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Why a Gay Muscovite Sought, and Won, U.S. Asylum

By Nikola Krastev

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Russians participating in an annual gay-pride parade in New York in June. **Nikola Krastev**

NEW YORK — "You resemble a spy more than a reporter," Alexander Kargaltsev said as he arrived at the agreed-on meeting spot in Manhattan.

Perhaps the statement was not the most promising overture for an interview, but the 27-year-old Muscovite nevertheless firmly shook a reporter's hand and easily began to talk about why he had left his homeland.

Last year, Kargaltsev became one of a handful of gay Russians granted political asylum in the United States.

"I'm not even talking about being openly gay," Kargaltsev said. "But what is a person supposed to do when he cannot change his voice and his mannerisms? When [gayness] is detectable visually, there's little pleasure in it."

The final straw, he said, came in 2008.

"I participated in a nonsanctioned gay-pride parade at Vorobyovy Gory," he said. "It was ruthlessly suppressed. Participants were arrested. Those who were not arrested, myself included, were left bleeding, bruised and swollen. It was an unpleasant situation."

Figures for the number of Russians seeking asylum abroad for their sexual orientation are hard to come by, and it is unclear whether there has been an increase amid police crackdowns on gay rallies in Moscow over the past five years or the passage of an anti-gay law in St. Petersburg in March.

Several other cities also have anti-gay laws, and Moscow is considering one of its own.

Washington made persecution based on sexual orientation a reason for asylum in 1994, and since then a number of applicants have been tested in asylum offices and immigration courts.

Russia now stands behind only Jamaica in the number of gay and lesbian asylum applicants to the United States, according to advocacy groups.

Ten Russians were granted asylum in the United States in 2010 and another eight in 2011, according to Immigration Equality, a New York-based gay and lesbian advocacy group that provides lawyers to people hoping to stay in the United States.

A spokesman for the U.S. Immigration and Naturalization Services, which handles applications, declined to comment, saying agency policy barred him from speaking about asylum cases.

The Moscow Times contacted a number of Russian gays and lesbians in New York who were granted or recently applied for asylum, but most declined to meet or talk with a reporter.

Even though they have little to fear in New York, coming out of the closet is not easy. Some of those approached said they didn't want their parents back in Russia to know the truth.

Others were concerned that speaking to the media prior to their asylum interviews might hurt their chances.

The issue can be tricky because more media exposure might actually strengthen an applicant's claim for asylum.

But coached by attorneys provided by Immigration Equality, many Russian asylum seekers said they would rather keep mum and follow the established rules.

Steve Ralls, communications director at Immigration Equality, said the group maintains a network of immigration attorneys working pro bono on asylum cases.

Before referring an applicant to an attorney, Immigration Equality runs its own evaluation of the strength of the cases. About 40 percent of the initial applicants are referred for further legal assistance.

Kargaltsev arrived in the United States in 2010 on a student visa and with a scholarship from the New York Film Academy, a for-profit institute providing courses in filmmaking.

Immediately on arrival, he contacted Immigration Equality. The decision to apply for asylum and remain in the United States was relatively easy, Kargaltsev said, because the situation for gays and lesbians back in Russia was becoming increasingly hostile.

Kargaltsev was granted asylum in May 2011. The process took nine months. The initiation of the application was followed by evidence gathering and the asylum interview with U.S. Immigration and Naturalization Services.

His request was granted two weeks after the interview, indicating an acknowledgment by U.S. authorities that he had presented ample evidence in support of his claim.

Victoria Neilson, legal director at Immigration Equality, said most of the asylum applicants from Russia have faced violence from vigilante anti-gay groups and skinheads.

As a rule, she said, the police won't intervene to protect gays and lesbians during attacks.

The majority of the gay Russian asylum applicants, Neilson said, are of a higher educational background (at least a college degree) and are "quite young," usually in their early to mid-20s.

In the past, asylum cases sometimes took years to resolve.

But the processing system was overhauled in 2002, and it now takes only six weeks for an applicant to be interviewed by an officer with U.S. Immigration and Naturalization Services. Decisions are usually announced within six weeks.

Those granted asylum can apply for legal residency status — a green card — after one year. Those whose claims have been denied are entitled to a hearing by an immigration judge.

The backlog for immigration hearings in New York is huge, and it may take three to four years until the applicant faces an immigration judge, whose decision is final.

Neilson said there hasn't been a single denial among the applicants from Russia referred by Immigration Equality.

During his meeting with a reporter, Kargaltsev wore a white athletic shirt, plaid shorts and sandals, but even the scant clothing seemed excessive in the oppressive heat suffocating New York in recent weeks.

Exhausted people slumped around him, but Kargaltsev, a calm fellow with piercing eyes, said he was busy with a photography project in Brooklyn and a consulting job at Sotheby's auction house.

Half-jokingly, Kargaltsev said he had been thinking about Shtirlitz, the immensely popular Soviet spy from the television series "17 Moments of the Spring" when he said the reporter resembled a spy.

Kargaltsev described himself as a classic gay story. His early childhood was spent in the final years of the crumbling Soviet Union.

As an adolescent, he said, he recognized that he was gay and "freaked out" initially, thinking he was the only male on Earth attracted to other males.

"I realized early on in my childhood that I'm not like other boys and that boys interested me more than girls," he said. "In fact, I've never had a girlfriend or wanted to have one."

For a traditional Soviet family, such a discovery equaled disaster. His parents' reaction when they found out that their son was gay was "absolutely negative," he said.

Even now, significant tensions remain between Kargaltsev and his parents.

He said his father has shown more flexibility as of late and read some literature about gay issues. His mother, however, continues to be adamant in her opposition and does not want to accept her son as gay.

"Last year, she visited me in New York and almost upon arrival in the airport asked me, 'Have you found a girlfriend?'" Kargaltsev said. "She sees that I am happy where I am, that I have friends, that I have a purpose. But when we walked the streets of Manhattan together, I could see her gloomy face, and a lingering tension and sadness came over us."

Kargaltsev was 14 when he went for the first time to a gay club in Moscow.

"For the first time, I felt comfortable, accepted for who I am, with no need to pretend or to wear a mask," he said.

His first encounter with gay sex was at Leningradsky Station, where in the late 1990s kiosks sold videotapes of gay pornography.

Kargaltsev credited the expansion of the Internet in Russia as a formative influence on his acceptance of himself as a gay man.

During his first year at the Moscow Institute of Foreign Languages, the dean grew suspicious of his sexual orientation and told him to drop out or face being suspended at the end of the semester.

Kargaltsev said the dean told him the school needed "normal" men.

The faculty at Kargaltsev's next school, the Russian State Institute of Cinematography, was more accommodating, but the students were hostile, he said.

A female classmate refused to do assignments with him for fear of being infected with HIV.

On his arrival in New York, Kargaltsev at first felt alienated, as if he'd gone from being a participant in events to an outside observer.

But within a few months, he had found new friends and established a network of acquaintances, he said.

Kargaltsev actively writes on gay issues for various Russian websites and follows events in Russia closely, including attempts to stage gay rallies.

Former Moscow Mayor Yury Luzhkov refused to authorize rallies, calling them "satanic," and little has changed under his successor, Sergei Sobyanin.

Kargaltsev said that in retrospect he believed that Luzhkov had shown some flexibility.

"When Luzhkov met with the mayors of Berlin, London and Paris, they would often tease him about when he would finally permit a gay parade," he said. "Nothing of the sort with the current mayor, Sergei Sobyanin, who is very inflexible toward gays and lesbians."

In May, Moscow police detained about 40 gay-rights activists as they staged an unauthorized rally outside City Hall against anti-gay legislation and called for the right to hold a gay-pride parade.

Kargaltsev participated in the annual gay-pride parade in New York in June with a group headed by Immigration Equality.

Separately, a group of 70 to 80 Russian gays and lesbians marched down Fifth Avenue in Manhattan. No incidents were reported.

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