

National News Notes

by David Stout . Q-Notes staff

Gay man wins U.S. asylum

LOS ANGELES, Calif. — Lambda Legal announced Jan. 30 that, after a hearing before an immigration judge, asylum had been secured for Jorge Soto Vega, a 38-year-old gay man who had suffered death threats and beatings in his native Mexico. Fearing for his life, Soto Vega fled the country and made his way to Los Angeles and ultimately to New York where he resides with his partner of 15 years.

In 2003, a California immigration judge ruled that there was evidence that Soto Vega was persecuted, but he rejected the application for asylum on the grounds that Soto Vega could hide his sexual orientation. After the Board of Immigration Appeals agreed, Lambda Legal petitioned the U.S. Court of Appeals for the Ninth Circuit for review. Last June they decided against the immigration judge and the Board of Immigration Appeals. They further held that it was the government's burden to show that Soto Vega's life would not be in jeopardy if he were forced to return home.

After the Jan. 30 hearing, the immigration judge concluded that the government was unable to refute the presumption. "For the first time in my life, I can live freely knowing that I don't have to fear for my life simply because I'm gay," said Soto Vega.

Kit aids youth in out-of-home care

NEW YORK, N.Y. — Lambda Legal and the Child Welfare League of America have created

"Getting Down to Basics," a new tool kit designed to provide information to professionals and others interested in addressing the needs of LGBT and questioning youth within the child welfare system.

The kit is a compilation of concise fact sheets and policy recommendations on an array of issues affecting LGBTQ youth and those who provide them with out-of-home care. Topics addressed include working with trans youth, serving LGBTQ youth in congregate care and juvenile detention facilities, faith-based providers and LGBTQ youth, and ways to combat efforts to keep gay adults from serving as foster and adoptive parents.

"Often people who want to do the right thing simply do not know where to look for information to better serve LGBTQ youth in care," said Susan Sommer, Senior Counsel for Lambda Legal. "We've compiled information in an easy to use one-sheet format that can be copied and distributed to anyone who wants to help." The publication is available free by calling 212-809-8585x272 or downloadable at www.lambdalegal.org.

Court to hear military ban case

BOSTON, Mass. — The federal First Circuit Court of Appeals will hear oral arguments on Mar. 7 in *Cook v. Gates* (formerly *Cook v. Rumsfeld*), a constitutional challenge to the military's "Don't Ask, Don't Tell" ban on gay service members. The lawsuit, originally filed in December 2004 on behalf of veterans dismissed under the law, seeks the plaintiffs' re-instatement in the armed forces and the end of the ban on open service.

"We are looking forward to presenting our case to the First Circuit," said Sharra E. Greer, director of law and policy for Servicemembers Legal Defense Network. "The men and women named in the lawsuit spent their military careers fighting for justice and equality, and their stories are a vivid reminder of why 'Don't Ask, Don't Tell' is not only unconscionable, but unconstitutional as well. We believe that, when the Court considers our arguments, these patriots will be granted their day in court."

The plaintiffs in *Cook v. Gates* all served honorably in the U.S. Army, Navy, Air Force and Coast Guard. Together, they have served more than 65 years in the armed forces and earned more than five dozen awards, medals and commendations.

Study shows pervasive HIV bias

LOS ANGELES, Calif. — The Williams Institute on Sexual Orientation Law and Public Policy released a study Jan. 30 showing surprisingly high rates of HIV discrimination by health care providers in Los Angeles County. The study, conducted between 2003 and 2005, revealed that 56 percent of skilled nursing facilities, 47 percent of obstetricians and 26 percent of plastic surgeons in L.A. County would not accept HIV-positive patients for services commonly offered to HIV-negative patients.

The new report is consistent with studies from the mid-1990s showing high levels of HIV discrimination by dentists and other health care providers. Since the late '90s, very few studies have been done to measure HIV discrimination in health care.

"The large number of health care providers who readily admit that they would not treat HIV-positive patients is surprising," said Brad Sears, executive director at the Williams Institute and author of the study. "Their responses indicate a broad lack of knowledge about the laws prohibiting such discrimination."

Law project for poor gay families

SAN FRANCISCO, Calif. — The National Center for Lesbian Rights has launched the Family Protection Project to improve access to family law services for low-income same-sex parent families. According to the group, existing legal services for poor and low-income families generally lack the specialized knowledge to effectively serve LGBT clients. The Family Protection Project will fill the gap by providing specialized training to legal services programs in selected states, beginning with California, Florida, Pennsylvania, Texas and Wisconsin.

Nationally, experts estimate that at least six million children in the U.S. have LGBT parents. On average, according to recent studies, same-sex parents with children earn \$10,000 less than married couples with children. Despite the clear need for free or low-cost legal services for these families, they are non-existent in most states.

"This is a huge unmet need," said NCLR Executive Director Kate Kendall. "By training attorneys who work specifically with low income and poor communities about the unique legal issues facing the LGBT community, we will be giving them the tools to assure that their LGBT clients get meaningful help and representation." ■

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