



**UH IMMIGRATION CLINIC**

**Fall 2011**

**Immigration Clinic *Director's Note* -**

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During the fall 2011, we worked on a wide variety of cases, from an Eleventh Circuit case involving the post-departure bar to cutting-edge asylum and crime victim cases. Our attorneys continued their commitment to doing outreaches and educating the legal community. They presented on various topics such as the Dream Act, prosecutorial discretion, ethics and immigration, mental competency and asylum law, to name a few. I also am proud this semester of the Clinic's close collaboration with the American Immigration Council (AIC)/Legal Action Center, spearheaded by Professor Beck, resulting in the publication of our extensive practice advisory on mental competency and the immigration courts. Professor Modi has also been instrumental in working on a publication on the War on Terror and Immigration Regulation which will be coming out shortly. We continued our commitment to educating students to learn the practice skills needed to revolutionize immigration law in the future.

Our new hire this semester is attorney Jill Davis. She is a graduate of the University of Texas Law School and is a past UT clinic student. Professor Davis already has shown her excellence in doing many trainings and outreaches, representing clients, and working with students on crime victim and other cases. Her work here, along with the other clinic attorneys, Professors Beck and Modi, give our students many opportunities for supervised learning.

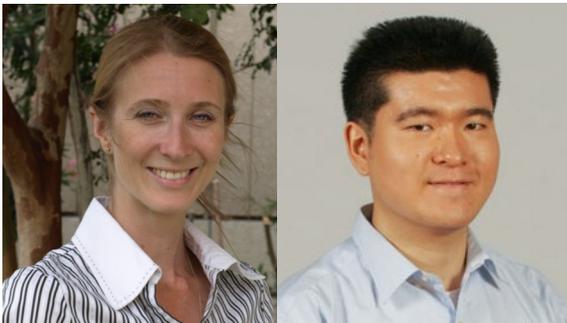
## Clinic Students Win Asylum for 17 year-old from Honduras

Student attorneys **Elizabeth Oaxaca**, **Mary “Liz” Cleveland**, and **Cheryl Lovelady** worked, under the supervision of **Professor Hoffman**, winning asylum for a 17 year-old girl from a Central American country. The client suffered terribly after being kidnapped, while a minor, by an international criminal organization. Kids in Need of Defense (KIND) requested the clinic to write a legal brief on the issues of duress, *mens rea* and various other issues dealing with a potential bar to asylum. The students wrote an excellent brief; the client was granted asylum in December, 2011.



P. Elizabeth Oaxaca Cheryl Lovelady

## Clinic Student Wins Humanitarian Parole for Iraqi Refugee



Yolande Ditewig Xiao Chen

Student attorney **Xiao Chen**, under the supervision of **Professor Hoffman**, won Humanitarian Parole for an Iraqi refugee. Previously, student attorney **Yolande Ditewig** had worked on the case. The client’s family had entered the U.S. previously as refugees. The client was not able to travel to the U.S. since he had travelled to a third country. The client has a well-founded fear of persecution in Iraq.

## Administrative Closure Granted by the U.S. Immigration Court-Houston

Clinic student attorneys **Paige Cantrell** and **Farrah Najmuddin Lang**, under the supervision of **Professor Hoffman**, attended the immigration court hearing of a Jamaican man and long-time LPR (“Lawful Permanent Resident”). The client had severe mental and physical disabilities after suffering strokes. He is currently in assisted living. Based on the motion to administratively close removal proceedings, filed by the prior students, Paige and Farrah were able to win the motion and get his case closed. Several previous clinic students worked on this case.



Paige Cantrell

Farrah Najmuddin  
Lang

## Briefs Filed in Eleventh Circuit Case on Important Post-Departure Bar Asylum Issue



James "Jim" Cypert

Student attorney **James "Jim" Cypert**, under the supervision of both **Professors Hoffman and Modi**, worked on the opening brief, reply, among other filings, in an Eleventh Circuit Court of Appeals case relating to the post-departure bar. The BIA applied the bar to dismiss the client's Motion to Reopen based on changed country conditions in his country of origin and to prevent him from applying for asylum, withholding of removal, and relief under the Convention Against Torture. Jim was instrumental in conducting research on all aspects of this important case. Since briefing is now completed, we now await oral argument or a decision.

## Motion to Remand Granted by Board of Immigration Appeals

Clinic student **Mary "Liz" Cleveland**, under the supervision of **Professor Beck**, successfully represented a client before the Board of Immigration Appeals. After doing extensive case analysis on several legal issues, Liz used her writing skills to file two briefs: one for the Appeal and another for the Motion to Remand. The Board granted the Motion to Remand so that the client could have a new trial before the immigration judge.

## Administrative Closure Granted by the Board of Immigration Appeals for a client with a pending U-visa application

**Professors Hoffman and Modi** successfully obtained administrative closure in the BIA and a U-visa certification for a client named Chad.\* The client had been the victim of a drive-by shooting in Oregon. He was severely wounded and hospitalized as a result of this crime. Chad cooperated with law enforcement officials so that they could investigate and arrest the perpetrators. Unfortunately, when Chad was later placed in removal proceedings he had no *pro bono* representation and therefore it was difficult for him to pursue a U visa, a type of visa intended to benefit immigrants, like Chad, who have been the victims of certain crimes and who have cooperated with law enforcement officials. Without an attorney, Chad did not pursue this potential relief and an order of removal was issued against him. The clinic took his case on appeal in June 2011. The BIA granted administrative closure of his case in January 2012 after the U cert was granted, and a motion had been filed on his behalf. His U visa application is now pending with United States Citizenship and Immigration Services.

## U Visa Application Filed for Crime Victim and Family



**Jerry Bergman**

Jacob\* was the victim of an aggravated assault with a deadly weapon. While he was driving, he was targeted and shot at, which resulted in his being hit in the mouth with a bullet and hospitalized. He assisted with the investigation and prosecution of the perpetrator of this crime. Our clinic represented him in his U visa case and was able to obtain a U visa certification from the Harris County District Attorney's Office.

Under the supervision of **Professor Modi**, student attorney **Jerry Bergman** prepared and submitted his own, as well as his derivative family members' U visa applications. We await a decision from United States Citizenship and Immigration Services.

## Ethiopian Man Granted Asylum due to Clinic's Efforts

**Xiao Chen**, a UH Law Center graduate, volunteering in the UH Immigration Clinic over this past summer, used his interviewing and legal research skills to successfully assist a young Ethiopian man win asylum before U.S. Citizenship and Immigration Services. While in prison he had been subjected to starvation and beatings. Soon after his release, he fled to the United States to seek a safe haven. Xiao was supervised by **Professor Janet Beck**.



**Xiao Chen**

## Clinic Students win Permanent Residence for Juvenile

Immigration students **Leesa Everitt** and **Tanja Schroeder**, under the supervision of Professor Beck, represented a boy who had traveled to the U.S. by himself. The boy's father had died and his mother was unable to protect him from gang violence in Honduras. Pursuant to the immigration statute relating to Special Immigrant Juveniles, clinic students won permanent resident/green card status for the minor.

Former Civil Clinic student, now graduate, **Richard Hinojosa**, worked on the Suit Affecting the Parent Child Relationship (SAPCR) in family court. **Leesa** worked on the application to USCIS after the SAPCR was granted, and **Tanja** represented the minor in immigration court after USCIS approved the application. The students were supervised by **Professors Janet Heppard** and **Janet Beck**.



**Tanja Schroeder**



**Leesa Everitt**

## Special Immigrant Juvenile (SIJ) Petition Approved

Student attorney **Farrah Najmuddin Lang**, under the supervision of **Professor Modi**, assisted a child named Thomas.\* He has lived with his mother since his father abandoned him. Thomas is a 12 year-old boy from Honduras. His father left Honduras when Thomas was a boy and his mother left Thomas and his brothers in Honduras with his uncle's family. Thomas lived in a poor village where there was no electricity and where he was made to work. A relative would beat him. When he would speak with his mother on the telephone, Thomas never disclosed the beatings. When Thomas entered without inspection at the border in order to be reunified with his mother, he was discovered and charged with having entered the U.S. without being admitted or paroled. He was then placed in removal proceedings.



**Farrah Najmuddin Lang**

Our clinic agreed to represent this child and we filed a Petition for a Suit Affecting Parent-Child Relationship ("SAPCR") in family court, which is necessary to have in order to pursue Special Immigrant Juvenile immigration status. Thomas' father was later served by publication. In September 2011, with the assistance of the UH Civil Law Clinic, students went to family court and received a default judgment on our SAPCR request.

In November 2011, Thomas' Petition for Special Immigrant Juvenile ("SIJ"), was filed by Farrah with USCIS and it approved less than a month later, in December 2011. Farrah then attended a Master Calendar Hearing in Immigration Court with Thomas where she updated the court about the progress of the case and scheduled an individual hearing for Thomas. The Court will soon adjudicate his adjustment of status application based on his approved SIJ petition.

### Another SIJ Petition Approved by USCIS

Chris\* is a native of El Salvador who came to the United States when he was 17 years old due to threats from gangs and the neglect of his father. His mother had passed away and his father had abandoned him in El Salvador. The clinic decided to represent him for his Special Immigrant Juvenile (SIJ) application. After receiving a Suit Affecting Parent-Child Relationship ("SAPCR") order from family court stating that it was not in his best interest to be returned to El Salvador, the clinic prepared and sent his SIJ application.



**Paige Cantrell**

The clinic recently prepared the client for his interview with USCIS on his SIJ application which was successful as he was approved for an SIJ visa. Under the supervision of **Professor Modi**, student attorney **Paige Cantrell** applied to adjust his status to that of a legal permanent resident (or green card holder) in immigration court since he is currently in removal proceedings. His next hearing is scheduled for April 2012.

## Clinic Student Wins Deferred Action

Clinic student **Jerry Bergman**, under the supervision of **Professor Beck**, wrote a persuasive argument to USCIS, which resulted in deferred action for a young woman based on a case of domestic violence.

Deferred action allows the young woman to live and work in the U.S. until she becomes a lawful permanent resident.



**Jerry Bergman**

## Clinic Publishes Practice Advisory in Conjunction with American Immigration Council

On Nov. 30, the UH Law Center Immigration Clinic published a practice advisory (PA) in collaboration with the American Immigration Council (AIC). The PA relates to a precedential decision from the Board of Immigration Appeals, *Matter of M-A-M-*, a case which was handled by the UH Clinic and highlights the work of our students. The PA may be found at <http://www.law.uh.edu/clinic/immigration/UH-AIC-Mental-Competency-Issues.pdf>. Professors Beck and Hoffman were co-authors.

## Outreaches by Clinic Attorney Jill Davis



**Jill Davis**

**Professor Jill Davis** presented at various law enforcement agencies, shelters, and victim services centers throughout the fall semester on the topic of immigration relief available to victims of crime. She was the guest speaker at the Galveston County S.A.R.T. (Sexual Assault Response Team) coalition meeting, where she spoke with nurses, prosecutors, and police officers from throughout the county about the “U Visa” and “VAWA” (Violence Against Women Act) relief. She conducted a training on immigrant victims of crime at Houston Area Women’s Shelter and Galveston County Resource and Crisis Center, including a session for social workers on writing effective advocate letters.

In addition, Professor Davis spoke at the University of Houston School of Social Work-Human Trafficking Awareness Week on the topic of “T Visas” and immigration relief available to victims of human trafficking, as well as the Montgomery County Women’s Center on the topic of immigration relief for victims of sexual assault and domestic violence.

# Lectures and Presentations by Immigration Clinic Professors

On Sept. 30, **Director Geoffrey Hoffman** spoke at a panel on the Dream Act at the National Latino Law Student Association conference in New Orleans, sponsored by Tulane Law School and Loyola University. Professor Hoffman specifically highlighted the work of UH clinic students. As part of the presentation, Professor Hoffman discussed the Supreme Court case of *Carachuri-Rosendo v. Holder*.

**Professors Janet Beck and Geoffrey Hoffman** made presentations to the Houston Bar Association, as part of their CLE program, in November of 2011. Professor Hoffman lectured on the latest developments in prosecutorial discretion as well as the immigration courts. The new and controversial guidelines on prosecutorial discretion issued by the U.S. Immigration and Customs Enforcement (ICE) as directed by the Executive Branch were discussed. Professor Beck's presentation related to the BIA's precedent decision, *Matter of M-A-M*, regarding mental competency in which she supervised students, and continues to supervise 3rd year student, Andrea Penedo.

**Professors Geoffrey Hoffman and Susham Modi** lectured on "Ethics and Immigration Law" at Catholic Charities on Nov. 4 during a CLE on Violence Against Women Act (VAWA) cases. Professor Hoffman covered general principles of ethics and professional responsibility as applied to immigration practice. Professor Modi lectured on ethical principles as they related specifically to VAWA cases.

On December 1, 2011, **Professor Beck** served on a panel at the U.S. DHS/Citizenship and Immigration Services Asylum Office in Houston, where she discussed differences between preparing for an affirmative asylum interview by an Asylum Officer versus an immigration court hearing.

**Professors Geoffrey Hoffman and Susham Modi's** law review article has been accepted for publication by the Iowa Journal of Gender, Race and Justice. It is entitled, "The War on Terror as a Metaphor for Immigration Regulation: A Critical View of a Distorted Debate."

## Social Worker & Advocate for Clinic Clients



Elena Casella

The UH Immigration Clinic has partnered with Houston Galveston Trauma Institute to provide a more holistic approach to providing services to the clients served. This is the second year that a social work intern has been assigned to work at the Immigration Clinic to support and offer social services to the clients.

The clients face many hurdles, primarily language and culture. **Elena Casella**, a graduate student from the University of Houston School of Social Work, is originally from Central America and has brought her experiences to bear in advocating for a more culturally competent approach to the social needs of the clients. By communicating in their native language she has been able to address issues in their lives beyond their immediate legal problems. Her client contacts have ranged from a domestic violence victim reluctant to seek counseling to an unwed mother about to become homeless.

Based on her experiences as an intern at the Tejano Center, an emergency shelter for troubled youth, she has been able to counsel clients in a way that is supportive and non-threatening. Her ability to interpret for clients as well as translate legal documents is an invaluable skill for our team. She has also compiled a database of services to serve as a reference for the staff and is working to standardize the social work process for the Clinic.

## Houston Galveston Trauma Institute and Clinic Collaboration

The Immigration Clinic is in its second year of collaboration with The Houston Galveston Trauma Institute as a field placement for the University of Houston Graduate College of Social Work. Pioneered by Professor Hoffman, Professor Beck, and Rosalie Hyde, a licensed therapist, this collaboration has established social work services in the Immigration Clinic placing a Social Work Graduate Student to support the clients and their legal cases. This is one of very few opportunities for Social Work and Legal Education to develop professional competency and experience in a culturally adapted collaboration for practice dealing with asylum law, international human rights, social justice, and psychological trauma.

The Social Work student is directly supervised by Ms. Hyde. Some of the tasks the social work student has assisted with includes the following: 1) providing social service assistance and referrals for basic needs, 2) making referrals for medical and mental health care, 3) collaborating with multiple agencies and developing policies and programs, 4) assisting in the recruitment of mental health clinicians who will do pro bono psychological evaluations of clients to support their legal cases, and 5) working on public education and advocacy about the issues and needs of people seeking asylum.



Rosalie Hyde

## ***UHLC Immigration Clinic Honored Immigrants with “Arrival Awards”***

The University of Houston Law Center Immigration Clinic honored three noteworthy immigrants at the 2011 Arrival Awards program. Durga D. Agrawal, president and CEO of Piping Technology & Products, Inc.; Oscar Castañeda, president of Castañeda Maxillofacial-Dental and Associates; and Ana Hernandez Luna, a lawyer and state representative of District 143, received the 2011 “Arrival Award” at the event. Agrawal is a native of India while Castañeda is from Honduras and Luna from Mexico.

The Arrival Awards recognize the successes and benefits that immigrants bring to the community and nation in general. Proceeds from the awards dinner benefit the UH Law Center’s Immigration Clinic which assists hundreds of immigrants and refugees who could not otherwise find legal representation. It also serves as a vital, hands-on teaching laboratory for aspiring lawyers.

The event was held on Wednesday, Nov. 9 in the Crystal Ballroom of the Rice Lofts in downtown Houston.



## Spotlight on New Immigration Clinic Professor: Jill Davis



**Professor Jill Davis**

Jill Davis is currently a Clinical Supervising Attorney at the University of Houston Law Center's Immigration Clinic. In this capacity, she is responsible for supervising immigration clinic students working on various pro bono immigration cases, which include cases involving immigrants who are victims of crimes, immigrants who are victims of domestic violence, and asylum cases.

She has conducted various outreach programs throughout the Houston area on the subject of immigrant victims of crime and human trafficking, including training programs with women's crisis centers, law enforcement agencies, and victims' services organizations. Ms. Davis also provides direct pro bono legal representation to immigrant victims of crime, domestic violence, and human trafficking under a grant from the Office of the Attorney General Crime Victims Services Division.

Ms. Davis graduated with honors from the University of Miami in Miami, Florida with a B.A. in Latin American Studies, and received her J.D. from The University of Texas School of Law in Austin, Texas where she worked as a student attorney in the University of Texas Immigration Clinic.

### **FALL 2011 IMMIGRATION CLINIC PICTURE (SHOWN ON PAGE 1)**

**Back row, from left:** Jerry Bergman, James "Jim" Cypert, Profesor Janet Beck, Fellow Attorney Andrea Boulares, Crystal del Toro, Andrea Penedo

**Front row, from left:** Professor Geoffrey Hoffman, Graduate Social Work Student Elena Casella, Tanja Schomaker, Paige Cantrell, Farah Najmuddin Lang, Professor Jill Davis, Professor Susham Modi, Lauren Messer, Lilian Baker

**Group picture (page 1), photo courtesy of Brisa M. Gossett.  
Arrival Awards (page 9), photos courtesy of Shannon J. Smith.**

\*Name changed to protect identity

***Thanks to all our Clinic Staff: Thelma Baines, Brisa Gossett and Elsa Ramirez for all you do!***