



Immigration and
Refugee Board

Refugee Protection
Division

Commission de l'immigration
et du statut de réfugié

Section de la protection
des réfugiés

RPD File No.: TA2-26150

NOTICE OF DECISION
[Immigration and Refugee Protection Act, ss.107(1)]
[Refugee Protection Division Rules, Rule 61]

Presiding Member
L. FIGG

In the claim for refugee protection of:

DOB:

ID: .

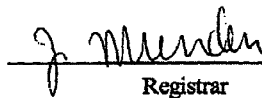
s.19(1)

This claim was determined without a hearing on the May 20, 2003

The Refugee Protection Division determines that the claimant

**IS A CONVENTION REFUGEE AND THEREFORE THE REFUGEE PROTECTION
DIVISION ACCEPTS THE CLAIM.**

June 05 2003


Registrar

RPD.15 (April 2002)
Disponible en français

Canada



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EXPEDITED REPORT

Claimant(s):	File Number(s): TA2-26150
Counsel: JONATHAN OTIS	Designated Representative:
RPO: J. HARNUM	Member: FIGG
Interpreter: PENDABAD CASAS	Language: SPA
Country(ies): PERU	
Time of Interview : Scheduled: Friday, May 16, 2003 at 08:30	Start: 9:20 End: 10:10
Recordings (e.g. cassette tapes): TA2-26150	
Confirmation that PIF properly completed and signed:	Yes ☒ No ☐
PIF amendments: Q.15, line 4 :Miami; Narrative Para 4, line 3 February 11 should read February 1	
List of documents produced (copies to be attached): See attached.	
Claimant consent required for same member at hearing?	Yes ☒ No ☐

PART A:

RPO OBSERVATIONS

1) BRIEF DESCRIPTION OF THE CLAIM:

The claimant describes himself as a bisexual male from Peru. He has never been married and has no children. The claimant faced societal discrimination because of his sexual orientation. The claimant lived a mostly closeted lifestyle until 2001 when gay culture became more open in Peru. In May 2001 the claimant was arrested and detained by police for kissing a man in a public park. In February 2002 the claimant was assaulted outside of a gay bar. The police were informed, but did not arrest the attackers who had been identified by the claimant. In 2002, the claimant was robbed and beaten outside a different gay bar. When a local police officer was informed, he laughed and further beat the claimant. The claimant then went to the police station to file a complaint. A report about the robbery was taken, but not about the officer involved in the assault. The claimant was told that the officer would be dealt with, but the claimant later saw him on the street working as usual. The claimant fears further public/police attacks and does not believe he can get any protection.

2) APPLICATION OF CRITERIA AND REASONS FOR RECOMMENDATION:

Identity: A copy of the claimant's passport and CVV are on file. CIC has not provided any indication that these documents are fraudulent. The claimant further provided an original National Identity Card bearing his photograph. The claimant's sexual identity was examined through his narrative.

Credibility: The claimant's testimony was internally consistent, and consistent with the information provided to CIC at the point of entry. The claimant provided detailed information on the gay community in Peru, as well as ongoing efforts to improve gay rights in the country. The claimant provided a fax of his prescription and hospital report for the injuries he sustained in Peru. These documents were consistent with the claimant's story. The claimant also provided a copy of the police report filed concerning the

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robbery, which supports he was with a man carry a briefcase with wigs, jewellery etc. Which corroborates that they were leaving a drag show.

Objective basis: May 2000 RIR on state protection for homosexuals supports that gay men are arrested for extortion and intimidation by the police, and that societal and family attitudes are extremely homophobic. Both 2002 and 2000 RIR support that most of the gay community do not openly express their sexuality for fear of reprisals. This is consistent with the claimant's testimony.

☒ I RECOMMEND THAT THIS CLAIM IS SUITABLE TO BE ACCEPTED WITHOUT A HEARING.

☐ I REMIT THIS CLAIM FOR DETERMINATION AT A HEARING.

Refugee Claim Officer

Date

19.5.03.

PART B: (Where applicable)

MEMBER'S DECISION AND SUPPORTING REASONS

The claimant was auditable. He has established his personal identity. He has established a nexus to the Convention (MPSG: Sexual orientation). He made attempts to seek a state protection, but had not received any state protection nor a state protection for this claimant. He has established a serious possibility of future persecution should he return to his country.

☒ I DETERMINE THIS CLAIMANT TO BE A CONVENTION REFUGEE.

OR

☐ I REMIT THIS CLAIM FOR DETERMINATION AT A HEARING.

Member

Date

20 May 2003

Canada