



FLORENCE  
IMMIGRANT  
& REFUGEE  
RIGHTS PROJECT

## Annual Report 2006

### Mission and Vision

The Florence Immigrant and Refugee Rights Project, Inc., "The Florence Project," provides holistic, free legal services to immigrants, refugees, and U.S. citizens detained by the Immigration and Customs Enforcement (ICE) in Arizona for immigration processing. The Project serves men, women, and children, including those with mental health and social service needs. The Project advocates for a more just and efficient judicial system for individuals in immigration detention, and believes that everyone should understand their rights and options under immigration law and have access to legal counsel. Although the government assists indigent criminal defendants and civil litigants through public defenders and legal aid attorneys, it does not provide attorneys for people facing deportation. The Project strives locally and nationally to address this inequity.

### A Message from the Executive Director

The mission of the Florence Project is great and our work more important than ever given the current debate on immigration and its certain impact on the detention of immigrants in the United States. The staff of the Florence Project truly provide access to justice and so much more for the thousands of immigrants detained in Arizona. We see first hand the destructive effects of detention on asylum seekers, the mentally ill and other vulnerable groups. We work with families who are separated because of deportation laws that are harsh and limit the discretion of judges in individual cases. Our work on the ground is vital to understanding the impact of broader legislative and policy debates. The Florence Project's clients—all 9,110 in 2006—are voices that must inform this important discussion.

In the next year, we expect that detention space in Arizona will increase by at least 600 more people detained on any given day. In the face of these increases and new challenges we will continue to work case-by-case, with individuals, their families and communities, to ensure that each is given a fair chance to understand their options and make informed choices. We will continue to advocate for changes in the law and detention conditions and insist on due process and fairness for all immigrants. As advocates, it is also our responsibility to share the stories of our clients and our accomplishments. I hope you find inspiration from the following stories and from the hard work of our staff and volunteers.

### An Introduction to the People We Serve

Our constituency consists of over 2,400 immigrant and refugee men, women and children detained by the Immigration and Customs Enforcement (ICE) in Arizona on any given day. Representing at least 10% of the national detained population, the majority of our clients are indigent monolingual Spanish speakers with limited to no formal educational background. While the majority of our clients are from Mexico and Central America, we had clients last year from 113 countries alone. Our clients confront the emergency need for a full range of legal services in their bond and merits hearings, motions, and applications for relief from removal. Ninety percent of those detained cannot afford legal representation and the government does not provide attorneys for people facing removal. We know based on experience that without us, fewer clients would win their cases. We also know that without us many of the complex eligibility issues that we see would never get raised in immigration court. Increasingly, the people we serve are isolated from their families and communities, which may be as far away as Northern California, other western states, and even New York and New England.

## **Accomplishments for 2006:**

### Provided Direct Legal Assistance to Detained Immigrants

The Florence Project staff provided:

- Know your rights presentations to 9,110 men, women and children in detention
- Individual case assessment to 3,552 people
- Intensive pro se assistance to 3,093 people
- Direct representation to secure the release of 57 people in their bond hearings
- Assisted or represented 389 people in their merits hearings to seek legal status in the US
- 16 workshops on the topic of cancellation of removal to 121 detained lawful permanent residents

### Volunteer Involvement through our New Pro Bono Program

- Securing funding and launching a new pro bono program were major achievements in 2006. Given the legal complexity of many detained cases it is essential for the Project to involve volunteer attorneys. Now with a dedicated Pro Bono Coordinator we expect to develop a training and mentoring program for attorneys.
- Over the course of last year, Florence Project staff referred 53 cases for pro bono representation, including cases to the Board of Immigration Appeals and the Ninth Circuit Court of Appeals.

### New Staffing and Projects

- Through the generous support of the Arizona Foundation for Legal Services and Education the Florence Project received funding in 2006 for a two- year pilot project to begin in 2007 to address immigration consequences for non- citizen defendants in Arizona. Together with members of the state bar, public defender offices, and local law schools the Florence Project will coordinate the Arizona Defending Immigrants Program to train and consult with defense counsel on immigration matters affecting defendants in Arizona.
  - In order to provide more individualized and tailored services to the increasing numbers of detained children in the Phoenix area, the Florence Project added two new staff to the Children's Initiative. For two years beginning in 2006 we will host a Children's Fellow who will author a child's guide to immigration rights and options. The guide will serve as a resource for children both in detention and upon their release. We have also added a permanent Children's Legal Assistant who will work directly with the children, assist with legal research and case management.

### Conducted Outreach and Education on Detention Issues

The Florence Project staff:

- Hosted three visits to Florence and gave presentations on detention issues to student delegations to Arizona in collaboration with Borderlinks in Tucson.
- Appeared in the local and national media 10 times in 2006 speaking on issues such as expedited removal, Arizona smuggling laws, and children's asylum cases.
- Provided training and spoke about detention and removal defense issues at 20 national and local conferences, including the Amnesty International Annual Conference, Arizona State Bar Convention, and Arizona Public Defender Association Conference.

### Additional Services and Successes

- Through our self- help workshops at the Eloy Detention Center, 99 of the 121 participants successfully represented themselves in their court hearings and were allowed to keep their lawful residency in the US. We are proud that our work with legal residents often results in the reunification of families in the U.S. after a period of prolonged detention.
- With the assistance of our staff many individuals are made aware of the requirements for U.S. citizenship. We routinely contact family to obtain evidence and write motions to the immigration courts to terminate proceedings. In 2006 our legal staff helped 28 individuals win their citizenship claims in detention.
- The Children's Initiative staff provided legal rights presentations to an all time high of 1,278 children. Including the new facilities, the Children's Attorneys with the help of the new Children's Legal Assistant gives 2-3 rights presentations each week as the bed space increased to 154 from 110 in Phoenix and Scottsdale.
- Staff referred 33 cases to Doctors of the World volunteers for psychological and medical evaluations in support of asylum or other forms of protection for refugees and asylum seekers.
- With continued support of the Office of Refugee Resettlement and the Lutheran Immigration and Refugee Service, we continued to provide specialized services for detained survivors of torture who have suffered torture and persecution in their home countries. The legal staff at Eloy identified 97 survivors of torture at the detention center in the first nine months of 2006.



## Goals for 2007:

### Enhance Delivery of Service

- Continue to provide high- quality legal services to detained immigrant men, women and children in Arizona. In response to the expected detention space increases we will evaluate and refine our services to reach the entire detained population in Arizona. For example, we hope to expand our Eloy pro se model by implementing pro se group workshops in Florence to effectively reach more people. We also hope to hire an additional summer law intern to help develop written materials such as an orientation guidebook for adult detainees.
- Many of the children we meet are reunified with family throughout the United States, but do not have the necessary resources and information to continue with their legal case. To address this need, our Children's Initiative will develop materials for children once they are released from detention in Arizona. These materials will explain a child's rights under the immigration laws and provide a listing of legal resources across the country. We hope to help educate the families and guardians of these children about the importance of pursuing legal remedies to remain in the US.

### Increase Volunteer Opportunities

The Florence Project works to leverage its limited resources with the help of volunteers. In 2007 we plan to expand our networks of legal and non- legal volunteers.

- Many of our clients have a variety of needs once they are released from detention. We hope to recruit non-legal volunteers to assist with our clients' post- release needs, such as transportation to the airport or bus station, finding jobs or language programs, or assisting with applications for a green card or social security card.
- Through our Pro Bono Program we plan to continue outreach to the legal community. We plan to hold at least four pro bono training/recruiting events in 2007 and refer more than 50 cases to volunteer attorneys. We will also work to cultivate relationships with attorneys in both Phoenix and Tucson, identify volunteer legal projects other than full client representation, and develop a pro bono mentoring committee.

### Strengthen Our Organization

Over the next two years, with funding from the Hispanics In Philanthropy Funders' Collaborative, we will hire a consultant to complete an organizational assessment, environmental scan, strategic planning, and training sessions with the board and staff of the Florence Project. We will also evaluate and write a sorely needed technology/ IT plan to address short- term and long- term needs to help our office operations run more smoothly. By addressing our organization's all- around effectiveness we hope to continue in our ability to make client needs and services our first priority well into the future.

### **US Army Veteran Faces Deportation and Family Separation**

Luis was born in Honduras and became a Lawful Permanent Resident in 1990. He is a US Veteran who was honorably discharged after serving over 3 years in Active Duty in Kuwait after which time he joined the National Guard. While in the army he took an Oath of Allegiance to the United States. His excellent service in the military has been recognized through numerous awards, among which are the "Army Achievement Medal" awarded for "exceptionally meritorious achievement" in March 1998, for "outstanding achievement during national training center rotation" in August 1998, and for "exceptionally meritorious service while assigned to Bravo Company, 1<sup>st</sup> Battalion, 67<sup>th</sup> Armor as an M1A1 Tank Crewman from 1996 to 1999. Luis has a US Citizen child and a US citizen fiancée. He also has a US Citizen mother who depends on him financially and emotionally due to her poor health. Luis was involved in a fight during which he was beaten with a baseball bat, knocked unconscious and hospitalized. A detective on the case wrote a report recommending that the charges against him be dropped because the complainants gave "two different stories" and that "one of the stories is obviously not true. Perhaps both are not true". Regardless, Luis did not want to risk the 5- year maximum sentence so he pled guilty to an assault charge with a sentence of imprisonment for 1 year, subjecting him to immigration detention and deportation as an "aggravated felon" under the current law. Had his sentence been for 364 days, he would be eligible for citizenship and a humanitarian waiver. Arguing that the conviction was insufficient to sustain the aggravated felony charge, a Florence Project attorney convinced the Immigration Judge to terminate the immigration proceedings. The government unsuccessfully appealed the decision to the Board of Immigration Appeals. After 8 months in detention, Luis was released and finally reunified with his family.



### **Florence Project Services:**

The Florence Project provides a full range of legal services for our constituents including:

- Live **rights presentations** (five times a week in Florence, six times a week in Eloy and now 2-3 times per week for children) regarding people's rights and remedies in removal proceedings;
- Individual **case assessment** for all who request it;
- Pro se **bond assistance** with some limited representation in Florence and Eloy, and assistance with family reunification for children;
- **Application preparation and documentation gathering** to support the legal claims. We work with clients' families to prepare affidavits and supporting documentation;
- Assistance with raising **issues of deportability or eligibility for relief** before the immigration judge and the Board of Immigration Appeals (BIA) either through pro se brief preparation or full representation;
- **Direct representation, pro se assistance, and pro bono referrals**, as resources allow.
- **Assistance with supervised release** in Florence and Eloy.

#### **Volunteer Support Secures Victory for Cameroonian Asylum- Seekers**

In the summer 2006 Florence Project staff worked with five Cameroonian asylum seekers detained in Florence. Ranging in age from 20 to 60, each was involved in a major political struggle in their country and are members of the Southern Cameroonian National Council (SCNC) movement. Membership in and activities by the SCNC are banned in Cameroon and sanctioned by Cameroonian penal laws. SCNC activists are harassed, arrested, detained, tortured and killed each year for activities as simple as nonviolent demonstrations, attending meetings, or mere membership in the SCNC. Each of the five men were detained by the Cameroonian government and tortured. Each ultimately escaped and fled the country by way of a ship that left from Cameroon to Mexico. They traveled through Mexico to Nogales, Arizona where they approached the US border and were arrested and detained by immigration officials. After being detained for several weeks, the five men met the Florence team during the daily "know your rights presentation" at the detention center. After a case assessment, a Florence Project attorney represented three of the men and was able to refer two cases to volunteer attorneys. All five men were granted asylum. Since none of them has family in the US, the Project worked with volunteers to ensure a smooth transition out of detention. The Florence Project worked to provide immediate shelter, food and clothing once each man won his case. Upon their release, local lawyers and law firms helped pay for bus tickets. The five men also received support from the US affiliate of the SCNC. The group, based in Maryland, secured housing for each man in Maryland where a large Cameroonian community awaited their arrival. They helped each individual obtain social security cards, work permits, and otherwise settle into what will no doubt be a long struggle to begin a new life in the United States. The effort to win asylum and their release from detention is a great testament to the hard work and dedication of the Florence Project, our volunteer attorneys and community members.



## 2006 Florence Project Volunteers

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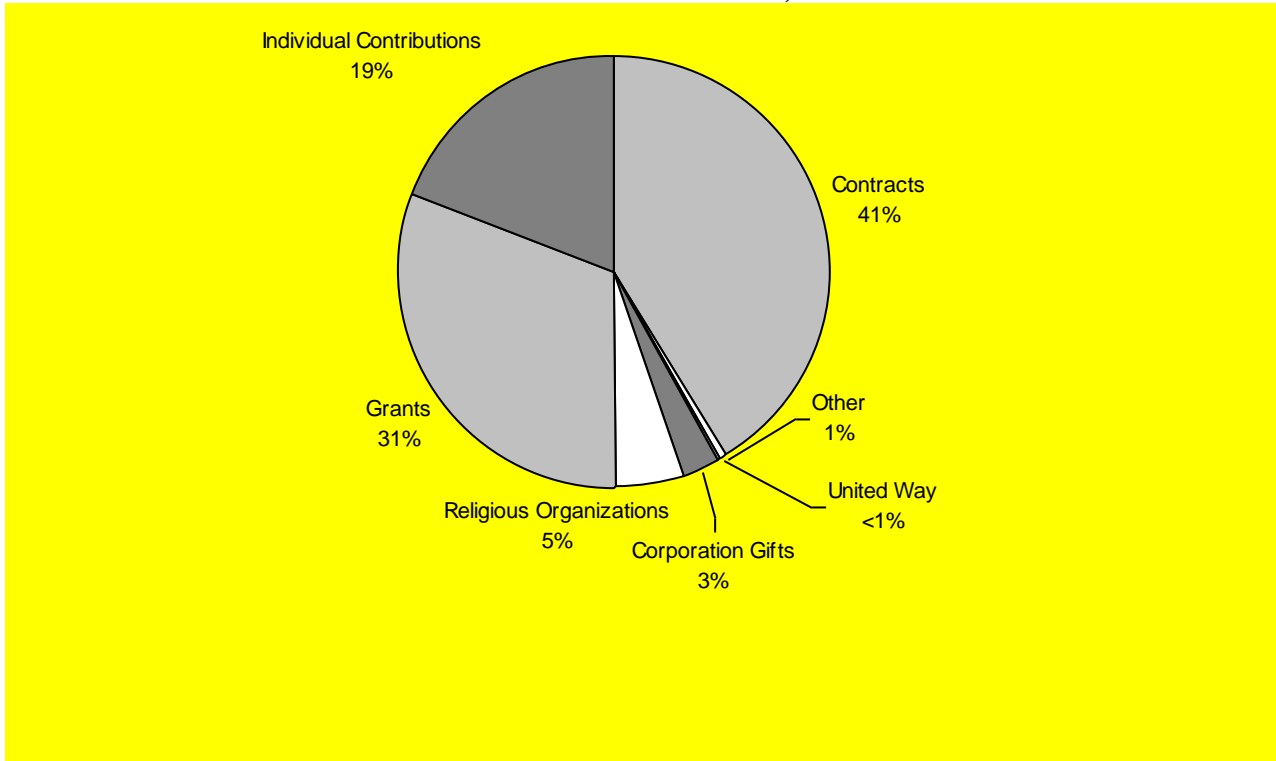
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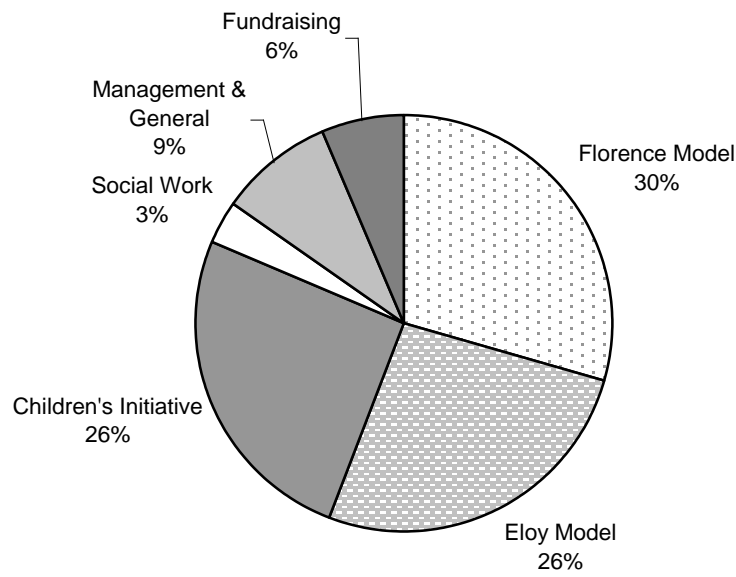
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Year ended December 31, 2006**



**Total Revenue \$564,922**



**Total Expenses \$581,134**



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