

Attn: Dan Ruben
Executive Director
Equal Justice America
Building II - Suite 204
13540 East Boundary Road
Midlothian, VA 23112

July 9, 2012

Dear Mr. Dan Ruben:

I am writing to thank you for your generous fellowship. I am a second year student at the University of Miami School of Law. This summer, I spent eight weeks working at Americans for Immigrant Justice, a non-profit immigration firm in Miami, FL. To say that it was an exciting time to be in immigration law would be an understatement. I witnessed President Obama allow deferred action to DREAMers and the Court decide on the unconstitutionality of Arizona's SB 1070. Florida has the fourth largest immigrant population in the United States and fifty percent of the population of Miami Dade County is foreign born. Therefore, AIJ holds a crucial legal advocacy role at the epicenter of a conservative state with intense immigration movements.

For my internship, I was placed with supervising attorney Nancy Francillon. She oversees two different projects: 1) General immigration covering issues such as Asylum and Naturalization, and 2) Nou Kab project assisting Haitian immigrant survivors of violence. Prior to my internship, I had some basic knowledge of immigration relief for survivors of violence based on my previous experience as an antidomestic violence advocate. But through my placement, I learned of the complexities and challenges of legal advocacy to low-income immigrant populations. Additionally, I attended different trainings on immigration law: from interpersonal violence to detention and advocacy.

There are different methods of obtaining relief for survivors of domestic violence:

- VAWA for survivors who are married (or recently divorced) to a US Citizen or Permanent Resident
- U-visa for survivors who are not married to their abuser (or the abuser does not have status). The U-Visa requires collaboration with an agency with criminal investigative power because it is meant as a tool for law enforcement to investigate and prosecute criminal activity
- Gender-based asylum (this form of relief is not granted often)
- T-visa for victims of trafficking because a situation that looks like domestic violence on the surface might actually turn out to be human trafficking. For example, a client might indicate that a number of women live in the house with the abuser and it turns out that they are being sexually exploited by the abuser

Additionally, here are some distinct observations I made this summer:

1) By the time most of our clients come to our office, they already have a long detrimental history of immigration paperwork from trying to obtain relief for years. Most clients are already in deportation proceedings. Most of their previous immigration paperwork is done by notarios. Some of the work is done by other attorneys and would make one question the professional ethics of this profession. Regardless, my agency tries to remedy these situations by working closely with DHS on joint motions or working on legal briefs, mainly to the Board of Immigration Appeals.

2) Men do apply for VAWA. I wondered how often males sought relief under VAWA. When I worked at a domestic violence center, we would get crisis calls from male survivors but they would rarely come to the counseling sessions for the abuse. Undoubtedly, masculinity and constructive norms played an immense role on male survivors seeking services. But this summer, I observed more and more males coming into the office for VAWA intake. I would even venture to say that 15% of my intakes this summer were males. I thought that was interesting.

3) Unless one is a US Citizen, no one is safe from immigration proceedings. Not even legal permanent residents. I was extremely shocked to learn that DHS can revoke one's green card based on offenses other than drug trafficking, murder and other "more serious" crimes. Indeed, I worked with two different clients who were issued a Notice to Appear (NTA) upon returning to the U.S. after a brief vacation to Haiti. A recent Supreme Court decision held that an innocent, brief and casual departure outside the U.S. does not translate into seeking admission into the U.S. upon the permanent resident's return. The *Vartelas* decision applies to certain offenses prior to 1997. I was able to draft motions for the clients based on this recent decision.

4) Immigration law is forever changing. It is extremely complex and discretionary. I think that is the most frustrating element of the field. In one hand, discretion can mean that the lawyer can connect with DHS or the immigration judge to successfully win a case, but at the same time, it means that DHS and the immigration court have a lot of power over the individual cases. For example, one judge in a surrounding county is notorious for denying most of his asylum cases. A staff member exasperatingly mentioned that the judge denies about 94% of his asylum cases. This can be extremely frustrating for immigration attorneys who largely do not have the advantage of forum shopping that other lawyers might work around. In addition, cases with similar fact patterns can result in opposite rulings.

5) Immigration law involves a lot of money. Forms can cost hundreds of dollars and until some sort of permanent status is obtained, clients have to renew their temporary papers every 12 months or more. However, fee waivers are available to clients and the majority of our clients do apply for the fees to be waived. But the fee waiver only applies to certain forms. For example, a client who loses their permanent residency card will have to complete the I-90 form and the form costs \$450. If the client originally received the green card due to a family petition, then there is no applicable fee waiver. In the wake of the Arizona SB-1070 chaos and the Court's decision, some individuals cannot afford

to move around certain states without their green cards. So if someone loses their green card, it will be crucial for them to come up with the fee and apply for the replacement card because they will not be able to apply for a fee waiver.

6) There are good immigration attorneys and there are some really bad and vicious ones. The good immigration attorneys have to be extremely creative and resourceful. They talk to their clients and know their stories so that they can properly present the paperwork to the bureau and the court. The vicious immigration attorneys do not care for the most part. It can be mostly about leeching as much money as possible from one client. The vicious immigration attorneys are like the notarios. They are trusted by the client who doesn't know that they are dealing with scammers. Of course unlike notarios, these lawyers can cover their tracks well! Especially with the threat of the State Bar revoking their law license. I cannot imagine how a lawyer, in a profession that is bound by ethical responsibility, can act unethically. But it exists.

7) Most importantly, I learned that immigration law is a lot of work. Immigration proceedings can last years and years. It can be exhausting for both the client and the attorney. The immigration attorney might need to take roles much like the social worker where the attorney is knowledgeable of community resources such as DV shelters, financial electric bill assistance, safety planning, etc.... It is important for the attorney to self-care. It is important for the client to have a support system during the process. This is especially true for immigrant survivors of crime. But all in all, because of its changing atmosphere, there is hope in immigration law. Many advocates are working tirelessly on behalf of immigrants. Many individuals are committed to helping undocumented individuals. Even when the funding is dry, the fight never stops.

In conclusion, it was a complete joy to meet and work with clients and advocates --- both are extremely resilient and impressive.

Again, I am extremely appreciative of your support. Thank you for this fellowship.

Sincerely,
Francesse Lucius
University of Miami