

Jose and Carmen were getting on a bus back to New York City after a long day of employment training in upstate New York. Their journey stopped abruptly, however, when U.S. Immigration and Customs singled them out at the bus station for identification to determine whether they were legally allowed to be in the United States.

“Racial profiling has led to the targeting and intimidation of different communities in this country,” said Liliana Yanez, an instructor in CUNY Law’s Immigrant & Refugee Rights Clinic (IRRC). “There’s a clear disregard for basic rights under the law, and many people, as in Jose and Carmen’s case, are being denied due process,” she added.

This case is among the many addressing the constitutional, due process, and search and seizure violations that make up the docket of the IRRC. One of the first immigration law clinics in the country, the clinic takes a broader approach than most law

## IMMIGRANT & REFUGEE RIGHTS

schools. It covers areas as varied as national security and detainee rights in the wake of 9/11, battered immigrant women’s rights, labor rights, and deportation and asylum.

Through the clinic, students act as first chair in representing clients. They interview witnesses, prepare clients for trial, gather and submit evidence, craft legal strategy, and brief issues. “The students are centrally involved in all of the cases,” said Yanez. “We provide the supervision to support them in their role as attorneys.”

The clinic’s docket continues to grow as misguided legislation, passed under the guise of anti-terrorism measures and immigration reform, further threatens the civil liberties of immigrant communities of color. The docket includes cases of legal permanent residents who have already served their sentences for misdemeanors committed decades ago but who suddenly find themselves facing deportation for those long-ago crimes.

“Families are being torn apart in the name of ‘immigration enforcement,’” said Yanez. “These punitive laws make every immigrant vulnerable, including legal permanent residents and those fleeing persecution from other countries.” The clinic represents individual clients and also supports a variety of community-based organizations to advocate for changes in the law.

Through its national security work protecting the habeas corpus rights of detainees abroad, the students represent



*From left, Director of the Immigrant & Refugee Rights Clinic (IRRC) Ramzi Kassem, IRRC Instructor Liliana Yanez, IRRC Social Work Supervisor and Adjunct Professor Martha Garcia, and CUNY Law Director of Immigrant Initiatives Elizabeth Newman*

three detainees in Guantánamo Bay and a detainee at Bagram Airbase in Afghanistan who has been imprisoned since 2003 without charges or access to an attorney. In the U.S., students in the IRRC, in tandem with CUNY Law School’s Criminal Defense Clinic, also work with Muslim-based community groups in Queens whose members suddenly find themselves approached by law enforcement. “Individuals and families are facing interrogation at home, at work, and in their places of worship,” said IRRC Director Ramzi Kassem. “The students are educating people on their rights.”

IRRC students also provide urgent legal assistance to immigrant survivors of gender violence. Immigrant spouses of abusive U.S. citizens or legal permanent residents are easy prey. “Often, women suffer physical and emotional abuse, but if they leave their marriage before they gain legal status, they could face deportation,” said CUNY Law Director of Immigrant Initiatives Elizabeth Newman. In response, the clinic partnered with an organization called SEPA Mujer in Long Island to assist women in applying for legal status. The clinic provides an interdisciplinary environment, with the involvement of social work students and IRRC Social Work Supervisor and Adjunct Professor Martha Garcia. This gives law students a broader, more multifaceted approach to clients, particularly clients who have experienced trauma.

Some immigrants confront exploitation and abuse not only in the home, but also on the job. Clinic students represent domestic workers and immigrant restaurant workers who are denied wages, hours, or worker protections. “Our immigrant labor docket directly supports low-wage worker organizing in a range of industries and immigrant communities,” said Sameer Ashar, associate dean for clinical programs. ●●

**W**hen tragedy struck Haiti in January, CUNY Law students took action. “Immediately the students wanted to use their legal skills to do something to help,” said CUNY Law Director of Immigrant Initiatives Elizabeth Newman. “They recognized that many Haitians living in the U.S. could not return home, since their communities were destroyed by the earthquakes,” she explained. “But the students knew that legal protection was needed for them to stay here.”

As a result, the students formed a new partnership with Haitian Americans United for Progress, helping Haitians file for temporary protected status (TPS). Gaining TPS will enable Haitians living here to stay in the U.S. for another 18 months while their country is being rebuilt. TPS also provides an opportunity for work authorization that serves as a government-issued ID and entitles the holder to a Social Security number, so that he or she can work while in the United States.

“There are people who were here on a three-month tourist visa, and suddenly their entire village and families are gone,” reflected Newman. “Others have been here longer, trying to build a better life. Their options for going back to Haiti have radically, and often irrevocably, changed.”

To support the student-driven initiative, Newman said, faculty from the Immigrant & Refugee Rights Clinic (IRRC) agreed to reconfigure the syllabus, so that Newman could teach the history, politics, and legal mechanics of filing for TPS. Now,

every Saturday, CUNY Law students go on-site to Cambria Heights and screen people for TPS eligibility, counsel them on the application process, assist them with the paperwork, and draft affidavits, when necessary, to prove Haitian descent.

## HELPING HAITIANS IN NEED

Although this project is being run through CUNY Law’s IRRC, it is not limited to third-year clinic students. First-year and second-year CUNY Law students have also volunteered and are getting direct hands-on experience serving communities in need. “We have students acting as assistants and interpreters and have established a tiered level of supervision and training among students,” said Newman. Alums from the Law School’s Community Legal Resource Network with expertise in immigration law are also involved.

“CUNY Law students and practitioners are linked to different communities, so we can be responsive when something comes up,” Newman noted. “We are very proud of our students’ initiative, commitment, and savvy in supporting New York’s diverse populations.” ●●



*Top row, from left: Martin Brown, Talia Peleg, IRRC Instructors Elizabeth Newman and Liliana Yanez, Daniel Debski. Second row, from left: Laura Matthews, Nitin Goyal, Christina Jensen, Mona Patel, Madhuri Kumar. Bottom row, from left: Yasmin Salama, Shirley Lin, Lili Biesemeyer, Disha Chandiramani*