



# EQUAL JUSTICE AMERICA

## Summer 2023 EJA Fellow: Nina B. Colombotos



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### Update 1:

It's hard to believe, but I'm already nearly halfway into my summer clerkship with Texas RioGrande Legal Aid (TRLA) in Austin, Texas. This summer, I'm working on the civil side, primarily with the Immigration and Employment groups. It's been an absolute delight to work with such a dedicated team of advocates.

TRLA is arguably the leading legal aid organizations in Texas, providing civil legal services in 68 counties from El Paso to Austin to Corpus Christi, including the Laredo area and the Rio Grande Valley. There is not nearly enough quality, affordable legal representation to meet the legal needs of low-income Texans, but TRLA does its absolute best. I have been so impressed in my first few weeks by the hardworking people that make up this organization. TRLA is a massive organization, and I continue to connect with new TRLA attorneys and support staff all over Texas nearly every day.

It's no question that TRLA is providing critical services. It is well established that representation is especially important in immigration cases. As the Transnational Records Clearing House (TRAC) has studied, outcomes improve dramatically when asylum seekers are represented by counsel. TRAC found that in FY 2021-2022, asylum seekers in removal proceedings won their cases two and a half times more often when they had an attorney by their side. The difference is massive, and the stakes could not be higher.

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### Update 2:

I have been hard at work fighting for clients in a wide range of cases since my last EJA update. In the past few weeks, a lot of my time in particular has been consumed by a client detained in south Texas as part of Operation



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Lone Star. The client faces smuggling charges because he was pulled over while driving fellow undocumented workers.

As I work to develop the request that he be released from Immigration and Customs Enforcement (ICE) detention, I am struck by how important it has been for me to be working in Texas on immigrants' rights issues. I am from Massachusetts, where we have many immigrant communities, but the nature of the work is inherently different because of our distance from the southern U.S. border. My time at TRLA has been especially formative because I have been able to be involved on projects like this. When I hear about the issues I am working on in my day-to-day on national news, I am reminded of how important it is that I am here, now, doing this work.

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## **Update 3:**

I recently visited with a client who is in a rough situation. She sustained a severe injury at work a few years back that has made her unable to work since the injury. She was also recently in a car accident and needs multiple surgeries. The client is undocumented and in removal proceedings, despite the fact that she has been here since the late nineties, has two U.S. citizen children, and does not have a criminal record. Fortunately, the client has a pending U visa petition, which, if approved, would allow her to remain in the United States and even set out on a path to citizenship. The U visa provides protection for victims of certain crimes that have cooperated with law enforcement in its investigation or prosecution of the crime.

Much less fortunately, there is an annual statutory cap on the number of U visas that can be issued. As a result, over 200,000 U visa petitions are pending, and people must wait years before their petitions are adjudicated. This leaves people like the client I met in danger of deportation, despite the fact that they have a valid claim to remain in this country. Years of limbo take a severe emotional (and financial) toll. Organizations like TRLA do their best to facilitate access to relief for undocumented people here in the U.S., but our work can only go so far when immigration policy comes up so short.

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## **Update 4:**

In the past few weeks at TRLA, I have been conducting informational sessions for TRLA clients detained in criminal jail as part of Texas's Operation Lone Star (OLS). Governor Abbott launched OLS in 2021, calling on the Department of Public Safety to "use available resources to enforce all applicable federal and state laws to prevent the criminal activity along the border, including criminal trespassing, smuggling, and human trafficking." In effect, OLS has worked to criminalize what is otherwise a perfectly lawful process, namely, crossing the border to seek asylum.

One division of TRLA represents clients in their criminal cases while another, the immigration team, provides general immigration information for those clients. I have now conducted a handful of these sessions, meeting with small groups of immigrants, all of whom have come here to seek asylum. The clients, wearing uniforms



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and speaking to me via Zoom from a jail visitation room, have all asked me essentially the same question: “Why are they treating us like criminals?”

It’s an incredibly hard question to answer. I explain how the governor of Texas is trying to criminalize migration at the state level. We talk about their right to asylum and how they can enforce that right once transferred to ICE detention, so as to try to avoid deportation. But it’s hard to not feel like I’m leading these men to their death. Once in immigration detention, they’ll be interviewed to assess the potential validity of their asylum claim. If after that brief phone call, the officer decides that they don’t have a strong enough claim, they’ll likely be deported back to the places where they fear for their lives.

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## Update 5:

As soon as I came to Texas for law school, I immediately started hearing about TRLA everywhere I went. Even before I came to know the organization personally, it was clear that TRLA was a leading legal aid provider, and I knew that I wanted to be a part of that important work. I came to TRLA with a background in immigrants’ rights work, which I had done in Massachusetts, California, and here in Texas during law school. But I have gained so much more substantive experience and insight during my summer than I could’ve expected from just a few months here.

I joined the immigration group for the summer and immediately got to work on a wide range of immigration cases. I helped trafficking victims seek permanent status. I fought for the release from ICE detention of a client who had been in the United States for 20 years. I supported attorneys in obtaining a variety of humanitarian relief for their clients. I provided general immigration information to groups of migrants incarcerated in criminal jail, caught up in Operation Lone Star while attempting to cross the border to seek asylum.

In the last few weeks of my clerkship, I worked with an attorney on another detained case. This one was a young indigenous man from Guatemala. His father had been burned to death over accusations of witchcraft. Our client hid with his mother and sisters in Guatemala for a bit, until they were discovered and had to flee to the United States. I fought with his attorneys to secure his release from ICE detention, where he had been incarcerated for nearly two months. In the last few days of my clerkship, we secured his release from detention, and he reunited with his family. He met his young nephew for the first time. His nephew had been born on the Fourth of July while our client was incarcerated. The child was named after his grandfather, our client’s father.

It is a special thing to be able to work hard and accomplish a life-changing outcome for a client in such a short amount of time. My experience at TRLA has been especially formative because I have been fighting on the front lines. On my drive home at the end of the day, listening to national news, I heard stories about OLS, asylum seekers crossing the border, and other pressing immigration issues that are all happening in Texas. It reminded me of how important this clerkship has been – not only to the cause about which I care so much, but



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also to my professional development as an immigrants' rights advocate. I leave TRLA feeling more motivated, more informed, and more inspired.