



Pro Bono Counsel for Respondents

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
BALTIMORE, MARYLAND**

_____)		
In the Matter of:)	File Nos.	A2 _____
)		A2 _____
_____)		A2 _____
Lead Respondent)		
)		
_____)		
_____)		
Rider Respondents)		
)		
In Removal Proceedings)		
_____)		

Immigration Judge _____

Next Hearing: _____

RESPONDENT'S UNOPPOSED MOTION TO ADVANCE INDIVIDUAL HEARING

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
BALTIMORE, MARYLAND**

In the Matter of:)	File Nos.	A2 [REDACTED]
)		A20 [REDACTED]
[REDACTED])		A20 [REDACTED]
Lead Respondent)		
)		
[REDACTED])		
[REDACTED])		
Rider Respondents)		
)		
In Removal Proceedings)		

Lead Respondent [REDACTED]”) seeks asylum, together with her husband, [REDACTED], and her daughter, [REDACTED] as derivative applicants. Respondent respectfully requests that the Court advance her individual merits hearing, currently scheduled for January 12, 2024, to the earliest available date.

This matter is ready to be heard, and **DHS does not oppose this motion**. Respondent fully briefed her application for asylum nearly two years ago, filing a memorandum of law and facts in support of her application for asylum on February 21, 2020. The pandemic, however, led her then-imminent individual hearing to be delayed by almost four years.

Respondent’s application for asylum is compelling, and can be quickly resolved. The victim of a Sierra Leonean group called the Bondo, which coercively practices female genital mutilation, Respondent has been subject to FGM, lost her first-born daughter to the practice after the Bondo kidnapped and killed her, and fled the country when the Bondo also tried to mutilate her second-born daughter, Respondent Rahimmatu. The Bondo has threatened to murder her for

opposition to, and interference with, its FGM practices. As a U.S. doctor's report confirms, Respondent continues to suffer from the effects of FGM today.

In short, granting this unopposed motion and advancing Respondent's individual hearing will facilitate the speedy resolution of a most deserving application and, in doing so, help to alleviate burden on this Court's docket.

I. Procedural Posture

Respondents fled Sierra Leone on May 29, 2016, after the kidnapping and attempted genital mutilation of Rider [REDACTED], then an infant. Lead Respondent [REDACTED] herself a victim of FGM, had already lost her first-born daughter, [REDACTED] to FGM, and faced death threats from the Bondo for interfering with its attempted mutilation of [REDACTED]. The family arrived in the United States on November 17, 2016.

Respondents timely filed for asylum within one year of entry. They submitted full briefing and a detailed factual record in support of their applications for asylum and withholding of removal on February 21, 2020. Their individual hearing was originally scheduled for March 23, 2020. Just five days before that hearing, however, it was rescheduled for January 12, 2024.

In the interests of justice and judicial economy, Respondent submits this unopposed motion in order to quickly resolve her meritorious application.

II. DHS Does Not Oppose this Motion

Respondent's counsel and DHS counsel, Mr. Frank Cubero, spoke on November 17, 2021, and December 10, 2021, to discuss Respondent's intention to file this Motion. On both

dates, Mr. Cubero stated that he would not oppose a motion to advance Respondent's Individual Hearing.

Respondent is prepared for her Individual Hearing at the Court's earliest availability. Counsel for Respondent and for DHS agree that advancing the Individual Hearing could serve the interests of judicial efficiency, particularly because the Court received Respondents' full set of documentation in support of asylum nearly a month prior to the Covid-19 continuance on February 21, 2020.

III. Respondent ██████████ Meets the Conditions for Asylum

Advancing Respondent's individual hearing will allow the Court to quickly resolve her application for asylum, easing pressure on its docket. This is not a close case. Respondent has presented conclusive legal and evidentiary grounds for asylum.

Respondent suffered FGM in Sierra Leone at the hands of the Bondo. Resp. Feb. 21, 2020, Mem. at 21. A U.S. physician has confirmed that ██████████ has injuries consistent with such mutilation. Record in Support of Resp. Feb. 21, 2020 Mem., at 114 (Evaluation by Dr. Jed Gould).

FGM constitutes persecution as a matter of law. *See Kourouma v. Holder*, 588 F.3d 234, 244 (4th Cir. 2009) (“[A]ny of the methods used to conduct female genital mutilation . . . satisfy the requirements for past persecution.”). Because the Bondo targets them—and exclusively them—for FGM, Sierra Leonean women constitute a “particular social group.” *See, e.g., Hassan v. Gonzales*, 484 F.3d 513, 518 (8th Cir. 2007); *Mohammed v. Gonzales*, 400 F.3d 785, 796-97 (9th Cir. 2005). Indeed, Sierra Leone has one of the highest rates of FGM of any country in the world. Resp. Feb. 21, 2020, Mem., at 16–17.

Due to her past persecution, ██████ presumptively has a well-founded fear of future persecution. 8 C.F.R. § 1208.16(b)(1)(i). Of course, “persecution in the form of female genital mutilation is similar to forced sterilization and, like that other persecutory technique, must be considered a continuing harm that renders a petitioner eligible for asylum, without more.” *Mohammed*, 400 F.3d at 799. Indeed, women like ██████ “who have suffered forced or involuntary [FGM] necessarily have an inherent well-founded fear of future persecution because such persons will be persecuted for the remainder of their lives.” *Qu v. Gonzales*, 399 F.3d 1195, 1202 (9th Cir. 2005).

██████ faces worse in Sierra Leone, where the Bondo wield real clout free of government interference. The Bondo has threatened to kill her for opposing FGM. Resp. Feb. 21, 2020, Mem; *see, e.g., Flores v. Garland*, 3 F.4th 615 (4th Cir. 2021) (“We repeatedly have held that death threats qualify as persecution, and we recently rejected any requirement that an applicant suffer physical harm in order to prove prosecution resulting from such death threats.”) (internal citation omitted). The Bondo also poses a lethal threat to her only surviving daughter, ██████ were she to return to Sierra Leone.

██████ is therefore eligible for asylum. Neither she nor any Rider Respondent is subject to a statutory or discretionary bar. Resp. Feb. 21, 2020, Mem., at 49.

III. Conclusion

Respondent respectfully requests that the Court grant her Unopposed Motion to Advance the Individual Hearing for her meritorious asylum claim.

Date: December 20, 2021

Respectfully Submitted,

On behalf of Respondents

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[Redacted signature block]

**United States Department of Justice
Executive Office for Immigration Review
Immigration Court
Baltimore, Maryland**

In the Matter of [REDACTED] [REDACTED]
[REDACTED]
& [REDACTED]

A2 [REDACTED]
A20 [REDACTED]
A2 [REDACTED]

[PROPOSED] ORDER OF THE IMMIGRATION JUDGE

Upon consideration of this RESPONDENT'S UNOPPOSED MOTION TO ADVANCE INDIVIDUAL HEARING, it is HEREBY ORDERED that the motion be
 GRANTED DENIED because:

- DHS does not oppose the motion.
- A response to the motion has not been filed with the court.
- Good cause has been established for the motion.
- The court agrees with the reasons stated in the opposition to the motion.
- The motion is untimely per _____.
- Other:

The above captioned case has been scheduled for an individual hearing before the Immigration Court on _____ at _____. The hearing will be held at:

Deadlines:

The application(s) for relief must be filed by _____
Respondents must comply with DHS biometrics instructions by _____

Date

Phillip T. Williams
Immigration Judge

Certificate of Service

This document was served by: [] Mail [] Personal Service
To: [] Alien [] Alien c/o Custodial Officer [] Alien's Atty/Rep [] DHS
Date: _____

By: Court Staff _____

[REDACTED]
File Nos. A [REDACTED] A2 [REDACTED], A2 [REDACTED]

CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2021, I caused a true and correct copy of the foregoing RESPONDENT’S UNOPPOSED MOTION TO ADVANCE INDIVIDUAL HEARING to be served by U.S. Mail on:

Frank Cubero
Department of Homeland Security
Office of the Chief Counsel
31 Hopkins Plaza, Room 1600
Baltimore, MD 21201

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 20, 2021.

/s/ _____
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Pro Bono Counsel for Respondents