

Safe Harbor Project Helps Transgender Client Win Asylum Case

A TRANSGENDER WOMAN FROM A TOTALITARIAN NATION has been granted asylum in the United States thanks to the work of students in Brooklyn Law School's Safe Harbor Project clinic.

The students began working on the case in fall 2009, gathering evidence of the client's anti-government activities in her home country. But as they were preparing the asylum application, the client was taken into custody by Immigration and Customs Enforcement. The client remained in custody for almost a year, during which time the case was heard in Immigration Court over the course of seven sessions. **Professor Stacy Caplow** and clinic students made several bond applications, and the client was finally released just in time for the asylum application to be denied in September 2011. A subsequent appeal was also denied by the Board of Immigration Appeals.

In the meantime, the client came out as a transgender woman.

"Had she been able to share this information, this would have presented another, even stronger, claim for asylum because her home country was a well-documented violator of human rights of LGBT individuals," said Caplow.

The Board of Immigration Appeals rejected a motion to reopen her case, arguing that she should have raised this claim previously because she must have been aware to some extent of her gender identity.

The clinic lost appeals of both the original denial and the denial

of the motion to reopen. In fall 2014, the Circuit Court also said the client should have raised the claim originally and that the only changed circumstance was that her outward appearance now conformed to her gender identity.

"What the court said seemed outrageous, ignorant, and insensitive, but it was the last word," said Caplow. "Nevertheless, we couldn't accept that."

The client faced deportation, so the clinic made a last-ditch effort to have the asylum application reopened in light of the fact that by 2015 she had

medically and legally changed her gender identity. The case was finally reopened in May 2015 and remanded for a new hearing, which took place before a different judge in September 2016.

On June 21, 2017, the client was finally granted asylum. ■

LGBT Advocacy Clinic Assists with Asylum, Adoption, and Abuse

STUDENTS IN THE NEW LGBT ADVOCACY CLINIC, UNDER THE supervision of **Professor Susan Hazeldean**, have handled a variety of cases, including several applications for asylum.

This spring, **Diandra Hayban '17** and **Margiselle Estevez '18** represented an African gay activist arrested multiple times and physically abused for his sexual orientation. They helped prepare documents in support of his application for asylum in the United States. **Jake Lavelle '18**, **Will Stanton '18**, **Christina Rhode '18**, and **Charles Harris '18** assisted another client from an



Africa nation, who fled his home country after facing sexual assault and beatings—including attacks videotaped by the perpetrators in an effort to extort money from him later. When he went to the police, they threatened him with arrest for being gay. He can now live permanently in the U.S.

Kelly Ferrell '17 and **Patricia Vazquez-Rosario LLM '18** represented a gay man from Central America who was detained by immigration officials at the U.S. border while attempting to escape homophobic abuse. They prepared his asylum application and filed it this summer. Ferrell and Vazquez-Rosario also worked together on a second parent adoption case for a lesbian couple with infant twins.

Rachel Russell '17 and **Chiara Apici '18** took on the case of a transgender woman who was abused and assaulted by a corrections officer at Rikers Island. The clinic began working on this case last fall, with Russell and Apici taking over this spring. They drafted a new federal court complaint on the client's behalf and filed it in April. ■

“What the court said seemed outrageous, ignorant, and insensitive, but it was the last word. Nevertheless, we couldn't accept that.”

—Professor Stacy Caplow