

TRANS ASYLUM SEEKERS

In countries all over the world, including the United States, transgender individuals continue to be discriminated against on the basis of their gender identities. Transgender individuals are subject to physical and verbal harassment and abuse, sexual violence, stigma, social exclusion, and death.

Violence against LGBTI individuals in the Northern Triangle

The Northern Triangle of Central America (NTCA), which includes Honduras, Guatemala and El Salvador, remains one of the most dangerous regions in the world. Violence plaguing the NTCA has led many, including many LGBTI individuals, to flee, seeking asylum elsewhere.

As Amnesty's 2017 report *No Safe Place* details, LGBTI people are particularly at risk of violence, and authorities fail to protect them. Transgender women in particular experienced death threats from gang members, sexual violence and exploitation, and human trafficking. They were subject to gender profiling, unwarranted searches, and arbitrary detention by police. The fear of reporting violence to authorities is compounded by the fear of violence and retaliation against trans women, as well as the lack of credibility of the justice system.

Violence against transgender asylum seekers in detention

The risk to transgender individuals seeking asylum is heightened in detention centers. Transgender detainees are subject to physical, verbal and sexual violence; threats and intimidation; and misgendering. In addition, transgender individuals might be not be housed in gender-appropriate cells, or subject to solitary cells against their will. As Amnesty's 2018 report *'You Don't Have Any Rights Here'* details, transgender women have been denied humanitarian parole even after being sexually assaulted in all-male detention facilities, and often lacked access to adequate healthcare even in immigration detention facilities designed for transgender women. Recent Amnesty investigations show that transgender women still face discrimination and intimidation in gender-appropriate detention.

Seeking asylum is a human right

Seeking asylum is a human right. The asylum procedure should be fair and effective, giving people access to the [UN Refugee Agency](#) (UNHCR) upon their need or request. Migrants, refugees, and asylum-seekers' rights are protected by international law, regardless of how and why they arrive in a country. They have the same rights as all other human beings, plus special protections including:

- The [Universal Declaration of Human Rights](#) (Article 14), which states that everyone has the right to seek and enjoy asylum from persecution in other countries.
- The 1951 [UN Refugee Convention](#), which protects people from being returned to countries where they risk being persecuted.
- The [1990 Migrant Workers Convention](#), which protects migrants and their families.

Transgender and all asylum seekers must be protected at all costs against non-refoulement (deporting someone to the country of origin where they face threats of violence and persecution). What's more, while seeking asylum, **detention must only be a last resort**: those seeking protection should not be held in jail.