



Summer 2019 EJA Fellow:



Name: Patricia Martin

Law School: Loyola University Chicago School of Law

Fellowship: The Rocky Mountain Immigrant Advocacy Network

Entry 1:

Hi y'all. I'm at it again! I've traded in the city lights of Chicago, IL, for the mountains of CO this summer and have completed my first week of work at the Rocky Mountain Immigrant Advocacy Network (RMIAN), in Westminster, CO. I am lucky to, again, be generously receiving funds from EJA throughout my summer employment.

This summer at RMIAN, I'll be the sole legal intern in their Children's Program. As a legal intern for the Children's Program, I will be assisting in providing free legal representation to immigrant children and their families who have been victims of abuse, neglect, abandonment, trafficking and violence through in-house representation and referral to our network of volunteer attorneys. I will also be assisting in "Know-Your-Rights" presentations, intakes, and direct legal representation to unaccompanied children in removal proceedings.

My first week was mostly trainings and preparing U Visa certification letters, but please stay tuned for upcoming updates. Follow me as I navigate this ever-shifting immigration landscape to try to assist children and families in immigration proceedings in CO.

Entry 2:

Hi everyone. As part of my EJA fellowship, I have the responsibility of filling you in on some of the things I'm working on and the pleasure of sharing my experience with you. I've been working on a lot of different projects, but one I'd like to share with you is that I've gotten to work on several motions to reopen this summer. A motion to reopen is an important statutory mechanism for people who have been ordered removed. The Supreme Court recognizes that a motion to reopen is an important safeguard intended to ensure a proper and lawful disposition of immigration proceedings. The circumstances in which noncitizens may file motions to reopen include changed conditions in the noncitizen's home country that leads him or her to fear persecution



there; lack of notice of the immigration court hearing at which the immigration judge ordered removal; and exceptional circumstances that caused the noncitizen not to appear an immigration court hearing.

The motions to reopen I've worked on this summer are for non citizens that have been removed in absentia. This means that they were ordered removed due to missing a hearing, and were thus ordered deported in their absence. Mostly, I've been working on motions for people who missed their hearing because they never received notice of it (this can be for a variety of different reasons).

However, as stated above, there are many other reasons why an immigrant may miss their court hearing. Some other motions I've been working on invoke the immigration judge to exercise sua sponte, or in other words, to reopen proceedings based on their own discretion. If you're interested in learning about circumstances in which IJs exercise sua sponte, I'd be happy to talk about it with you (this could easily turn into a novel if I get into the cases I've worked on!)

Having said all of that, I want to briefly talk about why I think motions to reopen are so important. Not only are they a statutory right, but motions to reopen are important because they may stay an immigrant's removal order. That means that ICE can't deport them while the judge or BIA is making their decision of whether or not to reopen their proceedings. Right now, there are many families with active removal orders, many issued in absentia. These families will be targeted during the ICE raids many of you hear about in the news. For these reasons, it's been crucial for attorneys to submit motions to reopen for families at risk before these raids.

Entry 3:

I am nearing the last quarter of my internship and it has been an interesting experience. Today I'd like to discuss a research project I'm working on in my spare time from projects in my finals weeks.

As many of you may or may not know, there are five grounds under which people can apply for asylum if they have been persecuted or have a well-founded fear of persecution imposed by the government or by a group which the government is unable or unwilling to control. These grounds are: nationality, race, religion, political opinion, and being a member of a particular social group. Out of these, my research project is related to nationality-based asylum.

Since 2017, the current administration has announced an end to TPS and DACA programs which will subject more than a million people to removal from the U.S. in the upcoming years. These people have been law-abiding longtime U.S. residents, who will be at risk of deportation. Many of these non-citizens who will get deported (or have already been deported) have been in the U.S. for the majority of their lives, despite retaining nationality in their home country. While not born Americans, everything about them is American. Many speak and dream in English, were educated in the U.S., dress "American," eat American food, watch American movies, and do not know their home countries or anyone in them. Not only do they themselves identify as



EQUAL JUSTICE AMERICA

LEGAL SERVICES FELLOWSHIPS

Americans, but others identify them as American through their culture, accents, and mannerisms. When these get deported, they are easily identified and targeted for persecution as soon as they return by violent gangs due to being “Americanized.”

Through my research, I am looking at case-law and secondary sources to try to make that argument that nationality-based asylum is linked to ethnic and racial identity, and not just the applicant’s citizenship. I will argue that many of the people who face and will face removal in the U.S. in the coming years are ethnically Americans, even if they are not born in the U.S., and thus merit protection under asylum laws under the ground of nationality.

While my research on this issue is underway, please feel free to reach out in a couple of weeks if you’re interested in reviewing my findings.

Entry 4:

Today is my last day working at RMIAN. On Sunday, I drive back to Chicago with a new experience under my belt and fire in my soul. My experience has solidified a desire to serve families in proceedings in the future, and to continue fighting for justice and due process for everyone. Thank you to those that have followed along during the summer!

Working at a non-profit, for no pay, my summer would not have been possible without the backing of EJA. Please consider donating to this amazing and generous organization, so that my work, and the work of my peers, may continue.