

**Room for variation?
The experience of Colombian gay asylum seekers
and asylees in Miami**

Yamil Avivi*

Resumen

Este artículo ofrece una narración de las lesbianas, homosexuales, bisexuales y transvestis colombianos que llegan a Miami (Florida) en busca de asilo debido a la persecución por orientación sexual. Se examina cómo estos migrantes negocian la identidad nacional, étnica y sexual. Estos migrantes particulares hacen parte del gran éxodo colombiano que comenzó en los noventa. ¿Cuáles evidencias sugieren que estos migrantes son marginados en el contexto de este fenómeno migratorio? ¿Con qué recursos y con cual apoyo institucional se cuenta para que estos migrantes puedan enfrentar las barreras migratorias?

Abstract

This article provides a narrative of Colombian lesbian, gay, bisexual, transgender asylum seekers arriving to Miami, Florida fleeing from Colombia due to persecution based on sexual orientation. How these migrants negotiate national, ethnic, and sexual identity in Miami is explored. While these gay migrants form part of the larger Colombian Exodus into Miami/United States which started during the late 90s, what evidences suggest that these particular migrants are marginalized in this greater migration phenomenon? What kinds of resources and organizational support exist for these migrants and what barriers exist?

Key Words: Immigration, asylee, asylum seekers, sexual persecution, gay, transgender, transsexual, Colombian exodus, gay communities, HIV/VIH, machismo, discrimination

Room for Variation? The experience of Colombian Gay Asylum Seekers and Asylees in Miami

Yamil Avivi

After working for over three years with the Florida Immigrant Advocacy Center¹ in Miami, Florida, I proposed an interview² project on the Colombian asylum³ community in South Florida⁴. While our agency works to help both Colombian asylum seekers and asylees, I wanted to document the Colombian Exodus⁵ into South Florida and its respective migration and settlement stories. A larger pool of mostly heterosexual Colombian asylum seekers and asylees was formulated and in the end, I grew particularly interested in examining how LGBT⁶ interviewees fit into the Exodus. From

¹ Check out organization's website at www.fiacfla.org. Special thanks to David Skovholt and Charu Newhouse Al-Sahli for newspaper clippings as well as their enthusiasm and support. Lisette Losada and Michelle Abarca for their friendship, collegueship, and support. "Mil gracias" to Cheryl Little, Mary Gundrum, Sharon Ginter, and Melissa Morales. Special thanks to each and every client for taking the time to partake in this interview process.

² The names of interviewees have been changed. As you will also notice the names of organizations were also left out in some instances.

³ What is meant by the asylum community here is both asylum seekers and asylees in other words, those that are in the process of applying for asylum and those that have won asylum in the United States.

⁴ Interviews were conducted in other areas outside Miami-Dade including Broward County, Naples, and Fort Myers

⁵ One important work to take into account is Michael Collier's and Eduardo Gamarra's, "The Colombian Diaspora in South Florida" Miami, FL: Florida International University Latin American and Caribbean Center Working Paper, 2001. In this study, there are three waves of Colombian migration reported into South Florida. According to the study the third wave (mid 1990s to the present) is when the asylum seekers and asylees came and are considered "...of middle, upper middle, and upper class professionals who are migrating primarily to escape the increasing violence and personal security threats to themselves and their families from the Colombian guerillas, paramilitaries, common criminals, and government security forces" (5). On page 7 of this document it states that other estimates explain that as many as 250,000 to 350,000 Colombians live in South Florida alone.

⁶ LGBT stands for the Lesbian, Gay, Bisexual, Transgender community

the research articles, newspaper clippings⁷, interviews, and fieldwork of Colombian and Latino civic⁸ organizations in the area, it was evident that there exists an archetype of a Colombian asylum seeker in South Florida which is more of a heterosexual, upper-middle to middle class professional, educated, family man or women fearing persecution from the FARC or the paramilitary.

Moreover, the narrative of the gay asylum seeker fleeing his or her country from sexual persecution⁹ is not congruent with the stories of FARC or

⁷ “Exodo” from Colombia’s *Semana Magazine* published June 28, 1999. This article compares the Exodus as comparable to the elite Cuban Exile. There are an enormous amount of articles that also describe the fleeing middle classes as professional and upper class such as “Fleeing Colombians finding safe home in Palm Beach Country” published on July 14, 2004 in the *Palm Beach Coast* and “Despite Policy, Colombians get Asylum in the U.S.” published on August 18, 1999 in the *Wall Street Journal*. What is important here to emphasize is that the media also helped solidify this elite image in South Florida failing to also consider homeland working class and gay asylum seekers. In one newspaper article not mentioned here, state representative, Juan Carlos Zapata recognizes a large influx of homeland working class Colombians during this Exodus influx.

⁸ Because of the small number of legal organizations that work on immigration cases, we are not going to solely look at just Colombian/Latino civic and advocacy organizations. For instance, Colombians look for help at faith based organizations too. In any case some of these Colombian/Latino civic organizations that I did go to were CASA (Colombian American Service Association), CARA (Community to Assist the Resettlement of Asylees), Hispanic Unity and the Americas Community Center. Faith based legal clinics that I either: conducted interviews in or that my interviewees discussed about were Catholic Charities, Church World Services, St. Thomas Immigration Clinic and Lutheran Legal Service.

⁹ A report that demonstrates sexual persecution in different Latin American and Caribbean countries is called, “Sexual Orientation and Human Rights in the Americas” written by Andrew Redding in 2003. A memoir titled, *In the Land of God and Man: A Latin Woman’s Journey* by Silvana Paternostro (1999) explores how transgender and gays in Brazil and other countries are severely stigmatized but have also been able to organize and form community organizations. Paternostro also explores the sexual culture in Colombia, Brazil, and Guatemala in how married heterosexual men have secretive sexual relations with “pasivos.” Pasivos/transgender individuals bear the burden of social stigma, violence, and ostracism while these heterosexual men go back to their married, respectable lives. Finally a last human rights report demonstrates *Epidemic of Hate: Violations of the Human Rights of Gay Men, Lesbians, and Transvestites in Brazil* by Luis Robert Mott written in 1996 documents the violence and

paramilitary persecution among heterosexual victims. As a result of the Exodus, the Miami Colombian community was able to strengthen and build a number of civic¹⁰ and policy organizations to advocate and resettle these politically persecuted asylum seekers. A few years before the Colombian Exodus would occur in the late 1990s, the US began granting a significant number of asylum claims based on sexual orientation from 1994-1996 to about sixty asylum seekers (Perez Ramirez 30). With my experience in Miami working with gay and transgendered Colombian asylum seekers along with the fieldwork and interviewing for this essay all suggest that, Colombian/Latino civic organizations and respective community leaders are not vociferous about including sexual orientation based asylum claims as another significant out migration from Colombia and Latin America. My findings demonstrate that asylum seekers with sexually based asylum claims are not encouraged to identify, integrate or benefit from the aid or social services. These services are for those that are deemed valuable/worthy, “normal,” and “deseable (desirable),” ultimately fitting neatly within the Exodus. Clearly put, “out” gay asylum seekers are expected to not associate with the larger heterosexist Colombian/Latino community. One question that will linger throughout this piece is therefore how does the larger Colombian community receive these LGBT asylum seekers? Or in turn, how do these asylum seekers identify with their receiving US community? Ultimately this essay will not only focus on how the Miami Colombian community treats its LGBT asylum seekers but based on the interviews ahead (1) Identify the kinds of legal agencies that Colombian LGBT asylum seekers can seek help at including within the Colombian community; (2) Illustrate how homeland and shared Latin American notions of gender and sexuality create both potential discriminatory situations from the legal advocate and great stressful circumstances for already traumatized Colombian LGBT asylum seekers; and (3) contribute to the idea (through the voices of this paper) that US immigration continues to monitor the border for sexual deviance and in turn perpetuate gay migrants to feel

persecution gay men face because of their sexual orientation, effeminacy, and work in the sex industry.

¹⁰ I am particularly thinking about CASA (Colombian American Service Association) in Miami whose leader a Florida state representative, Juan Carlos Zapata united the community to fight for TPS (Temporary Protected Status) for Colombians as a result of the Exodus.

unwelcome and therefore are “evasive¹¹” in their asylum testimony.

Before we specifically examine the experience of Colombian gay asylum seekers in Miami, it is important to define the socio-spatial and communal context in which they arrive to and reside in. Gay Colombians in Miami typically end up living in the Latino enclave among non-gay Colombians/Latinos that ultimately put them often times in shackling heterosexist, machista predicaments. Also, they may arrive to family like Juan Carlos did who live outside expensive¹², “gay mecca” South Beach. Horatio, a transsexual, recalls the disturbing experience of staying in a Church shelter for a long period of time in North Miami with mostly heterosexual men.

The gay Colombians that do live on South Beach, like some of these interviewees, have immediate access to the visible gay culture and established LGBT organizations that are almost non-existent or invisible in other parts of Miami. According to Esteban a South Beach resident and a former staff member for the South Beach AIDS Project¹³, he states that Hialeah has a gay scene but one without the numerous gay bars and establishments found on South Beach. Esteban also said that on the weekends, gay Latinos flock to Ozone - a gay bar found in South West Miami on the Dixie Highway and the Coral Gables border, not far from the Sunset Mall. He states, “The majority of gay Latinos that go to Ozone are from Kendall and Hialeah.” When I mentioned to him about HIV/AIDS organizations in Little Havana that work with the LGBT community like *Union Positiva*¹⁴, he affirmed that such

¹¹ This term will be discussed a bit later that’s why it is quoted.

¹² Here what I mean by expensive is that South Beach mirrors the cramped living conditions that New Yorkers face for instance. Basically what one would pay monthly in a one or two bedroom apartment on South Beach, families can find larger and more moderate living spaces in other cheaper areas of the Miami-Dade area.

¹³ Please see footnote 30.

¹⁴ *Union Positiva* (Positive Union) is an HIV/AIDS organization that is found in Little Havana. It decreases risk among Latinos and LGBT populations with education and outreach activities. It also provides treatment for people living with HIV/AIDS. Between 2003-2004, I attended various meetings held by Union Positiva, which were support groups for men living with

organizations also exist in Hialeah as well. But in Esteban's eyes, these organizations do not necessarily add to visibility for gay culture in Hialeah like on South Beach. Esteban arrived to the US in December 2001 and immediately started living on South Beach with a Colombian friend who invited him to stay in her apartment. In 2005, Esteban left South Beach, tried living in New York City and is now living outside Atlanta, Georgia with his family. He says, "I miss the ocean and I miss my openly gay lifestyle and community I had in South Beach that I do not have here in Georgia."

In contrast to Esteban's more romantic view of South Beach, Juan Carlos at times finds gay life in South Beach too ubiquitous and eccentric for his taste. Though his community of friends makes Miami life pleasant and worthwhile. He explains,

To live in Kendall is totally different than to live in South Beach because these streets are filled with 'locos' and well I am gay but I don't really feel very affiliated to the gay mentality as if I lived off of that and filled my spirit. What fills my life... If I go to the bars, I am not denying that I go but they do not satisfy me. Other things satisfy me. I like to bathe in the ocean's water and listen to my music. To spend time with my friends. I have several friends that live here on the beach and we are all very good friends.

Q: Are they all Colombian?

A: No, of various nationalities, some are. Let's say that the majority are HIV positive and I met them while getting medical treatment, at the hospital, and the support groups. So then I am close with them. I enjoy my time so much with them.

Referencing Pena's dissertation, *Visibility and Silence: Cuban American Gay Male Culture in Miami*, she locates the gay Miami community as being in South Beach but ultimately, "...privileges Anglo gay male culture" (21) similarly to how Almaguer and D'Emilio define how gay urban cultures in the US were paved by an educated, artsy Anglo class that did not struggle with nationalisms or ethnic identities like Latinos. Unlike other parts of Miami

HIV/AIDS in Little Havana. I gave general information workshops on Immigration Law and Procedures to this group.

where there is a strong sense of a Cuban hegemony¹⁵ and a Latino majority, this is not the case of the South Beach area. Furthermore, she goes on to say that, "...Cuban-American men who emphasize Cuban American social and family networks will more likely be found in predominantly Latino areas of the city (Southwest Miami and Hialeah)" (Pena 22). Esteban similarly explained that gay Latinos who live in Hialeah are hesitant about moving to South Beach because it would mean parting from their families. Also, moving away would mean adjusting to a part of town dominated by Anglo culture, which appropriately fits Pena's rationale above. Esteban¹⁶ explains that finding it difficult to afford living, paying rent on South Beach is not really the issue. This does not dismiss that other areas of Miami have considerably lower living costs or that in fact one could get more living space with the money used for rent on South Beach. Crucially, survival and job networks for (often times limited English speaking) Latino immigrants¹⁷ that Pena mentions are disproportionately more accessible in these areas than on South Beach.

¹⁵ The concept of hegemony and dominant culture are explored in Alejandro Portes' and Alex Stepick's, City on the Edge: The Transformation of Miami, University of California Press, 1993. Another book that explores these concepts among the Miami Cuban community is David Rieff's, Going to Miami: Exiles, Tourists, and Refugees in the New America, University Press of Florida, 1999. Finally, Marvin Dunn explores Cubans' political and economic (entrepreneurial) influence in Miami in his book, Black Miami in the Twentieth Century, University Press of Florida, 1997 (pgs. 317-322).

¹⁶ Indeed, South Beach is famous for the posh and ritzy lifestyles of the affluent, including Latin American music artists and celebrities. Esteban explains that it is not like this for everyone and in fact he says to me it is relatively cheap to live on South Beach. He says, "You can buy meals for \$5 dollars." He also explains the kind of separation between the upper class and lower class in South Beach. "The wealthy in South Beach live in the tall luxurious buildings," Esteban says. Additionally, he says those that live between 5th and 22nd streets in the older two or three floor apartment buildings are not affluent and where most Latino immigrants live." Esteban said that with \$1,600 a month (\$19,200/a year after taxes) from two part-time jobs he could afford paying his daily needs and monthly rent for his studio apartment. According to US Health and Human Services the poverty line for a single person in the US was \$8,860 (2002) and \$9,570 (2005).

¹⁷ Working at FIAC, I was able to see daily living costs, employment wages, and also confirm that the majority of them needed to learn English. Most of them demonstrated that they were economically unable to afford a low-cost/private immigration attorney.

Ultimately, Pena suggests that Cuban gays do not have a spatial, centralized point in Miami where awareness, visibility, cohesion, and advocacy issues are palpable and intensified. Thus, the Cuban gay community lives a kind of community without propinquity¹⁸ where cohesion and advocacy efforts cannot be so easily fermented. Ultimately she affirms that her study is an examination of Cuban gay culture and not of a Cuban gay community based on the rationale explained.

Pena's Cuban model¹⁹ serves as a broader lens to begin framing gay Colombian culture and community in Miami. In terms of spatial and communal realities, Colombians do live in Southwest Miami and Hialeah as Pena has identified but also in other places²⁰ like Doral, Kendall, Sweetwater,

¹⁸ We discussed this term in Professor David Serlin's class Sexual Identity in the Urban Community. I believe that I found this term in Hawkeswood, "Black Men in Gay Harlem." This refers to a group of people who share identity and socio-political circumstances but are spatially dispersed in a given area. Special thanks and reverence to Professor Serlin for always listening to my queer theory since undergrad and pointing me to some references for this paper. I am grateful to these folks and their queer ears during my undergrad years: Meredith January, Alicia Baskerville, Prof. Joseph Portanova and Prof. Nancy Reale, NYU.

¹⁹ One important matter I believe that separates the Cuban gay migration experience from the Colombian gay migration experience is how immigration policy handles each group's entry into the United States. Unlike Colombian gay asylum seekers that have to go through an intensive and poking interrogation, gay Cuban migrants can often times evade this process of having to disclose their sexuality to US Immigration because they can ultimately give a flushed/generalized story that they ran from Castro's regime for general political reasons (not disclosing sexual persecution nor their sexual identity). A smaller number of Cubans (for criminal circumstances) may have to apply for asylum but even as I have witnessed in my work at FIAC, most of them fall under the Cuban Adjustment Act for legal permanent residency and thus is a more lenient process given the current, standing diplomatic relationship between US and Cuba. With that said, I recall hearing about some Cuban asylum cases based on their sexual persecution there. Scholars and writers (like Reinaldo Arenas' Before Night Falls Penguin Books: New York, 1993.) have written about sexual orientation persecution and the building of the UMAPs in Cuba. These UMAPs were camps designed to arrest homosexuals (deemed counterrevolutionaries) and make them work while often facing degradation and torture. A source that discusses UMAPs is Emilio Bejel's Gay Cuban Nation University of Chicago Press: London, 2001. Another source to read is Ian Lumsden's Machos, Maricones, and Gays: Cuba and Homosexuality Temple University Press: Philadelphia, 1996.

²⁰ These cities and counties that are mentioned in the sentence also appear in Collier's and Gamarra's study on the Colombian Diaspora. These towns represent the social stratification of

and Coral Gables. In addition to the spatial reality that gay Colombians find themselves that is quite similar to gay Cubans, we must also present here how the negotiation between national, ethnic and sexual identity occurs in the Miami context. While Pena does explain this among Cubans in Miami, Almaguer's piece, "Chicano Men: A Cartography of Homosexual Identity and Behavior," serves as theory that can be applied to other Latinos like gay Colombians in Miami. Almaguer denotes how gay Chicano men in the US context suppress their sexual identity in contrast to white American men living in urban gay communities by writing, "Chicanos, on the other hand, have never occupied the social space where a gay or lesbian identity can readily become a primary basis of self-identity" (545). South Beach is indeed a concentrated physical territory composed of rainbow-flagged²¹ retail stores, restaurants, salons, bars, and nightclubs in the marketplace clearly run by an Anglo gay mentality.²² Very much in line with Almaguer's statement about Anglo gay men's detached non-ethnic gay urban experience, gay immigrant Colombians upon arrival to the US, may have no other choice but to develop traditional-homeland relations with other Latinos/Colombians for survival/job networks that often times are heterosexist, confining and machista. While

Colombians in Miami. For instance Colombians in Hialeah would be considered of working class origin while those from Coral Gables may be of upper class origin living in Miami.

²¹ Rainbow symbol representing gay pride.

²² In contrast to the Anglo way is the Latino way's gay urban experience. The Latino way is celebrating gay identity without compromising ethnic or national identity or in other words not detaching from them. The gay Latino social spaces found in Hialeah, which Esteban describes, probably have no real physical boundaries evident in gay Anglo urban culture. This reminds me of two images or circumstances. First, while living in Miami (2001-2004), I attended LGBT gatherings for Twenty year olds and remember a Cuban male from Hialeah handing out information about a salsa party where a lot of gays went. The salsa party was not in a gay establishment but rather in a typical nightclub where a lot of gays go on a given night. Second, while living in Colombia from 1999-2000 the general term for gay spaces in the city is "el ambiente," which suggests an area without physical, concrete territories that sets in ambiguity to protect one's public image and remain docile to the dominating heterosexist constructs of larger society. As we will see later, this kind of Latino homeland sexual culture among Latinos in the US also corresponds to how Colombian asylum seekers choose to disclose or not disclose their sexual orientation (while negotiating their ethnic and national identity) once in the US.

Colombians/Latinos use the gay market on South Beach, their social networks based on national and ethnic identity infringe on their full benefit of gay space in Miami and overall adjustment in the US.

Here I would like to focus on the circumstances faced by Colombian gay asylum seekers while filing their asylum claims. Coming from a homeland culture where being furtive about one's sexual orientation is a means of survival, maintenance of social networks, and preservation of respectability, these individuals are not ready to share their gay identities and lives so openly. Therefore, these individuals are at odds with the "coming clean fast" process of the US asylum procedure. What is even more difficult and unimaginable is sharing their stories of sexual persecution with heterosexual *paisanos*²³ who are acting government officials and legal advocates (executive directors, attorneys and legal assistants) in Miami. This definitely creates really immense barriers to hurdle as Perez Ramirez points out in his dissertation about the one-year deadline, "This requirement poses a serious burden for many gay immigrants reluctant to talk about their sexual orientation with government officials, particularly when in their home countries, government agents were often the reason they felt compelled to leave" (32). But even more than the government agent, I want to add here (reiterate) that these asylum seekers also find it difficult to speak with advocates in Colombian/Latino/faith²⁴ based agencies in the Miami area. What makes this barrier even wider is that advocates and legal agencies are not especially forthcoming, welcoming, or openly tolerant of sexually based asylum claims. In certain instances where asylum seekers have no choice but to seek help from such advocates, I want to argue here that they face post-traumatic stress disorder and ultimately are "evasive" about their asylum claim to either their lawyer and/or government officials as Perez Ramirez suggests (33). Being "evasive" in fact may come across as lying but it is a way that these asylum

²³ The word "paisanos" means fellow countrymen. For this paper, I want to use paisanos to also signify other Latinos not just Colombians especially in the context of the Miami Latino enclave. This is particularly due to the sharp similarities that Latinos share regarding sexual culture and the social and cultural implications that come with living among each other in Miami/South Florida.

²⁴ Some of these faith-based agencies are Church World Service, Catholic Charities, and Lutheran Legal Services.

seekers illustrate their consistency with how they disclose or withhold their sexual identity and sexual preference in their home country. Such is the story of a recent Colombian asylum seeker, Luis Fabriciano Rico whose story was published in the Miami Herald²⁵ and New York City's Gay City News late 2005 and January 2006. Rico's case was denied because the judge complained that he had switched his persecution from being political to that of being based on his sexual orientation. The attorney was cited in the newspaper article as explaining that his client was not used to saying that he is gay. Obviously, this scenario illustrates Rico's "evasiveness" towards fully disclosing his sexuality. Rico's situation is comparable to what Heather McClure discusses in her dissertation, "Sex, Power, Performance in Guatemala and in United States Asylum Law," that government officials erroneously expect gays from Latin America to "come out" much in the way gays do here (122-123). McClure argues that the notion of "coming out" and or being open about sexual identity in Latin America is not customary and should not be easily expected among Latino gay asylum seekers.

There are a couple of scenarios that Rico's situation suggests about all the experiences of the interviewees you will read. First, Rico was probably not fully aware about the asylum laws in the United States, the fact that he could present before an asylum officer/Immigration Judge his testimony about being sexually persecuted in his home country. Secondly, Rico could have either felt uncomfortable, shameful and embarrassed to disclose his identity to his legal advisors and government officials. Perhaps the environment around his legal advisors while friendly in our cultural standards, Rico may have perceived it as unapproachable, conservative and heterosexual. Rico and other gay asylum seekers may deem sexuality a taboo subject matter that is not an appropriate or a tasteful subject for discussion as regulated in his country

²⁵ Articles published about this case were "No Asylum for Colombian" found in the Gay City News in late November 2005 and "Gay Man Fights Return to Colombia" in the Miami Herald published on January 27, 2006. What was particularly interesting from the Herald article was to notice that no Colombian leaders spoke out in support of Fabriciano Rico's case.

around professional, office settings. Rico's view of "tastefulness"²⁶ is comparable to some of the experiences among these interviewees with respect to the avoidance of disclosing their gayness to their legal advocates. I will reiterate that these non-profit and legal settings are not tolerant enough or genuinely forthcoming either about sexual identity issues. This must change. Moreover, the staff is not gay-friendly or trained to effectively deal with these individuals whose persecution is tremendously different from the Colombian majority threatened for political reasons not sexual persecution. One interviewee, Horatio, who is transsexual and quite repressed in my observations of his evident ultra masculine appearance and modalities, would have never considered basing his asylum claim on sexual orientation. Horatio explains,

...Asylum was something that I totally was incognizant about...ahh generally asylum for Colombians is being given to persons that have been persecuted by the guerilla, by paramilitary forces, and violent forces...Lamentably even though I was the object of threats by the guerilla, I have to be honest that I did not really stay for this reason. Ahhh, I had a farm in Santander, I had to see cadavers, feet, at the farm they killed...at the farm there was retaliation. The guerilla was there. Well I can also tell my story around that theme but I did not really stay here for this reason. Really in Colombia, we have learned to cohabitate ahhh there are people that don't...there are people who are threatened beyond those reasons and that is why they have to leave Colombia. People in Colombia have learned to cohabitate with the violence...

...I asked at a place and there they sent me to another place where there they sent me to another. And quite randomly I got here and saw a pink paper with a certain date a conference for Colombians...I thought, Colombian well then I will be there...therefore I came here because I really did not stay here for the violence in Colombia. I stayed here for my gay persecution and when I heard you say really that there are other reasons that can constitute asylum not only for persecution by the guerrilla, I started to inquire and consult and found out that there not only existed political persecution but that really I stayed here in the United States for the sexual condition that I suffered...with sexual orientation I

²⁶I am using "taste" somewhat differently than the way we have discussed it in Professor Carlos Decena's class: Gender, Society, and Culture in Latin America. We looked at taste from more of a class perspective (not sexual orientation) as evidenced also with the protagonist in Donna Goldstein's Laughter Out of Place: Race, Class, Violence and Sexuality in a Rio Shantytown University of California Press, 2003.

began working with the legal staff.

The rest of this essay will now examine the circumstances of Horatio, Guillermo, Juan Carlos, and Raul. Overall the interviewees display instances of avoidance, fear, lack of information, and discrimination. Some of them vividly demonstrate the negative experiences they faced at non-profit agencies strongly suggesting these organizations are not malleable enough or unprepared to handle sexual orientation and HIV claims. Even more, some of the organizations are arguably unwilling. Overall, the fieldwork indicated that such organizations assume that there are always other organizations specializing on gay and lesbian asylum cases and thus, do not need to take on this other responsibility. As a result the research suggests that many local organizations do not take a proactive stance in this area. Moreover, while conducting this work, I had the opportunity to examine a particular informal network among gay asylum seekers with the Borinquen Health Clinic²⁷.

Interviewees and other individuals shared their faith-based experiences while approaching these organizations for assistance on their claims. Faith based organizations play a significant role in Miami-Dade to help all asylum seekers. When speaking to a gay asylee with HIV on his request for legal assistance at a nearby faith based organization with his asylum process, he felt awkward about requesting help in the beginning as a result of his moral conflict of being homosexual. But, because his case was based on political opinion and not based on his sexual orientation (which is not really the situation in many instances), he grew comfortable since he did not have to disclose his sexual identity. In another testimony, an asylum seeker describes his unfriendly engagement with staff at a faith-based organization in Miami.

²⁷ A gay HIV positive health worker/case manager at the Borinquen Health Clinic there (an asylee from South America) helped LGBT asylum seekers by explaining to them the procedures of the asylum process and helped them fill out the applications. Some of these asylum seekers ended up applying without any legal representation. The network of gay asylum seekers and the encouragement of the health worker I witnessed provided a significant amount of support during this application process but ultimately there was a lack of legal providers who were committed to help these populations.

The interviewee felt signalized because the staff knew of his sexual orientation/HIV status. One attorney from one of the faith based organizations mentioned above who handles affirmative asylum claims told me that she did not work on those cases and later told me that she had two. One is left intrigued as to why she would change her answer and why she was not assertive from the beginning. Personally, I almost felt like she was not comfortable talking about the topic of sexual orientation. If a legal professional cannot speak comfortably about this topic...how can he or she effectively handle an asylum claim based on sexual persecution and moreover convey to his/her client tolerance?

More on Horatio

...Lamentably because of my condition, my uncle received me for only a week and after the week he threw me out and I had no idea where I was standing. Lamentably, additionally, ahhh, I have had a conditional problem that really shows my persecuted condition. The fact that I still reddent that people still make me fearful generate problems for me at work. Ahhhhh, I commented to you before you conducted this interview that I (and you can go to Colombia to look for me and I will tell you where I have worked) have had work where I do matters well. I go to work early, I experience a normal process but logically I am a man that is traumatized that is fearful of people still. I am afraid of people as a result of my condition and it is very evident in me and generally people are very amicable and benevolent towards me. People are not responsible of my condition but logically I am alone and it has not been easy for me to sustain myself economically. Ahhhhh, I have come to foresee that I have something not modifiable. Yesterday the psychologist told me that the process is long and that there is nothing else to do. Time will recuperate me and the experiences that I will live with positive persons. The warmth that I receive from people will recuperate me but this has a process as a psychiatrist told me that could last for years and its not worth the risk that I look for a job because sooner or later I am going to be more famous in Miami than in Colombia...

Horatio came from Colombia in January 2003, fleeing from his repressed and signalized life as a transsexual. Originally from Bucaramanga Colombia, Horatio lived his last years in Bogota and fled from sexual persecution. Once in Miami, he applied for asylum by January 2004 and was referred to immigration court. Recently in July 2004, Horatio was granted asylum. In Colombia, Horatio spent a lifetime trying to come out and live his identity as a transsexual but it was impossible for him. As a graduated professional in industrial engineering, one would think that Horatio would easily be able to obtain good jobs, have outstanding professional networks and live comfortably in Colombia. But, he faced extreme rejection by his family, employers, other gays, and larger society as his behavior in Colombia became unusual due to his effort to hide his transsexual identity. He explains now that he drank a lot during parts of his life in Colombia to numb his harsh reality he did not want to face at moments of his life. During the start of his career, Horatio attempted to suppress his transsexual identity and act like a

heterosexual male in the office. But in some instances, he does recall either accidentally coming out or “letting his identity show” by saying, “me revelaba.” When his true identity came through, he would eventually get fired. He dated women obsessively and at one point found himself engaged to marry. Eventually he realized that he could not go through with it. By moving to Bogota (to escape from the rejection of his family, peers, employers, and larger society that gossiped about him) he did in fact attempt to open up more and more but as he explains it was so difficult to find acceptance and support anywhere in Colombian society as a transsexual. Even his gay peers in Bogota could not understand that he was a woman inside and did not have the same sexual desires and lifestyle they had even though Horatio looked like them.

Now when he looks back at his life in Colombia, he realizes that his extreme masculinity, ingrained machismo, and his own self image as a heterosexual male were all a means to survive in Colombia and keep a job. The deeper he got into this scenario, the more he was not at peace with himself. Having faced suicidal thoughts and depression in Colombia, he is here in the United States to claim his identity and accept himself wholeheartedly at close to 40 years of age. He contemplates the thought of getting a sex operation, but he figures he is too old now. He certainly does not have the money to pay for the surgery. He does not want to go back to Colombia because he feels he will never be able to accept himself there nor will Colombian society and its machista sexual culture. Moreover, he feels that he will relive the dysfunctional lifestyle he led and fall deep into depression without any form of treatment. He wants the opportunity to be seen as a professional one day here in the United States but this time being transsexual simultaneously. According to Horatio, he is living testimony that you cannot be transsexual and be deemed a white-collar professional simultaneously in Colombia. Transsexuals are first perceived as sexually deviant and undesirable before they are seen as professional and fit to work in a respective setting.

Here in the United States he miraculously found free psychological treatment for his condition, gender dysphoria, from an agency that does not have a program for asylum seekers. Horatio did not really fit into any free therapeutic counseling in Miami. But on a technicality that he was a victim of

crime in Colombia, a Miami agency decided to accept his case and as a result, this has helped Horatio handle his year and a half asylum-seeking period. Before his final hearing with the immigration judge, Horatio had been to at least twenty-five counseling sessions in five months. His account demonstrates the traumas and instabilities that LGBT asylum seekers face and the treatment they need to adjust healthily in the United States.

For Horatio, adjusting to life in the United States may seem liberating in some ways but he still faces the past traumas that have affected his life forever. As he explains in the quote, Horatio explains that he gets “red,” in the face or in Spanish “*me enrojezco*,” before people who he is afraid will detect his transsexual identity. In simple terms, he continues reliving the trauma of “letting it show,” and therefore being openly rejected by society and employers here in the United States. He explains more or less in the quote that he cannot control his fear, his “*enrojecimiento*.” The people Horatio is afraid of are his *paisanos* he deems as being intolerant and unforgiving about his sexual identity. Hopefully if Horatio is granted asylum in the United States, his treatment at the agency will allow him to engage his employers and colleagues healthy and normally for the purpose of adjusting to American life. At the time of our interview, Horatio was starting his treatment and was severely traumatized. He constantly expressed the long time that it would take for recovery and as he explains he actually perceived his condition as “not modifiable.” Furthermore, he felt stigmatized and so often how asylum seekers feel targeted and labeled for political and social group reasons, Horatio remains reliving this. For instance, Horatio believed that in Bucaramanga where he was born and raised, the entire town had labeled him a drag queen. This is why he says in the last few words that he was going to be more famous in Miami. Obviously, he is afraid that the labeling would reoccur as negatively as it did in Colombia enough to make him “famous” again. But recently with a second psychological counselor, Horatio has received intensive therapy that has begun instilling in him a more positive outlook. During periods of intensive therapy, Horatio was prescribed medication.

Facing Homelessness

From the beginning of the interview with Horatio, he consistently emphasizes the difficulty he has in the United States settling as a result of his transsexual orientation. As quoted above, he explained that during the first few weeks he arrived to Miami, his uncle “threw him out” of his house. His uncle could not deal with Horatio trying to talk to him about his sexual orientation. As a result, Horatio has faced periods of homelessness during his asylum process and as a recent asylee in July 2004. He is still homeless and waiting to receive help from refugee/asylee services in Miami-Dade County. During this year process, Horatio has faced living in homeless shelters, inside a church in Downtown Miami and inside a pastor’s home. Under these circumstances, Horatio has had to relive his traumas of sexual persecution over and over. As his testimony demonstrates, Horatio’s time in the pastor’s home was for the most part conflictive primarily because this living facility was designed to assist youth not facing sexual orientation issues. This intermixing between juveniles dealing with other criminal problems coupled with Horatio’s sexual orientation are not complementary at all and justifies why he continued reliving his fear. Horatio acted like an absolute heterosexual man at the pastor’s home. According to him, no one ever seemed dubious about his sexuality, though, he felt all the more troubled and repressed in that environment. The desire of coming out and living freely as a transsexual keeps Horatio in constant agony here in Miami. He explains,

To be homeless, let me tell you something. Ahhh, to be homeless in my case I don’t really integrate so much with the homeless because the majority of the homeless are persons that do not like to work. They are drug addicts and the truth is that I am not a drug addict and I like to work. That’s why I really don’t have friends in that... in that world that in actuality there are many people that live off of that. And what I am doing is waiting for my process to finish. I go to the library. I read the newspaper. I know where I can take a shower. I know where I can eat. And in these moments I am sleeping on the street inside a church in the cleanest manner possible.

Q: You have slept in various places including the pastor's home. How has your experience been as a transsexual in those places and also what discomfoting moments have you faced?

A: Look the experience with the pastor, I am going to comment to you how I lived it. Without giving up his name, the pastor is gay. So then when I arrived there, he knew that I was gay and he welcomed me. He gave impressive lectures as we call it...that filled me with a lot of pleasure and that is really an irony but in the United States I found myself with God again in a very wonderful way more than I had ever in Colombia. I owe this to the pastor. Ahhh, he has, he relatively helps youth that have drug problems and later he was helping me because he has one or two other gay individuals there. But nonetheless, everything starts to change because ahhh because I was so fearful and so afraid the young men there grew aware of my condition and ahhh at a certain moment I wanted to reveal my condition through an official certificate given to me by an institution that certified my condition and traumas. I wanted to clear up why I had so much fear to them the same kind of fear that generated while I was at work also generated living with those kids.

Guillermo

Guillermo faced the total misfortune of having applied for asylum without knowing that he could not return to his country afterwards. In the excerpt below, Guillermo explains that he filed his asylum claim very quickly. If his case would have been based on sexual orientation and not political persecution, I believe that Guillermo would have taken a much longer time filing his asylum claim. Filing in a rushed manner, he actually assumed that at least he would be able to return for an emergency visit to see his elderly mother. After he had been granted asylum, he found out that this was impossible. While living in Miami, Guillermo found out also that he is HIV positive and faced a considerable lengthy time fearful of approaching legal agencies about whether or not he could still apply for his residency. Later in this paper, we will revisit Guillermo reflecting on his frustrating experience at a legal office. Here below, he explains his fear about being HIV positive and

applying for both his permanent residency and a humanitarian visa so that his mother could come and visit him. Due to his HIV status and to some extent his sexual orientation, Guillermo feels that in some way he will be easily profiled and deemed both undesirable and inadmissible²⁸ in the US. His account brings to life for us the chilling sense of sexual monitoring at the border that Eithne Luibheid explores in her book, Entry Denied: Controlling Sexuality at the Border. Luibheid explores (77-81) how Immigration officers discretely extract from individuals seeking entry into the US their sexual behavior and sexual preference as it will be obvious in Raul's testimony. The following is taken from the recorded interview with Raul:

Q: How did your life in the United States change when you applied for asylum?

A: Well, I felt very happy but when I found out after a while that I could not return to Colombia that really hit me hard. (You did not know this information prior to applying?) What I did think was...that I would acquire my asylum status but that if I had some sort of emergency, family situation, I could request somehow to stay five days in Colombia and return. But after I understood with an attorney that this was not possible because the philosophy of the political asylum would be lost because if I have fear that they would kill me in Colombia and this country opens the doors...if I return to Colombia under my own risk then the United States will question if they are really going to kill me or not kill me...

Q: But you thought to look for information regarding what is asylum in the United States, what are the consequences in receiving asylum...

A: In that moment, what was the most pressing issue was that I could not let the year pass after my last entry into the United States because I was sure this country would grant me asylum. What I was sure of was that I would be granted asylum. Because I came to know of certain asylum cases of others of how the asylum process was and I said, if they got asylum without depreciating anyone's claim, why are they not going to give it to me...

Q: When you found out that you were HIV positive, how did it change your

²⁸ In other words he would not be granted permanent residency.

life then now that you were an asylee?

A: Well as an asylee, ahhhh. As an asylee in other words, the next process is to apply for adjustment and ask for residency. It is a fear that having AIDS this country will reject one for this reason. It is a great fear but I started to research and grew aware that there exists a waiver so that a person in my situation can apply and be granted permanent residency. But this does not stop making me feel worried.

(Discussing the humanitarian visa for his mother) ...I applied for the humanitarian visa for my mother. So then I sent to Colombia some translated papers in Spanish and medical letters and so forth and the ones that support the humanitarian visa for my sickness and the accident²⁹. So then my fear stemmed from that fact that the Department of Immigration had to notify that an asylee was requesting for a humanitarian visa who was sick with AIDS and is an asylee that runs the risk of being a public charge for the United States. So then my fear was that they would arrive to my house at midnight and say, come with us, you are going back to Colombia...I did not want to stay during those days and even more when they rejected the visa to my mother because they research everything and they are super connected. All they have to do is mark the social security and I think that they know if the person has demonstrated good moral conduct in this country, if they are still asking for help....

Juan Carlos

Juan Carlos is a twenty something year old with HIV who was granted asylum in 2002. He lives in South Beach under a living assistance program for HIV patients. His asylum claim was based on both being discriminated in the workforce for being HIV positive in Colombia and also establishing that he would not be able to afford nor obtain proper HIV/AIDS treatment in Colombia.

In talking to me about the services he received from his Cuban-

²⁹ Guillermo had an accident at work where he hurt his leg and had to be hospitalized for at least a week.

American attorney, Juan Carlos reassures that for the most part he felt satisfied with them. This agency that Juan Carlos visited was not a Colombian/Latino civic organization. Juan Carlos had expressed his disinterest and reservations in visiting any Colombian/Latino civic organization. In fact this non-Latino legal agency was given to him by a LGBT community organization he volunteered for on South Beach³⁰. Unlike other interviewees in this paper, Juan Carlos comes across as a confident, bold gentleman. He convinced me that he had no problems discussing his life story and HIV status to his attorney. He admits his attorney was a bit inexperienced in the area of sexually based claims. His attorney had him draft and write his asylum story. His visits to her office consisted of going over the drafts. Once he had finished his writing task, he really did not visit his attorney many times before his asylum interview indicating to me a certain latent sense of detachment between himself and the attorney.

When I asked him about his permanent residency application, he explained to me that he had submitted it on his own. He had lost touch with his attorney after his asylum case. Juan Carlos did not know that he would need to fill out an HIV waiver to be considered for permanent residency in the US. Somehow between his last engagement with his attorney and when he submitted his residency application, he was not aware of this vital piece of information. On the day of his residency hearing, if he does not bring with him an HIV waiver, it may be very probable that he could run into problems such as the denial of his permanent residency.

Sure enough, Juan Carlos' first attorney did much for him and even seemed gay/HIV friendly. But in Juan Carlos' case, one must question the attorney's failure to be on top of all the issues their clients can run into which could harm his eventual admissibility into the US. Had Juan Carlos' attorney been more tuned and passionate about gay and lesbian issues – perhaps this

³⁰ I became acquainted with staff at both the SOBE AIDS Project and another gay Latino organization in East Little Havana. At both organizations, I provided legal outreach immigration know your rights presentations to gay immigrants and potential asylum seekers. These organizations worked around HIV prevention and not immigration issues. Both these organizations recommended clients to visit FIAC a non-ethnic (non-nationalistic) legal organization. FIAC is not faith based either. FIAC is a neutral space for gay asylum seekers.

risk may have been avoided.

Perhaps, the attorney may have been waiting to discuss with Juan Carlos his next step, after the year and one day period passes after he is granted asylum. The attorney's job was to advise him that his permanent residency application had to include filing the HIV waiver. Being the secure individual Juan Carlos demonstrates to be, he decided to send out his permanent residency on his own. But, is it possible that Juan Carlos did not want to go to the office anymore because he felt burdened in going to an agency that had no gay/HIV positive staff? Did he sense fear, undesirability or discomfort from his attorney in treating a client who is HIV positive? Why did he not go back to his attorney after having supposedly felt comfortable with the attorney? Moreover, Juan Carlos mentioned to me that she was not the easiest person to maintain in contact. Like most attorneys needing to prioritize deadlines, Juan Carlos' situation in fact did not seem the most pressing at that moment. But not getting a call back from the attorney particularly a client who runs the risk of feeling discriminated (for being gay and HIV positive), Juan Carlos may have interpreted her failure to respond as a sign of avoidance and deeming him undesirable.

FIELDWORK IN AN ADVOCACY/CIVIC ORGANIZATION

Conducting fieldwork, I went to a Colombian civic organization that not only helped a great number of Colombians but other Latino groups including Cubans and Central Americans. One given day in January 2004, I spoke with several staff members such as the executive director, a staff attorney, an outreach coordinator, administrative assistant, and a paralegal/coordinator. After speaking with these staff members, I garnered more and more about the organizations' infrastructure and the words ring true, "the staff makes the organization."

I first met with the staff attorney who quite extensively discussed her list of the asylum cases she represented. A Cuban American and recent graduate from law school, the staff attorney demonstrated a strong will to work

on these asylum cases. Of the 200 cases that this organization had, she only told me of one case that was the asylum claim of a female to male transgendered individual. Actually, the case was not even a sexually based claim but one based on political persecution. Such a case would fit with the Exodus profile since the asylum-based claim did not focus on her sexual identity. From her input, the attorney basically conveyed to me that this organization had no asylum cases based on sexual persecution. Not wanting to be bold or confrontational and rather remain objective as a researcher, I continued talking to her about the types of problems other Colombian asylum seekers had encountered since she understood I was there to discuss the general Exodus population. In any case what I find very interesting is that in deciding whether or not this organization is genuinely receptive to gay asylum seekers and their sexually based claims, the one case becomes a kind of token symbol for evidence that they do not turn away gays as potential clients.

After speaking with the attorney, she introduced me to a paralegal who was very informative about her work procedures and showed me all the literature on refugee programs that were offered to her clients. Feeling a bit less uptight in the office, I decided to pursue whether or not this agency was ultimately gay friendly. The paralegal had been very ample in all her other answers to my questions so I proceeded to ask her if she had any gay, lesbian, transgender clients that she helped. In a very choppy way with her eyes looking down at her desk she said, “we do not help those types of cases, they go elsewhere.” I asked her, “Do you know where they go?” She said, “No, I don’t know.” By the way she answered me, I almost felt like she was bothered by my question. Why did she not at least brainstorm with me or offer to think about what places these individuals would go since they do not come to her agency. If this was her cramp, concise answer, how embracing could this office really be for potential gay clients that walk in seeking help?

Moreover, I went to this organization and other Colombian/Latino civic organizations’ websites on line. From my visits to these websites, I felt that none of them really suggested that they were “gay-friendly.” Again these websites were designed to provide the broad legal and social services to Colombian asylum seekers. While some of these websites in fact had the asylum law on their website that also includes the social group characteristic

(which includes sexual orientation), none of them pursued to create openly tolerant and welcoming literature of any sort for possible gay asylum seekers as their potential members. This reminds me about the outreach seminars our organization conducted to Colombian civic organizations in an auditorium filled with asylum seekers. After the staff attorney I worked with finished her lecture on asylum law and eligibility requirements, there was time for general questions raised by the public. Would anyone in a large group (50 to 60 people) among their Colombian *paisanos* feel even remotely comfortable asking specific questions about their potential sexual based claim?

Guillermo (Part II)

In this recorded interview, Guillermo, an effeminate, HIV and gay man, discusses his experience at a legal agency where he felt ridiculed and not welcomed by a Latina legal advocate. He thought that he would easily be able to apply for both his permanent residency and a humanitarian visa for his mom with this agency. Overall, the legal advocate's busy schedule turned into a visible sign of inefficiency, disinterest or acute discomfort with Guillermo.

Q: And how long did it take you to find out?

A: I doubted and tried to do it...to do it with... I also faced a lack of respect and a lack of organization. I was interviewed by "Miss Rendon." I told her about my asylum case but I began to see that she was not very professional. First, if a person does not speak your language, that a person does not speak English and being more specific I wouldn't move aside to the person next to me and begin to speak English, it is just a lack of respect. And she was talking to an attorney in front of a person – one has to be clear with the person. I went a couple of times, had some more appointments, she had a lot of doubts...I know that she had a lot of doubts because she spoke a lot with another colleague who was doing this.

Q: What types of things do you imagine that she had doubts over?

A: Perhaps...she does not have knowledge about some issues...if they would have told me, I would have helped them investigate.

Q: And when was that?

A: *That was about a year and a half ago.*

Q: You think that Miss Rendon did not know absolutely anything?

A: She spoke Spanish but because of her lack of culture even though she is the director for a legal consultation office, it is evident that she lacks professionalism.

Q: But did you open up the fact that you are HIV positive and that you wanted to apply for your residency?

A: I did comment this to her and she said that she had to investigate in the university and so then she gave me another appointment. In that next appointment, she still did not know anything.

Q: And the appointment was for how long?

A: No, appointments of two months, three-month intervals. I sent her a fax, I also sent her fax regarding a humanitarian visa for my mother because it was one of the issues that really produced a lot of anguish in me. To see my mother, my mother is 84 years old and I am at a state where I could die having this condition of HIV.

Q: Why did you leave this organization ultimately?

A: Because it did not give me any security – the only thing they know how to do are ahhhhh work authorization applications.

Q: Did you feel discriminated by her?

A: I felt ridiculed by her...Ridiculed simply because if she were honest with me and say, look we are not going to be able to help you... What I wanted was my residency but I saw her so doubtful or I don't know maybe it was really discrimination...but I saw her very...I tell you she would start talking to her student ahhh in English and I would bite my tongue so that I would stop myself from saying, respect me, talk to me in Spanish because I don't speak English. She never again gave me an appointment and since then I began to look for another place.

Raul

Raul arrived on his tourist visa and apparently an Immigration Officer at the airport began to question him why he traveled so much between Colombia and the United States. In that interrogation, the Immigration Officer found out that Raul came to the United States for HIV medical treatment. Using Luibheid's rationale from her book mentioned earlier, this is an obvious situation where Immigration authorities profiled an effeminate looking man and searched to find he is not only gay but HIV positive as well. Being effeminate and physically petite, these traits were probably identified by the interrogating officers³¹ who discerned that he is a "pasivo." Instead of automatically being deported, Raul opted to seek asylum in the United States. He was taken to Miami's Krome Detention Center and detained for a couple of days. Raul was separated from the rest of the men too. Ultimately, Raul's request for US political asylum would be denied.

In the next part of the interview below, Raul discusses his relationship with his Latino attorney. Eventually, the attorney decides to discontinue working on his case after having represented him for several months in Immigration Court. From the beginning, the attorney should have made a concrete assertive decision instead of accompanying him to several master calendar hearings and then abandon the case. He strongly insinuates to Raul that he did not find his case credible and secondly that, he does not have expertise (in gay and HIV issues) representing Raul's case for several months. He left Raul in a pretty difficult situation, unrepresented for his upcoming hearing, which could be detrimental to his asylum case. After being referred to another attorney at a faith-based organization, Raul articulates feeling stigmatized or profiled by staff there.

...I would come and go to Colombia and stayed in Colombia and I would come here for three to four months at a time and would go to Colombia for five or six months and that is how I did it since last year until 2002

³¹ Raul mentioned in his interview with me that an immigration officer secretly came out to him when he was detained. This gay immigration officer undoubtedly tracked and profiled Raul more easily. This is an example of sexual monitoring of the border at its best.

until October 5 when I arrived to the airport. That day...I always traveled to Colombia and always brought with me some cards that a doctor gave me where it said that I was receiving treatment that whole story. So, I would carry those papers at all time.

Q: You showed this to Immigration?

A: No, No. I always carried those cards under my sleeve, and if some day Immigration would start any problem [for me] to enter I would show them those cards and let them know that I would be coming for medical treatment. But, I have never had a problem. But in that year, 2002, I had been here...I was here in January.

Looking for legal representation...

Q: What did they say to you at this legal organization?

A: When I went the first time with a judge well I did not have an attorney. In other words, I went to ask for an extension for my case so then...How was I going to ask for an extension since I did not need to take an attorney with me at that time. It was the first extension that I asked. So then, I was waiting to see what they would say and see what would happen. Anyway, I did research with this organization. When they said that they could not represent my case, nothing. So then I went to another organization...

The attorney's name was...He said of course he would represent me. That he would charge me four hundred dollars and that at the start you can put down two hundred dollars and at the end of the hearing you give the other two hundred dollars. I was like ok. So I brought with me the two hundred dollars and went with him. My hearing was given to me for March and went with the attorney. I had not spoken to him about the details of my case. He did me the favor of accompanying me to the judge.

Q: Why did you not tell him?

A: Because we did not have anytime. (And he had not seen your papers or anything?) And I took the same papers that I had sent to the first agency, basically a file that was super organized with everything I spent a lot of money buying folders. The amount of papers and photocopies and all that, organizing like if it was going to be given to the president. I think that those papers would arrive there and they would not even go through it. Because later on he told me when we began talking about my case that I had filled many documents and said, Cesar, your story is not

too credible. I would say, my god, but what does he want me to do cry here and to tell him that they did this to me, these aberrations, and other things? So then I told him that I already had my credible fear and that they approved it and you just come here to say as if I was not...if you do not want to represent me just say so, I will find another attorney.

Q: Did he have similar cases?

A: He had not had similar cases. (Are you sure, how do you know?) I am not really sure because you know that everyone lies. I had spoken to him and I gave him my story in four to five pages of all that had happened to me. And so he started filling out the I-589 form³²...

Q: Did he compromise to take your case?

A: ...We almost had the next hearing with the judge and he would give me lots of appointments, lots of appointments and I saw that he would not really solve anything. So my friends told me, but Raul, what's going on, you have to be more assertive...speak more assertively to see what is going on or if not you will have to find another attorney or another person... So then I approached this attorney and asked me if he was set to represent me or not.

Q: What do you think – he felt comfortable with you?

A: Well...yes...I felt comfortable with him. What happens is that I get comfortable with people easily. I believe way too much in people very quickly until they demonstrate the contrary to me. I felt very good with him. I spoke with him and told him my entire life story...all of my things (your sexuality?), everything, everything, everything completely. He even told me one moment that I could sue Colombian government entities ("tutela"), so that they could give you medicine and attend you. You were insured with the social security of Colombia for so many years and you can sue the Colombian government. No, I do not have interest in this. The only thing that I need is to resolve my problem in this country. The only thing that really interests me is to have my medicine and my doctor and be able to stay in this country with a legal status. And so then, on one of the several days that I went to the office, he always spoke to me very delicately...he told me that he was not going to be able to represent me on my case because he does not have experiences in cases like mine.

³² The I-589 form is the application for asylum in the United States.

Q: After how long in this standstill?

A: No, after two months. (When was your next hearing?) Like now, now in the following week was my next hearing. It was another master hearing. How do you come to tell me now in this moment? Well it seems to me very, very difficult that you tell me this now. I said well represent me then and it does not matter if we win or lose that we could later ask for an appeal.

He repeated that he did not have experience, that he had never handled cases like these. I said to him that if these were your arguments then I will accept them but I have another hearing in the following week with the judge and you are telling me this now at this hour? He said stay at ease.

Q: Did he give your references of where to go?

A: So he said to me, I will accompany you to the next hearing. Well, I thought this was very noble of him. He told me, I will accompany you and later I will desist from this case. And so he told me, there are these attorneys and said to call them to see if they could help. I told him ok. I told the attorney, look its not for the money because I know that you helped me and you have accompanied me but I am going to be going from one to another paying \$200, \$500, \$150 and \$350, wasting and wasting more money and nothing is solved. And he said, lamentably, I cannot help you... look take this number...

With the next attorney at a faith based agency...

So then I went to the other attorneys and when I went there...one supposedly goes to that church and has to speak with the priest and according to the Catholics, homosexuality is catalogued as a sin. So then when I went I was Robert's client not like a client of the charismatic mission. There is a person in charge over there like Robert's secretary and she would always say, no that is Robert's client.

It is obvious in this case that Raul did not feel completely comfortable going to a faith-based organization from the beginning. Nothing in his first visits registered within him that the organization was "gay-friendly." What if a poster, similar to HIV sensitivity ones, were placed on the office walls showing support for gay asylum seekers? Putting a poster is a cost-effective way of making an office space feel more gay sensitive. This visual helps

transform the office space into a comfort zone and allows asylum seekers to open up more easily. This is not enough, however. Someone on staff should specialize or specifically work with these applicants. That person should have a title indicating he/she is a LGBT specialist. Such a possibility shows to LGBT applicants that they can comfortably speak to someone who relates with their issues and can talk about the “taboo” issues rather than with an inexperienced, apathetic, “normal,” heterosexual individual who may not have the sensitivity, genuineness capacity or willingness to engage.

Unfortunately, gay Colombian asylum seekers continue to be a marginalized silenced minority in the context of a Latino/Colombian heterosexist majority in Miami. These shared voices indicate other kinds of Colombian asylum seekers who do not fit into the Exodus mold and therefore should be a sign that warns community leaders and elected officials to be more inclusive of all who need help in the asylum procedure. But unfortunately with the machista gender and sexuality legacies from Colombia and Latin America, these homeland constructs will continue defining the spatial, socio-cultural, and political dimensions for gay Colombians and other gay Latino immigrants. One way of including the Colombian/Latino LGBT community among civic and political leaders is recognizing potential Latino gay figures. If conservative Latino heterosexual men and women of power who hold powerful, influential community and political roles do not want to do it, then they should find someone to do this much needed work. These gay leaders should be incorporated into larger community functions and housed in civic organizations for the empowerment of all asylum seekers especially because of the difficulty for this gay minority to have their own disparate sexual community. With respect to legal/non profit agencies in Miami, staff from these non-profit organizations must be trained to be sensitive to LGBT and HIV clients. Faith based organizations and other advocacy organizations should be more vociferous and celebrating if they really are “LGBT friendly.”

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