Congress of the United States
Washington, DC 20515

January 16, 2020

Mr. Raymond Kovacic
Assistant Director, Office of Congressional Relations
U.S. Immigration and Customs Enforcement
500 12th St SW Stop 5003
Washington, DC 20536-5003

Re: Tsui, Yuen (Chin) Mei

Dear Mr. Kovacic:

We are writing on behalf of Mr. Yuen (Chin) Mei Tsui, who contacted us regarding his detention by Immigration and Customs Enforcement (ICE).

As stated in the enclosed correspondence, Mr. Tsui came to the United States as a Lawful Permanent Resident when he was about 8 years old. We understand that Mr. Tsui was abandoned by his mother and placed in the care of his abusive father, before going to live with his grandparents as a teenager. Mr. Tsui tells us that soon after, he was driven out of their home due to his sexual orientation and gender identity, and shortly afterward, his Lawful Permanent Resident Card and Social Security Card were stolen. It is our understanding that Mr. Tsui tried to replace his Lawful Permanent Resident Card during the 1990's, and Immigration and Naturalization Services (now USCIS) denied his application for a new Lawful Permanent Resident Card, inaccurately advising him that he had already been naturalized but refusing to provide him with any documentation. We understand that even after the agency error was revealed, Mr. Tsui has repeatedly been denied a replacement Lawful Permanent Resident Card since.

Mr. Tsui tells us that he was trafficked for 15 years by multiple people, during which time he was convicted of falsifying a business record. Mr. Tsui eventually escaped to Georgia, where he was arrested for buying a fake Social Security Card with his real Social Security Number. We are told that after serving his sentence, Mr. Tsui was held in solitary confinement at the Irwin County Immigration Detention Center for 19 months because of his gender identity as a transgender man, where he received poor medical care.

We understand that Mr. Tsui was ruled removable in immigration court because of his two convictions. The conviction for falsifying a business record was vacated by Judge Goggin of the District Court of Nassau County on December 19, 2019 under a vacatur law designed to vacate convictions for survivors of trafficking. We understand that Mr. Tsui now has only one

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conviction remaining on his record that is a crime involving moral turpitude. We understand that, given that his other remaining less serious convictions on record are not crimes involving moral turpitude or an aggravated felony, Mr. Tsui is not eligible to be held in detention or removed due to criminal activity. However, Mr. Tsui is still being held under ICE Enforcement and Removal Operations (ERO) custody at the women's facility of the co-ed Prairieland Detention Center in Texas.

It is also our understanding that Mr. Tsui has been confirmed as a survivor of human trafficking by both Homeland Security Investigations (HSI), New York State Division of Criminal Justice Services, and District Court Judge Goggin. The Transgender Law Center has also been in touch with HSI regarding Continued Presence status for Mr. Tsui. However, we are told that requests for Mr. Tsui's release submitted by the Transgender Law Center were denied by HSI. Further, the Transgender Law Center has submitted three requests for custody redetermination to ICE and all have been denied. We are told that the last request was denied even after Mr. Tsui's conviction was vacated making him no longer removable, he had been confirmed to be a trafficking victim, and it had been determined by HSI that his other convictions were a result of being a victim of human trafficking. This last custody redetermination request was denied by Supervisory Detention and Deportation Officer (SDDO) Joshua Johnson December 23, 2019. We have also been informed that Mr. Tsui's immigration court hearing scheduled for February 2020 has recently been postponed until January 2021, which will require him to be held in custody for an additional year before even seeing a judge.

It is our understanding that Mr. Tsui has been struggling greatly in ERO custody, both from the 19 months of solitary confinement he endured and the poor medical treatment he received at the Irwin County Immigration Detention Center. Solitary confinement has been shown to inflict intense suffering and long-term physical, psychological, and even neurological harm. The United States has signed on to the United Nations' Mandela Rules, which prohibits solitary confinement for more than 15 days and considers solitary confinement beyond that an act of torture. The Transgender Law Center informs us that they have found an organization which works with LGBT survivors of human trafficking that is willing to provide much-needed therapy for Mr. Tsui once he is released. It is our understanding that the psychiatric services provided by ICE do not have the capacity or training to meet the needs of this specific population.

We are also informed that Mr. Tsui's current status, as well as his 19-month seclusion in solitary confinement, are in violation of the 2015 "Further Guidance Regarding the Care of Transgender Individuals" memorandum from then-Director Thomas Homan. The agreement states that solitary confinement is only to be used on transgender individuals in limited circumstances, that transgender individuals should have continued access to medical care, and that the detainee's wishes should be considered when determining where to house the individual. Mr. Tsui's description of his medical care and time in these detention centers stands in stark contrast to this guidance.

Mr. Tsui is rightfully concerned about his court date being abruptly changed and having to wait in custody for an additional year. Accordingly, please advise us as to why Mr. Tsui's hearing was rescheduled. Also, please advise us as to the status of Mr. Tsui's release from ERO custody.

Please review Mr. Tsui's concerns and advise us as to your conclusions, consistent with all applicable rules and regulations. Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact Sarah Hague in Congresswoman Carolyn Maloney's office at (212) 860-0606.

Sincerely,

**CAROLYN B. MALONEY**
MEMBER OF CONGRESS

**ALEXANDRIA OCASIO-CORTEZ**
MEMBER OF CONGRESS

**ELIOT L. ENGEL**
MEMBER OF CONGRESS

**JERROLD NADLER**
MEMBER OF CONGRESS

**ADRIANO ESPAILLAT**
MEMBER OF CONGRESS

**GREGORY W. MEEKS**
MEMBER OF CONGRESS

**GRACE MENG**
MEMBER OF CONGRESS

**NYDIA M. VELÁZQUEZ**
MEMBER OF CONGRESS

**JOSÉ E. SERRANO**
MEMBER OF CONGRESS

**YVETTE D. CLARKE**
MEMBER OF CONGRESS

CBM/ks
cc: Chin Mei Tsui c/o Lynly Egyes, Transgender Law Center
Please Reply To: 1651 Third Avenue, Suite 311, New York, NY 10128-3679