

September 2, 2021

Mr. Dan Ruben, Founder and Executive Director
Equal Justice America
Building II – Suite 204
13540 East Boundary Road
Midlothian, VA 23112

Dear Mr. Ruben,

My name is Samantha Hing, and I am currently a second-year law student at Rutgers Law School-Newark. I received an Equal Justice America Fellowship award to help fund my summer 2021 internship with American Friends Service Committee based out of Newark, New Jersey. There, I served as a legal intern for the detention team. I supported an attorney and her clients, all who are currently facing final orders of removal or have been released but are on an alternative monitoring program.

My summer focused mainly on servicing one client, a young man originally from Honduras was in criminal detention and was transferred directly to ICE detention when a judge reinstated a removal order that had been originally administratively closed when he first arrived in the United States. At the beginning of the summer, I actively worked on drafting a new declaration in support of a habeas petition for prolonged detention. This was my very first client and it was initially very difficult to get him to provide details of his detention at the facility. Eventually, I was able to finish his declaration and supported with legal research in updating the case law for the habeas petition. Such details were critical to meeting the elements of the habeas petition and to show the egregious conditions that he was being detained at after finishing his criminal sentence. Ultimately, we were fighting for his release and for him to be with his family while awaiting the adjudication of his criminal case, which he already had a very good chance at as one of his most likely form of relief would be a nonimmigrant U Visa. He had also been a DACA recipient prior to his criminal detention but did not know that his status was vulnerable and that he was undocumented.

Because ICE did not renew contracts with correctional facilities in New Jersey, he was unfortunately one of the many individuals who were transferred from the Essex County Correctional Facility (“Essex”) to a facility all the way in Nevada. Following the sudden transfer, I aided my attorneys in helping to file a temporary restraining order on Essex but unfortunately, it was too late. This was quite a blow that was devastating to the progress of our case.

While he was now subject to Fifth Circuit case law, the jurisdiction of his habeas petition was indeed preserved, and we proceeded to file an amended habeas petition with an updated declaration I drafted regarding the conditions of the Nevada facility. By this point, he started to trust me and saw my efforts to be consistent with communication despite the many barriers in scheduling calls with a time zone that was three hours behind. From having to frame my questions as “yes/no” in order for him to confirm details of his detention to having him fully narrate his own experiences through my more open-ended questions. This trust that I built over the quick but meaningful 8 weeks at this point was my proudest accomplishment.

In addition to the habeas petition, I also wrote from scratch, a motion to terminate in the alternative motion to remand. Some favorable case law had come out of the Third Circuit regarding administrative closure as well as guidance provided by the government restored prosecutorial discretion in the determination of cases for individuals who are likely to receive their form of relief. I performed a lot of legal research on Third Circuit case law as well as incorporating decisions from the Board of Immigration Appeals (“BIA”) when appropriate. This motion was filed after I finished out my internship since my client was already awaiting an appeal with the BIA for his asylum case.

While this client had taken up most of my summer, I also performed research on country conditions in Jamaica as it pertains to LGBT people. I also got to work with a client who was released but was on an alternative monitoring program. I met with the client to learn more about his experience with having to deal with an ankle monitor for 8 months. I wrote a letter to his ICE officer outlining why he would not be a flight risk, what emotional and physical issues he suffered while wearing his ankle monitor, and how his ankle monitor has prevented him from doing his current job to the fullest and puts him at risk for being laid off. This letter was submitted and it was a pleasure getting to know him in the short amount of time I got to work on his case.

The final case involved a client who was currently in criminal custody but had final orders of removal. Luckily, because he was still in the process of adjudicating his criminal case, there was a chance to try at least move on his immigration issues. This was also where I realized how heavily criminal law intersects with immigration law. It was frustrating trying to contact the public defender and advise him on what would be the ideal outcome in order to keep certain forms of relief open for this client. I was in the interim able to fill out an I-589 application for asylum withholding removing and built a relationship with him to write up a declaration regarding the details of his asylum case.

Throughout the summer, I attended countless training opportunities internally hosted by the attorneys on the attention team. I also attended numerous trainings held by community partners on new case law, new guidance, and typical legal strategies being used to help detained clients. I really loved seeing how collaborative the immigration community was in the New York and New Jersey area and that so much knowledge was actively being shared and practiced.

It was an incredible summer in which I got to meaningfully file declarations and motions on the behalf of my clients. It was also the first time I had to say good-bye to a clients, something that I did not expect to be quite as emotional as it was for me. Such interactions and meaningful work has lit a fire in my belly and while I am unsure as to what capacity, I know I would like to continue to practice immigration law as I have wanted to originally since coming to law school. Thank you and Equal Justice America, for this opportunity to partially fund my summer as it relieved some of the financial burden that students like me, who want to do public interest work, to be able to pursue it with less stress. I am very grateful and hope to continue with my work in the asylum space, now especially with Afghan refugees resettling in New Jersey.

Best,
Samantha Hing
Rutgers Law School