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DETAINED

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UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
AURORA, COLORADO

In the Matter of:

JULIAN NGONGBO**

In removal proceedings.

File No. A 123-456-789

Immigration Judge Melissa Smith

Individual Hearing: February 1, 2020: 1:00 p.m.

**RESPONDENT'S BRIEF IN SUPPORT OF ASYLUM, WITHHOLDING OF
REMOVAL AND RELIEF UNDER THE CONVENTION AGAINST
TORTURE**

**Names and other personal identifying information have been changed.

I. INTRODUCTION

Respondent, Julian Ngongbo, through his pro bono counsel, submits this brief in support of his asylum application. Mr. Ngongbo is an Anglophone Cameroonian who fled to the United States after being arrested imprisoned, and tortured because of his involvement with the Southern Cameroons National Council (SCNC) political party. He requests that this Court grant him asylum. In the alternative, he seeks withholding of removal and/or protection under the Convention Against Torture (“CAT”).

II. STATEMENT OF FACTS

A. Mr. Ngongbo’s Early Involvement in SCNC

Mr. Ngongbo, an Anglophone, was raised in Buea, Cameroon, a town in the Anglophone region of Cameroon. As a University student, he learned about SCNC, a political party which advocates for the rights of Anglophone people and for their independence from Cameroon. He was attracted to their ideals and the possibility of gaining more rights for Anglophone Cameroonians.

Beginning in 2016, Mr. Ngongbo started regularly attending SCNC meetings. In the Summer of 2017, police violently interrupted a SCNC meeting, yelling that it was “illegal” and threatening to arrest participants. Students were beaten with wooden sticks. Fortunately, Mr. Ngongbo managed to escape uninjured. Undeterred by the government violence, Mr. Ngongbo continued to participate in SCNC meetings.

B. Mr. Ngongbo’s Arrest, Detention & Torture

In February 2018, Mr. Ngongbo helped SCNC plan a large non-violent protest known as Ghost Town Day. He distributed flyers about the protest on his University campus and encouraged students to join. Several days before the event, Cameroonian military members arrested him at his home. They took him to the police station where he was jailed in a large, crowded cell. After three days, he was interrogated about his participation in planning Ghost Day and brutally beaten and

waterboarded. During the course of his detention, the beatings, torture, and interrogations continued. He was eventually transferred to another prison, where he was accused of supporting “Ambazonians” a violent separatist group fighting for independence for southern Cameroon. While Mr. Ngongbo supports independence, he does not support the use of violence. He was also called an “Anglo Fool” and berated for his Anglophone identity.

After a week in detention, Mr. Ngongbo’s family paid a bribe to secure his release from detention.

C. Escape from Cameroon

After Mr. Ngongbo escaped jail, he stayed in a friend’s house for several months while he tried to figure out how to leave the country. His brother helped secure him a Nigerian passport and he subsequently took a boat to Calaba, Nigeria. He met a man at the docks in Calaba who he stayed with for several months. Feeling unsafe in Nigeria, Mr. Ngongbo purchased a ticket on a flight from Nigeria to Ecuador. Mr. Ngongbo left Nigeria on a Turkish airline on December 19, 2018. He had connecting flights in Istanbul and Bogota and arrived in Quito, Ecuador on December 23, 2018.

When Mr. Ngongbo arrived in Ecuador, he knew he wanted to make his way to the United States and seek asylum. Consequently, he began the arduous journey to the United States. He traveled mostly by bus and often alone. At each border he had to apply for a pass to travel through the country to get to the next country. He traveled through Colombia, Panama, Costa Rica, Nicaragua, Honduras, Guatemala and Mexico. He was not offered asylum in any of those countries. In each country, Mr. Ngongbo found someone who spoke English and asked them how he should proceed to get to the United States. It took him almost two months to get to Mexico.

D. Immigration Authorities Refuse to Let Mr. Ngongbo enter the US and Subject him to “Metering”

Mr. Ngongbo arrived in Tapachula, Mexico on April 10, 2019. He had to wait there for many weeks before being processed to get a pass to continue to Tijuana. He arrived in Tijuana on

July 5, 2019. When he arrived in Tijuana, he went to the border control office to request entry into the United States. He was logged in, given a number (number 3660) and told that he had to return to the border every day until his number was called. As he was directed to, Mr. Ngongbo went to the border every day he was in Tijuana to see if his number was called. On September 20, 2019, his number finally was called and Mr. Ngongbo was put in a van and driven to the Customs and Border Patrol (“CBP”) office, where he requested asylum. Mr. Ngongbo was detained as soon as he entered the United States. He was then brought to the U.S. Immigration and Customs Enforcement (“ICE”) Detention Facility in Aurora, Colorado and is still being held there.

[Note: The metering policy at the border was rescinded in 2021. However, if your client was subjected to Migrant Protection Protocols (MPP also known as the Remain in Mexico Policy), or used the CBP One Application on their phone to make an appointment at a port of entry at the Southern Border, we recommend describing that information here regarding manner of entry instead.]

E. Cameroonian Authorities Continue to look for Mr. Ngongbo

Mr. Ngongbo’s wife has told him that officers have come to his home looking for him two separate times and have threatened her with arrest if she would not disclose his location. It is not safe for Mr. Ngongbo to return to Cameroon.

F. Mental Health Impacts of the Persecution and Torture Experienced by Mr. Ngongbo in Cameroon

Tracy Smith, Ph.D, a clinical psychologist licensed in the state of Colorado since 2005, is an expert in the field of providing psychological evaluations and documentation of individuals seeking asylum. She conducted a detailed clinical interview with Mr. Ngongbo at the GEO Detention Facility in Aurora, Colorado on February 1, 2020, in order to evaluate his psychiatric state and the effects of his experiences in Cameroon. Her findings conclude, “At this time, he meets DSM-5 criteria for Posttraumatic Stress Disorder (PTSD) and Major Depressive Disorder, Single Episode,

Mild. Mental health diagnoses are established using a combination of history, symptoms, and clinical observation.” *See* Affidavit of Dr. Tracy Smith at Tab Q, page 5. “It is my professional opinion that Mr. Ngongbo’s mental health symptoms stem from the life-threatening experiences he endured at the hands of the government in Cameroon, as well as the current stress he is under as he faces the possibility of deportation to Cameroon. Given his report of his history prior to this trauma, it appears unlikely that his posttraumatic stress and depression are due to experiences other than this trauma and his continuing detention.” *See Id.*

III. STATEMENT OF COUNTRY CONDITIONS

Cameroon is divided into the dominant Francophone region and two smaller Anglophone regions in the South West and North West of the country. Since late 2016, protests in the Anglophone regions of Cameroon have been rampant. Anglophone communities lack genuine and equal participation in politics and perceive their “assimilation” into the Francophone-dominated state as forced and unfair. *See* Exhibit A: “A Turn for the Worse: Violence and Human Rights Violations in Anglophone Cameroon,” Amnesty International (2018).

Since 2016, Anglophone support for secession has grown. On October 1, 2018, the anniversary of the region’s independence from Britain, thousands of protesters took to the streets to demand a breakaway state. *See* Exhibit X, “Anglophone Cameroon’s Separatist Conflict Gets Bloodier,” Reuters (June 1, 2018). The Cameroonian government responded with force by opening fire from attack helicopters. A month later, separatists launched the first guerrilla attacks on security forces. *Id.*

Since the commencement of violence, conditions for Anglophones in Cameroon have steadily worsened. As Dr. Charlotte Walker-Said, an expert in Cameroonian country conditions, reports:

Since fall 2016, when nonviolent political demonstrations in major Anglophone areas led by Anglophone trade unions and political and student groups provoked a disproportionate military response, the conflict has deteriorated into an armed struggle between the government and armed separatist groups that have broken away from political parties and

the nonviolent process that initiated it. The conflict is now considered to be a violent regional civil struggle that has killed an estimated 2,000-3,000 people and displaced over 500,000 citizens. *See* Walker-Said Report at Tab R, ¶8, Page 3.

The government's reactions to the increasingly violent crisis have become more severe.

Anglophones who have not been politically active and have had no engagement with the separatists have become subject to suspicion and reprisals. Dr. Walker-Said explains:

An Anglophone individual did not necessarily have to be politically engaged or a notable activist to be suspected of subversive activity. As one journalist for the New York Times stated in fall 2018, "For a year and a half, the Cameroonian military has been accused of beating and arresting people suspected of being separatists, torching homes and killing unarmed protesters."... The continued regular use of lethal force against everyday citizens and organizing of any kind against the government in Cameroon presents a danger to any Anglophone whose past or whose activities could be considered critical of the government. *See* Walker-Said Report at Tab R, ¶46, Page 22.

The State Department, in its 2018 United States Country Report on Human Rights Practices for Cameroon, documented the arbitrary detention and disappearances of Anglophone separatists and Anglophones suspected of supporting them. The report states that "[p]olice, gendarmes, BIR soldiers, and government authorities reportedly continued to arrest and detain persons arbitrarily, often holding them for prolonged periods without charge or trial and at times incommunicado." *See* Tab W, Page 9.

The harsh conditions and torture experienced by Mr. Ngongbo in detention, including beatings, deprivation of food and water, no toilet for elimination, inability to communicate with family, and threats to his life, are not uncommon for detained Cameroonian Anglophones suspected of supporting the Anglophone separatists. According to Dr. Walker-Said, "It is also highly relevant to Mr. Ngongbo's claim that the current conflict in Cameroon is reported to have led to considerable incidents of torture. Torture is a war crime that has been documented as routinely occurring in Cameroon over the past three years." *See* Walker-Said Declaration at Tab R ¶84, Page 35. As was reported in the 2018 United States Country Report on Human Rights Practices for Cameroon by the

US Department of State, “There were credible reports that members of government forces physically abused and killed prisoners in their custody.” *See* Tab W, Page 15.

IV. MR. NGONGBO IS ELIGIBLE FOR ASYLUM

Asylum is available for individuals who meet the statutory definition of a “refugee.” Mr. Ngongbo is a refugee and should receive asylum in the United States. Refugee is defined in relevant part by INA §1101(a) (42) as:

Any person who is outside any country of such person’s nationality...and who is unable or unwilling to avail himself or herself of the protection of that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

As is evidenced by his declaration and supporting evidence, Mr. Ngongbo meets each of the elements of this definition.

A. Mr. Ngongbo is unable to return to Cameroon because he suffered past persecution and has a well-founded fear of future persecution

Mr. Ngongbo cannot return to Cameroon for fear of torture and death. His fears are based on his past persecution; he was the victim of detention, beating, deprivation of food and water, and threat of death at the hands of government forces. The “central reasons” for this persecution were his membership in a particular social group, the Anglophone minority in Cameroon, and his political opinion of supporting SCNC and fair treatment for Anglophone Cameroonians. Mr. Ngongbo also can demonstrate he has a well-founded fear of future persecution on these same grounds. Mr. Ngongbo is terrified that if he returns to Cameroon he will be tortured and probably killed by government officials.

Persecution is “the infliction of suffering or harm . . . in a way regarded as offensive” and “encompasses more than just restrictions or threats to life and liberty.” *Niang v. Gonzales*, 442 F.3d 1871, 1197 (10th Cir. 2005) (internal quotations omitted)). Serious actual or attempted physical violence qualifies as persecution. *See Karki v. Holder*, 715 F.3d 792, 804–05 (10th Cir. 2013). Mr.

Ngongbo was detained, deprived of food and water, and brutally beaten by Cameroon officials in January 2018.

Mr. Ngongbo was threatened with death twice in the Buea police station. These death threats also are a form of persecution. Death threats qualify as persecution when “they are so immediate and menacing to cause significant suffering or harm” and when there is a “concrete connection between” the threats and “any overt violence or mistreatment.” *Vatulev v. Ashcroft*, 354 F.3d 1207, 1210 (10th Cir. 2003). The threats to Mr. Ngongbo’s life were legitimate and menacing and were supported by ongoing violent actions and the reputation of Cameroonian officials.

Mr. Ngongbo’s past persecution “establishes a presumption of a well-founded fear of future persecution on the same basis as established for the original persecution.” *Niang*, 422 F.3d at 1195; *see* 8 C.F.R. § 1208.13(b)(1)). The government may rebut this presumption by showing either: (1) “there has been a fundamental change in circumstances such that the applicant no longer has a well-founded fear of persecution in the applicant’s country of nationality” on account of a protected ground; or (2) that the applicant “could avoid future persecution by relocating to another part of the applicant’s country of nationality ... and under all the circumstances it would be reasonable to expect the applicant to do so.” *Id.* Neither conclusion is supported by the record in this case.

1. Conditions in Cameroon have not changed

The government cannot show that country conditions have changed since February 2018, when Mr. Ngongbo was first detained, beaten, and deprived of food and water. A nation with a years-long history of brutal and systemic violence against a repressed minority does not transform within a matter of months. If anything, violence in Cameroon is increasing. “Very recent reports confirm that peace negotiations have not progressed and that the government continues to persecute members of the Anglophone minority for their suspected pro-separatist activities and that violent exchanges between the military and separatist rebels continue.” *See* Walker-Said Declaration at Tab

R ¶97, page 38. “Throughout 2019, Anglophone Cameroonian citizens felt more caught between government and separatist fighting forces—suspected by both sides of being sympathetic to the opposing side and unable to defend themselves against accusations, arrest, detention, kidnapping, torture, or killing because of the constantly escalating nature of the violent conflict.” *See* Walker-Said Declaration at Tab R ¶82, page 34.

2. Mr. Ngongbo cannot reasonably relocate within Cameroon

The government cannot show that relocation within Cameroon would be a “reasonable” expectation under the circumstances. Internal relocation is *presumed* unreasonable when the claimed persecutor is a government. *Singh v. Mukasey*, 288 Fed. Appx. 420, 421 (9th Cir. 2008). Because Mr. Ngongbo’s persecutors were Cameroon officials, internal relocation to another region of Cameroon is presumed unreasonable.

3. Even without a presumption, Mr. Ngongbo can independently establish the likelihood of future persecution

Mr. Ngongbo’s fear of future persecution can serve as an independent basis for asylum. A well-founded fear of future persecution must be based both on a genuine subjective fear of persecution and an objective fear demonstrated through “credible, direct, and specific evidence in the record.” *Karki*, 715 F.3d at 801. Mr. Ngongbo only needs to establish the objective situation is a “reasonable possibility” and not that persecution is more likely than not. *Uanreroro v. Gonzalez*, 443 F.3d 1197, 1202 (10th Cir. 2006) (*quoting INS v. Stevic*, 467 U.S. 407, 424–25, 104 S. Ct. 2489, 81 L.Ed.2d 321 (1984)). A “reasonable possibility” may be as small as a 10% chance of persecution. *INS v. Cardoza*, 480 U.S. 421, 440 (1987). Mr. Ngongbo’s subjective fear is demonstrated in his Declaration.

Mr. Ngongbo's objective fear of future persecution can also be established through evidence that individuals like Mr. Ngongbo face persecution as a "pattern or practice," even if he had never been singled out for harm. 8 C.F.R. § 208.13(b)(2)(iii)(A)-(B); *see also Woldemeskel v. I.N.S.*, 257 F.3d 1185, 1191 (10 Cir. 2001). To succeed on "pattern or practice" evidence, Mr. Ngongbo must demonstrate he is a member of a particular social group or holds a political opinion that is targeted for "systemic or pervasive persecution." *Id.* at 1191. Mr. Ngongbo has provided ample evidence that Cameroonian Anglophones and those suspected of membership in the separatist movement face systemic and pervasive persecution from government security forces.

Dr. Walker-Said believes that the persecution and torture experienced by Mr. Ngongbo would be repeated if he were returned to Cameroon. "Because of Mr. Ngongbo's affiliation with the Anglophone cultural minority and his history of prior arrest and abuse in detention, he is very likely to be believed to be a political opponent of the government and thus to face the prospect of arbitrary arrest, detention, torture, and being killed in Cameroon should he return..." *See Walker-Said Declaration at Tab R ¶37, page 18.* Mr. Ngongbo's removal from the United States and return to Cameroon would be the equivalent of condemning him to certain torture and/or death.

B. Mr. Ngongbo was persecuted based on his membership in a particular social group, "Cameroonian Anglophones"

To establish membership in a "particular social group," an asylum applicant must show that he is a member of a group of persons that share a common immutable characteristic that he either cannot change or should not be required to change because it is fundamental to his individual identity or conscience. *Matter of Acosta*, 19 I&N Dec. 211, 233-34 (BIA 1985); *see also Niang v. Gonzales*, 422 F.3d 1187, 1198-99 (10th Cir. 2005) (discussing and adopting *Acosta's* definition on "particular social group"). The group must have particular and well-defined boundaries and a recognized level of social distinctiveness. *Matter of M-E-V-G-*, 26 I. & N. Dec. 227, 234-38, 240-43, 247 (B.I.A. 2014); *Rodas-Orellana v. Holder*, 780 F.3d 982, 990-91 (10th Cir. 2015). Social

groups must be assessed on a case-by-case basis. *Matter of M-E-V-G-*, 26 I. & N. Dec. at 251 (“Social group determinations are made on a case-by-case-basis”).

As to the third element of the particular social group test, social distinction, “[m]embers of the group may be visibly recognizable, but society can also consider persons to be a group without being able to identify the members by sight.” *Matter of M-E-V-G-*, 26 I. & N. at 240. Instead, “socially distinct” means that a group is “recognized in the society in question as a discrete class of persons.” *Id.* at 249. To establish “social distinction” necessary to establish a particular social group, an asylum petitioner must present “evidence showing that society in general perceives, considers, or recognizes persons sharing the particular characteristic to be a group. Although the society in question need not be able to easily identify who is a member of the group, it must be commonly recognized that the shared characteristic is one that defines the group.” *Matter of W-G-R-*, 26 I. & N. at 217.

Mr. Ngongbo is a member of a particular social group of Cameroonian “Anglophones.” Cameroonian Anglophones have been recognized as a “particular social group” by the BIA. *Ndonyi v. Mukasey*, 541 F.3d 702, 709 (7th Cir. 2008).

As stated by Dr. Walker-Said:

Being an Anglophone or being from the Anglophone cultural group is an immutable trait. Not only do Anglophones historically speak English as a result of being governed by Great Britain and Nigeria until 1961, they also most typically originate from particular indigenous ethno-linguistic groups such as Mamfe, Moghamo, Ejaghem, Momo, Widikum, Aghem, Bafut, Kenyang, Ngwe, Oroko, or other groups with historical roots in the North West or South West regions... Literary critics as well as historians and anthropologists have noted that Anglophone Cameroonian society is distinct in a variety of ways, from the legal system governing it (English common law, rather than French civil law), to its colonial heritage, to the marginalization it faces in the current day as Anglophones live in a country dominated by French language, French law, and Francophone civil procedures, governance structures, and traditions and customs. *See* Walker-Said Report at Tab R ¶38, page 19.

To be a Cameroonian Anglophone is necessarily immutable. It is not something that the individual can change or should be required to change. Further, membership in that group is easily delimited and verifiable, making it sufficiently particular and socially distinct.

Mr. Ngongbo was detained, beaten, deprived of food and water and threatened with death. This would not have happened to him if he had been a Francophone. All of the officials engaged in this behavior told Mr. Ngongbo that this was happening to him because he was a Cameroonian Anglophone suspected of supporting the Anglophone separatists.

C. Mr. Ngongbo was Persecuted based on his Actual and Imputed Political Opinions

If the protected ground in seeking asylum is political opinion, the respondent must identify the opinion asserted, that the opinion constitutes a “political opinion,” and that the political opinion was “at least one central reason for the persecution.” *Rivera-Barrientos*, 666 F.3d at 641 (internal quotations omitted). The BIA has defined political opinion as follows: “The particular belief or characteristic a persecutor seeks to overcome in an individual is his political opinion. Thus [it] refers not to the ultimate political end that may be served by persecution, but to the belief held by an individual that causes him to be the object of persecution.” *Matter of Acosta*, 19 I.& N. at 234. The Tenth Circuit has acknowledged that “it may generally be true, as some circuits have held, that imputed political opinion is still a valid basis for relief after Elias–Zacarias.” *Ustyan v. Ashcroft*, 367 F.3d. 1215, 1218 (10th Cir. 2004) (internal quotation omitted).

Here, Mr. Ngongbo was detained, brutally beaten and threatened with death by the government officials because of his involvement with SCNC. His captors specifically interrogated him about his political activities and involvement in the group. In addition, he was persecuted because his persecutors believed he was a supporter of the Anglophone separatists. His captors repeatedly told him this, and demanded that he disclose the names of individuals that he knew to be

financial supporters of the separatists. He also was repeatedly called an “Anglo Fool.” This political opinion of support for the Anglophone movement was imputed to him because he is an Anglophone and a member of SCNC.

D. Mr. Ngongbo’s persecution was on account of his membership in a particular social group (Cameroonian Anglophone) and his actual and imputed political opinion (support of Anglophone Cameroonian separatists)

“[A]t least one central reason motivating the persecution the individual has experienced or may experience in the future must be the individual’s ‘race, religion, nationality, membership in a particular social group, or political opinion.’” INA § 208(b)(1)(B)(i). There is no question that Mr. Ngongbo’s social group and his actual and imputed political opinions were central reasons for the detention, beating, withholding of food and water, and credible threats to his life.

Officials arrested him in his home because he was helping to plan the Ghost Day protest and was distributing flyers to fellow students, which they stated explicitly. During his detention, he was also falsely accused of supporting Anglophone separatists and called an “Anglo Fool.” There have been no reports of such treatment of the Francophone population in Cameroon; they are the 80% majority in the country, a country run by a notoriously brutal Francophone dictator supported by equally brutal Francophone security forces.

As Dr. Walker-Said demonstrates throughout her entire declaration, being Anglophone in Cameroon and/or being wrongly associated with the political opinion of the Anglophone separatist movement in Cameroon, as Mr. Ngongbo was, will condemn any Cameroonian to beating, torture, jailing and death. *See* Walker-Said Declaration at Tab R. *See also Singh v. Holder* at 1159 (“association with or relationship to people who are known to hold a particular political opinion” satisfies imputed political opinion).

E. Mr. Ngongbo is not subject to any bars to asylum

[Here, you should briefly address that your client is not subject to any statutory or regulatory bars to asylum. If your client entered the U.S. without inspection through the southern border after May 12, 2023 or June 5, 2024, you will want to address arguments that they are not ineligible for asylum under the Circumvention of Lawful Pathways or Securing the Border Asylum Bans. You'll want to argue any exceptions they meet such as, but not limited to, their use of the CBP One App appointment for entry, or the Family Unity Provision, which would preserve their asylum eligibility despite their entry after the aforementioned rules went into effect. Please reach out to your IJC Mentor for additional guidance on briefing these issues.]

V. MR. NGONGBO IS ALSO ENTITLED TO WITHHOLDING OF REMOVAL

The Attorney General “may not” remove an alien when he demonstrates that it is more likely than not his life or freedom would be threatened “because of the alien’s race, religion, nationality, membership in a particular social group or political opinion.” INA § 241(b)(3)(A). Mr. Ngongbo has shown he is more likely than not to face detention, torture, and probably death if he is forced to return to Cameroon. This conclusion is supported by multiple pieces of evidence, including (1) Mr. Ngongbo’s detention, beatings, withholding of food and water, and threats against his life when he was in Cameroon; (2) government officials going to Mr. Ngongbo’s home to find out his location; (3) the fact that government officials have Mr. Ngongbo’s picture and fingerprints; and (4) expert evidence that Anglophones and imputed members of the separatist movement are the targets of violence that is pervasive and endemic in Cameroon. *See* Mr. Ngongbo’s Declaration at Tab C. *See* Marie’s Declaration at Tab G. *See* Warrant at Tab P. *See* Walker-Said Declaration at Tab R.

VI. MR. NGONGBO IS ALSO ENTITLED TO PROTECTION UNDER THE CONVENTION AGAINST TORTURE

Mr. Ngongbo is entitled to protection under the CAT. The United States is a party to the CAT, an international convention that forbids the return of “a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture” (Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dec. 10, 1984, Senate Treaty Doc. No. 100–20, p. 20, 1465 U.N.T.S. 85, Art. 3(1)). Courts have interpreted federal regulations to require a person invoking CAT to demonstrate there is a “substantial risk” of torture. *Rodriguez-Molinero v. Lynch*, 808 F.3d 1134 (7th Cir. 2015). The torture must be “by a public official, or at the instigation or with the acquiescence of such an official. *Karki*, 715 F.3d at 806. “[W]illful blindness suffices to prove acquiescence.” *Id.* Even a single, isolated act may suffice to constitute torture. *See* 8 C.F.R. § 1208.18(a)(1).

Mr. Ngongbo has shown he faces a “substantial risk” of torture if he is removed to Cameroon. As Dr. Walker-Said states, “The fact that separatist groups continue to refuse to negotiate with the government and are actually resurgent, combined with the fact that the government is not genuinely interested in peace and continues to stockpile weapons and launch military attacks in the Anglophone region, mean that Mr. Ngongbo is very likely to be perceived highly suspiciously by the Cameroonian government and would be at high risk of arrest, detention, and torture upon return to Cameroon.” *See* Walker-Said Declaration at Tab R ¶106, page 42. Willful blindness on the part of Cameroon officials is more than documented by Mr. Ngongbo’s own experience and the evidence of country conditions in Cameroon. The officials perpetrating the torture on Mr. Ngongbo were themselves government officials.

An order requiring Mr. Ngongbo to return to Cameroon is a death sentence. Cameroonian officials believe that Mr. Ngongbo has supported Anglophone separatists and have issued a warrant for his arrest. *See* Warrant at Tab P. Government officials took Mr. Ngongbo’s picture at the police

station in Buea, and they have his fingerprints. *See* Mr. Ngongbo's Declaration at Tab C. Mr. Ngongbo was detained and tortured by government officials before he fled Cameroon. The process of returning Mr. Ngongbo to Cameroon would involve coordination between U.S. and Cameroonian government authorities. For the U.S. government to deliver Mr. Ngongbo into the hands of the government that has already tortured him and considers him a supporter of Cameroonian Anglophone separatists would be participating in his death.

VII. CONCLUSION

Based on the detailed and credible facts in his Declaration, as well as the other declarations, documents, expert reports and country condition evidence cited in this brief, Mr. Ngongbo is entitled to asylum. In the alternative, Mr. Ngongbo is entitled to withholding of removal and/or protection under the CAT.

Respectfully submitted this 10th day of February, 2020.

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Pro Bono Counsel for Respondent

Julian Ngongbo
Name of Alien

A-123-456-789
A Number

PROOF OF SERVICE

I, Jane Doe, do hereby certify that on this 10th day of February, 2020 I served the foregoing

RESPONDENT’S PRE-HEARING BRIEF on:

Via Hand Delivery

U.S. Department of Justice
Executive Office for Immigration Review
Office of the Chief Immigration Judge
Aurora Immigration Court
3130 N. Oakland Street
Aurora, CO 80010

Via First Class Mail

Office of the Chief Counsel
U.S. Department of Homeland Security
U.S. Immigration and Customs Enforcement
12445 E. Caley Avenue
Centennial, CO 80111

[Note: In February 2022, EOIR launched an electronic filing system, and individuals placed into immigration court removal proceedings since that time, will have an electronic record of proceedings. If you are filing these documents electronically, your certificate of service can state: “This document was electronically filed through ECAS and both parties are participating in ECAS. Therefore, no separate service was completed.”]

Jane Doe