the United States. Advocates shared that advancing non-discrimination protections in health care is an important step for the federal government to take.

Access to gender-affirming care. Gender-affirming care is critical and lifesaving. However, limitations on coverage of gender-affirming care in coverage programs mean that essential services and procedures are prohibitively expensive for many people. Researchers shared their estimates that fewer than half of transgender Medicaid beneficiaries have access to explicitly protected gender-affirming care. Advocates expressed that more safeguards are needed to ensure that gender-affirming care is comprehensively covered by insurance carriers, and that increased



cultural competency training for providers is important for expanding access to gender-affirming care.

Health equity. Participants shared that transgender and gender diverse individuals face stark health inequities, including significant disparities in mental health outcomes. In particular, transgender and gender diverse patients in rural communities can face unique barriers in accessing culturally competent gender-affirming health care.

Clinical standards. Additional research and development of clinical standards related to gender-affirming care is needed. Patient advocates shared their view that developing clinical standards covering both preventive care and treatment that meet the needs of gender diverse patients is also an important step.

Barriers for intersex patients. Intersex patients also face significant barriers and stigma in health care. They discussed that non-consensual medical interventions and surgeries performed on intersex children have long-term negative impacts on people’s mental and physical health. Advocates shared that advancing health equity for intersex Americans requires investing in inclusive research and ensuring non-discrimination protections.

Data and research. Advocates shared that additional data collection and research about transgender and gender diverse patients, as well as consistent federal data standards on gender identity, are needed to advance our understanding of the health inequities that gender diverse communities face, as well as the resilience gender diverse communities demonstrate.

Youth Supports and Foster Care

What we heard

‘My time in foster care was riddled with trauma and loss of identity. No young person should ever face what I experienced.’

‘We want to live comfortably as our authentic selves, but too many of us don’t have the safety to do so.’

‘Youth in care shouldn’t have to be the ones educating the adults in their lives, and they shouldn’t have to live in fear about being themselves.’

‘I fear for my safety within the foster care system.’

‘I have witnessed that LGBTQI+ children who are loved and cared for thrive. Children deserve to be in homes with families, and they deserve to be loved.’

‘Things haven’t improved over time. When I was a youth in care a few decades ago, the same problems I faced are present today for LGBTQI+ youth in care.’

Transgender and gender diverse youth in foster care, foster parents, and advocates shared their perspectives on the significant barriers and challenges that transgender and gender diverse youth face:



Over-representation of transgender youth in foster care. LGBTQI+ youth are over-represented in the foster care system, for reasons including but not limited to family rejection. Youth in care shared that their voices and perspectives must inform policy decisions.

Gender-affirming placements. Placing transgender and gender diverse youth in affirming homes can be lifesaving. Foster families shared that transgender youth in affirming placements can thrive and reach their highest potential. Advocates shared that too many transgender and gender diverse youth continue to be placed in home environments that do not affirm their gender identity, putting their mental and physical health at risk.

Access to gender-affirming care and services. Transgender youth in care face especially high barriers in accessing appropriate gender-affirming care and inclusive social services. Transgender youth in care, advocates expressed, need more support in accessing the health care they need, and aging out of care with appropriate legal recognition of their gender. Advocates shared that in some states, child welfare leaders have characterized gender-affirming services for foster youth as a form of child abuse, which sets a dangerous precedent.

Education and support for foster families. Transgender and gender diverse youth in care shared that they often face the added burden of educating those around them about their identity and unique needs. They noted that foster families and child welfare professionals should receive additional training on how to affirm and respect the identities of all youth in care.

Limiting placements in group homes. Young people in foster care fare best when placed in family foster homes, rather than group homes or other congregate settings. The need to limit the use of group homes is particularly important for transgender youth. Advocates described that transgender and gender diverse youth placed in group homes, especially sex segregated group homes, sometimes face additional barriers in accessing placements that align with their gender identity.

So-called conversion therapy. Researchers shared that transgender and gender diverse youth who are exposed to conversion therapy are more likely to experience adverse mental health outcomes and suicide related thoughts and behaviors. Youth in care who are exposed to discredited and harmful attempts to change their sexual orientation or gender identity face even higher risks. Supporting family affirmation and acceptance programming can prevent exposure to these harmful practices for vulnerable youth.



Educational Equity, School and College Supports, and School and Discipline

What we heard

‘I was bullied all throughout middle and high school because I was feminine and didn’t comport with expected gender roles. That’s why I’m committed to advancing equity for LGBTQI+ youth.’

‘Teachers and counselors themselves are sometimes contributing to harm by outing, mis-gendering, or not respecting students.’

‘The mental health of trans young people needs to be a priority for schools, and treated like a public health crisis.’

Transgender and gender diverse students, educators, parents, and education experts shared their perspective on the challenges that transgender and gender diverse students face in schools:

School discipline. Students expressed that when they dress or present in ways that do not align with others’ expectations about gender norms, they are sometimes seen as disruptive by the school and are disciplined more than their peers. Transgender students of color are at particular risk of inequitable uses of discipline.

Bullying. Transgender and gender diverse youth face disproportionately high rates of bullying, which is detrimental to mental and physical health. Advocates described how transgender youth are more likely to miss school because they do not feel safe, contributing to inequitable learning access in elementary and secondary school and reduced opportunities to pursue an education beyond high school.

Teacher professional development. Transgender youth report that some teachers contribute to harmful outcomes – for example, by mis-gendering them in class. They noted that training and resources for teachers that support them in respecting students’ privacy and pronouns can help create more inclusive educational environments.

Student privacy. Students and advocates reported that transgender and gender diverse youth have unique needs related to student privacy.

Access to appropriate and safe facilities. Transgender and gender diverse students continue to face significant barriers in accessing bathrooms and locker rooms that align with their gender identities. Advocates shared that when students cannot access safe facilities during the school day, students are more likely to miss class or school. When a student seeks to use a gender-neutral bathroom but that bathroom is located in the nurse’s room or is too far away on campus, students can struggle to use the restroom between classes.



School supports. For transgender and gender diverse students who do not have accepting environments at home, schools can provide a place of safety and support. Students and advocates expressed that schools should promote inclusive curricula, provide training and supports for teachers to promote welcoming classroom environments, ensure transgender students can participate in school programming and athletics consistent with their gender identity, and support inclusive programs and clubs like Gender Sexuality Alliances or Gay Straight Alliances (GSAs) to provide safer environments for all students.

Homelessness and Housing Discrimination

What we heard

‘Transgender women who are murdered each year were often experiencing homelessness, and this puts them at extreme risk of violence.’

‘Housing is the best solution to homelessness for trans people.’

‘The system denies us access, and then criminalizes us as we try to survive and meet our basic needs of food and shelter.’

‘Trans people are forced to feel that they are safer in their abusive relationship than they are in shelters that are supposed to protect survivors.’

Transgender and gender diverse housing advocates, homeless services providers, legal services providers, and individuals with lived expertise of homelessness shared their perspectives on the over-representation of transgender and gender diverse people among those experiencing housing insecurity:

Homelessness, criminalization, and violence. Research shows one in three transgender adults have experienced homelessness. Transgender people experiencing homelessness face high rates of violence, and exposure to violence is greatest for people living at the intersection of multiple marginalized identities. Transgender people reported facing particularly high barriers in accessing domestic violence shelters. Congregate shelters may also pose significant safety risks for transgender and gender diverse people.

Youth homelessness. Advocates discussed that transgender and gender diverse youth are overrepresented among youth experiencing homelessness. Family conflict and family rejection remain a leading cause of LGBTQI+ youth homelessness. Housing insecurity can in some instances have severe impacts on youth mental health. Researchers shared that LGBTQI+ youth who have experienced housing instability attempt suicide at three times the rate of other LGBTQI+ youth. Youth experiencing homelessness are also resilient and build chosen communities and families of supportive peers and adults.

Barriers for trans-led social services organizations. Trans-led social services organizations are on the front lines of ending homelessness for gender diverse communities. These organizations reported that they face barriers in equitably accessing local, state, and federal resources and funding opportunities.



Support for chosen families. Transgender and gender diverse people experiencing homelessness often find safety in chosen families – supportive networks of peers and adults who step in to provide care when someone has experienced family rejection. Advocates expressed their view that such ties should be respected and accommodated in service programs.

Housing discrimination. Transgender renters often face the dangerous experience of being outed to prospective landlords in the process of applying for housing, and still face blatant discrimination when attempting to find safe housing. Transgender renters have raised that they need more information about their rights, and more data collection is needed to understand the full scope of housing discrimination on the basis of gender identity. Listening session participants expressed that a lack of access to identity documents that accurately reflect their gender can keep transgender people from accessing and applying for housing.

Housing services. Transgender older adults and people with disabilities face unique challenges in staying housed. Participants raised that existing services that support low-income people in retaining housing should meet all participants’ needs – including the needs of gender minorities. Transgender households are also uniquely impacted by the eviction crisis because of the dual effects of housing discrimination and over-concentration of poverty among transgender and gender diverse people. Transgender and gender diverse renters need the right support to access eviction prevention services.

Interactions with Law Enforcement, the Criminal Justice System, and Hate Crimes

What we heard

‘Trans folks are particularly vulnerable when they engage with the criminal legal system at every step of engagement.’

‘A major barrier is dead naming, mis-gendering, and using inappropriate photos of decedents in the aftermath of hate crimes against transgender individuals.’

‘Racial equity needs to be a core lens for advancing equality for trans people.’

Transgender and gender diverse criminal justice reform advocates, community safety experts, and legal services providers shared their perspective on the barriers that transgender people face when interacting with the criminal justice system:

Interactions with law enforcement. Many transgender and gender diverse people report having negative experiences with law enforcement personnel. Participants expressed that law enforcement agencies need more training and more accountability about respecting the gender identities of everyone they serve.

Hate crimes response. Advocates shared that law enforcement agencies need to ensure there is adequate training to respond appropriately to gender-based violence and hate crimes against transgender people so that the process of reporting, investigating, and prosecuting the crime does not revictimize them. Participants raised that when law enforcement agencies use a former name,



and not the chosen name, of transgender and gender diverse victims of crime, it is harmful to victims and makes it more difficult to track anti-transgender violence.

Criminalization. Advocates shared that transgender people, especially transgender women and girls of color, too often experience criminalization and are also extremely vulnerable to human trafficking.

Hate crimes data. Additional data collection about sexual orientation and gender identity related to hate crimes is needed to fully understand the scope of anti-transgender violence in our country and develop appropriate policy responses.

Safety and services for incarcerated transgender individuals. Criminal justice reform advocates raised their concern that transgender inmates can face significant barriers in accessing gender-affirming care and services while they are incarcerated. Advocates also stated that transgender people in prisons are particularly vulnerable to physical and sexual assault from staff and other incarcerated persons, and can often face undue barriers in being placed in facilities that align with their gender identity.

Barriers to re-entry. Listening session participants expressed that transgender and gender diverse people can often face unique barriers during reentry, particularly related to accessing accurate IDs, safe housing, health services, employment, and nutrition assistance.

Workforce Discrimination, Unemployment, Poverty, and Criminalization

What we heard

‘I overcame unemployment, discrimination, and homelessness before I found a part time job. Trans people are forced to start our own businesses because employers don’t recognize the value of employing us.’

‘Too many trans folks of color are stuck in survival mode. Economic justice is the key for trans women.’

‘There is a direct connection between the way our communities are criminalized and the conditions of poverty our community lives in. The collateral consequences of criminalization need to be addressed.’

‘I have faced discrimination in the workplace because I am trans. After I was fired when colleagues discovered that I am trans, my mental health and financial security deteriorated.’

‘I immigrated to the U.S. after experiencing a terrible hate crime. I came here seeking asylum, and I came with a lot of trauma and pain. I carry these things with me. My only options when I came to this country were to participate in the street economy, but I wanted work and education opportunities’



Transgender and gender diverse economists, small business owners, researchers, employers, and social services providers shared their perspectives on the concentration of poverty and unemployment among transgender workers:

Workplace discrimination and denial of employment opportunities. Transgender and gender diverse workers continue to face rampant discrimination in the workplace. Participants emphasized that passing the Equality Act would significantly increase employment opportunities for transgender workers. Participants also emphasized the importance of strengthening the enforcement of current laws that protect transgender workers from discrimination.

Higher rates of unemployment. Persistent employment discrimination makes transgender workers more likely to experience unemployment. Participants shared their perspective that transgender workers also face distinct barriers to obtaining unemployment insurance because of barriers in accessing accurate state and federal IDs.

Workplace supports for transgender employees. Transgender workers who socially, medically, or legally transition often face significant barriers and bias in the workplace. Advocates raised that additional training for employers on the rights of transgender workers is essential.

Workforce training. Because people who do not conform with binary gender norms often face discrimination and bias when seeking employment, workforce training that is accessible for transgender job seekers is an especially important resource. Participants raised the importance of workforce training programs that are inclusive for gender diverse communities.

Concentration of poverty and anti-transgender violence. There are strong correlations between the disproportionate number of transgender people living in poverty and the violence visited upon transgender people. Participants shared that when transgender people cannot access good jobs because of workplace harassment and discrimination, transgender people are often pushed towards higher risk survival activities in the informal economy, which can make them more vulnerable to violence and abuse.

Senior Supports and Care for Transgender Elders

What we heard

‘We must address the cumulative impacts of oppression that transgender older adults have faced across their lifetime, and the discrimination older adults face in older adult care settings.’

‘Older trans adults have complex health needs because they grew up in an era that wasn’t accepting of their gender identities, and they have faced significant trauma.’

‘I am 52 years old, and because of denial of economic opportunities all I could turn to was sex work. Now, I cannot access social security and retirement benefits. I was also rejected by my families, so I had to build a chosen family.’

‘Trans adults are aging with trauma. I worry about who will take care of these parts of my body that don’t match people’s expectations. I’m worried about how I will feed myself, and keep myself alive as I age.’



‘Like many elders in this community, I am deeply concerned about my safety and being treated with dignity and respect.’

‘I am speaking about my truth. Don’t sit back and be quiet, fight for your rights. I’m 76 years old and I am so blessed to be a fighter.’

Transgender and gender diverse elders and older adults, gerontologists, researchers, long-term care providers, and advocates shared their perspective on the significant barriers that transgender older adults face as they age:

Cumulative impacts of poverty and discrimination. Transgender elders are aging with the cumulative burdens of discrimination, bias, lack of access to gender-affirming health care, and denial of economic security. In particular, older transgender adults shared that they are more likely to be aging without the support of biological family.

Safety and discrimination in long-term care settings. Transgender and gender diverse older adults shared that they often struggle to find long-term care settings that will provide gender-affirming care and placements that align with gender identity. Expanding access to gender-affirming skilled care and long-term care is important for ensuring the safety and security of transgender elders.

Legal services. Transgender and gender diverse older adults often rely on support from chosen family when biological family members have rejected them. Listening session participants raised that establishing power of attorney with a caring, chosen family member can be difficult without access to legal services.

Social isolation and mental health. Social isolation is a persistent challenge for many transgender elders. The cumulative effects of discrimination and bias throughout a lifetime can increase risk for significant mental health challenges for transgender and gender diverse older adults.

Access to gender-affirming care. Transgender elders often struggle to access gender-affirming care in skilled care and long-term care facilities. Especially for transgender elders who could not access gender-affirming care earlier in life, access to such care is important for promoting mental and physical health.

Financial security in retirement. Because of employment discrimination against gender diverse workers, transgender elders are more likely to retire with limited financial security and retirement savings. Participants expressed that gender markers that accurately reflect their gender identify in financial documents and programs is an important factor affecting financial security for transgender elders.



Immigration and Asylum

What we heard

‘Trans people are seeking protection, asylum, and dignity.’

‘HIV+ and vulnerable populations, and trans and queer immigrants, have unique needs and barriers in immigration detention.’

‘There’s a robust infrastructure of social services that trans communities built for ourselves. But the burden shouldn’t be on us to figure out the services, and trainings, and solutions to the challenges our community faces.’

Transgender and gender diverse immigration advocates and attorneys, first-generation Americans, advocates, and social services providers shared their perspective on the needs of transgender immigrants and asylum seekers:

Immigration detention. Advocates expressed that transgender and gender diverse immigrants and asylum seekers often face risks of physical and sexual violence in immigration detention, and experience barriers in being detained consistent with their gender identity.

Trauma-informed care. Transgender and gender diverse immigrants and asylum seekers may arrive in the United States with significant trauma because of discrimination and violence related to their gender identity. Providers shared that social services for immigrants and asylum seekers should be equipped to provide culturally specific and trauma-informed care, including by expanding cultural competency training for frontline workers.

Data collection. Expanded collection of sexual orientation and gender identity data about who accesses immigration, asylum, and refugee processing and services would improve our understanding of the needs of transgender and gender diverse people.

Organizations supporting transgender immigrants and asylum seekers. Community leaders shared that they have built important social services networks to support immigrants and asylum seekers, including LGBTQI+ immigrants and asylum seekers. These organizations often face barriers in equitable access to local, state, and federal resources and would benefit from technical assistance and capacity building.

Criminal records. Listening session participants stated that discrimination in the criminal justice system has resulted in transgender people being more likely to have a past conviction, which can create barriers for accessing asylum, especially for past convictions related to being a victim of human trafficking.



Global Transgender Equality Movements

What we heard

“We aren’t seeing particular support to trans groups to coordinate, provide safety, build community centers.”

“We need to continue to build evidence and documentation about the kinds of violations trans and nonbinary people experience globally, and how we present that in relation to the advancement of our rights.”

Transgender and gender diverse people around the world face high levels of violence, discrimination, stigma, criminalization, and barriers to legally organizing. The unique historical, cultural, legal, and political realities in each country and region shape the lived experiences of transgender, gender diverse, and intersex people, but there are also similarities across geographies:

Legal gender recognition and other legal and policy reform. Advocates shared that the need for affirmative legal gender recognition – including the ability to update gender markers and names on identity documents based on the best-practice standard of self-determination – and the need to roll back or eliminate punitive, discriminatory laws that criminalize gender non-conformity are among the most serious challenges to accessing basic social services and contribute to ongoing poverty and marginalization.

Anti-violence protections and access to social services, including anti-poverty and economic justice initiatives, quality health care, housing, and education. Advocates shared that due to widespread discrimination, stigma, and criminalization, transgender and intersex people face epidemic levels of exclusion and violence that trap them in poverty and prevent sustainable, secure livelihoods, and limit access to basic social services.

Amount and accessibility of funding. Transgender- and intersex-led organizations fighting to protect the human rights of transgender and intersex persons are underfunded, overly reliant on volunteer/unpaid leadership and staff, and unable to further scale their efforts without equitable access to regular, accessible funding opportunities that offer flexible, multi-year core support.



How the Biden-Harris Administration Is Advancing Safety, Opportunity, and Inclusion for Transgender and Gender Diverse Individuals

On Transgender Day of Remembrance, we affirm that the lives of transgender and gender diverse people lost to violence must be honored with action. The Biden-Harris Administration is delivering a whole-of-government approach to advancing LGBTQI+ equality, racial justice, and gender equity to ensure that transgender and gender diverse people can live freely, safely, and authentically. Below, we highlight the important early steps the Biden-Harris Administration has taken to advance safety, opportunity, and inclusion for transgender and gender diverse communities. The Administration is committed to building on this progress in the months and years ahead to help build a world in which no person is killed because of their gender identity.

Advancing Civil Rights and Nondiscrimination Protections for Transgender and Gender Diverse Communities, and Responding to State-Level Anti-Transgender Legislation

- ***Signing a historic Executive Order combating and preventing discrimination on the basis of sexual orientation and gender identity.*** Within hours of taking the oath of office, President Biden signed an [Executive Order](#) Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation. The Executive Order established that it is the policy of the Biden-Harris Administration to prevent and combat discrimination against LGBTQI+ individuals, and to fully enforce civil rights laws to prevent discrimination on the basis of gender identity or sexual orientation. The President directed all federal agencies to act, as necessary and appropriate, to implement all federal laws that prevent discrimination on the basis of sex, to include sexual orientation and gender identity. This Executive Order is one of the most consequential policies for LGBTQI+ Americans ever signed by a U.S. President.
- ***Fighting for passage of the Equality Act.*** President Biden [continues to call](#) on the Senate to swiftly pass the Equality Act, legislation which will provide long overdue federal civil rights protections to LGBTQI+ Americans and their families, while strengthening some key civil rights laws for people of color, women, people with disabilities, and people of faith. As the White House has [said](#), passing the Equality Act is key to addressing the epidemic levels of violence and discrimination that transgender people face.
- ***Restoring open service for transgender servicemembers.*** In his first week in office, President Biden [signed](#) an Executive Order reversing the ban on open service for transgender servicemembers serving in the Armed Forces, once again enabling all qualified Americans to serve their country in uniform. President Biden believes that gender identity should not be a bar to military service, America's strength is found in its diversity, and an inclusive military strengthens our national security. As a result of his



Executive Order, the Department of Defense issued new [policies](#) which prohibit discrimination against transgender servicemembers, provide a path for transgender servicemembers for gender-appropriate medical treatment and gender-affirming care, and require that all transgender servicemembers are treated with dignity and respect. Patriotic transgender servicemembers are once again able to openly and proudly serve our Nation in uniform.

- ***Enforcing civil rights laws.*** The Department of Justice enforces federal civil rights laws, including statutes prohibiting discrimination on the basis of sexual orientation or gender identity. On September 14, 2021, the Department announced that it was launching a state-wide civil investigation into Georgia’s prisons, which includes a focus on sexual abuse of gay, lesbian and transgender prisoners by other prisoners and staff. The Department of Justice’s Civil Rights Division and U.S. Attorney’s Office for the District of Puerto Rico also recently obtained a federal indictment charging three men with hate crimes for assaulting a transgender woman because of her gender identity. Additionally, the Department of Justice is committed to enforcing the non-discrimination provision in the Violence Against Women Reauthorization Act of 2013 (VAWA), which explicitly bars discrimination in accessing VAWA-funded services for victims of domestic violence, sexual assault and stalking based on actual or perceived gender identity or sexual orientation, in addition to prohibiting discrimination based on race, color, religion, national origin, sex or disability.
- ***DOJ statements of interest and amicus briefs.*** The Department of Justice’s Civil Rights Division has filed Statements of Interest and amicus briefs in several matters involving the rights of transgender individuals challenging the laws as discriminatory and unconstitutional, including in *Brandt v. Rutledge* (E.D. Ark.), a lawsuit challenging legislation restricting access to gender-affirming care for transgender youth; *B.P.J. v. West Virginia State Board of Education* (S.D. W.Va.), a lawsuit challenging legislation restricting participation of transgender students in school sports; and *Corbitt v. Taylor* (11th Cir.), a lawsuit challenging legislation restricting the ability to change gender markers on state driver's licenses.
- ***Implementing a National Strategy on Gender Equity and Equality.*** In October, the Biden-Harris Administration issued the first-ever [national gender strategy](#) to advance the full participation of all people – including transgender and gender diverse people – in the United States and around the world. The national strategy identifies ten interconnected priorities for advancing gender equity and equality, including for LGBTQI+ communities: 1) economic security; 2) ending gender-based violence; 3) health; 4) education; 5) justice and immigration; 6) human rights and equality under the law; 7) security and humanitarian relief; 8) climate change; 9) science and technology; and 10) democracy, participation, and leadership.
- ***Hosting a White House Convening on Transgender Equality.*** In June, the White House held a first-of-its-kind [national conversation](#) on equality for transgender and gender diverse Americans. The convening, hosted by White House Press Secretary Jen Psaki, featured transgender youth advocates from across the country, transgender leaders and athletes, and senior officials from across the Biden-Harris Administration. The convening highlighted the hopes, joys, and successes of transgender and gender diverse people



across America, as well as the impact that systemic discrimination has on transgender youth in particular. Participants shared stories about the impact that state-level anti-transgender legislation has had on their wellbeing; their experiences of multiple, intersecting forms of discrimination; and best practices for advancing acceptance and equality for transgender Americans.

Delivering Inclusive and Accurate IDs and Data Collection

- ***Providing U.S. passports with inclusive gender marker options.*** Every American deserves access to forms of federal identification that respect and dignify their gender identity. In June, the State Department announced that it is updating agency procedures to remove burdensome medical documentation requirements for transgender Americans who wish to update their gender markers on their passports and other citizenship or identity documents. The State Department also announced that it is beginning the process to add a third gender marker for gender non-conforming, non-binary, and intersex Americans, and will work closely with interagency partners to ensure as smooth a travel experience as possible for all passport holders.
- ***Expanding the availability of accurate federal IDs for transgender and gender diverse Americans.*** Building on the State Department’s announcement that it will offer a third gender marker on U.S. passports, the White House is convening an interagency policy committee to advance a coordinated federal approach to expanding access to accurate and inclusive federal identity documents.

Advancing Health Equity, Patient Protections, and Access to Gender-Affirming Care

- ***Protecting transgender and gender diverse patients from health care discrimination.*** On May 10, 2021, the Department of Health and Human Services (HHS) announced that it would be interpreting and enforcing section 1557 of the Affordable Care Act’s prohibition on discrimination on the basis of sex in certain health programs and activities to prohibit discrimination on the basis of gender identity and sexual orientation. This interpretation is consistent with the Supreme Court’s ruling in *Bostock v. Clayton County*, and President Biden’s Executive Order on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation.
- ***Expanding access to gender-affirming care as an essential health benefit.*** In 2021, the Biden-Harris administration approved the first ever application from a state to add additional gender-affirming care benefits to the state’s essential health benefit benchmark plan. Beginning in 2023, Colorado’s essential health benefits benchmark plan – which serves as a reference that health plans in the non-grandfathered individual and small employer markets must use when designing plans – will include an array of gender-affirming care. Such treatments will include eye and lid modifications, face tightening, facial bone remodeling for facial feminization, breast/chest construction and reductions, and laser hair removal.
- ***Ensuring transgender patients can access birth control.*** In 2021, the Department of Health and Human Services (HHS) issued a final rule to strengthen the Title X family planning program, fulfilling the Biden-Harris Administration’s commitment to restore



access to equitable, affordable, client-centered, quality family planning services. The rule requires family planning projects to provide inclusive care to LGBTQI+ persons. Additionally, the rule prohibits discrimination against any client based on religion, race, color, national origin, disability, age, sex, sexual orientation, gender identity, sex characteristics, number of pregnancies, or marital status.

- ***Ensuring transgender veterans can access the comprehensive care they deserve.*** The Department of Veterans Affairs (VA) is committed to ensuring that VA, as an integrated health care and benefits system, is welcoming to all veterans, including transgender and gender diverse veterans. As part of this commitment, VA intends to initiate a rulemaking process to modify the medical benefits package to expand VA's care to transgender veterans to include gender-affirming surgery. Although VA currently provides most medically necessary gender affirming care to transgender veterans, it has historically excluded coverage of gender affirming surgical care because of an outdated regulation. By modifying the medical benefits packages, VA will be able to provide transgender and gender diverse veterans with a safe, coordinated continuum of care, including medically necessary transition-related surgical procedures in a manner that is veteran-centric and consistent with VA's values of equity and respect for all veterans. Concurrent with rulemaking, VA will develop a framework to provide the full continuum of care in a way that is consistent with VA's rigorous standards for quality health care.
- ***Ensuring access to gender-affirming care in the Federal Employee Health Benefit System.*** In June, the President signed an Executive Order on Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce. The Order directed the Office of Personnel Management to take steps to ensure that transgender and gender diverse federal employees can access the health care, including gender-affirming care, they need. Because the federal government is the nation's largest employer, these steps will expand health equity for transgender and gender diverse communities.
- ***Working to end the HIV crisis among transgender and gender diverse communities.*** President Biden instructed the White House Office of National AIDS Policy to revise the National HIV AIDS Strategy to provide a framework and direction for policies, programs and research to help accelerate and strengthen the Nation's HIV response and end the HIV epidemic. This new strategy identifies transgender and gender diverse communities as a priority population and includes measures to help monitor progress. The Strategy represents the Biden Administration's commitment to addressing the health disparities and inequities that result in new HIV transmissions and HIV-related deaths among transgender and gender diverse communities. The new National HIV AIDS Strategy will be released on World AIDS Day, December 1, 2021.
- ***Advancing health equity research on gender-affirming care.*** NIH will increase funding for research on gender-affirming procedures to further develop the evidence base for improved standards of care. Research priorities include a more thorough investigation and characterization of the short- and long-term outcomes on physical and mental health associated with gender-affirming care.



Supporting Transgender and Gender Diverse Youth and Youth in Care

- ***Expanding resources for transgender and gender diverse youth in care.*** The Children’s Bureau at HHS will highlight the needs of LGBTQI+ children and youth in announcements for funding opportunities that support youth in or transitioning from foster care. Where applicable, the Children’s Bureau will ask jurisdictions to report available data and information about how the services provided by the child welfare system are responsive to the needs of LGBTQI+ youth and young adults served by the child welfare system.
- ***Advancing research to address the harms of so-called conversion therapy.*** The Substance Abuse and Mental Health Services Administration (SAMHSA) is updating the 2015 publication *Ending Conversion Therapy: Supporting and Affirming LGBTQ Youth* to reflect the latest research and state of the field. The revision will include updated professional consensus statements, information on health inequities and resilience among LGBTQI+ communities, and information on the latest recommended therapeutic interventions and supports for sexual and gender minority youth, their families, and the communities in which they live.

Advancing Educational Equity and Safe and Affirming Schools

- ***Ensuring Educational Environments are Free from Sex Discrimination and Protecting LGBTQI+ Students from Sexual Harassment.*** President Biden signed an [Executive Order](#) recommitting the Federal Government to guarantee educational environments free from sex discrimination, including discrimination on the basis of sexual orientation or gender identity, and directed the Department of Education to review and consider revising agency actions that are inconsistent with that policy. The Executive Order also charged the Department of Education with reviewing the significant rates at which students who identify as LGBTQI+ are subject to sexual harassment and sexual violence. The Department of Education has announced that it intends to propose amendments to its Title IX regulations next year.
- ***Protecting the rights of transgender and gender diverse students.*** The Department of Education has taken steps to clarify and affirm that federal civil rights laws protect all students, including LGBTQI+ students, from discrimination. The Department published a [notice](#) in the Federal Register announcing that, in light of the Supreme Court’s landmark decision in *Bostock v. Clayton County*, it interprets Title IX’s statutory prohibition on sex discrimination as encompassing discrimination based on sexual orientation and gender identity.
- ***Outreach and education to transgender and gender diverse students and families.*** The Department of Education has published fact sheets and other [resources](#) showing the federal government’s support for LGBTQI+ students, highlighting the ways schools can support LGBTQI+ students, reminding schools of their duty to investigate and address harassment based on sexual orientation or gender identity, and informing students how they can assert their rights and file complaints.
- ***Supporting the civil rights of intersex students.*** The Department of Justice’s Civil Rights Division issued a memorandum to all federal agency civil rights directors and offices of



general counsel providing the Division’s interpretation that the Supreme Court’s ruling in *Bostock* applies to Title IX enforcement and issued an addendum to its previously published Title IX Legal Manual confirming that the *Bostock* decision applies to Title IX and that Title IX protections include protections based on gender identity, sexual orientation, and intersex traits.

- ***Supporting transgender and gender diverse students in attaining higher education.*** An education beyond high school is increasingly unaffordable for too many LGBTQI+ people, particularly LGBTQI+ students who may lack support and financial assistance from family. The Build Back Better Framework would increase the maximum Pell Grant by \$550 for students enrolled in public and private, non-profit colleges.

Promoting Fair Housing and Ending Homelessness for Transgender Americans

- ***Advancing fair housing protections on the basis of gender identity.*** On February 11th, the Department of Housing and Urban Development (HUD) announced that it would administer and enforce the Fair Housing Act to prohibit discrimination on the basis of gender identity. HUD’s Office of General Counsel issued a legal opinion concluding that, consistent with the President’s [Executive Order](#) on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation and the Supreme Court’s ruling in *Bostock v. Clayton County*, the Fair Housing Act’s prohibition on sex discrimination includes discrimination based on sexual orientation and gender identity. Concurrently, HUD’s Office of Fair Housing and Equal Opportunity (FHEO) issued a memorandum stating that HUD interprets the Fair Housing Act to bar discrimination on the basis of gender identity. The memorandum directed FHEO and fair housing organizations (FHIPs) and state and local agencies handling fair housing cases (FHAPs) which receive HUD funds to enforce the Act accordingly. HUD will conduct all activities involving the application, interpretation, and enforcement of the Fair Housing Act’s prohibition on sex discrimination consistent with its conclusion that such discrimination includes discrimination because of gender identity. HUD, as well as the FHIPs and FHAPs, are currently accepting and investigating complaints of housing discrimination because of gender identity.
- ***Ensuring safety and access to services for transgender people experiencing homelessness.*** In April, HUD withdrew the previous administration’s proposed “Shelter Rule,” which would have allowed for HUD-sanctioned, federally funded discrimination against transgender people who seek shelter housing. By withdrawing the previous administration’s proposed rule, the agency has restored protections for transgender people to access shelter in line with their gender identity. HUD has reposted technical assistance materials to provide shelters with practical tips about how to ensure privacy and safety for all residents, guide providers in responding to biased behaviors, allow staff and clients to make health and safety-based accommodations, and ensure that transgender and gender diverse people are able to access shelter that is in line with their gender identity. HUD has also released the Agency Self-Assessment Tool that provide specific action steps for HUD recipients and subrecipients to meet the requirements of the Equal Access Rule in shelters and other facility settings. The tool covers requirements regarding the creation of nondiscriminatory policies and procedures; responsibilities for



training staff and contractors; and communications with residents about their rights and protections. This is a companion tool to a housing and shelter guide released earlier this year, entitled: [Equal Access for Transgender People: Supporting Inclusive Housing and Shelters](#), and related staff training scenarios.

Protecting the Safety of Transgender and Gender Diverse People

- ***Advancing safety and justice for transgender and Two-Spirit missing and murdered Indigenous people.*** Native Americans experience disproportional levels of violence compared to the national average. LGBTQI+ Native Americans and people who identify as “Two-Spirit” people within Tribal communities are also often the targets of violent crimes. Criminal jurisdiction complexities and resource constraints have left many injustices against transgender, gender diverse, and “Two-Spirit” Native Americans unaddressed. On November 15, 2021, President Biden signed an [Executive Order](#) on Improving Public Safety and Criminal Justice for Native Americans and Addressing the Crisis of Missing or Murdered Indigenous People. The Executive Order acknowledges that LGBTQI+ Native Americans and people who identify as “Two-Spirit” people within Tribal communities as frequent targets of violence. The Executive Order directs federal agencies to work hand in hand with Tribal Nations and Tribal partners to build safe and healthy Tribal communities and to support comprehensive law enforcement, prevention, intervention, and support services to address the crisis of Missing and Murdered Indigenous People, including LGBTQI+ and “Two-Spirit” Native Americans.
- ***Protecting the rights of incarcerated transgender individuals.*** It is the Bureau of Prisons’ (BOP) policy to provide gender-affirming care for transgender individuals in correctional settings, and place transgender inmates in institutions consistent with their gender identity. BOP staff are trained on policies and practices designed to ensure that incarcerated transgender individuals are treated with dignity and respect. BOP solicits annual feedback from transgender inmates, and uses that feedback to develop, improve and expand programs and resources. The Bureau of Justice Assistance (BJA) maintains the National Prison Rape Elimination Act Standards, which include several explicit protections for LGBTQI+ inmates, recognizing that they may be at heightened risk for violence in carceral settings. BJA and its grantees conduct regular training and technical assistance for state, Tribal, and local confinement facilities, including prisons and jails, on implementation of these standards.
- ***Preventing and combating hate crimes committed on the basis of LGBTQI+ status.*** The Department of Justice’s Community Relations Service (CRS) and Civil Rights Division oversee and maintain the Departments’ hate crimes website, usdoj.gov/hatecrimes, which includes resources to support communities working to prevent or respond to bias incidents and hate crimes, including those committed on the basis of LGBTQI+ status, and includes information about the Department’s hate crimes prosecutions and initiatives. CRS provides facilitated dialogue, consultation, training and mediation services to communities working to prevent or respond to bias incidents and hate crimes committed on the basis of actual or perceived LGBTQI+ status. For example, together with the U.S. Attorney’s Office Puerto Rico, the FBI, and the Broad Committee for the Search of Equity (CABE), CRS recently co-hosted a virtual Hate Crimes Forum in San Juan, Puerto Rico that was conducted in Spanish with ASL and English translation. This forum



addressed hate crimes committed on the basis of all protected categories, and is a part of the work CRS has done in response to needs identified by LGBTQI+ community leaders following the murders of transgender women in Puerto Rico.

- ***Providing funding, training, and technical assistance to improve services for transgender victims.*** DOJ’s funding and support in this area includes: Office for Victims of Crime’s National Center for Culturally Responsive Victim Services, which builds up the capacity of community-based organizations, including transgender-led and transgender-focused organizations, to provide culturally responsive victim services; Office on Violence Against Women’s Grants for Outreach and Services for Underserved Populations, which currently fund several transgender-led organizations and organizations that serve transgender individuals across the country; and the Community Oriented Policing Services’ Collaborative Reform Initiative Technical Assistance Center, which will co-host an upcoming training on campus safety with the International Association of Campus Law Enforcement Administrators with a specific focus on LGBTQI+ students, faculty, staff and visitors.
- ***Protecting transgender people from community violence.*** The toll of community violence overwhelmingly falls on people of color, and uniquely impacts LGBTQI+ communities, especially transgender women of color who continue to face epidemic levels of violence, including gun violence. Controlling for geographic location, LGBTQI+ people are 6 times more likely than non-LGBTQI+ individuals to experience violence by someone who is well known to them and approximately 2.5 times more likely to be the victim of violent crime at the hands of a stranger. The Biden-Harris Administration has made historic investments in Community Violence Intervention (CVI). These programs are effective because they leverage trusted messengers who work directly with individuals most likely to commit or be victimized by acts of violence, intervene in conflicts, and connect people to social, health and wellness, and economic services to reduce the likelihood of violence as an answer to conflict. Under President Biden, the Treasury Department and Education Department issued guidance stating that CVI programs are eligible uses of American Rescue Plan funds—both the \$350 billion in aid to state, Tribal, and local governments and the \$122 billion to school districts. The Administration pivoted 26 existing grant programs across five agencies to support CVI. These historic funds will help curtail the epidemic of gun violence and address the disproportionate violence that impacts transgender and gender diverse people.

Advancing Economic Opportunity and Workplace Protections

- ***Protecting transgender and gender diverse workers from workplace discrimination.*** In the landmark *Bostock* decision, the Supreme Court held that Title VII of the Civil Rights Act of 1964 prohibits discrimination against individuals based on their sexual orientation or transgender status. As the agency charged with enforcing Title VII, the EEOC is committed to full implementation of *Bostock* and recently created a [landing page](#) that provides easy access to all of EEOC’s materials on sexual orientation and gender identity discrimination as well as a plain language overview of workplace conduct that is against the law and how to report violations. The EEOC is working to advance equal employment opportunity for LGBTQI+ persons through its private sector outreach, investigations, and litigation, as well as through its assistance to federal agencies and



adjudication of federal employees' discrimination complaints. The EEOC plans to continue robust outreach, technical assistance, policymaking, and litigation activities to implement Bostock and address workplace discrimination against LGBTQI+ people.

- ***Ensuring nondiscrimination protections for transgender and gender diverse workers.*** The Biden Administration recognizes the importance of ensuring nondiscrimination and affirmative action protections for transgender and gender diverse people in the workforce and strengthening the enforcement of current laws that protect these workers from workplace discrimination. On November 9, 2021, the Department of Labor's Office of Federal Contract Compliance Programs proposed to rescind the agency's final rule "Implementing Legal Requirements Regarding the Equal Opportunity Clause's Religious Exemption." The final rule has been in effect since Jan. 8, 2021. By proposing to rescind a 2020 rule promulgated at the end of the previous administration, the Administration took an important step toward protecting workers from discrimination and safeguarding principles of religious freedom.
- ***Promoting equal opportunity and prohibiting discrimination in the workforce development system.*** Transgender and gender diverse people face numerous barriers to employment opportunities, leading to higher rates of poverty and unemployment. For this reason, the Biden Administration realizes transgender and gender diverse people must have access to, and be included in, the workforce development system to gain economic opportunities. The Administration is enforcing discrimination prohibitions in workforce development programs federally funded by the Workforce Innovation and Opportunity Act, protecting individuals from discrimination based on their gender identity and transgender status. The Department of Labor's Women's Bureau also intends to strengthen its grant programs with proactive language to promote equity for transgender and gender diverse people, provide training and technical assistance to industry liaisons, and develop materials for its website to promote transgender workers knowledge of their nondiscrimination rights.
- ***Making the federal government a model employer for transgender and gender diverse public servants.*** The Federal government is at its best when its public servants reflect the diversity of the American people. On June 25, President Biden signed an [Executive Order](#) which takes historic new steps to ensure the Federal government is a model employer for transgender and gender diverse employees. The Executive Order charges agencies with building inclusive cultures for transgender employees by: expanding the availability of gender-neutral facilities in Federal buildings; ensuring that employee services support transgender employees who wish to legally, medically or socially transition; advancing the use of non-binary gender markers and pronouns in Federal employment processes; strengthening Federal health insurance benefits so that they provide comprehensive gender-affirming care; ensuring that Federal employee benefits, like paid leave programs, respect diverse family structures; and mitigating barriers that transgender employees can face in the background investigation process.



Making Generational Investments to End Poverty for Transgender and Gender Diverse Communities

- ***Tax cuts for workers without children.*** President Biden’s Build Back Better Framework permanently extends the American Rescue Plan’s increase to the Earned-Income Tax Credit from \$543 to \$1,502. This will benefit low-wage transgender and gender diverse workers, including cashiers, cooks, delivery drivers, food preparation workers, and child care providers.
- ***Historic investments to alleviate poverty for gender diverse families.*** During the COVID-19 pandemic, [over 36% of LGBTQI+ people](#) lived in a household that had difficulty paying for usual household expenses in the previous seven days, compared to 26% of non-LGBTQI+ people. Research suggests that transgender people are more likely to be living in poverty because of the effects of discrimination, bias, and denial of economic opportunity, and that children of transgender and gender diverse parents are especially vulnerable to poverty. President Biden’s framework will extend the Child Tax Credit, lowering taxes for middle class families by providing the families of more than 66 million kids in the U.S. a major tax cut.

Advancing Safety and Security for Transgender Elders

- ***Advancing data collection and research on the needs of transgender older adults.*** The Administration for Community Living (ACL) is in the process of setting up a technical advisory panel to review the forthcoming report on Measuring Sex, Gender Identity, and Sexual Orientation developed by the National Institutes of Health. ACL will convene an ad hoc panel of the National Academies of Sciences, Engineering, and Medicine report and advise on possible questions for the National Survey of Older Americans Act Participants regarding sexual orientation and gender identity.

Rebuilding an Orderly and Humane Immigration System that Protects Transgender People

- ***Expanding training on gender identity and sexual orientation for those who conduct immigration court proceedings, appellate reviews, and administrative hearings.*** As part of its extensive adjudicator training, DOJ’s Executive Office for Immigration Review (EOIR) recently provided trainings on pronoun use and gender identity, and is in the process of determining what additional trainings or resources might be necessary to provide additional education for its workforce regarding the unique challenges and considerations faced by LGBTQI+ individuals in immigration proceedings. EOIR will continue its recent efforts to collaborate with the academic community and other stakeholders to inform its efforts to create an inclusive environment for all.
- ***Reviewing policies on custody and care of transgender people in U.S. Immigration and Customs Enforcement custody.*** The Transgender Care Memorandum, issued by U.S. Immigration and Customs Enforcement (ICE) in 2015, advances the safety and equity of transgender noncitizens in ICE custody. As a long-term initiative, ICE is reviewing the memorandum to ensure it aligns with any new ICE initiatives related to the custody and care of transgender individuals and determine whether revisions need to be made.



- ***Requesting input from the public to identify barriers across USCIS benefits and services.*** The Department of Homeland Security (DHS) published a Federal Register notice on April 19, 2021 requesting public input and is actively considering suggestions from commenters to address challenges faced by transgender and gender diverse communities in accessing USCIS benefits and services.
- ***Establishing bona fide determination process for victims of qualifying crimes and employment authorization and deferred action for certain petitioners.*** DHS implemented a new process, referred to as Bona Fide Determination, to give qualifying victims of crime seeking U nonimmigrant status in the United States earlier access to employment authorization, providing them with stability and better equipping them to cooperate with and assist law enforcement investigations and prosecutions. This policy change is anticipated to particularly support transgender and gender diverse communities who face epidemic levels of violence and discrimination.
- ***Providing the first ever standalone T-Visa Resource Guide for law enforcement and certifying agencies.*** DHS released the T-Visa Resource Guide, which provides information to certifying agencies, including law enforcement, on how to support victims of human trafficking while law enforcement investigates and prosecutes these crimes. USCIS also released updated and comprehensive T-visa policy guidance for agency adjudicators to clarify requirements for T-Visa eligibility. These policy initiatives will support safety for transgender and gender diverse communities who are disproportionately exposed to violent crimes, including trafficking.

Advancing the Rights of Transgender and Gender Diverse Communities Around the World

- ***Presidential Memorandum affirming the human rights of LGBTQI+ people around the world.*** President Biden directed all agencies engaged abroad to ensure that United States diplomacy and foreign assistance promote and protect the human rights of LGBTQI+ persons. His Memorandum establishes that it “shall be the policy of the United States to pursue an end to violence and discrimination on the basis of sexual orientation, gender identity or expression, or sex characteristics, and to lead by the power of our example in the cause of advancing the human rights of LGBTQI+ persons around the world.”
- ***Providing Foreign Assistance to promote and protect the human rights of LGBTQI+ people around the world.*** Through the Global Equality Fund, the Department of State provides critical human rights funding to ensure that transgender, gender diverse, and intersex persons are able to enjoy equal and full respect for and protection of their human rights. USAID has supported legal recognition for transgender people, so that their official identity documents are aligned with their gender and that a third gender option was included in the national census in one of the four countries in South Asia that legally recognize a third gender.
- ***Engaging in transgender-inclusive human rights diplomacy.*** At Embassies and Consulates, and in multilateral spaces and international organizations, the U.S. works to ensure that issues impacting transgender and intersex persons are raised in our engagements with Governments and other actors. Through participation in mechanisms such as the LGBTI Core Group at the United Nations and the Equal Rights Coalition, we



seek to ensure that international norms and laws increasingly protect and uphold the dignity and human rights of transgender and intersex persons.

- ***Investing in health equity, access to gender-affirming care, and an end to the HIV epidemic for gender minority communities around the world.*** Through PEPFAR and USAID, the U.S. has provided technical assistance to build the capacity of transgender health workers from civil society organizations by organizing a series of transgender competence trainings to health care providers, as well as facilitating the establishment of the first clinic in Southeast Asia focused on addressing the health needs of transgender people. PEPFAR programs implemented by USAID are endeavoring to link transgender people with hormone therapy options alongside HIV prevention, treatment, and care. Currently, formal gender affirming care services led by transgender communities (including hormone replacement therapy) are offered in at least four countries in Southeast Asia and Southern Africa.
- ***Supporting research to advance the human rights of transgender people.*** USAID supports the Global Barometer of Transgender Rights, a global assessment of societal persecution, laws and policies, and acceptance of transgender people in 203 countries from 2011 to present, to assist development practitioners and policymakers better understand the realities faced by transgender and gender diverse people.