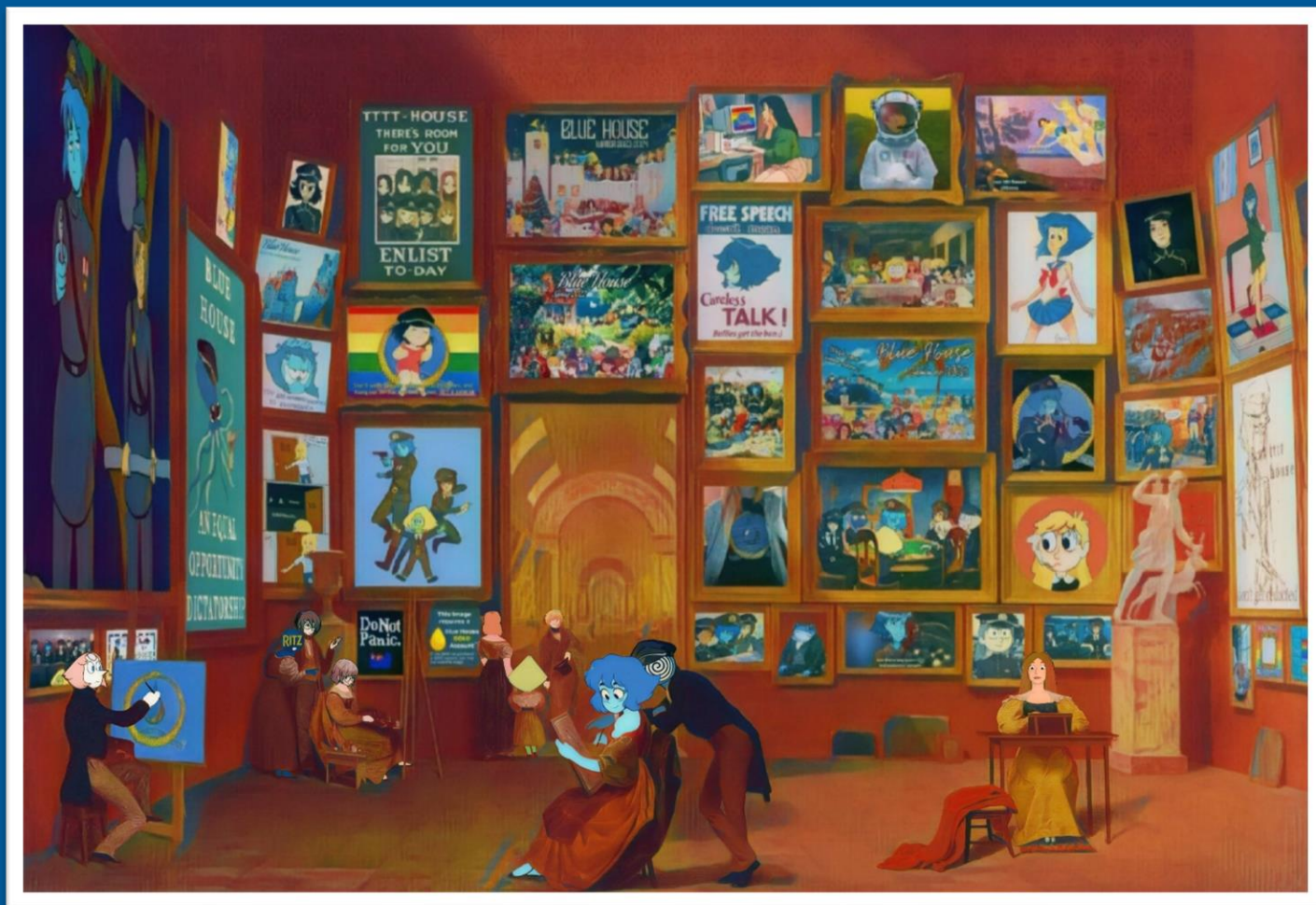


# Blue House Monthly

Volume 2 Issue 6

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by Lapis

# About the Cover

## “National Gallery” by Lapis

Between 1831 and 1833 while on sabbatical in Europe, Samuel F.B. Morse painted “Gallery of the Louvre”. At the time there was a trend in Europe where aristocrats and art museums would commission gallery-style paintings as a means of showing off their formidable collections of fine art. Morse, who would later become more well known for inventing the telegraph, painted his masterpiece as a physical means by which he could export the culture of fine art from Europe back with him to the United States. In Blue House we have been creating our own unique brand of art for 3 years. Now that Blue House Monthly has entered its second year of publication, I figure it is only fitting we have a “National Gallery” of our own to put our culture on display.

# Community News for January 2024

- On January 7<sup>th</sup>, Candy Bear made the 3,000,000<sup>th</sup> post in the Boulevard. The message was “No I’m American”
- Blue House got its first member from the Bailiwick of Jersey (not New Jersey, the US state, but Jersey, the self-governing dependency of the UK in the English Channel). The community now has representation from 5 regions of the United Kingdom: England, Scotland, Wales, the Isle of Man, and Jersey.
- Fortunious graduated from Air Force Basic Training and is now officially an Airman

# About this Issue

This issue of Blue House Monthly marks the first time it will be available in journal format via PDF file in addition to the way it has been historically released as individual article links on [bluehouse.lgbt](https://bluehouse.lgbt). To better fit with this new format (and excluding special issues with unique criteria), 1 cover art (visual art, detailed, high resolution) and 1 long form article (3000+ words, researched with sources) will become their own sought submission categories going forwards. As previously, the usual standards will remain in effect for acceptable material.

## Makoto Shinkai, the New Hayao Miyazaki?

By Daya (@dayasan)

Prefacing this by saying he is my favourite Anime director, ahead of Satoshi Kon and Hayao Miyazaki, I really do think he is that good. He has been called the new Miyazaki by some film critics, so I thought it may be interesting to do a very brief review of his films, in chronological order.

Born in a small town in the mountainous prefecture of Nagano, Shinkai ended up studying Japanese Literature at the highly prestigious Chuo University (alumni including many Japanese politicians including the former Prime Minister Kaifu). After graduation he ended up immediately getting a job at Falcom, a videogame company (probably best known for Dragon Slayer & Legend of Heroes) doing graphic design and cut scenes. His first proper short film was *She and Her Cat* (1999) a POV film of a pet cat and its owner. Whilst just 5 minutes long, it won various small awards.

On the back of this, approached directly in 2000 by a manga/anime publisher, he began making a 25 minute short film *Voices of a Distant Star* (2001) I like this and I am rather disappointed it has yet to be made into a full movie. It follows a girl who goes on a military mission into deep space, communicating with her friend who remains on earth. It follows her going further away from earth, with the delay from sending a message to it being received, stretching into the weeks, months and eventually years. This theme of separation and also the progression of time follows through into some of the future films. I do hope this gets made into a longer version one day (7/10)

2 years later came his first full length film *The Place Promised in Our Early Days* (2004) The Soviet Union had, following the end of WW2, annexed half of the northern Japanese island of Hokkaido, and is building an incredibly high tower that fascinates the Japanese on the mainland, especially the 3 central characters, all children in 9th grade. Upon finding a crashed military drone they set about converting it to carry the three of them to see the tower close up. However one of them disappears, then the story jumps to 3 years later, and





the tower is affecting the surrounding area in a huge and bizarre way (watch it yourself to find out more) It is very enjoyable, enough you really don't focus on some mild plotheoles, it looks amazing, especially for something made on a comparatively low budget, Makoto Shinkai being the writer, director and producer. (8/10)

#### *5 Centimetres per Second (2007)*

arrived 3 years later, it is in 3 very distinct parts, being set in 1991, 1999 and 2008. It follows 2 friends as, with a similar theme to the above 2 films, they slowly drift apart over time. The two friends graduating from the same school in Tokyo, she moves to a prefecture an hour or two away, the distance making them drift apart. Afterwards he eventually moves to the far southern prefecture of Kagoshima, making them drift further still. It was this film which led



to multiple film critics to call him 'the next Miyazaki' and this film was Japan's fourth most popular Blu-ray movie in 2008. Unlike the two above films being about separation and trying to get the connection back, this one is more about letting go and moving on. Whilst a bit slow at times with little to break up the emotional sequences, it is worth a watch (7/10)

This was followed by *Children Who Chase Lost Voices (2011)*, which I think shows what Shinkai is really aiming for with his films, often exploring his preferred theme of separation carried on the back of an unusual premise, in this case the premise to some people can come across rather convoluted but I did not feel this to be the case when watching it at all. Asuna, a lonely child whose father passed away, is attacked by a strange creature and rescued by an unusual boy with unusual powers. If this sounds somewhat formulaic, it explores some darker themes, grief and what would you would do to bring back a loved one. Like most (if not all) of his films, this is beautifully animated, my only real criticism being it takes a whilst to get into the real 'meat' of the film (8/10)

A few years later, he released a new short film, *Someone's Gaze (2013)* only 7 minutes long, its an emotional piece about the relationship between child and parent, especially when both are older, time making the two drift apart slightly, potentially leaving the parent incredibly lonely. Consider it a 7 minute reminder to call your folks once in a whilst! (7/10)

In the same year was a 45 minute long short film *The Garden of Words (2013)*, it rather sticks out as a bit like 5 Centimetres per Second, it is more a quiet film regarding loneliness without a 'gimmick' to carry it along (albeit at 45 minutes this is not needed) Takao, a student, skips school to sketch at a park, and bumps into Yukari, a woman who is avoiding her work. Connecting due to their shared traits, it is a rather simple film but its awkward run time means it is more fleshed out than a 20-30minute short, but lacking the

development of a full-film. Also worth noting the dub on this is apparently terrible (though I find all dubs to be horrifyingly bad) if you watch it, use subs (7/10)

The first full-length film in 5 years, *Your Name* (2016) is probably his most well known film so far, after release becoming the 2nd highest grossing Japanese film at the box-office (1st was *Spirited Away*, both are now below a *Demon Slayer* film) it received many awards and got nominated for the Japan Academy Film Prize, in my opinion one of the best judges of anime quality. *Your Name* is a body-swap film, but the two are also separated by time as well, a difference of three years. The two try to contact each other, especially regarding a disaster which happened in between those three years. I know people who both love and hate this film, I will add that Makoto Shinkai himself is critical of the film, saying it is incomplete due to budgetary concerns and that it could have been much better, and for sure the latter half does feel rushed. However overall this went down well with critics and audiences, including overseas, getting cinema releases in most western countries as well. Whilst I rather enjoyed this film, it does feel like something is missing somewhere.(7.5/10)

*Weathering With You* (2019) came after this and whilst not matching the financial success of *Your Name*, it is, to me, undeniably a better and more complete film, even being nominated for an Oscar (Best International Feature Film) It is about a troubled boy, Hodaka, who seemingly has a knack for making some thoughtless and entirely stupid life choices, pairing up



with Hina, a 'sunshine-girl' who can control the weather. With Hodaka as a homeless runaway and Hina an orphan living with her younger brother, they decide to sell the weather-changing to make ends meet. As expected this unravels with police and social services involvement combined with the potentially deadly side-effects that changing the weather has on Hina's body. This film flows really well, and even more-so than previous films has stunning visual effects due to the extensive weather changes. Probably due to the financial success of *Your Name*, *Weathering With You* was marketed hard, partnering with Uniqlo, Softbank and Lawsons amongst others, and whilst not hitting the box office high of *Your Name*, was the 5th highest grossing Japanese films (box-office) for a whilst (now pushed down a few spots) A lot of the people who loved *Your Name* did not like this one, whilst the opposite is also true, I think that the financial and critical success of *Your Name* was looming over the shoulder of this one, but I do think it is a better film overall with more memorable characters, and a more cohesive plot (8.5/10)

*Suzume* (2022) is his most recent film, and one of my favourite anime films. The premise being, more unusual and fantastical than previous works. Specific doors appear in abandoned places (amusement parks etc) and act as wormholes for a large, earthquake-

causing supernatural 'worm'. The doors have to be forced back closed, manually, to prevent disaster, they appear across Japan leading to a race against the creature. It is by far his most complete film, and more than a match for any Ghibli, with perfect pacing, interesting characters and amazing animation, it is no wonder it got nominated for a Golden Globe. It shot up to 4th highest grossing Japanese film at the box-office, partnering with Lawsons, McDonalds and over 50 other companies domestically. Performing well abroad, it is the highest grossing Japanese film in both China and South Korea, and it's box office results from China were even greater than Japan. I really love this film and it makes me excited to see what he brings us next (9/10)

Shinkai's latest two films are amongst the best anime films I have seen, and deserve more attention than Your Name which seems to dominate people's opinion of him. If you enjoy anime, I 100% recommend watching his films, especially Place Promised In Our Early Days, Children Who Chase Lost Voices, Weathering With You and Suzume, the latter two being obligatory watching for any anime enjoyer. Whilst Miyazaki is seemingly not going to retire again soon (apparently he kept going back to the office after 'Boy and the Heron', his 12th film, was finished and is seemingly starting a new film) I think Shinkai has earned the right to be called 'the next Miyazaki' following his 6 full length films, of increasing quality, currently culminating with the wonderful Suzume.

*Article Picrel Sources (in order of their appearance):*

Your Name <https://variety.com/2018/film/asia/your-name-director-makoto-shinkai-weathering-1203092067/>

Voices of a Distant Star <https://www.ddmcd.com/movies/makoto-shinkais-voices-of-a-distant-star.html>

Weathering with You <https://medium.com/anitay-official/makoto-shinkai-retrospective-weathering-with-you-3d60c468c556>

## Trans in Russia:

### Interviewing Saffron

By Lapis & Saffron (@lapis\_lazuli. & @saffronxsaffron)

When this article is published, Russia's ongoing invasion of Ukraine will be close to the second anniversary of its inception. The Russian federal law "for the Purpose of Protecting Children from Information Advocating a Denial of Traditional Family Values" widely known as the Russian "Gay Propaganda Law" in the West that criminalizes positive depictions of homosexuality in media as well as anything that promotes LGBT culture or rights will have been in effect for 10 years (1). Over three years will have passed since the assassination of the prominent gay rights activist, Yelena Grigoryeva, in St. Petersburg (2). In 2023, Russia ranked 46th out of 49 countries in Rainbow Europe's annual scoring for legal, political, and human rights of Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) peoples (3).

With all that in mind, I was granted the opportunity and privilege to interview Blue House's only Russian member, Saffron, to get some insight into her life and her opinions on what is going on in the world. Her willingness to answer many of the below questions regarding her homeland is a testament to her courage in the face of a rampaging, homophobic regime.

**Lapis:** Lets start with some questions to establish context. How long have you been in Blue House? How did you find it?

**Saffron:** I've been in Blue House for, I think, more than a year- but sadly I've grown inactive for the past few months. I joined it from a Discord link from a now closed subreddit.

**Lapis:** How do you identify? Are you out? Are you on HRT?

**Saffron:** I am a GNC [gender non-conforming] trans woman. Queer people close to me know, but not my classmates, colleagues, or parents. I was on HRT up until recently but had some financial struggles. I'm hoping to return to it by summer.

**Lapis:** How old are you?

**Saffron:** Twenty-one

**Lapis:** And where do you live?

**Saffron:** Russia, Moscow

**Lapis:** Okay now let's move on to main questions I'd like to ask you. What is it like being trans in Russia? How are you treated by others there?

**Saffron:** Honestly, up until recently, I'd say it was okay. Of course, there's always dangers such as general hostility from transphobes... but legal transition was pretty easy in Russia, plus not many people know about us so it's easier to pass. However after recent changes to the law that made medical transition and paperwork illegal, I feel like the atmosphere in queer communities has become more desperate and hopeless... not to mention we became more of a punching bag for both the media and regular people although we also were before.

**Lapis:** So how does one go about transitioning in Russia? What is the process like?

**Saffron:** Right now it's mostly DIY. Many stores don't ask for a receipt for estrogen and anti-androgens so you can buy it if you're convincing enough. I don't really know how trans men and transmascs access HRT, but I've heard there are ways around it too. Legal transition has been outlawed, except for people who already changed their documents so I guess you just have to boymode or girlmode... but you can still change your documents if you have an ID of a different country.

**Lapis:** Are you worried about being drafted?

**Saffron:** Sort of. Technically, I am not draftable because of my OCD, but it's hard to prove I have it and disclosing it may hurt my career prospects. I try not to think about drafts in my day-to-day life, but it has definitely effected my day to day life.

**Lapis:** What do you think about the war?

**Saffron:** I disavow the war. I did from the very start. It has brought nothing but death and poverty on both sides and for what? ...On a more personal note, I was not that affected by the war, but I do feel like a lot of my opportunities were cut short both economic and social.

**Lapis:** How has the war affected your ability to transition? How has it affected a person being able to transition in Russia in general?

**Saffron:** Since the war began I [have] felt more and more closeted, and also new legislation don't help. At one point I considered detransitioning because of mental turmoil, but, thankfully, I am fine now and I'm ready to keep transitioning.

**Lapis:** How is your family when it comes to you being trans?

**Saffron:** My family is anti-trans on a spectrum. I never came out to them, but some of them just don't like trans people, but do tolerate them while some are very openly transphobic, so I'll probably never come out to them. They still haven't fully clocked that I like men, even so I think hiding being trans will also be kinda easy. It's also hard to come out to them because they really really wanted a boy in a family and raised me to be a perfect male role model, so disappointing them would be devastating.

**Lapis:** Are you afraid of the legislation criminalizing so-called "LGBT propaganda"?

**Saffron:** I am kinda split on it. In my mind I know I should worry, but also I am a huge escapist so the gravity of the situation hasn't fully hit me. I guess I'll have to wait to see how



much this law will be used in practice, but I am definitely more cautious about my digital footprint now.

**Lapis:** Have you ever thought about leaving Russia? If so where would you want to go?

**Saffron:** I did think about leaving... mainly to Canada or maybe Australia or New Zealand, but right now I have too much ties to Russia- family, friends, work, my local community. Besides, I believe that if everybody leaves, there will be no one left to make social progress happen, and I want to advance it.

**Lapis:** You say you want to advance social progress. Would you consider yourself an activist?

**Saffron:** I wouldn't. In my eyes, to be an activist you have to be very public, you have to be unafraid to put yourself on blast and I'm not that brave. I try to help my local queer community and they help me. I spread the word of news and try to find solutions, but I've never used my voice as a public figure because I am afraid of leading people to their demise, including myself. I'd rather help out people who can do it better while doing my own thing.

**Lapis:** What is something trans people in the West take for granted?

**Saffron:** I don't want to sound entitled, because the EU, US, and Canada are also having a far-right resurgence, but I think that the westerners don't realize how terrible it is to be silenced. The West has long had queerness discussed in the news, in the media and on the streets and in Russia it's still basically Hays code [see sources] level messages - if we don't want to be criminalized, we either have to be silent, secretive, or a complete joke. And it sucks because we can't even start a conversation without risking our safety while it's much easier to do in other countries.

**Lapis:** What advice would you give other trans people in Russia?

**Saffron:** I cannot stress this enough, but do not give up. Even if right now we have to hide and wait, one day the light will shine on us. Whether it means immigration or the fact that policies are not eternal and can one day change. Ending your road early is not worth it, because no matter how [many] valleys there are in life, you can find your hills. Also DIY LOL.

## BONUS SECTION

**Lapis:** On a lighter note I thought we'd end with some less serious and more fun questions... so do you like being in Blue house?

**Saffron:** I love being in Blue House! Even if I don't speak up often, it's so lovely and comfortable reading yalls messages, seeing what happens in your lives. Not to mention all the fun stuff like memes! Also, the community activities are great and I'm happy they are implemented.

**Lapis:** Okay so have you seen Steven Universe? Did you like it?

**Saffron:** I've been into SU [Steven Universe] and for a while it has been my favorite cartoon show! It may be childish, but it's genuinely so enjoyable to watch and I feel like its creators put so much soul and effort into it.

**Lapis:** Last one- do you own a blahaj?

**Saffron:** No, but I have an anomalocaris, gray parrot, and meowth plushies sewn by my IRL [in real life] bestie!

*Thank you, Saffron, for entertaining my questions and the great conversation!*

### Sources

1. the murder of Yelena Grigoryeva <https://www.nbcnews.com/feature/nbc-out/russian-lgbtq-activist-killed-after-being-listed-saw-inspired-site-n1032841>
2. Russia's gay propaganda law <https://www.hrw.org/news/2022/11/25/russia-expanded-gay-propaganda-ban-progresses-toward-law>
3. Rainbow Europe rating for Russia in 2023 <https://www.statista.com/statistics/1384354/lgbtq-europe-legal-human-political-rights-russia/>

The Hays code: "during the years from 1934 to 1968, the Motion Picture Production Code, usually called the Hays Code, stifled filmmakers or made them creative when it came to sexuality. The code stated that any inference of sex perversion, including homosexuality, was prohibited."

<https://libguides.ithaca.edu/c.php?g=869643&p=6242177#:~:text=During%20the%20years%20from%201934,%22%20including%20homosexuality%2C%20was%20prohibited.>

## Simple Succulent:

### Realism in VFX gallery by Cuddly (@cuddlyarbiter)

Visual effects (VFX) are the art and science of creating imagery that appears to be real or enhances the storytelling in various forms of media. From creating creatures and environments to simulating natural phenomena and enhancing practical effects, VFX plays a role in bringing imaginative concepts to life. It encompasses a wide range of techniques, including compositing, 3D modeling, matte painting, motion capture, and more, and continues to push the boundaries of what is visually possible in entertainment and media.

*The first image is the wire-frame, or the raw mesh visualized so we can understand how the polygons shape the overall form and how they affect the topological flow of the model*



*The second image is a render of the Ambient Occlusion over the mesh, or a base textured mesh. This is used to see how light interacts with the overall shape of the mesh*

*The third image is a final rendered product containing all texture maps, color, subsurface scattering, and height maps allowing for a hyper-realistic appearance in the digital realm*



# Happy People: A Year in the Taiga

## Review

By Petra (@petraelectra)

*"Now out on their own, the trappers become what they essentially are - happy people. Accompanied only by their dogs, they live off the land. They are completely self-reliant. They are truly free." -Werner Herzog*

Werner Hertzog's "Happy People: A Year in the Taiga" is a documentary that, over the

course of a year, takes viewers on a spectacular journey into the isolated wilderness of the Siberian Taiga. It offers a peek into a very different way of living, studying the lives of fur trappers and other folk who make their living in the heart of the frozen wilderness. The window provided into the day-to-day lives of those hardy people showcases the skills they have built up in order to survive.

A year in the taiga is not an easy one. The trappers work hard for very little yet make the most of their meager income in order to feed their families. They must be resourceful and self-reliant to overcome dangerous conditions in the brutal yet beautiful terrain that the film does well in spectacularly showcasing. Through the lens of a dying profession in a place more remote than most realize. The film celebrates endurance with overtures of solitude, determination, and struggle. It serves as a reminder of a vanishing way of life in our modern world where long-established lifestyles clash with the machinations of an ever changing modern world.

The documentary will be appealing to those who like to study unique cultures and other environments, nature lovers, thrill seekers, and craftspersons. Anyone interested in anthropology is almost guaranteed to not only love this film, but possibly put it in their top ten list. It has spectacular scenery, excellent storytelling, and profound insight which leaves a lasting impact on the viewer. Watching this makes me grateful and reassures me that human beings can withstand a lot- I cannot recommend it enough.

Picrel source: <https://www.amazon.com/Happy-People-Taiga-Werner-Herzog/dp/B00CFDAOPG>





# The Blue House

## 2023-2024 Census Results

Compiled by Mat (@poliwhirl61)

Shortly after the 1-year anniversary of the Blue House founding, we conducted a voluntary server census. Every Blue House anniversary afterwards, we've collected voluntary census responses from server members. This year, the 3rd Blue House Census for 2024 was opened on November 1st 2023, and remained open for roughly one month. We collected approximately 90 responses across various demographic statistics, along with a few fun questions mixed in. All questions except for Age and Time in Server were optional, and we had only a few abstentions from the optional questions this year.

### Image 1

Here we have the age distribution of members, the length that members have been in the server, how long any members on HRT have been on it, and the number of BLAHAJ that members own.

First, a quick refresher on box plots. A box plot divides the distribution into four equally sized quartiles. The bottom and top quartiles are marked by the lines extending from the box, the two middle quartiles are the two halves of the center box, and the median is the line between the two middle quartiles. Any extreme outliers are marked by circles beyond the upper or lower quartiles.

The typical age of Blue House members are between roughly 21-26, with a median age of 24. The distribution of ages does skew younger, ranging as low as 18, which is the minimum age for anyone to be allowed in. The upper quartile of ages span from the mid-20s to the mid-30s.

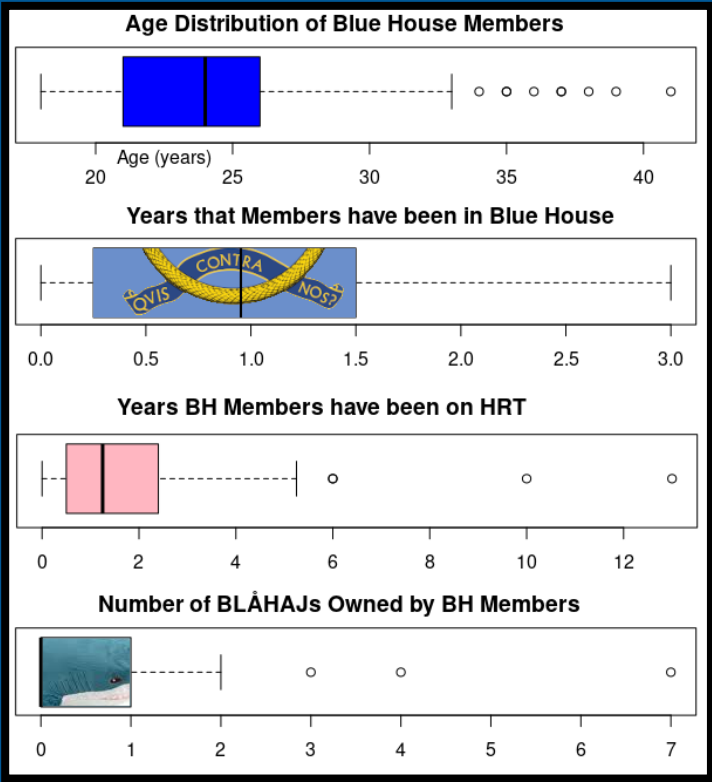


Image 1

Half of Blue House has been around for at least one year, and the other half less than one year. Which means for many respondents, this was their first year participating in the Census! The definition of who is an older legacy member is continually shifting, with pivotal “lore-building” moments like the *TTTT House* days and *the Heresy* belonging only to a subset of the upper quartile of members.

The other two charts generally speak for themselves. For the trans members on HRT, the plurality of members have been on it for 0.5-2.5 years, with a large upper quartile going up to 5 years, and a handful of outliers going up to over a decade. I'd like to note that I considered removing this question from the Census, but when collaborating with Blue House staff, they expressed an interest in keeping this question in.

Yet again this year, one very comfortable Blue House member has 7 BLÅHAJ, with most members having anywhere from zero to two sharks to themselves.

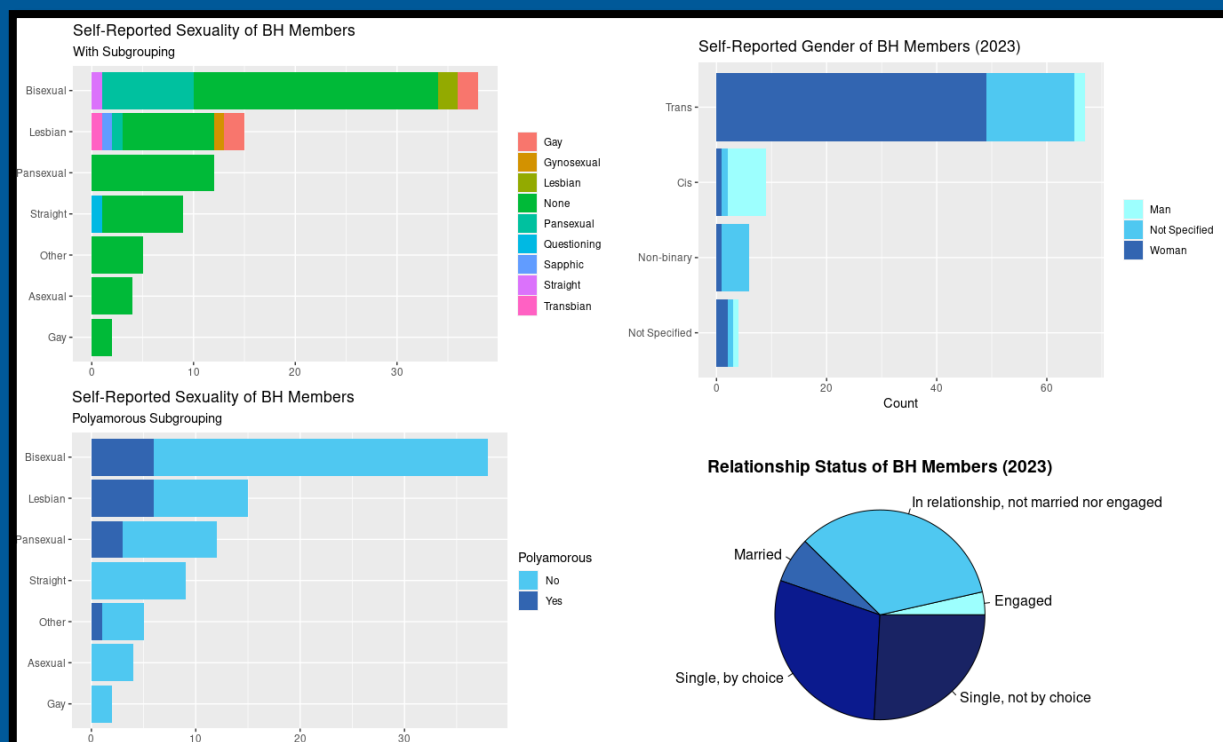


Image 2

## Image 2

Here were some of the more challenging demographics to organize. For both the gender and sexuality questions, members could choose any number of the responses, along with one write-in response. Some people described themselves with as many as 4 sexuality descriptors and 3 gender descriptors. Responses that would have added an additional column with one response were either removed or recategorized.

In the sexuality demographics, the group with the largest variation was Lesbian. There were many overlapping responses as well, such as people describing themselves as "Lesbian; Gay". "Bisexual; Pansexual", "Pansexual; Gay", "Lesbian; Straight", and many other combinations. I've done my best to capture both the overall patterns and the nuances. Additionally, polyamorous discourse periodically comes up in the server, with much hot air exchanged on the subject. So, I included a "Yes or No" question asking if members were polyamorous. Here, we can see that all the respondents who said "Yes" are almost exclusively Lesbian, Bisexual, or Pansexual.

For the gender demographic, the question was also structured in such a way that people could select any number of descriptive options, though here, it was a bit easier. Most members described themselves as "Trans; Woman", with the second largest population describing themselves as simply "Trans". Periodically, people question how many cis people are in the server, "what percent of the server are they", etc. Here, we can see that there are less than 10 self-reported cis people in the server, with the vast majority being cis men. Granted, this was a voluntary census with about a 20% server response rate. From my experience, cis members tend to complete these at a higher rate than the typical server member.

For the overall server relationship status, about half of the server are single and half are in relationships, with a sizeable majority being married or engaged.

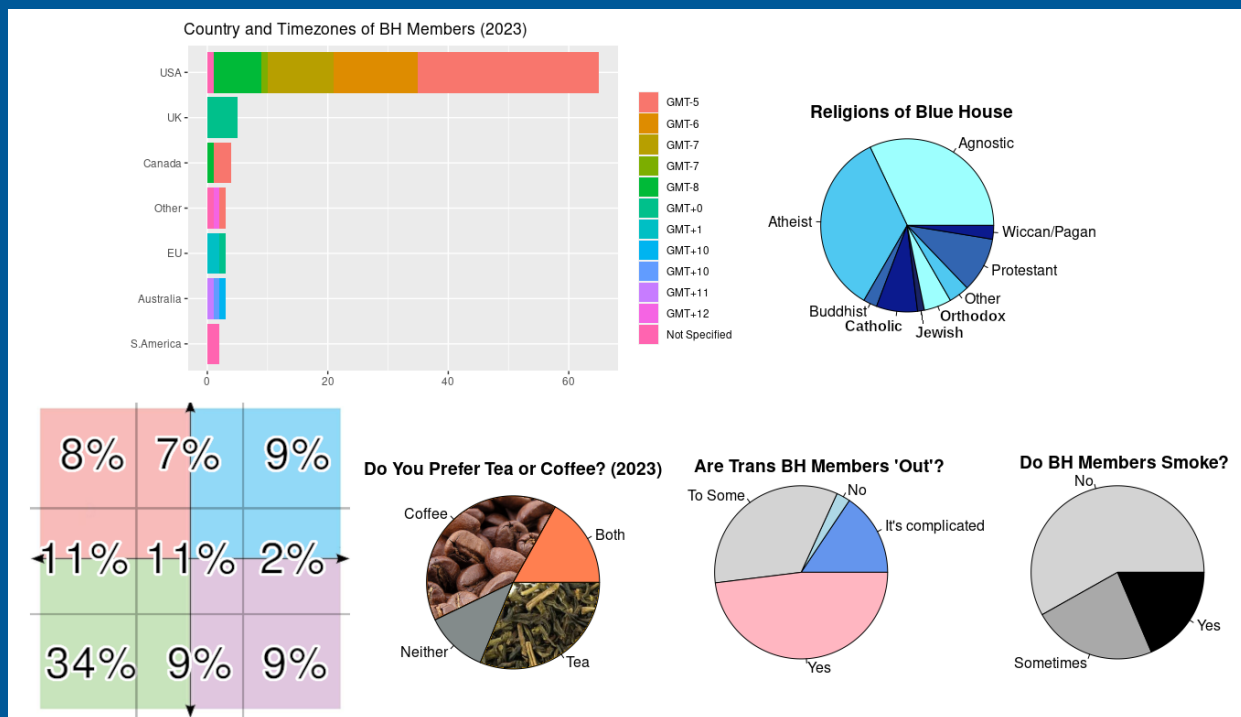


Image 3

## Image 3

Here we round out the census with country, politics, religion, and miscellanea. Though we have gained more server members from elsewhere in the world, most of the server is in the

USA, roughly spread across the timezones but mostly in the Eastern time zone. However, despite this heavily favoring the US and US timezones, there's strong representation from several others.

The most unsurprising chart in this entire census is again the political alignment chart. Members could choose 9 different options from the standard political compass: (*Left, Right, Center*) x (*Authoritarian, Center, Libertarian*). The plurality of members self-report as Lib-Left, with steep drop-offs in every direction. Given the authoritarian schtick of the server, I think it's important to collect and report this statistic. Despite being extremely permissive of divergent political views, Blue House still generally reflects the political demographics of its age distribution. This segues nicely into the fact that well over half the server is either Agnostic or Atheist with about a quarter of the server being Christian of various denominations.

Finishing with a few more fun questions- most of the server is non-smoking and prefers coffee over tea. Of the trans members, most are out to at least some people.

## **So what is the average Blue Houser like?**

The average Blue House member is a 24 year-old, American trans girl who doesn't practice organized religion, is bisexual, has been on HRT for a year, does not smoke, prefers coffee, and likely has one BLÅHAJ.



# How to Seek Asylum in the United States if you are Transgender:

## A Blue House Guide

By Lapis (@lapis\_lazuli.)

### Introduction

Blue House, while being mainly made up of people from the US, Canada, and UK has members from all over the world including countries like Russia, Saudi Arabia, and Morocco where trans people face varying levels of persecution including potential imprisonment and state sanctioned violence. It is my hope that this guide can serve as a resource not just for Blue Housers but also for any trans people who are suffering abroad and looking to escape the violence in their home countries. Hopefully this can help them better understand and navigate the asylum process.

*DISCLAIMER: This guide is for transgender people who are unmarried, do not have children and who are over the age of 18. I am also not a lawyer, so this is not legal advice, i.e. don't sue me. I also suggest that you seek professional legal advice prior to acting upon any items discussed in this guide.*

### Acronym and Document Key

*Please reference this key as needed if you encounter any acronyms or documents you don't recognize.*

A-number - alien registration number

AILA – The American Immigration Lawyers Association

ASC - application support center

BIA - Board of Immigration Appeals

CAT - Convention Against Torture  
CBP - United States Customs and Border Protection  
CLP - Circumvention of Lawful Pathways Rule  
DHS - United States Department of Homeland Security  
DOJ - United States Department of Justice  
EAD - Employment Authorization Document  
EOIR - Executive Office for Immigration Review of the United States Department of Justice  
Familia:TQLM - Familia Trans Queer Liberation Movement  
HDT - Human Dignity Trust  
HIAS – Hebrew Immigrant Aid Society  
ICE - United States Immigration and Customs Enforcement  
IJ - Immigration Judge  
I-589 - Withholding of Deportation  
I-797C - Notice of Action  
I-862 - Notice to Appear  
I-94 - Arrival-Departure Record Card  
LGBTI - Lesbian, Gay, Bisexual, Transgender, Intersex  
NOID - Notice of Intent to Deny  
NTA - notice to appear  
PCU - protective custody unit  
TGEU - Transgender Europe  
UAC - unaccompanied alien child  
UNHCR - United Nations High Commissioner for Refugees  
USCIS - United States Citizenship and Immigration Services

## **Why Seek Asylum?**

Fleeing one's country to attempt to find refuge somewhere potentially on the other side of the planet that has an entirely different culture is no doubt terrifying. It is not something for

the faint of heart and it is an act born of desperation when few to no other pathways to living a safe and fulfilling life exist in one's home country. The commonplace persecution of transgender people in so many places around the world is a tragedy that to many warrants desperate measures. According to the Human Dignity Trust, "14 countries criminalize the gender identity and/or expression of transgender people, using so-called 'cross-dressing', 'impersonation' and 'disguise' laws. In many more countries transgender people are targeted by a range of laws that criminalize same-sex activity. ...65 countries have jurisdictions that still criminalize LGBT people" and "12 countries have jurisdictions in which the death penalty is imposed or at least a possibility for private, consensual same-sex sexual activity. At least 6 of these implement the death penalty – Iran, Northern Nigeria, Saudi Arabia, Somalia and Yemen." (1) Transgender Europe, a trans rights organization based in the EU tracks transgender killings. "Between 2008 and 2014, 1,612 reported killings of gender-variant/trans people in 62 countries have been documented, including 90 in 13 European countries." (2) Granted, I can already hear some of you dear readers (especially the Americans) muttering about the United States' recent surge of transphobic legislation especially at the state level and the hate crimes that happen here every year. These of course, are serious issues. Now having acknowledged that, I would contend this country with its freedom of expression, pride month (however corporate it might be), and planned parenthood is still a better alternative to some places abroad. I would further argue that seeking asylum in the United States, while not easy by any means is doable for LGBT people regardless of who is in the White House. According to the UCLA School of Law Williams Institute, 11,400 applications for asylum were filed in the United States between 2012 and 2017 with "LGBT status" being the reason cited. They estimate 1.2% of all credible fear interviews conducted each year between 2008 and 2017 were related to LGBT status and of those, it is confirmed that "almost all interviews involving LGBT claims resulted in positive determinations of fear (98.4%), with most (96.3%) receiving positive determinations for fear of persecution." (3) A life in the United States of course has its pitfalls but it can also offer a variety of other benefits beyond just immediate safety including less discrimination in the workplace meaning better job prospects as well as legal and safe ways to attain gender affirming care.

## The Legal Precedent

The law that creates the provisions of asylum in the United States as we know it today is Immigration and Nationality Act of 1952, 01(42):

*The term "refugee" means (A) any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, or (B) in such special circumstances as the President after appropriate*

*consultation (as defined in section 1157(e) of this title) may specify, any person who is within the country of such person's nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing, and who is persecuted or who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The term "refugee" does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.*

The “membership in a particular social group” is the key phrase important for the case of transgender asylum seekers. Going beyond the original INA, the ability to be granted asylum has been further refined by legal precedent both from court decisions and interim decisions made by the Board of Immigration Appeals (BIA). “The BIA is the administrative body that hears appeals from the immigration court. Each year the BIA publishes approximately 50 decisions out of the roughly 4,000 cases that it hears. These serve as binding precedents for immigration judges.” (4) The legal pathway that establishes a transgender person’s ability to be granted asylum starts with *Matter of Acosta (1985)* where it states “Persecution on account of membership in a particular social group refers to persecution that is directed toward an individual who is a member of a group of persons, all of whom share a common, immutable characteristic. i.e., a characteristic that either is beyond the power of the individual members of the group to change or is so fundamental to their identities or consciences that it ought not be required to be changed.” (5) This established a working definition for the vague but ever important “membership in a particular social group”. Next, *Matter of Toboso-Alfonso (1990)* established that homosexuals constitute a particular social group and further held sexual orientation to be an immutable characteristic: “An applicant, who had the status of being a homosexual, both established his membership in a particular social group in Cuba and demonstrated that his freedom was threatened within the meaning of section 243(h)(1) of the Immigration and Nationality Act, 8 U.S.C. § 1253(h)(1) (1990), on account of his membership in that group”. (6) Finally, *Doe v Attorney General (3d Cir, 2020)* summarized the earlier case of *Hernandez Montiel vs. I.N.S. (9 Cir, 2000)* (which itself built upon Toboso-Alfonso) as “Holding that transgender individuals may be classified into a particular social group based on their sexual orientation and sexual identity.” (7,8) This was done in such a way as to provide more modern and encompassing terms than Hernandez Montiel originally contained, rephrasing “gay men with female sexual identities” as “transgender” therefore extending the coverage of “membership in a particular social group”.

There are other important precedents that further reinforce a trans person’s right to be granted asylum. *Matter of M-E-V-G respondent (2014)* established “In order to clarify that the ‘social visibility’ element required to establish a cognizable ‘particular social group’ does not mean literal or ‘ocular’ visibility, that element is renamed as social ‘distinction’.” (9) This decision ended the counter argument used against gay asylum seekers that homosexuality was not a trait visible with the naked eye and therefore didn’t qualify as a particular social group. In *Qiu v. Holder (7th Cir, 2010)*, “[T]he only way Qiu can avoid persecution is to cease the practice of [his religion] or hope to evade discovery. Putting Qiu to such a choice runs contrary to the language and purpose of our asylum laws.” (10) while



originally for religious freedom was built upon by (again) *Doe v Attorney General* (3d Cir, 2020) to include particular social groups when it held “To avoid persecution now that he has been outed, Petitioner would have to return to hiding and suppressing his identity and sexuality as a gay man. Tellingly, the IJ’s observation, no matter how ill-advised, that Petitioner could avoid persecution and live a ‘full life’ if he kept ‘his homosexuality a secret,’ was a tacit admission that suppressing his identity and sexuality as a gay man is the only option Petitioner has to stay safe in Ghana. The notion that one can live a ‘full life’ while being forced to hide or suppress a core component of one’s identity is an oxymoron.” (8). This development shuts down the counter argument that if an asylum seeker simply goes back into the closet or chooses to repress, they will be safe and therefore have no need to seek asylum or right to be granted it. While this was specifically referencing sexual orientation, should gender identity ever be challenged on the same grounds, there is no reason the Doe/Hernandez Montiel reasoning shouldn’t still apply.

## **The Affirmative Asylum Process**

*IMPORTANT NOTE: The material in this section was summarized and compiled almost exclusively from the USCIS.gov website (links in sources section).*

### **How to know if you will be filing for affirmative asylum:**

You may file your affirmative asylum I-589 form with USCIS if you are not a U.S. citizen, are physically present in the United States, and you meet one of the below criteria:

- You have never been issued an A-Number
- You have been issued an A-Number, but you are not currently in Executive Office for Immigration Review (EOIR) proceedings (see below for more information about how to check whether you are in EOIR proceedings)
- You are in removal proceedings and are currently, or were previously determined to be, an "unaccompanied alien child" (UAC) (12).

### **STEP 1 - ARRIVE AND BEGIN RESIDING IN THE UNITED STATES**

#### **STEP 2 - THE I-589 FORM**

Fill out and file an I-589 form (the form must be filled out in English)

Link to form: <https://www.uscis.gov/sites/default/files/document/forms/i-589.pdf>

Use this form to apply for asylum in the United States and for withholding of removal. You may file for asylum if you are physically present in the United States, and you are not a U.S. citizen. USCIS is seeing an increase in the submission of paper-filed affirmative asylum applications that must be rejected because they are incomplete or improperly filed. To avoid rejections and processing delays when filing the I-589 form with USCIS, it is important to properly submit a complete and signed application to the correct location. (12)

If you fail to file an I-589 within 1 year of your arrival in the United States, you may not be eligible to apply for asylum under section 208(a)(2)(B) of the Immigration and Nationality Act (INA). (13)

**Fields on the form that are absolutely necessary to fill out in order for it to be considered “complete”:**

In part A section 1 *"Information About You"*

- Complete first and last name (Question 4.)
- Your residence in the U.S. (where you physically reside) (Question 8.). *NOTE: A complete address includes Street Number and Street Name, City, State, and Zip Code. Applicants must reside in the United States.*
- Date of Birth (Question 12.)
- Country of Birth (Question 13.)

In part B *"Information About Your Application"* you must provide a response in at least 1 box or provide an explanation for questions 1 to 1B and you must select yes or no. If you select “yes”, provide an explanation for questions 2 to 3A and question 4.

In part C *"additional information about your application"* you must select yes or no. If you select “yes”, provide an explanation for question 1. You must also provide a response in at least 1 box or provide an explanation for questions 2a and 2b. You must then select yes or no again and if you select “yes” then provide an explanation for Questions 3 through 6.

In Part D you must provide your signature

**Were to mail the I-589 form:**

If you are residing in Florida, Georgia, Maryland, New Jersey, Pennsylvania, or Texas you will mail it to the USCIS Dallas Lockbox.

If you are using USPS use this address:

*USCIS*

*Attn: I-589 (Box 653080)*

*P.O. Box 653080*

*Dallas, TX 75265-3080*

If you are using FedEx, UPS, or DHL use this address:

*USCIS*

*Attn: I-589 (Box 653080)*

*2501 S. State Highway 121 Business Suite 400*

*Lewisville, TX 75067-8003*

If you are in any other US state or territory you will mail it to the USCIS Chicago Lockbox.

If you are using USPS use this address:

*USCIS*

*Attn: I-589*

*P.O. Box 6893*

*Chicago, IL 60680*

If you are using FedEx, UPS, or DHL use this address:

*USCIS*

*Attn: I-589 (Box 6893)*

*131 S. Dearborn St., 3rd Floor*

*Chicago, IL 60603-5517*

### **What happens after filing the I-589 form?**

If you are not in immigration court proceedings at the time of filing and DHS did not previously issue you an I-862, Notice to Appear (NTA), then Citizenship and Immigration services will accept your completed I-589 and send you a receipt notice and an appointment notice to visit your nearest application support center (ASC) for fingerprinting. Keep your receipt notice for your records. The date USCIS provided the receipt for your I-589 will serve as the filing date for the purpose of the asylum one-year filing deadline. Your appointment notice (I-797C, Notice of Action) will include the date, time, and location for your ASC appointment. (13)

### ***STEP 3: FINGERPRINTING, BACKGROUND CHECKS AND SECURITY CHECKS***

You should read the ASC Appointment Notice and take it with you to your fingerprinting appointment at the ASC. You do not need to pay a fingerprinting fee as an asylum applicant. (13) The fingerprints you provide during your ASC appointment allow citizenship and immigration services to confirm your identity and run the required background and security checks. (14)

### ***STEP 4: THE INTERVIEW***

Depending on where you live, citizenship and immigration services will schedule you for an interview with an asylum officer at either a USCIS asylum office or a USCIS field office. Your interview notice will tell you the date, location, and time of your asylum interview. You may bring an attorney with you to the interview. If you cannot proceed with the

interview in English, you must bring an interpreter. The interview will generally last about 1 hour, although the exact duration may vary. You may also bring witnesses to testify on your behalf. (15)

**On the day of your affirmative asylum interview you should bring:**

- At least one form of identification (more than one is recommended in case one is not acceptable). Acceptable forms of identification include:
  - Any passports you may have
  - other travel or identification documents
  - your I-94 (Arrival-Departure Record Card) if you received one when you arrived in the U.S.
- The originals of any birth certificates, marriage certificates, or other documents you previously submitted with your I-589 form, Application for Asylum and for Withholding of Removal,
- A copy of your I-589 and any additional material that you previously submitted in case the asylum office is missing any of this information
- Any additional items you have available that document your claim and that you have not already submitted with your application;
- An interpreter if you are not able to continue with the interview in English,
- *A certified translation* of any document that is not in English (Any document in a language other than English must be accompanied by an English translation that the translator has certified is complete and correct. The translator must certify that they are competent to translate the language used in the document into English.) (16)

**STEP 5: RECEIVE ASYLUM DECISION**

In most cases, you will return to the asylum office to pick up the decision 2 weeks after the asylum officer interviewed you. Longer processing times may be required if you meet one of the following criteria:

- You currently have invalid immigration status
- You were interviewed at a USCIS field office
- You have pending security checks
- You have a case that is being reviewed by asylum division staff at USCIS headquarters

Citizenship and Immigration services will normally mail your decision to you in these situations.

**Types of affirmative asylum decisions include:**

*Grant of Asylum (Congratulations!!)*

If it is determined that you are eligible for asylum, you will receive a letter and completed a I-94 (arrival departure record card), indicating that you have been granted asylum in the United States. A grant of asylum allows you to apply for:

- An Employment Authorization Document (EAD)



- A Social Security card
- A Green Card (permanent residence)

I will not be providing instructions on how to get an EAD, SS, or Green Card in this guide.

#### *Referral to an immigration court*

If citizenship and immigration services are unable to approve your asylum application and you are in the United States illegally, citizenship and immigration services will refer your asylum case to an immigration court. A referral is not a denial of your asylum application. Instead, citizenship and immigration services will refer your case for further review by an immigration court. If they cannot approve an asylum claim, you will be sent a letter of explanation and an I-862 (Notice to Appear), indicating the date and time you are scheduled to appear in court. You do not have to re-file your asylum application. The immigration judge will evaluate your asylum claim independently and is not required to rely on or follow the decision made by USCIS.

#### *Notice of Intent to Deny*

You may receive a notice of intent to deny (NOID) if you have valid legal status in the United States but are found ineligible for asylum. The NOID will state why you are ineligible for asylum. If you wish to appeal the decision regarding your asylum you will have 16 days to explain in writing either why the claim should be granted, submit new evidence to support the claim, or both. If you do not respond within 16 days, your asylum claim may be denied. If USCIS receive a timely response, the asylum officer will carefully consider your appeal and then make a final decision to approve or deny the claim. If the claim is approved, the officer will issue a grant of asylum (see above); if the claim is denied, the officer will issue a final denial. You will receive a final denial letter if you do not respond to the NOID within 16 days or if your appeal was rejected. You cannot appeal the asylum officer's final decision. If your asylum claim is denied, you may reapply for asylum. However, you must show changed circumstances that affect your eligibility for asylum. (17)

## **The Defensive Asylum Process**

*IMPORTANT NOTE: The material in this section was summarized and compiled almost exclusively from the USCIS.gov website (links in sources section).*

A defensive application for asylum occurs when you request asylum as a defense against removal from the United States. For asylum processing to be defensive, you must be in removal proceedings in immigration court with the Executive Office for Immigration Review (EOIR). This is the means by which migrants can seek asylum in the United States.

Individuals are generally placed into defensive asylum processing in one of two ways:

- They are referred to an immigration judge by USCIS after they have been determined to be ineligible for asylum at the end of the affirmative asylum process,
- They are placed in removal proceedings because they:
  - Were apprehended in the United States or at a U.S. port of entry without proper legal documents or in violation of their immigration status
  - Were apprehended by U.S. Customs and Border Protection (CBP) trying to enter the United States without proper documentation, were placed in the expedited removal process, and were found to have a credible fear of persecution or torture by an asylum officer.

Immigration judges hear defensive asylum cases in adversarial courtroom like proceedings. The judge will hear arguments from both of the following parties:

- You (and your attorney, if represented)
- The U.S. government, which is represented by an attorney from U.S. Immigration and Customs Enforcement (ICE)

The immigration judge then decides whether you are eligible for asylum. If the immigration judge finds you eligible, they will grant asylum. If the immigration judge finds you ineligible for asylum, they will determine whether you are eligible for any other forms of relief from removal. If the immigration judge finds you ineligible for other forms of relief, they will order you to be removed from the United States. Either party can appeal the immigration judge's decision.

### **You may not be granted asylum if:**

- You have persecuted others on account of race, religion, nationality, membership in a particular social group, or political opinion
- You have been convicted of a particularly serious crime
- There are serious reasons for believing you committed a serious nonpolitical crime outside the United States
- You have engaged in terrorist activity, are likely to engage in terrorist activity, have incited terrorist activity, or are a member or representative of a terrorist organization
- You were firmly resettled
- There are reasonable grounds to believe that you are a danger to the security of the United States. (13)

### **What is Withholding of Removal?**

“Individuals who have been banned from asylum are instead eligible in most cases for withholding of removal. As in the case of asylum, a person who is granted withholding of removal is protected from being returned to his or her home country and receives the right to remain in the United States and work legally. But at the end of the court process, an immigration judge enters a deportation order and then tells the government they cannot execute that order. That is, the “removal” to a person’s home country is “withheld.” However, the government is still allowed to deport that person to a different country if the

other country agrees to accept them. Withholding of removal provides a form of protection that is less certain than asylum, leaving its recipients in a sort of limbo. A person who is granted withholding of removal may never leave the United States without executing that removal order, cannot petition to bring family members to the United States, and does not gain a path to citizenship. And unlike asylum, when a family seeks withholding of removal together a judge may grant protection to the parent while denying it to the children, leading to family separation. Withholding of removal also does not offer permanent protection or a path to permanent residence. If conditions improve in a person's home country, the government can revoke withholding of removal and again seek the person's deportation. This can occur even years after a person is granted protection.” (23)

## **The Credible Fear Interview and Related Information**

Asylum officers conduct interviews when you are subject to expedited removal *and* you tell the CBP or ICE one of the following:

- You intend to apply for asylum
- You fear persecution or torture
- You fear returning to your country

If you say one of the above options when you are detained, the Department of Homeland Security (DHS) will provide you with information about the credible fear process. DHS may detain you during the credible fear process. You will receive:

- An orientation to the credible fear process
- A list of free or low-cost legal service providers
- A waiting period of at least 24 hours after your arrival at a detention site before taking part in the interview (and an opportunity to waive the 24-hour waiting period should you wish to do so)

*IMPORTANT NOTE: If you are arriving from Canada, you may be turned away outright and told to seek protection in Canada instead of the United States by the DHS.*

### **What is a credible fear of persecution?**

A credible fear of persecution is a “significant possibility” (more likely than not) that you have been persecuted or have a well-founded fear of persecution on account of your race, religion, nationality, membership in a particular social group (the part of asylum criteria in the INA that is applicable to transgender people), or political opinion if returned to your country. Credible fear of persecution can be established in an Asylum Merits Interview before an asylum officer or in proceedings before an immigration judge.

### **What is credible fear of torture?**

A credible fear of torture is a “significant possibility” (more likely than not) that you would be subject to torture if you returned to your country. Like credible fear of persecution, credible fear of torture can be established in an Asylum Merits Interview before an asylum officer or in proceedings before an immigration judge.

### **What happens if you are found to have credible fear?**

If an asylum officer finds that you have a credible fear of persecution or torture, USCIS may either retain and consider your application for asylum and consider your eligibility for withholding of removal and protection under the Convention Against Torture (CAT) in a second interview or issue a “Notice to Appear” before an immigration judge.

The second interview if your application is retained is called the Asylum Merits Interview. An asylum officer will decide whether you are eligible for asylum. If necessary, an asylum officer will also determine whether you demonstrated eligibility for withholding of removal or protection under CAT based on the record before USCIS. The written record of your positive credible fear determination will be treated as your application for asylum. Therefore, you do not need to file an I-589 form.

If you are issued a “Notice to Appear” you may apply for asylum, withholding of removal, or protection under CAT before the immigration judge by filing a I-589 form (via the defensive asylum process). The burden of proof is on you to establish that you are eligible for asylum or other protection in the United States. The immigration judge will consider whether you are barred from a grant of asylum or withholding of removal. If a bar applies, but you established that you would be tortured in the country of return, the immigration judge will grant deferral of removal. (18)

### **What can constitute the persecution of a transgender person?**

To start with, the United Nations High Commissioner for Refugees establishes “in order to understand the nature of gender-related persecution, it is essential to define and distinguish between the terms “gender” and “sex”. Gender refers to the relationship between women and men based on socially or culturally constructed and defined identities, status, roles and responsibilities that are assigned to one sex or another, while sex is a biological determination. Gender is not static or innate but acquires socially and culturally constructed meaning over time.” (20) According to the UNHCR’s views on asylum claims relating to sexual orientation and gender identity, “Certain physical, sexual, and psychological harms—including but not limited to domestic or family violence, rape, psychological abuse, harmful traditional practices, and punishment for transgression of social mores —may constitute persecution. Thus, where individuals can show that they have experienced, or have good reason to fear, serious violations of their human rights on account of their sexual orientation or gender identity, such acts amount to persecution.” (19).

In reference to societal conditions the UNHCR has also made statements about more nebulous and harder to define concepts like “discrimination”. “While it is generally agreed that ‘mere’ discrimination may not, in the normal course, amount to persecution in and of itself, a pattern of discrimination or less favourable treatment could, on cumulative



grounds, amount to persecution and warrant international protection. It would, for instance, amount to persecution if measures of discrimination lead to consequences of a substantially prejudicial nature for the person concerned, e.g. serious restrictions on the right to earn one's livelihood, the right to practice one's religion, or access to available educational facilities.” (20) State sanctioned oppression (implicit and explicit) of homosexuals is covered in the same document as the previous excerpt on discrimination. “Where homosexuality is illegal in a particular society, the imposition of severe criminal penalties for homosexual conduct could amount to persecution, just as it would for refusing to wear the veil by women in some societies. Even where homosexual practices are not criminalised, a claimant could still establish a valid claim where the State condones or tolerates discriminatory practices or harm perpetrated against him or her, or where the State is unable to protect effectively the claimant against such harm.” (20) While transgender people aren't explicitly referenced, a Doe v. Attorney General (see legal precedent section) style logic has applied here to provide a more modern and encompassing interpretation of homosexuality that includes trans people. Victoria Castro, a trans woman from El Salvador (who was kind enough to answer my questions when I contacted her), successfully filed for asylum in the United States 2017 citing implicit state sanctioned violence in her home country, proving the asylum claim outlined by the UNHCR referring to homosexuals is viable for transgender people (11,34).

Readers should note that guidelines put forward by the UNHCR do not necessarily reflect United States policy. This is a complicated subject but fundamentally the guidelines the UNHCR publishes are based off the articles from 1951 Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons (Travaux préparatoires) and the 1967 Protocol relating to the Status of Refugees (22). The United States is a signatory nation of the latter. (21) Therefore, while the UNHCR's views should be seen loose framework to how the United States will interpret things like “what can constitute persecution” they should not be seen as concrete confirmation that if you meet one of these criteria the US will deem you to be in fear of or to have suffered persecution.

## Seeking Asylum at the Southern Border

*IMPORTANT NOTE: The process for seeking asylum at the southern border at the time of writing this (January 2024) does not appear to be reliable or safe. Additionally, the policies and protocols that effect asylum seekers trying to get into the United States this way are frequently subject to change, especially now with the current volatile political climate around the issue.*

### The Asylum Transit Ban

In February of 2023 the “Department of Homeland Security and the Department of Justice proposed [a] rule which would establish a rebuttable presumption of asylum ineligibility for certain noncitizens who enter at the southwest border without documentation and traveled through a country that is a signatory to the 1951 Refugee Convention or its 1967 Protocol.”

(24) To summarize- this rule was designed (tacitly, not officially) to provide legal grounds for the US to turn away migrants from Central America who travel to the southern border and instead force them to apply for asylum in Mexico which is a signatory country to both the 1951 convention (25) and 1967 protocol. (21) According to the Department of Homeland Security and the Department of Justice, "The proposed rule would encourage migrants to avail themselves of lawful, safe, and orderly pathways into the United States, or otherwise to seek asylum or other protection in countries through which they travel, thereby reducing reliance on human smuggling networks that exploit migrants for financial gain. It would do so by introducing a rebuttable presumption of asylum ineligibility for certain noncitizens who neither avail themselves of a lawful, safe, and orderly pathway to the United States nor seek asylum or other protection in a country through which they travel." (26) The asylum transit ban, also called the Circumvention of Lawful Pathways Rule (CLP) became law on May 11, 2023. (24)

### **The Asylum Process at the Southern Border**

With the asylum ban in place it is still possible to successfully seek asylum via the southern border route, but it is much harder. "Under the new rule, asylum seekers can only apply for asylum after entering at the U.S.-Mexico border if they present themselves at a port of entry after making an appointment using the Department of Homeland Security's (DHS) mobile application, CBP One, or if they can prove that they have sought and been denied asylum in a country through which they traveled on their way to the United States." (27) The CBP One app can be downloaded via the Apple App Store or the Google Play Store. (28) "To use the CBP One app to schedule an appointment, asylum seekers must be located in northern or central Mexico. After registering for an account, users have a 23-hour window each day to request an appointment. Appointments are then distributed at random the following day, with a portion of the appointments reserved for users who have had their accounts open the longest. The biggest problem with CBP One is that demand far exceeds the supply of available appointments. As of this writing [11/8/2023], only 1,450 appointments are available across the eight participating ports each day, accommodating a small fraction of the number interested. HIAS Mexico staff estimate that the average wait time is one to two months. "(29)

With an average wait time of 1-2 months and the app needing to be accessed in northern or central Mexico, not to mention needing a smart phone to be utilized, people who plan to apply for asylum at the US southern border need to find housing to wait in, possibly expect to be homeless or in a camp and all the dangers that come with that, will need a smart phone as well as a reliable internet access and method to charge it, and have a means of reliable transportation that can be accessed to make it to their appointment at their respective port of entry.

### **Additional Concerns**

In 2015 Immigration and Customs Enforcement (ICE) released a transgender care memorandum to provide updated guidance regarding the care of transgender detainees. This included establishing protocol for identifying trans people during intake and making "individualized placement determinations to ensure the detainee's safety". (30) These

placement determinations seem to vary from being placed in PCUs (protective custody units), to a special trans unit in Alvarado Texas, (31) to being placed in solitary confinement. (32) The memorandum also includes provisions for detention facility staff to do "LGBTI sensitivity and awareness training" and for providing onsite medical personnel to provide care and treatment to transgender detainees "including the delivery of hormone therapy". (30) In practice however according to a 2016 report from the Human Rights Watch, "Despite these advances, the measures lack an independent oversight mechanism to ensure their implementation in the nearly 250 facilities where detained immigrants are held throughout the US". (32) In 2022, Emily Torstveit Ngara, an Associate Clinical Professor at Georgia State University College of Law published "Immigration Detention as a Violation of Transgender Detainee's Substantive Due Process Rights" in which she alleged transgender detainees at ICE facilities face humiliating and degrading treatment, denial of adequate and necessary medical care and sexual assault. "Although the people drafting the new policies may have been invested in making improvements, the people responsible for enforcing those policies were unwilling or unable to implement the changes effectively. " (33)

## **Conclusion**

The southern border is not a viable or safe route for transgender asylum seekers and this guide cannot in good faith recommend utilizing it.

## **Closing Thoughts**

While there are many topics in this guide that could be further expounded upon, I believe it does an adequate job of presenting a roadmap and big picture not only for how a trans person can seek asylum, but why they can and why they should. In researching this topic, I couldn't find any other guide for trans asylum seekers that was this in depth and discussed the "how" in any way that wasn't abstract besides a five page one from the Transgender Law Center, a link to which I'll include below in the "Resource Organizations and Advocacy Groups" section. I hope that somewhere in the world someone who is trans like me can use this document to seek a better and safer life in the United States. At the time of publishing this, I will hopefully be in talks with an individual to translate this guide into Arabic. Additionally, another individual has offered to give out the Arabic translation at comic-cons in Saudi Arabia once it has been completed which makes me hopeful it will see some use. I'm not going to pretend like this is going to make a big difference in the world because I know it won't, but I hope it can at least help one person. Over the course of my researching for this guide I learned a lot about the plight of migrants and had my opinion changed on a variety of topics that I'd only ever really heard about through *le metaphorical ten second soundbyte* and the garbage spewed nightly by three letter national news pundits with an agenda. There are no shortcuts to understanding this topic. I highly encourage anyone reading this to peruse through the source material I used and do your own research so you can make your own informed opinion about something that really is a lot more complicated than the media makes it out to be.

## Resource Organizations and Advocacy Groups

### *The Transgender Law Center*

<https://transgenderlawcenter.org/about/>

“The transgender Law Center (TLC) is the largest national trans-led organization advocating for a world in which all people are free to define themselves and their futures. Grounded in legal expertise and committed to racial justice, TLC employs a variety of community-driven strategies to keep transgender and gender nonconforming people alive, thriving, and fighting for liberation.”

Link to their guide to applying for asylum based on gender identity persecution - <https://transgenderlawcenter.org/wp-content/uploads/2013/11/Asylum-eng-web-version-no-spreads.pdf>

### *Rainbow Railroad*

<https://www.rainbowrailroad.org/request-help>

“Rainbow Railroad is a global not-for-profit organization that helps at-risk LGBTQI+ people get to safety worldwide.”

### *Familia Trans Queer Liberation Movement (TQLM)*

<https://famiatqlm.org/>

“Familia: Trans Queer Liberation Movement works at local and national levels to achieve the collective liberation of trans, queer, and gender nonconforming Latinxs through building community, organizing, advocacy, and education”

### *The LGBT Asylum Project*

<https://www.lgbtasylumproject.org/>

“The LGBT Asylum Project is the only San Francisco nonprofit organization exclusively dedicated to providing accessible legal representation for LGBT asylum seekers who are fleeing persecution due to their sexual orientation, gender identity and/or HIV status”

### *LGBT Asylum task force*

<https://www.lgbtasylum.org/>

“The LGBT Asylum Task Force is a church ministry that was formed in 2008. We welcome LGBTQ people of all faith traditions as we provide housing, food, and connection to legal,

medical, and mental health resources at other local agencies. Asylum seekers are not allowed to work for up to two years after arriving in the US. Our vital ministry provides comprehensive support for the entire duration of that two-year period in which it is needed.”

### *Immigration Equality*

<https://immigrationequality.org/>

“For over 25 years, we have worked to secure safe haven, freedom, and equality for the LGBTQ and HIV-positive communities. Through direct legal services, policy advocacy, and impact litigation, we support immigrants who face discrimination based on who they are and whom they love.”

### *Hebrew Immigrant Aid Society*

[hias.org/lgbtq-refugees/](https://hias.org/lgbtq-refugees/)

“We offer legal services, including free legal advice and representation for those fleeing persecution based on sexual orientation or gender identity, and help them access other basic rights.”

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Blue House is a trans-centric, LGBT online community established October 2020. Blue House Monthly is the bi-monthly webzine created, edited, and published by our community.

Link to Blue House: <https://discord.gg/tttt>

Link to Blue House Monthly Site:  
<https://bluehouse.lgbt/blue-house-monthly>

Link to Blue House Server Status:  
<https://bluehouse.lgbt/blue-house-canary>

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