

2010

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IMMIGRATION **EQUALITY**

## YEAR IN REVIEW

2010 marked a year of remarkable progress, visibility and achievements for Immigration Equality and the families we served. From the end of the HIV Travel and Immigration Ban to a record number of asylum wins, our team helped usher in new opportunities — and new hope — for lesbian, gay, bisexual, transgender and HIV+ immigrants and their loved ones from around the world.



The year began with a notable ending. In January, the Obama Administration officially rescinded the HIV Immigration and Travel Ban, a draconian law which barred HIV-positive visitors and immigrants from entering the US.

This 22-year-old policy was first implemented as part of an anti-gay campaign by Senator Jesse Helms, and in addition to being unfair, it had a negative impact on public health. Ending the ban was one of Immigration Equality's founding goals, and we helped lead the campaign that led to the ban's demise. Over the past decade, our legal team responded to calls for help from thousands of gay and straight families affected by the ban, and in the weeks and months leading up to its end we answered hundreds more. After the repeal, we were quoted in the New York Times, the BBC, and other media around the world, and our bilingual legal resources were distributed by AIDS service organizations in all 50 states.

Later in the year, our sister organization the Immigration Equality Action Fund achieved what would once have been impossible: the Uniting American Families Act, which would end immigration discrimination against LGBT families, was included in comprehensive immigration reform. While it is deeply disappointing that immigration reform did not pass in the last Congress, it is an issue that is not going away. Millions of American families are waiting for reform — some for changes that will reunite them with parents, children, and siblings trapped in endless visa queues, others for a path to citizenship that will bring them out of the shadows. LGBT people are represented in both of those categories, and yet same-sex couples are the only family relationships that do not even merit a place in line. Immigration Equality is speaking, writing, tweeting, and marching to educate the LGBT public about all the goals of comprehensive immigration reform, and building a political constituency to support the full package of needed reforms.

We build power by amplifying the voices of the LGBT immigrants who contact us every day. In 2010, Immigration Equality answered 2,740 inquiries from people around the coun-

try and the world. Our legal team provided free, high-quality information about asylum, family recognition, the HIV ban, transgender immigration issues, and immigration detention to individuals and to attorneys seeking technical assistance. Every single call, email, detention letter, and walk-in gets personalized attention from our legal staff — and the needs and concerns they hear are what drive our policy agenda.

Our flagship asylum program won permanent freedom in the U.S. for 106 LGBT people fleeing persecution from around the world — 100% of the cases that closed last year. Our extraordinary success rate was even more notable given the shrinking number of asylum cases that were granted last year: of all of the people granted asylum in the US last year, on any basis, Immigration Equality's LGBT asylum-seekers accounted for 1 of every 200 winners.

Many of those asylum winners have survived immigration detention. Immigration Equality represents LGBT detainees in court and advocates for changes in detention policy to improve the lives of LGBT people caught in the detention system. Many of our recommendations are being included in new policies, and many more are in the pipeline.

Our fight for equality for LGBT families continues to gain new partners and supporters. Our Faith Coalition has 1,000 member congregations from all 50 states, and our Business Coalition includes 18 global multinational corporations — all in support of fully equal immigration rights for LGBT people.

Our social media reach exploded in 2010, more than doubling from the year before. Today, Immigration Equality has more than 6,800 followers on Facebook; more than 2,800 on Twitter; and an electronic mailing list of nearly 30,000 people engaged in our legal aid, policy and outreach work.

In every way — visibility, outreach, education and legal aid and policy— Immigration Equality's work has grown by leaps and bounds, and impacted more people than ever before.

As *The Advocate* recently reported in a profile of our work, “While national gay organizations historically have paid scant attention to [immigration] as they juggle more marquee (and bankable) issues . . . Immigration Equality has lobbied key lawmakers and immigration rights groups” with a comparatively small budget and staff, resulting in a remarkable return on investment for funders who have made that work possible.

“Immigration Equality's . . . strategy has worked so far,” the magazine reported, “primarily because the organization focused extensively on building bridges with mainstream immigration groups and faith-based organizations.”

These accomplishments and victories underscore that valuable outreach work, and emphasize the life-changing impact the organization has had on LGBT and HIV+ people from nearly every corner of the globe.

Yours in the fight,



Rachel B. Tiven, Esq.  
Executive Director

## IMMIGRATION EQUALITY SUCCESS STORIES



### DANE SOLOMON Asylum winner from Guyana

Dane was 28 years old when he fled Guyana. Less than a year after settling in New York City, Dane suffered a stroke that left him paralyzed and unable to speak or walk for seven months. By the time he regained his ability to function, he had missed the legal deadline to apply for asylum.

Despite his risk of deportation, Dane could not bear the idea of returning to Guyana, where he would live in constant fear of harassment and violence because of his sexuality and his notoriety as an HIV-positive activist. Immigration Equality came to his aid, matching him with pro bono lawyers at White & Case. Dane won an exception to the deadline based on his health crisis and was granted asylum on February 20, 2008.

Delighted with his new lease on life in America, he said: “I won’t have to go back to suffer persecution because I am gay, or suffer in silence because I am HIV-positive. I don’t have to do that. I am free.”

One year after winning asylum, Immigration Equality followed up with Dane to help him apply for his green card, which he received May 31, 2010. Most recently, Immigration Equality helped Dane sponsor his 17 year-old son, Dane Jr., for a green card.

Reunited for the first time in 10 years, Dane Jr. arrived in the United States in February 2011 from Guyana where he had been living with his grandmother. Dane and his son now live together in Hamilton Heights, in upper Manhattan. Dane Jr. is a senior in high school and is pursuing a career in engineering after graduation. Dane is now in nursing school where he is determined to give back to the community. He works at Greenwich House, a home providing vital care and support for people living with HIV and AIDS.

### JADA Asylum winner from Grenada



Jada had suffered a lifetime of abuse in Grenada before she arrived in the United States at the age of 21. As a young child, her uncle attacked and molested her. He later threatened to kill her if she told anyone.

Things only worsened with time.

At 12 years old, Jada realized she was in the wrong body. Community members teased her with taunts of “batty boy” and “buller man.” One attacker attempted to break a glass bottle on her skin. The police refused to protect her, instead instructing her to “act less girly.”

Life in the United States was not much kinder. She was kicked out of a relative’s home and lived on the subway for two years. Last summer she started to get regular HIV treatment, take hormones under the care of a doctor, and receive regular treatment and counseling for post-traumatic stress disorder.

Jada’s case represented a true team effort by Immigration Equality’s in-house legal team, and Jada won asylum in 2010. She is now in beauty school in New York City.

## IMMIGRATION EQUALITY SUCCESS STORIES



### ROI WHALEY & AURELIO TOLENTINO Binational couple

Roi Whaley and Aurelio Tolentino met and fell in love in 2005, and their relationship has survived hurricanes, health problems, and a bad economy. Last year, though, they feared that immigration discrimination would be an insurmountable hurdle.

Aurelio, a nurse originally from the Philippines, was sponsored for a green card by his employer in 2006. However, at the time the U.S. still banned HIV-positive people from entering the country to work or visit. After years of advocacy by Immigration Equality and others, that ban was repealed last year — but too late for Aurelio to get his green card.

Instead, U.S. immigration officials ordered Aurelio to leave the country. He complied, and since 2007 he has lived in Canada. For years, Roi traveled to visit him as often as his job as a casino supervisor in Gulfport, Mississippi would allow. Last year, though, Roi learned he had cancer. At the same time, Aurelio found out that he would not be able to stay in Canada and would soon have to go back to the Philippines.

As Roi's health worsened, Aurelio was not allowed into the U.S. to care for him. They turned to Immigration Equality for help, and our policy, communications and legal staff intervened on their behalf. After highlighting Roi and Aurelio's story in the media, and bringing their plight to the attention of Congressional representatives from Mississippi, Aurelio was finally granted a visa which allows him to return to the U.S. to be at Roi's side as he continues his battle against cancer.

### OUR STAFF

Maria Booth  
*Office Manager (DC)*

Jennifer Carrel  
*Operations Director*

Elisa Casinader  
*Office Manager (NYC)*

Win Chesson  
*Associate Director of Development*

Rosalba Novoa Davis  
*Staff Attorney*

Pamela Denzer  
*Accredited Representative*

Christopher Taylor Edwards  
*Communications Manager*

Julie A. Kruse  
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Gary Liao  
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Alexander Moore  
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Victoria Neilson  
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Steve Ralls  
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Tara Sadooghi  
*Executive & Development Assistant*

Stephen Silva  
*Paralegal*

Rachel B. Tiven  
*Executive Director*

Constance Utada  
*Policy Counsel*

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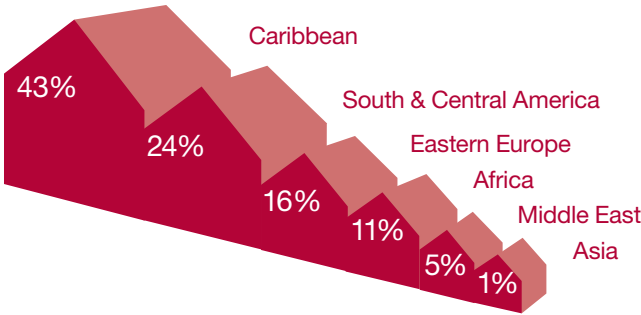
Rachel B. Tiven, *Executive Director*

\* Action Fund Board

# OUR ASYLUM VICTORIES

Since 2008, Immigration Equality has won asylum for 271 LGBT and HIV-positive people from 64 countries.

## BY REGION



## OUR INTAKE HOTLINE

- 2,740 inquiries in 2010
- 34% asylum
- 28% binational couples
- 13% attorneys seeking technical assistance
- 8% HIV ban repeal
- 8% general immigration
- 5% detention
- 5% transgender

\* total exceeds 100% due to multi-issue inquiries



At our annual Safe Haven Awards gala in May, Immigration Equality honored more than 40 law firms that devote pro bono resources to LGBT and HIV-positive asylum seekers. Together these firms donated more than \$12 million in legal services to Immigration Equality clients and won a staggering 106 asylum cases in 2010 — a 100% success rate.

Each of the five winning firms went above and beyond to provide top-notch legal counsel to people fleeing for their lives.

### **DECHERT LLP**

Dechert has represented nine Immigration Equality clients since 2005. The firm is being recognized with a Safe Haven Award this year because of its willingness to accept particularly difficult cases. Led by attorney Eric Kirsch, Dechert successfully represented a gay, HIV-positive man from Jamaica who had been discharged from the U.S. military for being gay and was facing removal proceedings. The client was detained throughout the year-long case. Dechert defended the man's right to remain safely in the United States under the very high standard of the Convention Against Torture.

In another case, Dechert has appealed to the Third Circuit on behalf of a gay, HIV-positive man from Jamaica whose claim was denied because he missed the one-year filing deadline. Dechert's team is arguing that severe depression and post traumatic stress disorder incapacitated him to such a degree that he was not able to file a timely asylum application. The appeal is pending.

Jason Billy, Robert Ferguson, Antonio Fusco, Jamie Halavais, Tara Kelly, Scott Kessenick, Eric Kirsch, John O'Brien, Kevin O'Brien, Charles Poret, Eric Simanek, Gordon Sung, Ryan Tooley, Suzanne Turner, Elisa Wiygul

### **KRAMER LEVIN NAFTALIS & FRANKEL LLP**

Kramer Levin has long been a mainstay of Immigration Equality's Pro Bono Asylum Program, successfully obtaining asylum for 24 clients. Given its depth of experience with LGBT claims, Kramer Levin typically takes difficult cases, including many with one-year deadline or criminal history challenges. The firm's asylum program is run by Aaron Frankel and Michael Sternhell; Aaron is a longtime board member of Immigration Equality.

Of note among the seven cases handled in 2010, Kramer Levin won asylum for an HIV-positive gay man from Grenada with a minor criminal record who had missed his one-year filing deadline. Because the culture of homophobia and persecution is not well-documented in Grenada, attorneys Matthew Abbott and Carmel Gabbay Legault performed extensive research into country conditions there, including contacting and obtaining first-hand affidavits from non-governmental organizations on the ground in Grenada. Their efforts paid off and the client won asylum.

Matthew Abbott, Katrina Baker, Yekaterina Chernyak, Dannie Cho, Jean-Paul Ciardullo, Kristen Coleman, Rebecca Cossin, Kristin DiFrancesco, Jill Filipovic, Samantha Ford, Aaron Frankel, Allison Gray, Edwin Hermawan, Theodore Hertzberg, Michael Paul Korotkin, Carmel Gabbay Legault, Marissa Leung, Matthew Moses, Gariel Nahoum, John Ricca, Sarah Rosen, Theodore Ruthizer, Norman Simon, Joseph Snee, Michael Sternhell, Lee Strock, Matthew Temkin, Jeffrey Trachtman

## PRO BONO NETWORK

“Although I was born in April, I now celebrate my birthday every year in September on the day I won asylum and started my new life in America free from fear.”

– Nour Haddad,  
asylum winner from  
Morocco

## O’MELVENY & MYERS LLP

O’Melveny & Myers has participated in Immigration Equality’s Pro Bono Asylum Program since 2005. When the organization asked firms to consider more cases — and to accept clients for representation outside of New York City — O’Melveny rose to the challenge, representing seven asylum seekers in 2010 alone, including one by their Newport Beach, California office.

In one case, the firm successfully represented a gay Egyptian man who had suffered repeated abuse by police and his community due to his sexual orientation. While living in Dubai, where homosexuality is a crime under both civil and religious law, he was arrested on five separate occasions because police suspected that he was gay. During one arrest, police officers interrogated him for over 12 hours while splashing him with ice water, groping him, and threatening to perform abusive medical examinations that could “prove” his sexuality. O’Melveny prevailed, and the client was granted asylum in June, 2010.

Doron Beeri, Justin Bernstein, Marc Berverman, Daniel Cantor, Laura Capelin, Jonathan Feldman, Mark Germann, Jessica Hardy, Christina Hayes, Wayne Jacobsen, Edward Jones, Usama Kahf, Adam Karr, Kelly McDonough, Shannon Nagle, Elyse Novikoff, Clara Pugsley, Mark Robertson, John Rousakis, Ryan C. Steinman, Bill Sushon, Jason Vendzules, Melissa Wangenheim, Ryan Yanovich, Kelly Wood

## ROPES & GRAY LLP

In one of Immigration Equality’s most complicated cases to date, Ropes & Gray represented a bisexual, married HIV-positive man from Ghana, who found himself in immigration court after federal prosecutors extradited him to the U.S. as part of an alleged international criminal conspiracy. More than one year later, prosecutors dropped all charges against the man and turned him over to immigration authorities. Without a lawyer, he was brought before one of the most conservative immigration judges in New York. At the time, the client was so sick due to complications from AIDS that he could not understand the removal proceedings and asked to be returned to Ghana so that he could die in peace. The judge ordered him deported. While awaiting deportation, he was cared for at St. Vincent’s Hospital, and a hospital social worker contacted Immigration Equality for help. The organization was able to reopen his case; then Ann Lewis, Amy Albro, and Michael Rueckheim at Ropes & Gray secured his release on bond and found him housing. After he was released from immigration detention his health improved dramatically, and his attorneys proved that he was eligible for asylum.

In addition to prevailing on this extremely challenging case, Ropes & Gray accepted a dozen new asylum cases in 2010. Lauren Macioce, a Ropes & Gray attorney who spent four months working as a full-time member of Immigration Equality’s legal team, provides invaluable mentoring to her colleagues at the firm.

Raul Alcantar, Darren Azman, Inna Barmash, Matthew Black, Elizabeth Brookhiser, Jason Brown, Lisa Cooms, Jeanne Curtis, David Elkind, Kenneth Felter, Julia Guaragna, Mark Gurevich, Naomi Hauptman, Pablo Hendler, Stephen Hernick, Khue Hoang, Deborah Katz, Aselle Kurmanova, Daniel Levin, Ann Lewis, Qianru Li, Joshua Lichtenstein, Lauren Macioce, Arkadiusz Maczka, Alina Mason, Conor McDonough, Alexander Middleton, David Mindell, Catherine Mondell, Sydney Nash, Crystal Parker, Carrie Phillips, Rebecca Rabenstein, Yelena Rapoport, Sarah Rubenfeld, Diana Santos, Hassen Sayeed, Tara Shuman, Kevin Strom, Brandon Story, Karen Sum-Ping, Phillip Wells, Christopher Wheatley



# RAMANATHAN URGENT OPPORTUNITIES FUND

## ERIK & RANESH RAMANATHAN

In 2011, Erik & Ranesh Ramanathan launched the Ramanathan Urgent Opportunities Fund to accelerate Immigration Equality's efforts on behalf of families



like theirs.

Recognizing that we're at a critical inflection point, they have set out to raise \$1 million to ensure the success of Immigration Equality's top notch legal program as it wins more asylum cases than ever before and prepares litigation to challenge the Defense of Marriage Act.

Ranesh is an asylee who became a naturalized citizen last year after 21 years in the US. Erik is the US-born half of this binational family, and together they are the parents of a young son. Today, Ranesh is Deputy General Counsel of Bain Capital, as well as General Counsel of its Sankaty Advisors and Brookside Capital trading businesses. Erik is Executive Director of the Harvard Law School Program on the Legal Profession. Erik and Ranesh have devoted a combined nine years of board service to Immigration Equality, including service as board chair and treasurer, respectively.

### FOUNDERS / \$100,000 +

Jonathan & Jeannie Lavine  
Erik & Ranesh Ramanathan

### PATRONS / \$10,000 +

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Kirkland & Ellis LLP  
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### SUPPORTERS / \$1,000 +

Alan & Judy Halfenger  
Sandra Tao & Jason Harvey

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Akin Gump Strauss Hauer & Feld LLP  
Jeffrey & Christa Hawkins  
Proskauer Rose LLP

## PRO BONO NETWORK

### SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

Skadden won asylum for 16 Immigration Equality clients in 2010. Among these many victories, four cases stand out. Ari Selman and Nizan Geslevich Packin represented a gay man from Jamaica who was so fearful of his impending asylum hearing that he became ill and eventually stopped returning his attorneys' calls. Ari and Nizan first sent chicken soup, then showed up on his doorstep in person two days before the hearing to persuade him not to withdraw. The next day, they took him to the movies to help him relax. The client appeared at his hearing and won asylum in June.

Skadden demonstrated its commitment to asylum seekers in a case it took on administrative appeal for a gay Uzbeki man detained in Texas. After winning the appeal, attorney Michael Buchwald continued to represent the man at his new asylum hearing, even though he was detained five hours away from Skadden's closest office in Houston. We won, and though the government intends to appeal, the client has finally been released from detention.

Lastly, attorneys Doug Dunham and Kristina Kallas did a masterful job representing both halves of a couple who fled the former Soviet Union together. The couple, both talented professionals, was severely beaten — one of them by skinheads, the other by government agents in Uzbekistan, where homosexuality is a crime. When they lived together in Russia, they told people they were cousins. The greatest challenge in helping both men was that while they faced adversity together and fled to the United States together, they were not recognized as a family and had to file separate asylum petitions, unlike a straight couple. The couple celebrated their anniversary with their attorneys while preparing for their hearings. Both of them were granted asylum at the end of the year.

Alvaro Arce, Filipe Areno, Deborah Bander, Rosemarie Barnett, Rachel Blitzer, Michael Buchwald, Megan Canepari, Jeffrey Davidson, Veronica Di Camillo, Caitlin Downing, Doug Dunham, Robert Dunn, Kemi Fashakin, Tess Felfe, Peter Julian, Kristina Kallas, Jens Schott Knudsen, Steve Kolleeny, Anna Kolontyrsky, Julie Lanz, Thomas Marks II, Katie Norman, David O'Connell, Nizan Geslevich Packin, Juano Queen, Kelly Russotti, Ari Selman, Eric Sievertsen, Blair Thetford

## OUR PRO BONO PARTNERS

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Wilmer Cutler Pickering Hale & Dorr

## OUR FUNDERS

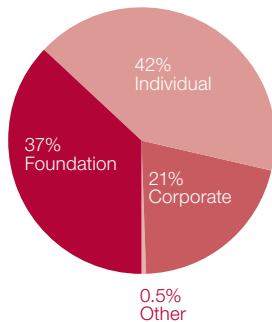
Thanks to the generosity of our individual, foundation, and corporate supporters, Immigration Equality continued its dramatic growth in 2010. We expanded our program staff in both our New York headquarters and at our DC office. We also recorded our most successful fundraising year to date.

### FOUNDATION FUNDERS

Anonymous  
 Arcus Gay and Lesbian Fund  
 David Bohnett Foundation  
 Dorian Fund  
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 H. van Ameringen Foundation  
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 New York Community Trust  
 Open Society Institute  
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### 2010 FINANCIAL RESULTS

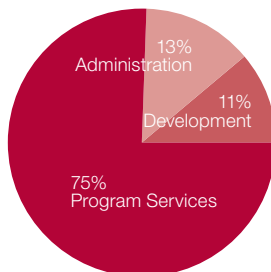
Preliminary audited results as of December 31, 2010. Prepared by N. Cheng & Co., P.C.



	Immigration Equality	Immigration Equality Action Fund	Consolidated
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Foundation	\$ 560,000	\$ —	\$ 560,000
Individual Contributions	\$ 416,811	\$ 216,313	\$ 633,124
Corporate	\$ 308,866	\$ 4,389	\$ 313,255
Affiliated Org. Grant	\$ —	\$ 190,000	\$ 190,000
Other	\$ 7,368	\$ 510	\$ 7,878
<b>TOTAL INCOME*</b>	<b>\$ 1,293,045</b>	<b>\$ 411,212</b>	<b>\$ 1,704,257</b>

\* In addition, three dozen national law firms donated more than \$12 million in legal services as participants in Immigration Equality's Pro Bono Network.



Program Services	\$ 833,425	\$ 191,258	\$ 1,024,683
Administration	\$ 189,103	\$ 26,019	\$ 215,122
Development	\$ 115,961	\$ 69,179	\$ 185,140
Affiliated Org Grant	\$ 190,000	\$ —	\$ 190,000
<b>TOTAL EXPENSES</b>	<b>\$ 1,328,489</b>	<b>\$ 286,456</b>	<b>\$ 1,614,945</b>

All lobbying work is undertaken by the Immigration Equality Action Fund, a 501(c)4 organization separate from Immigration Equality. Support for the Action Fund is provided by individual donors; no foundation revenue pays for lobbying expenses.

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