



U.S. Immigration
and Customs
Enforcement

U.S. Immigration and Customs Enforcement (ICE)

Enforcement and Removal Operations (ERO)

LGBTQI+ 101



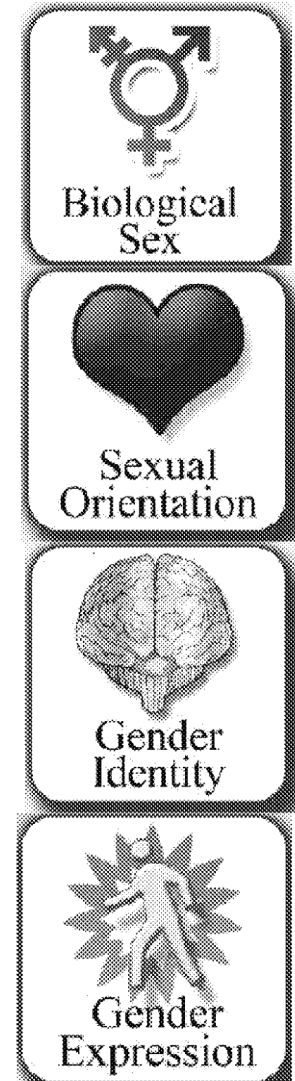
LGBTQI+ Defined:

- **Lesbian:** Women who are romantically and/or sexually attracted to other women.
- **Gay:** Men who are romantically and/or sexually attracted to other men but can also be used for women who are romantically and/or sexually attracted to other women.
- **Bisexual:** Women and men who are romantically and/or sexually attracted to both women and men.
- **Transgender:** People whose assigned sex at birth does not match their internal sense of gender.
- **Queer:** An adjective used by people whose sexual orientation is not exclusively heterosexual. Once considered pejorative, the term has been reclaimed by some LGBTQI+ people to describe themselves.
- **Questioning:** A person who is in the process of discovering/exploring their own sexual orientation or gender identity.
- **Intersex:** A person born with the sexual anatomy that does not fit typical definitions of male or female.



Familiarize Yourself with these Additional Terms:

- **Sex (Assigned at Birth):** A label -male or female- assigned at birth based on medical factors such as genitals, hormones, and chromosomes.
- **Gender:** One's social and cultural roles and expectations.
- **Gender Identity:** A person's internal sense of gender.
- **Gender Expression:** The ways in which people display their gender identity to others.
- **Gender Nonconforming:** People who do not follow gender stereotypes or traditional societal gender expectations.
- **Sexual Orientation:** A person's physical, romantic, and/or emotional attraction to another person.





Transgender

is an umbrella term that encompasses a wide range of people whose internal sense of gender does not match their assigned birth sex.

Transgender

Woman

A person whose birth sex is male but understands herself to be, and desires to and/or lives as a woman

MALE TO FEMALE

Transgender

Man

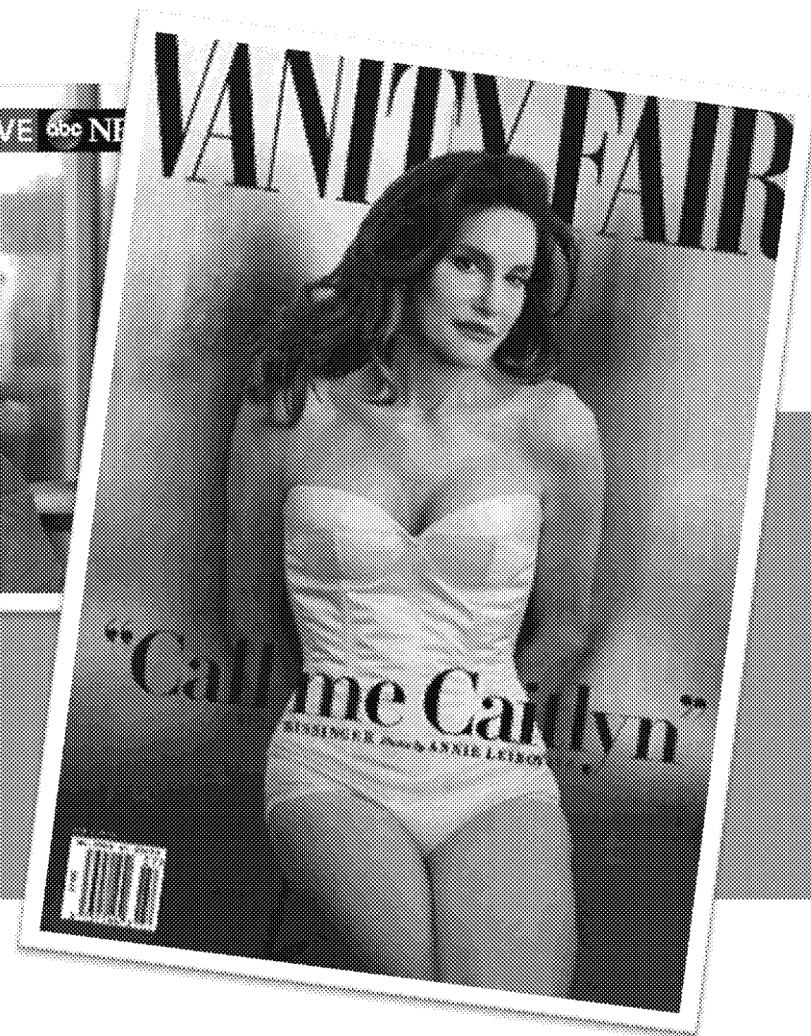
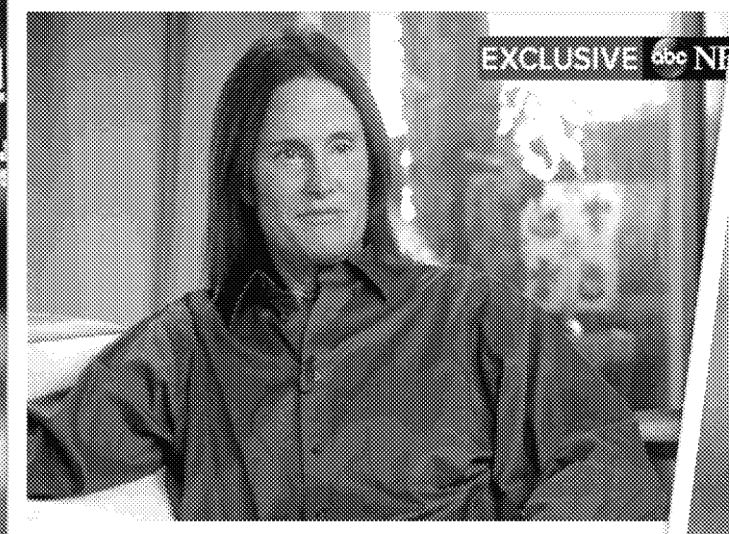
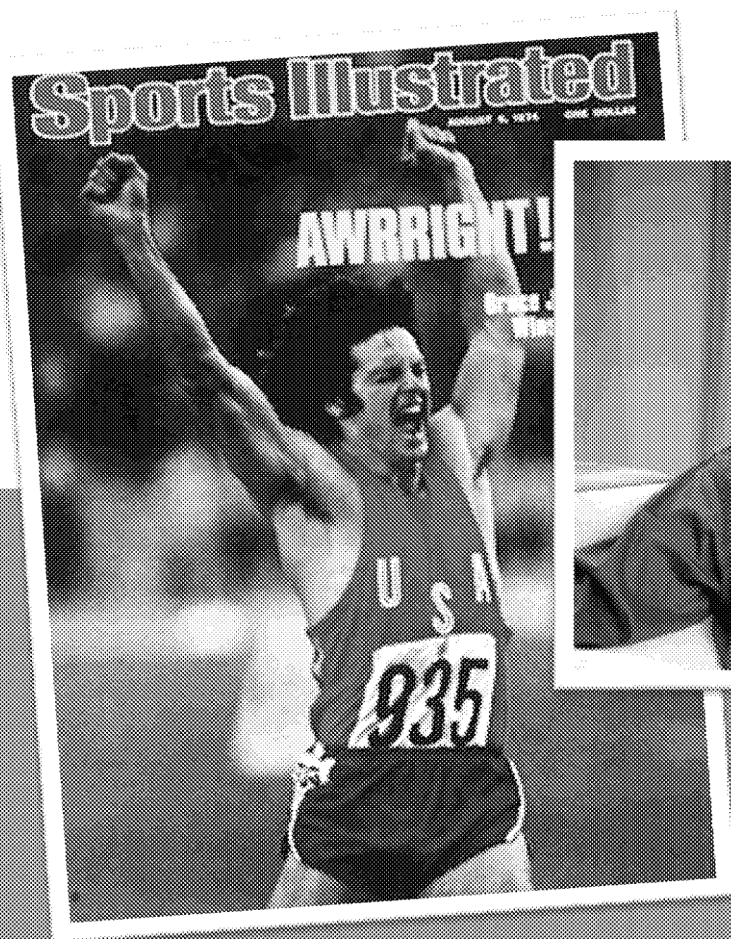
A person whose birth sex is female but understands himself to be, and desires to and/or lives as a man

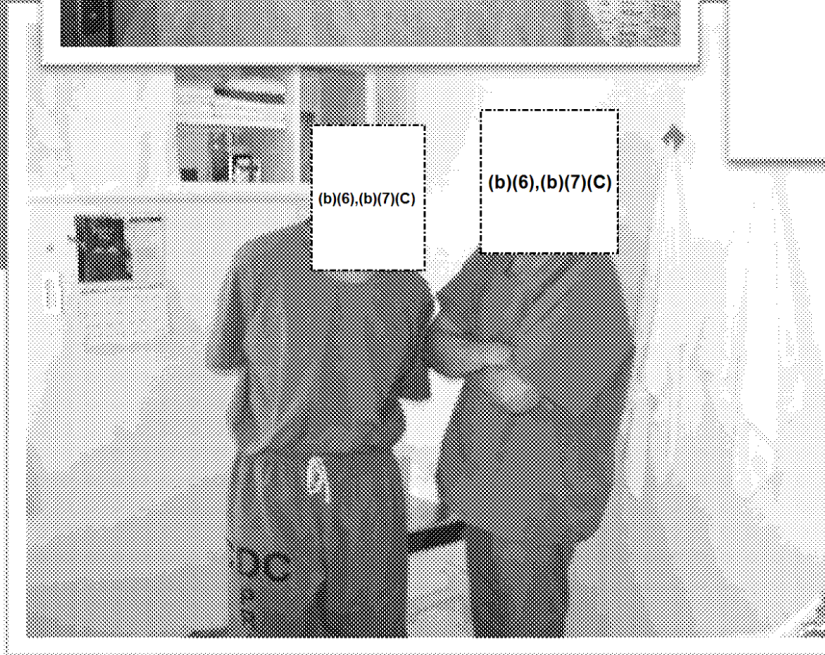
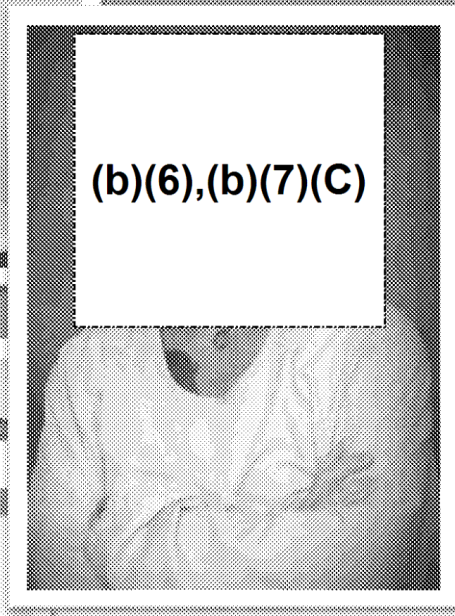
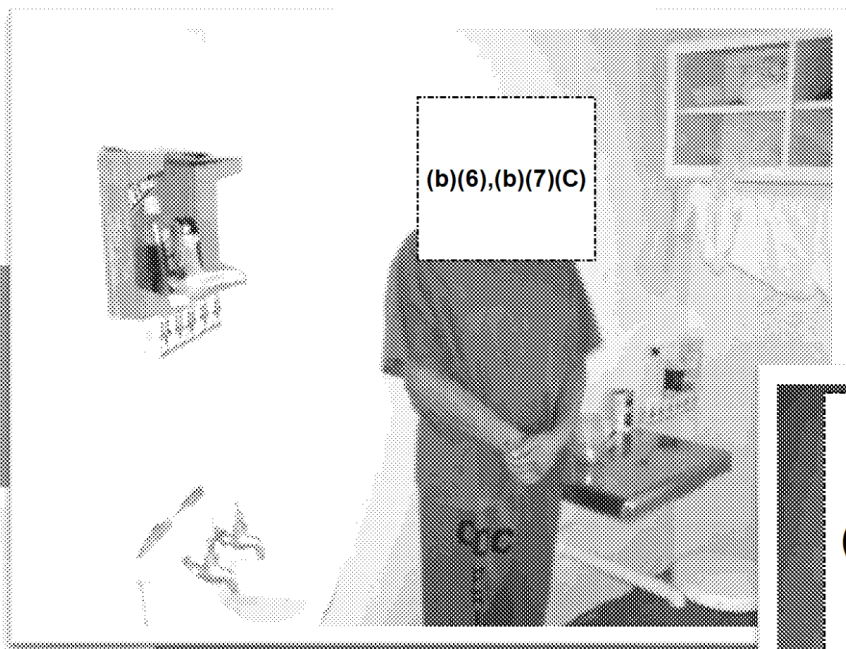
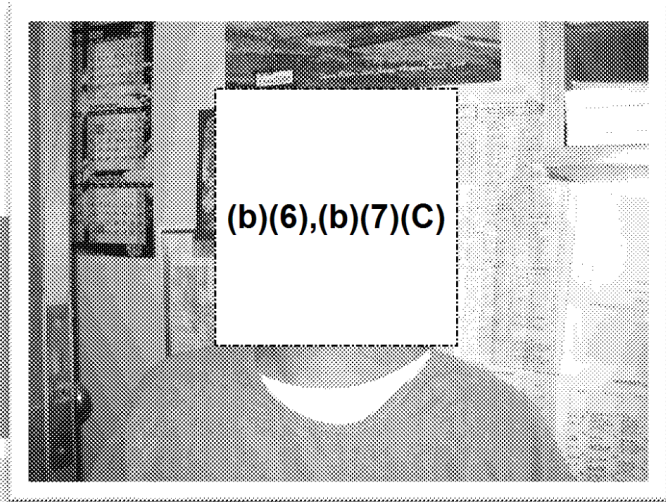
FEMALE TO MALE



Can consist of:

- **Social:** Coming out to friends and family, New name/pronouns, Different clothing and expression (can include speaking, walking, mannerisms)
- **Medical:** Hormone therapy, Surgery, Hair removal
- **Legal:** Name change, Identity documents







Who are transgender immigrants?

- Come from all over the world
- Many are fleeing persecution
- May suffer from mental health issues

May have faced:

- Abuse by police, gangs, or paramilitaries
- Criminal laws against being LGBTQI+
- Forced treatments to “cure” them
- Family rejection/mistreatment
- Homelessness
- Forced prostitution
- Physical or sexual assault/abuse in their home countries
- Physical or sexual abuse/ assault in detention



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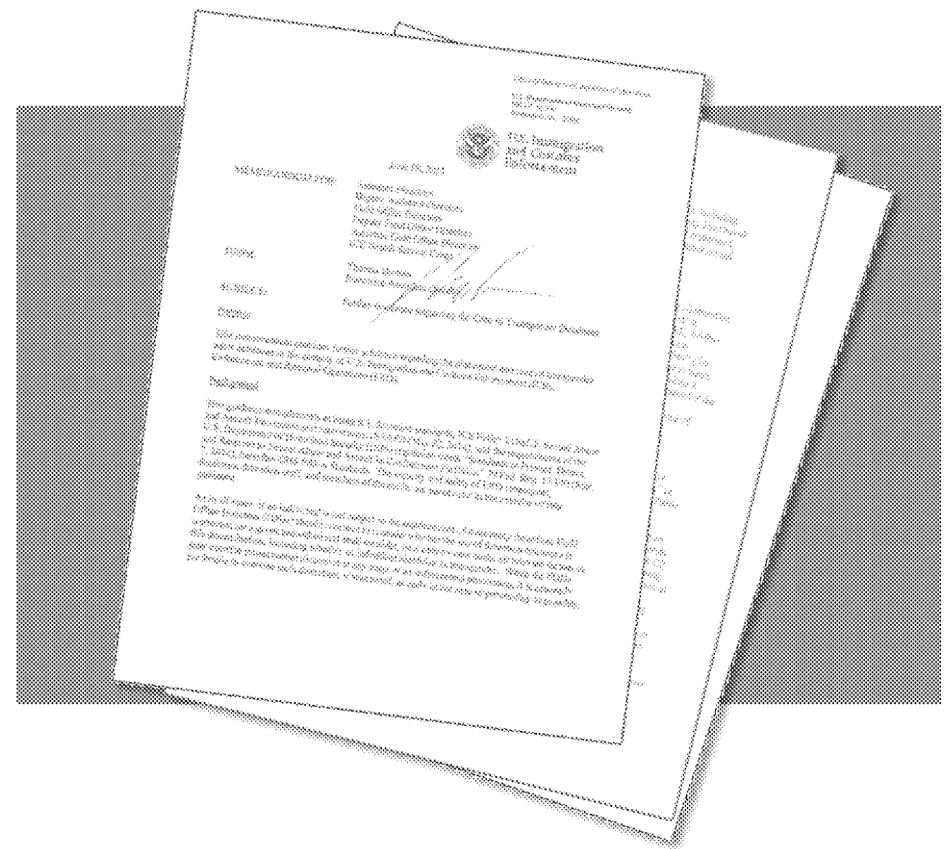
Enforcement and Removal Operations (ERO)

Transgender Care Memorandum



Applicability

- The memorandum was signed by ERO Executive Associate Director (EAD) on June 19, 2015.
- The memorandum governs intake, identifying, processing, housing, and continuing care of transgender detainees by ERO personnel.
- The memorandum establishes a National ERO LGBTI Coordinator and requires each ERO Field Office Director (FOD) to designate a local **ERO LGBTI Field Liaison**.

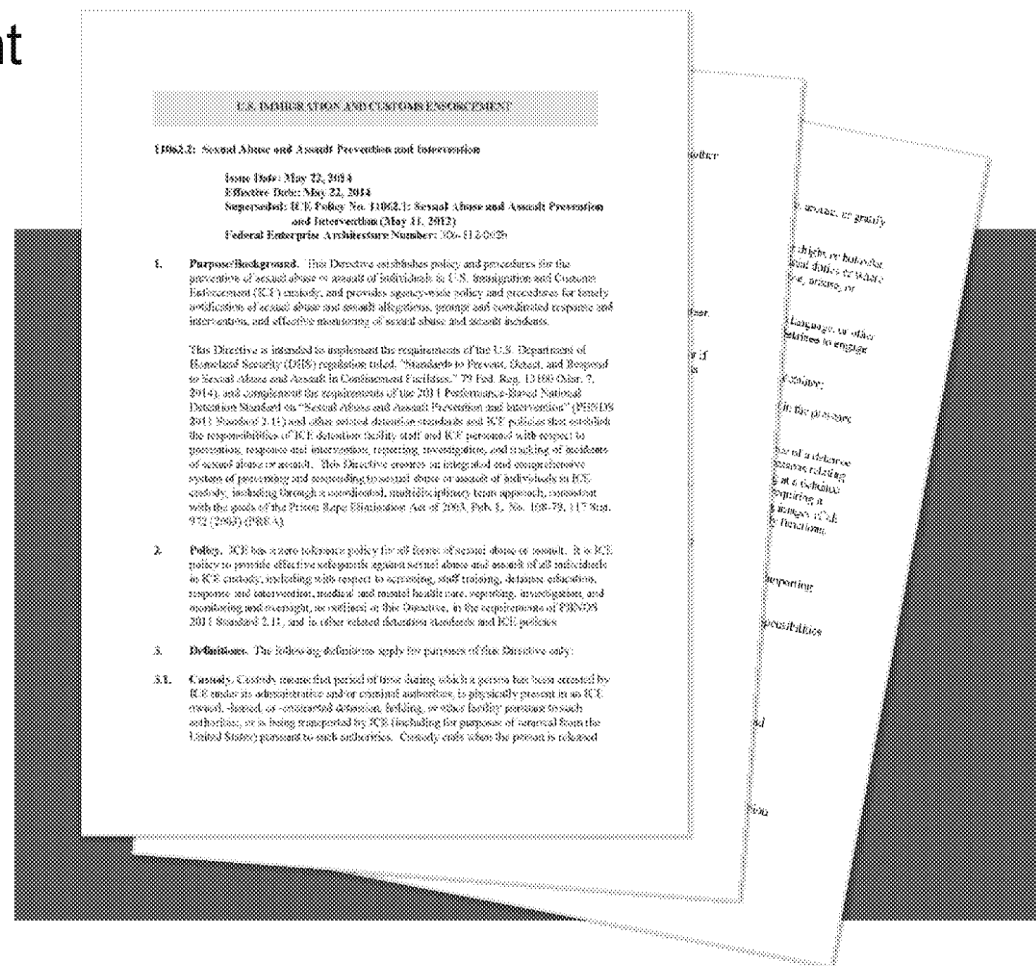




Not New Policy

• The memorandum both complements and helps implement existing agency policies, such as:

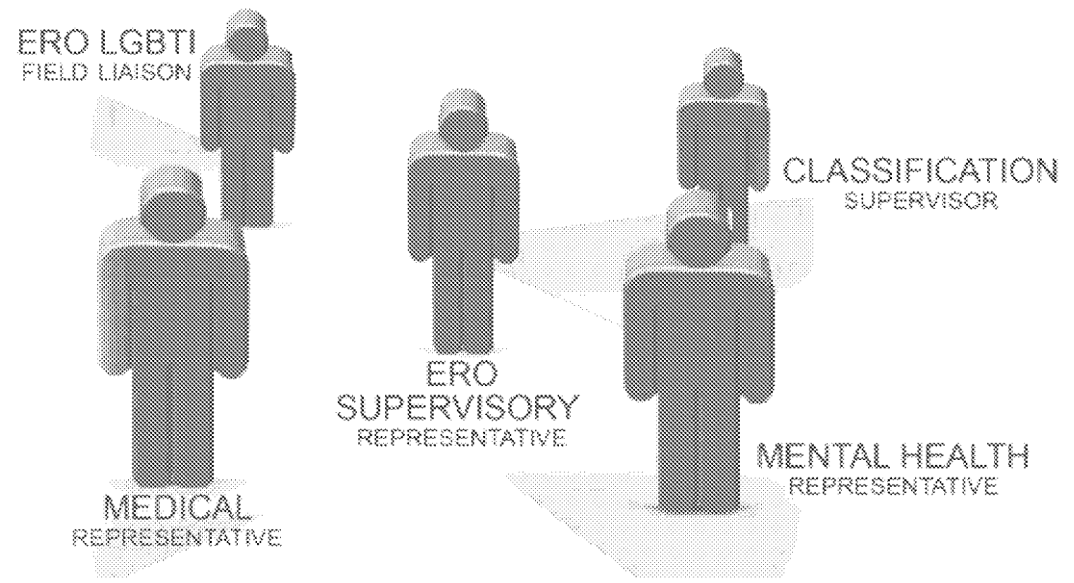
- *ICE policy 11062.2: Sexual Abuse and Assault Prevention and Intervention (SAAPI) (May 22, 2014)*
- *U.S. Department of Homeland Security (DHS) regulation titled “Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities,” 79 Fed. Reg. 13,100 (Mar.7, 2014), DHS PREA standards*
- *ICE Policy 11022.1: Detainee Transfers (Jan. 4, 2012)*





Contract Modification

- Optional set of best practices and procedures to be adopted by facility partners.
- Transgender Classification and Care Committee (TCCC).
 - *Provides a holistic classification assessment of the detainee*
 - *Created an Individualized Detention Plan*





(b)(7)(E)

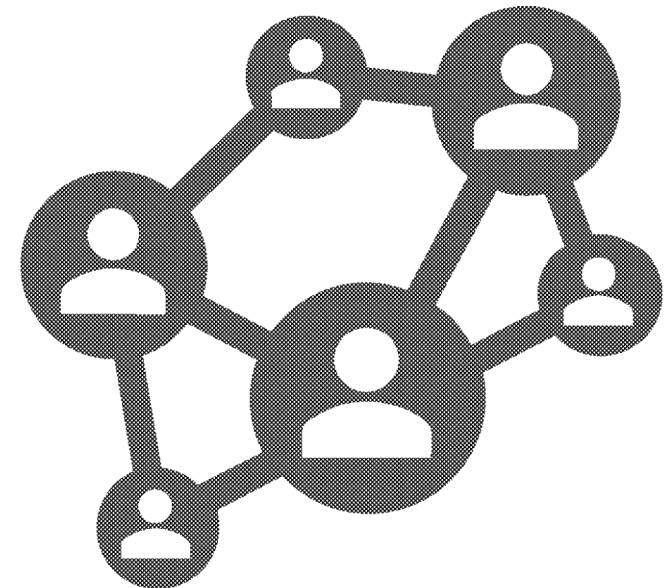
(b)(7)(E)

- Replaced “Gender” field with “Sex”
 - Value choices are: female, male, unknown
- Added a “Transgender” field in the Person Details section.
 - Value choices are either Y - Yes or N – No (with option to leave blank).
 - Field auto-populates if Transgender = “Y – Yes,” was entered for Encounters in (b)(7)(E)
 - No LGBTI field.
- (b)(7)(E) also adds an Alert for Transgender status.



Housing Options:

- Can be housed like any other detainee:
 - *General population (by sex assigned at birth or gender identify)*
 - *Protective Custody*
 - *ICE Dedicated Housing Unit for Transgender Detainees*

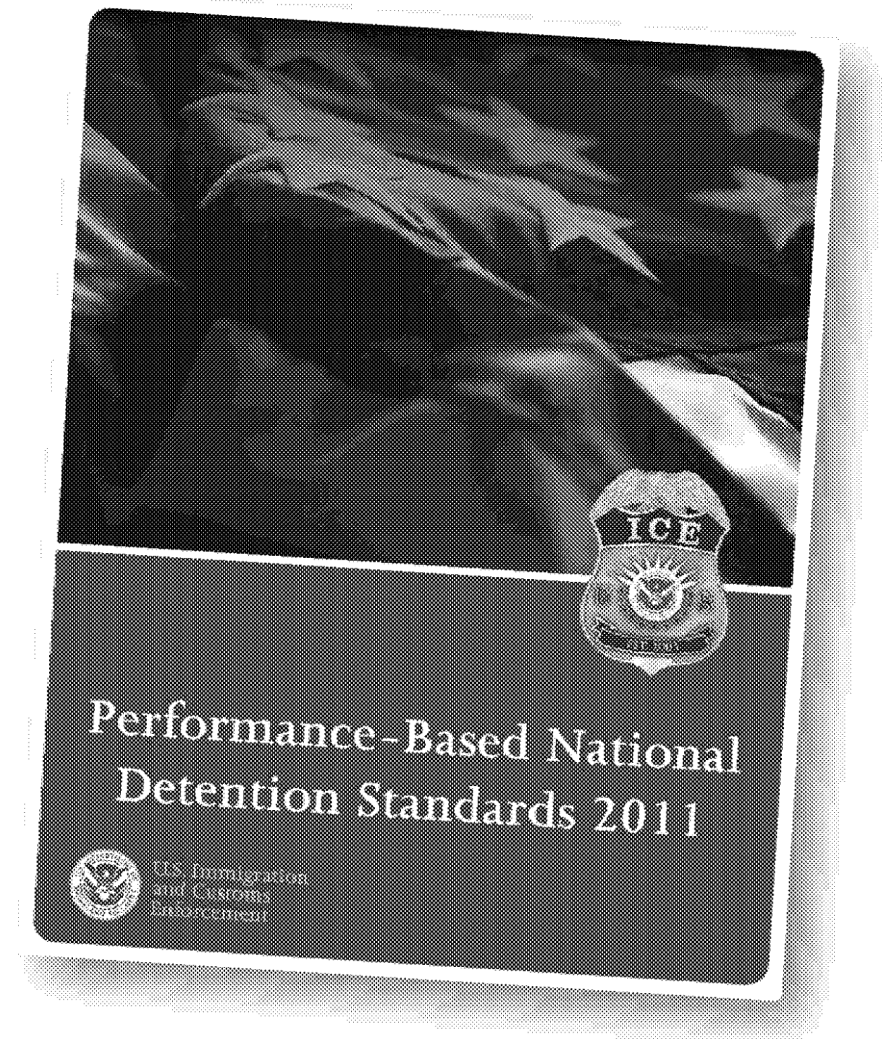




2011 Performance-Based National Detention Standards

4.3 Medical Care

- J. The screening shall ... 15. inquire into a transgender detainee's gender **self-identification and history of transition-related care**, when a detainee self-identifies as transgender;
- W. Transgender detainees who were already receiving **hormone therapy** when taken into ICE custody shall have continued access. All transgender detainees shall have **access to mental health care, and other transgender-related health care** and medication based on medical need. Treatment shall follow accepted guidelines regarding medically necessary transition-related care.



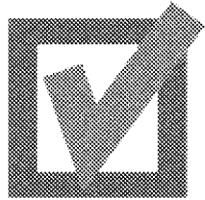


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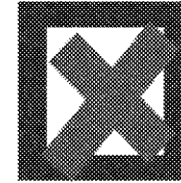
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Do's and Don'ts



Acceptable Terms

- Transgender



Unacceptable Terms

ENGLISH

- | | | |
|----------|-------------|----------------|
| • Faggot | • “Pre-op” | • Transvestite |
| • Dyke | • “Post-op” | • She-male |
| • “It” | • Tranny | • He-she |

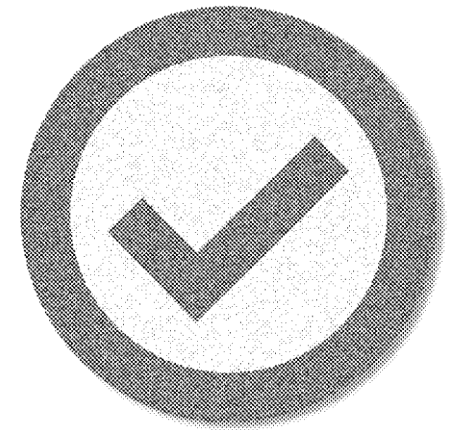
SPANISH

- | | | |
|------------------------------------|-------------|-------------|
| • Joto | • Culero | • Machona |
| • Maricon,
Marica,
Mariquita | • Puto/puta | • Machorra |
| | • Mariposa | • Marimacha |
| | • Pato/pata | |



Do's:

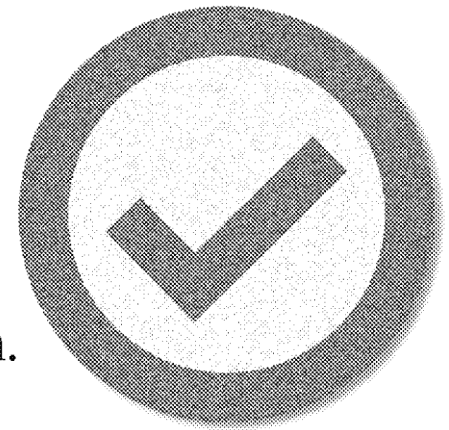
- Resist the urge to label LGBTQI+ detainees before you know how they identify.
- Use transgender person's preferred pronouns and terminology.
 - Address the detainee by his or her chosen name.
 - When talking and when writing.
 - If you need to use legal name, let the detainee know why you're doing so.
 - If you're not sure what name or pronoun to use, ask the detainee.





Do's:

- Respect confidentiality.
 - Do not reveal detainee gender identify or sexual orientation, unless necessary.
 - Acknowledge if questions are personal and/or painful and explain reason(s) for asking them.
 - Limit questions to “need to know,” and not for curiosity.
 - Don't ask for unnecessary repetition of information.
- Many LGBTQI+ detainees are limited English proficient and require use of an interpreter.
 - When using an interpretation service, speak to, and make eye contact with the detainee, not the interpreter.





Don'ts:

- Don't make “jokes” about detainees’ sexual orientation or gender identity.
 - Even with other staff or non-LGBTQI+ detainees; these “jokes” lead to an environment that tolerates mistreatment of LGBTQI+ people.
- Don't judge a detainee's gender identity by his or her biological anatomy.
- Don't make assumptions based on stereotypes.
 - Do not assume a transgender detainee is gay.
 - Do not assume a transgender detainee is “flaunting his or her sexuality.” because he or she is gender non-conforming.

