

No. 17-15589

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

**STATE OF HAWAII;
ISMAIL ELSHIKH,**

Plaintiffs – Appellees,

v.

**DONALD J. TRUMP, in his official capacity as President of
the United States; DEPARTMENT OF HOMELAND
SECURITY; DEPARTMENT OF STATE; JOHN F.
KELLY, in his official capacity as Secretary of Homeland
Security; REX W. TILLERSON, in his official capacity as
Secretary of State; UNITED STATES OF AMERICA,**

Defendants-Appellants

**On Appeal from the United States District Court for the
District of Hawaii (1:17-cv-00050-DKW-KSC)**

**AMICUS BRIEF OF ONE MILLION KIDS FOR
EQUALITY AND AFRICAN HUMAN RIGHTS
COALITION**

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I. SUMMARY OF ARGUMENT

One Million Kids for Equality and African Human Rights Coalition file this *amicus curiae* brief to support the District Court’s decision below in the above-captioned matter and to assist the Court in understanding the impact of the Government’s proposed Executive Order on gay, lesbian, bisexual, transgender, queer, and intersex immigrants, prospective immigrants, refugees, and asylum seekers, (hereinafter “LGBTQI”) as well as those with the human immunodeficiency virus and/or diagnosed with acquired immunodeficiency syndrome (hereinafter “HIV+” and “AIDS”, respectively.) Specifically, this brief focuses on the consequences of this proposal on individuals who are affected by the 120 day suspension of the US refugee program and others seeking to emigrate from outside of the six countries expressly targeted by the ban, including harm to youth who are HIV+ and/or LGBTQI. ¹

¹ This brief specially incorporates the factual recital and arguments asserted in the 4/21/2017 *amicus curiae* brief

II. IDENTITY AND INTEREST OF AMICI

A. ONE MILLION KIDS FOR EQUALITY

One Million Kids for Equality (hereinafter “OMK”), a tax-exempt non-profit organization, was incorporated in the State of Washington in January 2014. The organization was formed in significant part to provide a forum for lesbian, gay, bisexual, transgender, and queer, (hereinafter “LGBTQ”) youth, and the children of LGBTQ parents, a forum to share their life and personal experiences and obtain support for the challenges they face. While OMK does not specifically define the word ‘youth’ by age, the organization’s primary constituency tends to be individuals under the age of 30.

In response to the marriage equality litigation, OMK was specifically solicited by the Family Equality Council to generate

submitted by Immigration Equality and affiliated *amici* and does not intend to duplicate those arguments. *Amici* instead focus on the implications of the 120 day global ban on refugees who are LGBTQI youth, HIV+ individuals and nations beyond the six countries expressly targeted by EO2.

stories of youth in an *amicus* brief filed in the United States Supreme Court in the matter of *Obergefell et al. v. Hodges, Director, Ohio Department of Health et al.*, 135 S. Ct. 2071, 576 US ___, 191 L. Ed. 2d 953 (2015).

Since its inception, OMK's followers and members have expanded exponentially. It now provides education and information pertaining to LGBTQ people and specifically LGBTQ youth on its website, www.onemillionkids.org, social media platforms such as Facebook, Twitter, Instagram, as well on its online publication *ProudYouth*, which provides a voice for LGBTQ youth to express their opinions and share their stories with the world. Through its national Board of Directors, it has collected stories of youth from across the United States including but not limited to California, Idaho, Illinois, Texas, Mississippi, North Carolina, and Washington. OMK's Board members consists of LGBTQ youth, the children of LGBTQ parents, LGBTQ parents, LGBTQ adults, and mental health professionals who work with youth.

Over the past few years, OMK has increasingly been contacted by LGBTQ youth in nations around the world facing persecution. For example, OMK recently provided resources and assistance to a person of Middle Eastern descent who had been detained and then deported from another Middle Eastern country after he tested positive for HIV. This person expressed fear of being subjected to an ‘honor killing’ should their HIV status be discovered by parents or loved ones. In another recent example, OMK was contacted by a young gay Syrian man in fear for his life as stories began to spread of ISIS throwing LGBTQ people off of buildings. This man expressed fear that his parents would turn him over to extremists if it were discovered that he was gay. In this instance, OMK worked in coordination with another international refugee organization to provide the young man an exit strategy. He has since obtained refuge in Western Europe. OMK has also worked with others on addressing public policy issues affecting LGBTQ refugees, asylum seekers, and immigrants generally. Through this work, OMK has partnered

with African Human Rights Coalition to help these individual obtain legal representation and/or other needed services.²

B. African Human Rights Coalition

The African Human Rights Coalition (hereinafter “AfricanHRC”), a California-based non-profit project of Social Good Fund Inc., works with LGBTQI communities, LGBTQI refugees and asylum seekers, primarily in and from African countries, seeking to claim and defend their human rights. It provides advocacy to combat homophobia, transphobia, and xenophobia, as well as direct services related to individual cases, forming coalition alliances locally, on the continent, and abroad. To date it has provided fully comprehensive and *ad hoc* case management services, humanitarian relief, country reports, and resources for LGBTQI individuals. African HRC’s ultimate goal is to support LGBTQI people in and from African countries in

² Interview with Bradley Delaney, Co-Director, President, Board of Directors, One Million Kids for Equality - 4/16/2017

the pursuit of happiness, freedom, full empowerment, and economic stability in Africa and abroad.

In Africa, thirty-four countries criminalize homosexuality, mostly through Penal Codes implemented during the Colonial era. From 2008 to 2014, several African nations sought to pass more onerous and harsher punitive measures through new legislation. These measures were promoted by Evangelical Christians from the U.S.A and politicians local to specific African countries, creating an atmosphere of extreme homophobia.

For example, in 2014, Uganda began implementation of a now defunct Anti-Homosexuality Act, dubbed the “Kill the Gays Bill”. That legislation and the anti-LGBTQI milieu it created prompted the migration of hundreds of LGBTQI individuals to seek asylum and refugee mandates and resettlement through UNHCR in Kenya and other countries. Many of these refugees

went through extreme vetting processes and were resettled to the United States.³

Some refugees, still awaiting resettlement, continue to be hosted in Kenya, in Kakuma Camp and in Nairobi. Before the President's recent executive action, some of these individuals have already been processed for resettlement to the United States through the United States (hereinafter "USA") Refugee Program. Some had been assigned departure dates for the USA. Some, in the process of actual travel were sent back to UNHCR Transit Center and some had to scramble to find emergency accommodations. Through advocacy efforts following the nationwide injunctions enjoining further implementation of the

3 <https://oblogdeoblogda.me/2014/12/16/from-congo-to-castro-unhcr-resettles-persecuted-lgbti-activist-in-the-u-s-a-2/>; <http://www.africanhrc.org/single-post/2015/05/14/African-HRC-Welcomes-New-LGBT-Refugee-to-San-Francisc> (<https://oblogdeoblogda.me/2015/11/26/Ugandan-journalist-refugee-arrives-in-miami-after-speaking-against-the-anti-gay-legislation/o>)

Executive Order(s), some have been successfully resettled to the USA.⁴

Some refugees expecting family reunification in the United States have been informed they will be assigned another country instead. All of this has caused great hardship to these refugees, whose changed trajectories have serious consequences. With the new 120 day suspension on any refugee resettlement, AfricanHRC has recently been working with two partners/companions of LGBTQI refugees who are already in the USA and who intend to marry their partners, who they were unable to marry in Africa due to criminalization of homosexuality and lack of marriage equality. Yet, information suggests that the US Embassy has turned away files from UNHCR.

Additionally, with the ascendancy of the current Administration and the proposed Executive Orders restricting

⁴ (<http://www.nbcnews.com/feature/nbc-out/court-decision-allows-lgbtq-refugees-continue-entering-u-s-n719616>).

immigration and limiting the entry of refugees, the demand for AfricanHRC's services and resources has expanded.

**C. CONSENT OF THE PARTIES
COMPLIANCE WITH 9TH Cir. 29(a) (2)**

Through their respective counsel, the parties to this litigation have notified and/or consented to the filing of this *amicus curiae* brief.⁵

**D. CORPORATE DISCLOSURE
STATEMENT PER FRAP 26.1**

Neither party to this brief has a parent corporation or other pecuniary or other interest in any other entity or corporation.

**E. COMPLIANCE WITH FED. R. APP. P.
29(C)(5) STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 29(c)(5), *amicus* certifies that no party or party's counsel authored this brief in whole or in part, or contributed money that was intended to fund preparing or submitting this brief. No

⁵ The Government originally consented to the filing of a *timely amicus* brief but does not consent to an untimely brief. *See* accompanying motion for filing an untimely brief.

person contributed money intended to fund the preparation or submission of this brief although the production of any hard copies of this brief was donated by a vendor.

III. ARGUMENT AND AUTHORITY

A. THE STATUS OF LGBTQI AND HIV+ INDIVIDUALS IN THE UNITED STATES

For many members of the LGBTQI community, after a decade of increasing recognition of its community through elimination of barriers to open service in the military, the advent of second parent adoptions and domestic partnership, the finest achievement of this new century has been the United States Supreme Court's 2015 decision in *Obergefell et al. v. Hodges, Director, Ohio Department of Health et al.*, 135 S. Ct. 2071, 576 US ___, 191 L. Ed. 2d 953 (2015). As this Court is well aware, the Court held that under both the Due Process and Equal Protection Clauses of the Fourteenth Amendment, same-sex couples have the right to marry in every state of the Union. *Id.*

In the majority opinion, Justice Kennedy noted:

As all parties agree, many same-sex couples provide loving and nurturing homes to their children, whether biological or adopted. And hundreds of thousands of children are presently being raised by such couples. See Brief for Gary J. Gates as Amicus Curiae 4. Most States have allowed gays and lesbians to adopt, either as individuals or as couples, and many adopted and foster children have same-sex parents, see id., at 5. This provides powerful confirmation from the law itself that gays and lesbians can create loving, supportive families. [State laws prohibiting same sex marriages] thus harm[s] and humiliate[s] the children of same-sex couples.

Id., slip opinion at 15, other citations omitted, emphasis added.

Ironically, the judiciary's (and increasingly the greater community's) recognition of the positive benefits of marriage for same sex couples has not always extended to those LGBTQI children raised in opposite sex marriages. Such individuals often face ostracism if not outright rejection by their families of origin. Because many of these individuals struggle at increasingly earlier ages in recognizing their non-conforming sexual orientations and/or gender identities as well as HIV positive status, many remain confused about their emerging identities and uninformed as to their options. Many have little or no access to

supportive or tolerant educators, let alone mental health and medical professionals, in their home communities, increasing their risk of suicide and other adverse health consequences.⁶

Unfortunately, it is all too common to read stories of such vulnerable youth involuntarily forced from their homes and communities because of bias and discrimination, stereotypical and irrational beliefs. As youth and as adults, many LGBTQI and HIV+ individuals experience outright violence and bullying from others motivated by overt homophobia, transphobia, and HIVphobia. Much of this behavior is initiated, encouraged, and at a minimum tolerated and ignored by parents, teachers, and co-workers. *Id.*

**B. PERSECUTION OF LGBTQI INDIVIDUALS
REMAINS AT EPIDEMIC PROPORTIONS
THROUGHOUT THE WORLD**

Even with the bias, discrimination, homophobia, transphobia and HIV and AIDS phobias still present in the USA,

⁶ Ryan et al., *Family Acceptance In Adolescence and The Health of Young GLBT Adults*, Journal of Child and Adolescent Psychiatric Nursing, Volume 23, No. 4 (2010)

the experience of LGBTQI individuals in many parts of the world is even more horrific. As noted in the 4/21/2017 *Amicus Curiae* Brief of Immigration Equality and associated *amici* filed in this appeal, (hereinafter “IE Brief”), persecution of LGBTQI persons and individuals who are HIV+ or who have AIDS has become a global crisis.

Draconian penal codes remain in effect and politicians, lawmakers, and religious leaders are calling for harsher and more punitive measures through increasingly onerous legislation, “mob justice,” public outings, evictions, firings, banishment, blackmail, arrests, torture, assault, and even killings. In many countries, members of the LGBTQI community are often forced into hiding and in extreme cases into exile, often seeking relocation as asylum seekers or refugees.

In another example, a number of young gay men have become the target of raids across Chechnya. According to a

panel of experts who advise the United Nations Human Rights Council:

The arrested men are subjected to physical and verbal abuse, torture including with electric shocks, beatings, insults and humiliations...They are forced to give contact details of other gay people and threatened with having their sexual orientation disclosed to their family and community — a move which could put them at risk of ‘honor killings.’ According to the New York Times, “[d]ozens of men are said to have been rounded up, but precise numbers — including a death toll — are not available”.⁷

Similarly, as noted in the IE Brief, the six nations targeted for scrutiny under the “new” Executive Order, Executive Order 13780 (hereinafter “EO2”), have some of the worst records of foreign nations regarding treatment of their LGBTQI citizens.

Many of these individuals also face persecution based on their status as HIV+. Even when asymptomatic, these individuals particularly face shunning both in their countries of

⁷https://www.nytimes.com/2017/04/13/world/europe/un-chechnya-gay-men-killing-abuse.html?_r=0.

origin and in the refugee camps and host countries while they await opportunities to extricate themselves from these horrific conditions. *See* IE Brief.

**1. Threats to LGBTQI Children and Youth
In Their Countries of Origin**

As noted in a landmark article,

Confounding Identities: The Paradox of LGBT Children under Asylum Law, 45 U. California Davis Law Review 373, 378-379 (2011), Professor Susan Hazeldean (wrote:

Although LGBT people have succeeded in achieving a measure of acceptance and safety in some communities, homophobic and anti-transgender violence remains a fact of life in every country in the world. LGBT people regularly face discrimination, harassment, rape, torture, and even execution because of their sexual orientation or gender identity. Not surprisingly, this pervasive hostility and fear has prompted thousands of LGBT people to flee their countries of origin in search of a safe haven abroad. Although the precise number is unknown, many LGBT people seeking asylum in the United States are children and young adults. Many of these young people have faced anti-gay violence from a young age, including rape, family rejection, school exclusion, police detention, and physical abuse. They come to the United States in search of a safe haven where they can live openly and without fear of homophobic abuse.

Id., other citations omitted.

Yet, even here, the plight of LGBTQI undocumented workers and refugees is fraught with danger and instability. As Evanna Engelbert of the Vermont Law School has stated:

At least 267,000 undocumented Lesbian, Gay, Bisexual, and Transgender (LGBT) adults currently live in the United States. This figure does not include those undocumented LGBT immigrants under the age of eighteen. Placing these youth in immigration limbo only compounds the high rates of violence at home, familial rejection, and homelessness that LGBT-identified youth already face as compared to heterosexual and cisgender children.

E. Engelbert, *No Gaiety Here: The Plight Of Undocumented LGBT Youth In America*, Indonesian Journal of International, and Comparative Law (2014) See also Diane Seo, *A Place in the Sun: Gay Immigrants Who Come from Countries Where Homosexuality is Taboo Grapple with some of the Most Difficult Conflicts as they Struggle for Acceptance*, Los Angeles Times, and March 27, 1994, highlighting the chasm between gay immigrants and often homophobic communities and racism within the mainstream gay community.

Those seeking refuge here do not meet any of the profiles that the EO2 uses to suggest that refugees or immigrants pose an actual threat of terrorism. Similarly, recent individuals assisted by AfricanHRC include the following:

- Caroline, a lesbian refugee, Ugandan (UNHCR Kenya) is a 22 year old Ugandan who fled Uganda after horrific persecution and discrimination due to the hostility experienced by lesbians in Uganda and further exacerbated by the now defunct Anti-Homosexuality Act of 2014. She has been resettled in Berkeley, California.
- Andrew, a gay refugee, Ugandan (UNHCR Kenya) A journalist who fled Uganda in fear of his life, he has finally been resettled by UNHCR as a refugee in the United States. This is another one of too many stories in the insidious upheaval caused by the Anti-Homosexuality Act of 2014 and its horrendous genesis and continued trajectory.
- Junior, a gay refugee, Congolese (UNHCR South Africa) in his own words: “My mother is a pastor and she tried to kill me. It was very intense. Imagine, she carried me for nine months and she could arrange to have me killed. I couldn’t believe it,” the 27-year-old said before flying out of Cape Town last month to start a new life in the United States.
- Ron, a gay refugee, Ugandan (UNHCR Kenya) A 21-year-old gay Ugandan refugee said his family disowned him in 2015 for having a boyfriend. He then fled to Kenya after neighbors and police

attacked him for being gay. Being gay is illegal in Uganda.⁸

2. Asylum Issues for Children Generally

As suggested above, the experience of LGBTQI youth in the asylum and refugee communities is particularly challenging because many are, for obvious reasons, not accompanied by parents, guardians or other family members. As noted by Susan Schmidt and Jacqueline Bhabha with regard to youth generally: [T]he “paradoxical fact that unaccompanied and separated children, a particularly vulnerable population who one would expect to be recipients of more generous and compassionate attention, instead attract particularly harsh, even punitive, responses.”). S. Schmidt and J. Bhabha, *Kafka’s Kids: Children in US Immigration Proceedings, Part II Beyond and Besides Asylum, Immigrations Briefing*. (2007).

⁸ Interview with Melanie Nathan, Director, African Human Rights Coalition.

Both the United States and the United Nations Commissioner for Refugees (UNHCR) have issued guidelines on children's asylum cases. As a 2015 Report by the Center for Gender and Refugee Studies at the University of California, Hastings College of Law noted:

There is no separate "refugee" definition for children; thus, children seeking asylum must satisfy the same refugee definition as adults found in Immigration and Nationality Act § 208, 8 U.S.C. § 1158. As noted by the UN Committee on the Rights of the Child, however, the refugee definition "must be interpreted in an age and gender sensitive manner, taking into account the particular motives for, and forms and manifestations of, persecution experienced by children.....

Children's Asylum Claims: A Practice Advisory (3/2015 Update) [other citations omitted].

These guidelines are even more relevant in the context of children and youth identifying as LGBTQI or as HIV+ or who have actually endured persecution or have a well-founded fear of persecution on that basis. The Report notes that "[e]vidence of persecution of individuals similarly situated to the child can also

establish a child's well-founded fear of persecution. *For example, evidence of persecution of LGBT youth can support an LGBT child's well-founded fear of persecution even if the child did not suffer harm while in his or her country and only came out once in the United States.*" *Id.* [emphasis added].

C. THE USA'S RESPONSE TO THIS CRISIS

1. Threats to LGBTQI Individuals, Including Youth and Children, Can Create A Well-Founded Fear of Persecution Supporting Asylum

As Hazeldean notes, "the complex and unfamiliar system often disadvantages LGBTQI youth who share membership in more than one marginalized identity and thus may not as easily meet the definition of a "particular social group" (hereinafter "PSG"). One writer recently noted that "the intersectional subordination of LGBT young people frustrates their ability to win asylum." Hazeldean, *supra* citing Kimberle Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and*

Violence against Women of Color, 43 Stanford L. Rev. 1241, 1244, 1248-49 (1991).

Nonetheless, in recent years, this appellate court and others in this Circuit, other appellate courts and the Board of Immigration Appeals itself have gradually begun to recognize that LGBTQI individuals, those with an HIV+ and/or AIDS diagnosis can meet this standard. *See e.g. Hernandez-Montiel v. INS*, 225 F.3d 1084 (9th Cir. 2000) (recognizing gay men with female sexual identities in Mexico as a PSG); *Krooni v. Gonzales*, 399 F.3d 1163 (9th Cir. 2005) (“alien homosexuals” is a PSG), *Amani v. Ashcroft*, 328 F.3d 719 (3d Cir. 2003) (imputed homosexuality as PSG ground) *Matter of Toboso-Alfonso*, 20 I. & N. Dec. 819, 819-820 (BIA 1990) (recognizing homosexuals as PSG and therefore approving asylum application for gay Mexican male).

Most recently, just before issuance of EO2, this Court, in an *en banc* decision, decided *Bringas-Rodriguez v. Sessions*. Most notably, the Court overruled past precedent requiring a

report to authorities in the country of origin in order to establish a well-founded fear of persecution. *Id.* --- F3d --- (March 2017)

This case arose in the context of evidence produced before the agency—credible written and oral testimony that reporting [Bringas-Rodríguez'] abuse would have been futile and potentially dangerous, that other young gay men had reported their abuse to the Mexican police to no avail, and country reports and news articles documenting official and private persecution of individuals on account of their sexual orientation—satisfied longstanding evidentiary standards for establishing past persecution and compelled the conclusion that Bringas-Rodríguez suffered past persecution that the Mexican government was unable or unwilling to control.

In doing so, the court overruled *Castro-Martinez v. Holder*, 674 F.3d 1073 (9th Cir. 2011), and other circuit precedent, to the extent they introduced the construct that the failure to report private persecution to government authorities creates a “gap” in the evidence or imposed a heightened evidentiary requirement for those seeking asylum.

2. Claims of HIV+ Refugees and Those with AIDS

International human rights protections applying to HIV status arguably trumping national public health considerations have guided asylum adjudications as to whether government-sanctioned or condoned discrimination constitutes persecution. *See, e.g.,* U.N. Commission on Human Rights, Resolution on HIV/AIDS, Res. 1995/44, adopted, Mar. 3, 1995; U.N. Sub-Commission on Prevention of Discrimination and Protection of Minorities, Resolution on Discrimination in the Context of Human Immunodeficiency Virus (HIV) or Acquired Immune Deficiency Syndrome (AIDS), Res. 1995/21, adopted Aug. 24, 1995. As the global epidemic of HIV and AIDS exposes numerous individuals to discrimination and persecution because of the stigma attached to this condition, there will be increasing requests for asylum on that basis and increasing refugees.

D. THE IMPACT OF THE EXECUTIVE ORDER

The grave situation facing refugees and asylum seekers who are LGBTQI and HIV+ individuals is heightened with suspension of virtually all resettlement and refugee considerations from any country. *See* Section 6 of EO2. That section suspends for 120 days all travel into the United States under the U.S. Refugee Admission Program and decisions on applications for refugee status, to allow the government to review the application and adjudication process to determine what additional procedures should be taken to ensure that individuals seeking admission as refugees do not pose a threat to the United States. The new Order eliminates provisions of the prior proposal in Executive Order 13,769 that applied to religious minorities and the entry of Syrian nationals but will continue to expose LGBTQI and HIV+ individuals to dangerous conditions both in refugee camps and their countries of origin.

Thus, as noted above, both OMK and AfricanHRC have repeatedly been contacted in the weeks since the January 27,

2017 EO by individuals seeking admission as refugees who face a real and imminent threat to their very existence. Moreover, as noted by the IE brief, many individuals who had spent inordinate time awaiting the reunification of their families and the opportunity to marry their loved ones are now in limbo in settings that are equally hostile to their plight when they pose no threat to citizens of the United States and have no record of terrorist activities.

It is wholly ironic that as the policies of asylum and other changes in the USA immigration system have begun to appreciate the unique circumstances of LGBTQI and HIV+ individuals and those with AIDS. The growing recognition that such individuals are “a particular social group” experiencing well-founded fears of persecution in the nations they were raised, including ostracism and rejection by family members, will be reversed and asylum for such individuals abruptly halted. The lives of LGBTQI, HIV+ and individuals with AIDS now rest in the hands of an uncertain Executive policy—a policy that as

written may be renewed in perpetuity without regard for the impact on these individuals and whose very lives are truly at risk.

IV. CONCLUSION

In light of the humanitarian crisis affecting LGBTQI refugees and immigrants escaping persecution throughout the world, and the potential for a continuing renewing of section 6 of Executive Order 13780 causing even more harm to the individuals served by OMK and AfricanHRC, this Court must affirm District Judge Watson's March 29 2017 decision to implement a nation-wide injunction on enforcement of the Executive Order and particularly section 6. This case must be remanded to the District Court of Hawaii for resolution of the merits and if needed a determination of the constitutionality of Executive Order 13780. The whole world is watching and waiting to see how this nation, founded as a nation of immigrants by refugees escaping religious persecution will respond.

Respectfully submitted this 2nd day of May 2017

**ONE MILLION KIDS FOR EQUALITY
&
AFRICAN HUMAN RIGHTS COALITION**

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**CERTIFICATE OF COMPLIANCE
WITH CIRCUIT RULE 32-1**

The undersigned certifies that his brief complies with the type-volume limitations of Federal Rule of Appellate Procedure 29(a) (5) because it contains 5047 words, *including* the parts of the brief exempted by Rule 32(a) (7) (B) (iii). I relied on the word count of Microsoft Word 2013 in preparing this certificate.

Similarly, this brief complies with the typeface requirements of Rule 32(a) (5) and the type-style requirements of Rule 32(a) (6) because the brief that has been prepared in 14-point, Times New Roman font.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 2nd day of May 2017

s/Patricia S. Rose

Patricia S. Rose

CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury according to the laws of the United States and the State of Washington that on this date I caused to be filed and served in the manner noted below a copy of the documents entitled AMICUS BRIEF OF ONE MILLION KIDS AND HUMAN RIGHTS AFRICA, AND MOTION FOR LATE FILING BRIEF, through CM/ECF on the following parties through their attorneys of record and the other participants to this case.

Dated this 2nd day of May 2017.

s/ Patricia S. Rose

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