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A Child's Life, A Lawyer's Humanity

Hard-won Asylum Helps Boy Avoid Salvadoran Gang's Wrath

September 27, 2009 | By Scott Calvert | Scott.Calvert@baltsun.com

The 12-year-old boy's harrowing story tumbled out: Tormented by a gang in his native El Salvador. Sent by his terrified mother to sneak into the United States in search of safety. Nabbed by Border Patrol agents in Texas. Told he'd have to go back home, whatever the consequences.

Santos Maldonado-Canales badly wanted to stay, and now, sitting in a plush Baltimore law firm in August 2008, his hopes rested with an earnest young lawyer. At 27, Azim Chowdhury was two years out of law school and knew nothing about immigration law. A partner at the Duane Morris firm had given him the case as part of its mission to offer free representation.

On that day, Chowdhury began an odyssey of his own, immersing himself in tricky legal issues and a Salvadoran family saga. Winning asylum would not be easy, he soon learned. Immigration judges often deny asylum in gang cases. Over the next year, he would employ clever thinking, deep research and a bit of luck to press his client's case, and by the end he would find himself sought out by veteran lawyers.

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But in that first meeting with Santos, all Chowdhury knew was that he wanted to win. "We don't want this kid to go back to El Salvador," he thought. "We're pretty sure he's going to get killed."

The fear was real. In 2007, Santos' 16-year-old brother, Jose Ever, was shot dead by gang members. These were the same thugs who afterward continued to beat and threaten Santos and his family.

Jose Ever's murder, by his family's account, was brutal payback for his stubborn refusal to join the gang known as Mara Salvatrucha, or MS-13. "He was a really good student," said his mother, Maria, through an interpreter, "and he wanted to continue with his studies."

MS-13 is a notorious Latino gang known for its violence and criminal rackets. It originated in Los Angeles among Salvadorans, and the FBI says it has spread to 42 states. The Washington area is a hotbed.

El Salvador has a big MS-13 presence partly because so many members have been deported back to the small Central American nation, where law enforcement is weak and poverty widespread.

The dead-end economy is what prompted family patriarch Pablo Maldonado-Canales to leave El Salvador well before MS-13 began preying on his three sons. Since 1998 he has lived in Maryland, working in construction and sending money home. Though here legally, he lacked the right to bring his family.

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