



Why did the U.S. lock up these women with men?

A FUSION INVESTIGATION

The United States has long been a haven for those fleeing persecution and oppression. But today, the treatment for asylum seekers can be so terrible that some are asking to be sent back to the very countries they were escaping.

This includes women who are locked up alongside men, sometimes the very men they were trying to escape. They are forced to live with the men, even shower with them. Other times, these women are put in solitary confinement—its own form of torture—for months on end, all in the name of protecting them.

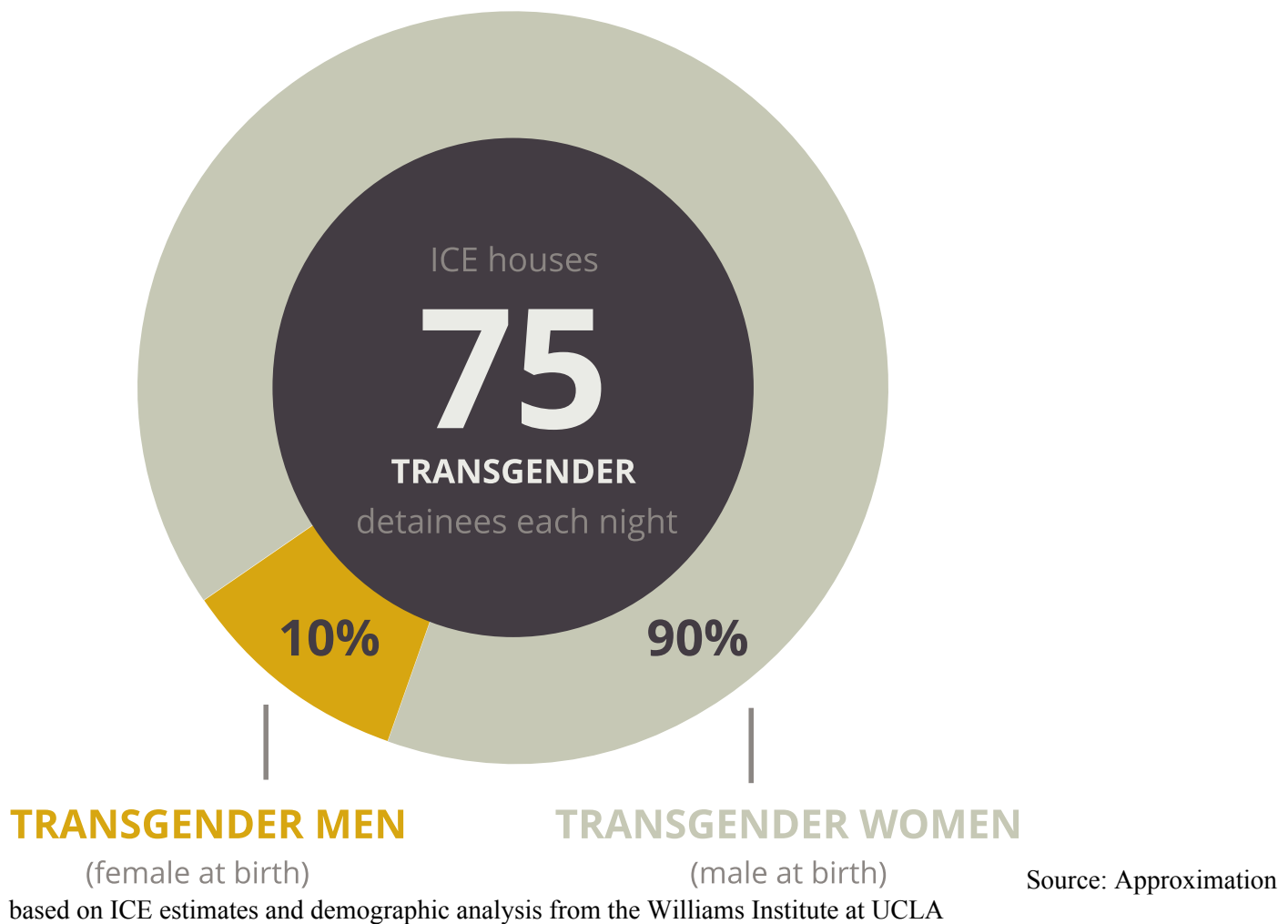
This is life for transgender women in U.S. immigration detention facilities.

Johanna Vasquez says being locked up was a nightmare. She was beat up by a male cellmate. Then, guards told her the only safe way to house her was solitary confinement. There, she sat in a 6-by-13-foot cell for 23 hours a day with no human contact and no view of the outside world. She waited for an asylum decision for seven months. By the end, she no longer recognized herself: her long brown hair had been cut off, her body started to change. She feared she was losing her mind as solitary took its toll.

A six-month Fusion investigation found that conditions for transgender women locked up by Immigration and Customs Enforcement (ICE) are often humiliating, dangerous, and even deadly.

On any given night, some 75 transgender prisoners are detained by ICE. A significant portion are women who have requested asylum, just like Johanna.

Locked Up Each Night



Vasquez was 16 when a man forced her into a field where a group of men made her take her pants off. They violently raped her as they held a machete to her neck, telling her that if she screamed they would kill her.

“Faggot, isn’t this what you like,” Vasquez remembers one of the men telling her as tears poured down her face. They told her they would kill her if they ever saw her again.

She fled to the United States, where she heard life for women like her would be better. But instead of finding asylum, she was caught up in an immigration detention system that she felt tortured her again. It was so bad in fact, that after seven months of being alone in solitary, she broke. She gave up. Vasquez asked immigration officials that she be deported back to the country she had fled 12 years after being sexually assaulted.

She arrived on a U.S.-chartered plane and as she was leaving the San Salvador airport ten gang members kidnapped her. They demanded she lower her pants. And she was gang raped again.



Immigration authorities claim they have one of the largest populations of trans women behind bars in the world. They tout their detention standards, released in 2011, as progressive and boast of “very high level sophisticated” training for guards to protect the transgender population.

By their own standards, placement of transgender detainees should not be based “solely on the identity documents or physical anatomy of the detainee.” The new rules encourage staff to consider detainees’ own gender identity. The same handbook says solitary confinement should be a last resort to house transgender people.

Some advocates say even the facilities that are supposed to follow the new rules, simply don’t. ICE responded that “[b]y definition ICE policy is required to be implemented, and has been.”

“All of these rules exist on paper and I never see them followed and when they are it’s only because ICE knows that journalists and lawyers are about to start calling,” said Olga Tomchin of the Transgender Law Center.

What makes ICE detainees different from prisoners is that they aren’t behind bars serving criminal sentences. Rather, they are locked up, waiting to see a judge who will decide whether or not they’ll be deported. A growing number of state and federal prisons across the country allow for transgender individuals to be housed based on their gender identity, regardless of their genitalia or sex at birth.

An immigration official said that he had never heard of a transgender woman being held with the female population in ICE detention.

“I’m not aware of any placement such as that,” said Andrew Lorenzen Strait, who works to improve LGBT friendly guidelines in ICE facilities. “That has not been something that has been a beneficial policy for housing classification.”

DETAINED WITH MEN

Barbra Perez was brought to the U.S. from Cuba when she was four years old. Today she lives in a small town just outside Nashville where she says no one has ever questioned her gender. She’s just another woman. But earlier this year she found herself locked up in a men’s detention facility. Inmates made obscene gestures at her and the guards meant to protect her called her the “it.”

Perez says fellow detainees saw her as the “closest thing they [had] to a woman,” which made her an immediate target. She says she’s “fortunate” to not have been assaulted in detention, because so many transgender women have become victims.

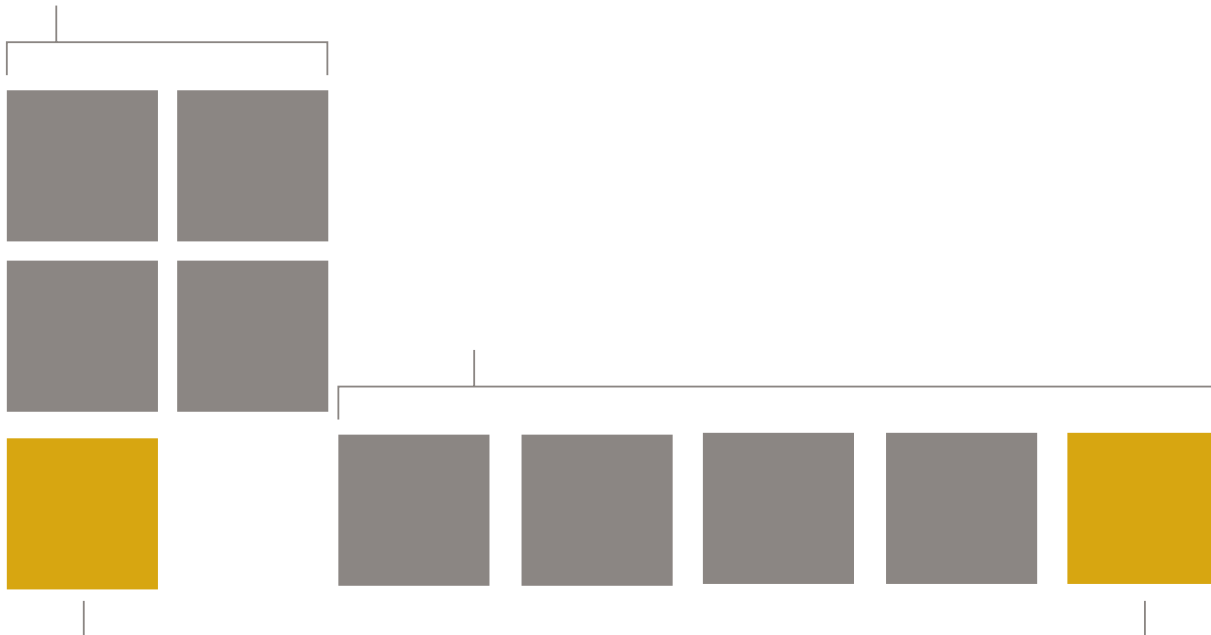
Women at Risk

Of every
500 detainees
in ICE detention



about
1 detainee
is transgender

Of every
5 victims
of confirmed sexual abuse in ICE detention



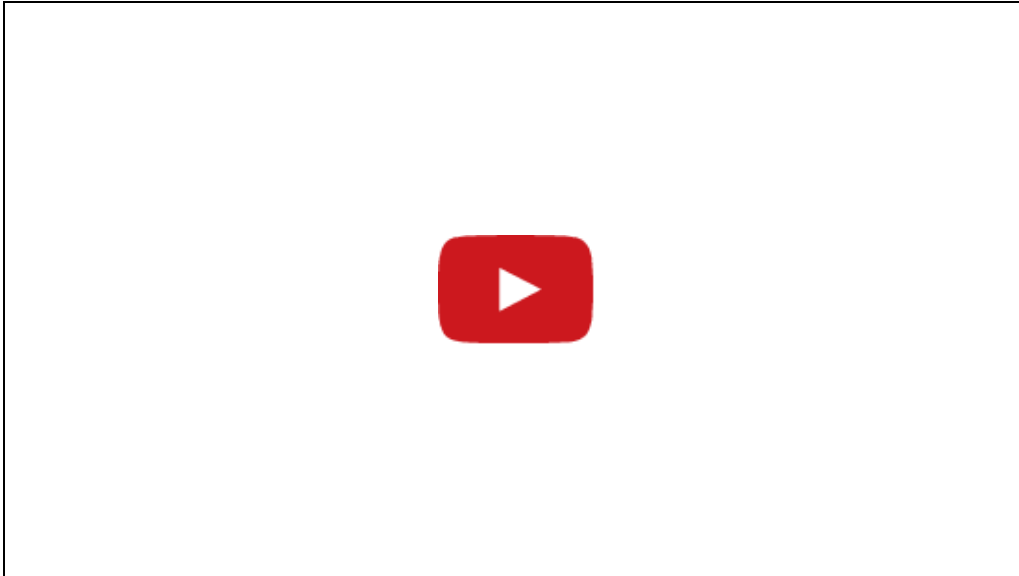
1 victim
is transgender

Source: Government Accountability Office Report, Immigration Detention, Additional Actions Could Strengthen DHS Efforts to Address Sexual Abuse

One fifth of all confirmed sexual assault cases in ICE facilities involved transgender victims, according to a recent investigation by the Government Accountability Office. Included in that report is the case of a guard who sexually assaulted a transgender detainee while she was in “protective custody.”

In another incident an ICE detention officer in Arizona forced a trans woman to take her shirt off, while he ejaculated into

a styrofoam cup and demanded that she drink his semen. He admitted to the abuse and served two days in county jail, while the victim remained in ICE detention for another five months awaiting her asylum hearing -- in a cell with men.



When Perez told a guard she was scared of the male inmates, they decided solitary was her best option. Like Vasquez, she was thrown into a cell alone.

“When you're in solitary confinement it starts to break you down,” Perez said of her 20 days in a cell alone. Desperation, anxiety and depression started to eat away at her will.

Over 300 people are in solitary confinement in ICE custody every night, including many trans detainees. The United Nations’ expert on torture, Juan E. Méndez, believes that indefinite and prolonged solitary confinement in excess of 15 days should be banned. Several scientific studies have reported that lasting brain damage occurs within just a few days of social isolation.

ICE’s most recent guidelines say that “protective custody” -- solitary confinement with the intent of protecting a vulnerable person --- should be a last resort. But lawyers of transgender detainees say it happens to their clients all the time.

“I have clients that talk about being raped and being beaten in their home country but the most distressing part for them is detention here in the United States,” said Clement Lee of Immigration Equality, an organization that has assisted LGBT immigrants for twenty years.

For some, solitary is so bad they asked to be deported. Perez couldn’t technically be deported, her lawyer says. She became a legal resident when her parents brought her from Cuba. It’s rare that the Castro regime agrees to take back Cuban immigrants the U.S. wants to deport, according to ICE.

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Clement Lee, Immigration Equality

Immigration authorities went after Perez because she was convicted of writing fraudulent checks 13 years ago, according to internal documents from the Department of Homeland Security. But after she was detained for almost a month, the government changed its mind. Her detention was “no longer in the best interest of the government,” according to immigration documents. A spokesperson would not clarify what allowed for her release from detention.

“Subsequently, after conducting a comprehensive review of Ms. Perez’s case, ICE chose to exercise prosecutorial discretion in this matter,” the spokesperson told Fusion.

Perez believes her detention was a direct result of a policy known as the “detention-bed mandate.” But she can’t prove it.

The mandate, passed by Congress in 2009, requires ICE to detain at least 34,000 people who are undocumented or seeking asylum each night. Supporters of the mandate say it compels ICE to enforce immigration laws and argue it is not a quota.

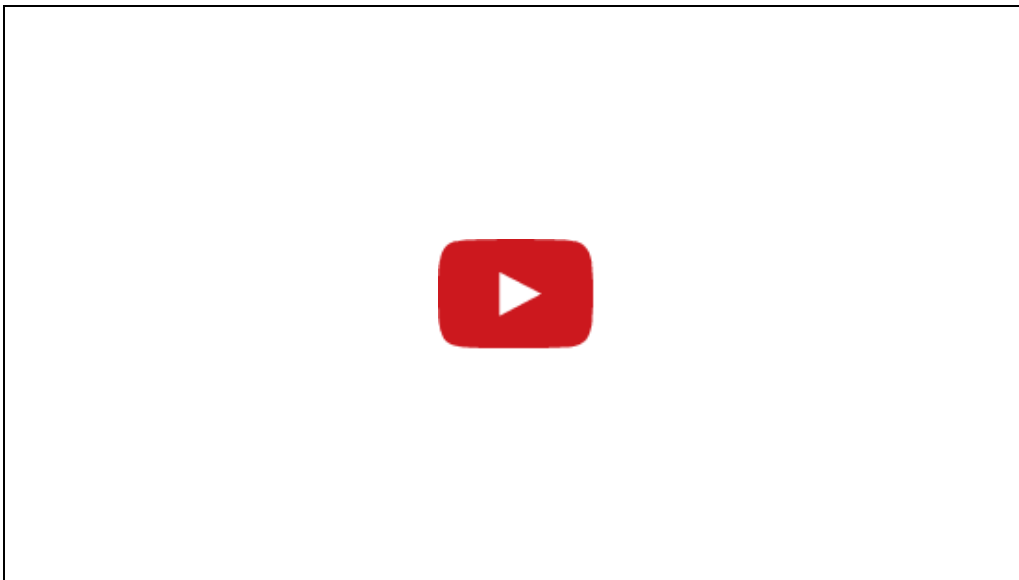
But immigrant rights advocates say it unnecessarily forces ICE to lock up immigrants who are not required to be detained by law. The largest contractor of ICE facilities, Corrections Corporation of America (CCA), spent nearly 18 million dollars on all of its lobbying efforts in Congress between 1999 and 2009, according to data analyzed by advocate group Detention Watch Network. Since the law's passage, the company's share price has nearly tripled. But CCA says publicly that its lobbying efforts have focused on promoting its services and not shaping immigration law.

"It was an exercise in futility. I could not be deported," Perez said. "I was costing them money because they could not get rid of me and I was more trouble than I was worth."

DENIED MEDICATION

When immigration authorities took Bamby Salcedo to the San Pedro Detention Center in Southern California, she worried about staying safe and healthy. Salcedo was taking T20, an HIV antiretroviral drug that she injected twice a day. It was critical she didn't miss a dose because she would build resistance to the drug, she says doctors told her.

As soon as she arrived at the facility, she alerted the center's medical staff to her needs. The drugs were a matter of life and death, she says. It took the the medical staff two weeks to get Salcedo the antiretroviral treatment she needed.



An ICE spokesperson did not respond directly to Salcedo's claims that she went without her medication for two weeks. The facility where she was housed closed in 2007 after it lost industry accreditation for failing to comply with detention standards.

The agency claims to now offer "24-hour emergency health care" and rapid access to hormone therapy that is critical to the physical and emotional stability of transgender detainees during transition. But many trans detainees have been denied medical care, including HIV medication and hormone treatment, according to detainees and advocates Fusion spoke with.

According to police and medical reports obtained by Fusion, Salcedo experienced abuse and harassment like many other transgender women experience in detention. When a male detainee forced himself on her in a bathroom stall, Salcedo defended herself. He punched her and fractured her nose.

"Because of the ignorance of the medical staff and the guards and the people that work in these facilities, she ended up dying chained to her bed"

Bamby Salcedo, Former Detainee

But when Salcedo speaks about her nightmare in detention, she considers herself lucky and says it could have been worse. She remembers her friend Victoria Arellano who was held at the same San Pedro facility and died after she was allegedly denied AIDS medication during her time in detention.

"Because of the ignorance of the medical staff and the guards and the people that work in these facilities, she ended up dying chained to her bed," Salcedo said.

The Los Angeles Daily Journal reported that detainees took turns taking care of Arellano, helping her to the bathroom when she couldn't stand, cleaning up her vomit, and placing wet paper towels on her forehead. Requests from the inmates to take Arellano to a hospital were ignored until two days before her death, fellow detainee Walter Ayala told the Daily Journal.

ICE spokesperson Bryan Cox said the agency "regrets any death that may occur while an individual is in ICE custody" but that "this incident occurred seven years ago prior to fundamental reforms to [our] policy." Cox would not comment on the specifics of Arellano's death. He said that in addition to increased oversight the reforms include "allowing detainees' direct medical providers to make treatment decisions without waiting for prior authorization from medical officials at ICE headquarters, as they were formerly required to do."

Lawyers who represent transgender detainees say that very few of these new reforms have been implemented. ICE did not comment on that allegation, but said that implementation of its policies is "mandatory."

THE OTHER OPTIONS

Immigration officials say they have a model facility in Southern California that only houses gay and bisexual men and transgender women. While some 75 transgender detainees are housed across the country every night, the California facility only houses an average of 44 gay, bisexual and transgender individuals at a time.

The government also has alternatives to detention for low priority or vulnerable immigrants whose cases are pending review, but transgender advocates say the alternatives aren't used often enough.

All the attorneys and advocates Fusion spoke to said most asylum seekers should not be detained because they don't present a security threat.

"ICE can't be trusted to follow their own policies," said Tomchin of the Transgender Law Center.

"[If ICE] is incapable of housing trans women with even minimum levels of dignity and safety, then they simply cannot be housing them."

Editor's Note: This story has been updated to include additional ICE comment provided before and after the investigation first published.

Credits

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