

If the U.S. sends this man back to the DRC today, he will probably be killed

## **I would have thought we would welcome a pro-democracy activist.**

by [Colin Mathewson](#)

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*Update: On March 1, [Constantin Bakala was granted an emergency stay of removal.](#)*

Recent events have focused the public conversation about asylum in the United States on Central American gangs and the so-called caravans. But my congregation is getting a first-hand lesson in how our asylum practices endanger pro-democracy activists elsewhere in the world.

Constantin Bakala's family is a blessing to the church I serve in San Diego. They sing in the choir, serve at the altar, and participate in youth group. This is no surprise; for the past two years I've watched families like his who began their life in America struggle to learn English, obtain driver's licenses, and make their way up the job ladder in this great and expensive city. The list of their contributions to the community is too long to include here.

But today in Atlanta, Constantin faces a court decision that may lead to his death.

Unlike many members of my Sudanese- and Congolese-American congregation, the Bakalas did not arrive as officially sanctioned refugees. Instead, Constantin presented himself and his eight family members at San Diego's border port of entry and requested political asylum, as prescribed by law. His request was based on three instances of kidnapping and torture, the brutalization of his wife, and the castration and murder of his brother-in-law by government security forces in the Democratic Republic of Congo, where Constantin led peaceful protests after President Felix Tshisekedi canceled elections to stay in power.

I would have thought the U.S. would welcome pro-democracy activists. Instead, Constantin was immediately detained and transferred to Georgia, where the Atlanta Immigration Court is known to deny 98 percent of asylum cases ([according to the Southern Poverty Law Center](#)). Mrs. Bakala and their seven children were released to live in San Diego, where they have become valued members of my congregation.

In the U.S., people seeking safety from persecution elsewhere do not have a legal right to access to a lawyer and translator. Constantin is educated, but his native language is French—and he was not able to translate his asylum request and corroborating documents into English to the judge's satisfaction. (How many of us English speakers would be able to prepare legal documents in French?) He was left to represent himself, in English, at his hearing.

It did not go well. What should have been a clear case of political persecution was lost—and then lost again on appeal—to a system that fast-tracks detainees for deportation and offers them no legal representation.

By the time I was able to locate a pro-bono attorney for Constantin, things had gotten scary. The attorney filed a motion to re-open his case with the Board of Immigration Appeals, on the grounds that his deportation would mean certain murder. The motion was denied, and before Constantin's lawyer had even been notified of the denial, Immigration and Customs Enforcement began transferring Constantin to an airport that is regularly used for deportations. Several days after the ruling, his lawyer still has not obtained access to the court's written decision.

With the help of our local congressional representatives, we were able to delay Constantin's deportation—minutes before he was to board the plane—through a last-ditch motion to the 11th Circuit Court of Appeals.

Constantin has lost his court cases so far, but not because he was ruled a threat to society or a burden on the state. He simply couldn't function adequately as his own lawyer in a foreign language. The speed and apparent secrecy with which his deportation was ordered raise grave questions about the integrity of a process that ought to protect someone like Constantin, who faces persecution because he stood up for democracy. Although his deportation has been temporarily stayed, his future is by no means sure. He deserves a fair hearing with the benefit of legal representation, and we will do all we can to make that possible.

If Constantin is deported, like so many before him, to certain death, it will send a clear message to governments and others who violate human rights: that those rights take a back seat to the cynical and hard-hearted domestic politics of the Trump administration. I believe America can do better by people like Constantin and his family, people who have the courage and the grit to make their way here, against incredible odds, with the hope that America will still be the land of the free and the home of the brave. At least, I would like to see us try.

*For more information on Constantin Bakala's situation, [visit this page](#).*