



Family Detention Asylum Case Examples

Lawyers who volunteered through the AILA-American Immigration Council Pro Bono Project to represent refugee children and mothers incarcerated at the Artesia, New Mexico family detention center have won **18 out of 23** cases. Read about these 18 cases below. In June 2014, in response to the refugee situation in Central America, President Obama completely reversed our national policy on the treatment of immigrant families and is now detaining them on a massive scale and using an expedited process to deport them.

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- **Heidy**^{*} is a 23-year-old from Honduras. For 6 years, she endured mental and physical abuse from her husband, a drug-trafficker from a powerful family. She was a prisoner in her own home, unable to leave without her husband's permission. Even when her husband was in prison for taking part in a murder, she couldn't escape as his friends and family were watching her. She tried filing for divorce, but government officials wouldn't take the case. She tried to leave him and she and her two children's lives were threatened at gunpoint. She fled to the United States on the advice of Honduran police who told her that they couldn't protect her. She was granted asylum on in what the judge called a "textbook case" on September 4.
- **M-C-**, 36 years old, fled El Salvador with her 15-year-old daughter to escape her violent partner. In 2003, her husband beat her face until the purple welts glowed. From 2004 and for the next ten years, he beat and serially raped her, about twice a week she remembers. She was not allowed to leave the house; she couldn't even go to the market alone. He threatened her life and the lives of her family if she attempted to leave him. To prove his point, he beat their daughter in front of her. After a beating and still bloody, M-C- called the police, but the police said it wasn't their problem since they didn't catch him in the act. She was granted humanitarian asylum by an immigration judge on September 5.
- **D.M.L.** fled Honduras with her 17-year-old and 8-month-old daughters. She had been beaten, threatened and raped at gunpoint by her husband. D.M.L., 33 years old, met her husband at 15 and married him at 16. The abuse escalated in the past two years, with her husband beating and threatening to kill her and pointing a gun to her head several times. She tried to leave, but her husband found her and their children. D.M.L. didn't go to the police because she knew they wouldn't help and she was unaware of other resources. She fled to the U.S. and was detained in Artesia. She was given a bond of \$9,000 which she couldn't pay. DHS appealed her bond. Still in detention, but with the help of attorneys and expert witness testifying to the high rates of impunity in female-victim crimes in Honduras, D.M.L. was granted asylum by an immigration judge on September 25.
- **Laura** fled Honduras with her two young children. She was beaten severely by her partner requiring her weeks to heal. After one beating, the police didn't come when she called and didn't take a report when she went to the station. When she tried to escape, her partner's friend found her and threatened her. Another time after a beating, she went to the police to get a restraining order, but the police didn't do anything to stop her partner and his friends from continuing to stalking and threatening her. With the help of attorneys

* All names in this document are pseudonyms.

and evidence including court documents and a letter from a hospital summarizing injuries, she was granted asylum by an immigration judge on October 14.

- **Rosslyn** and her 3-year-old daughter fled Central America because Rosslyn feared for her life as a lesbian living in a country that wouldn't or couldn't protect her from abuse because of her sexual orientation. From an early age, Rosslyn was harassed and intimidated because of her sexual orientation. People would stare at her, throw rocks at her, and threaten her harm. She was pressured by family members to engage in sexual activities with men in order to "make her straight" and was raped on several occasions. Rosslyn was eventually forced into a relationship with a man who raped and abused her, but was able to escape when she was 3-months pregnant. She couldn't risk filing a police report out of fear that the police would also hurt her. Rosslyn fled to the U.S. where she was detained in Artesia. She and her daughter were given a \$10,000 bond which they couldn't pay. On October 22, Rosslyn was granted asylum by an immigration judge who commended her for being "very brave" to testify to her circumstances.
- **Olivia**, 23 years old, and her 3-year-old son fled Honduras to escape the violence of her son's father, Hector. On several occasions, he held her at gun point and threatened to take her life. He also raped her and insulted her in front of her son. Olivia attempted about ten times to escape her partner. Each time, Hector would send members of his gang to look for her and force her to return home threatening death. Olivia attempted to call the police, but with one exception, the police did not answer her call. The one time they answered, they never came to her home. Towards the end, Hector was beating and raping her twice a day. During the last incident, Hector beat and raped her and beat their 3-year-old son with a belt when he tried to intervene. He held a gun to her son's head before forcing the gun into her mouth. Olivia fled with hopes of finding refuge with her sister in New York. They were apprehended and detained in Artesia for over 3 months. Both Olivia and her son have been diagnosed with post-traumatic stress. Their bond was set at \$15,000 for posing a danger to national security which became a \$30,000 bond. Still in detention, she was granted asylum on October 23 by a judge who found the assaults rising to the level of persecution.
- **Christina** and her 5-year-old son fled Guatemala and the violence of her husband. When he first beat her, she left with her two sons to live with her parents. She also called the police who said that it wasn't a serious problem and didn't help her. For months, she was threatened by phone and in person to return. She returned out of fear when the lives of her parents were threatened. The violence escalated and she was beaten several times a week. Her husband also started hitting their children. She left again with her children. Once, he met her and beat her on the street with a gun. Her mom witnessed the beating and got the police. Christina filed a complaint. Two days later, she found out that the police released her husband after taking a bribe. She returned out of fear for her family and the violence continued to escalate. He started to rape her. He would also shoot at her in the house. He also beat their young son so he was hospitalized for broken bones. Christina took her son and ran to the police. She went to a judge who told her to reconcile with her husband. She went to another judge who just told her to go to a doctor for her injuries. Neither did anything against her husband. After 3+ months of detention, Christina was granted asylum by a judge on October 24.
- **Sofia** and her three children – 14, 7, and 4 years old – fled Central America after a persistent campaign of violence and terror at the hands of a powerful gang which resulted in the death of her brother, shooting of her husband, and kidnapping and rape of her 14-year-old stepdaughter. The family was targeted for their

political affiliation. After the gangs attempted to kill her husband and to recruit her stepson on threat of death, the family reported to the police, got a protection order, and fled to another part of the country. But the gang found them after a few days and made threatening phone calls and visits. Her husband and stepson fled. But, the gang didn't stop. Her 14-year-old stepdaughter was then kidnapped and returned 3 days later after being repeatedly raped. Sofia and the three children fled. At the border, her stepdaughter was separated from her as she wasn't her biological child and Sofia and her two youngest children were detained in Artesia. DHS claimed that the mother, 7-year-old and 4-year-old were national security risks, denied bond, and opposed their release from custody. On November 5, Sofia was granted asylum by a judge.

- **Lucia** and her one-year-old daughter fled El Salvador and the violence of her common law husband, Max. After they had moved to his village and away from her family support structure, her husband became abusive. He verbally and physically abused her, choking her and threatening her with a gun. He also beat her son from a previous relationship. Lucia tried to go to the police, but she was told that she was Max's woman and there was nothing she or anyone could do. Max's father worked in the Mayor's office and the police were unwilling to take any action. She tried to leave but was dragged back. Lucia eventually escaped again through an unlocked window. But Max soon found her and threatened her. He was also connected to a gang and gang members began to threaten her as "his woman." Lucia knew she had to flee, but only had enough money to take her youngest child, leaving her older son in the care of her sister. After 4 months of detention in Artesia with her one-year-old, Lucia was granted asylum by a judge on November 6.
- **Maribel** is a mother of two children from Honduras. She was a political activist and community organizer who began to work within her community to improve living conditions—working to ensure families had access to electricity and potable drinking water, and cleaning and repairing the streets. Unfortunately, her activities brought her to the attention of a local MS gang. By cleaning up her community, Maribel made it harder for the MS gang to act freely. Effectively, she made the gang, and their local front man, look weak, and so the gang decided to take action against Maribel. She was the victim of a continuously escalating barrage of threats and violence. When her close friend was killed by the gang for similar reasons, she made the decision to flee. Telling only close family members, Maribel took her two sons, and left Honduras. The family has been detained in Artesia, New Mexico since mid-July because they were given an impossibly high bond by a Judge in Arlington, VA. On November 25 an Immigration Judge granted the mother asylum based on past persecution because of political opinion.
- **Marisol** is a 38 year old mother from Honduras currently detained in Artesia, New Mexico. She arrived in the United States with her three year-old twin children on June 25, 2014, and the family has been detained at the Artesia family detention center for the past five months. In December 2011, when the children were less than a year old, gang members brutally murdered her partner—the father of the twins—and then threatened her and her children. One gang member told Marisol that her son would be killed in the same way as they had killed his father. The police were not able to help the family, and did nothing to hold the gang members accountable for their actions. As the threats from the gang continued, and worsened, Marisol decided—against the counseling of her family members already living in the United States—that her only option was to take her young children and flee Honduras. On September 20, 2014 the family's bond was set at an unimaginably high \$15,000 by an Arlington, Virginia Immigration Judge—the family was unable to pay. On December 2 the family was granted asylum by a Denver Immigration Judge.

- **Dani** is a 31 year old mother from a Northern Triangle country in Central America. Dani's father was an abusive alcoholic who regularly assaulted Dani, her siblings and raped and assaulted her mother. Although Dani did report her father to the police once she was an adult, they were unable to take any action and the abuse became worse. When Dani was older she had three children with her first partner; however, she was forced to leave him after he tried to choke her to death. Subsequently, Dani became involved with another man, Andre, but she soon found out that he was high-up in the human smuggling operations of a cartel. While Dani was pregnant Andre often abused her, threatened her, and even shot her when he became angry. Eventually Dani and her son were able to flee from Andre to Mexico. Unfortunately, Andre eventually found her in Mexico and continued to threaten and assault both her and her son, and so eventually they fled again, this time to the United States. Dani and her son have been detained in Artesia since mid-July. On December 3 Dani and her son were granted asylum by a Denver Immigration Judge.
- **Kira** is a 23-year-old indigenous Guatemalan Mayan woman who has a four-year-old son. They fled Guatemala after suffering four years of horrific violence and constant threats at the hands of a prominent gang, the de facto government in Guatemala. The gang had previously targeted Kira's husband, Andre, a deacon in the local church, for preaching his religious message of non-violence—in their eyes, a message of disloyalty and dissidence. Kira and Andre decided that he should flee in an attempt to save the family and protect their unborn son. They believed and hoped that Andre was their target; they were wrong.

Immediately following Andre's escape, the gang began its relentless pursuit and persecution of Kira and their son because the gang believes that families breed disloyalty. They threatened her with rape and murder, restrained her and beat her face bloody on multiple occasions, threatened to cut her unborn child out of her belly, threatened to kidnap her son after he was born, and grabbed and held her son at knifepoint on multiple occasions. Kira went to the police twice, begging for help, but they turned her away, refusing to provide meaningful protection. After first escaping to her sister's home, the gang pursued and found Kira there, held her four-year-old son at knifepoint, and threatened them again. She and her son then fled to the United States in search of protection. On December 12 Kira was granted asylum by a Denver Immigration Judge.

- **Juliza** is an indigenous Guatemalan woman who suffered persecution throughout her whole life due to her indigenous ethnicity. Beginning at the age of 13, Juliza was raped by her father's family members, who referred to her as a "dirty indian" while they assaulted her. When she finally gained the courage to go to the police, she was sexually propositioned by the officers. After a family member continued to threaten her with death and more sexual violence, Juliza fled to the United States. When she told the Border Patrol officer that she feared returning, he said she was lying and deported her without a credible fear interview. Within a month of being back in her country of origin, Juliza was drugged, raped, and thrown into a river by the ladino family member who had been threatening her. Juliza fled to the United States again. She told the CBP officer again that she was scared, but was deported anyway. Back in Guatemala and caring for her 8 year old son, gang members attempted to kidnap him. Juliza fled again, this time taking her son on the perilous journey with her. On January 5, 2015, Juliza was granted a form of humanitarian relief related to asylum ("Withholding of Removal") by an Immigration Judge – but her 8 year old son remains in removal proceedings.

- **Ramona** is a 23-year-old mother who escaped from her home country of El Salvador with her two-year-old son after the small restaurant she ran out of her home was robbed by gang members. During the robbery, Ramona was tied up, blindfolded, and warned that from then on she would work for the gang members, because if she refused, they would kill her son before her eyes and then they would kill her. Ramona also left El Salvador to escape her father, who had subjected her and her sisters to physical, sexual and psychological abuse since they were children. Ramona and her son spent 4 months in immigration detention until they were released on an \$8000 bond. Ramona was granted asylum by an immigration judge on April 1, 2015 in a brief hearing of one hour. The immigration judge found that Ramona was persecuted by her father on account of her membership in the particular social group of Salvadoran female children. The judge also concluded that there was a significant likelihood that Ramona would suffer other serious harm if forced to return to El Salvador given the gang problems she had encountered.
- **Raquel** is a 29-year-old mother from Honduras who fled her home country with her 8-year-old daughter, Ana, to escape the years of brutal domestic violence she endured at the hands of her common-law husband, Juan. When Raquel was almost nine months pregnant with Ana, Juan beat Raquel so badly that it caused Raquel to go into early labor. Even when Juan and Raquel physically separated, Juan continued to physically, verbally, and sexually assault her. He bit her, and threatened to cut her face, so as to “mark” her as his woman, so that everyone would know Raquel was his “property.” Notorious gang members in Raquel and Ana’s town also threatened to murder Raquel and Ana, after Raquel overheard the gang members plot to carry out an assassination. One gang member threatened to cut out Ana’s tongue and send it to Raquel on a plate, and put Raquel in a trash can. Raquel and Ana spent over nine months in immigration detention, first in Artesia, New Mexico, and then in Karnes City, Texas. In detention, Ana frequently wet the bed and woke up screaming from nightmares and fear of returning to Honduras. She refused to eat the terrible food served at Karnes, and quickly lost weight. The water at Karnes was so chlorinated that they could barely drink it. Finally, on April 6, 2015 the Immigration Judge granted Raquel withholding of removal and granted asylum to Ana. Raquel and Ana were released the next day, and are now safely reunited with family members.
- **Rogelia** is an indigenous Guatemalan woman whose entire family has been persecuted because her father married outside his ethnic group, and for more than two decades she, her parents and her siblings endured serious physical attacks and death threats at the hands of her paternal relatives. At the age of sixteen, Rogelia married and moved into her husband’s parents’ home; after witnessing her father-in-law repeatedly abuse her mother-in-law, Rogelia intervened to stop a beating and then escorted her mother-in-law to the police. After reporting the domestic abuse, Rogelia’s father-in-law attempted to attack her and threatened to murder her in the middle of the night. Rogelia fled to the United States, but she was deported without having an opportunity to speak to an asylum officer about her fear of returning to Guatemala. Upon returning to Guatemala, Rogelia received death threats from a paternal cousin, while her husband was personally threatened by gang members with connections to her paternal relatives. Rogelia also received renewed death threats from her father-in-law, who promised to kill her when she least expected it for previously reporting his domestic abuse to the police. Rogelia again fled to the United States, this time with her 10-month-old son. On April 9, 2015, after eight months in various detention facilities, an Immigration Judge granted Rogelia a form of humanitarian relief related to asylum (“Withholding of Removal”), but her son still remains in removal proceedings.

- **C-B-** is a 36 year old, indigenous Guatemalan woman who fled her native country with her then 3-year old daughter V-C-, who suffered from a congenital club foot and was unable to walk. C-B- made the impossible decision to separate V-C- from her twin sister and to leave her two other young daughters behind as well. She fled Guatemala because, as a single woman who sought out an education as an adult and had an outspoken belief in her right to study, work and be free from violence, she was targeted by a man in a neighboring community who on more than one occasion kidnapped, raped and threatened her with death. She was also beaten by her father throughout her childhood and well into adulthood, with one of those beatings resulting in a permanent injury to her eye. C-B- was evaluated by a psychologist who testified that C-B- suffers symptoms of depression and PTSD, and that her life has been "characterized by physical and emotional domestic violence and sexual assault." Two expert witnesses also testified regarding the failure of the Guatemalan government to protect women from domestic violence and the inability of an indigenous Guatemalan woman to safely relocate within Guatemala. On July 15, 2015, an Immigration Judge granted C-B-'s asylum claim, finding that she suffered past persecution and has a well-founded fear of future persecution based on both her political opinion promoting women's rights and her membership in a particular social group of "outspoken, educated indigenous Guatemalan women who defy the social norms of their community." In the meantime, V-C- had surgery on her club foot and is now able to walk without assistance. She looks forward to being reunited with her three sisters.