

Immigration Clinic



Spring | Summer 2012

Immigration Clinic *Director's Note* -

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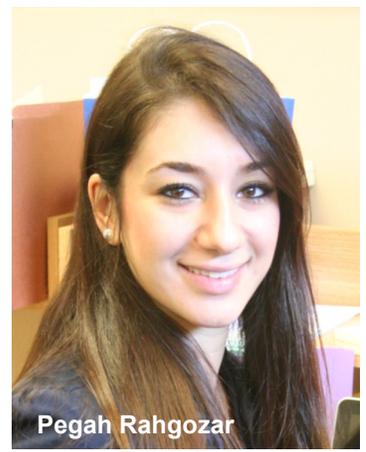
This newsletter covers selected student cases, events, lectures, trainings, outreaches and other activities of the Immigration Clinic during the past several months. Our students have worked hard on a wide variety of matters. I am most proud of the Deferred Action Initiative which has been implemented to assist UH system students as well as community members who may qualify for the new deferred action for childhood arrivals policy announced on June 15, 2012. I am proud of our clinic professors and staff for working to teach our students to represent all our clients with professionalism, commitment and zealous advocacy. The commitment to serving our students and the community continues!

— Professor Hoffman

HIGHLIGHTING STUDENT CASES

Clinic Wins Asylum for Iraqi Client before USCIS

Clinic students filed an asylum application for an Iraqi man resulting in a grant of asylum. The case involved a tremendous amount of background research and investigation into the applicant's claims. The Clinic students who worked on the case were **Courtney Cherry, Farrah Lang, Annie Kwan, and Pegah Rahgozar**. Professor Hoffman supervised students on the I-589 application. Professor Modi attended the I-589 interview with student attorney Pegah Rahgozar. The client is doing well and happy to be in the United States and to have obtained legal status. The client may apply for lawful permanent resident status after one year.



Pegah Rahgozar

Adjustment of Status Granted for Longtime Client-Asylee and His Wife



Paige Cantrell

The Clinic has been successful in obtaining residency for an Ugandan client and his wife after the clinic represented the husband in his asylum application before the U.S. Immigration Court. The asylum case was granted under the supervision of Immigration Clinic founder Joseph A. Vail.

More recently, the Clinic represented the client's wife in an I-730 petition for following to join after the grant of asylum. Once the I-730 was granted, the Clinic proceeded to file applications for adjustment for both husband and wife. The case proceeded to a grant represented by **Paige Cantrell** and Professor Hoffman. Former clinic student attorney **Chris Garibaldi** also worked on the case.

Appellate Client Improperly Deported Is Paroled Back Into U.S.

Former Immigration Clinic Fellow **Andrea Boulares** took on the case of a transgender individual from Mexico who was improperly deported while her appeal was pending. Because she had been physically deported, the client had no one to brief the issues on appeal.

Under the supervision of Professors Hoffman and Campbell, Clinic students and the Clinic Fellow filed a notice with the Board of Immigration Appeals and then worked with Immigration authorities to have the client lawfully re-enter (paroled into) the United States. The case is now pending on appeal with the Fifth Circuit Court of Appeals. Clinic students **Kate Quinn** and **Annie Kwan** worked on the case.



Andrea Boulares

Inadmissibility Ground Addressed by Student—Adjustment Granted



Jennifer Dulay

Clinic student attorney, **Jennifer Dulay**, under the supervision of Professor Hoffman, wrote an excellent brief in support of overcoming "TRIG" - a terror-related inadmissibility ground in a case which was pending for years before the Immigration Service.

The case was stuck for three years while the Service considered whether the client was eligible for adjustment due to an alleged terror-related ground of inadmissibility. After reconsideration, the Service allowed the adjustment of status case to proceed. Adjustment was granted.

Clinic Wins Special Immigrant Juvenile Petition Before USCIS



Kate Quinn

*Ana is a 17 year old girl born in Mexico. When she was 2 years old, her mother brought her unlawfully to the United States and left her with a family in Texas. She never knew either of her parents and was raised by family friends. Just before her 18th birthday, Ana was put into removal proceedings.

Working with the UH Civil Clinic, the Immigration Clinic's Student Attorney **Kate Quinn** and Supervising Attorney Jill Campbell represented Ana in immigration court and before USCIS to obtain Special Immigrant Juvenile Status. Ana can now apply for her Legal Permanent Residency in Immigration Court and continue to attend school and live in the United States.

Clinic Represents Unaccompanied Minor Before Court & USCIS

Clinic Student Attorney **Dyan Parada** and Professor Campbell represented a juvenile seeking asylum in the United States. *Elena is a 16 year old girl fleeing gang persecution in her home country after being a prosecutorial witness in a murder case against dangerous gang members. Elena arrived in the United States without her parents and was represented by the clinic at the Houston Asylum Office and the Houston Immigration Court as an unaccompanied alien child.

Student Attorney Dyan Parada drafted a legal brief on behalf of the client, arguing that Elena's experience as a prosecutorial witness of a gang murder qualifies as a particular social group under asylum law. The case is currently pending with United States Citizenship and Immigration Services.



Dyan Parada

Withholding Granted by Court for Client with Mental Illness



Andrea Penedo

In an legally complex case, **Andrea Penedo**, under the supervision of Professor Beck, successfully represented a mentally ill client at trial. Andrea wrote legal briefs on eligibility for relief, had telephonic conferences with the immigration judge and the DHS attorney before trial, and tracked down a court reporter to get a transcript of another trial involving our client.

At trial, Andrea performed direct examination of a psychiatrist (our expert witness) as well as of a family member and our client. Withholding of removal was granted by the court.

**name changed to protect identity*

U Visa Cases Successfully Represented By Clinic Students



Jim Cypert

Clinic student **Jennifer Dulay** successfully persuaded the District Attorney's office to certify a U visa case for a young woman who was in the car when her mother was killed by a drunk driver. Clinic student **Yolande Ditewig** successfully represented a client for a U visa whose 3-year old daughter was the victim of indecency with a child. In another U visa case, Clinic student **Christopher Garibaldi** successfully represented a mother who was a witness to the drive-by shooting of her daughter. Clinic student **Jim Cypert** was successful in petitioning USCIS for a U visa for a woman who was the victim of severe domestic violence and who sought shelter at the Houston Area Women's Center. All students were supervised by Prof. Beck.

Clinic Students Help Clients Obtain Legal Residence

Clinic students **Kelly Johnson**, **Emiliano Fragoso** and **Courtney Cherry** successfully represented women applying for lawful permanent resident status who had previously won asylum based on brutal domestic violence in their home countries. Their children were also granted LPR status. All students were supervised by Professor Beck.



Courtney Cherry

Kelly Johnson

Clinic Students Win Asylum for a Case Remanded by the BIA



Charlotte Simon

In a case that first went to trial in 2010, Clinic students **Charlotte Simon** and **Juan Lopez** won asylum for a family who were victims of rape, kidnapping, and gun violence in their home country. Unfortunately, DHS appealed the Immigration Judge's decision to the Board of Immigration Appeals who remanded the case back to the Immigration judge because part of the trial transcript was missing. Professor Hoffman, with former student attorney Charlotte Simon, represented the Respondents in the appeal.

After remand, **Dyan Parada**, represented the clients in court with a new immigration judge and, eventually, in 2012, was successful in persuading DHS to withdraw its appeal. Prof. Beck supervised Dyan Parada during the remand.

Clinic Wins Withholding for Detained Transgender Client

Farah Najmuddin-Lang and **Paige Cantrell** won relief from removal for a detained transgender client from Mexico. The students prepared an expert witness on LGBT issues and an expert witness on transgender identity, as well as performed direct examination of the LGBT expert and client at trial.

This was an especially difficult case due to recent Mexican laws recognizing gay marriage and allowing name changes for transgender individuals. The students were supervised by Professor Beck.



Farah Najmuddin-Lang

Paige Cantrell

Deferred Action for Childhood Arrivals

FROM THE UNIVERSITY PRESS RELEASE:

UH Law Center Announces Immigration Deferred Action Initiative-issued Aug. 16, 2012

The Immigration Clinic at the **University of Houston Law Center**, a nationally recognized clinic on immigration law, is launching a program to help certain undocumented immigrants deal with a new federal policy that could allow them to stay in the United States under deferred action without fear of immediate deportation.

Top priority will be given to University of Houston System students, but the plan is to expand the program to others needing assistance. UH will be offering general information sessions on the government's new policy with times and locations to be determined in the coming days.

"This is a historic moment because almost two million people who arrived in the U.S. as children may be eligible for temporary relief from removal," said Geoffrey A. Hoffman, clinical associate professor and faculty supervisor of the **Immigration Clinic** that is implementing the program.

President Obama and Secretary of the Department of Homeland Security Janet Napolitano announced the directive on June 15. It will enable those who qualify to obtain a two-year deferment from deportation and the opportunity to apply for permission to work legally in the United States. Application information and forms are available online through the U.S. Citizenship and Immigration Services website. As of Aug. 15, applications can now be formally filed.

"This is seen by many as the start of a critical period where applicants are seeking legal advice and guidance," said Hoffman. "We want to be proactive in providing free, accurate information that will help people understand the eligibility requirements and not be confused by misinformation," he said.

The initiative is a component of the Immigration Clinic and will not affect the longstanding mission of the clinic to assist immigrants on a variety of other matters.

"The Immigration Clinic has long provided a much-needed service to the community while giving our law students invaluable experience in dealing with complicated immigration issues," said University of Houston Law Center Dean Raymond T. Nimmer.

The non-profit, non-partisan Migration Policy Institute estimates there are 1.8 million individuals in the U.S. who could potentially benefit from the new policy. Texas, with an estimated 210,000, is second only to California.

Immigration Clinic faculty will meet with potential applicants to provide information on how to take advantage of the new policy, to review documents, and to offer consultation. Appointments are limited and must be made a week in advance. More than 15 Immigration Clinic law students will assist during consultations. Clinic staff will decide on a case by case basis whether they can assist an applicant with the process or if circumstances require the services of a private attorney.

The latest directive is different from the Development, Relief, and Education for Alien Minors or DREAM Act, which has been proposed and defeated in Congress numerous times, because it does not lead to citizenship or any status and can be revoked at any time.



Professor Jill Campbell - the Clinic's attorney contact person and outreach coordinator for all DACA intakes and information events



OUTREACHES, TRAININGS AND OTHER EVENTS

The Immigration Clinic participated in numerous outreach programs throughout 2012.

In June 2012, the Clinic continued its tradition of presenting the "Joseph A. Vail" workshop on asylum law and mental disabilities. Speaking to a large turnout, the Honorable Howard Rose and clinic faculty presented at the conference along with various experts who spoke on a range of topics.

Clinic Professors, along with clinic student attorneys, assisted with naturalization applications at several Citizenship & Naturalization forums throughout the spring and summer. In May, Professors Modi and Campbell presented at an immigration training in Austin, Texas, for the Texas Department of Family Protective Services. Professor Beck presented on cutting-edge issues in asylum law to Physicians for Human Rights. In the spring, Professor Campbell and student attorneys provided legal consultations at the Bay Area Access to Benefits Fair and consultations to undocumented high school students from local high schools. In addition, Professor Campbell provided trainings on immigration relief for victims of crime, domestic violence and trafficking to the S.A.A.F.E. House Shelter in Huntsville, Texas, The Children's Assessment Center in Houston, Texas, and other crime victim's services organizations throughout the community.



In April, all Immigration clinic professors spoke at the University of Houston Immigration Symposium on topics relating to past Clinic cases and other cutting edge issues in Immigration law. The Clinic also engaged with governmental organizations throughout 2012. Professor Modi spoke at a training at the Houston Asylum Office. In late summer 2012, the Clinic and Law Center hosted a DHS Roundtable at the UHLC with government officials travelling from Washington D.C. and meeting with community members.



In light of the announcement by Janet Napolitano about the new Deferred Action Policy for Childhood Arrivals (DACA), the Clinic has presented informational sessions on this new policy at various University of Houston campuses to undocumented students who are interested in applying. In addition, the Clinic is offering one-on-one consultations in the Clinic offices to *pro se* applicants who are seeking guidance and advice on their applications.

Our Clinic students have been assisting the professors with the consultations, as well as providing follow-up communication with these University of Houston applicants. In addition, the Professors and students attorneys have been volunteering at Deferred Action Workshops hosted by Houston area organizations, such as Neighborhood Centers, Inc., and answering questions about the new policy from local attorneys.

In September, Professor Hoffman spoke to UHLC students on deferred action for childhood arrivals. The talk was hosted by the on-campus ACLU and American Constitution Society. Also in September, Professors Hoffman, Beck and Modi spoke at the Iglesia Bautista advising the participants attending a two-day seminar on a range of topics, including naturalization, admissibility, deportability and DACA.

THANK YOU TO IRA J. KURZBAN FOR DONATING THE SOURCEBOOK (13th Ed) TO THE IMMIGRATION CLINIC FOR THE SECOND YEAR IN A ROW



Ira J. Kurzban

Mr. Ira Kurzban, the author of the acclaimed *Immigration Law Sourcebook* holds J.D. and M.A. Degrees from the University of California, Berkeley and a B.A. with honors from Syracuse University where he graduated Phi Beta Kappa. He is also an honorary fellow of the University of Pennsylvania School of Law where he was honored for his exemplified signal service to every aspect of the legal profession. He is also the recipient of the Wasserstein Fellowship at Harvard Law School.

Mr. Kurzban has been a partner in the law firm of Kurzban, Kurzban, Weinger, Tetzeli, & Pratt P.A. of Miami, Florida for over three decades and is the chair of the firm's immigration department. Mr. Kurzban is a past-national President and former General Counsel of the American Immigration Lawyers Association. He has received national recognition for his work in the immigration field. He has been named by the National Law Journal as one of the top twenty immigration lawyers in the United States; he has been listed for over a quarter century in the Best Lawyers in America for his work in immigration and employment law.

THANK YOU FOSTERQUAN LLP

In September 2012, the preeminent law firm of FosterQuan LLP donated several boxes of books, including the pertinent sections of the Code of Federal Regulations, the Immigration and Nationality Act and other AILA publications to the Immigration Clinic. We express our gratitude.

SPRING 2012 IMMIGRATION CLINIC PICTURE (SHOWN ON PAGE 1)

(Front row from left) Professor Geoffrey Hoffman, Professor Jill Campbell, Kate Quinn, Courtney Cherry, Annie Kwan, Irma Jacobson, Professor Modi, Professor Beck, Jennifer Dulay, Pegah Rahgozar,

(Back row from left) Emiliano Fragoso, Dyan Parada, Pascal Bourgeois, Lara Autrey-Rodriguez, Kelly Johnson, David Powell,

(Not Pictured) Paige Cantrell, Farrah Najmuddin Lang

Thanks to our excellent staff!! Thelma Baines, Elsa Ramirez, Brisa Gossett, our Interns and Interpreters: Darlene Garcia; Maidelin Suarez; and Ivonne Garcia.

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