



Legislation Text

File #: Res 0905-2011, **Version:** *

Res. No. 905

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, the Public Advocate (Mr. de Blasio), Comrie, Dickens, Fidler, James, Koslowitz, Lander, Rose, Koppell, Mendez, Arroyo, Nelson, Mark-Viverito, Williams and Eugene

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 FY 2010, 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, Immigration detention facilities have a daily population of approximately 31,000 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 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, The enactment of the Prison Rape Elimination Act of 2003 successfully combatted prison rape through a zero tolerance policy in prisons, but it does not apply to immigration detention facilities; and

Whereas, DHS has refused to apply the Prison Rape Elimination Act to immigration detention facilities despite broad bipartisan support for the Prison Rape Elimination Act; and

Whereas, Immigrant detainees allege that DHS has denied their rights to privacy and adequate medical care; and

Whereas, ICE has allegedly denied hormone therapy to transgender immigrant detainees despite the uniform opinion of courts that such a denial violates the Eighth Amendment's prohibition against cruel and unusual punishment; and

Whereas, LGBT immigrant detainees also report that the long-term solitary confinement is overused when less restrictive and more appropriate options are available, including alternatives to detention, while detainees await their court dates; and

Whereas, LGBT immigrant detainees report that they experience continuous harassment, humiliation, and discrimination from immigration detention facility staff and ICE personnel, conditions that constitute impermissibly punitive conditions of confinement; and

Whereas, DHS must implement an effective, accessible, and transparent complaint process for immigrant detainees to report instances of abuse; 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
6/14/2011
LS# 2339