



Lifesaving Legal Work Gives Migrant Family a New Start

In their home country of El Salvador, Gabriela and her family were terrorized by members of the MS-13 gang, who threatened them and viciously assaulted her husband, Cesar. Because his half-brother Rafael, whom he barely knew, was involved with a rival gang, MS-13 believed Cesar was also a member of that gang. Threats soon turned to violence. Cesar was threatened at knifepoint on a bus, and a police officer with an MS-13 tattoo beat Cesar viciously in a public square. After Cesar fled the country for the United States in October 2016, the family experienced a few months of relative quiet, but gang members soon began threatening and watching members of the family. When MS-13 showed up at Gabriela's home to say the gang would come for her, her two young sons, and Cesar's teenage cousin Lillian if they didn't leave the area, Gabriela and the three children left everything behind, making the long journey to New York to join Cesar.

Helping a Beloved Family Member Obtain Immigrant Status

Shortly after they arrived in the United States, the family began looking into obtaining Special Immigrant Juvenile Status (SIJS) from US Citizenship and Immigration Services (USCIS) for Lillian. This would enable Lillian to stay in the country under the guardianship of Cesar. Following a referral from Kids in Need of Defense (KIND), Mintz attorneys Kaitlin Walsh and Todd Rosenbaum stepped in to help, eventually filing a guardianship petition and supporting brief in New York family court just before the deadline of Lillian's twenty-first birthday. With assistance from Spanish-speaking translators, the team drafted a declaration describing the gang's threats, the verbal and psychological abuse Lillian endured while staying with her grandmother back in El Salvador, and the love and care she received from Cesar and Gabriela. The team also carefully prepared Lillian to speak about her traumatic experiences, and Kaitlin guided Lillian in her direct testimony. Former Mintz project analysts Olivia Graham, Selena Kitchens, and Nell Shea provided assistance. The family court agreed with the team, and issued findings supporting Lillian's petition for SIJS status. USCIS later approved it, in February 2021.

Painstakingly Building a Compelling Case for Asylum

While the team advised the family on Lillian's case, they developed a rapport with Gabriela, who asked if Mintz could help her and her children apply for asylum. With the helpful guidance of Human Rights First, Mintz began the arduous, multiyear process of attempting to secure asylum. Todd and Mintz attorney Whitney Costin met with the family and learned more about their story. Combining information about Gabriela's experiences in El Salvador with data and facts about conditions in that country, they filed Gabriela's I-589 application for asylum in June 2018.

When Gabriela received a December 2021 asylum hearing date, Whitney and Mintz attorneys Clare Prober and Greer Clem, assisted by project analyst Nell Shea, prepared voluminous filings. These included declarations from Gabriela and Cesar, an expert report and extensive backup materials on conditions in El Salvador, and a pre-hearing brief.

Preparing to Testify about Gang Threats and Attacks

While the team was finalizing its preparations for court, the government canceled the hearing on short notice, putting the matter on the back burner for more than a year. By the time Gabriela was assigned a new hearing date in July 2023, many of the filings and much of the prep work had to be redone. Working tirelessly that May and June, Clare and Greer gathered extensive new information from the team's expert on conditions in El Salvador, drafted a new pre-hearing brief, and added critical information to the family members' declarations. To ensure that Gabriela and her family presented the best possible testimony, the Mintz attorneys conducted mock direct examinations and helped family members rehearse responses to potential questions from the government's attorney. Mintz project analyst Tucker Kelsh, who speaks Spanish, took the lead in client communications during this phase of the project.

An Emotional and Life-Changing Day in Court

The day before the hearing, Kaitlin negotiated stipulations that enabled Lillian not to testify and allowed the team's country conditions expert to testify by written declaration. Ultimately, on the day of the hearing, Clare presented additional facts, Gabriela swore to the truth of her written declaration, and Greer presented a closing argument. When the government's attorney unexpectedly stated that he deferred to the court, the judge granted Gabriela's asylum claim from the bench.

"Ultimately, the government just ceded to our position because it was the correct position, and in my view, the noble and moral position," Todd said.

Several members of the Mintz team became emotional when the judge announced her ruling, with Greer reaching out to hold Gabriela's hand. Once Gabriela understood through a translator that she had prevailed in the case, she also began crying tears of relief and joy. While the court's decision provides a solid foundation for making plans for the future, Gabriela and Cesar had already been putting down roots in their new community. They already had a cleaning business, were active in their church, and had sponsored a young boy from El Salvador, becoming his guardians so that he could apply for asylum.

"It's indicative of how committed they are to building a lasting community," Greer said. "They're building a life now without fear of having to go back someplace where it wasn't safe for them."

"Mintz's tireless advocacy on behalf of an asylum-seeking family from El Salvador, which resulted in grants of asylum and SIJS, made a profound impact on an entire household who will no longer fear return to abuse or death. Without our partners at Mintz, we could not fulfill our mission to support vulnerable asylum seekers from around the world who would otherwise lack access to representation and protection."

Rebecca Taylor, *Independent Consultant, Refugee Representation*

Human Rights First

PRO BONO TEAM

Todd Rosenbaum, *Member*

Kaitlin R. Walsh, *Of Counsel*

Whitney M. Costin, *Special Counsel*

Clare Prober, *Associate*

Greer A. Clem, *Associate*

Tucker Kelsch, *Project Analyst*

Olivia Graham, *Former Project Analyst*

Selena Kitchens, *Former Project Analyst*

Nell Shea, *Former Project Analyst*

VOLUNTEER SPOTLIGHTS

"I am grateful for and honored by the incredible experience of representing this family on their path to US citizenship. The way Gabriela and Cesar supported their cousin Lillian through the SIJS process was inspiring. Everyone deserves an advocate, and it is especially rewarding to fill that role for a family that I came to know and love."

Kaitlin R Walsh, *Of Counsel*

"At a big firm, you can get caught up in the day-to-day work of being an attorney and sometimes forget that everything that you do affects real people. I became a lawyer to help people, and to get a resolution that saved people's lives reinforced my purpose and was incredibly rewarding."

Clare Prober, *Associate*

"Representing Gabriela was one of the most humbling experiences that I've had, not just as a lawyer but as a person, because people were putting their faith in me and in my ability to interpret the law in a life-and-death situation. To have Gabriela and her family get the right result was one of the greatest days of my life."

Greer A. Clem, *Associate*

"When I supervised the junior attorneys who worked on this high-stakes and complicated asylum case, I felt like I had come full circle. As a young associate, I worked on an asylum case with a similar defensive merits hearing. I'm incredibly thankful that Mintz supports pro bono work on critical cases like these and for the opportunity to provide guidance to an incredibly dedicated and talented team."

Todd Rosenbaum, *Member*

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Pro Bono

// PROFESSIONALS

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