



Summer 2020 EJA Fellow:



Name: Jill Applegate

Law School: University of Texas School of Law

Organization: Neighborhood Defender Service of Harlem
Immigration Defense Team

Entry 1:

My first two weeks at the Neighborhood Defender Service were primarily training for the internship and getting started on a couple of projects. Our training was all via Zoom and we learned about each of NDS different teams, including the criminal defense team, the immigration team, the family defense team, and the civil team. It's interesting to see how each of these teams works together to make sure that each client is getting representation for all of the legal issues they may be facing at any one time.

My first and primary project was writing and preparing a motion to reopen and terminate removal proceedings for a client who previously received a deportation order due to several old marijuana convictions. After New York passed its marijuana decriminalization law, our client was able to vacate his marijuana convictions and thus was eligible to reopen his previous deportation proceedings and seek termination of those proceedings. If his proceedings are reopened and terminated, this nearly 30-year New Yorker will be returned his green card and will be able to apply for citizenship.

Entry 2:

I've learned a lot during the last couple of weeks at the Neighborhood Defender Service. I finished writing a motion to reopen for a client who had multiple convictions vacated after New York passed its marijuana decriminalization laws in 2019. In addition to writing the motion, I worked with the client to draft an affidavit to go along with the motion and pulled together all of the evidence that we will be required to submit with the motion. The client received over 70 letters of support from his community, and I think if he is able to reopen and terminate his removal proceedings, it will feel like a community victory.



I have also continued to work on Padilla consultations, advising criminal defense attorneys of the potential civil immigration consequences of certain criminal convictions. I am grateful to be learning how to do these consultations so that I can be a more holistic immigration advocate for my clients in the future, knowing how their immigration and criminal cases interact with one another. Finally, I have pulled together the research on a practice guide for terminating removal proceedings or suppressing evidence and am going to begin developing the practice guide that will hopefully support attorneys in the Second Circuit.

Entry 3:

After submitting my motion to terminate removal proceedings against a client who had several convictions vacated, I was able to work on several projects including: (1) a work authorization application; (2) research into a client's immigration history; and (3) an ombudsman request to conduct an investigation into the long wait time a client is experiencing on an application pending with USCIS.

I have also been working on developing a research guide for motions to suppress evidence and terminate removal proceedings in the Second Circuit that I hope will be useful for attorneys in the region. I did a significant amount of research into circuit case law on suppression and termination and detailed the bases for filing these types of motions, and created a checklist of what advocates should look for in order to make sure they are not missing a chance to capitalize on these procedural safeguards on behalf of their clients.

Entry 4:

My last two weeks at the Neighborhood Defender Service were spent primarily working on the guide to termination and suppression in the Second Circuit. The guide has been very time intensive because it requires research into multiple different areas of the law, including Fourth Amendment law and regulatory violations. I have worked on creating a checklist for attorneys of questions to ask and documents to check in order to determine whether their client is eligible to terminate their removal proceedings or suppress evidence. I hope it will be accessible and useful to attorneys who want to make sure they are doing a thorough job of checking their clients' eligibility for termination and suppression.

Overall, this summer I have learned significantly more about the intersection between criminal and immigration law. I think this will make me a more effective advocate for my clients in the future who may be facing charges in both criminal and immigration court. No immigrant should face the additional punishment of being exiled from the United States after they have already experienced the punitiveness of the criminal justice system.