

U.S. Grants Asylum for Gay Mexican Citizen

by KEITH CLARK

SAN FRANCISCO — In its most unmistakable indicator to date that oppressed gays and lesbians may qualify for political sanctuary, the U.S. Immigration and Naturalization Service (INS) has granted asylum to a gay Mexican citizen who said his life would be endangered if he were returned to his native country.

Officials at INS headquarters in Washington authorized the asylum status on March 18, extending political refugee status to the man, known by the fictitious name of José Garcia, who convinced immigration officials that he has suffered "unspeakable degradations" in his homeland because of his sexual orientation.

Garcia's attorney, Ron Silberstein, announced the INS decision in San Francisco on March 24, saying his client's case appears to be the first that the government has accepted as official oppression based on homosexuality.

"We hope that the INS decision will serve as a wake-up call for governments all over the world that persecution on account of someone's sexual orientation is unacceptable," Silberstein said at a press conference announcing the decree.

Garcia, who refused to be photographed out of concerns for his personal safety, said he was "deeply grateful to the INS" for its decision, which he said "has saved my life."

"The Mexican police, on numerous occasions, arrested me solely because I was gay," Garcia said in a written statement. "They accused me of commit-

ting bogus crimes. They extorted money from me. On one occasion [as a teen in 1976], they raped me. As a gay man in Mexico, life was made intolerable for me."

Silberstein said Garcia had come to San Francisco illegally a decade ago and has since then worked as an AIDS educator in the city's gay and lesbian Latino community. Silberstein said Garcia's highly visible AIDS work in fact had been part of the reason the man feared returning to Mexico.

As part of the asylum appeal, Silberstein presented documents by a number of human rights organizations — including Amnesty International, the Catholic Archdiocese of Mexico City, and the Mexican Commission on Human Rights — linking elements of the Mexican police and military with the murders of gay men, transvestites and health-care workers treating people with AIDS. According to the documentation presented to the INS by Silberstein, Mexican officials have continued to show "scant interest" in evidence of the killings.

But it is unclear exactly what the recent INS decision actually means in terms of gay and lesbian refugees seeking asylum in the U.S.

In a news statement, INS spokesman Duke Austin said the decision was made because of the "specific and unique circumstances" of Garcia's case. "This does not mean that homosexuals in Mexico are persecuted," Austin said. "This means that this individual, due to the facts and circumstances, convinced an asylum officer that he has a well-founded fear of persecution that would justify asylum. It only relates to him. It doesn't relate to a class of people."

Despite the Garcia asylum decision, the INS has given what rights activists say are mixed signals, noting that the government has appealed a 1993 immigration judge's ruling that Marcelo Tenorio, a gay Brazilian, was eligible for asylum because of his fears of anti-gay persecution in his homeland.

Silberstein credited the Clinton administration's more receptive attitudes about gays and lesbians generally for the Garcia decision. But Silberstein said he was not aware of any administration officials who had interceded in the case.

The Mexican Consulate in San Francisco issued a denial of rights abuses. "We respect the gay community. We have commissioners who are openly gay," the statement said, stating that the Mexican government is "very respectful of people's rights to sexual preference."

But gay rights activists there disagreed, noting that in 1991 the world conference of the International Lesbian and Gay Association had to be relocated when Mexican officials threatened to arrest delegates to the conference for "moral turpitude" if they showed up in Guadalajara for the convention.

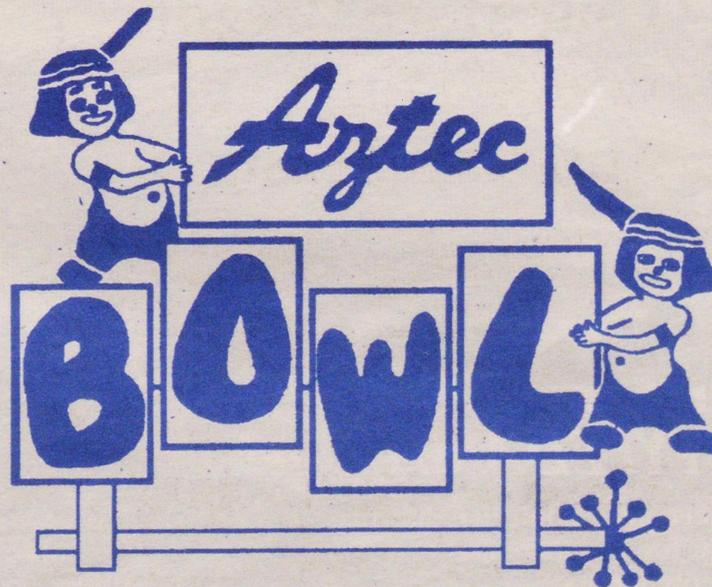
"The situation is that it is not a tolerant society in general," Pedro Bustos-Aguilar of the Circulo Cultural Gay in Mexico City said. But that is not to say the "situation is untenable for every person who is gay or lesbian" in Mexico.

What rights activists are now looking to is the some 40 other asylum cases — including other Latin American nations, Iran and Algeria — involving gays and lesbians now pending with INS.

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Source Library: Lambda Archives of San Diego