

# No Human Being Should Be Held There

## THE MISTREATMENT OF LGBTQ AND HIV POSITIVE PEOPLE IN U.S. FEDERAL IMMIGRATION JAILS

### EXECUTIVE SUMMARY

Asylum in the United States is a lifesaving necessity for LGBTQ and HIV-positive people. For decades, many have fled to the United States to seek refuge from persecution and torture. However, the United States subjects hundreds of thousands of people yearly, including LGBTQ and HIV-positive people, to its massive network of jails and prisons. These jails, run by U.S. Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE), are infamous for their inhumane and abusive conditions. For LGBTQ and HIV-positive people, these conditions routinely include high rates of physical and sexual violence, improper and prolonged solitary confinement, and inadequate medical care among other forms of systemic abuse and neglect.

For this report, Immigration Equality, the National Immigrant Justice Center (NIJC), and Human Rights First (HRF) surveyed 41 LGBTQ and HIV-positive immigrants who were detained by CBP and ICE. This survey revealed:

- Approximately one third of survey participants (18 out of 41) reported sexual abuse, physical assaults or sexual harassment in immigration detention due to their LGBTQ identity;
- Nearly all of the participants (35 out of 41), reported being targets of homophobic, transphobic, xenophobic, racist, or other verbal and nonverbal abuse in ICE and CBP jails that included threats of violence and assault;
- A majority of participants (28 out of 41) reported receiving inadequate medical care or asking for medical care and not receiving it while in ICE or CBP detention.
- Nearly half of participants (20 out of 41) interviewed reported new or increased mental health symptoms while in detention, including hives, panic attacks, mental health crises, flashbacks, and self-harm;

- Roughly half of participants (20 of 41) were subject to solitary confinement;
- Nearly half of participants (18 of 41) reported having their sexual orientation, gender identity, HIV status or other confidential medical information disclosed in custody without their consent;
- More than a quarter of survey participants (12 out of 41) reported that ICE or CBP separated them from their loved ones, whether a partner, spouse, or sibling;
- Survey participants routinely struggled to access their attorneys or find one, while in ICE or CBP detention;
- The majority of survey participants living with HIV (13 out of 17 participants) reported medical neglect or denial of medical HIV treatment.

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**“No human being should be held there.”**

—  
Zoe,

a transgender asylum seeker and survey participant reflecting on her time in CBP and ICE custody.

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**The executive branch and Congress can take steps to end this unnecessary suffering and protect the rights of LGBTQ/H individuals. These include steps to apply parole authority, issue guidance on vulnerable populations, support legislative action and phase out immigration detention. Read our full report [here](#).**