

Living Outside the Gender Box in Mexico: Testimony of Transgender Mexican Asylum Seekers


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Objectives. To explore preimmigration experiences of violence and postimmigration health status in male-to-female transgender individuals (n = 45) from Mexico applying for asylum in the United States.

Methods. We used a document review process to examine asylum declarations and psychological evaluations of transgender Mexican asylum seekers in the United States from 2012. We coded documents in 2013 and 2014 using NVivo, a multidisciplinary team reviewed them, and then we analyzed them for themes.

Results. Mexican transgender asylum applicants experienced pervasive verbal, physical, and sexual abuse from multiple sources, including family, school, community, and police. Applicants also experienced discrimination in school and in the workplace. Applicants immigrated to the United States to escape persistent assaults and threats to their life. Applicants suffered health and psychological effects from their experiences in Mexico that affected opportunities in the United States for employment, education, and social inclusion.

Conclusions. Additional social protections for transgender individuals and antidiscrimination measures in Mexican schools and workplaces are warranted as are increased mental health assessment and treatment, job training, and education services for asylum seekers in the United States. (*Am J Public Health.* 2017;107:1646–1652. doi:10.2105/AJPH.2017.303961)

 See also Operario, p. 1537, and also Galea and Vaughan, p. 1538.

“**T**ransgender” describes individuals whose gender identity, expressions, or behaviors do not match the sex category they were assigned at birth.^{1,2} Ethnic minority transgender individuals experience greater challenges than do transgender Whites, facing both racial and gender discrimination,^{1,3,4} but even less is known about life experiences of transgender individuals growing up outside the United States and how those experiences affect health after immigration to the United States.

Across Latin America, protections and rights for lesbian, gay, bisexual, and transgender (LGBT) individuals are slowly increasing. Most (70%) Latin Americans now live in a country where same-sex couples have the right to marry.⁵ Mexican courts have ruled that laws against same-sex marriage are discriminatory^{6,7} and have proposed legislation that would make it

easier for transgender individuals to get a passport consistent with their gender identity.⁵

Yet Mexico is a deeply conservative, traditional society with cultural norms that emphasize male machismo and strict boundaries on male identity. Mexican social reforms protecting LGBT citizens have challenged traditional gender beliefs and intensified fears of cultural changes. Thus despite these pioneering social policies, the majority of Mexicans oppose progressive

LGBT legislation,^{5,7} putting LGBT individuals at risk for harassment, discrimination, and violence in their communities.^{5,7,8}

Religious institutions and local government officials have spoken out against these social reforms,⁶ and Mexican communities and states have enacted laws making transgender expression illegal.⁹

This social backlash has been worse for transgender women, who are the most marginalized members of the LGBT community and violate traditional gender social norms the most.^{10,11} Ironically, although Mexico City was the leader in legalizing same-sex marriage in 2009, the following year there were more hate crimes reported against transgender individuals in Mexico than any year in recent history.⁹ Mexico City now has the highest murder rate of transgender individuals in Mexico, and Mexico has the second highest rate of crimes committed against transgender individuals in Latin America.⁹

To escape from pervasive harassment, discrimination, and violence, some Mexican transgender individuals immigrate to the United States. Those who immigrate with or without documentation may be eligible for asylum if they can document a legitimate fear of physical or extreme emotional personal injury because of their transgender status if they return to Mexico. Applicants also must establish that their government was either part of the persecution or unwilling or unable to provide protection.^{9,12}

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We explored preimmigration experiences of violence and postimmigration health status in male-to-female transgender individuals ($n = 45$) from Mexico applying for asylum in the United States.

METHODS

An advocacy and legal services organization in California that assists low-income Latino/a individuals with immigration issues provided declaration documents that the organization submitted with asylum applications for Mexican male-to-female transgender asylum seekers in 2012. Undocumented male-to-female transgender Mexicans were referred to the organization most commonly through word of mouth and by referral from a transgender support group. Each declaration document included (1) a sworn declaration describing family, community, and authority reactions to their transgender status that make it unsafe for them to return to Mexico, and (2) a licensed mental health professional's psychological evaluation describing the physical and psychological impact of these life experiences.¹³ The purpose of declaration documents is to provide a detailed and truthful account of what harm applicants faced in their home country and why and what harm they fear if they return. Staff assisted applicants in making their declarations through a series of questions. The declarations were made in Spanish and then translated into English.

The organization identified the documents ($n = 53$ sets), gave them a code number, de-identified them, and then gave them to the research team. We excluded 8 applicants because they identified only as gay men. We considered applicants transgender ($n = 45$) if they said that their felt gender was different from that assigned at birth and described behaviors such as dressing in female clothing, taking steps to feminize appearance, and taking or planning to take hormones or have surgery (e.g., breast implants) to feminize appearance. Applicants signed a general consent to release information.

A document review is a detailed and systematic examination of documents already in existence to identify themes and generate hypotheses to guide future research

questions.^{14,15} We imported the de-identified documents into NVivo version 10 (QSR International, Melbourne, Australia) for analysis. During 2013 and 2014, the research team developed a codebook on the basis of an initial reading of the declarations. We added codes to the codebook as they were identified throughout the review process. Because of the complexity of the information in the declarations, we used a modified coding procedure.

We assigned each set of documents to 1 of 7 members (all except M. F. and G. W.), who had primary responsibility for coding and presenting them to the full team. Team members, composed of public health, health promotion, and psychology researchers read the documents, reviewed the coding as it was presented, and discussed it until consensus was reached. Once the team coded and reviewed all the documents, the primary researcher reviewed the case to incorporate new codes identified during the document review and to check for errors. Finally, another team member reviewed the documents to check for missed coding.

Grounded theory guided the analysis.¹⁶ We identified themes both within codes and across codes. We developed themes from the coded declarations and used coded information from the psychological evaluation to increase coder understanding of life experiences, but we did not include these in the thematic analysis. We considered a topic a theme if it was documented in the declaration of at least 25% of the cases^{17,18}; however, the use of this rule was unnecessary because each of the identified themes was present in the majority of declarations. Once we selected themes, we identified representative excerpts from the declarations. Finally, the project team members read through the case documents to search for disconfirming evidence of themes.¹⁹

RESULTS

The applicants ranged in age from 20 to 58 years (mean age = 32 years; median age = 30 years) at the time of application for asylum (Table 1). Most applicants lived in smaller towns and cities in Mexico as a child, but many moved to larger cities in young adulthood. The experiences of the oldest and

youngest applicants for asylum differed slightly in the extent of police sexual assault, but this was confounded in that applicants who were younger had immigrated to the United States at a much younger age than did older applicants. Because of this, they spent less or none of their adulthood in Mexico. The police assaults and targeting happened to older adolescents and adults. Aside from this difference, the applicants were similar, so we discuss all cases as a group.

In the document review we identified 4 themes that represented common experiences among these asylum applicants while living in Mexico: their poor quality of life, the magnitude and range of assaults, resulting health effects, and resulting psychological effects. For each of the identified themes and subthemes, representative excerpts from the declarations are provided in Table 2.

Pervasive Violence Against Transgender Persons

Applicants felt the presence of threats all around them and could escape to few or no safe places. Verbal abuse was pervasive from the time applicants began to exhibit more feminine characteristics or chose to play with girls rather than boys. Applicants experienced insults and name calling within their family and in school and community settings. Although fathers were the primary verbal abusers, mothers and siblings sometimes echoed fathers' verbal abuse. As applicants got older and began to become more feminine in their actions and appearance, verbal abuse and threats frequently turned to physical assault (Table 2).

Physical and sexual assaults started at an early age, usually by a family member, but perpetrators were also community members and authority figures such as teachers and police. Most applicants experienced sustained assaults until they left the country (Table 1).

Parent responses to emerging gender identity. The first episode of verbal abuse and physical assault was usually by a father or male caretaker who reacted out of anger to an emerging female gender identity when the applicant was as young as aged 4 to 5 years. Family members frequently justified their actions by saying "I'm going to beat the gay out of you" (Table 2).

TABLE 1—Characteristics of Mexican Transgender Asylum Applicants (n = 45) to the United States: 2012

Demographics	No. (%)
Age in 2012, ^a y	
20–29	19 (42)
30–39	18 (40)
40–58	8 (18)
Educational attainment	
Elementary school	5 (11)
Middle school	10 (22)
Some high school	10 (22)
High school graduate	9 (20)
Post-high school education	6 (13)
Unknown	5 (11)
Age of first sexual assault, y	
≤ 6	13 (29)
7–10	15 (33)
11–15	11 (24)
≥ 16	5 (11)
No sexual assault	1 (2)
Perpetrator of first sexual assault (n = 44)	
Brother	3 (7)
Grandparent	1 (2)
Cousin	11 (25)
Uncle	9 (20)
Family friend	5 (11)
Neighbor or community member	9 (20)
Stranger or did not know identity	4 (9)
Classmate	2 (5)
Police	1 (2)
Physical and sexual assaults in Mexico, ^b no. contexts	
1	0
2	7 (16)
3	14 (31)
4	18 (40)
5	6 (13)
Mental health issues reported or diagnosed	
Posttraumatic stress disorder	45 (100)
Negative affect or depression	42 (93)
Anxiety	27 (60)
Substance abuse	16 (36)
Suicidal thoughts and attempts	25 (56)
Self-isolation	39 (87)
Sleep disturbances	34 (76)

^aMean age = 32 y; median age = 30 y.

^bContexts include immediate family, extended family, community, school, and police.

Physical and sexual assault by other family members. Many applicants had multiple generations of family in the same town and frequently interacted or lived with other family members. Grandfathers were

frequently verbally abusive. Uncles and cousins were verbally abusive and often perpetrated physical and sexual assaults as well. Applicants often reported that their first sexual assault was by an extended family member and often did

not report sexual assault because of the perpetrator’s threats to themselves and their immediate family (Table 2).

As a result of these abusive family relationships, some applicants were kicked out of their homes, whereas others left home to escape the abuse. Some left their town because they were fearful of life-threatening actions from police, family, and members of the community. Those who did not have a family member willing to accept them spent time living on the streets or in abusive relationships.

Community responses. Applicants reported harassment from community members beginning in childhood. Applicants described rocks or other objects being thrown at them as they walked to school or ran errands, which led them to become increasingly isolated and fearful. Threats and multiple incidences of sexual assault and physical harm from neighbors or unknown community members were reported (Table 2).

School responses. Applicants described a hostile school environment, with daily name calling, bullying, and physical harassment during and after school by male students. Verbal abuse began early in primary school and often was experienced in the classroom and at recess. Applicants also reported being followed home, having rocks or food thrown at them, and receiving threats of physical harm by classmates. Some reported being physically assaulted at school, both in the bathrooms and outdoors. There were only a few reports of sexual assault by teachers, but others reported overtures by teachers that they were able to avoid (Table 2).

In response, applicants and occasional female family members appealed to teachers and principals for assistance. Teachers provided little protection against harassment and assault. Many teachers responded with comments to “act like a man.” Some teachers were sympathetic but were only able or willing to provide small gestures of assistance in the classroom (e.g., moving their desk next to the teacher). Most reported that teachers stopped attempts of physical violence in the classroom, but there were no penalties for the attackers (Table 2).

Applicants also described discrimination in their efforts to engage in learning and to participate in school activities. Applicants recounted incidents of teachers giving them

TABLE 2—Representative Excerpts From Asylum Declaration Documents From Mexican Male-to-Female Transgender Asylum Applicants to the United States: 2012

Theme	Representative Excerpts
Pervasive violence against transgender individuals	
Parent responses to emerging gender identity	When my father saw me playing girl games he beat me. He kicked me and punched me. He said that I was not a <i>joto</i> or a <i>maricon</i> [derogatory words for gay man], that I was man. He said that he had not asked for a <i>jotoson</i> ; he had asked for man. He threatened to send me to a military school, where they would beat me and make me a man. My father threatened to kill me if I turned out to be a faggot. I was never allowed to eat with the rest of my family. I had to eat when everyone else was finished.
Physical and sexual assault by parents	My brothers beat me a lot and my father never did anything to protect me. I remember once, my brother A. was beating me and my father, instead of helping me, joined in and began to kick me.
Physical and sexual assault by other family members	When I was roughly 8 years old, I went to my maternal grandparents house for a family party. One of my cousins, S., who was roughly sixteen years old at the time, raped me . . . my grandparents blamed me. They stopped talking to me directly . . . and they did not want me to be a part of the family because I am gay. After the incident, my mother's family stopped inviting my family over for the family parties.
Community responses	The neighbors got more aggressive and chased me and threw stones at me. If they found me with my transgender friends they punched us in the face and all over the body, while calling us <i>maricones</i> and <i>puto</i> . On 1 occasion my friend R. invited me to go with him to a nearby park after school. R. also dressed in feminine clothing. A group of about 7 boys, all students from our school, ganged up on us. R. ran. They grabbed me, pushed me against a tree, and punched me all over. I fell to the ground and they took turns urinating on me. I waited until it was dark to go home so that my mother would not see me.
School responses	Eventually the abuse became physical. They would wrestle with me and try to rip my clothes off. I remember that they would hit me and grab my genitals and say nasty things to me. They tried to force me to perform sexual acts on them, but I always struggled and managed to escape. I tried telling some of my teachers about what was happening, but they did nothing to help me and even told me that it was probably my fault. After about 2 years of this same abuse, I realized I would never be in peace at school and decided to drop out of school.
Police responses	When I went out dressed as a woman I was often harassed by the police. They often threatened to arrest me for dressing as a woman. They called me faggot. Once I was talking to another gay in front of a gay bar. I was not cross-dressing at the time. Two police officers approached us and accused us of <i>faltas a la moral</i> [moral violations as stated in the Mexican Penal Code]. They threatened to arrest us unless we paid them a bribe. We paid

Continued

lower marks because of their emerging gender identity, and in some cases they were not allowed to attend school. Applicants also were barred from physical education activities because of their increasingly feminine appearance and mannerisms. When harassment and assaults became intolerable, applicants stopped going to school, some as early as elementary school (Table 2).

Police responses. Applicants who remained in Mexico into late adolescence and adulthood reported being targeted by the police, particularly when they dressed in female clothing. Applicants reported multiple instances of false arrest, being picked up and taken to jail and held under charges that were later dropped or without charges. During these times, men who were in the same jail cell often sexually or physically assaulted them, with no police intervention. Physical and sexual assault by the police often occurred at gunpoint. Many of the sexual assaults described were with a group of police officers and usually at night. Some officers asked for bribes to avoid sexual assault or arrest. These experiences increased their fear and distrust of authority (Table 2).

Discrimination Because of Evolving Gender Identity

Applicants stated that their emerging female mannerisms and appearance often prompted discriminatory treatment in the workplace and community. This extended to every level of community interaction, from trying to access municipal services to overt actions by those in power to force them to leave town. Applicants limited where they went and the time they spent out in the community.

Many moved to other towns or cities to seek employment and safety. Applicants were limited in the types of jobs they were able to get and keep in Mexico. They recounted discriminatory hiring practices on the basis of their gender identity. For those who were employed, many experienced daily harassment and threats of losing their jobs because they identified as women (Table 2).

TABLE 2—Continued

Theme	Representative Excerpts
	<p>them a bribe and they left us alone. We were outside of a club because 1 of my friends did not have identification. The police arrived and separated me and a friend from our group. They said that they were going to arrest us for being in the street. They said that we were inciting violence because we are gay. I tried to protest the arrest, but I was told to shut up and hit in the face. They called me <i>mamacita</i>. They said that I liked their dicks while they were holding their crotches. Two more police officers arrived in a patrol car. They put us in handcuffs. They put my friend in 1 car, and me in the other. I thought they were going to kill me. . . . Three officers got in the car I was shoved in, and 2 got into the car that my friend was shoved in. The officers began to demand that I perform oral sex on them. I performed oral sex on 1 of the officers in the car while the other 2 drove. They took us to a dead end alley. They took turns raping me outside of the car. At 1 point, 1 penetrated me while another forced me to perform oral sex while another held my hands.</p>
	<p>Discrimination because of evolving gender identity</p>
Community	<p>In the streets I faced discrimination. Microbus drivers often refused to stop for me. The mayor of [city name] threatened that if I did not leave town that he was going to jail me for 2 years because I dressed like a woman. He [a physician] told me that I was born a man and that I had to remain a man. He said that if I continued to take hormones and became ill he would not treat me if I sought medical attention.</p>
School	<p>In fourth grade the students and parents signed a petition to have my cousin C. and me expelled because we did not behave properly. The parents held a meeting with the school staff. The parents said we were demons and they did not want their kids in the same school as us. . . . A teacher defended us and said that we were human beings and were entitled to an education. I was suspended from school for 2 months. Some of the teachers also discriminated against me. Once in secondary school when I turned in an English exam, the teacher said, "<i>Pinche maricon</i>" [Fucking fag] and wrote a zero on my paper without even reading it. He often would not let me enter his classroom.</p>
Work	<p>After he [employer] raped me, he told me that to keep the job, I had to keep my mouth shut because if I told anyone, he would claim that I came on to him and I asked for it. He added that no one would believe a faggot like me. Since I needed the job to support myself, I had to endure the rape. On 1 occasion I asked my supervisor if there would be a problem if I went to work dressed as a woman. He told me not to even think about it because I would be fired. I was often given more work to do than the rest of my co-workers.</p>

Immigration to the United States

Because of continued harassment and assaults, applicants initially tried moving to another town or city, but when threats to their personal safety continued, they crossed into the United States. Family members or friends frequently assisted them, urging them to leave before they were harmed, giving them money, or making arrangements with a coyote. An additional prompt to leave occurred when a transgender friend was severely injured or killed by police or found in fields after having been beaten, raped, or tortured. At this point, they felt there would be no protection from police or that the major threat to their lives was from local police. Applicants typically crossed into the United States without documentation as older adolescents or young adults.

Most of the asylum seekers did not apply for asylum within the required year after entering the United States because they did not know that they could qualify for asylum. Some applicants had received services from social service agencies for years but had not been informed that applying for asylum was an option for them. Many had low levels of education and did not have the skills needed to access or understand complex immigration documents. From their experiences in Mexico, applicants had a deep distrust and fear of people in authority. They feared they would be deported if they called attention to themselves, particularly after initiation of the physical transition from male to female.

Multiple applicants also said that they had delayed their application process because they were emotionally unable to talk about their experiences. For some, the declaration process was the first time they talked about their experiences with anyone.

Continuing Health Problems After Entering the United States

The major health challenges these applicants faced after entry into the United States were persistent mental health symptoms from their traumatic experiences in Mexico. Because of their past traumatic experiences, language and education barriers, and undocumented status, applicants found it hard to establish relationships that could facilitate employment, social inclusion

in the United States, and access to US legal, social, and mental health services. Their continued social isolation made them more vulnerable to abusive relationships in the United States, and their distrust of authorities, particularly police, made them reluctant to report intimate partner violence and other violations or discrimination they experienced.

Each asylum declaration was accompanied by a licensed mental health professional's psychological evaluation. All of the applicants were diagnosed with posttraumatic stress disorder. Applicants reported continued symptoms of disordered sleep, disabling fear, and trauma cueing. They also described long periods of social isolation. Some were unable to leave the house and did not have friends because they could not trust others. Many reported abuse of alcohol and other substances to cope with these symptoms (Table 1).

DISCUSSION

These asylum declarations reveal that life in Mexico is one of extreme vulnerability for those whose gender behaviors place them outside the normative male and female social roles. The harassment and violence against transgender individuals documented in the asylum declarations were society's response to the applicants' living outside the "gender box" and indicate Mexico's collective cultural discomfort with nonconforming gender behaviors. Male-to-female expressions of gender identity challenge the belief of a gender order even more than being a gay male.²⁰

Mexico has made major gains in LGBT civil rights, but it continues to struggle with deeply entrenched beliefs of traditional male and female gender roles.^{5,7} The episodes of harassment and assault we have described happened before the legalization of gay marriage and the proposal of additional social reforms, but the documented backlash against recent social reforms indicates that transgender individuals continue to experience violence and harassment, false arrests, and police violence.^{5,7,8,10,11}

Violence against increasingly nonconforming gender behavior in youths is an attempt to enforce gender normative

behavior.²⁰ Mexican transgender women often suffer rejection and verbal, physical, and sexual abuse by their own family members. Up to 70% of transgender Mexican youths are estimated to either have run away or have been thrown out of their homes.⁹ Asylum applicants reported feeling helpless and living in constant fear because they experienced continual harassment and verbal abuse at school, at work, and in the community. Violence against them continued even when they moved to another community.

These declarations also reflect a failure to protect vulnerable youths. Although there were some exceptions, applicants seeking protection against harassment and assault found that those most in a position to help (i.e., family, teachers, and police) could not or would not protect them. Other reports documenting police and military harassment and targeting of transgender women support their experiences.^{9,11}

Access to education was limited for Mexican transgender women who had to leave home or school to escape harassment and abuse by family members.⁹ These individuals also reported few protections in the workplace and were vulnerable to employment discrimination. These findings are consistent with US reports that one third of transgender individuals say they have to hide their true gender at work so that they are not fired. Others were unable to get a job because of their transgender status.⁹ Isolation and restriction of educational and employment opportunities limited education and career paths in Mexico and also provided a poor base for employment and social opportunities once they immigrated.²¹

It is important to recognize that the applicants' problems do not end with immigration. Rejection by their families and living without the protection of police or other authorities can lead to psychological trauma, mental health problems, suicide attempts, low educational attainment, and unemployment.⁹ Trauma from sexual, physical, or emotional abuse can greatly undermine feelings of safety, trust, personal control, and beliefs in justice, which can lead to depression, posttraumatic stress disorder, and physical health problems.^{22,23} Other transgender individuals' traumatic events can be seen as

examples of what could happen to them and thus cause anxiety.²⁴

These declarations showed that applicants were unaware that they were eligible for asylum, that there was an application deadline, or that they could still apply after the deadline. Usually, asylum applicants must apply within 1 year of entry into the United States. However, if applicants can demonstrate extraordinary circumstances (e.g., serious mental health consequences from traumatizing experiences in Mexico) or changed circumstances (e.g., coming out as a transgender woman or beginning a transition in appearance that could endanger them if they return to Mexico), there can be exceptions to this rule.⁹

Transgender individuals also may experience a significant emotional barrier to beginning the application process, which requires a detailed account of their experiences. This finding is consistent with earlier research showing that even into middle adulthood, 23% of US transgender individuals have not told anyone about their abusive experiences.²⁴ Social service staff should consider additional mental health support for transgender clients to assist them to overcome this barrier.²¹ Many of the applicants had accessed some level of social services after immigration but were not informed about the possibility of asylum. Social service agencies provide an important intervention point, and educating staff about this option may get information to these individuals much sooner.²¹

Limitations

This study had several limitations. Although the legal documents were a rich source of information, it is important to note the original purpose of the documents, the context in which they were created, and their intended audience.¹⁴ The declarations were components of a legal process, which may limit or shape the information representing the asylum seeker's lived experience. They contain the asylum seeker's words but are not transcripts.

The declaration was recorded by the legal team and then translated from Spanish to English, which may have altered the description of some events. Most described encounters occurred in small towns and cities

although some of the same events also occurred in larger cities.

Finally, this sample of declarations represents the experiences only of those who successfully entered the United States and accessed services through a single organization. Additional population-based research is needed to determine whether these experiences are representative of transgender immigrants or are characterizations of only the most resilient.

Public Health Implications

The life experiences of these male-to-female Mexican transgender asylum applicants involved persistent and pervasive social exclusion, discrimination, harassment, and violence and highlight the need for Mexico's continued efforts in LGBT social reform. These declarations also bring to light how far traditional, rigid gender role beliefs permeate Mexican society and the need for increased protections as long as societal beliefs lag behind legal reform. These declarations also document the often disabling impact of these experiences and establish that US public health services should be more responsive to the unique needs of this population, including mental health assessment and treatment, job training, and education services. **AJPH**

CONTRIBUTORS

M. K. Cheney, M. J. Gowin, E. L. Taylor, J. Dunnington, G. Alshuwaiyer, J. K. Huber, and M. C. Garcia coded the cases and analyzed the data. M. Frey and G. C. Wray analyzed the data. G. C. Wray provided cultural and contextual consultation. All authors interpreted the data and developed the article.

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HUMAN PARTICIPANT PROTECTION

This study was reviewed and exempted by the University of Oklahoma institutional review board.

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