

From war-torn Uganda to

Regina Othola was granted asylum, but U.S. is appealing the decision, which puts her life in legal limbo

BY KARA SPAK

Staff Reporter/kspak@suntimes.com

In a Catholic church in Uptown, Regina Othola prays.

She prays for courage.

She prays for hope.

And sometimes, Othola, 30, prays to forget.

To forget how she was abducted back home in Uganda by her own father.

How he took her to a rebel camp, to curry favor with leaders there, where she was told she had a choice.

Join the rebels or die.

She tries to forget the horrors endured during two weeks at the camp.

How she was forced at gunpoint to hit another prisoner.

She tries to forget how she ran the first chance she had,

all the way back to her home, but not to safety.

Othola kept running, to America, settling in Uptown, where she found safety but not certainty.

In her new home, Othola prays for understanding.

To understand how she can make it to America and be granted asylum — only to have the Department of Homeland Security appeal the decision, extending her legal limbo and increasing the chance she will get sent back to Uganda.

She prays to understand how a U.S. government prosecutor can believe she was a supporter of terrorists in the Lord's Resistance Army camp — when, she says, she was actually their victim.

There are days when it's hard for Othola to pray,

when she can only ask others to pray for her.

While there are moments she may abandon prayer, she cannot abandon God.

"If I don't trust in God, who can I trust?" she said. "I believe God got me here safely.

"I just have to keep going."

The nightmare begins

This is Othola's story.

It is based on interviews with her and her attorneys, as well as testimony in a series of removal hearings, after which a federal immigration judge granted her asylum. He ruled that her story was credible and that she faced possible death if she returned home.

Othola's ordeal began on Sept. 7, 2008, when she was on her way home from an overnight prayer service in Kampala, her home and Uganda's capital.

The Lord's Resistance Army is a more than 20-year-old military group whose hallmarks include abducting children and forcing them to serve as soldiers, along with sexually assaulting and even mutilating innocent civilians in their attempt to overthrow the Ugandan government.

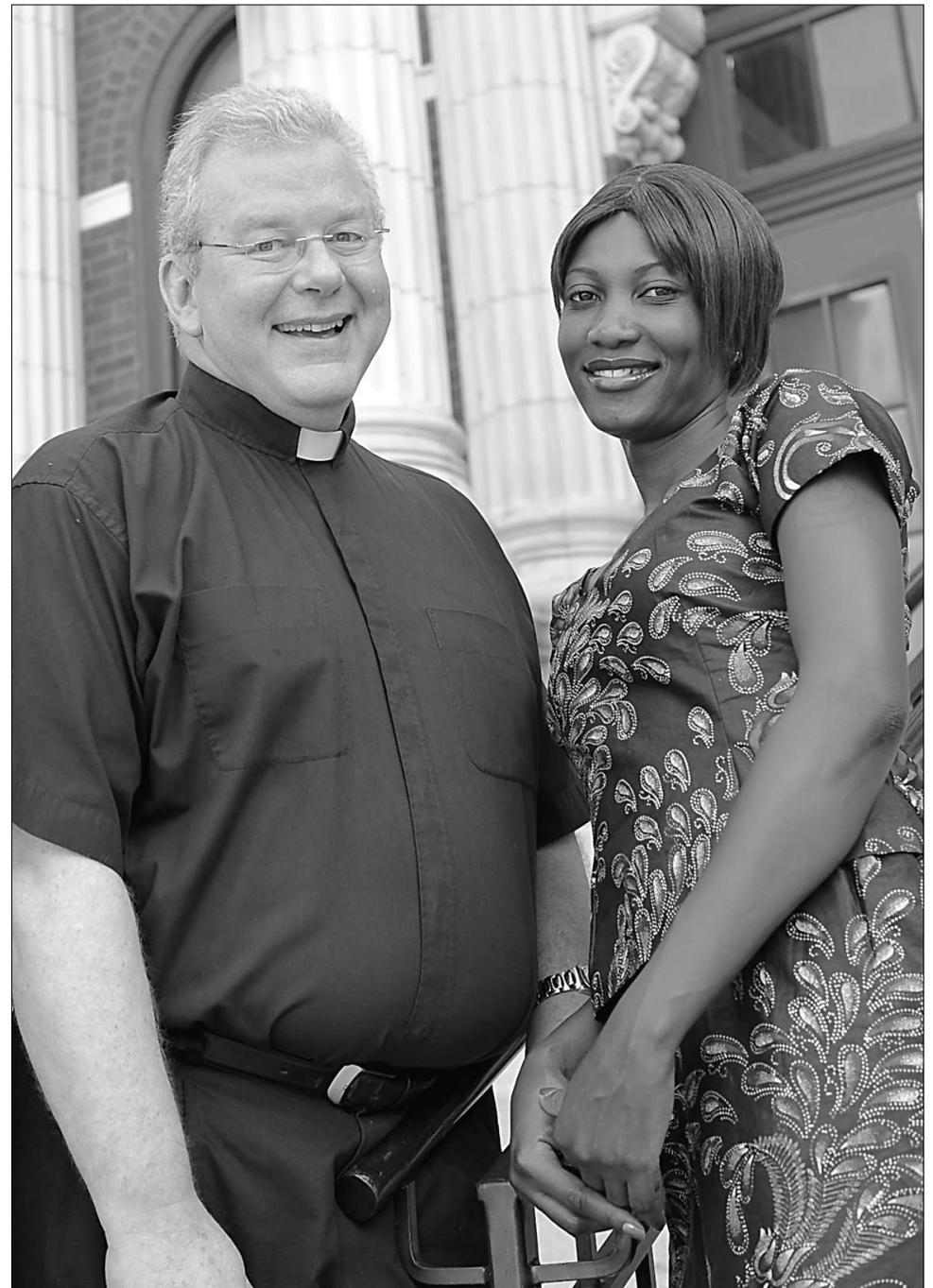
As she made her way home, her father — whom she hadn't seen for years — abducted her to prove his loyalty to the militia group's feared leader, Joseph Kony.

Blindfolded and with her hands tied, Othola was driven for hours, then forced to walk through a forest during the night. Things only got worse once she arrived at the camp.

"The female soldier moved [Othola] from the animal pen to the prisoner's pen so that she could be fed," wrote Robert Vinikoor, a Chicago-based federal immigration judge, in his Feb. 26 decision to grant her asylum. "Around 20 men and women were kept in the prisoners' pen, and several of them had their limbs cut off or their breasts cut off."

Her father told her she had to join the group or she would be killed.

A female guard handed



Regina Othola, a refugee from Uganda, has been helped during her stay in Chicago by the Rev. Dan Costello of St. Thomas of Canterbury Church, 4827 N. Kenmore. | JEAN LACHAT-SUN-TIMES

her a stick and pushed her toward a man being beaten by two prisoners.

With a gun pointed at her back, she hit the prisoner, a desperate move to keep herself alive.

"Indeed, she seized opportunities to undermine the very persecutors that she is charged with assisting," Vinikoor wrote. "She hit a man with a stick, and then dropped it, preferring to hit him with her hands to reduce the pain."

Two weeks later, she saw an opportunity to escape by joining other LRA soldiers on a raid of a village. She wore the LRA uniform and carried a machete.

"At that point I was just

looking for a way to escape," she said. "It was just my opportunity to escape."

Escaped during raid

The raid started, she said, when someone shot a gun into the air. LRA members set fire to thatched roofs then started beating villagers.

She pretended to join in the attack, running after a woman who was fleeing the village with her baby.

She ran and ran. Once she was out of sight, she dropped her machete and picked up the woman's child to help her escape.

When they made it safely to the next town, villagers gave her clothes so she could shed her LRA uniform. A

man drove her on a motorbike to a nearby town. There, she begged a bus driver to allow her to pay for the ride once they got to Kampala.

She arrived home, bruised, and her mother took her to the police because her family had reported her missing, the asylum decision said.

Hours after returning from the police station, men she described as working with Ugandan police stormed into her house.

"She stated that they beat them and tied their legs and arms up, and ransacked the house, taking the television, appliances, and mattress," Vinikoor wrote in his decision.

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uncertain fate in Chicago

For two days, the men questioned her about the rebel camp, shining a bright light in her face, hosing her down, putting her feet in cold water and then adding a live wire.

They let her go but told her they would be watching.

Scared, she went to stay with a priest at a church two hours away. That night, two of the military men returned.

"The men beat her, and stated that they were still following her," Vinikoor wrote. "The men accused [the priest] of sheltering a rebel, beat him, and told him they would watch him." The next day, the parish cook found both of them bound.

Othola was out of options. She wanted safety, but knew she could not find it in Uganda.

"I wouldn't last long because of the government," she said in a calm voice, her hands shaking during an interview in an Uptown coffee shop. "And if the government didn't get me, my father would."

She sold a small boutique she owned and used the money to buy a plane ticket to O'Hare. When she landed in Chicago on Nov. 11, 2008, she asked for asylum.

After a nearly two-year process, including a series of hearings, Vinikoor granted her asylum in the United States, saying Othola had a "well-founded fear of future persecution" if she returned to Uganda.

But Department of Homeland Security prosecutors pointed out that there were several inconsistencies in her asylum application, including conflicting dates of events. Othola also initially lied about her reason for coming to the United States in order to get a visa, saying she was visiting a friend who was a man who didn't know her.

Vinikoor ruled that those issues were "merely perceived, trivial or the result of a misunderstanding of the applicant's testimony."

The Department of Homeland

Security disagrees. They are appealing her asylum standing, claiming she provided "material support to a terrorist organization" when she struck the prisoner, her attorneys said.

Christine Young, assistant chief counsel at the Department of Homeland Security who is prosecuting Othola, did not return a phone call seeking comment.

Gail Montenegro, spokeswoman for Immigration and Customs Enforcement, which is a division of the department, said in an e-mail that "asylum is a private matter between the seeker and the U.S. government. Release of asylum information is prohibited by law."

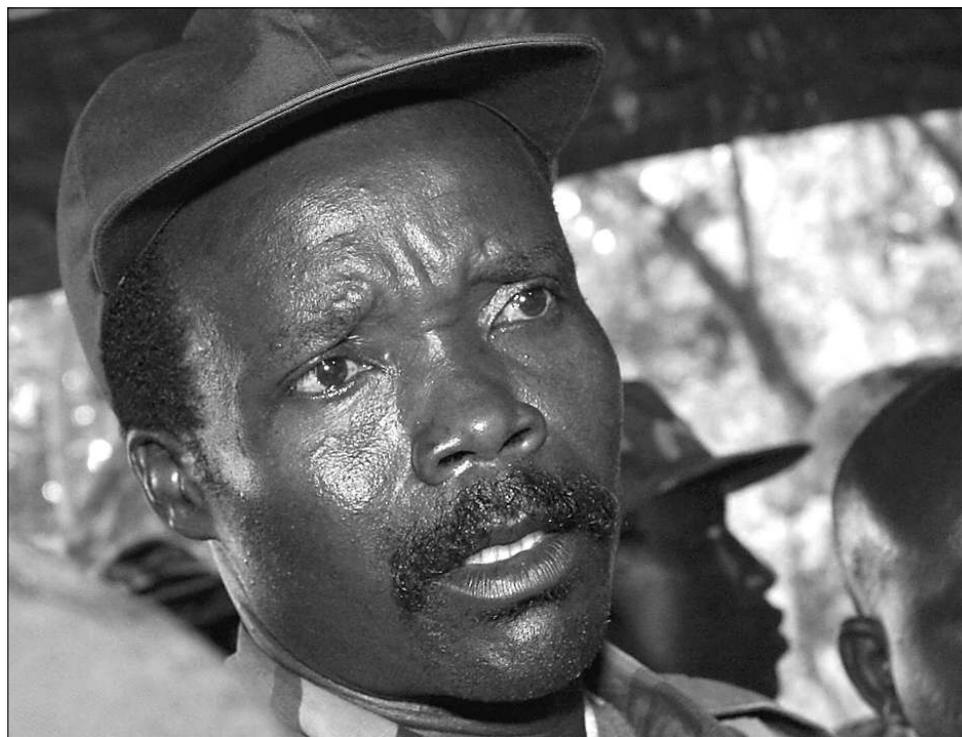
But Adam Wiers, an attorney at Jones Day who is representing Othola pro bono, said the appeal "doesn't support what the American government is all about. This is contrary to everything this country stands for."

Othola is haunted by her experiences.

"If it were you, if you don't do it you are going to be killed," she said. "I just don't understand — what did they expect me to do?"

Victimizing the victims

Anwen Hughes, senior counsel at the New York-based Refugee Protection Program of Human Rights First, said the "material support" provision was created by Congress to protect the United States from "terrorist groups and people who willingly supported them, not their victims."



Joseph Kony, leader of the Lord's Resistance Army, is shown in this photo taken in November 2006. Regina Othola was held prisoner by the LRA for two weeks. | AFP/GETTY IMAGES

But in many cases, the victims, under federal immigration law, are denied asylum because of their actions, even if they were performed under the threat of death.

In November, the Refugee Protection Project published a report on issues that have arisen for asylum seekers because of what the report calls "overly broad provisions of U.S. immigration law that were intended to protect the United States against terrorism."

Examples included a 12-year-old

African girl kidnapped and forced to fight as a child soldier who could not get asylum because "she was forced to take part in

armed conflict"; a Burundi refugee whose asylum request was denied because a judge believed he provided material support "to a rebel group because armed rebels robbed him of four dollars and his lunch," and Iraqi translators who served honorably with U.S. troops but who were linked to organizations that had worked to topple former leader Saddam Hussein.

When the government devotes significant time to fighting these cases, the report asserts, it diverts resources from trying to stop those who legitimately pose a threat to the U.S.

"Unfortunately, the federal government has a very broad definition of material support," said Stephen Yale-Loehr, a Cornell University law professor and asylum expert who is not involved in Othola's case. "Even giving a cup of water or bowl of rice under duress can be deemed to be material support."

Wiers, one of Othola's attorneys, said he believes the government is "seriously misapplying" the material support bar in this case. "Kicking a fellow prisoner is hardly supporting the LRA," he said.

U.S. quick to appeal

Asylum cases are hard to win. Vinikoor, the judge grant-

EDITORIAL: Feds shouldn't block asylum for victims. | Page 24A

ing Othola asylum, denied 75 percent of the 1,125 asylum claims he adjudicated between 2001 and 2006, according to statistics kept by Syracuse University. Vinikoor's average denial rate is higher than other immigration judges in Chicago or throughout the United States.

Still, Yale-Loehr said it's common for the government to appeal these cases.

"They'll tell you it's on a case-by-case basis but as a professor of asylum law, the government does appeal too often," he said. "If someone is successful at the immigration judge level, it's well-deserved."

Tom Hackney, a Jones Day attorney who is also representing Othola, said asylum laws are different from standard immigration law because the United States has traditionally been a sanctuary for refugees whose lives are threatened abroad.

"The United States has always been a place where people could seek refuge from real fear and real danger," Hackney said.

'It's embarrassing'

Othola prays again — this time not to cry when she tells her story to a reporter.

She remains humiliated by her ordeal. She struggles to

move on.

"It's uncomfortable," she said. "You have to come to terms with it and you have to live with it."

Othola said those who know her story tell her to find an American husband, to get a green card by getting married. She refuses.

"I don't want to throw away my life," she said. "I want to get this because I deserve it."

But until her court case ends, she cannot move on.

In Uganda, she owned and ran a small boutique. Here, she applied for but hasn't received a work permit, something that asylum seekers legally are allowed to have. The government took her passport at O'Hare so she can't leave the area, or even order a drink in a bar because she has no identification. She lives in a Catholic-run shelter in Uptown where residents must vacate the house during the day.

When she landed in Chicago in November 2008, her attorneys bought her a winter coat. She spent every day at the library. When summer came, she sat alone at the beach.

"There's no privacy, no independence," she said. "I'm used to making my own money. I want to buy tampons, I have to ask people for money."

With money she scraped together, she has taken classes at Truman College. She volunteers distributing the Eucharist to senior citizens, and caring for babies of low-income mothers.

But although she does speak to her family regularly, she has no idea when she will see them or her friends again. She is lonely.

"If I'm going to be friends with anyone I feel like I'm not going to be a good friend," she said. "I feel like I am stuck in a closed bottle. I can't do anything."

Othola dreams of working with children, of seeing her family, of living in a place that's safe.

She prays for that, every day.

"I would just like to have a normal life," she said. "To meet someone. To be happy."

Comment at suntimes.com.



Michael Sneed
is taking the day off.

An armed fighter of the LRA stands guard in November 2006. | AFP/GETTY IMAGES