



EJA
Immigration
Fellow
Updates

Evelyn Zheng
Greater Boston Legal Services
Harvard Law School J.D. 2018



Evelyn Zheng

*Evelyn Zheng is the recipient of a **two-year \$130,000 Immigration Fellowship to work at Greater Boston Legal Services.***

Here, she shares monthly updates on her work.

“I am so grateful to Equal Justice America for giving me the opportunity to work towards protecting the rights of some of the most vulnerable communities. We can’t restrict human rights only to the success stories – every individual must be guaranteed the right to basic living essentials and security of person. I want to do away with the ‘good immigrant’ narrative in my work. Immigrants who come to the U.S., for whatever reason, with whatever background, are entitled to have their voices heard and to be treated with humanity and respect.”

October 2019

I recently returned to Boston and started working at Greater Boston Legal Services to provide pro bono representation for immigration matters.

I had some previous experience in immigration as a clinical student and legal intern, namely in asylum law, T-Visas, and DACA, but for this fellowship, I am starting off in different areas. Most of what I am working on right now is tied to family law cases, and it has been interesting and enlightening to further see how interrelated different fields of law are. Currently, I am primarily working on cases involving Special Immigrant Juvenile Status, VAWA self-petitions, and U-visas.

One of my clients had a hearing in immigration court, and although it may just be a continuance on paper, it meant more to her. The client had faced many struggles in the immigration system as an unaccompanied child (UAC) that prevented us as her attorneys from being able to reach her and represent her to the best of our abilities. Additionally, she had health issues that required treatment before we could gather facts for her case and effectively represent her. It was affirming to see that the court recognized these very real difficulties and granted a continuance.

November 2019

One of the most rewarding aspects of the work we do at GBLS is seeing how we are empowering our clients. We are always transparent with what we can or cannot do, and what the various potential

outcomes may be – including those that are not favorable to our client – because they deserve to know their position in the legal system. But even with our realism, we provide our clients with an opportunity to have their voices heard, and to feel like their struggles have been seen.

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This is evident in one of the clients I have been working with. My supervisor and I filed a VAWA self-petition for her. As we met over time, the way she told us her story – her choice of words, tone of voice, etc. – changed to reflect that she felt more in control of her situation now.

The other side of this, however, is that we have to ask our clients to revisit trauma in order to build their cases and explain why their cases meet the legal standards. I can see our clients visibly struggle as they recollect painful memories. There is delicate balance we need to strike in order to achieve zealous representation without harming the client herself.

The client I mentioned has successfully reframed this hardship as a means to taking back control over her own life, and this in turn has contributed to her self-empowerment. I think her example is important for me to keep in mind as I continue in this line of work. In order to minimize or avoid re-traumatizing the client, we also need to pay attention to their emotional health in the present consider how we can approach difficult interviews by re-contextualizing their revisited pain.

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December 2019

Lately, I have been paying attention to balancing the client’s legal case and their immediate emotional and mental needs. Previously, I mentioned how important it is to reframe a client’s past trauma to help empower them and minimize the risk of re-traumatizing them. However, there is

a perpetual struggle between building the strongest case for your client and protecting their other interests. Although I wish it could be the case, not all storytelling can be empowering, and this knowledge informs our work.

I recently interviewed a client for a U-visa case. We had never met before, but she had worked with another attorney in our organization. They seemed open and friendly with this attorney when they greeted each other, but as soon as the other attorney left, the client closed up around me. I understood why; I explained the purpose of our meeting on the phone before they came in, and I knew they were thinking about the difficult questions I might ask.

The question I faced, then, was how to approach the client. How directed do I want my questions to be? How open-ended to ease the pressure on them? If I push, I might get the information I need, but what will it cost the client?

My duty to my client is to gather as much information I can to build their case, and to do so while also keeping in mind the importance and limits of their time and emotional energy. These often compete with each other, and every lawyer has their own strategy. I find that I rarely need to push a client; their body language may tell me that they are not telling me something, but usually if I do not address the issue head-on, they will open up to me by the end of the meeting. It helps that many of the clients I work with are familiar with our organization, so they implicitly trust me. Because of this, I have the freedom to, in a sense, “wait for them to come to me,” and this in turn gives them more opportunity to tell me the facts on their terms. Even if telling their story in this way does not empower them, it can at least give them the opportunity to emotionally and mentally prepare themselves.

I may have to adjust my strategies in the future, but for now what I have works with the support of my colleagues.

“In these current times, it is ever easier to inadvertently pit the “good” immigrants against the “bad” in order to make immigration reform more appealing, but this will only do more harm.”

“There is no justice
for just a few; there
is only justice when
it is for all.”

January 2020

As I previously wrote, one of the difficult aspects of this work is that we risk re-traumatizing clients and pushing them for information and tasks that overwhelm them and cause pain.

It can be difficult work, and it is important to establish emotional boundaries to preserve one's own health and capacity.

However, winning a case can be re-energizing, and it reminds us of the reason we advocate for our clients. Recently, one of my clients had his application for a green card approved. He was on a U-visa, and we had to respond to multiple Requests for Evidence. Our client was getting discouraged and it became increasingly harder to reach him. Towards the end of our work on his case, he told me he didn't think he would be getting it anyway, but I pushed him and asked that he come to our office so that we could gather the necessary documents. I know I overwhelmed him and quite possibly annoyed him, but our work eventually paid off.

“The Proposed Rules are ultimately ignorant of the complex and difficult situations that asylum-seekers are caught in, and they show that much of our laws and regulations around immigration are motivated by xenophobia and racism.”

But winning cases does not mean we can relax. The immigration system can be unpredictable; agencies frequently propose new rules and regulations, usually to the detriment of our clients by arbitrarily restricting available immigration relief. The deadline for comments on new proposed bars to asylum eligibility was due Tuesday, January 21, 2020. The Proposed Rules are ultimately ignorant of the complex and difficult situations that asylum-seekers are caught in, and they show that much of our laws and regulations around immigration are motivated by xenophobia and racism. We work with our clients as access points when the legal system is so inherently inaccessible, but we also help them navigate these implied biases and motivations working against them in their cases.

February 2020

Part of the advocate's role is to carefully "translate" a client's words, facts, and expressions into something that fits into the U.S. immigration legal framework

As with any translation, one must be cautious to capture multiple nuances in a client's narrative, then convey that information such that it checks off the boxes without losing the human component.

Sometimes it's straightforward, but other times a strong case that meets all the elements still requires a careful touch when presenting the facts. I have been working a case that involves complicated facts that touch on several sensitive topics, including issues of identity and trauma. Before presenting the case before an adjudicator, my colleagues and I had to think carefully because while many of the facts were relevant, some might serve to confuse more than to add to the theory of the case. If we included too little, the case would be weak, but if we included too much, then we risked clouding the core issue.

In addition to this consideration, I also recognize the importance of telling a human story. This was the client's opportunity to be heard, and to express how important this case was to them and why. When I draft affidavits, I keep this in mind and do my best to retain the client's unique voice and defer to particular expressions and words they use during my meetings with them to show that there is a human behind the documents and papers. A mechanical telling simply to check off the necessary boxes disserves my clients; they want to and should be heard. I am here to facilitate that.

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March 2020

This month in particular is rather difficult to write about because of the COVID-19 situation. Especially in the past two weeks, our office has been more overtly confronted with the competing needs of our clients.

We are beginning to see how a crisis like this impacts our most vulnerable communities. Employment and income level, immigration status, health and access to healthcare, and housing are only a few issues we see converging at new levels of concern. More than ever before, we are now met with the perpetual and glaring truth that we must push sweeping and bold systemic changes to protect people's livelihoods and even lives.

“Employment and income level, immigration status, health and access to healthcare, and housing are only a few issues we see converging at new levels of concern [during COVID-19].”

GBLS staff attorneys remain available to clients, especially now. It has been difficult figuring out the right balance, but even though we are limiting in-person meetings with clients, we do everything we can electronically or by phone. The situation has created logistical barriers to smoothly doing our work, but nonetheless we remain committed to being a resource and support to our clients and their communities.

April 2020

Due to COVID-19, many of our clients at GBLS are facing financial insecurity or concerns about their health. I was recently added to a team that is focused on coordinating efforts across unit lines at GBLS to identify clients and community members who are seeking financial assistance and connect them with resources we have located.

The concept for this project is that we begin with the purpose of connecting our clients to some immediate relief but use this as a starting point to address systemic injustices.

There are questions we need to answer to do this; for example, how can we systematize information-sharing across unit lines? What are the most effective channels for community outreach? In what ways would we be empowering vulnerable communities, and how can we challenge the status quo to create substantive change at the institutional level?

I understand that COVID-19 is all anyone talks about these days, but we are seeing that this has had a disproportionate impact on already vulnerable populations, and the pandemic is revealing every flaw in our system and exacerbating it to a new level. Most relief that federal and state governments have made available exclude undocumented immigrants. Suddenly, ideas that seemed radical are accepted as necessary measures in this crisis. Now is the time to be pushing people to see things from a different perspective. The task to achieve this is finding the intersection of long-term community empowerment and providing our clients with immediate relief.

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**May
2020**

A couple months ago, I started taking on more asylum cases and handling intakes. I consult with my colleagues and supervisors whenever I have questions, but for the most part I have a lot of agency and independence when conducting these intakes.

This usually means that as long as they have a viable asylum claim and I have the capacity, I will take on the client for full representation. Sometimes, someone is seeking asylum and though they may have a color-able case, I can only offer to help them file a pro se asylum claim in order to reserve capacity for clients who may have complex legal problems, such as a removal order entered against them by an immigration court in a different state.

This situation happens fairly frequently because of how inaccessible and confusing the immigration system is; plenty of clients diligently report to ICE and make their appointments, but are not aware that they also have to appear before an immigration judge in court because it is a separate institution.

“...she told me that though I was not the first lawyer she had spoken to, I was the first one who had earned her trust.”

There was one recent pro se filing that stuck out to me, however. There was a woman who was seeking asylum, but frankly she had a weak case. It wasn't impossible, but it wasn't very strong. I helped her file an application pro se and gave her a referral list, but she told me that though I was not the first lawyer she had spoken to, I was the first one who had earned her trust. I understand that it can be very hard to tell someone that you cannot represent them or that their odds for receiving immigration benefits are very slim, but ultimately, it's only doing them a disservice if we try to hide the painful truth from them and give them false hope. I had been fairly upset that I could not represent her, but her words encouraged me, and I continue to hope that she will be able to retain an attorney who can provide her with further assistance.

**June
2020**

In our line of work, it can be easy to lose yourself in all the bleak aspects. The nature of our work puts us in close proximity with much of humanity's ugliness, and it is also our ethical duty to look for the possible negative outcomes in order to protect our clients from them.

The recent Supreme Court decision preserving DACA was a refreshing reminder of the hope that we can forget in the course of our work. This was perhaps especially welcome given the recent political and social climate. When working for social justice, one becomes familiar with pessimism. The work seems endless and there is always injustice to address, but as long as we continue to fight, then we can never truly lose. The Supreme Court decision this week, which came as a surprise to many, is a reminder of that.

July 2020

One of the challenges of working in immigration law, particularly in this time, is the rapid pace in which the landscape changes. New rules and regulations are proposed, possibly on average once a month, if not more frequently. Additionally, immigration attorneys must respond to changes in practical affairs. For instance, there have been significant delays in receipt notices for applications and files we submit to agencies; this in turn changes what additional records we keep and how/when we inquire about our clients' case statuses.

There have also been new proposed rules on work authorization applications for asylum applicants. The proposed rules would change the eligibility criteria, as well as delay the timeline for when an asylum applicant can apply for work authorization. This affects practice in two major ways: first, if it passes and goes into effect, we will need to adjust our legal knowledge when filing asylum and work authorization applications. Furthermore, this affects our practice because, as advocates for our clients, we need to weigh our clients' needs and explore different legal strategies.

“An immigration attorney has to be adaptable in their knowledge and practice, and must closely follow the landscape in order to be the best advocate for their clients.”

Sometimes, our clients qualify for different forms of immigration relief, all with different pros and cons that come with pursuing them. When the law changes, this means our assessment of what those pros and cons also change. An immigration attorney has to be adaptable in their knowledge and practice, and must closely follow the landscape in order to be the best advocate for their clients.