



LA LÍNEA

SUMMER 2005

The newsletter of the Florence Immigrant and Refugee Rights Project

Pro Bono Spotlight

Erin Bradham, Esq.

Steptoe & Johnson LLP

Erin Bradham—an attorney in Steptoe & Johnson’s Phoenix office—specializes in commercial litigation. Over the last year, she has provided successful *pro bono* legal representation to three Florence Project clients in immigration removal hearings.

Erin began *pro bono* work in Boston during her first year of law practice. A co-worker asked for her help on a case involving an asylum-seeker from the Democratic Republic of the Congo. “I enjoyed my work on that case,” Erin recalls. “I saw that asylum cases are a very worthy cause; they involve people who have been treated in unimaginable ways in their home countries and are

in very vulnerable positions as they seek asylum in our country.”



After moving to Arizona over a year ago, Erin responded to an email

from the Florence Project requesting *pro bono* legal assistance for an individual from Mexico seeking asylum because of her sexuality. Julia (not her real name) had been severely abused, beaten, and harassed by police in Mexico and fled to the U.S. seeking protection.

“The first time I met with Julia,” Erin says, “I explained that I was going to represent her at no cost, and that I would be present at her hearing. She looked at me with an amazed expression of relief and gratitude. It was a wonderful moment for me. She had a difficult story to tell, and it was clear that knowing I would be there gave her tremendous support and encouragement.”

With the help of the Florence Project’s social services intern, Jeanette Perkal, Erin prepared Julia’s case in a few weeks and represented her at the immigration

hearing. They were successful: the Immigration Judge granted withholding of removal. But the Department of Homeland Security appealed the decision, so Erin continued as Julia’s *pro bono* counsel, arguing to the Board of Immigration Appeals that her client met the legal standards for withholding of removal. She won the appeal and Julia was released from custody.

After that experience, Erin wanted to continue *pro bono* work, and “FIRRP was the first place I went to offer my services,” she says.

The Florence Project staff asked Erin to represent two women from Cameroon seeking political asylum. In Cameroon, as active members of an opposition political party, the women had participated in public demonstrations. After being threatened, jailed, and beaten by officials because of their opposition to the Cameroonian government, they escaped their country by ship and traveled through Mexico to the U.S. border.

Once in the U.S., they were apprehended by the Bureau of Immigration and Customs Enforcement (ICE) and detained in Florence as part of an expedited removal process. They both passed credible fear interviews, however, and they were referred to the Immigration Judge for full hearings concerning their claims.

With the help of Florence Project staff, Erin found an interpreter to assist in preparing the women’s cases. Ultimately, both were granted political asylum *continued on page 4*

Legal Issue: The Effects of the Recent Expansion of “Expedited Removal”

by Aryah Somers

Created by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, “expedited removal” is summary removal from the U.S. with extremely limited rights to a hearing or review by an Immigration Judge (IJ).

Until last year, expedited removal was used only against non-citizens arriving

in the U.S. at designated entry ports. In August 2004, however, the U.S. Department of Homeland Security (DHS) expanded expedited removal to any non-citizen encountered within 100 miles of the U.S. border who is not in possession of a valid visa and cannot establish presence in the U.S. for 14 continuous days.

The only way that an individual in these circumstances can see an IJ is to express fear of return to his or her home country and then pass a “credible fear” interview conducted by an asylum officer to authenticate the individual’s claims. If the individual fails the credible fear interview, an IJ can review the decision.

Thus, once placed in expedited removal proceedings, only those who “credibly” express a fear of returning to their country are able to avoid removal. Language and psychological barriers often make this a difficult burden for legitimate asylum-seekers. The “credible fear” requirement may be particularly difficult for survivors of torture, whose psychological state may make them uncomfortable speaking candidly to an armed official. They may have experienced torture at the hands of similar officials or fear that their statements will be shared with persecutors. At the Florence Project, we are concerned that psychological barriers and the lack of consistent interpretive assistance make it difficult for asylum-seekers to voice their claims.

In February 2005, the U.S. Commission on International Religious Freedom investigated the impact of expedited removal and released a study titled “Legal Assistance for Asylum Seekers in Expedited Removal: A Survey of Alternative Practices.” The study identified FIRRP as having developed a legal representation model that can *continued on page 4*

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Joseph Gutman, M.D. Appointed to the Florence Project Board of Directors

by Jacquelyn Ahrenberg

A Conversation with Dr. Gutman

How long have you lived in Arizona?

I have been in Arizona for ten years.

What are your hobbies?

I love reading, my piano and guitar, Latin American music, golfing, traveling as much as I can, and learning about others.



Joseph Gutman, M.D.

Describe your background in working with human rights issues.

I have been aware of the asymmetry of humankind since my youth, growing up as a privileged child in a third-world country, Colombia, surrounded by extreme poverty. One would have to be blind not to have noticed the differences. One would have been obtuse not to ask why.

I became interested in Latin American history and became even more interested in the geopolitical forces that have shaped the present in the American continent. After graduating medical school, I volunteered to spend two years in the Amazon area of Colombia, and what I saw reshaped my thinking even further. Unfortunately, because of my family's position in Colombia, I came to the United States—and of course, I easily fell in love with my new home country.

As a practicing physician, I have been witness to misery, inequality, immorality, and lack of humanness. As a member to the National Republican Congressional Committee on Healthcare Reform, I understood the forces that sometimes guide this wonderful diverse society into select "pods" of the rich, the poor, the able, the disabled, the local, and the foreign. I have come to the conclusion that although human rights are basic, they need an effort and a force to keep them valid and applied to all.

What attracts you most about the Florence Project?

It is really close to my heart, as I am an immigrant who was almost deported and gained my citizenship through the help of others. I have personally been through the INS system and felt it "up close and personal." Maybe I can make it different for someone else.

What are your goals in life?

What are my goals? Gee! Tomorrow is not promised to anyone! I would love to retire in the next two to three years and maybe go to law school ... or take a large RV and travel around the country in a sort of "mobile clinic for the indigent" ... or maybe join Physicians Without Borders and go back to my grass roots ... who knows? I am willing to hear suggestions!

New Executive Director

Victoria López is a graduate of the University of Pennsylvania Law School and holds her B.A. from the University of Illinois-Champaign. She has been at the Florence Project for four years and has two years of program development as an Equal Justice Works Fellow implementing the Detained Immigrant Women's Model of legal services. Through her fellowship, Ms. López worked closely with the Project's Social Worker in developing legal and social service resources for detained women. She has three years of experience as an immigration attorney. She is responsible for overseeing all four programs at the Florence Project.



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Victoria A. López, Esq.

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Kara Hartzler, Esq.

Eloy Staff Attorney

Victor Mercado

Florence Paralegal

Martha H. Rickey, Esq.

Children's Staff Attorney

Melissa Aryah Somers, Esq.

Florence Staff Attorney

New Logo



**FLORENCE
IMMIGRANT
& REFUGEE
RIGHTS PROJECT**

Thanks to the wonderful staff at **Landon Taylor Design Group** Mesa, Arizona

www.landon-taylor.com

We now have a great logo and now YOU can purchase t-shirts, mugs, mousepads, and other items at www.cafepress.com/firrp. A small portion of your purchase will be donated to the Florence Project.

2004 Volunteers and Interns

The Florence Project held its 3rd Annual Volunteer Recognition Event on November 18, 2004 at Perkins, Coie, Brown & Bain in Phoenix, Arizona. Our sincere thanks to all of the volunteer interpreters, lawyers, doctors, students and others who assist the Florence Project and support the thousands of detained immigrant men, women and children in Arizona. *Special thanks to all at Perkins, Coie, Brown & Bain for hosting the event!*

2004 Volunteers Recognized by the Florence Project:

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Dr. Alan Brown, *Doctors of the World*
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Dr. Janet Campion, *Doctors of the World*
Alex Carpio
Jose Castenon
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Emily Chang, Esq., *Greenberg Traurig*
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Shelley Detwiller DiGiacomo, Esq.
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Christian Lenz
Li Li
Claudia Lopez
Dr. Kelly Luba, *Doctors of the World*
Dr. Michele Lundy, *Doctors of the World*

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Dr. Michelle Ruha, *Doctors of the World*
Maria Salapska, Esq.
Karen Scherner, Esq., *Perkins Coie Brown & Bain*
Dr. James Seward, *Doctors of the World*
Anita Sinha, Esq., *Northwest Immigrant Rights Project*
Rene Siquieros
Mark Strickland, Esq.
Allon Stabinsky, Esq., *Latham & Watkins*
Joel Stern
Elizabeth Sweet
Jimmy Tabb, Esq.
Rico Tapia
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John Warren, *Landon Taylor Design Group*
Kevin Wein, Esq., *Perkins Coie Brown & Bain*
Liz Welsh
Dr. Susan Westover, *Doctors of the World*

Intern Notes - May 2005

by Jonathan Foglia

I believe that most people are fundamentally rational. Immigration is one of those areas, however, where people (read: voters) tend to be motivated by fear—which is, of course, irrational.

I cannot tell you how many of my conversations with perfectly pleasant folks have become bizarre once the topic of immigration pops up. People become suspicious that I am either actively helping airline hijackers



get their green cards, keeping murderers in our neighborhoods, pushing a bilingual agenda in American schools, or doing my part to lower wages for construction workers in Phoenix.

Enough on what other people think about our work—let me tell you about the types of people who are drawn to work at the Florence Project. They are, without a doubt, the most selfless, sharing, passionate folks I have had the privilege to study under and learn from while on internship. But they also share another quality. They derive great satisfaction from their work. And each day, there is so much satisfaction to go around in this place. Take, for example, the unaccompanied children who are detained up in Phoenix. The other day, I was working with a 14-year-old boy from Honduras. He sat in a tall, leather-backed chair, his feet dangling above the ground, looking at me skeptically. As I explained the consequences of a final order of deportation from the judge, he began peppering me with questions about future sponsorship, consular processing, and work authorization. I felt like I was being interviewed. He'll make a good lawyer one of these days.

This April, two incredible staffers—Virge Carstens and Brooke Hammond—left the Florence Project to pursue other career goals. But as I look around, this place is as passionate and quirky as it was before. I'm leaving Florence to return to Boston for graduation from law school. During law school, I have interned with a federal appeals judge, a powerhouse East Coast law firm, and an impact litigation group in D.C., but this has been, hands down, my most exhilarating and rewarding internship experience. Part of me will be left behind here, and I doubt I'll ever be able to fill the resulting void.

Jonathon Foglia is completing his third year of law school at Northeastern University School of Law in Boston.

Street Child Story

by Martha H. Rickey, Esq.

FIRRP's Children's Attorney first met Walter, a 17-year-old Guatemalan youth, after a routine "Know Your Rights" presentation at the detained children's shelter in Phoenix. Walter's case clearly illustrates the problems produced by an overburdened system, influenced equally by good intentions and bureaucratic infighting, and lacking guardians *ad litem* or anyone else specifically charged with looking out for a child's best interests in removal proceedings.

Walter came to the United States alone and on foot. After days in the desert, hungry and thirsty, Walter was arrested by the Border Patrol and sent to the children's detention shelter the next day. For the first time in years, someone was looking after him. Walter poured out his life story in detail to a shelter caseworker, and the caseworker left Walter with the belief that he had a definite chance of being able to remain in the United States.

Later, during the Florence Project intake, Walter assumed that FIRRP's Children's Attorney already knew everything about him. He tried to answer the attorney's questions, but he thought that maybe she wouldn't understand; besides, it was hard for him to talk about all the bad things that happened in his life, so he didn't say much. Based on what Walter had said, the Children's Attorney told him that she wasn't sure he had a case. Devastated by this news, Walter stated that if he didn't have a chance of being allowed stay in the U.S., he would rather go back to Guatemala than be held in detention for nothing. The Children's Attorney agreed to represent him for removal in Immigration Court.

In court, Walter told the Immigration Judge that he was afraid of the gangs in Guatemala, but after the judge told him that there were gangs here, too, Walter said he would go back.

Nearly two weeks later, Walter again saw the Children's Attorney at the shelter and asked to speak with her. During their conversation, Walter described being orphaned at age 7 and abandoned by his only living relative at age 10 to live on the streets. He survived by shining shoes and moving constantly to avoid gang threats and violence, although he did not escape being beaten by gangs at least seven times. The stunned Children's Attorney then realized that she had

helped Walter request removal to a country he feared, a country where he had no safe place to go—and that she had done so simply because Walter had not understood the difference between a shelter caseworker and an attorney.

The Children's Attorney immediately filed a motion to reopen the case and requested a stay of removal, accompanied by Walter's asylum application and a declaration describing what happened. Judge Richardson granted the stay and, over the Department of Homeland Security's objection, he reopened Walter's case. Walter now has a second chance to fight his case, and the Florence Project will represent him at his hearing in July 2005.

Pro Bono Spotlight

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and released from detention. Erin still communicates with one of the women, who finally reunited with family members in the U.S.

Erin's work on all three cases was extraordinary. She says the greatest challenge was developing the facts of the case with the client. "The courts expect a great deal of consistency and definiteness, but people's memories and narrative recitations of their stories typically involve a lot of gaps or fuzziness."

Approximately 90% of detained immigrants are unrepresented in immigration removal hearings, usually because they cannot afford to hire attorneys. The benefit of legal representation in complex immigration matters cannot be overstated—it often means the difference between deportation and being allowed to remain in the U.S.

The hard work and dedication of *pro bono* attorneys makes a huge difference in the lives of the men, women, and children detained by ICE, and in the impact of the services provided by the Florence Project.

If you are an attorney and are interested in taking a pro bono case, please contact Victoria López, Executive Director, at 520.868.0191 Ext. 101, or by email at vlopez@firrp.org.



FIRRP building in progress; the Project's new home is nearly complete.

Re-Launching the Detention Watch Network: Now is the Time to Join!

Co-founded by the Florence Project in 1997, the Detention Watch Network (DWN) is a network of organizations and individuals working in support of, and in service to, immigrants in detention and their families. It is the only national coalition that addresses the immigration detention crisis in the United States and helps people who are affected by immigration detention and makes their voices heard.

DWN assists member agencies to accomplish detention reform by:

- Acting as a focal point for immigration detention issues;
- Convening an annual conference to train immigration practitioners and advocates, and to share information and strategy;
- Broadening and diversifying its membership to strengthen its voice for immigration detention reform, especially from communities affected by increased immigration enforcement;
- Providing key support for members advocacy efforts through the synthesis and distribution of information, training and networking opportunities; and
- Organizing and coordinating advocacy efforts of its members.

DWN committees are already meeting. Now is the time to join and participate in the formation of the Network. The DWN Annual Conference is scheduled to take place in the Fall of 2005 (dates and location to be determined).

Please visit the Lutheran Immigration and Refugee Service website (www.lirs.org) for a membership application and details about joining DWN or contact Andrea Black, DWN Staff Coordinator, (410)230-2886 or ablack@lirs.org.

Staff Corner

by Victoria A. López, Esq.

The Florence Project is pleased to announce the following staff additions:

Katharine Gordon, *Eloy Paralegal*

Katharine is a graduate of Bryn Mawr College. Before coming to the Florence Project, she was a domestic violence immigration paralegal with the Central American Resource Center (CARECEN) in Los Angeles. She has also worked as a human rights monitor in Guatemala and as an intern for the Centro del Apoyo de la Mujer in Mexico City. She plans to attend law school in Fall 2005.

Victor Mercado, *Florence Paralegal*

Originally from Puerto Rico, Victor is a graduate of the University of Chicago. He holds a degree in Latin American studies with a concentration in economics. Victor joined the Florence Project in September 2004. Victor plans to eventually attend law school or pursue a master's degree in public policy.

Mana Borenstine, *Volunteer*

A native of Chicago, Mana has been with the Florence Project since September 2004. She is working with several organizations in Arizona and nationally to develop an Immigration Alliance in Arizona. Mana is a graduate of Lewis and Clark College. She has traveled extensively throughout Europe, as well as Ghana, Australia, and Mexico. She has interest and experience in photography and film.

Martha Rickey, *Children's Attorney*

Martha joined the Florence Project team in September 2004. She received her J.D. from the University of Minnesota Law School and her B.S. in Fisheries/ B.A. in History from the University of Washington. Between college and law school, Martha was a fish biologist for the Washington Department of Fish and Wildlife where she studied the arrowtooth flounder. Martha is a master knitter and published knitwear designer. She has two cats, Chubby and Stumpy.

Kara Hartzler, *Eloy Attorney*

Kara is a graduate of the University of Iowa, from which she received a J.D. and an M.F.A. She holds a B.A. from Eastern Mennonite University in Virginia. Prior to joining the Florence Project in February 2005, Kara worked for La Red de Defensores Comunitarios por los Derechos Humanos in Chiapas, Mexico. Since moving to Arizona, Kara has joined a pool league in Tucson and plays in pool tournaments at Gibby's Bar in Florence.

Aryah Somers, *Florence Attorney*

Born in Guadalajara, Jalisco, Mexico, Aryah holds her J.D. from the Georgetown

University Law Center, as well as an M.A. from the Georgetown University School of Foreign Service. In addition to studying Arabic at the Arabic Language Institute in Cairo, Egypt, Aryah worked for the Africa and Middle East Refugee Assistance as a legal advisor for unaccompanied minors.

Jacquelyn Ahrenberg, *Development Director*

Jacque started at the Florence Project in April 2005. Previously, she worked in development positions for the Phoenix Theatre and for the Westside Food Bank. She is a graduate of Arizona State University and a native of Arizona. The American Humanics Nonprofit Management and the Association of Fundraising Professionals have certified Jacque. She and her husband of one year, John, live in north Phoenix.



Congratulations to Senior Staff Attorney Holly Cooper! We would like to welcome Sam, the newest member of the Cooper-Stern family.

Expedited Removal

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help ensure that the expedited removal process will not cause bona fide asylum-seekers to be returned to their persecutors.

At the Florence Project, we have utilized several strategies to respond to the expanded expedited removal system. We identify asylum-seekers who have passed credible fear interviews and provide direct representation, locate *pro bono* assistance, or guide the asylum-seeker in *pro se* representation. We are also developing strategies to ensure that those in expedited removal proceedings have had an adequate opportunity to express their fear of returning to their home country.

We have also been proactive in fighting the emergency stays placed on bonds for asylum-seekers apprehended in the expedited removal system. While Immigration Judges took the position

that they have jurisdiction to set bonds for individuals in expedited removal, DHS would then submit motions for emergency stays so that the asylum-seekers could not pay the bonds. FIRR Staff Attorney Aryah Somers represented four individuals at the Board of Immigration Appeals, arguing against these emergency stays. All four motions were granted; the DHS requests for stays were denied. All four asylum-seekers could pay their bonds and were released from detention. On May 4, 2005, the Board of Immigration Appeals issued a precedent decision stating that an asylum-seeker who has passed a credible fear interview is eligible for a bond hearing before an Immigration Judge. Applauding this decision, we will continue to actively seek bond hearings for all asylum-seekers in removal proceedings.

The Florence Project continues to monitor the adverse consequences of the expanded expedited removal proceedings on all non-citizens so that we can more effectively ensure that their rights are being protected through proactive legal strategies and local advocacy.

Florence Project Services

In 2004, the Florence Project provided:

- legal orientation presentations to 10,391 men, women and children in detention
- in-depth case assessment and follow up services to 4,354 detained people
- intensive *pro se* assistance to 992 people
- representation at bond hearings to 115 people
- case assessment and follow up services to 802 children
- assistance to 142 long-term detainees for supervised release

Additionally:

- 43 *pro bono* attorneys represented cases
- 105 volunteers assisted in Florence's mission

269 of the Florence Project's represented and pro se clients won their cases with our assistance and avoided removal from the United States

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LA LÍNEA

The newsletter of the Florence Immigrant and Refugee Rights Project

SUMMER 2005

About the Florence Project

The Florence Project's work is carried out primarily through four programs: the Florence "Justice and Efficiency" Model, the Eloy Pro Se Model, the Detained Immigrant and Refugee Children's Initiative, and the Integrated Social Services Program. As part of its direct legal services, the Project has created "Know Your Rights" videos and self-representation packets as an educational resource for non-profit service providers and detained people nationwide. Nationally, the Florence Project advocates for positive change in federal policies and practices towards those detained and it serves as a resource-development and training center for detention program "best practices." The Florence Project undertakes its national advocacy through membership in the Detention Watch Network, a coalition of more than 100 nonprofit organizations work with the 200,000 men, women, and children who are held in the U.S. annually as immigration detainees.

Mission and Vision

The Florence Immigrant and Refugee Rights Project, Inc., "Florence Project," provides holistic, free legal services to immigrants, refugees, and U.S. citizens detained by the Bureau of Immigration and Customs Enforcement (ICE) in Arizona for immigration processing. The Florence Project serves men, women, and children, including those with mental health and social service needs. The Project 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, working toward a more just and efficient judicial system for the rapidly increasing numbers of individuals in immigration detention.

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Visit website & contribute via PayPal:
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