

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 12<sup>th</sup> 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.”<sup>1</sup> It is our understanding that *no* ICE detention facility is currently operating in compliance with a formally modified contract per the 2015 memo.<sup>2</sup> 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.<sup>3</sup> This new congressional directive reflects and affirms the long history of community advocates demanding an end to the

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<sup>1</sup> House Report 116-180, 116<sup>th</sup> 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/billsthisweek/20191216/BILLS-116HR1158SA-JES-DIVISION-D.pdf>.

<sup>2</sup> 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.

<sup>3</sup> 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/>.

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.<sup>4</sup> 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.<sup>5</sup>

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](mailto:haltman@heartlandalliance.org).

Sincerely,

American Civil Liberties Union  
ACLU of Arizona

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<sup>4</sup> Jack Herrera, *Pacific Standard Magazine*, "Why are trans women dying in ICE detention?," June 4, 2019, <https://psmag.com/social-justice/why-are-trans-women-dying-in-ice-detention>; 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>.

<sup>5</sup> Hannah Rapple, et al., NBC News, "Thousands of immigrants suffer in solitary confinement in U.S. detention centers," May 21, 2019, <https://www.nbcnews.com/politics/immigration/thousands-immigrants-suffer-solitary-confinement-u-s-detention-centers-n1007881>.

Al Otro Lado  
Alianza Americas  
Alianza Nacional de Campesinas  
American Friends Service Committee - Colorado  
Antena Los Angeles  
Asian Americans Advancing Justice | AAJC  
Asian Pacific American Labor Alliance, AFL-CIO  
ASISTA  
Brooklyn Defender Services  
California Coalition for Women Prisoners  
Center for American Progress  
Center for Gender & Refugee Studies  
Center for Victims of Torture  
Centro Legal de la Raza (Oakland, CA)  
Colorado Immigrant Rights Coalition  
Council for Global Equality  
Detention Watch Network  
Empowering Pacific Islander Communities (EPIC)  
End Domestic Abuse Wisconsin  
Entre Hermanos  
Equality North Carolina  
Familia: Trans Queer Liberation Movement  
First Friends of New Jersey and New York  
FORGE, Inc.  
Free Migration Project  
#FreeToo Rising  
Freedom for Immigrants  
Gathering Strength Project  
Girls for Gender Equity  
Human Rights Campaign  
Immigrant Defense Project  
Immigration Equality  
ISLA Immigration Services & Legacy Advocacy  
Just Detention International  
La Resistencia  
Lambda Legal Defense and Education Fund, Inc.  
Los Angeles LGBT Center  
Mid-South Immigration Advocates  
Million Hoodies Movement for Justice  
Minnesota Indian Women's Sexual Assault Coalition  
MomsRising  
Move to End Violence

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

Violence Intervention Program, Inc.  
Washington Immigrant Solidarity Network  
Whitman-Walker Health  
Women of Color Network, Inc.  
Women's Refugee Commission