



NEWS RELEASE

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FOR IMMEDIATE RELEASE

Writ Filed with U.S. Supreme Court for Review of One-Year Filing Deadline Issue

Minneapolis/St. Paul, MN (04/03/14) – A question of grave importance to thousands of people seeking asylum is at the heart of a petition filed recently with the United States Supreme Court by The Advocates for Human Rights; Robins, Kaplan, Miller & Ciresi law firm; and lawyers and law students with the University of Minnesota Law School's Center for New Americans.

At issue is the legal requirement that a person must file for asylum within a year after entering the United States. The controversial law, established by Congress, does allow immigration judges to grant exceptions to the one-year deadline in limited situations, including when "changed circumstances" arise that affect an individual's risk of persecution in their home country.

However, courts have disagreed about whether they can second-guess immigration judges when they refuse to grant an exception, according to Deepinder Mayell, director of The Advocates for Human Rights' Refugee and Immigrant Program.

"Even when an immigration judge's denial is wrong, some courts say they cannot intervene to correct the injustice," he said. "It is very problematic and life-damaging that a higher level court cannot review a decision to determine if it is unjustifiable or erroneous to not grant an exception. Every day, people flee persecution and seek asylum in the United States, only to be turned away because an immigration court makes wrong decisions regarding the arbitrary one-year filing requirement."

The door is firmly and permanently shut according to some courts, leaving no way to ensure that the law is applied as Congress intended, according to Mayell.

The potentially groundbreaking case the Supreme Court is being asked to review involves Pe Paul Goromou, a former military officer and citizen of Guinea. Goromou sought asylum in the United States in 2007 because he was likely to be killed by the Guinean government, which had tortured him years earlier because of his ethnicity, religion, and his opposition to corruption.

"Goromou filed his asylum application just 33 days after the one-year deadline had passed," said Mahesha Subbaraman, an attorney with Robins, Kaplan, Millier & Ciresi. "He maintained that he should be granted an exception for "changed circumstances" because, two weeks before the deadline, he had received a letter from his wife, telling him that the military had come looking for him at their home, that his two best friends had been arrested, and that his children had 'disappeared.'"

The horrifying news sent him into a nose dive, triggering his post-traumatic stress disorder and the other mental injuries he sustained during his torture in Guinea, according to Ben Casper, director of the Center for New Americans at the University of Minnesota Law School.

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Despite the undisputed facts of the case and that Goromou had no legal help as he rushed to prepare his application, the immigration judge found against him, denying asylum. Contending that Goromou did not qualify for an exception to the one-year deadline, the judge cast aside the argument that the Guinean government's renewed threats against Goromou meant circumstances had changed for him. 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 under the changed circumstances exception proscribed in the law. "His children's disappearance and the Guinean government's action to renew its threats were certainly 'changed circumstances,'" Mayell said.

While the immigration judge denied Goromou asylum because he missed the arbitrary one-year deadline, she granted him a separate but less generous type of protection called "withholding of removal," based on her agreement that Goromou would "more likely than not be tortured if he returned home."

"This leaves Mr. Goromou's situation very tenuous," said Lina Houston a student attorney with the Center for New Americans, who explained that without asylum, the U.S. has the power to deport Goromou to another country other than Guinea; he cannot be re-united with his family; he cannot travel outside of the United States; and each year he must request approval to be employed.

It is anticipated that whether the U.S. Supreme Court will take up the case for review will be known in September. If the court decides to review the case, it will be heard by the U.S. Supreme Court within the next year.

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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.