

## Jimmy Phavasiri- 2015 ILG Summer Clerkship Reflection

My ten-week ILG clerkship was a challenging, but rewarding experience that solidified and in many ways deepened an already heavy interest in immigration law. As a Wisconsin Law School student, what initially attracted me to ILG was its succinct yet compelling mission statement—"It is about the person, not the process." It is important to not only learn how to help solve the immigration puzzle, but to be able to understand and appreciate the unique needs and life-changing events of each client. From working with its administrative specialists, business services associates, legal assistants, and attorneys, ILG was that crash course in the meticulous navigation of the immigration laws and regulations to stop unjust deportations, keep in tact or reunite families, and protect those fleeing persecution. Similarly, the high level of responsibility and discretion entrusted to me is also what made ILG an effective choice in developing and honing my advocacy skills.

Primarily working under the direction of Partner Stephen Manning, I had a wide array of projects involving the Executive Office for Immigration Review, the Board of Immigration Appeals, and the Fifth and Ninth Circuit Courts of Appeals. They primarily include submitting motions to reopen *in absentia* orders, a motion to reopen an asylum denial based on material, previously unavailable evidence, a research memo to the Ninth

Circuit, a prosecutorial discretion letter to DHS' Office of Chief Counsel, a letter requesting the same office to join in a motion to reopen, a reply to DHS's motion to pretermite, and a pre-hearing statement.

My long-term project involved assisting a detained Guatemalan mother and her young child seek asylum relief. When their family members cooperated with authorities to help sentence a gang member for murder, the gang threatened their safety. My primary task was to identify, procure, and analyze key previously unavailable evidence, a criminal trial transcript testimony and an expert declaration, which served as the basis for the motion to reopen of their removal order. This case was challenging on a number of fronts. First, identifying, acquiring, and reviewing potentially key unexplored evidence required persistence, patience, and an open mind. A second challenge proved to be researching and understanding BIA and Fifth Circuit case law for the applicable legal standard and favorable precedents. Lastly, as with all my projects, requests for updates, timelines, and any semblance of hope added a healthy motivating factor to use my limited time and varied resources efficiently.

In addition to this longer project, I had smaller equally important and challenging cases. In one case, DHS argued a client was ineligible to adjust status because reapplication for

readmission must take place outside of the United States therefore triggering a ten-year bar. I penned a response that argued that among other things, DHS ignored a fundamental cannon of construction (that each provision of a statute must be given its own independent meaning), the plain language of the statute, and the holdings of the case law it relied upon. In another case, I composed a letter to DHS to join in a motion to reopen for a client who became NACARA eligible. I informed DHS that it may join in such a motion if NACARA was not previously available, the client was in fact statutorily eligible for such relief, and that a favorable exercise of discretion was warranted based on a number of factors that include hardship, ICE objectives, and the number and severity of the immigration violations.

An additional project was a motion to reopen after a client was removed *in absentia*. The Immigration Judge read the statute to determine that a notice of a hearing is only required in cases where a noncitizen provides a U.S. address. Because the client provided an El Salvadorian address, the Court did not send any notice as to the location and time of the client's hearing. However, the statute only requires an address where the noncitizen may be reached during proceedings. Moreover, the statutory language should have been construed in accordance with existing U.S. Citizenship and Immigration Services forms and a

lack of notice generally presents due process concerns. Lastly, one of my more difficult projects involved me updating the Ninth Circuit on case law that the courts have relied upon since the client's proceedings. The case law proved to be either off topic or did not change in its application.

Overall, I had an engaging and informative summer working with a knowledgeable and dedicated staff. I learned so much about the immigration law, regulations, and procedures. Moreover, my projects were diverse, which allowed me to work outside of my comfort zone and build upon and apply the knowledge from my immigration law course to real-world clients and situations. More importantly, in my brief ten weeks, I witnessed and experienced firsthand the ILG way of zealous advocacy focusing on the individual and appreciating his or her distinct journey.