

Immigration and LGBTQs: Immigrantsttell their stories

Part two



by **Gretchen Rachel Hammond**

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Dennis Akpona. Photo by Gretchen Rachel Hammond

On July 4, 2012 at 11 in the morning, 25 U.S. military service members met President Barack Obama at the White House to swear a second oath to their country—one they had each already served without being citizens of it.

That year, more than 757,000 people had taken part in naturalization ceremonies across the U.S. whether among 50 others in the modest venue of a Dayton, Ohio courtroom or as part of more than 8,000 who crowded into the Los Angeles Convention Center in March of 2012 and turned over their permanent resident (green) cards for certificates of naturalization after vowing to “support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same.”



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During the White House ceremony, Obama stated that “the story of immigrants in America isn’t a story of ‘them,’ it’s a story of ‘us.’ It’s who we are.”

Dennis Akpona came to the United States having fled his home in Nigeria. The country is dominated and separated by two major religions: Christianity and Islam. The Muslims are concentrated principally in the north and the Christians in the south. In January 2014, Nigerian president Goodluck Jonathan signed the Same-Sex Marriage Prohibition Act into law. For the LGBTQ population there, it meant penalties of up to 14 years in prison for entering into a marriage or even co-habitation with someone of the same sex and 10 years for same-sex couples engaged in public displays of affection or operating or participating in a gay club or organization.

Within a week of the law being enacted, world press were reporting country-wide citizen assaults, along with police raids, arrests and torture of LGBTQ people in what the British newspaper The Guardian called an unleashed “wave of homophobia.”

Akpona was born in Benin City in the south of Nigeria. “It is the kind of country where the rich get richer and the poor get poorer,” Akpone explained to Windy City Times. “Unemployment is very high. Every year, there are thousands of university graduates and they can’t find a job. So they try to survive in any way they can and young people are very vulnerable. A lot of young gay men get into sex work as a way to earn money.”

Like many thousands of his young peers, Akpona moved to Lagos—a densely populated, commercial hub—in search of a better life. He moved in with his uncle and, in his early 20s, his life changed dramatically, but not in the way he had hoped.

“I was outed by a couple of friends,” Akpona recalled. “And my uncle and his wife found out. It was a very rough road. I didn’t have anywhere to go. My uncle contacted my elder brothers and one of them said that, if I was gay, he would be the one to kill me.”

At the time, Nigeria’s anti-gay laws were still being discussed in the country’s National Assembly and advocates had temporarily stemmed their progression. Nevertheless, Akpona took the threat from his brother seriously and so strenuously denied and attempted to hide his sexuality.

“I just needed to pretend to make people happy,” he said, “even though it wasn’t really me. This is typical of what every gay man goes through in Nigeria. We live a life where we make our family happy but, inside, we are not. The only people who made me happy were my gay friends and they were people I owe my life to. I knew a few who would marry the opposite sex just to cover it up. There were three or four who committed suicide because they couldn’t help it anymore. They didn’t have anybody to love them for who they were and felt rejected by everyone around them.”

Still a university student, Akpona got a job and saved enough money to move out of his uncle’s home and into his own apartment at an address he kept secret from the rest of his family. However, even with his new-found privacy, events quickly took a turn for the worse.

“Every pastor and Islamic leader in the country was preaching against homosexuality,” Akpona said. “In March 2011, I was working for an HIV-prevention program where I was counseling a lot of young gay men. One day, I went to meet a friend at a bus stop. There were three other men there. They brought out ID cards, punched me, dragged me to the police station and arrested me saying that I was the one controlling the gay community in Lagos.”

“It was hell,” Akpona recalled. “I was tortured while my hands were cuffed behind my back. They wanted me to confess that I was gay and to give them a list of people I knew who were gay. I told them that I would not give them the details of my clients.”

Akpona was thrown into a cell with seven other prisoners who immediately assaulted him. He was 26 years old. “Eventually, the police came up with a report that I had raped someone,” he said. “The Nigerian police are very corrupt. One of the officers told me ‘you know we can kill you and nothing’s going to happen’.”

After spending four terrifying days in jail, Akpona asserted that he was released after having to pay the equivalent of \$800 to the man who was alleging rape against him, and to the Nigerian police. However, even back at home, he was not safe. “Community members take laws into their own hands,” he said. “I was scared of being beaten by them.”

He left Lagos and took a job in northern Nigeria, where he hoped to begin a new and anonymous life. “I was working in a part of the country dominated by the Muslims and they have their own constitution [Sharia law] stating that anybody found to be gay or lesbian should be stoned to death,” he said. “I received a phone call from someone from the Sharia commission who claimed I was in that part of the state to teach people how to become gay and lesbian. The only thing I could do was return to Lagos. But, I was not safe in any part of the country.”

In July 2012, Akpona attended an international AIDS conference in Washington, D.C. With little understanding of the process entailed in applying for asylum in the United States, he returned to Nigeria after the conference. “I got a phone call,” he remembered. “They said ‘Oh you’re back. Get ready for the worst.’ I was attacked by a group of guys in Lagos who demanded money. My friend took me to the hospital. I had no job and I could not apply for one because I had worked with gay people and I could have been arrested for that.”

One year later, friends in Canada raised the money for Akpona to travel back to the United States. “I was still scared because I had a life in Nigeria. Even though it was not safe, it was all I knew,” he said.

Akpona said that receiving asylum in the U.S. was not easy. “I realized that I would need to prove, with a lot of documents, that I was gay,” he said. “What helped me were the doctor’s reports from when I was attacked. They stated that it was because I was gay. I had to find stories online about southern Nigerians killed or arrested because of their sexual orientation and prove that I was working with an organization providing services for the LGBT community.”

He described the sheer amount of documentation he amassed as being as thick as a telephone directory. “The day I was interviewed [by U.S. immigration], they wanted to know if I was telling the truth,” he said. “I told them the way things were. I was surprised that I got [asylum] two weeks later. There are people who applied even before I came to the U.S. and they had not received asylum until now.”

Akpona lives in Chicago. He is co-founder of the Chicago LGBT Asylum Support Program (CLASP). “It’s designed to give support for LGBT folks seeking asylum here in the city,” he said. “We try to provide housing services, bus passes, linking them to legal and healthcare services and create an environment for them to be able to stay.”

Meanwhile, the friends Akpona left in Nigeria are subject to daily terror and barbarism. “Just three days after they passed the [anti-gay] bill into law, a close friend of mine was stabbed to death in his house,” he said. “People were attacking my other friend’s houses, burning them down. Most of them had to jump through their windows to escape. There are thousands of people who don’t have the means to leave the country. They have no passport or visa and they have given up. They say ‘OK this is my life. I just have to face it even if I am beaten every day.’ Refugee organizations there are run by Nigerians. There is nowhere for [LGBT] people to go. Even neighboring countries have strict laws. A lot of gay guys in Nigeria marry a girl even though they are crying inside. I was one of the lucky ones. I got out. “

Akpona’s luck at escaping his country, successfully winning asylum and beginning a new life in the United States is not something enjoyed by most people in similar circumstances.

New Ground

Many LGBTQ immigrants—particularly those who remain undocumented—are too afraid to talk publicly about their stories. One LGBTQ immigrant would only agree to an interview with Windy City Times on condition of anonymity.

A June 2014 shadow report released by Letra S, Sida, Cultura y Vida Cotidiana, A.C. the Heartland Alliance and the Center for International Human Rights at the Northwestern University School of Law entitled Human Rights Violations Against LGBTI People in Mexico noted “more that 250 homicides of LGBTI individuals in the years 2010-2013. The full extent of hate crimes, [in Mexico] including murder of LGBTI individuals is unknown because police and prosecutorial officials frequently do not categorize these crimes as hate crimes.”

A 35-year-old lesbian woman named “America” left Mexico in the 90’s and started her own shipping business in Crystal Lake, Illinois which she ran from the first floor of her home where she lived with her teenage son. On March 1, 2013, the life she had forged in the U.S. was turned upside down.

“At maybe 6 in the morning, a police officer showed up at my door,” she recalled. “My son had answered the door and the officer asked for me. He said there was [an incident] with my car. My son told the officer that the car was not under my name. The police officer pushed my son into my house. Three or four seconds later, around 20 ICE [Immigration Customs Enforcement] officers showed up and started screaming and yelling at me. I didn’t know what was going on. They asked me if they could look through all my files and records, like my taxes and I told them ‘yes’ because I didn’t have anything to hide. They didn’t find anything and so then they started looking through my computers. They told me I was being arrested because I didn’t have any [immigration] papers.”

Despite America's repeated questions as to what was going to happen next, she claimed the ICE officers told her nothing, informing her terrified son that his mother was going to be transported to a jail in Chicago. Instead, America was placed into federal custody and sent to the Ogle County Jail in Oregon, Illinois.

She would spend the next 10 months of her life in prison.

"I was [in jail] four or five days before my son even knew where I was," she said. "They wouldn't let me call him and he could not find me. They don't let you call. They don't let you know where they're going to take you. They don't let you talk to your family. They don't let you know what's happening. Even when you ask them 'what's going on? I need to talk to someone,' they just say 'wait, wait' so you don't know what's going to happen."

America said she was eventually accused of illegal re-entry into the United States. "Two weeks later, I went to the court and they said that I had to wait for the results of an investigation to see if I had committed any other crimes in the past 10 to 15 years. They went back all the way to 1993. It took months."

On arrival at the Ogle County Jail, America said she was strip-searched and housed with the general population in a 12-foot-by-12-foot cell which she shared with six other women. "All we had was a shower and a toilet in this little room," she remembered. "There were no windows and we did not know if it was day or night. The only thing we had was a TV that was shut off if something happened or somebody made a mess."

She recalled the arrival of a cell-mate who had been a drug user and was going through withdrawal. "She started vomiting in the cell, with everybody around," she said. "It was disgusting. The guards didn't do anything. They didn't care. I was having issues with one lady who kept taking my stuff. I mean, they only give you a uniform. They don't give you deodorant or underwear. You have to buy everything, even food. They don't give you enough, so you have to buy that as well. I kept telling the guards this lady was taking my stuff and my food and they would say 'we're not here to babysit you'."

One night America said she awoke to an inmate tying her hands down with a mattress cover. "I could not move my hands," she said. "I started screaming and I called the guard. The guard showed up and he saw that I was tied to the bed and he started laughing and saying 'you guys are old enough. You can fix your own problems.' He turned around and walked away."

The inmate attempted to assault America who fought back with her legs. She asserted that prison guards did nothing to intervene. The fight escalated later that day during the lunch period. "The guards showed up and the other women said I started the fight. So they put me in 'the hole'," she said. "It was a small room. They leave a night light on and the only thing you have in there is a toilet but no [toilet] paper. I was there for three or four days. I tried to make a report on what happened and nobody did anything."

America claimed she was only released from solitary confinement (administrative segregation) after prison officials reviewed a tape of the initial incident in her cell showing that she had indeed called for help to no avail. She was returned to general population. “It is the worst thing that can ever happen to you,” she said of isolation. “They don’t tell you anything or when they’re going to let you out. You complain about something that happens and they don’t listen. If you try to do something about it yourself, they punish you. I don’t understand why.”

Totally cut off from anyone who cared about her, America still wonders how she was able to survive, physically and mentally. “The first six months was total hell,” she said. “I saw so many people try to kill themselves in detention. I remember a friend called Sophia and she was trying to hang herself in her cell. They took her away and put her naked in a room with only one mattress. They kept her there for two weeks. When she came back, she was just staring and did not react to any questions.”

After the investigation into America’s life uncovered no criminal activity, she said was offered a deal. “They told me ‘nothing was in there, don’t worry. They’re only going to give you between six and 24 months.’ I said ‘why? I didn’t do anything!’ They told me they would make a deal for three months and that, if I pled guilty, I would be sent back to Mexico. So I agreed. I just didn’t want to be in jail anymore. I went in front of the judge on July 11. On July 16, they came to pick me up.

America said that she was then transported to the ICE facility Dodge Detention Facility in Juneau, Wisconsin. “They kept me there four months and I kept asking ‘when are you going to send me [to Mexico]?’ The only answer I got from them was ‘you’re not on the list.’ They said nothing else. They didn’t even tell me if they were going to deport me.”

She claimed that, every time her case was to be heard, she would be transported to Chicago—a seven-hour round trip. “One of the worst things that can happen to you is when they tell you they are going to take you to Chicago,” she said. “They pick you up at three o’clock in the morning, put a chain around your waist and tie your wrists to it. So for the whole trip, there and back, you are tied and you are in agony. Your hands hurt and they put you in a position where your whole body cannot move. It goes numb eventually. This happened to me at least six times.”

Eventually, the experience began to break America. “One day, I was just crying and crying,” she said. “An immigration officer showed up. She told me that they weren’t sending me back because I was gay and that I should apply for asylum. She gave me a number to call and I found a lawyer called Aneesha Gandhi.”

Gandhi is a staff attorney with the National Immigrant Justice Center (NIJC)—a Chicago based non-profit dedicated to ensuring human rights protections and access to justice for all immigrants, refugees and asylum seekers.

“Aneesha helped me a lot and would call me all the time to see how I was doing,” America said. “Finally I was able to find out what was going on. I would hear from her two or three times a week and I was able to speak to my son. Everything was better. She even helped other inmates with advice, even though they weren’t her clients.”

America’s ordeal ended Dec. 24, 2013. “They came and picked me up in the morning and told me I was going to be released,” she said. “I couldn’t believe it. I even told the guard ‘you’re wrong, my case is pending.’ The guard looked at my wrist band and he said ‘you’re on the list. Do you want to go or not?’ They brought me to Chicago to be released. When I was reunited with my son, it was the most wonderful feeling.”

Before she was freed, America said she was informed that she could not leave the United States or work without authorization. She had to reapply every year for a permit to stay in the United States, inform United States Citizenship and Immigration Services (USCIS) within 48 hours of any change of address or of any incident with the police. “They have the right to arrest me anytime they want,” she said. “They told me that if anything changed in my country that would make Mexico a safe place for gay people, they would send me back.”

After having to fight against bureaucratic confusion as to her employment status, America finally received her social security card. Yet America lives every day with her future uncertain; terrified every time she sees a police car in her rear view mirror. “You may be free from ICE detention, but you’re not really free. They can come and get you anytime they want. The only thing that made coming to this country worth it was to be able to stay with my son. If you asked me if I would go through this all over again to stay in the United States, then no I would not.”

Akpona told Windy City Times that he had a friend who spent 30 days in an ICE facility. According to Akpona, the experience left him so emotionally traumatized that he could not discuss it.

Cold as ICE

Roberto Romero-Perez is the founder of the Perrom Law Office offering legal counsel and representation to individuals in areas of immigration and naturalization among others.

“If you are ever in detention in the U.S. and you are in the LGBT community, you are the most vulnerable to attacks from the other inmates,” he said. “What ICE has done at the urging of the USCIS is to create special units for the LGBT community. Where there are no facilities, they place these people into solitary confinement—which is horrible. They leave them there up to the maximum point before they suffer mental distress. It is not surprising to hear that people who have come out of detention have a lot of psychiatric issues.”

Romero-Perez added that even though the Prison Rape Elimination Act (PREA) was passed in 2003, as of yet he does not believe that it has been implemented in ICE facilities. “It remains to be seen,” he said. “I have not heard any anecdotal evidence or any indication that it is in place. In the area of those detainees who have HIV, sometimes they are denied medications or, at least, special arrangements need to be made in order to get them. Basically, ICE needs to stop incarceration and use ankle or monitoring bracelets instead. A night in jail costs about \$150 where an ankle bracelet or monitor is about \$15. Of course there are political answers as to why this is not in place including the mandate to have a number of people in correctional facilities each night so that the private entities that run [them] can profit from it.”

For more information about the work of CLASP and how to support the organization, please download: www.lgbt-fan.org/wp-content/uploads/2013/12/CLASP-E-Flyer.pdf.

To contact the Perrom Law Office, please visit www.perrom.com.

For more information about the NIJC, please visit www.immigrantjustice.org.

Next week, Windy City Times talks to celebrated activist Julio Rodriguez, ICE representatives and visits two ICE detention facilities in Illinois.

Series links:

LGBT immigrants still face hurdles, part one of series. windycitytimes.com/lgbt/LGBT-immigrants-still-face-hurdles-Part-one-/50226.html.

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