

Written Testimony before the
U.S. House of Representatives Judiciary Committee
Subcommittee on Immigration and Citizenship

Hearing Entitled “The Expansion and Troubling Use of ICE Detention”

Denis Davydov on behalf of Immigration Equality

Gay Asylee from Russia Living with HIV, Detained by ICE for 46 Days

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Chairwoman Lofgren, Vice Chairwoman Jayapal, Ranking Member Buck, and distinguished members of the Subcommittee. Thank you for the opportunity to testify before you today about the 46 days I should have never spent in ICE detention.

My name is Denis Davydov, and I am a gay man from Russia living with HIV. I'm sharing my story in partnership with Immigration Equality, the non-profit that represented me during my five year asylum process, and in support of all LGBTQ and HIV-positive people in detention.

In 2014, I had no choice but to escape Russia and come to the United States. Just one year prior, the Russian government passed an anti-gay propaganda law, which painted gay people as perverts who were killing the country. Vigilante groups attacked and raped gay men, and posted the videos online. The police did nothing about it. I lived with a constant fear that I would be harmed.

As an HIV-positive gay man, my life was even more at risk. HIV is seen as a "gay disease" in Russia, and seeking treatment could make me a target for violence. I went into hiding and stopped getting my medication. With the spike in homophobia, and a lack of HIV medication in Russia, I feared my situation would get much worse. I couldn't live like that anymore.

I got a six-month U.S. tourist visa and flew to San Francisco—the best place on this planet for gay people. For the first time ever, it didn't matter that I was gay. I could be open about all aspects of my life. It was magical. I joined a support group for HIV-positive people, and I finally felt safe. I couldn't go back to Russia, where the situation was becoming more hopeless for gay and HIV-positive people.

I applied for asylum after my tourist visa expired, which allowed me to get a job and travel within the U.S. I wanted to explore this beautiful country, so I went on a week-long vacation to the U.S. Virgin Islands. I was stopped by immigration officers at the airport on the way back to San Francisco and interrogated about my status. I told them I had an asylum case pending. That I'm a resident of California with a social security number. They accused me of entering the U.S. for the first time and violating my visa. Then they arrested me.

I was flown to a large detention facility in Miami. They put me in handcuffs, ankle bracelets, and wrapped a chain around my waste. For the next 46 days I was "Mr. 876 Russia."

For 10 years, I had been managing my HIV in a way that allowed me to live safely and comfortably. When I was detained, my control over my health was completely taken away from me. To protect my compromised immune system from infections, I need to follow a certain diet, have access to appropriate hygiene, and sleep well. Immigration detention didn't provide me with any of those things.

I was held in a space with 100 other people. My compromised immune system was exposed to any virus or infection they had. Within a week of being detained, I developed a fungal infection. This caused a rash; I had itchy red spots on my genitals. I also developed a cold and fever. Despite my coughing, sneezing, and fatigue, the officers wouldn't let me rest. I couldn't sleep at night because it got so cold, and it was loud. I developed insomnia from stress.

I saw a doctor who reviewed my blood test results. He told me I was positive for Hepatitis A, and that I had abnormal liver function. The doctor was not concerned about the results, and did not know how to treat my fungal infection. I had to wait to see a specialist to treat the infection.

My lawyer explained to an immigration judge that each day I spent in detention put my life in danger, but he didn't seem to care. As an HIV-positive gay man I had a strong asylum case, but he didn't seem to care. Even though I did everything right in my asylum application, he didn't seem to care. I got an asylum interview notice while I was in detention, but the judge wouldn't let me attend. He wouldn't halt my deportation proceedings.

I spent another month in detention. I spent my 30th birthday there, a criminal in the eyes of the U.S. government. I never thought this country would treat an HIV-positive gay man this way. It felt like this was all happening to someone else.

When I fled Russia, I found safety and acceptance in the United States like I had never known before. The promise of asylum gave me hope for a better future. But when I was detained, that hope was taken from me. I was experiencing the very conditions I was trying to escape. Once again, I was fighting for my life.

Luckily, I had the support of non-profits and members of Congress who called for my release and alerted the media about my situation. After a month and a half in detention, I was allowed to go back home.

The year after I was released was just as hard as my time in detention. I no longer knew what to expect, and I didn't feel safe in the U.S. Due to extreme anxiety I could barely leave my apartment for an entire year. I lost hope. It took me years to feel secure again.

My situation was horrible, but I actually consider myself fortunate. I received HIV medication throughout my time in detention. I had legal representation. I had people reaching out to the media and members of Congress calling for my release. If I had been deported back to Russia, I could have been attacked, imprisoned or killed.

Most HIV-positive and LGBTQ asylum seekers in detention don't have people fighting for them in that way. Some face harassment, sexual violence, and torture in solitary confinement. Some never get their HIV medication. And some die.

That's why I'm here today. To ask you to fight so that no one ever has to go through what I did. To fight for those who don't have anyone fighting for them. Our community and all asylum seekers deserve better. We deserve to be treated with respect and dignity.

In July of this year, five years after arriving in the U.S., I won asylum. It was a huge relief for me. I felt a security I had never felt before. I can now start building a future knowing that I'll never have to go into hiding again.

I'm asking all of you sitting before me today to protect the rights of all asylum seekers, so they can find the same relief and security I did. To dismantle obstacles to those seeking safe haven in this beautiful country. To clear the path for LGBTQ and HIV-positive asylum seekers to find what we can't in our home countries: support, safety, and the freedom to be who we are.