

Congress of the United States
Washington, DC 20515

January 14, 2020

Chad Wolf
Acting Secretary
U.S. Department of Homeland Security
Nebraska Avenue Complex
3801 Nebraska Avenue NW
Washington, DC 20528

Matthew T. Albence
Acting Director
U.S. Immigration and Customs Enforcement
500 12th St., SW
Washington, DC 20536

Dear Acting Secretary Wolf and Acting Director Albence,

We write to demand that Immigration and Customs Enforcement (ICE) stop placing transgender individuals at risk of sexual abuse and assault in ICE custody.

The explanatory statement accompanying the just-enacted FY2020 Consolidated Appropriations Act instructs as follows: “ICE must limit the detention of transgender people to facilities subject to a contract formally modified pursuant to Attachment 1 of the June 19, 2015 ICE memo entitled Further Guidance Regarding the Care of Transgender Individuals.”^[1] It is our understanding that no existing ICE detention contract has been formally modified per the 2015 memo; as such, ICE is obligated to immediately bring facilities detaining such individuals into compliance through formal contract modification. If ICE cannot provide a safe environment for transgender individuals in its custody by making such contract modifications, it must immediately arrange for release for transgender individuals at risk of sexual abuse and assault in ICE custody, and ensure that such individuals have access to a safe environment and appropriate care upon release.

In the United States and around the world, transgender individuals face persecution that ranges from physical and sexual violence to other forms of mistreatment based on their gender identity and expression.^[2] This already vulnerable population faces a heightened and unique set of injustices while in immigration detention.^[3] Transgender migrants and asylum seekers are particularly vulnerable to sexual harassment, solitary confinement, physical assault, and medical

neglect. These inhumane conditions and systematic abuses are evidenced in countless reports and accounts by formally detained people [4]

The pervasive use of solitary confinement has caused particular harm to transgender migrants in detention.[5] ICE consistently utilizes solitary confinement for so-called protective purposes or violates its own guidance by using segregation as punishment, placing transgender people at risk of physical and mental health deterioration and vulnerability to sexual assault by ICE guards.[6]

LGBTQ migrants in detention are 97 times more likely to be sexually victimized than their cis-gender and straight counterparts in detention.[7] Last year at Cibola County Correctional Center, Roxsana Hernandez Rodriguez, a transgender woman-seeking asylum in the U.S., died of HIV-related complications.[8] A little over a year after Roxsana's death, Johana Medina León, another asylum seeking transgender woman, died in a hospital in El Paso, Texas, shortly after being released from ICE custody.[9] Johana requested medical attention while in custody, but was denied medical care by ICE, until her condition worsened.[10] Each day that ICE continues to detain transgender people is a day that the health and well-being of those individuals is at risk.

We ask that you honor the longstanding reputation of the United States as a refuge for individuals who face persecution and adhere to the Congressional directives regarding the treatment of transgender people in the statement accompanying the FY2020 Spending Bill. The United States is bound by domestic and international law to protect—not punish—vulnerable populations escaping from persecution. We demand that ICE abide by these laws by immediately bringing facilities detaining transgender individuals into compliance, and by arranging for release for transgender individuals at risk of sexual abuse and assault in ICE custody. ICE should also ensure that such individuals have access to a safe environment and appropriate care upon release.

¹ House Report 116-180, 116th Congress, P.37, December 2019, <https://www.congress.gov/116/crpt/hrpt180/CRPT-116hrpt180.pdf>, incorporated by reference into the Joint Explanatory Report accompanying the FY2020 Consolidated Appropriations Act, <https://docs.house.gov/billssthisweek/20191216/BILLS-116HR1158SA-JES-DIVISION-D.pdf>.

² International Lesbian, Gay, Bisexual, Trans and Intersex Association, "State-Sponsored Homophobia: 2019," p. 15, Dec. 2019, <https://ilga.org/state-sponsored-homophobia-report>.

³ Human Rights Campaign, "The Precarious Position of Transgender Immigrants and Asylum Seekers," Jan. 4, 2019, <https://www.hrc.org/blog/the-precarious-position-of-transgender-immigrants-and-asylum-seekers>; Amnesty International, "No Safe Place," Nov. 2017, <https://www.amnestyusa.org/wp-content/uploads/2017/11/No-Safe-Place-Briefing-ENG-1.pdf>.

⁴ *Id.*

⁵ Center for American Progress, Sharita Gruberg, "ICE's Rejection of Its Own Rules Is Placing LGBT Immigrants at Severe Risk of Sexual Abuse," May 30, 2018, <https://www.americanprogress.org/issues/lgbt/news/2018/05/30/451294/ices-rejection-rules-placing-lgbtimmigrants-severe-risk-sexual-abuse/>.

⁶ *Id.*

⁷ *Id.*

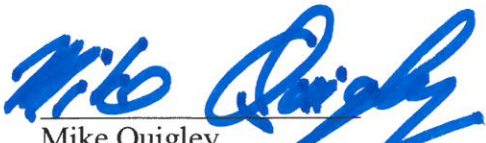
⁸ Hannah Critchfield, Phoenix New Times, "Migrants Inside ICE's Only Transgender United Decry Conditions," July 12, 2019, <https://www.phoenixnewtimes.com/news/transgender-migrants-decry-conditions-new-mexico-icedetention-11325981>.

⁹ Robert Moore, Washington Post, "Transgender woman migrant who had been in ICE custody dies after falling ill," June 2, 2019, https://www.washingtonpost.com/immigration/transgender-woman-migrant-who-had-been-in-ice-custody-dies-after-falling-ill/2019/06/02/d194528a-85a6-11e9-98c1-e945ae5db8fb_story.html.


¹⁰ *Id.*

We request a detailed plan, by January 27, 2020, for how ICE will comply with this requirement and semi-monthly reporting to demonstrate such compliance.

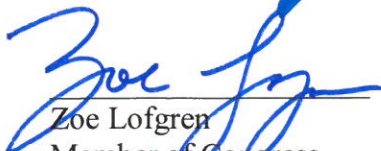
Sincerely,



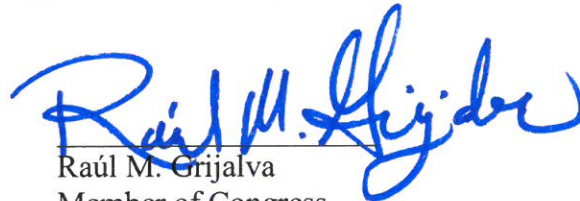
Mike Quigley
Member of Congress




Jerrold Nadler
Member of Congress




Zoe Lofgren
Member of Congress



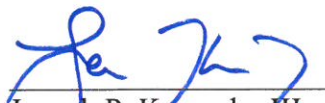
Raúl M. Grijalva
Member of Congress



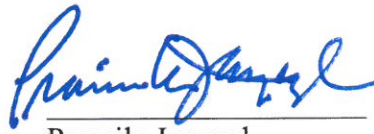
Bonnie Watson Coleman
Member of Congress



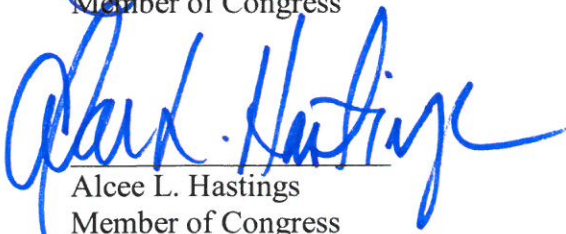
Eleanor Holmes Norton
Member of Congress



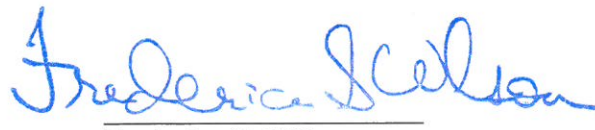
Joseph P. Kennedy, III
Member of Congress




Pramila Jayapal
Member of Congress



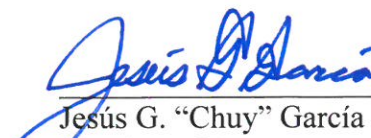
Alcee L. Hastings
Member of Congress



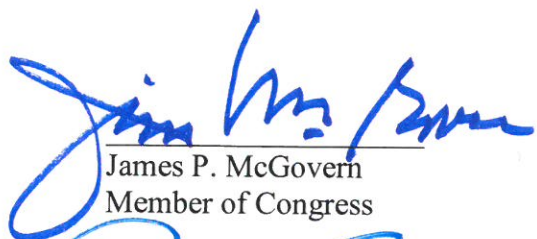
Frederica S. Wilson
Member of Congress

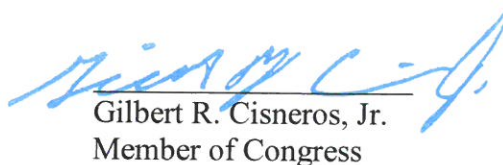


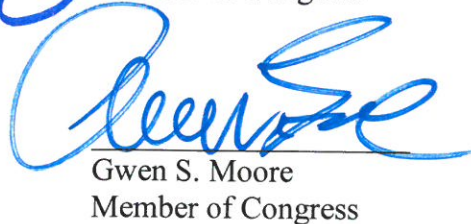
Mark Pocan
Member of Congress

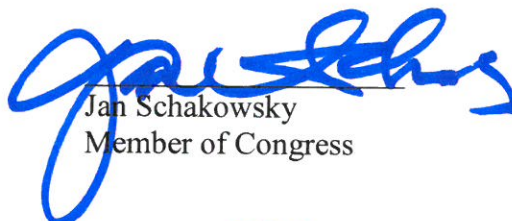


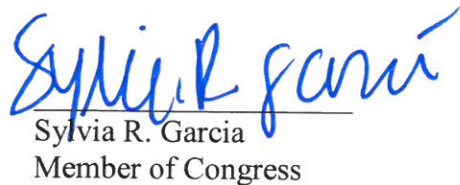
Jesús G. "Chuy" García
Member of Congress

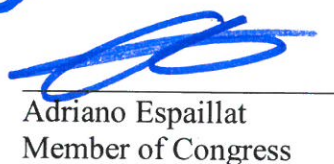

James P. McGovern
Member of Congress

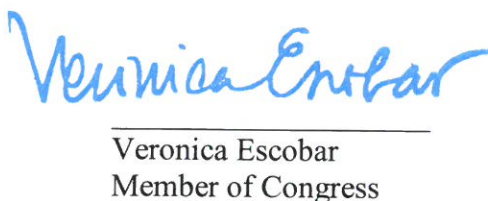

Gilbert R. Cisneros, Jr.
Member of Congress

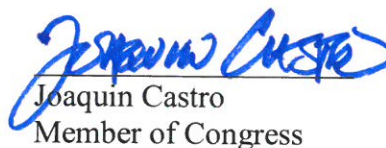

Gwen S. Moore
Member of Congress

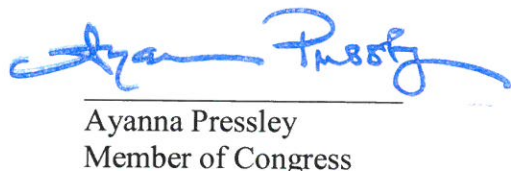

Jan Schakowsky
Member of Congress


Sylvia R. Garcia
Member of Congress

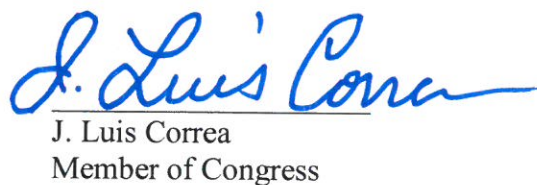

Adriano Espaillat
Member of Congress

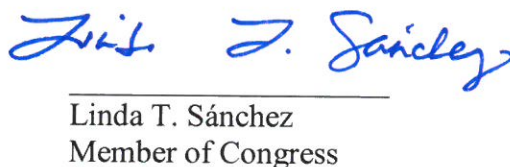

Veronica Escobar
Member of Congress


Joaquin Castro
Member of Congress

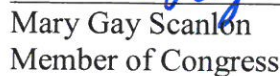

Ayanna Pressley
Member of Congress

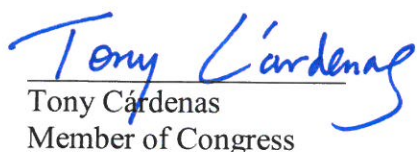

Nanette Diaz Barragán
Member of Congress

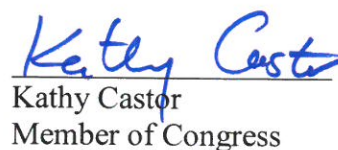

J. Luis Correa
Member of Congress

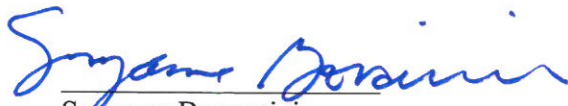

Linda T. Sánchez
Member of Congress


Barbara Lee
Member of Congress

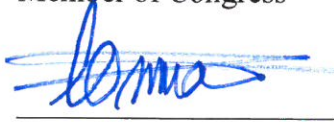

Mary Gay Scanlon
Member of Congress


Tony Cárdenas
Member of Congress

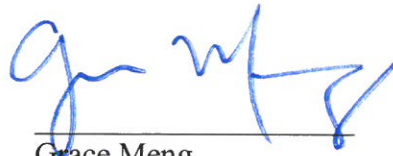

Kathy Castor
Member of Congress



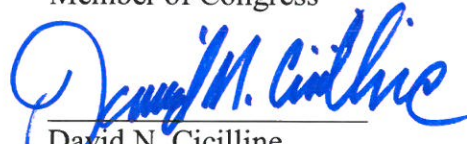
Suzanne Bonamici
Member of Congress



Ilhan Omar
Member of Congress



Grace Meng
Member of Congress



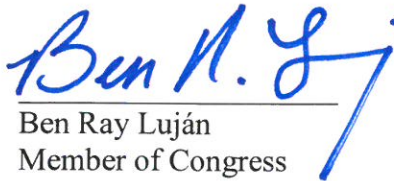
David N. Cicilline
Member of Congress



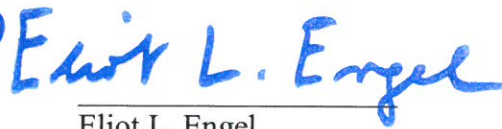
Jackie Speier
Member of Congress



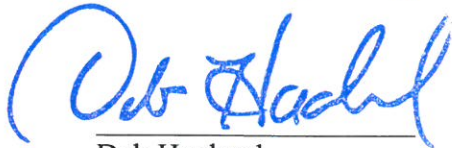
Madeleine Dean
Member of Congress



Ben Ray Luján
Member of Congress



Eliot L. Engel
Member of Congress



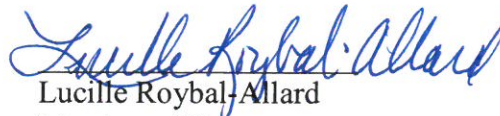
Deb Haaland
Member of Congress



Albio Sires
Member of Congress



Nydia M. Velázquez
Member of Congress



Lucille Roybal-Allard
Member of Congress



Rick Larsen
Member of Congress



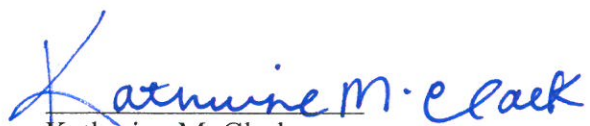
Alan Lowenthal
Member of Congress



Jamie Raskin
Member of Congress



Derek Kilmer
Member of Congress

A handwritten signature in blue ink that reads "Katherine M. Clark". The signature is written in a cursive style with a large, stylized "K" at the beginning.

Katherine M. Clark
Member of Congress