

Diego A. Soto, Esq. (NN536558)  
LGBT Rights & Special Litigation  
SOUTHERN POVERTY LAW CENTER  
400 Washington Avenue  
Montgomery, AL 36104  
Phone: (334) 956-8427  
Fax: (334) 956-8481  
diego.soto@splcenter.org

David C. Dinielli, Esq. (GG241001)  
LGBT Rights & Special Litigation  
SOUTHERN POVERTY LAW CENTER  
400 Washington Avenue  
Montgomery, AL 36104  
Phone: (334) 956-8256  
Fax: (334) 956-8481  
david.dinielli@splcenter.org

**DETAINED**

**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
LUMPKIN, GEORGIA**

In the Matter of

[REDACTED]  
a/k/a [REDACTED], [REDACTED]\*

In removal proceedings

File No. A [REDACTED]

**Immigration Judge:**  
Hon. Sandra D. Arrington

**Next Hearing:**  
Individual, [REDACTED], 2017, [REDACTED]

**RESPONDENT'S SECOND DECLARATION**

---

\* Respondent is a transgender woman. This declaration refers to Respondent by the pronouns that correctly reflect her gender identity.

**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
LUMPKIN, GEORGIA**

In the Matter of

██████████, ██████████  
a/k/a ██████████, ██████████

In removal proceedings

File No. A ██████████

**RESPONDENT'S SECOND DECLARATION**

I, ██████████, who is known as ██████████, declare:

1. I am over 18 years of age and have personal knowledge of the facts in this declaration.
2. I was targeted by the police as a transgender sex worker in Guatemala.
3. The police forced me to have sex with them. Sometimes I was forced to have sex with more than one officer at a time. They used me without warmth and without mercy.
4. I was forced to have sex with police officers on at least five separate occasions.
5. The police drove to places where they knew I and other transgender friends like ██████████, ██████████, ██████████, and ██████████ would be, especially near the intersection of ██████████ and ██████████.
6. The police would roll down the car window and tell me that I had to come with them to "service them," meaning have sex with them. They told me that if I did not service them they would take me to jail. They commanded me to walk over to a dark, isolated area outside, where people weren't passing by. The police would drive over and get out of their police car. Sometimes they told more than one of us to go to the dark place together, in a group. The police officers were usually in groups of two to four at a time.

7. This once happened when I was about 29 years old. Two police officers approached me in a park. They threatened to arrest me if I did not go with them to have sex. They told me it was my "obligation." At the time I was dressed in women's clothing and was wearing a wig.

8. Every time the police forced me to have sex against my will they were dressed in their police uniforms and armed with guns. I felt unsafe, nervous, and scared because they were armed. I was also afraid of going to jail.

9. The police forced me to have oral and anal sex with them. I knew that I had no choice. I could not say "no."

10. The police said they were entitled to have sex with me. They said, "We don't have to pay because we're the police." They told me that my payment was that they would not put me in jail that day. Sometimes I was obligated to have sex with more than one police officer during a single incident.

11. The sex was painful because it was forced, and because I was very nervous. I was in pain and would ask the police to stop, but they told me I had to do it. It is horrible when someone forces you to have sex.

12. The police did similar things to many other transgender women who did sex work, including my friends [REDACTED] and [REDACTED]. I often worked at the same time as [REDACTED] and [REDACTED] so that we were not out alone. On one occasion the police forced me and [REDACTED] to have sex with them at the same time.

13. I was very afraid of contracting a sexually transmitted infection from the police. The police forced many transgender women like me and [REDACTED] to have sex with them. Each police officer had sex with many of us. I know that some of the transgender women had HIV, so

I believed some of the police officers had contracted HIV and other sexually transmitted infections. I regularly got tested for sexually transmitted infections. I always insisted on using condoms. Still, sometimes the police did not allow me to use a condom when they made me perform oral sex.

14. On another occasion, an officer forced me to have anal sex and the condom I insisted he use broke while his penis was inside me. I felt the condom break. I remember that it was a Friday. We were standing up and outside. He hadn't ejaculated yet.

15. The officer allowed me to replace the condom on that occasion, but I know other transgender friends who were not allowed to replace the condom when it broke. I remember one particular friend who was HIV positive whom the police officer did not allow to replace the condom after it broke. Knowing this made me even more worried about contracting a sexually transmitted infection from a police officer.

16. Sometimes I tried to walk away when the police officers demanded I have sex with them. Even when I was able to get away for a little while, the police would again demand sex and threaten to arrest me when I next encountered them. I felt they were angrier and more aggressive because I had not gone with them earlier. I could not avoid the police because they could find me; they knew where I and the other transgender sex workers worked, they knew my name, and they knew what I looked like. Even if I were to work elsewhere, they would come find me. I had to make money to support myself.

17. I always eventually complied with their demands for sex because I was afraid of going to jail or being hurt or killed by the police. Other transgender women who are my friends, like [REDACTED] and [REDACTED], were arrested and jailed for refusing to have sex with police officers.

18. I hope I never have to work on the streets again, but I know how difficult it is to find work when people are so discriminatory toward gays and transgender people. If I have to return to Guatemala and cannot find other work, I am sure the police would find me and force me to have sex again. I know the police still force themselves on other transgender women because I am still friends with some of the transgender women who go to the corner to meet clients, including [REDACTED] and [REDACTED]. The police have approached me and my friends for sex while we are together in public. I always feel unsafe when the police are around.

19. I was also physically assaulted by strangers when out in public to earn money with sex work.

20. On one occasion I was beaten so severely that I was left unconscious. The people who assaulted me said they wanted to hire me for sex. But then they took me between two buildings and beat me up, robbed me, and took my purse and wig. They called me *maldita* (“bitch”) and threw me to the ground.

21. Often strangers drove by where I and the other transgender sex workers went to meet clients and yelled at us, calling us *perras* (“bitches”). They sometimes threw eggs and bags of water at me and other transgender sex workers.

22. The police never protected us from these strangers or from the police officers who forced us to have sex with them. The police did nothing when other transgender women complained about the violence and forced sex, so I did not bother reporting crimes to them. I was afraid they might target me instead of protecting me.

23. I traded sex for money when I could not find another job.

24. Employment in other trades has not been easy for me. There is widespread discrimination against gay and transgender people in Guatemala. I have experienced harassment, humiliation, and death threats at work.

25. I tried my best to learn employment skills such as baking and hairstyling. I attended job skills workshops hosted by [REDACTED], an organization for gay and transgender people in Guatemala City. [REDACTED] also provided training on preventing sexually transmitted infections, medical attention, and free condoms. I first became involved with [REDACTED] in about 1995. The organization disbanded in 2005. I met many transgender and gay friends through [REDACTED].

26. Despite these skills I have often been without stable, long-term employment.

27. For example, when I was about 20 years old I was fired from my job at a laboratory because my employer perceived me to be gay. At the time, the job was my first and only since moving to Guatemala City. I had worked there about three years when I was fired.

28. Because of widespread discrimination I could not find other work to support myself. No one would hire me because they perceived me to be gay. That is when I first began to support myself financially by having sex for money. There are a lot of transgender sex workers in Guatemala because discrimination makes it difficult for us to find and maintain other employment.

29. I was also harassed and threatened at [REDACTED] where I worked most recently before seeking asylum in the United States of America. My coworkers at [REDACTED] humiliated me in front of other coworkers by calling me *huequito* ("faggot") and *maldita* ("bitch"). I was singled out for rebukes and physically bullied.

30. On one occasion, in August or September 2016, my supervising team leader [REDACTED] was driving us in a truck to an event. He called me *huequito* ("faggot") and

threatened to run me over with his truck. I believed him, and was careful not to be assigned to his work team since, as the saying goes, "the Devil never sleeps."

31. I told my friend [REDACTED], who is gay and transgender, and she said she experienced similar threats.

32. Each time that I had to leave my job due to discrimination I was forced to work in the streets to support myself. Each time I had to work in the streets the police forced me to have sex with them.

33. I was initially very embarrassed and ashamed to tell my attorney the things in this declaration. It is still very hard to talk about them.

I declare under penalty of perjury (under the laws of the United States of America) that the foregoing is true and correct.

[REDACTED]

\_\_\_\_\_  
a/k/a [REDACTED]

8/17/2017  
Date

**CERTIFICATE OF INTERPRETATION**

I state that I read the foregoing declaration to [REDACTED], a/k/a [REDACTED]

[REDACTED], in a language that she understands (Spanish) and that she understood it before

signing.

Melina Murrell  
Signature

Melissa Murrell  
Printed Name

8/17/17  
Date



[REDACTED], [REDACTED]  
a/k/a/ [REDACTED], [REDACTED]

A [REDACTED]

**PROOF OF SERVICE**

On September 13, 2017, I, Diego Soto, served via U.S. mail a copy of Respondent's

Second Declaration and any attached pages to the following:

Office of Chief Counsel  
U.S. Department of Homeland Security  
Immigration and Customs Enforcement Office  
Stewart Detention Center  
146 CCA Road  
Lumpkin, GA 31815

  
Signature

September 13, 2017  
Date