Immigration Pro Bono Opportunities

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The Positive Impact of Pro Bono Work

- Brings high-quality legal services to under-served communities
- Raises firms’ visibility in the legal community and beyond
- Helps build a sense of teamwork and community within a firm
- Advances the firm’s reputation with judges and law schools
- Offers valuable experience and an opportunity to build skills, knowledge, and confidence
- Provides opportunities for mentorship
- Gives the pro bono attorney the feeling of having made an incredible difference in the lives of clients, their families, and entire communities
Why Lawyers Give Back

PRO BONO ATTORNEYS: WHY TAKE ON PRO BONO WORK?

- Personal Fulfillment: 75%
- Commitment to a Specific Cause: 43%
- Meet an Ethical Obligation: 37%
- Skill-Building / Professional Development: 12%
- Networking Opportunities: 8%
- Help in Business Development: 8%
- Opportunity for Client Interaction: 7%
- Employer Incentive / Expectations: 4%
- Free Training / CLE Credit for Services Performed: 3%

% of Pro Bono Attorneys Stating These Reasons Were Highly Influential

Source: probono.net
Choosing Your Pro Bono Project

- Questions to consider:
  - What am I looking for in my next pro bono project?
  - What level and duration of time commitment am I seeking?
  - What type of experience do I want to gain?
  - What impact do I hope to have?
  - What challenges might I encounter?
  - What support will I get from my firm?
  - What training and support do I want? What training and support will I get from the organization that places the pro bono client with me?
Legal Services for Children was founded in 1975 as one of the first non-profit law firms in the country to provide free legal representation and social work services to children and youth.

Our mission is to ensure that all children and youth in the Bay Area have an opportunity to be raised in a safe environment with equal access to a meaningful education and the services and supports they need to become healthy and productive young adults.
Our Approach

- Our youth clients come to us via different avenues. They may be assigned by the court, referred to LSC by a caring adult or they may come to us on their own, via a phone call or by visiting one of our drop-in clinics.
- LSC has pioneered a unique interdisciplinary approach to legal services, employing teams of attorneys and social workers to comprehensively meet the needs of our clients legal, physical, social, psychological, economic and educational needs.
Our Clients

LSC serves disadvantaged youth under 18 years old in the San Francisco Bay Area.

Children are represented in cases of legal guardianship, dependency, school discipline, immigration, and other proceedings.

“LSC taught me everything... that I could do so much more than I thought possible. I had so much more say in my trial than I thought I would.”

- Angela, 16
Pro Bono Panel

- The LSC Pro Bono Panel supports the work of our in-house attorneys and social workers, providing over 4,000 hours per year of free legal assistance and advocacy.
- Pro Bono Panel members make a major difference in a child’s life. Every client is different, and every case brings its unique challenges, but our members find the pro bono experience quite rewarding.
- LSC Pro Bono attorneys gain experience and practice with client interviews, oral advocacy, and trial preparation.
Panel Resources

- **Training**
  - in-person trainings (take 1.5 hours and can be scheduled for small groups at your office)
  - web-based trainings
  - practice manuals and sample documents

- **Mentorship**
  - LSC supervising attorney will be assigned to your case to answer any questions.
  - LSC assigns an attorney-of-the-day who is available to answer any immediate questions if your mentor attorney is unavailable.

- **Support**
  - LSC assigns a staff social worker to many of the pro bono cases who provide support to clients throughout their case

- **Time**
  - Case announcements are sent out weekly via email.
  - You can accept a case whenever it fits your schedule
  - School discipline cases typically take only 10 hours
  - Guardianship cases and immigration cases require more time
Core Areas

- **School Expulsion Proceedings**
  - Pro bono attorney’s represent children facing expulsion or other disciplinary action to ensure that their due process rights are upheld.
  - Many times these youth have been unfairly targeted by zero-tolerance policies in our public schools.
  - LSC has seen that children who are represented by counsel in school discipline matters achieve more positive results and life-changing second chances.

- **Legal Guardianship Proceedings**
  - LSC receives many cases were a child or young person cannot live with his or her parents.
  - A legal guardianship allows the minor to stay with a relative or another adult and gives that relationship legal protection as well as stability for the child.
  - Volunteer attorneys represent minors or caretakers in petitioning the Probate Court for a legal guardianship. The process includes meeting with the child and caregiver, preparing legal documents, and appearing at a court hearing.
Core Areas

- **Immigration Matters**
  - Special Immigrant Juvenile Status can be sought for undocumented youth who have been the victims of abuse, neglect or abandonment which allows them to seek legal residency in the U.S. rather than return to their home country, where they may have no safe place to live.
  - Volunteer attorneys assist these youth by preparing the immigration application and accompanying the young person to an interview with the Department of Homeland Security.
  - Volunteer attorneys can also assist youth in applications for U visas, which are available to victims of crimes such as domestic violence, child abuse, rape, assault, and trafficking.
  - For children who are in Immigration Court proceedings, volunteers may also provide representation in immigration hearings before the Department of Justice.
Lawyers’ Committee for Civil Rights of the San Francisco Bay Area

- Founded in 1968, the Lawyers’ Committee for Civil Rights of the San Francisco Bay Area works to advance, protect, and promote the rights of communities of color, immigrants and refugees, with a specific focus on low-income communities and a long-standing commitment to African Americans.

- The strength of the Lawyers’ Committee resides in its dedicated volunteers. By leveraging the power of the private bar, the Lawyers’ Committee provides direct legal services and engages in impact litigation and policy advocacy. In 2012, the Lawyers’ Committee mobilized nearly 1,000 pro bono attorneys, who contributed more than 45,000 hours of free legal assistance, valued at just over $18 million.
We Believe

- Equal access to justice depends on access to quality legal services.
- Neither race nor immigration status should affect a person’s success or failure.
- To achieve a more just society, the playing field needs leveling -- the vulnerable need protection.
- Injustice must be rooted out.
- The true needs of the community must be central to any litigation or advocacy agenda.
LCCR’s Direct Services Programs

• Second Chance Clinic
  ○ Enabling clients to overcome barriers to employment and housing due to past arrest and conviction records. The Second Chance Clinic helps with: criminal record remedies ("expungement"), occupational licensing, criminal background reports, public and private housing applications and denials, employment, and drivers’ license suspensions.

• Community Empowerment/Economic Justice
  ○ Responding to longstanding economic inequality through money management workshops, which address issues from banking to credit issues, and through our Legal Services for Entrepreneurs program, where we provide free business legal advice and services to low-income clients starting or expanding their own businesses and to businesses that invest directly in economically distressed neighborhoods.
LCCR’s Pro Bono Asylum Program

- The Asylum Program provides legal representation for refugees who seek protection in the United States from persecution and torture in their native countries. Since its inception in 1983, the program has helped thousands of low-income refugees from over 40 countries, with a success rate over 95%.
  - Volunteer attorneys are the linchpin of the program. Our clients are individuals who cannot afford to pay an attorney, but whether an asylum seeker is represented can determine the outcome of the case.
- In representing an asylum seeker, you can literally save a life. Without asylum, our clients are at risk of being deported to countries where they may be persecuted, tortured, and even killed.
- Immigrants who are granted asylum can start their lives anew and bring spouses and children abroad to safety in the U.S. With asylum, clients also get authorization to work, eligibility for benefits, and a path to lawful permanent residency and U.S. citizenship.
Asylum Program Clients and Their Cases

- Clients come from all over the Bay Area. They are referred to us by the Immigration Court, other nonprofit organizations, and community members.
- 54% of clients are women; about 10% are minors.
- Clients undergo intensive intake interview and case screening process before they are selected for placement with pro bono counsel. Asylum Program Coordinator seeks volunteer attorneys for selected cases every 7-10 days & then assembles a team to support pro bono counsel who take a case.
Asylum Program
Clients and Their Cases

- Individuals who are not in removal proceedings may apply for asylum “affirmatively” and have the application adjudicated by the Asylum Office. Individuals in proceedings present a “defensive” asylum application to the Immigration Court. Both case types involve close work with clients and also commonly involve the use of experts and other witnesses.

- The persecution from which clients seek protection can be on account of race, religion, nationality, membership in a particular social group (PSG), and/or political opinion.
  - Majority of Asylum Program cases involve persecution on account of membership in a PSG – a “cutting edge” area of asylum law. Cases of gender violence, family abuse, LGBTQ individuals, and children often involve the PSG ground. Political opinion is the next most common ground.
Support for Volunteer Attorneys

• **Training**
  - Fall and Spring Asylum Law & Procedure Seminars
  - “Brown Bag” workshops and other CLE events throughout the year
  - On-site trainings can be arranged
  - Webinars

• **Mentorship**
  - Every volunteer attorney is paired with an experienced mentor attorney with specialized knowledge of asylum law and practice – mentor attorneys are available for a full range of assistance, including consultation about substantive legal issues, guidance about procedure, country conditions documentation, suggestions for experts, and advice for preparing clients for the asylum process.
  - LCCR staff are also available to assist.

• **Interpreters**
  - When needed, LCCR can recruit a volunteer interpreter for the case.

• **Resources**
  - Training Manual containing extensive resources available to all volunteers.
Case Type: SIJS Guardianship

Training Materials to Review: SIJS through Guardianship Training, Guardianship Manual on LSC website and SIJS manual on IRLC website

Language/Special Needs: Minor and proposed guardians are monolingual Spanish speakers

Summary: “C” is a 16 year-old boy from Mexico who came to the U.S. to escape his father’s abuse. “C’s” parents took him out of school after 6th grade to work selling dried fruit with his mother. His father would often come with them but would not work; other times he stayed at home and drank. “C” was often scared to go home after work—his father would yell at him and his mother if they hadn’t sold enough. “C’s” father hit him with a broomstick, belts or electrical weekly, or whenever he got angry. Sometimes the beatings would leave marks. His father hit his mother too, and though she tried to protect “C”, she could not. Starting when “C” was 9 or 10, his father said he wanted him out of the house, that he was “good for nothing”. “C” eventually decided to come to the U.S. He is now living with his aunt, her husband and their two small children. “C” says his aunt and her husband treat him like a son and cover all of his expenses. “C” is a good student and is focused on learning English and becoming a doctor or lawyer.
Sample Case

**Case Type:** SIJS Guardianship Removal Proceedings

**Training Materials to Review:** SIJS through Guardianship Training, Guardianship Manual on LSC website and SIJS manual on IRLC website

**Language/Special Needs:** Minors and potential guardians are monolingual Spanish speakers

**Summary:** “A” is a fifteen year old Salvadoran female who has been residing with her maternal aunt since December. “A” was born in El Salvador and she was raised by both of her parents until she turned five. When she was five years old her mother left the family and “A” has not heard from her since. “A” and her stepmother have never gotten along and they would argue frequently. When “A” was about 11 her stepmother pushed her hard but that is the only physical contact they have ever had. “A’s” father hit her on numerous occasions with a belt as a form of discipline or when her stepmother accused her of lying. “A” fled to the United States because she could no longer live with her stepmother. After being apprehended, she was detained by CBP and transferred to an ORR facility. She was released to her aunt and has been attending school in San Francisco. She is also an active member of a local soccer team. “A” is currently in immigration removal proceedings and she has a master calendar hearing on [] at 1pm in San Francisco.
Sample Asylum Case

Mexican man suffered physical and emotional abuse based on his sexual orientation

Client is a 49-year-old gay man from Mexico who suffered physical and emotional abuse from his father and sexual abuse from an uncle as a child. He also faced violence from police and general societal discrimination. He tried hard to cover up who he was and eventually married a woman and had a family. He came to the U.S. in part to separate himself from his family. His wife joined him here, but eventually he started having extra-marital affairs with men. After one such relationship with a man in 2004, he was diagnosed as having HIV. When his wife found out, she began abusing him as well, insulting him, hitting him, and withholding his HIV medication. He has now moved out of the apartment where he lived with his wife and children and has a relationship with a man. His application will be submitted affirmatively. Because he entered the U.S. in 1999, he will have to overcome the one-year deadline.
Sample Asylum Case

Colombian victim of childhood sexual abuse and later domestic violence

Client is a 40-year-old Colombian woman who has suffered domestic violence and also was sexually abused on at least three occasions as a child. She was physically and verbally abused by her ex-husband for many years and also by her twenty-year-old son. She has filed domestic violence complaints against both and received protection orders against them but continued to be abused. She visited the U.S. a few times between 2009 and 2012, but returned home each time until the last and worst domestic violence incident occurred a few months before she again visited the U.S. When she most recently arrived in the U.S., she was detained and put in removal proceedings after an asylum officer determined that she had a credible fear of persecution. The individual merits hearing on her claim is set for October 1, 2013.
Sample Asylum Case

Guatemalan woman imprisoned and severely abused in Mexico for nearly seven years

Client is a twenty-two year old woman from Guatemala who was kidnapped and abused in Mexico while on her way to the United States. She was held captive, beaten and repeatedly raped from December 2005 until September 2012. While imprisoned, she became pregnant and gave birth. She eventually escaped and fled to the United States with her young daughter. They were stopped by immigration officials at the border, and both she and her daughter were placed into removal proceedings.

This is a compelling case because of the extremely sympathetic facts, but challenging because the persecution did not take place in the client’s home country. It may be possible, however, to demonstrate that the client has a well-founded fear of returning to Guatemala. Building on a 2010 decision of the Ninth Circuit, this case could lead to new precedent. The client’s application for asylum is due on September 30, 2013; her next Master Calendar hearing, which should be advanced, is set for December 10, 2013.
Cambodian woman fears persecution based on family membership

Client is a 21-year-old woman who was born in a refugee camp on the border of Cambodia and Thailand. Her father was a policeman in Cambodia during the 1997 coup and witnessed the killing of a political figure. He fled to Thailand, and after that people regularly came to the family home asking where he was. Over time, these visits become more worse, culminating in a death threat to the whole family, and prompting the client and her mother and sister to flee to Thailand. A couple of years ago, her father went to an event with a friend, and later that friend was detained in Thailand, returned to Cambodia, and imprisoned for supposedly being part of the Khmer National Liberation Front. Soon after, while the client was visiting the U.S., strangers came to her parents’ apartment looking for her father, who is now seeking to protection as a refugee. In the meantime, the client’s father has told the client it is not safe for her to go back to Thailand. The deadline for filing an affirmative application is March 25, 2014, but the client is anxious to move forward before her visa expires this September.
Sample Asylum Case

Yemeni activist tortured on account of political opinion

The client is a 35-year-old woman whose brother was a known opposition leader in Yemen. The client herself believes in women’s rights and participated in organizing some of the anti-government protests that took place in Yemen in 2011; she was in charge of securing the support of local women while her brother had a very visible role as a youth leader. Their actions caught the attention of tribesmen and supporters of the President. Soldiers came to the client’s home, threatening that everyone in the family would disappear if her brother did not stop organizing youth to demonstrate. Shortly after that, the client’s brother was among those shot at a major demonstration. He became paralyzed from the waist down as a result, but continued his organizing efforts. Tribesmen and soldiers subsequently broke into the family home, assaulted the client in front of her young son, and kidnapped her. She was held and tortured for four days and then dumped in a ditch near her home. After her persecutors returned a month later to threaten her again, she tried to relocate, but the threats continued. She and her family lived in fear for months, until her husband brought her and their son to the U.S. They arrived this past January. The family is currently here on a visa while the husband is in school.
As a LSC Pro Bono Panel member, you can make a major difference in a child’s life. Whether you are experienced or just starting out in your career, no matter what your area of legal expertise, you have the skills to advocate for a child at a time of crisis. While every client is different, and every case brings its unique challenges, you will find the pro bono experience quite rewarding.
Get Involved

To become a member of the Pro Bono panel and for more information contact:

Katie Fleet, Managing Attorney

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A volunteer attorney explained what is at stake in asylum cases. After the judge granted asylum in the case, the attorney said, "We are feeling good today because we helped save a life."

For more information about asylum cases or to become a volunteer, e-mail:

Dave Rorick at drorick@lccr.com

or

Paul Chavez at pchavez@lccr.com