# ICE Urged to Release Transgender and HIV-Positive Asylum Seekers

"Transgender and HIV-positive people are severely suffering in U.S. immigration detention facilities," say activist groups.

June 21, 2021 By Trent Straube

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In a letter to U.S. officials, eight immigration advocacy groups demand that asylum seekers who are transgender or living with HIV be released from detention centers, where they are continually mistreated, sexually assaulted and killed.

The June 16 letter, which was first reported by the Washington Blade, was addressed to Alejandro Mayorkas, secretary of the Department of Homeland Security, and Tae D. Johnson, the acting director of Immigration and Customs Enforcement (ICE), and was signed by the following eight organizations:

- Center for Victims of Torture
- Familia: Trans Queer Liberation Movement
- Immigration Equality
- Mijente
- National Center for Lesbian Rights
- National Immigrant Justice Center
- Santa Fe Dreamers Project

- Transgender Law Center

Titled “Re: The Abuse of Transgender and HIV-Positive People in Detention,” the letter begins:

> As you know, transgender and HIV-positive people are severely suffering in U.S. immigration detention facilities. Those who do not perish from mortally deficient medical negligence are regularly mistreated, isolated, and sexually assaulted. For years, the Department of Homeland Security (“DHS”) has attempted to create conditions of confinement that are safe for these historically disenfranchised minorities. This has been a fool’s errand. Under both Democrat and Republican leadership, DHS has wasted millions of taxpayer dollars attempting to overcome a simple and inevitable truth: it is not possible for the U.S. government to house transgender and HIV-positive asylum seekers safely. Every progressive policy, every well-meaning protocol, and every specialized facility has utterly failed. This has to stop. It is in your exclusive power to put an end to this ongoing human rights atrocity.
>
> What makes this situation even more intolerable, is that the vast majority of the transgender and HIV-positive people suffering in immigration detention fled to the U.S. to escape persecution and torture. To these asylum seekers, the U.S. is more than a symbol of liberty. It is one of the few places in the world where they may hope to build a safer future. And yet, by detaining trans and HIV-positive people in such inhumane and unsafe conditions, the U.S. government is subjecting them to some of the same kinds of mistreatment they sought to escape.

In what has seemingly been viewed as an insensitive and perhaps cynical move, ICE took to social media this month to show support of LGBTQ Pride. Several advocacy groups, such as Lambda Legal and Immigration Equality responded by pointing out ICE’s treatment of LGBTQ asylum seekers.

> During #PrideMonth, let’s also recognize—NOT DETAIN—the LGBTQ and HIV+ asylum seekers fleeing the violence, assault, forced marriage and death threats they’ve endured in order to love and be free ????????⚧???????? https://t.co/hHhQexh1KB
>
> — Immigration Equality (@IEquality) June 16, 2021

To bolster their case to the U.S. officials, the advocates' letter details numerous instances of medical malpractice and preventable deaths. One such case is that of Roxsana Hernández, a transgender Honduran woman who had HIV and who died in ICE custody in 2018. Another is Johana "Joa" Medina León, a transgender woman from El Salvador with HIV who died three days after ICE released her.

> LGBTQ+ people when ICE tries to enter the #Pride chat: pic.twitter.com/ekZ6OvCDYI
>
> — Lambda Legal (@LambdaLegal) June 16, 2021

According to the letter, immigration advocates had presented the Department of Homeland Security a "pathway to release all transgender and HIV-positive people. However, despite the long and well-documented history of abuse, DHS has not taken any comprehensive action, proposing instead to resume the status quo of reviewing individual cases on an ad hoc basis."

The letter continues:

> The status quo is intolerable and is killing our communities. A case-by-case approach is doomed to fail as it has in the past. DHS must act to immediately and meaningfully reform its policies or transgender and HIV-positive people will continue to be mistreated, sexually assaulted, and killed. DHS has the tools. What it appears to lack is the will to take action. Transgender and HIV-positive asylum seekers do not have time to wait for incremental changes in policy. DHS must act immediately to:
>
> 1. Require Immigration and Customs Enforcement ("ICE") and Customs and Border Protection ("CBP") to immediately release all transgender and HIV-positive people in their custody;
>
> 2. Review its system for identifying transgender and HIV-positive individuals, and work with stakeholders to ensure that it is effective and safe; and
>
> 3. Create a policy that deems all transgender and HIV-positive individuals non-detainable.

The letter concludes:

For years, immigrants' rights organizations have warned DHS that throwing asylum seekers in prisons is dangerous and irresponsible. Numerous reports have documented the types of inhumane detention conditions described below. In response, the government has implemented ineffective half-measures over time that were destined to fail. No amount of tinkering will reform the carceral system that is fundamentally at odds with protecting vulnerable populations. The only logical solution is to release transgender and HIV-positive asylum seekers from immigration detention altogether. The past tragedies cannot be undone. However, DHS can make sure they are not repeated in the future.

This October 2019 POZ cover story explores immigration and HIV.

To better understand the intersection of immigration and HIV, check out the POZ cover story "Yearning to Breathe Free," which includes personal testimonies from immigrants and advocates.

And last fall, POZ profiled LatinX+, a new grassroots network of Latinos in the United States and Puerto Rico living with HIV and defining their own agenda. To learn more about LatinX+, read "Speaking With a Collective Voice."

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