How U.S. Immigration Policy Killed Johana Medina León

A trans woman with HIV, she fled persecution in El Salvador—then died after detainment in ICE's "LGBTQ pod."

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Six months ago, Johana Medina León left her home in El Salvador to find refuge in the United States. As a transgender woman living with HIV in a country where the LGBT community is frequently terrorized by homophobic and transphobic violence, Medina León felt as if her only chance for survival was to seek asylum in America. What Medina León actually found in the United States was not asylum, but inhumane treatment and negligent medical care while in Immigration and Customs Enforcement (ICE) custody, such that she eventually pleaded to be deported back to El Salvador so she could receive basic medical care. Her deportation request was rejected. It would only be a matter of days until Johana Medina León was dead.

The details of Medina León's mistreatment at the hands of U.S. authorities are a disturbing and tragic reminder of the systemic abuse that immigrants—particularly LGBTQ immigrants—may encounter in ICE custody. In April of this year, Medina León arrived at the Paso Del Norte port of entry in El Paso, Texas, with a Humanitarian Visa from the Mexican government to formally seek asylum in the United States as a transgender woman fleeing persecution in her home country. In response, Customs and Border Patrol officials (CPB) reportedly accused her of not being a transgender woman because she had male genitalia, before eventually sending her to the ICE Otero County Processing Center in New Mexico.

As of right now, Otero is the only ICE facility that has a designated "LGBTQ pod" for housing transgender immigrants. It is a privately run facility owned by the for-profit prison company Management and Training Corporation, which has been one of the prime beneficiaries of the administration's attacks on immigrant populations. And, while it is ostensibly designed to cater to LGTBQ detainees, the actual experiences of LGBTQ immigrants at the facility tell a different story.

Shortly before Medina León arrived at Otero, The American Civil Liberties Union of New Mexico, the Santa Fe Dreamers Project, and Las Americas Immigrant Advocacy Center penned a letter to ICE and the Department of Homeland Security alleging that transgender women at the facility are subject to routine sexual harassment and abuse from both other inmates and prison guards, with guards yelling transphobic commands at detainees like "Walk like a man! You better sit like a man!" and forcing transgender women to bathe and room with cisgender men who sexually harass

them. The letter also says that transgender women do not receive necessary medical care at the facility.

While it is unclear whether Medina León was harassment at Otero, it is painfully evident that she was denied necessary medical care. Feeling that her health condition was rapidly deteriorating, she asked staff at the facility to provide her with IV fluids, but her request was denied. Medina León, who was trained as a nurse in El Salvador, then asked for water, sugar, and salt so that she could prepare the fluids herself for her IV, but that request was also denied.

The exact timeline of what happened next is unclear. According to multiple news reports, Medina León complained of chest pains and asked for an HIV test on May 28, at which point she was taken to Del Sol Medical Center in El Paso. At the same time, a press release from the law firm that is filing a claim against the federal government for her death says that Medina León was found unconscious by the staff at Otero on May 23 or 24 and then taken to the hospital. No mention of the HIV test was made by the law firm and it is not clear whether or not Medina León was aware of her HIV status when she applied for asylum.

When she was dropped off at Del Sol Medical Center in exceedingly poor health, Medina León was also released from ICE custody. As a result, when she passed away on June 1, her death was not considered an "in-custody death," which has allowed ICE to avoid releasing a public report detailing investigations into what happened. In a public statement after news of her death became public, Corey A. Price, field office director for ICE Enforcement and Removal Operations in El Paso, used Johana Medina León's dead name and refused to take any responsibility for her death.

"This is yet another unfortunate example of an individual who illegally enters the United States with an untreated, unscreened medical condition," Price said, falsely asserting that Johana Medina León's asylum request was illegal. (The statement was later amended to remove the word illegal).

Medina León was the second transgender woman living with HIV to have died after spending an extended period of time in ICE custody. Last year, Roxsana Hernandez, a trans woman living with HIV from Honduras died from dehydration and complications related to HIV. Hernandez's death was precipitated by prolonged exposure to freezing temperatures in overcrowded cells referred to by detainees as "hieleras," or "ice boxes," as well as being denied adequate food, water, and medical care.

Under the Trump administration, 24 people have died while in ICE custody. That number does not include the death of Johana Medina León and it is hard to imagine that she is the only immigrant who has been released from ICE custody on death's door to avoid public scrutiny for the inhumane practices occurring at these detention facilities.

Over the past two years, not only have immigrants living with HIV died due to mistreatment under this Administration's watch, but federal HIV funding has been diverted from its intended purpose to detain thousands of immigrant children who are being separated from their families and irrevocably traumatized. There may have been a point in the past where immigration was not an issue that occupied much space in the minds and actions of HIV advocates in America, but that

time is long gone. AIDS United is proud to work alongside others in the HIV advocacy community to fight for the basic human rights of all immigrants in the United States and to make certain that our elected officials guarantee that those rights are provided.

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