

United States Senate

WASHINGTON, DC 20510

October 15, 2019

The Honorable Kevin McAleenan
Acting Secretary
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave. SE
Washington, D.C. 20528

The Honorable Matthew Albence
Acting Director
U.S. Immigration and Customs Enforcement
500 12th St. SW
Washington, D.C. 20536

The Honorable Mark A. Morgan
Acting Commissioner
U.S. Customs and Border Protection
1300 Pennsylvania Ave. NW
Washington, D.C. 20229

Dear Acting Secretary McAleenan, Acting Director Albence, and Acting Commissioner Morgan:

We write to express alarm over reports detailing the abuse and neglect of transgender migrants and asylum seekers at the border and in U.S. custody. We ask you to immediately reverse policies that harm these vulnerable individuals and take swift action to protect the health and safety of transgender migrants. Moreover, we urge you to use alternatives to detention, including release from detention on recognizance, parole, and community-based alternatives to incarceration, for vulnerable populations.

Around the world, transgender individuals face violence, harassment, and discrimination based on their gender identity and gender expression.¹ They are often relegated to the fringes of society, denied basic rights and services and subject to heightened levels of persecution and violence.² While in detention, transgender migrants and asylum seekers are particularly vulnerable to sexual harassment, discrimination, and abuse.³ The United States should protect

¹ In addition, nearly six dozen countries make it a crime to engage in consensual, same-sex sexual acts. ILGA, “State-Sponsored Homophobia: 2019,” Lucas Ramón Mendos, p. 15, https://ilga.org/downloads/ILGA_State_Sponsored_Homophobia_2019.pdf.

² Human Rights Campaign, “The Precarious Position of Transgender Immigrants and Asylum Seekers,” Katalina Hadfield, January 4, 2019, <https://www.hrc.org/blog/the-precarious-position-of-transgender-immigrants-and-asylum-seekers>; Amnesty International, “No Safe Place,” November 2017, <https://www.amnestyusa.org/wp-content/uploads/2017/11/No-Safe-Place-Briefing-ENG-1.pdf>.

³ See, e.g., Washington Post, “Gay, transgender detainees allege abuse at ICE facility in New Mexico,” Robert Moore, March 25, 2019, https://www.washingtonpost.com/immigration/gay-transgender-detainees-allege-abuse-at-ice-facility-in-new-mexico/2019/03/25/e33ad6b6-4f10-11e9-a3f7-78b7525a8d5f_story.html; and Letter from Lawyers for the ACLU, Las Americas Immigrant Advocacy Center, and the Santa Fe Dreamers Project (Mar. 25,

individuals fleeing persecution and targeted violence, including persecution based on gender identity or expression—not subject them to further harm.

Instead of offering refuge to this vulnerable population, the Trump Administration has made it harder for transgender individuals to seek and obtain asylum in the United States. In January 2019, the Trump Administration implemented the so-called “Migrant Protection Protocols,” also known as the “Remain in Mexico” policy, which forces asylum seekers at the southern border back to Mexico to wait while their requests are processed.⁴ Even though the U.S. Department of Homeland Security (DHS) has made clear that “individuals from vulnerable populations” may be exempted from the policy,⁵ transgender asylum seekers have nevertheless been forcibly returned to Mexico.⁶ This policy has increased the risks faced by transgender asylum seekers by placing their health and safety at risk while they wait—potentially for years—for their asylum claims to be processed. According to Amnesty International, “two-thirds of LGBTI asylum seekers and refugees coming from the Northern Triangle [El Salvador, Guatemala, and Honduras] ... reported suffering sexual and gender-based violence in Mexico after crossing the border at blind spots.”⁷ There has been ample documentation of the violence and harassment of transgender individuals in Mexico, often at the hands of state actors.⁸

In addition to the harmful Remain in Mexico policy, since at least 2016, U.S. Customs and Border Protection (CBP) has used “metering” at ports of entry to reduce the number of asylum seekers entering the United States⁹—a practice that forces asylum seekers turned away by CBP to wait in Mexico for weeks or months before they can apply for asylum.¹⁰ Just like the Remain

[nm.org/sites/default/files/field_documents/advance_copy_of_3.25.2019_las_americas_santa_fe_dreamers_project_aclu_nm_letter_to_dhs_re_otero.pdf](https://www.dhs.gov/sites/default/files/field_documents/advance_copy_of_3.25.2019_las_americas_santa_fe_dreamers_project_aclu_nm_letter_to_dhs_re_otero.pdf).

⁴ U.S. Department of Homeland Security, “Migrant Protection Protocols,” press release, January 24, 2019, <https://www.dhs.gov/news/2019/01/24/migrant-protection-protocols>.

⁵ Id.

⁶ Human Rights Watch, “‘We Can’t Help You Here’: US Returns of Asylum Seekers to Mexico,” July 2, 2019, <https://www.hrw.org/report/2019/07/02/we-cant-help-you-here/us-returns-asylum-seekers-mexico>; Texas Public Radio, “LGBTQ Migrants Face Unique Dangers When U.S. Rejects And Returns Them To Mexico,” Reynaldo Leañes Jr., September 9, 2019, <https://www.tpr.org/post/lgbtq-migrants-face-unique-dangers-when-us-rejects-and-returns-them-mexico>; Human Rights First, “Orders from Above: Massive Human Rights Abuses Under Trump Administration Return to Mexico Policy,” October 2019, <https://www.humanrightsfirst.org/sites/default/files/hrfordersfromabove.pdf>.

⁷ Amnesty International, “No Safe Place,” November 2017, p. 20, <https://www.amnestyusa.org/wp-content/uploads/2017/11/No-Safe-Place-Briefing-ENG-1.pdf>.

⁸ In re: a.k.a. Jay Perez a.k.a. Imdra Martinez Perez a.k.a. Imdra Martinez-Perez a.k.a. Estrella Martinez, before the Board of Immigration Appeals, April 24, 2018; National Lawyers Guild, “Stranded: Forced Migration, Illegal Barriers to Asylum and the Humanitarian Crisis in Tijuana,” July 2019, pp. 9–10, <https://www.nlg.org/wp-content/uploads/2019/07/NLG-Tijuana-Report-FINAL.pdf>; Transgender Law Center and Cornell University Law School LGBT Clinic, “Report on Human Rights Conditions of Transgender Women in Mexico,” May 2016, <http://transgenderlawcenter.org/wp-content/uploads/2016/05/CountryConditionsReport-FINAL.pdf>. See also *Avendano-Hernandez v. Lynch*, 800 F.3d 1072 (9th Circuit 2015).

⁹ U.S. Department of Homeland Security Office of the Inspector General, “Special Review – Initial Observations Regarding Family Separation Issues Under the Zero Tolerance Policy,” September 27, 2018, pp. 5–6, <https://www.oig.dhs.gov/sites/default/files/assets/2018-10/OIG-18-84-Sep18.pdf>.

¹⁰ Migration Policy Institute, “Trump Administration’s Unprecedented Actions on Asylum at the Southern Border Hit Legal Roadblock,” Muzaffar Chishti, Sarah Pierce, and Hannah Jacks, November 29, 2018,

in Mexico policy, metering exposes transgender asylum seekers to danger during their long waits. For instance, one transgender woman’s finger was cut off by a cartel while she waited her turn in the metering queue.¹¹ An Amnesty International report also documented some of the risks facing asylum seekers whom CBP had turned away, including an incident in which “a group of six armed men attacked and robbed a shelter where 11 LGBTI asylum-seekers were staying (including minors, and transgender women from the caravan), setting the door of the shelter on fire.”¹²

Last month, the Trump Administration’s third-country transit asylum bar¹³—which effectively denies asylum to almost all individuals passing through another country before reaching the United States—went into full effect after a Supreme Court ruling.¹⁴ By requiring almost all individuals passing through third countries before reaching the United States to apply for asylum in those countries—which may not be equipped to process asylum claims and in which individuals’ safety may be at risk—the bar is likely to make asylum almost impossible for non-Mexican asylum seekers.¹⁵ This includes individuals fleeing the Northern Triangle, which has been identified as one of the most dangerous regions in the world for transgender women.¹⁶

Turning away transgender asylum seekers not only places them in harm’s way, it also violates the United States’ treaty obligations. The United States is bound by treaties that affirm the principle of non-refoulement, which forbids returning asylum-seekers to a country where their “life or freedom would be threatened on account of [their] ... membership of a particular social group,”¹⁷ or “where there are substantial grounds for believing that [they] would be in danger of being subjected to torture.”¹⁸ Given the dangers that transgender people face in Mexico, policies that force asylum seekers to wait in Mexico—like the Remain in Mexico and metering policies and the third-country transit asylum bar—violate the United States’ moral and legal obligations to transgender asylum seekers.

<https://www.migrationpolicy.org/article/trump-administrations-unprecedented-actions-asylum-southern-border-hit-legal-roadblock>.

¹¹ Correspondence with the Kino Border Initiative.

¹² Amnesty International, “USA: ‘You Don’t Have Any Rights Here,’” 2018, p. 23, <https://www.amnesty.org/download/Documents/AMR5191012018ENGLISH.PDF>.

¹³ U.S. Department of Justice and U.S. Department of Homeland Security, “Asylum Eligibility and Procedural Modifications,” interim final rule, July 16, 2019, 84 F.R. 33829, <https://www.federalregister.gov/documents/2019/07/16/2019-15246/asylum-eligibility-and-procedural-modifications>.

¹⁴ New York Times, “‘This Takes Away All Hope’: Rule Bars Most Applicants for Asylum in U.S.,” Azam Ahmed and Paulina Villegas, September 12, 2019, <https://www.nytimes.com/2019/09/12/world/americas/asylum-seekers.html>.

¹⁵ Human Rights First, “Trump Administration’s Third-Country Transit Bar is An Asylum Ban that Will Return Refugees to Danger,” September 2019, p. 1, <https://www.humanrightsfirst.org/sites/default/files/Third-Country-Transit-Ban.pdf>.

¹⁶ Amnesty International, “No Safe Place,” November 2017, p. 8, <https://www.amnestyusa.org/wp-content/uploads/2017/11/No-Safe-Place-Briefing-ENG-1.pdf>.

¹⁷ Convention Relating to the Status of Refugees, Article I, January 31, 1967 (binding the United States to comply with Article 33).

¹⁸ United Nations Convention Against Torture, Article 3.

Even deep within the United States, however, there is overwhelming evidence of systemic neglect and mistreatment of transgender individuals in immigration detention facilities. Numerous reports show that transgender migrants are often subject to harassment, sexual and physical assault, medical neglect, and solitary confinement while in U.S. detention. In 2014, DHS established standards for detention facilities to prevent, detect, and respond to sexual assault.¹⁹ Nonetheless, a May 2018 study by the Center for American Progress found that LGBTQ immigrants in detention are “97 times more likely to be sexually victimized than” others in detention.²⁰ As early as 2013, the Government Accountability Office found that every confirmed instance of sexual abuse from a guard against a transgender individual came while the individual was in “protective custody.”²¹ Just last year, at Cibola County Correctional Center (Cibola), an immigration detention facility located in New Mexico and operated by the for-profit prison company, CoreCivic, Roxsana Hernandez Rodriguez, a transgender woman seeking asylum, died of HIV-related complications.²² Although an independent autopsy confirmed the cause of death, it also revealed that Ms. Hernandez was physically abused while in U.S. Immigration and Customs Enforcement (ICE) custody.²³

Transgender individuals in immigration detention may also suffer from a lack of adequate medical care. On June 1, 2019, a little over a year after Ms. Rodriguez’s death, Johana “Joa” Medina León, a 25-year old transgender woman from El Salvador, died at a hospital in El Paso, Texas, shortly after being released from ICE custody while seeking asylum. She had requested medical attention, but was denied it until she was in a grave condition.²⁴ And earlier this year, based on interviews with dozens of detainees, a group of attorneys and advocates wrote to DHS’s Office for Civil Rights and Civil Liberties, summarizing the “civil rights and civil liberties violations [they] have documented” at Cibola, including a failure to “provide timely and adequate medical care.”²⁵ According to their letter, Cibola often fails “to take detained people to

¹⁹ U.S. Department of Homeland Security, “Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities,” 79 F.R. 13100-01, March 7, 2014, <https://www.federalregister.gov/documents/2014/03/07/2014-04675/standards-to-prevent-detect-and-respond-to-sexual-abuse-and-assault-in-confinement-facilities>.

²⁰ Center for American Progress, “ICE’s Rejection of Its Own Rules Is Placing LGBT Immigrants at Severe Risk of Sexual Abuse,” Sharita Gruberg, May 30, 2018, <https://www.americanprogress.org/issues/lgbt/news/2018/05/30/451294/ices-rejection-rules-placing-lgbt-immigrants-severe-risk-sexual-abuse/>.

²¹ Government Accountability Office, “Additional Actions Could Strengthen DHS Efforts to Address Sexual Abuse,” November 2013, <https://www.gao.gov/assets/660/659145.pdf>.

²² Phoenix New Times, “Migrants Inside ICE’s Only Transgender United Decry Conditions,” Hannah Critchfield, July 12, 2019, <https://www.phoenixnewtimes.com/news/transgender-migrants-decry-conditions-new-mexico-ice-detention-11325981>.

²³ Id.

²⁴ Washington Post, “Transgender woman migrant who had been in ICE custody dies after falling ill,” Robert Moore, June 2, 2019, https://www.washingtonpost.com/immigration/transgender-woman-migrant-who-had-been-in-ice-custody-dies-after-falling-ill/2019/06/02/d194528a-85a6-11e9-98c1-e945ae5db8fb_story.html; The Guardian, “Trans woman who died after illness in US custody had asked to be deported, family says,” Sam Levin, June 12 2019, <https://www.theguardian.com/us-news/2019/jun/12/trans-woman-death-us-custody-ice-deportation>.

²⁵ ACLU, “Detention Conditions Impacting the Safety and Well-Being of Immigrants in the Cibola County Correctional Center in Milan, New Mexico,” April 16, 2019, p. 2, https://www.aclu-nm.org/sites/default/files/field_documents/2019_04_15_nm_stakeholders_letter_to_crcl_re_cibola_county_correctional_center.pdf.

appointments with specialists,” and “routinely fails to provide mental health care unless a person is experiencing severe symptoms.”²⁶ The letter also describes a failure to provide translation services during medical care, rendering many detainees unable to provide informed consent.²⁷ Fourteen organizations recently submitted a complaint to DHS officials detailing “medical negligence and mistreatment” of LGBTQ individuals and people living with HIV in immigration detention facilities.²⁸ The complaint includes ten accounts of medical negligence and mistreatment of transgender people in half a dozen detention centers—including disturbing incidents like withholding HIV medication from transgender women or failing to provide penicillin to a transgender woman suffering from syphilis.²⁹

In 2015, ICE responded to concerns about the dangers of placing transgender women in the population of cisgender male detainees by designating so-called transgender “pods”—facilities specially designated for transgender detainees.³⁰ As of October 2018, ICE reported more than 300 self-identified transgender individuals in its custody, yet only one facility—Cibola—currently has a permanent transgender unit, and it has a maximum capacity of only 60 individuals.³¹ Recently, the South Texas Detention Complex, operated by the GEO Group, opened a temporary transgender “pod,” now only the second in existence.³² Forcing transgender immigrants into the general population exposes them to potential violence and risks deprivation of critical medical care.³³ According to the National Immigrant Justice Center (NIJC), it is now common practice for ICE to detain transgender women with cisgender men; NIJC currently represents three transgender women in this dangerous circumstance.³⁴

Yet the conditions in those so-called transgender “pods” make clear that creating more “pods” is not a good solution, and that alternatives to detention should be used for transgender migrants. Individuals placed in the so-called “pods” are subject to mistreatment, abuse, and neglect as well. Even at Cibola, ICE has not insisted on a contract modification that would bring the facility in line with ICE’s own proposed protocols for the detention of transgender people.³⁵ Moreover,

²⁶ Id. at pp. 2–3.

²⁷ Id. at p. 3.

²⁸ Transgender Law Center et al., complaint to DHS re. failure to provide adequate medical and mental health care to LGBTQ people and people living with HIV in immigration detention facilities, September 25, 2019, <http://transgenderlawcenter.org/wp-content/uploads/2019/09/Complaint-on-LGBTQ-PLHIV-DHS.pdf>.

²⁹ Id. at p. 5.

³⁰ Pacific Standard, “Why Are Trans Women Dying in ICE Detention?,” Jack Herrera, June 4, 2019, <https://psmag.com/social-justice/why-are-trans-women-dying-in-ice-detention>.

³¹ Phoenix New Times, “Migrants Inside ICE’s Only Transgender United Decry Conditions,” Hannah Critchfield, July 12, 2019, <https://www.phoenixnewtimes.com/news/transgender-migrants-decry-conditions-new-mexico-ice-detention-11325981>.

³² NBC DFW, “Detention Unit in South Texas Holds Transgender Immigrants,” Silvia Foster-Frau, June 8, 2019, <https://www.nbcdfw.com/news/local/Detention-Unit-in-South-Texas-Holds-Transgender-Immigrants-510994081.html>.

³³ See, e.g., Washington Post, “Gay, transgender detainees allege abuse at ICE facility in New Mexico,” Robert Moore, March 25, 2019, https://www.washingtonpost.com/immigration/gay-transgender-detainees-allege-abuse-at-ice-facility-in-new-mexico/2019/03/25/e33ad6b6-4f10-11e9-a3f7-78b7525a8d5f_story.html.

³⁴ Correspondence with the National Immigrant Justice Center.

³⁵ U.S. Immigration and Customs Enforcement, “Further Guidance regarding the Care of Transgender Detainees,” memorandum, June 19, 2015, <https://www.ice.gov/sites/default/files/documents/Document/2015/TransgenderCareMemorandum.pdf>.

Cibola has received several citations for poor medical care and faced multiple protests from individuals in detention due to poor prison conditions.³⁶ The U.S. Department of Justice cancelled the contract with CoreCivic in 2016,³⁷ yet within three months, the company had contracted with ICE for immigrant detention.³⁸ A 2018 hearing highlighted continuing abuse of detainees at the facility.³⁹

Reports describe horrendous conditions in immigration detention that effectively punish people for their gender identity and gender expression.⁴⁰ An International Consortium of Investigative Journalists study of 8,400 reports on solitary confinement revealed that ICE “ha[s] repeatedly used isolation to segregate some of the most vulnerable detainees for weeks and even months,” with a focus on “[h]unger strikers, people who identify as transgender and suicidal people.”⁴¹ This directly contradicts DHS’s rules that solitary confinement for the protection of detainees vulnerable to sexual abuse or assault should only be used “when no other viable housing options exist, as a last resort.”⁴² The study documented the story of Dulce Rivera, a transgender woman who was forced to spend nearly a year in solitary confinement at Cibola and in El Paso.⁴³ After being moved to a facility in El Paso, ICE reports that Ms. Rivera was given the choice of rooming with general population or in solitary confinement but Ms. Rivera denied that she had a choice.⁴⁴

³⁶ KOAT News, “Prison on lockdown following inmate protest,” March 29, 2013, <http://www.koat.com/news/new-mexico/albuquerque/Prison-on-lockdown-following-inmate-protest/19512792>; Nation, “Federal Officials Ignored Years of Internal Warnings About Deaths at Private Prisons,” Seth Freed Wessler, June 15, 2016, <https://www.thenation.com/article/federal-officials-ignored-years-of-internal-warnings-about-deaths-at-private-prisons/>.

³⁷ Nation, “The Feds Will Shut Down the Troubled Private Prison in a ‘Nation’ Investigation,” Seth Freed Wessler, August 15, 2016, <https://www.thenation.com/article/feds-will-shut-down-troubled-private-prison-in-nation-investigation/>.

³⁸ New Mexico In Depth, “Inside a private prison’s \$150M deal to detain immigrants in New Mexico,” Sarah Macaraeg, October 26, 2017, <http://nmindepth.com/2017/10/26/inside-a-private-prisons-150m-deal-to-detain-immigrants-in-new-mexico/>

³⁹ Public Radio International, “Former detainees tell New Mexico legislators about abuses in immigration detention as county seeks to renew contracts,” Sarah Macaraeg, July 18, 2018, <https://www.pri.org/stories/2018-07-18/former-detainees-tell-new-mexico-legislators-about-abuses-immigration-detention>.

⁴⁰ Human Rights Watch, “‘Do You See How Much I’m Suffering Here?’” March 23, 2016, <https://www.hrw.org/report/2016/03/23/do-you-see-how-much-im-suffering-here/abuse-against-transgender-women-us>; International Consortium of Investigative Journalists, “Solitary Confinement in US Immigration Facilities, Explained,” Spencer Woodman and Ben Hallman, May 21, 2019, <https://www.icij.org/investigations/solitary-voices/solitary-confinement-in-us-immigration-facilities-explained/>.

⁴¹ International Consortium of Investigative Journalists, “Solitary Confinement in US Immigration Facilities, Explained,” Spencer Woodman, and Ben Hallman, May 21, 2019, <https://www.icij.org/investigations/solitary-voices/solitary-confinement-in-us-immigration-facilities-explained/>.

⁴² U.S. Department of Homeland Security, “Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities,” 79 F.R. 13100-01, March 7, 2014, § 115.43(b), <https://www.federalregister.gov/documents/2014/03/07/2014-04675/standards-to-prevent-detect-and-respond-to-sexual-abuse-and-assault-in-confinement-facilities>.

⁴³ International Consortium of Investigative Journalists, “Thousands of Immigrants Suffer in US Solitary Confinement,” Spencer Woodman, Karrie Kehoe, Maryam Saleh, and Hannah Rappleye, May 21, 2019, <https://www.icij.org/investigations/solitary-voices/thousands-of-immigrants-suffer-in-us-solitary-confinement/>.

⁴⁴ Id.

Transgender individuals who complain about detention conditions risk being placed in solitary confinement as punishment. In a report published in December 2017, the DHS Office of the Inspector General condemned the “potential misuse” of solitary confinement in ICE facilities.⁴⁵ According to this report, there were multiple instances where detainees were “disciplined, including being segregated or locked down in their cells, without adequate documentation in the detainee’s file to justify the disciplinary action.”⁴⁶ One detainee reported being locked down just for sharing coffee.⁴⁷ This practice violates ICE’s own policies. Under a 2013 ICE directive, ICE is supposed to use solitary confinement “only when necessary” and “as a last resort” for individuals with “special vulnerability.”⁴⁸

These troubling reports demonstrate ICE’s inability to provide adequate conditions for transgender immigrants. Transgender detainees face unacceptable and dangerous conditions in detention, regardless of whether they are held in isolation or in general population, and often do not receive adequate medical care. Given these risks, and the specialized medical and other care necessary to care adequately for transgender detainees, ICE should rely on alternatives to detention, an approach with strong, bipartisan support that includes release on recognizance, parole, and community-based alternatives. In 2015, DHS launched the Family Case Management Program, an alternative-to-incarceration program in which certain asylum seekers were placed in the community with monitoring by social workers, who also assisted the individuals in obtaining legal and other assistance. The program was highly successful—with a reported 99% of participants appearing at their court dates—but was ended by the Trump Administration in 2017.⁴⁹ DHS should reinstate and expand effective community-based programs⁵⁰ like the Family Case Management Program that allow vulnerable immigrants, including transgender individuals, to pursue their immigration cases while in a community-based setting.⁵¹ Even short of full implementation of such programs, ICE should acknowledge that there are well-established urgent humanitarian reasons to grant parole to transgender individuals currently housed with the general population.⁵²

⁴⁵ U.S. Department of Homeland Security Office of the Inspector General, “Concerns about ICE Detainee Treatment and Care at Detention Facilities,” December 11, 2017, pp. 6–7, <https://www.oig.dhs.gov/sites/default/files/assets/2017-12/OIG-18-32-Dec17.pdf>.

⁴⁶ Id. at p. 6.

⁴⁷ Id.

⁴⁸ U.S. Immigration and Customs Enforcement, “Review of the Use of Segregation for ICE Detainees,” September 4, 2013, p. 1, https://www.ice.gov/doclib/detention-reform/pdf/segregation_directive.pdf.

⁴⁹ Vox, “Reminder: Trump doesn’t need to keep migrants in detention camps,” Alexia Fernández Campbell, July 4, 2019, <https://www.vox.com/2019/7/4/20681298/trump-migrant-detention-camps-alternatives>.

⁵⁰ Alternatives to detention can be both more affordable, more humane, and highly effective. For other examples of alternative-to-detention programs, see United Nations High Commissioner for Refugees, “Back to Basics: The Right to Liberty and Security of Person and Alternatives to Detention of Refugees, Asylum-Seekers, Stateless Persons and Other Migrants,” Alice Edwards, at pp. 61-65, <https://www.unhcr.org/4dc949c49.pdf>; and International Detention Coalition, “There Are Alternatives,” 2015, <https://idcoalition.org/wp-content/uploads/2016/01/There-Are-Alternatives-2015.pdf>.

⁵¹ For more information about alternatives to detention and existing scalable models, see National Immigrant Justice Center, “A Better Way: Community-Based Programming as an Alternative to Immigrant Incarceration,” April 2019, <https://www.immigrantjustice.org/sites/default/files/uploaded-files/no-content-type/2019-04/A-Better-Way-report-April2019-FINAL-full.pdf>.

⁵² This is one of the standards under the Immigration and Nationality Act for granting parole. 8 U.S.C. § 1182(d)(5)(A).

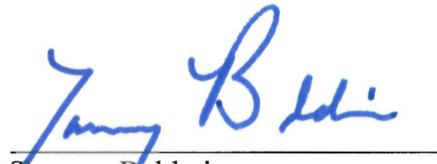
We call on DHS to end policies and practices that harm transgender migrants—including the Remain in Mexico and metering policies and the third-country transit asylum bar, to address the atrocious and dangerous conditions that these vulnerable individuals face at the border and in U.S. immigration detention, and to reinstate and expand successful community-based alternatives to detention. We also call for DHS to use its discretion to release members of vulnerable populations, including transgender detainees. These steps are necessary for the United States to meet its moral and legal obligations and treat individuals fleeing persecution and violence with the dignity, respect, and compassion they deserve.

We request a staff-level briefing on or before October 29, 2019 to update our offices on your efforts to address the harm to transgender migrants.

Sincerely,



Elizabeth Warren
United States Senator



Tammy Baldwin
United States Senator