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Journalist Who Fled Mexico After 2008 Death Threats Finally Granted Asylum

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Mexican journalist Emilio Gutiérrez Soto, who fled his country in 2008 after death threats, has finally won his asylum bid and may remain in the United States, an immigration appeals court has ruled. (Decision, [Matter Of: Emilio Gutierrez Soto, Oscar Gutierrez Soto](#), U. S. Department of Justice Board of Immigration Appeals, September 5, 2023).

Gutiérrez Soto, left his home in Ascensión, Chihuahua, with his son Oscar, then age 15, and crossed the border into Texas after members of the Mexican military raided his house and threatened his family. At the time, Gutiérrez Soto was a staff reporter for *El Diario del Noroeste de Nuevo Casas Grandes* where he covered military corruption in Ciudad de Juárez, a major crossroads for drug trafficking and cartels. Following publication of his stories, Gutiérrez Soto was summoned to the El Miami Hotel where a gauntlet of heavily armed soldiers insulted, taunted, and threatened him. Officers ordered him not to publish any further reports critical of the Mexican military, with one officer telling him, “You have written three articles full of lies. There will not be a fourth.”

Upon entering the U.S., the Gutiérrez Sotos applied for asylum. They lived and worked peacefully in Texas and New Mexico for nearly a decade while their asylum petitions remained pending. However, in July 2017 an immigration judge ordered them deported, finding that – despite the murders of more than 150 Mexican journalists in the past 30 years, and his compelling personal story – Gutiérrez Soto had not demonstrated a genuine threat to their lives if he and his son were forced to return to Mexico.

While their appeal of that ruling was pending, the National Press Club invited Gutiérrez Soto to accept a freedom of the press award on behalf of Mexican journalists. During his acceptance speech, Gutiérrez Soto criticized U.S. immigration policy under President Trump’s administration. Within a few months of the speech, U.S. Immigration Customs & Enforcement officials took Gutiérrez Soto and Oscar into custody and began deportation proceedings.

The immigration lawyer for the Gutiérrez Sotos then filed a *habeas* petition, which was supported by an amicus group of 17 news organizations. The Board of Immigration Appeals (BIA) ordered the immigration judge to hold another hearing and consider additional evidence, including 130 pages of news articles Emilio Gutiérrez Soto had authored that were not made available at his first asylum hearing. (In the interim, Gutierrez Soto was awarded the prestigious Knight Wallace Fellowship for Journalists at the University of Michigan for the academic year 2018-2019). But on remand, the same immigration judge again denied the two men’s asylum requests in February 2019.

The tribunal noted that “journalists in Mexico are sometimes subject to physical attacks, harassment, and intimidation due to their reporting, making Mexico one of the most dangerous places in the world, outside war zones, for journalists.”

In its ruling last month, the BIA reversed the immigration judge and held that Emilio and Oscar are eligible for asylum. The tribunal noted that “journalists in Mexico are sometimes subject to physical attacks, harassment, and intimidation due to their reporting, making Mexico one of the most dangerous places in the world, outside war zones, for journalists.” The BIA further noted that Gutiérrez Soto had been “a vocal critic of the Mexican government and the military over a period of many years,” that his “prominence has increased while in the United States,” and that “the Mexican authorities would be aware of the respondent’s return to the country”. The BIA held that:

In view of the foregoing, we conclude that the totality of evidence reflects that the respondent has a well-founded fear of persecution in Mexico on account of his political opinion and particular social group membership, and that his fear is subjectively genuine and is shown to be objectively reasonable.

The tribunal ordered the immigration judge, on remand, to enter an order granting them asylum.

“I’m so emotional, because in 15 years, I was in a state where justice wasn’t there,” Gutiérrez Soto told [MLive Ann Arbor](#). “Fortunately, there was another chance with different judges, who considered the evidence and came to the decision that they did.” He plans to now write about his experience in dealing with the U.S. immigration system.

Emilio and Oscar Gutiérrez Soto were represented in their asylum proceedings by Eduardo Beckett of El Paso, Texas, and Penny M. Venetis, Professor of Law, and Director of the International Human Rights Clinic, at Rutgers University College of Law in Newark, New Jersey.

Chuck Tobin, with Ballard Spahr LLP in Washington D.C., Steven D. Zansberg, with the Law Office of Steven D. Zansberg in Denver, and Mark Flores with Littler Mendelson, P.C. in Dallas, Texas, represented the coalition of news media organizations that filed the amicus brief supporting the habeas corpus petition that won the Gutiérrez Sotos’ release from detention.

Chuck, along with the Reporters Committee for Freedom of the Press, also represents the National Press Club Journalism Institute in ongoing FOIA litigation against the Department of Homeland Security seeking all records related to the Gutiérrez Sotos’ asylum proceedings.

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