

Victory!

BAMN'S Community Defense Stops Deportations Oriana Benavides and Annelise Pineda WIN Asylum!

On Wednesday October 28th, close to 100 community supporters showed up to San Francisco immigration court to stop the deportations of two members of the Benavides/Pineda family. Oriana Benavides, a student at Berkeley High School, and her mother Annelise Pineda from Venezuela won their right to asylum based on fear of political persecution. Students from Berkeley High, including members of the football team, parents and teachers, UC Berkeley students and members of the Bay Area community organized by BAMN picketed in front of the court with signs and chants like “We want asylum, we want it today! Oriana and Annelise have to stay!”

The demonstration drew supporters from people walking by, coming into court, drivers, and garnered supportive news media coverage. The demonstration was not a typical day for court employees, government attorneys, and judges. By the starting time of the asylum trial, news of the demonstration had reached security and the judge who made arrangements for the public. Close to 30 people were allowed to enter the courtroom while the majority of the supporters packed the halls outside of court. Foreshadowing his attitude during the trial, the government attorney complained about feeling “unsafe about people holding signs” (!) at the demonstration and asked the judge to not allow the public in court. When his request was denied, he asked not to have supporters sitting in the bench section behind him. He ultimately had to relent to BAMN's legal team sitting behind him.

Once the trial began, in an unusual manner, the Government attorney accepted the expert's report on Venezuelan country conditions done by Dr. McCoy, a professor at the University of Georgia. The report detailed the different ways the Venezuelan Government targets and suppresses opposition. The US Government attorney also accepted the expert testimony of Dr. Victor Pineda, world renowned leader on disability rights, UC Berkeley alum and family cousin who has been targeted and banned from presenting his work in Venezuela because the family name Pineda is associated with the opposition. The judge also did not challenge the expert reports.

The majority of the trial was spent on the testimony of the mother, Annelise Pineda. Oriana was asked to step outside the court as a potential witness. Annelise was an orthodontist in Venezuela and descendant of the prominently political Pineda family.

Although it was extremely difficult to testify without her close family present and having to relive her nightmare in Venezuela, Annelise spoke out bravely about her and her family's experiences of having been physically attacked and psychologically tortured in Venezuela, and her continued work in the US as an outspoken oppositionist against the Maduro regime, and the guarantee of persecution and death if she were ever to be returned to Venezuela.

Judge Ann Little, Trump appointee, head of the New Jersey Tea Party, and leader in New Jersey Militia, was the presiding judge over the case. Little behaved like someone consciously accustomed to having the power to decide who stays and who is deported, and in some instances, who lives and dies. In this case, in the face of a courtroom packed with supporters, and many more kept out but picketing in front of the building, she chose to appear merciful (especially in front of an audience).

In another uncommon scene in immigration court trials, Judge Little delivered her decision from the bench immediately after the trial, announcing the victory for Annelise and Oriana. The decision resulted in cheers and applause from the public in court, while the government attorney was halfway packing his stuff and, in a hurry, to get out of the court. The government always reserve the right to appeal, in this case, he “submitted.”

For almost two years, members of the Benavides-Pineda family have continually spoken out at public tribunals, rallies and done news interviews about their experience in Venezuela in an effort to seek public support for their family's asylum case. Their leadership in the immigrant's rights movement has not only helped to build community support to win their case, but also to inspire other immigrants and communities in the Bay Area. Three more members of the family have asylum cases pending, this victory almost guarantees victory for their cases.

Outside the court, the rest of the supporters who did not make it inside the court were still picketing and chanting when the case was over. We held a rally where the family announced the victory to a cheering crowd. Immediate lessons were made to the crowd of the importance of fighting immigration cases publicly and collectively. This victory is the model to follow for fighting future immigration cases, and also for political struggle in general. It's a stunning example that if you fight through the BAMN method of building independent mass power of our communities, in the face of adversity and opposition from racist demagogues like Trump or ICE: stand up, mobilize the movement, and we can WIN.