



Legislation Text

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Res. No. 569

Resolution urging the United States Department of Homeland Security to investigate abuse allegations and take action to ensure the safety of lesbian, gay, bisexual, and transgender immigrants in the custody of the United States Department of Homeland Security.

By Council Members Dromm, Chin, Cohen, Gentile, Johnson, Koslowitz, Mendez, Rodriguez, Rosenthal and Menchaca

Whereas, There are approximately nine million lesbian, gay, bisexual, and transgender (LGBT) United States individuals living in the United States; and

Whereas, The Department of Homeland Security (DHS) deported approximately 400,000 undocumented immigrants in 2013, many of whom came to the United States to escape persecution in their home countries due to political opinion, sexual orientation, or gender identity; and

Whereas, According to DHS, Immigration detention facilities have a daily population of approximately 34,000 detainees who have been ordered deported or removed; and

Whereas, On April 13, 2011, Heartland Alliance's National Immigrant Justice Center (NIJC) filed a complaint against DHS on behalf of 13 gay and transgender immigrant detainees who reported abuse at immigration detention facilities run by the United States Immigration and Customs Enforcement (ICE) and its contractors; and

Whereas, These complaints allege sexual assault, denial of adequate medical care, long-term solitary confinement, discrimination and abuse, and an ineffective complaint and appeal process; and

Whereas, According to NIJC, sexual abuse is widespread in immigration detention facilities and ICE officials are unwilling or unable to protect immigrant detainees and provide necessary treatment; and

Whereas, Further, according to the United States Government Accountability Office, Between 2010 and 2012 over 200 allegations of sexual abuse in immigration detention facilities Were reported, many of which were allegations of abuse against LGBT immigrants; and

Whereas, The enactment and enforcement of the Prison Rape Elimination Act of 2003 (“PREA”) has been successful in combatting prison rape through a zero tolerance policy in prisons; and

Whereas, However, According to the American Civil Liberties Union (ACLU), the United States Department of Justice issues a rule in 2012 that excluded immigration detention facilities from coverage under PREA; and

Whereas, In March Of 2014, DHS announced it had finalized PREA standards that require all DHS facilities and all contract facilities that hold immigration detainees to comply with the PREA regulations; and

Whereas, According to the ACLU, these regulations (i) set forth a zero tolerance policy for any sexual abuse of immigration detainees; (ii) establish mandatory training for all staff; (iii) and require that every facility undergo at least one outside audit for PREA compliance every three years; and

Whereas, DHS must immediately and effectively implement these standards in every facility; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Department of Homeland Security to investigate abuse allegations and take action to ensure the safety of lesbian, gay, bisexual, and transgender immigrants in the custody of the United States Department of Homeland Security.

JSM

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