

LGBT Undocumented Immigrants Face an Increased Risk of Hate Violence



SOURCE: AP/Jason DeCrow

Members of the LGBT community and their supporters gather to speak out after a string of hate violence during a rally in New York's Greenwich Village, Monday, May 20, 2013.

By Sharita Gruberg | June 10, 2014

The National Coalition of Anti-Violence Programs, or NCAVP—a group of organizations dedicated to ending all forms of violence against and within lesbian, gay, bisexual, and transgender, or LGBT, and HIV-affected communities—recently released its [report](#) on hate violence in 2013 against these communities. Last year was the first year that NCAVP had a large enough sample size of LGBT and HIV-affected undocumented people to produce statistically relevant findings.

These findings show that while 2013 was a pivotal year for same-sex marriage rights—with significant victories at the state level and in the U.S. Supreme Court—homophobia and transphobia still put the safety and lives of LGBT people at risk on a daily basis.

In its study, NCAVP analyzed 2,001 reported incidents of anti-LGBT violence and violence against HIV-affected people in 2013. Since this was not a prevalence study, its findings are limited to this sample. NCAVP found that rates of violence against LGBT and HIV-affected people remained consistent; however, it found a 21 percent increase in physical hate violence. Those at greatest risk of

severe forms of violence include transgender people, people of color, gay men, and LGBT undocumented people. According to a Center for American Progress interview with Osman Ahmed, NCAVP's research and education coordinator, "There is a disproportional aspect of hate violence; it always targets the more marginalized communities."

The Williams Institute at UCLA estimates that there are at least 267,000 LGBT-identified adult undocumented immigrants living in the United States. Living at the intersection of two marginalized groups—the LGBT population and the undocumented population—makes these individuals particularly vulnerable. They face numerous challenges due to their lack of legal status, including employment insecurity, wage and income disparities, and health inequities. Furthermore, they face bias and discrimination because of their LGBT and immigration status.

Violence against LGBT and HIV-affected undocumented people

Although undocumented immigrants account for less than 3 percent of the total adult LGBT population in the United States, they represent nearly 8 percent of LGBT hate violence survivors. Violence against LGBT and HIV-affected undocumented people rose by almost 50 percent between 2012 and 2013, though this increase may be attributed to better reporting and local organizations' increased outreach to this community.

LGBT and HIV-affected undocumented people were 3.4 times more likely to experience sexual violence and 3.5 times more likely to experience physical violence compared to the general LGBT community. Not only are LGBT undocumented people more likely to experience violence, but the forms of violence they faced were also more likely to be severe. They were twice as likely to experience injury as a result of the violence and 1.7 times more likely to require medical attention for their injuries. These injuries are particularly dangerous for undocumented immigrants, since this group is prohibited from accessing Medicaid or buying insurance in the state health insurance exchanges.

LGBT and HIV-affected undocumented survivors of violence were 1.7 times more likely than the general LGBT community to report incidents to the police; however, they were also 1.4 times more likely to experience police violence. While the exact reason for the higher reporting rate is unclear, programs such as Secure Communities, or S-Comm—in which local law enforcement assists in the implementation of federal immigration laws—make undocumented immigrants hesitant to call the police when they are victims of a crime, as they fear being placed in deportation proceedings. According to Ahmed, "the ramping up of S-Comm is troubling and dangerous for the LGBT undocumented communities. Reporting to the police is not really an option for a lot of people." NCAVP proposes that the higher rate of reporting is likely linked to an increased risk of serious physical injury, since in these cases first responders are required to report incidents to the police.

Another theory, according to on-the-ground community organizations, is "that greater education and outreach has empowered undocumented LGBTQ survivors to report hate violence," said Zenen Jaimes Pérez of Familia: Trans Queer Liberation Movement, in an interview with CAP.

The increased outreach and education regarding the availability of **U Visas** for victims of certain crimes, such as felony assault, may have created an environment in which LGBT undocumented immigrants feel more comfortable reporting hate violence. In addition, the recent move by some states and cities to end

cooperation agreements with Immigration and Customs Enforcement through laws such as California's **TRUST Act** also may have helped. Pérez continued:

Increasingly ... local communities are seeing the benefits of building a firewall between them through TRUST Acts and greater community outreach. Additionally, undocumented LGBTQ survivors see the benefit of reporting hate violence because of potential U Visa benefits. This is a monumental change from just four years ago when state and local governments were actively pursuing anti-immigrant laws. Now we know that pro-immigrant and community laws make communities safer and encourage victims of hate crimes to speak out regardless of their immigration status.

How reforming our immigration laws and policies can protect LGBT and HIV-affected undocumented people from violence

Legal permanent residents account for 2.71 percent of survivors of hate violence against LGBT and HIV-affected people, compared with undocumented LGBT and HIV-affected immigrants, who account for almost 8 percent. This population's lack of legal status and protections make them more vulnerable to violence. Reforming immigration laws to create a legalization program with a pathway to citizenship would provide this population with the full rights and protections it currently lacks, bringing it out of society's shadows. Since this population is also more likely to require medical attention as a result of hate violence, it is critical that policies preventing them from accessing health insurance are amended.

Another way to protect LGBT undocumented immigrants from hate violence is by eliminating policies that turn local law enforcement into immigration enforcement agents, such as S-Comm and 287(g) programs. These formal memorandums delegate even more immigration enforcement authority to state and local law enforcement and have been criticized for making immigrant communities distrustful of law enforcement.

According to the Human Rights Watch, "in states and communities across the country, local law enforcement is realizing they can't do their job effectively while implementing Secure Communities." Eliminating such policies would allow LGBT undocumented victims of hate violence to seek protection from law enforcement without fear of being detained and placed in deportation proceedings.

The need for more data and research

In addition to reforming immigration laws and policies, we need more research and data on hate violence against LGBT and HIV-affected communities, particularly on transgender people, undocumented people, and communities of color. NCAVP hopes to have more data in next year's report, including income data to show how poverty interacts with a survivor's experience of violence. More research on the experiences of LGBT and HIV-affected communities with hate violence will help guide policies and services to ensure the safety of these communities, particularly the least visible ones that live at the intersection of marginalized identities, such as LGBT undocumented immigrants.

Sharita Gruberg is a Policy Analyst for the LGBT Immigration Project at the Center for American Progress.