

Transgender asylum seeker beaten in US custody before her death, according to autopsy

Kevin Martinez
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Roxsana Hernandez Rodriguez, a 33-year-old transgender woman seeking asylum in the United States from Honduras, died in May after becoming sick while being held by Immigration and Customs Enforcement (ICE). An independent autopsy released last week found evidence of “physical assault and abuse while in custody.”

The autopsy was part of a notice of wrongful death claim filed by the Transgender Law Center on behalf of Hernandez and her family in anticipation of lawsuits to be filed against federal agencies, including ICE and Customs and Border Protection.

Hernandez, who was HIV positive, died weeks after turning herself into the San Ysidro port of entry in California on May 9. While imprisoned in the Cibola County Correctional Center in New Mexico, she developed diarrhea and began vomiting, and was eventually transferred to another hospital where she died on May 25.

The autopsy stated that Hernandez was found with deep bruising on her rib cage and deep contusions on her back, which were “indicative of blows, and/or kicks, and possible strikes with a blunt object.” Her wrists also showed injuries usually associated with the use of handcuffs.

The report stated that, “according to observation of other detainees who were with Ms. Hernandez Rodriguez, the diarrhea and vomiting episodes persisted over multiple days with no medical evaluation or treatment, until she was gravely ill.”

Her death was called “entirely preventable” by Lynly Egyes, the director of the Transgender Law Center. “In the final days of her life, she was transferred from California to Washington to New Mexico, shackled for

days on end. If she was lucky she was given a bottle of water to drink. Her cause of death was dehydration and complications related to H.I.V.”

ICE has declined to comment on the independent autopsy, but in a release in May, admitted she was the sixth detainee to die in its custody since October 2017. It said that staff at the Lovelace Medical Center in Albuquerque, New Mexico determined she died from cardiac arrest.

A spokeswoman from CoreCivic, the for-profit jailer that operates the Cibola County Correctional Center, said Hernandez was only held there for 12 hours. R. Andrew Free, a lawyer representing her family, said they believe this is where the abuse happened.

“We think that based on interviews, that abuse of that nature definitely would have been noticed by people around her,” Free said. “And based on her medical care, we believe that abuse would have been noticed by medical providers, and that leaves one place where there’s still an information vacuum ... Cibola.”

In a statement the family said, “Roxsana Hernandez was our sister and it was an injustice to have her die the way she did. For us her closest family, it’s been extremely painful to deal with. She left with dreams of opening a beauty salon and hopes of helping us out. She fled Honduras because here transgender people are discriminated against. She left with hopes of living a better life.”

Hernandez arrived to the US in May as part of a caravan organized by Pueblo Sin Fronteras. She told BuzzFeed she escaped Honduras to escape the discrimination she faced as a transgender woman saying, “Trans people in my neighborhood are killed and chopped into pieces, then dumped inside potato

bags. I'm scared of that.”

In a related development, a mother whose toddler died weeks after they were released from an immigrant jail in Texas has filed a wrongful death claim against the US government for \$60 million.

Yazmin Juarez's 19-month-old daughter Mariee died last May, six weeks after being held in an immigrant jail in Dilley, Texas. Juarez and her lawyers maintain that Mariee received poor medical treatment which led to contracting a respiratory illness while in jail.

In a statement, attorney R. Stanton Jones said, “The US government had a duty to provide this little girl with safe, sanitary living conditions and proper medical care but they failed to do that resulting in tragic consequences.”

The statement continued, “Mariee entered Dilley a healthy baby girl and 20 days later was discharged a gravely ill child with a life-threatening respiratory infection. Mariee died just months before her 2nd birthday because ICE and others charged with medical care neglected to provide the most basic standard of care as her condition rapidly deteriorated and her mother Yazmin pleaded for help.”

Juarez and her daughter crossed the Rio Grande into the US from Guatemala in March and were detained by immigration officials. They were imprisoned in the South Texas Family Residential Center for three weeks.

Her attorney stated that Juarez sought medical help six days after they arrived at the Dilley jail to no avail. Her daughter became increasingly sick as Juarez repeatedly sought help and was prescribed medication that did not improve her condition.

Once released from jail, Juarez took Mariee to New Jersey where her mother lives and took her daughter to the hospital the next day. Mariee was hospitalized for respiratory failure for six weeks and died at the Children's Hospital of Philadelphia on May 10.

According to Jones, “after it became clear that Mariee was gravely ill, ICE simply discharged mother and daughter. Yazmin immediately sought medical care for her baby, but it was too late.”

Juarez has filed claims against various government bodies including ICE and the Department of Homeland Security, which have refused to comment citing ongoing litigation.

In August, Juarez and her lawyers filed a notice of claim against the city of Eloy, Arizona, which was the

prime contractor for the Dilley facility which is also run by CoreCivic, seeking \$40 million for wrongful death.



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