

PAYING AN UNFAIR PRICE

The Financial Penalty for LGBT People of Color in America

April 2015



Center for American Progress



MAP

movement advancement project ▶

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Partners

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Center for American Progress

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The Movement Advancement Project (MAP) is an independent think tank that provides rigorous research, insight and analysis that help speed equality for LGBT people. MAP works collaboratively with LGBT organizations, advocates and funders, providing information, analysis and resources that help coordinate and strengthen efforts for maximum impact. MAP's policy research informs the public and policymakers about the legal and policy needs of LGBT people and their families.

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National Action Network
National Association of Social Workers
National Black Justice Coalition
National Education Association
National Queer Asian Pacific Islander Alliance

See pages 36-37 for more information about these organizations.

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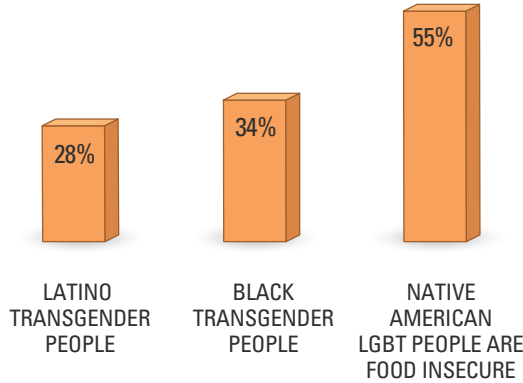
3M LGBT PEOPLE OF COLOR

1 IN 3

LGBT PEOPLE IDENTIFY AS A PERSON OF COLOR



LGBT AND TRANS PEOPLE OF COLOR HAVE HIGH RATES OF POVERTY



2 IN 5

LGBT WOMEN OF COLOR ARE RAISING CHILDREN



INCREASED RISK OF ECONOMIC INSECURITY BECAUSE OF...



LEGAL DISCRIMINATION

LGBT people of color face a lack of protection from discrimination in employment, housing, healthcare, and credit; transgender people face barriers to getting accurate identity documents.



LACK OF FAMILY RECOGNITION

Lack of marriage and unavailability of second and stepparent adoption mean many LGBT people can't be legally connected to their loved ones.



LACK OF SAFE EDUCATIONAL ENVIRONMENTS

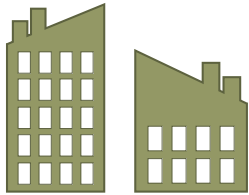
Bullying, harassment, and violence combined with difficulty accessing financial aid mean LGBT students are unsupported at school.

THE IMPACT

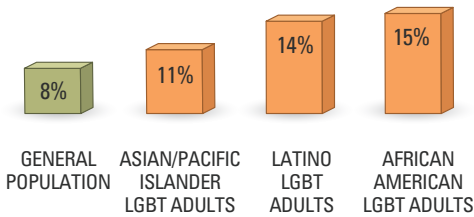
THE IMPACT

IMPACTS OF

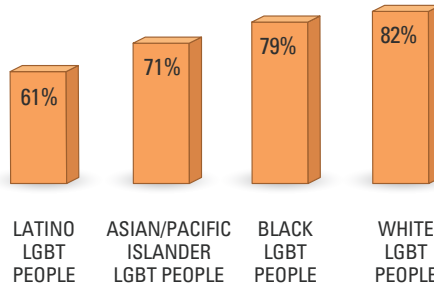
LEGAL DISCRIMINATION



HIGHER UNEMPLOYMENT RATES FOR LGBT PEOPLE OF COLOR



LGBT PEOPLE ARE LESS LIKELY TO HAVE HEALTH INSURANCE



1 IN 4

LGBT OLDER ADULTS OF COLOR HAVE EXPERIENCED HOUSING DISCRIMINATION

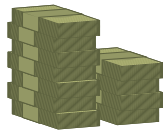


IMPACTS OF

LACK OF FAMILY RECOGNITION

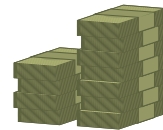
\$3,658

IN ADDED HEALTH INSURANCE COSTS FOR PARTNER



\$2,525

LOST IN SAFETY-NET PROGRAMS



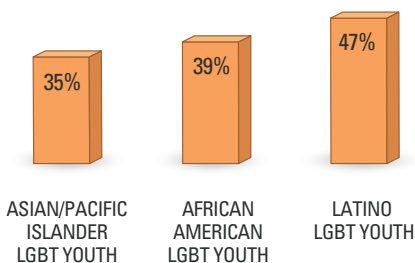
\$3,760

IN ADDED INCOME TAXES

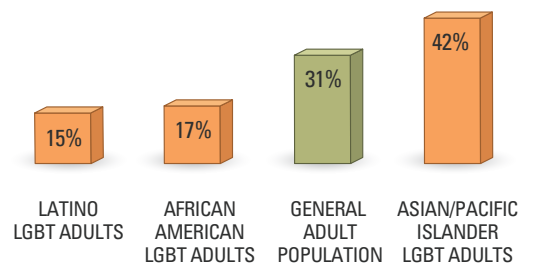
IMPACTS OF

UNSAFE SCHOOLS

HARASSED AT SCHOOL



LOWER COLLEGE COMPLETION RATES





INTRODUCTION

Data show that the U.S. economy is slowly recovering from the Great Recession. The unemployment rate is declining and consumer confidence is rising.¹ But the recovery hasn't been felt evenly by all people. People of color in particular have struggled with unemployment, lagging wages, and a dearth of jobs, leaving many worried about the future and about making ends meet.² A 2014 poll of Latino registered voters found that 53% are worried that someone in their household may lose their job and face unemployment; 50% of the respondents had, on multiple occasions in the past year, worried about being able to pay basic bills.³

Lesbian, gay, bisexual, and transgender (LGBT) people of color face added worries because of the impact of outdated and discriminatory laws at the local, state and national levels. In addition to the economic toll that racial and ethnic discrimination already take on their economic security, LGBT people of color are forced to pay an unfair price for being LGBT.

Three key failures of the law financially penalize LGBT people of color in the United States:

- The law fails to protect LGBT people of color from discrimination based on their sexual orientation and/or gender identity, compounded by the added impact of racial and ethnic discrimination;
- The law refuses to recognize LGBT families; LGBT people of color are more likely to be raising children than other LGBT people; and
- The law fails to protect LGBT students, in particular LGBT students of color.

This report is a companion to a larger report, *Paying an Unfair Price: The Financial Penalty for Being LGBT in America*, released in September 2014. This companion report summarizes research about the economic insecurity experienced by LGBT people of color compared to their white LGBT counterparts and non-LGBT people of color. The report outlines the ways in which the three legal failures noted above, combined

Glossary

- **Economic security and economic insecurity.** This report uses the terms *economic security* and the lack thereof, *economic insecurity*, to refer broadly to an individual or family's economic wellbeing. *Economic security* means that an individual or family has the financial resources to provide not only for basic necessities but also to weather unexpected events that negatively impact one's financial situation, such as a period of unemployment, a serious illness, or the death of a spouse or partner. *Economic insecurity*, on the other hand, refers to financial instability and uncertainty and in many instances means difficulty obtaining the most basic necessities.
- **Lesbian, gay, and bisexual (LGB).** The terms *lesbian* and *gay* refers a person's sexual orientation and describes people who are attracted to individuals of the same sex or gender. The term *bisexual* also refers to a person's sexual orientation and describes people who can be attracted to more than one sex or gender.
- **Transgender.** The term *transgender* is independent of sexual orientation and describes individuals whose sex assigned at birth is different from who they know they are on the inside. At some point in their lives, many transgender people decide they must live their lives as the gender they have always known themselves to be, and transition to living as that gender.
- **Gender identity and gender expression.** *Gender identity* is a person's deeply-felt inner sense of being male, female, or something else or in-between. *Gender expression* refers to a person's characteristics and behaviors such as appearance, dress, mannerisms and speech patterns that can be described as masculine, feminine, or something else. Note that gender identity and expression are independent of sexual orientation, and transgender people may identify as heterosexual, gay, lesbian, or bisexual.
- **Gender nonconforming.** This report uses the term *gender nonconforming* to describe a person who has, or is perceived to have, gender-related characteristics and/or behaviors that do not conform to traditional or societal expectations. Gender nonconforming women may or may not also identify as lesbian, gay, bisexual, or transgender.
- **People of color.** In some cases, this report uses the term *people of color* to refer broadly to African American or black, Latino or Hispanic, Asian/Pacific Islander, Native American, and other non-white people in the United States. This term is not meant to suggest a singular experience.
- **Same-sex and opposite-sex couples.** This report often uses the term *same-sex couples* or *same-sex partners/spouses* to refer to same-sex couples in committed relationships who may or may not be recognized under the law. When applicable, the report uses the term *same-sex spouse(s)* to identify those individuals in same-sex couples who are legally married. Particularly when discussing data from the U.S. Census Bureau, we use the term *opposite-sex* couples to refer to couples where individuals identify one partner as male and another as female. Individuals in same- and opposite-sex couples may identify as heterosexual, gay, lesbian, or bisexual, but the survey does not ask questions about sexual orientation. Additionally, because questions about gender identity are not asked, some individuals in these couples may identify as transgender.

with the added challenges faced by people of color, result in higher poverty rates and increased economic insecurity for LGBT people of color.

The report concludes with recommendations to reduce the unfair financial penalties experienced by LGBT people of color because of their sexual orientation or gender identity, as well as recommendations to address the systemic and persistent disparities that harm the economic security of people of color in the United States.

Who Are LGBT People of Color?

Many LGBT people identify as people of color. LGBT people of color are geographically diverse, many are raising children, and many are immigrants, as shown in the infographic on the next page.

For example:

- One-third of LGBT people identify as people of color, and people of color are more likely to identify as LGBT than are white people.⁴ Bisexual adults ages 18-44 are more likely than gay or lesbian adults to identify as people of color.⁵
- Within the LGBT population, LGBT people of color are more likely to be raising children compared to white LGBT people.⁶
- LGBT people of color live throughout the United States, but they are as likely as other people of color to live in communities that reflect their race and ethnicity.⁷
- A majority of LGBT immigrants—regardless of documentation status—identify as people of color. It is estimated there are nearly 1 million LGBT immigrants.⁸

Increased Economic Insecurity for LGBT People of Color

LGBT people are more likely than non-LGBT people to be poor^a—and for LGBT people of color, rates of poverty are even higher, as shown in the infographic on page 5. Despite limited research about this population and about LGBT people in general, the following data paint a picture of the unique challenges facing LGBT people of color.

- **Black same-sex couples struggle compared to black married opposite-sex couples.** African American people in same-sex couples are more than twice as likely to live in poverty as African American

people in married opposite-sex couples.⁹ Children raised by black same-sex couples have extremely high rates of poverty (52% for children living with black male couples and 38% for those living with black female couples) compared to 15% of children raised by black married opposite-sex couples.¹⁰

- **Same-sex couples of color are more likely to be poor than white same-sex couples.** African American same-sex couples also have much higher rates of poverty than white same-sex couples, as do Hispanic and Native American same-sex couples.¹¹ Children raised by same-sex couples of color are also at greater risk of poverty compared to children raised by white same-sex couples.
- **Non-citizens in same-sex couples, regardless of documentation, have much lower incomes than either native or naturalized citizens in same-sex couples.** The Williams Institute found that the median income of a foreign born, non-citizen man living in the United States in a same-sex couple in 2011 was just \$24,000 compared to \$40,000 for a naturalized citizen in a male same-sex couple and \$48,500 for a native-born citizen man in a same-sex couple.¹² For women in same-sex couples, foreign born, non-citizen women in same-sex couples averaged just \$22,400 in income in 2011, compared to \$45,000 for naturalized citizens and \$38,500 for native-born citizen women in same-sex couples.
- **Transgender people of color are more likely to live in extreme poverty than non-transgender people of color.** Asian and Pacific Islander (API) transgender people are six times more likely to report extreme poverty compared to non-transgender API people, while 34% of black transgender respondents have incomes at this level, compared to 9% of non-transgender black people.¹³
- **Transgender people of color face added risk of economic desperation compared to the transgender population as a whole.** The transgender population as a whole reports an extreme poverty rate of 15% (household incomes of less than \$10,000 a year), compared to much higher rates for transgender people of color. One-third (34%) of black transgender respondents reported having incomes of \$10,000 or less, as did

^a For more detailed demographic information about the LGBT population as a whole, see *Paying an Unfair Price: The Financial Penalty for Being LGBT in America*, which offers comparisons between LGBT people and their non-LGBT counterparts.

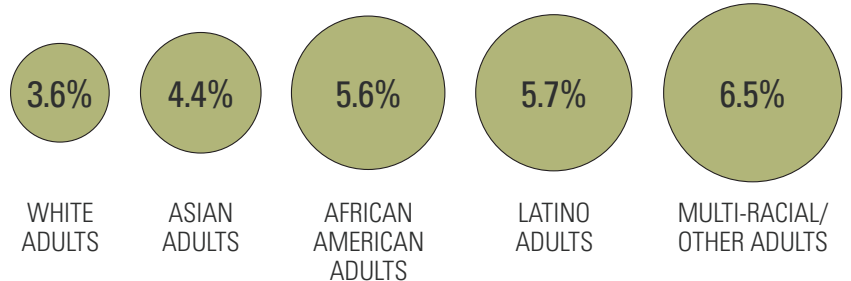
WHO ARE LGBT PEOPLE OF COLOR?

1 IN 3

LGBT PEOPLE IDENTIFY AS A PERSON OF COLOR



PEOPLE OF COLOR ARE MORE LIKELY TO IDENTIFY AS LGBT



904K LGBT IMMIGRANTS

92%
OF UNDOCUMENTED
LGBT IMMIGRANTS
ARE PEOPLE OF COLOR



77%
OF DOCUMENTED
LGBT IMMIGRANTS
ARE PEOPLE OF COLOR

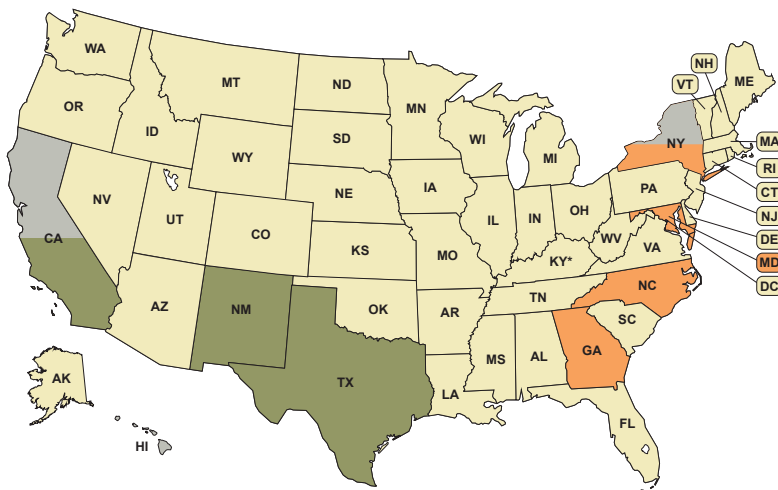


2 IN 5

LGBT WOMEN OF COLOR ARE RAISING CHILDREN



LGBT PEOPLE OF COLOR LIVE IN DIVERSE COMMUNITIES



1 IN 3 HISPANIC SAME-SEX COUPLES LIVES IN NEW MEXICO, CALIFORNIA, OR TEXAS, WHERE **48%** OF HISPANIC PEOPLE LIVE

1 IN 3 ASIAN AND PACIFIC ISLANDER SAME-SEX COUPLES LIVES IN HAWAII, NEW YORK, AND CALIFORNIA, WHERE **50%** OF ASIAN AND PACIFIC ISLANDER PEOPLE LIVE

1 IN 4 BLACK SAME-SEX COUPLES LIVES IN GEORGIA, NEW YORK, MARYLAND, AND NORTH CAROLINA, WHERE **25%** OF BLACK PEOPLE LIVE

Sources: Gary J. Gates and Frank Newport, "Special Report: 3.4% of U.S. Adults Identify as LGBT," Gallup Politics, October 18, 2012, <http://www.gallup.com/poll/158066/special-report-adults-identify-lgbt.aspx>; Gary J. Gates, "LGBT Demographics: Comparisons among population-based surveys," The Williams Institute, October 2014, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/lgbt-demogs-sep-2014.pdf>; Gary J. Gates, "LGBT Adult Immigrants in the United States," The Williams Institute, March 2013, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBTImmigrants-Gates-Mar-2013.pdf>; Angeliki Kastanis and Gary J. Gates, "LGBT African-American Individuals and African-American Same-Sex Couples," The Williams Institute, October 2013, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Census-AFAMER-Oct-2013.pdf>; Angeliki Kastanis and Gary J. Gates, "LGBT Latino/a Individuals and Latino/a Same-Sex Couples," The Williams Institute, October 2013, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Census-2010-Latino-Final.pdf>; Angeliki Kastanis and Gary J. Gates, "LGBT Asian and Pacific Islander Individuals and Same-Sex Couples," The Williams Institute, September 2013, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Census-2010-API-Final.pdf>.

28% of Latino respondents, 23% of both Native American and multiracial respondents, and 18% of API respondents.

The data on the economic challenges facing LGBT people of color is backed up by research on income and wealth disparities facing communities of color more broadly. For example:

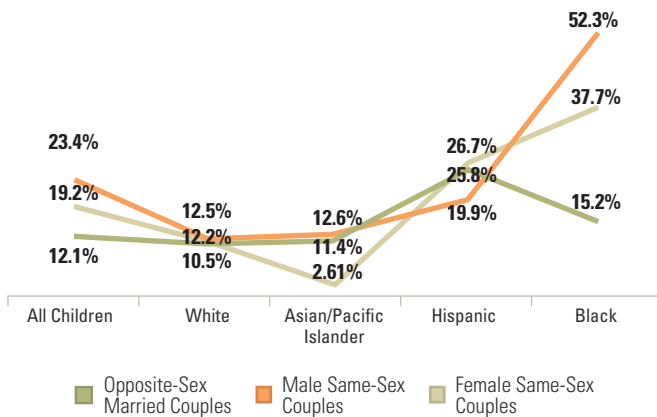
- **Black and Hispanic people in the United States have lower average incomes than white or Asian people.** In 2013, the median household income for a white household was \$58,270, compared to \$67,065 for Asian households,^b \$40,963 for Hispanic households, and \$34,598 for black households.¹⁴
- **All communities of color had higher poverty rates than their white counterparts.** Of white people, 9.6% were in poverty in 2013 compared to 28.9% of Native Americans,¹⁵ 27.2% of black people, 23.5% of Hispanic people, and 10.5% of Asian people.¹⁶

^b Within the Asian community there is great economic diversity that is not always apparent in the way that surveys are conducted or statistics are released. For example, detailed analysis of 2013 American Community Survey data finds that 25% of Bangladeshi people living in the United States are in poverty compared to just 7.7% of Indian people, and median household incomes range from \$100,547 for Indian households to just \$50,853 for Hmong households. Valerie Wilson, "2013 ACS Shows Depth of Native American Poverty and Different Degrees of Economic Well-Being for Asian Ethnic Groups," The Economic Policy Institute Blog, September 18, 2014, <http://www.epi.org/blog/2013-acr-shows-depth-native-american-poverty>.

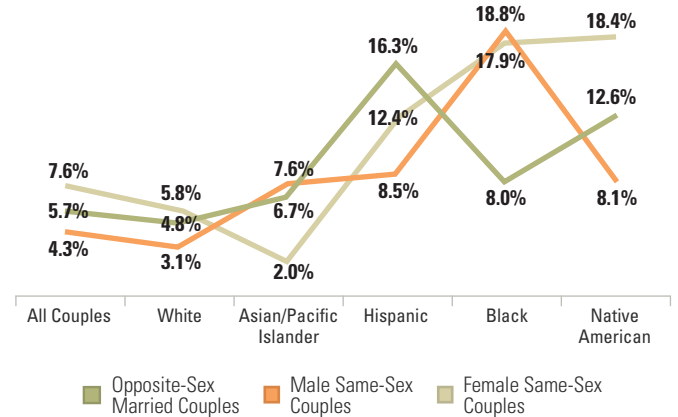
LGBT PEOPLE OF COLOR ARE MORE LIKELY TO LIVE IN POVERTY

POVERTY RATES

PERCENT OF CHILDREN LIVING IN POVERTY
By Family Type and Race/Ethnicity

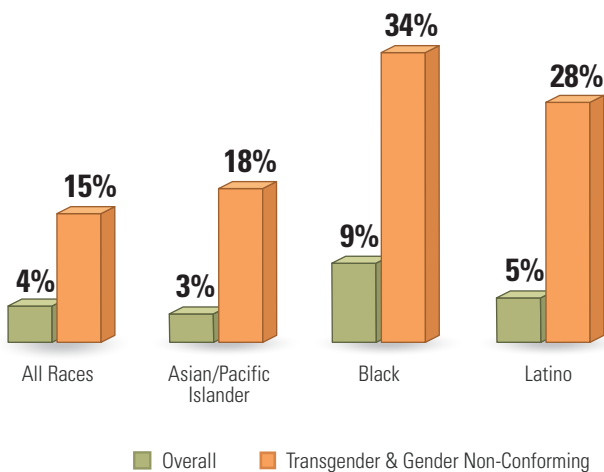


PERCENT OF ADULTS LIVING IN POVERTY
By Family Type and Race/Ethnicity



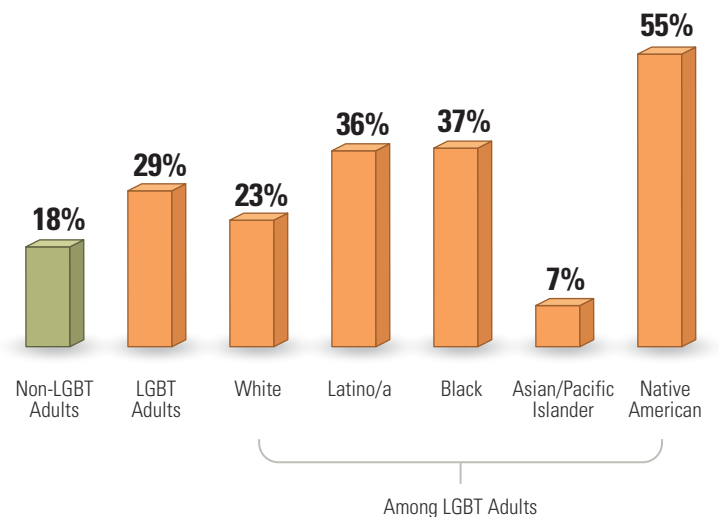
EXTREMELY LOW INCOME

PERCENT OF TRANSGENDER RESPONDENTS REPORTING EXTREME POVERTY INCOMES LESS THAN \$10K PER YEAR



FOOD INSECURITY

PERCENT OF LGBT PEOPLE OF COLOR REPORTING HIGH RATES OF FOOD INSECURITY



Sources: M.V. Lee Badgett, Laura E. Durso, and Alyssa Schneebaum, "New Patterns of Poverty in the Lesbian, Gay, and Bisexual Community," The Williams Institute, June 2013; Gary J. Gates, "Food Insecurity and SNAP (Food Stamps) Participation in LGBT Communities," The Williams Institute, February 2014; Grant, Jaime M., Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling, Injustice At Every Turn: A Report of the National Transgender Discrimination Survey. Washington: National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011.

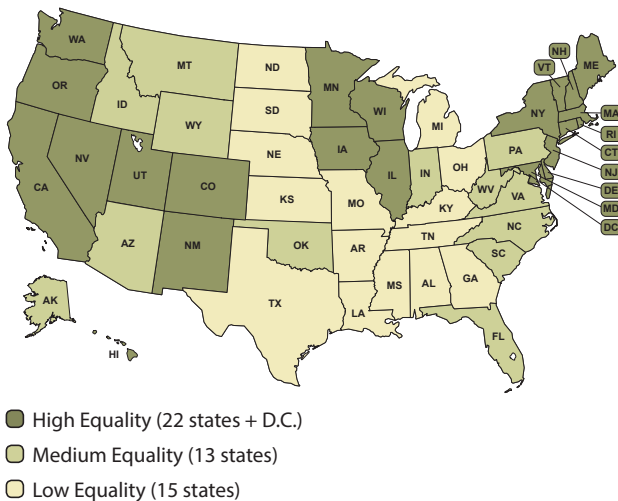
LEGAL INEQUALITY AND RACIAL AND ETHNIC DISCRIMINATION PENALIZE LGBT PEOPLE OF COLOR

Anti-LGBT laws have serious impacts on the financial well-being of LGBT people—and disproportionately affect LGBT people of color. These laws make it more difficult for LGBT people to be financially secure and provide for their families. As shown in the infographic on page 7, in some instances, the legal inequality experienced by LGBT people results in *lower incomes*—for example, due to employment discrimination or the denial of family tax credits. This makes it harder to save for the future or cover basic necessities. In other cases, these same legal inequalities burden LGBT people with *higher costs* for essentials like housing, healthcare, health insurance, and education.

The legal landscape for LGBT people varies greatly across the country, as shown in the equality wheel on page 8. The majority of laws impacting the lives of LGBT Americans are state and local, rather than federal. In some states, LGBT people have a large degree of legal equality while in others (particularly in the Deep South and Texas), LGBT people are left completely unprotected or are deliberately targeted by anti-LGBT laws that financially penalize LGBT people.

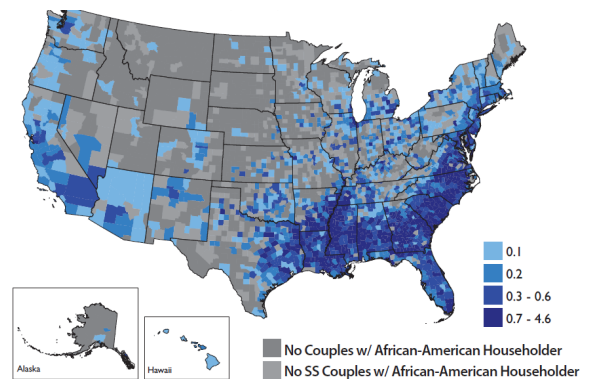
As shown in the maps on this page, disproportionate numbers of LGBT people of color live in places that lack any explicit (state-level) protections for LGBT people.

Figure 1: LGBT Legal Equality
By State



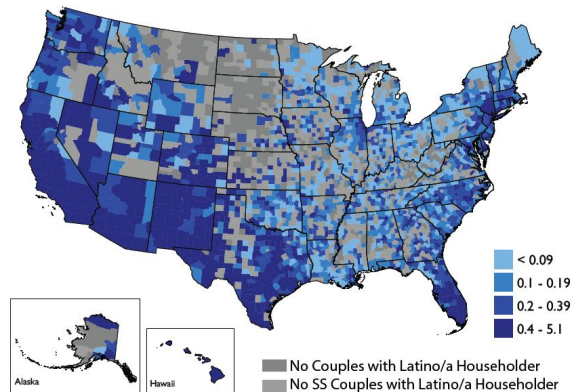
Source: Movement Advancement Project, Equality Maps, current as of April 20, 2015. For updates see http://lgbtmap.org/equality-maps/legal_equality_by_state.

Figure 2: Same-Sex Couples with an African-American Householder
By County (Adjusted), Per 1,000 Households



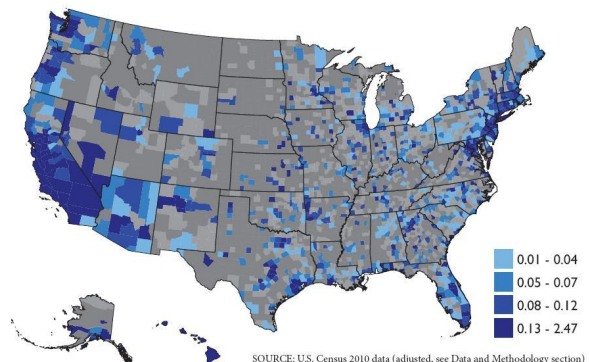
Source: Angeliki Kastanis and Gary J. Gates, "LGBT African-American Individuals and African-American Same-Sex Couples," The Williams Institute, October 2013, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Census-AFAMER-Oct-2013.pdf>. Reprinted with permission.

Figure 3: Same-Sex Couples with a Latino/a Householder
By County (Adjusted), Per 1,000 Households



Source: Angeliki Kastanis and Gary J. Gates, "LGBT Latino/a Individuals and Latino/a Same-Sex Couples," The Williams Institute, October 2013, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Census-2010-Latino-Final.pdf>. Reprinted with permission.

Figure 4: Same-Sex Couples with an API Householder
By County (Adjusted), Per 1,000 Households



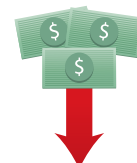
Source: Angeliki Kastanis and Gary J. Gates, "LGBT Asian and Pacific Islander Individuals and Same-Sex Couples," The Williams Institute, September 2013, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Census-2010-API-Final.pdf>. Reprinted with permission.

UNFAIR LAWS

MEAN HIGHER COSTS AND LESS INCOME FOR LGBT PEOPLE OF COLOR



HIGHER COSTS



LESS INCOME

#1 LEGAL DISCRIMINATION

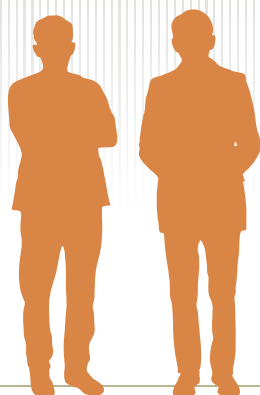
Employment Discrimination		✓
Housing Discrimination	✓	
Healthcare Discrimination	✓	✓
Credit Discrimination	✓	✓
Refusal to Issue Appropriate Identity Documents to Transgender People	✓	✓

#2 LACK OF FAMILY RECOGNITION

Lack of Health Insurance Through Employers	✓	✓
Limited Access to Gov't Health Insurance & Programs	✓	✓
Limited Access to Safety-Net Programs	✓	✓
Unfair Taxation	✓	✓
Denial of Social Security Benefits	✓	✓
Inequitable Access to Retirement Savings	✓	✓
Inability to Inherit	✓	✓

#3 HOSTILE EDUCATIONAL ENVIRONMENTS

Unsafe Schools	✓	✓
Difficulty Accessing Financial Aid	✓	



LGBT PEOPLE OF COLOR LEFT STRUGGLING TO GET BY

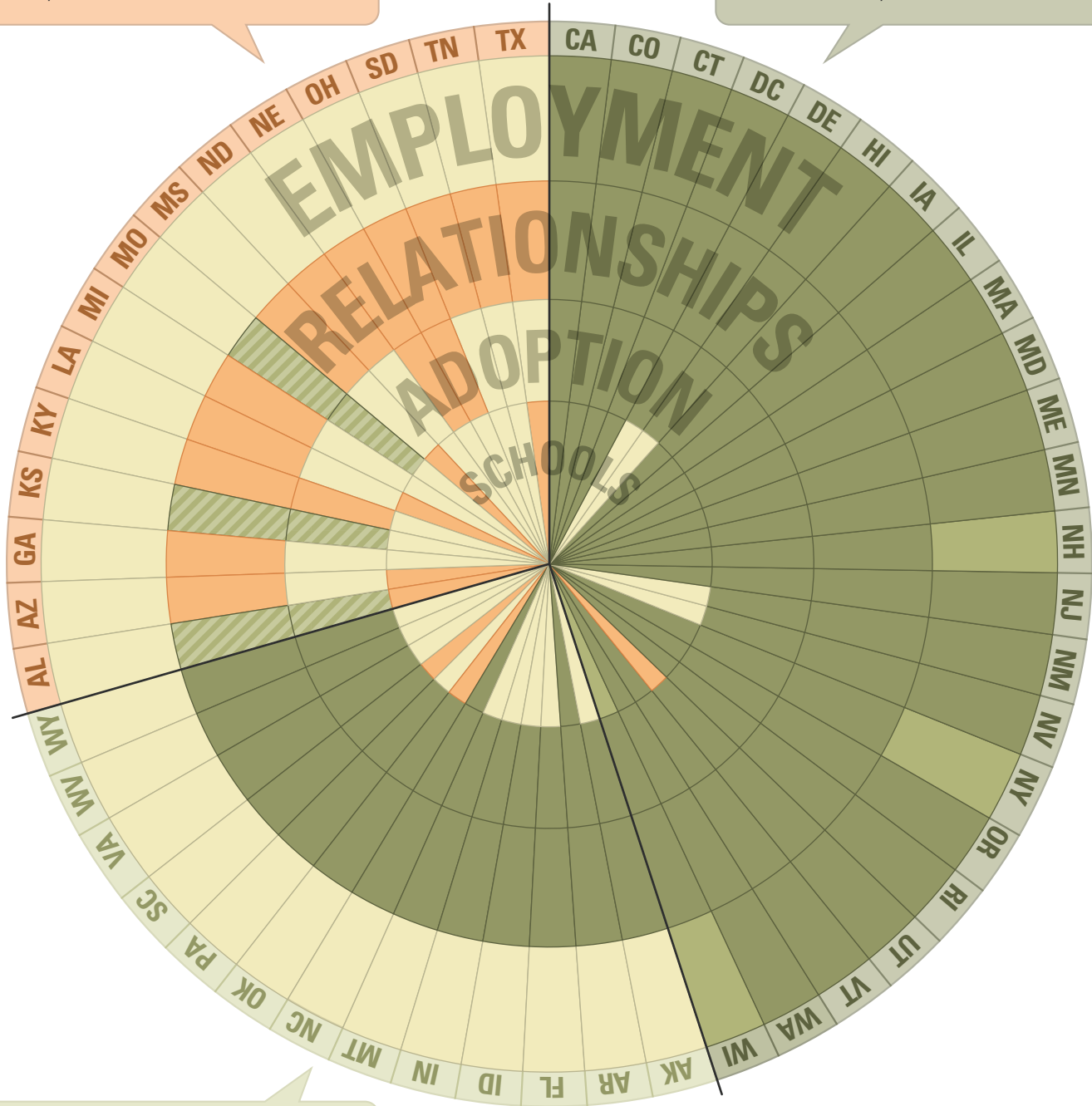
A PATCHWORK OF LEGAL EQUALITY

LOW EQUALITY STATES

15 STATES, 28% OF THE LGBT POPULATION

HIGH EQUALITY STATES

22 STATES & DC, 49% OF THE LGBT POPULATION



MEDIUM EQUALITY STATES

13 STATES, 23% OF THE LGBT POPULATION

KEY

- FULL LGBT EQUALITY
- LIMITED LGBT EQUALITY
- PENDING LGBT EQUALITY
- NO LGBT EQUALITY
- ANTI-LGBT LAW

*As of March 6, 2015, marriage is legal statewide, but the Alabama Supreme Court has forbidden state clerks from issuing licenses to same-sex couples.

Note: As of April 20, 2015, Alabama, Kansas, and Missouri have court rulings in favor of marriage equality, and marriage and adoption will be available to same-sex couples pending further action.

Source: Movement Advancement Project, "LGBT Equality Maps", http://www.lgbtmap.org/equality-maps/legal_equality_by_state.

This means that LGBT people of color face a high risk of economic harm from anti-LGBT laws. Based on the connection between poverty and an individual's race or ethnicity, many LGBT people of color are less able to absorb the financial penalties created by anti-LGBT laws when compared to white LGBT people. In addition, they may not be able to afford to do what it takes to try to mitigate the effects of these unfair laws, such as paying for an attorney to draw up a will or to obtain a second-parent adoption.

The longer, comprehensive *Paying an Unfair Price* report released in September 2014 details the various economic penalties that LGBT people pay in each of these areas in greater detail. This report, in contrast, looks at the specific impact on LGBT people of color and offers key recommendations for ensuring that they can achieve economic security. In the following pages, we review the impact of three primary failures of the law on LGBT people of color: lack of protection from discrimination; refusal to recognize families; and failure to protect students.

Failure #1: Lack of Protection from Discrimination



Many LGBT people, including LGBT people of color, lack protection from discrimination based on sexual orientation and gender identity in many aspects of life—whether they are seeking employment, working, looking for housing, accessing medical care and health insurance, obtaining credit, or securing identity documents that are an accurate reflection of their daily lives. LGBT people of color also often experience discrimination because of their race and ethnicity, despite the fact that federal and state laws prohibit such discrimination. Being LGBT and a person of color in the United States means experiencing dual discrimination that causes substantial economic impacts while also exacting an emotional and physical toll. This section of the report details the ways in which legal discrimination based on sexual orientation and gender identity combine with institutional and systemic discrimination based on racial and ethnicity to increase financial insecurity for LGBT people of color.



EMPLOYMENT DISCRIMINATION

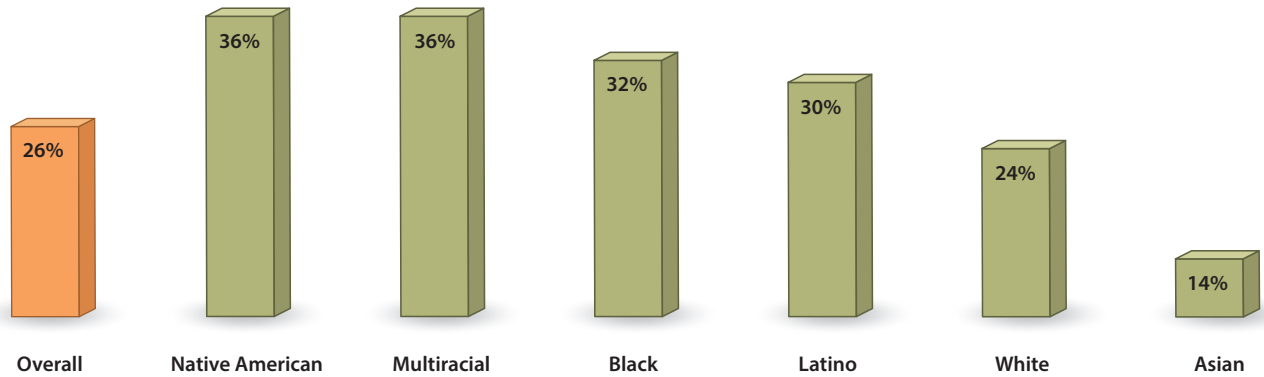
LGBT workers of color experience high rates of discrimination both because they are LGBT and because of their race and ethnicity. For example, surveys of Asian and Pacific Islander (API) LGBT people uncovered shockingly high rates of sexual orientation discrimination; between 75% and 82% of API LGBT people said they had been discriminated against at work because of their sexual orientation.¹⁷ Surveys of black LGBT people indicate that four in 10 (42%) have experienced employment discrimination based on their race, sexual orientation, and/or gender identity.¹⁸ Transgender workers of color report higher rates of job loss and employment discrimination compared to white transgender workers (see *Figures 5 and 6* on the next page).¹⁹ LGBT immigrants can be particularly vulnerable; for example, they may be exploited due to lack of immigration status, lack access to programs and services because of limited English proficiency, or being discriminated against because they are immigrants and/or because of having limited English proficiency.²⁰

Despite these high rates of discrimination at work and strong public support for fair treatment of LGBT people on the job,²¹ no federal law explicitly prohibits discrimination in employment based on sexual orientation or gender identity/expression. In addition, only 22 states and the District of Columbia have laws protecting workers from discrimination based on sexual orientation, and only 19 states and the District of Columbia have laws covering both sexual orientation and gender identity/expression.²² Transgender workers do have some protections through the Civil Rights Act's prohibition on workplace discrimination based on "sex";^c and there are emerging protections for LGB workers, but explicit protections are still needed.

For LGBT workers of color, the lack of explicit legal protections based on sexual orientation and gender identity/expression is compounded by race- and ethnicity-based workplace discrimination. While federal

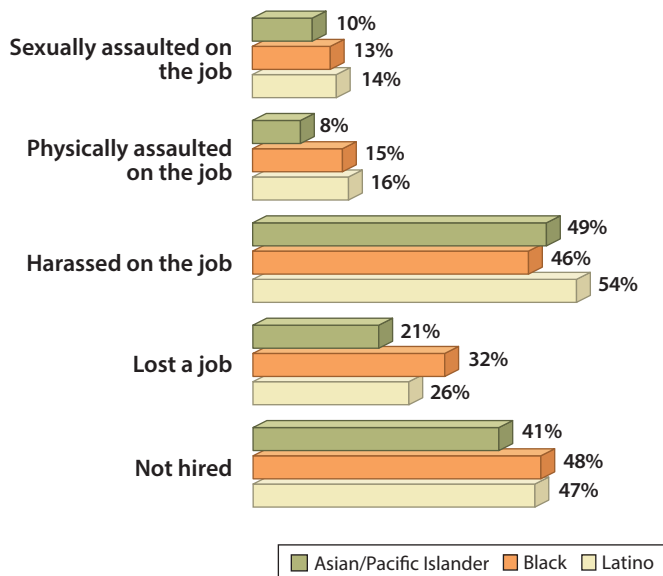
^c Title VII of the Civil Rights Act prohibits discrimination against workers based on their "sex." In 2012, the Equal Employment Opportunity Commission (EEOC) issued an opinion in *Macy v. Holder* that found that discrimination against a transgender worker based on gender identity or gender expression is sex-based discrimination and therefore illegal under Title VII. In June 2014, the Department of Labor issued guidance making clear that laws prohibiting discrimination based on sex apply to transgender workers. For a more in-depth analysis of *Macy* and its implications for transgender workers, see pages 20-23 of Movement Advancement Project, Human Rights Campaign, Center for American Progress, and National Center for Transgender Equality, "A Broken Bargain for Transgender Workers," <http://lgbtmap.org/file/a-broken-bargain-for-transgender-workers.pdf>.

Figure 5: Percent of Transgender Respondents Reporting Having Lost a Job Because They Are Transgender
By Race/Ethnicity



Source: Grant, Jaime M., Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling. *Injustice At Every Turn: A Report of the National Transgender Discrimination Survey*. Washington: National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011. http://www.thetaskforce.org/downloads/reports/reports/ntds_full.pdf.

Figure 6: Discrimination Reported by Transgender People of Color



Sources: National Gay and Lesbian Task Force, National Center for Transgender Equality, and LULAC. "Injustice at Every Turn: A Look at Latino/a Respondents in the National Transgender Discrimination Survey." December 2011. http://www.transequality.org/Resources/Injustice_Latino_englishversion.pdf; "Injustice at Every Turn: A Look at Asian American, South Asian, Southeast Asian, and Pacific Islander Respondents in the National Transgender Discrimination Survey." July 2012. http://www.transequality.org/Resources/ntds_asianamerican_english.pdf; "Injustice at Every Turn: A Look at Black Respondents in the National Transgender Discrimination Survey." September 2011. http://www.transequality.org/PDFs/BlackTransFactsheetFINAL_090811.pdf.

and state laws expressly prohibit discrimination in employment based on race and ethnicity, studies find that hidden and often-unrecognized bias still exists and creates substantial barriers to fair treatment on the job for people of color. According to the U.S. Equal Employment Opportunity Commission, over 33,000 charges of racial discrimination in the workplace were filed in 2013

alone. Charges of racial discrimination account for the highest proportion of total discrimination charges (35%) compared to 30% based on sex, 11% based on national origin, and 4% based on religion.²³



THE IMPACT OF EMPLOYMENT DISCRIMINATION:

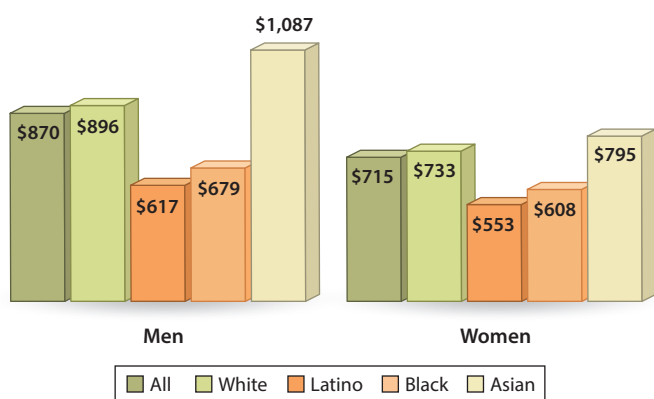


Lower wages. Research on wages among LGBT workers of color is limited, but broader population data show the impact of race and ethnicity, sex, and LGBT status on a worker's paycheck, meaning the penalties are likely compounded for LGBT workers of color.

Despite federal laws prohibiting racial and ethnic discrimination in employment, workers of color are paid less on average than white workers for the same work. In 2014, black and Latino workers made anywhere from 17% to 43% less than white and Asian workers, as shown in *Figure 7*.²⁴ Even when controlling for occupation and education, workers of color are still paid less. For example, African American and Latino workers with college degrees are paid approximately \$5 less per hour than white workers with degrees—a difference of about \$10,000 each year.²⁵

Additionally, workers of color, and likely LGBT workers of color, are heavily concentrated in low-wage jobs that lack opportunities for advancement or benefits. For example, African American and Hispanic workers are overrepresented among workers who earned \$11.06 per hour in 2011, or the wage required to live just above the federally defined poverty threshold for a family of four.²⁶

Figure 7: Workers of Color in General Report Lower Median Weekly Earnings
By Race/Ethnicity and Sex



Source: Bureau of Labor Statistics. "Table 2. Median usual weekly earnings of full-time wage and salary workers by selected characteristics, quarterly averages, not seasonally adjusted, Third Quarter 2014." October 28, 2014. <http://www.bls.gov/news.release/wkyeng.t02.htm>.

Researchers also find a consistent pattern of lower wages for LGBT people, particularly for gay and bisexual men and transgender people. A 2013 Gallup poll found that people who identify as LGBT were more likely to report incomes below \$24,000 and less likely to report incomes above \$90,000 per year when compared to their non-LGBT peers.²⁷ According to the National Transgender Discrimination Survey, 15% of transgender respondents had incomes under \$10,000 per year compared to just 4% of the general population.²⁸

Finally, for LGBT people in the United States who are undocumented immigrants, lack of work authorization and immigration documentation can result in greater economic peril—they are often underpaid and unable to access important job-related benefits designed to protect workers, such as a minimum wage, health benefits, family and medical leave, and Social Security disability benefits.

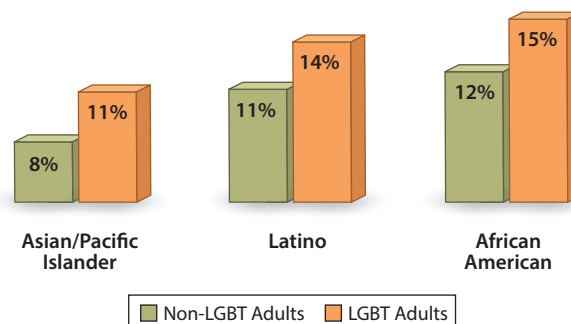


Higher unemployment. Recent analysis by the Williams Institute finds that LGBT people of color have higher rates of unemployment compared to non-LGBT people of color (see

Figure 8a),²⁹ while a survey of transgender people found that African American transgender people had substantially higher rates of unemployment than white transgender people (28% compared to 12% as shown in Figure 8b).³⁰ This is consistent with data showing that people of color have higher rates of unemployment than white people (as shown in Figure 8c); in February 2015, the unemployment rate was 10.4% for black people, 6.6% for Hispanic people, 4.0% for Asian people, and 4.7% for white

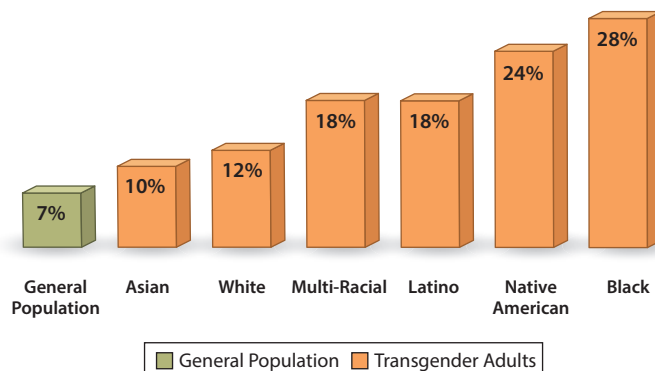
Figure 8: LGBT People of Color Experience Higher Unemployment Rates

Figure 8a: Unemployment Rates
By Sexual Orientation/Gender Identity and Race/Ethnicity



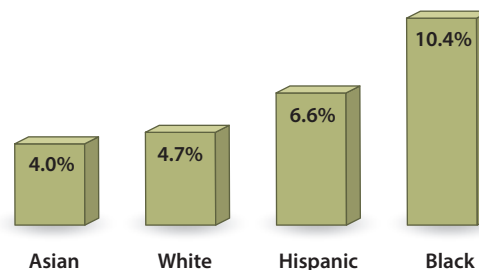
Source: Kastanis, Angeliki and Gary J. Gates. "LGBT Asian and Pacific Islander Individuals and Same-Sex Couples." The Williams Institute. September 2013. <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Census-2010-API-Final.pdf>; Kastanis, Angeliki and Gary J. Gates. "LGBT African-American Individuals and African-American Same-Sex Couples." The Williams Institute. October 2013. <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Census-AFAMER-Oct-2013.pdf>; Kastanis, Angeliki and Gary J. Gates. "LGBT Latino/a Individuals and Latino/a Same-Sex Couples." The Williams Institute. October 2013. <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Census-2010-Latino-Final.pdf>.

Figure 8b: Unemployment Rates for Transgender Adults
By Race/Ethnicity



Source: Grant, Jaime M., Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling. *Injustice At Every Turn: A Report of the National Transgender Discrimination Survey*. Washington: National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011. http://www.thetaskforce.org/downloads/reports/reports/ntds_full.pdf.

Figure 8c: Unemployment Rates for Adults Generally
By Race /Ethnicity



Source: U.S. Department of Labor, Bureau of Labor Statistics, "The Employment Situation—February 2015," March 6, 2015, <http://www.bls.gov/news.release/pdf/empstf.pdf>.

people.³¹ Similarly, in 2013, 11.3% of Native Americans were unemployed compared to 6.9% of white people.³²

Higher rates of unemployment among LGBT people of color are not surprising given research showing that LGBT people and people of color both face obstacles during the hiring process. For example, resumes that signal someone is gay or a person of color (for example, by mentioning participation in an LGBT student organization or including a name perceived to be associated with a particular race) are less likely to yield interviews. If candidates got to the interview stage of the hiring process, those submitting these resumes also had shorter job interviews, were less likely to be offered a job, and received a less favorable offer, including a lower starting salary.³³

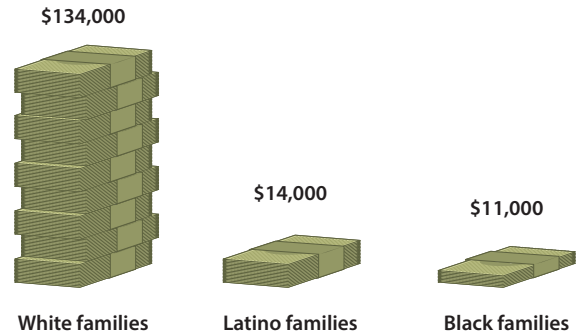
The economic toll of unemployment and underemployment^d compounds over time, creating added burdens for LGBT people of color. Gaps in one's employment history take a toll on overall lifetime earnings; an episode of unemployment during a recession can result in more than \$100,000 in lost earnings over a career.³⁴ One study found that even two years after returning to work, workers who had been unemployed earned 17% less, on average, than they had in their previous positions.³⁵ Periods of unemployment can be even more detrimental for LGBT people of color, who are likely to already earn less because of discrimination based on their race or ethnicity and their LGBT status.



Reduced savings. Unemployed people must find other ways to make ends meet by tapping into short- and long-term savings and/or taking on more debt. The result is that they are left less financially secure.

For LGBT workers of color, who already face wage penalties because of their race or ethnicity and their LGBT status, periods of unemployment or underemployment mean that they have less of a financial cushion. In 2013, the median net worth of white families was \$134,000, compared to \$14,000 for Latino families and \$11,000 for black families (see *Figure 9*).³⁶ The recent recession had a particularly devastating impact on the assets of people of color. From 2007 to 2010, on average, white households lost approximately 11% of their total wealth, compared to a 31% loss for black households and 44% for Hispanic households.³⁷

Figure 9: Families of Color in General Have Lower Median Net Worth



Source: Michael Greenstone and Adam Looney, "Unemployment and Earnings Losses: A Look at Long-Term Impacts of the Great Recession on American Workers," The Brookings Institution, The Hamilton Project, November 4, 2011, <http://www.brookings.edu/blogs/jobs/posts/2011/11/04-jobs-greenstone-looney>.

^d The term "underemployment" refers to situations in which workers are working fewer hours than they would like and/or they are working in a position in which they are overqualified or that does not utilize their skills.

LGBT Immigrants Face Challenges to Economic Security

According to a 2013 report by The Williams Institute, there are an estimated 904,000 LGBT immigrants in the United States.³⁸ Of these, 267,000 are LGBT adults who have are in the United States without a valid visa or legal residency status and are “undocumented immigrants,” of which 71% are Hispanic, 15% are Asian or Pacific Islander, and 6% are black. There are an additional 637,000 LGBT adults who are documented immigrants, including 30% who are Hispanic and 35% who are Asian or Pacific Islander.

For immigrants who lack legal work authorization, including those who are undocumented, economic challenges abound, including in areas of fair employment, housing, healthcare, and safety net programs.

The employment options for immigrants without work authorization are limited, as the law places significant penalties on employers who hire such workers. Still, many industries—including manufacturing, service, construction, restaurant, and agriculture—rely heavily on such labor. In 2010, undocumented workers constituted an estimated 5.2% of the nation’s workforce, or 8.4 million undocumented workers.³⁹

Like other undocumented workers, undocumented LGBT workers may face greater economic peril—they are often underpaid and unable to access important job-related benefits designed to protect workers, such as a minimum wage, family and medical leave, and Social Security disability benefits, as well as safety net programs such as food assistance and health insurance. Not only do LGBT undocumented immigrants risk being deported and torn away from their lives and families in the U.S., they may be required to go back to a country where they will experience persecution. LGBT immigrants face extreme violence in immigration detention facilities, including increased risk of verbal abuse, sexual assault, and physical assault, solitary confinement, and lack of access to essential healthcare, particularly for transgender individuals.⁴⁰

They may also be unable to speak up about workplace discrimination, unsafe working conditions, or unfair wages, out of fear of being deported. And even when an LGBT undocumented worker works in a state with legal protections prohibiting discrimination based on sexual orientation or gender identity/ expression, or they experience race- or national origin-based discrimination prohibited by federal law, their undocumented status may dissuade them from filing a complaint against an employer out of fear of deportation.

For workers currently in the United States on an employment visa, their ability to stay depends on maintaining their jobs. And under various immigration reform proposals, immigrants would need to maintain continuous employment.⁴¹ This continuous employment requirement may force LGBT workers to endure workplaces that are hostile or unsafe because they lack protections from discrimination based on sexual orientation and gender identity and lack legal work authorization.

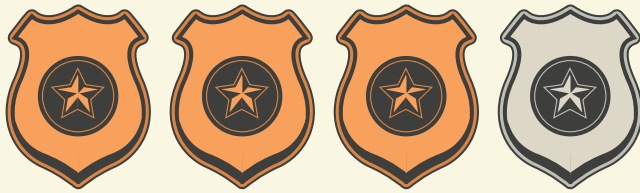
LGBT People of Color and Interactions with Law Enforcement and the Criminal Injustice System

Heightened levels of family rejection and homelessness, discrimination, and economic instability may lead LGBT people to participation in criminalized survival economies, such as drug sales and sex work. People living with HIV, including many who are LGBT and people of color, face criminalization laws that put them at risk for incarceration. Structural and systemic racial and ethnic discrimination and inequality also mean that people of color—and LGBT people of color—are more likely to have interactions with law enforcement and to enter the criminal justice system.

Research finds that LGBT people of color are at increased risk of interactions with law enforcement—both compared to non-LGBT people of color and white LGBT people. For example, as shown in *Figure 10*, a 2012 survey conducted by Lambda Legal found that an alarming 73% of LGBT people and people living with HIV report having had face-to-face contact with the police.⁴² And, 5% of the respondents reported having spent time in jail or prison, compared to 2.8% of the U.S. adult population who were under supervision by the penal system at the end of 2013.⁴³ This involvement often results in criminal records, which raises additional barriers to employment, housing, credit, and access to education.^{e,44}

Figure 10: Many LGBT People Report Interactions with Law Enforcement

73% OF LGBT PEOPLE AND PEOPLE LIVING WITH HIV HAVE HAD FACE-TO-FACE CONTACT WITH LAW ENFORCEMENT



Source: Lambda Legal, "Protected and Served? Police," <http://www.lambdalegal.org/protected-and-served-police>.

There are 20 states lacking explicit prohibitions on racial profiling by law enforcement.⁴⁵ And, even in those states with laws, not one adequately meets all the provisions required for an effective law, according to the NAACP.⁴⁶ In fact, most state laws do not include a definition of profiling that is inclusive of all significantly impacted groups, such as LGBT communities.

Racial and ethnic profiling, in addition to agenda-setting policies such as Secure Communities and "stop and frisk," contribute to heightened chances of law enforcement encounters for LGBT people of color, often with negative consequences. Nearly 25% of LGBT people and people with HIV who reported contact with law enforcement said they experienced at least one form of harassment or misconduct—including profiling, verbal or physical assault, sexual harassment, or assault and false arrest.⁴⁷ In another survey of transgender discrimination, 22% of transgender individuals who had police interactions reported harassment, 6% reported physical assault and 2% reported being sexually assaulted by officers.⁴⁸ Transgender people of color were nearly 2.5 times more likely to experience physical violence by the police compared to white non-transgender people.⁴⁹

Even as victims in reported incidents, LGBT people of color are more likely to experience police misconduct and be arrested. The National Coalition of Anti-Violence Program's recent annual report documents 2,016 incidents of anti-LGBTQ violence in 2012, and highlights a number of disturbing multi-year trends of severe anti-LGBT violence. Of survivors reporting violence to the police, 48% reported incidents of police misconduct and 26.8% reported that the police attitudes were hostile. The report also found that LGBT people of color were 1.82 times more likely to experience physical violence compared to white LGBT people.⁵⁰

This is perhaps unsurprising given larger patterns of racial profiling and arrests. Nationwide, black people are arrested at rates for crimes ranging from murder and assault to loitering and marijuana possession that outpace the rate of crimes committed. In fact, black people are more likely than any other racial group to be arrested in almost every city for almost every type of crime. According to recent examination by USA Today, in 95% of police departments surveyed, black people were arrested at rates greater than they comprise in the general population.⁵¹ Moreover, at least 70 departments arrested black people at a rate **10 times** higher than people who are not black.⁵²

Not only are people of color more likely to be the targets of arbitrary arrests and charged with myriad offenses, but they are also more likely experience discrimination in adjudication procedures.⁵³ As a result, people of color are overrepresented in the correctional system. According to the U.S. Census, on a national level, black people are incarcerated five times more than white people are, and Latino people are nearly twice as likely to be incarcerated as white people.⁵⁴ Regardless of the crime, incarceration leads to years out of the workforce and education system, in addition to criminal records that preclude fair consideration in employment, housing, credit, and access to education—all which require background checks.

^e For more information about how interactions with law enforcement can make it more difficult for LGBT people of color to access employment, housing, credit, and more see Movement Advancement Project, Center for American Progress, Freedom to Work, Human Rights Campaign, and National Black Justice Coalition, "A Broken Bargain for LGBT Workers of Color," <http://lgbtmap.org/file/a-broken-bargain-for-lgbt-workers-of-color.pdf>.



HOUSING DISCRIMINATION

When it comes to finding stable, affordable housing, discrimination because of race and ethnicity, as well as sexual orientation, gender identity, and family status, can create substantial and costly barriers. Federal and state laws prohibit discrimination in housing based on numerous characteristics, including race and ethnicity. Even with these laws in place, however, people of color have long experienced housing discrimination. This discrimination has shown up in everything from restrictive covenants, where families of color were unable to purchase or rent homes in particular areas, to predatory real estate and lending practices resulting in higher housing costs for people of color.⁵⁵ A 2012 study by the U.S. Department of Housing and Urban Development (HUD) found that black, Hispanic, and Asian homeseekers were told about and shown fewer housing units for rent and purchase than white homeseekers, as shown in *Figure 11*.⁵⁶

Adding to the housing-related challenges for LGBT people of color, no federal law prohibits discrimination in housing based on sexual orientation or gender identity, and only 18 states and the District of Columbia have laws outlawing housing discrimination. In a study commissioned by HUD, opposite-sex couples were overtly favored over same-sex couples when applying for rental housing four out of every 25 test cases.⁵⁷ Few studies examine the experiences of LGBT people of color when it comes to housing. In one 2014 survey, one in four non-white LGBT older adults (24%) experienced housing discrimination based on their race or ethnicity compared to 18% of non-white, non-LGBT people as shown in *Figure 12*.⁵⁸ Overall, 13% of LGBT older adults had experienced housing discrimination because of their sexual orientation, as had 25% of transgender older adults. Similarly, the National Transgender Discrimination Survey found high rates of eviction among transgender people (11% had been evicted) and substantially higher rates for African American transgender respondents (37%), American Indian respondents (30%) and undocumented

Figure 11: People of Color in General Face Discrimination When Renting or Buying a Home

By Race/Ethnicity

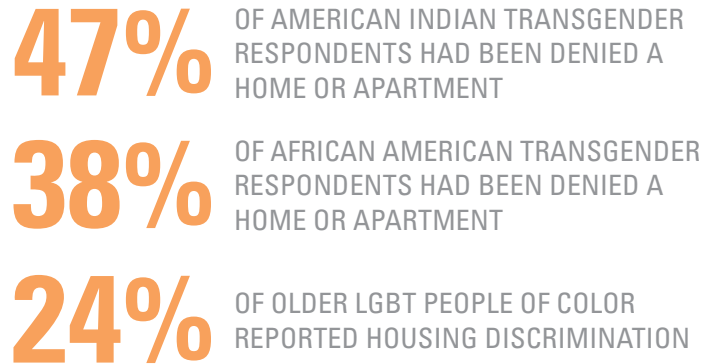
Figure 11a: When Renting, People of Color are Told About Fewer Units Compared to White Renters

Figure 11b: When Buying, People of Color are Told About Fewer Homes Compared to White Buyers



Source: U.S. Department of Housing and Urban Development, Office of Policy Development and Research, "Housing Discrimination Against Racial and Ethnic Minorities 2012," June 2013, http://www.huduser.org/portal/Publications/pdf/HUD-514_HDS2012.pdf.

Figure 12: LGBT People of Color Face Housing Discrimination



Source: Grant, Jaime M., Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling. *Injustice At Every Turn: A Report of the National Transgender Discrimination Survey*. Washington: National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011. http://www.thetaskforce.org/downloads/reports/reports/ntds_full.pdf; Robert Espinoza, "Out & Visible: The Experiences and Attitudes of Lesbian, Gay, Bisexual and Transgender Older Adults, Ages 45-75," *Services and Advocacy for GLBT Elders*, October 2014, http://www.sageusa.org/files/LGBT_OAMarketResearch_Rpt.pdf.

immigrants (21%). Nearly half (47%) of American Indian transgender respondents had been denied a home or apartment because of their gender identity, as had 38% of black and 32% of multiracial respondents.



THE IMPACT OF HOUSING DISCRIMINATION:



Longer, more costly and more limited housing searches. To the extent that LGBT people of color are told about or shown fewer homes, their home searches can take more time and cost more money. As the HUD study about racial and ethnic discrimination in housing explains, longer searches are both more costly and more burdensome for people with low or fixed incomes and those with inflexible work schedules.⁵⁹

Discrimination can also mean that LGBT people of color have fewer housing options, which may push them into less desirable or more costly neighborhoods. The National Transgender Discrimination Survey found that 56% of Native American, 52% of black, 51% of Latino, and 49% of multiracial transgender respondents moved into a less desirable home or apartment because anti-transgender bias forced them out of better housing, as did 37% of white transgender respondents.⁶⁰



Increased loan and insurance costs. In addition to higher rents and home purchase prices, LGBT people of color often face increased costs for mortgages^f and homeowners' insurance. Insurance companies, for example, may not

permit a same-sex partner to be added to a home insurance policy, resulting in higher insurance costs because legally married couples usually receive lower rates. Additionally, in some instances, insurance companies may use credit scores or background checks to determine insurance rates and eligibility.⁶¹ As described in our past report, *A Broken Bargain for LGBT Workers of Color*,⁹ LGBT people of color, particularly transgender people of color, are more likely than the broader population to have had interactions with law enforcement because of the school-to-prison pipeline explored in that report, as well as other factors. Often, these interactions will appear on background and credit checks, despite having no bearing on an individual's ability to pay premiums related to homeowners' insurance. Research finds that people of color, particularly black and Hispanic homeowners, are less likely to have comprehensive homeowners' insurance than white people, resulting in higher costs to replace lost, stolen, or damaged property. People of color also tend to pay more for similar insurance policies than white homeowners.⁶²



HEALTHCARE DISCRIMINATION

Access to affordable, quality healthcare is essential not just to protect and maintain one's physical and mental health but also to ensure economic security: poorer health is linked to lower earnings.⁶³ However, studies show that LGBT people face overt discrimination when seeking

^f See page 20 for a discussion of credit discrimination, including mortgages.

⁹ Available at <http://www.lgbtmap.org/workers-of-color>.

Locked Into Poverty: Higher Rates of Homelessness Reduce Opportunity for LGBT People

As of January 2013, there were more than 610,000 homeless people in the United States.⁶⁴ An estimated 20% to 40% of homeless youth in the United States identify as LGBT or believe they may be LGBT⁶⁵ compared to an estimated 5% to 7% of youth who identify as LGBT.⁶⁶ African American and Native American young people are overrepresented among LGBT homeless youth and the broader homeless population.⁶⁷

While the reasons why people end up homeless vary, a lack of housing for LGBT people can be the result of discrimination and mistreatment. For example, LGBT people facing employment or housing discrimination often are left without the financial means to afford housing or the ability to find stable housing. And, for LGBT youth, family rejection because of their sexual orientation or gender identity/expression forces many out of their homes.⁶⁸ Becoming homeless can make it extremely difficult for these young people to complete school and do well academically and, in turn, move on to good jobs and rewarding careers.

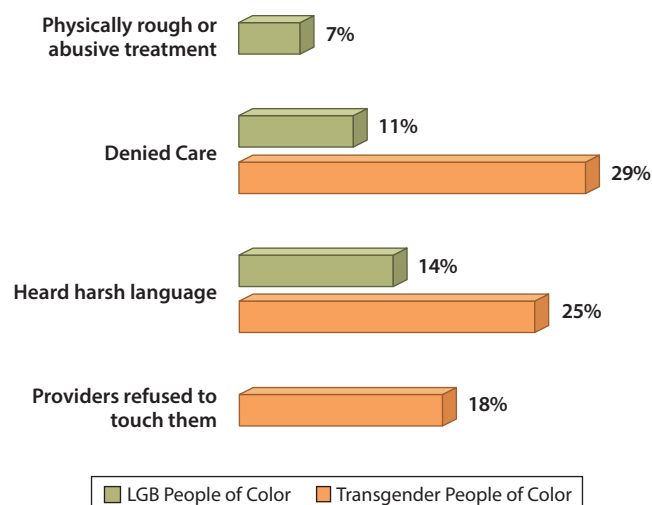
The safety net designed to support homeless people in this country, LGBT and non-LGBT alike, has failed. Living on the streets and relying on shelters and soup kitchens provides very little opportunity for becoming financially secure. Furthermore, research finds that shelters can be difficult places for LGBT youth and adults. LGBT youth may worry that shelters will contact the local child and family services office and try to reconnect them with their families, who may be openly hostile about a youth's sexual orientation or gender identity.⁶⁹ Transgender people may be unable to stay in a shelter that matches their gender identity as opposed to their birth sex, making them less likely to seek shelter altogether.⁷⁰ A 2010 survey of transgender people found that 29% had been turned away from a shelter because of their transgender status.⁷¹

healthcare, as well as inadequate care from providers who lack training in how to work with LGBT patients. LGBT people of color face added challenges in accessing affordable, quality care based on their race and ethnicity. Additionally, insurance companies deny coverage for transgender people, limiting their access to vital care.

Discrimination by healthcare providers. In a survey by Lambda Legal, LGBT people of color were more likely than their white counterparts to report experiencing discrimination by healthcare providers and substandard medical care, as shown in *Figure 13*. For example, lesbian, gay and bisexual (LGB) people of color were more than twice as likely as white LGB people (7% vs. 3%) to report that they had received physically rough or abusive treatment by medical professionals.⁷² LGB people of color also were more likely than white LGB respondents to report higher rates of being denied care and of hearing harsh language from medical providers. In the same survey, transgender and gender non-conforming people of color reported high rates of mistreatment; 29% indicated they had been refused needed care, and 18% said that healthcare providers refused to touch them as part of a medical examination.

The National Transgender Discrimination Survey found high rates of discrimination in the healthcare setting for transgender people—and particularly for

Figure 13: Health Discrimination Frequent For LGBT People of Color



Sources: Lambda Legal, "When Health Care Isn't Caring: Lambda Legal's Survey of Discrimination Against LGBT People and People with HIV," 2010, 2014, http://www.lambdalegal.org/sites/default/files/publications/downloads/whcic-report_when-health-care-isnt-caring.pdf.

transgender people of color.⁷³ For example, 36% of American Indian respondents had been refused treatment and 32% of Latino respondents had been treated unfairly by a doctor or hospital.

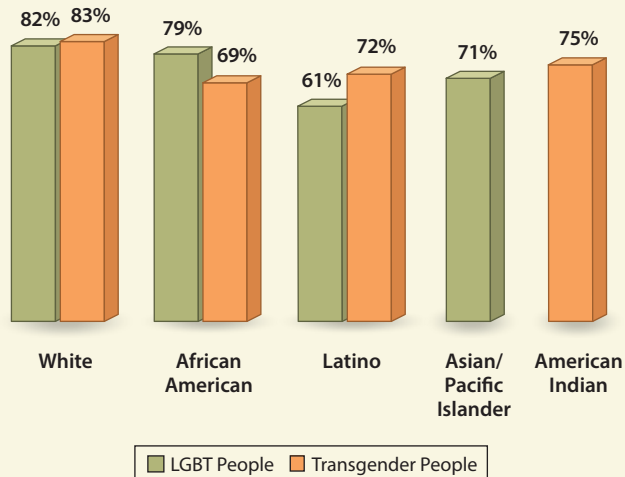
Health Insurance Rates and Access to Leave for LGBT People of Color

Research consistently finds that LGBT people are less likely to have health insurance than non-LGBT people. They also are less likely to have access to paid sick leave or job-protected leave to care for themselves or their families. Studies show that people of color, including LGBT people, also are less likely to have health insurance and access to leave.

Health insurance. In a 2014 Gallup survey, 18% of LGBT people lacked health insurance compared to 13% of non-LGBT respondents.⁷⁴ LGBT people were significantly more likely than non-LGBT people to say they struggled to afford healthcare or medicine in the past year (25% of LGBT adults vs. 17% of non-LGBT adults), and the gap for LGBT women was even greater (29% of LGBT women vs. 19% of non-LGBT women). A 2014 survey by the Center for American Progress found that 26% of LGBT people with incomes less than 400% of the federal poverty level lacked insurance, compared to 20% of non-LGBT adults with this level of income.⁷⁵

Mirroring trends for people of color generally, LGBT people of color are less likely than their white counterparts to have health insurance, as shown in *Figure 14*. For example, a Gallup survey showed that 61% of Latino LGBT adults had health insurance in 2012, compared to 71% of Asian and Pacific Islander LGBT people and 79% of black LGBT people;⁷⁶ the comparable figure for white LGBT adults was 82%.⁷⁷ Transgender people of color also had lower insured rates than white transgender people, with 31% of black, 28% of Latino, and 25% of American Indian transgender respondents lacking health insurance compared to 17% of white transgender respondents.⁷⁸ The 2014 Center for American Progress survey found that one-third (33%) of black and Hispanic LGBT adults with incomes less than 400% of the federal poverty level lacked insurance, compared to 23% of white LGBT adults.⁷⁹

Figure 14: LGBT People of Color Are Less Likely to Have Health Insurance



Source: Angeliki Kastanis and Gary J. Gates, "LGBT Latino/a Individuals and Latino/a Same-Sex Couples," The Williams Institute, October 2013, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Census-2010-Latino-Final.pdf>; Angeliki Kastanis and Gary J. Gates, "LGBT Asian and Pacific Islander Individuals and Same-Sex Couples," The Williams Institute, September 2013, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Census-2010-API-Final.pdf>; Angeliki Kastanis and Gary J. Gates, "LGBT African-Americans and African-American Same-Sex Couples," The Williams Institute, October 2013, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Census-AFAMER-Oct-2013.pdf>; Analysis by Gary J. Gates; Jaime M. Grant, Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling, "Injustice at Every Turn: A Report of the National Transgender Discrimination Survey," National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011, http://www.thetaskforce.org/downloads/reports/reports/ntds_full.pdf.

Paid and unpaid leave. In 2012, only 47% of Latino workers had access to paid sick leave compared to 64% of white workers, 62% of African American workers, and 66% of Asian workers.⁸⁰ Low-wage earners (who are more likely than the broader working population to be people of color) often cannot afford to take time from work and are less likely than other workers to have access to paid leave. In 2012, only one-quarter of workers in the food service industry had access to any paid leave compared to 78% of workers in the financial industry.⁸¹

In general, only 60% of workers in the United States are covered by the federal Family and Medical Leave Act (FMLA), which allows workers to take unpaid leave to care for themselves or their families. According to a 2012 Department of Labor survey, for every two workers of color who took unpaid FMLA leave, another worker of color needed leave but could not afford to take it.⁸² Workers of color were twice as likely to report being unable to take leave when they needed to, compared to white workers.⁸³

A recent survey conducted by Services and Advocacy for GLBT Elders (SAGE) found that more Hispanic and black LGBT older adults worry about the quality of care they may receive from healthcare providers if their provider knew about their sexual orientation or gender identity compared to white LGBT older adults (34% for Hispanic respondents, 23% for African American respondents, and 16% for white respondents).⁸⁴

Discriminatory healthcare policies that target transgender people. Despite crucial federal protections designed to ensure fair access to health insurance, most insurance companies in the majority of states exclude coverage for transition-related care. These exclusions deny transgender people coverage for a range of vital, medically necessary services (including hormone replacement therapy, mental health services, and reconstructive surgeries) even when the same services are covered for non-transgender people. While transgender people of color are less likely to have health insurance to begin with (see sidebar), even when they do have health insurance, it may not cover vital services they need.

Discriminatory leave policies for transgender workers. Employers may deny transgender workers personal medical leave available under state or federal law for leave related to transition-related healthcare. A frequently stated (and incorrect) reason for denying such care is that transition-related health issues do not constitute a “serious medical condition.” These claims are made despite the overwhelming consensus of major medical professional organizations that gender dysphoria is a serious medical condition, and that care related to gender transition is medically necessary for many transgender people.⁸⁵ As a result, transgender workers may have to put their jobs at risk to care for themselves or make do without leave and put their health in jeopardy.



THE IMPACT OF HEALTHCARE DISCRIMINATION:

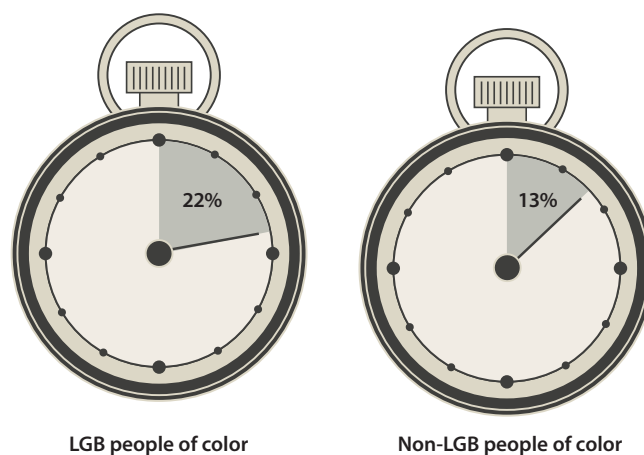


Delayed (and more costly) medical care. When LGBT people of color experience healthcare discrimination or lack insurance, they are more likely to delay medical care,

which results in poorer health outcomes and added costs to treat more advanced and complicated health issues. Research shows that LGBT people of color delay medical care more frequently than white LGBT people and the general population. As shown in *Figure 15*, according to

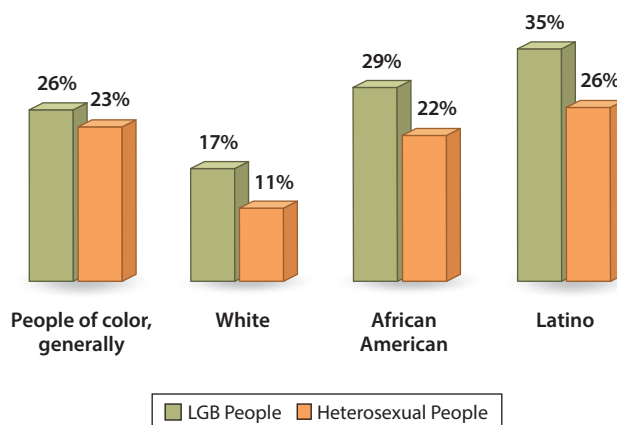
the 2011-2012 California Health Interview Survey, one of the few comprehensive state-level health surveys that regularly collects information on sexual orientation, 22% of lesbian, gay and bisexual (LGB) people of color delayed or did not get medical care altogether (including preventive care) in the last year; in comparison, only 13% of non-LGB people of color delayed or did not get care.⁸⁶ In addition, over 38% of lesbians and bisexual women of color have never had a mammogram screening, compared to 31.5% of heterosexual women of color and only 23% of white LGB women.⁸⁷ Disparities in overall health status parallel these trends (see *Figure 16*), as nearly 26% of LGB people of color report their overall

Figure 15: LGB People of Color Are More Likely to Delay Medical Care



Source: UCLA Center for Health Policy Research, “2011-2012 California Health Interview Survey,” <http://healthpolicy.ucla.edu/chis/Pages/default.aspx>.

Figure 16: LGB People of Color in General Are More Likely to Report Having Poor or Fair Health



Sources: UCLA Center for Health Policy Research, “2011-2012 California Health Interview Survey,” <http://healthpolicy.ucla.edu/chis/Pages/default.aspx>.

health as “fair” or “poor,” compared to 23% of heterosexual people of color and only 17% of white LGB people. Black and Latino LGB respondents in particular are more likely than their non-LGB counterparts to report their health status as fair or poor.⁸⁸



Higher out-of-pocket expenses for crucial medical care. Transition-related care or other care for transgender people can be very costly without health insurance. When health insurance doesn’t cover these costs, many transgender people forgo needed care or delay care because they are unable to afford it.



Lost productivity and more time away from work. When LGBT workers, particularly transgender workers, cannot take job-protected time away from work for their health, including for transition-related care, they are left with a wrenching choice: take time off anyway and risk losing a job, or put off vital care and be less productive at work. Additionally, as part of the process for requesting job-protected leave through the federal Family and Medical Leave Act, an employee may need to release protected health information to her employer, which would result in the employee disclosing her transgender status. Given that transgender people face extraordinary rates of employment discrimination and lack explicit protections in most states, this could pose a serious risk and may dissuade workers from taking time off or seeking medical care.



CREDIT DISCRIMINATION

Federal and state fair lending laws ensure that people have access to credit based on their qualifications as borrowers and not on unrelated characteristics such as race, religion, national origin, sex, age, source of income (such as from public assistance), or marital status. However, no federal law prohibits lenders from discriminating on the basis of sexual orientation or gender identity. Only 13 states have such protections covering sexual orientation, and 12 states have such laws covering gender identity.⁸⁹

Research about credit discrimination in the LGBT community and among LGBT people of color is very limited. However, studies consistently find that people of color face challenges receiving equitable access to credit.⁹⁰ For example, research shows that communities of color use banking accounts at a much lower rate when compared to whites. One in five African American people

(21%) are unbanked, meaning they do not own a deposit account at an insured bank, compared to only 4% of white people. Further, only 42% of African American people are fully banked, meaning they have a bank account and do not rely on alternative financial institutions such as payday lenders, compared to 77% of whites.⁹¹



THE IMPACT OF CREDIT DISCRIMINATION:



Unfavorable, more expensive lending. LGBT people of color may be subject to unfair, predatory lending practices such as higher interest rates or shorter loan terms. For example, in a study of residents in Ohio, African American people and Latinos were more likely to receive higher-cost loans.⁹² Even among borrowers with high incomes, African American people and Latinos were three times as likely as white borrowers have higher interest rates for mortgages, paying more overtime.⁹³ When credit is too expensive, people may be forced to use family savings to find the resources to pay for major life events.



Difficulty obtaining credit. LGBT people of color may be unfairly turned down when they apply for a mortgage, student loan, credit card, or business or other type of loan. This, in turn, can make it more difficult to afford an education, purchase a home, or start a business. For example, more than one-quarter (27%) of African American mortgage applicants were denied mortgage loans compared to 19% of Hispanic, 17% of Asian, and 15% of white applicants.⁹⁴ Minority-owned businesses are more likely to face higher borrowing costs, receive smaller loans, and have loan applications rejected than white business owners.⁹⁵ And, as noted above, LGBT people of color are less likely to have substantial net worth to draw upon to start a business, make a down payment on a home, or invest in a college education.



OBSTACLES TO OBTAINING IDENTITY DOCUMENTS THAT REFLECT THE GENDER OF A TRANSGENDER PERSON

Laws and discrimination make it difficult for transgender people to obtain accurate identity documents. As a result, transgender people face barriers when applying for jobs, loans, and more. Only one-fifth (21%) of transgender people surveyed in the

Need for Improved Data about LGBT People of Color

Researchers, policymakers, and advocates struggle to understand the needs of the LGBT community and how changes in policy are impacting the LGBT community because of a lack of data. Very few large, nationally representative surveys ask about sexual orientation and none ask about gender identity. The two largest nationally representative surveys in the country, the decennial Census and the annual American Community Survey (ACS), conducted by the U.S. Census Bureau, do not ask about sexual orientation or gender identity. The information about the LGBT community that is available through the Census and the ACS is limited to the number of individuals living in same-sex couples and no information is available to determine whether people identify as transgender. The National Health Interview Survey, the largest federal health survey, contained questions about sexual orientation for the first time in 2013, and it is the first large federal survey to include such questions.⁹⁶ The National Transgender Discrimination Survey, fielded by the National Center for Transgender Equality and The Task Force, provides the largest picture of the experiences of transgender and gender nonconforming people with a sample size of more than 6,000.⁹⁷

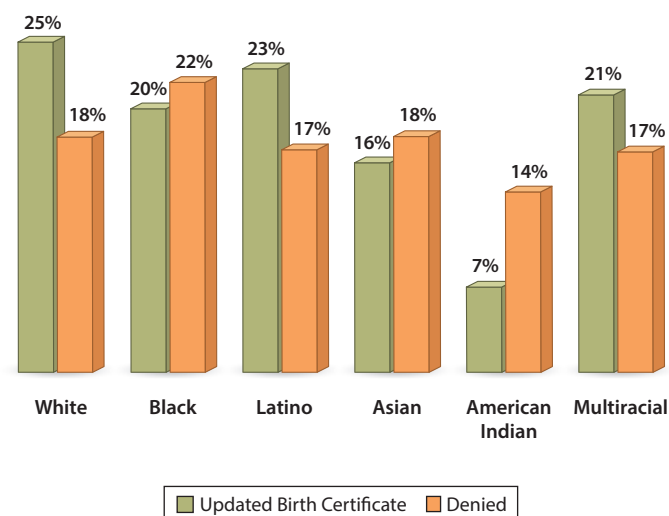
There is great need for more granular data—disaggregated by, for example, gender/gender identity and race/ethnicity—on the LGBT population. More data on subpopulations is critical to developing a comprehensive understanding of, and then addressing, the needs of all members of the LGBT population. The challenge of small sample sizes can be overcome by oversampling, that is, surveying more people from specific subpopulations than their relative representation within the larger community. And strategies can and must be developed to ensure that isolated—due to language, geography, and other reasons—populations are reached. A lack of disaggregated data can render invisible the experiences and needs of LGBT subpopulations. For example, high poverty rates among several Asian American and Pacific Islander ethnic groups (e.g. Hmong) are rendered invisible when data are aggregated.⁹⁸

Federal, state, and local surveys examining health, school environments, economic security, and housing and homelessness need to include questions about sexual orientation and gender identity so that the ways in which LGBT people are impacted become clearer.^h More precise data collection and larger sample sizes will allow us to precisely examine disparities facing LGBT people and specifically, how different LGBT communities are impacted by different disparities.

National Transgender Discrimination Survey were able to update all of their identification documents and records with their new gender, and one-third hadn't updated any of their documents.

Compared with the broader transgender population, transgender people of color face even greater challenges in updating their documents.⁹⁹ For example, more than six out of ten white respondents (62%) in the National Transgender Discrimination Survey updated their driver's licenses, compared to just 37% of American Indian and 42% of black respondents.¹⁰⁰ As shown in *Figure 17*, only 7% of American Indian respondents had updated their birth certificates, compared to 20% of black respondents, 23% of Latinos, and 25% of white respondents. When trying to update birth certificates, black respondents were the most likely to be denied (22%).

Figure 17: Transgender People of Color Face Challenges in Updating Documents



^h For current best practices for asking questions about sexual orientation and gender identity on surveys see, The GenIUSS Group, "Best Practices for Asking Questions to Identify Transgender and Other Gender Minority Respondents on Population-Based Surveys," Jody L. Herman (editor), The Williams Institute, 2014, accessed February 23, 2015, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/geniuss-report-sep-2014.pdf>.

Source: Jaime M. Grant, Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling, "Injustice at Every Turn: A Report of the National Transgender Discrimination Survey," National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011, http://www.thetaskforce.org/downloads/reports/reports/ntds_full.pdf.



THE IMPACT OF THE STRUGGLE FOR ACCURATE IDENTITY DOCUMENTS:



Higher costs to obtain accurate identity documents. Filing and processing fees associated with updating identity documents add up and can total hundreds or thousands of dollars. Particularly for low-income transgender people, the costs may be too great, meaning they have struggle with the consequences of having documents that don't reflect their lived gender.



Employment and public assistance challenges without accurate documents. Transgender people, and particularly transgender people of color, experience substantial and pervasive discrimination when applying for jobs. Not having accurate identity documents only adds to the likelihood that they will run into problems. In addition, low-income transgender people who lack accurate identity documents might be reluctant to seek public assistance in the form of job training or other benefits because of the fear of discrimination. As a result, transgender people may struggle to find employment and have lower incomes for the simple reason that their identity documents do not reflect their lived gender.

Failure #2: Refusal to Recognize LGBT Families



Many LGBT people of color have families, including a spouse or partner and children. In fact, LGBT people of color are more likely to be raising children than white LGBT people.¹⁰¹ Yet, LGBT people of color face two key challenges securing legal ties to family members, which can lead to substantial economic hardship:



UNEQUAL MARRIAGE LAWS

Many government programs and laws affecting families require that couples be legally married, but same-sex couples are barred from marriage in many states.¹⁰² When couples cannot marry, they may be

treated as “legal strangers” when it comes to everything from counting dependents to determining death benefits. Lack of recognition for same-sex couples results in dramatically lower incomes and higher costs for LGBT people—making it much more difficult for them to provide for themselves and their families. Even when couples can marry, if they currently reside in a state that does not recognize their marriage, they may be treated as unmarried for the purposes of key government safety-net programs, including Social Security.ⁱ The lack of marriage equality is a problem for many LGBT people across the country, but LGBT people of color are more likely to live in states without marriage equality, compared to the broader LGBT population.



UNEQUAL PARENTAL RECOGNITION LAWS

Many laws and government programs require parents to have a legal parent-child relationship with their children to access benefits and services. Because legal parenting ties flow largely from either marriage or biological ties, this creates problems for same-sex couples raising children. The reason: many same-sex couples are barred from marriage, and their families typically include at least one non-biological parent. Because most laws and policies simply do not recognize people who are raising children but who are not legal parents, this means that one LGBT parent may be a legal stranger to a child even when that person is the child's parent.

The requirement that parents have a legal relationship to their children may be impossible for LGBT families to meet. Many states do not allow same-sex couples to jointly adopt children, leaving just one parent as a legal parent. Same-sex couples also face barriers to obtaining second-parent or stepparent adoptions, through which a person can secure legal ties to the child they are parenting. For example, when a female same-sex couple uses donor insemination or one parent alone has a legal tie to a child, most states have no mechanism for the non-biological mother to become a legal parent of the child.

ⁱ Currently, most federal programs recognize legally married same-sex couples regardless of where they live. However, several programs, including Social Security and veterans' benefits, only recognize married same-sex couples who are currently living in states that recognize their marriages. For more about the recognition of married same-sex couples by federal agencies, see page 36 of the full report, *Paying an Unfair Price: The Financial Penalty for Being LGBT in America*, <http://www.lgbtmap.org/file/paying-an-unfair-price-full-report.pdf>.

^j Whether an employer is required to offer health benefits to the same-sex spouse or legally recognized partner of an employee is complicated and evolving. In large part, the answer is determined by where a couple lives and the type of employer. For more about the challenges in obtaining health insurance for spouses, partners, and children, see pages 37–41 of *Paying an Unfair Price*, <http://www.lgbtmap.org/file/paying-an-unfair-price-full-report.pdf>.

Cost of Lack of Recognition Adds Up

Lack of access to health insurance for spouse/partner or child

\$3,658

People of color are less likely than white people to have access to employer-sponsored health insurance. Plus, employers are not required to offer benefits to unmarried partners or children to whom an employee is not legally related. In some instances, employers do not have to offer benefits to the legal same-sex spouses of LGBT employees.^j

LGBT workers may need to purchase health insurance for their family members out-of-pocket when employer-sponsored coverage is unavailable—on average, at a cost of \$3,000 a year.¹⁰³ When LGBT workers lack health insurance for themselves and their families, medical costs can add up. The average cost for an office visit with a physician for someone without health insurance is \$158,¹⁰⁴ and uninsured Americans spend, on average, \$500 annually on medical care.¹⁰⁵ Some LGBT people may forgo needed care because of the expense. Even when LGBT employees can enroll their same-sex partner in employer-sponsored health insurance, they must pay additional taxes on the value of those benefits, resulting in more costs for the same coverage.^k

Limited access to government health insurance programs

\$20,926

Government health programs like Medicaid and the Children's Health Insurance Program (CHIP) are vital to many low- and middle-income people and their families, including many people of color and their children. In addition, federal and state leave laws provide crucial job-protected leave from work to care for a sick spouse or partner.

When same-sex couples cannot marry and LGBT parents cannot secure legal ties to their children, the family may go without health benefits, resulting in delayed and costlier care.^l And without protections designed to allow older adults to stay in their homes if a spouse enters a long-term care facility, a same-sex partner may be forced out of the couple's home and be left without any income. Lastly, when an LGBT worker cannot take time from work to care for a sick partner or spouse,^m he may be forced to pay for a home health aide or nurse to provide care.

Limited access to other safety-net programs

\$2,525

Low-income families often rely on safety-net programs for basic necessities, including food, housing, cash assistance and child care. Particularly for low-income families of color, who are more likely to rely on safety-net programs, the lack of recognition of spouses and partners and the inability to form legal ties with children can leave them even more vulnerable.

When low-income families cannot receive assistance,ⁿ they may lose as much as \$789 per month in cash assistance, \$497 in monthly food assistance, \$690 in monthly housing assistance, and \$549 in monthly child care assistance.

Unfair taxation

\$3,760

Same-sex couples may not be able to file a joint state and/or federal tax return or to claim children for whom they are caring as dependents.^o This is particularly true for LGBT parents who may not be able to secure a legal tie to their children. The result is a higher tax bill. Plus, tax preparation for LGBT families is complicated by unfair laws, often resulting in higher preparation costs.¹⁰⁶

Denial of Social Security benefits

\$25,644

Social Security is a lifeline for older adults, workers who have been disabled, and many children of deceased or disabled parents. People of color disproportionately rely on Social Security. Latino workers, for example, are disproportionately likely to be injured on the job, and black children are more likely than other children to receive Social Security benefits. When LGBT families are not recognized under the law, spouses and children receive less income to stay afloat in the aftermath of a death or disability.

Inequitable access to retirement savings

\$9,828

When couples are not able to marry, they are unable to plan for retirement with the same certainty as married couples. Unmarried couples also are denied financial benefits available to married couples. An unmarried partner, for example, cannot receive the same pension benefits or inherit the retirement savings of an LGBT employee. This can mean the difference between having security in old age and living in poverty.

Inability to inherit

unlimited

When an unmarried LGBT person dies without a will, his same-sex partner and non-legally recognized children generally inherit nothing—even when the deceased has been caring and providing for the children since *their birth*. Rather, any assets are distributed to surviving siblings, the deceased's parents and other relatives.

^k In general, same-sex couples who are legally married living in states that recognize those marriages can file joint state tax returns, and all legally married couples can file joint federal tax returns regardless of where they live. Couples living in states that do not recognize their marriages or couples who cannot marry may not file joint state tax returns, and unmarried couples may not file joint federal tax returns. See pages 40-41 of the full report for more detail.

^l Access to Medicaid and CHIP for same-sex couples and LGBT families is complicated because federal and state governments jointly administer these programs. Though the federal government has issued guidance to states, it does not require them to treat married same-sex couples and their children in a uniform manner for the purposes of Medicaid or CHIP eligibility. For more, see pages 41-46 of the full report.

^m Currently, only legally married same-sex couples may take job-protected leave under FMLA to care for a sick partner or spouse.

ⁿ Most safety-net programs are joint federal-state programs. So, recognition of legally married same-sex couples varies by state. Though the federal government uses a "state of celebration" standard for recognizing the marriages of same-sex couples, states have discretion in their recognition of couples. In addition, states may refuse to recognize a same-sex couple's marriage or their connection to children in their home (as stepparents, for example) when considering eligibility for programs.

^o Couples living in states without marriage equality may not file a joint state tax return, but legally married couples regardless of where they live can file a joint federal tax return. Situations in which a non-legally recognized parent may claim a child for whom the parent is caring are very limited.

The inability to establish legal ties to children is a problem for all same-sex couples, but LGBT people of color are more likely to be affected by unequal laws. Research finds that children of color are more likely than white children to be raised by someone other than a legal parent. According to the most recent data on family structure, children of color are more likely to be raised by someone with whom they may lack a legal relationship; 6.1% of all African American children and 3.9% of Hispanic children live with someone who neither their legal or biological parent, compared to 3.0% of white children.¹⁰⁷

The denial of marriage and legal parenting ties takes a tremendous emotional toll on LGBT families. It also can have more tangible, financial impacts. As shown in the graphic titled “Cost of Lack of Recognition Adds Up” on the previous page, these impacts include: higher healthcare costs or the unfair denial of health insurance; lack of access to safety-net programs; higher taxes; the inability to access Social Security retirement and disability programs; challenges in saving for retirement; exclusion from intestacy laws governing inheritance; and more.^p

When an unmarried LGBT person dies without a will, his same-sex partner and non-legally recognized children generally inherit nothing—even when the deceased has been caring and providing for the children since their birth. Rather, any assets are distributed to surviving siblings, the deceased’s parents and other relatives.

Failure #3: Failure to Protect Students



Studies show that graduating from high school and earning a two- or four-year postsecondary degree is a key indicator of an individual’s future earning power.¹⁰⁸ For LGBT youth of color, however, barriers of race, sexual orientation, and gender identity collide in ways that can make it more difficult to obtain an affordable, quality education. The key education-related challenges facing LGBT youth of color: unsafe school environments; and barriers to higher education, including difficulties obtaining financial aid and unsupportive campus environments.



UNSAFE SCHOOL ENVIRONMENTS

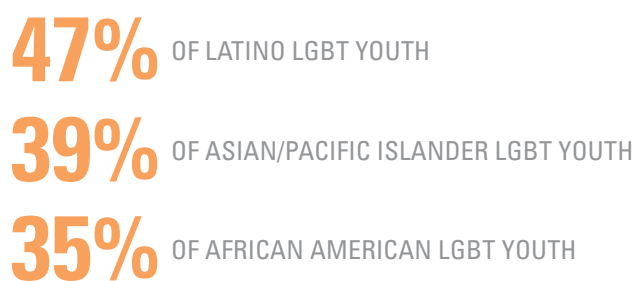
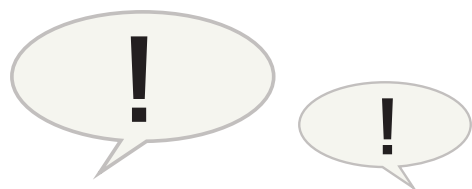
Bullying, harassment and violence together create a key barrier to education for LGBT students of color. A variety of federal laws prohibit discrimination in education based on race, color, national origin, language, sex, religion, and disability. However, federal law does not explicitly protect LGBT students from discrimination based on sexual orientation or gender identity/expression.^q In addition, no federal law explicitly prohibits bullying of LGBT students. The vast majority of states also lack laws protecting LGBT students from discrimination and bullying. Only 13 states and the District of Columbia have passed state nondiscrimination laws protecting students from discrimination based on sexual orientation and gender identity, while another state, Wisconsin, has such a law covering only sexual orientation. In addition, only 18 states and the District of Columbia have laws prohibiting bullying in education based on sexual orientation or gender identity, and five states and the District of Columbia include protections based on association with someone who may be LGBT (such as student who has LGBT parents).

The lack of available protections means that LGBT students, including LGBT students of color, are more likely to report an unsafe environment at school and have little means to address it. More than half of LGBT middle and high school students (56%) reported feeling unsafe at school because of their sexual orientation, and four in ten students (39%) felt unsafe because of how they expressed their gender.¹⁰⁹ In addition, LGBT youth of color reported higher rates of harassment and violence because of their race and ethnicity compared white LGBT youth.¹¹⁰ And, multiracial students reported higher rates of physical harassment based on sexual orientation and gender expression than all other LGBT students.¹¹⁰ In a 2012 survey of LGBT youth conducted by the Human Rights Campaign, LGBT Latino youth were twice as likely as non-LGBT Latino youth to report being excluded by peers, verbally harassed, or physically assaulted at school (see *Figure 18* on the next page).¹¹²

^p For more detail about the ways in which lack of marriage and parental recognition impacts each of these areas, including detailed cost calculations, see pages 33-59 of *Paying an Unfair Price: The Financial Penalty for Being LGBT in America*, <http://www.lgbtmap.org/file/paying-an-unfair-price-full-report.pdf>.

^q Recent guidance from the Department of Education makes clear that Title XI’s prohibition on sexual discrimination in education includes a prohibition on discrimination based on gender identity or failure to conform to gender stereotypes. As such, the Department of Education is now investigating claims of discrimination based on gender identity occurring in public schools and universities. Some universities are claiming religious exemptions from these protections.

Figure 18: Percent of LGBT Youth Who Report Being Verbally Harassed at School



Source: Robin Kane, Anne E. Nicoll, Ellen Kahn, and Sharon Groves, "Supporting and Caring for our Latino LGBT Youth," Human Rights Campaign and League of United Latin American Citizens, <http://hrc-assets.s3-website-us-east-1.amazonaws.com/files/assets/resources/LatinoYouthReport-FINAL.pdf>.

A hostile educational environment has serious long-term consequences for LGBT students of color, including physical, emotional and mental health impacts,¹¹³ poorer educational outcomes and, ultimately, reduced job readiness. Students who feel unsafe at school are more likely to skip class or stay home, which undermines their opportunities to learn and achieve academically. Among LGBT students of color, 57% reported skipping school in the past month as a result of harassment because of their sexual orientation and race.¹¹⁴ And students may not participate in school activities that provide skills for career and college and safe spaces afterschool; a 2012 survey found that LGBT Latino youth were less likely than non-LGBT Latino youth and non-Latino LGBT youth to participate in afterschool activities.¹¹⁵

Making matters worse, schools are often under-resourced and unable to provide LGBT students of color with programs and services to meet their educational, emotional and social development needs. For example, students of color are unlikely to have gay-straight alliances (GSAs) and other programs in their schools that address issues experienced by LGBT students. Only half (50.3%) of LGBT students overall said their school had a Gay-Straight Alliance (GSA) or similar student club. Nearly one-fifth (18%) of LGBT students who attempted to form or promote a GSA were restricted.¹¹⁶ LGBT students of color are even less likely to have such an organization at their schools; only 36% of LGBT students of color

School-to-Prison Pipeline Pushes LGBT Youth of Color Out of Schools and into the Criminal Justice System

Not only do LGBT youth frequently contend with unsafe school environments, they also face punitive discipline systems that frequently push students into the school-to-prison pipeline. This happens when students are suspended, expelled, or otherwise removed from school settings—often for relatively minor offenses—and pushed into the juvenile justice and broader correctional systems.¹¹⁷ Research finds that students of color are targeted for more disciplinary action than white students even when controlling for the type of offense.¹¹⁸ For example, several studies have found that when African American girls are outspoken in class, confront people in authority positions, violate dress code provisions, or even chew gum, they are disciplined more harshly than other girls with the same behavior.¹¹⁹

A study published in *Pediatrics* found that students who reported identifying as LGB or having same-sex attractions were more likely to be stopped by police, to be expelled from school, or to be arrested and convicted as juveniles and adults.¹²⁰ Transgender students also report increased rates of detention and suspension than their cisgender peers.¹²¹ In a 2012 survey of LGBT people, 69% of African American LGBT youth had been sent to detention in middle or high school compared to 56% of non-African American students. Similarly, 31% of African American LGBT students had been suspended compared to 18% of other students.¹²² The 2013 National School Climate Survey conducted by the Gay, Lesbian and Straight Education Network (GLSEN) found that black and Latino LGBT youth were substantially more likely report being disciplined at school than white or Asian and Pacific Islander LGBT student.¹²³

Increased disciplinary action can frequently result in interactions with formal law enforcement and entry into the juvenile and criminal justice systems. When students are forced out of schools and into the juvenile justice and correctional systems, they are less likely to receive the education needed to compete for good jobs. A criminal record or past interactions with law enforcement make it difficult to pass routine background checks required for many jobs.

reported that their schools had a club that addressed LGBT issues like a GSA.¹²⁴ And, regardless of whether or not a school has a GSA, to the extent that it is under-resourced it will likely lack supportive and experienced teachers and staff who can help LGBT students deal with issues such as bullying and harassment. And, research shows that GSAs have a significant positive impact on LGBT students. Not only do LGBT students in school with GSAs report feeling “more connected to their school and community,” they are also less likely to feel unsafe at school.¹²⁵ Compared to LGBT students at schools with GSAs, students who had a GSA were less likely to hear homophobic remarks such as “fag” or “dyke” often or frequently (57% vs. 76%) and experienced lower levels of victimization related to their sexual orientation and gender expression (19% vs. 36%).¹²⁶

When it comes to providing a quality education for students of color, including LGBT students of color, America gets a failing grade. Students of color make up three-quarters of the enrollment at the lowest-performing high schools in the United States, and they are six times more likely to attend such a school than white students. Research finds that students of color are more likely to attend schools that lack advanced courses; even when schools offer such programs, students of color are less likely to be enrolled.¹²⁷ The result is that students of color are left without the tools to prepare for college and successful careers.¹²⁸



THE IMPACT OF UNSAFE SCHOOL ENVIRONMENTS:



Reduced graduation rates, diminished job prospects, and lower earnings. When LGBT youth of color experience unsafe and under-resourced schools, they are less likely to be career- and job-ready. What’s more, research finds that LGBT youth of color are more likely to face disciplinary action that can push students in the school-to-prison pipeline (see sidebar). The end result is that LGBT youth of color are left less able to obtain higher education and ultimately compete for good jobs with a living wage and good benefits. Individuals without a high school diploma earn substantially less than those with either a high school diploma or a college degree—and the disparity is even greater for people of color.¹²⁹

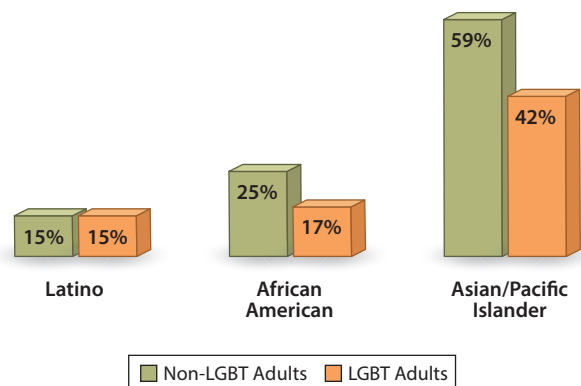


BARRIERS TO HIGHER EDUCATION

LGBT youth of color face substantial barriers not only in affording college but also in completing their studies and obtaining a degree. These young people also may face challenges in applying for and receiving financial aid, as described below. And, once they are on campus, LGBT youth of color may experience stigma and isolation that make it more difficult to complete their studies. The obstacles that LGBT youth of color face in higher education have serious economic consequences at a time when more and more jobs require a college or advanced degree.

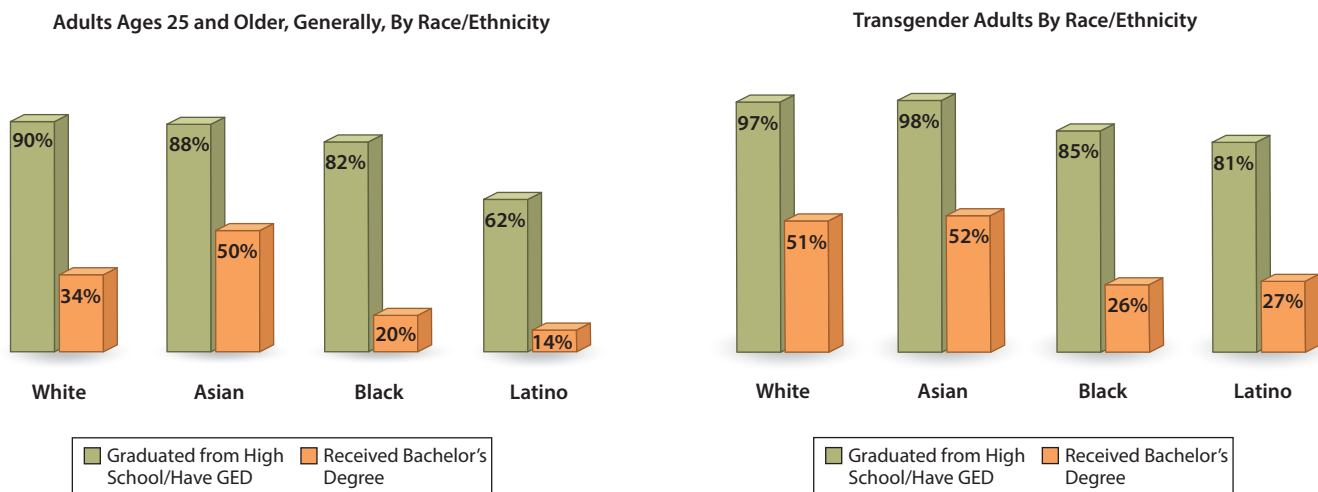
Overall, research shows that LGBT people have higher rates of college completion than the general population. However, LGBT people of color are less likely to have a college degree than their non-LGBT counterparts (see *Figure 19*). For example, 59% of non-LGBT Asian and Pacific Islander adults had college degrees compared to 42% of LGBT Asian and Pacific Islander adults. Among transgender people, transgender people of color generally reported substantially lower rates of high school and college completion than white transgender people (see *Figure 20* on the next page). These findings mirror the statistics for the general population, where one-third (34%) of white adults had at least a bachelor’s degree compared to 20% of black and 14% of Latino adults.¹³⁰

Figure 19: College Completion Rates
By Sexual Orientation and Gender Identity and Race/Ethnicity



Source: Kastanis, Angeliki and Gary J. Gates. “LGBT Asian and Pacific Islander Individuals and Same-Sex Couples.” *The Williams Institute*. September 2013. <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Census-2010-API-Final.pdf>; Kastanis, Angeliki and Gary J. Gates. “LGBT African-American Individuals and African-American Same-Sex Couples.” *The Williams Institute*. 2013. <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Census-AFAMER-Oct-2013.pdf>; Kastanis, Angeliki and Gary J. Gates. “LGBT Latino/a Individuals and Latino/a Same-Sex Couples.” *The Williams Institute*. 2013. <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Census-2010-Latino-Final.pdf>.

Figure 20: Educational Attainment



Source: 2011 Current Population Survey, <http://www.census.gov/hhes/socdemo/education/data/cps/2011/tables.html>.

Source: Grant, Jaime M., Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling. *Injustice At Every Turn: A Report of the National Transgender Discrimination Survey*. Washington: National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011. http://www.thetaskforce.org/downloads/reports/reports/ntds_full.pdf.

Two key sets of barriers facing LGBT students of color in higher education are problems obtaining financial aid and unsupportive campus environments.

Barriers for LGBT Students, and Children with LGBT Parents, in Obtaining Financial Aid

Given the high cost of college, financial aid is crucial for many students, particularly for LGBT students of color who are more likely than their non-LGBT peers to come from families with fewer economic resources. The following are among the key barriers for these students when it comes to accessing financial aid:

Aid forms may be difficult to complete for transgender students. A transgender student may not have completed the legal and medical processes required by her state to legally obtain a new birth certificate and Social Security card. (As discussed above on pages 20-22, this is a difficult and costly process, especially for a young person.) Because the information on the Free Application for Federal Student Aid (FAFSA) must match the information on a student's Social Security card, transgender applicants may be forced to disclose their assigned sex at birth, rather than the gender they live every day, in order to complete the form. And, because the FAFSA is sent to colleges, completing the FAFSA using a student's sex at birth as opposed to their lived gender may "out" a transgender student to college staff. Conversely, if a transgender student fills out application

forms with her lived gender as opposed to her sex at birth, the inconsistencies in identification can mean a student's application is rejected outright or there can be delays in processing, which can result in a reduction in aid or no aid at all.

Family rejection can prevent LGBT students from obtaining needed financial support. When youth reveal their LGBT status to their parents, many are met with rejection and some are kicked out of their families and their homes.¹³¹ As a result, these young people may not be able to count on their families to help pay for college. In addition, applications for financial aid require information from parents to calculate a student's eligibility for grants, loans, and work-study opportunities. While students may apply without their parents' information, it is a more difficult process and in some cases, students may not receive the aid they need to make affording college a possibility.

LGBT students can have problems accurately reflecting their family situation on aid forms. LGBT students who are married and/or have children are not required to provide information about their parents. However, these students are asked to provide information about their spouse and/or children. Because the federal government only recognizes the legal marriages of same-sex couples, those LGBT applicants who are unable to marry cannot provide information on their FAFSA about an unmarried partner. And, LGBT applicants are at a clear disadvantage in applying for

financial aid when they are parenting a child but cannot secure a legal tie to that child. When an applicant cannot count a child or partner as a member of his family and thereby present an accurate picture of his household size and true financial obligations, the applicant likely will not receive as much aid as a similarly situated applicant who is recognized as the legal parent of a child or who has a legally recognized partner. As noted above, LGBT parents of color are more likely than other LGBT parents not to be able to secure legal ties to their children, so this can be a particular problem for them.

Children with LGBT parents applying for aid also face challenges. In these situations, only a child's legal parent can be listed on the FAFSA, unless the child's parents are married. Given that states lacking marriage equality also are the most likely to lack parental recognition for LGBT parents, it is highly likely that many children with LGBT parents may not be able to include information about both parents.



THE IMPACT OF UNEQUAL ACCESS TO FINANCIAL AID:



Less financial aid. When LGBT students of color cannot accurately complete financial aid applications and cannot reflect their family's financial reality, they may miss out on valuable financial aid (averaging a total of \$22,745 annually) designed to make college more affordable.¹³² This in turn, can lead to any of a number of adverse outcomes: a student is simply unable to afford college; a student attends college but struggles to make ends meet or find adequate housing; or a student has less time to focus on education because he or she is working many hours each week to try and cover tuition and other expenses like food and housing. And a growing number of students are graduating with high levels of student loan debt, which can be difficult or impossible to repay, particularly when LGBT students of color may experience employment discrimination and face limited job opportunities. For example, research finds that black adults in the United States are twice as likely to have student debt as white adults,¹³³ and their debt load is higher than white graduates.¹³⁴

Unsupportive Campus Environments

In the same way that many LGBT students of color experience middle and high school as difficult places because of isolation, bullying and harassment, research finds that LGBT youth of color also face substantial challenges in higher education. Minority students often make up a small percentage of total college student populations, making them more at risk of alienation on campus. (In all, 33% of college students at four-year public institutions and 31% of students at private colleges are students of color, compared to 37% of the general population.¹³⁵) And, college campuses can be challenging for LGBT students. A survey of college students in Oregon found that more than half of LGBT students hid their sexual orientation or gender identity because they worried about their physical safety, discrimination or rejection.¹³⁶



THE IMPACT OF UNSUPPORTIVE CAMPUS ENVIRONMENTS:



Lower educational attainment, diminished job prospects, higher debt, and lower earnings. The cumulative effect of unwelcoming and unsafe education environments is that LGBT college students, particularly students of color, are more likely to miss class, take a prolonged break from their studies or not graduate on time.¹³⁷ Lower educational attainment is directly linked to lower job earnings making it more difficult for LGBT youth of color to find financial security through good jobs.

CONCLUSION AND RECOMMENDATIONS

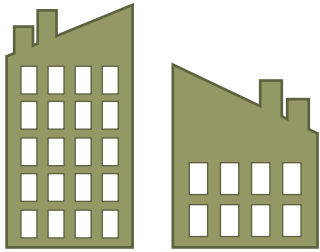
It is time to put an end to the financial penalties that LGBT people of color face simply because of their race, ethnicity, sexual orientation and gender identity/ expression. Eliminating the injustice and the financial penalties facing LGBT Americans of color simply requires that they, and their families, be treated equally under the law. It is a step we have to take now—before more children and more families have to pay an unfair price. In addition to these changes, it is time for policymakers to take action to address the systemic inequities that negatively affect the economic well-being and the life chances people of color in this country (including LGBT people of color).

The recommendations in the graphic on the following pages provide a high-level road map for improving the economic security of LGBT people of color. Additional detailed recommendations can be found in the September 2014 report, *Paying an Unfair Price: The Financial Penalty for Being LGBT in America* and the November 2013 report *A Broken Bargain for LGBT Workers of Color*.

RECOMMENDATIONS FOR IMPROVING ECONOMIC SECURITY OF LGBT PEOPLE OF COLOR

SUMMARY

In addition to the economic toll that racial and ethnic discrimination already take on their economic security, LGBT people of color pay an unfair price resulting from lack of protection from discrimination based on their sexual orientation and gender identity; lack of recognition of LGBT families; and lack of protection for LGBT students of color. Ending these penalties is crucial to ensuring that LGBT people of color and their families can be economically secure and thrive.



NONDISCRIMINATION PROTECTIONS

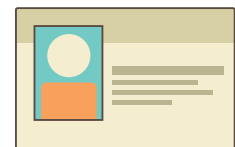
Update and strengthen employment, housing, credit, insurance, education, and public accommodations nondiscrimination laws to protect LGBT people from discrimination based on sexual orientation or gender identity or expression, as well as race, ethnicity, religion or other factors.

MINIMUM WAGE

Raise the minimum wage so when people work hard, they can provide for themselves and their families.

IMMIGRATION

Congress should enact comprehensive immigration reform that includes avenues to legal status for undocumented workers already living in the United States.



HOMELESSNESS

Work to address systemic causes of homelessness for LGBT people and improve services available to LGBT adults and youth who are homeless or at risk for homelessness.

HEALTHCARE

Eliminate insurance exclusions for transgender-related coverage and enforce existing protections against discrimination in insurance and public accommodations.

IDENTITY DOCUMENTS

Remove barriers to updating identity documents for transgender people.

RECOMMENDATIONS FOR IMPROVING ECONOMIC SECURITY OF LGBT PEOPLE OF COLOR (CONTINUED)



DATA COLLECTION

Government agencies and researchers should include questions about sexual orientation and gender identity on surveys. By including these questions, government agencies and researchers will be better able to gauge the impact of discrimination and anti-LGBT laws on LGBT people—as well as measure progress in improving the lives of LGBT people.



FAMILY RECOGNITION

Update definitions of family to be inclusive of LGBT families and other diverse families. Extend the freedom to marry to same-sex couples. Pass comprehensive parental recognition laws to help LGBT parents gain legal ties to their children.



SCHOOL POLICIES

Address hostile, unsafe, and discriminatory educational environments through updated nondiscrimination and anti-bullying laws that explicitly address sexual orientation and gender identity/expression. School districts and boards of education should implement revised disciplinary policies that balance protecting students from harassment and violence but also work to keep students in school and policies related to respecting students' gender identity and expression.

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ABOUT PARTNER ORGANIZATIONS

Center for Community Change

The Center for Community Change's mission is to build the power and capacity of low-income people, especially low-income people of color, to change their communities and public policies for the better. Its focus areas include jobs and wages, immigration, retirement security, affordable housing, racial justice and barriers to employment for formerly incarcerated individuals. The Center empowers the people most affected by injustice to lead movements to improve the policies that affect their lives. For more information, visit www.communitychange.org.

Center for Popular Democracy

The Center for Popular Democracy (CPD) works to create equity, opportunity and a dynamic democracy in partnership with high-impact base-building organizations, organizing alliances, and progressive unions. CPD strengthens our collective capacity to envision and win an innovative pro-worker, proimmigrant, racial and economic justice agenda. For more information, visit www.populardemocracy.org.

League of United Latin American Citizens

The League of United Latin American Citizens (LULAC) is the nation's largest and oldest civil rights volunteer-based organization that empowers Hispanic Americans and builds strong Latino communities. Headquartered in Washington, DC, with 900 councils around the United States and Puerto Rico, LULAC's programs, services and advocacy address the most important issues for Latinos, meeting critical needs of today and the future. For more information, visit www.LULAC.org.

MALDEF

Founded in 1968, MALDEF is the nation's leading Latino legal civil rights organization. Often described as the "law firm of the Latino community", MALDEF promotes social change through advocacy, communications, community education, and litigation in the areas of education, employment, immigrant rights, and political access. MALDEF strives to implement programs that are structured to bring Latinos into the mainstream of American political and socio-economic life; providing better educational opportunities; encouraging participation in all aspects of society; and offering a positive vision for the future.

Unique to MALDEF is an approach that combines advocacy, educational outreach, and litigation strategies to achieve socio-economic change. For more information, visit www.maldef.org.

National Action Network

National Action Network (NAN) is one of the leading civil rights organizations with chapters throughout the U.S. Founded in 1991 by Reverend Al Sharpton, NAN works within the spirit and tradition of Dr. Martin Luther King, Jr. to promote a modern civil rights agenda that includes the fight for one standard of justice, decency and equal opportunities for all people regardless of race, religion, nationality or gender. For more information, visit www.nationalactionnetwork.net.

National Association of Social Workers

The National Association of Social Workers (NASW) is the largest membership organization of professional social workers in the world, with 132,000 members with 55 chapters in the United States and internationally. NASW works to enhance the professional growth and development of its members, to create and maintain professional standards, and to advance sound social policies. For more information, visit www.socialworkers.org.

National Black Justice Coalition

The National Black Justice Coalition (NBJC) is a civil rights organization dedicated to empowering Black LGBT people. NBJC's mission is to end racism and homophobia. As America's leading national Black LGBT civil rights organization focused on federal public policy, NBJC has accepted the charge to lead Black families in strengthening the bonds and bridging the gaps between the movements for racial justice and LGBT equality. For more information, visit www.nbjc.org.

National Education Association

The National Education Association (NEA), the nation's largest professional employee organization, is committed to advancing the cause of public education. NEA's 3 million members work at every level of education—from pre-school to university graduate programs. NEA has affiliate organizations in every state and in more than 14,000 communities across the United States. For more information, visit www.nea.org.

National Queer Asian Pacific Islander Alliance

The National Queer Asian Pacific Islander Alliance (NQAPIA) is a federation of LGBTQ Asian American, South Asian, Southeast Asian and Pacific Islander organizations. NQAPIA seeks to build the capacity of local LGBT AAPI organizations, invigorate grassroots organizing, develop leadership, and challenge homophobia, racism, and antiimmigrant bias. For more information, www.nqapia.org.

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