



Episode 8: Seeking Asylum in 2019. Part 2

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Part 2 of our conversation with Professor Anna Welch and 3L Emily Arvizu focuses on how the current state of immigration in the United States impacts all Americans. We wrap up with a discussion about the education of and demand for immigration lawyers, with a particular focus on the work being done by the [University of Maine School of Law's Refugee and Human Rights Clinic](#) to guide noncitizens through the immigration and asylum seeking processes.

[Anna R. Welch](#) is the Sam L. Cohen Refugee and Human Rights Clinical Professor at the University of Maine School of Law. She oversees Maine Law's [Refugee and Human Rights Clinic](#), teaches the Immigration Law seminar and serves as a supervising attorney and advisor to students who are interested in immigration law and human rights. Professor Welch previously served as a fellow at Stanford Law School, where she taught and supervised students within Stanford's Immigrants' Rights Clinic. A Maine native, Professor Welch graduated from the University of Colorado at Boulder and the Washington College of Law at American University. She was a Fulbright Scholar in Peru, an attorney at Verrill Dana in Portland, where she was head of the firm's Immigration and Global Migration Group, a volunteer lawyer for the non-profit [Immigrant Legal Advocacy Project](#) (ILAP) in Portland and she also spent time in Nairobi, Kenya, where she served as a refugee protection officer.

Emily Arvizu is a third year law student at Maine Law. Prior to coming to law school, she went to Boston College where she studied Education and Latin American Studies. After graduating, she moved to Chicago where she lived for ten years. In Chicago, she was the director of a family literacy non-profit for immigrant families. After having gone through an immigration process for a family member, she applied to law school. During her time at

Maine Law, she has been a student attorney in the Refugee and Human Rights Clinic as well as a research assistant for the criminal law professor. She has interviewed women in a detention center in Laredo, Texas, worked as a summer intern in immigration policy in Chicago, and aided in crafting legislation to benefit special immigrant juveniles in Maine. That legislation is now law. At Maine Law, she is the co-chair of the Multicultural Law Society, a member of the Diversity Committee, and a member of Maine Law Review.

This transcript has been lightly edited for clarity.

The Greater Good: Episode 8

Carrie:

Welcome to the Greater Good: a podcast devoted to exploring complex and emerging issues in law, business and policy. I'm your host Carrie Wilshusen, Associate Dean for Admissions at the University of Maine School of Law.

Carrie:

Today we continue our conversation with Professor Anna Welch and Emily Arvizu. It is my great pleasure to be speaking today with Professor Anna Welch and Emily Arvizu, a third year law student at Maine Law. So we ended our last segment with some very difficult stories of what's actually happening in some of the detention facilities. We're far away from a lot of them that were not near the Mexican border. We live in Maine. Why should people in Maine worry about this issue?

Anna:

Well, I think most importantly, it's the biggest humanitarian crisis, in my mind, of our time. Certainly Mainers are being caught up in the immigrant detention system. So we were just in Strafford a couple of weeks ago and there were three individuals from Maine with whom we met, people who are long term residents of this state who had been important contributors to our community who were being held in Strafford. So it certainly impacts Maine directly in terms of who's being held. But again, this is a humanitarian crisis, I think especially what's happening within immigrant detention. But now the rollout of the Remain in Mexico policy, this is literally sending many people back to their deaths. These are not just adult men and women. Many of the individuals we're working with who have been sent out of Laredo back to Mexico are families and people with children. Many again have already been kidnapped and extorted and we're very worried in terms of helping them try

to get back to their immigration court proceedings. We're very worried that some of them just won't make it. And the concern of people being murdered on our watch.

Emily:

I think in addition to that, it's also a major separation of powers and rule of law issue, right? So we know that the executive branch on its own can't make major changes to the law, and yet you have these policies that are being rolled out continuously and they're making significant changes through re-interpretations of existing law. So despite not going through Congress and not making any official legal changes of the law, they're making changes that have deep, deep impacts on people's day to day lives. So I think that if you are concerned about separation of powers, if you're concerned about the rule of law, then it's so important to keep an eye on what's happening and how these seemingly small changes in policy lead to major, major impacts on immigrant communities and families.

Carrie:

So it's empowering the individual to have the information and be able to work with their legislators around what is the right choice for the United States around these issues. More of an informed choice –

Anna:

And getting involved. When we're in Strafford, there are a number of individuals, whether they're lawyers or not, who offer support to immigrants who are being held in that facility. Similarly at the Southern border, there's a number of organizations who are actively involved in trying to improve the conditions and trying to advocate on behalf of these individuals.

Carrie:

So there's a lot of opportunity to learn more about this and become involved.

Anna:

Absolutely.

Carrie:

So the Refugee and Human Rights Clinic at Maine Law. So you chose detention as one of the things you work with your students on. Why did you choose that as one of the opportunities for your students?

Anna:

Yeah, so this is relatively new for us. I'd say as of about two years ago, we got involved more with immigrant detention, although actually I would say back in 2014 is when we

really got involved. So in 2014, 2015 I had two students. This was back when Obama was detaining families. So Artesia, New Mexico, Dilley, Texas. The idea was to, again, as a deterrent, detain families together. And so I sent two students from my program to Artesia, New Mexico where a large number of immigrant families who were being held. They did Kickstarter campaigns and saved money and went there. And they found it to be incredibly difficult work, but also just so rewarding. We were the first team from Maine to go into these detention centers and advocate for these families. So that certainly spawned my interest. There's a lack of, there's just not enough lawyers or advocates who are able to assist these individuals. As a law school clinic, I have a number of students – between six to nine this semester – who are very interested in seeing what's happening on the ground and advocating for immigrants where they can. So two years ago we expanded our detention work to down in Laredo where again, my students go for week-long increments, three [weeks] or even longer. This summer we started learning more about immigrants who are being held right in our own backyard, in Strafford, and wanting to see what we could do for them. So we started this weekly project where we're going every Friday and interviewing immigrants. And ideally this semester we'll take on some as our own clients and help get them seek bond from an immigration court in Boston.

Carrie:

And you do other programs at the clinic as well?

Anna:

So I actually launched the clinic in 2012. I launched with the thought of students doing about 80% of their work. So they do 20 hours a week with me in the clinic. They get credit, academic credit, six credits a semester, which equates to about 20 hours of work. We are essentially a small nonprofit. I as the director of the clinic supervise between six to eight or nine students and they're doing 20 hours a week with me. When I launched, it was primarily asylum cases and 20% of their time in the program was doing direct outreach. So we created with the Immigrant Legal Advocacy Project, the first ever Maine pro se asylum manual, which is sort of a how to guide if you don't have a lawyer to apply for asylum. We created the first comprehensive immigration library at the Cumberland County jail. A number of smaller outreach projects. As the years have gone by, we've expanded to doing not just asylum, but a number of other humanitarian based immigration cases. So we represent a lot of children, children who are unaccompanied or have one parent.

Carrie:

You've worked with the [Maine Law] Juvenile Justice Clinical.

Anna:

Exactly. So we have helped a number of kids under what's called the special immigrant juvenile status, get secure status through that, which is for children who have been abandoned, abused, or neglected by one or both of their parents and it's in their best interest to remain in the United States. So we collaborate with the Juvenile Justice Clinic here at Maine Law representing those kids. We do some cases under the Violence Against Women Act. We do cases for individuals who are victims of crimes that have occurred here in the United States.

So we do a number of different direct representation matters where the students are directly representing a real client and they're learning. The goal there is just to learn these critical lawyering skills that students will need regardless of whether they go into immigration law or they go into real estate or corporate law. Right? My students need to know how to interview a client. They need to know how to counsel a client on complicated areas of the law. They need to know how to advocate in writing and orally for a client. So regardless of whether my students go on to become immigration lawyers, they're learning in my program. Just like in our other clinical programs, they're learning the general lawyering skills that all lawyers should have. Even whether or not they want to become lawyers per se, or they want to start their own businesses, et cetera. These are critical skills.

Detention has become a more recent focus, not only because I think it's important, given the changes in our policies, in terms of the increase in the number of individuals, children, women, et cetera. But those in immigrant detention fare far worse in terms of their ultimate outcome of their immigration case. Only 14% of those individuals who are detained have lawyers. Many of those who don't have lawyers really don't stand a chance in terms of advocating for themselves. And this is very complicated, right? The processes, it's incredibly complicated. I tell my students, I teach immigration law as well at the law school, that it's really akin to tax law. It's incredibly statutory, regulatory focused. The laws constantly changing. Our policies are changing. So just the sheer amount of work it takes to stay up to speed on the law. I can't remember who it was, but somebody said it's like trying death penalty cases in traffic court. And so the stakes are also incredibly high. So immigrant detention is becoming an important focus of our clinic and I think we're doing a

lot to help not only train students to continue this work upon graduation, but we're helping meet an acute need both here in Maine and New Hampshire and at the border.

Carrie:

Emily, you came to law school and immigration law was your motivator coming in. Can you talk about when you started at the clinic and what your work and projects have been there?

Emily:

I started in the clinic officially last fall, the fall of my second year in law school. Actually prior to that I went to Laredo. So I went to Laredo between my first year of law school and my second year of law school. That was an incredible experience as Anna mentioned, to be able to hit the ground running like that. I think in that one week in Laredo, we probably interviewed maybe about 20 women. So I went from never having interviewed a client to interviewing 20 in one week. So that experience of being able to really understand what was happening at the border and to hear from people firsthand and to see how do you get a really difficult story out of someone that you just met 10 minutes ago. How do you gain trust? How do you build rapport with clients? And so to have the chance to see how other attorneys work and what's their style, how do they question people, how do they build rapport? [That was] a really, really valuable experience for me heading into the clinic. So once I started the clinic in the fall, I already had a week's worth of very intense experience. So by the time I had my cases, I already felt relatively comfortable meeting a client. Here in the clinic, it's a much slower pace obviously than when you're working in Laredo. So I had a lot more time to build rapport with them. One case that I had last fall was a marriage-based case. I had been through a marriage based case personally for myself.

Carrie:

So explain what that is, a marriage based case?

Emily:

It's when one spouse who is a US citizen sponsors their immigrant spouse for a green card for legal, permanent resident, a permanent residency. So I had done that personally and worked with an immigration lawyer for that. So to be on the flip side of that was such a great experience because I got to see how do you start from nothing and build an entire case that is ready to submit to USCIS [U.S. Citizenship and Immigration Services]? What strategic decisions do you make along the way? How do you get the kind of evidence that you need? How do you get your client to trust you? How do you build what their case is ultimately going to look like, to be a persuasive case, to gain permanent residency? How do

you prepare them for an interview? So it's been wonderful to be able to do that and to have those real life experiences. I took Immigration Law, the class, as well. It's one thing to read cases and to read these fact patterns in a book. It is a totally different experience to have real life fact patterns in front of you, if you will. So, you know, because immigration law is so complex and because our clients are so complex, because they're human beings, every single case that I've worked on has presented a new set of facts and a new set of challenges where you really have to test how well do I know this and what don't I know because there's always something that we don't know. So really looking at what are the unique facts of this person's life? How does this fit into the elements of asylum? Or how does this fit into the requirements for a marriage based green card? And then moving from just gathering facts into actually presenting that to ultimately hopefully gain asylum or getting your visa.

Carrie:

So just a deeper level of learning than you did just studying the books.

Anna:

One of the leads on the ground called me, I guess it was about a year ago now where she's like Anna, I've got partners who don't realize that this is a law student and they think she's the partner from another one of our offices. They actually view my students [as partners] because [the students have] gone through extensive training in the clinic. The trainings include sort of asylum 101, but also interviewing and counseling, working with interpreters, working with trauma survivors. [There are certain] techniques that you need to employ when you're interviewing a trauma survivor. And they have lawyers who might be corporate lawyers who may have never met with or spoken with a trauma survivor, or an immigrant or worked with an interpreter. So they very much look to my students as almost mentors and they let them take the lead. So that's pretty fantastic for a law student to be almost teaching, in some respects, seasoned lawyers.

Carrie:

Okay. You're nodding your head, Emily. So tell me about your experience.

Emily:

In Laredo and also in Strafford, we always work in teams. So you have an interpreter and then you have a number of attorneys who are there. In all of my experience, I have always been treated as an equal. So I jump in whenever I have questions. A lot of times I've led the interview and been able to conference briefly with the other attorneys to give my opinion

on where to go next. So I've had really great experiences of really feeling like an equal part of a team.

Carrie:

What are you learning from this work, Emily?

Emily:

I think the biggest thing that I am taking away from that is just learning how to work as part of a team, but also how to interview people. I think through Laredo and Strafford, you learn how to build rapport and how to talk to people and how to get the information that you need to be able to make a valid assessment from there. In this kind of work, we're often the very first people that the women or the noncitizens have ever shared their story with. So we're the first person that they've ever told why they came to the U.S. and that's an incredibly profound experience and a humbling experience to be trusted with something so intimate and so personal so quickly. And so I think just learning how to sit with that and how to take all of that in and then also continue forward in a professional manner and finish the work that you come to do.

Carrie:

So Anna, you've been doing this work for eight years now almost, well, actually 10. So where do your students land?

Anna:

Oh, my students are amazing. They go all over the world really. Some have gone on to do refugee resettlement work abroad. Others have gone into the government. We've got some who've become refugee officers or asylum officers, others who have joined nonprofits. A more recent one is now in LA with a well known nonprofit. Another one is doing policy work in DC with a nonprofit, testifying before Congress, being interviewed by national media outlets. But many stay right here in Maine, many might go into private practice. Maybe they're not doing immigration law as their primary work, but they're taking it on pro bono. Maybe they are real estate lawyers full time, but they have developed the confidence in themselves as lawyers to be able to take on an asylum case before an immigration judge and know that they can do that. Some are in the government here in Maine as well, so they're really doing a lot of different work throughout the state.

Carrie:

I know that you help them find things over their summers to help figure out where they're going to land, if they want to have a more of a national kind of career.

Anna:

So I would say a big part of my job, there are many big parts of my job, but one of the most important ones for me is career counseling. So even beginning as early as before they've even come in their first year of law school, I meet with them and chat about what they want to do. And I have a network of people I know both in Maine and nationally and internationally I put them in touch with. So a large part of my job is [that] I want to make sure that my students have jobs upon graduation. And then I tell them that they're stuck with me for life because I stay in touch with so many of them even after graduation for years to come. So that's probably my favorite part, this community that continues to grow.

Carrie:

That's wonderful. So we're calling this podcast The Greater Good with the goal of sharing the work that's being done on behalf of our communities, local, national and global, and our ideas that many people are working diligently to protect or enrich their communities in ways that we don't generally think of as serving the greater good. Or in ways that some do not see as serving the greater good. Can you talk about your work in that context?

Anna:

I think for me it's just so clear that immigrants enrich our society, enrich our culture, whether on a local or a state or a national level from my own experiences teaching. So I teach the Immigration Law class, which is our podium, you know, doctrinal immigration law seminar class. And the more diverse my student makeup, it just leads to much better, richer conversations and improved learning. And so I think that that you can think about that on the larger societal scale in terms of having all those voices. But even if that really doesn't persuade you, the economic benefits and or reasons are pretty clear. So in Maine, we're facing a huge worker shortage, right? I personally have friends who run their own businesses and they've had to forego expansion plans or just shut down early because they simply can't find the workers. We're the oldest state in the country and we face a shortage of doctors, nurses, and healthcare providers. Many of the immigrants with whom we work were doctors or nurses or even lawyers in their home countries. And so I think to harness those skills and that energy and drive, I think can only be an economic benefit to our state. Certainly not just Maine's economy, but our national economy depends on immigrant labor. So we need them just as much as they need us.

Emily:

As I mentioned before, you have this series of seemingly small policy changes that have major ripple effects, some of which we don't even know yet. So I think that often it's easy for people to say, well, you know, this doesn't really impact me. I don't even know any immigrants personally. It's easy to just kind of close yourself off to that. But I think the reality is that a lot of people who are out of status, or some people who have status because of the current climate aren't as open about that. And so the likelihood is that there are people in each of our lives who are very concerned about these policy changes and who are very fearful, that are unwilling to speak about it openly because it's dangerous. So I think just the importance of being cognizant of the fact that we're never totally aware of what anyone else's status is or how these policies impact them or their families or communities. I think even beyond that too these policy changes will fundamentally change who we are as a country because we are excluding more and more noncitizens, more and more immigrants. So it's important to pay attention to this because it has nationwide impacts on who we are. Going back again to this idea of separation of powers and rule of law, if we hold any real value in those notions, we have to be paying attention to these issues.

Carrie:

So how can people educate themselves better about this?

Anna:

So I think folks have become a bit numb to what's happening, right? It's overwhelming to hear what's happening at the border rising. I think we can't turn a blind eye or sort of shut that news out because again, this is a humanitarian crisis and it's easy to, it feels better to shut off that news or to not read it. I get it. I used to spend at least an hour a day reading the news and I have a harder time these days doing that. But we can't ignore it because, you know, those who can ignore it are the privileged ones. Right? And we need to spread the word that this is happening. I know a lot of friends who are educated that have no idea. They thought, oh well we protested the detention of children, so it must be over. And the reality is it's not. They're still detaining children on large levels and separating children and separating children from parents. And now again, the crisis with the remain in Mexico policy. So I would say read the news, read varied news. Don't just stick with one source. There's lots of news out there. The Immigrant Legal Advocacy Project has a lot of information if you were just curious about what options you might have if you're an immigrant to be able to stay in the United States but they [also] publish news releases. So

there's a lot out there and they're a reliable source. In terms of how people can help, my program is primarily funded by donors. Immigrant legal advocacy relies heavily on private donors. So I would say, I always say start local, right? There's plenty of amazing work being done right here in the state of Maine, but then there's large organizations that are working down at the Southern border. ACLU [American Civil Liberties Union] is a collaborator in New Hampshire for our Strafford project. So I would say educate yourselves. Talk to people, spread the word, donate where you can donate, not just money, but your time. You don't have to be a lawyer to be able to get involved. A lot of the different immigration nonprofits both at the border but also here in Maine have information on their websites about how people can get involved and volunteer.

Carrie:

Wonderful. Thank you both so much for your time.

Anna and Emily:

Thank you for having us.

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