

UNIVERSITY of HOUSTON | LAW CENTER

Immigration Clinic



Fall 2013 Newsletter

Director's Note

Beginning my fifth year as director of the Immigration Clinic, I now reflect back upon the great students we have had in the clinic, the hundreds of immigrants we have helped, and the skills and lessons learned on a daily basis. Students not only get to help indigent clients in their immigration cases but they refer them for counseling, accompany professors in doing community outreaches, travel to other cities for court, interview family members, and all in all have amazing experiences which enrich and broaden their skill sets.

This edition of the newsletter summarizes just a fraction of our cases. We have tried to distill the most interesting cases but all our cases are important and all involve real people facing dire circumstances, anxieties and fear. From a pedagogical perspective each case we take highlights an area of law which is cutting edge and helps our students be leaders in the future in the local and national immigration legal communities. We have recent graduates who are now working in the top immigration firms in Houston, as government counsel, as a public interest attorney with the YMCA, and as a member of the Administrative Appeals Office (AAO) in Washington, D.C.

- Geoffrey Hoffman

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Highlighting Clinic Cases

DHS Withdraws Appeal After Termination of Proceedings by Immigration Judge

Professor Hoffman and clinic students **Leslie Crow** and **Veronica Bernal** worked on a removal case in the spring of 2013 in conjunction with a private attorney in Dallas following a remand from the Board of Immigration Appeals. The case involved complex issues of criminal and immigration law. After the remand, **Professor Hoffman** was able to enlist the services of a private pro bono attorney who appeared in immigration court for our client. The students researched issues which ultimately led to the Immigration Judge terminating proceedings and the client was released from detention. The Department of Homeland Security appealed the Immigration Judge's grant of termination. However, on appeal and after reviewing the briefs and other materials filed in the case, DHS decided to withdraw its appeal in the fall of 2013. The Immigration Judge's grant of termination is now a final order.



Leslie Crow, 3L

Students Obtain Asylum for Rwandan Man

The Immigration Clinic successfully reopened a case in the summer of 2013 in the Board of Immigration Appeals and eventually asylum was granted by the immigration judge. The case involved a young man from Rwanda. **Professor Geoffrey Hoffman** supervised two students, **Veronica Bernal** and **Varsha Shirhatti**, as well as volunteer attorney **Katherine Shoebottom**. **Professor Hoffman** and **Veronica** travelled to a detention center in South Texas for a merits hearing at which time the judge reserved decision. A written decision was forthcoming two weeks later. The young man was released from detention shortly after receiving asylum from the immigration judge. Pro bono attorney **Claire Hulse, Esq.** was co-counsel with the clinic before the BIA.

Clinical student **Veronica Bernal, 3L** reflects on how this case paved the way for professional development and academic

achievement. **Veronica** appeared before the Immigration Judge with **Professor Hoffman**:

"I felt confident in conducting the merits hearing after listening to Professor Hoffman's instructions." Veronica further stated, "During the trial, I learned how to be an avid listener and a quick-thinker. Above all, this was an invaluable experience. Our client was liberated from detention and I gained an important experience as the first-chair attorney in an immigration asylum trial."

- **Veronica Bernal, Immigration Clinic, Spring and Summer 2013**



Veronica Bernal, 3L

Students Win Humanitarian Asylum for Honduran Teenager

Immigration Clinic students represented a teenage girl from Honduras in spring of 2013 in Asylum court proceedings and won Humanitarian Asylum for the young woman. The case presented several difficult legal and evidentiary issues based on the woman's experience of being severely abused by her domestic partner in Honduras. Under the supervision of **Professor Hoffman** and **Professor Campbell**, Clinic student **Nancy Molina** successfully represented the client in the Immigration Court merit's hearing.

Former Clinic students **David Hincr** and **Annie Kwan** drafted the trial brief, and prior Clinic students **Farrah Najmuddin**, **Crystal del Toro**, **Catharine Yen**, **Nathaniel Martinez**, and **Elizabeth Oaxaca** also worked on the case.



Nancy Molina, 3L

Highlighting Clinic Cases, Continued

UH Law Center Immigration Clinic team assists in asylum case before Fifth Circuit

Story courtesy of UH Law Center.

An appellate team of University of Houston Law Center professors and students traveled to the U.S. Court of Appeals for the Fifth Circuit in New Orleans in September, 2013 for oral arguments in an asylum case involving three immigrant children.

Clinical Associate Professor Geoffrey Hoffman, director of the Law Center's Immigration Clinic, and Clinical Assistant **Professor Janet Beck**, along with students **Veronica Bernal** and **Salma Hasan**, both 3Ls, worked on the case for a year. The immigration clinic joined St Mary's law clinic as well as a national law firm, McDermott Will & Emery LLP, in representing the children in their appeal to the Fifth Circuit.

The children had been granted asylum, but were the subject of a federal court action under the Hague Convention on the civil aspects of child abduction. The case is significant because it presents an issue of first impression concerning application of the Hague Convention when children have been granted asylum status. The Hague Convention does not require the return of a child to his or her home country when certain exceptions are shown, such as when the child would face grave risk of harm or the return would be contrary to fundamental principles of human rights.

Clinical Supervising Attorney Jill Campbell of the immigration clinic also worked with **Hoffman** on researching and supervising the two students on the case. **Aaron Bruhl**,



The UHLC team of Salma Hasan, 3L, left, Clinical Associate Professor Geoffrey Hoffman, Veronica Bernal, 3L, and Clinical Assistant Professor Janet Beck recently assisted on an asylum case before the U.S. Fifth Circuit Court of Appeals.

Associate Professor of Law and George Butler Research Professor, helped prep the case and sat as a practice judge prior to oral arguments. **Nick Grimmer '08** of McDermott Will & Emery conducted the oral argument before a three-judge panel on Sept. 5, 2013. The case is most significant as it presents an issue of first impression concerning application of the Hague Convention where children have been granted asylum status.

"There is no better way of getting the hands on experience of being an attorney than through the UHLC clinics... [The Immigration Clinic allowed me] the amazing opportunity to travel for Oral Arguments in front of the 5th Circuit, which was by far the best experience of my law school career!"

Working on the 5th Circuit appeal was a challenging, educational, and rewarding experience. A lot of hard work and dedication went into crafting the best brief possible. Since this was a case of first impression in the United States, there were multiple issues to research but no straightforward answers. It was a once in a lifetime opportunity to change the lives of three young children and the futures of countless others as well. And I was so glad to be contributing what I could to that process. It was very exciting to hear that oral argument had been granted on the case. And it was surreal to actually see it discussed and debated in front of such a learned and esteemed Court. I am hopeful for a positive outcome, grateful to have met such an amazing group of attorneys, and extremely proud of the work we have all done. I can truly say that this was by far the best experience of my law school career!"

- **Salma Hasan**, *Immigration Clinic, Spring & Summer 2013, Mediation Clinic, Fall 2012*



Salma Hasan, 3L

Recent Cases

Humanitarian Parole is granted by CBP to Keep a Child's Family Together

Students **Olivia Peña** and **Veronica Bernal**, under the supervision of **Prof. Janet Beck** convinced U.S. Customs and Border Protection (CBP) to grant humanitarian parole, a completely discretionary legal remedy, to a woman who had been previously deported as a result of a criminal conviction. The woman's six year old daughter is a U.S. citizen who was scheduled for a transplant in late September, 2013. Despite the life-threatening nature of the child's condition, CBP was initially reluctant to grant the parole because of the mother's criminal conviction and deportation. However, based on the extensive packet of materials the Clinic sent to them in support of the parole request, CBP finally granted it. The Mexican consulate in Houston was very instrumental in sending the package to CBP and also facilitating the very quick issuance of a passport for the mother in her home country.

Clinical student **Olivia Peña** reflects on this clinic victory.

"The possibilities of getting a humanitarian parole for our client were slim to none. Just when we thought it was over,

CBP granted the parole for a short period of time -- just enough for our client to be present at the transplant. Still, we needed more time so she could take special care of her baby, who was still at risk of acquiring a life-threatening virus. We re-applied with CBP and now our client will be able stay in the U.S. significantly longer.



Olivia Peña, 3L

When I received the news that she had been granted a humanitarian parole again, I jumped out of my chair and could not hide my happiness. I am very grateful to the Immigration Clinic for giving me the opportunity of working on this humanitarian parole case. Despite the difficult situation, the family's happiness and gratitude made me realize that we made a difference in someone's life. This is what Immigration Law and the Immigration Clinic are all about."

- **Olivia Peña**, Immigration Clinic, Fall 2013

Clinic Helps Victim of Domestic Violence Obtain Lawful Permanent Residency

Ms. Garcia* was the victim of brutal physical, emotional, psychological and sexual abuse by her now ex-husband, Chad.* Ms. Garcia met her now ex-husband, Chad R.,* in El Salvador. After dating for some time, they were married in 2005 in the United States. Soon after the wedding, Chad began abusing Ms. Garcia. He hit, controlled, and raped Ms. Garcia over a long period of time. However, Ms. Garcia was reluctant to leave her husband because she believed he could change. After years of abuse, she finally sought help from a counseling group. Through this group, Ms. Garcia was able to stand up for herself. She reported Chad to the police and left him in November 2008.

A Violence Against Women's Act (VAWA) petition was filed on her behalf in our clinic in September 2010. However,

because her abuser was then a legal permanent resident her priority date to adjust was not current and therefore she could not adjust to legal permanent resident (or "green card"). During this interim time, she received deferred action and we applied for and received employment authorizations for her. In 2012, Ms. Garcia informed us that her abuser and now ex-husband had naturalized to a U.S. citizen which, in effect, allowed her priority date to become current. In spring of 2013, Clinic student **Nancy Molina**, under the supervision of **Professor Susham Modi**, filed an adjustment application explaining she was eligible for an immediate green card and her application was recently approved. She is now able to permanently work and live in the United States legally and is free from her perpetrator.

* Name changed to protect identity.

Recent Cases, Continued

Students Help Teenager Obtain Lawful Permanent Residency in Court

Immigration Clinic students were successful in helping a teenage girl win her case in Immigration Court and obtain her Legal Permanent Residency through Special Immigrant Juvenile Status. The Clinic client was brought to the United States from Mexico and abandoned here by her parents as an infant. The case presented many challenges in Immigration Court and Clinic students **Veronica Bernal** and **Alexandra Vickery** addressed all of the challenges and won the case in spring of 2013.

The Client is completing High School this year and is looking forward to starting college and applying for U.S. Citizenship in 5 years. Prior students on the case include **Kate Quinn** and **Joshua Barron**. The Clinic students worked under the supervision of **Professor Campbell**.



Veronica Bernal, 3L

Student Perspectives

Students reflect on their experience as student attorneys in the Clinic

"The immigration clinic is one of the most successful programs we have at the Law Center because it actually teaches you how to be a lawyer. **Professors Hoffman, Beck, Campbell, and Modi** are excellent attorneys who want you to excel and be the best advocate for your clients. There are stressful moments, as there are in any job, but I believe the skills I acquired in the clinic will serve me well in my legal career.

I worked on two federal appeals, represented a client in court, interacted with clients on a frequent basis, and performed day-to-day administrative tasks that many lawyers cannot do themselves. As a student attorney, I had the luxury to learn through my mistakes so I could avoid making the same mistakes later. Regardless of whether you are interested in immigration law, I believe all law students would benefit from this clinical program."

- **Alexandra Vickery**, Spring 2013, *Immigration Clinic*



Alexandra Vickery, 3L

"Working on [the petition for rehearing En Banc] was certainly a great experience for me as a law student. It is not everyday that a law student is able to work on a petition for rehearing that is filed with the 5th Circuit. The subject matter of the case was significant as we argued that the facts presented a case of first impression in the United States.

Completing the brief was a great way to learn about and apply asylum law in a way that few law students are able to experience and am very appreciative of the UH Immigration Clinic providing me with this opportunity. I would recommend a clinic to all law students as a way to enhance one's legal education while in still law school with practical experience while working in a "mini-firm" and with pro bono clients".

- **Lauren Randle**, Fall 2013, *Immigration Clinic*

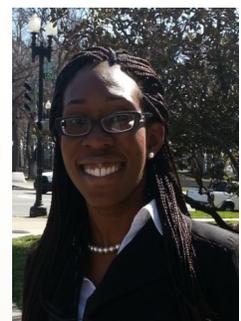


Lauren Randle, 2L

"The most rewarding thing about working on a petition [filed in the Fifth Circuit] and the clinic is realizing that the work that I've done in the past has not been in vain.

I had to employ the skills I developed in Legal Research and Writing and Moot Court on fictional scenarios to this real life case with for true life changing consequences. I just hope and pray for a favorable outcome for our client".

- **Temitope Siyanbade**, Fall 2013, *Immigration Clinic*



Temitope Siyanbade, 3L

Mental competency crucial to fair immigration proceedings, experts agree

UH Law Center Immigration Clinic hosts annual Joseph A. Vail immigration workshop.

Story courtesy of UH Law Center.

More than 70 attorneys and immigration specialists gathered at the University of Houston Law Center on June 7, 2013 for a day-long workshop focused on helping immigrants and those who represent them maneuver through the complicated maze of immigration law and policy. The **Joseph A. Vail Workshop** explored two aspects of immigration law – representing immigrants with mental disabilities and developing the tools and techniques needed in asylum cases.

"The workshop provides practitioners with valuable information which allows them to take on a pro bono asylum case," **Immigration Clinic Director Geoffrey Hoffman** said. "It also allows them to become a part of the network of mentors and assistance provided by public interest organizations, including UH, here in Houston."

The annual CLE workshop was sponsored by the Law Center's Immigration Clinic, the Cabrini Center of Catholic Charities of Galveston-Houston, and YMCA International Services. This year the program included mental health experts, an immigration judge, asylum officers, and speakers on topics ranging from affirmative asylum before the agency to defensive asylum before the immigration courts. The afternoon session opened with **Janet Beck**, supervising attorney of the Law Center's Immigration Clinic, discussing mental competency and mental illness as they affect immigration court proceedings.

According to **Beck**, the process for determining whether someone is competent to participate in immigration proceedings became easier through the Board of Immigration Appeal's (BIA) precedent-setting decision in *Matter of M-A-M*. This established a framework for judges to apply in cases where a person's mental competency might be in question. Beck was the supervising attorney on the BIA's decision *M-A-M*.

"Someone can be found competent but still be mentally ill," **Beck** said. "If this is the case, then safeguards still need to be put in place. The evaluation of competency is crucial to the case because immigration proceedings are based on fundamental fairness."

Following **Beck**, **Dr. Andrea Stolar** explained the evaluation process in determining mental competency. **Stolar** is a forensic psychiatrist at Baylor College of Medicine.

"Mental competency is not a static condition," **Stolar** said. "It is possible for competency to either deteriorate or improve. When performing an evaluation, maintaining objectivity is crucial. Forensic evaluators' loyalty is to the truth, not to the patient."

Later in the afternoon, **Jill Campbell** talked about emerging issues regarding the asylum clock - the 150 days after an applicant files an asylum application before the applicant can apply for an employment authorization document (EAD). **Campbell** is a clinical supervising attorney at the Law Center's Immigration Clinic.

"Many attorneys and asylum applicants experience problems with the asylum clock because of the administrative procedures," **Campbell** said. "It's difficult to know what stops or starts the clock. It's also hard to challenge where you are at on the clock."

Susham Modi, a clinical supervising attorney at the Immigration Clinic, discussed gang-related asylum cases. **Modi** noted that most of the gang-related cases are made under the grounds of particular social group. The United Nations High Commission for Refugees defines a particular social group as "a group of persons who share a common characteristic other than their risk of being persecuted, or who are perceived as a group by society."

"It is the lawyer's job to define the particular social group," **Modi** said, cautioning that this can be a difficult task. "It's important not to define the particular social group too broadly nor too narrowly."



From left to right: Baylor College of Medicine Forensic Psychiatrist Dr. Andrea Stolar, the Honorable Howard Rose, and UH Law Center Immigration Clinic Supervising Attorney Susham Modi

Among the day's highlights was a mock hearing that illustrated issues that may come up when testifying as an expert witness before the immigration court.

Clinic Pot-Luck

Clinic Professors, students and family socialize outside the Law Center

Every spring and fall, the UH Immigration Clinic professors host a pot-luck. The event was hosted this semester (Fall 2013) by **Professor Hoffman**. There was a great turn out, with students and professors bringing their significant others, family and furry friends to the pot-luck.

At this semester's pot-luck there were empanadas, tamales, rice and beans, fresh *pico de gallo*, various desserts, pies, and dips. This event is a great way for the clinic students and their professors to get to know each other in a social setting outside the clinic. **Professor Modi** was in attendance rocking a new look with sun glasses!



2014 Arrival Awards

Save the Date – March 6, 2014

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

The event will be held on Thursday, March 6, 2013 at the River Oaks Club.

Sam Williamson Fellowship

Fellowship open to Clinic students

Presented annually by the Law Center's Immigration Clinic, the Sam Williamson Fellowship provides a stipend of \$5,000 to be applied towards tuition to a UHLC student who is committed to the practice of immigration law, has enrolled in the immigration clinic during the scholarship year, and has taken the immigration law basic course before the scholarship year.

This fellowship was created in memory of Sam Williamson, Esq., a tireless advocate on behalf of immigrants for more than 50 years.

Direct any questions about the Immigration Clinic to Clinical Associate Professor and Immigration Clinic Director Geoffrey Hoffman via email at GHoffman@central.uh.edu. The application period will open in the 2014 spring semester.

2014 Sam Williamson Fellowship

Apply by March, 2014

Applicants will be required to submit an application that includes the following:

1. The fellowship candidate must have completed 30 hours prior to the start date of the fellowship.
2. Complete a general immigration law course before the beginning of the fellowship. *Classes that will qualify are the following: Spring 2013: Asylum Law (G. Hoffman/Modi) and Immigration Law & Business (Olivas), Summer 2014: Crimmigration Seminar (G. Hoffman) and Fall 2013: Immigration Law (Abdin); Spring 2014: Immigration and Family (Heppard/Beck)*
3. Write a personal statement of 500 words or less detailing the candidate's interest in the field of immigration law, an expression of dedication and interest in the practice of immigration law, and any past experiences that are relevant to the student's ability to make a contribution to this field. Information regarding the individual's background, academic and non-academic qualifications, and commitment to public service should be outlined in this statement.
4. Include a resume.
5. Submit two letters of recommendation, at least one should be from a UH Law Center faculty member.
6. The selected candidate will enroll in the UH Law Center Immigration Clinic during the fall and spring of the Fellowship.

High School student volunteers in the Clinic

Clinic helps High School student understand humanitarian issues

Immigration Clinic **Professor Janet Beck** served as mentor to then high school student **Karim Farishta** during the spring of 2013 semester. **Karim** sought out **Professor Beck** as a mentor during his participation in a special program in Fort Bend ISD for 12 Gifted and Talented students who received mentorship from a variety of professionals. **Karim** volunteered in the clinic conducting research for various appellate cases and worked alongside clinic students **Alexis Braun** and **Nick Gould** as well as Clinic volunteer attorney **Katherine Shoebottom** on Burkina Faso and Pakistani asylum cases.

Karim graduated from high school after winning a Princeton Peace Award and a Gulen Institute Award. He is currently attending George Washington University, the Elliot School of International Affairs. In addition to his studies, **Karim** is developing a curriculum to share knowledge on human trafficking with young women in D.C.

and working with a program for the homeless. **Karim** credits his work in the Clinic with **Prof. Beck** as giving him the necessary skill set to pursue his current projects.

"Working in the Immigration Clinic with **Professor Janet Beck** has been so rewarding. [Professor Beck's] passion for human rights activism and initiative to inspire future lawyers is truly remarkable. Gathering materials for Clinic court cases allowed me to understand the immigration process and, more importantly, provided me a new lens to view global humanitarian issues."

- **Karim Farishta**, Spring 2013
High School G/T Mentorship Student



Upcoming Events

Immigration Clinic Outreaches

DACA Outreach

November 6, 2013, 8:00am
Alief Hastings High School,
4410 Cook Rd., Houston, TX 77072
Clinic will speak with undocumented High School students about DACA. One-on-one consultations to follow DACA presentation.

DACA Workshop

November 9, 2013, 11:00am to 2:00pm
University of Houston Campus
Agnes Hall (2nd Floor) at the
UH Language Acquisition Center
Clinic to assist Houston area undocumented youth with DACA applications.

Citizenship Forum

November 16, 2013, 9:00am to 1:00pm
6400 High Star Dr., Houston, TX 77074
Clinic students will assist LPRs with naturalization applications.

Policy Insider Series:

Moving Immigration Policy Forward in the U.S.

November 19, 2013
UH Graduate College of Social Work Building, Multi-Purpose Room
110HA Social Work Building, Houston, TX 77204
Professor Geoffrey Hoffman will speak to the Graduate College of Social Work students.

2014 Arrival Awards

March 6, 2014, 6:30pm
River Oaks Country Club
The Arrival Awards recognize the successes and benefits that immigrants bring to our community and to the nation. Proceeds of the Arrival Awards Dinner benefit the Immigration Clinic at the University of Houston Law Center.

Contact the Immigration Clinic

Meet the Clinic Supervising Attorneys



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Spring 2013 Immigration Clinic Picture, page 1

From Left (front row): Professor Geoffrey Hoffman, Professor Susham Modi, Professor Jill Campbell, Interpreter Ana Stewart, Nicholas Gould, Leslie Crow, Nancy Molina, Alexis Braun and Professor Janet Beck

From Left (back row): Chidi Anunobi, Veronica Vernal, Salma Hasan, Luis Ruiz, Alexandra Vickery and Emily Wang

Not pictured: Interpreter Darlene Garcia and Interpreter Karla Perez