



## NEWS RELEASE

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FOR IMMEDIATE RELEASE

### **U.S. Justice Department Agreement Opens the Asylum Door for Twin Cities' Man, Averting U.S. Supreme Court Review**

Minneapolis/St. Paul, MN (04/03/14) – An agreement put forth by the U.S. Department of Justice to settle the asylum case of a (*Minnesota? Minneapolis? What city?*) resident — and avoid the U.S. Supreme Court — points out the arbitrary nature of U.S. immigration law and the need for reforming the broken system.

The U.S. Department of Justice's agreement proposal came after attorneys working on behalf of Pe Paul Goromou filed a petition with the U.S. Supreme Court requesting that it review the immigration judge's decision to deny the man asylum.

Making Goromou's case ripe for appeal was the legal requirement that a person must file for asylum within one year after entering the United States. "The one-year filing deadline, established by U.S. Congress, is arbitrary and affects thousands of refugees seeking asylum," said Deepinder Mayell, director of The Advocates for Human Rights' Refugee and Immigrant Program.

Compounding the law's deleterious effects is the disagreement among federal circuit courts about whether they can second-guess immigration judges' refusals to grant exceptions that the law allows in limited situations. "Even when an immigration judge's denial is wrong, some courts maintain that they cannot intervene to correct the injustice," said Mayell. "Every day, people flee persecution and seek asylum in the United States, only to be turned away because an immigration court and the Board of Immigration Appeals make wrong decisions regarding the arbitrary one-year filing requirement. It's very problematic and life-damaging that a higher level court cannot review a decision to determine if it is unjustifiable or erroneous to deny an exception. The door is firmly and permanently shut for people, leaving no way to ensure that the law is applied as Congress intended."

With the U.S. Department of Justice's action in Goromou's action, the case will be reopened and remanded to immigration court with the instruction that, given the agreement between the government and Goromou and the record as a whole, Goromou is found to be eligible for and to merit a grant of asylum.

While the door now may be open for Goromou, the futures of thousands of other refugees are left hanging. Since Mr. Goromou's case has been settled, it won't be going before the U.S. Supreme Court. "While we were hoping for a positive, precedent-setting decision from the U.S. Supreme Court, our first obligation was to our client and doing what was best for him," Mayell said. "This is a huge victory for Mr. Goromou; his life literally depended on it."

Originally a client of The Advocates and a former military officer and citizen of Guinea, Goromou sought asylum in the United States in 2006 because he was likely to be killed by the Guinea government. It had placed him on its "black list" due to his ethnicity, religion, and his work against corruption. It was not the first time he had been targeted by his government; it had brutally tortured him in 1996.

When Goromou learned his government had targeted him again, he was in the U.S. for military training. Fearing for his life, he fled to Minnesota. Post-traumatic stress disorder (PTSD) and feelings of isolation clouded his days.

Goromou planned to file for asylum. However, soon before the one-year filing deadline, he received a letter from his wife in Guinea with the news that their children had “disappeared” and that the military had arrested his two best friends.

The horrifying news sent Goromou into a nose dive, aggravating his PTSD and other emotional and physical injuries he had sustained during his torture, according to Mayell. “While Mr. Goromou filed for asylum, his emotional and physical state caused him to miss the filing deadline by a mere 33 days.”

In turn, the U.S. government initiated proceedings to remove him from the country and send him back to Guinea.

Goromou renewed his claims for asylum, asserting that the untimeliness of his asylum application should be excused because of the “changed circumstances” exception proscribed in the one-year deadline law, according to The Advocates and the other attorneys involved in Goromou’s case. “His children’s disappearance was certainly a ‘changed circumstance,’” Mayell said.

The immigration court found against him, denying Goromou asylum. The court contended that he did not qualify for an exception, casting aside the argument that circumstances had changed for him. Instead, the immigration court granted Goromou “withholding of removal”—whereby, the U.S. will not return him to Guinea. Withholding of removal is granted by an immigration judge when a person establishes a well-founded fear of persecution. The granting of asylum, on the other hand, is discretionary, and a judge can deny asylum based on the one-year filing deadline or other factors.

“Ironically, the legal standard to obtain a withholding of removal is higher than that of asylum, but it affords less protection,” said Mayell. “Without asylum, Mr. Goromou could have been deported to another country other than Guinea; could not have been re-united with his family; could not have traveled outside of the U.S.; and would have had to request approval each year to be employed.”

Goromou was represented by The Advocates for Human Rights; Robins, Kaplan, Miller & Ciresi law firm; and attorneys and law students with the University of Minnesota Law School’s Center for New Americans.

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### **About The Advocates for Human Rights**

For more than 30 years, The Advocates for Human Rights has promoted and protected human rights here at home and around the world. The non-profit organization, based in Minneapolis, Minnesota, documents human rights abuses, advocates on behalf of individual victims, provides free legal representation to people seeking asylum, works to prevent violence against women and girls, spearheads public policy and legal change, educates about human rights issues, and provides training and technical assistance to address and prevent human rights violations.