

News

PRO BONO TEAM WINS LONG-RUNNING ASYLUM CASE

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BCLP recently secured a win in a long-running asylum case on behalf of a pro bono client and her minor son.

The client fled Honduras with her son to escape a horrifically abusive domestic relationship with a man she later learned was a senior member of a notoriously violent transnational gang. She had been threatened, beaten and raped; she also had seen a man murdered outside of her home.

Despite these compelling facts the case had a number of legal challenges. The client had no obvious ties to New York, where the case was pending, and the status of her particularized social group – a necessary element of her asylum claim – was unclear.

BCLP's Matias Gallego-Manzano in New York interviewed medical and country conditions' experts and fact witnesses in Honduras who provided affidavit testimony. His initial brief and supplemental materials in support of the client's asylum application was submitted in 2017. Unfortunately, the matter was administratively adjourned to a date in 2020. During that time, Matias helped the client obtain employment authorization. Then, in 2018, after Attorney General Jeff Sessions reversed an immigration appeals court decision, making it all but impossible to seek asylum by citing fears of domestic abuse or gang violence, Matias submitted a motion to continue the merits hearing, which was granted. A few months later, Attorney General Merrick Garland vacated the Sessions decision.

BCLP's Maryclaire Kennedy in New York wrote a comprehensive supplemental brief addressing the change in the law and added key facts. At the hearing, the government indicated it would cross-examine the client. As a result, Maryclaire first elicited a gripping narrative from the client on direct examination, walking the judge through the horrors of living with a homicidal gang member. The government's cross-examination, which faced a sustained objection from Maryclaire, failed to establish any bar to asylum. Following a brief redirect, the judge granted asylum for the client and her son (pending his background check).

The judge thanked Maryclaire for her excellent advocacy and told the client she should be grateful for having such a highly skilled attorney in her corner. This case came to BCLP through Human Rights First, part of BCLP's comprehensive and firmwide pro bono program allowing lawyers,

trainees and paralegals around the globe give their time and legal skills to a wide array of projects to help those in need.

MEET THE TEAM



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