

# URGENT ACTION

## RELEASE TRANS ASYLUM SEEKER

Alejandra fled physical and sexual attacks based on her transgender identity in El Salvador and requested asylum in the US in November 2017. She has been detained since December 2017 at the Cibola County Correctional Center in New Mexico, reporting inadequate and unresponsive medical care. Authorities denied her parole five times, but after international advocacy efforts, a court ordered to stay her deportation and the US government has agreed that her appeal merits additional review. Authorities will imminently decide whether to release her on parole while she's waiting the court decision. We urge them to immediately free Alejandra.

**TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER**

**Corey Price**  
**Field Office Director, ICE-ERO**  
El Paso Field Office  
11541 Montana Ave Suite E  
El Paso, TX, 79936, USA  
Email: [corey.a.price@ice.dhs.gov](mailto:corey.a.price@ice.dhs.gov)

Dear Corey Price, Field Office Director,

Alejandra Barrera (A# xxx-xxx-450) is a 44-year-old transgender woman from El Salvador who requested asylum at the U.S.–Mexico border in November 2017. Since arriving at the U.S. border, she has been held in immigration detention at the Cibola County Correctional Center in New Mexico.

I am deeply concerned about the handling of Alejandra's multiple requests for parole, which have been rejected five times, despite her medical conditions and her need for specialized care.

**I call on you to:**

- **Immediately grant humanitarian parole to Alejandra while she awaits the decision on her asylum claim, including on any appeal.**
- **Guarantee adequate medical care provided at Cibola for Alejandra.**

There is no reason that people like Alejandra should be denied their freedom simply for seeking safety in the United States.

Yours sincerely,

## ADDITIONAL INFORMATION

Alejandra has requested parole five times since her arrival in the United States in November 2017 and has been rejected each time. She has never been given the opportunity to appear before a judge to determine whether her detention is justified. Amnesty International is concerned that Alejandra did not receive a proper initial parole interview, and subsequent denials of parole requests were unreasoned and did not consider the documents submitted or her medical conditions.

In August 2019, Alejandra's lawyers filed a petition for writ of habeas corpus on Alejandra's behalf, arguing that her prolonged detention violates the US Constitution's Fifth Amendment's due process protections against indefinite detention. Immigration authorities now must decide between releasing her from detention to avoid the legal struggle of the habeas, or to litigate Alejandra's habeas petition, which could take up to several months. This Urgent Action is being issued in the decision-making window.

As recently as August 2019, trans women detained in Cibola County Correctional Center have reported that they are not being given access to adequate health services. Advocates reported that one woman was kept in medical segregation for over a month with inadequate care. In July 2019 Amnesty International received a letter signed by 29 trans women in Cibola describing the conditions they are living in, including the lack of adequate food, water, hygiene services, among others. The trans women inside the detention facility have expressed that their medical needs are critical, and they are not being believed or given the needed medical treatment.

Detention of asylum-seekers should only be a measure of last resort, after other non-custodial alternatives have proven or been deemed insufficient in relation to the individual. According to the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the detention of asylum seekers solely on the base of their immigration status can "very quickly, if not immediately" constitute ill-treatment against individuals in situations of increased vulnerability, specifically including women, older people, persons with medical conditions, or social minorities including LGBTI persons.

Under international law, the US government has an obligation to ensure that the human rights of migrants and asylum seekers are respected, protected and fulfilled. In its July 2017 report on a country visit to the US, the UN Working Group on Arbitrary Detention said that: "the mandatory detention of immigrants, especially asylum seekers, is contrary to international human rights and refugee rights standards.[...] The Working Group has observed that the current system of detaining immigrants and asylum seekers is, in many cases, punitive, unreasonably long, unnecessary, costly when there are alternative community-based solutions, [...] not based on an individualized assessment of the necessity and proportionality of detention, carried out in degrading conditions, and a deterrent to legitimate asylum claims."

Also, the United States government is under an obligation not to return individuals to a situation in which they would be at risk of torture or other serious human rights abuses: the principle of non-refoulement. Such safeguards are imperative for protecting refugees fleeing violence and persecution.

**PREFERRED LANGUAGE TO ADDRESS TARGET:** English

You can also write in your own language.

**PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL:** 12 September 2019

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

**NAME AND PREFERRED PRONOUN:** Alejandra Barrera (She/her)

**LINK TO PREVIOUS UA:** <https://www.amnesty.org/es/documents/amr51/8514/2018/es/>