

Hey folks. Tumen received a ruling from the judge yesterday - she denied his request for asylum and ordered his removal from the country. before I get into any details about what we're doing next - Tumen has 30 days to appeal the decision and we have a strong argument to get this result either overturned or reevaluated.

Asylum claims are based on whether the candidate meets the criteria as a "refugee", and if they do not meet the criteria for any of the "bars to asylum". Tumen prepared his case very carefully and even brought in an expert witness who could verify the authenticity of all of his claims about the dangers of his various statuses in Russia (ethnic and religious minority, political outsider, etc). The expert witness was also able to discuss what dangers await those who escaped Russia and are deported back - which was necessary both for the "refugee" claim and a special protection that is applied when there is a possibility the candidate could face torture.

The truthfulness or authenticity of Tumen's and the expert's testimony were not called into question by the judge or the DHS attorney.

However, the judge used the flexibility allowed to her in order to *downplay* the implications of each claim. For example, she could simply say "I believe that it happened, but that's not ethnic persecution" when Tumen discussed being targeted for being a non-white Russian and beaten severely over a long period of time by the police. The judge accepted that the expert witness was an expert, after cross-examination, but then decided that her testimony was not important because of potential *bias*. The bias claim is based on the "emotional language" used by the expert, such as "ethnic minorities in Russia are being put into the meat grinder" with regard to their forced conscription in the current war.

Perhaps the most insulting opinion given by the judge was that because Tumen is intelligent and well-spoken, he is not really in danger because he is resourceful enough to keep himself safe.

So, although Tumen was able to demonstrate and have verified that he met all the criteria needed to be deemed a refugee, immigration court judges have the leeway to use subjective opinion to make a ruling based on vibes. That's not an exaggeration, that's exactly what happened.

We are seeking opinions and pro-bono advice from legal experts, but based on my own reading, Tumen has a great chance in his appeal. The biggest points we will be addressing are the disregarding of the expert witness, and the fact that the judge incorrectly recounted several testimonies in her ruling. Once we have access to the transcript, It will be very simple to disprove her claims and demonstrate that the decision did not reflect the content of the hearing.

The result of the appeal to the Board of Immigration Appeals could go three different ways. 1: They could reverse the judge's decision and grant asylum. 2: They could issue an order to the judge to reevaluate part of the decision and re-rule (I don't like that one, facts don't seem to be relevant to her opinion) or 3: They could uphold the decision and support removal.

If the worst happens and option 3 occurs, we are not done. We can appeal again to the federal court and continue fighting.

However, we should feel confident for two reasons. 1: The hearing was filled with incompetence and obvious mistakes on the part of the judge, it will not be a stretch to demonstrate this in front of the Board. 2. Even if Tumen is not granted asylum, arguing against removal *is a different process*. There are different legal standards for arguing against removal than there are for asylum claims - and it is *significantly* less subject to an individual's opinion.

If there is any one single person in this entire court system who is not an incompetent racist, Tumen will not be removed. To optimize our chances, we are asking for everyone to attempt to search for and make contact with any individuals or agencies that have knowledge on asylum *appeals*. It specifically needs to be about the appeals process, NOT asylum claim hearings. Each step of the process is subject to different standards and procedures.

Tumen is doing his best to keep his spirits up and has already detailed a great deal of his defense. In the off chance we do need to hire a legal professional and can't get everything we need pro bono, I would encourage donations through ko-fi to continue. Thanks.

#### **Update: Message I am sending to immigration lawyers**

**Good afternoon, your name was recommended to me by [redacted] from [redacted]. I am writing on behalf of my friend Tumen Tushinov who is detained in Aurora, CO. Tumen is a Buryat, anti-war Buddhist activist who fled Russia with his wife. The asylum hearing took place with judge Judy Archuleta on May 2, and his request was denied on frivolous grounds. Tumen's testimony was corroborated by an expert witness, even so the judge ruled that his experiences of persecution were subjective individual experience and there was no evidence presented of systemic ethnic persecution of Buryats by the Russian government. I served as a witness during the hearing as well. To be candid, judge Archuleta's carelessness crossed the line of racism on more than one occasion during the hearing and her ruling directly contradicted aspects of the testimonies. We are in the process of requesting an appeal, but want to do everything in our power to avoid further injustice. I have much more information I can provide about the case and what Tumen has written for his appeal thus far. Any advice or guidance would be a blessing.**

**Best,  
Edward Gallo**