

Honduran man waits for asylum after 12-year fight



AP Photo: Mary Schwalm

In this Saturday, July 26, 2014 photo, Celvyn Mejia Romero looks out an office window before an interview at the Greater Boston Legal Services in Boston.

AP 1 day ago By SHARON COHEN of Associated Press

When he arrived at the Texas border, Celvyn Mejia Romero was a scared 10 year old, with a machete scar and memories of a murdered uncle as reminders of why he'd embarked on a long, perilous journey from Honduras.

He feared staying in his homeland and desperately wanted to join his mother in the U.S. In July 2002, he and two cousins — 6 and 14 — ended up near Brownsville after traveling by train, bus and foot. He remembers his grandmother, who lived in Arimis, Honduras, preparing to send him away, handing him a bag of food, some water and telling him: "Get on the bus. Don't look back. ... Don't come and hug me. Don't say goodbye."

"That," he now says, "made me cry."

Twelve years later, Mejia Romero is still fighting to stay in America. His tenacious — and unusually long — bid for asylum offers a singular glimpse into the complex world of immigration law and rules that many legal experts say are fiendishly difficult for anyone, especially kids, to negotiate. And yet at 22, Mejia Romero, who has lived longer in the U.S. than in his native Honduras, is hoping he'll prevail.

"I think if I win this case ... all my nightmares would end because I'd know I'm not going back there," he said in an interview from his lawyers' office in Boston. "I'd feel like I'm free. ... I would feel happy, happy, happy. It would be the best day of my life."

Mejia Romero, who'd tried once before to get to the U.S. but was turned back in El Salvador, says he empathizes with the thousands of Central American kids who've recently appeared at the southern border without their parents. Many say they're escaping gangs back home and hoping to reunite with family. Mejia Romero's mother came to the U.S. when he was just 2, fleeing an abusive boyfriend; he remembers the joy of embracing her eight years later after his arrival.

"I feel sad for them," he says of the kids now trying to enter the U.S. "They remind me a lot of when I was younger. ... I feel like it's my life."

The flood of kids at the borders has ignited a political firestorm, with the House late Friday passing strict measures that the president quickly condemned. With the Senate already on a five-week summer break, a divided Congress headed home unable to agree on solutions for what has been called a "humanitarian crisis."

The number of child asylum cases in recent months, though, has been relatively small.

Last week, the director of the U.S. Citizenship and Immigration Services told a congressional hearing his agency had received more than 1,500 asylum applications from unaccompanied minors from last October to this June — just about 4 percent of the total. Most kids, though, don't file for asylum for many months after their arrival.

Some critics say it has become too easy to win asylum and the standards for demonstrating persecution are too lenient. A person has to demonstrate a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership of a social group. Kids seeking asylum based on fear of gangs often have trouble convincing immigration judges that's the kind of persecution that warrants protection under U.S. law.

"The challenge that we face is the kinds of claims these kids are presenting," says Wendy Young, president of Kids in Need of Defense, a group that provides pro bono lawyers for unaccompanied refugee and immigrant children in the U.S. "The law is very murky. ... To these kids, they don't care if it's the military who's holding a gun to their head or a gang member. They're fleeing for their lives."

What is clear is these kids won't prevail alone, says Judy London, an immigration lawyer in Los Angeles who has represented many children. "It's an impossible system to navigate without a lawyer," she says. The cases, she adds, are extraordinarily time-consuming, with lawyers spending dozens of hours just getting kids to open up about their traumatic experiences.

The importance of lawyers was borne out in a recent report by the Transactional Records Access Clearinghouse at Syracuse University that surveyed more than 100,000 cases of unaccompanied children in immigration court from 2005 to the end of June. It found that in almost half the cases where kids were represented by a lawyer, the judge allowed them to stay. In contrast, nine of 10 kids who appeared without a lawyer were ordered deported.

Some asylum cases are resolved in a few years; others can take much longer.

As Mejia Romero has grown from boy to man, his lawyers have kept his bid alive, despite numerous setbacks, starting with a denial by the immigration judge in 2007.

The Honduran native, then a teen, had testified that a former neighbor had struck him with a machete and used the weapon to destroy his grandmother's home, where he was living. He also said he'd been harassed by a gang from a nearby village and they'd thrown him off the roof of a small house. His mother testified, too.

The judge concluded those experiences were "troubling" but "no more than a series of isolated altercations" with a disgruntled neighbor and some bullies. He said they did not qualify as past persecution and, as a result, assumed there would none if he returned.

An immigration appeals board agreed. So did a federal appeals court panel in a 2-1 decision, with the majority saying the record was "devoid of anything" that would conclude that Mejia Romero would more likely than not to be tortured if returned to Honduras. But in a strongly worded dissent, the third judge said the young man's family had suffered "decades of persecution" for political activities advocating land reform.

The dissenting judge said it was wrong to rely exclusively on the "simplistic" oral testimony of Mejia Romero, who'd been diagnosed with PTSD and couldn't fully articulate his family's predicament because of his young age. At the trial, for instance, the boy said his family was called Communists but didn't know what the word meant.

"He explained the harm he had suffered but he couldn't really explain the underlying reasons," John Willshire-Carrera, co-managing director of the Harvard Immigration and Refugee Clinic at Greater Boston Legal Services, says of his client.

The dissenting judge said there was "powerful" evidence to support claims of persecution, citing the young man's harassment and attempted recruitment by gang members and his injuries, including an 8-inch machete scar on his leg and others on his

back and arm from landing in wire after being thrown from the house. He also noted the killing of Mejia Romero's step-grandfather by soldiers and the murder of his uncle.

The failure by the administrative courts, he wrote, "inflicts a terrible human price on a child who has turned to the United States for protection."

His lawyers pressed for a review by the full court based on the divergent views of the judges. The same three-judge panel reversed itself, sending the case back to the immigration appeals board, saying that it was the best place to resolve the matter. Through a series of legal steps, Mejia Romero ended up making his bid last year to an asylum officer in the Department of Homeland Security.

Because of changes in the law, a similar case nowadays would first be heard by an asylum officer and a decision would not take so long. The asylum office is considered more kid-friendly than the adversarial atmosphere of immigration court.

"The process has become more responsive to children's needs ...," says Nancy Kelly, the Boston clinic's co-managing director. "On the other hand, a series of decisions have been made which seem to be making it harder for children who, in our opinion, are true refugees from getting relief because of the way gang-related harm is viewed."

Despite his reunion with his mother, Mejia Romero's early years in America were difficult.

He says he had nightmares about people chasing him and was wary of making friends, worried about gangs. "I was depressed," he recalls. "I didn't go out of my room. ... I used to think about my (earlier) life all the time. I was really scared."

His mother, Susana, said through a translator that her son "would cry a lot. It wasn't clear what he was crying about. He didn't eat well. He didn't sleep well."

Even now, he says, talking about the past makes him nervous. Mejia Romero works for a company that provides meals for airlines. He dropped out of high school his senior year to help support his family, but says if allowed to remain in the U.S., he'd like to finish and attend college someday.

Both mother and son say they live with constant dread he'll be sent back. .

"Those people who came after us are there ... and I feel he may very well be killed," his mother says. "For sure, he'll be persecuted."

She tries to remain confident that after a dozen years, this ruling will be in their favor.

"You have to have patience," she says. "We're always hoping for the best."