

LGBT Asylum Project

The Kirkland & Ellis LLP LGBT Asylum Project was formalized as a Firmwide program in December 2009 under the leadership of Kirkland partner Joseph Loy. Kirkland attorneys had previously won a number of pro bono Immigration Equality asylum cases, and the formalization of the LGBT Asylum Project in partnership with Immigration Equality allowed for much greater coordination of experience and resources, which, in turn, allowed the Firm to take on more cases in more offices. Kirkland has worked on asylum cases for lesbian, gay, bisexual, transgendered and HIV-positive clients from Benin, Ecuador, Mexico, Grenada, Ghana, Colombia, Jamaica, Panama, Peru, Egypt, Dominica, Russia and Mauritania — with successful outcomes on all completed cases.

REPRESENTATIVE MATTERS

A team from Kirkland's Los Angeles office achieved a successful outcome on an application for asylum and for withholding of removal for Ms. A, a 22-year-old lesbian from Ghana. Ms. A now resides in Los Angeles and attends community college, where she is studying for a degree in chemistry.

“Working with refugees is especially gratifying because the legal services we provide can literally save our clients' lives.”

— Partner Joseph A. Loy, Intellectual Property Litigation, Project Coordinator



Homosexuality is illegal in Ghana, and Ms. A had been expelled from her university in 2008 when it was discovered she was a lesbian. The police took her from her dorm room in handcuffs, jailed her and sexually assaulted her. After her family provided bribes to get her out of jail, she was sent to a “prayer camp” where she was chained to a block and starved over a period of weeks in order to weaken her internal “demons.” This client's story was difficult to document, as she fled Ghana with little paperwork and no official record of her prison or prayer camp stays exists. Fortunately, Kirkland attorneys were able to obtain the letter expelling Ms. A from the university. The letter stated explicitly that her homosexuality was the reason for her expulsion, which, in turn, established government persecution.



“It's very rewarding and humbling to help our clients — who have been abused, tortured and living in fear — build safe and productive lives.”

— Associate Shanti E. Sadtler, Intellectual Property Litigation



In 2014, 2012 and 2010, the LGBT Asylum Project was honored with Immigration Equality's Safe Haven Pro Bono Award, which recognizes law firms that have gone above and beyond to win refuge for lesbian, gay, bisexual, transgender and HIV-positive immigrants.

A New York Kirkland team won asylum for Mr. B, a gay man from Grenada. Since early childhood, Mr. B's peers, teachers, school principal and even his own family members abused him because of his perceived sexuality. As Mr. B grew older, the violence directed toward him became more life threatening, and Mr. B sought refuge in the United States.

Developing the written record for this case was a challenge because homophobia is not well documented in Grenada. Despite impending filing deadlines, Mr. B's family members also delayed sending original documents and affidavits, which forced the Kirkland team to seek a last-minute adjournment. Despite these challenges, Mr. B seemed to have fate on his side when the asylum officer introduced herself as "Ms. Kirkland." Mr. B intends to pursue legal studies in the United States and to one day become a lawyer.

“It was incredibly exciting for our team — in a matter of weeks — to make a lasting change in the life of our client.”

— Partner Edward H. Sadtler, Intellectual Property Transactions



Asylum was granted to Ms. A, a lesbian from Colombia, on an affirmative asylum application. Ms. A sought asylum based on past persecution as a result of her sexual orientation, as well as fear of future persecution. She had been beaten on two occasions by a group of men she believed to be part of the Aguillas Negras (Black Eagles). This group is a paramilitary organization, and its agenda calls for members to cleanse the country of those viewed as “undesirables,” including homosexuals. Group members told Ms. A they never wanted to see her again, and in the last attack, they left her with a scar that Ms. A believed to be a signal to others in the group to kill her if she crossed paths with them again. Ms. A is a native Spanish speaker with little fluency in English, which posed challenges, but the Kirkland team fortunately was able to enlist the help of a case assistant who is fluent in Spanish and served as the team's interpreter and document translator.

If you have any questions about the matters described above or would like more information about the LGBT Asylum Project, please contact the following Kirkland attorneys or your regular Kirkland contact.

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