

February 10, 2019

NIJC NATIONAL Case List: 3 cases that need *pro bono* representation!

By helping an asylum seeker navigate the complicated immigration system, you can change a life! The cases below need representation across the U.S.

Detained Asylum Seekers:

- **San Diego, CA:** J. is a man from Mexico. He seeks asylum and a federal district court action in the C.D. Cal. to rescind a coerced voluntary return order. He speaks Spanish and English and is detained in Otay Mesa in San Diego, CA. (20-0141250)

Non-Detained Asylum Seekers:

- **Los Angeles, CA:** C. is a transgender woman from El Salvador. She speaks Spanish and lives in Los Angeles. (19-0138878)
- **Brooklyn, NY:** I. is a man from Pakistan. He is a plaintiff in I.A. v. Barr, NIJC's litigation challenging the asylum transit ban. He speaks Urdu and lives in Brooklyn, NY. (19-0136950)

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:

Detained Asylum Seekers.

- 1. J. is a man from Mexico. He seeks asylum and a federal district court action in the C.D. Cal. to rescind a coerced voluntary return order. He speaks Spanish and English and is detained in Otay Mesa in San Diego, CA. (20-0141250)*

J. was brought to the United States as a child and grew up in Southern California. Before he turned 21, his father petitioned for J.'s permanent resident status. In 2010, during the three-year process, J. was taken into ICE custody after a minor arrest by California authorities. Under DHS policies at that time, ICE officers coerced J. into signing for voluntary return to Mexico. In Mexico, J. got married, had children, and was working until 2018, when members of a drug cartel began to target members of his community for forced recruitment or death, and eventually turned their attention to J. One day while he was walking in his town, a group of men in a truck who he did not recognize stopped him, calling him by his name, and asked him to work for them. He refused. This cartel approached him a few weeks later but this time pointing guns at him and making it clear that if he refused to work for them, they would hurt him. Fearing that he would be disappeared like other men in his town had, and knowing that the police would not protect him, he fled to the United States and requested asylum. In addition to seeking asylum, his pro bono attorneys should plan to argue that he should be permitted to pursue legal permanent resident status under INA § 245(i) as a defense to removal notwithstanding a simple drug possession conviction from 12 years ago and a statutory bar for re-entry. J.'s next hearing is March 6, 2020. His applications for relief will be due approximately one month after that hearing. If released from custody, J. will reside with family near Los Angeles.

Non-Detained Asylum Seekers

- 2. 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.

3. *I. is a man from Pakistan. He is a plaintiff in I.A. v. Barr, NIJC's litigation challenging the asylum transit ban. He speaks Urdu and lives in Brooklyn, NY. (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. After his criminal prosecution, he was transferred into ICE custody where he was detained until he bonded out in late January of 2020. 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)) which bars him from seeking asylum because he traveled through other countries on his way to the United States but did not seek asylum elsewhere. His next master hearing will likely be scheduled in the next 4-6 weeks. He has not yet filed his application for asylum but will need to do so by July 24, 2020. All affidavits and supporting materials will be due 15 days prior to the merits date.

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