reconvene. We want to try and get back on schedule.
Okay. We'll go ahead and get started.
Our next panel is entitled "The Cultural, Legal, and Practical Barriers to Ensuring Safety in Immigration Detention."
I am pleased to welcome our next three witnesses, Ms. Shiu-Ming Cheer, Mr. Bryan Lonegan, and Ms. Anne Wideman, who will provide us with a beginning understanding of the unique cultural, legal, and practical barriers to ensuring safety in an immigration detention setting.
The experts on this panel will describe the unique vulnerability of the population in immigration detention.
Immigration detainees may be particularly isolated as prisoners both because they lack legal representation and because of language and cultural barriers.
Many arrive as asylum-seekers who have escaped torture and rape in their home countries and are in danger of re-traumatization and detention. Detainees may be reluctant to report incidents of sexual abuse for fear of deportation, because of the stigma, or because they do not have access to advocates who would facilitate a safe
reporting process.

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

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

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

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

I would like to thank each of you for your presentation here. And we will hear first from
MS. SHIU-MING CHEER: Thank you and good morning.

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

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

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

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

When these immigrants are sexually abused in detention, they are less likely to report the abuse because of this past pattern. If the abuser
is a guard or fellow detainee living in the same area, they may be unable to, or afraid to, report the abuse.

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

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

All of the Central American street children that I have met have experienced abuse while living on the streets. This can range from verbal abuse and witnessing the beatings and/or killings of other street children, to experiencing severe physical and sexual abuse themselves. They're so accustomed to viewing and living with violence that it becomes a part of their lives. They're often not likely to view it as a, quote, unquote, crime that has been committed against them and as a crime that needs to be reported.

Another category of vulnerable detainees is battered women. At times when the police are called regarding a domestic fight, they end up arresting the person who speaks less English and is less able
to assert their rights. This is often the immigrant
woman who has been a victim of violence.

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

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

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

One factor that makes immigrant detainees
more vulnerable to sexual violence is also the
cultural and linguistic isolation that they face.

Non-Spanish speakers are even more isolated than
Spanish speakers.

For example, Vietnamese-speaking detainees
have been held in rural Texas jails for years
without any information given to them in their
native language. This increases the likelihood of sexual abuse.

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

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

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

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

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

Federal agents and guards use the fear of
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deportation as a threat if rape is reported.

Detainees who are deported or transferred are also not likely to pursue rape claims.

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

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

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

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

The location where a detainee is held is critically important. Being housed thousands of miles away from family means no family visits,
increased difficulty in finding attorneys, and
difficulty in having family serve as witnesses in
court.

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

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

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

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

The vast majority of immigrants do not have
access to advocates with whom they would feel safe
reporting rape. The vast majority of detainees
ranging from approximately 80 percent to as high as
90 percent are unrepresented in immigration court. This means there are few pro bono services available for detainees and that the organizations that do have funding to visit detention centers often conduct large-scale presentations and quick screenings. They're not well suited to developing the safe space and trust that is needed for someone to disclose that they are victims of rape.

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

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

Detainees are not likely to report rape to the detention center staff because staff wield the power to transfer them, place them in segregation,
and punish them in other ways for speaking out. Those staff may also be the same ones who are sexually assaulting the detainees. Detainees witness their fellow detainees make complaints about a variety of matters, from lack of medical care to denial of religious services. After seeing the inattentiveness and hostility of the institution to conditions complaints, they have little reason to believe that their claims of sexual abuse will be treated any differently.

Lack of privacy is also a factor that makes immigrant detainees more likely to be sexually assaulted. Policies and detention centers have created a sexually uncomfortable or threatening environment for detainees. Lack of privacy also affects juvenile detainees who, by virtue of their age, are already at a higher risk of sexual assault. There have been cross-gender guardings of juvenile detainees. And according to Human Rights Watch, children of the Berks County Youth Center in Pennsylvania are strip-searched by officers, forced to use toilet stalls with no doors, and supervised by staff while in the showers.
Policies like this create a perception of impunity. If the detention centers are already set up to ignore the privacy rights of detainees, then detainees have little reason to believe that reporting sexual assaults will have an affect. If guards can already grope them during routine searches, then the guards can also probably sexually assault them with no repercussions.

And, finally, I'm going to touch a little bit upon the situation of transgenders in detention. Transgender detainees have specific issues and concerns that need to be looked at. Lack of privacy increases the likelihood that they will be sexually assaulted.

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

The ICE Detention Operations Manual's classification standards do not take into account factors that contribute to a risk of being sexually
victimized. Men who are gay, transgender, or effeminate are at higher risk for sexual assaults. Young and mentally ill women are also particularly vulnerable.

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

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

In summary, immigrant detainees are particularly vulnerable to sexual assault and are frequently reluctant to report sexual assaults. Lack of privacy and isolation contribute to this increased likelihood of rape. These issues should
be looked at when developing strategies and policies
to prevent rape in immigration detention centers.

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

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

MS. SHIU-MING CHEER: I do.

MR. BRYAN LONEGAN: I do.

MS. ANNE WIDEMAN: I do.

CHAIRMAN WALTON: Thank you.

Mr. Lonegan.

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

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

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

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