

Chicago Daily Law Bulletin

Volume 158, No. 172

Local lawyers help Malian woman gain asylum after years of abuse

BY MARY KATE MALONE
Law Bulletin staff writer

A Malian woman wept with joy on the witness stand in Chicago Immigration Court earlier this month after a judge granted her asylum to stay in the U.S., the woman's attorneys said.

The woman fled the African country of Mali in 2010 to escape her abusive father and the prospect of an arranged marriage, said Nick Niles, an associate at Ropes & Gray LLP who worked as her pro bono attorney.

The firm refused to identify the woman or provide any details to describe her because her lawyers said she feared for her safety.

When her United States visitor visa expired several months after she fled, she remained too afraid to return to Mali and sought legal help to gain asylum, Niles said.

"Your options when you overstay (a visa) are very limited," said David Rhinesmith, an associate at Ropes & Gray who also handled the case pro bono. "You can't get a job, you can't get benefits. She really needed this as a way to support herself."

The National Immigrant Justice Center (NIJC) learned of the case late last year and contacted its pro bono firms to see if any would agree to take the matter, said Ashley Huebner, supervising attorney at the NIJC.

Ropes & Gray quickly volunteered, Huebner said.

"Her story is so compelling that anybody who hears it, espe-

cially directly from her, couldn't help but be pulling for her to get asylum," said Gina M. Gebhart, an associate at Ropes & Gray who manages the firm's asylum program. "Reading her story is heartbreaking and hearing it from her own words is even worse."

The woman, now in her late 20s, underwent female genital mutilation at age 5 in Mali and suffered widespread abuse throughout her childhood and teen years, Niles said.

When she reached about age 14, the woman's father forced her into an arranged marriage with a man she did not know, he said.

In a country where women enjoy few freedoms, she "had no choice but to put up with (the abuse and arranged marriage) or flee the country," Niles said.

The woman's asylum case moved forward after Niles and Rhinesmith requested that Immigration Judge Jennie L. Giambastiani expedite the date of the woman's hearing.

Immigration court remains so overburdened that people often must wait a year or more for a merits hearing, Huebner said.

Aware of the woman's desire to gain lawful status so she could work, Giambastiani agreed to set the hearing for August, Niles said.

"It was a big time crunch, but we felt it was worth it," he said.

A team from Ropes & Gray worked long hours preparing the woman for the hearing, which required her to testify and answer questions from her own attorneys and an attorney repre-



Nick Niles

sending U.S. Immigration and Customs Enforcement, Niles said.

She did not speak English when she arrived in the U.S., but achieved basic fluency by the date of the hearing, Rhinesmith said.

"Just going through this process required a lot of personal strength," Rhinesmith said. "She had to go meet with two attorneys she had never met and tell all these details (about her abuse) and when she got to court, she had to recount those details to a judge."

Niles and Rhinesmith also researched the recent political upheaval in the country, which supported the case for asylum. They eventually submitted a 200-page brief outlining the case.

Hours before the hearing began, Rhinesmith and Niles received surprising news, they said.

The trial attorney representing ICE said she would not



David Rhinesmith

oppose granting the woman asylum — a rare decision to make before the hearing even began, Niles said.

ICE did not return a phone call seeking comment.

Despite ICE's decision, Niles and Rhinesmith still needed to present a brief overview of the case to Giambastiani and the woman testified about her situation.

"This wasn't a situation where a person is fleeing future harm," Niles said. "She is trying to get away from the effects (of harm) already done to her. That factor, combined with turmoil in Mali, was a big piece of it."

With no opposition offered by the government, the judge granted the woman asylum.

"To think that the day before," Rhinesmith said, "she was technically here illegally and that after that hearing she would be able to remain in the United States for hopefully the rest of her life."