

Asylum Pride Case List

Asylum Cases Based on Gender Violence, Gender Identity and Sexual Orientation

Asylum Cases Based on Gender Violence

- 1. M. is a woman from Honduras. Her daughter, D., is a derivative on her asylum application and is also independently eligible for asylum. M. and D. speak Spanish and live in Northcentral Indiana. They are currently set for a Master Calendar Hearing on July 11, 2023, but NIJC is moving to set the case for merits hearing. (20-0143663) (20-0143734)***

When M. was a young teenager, her uncle raped her and then forced her to live with him for years, where he beat and raped her regularly. As a result, M. gave birth to her daughter when she was a teenager. After continued abuse, M. finally escaped to the United States with her daughter, D., in 2019. NIJC filed M. and D.'s applications for asylum in August 2020. Because these applications were filed more than one year after M. and D. entered the United States, their pro bono attorneys will need to argue that they merit an exception to the one-year filing deadline for asylum. NIJC will assist them in making this argument. Their Master Calendar hearing is currently set for 7/11/2022. All affidavits and supporting materials will be due 15 days prior to their individual merits hearing, which has not yet been scheduled.

- 2. J. is a young woman from Honduras. Her son, D., will be a derivative on her asylum application. Their Master Calendar hearing was cancelled due to the COVID-19 pandemic and has not been rescheduled. J. speaks Spanish and lives in a western suburb of Chicago, Illinois. (20-0140744) (20-0142504)***

J. endured many years of physical, emotional, and sexual abuse by her ex-husband in Honduras. When J.'s ex-husband discovered J. was pregnant with their son, he punched her in the stomach. During one incident after D.'s birth, J.'s ex-husband became angry with J. and he shot her in the leg, and hit her in the head with his gun. J. reported this incident to the police, but J.'s ex-husband was never forced to appear in court. About one year later, in 2015, J. was able to escape and come to the United States with her son, but her ex-husband has continued to look for her and threaten her even though J. divorced him. NIJC filed a skeletal asylum application for J, but because this application was filed more than one year after J. entered the United States, her pro bono attorneys will need to argue that she merits an exception to the one-year filing deadline for asylum. NIJC will assist them in making this argument. All affidavits and supporting materials will be due 15 days prior to her merits hearing, which has not yet been scheduled.

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3. *S. is a woman from Ecuador. Her son T. and her daughter K. will be derivatives on her asylum application and are also independently eligible for asylum. Their next Master Calendar hearing is on March 17, 2023. S., T., and K. speak Spanish and live in Chicago, Illinois. (21-0149817) (21-0150532) (21-010530)*

S. married her children's father in approximately 2007. They were married for about five years, during which time he verbally and physically abused S. After they divorced, S. moved in with a new partner. About a year into the relationship, S.'s partner, Y., began to emotionally and physically abuse her, T., and K. constantly. When he was abusive, S. would try to leave the house with her children, but Y. forced them to return. He also threatened to harm S. and the children if she ever tried to report him to the police. After approximately five months of abuse, S. tried to leave the relationship for good, but Y. threatened to harm S., T., and K if they did not return. Fearing what he could do, S. fled Ecuador with T. and K., and they arrived in the United States in the summer of 2021. All affidavits and supporting materials will be due 15 days prior to their individual merits hearing, which has not yet been scheduled.

4. *C. is a woman from Cameroon. Her next Master Calendar hearing is scheduled for April 17, 2023. C. speaks French and lives in Chicago, Illinois. (22-0153318)*

C. was physically and emotionally abused by the father of her children for over 20 years. He abused C. because she was Catholic and refused to convert to Islam and change her name to an Islamic name. C. experienced abuse weekly and tried to escape several times, but her abuser found her every time and forced her to return to him. C. fled to the United States alone and entered around April 2021. NIJC timely filed C.'s asylum application with the Chicago Immigration Court. All affidavits and supporting materials to her case will be due 15 days prior to her individual merits hearing, which has not yet been scheduled.

Asylum Cases Based on Gender Identity and Sexual Orientation

5. *J. and M. are lesbian women from Venezuela. They both speak Spanish and live in a suburb of Chicago, Illinois. (21-0152224 and 21-0152225).*

From a young age, J. was bullied in school by peers who suspected that she is a lesbian because she didn't like boys and didn't engage in traditional "girl" things. J's family was extremely religious, and when they found out about her sexual orientation, they attempted to exorcise her and beat her. J.'s family kicked her out of the house. Around 2019, J. moved to Chile to be with a Venezuelan woman she met online, M.

M. had previously attempted to enter the U.S. in 2019 to visit family. Her family fled Venezuela due to her dad's work and unrest in Venezuela. She had previously participated in protests in Venezuela. She was detained at the airport and was returned to Venezuela. She then went to Chile. In Chile, J. and M. continued to suffer homophobia. In January 2021, J. and M. were in a market holding hands when a group of men attacked them while calling them homophobic slurs. After this, J. and M. decided to come to the United States in order to live and date safely and freely. They entered together in August 2021. Both J. and M. were detained upon crossing the border.

Both J. and M. were released from detention and received a Notice to Appear (NTA) but it has not yet been filed with the court. Unless the court receives J.'s and M.'s NTAs before their asylum applications are ready to be filed, their applications will need to be filed affirmatively with USCIS by August 25, 2022.

6. *M. is a lesbian from Uganda. She speaks English and lives in a Northeast suburb of Chicago, Illinois. (22-0154144).*

M. has faced frequent discrimination, harassment, abuse, and assault for being a lesbian in Uganda. When M. was caught being intimate with her girlfriend as a teenager, she was evicted, expelled from University, arrested, and assaulted by police. She was arrested for being gay again in 2018. M.'s family forced her to marry a man who was abusive and often forced her to have sex with him. After M. left him, she lived in a house with other women, where a group of men broke in and sexually assaulted them for being gay. In 2020, M. was fired from her job when her employer found out she is gay. M. entered the U.S. on an F1 student visa on 2/14/22. M. did not attend classes and is no longer in F1 status. M.'s application for asylum must be received by USCIS before 2/13/23. M. has two small children in Uganda, and if she is granted asylum, M. would like them to join her in the U.S. Due to her trauma, M. is experiencing adverse mental health symptoms. She is being placed with a therapist through the Kovler Center, but pro bono attorneys should anticipate that she may need extra communication and support when discussing trauma and/or additional service referrals. All affidavits and supporting materials in M.'s case should be filed at least a week prior to her interview at the asylum office, which may occur four to six weeks after her asylum application is filed.

7. *P. is a gay HIV+ man from Venezuela. He speaks English and Spanish and lives in Chicago, Illinois (22-0154059)*

P. has known that he was gay since he was about 11 or 12 years old. He was bullied from a young age for his perceived sexual orientation, enduring homophobic slurs from his peers and his father. When he was 15, he dated his first boyfriend, but had to do so secretly and was constantly afraid of harm due to a homophobic climate. P. eventually left Venezuela in 2018

because of political and economic crisis, and lived for three years in Peru. He decided to leave Peru in 2021 because of xenophobia he suffered there. He came to the United States in the hopes of living more freely. P. entered the United States without inspection on November 8, 2021. He was detained upon crossing the border before being released on recognizance. Upon arriving in Chicago, P. discovered that he was HIV+, and now feels further afraid of returning to Venezuela because of stigma around HIV/AIDS and lack of access to healthcare there. He received a Notice to Appear, but the date and time remain to be set, and his Alien Number has yet to be registered with the Executive Office of Immigration Review (EOIR). Unless P. receives a hearing notice before his asylum application is filed, his asylum application will be filed affirmatively with the Chicago Asylum Office. The Chicago Asylum Office must receive P.'s asylum application by November 7, 2022. Pro bono counsel must file all affidavits and supporting materials for J.'s case one week prior to J.'s asylum interview, which could occur as soon as four to six weeks after the application is filed.

8. *S. is a lesbian woman from Serbia. She speaks English and lives in a suburb of Chicago. She speaks English. (19-0132407)*

After S. was outed at the school where she worked, she experienced discrimination and her son was bullied. Her ex-girlfriends' brother came to her school and threatened her with a gun. She was eventually pushed out of her job. S. initially filed affirmatively for asylum, but her case was referred to immigration court due to a one-year filing deadline issue. All affidavits and supporting materials for S.'s case will be due 15 days prior to her individual merits hearing, which is currently scheduled for a merits hearing on August 2, 2023. If pro bono counsel and client mutually agree, it may be possible to file a motion to advance this hearing given changing country conditions in Serbia and the fact that S. has two young children there.

9. *X. is a gay man from El Salvador. He speaks Spanish and is living with a sponsor in San Jose, CA. (21-0150406).*

X. is a gay man from El Salvador who suffered homophobic violence while living there, including childhood sexual abuse and a brutal beating with a baseball bat by a group of men. X. also witnessed the murder of a friend by gang members and later testified in court against the gang. However, after this trial, the police forced him to testify, under threat, in other gang cases that he knew nothing about. As a result of this testimony, the gang threatened to kill both X. and his family and attacked him on multiple occasions. Upon entering the United States in April 2021, he was detained for nearly eight months on spurious gang allegations despite the fact that he was himself targeted by gang violence. He was finally released in December 2021 after prolonged advocacy from NIJC. X. was scheduled for an Individual Hearing on his asylum case while detained. He was released just days before this hearing, and his case was reset for a Master Calendar Hearing on March 11, 2022 before the Immigration Court in San Francisco, California.

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Accordingly, NIJC has already filed a pre-hearing statement and all evidence in X.'s case. NIJC is seeking the assistance of pro bono counsel to represent X. in court at this Master Calendar Hearing and a subsequent Individual Hearing. Pro bono counsel will review all previous filings, prepare X. and his witnesses for direct and cross-examination, and when ready, file a motion to schedule X.'s individual hearing