

Kelley Drye Achieves Asylum for Pro Bono Client

August 24, 2010

In November 2006, the Georgia Asylum & Immigration Network and the National Center for Refugee and Immigrant Children referred an asylum case to Kelley Drye. The client, a 16 year old, fled his home country after gang members killed one of his family members, then stalked, beat, and threatened to kill him. For safety and protection, the client sought asylum in the United States.

In 2006, the Department of Homeland Security initiated proceedings to have the client returned to his home country. In September 2007, Kelley Drye and the client filed his petition for asylum and appeared before the Immigration Court for a calendar hearing that lasted less than 10 minutes. The client faced difficult odds in the Immigration Court in Atlanta, Georgia, which historically grants asylum in very few cases, particularly when gang violence is involved.

Following the calendar hearing, pertinent evidence was collected for the client's case, which included affidavits from family members, and a psychologist's evaluation that found the client suffered from post-traumatic stress disorder due to the gang violence inflicted upon him. Reports were also collected from people familiar with the conditions in the client's home country.

In July 2009, the client appeared before the Immigration Court to testify about the extreme gang violence against him and his fear of what he would face if returned to his home country. The Department of Homeland Security vigorously cross-examined him. Both Kelley Drye and the Department of Homeland Security argued their points and rested their cases. The judge took the matter under advisement.

In May 2010, the client learned from the government's case information line that "relief had been granted." Shortly thereafter, Kelley Drye received the judge's 18-page decision thoroughly citing the evidence and favorable law from the 40-page brief.

The Department of Homeland Security appealed the decision. However, this August, the government withdrew its appeal; the judge's decision took on full force and effect, and the client officially became an asylee of the United States of America.