

LEARNING IN “BABY JAIL”: LESSONS FROM LAW STUDENT ENGAGEMENT IN FAMILY DETENTION CENTERS

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Between 2014 and 2017, more than 40 law schools and likely well over 1000 law students engaged in learning within immigration family detention centers. The Trump Administration’s “zero tolerance” policy and implementation of wide-scale family separation in 2018 led to increased involvement by professors and students in the constantly shifting landscape of immigration detention. As the detention of immigrant families becomes increasingly entrenched, this article hits the pause button and assesses the benefits and challenges of the various approaches to, and proposes some principles for, law student engagement in this crisis lawyering in immigration detention centers, for families, and beyond.

Introduction	156	R
I. Crisis at the Border – The Need for Representation of Detained Mothers and Children	160	R
II. Models for Responding to Legal Crisis for Detained Immigrant Families	165	R
A. Engaging Through Law School Clinics	167	R
1. Clinical Legal Education Principles and Pedagogy	167	R
2. Clinical Programs Engaging in Family Detention Centers	170	R

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B. Engaging For Credit: Service-Learning and Practicums	174	R
1. Learning for Credit: Service-learning and Practicums in Family Detention Centers	177	R
C. Pro Bono Engagement	180	R
III. Limitations and Benefits of the Models of Engagement	186	R
A. Clinical Model	186	R
B. Engaging for Non-Clinic Credit:	191	R
C. Pro Bono Model	194	R
IV. Best Practices: A Model for Law Student Engagement in Detention Centers	196	R
A. Pre-Experience Planning & Preparation	198	R
1. Preparation for Faculty/Supervising Attorneys ..	199	R
2. Law Student Preparation	202	R
B. Design and Logistics	209	R
C. Continued Engagement	212	R
D. Contemporaneous Reflection	213	R
E. Post-Trip Reflection	215	R
Conclusion	216	R

INTRODUCTION

In an era of increased focus on immigration and immigration enforcement, this article explores the proliferation of law school service-learning trips, clinical programs, and spring or semester break projects involving students working within family detention centers. These centers, referred to by advocates as “baby jails,” and by the government as “family residential centers,” house immigrant women and children, the vast majority of whom are fleeing violence in their home countries and seeking asylum or other protection in the United States.

Due to a perfect storm of indigent detainees without a right to appointed counsel, remote detention centers far from any counsel, and under-resourced non-profits, legal representation within detention centers is scarce. While the Obama administration largely ended the practice of family detention in 2009, the same Administration resurrected the detention of families just five years later.¹ In response to

¹ For a discussion of the U.S. history of detaining families, stretching back to Ellis Island, see Rebecca Sharpless, *Cosmopolitan Democracy and the Detention of Immigrant Families*, 47 N.M. L. REV. 19, 19-21 (2017); see also AMERICAN BAR ASSOCIATION COMMISSION ON IMMIGRATION, FAMILY IMMIGRATION DETENTION: WHY THE PAST CANNOT BE PROLOGUE (July 31, 2015), https://www.americanbar.org/content/dam/aba/publications/commission_on_immigration/FINAL%20ABA%20Family%20Detention%20Report%208-19-15.authcheckdam.pdf.

the rise in numbers of child migrants seeking protection in the United States, arriving both with and without their parents, and with the purported aim of deterring future flows, the Obama administration reinstated the policy of detaining families;² this policy has remained in place under Trump. Indeed, family detention centers came into the spotlight in Spring 2018, when the Trump Administration formally instituted a policy of family separation – detaining children separately from their parents while the parents were prosecuted for illegal entry or illegal re-entry.³ The Administration later abandoned this policy⁴ after public outrage⁵ combined with litigation⁶ to challenge family separation, but the detention of parents and children together has remained in place. Further, in September 2018, the government proposed regulations that would enable the long-term detention of children with their parents,⁷ undermining the 20-day limit currently imposed on detention by judicial interpretation of the 1997 *Flores* settlement.⁸ It is now clearer than ever that family detention is here to stay.

The advocacy community’s response to the mass detention of children and their parents beginning in 2014 was overwhelming and swift; lawyers from all over the country traveled to the detention centers, in remote New Mexico and later Texas, to respond to the urgent need for representation of these asylum-seeking families.⁹ Law stu-

² Statements from high-level officials, including then-Secretary of the Department of Homeland Security, Jeh Johnson, along with then-Vice President Joe Biden, made it clear that the arrival of women traveling with their children was unwelcome and that they would be sent back to their countries of origin. See Sharpless, *supra* note 1, at 32-34.

³ See Miriam Jordan, *Breaking Up Immigrant Families: A Look at the Latest Border Tactic*, New York Times, May 12, 2018, <https://www.nytimes.com/2018/05/12/us/immigrants-family-separation.html>.

⁴ Exec. Order No. 13841, 83 Fed. Reg. 29,435 (June 20, 2018), <https://www.whitehouse.gov/presidential-actions/affording-congress-opportunity-address-family-separation/>

⁵ See, e.g., Phil McCausland, Patricia Guadalupe and Kalhan Rosenblatt, *Thousands Across U.S. Join ‘Keep Families Together’ March to Protest Family Separation*, NBC News (June 30, 2018), <https://www.nbcnews.com/news/us-news/thousands-across-u-s-join-keep-families-together-march-protest-n888006>.

⁶ See, e.g., *Ms. L v. ICE*, No. 3:18-cv-00428 (S.D. Cal. filed Feb. 26, 2018), <https://www.aclu.org/legal-document/ms-l-v-ice-joint-status-report-4>.

⁷ See Proposed Rule by Department of Homeland Security and Department of Health and Human Services, Apprehension, Care, and Custody of Alien Minors and Unaccompanied Alien Children, Sept. 7, 2018, <https://www.federalregister.gov/documents/2018/09/07/2018-19052/apprehension-processing-care-and-custody-of-alien-minors-and-unaccompanied-alien-children>.

⁸ See Settlement Agreement at 12–18, *Flores v. Reno*, No. 2:85-CV-04544 (C.D. Cal. filed Jan. 1, 1997), https://www.aclu.org/files/pdfs/immigrants/flores_v_meese_agreement.pdf; see also *Flores v. Lynch*, 212 F. Supp. 3d 907, 908 (C.D. Cal. 2015), *aff’d in part, rev’d in part*, 828 F.3d 898 (9th Cir. 2016).

⁹ Ingrid Eagly, Steven Shafer, & Jana Whalley, *Detaining Families: A Study of Asylum*

dents have played a large and indispensable role in this surge. The scale of law student involvement in family detention centers, particularly in Texas, has been massive, with approximately 40 schools engaging in some way in the first three years alone. Different schools have adopted different models. Some have become repeat players while others offered one-time experiences. Some have incorporated family detention representation into their existing immigration clinics and programs. Students in many programs have traveled great distances to engage in this work, with some law students returning repeatedly to volunteer. A small group of Yale Law School students, now graduates, even started a non-profit organization focused on assisting these families after they are released from detention and living with family and friends in the community.

Schools and student groups have engaged in intensive volunteering efforts at detention centers, often over spring break or another week, in a variety of ways, including through clinical programs, service-learning programs, practicums, student organizations, and other varied modalities. The efforts have been largely organic, ad hoc, and reactive to this crisis of representation. The vacuum of legal representation for detained immigrants is only deepening, and, particularly in light of the recent heightened attention on detained families, law students will continue to engage in this arena. This article hits the pause button and assesses the benefits and challenges of the various approaches and proposes some principles for law student engagement in this crisis lawyering in immigration detention centers, for families, and beyond.

This is not, of course, the first time that lawyers and law students have responded to a crisis, nor will it be the last.¹⁰ As will be discussed in this Article, lawyers and law students mounted a massive response to Hurricane Katrina, to the earthquake in Haiti and the creation of Temporary Protected Status for Haitians in the aftermath, and to various other natural disasters. Law schools and law students are uniquely situated to respond to crisis, having the strategic advantages of resources, eager and comparatively flexible students and professors, typically strong public interest goals, and a good deal of expertise within the law school and often the wider university campus. The outpouring of volunteer resources and response to the mass incarceration of im-

Adjudication in Family Detention, 106 CAL. L. REV. 785, 815 (2018) [hereinafter Eagly et al., *Detaining Families*] (finding that almost all of the attorneys providing representation to families held in detention between 2001 and 2016 had traveled “long distances” to provide representation).

¹⁰ Indeed, in light of Hurricanes Harvey, Irma, and Maria in 2017, clinicians began organizing and strategizing regarding law school responses to the inevitable new legal needs arising from these disasters.

migrant children and their mothers can thus be situated within the larger context of what I will call crisis lawyering. By crisis lawyering, I intend to refer to emergent situations, whether man-made or natural disasters, that require a rapid and large-scale response by lawyers.

Given the success of intensive representation at the family detention centers, advocates are now experimenting with similar models in other locations. For example the Southern Poverty Law Center, in conjunction with four other organizations,¹¹ has launched the Southeast Immigrant Freedom Initiative (SIFI). SIFI enlists and trains lawyers to provide free legal representation to immigrants detained in the Southeast who are facing deportation proceedings. The American Immigration Lawyers Association and the American Immigration Council have partnered to create the Immigration Justice Campaign, where pro bono attorneys are trained and mentored when providing representation to detained immigrants in typically underserved locations.¹² Given the expansion of the volunteer model of providing legal services to detained immigrants,¹³ opportunities will continue to arise for law students to engage in crisis lawyering and learning.

This Article serves to provide a framework for law student engagement in immigrant detention centers, specifically, although the lessons learned can be applied to crisis lawyering more broadly. Part I briefly outlines the access to counsel vacuum for families in detention and the subsequent response by attorneys to help fill the justice gap.¹⁴

¹¹ These organizations are the American Immigration Lawyers Association, the American Immigration Council, the Innovation Law Lab, and the American Immigration Representation Project. Details are included in the SPLC’s press release on March 7, 2017, <https://www.splcenter.org/our-issues/immigrant-justice/southeast-immigrant-freedom-initiative>. The Project began at the Stewart detention center in Lumpkin, Georgia, and has already expanded to other immigration detention centers throughout the Southeast. As of October 2017, the Project has a presence at the Irwin County Detention Center in Ocala, Georgia, at the LaSalle Detention Center in Jena, Louisiana, and aims to launch at the Folkston ICE Processing Center, in Folkston, Georgia, by January 2018. Email correspondence with SIFI Lead Attorney Brian Hoffman, Oct. 2, 2017 (on file with author).

¹² See *The Immigration Justice Campaign*, <http://immigrationjustice.us/>.

¹³ Several organizations collaborated to launch the American Immigration Representation Project (AIRP) to provide representation to detained immigrants. See <https://airp.law>. Since 2013, in New York, the New York Immigrant Family Unity Project, a collaboration of several organizations, has worked to provide universal representation for respondents appearing before the New York City Varick Street Immigration Court without an attorney who meet income threshold criteria. See NAT’L IMM. L. CTR., *BLAZING A TRAIL: THE FIGHT FOR RIGHT TO COUNSEL IN DETENTION AND BEYOND* 14-17 (Mar. 2016), <https://www.nilc.org/wp-content/uploads/2016/04/Right-to-Counsel-Blazing-a-Trail-2016-03.pdf>. The Project has been expanded to representation to a detention center in Buffalo, NY. *Id.* at 18. Also in the Northeast, in New Jersey the American Friends Service Committee (AFSC) launched the Friends Representation Initiative of New Jersey (FRINJ), a pilot project offering representation to all detained immigrants who appear before the Elizabeth, New Jersey, immigration court two days a week. *Id.*

¹⁴ A more detailed exploration of the advocacy in response to family detention since

Sharing the results of a national survey of law professors and students along with the my own research and personal knowledge, Part II describes the various models of law school volunteer responses, ranging from trips incorporated into an existing legal clinic, to part of a service-learning program or practicum, to student-led models with varying degrees of formal engagement. Part III highlights the shortcomings and benefits of the various models. Finally, Part IV proposes a framework for law student engagement in legal services crisis response for detained immigrant populations.

I. CRISIS AT THE BORDER – THE NEED FOR REPRESENTATION OF DETAINED MOTHERS AND CHILDREN

In a previous article, *Contemporary Family Detention and Legal Advocacy*, I situated family detention within the current era of extremely aggressive immigration enforcement, and collaboration between the U.S. government and private prison contractors.¹⁵ Further, that article described the urgent need for legal representation for detained immigrants and stressed the outcome determinative effects that representation often has.¹⁶ *Contemporary Family Detention* outlined four main phases of family detention from the summer of 2014 to late 2017 and described the various attendant modes of advocacy.¹⁷ Here, a brief explanation of who the detained families are and the legal work that must be done on their behalf will suffice to situate law student engagement in this particular crisis lawyering context.

First, families are detained at the three remotely located detention centers in Texas and Pennsylvania.¹⁸ The majority of these fami-

the summer of 2014 is discussed in a companion article. See Lindsay M. Harris, *Contemporary Family Detention and Legal Advocacy*, 21 HARV. LATINO L. REV. 135 (2018) [hereinafter Harris, *Contemporary Family Detention*]; see generally Stephen Manning & Kari Hong, *Getting It Righted: Access to Counsel in Rapid Removals*, 101 MARQ. L. REV. 673 (2018).

¹⁵ See Harris, *Contemporary Family Detention*, *supra* note 14.

¹⁶ *Id.* at 161. See also Manning & Hong, *supra* note 14, at 676-79; Ingrid Eagly & Steven Shafer, *A National Study of Access to Counsel in Immigration Court*, 164 U. PA. L. REV. 1, 1 (2015) (“Among similarly situated respondents, the odds were fifteen times greater that immigrants with representation, as compared to those without, sought relief and five-and-a-half times greater that they obtained relief from removal.”).

¹⁷ Harris, *Contemporary Family Detention*, *supra* note 14, at 146-58. For an overview of family detention predating 2014, see Eagly et al., *Detaining Families*, *supra* note 9, at 813-15.

¹⁸ Two detention centers are located in southwest Texas in Dilley and Karnes City, and are larger facilities. The Dilley detention center can hold up to 2400 women and children, while Karnes can hold over 1100. The third family detention center is in Berks County, Pennsylvania, and has 96 beds for mothers, fathers, and children. These detention centers are discussed in more detail in Harris, *Contemporary Family Detention*, *supra* note 14, at 147-56; see also Manning & Hong, *supra* note 14, at 673-676 (describing Dilley and Karnes).

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lies are asylum seekers fleeing violence in Central America and seeking protection in the United States. Asylum seekers are individuals forced to flee their countries and hope to meet the refugee definition under U.S. immigration law by proving that they fear or have suffered persecution on account of their race, religion, nationality, political opinion, or membership in a particular social group.¹⁹

Upon arrival, these asylum-seeking families are subjected, like almost all other immigrants, to a system called “expedited removal.”²⁰ If an asylum seeker expresses a fear of return to her home country, an immigration officer should refer her to an asylum officer for a credible fear interview.²¹ If Department of Homeland Security (DHS) officials decide to subject an individual who has attempted re-entry without inspection and has a prior removal order to a process called “reinstatement of removal,” the interview is called a “reasonable” fear interview and will assess eligibility for relief called “withholding of removal” or relief under the Convention Against Torture.²² Either way, both credible and reasonable fear interviews typically take place, for parents arriving with children, at one of the three family detention centers. During the credible or reasonable fear interview, an asylum seeker must establish a significant possibility that she will establish eligibility for asylum or withholding relief at a later full hearing.²³

If the asylum officer determines that the asylum seeker meets this threshold test, the officer issues charging documents and places her in regular removal proceedings, where she may apply for asylum as a defense to removal.²⁴ If the asylum-seeking individual or family does *not* receive a positive result following a credible or reasonable fear interview, she has the opportunity to go before an immigration judge for a negative fear review within 7-10 days.²⁵ The immigration judge reviews the decision of the asylum officer *de novo*, with the represen-

¹⁹ The Immigration and Nationality Act defines a refugee as:

[A]ny person who is outside any country of such person’s nationality . . . and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

Immigration and Nationality Act (INA) of 1965 § 101(a)(42)(A), 8 U.S.C. § 1101(a)(42) (2012).

²⁰ For a more detailed description of this process, see Harris, *Contemporary Family Detention*, *supra* note 14; Dree K. Collopy, *Crisis at the Border, Part II: Demonstrating a Credible Fear of Persecution or Torture*, 16-04 IMM. BRIEFINGS 1 (Apr. 2016).

²¹ 8 U.S.C. § 1225(b)(1)(A)(ii); 8 C.F.R. § 253.3(b)(4) (2016).

²² See 8 U.S.C. §§ 1230, 1231(b)(3). See generally Lindsay M. Harris, *Withholding Protection*, COLUM. HUM. RTS L. REV. (forthcoming Spring 2019).

²³ 8 U.S.C. § 1225(b)(1)(B)(v).

²⁴ *Id.* § 1229a(a)(1).

²⁵ 8 C.F.R. § 1003.42(e); *id.* § 208.31(g).

tation of counsel permitted at reasonable fear reviews,²⁶ and counsel's presence merely tolerated for credible fear reviews,²⁷ and decides whether to affirm or vacate the decision.²⁸ If the decision is affirmed, no additional administrative or judicial review of an expedited removal order is permitted, and the family is typically quickly removed from the U.S. However, at various stages in the history of family detention, advocates have had some success in filing a request for reconsideration (RFR) with the asylum office following the judge affirming a negative credible or reasonable fear decision.²⁹ In response to this filing, the asylum office has, somewhat inconsistently, asked U.S. Immigration and Customs Enforcement (ICE) to effectuate a stay while the RFR has been considered, and at times, has granted an RFR and given a new interview to the asylum seeker, which can result in a positive credible fear finding.

Some asylum seekers are eligible for release on bond, while others are not, depending on how the asylum seeker entered the country and came to the attention of immigration authorities.³⁰ Currently, even after the family separation and zero tolerance chaos since Spring 2018, ICE releases most asylum-seeking families (under a system called parole) after a positive result at the credible or reasonable fear interview from either an asylum officer or after a review by an immigration judge. Those families then await the adjudication of their asylum claims in court outside of a detention center, typically wearing a cumbersome ankle monitor³¹ and with other supervision

²⁶ See EXEC. OFF. IMM. REV., IMM. CT. PRAC. MAN. Ch. 7.4(e)(iv)(c) (August 2, 2018), <https://www.justice.gov/eoir/page/file/1084851/download> ("Subject to the Immigration Judge's discretion, the alien may be represented during the reasonable fear review at no expense to the government.").

²⁷ See *id.* Ch. 7.4(d)(iv)(c) ("Prior to the credible fear review, the alien may consult with a person or persons of the alien's choosing. In the discretion of the Immigration Judge, persons consulted may be present during the credible fear review. However, the alien is not represented at the credible fear review. Accordingly, persons acting on the alien's behalf are not entitled to make opening statements, call and question witnesses, conduct cross examinations, object to evidence, or make closing arguments.").

²⁸ In the family detention context, a recent study revealed that from 2001-2016, immigration judges vacated 48% of all credible fear findings for detained families and 58% of negative reasonable fear findings made by asylum officers. See Eagly et al., *Detaining Families*, *supra* note 9, at 831-32.

²⁹ This is based on the asylum office's regulatory authority to reconsider. See 8 U.S.C. § 1208.30(g)(2)(iv)(A).

³⁰ See Harris, *Contemporary Family Detention*, *supra* note 14, at 143-44. For more detail on release on bond in the family detention context, see Eagly et al., *Detaining Families*, *supra* note 9, at 833-44.

³¹ See, e.g., Fatma E. Marouf, *Alternatives to Immigration Detention*, 38 CARDOZO L. REV. 2141, 2163-64 (2017) (discussing how ankle monitors are restrictive, an invasion of privacy, and an affront to dignity); see also Tiziana Rinaldi, *Many women seeking asylum in the US have been released from detention — but with ankle monitors*, THE WORLD, March 10, 2016, <https://www.pri.org/stories/2016-03-10/many-women-asylum-seekers-have-been->

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requirements.

Law students engaging in work at family detention centers typically assist with a broad range of lawyering activities, including:

- intake of new families;
- preparation and counseling for credible and reasonable fear interviews;
- representation at those interviews, including delivering closing statements;
- preparation for and declaration drafting in advance of immigration judge review of negative credible or reasonable fear determinations;
- preparation of requests for reconsideration with the asylum office following a judge affirming a negative credible fear finding;
- preparation for and representation within bond hearings;
- counseling families regarding the process of seeking asylum, appearing in court, check ins with deportation officers, and other relevant issues upon their release from detention.

Law students have also engaged in work around the longer-term detention of families. Although at the time of writing families are typically detained for under three weeks, in recent years some have been detained anywhere from a few months to more than two years, and signs indicate that longer-term detention could be on the horizon.³²

Law students are starting to engage in work more consistently at all three family detention centers. The focus historically has been on the Texas detention centers in Dilley and Karnes City, which are the larger centers. Dilley and Karnes volunteers undergo phone orientations before arriving at the detention centers. This covers a variety of issues, including training on using the Innovation LawLab’s case management software,³³ which is used at all three family detention centers

released-detention-ankle-monitors.

³² The Administration’s latest proposed regulations, to terminate the *Flores* Settlement Agreement, would remove barriers to longer-term detention of children and their parents and very likely lead to much longer term detention of families throughout the adjudication of their removal proceedings. See *supra* note 7. The Attorney General is also hard at work to try to ensure that asylum seekers are detained on the whole for much longer. See, e.g., *Matter of M-G-G-*, 27 I&N Dec. 469 (A.G. 2018) (inviting amicus briefing to address the issue of whether *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018), overrules *Matter of X-K-*, 23 I&N Dec.731 (BIA 2005), which held that immigration judges may hold bond hearings for individuals who had positive fear results following credible and reasonable fear interviews).

³³ The Innovation LawLab was founded in 2014 to try to “bring new technology to the fight for justice.” See <https://innovationlawlab.org/about/>. The Innovation LawLab’s legal director, Stephen Manning, was recognized with the Financial Times’ 2017 Legal Innovator award. See Michael Skapinker, *FT Top 10 Legal Innovators for North America*, FIN.

as a centralized case management system that also guides and supports advocacy on a national level to end family detention and to raise issues within the system.

At Dilley, the Dilley Pro Bono Project typically requires first-time volunteers to arrive on a Sunday and take part in a lengthy orientation to the work and a group dinner to prepare them for the week. On Monday morning, they arrive at the detention center by around 7 a.m. and begin engaging with families shortly afterwards. Typically, volunteers have remained in the visitation trailer until 7 p.m. After leaving the detention center, volunteers often work on motions to be filed in court, declarations to support negative credible or reasonable fear reviews or requests for reconsideration, entering case notes into the Innovation LawLab's case management software, or other work. Twice a week, although somewhat inconsistently, project staff facilitate a "big table" meeting, during which volunteers debrief on the day's challenges and highlights.³⁴ This piece of the week is quite reflective, and echoes rounds discussions in law school clinics. Guided by staff members, who facilitate the discussion, volunteers share experiences, including high points and low points of the day or week, troubleshoot issues, and often generate ideas or solutions to improve operations for the next day's work.

In Karnes City, staff members with the local non-profit Refugee and Immigrant Center for Education and Legal Services (RAICES) typically rotate the days on which they work at the family detention center. Because Karnes less routinely sees large groups of weekly volunteers, the staff developed a more ad hoc way of preparing volunteers. RAICES holds regular phone orientations to discuss logistics and the work, and to answer questions. Monday mornings have become an informal orientation to the work week. Staff members also lead in-person trainings with local partners such as the University of Texas and St. Mary's School of Law. RAICES has also developed materials available on their website to guide volunteers, including an intake form, retainer agreement, scripts for preparing families for credible and reasonable fear interviews, and scripts to guide families through the post-release process for asylum seekers.³⁵

TIMES, Dec. 12, 2017, <https://www.ft.com/content/acb41cb6-cb94-11e7-ab18-7a9fb7d6163e>.

³⁴ For a description of the "Big Table" concept, see STEPHEN MANNING, *THE ARTESIA REPORT* (2015) Ch. 10, "The Mechanics of Artesia," <https://innovationlawlab.org/the-artesia-report/the-artesia-report/> ("Big Table was a nightly meeting of all the advocates on-the-ground that would last until the early morning hours. It was a meeting held in round-table fashion in which each advocate at the table spoke in equal measure on the day's successes and failures, on critiques of the arguments and case theories, on mapping strategy for difficult fact patterns, and on setting a plan for the next day.").

³⁵ These documents are on file with the author and also available on the RAICES

At Berks, volunteers are less frequent and so a more flexible model for volunteer engagement is in place. When the University of the District of Columbia School of Law service-learning class spent a week at Berks in Spring 2018, we met with ALDEA People’s Justice Center staff the night before entering the detention center. At the detention center, on most days an on-the-ground (non-attorney) advocate ran the floor in conjunction with me as the professor and the detention center staff permitted us to use the gymnasium in addition to the visitation rooms for meetings with families. ALDEA provided intake forms and materials for use inside the detention center but I also provided training within class over nine weeks in advance of the week at Berks.

Law student volunteers, often accompanied or led by their professors and instructors, have engaged in each of the above stages of advocacy and representation within family detention centers. This has been a large-scale, but ad hoc rapid response. In general, law professors have not organized themselves or their approaches to this work, and thus the way in which law students have participated in work inside family detention centers lacks uniformity.³⁶ The various ways in which law students have engaged are discussed in the following Part of this article.

II. MODELS FOR RESPONDING TO LEGAL CRISIS FOR DETAINED IMMIGRANT FAMILIES

The ways in which law students have engaged in learning within family detention centers are varied. From June to August, 2017, I conducted a survey³⁷ of law professors throughout the United States who

website. See <https://spark.adobe.com/page/6vbpzvxcBumWf/>. RAICES’ operations at Karnes have pivoted during the summer months of 2018 as Karnes has been re-purposed as a reunification center of sorts for separated fathers and children.

³⁶ One notable exception is that Karla McKanders, then at the University of Tennessee, Lisa Graybill, then at the University of Denver, and Sioban Alboil from Depaul University collaborated to conduct a survey of professors who had led trips to the now-closed Artesia detention center and then presented their findings at the American Association of Law Schools clinical conference in May 2015 during session called “Pedagogical Responses to Crisis at the Border: Clinical Work in Artesia, New Mexico.” See <https://www.youtube.com/watch?v=JWvEUW6U7WE&feature=youtu.be>. In May 2016, clinicians presented another session at the AALS Clinical Conference titled, “Reimagining Advocacy: Adapting Clinical Models to Meet Community Needs,” focused on various responses to the human rights crisis related to Central American migration and the return of family detention. Presenters included Farrin Anello, Kate Evans, Denise Gilman, Jennifer Lee, Ranjana Natarajan, Sarah Paoletti, Elissa Steglich, Philip Torrey, Michael Vastine, and Sheila Velez-Martinez.

³⁷ I shared draft versions of the surveys with personal contacts – law professors and law students who had participated in trips to Dilley and Karnes primarily – and received some helpful feedback that I used to adjust the survey. I used SurveyMonkey as the instrument

have led trips to family detention centers and law students³⁸ who have participated. Twenty-six law professors and 45 law students responded to the survey. The results of that survey inform this Part of the article.³⁹

In addition to the surveys, I conducted a review of publicly available information about law students and law schools who had engaged in family detention work. Further, I reached out to contacts working within detention centers at Dilley,⁴⁰ Karnes,⁴¹ and Berks⁴² to try to build a more comprehensive picture of the number of schools and students that have engaged in learning in family detention centers. In my estimation, between summer 2014 and summer 2017, in a three-year-period, approximately 40 schools and more than 800 students have engaged in learning, in one form or another, in family detention centers.⁴³ Some schools, for example Columbia Law School, Fordham Law School, Lewis & Clark Law School, the University of the District of Columbia David A. Clarke School of Law, University of Houston Law Center, University of Texas at Austin School of Law, and St.

through which I gathered responses. In the month of June 2017, I sent emails out to various listservs for family detention volunteers (the “Artesia-OTG” and the “Karnes Pro Bono” listservs, specifically) and law professors (through “immprof,” “iclinic,” and “lawclinic”) in order to elicit responses. I also reached out to personal contacts and contacts shared by the Dilley Pro Bono Project and RAICES at Karnes and encouraged those individuals to take the survey and to have their students do the same.

³⁸ Although I chose to focus exclusively on law student involvement in family detention centers, I have been in touch with social work graduate students and professors from both the University of Houston and the University of Chicago who have spent time at the Texas family detention centers. There is likely a great deal to be gleaned from their experiences and potentially of students from other disciplines who have engaged in volunteer work in the family detention arena.

³⁹ The survey was initially designed to focus on the experience of law students and professors who “parachute” in to spend a full week at one of the detention centers. As I started gathering the responses, however, I received communications from several professors based in Texas who engaged in the work in a more sustained manner, taking their students to spend one or two days at a time at either Dilley or Karnes, over a more prolonged period of time. Given the richness of that experience and the likelihood that there would be a great deal of insight to be gained from including those professors and their students, I encouraged them to take the survey and have included their insights.

⁴⁰ For Dilley, I spoke with the project’s volunteer coordinator, Crystal Massey, along with Erin Lynum, former volunteer coordinator and currently working with the American Immigration Lawyers Association.

⁴¹ For Karnes, I spoke with RAICES’ volunteer coordinator, Barbara Pena and consulted with former Equal Justice Works Fellow, Andrea Meza.

⁴² At Berks, I consider the attorney team to be led primarily by Reading-based attorneys Bridget Cambria, Carol Anne Donohoe, and Jacqueline Kline, in coordination with an advocate working at the Berks detention center. Collectively, they formed in 2016, the ALDEA People’s Justice Center. More information on ALDEA is available on their website: <http://aldeajc.org/#about>.

⁴³ See Appendix I for a list of schools who engaged in family detention work between summer 2014 and summer 2017.

Mary’s University School of Law, have incorporated family detention work into the fabric of their clinics, service-learning programs, or student organizations, and have engaged in family detention work on an ongoing basis.

Below I provide a brief explanation of the various models of engagement, including clinical programs, service-learning projects, practicums, and student-led and organized efforts. Throughout the article where specific comments or quotes from professors or students are included, unless otherwise noted, these refer to the responses to the survey, which are on file with the author.

A. Engaging Through Law School Clinics

1. Clinical Legal Education Principles and Pedagogy

This section aims to provide a framework for understanding signature clinical pedagogy techniques and principles to situate family detention engagement within the clinical realm. It does not attempt an exhaustive review of the history of clinical legal education.⁴⁴ Clinical legal education is now fairly firmly established in law schools. Indeed, 187 schools reported 1,433 distinct clinics operating during the 2016-2017 academic year.⁴⁵ In 2007, the Carnegie Report on legal education recommended that law schools integrate three types of apprenticeship throughout the law school curriculum, including the “practice apprenticeship,” which addresses experiential learning.⁴⁶ Further, in 2015, the American Bar Association’s Section of Legal Education issued new standards, 303 and 304, requiring all law school graduates to earn six credits of experiential education.⁴⁷ Thus, clinical education arguably has a stronger foothold within law schools than ever before.⁴⁸

⁴⁴ As a starting point to understand the origins of clinical legal education, see Jerome Frank, *Why Not a Clinical Lawyer-School?* 81 U. PA. L. REV. 907 (1932-33); Margaret Martin Barry, Jon C. Dubin & Peter A. Joy, *Clinical Education for This Millennium: The Third Wave*, 7 CLINICAL L. REV. 1 (2000) (discussing three waves of clinical legal education).

⁴⁵ CTR. FOR THE STUDY OF APPLIED LEGAL EDUC., 2016 SURVEY OF APPLIED LEGAL EDUCATION (Sept. 2017), http://www.csale.org/files/Report_on_2016-17_CSALE_Survey.pdf.

⁴⁶ WILLIAM M. SULLIVAN ET AL., CARNEGIE FOUNDATION FOR THE ADVANCEMENT OF TEACHING, EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW (2007).

⁴⁷ See, e.g., AMERICAN BAR ASSOCIATION, SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR, MANAGING DIRECTOR’S GUIDANCE MEMO: STANDARDS 303(A)(3), 303(B), AND 304 (March 2015), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/governancedocuments/2015_standards_303_304_experiential_course_requirement_authcheckdam.pdf.

⁴⁸ Indeed, one of the most recent new law schools to be established, the University of California, Irvine School of Law, has an explicit focus on clinical education. See Carrie Hempel, *Writing on a Blank Slate: Creating a Blueprint for Experiential Learning at the*

The ABA's Standard 304(b) states that a law clinic "provides substantial lawyering experience that (1) involves advising or representing one or more actual clients or serving as a third-party neutral, and (2) includes the following: (i) direct supervision of the student's performance by a faculty member; (ii) opportunities for performance, feedback from a faculty member, and self-evaluation; and (iii) a classroom instructional component." In discussing law clinics, then, this article focuses on those which are offered for credit, supervised by faculty members within law schools, and including a seminar component.

Perhaps the most important goal of clinical education is the principle of "learning by doing." Clinical education is in many ways the opposite of traditional legal education, which has involved studying appellate cases, through engaging in the Socratic method of questioning, by a "podium" professor, typically with a high student to faculty ratio. Clinical education, conversely, involves students wrestling with evolving facts, through the representation of real individuals or organizations, under the supervision of a clinician, typically with a much lower student to faculty ratio.

Some of the most commonly recited mantras of clinical education include teaching "reflective lawyering"⁴⁹ and practicing "law in slow motion."⁵⁰ Essentially, a critical goal of clinical education is for students to engage in "ends-means thinking," meaning when presented with a factual scenario, the student analyzes the various ways in which the problem might be solved.⁵¹ Further, the student attempts this analysis and application of law to facts that may still be evolving or require clarification.⁵² Other goals include learning from experience, engaging and recognizing social justice and access to justice issues,⁵³

University of California, Irvine School of Law, 1 U.C. IRVINE L. REV. 147 (2011); see also Erwin Chermersky, *Why Not Clinical Education?*, 16 CLINICAL L. REV. 35 (2009).

⁴⁹ See, e.g., Association of American Law Schools, Section on Clinical Legal Education, *Report of the Committee on the Future of the In-House Clinic*, 42 J. LEGAL EDUC. 508, 511 (1992) [hereinafter *Future of the In-House Clinic*].

⁵⁰ PHILIP G. SCHRAG & MICHAEL MELTSNER, REFLECTIONS ON CLINICAL LEGAL EDUCATION 152 (1998) (discussing the necessity to practice law in "slow motion").

⁵¹ See, e.g., *Future of the In-House Clinic*, supra note 49.

⁵² *Id.* at 511.

⁵³ See, e.g., Jane H. Aiken, *Provocateurs for Justice*, 7 CLINICAL L. REV. 287 (2001) (discussing the aim of instigating and inspiring students to recognize injustice and work towards a legal solution to that injustice.). Professors Morin and Waysdorf describe the dual goals of clinic as "hands on training in lawyering skills with the provision of access to justice for traditionally unrepresented clients." Laurie Morin & Susan Waysdorf, *The Service-Learning Model in the Law School Curriculum*, 56 N.Y.L. SCH. L. REV. 561, 568 (2011/12) [hereinafter Morin & Waysdorf, *Service-Learning Model*] (citing Margaret Martin Barry et al., *Clinical Legal Education for This Millennium: The Third Wave*, 7 CLINICAL L. REV. 1, 12 (2000)).

understanding professional responsibility and the attorney’s role, improving collaboration, understand one’s own professional identity, and encouraging an understanding of a lawyer’s obligation to engage in pro bono service for indigent clients.⁵⁴ Clinicians often try to facilitate and maximize the positive gains to be made from “disorienting moments,” from which students are able to make great strides in learning.⁵⁵

The goals articulated above present a dizzying challenge for any experiential educator attempting to deliver on those goals within a semester, or even an entire academic year. We now have a rich body of scholarship on clinical methodology and pedagogy from which clinicians can draw, but the manner in which clinics actually implement those approaches are wide-ranging and diverse. Even within the immigration arena specifically, clinics vary from school to school as to how they engage in representation of clients in the subject area. Many clinics focus on direct representation of indigent immigrant clients.⁵⁶ Others focus on policy issues or impact litigation.⁵⁷ Some clinics offer a hybrid direct client and policy experience.⁵⁸

⁵⁴ *Id.* For more on clinical education, see generally, Roy Stuckey and Others, Best Practices for Clinical Education: A Vision and a Roadmap (Clinical Legal Education 2007), http://www.cleaweb.org/Resources/Documents/best_practices-full.pdf.

⁵⁵ Clinical law professor Fran Quigley originally coined this term, “disorienting moment,” as a time when “the learned confronts an experience that is disorienting or even disturbing because the experience cannot be easily explained by reference to the learner’s prior understanding – referred to in learning theory as ‘meaning schemes’ of how the world works.” Fran Quigley, *Seizing the Disorienting Moments*, 2 CLINICAL L. REV. 37, 51 (1995).

⁵⁶ See, e.g., <https://www.law.georgetown.edu/academics/academic-programs/clinical-programs/our-clinics/CALS/index.cfm> (Georgetown’s Center for Applied Legal Studies clinic students represent only individuals seeking asylum in defensive removal proceedings); <https://law.wisc.edu/eji/ijc/> (University of Wisconsin’s Immigrant Justice Clinic represents individuals in various stages of removal proceedings or seeking protection from the United States government).

⁵⁷ See, e.g., <http://www.law.uci.edu/academics/real-life-learning/clinics/immigrant-rights.html> (UC Irvine’s Immigrant Rights Clinic represents individuals and organizations on “critical issues affecting low-income immigrants in the region.”); <https://pennstate-law.psu.edu/practice-skills/clinics/center-immigrants-rights> (Penn State Law’s Center for Immigrants’ Rights Clinic students produce white papers, practitioner toolkits, and primers for institutional clients as well as engage in community outreach and education and representation of individual immigrants seeking protection or removal defense).

⁵⁸ See, e.g. <http://law.ubalt.edu/clinics/immigrantrights.cfm> (University of Baltimore’s Immigrant Rights Clinic offers direct client representation and systemic law reform issues specific to Baltimore and Maryland); <https://www.wcl.american.edu/clinical/ijc/> (American University’s Washington College of Law Immigrant Justice Clinic offers direct client representation, but also takes on policy projects and impact litigation). For a discussion of integrated clinical models, see Marcy Lynn Karin & Robin Runge, *Toward Integrated Law Clinics that Train Social Change Advocates*, 17 CLINICAL L. REV. 563 (2011).

2. *Clinical Programs Engaging in Family Detention Centers*

Just as clinics themselves vary in their structure and subject matter focus, even within the field of immigration, the ways in which immigration clinics have engaged in student learning in family detention centers also greatly vary.

a. *Repeat Players: Clinics That Have Made Family Detention Work Part of their Ongoing Clinical Work*

Professor Elora Mukherjee at Columbia University first took her students to Dilley in January 2015 and has since returned with students four more times. The trip was part of Columbia's Immigrants' Rights Clinic and was integrated into the clinic curriculum. Students discuss and reflect on their detention center experience throughout the semester. Notably, Professor Mukherjee led her first trip to Dilley prior to the establishment of the CARA Project, and she and her students were the only pro bono legal counsel on site at the detention center during the week they spent there at the end of January 2015. Following the first trip, Professor Mukherjee and her students authored a White Paper outlining the urgent need for pro bono representation for women and children detained at Dilley.⁵⁹ This clinic's experience served as a fact-finding mission and the White Paper clearly outlines the problems facing detained families and the barriers to access to counsel during that time period. Visiting Professor Jason Parkin has also led Columbia student trips to Dilley, following the same model, which includes rigorous preparation ahead of time and at least one seminar reflecting on the experience upon return. Further, the clinic continued to engage in remote representation of detained families, as well as representation of families who had been released and relocated to the New York area. The clinic traveled to provide representation to detained families at Berks in March 2018.

Another New York based clinician, Professor Vanessa Merton at Pace University School of Law, has led her Immigration Justice Clinic students on two trips to Dilley in 2016 and 2017. Professor Merton fundraised to cover the cost of the trips herself, and clinic students received clinic credit for their work. Students prepared for the clinic through readings and the regular clinic curriculum. Although they were not required to keep journals or write reflections during the trip, many did. Upon return to the law school, the students conducted a presentation for the law school community. The clinic also retained several families who were formerly detained at Dilley following their release and relocation to New York. According to Professor Merton,

⁵⁹ On file with the author.

“We call [the Dilley trip] (jokingly) the Clinic Final Exam. They come out of it very strong and confident. And more angry. . .” The participants of the trips have had several dinners together following the trip itself.

b. Repeat “Local” Players: Texas-based Law School Clinics Engaging in Family Detention Work

The University of Texas School of Law (UT) has been involved in family detention work since before the surge in 2014. Indeed, Professor Emeritus, Barbara Hines, current clinic Director, Denise Gilman, and their students, engaged in work at the family detention center at Hutto,⁶⁰ which was closed as a family detention center in 2009. More recently, however, as part of the Immigration Clinic, under the supervision of Professors Gilman and Elissa Steglich, and Professor Hines, UT students participate in day trips to the Karnes detention center. Other trips, detailed below, have been pro bono trips of a longer duration outside of the clinic. Prior to the clinic trip, students are intensively trained on family detention, in terms of representation and policy considerations. Students also prepare a notebook or binder for their use within the detention center. They receive sample documents, which include forms used by RAICES, and instruction in using LawLab software.

The UT clinic travels in a large passenger van from Austin to Karnes, which allows for some additional informal training on the way to the detention center and debriefing on the way back. The UT team plans their visits on days when no one from RAICES is staffing the detention center and function as a self-contained operation, although RAICES sends a list of detained families to be seen the night before. UT students work in pairs with detained families, matching one Spanish speaker with one non-Spanish speaker. On some trips, law students worked alongside social work students, and Professor Hines reports that students enjoyed this collaboration and found that the social work students contributed a different perspective to client interviewing. The clinic is working to integrate social work students more completely into their trips to Karnes and also to prepare students with more readings on working with survivors of trauma.

Another program at a Texas-based school, the University of Houston Law Center (UHLC) Immigration Clinic, engaged in work at

⁶⁰ See THE LEAST OF THESE: FAMILY DETENTION IN AMERICA (2008), <http://theleastofthese-film.com/>; Jazmine Ulloa, *Duo from UT immigration clinic plays key role at detention centers*, AUSTIN AMERICAN-STATESMAN, Jan. 31, 2016, <http://www.mystatesman.com/news/crime—law/duo-from-immigration-clinic-plays-key-role-detention-centers/PZPCT1Vd5DQex0ZSAqGJYO/>.

both Dilley and Karnes family detention centers on five occasions between 2014 and 2017. Clinic students typically arrive at the detention center on Friday and work through the weekend, leaving on Sunday afternoon. On several occasions, students from the University of Houston Graduate School of Social Work served as interpreters. The UHLC coordinates the trips with the non-profit organizations serving immigrants held within the detention centers to gather the names of the women who requested to be seen. To prepare for the experience, Professor Janet Beck lectures on the credible and reasonable fear process, asylum, bond hearings, as well as motions to reopen. She also simulates mock interviews. In the clinic, she often shows the film *Sin Nombre*, so that students can understand the power of the transnational criminal organizations in Central America (“gangs” or “maras”). Students are assigned reading ahead of time. The clinic also represents a number of women and children released from Dilley and Karnes who have settled in Houston. In addition to informal debriefing sessions, students describe their detention center experiences in journals, which are submitted to the professors. Following the weekend spent at the detention center, a licensed clinical social worker comes to class to discuss secondary trauma, without the professors present.

The Immigration and Human Rights Clinic at the St. Mary’s University School of Law, in San Antonio, also incorporates work at Karnes family detention center into their regular clinic coursework. Every semester since Fall 2015, clinic students have traveled to volunteer on a Friday, usually two or three times during the semester, at either Dilley or Karnes. Typically, the students staff Fridays at Karnes, when RAICES staff are not present at the facility. In preparation, Professor Erica Schommer lectures on asylum law, the credible and reasonable fear process, conducts mock interviews, and discusses working with survivors of trauma. She also prepares the students on declaration drafting, and students review all the necessary scripts and forms from RAICES. Professor Schommer has found that assigning students to detained families one on one, rather than in partners, means that students more meaningfully engage in the work.

In the summer of 2017, Professor Schommer integrated family detention work even more deeply into her clinic’s work, offering a ten-week, four-credit version of the Immigration and Human Rights Clinic and including students who had just finished their first year of law school. The vast majority of the casework for the clinic included spending 10-12 hours every Friday of the summer term at the Karnes detention center.

c. *Other Engagement through Clinical Programs*

In 2014, the American University Washington College of Law International Human Rights Law Clinic and Immigrant Justice Clinic jointly traveled twice within a short period of time to Artesia, New Mexico, as part of their clinic work.⁶¹ In addition to the regular clinic coursework, professors prepared training simulations related to working with detained women and children, and assigned readings on the credible fear interview process. Upon return, students presented at a report-back event to the law school, which took place in February 2015. The clinic also integrated the trip into their ongoing work by taking on remote bond work, telephonic hearings, and appeals. American has continued to engage in representation of families released from Artesia.⁶²

In early 2015, Professor Elizabeth McCormick of the University of Tulsa College of Law (TU) led a trip to Karnes, mostly with students enrolled in the Immigrant Rights Project Clinical Program, but also with some students who volunteered to come without receiving credit. Prior to leaving for the trip, clinic students were assigned relevant readings and received substantive training on asylum law, interviewing simulations, bond hearings, and conducting credible fear interviews, in addition to a full day orientation program for all participants. Professor McCormick also arranged for a team of faculty from TU’s Psychology and Social Work Departments to speak with the students about working with trauma survivors and provided exercises and advice on coping and self-care. The TU group took a videographer with them and produced a video upon return.⁶³ For the remainder of the semester, clinic students continued to represent several of the detained families.

Professor Benjamin Harville from the University of Wisconsin led five of the six students enrolled in the Immigrant Justice Clinic on a trip to Karnes in early 2017. The trip was not a mandatory component of clinic, but the students had been trained in asylum law as part

⁶¹ Families were detained at Artesia between June and December 2014, as detailed in *Contemporary Family Detention*, *supra* note 14, at 146-50. See also MANNING, *supra* note 34. American University’s Washington College of Law’s International Human Rights Clinic and Immigrant Justice Clinic students traveled twice in the fall of 2014 with their professors to Artesia. See *Where Justice Hits the Road: Clinic Students in Artesia, New Mexico*, AM. U. CLINIC BLOG (Oct. 24, 2014), <https://auwclclinic.org/2014/10/24/where-justice-hits-the-road-clinic-students-in-artesia-nm/>; *Libre Soy*, AM. U. CLINIC BLOG (Oct. 31, 2014), <https://auwclclinic.org/2014/10/31/libre-soy>; *Some Things Should Never Be Normal*, AM. U. CLINIC BLOG (Dec. 14, 2014), <https://auwclclinic.org/2014/12/08/some-things-should-never-be-normal/>.

⁶² Email correspondence with Jayesh Rathod, Oct. 2017 (on file with author).

⁶³ The video can be viewed at <https://www.youtube.com/watch?v=GHZEI5MF884&feature=youtu.be>.

of the clinic curriculum and reviewed the materials RAICES made available in preparation for the experience. Students discussed their experience at Karnes within regular class time upon return to campus. One student published a written reflection in the school's clinical newsletter, but written reflection was not required. Because the population of Karnes was low at the time of the trip and some of the students did not speak Spanish, some of them struggled with having enough to do during their time at the detention center. Students shared their experience informally with other law students upon their return to Wisconsin, but also discussed their jail visit during an information session for the clinic.

Modes of engagement through clinical programs have been varied; this article will now examine law student engagement in crisis lawyering within family detention centers through service-learning or other practicums for credit.

B. *Engaging For Credit: Service-Learning and Practicums*

Service-learning within law schools is in no way new,⁶⁴ and indeed the aftermath of Hurricane Katrina on the Gulf region demonstrated the power of harnessing law student willingness to volunteer and engage in advocacy for those who need it the most.⁶⁵ Law students also engaged in service-learning in response to subsequent disasters, including the 2010 Haitian earthquake⁶⁶ and the 2011 tornado in

⁶⁴ Indeed, leaders at my very own institution – the University of the District of Columbia's David A. Clarke School of Law – helped to pioneer and champion this model. *See, e.g.,* Laurie Morin & Susan Waysdorf, *Teaching the Reflective Approach Within the Service-Learning Model*, 62 J. LEGAL EDUC. 600 (2013) [hereinafter Morin & Waysdorf, *Teaching the Reflective Approach*]; Morin & Waysdorf, *Service-Learning Model*, *supra* note 53. In their article on students as first legal responders to the Haitian earthquake, Melissa Gibson Swain and JoNel Newman chronicle the history of law student response to disaster to as far back as 1911 and the Triangle Shirtwaist Factory fire and highlight the Student Hurricane Network, “which engaged hundreds of law students from more than 60 schools.” *Helping Haiti in the Wake of Disaster: Law Students as First Responders*, 6 INTERCULTURAL H.R. L. REV., 141 (2010).

⁶⁵ Davida Finger, Laila Hlass, Anne S. Hornsby, Susan S. Kuo, & Rachel A. Van Cleave, *Engaging the Legal Academy in Disaster Response*, 10 SEATTLE J. SOC. JUSTICE (2011) (estimating that between Dec. 2005 and Spring 2009, over 5500 law students volunteered in the Gulf region following Hurricane Katrina).

⁶⁶ Following the earthquake, the University of Miami Health & Elder Law Clinic engaged more than 60 University of Miami students in a mass intake drive for Haitians in the U.S. who may be eligible for Temporary Protected Status. This transitioned to an outreach model, whereby students and clinicians went out into the community going door to door in a get-out-the-vote style campaign to find eligible Haitians. Swain & Newman, *supra* note 64, at 146-54. Eventually, University of Miami hosted seven schools from all over the country for an alternative spring break week during the month of March 2010, during which time 70 students filed more than 90 TPS applications. *Id.* at 154-159. Finally, the project evolved to include ongoing policy advocacy. *Id.* at 168-169.

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Tuscaloosa.⁶⁷ Other students have engaged in service-learning within Spring Break (often termed an “Alternative Spring Break”) to provide assistance to migrant farm workers.⁶⁸

The literature on service-learning trips in the law school context,⁶⁹ is not, however, extensive.⁷⁰ The AALS Section on Clinical Legal Education defines service-learning as:

Service learning is a teaching and learning strategy that integrates meaningful community service with instruction and reflection to enrich the learning experience, teach civic responsibility, and strengthen communities. In law schools, service learning can include law clinics and externships.⁷¹

One of the seminal articles on this topic comes from UDC Law professors Laurie Morin and Susan Waysdorf. They provide a history and definition of service-learning, describing service-learning as “a third apprenticeship model that resembles, but is not identical to, clinical legal education.”⁷² For law students, Morin and Waysdorf believe that service-learning can function as a “capstone educational experience” in law school – following up “on the continuum of doctrinal

⁶⁷ Kelly Alison Behre, *Motivations for Law Student Pro Bono: Lessons Learned from the Tuscaloosa Tornado*, 31 BUFF. PUB. INT. L. J. 1 (2012-2013).

⁶⁸ Karen E. Millard, *The Role Law Schools Should Play in Filling the Justice Gap*, 11 AVE MARIA L. REV. 411, 440 (Spring 2013) (discussing Florida Coastal’s Alternative Spring Break Migrant Worker Justice Immersion Program, an intense weeklong project supervised by law faculty in conjunction with Florida Legal Services attorneys. Students attend trainings ahead of time, learning how to interview client and the substantive law affecting migrant workers).

⁶⁹ For an overview of service-learning more broadly, see Morin & Waysdorf, *Service-Learning Model*, *supra* note 53, at 589-95, and Linda F. Smith, *Why Clinical Programs Should Enhance Civic Engagement, Service Learning and Community Based Research*, 10 CLINICAL L. REV. 723, 727-733 (2004) (discussing the definition and history of service-learning and the consistency with clinical legal education and law school’s goal to promote Professional Responsibility). Professor Tracy Bach’s article on service-learning in the context of teaching international environmental law also provides helpful background on problem-based service-learning as a concept, and as applied in law schools. See Tracy Bach, *Minding the Gap: Teaching International Climate Change Law Through Service Learning*, 18 VT. J. ENV’T L. 173, 177-183 (2016); see also Patricia Salkin & John R. Nolon, *Practically Grounded: Convergence of Land Use Law Pedagogy and Best Practices*, 60 J. LEGAL EDUC. 519 (2011) (explaining service-learning as one of several approaches to teaching land use law).

⁷⁰ In 2004, Professor Linda Smith, at the University of Utah, called for clinical professors to learn about civic engagement – including service-learning and community-based research – “to obtain support for and further insight about our pedagogical goals and models and to partner with colleagues in order to provide richer service to the community.” See Smith, *supra* note 69, at 753.

⁷¹ AALS SECTION ON CLINICAL LEGAL EDUCATION, GLOSSARY ON EXPERIENTIAL EDUCATION 10, https://memberaccess.aals.org/eweb/dynamicpage.aspx?webcode=ChpDetail&chp_cst_key=2546c8e7-1cda-46eb-b9f3-174fc509169b.

⁷² See Morin & Waysdorf, *Service-Learning Model*, *supra* note 53 at 561, 565. (borrowing the apprenticeship concept from the Carnegie Report).

coursework, clinical practice, and externship programs.”⁷³

At UDC Law, Morin and Waysdorf’s foray into service-learning was almost accidental. They began a Disaster Law course as a response to Hurricane Katrina as a doctrinal course with a service-learning component, which was neither emphasized nor required.⁷⁴ It was later renamed “Katrina and Beyond” and offered as a three-credit course with two-hour sessions, twice a week, and an additional credit offered for the alternative spring break to New Orleans or the Mississippi Delta.⁷⁵ It then evolved into a two-credit course, offered once a week, with an extra credit for the one-week trip experience.⁷⁶

Following the massive outpouring of student energy and support post-Katrina, four scholars assessed their own various responses to disaster from the legal academy, including a doctrinal course, a clinic, and a student-led initiative with non-credit pro bono placements.⁷⁷ The student-led initiative, which came to be known as the Student Hurricane Network (“SHN”), facilitated placing students in week-long volunteer positions across the South and engaging in remote research projects.⁷⁸ In winter 2005, for example, 260 law students from about 60 schools were placed with 19 different social justice and legal services offices in Mississippi and Louisiana.⁷⁹ After this, SHN shifted to “providing structural support to schools so that students could organize their own trips.”⁸⁰

Some argue that at least certain components of service-learning are consistent with definitions of clinical legal education. Linda Smith, for example, cites to Gary Bellow’s definition of clinical legal education, which includes reflection in the classroom, a key part of service-learning.⁸¹ Likewise, the traditional clinical goal of “‘developing a profound understanding of the legal theory, economic implications and social dynamics of a given segment of the legal system’ that would result in ‘efforts to reform the process through their clinical work,’”

⁷³ *Id.* at 593.

⁷⁴ *Id.* at 595-98.

⁷⁵ *Id.* at 597.

⁷⁶ *Id.* at 600.

⁷⁷ Finger et al., *supra* note 65, at 212.

⁷⁸ *Id.* at 224; *see also* Morin & Waysdorf, *Service-Learning Model*, *supra* note 53, at 564 (“Law students around the country were galvanized to action, descending on the Gulf Coast in droves to clean up debris, rebuilt houses, and provide pro bono legal services to victims of the disaster.”).

⁷⁹ Finger et al., *supra* note 65, at 212.

⁸⁰ *Id.* at 225-26.

⁸¹ *See* Smith, *supra* note 69, at 753 (citing Gary Bellow, *On Teaching the Teachers; Some Preliminary Reflections on Clinical Education as Methodology*, in COUNSEL ON LEGAL EDUCATION FOR PROFESSIONAL RESPONSIBILITY, INC., CLINICAL EDUCATION FOR THE LAW STUDENT: LEGAL EDUCATION IN A SERVICE SETTING 375, 379 (1973)).

seems consistent with service-learning.⁸² Further, service-learning seems designed to foster opportunities for students to experience “disorienting moments” that are so valued in clinical legal education.⁸³ In my experience, service-learning and clinic share many similarities but approaches to service-learning can certainly differ, and a spectrum exists as to how much traditional clinical pedagogy is imported into the service-learning context. How service-learning and other learning for credit programs have been implemented in the family detention context is discussed below.

1. Learning for Credit: Service-learning and Practicums in Family Detention Centers

Despite the thoughtful literature on service-learning in the law school context, few law schools embarking on family detention center trips have named what they are doing as “service-learning.” Many law schools have engaged through existing clinical programs, as described above, and many have also created courses or practicums around the family detention volunteer experience, which could fit into the realm of “service-learning,” and are discussed in this article under this umbrella.

The only school to explicitly name their student trips as “service-learning” is my own institution. UDC Law faculty members have led four student trips to family detention centers in Dilley, Karnes, and Berks, most recently as a formal part of the service-learning program.⁸⁴

The 2017 and 2018 UDC Law detention center work was formally folded into the law school’s service-learning program, and students received two credits for their enrollment in the seminar and one credit for their participation in the trip to Karnes in 2017 or Berks in 2018. In 2017, the seminar met once a week and relevant readings were as-

⁸² *Id.* (citing Stephen Wizner & Dennis Curtis, “Here’s What We Do:” *Some Notes About Clinical Legal Education*, 29 CLEV. ST. L. REV. 673, 678-79 (1980)).

⁸³ See Quigley, *supra* note 55.

⁸⁴ Prior to the trip’s formal incorporation into the existing service-learning program, in 2015, the trip was part of a Gender Asylum and Family Detention summer seminar. Following the 2015 summer trip to Karnes, the students met to present their ten-page reflection papers to one another in class and also conducted a report-back for the wider law school community. In 2016, students traveled to Dilley as a stand-alone alternative spring break. The 2016 UDC Law trip was structured quite differently and was limited to students who had already taken the immigration clinic, although no credit was given. There were two sessions prior to leaving on asylum law and no required reflection papers or report-back. The trip was 100% funded by the law school again. In 2017, the trip was folded into the wider service-learning seminar, which, as discussed above, prepares students for service-learning experiences in other locations. (In 2017, for example, other students in the service-learning course traveled to Biloxi, Mississippi. The course consequently covered a broad array of social justice topics.)

signed, along with an additional half-day session on substantive asylum law. Students produced a reflection paper and jointly planned a report-back session to the law school community. In 2018, 12 UDC Law students traveled to serve detained families at Berks during Spring Break and the service-learning course solely focused on preparing students for their trip and debriefing and reflecting following their travels.⁸⁵ The Spring 2018 Berks trip piloted a version of the framework proposed in Part IV of this article.⁸⁶

At other institutions, professors similarly have led trips within a practicum or seminar course. Formally, a practicum focuses on “a single course focused on a discrete area of law that integrates a requirement that students engage in practical fieldwork or complex simulations on the topic of study.”⁸⁷ In some instances, practicums actually may meet the ABA definitions for a law clinic, where students are supervised by faculty working on live client cases.

An example of such a practicum comes from the University of New Mexico, where professor Jennifer Moore led a group of four law students on a service-learning trip to Karnes during their Spring Break in 2015. The students staffed a detainee hotline, assisted in the preparation of bond applications, prepared mothers for their credible fear interviews at the detention center, did art work with children while their mothers were sharing their personal stories, provided Spanish interpretation for a monolingual English attorney’s pre-asylum hearing interview with her client, and visited at the hospitality center and the local bus station with released-on-bond detainees in transition from detention to family reunification. The trip was the culmination of the Family Immigration Practicum, an optional one-credit component linked to professor Moore’s Human Rights research seminar. Students in the Family Immigration Practicum met for an extra hour per week during which they mastered the fundamentals of refugee law and asylum procedures, and the credible and reasonable fear process, as well as studied conditions in the Northern Triangle countries, and discussed Post-traumatic Stress Disorder and secondary trauma. The Practicum students presented to the rest of their class-

⁸⁵ See Spring 2018 Service-Learning Trip Report, Mar. 15, 2018, <http://www.law.udc.edu/news/391197/Spring-2018-Service-Learning-Trip-Report.htm>.

⁸⁶ See *infra* notes 130-176 and accompanying text.

⁸⁷ The AALS Section on Clinical Legal Education defines a law practicum as “Experiential education is an integral part of the [practicum] class but not the only method of instruction. Where students work on real world problems or for real clients under the supervision of a faculty member, the course shares characteristics with law clinics and may in fact meet the ABA’s definition of a law clinic in Standard 304(b).” AALS SECTION ON CLINICAL LEGAL EDUCATION, GLOSSARY FOR EXPERIENTIAL EDUCATION, *supra* note 71, at 12.

mates in the Human Rights seminar informally and formally upon return from their trip to Karnes and wrote a reflection paper on their experiences in the Practicum.

Students at Brigham Young University’s J. Reuben Clark School of Law have traveled to volunteer in Dilley, Texas in October 2016, and February, August, and October 2017, with additional trips planned for 2018. Students have traveled with professors Kif Augustine-Adams, Carolina Núñez, and Carl Hernandez and receive two credits for their work at Dilley. Following the trip, they write a ten-page reflection paper and meet with the professor to debrief. Returning students have been instrumental in helping to prepare the next group of students to travel to Dilley, also serving as teaching assistants and, after graduation, as adjunct professors on later trips. Returning students have also made presentations across the University campus about their experiences and have been interviewed by local media in their hometowns.

In March 2017, professor Natalie Nanasi of the Southern Methodist University Dedman School of Law (SMU) led a group of law students to Karnes for a week as part of a two-credit seminar. Prior to the trip, students attended eight hours of class, which included sessions on family detention, trauma, and intimate partner violence. During the trip, they kept a nightly video journal and engaged in group debriefing sessions led by a counselor from a Dallas domestic violence shelter who had joined the group. Upon return to campus, they participated in a two-hour group debriefing session and gave a presentation on their experience to the law school community. The course associated with this trip has now been institutionalized at SMU and the school plans to send students each Spring Break.⁸⁸

Students from the University of Minnesota Law School’s Center for New Americans⁸⁹ accompanied by two clinical instructors, Kate Evans and Rebecca Scholtz, spent a week in Dilley in January 2016.⁹⁰ The law school funded the trip entirely and students received one credit for their work. Although the trip was not part of the immigration clinic, all of the students had either been enrolled in the immigration clinic or had extensive immigration legal service experience outside of clinic, and all spoke Spanish. Prior to the trip, Evans and Scholtz led a three-hour session on asylum law, the credible fear process, and self-care, as well as engaging in a conference call with

⁸⁸ Email correspondence with Natalie Nanasi, Oct. 27, 2017 (on file with author).

⁸⁹ See <https://www.law.umn.edu/james-h-binger-center-new-americans>.

⁹⁰ See *U of M Center for New Americans Defends Asylum Seekers Targeted by Federal Immigration Raids*, Jan. 12, 2016, <https://www.law.umn.edu/news/2016-01-12-center-new-americans-defends-asylum-seekers-targeted-federal-immigration-raids>.

CARA Project staff for database training and logistics. Upon return to the law school, students met regularly to prepare for a large continuing legal education presentation that they conducted related to their trip.

Law students engaging through their law school's clinical program or through a practicum or service-learning program receive credit for their work within the detention centers. Many students, however, have traveled individually or more often as part of a law school group, and volunteered their time without receiving law school credit. These pro bono trips are discussed in the following section.

C. Pro Bono Engagement

Some of the trips to family detention centers that students have made are outside of clinic or any kind of course (service-learning, practicum, or otherwise), but even within this category, the trips varied greatly. Many of the trips, although not involving law school credit, looked very similar to the trips that occurred within clinics or practicums, and, more often than not, involved law school faculty. Some received formal recognition for a law school's pro bono program, while others did not.

For example, the Cardozo Law School trip to Dilley in 2017 consisted entirely of students who had either completed or were currently enrolled in the immigration clinic to ensure they entered the experience with significant grounding in the substance and skills needed to engage with clients at the family detention center. Aside from the 2015 trip led by professor Elizabeth McCormick with the Immigrant Rights Project Clinical Program, students at the University of Tulsa College of Law also organized a trip to Karnes in 2017 under the guidance of professor Mimi Marton, receiving financial support from, among others, the College of Law Public Interest Board and the TU Center for Global Studies. While the trip was not part of any clinic or course for credit, the students were required to participate in ten hours of training on substantive law, interviewing skills, working with trauma survivors, and self-care and secondary trauma. Further, they were assigned reading materials from RAICES to prepare for their Karnes trip, along with current asylum case law, along with materials on interviewing and trauma. Upon return to the law school, TU students chartered a new student organization, the Immigration Law Society, to raise awareness and prepare other students to volunteer at detention centers in the future.

St. Thomas University School of Law's professor Lauren Gilbert has worked with student leaders to bring two groups of students down to Karnes. In June 2015, prior to the first student trip, Professor Gil-

bert and three students conducted a “scouting mission” at Karnes before bringing ten students later that summer. Student leaders organized the logistics and while the students received no credit, the law school recognized their pro bono hours. Before the trip, Gilbert prepared students on substantive asylum law, as well skills based reviews of negative credible fear interview transcripts and declarations. Gilbert used case files and materials created during the first trip to train the second group of fifteen students, including first year law students, who traveled to Karnes in late 2016. Students from the first trip produced a video for students going on the second trip. Students from the second trip wrote a piece for the law school website.⁹¹ On the second trip, a trauma counselor accompanied the students and conducted mindfulness exercises in the morning and helped them to address any secondary trauma symptoms. Professor Gilbert has since led student groups to Karnes again, including during the summer of 2018 and the family separation crisis.

In 2016, nine students from Loyola University New Orleans College of Law spent a week volunteering at Karnes. This was outside of any formal course and was simply a pro bono opportunity for the students and professor M. Isabel Medina. The students underwent a brief preparatory session with the professor before embarking on the trip, along with watching the training materials prepared by RAICES. During the trip, they engaged in debriefing and processing informally over lunch and group dinners.

Similarly, Professor Ingrid Eagly, at UCLA School of Law, has led trips to Dilley during the summers of 2015 and 2017. Both trips were funded by the law school, but not connected to any course or clinic. Prior to the trips, students were given minimal orientation on the substantive law and logistical matters, and also studied the training materials provided by first the CARA Project and then the Dilley Pro Bono Project. After the first trip, students were required to write a blog about their experience, and after the second trip, the students sponsored a school-wide panel on family detention. Shaylyn Fluharty, the Managing Attorney of the Dilley Pro Bono Project, came to speak with interested students.⁹² The UCLA Law Students for Immigrant Justice group is continuing to engage in family detention work by organizing a fundraiser to assist Dilley families released from attention with onward travel costs.⁹³

⁹¹ See <http://stthomaslawnews.blogspot.com/2017/01/st-thomas-law-students-experience-life.html>.

⁹² See <https://law.ucla.edu/news-and-events/3751/2017/9/18/Student-and-Practitioner-Perspectives-on-the-Detention-of-Asylum-Seekers-in-Dilley-Texas/>.

⁹³ See <https://www.youcaring.com/caradilleyprobonoproject-971033>.

Elon University's Professor Heather Scavone, who directs the Humanitarian Immigration Law Clinic,⁹⁴ led law students on an alternative spring break to Karnes in 2015. Although students could claim pro bono hours towards the law school's pro bono certificate, the trip was not part of a course and no credit was given. Students and faculty fundraised for the trip independently of the law school. Prior to the trip, students received a substantive law overview and were assigned practice advisories and redacted briefs to read. They also read and discussed an article on secondary trauma. Although they were not required to produce any written reflection while at the detention center, the students created their own blog.⁹⁵ While at Karnes, the group decided to focus on more in-depth representation of two detained families in particular. One of the families is scheduled for her individual asylum merits hearing in Texas in 2019, and Professor Scavone plans to return to Texas with a group of students to represent the family in their ongoing case. Upon return to the law school, the group held a debriefing meeting and then organized a panel for the community, along with a screening of the film, *No Sanctuary*.⁹⁶

In addition to their regular clinic work at Karnes, Professors Elissa Steglich, Denise Gilman, and Barbara Hines from the University of Texas School of Law's Immigration Clinic⁹⁷ engage in multiple trips a semester to Karnes, including a one-week trip in early 2017. This is part of the law school's Pro Bono in January program.⁹⁸ This longer trip was not connected to any course or credit but was supported financially by the law school's pro bono program, and students received pro bono hours recognized by the law school for their work. Prior to the trip, supervising professors conducted a three-hour training and assigned reading materials including news articles, flow charts, sample documents (credible fear interview samples, intake forms, etc.), and other materials on asylum law. Upon return, students completed an evaluation for the pro bono program but did not engage in any group or formal written reflection. Following a Fall training, UT routinely conducts four or five trips to Karnes each semester, including first- and second-year law students.⁹⁹ These experiences also serve as a de facto recruiting tool for the Immigration Clinic.

Students at Lewis & Clark Law School describe volunteering at Dilley as a "rite of passage" at their school; indeed by May 2017, 31

⁹⁴ See <https://www.elon.edu/e/law/academics/clinics/immigration-clinic.html>.

⁹⁵ See <https://elonlawspringbreak.wordpress.com/>.

⁹⁶ See <http://vimeo.com/user36179554/nosanctuary>.

⁹⁷ See <https://law.utexas.edu/clinics/immigration/>.

⁹⁸ See <https://law.utexas.edu/probono/projects/service-trips/pro-bono-in-january/andhttps://law.utexas.edu/probono/projects/service-trips/other-service-trips/>.

⁹⁹ Phone call with Barbara Hines, Oct. 6, 2017 (notes on file with author).

students had traveled to Dilley.¹⁰⁰ One student surveyed explained that the law school has no immigration clinic, and so the frequent student-led trips to Dilley act as a substitute for that curricular absence. Students from Lewis & Clark have traveled in groups and often individually to volunteer at the detention center with the pro bono project. Lewis & Clark students fundraise for the trip and receive pro bono credit for the trip, which goes towards eligibility for the school's pro bono award. The repeat trips typically include at least one student who is a veteran of family detention work. Students who have returned from Dilley prepare a detailed packet of training and orientation materials, including detailed logistical information, for future groups of students.¹⁰¹ In Spring 2017, students worked with immigration law professor Juliet Stumpf to create a student-led reading group class called Asylum and Family Detention, which included relevant readings, class discussions, and guest speakers.¹⁰² Before the next trip in mid-December 2018, the Immigration Student Group plans to hold training on secondary trauma.

Howard Law School student Diana Saavedra approached her law school's pro bono program and connected with the chapel at the Howard main campus, the entity in charge of approving alternative spring break plans planned by the students. Saavedra and her classmates then planned the trip to Dilley, along with Professor Anibal Rosario-Lebron, over Spring Break in 2017. The students were required to keep daily journals but did not do any preparation ahead of time or debriefing upon return from the trip. Similarly, three students at the Roger Williams University School of Law, in Rhode Island, traveled under the supervision of Professor Deborah Gonzalez, a clinician, to Karnes in Spring 2015. Professor Gonzalez planned to lead a second trip in Spring 2018.

Five Stanford Law School students traveled to Dilley to volunteer during their Spring Break as part of the Alternative Spring Break Program, and received pro bono hours to count towards the Law school's pro bono distinction. They were not accompanied by a professor or instructor, but engaged in a 1.5 hour substantive asylum law training with an attorney from the law school's Immigrants' Rights Clinic prior to their trip. Upon return, they engaged in a debriefing session with 23 students who traveled elsewhere over Spring Break. Four Stanford students went to Dilley in September 2017 and the school planned to

¹⁰⁰ Dan Sadowsky, *Law on the Border*, CHRONICLE MAGAZINE, May 26, 2017, <http://www.lclark.edu/live/news/36349-law-on-the-border>.

¹⁰¹ This packet is on file with the author.

¹⁰² Email correspondence with Lewis & Clark student, Tessa Copeland, Oct. 22, 2015 (on file with author).

send more students in March 2018.

Sponsored by the Public Service Law Center,¹⁰³ six Brooklyn Law School students traveled to Karnes during their winter break in early 2017 to volunteer.¹⁰⁴ The group included first year law students. During the trip, the students conducted daily debriefings with the site leader from RAICES. Reflecting on the trip, one student who responded to the survey felt that advance preparation on asylum law would have been helpful.

Some students find their way to Dilley or Karnes as volunteers without being a part of any organized group. A few of these students responded to the survey. One had taken an asylum law course, while another had been enrolled in the asylum clinic at her law school. The students reported a lack of any reflection on their experience, along with a lack of training. One student in particular noted the absence of training on the concept of unauthorized practice of law and what non-attorneys could advise detained families, as well as the absence of secondary trauma training. All students reported a lack of any preparation, other than reviewing materials provided in advance by the Dilley Pro Bono Project or RAICES.

Some student engagement in family detention centers defies categorization and represents hybrid models and organic responses to the crisis. Yale Law School students, in particular, have been pioneering in the family detention sphere.¹⁰⁵ In March 2015, three Yale students traveled to Dilley, prior to the establishment of a formal staff permanently located at the detention center. The three students worked under the supervision of two experienced immigration attorneys who agreed to supervise the trio. A couple of months later, in May 2015, six more Yale students traveled to Dilley, this time under the supervision of Columbia law professor Elora Mukherjee. During this second trip, five of the students represented a mother and child in their merits trial while detained.¹⁰⁶ The Yale Law School Worker and Immigrant Rights Advocacy Clinic¹⁰⁷ organized these two initial trips, although students did not receive credit or pro bono hours. Following these trips, the Yale students, in coordination with professor Mukherjee,

¹⁰³ See <https://www.brooklaw.edu/intellecualife/public-service-law-center/about?>

¹⁰⁴ See <https://www.brooklaw.edu/newsandevents/news/2017/01-27-2017a>.

¹⁰⁵ The following information regarding Yale students and Asylum Seeker Advocacy Project (ASAP) is drawn from email correspondence with Dorothy Tegeler, one of ASAP's founders, on file with the author, from July 2016, in addition to the author's own personal experience working with Yale students while a Legal Fellow at the American Immigration Council as part of the CARA Project.

¹⁰⁶ During this time, many withholding only mothers were forced to undergo their merits hearings while detained and the CARA Project lacked the capacity to provide full representation.

¹⁰⁷ See <https://law.yale.edu/wirac>.

formed a volunteer team to remotely represent families forced to have their merits trials while detained. From May to August, 2015 (after which time, the government stopped routinely forcing families to go to a merits hearing while detained), the Yale student volunteer team, under Professor Mukherjee’s supervision, represented each family forced to go to trial and won every case they accepted or placed.

This intensive remote work at Dilley laid the foundation for what would become the Asylum Seeker Advocacy Project (ASAP). ASAP was initially a student organization and was funded through Yale by the Gruber Project for Global Justice and Women’s Rights.¹⁰⁸ The group continued to take on remote work, including volunteering with the CARA Project’s remote bond team and providing administrative support. For a period, ASAP coordinated the remote drafting of requests for reconsideration, where families had not passed a credible fear interview and requested reconsideration of that decision with the asylum office. The work ballooned and ASAP eventually also took on briefs directed towards immigration judges and other strategies for families who failed their initial credible or reasonable fear interview, including complaints under the Federal Tort Claims Act and with the Department of Homeland Security’s Office of Civil Rights and Civil Liberties and Office of Inspector General. They also drafted habeas petitions for the ACLU for families who had been detained at Berks for months, which went on to become the *Castro* case in the Eastern District of Pennsylvania, and later the Third Circuit.¹⁰⁹

In addition to the remote work, the ASAP student group organized and funded three additional trips to family detention centers – two to Dilley in 2016 and 2017, and one trip to Berks in 2017. These trips were larger than the two initial 2015 trips, and ASAP prepared students, arranged for debriefing, and recruited a clinical professor to accompany each trip. By the end of 2015, ASAP began shifting to focus on post-release work. In Fall 2016, the Asylum Seeker Advocacy Project became a project of the Urban Justice Center, founded by four Yale law students, now graduates, who were veterans of family detention work.¹¹⁰

¹⁰⁸ See <https://law.yale.edu/centers-workshops/gruber>.

¹⁰⁹ *Castro v. Dep’t of Homeland Sec’y*, 835 F.3d 422 (3d Cir. 2016) (affirming the holding by the district court that the court lacked jurisdiction over the habeas claims and that petitioners could not invoke the Suspension Clause).

¹¹⁰ See <https://law.yale.edu/yjs-today/news/yale-law-students-launch-asylum-seeker-advocacy-project>.

III. LIMITATIONS AND BENEFITS OF THE MODELS OF ENGAGEMENT

As discussed above, at least 40 schools have conducted trips to family detention centers as part of a clinic, service-learning program or practicum or other student-led model. Over the course of just three years, more than 800 students have traveled to family detention centers and engaged in this work.¹¹¹

Of course, there are downsides that apply to each of these models. By its very nature, family detention and the legal services model involving volunteers that has sprung up in response, require that detained families work with a constantly revolving door of lawyers, students, and other volunteers. This inconsistency is far from a best practice when it comes to the provision of legal services.

Further, as Professor Barbara Hines notes, it is “important to explain to students that experience at family detention center is not [the] ideal way to deliver legal services, but rather a triage operation. As a lawyer, you need to have time to develop trust, manage the case etc. . . . At family detention centers, client centered lawyering and other lawyering goals cannot be attained.” This is a reality regardless of how students engage at the family detention centers, but their understanding of this less than ideal mode of providing legal services may differ according to *how* they have engaged – through a service-learning program, a practicum, clinic, or in another manner.

A. *Clinical Model*

Although the ways in which law school clinics have engaged in work at family detention centers has varied, this article considers any participation by law students through their existing legal clinic, for credit, as part of the clinic’s work, to fall under this model. There are some clear benefits and some potential downsides to engagement through clinics as compared with a separate practicum, service-learning program, or student-led initiative. These are discussed below.

Some of the broader critiques and concerns regarding clinical legal education could apply to engaging in family detention, or work in immigration detention centers more broadly, through clinics. First, engaging through a clinic, rather than through a different program, could potentially be more expensive. Clinical pedagogy suggests a low stu-

¹¹¹ This is likely an underestimate. CARA Project data shared with the author from March 2015 to August 2017 reflected 366 law student volunteers, just at Dilley. RAICES reported more than 90 law student volunteers between just January and May 2017. Data keeping has not been consistent, but given the continuing engagement of law students at the time of writing and at Karnes before and after January to May 2017, 800 students is a likely a very conservative estimate.

dent to faculty ratio (typically 8:1)¹¹² at the most, throughout the semester. This may limit the number of students able to participate in learning in detention centers through clinic, by virtue of the school not having enough clinicians to supervise all willing and interested students throughout the semester.

Another potential downside is that clinics are typically offered after the first year, and sometimes with other pre or co-requisites, meaning that first year law students typically do not engage in clinical work. Given the power of connecting to the reasons a law student went to law school, which can be realized through working in a fast-paced client-focused setting, this is a downside of engaging only through clinics. Clinics are also offered for an entire semester, or, in some cases, the whole academic year, which may be too much of a commitment for some students to undertake, despite having an interest in engaging in crisis lawyering.

Further, clinics struggle to add detention work as a component of their clinic because clinics already have to manage their existing, often over-burdened dockets. The immigration court backlogs have exacerbated this challenge – clients that any immigration lawyer, or law school clinic, have retained, may not have their hearing dates until years out into the future.¹¹³ The need for immigration legal services has been especially high beginning in January 2017 with the inauguration of Donald J. Trump as President and the various ways in which his administration has engaged in aggressive enforcement of existing immigration laws and repeatedly attempted to take anti-immigrant actions.¹¹⁴ Existing clinics may therefore struggle to quickly pivot to respond to a pressing demand for representation in detention centers

¹¹² See Peter A. Joy, *The Cost of Clinical Legal Education*, 32 B.C. J. L. & Soc. JUST. 309, n.1 (2012) (“the most common student-to-faculty ratio for in-house clinical courses is eight to one.”) (citations omitted).

¹¹³ See Lindsay M. Harris, *The One-Year Bar to Asylum in the Age of the Immigration Court Backlog*, 1183 Wisc. L. REV. 1204-08 (2017) [hereinafter Harris, *The One-Year Bar*]; see also See TRAC, *Growth in Immigration Court Backlog Varies Markedly By State*, <http://trac.syr.edu/immigration/reports/526/>.

¹¹⁴ For a few examples of the recent changes (or, in some cases, attempted changes) in laws and policies adversely affecting immigrants, see Executive Order: Border Security and Immigration Enforcement Improvements, Sec. 5, Jan. 25, 2017, <https://www.whitehouse.gov/the-press-office/2017/01/25/executive-order-border-security-and-immigration-enforcement-improvements>; Executive Order: Protecting the Nation from Foreign Terrorist Entry into the United States, January 27, 2017, <https://www.whitehouse.gov/the-press-office/2017/01/27/executive-order-protecting-nation-foreign-terrorist-entry-united-states> (the first iteration of the “Muslim Ban”); Department of Homeland Security, *Memorandum on the Rescission of Deferred Action for Childhood Arrivals (DACA)*, Sept. 5, 2017, <https://www.dhs.gov/news/2017/09/05/memorandum-rescission-daca>; Ashley Edwards & Emily C. Singer, *Exclusive: Army Bans Green Card Holders from Enlisting – A Move that May Break Federal Law*, Oct. 18, 2017, <https://mic.com/articles/185297/exclusive-army-bans-green-card-holders-from-enlisting-a-move-that-may-break-federal-law#.cyZvLm8j1>.

because of their previous commitments, combined with emerging pressures to engage elsewhere on behalf of the immigrant community. Some professors who have engaged in student-led family detention trips have expressed that they wish they could create an entirely new clinic to engage in family detention work.

There are, however, numerous reasons why engaging in family detention work through a law school clinic makes a great deal of sense.

First, students are generally better prepared to participate in the work, given their whole semester focused on engaging with live clients, albeit, typically outside of the detained setting. Clinicians report that embedding the family detention work within the clinic allows for students to start to understand some of the context and policy considerations regarding the detention of families and detention in general. Thus, students presumably engage in the work feeling grounded and prepared for their experience.

Second, students will continue to engage with their clinic supervisors and peers in a substantively meaningful way for the remainder of the semester, allowing ample opportunity for the necessary reflection following an intense experience at a detention center.

Third, logistically, engaging through an existing clinic is easier because clinicians often have a great deal of free reign within their clinics, so there would typically be no need to get a course approved by a faculty committee and/or the full faculty. Some of the other logistics may also be easier, for example, ensuring that students and professors are covered with malpractice or liability insurance may be easier if the work is an extension of an existing clinic.

Fourth, engaging through law school clinics may help to mitigate some of the concerns regarding “voluntourism.” This concept is discussed below,¹¹⁵ when considering learning for credit, but essentially voluntourism captures the idea that individuals may take more from the community they intend to serve than they give, and that they move in and out of the community quickly, sometimes doing more damage than good. The ways in which clinics have engaged work within family detention centers, however, do seem to potentially mitigate some of that concern. Several clinics have, for example, continued to represent detained families once released, and others have worked with families released from detention centers that relocate within the area in which their clinic typically provides services.¹¹⁶

¹¹⁵ See *infra* notes 121-124 and accompanying text.

¹¹⁶ University of Tulsa, Pace Law, Columbia, and University of Texas have taken on representation of families released from Dilley and Karnes. UDC Law’s Immigration and Human Rights Clinic has done the same, but, like Elon University’s Humanitarian Immi-

Professors who have incorporated family detention trips, whether of short or longer duration, into their clinic work, felt that it added a valuable component of student learning in the clinics. Indeed, work inside a detention center is the antithesis of traditional notions of clinical legal education in some ways and provides something that we cannot under the traditional clinical model. In referring to traditional notions of clinical legal education, I do so acknowledging that clinical education is not monolithic and that many clinics reject some or all aspects of a traditional approach of one case at a time and practicing law in "slow motion." Working within family detention centers, students must learn how to exercise independent judgment in a fast-paced environment, juggling multiple clients, with high stakes and incredibly limited resources, in a hostile environment where the rules are arbitrary and in constant flux.

Professor Lindsay Nash at Cardozo Law School shared that engaging in work in a detention center was a valuable addition to their traditional model of year-long representation for an immigration client, and that in particular, "[l]earning how to triage compelling emergency cases is great experience for students who are entering the field." Professor Mimi Marton from the University of Tulsa College of Law agreed, stating, "I think this is so important for students to see because, in practice, you do not always have hours each week to spend on one case, nor can your client necessarily afford to have you do so." As a former clinician, Professor Lauren Gilbert at the St. Thomas University School of Law also agreed, noting "I think it's important for students to have the experience of having a high demand for their services, rather than having a small number of cases where they can spend as much time as they need in prepping the client."

Professor Kate Evans, now at the University of Idaho College of Law, reflected in her survey response that "[s]tudents experienced front-line crisis lawyering. It does not look like the ideal from their lawyering process class but it is good for students to see how you can do good even when the conditions are not ideal." Professor Denise Gilman at the University of Texas School of Law echoed these sentiments:

It's definitely more of a triage situation. We talk to the students about how different it is from the deliberate thoughtful way we practice in the clinic when representing clients. By making the difference explicit, we hope to show them the value of the more deliberative model of representation while also exposing them to the reality of representation for many service providers.

gration Clinic, have also taken on representation of at least one family who remained in Texas and have then traveled back and forth to provide out-of-state representation.

Finally, Professor Elizabeth McCormick at the University of Tulsa College of Law reflects, “[u]rgent situations are a part of law practice and immigration practice in particular. Students and faculty need to learn to deal with that reality.”

Embedding the family detention center experience within clinic may be a powerful way for students to understand the difference between best practices in lawyering and triage lawyering. Professor Barbara Hines of UT explains that at the family detention centers, clinic students engage in triage, and lack the time to “develop a relationship” or to “provide in depth analysis of a case” and must pass the case on to another person. In contrast, in clinic, “students work all semester with [the] same clients. We spend time on interviewing skills, rewriting affidavits many times, [and creating] the absolute best legal product possible.” There is value, however, to introducing student to what Hines calls “real world lawyering” in less than ideal circumstances that the family detention center work provides. As a clinician who has led service-learning trips outside of the clinic, Professor Kristina Campbell at UDC calls this “Clinic on the Road” and considers the biggest difference from clinic to be that “we take the clients as they come, rather than carefully selecting clients as we do in Clinic. It’s a true triage experience.” Professor Elizabeth McCormick from the University of Tulsa College of Law agrees:

The impact for students was powerful. They were simultaneously horrified and motivated by what they encountered. They connected on a very deep level with the families they worked with. They learned the power of teamwork in getting things done on tight deadlines. They experienced the power that lawyers can bring as advocates. We were successful in obtaining the release of many of the families we worked with but there were others that we couldn’t help. Learning to keep going in an atmosphere with widely fluctuating results and emotions taught the students about resilience in a very real way.

Engaging in the fast-paced work at family detention centers as a part of a larger clinical experience also provides students with the opportunity to learn by observing their faculty supervisor in action. Although some clinicians hesitate to step in and take control of a client interview in a regular clinic, at the detention centers, sometimes this is necessary. As professor Erica Schommer at St. Mary’s University School of Law explains,

In the moment, you have to be more directive than you can be with your regular cases. It provides opportunities for observation for the students to see you jump in and interview and get to facts that they could not draw out.

Where possible, engaging in detention work within the frame-

work of an existing clinic provides many advantages. But, the clinic is not the only way in which this type of work can be done and offering the service-learning or practicum-based model below provides various distinct opportunities for learning, along with other challenges.

B. Engaging for Non-Clinic Credit

The service-learning model of engagement in family detention centers, which I will define to include any effort by law schools to situate the family detention volunteer experience within a non-clinical for-credit course or seminar, provides numerous clear benefits.

First, structurally, it is likely easier for the law school to find funding and support for a service-learning course than to create an entirely new clinic around student engagement in detention work, or student response to any other crisis or disaster. Most schools would be reluctant to set up an ongoing clinic without secure and long-term funding. Service-learning provides a way to engage without an ongoing institutional commitment. Certainly, any type of course likely still requires faculty approval, so attaching any credit to student engagement in detention centers may require some process within the law school that is above that which may be required by a student-led trip, discussed in the next section, for example. The service-learning model thus may provide a middle-ground between the presumably intensive required law school process and curricular approval for a new clinical program, and the minimal-to-no faculty or administrative involvement in some of the student-led modes of engagement.

Second, service-learning may be a more economical way than traditional law school clinics to provide an experiential learning credit to students. Professors Morin and Waysdorf point out that a one-week service learning experience potentially opens up experiential education to more students because the work can be done outside of the traditional 6- or 8-to-one student: faculty ratio in clinical education. Further, while the seminar course accompanying the one-week intensive service-learning experience may require a faculty member or two to engage throughout the semester, faculty may be willing to volunteer a week of time during Spring Break, or another designated time period, to supervise students.¹¹⁷

Third, service-learning may enable the involvement of students who would not ordinarily be able or willing to participate in a clinical program. While law school clinical programs typically require students to have completed their first year, service-learning opportunities could be made available to first-year law students. As Morin and Waysdorf

¹¹⁷ Morin & Waysdorf, *Service-Learning Model*, *supra* note 53, at 574.

recognize, service-learning provides a way for students to reconnect with their purpose of coming to law school and to gain confidence in their own skills and abilities.¹¹⁸ This may be particularly important for first-year law students, who can become disillusioned, confused, and overwhelmed by the traditional first year curriculum. As professor Lauren Gilbert explains, “[l]aw school can be such a disappointing experience for people who went to law school seeking to change the world.” Observing the first-year law students who went to Karnes in December 2016 with her, Gilbert notes, “It was great for the 1Ls to see just what they could do with their law degrees, and many students ended up flourishing during their second semesters.”

Of course, reasonable minds can disagree regarding where first-year law student attention should be directed, and whether devoting a week during Spring Break or at some other time to volunteer work for credit is a wise allocation of their limited bandwidth. Indeed, at UDC Law, first-year law students typically have not gone on the service-learning trips.¹¹⁹ I simply note that the service-learning model makes the engagement of first-year law students a possibility. It also ensures that should first-year law students engage in this work, they do so with some grounding, faculty guidance, and supervision.

The service-learning model also poses potential challenges in the context of immigration detention centers. A core belief in service-learning is that “those who are being served control and define the service that is being provided and that the needs of the ‘host community’ rather than the academic program come first in defining the priorities of the work students engage in while serving.”¹²⁰ Ensuring that those being served can control and define the service being provided is difficult in the detained context. Detention itself, of course, dramatically limits the power and agency of individuals and communities to define the services provided. Legal access to detention centers is negotiated with ICE and the agency exerts control over the nature and scope of services that can be provided. Finally, the ever-changing population of a detention center means that change is the only constant. Although at various times families have been detained for longer periods of time, ideally, families are detained for as short amount a time

¹¹⁸ Morin & Waysdorf, *Teaching the Reflective Approach*, *supra* note 64, at 606.

¹¹⁹ This year, however, three first-year law students participated in the March 2018 trip to Berks in part to fulfill their first year 40-hour community service requirement and to assist with interpretation for the eight students enrolled in the three-credit service-learning seminar.

¹²⁰ Morin & Waysdorf, *Service-Learning Model*, *supra* note 53, at 591-92 (citing Timothy Stantion, *Service Learning: Groping Towards a Definition* in 1 *COMBINING SERVICE AND LEARNING: A RESOURCE BOOK FOR COMMUNITY AND PUBLIC SERVICE* 66 (Jane C. Kendall et al. eds., 1990) (internal citation omitted)).

as possible, so it is difficult for a constantly changing population to control and define how law student volunteers engage on their behalf. Of course, defining “those being served” as the partner organizations, who are routinely working within detention centers, such as the Dilley Pro Bono Project, RAICES, and ALDEA, may make this easier. Regardless, however, the risk of coming into a community and taking more than you give is real.

Here the literature regarding the phenomenon of “voluntourism” in examining overseas temporary volunteer work is instructive. Voluntourism is typically distinguished from volunteer development work overseas by the short length of time spent volunteering and often the packaging of the experience into semester breaks.¹²¹ Critiques of voluntourism, typically leveled at western college students embarking on trips of short duration,¹²² often overseas, are instructive for the service-learning arena and in thinking about how to do most good and avoid harm in the family detention context. Specifically, academics have critiqued programs where volunteers engage with children orphaned by the AIDS epidemic in sub-Saharan Africa for a short period of time, exacerbating attachment issues for the children.¹²³ The same problem presumably exists in the family detention context, where volunteers are typically present for only one week at a time, and the population is highly transient with new families coming in to the centers and being released constantly. This problem is difficult to address in the service-learning or practicum context, where students typically engage in substantive work only during the time in which they are physically located at the volunteer site.¹²⁴ Professors leading such trips could consider incorporating some remote work into the experience, but even then, the problems raised by critiques of voluntourism may remain. In order for students to contribute to the larger cause and avoid taking more than they contribute, providing

¹²¹ Colleen McGloin & Nichole Georgeou, ‘Looks Good on Your CV:’ *The Sociology of Voluntourism Recruitment in Higher Education*, 3 J. SOCIOLOG. 1, 3-5 (2015) (critiquing various aspects of the recruitment of students by “Voluntourism” entities on college campuses in Australia).

¹²² *Id.* at 1-15 (critiquing various aspects of the recruitment of students by “Voluntourism” entities on college campuses in Australia).

¹²³ Linda M. Richter & Amy Norman, *AIDS Orphan Tourism: A Threat to Young Children in Residential Care*, 5 VULNERABLE CHILDREN & YOUTH STUD. 217-29 (Sept. 2010) (describing how short-term attachments between orphaned children in sub-Saharan Africa and volunteers may worsen exacerbate preexisting attachment issues, especially where volunteers are not adequately prepared or educated for their service on child development, attachment, trauma, and abandonment issues).

¹²⁴ Where the detention experience is a part of clinic, lacking context is less of a concern as students may travel to a detention center to engage in a week of intensive work and then can continue to provide representation to those detained individuals or individuals post-release after that trip is over.

some context for their work may be beneficial. Inviting students to observe court hearings for individuals released from detention, or engage with the immigrant community outside of detention in other ways, may help students start to understand the intensity and longevity of the immigration process. Students can also be encouraged to engage in community outreach and activism to raise awareness of detention issues, conducting town hall meetings, for example, or speaking with their local media outlets.

Of course, none of the models discussed in this article are mutually exhaustive. Indeed, service-learning proponents Professors Morin and Waysdorf have found that experiences of clinic and service-learning complement one another. UDC Law students on service-learning trips between 2007 and 2011 found that the “client impact in the service-learning context felt more immediate and powerful,” than in their clinics.¹²⁵ At the same time, however, the students “recognized that they were able to be so effective as legal advocates because of the clinical skills they had previously gained.”¹²⁶

C. *Pro Bono Model*

This section will analyze the pros and cons of pro bono engagement in family detention centers. This category is perhaps the hardest to describe as students have engaged in trips in a variety of models and circumstances. Using “student-led” to categorize these trips would be a misnomer in some ways. Although law students have typically initiated the trips, which universally do not include course credit, more often than not, faculty members have been involved. Students at Stanford, Brooklyn, and Lewis & Clark, for example, have traveled to detention centers, but have received faculty mentoring, training, and advice, before and after their trips. Even more frequently, faculty members have traveled with students as supervisors. Law students and faculty from Loyola New Orleans, the University of Tulsa, the University of Texas, Yale, Roger Williams, Elon, UCLA, and Howard have all engaged in this way.

There are some clear positives with law students leading the way. Law school administrations are notoriously slow, and so having this engagement led by students in response to student interest and enthusiasm may mean that the efforts are more timely and responsive to the needs posed by the “crisis” or disaster. Student-led efforts may naturally facilitate a greater sense of student ownership and engagement in the endeavor. Given the constantly shifting conditions within deten-

¹²⁵ Morin & Waysdorf, *Teaching the Reflective Approach*, *supra* note 64, at 602.

¹²⁶ *Id.*

tion centers, a model with more flexibility might be desirable. Further, if students lead the efforts, they may potentially be likely to remain engaged after the trip is over and continue their volunteer efforts to support detained and released families.

The drawbacks with student-led trips are perhaps obvious. One concern is a lack of adequate supervision. In the work of the Student Hurricane Network following Hurricane Katrina, organizers found that “[o]ne of the most vital roles that faculty served in this student-led initiative was that of a supervisor.”¹²⁷ The Student Hurricane Network struggled at times to provide adequate supervision for law students, as well as enough orientation on topics like “cultural and anti-racism training.”¹²⁸ The various ethical quagmires involved in student engagement in client-work are familiar to clinicians, and involve, of course, a perpetual concern regarding the unauthorized practice of law. Many student-led trips have mitigated this concern by engaging faculty members or other attorneys as supervisors for the week. Further, organizations such as the Dilley Pro Bono Project, RAICES, and ALDEA employ highly qualified attorneys who do engage with all volunteers, including law students, on a daily basis. Given the frantic nature of detention work, however, a lack of clear supervision structure remains a heightened concern with student-led trips. The lack of a clear supervising faculty member or attorney may have other less obvious ramifications. For example, one student without a faculty member or leader during their week at the detention centers reported that there was tension with other volunteer attorneys, who the law student felt treated the law students as “servants” and expected them to perform paralegal type functions. A faculty member could have perhaps mitigated some of this tension.

Another concern, expressed by some of the student responses to the survey, along with some of the professors who had engaged with students on student-led trips, was a lack of adequate preparation to engage in the work. Professor Isabel Medina from Loyola New Orleans reflected, for example, that better preparation ahead of time would probably strengthen the experience, including more time spent on the credible fear and expedited removal process. Some students agreed that they needed more of a background and understanding of the processes involved in expedited removal and credible/reasonable fear before hitting the ground running within the detention centers.

One concern that applies to all of the models is the concern that students are left with what professor Natalie Nanasi at SMU describes as a “false sense of success.” In the family detention setting in recent

¹²⁷ Finger et al., *supra* note 65, at 229.

¹²⁸ *Id.* at 231.

years, the overwhelming majority of clients (close to 90%), especially with access to counsel and some guidance through the process, receive positive results in credible and reasonable fear interviews and are released.¹²⁹ As Nanasi explains, the students are not then privy to the “countless post-release struggles clients face - emotional and financial challenges, significant wait times before adjudication, the difficulty of securing counsel, and the challenge of making gender and gang-based [particular social group] asylum claims.” This concern is alleviated when students engage in post-release work or when the work is part of a larger clinical or service-learning experience. Through ongoing work outside of the detention center, students are exposed to the context and realize that the success won for their detained clients is really just the beginning of the long and difficult road to obtaining permanent protection and justice.

IV. BEST PRACTICES: A MODEL FOR LAW STUDENT ENGAGEMENT IN DETENTION CENTERS

The experiences of law students engaging in family detention settings gives us a wealth of information on which to draw out best practices, particularly as law students begin to engage in work in other detained settings. A threshold question should be whether law students should engage in this type of work at all. This question is quite easily answered. Aside from the very positive accounts of the experience from law students themselves, who usually describe their time at the detention center as “transformational” or “life-changing,” the students make a very real difference. Professors Ingrid Eagly and Steven Shafer’s pioneering study of access to counsel in immigration court paints a bleak picture of the justice gap for immigrants in terms of legal representation.¹³⁰ Only 37% of all immigrants secure representation, but for detained immigrants specifically, only 14% are represented. The need is most dire in locations outside of cities.

One of the goals of clinical legal education, as discussed above in Part II, is to address unmet legal needs. Eagly and Shafer’s national study on access to counsel in immigration courts revealed that law school clinical programs had the highest success rate, when compared

¹²⁹ This is certainly not the case following the *Matter of A-B-* decision, 27 I. & N. Dec. 316 (A.G. 2018) (significantly restricting social group-based asylum claims), and implementing guidance from USCIS in the summer of 2018, and preliminary numbers indicate that the percentage of those passing credible fear interviews has dramatically decreased. See, e.g., Noah Lanard, *Jeff Sessions Has Been Targeting Asylum Seekers Fleeing Domestic Violence. It’s Been Devastating*, MOTHER JONES, (July 26, 2018), <https://www.motherjones.com/politics/2018/07/jeff-sessions-has-been-targeting-asylum-seekers-fleeing-domestic-violence-its-been-devastating/>.

¹³⁰ See generally Eagly & Shafer, *supra* note 16.

with all other types of representatives, for relief applications on behalf of non-detained clients.¹³¹ This type of success can be replicated for detained individuals. Law schools thus should prepare students to work within detention centers, holding both families and adults, and this article considers *how* exactly that work should be done.¹³²

This is not to say that the work has not already begun, and, in some cases, student engagement in non-family detention centers preceded the family detention work. For example, the University of Connecticut School of Law partnered with the social work school over Spring Break in 2016 and offered legal and psychosocial assistance to female Central American asylum seekers held at a federal detention center in York County, Pennsylvania.¹³³ Law students at Southern Illinois University School of Law routinely volunteer at the Tri-County Justice and Detention Center in Mullin, Illinois, through a partnership with the National Immigrant Justice Center.¹³⁴ In the Washington, D.C. metropolitan area, law schools, including American University Washington College of Law, UDC Law, and Georgetown University Law Center, partner with the Capital Area Immigrants’ Rights (CAIR) Coalition each semester, sending students on “jail visits” to conduct intakes and assist with pro se representation.

This part of the article sets forth a framework for optimal law student engagement in immigrant detention centers. The framework is

¹³¹ *Id.* at 54. The Innovation LawLab’s database, which captures advocacy on behalf of detained families at both Dilley and Karnes, could potentially be mined to generate success rates for families in credible and reasonable fear interviews for law students versus attorney volunteers. This type of metric would be helpful in understanding the efficacy of law students and clinical programs, as suggested by Colleen F. Shanahan, et al., *Measuring Law School Clinics*, 92 TULANE L. REV. 547 (2018) (sharing the results of an empirical study aiming to answer the question of whether clinics meet their goals – teaching students to be good lawyers and serving an unmet legal need through their representation).

¹³² It is worth noting that this work *is* being done. By early October 2017, the month of March was full with law school volunteer groups at the Dilley detention center. The SIFI Project, barely off the ground and having just launched several offices in the space of a few months, is also almost full for law student volunteers around Spring Break. Email correspondence with Crystal Massey, Dilley Pro Bono Project (Oct. 4, 2017) (on file with author); email correspondence with Natalie Lyons, Southern Poverty Law Center (Oct. 3, 2017) (on file with author). According to an email report from SIFI, five law schools engaged at four of the detention centers where SIFI operates over the March 2018 Spring Break. By mid-summer of 2018, the Dilley Pro Bono Project reported that despite doubling capacity for volunteers, volunteer slots were full until 2019, including many law students.

¹³³ See <http://today.uconn.edu/2016/03/helping-asylum-seekers-prepare-for-the-courts/>.

¹³⁴ See <http://www.law.siu.edu/academics/field-experiences/immigration-detention.html>. Students in Professor Jennifer Moore’s Fall 2017 Refugee Law class had the opportunity to visit the Cibola County Immigration Detention Center outside of Grants, New Mexico during a weekend conference devoted to the protection needs of queer and trans asylum seekers in detention. Email correspondence with Jennifer Moore, Oct. 16, 2017 (on file with author).

informed by three main goals:

- Ensuring adequate preparation and supervision for law students engaging in detention work;
- Avoiding a “false sense of success” that may be a risk where students only engage in family detention work and nothing more; and
- Avoiding “voluntourism,” or, simply, law students taking more than they give from a client population.

This framework focuses on 1) preparation on the part of both faculty and students, prior to the experience at the detention center, in order to provide the best possible and most flexible legal services, 2) trip design and logistics, 3) reflection during and after the trip, and 4) modes of continued engagement with detained or formerly detained immigrants. A one-page reference to the various components of the framework is included at Appendix II.

This framework assumes some level of faculty engagement in the trip. As discussed above, when analyzing student-led trips, the majority of those trips had some, if not robust, faculty participation, similar to the trips under clinical models and service-learning or practicum structures. The framework takes into account some of the advantages of the student-led trip, including student enthusiasm and the potential for continued engagement with detained, or formerly detained immigrants, and attempts to incorporate factors to maximize those positives into this framework.

A. Pre-Experience Planning & Preparation

Preparation is not always possible, particularly in the early days of a crisis. The unfortunate continuation of detaining immigrant children and their parents, combined with consistent law student engagement in representing those families, affords us the great privilege of being able to stand back and assess what has been done. Thus, this section examines the ideal preparation to undertake student work within immigrant detention centers.

Before laying out that framework, it is valuable to note that the inherent value in recognizing a lack of ideal preparation. As Professor Elizabeth McCormick points out, in leading a trip to Karnes in early 2015: “[t]he urgency of the situation caused all of us to think differently about what it means to be prepared and how effective lawyering is not always a matter of time spent preparing.” Nonetheless, some preparation is likely better than no preparation, and as the detention of families becomes further entrenched, Professors and students now have the time and learn from the previous efforts described in this

article to better prepare for student engagement in this work. Below are suggestions for preparation for faculty/attorney supervisors leading the trip along with preparation for student participants.

1. Preparation for Faculty/Supervising Attorneys

For law professors and supervising attorneys to be best prepared to lead a trip to an immigrant detention center, this article proposes the following steps: (1) conduct a scouting mission or consult with individuals who have previously led these trips, (2) engage in thoughtful collaboration with non-profit partners, (3) consider incorporating a non-legal component to the detention center experience, and (4) consider continuing engagement with detained families or other ways to provide context and avoid the “false sense of success.”

In the service-learning context, Professors Finger, Hlass, Hornsby, Kuo, and Van Cleave emphasize the importance of planning in taking on travel to an “affected region,” which here could be replaced with “detention center:”

Key aspects of such a plan would include: institutional support for faculty to supervise students who want to travel to affected regions, faculty supervisions to help vet the feasibility of travel versus remote support, and the provision of pre-travel briefings, trip supervision, and logistical support.¹³⁵

Several professors responding to the survey recommended undertaking a “scouting mission,” to better prepare to take students, but also, for some professors to ensure that they would be able to properly play their supervisory role by engaging in the work themselves first. For some professors, engaging in the work themselves first also means that they have relieved their own urge to engage so that when they supervise students, they can truly take a backseat and advise and support the students, rather than engaging in casework themselves.¹³⁶

Clearly, a “scouting mission” does not come without some considerable downsides. Funding the cost of an additional trip, for example, is a challenge. Potentially, however, a trip to scout out the location ahead of time might assist with avoiding unanticipated costs during the actual trip with students. Further, there may also be other

¹³⁵ Finger et al., *supra* note 65, at 222.

¹³⁶ In their various service-learning trips, UDC Law faculty have attempted to take on the role of the supervisor as “facilitators and senior collaborators” rather than as “clinical supervisors, externship advisors, or, certainly, classroom lecturers.” Morin & Waysdorf, *Teaching the Reflective Approach*, *supra* note 64, at 601. As in traditional clinical pedagogy, they attempted to take on a non-directive approach to supervision during the service-learning experience. *Id.* (“We were particularly careful not to be too directive as supervisors while in New Orleans by hovering over the students, dictating their priorities, and micro-managing their work assignments.”).

ways to potentially gain the benefits of a scouting mission without actually traveling. At this point, for the family detention centers at least, we have an entire community of law professors who have led these trips before. Connecting by phone or in person with someone, or multiple attorneys, who have already led or participated in these trips is advisable preparation regardless of whether a scouting mission is possible.

Second, professors or others leading a law student trip to a detention center must ensure that they have established ties to the community that they plan to serve. Scholars who engaged in student responses to Hurricane Katrina underscored the importance of strong connection to the local community in order for students and faculty to provide meaningful assistance in “disaster-impacted areas,” which again here, could be replaced with “detention centers.”¹³⁷ Similarly, Professors Morin and Waysdorf emphasize that creating and maintaining strong relationships with community partners can assist in efforts to respond to the uncertainty of the nature of the work and legal services to be provided at any specific time.¹³⁸ Of course, in working with a detained and highly transient population, detained individuals have inherently less agency than individuals affected by a recent disaster. It must be recognized that attempts to engage with the advocates and legal service providers serving a detained population will not permit engagement with the community served equivalent to what may be possible when serving a disaster-affected area, or any non-detained population for that matter. Despite these difficulties, efforts to engage with the population students plan to represent prior to embarking on an intense week of representation are worthwhile.

One idea to attempt to gain insight and perspective from detained individuals specifically is to engage with families or individuals released from an immigrant detention center before the law student trip. This may be most easily facilitated in a law school clinic during the course of representation for clients formerly held in detention. Professor and/or student interaction with these clients and discussing their experiences in detention may provide key insight to prepare both supervisors and students for the detention center experience. For the 2018 UDC Law trip to Berks, we engaged in 25-plus hours of substantive class preparation, along with frequent communication with ALDEA’s on the ground advocate, including setting up a shared

¹³⁷ Finger et al., *supra* note 65, at 222-23 (“Neither students nor faculty can provide meaningful assistance or support in disaster-impacted areas without a strong connection to the local community; developing relationships and partnerships serves as important groundwork.”).

¹³⁸ Morin & Waysdorf, *Teaching the Reflective Approach*, *supra* note 64, at 609.

drive. Although we did not have a formal orientation, we arranged dinner with the on the ground advocate and three of ALDEA’s volunteer attorneys the Sunday evening before entering the detention center on Monday morning.

Ideally, law professors would follow the model of professor Elora Mukherjee, who carefully set up representation of four families seeking bond ahead of time, through RAICES, the local service provider. In January 2015, Mukherjee was able to assign her Columbia Law School Immigrants’ Rights Clinic students in pairs to work with each family prior to, during, and after the trip, to gather evidence, write briefs, and gain trial experience at the bond hearings, making the trip much more akin to a more traditional clinical experience.

For the most part, however, law school clinics and programs engaging in family detention trips to date have not set up a special relationship with either of the organizations operating within Karnes or Dilley. Rather, students followed the model that is used for all legal volunteers. At Dilley, this is, as discussed above, a phone orientation, an intensive orientation Sunday evening, and then hitting the ground running on Monday morning.¹³⁹ At Karnes, this tends to be a phone orientation, with written materials, combined with a less formal orientation onsite Monday morning. Professors have typically followed this model.

This Article does not propose necessarily doing anything outside of this model, and, indeed the service providing organizations may lack the bandwidth to do anything more to prepare students to engage. Instead, this article proposes that professors and others leading these trips take the time to speak to professors and even students who have previously participated in this work. It must be emphasized, however, that a consistent presence by an organization is vital to the success of the one-week “alternative Spring Break” mode of engagement. Local partners have established systems and protocol to best engage with the ever-changing needs of the detained population and to negotiate access to counsel with ICE or the private prison contractors operating the detention center. Unless a law school can establish an ongoing presence and engagement at a detention center, coming in for a week to provide legal services without a local partner would likely not work well at all.

In the service-learning context, Professors Morin and Waysdorf

¹³⁹ The author’s understanding of this process comes from having participated in the training and orientation herself as an employee of the American Immigration Council and the CARA Project in October 2016, but also more recently in listening in on a phone orientation in 2017. CARA and the Dilley Pro Bono Project have also made available all training materials for volunteers, which are on file with the author.

emphasize that students must relate to the place they are visiting and people with whom they are interacting as human beings. To that end, they included a non-legal component in the volunteer work in which the students engaged, such as rebuilding homes, “After all, we were traveling to New Orleans as people first, law students, lawyers, and law professors second. . .”¹⁴⁰ Professor Mary Treuthart at Gonzaga Law School took this a step further and incorporated largely non-legal based service-learning component into her Women and the Law course.¹⁴¹ In the family detention context, the closest thing to this “non-legal” component has been where professors have had law students visit the Greyhound station in San Antonio, where released families await transportation to their final destination, or where students have visited the halfway house, maintained now by RAICES, where families stay following release and await onward transportation. This type of continuity and engagement may also mitigate some of the pitfalls of “voluntourism” discussed above.

2. Law Student Preparation

This framework suggests the following for optimal law student preparation to engage in this work: 1) engaging in the substantive law and procedures relevant to the detained population whom they will represent; 2) acquiring and practicing skills needed to engage with detained immigrants; 3) gaining an awareness of secondary or vicarious trauma; and 4) consulting with individuals who have already participated in a volunteer experience at a detention center, and/or with formerly detained individuals.

a. Substantive Preparation in Relevant Areas of Law and Procedures

Perhaps the most obvious part of law student preparation to engage in work at an immigration detention center is the substantive law and procedures students must master to work effectively.

In response to the survey, professors shared their various modes of preparing students. No student survey respondents lamented their

¹⁴⁰ Morin & Waysdorf, *Service-Learning Model*, *supra* note 53, at 598; Finger et al, *supra* note 65, at 234 (describing the disaster law seminar at Golden Gate University School of Law, where students traveled to New Orleans over Spring Break and engaged in legal research but also gutted homes to prepare for rebuilding and “count[ed] crayons in a school that had flooded to support claims for reimbursement money.”).

¹⁴¹ Mary Pat Treuthart, *Weaving a Tapestry: Providing Context Through Service-Learning*, 38 GONZ. L. REV. 215 (2003) (discussing the various benefits of having law students engage in non-legal volunteer work, including recognizing that “social justice is broader than legal justice” and “enabling students to value the professionalism of non-lawyers who staff nonprofit and public agencies.”).

being over-prepared. Students enrolled in an immigration clinic, already engaging in similar work, may be adequately prepared by virtue of their other clinic work within and outside the clinic seminar. Some of the procedures with which students will engage within a family detention center specifically, differ from those a typical law school clinic handles. Students will need a far more rigorous understanding of the expedited removal system, in addition to an understanding of the elements of the refugee definition and key concepts in asylum law. They also need to understand the law governing custody and detention, and the procedures for bond, parole, and release.

Ideally, the content of the substantive preparation with which students engage should reflect the law and procedures more applicable to the detained population at the time students are engaging. This is another reason that close communication and collaboration with a local partner organization is important – to ensure that students are adequately prepared to meet the reality at the detention center.¹⁴² For example, for the 2018 UDC Law trip to Berks, given that most of the families held at Berks during that time period were indigenous language speakers, in hindsight our course should have focused more on ethnicity-based asylum claims.

b. Skills-based Training to Ensure Readiness to Engage at the Detention Center

Many professors reported engaging in simulation exercises to provide students with an opportunity to practice working with clients in a fast-paced environment. Students must be prepared to issue spot and to respond quickly to red flags raised during an intake conversation with detained clients.

If the detention center experience is offered as a part of the clinic, likely most of the following skills will be covered during the course of the clinic seminar. If the experience is instead part of a practicum or a service-learning model, unless students had already completed a relevant clinical experience, many of these substantive skills should be addressed in preparation for the trip. These substantive areas include:

- Working in another language with clients
- Best practices for working with an interpreter
- Cultural competence
- Interviewing
- Client counseling

¹⁴² But, as Professor Emeritus Barbara Hines notes, you cannot prepare for the number or type of cases. Preparing students and having them understand asylum law makes them more efficient, but planning only goes so far. Students who engage in repeat jail visit trips become more efficient.

Working in another language with clients, even where the student is a native speaker, requires preparation and discussion to ensure that the students have the relevant terminology and ways of expressing legal concepts in another language in a way that clients can understand.¹⁴³ Likewise, working with an interpreter is a learned skill and one that students should practice and master prior to hitting the ground in a fast-paced detained setting.¹⁴⁴

Recognizing that cultural competence is a constantly evolving process, rather than a destination, faculty leading these trips should be prepared to engage students in the relevant cultures prior to leaving for the trip.¹⁴⁵ In recent years, family detention centers have overwhelmingly held families fleeing violence in Central America. Some faculty members have screened *Sin Nombre*, a film addressing the dangers of life in Central America and the journey north to the United States. Another film to prepare students for their experience and to understand the history of family detention is *The Least of These*,¹⁴⁶ which follows the story of the Don T. Hutto detention center when it detained immigrant families back from 2006-2009. Other ideas include assigning reading and discussing news articles, or even books,¹⁴⁷ prior to embarking on the trip. Faculty should maintain flexibility and contact with the local organization working within the detention center to understand the shifting nature of the population. In 2017, for example, at the Dilley detention center, the Dilley Pro Bono

¹⁴³ To understand some of the difficulties presented by detained families who do not speak English, particularly for indigenous language speakers, see Eagly et al., *Detaining Families*, *supra* note 9, at 822-26.

¹⁴⁴ Clinical professors have provided guidance for teaching students about working across language barriers. See, e.g., Muneer I. Ahmad, *Interpreting Communities: Lawyering Across Language Difference*, 54 UCLA L. REV. 999 (2004); Angela McCaffrey, *Don't Get Lost in Translation: Teaching Law Students to Work with Language Interpreters*, 6 CLINICAL L. REV. 347 (Spring 2000).

¹⁴⁵ An excellent starting point for professors teaching cultural competence is Sue Bryant and Jean Koh Peter's work on the five habits. See Sue Bryant, *The Five Habits: Building Cross-Cultural Competence in Lawyers*, 8 CLINICAL L. REV. 33 (Fall 2000).

¹⁴⁶ See *THE LEAST OF THESE* (2009), <http://theleastofthese-film.com/>. Another short film that might prepare students for work within family detention center, *No Sanctuary*, is produced by Grassroots Leadership, and is available online. See <http://vimeo.com/user36179554/nosanctuary>.

¹⁴⁷ The UDC Law 2018 service-learning course assigned Lauren Markham's *THE FAR-AWAY BROTHERS* (2017) (following the journey of two brothers from El Salvador in fleeing violence in their home country and seeking protection in California). Other potential books to consider include: SHANTI SERKARAN, *A LUCKY BOY* (2017) (a novel focusing on a young Mexican mother who is detained and separated from her son as she undergoes removal proceedings); MARK DOW, *AMERICAN GULAG: INSIDE U.S. IMMIGRATION PRISONS* (2004) (an examination of the U.S. immigration detention industry); SUSAN J. TERRIO, *WHOSE CHILD AM I? UNACCOMPANIED, UNDOCUMENTED CHILDREN IN U.S. IMMIGRATION CUSTODY* (2015) (focusing on unaccompanied children, rather than those arriving with their parents).

Project reported seeing families from Vietnam, Belarus, Romania, Kyrgyzstan, Uzbekistan, Vietnam, Egypt, Haiti, Turkey, and the Democratic Republic of the Congo.¹⁴⁸ At Berks, ALDEA has seen clients from Brazil, Armenia, and Russia in the last year, in addition to those fleeing the Northern Triangle. Understanding the detained population at the time of planned student engagement will help to improve student and faculty cultural competence.

Law school clinics often teach interviewing skills through simulation-based exercises and often during more than one class. While this could be replicated specifically for the family detention trip, another mode of preparation could be modeling.¹⁴⁹ Given the large numbers of detained immigrant families, advocates at detention centers have set up ways for individuals to volunteer remotely. At the family detention centers currently, it is possible to volunteer to remotely conduct a preparatory session for a credible fear interview by phone. For the UDC Law 2018 Berks trip, I arranged to conduct prep sessions with detained families by phone and invited students to listen in on speaker-phone and debrief afterwards. These sessions also involve a heavy element of client counseling, as the attorney must advise the client what to expect during a credible fear interview and to help the client understand how her story fits within the relevant legal criteria. Thus, these sessions not only demonstrate interviewing skills and cultural competence, but also client counseling. Doing this could also strengthen ties between the faculty member leading the trip and the local organization at the detention center and lead to more effective collaboration.

Other skills focused on for the UDC Law 2018 Berks trip included oral advocacy in immigration court. Retired immigration Judge Paul Schmidt generously volunteered his time to conduct six negative credible fear reviews in our moot courtroom, so teams of students got to work with real (redacted) fact patterns and documents in making a case to overturn the asylum office’s negative credible fear determination. Given how many credible fear interviews the students attended during the week, in hindsight it would have been a good idea to add a class exercise focused on preparing and delivering closing statements

¹⁴⁸ Emails to Artesia OTG listserv from Katy Murdza, Advocacy Coordinator, Dilley Pro Bono Project (Oct. 4, 2017, Sept. 27, 2017) (on file with author).

¹⁴⁹ For a discussion of the benefits of modeling, see Harriet N. Katz, *Reconsidering Collaboration and Modeling: Enriching Clinical Pedagogy*, 42 GONZ. L. REV. 315, 336 (2006); see also Serge A. Martinez, *Why Are We Doing This? Cognitive Science and Non-Directive Supervision in Clinical Teaching*, 26 KAN. J. L. & PUB. POL’Y 24 (2016) (questioning clinical legal education’s traditional reliance on nondirective supervision and highlighting the value, based on cognitive science and learning theory, of other approaches, including modeling).

at the end of the interview.

c. Gaining an Awareness of Secondary or Vicarious Trauma

Many survey respondents, professors and students alike, highlighted the importance of self-care and of understanding the phenomenon of secondary trauma. Of course, this is not the first time that clinicians have had to prepare students to engage with traumatized clients and guidance exists for this work.¹⁵⁰ In addition to preparing students to effectively interview, counsel, and represent traumatized individuals, clinicians and leaders of these intensive trips to detention centers must also educate students as to the phenomenon of vicarious traumatization. Laurie Pearlman and Karen Saakvitne define vicarious traumatization as the “negative effects of caring about and caring for others.”¹⁵¹ Other terms are also used to express the effects of working with traumatized individuals, and include “burnout”¹⁵² and secondary traumatic stress or compassion fatigue.¹⁵³ The phenomenon of countertransference can also come into play where an individual helper (lawyer’s) own unresolved issues influence their response to working with trauma survivors, sometimes leading to avoidance and overidentification with the client.¹⁵⁴ One of the important pieces of vicarious or secondary trauma is that awareness of the phenomenon can actually prevent the onset of symptoms. Thus, it is important to

¹⁵⁰ See, e.g., Lynette M. Parker, *Increasing Law Students’ Effectiveness When Representing Traumatized Clients: A Case Study of the Katharine & George Alexander Community Law Center*, 21 GEORGETOWN IMM. L. J. 163 (2007); Ingrid Loreen, *Therapeutic Jurisprudence and the Law School Asylum Clinic*, 17 ST. THOMAS L. REV. 835 (2005); Sarah Katz & Deeya Haldar, *The Pedagogy of Trauma-Informed Lawyering*, 22 CLINICAL L. REV. 359 (2016); Carol M. Suzuki, *Unpacking Pandora’s Box: Innovative Techniques for Effectively Counseling Asylum Applicants Suffering from Post-traumatic Stress Disorder*, 4 HASTINGS RACE & POVERTY L. J. 235 (2007); Julie Marzouk, *Ethical and Effective Representation of Unaccompanied Immigrant Minors in Domestic Violence-Based Asylum Cases*, 22 CLINICAL L. REV. 395 (2016).

¹⁵¹ Dena J. Rosenbloom, Anne C. Pratt & Laurie Anne Pearlman, *Helpers’ Responses to Trauma Work: Understanding and Intervening in an Organization*, in SECONDARY TRAUMATIC STRESS: SELF-CARE ISSUES FOR CLINICIANS, RESEARCHERS AND EDUCATORS 65-79 (B. Hudnall Stamm ed., 1999).

¹⁵² “Burnout is often defined as a prolonged response to chronic emotional and interpersonal stressors on the job which consists of three components: Exhaustion, depersonalization (defined as: disengagement or detachment from the world around you) and diminished feelings of self-efficacy in the workplace. It reflects a form of ‘energy depletion’” DONALD MEICHENBAUM, SELF CARE FOR TRAUMA PSYCHOTHERAPISTS AND CAREGIVERS: INDIVIDUAL, SOCIAL AND ORGANIZATIONAL INTERVENTIONS (undated), https://www.melissainstitute.org/documents/Meichenbaum_SelfCare_11thconf.pdf.

¹⁵³ Charles R. Figley & Rolf J. Kleber, *Beyond the “victim”*: Secondary traumatic stress, in BEYOND TRAUMA: CULTURAL AND SOCIETAL DYNAMICS 75-98 (Rolf J. Kleber et al. eds., 1993) (using compassion fatigue to refer to the adverse reaction of helpers, which can of course include lawyers, to working with trauma survivors).

¹⁵⁴ MEICHENBAUM, *supra* note 152, at 3.

properly prepare law students for the intensive experience of engaging, repeatedly and in a high-stakes environment, with survivors of trauma.

Many of the law professors who have led trips to family detention centers have done just that. Professor Mimi Marton, from the University of Tulsa College of Law, shared that as a former social worker herself she conducted several “training sessions on working with traumatized clients, self-care and vicarious trauma. We talked about coping mechanisms, and students were required to participate in a nightly processing session that dealt not only with legal questions that may have arisen during the day, but with their emotional reaction to the stories they were hearing.” Marton suggests that ideally there would also be a social worker or therapist on call to process with students by phone if there were aspects of what they are experiencing that they would prefer not to discuss with their professors.¹⁵⁵ For TU Law’s May 2018 trip, they planned to include a psychology professor and one of her graduate students, both specializing in trauma and vicarious trauma.

Similarly, during their most recent trip to Karnes in 2016, St. Thomas University School of Law, led by Professor Lauren Gilbert, arranged for a trauma counselor to accompany the students on the trip. The trauma counselor engaged substantively with the detained families, but also with the law students, helping them to work through secondary trauma and conducting mindfulness exercises with them each morning. In the same vein, professor Natalie Nanasi at Southern Methodist University Dedman School of Law invited a mental health expert (who was a counselor at a Dallas domestic violence shelter) to join the group of students that she led to Karnes in early 2017. The counselor led nightly debriefing sessions with the student, which Nanasi believes made the trip an “empowering, as opposed to demoralizing” experience.

Similarly, after her first trip with students to Dilley, Texas, in January 2015, Professor Elora Mukherjee at Columbia realized the emotional toll the work took on students and subsequently “invited a psychiatrist to speak with [the] clinic about vicarious trauma, compassion fatigue, and related issues.”

Professors who have led trips without a great deal of preparation on trauma and self-care expressed in the survey that they would integrate that component in more depth if they led another trip in the

¹⁵⁵ The mental health professional can also play several key roles in actually providing assistance in representation of the asylum seekers. See Sabrineh Ardan, *Access to Justice for Asylum Seekers: Developing an Effective Model of Holistic Asylum Representation*, 48 U. MICH. J. L. REFORM 1001 (Summer 2015).

future. Thus, integrating a component to educate students on the concept of vicarious or secondary trauma, in addition to providing them with tools (or having them brainstorm their own)¹⁵⁶ to cope with their feelings is a valuable piece of the preparation to engage in work within an immigrant detention center. Faculty who have led such trips have done so in a variety of ways – from a preparatory session with a mental health professional to a debriefing session following the trip, to live-debriefing while immersed in the week at the detention center and a mental health professional, or even social work students, accompanying law students on the trip itself.

d. Interacting with Individuals Who Have Previously Engaged in Detention Work

One recommended mode of preparation is for students who have already gone on a trip to a family detention center to be involved in preparing the next group of students to go. Both professors and student respondents to the survey seemed to think that this preparation was effective. It was invaluable for the UDC Law 2018 Berks trip to have two students in the service-learning course and on the trip who had already spent a week volunteering inside Karnes the previous year. This type of interaction is possible even if a law school is launching a trip for the first time. In September 2018, for example, as Pennsylvania State Dickinson's School of Law's Professor Shoba Wadhia Sivaprasad prepared to take her clinic students to Berks, she held a question and answer session for her students with me and a UDC Law student who had gone on our Berks trip earlier in 2018. This type of peer-to-peer education has been provided in a variety of formats and also connects with the "report back" events discussed below.

Another potential mode of preparation is to have students interact with formerly detained families or individuals before embarking on their stint inside the detention center. For trips conducted as part of a clinic, this may occur naturally as it is foreseeable that a direct service immigration clinic would represent individuals or families released from detention. For trips outside of a clinic, or where the clinic does not represent any such individuals, setting this up may be more difficult to do. In the family detention context, however, the CARA Project maintains a Facebook page through which it may be possible

¹⁵⁶ Within my own law school clinic each semester I have students engage in a self-care exercise which involves brainstorming the ways in which their life well – their residue of energy is depleted and ways in which their well is filled. Students engage in the exercise on their own and then share any of the activities or issues that fill and deplete their well with the whole class. I adapted this exercise from Liala Buoniconti, LICSW with the Harvard Immigration and Refugee Clinical Program.

to connect with released families throughout the United States. Some of the released mothers are quite eager to raise awareness and educate the public regarding the plight of detained families and may potentially be interested in interacting with law students preparing to advocate for these families.

B. Design and Logistics

Elements of structure or design of a student volunteer experience at a detention center should be carefully considered. This section discusses the timing of a detention center trip, the logistics of accommodation, faculty-to-student ratio and supervision by non-faculty, malpractice or liability insurance, and planning for interpretation.

First, a question that arises is *when* to travel to a detention center with students. Obviously a logical time to travel is over Spring Break, as this provides a natural break in the semester and is nicely positioned, if offering this opportunity as part of a clinic or a practicum/service learning course, to prepare students and then have some time within the semester to debrief. However, only so many volunteers are needed at any one time at Dilley, Karnes, Berks, or any other detention center with staff present to facilitate this type of student engagement. Consider traveling over the winter break, in December or January, in May after the finals period, or over the summer.

Second, the question arises as to *where* exactly to stay when engaging in detention work. At Dilley and Karnes, the option of staying in San Antonio is possible, although this requires more than an hour of driving to the detention center each way. This drive time can be used for more information preparation, debriefing, or reflection, but it may be more ideal to stay closer to the detention centers themselves to allow for more immediate access and a slightly more low-key week. In Berks, there are a number of accommodation options within a fifteen minute or less drive of the detention center in Reading and the surrounding towns. One consideration is having the space to conduct nightly debriefs and to consider confidentiality concerns. Depending on the size of the group, it may or may not be possible to do this within a hotel room and a conference room may be required.

Third, ideally the student to faculty/supervisor ratio should not exceed the typical maximum ratio in clinic, again, an 8:1 ratio.¹⁵⁷ Professor Isabel Medina of Loyola New Orleans took nine students on her trip and recommends less than that for adequate supervision.¹⁵⁸

¹⁵⁷ See Joy, *supra* note 112, at 309, n. 1.

¹⁵⁸ I took 12 students to Berks in Spring 2018, with an attorney alumna and with our law school Dean, Shelley Broderick. The alumna and Dean were wonderful, but not fully qualified to supervise students in immigration work, so, 12 students was a large number to take.

Other professors prefer a 4:1 ratio, or, if there are 8 students, for the students to work in pairs. The number of students also depends on the space allowed. At Karnes, for example, there are only five private rooms, so with a large number of volunteers privacy may be sacrificed if having to work with clients in the corner of a larger shared space. Within Berks, there are only three legal visitation rooms, which are often in use for credible fear interviews or for meetings with detention center staff. Thus, when large groups of volunteers come, they are typically set up in the gymnasium with tables scattered around the gym floor, which can be noisy and lead to a lack of total privacy.

If there are non-profit partners present at a detention center, the staff and attorneys may indeed engage with and at times supervise students, but that engagement will be inherently inconsistent. As one window into supervision during these trips, of the 42 students who responded to the survey, 24 felt that they were adequately supervised. 16 of the students responded that their supervision was “sort of” adequate, and two students felt that the supervision was lacking or that there was none at all. In terms of who was doing the supervision, 55% of student survey respondents reported that they were primarily supervised by their professor or the attorney who accompanied them on the trip, while 19% said their primary supervision was by project staff or attorneys, and 21% reported primary supervision by staff members who were *not* attorneys. This raises concerns about the unauthorized practice of law, so care should be exercised to ensure that where students are engaged in legal work, a licensed attorney acts as the supervisor.

Fourth, some institutions may be concerned about malpractice or liability insurance for the attorneys supervising students on the trip. This is an issue that should be explored before committing to a trip. The Dilley Pro Bono Project does not require attorney volunteers to have malpractice coverage, but, if they do not, the staff make efforts to avoid staffing those attorney volunteers on cases requiring court appearances or attending an interview with the asylum office with a client.¹⁵⁹ RAICES, at Karnes, have negotiated with their insurer to cover 500 volunteer attorneys a year working within Karnes.¹⁶⁰ This topic was not covered in the original survey of law professors leading the trips, but the author reached out in an email on January 22, 2018,

The most appropriate analogy was that supervising students felt like waiting tables, day and night, matching students with clients and interpreters, troubleshooting and giving feedback on their work within and outside the detention center.

¹⁵⁹ Email correspondence with Crystal Massey, Volunteer Coordinator, Jan. 18, 2018 (on file with author).

¹⁶⁰ Email correspondence with Manoj Govindaiah, Director of Family Detention Programs, RAICES, January 23, 2018 (on file with author).

to survey respondents regarding the issue of malpractice insurance or liability coverage. Responses were varied, but, in general, professors who had led trips through their existing clinical program were covered by the malpractice insurance already covering their clinical work. For professors leading trips outside of clinic, they typically had to ensure that they were covered by the school's more general malpractice or liability coverage. Either way, this is an issue that should be on the radar of any professor or institution planning to undertake a trip with students engaging in work in a detention center.

Finally, careful thought and planning must be made with regards to interpretation. Some professors shared that their non-Spanish speaking students struggled to have meaningful work within the detention centers. Students themselves frequently reflected that they wished they had learned or improved their Spanish before going on a family detention center trip. It is possible, of course, to partner a Spanish-speaking and non-Spanish speaking law student, but some ground work should be done to ensure that the Spanish speaker does not become only the interpreter for the non-Spanish speaker and likewise that the non-Spanish speaker feels he/she is an active participant. Professor Medina from Loyola New Orleans had students work in groups of three, with one student as interpreter, one as a note-taker, and the third-year law student in the team operating as a student attorney. During the 2018 UDC Law trip to Berks, four students participated in the trip with the knowledge that they are primarily working in an interpretive capacity to support the students enrolled in the service-learning course. Clinicians are accustomed with confronting these language issues and can manage them in any number of ways. Working with a partner can of course foster collaboration and potentially be less overwhelming for students, but can of course also be somewhat less efficient and result in seeing fewer clients.¹⁶¹

In an effort to preempt this issue, it may be wise to include Spanish-speaking undergraduate or other students to assist in interpretation. A successful, but unanticipated collaboration occurred at Dilley when undergraduate Spanish majors from the University of South Dakota were volunteering at Dilley at the same time as a law school group. The end result was that undergraduates from one institution and non-Spanish speaking law students worked together effectively. The Dilley Pro Bono Project has been suggesting this model for other law schools coming with non-Spanish speaking law students.¹⁶²

¹⁶¹ For a detailed analysis of student collaboration in clinical work, see David F. Chavkin, *Matchmaker, Matchmaker: Student Collaboration in Clinical Programs*, 1 CLINICAL L. REV. 199 (1994).

¹⁶² Email correspondence with Crystal Massey, Dilley Pro Bono Project, Oct. 5, 2017.

If schools are not able to arrange for an adequate number of interpreters to travel to the detention center, for whatever language needs exist at the time of the trip, they should arrange to have volunteer interpreters remotely available to provide interpretation services as needed.

C. Continued Engagement

Continued engagement with individuals who are or were detained is important to provide context for law student engagement in detention work. In the family detention center context, where in the past close to 90% of families receive a positive result in a credible fear interview and are now released, the story does not end there. Instead, families are released and struggle to secure representation and understand the convoluted process of applying for asylum relief. The immigration court backlogs mean that often families wait for years to have their claims adjudicated.¹⁶³ Giving law students an understanding of the long struggle for justice and protection is possible through continued engagement through the clinic, practicum, or even pro bono trip.

Half of the 42 law student survey respondents reported that they have continued to participate in advocacy around family detention following their detention center trip. This includes working remotely to: draft requests for reconsideration or re-interview with the asylum office, prepare detained families for credible or reasonable fear interviews, translate written documents, interpret by phone, assist with data entry into the LawLab database, and prepare bond motions or supporting evidence. Students also reported continuing their work through internships or volunteering with other immigration-related NGOs, and starting or engaging with a student group at their law school, including working to recruit students for and organize subsequent trips to family detention centers. It is also worth noting that students who have gone on trips to family detention centers have gone on to launch their careers specifically in this work.¹⁶⁴

The student survey did not capture the students' potential continuing work through their clinic, but a number of law school clinics have continued to incorporate work with detained or released families into their curriculum. For the Columbia Immigrants' Rights Clinic, for example, rather than parachuting in and remaining engaged for a short time period, the clinic retained clients that they met in Dilley deten-

(on file with author).

¹⁶³ See Harris, *The One-Year Bar*, *supra* note 113, at 1204-08.

¹⁶⁴ Andrea Meza, for example graduated from UT in 2015 and then served for two years as the Equal Justice Works fellow deeply involved with work at Karnes with RAICES. Law students have also returned to Dilley, Karnes, and Berks as summer interns.

tion center and continued to provide representation in the months ahead. The clinic also set up a bond fund to raise money to pay the unreasonably high bonds set, at that time, for the release of the immigrant families. Following the January 2015 clinic trip, Clinic students authored a white paper.

Other clinics, including UDC Law and Pace Law School, have also retained clients released from the detention centers who relocated to within their jurisdiction. UDC Law and Elon University Law students have also continued to represent clients in Texas, traveling back to the state to represent released families at the merits stage of their asylum proceedings. Students at American University Washington College of the Law continued to engage with remote representation after they returned from their two trips to the Artesia, New Mexico detention center in Fall 2014.

Continued engagement may mean representation beyond the one-week trip of detained families or released families, but there are other less time and resource intensive ways to engage. Following the UDC Law 2018 Berks trip, students were required to observe an asylum merits hearing at our local immigration court, as part of the course, following their detention center experience. This court observation, combined with discussion and reflection, provided context for students following their week spent at a family detention center. Continued engagement may also include attending relevant events, lectures, or participating in webinars, on a related topic, and all of this can be built into clinic, practicum, or even pro bono trip requirements, particularly where the trip is funded even in part by the law school.

D. Contemporaneous Reflection

A critical part of experiential learning is reflection. Indeed, the ABA’s definitions for experiential courses, externships, clinics, and simulations mandate that each provide “opportunities for self-evaluation.”¹⁶⁵

Of the 42 students who responded to the survey, only 33 responded to the question regarding whether they produced any reflection materials while at the family detention center. A third of the respondents indicated that they did not produce any reflection materials, leaving around half of the overall students surveyed reporting va-

¹⁶⁵ The ABA has not provided a definition of “self-evaluation,” but the AALS Section on Clinical Legal Education suggests that it is: includes “two-inter-related aspects,” 1): “the capacity to assess a specific lawyering performance and make appropriate changes; and [2]) the capacity to reflect on experience more generally so as to improve insight, broaden understanding, and develop decision-making ability.” AMERICAN ASSOCIATION OF LAW SCHOOLS, SECTION ON CLINICAL LEGAL EDUCATION, GLOSSARY FOR EXPERIENTIAL EDUCATION, *supra* note 71.

rious modes of reflection. Some students wrote required daily journal entries, others spontaneously maintained a personal journal, others maintained video journals, and several produced blog posts, op eds, written reflections, and postings for their law school websites.

Professors Morin and Waysdorf consider reflection an “integral and indeed essential aspect of the service-learning pedagogy.”¹⁶⁶ They define reflection as “deliberate contemplation and self-examination of one’s actions, goals, and personal transformation. . .”¹⁶⁷ In their own service-learning program, from 2007-2011, the UDC Law professors had asked students to journal about their experiences, before, during, and after the service-learning trip itself. Professors Morin and Waysdorf found that students needed guidance as to what a journal entry was, and they suggested the students follow a “three-part timeline: (1) pre-service trip goals, issues, and preconceptions; (2) contemporaneous descriptions of the service-learning experience; and (3) post-service reflections, concerns, and lessons learned.”¹⁶⁸ They ultimately concluded that, “written journals and occasional videos were of limited value.”¹⁶⁹ And so, in 2011, Professors Morin and Waysdorf established a new component of the service-learning trip, which they termed “reflection circles.”¹⁷⁰ In these reflection circles, each morning of the service-learning trip itself professors and students met to “talk about the meaning of their experiences.”¹⁷¹ The instructors acted as “coach/facilitator” and “raised questions to start students thinking about their experience, validated comments, encouraged a free exchange of ideas, and sometimes asked follow up questions to deepen the dialogue.”¹⁷² The goal was to help students to develop “reflective judgment,” which they define as: “permit[ting] an expert to move easily between theoretical reasoning and a highly contextual understanding of client, case, and situation.”¹⁷³ Notably, the reflection circles also focused on professional growth and identity.¹⁷⁴

Professors Waysdorf and Morin’s “reflection circles” idea is similar to the Big Table debriefing conducted by Dilley Pro Bono Project staff.¹⁷⁵ Law student groups have inconsistently participated in this exercise, which typically happens now only two evenings during the

¹⁶⁶ Morin & Waysdorf, *Teaching the Reflective Approach*, *supra* note 64.

¹⁶⁷ *Id.* at 611.

¹⁶⁸ *Id.* at 604.

¹⁶⁹ *Id.*

¹⁷⁰ *Id.* at 605.

¹⁷¹ *Id.*

¹⁷² *Id.*

¹⁷³ *Id.* at 605-606 (citing Louise Howells & Laurie Morin, *The Reflective Judgment Project*, 9 CLINICAL L. REV. 623 (2002)).

¹⁷⁴ *Id.* at 606.

¹⁷⁵ See MANNING, *supra* note 34 (discussing the concept of “Big Table” at Artesia).

week – Monday and Thursday – as it is not always offered and Professors have sometimes opted out. In some instances, trip leaders are conducting their own debriefing sessions in less formal settings, including over shared meals or in the car/van while driving. Other trip leaders have incorporated an aspect of self-care into the contemporaneous reflection, including bringing a social worker to consult with students after a day’s work at the detention center, or to conduct mindfulness exercises in the morning, before the day’s work begins. During the UDC Law 2018 Berks trip, after each day within the detention center, we gathered in the hotel lobby to debrief the day, sharing highs and lows for the day and responding to one other question – i.e. “Monday: What surprised you today?, Tuesday: What felt different today?” Regardless of how precisely it is done, contemporaneous reflection is a central feature of these trips and is worth incorporating into the structure of the experience.

E. Post-Trip Reflection

Professors engaged with service-learning initiatives in the wake of Hurricane Katrina emphasize the importance of post-trip reflection and “other follow up at their home institutions.”¹⁷⁶

Several professors responding to this survey shared that their students conducted or plan to conduct a report-back session at their law schools following their family detention trip, including Cardozo Law School, American University Washington College of Law, SMU Dedman School of Law, UDC Law, UCLA Law, and others. This model of synthesizing the experience and presenting it to others, who did not share the experience, has numerous benefits.

First, in terms of building students’ skill sets, requiring them to speak publicly about an intense experience is a good idea. A report-back event provides meaningful opportunities to teach and learn how to channel passion and anger around a topic into effective communication or advocacy. Second, this type of presentation involves collaboration among the students, and improving teamwork and communication skills is often a goal of many clinical programs. Third, a community report-back energizes and prepares the next group of students to go on the trip, and creates shared institutional memory and culture around the effort.

The report-back event may also be used to meet other goals. First, the event prepares future students to engage in detention center

¹⁷⁶ Finger et al., *supra* note 65, at 222. This follow-up includes, for example, Golden Gate University School of Law students who reported back to their law school community following their March 2007 trip to New Orleans, which led to the organizing of another trip the following year. *Id.* at 234.

work. Second, if incorporating formerly detained individuals, the event provides an opportunity for better preparation for future students and continued engagement with the community served for students who worked in the detention center.

Typically, if the trip did not involve a post-trip reflection session or some sort of writing assignment on the experience, professors' survey responses indicated that they would add additional reflection and reflective writing. It is also a good idea to ask students to provide a written evaluation to provide insight for organizing the next trip.

CONCLUSION

We are in an era of incredible need for immigration legal services. That need is most acute within detention centers located outside of major metropolitan areas. An overwhelming need remains for legal representation for detained families.¹⁷⁷ Law students can play a role in meeting this justice gap. This Article analyzes the efforts that have been made thus far, in the family detention arena, and proposes a framework for law students and their institutions to engage beyond family detention and into the detention centers at large. We must harness the energy and enthusiasm for protecting families and take that energy to provide a window to justice for immigrants detained throughout the nation. This will allow a better allocation of resources and energy. We do not need multiple law schools at Dilley or Karnes during the same week over Spring Break. The same basic principles, of preparation for a trip to a family detention center apply to engagement in detention work more broadly.

This Article leaves questions unanswered. Where should we draw the line in crisis lawyering between preparation and timely response? Should the work at immigration detention centers be left to law schools located within that region? Is engaging in frenetic and fast-paced crisis lawyering a valuable experience for law students, or does it send mixed messages about the practice of law? Rather than confusion, does the crisis lawyering actually provide a necessary complement to the more reflective, deliberate and slower-paced work traditionally undertaken in clinical legal education?

The author's intention here is to open up a conversation and share this article as an invitation for others to take up the mantle and share best practices and effective engagement for law students in crisis response. Sadly, recent events, in the immigration arena, but also nat-

¹⁷⁷ See Eagly et al., *Detaining Families*, *supra* note 9, at 821 (reporting that although detained families have typically enjoyed higher rates of representation than non-family detained individuals, during the studied period, from 2001-2016, 47% of detained families never found counsel).

Fall 2018]

Learning in "Baby Jail"

217

ural disasters, including Hurricanes Irma, Harvey, and Maria, and most recently Florence, will provide ample opportunity for such engagement.

APPENDIX I: LIST OF LAW SCHOOLS WHO HAVE PARTICIPATED IN TRIPS TO FAMILY DETENTION CENTERS

American University Washington College of Law	Artesia, October 2014, ¹⁷⁸ November 2014 ¹⁷⁹
Brigham Young Law School	Dilley, June 2016 (Law Professors), October 2016, February 2017, ¹⁸⁰ August 2017, October 2017, Feb. 2018
Brooklyn Law School	Karnes, 2017
Cardozo Law School	Dilley, May 2015, February 2017, October 2017
Case Western Reserve Univ. School of Law ¹⁸¹	Dilley, March 2016
Chicago Kent College of Law	Dilley, March 2018
Columbia Law School	Dilley, January 2015, ¹⁸² May 2015, August 2015 (x2), September 2015, January 2016, May 2016, September 2016, January 2017, March 2017
Duke Univ. Law School ¹⁸³	Dilley, March 2017
Elon Univ. – Elon Law	Karnes, March 2015
Fordham Law School	Dilley, March 2016, June 2016 (Law Professors/Staff), August 2016, January 2017, March 2017, ¹⁸⁴ Nov. 2017, Jan. 2018, March 2018.
Gonzaga Law School	Karnes
Howard Law School	Dilley, March 2017
Harvard Law School	Karnes, Dec. 2014/Jan 2015, Dilley, August 2016
Idaho Law School	Dilley, March 2017
Lewis & Clark Law School ¹⁸⁵	Dilley, March 2015, ¹⁸⁶ May 2015, August 2015, May 2016, August 2016, Dec. 2016, ¹⁸⁷ March 2017, Dec. 2017

¹⁷⁸ *Where Justice Hits the Road: Clinic Students in Artesia, New Mexico*, Oct. 24, 2014, <https://auwclclinic.org/2014/10/24/where-justice-hits-the-road-clinic-students-in-artesia-nm/>; *Libre Soy*, October 31, 2014, <https://auwclclinic.org/2014/10/31/libre-soy/>.

¹⁷⁹ *Some Things Should Never Be Normal*, Dec. 14, 2014, <https://auwclclinic.org/2014/>

¹⁸⁰ Mariah Noble, *BYU Law Students Help Fleeing Immigrants Caught Between Countries*, *The Salt Lake Tribune*, April 5, 2017, <http://archive.sltrib.com/article.php?id=5001136&itype=CMSID>

¹⁸¹ <http://thedaily.case.edu/law-students-devote-spring-break-to-immigration-detainees-at-family-residential-center-in-texas/>

¹⁸² http://www.law.columbia.edu/media_inquiries/news_events/2015/february2015/irc-dilley-trip-2015

¹⁸³ <https://law.duke.edu/news/bakst-17-receives-two-year-equal-justice-works-fellowship/>

¹⁸⁴ <https://soundcloud.com/fordhamlawnyc/in-open-country> (students Alex Mintz and Emerson Argueta discuss their experiences volunteering at the Dilley detention center during various Fordham Law Schools in 2016 and 2017).

¹⁸⁵ <http://www.lclark.edu/live/news/36349-law-on-the-border>.

¹⁸⁶ <https://law.lclark.edu/live/news/29921-pro-bono-work-in-texas>.

¹⁸⁷ <https://law.lclark.edu/live/news/35211-pro-bono-at-the-border>.

Loyola University New Orleans	Karnes, 2016
Mitchell Hamline School of Law	Dilley, January 2018
Pace Law School	Dilley, March 2016, April 2017
New York Univ. School of Law	Dilley, January 2017
North Carolina State	
Roger Williams University School of Law	Karnes, Spring 2015
Santa Clara Univ. School of Law	Dilley, February 2017
Southern Methodist Univ. Dedman School of Law ¹⁸⁸	Karnes, March 2017
Stanford Law School	March 2017, September 2017, March 2018
St. Mary’s School of Law	Karnes, repeated engagement
St. Thomas Univ. School of Law	Karnes June 2015, Dec. 2015.
Univ. of California, Los Angeles Law	Dilley, July 2015, ¹⁸⁹ June 2017
Univ. of the District of Columbia – David A. Clarke School of Law	Karnes, Summer 2015, ¹⁹⁰ Dilley, March 2016, Karnes, March 2017, Berks, March 2018 ¹⁹¹
Univ. of Florida Levin College of Law	Dilley, March 2017
Univ. of Houston Law	Dilley, July 2016, February 2017, Karnes (three trips between 2014-2017, over the weekend)
Univ. of Maine School of Law	Artesia, November 2014 ¹⁹²
Univ. of Minnesota	Dilley, January 2016, January 2017 ¹⁹³
Univ. of New Mexico	Karnes, Spring 2015
Univ. of San Francisco School of Law	Dilley, July 2016
Univ. of St. Thomas School of Law	Karnes, June 2015, Dec. 2016
Univ. of Tennessee	Artesia, Fall 2014
Univ. of Texas School of Law	Dilley, January 2017, Karnes, January 2017 ¹⁹⁴ (and repeated day trips as a clinic)
Univ. of Tulsa College of Law	Karnes, 2015, ¹⁹⁵ 2017

¹⁸⁸ <https://www.smu.edu/News/2017/law-students-spring-break-06march2017>.

¹⁸⁹ <https://law.ucla.edu/news-and-events/in-the-news/2015/07/professor-eagly-leads-group-of-ucla-law-students-on-trip-to-detention-center-in-dilley-texas/>.

¹⁹⁰ <http://lawatthemargins.com/perspectives-the-social-justice-law-school-experience-service-learning-at-the-karnes-detention-camp/>.

¹⁹¹ <https://www.law.udc.edu/news/391197/Spring-2018-Service-Learning-Trip-Report.htm>

¹⁹² <http://bangordailynews.com/2014/12/01/news/portland/most-shocking-thing-was-seeing-toddlers-babies-in-jail-umaine-law-students-share-their-experience-as-volunteers-at-immigration-detention-center/>.

¹⁹³ <https://www.law.umn.edu/news/2017-02-02-center-new-americans-students-and-staff-lead-winter-service-trips>.

¹⁹⁴ <https://law.utexas.edu/probono/projects/service-trips/other-service-trips/>.

¹⁹⁵ <https://law.utulsa.edu/2015/05/05/immigrant-rights-project-students-assist-detained-families-from-central-america/>.

Univ. of Wisconsin	Dilley, August 2015, January 2016, March 2017 ¹⁹⁶
Vermont Law School	March 2016
Yale Law School	Dilley, March 2015, May 2015, ¹⁹⁷ January 2016, March 2016, May 2017, Berks, engagement at various times.
Additional schools where at least one student has spent a week in family detention centers: Capital University Law, Georgetown University Law Center, Loyola Marymount Law, Maine Law School, New England Law School, University of Akron, University of Baltimore Law, University of Cincinnati College of Law, University of Hastings School of Law, University of Massachusetts- Dartmouth, University of Michigan.	
Other students have engaged in work in family detention centers, including: University of Chicago School of Social Administration, graduate students (Dilley, March 2017, March 2018), University of South Dakota Spanish language majors (Karnes, Spring 2017).	
Schools that have engaged in trips to non-family detention centers: Several schools have begun volunteering with SIFI at the various detention centers in Louisiana and Georgia, including the following in March 2018: Folkston, GA: Vanderbilt University Law School, University of North Carolina Law La Salle, LA: Boston University Law School Irwin, GA: Roger Williams University School of Law Stewart, GA: Vanderbilt University Law School, Georgia State University College of Law	

¹⁹⁶ https://law.wisc.edu/newsletter/Articles/Spring_break_at_the_border_UW_La_2017-06-06.

¹⁹⁷ <https://law.yale.edu/yls-today/news/yls-clinical-students-represent-immigrants-detain-ed-texas>.

APPENDIX II: A FRAMEWORK FOR LAW STUDENT ENGAGEMENT IN IMMIGRANT DETENTION CENTERS

This framework proposes considerations for effective law student learning in an immigration detention setting. Various components will be applicable to other crisis-lawyering contexts. Each of the proposed ideas below is discussed at length in the preceding article.

1) Pre-Experience Planning and Preparation

a) For the Professor/supervising attorneys:

- i) Scouting mission or consultation with individuals who have previously led trips
- ii) Thoughtful collaboration with non-profit partners
- iii) Consider incorporating a non-legal component to the detention-center experience
- iv) Consider continuing engagement with the detained population

b) For the law students:

- i) Engaging in substantive law and procedures relevant to the detained population
- ii) Acquire and practice skills needed to engage with the detained population
 - (1) Working in another language with clients
 - (2) Best practices for working with an interpreter
 - (3) Cultural competence or humility
 - (4) Interviewing
 - (5) Client counseling
- iii) Understand secondary or vicarious trauma and working with survivors
- iv) Consult with individuals who have already participated in a trip, and/or with formerly detained individuals.

2) Design and Logistics

- a) Consider *when* to engage in this work
- b) Consider *where* to engage in this work
- c) Student: attorney supervisor ratio should not exceed 8:1.
- d) Arrangements should be made regarding malpractice insurance
- e) Interpretation needs should be addressed

3) Continued Engagement with the detained population, which can include continued representation, but also engaging with released individuals in various ways.

4) Contemporaneous Reflection, which can include "reflection circles," debriefing, audio, written, or video journals, processing with a mental health professional, etc.

5) Post-Trip Reflection, which can include written assignments and/or discussion, writing for public outlets, and also speaking engagements and "report-back" events.

INSIDE FAMILY DETENTION: NOTES ON THE GROUND BY PENN STATE LAW CENTER FOR IMMIGRANTS' RIGHTS CLINIC



From September 30 through October 4, Penn State Law Center for Immigrants' Rights Clinic served as advocates for families who are about to undergo their credible or reasonable fear interviews. Students will help families understand the purpose of the interview and help them feel comfortable sharing traumatic experiences. As practicable, clinic students will also be present during the interviews and assist with additional follow up.

Asylum is a process for people who fear return to their home country. Under the immigration statute, any person in the United States may apply for asylum. Asylum is not available to everyone, but to those who can show persecution by the government or a

group/persons the government is unable or unwilling to control because of race, religion, nationality, political opinion, or membership in a particular social group. Families who arrive in the United States without a “visa” or “permission” to enter, but who fear return must be referred to an asylum officer for a “credible fear” or “reasonable fear” interview with the asylum office. Many families detained at Berks are scheduled for a fear interview. Once a credible fear has been established, Berks families are generally released from immigration detention and scheduled for a hearing before a judge to apply for asylum and/or related protections.

The Clinic partnered with [ALDEA, The People’s Justice Center](#) to aid families detained in the Berks County Residential Center in Leesport, PA. Berks is one of three family detention centers in the United States. It houses mothers, fathers, and children who are being held in immigration custody. The mission of ALDEA – The People’s Justice Center is to provide a holistic approach to meeting the multi-faceted needs of our immigrant community members, including through legal, social, educational, and medical services. I am grateful to ALDEA for working with detained families at Berks every day and for sharing their wisdom and support while our team was on the ground.

As the Clinic’s director and a law professor, this trip was a new experience for me professionally. For most of the trip, my goal was to oversee the cases and families we met with, answer substantive questions by students on the ground and troubleshoot logistical or other hurdles we faced while at Berks. For the first two days, we were also joined by immigration attorney Juliette Gomez who works closely with my Clinic and played a special role while we were at Berks. My goal was for students to play the central role in interviewing parents and families and serving as advocates during their fear interviews. It was a humbling experience. I have traveled to many prisons and represented detained immigrants in a variety of settings but this was my first time in family detention and my first experience supervising in an emergency room setting. What follows are journal entries from my students. The entries are organized by day and also include a few anecdotes by me. They are largely unedited and hopefully capture a range of feelings and events -- memories and stories that we will never forget.

-Shoba Sivaprasad Wadhia

ARRIVAL

Entry by Chase (9/30): In some ways I think we still don’t feel prepared. We spent two months getting everything ready, but none of us have ever done something like this before. Some things are impossible to prepare for without the benefit of experience. For some of us, I saw this anxiety in the way we packed. With less than a week of work ahead of us, there was a lot of stuff. I brought a small suitcase, along with a few other bags. I was

so unsure even about my clothing choices that I brought enough backup plans to stay all week.

I thought we might spend some of the drive going over plans for meeting with individuals in the detention center, or reviewing substantive law, or compiling questions. We really just spent the drive talking. I think that was better. It was relaxing just to be together. I'd say it was a highlight of the trip. The low point of the day was when I video called my son. He cried because he wanted me to pick him up. Usually I give him a bath every night and help my wife put him to sleep.

We met with ALDEA at a restaurant. Possibly the most disturbing thing we learned from the ALDEA team is that Berks has an on-the-books policy of going into the detainee's rooms and shining lights in their faces every 15 minutes during the night for "safety." This makes it very difficult for people to sleep, especially children. As a parent, words can't describe just how insane this policy sounds.

Entry by Isa (9/30)

I was really excited to start our journey. And the car ride with Meredith and Ellen was so much fun. We became closer, shared thoughts and expectations. All throughout my life I've been through different challenges that prepared me for any situation. I believe God has a purpose in my life and I am fulfilling it day by day by helping people in any possible way. Meredith and Ellen were amazing and took me to Popeye's (what a glorious moment when I had a fried chicken breast). We arrived to the hotel and went to meet the ALDEA Team and Mrs. Gomez for dinner. It was a great honor to meet Mrs. Gomez who I had work indirectly in clinic case long time back and then assisted Ellen. She is wonderful such a great Attorney and the way how she thinks out of the box case by case is amazing. I was so surprised that ALDEA team after dinner went to the detention center to see if there were any new family late night on Sunday night. I was really excited but a bit tired.

Entry by Mark (9/30)

I woke up at 9. My daily morning anxiety kicked in at 8:30, so the last 30 minutes of my already restless slumber were particularly unpleasant. It was okay though, because Nicole had the weekend off expecting to tailgate for the Ohio State game with her best friend, Shea. Shea, however, got a new job and had to cancel allowing Nicole to wake up early and join me for breakfast. As it turns out, 9:45 a.m. on the morning after the Whiteout game is not the best time to go to the Waffle Shop. Part of the reason we were so late was because I thought I had lost my wallet. Losing my wallet today would have been absolutely catastrophic because **today is the day we leave for Berks**. And what a shame

it would have been to have prepared for 2 ½ months only to be turned away at security for a lack of ID. Skip past packing, prepping, and puppies to dinner with the ALDEA team and Juliette Gomez.

We had dinner at night with ALDEA. I was on the ALDEA + Juliette Gomez + Professor Wadhia side of the table, so I missed the clinic conversation on the other end of the table. I thought Juliette Gomez handled herself expertly, balancing casual approachability with interesting professional anecdotes she really cemented my already high regard for her tonight. The same goes for the rest of the ALDEA team.

DAY 1

Entry by Professor Wadhia (10/1): It was a full day today. I arose at 5:30am and started to get ready for our first day at Berks Family Residential Center. Over the course of the day we met with many families, some with children from age 2 to age 17. I was so proud to watch my students meet with families, sometimes for hours at a time to collect information about their lives and fears of returning home. The morning itself felt like several days and was followed by a trip to ALDEA where we met with one member of the legal team and dropped off three G-28s/Notice of Entrance of Appearances for three of the new families we met with. We met with more families in the afternoon and during this time learned that two fear interviews had been scheduled with asylum officers for the next day, October 2. We also played a good number of Uno games with the boys after school whose fathers were talking to students about their claims. Some of my students were able to get to the key elements of asylum: persecution, nexus and fear more quickly than others. Less than 12 hours' notice. After dinner (the jail closes from 5-6pm) we returned to prepare the two asylum seekers scheduled for interviews and also met with the sons of two fathers to see if they had independent claims to asylum. It was almost 8pm and in our legal visitation space was a sea of faces: fathers, teenage boys, wives and law students. At the end of the day, the fatigue was visible but so too were the connections... between a student and asylum seeker when preparing for a credible fear interview, between a child and student whose eyes were locked into one another and between the law students themselves. They were supportive of one another. We had a long debrief on Monday and reflected on the day while filling out the notes from our meetings with detainees at Berks.



Entry by Shanjida (10/1)

We really hit the road running! Chase and I met with two different individuals today. It was so empowering to know that we are in a position where we can do so much good. However, on the flip side, it's very easy to feel inadequate or as if you're not doing enough. The worst feeling so far after our first day has been struggling to find nexus. To think about the consequences of not establishing nexus has been extremely overwhelming for me because I know that the potential consequence of that is deportation, and I felt an immense amount of guilt because of that. I know that there are certain things that are out of my control, but I can't help but feel partially responsible.

We interviewed and prepped a man who arrived a few days ago. He expressed a fear of returning home, and we interviewed him for an hour before we essentially gave up and decided that he did not have a fear based on a protected ground. However, Professor Wadhia suggested we take a step back and probe a little more, and this inspired me and Chase to ask some more in-depth questions. And when we did that, so much information came out of the interview that completely changed our perspective. We are currently trying

to find a particular social group that could be applicable to our client, but we are much more hopeful than we were before.

I am tired, overwhelmed, and frustrated, but I am so grateful to be a part of this incredible experience. I can't wait to see what else unfolds as the week goes by.

Entry by Chase (10/1): If I had had to use one word to describe the first couple of hours of today, it would be disoriented. We had some trouble finding the detention center. Turning onto the road for the detention center, there are three signs. One says "buses," another says "employees" (or something else that didn't apply to us), and one said "visitors."

Earlier in the morning, Professor Wadhia had made a few assignments for us to complete during the day. In the end, Shanjida and I were unable to complete our list. It took more time for us to get through interviews than we anticipated, and we were asked to meet unexpectedly with a woman who had been detained at an airport despite presenting herself and her two children with proper visas and passports. We learned a lot when we were talking to her. She had experienced a lot of terrible things in the past few years. Some of it was crime and violence, some of it was the result of natural disasters, and someone close to her had recently passed away. However, we ran out of time with her before we were able to establish any proper nexus. This, we learned, is often one of the most difficult things to draw out of a person's story. An asylum seeker who has nexus may nevertheless deflect attention away from the most relevant details, trying instead to impress upon us the generally dangerous conditions at home. Maybe they feel like questions about nexus challenge how dangerous the country is, as if they could be safe if only they could change or hide some detail about themselves.

With the next person we spoke to we were able to get closer to nexus by explaining more clearly the purpose of the interview, and the requirements for asylum. It can still be hard, though, to identify a clear PSG. Again, though, it took us a long time to eventually draw out some of the most important details for an asylum claim. Knowing that we only have a limited amount of time to be here helping, the most stressful part of preparing people for their credible fear interviews is feeling like we are spending too much time with each person. We were told going into this that we should have a clear idea what the nexus is within the first hour. So far, that hasn't been the case.

Being in the detention center is strange to process, but I think I am least comfortable when I am not interviewing someone. I worry about how long it takes us to do things.

This is a problem both because I want to accomplish as much as possible while we are here, and because constantly falling behind makes it hard to find any time to decompress.

Now that I have complained a bit, I will go over what went well today. The language was not nearly as much of a barrier as I feared. Not only was I able to understand the individuals we spoke with, but Shanjida was able to understand most of what was said in Spanish as well. This cut down on the amount of translation that needed to occur, and the flow of our discussion went very smoothly. There was also a feeling of tremendous success when we were finally able to start putting the pieces together on an individual's possible asylum claim.

Meeting with clients is a very serious matter. We try to be sensitive of the trauma they have experienced. We also want to show them we are professional, that they can trust us to help them. Sometimes, though, there are moments where we can smile with the detainees. They are often relieved just to be talking with someone who is friendly. While meeting with one father, we were discussing Particular Social Groups. When we asked him if there was anything about himself that made him distinct from others, he said, "I'm very nice, and I try to be honest."

Entry by Ellen (10/1)

Today was frustrating, between an incredibly sick child, the ever-elusive nexus, and a popped tire courtesy of Reading. To prepare myself psychologically for entering Berks, I had told myself over and over again that at least the families in Berks were together rather than separated. Still, it was so hard to sit with a young single father several years younger than myself and ask him questions about his fear of returning to his home country while his toddler daughter wailed, sick and scared. By the end of the morning, I could almost taste the cortisol pumping through my veins.

But we pushed through. My classmates have all worked so hard to prepare for this trip, and I know that hard work won't be for nothing. The anticipation of this trip has dominated my concerns for weeks now, but after the end of the first workday, I'm calmer. There's never enough time, never enough coffee, never enough nexus. But I am more convinced than ever that James is correct that true religion is caring for the most vulnerable.

Entry by Kate (10/1)

Today was overwhelming. I felt very anxious going into the day because I did not know how I would be able to meaningfully contribute, and I wanted to make sure that I did

everything possible to help these families. That is still my goal, but I am feeling less anxious and more level-headed.

The day started off tough. Mark and I met with a man who was dressed like a prisoner, but he was not a criminal. He was very kind and willing to tell us his story. As we spoke with him for longer, I became nervous that we would not be able to help him. After speaking with this man, I felt slightly defeated. I did not know what we could do for him.

Later in the day, we met with another man who was also very generous in sharing his story with us. However, I had similar worries about my ability to help this man. At one point during our meeting he thanked Mark and me for working with him, and I had to hold back tears. This man had a sincere fearing of returning home, and I was afraid his 'thank yous' were premature. This interview also left me feeling defeated.

However, that evening, we got the opportunity to speak with these two mens' children. I finally started to feel hopeful. They were able to tell us information that we needed to hear. While these interviews gave us valuable information, they were also very sad. The children were teenagers. Seeing kids in a detention center is hard and sad. It made me even more aware of how US immigration laws really only consider the numbers, and do not consider the people that are impacted by such laws. It also put a face to all of the news articles that I read about children in detention. I already found the policy of detaining kids disgusting. However, seeing it in person made it real, and it made me angry. The interests of these kids were not being served. One of the teens that Isa and I spoke with was obviously uncomfortable. He seemed scared, which makes sense. It was just really frustrating to see people who were not criminals locked up like prisoners. They left their homes to flee persecution, only to come to the US and be treated like a prisoner.

Entry by Meredith, (10/1)

We met with a man and his daughter prepare him for his upcoming fear interview. I, along with Ellen and Isa, were alone with them in a small, cramped meeting room. The room had no windows and it was difficult to tell how much time was passing throughout the prep. He was nice and congenial, but he seemed to struggle with his daughter. She was hysterically crying and sick. We tried to soothe her with games, books, and snacks, but nothing seemed to help. I found it especially hard to watch how upset she became throughout the interview. I was a nanny before law school and I have always connected well with children. It's something I take pride in about myself. When his daughter looked at Ellen and I, she was afraid of us. I believe our language barrier and our unfamiliar appearances didn't help. I felt very helpless watching a teenage father struggle with his

traumatized child. When she was finally calmed, we met with him for almost three hours. He was forthcoming with his answers, but we had difficulties determining what his asylum claim entailed. There were multiple moments throughout the interview where we had to pause and talk amongst ourselves to determine what line of questioning to pursue. Occasionally, we struggled to translate legal theories and jargon into direct, understandable questions. In the end, I believe he was as prepared as he could be for his credible fear interview.

In the afternoon, I worked with one of the clinic's partnering attorneys, Juliette Gomez, to prepare another individual for their credible fear interview. This man, and his son had been in detention for a number of weeks. The son's arms were covered in welts where he had experienced an allergic reaction to the soap in the facility. We later learned that allergic reactions of this kind are common to the facility. Both the father and son spoke a rare language. During the interview, it struck me how isolating detention must be for them both. They can only speak to each other and are insulated by their language barrier from the rest of the detained community. In addition to that isolation, they are confused and moving through a legal process that is bewildering enough when it is explained in a language you can understand. On the first day of prep with the father, Juliette spoke with him in Spanish. It was clear that he did not understand many of our questions and he had difficulty explaining himself. Eventually, we were able to find a translator that spoke in his native language.

Entry by Isa 10/1

Game on! I was not excited for waking up that early, but Meredith woke me up like a champ in the sweetest way ever. I know Mark had a personal concern about me waking up and being ready on time. After getting lost, we finally arrived to the facility and got ourselves check in. I have experienced going to different jails in Honduras and here in PA so I felt familiar with the weird feeling. No matter how much that facility looks like a high school, the environment and vibes the how much sorrow and pain is engraved in those walls. The guards were nice to the first day didn't feel any hostile attitude from them. Professor Wadhia called the first detainee a young boy with his 2-year-old daughter in his arms. It was heartbreaking to see that baby girl so sick her eyes were pink and running nose. Both of them were completely traumatized not just how difficult their journey was to cross the border. But also, being in the "Ice box" with not enough food, locked with many people and just a plastic bag as a blanket. Our client reached 5th grade he writes slowly and he said how they yelled at him when he had to sign forms. I can't imagine how would you feel as; 19-year-old, father of 2-year-old baby girl who fears persecution in his home country feeling like this is his only option. It felt a big responsibility as an advocate

prepping him wasn't easy. I was working in a great team and yes Meredith, Ellen and I felt frustrated at some point but we supported each other and kept working hard. I am really grateful and honored to work with them. Before lunch we learned that there was a family who needed to get prep for CFI. But no interpreters available till next day. I remember I have 2 friends one of them a current LLM who help us with the translation remotely. And we managed to do the CFI prep with Ellen we found Nexus and PSG smoothly. We came back to the hotel after dinner we debrief and then we had work to complete plus my midterm.

Entry by Mark (10/1):

"Today was insane." Wait, no. I just double-checked. "This trip is insane." I already knew this to be the case at 5:32 p.m. today and we haven't even had our first actual CFI. The quote above is the content of the text I sent Nicole as my daily update. Professor Wadhia's back right tire popped, and we noticed as we pulled into the Berks County Residential Center parking lot after lunch. Oh, and we can't take our presence in that parking lot for granted either because we pulled into two other ones before we found the one that wasn't a senior or re-entry center. You just can't plan for this stuff. Trust me, we tried. Our group's ability to balance adaptability with mode has really pulled us through this mire of madness.

With regards to the prep itself I found my time there to be a formative educational experience. I sincerely hope that the families shared at least a portion of that utility. Kate and I saw two asylum seeking men pre-CFI. (Kate is a saint, by the way, I spent breakfast printing documents so she served me breakfast). The first man was named A. A is a cheerful man. His smile was wide and energetic and he used it often. His skin was tanned and stretched taut and he was quite short in stature but had large hands for his size. Speaking to A was a distinct pleasure. He seemed to understand my questions in Spanish, despite his native tongue being indigenous.

DAY 2

Entry by Professor Wadhia (10/2): Hit the day ground running following up with one asylum seeker, preparing another to withdraw admission to the United States and facing an early morning credible fear interview that ended short because of system malfunction in the interpreter. Imagine the fear interview with a law student, two interpreters and asylum officer and one asylum seeker. Before lunch, we were notified about four scheduled fear interviews for the next day. One of these interviews will be a "reasonable

fear” interview so only an attorney of record can be present during the interview. It is now the lunch hour on October 2 and I am standing outside a credible fear interview for one of the asylum seekers my students prepared yesterday. I played some tic tac toe with the asylum seeker’s child who is waiting with me outside and speaks a language I cannot speak or write in. He is not hungry to eat lunch and the only toys and games inside our room are coloring books and crayons. The legal rooms are spacious if you are seeing only 2-3 families at a time. There is a meeting area with a round table, two legal rooms with a door and speaker phone that doubles as the room for the actual fear interviews with asylum seekers and finally a small cubicle with a desk and crayons. There are more than 10 chairs in this space and they are mostly filled with students and families except during lunch time.



Entry by Shanjida 10/2

We had quite an interesting day today. However, things ran much more smoothly than yesterday. We were more comfortable in our roles as advocates, and it’s clear that all of us built a rapport with the individuals we met and interviewed yesterday.

Chase and I spoke to one individual who was very clearly experiencing persecution in his home country, and we established nexus very early on in our interview and prep session with him. This was quite a relief to us because we were struggling to do that with both of our clients yesterday. However, I had to take a step back and remind myself that our relief

stems from this individual's past suffering and his future fear of harm. How can I be relieved?! I felt very guilty. It was especially jarring for me to witness this grown man crying in front of me. There is something truly solemn about a man who loses his composure and breaks down that really illustrates how truly vulnerable the people we are working with are. This is something that I felt very unprepared and unequipped to deal with.

Another thing that majorly affected me was seeing a young boy, probably around 13 years old, sitting by himself with us while his mother was undergoing her Credible Fear Interview, probably describing some of the horrific abuse and persecution she experienced, things that a little boy should not hear about his mother. He was sitting quietly, twiddling his thumbs and looking clearly bored, nervous, and out of place, and the vast difference between his silent demeanor and our bustling room was quite visceral for me. It made me think about my little brother, and as we walked out of the facility for our lunch break, the little boy was still sitting in the room, waiting for his mother to finish her interview. I thought about the fact that I have the luxury of leaving this facility for lunch, but he doesn't. And I imagined my little brother having to be subjected to this type of detention. I couldn't hold back my tears when I imagined him sitting quietly in a room full of strangers, not being able to communicate or understand what anyone around him was saying. This was truly one of the most impactful and surreal moments of this trip. Children should never EVER be in detention.

Entry by Chase (10/2): This morning I woke up feeling less nervous about what the day had in store, but a lot more tired. I felt lucky later, when I learned that the clinic students in the other rooms had all stayed up late to unwind. I was probably among the most well-rested people I would meet all day, both from our legal team and from Berks itself.

Today we managed to accomplish everything that we originally set out to do. Or at least, we talked to each person we planned on talking to. There was a family we thought we might talk to tomorrow for the first time, but they were released.

Meeting with people was fairly emotional today. We saw a grown man cry, which isn't easy to prepare yourself for. His story was clearly painful to share, but he didn't want to take any breaks. Although we assured him we would not share his story with anyone outside ALDEA, he still asked if what he had told us about his treatment at the border would be brought up during his upcoming interview.

I think we had more time to unwind today. This was partly due to the fact that we did not go back to the detention center after dinner. Instead we met with the ALDEA team for dinner at a restaurant.

We met with a mother and her daughter in the evening. When we were going over Particular Social Groups, we asked again if there was anything about them that made them stand out in their society. The daughter seemed to understand what we meant, but said, jokingly, "We are both very beautiful." It was a sweet moment. It diffused some of the tension of the situation, and also showed genuine affection for the mother.

Entry by Kate (10/2)

I felt optimistic in the morning. After talking to the two teenagers, I felt like they provided us with the necessary information that we needed to make a stronger claim.

Because we were feeling better about upcoming prep sessions, we met with another individual to help him prepare. This man was very nervous, and he seemed very uncomfortable speaking with us. This was our first prep with an interpreter, and this took me a little bit of time to adjust. However, I thought we adapted very well to working with an interpreter. This interview was difficult though because the man was incredibly uncomfortable and nervous and maybe even scared. Unfortunately, as we were starting to get more information from him, he had to leave because his child had a medical emergency. This was frustrating because I felt like we were getting somewhere, and now we have to reschedule an interview with an interpreter before a CFI is scheduled. I am just nervous that we will not be able to finish or prep before a CFI is scheduled and this man and his child may not get the help they need before the interview.

Our follow-up interview in the afternoon also really frazzled me. I was really nervous that we would not be able to find nexus or a protected ground. The man and his child were insistent that they were not discriminated against based on their identity, even though it seemed very apparent that this was the case. At the end of the interview the father thanked Mark and I and told us he was very grateful for us, and I had to stare up at the ceiling light to hold back tears. I felt like I had not helped him in any meaningful way, and I felt like I let him down. I was scared that I had given him false hope and disappointed him. Once he and his son left the room, I broke out into tears. I was glad I held it together while they were in the room, but I was really embarrassed that Mark saw me crying. I also felt ashamed that I cried because I let my emotions get the best of me. This was probably the most difficult part of the visit so far.

Entry by Ellen (10/2)

Today was my first CFI. Fortunately, I had Isa by my side. Our asylum officer seemed almost insulted that we were mere law students rather than full-fledged lawyers, but I figured that my quoting the regulation to her would backfire for the applicant, so I called for Professor Wadhia.

After Professor Wadhia smoothly explained that current regulations allow law students to serve as advocates during CFIs, the officer snapped, “I’m familiar with the reg.”

(I must admit that it took a lot of restraint to refrain from retorting, “Are you sure about that, ma’am?”)

I was afraid to interrupt after that, terrified of giving the AO any more reasons to dislike us, but Isa was fearless. She had to remind the AO to tell the applicants, for instance, that they could put their right hands down after swearing their oaths. Isa and I asked our clarifying questions at the end, and I made the closing statement. After our rocky start, the AO was reasonable and even told us that she had all the information she needed to decide. All in all, despite a few surprises throughout the interview, I thought the CFI went rather well—even if I wished I had a lunch break.

However, immediately after our CFI, Professor Wadhia pulled Isa and me outside to take a 5-minute break and to tell us that apparently there had been some sort of miscommunication with the applicant: One of the other detainees had approached Professor Wadhia early in the morning and told her that the applicant had thought that her CFI was the day before during the CFI prep. Isa and I were shocked for several reasons, the primary of which being that (1) we thought that we had clearly established that we were not from the government and (2) we thought that we had a connection with the applicant.

I guess it goes to show that the folks in immigration detention are often scared and confused to an extreme degree. I mean, can you imagine fleeing your home country because you’re terrified for yourself and your children, only to be taken into custody by people who don’t speak your language? People in detention in places where they speak the language often don’t understand exactly what’s happening. How much more aggravated is that confusion and fear when you don’t know the language of the people detaining you?

(Looking back on it, I remember when one of my friends was accosted by a French police officer. When she tried to ask the officer what was going on, the officer pretended that she couldn't understand my friend and increased the fine she was trying to impose on my friend. If I hadn't challenged her in French, the officer would've continued shaking my friend down. Suddenly, the officer realized that someone saw what she was trying to do, and what do you know? The fine returned to its original level. *Quelle surprise.*)

Interestingly enough, during that 5-minute window while Professor Wadhia was outside the facility, a guard approached the rest of my classmates and told them that if they weren't actively meeting with any detainees, they couldn't use the attorney rooms as an office space. It should be noted that my classmates were indeed trying to meet with detainees, but the people they needed were held up, for instance, in medical, so my classmates were waiting for people they were about to prep.

On another note, Ms. Gomez and I have encountered an interesting professional responsibility question, and I'm not sure that there's an easy answer to it. Hopefully, we can come to a solution that helps everyone. Getting to know Ms. Gomez in person after working with her for the past year via email and phone has been an absolute delight and one of the highlights of the trip for me.

Entry by Meredith (10/2)

On the second day, we arrived at the facility at 8:20 AM. A credible fear interview was scheduled for 8:30 AM that morning. Juliette and I planned to sit in on his credible fear interview as his counsel. When we arrived, the individual was clearly nervous. Before the interview started, Juliette attempted to run through the most important parts of his case, but were cut off by the guard coming in to start the interview. The interview itself began with the asylum officer patching in two translators to the call. The interview would run through two lines of translation – from English to Spanish and the Spanish to Rare Language and back again. It was mind boggling to watch happen. This mode of translation would add significant time to the interview. It was hard for me to not worry about the individuals meaning being lost through so many rounds of translation. At the time, I worried the asylum officer would not truly understand what the individual was trying to say. The call with the translator's disconnected shortly after the interview began. The interview was cancelled and rescheduled for the following day.

Later that day, Isa and I interviewed the son alone. We wanted to prepare him in case the Asylum Officer wanted to ask him any questions concerning his father's asylum claim. He was very shy at first, but once we began talking he really blossomed. We plied him with

fruit snacks and cheese-its. In addition to the questions we had to ask him to prepare for his interview, we also talked about his experience at the detention center and his friends there. Despite the obvious negative connotations of his current situation, he seemed okay. He said he had made friends and that he enjoyed school.

Entry by Isa 10/2: We had a CFI with the Family we prepped. The Asylum Officer was so rude she didn't want Ellen and me (Law students) to be in the CFI. But Professor Wadhia came to the rescue (like Wonder Woman) and introduced herself and cited the regulation that not every advocate must be a lawyer. And then she wasn't glad but agreed. It wasn't the best way to start a CFI interview more when your client doesn't understand what's happening. I felt the most important role we had of course besides advocating was to give our client security that we were there. And I think Ellen and I did a great job with that despite how we felt we could see our client was relying on us. I had to interrupt the Asylum Officer many times, and I must say the first one was the most difficult one. The interview went on for around 2 hours. PSG and Nexus were proven at the very beginning of the interview. The CFI prep with this client specifically was very effective. It was emotional because she had to relive traumatizing experiences not just her but her son. I think the more we interacted during the CFI, the more respect we were getting from the Asylum Officer. And Ellen was great; she was spotless in her closing statement. Professor Wadhia stayed there without having lunch, waiting for us, and she took both of us out for a 5-minute break outside. The surprise was when we came back in and the guards were asking why our classmates were alone without a supervisor. Then is when I started to feel a little bit of hostility by the guards. Throughout the day, it was my pleasure to help the other teams interview their clients. I felt very flattered every time I had the honor to help them because I felt useful and reliable. This day I also, with Ellen and Mrs. Gomez, followed up on a withdrawal of admission case. It was very emotional for me to see someone detained who wants to go immediately back to her home country. I also helped Meredith with CFI prep in an Indigenous language.

Entry by Mark (10/2): Today was a difficult day. We met with a newly detained man of Indigenous descent. M spoke very limited Spanish so we had an interpreter scheduled for the morning. The interview did not go very well for a few different reasons. First, M seemed timid and unwilling to be forthcoming. We explained to him, through the interpreter, that our communications were confidential. We told him that we were not working for the government. We assured him that we were there only to help him. However, his demeanor remained closed. Hunched shoulders and eternally downward-gazing eyes. The reasons he saw fit to share with us for coming to the U.S. were not the

ones that our government would protect him for. He was not afraid to return to his country. He made that clear. He just wanted to find work, he said.

So, to recap the reasons this was not going well: 1) he was withdrawn, 2) his story for coming to the U.S. did not help us to establish nexus. The third reason the interview went poorly is preceded by one silver lining. M had (kind of) admitted to us that indigenous men from his country who did not speak Spanish had a harder time finding work, and he himself had been the subject of insult before Ladinos. Soon after this revelation, he was pulled from the interviewing room to attend to his daughter, who had fallen ill and was being treated in medical. Before he left, we quickly explained that we would like to talk more another time. We abruptly hung up on the interpreter, who had been very helpful. M was definitely a rough one.

Later in the day we met again with A. We had heard from someone in ALDEA or the Clinic that he was excited to speak with us because he had something to share with us. So, when we met with him in the afternoon we knew to expect something, but we didn't know what.

I was concerned and shaken at the end of the day. I slept restlessly.

DAY 3

Entry by Professor Wadhia (10/3) We started the day with three fear interviews in three different rooms at Berks. The families came down at 8:20am. Within minutes of one interview the asylum office was unable to find an interpreter to speak the best language of one father and his son. It is remarkable how many different languages are spoken by detainees in a facility based in rural Pennsylvania and the roadblocks that come with scheduling and proceeding with a fear interview. Speaking of roadblocks, today was full of them. At one point, minutes after completing nearly three hours of fear interviews we were asked to leave the facility. Two of my students had just entered a room with clients for our fourth fear interview but I was unable to stay in the meeting room space outside the room where the fear interview was being conducted. So, the rest of the clinic team and I left the facility for about two hours and worked in the lobby in our hotel which is close to Berks. I returned to Berks at about 1:20pm nearly two hours from the time our fourth interview started by the interview continued. I could hear the asylum officer clearly from outside the door and sometimes he sounded like he was shouting. The officer

was asking my student to conduct parts of the interview and I could see this was a challenging but good experience for my student. We spent two more shifts at the facility one from 2-5pm and another from 6:15pm to 8:00pm. During these shifts we learned that two new families had been admitted to Berks the night before so we met with them. We also learned that one of our Spanish speaking families was scheduled for a credible fear interview for the next morning and another rare language speaker's interview was rescheduled because of the lack of availability of an interpreter that morning. There was a lot to do and the students worked hard to achieve the goals of next several hours. One team prepared the Spanish speaking family for about three hours. I scrambled to get rare language interpreters for the new families so we could meet with them in the evening. After 8:00pm, when legal visitation ends we returned to the hotel and worked until close to midnight over Chinese food and reflection in my hotel room. We worked on our notes from the day, proposed closing statement for the following day along with more light-hearted conversations and even laughter.

Entry by Shanjida 10/3: I sat in on a CFI with Meredith this morning at 8:30am with a detainee, and I felt quite nervous because I did not conduct the prep for the CFI for him. I felt like I didn't have much control over anything. When the Asylum Officer and interpreter came on the phone and began the interview, Meredith and I began to realize how limited our role would be during the CFI. We tried to interrupt once while the CFI was going on, but the AO told us that we'd have a moment at the end to ask clarifying questions. There were many instances during the CFI where Meredith and I would look at each other in frustration because our client was not mentioning crucial elements of his case. Throughout the CFI, Meredith and I were passing notes to each other expressing this frustration. For this reason, we really doubt that the AO will decide that our client has a credible fear of return. At the end of the interview when we were able to ask some clarifying questions, the answer we received from our client seemed to sway the AO a bit; she said 'ohhh...' in response to the answer to the question. However, we still feel that it is not very likely that he will be found to have credible fear. I felt so helpless, but I needed to tell myself that there was nothing I can do in a situation like this.

About a half hour after my CFI Professor Wadhia's RFI ended, Mark and Kate had a CFI. At that point, everyone else was working on notes for their cases. Leaving the facility that day was a surreal horrible experience because it really showed us that we have very limited control over everything happening around us.

We returned to the facility after dinner, and Chase and I met with the first client we spoke to on Monday because her CFI was scheduled for 8:30am tomorrow. We had decided that

based on everything she told us, there was no nexus. However, as we prepped her this time, so many details emerged that made us completely change the way we thought about her and her story. We had some suspicions that she was perhaps not being completely honest, and we felt as though would probably be wasting our time if we prepped her. But boy are we glad to be wrong! Our prep lasted for a couple of hours, and by the end we felt confident that there was a compelling story that sufficiently established credible fear and nexus. This was a clear testament of the fact that we as law students are here as advocates, not as judges. Our job is to hear people's stories and help them, not judge their credibility. The people who are detained here have suffered so much, and just by virtue of being detained, they have had their stories invalidated time and time again. As advocates, we CANNOT contribute to this cycle of torment. As advocates, we must advocate! We are not here to doubt anyone. And more importantly, this experience has reiterated to me that people are multifaceted. It is impossible and unwise to make judgments about someone's story and credibility after only one conversation. Ironically, this is exactly how the CFI process works.

Entry by Chase Crowley (10/3): People keep asking me how I'm doing. I think I'm doing fine, but I'm just tired. Once again, I was probably the most well-rested person on our team. Emotionally, though I feel fine.

This morning Isa and I met with a father and his son who had a CFI scheduled later in the morning. We were worried, because Mark and Kate (who were in another CFI) had spent a lot of time with them already, but were still unable to find nexus. It was difficult to draw out significant details. Our nexus finally came about, almost in passing, and changed everything about the case. We were able to identify specific reasons why they were being targeted by gangs. The father and son, however, had previously been much more concerned with impressing on us just how dangerous the country was for everyone.

There was a family we had met with already twice before for prep who was scheduled for an interview tomorrow morning. We decided we had to meet with them yet again, because despite the long hours we had spent previously, we had yet to identify any nexus whatsoever. Personally, I had my doubts that the family was being completely honest with us. Shanjida did not share these doubts. Still, we call the family down again. I'm so glad we did. Everything opened up in that meeting. There was a lot of nexus, both for the mother and for the children, who may have had their own separate claims. In total we had probably spent five hours preparing them for their CFI, but we felt like it had made a huge difference. For what it's worth, my doubts about their honesty also vanished. Like with others we met with, I noticed that the individuals, who did not know about asylum law, thought that we would be much more interested in the general danger of living in

their home countries. They are not fixated on the specific characteristics that make them targets of persecution.

Entry by Ellen (10/3)

I spent my morning as Professor Wadhia's waitressing understudy since she was in an RFI. My classmates had plenty of CFIs to observe, so I worked on a project for one of the other detainees. (Interestingly, even after Ms. Gomez had told her all the options available to her, the detainee still just wanted to return home, even though she was terrified of her home country. There was no doubt in her mind that being back in a country that persecuted her was preferable to being detained in a center that resembles a public high school from a dystopian YA novel.)

After the initial CFIs and RFI, though, one guard came into the attorney rooms, apparently on a mission. After peeking inside the meeting rooms, she abruptly left. I thought it was odd, but I continued to work. A short while later, a woman I'd never seen before arrived and asked for Professor Wadhia. ... Professor Wadhia rejoined us and told us to pack our things while she called for Mark to explain the situation. The look on his face when Professor Wadhia said that she wasn't going to be able to be present for the CFI devastated me. I felt sick, knowing that Kate and Mark were on their own for an interview that they were so nervous about. I gave them a Kind bar that I kept with me, just in case, and I prayed that everything would go smoothly for them. The rest of us left as quickly and politely as we could and returned to the hotel to regroup.

I was more shaken up than I'd care to admit: I've always been a rule-follower, to a fault. The idea of someone throwing me out of a place because I've broken some rule is anathema to me. I guess that's a good quality in a future lawyer, but I've always believed that you catch more flies with honey than with vinegar, and I do genuinely try to treat everyone with kindness and respect.

And aren't we all on the same side here? The facility's job is to care for the people in its custody, and we're trying to help those people through the procedures that they have to undergo as efficiently and effectively as possible. The hostility with which we were treated this morning was completely uncalled for: all it did was make me feel like I'm seen as an adversary rather than as an advocate.

After we got kicked out, though, I realized something: throwing me out was the worst thing they could do to me. I'm a native-born US citizen, so it's not like they could detain me there, and they couldn't keep me from doing my job to the best of my ability while in

the facility. So, when we finally returned after Mark and Kate's CFI and a quick lunch break, I jumped back into CFI prep mode, and Isa and I began dealing with two new families who had arrived the day before.

(The hostility vanished with a new shift of guards, too. I want to believe that maybe the first shift was just particularly cranky, but the willfully arbitrary and almost purposefully insignificant exercise of power over people who are just trying to help detainees still rubs me the wrong way.)

Also, the applicant whose CFI Isa and I had observed was meeting with another attorney that day. She apparently believed that the attorney was from Immigration and was terrified, but Professor Wadhia clarified the situation. I could see the relief on the applicant's face when Professor Wadhia explained that the person was not from Immigration. She had been utterly terrified, and realizing that she had been mistaken had her almost in tears of relief. Again, this poor applicant illustrated that detainees like her need clear communication in their own languages: detention is confusing enough without those of us who are trying to help detainees causing them even more fear.

Entry by Kate (10/3)

I woke up feeling incredibly anxious because Mark and I had two back to back CFIs, and I didn't feel like the families were prepared enough for the interviews. We had planned for Chase and Isa to speak with the family that had an 11:30 CFI while we were with the other family in their 8:30 CFI. I was very grateful for their help. We felt that both of these families had legitimate fears and should not be forced to return to their home countries. They expressed to us how scared they were, but we were really nervous that their fears did not rise to the level required for a credible fear determination.

When it was time for the 8:30 CFI, we sat in the room with the family while the Berks employee got the Asylum Officer on the line. Waiting for all of this to happen made me feel even more anxious. It felt similar to how I feel before I take a final exam. The minutes leading up to the exam cause me more stress, and I just want to take the exam. But this was different from an exam because these were real people facing real consequences. It was not just about me potentially receiving a bad grade. It was about two people who did not want to return to their home country because people had threatened their lives and physically assaulted them. After the Berks employee connected us with the AO, we waited for about ten more minutes. We did not have an interpreter yet. Because this was our first CFI, we did not realize that this was a pretty standard wait time, so I asked the Berks employee why there was no interpreter just yet. He told me that was normal, and we

would just have to wait. The waiting kept adding to my anxiety, and I am sure that the family was also anxious while they sat there. We could not speak to them before the interview because they did not speak Spanish well or English at all, so we sat in mostly uncomfortable silence. I could tell that they were nervous, and I tried to pretend like I was not nervous. They did not need another reason to be nervous. Today was about them, and I did not need to make them more anxious or scared than they already were. We waited for about another ten minutes when the AO told us that they could not find an interpreter for the family, and the CFI had to be rescheduled. This was a huge relief for me. I do not know if the family felt the same way. They seemed confused, but Mark told them in Spanish that it would be rescheduled. I was grateful because this meant we had more time to prepare, and we felt that the family really needed more prep.

After the interview was cancelled, Mark, Isa, and Chase helped prepare the family for our 11:30 prep. I researched what to do when a CFI is cancelled. I was really hoping that they would not find an interpreter within 48 hours because I really wanted this family to be released from detention. But I was also nervous if they would be able to find legal counsel if they left facility and went to stay with their sponsor. I also researched country conditions reports for this family during this time. I needed to prove that internal relocation was not possible and that the government was unable and unwilling to protect this family. I felt productive during this time, but I was also anxious thinking about the 11:30 CFI.

Once it was time for the 11:30 CFI, I felt more prepared. We did not have the uncomfortable silence while we waited for the interpreter because this family spoke Spanish, and Mark could talk to them. They seemed grateful that they could talk to somebody in their language, and they seemed grateful that this person was on their side. Watching the comfort that they felt with Mark was really great to see because they have probably had very few pleasant experiences with Americans since they arrived. I think that they were less comfortable with me, but I was anticipating that. I could not speak their language, and I looked like a lot of the guards in the detention center. After waiting for about ten to fifteen minutes, an interpreter came on the line, and the interview began. This AO made me very nervous. He was short with the interpreter and with the family. He raised his voice several times, and I was worried the family would think he was yelling at them or they were in trouble. There were times that he would say "come on, man" when it seemed like the father was not understanding the questions he would ask. I don't think the interpreter translated this for the family, but it felt disrespectful and really bothered me. The CFI is not supposed to be an adversarial process, and I did not want the family to feel like they were in trouble or doing something wrong. Throughout the

interview the teenager would kiss the cross on his rosary. I am not a religious person, but I remember thinking “I hope there is a God who will answer his prayers.” Seeing a teenage boy praying to God during the CFI really made me aware of how scared he was to return to his home country. The CFI did not go how I thought it would. The AO was surprisingly generous to Mark and me. I was taking notes, and Mark was doing most of the advocacy work. There were times when we both asked questions to the family during the interview, but Mark asked the most. The AO even told Mark questions to ask the family. I was not expecting this, and I think we were both kind of thrown by this. It was our first ever CFI, and more was being asked of us than we had anticipated. Mark handled this all very well, and I think he was able to ask questions that needed to be posed. I think the son may have had a better claim than the father, but I am hopeful that a credible fear determination for the son will allow both of them to be released.

Following this interview, I was exhausted. I did not really want to talk to anybody. I just wanted to eat and sleep. But, I did talk to people, and it was helpful. Our professor asked us questions that helped me process what had just happened. It also made me feel more hopeful for the prospects of these two people. I was very grateful to have everyone in the Clinic around me after the interview because they could empathize with how I was feeling, and these are all people, who after a few days together, I felt very close to and comfortable with.

When we returned from lunch, we met with the family whose CFI had been cancelled that morning. I felt better after this final prep. I did not leave the facility that night with the same kind of anxiety I had the night before.

Entry by Meredith (10/3)

On the third day, Shanjida and I sat in on the credible fear interview for the rare language speaking father and son. It was quite an experience. From the very beginning of the interview, I was terrified. We were responsible for ensuring this man’s rights to a thorough and complete interview. The asylum officer was pleasant enough, but seemed easily frustrated. She made frustrated noises throughout the interview – especially when there was confusion regarding translation. This interview required a rare language interpretation, but was thankfully only from Rare Language to English. There was no need for a Spanish intermediary this time.

At the very beginning of the interview, the asylum officer misinterpreted a key piece of information regarding this individual’s asylum claim. This fact was the most important fact that we needed to establish for this individual’s claim. I’m not sure if it was a

misunderstanding on the part of the individual or the translator, but Shanjida and I knew we had to correct this misunderstanding in order for these individuals claim to even have a chance of success. We attempted to interrupt and clarify, politely of course, but the asylum officer wouldn't allow it. She explained to us that interrupting was not "how these things worked" and that if we wanted to interject, it would have to wait until the end.

We were panicked. If this fact wasn't corrected at the beginning of the interview, the asylum officer would fail to pursue the line of questioning we needed. I felt helpless. I had spent hours with Juliette attempting to formulate a coherent, legal reason as to why this individual qualified for asylum. Now, because of one misinterpreted statement, a successful interview was becoming less and less likely. When Shanjida and I attempted to interrupt, the asylum officer scolded us like children. It was embarrassing, but I won't apologize for trying to advocate for someone who needed it. We were allowed to ask clarifying questions at the end of the interview. Our questions did clarify the confusion and the asylum officer seemed to recognize the importance of the fact. I worry that it wasn't enough.

Altogether, our trip to Berks was indescribable. It was invigorating to meet with these individuals and apply all of the knowledge that we have acquired over the course of this semester. At the same time, it was heartbreaking to see the human effects of outdated laws and policies. This trip has brought me closer with the individual members of the clinic and given me skills I will use for the rest of my legal career. For the first time, I feel like I have done what I came to law school to do – advocate for someone in need.

Entry by Isa (10/3)

The first thing I did when we reached the detention center was a sign that said: Are you or someone you know Feeling sad, mistreated or depressed? If so contact someone in Administration. And I kept thinking about this throughout the day. We were feeling exhausted we were all working together till 12:30 and barely slept. And we had a day full of CFI's for Mark's and Kate's team. In the morning I helped prep a family whose CFI was schedule for next day. And this CFI prep at one point I did felt stocked, so I had to stop for a while and start all over again. It was great to have Kate, Mark and Chase because while I'll asked a question they could think on the next one. And it ended up because a great Prep. While Mark and Kate were in the CFI ... I could just imagine if that was the way they treated us how the detainees are being treated when we are not around. And I remember the sign imagine if the only person you have to complain are the reason why are you feeling like and the ones in charge of the facility.

We waited for Mark and Kate in the Detention center parking lot. I was dead tired I slept inside Chase's van I am sure Professor Wadhia saw me drooling. We came back to the facility and I helped Shanjida's and Chase client who I immediately created a strong bond. I think I should get better in separating emotions from what I am doing or at least come up with a balance because that's what makes me passionate. They fear persecution in their home country had been mistreated, but still they had the biggest smile on their face. Hearing from a 10 years old boy I am scared of being kidnapped and killed and say I want to study and be a professional was so emotional for me. This interview made me re-evaluate my purpose as a professional. Later that night 2 other families arrived. I tried to get an interpreter but she wasn't available so I called a friend of mine attorney also who works in Geneva. It was 1:00 am in Geneva and he helped us being our interpreter. First, we had to talk to our first client and ask her who did she had an interview with and clarify that was not with ICE. And then prep a Family in 40 minutes which was a challenge. Not because of the family but the amount of questions we had to cover. I am so thankful for Ellen. When we went back to the hotel had dinner and work and then complete my other midterm.

Entry by Mark (10/3): I think it's fair to say that today was defined by a pattern of cyclical emotions. Dread → Focus → Relief → Repeat. The apprehension I went to sleep with the night before had morphed somewhat into positive nervous energy. I was electrified. We had our first CFI scheduled for 8:30 a.m. for A. I woke up very early, before my alarm went off. We have never felt entirely confident about A's case. Our efforts to establish nexus had been stonewalled by the applicants themselves who refused to admit or concede even in some small degree that the harm they suffered could be tied to their indigenous identities.

So, as I prepared that morning I began to feel the dread of being present in an interview where the applicants gave answers that would make it very difficult for an AO to give them a positive credible fear finding. This dread began morphing into focus as we worked on making the closing statement as airtight as it could be. But it was all so uncertain.

When we got to the interviewing room and I began to focus on the questions I would ask and how I could amend and restructure my closing statement. I cannot tell you how **RELIEVED** I felt when the AO could not find a rare language interpreter and rescheduled the interview for an undetermined date and time. The time between the guard calling the AO and the AO finally rescheduling was a solid 15-minute block of silence with the applicants. I did not dare make any small talk with the applicants for fear that the AO

could hear us. Especially considering the changing stories of A, I could not bring myself to review anything with him at that moment.

The relief I felt compounded when I saw Isa and Chase helping with our other applicants whose CFI was scheduled at 11:30 a.m. that same morning. Isa is like the clinic's special forces. When a story isn't coming together and nexus seems to be nothing but a daydream, Isa comes in and gets the details that were always there, but that the applicant never thought to be relevant. We discovered a lot about our 11:30 a.m. CFI that we did not know even hours before. It was such a stroke of luck that there was no rare language interpreter available at 8:30 a.m. on a Wednesday morning.

The dread began creeping up the closer it got to 11:30 a.m. But, with the help of Isa, Chase, and Kate my thoughts became more focused as we constructed a nexus for the father.

The interview was full of surprises. I was surprised by how well our applicants answered the AO's questions. I was surprised by how terse and snappy the AO could be. I was surprised by the level of engagement the AO allowed from Kate and me. I was also surprised to hear that our clinic team had been ousted from the facility by ICE! However, even with all of these completely unexpected happenstances, I think my biggest surprise was an emotional reaction I had during the interview. I noticed about halfway through that the teenage son was clutching a rosary in his hands. He would often hold the cross between his forefinger and his thumb and raise it to his mouth to kiss. Something about the gesture provoked an emotional response from me. I felt the surge of tears at least once during the interview, and as I think back on the memory the tears kind of return. I was and am surprised by this because I had not had really any emotional responses during the week, and I am not religious even in the slightest.

By the time I gave my closing statement I felt relief at the fact that it was finally over. But even more relief that this family, who I did not think had any chance at even establishing nexus on Tuesday, had their chance today, and it was a good one.

DAY 4

Entry by Professor Wadhia (10/4) An early morning, a sore throat and check out. Two 8:30am interviews - both credible fear interviews. My students are participating as advocates in these interviews as I write this. Other students are preparing a father,

mother and child for a future credible fear interview. Our day will end with a third meeting with a young Spanish speaking boy/son of a father and a relatively new inmate who needs a rare language interpreter.

Entry by Shanjida 10/4: Our client had a CFI at 8:30am today, and although the interview headed in a direction that we did not quite anticipate, it went very well. We thought that her children would be questioned more, but the interview was almost exclusively about her. When we tried to ask a clarifying question at the end to her children, the asylum officer told us that our client had a strong enough story that the AO did not need to ask questions to her children.

To go from thinking that our client had no credible fear/nexus to thinking that she may actually pass her CFI was jarring and quite an eye opener. At the end of the interview, our client gave me a huge hug and thanked me and Chase profusely. She left with tears of gratitude in her eyes, and I tried to maintain my composure. I was able to do so until our client left, and I rushed to the restroom to regain my composure.

Later as we left the detention center for the final time, Chase, Mark, Kate, and I talked about how relieved and happy we were to be leaving today and not Tuesday, which was probably the lowest we felt during our trip. On Tuesday, we left the facility feeling convinced that the people we were prepping would 100% fail their CFI's. Today, we left optimistic, with a renewed sense of hope.

During lunch, Professor Wadhia asked us how we would describe our week when our friends and family ask us how our trip was, and we found it quite difficult to answer that question. We knew that nobody but ourselves would understand the subtleties and nuances of this trip. And even we are still processing the magnitude of what we have experienced.

Beyond our experiences in the actual detention center, we as a group became very close to each. This, I think, was inevitable given the emotional nature of the work we were doing, but I feel so grateful to have met and worked with everyone from the Clinic. Every single person cares immensely about the people we were meeting with and immigrants' rights in general, and we really fed off of each other's energy. I am inspired by each and every person on our team.

The car ride back to State College was both productive and fun. It was productive because we were able to debrief about our cases and complete our case notes. It is always helpful to

hear other's opinion – we are truly a collaborative group. The last half of the car ride was fun because it consisted of us goofing off and performing 90's hits for each other. And the lighthearted nature of this part of our journey allowed us to decompress and feel excited about going back to our normal lives.

As soon as we reached State College, I saw that Professor Wadhia had emailed us to let us know that two families were scheduled to have their CFI and RFI Friday morning. Both of these families were families Chase and I worked with. I told Professor Wadhia that I would be more than happy to be the counselor during the CFI, so as soon as I reached my apartment, I knew that I had my work cut out for me. I had to prepare the CFI and RFI notes + closing statements for both cases. This made me realize that although we left the detention center, our immigration advocacy has not ended. It is continuing and it will continue.

Entry by Chase 10/4: The CFI we had spent so many hours preparing for was this morning. It went amazingly well. The asylum officer was very nice. I felt like it would be okay to interrupt, if necessary. That necessity arose almost immediately. There was a major issue with the interpretation almost as soon as the asylum questions started. I attempted to interject, to say there was an issue, but the asylum officer said she did not want me to intervene yet, she wanted to continue the current thread with the interpreter. Still, they did double back a bit, and realized there were significant details they had misunderstood.

As the CFI went on, there were other problems with interpretation. I did not usually say anything. I took note, or prepared a clarifying question for later, and waited to see if the details would work themselves out quickly. In the end, all the right details were conveyed. I only interrupted on one other occasion. The interesting thing to me, having studied translation and interpretation, is that the interpreter was clearly more proficient in Spanish than I am. Some issues were not the interpreter's fault. The individual being interviewed tended to say a lot before giving the interpreter a chance to repeat anything. The interpreter found herself summarizing what was said a lot. The interpreter, who was also probably not an immigration lawyer, had the same problem as most of the people we prepped for CFIs. To her, the important details tended to be the generally dangerous conditions of the home country. A threat of death was inherently more interesting to her than the reason behind the threat. She often did not realize that a more personal detail the individual had mentioned was really the crucial point, and so would not repeat this detail back to the officer. It would then take more digging for the officer to uncover these details, even though the individual had shared them earlier in her testimony.

At the end of the interview, I wished to direct clarifying questions towards the children to establish their separate claim. The officer told me I did not need to do so, because the mother's testimony already had sufficient detail. She suggested that the claim was already strong enough. This was, to us, very good news. It made all the time we had spent with the family before feel worthwhile.

Entry by Ellen (10/4)

Well, today was our last day. There's so much left for us to do, but I'm content with the work we've done over the past four days. I actually think the past day and a half were the most productive.

Leaving Berks reminds me of going home after church camp. After such an intense experience, how am I supposed to go about my daily life? How am I supposed to care about anything else after seeing children in detention? Is this how the secondary trauma is going to hit me?

I'm purposefully taking the day off tomorrow to rest. Heck, when I got back to my apartment, I fell asleep on our crummy couch while typing up my notes from the week.

I don't know how to share this experience with others. There are some things that I can't share due to confidentiality and others that I can't share because they still feel too personal. All I can say for now is that I hope that the work we've done bears fruit and that there comes a day when it isn't even necessary.

Entry by Kate (10/4)

Our interview from yesterday was rescheduled for 8:30 this morning. I felt much better going into this interview. I feel like the family had opened up to us a bit more, and we would be able to make a stronger claim for them. This time, the interpreter was on the line right away. Our AO was also much more mild-mannered than the one we had yesterday. She was kind to us and more importantly to the family. She did not get short with them when they misunderstood a question. Instead, she would rephrase it without raising her voice or getting frustrated. One frustrating thing did happen during the interview. When the interpreter would be speaking to the family, there were many times that you would hear a sound in the background. It sounded like he pushed a button on his phone while he was talking to the family. The family did not seem to react to the noise, but I wanted to make sure that they could hear everything he was saying to them. I tried to note all of the times this happened, but I know that I did not mark every single time. Mark would also ask the interpreter to repeat the question if it seemed like maybe

the noise interfered with the family's ability to understand and answer the question. This interview lasted for three hours, and I was more hopeful leaving the interview than I was going into the interview. This was the family that had thanked us for our help on Tuesday, and I cried when they left because I did not think I was helping them in any meaningful way. After this interview, I felt like maybe we did help them. I hope we helped them.

Shortly after this interview, we left the facility for good. I felt hopeful leaving. I also felt bad because I was happy to go home. But, I was also reassured by the fact that ALDEA is there to help families at Berks every day. While I study immigration law and I keep up to date on all the changes in immigration law, this trip has really opened my eyes to seeing how much these laws need to be changed. Every person that I met in that facility had a completely legitimate fear of returning to their home country. They have had to deal with things that I will likely never have to face. People use racist and xenophobic rhetoric to talk about immigrants, and it is not fair. Every person in detention that I met just wanted their family to be safe and happy and healthy. Even if an individual comes to the US illegally, they should be treated with kindness and empathy. The motives of these people were clear, and it was not nefarious. They wanted to be safe, happy, and healthy. That is something that should be embraced. Our country has a horrible history of discriminating against immigrants and refusing to accept refugees. Our laws need to change. People need to be treated with dignity. We need to be better

Entry by Isa 10/4

I worked with Ellen on a CFI prep with another family. Same Pattern we got all the information we needed and G-28's signed. He had a great gesture he said thank you and kissed my hand I felt like a princess. But the feeling not of just helping but connecting with the families that are giving them our time a making them feel safe is the best feeling. When I looked at them in the eyes and told them I was so sorry for everything they went through they looked at me with teary eyes. That was a touching moment not just as a professional but as a person. Then I prep Mark and Kate client who just speaks an indigenous language. I wanted to meet with that father and son again but the time wouldn't have allowed. The guards let me buy some snack for the kid and he was really happy. He gave me a big tight hug and huge smile. When I saw them being escorted back a shed a tear. That was the saddest moment ever and will remain engraved in me every time I hear the word "detention Center." Then we went for lunch the whole team and Melody who I admire so much for doing this job every day. Not every hero wears a cape. It was fun to see how this week changed our lives in every way now we look to what PSG we belong or the concept of CFI (Credible Friendship Interview) which Mark had his

doubt of passing but everyone did. We are closer to each other like siblings. And I know I am the bully of the family. We came back we were singing songs even though they didn't play my favorite song ever BABY SHARK DO DO DO. It was a great trip back and especially because we stopped at Popeyes.

Entry by Mark (10/4): Today was the day of our rescheduled CFI with A. I felt pretty good about today because of the prep we had given to A and his son last night. Of course, even when my apprehension is at a low during this trip, it is still reaching all-time record high levels.

Kate, Professor Wadhia, and I were adjusting the closing statement even while we were getting cleared for entry by security. All of this being said, I think the interview went unbelievably well. My dread had dissolved into pure focus by the time we were in the interviewing room. There were definitely some frustrations, including *constant* dial tone noises coming from the interpreter's phone. I interrupted promptly and made sure that the AO knew that this could be an issue. Although the dial tone was not an overwhelming distraction or distortion, I did this for a couple of reasons. First, I think getting in a word with the AO as soon as is reasonably possible is valuable because it lets you get a sense of what the officer will and won't allow. Second, if there was a point when I thought A's understanding of the question was affected by the dial tone, I already had my foot in the door to ask for a repetition of the question.

I don't think all of these strategies were necessary because the AO ended up being incredibly kind, understanding, and deferential to our interruptions. She honestly seemed like an advocate fighting from "inside enemy lines." (I use that phrase facetiously because I don't think there should be sides. I think at our cores, the government and advocates should be, and at some levels are, working toward the same goal).

A's son is incredibly intelligent. His eyes were so intense. He was aware of every detail given to him by the AO; I think even more aware than his father. At one point, after probably two hours of interviewing, I asked if the AO could direct the question that was just asked to the son. This was the only slight pushback I ever got from the AO. She said not to worry, she was getting to that. That she had not forgotten about him. The son's answers were spot-on. He spoke his truths and I think the asylum officer believed him. She was more interested in family membership than indigenous identity, but I think, with the help of Kate and me, A and his son's answers built both cases sufficiently.

Kate did an amazing job of taking notes and keeping a calm, present, and reassuring demeanor throughout the interview. She also really helped me to develop questions that would help A and his son to really flesh out their story. She was invaluable and I could not imagine doing this process without her.

When the interview concluded, A and his son asked us some very insightful and relevant questions. We consulted with Melody to answer them. I made sure to tell the son that I thought he was very smart and I wished him the best of luck.

As we walked out of the facility for the last time, the second automatic sliding double-door to the outside would not open. It left me, Kate, and Professor Wadhia pounding the floor with our feet in an effort to activate the sensor. We tried clawing a bit in between the doors to pry them open. I noticed this problem with the doors on my first day in Berks. The irony was not lost on me. It reminded me that we have the freedom to enter and leave as we please. We have the freedom to make choices that lead to a better future. The families we left behind did not. They are in prison. The freedoms I have are not shared by other deserving people in our country, and as I think about it today I feel a responsibility to return to those double doors and help others realize their freedom.

REFLECTIONS

Reflections by Professor Wadhia: As a teacher, I am so proud of the students for their resilience and stamina during an intense and unpredictable time. They were supportive of each other and connected with detainees in meaningful and important ways before asking questions about their lives and the lives of their children. As a visitor, I was struck by the mix of the population Berks: moms with children, dads with children, complete family units. One father carried a clearly traumatized two-year old girl whose mother had abandoned them. When the guard took the girl to watch her during the father's reasonable fear interview she wailed. I was sad too but also relieved that he could focus on his interview with the asylum seeker. Since the reasonable fear interview can only have an attorney present, I served as a counselor for this particular interview-- I was pleased to hear the asylum officer who was both respectful and open to having me ask questions and make a closing statement on behalf of the father. Like with diversity of families at Berks there is a variety attitudes among the guards.

Reflection by Chase: The week was a densely-packed cluster of experiences. I still find myself processing everything that happened there, and how I felt about it. There are some moments that stand out more clearly than others. Some are part of a narrative: what did we set out to do? What obstacles did we face? How did we face those obstacles? Were we successful? But equally pressing on my mind are the small experiences that don't fit into that scheme.

I remember seeing a 13-year-old boy waiting for his mother while she was in her CFI. He spoke no English or Spanish, and so no one was able to do more than gesture to communicate with him. When he left the attorney's room where his mother was answering questions, he started to leave the visitor area altogether. I ran after him to ask him to stay just outside the room with us. I think he understood that he needed to come back, though I couldn't really explain why. Back in the visitor's area, he stood by the door looking uncomfortable. I pulled out a chair for him to sit on, and I think that act made him feel that he wasn't allowed to stand up again. He remained planted in that chair, keeping to himself and waving down offers for food or water. He looked incredibly bored. When I looked back in his direction a while later, I saw him playing with his eyebrows. He was making faces, without even the benefit of a mirror or window to look at.

I remember, as Professor Wadhia already said, the moment that a traumatized two-year-old was taken away by a guard while her father was being interviewed. She did not speak English, and the guard who carried her did not speak Spanish. She looked terrified of the guard. Her cries seemed to reach an all new pitch when he held her. She pushed hard with her small arms to separate herself from him. He made things worse by attempting to lean in closer to her face to say, "You're alright."

Twenty minutes later I saw the same girl outside with a different guard. She was being pushed around in a stroller. The weather was nice, and she wasn't screaming anymore.

I remember asking a father who had come with one child why he had not brought the others. He was looking me in the eyes, but dropped his head when he explained that he did not have the resources to bring more than one.

I remember sitting in a CFI with a family that kept a book of scriptures open in front of them the entire time. There was a moment when the daughter turned to another page, pushed the book towards her mother, and pointed at a specific verse.

These memories and others come back to me at different moments throughout the day. I'm still processing the scope of our work, but I'm satisfied to know that, at least for a few people, we made a difference.

Entry/Reflection by Shanjida 10/5: Isa and I were working on the closing statement for our client's CFI till very late last night, and we continued working on it early this morning. In fact, I woke up to a call from Isa at around 7:45am letting me know that we can do one last brief prep with our client at 10:30am before his CFI, which was scheduled for 11:30am. I met Isa at the Clinic at 10am so that we can speak to our client over the phone, and after our brief prep session, we worked on the closing statement with Professor Wadhia. I think that crafting the perfect closing statement is one of the most difficult processes for me, and I am grateful to have had input from both Isa and Professor Wadhia throughout the trip.

Once the CFI began, there were difficulties with the interpreters, and we had to get connected to 4 different interpreters. The Asylum Officer was extremely rude and condescending to our client. He frequently yelled at him, and he asked very specific and difficult questions. He demanded that the interpreters cut off our client if he spoke for too long. The AO was also quite rude to the interpreters. The entire CFI made me, Isa, and Professor Wadhia feeling frustrated. I felt like it was so dehumanizing and humiliating for our client to be spoken to that way, especially in front of his very young son.

However, the interview concluded with an accurate summary, and I was able to read a closing statement that resembled the summary. I think we were able to establish nexus, and this was a relief because we had spent a good deal of time preparing our client for his CFI. Again, I was surprised that the AO did not ask any questions to our client's son. But we are hoping that this is a good sign.

I left the CFI feeling defeated but still hopeful. The AO was absolutely rude, but his assessment and summary seemed accurate and fair. I'm not sure what to make of that, but I will try to remain optimistic. A little while after I left the interview, we received an email from ALDEA, letting us know that two families we worked with passed their CFIs and would be released today! It's hard to put into words what reading that email felt like. It was surreal and validating, and it made me so grateful to have had the opportunity that we had.

I think my experience this week was one of the most life changing experiences I've ever had, and I will never be able to forget it. It's made me realize that I really do have a passion for advocating for immigrants' rights. I went into this trip without taking immigration or asylum law, but I think I learned so much by being able to apply the rules that I read about in my free time. This was an immersive experience, and it was experiential learning at its best. And I cannot thank the Clinic team enough for being so patient with me as I was figuring everything out and had a million questions every other minute.

I look forward to embarking on a career that allows me to do the work I did this week.

Entry by Professor Wadhia (10/6) The team arrived into State College on Thursday reflective, exhausted and hopeful. Some the words used to describe the trip on our last day: heartbreaking, still processing, heartbreak, and intense. We reached home in the evening and within hours I received a notice about two families who had been scheduled for credible fear interviews the next morning, October 5. This caused an additional 24-hour period of note taking and counseling for one of the credible fear interviews. The interview last three hours in my office and took some unexpected turns.

Entry by Ellen (10/5)

I don't have a proper entry today due to the aforementioned intentional rest, but I cried at the news that the applicant whose CFI Isa and I observed has been released from detention today.

Entry by Isa 10/5

When we thought it was over this family with I bonded so much CFI got scheduled for 11:30 am. Shanjida and I worked till late on the closing statement and also, I had my ECON midterm to submit by 8 am. I was so exhausted and for the first time really nervous. The Asylum Officer was really rude, yelling and cutting off the client. He was being rude to the translator because he speaks Spanish. The Phone call got disconnected by the client's son. The asylum officer was so upset and started to scream to our client and his son. The interpreter got disconnected and we needed another one. It was a roller coaster of emotions. I can't tell if the outcome will be positive. I felt so helpless and useless. And I can't stop thinking about it since that day. I went home to cry and pray for them. The Asylum officer after Shanjida did an amazing job with the closing statement he let us say something to our client. And I did in Spanish I told them they'll be fine, they did a great job and thank you for sharing their story. I am so grateful to Professor Wadhia and Shanjida to be there for me when I was breaking apart a needed a hug. Please all of

you are great human beings and you have the option to be immigration attorneys I encourage you to do it. Thank you for a wonderful life changing week.

Entry by Mark (10/8):

My entry comes a little bit late. We returned from Berks on Thursday night and I drove to New York for the National Latino Law Students Association (NLLSA) at 5 a.m. on Friday morning. I finally returned to State College Sunday afternoon.

Several people have asked me about my time at Berks. Some have asked it in passing, others in an effort to really know. It's a hard experience to put into words for me. But it has also given me so much power to describe the plight of immigrants in our country. I feel rejuvenated. I feel empowered and supported. I feel like the work we do at the clinic everyday has a purpose. I feel that the work that the people at ALDEA, PIRC, The Bronx Defenders, CCWRC, and so many other amazing organizations is indispensable. The people we helped this week *needed* our help. We made a difference. Kate, Chase, Shanjida, Isa, Meredith, Ellen, and our noble leader Professor Wadhia all came together to do something important.

It blows my mind that ALDEA does all of this on their own. It is even more mind-blowing, and honestly mostly unsettling, that so many asylum-seekers do not have the good fortune of having ALDEA or a Clinic team to help them. Now having had the first-hand experience and knowing the difference that representation makes, I feel like I have a responsibility to be as present as I can for these vulnerable populations.

Immigration was a big topic at the NLLSA conference as well. Seeing so many successful and inspiring individuals interested in public interest also inspired me. However, there was a theme at the NLLSA conference that I did not expect. They were encouraging participation at big firms. The power of the pocketbook is not to be underestimated, and they made that clear. That's a point that resonates with me as well. Without the help of some deep pockets our trip this week would not have been possible. That's not how it should be, but that's how it is. I'm not sure what conclusion to draw from this reflection. It's been bouncing around in my head and I thought I might share it here.

I'll be thinking about our time at Berks for many years to come, that much I know.



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