

Dignity Denied: LGBT Immigrants in U.S. Immigration Detention

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A page from the Department of Homeland Security Office of Inspector General's response to a FOIA request from the Center for American Progress for records of complaints and/or investigations involving U.S. Immigration and Customs Enforcement made by lesbian, gay, bisexual, and transgender detainees in ICE facilities from fiscal year 2008 to present.

Endnotes and citations are available in the PDF and Scribd versions.

for enforcement of immigration laws. While it is in the interest of national sovereignty and security to track those who come into and leave the United States, we cannot permit enforcement of immigration laws to trample immigrants' basic human rights. We must ensure that immigration enforcement is conducted in a humane manner that respects human dignity. Unfortunately, the current immigration enforcement system falls short of this goal, particularly in regard to the treatment of lesbian, gay, bisexual, and transgender, or LGBT, immigrants.



While the Department of Homeland Security, or DHS, does not keep data on the sexual orientation or gender identity of people in its custody, reports of treatment of LGBT detainees obtained through Freedom of Information Act, or FOIA, requests and through complaints filed by immigrant rights groups reveal that much like in the general prison population—where LGBT inmates are 15 times more likely to be sexually assaulted than the general population—LGBT immigrants in immigration detention facilities face an increased risk of abuse in detention. The U.N. Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment went as far as finding the treatment of LGBT immigrants in U.S. detention facilities in violation of the Convention Against Torture after it received information on gay and transgender individuals who had been subjected to solitary confinement, torture, and ill-treatment—including sexual assault—while detained in U.S. immigration facilities.

This report will examine the mistreatment LGBT immigrants face in immigration detention; the steps that Immigration and Customs Enforcement, or ICE, has taken in an attempt to address these issues; the impact that legislation pending before Congress would have on immigration enforcement; and recommendations for how to ensure enforcement of immigration laws is conducted in a manner that is effective and humane.

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