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1 reconvene. We want to try and get back on schedule.

2 Okay. We'll go ahead and get started.

3 Our next panel is entitled "The Cultural,
4 Legal, and Practical Barriers to Ensuring Safety in
5 Immigration Detention."

6 I am pleased to welcome our next three
7 witnesses, Ms. Shiu-Ming Cheer, Mr. Bryan Lonigan,
8 and Ms. Anne Wideman, who will provide us with a
9 beginning understanding of the unique cultural,
10 legal, and practical barriers to ensuring safety in
11 an immigration detention setting.

12 The experts on this panel will describe the
13 unique vulnerability of the population in
14 immigration detention.

15 Immigration detainees may be particularly
16 isolated as prisoners both because they lack legal
17 representation and because of language and cultural
18 barriers.

19 Many arrive as asylum-seekers who have
20 escaped torture and rape in their home countries and
21 are in danger of re-traumatization and detention.

22 Detainees may be reluctant to report
23 incidents of sexual abuse for fear of deportation,
24 because of the stigma, or because they do not have
25 access to advocates who would facilitate a safe

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1 reporting process.

2 Commingling of refugees and asylum-seekers
3 with prisoners who have criminal histories can also
4 place detainees in particular -- or at particular
5 risk. These and other issues will be addressed by
6 this panel.

7 Ms. Cheer is the program coordinator for
8 the Civil Rights Unit of the South Asian Network and
9 former managing attorney of Los Angeles -- of the
10 Los Angeles Detention Project for the Catholic Legal
11 Immigration Network.

12 Mr. Lonagan is a staff attorney at the
13 Immigration Law Center of the Legal Aid Society in
14 New York who specializes in cases of noncitizens
15 detained by the Immigration and Customs Enforcement
16 program who are facing removal due to criminal
17 convictions.

18 Ms. Wideman is a clinical psychologist who
19 volunteers for Doctors of the World and The Florence
20 Immigrant and Refugee Rights Project conducting
21 psychological evaluations of immigrants detained in
22 Arizona at the Florence Service Processing Center
23 and the Elroy Contract Detention Facility.

24 I would like to thank each of you for your
25 presentation here. And we will hear first from

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1 Ms. Cheer.

2 MS. SHIU-MING CHEER: Thank you and good
3 morning.

4 Before my current position at the South
5 Asian Network, I worked for about six years with
6 both youth and adult detainees in the Los Angeles
7 and Phoenix, Arizona, areas.

8 So this morning I'm going to discuss some
9 of the unique challenges and circumstances faced by
10 detainees in immigration facilities which make them
11 more vulnerable to sexual violence.

12 Some immigrant detainees, particularly many
13 youth from Central America, fled their countries
14 because they're abused by family members. Domestic
15 violence is a unique crime because of the
16 relationship of trust between family members that is
17 breached by the abused.

18 People who have experienced domestic
19 violence are often told by the abuser not to report
20 the crime. They can develop a dependency on or fear
21 of the abuser that makes them less likely to report
22 the abuse.

23 When these immigrants are sexually abused
24 in detention, they are less likely to report the
25 abuse because of this past pattern. If the abuser

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1 is a guard or fellow detainee living in the same
2 area, they may be unable to, or afraid to, report
3 the abuse.

4 Immigrants who come from a history of
5 familial or societal violence also normalize these
6 events.

7 One example is those who originate from
8 Guatemala, El Salvador, or Honduras, countries which
9 have suffered from civil wars and large-scale
10 post-civil war violence and poverty.

11 All of the Central American street children
12 that I have met have experienced abuse while living
13 on the streets. This can range from verbal abuse
14 and witnessing the beatings and/or killings of other
15 street children, to experiencing severe physical and
16 sexual abuse themselves.

17 They're so accustomed to viewing and living
18 with violence that it becomes a part of their lives.
19 They're often not likely to view it as a, quote,
20 unquote, crime that has been committed against them
21 and as a crime that needs to be reported.

22 Another category of vulnerable detainees is
23 battered women. At times when the police are called
24 regarding a domestic fight, they end up arresting
25 the person who speaks less English and is less able

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1 to assert their rights. This is often the immigrant
2 woman who has been a victim of violence.

3 Other times battered women turn to drugs or
4 alcohol to cope with their situation and are
5 incarcerated for those drug- and alcohol-related
6 offenses.

7 Once in immigration detention, battered
8 immigrant women are similar to abused immigrant
9 children in the sense that they have normalized
10 violence in their lives.

11 Those who have been sexually abused in the
12 past are accustomed to keeping it a secret. They
13 may be getting some type of benefits in exchange for
14 sexual favors or may be threatened with retaliation
15 if they report the abuse. Either way, there are
16 psychological factors that make them more afraid to
17 report rape.

18 One factor that makes immigrant detainees
19 more vulnerable to sexual violence is also the
20 cultural and linguistic isolation that they face.
21 Non-Spanish speakers are even more isolated than
22 Spanish speakers.

23 For example, Vietnamese-speaking detainees
24 have been held in rural Texas jails for years
25 without any information given to them in their

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1 native language. This increases the likelihood of
2 sexual abuse.

3 If there's no one else at the detention
4 center that speaks their language, these detainees
5 will be unable to communicate. They would not be
6 able to inform others of the abuse or access
7 services because of language barriers.

8 Isolation can also lead to predation by
9 people from the same culture who take advantage of a
10 detainee's linguistic isolation.

11 This was the case at a juvenile detention
12 center in Chicago where a Hindi-speaking guard
13 sexually abused two juvenile girls. The girls only
14 spoke Hindi, and the guard used their dependence on
15 his translation skills to take advantage of them.

16 Detainees may be reluctant to report
17 incidents of sexual abuse for fear of deportation,
18 because of the stigma, or because they do not have
19 access to advocates.

20 Detainees are in such a precarious and
21 desperate situation that they can easily be forced
22 into having sex. Threats of violence and
23 deportation have been used by immigration staff to
24 coerce detainees into performing sexual acts.

25 Federal agents and guards use the fear of

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1 deportation as a threat if rape is reported.
2 Detainees who are deported or transferred are also
3 not likely to pursue rape claims.

4 Conversely, the promise of release is used
5 to garner sexual favors. Detainees are often so
6 desperate to leave detention that they are likely to
7 agree to this. Immigration officials have raped
8 detainees and abused their authority by exchanging
9 goods and privileges for sex.

10 Placement in segregation and a threat of
11 placement in segregation are also used as tools to
12 make immigrants endure rape or not report rape. The
13 placement of victims of sexual assault and
14 segregation for their own protection is very
15 problematic. Isolation is difficult in normal times
16 and is even more difficult after a sexual assault.

17 Segregation amounts to punishment for
18 victims and discourages them from reporting abuse.

19 Officers and staff in immigration detention
20 facilities hold great power over the detainees
21 because of their ability to request and recommend
22 transfers.

23 The location where a detainee is held is
24 critically important. Being housed thousands of
25 miles away from family means no family visits,

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1 increased difficulty in finding attorneys, and
2 difficulty in having family serve as witnesses in
3 court.

4 Therefore, threats of transfers to
5 facilities far from their families is an effective
6 tool in the hands of an abuser.

7 Culturally, many immigrants are less likely
8 to report sexual abuse because of the shame
9 associated with it. This is particularly true for
10 immigrants from Asian countries where sexual
11 assaults are not openly discussed. If a rape is
12 made public, the victim is often blamed for it.

13 Victims of sexual assaults in countries --
14 in Asian countries are also often stigmatized. Once
15 it is known that they have been assaulted, their
16 families and communities view them
17 unsympathetically.

18 This cultural reaction, combined with
19 unfamiliarity with the process of reporting, make it
20 less likely that immigrant detainees will report
21 sexual assaults.

22 The vast majority of immigrants do not have
23 access to advocates with whom they would feel safe
24 reporting rape. The vast majority of detainees
25 ranging from approximately 80 percent to as high as

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1 90 percent are unrepresented in immigration court.

2 This means there are few pro bono services
3 available for detainees and that the organizations
4 that do have funding to visit detention centers
5 often conduct large-scale presentations and quick
6 screenings. They're not well suited to developing
7 the safe space and trust that is needed for someone
8 to disclose that they are victims of rape.

9 The detention of immigrants in local county
10 jails that are often in rural or isolated places
11 also makes it difficult for pro bono attorneys to
12 represent them. Pro bono organizations do not have
13 the resources to visit detainees in these far
14 locations, and detainees are often unable to locate
15 private attorneys who are willing to travel very
16 far.

17 Additionally, attorneys and paralegals are
18 not trained in dealing with people who have been
19 raped or have been victims of sexual assault. Very
20 few therapists and social workers visit detention
21 centers, and these are the people best able to
22 facilitate a safe reporting process.

23 Detainees are not likely to report rape to
24 the detention center staff because staff wield the
25 power to transfer them, place them in segregation,

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1 and punish them in other ways for speaking out.
2 Those staff may also be the same ones who are
3 sexually assaulting the detainees.

4 Detainees witness their fellow detainees
5 make complaints about a variety of matters, from
6 lack of medical care to denial of religious
7 services. After seeing the inattentiveness and
8 hostility of the institution to conditions
9 complaints, they have little reason to believe that
10 their claims of sexual abuse will be treated any
11 differently.

12 Lack of privacy is also a factor that makes
13 immigrant detainees more likely to be sexually
14 assaulted. Policies and detention centers have
15 created a sexually uncomfortable or threatening
16 environment for detainees.

17 Lack of privacy also affects juvenile
18 detainees who, by virtue of their age, are already
19 at a higher risk of sexual assault. There have been
20 cross-gender guardings of juvenile detainees. And
21 according to Human Rights Watch, children of the
22 Berks County Youth Center in Pennsylvania are
23 strip-searched by officers, forced to use toilet
24 stalls with no doors, and supervised by staff while
25 in the showers.

1 Policies like this create a perception of
2 impunity. If the detention centers are already set
3 up to ignore the privacy rights of detainees, then
4 detainees have little reason to believe that
5 reporting sexual assaults will have an affect. If
6 guards can already grope them during routine
7 searches, then the guards can also probably sexually
8 assault them with no repercussions.

9 And, finally, I'm going to touch a little
10 bit upon the situation of transgenders in detention.

11 Transgender detainees have specific issues
12 and concerns that need to be looked at. Lack of
13 privacy increases the likelihood that they will be
14 sexually assaulted.

15 They're frequently not given bathrooms
16 separate from the rest of the population nor are
17 they placed in separate living areas. Many times
18 preoperative transgender detainees continue to be
19 housed with men because they still have penises,
20 despite the fact they have already undergone hormone
21 treatments which causes their breasts to grow and
22 for them to lose their facial hair.

23 The ICE Detention Operations Manual's
24 classification standards do not take into account
25 factors that contribute to a risk of being sexually

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1 victimized. Men who are gay, transgender, or
2 effeminate are at higher risk for sexual assaults.
3 Young and mentally ill women are also particularly
4 vulnerable.

5 At the San Pedro detention facility, a
6 reaction to concerns about the placement of
7 transgender detainees with the regular male
8 population led to transferring them to the Santa Ana
9 jail. There they were given individual cells and
10 not mixed with men. However, many of the
11 transgender detainees reported that this led to them
12 feeling further marginalized and further
13 stigmatized.

14 At San Pedro and other detention centers,
15 another reaction to concerns about mixing
16 transgender detainees was to place them in
17 segregation. This led to them feeling isolated and
18 less likely to report abuse for fear that reporting
19 would lead to permanent placing in segregation or to
20 further transfers.

21 In summary, immigrant detainees are
22 particularly vulnerable to sexual assault and are
23 frequently reluctant to report sexual assaults.
24 Lack of privacy and isolation contribute to this
25 increased likelihood of rape. These issues should

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1 be looked at when developing strategies and policies
2 to prevent rape in immigration detention centers.

3 CHAIRMAN WALTON: Thank you very much for
4 your testimony. I neglected to have this panel
5 sworn. So could you please stand?

6 Do you solemnly swear or affirm that the
7 testimony you have presented or will present during
8 this hearing will be the truth, the whole truth, and
9 nothing but the truth, so help you God?

10 MS. SHIU-MING CHEER: I do.

11 MR. BRYAN LONEGAN: I do.

12 MS. ANNE WIDEMAN: I do.

13 CHAIRMAN WALTON: Thank you.

14 Mr. Lonegan.

15 MR. BRYAN LONEGAN: Yes, Judge. Thank you.

16 I would like to thank the entire Commission
17 for not just inviting me here today, but for
18 actually investigating expanding the scope of your
19 investigation into immigration detention.

20 In the world of U.S. prison industrial
21 complex, I think immigration detention is akin to
22 the neglected child of an already dysfunctional
23 family.

24 I had a statement prepared, and I'm going
25 to forego that after the powerful testimony of the