

LAW WEEK

COLORADO

Immigration Enforcement has Attorneys Stepping Up

RBF Law and RMIAN partnered to give volunteer lawyers an introduction to immigration law

BY TONY FLESOR
LAW WEEK COLORADO

Lawyers have shown they're more willing to volunteer in the face of increased immigration enforcement.

With immigration issues now regularly in the spotlight, organizations offering support to immigrant communities are receiving record support. Last week, Rollin Braswell Fisher and the Rocky Mountain Immigrant Advocacy Network held a crash course on immigration law for attorneys wanting to help but who are unfamiliar with the area of the law. A batch of new executive orders and changing enforcement priorities make immigration law a moving target for even practiced practitioners, though.

The seminar was led by RMIAN executive director Mekela Goehring, pro bono coordinator Alex Gavern and RBF managing partner Maritza Dominguez Braswell.

Braswell, herself a daughter of Mexican immigrants, said she felt a personal need to help protect that community.

"Being a private lawyer doesn't mean you can't find ways to give back," she said. Her statements illustrated the feeling of many attorneys who have decided to assist organizations like RMIAN in the wake of executive orders from the Trump administration dealing with immigration into the country, enforcement of federal immigration laws and the expansion of detention centers like the GEO/ICE Facility in Aurora.

In meeting the need, RBF made a commitment as a law firm by adding a new position focused specifically on pro bono and community engagement. The decision was inspired by two associates, Corey Longhurst and Tara Williams, who attended

"Being a private lawyer doesn't mean you can't find ways to give back."

— Maritza Dominguez Braswell, RBF managing partner

the Lawyers for Good Government's Rise Above Conference in January in Washington, D.C.

"We believe it is important for us to invest in our attorneys so they can then invest in the community," RBF founder Mike Rollin said.

Goehring spoke to the group of about 30 attorneys in attendance about the need in the community for more assistance. RMIAN itself has 16 attorneys but relies on the help of about 300 volunteer attorneys to provide counsel to immigrants.

She said undocumented immigrants who are detained have no right to counsel, since immigration cases are civil matters and that federal courts have held that only criminal defendants have a right to appointed counsel. As a result, many who are entered into immigration proceedings, including children, are left representing themselves.

Having counsel vastly changes the outcomes of cases — according to a 2011 study, immigrants with lawyers are five times more likely to win their cases, Goehring said.

"It is life changing and, in many instances, life saving," Goehring said.

Of those in attendance, only a few raised their hands to say they had previously taken an immigration law class or attended an RMIAN training.

In preparing the lawyers to volunteer, Gavern gave a crash course in immigration law with a focus

on the key statutes and recent changes — mainly in enforcement of existing laws. The Immigration and Nationality Act, for example, hasn't changed under the Trump administration, but tweaks in policy on the ground and how the laws are enforced have had big changes.

Gavern said that there has been an increase in citizens being detained in Colorado as well as women who are removed from their children. He referenced a woman who said the most difficult part of the detention process was being separated from a 9-month old and a 4-year old after being detained following a traffic violation. He said that they have seen people picked up in traffic court or workplace raids more frequently as well.

"The bar is being lowered to what will cause enforcement," Gavern said.

The laws that have changed since President Trump entered the White House and began making a concerted effort to crack down on illegal immigration came from executive orders. The most noteworthy — a travel ban from a handful of Muslim countries — was blocked again last week by a federal judge, but two others have big implications, particularly for an interior state like Colorado that does not have an international border.

On Jan. 25, Trump issued two executive orders, "Border Security and Immigration Enforcement

Improvements," and "Enhancing Public Safety in the Interior of the United States."

On Feb. 20, Secretary of Homeland Security John Kelly also issued two memos for implementation of the orders, which initiated construction of the wall on the Mexican border and more notably for interior states, authorized the deputation of local law enforcement agencies to enforce federal immigration law and to expand the expedited removal of undocumented immigrants in the interior, which can have them quickly deported rather than entered into immigration court proceedings, and expand detention.

Goehring said the executive orders left her feeling "increasingly terrified" as she read them, and that deputizing local law enforcement terrifies the immigrant community and can end up teaching them to fear police, which "creates a haven for criminals to prey on this community," she said.

Goehring said she also fears that the expansion of detention and expedited removal gives a "green light to racial profiling."

RMIAN will follow up its seminar with a training on April 4 where it will train volunteer lawyers to represent clients in bond hearings, which require about eight hours of time rather than a continued involvement. •

— Tony Flesor, TFlesor@circuit-media.com