To: Civil Rights Lawyers & Advocates  
From: One Immigration Lawyer on the Border  
Date: February 19, 2020  
Re: A call for solidarity and tips for engaging in border advocacy

Dear Reader,

My name is Laura Peña. I am an immigration attorney with the American Bar Association Commission on Immigration. I am based at their largest asylum project ProBAR, located on the U.S.-Mexico border in Harlingen, Texas.

The border has permeated the national discourse as a point of heated controversy, and has called upon us as lawyers and advocates to reevaluate our efforts to combat the attacks on our nation’s asylum system. Attached to this letter is the ABA Commission on Immigration’s Report to the House of Delegates. This letter selects four of the most problematic recent immigration policies implemented by the Administration, and explains the concerns regarding the legality and inhumanity of these policies. I encourage you to read the report in full.

As pro bono counsel, I often advise non-immigration attorneys on how to engage in the current battle against restrictive immigration policies on the border. Below are my recommendations, based on my professional experience as a border immigration attorney actively representing clients and recruiting pro bono attorneys to do it alongside me. These recommendations, while practical, serve as a call for solidarity.

1. Do not look for the perfect case. Look for the right partner.

There are several border initiatives that are looking for pro bono partners, but many of those organizations lack capacity to mobilize at a large-scale. The Texas Tribune has compiled the most recent list of border organizations tackling the battle against restrictive immigration policies. If you are having trouble connecting to them – don’t feel discouraged. They aren’t ignoring you, they are under a lot of pressure with their work. Keep asking and the right opportunity will arise.
Look to your local bar association for connections to the border. Quite often, immigration lawyers provide opportunities to train in their local communities as part of their bar. One example is Kate Lincoln-Goldfinch’s training for the Austin Bar on cases for asylum seekers forced to remain in Mexico for the duration of their immigration proceedings.

Create connections through the American Immigration Lawyers’ Association. In collaboration with the American Immigration Council, the project Immigration Justice Campaign mentors immigration cases for detained migrant adults. They have fabulous mentors such that even solo practitioners can take on cases.

2. Do not expect a Marie Kondo activity – Tidy is the opposite of this battle. Be prepared for messy.

Approach your journey to support immigrant rights as a long-term commitment. Instead of, “when is the next hearing date,” rather ask, “what are the inflection points that require attention?” Those points will be various, including issues regarding health and safety, and which require a creative mindset and generous spirit.

Embracing technology also helps manage the messiness. If you don’t have it already, create your WhatsApp account. Your future clients will thank you!

3. Do invest in internal mentorship capacity.

If your partner on the border has limited capacity, then you will be tasked with finding the answers and support elsewhere. That is not as big of a hurdle as you might think. I am reminded of one volunteer in Minnesota who decided to end her retirement in law (she was not previously an immigration lawyer), and decided to create a program in her own community. She works with her local non-profit immigration legal service provider, but does not expect them to do all the heavy lifting for her. She is learning immigration law and bringing along with her other non-immigration lawyers in the process. She took a six-week sabbatical to study Spanish. She is committed, and that commitment includes investing in herself to create mentorship capacity to increase the impact of her assistance.

4. Do travel to the border, but only with a commitment in mind.

Us border dwellers love to have visitors! We have great food, music, and it’s SAFE to travel here! If you envision a one-time visit with no onward commitment, I understand. Life is busy. But those opportunities are far and few between, and don’t serve a majority of the need in this space. If you are interested in short-term volunteer efforts, then I would recommend looking around your community. There are immigrants in all parts of the country who require assistance.

Alternatively, if you have Spanish speaking abilities, you can sign up for remote assistance that still contributes to the border cause. Lawyers for Good Government runs
remote asylum application workshops, and you can provide your assistance in your fuzzy shoes from your living room. HIAS seeks Spanish-speaking volunteers to assist with screening asylum seekers on the El Paso – Ciudad Juarez border. VECINA is a new pro bono mentorship project that partnered and they are currently seeking pro bono attorneys to take cases for individuals subjected to the “Migrant Protection Protocols.”

Not sure? Sign up with the ABA Commission on Immigration to stay in touch regarding pro bono opportunities in this space. We will be reaching out to the network very soon with opportunities to travel to the border for a week, new mentorship opportunities to help an asylum seeking family on the border, and more.

5. Do bring joy and optimism to the work.

Immigration Judge Dana Leigh Marks describes the immigration system as “death penalty cases in a traffic court setting.” The level of trauma that accompanies asylum seekers’ everyday life cannot be understated. In addition to trauma-informed services, it’s important to bring joy and optimism to the lives of the people who you will work with – in the form of a smile, a sincere handshake, or even a hug. You are privileged to be a part of their journey, and your gratitude and positive energy will go a long way.

Laura Peña is Pro Bono Counsel for the Commission on Immigration. The Commission directs the ABA’s efforts to ensure fair treatment and full due process rights for immigrants, asylum-seekers, and refugees within the United States. As part of that effort, the Commission operates three projects. Two of those projects, ProBAR, and the Immigration Justice Project in San Diego, provide direct legal services to migrants near the Southern border. The Commission’s newest project, the Children’s Immigration Law Academy, serves as a resource center for both legal service providers and pro bono attorneys who are representing children in immigration-related proceedings in Texas. The Commission is in the process of finalizing its pro bono opportunities for 2020. Complete this survey to receive information about future volunteer opportunities with the Commission and its projects.