

Español

## IMMIGRATION EQUALITY

Join the fight for lesbian, gay, bisexual and transgender immigrants

## Law Library

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## 22. Preparing the Application: Indexed Country Conditions Sample

The country conditions index that follows was submitted on a case in which the applicant had received death threats from a skinhead "social cleansing" group. This index does not correspond with the sample declaration and application, although those are also based on a Brazilian case, because "Joao Doe" was not threatened by skinhead groups.

Country conditions should be tailored to the particular claim(s) in your case. For example, lesbian cases should include information about the treatment of women in her country and transgender cases should include information about gender roles. It's always helpful to begin your research with a country condition packet from IGLHRC ( [www.iglhrc.org/site/iglhrc/](http://www.iglhrc.org/site/iglhrc/)) or with the packet another pro bono attorney used, but you must also make sure that the conditions cover the issues specific to your client's case.

### Brazil: Country Conditions

1. "Brazil: Country Reports on Human Rights Practices" U.S. Department of State, released by the Bureau of Democracy, Human Rights, and Labor, February 28, 2005, available at [www.state.gov/gdrl/rls/hrrpt/2004/41751.htm](http://www.state.gov/gdrl/rls/hrrpt/2004/41751.htm)

» *Practice pointer:* You should always include the U.S. Department of State report even if there is no relevant information or even if there is information which indicates that there are no problems for LGBT/H people in the applicant's country. The adjudicator will always look at this report anyway, so it's better if you submit it and deal with the information in the report head on. There is often little or no information about LGBT/H people in the reports.

"Afro-Brazilians and homosexuals continued to face societal discrimination and, on occasion, violence." (p. 1)

"The law prohibits discrimination on the basis of sex, race, age, religion, or nationality; however, discrimination against women, Afro-Brazilians, homosexuals, and indigenous people continued." (p. 14)

"On January 13, members of human rights organizations in Sao Paulo held a demonstration to denounce the actions of groups who promote racial superiority and discrimination against Afro-Brazilians, Northeasterners, homosexuals, Jews, punks, and other minorities. Demonstrators also called on authorities to investigate further known racist groups such as Carecas ("Skinheads") do ABC, Carecas do Suburbio, Poder Branco ("White Power"), and Imperial Klans do Brasil. The demonstration was held where skinheads from Carecas do ABC attacked Edson Neris da Silva and Dario Pereira Neto for holding hands in 2000. Silva died from the injuries sustained during the attack." (p. 19)

"According to the Ministry of Health, there were approximately 180 killings of homosexuals during the year." (p. 21)

2. "Youth Mistaken for a Thief is Beaten," Folha de Londrina, October 23, 2004.

"After establishing that he wasn't a suspect, the Military Police (MPs) initiated a physical assault, possibly motivated by prejudice based on the youth's sexual orientation, because he had invitations to a gay night club in his pockets" (p. 1)

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"According to the adolescent, the policemen began to call him "faggot," covered his nose and mouth with their hands, and began to beat him with a nightstick in his stomach. Anderson, who yesterday had hematomas on his two ears and hearing difficulties, said that he ended up falling and then received various blows to the head." (p.1)

Of 500 complaints made from July of 1999 through December of 2000, 18.7% were for physical assault, 10.3% for extortion, and 6.3% for assassinations. (p. 1)

"A study of 416 homosexuals (gay, lesbians, transvestites, transsexuals) revealed that 60% of those interviewed had been victims of some type of aggression motivated by their sexual orientation." (p. 1)

3. "Homophobia Is Still a Principal Problem for LGBT Population in the Region", report emailed by A.T.T.A. (Association of Argentinean Transvestites and Transsexuals), July 2, 2004

*» Practice pointer: If you aren't sure whether or not the evidence is from a source that will be considered admissible, you should generally still include it in your packet. Asylum Officers almost never keep out documents based on evidentiary rules and even Immigration Judges and ICE attorneys may not look at every document in your country conditions packet. Of course, information that comes from known sources, such as established human rights groups or recognizable media carries more weight than information that comes from random websites.*

"Despite the existence of advances in recognizing sexual diversity and the emergence of political proposals and legal norms that introduce the possibility of an improved situation for those persons whose sexual orientation is different from the majority, hundreds of murders are committed every year and the perpetrators enjoy impunity from prosecution." (p. 1)

4. "Brazil: Country Reports on Human Rights Practices" U.S. Department of State, released by the Bureau of Democracy, Human Rights, and Labor, February 25, 2004 available at [www.state.gov/g/drl/rls/hrrpt/2003/27888.htm](http://www.state.gov/g/drl/rls/hrrpt/2003/27888.htm)

"Police violence against homosexuals continued. Gay rights activists in the city of Recife compiled substantial evidence of extortion and the unlawful use of violence against transvestite prostitutes. Police routinely extorted money from transvestites and often beat or killed those who failed to cooperate. Several NGOs documented the existence of skinhead, neo-Nazi, and "machista" (homophobic) gangs that attacked suspected homosexuals in cities including Rio de Janeiro, Porto Alegre, Salvador, Belo Horizonte, and Brasília (see Section 5). In some cases, these gangs allegedly included police officers." (p. 5)

5. "Human Rights Watch World Report 2003: Americas: Brazil", Human Rights Watch, 2004, available at [hrw.org/wr2k3/americas2.htm](http://hrw.org/wr2k3/americas2.htm)

"Violence against gay men and lesbians was also a cause of concern. Hate crimes against gay men were believed to be especially serious in the states of São Paulo, Pernambuco, and Bahia, and in the Federal District." (p. 5)

6. "World Policy Reports: Sexual Orientation and Human Rights in the Americas," Andrew Reding, Project for Global Democracy and Human Rights, World Policy Institute, [excerpt] December 2003 available at [www.worldpolicy.org/globalrights/sexorient/2003-LGBT-Americas.pdf](http://www.worldpolicy.org/globalrights/sexorient/2003-LGBT-Americas.pdf)

*» Practice pointer: Andrew Reding has written reports for the INS Resource Information Center [uscis.gov/graphics/services/asylum/ric/](http://uscis.gov/graphics/services/asylum/ric/) in the past so his opinions may be given particular weight by DHS. Although the report is largely based on the same types of documentary evidence (human rights reports, media reports) that you will be submitting anyway, you should always consult his report for Latin American and Caribbean claims.*

"...In the last decade more than a thousand gay men and at least thirty lesbians were murdered in Brazil – one every five days. The real number is surely much higher than the already hideously high number we learn about, because the families of many convince the press not to include scandalous details about the lives and deaths of those murdered for being homosexual. Most of the crimes include extreme violence: castration, burning of the body, hundreds of stab wounds. Only about one in ten of the killers is arrested. The few who are and who go to tribunal frequently claim that they killed the victim because he tried to violate their honor (that is, fuck them)." (pp. 25-26)

7. "Skinheads in Brazil", posted at Stormfront White Nationalist Community, May 2003, available at [www.stormfront.org/forum/showthread.php?t=72862](http://www.stormfront.org/forum/showthread.php?t=72862)

*» Practice pointer: Even though you will attach hard copies of the articles, whenever possible you should include a website citation so that the adjudicator can learn more about the source organization/publication and determine the weight to give the evidence.*

"The largest concentration of Brazilian neo-Nazi Skinheads is in Sao Paulo... Three separate groups operate in the city: 1. Carecas do Suburbio (Skinheads of the suburbs), a gang noted for its ultra-nationalism and gay-bashing, which hangs around bars... 2. Carecas do ABC (ABC Skinheads)... The ABC Skins are extremely violent and hostile toward Jews, homosexuals, and

Northeasterners... 3. White Power Skinheads, an avowedly Nazi gang that is the most violent of all. They hate Jews, blacks, homosexuals and Northeasterners..." (p.1-2)

8. "Protest Violent Arrests of Transvestites in Sao Paula, Brazil", Brazil Action Alert, International Gay and Lesbian Human Rights Commission, June 11, 2003, available at [www.iglhrc.org/php/section.php?id=5&detail=437](http://www.iglhrc.org/php/section.php?id=5&detail=437)

*» Practice pointer: There is often more news about violence against transgender people than about sexual orientation-based violence. If your client is lesbian, gay, or bisexual, but not transgender, you can include an article or two like this for a sexual orientation-based case (to show general hostility towards LGBT people) but don't overwhelm the adjudicator with articles, for example, about violence against transvestites if your client never dresses as a woman. You don't want the adjudicator to draw the conclusion that only transgender people and not LGB people are targeted for violence.*

*Conversely though, with a transgender claim, even if your client does not identify as LGB, you should include information about sexual orientation-based violence because a transgender person is likely to be perceived as LGB by others. For example, an M->F woman who has relationships with men will probably be perceived as a gay man if her government, community, etc., does not recognize her gender as female.*

"On May 29 and 31, 2003, officers from Police District 16 in Sao Paulo, Brazil, arrested a total of 145 transvestites in the area surrounding Indianapolis Avenue... transvestites were beaten and forced into police vehicles." (p.1)

9. "Demand Investigation of Lesbian Murders in Pernambuco, Brazil", Brazil Action Alert, International Gay and Lesbian Human Rights Commission, November 3, 2003, available at [www.iglhrc.org/php/section.php?id=5&detail=477](http://www.iglhrc.org/php/section.php?id=5&detail=477)

"Given the high rates of impunity in crimes where the victims are women, gay men or transgender people, local NGOs are asking for international help to pressure the Recife government to investigate." (p.1)

10. "Human Rights Watch World Report 2002: Americas: Brazil", Human Rights Watch, 2003, available at [hrw.org/wr2k2/americas2.html](http://hrw.org/wr2k2/americas2.html)

"Attacks against and harassment of lesbians and gays were also of concern. The Gay Association of Bahia, a gay rights advocacy group, reported frequent murders of gay men, claiming that less than 10 percent of such crimes were successfully prosecuted in the courts." (p.5)

11. "Report: Brazil is a Leader in Gay Hate Crimes", United Press International, April 23, 2002, available at [www.upi.com/view.cfm?StoryID=23042002-052102-4811r](http://www.upi.com/view.cfm?StoryID=23042002-052102-4811r)

"More than 100 gays, lesbians and transsexuals were killed in Brazil last year as a result of hate crimes, the largest number recorded of any nation, a gay-rights group in the northern state of Bahia said Tuesday." (p. 1)

"The GGB report says that only 10 percent of those who commit violence against gays ever serve time for their crimes." (p. 1)

12. "Gay Man Beaten to Death by Skinheads in Sao Paulo", Action Alert, The International Lesbian and Gay Association, July 31, 2000, available at [www.ilga.info/Information/Legal\\_survey/americas/supporting%20files/gay\\_man\\_beaten\\_to\\_death\\_by\\_skinh.htm](http://www.ilga.info/Information/Legal_survey/americas/supporting%20files/gay_man_beaten_to_death_by_skinh.htm)

"Edson Neris da Silva, 35, died in the early hours of Saturday (February 5th) after having been beaten severely by a gang of skinheads in the center of the Brazilian city of Sao Paulo. According to a statement given by ... a witness and friend of the victim - the two were walking together through the Praca da Republica (a well known gay cruising area) around midnight on February 4, when a group of around 30 skinheads dressed in black closed in on them." (p.1)

13. "Urgent Action: Members and staff of the Brazilian section of Amnesty International and other human and LGBT rights activists who are under threat from a neofascist group", Action Alert, The International Lesbian and Gay Association, June 13, 2000, available at [www.ilga.info/Information/Legal\\_survey/americas/supporting%20files/members\\_and\\_staff\\_of\\_the\\_brazil.htm](http://www.ilga.info/Information/Legal_survey/americas/supporting%20files/members_and_staff_of_the_brazil.htm)

"With [the bomb] was a letter featuring a crude swastika, attacking Amnesty International for its work in defence of gays and blacks." (p.1)

"In the past few months, the FAC has sent letters threatening Amnesty International, human rights activists in general and gay men and lesbians to the human rights organization No More Torture and to a major national newspaper..." (p.2)

14. "Brazil-World Champion in the Murder of Homosexuals", The International Lesbian and Gay Association, April 8 1999, available at [www.ilga.info/Information/Legal\\_survey/americas/supporting%20files/Brazil\\_World%20Champion%20In%20The%20Murder%20Of%20Homosexuals.htm](http://www.ilga.info/Information/Legal_survey/americas/supporting%20files/Brazil_World%20Champion%20In%20The%20Murder%20Of%20Homosexuals.htm)

This Manual is intended to provide information to attorneys and accredited representatives. It is not intended as legal advice. Asylum seekers should speak with qualified attorneys before applying.