

To: Immigrant Law Group

From: Sarah Flinn

August 17, 2016

Re: End of Session Report

As I begin to reflect on my summer clerkship at Immigrant Law Group, the main thought I have is that I cannot believe the incredible amount of knowledge I have gained in barely ten weeks. I learned so much about immigration law but more importantly, I learned how to challenge and argue against the law as it is. My projects helped to improve my legal research and writing skills but also developed my analytical and critical thinking skills to constantly focus on how we can provide the best advocacy for our clients. This summer has helped me to feel more like a lawyer than I ever have before. It has also reassured me that this is the area of law that I want to practice.

While I was learning so much about immigration law, I was also able to experience the office culture here at Immigrant Law Group. The three attorneys are supported by a strong cadre of legal assistants and front office support staff. Because the attorneys have such competent and capable support, they are able to meet the legal needs of a large number of clients. I found the whole office to be so kind and helpful. I really appreciated the guidance and support I received from a variety of people, even down to learning where everything was!

The variety of projects I tackled mirrored the complexity and variety of immigration law. I worked on cases that involved novel defenses to deportations based on drug convictions and at the same time focused on asylum for women fleeing domestic violence in Central America. The first two weeks of my clerkship I spent wrestling with the complex issues involved with utilizing the categorical and modified categorical approaches. Those simple terms belie the insanity that is the case law revolving around it and I am sure that this is one of the hardest parts of learning immigration law.

My first project required me to research case law into whether a conviction for a failure to appear is an aggravated felony for a client applying for cancellation of removal. Interestingly, the Board of Immigration Appeals (the BIA) issued a decision on that very topic the same week that I began my research. This required a side research project into Chevron deference and the impact of Brand X on the BIA decision. In addition to the memo, I also helped in the preparation of the client's pre-hearing statement and a motion to terminate (arguing for a change in the law following the Supreme Court's decision in *Mathis v. United States*). The work for this client helped me to dive deep into some of the more complex interplay between immigration law and criminal law.

My next project was a legal memo for a different client to determine whether a prior deportation was legal based on the Supreme Court's clarification of how to apply the categorical and modified categorical approaches. Our goal with this client was to demonstrate that the deportation order was legally invalid and that he should not have been deported.

Because one never really gets to escape from the modified categorical approach in immigration law, my next project also involved the modified categorical approach. It was probably one of the more complicated projects I worked on because it not only involved the modified categorical approach, but it

also involved a novel theory related to controlled substances in Oregon and California. This project also brought me the opportunity to visit the law library at the Multnomah County Courthouse, which was pretty exciting.

Immigrant Law Group's mix of direct representation and impact litigation was the main reason I applied for the summer clerkship. I was therefore excited to begin working on some of the larger impact cases focused on both legal and systemic change. I helped research the availability of one form of relief for a client who had been wrongfully detained at the border. The Federal Tort Claims Act allows individuals to sue the government for certain wrongs that have been committed against them by government employees acting in their professional capacity.

Moving away from the realm of crimmigration law, I also helped write a pre-hearing statement for an asylum case. This involved factual development as well as application of the specific facts to relevant asylum law. The main grounds for asylum for our client revolved around five particular social groups. Because our client was from Central America and had experienced persecution similar to many others in that region, the case law is quite extensive but is also constantly changing and so I needed to verify that all of the case law was up to date and accurate. One of the most rewarding aspects of this project occurred before the project was assigned to me: I attended a hearing with the client and was able to put the face with the case.

My last project of the summer required me to research the availability and process of filing a federal mandamus complaint to compel USCIS to restart preliminary adjudications of applications for U visas (victims of criminal activity) so that applicants are able to receive work authorization. USCIS is over two years behind on these adjudications and do not appear to be moving forward anytime soon. There are applicants who have been waiting over two years ago who still are not able to work, a benefit that is incredibly important to the specific circumstances of U visa applicants.

Over the week of July 4th, I had the opportunity to volunteer at the family detention center, aka internment camp, in Dilley, TX. Our government is currently choosing to jail bona fide refugee moms and kids fleeing the violence in Central America after they make the long trek from Central America through Mexico to the U.S. The detention center is far from any major city – Dilley has a population of around 4,000 people – and so these individuals are cut off from effective legal representation. In response, the CARA project was formed (Stephen Manning being a key player of this achievement) and each week a new crew of volunteers fly into San Antonio, drive to Dilley, and pour their hearts and souls into helping these women get out of detention. I spent the majority of my time helping women prepare for the credible fear interviews with asylum officers, a task that allowed me to more fully comprehend the fear and violence that is currently Central America. I walked out of the detention center on Friday and felt that I had found the work that I want to be doing.

I ended up enjoying my work at Immigrant Law Group so much that I found a way to complete a semester in practice this upcoming fall. I am looking forward to continuing to learn about immigration law and the opportunity to continue advocating for clients. This has been one of the best experiential learning opportunities I have had in law school and I am so appreciative of everything that I have learned.