

Navigating Transgender Asylum through Activism

Transnational Ties, Social Remittances, Detention and the
Politics of Representation

Isabel Soloaga

University of Sussex

i.soloaga@sussex.ac.uk

TABLE OF CONTENTS

01 Introduction

- a. Background in supporting immigrants facing deportation in the US
- b. Specific case of Transgender refugees in US detention facilities

02 Governmentality and Transnational Activism

- a. Importance of networks and community to gaining representation

03 Trans Activism: Alejandra Barrera

- a. History of activism and continued activism in the US
- b. Transnational activism necessary to garner international support and representation

04 The Future

- a. House Democrats wrote letter, 2020, to Congress to ban detention of transgender refugees
- b. Activism of transgender refugees continues in so-called “safe countries” to survive in transphobic environments



“Invisible Walls”: Developments in US Asylum Processes

- Only 37% percent of all immigrants and 14% percent of detained immigrants go to court with lawyers on their side, according to a 2016 American Immigration Council (AIC) study.
- Growing backlog of immigration cases: delays as long as five years for asylum seekers and other immigrants to have their first hearings.
- Transgender asylum seekers spend on average at least twice as long in detention

Case studies show how the activism of transgender refugees mobilizes international support, transnational ties and social media to facilitate access to legal representation (in some cases) that can lead structural changes within systems that perpetuate the suffering experienced by transgender refugees.

Mandatory Detention of SOGI refugees in the US

Each day, **a congressional mandate requires ICE to hold 34,000 immigrants** who may be subject to removal for violations of administrative immigration law in more than 250 detention facilities nationwide. **Prior to 1996, immigrants in removal proceedings were not detained unless they were found to be a flight risk or pose a threat to national security.**

Current law requires mandatory detention for all asylum seekers who enter the United States without proper documentation. Due to the complex nature of asylum cases, asylum seekers spend more time in immigration detention facilities than do other detainees.

Whereas the average detainee length of stay is 30 days, the average stay for asylum seekers is 102.4 days.

Since nearly 80 countries have laws criminalizing people who are LGBT, many LGBT asylum seekers in search of safety and security in the United States are instead locked away in jail-like immigration detention facilities.

In addition to the baseline trauma that people face when detained and deprived of their liberty, abuse of LGBT immigrants has been well documented by immigration advocates nationwide. NIJC's complaints documented mistreatment in immigration detention facilities nationwide, indicating the **systemic nature of the mistreatment of LGBT immigrants in immigration detention facilities**. The complaints include incidents of sexual assault, denial of adequate medical care, long-term solitary confinement, discrimination and abuse, and ineffective complaints and appeals processes.

<https://cdn.americanprogress.org/wp-content/uploads/2013/11/ImmigrationEnforcement-1.pdf>

Protesting the Detention of Transgender Refugees

“In January 2019, the Trump Administration [asked](#) for \$800 million to support 8,000 new immigration detention beds for a total of 52,000. The administration also began implementing a policy of returning asylum seekers entering through the southern border back to Mexico while their cases are adjudicated—raising a host of due process and safety [concerns](#) for refugees in need of protection.” —

[Humanrightsfirst.org](https://humanrightsfirst.org)

There is only one facility explicitly for transgender people in ICE custody, located in Milan, New Mexico. **In June 2019, 29 inmates housed there wrote a letter complaining about the medical care they receive and mistreatment by DHS employees.**

In January 2020, 44 House Democrats submitted a letter to the Department of Homeland Security (DHS) and Immigration and Customs Enforcement (ICE), formally asking them to release all transgender detainees from their custody. The letter asserts that ICE’s detainment and judicial procedures are disproportionately harming trans people, citing recent evidence of rampant sexual abuse of trans inmates.

“The United States is bound by domestic and international law to protect — not punish — vulnerable populations escaping from persecution,” the letter reads.

<https://thehill.com/policy/national-security/477954-lawmakers-to-call-on-ice-to-release-all-transgender-detainees>

The Importance of Transgender Refugees A queer theory perspective:

“Needless to say, trans people are not alone as provocative entries in the bestiary-imaginary of the hard right. **We are positioned alongside migrants (and of course, often enough *are also* migrants). Migration and transition are each framed as a grave threat to family, and nation...**

It is no accident that trans people and migrants share the dubious honour of being points of fixation for the far right. Transition and migration are both situated at the intersection where national imaginaries cross individual ones...

For boundaries to remain 'natural,' they should be crossed over only in exceptional circumstances....

While our path is our own, the process reveals a certain mutability in the ways anyone can interact with the world... Many would rather deny this flexibility and what it signifies. And so we are to be refused, left unrecognised, or destroyed.”

— Jules Gleeson and Nathaniel Dickson, The Future of Trans Politics

Theoretical Approaches

- The field of migration policy often draws from Foucault's ideas of **governmentality** (Wimark 2020).
- Walters (2004) argues that the process of governmentality can be seen in the current migration politics that invoke an image of the state as a home. According to Walters, increasingly enforced borders are being justified through this mentality: **the nation becomes a place that we need to protect from others.**
- Asylum accommodation or detention thus becomes a place in which we need to “domesticize” newcomers in order to maintain stability within and keep threats away (Walters 2004). **Transgender refugees, perceived as a “threat” to traditional gender norms as well as geographic constraints, are thus especially subject to these coercive apparatus of biopower.**

Alejandra Barrera's Story

Background: Alejandra fought for transgender rights for more than a decade in El Salvador. In El Salvador, she regularly visited ill AIDS patients in hospitals and helped to educate members of the transgender community about disease prevention. She was forced to flee after repeated attacks by a criminal gang, as well as abuses by the Salvadoran military. Alejandra was sexually assaulted by both the gang and military personnel because of her transgender identity.



Continued Activism: When detained in the United States for nearly 2 years, she mobilised other asylum-seekers in her transgender-only detention facility, writing open letters to advocacy groups in the United States and around the world to document the abuse and lack of medical treatment in Cibola County Correctional Facility. **“This is the continuation of my activism,”** she said. Her traumatic experiences in US detention have given her “motivation to go on fighting and fighting... **I have the opportunity to speak about what happened to me inside, and what’s still happening to my compañeras inside”.**

January 30, 2020:

“Dozens of transgender detainees transferred from criticized New Mexico ICE facility”

Alejandra was detained at Cibola County Correctional Facility, one of many privately run, for-profit detention centers run by the company CoreCivic.

Today, in part due to Alejandra’s activism and public scrutiny, all transgender asylum seekers have been moved from the facility.



#FREEALEJANDRA



464 x 600

CALL NOW

#FREEALEJANDRA

CONGRESS CALL SCRIPT:

Hello, my name is _____. I am calling you today to ask that you stop the deportation of Alejandra, a transgender woman held in Cibola Detention Facility in New Mexico. Alejandra has spent years fighting for her community and deserves to be free.

[Include a personal experience or story as to why Alejandra is important to you]

After fighting for the rights of trans people in El Salvador as an activist for over a decade, Alejandra finally had to flee El Salvador to escape persecution on the basis of her transgender identity. Alejandra is a 44-year-old transgender woman from El Salvador who requested asylum at the U.S.-Mexico border in November 2017 but has been held in immigration detention by ICE ever since.

We need to #FreeAlejandra NOW. Please contact Bill Jepsen, HEAD OF THE ALBUQUERQUE OFFICE at ICE and protect Alejandra from deportation. You can CALL: (505) 452-4801.

Thank you for your time.

450 x 600



Out Magazine  @outmagazine · Sep 9

Alejandra Barrera, a 44-year-old transgender refugee, was released on parole Friday after spending 21 months in an Immigration and Customs Enforcement facility.



Trans Woman Released After 21 Months in ICE Detention

Alejandra Barrera had been denied parole five times, putting her life in serious danger.

 out.com



Barrera was released in September after an intense campaign spearheaded by Amnesty International, the Translatin@ Coalition and the National Immigrant Justice Center; by dozens of lawmakers, including Democratic Reps. Ilhan Omar (Minn.), Adam Schiff (Calif.), and Jerrold Nadler (N.Y.); **and as a result of over 30,000 signatures, which included actress Laverne Cox and YouTuber Chella Man, in a #FreeAlejandra petition.** Only a month later, she traveled to D.C. to share her story with lawmakers and advocate for the release of other transgender women in immigration jail.

Her case shows activists that “together, advocates, everyday people working with their elected officials can put pressure to help make people’s lives better and stop these abuses ,” said Denise Bell, Researcher at Amnesty International. **“Alejandra really, really touched the hearts of so many people — everyday people, celebrities, and members of Congress. It was really incredible to see how the congressional pressure and the public pressure really did stop her deportation.”**

In a statement, Barrera thanked the enormous response to the advocacy efforts on her behalf: **“Through letters of support, people from around the world gave me the strength to continue in this struggle that was so hard for me. I’m here to keep fighting,”** she said.



Concluding Remarks

- Activism often represents a continuity between transgender refugees' lives in origin countries and their new lives in so-called "safe" countries, where transphobia and oppression nonetheless remain defining factors in their lives
- Asylum accommodation and detention provide locations in which states exert power over migrants in the attempt "domesticize" newcomers (Walters 2004). Transgender refugees, who refuse categorization by dominant norms of gender and geography, especially suffer in such conditions.
- Transgender refugee-led activism has led to greater awareness around transgender and migration issues as well as concrete results, including the release of Alejandra from detention. With more immigrants than ever in detention in the US, and asylum-seekers globally facing severe maltreatment, an uphill battle remains for community members, politicians, academics and lawmakers alike to support transgender refugees all over the world to gain access to fair treatment under law and the fulfilment of their basic human rights.

Sources and Further Reading

“Access to Counsel.”(2016). *National Immigrant Justice Center*, Available at:

immigrantjustice.org/issues/access-counsel.

Berry, J. (1997) ‘Immigration, Acculturation and Adaptation’, *Applied Social Psychology: An International Review*, 46(1), pp. 5-68.

Feder, J., Singer-Vine and King. (2016) ‘This is how 23 Countries Feel about Transgender Rights’. 29 December. *Buzzfeed News*. Available at: <https://www.buzzfeednews.com/article/lesterfeder/this-is-how-23-countries-feel-about-transgender-rights> (Accessed 5 December 2019).

Foucault, M. (1978). *The History of Sexuality*. New York and Toronto: Random House.

Gleeson, J. (2019) ‘The Future of Trans Politics’, *Verso*. Available at: <https://www.versobooks.com/blogs/4269-the-future-of-trans-politics> (Accessed: 26 November 2019).

Human Rights Campaign. (2019) *Violence Against the Transgender Community in 2019*. Available at: <https://www.hrc.org/resources/violence-against-the-transgender-community-in-2019> (Accessed: 3 December 2019).

Ostergaard-Nielsen. (2003) ‘The politics of migrants’ transnational practices’, *International Migration Review* 37(3), pp. 760-86.

Oztaskin, Murat. (2019) ‘Two-year detention of a transgender asylum claimant: Barrera's story’, *The New Yorker*, 29 November. Available at: http://www.sogica.org/en/life_stories/two-year-detention-of-a-transgender-asylum-claimant-barreras-story/ (Accessed: 30 November 2019).

Politzer, M. and Hylton, Annie. (2019) ‘Caught Between Borders’

Longreads. Available at:

<https://longreads.com/2019/06/11/caught-between-borders/?fbclid=IwAR3Ixa8T3oFG4hQ77B7HsuAqY6TvHQQtMMS95DulegONP-pCsh-9jgaJx4o> (Accessed: 2 November 2019).

Savage, R. and Greenhalgh, H. (2019) ‘Transgender People Criminalised in Every Part of the World: study’, *Reuters*, 17 May. Available at: <https://www.reuters.com/article/us-britain-lgbt-crime/transgender-people-criminalized-in-every-part-of-world-study-idUSKCN1SN25K> (Accessed: 3 December 2019).

Scott, James C. (1998) *Seeing like a state*. New Haven, CT: Yale University Press.

Walters, W. 2004. “Secure Borders, Safe Haven, Domopolitics.” *Citizenship Studies* 8 (3): 237–260. doi: 10.1080/1362102042000256989

Wimark, T. (2020): Housing policy with violent outcomes – the domestication of queer asylum seekers in a heteronormative society, *Journal of Ethnic and Migration Studies*, DOI: 10.1080/1369183X.2020.1756760

Vogler, S. (2019) ‘Determining Transgender: Adjudicating Gender Identity in U.S. Asylum Law’, *Gender & Society*, 33(3), pp. 439–462. doi: 10.1177/0891243219834043.