Joaquin’s Trials and Tribulations End with Triumph

Joaquin* arrived with his father to the U.S.-Mexico border at the height of the 2018 family separation crisis. His father had previously lived in the U.S., but Joaquin had never left Guatemala before. In Border Patrol custody, they were separated, and Joaquin was sent to a children’s shelter in Tucson. There were surveillance cameras inside the building and a lockdown was enforced; the children were not allowed to leave the property except for court or other scheduled appointments. Joaquin was 15 years old.

He didn’t eat much at first. He was scared and homesick. He had to adapt. In time, he came to enjoy pizza. He was placed in long-term foster care and started to attend a local high school and learn English. He started to make friends. He had always been good at soccer, so he tried out for the school’s team and made varsity.

The Florence Project Children’s Program connected with Joaquin to offer robust legal advocacy. Meanwhile, his father was deported. Many separated children want to be reunified, even if that means returning to dangerous communities. However, some prefer to continue seeking asylum in the U.S. The Florence Project is committed to building trust with each child, discussing these dynamics, and advocating for the child’s wishes.
Joaquin deeply preferred to stay in the U.S. He shared that his father was a volatile presence in his life. The man was absent for about half of Joaquin’s childhood, and when he was around, he often drank, acted hostile, and harmed the family. The town that Joaquin fled was also plagued with violence. Murder, abduction and ransom, including of children, had devastated the community.

These are difficult subjects for a child to discuss. While building his case, the Florence Project team would also chat with Joaquin about activities that made him happy and proud, like playing guitar and soccer. It was his first time playing organized sports, and Joaquin had to learn the assigned roles and rigors of being a defender. He couldn’t simply run the length of the field and try to score every time he got the ball. It took trust in his teammates and discipline within the game plan beyond what he was used to from playing pick-up games with friends.

That team-based approach served Joaquin in his immigration proceedings as well. While he was already self-sufficient and capable of learning and achieving great things on his own, the immigration system is slow, complex, and unforgiving if you make a mistake. To achieve his goal—residency in the U.S.—Joaquin had to collaborate with and trust his Florence Project legal team.

Together, they went to juvenile court, where Joaquin shared that he was unable to reunify with his parents due to abuse. During sensitive, trauma-informed interviews, Joaquin expressed his vulnerability to his legal team, who then prepared to share his narrative with an asylum officer. Unfortunately, despite the many dangers Joaquin would face if deported, asylum was not granted.

Joaquin’s case moved to a more hostile environment: immigration court. There, he was again denied asylum, and the judge ordered Joaquin’s deportation. The Florence Project immediately filed an appeal. The Board of Immigration Appeals denied the case too, unfortunately. Soon, ICE contacted Joaquin’s attorney to arrange to remove him to Guatemala. His attorney filed an emergency appeal to the 9th Circuit Court, refusing to give up on Joaquin’s case.

While the appeal was pending, good news finally came. The team had applied for a Special Immigrant Juvenile Status visa, a legal protection for children who’ve fled neglect or abuse, and it was approved. This meant Joaquin would be permanently safe from deportation. He is now on a pathway to citizenship!

Joaquin smiles in a park, and his braces shine as he shares updates on his life since he aged out of long-term foster care. He enjoys true independence today, sharing an apartment with a friend and working full-time at a restaurant. He is learning to cut hair and aspires to become a barber. He owns a car and has learned to do car maintenance from friends who work as mechanics. Joaquin grew up fast, and that trajectory only continued after he arrived in the U.S.

Although he no longer plays soccer, Joaquin has a different passion that brings a huge smile to his face. He performs Mexican corrido songs on guitar, on TikTok, with a friend. They strum through chord progressions and sing until Joaquin breaks into guitar solos. Plucking strings with one hand and sliding between frets to pinch them with the other, he creates beautiful music inspired by classic songs about life’s trials and tribulations.

When asked if he might play a concert sometime, Joaquin smiles humbly and says, “Well, everything is possible. If you’re focused on something you can achieve it.”

We are thrilled to celebrate Joaquin’s safety and freedom and proud to have been a part of his journey!

* Pseudonym used to protect privacy
Afshin sits by a lake in North Carolina. He is happy here. But it took a long journey across oceans and continents, and in court seeking asylum, for him to reach a simple moment of peace. Three years ago, Afshin fled his home country of Iran, saying goodbye to loving parents and siblings, in fear for his life. When asked why he sought refuge in the United States, he answers bluntly:

“I didn’t have any other option.”

In Iran, Afshin was a university student majoring in engineering until he was arrested for criticizing the government’s policies and for supporting the pro-democracy movement. Afshin was released but summoned to face a hostile court known for cruel and unfair punishments.

“Afshin’s Journey

“If I stayed, the court would sentence me for years,” Afshin says. “I would be captured immediately and put in prison, where I would be tortured. I was worried about the prison conditions in Iran, especially for political prisoners.”

He fled to Turkey, and from there to South America. In Ecuador, he experienced discrimination and was targeted by corrupt officials. The unfamiliar language and culture made him feel isolated, he says. That first year in exile was the hardest of his life. Nevertheless, he sought asylum in Ecuador. It was denied.

Afshin migrated to Colombia, where he befriended a pastor in Bogota. He began attending church and decided to be baptized. “Life in Colombia was really good for me,” Afshin says. “I finally had a supportive

“Without having someone like an attorney, it’s almost impossible to win a case in detention. This is what I saw.”
group of friends. I was going to church, and I loved the people.” He applied for asylum in Colombia, but there too he was denied. “I had to leave Colombia [after I lost my case] because I knew I could not live there undocumented and risk being deported to Iran.”

Afshin continued north, enduring immigration detention in Central America and in Mexico, and finally sought asylum at the U.S. border.

“When the Border Patrol officer heard me say I was from Iran, his behavior changed completely,” Afshin says. “He became very serious and angry, and he told me, ‘Sit the f-word down!’” Afshin recalls that another Border Patrol officer tried to provoke him by getting in his face and saying, “You got a problem with me?! You got a problem?!” Other officers asked Afshin if he was a terrorist. He was shocked by the treatment he received due to his nationality.

“The people of Iran are alone in this world. Nobody really supports us or cares about us. I felt that in South America and also in the U.S. from the Border Patrol,” Afshin says. “I’m praying for the people of Iran at this time. I think the government in Iran is not good, but that doesn’t mean the people of Iran are bad.”

The Border Patrol placed him in a holding cell. “The conditions were horrible,” Afshin recalls. “I arrived in February. At night it was freezing cold, and they only gave us an emergency aluminum blanket to keep us warm. A lot of people were crowded in the small area, and we couldn’t even wash our hands.”

After five days, Afshin was transferred to immigration detention—a massive, prison-like compound in the Arizona desert. “There are two types of guards [in ICE detention],” he recalls, reflecting on the treatment he and the other immigrants endured. “There are neutral people who behave neutrally, and there are some bad officers who try to abuse their power.”

Afshin noticed a Florence Project flyer on a bulletin board at the detention center. He requested our legal support, and Florence Project attorney Rachel Lerman and legal assistant Natalia Salazar responded. Over the course of six months, they developed Afshin’s asylum case together.
“Rachel did her job awesomely and working with Natalia always felt like I was talking to a friend,” Afshin says.

“When you are in detention, your hands are tied. You don’t have many options, especially if you don’t have someone in the U.S. It’s hard to fight a case or get access to legal information. I think that the way Florence Project helps [people who are detained] is really helpful and valuable.”

Inside the detention center, people shared the statistic that only 5% of detained individuals win their immigration cases, while 95% are denied. “Without having someone like an attorney,” Afshin says, “it’s almost impossible to win a case in detention. This is what I saw.” Many friends that Afshin made in ICE detention, including fellow Iranians, were deported. Unfortunately, because there is no public defender in immigration proceedings, many people are forced to represent themselves, so Afshin was grateful to have Florence Project advocates by his side throughout his case and at his final hearing. The judge granted asylum. Now, with a loud sigh and laughter, Afshin recalls that moment:

“Rachel was beside me. She looked at me and smiled. I felt comfort and freedom actually for the first time after three years of being without legal status in 11 countries.”

“After that I laughed, but not in front of the judge—in the visiting room, outside the courtroom with Natalia. She was really excited. She jumped. I think she was more excited than me,” Afshin says with a chuckle.

Natalia says Afshin made her a better legal assistant by educating her on the situation in Iran and by researching and asking questions about their legal strategy. “He was truly the leader of his case. He shaped the way his story was told and was just an amazing advocate for himself,” Natalia says.

Afshin relocated to North Carolina after connecting with friendly people there through his church community in Colombia. “I have found really good friends and met a lot of good people,” he shares. The photo above was taken at a lakeside retreat. Afshin plans to earn a GED and apply to universities and continue his education.

“That guy can do anything,” says Natalia. “If he became an astronaut and went to some new planet that we have not yet discovered, I would not be surprised.”

**Representation for All**

As Afshin experienced, it is difficult for many people to fight their immigration case while in detention without an attorney—in fact, people in immigration detention are 10 times more likely to win their case and seven times more likely to be released from immigration custody when they have legal representation. Without a public-defender system in immigration removal proceedings, people are forced to face an immigration judge on their own. We are planning to build a sustainable representation-for-all legal services model. This model aims at continuing to close the gap of legal representation for people in immigration detention.

Launching a representation-for-all model in Arizona is a groundbreaking step in our pursuit of a more just world for immigrants in the United States, and it will be nothing short of transformative in the hostile terrain in which we work. As the Florence Project scales up a representation-for-all program and pursues greater systemic change through additional advocacy, appellate, and communications work, your support will enable access to justice, ensure immigrants are treated more fairly and humanely, and save lives.
Access to Counsel Lawsuit

In the fall of 2022, the Florence Project joined a lawsuit against ICE for unlawfully preventing attorneys from communicating with immigrants detained in Florence Correctional Center (FCC). The complaint details numerous obstacles attorneys face in attempting to communicate with detained people at FCC, including an insufficient number of private attorney visitation rooms, severe limitations on critical interpretation services, and barriers to in-person access to counsel for individuals who are in medical and mental health observation or segregation.

Detained immigrants have a right to legal counsel, and legal representation makes a life-saving difference in people’s immigration cases. Immigration detention is intensely isolating and traumatizing, and for many people, securing release from detention or winning their case is lifesaving.
Since the beginning of the year, the Biden administration has expanded or considered multiple anti-immigrant, anti-asylum policies that draw directly from harmful past administrative policies specifically designed to foreclose the ability of asylum seekers to seek refuge on our shores.

**Border Closure:** The Title 42 border closure was put in place by the previous administration in response to the COVID-19 pandemic, but it has illegally endured for nearly three years, cutting off nearly all access to protection in the United States. Even after attempting to end it and being stifled by the courts, President Biden has elected to expand its applications to migrants from Nicaragua, Cuba, and Haiti.

**Asylum Ban:** The administration has also announced that it will resurrect a ban on asylum for people who travel through a third country on their way to the United States and don’t request asylum in those countries first. This would bar almost all of the people we serve from accessing safety in the United States and force many people to seek asylum in countries where they may also face potential persecution or harm.

**Fast Track Deportations:** Finally, the Biden administration announced plans to force asylum seekers to undergo rapid fear screenings while in the custody of Customs and Border Protection, a practice that we oppose for many reasons. Our clients, particularly the children we serve, often report mistreatment and abuse at the hands of CBP officials. It is not a safe environment for most people to discuss their asylum claim or the violence and persecution they have suffered. Additionally, most people will not have the chance to speak to a lawyer before a rapid fear screening, and these screenings also disproportionately impact people who do not speak English or Spanish and may not know that they have a right to an interpreter.

For many people who are turned away as a result of these policies, deportation is a death sentence.

Having access to legal counsel in these situations can be the difference between whether you fight your case from an isolated prison or in a supportive community, whether you face abusive conditions while you fight your case, and whether you win or lose your case. However, in too many instances, we encounter enormous and sometimes insurmountable obstacles in accessing our clients. Through this complaint, we demanded that ICE provide free and confidential meetings for legal teams and their clients both in person and virtually.

On February 1, 2023, the District Court for the District of Columbia granted our motion for preliminary injunction in part, finding that the barriers that ICE has erected for access to counsel and the restrictions in place in FCC are both excessive and punitive and likely unconstitutional. The Court ordered ICE to either install six private, confidential attorney-client visitation rooms in FCC with access to telephones for interpretation and the ability to pass documents freely with our clients or install or transfigure telephones in FCC to allow for fully confidential and private phone calls with counsel within 60 days of the order.

This is a massive victory in our campaign to create access to justice for our clients. Attorneys, legal assistants, and social workers have monitored violations of the right to access counsel in FCC for the past several years. Every single time a client’s request for a call back failed, every time a client felt uncomfortable sharing information about their case because of the lack of private space, and every time we were unable to communicate with our clients because of FCC’s visitation, phone, and mail policies, our staff tracked it. The level of detail we were able to give in the lawsuit made all the difference and convinced the Court that “Florence, however, is in a category unto its own” when it comes to the barriers that they have erected for access to counsel in FCC and order ICE to take steps to remedy the unconstitutionally punitive lack of access at FCC.

This is just the first step in an ongoing legal fight to ensure that all detained immigrants have access to counsel. Your support makes this level of advocacy possible. Thank you for standing with people in immigration detention.
The mission of the Florence Project is to provide free legal and social services to detained adults and unaccompanied children facing immigration removal proceedings in Arizona.

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