

Center for Constitutional Rights

Discrimination, Detention, and Deportation: Immigration & Refugees

<https://ccrjustice.org/advocacy-us-government-support-lgbtqia-rights-and-gender-justice>

Policy Issue Resources

As part of coalitions of LGBTQIA+ rights and justice organizations, the Center for Constitutional Rights has submitted letters and testimony to Congressional committees, federal commissions, and government agencies to comment on legislative and policy initiatives in order to prevent discrimination against and criminalization of LGBTQIA+ people. This work is part of our decades-long history of protecting members of LGBTQIA+ communities and HIV-positive people from discrimination, censorship, violence, criminalization, and persecution.

The Center for Constitutional Rights submitted a [public comment](#) on September 22, 2020 to the Department of Housing and Urban Development opposing a proposed rule change that would permit homeless shelter providers to deny access to trans people, assess prospective residents to determine their gender, and demand personal medical records to confirm gender before admitting them to shelters. The rule would modify a previous rule, the Equal Access Rule, that allows shelter access in accordance with a prospective resident's gender identity.

The Center for Constitutional Rights submitted a [public comment](#) on July 15, 2020 to the Department of Homeland Security and Department of Justice opposing a joint proposed rule change that would no longer permit various claims for asylum, effectively eliminating asylum provisions for LGBTQIA+ people and survivors of violence and torture.

The Center for Constitutional Rights submitted a [public comment](#) on September 16, 2019 and eight more on February 18, 2020 to eight federal agencies to oppose proposed rule changes that would give government-funded employers and service providers a license to discriminate against the populations they serve on the basis of religion. The rule changes could have a drastic effect on religious minorities, atheists, women, and members of the LGBTQIA+ community, in particular people who are already marginalized and underemployed due to existing limitations on access, bias, and criminalization.

The Center for Constitutional Rights [submitted a public comment](#) on August 13, 2019 to express grave concern with the Trump Administration's proposed rule change to Section 1557 of the Affordable Care Act. The rule change would eliminate vital anti-discrimination protections under the Affordable Care Act that prevent transgender people, pregnant people, people with disabilities, and people who have had abortions from being denied access to healthcare or insurance. The rule change would also impact the ability of non- or limited English speakers to access healthcare.

CCR then joined amicus briefs filed in four lawsuits proceeding in [New York](#) (and [appeal](#)), [Maryland](#), [Washington](#), and [California](#) challenging the U.S. Department of Health and Human Services proposed rule. The amicus briefs discuss the barriers that LGBTQIA+ people face in accessing health care, including pervasive and harmful discrimination in health care settings, and explain that the rule will invite discrimination and exacerbate barriers to health care for LGBTQIA+ people.

In 2022, when the Biden administration proposed a rule change to reverse the 2019 changes and reinstate these protections, the Center for Constitutional Rights [submitted a comment](#) supporting the effort and providing additional suggested language to improve clarity and better serve individuals vulnerable to discrimination.

The Center for Constitutional Rights joined a coalition of groups in [sending a letter to Congress](#) on April 1, 2019 in support of H.R. 5, the Equality Act. The bill would explicitly prohibit discrimination based on sexual orientation or gender identity in employment, housing, credit, education, public spaces and services, jury service, and programs receiving federal financial assistance. In doing so, it would help address the issues that push many LGBTQIA+ people into poverty, survival economies, and the criminal legal system, as well as reduce stigma and bias.

The Center for Constitutional Rights joined a coalition of groups in [sending a letter to the U.S. Commission on Civil Rights](#) on March 25, 2019 to discuss the particular challenges faced by incarcerated LGBTQIA women and non-binary people. The letter urged the Commission to consider the experiences of this population of people in prison and included recommendations regarding the prevention of stigma and bias, ensuring privacy and safety in housing, improving access to healthcare, ceasing use of solitary confinement, and prevention of sexual violence.

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