

A Life In-Between: Adrianna Ponce's American Dream

By: Evelyn S. Weinberger

Submitted to the Journalism Board of Study  
School of Humanities

In partial fulfillment of the requirements  
For the degree of Bachelor of Arts

Purchase College – State University of New York

First Reader: Prof. Andrew Salomon

Second Reader: Prof. Virginia Breen

PROLOGUE: La Promesa (The Promise)

Adrianna Ponce was running through *el campo* (the field) near her home in Puebla, Mexico, confused and unable to understand why she could not wear a big poufy dress for her First Communion. After all, it is a holy day filled with family and friends in a traditional celebration, in which she would first receive the body and blood of Christ.

She continued running through *el campo*, picking up speed. She reached the hiding spot, quickly climbed the ladder that led to the only entrance of the barn, and wedged herself between *las bolsas de maize* (the bags of corn). Her eyes welled up with tears.

Back home everyone was getting ready for the special occasion. Tables and chairs were being set up for the guests who would come for the feast after the sacred event at the church. *Padrinos* (godparents) all helped to make this day special for Adrianna. The cake arrived, and placed in the center of a long table. It was shaped like a Bible decorated with sugar beads around the edges that meet in the middle, to form the shape of a rosary.

Amid the bustle, Adrianna was nowhere to be found.

Her little brother, Nicolas Ponce, knew what was happening and where to find her. He took off running through *el campo*, heading straight for the barn. He rapidly climbed the ladder, looked through *las bolsas*, and found Adrianna.

“I want a big poufy dress,” Adrianna wailed to Nicolas.

Nicolas knew what to say, but Adrianna was stubborn. Nicolas wondered if she would listen to him, then spoke. “*Imaginate que tienes un vestido esponjado,*” he said. “*Te prometo que lo tendras.*” (“Pretend you have a big poufy dress. I promise you will have it.”)

Nicolas provided Adrianna with enough comfort for her to agree to go back home and get ready for her First Communion.

Adrianna emerged from *las bolsas*, descended the ladder with Nicolas close behind, and they walked back through *el campo* towards home.

Adrianna and Nicolas entered the house; their mother told them to get dressed; they would be leaving shortly for church.

They arrived at the church. Adrianna spied a sea of boys and girls dressed in all white. The girls, dressed in white gowns, wore veils attached to their headbands. The children were lined up in rows of two. As the ceremony was about to begin, Adrianna, with her hands pressed together in front of her, thought of Nicolas. She then imagined hearing a boy, standing next to her, say, "*Me gusta tu vestido.*" ("I like your dress.") Adrianna smiled and stepped forward with the others.

The organ began to play, the choir sang as the children walked into the nave. They followed the altar server holding a processional cross. Parents sat at the pews to the left and right of the aisles, filled with joy at the thought of their children entering the community of church.

The children walked in two by two, possibly unaware of the theological significance of this day, but if they were aware that bread and wine have been transformed into the Holy Eucharist, the body and blood of Christ, then they were old enough to take their First Holy Communion.

Adrianna walked along with the other children, lost in her thoughts. She looked straight ahead with a solemn heart. She looked at Nicolas as she thought about their earlier conversation. She thought, "*Nicolas siempre me apoya. El entiende que soy su hermana*" ("Nicolas always supports me. He understands that I am his sister."). Adrianna looks for her brother's gaze, their eyes meet as they exchange a smile. She continued to walk down the aisle following the music of the organ.

Everyone looked happy and all that Adrianna could think about was her beautiful dress. She refused to let anyone else see her for anything less than what she was, a girl wearing a big poufy dress with a veil attached to her headband. She searched the pews for her parents, feeling confused, because she knows her mother loves her, and she loves her mother, but Adrianna cannot understand why her mother did not buy her what she wanted.

Adrianna sees her mother dressed in her Sunday best: a floral dress, black flats, her dark hair tied back, no makeup, a pair of simple hooped earrings. Standing next to her, Adrianna's father wore a white button-down shirt, dress pants, and *huaraches* (sandals) holding his *sombrero* (hat). As they watched their child walking down the aisle, they stood emotionless, their faces with a blank expression.

Her mother saw that her child was disappointed. Her mother saw that her child was distinct. Her mother knew what her child really wanted. But there was no way on God's green earth that she would buy her son a First Communion dress.

\* \* \*

In February 2019, Adrianna opens the door to her newly rented studio apartment in Westchester County. She is wearing a black fitted zipped up fleece for women, with red and black plaid flannel pants, her long black hair is pulled up in a neat bun. With excitement, she welcomes me into the studio, where a worker just finished installing new hardwood floors in the living room. The worker exits to tend to the exterior stairs. We are walking, around carefully, so not to disturb the workers. Adrianna turns around and, with a smile says, "*Sabes, es la primera vez que vivo sola.*" (You know, it's the first time I am living alone."). We walk toward her bedroom and we sit on the bed. She says, "*Disculpa, no hay otro lugar donde nos Podemos sentar.*" (Sorry, I do not have any other place for us to sit.).

We begin to talk about how she is going to fix up her new place once all the renovations have been completed. But among all the commotion of moving, she found out that her health care coverage has been terminated.

We continue talking in Spanish.

Why, I ask.

“That’s what I want to know. Why? But nobody is giving me an answer.”

Could your current immigration status have anything to do with it?

“Yes, it could be.”

Adrianna wants to have surgery for gender affirmation (or what, until recently, was called “gender reassignment”). But for that, she will need health care to help cover the cost. Physiologically, she was born a male, but in every other respect, she is a female, a transition that she could not begin in Mexico but seeks to make her American dream, in New York. Now 38-years-old, she came to the U.S. at age 19, and arrived in Westchester in 2000.

But nothing has been easy about Adrianna’s twin journeys, from Mexican to undocumented resident to full-fledged American, and from male to female. She is currently working as a hairstylist, earning \$26,000 a year, including tips she said. She has a support network of limited friends who she considers family, like her boss Oscar Sanchez. Sanchez owns and operates Salon 56, which is located in the city of White Plains, New York, within walking distance from Ponce’s new residence.

“*Llevamos ocho años trabajando juntos,*” says Sanchez. (“We have been working together for eight years,”). Sanchez continues to explain that Ponce is his right-hand employee. “*Adrianna es profesional, servicial y es una amiga.*” (“Adrianna is professional, helpful, and she is a friend.”) While Ponce’s social life, home and job are secure many other aspects of her life are chaotic.

For example, her residency status is currently in limbo, as she patiently waits for a response from immigration regarding her petition for a U-Visa. Ponce's undocumented status has been made much more complicated due to President Donald Trump's immigration policies. On Jan. 25, 2017, Trump signed an executive order that vowed to abolish "classes or categories" and instead deem "all removable aliens" subject to deportation.

Adrianna is particularly vulnerable, because Trump's executive order indicates that because she is living in the U.S. illegally, even if she has been an upstanding member of her community, she would be deemed a removable alien because she belongs to a class or category which Trump seeks to eradicate.

On March 2015 the Supreme Court in Westchester County granted Adrianna's petition to legally change her name from Adrian Ponce to Adrianna Ponce. Adrianna then scheduled an appointment with the Mexican Consulate in New York City to legally change her name and gender on her Mexican passport.

However, her request was denied, because Adrianna was told by the employee assisting her that in order to legally change her name she would have to go back to Mexico and prove her gender-identity. This is problematic, because currently only three out of 31 states in Mexico allow name changes and gender markers: Mexico City, Nayarit and Michoacán, according to the Los Angeles Times. Being deported to Mexico would mean Adrianna will need to prove her gender-identity and succumb to a lengthy judicial process to be recognized as a female in Mexico.

Adrianna is one of 5.4 million undocumented immigrants from Mexico thought to be living in the United States, according to the Pew Research Center.

Currently, according to estimates from the UCLA Williams Institute, there are 267,000 unauthorized immigrants who identify as lesbian, bisexual, gay or transgender (LGBT) in the

U.S. The National Center for Transgender Equality estimates that between 15,000 and 50,000 of these are transgender, noting that the actual number may be higher because many transgender people may be reluctant to identify themselves as such.

In New York state, there are thought to be 940,000 undocumented immigrants, with 61,000 residing in Westchester County, according to the Migration Policy Institute.

The status of undocumented LGBTQ immigrants is especially fraught because, since taking office in 2017, the Trump administration has proposed radical changes to two things: immigration enforcement, and the Affordable Care Act (ACA), otherwise known as Obamacare. Each of these transformations directly affects Ponce and has stoked the fear and anger among the unauthorized transgender community.

Immigration law has become very narrow over the last 30 years, according to Suzanne Tomatore, attorney and co-director of the Immigrant Justice Program at the City Bar Justice Center in New York City, “It is very difficult and challenging for most people to apply to stay legally in the U.S.” says Tomatore.

In general, all immigrants and families with mixed status are very concerned about the immigration policies of this administration, according to Tomatore. “The concern that people will be separated from their communities and their loved ones here in the U.S. is very real,” writes Tomatore.

The majority of Tomatore's clients are members of the transgender community, who have either been crime victims while living in the U.S., or they are victims who fled their birth country because of their perceived gender and sexuality. “For trans individuals seeking asylum or other status, there is still success in these applications,” writes Tomatore. “But many are still reluctant to step forward in this political environment to make these applications.”

“Transgender people are a large diverse group, but if they have one thing in common is that we all have lost something in order to be ourselves,” says Gillian Branstetter, media relations manager for the National Center for Transgender Equality. A great sense of strength and resilience is instilled in the trans community, while many are fearful of the Trump administration the transgender community stands strong, according to Branstetter.

“Transgender people are very much angry, and they are very much afraid in the way that a lot of Americans are. In the way that really any marginalized American is under this current administration,” says Branstetter. “We have really come together as a community and as a demographic. This isn’t some trend that the Trump administration can ignore and wait out or any administration, and we are never going to give up, we are never going to be intimidated away by a lawless precedent.”

Adrianna’s case raises a number of questions about this particularly vulnerable segment of the population, among them:

- How many of the estimated amount of unauthorized transgender immigrants noted above that are living in the U.S., have sought any type of sanctuary relief under current U.S. immigration laws?
- What problems might future changes in the U.S. immigration system generate that could prevent an undocumented member of the transgender community, like Adrianna, to pursue their American dream of obtaining citizenship? And would these changes delay even further a judicial process that is already lengthy and complicated?
- Most important for Ponce, how can she obtain health care coverage when her immigration status has yet to be resolved. Because the health care issue depends on the resolution of a pending immigration matter, Adrianna will remain



without health care. What hope does a transgender woman like Adrianna have when going back home is not an option, out of fear of not being able to exist in a macho-driven culture such as Mexico?

With the Trump administration proposing radical changes to shake up the immigration system, and the ACA, what is a member of the transgender community to do when living under the Trump administration challenges their existence in American society?

### CHAPTER 1: Cruzando al Norte (Crossing North)

Today Ponce lives in the state of New York. She says her decision to immigrate to the United States at the age of 19 was a spontaneous action driven by deception and heartache. In 2000, her cousin, who will remain nameless, per Ponce's request, was planning to cross the border. "*Mi hermano me pregunto si queria cruzar al otro lado,*" she recalls, ("My brother asked me if I wanted to cross to the other side.") "*Dije si.*" ("I said yes."). As quickly as Ponce said yes, the trip to cross the border was planned in less than 15 days and it cost her \$3,000.

Ponce and her cousin arrived in the city of Mexicali, a capital city of the state of Baja California in Northern Mexico, on the U.S. border. In the span of one week, they attempted three times to cross the border. Twice they were caught by border patrol. The first time they were caught crossing the border was in the state of Baja California.

The second time, Ponce said, *el coyote* (the smuggler) decided it would be easier to head east, and cross the border in the city of Nogales, in the state of Sonora, Mexico, which borders Arizona. "*Nos subieron a un autobus y nos llevaron a Nogales,*" says Ponce. ("They put us on a bus that took us to Nogales."). Once again, they failed to cross the border in Nogales. Then that same night, the third attempt, she recalls the danger they were in when a group of 4 men beat her cousin up and tried to rape her.

That night as they waited for *el coyote*, Ponce and her cousin were placed in a vacant house, along with other people who were waiting to cross the border. A group of 4 men were gathered together talking among themselves, recalls Ponce. The men approached Ponce's cousin demanding him to step aside so they can have their way with her, referring to Adrianna. When he refused, two men began beating him while the other two men grabbed Ponce. "*Empezaron a tocarme y trataron de besarme,*" recalls Ponce, with tears in her eyes. ("They began to touch me, and they tried to kiss me.")

Ponce remembers that as the men continued to touch her, *el coyote* entered the vacant house asking what was going on. "*Nos soltaron y el coyote nos saco de la casa.*" ("They let us go, and the smuggler took us out of the house.") Ponce recalls the horrific experience and the one-week journey it took to enter the United States illegally, plus the two weeks of travel from Arizona to California then finally Ponce arrived in New York. "*La gente piensa que es facil cruzar la frontera,*" says Ponce. ("People think it is easy to cross the border."). "*Pero es traumatico*" ("But it is traumatic.")

Like many unauthorized immigrants who immigrate to the U.S., Ponce was searching for a better life. Above all, she was seeking freedom to be who she has always been, without having to hide that she is a transgender woman. Being raised in a masculine-driven society such as Mexico was not easy for Ponce, as she was bound by the rules of the household which meant she was not free to do as she pleased.

Traditionally, a Mexican family has gender-specific roles. The father is the provider and the head of the family. The women take care of the household and children. *Machismo* (masculine pride) is very prominent in Mexican families, and important decisions, if not all decisions, are made by the men of the house. Although Ponce has no recollection as to whether close friends and family knew she was distinct, Ponce has never denied that she was born a male.

Ponce felt trapped. “*Quería ser libre para ser yo.*” (“I wanted to be free to be me.”). Ponce knew that her gender-identity would be unacceptable in Mexican society as it challenged gender norms of patriarchy rule.

Upon illegally entering the U.S. Ponce and her cousin spent hours hidden underneath the seats of a van driven by *el coyote*, according to Ponce. *El coyote* drove from the border to Phoenix, then to Indio, California, where Ponce and her cousin spent a week in the home of an unknown family who assists *el coyote*, by providing clothing, shelter and food for newly arrived immigrants. “*Recuerdo la comida que servían era, arroz, frijoles, huevos fritos y tortillas,*” says Ponce. (“I remember the food they served: rice, beans, eggs and tortillas.”).

A week later Ponce and her cousin parted ways; he stayed in California, while *el coyote* provided Ponce with a false identification to board a plane heading for New York, where her two brothers, who will remain nameless, per Ponce’s request, waited for her arrival.

Ponce arrived in Brooklyn, where she refused to stay with the brother who lives there. “*Dije, yo no voy a vivir aquí,*” recalls Ponce. (“I said, I will not live here.”) Ponce agrees to live with her other brother who resides in White Plains. “*Tomamos el último tren y llegamos a White Plains a las 2 a.m.*” (“We took the last train, we arrived in White Plains at 2 a.m.”). From that point, Ponce began her American life in White Plains.

The day after Ponce’s arrival, she began her first job in America as a busboy, at a restaurant, Pizza & Brew in Scarsdale. “*Trabajé ahí por un año,*” says Ponce (“I worked there for a year.”)

Ponce recalls finding her true passion at a hair salon in the Galleria mall in White Plains, where she began working as a salon assistant, swiping floors and doing a little bit of everything, including learning hairstyling techniques from co-workers. From there Ponce began to gain experience as an unlicensed hairdresser.

From 2000 thru 2016, Ponce learned to speak and write English within the first two years of her arrival in America. She then decided to pursue a license in cosmetology through BOCES, a center for adult and community services in Westchester County. While Ponce remained employed as an unlicensed hairdresser, she completed a cosmetology course, but she was unable to obtain her license.

According to Ponce, at the time she was able to enroll in the cosmetology course at BOCES with a tax identification number, which was provided by the Internal Revenue Service (IRS). However, upon Ponce completing the course, the director of BOCES, who was Ponce's client at the time, told her that the law had changed. New York State Department of State Division of Licensing Service requires Social Security numbers to obtain a license in cosmetology, which Ponce does not have.

*"Fue muy frustrante,"* says Ponce. ("It was frustrating.") Ponce recalls studying and practicing every night to learn as much as possible, in preparation to take the licensing exam required by New York state. *"No tuve la oportunidad de saber si calificaba o de pasar el examen. Y ya se acabo todo ahí."* ("I did not have the opportunity to take the exam, and just like that things came to an end."). Ponce's 20 years of experience as a hairdresser does not matter to the licensing department—without a Social Security number she will not be able to obtain her cosmetology license.

Ponce continues to work as an unlicensed hairdresser, and for the past 10 years her focus has been on her transition from Adrian to Adrianna.

At the time of her arrival to America, Ponce did not anticipate that her journey to the U.S. would allow her accessibility to health care, which would help her to begin her transition. Also, the hope to adjust her status to legally reside in the U.S., a judicial procedure that can take years.

Soon there would be a dark shadow cast upon Ponce's American dream, due to a change in Washington.

## CHAPTER 2: Ruling Bodies

From 1900-1924, the U.S. Bureau of Immigration vetted newcomers to the United States and often denied entry to new immigrants on the subjective conclusion of so-called perverse acts, according to Margot Canaday, author of "The Straight State" and associate professor of history at Princeton University. These acts included homosexuality, prostitution, sexual deviance, moral turpitude, economic dependency, or "perverse" bodies, such as hermaphrodites or individuals with abnormal or small body parts.

In 1952, the Immigration and Naturalization Act (INA) (also known as the McCarran-Walter Act) was passed into law and contained two anti-gay provisions, according to Canaday. One provision was based on conduct and treated homosexuality as a behavior; it barred from entry immigrants who had committed unspecified "crimes of moral turpitude." The second provision relied on the notion that the homosexual was a type of person; it barred immigrants based on status by excluding homosexuals as a person "afflicted with psychopathic personality," writes Canaday.

Throughout the 1950s and 1960s the American Psychiatric Association (APA) classified homosexuality as a mental disorder. Therefore, Immigration and Naturalization Service (INS) officials and the courts relied more on the conduct provisions of the law, deporting immigrants who engaged in homosexual acts as having committed crimes of moral turpitude, notes Canaday. The law as it was written in 1952 vested the power of the state in medical experts because it depended upon psychiatrists to support the claim that homosexuals were by definition psychopathic, according to Canaday.

For enforcement purposes, however, the law depended on psychiatry, and the courts soon had a hard time finding psychiatrists who would testify that homosexuals were psychopathic. Beginning in the 1950s, many psychiatrists had been influenced by the work of Dr. Alfred Kinsey, whose study on male and female sexuality marked the beginning of a cultural shift away from the view that homosexuality was a pathology; instead, Kinsey viewed it as a normal variant of human sexuality. Kinsey had criticized scientists' tendency to represent homosexuals and heterosexuals as inherently different types of individuals. Psychiatrists began to differ from the courts in connecting homosexuality to sickness and subversion. Therefore, many psychiatrists refused to testify in immigration cases that homosexuals were psychopathic, leaving the state authorities in an awkward position.

Such was the case of Mexican native Sara Harb Quiroz, which began in 1960. This case is important for two reasons. The first reason is, during this time it is unlikely that immigrants had the financial means to retain an attorney. (According to court records, however, Quiroz did hire an attorney). Second, according to Canaday, of the 12 federal cases dealing with homosexuality under INAs 1952 act, just two dealt with women.

According to court records, Quiroz had been stopped at the U.S.-Mexico border after a family visit because her short hair and trousers made her look like a lesbian to the immigration officer who stopped her. In the Quiroz case, her appearance suggested a propensity for homosexual behavior to immigration officials, according to Canaday. Initially, Quiroz, denied that she was a homosexual, but after interrogation she confessed, she felt homosexual desires and had homosexual relations. Based on Quiroz's admission, she was ordered deported. Quiroz hired an attorney to appeal the order of deportation, according to court records.

In 1961, Quiroz's case reached the federal courts. Quiroz asserted that her homosexuality did not make her a psychopathic personality. Her attorney argued that Congress had not defined

psychopathic personality, and even if Congress had the power to relegate the question to the Public Health Service (PHS), the latter body had not stated that the psychopathic personality terminology always included sexual deviates. “Since law is silent on the criteria or definition of a psychopathic personality,” Quiroz’s attorney wrote, “the only alternative to which law can turn is medicine.”

The legal brief cited the evidence of two doctors, who maintained that while it was clear that Quiroz was a homosexual, it was not similarly obvious that she was a psychopathic personality. According to Canaday, one of these doctors was a PHS surgeon who testified that while regulations included all homosexuals as psychopathic personalities, he was not certain that Quiroz was “medically a psychopathic personality.” The other psychiatrist testified that Quiroz’s traits of “trustworthiness, conscientiousness, and hard work” indicate that she was not a psychopathic personality. Unfortunately, the Fifth Circuit of the U.S. Court of Appeals rejected Quiroz’s appeal, according to Canaday.

Almost as soon as the courts began to rule on cases that involved the psychopathic personality charge, they distanced themselves from the discipline of psychiatry, writes Canaday. Judge Warren Leroy cited the legislative history of the act, which stated that the adoption by Congress of the PHS terminology “psychopathic personality” in no way modified congressional intent to exclude homosexuals. “Whatever the phrase ‘psychopathic personality’ may mean to the psychiatrist, to the Congress it was intended to include homosexuals and sexual perverts,” Jones wrote. “It is that intent which controls here.”

According to Canaday, despite the court’s ruling, Quiroz was not ready to give up. Two weeks before she was to be deported, Quiroz got married and then filed a motion to reopen her case. She requested that she be allowed to “present evidence of her marriage and full rehabilitation.” Quiroz was “prepared to prove” that she was at the time, “a normal individual

and no longer a psychopathic personality.” But Canaday writes that Quiroz’s attempt to claim heterosexuality failed. The INS ordered her deported, finding that her recent “rehabilitation” had no bearing on her original condition at entry. By this ruling, the INS suggested that heterosexuality was not so easily achieved, writes Canaday.

It was not until 1973, when the APA declared that homosexuality was not a psychiatric disorder, that the legislative and judicial bans against LGBT immigration were removed. Congress, however, through the 1952 Immigration and Naturalization Act, continued to maintain the LGBT ban for almost another 20 years, before officially repealing it in the Immigration Act of 1990.

Then in 1993, then-Sen. Joe Biden, D-Del., introduced the Violence Against Women Act (VAWA). VAWA was passed and enacted into law as Section IV of the Violence Crime Control and Law Enforcement Act of 1994. VAWA contained immigration protections for victims of domestic violence. In 2000, VAWA was changed to include new forms of immigration relief for immigrant victims of domestic violence, sexual assault, human trafficking and other criminal activities. VAWA 2000 created the U-Visa for crime victims.

According to U.S. Citizenship and Immigration Services (USCIS), a division of the U.S. Department of Homeland Security, the U nonimmigrant status (U visa) is set aside for victims of certain crimes who have suffered mental or physical abuse and are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity.

The legislation was intended to strengthen the ability of law enforcement agencies to investigate and prosecute cases of domestic violence, sexual assault, trafficking of undocumented immigrants and other crimes, while also protecting victims of crimes who have suffered substantial mental or physical abuse due to the crime and are willing to help law enforcement authorities in the investigation or prosecution of the criminal activity, notes USCIS.



In 2010 Ponce was the victim of assault. When asked to discuss the details of the violent attack, she is reluctant to describe what happened. “*Mi ex-novio entro a mi casa a la fuerza,*” she says. (“An ex-boyfriend broke into my home.”). “*El estaba borracho, me empujo y amenazo con matarme.*” (“He was inebriated, he pushed me around and threatened to kill me.”). Ponce does not recall who called the cops. What she remembers next is the cops showing up at her home searching for her attacker and asking her about the assault. “*No queria denunciarlo, tenia miedo,*” she said. (“I did not want to file a police report, I was scared.”). “*La policia explico, que la denuncia me ayudaria a protegerme.*” (“The police explained, that the complaint would help protect me.”). After reporting the assault, Ponce was provided with an order of protection, which to this day is active.

As the victim of a crime, Ponce is eligible to apply for a U-Visa. The City Bar Justice Center in New York City filed the application on Ponce’s behalf in 2015. It has been four years since Ponce’s application was submitted to USCIS. To date Ponce’s U-Visa application is still pending a resolution from USCIS.

### CHAPTER 3: Upending Things

According to the Department of Health and Human Services (HHS), Section 1557 of the Patient Protection and Affordable Care Act (ACA), enacted in 2010, is the nondiscrimination provision of the ACA. The law prohibits discrimination based on race, color, national origin, sex, age, or disability in certain health programs or activities that receive federal funding.

Section 1557 applies to any health care provider or program that accepts federal funding, including Medicaid and Medicare payments or federal grants or contracts. This means that the regulation applies to most health care providers across the country, including hospitals, specialty medical center, mental and substance abuse treatment centers, pharmacies, nursing homes, community health centers, hospices, and health clinics; state, city, and county health

departments; and doctors' offices, according to the National Center for Transgender Equality (NCTE) website.

It is important to note, some health care providers who do not accept insurance or only accept private insurance may not be covered under Section 1557.

In 2016, HHS adopted a rule explaining what the Health Care Rights Law (HCR) means and how it plans to enforce it, according to NCTE. Regulations like this one did not create new protections that were not already there or change the law, but they do provide important clarifications about what the law requires.

One of the key things this 2016 regulation clarified is, when the HCR Law prohibits sex discrimination in health care, this includes anti-transgender discrimination, writes the National Center for Transgender Equality. This regulation made it easier for transgender people to enforce their rights under the HCR Law and get access to the health care they need.

The regulation makes it clear that most insurers cannot deny or limit coverage simply because the treatment someone is receiving relates to their gender identity. That means that most insurers are violating Section 1557 if they automatically deny coverage for transition-related care, writes the NCTE.

“It’s not an exaggeration to say that transgender people are in many ways facing a health care crisis in this country,” says Gillian Branstetter, media relations manager for the National Center for Transgender Equality, in Washington D.C. Transgender people are nine times more likely to attempt suicide than the general population, according to Branstetter. “A big part of that is stigma, prejudice, and a lack of access to adequate and equitable health care, both physical and mental health care,” says Branstetter.

Transition related health care is recognized throughout the medical world and is recognized throughout the scientific world as safe, effective and necessary, according to

Bransetter. “There are a lot of arbitrary and discriminatory barriers that are placed in front of transgender people when they are trying to access health care,” says Bransetter.

Some of the roadblocks include: exclusions in insurance policies that deny transition related care, and mistreatment by providers, which 1 in 4 trans people have faced. This ranges from being verbally harassed to being physically kicked out of an office or denied treatment altogether, notes Bransetter. “One in three trans people have said that they are afraid to go to the doctor when they need to,” says Bransetter, “out of fear of being mistreated.”

Insurers are also in violation of Section 1557 if they deny coverage in a way that discriminates against transgender people in another way, for example, refusing to cover a health service when it is used to help people transition, even when the insurer covers a similar service for people with other conditions, notes the NCTE.

Last, the regulation also states that health service providers need to treat everyone in a way that matches their gender identity and guarantees transgender people equal access to health programs and facilities. It is important to note that HHS regulation does not list specific treatments that insurance carriers do or do not need to cover, according to NCTE.

It is important to remember that even if HHS hadn’t adopted this regulation, anti-transgender discrimination in health care would have still been illegal under the HCR Law, notes the NCTE. Numerous courts over nearly two decades have said that federal sex discrimination laws prohibit discrimination against transgender people.

According to NCTE, after the regulation was adopted, several state officials and organizations sued HHS, saying that the regulation needed to be overturned. The case ended up in the courtroom of U.S. District Judge Reed O’Connor, a Texas judge known for ruling against the Obama administration.

The suit asks O'Connor to temporarily block HHS from enforcing parts of the regulation while the case went forward, notes NCTE. As state officials hoped, at the end of 2018, O'Connor ordered HHS to temporarily stop enforcing parts of the regulation, including the parts protecting transgender people.

The Trump administration praised Judge O'Connor's ruling. Now, the White House indicates that it plans to roll back or rewrite the regulation, and as a result, the case is pending further appeal, notes NCTE.

"We are currently looking at two changes that the Trump administration is looking to make to the ACA," says Bransetter.

The first change targets Section 1557 which is the provision within the ACA that prohibits sex discrimination. "Federal courts have long held that discrimination against transgender people is a form of sex discrimination," says Bransetter.

In order to reflect not just legal consensus but the viewpoints of major medical bodies, including the American Medical Association, American Psychiatric Association and the American Psychological Association, in 2016 the Obama Administration issued guidance to providers and to insurers noting, that harmful exclusion that separate transgender people from their health care, or refusal to cover trans related care or refusing medical treatment because they are trans, is a direct violation of the ACA, according to Branstetter.

"The Trump administration has made it clear that they not only disagree with the reading of the ACA," says Branstetter. "They disagree with the wide consensus of the federal court system, and they disagree with the wide consensus of the medical and scientific world." The Trump administration is determined to roll back Section 1557 in a direct attempt to setback much of the progress that transgender people have made in recent years including in health care markets, according to Branstetter.

“Since the regulation we have seen many state employee plans, many state Medicaid plans, many private insurer plans and many employer plans remove exclusions from their insurance offerings,” says Branstetter. By removing these exclusions employers are showing they are supportive, accepting and willing to put their foot forward on equality. “We’re deeply concerned that if this regulation is rolled back,” Branstetter said, “a lot of the progress will go with it.”

The second change the Trump administration seeks is to repeal the entire ACA. This is not trans specific, but it would have a major impact on the transgender community, according to Branstetter. “Before the ACA was signed in 2010 you could not get insurance if you had a preexisting condition,” says Branstetter. Before the ACA, being transgender was considered a preexisting condition, and it was immensely difficult for a transgender person to find any health insurance, according to Branstetter.

In 2003, when Mara Keisling, founder and current executive director of NCTE, founded the organization, she could not buy health insurance for her employees because they were transgender, according to Branstetter. “Repealing the entire ACA would really put much of the gains and lifesaving health care coverage that tens of millions of Americans have received under the ACA,” says Branstetter. “We know and we are dedicated to making sure that transgender people never go back to be a preexisting condition.”

No matter what the administration does, the Health Care Rights Law is the law of the land, and most courts have said it protects transgender people, writes the National Center for Transgender Equality. However, the administration’s actions will likely cause confusion for many patients, providers, and insurance companies, and it could lead to more anti-transgender discrimination, concludes NCTE.

According to Ponce, in late 2018 she received a letter from New York State of Health stating her Medicaid coverage had been cancelled because she does not have a Social Security number. Generally, only noncitizens authorized to work in the United States by the Department of Homeland Security (DHS) can obtain a Social Security number. Without a resolution on her immigration case, Ponce will, for the time being, remain without coverage.

Not only is Ponce concerned about obtaining health care to continue her transition, she is also apprehensive about the challenge's she could encounter if the Trump administration changes current immigration policies.

#### CHAPTER 4: Strike Down on Immigration

The White House notes on their website, President Trump is committed to ensuring swift removal of unlawful entrants. The president wants to end chain migration, eliminate the Visa Lottery, and move the country to a “merit-based” entry system.

Generally speaking, merit-based systems favor highly-skilled immigrants with some level of higher education. The U.S. had a version of merit-based system in place until 1952. At the time, applicants were selected based on the results of a literacy test. But in the 1950s, the U.S. began moving toward a family-based immigration system, writes CNN.

On June 11, 2018, then-Attorney General Jeff Sessions ruled that domestic or gang violence is not grounds for asylum in the United States. This is just one of numerous anti-immigrant actions that are especially dangerous for many LGBTQ immigrants who could face life-threatening violence if deported, writes the National Center for Transgender Equality.

Under current immigration law, there are two forms of sanctuary relief that a member of the transgender community could apply for. One of these is asylum; the other is a U-Visa. Both applications provide a way toward citizenship. However, to be eligible for either of these types of immunities an individual must meet specific qualifications.

“Generally, you are supposed to apply within one year of arriving in the U.S.” says Suzanne Tomatore, attorney and co-director of Immigrant Justice Project at the City Bar Justice Center (CBJC) in New York City. “Some people are unaware of that deadline and they try to apply later.” Tomatore explains that there is a way around this rule, by a “change of circumstances.” For example, “A transgender person may be starting their transition process, their life is changing and the way they are perceived by others is changing. That could be a way to explain late filing for asylum,” says Tomatore.

However, applicants filing for asylum must apply within a reasonable time given the change of circumstances, explains Tomatore. A word of caution for those seeking to apply for asylum, “Not everyone can apply for asylum,” says Tomatore. “It depends what country you are from.”

According to Ponce, she was advised by Caitlin Miner-Le Grand, an attorney at CBJC, who filed the U-Visa petition on Ponce’s behalf in March 2015, that she did not meet the requirements to apply for asylum, because too much time had passed.

However, Ponce did meet the requirement to apply for a U Visa, because she had been the victim of a crime.

In order to be eligible for a U Visa, the victim must submit a law enforcement certification completed by a certifying agency. Certifying agencies include all authorities responsible for the investigation, prosecution, conviction or sentencing of the qualifying criminal activity, including but not limited to; federal, state and local law enforcement agencies, according to the Department of Homeland Security.

“The U Visa is broader: many more people are eligible to apply,” says Tomatore. However, there is a big backlog of U Visa applications, and only 10,000 U Visas are given per

year, explains Tomatore. “The U Visa has a backlog of more than 200,000 applications at this point.”

According to Tomatore, it takes about three to four years to receive a response from immigration, and if the application is approved, the applicant only receives temporary status until one of the 10,000 visas are available.

Ponce’s U Visa application is pending review from U.S. Citizenship and Immigration Services. Ponce tried to reach her attorney, Miner-Le Grand, looking for an update. However, Miner-Le Grand was unavailable for comment.

#### CHAPTER 5: New York State of Mind

In response to shifting ideas about immigration and health care, the state of New York has responded by creating the Liberty Defense Project, which provides legal services to undocumented immigrants. New York State has also enacted laws, which protect the LGBTQ community.

The Liberty Defense Project (LDP) supports the rights of and stands with immigrants faced with deportation, so that every New Yorker has access to the full protections afforded under the law. According to LDP, New York state has launched the first-in-the-nation, state-led public-private project to assist immigrants, regardless of status, in obtaining access to legal services.

The LDP provides free legal consultations and screenings for immigrants throughout New York state. Along with direct representation of immigrants in deportation proceedings as well as other matters such as filing immigration applications for naturalization, employment authorization, and permanent residency. LDP also hosts “Know Your Rights” training sessions for immigrants and the community.



On June 24, 2018, Gov. Andrew Cuomo announced a series of aggressive actions to counter the Trump administration's expected efforts to bar transgender individuals from getting access to health care.

In anticipation of the federal government's rollback of a key provision of the Affordable Care Act (ACA), Cuomo has directed the New York State Department of Health to issue regulations prohibiting health care providers from discriminating against transgender patients.

Cuomo also directed the New York State Department of Financial Services to issue regulations expanding the scope of anti-discrimination protections for transgender individuals seeking access to health insurance beyond the ACA's prior protections.

"For every step the Trump administration takes backwards, New York will take two steps forward, and these regulations will guarantee and expand protections for transgender New Yorkers to help ensure every resident has equal access to health care," Cuomo said in a press release.

On Jan. 25, 2019, Cuomo signed into law the Gender Expression Non-Discrimination Act (GENDA) and legislation banning the practice of conversion therapy, signifying a landmark victory for the LGBTQ community.

"By signing into law GENDA and a ban on the fraudulent practice of conversion therapy, we are taking another giant step forward in advancing equal justice for every New Yorker – regardless of their gender identity or sexual orientation," Cuomo said. "We are once again sending a clear and proud message that there is no place for hate in our state, and anyone who engages in bigotry and discrimination will be held accountable."

The passage of GENDA prohibits employers, educational institutions, landlords, creditors, and others from discriminating against individuals on the basis of gender identity or

expression, and make offenses committed on the basis of gender-identity or expression, hate crimes under New York State law.

The bill's sponsor, state Senator Brad Hoylman, said, "The passage of GENDA-16 years in the making—and legislation to end so-called conversion therapy will codify our progressive reputation. As the Trump administration continues to roll back protections for LGBTQ Americans, today's victory sends a strong message to LGBTQ New Yorkers across the state: you are loved, understood, and protected by your state government. We will not let you down."

While the State of New York continues to keep its promise, to protect and serve its undocumented residents and the LGBTQ community, at the local level, Westchester County takes action as well, to protect its local undocumented residents. White Plains is the home of the oldest LGBT community center in the county, The LOFT.

On March 20, 2018, Westchester County Executive George Latimer signed the Immigrant Protection Act (IPA) into law. According to IPA, it prevents Westchester County from using any of its resources to assist in federal investigations based on race, gender, sexual orientation, religion, ethnicity or national origin.

The IPA ensures that all county residents are treated fairly in any part of the justice system, this way immigrants will be more confident in working with law enforcement.

Law enforcement authorities seek to facilitate communication and cooperation with immigrant communities in the investigation and prosecution of crime. This will encourage cooperation and foster a positive relation between county residents and law enforcement, providing and improving public safety for all Westchester residents, according to the IPA.

Westchester County is also the home of the first and only LGBT center, The LOFT, which for the past 35 years has grown to provide a wide range of services to the community.

The LOFT was formed in 1983 as a response to the AIDS epidemic. Because there was a lot of incorrect information being provided about AIDS, The LOFT created a helpline that was managed by volunteers, people could call to obtain information, according to Shepard Verbas, Assistant Director of Programs and Services at the LOFT. “Our helpline is our oldest existing program. It is the foundation of the center, even today, the helpline is alive and well,” says Verbas.

The helpline expanded in 2017 to include an intimate violence program for survivors of abuse of the LGBT community. “The main focus of the center is to provide advocacy, education, and celebration around LGBT identities. We serve anybody in the LGBT community or allies who are 18 and older,” says Verbas.

The LOFT also provides peer support group meetings for members of the LGBT community who are eighteen and older. They also have social groups such as, a writer’s workshop and a movie group. The LOFT also works with several local attorneys who provide pro bono assistance with legal name changes. They also have a scholarship fund called TRANSMission. “People can receive a small amount of money for gender-affirming clothing or surgery costs that is not covered by insurance,” says Verbas.

In an email exchange with Judy Troilo, executive director of the LOFT writes: We hope to launch the program (TRANSMission) sometime this summer. There will be a grant review team of at least three people from the transgender and non-conforming community who will determine the awardees, writes Troilo.

The initial grant award will be for up to \$500 and will be awarded to four people, according to Troilo. All program funds will come from donations made to this specific program. We will conduct various fundraising activities throughout the year, hopefully, the funds we raise

will allow us to grow to meet the needs of more people with larger grant amounts. We hope to have two grant periods per year, concludes Troilo.

Adrianna recently found out about TRANSMission, through a friend. For the time being Adrianna will not seek any assistance from the LOFT, but she is open to learning about TRANSMission in the future.

### CHAPTER 6: American Dream, Pending

The future for Adrianna Ponce seems uncertain primarily because her immigration status remains unresolved. However, she remains resolute. Although she has faced many transitions, from Mexican to undocumented resident to full-fledged American, and from male to female, she looks forward to what the future holds, her bring it on attitude is contagious.

With a big smile, Ponce says, “*Tengo todo, pero no tengo nada.*” (“I have everything, but I have nothing.”) as she opens up about her dream to obtain legal status in the U.S., to be able to have access to health care to continue her transition by having gender-affirming surgery.

“*Ser una chica-trans no es facil,*” says Ponce (“Being transgender is not easy”)

In 2008 at the age of 27, Ponce was ready to start her transition from male to female. She began using female clothing, growing out her hair and seeking information about hormone therapy. “*Toda mi vida sentía que mi cuerpo no era lo que yo quería,*” says Ponce (“My entire life I felt like my body was not what I wanted”). That same year she began weekly injections of an estrogen hormone called Topasel, which is a contraceptive used by cisgender women to prevent pregnancy.

Topasel helped Ponce’s body change from a male to female. According to Ponce, her hips began to widen, and her breasts began to form. She was beginning to achieve a feminine look. Then in 2014, Adrianna decided to have her testicles removed. The procedure is called an

orchiectomy, and it is one of three gender-affirming surgical procedures transgender patients can opt to have, according to the University of Utah Health.

Many male-to-female trans patients choose to start their surgical transition process with an orchiectomy. For male-to-female trans patients, having an orchiectomy may also make their hormone regimen simpler later on, because after the testicles are removed, the amount of testosterone that the male body produces drops to almost zero, notes the University of Utah Health. As a result of this drop in the amount of testosterone, Adrianna is able to take less estrogen and maintain her feminine look.

Adrianna explains that although the procedure is an outpatient surgery, meaning there is no hospital stay, the recovery was long, painful and emotional.

The next procedure Adrianna had in 2016 was chondrolaryngoplasty, or tracheal shaving, it is a cosmetic procedure designed to reduce the appearance of the Adam's apple. Adrianna explains that she had to have tracheal shaving done twice, because she wanted to diminish her Adams apple even more. And lastly Adrianna had six sessions of full-body laser hair removal, which is also considered a cosmetic procedure. Adrianna says that the laser hair removal was done in 2007 a year before she was ready to begin her transition.

Because Adrianna does not have health care coverage, she paid cash for the three surgical procedures she had, and for her hormone therapy. In the span of 10 years, Adrianna has paid \$22,500 out-of-pocket to cover her transition. It is important to note that this amount is an estimate because it does not include co-payments paid to medical providers for initial consultations and follow-up care.

Although the ACA says most insurance companies, including Medicaid, must pay for transgender care, including major surgeries, it is important to keep in mind that in Adrianna's case, only the orchiectomy surgery would have been paid for by Medicaid, according to New

York State Department of Health. The chondrolaryngoplasty (shaving of the Adams apple) and laser hair removal are considered cosmetic; insurance companies usually do not cover these procedures.

Adrianna's American Dream is to obtain legal status, to then apply for health care to move forward with gender-affirming surgery. However, the third gender-affirming procedure, Adrianna wants to have is a vaginoplasty, or the construction of a vagina. Its estimated cost is \$34,100, according to the Philadelphia Center for Transgender Surgery.

A vaginoplasty procedure consists of skin graft from the penis and scrotum to build the inner and outer labia of the vagina. In addition, doctors would build a new opening for the urethra (for urination), and use tissue from the foreskin of the penis to build the new opening of the vagina, according to the University of Utah Health.

According to Ivan Diller, clinical licensed psychotherapist, located in White Plains, New York, medical providers follow the guidelines of Standards of Care for Health of Transsexual, Transgender, and Gender-Nonconforming people, created by World Professional Association for Transgender Health (WPATH) when it comes to gender-affirming procedures.

According to the WPATH guidelines, in order for Adrianna to be able to have vaginoplasty, she must have persistent, well-documented gender dysphoria, the capacity to make a fully informed decision, and to consent for treatment, must be of age. If significant medical or mental health concerns are present, they must be well controlled, 12 continuous months of hormone therapy as appropriated to the patient's gender goals. Last, she must have 12 continuous months of living in a gender role that is congruent with her gender identity.

"Gender dysphoria is a state, it is an extreme sense of low mood, depressed mood," says Diller. It can get triggered in a transgender person for many different reasons, but primarily when

there is a reminder or a trigger that they were assigned a sex at birth that does not match their gender identity, so that is what causes the dysphoria, explains Diller.

For example, Mary wants to transition and socially identifies as John, but his parents continue to call him Mary, explains Diller. “That causes dysphoria in John, because now John is being reminded that they were assigned female at birth and that their parents still see them as Mary even though they identify as John,” says Diller.

“Gender-confirming surgery is a long process,” Diller says. “Typically, there are long waiting lists, people have to wait to get on the list for surgery.”

Transgender health coverage is sometimes not covered or denied on the person’s plan, according to Diller. “In many cases, clients opting to have gender confirming surgery (GCS) are faced with denials from their insurance carrier, if GCS is even covered,” writes Diller. “Not only does the transgender community need to rally for equal rights all around, but allies to the trans community must also rally for equal rights for trans individuals.”

Adrianna has a long road ahead of her, and now that she has moved into her own place, saving up for gender affirming surgery will be a challenge, she will save up as much as she can, when she can. However, she remains hopeful about her immigration issue and once that has a resolution, she will move forward to start a new chapter in her life.

To Adrianna it does not matter how long or difficult the journey has been to becoming Adrianna Ponce, because she knows that one day, she will be able to accomplish her American Dream. “*Yo no me doy por vencida,*” says Ponce. (“I won’t give up.”).

## BIBLIOGRAPHY

- Anderson, Stuart. "Right Now, 'Merit-Based' Just Means Fewer Immigrants." *Forbes*, Forbes Magazine, 12 Feb. 2018. [www.forbes.com/sites/stuartanderson/2018/02/12/right-now-merit-based-just-means-fewer-immigrants/#5072964a8e84](http://www.forbes.com/sites/stuartanderson/2018/02/12/right-now-merit-based-just-means-fewer-immigrants/#5072964a8e84).
- Barnes, Robert. "Controversial Ruling on Health Care Law Could Face a Skeptical Supreme Court - If It Gets There." *The Washington Post*, WP Company, 17 Dec. 2018, [www.washingtonpost.com/politics/courts\\_law/controversial-ruling-on-health-care-law-could-face-a-skeptical-supreme-court--if-it-gets-there/2018/12/17/81e40476-020f-11e9-b6a9-0aa5c2fcc9e4\\_story.html?utm\\_term=.7cc16ecc056d](http://www.washingtonpost.com/politics/courts_law/controversial-ruling-on-health-care-law-could-face-a-skeptical-supreme-court--if-it-gets-there/2018/12/17/81e40476-020f-11e9-b6a9-0aa5c2fcc9e4_story.html?utm_term=.7cc16ecc056d).
- Bier, David, and Stuart Anderson. "White House Plan Bans 22 Million Legal Immigrants over 5 Decades." *Cato Institute*, Cato Institute, 29 Jan. 2018 [www.cato.org/blog/white-house-plan-bans-22-million-legal-immigrants-over-5-decades](http://www.cato.org/blog/white-house-plan-bans-22-million-legal-immigrants-over-5-decades).
- Canaday, Margot. "Chapter 6, Immigration "Who Is a Homosexual?" The Consolidation of Sexual Identities in Mid-twentieth-century Immigration Law, 1952-1983." *The Straight State: Sexuality and Citizenship in Twentieth-Century America*, Princeton University Press, 2009, pp. 232–234.
- Caplan-Bricker, Nora. "Under Trump, Undocumented Immigrants Who Suffer Abuse May Face an Impossible Choice: Silence or Deportation." *Slate Magazine*, 19 Mar. 2017, [www.slate.com/articles/news\\_and\\_politics/cover\\_story/2017/03/u\\_visas\\_gave\\_a\\_safe\\_path\\_to\\_citizenship\\_to\\_victims\\_of\\_abuse\\_under\\_trump.html](http://www.slate.com/articles/news_and_politics/cover_story/2017/03/u_visas_gave_a_safe_path_to_citizenship_to_victims_of_abuse_under_trump.html).
- Carroll, Marisa. "What the Affordable Care Act Means for Transgender People." *The Nation*, thenation.com, 29 June 2015. <https://www.thenation.com/article/what-affordable-care-act-means-transgender-people/>
- Castillo, Katrina. "Legislative History of VAWA." *Library.niwap.org*, American University Washington School of Law, 15 June 2015 [http://library.niwap.org/wp-content/uploads/2015/VAWA\\_Leg-History\\_Final-6-17-15-SJI.pdf](http://library.niwap.org/wp-content/uploads/2015/VAWA_Leg-History_Final-6-17-15-SJI.pdf)
- "Data and Analysis Related to Trump Administration Actions on Immigrant and Refugee Policy." *Migrationpolicy.org*, 1 Feb. 2019, [www.migrationpolicy.org/programs/us-immigration-policy-program/data-and-analysis-related-trump-administration-actions](http://www.migrationpolicy.org/programs/us-immigration-policy-program/data-and-analysis-related-trump-administration-actions).  
<https://www.migrationpolicy.org/programs/us-immigration-policy-program/data-and-analysis-related-trump-administration-actions>
- Davis, Julie Hirschfeld. "How Trump's 'Merit-Based' Immigration System Might Work." *The New York Times*, The New York Times, 2 Mar. 2017. [www.nytimes.com/2017/03/01/us/politics/immigration-trump.html](http://www.nytimes.com/2017/03/01/us/politics/immigration-trump.html).
- Del, Jose A. "The Number of Undocumented Immigrants in the U.S. Has Dropped, a Study Says. Here Are 5 Takeaways." *The New York Times*, The New York Times, 27 Nov. 2018, [www.nytimes.com/2018/11/27/us/illegal-immigrants-population-study.html](http://www.nytimes.com/2018/11/27/us/illegal-immigrants-population-study.html).
- Diamond, Dan. "Texas Judge Lets Obamacare Stand While Court Challenge Continues." *POLITICO*, Politico, 31 Dec. 2018, [www.politico.com/story/2018/12/30/obamacare-case-on-hold-texas-judge-1077175](http://www.politico.com/story/2018/12/30/obamacare-case-on-hold-texas-judge-1077175).



- Duncan, Debbie. "Male to Female Price List - The Transgender Center." *Male to Female Price List - The Transgender Center*, The Philadelphia Center for Transgender Surger, [www.thetransgendercenter.com/index.php/mtf-price-list.html](http://www.thetransgendercenter.com/index.php/mtf-price-list.html).
- "Executive Order." *National Immigrant Justice Center*, National Immigrant Justice Center, [www.immigrantjustice.org/taxonomy/term/160](http://www.immigrantjustice.org/taxonomy/term/160).
- "Executive Order: Enhancing Public Safety in the Interior of the United States." The White House, The United States Government, [www.whitehouse.gov/presidential-actions/executive-order-enhancing-public-safety-interior-united-states/](http://www.whitehouse.gov/presidential-actions/executive-order-enhancing-public-safety-interior-united-states/).
- "Final HHS Regulations on Health Care Discrimination: Frequently Asked Questions." *National Center for Transgender Equality*, National Center for Transgender Equality, [www.transequality.org/sites/default/files/HHS-1557-FAQ.pdf](http://www.transequality.org/sites/default/files/HHS-1557-FAQ.pdf).
- Gasson, Kristina. "Can I Apply for U.S. Asylum If I'm From Mexico?" *Www.nolo.com*, Nolo, 20 Jan. 2017. [www.nolo.com/legal-encyclopedia/can-i-apply-asylum-from-mexico.html](http://www.nolo.com/legal-encyclopedia/can-i-apply-asylum-from-mexico.html).
- Gates, Gary J. "LGBT Adult Immigrants in the United States." *Williams Institute*, UCLA School of Law, 5 June 2013, [williamsinstitute.law.ucla.edu/research/census-lgbt-demographics-studies/us-lgbt-immigrants-mar-2013/](https://williamsinstitute.law.ucla.edu/research/census-lgbt-demographics-studies/us-lgbt-immigrants-mar-2013/). <https://williamsinstitute.law.ucla.edu/research/census-lgbt-demographics-studies/us-lgbt-immigrants-mar-2013/>
- "GLAAD Media Reference Guide - Transgender." *GLAAD*, GLAAD, 19 Apr. 2017, [www.glaad.org/reference/transgender](http://www.glaad.org/reference/transgender). <https://www.glaad.org/reference/transgender>
- Gold, Michael. "New York Passes a Ban on 'Conversion Therapy' After Years-Long Efforts." *The New York Times*, The New York Times, 21 Jan. 2019. <https://www.nytimes.com/2019/01/21/nyregion/conversion-therapy-ban.html>
- Gonzalez-Barrera, Ana, and Jens Manuel Krogstad. "What We Know about Illegal Immigration from Mexico." *Pew Research Center*, Pew Research Center, 3 Dec. 2018, [www.pewresearch.org/fact-tank/2018/12/03/what-we-know-about-illegal-immigration-from-mexico/](http://www.pewresearch.org/fact-tank/2018/12/03/what-we-know-about-illegal-immigration-from-mexico/).
- "Governor Cuomo Announces Health Care Protections for Transgender New Yorkers." Governor Andrew M. Cuomo, 27 June 2018. [www.governor.ny.gov/news/governor-cuomo-announces-health-care-protections-transgender-new-yorkers](http://www.governor.ny.gov/news/governor-cuomo-announces-health-care-protections-transgender-new-yorkers).
- "Governor Cuomo Signs Landmark Legislation Protecting LGBTQ Rights." *Governor Andrew M. Cuomo*, 28 Jan. 2019. [www.governor.ny.gov/news/governor-cuomo-signs-landmark-legislation-protecting-lgbtq-rights](http://www.governor.ny.gov/news/governor-cuomo-signs-landmark-legislation-protecting-lgbtq-rights).
- Green, Erica L., et al. "'Transgender' Could Be Defined Out of Existence Under Trump Administration." *The New York Times*, The New York Times, 21 Oct. 2018. [www.nytimes.com/2018/10/21/us/politics/transgender-trump-administration-sex-definition.html](http://www.nytimes.com/2018/10/21/us/politics/transgender-trump-administration-sex-definition.html).
- Harvard Health Publishing. "What Are Bioidentical Hormones?" Harvard Health, Harvard Health. [www.health.harvard.edu/womens-health/what-are-bioidentical-hormones](http://www.health.harvard.edu/womens-health/what-are-bioidentical-hormones).
- "Healthcare." *National Center for Transgender Equality*, National Center for Transgender Equality, [transequality.org/know-your-rights/healthcare](http://transequality.org/know-your-rights/healthcare). <https://transequality.org/know-your-rights/healthcare>

- HHS Office of the Secretary, Office for Civil Rights, and Ocr. "Section 1557 of the Patient Protection and Affordable Care Act." *HHS.gov*, US Department of Health and Human Services, 25 Apr. 2018, [www.hhs.gov/civil-rights/for-individuals/section-1557/index.html](https://www.hhs.gov/civil-rights/for-individuals/section-1557/index.html). <https://www.hhs.gov/civil-rights/for-individuals/section-1557/index.html>
- "History of VAWA." *History of VAWA | Legal Momentum*, Legal Momentum, [www.legalmomentum.org/history-vaawa](http://www.legalmomentum.org/history-vaawa). <https://www.legalmomentum.org/history-vaawa>
- "Honorable Board of Legislators County of Westchester." *Human Rights Westchester*, 22 Feb. 2018, [humanrights.westchestergov.com/images/stories/pdfs/2018immigrationAct.pdf](http://humanrights.westchestergov.com/images/stories/pdfs/2018immigrationAct.pdf). <https://humanrights.westchestergov.com/images/stories/pdfs/2018immigrationAct.pdf>
- "Immigration and Nationality Act." *USCIS*, 19 Feb. 2019, [www.uscis.gov/legal-resources/immigration-and-nationality-act](http://www.uscis.gov/legal-resources/immigration-and-nationality-act). <https://www.uscis.gov/legal-resources/immigration-and-nationality-act>
- "Immigration." *National Center for Transgender Equality*, National Center for Transgender Equality, 2019, [transequality.org/issues/immigration](http://transequality.org/issues/immigration). <https://transequality.org/issues/immigration>
- "Looking like a Lesbian": The Organization of Sexual Monitoring at the United States Mexican Border Author(s): Eithne Luibheid Source: *Journal of the History of Sexuality*, Vol. 8, No. 3 (Jan., 1998), pp. 477-506 Published by: University of Texas Press Stable URL: <https://www.jstor.org/stable/3704873> Accessed: 13-02-2019 02:17 UTC
- "In Mexico Caravan, LGBTQ Migrants Stick Together for Safety." *NBCNews.com*, NBCUniversal News Group, [www.nbcnews.com/feature/nbc-out/mexico-caravan-lgbtq-migrants-stick-together-safety-n935591](http://www.nbcnews.com/feature/nbc-out/mexico-caravan-lgbtq-migrants-stick-together-safety-n935591).
- "It is a basic principle that those seeking to enter a country ought to be able to support themselves financially, " Trump said Tuesday during his speech to Congress. "Yet. "Trump's Merit-Based Immigration System: Who Would Get in?" *CNNMoney*, Cable News Network, <https://money.cnn.com/2017/03/03/news/economy/merit-based-immigration-trump/index.html>
- "Immigration." *The White House*, The United States Government, [www.whitehouse.gov/issues/immigration/](http://www.whitehouse.gov/issues/immigration/).
- Berkeley Lovelace, Jr., and Tucker Higgins. "Yes, Obamacare Is Still the Law of the Land despite US Court Ruling Striking It Down." *CNBC*, CNBC, 17 Dec. 2018, [www.cnbc.com/2018/12/17/obamacare-still-law-of-land-despite-us-court-ruling-striking-it-down.html](http://www.cnbc.com/2018/12/17/obamacare-still-law-of-land-despite-us-court-ruling-striking-it-down.html).
- "Liberty Defense Project." *Welcome to the State of New York*, State of New York, 14 Mar. 2019, [www.ny.gov/programs/liberty-defense-project](http://www.ny.gov/programs/liberty-defense-project).
- Lungariello, Mark. "Westchester Lawmakers Approve Undocumented-Immigrant Bill." *Lohud.com*, Rockland/Westchester Journal News, 21 Nov. 2018 [www.lohud.com/story/news/local/westchester/2018/03/12/westchester-undocumented-immigrant-bill/409782002/](http://www.lohud.com/story/news/local/westchester/2018/03/12/westchester-undocumented-immigrant-bill/409782002/).
- Luibheid, Eithne. "Chapter 4, Looking like a Lesbian." *Entry Denied Controlling Sexuality at the Border*, Univ. of Minnesota Press, 2010, pp. 77–101.

Luthi, Susannah. "DOJ Changes Course: Entire ACA Should Be Struck Down." *Modern Healthcare*, Crain Communications, Inc., 26 Mar. 2019, [www.modernhealthcare.com/government/doj-changes-course-entire-aca-should-be-struck-down](http://www.modernhealthcare.com/government/doj-changes-course-entire-aca-should-be-struck-down).

"Male-to-Female Gender Confirmation Surgery." U Of U Health, University of Utah Health, 2018. <https://healthcare.utah.edu/transgender-health/gender-confirmation-surgery/vaginoplasty.php>

"Margot Canaday | Department of History." *Princeton University*, The Trustees of Princeton University, history.princeton.edu/people/margot-canaday. <https://history.princeton.edu/people/margot-canaday>

"Mexico Transgender Ruling a Beacon for Change." *Human Rights Watch*, 29 Oct. 2018, [www.hrw.org/news/2018/10/29/mexico-transgender-ruling-beacon-change](http://www.hrw.org/news/2018/10/29/mexico-transgender-ruling-beacon-change).

"NY State Senate Bill S1047." *NY State Senate*, 25 Jan. 2019. <https://www.nysenate.gov/legislation/bills/2019/S1047>

"NY State Senate Bill S3456." *NY State Senate*, nysenate.gov, 11 Dec. 2018. <https://www.nysenate.gov/legislation/bills/2017/S3456>

"NY State Senate Bill S502." *NY State Senate*, 11 Dec. 2018. [www.nysenate.gov/legislation/bills/2017/s502](http://www.nysenate.gov/legislation/bills/2017/s502)

Platoff, Emma. "By Gutting Obamacare, Judge Reed O'Connor Handed Texas a Win. It Wasn't the First Time." *The Texas Tribune*, Texas Tribune, 19 Dec. 2018, [www.texastribune.org/2018/12/19/reed-oconnor-federal-judge-texas-obamacare-forum-shopping-ken-paxton/](http://www.texastribune.org/2018/12/19/reed-oconnor-federal-judge-texas-obamacare-forum-shopping-ken-paxton/).

"Profile of the Unauthorized Population - County Data." *Migrationpolicy.org*, 1 Nov. 2018, [www.migrationpolicy.org/data/unauthorized-immigrant-population/county/36119](http://www.migrationpolicy.org/data/unauthorized-immigrant-population/county/36119).

"Profile of the Unauthorized Population - NY." *Migrationpolicy.org*, 1 Nov. 2018, [www.migrationpolicy.org/data/unauthorized-immigrant-population/state/NY](http://www.migrationpolicy.org/data/unauthorized-immigrant-population/state/NY).

"Report of Human Rights Conditions of Transgender Women in Mexico." *Transgenderlawcenter.org*, Cornell Law School LGBT Clinic, May 2016. <https://transgenderlawcenter.org/wp-content/uploads/2016/05/CountryConditionsReport-FINAL.pdf>

Sacchetti, Maria. "Justice Dept. to Halt Legal-Advice Program for Immigrants in Detention." *The Washington Post*, WP Company, 10 Apr. 2018, [www.washingtonpost.com/local/immigration/justice-dept-to-halt-legal-advice-program-for-immigrants-in-detention/2018/04/10/40b668aa-3cfc-11e8-974f-aacd97698cef\\_story.html?noredirect=on&utm\\_term=.ca0841152e03](http://www.washingtonpost.com/local/immigration/justice-dept-to-halt-legal-advice-program-for-immigrants-in-detention/2018/04/10/40b668aa-3cfc-11e8-974f-aacd97698cef_story.html?noredirect=on&utm_term=.ca0841152e03).

"Senate Majority Passes GENDA & Bans Conversion Therapy." *NY State Senate*, 16 Jan. 2019, [www.nysenate.gov/newsroom/press-releases/senate-majority-passes-genda-bans-conversion-therapy](http://www.nysenate.gov/newsroom/press-releases/senate-majority-passes-genda-bans-conversion-therapy). <https://www.nysenate.gov/newsroom/press-releases/senate-majority-passes-genda-bans-conversion-therapy>

"Sara Harb Quiroz, Appellant, v. Marcus T. Neelly, District Director, Immigration and Naturalization Service, (Richard C. Haberstroh, District Director, Immigration and Naturalization Service, Substituted As Party Appellee for Marcus T. Neelly, District Director, Retired), Appellee, 291 F.2d 906 (5th Cir. 1961)." *Justia Law*, law.justia.com/cases/federal/appellate-courts/F2/291/906/215102/.

Shah, Bijal. "LGBT Identity in Immigration." *Columbia Human Rights Law Review*, vol. 45, no. 1, Fall 2013, pp. 100–213. EBSCOhost, [ezproxy.purchase.edu:2048/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=sih&AN=92958109&site=eds-live](http://ezproxy.purchase.edu:2048/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=sih&AN=92958109&site=eds-live).

"Standards of Care for the Health of Transsexual, Transgender, and Gender-Nonconforming People." *World Professional Association for Transgender Health*, WPATH, 2012, [www.wpath.org/media/cms/Documents/SOC%20v7/Standards%20of%20Care\\_V7%20Full%20Book\\_English.pdf](http://www.wpath.org/media/cms/Documents/SOC%20v7/Standards%20of%20Care_V7%20Full%20Book_English.pdf).

"Support Groups." *The LOFT: LGBT Center*, The LOFT: LGBT Center, [www.loftgaycenter.org/support\\_groups](http://www.loftgaycenter.org/support_groups).

"The Discrimination Administration." *National Center for Transgender Equality*, National Center for Transgender Equality, 6 Dec. 2018, [transequality.org/the-discrimination-administration](https://transequality.org/the-discrimination-administration). <https://transequality.org/the-discrimination-administration>

"The Immigration Act of 1924 (The Johnson-Reed Act)." *U.S. Department of State*, U.S. Department of State. <https://history.state.gov/milestones/1921-1936/immigration-act>

"Tips for Journalists." *National Center for Transgender Equality*, National Center for Transgender Equality, 31 Jan. 2019, [transequality.org/issues/resources/fact-sheet-writing-about-transgender-people-and-issues](https://transequality.org/issues/resources/fact-sheet-writing-about-transgender-people-and-issues). <https://transequality.org/issues/resources/fact-sheet-writing-about-transgender-people-and-issues>

"Trump Administration Plan to Roll Back Health Care Nondiscrimination Regulation: Frequently Asked Questions." *National Center for Transgender Equality*, National Center for Transgender Equality, 23 Aug. 2018, [transequality.org/HCRL-FAQ](https://transequality.org/HCRL-FAQ). <https://transequality.org/HCRL-FAQ>

"U Visa Law Enforcement Certification Resource Guide." *Dhs.gov*, [www.dhs.gov/xlibrary/assets/dhs\\_u\\_vis\\_a\\_certification\\_guide.pdf](http://www.dhs.gov/xlibrary/assets/dhs_u_vis_a_certification_guide.pdf).

"Victims of Criminal Activity: U Nonimmigrant Status." *USCIS*, U.S. Citizenship and Immigration Services, 12 June 2018. <https://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-criminal-activity-u-nonimmigrant-status/victims-criminal-activity-u-nonimmigrant-status>

SOURCES

Adrianna Ponce. Interview.

Sept. 11. 2018

Sept. 25. 2018

Oct. 02. 2018

Oct. 23. 2018

Nov. 11. 2018

Jan. 15. 2019

Mar. 19. 2019

Mar. 26. 2019

Mar. 29. 2019

Apr. 21. 2019

Gillian Branstetter. Interview.

Apr. 23. 2019

Ivan Diller. Interview.

Mar. 08. 2019

Apr. 17. 2019 (email interview)

Judy Troilo. Email Interview.

Apr. 17. 2019

Oscar Sanchez. Interview.

Oct. 03. 2019

Shepard Verbas. Interview.

Aug. 07. 2018

Apr. 17. 2019

Suzanne Tomatore. Interview.

Feb. 26. 2019

Apr. 22. 2019 (email interview)