

**SUPPLEMENT TO**

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**“No Human Being  
Should Be Held There”**

**The Mistreatment of LGBTQ  
and HIV-Positive People in U.S.  
Federal Immigration Jails**

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**JULY 2024**

Between July 2023 and December 2023, Immigration Equality, Human Rights First, and the National Immigrant Justice Center (NIJC) (collectively, the authors) interviewed 41 LGBTQ<sup>1</sup> or HIV-positive (LGBTQ/H) people about their experiences in ICE and/or CBP custody. The goal was to gather qualitative and quantitative data on the conditions for LGBTQ/H people held in immigration detention. The findings are presented in the report, titled “‘No Human Being should be Held There’ The Mistreatment of LGBTQ People and People Living with HIV in U.S. Federal Immigration Jails” available here: <https://immigrationequality.org/wp-content/uploads/2024/06/No-Human-Being-Should-Be-Held-There-THE-MISTREATMENT-OF-LGBTQ-AND-HIV-POSITIVE-PEOPLE-IN-U.S.-FEDERAL-IMMIGRATION-JAILS.pdf> (the “Report”).

Individual survey participants in the Report were recruited through outreach to organizations that provide legal and social services to LGBTQ/H immigrants. The 41 survey participants were interviewed by a staff member of author organizations who asked questions guided by a survey tool. All interviews were conducted either in person, by video call, or standard telephone call in languages that the participants were fluent in. Participation was voluntary, and all survey participants provided informed consent to take part in the Report. All survey participants identified as LGBTQ and were 18 years of age or older.

Additionally, the authors conducted eight interviews with representatives from legal and social services non-profit organizations that serve or advocate on behalf of LGBTQ/H immigrants, including: the American Civil Liberties Union (ACLU) of New Mexico, the Florence Immigrant & Refugee Rights Project (the Florence Project), Las Americas Immigrant Advocacy Center (Las Americas), American Friends Service Committee (AFSC), New York Lawyers for the Public Interest (NYLPI), and Rocky Mountain Immigrant Advocacy Network (RMIAN) (collectively, organizational participants). Additional information about the survey methodology, participant demographics, and a glossary of defined terms is available in the Report.

Because notable data gathered during the interview process was too voluminous to all be included in the Report, authors have compiled this supplement which contains additional interview summary excerpts arranged by subject matter. In general, data included in the Report has not been repeated here unless there was additional detail and/or context to report.

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<sup>1</sup> LGBTQ is an umbrella acronym to refer to people with diverse sexual or gender identities, including, lesbian, gay, bisexual, transgender, intersex, queer, non-binary, gender nonconforming people. The authors generally use the term “people living with HIV” where possible. However, for brevity, we sometimes use the alternative terminology “HIV positive.” The authors use the terms “transgender” and “trans” interchangeably.

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# Sexual abuse, physical assaults, and/or sexual harassment due to LGBTQ identity

## Survey Participants

### Benjamin<sup>2</sup>

- In ICE custody, Benjamin was a victim of repeated homophobic assaults (See Report Section IV.A for more information). In addition to attacks he experienced personally, Benjamin witnessed a trans woman being “stomped on” and beaten by other detained people. Officers saw the assault, but ignored it. *Detained at a New Jersey ICE facility, 2009-2010.*<sup>3</sup>

### Leona

- In an ICE facility, Leona was a victim of an attempted sexual assault by a detained man (See Report Section IV.A for more information). After the incident, the man was moved to another housing area. However, Leona saw him again at the law library. She made a complaint, but did not hear back about it. Leona still suffers psychologically as a result of the incident. *Detained in ICE facilities in Florida, 2020.*

### Nelly

- Nelly was harassed by a man who repeatedly made sexually explicit comments to her, including asking if she was “ready to be penetrated.” The man’s harassment escalated from verbal to physical, and during one incident he slapped Nelly’s buttocks. *Detained in CBP facilities that were probably located in Texas, and ICE facilities in Louisiana, 2023.*

### Said

- Said witnessed a group of homophobic detained people beat a gay Ugandan man in ICE custody. The man had a bloody lip, puffy eye, and scratches all over him. *Detained at an ICE facility in Georgia, 2019-2020.*

### Nathan

- Nathan was touched inappropriately by another detained person in the bathroom. Nathan did not report this incident to the officers because he worried it would create more problems for him. *Detained in CBP facilities at unknown locations and ICE facilities in Mississippi and Louisiana, 2019.*

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<sup>2</sup> We refer to all survey participants by pseudonyms to protect their identity.

<sup>3</sup> Where available, we have included the time frame during which the incidents reported took place and the general location of the detention facility where the survey participant was detained. However, in situations where disclosing the location could identify the survey participant or is unknown, the location is not included.

### Tara

- Tara reported being physically assaulted by facility staff and other detained people. She said, “The guards beat us like dogs. The other detainees also beat me.” *Detained in CBP facility at an unknow location and ICE facilities in Texas, Mississippi, and Louisiana 2018-2020.*

### Fiodor

- A detained man ridiculed Fiodor’s medical issues. When Fiodor told the man to mind his own business, the man hit Fiodor hard in the chest with his elbow. This caused Fiodor to have a panic attack. Later that day, Fiodor tried talking to an officer at the detention center about the incident. The officer said that maybe Fiodor “fell” and insinuated that he should stop raising the issue. *Detained at an ICE facility, 2019.*

### Elisa

- When Elisa, a transgender woman, was in a dining hall getting her food, she was pushed by a detained man because she is transgender. She fell and dropped her food. *Detained in CBP and ICE facilities in Arizona, 2019.*

## **Organizational Participants**

- Dr. Kvach received reports from one trans patient that they were groped by the Denver Contract Detention Facility (Aurora) jail staff during a search, and multiple trans individuals reported this occurring at other detention facilities in transit prior to arriving at Aurora. At other detention facilities, trans individuals were not given a choice of the gender of the officer performing the search. One transgender woman who had survived a pre-migration sexual assault was forced to undergo a strip search by a male officer at another detention facility. When she requested a female officer perform the search, she was told she had to accept it or would be sent back to her country.

# Homophobic, transphobic, xenophobic, and racist abuse and harassment

## Survey Participants

### Benjamin

- An officer insulted Benjamin when he tried asking for necessities like soap. The officer said, “Get away from my desk faggot, I don’t want to catch AIDS.” *Detained at a New Jersey ICE facility, 2009-2010.*

### Celso

- In CBP custody, an officer told Celso, “You want to go home? Come sign deportation [order]” and laughed. Celso said, “He kept me there for more days and I asked what’s going to happen with me? The officer said ‘you know what you have to do. You have to sign to leave here.’”
- In CBP custody, Celso kept his sexual orientation a secret, but he heard detained people say things like, “the fags get priority. They have more rights.” Celso felt uncomfortable hearing the homophobic comments, although they were not directed at him.
- At an ICE facility, Celso was subjected to homophobic verbal abuse by an officer and detained people. (See Report Section IV.B for more information). The abuse caused Celso emotional suffering, reminding him of the persecution he experienced in his country of origin. As a result, Celso reported that he felt depressed, experienced a loss of appetite, and had difficulty sleeping. He stated, “I felt very scared. I’ve been through so much and here I can’t be safe.” *Detained in CBP facility in California and Texas and ICE facilities in Texas and Louisiana, 2022, 2023.*

### Boris

- Boris kept his sexual orientation a secret. However, he saw detained people making fun of a gay couple in CBP custody. He felt bad witnessing the abuse, but Boris did not feel comfortable reporting to the officers because of negative experiences with law enforcement authorities in his country of origin.
- In ICE custody, Boris and his partner witnessed a gender nonconforming person being a target of verbal sexual harassment from detained people. Boris’s partner reported this incident to the facility staff. The staff took one of the harassers out of the housing unit for a conversation. He was then returned to the housing unit. Boris is not aware of any disciplinary action being taken. *Detained in CBP facility in California and ICE facility in Louisiana, 2022.*

### Bruno

- Bruno experienced sexual harassment by another detained man at an Arizona and Mississippi facilities. Other detained people also threatened to perform an exorcism on Bruno to “cure his homosexuality.” The guards knew about the harassment but did not

intervene. Additionally, facility staff disallowed Spanish speakers from speaking Spanish with each other. *Detained at a CBP facility in California and ICE facilities in Mississippi, Louisiana, and possibly Arizona 2019-2020.*

#### Fiona and Marisol

- In CBP custody, the guards harassed Fiona with racial and sexual threats as well as threats of deportation back to her country of origin. Later, Fiona and her partner, Marisol, were transferred to a maximum-security prison in Arizona, where they were detained with people in criminal custody. Fiona and Marisol were at the facility for about a week and experienced intense harassment from detained men, who could see inside their cell. *Detained in CBP facility in California and ICE facilities in Mississippi, Louisiana, and possibly Arizona 2021.*

#### Issa

- Issa experienced harassment by facility officers. For example, when detained people went outside for recreation, the officers would go into their rooms and steal the food that they were saving for later. Officers also selectively distributed hygiene products like soap, shampoo, and toothpaste only to certain detained individuals while others were left without them. The majority of the time, the people who did not receive the hygiene products were Black.
- At the start of the pandemic, detained people organized a protest because they were not being released despite the risk of COVID-19. In response, officers at a facility brandished their weapons in a threatening manner. Issa stated, "Where I come from, there is not this culture of guns and weapons. Just seeing them brandished was scary. We were scared we would be fired at."
- After a week-long hunger strike, the warden came and said that he would not release the protestors and that they had to eat or would risk dying in the detention center. *Detained at CBP and ICE facilities in California, 2019-2020.*

#### David

- During once incident, a man who previously physically assaulted David yelled at him "You bitch, you dick sucker," in the presence of an officer. David asked the officer if he heard the man. The officer said, "Don't pay attention" and took no other action.
- David reports that the officers mocked him because of his sexual orientation. "If you listen to me you'll find out I'm gay right away. I remember talking to officers and them mocking me, like trying to mimic my accent or the way I talk. When you want to mock a gay dude, your voice would get stupid, silly." The officers "were like 'tu eres gay' [you're gay] and say whatever else they were saying, while pretending to be me." *Detained at ICE facilities in Virginia, 2022-2023.*

#### Denis

- Denis hid his sexual orientation, but he heard homophobic comments in CBP custody directed towards other gay people. For example, people called one man a "Colombian faggot" and other insults because he was feminine. Hearing these comments made Denis

feel bad because he was reminded of a gay friend in Denis's country of origin who was murdered. In ICE custody, Denis also heard detained people make homophobic comments directed at other people. *Detained in CBP and ICE facilities in Texas, 2023.*

#### Nikolai

- In CBP facility, Nikolai was housed with the general population, and he hid his sexual orientation. However, he heard other detained people saying things like "gays should be killed" "they're not people," "they should be dealt with." *Detained in CBP and ICE facilities in California, 2023.*

#### Humberto

- Humberto experienced frequent verbal homophobic harassment in CBP and ICE facilities. (See Report Section IV.B for more information). Humberto stated that homophobic comments made him feel bad, "it makes you be quiet, try not to express yourself because you know you're being watched...." He also stated that "You can choose your social circle [when not detained]. In detention you're stuck together with people. You always have comments, but you can avoid these situations outside." *Detained at CBP and ICE facilities in Texas, 2023.*

#### Dimitry

- In CBP custody, Dimitry heard detained people make homophobic comments directed at another detained gay man who was effeminate. Hearing these comments made Dimitry uncomfortable, but he thought he would be bothering officers if he reported the harassment. *Detained in CBP facility in California and ICE facility in Arizona, 2021.*

#### Julia

- At an ICE facility, guards and detained people insulted Julia because she is trans. Detained people refused to sit near her and threatened to hurt her if she touched them. Julia also shared that "There were also no doors on the showers in the [housing units] so all of the guards and detained men there would see me shower. I was on hormone treatment so my breasts were growing and people and would stare at me." Julia's lawyer asked for her to use a separate shower in an intake area, but this request was not accommodated. Additionally, during searches "the guards would go through my things. . .and go through my women's underwear and bras. The other people detained there would see and it was very humiliating." *Detained at an ICE facility in Florida, 2022-2023.*

#### Gleb

- Gleb kept his sexual orientation hidden. However, in ICE custody, he heard detained people make homophobic comments, saying "they detain fags here" and "the last thing we need here is fags." Gleb met another gay man, who also hid his sexual orientation. The man was attacked in his country of origin for being gay, and the facility housed other people from the man's country. He was scared of further persecution if other detained individuals found out about his sexual orientation.



- In ICE custody, Gleb spoke up on behalf of a detained man from Congo whose property was unfairly confiscated by an officer. The facility supervisor called Gleb into his office and spoke to him aggressively. The supervisor said, "don't do anything, you don't want problems, you don't want to sit in jail." Gleb understood the supervisor's statement to be a threat. *Detained in CBP and ICE facilities in California, 2023.*

#### Leona

- Leona heard variety of homophobic comments from detained people. For example, people would say: "we don't want faggots in here," "we don't want to see faggots," "you're nasty," and "we don't like you." *Detained in ICE facilities in Florida, 2020.*

#### Miriam

- Miriam shared that a detained man "bullied me because I am trans. The guards ignored it." *Detained at an unknown CBP and ICE facilities in Texas, Arizona, and Colorado, 2020.*

#### Nathan

When other detained people found out that Nathan is a part of the LGBTQ community, they started to insult him. People called him "faggot," saying "nobody likes faggots here," and "it's better for [gay people] to be deported or dead." *Detained in CBP facilities at unknown locations and ICE facilities in Mississippi and Louisiana, 2019.*

#### Nelly

- Nelly experienced frequent homophobic and transphobic harassment in custody. (See Report Section IV.B for more information). She also witnessed a CBP officer telling another trans woman, "don't come here to embarrass my country." *Detained in CBP facilities that were probably located in Texas, and ICE facilities in Louisiana, 2023.*

#### Omar

- Omar hid his LGBTQ identity to protect himself. He felt that he "had to act like a man" and could not fully express himself. "You have to be careful. We can't say who we are, that's how you get hurt." Detained people made homophobic comments about the LGBTQ community. Omar also witnessed verbal abuse directed towards other LGBTQ people which made him feel sad and discriminated against. Omar reported the verbal harassment he witnessed to staff, but they "didn't pay attention." They just laughed and said "leave it alone." The facility had a number to call and report discrimination. Omar tried calling the number, but did not get an answer. *Detained in CBP and ICE facilities in Arizona, 2022.*

#### Saïd

- Saïd experienced homophobic verbal harassment from the facility officers. For example, when Saïd or other gay men walked towards the showers, the officers said to other detained men "watch out, be careful, Saïd is coming." Additionally, Saïd worked on the shower crew. The officer who was in charge of shower crew was homophobic and

mistreated Saïd. Saïd is Jamaican, and the officer made him clean the housing units of other Jamaicans, even though she knew that Saïd did not want to be around them because they displayed homophobic attitudes. Additionally, numerous times, the officer incorrectly marked Saïd as “absent” from work to prevent him from getting paid.

- Saïd was verbally harassed by Jamaican detained people. They said, “we don't want [Saïd] cleaning our showers, he's going to give us AIDS, we don't want him touching [our] food tray, we don't want him sitting next to us.” Several Ugandan men were also homophobic and asked Saïd inappropriate sexual questions like “why do you sleep with other men?” *Detained at an ICE facility in Georgia, 2019-2020.*

### Selvin

- In CBP custody, Selvin experienced verbal harassment. Detained people called him a “fag.” The people also gossiped and laughed at Selvin and his partner. They said, “He’s the guy who came with a trans girl. He has HIV, they have AIDS.” The people were talking between themselves and laughing at him. *Detained in CBP facilities in Texas, 2023.*

### Tara

- Tara, a trans woman, reports that facility staff said “I had to behave like a man. They threatened to send me to the hole [solitary confinement] constantly.” While in ICE custody, Tara tried to commit suicide and detention staff took her to the hospital in handcuffs. At the same time, knowing that Tara’s long hair was very important to her, detention staff threatened to cut it. Additionally, Tara reports anti-immigrant verbal harassment from staff. They said things like, “Why did you come to this country?” and “You have no voice.” *Detained in CBP facility at an unknown location and ICE facilities in Texas, Mississippi, and Louisiana 2018-2020.*

### Uma

- Uma is a trans woman. In CBP custody, she was initially housed with women, probably because the officers thought she was a cis woman. However, while Uma was asleep, an officer woke her up and told her that she “can’t be here.” The officer took Uma to a small room, where she sat for a long time. Uma “felt very bad in this moment. I told the officer that this was discrimination. They told me: ‘you crossed the border. . .you don't have rights.’” At a later point Uma asked if there was a human rights agency she could speak to about being mistreated in custody and was told no.
- During another incident, Uma tried using the women’s shower, but an officer told her, “You’re a man so you can’t shower here.” Uma reported, “In that moment, I was very sad. It was too much discrimination. I started crying and crying and crying.” Uma then added that “Trans people are people.”
- During yet another incident, Uma requested that a female officer perform a security check on her, instead of a male officer. In response, the male officer asked if Uma has a penis or a vagina. This also made her feel horrible.

- Uma experienced transphobic harassment from detained people. She was sick and had a headache, so the detained people made comments about her bringing sickness to them and called her a “fag.” *Detained at CBP facilities in Texas, 2022.*

### Zelda

- Zelda is a trans woman and was housed with men in ICE custody. When she showered, men lifted up the shower curtain and laughed at her. This happened frequently, and Zelda made a report to the detention staff. However, as far as Zelda knows, nothing was done. “They didn’t pay attention to me.” Detained people also called Zelda homophobic slurs, like “fag.” She told the staff about the abuse and was told to submit a complaint. Zelda did, but again, as far as she knows nothing was done.
- When she came to the United States, Zelda had an interview with an immigration officer. She told him that she is trans, HIV-positive, and that she was raped. The officer laughed, which made Zelda feel bad because she thought he was laughing at her. *Detained in CBP and ICE facilities in California, 2018-2019.*

### Zoe

- Zoe identifies as a trans woman. She reported frequent sexual harassment and verbal anti-LGBTQ abuse. For example, a detained man in Zoe’s housing unit stared at Zoe’s buttocks and commented, “you look really good.” In another incident, Zoe was talking to a friend, while sitting on his bed. A detained man commented, “are you letting a gay sit on your bed? No way.” Detained men laughed at Zoe and called her slurs, like “fag.” Zoe believes that the officers were aware of this harassment. However, Zoe has no knowledge of the officers taking measures against the people who harassed her. *Detained in CBP facility in Texas and ICE facility in Louisiana, 2022.*

### Zora

- Zora is a transgender woman. The facility staff, including medical professionals, continuously misgendered her and called her by her male name. Zora stated, “I deserve respect as a person. The guards and the nurses aren’t professional.” She further added, “I told them I have long hair, I have breasts. Call me Zora, don’t call me ‘he.’ Don’t make me feel like that.” *Detained in ICE facility, 2020.*

### Quinn

- Quinn is a gender nonconforming person, assigned female at birth. In ICE custody, Quinn was verbally harassed by several women. They said things like “we’ll turn you into a woman,” “you’re wrong how you are,” and “we’re going to make you like men.” These women harassed Quinn until the women left the facility. Later, Quinn was harassed by a different group of women. They frequently insulted Quinn and threatened to make unfounded PREA complaints against them. Quinn felt scared and constantly on guard due to the homophobic harassment. They felt like other women were watching them, causing Quinn fear and stress. Quinn avoided using the bathroom when the women were there because Quinn was scared that the women would make unfounded complaints against them.

- Quinn asked a CBP officer to read English-language documents to them before signing. The officer commented snidely to a colleague that Quinn “has been in the United States so much time and she doesn’t know how to speak English,” referring to the fact that Quinn grew up in the United States. *Detained in CBP facility in California and ICE facility in Georgia, 2022-2023.*

### Belinda

- Belinda is a nonbinary person, assigned female at birth. Belinda hid their sexual orientation, but they knew of a queer woman detained at the ICE facility. Belinda wanted to talk to the woman. However, Belinda heard detained people say that the woman is “like that,” meaning queer and that Belinda should not go near her. Hearing these comments made Belinda feel bad. As a result, Belinda decided not to disclose their LGBTQ identity. Belinda said “Because of what I lived through, being bullied, it would be to live through the same thing and I preferred not to say anything.”
- Belinda felt uncomfortable talking to the detention staff and asking them questions because some displayed xenophobic attitudes. “The guards that we had there didn’t give me confidence.” For example, one staff member said that the detained people were “dirty” because they were coming from other countries. *Detained in CBP at an unknown location and ICE facility in Arizona, 2019.*

### Karina

- At an ICE facility, Karina heard detained people make derogatory comments about LGBTQ individuals. Karina wanted to report these comments to staff, but she did not know how to do so safely.
- An officer who worked at an ICE facility made racist comments. Karina heard him referring to black people as “nasty blacks.” The detained people complained about the officer’s conduct. However, Karina is not aware of any meaningful disciplinary action being taken. *Detained at CBP facility in California, and ICE facilities in Arizona and Nevada, 2020.*

## Organizational Participants

- An AFSC service provider worked with various transgender clients at Aurora who reported being harassed or misgendering by the jail staff.
- A Florence Project attorney worked with a trans woman who reported that an immigration judge refused to use her proper pronouns in court.
- An attorney who represents people at Aurora received reports from clients that they have been knowingly misgendered by the jail staff, despite the Transgender Care Memorandum instructing that the staff to refer to trans people by their preferred names and pronouns.

# Medical Neglect – HIV

## Survey Participants

### Benjamin

- The facility failed to provide Benjamin with HIV medication for two weeks. Additionally, Benjamin spent 13 months in ICE custody without receiving an HIV test. When he asked for one, he was told it was not in the budget. Prior to being detained by ICE, Benjamin got tested every 3 months. *Detained at a New Jersey ICE facility, 2009-2010.*

### Humberto

- The HIV medication Humberto took in his country of origin failed, but he had to flee before new medication was prescribed. Humberto was started on HIV medication in ICE custody. However, that happened before he had blood tests done. Humberto worried about taking HIV medication without a blood test, since his previous medication failed and he needed to have the test to find medication that worked. Humberto also worried that the staff mistakenly prescribed him the medication that failed, for the reasons mentioned above and because they did not ask Humberto what medication he was previously taking.
- Humberto was not informed of his CD4 count. The medical staff only told him that “everything was fine.” A CD4 count measures the number of T-cells in the blood and is used to monitor effectiveness of HIV medication. Humberto monitored his CD4 levels prior to being detained, and it was important to him.
- Humberto had difficulty communicating with a doctor at the ICE facility. The doctor spoke some Spanish, so sometimes the interpreter was not called. However, the doctor’s Spanish was limited, and it was difficult to have an in-depth conversation. But Humberto did not want to make the doctor feel uncomfortable by asking him for more information.
- Humberto was not receiving enough food in custody, and he lost weight. Humberto’s doctor in his country of origin advised that he needs to eat 5-6 times per day, and adhere to a specific diet, to better manage his health as an HIV-positive person. Humberto felt like his body was deteriorating. However, he was initially scared to share his concerns with the medical staff because he heard from other detained people that “if you go to medical a lot, you’ll be denied release because you’re sick.”
- Humberto was scared to tell CBP officers that he is HIV positive because he thought he might be deported. Additionally, the medical staff at the first ICE facility where he was detained, did not ask Humberto about his HIV status. As a result, Humberto was without HIV care in ICE custody for about 2-3 weeks. *Detained at CBP and ICE facilities in Texas, 2023.*

### Karina

- Karina was diagnosed with HIV in ICE custody, but it took approximately two months for her to start receiving HIV medication. Karina said, “They were doing studies, studies, and they weren’t giving me treatment.” *Detained at CBP facility in California, and ICE facilities in Arizona and Nevada, 2020.*

### Kevin

- At the first detention center, Kevin did not disclose his HIV status because he was not in a private setting when the staff asked him about his health. After three days, Kevin was transferred to another detention center. He asked to talk to an officer in private so he could explain that he needed HIV medication. The officer initially refused, but later agreed. After Kevin shared his HIV status, he was held in a room for a day without food or water. Then Kevin was transferred to yet another center where he again asked for medical help and was told that he needed to wait for a doctor to call him. It took another two weeks for a medical professional to see Kevin, so he could finally request HIV treatment. *Detained in immigration detention facilities in Texas and New Mexico, 2019.*

### Manuel

- Manuel spent three days in CBP custody. The officers confiscated his HIV medication, and administered it to him at a different time than when he usually takes it. A doctor in Manuel's country of origin and his current doctor both advised him that HIV medication should be taken at a consistent time each day. *Detained in CBP facilities in Texas, 2022.*

### Selvin

- Selvin had to cross a river to arrive to the United States, and he states that he almost drowned while crossing. Selvin's clothes were wet, and he "was dying from the cold." He spent around 5-6 hours in wet clothes before he could shower and change. Selvin's HIV medication was confiscated by the CBP officers. He had to insist various times to see a medical professional to receive his medication. Some of the officers did not take Selvin seriously when he informed them that he is HIV positive, and he had to show them his medical documents confirming his HIV status before finally seeing a medical professional. *Detained in CBP facilities in Texas, 2023.*

### Alberto

- In CBP custody, Alberto tried explaining to the officers that he is HIV positive. However, there was no privacy to talk. Alberto was scared to disclose his HIV status where others could hear. "I'm new to this country, I don't know much about this country, but I feared stigma and discrimination since I would be a prisoner with the other people and that they would do something to me. That is why I kept asking to speak to an officer who spoke Spanish but that wasn't provided until after around 12 hours." Once Alberto was able to explain to an officer that he is HIV positive, he was immediately separated from other people and placed in a cell by himself. He was there for approximately half a day. Alberto was given medication, but he thinks it did not come from the medication that he brought with him. *Detained in CBP facility in Arizona and ICE facilities in Mississippi and Louisiana, 2021.*

### Zelda

- CBP officers confiscated Zelda's HIV medication. She was in CBP custody for about 1-2 weeks. During this time, Zelda kept asking the officers for her medication, but she did not receive it. When Zelda was transferred to ICE custody, it took several more weeks for her

to see a doctor, have her blood work done, and start receiving HIV medication. Zelda was taken to an outside hospital for the blood work, which was a traumatic experience. To go to the appointment, Zelda was restrained with a bellychain and handcuffed around her hands and feet. Zelda said, “They take you in a wheelchair, handcuffed and everything. And when you arrive to the hospital, they look at you as if you committed a serious crime. It was very ugly.” *Detained in CBP and ICE facilities in California, 2018-2019.*

### Nelly

- Nelly did not receive her HIV medication on two separate occasions, once in CBP custody and once in ICE custody. Additionally, the medical staff changed Nelly’s HIV medication, without explaining the reasons for that change. *Detained in CBP facilities that were probably located in Texas, and ICE facilities in Louisiana, 2023.*

### Xavier

- Xavier found out he is HIV-positive while in ICE custody. He asked to be tested because his friend suggested they do it together. Prior to this, Xavier did not know that he could request an HIV test, and the medical staff did not advise him that testing was available. *Detained in CBP and ICE facilities in California, 2014.*

### Zacarias

- When he entered the United States, Zacarias was scared to tell CBP officers that he is HIV positive because he was afraid this would result in a deportation.
- Zacarias did not have HIV medication when he arrived. However, he requested it once he was in ICE custody. Zacarias reports that he sent around eight requests to ICE and medical staff notifying them of his HIV status and asking for medication. He did not receive a response. After being in custody for over a month, Zacarias saw a medic for reasons unrelated to his HIV status. During that visit, he was finally able to receive medical attention for HIV. The staff administered a blood test, although they did not discuss the results with Zacarias. Afterwards, Zacarias started to receive HIV medication. However, the medical staff did not inform him that the medication was for HIV. Zacarias only learned that he was getting HIV medication in custody after he was released and consulted with a doctor. *Detained in CBP and ICE facilities in Arizona, 2021.*

### Denis

- Denis has heart problems and had to have an open-heart surgery in his country of origin. The doctor in Denis’s country told him that his heart issues were caused by the HIV medication he was taking, so his HIV medication was changed. In the ICE facility, Denis noticed that his HIV medication looked like it was changed again. He was worried whether the new medication might also cause him health problems. When Denis shared his concerns with the medical staff at the facility, they only told him that “the medication at the center is very good” and did not address Denis’s concerns. Due to the language barrier, it was difficult to communicate with staff. A nurse at the facility spoke some surface-level Spanish, but Denis could not explain his medical problems to her in-depth.

- Denis suffers from HIV-related kidney problems. His kidneys are deteriorating, and if Denis does not monitor his condition carefully, he might require dialysis. Denis was not receiving close monitoring and kidney testing at the facility. Denis reported that his kidney problems “weren’t taken seriously” by the center staff. For example, when Denis arrived to the facility, he received a blood test that showed his creatinine levels were elevated (creatinine levels indicate how well the kidneys are functioning). However, the medical staff told Denis that his creatinine levels were acceptable. Denis was in custody for about three months before a medical professional there finally noticed that his creatinine levels were elevated.
- Denis suffers from a painful shoulder inflammation that is HIV-related. He needs to have regular steroid injections to treat the pain, which he was not receiving in the detention facility. *Detained in CBP and ICE facilities in Texas, 2023.*

### **Organizational Participants**

- NYLPI had a client who was detained at an ICE facility in Texas for several weeks. The client reported that the medical staff failed to diagnose her with HIV. The client told the attorney that she did not find out about her HIV status until she started receiving medical care post release.
- An NYLPI attorney represented HIV-positive people who told her that they had weeks-long interruptions in their HIV care, especially after they were transferred between detention centers. Clients also reported to the attorney that they did not receive their HIV medication at consistent times of the day, which is best practice, and sometimes doses were skipped altogether.
- AFSC service provider said that at the end of 2021 or beginning of 2022 people who were quarantined upon arrival at the Denver Contract Detention Facility (Aurora) notified him that they were not getting their HIV medication during quarantine. The issue appears to have been resolved now.



# Medical Neglect – Other

## Survey Participants

### Benjamin

- Benjamin was not allowed to carry his asthma inhaler on his person. If he had an asthma attack, Benjamin had to run to the front desk staff, who then had to go to the medical unit to get an inhaler. During one incident, Benjamin had difficulty breathing, and he had to wait 15-20 minutes for an inhaler. *Detained at a New Jersey ICE facility, 2009-2010.*

### Fiodor

- Fiodor has hemorrhoids and on the third day of detention started experiencing bladder issues related to it. He tried sending a medical request, but he was attacked by a detained man while doing so. His chest hurt after the attack, so he asked to see a nurse. Detention center officials said, “you’re going to be released soon, you don’t need to go to medical.” *Detained at an ICE facility, 2019.*

### Humberto

- Being detained affected Humberto’s mental health. Humberto needed to speak with psychologist, but at first, he was scared to do so because he heard from other detained people that talking to psychologist might delay his release. *Detained at CBP and ICE facilities in Texas, 2023.*

### Dimitry

- Dimitry felt depressed while in ICE custody. He was separated from his partner, and could not talk to him. However, Dimitry did not ask to see a psychologist because he thought they would have to communicate in English. Dimitry did not know that he could request a Russian interpreter for a psychological appointment. *Detained in CBP facility in California and ICE facility in Arizona, 2021.*

### Leona

- Frequently, when Leona asked the detention officers for medicine or to see a doctor, the officers would tell her to “fuck off” or “leave me the fuck alone.” One time, Leona was having an allergic reaction and breaking out into hives. She asked an officer for help. The officer said “you’ll be fine” and walked away.
- Leona is a trans woman. In custody, she requested women's underwear and bra. She was denied both. She also requested disposable razors and was also denied. All of this made her feel dirty because she could not keep herself clean and maintained. *Detained in ICE facilities in Florida, 2020.*

### Manuel

- Manuel is HIV positive. When he arrived to the United States and encountered CBP agents, he was underweight and wearing wet clothes because he crossed a river. It was very cold.

Manuel was in custody for about three days and saw a medical professional during this time, but he was never offered dry clothes. He was scared to ask the officers for a change of clothes because he saw them humiliate and be rude to other people. The officers “get very annoyed. If you ask them for a favor, they don’t listen.”

- Manuel suffers from depression, and he thinks that being detained by CBP made his depression worse. “You say to yourself, ‘God, what am I doing here?’ I thought maybe I made an error coming here. You’ve never been through this type of thing.” *Detained in CBP facilities in Texas, 2022.*

### Alberto

- In addition to living with HIV, Alberto has a cerebral infarction and high blood pressure. Occasionally he was not feeling well and wanted his blood pressure checked. However, the staff told him that the medical professional only came on certain days. This sometimes caused Alberto’s medical care to be delayed for 1-2 days.
- Being detained for months took an enormous toll on Alberto’s psychological health. Alberto said, “I started losing my hair. I had head pain. I was a prisoner for so long. . . and I don’t know, I was very stressed, I got hives on my skin. I didn’t have these symptoms before detention. I started taking medication for anxiety. Two years since I was released, I still take this treatment. At times I am very stressed and I think of things I don’t want to think about, how I was a prisoner for three and a half months, and I still don’t sleep well and have fear.” *Detained in CBP facility in Arizona and ICE facilities in Mississippi and Louisiana, 2021.*

### Zelda

- Zelda was brutally gang raped in Mexico and required a surgery to treat her injuries. She asked for medical assistance various times in CBP and ICE custody. While in ICE custody, Zelda notified the staff that she was in pain and needed help. However, despite being in custody for about six months, Zelda did not receive medical assistance. She finally had surgery after she was released. Zelda said, “With respect to this topic, they never checked on me, never helped me. I even cried and they never paid attention to me, they never sent me to the infirmary.” *Detained in CBP and ICE facilities in California, 2018-2019.*

### Belinda

- Belinda had fever in CBP custody, and the following day, Belinda’s nose started to bleed. With the help of detained women, Belinda tried to get an officer’s help to see a medic. However, the officer did not pay attention. Belinda had to wait several hours for officers to change shifts. The new officer took Belinda to a medic, and Belinda received medicine. *Detained in CBP at an unknow location and ICE facility in Arizona, 2019.*

### Fiona

- Fiona’s partner, Marisol, continues experiencing mental health problems as a result of being detained, although she has been released from custody. Fiona reported that the night before her check in with ICE, Marisol had an anxiety attack and had to go to the ER,

where she fainted. *Detained in CBP facility in California and ICE facilities in Mississippi, Louisiana, and possibly Arizona 2021.*

### Celso

- Celso was beaten and tortured by his persecutors in his country of origin and needed medical attention because his back and foot hurt. He told the CBP officer that he needed medical help. The officer said that if Celso did not have a prescription, he would not be able to see a medical professional in custody.
- In an ICE facility, an officer called Celso a homophobic slur. As a result, Celso experienced homophobic and sexual harassment from other detainees. He felt depressed and experienced a loss of appetite. He tried talking to a mental health professional at the facility. However, Celso did not feel that the mental health professional provided him with adequate therapy or counseling to address his feelings of depression. *Detained in CBP facility in California and Texas and ICE facilities in Texas and Louisiana, 2022, 2023.*

### Cris

- Cris had a panic attack in CBP custody, causing her blood pressure to rise. Cris said, "In my 37 years, I have never been detained, never put in handcuffs, never been in a cell. So, for me it was the first time, and I was impacted a lot because I was waiting for something to happen at every moment." Cris felt like crying, and she felt faint. She was taken to the nurse. Her blood pressure was very high, but the nurse "did not care." She told Cris to go back to her cell and that the cold in the cell would lower her blood pressure. *Detained in CBP facilities in Texas, 2021 and 2022.*

### Elisa

- Elisa's legs and back were hurt during an attack that she suffered in her country of origin. Now she has chronic pain. When Elisa arrived here, she needed her pain medication. In ICE custody, she only received Ibuprofen, which was not strong enough to manage the pain. Elisa told medical staff that Ibuprofen was not working, but the staff said they did not have any other medicine to give to her. "It's the response of all the medics here." Elisa also did not have access to pain medication in CBP custody. She did not ask CBP officers for medical assistance because they only spoke English, and Elisa did not think they would understand her.
- Elisa is a trans woman and needed a bra. The medical staff at a detention facility gave her a sports bra that hurt her breasts. When Elisa asked for a different bra, she did not receive one. *Detained in CBP and ICE facilities in Arizona, 2019.*

### Fidel

- While in CBP custody, Fidel got an infection on his eyelid that was "like a big pimple" and had eye secretion. Fidel had to ask the officers for help repeatedly before he was taken to see a medic. The medic said it would be better to transfer Fidel to ICE custody, and he was moved to an ICE detention in California. Fidel thinks his eye was infected due to the lack of hygiene in the CBP facility. In the California ICE facility Fidel "spent a lot of time

with an infected eye.”

- In ICE custody, Fidel had problems with his kidneys. His back hurt and urination was uncomfortable. Fidel developed a fever as a result of kidney issues and had to be taken to a hospital for an overnight stay. *Detained in CBP and ICE facilities in California, 2020.*

#### Nikolai

- In ICE custody, Nikolai did not have access to antidepressants for about three weeks. The medical staff at the detention facility stopped giving Nikolai his medication and said that he needed to have a consultation with a psychologist first. During the intake, a medical professional said that Nikolai will see a psychologist in a week. But that did not happen. Nikolai submitted a medical request and was again promised a consultation. Again, nothing happened. Nikolai had to submit a third request, after which he finally saw a psychologist. The consultation was fast, about 15 minutes. Nikolai was prescribed a very small dose of antidepressants, as if he was just starting to take them for the first time, and below what he was previously taking. *Detained in CBP and ICE facilities in California, 2023.*

#### Gleb

- Gleb has asthma, but his inhaler was confiscated in custody. The medical staff at the ICE facility gave him a new inhaler. However, the new inhaler had a different active ingredient than the one Gleb needed. He asked for his old inhaler back, but the staff did not return it to him. Gleb spent about a month without his inhaler. During this time, he had several asthma attacks. *Detained in CBP and ICE facilities in California, 2023.*

#### Nelly

- In ICE custody, Nelly received what she thought was a COVID vaccine. However, her medical records indicated that she refused the vaccine. As a result, Nelly was not sure if she was actually administered a COVID vaccine or something else.
- Nelly experienced problems with her rectum. She submitted a medical request to consult a health care provider at the facility and signed up for a sick call. Nelly reports that the guard took her out of the cell to go to the medical appointment, but brought her back before she was actually seen by the medic. *Detained in CBP facilities that were probably located in Texas, and ICE facilities in Louisiana, 2023.*

#### Omar

- Omar has hemorrhoids. Because of this, he experienced pain and bleeding. Omar asked the medical staff for a surgery or another intervention to eliminate the problem. The staff said they could not do anything unless “it gets serious.” Omar’s other medical care was also delayed. For example, when he submitted sick requests, it could take three days to a week to see a medic. Additionally, Omar’s inhaler was confiscated in CBP custody, and he did not have access to it for three days. *Detained in CBP and ICE facilities in Arizona, 2022.*

### Uma

- Upon arriving to the United States, CBP officers threw away Uma's thyroid medication. Uma was in CBP custody for about 6 days. She explained to the officers that she needed thyroid medication, but she never received it. Uma also asked to see a doctor but was told that she could only see a doctor after she was released. *Detained at CBP facilities in Texas, 2022.*

### Xavier

- Xavier spoke to a mental health professional in ICE custody because he felt depressed after receiving an HIV diagnosis. Xavier enjoyed talking to the professional, but he thinks they acted too quickly in prescribing him medication. "When you have trauma since childhood, it can affect you and make you want to talk to a psychologist. But when they say you need treatment so fast, maybe it's not the right choice . . . . You don't know what side effect the medication will have or how it will affect your mental state." Xavier thinks that his memory was affected as a result of psychotropic medication that was prescribed to him. *Detained in CBP and ICE facilities in California, 2014.*

### Zacarias

- In ICE custody, Zacarias was diagnosed with syphilis and received penicillin shots. However, after release, Zacarias consulted with a doctor. The doctor administered a blood test and said that Zacarias "never had syphilis, that in his blood there was never syphilis." *Detained in CBP and ICE facilities in Arizona, 2021.*

### Zora

- Zora had serious problems with her teeth. When she arrived at the detention facility, her gums were bleeding, and she developed an infection. Her teeth began to crack, and she believes pieces of tooth have fallen out. She suffered severe pain, but the detention center did not have a specialist she could consult. Additionally, Zora needed ICE's approval to see an outside specialist. Zora could not eat due to the pain and lost a significant amount of weight while she was in custody. *Detained in ICE facility, 2020.*

### Quinn

- Quinn was attacked in Mexico and hurt their knee, so they could not bend it and had difficulty walking. Quinn told a medical professional in CBP custody that their knee hurt a lot and asked for pain medication. However, they did not receive it.
- When Quinn arrived to the ICE facility, their blood pressure was high, their heart rate accelerated, and they were shaking. The medical staff at the facility only said that "we'll wait for it to pass." Quinn was not given any medication. Two months later, Quinn's feet started to swell, and they sought medical help again, at which point they were diagnosed with hypertension.
- Quinn suffers from hemorrhoids. They kept this condition under control in their country of origin through proper diet and medicine. However, at an ICE facility, due to the lack of appropriate diet and a lack of access to Quinn's previous medicine, the hemorrhoids

returned. As a result, Quinn experienced frequent bleeding and severe pain, to the point where sitting down hurt. Quinn reported their problems to a medical staff and was informed they might need to have a surgery, but that the facility was not able to provide this service. Quinn received some medicine that was not effective in treating the underlying problem. Quinn was eventually taken to a specialist for an outside consultation, after being detained for close to a year. Quinn's diet was not adjusted to accommodate their health needs.

- In ICE custody, Quinn also developed serious back problems. They asked for assistance immediately after the problems started, but it took about two weeks for the medical staff to see Quinn. Quinn asked the nurse for a brace to support their back but was told that the facility could not provide them with one. Quinn also asked for an X-Ray to try and identify the problem. They were refused without an explanation. Quinn asked for an additional or a better mattress to help manage discomfort. They were denied. Quinn spent close to a year in ICE custody, suffering from back pain without receiving adequate care for it.
- Quinn saw a dentist while in custody to get a filling. However, their tooth was infected as a result, causing Quinn a lot of pain. Quinn also knew a detained woman who saw the same dentist and also got an infection following that visit. *Detained in CBP facility in California and ICE facility in Georgia, 2022-2023.*

### Denis

- While in custody, the medical staff accidentally eliminated the information about Denis's medication from the computer system. Denis was taking HIV, kidney, and heart medication. The information about Denis's HIV medication was fixed the same day the accident occurred; the information about his heart medication was fixed the following day. However, Denis went without his kidney medication for about a week before that was fixed. *Detained in CBP and ICE facilities in Texas, 2023.*

### Issa

- While detained at an ICE facility, Issa sought medical attention for foot pain. Each time he went to the medical unit, a nurse simply gave him water and ibuprofen, but the foot pain persisted. He suffered from the pain for months and never got any other treatment. After being released, Issa saw a doctor and received treatment that helped to alleviate the pain. Issa states that "Whenever we were sick, the only medication they prescribed was ibuprofen. I knew of many Africans who entered the detention center relatively healthy and left the detention center with hypertension." *Detained at CBP and ICE facilities in California, 2019-2020.*

## **Organizational Participants**

- Dr. Kvach observed that people who have been detained for long periods of time have worse mental health outcomes. Dr. Kvach stated that trans people experience high rates of anxiety and depression, and there is an added layer of trauma for asylum seekers who are fleeing from places hostile to LGBTQ people. Furthermore, LGBTQ people often

experience additional trauma in the immigration system. However, Dr. Kvach's patients reported to her that mental health care provided at Aurora felt cursory and often failed to meet their needs.

- An NYLPI attorney said that her clients reported lack of access to adequate mental health care in custody. She noted that her LGBTQ clients already struggle with mental health as a result of homophobia in their countries of origin and being forced to hide their identity. These issues can be exacerbated in detention, specifically for transgender clients she had represented who requested hormone replacement therapy for gender-affirming care and never received the requested medication. Multiple clients told the attorney that they had attempted self-harm in detention due to lack of responsiveness from mental health providers and harassment from detention staff or other detainees. The attorney found it troubling that the mental health care available in ICE custody falls short of addressing LGBTQ people's mental healthcare needs.
- An AFSC service provider reported working with a trans woman at Aurora who told him that her medical needs were not being met. The woman was pre-diabetic and was not able to access an appropriate diet for her condition in custody.
- An AFSC service provider worked with a trans woman who was detained at Aurora during the COVID-19 pandemic. The woman told him that she got sores on her face as a result of using a disinfectant that was actually a pesticide for an outdoor use only. However, it was the only disinfectant provided to the detained people to clean the facility.

# Medical Neglect – Transgender Care

## Survey Participants

### Kiana

- Kiana reports that when she was taken into ICE custody, her hormones were confiscated. Kiana was told that the facility medical staff must evaluate her first before she could receive her hormones. She eventually started receiving the hormones, but one month into detention, her dose was reduced. This negatively impacted Kiana’s mood and body. She asked to see endocrinologist multiple times but was refused. She was on a reduced dose for about 4 months. Kiana states that the medical staff at the detention center were not equipped to treat trans women who are taking hormone therapy. *Detained in Arizona ICE facility, 2022-2023.*

### Kilian

- Kilian is a transgender man. He was taking hormones before coming to the United States, but he did not bring him with him. He advised the medical staff at various facilities where he was detained that he was a trans and needed hormones. However, he did not receive hormones while in custody. *Detained at CBP facilities in Arizona, California, and unknown locations and in ICE facilities in Mississippi and Louisiana, 2021.*

### Karina

- Prior to entering the United States, Karina was taking hormones periodically. She asked for hormones at an ICE facility but was denied. Karina recalls medical staff telling her that she needed to be detained for a year to start receiving hormones. Karina also asked staff for a bra and was denied. *Detained at CBP facility in California, and ICE facilities in Arizona and Nevada, 2020.*

### Miriam

- Miriam did not have access to her hormone medication for approximately 15 days. *Detained at an unknown CBP and ICE facilities in Texas, Arizona, and Colorado, 2020.*

### Elisa

- Elisa was taking hormones in her country of origin, but she did not bring them with her to the United States. Elisa asked detention medical staff for the hormones because she was experiencing strong headaches. Elisa notes that “when you take hormones and then stop, you get headaches.” Elisa made several written requests for hormones or medical evaluation, but her requests were not answered. *Detained in CBP and ICE facilities in Arizona, 2019.*

### Zora

- Zora was taking hormones before she was detained by ICE. She told the staff right away that she needed her hormones. However, it took about two months for the detention



staff to arrange an appointment with the specialist. Zora was sending requests for medical attention every week “but they didn’t pay attention to me.”

- Zora started receiving hormones during the last week of her detention, but she was given a smaller dose than her body needed. When she was released, she saw a doctor. The doctor checked her hormone levels and was surprised by how much her hormone dose was lowered. Zora told us, “In prison they just lower your dose, you can’t fight them on it because it’s expensive and the prison pays and you have to take what they give you.” *Detained in ICE facility, 2020.*

#### Tara

- Tara was in ICE custody for about 2 years, she never received hormones, despite asking several times. *Detained in CBP facility at an unknow location and ICE facilities in Texas, Mississippi, and Louisiana 2018-2020.*

### **Organizational Participants**

- Dr. Kvach has worked with multiple patients detained in Aurora who have had to wait months to initiate hormone therapy. Dr. Kvach stated that not receiving hormone therapy can have a detrimental impact on the health to trans people. Interruptions in hormone therapy can cause changes in a person’s physical appearance, which can then retrigger gender dysphoria and undermine a person’s mental health. Dr. Kvach said that some patients expressed suicidal ideation and other negative mental health outcomes to her.
- Dr. Kvach had to advocate with the Denver Contract Detention Facility medical staff on behalf of a transgender woman who was denied hormone care after the medical staff accused her of lying about her gender identity. As a result, the woman’s gender affirming care was delayed, adversely affecting her mental health.
- Dr. Kvach reported that at times Aurora medical staff made changes to a patient’s hormone therapy that resulted in negative health outcomes. However, Dr. Kvach was not always advised of these changes, even though she was the consulting physician managing the hormone therapy. For instance, Dr. Kvach regularly requested labs from Aurora in order to properly monitor a patient’s hormone dosage, but the facility staff sometimes failed to complete the labs, performed them at the wrong time, or did not send the lab results in advance of the visit. As a result, Dr. Kvach struggled to assess whether hormone dosage was correct, which is critical to managing side effects and ensuring safe and effective treatment.
- An attorney who represents people detained at the Denver Contract Detention Facility reported that transgender clients experience barriers accessing gender affirming care, including requiring clients to undergo an unnecessary psychological evaluation from a facility healthcare provider before accessing care, resulting in months-long delays. Even a client with an existing prescription for hormone therapy reported to the attorney that she was not able to access her hormone care for at least three months.

# Solitary Confinement

## Survey Participants

### Boris

- Boris was held in solitary confinement in CBP custody for about seven days. His cell was labeled with the word “gay.” *Detained in CBP facility in California and ICE facility in Louisiana, 2022.*

### Bruno

- Bruno was detained in solitary confinement for about 10 days. His cell was labeled “HIV+.” *Detained at a CBP facility in California and ICE facilities in Mississippi, Louisiana, and possibly Arizona 2019-2020.*

### Kiana

- Kiana was detained in solitary confinement for months because she is a transgender woman. *Detained in ICE Arizona facility, 2022-2023.*

### Dimitry

- Dimitry was in ICE custody during the COVID-19 pandemic. As a result, detained people were kept in their cells for about 23 hours/day. The detention facility housed two people per cell. But Dimitry did not have a roommate, so he was alone in his cell for about a week. *Detained in CBP facility in California and ICE facility in Arizona, 2021.*

### Karina

- In CBP custody Karina was isolated in the cell by herself for about 15 days because of her LGBTQ identity.
- After being sexually assaulted at an ICE facility, Karina experienced a mental health crisis and was placed in solitary confinement for about five days. “I didn’t want to be by myself or with other people. I wanted to be released.”
- Karina did not have a lawyer for her immigration proceedings, and she lost her asylum case. She tried to commit suicide because of it. Afterwards, she was placed in solitary confinement for about four days.
- Karina filed a complaint against an officer for denying her access to the hair salon. As a result, detained people who were friends with the officer threatened to beat her up. Karina was placed in solitary confinement “for her own protection.” She was in solitary for approximately two months. Karina reports that during this time she was taken out once a week for a quick shower. She “started going crazy” and talking to herself. Eventually, a mental health professional recommended that Karina should not be in solitary because it was psychologically harmful to her, and she was returned to the general population. *Detained at CBP facility in California, and ICE facilities in Arizona and Nevada, 2020.*

### Leona

- Leona was transferred to a different ICE facility for around 10 days. During this time, she was kept in solitary confinement, which made her feel very depressed. *Detained in ICE facilities in Florida, 2020.*

### Tara

- Tara spent about a year in solitary confinement in ICE custody. She tried to commit suicide as a result. *Detained in CBP facility at an unknow location and ICE facilities in Texas, Mississippi, and Louisiana 2018-2020.*

### Fiona

- Fiona was held in solitary confinement in CBP for over two weeks. Her cell had the word “Gay” written on it. *Detained in CBP facility in California and ICE facilities in Mississippi, Louisiana, and possibly Arizona 2021.*

### Fidel

- In CBP custody, Fidel was held in solitary confinement for a period of days. But later, another man was added to his cell. Fidel’s cell had a sign on it that said “gay.”
- In ICE custody, Fidel was placed in solitary confinement for about three days for medical observation, after he returned from a hospital. Fidel felt very depressed as a result. “I became so desperate, it’s impossible to explain. It’s a very difficult time. You ask God that they release you and later time passes and there’s no answer, so you start asking the Devil.” *Detained in CBP and ICE facilities in California, 2020.*

### Nelly

- Nelly is a transgender woman, and she felt unsafe in custody due to the harassment she received from detained men. She discussed her concerns with the detention staff on at least two different occasions. Both times, she was offered to be placed in solitary confinement for her “protection.” Nelly accepted solitary housing the first time she was offered it. At that facility, “protective custody” housing was located in the same area as the housing for individuals in disciplinary custody. Nelly felt scared to be in the same space as men with disciplinary infractions. Nelly states she spent less than a day in solitary and found the isolation unbearable. Other people detained in the space were yelling and making a lot of noise, which made her highly uncomfortable. *Detained in CBP facilities that were probably located in Texas, and ICE facilities in Louisiana, 2023.*

### Omar

- Omar hid his LGBTQ identity and was housed in the general population. However, in ICE custody he knew LGBTQ people who were locked in their cells and could only leave the cells for about an hour each day. Omar described these conditions as “a punishment.” He did not want to disclose his LGBTQ identity to staff because he did not want to be placed in solitary confinement. *Detained in CBP and ICE facilities in Arizona, 2022.*

### Uma

Uma spent about four days in solitary confinement, while in CBP custody. Uma said, “I was alone. I had no contact with anyone. . . .They brought women to one location and me to an isolated location. I cried and cried alone. It’s very difficult to remember.” *Detained at CBP facilities in Texas, 2022.*

### Zacarias

- Zacarias was placed in solitary confinement, and spent about two weeks there, before being released from custody. The staff did not explain to him the reason he was put in solitary, but Zacarias thinks it was due to his HIV status. As a result of being placed in solitary, Zacarias lost touch with the friends he made in his housing unit. He felt isolated. He could only leave his cell for about 30 minutes each day and his phone access was severely limited. Zacarias reported feeling depressed because he was in the cell all day. He said that being isolated “broke my heart.” “You feel so alone, you don’t have medical attention, psychological attention.” Zacarias felt “bad” and “singled out for having HIV. It felt like punishment. I felt ashamed.” *Detained in CBP and ICE facilities in Arizona, 2021.*

### Zora

- When Zora first arrived at the ICE facility, she was placed in solitary confinement for three days because the facility staff did not know where to house her as a trans woman. Being in solitary without any meaningful human contact caused Zora severe anxiety and emotional distress. She was subsequently transferred into a maximum-security unit that housed non-immigration detainees with criminal convictions. Zora reports that some of the detained people had Nazi and KKK tattoos. They shouted insults at her.
- Zora was housed in the maximum security because it was the only unit where she could have an individual cell – the type of housing that the detention facility staff deemed safe for her as a transgender woman. Zora was in solitary confinement for about two months. *Detained in ICE facility, 2020.*

## **Organizational Participants**

- An AFSC service provider noted that being placed in a trans pod at the Denver Contract Detention Facility can be an isolating experience. He worked with a trans woman who is an English-speaker. She was detained in a trans pod with people who only spoke Spanish, so she could not communicate with anyone else in the pod. The woman told AFSC service provider that she experienced suicidal ideation because she felt isolated. Additionally, AFSC service provider reported meeting LGBTQ people at the Denver Contract Detention Facility who were afraid to disclose their LGBTQ status, including to staff, because they feared being placed in solitary confinement for “protection” if they did.
- An attorney who works with detained people at the Denver Contract Detention Facility reported that sometimes there is only one trans woman housed in the trans pod because there are no other trans women detained at the facility. As a result, the trans woman ends up living in isolation.

# Privacy violations and nonconsensual disclosures of LGBTQ/H status

## Survey Participants

### Boris

- When Boris was processed by CBP, detained people had to take their medication out of their bags and show it to the officers. Detained people also had to say if they had chronic medical conditions in front of other migrants. *Detained in CBP facility in California and ICE facility in Louisiana, 2022.*

### Karina

- In CBP custody Karina was kept in a cell with a sign that said, “gay” person on it. The cell had a small window, and people looked inside when they walked by. Karina felt “singled out” and strange because people who walked by were “looking at [her] funny.” *Detained at CBP facility in California, and ICE facilities in Arizona and Nevada, 2020.*

### Gleb

- Gleb’s friend, who presented at San Ysidro Port of Entry, told him she saw cells with “HIV” signs on them at the CBP detention facility. A different acquaintance, who is HIV-positive, also told Gleb that he was detained in a CBP cell that had an “HIV” sign on it. *Detained in CBP and ICE facilities in California, 2023.*

### Alberto

- At one of the ICE facilities where Alberto was detained, the staff asked people about their sexual orientation, while they were standing in line together. Alberto disclosed that he is gay, although he was scared. “I had a lot of fear because at that moment no one had identified themselves as gay, but I said it.” *Detained in CBP facility in Arizona and ICE facilities in Mississippi and Louisiana, 2021.*

### Zelda

- CBP officers confiscated Zelda’s HIV medication in front of other migrants. When the officers took Zelda’s medication they asked what it was. Zelda had to say in front of other people that it was HIV medication. She felt uncomfortable disclosing her HIV status in public and thinks people might have overheard her. *Detained in CBP and ICE facilities in California, 2018-2019.*

### Omar

- The medical area at the facility was small, and everybody could hear what other people said. Omar asked staff for more privacy during a medical visit but was told there were no other options. Omar had to discuss his medical problems, including having hemorrhoids, in a setting that was not confidential. As a result, detained people found out about Omar’s

health issues; some laughed at him. Omar felt "sad and ashamed." *Detained in CBP and ICE facilities in Arizona, 2022.*

### Zacarias

- During an intake at the ICE facility, detained people were taken to see a medic in small groups and asked if they had any illnesses. Zacarias reports that everyone responded they were healthy. Zacarias did not disclose his HIV status during intake because he was scared to do so.
- A detained man told Zacarias people suspected that he is gay because they saw him receive mail from LGBTQ organizations. Zacarias stated that "People talk between each other and find out about everything. You don't have good privacy." *Detained in CBP and ICE facilities in Arizona, 2021.*

### Fidel

- In CBP custody, Fidel was detained in a cell that said "Gay" on it. Fidel said "It made me feel bad because it was like something discriminatory, but I knew I had to bear with it." *Detained in CBP and ICE facilities in California, 2020.*

### Quinn

- In CBP custody, Quinn was held in solitary confinement in two different cells. One of the cells had a sign that said "gay girl." Quinn also asked an officer why they were separated from others detained people. The officer responded, "I don't know why, but they said you're strange." *Detained in CBP facility in California and ICE facility in Georgia, 2022-2023.*

## **Organizational Participants**

- A NYLPI attorney worked with an HIV-positive client whose privacy was compromised while he was in CBP custody. The client shared with the attorney that a CBP officer initially asked him about his HIV status in front of other people, so the client felt fearful to disclose it. Eventually, the client let the officers know that he is HIV-positive. However, when he did disclose, CBP officers would not allow him to see a medical provider in private. Other detained people also learned of the client's HIV status and harassed him because of it.
- A Florence Project attorney reported representing a client whose private information was disclosed to others during a preliminary immigration court hearing, called Master Calendar Hearing (MCH). At one of the detention facilities, where the Florence Project attorney works, MCHs are held in person, and groups of detained people are sometimes brought to a hearing together. Guards instruct them to wait on the benches in the court room until the judge calls their case, which generally means they hear details of other detainees' cases. The attorney's client said that an immigration judge asked him in front of other detained people why he was scared to go back to his country of origin. The client told the judge it was because he is gay and was persecuted. The client's cellmate was also present during the MCH. After "lights out," when the guards had locked the client in his cell for the night, the cellmate started verbally harassing the client. The cellmate told him

that he is “evil” for being gay, but they could pray together “to ask for forgiveness.” The cellmate then forced the client to pray with him. In the moment, the client was too scared because he perceived his cell mate to be much bigger and stronger than him, and they were locked in for the night. Later, he was scared to report his cellmate to the jail staff because he thought it would create more problems. Guards generally ignore harassment between detainees unless there is physical violence, but he was also scared his cell mate would retaliate against him.

- Detained migrants concerned about disclosure of confidential information in this setting may request “closed hearings,” but, without guaranteed representation, they must ask for this themselves. The Florence Project attorney has never witnessed guards, judges, or ICE prosecutors inform migrants without representation of this option.

# Legal Access and Due Process Concerns

## Survey Participants

### Kiana

- Kiana could only use the facility phone for one hour late in the evening, and sometimes it was too late to call an attorney. Sometimes she could not access the phone because of security risks and lockdowns. The law library at the facility was closed for a month, so she could not use it to make copies of her documents. Additionally, a DHS counsel kept misgendering Kiana until the immigration judge intervened. *Detained in ICE Arizona facility, 2022 -2023.*

### Bertha and Kilian

- Bertha and Kilian were at an ICE Mississippi facility for about a week, but they did not realize they could call attorneys until they arrived to another ICE facility in Louisiana. As a result, Bertha and Kilian had their CFIs in Mississippi, without consulting with an attorney. *Detained at CBP facilities in Arizona, California, and unknown locations and in ICE facilities in Mississippi and Louisiana, 2021.*

### Humberto

- Detained people staged a protest to challenge poor detention conditions. During this time, the detention facility cut access to public phones and limited people's access to the law library.
- Humberto did not know that HIV status can be a basis for asylum. He was scared to disclose his HIV status to the immigration judge because he heard detained people say that HIV positive people will not be granted asylum. *Detained at CBP and ICE facilities in Texas, 2023.*

### Saïd

- Saïd reported barriers to receiving information about his immigration case. Detained people were told to ask their deportation officer if they had questions about their cases. However, deportation officers did not accept collect calls from the detention facility. To Saïd's knowledge, mail was the only way to contact them, which made communication difficult. *Held at an ICE facility in Georgia, 2019-2020.*

### Alberto

- Alberto's immigration court proceedings started while he was in ICE custody. Alberto told the immigration judge he was not ready to proceed, but the judge said he had to bring his asylum application to the next hearing. Asylum applications must be completed in English. Alberto said, "I had a lot of fear of talking to someone who knows English in the prison to help me translate the application because I didn't want people to know I had HIV." Fortunately, Alberto was able to find an attorney to help with his asylum application. However, securing an attorney was difficult because Alberto has a limited amount of free



calls, and many organizations he contacted either did not answer or could not assist. *Detained in CBP facility in Arizona and ICE facilities in Mississippi and Louisiana, 2021.*

#### Belinda

- Belinda did not try contacting attorneys in ICE custody because they did not know how the process worked, and they were too scared to ask the staff because Belinda witnessed them being rude to the detained people, including calling them “dirty.” Additionally, the staff only spoke English, and Belinda did not know how to communicate with them or ask questions. *Detained in CBP at an unknow location and ICE facility in Arizona, 2019.*

#### Fiona

- Fiona’s partner, Marisol, did not disclose her sexual orientation during the CFI due to fear of increased harassment and abuse. Marisol did not pass her CFI, but Fiona did. *Detained in CBP facility in California and ICE facilities in Mississippi, Louisiana, and possibly Arizona 2021.*

#### Celso

- Celso entered the United States twice. When he came here the first time, he was interviewed by a CBP officer in Texas. Celso told the officer that he was seeking asylum. However, the officer wrote that he was coming here to work. Celso was not referred for a CFI and was deported as a result. He later re-entered.
- Upon re-entry Celso passed his fear interview, but either the asylum officer recorded some information inaccurately, and/or the interpreter did not interpret correctly. *Detained in CBP facility in California and Texas and ICE facilities in Texas and Louisiana, 2022, 2023.*

#### Cris

- While in CBP custody, Cris had an interview with an officer in a blue uniform (presumably a CBP officer). The officer referred to the interview as a “credible fear” interview. He repeatedly misgendered Cris during the interview. The officer also told her to “summarize” and “get to the point.” He said things like “This isn’t important. Just tell me what happened.” *Detained in CBP facilities in Texas, 2021 and 2022.*

#### Elisa

- At an ICE facility, Elisa’s meetings with a lawyer occurred in a public area that had various tables placed some distance apart from each other.
- The ICE detention center had public pay phones that could be used to call an attorney, but Elisa did not have money and could not use the phones for that reason.
- While in custody, Elisa had to work on her asylum application, which must be submitted in English. Elisa was afraid that she would have to rely on a detained English-speaker to help with her application. Elisa is a trans woman and she felt very scared and ashamed at the thought that she would have to tell a detained man about persecution she experienced. Fortunately, Elisa was able to find an attorney just in time to receive assistance.

- Elisa had her CFI while in ICE custody. She could not communicate well with the interpreter because the telephone connection was bad, and it was hard to hear. Elisa's CFI notes had a lot of errors. For example, according to the CFI notes, Elisa said she was coming to work in the United States. What she actually said was, "I'm going to work to support myself, but I'm looking for asylum." *Detained in CBP and ICE facilities in Arizona, 2019.*

#### Nikolai

- Nikolai had a Russian interpreter for his CFI, but he knows some English. The interpreter made mistakes, and Nikolai had to correct them several times. For example, Nikolai was asked what was the **worst** time he was physically hurt. The interpreter translated it as when was the **first** time he was physically hurt, which would have changed Nikolai's answer. Nikolai was also telling the asylum officer about psychological abuse he experienced at work, stating that this type of thing happened many times. However, the interpreter translated Nikolai's testimony as if it was a singular instance of abuse. *Detained in CBP and ICE facilities in California, 2023.*

#### Zacarias

- Zacarias had an interview with CBP officers when he arrived to the United States. Afterward, he was asked to sign some documents, but he was not explained the contents. "They give you papers to sign. You don't even know what you're signing." Zacarias received a copy of the interview, and when he looked at it later, he noticed errors. For example, according to the interview, Zacarias said he came to the United States to work, but he did not actually say that. *Detained in CBP and ICE facilities in Arizona, 2021.*

#### Issa

- Issa had CFI in ICE custody. "The officer who was conducting the interview was frustrated with me. The interpretation was very poor." Because Issa could not understand the interpreter, he asked for the questions to be repeated. However, the asylum officer said that it was not his job to repeat the questions. Issa passed the CFI, but the CFI record had errors. Issa explained to the immigration judge that the CFI record was inaccurate. However, the judge did not believe him and denied his asylum case. *Detained at CBP and ICE facilities in California, 2019-2020.*

### **Organizational Participants**

- A Florence Project attorney represented a gay man from an African country after his CFI was denied. The client was unrepresented at the time of the CFI, which was performed in English, although it was not his preferred language. The client told the attorney that he did not reschedule his CFI to find an interpreter because he did not want to prolong his detention. The client received negative CFI, in part due to interpretation errors. The client also did not know he could tell an asylum officer that he is gay. At a subsequent hearing where an immigration judge was supposed to review the negative CFI, the client disclosed his sexual orientation. However, the immigration judge was dismissive. Additionally, the

judge relied on improper stereotypes including that the client could not be gay because he has a child.

- A Florence Project attorney and her colleagues had clients who reported that CBP officers failed to record in the paperwork that the clients were seeking asylum, which is required by law. For example, the attorney worked with a transgender asylum seeker. The client told the Florence Project attorney that she informed a CBP officer she was scared to return to her country. However, the officer incorrectly recorded that the woman came to the United States to work and then required her to sign the paperwork without explaining the contents in a language she could understand.
- A Florence Project attorney reported working with clients who told her they were scared to disclose their LGBTQ identity to immigration officials. The attorney represented a bisexual woman in an appeal. The woman initially did not have an attorney for her asylum proceedings and did not disclose her sexual orientation to the immigration judge. Her request for protection and subsequent appeal were denied, and she was deported.

# Family Separation

## Survey Participants

### Boris

- Boris came to the United States with his partner. Although legally married, they were separated in CBP custody. They were housed together in ICE custody, but Boris was released a week before his partner. Boris felt stressed and anxious when he was released, while his partner remained detained. *Detained in CBP facility in California and ICE facility in Louisiana, 2022.*

### Kilian and Bertha

- Bertha and her partner Kilian (a trans man) were able to stay together the entire time they were detained. However, after Kilian's first suicide attempt, he was taken to the medical unit, and Bertha did not know what happened to him for about a day. She was able to see him briefly in the medical unit only because she went searching for him after her visit with a psychologist. She had to beg a nurse to be taken to Kilian. *Detained at CBP facilities in Arizona, California, and unknown locations and in ICE facilities in Mississippi and Louisiana, 2021.*

### Dimitry

- Dimitry came with his partner, Pavel, who is HIV-positive. They were separated in a CBP facility and Pavel was isolated by himself. As a result, Dimitry and Pavel could not talk to each other. Dimitry asked to see a doctor for a headache medication, but also to receive some news about Pavel. Since the doctor saw Pavel frequently it was the only way Dimitry could get information about him. This is how Dimitry learned that Pavel was released from custody. Had he not spoken to the doctor, he would not have known what happened to his partner. Dimitry and Pavel could not communicate with each other until Dimitry was released weeks later. *Detained in CBP facility in California and ICE facility in Arizona, 2021.*

### Karina

- Karina was separated from her now-ex partner in CBP custody. They were told they could not be housed together because they were a queer couple. Karina did not reestablish contact with her partner until months later. While she was detained at an ICE facility, she looked for a way to contact him, but she was told only married couples could contact each other. Karina felt "bad, depressed, and anxious" being separated from her partner and not knowing what happened to him. *Detained at CBP facility in California, and ICE facilities in Arizona and Nevada, 2020.*

### Fidel

- Fidel, and his partner, Karina (a trans woman), were separated in CBP custody because they were perceived as a same-sex couple. They were later taken to different ICE facilities. Fidel tried looking for a way to contact Karina, but an officer at the ICE facility told him he

could not be provided with Karina's information because they were not legally married. *Detained in CBP and ICE facilities in California, 2020.*

#### Nathan

- Nathan came to the United States with his (now) ex-partner. They were separated while they were detained in Mississippi and sent to different detention centers. *Detained in CBP facilities at unknown locations and ICE facilities in Mississippi and Louisiana, 2019.*

#### Fiona and Marisol

- Fiona and Marisol were separated in CBP custody despite asking to stay together. They were reunited when they were both transferred to an Arizona facility but separated again when they were transferred to Mississippi and Louisiana. The experiences in custody and forced separation harmed both women's mental health. *Detained in CBP facility in California and ICE facilities in Mississippi, Louisiana, and possibly Arizona 2021.*

#### Omar

- Omar came with his brother, and they were separated in CBP custody. Omar spent the next three months in detention, not knowing what happened to his brother. *Detained in CBP and ICE facilities in Arizona, 2022.*

#### Zoe

- Zoe was separated from her partner in ICE custody. Initially, Zoe and her partner were housed in the same unit. However, when ICE official found out they were a couple, they were separated and placed in different housing units. *Detained in CBP facility in Texas and ICE facility in Louisiana, 2022.*

#### Quinn

- Quinn entered with their female partner and the partner's child. Quinn was detained by CBP, but their partner and her child were released. Quinn could not contact their partner for about three days. Initially, the officers refused to let Quinn contact their family, until one officer decided to help. *Detained in CBP facility in California and ICE facility in Georgia, 2022-2023.*