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 cisgender 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.

4 Id.
6 Id.
7 Id.
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

Gwen S. Moore  
Member of Congress

Geraldine Ferraro  
Member of Congress

Sylvia R. Garcia  
Member of Congress

Adriano Espaillat  
Member of Congress

Joaquin Castro  
Member of Congress

Veronica Escobar  
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 Cardenas  
Member of Congress

Kathy Castor  
Member of Congress
Katherine M. Clark
Member of Congress