



UH IMMIGRATION CLINIC

Immigration Clinic *Director's Note*—

This past summer and fall 2010 have been exciting times for the clinic! I am happy to report we have been seeing the tangible results of the *Carachuri* decision in the form of more and more people who are being helped by the Court's decision and now are able to apply for cancellation of removal. In one recent case, we helped a detainee in Livingston, Texas by getting an administrative order of deportation rescinded because he was no longer considered an aggravated felon under *Carachuri*.

We also took on a case this semester involving the deportation of a U.S. citizen. A team of four students met with the client and worked on filing the administrative tort claim as a prerequisite to possible federal litigation. We also participated in several outreaches and projects, including working on naturalizations, serving on panels discussing the latest developments in immigration and criminal law, for example, *Padilla v. Kentucky*, addressing issues of mental health and competency in the immigration court system, and working with the ACLU on racial profiling.

I hope you enjoy reading about some of the great work the students have been doing in the immigration clinic!

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Geoffrey A. Hoffman**

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Summer Clinic Deportation Defense Team Aids Detained Juvenile

Joseph A. Vail Summer Fellow and Attorney **Sandra Collison** and **Professor Hoffman** represented an unaccompanied minor detained teenage boy who was aging out of eligibility of receiving a dependency order (a prerequisite for special immigrant juvenile status) due to his turning 18 in a few days. The client had been physically abused while in detention and also suffered from a psychological disorder. He was receiving treatment at the facility where he was currently housed, but was in danger of being ejected from the program once he turned 18. Attorney Collison filed a Suit Affecting Parent-Child Relationship and was able to have the order signed by the family court quickly. The same day Professor Hoffman filed the form I-360 and his SIJ status was approved within a few weeks. The client is now receiving psychological treatment, and eligible for permanent resident status, due to the quick action taken by the summer deportation defense team at the UH immigration clinic.

Clinic Student Wins Remand in the BIA



Andrea Boulares

Clinic II student **Andrea Boulares** (3L) and **Professor Geoffrey Hoffman** handled the appeal of an Immigration Judge's (IJ's) denial of non-LPR cancellation by a detained individual who was unrepresented. The Board of Immigration Appeals (BIA) decided to remand the case back to the IJ because the IJ did not develop the record to elicit sufficient information from the *pro se* respondent. The respondent testified that the wife had been convicted of child abuse. In the event that the child abuse related to the couple's children, then the respondent should have been advised he was eligible to apply for VAWA cancellation under INA § 240A(b)(2), and would not be subject to the more stringent requirements for non-LPR cancellation.

The important difference is that for "special rule" VAWA cancellation the IJ can consider the hardship to the respondent himself. INA § 240A(b)(2)(A)(v). Moreover, there is no requirement that he show exceptional and extremely unusual hardship. Finally, the IJ did not inform respondent of his claim for voluntary departure, either prehearing or at the conclusion of proceedings, again in violation of the regulation and the doctrine of apparent eligibility. These errors deprived him of his right to a full and fair hearing. This case was featured in the ImmigrationProf Blog, available at http://lawprofessors.typepad.com/immigration/current_affairs/.

Clinic Wins BIA Appeal for Transgender Detainee

An Immigration Clinic client was stabbed and his friend murdered in El Salvador based on the fact that they were effeminate gay males. Once in the U.S., she became a transgender female. The case before the Immigration Court was handled by students **Lisa Stewart**, **Ben Hamilton** and **Cheryl Lovelady**; the supervising attorney was **Professor Janet Beck**.

Although the client was not eligible for asylum, the Immigration Judge granted her withholding of removal which meant that she could stay and work in the U.S. The Government appealed the Immigration Judge's decision. Ms. Lovelady, under the supervision of Professor Beck filed a Response Brief and the Board of Immigration Appeals dismissed the Government's appeal. The client had been detained for over a year after having been picked up for a traffic violation.



Cheryl Lovelady

Clinic Students Represent Special Immigrant Juvenile and Win PR Status



Houda Jarrah

Clinic student **Houda Jarrah** (LLM) under the supervision of **Professor Geoffrey Hoffman** represented a 15 year old boy from El Salvador who was found by the family court to be abused and neglected by his father. After prior clinic students with Professor Hoffman obtained special immigrant juvenile status for the boy, **Student Houda Jarrah** represented him at the Immigration Court and he was granted his permanent residency.

The boy, now a permanent resident (PR), is attending high school, and hopes to become a policeman. The government did not appeal the grant.

Clinic Special Response Team Advises Mentally Ill Detainee

Clinic I students **Nathaniel Martinez** and **Andrea Penedo** drove up to the IAH Adult Detention facility, in Livingston, Texas, with **Professor Geoffrey Hoffman** to evaluate and advise a detainee who had been referred to the clinic exhibiting severe mental health problems. The client was confused and nervous and had obvious difficulties telling his story and recounting abuse by government forces in Guatemala. The detainee showed scars from cuts on his arm by a machete.

The students and Professor Hoffman immediately filed a Freedom of Information Act request and obtained his court records. The students then communicated with *pro bono* counsel for the client and provided their report, assessing the case and providing key facts about the detainees criminal and family history.



Nathaniel Martinez

CRIME VICTIM SUCCESS STORIES

U Visa Certification Granted for Clinic Client



Bruna Barros de Sousa Frota

LLM student **Bruna Barros de Sousa Frota** was able to obtain a U visa certification from the Harris County District Attorney's office under the supervision of **Professor Dalia Castillo Granados**. The client was assaulted during a domestic dispute with a former business partner.

After attempting to save her sister from being strangled by their business partner, our client suffered injuries to her face. Even though the crime occurred several years ago, this certification will allow our client to apply for the U visa. Great job by **Professor Granados** and **Bruna!**

U Visa Approved for Client Who Suffered from Domestic Violence

A clinic client ("Alma") is an eighteen-year-old woman from Mexico. She and her family came to the United States several years ago. Alma's father, an alcoholic, beat her severely one night after coming home intoxicated and mistaking her for her mother. The police were called and her father was prosecuted. After almost completing her U visa application, Alma disappeared and the case was put on hold at the Immigration Clinic.

Almost a year later, a local shelter contacted the Clinic about Alma. She had been rescued after months of being kidnapped by her boyfriend. The Clinic was able to finish her U visa application and she was approved. Because of her age, her mother and sister also benefitted and obtained relief. **Daniel Vargas**, **Dinah Chung**, and **Makiko Yamasaki** were students who worked on the U visa application under the supervision of former **Professor Diana Velardo**.



Makiko Yamasaki

U Visa Certification Obtained by Clinic in Case of Sexual Assault

An Immigration Clinic client, the mother of a 3-year old, came upon a man who was sexually assaulting her daughter. Clinic student **Veronica Garza** (2L), under the supervision of **Professor Janet Beck**, successfully won certification by the Harris County District Attorney's office based on the crime and the fact that the mother aided law enforcement in obtaining a criminal conviction against the perpetrator.

Next semester, the clinic will be applying for a U visa for the mother so that she may remain in the United States.



Veronica Garza

Deferred Action Granted under Violence Against Women's Act



A clinic client ("Ana"-name changed to protect identity) was a victim of domestic violence. When Ana was nineteen she met her future husband in her hometown. He was a Permanent Resident of the United States and would travel frequently to her country to visit. They dated for years until he eventually convinced her to come to the United States so that they could live together. They were married just a few months later.

After the marriage, the relationship turned abusive. He would make belittling comments daily, physically and sexually assaulted her, and controlled where she could go and who she could talk to. Eventually, the abuse became so severe, Ana

left her home. She found shelter and counseling and became a client of the Immigration Clinic. Ana now has deferred action under the Violence Against Women's Act and will soon become a Permanent Resident. The student who filed her VAWA application was **Benjamin Hamilton** under the supervision of former **Professor Diana Velardo**. In fall 2010 semester student **Cheryl Lovelady** filed her employment authorization application under the supervision of **Professor Dalia Castillo Granados**.

U Visa Approved for Woman Victimized by Now Deported Husband

A clinic client ("Sara" – name changed to protect client privacy) was victimized by her husband for over 15 years. The physical violence she endured throughout this time included punching, pushing, hitting, and an attempted strangulation. She also endured threats to her life, her husband stealing the family's money for alcohol, threats to take away her children, blaming her for a miscarriage, controlling her actions, isolating her from family and friends, and calling her insulting and degrading names.

The police were called on three separate occasions to her home for assaulting her. She lived in a state of fear until he was removed from the United States for these crimes. After

applying for the U visa, Sara has obtained this relief and can now provide for her family. The student who worked on this case was **Heather Hunt** under the supervision of former **Professor Diana Velardo**.



Asylum Granted by Immigration Judge based on Family Abuse

A woman and her two children who had been the victims of horrible abuse by a man who tracked them down every time they tried to escape, were granted asylum by the Immigration Judge based on the representation by students **Whitney Larkin, James Suerken, Karina Gonzalez, Liza Evans** and **Nicole Eilan** under the supervision of **Professor Janet Beck** and former **Clinic Professor Anne Chandler**.

The son was born deaf in one ear because of the physical abuse his mother endured while she was pregnant. The abuse against the woman had gone on for 20 years. Finally, the woman and her children found refuge in the U.S. after the man, holding a gun in his hand, threatened to kill them. The Immigration Judge granted all three asylum.



U Visa Approved For Client Who Suffered Domestic Violence



A clinic client (“Lisa”-name changed) was married and had two children in Mexico. After her divorce, she gained custody of her two daughters but her ex-husband kidnapped them and to this day has been unable to find them. After divorcing, Lisa began dating a man who convinced her to travel to the United States to work and save money in order to find her children.

Lisa’s partner began to grow abusive towards her and one day even raped her. After an especially violent incident, Lisa called the police who arrested her partner and she was able to gain a protective order. Lisa was granted a U visa and continues her search for her daughters. The student who worked on this case was **Magda Gonzalez** under the supervision of former **Professor Diana Velardo**.

FALL 2010 IMMIGRATION CLINIC PICTURE (SHOWN ON PAGE 1)

(Front row from left) Director Geoffrey Hoffman, Professor Janet Beck, Charles Walters, Felicia Coffman, Cheryl Lovelady, Angelina Emerson, Professor Daliah Castillo-Granados, Nathaniel Martinez

(Back row from left) Benjamin Hamilton, Leesa Everitt, Andrea Penedo, Catharine Yen, Bruna Barros de Sousa F., Veronica Garza

(Not Pictured) Andrea Boulares