

Presentation on Medical Care and Deaths in ICE Custody Francisco Castaneda

For a Hearing on "Detention and Removal: Immigration Detainee Medical Care" before the House Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law

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Good afternoon. Thank you to Chairwoman Lofgren for inviting me, and to the Immigration Subcommittee for holding this hearing. My name is Francisco Castaneda. I was held in immigration detention for over 10 months, and was just released this past February due to my medical condition, after many letters from the ACLU were sent on my behalf.

First, I would like to tell you a little bit about myself. I am 35 years old. I came to the United States from El Salvador with my mother and siblings when I was ten years old to escape from the civil war. My family moved to Los Angeles where I went to school and began working at the age of 17. My mother died of cancer when I was pretty young, before she was able to get us all legal immigration status. After my mom died, I looked to my community for support, and found myself wrapped up in drugs instead, which, today, I deeply regret. I worked, doing construction, up until I went to prison on a drug charge, where I spent just four months before I was transferred into ICE detention.

When I entered ICE custody at the San Diego Correctional Facility in March 2006, I immediately told them I had a very painful lesion on my penis. After a day or two, Dr. Walker examined me and recognized that the lesion was a problem. He said he would request that I see a specialist right away.

But instead of sending me directly to a specialist, I was forced to wait, and wait, and wait, and wait. All the while, my pain got worse. It started to bleed even more and smell really bad. I also had discharge coming out of it. Apparently the Division of Immigration Health Services was deciding whether to grant the request. Dr. Walker submitted the request more than once and, after more than a month, it was finally granted. When I saw an oncologist he told me it might be cancer and I needed a biopsy. He offered to admit me to a hospital immediately for the biopsy, but ICE refused to permit a biopsy and told the oncologist that they wanted to try a more cost-effective treatment.

I was then referred to a urologist, Dr. Masters, but I only got to see that urologist two-and-a-half months later, after I filed sick call requests and grievances with ICE. The urologist said I needed a circumcision to remove the lesion and stop the pain and bleeding, and also said I needed a biopsy to figure out if I had cancer. ICE and the Division of Immigration Health Services never did either of those things. They said that it was "elective surgery."

My pain was getting worse by the day. When you are in detention, you can't help yourself. I knew I had a problem, but with everything you have to ask for help. I tried to get medical help everyday. Sometimes I would show the guards my underwear with blood in it to get them to take me to medical, but then they would say they couldn't do anything for me. All they gave me was Motrin and other pain pills. At one point, the doctor gave me special permission to have more clean underwear and bedsheets, because I was getting blood on everything. A guard from my unit once told me he would pray for me because he could see how much I was suffering.

Several more requests for a biopsy were denied. They told me in writing that I could get the surgery after I left the facility—when I was deported.

In late November 2006, I was transferred from San Diego to the San Pedro Service Processing Center. When I got there I immediately filed sick call slips about my problem. After a few days I saw the doctors. I told them about my pain and showed them the blood in my boxer shorts and asked them to examine my penis. They didn't even look at it—one of them said I couldn't be helped because I needed "elective surgery." They just gave me more pain pills.

In the middle of December, I noticed a lump in my groin. It hurt a lot and was a little bit smaller than a fist, so I filed a sick call slip about it. Another detainee told me it could be a hernia. I never got any treatment for it, and I later found out that was a tumor, because the cancer had already spread.

In the beginning of January, one of the guards told me I was going to Harbor-UCLA Medical Center. They put me in handcuffs and leg shackles and drove me in a van to the emergency room. When I got there the officer walked all around trying to find someone to see me, but he was told I would have to wait in line like everyone else. After about an hour of following him all chained up, he took me back to San Pedro and I didn't get to see anyone.

Back when I was in San Diego, another detainee gave me the phone number for the ACLU and said they might be able to help me. I called them, and spoke with Mr. Tom Jawetz, here, and told him my story and about how much pain I was in. When I got to San Pedro he sent letters and called the people at the facility to try to help me get medical care. Finally, around the end of January, immigration agreed to let me get a biopsy. They made an appointment with the doctor, but just before the surgery they released me from custody. A doctor actually walked me out of San Pedro and told me I was released because of my serious medical condition and he encouraged me to get medical attention.

The first thing I did was call the doctor to see whether I could still get my biopsy. The secretary told me ICE had cancelled it. I then went back to the emergency room at Harbor-UCLA—the same place they had left me in the waiting room in shackles—and I waited to see a doctor and finally get my biopsy. A few days later, the doctor told me that I had cancer, and would have to have surgery right away to remove my penis. He said if I didn't have the surgery I would be dead within one year. On February 14—Valentine's Day—nine days after ICE released me from custody, I had the surgery to remove my penis. Since then, I have been through five aggressive week-long rounds of chemotherapy. Doctors said my cancer spreads very fast—it had already spread to my lymph nodes and maybe my stomach.

I'm sure you can at least imagine some of how this feels. I am a 35-year-old man without a penis with my life on the line. I have a young daughter, Vanessa, who is only 14. She is here with me today because she wanted to support me—and because I wanted her to see her father do something for the greater good, so that she will have that memory of me. The thought that her pain—and mine—could have been avoided almost makes this too much to bear.

I had to be here today because I am not the only one who didn't get the medical care I needed. It was routine for detainees to have to wait weeks or months to get even basic care. Who knows how many tragic endings can be avoided if ICE will only remember that, regardless of why a person is in detention and regardless of where they will end up, they are still human and deserve basic, humane medical care.

In many ways, it's too late for me. Short of a miracle, the most I can hope for are some good days with Vanessa and justice. My doctors are working on the good days and, thankfully, my attorneys at Public Justice here in Washington, Mr. Conal Doyle in California, and the ACLU are working on the justice – not just for me, but for the many others who are suffering and will never get help unless ICE is forced to make major changes in the medical care provided to immigrant detainees.

I am here to ask each of you, members of Congress, to bring an end to the unnecessary suffering that I, and too many others, have been forced to endure in ICE detention.

Thank you for your time.