Chad Wolf  
Acting Secretary of Homeland Security  
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

January 21, 2020

Dear Acting Secretary Wolf and Acting Director Albence,

The undersigned non-profit organizations represent, advocate and/or work alongside immigrant members of the LGBTQ community, including transgender immigrants. We write to demand that Immigration and Customs Enforcement (ICE) come into compliance with the recently enacted 2020 Appropriations Act and accompanying report by immediately releasing all transgender people currently in ICE custody. Report language 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.”

It is our understanding that no ICE detention facility is currently operating in compliance with a formally modified contract per the 2015 memo. This congressional directive therefore obligates ICE to immediately release all transgender individuals currently in its custody.

Transgender immigrants are simply not safe in immigration detention. This new congressional directive reflects and affirms the long history of community advocates demanding an end to the

2 Through publicly available information, it is unconfirmed whether the contract at the Prairieland Detention Center in Alvarado, Texas has a valid modification per the 2015 memo. However, regardless of whether a contract modification is nominally in place, it is our understanding that operationally the facility is not in compliance with the requirements of the 2015 memo including, for example, the extended use of medical segregation without adequate justification.
imprisonment of transgender immigrants. Despite years of documented abuses against transgender migrants in custody ranging from transphobic harassment to sexual assault to medical negligence, ICE has persisted in its practice of detaining transgender individuals and failed to meet up to the standards of care set forward in its own 2015 directive. Over the past year alarming details have come into public view regarding ICE’s routine use of solitary confinement for so-called protective purposes, subjecting transgender people to severe isolation, physical and mental health deterioration, and increased risk of abuse, because of their gender identity.

Our clients and members who have endured immigration detention carry their trauma with them. Most spent months or even years in ICE custody despite having strong claims to relief and a community sponsor or loved one ready and waiting to provide them with housing and support.

Kelly Gonzalez Aguilar is a transgender asylum seeker who has been in ICE custody for more than two years despite her clear eligibility for release on parole. Because of her gender identity, Kelly has experienced violence and hatred since she was a child in Honduras. Her experience in ICE custody is a continuation of the trauma she fled when she sought refuge in the United States. Prior to her transfer to the Cibola Correctional Center in New Mexico, where she is currently detained, Kelly was held for months in solitary confinement in a rural Louisiana jail for no reason other than her gender identity. Now having spent more than 600 days in detention, Kelly’s physical and mental well-being continues to deteriorate.

For Kelly and other transgender immigrants in custody, every additional day in ICE custody brings with it the risk of fresh abuses and harm. We ask that you immediately comply with the requirements imposed upon ICE by Congress and release all people who identify as transgender from ICE custody into the community on recognizance or through alternative to detention programming.

With questions, please contact Heidi Altman at the National Immigrant Justice Center at haltman@heartlandalliance.org.

Sincerely,

American Civil Liberties Union
ACLU of Arizona

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Mycelium Youth Network
National Asian Pacific American Women's Forum (NAPAWF)
National Center for Lesbian Rights
National Center for Transgender Equality
National Council of Asian Pacific Americans
National Council of Jewish Women
National Equality Action Team
National Immigrant Justice Center
National Immigration Law Center
National Korean American Service & Education Consortium (NAKASEC)
National Latina Institute for Reproductive Health
National Lawyers Guild
National LGBTQ Task Force
National Survivor Network
NorCal Resist
Oasis Legal Services
OCA - Asian Pacific American Advocates
OneAmerica
Positive Women's Network-USA
Prisoners' Legal Services
Public Counsel
Queer Detainee Empowerment Project
RAICES
Resonance Network
Revolve Impact
Rocky Mountain Immigrant Advocacy Network
Santa Fe Dreamers Project
St. James Infirmary
Tahirih Justice Center
The Advocates for Human Rights
The Bronx Defenders
The Florence Immigrant & Refugee Rights Project
The Southern Poverty Law Center
The Trevor Project
Trans Queer Pueblo
Transgender Law Center
TransLatin@ Coalition
Unitarian Universalist Service Committee
United We Dream
UnLocal Inc.
URGE: Unite for Reproductive & Gender Equity
Vermont Network Against Domestic and Sexual Violence