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Proskauer Secures Asylum for Client Persecuted Based on Sexual Orientation

Proskauer For Good Blog on **March 3, 2021**

On February 5, 2021, the United States Citizenship and Immigration Services ("USCIS") granted asylum to our client, a gay man who suffered horrific violence based on his sexual orientation. For their own homophobic reasons, the police in his country of origin refused to investigate the hate crimes that were committed against him. Fearing for his life, our client fled to the United States. Now that he has received asylum, he can live and work in the United States indefinitely.

The modern asylum system grew out of a reaction to the horrors of World War II and the Holocaust. In 1951, the United Nations defined a refugee as any individual not able to return to his or her home country because of a well-founded fear of future persecution based on their race, religion, nationality, membership of a particular social group, or political opinion. The United States later signed onto this system, and in the 1990s, officially recognized that persecution due to one's sexual orientation can qualify as a basis for asylum.

Unfortunately, we live in a world in which conflict, violence, and hatred make it unsafe for certain individuals to continue to live in their countries of origin. LGBTQ people continue to be subjected to violence and abuse around the globe based on their sexual orientation and/or gender identity. Same sex relationships and LGBTQ identities continue to be criminalized in more than 70 countries. LGBTQ people face torture, rape, beatings, criminal prosecution, and even death based on nothing more than who they are attracted to, or the gender that they identify as.

The asylum system allows the United States to live up to its ideals by protecting those in grave danger and providing them an opportunity to rebuild their lives in safety. Asylum strengthens our country by promoting American values, and welcoming individuals with diverse backgrounds and an incredible perseverance to overcome adversity and start a new life.

The American asylum process is time consuming, complex, and expensive, making it difficult for asylum-seekers to navigate it on their own. As attorneys, we have an obligation to use our specialized knowledge and skills to help those without the means or information to represent themselves, and asylum seekers are among the most deserving of our assistance. Personally speaking, helping our client win asylum was one of the most moving and rewarding experiences in my career. Being able to advocate for someone who was gravely mistreated through no fault of his own, and knowing that he can now live here in safety, is an experience that I am humbled and grateful to have been a part of.

The team at Proskauer assisted our client by drafting an affidavit summarizing his past persecution, collecting evidence supporting his claim, and preparing him for his asylum interview. Now that our client is an asylee, he can live without fear that his sexual orientation will lead to ridicule, beatings, and assault. He is looking forward to going back to school, starting a career, and building a new life. The Proskauer team on this matter included associates Tony Martinez, Robert Spiro, and myself, and was supervised by pro bono counsel Erin Meyer. Paralegals Nina Leeds and Anna Brodskaya also provided assistance.

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