Immigration Clinic
University of Houston Law Center’s Clinical Legal Programs

August 2009

Students head to Livingston, Texas to assist detainees
Clinic helps immigrants detained in Livingston, Texas

Page 2

Torture Victims seek protection
Clinic students argue to the Fifth Circuit

Page 2

Students fight to assist victims of crime
Students utilize VAWA to assist many victims.

Page 2

Clinic assists children seeking safety in the US
A Nigerian girl and Haitian boy obtain LPR status through special immigrant juvenile status

Page 3

Remembering Joseph A. Vail
Donations from the community establish the Annual Joseph A. Vail Memorial Scholarship

Page 4

First Annual Joe Vail Immigration Workshop
NGOs and Clinic work together to educate the community

Page 4

Immigration Clinic
The clinic provides comprehensive immigration legal services to crime victims, abused and abandoned children, and those fleeing civil war, genocide, extreme forms of domestic violence and repression through “student attorneys,” our law students, who directly represent indigent respondents under the close supervision of our supervising attorneys.

Fighting for those seeking refuge in US

Rebecca Chen (3L) successfully represented an Iraqi family seeking protection in the United States. The family came to Houston, Texas after surviving a kidnapping attempt and an attack on their home in Bagdad, Iraq. In early May of 2009 the Houston Asylum Office found that the past harm did not rise to the level of “persecution”, but they granted asylum because they found the family faced a well-founded fear of future persecution because of their religious beliefs and western ideals. The principal applicant, his wife, and their two children are able to put the events of the last years behind them and rebuild their lives in the Houston area.

Erin Stanley (2L) successfully represented an applicant for asylum from Rwanda before the Immigration Judge and the Board of Immigration Appeals, demonstrating that his mixed Hutu/Tutsi ethnicity and his actions caused him to be targeted by individuals the government refused to control. In May of 2009, our Rwandan client heard the immigration judge declare, Congratulations, I’ve granted your application for asylum.

Jessica Goldman (3L) successfully represented a young client from Chad who arrived in Houston in 2007 to obtain a college degree in accounting and business management. After studying in Houston for over two years, there was a dreadful turn of events in his home country. The government attacked his family’s home, resulting in the presumed deaths of his father and older brother. With help from the International Red Cross and testimony from a Chad country expert from Amnesty International, our young client was granted asylum. Our client overcame the 2005 Real ID Act’s “one year” filing requirement, persuasively demonstrating that a change of conditions in his home country was the reason for filing his asylum application two years after arriving in the US.

Withholding of Removal Granted to Mexican National.
On April 7, 2009, Judge Rankin Yates granted our Mexican descent client’s application for withholding of removal, finding that he sufficiently established his membership in particular social group. This ruling was a huge success. Out of the 10,743 grants of asylum only 71 were granted to Mexican nationals (0.7%). Student attorneys Marco Jilpas (2L) & Erin Stanley (2L) introduced into the record a forensic psychiatric report to establish past harm and an affidavit written by a California Professor to detail why the Mexican government was and is unable to protect our client.

Immigration Clinic Fall 2009
Top left, Diana Velardo, Liza Evans, Stephen Jager, Paul Brown, Amy Tellez, Anne Chandler, Shunana Siraj, Erin Stanley, Janet Beck, Johnny Herrera, Bharti Roy, Celina Moreno, Julie Flanders, Rahila Noorani, Jonathan Kessler & Ray Ohakwe; (not in photo Karina Gonzalez, Rebecca Chen, Dinah Chung, Zelda Howell, Marco Jilpas & Tesha Robaskiewicz)
Although the Yale Supreme Court Clinic represented petitioner before the U.S. Supreme Court, UH Immigration Clinic law student attorney Elizabeth Lee, under the supervision of Clinical Attorney Thomas Perkinson along with student attorney, Travis King (3L), wrote the Fifth Circuit brief. One of the arguments in the Clinic brief regarding the misapplication of the Fedorenko case played a key role in the Supreme Court opinion.

In Negusie v. Holder, the U.S. Supreme Court held that the Board of Immigration Appeals and Fifth Circuit misapplied the law and failed to interpret the statute in the context of the Refugee Act of 1980. The Court remanded the case for a determination as to whether the statute mandates that coerced actions must be deemed assistance in persecution.

Negusie, a dual national of Ethiopia and Eritrea, was incarcerated and beaten for two years by the Eritrean government for refusing to fight against Ethiopia. He was released but forced to become a prison guard. He finally escaped and came to the United States on a ship where he hid in a container. When he arrived on these shores he asked for asylum but was statutorily denied because he had assisted in the persecution of others.

On a sadder note

Student attorneys try unconventional means to undue harm caused by removal of client to his home country, Syria

Student attorneys reached out to the United Nations High Commissioner for Refugees and the Department of Justice to find out if a former Syrian client is alive or dead. The Immigration Judge in this case denied asylum to the applicant, not believing that he would be persecuted in his home country if forced to return there. Upon being deported to his home country, Syria, the client was immediately apprehended and imprisoned by the Syrian authorities.

Amnesty International and the US Department of State recognize in various documents that our client is being held in a prison where torture is known to be rampant. Last year, there was a riot at the prison and inmates were killed. If the Clinic client is alive, Clinic students will work with the client’s brother and wife, both of whom are Texas residents, to try to bring him back to the U.S.
Students utilize SIJS to help our younger clients

SIJS—Special Immigrant Juvenile Status is an unique remedy under US law. It allows certain abused, neglected and abandoned children to obtain legal status in the US if it is determined that it is in their best interest not to be returned to their home country.

SIJS protects Nigerian orphan

Student attorneys successfully obtained legal permanent residency for another one of our young clients, “Joy”, under section 245(h) of the Act. Joy was fourteen when she and her father entered the US on a temporary visa. Within the first month of living in the United States, Joy received a phone call that her mother had suffered a heart-attack and passed away. Joy, turned to her public high school that her mother had suffered a heart-attack and passed away. Joy, turned to her public high school for assistance.

The Clinic joined forces with an ALIEF high school counselor provided through ALIEF School District’s Community at Risk program. Since Joy was on the verge of homelessness, the first order of business was to find Joy a home. With the help of YMCA International Services, Joy was able to find a home. Her new “mother and father” petitioned the Family Court in Harris County to become her managing conservators.

Together with the YMCA International Services, the Clinic documented Joy’s life story, and successfully petitioned the United States Citizenship and Immigration Services to obtain her permanent legal status. Joy is an excellent student and has done very well here in the country, mastering the English language and the high school curriculum. Besides continuing her studies, she will be able to apply for citizenship at the end of five years. Her future is much brighter as a result of the work of the students.

SIJS Halts Removal of Haitian Stowaway

Students Cory Sells (3L) and Rebecca Chen (3L) represented an immigrant whom the police in Haiti had egregiously abused. Desperate for a new life, he stowed away on a ship that docked at the Houston seaport.

The Immigration Judge ordered him to be removed in spite of having found that there was a reasonable possibility that the police would torture the child if returned to Haiti. The Immigration Judge found that the type of harm the child faced fell outside of the definition of a refugee and the likelihood of torture was not high enough to trigger our obligations under our United Nations Convention Against Torture. The BIA quickly affirmed the Immigration Judge’s negative decision. Our clinic students were able to halt the deportation by finalizing a special immigrant juvenile self-petition for the client. The student attorney negotiated with the Office of Chief Counsel to have the client’s case reopened and then terminated before the Board of Immigration Appeals for adjustment of status before the USCIS. This case required student attorneys Cory Sells (3L) and Rebecca Chen (3L), to navigate between the Board of Immigration Appeals and USCIS, both procedurally and substantively, simultaneously. The result is that the client was admitted as a legal permanent resident based on the abuse he had suffered in Haiti.

Joseph A. Vail Memorial Scholarship Established

The Texas Chapter of the American Immigration Law Association (AILA), the Law Office of Reina Bates, and dozens of friends and colleagues of Joseph A. Vail establish the Joseph A. Vail Memorial Scholarship.

Joseph A. Vail, who passed away on June 17, 2008, founded the UH Law Center’s Immigration Law Clinic in 1999. In his memory, friends, colleagues, and the immigration bar of Texas came together to collect over $30,000 to endow an annual scholarship to be awarded to “a student who has demonstrated interest in immigration law and also great advocacy on behalf of immigrants through coursework and involvement with the clinic.” Joseph Vail developed the Clinic into one of the largest in the nation.

Friends and colleagues say his work at the clinic was perhaps the highest accomplishment in a career that included service as an immigration judge, running a solo immigration practice and providing legal assistance to immigrant advocacy groups.

Jessica Goldman (3L) Receives Joseph Vail Memorial Scholarship

At the Dean’s Annual Awards Ceremony at the Law Center, Clinical Professor, Diana Velardo, delivered the First Annual Joseph A. Vail Memorial Scholarship to Jessica Goldman (3L). Jessica Goldman, a native of El Paso, Texas, was selected for the scholarship in recognition of her passionate representation of her clients during her semesters working as a student attorney in the Clinic.

Erin Stanly (3L) Receives All Clinic Award

The Clinical Faculty awarded Immigration Clinic student Erin Stanley (3L) the Clinical Legal Education Association outstanding student achievement award. Throughout the fall 2008 and spring 2009 semesters, Erin Stanley excelled as a student attorney in her advocacy on behalf of her individual clients.
First Annual Joseph Vail Immigration Workshop

Over a hundred non-citizens and their employers gathered at the Law Center on April 19, 2009 to learn about immigration laws and immigration enforcement in our community. The Clinic immensely thanks the dozen community based organizations, speakers, donors http://www.law.uh.edu/workshop/, and keynote speaker, Rick Noriega, for making the First Annual Joe Vail Immigration Workshop a tremendous success.

Asylum Workshop Trains Over Forty Attorneys

Together with YMCA International Serv and Catholic Charities, the Clinic sponsored the Joseph Vail Asylum Workshop on January 9, 2009. This free CLE sponsored by Texas Access for Justice Foundation provided intensive training to attorneys interested in providing pro bono counsel for victims of torture and persecution abroad. We thank this year’s wonderful speakers- Richard Rhodie & Jessica Walters (Houston Asylum Office), Hon. Chris A. Brisack (Executive Office of Immigration Review), Erica McGuirk (DHS), and Nancy Falgout, Wafa Abdin, Robert Etnyre, Edward Bailey, and Paul Zoltan.

Supporting the Immigration Clinic

The Immigration Clinic receives support from the University of Houston Law Center, Texas Access to Justice Foundation and the Texas Attorney General, but the demand for legal services for immigrant populations far outstrips existing financial backing. Contributions from private sources – ranging from corporations and foundations to leading law firms and civic-minded individuals – allow the Immigration Clinic to significantly expand the number of people who can benefit from free legal services provided through the program. Thanks to the donors who have contributed to the Arrival Awards 2009 in support of the University of Houston Law Center’s Immigration Clinic.

Advisory Board

Co-Chairs
Charles Foster — Foster Quan, LLP
Gordon Quan — Foster Quan, LLP

Executive Committee
Robert Etnyre — Royston, Razor, Vickery & Williams, LLP
William Sim — William Y. Sim, PC
Nicole Ezer — Greenberg Traurig, LLP
Professor Michael Olivas — University of Houston Law Center
Diana Velardo — Artemis Justice Center
Peter Williamson — Chamberlain, Hrdlicka, White, Williams & Martin

Arrival Awards 2009

The Arrival Awards recognize the successes and benefits that immigrants bring to our community and to the nation in general. Proceeds of the Arrival Awards Dinner benefit the Immigration Clinic at the University of Houston Law Center.

The 2009 Arrival Awards honorees are:

Renu Khator
President of the University of Houston and Chancellor of the UH System

Ayaz Nasser
President, Zenith Real Estate Group of America

Y. Ping Sun
Of Counsel to Yetter, Warden & Coleman, LLP and First Lady of Rice University

Through support of the Arrival Awards, corporations, foundations and individuals can be assured of making an enduring impact on the Houston community and the legal profession. The Arrival Awards 2009 is scheduled for November 12, 2009. http://www.law.uh.edu/clinic/arrival