GIBSON DUNN

Gibson Dunn Secures Grant of Asylum for Pro Bono Client Following Seven Years of Proceedings

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Ms. X fled to the U.S. from El Salvador in 2016 to escape targeted gang violence. Her family staunchly and vocally opposed the gang's control of their community and reported the gang's activities to the police. In retaliation, the gang threatened the family with death. One of Ms. X's cousins was murdered and dismembered by gang members, and Ms. X herself was directly threatened. After being assaulted by the gang's local leader, Ms. X fled to the U.S. Over the next seven years, Gibson Dunn represented Ms. X in partnership with Kids In Need of Defense (KIND). Her case was shuffled among three different judges at three different immigration courts. Gibson Dunn faced difficult strategic choices along the way. In particular, the team learned that neither of Ms. X's primary persecutors remained in El Salvador: one had been killed by the police, and one had traveled to the U.S. The team disclosed this information to the Court and burnished Ms. X's asylum application with the testimony of two expert witnesses who detailed the risk of persecution Ms. X would still face at the hands of gang members who remained in El Salvador. El Salvador's recent Régimen de Excepción (State of Exception) also raised unexpected challenges. Under the State of Exception, the Salvadoran military has arrested and detained more than 68,000 purported gang members, often solely on the basis of anonymous tips. In the wake of these mass arrests, the Department of Homeland Security (DHS) has begun arguing that El Salvador no longer has a gang problem and that asylum seekers who fled gang-based violence, like Ms. X, should be returned to El Salvador. In fact, the opposite is true: individuals like Ms. X now face two separate persecutors—the gangs, and the Salvadoran government itself, which has been arresting deportees and individuals previously targeted by gangs for so-called "association" or "collaboration" with the very gangs that persecuted them. On the day of the hearing, Ms. X provided powerful direct-examination and cross-examination testimony, and Gibson Dunn secured DHS's stipulation to refrain from challenging her experts' testimony and, notably, her application for asylum. The court entered an oral grant of asylum from the bench, and DHS waived its right to appeal. Washington, D.C. associate Tessa Gellerson was the lead attorney during the individual merits hearing, with Joseph West as supervising partner. The team, which included former associates Ariel Fishman, Nicholas Fuenzalida, Haley Morrisson, Alison Friberg, and Nanding Chen, received outstanding support from its pro bono partners at KIND and several members of the Gibson Dunn support staff, including Ileana Rivera and Sandra Andrade, who provided invaluable assistance with translation, and the D.C. Copy Center team, who saved the day more than once with monumental printing requests.

Related People

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