



**Lesbian Gay Bisexual Transgender Advisory Committee
Minutes of the November 17, 2009 Meeting**

Committee Members Present: Commissioner Cecilia Chung, Jane Aceituno, Alex Baty, Bart Broome, Corrin Buchanan, Samer Danfoura, Mark Dunlop, Allison Laureano, Dominique Leslie, Amos Lim, Mark Murphy, Joseph Peralta, Poonam, Martin Rawlings-Fein, Lindasusan Ulrich,

Committee Members Absent: Commissioner August Longo (excused), Bill Doggett (excused), Justin Patrick Jones, Donna Sachet, Brad Vanderbilt, Vaughn Villaverde.

Staff Present: Marcus Arana, Nadia Babella, Larry Brinkin, Jeanne Tadeusz (intern), Domenic Viterbo.

Guests Present: Dusty Araujo, Alexandra Byerly, Shiela Chung Hagen, Alec Henderson, Crystal B. Meyer, Tony Moraga, Josue Reyes, Linda Tam.

1. Call to Order and Roll Call:

Commissioner Chung called the meeting to order at 5:30 p.m. Ms. Babella called the roll.

2. Public Comments for Items Not on the Agenda:

None

3. Approval of Minutes of August 18 and October 20, 2009:

Dominique Leslie moved to approve the August 18 minutes as written. Joseph Peralta seconded. The motion passed unanimously.

Corrin Buchanan, Poonam, and Martin Rawlings-Fein, who were listed on the October 20 minutes as absent, indicated that they were present at the meeting.

Mark Murphy moved to approve the October 20 minutes as amended. Jane Aceituno seconded. The motion passed unanimously.



4. Panel Presentation: Immigration Reform:

Amos Lim moderated tonight's panel. Prior he had addressed the Committee with a 7x7 presentation on bi-national couples and pending legislation affecting them.

Dusty Araujo is the asylum documentation coordinator at the National Asylum Partnership on Sexual Minorities of the Heartland Alliance's National Immigrant Justice Center. Prior to working with them, he was at the International Gay and Lesbian Human Rights Commission. Recently, his work has focused mostly on detention cases involving LGBT people and those who are HIV-positive. He spoke about safety concerns and healthcare access to LGBT immigrants in ICE detention facilities. Detention facilities are regulated, but most of the regulations are not enforced. Because detention facilities are overcrowded, immigrants are detained at regular jails where immigrants are treated as criminals. Immigrants are not entitled to legal representation; they're expected to represent themselves. Many immigrants who are arrested in one location are usually sent somewhere else, perhaps another state. This disconnects them from their attorney, family, and community. He believes that due process in relation to detention is out of control, because of the myriad of issues and situations that detainees encounter. Human Rights Watch issued a report last year on human rights violations in U.S. detention facilities. Homophobia, transphobia, and HIV discrimination seriously impact how detained LGBT and HIV immigrants are treated. Being out can also be dangerous for detainees incarcerated with others who may also be homophobic. The transgender community is, by far, the community that suffers the most egregious human rights violations including harassment and violence. Because of homophobia, it becomes difficult to request medical needs. It gets hard to maneuver through the system to get support. His organization is trying to get information on detention cases; they're working with ICE. No one has ever conducted LGBT trainings in the system.

Alexandra Byerly is a volunteer at El/La Program Para Translatinas that provides a safe space for trans Latinas. She will speak about the obstacles translatinas face in San Francisco. San Francisco is viewed as a sanctuary city by translatinas. Fortunately there are many services in San Francisco. Immigration status, language barriers, etc., are obstacles for translatinas to access services. Here in San Francisco there are many opportunities to become legal in this country, gain education, be employed and contribute to society. For many translatinas, it's not so easy because of discrimination, ostracizing, and the language barrier. She praised the work of Tom Waddell and St James infirmary for difference they make in the lives of these girls, especially for their health. When it comes to immigration services, San Francisco is the place to come and seek legal representation. There are great agencies such as NCLR. But there are also agencies in San Francisco who should be helping, but are not. Compassion and dedication are missing from these agencies. There is some resistance, often the resistance is the language barrier. There is a need for the LGBT community to be attentive; it is our responsibility to bring this injustice to light. With a little more love, patience, and compassion, together we can fight for the human rights of translatinas.

Linda Tam of the East Bay Community Law Center spoke about the HIV ban: seven years ago she began fighting the ban. She's happy to say that she will be irrelevant. HIV was singled out by INS/ICE; no other illness has had the same kind of treatment and people faced such a ban. She was asked to talk about how this will change and how people denied in the past can reopen their cases. Because it's on a case by case basis, people will have to talk to a lawyer to see if their case can be reopened. From now on, HIV positive tourists, students, and other visitors and immigrants seeing their greencard will not have to worry about the HIV ban. Groups impacted the most will be those with employment based visas and same-sex couples, and people who are eligible to immigrate through their U.S. citizen siblings. The lift will not impact asylum seekers, because it was not a ban before.

Sheila Chung Hagen, Legislative Aide to Supervisor David Campos, spoke about the City ID program, the Sanctuary Ordinance, and Language Access. Sanctuary City Ordinance was adopted because of undocumented immigrants from Guatemala, El Salvador, and Nicaragua who were fleeing persecution and

war. We're celebrating the 20th anniversary of the original ordinance passing. In Spring of 2008, we saw an increased number of raids in our community and there was a sanctuary city media campaign. In the past undocumented children who were arrested were not reported to ICE, but now it has changed. The unintended consequence of the policy change was that children were being charged with felonies and being reported. With a new batch of supervisors, Supervisor Campos introduced a piece of legislation that has become law saying that children have to be given their day in court. It goes into effect as law at the end of December.

The City ID Program offers city issued identification regardless of documented status. The City ID card is accepted at local banks to open a bank account. For medical needs, emergency information can be put on it. It's a great pilot program. In the future, it will be used as the only transit card, bank card, etc.

In addition, Sheila discussed San Francisco's language access program.

Crystal B. Meyer, Asian and Pacific Islander Wellness Center, is a transgender woman who experienced discrimination based on her transgender status. She came to the US from Laos. She petitioned to have her fiancé come to the US, but was denied because she was a transgender woman and because marriages between a transgender woman and a man are not recognized by ICE. She filed again in 2005 in California with the hopes of being approved. She was also turned down because of the law signed by the Bush Administration in 2004. She wants the courts to hear that she feels discriminated against because of her transgender status.

Panelists entertained questions from the Committee.

5. Approval of Letter re: Uniting American Families Act (Action Item):

Amos Lim presented this item: during his 7x7 presentation from (meeting date), an action item was discussed to draft a letter from the Commission to Speaker of the House Nancy Pelosi and Senate Majority Leader Harry Reid encouraging them to push for the passage of the Uniting American Families Act (UAFAs, H.R. 1024, S. 424) or to make sure that it's included in a comprehensive immigration reform bill under the U.S. Immigration and Naturalization Act. UAFAs includes language regarding how the 40,000 same-sex binational couples living in the United States need immigration rights; 30% of the 40,000 reside in California. A draft copy of the letter was emailed to Committee members. The City of San Francisco and Immigrant Rights Commission passed a resolution supporting the UAFAs.

The fourth paragraph of the letter will be amended to include the City's position on supporting the UAFAs instead of the State of California's position.

Mark Murphy moved to approve the letter as amended. Dominique Leslie seconded. The motion passed unanimously.

6. Debriefing on the Alternative Familial Relations Public Forum and Introduction of Draft Legislation:

Bart Broome briefly described the public forum, "Beyond Marriage: Recognizing Alternative Family Relationships," held on Thursday, October 29, at the LGBT Community Center. Opening remarks at the event were given by Assemblyman Tom Ammiano and Supervisor David Campos followed by a panel discussion. Panelists included Judy Appel, Executive Director of Our Family Coalition, Melanie Rowan and Cathy Sakimura of NCLR, and Committee member Samer Danfoura.

From the public forum, four legislative proposals were drafted (copies of the draft legislation were emailed to the Committee members prior to the meeting) that could possibly help alleviate some of the issues facing alternative families. Since State law regulates family law, he suggested the possibility of presenting the draft proposals to the State Legislature. He described the four proposals: (1) this would expand the California Domestic Partnership law to include people of opposite sex, 18 years of age or older, and remove the requirement that they be intimate. This would convey the closest legal bond available short of marriage in California; (2) this would enact the same benefits found in the Colorado bill (copies were emailed to the Committee members) that says that any two people who are 18 years of age or older that are not married or registered as domestic partners would be permitted to elect each other as designated beneficiaries by using a standardized form that would be notarized and filed with the Secretary of State; (3) to establish a Declaration of Kinship for people who want to form an expanded family that would have equal standing with any biological sibling from that person's family. This would convey other rights that are de facto for family members such as hospital visitation, nursing home visitations, and the right to be a proxy decision maker in medical decisions, hospice care, etc.; (4) to establish a Caregiver Cooperative, or to enable a group of people to offer care to an aging family member or to be advocates to a group member who cannot advocate for themselves. One person would be designated as the proxy decision maker.

Bart Broome added that what can come out of tonight's meeting is for the entire Committee to agree to support staff and the Outreach Work Group as they continue to work on developing these proposals. He said that State legislation has many deadlines: they get formed in the Fall and will be introduced on February 19. Also on January 22, language needs to be received by the Legislative Counsel in Sacramento for any bill that will be introduced this year. Since this deadline is fast approaching, we may not be able to move quickly enough to have a longer deliberative process. As the four draft proposals still need perfecting, they will be changed over time.

Larry Brinkin said that Director Sparks is concerned about the ability of staff to work on this; the Outreach Work Group agreed to produce the forum, but it may not be in their purview to continue working on it when the forum's over. Maybe they will, but only if staff can work with Committee members to form an ad hoc work group instead. Committee members will be canvassed as to their interest in serving on the work group. One of the things they'll do is talk to possible stakeholders - organizations and individuals – such as senior groups, family coalitions, etc., for input. But before proceeding on this, more work on brainstorming on the language needs to happen.

Mark Dunlop moved that the Committee support an ad hoc working group comprised of Committee members and staff to develop strategies in moving one or more of the four proposals forward and to update the entire Committee periodically on their progress. Jane Aceituno seconded. The motion passed unanimously.

Committee members expressing interest in working on the ad hoc working group include Commissioner Chung, Jane Aceituno, Bart Broome, Corrin Buchanan, Samer Danfoura, Dominique Leslie, Poonam, and Martin Rawlings-Fein.

7. Work Group Reports:

Youth: Nothing to report.

Outreach: Samer Danfoura reported that the Committee will begin recruiting for new members in January and asked the members to share their "2-2-2" recruitment ideas by naming two people they plan on recruiting, two organizations to discuss about possible candidates, and two events they'll attend to introduce the work of the Committee. Poonam said that the following communities were identified as not being represented, or underrepresented, on the Committee: elders, immigrants, women, trans men,

monolingual and multilingual speakers, differently abled, under 25 years old, African-Americans, Native Americans, and Latino/a. The purpose for sharing names now is to prevent duplication of another member's recruitment efforts. Commissioner Chung: Tony Moraga and Ceasar (last name); Golden Gate Business Association, San Francisco Transgender Empowerment, Advocacy & Mentorship; World AIDS Day and the December 10 Commission meeting at the Mission Recreation Center. Alex Baty: Native American AIDS Project, Asian and Pacific Islander Lesbian Bisexual Queer Women and Transgender Coalition. Bart Broome: Ako Jacintho, MD, and Karl Soehnlein; S.F. AIDS Foundation, Project Inform; upcoming holiday and birthday parties. Corrin Buchanan: Robert Karst, Allison Sparks; S.F. Women Against Rape, United Way Bay Area; an ugly holiday sweater party. Samer Danfoura: Erica Williams, Joseph Mosley; Older Women's League, the Arab American Cultural Center; LGBT youth meal night at the LGBT Center, Blur-Transgender & Gender-Variant Support Group. Mark Dunlop: Jeff Lucas, Rafael Mandelman; Alice B. Toklas Democratic Club; a high school seniors speaking event. Allison Laureano: Bobby Chung, Zion Johnson; Transgender San Francisco, United Genders Universe, Transgender Law Center; Transgender San Francisco's Cotillion, Wednesday LGBT Bowling League night at Serra Bowl. Dominique Leslie: is working with Alexandria Byerly for possible candidates in San Francisco; speaking engagements at a local high school Gay Straight Alliance, Queer Dharma Group at the Zen Center, Students for Sensible Drug Policy; San Francisco Day of Remembrance event at the Asian & Pacific Islander Wellness Center, San Francisco Hepatitis-C Task Force meeting in December. Amos Lim: Chun Chong and (name); Asian and Pacific Islander Equality. Mark Murphy: Andrews and will ask Mario Yedidia of the Youth Commission for references; will approach groups and organizations that serve people with special needs, youth, and African-Americans; upcoming holiday events. Poonam: Rick Hoffman, David J. Lazarus, Elizabeth Levetis; Asexual Visibility and Education Network, Center Women Present at the LGBT Center. Martin Rawlings-Fein: Shane Kaja; AIDS Health Project, Lou Sullivan Society; numerous kindergarten tours. Lindasusan Ulrich: Paul Brenner; First Unitarian Universalist Church; a Horizons Foundation event in December.

Larry Brinkin said that applications are due typically in the third week of January and applications are available on the Committee's website, <http://www.sf-hrc.org/index.aspx?page=15>, and that applicants are encouraged to apply. Also an email will be sent to the Committee members asking whether or not they'd like to continue serving on the Committee.

Bisexual Invisibility: Martin Rawlings-Fein reported that the work group sent a survey on services to bisexual people to 60 various community organizations and are waiting for responses.

8. Commissioner's Report:

Commissioner Chung reported that the next Commission meeting will be held in the Mission District on Thursday, December 10, at the Mission Recreation Center, 2450 Harrison Street or 745 Treat Street (between 20th and 21st Streets), from 6:00 - 7:30 p.m. Spanish translation and refreshments will be provided. A copy of the meeting announcement will be emailed to the Committee members. She reported that the coming year's City budget deficit may be much bigger than experienced this past year and it's unclear how this will impact the Commission. Lastly, the January 19, 2010 Commission meeting will be Larry Brinkin's last meeting.

9. Staff Report:

This has been tabled for the January 19, 2010 meeting.

10. Old/New Business:

No Old/New Business was discussed.

11. Announcements:

No new announcements were made.

12. Adjournment:

The meeting was adjourned at 7:43 p.m.