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THE NEWSLETTER OF
THE FLORENCE IMMIGRANT AND REFUGEE RIGHTS PROJECT

SPRING 2011

Hundreds of Asylum Seekers Detained Without Counsel

By Katherine H.W. Dick, Asylum Fellow

In September of last year, I began a public interest fellowship at the Florence Project supported by the law firm, Morgan, Lewis & Bockius. I was to focus on providing enhanced services to people seeking asylum protection from persecution or torture they faced in their home countries. The timing of my fellowship couldn't have been better. On my third day at work, staff attorney Katie Ruhl handed me a file for my first client.

Aden was an asylum seeker from Somalia. He fled Somalia in July 2009 and traveled through thirteen countries before presenting himself to immigration officials at the United States-Mexico border in March 2010. He was detained in the Eloy Detention Center a few days later, and remained there for eleven months.

In my first meeting with Aden, he told me about how he sailed in a small, un-seaworthy boat filled with refugees off the coast of Panama and waded chest-deep through crocodile-infested waters in Costa Rica to get to the United States. The time I spent at the Sacramento Convention Center for the California Bar Exam in July seemed almost luxurious in comparison. I had safety, air conditioning, and arguably it is better to be surrounded by recent law school graduates than crocodiles.

As I geared up to represent Aden under Katie's supervision and with the help of legal assistant Argentina Iñiguez, I began working on an appeal for another Somali man detained at Eloy with staff attorney Rachel Kling. This man had presented himself at the border with Aden and had a very similar claim, but was denied asylum in front of the immigration judge just two months prior. He did not have an attorney representing him.

Working on these two cases side-by-side, the gross inequities and consequences of going forward without an attorney became very clear to me. I represented Aden at his final hearing before an immigration judge; he won his case, and the government waived appeal. Aden was released to safely reunite with a friend in Phoenix. The unrepresented man lost before the immigration judge, was denied appeal, and faced the prospect of languishing in detention or being deported to a country where he and his family suffered unimaginable abuse.

The crisis of unrepresented asylum seekers loomed even larger this past fall when the Florence and Eloy detention facilities began receiving unprecedented waves of asylum seekers like Aden from all over the continent of Africa and Haiti. The Florence Project serves thousands of detainees a year with very limited resources. By the time these groups of asylum seekers began arriving, Project staff were already stretched past capacity. It was clear that, even with my fellowship, we couldn't represent everyone who needed it.

...CONTINUED ON PAGE 2

Kate with her Peace Corps host family in Matameye, Niger.

INTER-AMERICAN COMMISSION ON HUMAN RIGHTS ISSUES REPORT ON IMMIGRATION DETENTION

Delegates from the Inter-American Commission on Human Rights visited detention facilities in Arizona and Texas during the summer of 2009, including visiting with Florence Project staff. The Commission's findings have now been released in a lengthy report, the first review of the United States immigration detention system by an international body. The Commission reported being deeply troubled by the continual and widespread use of detention in immigration cases and faulted the Obama Administration for maintaining a system that is plagued by unjust treatment, including inadequate access to counsel and insufficient medical care, and an overreliance on prison-like detention facilities. A link to the entire report can be found on the Florence Project's blog at **www.firrp.org** or at the Commission's website at **www.cidh.oas.org**.

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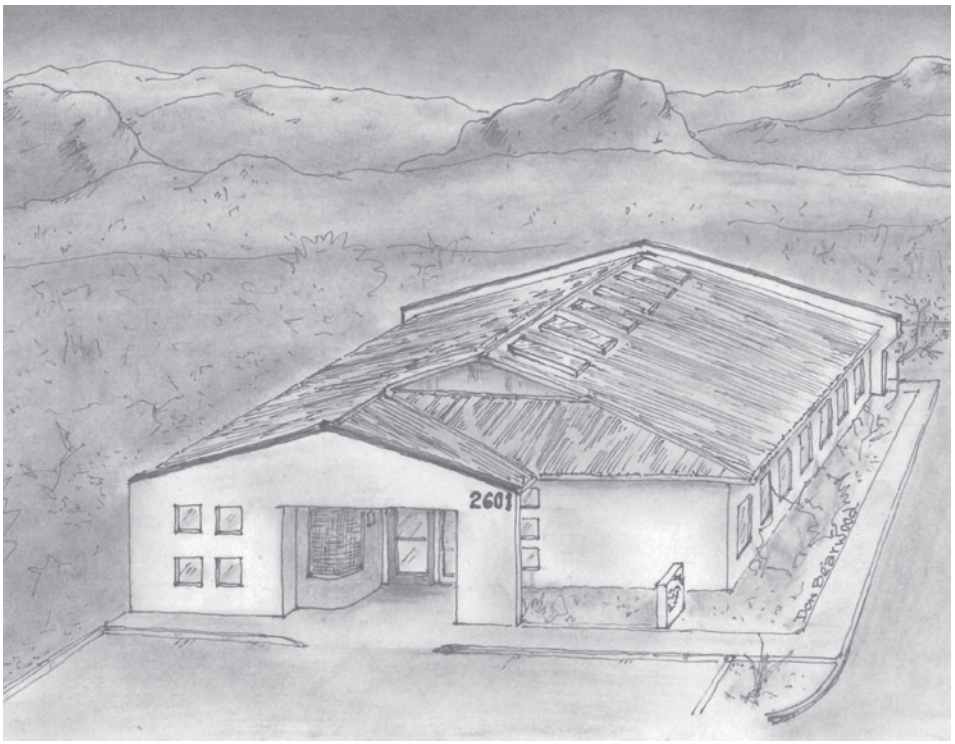
ASYLUM SEEKERS DETAINED

I've spent the last seven months working first and foremost to get these asylum seekers out of detention on humanitarian grounds. Social Services Coordinator Cindy Schlosser and I have gathered piles of identity documents, evidence, and letters of support from families inside the U.S. and abroad to support humanitarian parole requests. If asylum seekers are lucky enough to be released, they are put on buses from Florence and Eloy and dropped off at the Tucson Greyhound Station as late as 11:00 pm. Often there is no notice to families and friends about their release. Fortunately we've built a new partnership with volunteers at the Restoration Project in Tucson (see page 4) to provide parolees temporary housing, warm meals, time to decompress from detention, and help with arrangements for bus or plane fare to other parts of the U.S. to be reunited with family and friends.

Sadly, many asylum seekers are not released on parole and remain detained. We have been helping these detainees better prepare themselves to fight their cases without attorneys so they have the best shot possible in front of the immigration judge. This involves helping them prepare their applications and declarations, arranging medical and psychological examinations, and conducting research to support their claims. We could not accomplish this work without the help of volunteer interpreters, medical professionals and students from the University of Arizona, Arizona State University – West, and Earlham College Border Studies Program.

Despite the incredible response we have garnered at the Florence Project to this newest challenge, I know we don't have the capacity to provide the level of assistance these individuals truly need. My time in Florence ends in May and I will be moving to Atlanta to complete my fellowship and then to my law firm in the fall. Meanwhile, more than fifteen new asylum seekers from Haiti and the Horn of Africa arrived in Eloy last month. I know that the Florence Project will be there to help people who have no one else. But I can't help but dream about how much more we could do if the resources really matched the needs of the people I served in detention.



The Florence Project's office, drawn by Florence resident Donald Bearwood.

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Thank you to the following wonderful people who volunteered their time and talent to the Florence Project and our clients during the 2010 calendar year!

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Impact: 2010 Florence Project Services

- Live **"know your rights" presentations** regarding people's rights and remedies in removal proceedings. In 2010, we provided 561 rights presentations to 8,561 detained individuals. 1,129 of these individuals were unaccompanied immigrant children.
- Individual **case assessment** for all who request it and follow up pro se assistance for individuals fighting their removal cases who cannot afford to hire private counsel. In 2010, we provided case assessment and pro se assistance to 4,249 people.
- **Direct representation,** as resources allow and **pro bono referrals**. In 2010, we provided direct representation to 162 adults and referred 105 cases to volunteer attorneys in the community.
- Assistance with release from custody including pro se **bond** support, **assistance with supervised release**, **habeas corpus** petitions and requests for **humanitarian parole**. In 2010, we assisted 809 adults pursue release from custody.
- Group **peer-to-peer workshops** for individuals fighting similar forms of relief to assist and prepare each other in a facilitated setting for their final court hearings. In 2010, we provided 69 workshops to 292 individuals.
- **Trainings and consultations to public defenders** on the overlap of criminal and immigration law through our Arizona Defending Immigrants Program. In 2010, we provided 873 consultations to public defenders and defense attorneys.

Community Partnerships

MENTAL HEALTH PROFESSIONALS DONATE THEIR EXPERTISE

Los Angeles Immigration Judge Mimi Tsankov recently observed that one of the biggest challenges facing immigration courts today is working with respondents who have mental health disabilities. Judge Tsankov observed that "Immigration Judges are challenged to provide fundamental fairness to individuals who may not be able to represent themselves effectively and cannot obtain representation. Immigration Judges do so within a limited regulatory framework and with sparse precedent case law."

Although immigration statutes and regulations require judges to probe issues of competency when a pro se detainee appears to have a mental health disability, there are few resources available to actually assist once this is determined. This is where Dr. John Toma – a forensic psychologist and faculty member at Phoenix's Argosy University – has stepped in. Dr. Toma first learned about the Florence Project when he attended a training co-hosted by the Florence Project and HealthRight International in 2009. Since this time, he and his doctoral students have regularly traveled from Phoenix to Florence and Eloy to perform psychological evaluations and file expert affidavits for our clients. This critical work has provided the Florence Project and the courts with valuable expertise on mental health issues, while also allowing his students to gain experience as evaluators. We're very thankful for this winning combination and for the support of Dr. Toma!

Dr. John Toma (far right) and his students on a recent trip to Florence.

RESTORATION PROJECT PROVIDES SUPPORT & HOSPITALITY TO DETAINEES

In the spring of 2010, a few Florence Project staff members and members of the Restoration Project community organization in Tucson met for conversation in the living room of the Restoration Project's home, a one hundred year old former boarding house called Casa Mariposa. Two housemates, Carol Bradsen and Linda Cruz, had just returned from visiting a detainee at the Florence Correctional Center. They were blown away by the striking reality of immigration detention and were struggling with the question, "What can we as community members do?"

Florence Project staff Katie Ruhl and Cindy Schlosser making papusas with a former client at the Restoration Project.

Over the last year, Restoration Project volunteers have powerfully answered their own question by supporting immigration detainees directly and building a much needed network of community awareness and support in and around Florence. Working with the Florence Project's Social Services Coordinator Cindy Schlosser, Executive Director Lindsay Marshall, and Compton Fellow Dorien Ediger-Seto, they have hosted letter writing parties at Casa Mariposa and visitation and hospitality orientations for prospective volunteers in Tucson and Phoenix. They have welcomed more than ten former detainees into their home who were released by immigration authorities at the Tucson bus station late at night with nowhere to go. They have provided former Florence Project clients with hospitality, community, home cooked meals, and help with arranging travel and communication with family and friends. They have visited long term detainees just to listen and show there is a support for them in the community. They have provided invaluable support and peace of mind to Florence Project staff just by being there.

To learn more about this growing network and upcoming activities and orientations, visit the Restoration Project's blog at **www.restorationprojectflorence.blogspot.com**, or contact Carol Bradsen at **carolbradsen@gmail.com**.

DLA PIPER LLP – NEW PRO BONO PARTNER

The Florence Project's Children's Initiative is pleased to have forged a new partnership with the law firm DLA Piper. In the last six months, the firm has hosted a meeting with the Florence Project to learn about pro bono opportunities and an on-site Special Immigrant Juvenile Status CLE led by Florence Project Pro Bono Coordinator Tally Kingsnorth and Children's Pro Bono Mentor Sara Lofland. DLA Piper attorneys are currently representing three seventeen-year-old girls from Central America seeking Special Immigrant Juvenile Status and we hope to have some good news before our next newsletter!

DLA PIPER

To learn more about the Florence Project' Pro Bono Program, contact Tally Kingsnorth at tkingsnorth@firrp.org.

Pro Se Client Released After Immigration Mix Up

By Rachel Kling, Eloy Staff Attorney

"Cesar", a thirty five year old man from El Salvador, was detained by Immigration & Customs Enforcement (ICE) at the Eloy Detention Center after being arrested for temporary theft of a vehicle. During his initial interview with an ICE officer, Cesar informed him he was a lawful permanent resident of the United States and that his parents were U.S. citizens. He explained that he came to the United States around the age of nine, settling with his family in California, but traveled back to El Salvador when he was a teenager to get his green card. While in El Salvador, he recalled attending a consulate appointment, getting an HIV test and having his fingerprints taken. He also recalled returning to the United States in an airplane, through the Los Angeles Airport, and thereafter receiving his green card.

When the ICE officer tried to verify Cesar's claims through the agency's internal database, it came up blank. According to its records, Cesar had no legal immigration history and no application for a green card had ever been filed. Consequently, Cesar was detained in Eloy and charged as removable by ICE. In his first appearance before an immigration judge, Cesar told the judge he believed he was a lawful permanent resident but he had no documentary evidence to support his claim. Proceeding pro se, Cesar struggled to obtain proof of his legal status. He was unable to access his apartment to get any records and his parents no longer had copies of the application, as it had been filed more than twenty years ago.

Eloy staff attorney Rachel Kling worked with Cesar over the next ten months to try to prove his lawful permanent resident status, knowing it would be an uphill battle with only his word as support. Rachel called several of Cesar's former employers in California, but none had retained records of his legal work status or were willing to release those records. She then filed a Freedom of Information Act (FOIA) request and three months later Cesar received a copy of the petition his father had filed for him in 1990. At Rachel's prompting, ICE then conducted a further investigation, which revealed that Cesar had been a beneficiary of the Family Fairness Program, a temporary program created in the early 1990's to help children of permanent residents live lawfully in the United States with their parents. This exciting news corroborated the story Cesar had been telling all along.

Cesar's struggle was not yet over, however, as ICE argued that the application alone did not show he had completed the process of becoming a permanent resident. Rachel helped Cesar file an additional FOIA request and tirelessly contacted the office of the Ombudsman at U.S. Citizenship & Immigration Service. After much investigation, the Ombudsman's office reported that the government had mistakenly assigned two different alien registration numbers to Cesar at some point in his immigration history, hence the inaccurate information about him. Once Rachel learned about the alternate alien registration number, she requested ICE conduct another search. This search revealed that Cesar had indeed become a lawful permanent resident in 1992. After ten months in detention, charges against Cesar were dismissed. While detained, Cesar's grandfather, who cared for him as a young boy in El Salvador, passed away and his mother suffered a heart attack and was hospitalized for several weeks. Cesar is now reunited with his family in California.

Staff Corner

With the expansion of bed space for unaccompanied children in Phoenix, the Children's Initiative expanded in October 2010. We welcomed **SABRINA PEREZ-ARLEO** to our staff as our new children's staff attorney. Sabrina is a 2010 graduate of the Sandra Day O'Connor College of Law at Arizona State University where she worked in the immigration clinic representing unaccompanied children. Sabrina replaced **SARA LOFLAND**, who moved into a new position of **CHILDREN'S PRO BONO MENTOR**, where she provides mentoring and support to pro bono attorneys who take children's cases.

Florence Project Staff, February 2011

In February, we said farewell to Florence staff attorney, **BRIAN WOLF**, who moved to New York City to work at a small immigration firm. Replacing Brian is **LAURA ST. JOHN**, a 2009 graduate of New York University. Laura is an avid soccer player and has interned at the ACLU of Southern California and the Alaska Superior Court.

We are deeply saddened to also report the loss of our Board Member **JANE REDDIN**, who passed away in February after a long and courageous battle with leukemia. Jane served on the Florence Project Board since 2007 and always lent us her dry wit and wise counsel. A former labor and employment partner at Lewis & Roca, in 2007 Jane switched gears from a busy law firm partner to business owner by opening Practical Art (www.practicalart.com), an art store and gallery in Central Phoenix promoting regional artists. Our lives were only made better by knowing this multi-talented, dynamic woman.

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THE FLORENCE PROJECT RELIES ON THE GENEROUS SUPPORT OF INDIVIDUALS, CORPORATIONS, FAITH-BASED ORGANIZATIONS, FOUNDATIONS, AND LAW FIRMS IN ORDER TO PROVIDE ITS MULTITUDE OF LEGAL AND SOCIAL SERVICES.

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Through a charitable bequest, you can:

- Help us provide free legal services to immigrants and refugees
- Possibly reduce the tax burden on your estate
- Leave a legacy to help future generations

Florence Project Board Members and Supporters at a November outreach event in Flagstaff.

Florence Project's Website Gets a New Look!

WWW.FIRRP.ORG

With hundreds of hits each week from people looking for resources about immigration law and detention in Arizona, we decided our website needed a redesign to be more user friendly and demonstrative of the work we do. Our new "Latest News & Events" feature includes a blog with updates about what is happening at the Florence Project. Please visit us at www.firrp.org to access our self help materials, make a donation, request to receive our newsletter electronically, and provide feedback about the new site.

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THE NEWSLETTER OF
THE FLORENCE IMMIGRANT AND REFUGEE RIGHTS PROJECT

SPRING 2011

ABOUT THE FLORENCE PROJECT

The Florence Project's work is carried out primarily through five programs: the Florence "Justice and Efficiency" Model, the Eloy Pro Se Model, the Detained Immigrant and Refugee Children's Initiative, the Defending Immigrants Program, 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 that work with the 200,000 men, women, and children who are held in the U.S. annually as immigration detainees.

MISSION & VISION

The Florence Project provides and coordinates free legal services and related social services to indigent men, women, and unaccompanied children detained in Arizona for immigration removal proceedings. The Project strives to ensure that detained individuals have access to counsel, understand their rights under immigration law, and are treated fairly and humanely by our judicial system.

The Florence Project
is on Facebook –
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TO DONATE TO THE FLORENCE PROJECT:

Mail a check or money order to:
The Florence Project
P.O. Box 654
Florence, AZ 85132

Visit our website and contribute via PayPal:
www.firrp.org

TO VOLUNTEER FOR THE FLORENCE PROJECT:

Call or email:
firrp@firrp.org
520.868.0191 x105

TO CONTACT THE FLORENCE PROJECT OR TO SCHEDULE A VISIT:

Mailing Address:
P.O. Box 654
Florence, AZ 85132
T: 520.868.0191 x105
F: 520.868.0192
www.firrp.org