

Dan Ruben
Executive Director
Equal Justice America
Building II, Suite 201
13540 East Boundary Road
Midlothian, VA 23112

Dear Mr. Ruben:

My EJA Fellowship was very important to me and allowed me to take a position at a non-profit with a mission I support and feel passionate about. Without the opportunity afforded to me, navigating outside pressures related to funding would have diminished the time and effort I was able to bring into my internship this summer.

I would like to talk about the client I was able to work with this summer. I was placed in the Legal Aid Society's federal immigration unit. In this position, I was not as client-facing as my fellow interns placed in different units within the organization. In my role, I completed nearly equal work in legal research pertaining to clients and general advocacy.

Because of this, I felt I was able to truly work with and contribute to a few cases. The most notable, in terms of the amount of work done, was an individual awaiting removal to a Central American country where he had fled due to gang violence and threats against his family.

The DHS placed him in removal proceedings. During the proceedings, the Client was arrested by ICE. After the BIA dismissed his bond appeal, he filed a habeas petition with the federal immigration unit. The District Court granted the Client's habeas petition and the DHS was to bear the burden of establishing that the Client poses a danger to the community or presents a flight risk that cannot be mitigated by reasonable supervision or monetary bond conditions. The Court decided that the DHS met its burden to establish that the Client presented a flight risk that no amount of bond or alternatives could ameliorate.

The Court bases this reasoning on the existence of the Red Notice and Honduran arrest warrant. The IJ stated that whether or not the charges are fabricated or valid, there is a high likelihood the Client will be arrested if removed to Honduras. This was a significant factor in the court's rationale that the Client will flee to avoid future arrest in Honduras. Many of the factors the IJ relied on shouldn't have reached the level stipulated. An unverified Red Notice and arrest warrant hadn't been enough in other cases for dangerousness but became enough for flight risk. The Client just wanted to spend his time remaining in the country with his family and children, not being detained by ICE. It was such an honor to try to help him return to his family during this time as it is something I value myself.

Another major client whose case I worked closely with was an individual in ICE custody who had previously been seriously injured. He was filing a habeas petition while recovering from a gunshot wound to the jaw. While clearly a victim, he could not spend his time before his hearing with his family, recovering, outside the confines of custody whether there is an increased risk of harm from Covid. I had to review pages and pages of medical records in order to show his diagnosis and treatment, but also look out to see if he was recorded talking about his untraditional family. It was disheartening to hear that someone's untraditional family and romantic relationships could be used against an individual. It means a lot that I was able to work on a case like this and provide any aid I could.

A notable project I completed was research for a FOIA request. Rather than the typical request for an individual client, our team was searching for documents that would lead to discriminatory practices in T- and U-visas where an individual has any prior "criminal" activity. The stance of the government is that a criminal record or any criminal/drug background shouldn't preclude someone from receiving a T- or U-visa unless in extreme circumstances even though the process is still discretionary to the officer. By starting this assignment that the team has continued, I feel I am able to help a wider array of people who these potentially discriminatory practices affect. The lawyers in the LAS, as well as ACLU and the NYU Immigration law clinic, can use this information in the future to arm themselves in appeals for visas or any potential litigation against the government.

Best,

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