

Cameroon man's 6-year odyssey ends with asylum

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Body

A **Cameroon** man who spent 1,166 days in Virginia jails waiting for a judge to reconsider his claim for **asylum** finally got his wish.

Immigration Judge John M. Bryant said Tuesday that he will grant Flaubert Mbongo **asylum** in August, after the FBI conducts mandatory fingerprint checks.

Until 18 months ago, Justice Department officials refused to look at documents Mbongo said showed that his life was in danger in **Cameroon** because he tried to promote an opposition political party. The officials changed their stance after a Mercury News report in December 2000 confirmed that the documents were authentic and that Mbongo was telling the truth.

Mbongo's victory comes as the chances of winning **asylum** have grown more difficult in the wake of Sept. 11. Elisa Massimino, head of the Washington office of the Lawyers Committee for Human Rights, said that she feared that with new regulations being pushed by the Justice Department, "If this case happened today, under the new regulations, there is a greater risk that it would have been sent back home before anyone ever looked at his documents and gave him the chance to adjudicate his case."

First **asylum** request

When Bryant first heard Mbongo's request for **asylum** in March 1997, Mbongo was brought into court in shackles and told his story in French, through an interpreter. He had no documents to support his claim that he would be in danger if he were sent home.

Bryant concluded that Mbongo was not credible, and turned down his claim. Then Mbongo's wife sent a stack of supporting documents, but Justice Department officials contended that they had arrived too late and would likely not have affected the outcome of the case.

Mbongo was released from jail in November 1999, but officials continued to try to deport him. A year later, after a Mercury News reporter traveled to **Cameroon** and confirmed that the documents were real, the Immigration and Naturalization Service asked the immigration courts to award Mbongo a new day in court, leading to the hearing Tuesday.

This time, Mbongo appeared before Bryant in a gray suit and silver tie. Speaking in English that he has learned since arriving here, Mbongo told his story again.

Under U.S. and international laws, people who arrive without valid passports or visas can win **asylum** by proving a reasonable fear of persecution in their home countries because of their political opinion, national origin, race,

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religion, or membership in a social group. The Mercury News has reported that the outcome of cases often depends on the sensibilities of individual immigration judges who frequently are left to rule on cases with little evidence.

Yet the stakes are significant: On one hand, a wrong decision could send a torture victims back to face potential death. On the other, it could open the door to abuses by foreign citizens -- even potential terrorists -- with stories of woe at home.

Justice Department figures from the past five years show that for every asylum seeker who succeeds, four either lose in immigration court or drop their cases. But asylum seekers from Cameroon, an impoverished country on Africa's west coast, have done significantly better: Armed with State Department reports documenting the violence against political and human rights activists in Cameroon, almost half the decided cases have ended in grants of asylum in the same period.

Arrived in '96

In Mbongo's case, he first appeared at Dulles International Airport in Virginia with a false passport in September 1996. Mbongo insisted the passport was authentic, but said he wanted to see a judge. Instead, he was sent to jail. As he moved from one Virginia jail to another, he tried to win asylum.

Mbongo contended, when he first went before Bryant, that he had been active in a political opposition party headed by Yondo Black, a Cameroon lawyer. He said he had been repeatedly arrested, on some occasions beaten, for his activities. He said he fled his country, leaving behind his wife and two daughters, only when he became convinced that authorities intended to kill him.

But Mbongo had nothing to support his story. Citing the lies Mbongo told at the airport about his identity, Bryant denied asylum. Months later, while locked in Virginia jails, Mbongo received from home a stack of documents that included handwritten notes signed by Black, thanking Mbongo for his activities.

But Justice Department officials denied his appeals, rejecting Mbongo's request that the case be sent back to Bryant for reconsideration.

Mbongo's original lawyer quit, and he was left on his own to try to appeal in federal courts in Virginia. Eventually his new attorneys persuaded officials to release Mbongo from jail in November 1999. But authorities did not review the documents until after a reporter traveled to Cameroon two years ago, and confirmed that Mbongo had been an activist in Black's party and had been persecuted for his work.

In closing arguments Tuesday, Mbongo attorney Jonathan K. Tycko cited the Mercury News account and said, "The evidence is now clear that Mr. Mbongo was active politically, and was persecuted as a result."

INS assistant district counsel Simon A. Gaugush continued to vigorously oppose granting asylum to Mbongo, saying he still doubted Mbongo's credibility. He contended that Mbongo still had not proven any persecution as a result of his political activities.

"I'm a little surprised by your tough stance," Bryant told Gaugush. Bryant ruled that Mbongo had proved that he was active in the political opposition, in a country where political opponents are often jailed, tortured or killed. As a result, Bryant said, Mbongo had a reasonable fear of persecution if sent back home. He said he will grant asylum at an Aug. 8 hearing, subject to the FBI review.

Mbongo, who was relieved after the hearing, said he hopes to bring his family to join him "as soon as I am able."

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