

January 14, 2016

The Honorable Jeh Johnson
Secretary of Homeland Security
U.S. Department of Homeland Security
Nebraska Avenue Complex
3801 Nebraska Avenue, N.W.
Washington, DC 20528

Dear Secretary Johnson:

The undersigned lesbian, gay, bisexual, transgender, and queer (LGBTQ) organizations write to express our deep opposition to the Department of Homeland Security's (DHS) tactics of conducting raids in communities nationwide to round up and deport Central American children and their families.¹

We are committed to ensuring the safety, health, and welfare of all LGBTQ immigrants in the United States and we are disappointed that DHS has decided to use tactics that instill fear into immigrant communities. These raids plainly contravene President Obama's directive to "more humanely" enforce our nation's immigration laws.² Instead of raids, DHS should take measurable steps to protect people that are fleeing tremendous levels of violence.

As an LGBTQ community, we understand the vital importance of safe places to live. In the summer of 2014, we saw a wave of parents and children arrive to the U.S. to escape extreme violence in Central America. These parents fled because of gangs murdering their spouses, attempting to recruit their sons, and threatening sexual violence against them and their children.³ The majority of these cases lacked access to legal advice and assistance, often because of financial, logistical, or governmental obstacles. Without adequate legal counsel, many do not understand the intricacies of court proceedings and struggle to get their cases heard adequately and fairly.⁴

Additionally, we believe a substantial portion of those who are currently in removal proceedings before the Executive Office for Immigration Review (EOIR) are people with a disability, as that term is defined in the Rehabilitation Act of 1973.⁵ A very high proportion of the Central American mothers and children now targeted for ICE raids have survived sexual assault or other forms of extreme violence, have mourned the loss of close family members to particularized

¹ Department of Homeland Security, "Statement by Secretary Jeh C. Johnson on Southwest Border Security," available at <http://www.dhs.gov/news/2016/01/04/statement-secretary-jeh-c-johnson-southwest-border-security> (last accessed January 2016).

² Reuters, "Obama vows more humane immigration law enforcement," March 13, 2014, available at <http://www.reuters.com/article/us-usa-obama-immigration-idUSBREA2D02Z20140314>.

³ United Nations Office on Drugs and Crime, "Intentional homicide count and rate per 100,000 population, by country/territory," available at https://www.unodc.org/documents/gsh/data/GSH2013_Homicide_count_and_rate.xlsx (last accessed January 2016).

⁴ Washington Post, "House Democrats lay into administration over deportation raids," January 7, 2016, available at <https://www.washingtonpost.com/news/powerpost/wp/2016/01/07/house-democrats-lay-into-administration-over-deportation-raids/>.

⁵ See 42 U.S.C. § 12102(1).

violence, and today suffer the inevitable consequences of exposure to this trauma.⁶ This means that a substantial proportion of the Central American parents and children who have sought refuge in the U.S. are suffering from severe symptoms of—and in many cases likely meet diagnostic criteria for—posttraumatic stress disorder, generalized anxiety, and depression.

Consequently, we request that you call for an immediate review of the underlying removal orders on which DHS raids are purportedly based in order to confirm that the orders were not obtained in violation of the Rehabilitation Act.⁷ Raids are not the answer, especially for the broader LGBTQ immigrant community. Countless studies show the negative impact that raids have for immigrant communities. Children are pulled from school, immigrant owned businesses suffer, and immigrants fear reaching out to get for basic services- even if they themselves are not the targets of the raids.⁸ These negative impacts are even more harrowing for LGBTQ immigrants that already report higher levels of violence and discrimination based on their sexual orientation and gender identity.⁹ These raids will only serve to push our LGBTQ immigrant community further into the shadows

Consistent with our welcoming immigrant tradition to harbor those fleeing violence and persecution, DHS must end the use of raids that drive fear into immigrant communities. Additionally, DHS should exercise its statutory authority to extend relief and due process to all families fleeing violence.

This country has proven to be a beacon of hope for thousands of LGBTQ immigrants that face violence. We ask you extend that same level of respect to these families and champion their protection.

We look forward to speaking with you about this matter. Please contact Zenen Jaimes Perez with the United We Dream Network at (512) 914-5905 or zenen@unitedwedream.org for more information or to discuss.

Sincerely,

Aquí Estamos
Association of Latino/as Motivating Action (ALMA)
CenterLink: The Community of LGBT Centers
Collectively Free

⁶ Geneva Declaration, “Global Burden of Armed Violence 2015: Every Body Counts,” available at http://www.genevadeclaration.org/fileadmin/docs/GBAV3/GBAV3_Ch3_pp87-120.pdf (last accessed January 2016).

⁷ For a more detailed legal analysis of the violations of the Rehabilitation Act, see “Letter to HHS and DOJ Opposing Raids Targeting Disabled Central American Refugees” authored by the Jerome N. Frank Legal Services Organization at Yale Law School, dated January 11, 2016, available at https://www.law.yale.edu/system/files/area/clinics/dhs_doj_rehab_act_letter_-_2016.01.11_-_english.pdf.

⁸ Randy Capps, Rosa Maria Castañeda, Ajay Chaudry, and Robert Santos, “Paying the Price: The Impact of Immigration Raids on America’s Children” (Washington: The Urban Institute, National Council of La Raza, 2007), available at <http://www.urban.org/sites/default/files/alfresco/publication-pdfs/411566-Paying-the-Price-The-Impact-of-Immigration-Raids-on-America-s-Children.PDF>.

⁹ Sharita Gruberg, “LGBT Undocumented Immigrants Face an Increased Risk of Hate Violence,” (Washington: Center for American Progress, 2014), available at <https://www.americanprogress.org/issues/immigration/news/2014/06/10/91233/lgbt-undocumented-immigrants-face-an-increased-risk-of-hate-violence/>.

Community Initiatives for Visiting Immigrants in Confinement
(CIVIC)

Equality New Mexico

GALAEI

Gay & Lesbian Advocates & Defenders

GLAD Alliance

GSA Network

Human Rights Campaign

Immigration Equality

La Clinica del Pueblo

Lambda Legal

League of United Latin American Citizens

Manantial de Gracia

Marriage Equality USA

National Black Justice Coalition

National Center for Lesbian Rights

National Center for Transgender Equality

National Immigrant Justice Center

National Immigration Law Center

National Latina Institute for Reproductive Health

National LGBTQ Task Force

National Queer Asian Pacific Islander Alliance

Our Family Coalition

Pride at Work

Queer Detainee Empowerment Project

RAD Remedy

Social Workers for Reproductive Justice

The DC Center for the LGBT Community

The LGBT Center Orange County

The Los Angeles LGBT Center

Trans Pride Initiative

Trans Student Educational Resources

United We Dream

CC:

Sarah Saldaña

Director, Immigration & Customs Enforcement

Department of Homeland Security