

# Perspectives

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# FAR AND AWAY

*Pleasures and Pitfalls of Practice Abroad*

## A PIONEERING COLLABORATION: THE CENTER FOR NEW AMERICANS



Left to right: Prof. Nancy Cook; Prof. Steve Meili; Kate Evans, teaching fellow; Prof. Ben Casper ('97); Meghan Heesch, teaching fellow; Kjerstin Sanden, administrative coordinator; and Prof. Linus Chan

**MINNESOTA IS HOME TO NEARLY** 400,000 foreign-born residents, many of whom have fled their home countries because of war, persecution, and human rights abuses. These refugees and asylees often are in dire need of expert assistance to navigate the U.S. legal system, yet most lack the resources to pay for counsel—and only a few have the funds to pursue a complex immigration appeal. Similarly, on any given day, 300 noncitizens in Minnesota are being held in detention. Unable to work, most cannot afford to hire a lawyer to defend their rights.

Now, with the generous support of the Robina Foundation, the University of Minnesota Law School is joining with leading area law firms and nonprofit organizations to address the enormous gaps in legal services for noncitizens through the establishment of the Center for New Americans. The Center—the first of its kind in the country—will expand urgently needed legal services for diverse immigrant communities, pursue litigation to improve the nation's immigration laws, educate noncitizens about their rights, and train lawyers to provide high quality pro bono legal services in collaboration with the Center's three clinics. In myriad ways, the Center also will

provide unique real-world learning experiences for law students.

"While Minnesota has a deserved reputation for outstanding legal services in the immigration field, the needs continue to grow and far outstrip available pro bono resources," says Clinical Professor Benjamin Casper ('97), who has been named director of the Center for New Americans. "By combining our community's resources and expertise, we can significantly expand both the availability and impact of pro bono representation. This partnership is a smart way to leverage the experience of law firms and the expertise of faculty and immigration counsel at nonprofits. Through strategic litigation and non-adversarial policy engagement, we can have a major impact, especially as the debate over immigration reform continues in the U.S. Congress."

The Center was designed in formal partnership with the pro bono programs of three of Minnesota's preeminent law firms—Faegre Baker Daniels; Robins, Kaplan, Miller & Ciresi; and Dorsey & Whitney—and the state's leading immigration nonprofits—the Immigrant Law Center of Minnesota, the Advocates for Human Rights, and Mid-Minnesota Legal Aid.

"The Robina Foundation's focus is on projects that are transformative," says Kathleen Blatz ('84), retired Minnesota Supreme Court chief justice and chair of the Robina Foundation board. "This new center has the potential to be transformative in so many ways—through clinics that will broaden opportunities for students to work on real-world problems, the connections with the legal community, the outreach component, and of course the fact that this is a cutting-edge area where the Center can help refine and advance law."

Sally Silk, a commercial litigator at Robins, Kaplan, Miller & Ciresi and director of its pro bono immigration practice, believes that the Center is on track to become a national model for providing comprehensive legal services to immigrant communities. "Minnesota has a long history of supporting progressive causes, and the new Center exemplifies this tradition with its unique collaborative structure, purposeful national litigation strategy, and inspiring goal to increase student learning opportunities."

Dianne C. Heins ('97), director and pro bono counsel at Faegre Baker Daniels, says the Center is filling two significant needs: "Through our work together, we can provide meaningful representation of detained people who are in a very coercive environment. In addition, we can seek federal jurisprudence by going beyond the individual case to make policy."

### Comprehensive Clinics and a Commitment to Education and Outreach

The Center offers three new integrated clinics. The Federal Immigration Litigation Clinic seeks to improve immigration law through

collaborative impact litigation in the federal courts. Students work with law firm lawyers and immigration experts in important cases before the Board of Immigration Appeals and the U.S. District Courts, Appeals Courts, and Supreme Court. Students also engage in non-adversarial policy advocacy outside the courtroom that furthers the Center's litigation priorities.

The Detainee Rights Clinic defends the rights of indigent noncitizens incarcerated by the Department of Homeland Security. Students build crucial legal skills by representing clients at all stages of their cases, from intake to fast-paced administrative hearings before immigration judges to appeals when necessary.

The Immigration and Human Rights Clinic represents asylum seekers fleeing persecution. Students interview and counsel clients, research conditions in the countries from which their clients have fled, draft briefs in defense of their clients' claims, and present claims to the Department of Homeland Security, the Immigration Court, and the Board of Immigration Appeals.

Work on several major cases is already underway at the Center. A team from Robins, Kaplan, Miller & Ciresi, working with the Advocates for Human Rights and students in the Law School's Federal Immigration Litigation Clinic, has filed a cert petition with the U.S. Supreme Court regarding a West African man who was tortured in his home country. The man missed the one-year deadline to file for asylum by just 33 days. Casper says the Center's goals are to gain Supreme Court intervention in the case while seeking a legislative fix to the onerous time limit on asylum applications.

Silk says, "RKM&C has a long track record of high-stakes litigation at all levels, from Immigration Court all the way up to the U.S. Supreme Court. We can bring that experience to a case that has the potential to improve immigration law through impact litigation, one of the Center's

**"Many people plead guilty to crimes without realizing the full extent of the immigration consequences. We are in the early stages of creating a program that will connect our law firm partners with clients whose best option may be to go back to criminal courts to revisit their old convictions." —Linus Chan, professor of the Detainee Rights Clinic**

primary objectives."

Students in the Immigration and Human Rights Clinic Center have taken on the case of an East African immigrant whom the Department of Homeland Security has sought to strip of resident status due to theft convictions. Clinical students are representing him in applications for asylum based on long-term ties to the U.S. and the high probability he will face persecution if deported to his unstable home country.

Faegre Baker Daniels attorneys have worked with the Center on two appellate cases, one seeking to overturn a widely criticized immigration ruling that imposed unfair new procedures in deportation cases and the other on a case concerning the proper interpretation of when an immigrant can be deported for a controlled substance offense.

Casper points to this work as a prime example of what a law firm can offer—and be given in return. "Faegre brought unique insight and expertise to the table, including a young partner who clerked for Supreme Court Justice Antonin Scalia. This was really valuable," says Casper. In return, Heins notes, those involved have been equally rewarded: "Our lawyers have learned so much and have really loved working on these cases."

### Planning New Initiatives

Two unique initiatives are underway to further involve law firms in the Center's work. If approved by the Immigration Court, summer associates at law firms, under the guidance of Linus Chan, professor of the Detainee Rights Clinic, will represent immigrant detainees in hearings to get bond. "Being released from

detention can have a huge impact not only on one's legal case, but also on personal and family well-being," says Chan. He notes that summer associates in turn will learn valuable skills related to investigation, client interviewing, and oral arguments.

The second project will focus on helping certain clients seek post-conviction relief. "Many people plead guilty to crimes without realizing the full extent of the immigration consequences," says Chan. "We are in the early stages of creating a program that will connect our law firm partners with clients whose best option may be to go back to criminal courts to revisit their old convictions."

The Center's Education and Outreach Program is hosting roundtables and conferences on relevant and timely topics, as well as building alliances with departments and programs throughout the University and with organizations such as the Greater Minneapolis Council of Churches, Tubman Center, Minneapolis Public Schools Adult Education, and Parents in Community Action.

### "It Can Be Done"

While the need may seem overwhelming, Casper believes that the combined resources of the Center can help successfully address the significant gaps in legal services for noncitizens. "The scale of our community works beautifully for this kind of strategic partnership. We can drive transformative change here that will impact the U.S. immigration system and improve the lives of countless new Americans." ■

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By Kathy Graves, a writer based in Minneapolis