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Affirming Identity: Legal Name Changes for Transgender Immigrants

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When navigating routine experiences such as applying for jobs, traveling, accessing healthcare, and interacting with government agencies, many of us are able to present our identification documents or write down our legal names without a second thought. But for transgender individuals navigating these same spaces, having to use a legal name that is inconsistent with their gender identity often translates into a heightened risk of discrimination, harassment, and violence. That such a fundamental part of one's identity — a person's name — can expose one to bigotry or physical harm is an injustice that is unfortunately far too common in transgender communities.

In fact, in a 2015 survey of transgender Americans, nearly one-third of respondents reported being "verbally harassed, denied benefits or service, asked to leave a location or establishment, or assaulted or attacked" as a result of showing a government-issued ID with a name or gender marker that did not match their gender expression. For many transgender individuals, the opportunity to legally change their legal name not only affirms their identity but also increases their safety. Yet many of those who want legal name changes cannot access them because of the cost and the complications of navigating the court system.

On February 24, 2021, Proskauer attorneys joined the Anti-Violence Project (AVP) for a virtual clinic to represent transgender immigrant clients in connection with legal name change petitions. AVP is a non-profit organization serving LGBTQ+ and HIV-affected communities through organizing, counseling, and direct legal services.

The virtual clinic was facilitated by Pro Bono Counsel Erin Meyer and AVP Senior Staff Attorney Lauren DesRosiers, a former Proskauer Equal Justice Works Fellow, who virtually trained Proskauer pro bono attorneys on how to file name change petitions with the New York City Civil Court, a process that has been changing frequently in light of the courts' COVID-19 safety protocols. Proskauer attorneys then worked with individual clients to secure fee waivers, obtain name change orders, and seal the name change record.

Legal name changes allow transgender people to ensure that their legal identities match their lived experiences and are reflections of their true selves. For transgender immigrants in particular, who exist at the intersection of two marginalized communities and who often come to the United States to escape persecution in their countries of origin, a legal name change order can open the door to gender-affirming immigration documents such employment authorization and permanent residency ID cards.

Indeed, research published in the Sexuality Research and Social Policy as well as the Social Science & Medicine journals indicate that access to gender-affirming legal name changes are associated with better health outcomes and increased socioeconomic stability, constituting an "important structural intervention" in transgender people's lives. Having identification documents that list the name one actually uses in day-to-day life enables transgender individuals to more easily obtain job opportunities, housing, healthcare, and government benefits, and decreases the likelihood of exposure to transphobic violence.

Proskauer's participation in this clinic and partnership with the Anti-Violence Project represent a continuation of the Firm's record of advancing the rights of transgender and immigrant communities through our pro bono practice, from challenging barriers to asylum for LGBTQ+ immigrants to standing against transphobic discrimination in homeless shelters. Proskauer is proud to uphold its commitment to equal justice and access to legal services for marginalized communities, one name change at a time.

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