

Final Report – Summer Fellow 2012

My summer experience at Immigrant Law Group was informative, inspiring and fun. Not only did I learn about substantive immigration law and applying the law to real-life situations, I had the opportunity to be part of an incredible group of individuals dedicated to effecting positive and meaningful change. The people at ILG are passionate, kind, bright, and talented professionals who focus on the human element of their work and have a genuine interest in helping people. ILG is a cohesive group. Team members work together, share knowledge and support each other while challenging each other to learn and grow. I was very impressed with the cooperative atmosphere and the inclusive and supportive culture of the firm. The group also does much more than work together. Team members, friends and families frequently gather to enjoy social time and share in each other's lives outside of work. The environment at ILG is second-to-none, and I feel extremely fortunate to have spent my summer here.

I found the work at ILG both fun and challenging, and I enjoyed the variety of projects that I worked on. Some of the projects were short, simple questions and others were complex issues that involved significant research. I liked the fact that almost everything I did at ILG connected in some way to other projects. I frequently discovered things while working on one project that I could apply to the next one. This made me feel like I was truly learning, becoming familiar with the law and building a valuable knowledge base.

One of the short projects that I worked on involved a search for case law discussing the retroactivity of state court interpretations of laws that were previously interpreted differently by federal courts. For another short project, I reviewed a work-permit denial for a client with an application under VAWA to determine whether there were any possible appeals. I also participated in a public information session that ILG held after the June 2012 announcement of the Deferred Action for Childhood Arrivals program. This was a great way to connect with people, and I enjoyed experiencing ILG's involvement and advocacy in the community first hand.

My first large project at ILG involved conducting research for an amicus brief to be submitted to the BIA on behalf of the American Immigration Lawyers Association

(AILA). The question presented was whether solicitation of prostitution for oneself constitutes a crime involving moral turpitude (CIMT). In researching this topic, I had the opportunity to explore an area of the law that I had minimal exposure to.

At the beginning of the project I learned general information about CIMTs in the INA and researched how adjudicators determine whether particular convictions are CIMTs. I examined case law to determine which commercial-sex-related offenses have been deemed CIMTs by the BIA, and whether they've been determined to be CIMTs in precedential or unpublished opinions. Next, I traced the history of the prostitution exclusion in U.S. immigration law from the first official exclusion in 1875. Most of my research focused on prostitution laws in general, both domestic and international. I researched state statutes and created a spreadsheet of the prostitution laws in all 50 states. Specifically, I looked at the state laws to determine whether states treat simple solicitation differently from other commercial-sex-related conduct. I found that most states consider the conduct of commercial sex workers and clients to be minor offenses, and that they distinguish these minor offenses from more serious crimes like trafficking, pimping, child prostitution, and similar actions. I also found that commercial sex work is legal in many countries. The policies in these countries vary, and I looked at the different ways of regulating commercial sex work — from Nevada-style licensing with mandatory medical testing to the Netherlands approach involving very minimal regulation. I focused a lot of my research on the policies behind prostitution laws, both those prohibiting and those allowing and regulating commercial sex work. I researched sex worker advocacy organizations and work for sex worker rights. Finally, I had the opportunity to draft some sections of the amicus brief arguing that solicitation for oneself is not a CIMT.

During my summer at ILG, I worked on four asylum cases. These four cases were all very different because the reasons that the clients sought asylum were distinct and the arguments varied considerably. I enjoyed the opportunity to explore different types of asylum cases because each one allowed me to focus on a different aspect of asylum law and to learn how to establish eligibility in different circumstances.

The first asylum case involved a young woman who faced persecution in Ethiopia on account of her political opinion, her Oromo ethnicity, and her family ties. Because this was my first asylum case, I spent time reading about asylum cases in general, and

learning about the required elements and qualifications that an applicant must meet. I conducted some research of country conditions in Ethiopia and police treatment of arrestees. I prepared a cover letter for the client's interview, explaining how the client met each of the qualifications and why her case merited a grant of asylum. I also drafted a letter requesting an expert opinion, requesting particular information that might be helpful to the client's case.

The next asylum case that I worked on was for a client from Mexico who feared persecution from drug trafficking and criminal organizations. This case involved reading about country conditions in Mexico, drug cartels and government corruption. I also conducted case law research regarding the qualifications for asylum and regarding claims based on opposition to gang violence. Unlike my first asylum case, this client's claim had already been denied by an immigration judge and the client was appealing the denial to the BIA. I had the opportunity to draft the BIA brief, which was a great learning experience. I enjoyed creating and developing the arguments for the brief and practicing persuasive writing.

The third asylum case involved a woman from Mexico who feared persecution on account of her sexual orientation. I researched information on the treatment of sexual minorities in Mexico and why the client faces persecution if forced to return there. This case was unique from the other two that I had worked on because it presented the issue of the one-year time limit on filing asylum claims. I learned about exceptions to the one-year-bar for changed or extraordinary circumstances, and researched case law regarding qualifying for an exception to the one-year time limit based on mental health issues related to past trauma. I prepared a memo for the supervising attorney regarding the merits of the client's asylum case and her eligibility for an exception to the one-year bar. I also drafted a cover letter for her asylum interview and answers to the questions on the I-589 form.

Finally, I worked on a case involving a man from Guatemala who faced persecution on account of his membership in his family and his former gang association. This man had been severely abused by his father, and his father was still threatening the client's life if he would be forced to return to Guatemala. Additionally, the client had been beaten and threatened by gang members with whom he had associated previously,

because he had disassociated himself with the gang. My role in this case was to research domestic violence-related asylum cases. This project was particularly interesting because I learned that the case law regarding family violence is still developing and is very limited. I prepared a memo for the supervising attorney regarding the status of, and developments in, family-violence-based asylum claims.

In 2011, the Supreme Court held in *Judulang v. Holder* that the BIA's approach for evaluating eligibility for § 212(c) relief in deportation proceedings was arbitrary and capricious. The court did not specify an alternative approach, but it provided that any approach must be rational and must be tied to the policy and the goals of the immigration system. Because the BIA has not published a new approach, the opportunity exists to provide alternatives to adjudicators and to recommend a liberal evaluation of eligibility. I researched the history of INA § 212(c)'s application to deportation proceedings, and explored alternatives to the BIA's comparable-grounds approach. I pulled together this information in a memo for the supervising attorney.

My last project for the summer was to research and prepare a memo regarding the BIA's policy of refusing to accept the effective dates of *nunc pro tunc* adoption orders issued by state courts. I focused on whether the BIA's blanket rejection of *nunc pro tunc* orders is reasonable and entitled to judicial deference under *Chevron, U.S.A. v. National Resources Defense Council, Inc.* Through case law research I found that the BIA's flat rejection is unreasonable because (1) the BIA does not have the legal authority to ignore valid state court orders, and (2) blanket rejection does not align with Congress's goal of keeping families together.

My summer experience at ILG was extremely rewarding. The work was engaging and interesting. I gained knowledge and experience that definitely will serve me well in the future. But most of all, I was inspired by the people of ILG, their dedication and passion for doing good. Each individual's strengths combine with those of others to form the kind of team that everyone wants to be a part of. This experience has reminded me why I chose to go to law school, and has renewed my faith that I made the right decision to pursue a career in law. I could not have asked for a better summer experience.