ProBAR Marks 15th Anniversary

On February 2 and 3, State Bar of Texas President-elect Kelly Frels and Immediate Past President Guy Harrison joined a delegation, headed by American Bar Association President-elect Robert Grey, to Harlingen to mark the 15th anniversary of the South Texas Pro Bono Asylum Representation Project (ProBAR).

ProBAR, a joint project of the ABA, the State Bar of Texas, and the American Immigration Lawyers Association, provides legal assistance to immigrants in detention facilities in South Texas.

“ProBAR is the model for immigration programs throughout the country,” said former State Bar President Richard Pena, who was part of the delegation and serves on the ABA Commission on Immigration Policy, Practice, and Pro Bono. “It is an excellent example of how lawyers are effecting tremendous change with very little resources.”

Other State Bar representatives included Executive Director Tony Alvarado and Texas Lawyers Care Director Emily Jones.

The intense, two-day schedule included visits to two children’s detention facilities, the Port Isabel Service Processing Center (PISPC — the largest adult immigrant detention facility in the nation) and a nighttime ride with the Border Patrol along the Rio Grande.

“I was impressed with the sensitivity with which those in charge of the Border Patrol and the detention facilities approach their jobs and those who are detained,” Frels said. “They deal with

ProBAR wins success in unaccompanied minor case

By Robert Etnyre

Carlos (name changed because of confidentiality) is a sixteen-year-old Honduran child. His mother remarried before he was born. His stepfather and mother beat him severely with various objects on a frequent basis, usually with little provocation. His stepfather also would shoot at him with a pistol to further scare him. In addition to the domestic violence, Carlos was harassed, threatened, beaten, and persecuted by a Honduran street gang (Mara 18) that operates on a countrywide basis in Honduras.

Carlos was worried about his survival at home, but he had nowhere else to go in Honduras. He could not live on the streets because it was well known to him and well documented in human rights reports from Honduras that street children are targeted by the Honduran police for “social cleansing.”

Having no other alternative, Carlos decided to leave Honduras with three young friends. The four traveled by foot and bus across Guatemala and Mexico, arriving in the United States in July 2003. Carlos was placed in removal proceedings. His case was referred to ProBAR to provide pro bono legal assistance.

ProBAR appeared at the master calendar hearing and filed an asylum application. ProBAR then sent the case to me, a pro bono attorney, for further handling. At Carlos’ asylum hearing, he asserted that he was a member

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men and women who don’t speak English. Among them are those seeking political asylum, who face oppression or death if deported back to their country.”

The children’s facilities hold children older than 10, while younger children are placed in foster homes. Efforts are made to release the children to relatives in this country while their cases are processed.

“Understanding that even minors are not automatically afforded legal counsel in the immigration process leaves one grateful for one’s own life experience and circumstance,” Harrison said. “We, as lawyers, should all be encouraged to self-examine and to rededicate a portion of our professional time to these types of programs.”

The ProBAR staff told the delegation that they had won an asylum case for a child from Honduras the previous day. The victory was obtained with the assistance of pro bono attorney Robert Etnyre of Houston. The small but dedicated ProBAR staff works with pro bono volunteers from across the nation to provide the only legal assistance available to most of the detainees.

“It is amazing how ProBAR is able to take a very small grant and leverage it 10 to 20 times in volunteer hours,” Frels said. “Their efforts serve as an inspiration for interested attorneys to take a week off and go to the Rio Grande Valley to help.”

“Watching the explanation of the process to a group of men [at PISPC], none of whom speak English, and among whom may, in fact, be one rightfully seeking political asylum from continued oppression or certain death if deported back to their country, affirms not only the value of the program as a whole, but the dedication of those doing this type of legal work,” said Harrison.
of three social groups, which would persecute him if he were returned to Honduras. First, if he went back, he would have to live on the streets, because he could not stay with his mother and stepfather and had nowhere else to go. As a street child, the Honduran government either would persecute him or would be unable or unwilling to protect him from other civilian groups who would persecute him as part of a "social cleansing" campaign.

Second, a Honduran gang, Mara 18, would persecute him because he is known to be opposed to the gang. The Honduran government also has been unable or unwilling to protect children from Honduran gangs. Third, if he returned to his parents' home, he would continue to suffer from severe domestic abuse, because the Honduran government refuses to intervene in what it considers to be a private matter.

Following the hearing, Immigration Judge Margaret Burkhart granted Carlos' asylum application. As a refugee, he now has the opportunity to live safely in the United States, where he is learning English and plans to continue his education.

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ProBAR is doing a great job with unaccompanied minor cases in the Valley. Meredith Linsky is on top of all of the law in the area, both reported and unreported. She has acquired substantial documentation to corroborate the testimony in these cases. Julia Hernandez, ProBAR's staff attorney, also is doing an unbelievable job. The day of the hearing in Carlos' case, Julia had four others set for the same date. I'm not sure how she handles all of that.

ProBAR's paralegal, Monica Newcomer, took care of all of the court filings and was present as an interpreter for each session when Carlos was interviewed. Like Julia, Monica relates well with kids and puts them at ease. Since it was more convenient for me to interview Carlos on the weekends, Monica always was very happy to be present even though they were her off days (if she takes any).

In short, Meredith has developed an outstanding program that provides all necessary support for lawyers who can volunteer for a case.

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New Legal Services Corporation President Honored at Reception

The name wasn't the first thing noticeable. TRLA would still be TRLA. Changes were, however, readily apparent inside the defunct car dealership. First of all, there were just a handful of cars in a giant parking lot. Then approaching the building, within the shadow of downtown San Antonio, there was the sign, Texas RioGrande Legal Aid. It wouldn't be official until it was on a big sign. Texas Rural Legal Aid had become Texas RioGrande Legal Aid.

Bigger things than the name had changed. In an effort to better serve the community and conserve resources, TRLA had consolidated all six of their San Antonio offices into one large space, and in doing so, had managed to save more than $4000 a month on rent.

This space, so new it smelled like fresh carpet, was chosen by the Texas Access to Justice Commission and the Texas Equal Access to Justice Foundation as the place to showcase during the ABA Mid-Year Meeting in San Antonio. TRLA might have been the location, but the reception was to honor Helaine Barnett, the new president of the Legal Services Corporation. She was greeted with a warm, Texas-sized reception on Saturday, February 7, in the TRLA office's conference room.

People traveled from all over Texas to meet the new Legal Services Corporation President. She had just assumed the helm on January 20, but was already something of a legend in the world of Legal Aid, having devoted 37 years of her life to helping the less fortunate. At the reception, the newly minted LSC President took time to speak with the Directors of all three Legal Aid programs in Texas: David Hall of TRLA, Jesse Gaines of Legal Aid of NorthWest Texas and Paul Furrh of Lone Star Legal Aid. Collectively, the three programs receive approximately $26 million annually from the Legal Services Corporation.

A gracious woman, Barnett took time to speak...