

Laura E. D'Elia

Mr. Dan Ruben
Executive Director
Equal Justice America

Dear Ms. Ruben:

I would like to thank you and Equal Justice America for sponsoring me to work at the Immigrant and Refugee Appellate Center this summer. It was a great learning experience for me and I feel like I was able to make a positive contribution to the work of the office as well as help improve the lives of the clients.

One of the cases I devoted the most time to this summer was Mr. G's case. Mr. G moved to the United States from Jamaica as a young child. Mr. G was a hard worker and a father to four children. He was facing deportation based on an old, minor, criminal conviction. Mr. G filed an application for Cancellation of Removal, which was granted by the immigration judge. Unfortunately the Department of Homeland Security decided to appeal the case, arguing that Mr. G's conviction was an aggravated felony rendering him ineligible for Cancellation of Removal. Mr. G could not afford a lawyer and was initially not even going to file a brief in support of his appeal.

The Immigrant and Refugee Appellate Center took on his case pro bono and I wrote a substantial portion of his appeal brief. This area of law is highly complex and the rules have undergone much change. In fact, a significant Supreme Court Decision was actually handed down during the pendency of the appeal. I was able to incorporate this new decision into Mr. G's brief and I feel confident that he now has a much better chance of prevailing on his appeal than if he had continued to represent himself pro se. The opportunity to work on Mr. G's case meant a lot to me. Going through his case file I read heartbreaking letters submitted on Mr. G's behalf from his young children. The letters described the close relationship they shared with their father and how devastated they would be if he were deported. I feel good knowing that the work I did significantly increased the chance that Mr. G will be allowed to legally stay in the country with his children.

Another case I did a lot of work on was Ms. B's case. Ms. B is a young woman from Haiti seeking asylum in the United States. Ms. B had a relatively good life in Haiti before the earthquake in 2010. In the aftermath of the earthquake and the political disarray that followed, however, the criminal gangs grew stronger and more desperate for money. Ms. B's father was targeted by one of these gangs. He was kidnapped and held for ransom. Ms. B's family was able to come up with enough money to secure his release. Ms. B reported the crime to the police and thus became a target of the gang. They threatened her and shot at her. Knowing that she was no longer safe in Haiti Ms. B traveled to Mexico where she stayed with a friend. After the friend attempted to sexually assault Ms. B she fled to the United States and asked for asylum. The immigration judge denied Ms. B's asylum claim finding that Ms. B was not a credible witness. One of the main reasons the judge relied on in support of his finding was that Ms. B had not reported the assault to the police.

Laura E. D'Elia

In her appellate brief I argued that this was improper speculation. The evidence shows that victims of rape overwhelmingly do not report the crime to the police. The mere fact that Ms. B did not report her assault cannot be a basis for branding her a liar. Far too often, however, judges rely on this flawed rationale. Therefore, working on this case was very exhilarating for me, because I had an opportunity to establish precedent which could forbid judges from drawing adverse credibility determinations based on a victim's failure to report a crime. This has the potential to not only benefit Ms. B but also numerous other victims who were too afraid to report their crime to the police and would otherwise be branded untruthful for failing to do so.

Ultimately, I had a very positive experience at the Immigrant and Refugee Appellate Center this summer. I learned a lot and I was able to grow both personally and professionally. Also, I had the opportunity to make a difference in the client's lives and that was really a wonderful feeling. Thank you again for making this opportunity possible.

Sincerely,

Laura D'Elia
George Washington University Law
Class of 2014