



**BROOKLYN
DEFENDER
SERVICES**

**NEW YORK CITY COUNCIL – IMMIGRATION COMMITTEE
BUDGET & NYIFUP HEARING
MARCH 28, 2016, 2 P.M.**

TESTIMONY OF SAMUEL FLORES DAVID MURILLO

My name is Samuel David Flores Murillo. I would like to thank the New York City Council for supporting the New York Immigrant Family Unity Project, a project which allowed me to have a legal representative with me while I was detained during my Immigration Court case and ultimately saved my life by winning my case for me to stay in the United States.

I am the son of Margarita Murillo, who fought for the rights of farmers and for human rights in Honduras. I immigrated to the United States in 2005 to escape the political persecution I was facing due to my mother's work. In 2006, I was arrested by immigration. I was deported, because I didn't have anyone to represent me in that case. All that they did was put me in a room with a judge; I didn't understand much, I was too young to understand what was going on, and there was not a translator. I only understood that they were going to deport me because I had entered illegally; they made me sign a paper and that was it. Later I returned to the U.S. for the same reason, and I was deported again in 2009. During all of those years, the persecution against my mother and my family continued, because of her political activism and her work fighting for the rights of the people.

Two months after I was deported to Honduras in 2009, there was the coup d'état, where the military of Honduras kidnapped President Manuel Zelaya Rosales, and took him out of the country. The country was very volatile and dangerous during those days because the people rejected the actions of the armed forces. About two weeks after the coup, some unknown men kidnapped me from my house at gunpoint during the middle of the night, and they kept me captive for about a month. They interrogated me about

my mother's work. When I didn't cooperate with them, they tortured me. After they tortured me, they took my body and dumped it in the countryside. I had nearly lost consciousness because of all of the injuries I sustained. They tossed me away and left me, believing that I was dead – I even heard one of them say, "Give him a bullet in the head to make sure he's dead," and the other one replied, "he's already dead."

Thank God, I survived this assassination attempt. I escaped, recovered, and returned to the United States, but I was living in the shadows because I was undocumented. In July of 2014, once again I fell into the hands of immigration. They detained me and were planning to deport me again; but this time I went to a "Know Your Rights" presentation and I learned about the legal defense available to people who are victims of persecution in their countries. I wrote a letter to my deportation officer and, after being rejected a few times, they scheduled an interview with an asylum officer.

While this was happening, I was trying to call around to many different legal organizations, asking for someone to take my case and represent me, but none of them accepted my case. Then, while I was waiting for the date of my interview with the asylum officer, I learned the terrible news that my mother, Margarita Murillo, was assassinated in Honduras. I was devastated; felt completely powerless to respond; and I felt even more pressure about trying to defend myself with the news of her assassination.

Arriving in court, I found an attorney from Brooklyn Defender Services. Thank God they took my case. They put me into the hands of Tracy Lawson. With her dedication and service, her good representation, we got all of the evidence we needed and we prevailed in my case.

The difference between having an attorney and not having an attorney is enormous. The prosecutor in my case tried to make them deport me by any means necessary; she did not help in any way. She rejected our evidence and rejected my testimony; she found ways to delay and delay and delay the case. I believe she did that so that I would get desperate. Because I wasn't eligible for a bond, each delay cost me many more months detained. She made us jump through hoops to get documents that we had already provided but that she wouldn't accept.

With an attorney working on my case, I understood the proceedings and all the work necessary to be successful in the case. Without an attorney, I would not have had the confidence to be able to defend myself; on the contrary, alone, I *would* have become desperate with so many delays, that I am sure I would have signed out and let them deport me. I would have done that even though I knew that the only thing that waited for me in Honduras was death, because I would have taken up my mother's cause in Honduras.

During my case, my attorney was able to communicate with many people on the outside – my family and acquaintances in Honduras, the human rights defenders supporting me and coming to court here in New York. Without an attorney, I would not have known what evidence and documents were needed, and I would not have been able to make calls to Honduras to get them. The calls from the jail are extremely expensive. A detained person does not have the ability to collect documents and evidence and to comply with all of the required procedures to support their case. What is more, the attorney found an expert that gave up-to-date testimony about the situation in Honduras and collected news reports, national and international, about the assassination of my mother and the situation in Honduras. I could not have done that if I were defending myself alone.

I can say, with 100% certainty, that if I did not have an attorney in my immigration case, I firmly believe that I would be dead in Honduras today.

After being detained nearly a year by immigration, the prosecutor finally conceded that we proved my case, and the judge stopped my deportation. Since then, my attorney has also been helping me with other matters as well; she helped me find medical services, she helped me get employment authorization, and many other things. She also helped my family – she helped my sister and niece, who came to the US recently, after our mother was assassinated, to find an attorney, and she helped my brother, who is in deportation proceedings, too, find an attorney. All of this is to say, that the work of my attorney extends far beyond her work in the courtroom and she has helped me in various aspects since we won my case.

Almost all of the other detained immigrants that I met during my year of detention had attorneys from the NYIFUP program; many of them either won their cases or got out on a bond. Everyone depends a lot on this program. What is more, we can trust the quality of their work, because even some private

attorneys will take an immigrant's money and they won't do a good job, so then the immigrant loses their case and loses a lot of money, too.

In conclusion, I, Samuel David Flores Murillo – alive, healthy, and with the power to live not as an undocumented person, but as a resident recognized by the City of New York, respectfully and sincerely ask that, Please, continue to support the NYIFUP project and the Brooklyn Defender Services, for the benefit of all of the immigrants, detained and not detained, that need to defend their cases.