



APPELLATE LITIGATION CLINIC

Highlighted Project: Securing Protection for Victims of Childhood Abuse

One of the Appellate Litigation Clinic's most significant victories was securing asylum for a persecuted citizen of Mexico who suffered childhood abuse because of his sexual orientation.

Carlos Bringas-Rodriguez sought asylum in the United States, asserting that Mexican officials were unable or unwilling to protect him from repeated sexual abuse. The clinic represented Bringas-Rodriguez at the en banc court of the Ninth Circuit Court of Appeals.

A prior Ninth Circuit ruling held that a victim of childhood abuse based on sexual orientation could not establish persecution because he failed to prove that Mexican officials were unable or unwilling to protect gay children, rather than gay people generally, from sexual abuse at the hands of private actors.

But in the *Bringas-Rodriguez* case, the en banc court held that requiring proof of unwillingness or inability to protect gay children specifically, as opposed to gay people generally, was inappropriate because it imposed upon child victims of private persecution a heightened evidentiary burden and de facto reporting requirement which is virtually impossible to satisfy because of the victims' status.

This decision clarifies that gay children who suffer abuse on account of their sexual orientation can establish persecution by demonstrating that the government is unable or unwilling to control persecution of gay people generally, and that victims of childhood persecution also need not prove that the government was unable or unwilling to control child abuse. It is also significant to the extent it clarifies that child victims of private persecution are not required to report their abuse to authorities.

Bringas-Rodriguez represents a significant victory for children who are persecuted because of their sexual orientation, and enabled our client to seek asylum and other relief.

Appellate Litigation Clinic

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This is a two-semester clinic for third-year law students, providing an effective transition to practice. Students take real, live appeals from the Ninth Circuit Court of Appeals, involving a broad range of significant issues, and litigate their appeal to its conclusion. Students review the lower court record, research and develop a theory of the case, write opening and reply briefs, and argue before the Ninth Circuit. Students have opportunities for client contact whenever possible, and participate in advising the client on the progress of the appeal.

In almost every case, the clinic offers our clients a final chance to seek and obtain relief from any court in the United States.