

Meeting Our Clients in Immigration Detention Opened Our Eyes

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Editor's note:

Several Atlanta lawyers from Kilpatrick Townsend & Stockton flew to Miami last month to meet with clients who aren't like the businesspeople the firm typically represents. Through the firm's pro bono program, they are working for Somalis whom the United States attempted to deport, only to have Somalia refuse their reentry.

Here are two of their stories:

Audra Dial: Client's Hope Inspires Me

Given the extreme security procedures I encountered just to enter the Krome Detention Facility in Miami, I feared that I would be meeting with a dangerous and threatening person.

But when he was brought into our room, I came face to face with a young, 22-year-old young man with a bright smile and hope in his eyes. He expressed his gratitude that we had traveled so far to help him.

My client is a Sufi Muslim—a target for the al-Shabab rebel group terrorizing Somalia. He was beaten, harassed and threatened with death. He witnessed a woman being stoned to death and many friends and relatives killed for no reason.

He decided to leave Somalia so neither he nor his family would be harmed. He initially fled to nearby Ethiopia and from there traveled to seven other countries before arriving in San Diego to seek asylum in 2016. Immediately, he was placed in an immigration detention center because he did not have proper travel documents to enter the United States. (His family has moved to a refugee camp at the Somalia/Ethiopia border.)

He represented himself in the asylum hearing, and his petition was denied. The court found that he could or should have simply moved away from his town in Somalia and that the incidents of violence against him were insufficiently severe, or within a sufficiently narrow time frame, to satisfy the standard for granting asylum. It is difficult to understand what level of force or threat would have been required for him to satisfy the asylum criteria.

The hearing concluded with an order that he be deported back to Somalia. On Dec. 7, 2017, my client and 91 other Somalis were informed that they would be soon boarding a flight back to Somalia. My client was awakened in the middle of the night in his cell at the detention center, shackled on his wrists, ankles and waist and instructed to wait. He tried to sleep for the next several hours, but he stayed awake, unable to move or even get back into his bed because of the shackles.

He and the others boarded the plane hours later. They first flew to Senegal and stayed on the runway for 15 hours, when authorities learned Somalia would not allow the plane to land there. So they flew back to the United States—all while shackled and forbidden to stand.

Midway through the ordeal, the toilets on the plane stopped working, so the passengers were forbidden to use the restroom or have anything to drink.

After the flight landed back in the U.S., my client and the others were placed in an immigration detention center in Miami, which is where I met him on March 8.

When I talked to my client about his life growing up in Somalia, he explained that he loved to watch English Premier League soccer and was a fan of Manchester United Football Club. He loved to watch movies and listen to music, and he had enjoyed his teen years as an older brother to two younger siblings. He smiled as he told me about things he used to do in Somalia before al-Shabab came to power and started terrorizing the once idyllic country. Everything changed, and he began to fear for his life and the lives of his family members.

Hearing him talk wistfully about his past and ruefully about the changes in his life made me sad. I cannot imagine being 22 years old and scared that I might be dragged from my house in the middle of the night and killed. I cannot imagine deciding to leave my home, family and country and travel to a place on the other side of the world to seek help from strangers because of that fear. And I cannot imagine the despair that would result if, after that journey, I were told that my fears were unfounded and I would have to return to my homeland and face probable death. Listening to my client, I knew that I had made the right decision to come to Miami and represent him.

When I first agreed to assist in this matter, I had no idea that I would be representing someone facing a life-or-death situation if his deportation had been successful. I did not realize the brutality and terror that is being wielded daily by al-Shabab across Somalia. I never thought my client would be forced to live for two years in immigration custody here. And I could not have contemplated that, despite all of the difficulties my client has faced, he would be gracious, patient and hopeful for the future. His positivity and hope inspired me to do all I can.

I want to help this young man who has tried in vain to use the processes and procedures that our country has laid out to help people like him and to uphold the values that are ingrained in our legal process and heritage. As a lawyer, my profession compels me to do no less.

Alyson Wooten: A Case With a Life at Stake

My law practice routinely focuses on patent litigation matters and involves cutting edge medical treatments and pharmaceuticals. And while these treatments improve and help prolong patient's lives, it wasn't until I met my most recent client that I felt my work take on life or death consequences.

My client, a young man with six children, traveled to the U.S. under harrowing circumstances seeking to escape the terror that plagued his life in Somalia. Born and raised in Somalia, he became a target of the al-Shabab rebel group after he became involved with a humanitarian group seeking to assist those in need. Those in need were often individuals who had been targeted by the al-Shabab, which meant my client was labeled as an "assistor" of those not viewed to hold the same beliefs as the al-Shabab.

While my client is a practicing Sufi Muslim, al-Shabab imposes its own version of Islamic law, which includes dress regulations and public mutilations. The group is estimated to have over 9,000 fighters. My client's life was repeatedly threatened and he was forced to live apart from his family and in hiding. His family home was monitored and members of his family were killed to send "a message" to my client as the extremist group constantly waited for him to make an appearance.

Despite these conditions, he delayed seeking refuge outside of Somalia for many years. However, after he witnessed his friend's murder on the streets of Somalia, which my client only narrowly escaped, he fled to nearby South Africa. Unfortunately, South Africa did not provide safety and refuge. He spent two years being terrorized in xenophobic attacks.

He traveled to the U.S. and immediately, upon entering at the Texas border, sought protection and assistance from the U.S. government. As he lacked proper travel documents, he was placed in detention, where he has remained for over two years as he independently attempted to petition the court to grant asylum. His petition was denied in large part because the al-Shabab had not yet successfully attacked him personally, and he was ordered to be deported back to Somalia.

He was aboard the ill-fated flight that went as far as Senegal before being refused entry to Somalia, and I met him Miami, where he is detained.

I would have expected that enduring such gut-wrenching circumstances for many years would have made for a bitter, formidable client. However, the person presented to me by a guard in a locked visitor room was hopeful, grateful and peaceable. He expressed gratitude not only for my visit and assistance but his surroundings.

His goal of achieving “safe” life is clear. As he explained more details of his life in Somalia and his fears of returning, it became apparent that his deportation is indeed a life or death matter. If returned to Somalia, he will continue to be targeted by al-Shabab until they are successful in taking his life.

I am grateful for the opportunity to meet this client and use my skills and our legal process to help him. It is a weighty responsibility.

Audra Dial is the Atlanta managing partner at Kilpatrick Townsend & Stockton. A member of the firm's patent litigation team, she focuses her practice on complex federal court litigation involving trade secrets, patent disputes, restrictive employment covenants and complex business disputes involving intellectual property.

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