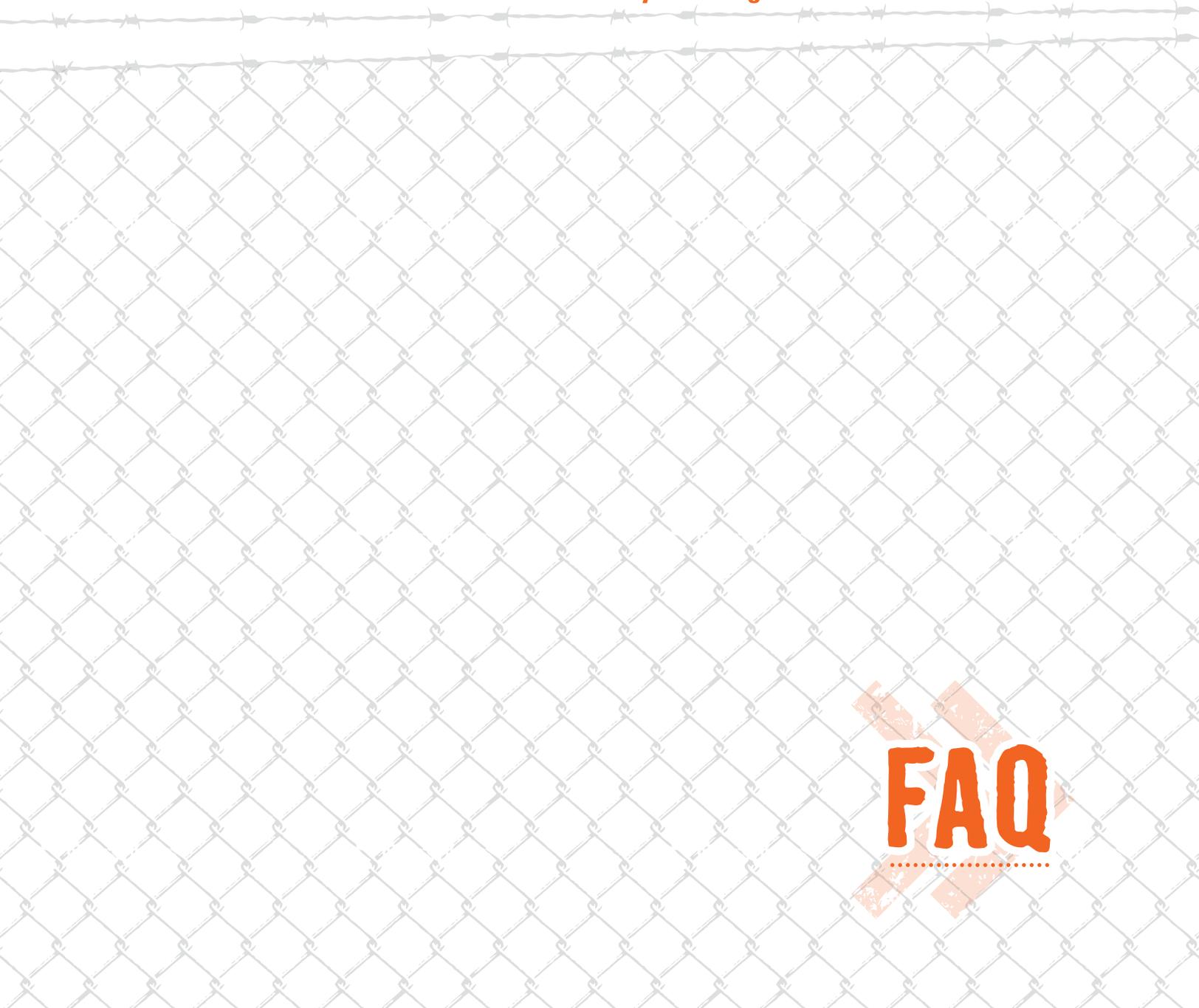


Homeland Guantanimos

The untold story of immigrant detention in the U.S.



FAQ



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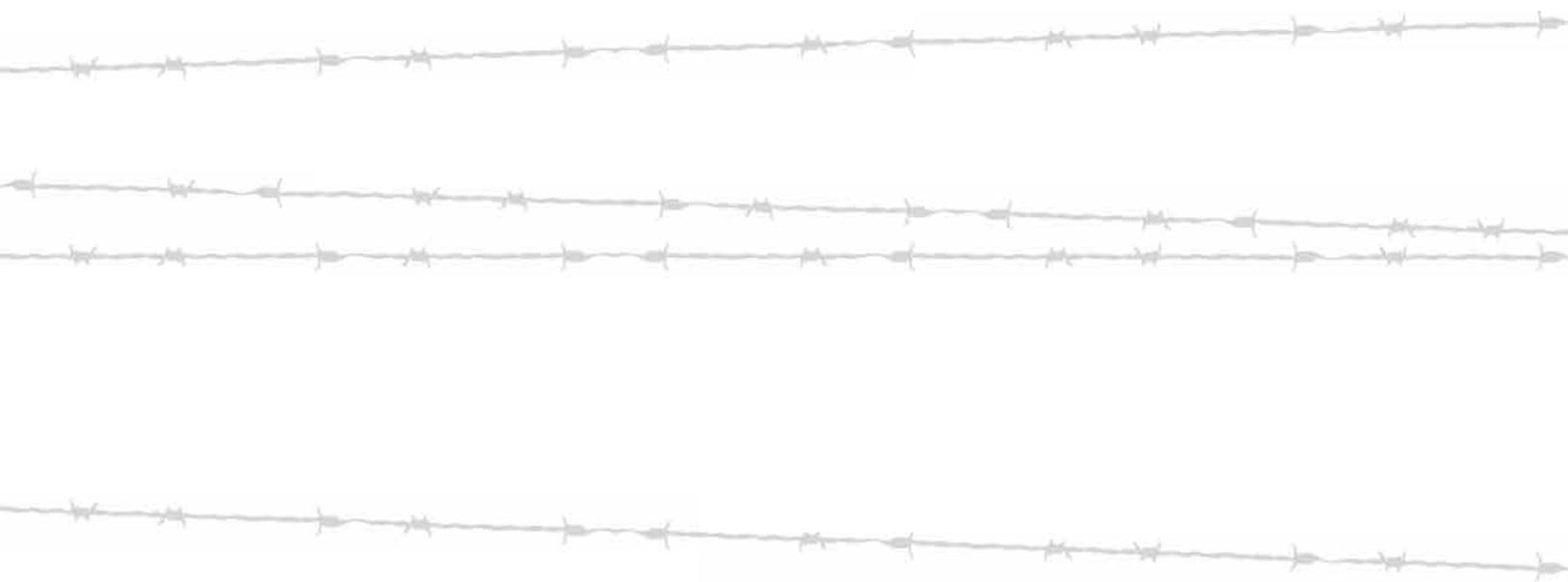
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Homeland Guantánamos

The untold story of immigrant detention in the U.S.

FAQ



WHAT IS IMMIGRANT DETENTION?



Immigrant Detention holds legal and undocumented immigrants indefinitely in inhumane conditions. They are detained until a court decides if he/she can stay in the United States or if they will be deported.



Immigrants are detained for a number of reasons: committing a crime, seeking asylum or having undocumented immigration status.



Immigrants in detention include: legal permanent residents, students, asylum seekers and undocumented people. Even vulnerable communities like the mentally ill, those that are HIV+, the LBGTQI community, women and families with children are detained.



Almost half the people in detention have never committed a crime and the rest committed a crime long ago, but already served time, or paid the fine. They are all in detention in non-criminal custody for violating immigration law.¹



Violation of immigration laws is a civil issue and immigrants detained during the legal process for this violation are in civil custody.



The 400 plus² immigrant detention centers are run by the Department of Homeland Security, which is the second largest law enforcement agency in the United States.



DID YOU KNOW?

From *Voices from Detention* - There are four different types of detention facilities: 1) Service Processing Centers (owned and operated by ICE), 2) Contract Detention Facilities (owned and operated by private corporations), 3) Intergovernmental Service Agreement Facilities (county and city jails), 4) Federal Bureau of Prisons Facilities.³

For more information on immigrant detention visit: <http://www.detentionwatchnetwork.org/>

WHY ARE WE COMPARING IMMIGRANT DETENTION TO GUANTANAMO?

Guantanamo in Guantanamo Bay, Cuba and immigrant detention centers in the United States seem far apart, but they both subject prisoners to unlawful, inhumane, degrading punishment that denies their due process and violates their human rights.



The controversial Guantanamo Bay Detention Camp, (often called “Gitmo”) is located on the shore of Guantanamo Bay, Cuba.



DID YOU KNOW?

There was a reason such a far location was selected: detainees were beyond the reach of U.S law. Legal memos show that the White House wanted to know how far they could “legally” go in interrogating prisoners.⁴



As of September 2008, almost 255 prisoners accused of ties to terrorist organizations are detained as “enemy combatants.” Many have been held for more than six years without charge and have no idea when or if they will be released.⁵



DID YOU KNOW?

The term, “enemy combatant” coined by the U.S. government has no legal definition, and does not exist in any international human rights treaties or the Geneva Conventions.⁶



Prisoners in Guantanamo have filed hundreds of petitions for Habeas Corpus (the right of a person not to be detained by the Executive without a lawful bias).⁷



The U.S. military has admitted that many of the men in Guantanamo do not belong there.⁸



From an active duty Guantanamo interrogator, “The U.S. is holding dozens of prisoners... who have no meaningful connection to al-Qaida or the Taliban and is denying them access to legal representation... there are a large number of people at Guantanamo who shouldn’t be there.”⁹

Like in Guantanamo, detainees in immigrant detention are:

- Held indefinitely, which causes extreme physical and psychological injury¹⁰
- Held in solitary confinement¹¹
- Exposed to extreme temperatures¹²
- Raped and sexually harassed¹³
- Denied medical treatment
- Shackled with handcuffs for prolonged amounts of time¹⁴
- Committing suicide in high numbers as a result of indefinite detention¹⁵
- Holding hunger strikes to protest conditions¹⁶
- Intimidated by guard dogs¹⁷

For more information on Guantanamo visit:
<http://ccrjustice.org/illegal-detentions-and-guantanamo>

HOW MANY IMMIGRANTS ARE IN DETENTION AND WHY?



Using the war on terror as a justification, the United States government has numerous broad, sweeping tactics to detain and deport immigrants, many of which violate due process and human rights.



The U.S. government now detains close to 300,000 immigrants a year, more than three times the number from nine years ago.²¹



30,000 legal and undocumented immigrants are detained on any single day.²³



Since 1998, almost 2 million²⁴ legal and undocumented immigrants have been deported, mostly for nonviolent offenses.



DID YOU KNOW?

Some of these tactics include:

Operation Endgame – Aims to “remove all removable aliens” from the U.S. by 2012. Congress has spent over 2 million dollars funding this operation.¹⁸

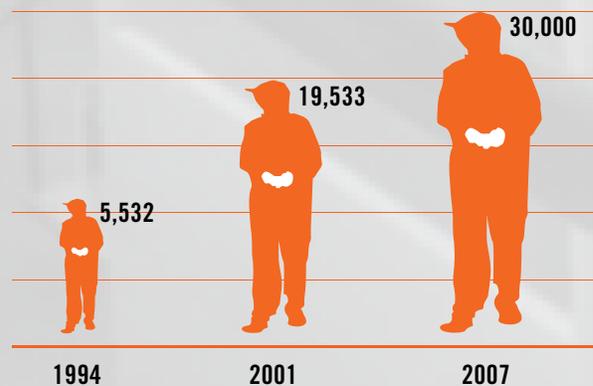
Catch and Return – Formerly, called, “Catch and Release,” speeds up the mandatory detention and removal of non-Mexicans.¹⁹

Operation Scheduled Departure – Rolled out in August 2008, the 457,000 immigrants facing deportation orders were asked to turn themselves in—only 8 responded. The operation was called off after three weeks.²⁰



The *Washington Post* reports that detention centers hold, “more detainees a night than Clarion Hotels have guests, operates nearly as many vehicles as Greyhound has buses and flies more people each day than do many small U.S. airlines.”²²

AVERAGE DAILY DETENTION POPULATION ²⁵



RAIDS



After 9/11, raids (rounding up and arresting immigrants unannounced) have greatly increased on worksites and in immigrant homes.²⁶



ICE sweeps – “the easy pickings,”²⁷ like factories and day laborer sites to detain and deport both legal and undocumented immigrants.



Immigration Attorney John Wilshire Carrera says about the government, “They are making a really concerted effort trying to justify their operations, saying it’s identity theft or a bunch of criminals... in reality they are going after people.”²⁸



Federal immigration officers do not use proper search warrants, but rather use fear and intimidation tactics to raid private homes as a way to round up immigrant families.²⁹



Attorney Patrick Gennardo says, “These aren’t fine lines between consent and storming in; these are scary, major violations of the Constitution.”³⁰

RAIDS IN THE NEWS

On May 12, 2008, **ICE arrested 389 workers at the Agriprocessors Inc. in Postville, Iowa.** Most of them from Guatemala and Mexico, made up of a third of all the residents living in the small town. **Workers made \$8 an hour, suffered six-day weeks and 13-hour shifts, but were still grateful for having work to support their families.**³¹ Many of them illiterate, having signed for ID’s when they were hired at the plant, **didn’t know they were committing identity fraud – they simply wanted to support their families.** From a citizen woman protesting outside the Postville Plant, **“This is not humane... there has to be a better way.”**³²

On August 25, 2008, **ICE agents carried out the largest raid in U.S. history, arresting almost 600 plant workers** at Howard Industries transformer plant in Laurel, Mississippi. John Foxworth, a lawyer representing one of the immigrants, discusses the scary, unannounced raid, “There was no communication, an immediate loss of any kind of news and a lack of understanding of what’s happening to their loved ones... **a complete and utter lack of helplessness.**”³³

WHAT'S IT LIKE IN IMMIGRANT DETENTION?

Because of the drastic increase in the numbers of people put in detention without a feasible plan, immigrants are suffering from grossly inhumane treatment, being abused and subjected to deplorable medical conditions.

HUMAN RIGHTS LAW SAYS

“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” (Articles 5 UDHR and 7 ICCPR)³⁴



Detainees, most in for nonviolent crimes, endure harsh medical conditions during their indefinite time in detention.



Common complaints include:

- Insufficient medical care or outright denial of medical services³⁵
- Lack of qualified mental health professionals³⁶
- Lack of privacy, unsafe showers for women³⁷
- Limited recreation, lack of windows³⁸
- Cells are dirty and have extreme temperatures³⁹
- Overcrowding; people are crammed into tight spaces⁴⁰
- No proper protection for “vulnerable” groups such as the LGBT or mentally ill⁴¹
- Weight loss as a result of lack of food/poor food quality⁴²
- The Bible is the only book allowed, which alienates other religions and cultures⁴³
- Lights on 24/7⁴⁴



Christina Powers, Attorney at The Florence Immigrant and Refugee Rights Project, tells the state of a detention center, “These cells are horrible, covered with fecal matter, there was a grate to go to the bathroom, they had given her 2 quilts, no mattress or pillow, graffiti everywhere.”⁴⁵



As a result of grossly inadequate medical facilities, the *Washington Post* has discovered since 2003, 83 people have died in detention. 30 of those are questionable deaths.⁴⁶ There have been more deaths since the *Post*'s 2008 article was released.

DID YOU KNOW?

ICE is not required to publicly report deaths, and it isn't known if a proper investigation takes place with regard to a death.⁴⁷



ICE has 38 detention standards that include guidelines for proper medical care, but they are not legally binding and can't be enforced.

DID YOU KNOW?

The Government Accountability Office (GAO) reviewed 23 detention facilities and found there was an excessive lack of medical care.⁴⁹



Detention centers only see detainees with medical emergencies, which leaves out all the medical non-emergencies, when left untreated can cause a serious illness, even death.⁵⁰



Many detainees have complained of discriminatory verbal remarks by the guards.



Detainees at the New Jersey Hudson County Jail reported being called, “faggots,” “motherf---ers,” “spicks,” “cockroaches,” and black detainees were called “monkeys.”⁵¹



Punitive punishment (like solitary confinement for complaining), is so harsh in immigrant detention, it is considered torture under international human rights law.⁵²



There is no official method for immigrants to file complaints, and when they are filed, they are often ignored.⁵³

STORIES

From **Conditions of Confinement in Immigration Facilities:**

A Haitian detainee in Wakulla County Jail in Florida, **complained about an abscess on his neck.** At the jail’s medical clinic a **physician, nurse and jail sergeant pinned him down. Without consent, the doctor cut open the abscess with a knife without anesthesia.** He was just given pain relievers. The detainee said, “I think this was abuse. **They treated me like an animal.**”⁵⁴

In 2007, a Swiss woman came into detention with a pre-existing triple ankle fracture. She was shackled and warned officers that this may irritate the injury. When stepping onto an ICE bus, **she tripped and fell and an ICE officer said, “I think I’m looking at a broken ankle.”** For the first month **she was only given ACE bandages and ibuprofen.** She was finally given an X-ray, but was placed in another detention center before finding out the results.⁵⁵

For more information on conditions in immigrant detention visit:
http://www.aclu.org/pdfs/prison/unsr_briefing_materials.pdf

WHAT'S WRONG WITH IMMIGRATION LAWS?

Broad immigration laws are mandatory and they detain legal and undocumented immigrants indefinitely, denying their due process and human rights. This is unconstitutional⁵⁶ and against what America represents.

HUMAN RIGHTS LAW SAYS

Mandatory and indefinite detention violate international laws that state it shall not be the general rule, release should be preferred with guarantees to appear for trial (Article 9-3 ICCPR)⁵⁷



All non-citizens (legal and undocumented immigrants) can be detained and deported for hundreds of minor and non-violent offenses, which are now called “aggravated felonies.”⁵⁸

DID YOU KNOW?

Shoplifting⁵⁹, jumping a turnstile and many other nonviolent “aggravated felonies” can get immigrants detained and deported.



If an immigrant is convicted of an aggravated felony there’s no way out—detention and deportation are mandatory.⁶⁰



Immigration laws are retroactive, which means immigrants that committed minor offenses decades ago before new laws existed, and have even paid their dues, can be detained and deported.⁶¹



Immigrants are detained for an unknown amount of time without knowing the status of his/her case.⁶²



84% of all detained immigrants do not have a lawyer.⁶³



Because of mandatory laws, judges cannot factor in the life a person has built, if they have a family, or how long they have lived in the United States.⁶⁴

For more information on immigration law visit: <http://www.hrw.org/reports/2007/us0707/>

WHY IS U.S. IMMIGRANT DETENTION VIOLATING HUMAN RIGHTS?



Human rights belong to everyone regardless of where they are born, place of residence, sex, race, religion, and any other differences.⁶⁵



The United States has been one of the biggest champions of human rights around the world and American values are based on respect for liberty, due process and human dignity.



International human rights law, no matter which country they come from or where they go, protects all migrants and immigrants.⁶⁶



While each government has the right to make its own immigration policies, countries are expected to respect international human rights in its policies and practices.



International human rights documents like the Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR) make up the International Bill of Human Rights.⁶⁷



Specific human rights laws (within the above) are being violated in immigrant detention:

- Right to liberty: Freedom from arbitrary detention⁶⁸
- Prohibition on torture and cruel, inhuman or degrading treatment⁶⁹
- Right to legal access and due process⁷⁰
- Right to food and medical care⁷¹
- Right to family unity⁷²



From Kofi Annan, Secretary-General of the United Nations, "Human rights are what reason requires and conscience demands. They are us and we are them. Human rights are rights that any person has as a human being. We are all human beings; we are all deserving of human rights. One cannot be true without the other."⁷³

For more information on immigrant detention and human rights visit:
<http://www.detentionwatchnetwork.org/humanrights>

WHO'S TO BLAME?

Department of Homeland Security (DHS)



In 2003, Congress created DHS, the second largest law enforcement agency in the country, to primarily “lead the unified effort to secure America” by preventing terrorism. However, DHS has branches that are responsible for arresting, detaining and deporting thousands of immigrants.

DID YOU KNOW?

From TRAC – A terrorist claim was made against only 12 (0.0015%) out of 817,073 individuals against whom the DHS has filed charges in the immigration courts.⁷⁴

Branches:

- The Bureau of Customs and Border Protection (CBP) controls borders.
- The Bureau of Immigration Customs Enforcement (ICE) is the largest investigative branch of DHS responsible for enforcing immigration laws within the United States.
- U.S. Citizen and Immigration Services (USCIS) is responsible for admitting, monitoring and assigning status to all immigrants within the U.S.

LOCAL ENFORCEMENT



Violating immigration law is a civil not a criminal violation, therefore immigration enforcement is the responsibility of the federal government. But, a program known as 287(g) gives immigration enforcement power to local police, resulting in broad, nonviolent arrests of immigrants.

Lawyer, Gregory Ramos says, “[287(g)] was sold as something to make the community safer by taking dangerous criminals off the streets. But it has been operated so broadly that we are getting pregnant women arrested for simple driving offenses, and we’re not getting rid of the robbers and gang members.”⁷⁵

Hightstown, New Jersey Mayor, Bob Patten said, “It’s not our responsibility as local police to implement these Nazi-style actions in the United States and just go around taking people off the street... Immigration is a federal, civil matter. It’s not our role.”⁷⁶

For more information on holding DHS accountable visit: <http://www.rightsworkinggroup.org/>

WHAT'S THE COST OF IMMIGRANT DETENTION?



The government spends 1.2 billion dollars detaining immigrants,⁷⁷ many who have not committed a crime.

DID YOU KNOW?

It costs between \$50-\$95 a day to keep people in jail – more than it costs to educate a child.⁷⁸

THE BUSINESS OF PRIVATE PRISONS



In 2003, there was a drastic increase in detaining and deporting immigrants, but DHS didn't have the space to house them. In 2005, DHS found a solution and started paying millions to private prisons to jail immigrants.⁷⁹



The largest and richest of the private prison companies, The Corrections Corporation of America (CCA) receives millions in contracts from DHS, which allowed them to open several facilities including the T. Don "Hutto" Residential Center facility in Texas that houses parents and their children.⁸⁰



CCA has been criticized for cutting corners in detention contracts to increase revenue at the expense of humane conditions.⁸¹



Because of all the money to be made from contracts with DHS, many more private prison firms are popping up.

DID YOU KNOW?

In 2006, in Willacy County in Texas, Utah-based Management and Training Corporation built an immigrant tent city that it leases to ICE for \$78 dollars a day. It houses 2000 immigrants in the same tents soldiers use in Iraq. Since then, the county has approved \$50 million for 1000 more immigrants.⁸²

FACTS AND FIGURES

CCA generated the most money in 2006 because ICE increased its need for detention beds from 19,500 to 27,500.⁸³

Because of DHS's demand for beds, CCA has been able to charge up to \$200 for beds at the Hutto family detention center—regular CCA prisons cost \$54 a day.⁸⁴

For 2008-2009 the ICE budget put aside \$250 million for detention beds, raising the number of beds to 32,000. But alternatives to detention like letting immigrants free with electric monitors or visits with case workers only received \$10 million.⁸⁵

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For more information on the cost of immigrant detention visit: <http://www.businessofdetention.com/>

HOW DOES IMMIGRANT DETENTION AFFECT VULNERABLE GROUPS?



The treatment of immigrants in detention is especially inhumane and vulnerable groups are not barred from this treatment.



DID YOU KNOW?

From the *Washington Post*, “The most vulnerable detainees, the physically sick and the mentally ill, are sometimes denied the proper treatment to which they are entitled by law and regulation. They are locked in a world of slow care, poor care and no care, with panic and cover-ups among employees watching it happen.”⁸⁷

HIV POSITIVE PATIENTS



Medical care for HIV+ detainees is delayed, inconsistent and puts their lives in danger.⁸⁸



Examples of inadequate health care:

- Failure to provide anti-retroviral medicine⁸⁹;
- Failure to conduct the right lab tests on time, viral load tests, and resistance tests⁹⁰
- Failure to provide treatment or prevention of infections such as pneumonia⁹¹
- Failure to ensure patient confidentiality, leaving them open for discrimination and harassment⁹²

STORIES

From **Human Rights Watch**⁹³:

Testimony of Peter R., a 43-year-old man who lived in the U.S. for 23 years detained at Hampton Roads Regional Jail:

“There seemed to be no system for giving us the AIDS drugs.”

Interview with Nargis, a 50-year-old woman serving time at York County Jail:

‘The doctor ‘recommended’ that I start treatment, but she wasn’t forceful about it so ICE ignored it. **I never went on [HIV/AIDS] medication at York.**’

Samuel L.’s letter to Human Rights Watch:

“I have heard complaints from other **detainees that are HIV positive that they don’t receive their medications on time** or they don’t administer them correctly... There were times **when it takes a week or two to get my medication**, which is very alarming since I need to get them on a daily basis. In general, **I don’t think the facility takes HIV patients/detainees and our needs very seriously.**”

For more information on HIV+ immigrants in immigrant detention visit: <http://www.hrw.org/reports/2007/us1207/>

FAMILIES



ICE used to place children in foster care when parents were detained. Congress wanted to promote “family values” so instructed ICE to stop separating families, so now they are placed together in family detention centers.⁹⁴



Starting in 2001, Berks Family Shelter Care Facility in Leesport, PA has held a small number of detainee families.⁹⁵ Since February 2007, the number of detained families has greatly increased. The U.S. has the space to hold 600 men, women and children in family units in detention centers.



In 2006, private prison company CCA opened the T. Don Hutto Residential Center in Taylor, Texas with 512 beds⁹⁶ as part of DHS’s Secure Border Initiative Family Custody Implementation Plan.⁹⁷

DID YOU KNOW?

The ACLU charged Hutto with keeping children in cells up to 12 hours a day, forcing them to wear prison garb, denied toys, privacy, and medical care.⁹⁸



There are no family detention center standards, they are governed by ad hoc policies.⁹⁹

Found at Hutto and Berks family detention centers¹⁰⁰:

- Hutto looks and feels like a prison with razor wire and prison cells
- Some families with young children have been detained for up to two years
- At night, children as young as six were separated from their parents
- In Hutto, pregnant women received inadequate medical care
- Detained children receive one hour of schooling a day
- Children were frequently sick and losing weight
- The centers place families in settings based on the criminal justice system

STORIES

From **“Locking up Family Values: The Detention of Immigrant Families”¹⁰¹**

Rebecca complained that her child suffered from repeated vomiting, but when “I asked for medical attention the staff told me that they would need to see vomit to believe that he was sick.”

Noreen, an asylum seeker who has been released from Hutto, recounted an incident in which a 6-year-old child cried when he was not allowed to take a picture he had colored into his room. **When the guard shouted at the child for crying, the child’s father intervened.** Noreen does not know exactly what happened next, but says that **the family—child, mother and father—were separated into different pods for three days** after the incident.

For more information on families in immigrant detention visit:
www.lirs.org/LockingUpFamilyValues.pdf

WOMEN



Women make up 10% of the immigrant detention population, with many having fled persecution or violence in their birth country.¹⁰²



Many women are asylum seekers escaping persecution or violence. In detention there's limited access to mental and medical resources for them to deal with their trauma.¹⁰³



Many women are a families' main caretaker, so when a mother is detained the whole family suffers.¹⁰⁴



Detained pregnant women report extreme problems obtaining health care and nutrition.¹⁰⁵

DID YOU KNOW?
Pregnant detainees have volunteered deportation even if they were allowed to stay legally, to ensure a healthy pregnancy.¹⁰⁶



Women are even detained weeks after giving birth and still nursing their newborn.¹⁰⁷



Women in detention face sexual assault and other abuse by both inmates and jail guards.¹⁰⁸

STORIES

From **Human Rights First**,¹⁰⁹

A Peruvian woman, who arrived in December 1999, **was handcuffed in front of her 9-year-old daughter** and taken to a county jail. **Her child – who was already traumatized from the persecution in Peru – was placed in a separate detention center. When the woman learned that if she wanted to apply for asylum she would be detained and separated from her child for longer, she withdrew her request for asylum and returned to Peru – even though she feared for their safety.**

From a letter sent to the Tahoma Organizer about the Northwest Detention Center:

“A few days ago, May 30th, two [pregnant] women were taken to the emergency room at St. Joseph’s Hospital in Tacoma. One woman had symptoms of abortion [miscarriage] while the other was in a very advanced stage of pregnancy of seven months. **The stress of being locked up, the insufficient**

medical attention, the hard beds, and not eating well enough caused these two women to end up in the hospital. **These two women were taken to the hospital in chains on both their feet and hands...** the officials taking them in didn't care."¹¹⁰

For more information on women in immigrant detention visit:
<http://www.immigrantjustice.org/>

MENTALLY ILL



From the *Washington Post* – “Treating mental illness is a challenge in any context, but inside this closed, overburdened world, some psychiatric patients undergo months and sometimes years of under-medication or over-medication, misdiagnosis or no diagnosis.”¹¹¹



In addition to lack of medical care, increasing numbers of detainees complain of lack of access to mental care professionals.¹¹²



DID YOU KNOW?

The ratio of staff to mentally ill detainees is out of balance. In prisons for the mentally ill, it was 1 to 10. But in immigration detention centers, it was 1 to 1,142.¹¹³



Poor treatment of the mentally ill violates U.S. and international laws and is considered cruel, inhuman and degrading.



DID YOU KNOW?

The Eighth Amendment gives the right to receive psychiatric and mental health care and to be protected from suicide.¹¹⁴



Facilities have been found to completely deny mental health care, which can lead to instability and compromise a persons safety.¹¹⁵



DID YOU KNOW?

According to an itemized report of detention center savings, four denials of care for manic-depressive psychosis saved, \$18,145.36 in one year.¹¹⁶



Immigrants that have faced torture or violence may be traumatized and need proper mental health care, but have trouble accessing proper treatment in detention.



Detention centers improperly use or overuse suicide prevention solitary confinement, such as isolating those that are having anxiety attacks.¹¹⁷



DID YOU KNOW?

Detainees have hidden their thoughts of suicide because they were afraid of being placed in solitary.¹¹⁸



Because of the cost of medications, facilities sometimes change prescription medication to a generic or alter the prescription altogether.¹¹⁹



If a mentally ill detainee does not have a family member as a representative in court then they will be represented by the head of the detention center where they are being held.¹²⁰



DID YOU KNOW?

The Northwest Immigrant Rights Project has found approximately nine immigrants in detention who turned out to be U.S. citizens. It is believed that they were mentally ill.¹²¹

STORIES

From the *Washington Post*:

Isaias Vasquez was diagnosed with paranoid schizophrenia in the early 1990s, long before he was placed in Pearsall immigrant detention. When he arrived, the staff misdiagnosed him claiming that he had an “unspecified personality disorder.” **After his medicine was altered, he was greatly affected and placed on suicide watch.** It was reported that he “smeared feces throughout the suicide observation room and announced that he would kill himself, or God would do it for him.”¹²²

From **Conditions of Confinement in Immigration Detention Conditions:**

A mentally ill immigrant who tried to commit suicide was put in the “medical wing” of the Hampton Roads Regional Jail. This wing housed both mentally ill immigrants and mentally ill criminals. **He was given medicine, but was not getting better, even yelling, “I need to be in a hospital, not a jail!”** Even though he needed professional treatment, he was only given anti-psychotic medicine by the prison guards.¹²³

For more information on the mentally ill in immigrant detention visit:
<http://www.detentionwatchnetwork.org/node/872>

LBGTQI (LESBIAN, BI-SEXUAL, GAY, TRANSGENDER, QUEER, INTERSEX) COMMUNITY



Many LBGTQI detainees are already traumatized when they enter detention as a result of persecution for being “different” in their home countries, and face the same persecution or worse assault in detention.¹²⁴



From Christina Madrazo, a transsexual who was raped in detention, “I see it more as an immigration issue than a transsexual issue. Somebody comes to the U.S. and asks for asylum, and we put them in detention? That innocent person seeking asylum? Where she gets raped? Immigrants just can’t be treated that way.”¹²⁵



LBGTQI immigrants are harassed, abused and discriminated against in immigrant detention¹²⁶ by both officers and other detainees.¹²⁷



LBGTQI immigrants have been denied HIV treatment as well as hormone treatment in detention.¹²⁸



In reference to an HIV+ immigrant that died in detention, National Gay & Lesbian Task Force Executive Director says, “It’s pretty obvious what led to this: fear and loathing of a person who was HIV positive, transgender and an immigrant.”¹²⁹



Some detention centers aren’t sure where to put transgender detainees, so they put them in solitary confinement.¹³⁰



There are no standards or regulations to protect transgender detainees.¹³¹

STORIES

From **Human Rights Watch**:

From Amber, born a woman in the Bahamas, but while living in the U.S. she had sex re-assignment surgery to become a man. In 2003, she faced a deportation order and was placed in immigration detention:

“When I was at Varick Street [Immigration Detention Center] they asked me tons of questions, and they strip-searched me. **They gave me two male guards even though I asked for a female guard... They’re rude to you,** and then they walk away and make the comments. **‘Yeah, he looks like a b****, but he’s a dude.’** Relaying jokes, about trans-women they had seen—‘I saw a beautiful woman but then she sounds like Barry White.’ **Then, all the young officers come to your cell to take a look...**”¹³²

From rape survivor Mayra Soto, who was raped once in Mexico meets her fate again in detention in the United States:

I never expected that I would suffer a similar fate in the United States, a country that projects an image of humanity and tolerance and which has traditionally been respected as a model of freedom... On December 19, 2003, a few days after being transferred to the San Pedro detention center, I was taken to see my lawyer. Because she was with another client at the time, I was placed in a locked holding cell. While I waited in the cell – which was directly adjacent to the interview room – an immigration officer came in with his pants unzipped and told me, “I was going to suck him off.” He checked the hall to make sure nobody was around, then re-entered the cell and forced me to perform oral sex.¹³³

Accounts on outrage of the death of Victoria Arellano:

Victoria Arellano, 23, an HIV positive Mexican transgender woman, died a slow, painful death after being repeatedly denied proper medicine. She was cared for by inmates when officials on hand wouldn't.¹³⁴ Legal Defense & Education Fund Executive Director Michael Silverman says, “Clearly she was someone who was openly transgender and presented herself as a female,” Silverman said. “There are a whole host of reasons to suggest abuse and outright refusal to provide care at play.”¹³⁵ Walter Ayala, in detention with Victoria says that other detainees repeatedly asked nurses to help Victoria. He says, “The nurse who responded was totally inhumane. She said, ‘Oh is that the same person you complained to us about before? The doctor hasn't approved any medication. Just give her Tylenol and water, and it'll go away.’¹³⁶

**For more information on LGBTQI immigrants in immigrant detention visit:
<http://www.immigrationequality.org/>**



FOOTNOTES

FOOTNOTES

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