



## **Jamaican Asylum Seekers in the United States**

**By Mark Beckford**

Packing up your life in a 50-pound suitcase and traveling 581 miles to start all over again were options Larry Chang, Dadland Maye and Nicholas Thompson thought they wouldn't have to take while growing up.

But despite being born 'free' men in their country, Jamaica, they were forced to leave to the United States as adults because they are gay.

Before coming to America, Dadland Maye's life was filled with fear. It was also threatened regularly.

Growing up he was taunted with names.

As a teenager his face was disfigured by an older male, who called him a 'faggot' then followed it up with a knife wound.

As an adult, he was stoned and his house burnt after receiving threats from his neighbors. One of them was a policeman.

"Years ago I was lying in my bed in Portmore, Jamaica and just dreaming. While I was dreaming, thinking that I was in the cloud, like a mythical creature, I felt a heat and the heat became stronger, strong enough to wake me out of the dream

When I opened my eyes I realized that my house, the curtain window, my bedroom was on fire."

Maye's scarred face reflects the pain, as he recounts the heat becoming unbearable and his dream becoming an instant nightmare. He awoke frantically and as he looked outside he saw a group of men waiting. His mind dithered between living and dying.

He ran outside and the men, some armed with guns, opened fire at him. He survived.

Maye's story is not dissimilar to Chang's.

Chang, 62, one of the founding members of the modern gay movement in Jamaica, was forced out of his rural community in 2000 after being told to move or his house would be burnt.

"I got word that the villagers had decided that I should no longer be apart of that community and that they were gonna get me out," Chang said. And they did.

Chang flew to the US, living in Atlanta for a while, before settling in the Petworth community of Washington DC. He was granted asylum in 2004.

Jamaica's history of its attitude towards members of the Lesbian Bisexual Gay and Transgender (LGBT) community is well documented.

The issue has run the gamut of affecting every class in Jamaica.

In the lead up to the general election on December 29, the issue of homosexuals serving as a government minister became a lightning rod after Prime Minister and president of the People's National Party Portia Simpson Miller during a nationally televised debate, said that she would not have a problem in admitting gays in her Cabinet.

Simpson Miller's statements were seized upon by members of the Jamaica Labour Party, who chastised the party for wanting to ruin the morals of the country.

Senior JLP official Daryl Vaz one of the most vocal told a campaign meeting of thousands that "God created Adam and Eve, not Adam and Steve."

In 2001 Jamaica's longest ever serving Prime Minister PJ Patterson defended his sexuality against rumors that he was gay.

"My credentials as a life-long heterosexual person are impeccable," Patterson said at the time. "Anybody who tries to say otherwise is not just smearing, but is engaging in vulgar abuse."

Physically, Jamaicans who are suspected of being homosexual are sometimes attacked.

One such suspected incident occurred on October 18 2011, when 16- year-old Oshane Gordon was killed after being threatened for having 'questionable relations with another man'. Gordon was chopped to death, with his mother hospitalized for serious wounds.

The island's premier LGBT lobby group the Jamaica Forum for Lesbians All Sexuals and Gays (J-FLAG) said there has been an increase in attacks against the LGBT community.

They say 51 individuals have been attacked between January and June of 2011 because of their sexuality. J-FLAG say they usually receive between 30 to 40 reports of abuse annually.

The Jamaican police did not confirm this figure, as they do not tally whether the motive for a crime is homophobic.

Some who are affected are joining a growing number of Jamaicans who are fleeing to the US to seek asylum.

The U.S. Citizenship and Immigration Services (USCIS) say a person is eligible to apply for protection in the US if they have suffered persecution or fear they will suffer persecution due to: race, religion, nationality, membership in a particular social group or political opinion.

Since 2006, there has been a steady increase in the number of Jamaicans who were granted asylum in the US, according to the Department of Homeland Security Yearbook of Immigration Statistics.

In 2006, seven Jamaicans were granted asylum, the number rose to 12 in 2007, 19 in 2008, 42 in 2009 and 49 in 2010.

The USCIS does not provide a breakdown of the reasons for the granting of asylum to individuals.

However, Immigration Equality, an organization which provides free legal service to LGBTQ asylum seekers say that they have helped 80 Jamaicans gain asylum between 2006 and 2008.

Since the start of this year they have won 24 cases and they still have 37 open.

Chang, who received asylum four years after arriving in the US in 2000 describes the process as straightforward, stringent, but lengthy.

“The stress of having your life in the balance, your life is dependent on somebody’s decision, you don’t know if you’re going to get a yes or a no,” he said bothered him.

Dadland Maye and Nicholas Thompson lived in the US for several years undocumented, because they were unaware they could be afforded protection under US asylum laws.

Maye, who arrived in 2001, said the transition to the US was taxing on several levels. The New York resident says that being illegal meant he secured work unconventionally.

“During those times I washed dishes, I cleaned people’s floors, I did all the work, so called dirty work. I was paid under the table,” he said.

Maye said there were a lot of social rules, which he flouted initially.

In Jamaica, people are affectionately physical, in America they don’t like to be touched. In Jamaica he could wax eloquently in his native dialect, in America he has to repeat himself several times, with the outcome sometimes resulting in misunderstanding.

Maye, who grew up in both rural and urban areas in Jamaica said he also had to rely on others to subsist, as he was undocumented. Friends had to turn his light and gas on. To get a cell phone meant he had to ask others.

“The good part of Jamaica is that you have community, someone who lives down the road you know their name. Over here especially in New York, in these high rise buildings you might live beside someone for many many years and you never ever see them,” he said.

Maye was eventually granted asylum in 2009, after hearing about it from other members of the Jamaican LGBTQ community.

All men describe a network of LGBTQ Jamaicans, who assist each other with information useful in navigating the foreign American society.

“I had a friend and he was explaining the whole process of asylum and I can remember he asked me just to write a supporting letter to give an ear to the things a homosexual would go through, to say this is what really happens here (Jamaica), that it is not a story,” Thompson said.

He said the network involves lawyers, who give free legal advice. Thompson has since told 11 other Jamaicans about the process.

The application process for Thompson and Maye involved some risk as US asylum law stipulates that a person must file application for asylum in the US at least a year on from their arrival.

While arriving in 2004, Thompson did not receive asylum until 2008.

Both Maye and Thompson, who are mutual friends, said they knew they risked being sent back to Jamaica, but it was a risk they viewed as worthy.

‘It (application process) was difficult because everything has to be supported. They really want to know that this is really authentic, that these situations happened to you,’ Thompson said.

After applying for asylum, the applicant is granted an interview six to eight weeks later where, they are assessed on their merits. A decision is then made two weeks afterwards whether the applicant stays. If they are unsuccessful they are placed in Immigration Court for removal proceedings.

If successful, the asylees receive help from organizations such as Catholic Charities, who assist them in obtaining government services ranging from Medicaid to Social Security to financial assistance with rent.

Victoria Nielson, legal director of Immigration Equality say Jamaicans constitutes 25 per cent of their caseload, out of several countries with populations three times larger than Jamaica’s 2.7 million.

She says that Jamaicans are referred to her office by health organizations or by word of mouth.

Before proceeding with a case Nielson’s organization examines it on the basis of whether they can prove they were subjected to past persecution or that they would be subject to future persecution.

“Persecution is not defined under immigration statute in the United States, but it has been defined through case law. Basically it can mean physical assault, it can mean death threats, it can mean severe financial deprivation.

To qualify as persecution, the harm either has to come directly from the government or the applicant has to show that the government is unwilling or unable to protect the person from the harm,” Nielson says.

While Jamaica does not have laws against homosexuality, it does have a law, which makes intimate acts between homosexuals illegal: The Offences Against the Person Act.

The law, which is derived from England’s Buggery Act of 1533, was passed down to Jamaica through its colonial past.

While the law is rarely used in Jamaica, some homosexuals claim it is used to harass them, as they are threatened with being brought before the courts. If a person is found guilty the law carries a maximum penalty of 10 years with hard labor.

The law is also backed in Jamaica by a strong cultural sentiment that homosexuality corrupts society. This school of thought is taught through Jamaica's strong Christian culture.

The Reverend Lenworth Anglin, convener of the Umbrella Group of Churches said that Jamaica's culture of denouncing homosexuality is 'borne out of Jamaica's Christian tradition.'

"The Bible denounces homosexuality and lesbianism and that is not supported by scripture," he said.

Anglin also said that gay Jamaicans are not being forced out of the island. He said while there might be 'pockets' of homophobia, there is not an orchestrated effort to evict them.

"While the church feels strongly, we don't ask them to leave, we ask them to change," he said.

And despite pressure from Britain and the United Nations Human Rights Committee for Jamaica to remove the laws from the books, whether the government will budge remains to be seen.

Prime Minister Portia Simpson Miller in a national debate before leading her party to victory said that her government would review the law and allow members of the Parliament to vote on repealing the law.

The men, however, don't plan on going back to Jamaica; if they do then they would lose the protection given to them by asylum.

"I would go back when attitudes change and I say attitudes and not the law. They may want to decriminalize buggery, but that's only one step. It's the attitudes and frankly I don't see those attitudes changing anytime soon, it's going to take several generations" Chang says.

Chang, who has become involved in community organizing in Petworth, maintains that the continued stance will rob Jamaica of many talented individuals.

"It is a brain drain, you can take my story and repeat it 50 times and the country is losing some of the best educated, best trained, most intelligent, the most innovative people to other countries," he said.

Even with a majority consensus against who they are, Maye misses the natural beauty of Jamaica.

"I remembered trees, a lot of trees, rivers, nature, flowers all around, beauty. Over here that's kind of different the fruits, mangoes don't taste the same way, where I am there are no rivers to swim in, here I have to take a train to the beach" Maye said.

Despite the drawbacks, the men are delighted with the opportunity they have in the United States to live a more open life.

"You have less prying eyes here, Americans mind their own business. There is also homophobia here, but it is a different type of homophobia. The difference is that there is not a cultural obsession with killing homosexuals," Maye said.

Thompson, who will graduate with a marketing degree next year, believes his trip to the United States was worth it. He says he is now able to be a free gay man. Thompson also met his

husband-to-be in New York a year ago while walking in his neighborhood. The two are now engaged and are looking towards a long future together.

“I have never an incident here of being attacked. You have a voice, you don’t have to run from anybody.”