

# AILA's Pro Bono Newsletter

Pro Bono Is a Part of Professionalism ■  
AILA Practice and Professionalism Center

Winter 2011  
American Immigration  
Lawyers Association  
[www.aila.org](http://www.aila.org)



**VOLUNTEER FOR AILA CITIZENSHIP DAY!** On April 30, AILA will sponsor [Citizenship Day 2011](#), a single-day workshop with sites around the country providing assistance to lawful permanent residents eligible for naturalization. For information on your chapter's event, contact your local [Citizenship Day coordinator](#), or contact [Susan Timmons](#), Manager of Pro Bono Programs at AILA.

## Making Pro Bono a Reality for Practice

### Overcoming Obstacles to Pro Bono Implementation

By Stacy Cozart

In the last edition of the Pro Bono Newsletter, "Making the Case for Pro Bono," by Cyrus Mehta, calls us to consider the reasons why AILA lawyers should make pro bono part of their practice. The reasoning makes sense, but what are the obstacles to effective pro bono implementation?

I collected input from colleagues in my chapter, the great state of Ohio, and identified several main issues: lack of remedies available, travel time to interview detained foreign nationals, and the shortage of time practitioners can afford to contribute to non-income generating cases during these difficult economic times. How can practitioners overcome these obstacles?

First, set up brief advice clinics in concert with a local non-profit organization or church where attorneys can triage and weed out cases where there may be no readily available remedy. A good rule of thumb is to house these clinics within immigrant neighborhoods. Meet them on their turf. This way they feel comfortable attending the event.

Second, address the travel issue for detained individuals by speaking to your Pro Bono Liaison Judge and request the use of the EOIR video conference equipment on a Friday afternoon. Most Friday afternoons are a quiet time for the court to catch up on the week's schedule.

The third, and, perhaps the most difficult challenge, is the balancing act of maintaining a viable practice while participating in pro bono activities. One should make

sure first to screen all applicants for income eligibility, thereby preserving your limited time for cases where the actual inability to pay is established. If it is too burdensome to accept a solo assignment, consider participating in a clinic where only advice is provided, not representation. In addition, if a case is too complicated, collaboration with a mentor will allow for the advancement of both education and experience.

Overcoming the obstacles of pro bono not only allows us to serve a community that is in dire need of legal assistance, but it also reminds us of why we became lawyers in the first place.

*Stacy Cozart is a Partner in the law firm of Sharon & Kalnoki LLC and is Pro Bono Liaison and Treasurer for the Ohio AILA Chapter. She also serves on AILA's National Pro Bono Services Committee.*



**SAN DIEGO BOASTS 365 DAYS OF "AHHH ..."**  
Come to **AILA's 2011 Annual Conference** for four days of "ahh-some" June 15-18 in sunny San Diego! Registration opens Feb. 3.

**▶ ISSUE HIGHLIGHTS:** Improving Access to Representation **2** Fighting for Justice on the Border **4**

AILA InfoNet Doc. No. 11022870. (Posted 02/28/11)

## Spotlight ▶



**Clara Moon**  
Juceam Pro Bono Advocate  
Stone & Grzegorek LLP

[Stone & Grzegorek LLP](#), an immigration law firm in Los Angeles, has named attorney **Clara Moon** as its Juceam Pro Bono Advocate, commending Clara's pro bono work. The firm inaugurated the Juceam Pro Bono Advocate award in order to recognize standout attorneys who are contributing free legal services to the immigrant community.

Clara completed more than 600 hours of legal services on various pro bono matters at the law firm in 2009 and 2010, thereby also earning recognition from AILA as a [Pro Bono Champion](#). Among the many pro bono matters handled by Clara, in collaboration

with Catholic Charities of Los Angeles, Inc.—Esperanza Immigrant Rights Project, Clara worked on seven Special Immigrant Juvenile Status cases involving minors from Central America in removal proceedings before the immigration judge. All seven of the minors have obtained legal permanent resident status.

Clara's pro bono successes in 2010 included a case involving an elderly gentleman from Mexico whom she helped become a U.S. citizen despite facts in the case that USCIS may have deemed inconsistent with good moral character; and a case involving a young woman from Zambia who was the

victim of the deadly 2008 Metrolink crash in Los Angeles. With Clara's guidance the woman was able to remain in the United States to receive medical care for her serious bodily injuries, including a traumatic brain injury. The client was referred to the law firm by Public Counsel Law Center in Los Angeles. Clara is working on a joint asylum case involving two young brothers who fled from their native country of El Salvador for fear of death at the hands of gang members who killed their brother.

Clara works a full load of family-based and employment/investment-based cases for Stone & Grzegorek LLP.

# Increasing Access to Representation in Immigration Court

By [Laurel Herndon](#)

In August 2010 the Colorado AILA Pro-Bono Committee renamed itself the "Access To Services Committee" and undertook the challenge of increasing the percentage of non-detained respondents represented by AILA attorneys in the Denver Immigration Court. The committee began by surveying all AILA chapters on the following questions:

1. Do you have statistics on the

percentage of respondents who are represented in removal proceedings in your jurisdiction? (detained vs. non-detained, if available)

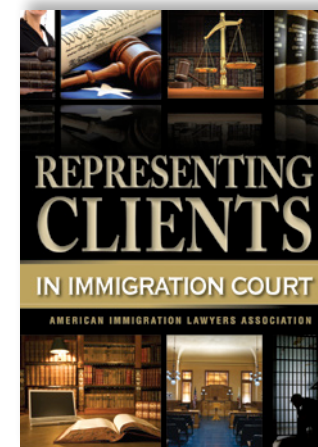
2. Do BIA accredited organizations, designated on the list provided to respondents by the immigration judges, provide a referral list if representation is not offered?
3. If provided, how is such a list generated?

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The responses we received from AILA chapter chairs indicated that few, if any, chapters had better statistics or solutions than Colorado.

As in many jurisdictions, indigent immigrant respondents receive excellent pro bono and nominal-fee representation through the BIA-accredited Catholic Immigration Services/Catholic Charities. Colorado also has a Legal Orientation Program at the detention center, through Rocky Mountain Immigration Advocacy

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For further guidance, see [Representing Clients in Immigration Court, 2nd Ed.](#) (\$119 member price) **BUY**



**The AILA Military Assistance Program (MAP)** is a collaborative effort between AILA and the Legal Assistance Offices of the United States Military Judge Advocate General Corps. JAG attorneys have been inundated with complex immigration legal questions. To resolve these cases successfully, they often need the assistance of seasoned immigration attorneys. AILA MAP is bringing these two groups together for the first time in this dynamic partnership. The program has been in existence for over three years now, and AILA attorneys have assisted in over 400 military cases. Over 300 of your AILA colleagues have signed up! For more information or to volunteer, please contact [Susan Timmons](#), Manager of Pro Bono Programs.

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Network (RMIAN). However, these BIA-accredited organizations can only represent a small fraction of respondents in immigration court. The vast majority of respondents, particularly low-income respondents, appear in immigration court with no legal representation.

After much discussion and debate, the Colorado ATS Committee launched a project to develop an attorney list for distribution to persons not offered pro bono or nominal-fee services by one of the BIA-accredited organizations. The awkwardly-titled “Partial Directory of AILA-Colorado Member Attorneys to Assist Individuals Seeking Court Representation” will launch in January, 2011, and will be available for distribution by BIA-accredited organizations to respondents who are not accepted for services.

Members who wished to participate in the “Partial Directory” were required first to register online with the [AILA National Immigration Lawyer Search](#). Reference to the national search tool provided complementary benefits: The number of Colorado AILA members listed under deportation defense rose from 30 to 40 over a two-month period, and the ATS committee could rely on the attestation required by the AILA National program. By registering nationally, participating attorneys attest that they:

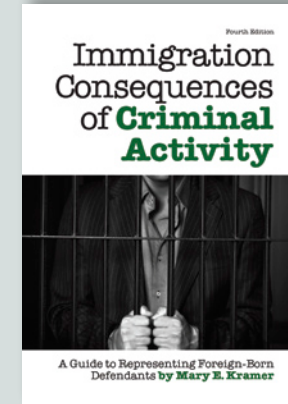
- Have been an approved AILA member for at least two years
- Carry professional liability insurance with a minimum of \$100,000 of coverage
- Have completed at least 9 hours of CLE classes within the last year, and
- Are licensed and in good standing with a State Bar

After registering with the AILA National Immigration Lawyer Search, attorneys could “opt-in” to the “Partial Directory” created by the ATS Committee, which is a one-page listing of AILA attorneys in Colorado who handle deportation defense. The one-page listing includes only the attorney name, city and telephone number, which allows for the 20 willing participants to be listed on a single page. It is hoped that the directory will reduce barriers to legal services for those who might not have access to the AILA online search. A lengthy description and disclaimer, in English and Spanish, takes up nearly half the sheet.

The Colorado AILA Access To Services Committee invites other chapters who are interested in the project to [e-mail Laurel Herndon](#).

***Laurel Herndon is the Committee Chair of the Colorado AILA Access to Services Committee, and Executive Director/Managing Attorney of the non-profit Immigrant Legal Center of Boulder County.***

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**Author Mary E. Kramer** is your one-volume resource for providing knowledgeable and intelligent representation. Order your copy of [Immigration Consequences of Criminal Activity, 4th ed.](#) today!

**BUY**

## UPCOMING AUDIO/WEB SEMINARS

**March 15**

[Particular Social Group Analysis in the Brave New Post-S-E-G- World](#) [Audio Seminar]

**March 29**

[True Claims to U.S. Citizenship](#) [Web Seminar]





# Fighting for Justice on the Border

**Equal Justice Works Fellow, Hosted by AIC/AILA, Recalls Two Years Serving Detained Immigrants**

By **Monica Ashiku**

In the summer of 2006 a massive detention center was constructed in rural Raymondville, Texas, close to the U.S.-Mexico border. The facility, the Willacy Detention Center (WDC), is often referred to as the “Tent City” because of its large tent-like housing structures. Shortly after the facility’s construction, thousands of people were being detained there. Because the WDC is located in a particularly rural area, with a scarcity of legal services, the majority of immigrants were not receiving legal assistance before being removed to their countries of origin.

A year after WDC opened, I was a law student intern with the [South Texas Pro Bono Asylum Representation Project \(ProBAR\)](#) in Harlingen, Texas. ProBAR is a joint project of the American Immigration Lawyers Association, American Bar Association, and State Bar of Texas, that provides legal services to detainees in south Texas. For over 20 years ProBAR has served detainees at the Port Isabel Detention Center and unaccompanied minors in the custody of the Office of Refugee Resettlement. Although ProBAR was providing services to thousands of individuals, it did not have the resources to also meet all of the needs at the WDC. As a remedy to the problem, ProBAR and I proposed an [Equal Justice Works \(EJW\) Fellowship project](#) focused on providing legal services to the unrepresented population at the facility. The project goals were to provide

pro se legal assistance, connect asylum seekers with pro bono counsel, and directly represent individuals.

With the sponsorship of an anonymous EJW funder, and with the American Immigration Council (AIC)/AILA offering to provide added financial and administrative support as the host organization, I was awarded an EJW Fellowship to work with ProBAR from 2008-2010. Supported by ProBAR and AIC/AILA, and in collaboration with Texas Rio Grande Legal Aid (TRLA) who was eventually funded to provide the “Legal Orientation Program” at WDC, I successfully implemented the EJW Fellowship project and served hundreds of individuals.

**Sadiiq came to the U.S. seeking refuge for himself and hope for his family’s future. With the help of pro bono counsel, we successfully argued Sadiiq’s political asylum case.**

There are innumerable stories that I collected over my two years in Texas. Although many of these stories began as heartbreaking and troubling, countless ended with success and hope for the future.

One success story is that of “Sadiiq” who I met at the WDC (name has been changed to protect his identity). Sadiiq arrived at the Mexico-Texas border after fleeing persecution in his native Somalia. After Sadiiq’s family received threats to stop their pro-government activities, a Somali terrorist group shot and killed his father and



sister. Sadiiq came to the U.S. seeking refuge for himself and hope for his family’s future. With the help of pro bono counsel, we successfully argued Sadiiq’s political asylum case. Sadiiq has now found employment and a loving community in the United States.

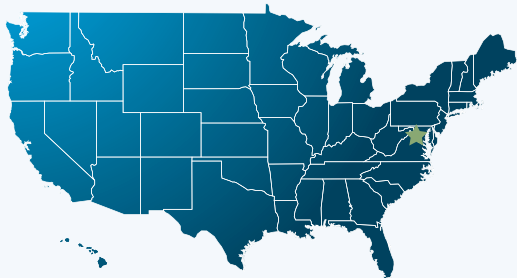
Today, the individuals at the WDC receive vital legal information and services primarily from TRLA, and also from ProBAR.

I would like to thank AIC/AILA for hosting my EJW Fellowship at ProBAR. My gratitude is for allowing me to meet the needs of hundreds of unrepresented immigrants and for the opportunity to do the work I love. I would also like to thank the pro bono attorneys and volunteers with whom I worked; their hours of service infinitely expanded the project’s legal capacity. Lastly, I would like to recognize my clients who endured the legal immigration process with courage and hope, and who taught me so much about justice and humanity.

ProBAR continues to serve the immigration needs of adults and unaccompanied minors detained in south Texas. For more information about how you can volunteer with ProBAR, [contact Director Meredith Linsky](#).

*Monica Ashiku is an immigration staff attorney with the Public Law Center in Santa Ana, California.*

## CHAPTER HAPPENINGS: WASHINGTON, D.C.



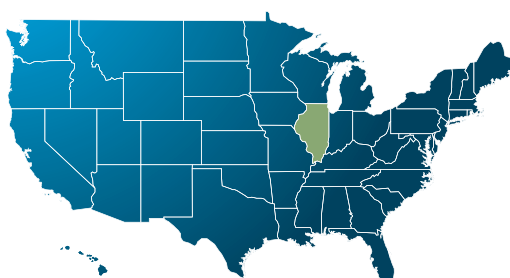
The DC Chapter will participate in AILA's national Citizenship Day on April 30. For the fourth consecutive year, AILA DC will plan to run naturalization workshops in Norfolk, Virginia, Northern Virginia, Washington D.C., and Maryland in partnership with several local NGOs.

In August 2010, the chapter initiated a partnership with the Consulate General of El Salvador. Members engaged in an effort to re-register Salvadorans for TPS before the September deadline. The partnership evolved into a weekly attorney rotation at the Salvadoran consulates in the area, where bilingual AILA attorneys provide free legal assistance.

On October 25, 2010, the pro bono committee of AILA's DC Chapter co-sponsored a Panel titled "Immigration Pro Bono Opportunities: Representing Unaccompanied Immigrant Children and Women Fleeing Gender Based Violence," with the DC Volunteer Lawyers Project and the Hispanic Bar Association of the District of Columbia.

The AILA Pro Bono Court Committee partnered with Associated Catholic Charities, the Maryland Pro Bono Resource Center and the Baltimore Immigration Court to sponsor a model hearing program in April 2010. AILA provided training to 25 attorneys in preparation for their mock hearing put on by the Baltimore Immigration Court. Judge Kessler conducted the hearing and ICE chief counsel George Maguans represented DHS. In return, the attorneys pledged to take one pro bono case from Associated Catholic Charities within one year of the training. We are happy to report that 20 of the 23 participants have taken pro bono cases so far.

## CHAPTER HAPPENINGS: CHICAGO

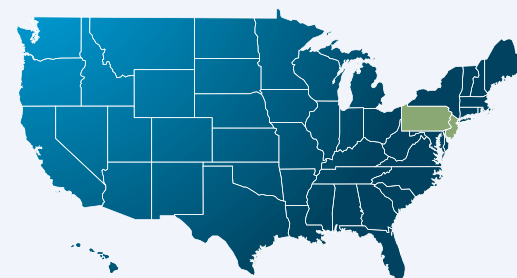


The AILA Chicago Chapter has a long standing relationship with Chicago Volunteer Legal Services (CVLS), jointly providing free consultations during a monthly clinic for low income individuals who are in need of immigration advice. The monthly clinic is held on the second Wednesday of each month and approximately 5 to 7 individuals are seen each month by volunteer AILA attorneys.

The Chicago Chapter also has a New Americans Initiative (NAI) Committee that serves as a liaison between AILA and the various not-for-profit partners in and around Chicago that provide citizenship workshops. AILA members screen potential applicants for naturalization at the workshops. There have been several workshops in the past year and more are scheduled for 2011. The biggest event is set to coincide with Citizenship Day 2011.

After considerable work with the local ICE office, and local detention facility staff, and with the cooperation of EOIR, in particular the Pro Bono Liaison judge, the Chicago Chapter's Access to Legal Services for Detainees Committee has launched a Know Your Rights presentation project using video conference equipment whereby Know Your Rights presentations can be broadcast to detention facilities. The Chicago Chapter provides Know Your Rights presentations two times a month at McHenry County Jail, the facility with the largest detained population. In addition to the members of the Committee, fifteen chapter members have volunteered to participate in the presentations. Detainees also are provided with the option for one-on-one telephone consultations.

## CHAPTER HAPPENINGS: PHILADELPHIA; N.J.



### Philadelphia

In December, the Philadelphia Chapter held trainings in conjunction with Volunteers for the Indigent Program, HIAS, and Council Migration Service. The first two training sessions addressed representation of political asylum seekers and cancellation of removal applicants before the EOIR. The third training was a mock hearing conducted by Immigration Judge Charles M. Honeyman. These trainings were open to all attorneys who agreed to take on a pro bono case.

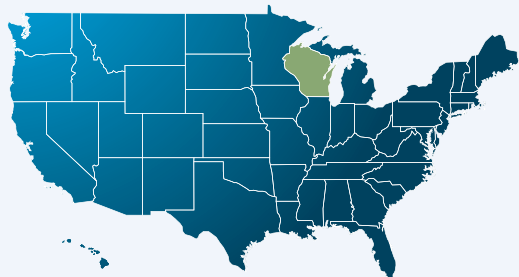
The chapter also has been working on a one-time project to provide stewardship for the immigration clients and files of the late Lisa Baird, Esq. This project involved more than 20 AILA Philadelphia Chapter members and other volunteers who contributed at least eight hours each to review files and complete representation of outstanding matters.

### New Jersey

In partnership with Kids In Need of Defense (KIND), the New Jersey Chapter accepted 10 cases of unaccompanied children for pro bono representation. AILA attorneys are pursuing relief options including special immigrant juvenile status, asylum, and voluntary departure for their clients. As of February 2010, the Newark Immigration Court created a juvenile docket for all children's cases.

Separately, two members pursued petitions of review before the US Court of Appeals for the Third Circuit in asylum and temporary protected status cases. Another member successfully obtained asylum for an Albanian family.

## CHAPTER HAPPENINGS: WISCONSIN



### VAWA Pro Bono Program

In 2007, the Wisconsin AILA Chapter began developing a new pro bono project in cooperation with Catholic Charities to screen and assign VAWA cases to volunteer attorneys from the Chapter. With the heavy caseload faced by Catholic Charities, the Wisconsin Chapter's program helps ease this burden while addressing the need for legal assistance for indigent immigrant victims of domestic abuse. Catholic Charities now screens its VAWA cases for referral to AILA's program and sends appropriate cases to the Chapter's pro bono liaisons. Wisconsin AILA members have successfully completed a number of cases and have several more cases now pending before USCIS or in process to be filed.

### Volunteer Legal Clinic Program

In 2008, the Chapter expanded its pro bono initiative: The Chapter participates in Marquette Law School's Volunteer Legal Clinic (MLVC). MLVC's Hillview clinic in Milwaukee provides free, walk-in legal advice and referral services to a primarily Spanish-speaking community. Individuals typically are seen by a volunteer attorney and a Marquette Law student. The Chapter has committed to providing at least one volunteer attorney at each clinic session. Since the beginning of this project, 20 AILA members have participated. In addition, AILA members have provided immigration law training at Marquette Law School for MLVC student volunteers. As a result of their participation, many AILA volunteers have accepted new clients on a pro bono basis.

## CHAPTER HAPPENINGS: ROME DISTRICT



The Rome District Chapter is making excellent progress on its first two pro bono initiatives. The Chapter wishes to provide both refugee assistance and JAG (Justice Advocate General) training and mentoring on immigration issues relating to US military personnel.

### 1. JAG Mentoring

Judge Advocate General's Corps, also known as JAGs, refers to the legal branch of any of the United States Armed Forces. Because they assist the Command in immigration matters of a service person or their dependents, the Chapter is developing a mentoring program for the JAGs. This may include both impromptu telephone or e-mail mentoring, or actual on-site seminars. We are publicizing our willingness to provide individual mentoring and are starting to receive assistance requests.

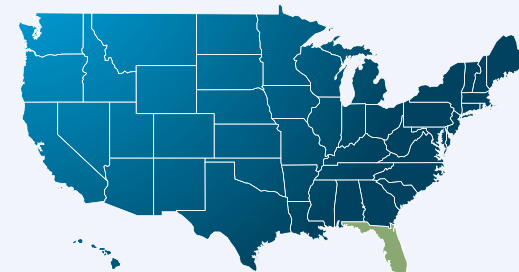
### 2. Refugee Assistance

The Chapter is working on initiating a program for mentoring services for refugee caseworkers working with NGOs in our district. This would be particularly with NGOs in countries where there is no asylum processing. The Chapter is targeting countries in which domestic asylum law would not apply and hence UNHCR processing is mandatory. This will include impromptu telephone or e-mail case mentoring, review of appeal memoranda, or actual on-site seminars.



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## CHAPTER HAPPENINGS: SOUTH FLORIDA



In the past year, the AILA South Florida Chapter Pro Bono Committee has been actively involved in pro bono projects.

### Non-Detained Representation

Through EOIR's Legal Orientation and Pro Bono Program (LOP), AILA attorneys represent non-detained cases in Miami Immigration Court. An immigration judge (IJ) refers the cases to the project, and a local LOP provider screens them to ensure that they meet the program requirements. Volunteer attorneys may be matched with a mentor, and are eligible for CLE classes and training.

### Detained Representation

**Bond Proceedings:** Through the BIA Pro Bono Project, attorneys represent individuals who are eligible for bond where the IJ has terminated proceedings, and DHS has appealed. This has led to the release of many individuals who may have otherwise languished in detention during the appellate process.

**Mental Incompetency:** The Chapter is discussing implementing a program where volunteers would provide pro bono representation to detained individuals who have been deemed mentally incompetent. The Chapter will organize volunteers who have experience representing mentally incompetent persons and determining eligibility and also plans to include attorneys who are willing to be trained.

**Juveniles:** The chapter matches volunteers with cases from CLINIC's National Pro Bono Project for Children and the National Center for Refugee & Immigrant Children.