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## CASE CLOSE-UP: Gezim Kollcinaku

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THE NEW YORK LAW SCHOOL  
CIVIL AND HUMAN RIGHTS CLINIC

# CASE CLOSE-UP: Gezim Kollcinaku

BY PROFESSOR CAROL BUCKLER

Gezim Kollcinaku came to the United States from Albania in 1994, when

he was 21. As a former political prisoner, he had already lived a lifetime of hardship. His determination and courage, together with the zealous assistance of the New York Law School Civil and Human Rights Clinic, are giving him a new beginning in the United States.

Gezim was born in a prison labor camp in southern Albania because the brutal Communist regime in power at that time considered both his parents to be political enemies. His parents, in turn, were being punished for the political activism of their fathers. His paternal grandfather, Mehmet Kollcinaku, had fought alongside the Communists in World War II against the Nazis, but when the Communists began nationalizing private property in 1946, he took a public stand against them. He was jailed and managed to escape, eventually fleeing the country. In an effort to track him down, the regime followed what became standard practice in Albania: punishing entire families for the dissidence of one family member. Mehmet's wife (who was pregnant at the time with Gezim's father) and her two young daughters were sent to prison.

Gezim's father, Boris, was born in prison in 1946. For several years he and his family were transferred to various prisons and labor camps, eventually ending up at

Pluk, a labor camp in southern Albania. Gezim's mother, too, was sent to Pluk as a child because her own father was a vocal opponent of the Communists.

Life at Pluk was unimaginably harsh. The camp was heavily guarded. Gezim and his family lived in a tiny mud hut without plumbing, heat or other basic necessities. Beginning when he was 11 years old, labor camp authorities forced him onto work crews, doing heavy agricultural labor under the watchful eyes of armed guards. The family survived on the meager rations supplied by the camp authorities.

As Gezim grew, his family nourished in him the hope that one day there would be freedom in Albania. In 1991, it began to seem that democracy might have a chance. For the first time in decades, free elections were held, and a new party called the Democratic Party won. Unfortunately, the new leaders, all members of the former Communist party elite, simply practiced a new brand of repression. Gezim and his father continued to be persecuted for their political

beliefs. In 1994, the family managed to flee to the United States.

Once in New York, Gezim and Boris attempted to apply for political asylum with the assistance of lawyers, or people who held themselves out as lawyers. Instead of providing effective advocacy, these representatives apparently simply filed forms (in Gezim's case, without his full input or permission), took their money, and abandoned

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them. Gezim's application became lodged in the backlog of applications at the Immigration and Naturalization Service (INS) for more than a year, and Boris' application was rejected by the INS. Boris was scheduled for a deportation hearing. It was at that point that Gezim and Boris found their way to New York Law School, following a referral by the Lawyers Committee for Human Rights.

At the New York Law School Civil and Human Rights Clinic, students Kristen Snyder Rufo '97 and James White '96 interviewed Boris, with Gezim and Fatos Koleci '97, an Albanian-speaking NYLS student, acting as translators. Clinic stu-

dents steeped themselves in the arcane politics and history of Albania. They learned the standards for a grant of political asylum under the immigration law, and the procedures of the immigration court. Under the supervision of Professor Carol Buckler, they prepared Boris for his direct examination and cross-examination by an INS attorney. Ultimately, the immigration judge granted Boris political asylum.

In the meantime, Gezim's file re-emerged at the INS, and he went through the same process, working with Clinic students Charles Wertheimer '97 and Michael Colton '96. His application, too, was initially rejected by the INS. The Clinic continued to work on his case, with students Cathy Rubio Kuffner '97 and Shari Newberger '98 appearing at his deportation hearing in November 1996, and Aliaa Abdelrahman '98 and Nirupa Narayan '98 at the continued hearing in June 1997. The disappointments and delays inherent in the process at times discouraged both Gezim and the students, but each tried to keep up good spirits for the other's sake. On June 18, 1997, Immigration Judge Sandy Hom granted political asylum to Gezim, based both on the persecution he suffered at the hands of the previous regime and the persecution he reasonably fears if he were to return to Albania. Judge Hom complimented the Clinic on the quality of its work on the case. Gezim (who has Americanized his name to Jimmy) is ready to begin again.