

Immigration and the LGBT community: Inside ICE detention

Part three



by **Gretchen Rachel Hammond**

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Sister JoAnn Persch. Photo by Gretchen Rachel Hammond

Every Friday at 7:15 a.m., Sister Pat Murphy and Sister JoAnn Persch of the Sisters of Mercy in Chicago arrive at the Broadview Detention Facility. It is a squat, two-story building located in a bleak-looking industrial park in Broadview, Illinois. To one side, there is a lot enclosed by a covered fence topped with coils of razor wire. To the other is the closed entrance to a garage. On an embankment behind the facility, a line of rail freight cars sit motionless.

The only accessible public entrance to the facility is a set of glass doors at the top of a small flight of concrete steps. To the right of the steps, the sisters set up a speaker and microphone on the sidewalk. They are soon joined by a crowd of 30 or more representatives and members from the Sisters of Mercy, Chicago New Sanctuary Coalition, the Sisters and Brothers of Immigrants, the Jewish Council on Urban Affairs, the Office for Immigrant Affairs & Immigration Education of the Archdiocese of Chicago, and other members of Chicago's faith community as well as, oftentimes, crowds of students and advocates.

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They are gathered for a prayer vigil in support of and in solidarity with the small group of immigrant detainees inside Broadview. The detainees had arrived long before sunrise and now wait to see their family members and friends one last time before they are shackled into a bus that will start them on their forced journey back to the countries of their birth.

Persch and Murphy have been coming to Broadview for the past eight years. Previously, they had worked in Central America with survivors of torture and so were more than familiar with the issues that immigrants to the U.S. face. They heard about a Chicago immigration lawyer who was having a hard time winning his cases. He was asking for their support in prayer.

“There were four of us standing outside of Broadview on this freezing cold day in January of 2007,” Persch recalled to Windy City Times. “Pat and I and another sister prayed with the lawyer and he explained to us what was happening that day with the vans bringing the [detainees] in to be processed and deported. The lawyer had been going once a month. We felt a very strong calling and decided we had to be there every week.”

Eventually, the sisters wanted to be inside Broadview in order to talk and pray with those about to be deported. “Of course they wouldn’t let us in,” Persch explained. “So we told the lawyer that we would like to get into the immigration court.”

They began a Court Watch program in 2007 staffed by volunteers from the Sisters of Mercy who attend immigration court proceedings each day wearing Court Watch buttons. “It makes the judge sit up a little straighter,” Persch said. “People know who they are. They take notes and we share reports with legal groups. We connect with [detainees] at the jail. If they say ‘I have a court hearing Thursday, can somebody be there?’ then our court watcher tells us about the outcome of the case and comforts the families. We also do a lot of work with law school students and universities that want to do a community project.”

Meanwhile, the sisters kept calling Immigration Customs Enforcement (ICE) officials requesting access to their detention facilities. “They never answered,” Persch said. “So we sent a certified letter. They called and said they wouldn’t let us in. ‘We have standards’ they told us but it didn’t sound like they were being followed.”

In June 2009, a bill was signed in Illinois allowing access for religious counselors and ministers into immigrant detention centers. “[ICE] still didn’t want to let us in,” Persch said. “So Rep. Dan Burke who had sponsored the bill came out with us and it took until the end of November to get the approval letter from the sheriff.”

However, the Sisters of Mercy were still denied access to Broadview. With help from the Illinois Coalition for Immigrant and Refugee Rights (ICIRR), they were eventually permitted onto the bus with the detainees.

“We get on and we talk to them and we give them information about safe houses once they cross the border and we say a prayer of protection for the journey,” Persch said. “So now at Broadview we have people outside who greet the families before they go in, we have people inside with those being deported and we still have the prayer vigil which started it all.”

For the detainees, the sisters offer a measure of comfort during the end of a terrifying process that began when they were arrested by ICE agents and held at detention facilities scattered across Illinois at the Jefferson County Justice Center in Mount Vernon, the McHenry County Adult Correctional Facility in Woodstock and the Tri-County Detention Center in Ullin.

ICE was born out of the Homeland Security Act signed into law by then-President George W. Bush in November 2002. The following March, ICE was established as an agency of the Department of Homeland Security (DHS) and, according to their website, “granted a unique combination of civil and criminal authorities to better protect national security and public safety in answer to the tragic events on 9/11.”

On Dec. 19, the DHS released 2014 end-of-year statistics that claimed removals, returns and apprehensions of immigrants by the department alongside ICE and Customs and Border Protection (CBP) totaling 1,379,889. Of those people, ICE was responsible for 315,943. “ICE’s 2014 removal numbers illustrate the agency’s continued commitment to focusing on the apprehension, detention, and removal of criminal aliens and other immigration violators in the interior of the United States,” the release stated.

The agency’s reach and the expansion of its facilities continue alongside an equally growing controversy surrounding its alleged treatment and long-term detention of undocumented immigrants whom activists claim are denied due process, basic human needs and—particularly in the cases of LGBTQ immigrants—are subjected to abuse and assault from prison inmates while guards and facility staff look the other way.

Other cases detail stories of transgender detainees placed in solitary confinement in order to shield them from attacks from the general population even though such segregation is supposed to be utilized as a form of punishment and has sometimes calamitous mental consequences.

According to an April 2014 report released by the Center for American Progress (CAP) and entitled How the Prison Rape Elimination Act [PREA] Helps LGBT Immigrants in Detention, even though PREA was signed into law in 2003 it took over a decade before the “DHS published standards to prevent, detect, and respond to sexual abuse and assault in immigration detention facilities.”

The report added that ICE is required by Congressional mandate to detain 34,000 immigrants every day. “The 249 facilities in which ICE holds immigrants are currently covered by a patchwork of standards and, prior to the establishment of the PREA standards in March, no one standard bound all facilities,” the report added.

At different events throughout 2014, ICE detention facilities all over the country served as focal points for protests organized by immigrant advocates, supporters and detainees themselves.

In March—at a detention center in Tacoma, Washington—detainees took part in a hunger strike. TIME magazine reported that the strike focused on two central issues: the congressional mandate and mandatory detention “which requires suspected immigration violators to be held indefinitely while a deportation review is pending, often without bond.” The story noted that one of the detainees claimed “harsh treatment meted out by guards.”

Early in April, Progress Illinois detailed hundreds of immigration activists who rallied in front of the Broadview facility demanding an end to the deportations occurring there and as part of a national “Not One More” campaign. The website stated that 11 of the protestors were arrested “by police clad in riot gear.”

According to a May press release, activists and members of the Los Angeles California based FAMILIA: Trans* Queer Liberation Movement “formed a triangular human chain linked to a metal cage blocking the entrance of the Santa Ana [California] Police Department to call on the city of Santa Ana to terminate its contract with ICE which imprisons trans and queer people in abusive conditions in the Santa Ana City Jail.”

In July, The Los Angeles Times reported on advocacy groups “protesting the expansion of Southern California’s largest immigrant detention center” in Adelanto. According to the article, the facility’s capacity of 1,300 men would be expanded to add a further 650 beds, including a women’s housing unit. “But opponents have raised questions about conditions at the Adelanto facility, saying detainees have reported receiving inadequate healthcare and poor quality food,” the report said.

In November, the University of Texas at Austin’s newspaper The Daily Texan published a story concerning a group demonstrating against the construction of an ICE facility in Dilley, Texas. The article claimed it would be the “biggest immigrant detention facility in the nation,” with a projected capacity of “2,400 detainees.” One protestor called it a “modern-day internment camp.”

Chicago action

Local activist and 2004 Chicago Gay and Lesbian Hall of Fame inductee Julio Rodriguez is board president for the Association of Latinos/as Motivating Action (ALMA). The Chicago-based organization’s LGBT Immigrant Rights Project teams up with a number of non-profits, agencies and legislators in the city “to support key efforts aimed at addressing LGBT priorities within the immigrant rights movement.”

“For the last four years, we have been focused upon coalition building among LGBTQ and immigration activist groups,” Rodriguez told Windy City Times, “informing both movements about what’s happening on the immigration front and the issues that, in particular, undocumented LGBTQ immigrants are facing.”

He said these immigrants spend their days under constant fear of their undocumented status combined with their sexuality and the threat of a squad of ICE agents charging into their homes or places of employment, no matter how long they have lived in the United States.

“We just had a recent incident here in Illinois with a man named Humberto,” Rodriguez noted. “He’s 52 and has lived here for over 20 years. He found a job at a grocery store and had a small circle of friends—people who loved him. I mean, this was his paradise. Then, out of the blue, ICE came in and took him away. He couldn’t call a single one of his friends. Now you have an obvious gay man put into a detention center and the trauma that’s got to create for him has to be devastating. Everything he built up for the last 20 years is gone. There are fathers arrested [by ICE] who are supposed to pick up their kids from school that day. The kids wait

at the corner and their father never shows up and it isn't until a week later that they realize 'our dad's been taken away.' When I see stories like that, I think to myself 'this is the underbelly of what is happening'."

According to Rodriguez, ordeals in detention for LGBTQ immigrants are unique as to the level of mental and physical damage sustained depending upon an individual's sexual orientation or gender identity. The CAP report quoted figures from the Government Accountability Office (GAO) which "found 215 allegations of sexual assault between 2010 and 2012. It also indicated that reports of sexual assault in immigration detention facilities were not properly investigated, with only 7 percent of them substantiated."

"If you're an openly gay person who gets detained, you're forced back into the closet because you're with people that you have no idea what their feelings are about homosexuality," Rodriguez said. "Somebody who may be lesbian is thrown in with women who aren't sympathetic to them. Trans* individuals are forced back into situations that are among the worst things that can ever happen to them."

Olga Tomchin, a Soros Justice Fellow at The Transgender Law Center, was quoted in the CAP report. "Detained transgender immigrants, including our clients, frequently experience such intolerable conditions in ICE custody that they desperately agree to give up their cases and risk persecution and death after deportation rather than remain in solitary one day longer," Tomchin stated. "ICE is clearly incapable of detaining trans people with even minimum levels of dignity and safety and thus must no longer detain trans immigrants."

ICE response

Windy City Times was granted a telephone interview with ICE Deputy Assistant Director Andrew Lorenzen-Strait in June. "ICE operates the largest confinement system in the world," he said. "It's a big job. Over the course of a year, we have over half a million people in our care and custody and we take seriously everyone who may enter our facilities."

He asserted that the Congressional mandate requiring 34,000 detained immigrants per day is a fraction of the total number of individuals going through the immigration court system. "That's what we call the detained docket," he said. "Our non-detained docket is hundreds of thousands of people. In addition, the average length of stay for folk is less than 25 days."

According to Lorenzen-Strait, ICE has taken steps over the past several years to ensure LGBTQ sensitivity within the agency. "Several years ago, we made a commitment to LGBT issues and the department formed an LGBT working group that looked at equities for employees and for people who had come into contact with DHS," he said. "We have made considerable efforts to ensure that—at any time during the ICE process of encountering, detaining or removing an individual who identifies as lesbian, gay, bisexual or transgender—[they receive] the utmost attention."

Lorenzen-Strait went on to describe a risk classification assessment developed by the agency in 2010 and rolled out in 2012 for use during detainee processing. “We assess someone with a very sophisticated methodology that’s both computer and person based,” he said. “Immigration and criminal history and humanitarian equities [are used] in order for us to determine whether or not to release or detain somebody. For the first time, we’re asking questions about whether or not they have been victimized by persecution or torture. With the LGBTQ community, we’re asking if they’ve experienced discrimination or abuse based on their sexual orientation or gender identity. We ask if they fear being placed with a particular gender while being housed in a detention facility meaning, do they identify as male or female?”

He insisted that ICE takes an individual’s gender identity into account rather than the gender marker on a piece of identification and that the agency’s working groups were established alongside the National Center for Transgender Equality. “We take a holistic approach to these individuals,” he said. “We want to be on the forefront of transgender issues because it’s very important that we look at people as they present.”

However, Lorenzen-Strait admitted the agency still has a great deal of work to be done. For example, many LGBT immigration advocates have requested that transgender women be placed in women’s housing while in detention.

“Although it’s an individualized assessment, at present we have protective custody pods that include transgender and gay males,” he said. “So we have not been placing transgender females into female housing yet, but I do believe that it is something we will be doing in the future. We also want to ensure that, when they are housed, there’s not an automatic placement into segregated housing. Under our policies, it is not allowable for a person who identifies as LGBT to be placed automatically in solitary confinement. That practice has been done away with. Anytime there’s a placement [in solitary] of a special factor, which includes LGBT issues, or beyond 14 days, headquarters is made aware of it and we are immediately alerted to do instantaneous oversight.”

Although Lorenzen-Strait claimed ICE’s risk assessment tool was in place system-wide by 2013, and solitary confinement (also referred to as administrative segregation) oversight was instituted one year later, it did not seem to help lesbian immigrants like “America” who told her story to Windy City Times concerning her detention for 10 months in ICE facilities and the attacks and solitary confinement she was forced to endure while in their custody.

Less than two months after his interview, the Transgender Law Center—in partnership with immigrant rights and LGBTQ advocacy groups nationwide—sent a letter to Lorenzen-Strait and others calling on the DHS to release Marichuy Leal Gamino, a transgender woman who was sexually assaulted in July at the Eloy Detention Center in Arizona. She had been in ICE custody for more than one year.

“Marichuy, who has been housed with men at Eloy, was sexually assaulted by her cellmate after she repeatedly attempted to report harassment and threats of abuse to detention center staff,” the letter stated. “Immediately after the assault, Marichuy reported the abuse but the facility staff—despite clear guidelines in the Prison Rape Elimination Act—instead tried to cover up the attack by pressuring Marichuy to sign a statement claiming the rape was consensual.”

“I’ll be the first to admit that no human system is perfect,” Lorenzen-Strait said. “It is a work in progress and we’ve made improvements in terms of training and process to ensure that there’s a ubiquitous playing field throughout our detention facilities. However, things need to be improved each and every time. We have the largest transgender population in the world in a confined setting. Most of these people are looking for some kind of asylum release. They’re also going to have some criminal background because they’ve been involved in solicitation issues in order to make a living, so we have to be attuned to that.”

To that end, Lorenzen-Strait asserted that ICE has local review systems in place along with a fully staffed call center for detainees to use—whether they have been placed in general or segregated housing—if they wish to register any kind of complaint be it about food, lack of medication or abuse due to their LGBT status.

In terms of the LGBT population, he added that there has been a phased approach to agency-wide LGBT sensitivity training that includes terminology, correct pronoun usage and undergarments distributed based on an individual’s gender identity or expression and that appropriate medical care and conduct of pat-down searches is administered.

One of the centers of that training has been with the detainees at the ICE facility in the Santa-Ana Jail. “It’s a dedicated facility in terms of housing of LGBT individuals with programming, access to recreation, legal and religious services,” Lorenzen-Strait said. “It has some detractors. A lot of folks would like to see a world where there doesn’t have to be a protective custody unit, but we’re just not there yet. I have visited the facility on numerous occasions and talked to the individuals there and they feel that it is a very warm and welcoming facility that is responsive to their needs. I myself am gay, out and proud. My husband and I are married and we have a child. Discrimination issues were something I personally faced growing up.”

For Chicago’s Julio Rodriguez, his own experiences have taught him that resolving immigration issues—particularly those centered around the LGBTQ community—is far from a hopelessly complex issue with no political or practical solutions.

“I grew up as a gay man during the AIDS crisis,” he said. “I remember people saying to me this will never change, you’ll never get policy change because the political will is against you, yet look at where we are today. Politics is in the moment. When communities are in a struggle, they get strategic and they get smarter.

The economy of this country has been built on immigrants. One in probably six gay professionals is someone of color and, more than likely they came from an immigrant family.”

Next week: Part four of our series, with more on the ICE system

Series links:

LGBT immigrants still face hurdles, part one of series. windycitytimes.com/lgbt/LGBT-immigrants-still-face-hurdles-Part-one-/50226.html.

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