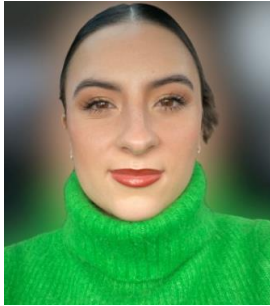




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Summer 2023 EJA Fellow:



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Update 1: I have been interning at Nationalities Service Center (NSC) under the Pennsylvania Immigrant Family Unity Project (PAIFUP) for 4 weeks now. Interning at NSC has been a joy and reinforced my passion for public interest work.

As an intern, I have helped draft affidavits and I-589 applications, attended virtual immigration hearings, attended coalition meetings, conducted client interviews, and translated documents to be submitted to court. I have also been attending weekly intern trainings which are hosted by a variety of legal service organizations in Pennsylvania. This past Friday, for example, Anu Thomas at Esperanza gave a very comprehensive crash course on asylum, withholding, and the Convention Against Torture (CAT). I look forward to the next training to be hosted by HIAS Pennsylvania this week.

It has been exciting to apply my language, interpersonal, and legal skills right away. It has also reminded me of the importance of diversity and inclusion in the legal profession, especially the public interest sector. It is a privilege of mine to be able to speak two languages, and I am always happy to practice and use my language skills. However, more bi-lingual lawyers and social workers are needed to help people navigate the American legal system, particularly in criminal and immigration proceedings. More pathways must be created to encourage more Black, brown, indigenous, and other people of color to become lawyers. This summer I am working for PAIFUP because I believe that high quality representation should be a right in all legal proceedings - hiring more multi-lingual lawyers and attorneys of color would help ensure clients obtain high quality legal representation.

I am so happy to contribute to PAIFUP's mission of universal legal representation for immigrants in Pennsylvania and can't wait to see what the future holds. Special shout out to my supervising attorney, Lilah Thompson, for her dedication to her clients and for being an incredible mentor this summer!

Update 2: Since my last post I attended another immigration court hearing, researched country conditions, and began a statement of law for asylum, withholding of removal, and the Convention Against Torture in the Sixth



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Circuit. I've also had the pleasure of meeting more colleagues in-person including my fellow NSC legal interns. It has been a great learning experience and refreshing to broaden my areas of research.

Thanks to [Equal Justice America](#) for making civil legal aid internships more accessible to law students.

Update 3: I have continued researching country conditions and drafting a statement of law on asylum, withholding of removal, and the Convention Against Torture in the Sixth Circuit. I have enjoyed these assignments because they have allowed me to learn about the world and think critically about our immigration and anti-discrimination laws.

I was particularly struck when reading cases on asylum claims based on political belief. But before I get there, I'm going to explain some of the basics of asylum law for your understanding.

First, what is "asylum"? Asylum is a discretionary remedy vested in the Attorney General and delegated to Immigration Judges ("IJ") and the Board of Immigration Appeals ("BIA"). *Marouf v. Lynch*, 811 F.3d 174, 189 (6th Cir.2016) (citing 8 U.S.C. § 1158(b)(1)(A); *Ljuljdjurovic v. Gonzales*, 132 Fed.Appx. 607, 610 (6th Cir.2005)). Discretionary denials of asylum are unusual but may be denied to an otherwise-eligible applicant in instances of "egregious conduct by the applicant," such as criminal convictions or fraud. *Id.* at 180 (citing *Huang v. I.N.S.*, 436 F.3d 89, 92 (2d Cir.2006); *Gulla v. Gonzales*, 498 F.3d 911, 916 (9th Cir.2007)).

Next, what is needed to establish eligibility for asylum? To be eligible for asylum, applicants must show that they are a "refugee" within the meaning of the statute. *Bi Qing Zheng*, 819 F.3d at 294 (citing *Lin v. Holder*, 565 F.3d 971, 976 (6th Cir.2009)). A refugee is someone who is "unable or unwilling to return to ... [his] country [of nationality] because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion." *Id.* (citing 8 U.S.C. § 1101(a)(42)). Race, religion, nationality, political opinion, and membership in a particular social group are referred to as "enumerated" or "protected" grounds. Asylum applicants must show that one of these protected grounds was or will be at least one central reason for their persecution. This is referred to as the "nexus" inquiry. *Id.* (citing 8 U.S.C. § 1158(b)(1)(B)(i)). "Persecution" has been interpreted to mean "infliction of harm or suffering by the government, or persons the government is unwilling or unable to control, to overcome a characteristic of the victim." *Kamar v. Sessions*, 875 F.3d 811, 818 (6th Cir.2017). For asylum claims alleging persecution on account of a political opinion, evidence must be presented to show that the applicant was persecuted because of their political opinion. *Zometa-Orellana v. Garland*, 19 F.4th 970, 977 (6th Cir.2021) (citing *Petrosyan v. Holder*, 558 F. App'x 519, 525 (6th Cir.2014) (internal citations omitted)).

Now that that's out of the way, here is what I have been thinking about:

The Sixth Circuit's decision in *Zometa-Orellana* has stuck in my mind since I first read it. In *Zometa-Orellana*, a Salvadoran applicant sought asylum and withholding of removal based on political opinion (anti-machismo) and membership in a particular social group (El Salvadorian women of childbearing age in domestic partnerships). *Id.* at 974. She rooted her claim in the sexual, emotional, and physical violence she suffered at the hands of her domestic partner. *Id.* She fled El Salvador because she felt she was unable to relocate due to the country's small size and because she could not rely on the police. *Id.* To support her claim, *Zometa-Orellana* cited *Rodriguez Tormes v. Garland*, 993 F.3d 743 (9th Cir. 2021) (finding that the petitioner's mistreatment was



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because of her feminist political opinions). *Id.* at 978. Unfortunately, this argument was unsuccessful for Zometa-Orellana. *Id.* The Sixth Circuit reasoned that unlike the petitioner in *Rodriguez Tornes*, Zometa-Orellana failed to present evidence that she was attacked after expressly asserting her political belief or show how her (in)actions in response to Pineda were connected to anti-machismo beliefs. *Id.* The court concluded that, unlike *Rodriguez Tornes*, it was not clear whether Zometa-Orellana ever asserted her rights as a woman in a way that would demonstrate a nexus between her political opinion and persecution. *Id.*

The *Zometa-Orellana* decision highlights the limitations of asylum and anti-discrimination laws. Regrettably, like many anti-discrimination laws, asylum applicants are often made to provide evidence showing explicit discrimination.

Discrimination is a form of violence that does not always announce itself. Sure, it is easier to identify discrimination when it is expressly stated, such as when a Black woman was stopped by a Spanish police officer because the police were looking for people “like her.” *Williams v. Spain*, Communication 1493/2006, United Nations Human Rights Committee, ¶ 2.1 (July 13, 2009). However, the harm of discrimination is tangible even when the motivation behind it is implicit. Certainly, Zometa-Orellana felt the effects of intimate partner or gendered-based violence even if her partner did not say he was abusing her because of her social identity (ex: rape and being called derogatory names such as “whore” by him). *Id.* at 974. Similarly, the detrimental effects of other forms of discrimination, such as inequitable school funding, continue to be felt by people who have been historically marginalized, exploited, and otherwise oppressed.

For political opinion or particular social group claims for asylum, the “on account of” requirement makes establishing eligibility more difficult for applicants who may not have explicitly stated their beliefs against their mistreatment or whose abusers did not declare their reason for harming them. Thus, immigration law leaves many immigrants without protection. Likewise, intent-based anti-discrimination laws can have the adverse effect of emboldening non-verbal or implicit forms of violence by failing to: (1) acknowledge discrimination as a complex social problem, (2) provide legal remedies to victims of discrimination, and (3) challenge the status quo.

While it is satisfying to see how the law can be used to protect people, it is important to remain critical of how the law is written and applied. I am happy that I have been able to do so during my internship at Nationalities Service Center through the Pennsylvania Immigrant Family Unity Project. I am also satisfied knowing that the efforts I am making will ultimately benefit our clients and (hopefully) the rest of the staff at NSC advocating on behalf of immigrants.

Update 4: A large part of my research this summer has focused on how mentally ill people are treated in applicants’ respective countries. Unfortunately, mental illness remains highly stigmatized across the world and many people lack access to adequate mental healthcare and social support.

Many migrants and refugees develop mental health conditions. According to the World Health Organization, the prevalence of mental disorders such as depression, anxiety, and post-traumatic stress disorder (PTSD) is higher among migrants and refugees when compared to the host country’s general population. Migrants and



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asylum seekers also face a higher risk of suicide and psychosis. The American Psychiatric Association explained that while about 1 in 3 asylum seekers and refugees experience high rates of depression, anxiety, and PTSD; these numbers vary. Specifically, 4-40% will experience anxiety, 5-44% will suffer from depression, and 9-36% will be afflicted by PTSD.

These conditions and symptoms are often associated with the social disadvantages that migrants experience before, during, and after leaving their country of origin. Such disadvantages include but are not limited to: war, armed conflict, political violence, socioeconomic deprivation, discrimination, racism, family separation, and frequent school changes.

Immigration detention has also been found to cause a decline in migrants' mental health, and migrants' mental health worsens the longer they are detained. Solitary confinement compounds these negative health outcomes. Therefore, a migrant's ability to receive a bond hearing and pay the bond in full* can determine the amount of distress they experience during immigration proceedings.

In addition to mental health care such as therapeutic methods and medication, mental illness can be treated or prevented through increased access to employment, education and other social services, family reunification, and language proficiency in the language of the host country.

Considering these facts, it is important for a trauma-informed approach to be taken in the immigration context. More advocacy is needed to improve the conditions of detention and eradicate these harmful environments. I am grateful to have learned more about mental health in the immigration context, and I look forward to applying my knowledge in the future.

*Detained migrants are eligible for bond if they can prove they are not a danger to the community and are not a flight risk. Unlike criminal bonds, immigration bonds must be paid in full for someone to be released from custody. Immigration bonds vary widely - from \$1,500 to \$250,000.

Update 5: This summer I spent 10 weeks at Nationalities Service Center working as a legal intern for the Pennsylvania Immigrant Family Unity Project (PAIFUP), a collaborative working to provide defense for immigrants facing removal in Pennsylvania. I have been fortunate to work directly with clients virtually and in-person. I have used my language skills to communicate and translate for clients and others at NSC.

I was also able to observe immigration proceedings virtually and in-person at the Philadelphia immigration court. Court watching is always a thrilling experience for me. I love being able to see how attorneys' lawyering techniques and styling differ. Court watching is a great learning experience for anyone, but it has been so much fun for me throughout my education. It has allowed me to think more critically about our legal system and what I want my role as a lawyer to be. I don't think I will ever forget the joy of watching someone win an individual merits hearing for a political opinion-based asylum claim, the immense relief of a client's removal proceedings being terminated, or the consideration shown by the court and by the defense counsel during a competency hearing.



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I have learned so much about immigration law – particularly asylum, withholding of removal, and claims under the Convention Against Torture (CAT). It was so fulfilling to apply my legal research and writing skills to assist immigrants facing removal, to get to know my clients and learn how to best serve them, and work alongside passionate, smart, and dedicated professionals. I am so proud that I got to work at NSC this summer and assist in immigration defense work. My colleagues at NSC have motivated me even if we did not work together directly. I hope I can embody their work ethic, knowledge, and heart in my future work.

My time at NSC has also influenced my academic interests. In addition to my internship at NSC, I was a Law & Public Policy Scholar. This summer I researched legal avenues for ending the practice of civil immigration arrests at courthouses and remedying the harm done when ICE fails to produce detained immigrants in other pending civil and criminal proceedings. I am so thankful for the encouragement I received by my supervisor at NSC, Lilah Thompson, and my professor at Temple Law, Professor Knauer, on these topics. I truly could not have done it without their help.

This summer has reaffirmed my passion for public interest, specifically policy advocacy and defense work. I'm excited to learn more about how to preserve due process, zealously advocate, and fight for a just future. I can't wait to explore other areas of law this fall through my clinic, Social Justice Lawyering, guided research with Professor Ramji-Nogales, and research writing courses (Death Penalty and Post-Conviction Remedies). THANK YOU to all of those above and to Equal Justice America for providing opportunities for law students to explore public interest and direct representation.

As always, feel free to donate to EJA to support law students providing direct services during the summer and beyond!