

FROM THE COURTS

Gay Deportee Failed to Show Torture If Removed



The U.S. Court of Appeals for the Seventh Circuit, above, upheld an order of the Board of Immigration Appeals to remove Anthony Lloyd Murry, who identifies as a gay man, from the U.S. because he failed to qualify for relief under the Convention Against Torture.

by Allison Dunn

A federal appellate court declined to hear the appeal of a gay Jamaican citizen facing deportation from the United States because he failed to show evidence that he would more likely than not be tortured in his native country due to his sexuality.

The U.S. Court of Appeals for the Seventh Circuit upheld an order of the Board of Immigration Appeals to remove Anthony Lloyd Murry, who identifies as a gay man, from the U.S. because he failed to qualify for relief under the Convention Against Torture. The case, *Murry v. Garland*, was decided by a three-judge panel that included Judges Frank H. Easterbrook, Michael S. Kanne and Amy J. St. Eve.

Murry has lived in the U.S. for 16 years. He entered in 2005 as the fiancé of a U.S. citizen, whom he married one month later. Murry applied for permanent residence based on the marriage, but the U.S. Citizenship and Immigration Services denied the request in 2011 and started the removal proceedings, according to the panel's Oct. 7 opinion.

Murry has remained in the U.S. without authorization.

At his removal hearing, according to the opinion, Murry testified to his sexual orientation and that he was once attacked in Jamaica in 2004. Murry was hit and kicked by five men after publicly being called gay. Murry, who was bruised, did not seek medical care or ask the police for help, fearing repercussions.

The immigration judge reviewed evidence about how Jamaica's anti-sodomy laws have been upheld in the past and how members of the LGBTQ community have been treated in the country since 2004.

Historically, the appeals panel wrote, most of Jamaican society has been homophobic, which was evident based on news articles about demonstrations against gay rights and the murder of two gay activists, as well as police harming or refusing to help victims of anti-gay violence.

However, while sex between men remains illegal, there is evidence that the attitudes are changing, the appeals court said. Other news reports show the government rarely enforces its anti-sodomy laws for consensual sex and

there have been widespread calls to have those laws repealed. Additionally, government officials have stepped up to support members of the gay and lesbian communities and Jamaica's public defender has called for prosecution of homophobic attackers.

Based on this, the immigration judge denied Murry relief from removal.

"The IJ reasoned that the private attack on Murry in 2004 did not demonstrate state-sanctioned past persecution, and the other evidence of the country's conditions did not show a clear probability of future persecution," according to court records.

Further, the immigration judge found that Murry was ineligible for protection under the Convention Against Torture standards because he did not demonstrate a substantial risk of torture in Jamaica by or with the consent of the Jamaican government.

Murry maintained that the judge should have granted him the relief based on concern that Jamaica's anti-sodomy laws are still on the books and that he may face private attacks from family or friends.

But the Board of Immigration Appeals affirmed the immigration judge's decision, as did the appellate court, finding that Murry failed to show evidence that he was persecuted in 2004 or that he is likely to be subjected to persecution or private attacks in the future.

Murry needed to establish past persecution based on "significant physical force," as in the 2011 case *Stanojkova v. Holder*, as well as government complicity, as in the 2013 case *Bitsin v. Holder*, the appellate court wrote.

"But because Murry received only bruises from the attack in 2004, the record did not require a finding that attackers used such force," the appellate court said. "His failure to tell the authorities about the attack justified the IJ's finding that the government was not complicit in or unwilling to respond to it."

Attempts to reach the lead attorney representing the U.S. attorney general, Elizabeth Fitzgerald-Sambou, as well as Swaray E. Conteh of the Law Firm of Fatima Johnson, were unsuccessful.

Allison Dunn reports for Law.com, an ALM affiliate of the Daily Business Review. Contact her at aldunn@alm.com.



CITY OF DORAL NOTICE OF PUBLIC HEARING

All residents, property owners and other interested parties are hereby notified of a **COUNCIL ZONING MEETING** on **October 27, 2021 beginning at 6:00 PM** to consider the First Amendment to the Amended and Restated Master Development Agreement and modification to the Downtown Doral South Pattern Book to transfer a ±1.84 acre parcel of land and 15,000 square feet of office space to the Downtown Doral, Downtown Mixed Use (DMU) development program. The City Council will consider this item for **FIRST READING**. The meeting will be held at the **City of Doral, Government Center, Council Chambers located at 8401 NW 53rd Terrace, Doral, Florida, 33166**.

The City of Doral proposes to adopt the following Ordinance:

ORDINANCE No. 2021-37

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING/DENYING THE FIRST AMENDMENT TO THE AMENDED AND RESTATED MASTER DEVELOPMENT AGREEMENT AND A MODIFICATION TO THE DOWNTOWN DORAL SOUTH PATTERN BOOK, TO TRANSFER A ±1.84 ACRE PARCEL OF LAND AND 15,000 SQUARE FEET OF OFFICE SPACE TO THE DOWNTOWN DORAL DMU DEVELOPMENT PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE

HEARING NO.: 21-10-DOR-07

APPLICANTS: CC Homes at Doral, LLC, CC-WCD TIC and White Course Lennar, LLC

LOCATION: Generally located east of NW 87 Avenue and north of NW 41 Street

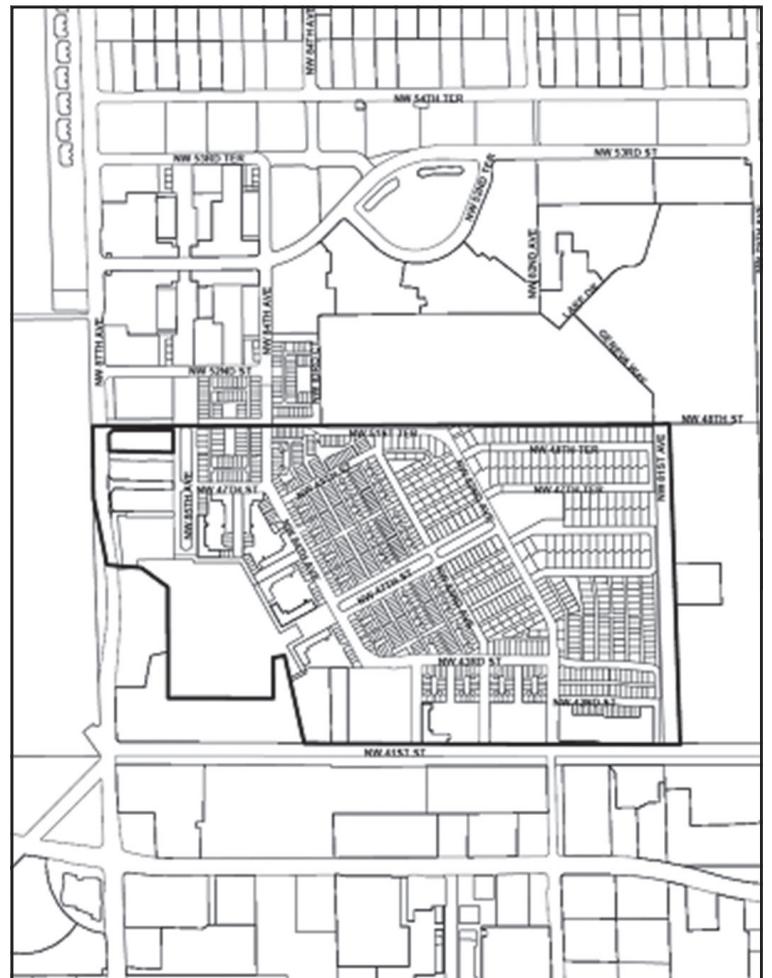
FOLIO: Various folio numbers

SIZE: ±130.1 acres

REQUEST: CC Homes at Doral, LLC, CC-WCD TIC and White Course Lennar, LLC are requesting Mayor and City Council approval of the First Amendment to the Amended and Restated Master Development Agreement and modification to the Downtown Doral South Pattern Book to transfer a ±1.84 acre parcel of land and 15,000 square feet of office space to the Downtown Doral, Downtown Mixed Use (DMU) development program. The development program, as amended, will consist of 2,599 residential dwelling units with a population density based thereupon, 30,000 square feet of retail/commercial/restaurant use, 120,000 square feet of office use, up to 7 acres of civic use, and +/-7.6 acres of publicly accessible recreational land, with building heights of up to 8 stories.

Copies of the Downtown Doral South Pattern Book and First Amendment to the Amended and Restated Master Development Agreement are on file at the City of Doral Planning and Zoning Department located at 8401 NW 53rd Terrace, Doral, Florida, 33166.

Location Map



Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

Pursuant to Section 286.0105, Florida Statutes If a person decides to appeal any decisions made by the City Council with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act, any person who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Planning and Zoning Department at 305-59-DORAL no later than three (3) business days prior to the proceeding.

Connie Diaz, MMC
City Clerk
City of Doral

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