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INTS 4937
May 9th, 2003

University of Denver Human Rights Advocacy Center's Refugee and Asylum Project

Introduction

In this brief, I will provide both information about, and an evaluation of, the University of Denver Human Rights Advocacy Center's *Refugee and Asylum Project*. In the first section of the brief I give a short history of the project, as well as describing the services they offer to refugees in the Denver area. In the second section, I discuss and analyze the goals of the project, as well as discussing whether these goals have been, or are being, met. In my final section, I highlight some of the key accomplishments of the Refugee and Asylum Project. As I hope to show, though a lack of funding greatly constrains the program's directors and participants, the project has been the source of great help to a wide range of needy people in the Denver and surrounding areas.

In answering whether the program goals have been met, as well as in sharing some of the key accomplishments of the Refugee and Asylum Project, I use two primary sources. First, and most importantly, I use the information and opinions gathered through my interview with the project's director, attorney Sharon Healey. I also use my own experiences of working at the clinic to support the information and ideas shared by Sharon. And, as one of the more specific examples of a key accomplishment of the project, I will briefly discuss my own experience representing a refugee client. Other information has also been used, primarily information provided through the Human Rights Advocacy Center web-site.

This brief does have a broader purpose: that is, through this brief, I hope to draw attention to the great amount of funding the Refugee and Asylum Project needs in order to continue its services to an under-represented and often indigent population in Denver and its surrounding areas. As noted on the Center's web-site, "there are an average of 400 asylum seekers per year in the Denver metropolitan area, the vast majority of whom lack professional assistance in maneuvering through the complex legal process established for requesting asylum from the U.S. Immigration and Naturalization Service." (See Human Rights Advocacy Center web-site at http://www.du.edu/intl/humanrights/ihrac_programs.html).

Background

History

The Asylum and Refugee project was started in the Winter of 2000 under the direction of Rob Shikiar, an attorney trained in immigration and asylum law. Initially the project had a modest program—in the first year, for example, the project only took 6 cases, as much of the managing attorney's time was focused on fundraising. All six cases were asylum cases. Rob Shikiar left the clinic in December 2001 in order to take a job with Migrant Legal Services. Sharon Healey, who originally offered her services to the clinic as a volunteer, began directorship in February

2002.¹ When Sharon began her directorship, the Refugee and Asylum Project had no clients left, as all six clients from the previous year had already been represented. However, since February 2002, Sharon has built the program up to a pool of approximately 20 ongoing cases.

Mission Purpose

The Asylum and Refugee Project at the University of Denver is an offshoot project of the Human Rights Advocacy Center, a legal clinic which engages law and graduate students in promoting and protecting human rights and humanitarian law internationally. (For information on the Human Rights Advocacy Center please see their web-site). This offshoot is basically a clinical program where DU students from the law school and the Graduate School of International Studies help with client cases by researching, preparing briefs, and taking part in Merits hearings for indigent (mostly) refugee clients.

Funding

The problem the clinic directors have had in achieving both their primary and secondary goals therefore, has to do with the clinic's poor financial situation. As noted, the clinic is simply under-funded. Its directors have been unsuccessful in receiving grants, with two exceptions, and therefore have been unable to expand the program as much as they had hoped. Sharon, the Refugee and Asylum Project director, is only able to work 20 hours a week because of the lack of funds to pay for a full time project director. This inability to work more does not allow time for Sharon to take on the increasing student demand for work at the clinic because she simply would have no time to mentor all of them. Sharon explained to me in our interview that, though the project director position has always been part time (20 hours a week), compared to the caseload of 6 asylum cases in the past, the clinic's caseload has more than quadrupled in the past year. The number of student workers has grown also. Still, the quadrupling of caseloads and the increasing number of students needing an attorney mentor has not resulted in concomitant budgetary increases.

Perhaps an even more troubling result of the clinic's precarious financial situation is its inability to take on every person who has walked through the doors seeking representation. Sharon has, at certain times, had to turn down clients due to her case overload—something she says she should never have to do. Sharon pointed out that the clinic does not even actively advertise its services. Rather, it operates mostly on a referral basis, because—again—its directors simply do not have the resources to help more people.

Still, aside from a lack of funding limiting the clinic's resources, it appears that Sharon Healey and her students are, at a minimum, achieving their goal of providing the best services possible to their already existing clients. Sharon has noted that the biggest accomplishment in a program such as this one is winning a case. And, the clinic has done so, over and over again. The clinic has had three asylum cases granted at the asylum officer hearing level. Five clients have had their merits hearing so far: 2 won, 2 lost and one is on appeal. Another 12 cases have merits hearings scheduled between now and January of next year. The remainder of the cases are in

¹ Sharon has been a practicing attorney since 1988 and serves as council to the project's clients, as well as mentoring students working on client cases, and teaching various classes at DU's Graduate School of International Studies.

other various stages of application. Because on average only 30% of asylum cases are approved in Denver, Sharon is happy to report that the clinic is doing slightly better than average. From my own experiences, all the participants of this program are genuinely eager to help their refugee clients to the best of their resources and abilities. Unfortunately, the other clinic goals of expanding will likely have to wait until there is more funding.

Program Overview

Goals

As noted previously, there are approximately 400 asylum seekers that enter the Denver Metro area each year. And, there are an estimated 4000 asylum seekers who reside in Denver today. In contrast, there are very few organizations that provide free legal services to these, often poor, people. Legal representation is necessary, however, because with such representation, these people are more likely to have their applications approved. Therefore, the principal goal of the Refugee and Asylum Project is to provide asylum related services to clients in Denver and its surrounding areas. The project's specific goals, as articulated by Sharon Healey, are as follows:

- To offer the clinic's existing clients the best possible legal and asylum related representation
- To expand the project to take on a larger number of clients
- To expand the project to involve more students, especially law students, in the clinic
- To expand the program to include corresponding classes at DU, such as International Refugee Law, or International Humanitarian Law
- To forge stronger ties with the existing network of refugee service providers in the Denver area
- To expand the project in order to represent women's cases that fit under the Violence Against Women Act

Of the estimated 4000 refugee asylum seekers in the Denver area, the clinic has only been able to represent about 40. This number may appear small, however, it is important to note that the program also only operates on a shoe-string budget. This basically means that they have received a few small grants for the clinic from Human Rights organizations, as well as receiving some financial assistance from the University of Denver. The clinic, in other words, does not have very much money.

Projects

Approximately one-third of the total number of clients served through the project are from the country of Mauritania, in Africa. Other clients come from the Ivory Coast, Democratic Republic of Congo, Sudan, Sierra Leone, Kenya, Mexico, and Brazil. Almost all of these clients are refugees seeking asylum because of a fear of persecution should they return to their home countries. This means that the majority of the clinic's clients have been the victims of torture and/or rape; many have witnessed their family members and friends murdered in front of them; and many have also had family members disappeared. The clinic's clients have been branded,

they have been beaten and jailed for either their political beliefs, their race, or their sexual orientation, and many have been forcefully removed from their lands and their homes—left homeless and unable to support themselves and their families.

Individual Projects

Though the majority of the legal work that is done through the project is research, brief writing and in-court representation, the clinic also offers help on ancillary immigration matters. This includes helping clients to get work authorizations based on their asylum applications; working on cancellation of removal cases; and writing appeals for denial of citizenship cases. The clinic has also represented one client, a woman from Mexico, with her immigration appeal under the Violence Against Women Act. Though not yet a fully realized goal, Sharon does hope that the clinic will take on more such cases in the future, which fit under the Violence Against Women Act. Most of these ancillary matters are taken care of by the clinic's attorney director—again, Sharon Healey.

As Sharon noted, each case is different and interesting, and involves more than just brief writing. Every case dealt with by Sharon has required creative maneuvering in one way or another. For example, as Sharon described it, she had to “jump through hoops” to facilitate the marriage of two already-married Rwandan clients who did not have documentation or certification of their marriage in Rwanda. Such creative maneuvering was necessary because the INS requires marriage and birth documentation for family asylum applications. Therefore, before Sharon could even file their application with the INS, the husband and wife had to find a way to “prove” their marriage. Sharon decided that the only way this could be done was by having the couple get married again in the United States prior to submitting their INS applications. However, even that was not so easy, as these clients had lost *all* their papers during the war in Rwanda. That means that they had not only no proof of marriage, but they also lacked any proof that they even existed—they lacked birth certificates, baptismal certificates, and any other kind of documentation which would help facilitate their marriage in a court of law. As a result, no judge in the city or county would marry the two.

Sharon eventually had to have affidavits signed by witnesses saying that they knew her clients, and that they were who they said they were. And, eventually, a judge did (begrudgingly) marry them, and they were then able to file their asylum applications with the INS. But the process was long, stressful, and required an enormous amount of optimism, patience, and creativity. I would note that in the same case, the couple had to resort to genetic testing before the INS would allow them to add their son to their family application. Such is an example of the extra, non-legal, “baggage” that Sharon has dealt with when representing asylum seekers.

Though the above example is only one of many offered me during my interview, I would note in a more general sense that many or *all* of the project's participants end up helping the refugees in more ways than simply offering legal services to them. Sharon and her students have worked with clients to try to get their children enrolled in school. They have taken food and clothing donations to indigent clients and their families. They have tried to arrange work for their clients (as was my own personal experience). And, they have driven many of these clients around town to the bank, to get money orders, to get their finger prints taken, or simply to get them back

home. As Sharon noted during my interview with her, every client has Sharon's home phone number—and they call it frequently.

Key Accomplishments

When I asked Sharon what some of the other key accomplishments of the clinic have been aside from winning cases, she noted two others in particular: first, Sharon finds that many students have walked away from their experiences with valuable researching, writing, and interviewing skills. Secondly, she also noted that students can walk away from this experience with a writing sample (something I myself have done), which for law students is vital for future job opportunities. In other words, Sharon emphasized how valuable this clinic has been for both refugees and students alike. It has tried to fill a void in services to indigent refugee clients while instilling students with a number of practical skills they can take with them in the future.

In order to emphasize these two key accomplishments, I would like to briefly share my own experience at the clinic representing an indigent client from Mauritania. I began my internship with the clinic having just completed my first year of law school. Neither my study abroad nor my internship the summer before had really given me the kind of practical legal experience every law student is expected to gain the summer after his or her first year of law school. Therefore, I was quite thrilled to learn that, as a part of my internship, I would be expected to carry a single client through to his merits hearing at the immigration court. This meant that I interviewed him together with my mentor, I researched his case, I wrote his brief (and in that brief I made a number of legal arguments for him), I prepped him for his merits hearing together with my mentor, I prepared a set of direct examination questions to ask him, and eventually, I was able to conduct his direct examination at court with my mentor, Sharon, standing by.

When I was first given such a large responsibility, I was terrified. Aside from my legal writing class, I had never really written a brief before. Indeed, I had not even really researched a case before. But Sharon was great. She helped me through the initial research bumps, she referred me to sources, she met with me occasionally to see how things were progressing. But, most importantly, she made me understand that this was *my* case, and overwhelmingly my responsibility. Though this may seem like a lot of responsibility to give someone who has never done this before, I really appreciated her faith and trust in my abilities. By making this my case and my client, I took his well-being very personally. This was only enhanced after meeting this man and hearing his story.

This man, a simple cattle rancher from the fertile Senegal River valley region had been tortured, branded and ultimately displaced from his lands—lands which were vital for his and his family's survival. He and his wife were forced into a makeshift refugee camp across the river from Mauritania in Senegal. His parents died from either shock or starvation, as they had been too old to travel to the camp with their daughter-in-law and grandchildren. My client was thrown in jail, he was beaten, branded and then sent down to the river to cross into Senegal, the soldiers who captured telling him that if he ever returned, they would know him by his branding marks, and would kill him. All this happened to him, as he perceived it, simply because of the color of his skin.

My client also has a very large family whom he has left in the refugee camp in Senegal. They do not have enough to eat; and, during his second interview with me and my mentor, he informed us that he had just found out that his youngest child had died of disease and malnutrition. Because of the responsibilities placed on me with this case, I got to know this man and his story, and as a result spent an enormous amount of time making an effective and persuasive legal argument for him. Though we had our ups and downs with his case, just this April we won him asylum in this country. I agree that this is the most rewarding aspect of my work. However, there have been other rewards: getting to know this man and his story was but one.

Another reward was learning my limits. Like other student participants in the program, I ended up doing more than just legal work for this man. I drove him places he needed to go. And, I tried to find him a job. Trying to find him a job, however, was where I reached my limits. My client is functionally illiterate in his own language, he is nearing fifty, and he speaks not a single word of English. Though he had been in the United States for a year and a half, he had only found work one time, for two weeks, as a dishwasher in a restaurant. His lifestyle in Mauritania has ill-prepared him for both skilled, and in many ways, unskilled labor in this country. However, I had told this man's story to my sister and her husband—a man from Ghana. My brother-in-law then told this man's story to another Ghanaian who owns a cleaning business. This man, without first meeting my client, said that he could give my client a job and could even have him live with his family while paying only a small rent.

Thrilled, I set up a meeting between my client and this man with the cleaning business. It was disaster from the outset. Our client had someone drive him down from Silverthorne, together with another Mauritanian man who spoke a little English. The Ghanaian man, who said he spoke a little bit of my client's native language, drove to the office from Aurora. He too speaks limited English. We had the meeting, I had my client and my brother-in-law's friend exchange numbers, we discussed the job—but from the very beginning I knew that it would not work out. Though initially the man had said my client could live with him, as soon as he saw how old my client was, he said that living with him was off limits. He then said that maybe he could give my client a ride from Denver to the job, if my client had people he could stay with in Denver. They exchanged numbers. The Ghanaian man never called my client. My client called me. I called my sister. Her husband called his friend. His friend called my client and set up a meeting—his friend never showed up to the meeting while my client waited and waited for him. My client (or rather, his interpreter) called me and asked me why the man had not shown up. I called my sister, she told her husband. I was upset. My sister was upset. The Ghanaian said he would call my client—that he had been in a car wreck. He never called my client back. My sister's husband said that it was probably because my client was too old. My client called me again. he did not understand why the Ghanaian man had never called him. Again, I was very upset—and of course worried because I knew the situation of his wife and children at home.

Eventually, I had to give up. I had to realize my limits. I am not cut out for finding someone a job. I suppose I could refer him to another refugee agency that could better help him find work. But, unfortunately, I did not know of any of these agencies. I felt terrible. And I felt like I had let my client down. Plus, I had committed all this extra time and effort for something that did not even work out in the end. I learned my lesson. A legal clinic with very little resources has

its limits. One of them is a lack of time to involve itself in the network of refugee service providers in the area that can help people like my client in other ways.

My key accomplishment really was learning about refugee and asylum law—and winning a case as a result. I did gain valuable real world experience by doing the work real lawyers do. However, those key accomplishments tend to be overshadowed by my inability to access resources to help my client in other ways.

Policy Recommendations

A goal which really does need to be realized by the clinical staff is expanding itself into the network of refugee service providers. When I addressed this with Sharon, she agreed. However, she again pointed out the time and budgetary constraints. Due to the amount of time spent in court, as well as the time spent with students and clients outside of court, she simply has not had time to achieve this goal either. Sharon does have a list of service provider names and numbers that she gives some of the clients, but she does not feel that the clinic has become part of this network of service providers. Therefore, in evaluating the clinic, what do I feel the clinic needs to better achieve its goals? Quite obviously: time and money.