

NATIONAL IMMIGRANT JUSTICE CENTER

A HEARTLAND ALLIANCE PROGRAM

September 26, 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)

- **Tyler, TX:** N is a young man from Cameroon. He speaks English and lives in Tyler, Texas. As an unaccompanied child, USCIS has initial jurisdiction over his asylum application, even though he is in removal proceedings. **Urgent**
- **Memphis, TN / Arkansas:** L. is a woman from Guatemala. Her son, M., will be derivative on her application. She speaks Spanish and is currently living in Arkansas. Her first master calendar hearing is Oct. 15, 2019 in Memphis, TN. **Urgent**
- **San Diego, CA:** E. is a gay man from Guatemala who is exploring his gender identity. He speaks Spanish and is currently detained.
- **San Diego, CA:** I. is a man from Pakistan. He speaks Urdu and is currently detained.

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.

Asylum:

- 1. N is a young man from Cameroon. He speaks English and lives in Tyler, Texas. As an unaccompanied child, USCIS has initial jurisdiction over his asylum application, even though he is in removal proceedings. (19-0136719) *Urgent****

N. was forced to flee Cameroon due to political persecution. A few months before N. fled Cameroon, a militant group of Anglophone separatists known as the Ambazonians tried to forcefully recruit him. They dragged him from his home and brought him to a protest in support of Ambazonian (i.e. Anglophone) independence. The Cameroonian military came to the protest and arrested N. They beat and threatened N. while he was in custody. Shortly after his release, Cameroonian military officials approached N. and his friends while they were playing soccer and accused them of being Ambazonians. N. was arrested, detained for several days, and beaten again while in custody. Afraid of persecution by the Cameroonian government and of forced recruitment by the Ambazonians, N. fled Cameroon to come to the United States: he entered on August 1, 2019. He is currently a plaintiff in NIJC's litigation *I.A. v. Barr*, challenging the Trump administration's second asylum ban (July 16, 2019 DOJ/DHS interim final rule (8 CFR § 208.13(c)(4)), banning individuals who transited through a third country before arriving in the U.S. but did not apply for asylum elsewhere. At this time, N. is only eligible to seek withholding of removal or convention against torture relief. However, as an unaccompanied child, USCIS has initial jurisdiction over his asylum application, which was filed with USCIS on September 4, 2019. We anticipate that he will be scheduled for an interview with the asylum office in the next 4-8 weeks. All affidavits and supporting materials for N.'s asylum case will be due one week prior to his interview at the asylum office. Due to the current rule, he will be found ineligible and referred to court. Pro bono attorneys will then represent him in the immigration court for withholding of removal and relief under the convention against torture.

- 2. L. is a woman from Guatemala. Her son, M., will be derivative on her application. She speaks Spanish and is currently living in Arkansas. She is a plaintiff in a class action lawsuit against the "Asylum Ban 2.0." Her first master calendar hearing is October 15, 2019 in Memphis, TN. (19-0136433) (19-0136997) *Urgent****

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. *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 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. Apprehended by CBP, they transferred him to U.S. Marshals custody for prosecution for illegal entry. He remains detained in San Diego. 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 will be scheduled once transferred back into ICE custody which 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.

4. *E. is a gay man from Guatemala who is exploring his gender identity. He is a plaintiff in a class action lawsuit against the “Asylum Ban 2.0.” He speaks Spanish and is currently detained in San Diego, CA. (19-0136956)*

E. feels attracted to men and is still exploring his gender identity. Despite trying to keep his sexual orientation hidden, E. was persecuted for being gay from an early age. When E. was still a young child, E.’s uncle disapprovingly told his biological father that E. would “turn out gay.” When E. was 15, this uncle physically assaulted him and called him various slurs, saying he was going to teach E. how to be a man. E. is also afraid of returning to Guatemala due to the physical and sexual abuse his stepfather inflicted on him from a young age. E.’s stepfather is a local leader of Mara Salvatrucha. When E. attempted to report his stepfather’s abuse to local police, they refused to make a report. E. believes that his stepfather’s association with the gang protected him from the police. When E. did manage to file a police report against his stepfather in a different jurisdiction, his stepfather threatened to kill him if he did not withdraw it. E. fled Guatemala for Mexico, where he spent about a month and a half and began an asylum application. As he was leaving the asylum office one day, however, an MS member told E. that his stepfather was looking for him. A few days later, the MS member showed up at the migrant

house where E. was staying and told him that he had been looking for him. E. then started to receive anonymous messages saying “We know where you are” and “We want your head.” No longer feeling safe in Mexico, E. fled to the United States and entered on August 7, 2019. Apprehended by CBP, they soon transferred him to U.S. Marshals custody for illegal entry prosecution in San Diego, where he remains detained. He is also currently a plaintiff in a class action lawsuit against the as “Asylum Ban 2.0.” (July 16, 2019 DOJ/DHS interim final rule (8 CFR § 208.13(c)(4)). Although E. applied for asylum in Mexico, he did not receive a final judgment denying him protection, as is required by the rule, and so is still barred from applying for asylum in the United States. His master hearing will be scheduled once transferred back into ICE custody, which 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.

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 18th 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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