

1 JUR1530 assignment V21

Please read the facts and answer the questions. You may refer to the documents in the annex, academic literature, case law, and additional sources (please cite your sources). Good Luck!

Sean Lewis is a 22 American man from Michigan, United States. He studied communications at a community college and in 2018 was offered a job as a consultant organizing online events for groups seeking to discuss the alleged negative impact of immigration upon Anglo-Saxon American culture. One of the groups was the Proud Boys. Sean helped distribute the promotional materials via Facebook, Twitter, Instagram, and What's App. Sean worked closely with Stacey Adams (24 years old, also from Michigan) who was a leader of the Proud Boys' Girls, an auxiliary group of the Proud Boys that aims to promote traditional gender roles for women- countering feminism. Stacey has been in the group for 4 years, she joined after being recruited by her cousin. Stacey would give speeches at the on-line events and pursue recruitment of new members as well as seek financial donations.

On January 6, 2021, both Sean and Stacey traveled to Washington D.C. for a rally in which the Proud Boys participated. President Trump criticized the results of the election and stated "You will have an illegitimate president. That is what you will have, and we can't let that happen." The Proud Boys joined a march on the US Capitol where they interrupted a joint session of Congress which was counting electoral votes to formalize the election result. Sean and Stacey were at the march but left when they saw people vandalizing the Senate offices. They claim that they did nothing more than tweet "Hang Mike Pence", due to their view that the Vice-President was a traitor. The FBI announced that they would investigate the participation of the Proud Boys in the insurrection on the Capitol and the crime of sedition (advocacy for overthrowing the government which carries a penalty of 20 years in Federal prison). Stacey and Sean were frightened and drove to Canada where they met with the leadership of the Proud Boys. They were both given airline tickets and instructed to go to Denmark where they could work with the group Stop Islamization of Europe.

After arriving in Copenhagen, they were met by the communications director of the Stop Islamization of Europe who asked them to help them with the social media campaign seeking to stop immigration and organize protest marches. Stacey wrote campaign material decrying the fall of European families due to an escalation in divorce rates brought about by women working. Sean helped the group use algorithms to reach people in different age groups and backgrounds with anti-immigration messaging. Both Sean and Stacey decided to apply for asylum.

Sean stated that he believed that he is wrongfully accused of engaging in the crime of sedition because he merely followed the group, not understanding what was going to happen at the Capitol and he only provided technical assistance for dissemination of the campaign. He alleges that he did come up with the substantive content of the message. Sean claims that the Anti-Fascist movement (Antifa) conducted a defamation campaign against him on the internet, accusing him of actually being a key player for the Proud Boys. As a result, he received hate messages and death threats, so he shut down his personal social media accounts. He has provided copies of the death threats and hate messages. He declares "Don't send me back to the US, I will not get a fair trial and I will be jailed- I am afraid of the government and the Antifa!"

Stacey also requests asylum because she says that she will be targeted by the US prosecutor as a leader of the Proud Boys' Girls. She claims that she fully believes that the role of women is in

the home and that feminism has destroyed family life in the modern world. She wrote many policy statements that were shared on social media, both in the United States and in Europe promoting the conservative view of the role of women in society. She also stands firmly by the message she tweeted in Washington D.C. as she believes that the election was stolen. She states "Please don't return me- I have a right to freedom of expression and it will not be protected in the United States under the new Administration- I will be framed as a white extremist! I will be unable to continue my work and will be persecuted by the US government." You have been notified that the government of Canada has listed the Proud Boys as a terrorist group, but Denmark has not.

You work for the Ministry of Justice in Denmark. You sent an inquiry to the FBI as to whether there are charges against Sean and Stacey. The FBI has replied that their investigation is very expansive but that they have not filed charges for the participants in sedition yet. However, the FBI informs you that if they are returned they will both be placed in indefinite pre-trial detention while the investigation is ongoing. You have been asked to write a memo analyzing whether Sean and Stacey can be recognized as refugees and whether they are protected pursuant to non-refoulement.

Section 7 of the Danish Aliens Act provides the legal basis for refugee status eligibility in Denmark.

7 (1): Upon application, a residence permit will be issued to an alien if the alien falls within the provisions of the Convention relating to the Status of Refugees (28 July 1951).

7 (2): Upon application, a residence permit will be issued to an alien if the alien risks the death penalty or being subjected to torture or inhuman or degrading treatment or punishment in case of return to his country of origin.

Denmark has ratified both the 1951 Convention on the Status of Refugees and the European Convention on Human Rights.

Annex:

- [1951 Convention on the Status of Refugees](#)
- [European Convention on Human Rights](#)
- [Article on listing of Proud Boys](#)
- [Article on Proud Boys and the Capitol attack](#)
- [Report on the impact of pre-trial detention on sentencing in the United States](#)

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