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WEEKLY

Shook associate's background plays key role in asylum win

BY SCOTT LAUCK

slauck@molawyersmedia.com

Brice Nengsu Kenfack already was juggling a few other pro bono cases in December 2017 when he got a call from fellow Shook, Hardy & Bacon attorneys in Texas. The firm's Houston office was representing a young woman from Mali who primarily spoke French and who was seeking asylum in the United States before her family could force her to marry.

Nengsu Kenfack, an associate at Shook's Kansas City office, seemed tailor-made to help. Born and raised in Cameroon and a native French speaker, he could understand the intricacies and idiosyncrasies of her language. And with prior pro bono immigration cases under his belt, Nengsu Kenfack had experience navigating that area of the law.

Still Nengsu Kenfack initially thought he primarily would be a translator — until he spoke to the client.

"After the first interview, it became the most important asylum case," he said. "I heard the story, and it really touched me."

On Aug. 2, an immigration judge in Houston agreed that the woman's compelling and credible story merited granting her refugee status. She's now safe in the United States, and in a year she can apply for permanent resident status.

The client, whom the firm referred to as A.K., had come to Houston to attend college. Back home in Mali, her uncle, who had effectively taken over the family after the death of A.K.'s father, wanted her to get married and undergo female circumcision. He had cut off funding for her education and was threatening her to force her to return home to lead a life she didn't want to lead and endure mutilation.

"That's the continent I'm from, and I know we have a lot of old-school things that we try to get rid of," Nengsu Kenfack said. "It's a big battle between old mentalities and the new mentalities back in Africa. That's the reason

why I think it's not going a lot of places. I just got outraged by having things like that still going on."

Asylum cases hinge not only on the credibility of the victim but also on whether she falls into a "particular social group," or PSG, under U.S. immigration law. Broadly defined, a PSG is a group of people who face a threat, typically from a government, that is tied to a fundamental characteristic of their identities. A person targeted for religion or ethnicity, for instance, might make the cut; someone who fears gang violence probably won't.

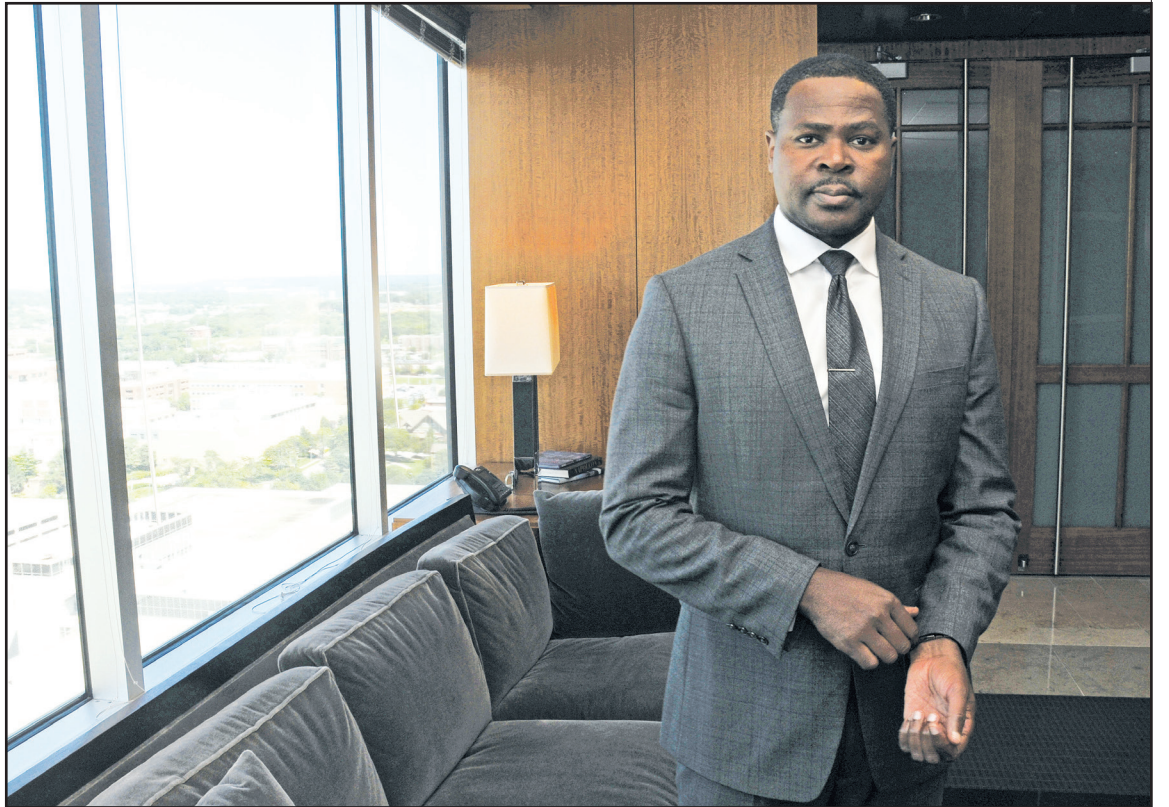
Michael Gray, the lead lawyer on the case, said they framed A.K.'s case based on her status as a woman who rejected traditional forced marriage and genital mutilation but knew that the government of Mali had turned a blind eye to such practices.

"Her credible fear was, if she gets sent back she will be persecuted by the family because of those characteristics, and the government won't protect her," he said.

The firm retained an expert on the culture of Mali and the conditions in the country to bolster the argument. Shook reported putting nearly 500 hours into the case.

Gray, who is part of Shook's intellectual property group in Houston, said it was the first immigration asylum case that he or Jonathan Hernandez, an associate in the Houston office, had ever done. Gray is a former drilling engineer who had worked in Africa, but he said Nengsu Kenfack's cultural, linguistic and legal skills were a "fantastic match."

"They're not from the same countries in West Africa, but he



Brice Nengsu Kenfack, an associate in Shook, Hardy & Bacon's Kansas City office, used his experience as a native of Cameroon and his linguistic and legal skills to help a woman from Mali win asylum in the United States. Photo by Scott Lauck

'IT REALLY TOUCHED ME'

knows far more about her culture than, frankly, I did or Jonathan did," Gray said.

Mali and Cameroon, though both in West Africa, are nowhere close to each other — their capitals are more than 1,900 miles apart. Nengsu Kenfack, however, said parts of his native country still have practices similar to what his client faced.

He grew up in a small town in Cameroon, where his mother worked for a judge. He recalled visiting her at work as a child and watching a man stand trial.

"As a kid, you hear the testimony and you know this guy hasn't done anything," he said. "But the lawyer he had was so bad . . . that's how he lost and went to jail."

It sparked in him a desire to become a lawyer. He came to the United States on a basketball scholarship and went to college at Creighton University in Omaha. He played collegiate and

then professional basketball, joining teams in Europe and the Middle East and culminating in playing as part of Cameroon's national team in the African Cup of Nations in 2011.

That same year, he returned to Creighton to study law, earning his law degree in 2014. After clerking for U.S. District Judge Brian S. Miller of the Eastern District of Arkansas, Nengsu Kenfack joined Shook's liability litigation group in September 2016.

Nengsu Kenfack said he chose to live and raise his family in the Midwest because it reminds him of home.

"It was the people, the culture," he said. "I felt like socially, the way people are in the Midwest, it's almost the same way I grew up. You actually have people genuinely care for other people. It's not the kind of fast-paced place where you are ready to walk over anybody to get where you want to go."