

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500
United States of America
December 16, 2014

Dear President Obama,

We, the undersigned lesbian, gay, bisexual, transgender, and queer (LGBTQ) and allied immigration law and social justice organizations, write to urge you to swiftly act on behalf of transgender women and other LGBTQ people detained by the Department of Homeland Security (DHS) and Immigration and Customs Enforcement (ICE). The situation for transgender women in particular, who are held in all-male ICE detention facilities, is a humanitarian catastrophe of sexual violence and solitary confinement that must end. As a champion of LGBTQ equality and a powerful advocate against sexual violence, we call on you to end it.

Mr. President, we welcome the measures announced earlier this month that will provide temporary relief for some groups of immigrants. Unfortunately, limitations based on family ties and criminal records mean that relatively few LGBTQ immigrants are likely to benefit from this relief. Further actions are therefore urgently needed to address the terrible suffering of our detained community members. Specifically, we ask that DHS release detained transgender women and all other LGBTQ persons from immigration detention, including by treating alternatives to detention (ATDs) as a form of custody for those who are subject to mandatory detention. ICE has repeatedly demonstrated that it is unwilling or unable to house LGBTQ immigrants safely, and without resorting to prolonged and damaging solitary confinement.

Many of our community members are detained come to the United States out of desperation as asylum-seekers. We flee from countries such as Uganda, Honduras, Jamaica, and Russia where violence against gays, lesbians, bisexuals, transgender and queer people has surged and left many with little choice but to uproot in order to save ourselves.

Johanna, a transgender woman from El Salvador, is just one of many members of our community who has escaped from such violence. She left for the United States after she was gang-raped. After living in the U.S. for twelve years, Johanna was apprehended by ICE and placed in an all-male detention facility. While in the facility, Johanna was beaten and sexually assaulted by another detained immigrant. Unable to bear the conditions of her detention, she elected to self-deport. Life in El Salvador quickly became too dangerous for her and she returned to the U.S., crossing the border where she was apprehended by the Border Patrol. After being sentenced for illegal reentry, Johanna was sent to an all-male federal prison and was held in solitary confinement for seven months before being deported back to El Salvador for a second time. Upon her arrival at the airport in San Salvador, she was kidnapped and gang-raped. When Johanna reported the crime to the police, they refused to help her and suggested that the men should have killed her. Soon after, she fled to the U.S. for a third time and was once again arrested by Border Patrol, sentenced and imprisoned for four and half months in federal prison for illegal reentry. Afterward, she was transferred to an all-male ICE detention center where she was held for six months.

Johanna ultimately won withholding from removal due to the severe violence and persecution she experienced in El Salvador, but not before suffering the additional trauma of solitary confinement, detention, and multiple deportations, which may have cost the U.S. government as much as \$50,000. If she had been released or if ATDs had been used in the first instance, Johanna would likely have been spared from repeated sexual assaults and months of solitary confinement in U.S. federal prison and immigration custody. Johanna's harrowing experience is not an isolated occurrence. Her ordeal exemplifies that of many LGBTQ people fleeing to the U.S. from violence in Central America and around the globe.

You have made the phrase "1 is 2 Many" the centerpiece of the Administration's campaign against sexual assault, which we commend. That motto is just as true in detention centers as on college campuses—and immigration detention is under the control of this administration. It is well-known that we LGBTQ people are at extreme risk of assault while incarcerated. Surveys by the Department of Justice have found that LGBTQ people face sexual assault at up to ten times the rate of other incarcerated people. A California study found that transgender women held in men's prisons were thirteen times more likely than the general population to be raped. While the Government Accountability Office (GAO) recently found serious problems with ICE's reporting and investigations of sexual assault, a truly shocking 20% of the substantiated assaults reviewed by GAO involved transgender victims—a group making up less than 1% of the population.

After six years of sustained advocacy on the part of many of the undersigned organizations, detained LGBTQ people continue to experience extraordinary rates of pervasive physical and sexual abuse in ICE custody. New rules calling for "individualized" housing decisions and use of solitary as a "last resort" have not led to any perceptible changes in the actual conditions facing detained LGBTQ immigrants. Our community members are still subjected to prolonged, damaging isolation that fails to protect them from abuse, and transgender women continue to be housed in all-male jails and detention centers.

While ICE reports that time spent in segregation is down overall, reports show that LGBTQ people still languish for months in solitary confinement. A small number are kept in "LGBT pods" that are scarcely better and make them a collective target for harassment and arbitrary lockdowns. Only after suffering threats, assault, or deteriorating mental and physical health will ICE use its discretion to release detained LGBT immigrants.

Fortunately, the resolution to these horrific circumstances is straightforward and fully within your discretion, Mr. President: **DHS should adopt and immediately implement a policy against detaining LGBTQ people.** DHS and the Department of Justice have repeatedly recognized the vulnerability of LGBTQ people, both in the context of country of origin and in detention centers, but DHS/ICE has failed to protect us. In a November 20 memo, DHS has already recognized that detention resources should not be used for certain vulnerable populations, and any other population whose detention is not in the public interest. In the case of LGBTQ immigrants, the agency cannot continue to maintain inhumane detention conditions and waste millions of dollars detaining a vulnerable population that is overwhelmingly eligible for relief.

Mr. President, as a champion of LGBTQ equality and an advocate against sexual violence, we urge you to act justly for detained LGBTQ immigrants who seek only safety in the United States.

Sincerely,

Advocates for Informed Choice
AIDS Legal Referral Panel (CA)
American Friends Service Committee
American Immigration Lawyers Association
Arcoiris Liberation Team (AZ)
Arizona Queer Undocumented Immigrant Project
Asian American Resource Workshop
Asian Americans Advancing Justice/AAJC
Asian Pacific Islander Equality – Northern California
Association of Asian Pacific Community Health Organizations
Association of Latino/as Motivating Action (IL)
Astraea Lesbian Foundation for Justice
California Immigrant Youth Justice Alliance
Casa Ruby (DC)
Causa Justa/Just Cause (CA)
Chicago Religious Leadership Network
Coalition for Humane Immigrant Rights of Los Angeles
Coalition to Abolish Slavery & Trafficking
Coloradans for Immigrants Rights
Colorado Immigrant Rights Coalition
Community Initiatives for Visiting Immigrants in Confinement (CIVIC)
Community United Against Violence
Conversations with Friends (MN)
Courage Campaign
Detainees Friends Project
Detention Watch Network
Dolores Street Community Services
Dream Team Los Angeles
El Pueblo, Inc. (NC)
El/La Para TransLatinas
Ella Baker Center for Human Rights
Enlace
Equality New Mexico
Faithful Friends – Amigos Fieles (CA)
Familia: Trans Queer Liberation Movement
Families for Freedom
Florence Immigrant & Refugee Rights Project
Florida Institutional Legal Services Project of Florida Legal Services
FORGE, Inc.

Forward Together
Gay & Lesbian Advocates & Defenders
Gay & Lesbian Center Bakersfield
Gender Rights Advocacy Association of New Jersey
GetEQUAL
Gay-Straight Alliance Network
Immigration Equality
Immigrant Youth Coalition
Inland Empire Immigrant Youth Coalition
Iraqi Refugee Assistance Program
Keshet
Latino Advocacy
Lavender Youth Recreation and Information Center
LGBTQ Immigrant Rights Coalition of Chicago
Los Angeles Immigrant Youth Coalition
Mariposas Sin Fronteras
National Alliance of Latin American and Caribbean Communities
National Asian American Pacific Islander Mental Health Association
National Asian Pacific American Bar Association
National Asian Pacific American Women's Forum
National Center for Lesbian Rights
National Center for Transgender Equality
National Coalition of Anti-Violence Programs
National Immigration Law Center
National Korean American Service and Education Center
National Latina Institute for Reproductive Health
National Lawyers Guild – UC Davis School of Law Chapter
National LGBTQ Task Force
National Prison Divestment Campaign
National Queer Asian Pacific Islander Alliance
New York Legal Assistance Group
Immigration Project Unit & LGBTQ Law Project
New Jersey Action 21
New Jersey Communities United
North Carolina Justice Center
Northwest Immigrant Rights Project
One Colorado
Organized Communities Against Deportations
Our Family Coalition
Out4Immigration
Pangea Legal Services
PFLAG National
Presente
Queer Detainee Empowerment Project
Queer Undocumented Immigrant Project
Racial Justice Action Center

Reformed Church of Highland Park, NJ
Salvadoran American National Network
Sex Workers Project of the Urban Justice Center
Solutions NOT Punishment Coalition
Somos Familia Valle
South Asian Americans Leading Together
Southeast Asia Resource Action Center
Southerners on New Ground (SONG)
Tennessee Transgender Political Coalition
TGI Justice Project
The Civil Rights Agenda
Third Wave Fund
Trans Student Educational Resources
Transgender Resource Center of New Mexico
Transgender Law Center
TransLatin@ Coalition
Unidad Latina en Accion
Unitarian Universalist Association
United Latin@ Pride
United We Dream
University of New Mexico Dream Team
Wilco Justice Alliance
Worker Justice Center of New York
Young Women United
Youth Empowerment Pride Project