

Sonia Jardiniere

Sonia Jardiniere died at approximately 6:30 p.m. on the 25th October 2010 after she was seen to have been pushed under a tube train at King's Cross Station. Sonia was a transgendered woman. Her alleged assailant who has been charged with murder is an asylum seeker and is also another transgendered woman.

Sonia practiced law under her male name of David Burgess. She was the finest immigration lawyer of her generation and she was responsible for a number of trailblazing cases. More details of her legal career can be found in the obituary in the Guardian Newspaper which was published on the 2nd November 2010, and which can be accessed via the following link:

<http://www.guardian.co.uk/law/2010/nov/02/david-burgess-obituary>



In immigration matters Sonia specialized in rescuing the dispossessed, refugees and asylum seekers, lesbian, gay and transgendered people.

From 1992 to her semi-retirement in 2002, Sonia (as 'David') also acted as the lawyer to "Press for Change", the UK's lobbying and activism group for transgender people's rights. Sonia was also an active member of the congregation of St Martin-in-the-Fields, the Sibyls and The London and Southwark Changing Attitude group. In her lifetime Sonia has made an enormous, though largely hidden contribution to the integration of lesbian, gay, bisexual and transgendered people into the mainstream Anglican Church.

On the 7th July 2010 the UK Supreme Court in a unanimous judgment ruled that homosexual asylum seekers should be granted refugee status if going home would result in them being forced to conceal their sexuality. Sonia posted a report on the case on the Sibyl's Group Website. The text below is reproduced exactly as Sonia has written. As was typical of Sonia she gave no indication in her report of the immense contribution in these areas that she has made.

Sonia's funeral took place at St Martin-in-the-Fields on the 17th November 2010.

The photograph of Sonia (above) was taken in St Martin-in-the-Fields on the 3rd October 2010

Dear friends – I have seen news reports that Jeffrey John is being rejected as a candidate.

Many of you may have noted the judgment of the House of Lords which strikes down the notion that gay asylum seekers (lesbians and bi are specifically mentioned, trans is not but clearly covered) - might be returned to countries in which they fear persecution and avoid that persecution by behaving discreetly i.e. hiding their full natures.

These were the facts of one –

“In the case of HT it is agreed that, following an occasion when he was seen kissing his then (male) partner in the garden of his home, the appellant was attacked by a crowd of people when leaving church. They beat him with sticks and threw stones at him. They pulled off his clothes and tried to cut off his penis with a knife. He attempted to defend himself and was cut just above the penis and on his hand. He was threatened with being killed imminently on the ground that “you people cannot be changed”.

Police officers arrived and demanded to know what was going on and why the crowd were assaulting him. They were told it was because he was gay. One of the policemen said to the appellant “How can you go with another man?” and punched him on the mouth. The policemen then kicked him until he passed out. As a result of the injuries which he received he was kept in hospital for two months. After that, he was taken home by a member of his church who told him that he feared for his life and safety if he remained in Cameroon. This man made travel arrangements for HT who flew to the United Kingdom via another European country.”

This is from Lord Rodger in the lead judgment –

“At the most basic level, if a male applicant were to live discreetly, he would in practice have to avoid any open expression of affection for another man which went beyond what would be acceptable behaviour on the part of a straight man. He would have to be cautious about the friendships he formed, the circle of friends in which he moved, the places where he socialised. He would have constantly to restrain himself in an area of life where powerful emotions and physical attraction are involved and a straight man could be spontaneous, impulsive even. Not only would he not be able to indulge openly in the mild flirtations which are an enjoyable part of heterosexual life, but he would have to think twice before revealing that he was attracted to another man. Similarly, the small tokens and gestures of affection which are taken for granted between men and women could well be dangerous. In short, his potential for finding happiness in some sexual relationship would be profoundly affected. It

is objectionable to assume that any gay man can be supposed to find even these restrictions on his life and happiness reasonably tolerable. “

“It would be wrong, however, to limit the areas of behaviour that must be protected to the kinds of matters which I have just described – essentially, those which will enable the applicant to attract sexual partners and establish and maintain relationships with them in the same way as happens between persons who are straight.”

“This is not to give any false or undue prominence to the applicant’s sexuality or to say that an individual is defined by his sexuality. It is just to accept that “sexual identity is inherent to one’s very identity as a person”: [Hernandez-Montiel v Immigration and Naturalisation Service, 225 F 3d 1084, 1093 (9th Cir 2000), per Tashima J.] A.E. Housman showed many of the hallmarks of genius both as a textual critic and as a poet; Alan Turing was a mathematical genius. Not only may these talents have been at least as significant to their identity as their homosexuality, but the individuals themselves may well have thought so too. That does not matter in the context of persecution. As the Nazi period showed all too clearly, a secular Jew, who rejected every tenet of the religion and did not even think of himself as Jewish, was ultimately in as much need as any Orthodox rabbi of protection from persecution as a Jew. Similarly, an applicant for asylum does not need to show that his homosexuality plays a particularly prominent part in his life. All that matters is that he has a well-founded fear that he will be persecuted because of that particular characteristic which he either cannot change or cannot be required to change.”

And per Sir John Dyson [quoting from other case law] –

““We do not accept that the domestic law of the country of origin or cultural relativity can override international human rights norms in the refugee determination context.” I agree.”

This unanimous Supreme Court judgment moved me to tears. How much more of the action of a loving God do we find from this secular source?

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8 July 2010