

US Appeals Court Rules on LGBT Perception as Ground for Asylum in Immigration Decisions

The US Court of Appeals for the Ninth Circuit recently issued a landmark ruling that has far-reaching implications for individuals seeking asylum in the US based on their perceived sexual orientation. The case in question, *Antonio v. Garland*, dealt with the petition of Rebecca Rufina Cristobal Antonio, who sought a review of the Board of Immigration Appeals (BIA) decision to deny her asylum and related relief.

According to the court's decision, the BIA must now consider whether non-US citizens persecuted in their home countries for being perceived as LGBT can be granted asylum in the US. Antonio was verbally and physically harassed and threatened with death because people in her home country perceived her as a lesbian because she wore men's clothing to work.

The Ninth Circuit Court of Appeals decision suggests that people seeking asylum because of their perceived sexual orientation may now be eligible for asylum in the US. It is worth noting that the court explicitly stated that the individual would not need to "prove" that they are LGBT. Still, it would be the individual's burden to prove that their "persecutors were motivated by a belief" that they are LGBT.

This decision is based on the same criteria used for other asylum claims, which require the claimant to provide evidence that the "persecutor was motivated by a belief that the petitioner held the political opinion." This ruling aligns with the United Nations' 1951 Refugee Convention and its 1967 Protocol, which define a refugee as someone with a well-founded fear of persecution based on their race, religion, nationality, political opinion, or membership of a particular social group.

The Ninth Circuit Court of Appeals' ruling is particularly significant in light of the ongoing global efforts to promote human rights, including the rights of the LGBT community. It sends a clear message that the US will not tolerate discrimination or persecution based on an individual's perceived sexual orientation. Moreover, it ensures that the US remains at the forefront of efforts to promote human rights and protect those persecuted based on their perceived sexual orientation.

In conclusion, the US Court of Appeals decision for the Ninth Circuit in *Antonio v. Garland* is a victory for human rights and the protection of persecuted individuals based on their perceived sexual orientation. It underscores the importance of ensuring that the US remains a beacon of hope for those seeking refuge and protection from persecution. The ruling also serves as a reminder that the US remains committed to upholding human rights principles and promoting equality and justice for all.

REFERENCES:

US immigration board must decide whether perception of being LGBT in home country is grounds for asylum, says US appeals court