

## The University of Houston's Law School Clinical Program

### A Lesson in Helping the Less Fortunate

**H**OUSTON IS THE FOURTH largest city in the United States and a vibrant, multicultural metropolis that is home to 83 consulates and the port of Houston—which is the number one port in the United States in foreign tonnage. Houston also is the arrival point for 6.4 million international passengers annually and over 90 languages are spoken throughout the area. In addition, Houston houses three law schools, including the University of Houston School of Law, which is the most ethnically diverse research university in the nation.

Like many universities, U of H now offers an immigration clinic to its law students as an exciting opportunity to gain hands-on practical experience handling all aspects of immigration cases—from interviewing, to filing motions, to conducting hearings. While the clinic specializes in handling applications for political asylum, it also assists victims of domestic violence and trafficking, as well as individuals seeking lawful permanent residence and citizenship. What is unique about U of H's clinic is its embrace of the community and the dynamics it faces in a state where many noncitizens are detained with little access to legal services.

In early 1999, the city of Houston had very few legal-aid resources dedicated to immigration matters, namely, two staff attorneys—one with Catholic Charities and the other located at the YMCA. Recognizing the need for additional services, Ellen Marrus, head of the University of Houston's Law School Clinical Program, decided to establish an immigration clinic at the school. Wisely, she contacted a former immigration judge, Joseph A. Vail, to launch the clinic.

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Some clinics start by staking out a claim to a particular turf; however, Joe did not take that route. He instead reached out to Catholic Charities and the YMCA to offer his support to their programs. Together, the YMCA, Catholic Charities, and the U of H clinic formed a consortium that maximized the services each organization was able to provide. To this day, the consortium continues to work cooperatively to meet the needs of the Houston area's immigrant population. Each year, they equally divide the tasks of co-hosting asylum and VAWA trainings. Their joint efforts have resulted in the training of over 250 pro bono volunteers during the past five years.

#### **Broader Clientele, Broader Challenges**

While the consortium remains intact, much has changed since the clinic opened in 1999, when the majority of the clinic's clients were from Mexico and Central America. Today, it is quite common for the clinic to provide services to a wide variety of nationalities.

This, of course, presents challenges because of the need for interpreters who speak uncommon dialects. While most immigration attorneys understand the challenges of working through interpreters, finding interpreters to work with a detained client presents special challenges. Houston's detention facilities require all individuals entering to meet with detainees to go through a rigorous four-hour screening, during which the volunteer must reveal detailed personal information. If the volunteer passes, he or she will then spend numerous hours at the detention facility working with the client.

The lack of access to translators at the detention facility prevents the detainees from being able to adequately protect themselves. The clinic works hard to fill the gap. Anne Chandler, an attorney with the clinic, tells of a recent episode in which she encountered five detained Eritrean stowaways. The men spoke no English. Through their gestures, Anne was able to determine that they feared return to Eritrea. Concerned the men would be removed to Eritrea without an opportunity to present their asylum claims, Anne handwrote notes requesting a credible fear interview for each of the men. She told the men to put the notes in their pockets in case the government moved to deport them without her knowledge. Anne informed the detention staff that the men wished to have credible fear interviews; then she taught the men to say in English that they were afraid to return home. Currently, each of the stowaways has passed his credible fear interview. Three of the men have been granted political asylum. Without the clinic, they would have been returned to face certain harm.

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### Changing Times

Since 1999, the parameters of detention have changed. When Joe opened the doors to U of H's clinic, adult detainees were held at the Houston Processing Center and various county jails scattered throughout the area. There were three detention centers for children. Together, these facilities held about 600 individuals daily—many of whom were Mexican nationals. Today, however, the government no longer uses county jails to detain noncitizens. Rather, it has expanded the Houston Processing Center to hold 900 detainees. The number of facilities for children has increased to five. Furthermore, the number of Mexican nationals detained has decreased due to the re-instatement of prior orders and the expanded use of expedited removal.

Currently, the majority of Mexican nationals are removed within three to six days, presenting little opportunity for them to see an attorney. The adults and children who remain in detention are often held for long periods as they await credible fear interviews, hearings, and appeals.

Fear, isolation, and hopelessness are compounded by lengthy periods of detention. For many detainees, the U of H clinic is their sole contact with the outside world. To meet the needs of the growing population of detained individuals, the U of H clinic has evolved to include a staff of four attorneys, with Joe as director. They are Anne Chandler, Thomas Perkinson, Diana Velardo, and Jennifer Moya. Secondly, the clinic has become much more proactive in the community. When it started, the clinic accepted case referrals from the YMCA and Catholic Charities due to lack of resources. Today, it

regularly travels to the detention facilities to meet with detained individuals. It also reaches out to the local bar and other organizations to garner the resources necessary to provide pro bono legal services above and beyond the volume of cases it already

handles. Examples of its work include:

- Actively working with the National Center for Refugee and Immigrant Children to assist in the development of training programs and to provide legal services to children in the Houston area.

## PRO BONO PROFILES

**P**ERHAPS IT WAS HER MOTHERLY instincts that drove Alice Glover toward immigrant children in need of help. When a 14-year-old Rwandan boy ended up at Haven House in Raleigh, North Carolina, his counselor new to call Alice for help. The boy had been hiding out in the Rwandan bush with other children after witnessing the slaughter of his entire family. He then traveled to Kenya and was eventually brought to the United States by Catholic Relief Charities to reunite with his extended family. When his U.S. relatives kicked him out, he ended up at Haven House, where his counselor sought Alice's help in acquiring legal immigration status for the boy. With no birth certificate or identification to rely on, Alice had to document the boy's age through a physician's medical exam and affidavits to demonstrate his eligibility for special immigrant juvenile status (SIJS). Today, her client lives in the United States as a permanent resident.



This is just one of many happy endings as a result of Alice's involvement in a case. As counsel to the Raleigh law firm of Allen & Pinnix, and an immigration law professor, Alice also maintains her own practice in Carrboro, North Carolina. Alice has spoken on SIJS filings at trainings for the National Center for Refugee and Immigrant Children and often assists local community groups on a pro bono basis with VAWA, SIJS filings, and asylum-based cases, so that she can serve as mentor to a new generation of immigration attorneys and enable immigrant children to make a home in the United States.

*Courtesy of Sarah Buffett. This is part of an initiative spearheaded by the AILA Pro Bono Committee to recognize individual pro bono efforts.*

- Continually serving as mentors to private law firms and other organizations providing pro bono legal services.
- Regularly visiting detention centers to meet with detainees, providing “know your rights” information, and screening cases. In addition, Joe has trained private attorneys to conduct “know your rights” sessions at the juvenile facilities in Houston.
- Conducting outreach to medical service providers in order to learn how to better meet the needs of the clinic’s clients and to enlist the services of medical personnel in documenting cases.

### About the Head of the Clinic

In 1980, Joe moved to Houston where he began his immigration law career working with Salvadoran refugees. He was struck by the very real claims his clients set forth in sad and detailed stories about missing relatives and the threats against them. Angered by the injustice of the U.S. government’s denial of more than 90 percent of the claims, Joe kept on fighting because of his belief in his clients and his faith in the system. Joe recounts the day the 1990 ABC<sup>1</sup> settlement on behalf of Salvadoran and Guatemalan asylum applicants was announced as one of the happiest days of his career. “It was like fighting a 10-year war, losing battle after battle and hanging on, but ultimately winning the war.” Due to Joe’s diligence, most of his clients were able to benefit from that settlement.

Joe served as an immigration judge with the U.S. Department of Justice after being in private practice for 11 years. In addition to his current position as director of U of H’s immigration clinic, Joe teaches several courses on immigration law. Joe is the recipient of the 1994 Pro Bono Attorney Award by the Texas state bar and the 2005 Elmer Fried Excellence in Teaching Award by the American Immigration Lawyers Association (AILA). He is a 1980 graduate of Widener Law School and is board-certified by the state bar of Texas in immigration and nationality law.

Joe also recently authored an AILA publication entitled *Essentials of Removal and Relief: Representing Individuals in Immigration Proceedings*.<sup>2</sup> This book represents Joe’s decades of experience working within the

immigration legal system—from representing before the immigration court an average of 125 clients a year for 11 years, to having presided over and ruled on close to 3,200 immigration cases in a four-year period while employed as an immigration judge.

### Experience Gained from the Clinic

The U of H’s clinic provides amazing services to the local community; what is sometimes forgotten is that it does so in a teaching environment. The clinic strives not only to provide excellent pro bono legal services to the clinic’s clients but also to develop the legal skills of law students. The clinic typically accepts 10 to 20 students per semester. Each student commits 240 hours a semester to the clinical program. In return, Joe and his staff guide the students as they work on a variety of real cases. The clinic’s attorneys meet with students weekly to strategize about the cases and to review applications, affidavits, and briefs. To prepare students for immigration court, Joe requires students to go through four-hour mock hearings in which he serves as immigration judge. During the hearings, he peppers students with questions, forcing them to develop legal arguments in support of their cases. Examples of the types of cases students work on in addition to asylum cases include the following:

- A young woman who had been trafficked against her will into the United States to work at a “cantina.” The clinic is working with the FBI and Department of Homeland Security to obtain relief for her.
- A young male from Haiti, who was repeatedly abused by police due to his life on the streets, has remained detained while his case has gone through the immigration court, the BIA, and the Fifth Circuit. Recently, the Office of Immigration Litigation (OIL) agreed to a remand from the Fifth Circuit. The clinic is pursuing special immigrant juvenile status for him as well as asylum.

Despite the sensitive nature of many of the cases and the tragic circumstances of the clients, students describe the clinic as an “intellectually and emotionally satisfying experience.” One student noted that while the class requires a lot of preparation, the experience of representing a client before a judge who continually interjected himself into the

hearing provided an enormous opportunity to develop legal skills. Another student noted the opportunity to develop empathy for clients. She observed that as she worked with an asylum client who had been detained and tortured for three years, she wanted to do everything she could for the client because she realized he would be killed if he were returned to his home country.

U of H Law School Dean Nancy B. Rapoport notes, “To be able to teach our students how to save people’s lives in this way is one of the most powerful demonstrations of why law schools—especially public law schools—exist.”

This author’s first interaction with Joe came when one of the National Center for Refugee and Immigrant Children’s first referrals was a Haitian child who had been transferred to Houston. The referral came in late on the Friday before Easter. The child had a hearing scheduled for the coming Monday. As we began our outreach to locate pro bono counsel for the child, we kept hearing, “Have you contacted Joe Vail? He’s great!” Desperate to help this child and also curious to meet someone so clearly admired by a broad range of attorneys, this author contacted Joe. Needless to say, he took the case and this author has been fortunate to continue to work with him on a number of pro bono matters.

The U of H clinic is making a difference in its community, the lives of its clients, and the students it is training to be tomorrow’s leaders. If you are interested in supporting its work, please contact Joe Vail at [jvail@central.uh.edu](mailto:jvail@central.uh.edu).

**Kathleen A. Moccio** serves as AILA’s director of Pro Bono Development. The author would like to thank Joe Vail for offering numerous hours of training and mentoring to volunteer attorneys and AILA members.

*Articles in ILT do not necessarily reflect the views of the American Immigration Lawyers Association.*

### Notes

<sup>1</sup> *American Baptist Churches v. Thornburgh*, 760 F. Supp. 796 (N.D. Cal. 1991).

<sup>2</sup> *Essentials of Removal and Relief: Representing Individuals in Immigration Proceedings*, newly released by AILA Publications. See [www.ailapubs.org](http://www.ailapubs.org) for order information and a table of contents. 