

November 7, 2019

## **NIJC NATIONAL Case List: 5 Cases that need *pro bono* representation!**

These individuals live across the U.S. By helping an asylum seeker navigate the complicated immigration system, you can change a life!

**Asylum Cases:** (for more details see case blurbs below)

### **Detained Asylum Seekers:**

- **San Diego, CA:** I. is a man from Pakistan. He speaks Urdu and is currently detained near San Diego, CA. ***\*Urgent\****

### **Non-Detained Asylum Seekers:**

- **Houston, TX:** L. is a woman from Guatemala. Her son, M., will be derivative on her application. She speaks Spanish and is lives in Houston.
- **Los Angeles, CA:** C. is a transgender woman from El Salvador. She speaks Spanish and lives in Los Angeles.
- **St. Paul, MN:** D. is a man from Honduras. He speaks Spanish and lives in St. Paul, MN.

### **Special Immigrant Juvenile Status (SIJS)**

- **Atlanta, GA / Birmingham, AL:** W. is a young man from Guatemala. His next Master Calendar hearing is on January 23, 2020 in Atlanta, GA. W. speaks Spanish and lives near Birmingham, AL.

## **HOW TO GET INVOLVED**

No matter what type of case interests you, the next steps to help an NIJC client are easy:

- 1) [Watch a webinar from a past training.](#)
- 2) **Choose an NIJC client to represent.**
- 3) **Utilize NIJC's [extensive pro bono resources](#) and in-house expertise** to prepare a strong case for your client.

For further information, contact Ellen Miller, *Pro Bono* Manager at (312) 660-1415 or [emiller@heartlandalliance.org](mailto:emiller@heartlandalliance.org).

## **Asylum:**

### **Detained Asylum Seekers.**

- 1. I. is a man from Pakistan. He is a plaintiff in a class action lawsuit against the “Asylum Ban 2.0.” He speaks Urdu and is currently detained in near San Diego, CA. (19-0136950)***

I. grew up practicing Sunni Islam, the dominant religion of Pakistan, but converted to Shia Islam a few years ago. After converting, I. started receiving threats from his Sunni family members and from an extremist Sunni Islamic group. The extremist group would wait for him outside of Shia religious gatherings and attack him on his way home. They would beat him, call him a traitor to the religion, and tell him that they would kill him if he did not become Sunni again. After a particularly brutal attack that sent I. to the hospital, I.’s father tried to report the attack to the police. However, the police refused to help, instead saying that I. should just stop being Shia. I. moved to Lahore for several months but still felt that he could not practice Shia Islam openly. When he returned to his village, the Sunni extremist group attacked him again, and he had to return to the hospital for treatment. After coming home from the hospital, his uncles also threatened to kill him if he did not convert back to Sunni Islam. I. fled Pakistan and entered the United States on July 24, 2019. Initially apprehended by CBP, they transferred him to U.S. Marshals custody for prosecution for illegal entry. I. was recently transferred back to ICE custody and he remains detained in Calexico. I. is also currently a plaintiff in a class action lawsuit against the “Asylum Ban 2.0.” (July 16, 2019 DOJ/DHS interim final rule (8 CFR § 208.13(c)(4))). His master hearing could be in 4-6 weeks. He has not yet filed his application for asylum. Once filed, the merits hearing is typically about six to eight weeks later. All affidavits and supporting materials will be due 15 days prior to the merits date.

### **Non-Detained Asylum Seekers**

- 2. L. is a woman from Guatemala. Her son, M., will be derivative on her application. She speaks Spanish and is lives in Houston. She is a plaintiff in a class action lawsuit against the “Asylum Ban 2.0.” Her next master calendar hearing is August 11, 2020. (19-0136433) (19-0136997)***

L.’s husband began abusing her about three months after they were married in April 2014. He initially began with verbal abuse, insulting and belittling her on a nearly daily basis. The abuse became physical by the end of the first year of marriage. He would hit her in places that were covered by her clothes so that family and friends could not see the bruises. Finally, he escalated to sexual abuse, and he would rape her several times a week during the last year of their marriage. He would sometimes beat their son in front of L., which she believes he intended to be another form of psychological abuse. Despite reporting him to the police, he was never arrested. After L. and her husband stopped living together, he would still come to her home frequently and continue to abuse her. She was able to obtain a restraining order against him, but he continued to come to her home, and the police did nothing to enforce the restraining order. Her husband then began to threaten her by phone and text, saying that she could not leave him and that he would rather see her dead than with another man. Fearing for her and her son’s safety, she fled

Guatemala and entered the United States on July 17, 2019. She and her son were detained but have since been released on parole. L. also has a daughter from a previous relationship who is still living in Guatemala. She hopes to reunite with her daughter as soon as possible. L. is living in Arkansas and currently a plaintiff in a class action lawsuit against the “Asylum Ban 2.0.” (July 16, 2019 DOJ/DHS interim final rule (8 CFR § 208.13(c)(4))). Her first master calendar hearing is Oct. 15, 2019 in Memphis, TN. Her application for asylum has not yet been filed. All affidavits and supporting materials will be due 15 days prior to the merits hearing.

***3. C. is a transgender woman from El Salvador. She is a plaintiff in I.A. v. Barr, a class action lawsuit challenging the most recent asylum ban. She speaks Spanish and lives in Los Angeles. (19-0138878)***

C. has understood herself to be a woman since she was 16 years old. She is attracted to men and, in El Salvador, was perceived as gay. Before fleeing her country, C. was active in the LGBT community by organizing support groups. She received multiple death threats for doing this. On one occasion, she was targeted by a group of men who know of her participation in the community and taunted her because of it. She was told she must be a woman for associating with LGBT people and so she would be raped like one. The men then held her down and attempted to rape her, but the commotion drew the attention of others nearby and the men fled. C. attempted to relocate within El Salvador multiple times but always ended up receiving threats and abuse for her work with the LGBT community. She eventually realized she had to leave the country to be safe. After entering the United States, C. was detained in Elizabeth, NJ. She initially did not disclose her sexual-orientation- and gender-identity-related fears to the asylum officer who conducted her credible fear interview and so was denied. A nonprofit in New Jersey represented her during a judicial review of this decision and succeeded in getting it reversed. She appeared before a judge once more for a bond hearing and was released. She is still waiting for her case to be re-docketed in Los Angeles, which should take about four to six weeks. At that point, her next court date will be scheduled. At her next hearing, she will need to file her I-589 asylum application.

***4. D. is a man from Honduras. He is a plaintiff in I.A. v. Barr, a class action lawsuit challenging the most recent asylum ban. He speaks Spanish and lives in St. Paul, MN. (19-0138876)***

In Honduras, D. worked as a criminal investigator. From 2010-2013 he was assigned to the gang investigations unit, where his job required him to testify against gang members in court. He subsequently had two encounters with gang members who recognized him from his work. In each case, he was chased but managed to escape. He knew that two colleagues from the gang investigations unit had been killed for their work and there was no doubt that he would be killed if gang members ever succeeded in catching him. He decided to flee. After entering the United States, he was prosecuted for illegal entry, and then transferred to Elizabeth, NJ. An asylum officer there conducted a credible fear interview with D. and initially issued a negative decision. However, upon judicial review, and with the help of counsel, the immigration judge reverse the decision and D. obtained a bond and was released. He is still waiting for his case to be re-docketed in Minnesota, which should take about four to six weeks. At that point, his next court date will be scheduled. At his next hearing, he will need to file his I-589 asylum application.

## **SIJS**

- 5. W. is a young man from Guatemala. His next Master Calendar hearing is on January 23, 2020 in Atlanta, GA. He is plaintiff in one of NIJC's class action lawsuits. W. speaks Spanish and lives near Birmingham, AL. (17-0121815)***

W. entered the United States in March 2017, when he was 17 years old. W.'s father was neglectful and had forced W. to do dangerous agricultural work since he was just six years old. While in ORR custody, W. worked with attorneys to obtain a predicate order in state court and to complete his SIJS application (I-360). As ORR did not approve and release W. to his sponsor before he turned 18 in September 2017, ICE transferred him to adult detention on his 18<sup>th</sup> birthday. Soon after, he became the lead plaintiff in NIJC's class action lawsuit, *Garcia Ramirez v. ICE*, to fight ICE's arbitrary detention of UICs who age out of ORR custody. After eight months of detention, he was released on his own recognizance in April of 2018. His I-360 has been submitted to USCIS, but is still pending approval. A *pro bono* attorney will need to represent W. in his January master calendar hearing in Atlanta, GA. W. also attends check-in appointments about once or twice a year with the Birmingham ICE office in Gadsden, AL. His next check-in will be in November. His *pro bono* attorney could represent him at these appointments, but it is not required.

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