

Kelley Drye Wins Grant of Asylum for a Gay HIV Positive Man from Colombia

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Kelley Drye pro bono litigation attorneys recently obtained a grant of asylum on behalf of a gay HIV positive individual from Colombia. In Colombia the client experienced violence and abuse from armed gangs and paramilitary group members, as well as from classmates, coworkers, and immediate family members. When he tried to report attacks to the police, they responded with indifference because of his homosexuality, or were unable to do anything because many areas of Colombia are under the control of armed gangs and paramilitary groups.

The client's maternal uncle was murdered by members of a paramilitary group after the uncle was seen in the company of the client. The client believes his uncle was murdered because his attackers falsely assumed his uncle was also gay. In Colombia, the client's access to medical treatment for HIV was adversely impacted by the insults and humiliation he experienced at the hands of health care personnel, who often stigmatize people with HIV because of their disease and/or sexual orientation.

This type of experience is common in Colombia. A study conducted by Bogota, Colombia's Department of Sexual Diversity reported that 98 percent of the LGBT community faced discrimination, particularly in schools and workplaces. The report also showed that 53 percent of the LGBT community had been physically attacked for their sexual orientation or gender identity, and in 61 percent of cases the attacker was closely related to the victim.

Kelley Drye helped the client draft his asylum application and assembled affidavits and documentary evidence in support of his application for asylum. Kelley Drye also worked with the client in preparation for his asylum interview. By the time the client appeared before the Asylum Interviewer, he was able to effectively articulate his experiences in Colombia and why he feared for his life if he were forced to return to his native country. The Immigration Interview Officer granted the client's petition after a two hour interview and the client's grant of asylum is now final.