

**IMPROVING LAWYERS & LIVES:
HOW IMMIGRANT JUSTICE CORPS BUILT A
MODEL FOR QUALITY REPRESENTATION
WHILE EMPOWERING RECENT LAW SCHOOL
AND COLLEGE GRADUATES AND
THE IMMIGRANT COMMUNITIES
WHOM THEY SERVE**

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INTRODUCTION

The United States is facing a growing representation crisis. Approximately 10.5 million undocumented immigrants are at risk of arrest, detention, and deportation.¹ Enforcement is often harsh, and policies are frequently inequitable. There are more than 2.5 million cases pending in immigration court as of July 2023—up more than 300 percent from October 2017²—and each day there are approximately 30,000 noncitizens held in detention centers and local jails in the United States.³ In fiscal year 2019, the last year before the government began expelling people under separate COVID-19 pandemic-era measures, the government deported approximately 267,000 people.⁴

1. Mark Hugo Lopez, Jeffrey S. Passel & D’vera Cohn, *Key Facts About the Changing U.S. Unauthorized Immigrant Population*, PEW RSCH. CTR. (Apr. 13, 2021), <https://www.pewresearch.org/short-reads/2021/04/13/key-facts-about-the-changing-u-s-unauthorize-d-immigrant-population/> [https://perma.cc/WBX2-Y68H].

2. *Immigration Court Backlog*, TRANSACTIONAL RECS. ACCESS CLEARINGHOUSE, <https://trac.syr.edu/phptools/immigration/backlog/> [https://perma.cc/7QG9-R948] (last visited Nov. 3, 2023); *Immigration Court Quick Facts*, TRANSACTIONAL RECS. ACCESS CLEARINGHOUSE, <https://trac.syr.edu/immigration/quickfacts/eoir.html> [https://perma.cc/N4KU-5EGC] (last visited Nov. 3, 2023).

3. *ICE Detainees*, TRANSACTIONAL RECS. ACCESS CLEARINGHOUSE, https://trac.syr.edu/immigration/detentionstats/pop_agen_table.html [https://perma.cc/38G6-SNPW] (last visited Nov. 3, 2023); see also Hamed Aleaziz, *More than 52,000 People Are Now Being Detained by ICE, an Apparent All-Time High*, BUZZFEED NEWS (May 20, 2019, 6:58 PM), <https://www.buzzfeed.com/hamedaleaziz/ice-detention-record-immigrants-border> [https://perma.cc/AM59-TFSL].

4. *ICE Details How Border Crisis Impacted Immigration Enforcement in FY 2019*, U.S. IMMIGR. & CUSTOMS ENF’T, <https://www.ice.gov/features/ERO-2019> [https://perma.cc/A643-WS37] (Oct. 29, 2021).

Most immigrants facing removal do not have counsel.⁵ Currently, about a million people with pending cases are facing immigration court without a lawyer or accredited representative.⁶ Since deportation is a civil proceeding, immigrants have no right to government-appointed counsel, even though highly trained attorneys represent the government in all proceedings to remove them from the United States.⁷ Accessing quality and affordable legal services can be nearly impossible because there are few free legal services providers. This is exacerbated by the growing backlog, which means that even as the number of people represented has modestly increased, the percentage of people represented has gone down.⁸ A majority of those facing removal tend to have lower economic statuses and cannot afford to pay attorneys.⁹ There also are not enough attorneys in private practice with expertise in the complex and specialized field of immigration law to meet demand. Private immigration lawyers often charge high fees, and fraudulent providers, frequently referred to as *notarios*, pose a growing problem.¹⁰ Even those who manage to pay an attorney may not benefit from it given the poor quality of available representation provided by the private immigration bar. Indeed, New York immigration judges ranked nearly half of the private practice lawyers appearing before them as “inadequate” or “grossly inadequate.”¹¹

The late Judge Robert A. Katzmann of the U.S. Court of Appeals for the Second Circuit formed a study group in 2008 called the Study Group on Immigrant Representation to assess the scope of the problem and find a solution.¹² The study group determined that the representation crisis was an issue “of both quality and quantity” and that the two most important variables for a successful outcome in a case were having counsel and not being

5. See *New Proceedings Filed in Immigration Court*, TRANSACTIONAL RECS. ACCESS CLEARINGHOUSE, <https://trac.syr.edu/phptools/immigration/ntanew/> [<https://perma.cc/9HH7-5JWR>] (last visited Nov. 3, 2023) (showing that defendants in 58 percent of deportation cases in immigration courts since October 2000 were without representation).

6. See *id.*

7. *Access to Counsel in Immigration Court*, AM. IMMIGR. COUNCIL (Sept. 28, 2016), <https://www.americanimmigrationcouncil.org/research/access-counsel-immigration-court> [<https://perma.cc/T5RW-3RXG>].

8. *Despite Efforts to Provide Pro Bono Representation, Growth Is Failing to Meet Exploding Demands*, TRANSACTIONAL RECS. ACCESS CLEARINGHOUSE, <https://trac.syr.edu/reports/716/> [<https://perma.cc/LKN5-58WU>] (last visited Nov. 3, 2023).

9. See generally MIGRATION POL’Y INST., *A PROFILE OF LOW-INCOME IMMIGRANTS IN THE UNITED STATES* (2022), https://www.migrationpolicy.org/sites/default/files/publications/mpi_low-income-immigrants-factsheet_final.pdf [<https://perma.cc/E2V6-UU6Q>].

10. *About Notario Fraud*, AM. BAR ASS’N (Jan. 31, 2022), https://www.americanbar.org/groups/public_interest/immigration/projects_initiatives/fightnotariofraud/about_notario_fraud/ [<https://perma.cc/6DYL-BV2N>].

11. Peter Markowitz, Jojo Annobil, Stacy Caplow, Peter v.Z. Cobb, Nancy Morawetz, Oren Root, Claudia Slovinsky, Zhifen Cheng & Lindsay C. Nash, *Accessing Justice: The Availability and Adequacy of Counsel in Removal Proceedings*, 33 CARDOZO L. REV. 357, 364 (2011).

12. See generally *id.* at 360.

detained.¹³ To address this need, the study group established two innovative programs: the New York Immigrant Family Unity Project (NYIFUP), the first public defender program to provide universal representation to detained New Yorkers; and Immigrant Justice Corps (IJC), the first and only fellowship program exclusively dedicated to increasing representation to low-income immigrants and improving the immigration bar.¹⁴

IJC, launched in 2014,¹⁵ recruits, trains, and mentors talented Justice Fellows (recent law graduates and law clerks) and exceptional Community Fellows (college graduates who become federally accredited legal representatives).¹⁶ IJC then deploys the Justice and Community Fellows (together, the “Fellows”) in the immigration field to assist low-income immigrants in defending against deportation, seeking lawful status, or applying for citizenship.¹⁷ The Fellows—the great majority of whom are bilingual or multilingual¹⁸ with lived experience of the immigration system—come from top law schools and colleges, and many have developed litigation skills in their schools’ immigration clinics, giving them a head start in mastering the law.¹⁹

This Essay focuses on the work of IJC and discusses Judge Katzmann and the Study Group on Immigrant Representation’s efforts to find solutions to the representation crisis by developing innovative programs and tackling challenges along the way. Part I of this Essay discusses the context of the immigration crisis before 2014, the visionary idea for IJC, and the building of the structured fellowship program with philanthropic assistance. Part II of the Essay discusses launching IJC, the inaugural class, host organization partners, significant outcomes, lessons learned, and efforts to expand and replicate the corps nationwide. Part III discusses IJC’s ongoing push to build momentum toward universal representation and unlocking government funding to ensure justice for all.

13. *Id.* at 358, 363.

14. *Carrying on Judge Katzmann’s Legacy*, IMMIGRANT JUST. CORPS (June 9, 2022), <https://justicecorps.org/news/carrying-on-judge-katzmanns-legacy/> [https://perma.cc/7KCB-RH39].

15. *About IJC*, IMMIGRANT JUST. CORPS, <https://justicecorps.org/about/#:~:text=Immigrant%20Justice%20Corps%20was%20launched,Katzmann%2C%20IJC's%20founder> [https://perma.cc/A2JE-YVRV] (last visited Nov. 3, 2023); *Justice Fellowship*, IMMIGRANT JUST. CORPS, <https://justicecorps.org/justice-fellowship/> [https://perma.cc/ZMD6-L6VZ] (last visited Nov. 3, 2023); *Community Fellowship*, IMMIGRANT JUST. CORPS, <https://justicecorps.org/community-fellowship/> [https://perma.cc/JM3U-TXHN] (last visited Nov. 3, 2023).

16. *Justice Fellowship*, *supra* note 15; *Community Fellowship*, *supra* note 15.

17. IMMIGRANT JUST. CORPS, IMMIGRANT JUSTICE CORPS 2016-2017 ANNUAL REPORT 8 (2017), https://justicecorps.org/app/uploads/2020/06/IJC-annual-report-2016_2017-FINAL.pdf [https://perma.cc/WWA6-9SDF].

18. IMMIGRANT JUST. CORPS, IMMIGRANT JUSTICE CORPS ANNUAL REPORT 2021-2022, at 6 (2022), <https://justicecorps.org/app/uploads/2022/11/Digital-IJC-Annual-Report.pdf> [https://perma.cc/HY5G-57NL].

19. *Id.*

I. BUILDING A SOLUTION

A. *The Representation Crisis Before 2014*

If asked to imagine the U.S. court system, one would usually picture a judge, robed in black, sitting behind a raised wooden desk with two attorneys facing off, calling witnesses, making objections, and arguing over complex legal theories. We expect there to be two attorneys because the law is like a foreign language to most people, and someone trying to represent themselves in court seems laughably foolish. Besides, television tells us over and over that even if you cannot afford an attorney, one will be appointed.²⁰ However, people are often surprised to learn that those words do not apply in immigration court.²¹ Across the country, there are courtrooms missing a defense lawyer.²² Immigration court hearings frequently entail a government attorney arguing that someone should be removed from the United States, a judge trying to move quickly through dozens of cases a day, and an immigrant entirely confused about what is going on. They may be fleeing persecution, they may have U.S. citizen children, they may be eligible to file any number of immigration applications, but they also likely have no idea what subsection of the Immigration and Nationality Act²³ applies to their case. The purpose of IJC is to help address this representation gap and level the scales of justice.

The right to counsel under the Sixth Amendment of the U.S. Constitution applies to criminal proceedings, but immigration proceedings are considered civil, even though they frequently involve detention and the consequences can be tantamount to a death sentence.²⁴ Immigration courts are

20. This phrase comes from the standard reading of *Miranda* rights by the police when someone is arrested. See generally *Miranda v. Arizona*, 384 U.S. 436 (1966).

21. See Tiziana Rinaldi, *In New York City, Lawyers Make All the Difference for Immigrant Detainees Facing Deportation*, WORLD (Sept. 20, 2016, 9:45 AM), <https://www.pri.org/stories/2016-09-20/new-york-city-lawyers-make-all-difference-immigrant-detainees-facing-deportation> [<https://perma.cc/8P56-XK7M>]. Although immigrants have a right to counsel at certain stages of proceedings if they can find an attorney on their own, courts have not found that they have a right to appointed counsel if they cannot afford a lawyer. See 8 U.S.C. § 1229a(b)(4)(a) (“[T]he alien shall have the privilege of being represented, at no expense to the Government, by counsel of the alien’s choosing who is authorized to practice in such proceedings.”); see also INGRID EAGLY & STEVEN SHAFER, AM. IMMIGR. COUNS., ACCESS TO COUNSEL IN IMMIGRATION COURT (2016), https://www.americanimmigrationcouncil.org/sites/default/files/research/access_to_counsel_in_immigration_court.pdf [<https://perma.cc/W3D2-DWMV>]. However, courts have found a right to counsel in some specific circumstances where an individual has limited mental capacity. See, e.g., *Franco-Gonzalez v. Holder*, 767 F. Supp. 2d 1034 (C.D. Cal. 2011).

22. *Individuals in Immigration Court by Their Address: Pending Cases with and Without Attorneys*, TRANSACTIONAL RECS. ACCESS CLEARINGHOUSE, <http://trac.syr.edu/phptools/immigration/addressrep/> [<https://perma.cc/HAV8-K8K9>] (last visited Nov. 3, 2023).

23. Ch. 477, 66 Stat. 163 (1952) (codified as amended in scattered sections of 8 U.S.C.).

24. See U.S. CONST. amend. VI; see also Julia Preston, *Lawyers Back Creating New Immigration Courts*, N.Y. TIMES (Feb. 8, 2010), <https://www.nytimes.com/2010/02/09/us/09immig.html> [<https://perma.cc/B4UU-KTJH>] (“With the pace of their work accelerating, immigration judges often feel asylum hearings are ‘like holding death penalty cases in traffic

administrative law bodies within the U.S. Department of Justice (DOJ) with a representative of the U.S. Department of Homeland Security (DHS) essentially serving as the prosecutor.²⁵ An immigrant usually only retains a lawyer if they can afford thousands of dollars in attorney's fees or find a lawyer for free. As a result, many noncitizens challenge their removal with no legal help despite longstanding efforts to change these norms.²⁶

This inequity is particularly problematic because immigration is one of the most complex areas of law.²⁷ Its nuance and ambiguity can be difficult for seasoned immigration lawyers to navigate at times, let alone unaccompanied children and survivors of trauma arriving at the U.S. border with no legal training. When bound as a book, the sections of the U.S. Code directly relating to immigration law consist of hundreds of pages of dense legal text.²⁸ The federal regulations interpreting that code are an additional thousand pages.²⁹ However, immigration attorneys do not merely need to know the statutes and regulations. They also have to be familiar with thousands of court and administrative decisions and memoranda interpreting the law, as well as state, federal, and international criminal law, family law, and previous versions of immigration law from the 1990s, 1980s, or even earlier.

To understand the level of complexity, take for example New Yorkers who do not even realize that they are U.S. citizens.³⁰ If someone was born outside of the United States and their father was a U.S. citizen but not married to their mother, that person might be a citizen without having ever submitted a naturalization application if legitimated under the laws of the country of birth or acknowledged under oath prior to an eighteenth birthday (although the rules vary for births prior to 1941, between 1941 and 1952, between 1952 and 1968, between 1968 and 1971, and after 1971).³¹ Determining these

court," said Dana L. Marks, an immigration judge in San Francisco and the president of the National Association of Immigration Judges.").

25. See *Immigration Court Primer*, TRANSACTIONAL RECS. ACCESS CLEARINGHOUSE, https://trac.syr.edu/immigration/quickfacts/about_eoir.html# [<https://perma.cc/26FF-WCNB>] (last visited Nov. 3, 2023).

26. See Lucas Guttentag & Ahilan Arulanantham, *Extending the Promise of Gideon: Immigration, Deportation, and the Right to Counsel*, HUM. RTS. MAG., April 2013, at 14.

27. Lawyers frequently joke that immigration law is only second to tax law in complexity, and it is an area that general practitioners usually avoid dabbling in without substantial assistance. The Second Circuit has even compared the field to "Mino's labyrinth in ancient Crete." *Lok v. Immigr. & Naturalization Serv.*, 548 F.2d 37, 38 (2d Cir. 1977).

28. See Immigration and Nationality Act, Pub. L. No. 82-414, 66 Stat. 163 (1952) (codified as amended in scattered sections of 8 U.S.C.).

29. See 6 C.F.R. §§ 1-199 (2023) (Department of Homeland Security); 28 C.F.R. §§ 0-299 (2023) (Department of Justice); 20 C.F.R. §§ 1-1099 (2023) (Department of Labor); 22 C.F.R. §§ 1-199 (2023) (Department of State).

30. Steve Coll, *When ICE Tries to Deport Americans, Who Defends Them?*, NEW YORKER (Mar. 21, 2018), <https://www.newyorker.com/news/daily-comment/when-ice-tries-to-deport-americans-who-defends-them> [<https://perma.cc/33FL-K4SH>].

31. See 8 U.S.C. § 1409; 12 U.S. CITIZENSHIP & IMMIGR. SERVS., POLICY MANUAL app. (2023), <https://www.uscis.gov/policymanual/HTML/PolicyManual-Appendix-Nationality2.html> [<https://perma.cc/TUC3-BP5U>] (Nationality Chart 2 - Children Born Outside the United States out of Wedlock).

legitimation laws sometimes involves hunting down and decoding foreign laws from fifty years ago in other languages. It is so complicated that the U.S. government ends up accidentally deporting U.S. citizens in some cases.³²

Indeed, one of the most valuable services that a good immigration attorney can provide is simply screening to determine whether the government has even correctly charged someone as removable and whether they qualify for immigration relief. This relief ranges from obtaining the relatively well-known but confusing employment or family visas to successfully filing the more complex applications for victims of crime, domestic violence, human trafficking, persecution, and torture. Seeking such relief requires eliciting all the fact-specific details that might make someone eligible or not. In short, trying to navigate this system without an attorney would indeed be laughable if the results were not so heartbreaking: lives ruined, families torn apart, and death.

This gap in representation rights has long been a problem, but in the years leading up to the founding of IJC, it was developing into a true crisis. In 2010, the immigration court system had 262,799 pending cases, and most of the people going through this system were doing so without an attorney.³³ That number may seem low in comparison to today's backlog of 2.5 million cases, but it was the first time in the nation's history that the number of immigrants living in limbo exceeded a quarter million.³⁴ It was a crisis that caught the attention of the Honorable Robert A. Katzmann, then a judge for the Second Circuit.³⁵ From the humanitarian side, Judge Katzmann understood the issue as the son of a refugee from Nazi Germany and grandson of Russian immigrants.³⁶ From the legal side, Judge Katzmann saw an ever-increasing number of immigration appeals reaching the Second Circuit, often in the absence of a competent lawyer.³⁷ It did not look like the immigrants in these cases had received due process.

32. Meredith Hoffman, *The US Keeps Mistakenly Deporting Its Own Citizens*, VICE NEWS (Mar. 8, 2016, 7:43 AM), <https://news.vice.com/article/the-us-keeps-mistakenly-deporting-its-own-citizens> [<https://perma.cc/Y48R-44P7>].

33. *Historical Immigration Court Backlog Tool*, TRANSACTIONAL RECS. ACCESS CLEARINGHOUSE, http://trac.syr.edu/phptools/immigration/court_backlog/ [<https://perma.cc/5STK-QA5H>] (last visited Nov. 3, 2023) (click on "Entire US" under "Fiscal Year 2023"); *Who Is Represented in Immigration Court?*, TRANSACTIONAL RECS. ACCESS CLEARINGHOUSE, <http://trac.syr.edu/immigration/reports/485/> [<https://perma.cc/5TRF-PGQJ>] (last visited Nov. 3, 2023).

34. See *Historical Immigration Court Backlog Tool*, *supra* note 33.

35. Nina Bernstein, *In City of Lawyers, Many Immigrants Fighting Deportation Go It Alone*, N.Y. TIMES (Mar. 12, 2009), <https://www.nytimes.com/2009/03/13/nyregion/13immigration.html> [<https://perma.cc/878Q-5XKK>].

36. *Id.*

37. See *Judge Katzmann Receives Prestigious Federal Bar Council Award, Renews Calls for Pro Bono Representation for Immigrants*, HUM. RTS. FIRST (May 11, 2012), <https://humanrightsfirst.org/library/judge-katzmann-receives-prestigious-federal-bar-council-award-renews-calls-for-pro-bono-representation-for-immigrants/> [<https://perma.cc/2WQ5-CV95>]; Kirk Semple, *In a Study, Judges Express a Bleak View of Lawyers Representing*

In response, Judge Katzmann and other advocates began looking for a solution. The first step was assessing the scope of the problem. In December 2011, the Study Group on Immigrant Representation, often called the Katzmann Study Group, released a detailed report on the state of immigration representation in New York City.³⁸ The results were startling, but not unexpected.

In New York City cases, 60 percent of detained immigrants did not have counsel and 27 percent of non-detained immigrants lacked counsel.³⁹ Meanwhile, U.S. Immigration and Customs Enforcement (ICE) was transferring nearly two thirds of detained New York immigrants to more remote locations, in states with even lower representation rates, such as Louisiana, Pennsylvania, and Texas.⁴⁰ In those cases, nearly four out of five immigrants were unrepresented.⁴¹

However, what the study truly captured was how devastating the lack of counsel could be in the pursuit of justice.⁴² Among detained immigrants, those with counsel had positive outcomes 18 percent of the time compared with 3 percent of the time when unrepresented.⁴³ For those released or never detained, people with counsel saw success in 74 percent of cases.⁴⁴

In addition, even when immigrants had attorneys, the study found that New York immigration judges rated half of all legal representatives as inadequate or grossly inadequate.⁴⁵ They indicated that the worst problems were among for-profit attorneys as opposed to pro bono, nonprofit, and law school clinic providers.⁴⁶ Given the vulnerability and desperation of many immigrant families and the lack of accountability for representatives, the immigration field unfortunately attracted a great many opportunists. In addition, even many well-intending representatives ended up taking on caseloads far too large to effectively manage.⁴⁷ For example, the New York legal community is still dealing with the fallout of “Father Bob” cases.⁴⁸ These cases are the

Immigrations, N.Y. TIMES (Dec. 18, 2011), <https://www.nytimes.com/2011/12/19/nyregion/judges-give-low-marks-to-lawyers-in-immigration-cases.html> [<https://perma.cc/VG96-YWA8>].

38. Markowitz et al., *supra* note 11.

39. *Id.* at 363.

40. *Id.*

41. *Id.*

42. *Id.*; *see also* U.S. GOV'T ACCOUNTABILITY OFF., GAO-08-940, U.S. ASYLUM SYSTEM: SIGNIFICANT VARIATION EXISTED IN ASYLUM OUTCOMES ACROSS IMMIGRATION COURTS AND JUDGES (2008).

43. Markowitz et al., *supra* note 11, at 364.

44. *Id.* at 363.

45. *Id.* at 364.

46. *Id.*

47. Sam Wright, *Immigrants Need Good Lawyers Too*, ABOVE L. (Apr. 14, 2015), <https://abovethelaw.com/2015/04/immigrants-need-good-lawyers-too/> [<https://perma.cc/R6LM-8CCQ>].

48. Sam Dolnick, *Removal of Priest's Cases Exposes Deep Holes in Immigration Courts*, N.Y. TIMES (July 7, 2011), <https://www.nytimes.com/2011/07/08/nyregion/priests-former-caseload-exposes-holes-in-immigration-courts.html> [<https://perma.cc/SP86-SZF8>].

legacy of a priest without a law degree who took on thousands of cases in which people might otherwise have had no representation at all. However, he ended up being barred from handling cases by the Board of Immigration Appeals due to repeated mistakes.⁴⁹ Critics attributed the mess in part to his unsustainable caseload, which led to his missing hundreds of critical court dates and deadlines.⁵⁰

Meanwhile, many young attorneys may be discouraged from pursuing their passions in nonprofit immigration work because they cannot bridge the gap between unpaid internships and job listings, which often ask for three to five years of experience.⁵¹ As a result, some newly barred lawyers may be forced to look for work in more lucrative fields, especially young attorneys with fewer financial resources. Such barriers can make it difficult for lawyers of color and lawyers from immigrant backgrounds to provide representation to their own communities. One of the goals in creating a fellowship program was to eliminate these barriers and to empower a diverse group of Fellows to pursue their dreams.

Thus, those seeking to ensure due process through representation faced several challenges: (1) many people had no representation, (2) even those with representation often were receiving ineffective assistance of counsel, and (3) those interested in providing representation often struggled to enter the field.

B. Arriving at a Vision for Immigrant Justice Corps

In 2013, as the U.S. Senate debated immigration reform legislation, Judge Katzmann agonized over the plight of the undocumented population of 11 million people and how they would find legal assistance to apply for any benefits under the proposed reform bill.⁵² He met with New York City and

49. *Id.*

50. *Id.*

51. Indeed, the difficulty of breaking into the field is such that Yale Law School's public interest career guide explicitly warns that "[g]etting a permanent public interest job is more difficult for a Yale Law student than getting a large firm job" and "many students cannot stand the uncertainty that a public interest job search often entails." YALE L. SCH. CAREER DEV. OFF., PUBLIC INTEREST CAREERS (2021), https://law.yale.edu/sites/default/files/area/department/cdo/document/cdo_pi_careers_public.pdf [<https://perma.cc/H8G5-Z78A>]. The guide recommends fellowships as a way to get your foot in the door at organizations that do not have the resources or funding to recruit and hire staff on a routine cycle like firms. *See id.*; *see also* Emily Deruy, *Are Unpaid Internships Barriers to Success for Some Students of Color?*, ATLANTIC (July 8, 2018), <https://www.theatlantic.com/politics/archive/2015/07/are-unpaid-internships-barriers-to-success-for-some-students-of-color/432255/> [<https://perma.cc/D7Q4-AYN5>]; Catherine Albiston, Scott L. Cummings & Richard L. Abel, *Making Public Interest Lawyers in a Time of Crisis: An Evidence-Based Approach*, 34 GEO. J. LEGAL ETHICS 223, 233, 256–63 (2021) (examining the factors that affect entry into public interest law and noting that although more than half of law students are interested, only a small fraction manage to persist.).

52. Kirk Semple, *Judge Proposes a National Lawyers Corps to Help Immigrants*, N.Y. TIMES (March 19, 2013, 12:49 PM), <https://archive.nytimes.com/cityroom.blogs.nytimes.com/2013/03/19/judge-proposes-a-national-lawyers-corps-to-help-immigrants/>

federal government officials to express his concerns and to gather support for his solution.⁵³ He believed that the creation of a corps of immigration representatives that recruited and trained young lawyers and paired them with community-based and legal services organizations could help immigrants who could not afford representation.⁵⁴

In the spring of 2013, the Robin Hood Foundation, New York's largest philanthropic organization focused on fighting poverty, approached Judge Katzmann because they recognized that his vision to build a cadre of lawyers had the unique potential to revolutionize and significantly scale up the delivery of immigration legal services to low-income New Yorkers.⁵⁵ Those services in turn could lead to greater economic stability and empowerment in line with the Robin Hood Foundation's mission.⁵⁶

Following preliminary discussions, the Robin Hood Foundation hired Professor Peter Markowitz, then an associate clinical professor at the Benjamin N. Cardozo School of Law's Kathryn O. Greenberg Immigration Justice Clinic, and Nisha Agarwal, cofounder of the Center for Popular Democracy, in the fall of 2013 to develop the structure, concept, and program of IJC with the guidance and support of an advisory council of leaders in the fields of law, immigrant advocacy, legal service delivery, and progressive social change.⁵⁷

In the early stages, a lot of debate went into formulating a model.⁵⁸ Should the program focus on difficult, time-consuming cases in which people are unlikely to find help elsewhere? Or should the fellowship maximize its impact by working on simple cases that can be completed quickly but that could have a significant impact for a large number of immigrants, like green card and naturalization applications?⁵⁹ Would immigrants benefit more from the help of specialists or generalists? For example, although a generalist might not recognize that an immigrant was eligible to file a petition under

com/2013/03/19/judge-proposes-a-national-lawyers-corps-to-help-immigrants/ [https://perma.cc/2FGX-6AC9].

53. *Id.*

54. *Id.*

55. *See* ROBIN HOOD FOUND., ROBIN HOOD ANNUAL REPORT (2021), <https://www.robinhood.org/annual-reports/> [https://perma.cc/7F9H-6FDF]; *Immigrant Justice Corps*, ROBIN HOOD (Jan. 14, 2023), <https://www.robinhood.org/immigrant-justice-corps/> [https://perma.cc/R439-M7Z9]; Memorandum from Nisha Agarwal, Deputy Dir., Ctr. for Popular Democracy & Peter Markowitz, Interim Exec. Dir., Immigrant Just. Corps, to Immigrant Just. Corps Advisory Council (on file with authors).

56. *See* ROBIN HOOD FOUND., *supra* note 55.

57. The advisory council was led by Chief Judge Katzmann and included Stacy Caplow, Andrew Friedman, Kathryn Greenberg, Robert Juceum, Robert Morgenthau, Andrew Scherer, Fatima Shama, Claudia Slovinsky and William Zabel. Memorandum from Nisha Agarwal, Deputy Dir., Ctr. for Popular Democracy & Peter Markowitz, Interim Exec. Dir., Immigrant Just. Corps, to Immigrant Just. Corps Advisory Council, *supra* note 55.

58. *Id.*

59. *Id.*

the Violence Against Women Act of 1994,⁶⁰ a specialist in domestic violence immigration cases might be aware of that possibility due to deeper knowledge of those specific issues. However, that same specialist in domestic violence might miss eligibility for an unrelated application outside of their realm of expertise during a screening. Meanwhile, different models would attract different kinds of Fellows. A law graduate who has extensively studied the complex intersection of criminal law and immigration law might not find naturalization paperwork intellectually stimulating. On the other hand, a recent college graduate might rise to the occasion if handed a complicated case, but there would be a far steeper learning curve and the experience could be overwhelming without proper support.⁶¹

In reality, New York already had several different models. The city was home to dozens of organizations working on immigration issues, some extremely specialized, some generalists, some providing extensive services, some offering one-hour consultations at clinics—but all of them at capacity and overwhelmed by the need for more representatives and resources.⁶²

Another challenge was managing the caseload of Fellows to ensure that each was operating at an appropriate capacity. Although the fellowship program could set out goals, there would be no way to compare one Fellow's caseload to another. This is especially true considering that Fellows might specialize in different types of cases. One Fellow could specialize in a type of application that moves very quickly and another could specialize in a slow or resource-intensive type of proceeding such as removal defense in immigration court, such that a single target for capacity could not be readily applied to all Fellows. In addition, immigration cases are so fact-specific that one asylum application could be relatively simple whereas another could consume an attorney's life for months. Also, back when IJC was in its naissance, the scheduling of removal proceedings usually involved a long period between initial master calendar hearings and the setting of an individual hearing during which the merits of the case would be addressed.⁶³ That meant that some Fellows would have cases that they were just monitoring in court without expending a lot of time and resources. However, there would also be a risk that if a Fellow took on too many of these cases to

60. Pub. L. No. 103-322, 108 Stat. 1902 (codified as amended in scattered sections of the U.S.C.).

61. Memorandum from Nisha Agarwal, Deputy Dir., Ctr. for Popular Democracy & Peter Markowitz, Interim Exec. Dir., Immigrant Just. Corps, to Immigrant Just. Corps Advisory Council, *supra* note 55.

62. See Erwin de Leon & Robert Roach, *Immigrant Legal-Aid Organizations in the United States*, URB. INST. (Oct. 17, 2013), <https://www.urban.org/research/publication/immigrant-legal-aid-organizations-united-states> [<https://perma.cc/JTA3-5UC2>]. Jojo Annobil, a coauthor of this Essay, served as the Attorney-in-Charge of the Immigration Law Unit at The Legal Aid Society between 2005 and 2016 and has firsthand knowledge of legal services providers with limited constraints offering one-hour consultations.

63. See Jojo Annobil, *The Immigration Representation Project: Meeting the Critical Needs of Low-Wage and Indigent New Yorkers Facing Removal*, 78 FORDHAM L. REV. 517, 526 (2009).

fill short-term capacity, their workload could explode a year or two later when these cases all arrived at the high-intensity stage of an individual hearing.

Also, given the length of time that some cases take, many would not be finished within a two-year fellowship, meaning that the problem of managing caseloads could trickle down to future generations of Fellows. Beyond removal defense, many applications affirmatively filed outside of immigration court with U.S. Citizenship and Immigration Services (USCIS) now have waiting periods of several years from the time of filing to a decision,⁶⁴ and the government will often mail out a request for additional evidence years after the initial filing because the case has just then gotten to the front of the waitlist.⁶⁵ For example, petitions for U nonimmigrant status, colloquially called U visas—a type of immigration application for victims of crimes who cooperated with U.S. law enforcement—are limited to a statutory cap of 10,000 U visas per year.⁶⁶ That cap has resulted in a massive backlog with the official government wait time listed as five years but in reality taking much longer.⁶⁷ All of this, in turn, raises the question of continuity of care and what happens if the placement or expertise of Fellows shifts in future years.

The IJC advisory council members and their consultants met regularly to identify and discuss how to best tackle these challenges. One of the first major questions was whether it made more sense to create a new centralized institution in which all of the Fellows would work together or to place Fellows at existing organizations in order to leverage work already done and to expand capacity.⁶⁸ The advantage of a centralized model would be that Fellows could work together as a team and the new institution could focus on ensuring training and mentorship in a way that might be difficult for New York's extraordinarily busy nonprofit legal services providers. But a centralized model would require reinventing the wheel to some extent, and a

64. See *Check Case Processing Times*, U.S. CITIZENSHIP & IMMIGR. SERVS., <https://egov.uscis.gov/processing-times/> [<https://perma.cc/6Z9Y-LNQ3>] (last visited Nov. 3, 2023).

65. See, e.g., 26180655 (U.S. Citizenship & Immigr. Servs. Apr. 14, 2023), https://www.uscis.gov/sites/default/files/err/D14%20-%20Application%20for%20U%20Nonimmigrant%20Status/Decisions_Issued_in_2023/APR142023_01D14101.pdf [<https://perma.cc/R3JS-PGUE>] (non-precedent decision of the Administrative Appeals Office denying appeal of Nebraska Service Center decision) (noting that a request for evidence was sent five years after the filing of the U visa application); *Meng v. U.S. Citizenship & Immigr. Servs.*, 597 F. Supp. 3d 552, 553 (E.D.N.Y. 2022) (explaining that USCIS sent a request for evidence more than two years after application and only after the filing of a mandamus action). See also ASISTA, *1/11/2023 Webinar: Preventing and Responding to RFEs and NOIDs for U and VAWA Cases (English)*, YOUTUBE (Feb. 1, 2023), <https://youtu.be/03TxTRop2kk?feature=shared>.

66. 8 U.S.C. § 1184(p)(2).

67. See *Check Case Processing Times*, *supra* note 64.

68. Meeting Notes of Immigrant Justice Corps Advisory Council (Nov. 17, 2013) (on file with authors).

lot of resources would have to be put into overhead and management.⁶⁹ Stakeholders looked at several models, from university clinics to fellowship programs. One good example appeared to be Gideon's Promise, a three-year program for young public defenders that offers an initial training institute followed by ongoing mentorship and periodic group meetings.⁷⁰ This hybrid of institutional support and community placements at existing organizations seemed to capture some of the best aspects of both models.

Then, there was the question of location. Although immigrants may be willing to travel for legal assistance, there is a great deal of value in providing those services right in the communities where they are needed.⁷¹ A physical presence in the community also increases visibility and sometimes trust. In addition, whereas many New Yorkers barely bat an eye at riding the subway an hour across town, immigrants from small, rural villages and those already struggling with trauma and anxiety may find the subway system utterly overwhelming or may not be able to afford the fare. However, having a group of lawyers in one central place can be useful for workshopping cases as a team, and centralization can allow an organization to serve a variety of immigrant communities from all over the city.

In weighing these factors, the consultants and advisory council arrived at a model that would involve a two-year fellowship with two types of fellows. First, Community Fellows would be recent college graduates working as paralegals and accredited representatives.⁷² They could increase the reliable resources available for immigrants who needed help with paperwork and questions that required training but not necessarily a law degree. Second, Justice Fellows would be recent law school graduates filing complex immigration applications and defending people in immigration court.

In addition, most of the Fellows would be placed at preexisting nonprofit legal services providers as host organizations.⁷³ This model was proposed as a mutually beneficial arrangement that would train Fellows while providing a wave of young talent to strengthen longstanding institutions. This approach also meant that some Fellows would have the opportunity to work at specialized organizations whereas others might pursue work as generalists. Furthermore, these partner organizations were spread all over New York City, ensuring access to more communities. At the same time, other Fellows were placed directly at IJC, permitting the organization to identify and fill gaps that other service providers were not already addressing. Several of these internally placed Fellows traveled to sites around the city to

69. *Id.*

70. See *Core 101*, GIDEON'S PROMISE, <https://www.gideonspromise.org/programs/core-101> [<https://perma.cc/2N5G-LJQ6>] (last visited Nov. 3, 2023).

71. See, e.g., Pascale Joassart-Marcelli, *Ethnic Concentration and Nonprofit Organizations: The Political and Urban Geography of Immigrant Services in Boston, Massachusetts*, 47 INT'L MIGRATION REV. 730 (2013).

72. To help address the shortage of lawyers, immigration courts allow for nonlawyers to represent immigrants if they have been accredited by the Board of Immigration Appeals. See 8 C.F.R. § 292.1 (2011).

73. See IMMIGRANT JUST. CORPS, *supra* note 18, at 6.

provide basic services that might not otherwise have been accessible locally in those communities.

The fellowship also includes ongoing training and a sense of community. Each class of Fellows begins their fellowship with a three-week “boot camp” training. Experts from the legal services community provide reference resources and teach sessions on how to screen for immigration relief or tackle common problems. Throughout the fellowship, there are also group meetings several times a year where guest speakers address topics such as how to provide trauma-informed services or updates on the latest trends in court.

However, the informal community built by the fellowship is just as important as these formal trainings. If a Fellow encounters a legal issue no one at their host organization has seen before, they can contact their colleagues on IJC email listservs or at meetings for help. Even after completing their fellowship, these ties build lasting bonds between colleagues, better connecting the legal services community and facilitating the sharing of knowledge and resources.

C. Finding Funding

This section discusses funding, not just to thank supporters, but also because nonprofits too seldom lay out the path to financing public interest work. With the outline of a fellowship taking shape, the next challenge was figuring out how to pay for it. In early 2014, the Robin Hood Foundation committed seed funding of \$1.35 million to launch the program.⁷⁴

The Robin Hood Foundation’s seed funding helped IJC to raise a total of \$4 million in the first year and boost funding in future years.⁷⁵ To start the fellowship program, the Robin Hood Foundation provided significant in-kind support to IJC, including physical space, back-office support, and various forms of human capital expertise during the start-up phase and the first year of operation.⁷⁶ IJC moved into its own dedicated space in the fall of 2015.⁷⁷

II. INITIAL IMPLEMENTATION

With a vision and resources established, the next steps were to recruit the inaugural class, to build relationships with host organizations, and to learn from the initial results. IJC brought Rachel B. Tiven on board in May of

74. Letter from Eric Weingartner, Managing Dir., Survival, Robin Hood Found., to Rachel B. Tiven, Exec. Dir., Immigrant Just. Ctr. (Nov. 19, 2014) (on file with authors).

75. Joel Stashenko, *Immigrant Justice Corps Recruits Its Inaugural Class*, N.Y.L.J. (May 23, 2014, 12:00 AM), <https://www.law.com/newyorklawjournal/almID/1202656418659/> [<https://perma.cc/XZR5-VRK4>].

76. Letter from Eric Weingartner, Managing Dir., Survival, Robin Hood Found., to Rachel B. Tiven, Exec. Dir., Immigrant Just. Ctr., *supra* note 74.

77. IMMIGRANT JUST. CORPS, *TIME*. (2014), <https://justicecorps.org/app/uploads/2020/06/IJCAnnualReport2014-1.pdf> [<https://perma.cc/7KYP-ZFSP>] (2014–2015 annual report).

2014 to be its executive director.⁷⁸ She had formerly served as the executive director of Immigration Equality and, as a longtime member of the legal services community,⁷⁹ she and her team were able to begin connecting theory with reality.

A. *The Inaugural Class*

In 2014, from approximately 400 applicants, the IJC selected its first twenty-five Justice Fellows with law degrees and ten Community Fellows from recent college graduates.⁸⁰ The Fellows came from universities all over the country, and IJC recruited from a diverse array of schools to ensure that an expensive Ivy League degree was not a prerequisite for talented advocates to provide services to low-income clients.⁸¹ Half of the Fellows were first-generation immigrants themselves,⁸² bringing important perspectives and allowing immigrants to be represented by members of their own community.⁸³

Although they all shared a passion for immigration law, each Fellow brought a unique skill set and array of experiences rather than fitting a specific mold. Collectively, the inaugural class spoke ten different languages.⁸⁴ Many Fellows had participated in law school clinics devoted to immigration law or had spent their summers interning at legal service organizations.⁸⁵ Fourteen came from schools in the New York area, but members of the inaugural group also graduated from schools in California, Connecticut, the District of Columbia, Florida, Massachusetts, Michigan, Pennsylvania, and Rhode Island.⁸⁶ These bright young lawyers and college graduates also brought a variety of other interesting experiences.

The following are two brief profiles to highlight the kinds of incredible people who participated in that inaugural class.

78. *Immigrant Justice Corps Names Rachel Tiven as Executive Director*, BUS. WIRE (May 20, 2014, 8:00 AM), <https://www.businesswire.com/news/home/20140520005549/en/Immigrant-Justice-Corps-Names-Rachel-Tiven-as-Executive-Director> [<https://perma.cc/KHY2-AH9M>].

79. *Id.*

80. See Stashenko, *supra* note 75; IMMIGRANT JUST. CORPS, *supra* note 77.

81. IMMIGRANT JUST. CORPS, *supra* note 77.

82. *Id.*

83. *Id.*

84. *Id.*

85. See *Immigrant Justice Corps Selects Four NYU Law Students Among Its First Justice Fellows*, NYU L.: NYU L. NEWS (Apr. 18, 2014), <https://www.law.nyu.edu/news/immigrant-justice-corps-selects-four-nyu-law-students-among-its-first-justice-fellows> [<https://perma.cc/B2W5-ZFLD>]; *Two from Columbia Law School Selected as Immigrant Justice Corps Fellows*, COLUM. L. SCH. (May 21, 2014), <https://www.law.columbia.edu/news/archive/two-columbia-law-school-selected-immigrant-justice-corps-fellows> [<https://perma.cc/7ENC-SXZK>].

86. See IMMIGRANT JUST. CORPS, *supra* note 77.

1. Luis Mancheno, Justice Fellow

Luis Mancheno's experience with immigration law began with his own story as a gay man fleeing Ecuador after an attempt on his life.⁸⁷ In 2007, he woke up in pain one night to find himself in his car, crashed into a lamp post that had saved his car from rolling off a cliff with him inside it.⁸⁸ Earlier that night, someone had drugged him and written a gay slur across his car door.⁸⁹ Deciding that he could not risk another near-death experience, Mancheno came to the United States and applied for asylum based on persecution due to his sexual orientation.⁹⁰ The first immigration case that he won was his own.⁹¹

Beyond his personal story, Mancheno, like many Fellows, came to the program already having accumulated a wealth of experience. He attended Roger Williams University School of Law, combing through his case books with a Spanish-English dictionary at the ready and no shortage of determination.⁹² He interned at the Florence Immigration & Refugee Rights project in Arizona and for the United Nations High Commissioner for Refugees in the Dominican Republic, among other work, making his commitment to immigrants and refugees clear.⁹³

After law school, Mancheno joined IJC and was placed at the Bronx Defenders, where he represented immigrants being held in detention in New York.⁹⁴ The Executive Office for Immigration Review, the federal agency within the DOJ that houses the Immigration Courts, prioritizes rapid adjudication of detained cases.⁹⁵ As a result, helping detained clients can be grueling work with a demanding pace, but Mancheno thrived. Although every case is different, he was often able to utilize his legal training and leverage his own experience of knowing what it feels like to survive, flee, and then prove his story to an adjudicator. He provided full representation

87. Julie Compton, *#Pride30: Once a Refugee, Attorney Luis Mancheno Fights for Immigrants*, NBC NEWS (June 18, 2017), <https://www.nbcnews.com/feature/nbc-out-pride-30/pride30-once-refugee-attorney-luis-mancheno-fights-immigrants-n766131> [<https://perma.cc/35GD-3Q8A>].

88. *Id.*

89. *Id.*

90. *Id.*

91. Luis Mancheno, *Fund Lawyers to Fight for the Poor*, PROVIDENCE J. (Jan. 25, 2018, 5:16 PM), <http://www.providencejournal.com/opinion/20180125/my-turn-luis-mancheno-fund-lawyers-to-fight-for-poor> [<https://perma.cc/4SRD-2Y44>].

92. *Id.*

93. *See Our Alumni*, IMMIGRANT JUST. CORPS, <http://justicecorps.org/alumni/> [<https://perma.cc/RY3K-ET67>] (last visited Nov. 3, 2023).

94. IMMIGRANT JUST. CORPS, *supra* note 77.

95. Memorandum from James R. McHenry III, Dir., Exec. Off. for Immigr. Rev., to the Off. of the Chief Immigr. J., All Immigr. JJ., All Ct. Adm'rs & All Immigr. Ct. Staff (Jan. 17, 2018), <https://www.justice.gov/eoir/page/file/1026721/download#> [<https://perma.cc/EJT6-4Y76>].

to forty-six clients during his fellowship, winning many of them immigration statuses and safety.⁹⁶

After his fellowship, as a clinical teaching fellow at the Benjamin N. Cardozo School of Law's Kathryn O. Greenberg Immigration Justice Clinic, Mancheno helped lead the fight against former President Donald J. Trump's "Travel Ban" with habeas litigation.⁹⁷ He now works as a managing attorney at Kids in Need of Defense (KIND) in New York.⁹⁸ In addition, he became a citizen of the United States in 2016, a path that many of his clients will hopefully one day follow.⁹⁹

2. Aseem Mehta, Community Fellow

Aseem Mehta came to immigration advocacy through his work in documentary film.¹⁰⁰ While directing a documentary on immigration detention conditions with Human Rights First, Mehta was shocked by what he witnessed.¹⁰¹ Mehta joined the IJC as a Community Fellow and screened more than 165 clients, represented 315 low-income immigrants primarily in the Bronx, and presented "know your rights" trainings for immigrant communities across the city.¹⁰²

In addition, when IJC began sending Fellows to Texas for two-week details to provide legal support to mothers and children being detained at the border,¹⁰³ not only did Mehta help immigrants with their asylum cases, but he also developed ways to empower families in detention to tell their stories to the media to advocate against the devastating practice of family incarceration.¹⁰⁴

Like many Community Fellows, Mehta went on to strengthen his advocacy skills with a law degree. He graduated from Yale Law School and clerked in the U.S. District Court for the Northern District of California and the United

96. See Immigrant Just. Corps, Final Progress Report (July 25, 2016) (unpublished report) (on file with authors).

97. Christopher Mathias & Omar Kasrawi, *The Gay Refugee Lawyer Who Helped Fight the Muslim Ban*, HUFFPOST (Mar. 15, 2017, 10:49 AM), https://www.huffingtonpost.com/entry/gay-refugee-lawyer-muslim-ban_us_58c81df1e4b0598c669a1292 [<https://perma.cc/D3ZH-8LND>].

98. *Our New York City Team*, KIDS IN NEED DEF., <https://supportkind.org/who-we-are/our-people/new-york-city/> [<https://perma.cc/6BEF-Z5CP>] (last visited Nov. 3, 2023).

99. Mathias & Kasrawi, *supra* note 97.

100. See generally, *Our Alumni*, *supra* note 93.

101. *Id.*

102. See Immigrant Just. Corps, *supra* note 96.

103. *Our Week at the Dilley Detention Center*, LAW OFFICES OF CARL SHUSTERMAN, <https://www.shusterman.com/dilley-photo-gallery/> [<https://perma.cc/FK36-2R55>] (last visited Nov. 3, 2023).

104. See, e.g., Aseem Mehta, *The Refugee Jail Deep in the Heart of Texas*, NARRATIVELY (Dec. 15, 2015), <https://www.narratively.com/p/the-refugee-jail-deep-in-the-heart-of-texas> [<https://perma.cc/Y6XA-RBLE>]; Aseem Mehta, CTR. FOR INTERNET & SOC'Y, <http://cyberlaw.stanford.edu/about/people/aseem-mehta> [<https://perma.cc/A6XA-PM7L>] (last visited Nov. 3, 2023).

States Court of Appeals for the Ninth Circuit.¹⁰⁵ He now is the Liman-Meselson Legal Fellow at Asian Americans Advancing Justice-Asian Law Caucus in San Francisco, where he works with detained immigrants to challenge their confinement and provides litigation support to efforts to end incarceration in all forms.¹⁰⁶

Each year, a new class of similarly talented Fellows has joined the IJC. In 2022, the program selected its ninth round of Fellows, “thirty-three young lawyers as Justice Fellows to provide representation in complex immigration cases and six Community Fellows to provide legal screenings and help low-income immigrants prepare benefit applications.”¹⁰⁷

B. Host Organization Partners

The first class of Fellows started at sixteen host organizations, including Brooklyn Defender Services, the Bronx Defenders, Brooklyn Public Library, Central American Legal Assistance, Chinese-American Planning Council, the City Bar Justice Center, The Door, Immigration Equality, The Legal Aid Society, Legal Services NYC, Make the Road New York (MRNY), New York Legal Assistance Group, Part of the Solution, Project Hospitality, Sanctuary for Families, and the Urban Justice Center.¹⁰⁸ Among these partners were large traditional defender services, as well as several more specialized organizations seeking to represent underserved communities.¹⁰⁹ Community Fellows were placed internally with direct supervision by IJC legal staff and provided services at community-based organizations or at New York public libraries.¹¹⁰

Partners that expressed interest in IJC were vetted based on both their ability to mentor young advocates as well as their potential to expand their services with the addition of new talent. As an entirely new program, it was sometimes difficult for IJC to tell which organizations would make a good home for Fellows, and IJC continued to investigate ways to improve host organization accountability while also respecting that nonprofits have unique personalities and approaches.

As anticipated, the different organizations gave Fellows the opportunity to tackle a variety of cases and serve many different communities. For example, Immigration Equality is an LGBTQ immigrants’ rights organization with clients from all over the world. Meanwhile, at The Door, Fellows are more

105. *Aseem Mehta*, LINKEDIN, <https://www.linkedin.com/in/aseem-mehta-profile/> [<https://perma.cc/VHZ3-2YRT>] (last visited Nov. 3, 2023).

106. *Our People*, ASIAN AMS. ADVANCING JUST.: ASIAN L. CAUCUS, <https://www.advancingjustice-alc.org/about/our-team> [<https://perma.cc/L9BV-M7BH>] (last visited Nov. 3, 2023).

107. Interim Final Report from the Immigrant Just. Corps to the Leon Levy Found. 3 (June 1, 2023) (on file with authors).

108. See IMMIGRANT JUST. CORPS, *supra* note 77.

109. See *id.*

110. See *generally* Final Report from the Immigrant Just. Corps to the Robin Hood Found. (July 29, 2015) (on file with authors).

likely to focus on helping children, and Central American Legal Assistance Fellows work mostly with Central American asylum seekers.¹¹¹

Particularly at smaller legal services organizations, IJC Fellows often make a huge difference. Take for example the MinKwon Center for Community Action (“MinKwon Center”) in Queens, which seeks to empower Korean immigrants and the wider Asian American community.¹¹² When Justice Fellow Geehyun Sussan Lee and Community Fellow Stephanie Park joined MinKwon Center in 2015 as part of the second class of Fellows, they doubled the organization’s legal staff. This meant that in addition to processing basic applications such as those for Deferred Action for Childhood Arrivals (DACA), green cards, and naturalization, the MinKwon Center could now help the community they served with more complicated cases, including by pursuing Special Immigrant Juvenile Status, seeking protections for victims of domestic violence and other crimes, and representing individuals in removal proceedings. With more resources, the center discovered that many of its DACA clients were eligible for more permanent forms of relief because they were able to provide more in-depth screenings. Although there are certainly challenges with doubling the size of a legal team overnight, bringing Fellows to smaller organizations has made a huge difference for minority immigrant groups who often are otherwise overlooked.

To place Fellows at partner organizations, IJC had organizations and Fellows rank what they felt was the best match for them. The first year, IJC selected Fellows prior to matching them to organizations; however, based on feedback, Fellows and organizations are now matched prior to applicants accepting the fellowship.

IJC also encourages host organizations to assign Justice Fellows complex cases and to give them opportunities to litigate cases in court, although each fellow’s individual experience ultimately depends on the organization’s mission.

C. Significant Outcomes

In just a few years, IJC has not only increased the quantity and quality of representation, it has also helped build a stronger advocacy community.

1. Increasing Quantity and Quality of Representation

The IJC fellowship program, described as “groundbreaking” by the *New York Times*, has in nine years dramatically expanded the availability of high-quality legal services for immigrants in New York and nationwide.¹¹³

111. IMMIGRANT JUST. CORPS, *PLACE*. (2015), <https://justicecorps.org/app/uploads/2020/06/IJC-Annual-Report-2015.pdf> [<https://perma.cc/MKM9-BWCB>].

112. See MINKWON CTR. FOR CMTY. ACTION, <http://minkwon.org> [<https://perma.cc/KS6S-GK9V>] (last visited Nov. 3, 2023).

113. Kirk Semple, *Seeking Better Legal Help for Immigrants*, N.Y. TIMES (Jan. 28, 2014), <https://www.nytimes.com/2014/01/29/nyregion/service-program-will-recruit-law-school-graduates-to-help-represent-immigrants.html> [<https://perma.cc/VB2S-UDLF>].

The fellowship has had a tremendous impact in keeping families together, saving lives, and lifting immigrants out of poverty, as legal status opens opportunities for work, healthcare, public benefits, and financial aid for higher education.

IJC's impact can be seen in the sheer number of individuals and families assisted and the Fellows' high rate of success in cases fully adjudicated. In nine years, the Fellows have assisted more than 100,000 individuals by providing legal information, advice, or high-quality representation.¹¹⁴ Fellows are currently working with thousands of additional people to achieve those same goals. They have opened more than 49,757 immigration cases. Justice Fellows have worked on more than 20,000 complex legal issues, such as removal defense, asylum cases, and humanitarian visas for juveniles and victims of crime, domestic violence, and severe trafficking. Fellows have had a success rate of 93 percent on cases adjudicated in immigration court or before USCIS.¹¹⁵ Community Fellows have screened individuals and filed thousands of affirmative applications, including applications for permanent residence, DACA, and citizenship.

IJC's impact can be measured in fiscal terms as well. In providing free high-quality legal services, IJC has saved clients millions of dollars in private attorney's fees and administrative fees, which can be cost-prohibitive for families struggling to make ends meet.¹¹⁶ In nine years, Community Fellows alone saved more than 6,000 clients a total of approximately \$4.6 million by requesting fee waivers for immigration applications.¹¹⁷

The fellowship program's success is also reflected in how it has changed the nature of immigration representation by populating the field with high-caliber attorneys and representatives. The program has trained and mentored 320 lawyers and DOJ-accredited representatives. The Fellows' presence in the immigration field has helped service providers and community-based organizations turn away fewer clients, allowed them to expand upon the services they currently provide, and permitted them to take on additional numbers and types of cases. The Fellows' fluency and proficiency in other languages has also reduced interpretation costs for providers and helped build trust with clients. The Fellows have created a robust community whose members consult with each other via email listserv and draw on the institutional expertise and apparatuses of their host organizations. Significantly, the fellowship also has served as a pipeline for legal services providers to hire Fellows for permanent positions.

In addition, the fellowship has had many intangible benefits that are harder to quantify. For example, Fellows are encouraged to wear IJC lapel pins to court to help identify them as Fellows. For many judges, this is a sign that

114. Immigrant Just. Corps, FY23 Impact (2023) (on file with authors) (providing data visualization for fiscal year 2023).

115. *Id.*

116. Report from Immigrant Just. Corps to Charles E. Hughes Mem'l Found. 2 (2018) (on file with authors).

117. IMMIGRANT JUST. CORPS, *supra* note 18, at 6.

the representative before them is a bright young attorney who may deserve a little extra patience and encouragement, but who also can be trusted to represent their clients competently and ethically. When judges trust an attorney, which is sadly often not the case with the private bar, they may be less confrontational and simply in a better mood.

Most importantly, however, the reason why Fellows have such a high success rate is their determination to zealously represent their clients and their knowledge of the law. Although a comprehensive list of accomplishments would be impossible to fit within this paper, below is a sampling from just the first class of Fellows in addition to those already discussed.

Rebecca Popuch and David Wilkins challenged frontline representation of Central American immigrants in court on an almost daily basis.¹¹⁸ Mindful that access to counsel at an early stage often has the biggest impact on individual immigration proceedings, Popuch and Wilkins collectively worked on 112 complex immigration matters during their two-year fellowships.¹¹⁹ Popuch is now a staff attorney at Bet Tzedek Legal Services in California¹²⁰ and Wilkins is serving as the Director of Immigration and LGBTQ/HIV+ Advocacy at Staten Island Legal Services.¹²¹

Karla Ostolaza represented immigrants in detained removal proceedings at the Bronx Defenders, which required an advanced set of skills to address bond, criminal immigration issues, and grueling accelerated deadlines.¹²² She is currently the Managing Director for the Immigration Practice at the Bronx Defenders.¹²³

Sean Lai McMahon teamed up with his colleagues at the Community Development Project of the Urban Justice Center to convince the New York City Commission on Human Rights to issue certifications for U and T nonimmigrant status protections for victims of crime and trafficking.¹²⁴ The commission became the first antidiscrimination agency in a major city to

118. See Francisco Goldman, *Escape to New York*, NEW YORKER (Aug. 9, 2016), <https://www.newyorker.com/news/news-desk/escape-to-new-york> [https://perma.cc/QLA5-H99X].

119. See Immigrant Just. Corps, *supra* note 96.

120. *All Staff*, PUB. COUNS., <http://www.publiccounsel.org/pages/?id=0026> [https://perma.cc/Z4UM-U3KR] (last visited Nov. 3, 2023).

121. *David Wilkins*, LINKEDIN, <https://www.linkedin.com/in/david-wilkins-a2575b2b/> [https://perma.cc/F6XA-K458] (last visited Nov. 3, 2023).

122. See Rinaldi, *supra* note 21; *Karla M. Ostolaza Ortiz*, PRACTICING L. INST., <https://www.pli.edu/faculty/karla-m.-ostolaza-ortiz-i1308705> [https://perma.cc/7PW4-9S96] (last visited Nov. 3, 2023).

123. See *Karla Ostolarzo*, LINKEDIN, <https://www.linkedin.com/in/karla-ostolaza-6720274a/> [https://perma.cc/S7UD-3MMK] (last visited Nov. 3, 2023).

124. *Sean Lai McMahon, Legal Program Director*, DSCS DEPORTATION DEF., <https://www.sfdeportdefense.org/sean-lai-mcmahon> [https://perma.cc/H97S-9HRD] (last visited Nov. 3, 2023); *Mayor de Blasio Announces NYC Commission on Human Rights First Such Agency in Major U.S. City to Issue U and T Visa Certifications*, NYC (Feb. 9, 2016), <https://www.nyc.gov/office-of-the-mayor/news/148-16/mayor-de-blasio-nyc-commission-human-rights-first-such-agency-major-u-s-city-to> [https://perma.cc/8ZMC-R5KH].

issue such certifications.¹²⁵ McMahon is now the Director of Deportation Defense and Legal Advocacy Programs at Dolores Street Community Services in San Francisco, California.¹²⁶

Jessica Rofé worked in the Padilla practice at Brooklyn Defender Services, advising immigrants facing criminal and family court charges based on the immigration consequences of a conviction or admission, while also taking on direct representation of clients in immigration court.¹²⁷ She also worked on an important habeas case challenging prolonged detention.¹²⁸ She is now Deputy Director at New York University School of Law, Immigrant Rights Clinic and has represented the immigrant activist Ravi Ragbir, including in his petition for a writ of habeas corpus in January 2018, his First Amendment suit, his post-conviction relief in New Jersey, and the media surrounding it.¹²⁹

Aaron Reichlin-Melnick worked for The Legal Aid Society in New York City, where he specialized in briefing complex criminal immigration issues, including an incredibly challenging gang informant case.¹³⁰ Following the fellowship, he has become the Policy Director at American Immigration Counsel, a leading research and advocacy nonprofit.¹³¹

Amy Pont served a critical role at The Door as part of the I-CARE coalition, ensuring that unaccompanied children received representation in immigration court.¹³² She is now a staff attorney at The Legal Aid Society in New York City, specializing in federal litigation to promote immigrant rights.¹³³

Working at organizations across the city, this first class of Fellows helped energize the nonprofit community and empower thousands of immigrants. A recent analysis of our alumni data showed that 100 percent of the inaugural class of twenty-five Justice Fellows still work in the immigration field.¹³⁴

125. *Mayor de Blasio Announces NYC Commission on Human Rights First Such Agency in Major U.S. City to Issue U and T Visa Certifications*, *supra* note 124.

126. *See Sean McMahon*, LINKEDIN, <https://www.linkedin.com/in/sean-lai-mcmahon-2a18977> [<https://perma.cc/Q9VB-AQB2>] (last visited Nov. 3, 2023); *Sean Lai McMahon, Legal Program Director*, *supra* note 124.

127. *Faculty*, NYU L., <https://www.law.nyu.edu/academics/clinics/labs/community-equity-lab/faculty> [<https://perma.cc/7UPJ-Y9RA>] (last visited Nov. 3, 2023).

128. *See* *Gordon v. Shanahan*, No. 15-CV-261, 2015 WL 1176706, at *5 (S.D.N.Y. Mar. 13, 2015).

129. *See* *Madina Toure, Judge Reverses ICE's Detention of New York City Immigrant Activist*, OBSERVER (Jan. 29, 2018), <http://observer.com/2018/01/nyc-immigrant-activist-federal-judge-ice/> [<https://perma.cc/2ESN-DQ8J>].

130. *See Our Alumni*, *supra* note 93.

131. *Aaron Reichlin-Melnick*, AM. IMMIGR. COUNCIL, <https://www.americanimmigrationcouncil.org/staff/aaron-reichlin-melnick> [<https://perma.cc/M5RE-NET8>] (last visited Nov. 3, 2023).

132. *See* *Liz Robbins, A Paradoxical Position on Youths Fleeing Violence*, N.Y. TIMES (July 28, 2016), <https://www.nytimes.com/2016/07/29/nyregion/a-paradoxical-position-on-youths-fleeing-violence.html> [<https://perma.cc/89EX-6ZBV>].

133. *Amy Pont, Lecturer in Law*, COLUM. L. SCH., <https://law.columbia.edu/faculty/amy-pont> [<https://perma.cc/6YUW-M87M>] (last visited Nov. 3, 2023).

134. IMMIGRANT JUST. CORPS, *supra* note 18, at 12.

Moreover, 92 percent of our first three Justice Fellow classes (sixty-nine out of seventy-five Fellows) are working permanently in the immigration field.¹³⁵ “Six are directors at legal services providers, six are supervising attorneys, eight are senior staff attorneys, three are in academia, one is a solo immigration law practitioner, and another is in public policy.”¹³⁶ Approximately 40 percent of our inaugural Community Fellows have graduated from law school.¹³⁷ Three Community Fellows—Allie Mandeville, Karla Hernandez, and Leslie Joya—have returned to IJC as 2020 and 2021 Justice Fellows respectively.¹³⁸ Our inaugural class of Fellows are working in California, Georgia, New York, Nevada, Rhode Island, and Washington, D.C.¹³⁹

2. Building a Stronger Advocacy Community

In addition to providing two years of direct representation to immigrants in need of it, one of the greatest benefits of the fellowship program is the way in which it has strengthened the advocacy community. The network of Fellows has helped build closer relationships between nonprofits in New York and beyond, with each meeting of the Fellows providing an opportunity for improved communication between organizations.

In addition, given that most Fellows have remained in immigration law after graduating from the program, the immigrant legal services community will continue to see the benefits of well-trained advocates for years to come. These results also show that Fellows personally have been able to move forward with meaningful careers, overcoming that difficult gap between law school and job postings seeking experienced lawyers. Many early Fellows are now in positions in which they are helping train the next generation of legal professionals with the skills that they learned as Fellows.¹⁴⁰ They also are able to tap into the network they built as Fellows to learn from their peers as they launch new programs or adapt to new immigration trends.

Fellows can use this network to advocate not just for their individual clients, but also for a more just immigration system for all. Look at the response to any of the many immigration crises over the past few years, and you will find IJC Fellows defending immigrants and advocating for change together.

When President Donald J. Trump announced his “Travel Ban” in 2017, IJC Fellows flocked to local airports to provide support. “[W]e would stand at the exit when international travelers disembarked from the planes with

135. See Proposal from Immigrant Just. Corps to the Morton K. & Jane Blaustein Found. (Apr. 20, 2020) (on file with authors).

136. IMMIGRANT JUST. CORPS, *supra* note 18, at 12.

137. See Proposal from Immigrant Just. Corps to the Morton K. & Jane Blaustein Found., *supra* note 135.

138. *Id.* at 14–15.

139. *Id.* at 12.

140. See *id.*; IMMIGRANT JUST. CORPS, *supra* note 18, at 12.

signs offering free legal assistance to anyone who had been detained, or whose family members had been detained,” 2015 Justice Fellow Grace Kao wrote in an article for the Huffington Post.¹⁴¹ Kao, who was placed at the New York Legal Assistance Group, noted how energizing it was to see advocates come together, working around the clock on top of their already busy schedules, determined to ensure that anyone in need of help knew that the New York legal community was there for them.¹⁴²

More recently, this trend repeated as Fellows stepped up to support immigrants that were bused north from the border by conservative lawmakers.¹⁴³ The haphazard busing sometimes abandoned traumatized families in new cities without warning.¹⁴⁴ As busloads of migrants suddenly began arriving in New York City in 2022, the New York City Mayor’s Office of Immigrant Affairs (MOIA) asked IJC to redeploy its Community Fellows and staff under an existing contract with the City to the newly created Asylum-Seeker Resource Navigation Center. The City set up the center to provide immediate needs-focused case management services and triage-style legal services to recently arrived asylum seekers bused from Texas and Arizona.¹⁴⁵ IJC’s unique program model enabled the Fellows to respond quickly to the needs of this vulnerable population. Through the end of September 2022, IJC Fellows and legal staff worked on-site to greet, screen, interpret, and provide legal assistance to individuals and families.¹⁴⁶

Similarly, when the Trump administration announced the end of DACA and declared that it was terminating Temporary Protected Status for the nationals of several countries, IJC Fellows rallied together at protests and community clinics, sharing resources with each other and screening affected New Yorkers for other forms of immigration relief. Stephanie Ji Won Park, a Community Fellow placed at the MinKwon Center and a DACA recipient herself, lent her own voice to the struggle of countless other DACA

141. Grace Kao, *My Day and Night at JFK*, HUFFPOST (Feb. 1, 2017, 9:48 AM), https://www.huffingtonpost.com/entry/my-day-and-night-at-jfk_us_5891f66ee4b02c397c178e87 [<https://perma.cc/S34R-NCC2>]; see also Rob Crilly, *In a Diner at JFK Airport, Lawyers Toil Away to Help Those Affected by Travel Ban*, NAT’L (Feb. 2, 2017), <https://www.thenational.ae/world/in-a-diner-at-jfk-airport-lawyers-toil-away-to-help-those-affected-by-travel-ban-1.36386> [<https://perma.cc/XC6Y-YV56>] (quoting Justice Fellow Nabila Taj).

142. See Kao, *supra* note 141.

143. Daniella Silva & Safia Samee Ali, *Sanctuary Cities Are Straining to Support the Thousands of Migrants Arriving by Bus*, NBC (Sept. 22, 2022), <https://www.nbcnews.com/politics/immigration/sanctuary-cities-are-straining-support-thousands-migrants-arriving-bus-rcna48570> [<https://perma.cc/MH6E-3UBJ>].

144. *Id.*

145. *Statement on NYC Asylum Seekers Navigation Center*, IMMIGRANT JUST. CORPS (Sept. 16, 2022), <https://justicecorps.org/news/statement-on-nyc-asylum-seekers-navigation-center/> [<https://perma.cc/V3X5-9W62>].

146. *Id.*

recipients.¹⁴⁷ “Though my story and personal struggles are not unique, I want to reinforce the idea that each and every one of our personal stories is powerful and is meaningful,” she explained at a rally in Manhattan.¹⁴⁸

Fellows also regularly protest on the steps of courthouses and government buildings. They have demanded that action be taken to stop ICE from interfering with justice through courthouse raids.¹⁴⁹ They also have condemned judicial case completion quotas that threaten due process in immigration court.¹⁵⁰ Meanwhile, others have advocated against carve-outs in legal services funding that limit representation of people who have committed certain crimes, which would result in neglecting some of society’s most vulnerable immigrants, leaving them to fend for themselves in what are often the most complicated cases heard in immigration court.¹⁵¹

As anti-immigrant rhetoric has increased fear and uncertainty in immigrant communities, Fellows have given know-your-rights presentations at schools, houses of worship, community gatherings, and detention centers.¹⁵² These programs help inform immigrants about their rights when confronted by immigration officials in addition to identifying possible relief and resources and warning families about scams perpetrated against immigrants.

147. Madina Toure, *Pro-Immigrant NYC Rally Calls for Stop to Deportations*, OBSERVER (Aug. 16, 2017), <http://observer.com/2017/08/immigrants-deportation-donald-trump-tps-daca/> [https://perma.cc/3G4Q-JNR6].

148. *Id.*

149. In written testimony, IJC Fellow Jillian Judge noted:

We too are concerned that ICE’s presence in our courts undermines access to justice for New Yorkers because it deters non-citizens from accessing the courts as both cooperating witnesses on criminal prosecutions, and as litigants in civil cases—which is especially harmful to victims of domestic violence and human trafficking.

Sanctuary Staff Testify: ICE Agents Have No Place in New York’s Courthouses, SANCTUARY FOR FAMILIES (Aug. 7, 2017), <https://sanctuaryforfamilies.org/sanctuary-staff-testify-ice-agents-no-place-new-yorks-courthouses/> [https://perma.cc/4AKB-56B8]; *see also* Roque Planas & Elise Foley, *De Blasio Under Fire for Plan to Keep Some Immigrants out of Legal Aid Program*, HUFFPOST (June 2, 2017), https://www.huffingtonpost.com/entry/de-blasio-under-fire-for-restricting-immigrants-access-to-lawyers_us_59318c3ce4b02478cb9af54b [https://perma.cc/838E-Z9FP].

150. Former IJC Fellow and coauthor of the present article, Elizabeth Gibson, drafted a statement opposing case completion quotas for the New York City Bar Association. *Quotas in Immigration Courts Would Be Neither Efficient nor Just*, N.Y.C. BAR ASS’N IMMIGR. & NAT’Y L. COMM. (Apr. 10, 2018), <http://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/quotas-in-immigration-courts-would-be-neither-efficient-nor-just> [https://perma.cc/7P9R-7J56].

151. Fellows Sean Lai McMahon and Danielle Alvarado were both quoted in a Human Rights Watch report discussing the issue, with McMahon noting that a carve-out excluding certain immigrants “undermines the concept that the community and the organization has your back and will fight for you.” *New York City: Don’t Exclude Certain Immigrants from Legal Services*, HUM. RTS. WATCH (May 31, 2018, 9:00 AM), <https://www.hrw.org/news/2018/05/31/new-york-city-don-t-exclude-certain-immigrants-legal-services> [https://perma.cc/3YCH-5SXQ].

152. *See* Em Puhl, *The DOJ Is Trying to Remove What’s Left of Justice in the Immigration System*, HUFFPOST (Apr. 24, 2018), https://www.huffingtonpost.com/entry/opinion-puhl-legal-orientation-program_us_5adde3a4e4b075b631e82e2e [https://perma.cc/CWN9-852Y].

On top of the countless ad hoc contributions made by Fellows, IJC has sought to help respond to crises collectively. Perhaps the best example was when IJC organized two-week trips for Fellows to volunteer at detention centers in Karnes and Dilley, Texas in 2015 and 2016.¹⁵³ There, thousands of Central American mothers and children seeking refuge from violence in their home countries were and still are being detained and ordered removed, often without representation.¹⁵⁴ With funding provided by IJC board member Steve Kuhn, sixty-two Fellows traveled to Texas in pairs and worked in partnership with the Refugee and Immigrant Center for Education and Legal Services (RAICES) to help more than 1,000 detained mothers and children.¹⁵⁵ The Fellows' work depended on the needs of the moment, but most of them helped detained families prepare for credible fear interviews, the first step in determining whether they would have the opportunity to apply for asylum in immigration court. Fellows also gathered information on conditions in the detention facilities to help advocate for families to be released.

In addition, Community Fellows Aseem Mehta, Allie Mandeville, and Anahi Mendoza spent three to four months during the summers of 2015 and 2016 at RAICES in Dilley.¹⁵⁶ The Community Fellows helped more than 700 women over seven months, and another 700 women were assisted by resources that these Fellows created.¹⁵⁷ The situation at the border remains as dire as ever, and IJC sought to provide more meaningful long-term support by placing two Fellows at RAICES in Texas in 2017.¹⁵⁸

As representation programs develop, it is important that they seek to be flexible enough to pivot so that they can respond to crises and provide support to other organizations whenever possible. For IJC, this has been difficult at times because of how busy Fellows are with their day-to-day work, but these young advocates have risen to the occasion time and time again.

D. Expansion/Replication

In designing the model for IJC, the consultants and advisory council members had a vision of a model that could be scaled nationwide to fight deportation, promote family unity, and improve access to justice for millions of new Americans and aspiring citizens. Following the launch, the IJC Board of Directors was committed to expansion, and funders and potential funders also expressed interest in funding national work. During the start-up phase,

153. Jason Buch, *Lawyers Come from Afar to Represent Immigrant Mothers*, SAN ANTONIO EXPRESS-NEWS (June 22, 2015, 12:41 PM), <https://www.expressnews.com/news/local/article/Lawyers-come-from-afar-to-represent-immigrant-6339986.php> [https://perma.cc/P4ME-AKQQ].

154. *Id.*

155. *See* IMMIGRANT JUST. CORPS, *supra* note 111.

156. *See* Memorandum from Immigrant Just. Corps to Meyerson Fam. Found. (2023) (on file with authors) (providing information on IJC's Texas history).

157. *See id.*

158. *Id.*

Robin Hood Foundation staff and Interim Executive Director Peter Markowitz met with legal services organizations, immigrant rights groups, legal clinics, public defender offices, and funders in San Francisco, Boston, and Chicago to explore replication.¹⁵⁹ The goal of the meetings was to help other immigrant communities outside of New York to explore access-to-counsel projects and for IJC to determine what role or relationship it would have in such efforts.¹⁶⁰

However, in 2014, with IJC barely a year old, the board recognized that IJC needed to show measurable success before embarking on replication and expansion.¹⁶¹ An expansion that involved wholesale replication of IJC's model would stretch the organization's human capital and resources. To resolve these competing interests, IJC, with funding from the JPB Foundation, commissioned the Bridgespan Group to evaluate IJC's readiness to expand the fellowship program nationally.¹⁶²

The Bridgespan Group led a small group including IJC board members and leadership to engage in an evaluation process to determine when and where IJC could expand its program.¹⁶³ After a six-month engagement, the group concluded as follows: (1) IJC should first sustain its new program in New York City to codify systems and make sure that the model works before embarking on expansion or replication;¹⁶⁴ (2) IJC should begin incremental and staggered geographic expansion regionally in New York; (3) next, IJC should expand to adjacent cities; (4) finally, IJC could consider expanding to other geographic areas.¹⁶⁵

In 2015, IJC committed one-third of its Justice Fellow class of twenty-five Fellows to provide immigration legal assistance in areas outside of New York City with high concentrations of immigrants—Long Island, the Lower Hudson Valley, Westchester, and northern New Jersey.¹⁶⁶ IJC partnered with American Friends Service Committee, Catholic Charities Community Services, KIND, MRNY, Pace Community Law Practice, and Central American Refugee and Educational Center (CARECEN).¹⁶⁷ Through this expansion, IJC increased the capacity of New Jersey legal services

159. Memorandum from Peter Markowitz, Interim Exec. Dir., Immigrant Just. Corps, to Rachel Tiven, Incoming Exec. Dir., Immigrant Just. Corps 8 (June 4, 2014) (on file with authors).

160. *Id.* at 7–9.

161. Board Meeting Minutes of Immigrant Just. Corps (Dec. 10, 2014) (on file with authors).

162. *Id.*

163. IMMIGRANT JUST. CORPS, *supra* note 17, at 14.

164. To expand after just a year of operation would put the entire fellowship program at risk and challenge the new staff.

165. Immigrant Justice Corps Growth Plan PowerPoint Presentation by Bridgespan Grp. & Immigrant Just. Corps (Mar. 2015) (on file with authors).

166. *See* IMMIGRANT JUST. CORPS, *supra* note 17, at 13.

167. *See* Immigrant Just. Corps, *supra* note 96, at 8.

organizations to take on representation of unaccompanied children and detained adults.¹⁶⁸

In September 2016, IJC added a third-year Justice Fellow,¹⁶⁹ a first-year Justice Fellow, and a Community Fellow to the CARECEN staff on Long Island to work with unaccompanied children and also parents with children.¹⁷⁰

Expanding regionally and close to New York City allowed IJC Fellows to participate in all fellowship activities, including in-person bimonthly staff development meetings. To ensure the success of the regional expansion, IJC offered Fellows assigned to host organizations outside New York City a \$1,000 bonus in addition to a \$1,000 signing bonus for all incoming Fellows.¹⁷¹

In August 2016, IJC hired Jojo Annobil, Attorney-in-Charge of the Immigration Law Unit at The Legal Aid Society, as its new Executive Director.¹⁷² Recognizing the overwhelming need for representation in underserved communities, IJC's leadership continued developing a framework for expansion. They sought partnerships with prospective host organizations with experienced staff, capacity to mentor Fellows, and a record of serving communities with a demonstrated need for immigration representation. They also aimed to ensure sustainable multiyear funding for Fellows' salaries and fringe benefits, proximity to other IJC host cities, and staffing at IJC to offer back-up supervision and support.¹⁷³

1. Texas and Arizona Border Expansion

In fiscal year 2018, with the increase in family detention at the southwest border, IJC placed first-year and third-year Justice Fellows with RAICES in San Antonio, Texas, to expand access to counsel at the Karnes County Immigration Processing Center for detained women and children seeking asylum.¹⁷⁴ In fiscal year 2019, IJC placed another Justice Fellow with

168. *See id.*; IMMIGRANT JUST. CORPS, *supra* note 17; Final Progress Report from the Immigrant Just. Corps to the Robin Hood Found. (July 25, 2016) (on file with authors).

169. As discussed later in this Essay, the option for Fellows to apply for a third year has helped organizations address emerging complex issues, ensure mentorship for new Fellows, and prepare to hire their Fellows as regular staff after their fellowship.

170. IMMIGR. JUST. CORPS, *supra* note 17163.

171. *See* Immigrant Just. Corps, 2019 Action Plan 14 (2019) (unpublished internal document) (on file with authors); Memorandum from Peter Markowitz, Interim Exec. Dir., Immigrant Just. Corps, to Rachel Tiven, Incoming Exec. Dir., Immigrant Just. Corps, *supra* note 159.

172. *Immigrant Justice Corps Names Top Immigration Lawyer Jojo Annobil Executive Director*, GLOBENEWSWIRE (July 5, 2016), <https://www.globenewswire.com/en/news-release/2016/07/05/1311243/0/en/Immigrant-Justice-Corps-Names-Top-Immigration-Lawyer-Jojo-Annobil-Executive-Director.html> [<https://perma.cc/XLS4-L794>].

173. *See generally* Interim Report from the Immigrant Just. Corps to the Robin Hood Found. (Aug. 25, 2017) (on file with authors).

174. *See* Memorandum from Immigrant Just. Corps to Meyerson Fam. Found., *supra* note 156.

RAICES and two Justice Fellows and one Community Fellow at the South Texas Family Residential Center in Dilley.¹⁷⁵ In 2021, IJC had ten Justice Fellows placed along the Mexico-United States border in Texas and Arizona with several host organizations, including RAICES, Texas Rural Legal Aid, Innovation Law Lab, and the Florence Immigrant & Refugee Rights Project.¹⁷⁶ Together the Fellows represented 302 clients, maintaining an 80 percent success rate in closed cases and provided counsel in 570 matters.¹⁷⁷

2. Additional Expansion

Between fiscal year 2018 and fiscal year 2022, IJC has raised sufficient philanthropic funding to expand to Arizona, California, Connecticut, Florida, Louisiana, Maryland, New Jersey, New York, Nevada, Pennsylvania, Texas, and Virginia.¹⁷⁸ In September 2022, IJC then expanded its national footprint to Georgia, Illinois, New Mexico, and Tijuana, Mexico.¹⁷⁹ In most of these locations, Justice Fellows are providing quality legal assistance to adult detainees. For example, Casey Mangan, a third-year Justice Fellow at Innovation Law Lab in El Paso, Texas, represents adult detainees in New Mexico.¹⁸⁰

Placing Fellows farther away from New York City has its challenges, including the difficulty of bringing together Fellows and alumni from around the country for training and conferences. Although the proliferation of video meetings has helped, there is no replacement for the value of in-person interaction. IJC staff has restructured staff development training to allow Fellows to participate remotely via video.

To manage its expansion, in 2019, IJC developed a framework for adding Fellows to build momentum toward universal representation. IJC partnered with the Capital Area Immigrants' Rights (CAIR) Coalition to close the representation gap for detained residents of Maryland.¹⁸¹ Subsequently, in 2022, IJC partnered with the Vera Institute of Justice and the Acacia Center for Justice to recruit 200 Justice Fellows over four years to close the representation gap for children under a universal representation model.¹⁸² These two projects will be discussed in detail in another section.

175. *See id.*

176. *See id.*

177. *See id.*

178. IMMIGRANT JUST. CORPS, *supra* note 18, at 5.

179. *See id.*

180. *Fellow Spotlight: Casey Mangan*, IMMIGRANT JUST. CORPS (Nov. 14, 2022), <https://justicecorps.org/news/fellow-spotlight-casey-mangan/> [https://perma.cc/N6D2-MW6P].

181. *Immigrant Justice Corps and CAIR Coalition Launch Access to Counsel Initiative for Immigrants in Maryland*, CAP. AREA IMMIGRS.' RTS. COAL. (Feb. 18, 2020), <https://www.caircoalition.org/20200218/immigrant-justice-corps-and-cair-coalition-launch-access-counsel-initiative-immigrants> [https://perma.cc/SUP5-7242].

182. *Justice Fellowship*, *supra* note 15.

E. Lessons Learned and Reflections

In just nine years, the concept of a cadre of young advocates expanding access to counsel has gone from an idea to a fully-formed nonprofit—championed across the country as a new model for serving immigrants at risk of detention and deportation. In testing the model, IJC experimented with various concepts, had to rethink some of its initial decisions, and had to overcome challenges along the way. This section examines some of the critical lessons learned as part of the program’s ongoing evolution.

1. Revising the Process for Matching Fellows to Host Organizations

For the first three years of the Fellowship program, Justice Fellows and host organizations had limited input in the selection process. Rather, the IJC selected Fellows and host organizations, and then it asked Fellows and organizations to rank their top choices before ultimately assigning matches at its discretion, doing its best to accommodate the rankings. Following feedback from Fellows and host organizations, IJC adopted a new matching system designed to be a more transparent process that allowed greater input and participation from both Fellows and host organizations. For the 2018 Justice Fellows class, IJC staff selected Justice Fellow finalists following a rigorous selection process and simultaneously chose host organization finalists. Staff then requested and received input from both Fellow finalists and host finalists about each other.¹⁸³ IJC’s Legal Director at the time, Victoria Neilson, then made offers to the Fellows and put them in contact directly with the host organization as well as current Fellows and alumni who had worked there. This new process allowed each Fellow an opportunity to get candid feedback about the host from other Fellows and to ask questions relating to human resources issues directly from the host organization. Likewise, the host organization had an opportunity to speak directly with the prospective Fellows before committing to employing them for two years. Although this selection and matching process requires IJC to select more host organizations and Fellows than is needed, overall, both Fellows and host organizations provided positive feedback to this change.¹⁸⁴

2. Building Capacity at Less-Resourced Organizations

In year two, IJC decided to expand the fellowship to include more under-resourced host organizations, both to larger organizations outside of the five boroughs of New York City and to smaller niche organizations within New York City. The rationale was to bring much needed legal resources to immigrants residing in underserved immigrant communities in Hempstead, Long Island, and in Korean and Arab communities in Queens and South Brooklyn. At these community-based organizations, which had

183. See *FAQs: Justice Fellowships*, IMMIGRANT JUST. CORPS, <https://justice-corps.org/faqs-justice-fellowship/> [<https://perma.cc/2RPF-DSVV>] (last visited Nov. 3, 2023).

184. See Interim Report from the Immigrant Just. Corps to the Robin Hood Found., *supra* note 173.

little or no legal services infrastructure, IJC paired a Justice Fellow with a Community Fellow. This created more efficient client screening and the ability to collaborate and easily identify and distribute complex and less complex cases between the two Fellows. For instance, at the Arab American Association of New York in Brooklyn, the two Fellows changed the legal service provision culture at the organization and helped increase the organization's immigration legal services.¹⁸⁵

Although the expansion helped bring much needed resources to these immigrant communities, the lack of adequate supervision at host sites in some instances was a source of concern for Fellows assigned to those organizations. In some cases, IJC supervisory staff had to assume supervisory duties, which placed a strain on limited resources. IJC has since remedied the situation and encouraged the host organizations to hire supervisory staff or has made arrangements in advance to supplement and support supervision with IJC supervisory staff.

3. Adding a Third-Year Option

To help Justice Fellows obtain permanent staff positions, IJC conceived the idea of extending Justice Fellows' two-year commitment with their host organization to allow the organization to raise funds to hire their Fellow full-time. During that third year, the Fellow continues to support the host organization's significant need for legal immigration services for low-income individuals and families. Also, due to immigration court backlogs and other circumstances, many immigration cases can go on for years. An extension of the two-year fellowship program allows Fellows to continue working with clients to hopefully see their cases through to full adjudication.

In fiscal year 2017, with the generous support of the Bernard and Anne Spitzer Charitable Trust, IJC established a third-year program that supports Fellows for a third year at half-salary and benefits, with host organizations making up the difference in salary and benefits.¹⁸⁶ When IJC implemented the third-year option, it prioritized less-resourced host organizations. However, in the end, a majority of host organizations applied to keep their Justice Fellow and were awarded a Fellow. The following host organizations sponsored eight 2014-cohort Fellows for a third year: Central American Legal Assistance, CARECEN, City Bar Justice Center (CBJC), Legal Services NYC (LSNY), MRNY, Urban Justice Center's (UJC) Community Development Project, Atlas DIY, and IJC's Adults with Children (AWC) project.¹⁸⁷ Justice Fellows at CALA, CBJC, LSNY, MRNY, and UJC were

185. *Id.*

186. Letter from Emily Spitzer, President, Bernard & Anne Spitzer Charitable Tr., to Rachel Tiven, Exec. Dir., Immigrant Just. Corps (Apr. 6, 2016) (on file with authors).

187. Interim Report from the Immigrant Just. Corps to the Robin Hood Found., *supra* note 173. IJC's Adults with Children project was established in 2017 to address the acute legal representation needs of adults with children from Central American countries facing

hired for permanent staff positions after their third year.¹⁸⁸ The Fellow who was hosted by CARECEN accepted a permanent staff attorney position with Brooklyn Defender Services,¹⁸⁹ and the IJC AWC Fellow is now a Director of Legal Services at Asian Americans for Justice in Atlanta.¹⁹⁰

To date, more than forty Justice Fellows have extended their fellowship for an extra year, and all of them are either working with their host sites or working with other legal services providers offering direct representation to immigrants. In fiscal year 2022, IJC offered third-year options to six Community Fellows to ensure the completion of backlogged USCIS cases.¹⁹¹ The third-year option has helped increase retention rates and at the same time helped host organizations have the flexibility to hire their Fellows.

IJC will continue to make the third-year option available to graduating Fellows and host organizations. After experimenting with placing a third-year Fellow with a first year at RAICES, IJC continues to explore similar pairings to promote mentorship as it continues to expand the fellowship program.

4. Advocating for Fairer Salaries

The creation of the fellowship program has also meant greater transparency in salaries and benefits in nonprofit immigration work, highlighting differences, challenges, and norms that could go unnoticed when organizations each operate in an independent bubble. IJC offered its inaugural class of Justice Fellows a minimum starting salary of \$50,000 with a signing bonus of \$1,000 and \$5,000 for loan forgiveness repayment, health insurance, or even a trip to the beach.¹⁹² Some organizations offered higher salaries to ensure parity with other entry-level staff based on their internal pay structure. In 2016, The Bernard and Anne Spitzer Charitable Trust awarded IJC a grant in support of salary increases to improve IJC's competitiveness as applicants consider their fellowship options.¹⁹³ In the Spring of 2016, IJC's management attempted to address salary and benefit discrepancies among IJC Fellows at different organizations, which was a source of discontent. IJC management proposed making all the Justice Fellows in-placed and therefore employees of IJC instead of employees of

deportation on expedited dockets in New York immigration courts. IJC was one of three organizations providing quality representation to this population.

188. Interim Report from the Immigrant Just. Corps to the Robin Hood Found., *supra* note 173.

189. *Scott Coomes*, LINKEDIN, <https://www.linkedin.com/in/scott-coomes-aab72419> [<https://perma.cc/HD6B-8P7S>] (last visited Nov. 3, 2023).

190. *Palmer Lawrence*, ASIAN AMS. ADVANCING JUST. ATLANTA, <https://www.advancing-justice-atlanta.org/palmer-lawrence> [<https://perma.cc/MUB2-5MCK>] (last visited Nov. 3, 2023).

191. *See* IMMIGRANT JUST. CORPS, *supra* note 18.

192. *See* Final Report from the Immigrant Just. Corps to the Robin Hood Found., *supra* note 110, at 5.

193. Letter from Emily Spitzer, President, Bernard & Anne Spitzer Charitable Tr., to Rachel Tiven, Exec. Dir., Immigrant Just. Corps, *supra* note 186.

the host organizations to ensure parity in salaries and benefits. Host organizations affiliated with the United Auto Workers Union (Legal Aid Society, LSNY, and UJC), which advocated for robust salaries and benefits, pushed back against the proposal, and the Fellows were also unhappy about how the issue was handled by management.¹⁹⁴ IJC decided to keep the existing system, in which Fellows are employees of host organizations.

In the fall of 2016, the 2015 Justice Fellows entering their second year had their salaries increased to \$56,000 plus benefits (which are budgeted at 25 percent of salary).¹⁹⁵ Incoming 2017 Justice Fellows were hired at the \$56,000 rate.¹⁹⁶ To equalize the field, IJC required all host organizations to offer Fellows a minimum of three weeks of paid vacation and to reimburse any Fellow who has to pay out of pocket for monthly health insurance premiums.¹⁹⁷ To ensure transparency, incoming Fellows are given information about salaries and benefits of each host organization prior to the matching process.¹⁹⁸ As a result, efforts to ensure fairness in salaries for Fellows have also pushed organizations to assess their compensation for entry-level staff, understanding that they could lose talented new staff to other, more competitive organizations, and have provided helpful peer-to-peer comparisons.

However, IJC also recognizes that low salaries and benefits continue to be a challenge for retention and quality of life in the nonprofit realm, especially outside the urban coastal corridors where there is often less reliable funding for these programs. As IJC seeks to expand and fill gaps, it has sought to build new philanthropic partnerships, but IJC also recognizes that national support is critical to building sustainable programs that can meet both the needs of immigrants and the needs of advocates. In fiscal year 2022, following salary review by IJC management, the board approved a salary of \$62,500 and 25 percent fringe benefits paid to host organizations.¹⁹⁹ IJC has encouraged host organizations to pay Fellows the same salary as their first- and second-year staff attorneys.²⁰⁰ A recent survey of 24 host organizations showed that approximately 15 host organizations paid Fellows more than the minimum \$56,000 IJC salary.²⁰¹

194. *See* Immigrant Just. Corps, *supra* note 96, at 6.

195. *See id.*

196. *See id.*

197. *See id.*

198. Immigrant Just. Corps, 2022 Justice Fellowship Host Organization Information (2022) (on file with authors) (documenting detailed information about all host organizations in order to provide such information to incoming fellows).

199. *See* Interim Final Report from the Immigrant Just. Corps to the Leon Levy Found., *supra* note 107, at 3.

200. Board Meeting Minutes of Immigrant Just. Corps (June 16, 2022) (on file with authors).

201. Immigrant Just. Corps, *supra* note 198.

5. Responding to the Threat of DACA's Revocation

Perhaps one of the biggest lessons learned came with DHS's efforts to end DACA. DACA was created to protect young people brought to the United States as children from deportation and to provide them with renewable work authorization.²⁰² In 2017, with the inauguration of President Donald J. Trump, IJC was confronted with the reality that if DACA ended, IJC's "DACAmended" Fellows could lose federal work authorization, at which point federal law would prohibit IJC from issuing paychecks under its payroll system.²⁰³ This reality was quickly communicated to Fellows as rumors that DACA could be rescinded circulated, but without the sensitivity and consideration that the situation called for (such as by also communicating possible solutions to ameliorate the situation). Upset with the way that the matter was handled, IJC Fellows raised their concerns with IJC's board and leadership.²⁰⁴ The management team realized that they had failed to sufficiently convey IJC's support for DACA recipients and to build contingency plans into their funding structure for uncertain situations like this one. As always, Fellows rose to the occasion, pushing back and reminding IJC that it was first and foremost an organization that protects immigrants, especially those immigrants representing their communities as Fellows. Fellowship programs dedicated to immigrant rights should always fight to hire Fellows with immigrant backgrounds, and an important part of that commitment is ensuring clear plans and procedures for protecting and supporting Fellows, both financially and emotionally, if there are changes to their immigration statuses.

As a result, IJC's management and board explored various alternatives to protect "DACAmended" Fellows. They considered what role the organization could play in pending litigation on DACA and considered potentially filing a lawsuit on behalf of the organization itself to halt the DACA rescission and to protect its Fellows.²⁰⁵

Following deliberations with "DACAmended" Fellows, IJC implemented a DACA policy that ensured that if the government revoked DACA, IJC was committed to continuing to employ "DACAmended" Fellows if there was pending litigation that enjoined the federal government from terminating DACA and the associated employment authorization document.²⁰⁶ Alternatively, if employment would have to end solely because of the termination of the DACA program and a Fellow's federal work authorization

202. See Press Release, Dep't of Homeland Sec., Secretary Napolitano Announces Deferred Action Process for Young People Who Are Low Enforcement Priorities (June 15, 2012), <https://www.dhs.gov/news/2012/06/15/secretary-napolitano-announces-deferred-action-process-young-people-who-are-low> [<https://perma.cc/V9SB-4ZEL>].

203. See Board Meeting Minutes of Immigrant Just. Corps (Apr. 13, 2017) (on file with authors).

204. See Board Meeting Minutes of Immigrant Just. Corps (Dec. 13, 2016) (on file with authors).

205. See Board Meeting Minutes of Immigrant Just. Corps, *supra* note 203.

206. *Id.*

and there was no pending litigation staying termination, IJC would provide full IJC salary plus continued health coverage pursuant to the Consolidated Omnibus Budget Reconciliation Act²⁰⁷ (or applicable state law) for the remainder of the original fellowship for each affected Fellow.²⁰⁸

IJC Fellows have not just been advocates for their clients, but also excellent advocates for themselves, pushing the program to improve itself and address challenges that arise. Although IJC leadership wishes that they handled the threat to DACA better from the beginning, they were grateful to Fellows for holding IJC accountable and reminding the organization to embody the principle of justice for immigrants. It takes Fellows and program management working together to keep making the program better.

III. LOOKING FORWARD AND UNIVERSAL REPRESENTATION

A. *The Significance of Universal Representation*

IJC's vision is a nation in which all immigrants, regardless of status, are treated with dignity and respect. A necessary component of this vision is access to justice through high quality, affordable, and accessible legal services and support. In the nine years since its founding, IJC has demonstrated that an infusion of legal talent fulfills a critical need within the immigrant community, improves results in immigration proceedings, supports new practitioners at the beginning of their careers to sustain the field, improves quality in the immigration bar, and maximizes the resources and capacity of host organizations already in the field. IJC has already begun to show that its fellowship model can help reverse the troubling lack of representation for immigrants by catalyzing the movement toward universal representation for immigrants. In the immigration setting, universal representation refers to a system in which anyone in deportation proceedings who cannot afford counsel would be entitled to appointed counsel, akin to the right to counsel in the American criminal justice system.

In recent years, immigration advocates have reached a consensus that universal representation is critical in achieving a more just immigration legal system.²⁰⁹ By taking cases regardless of the merits, universal representation eliminates opportunities for bias in case selection and reaches communities that might otherwise struggle to connect with legal services providers due to resources or language barriers. Without universal representation, nonprofit legal services providers with limited resources are forced to provide counsel using a triaged approach, selectively supporting immigrants whose cases appear to have the greatest likelihood of success.²¹⁰ This vetting system

207. Pub. L. No. 99-272, 100 Stat. 82 (1986) (codified as amended in scattered sections of the U.S.C.).

208. See Board Meeting Minutes of Immigrant Just. Corps, *supra* note 203.

209. See *Advancing Universal Representation*, VERA INST. JUST., <https://www.vera.org/advancing-universal-representation-toolkit> [<https://perma.cc/96WQ-BPTZ>] (last visited Nov. 3, 2023).

210. Lindsay Nash, *Universal Representation*, 87 *FORDHAM L. REV.* 503, 508–09 (2018).

leaves countless other immigrants and families, often with meritorious cases that are more difficult, without due process and exposed to the severe consequences of deportation. For the most straightforward cases, immigrants may be left to fend for themselves with the hope that they will be fine on their own, but they could end up turning to scammers or unqualified counsel who give wrong legal advice or make mistakes that take years to correct. Meanwhile, the most complex cases that would benefit the most from representation can be overlooked, initially appearing impossible. Indeed, staff switching to a universal representation model often report discovering on a third or fourth meeting that someone they thought had no options actually is eligible for immigration relief after exhaustive legal research and building up enough trust with the client to get the full story.²¹¹

Universal representation also plays a role in fighting the disparate impact caused by systemic racism in the immigration system. For example, Black immigrants are more likely to be placed in removal proceedings, denied asylum, charged on criminal immigration grounds, and required to pay a more expensive bond to be released from detention.²¹² Universal representation not only reduces decision points vulnerable to racial bias such as the triaging of cases, but it also ensures everyone has access to counsel in what is an inherently racist system.²¹³

Universal representation programs significantly increase successful outcomes, including higher rates of release from detention.²¹⁴ But most importantly, universal representation changes the quality of justice rendered in immigration courts. Attorneys practicing under this merits-blind model of representation are more likely to challenge deficient factual allegations and legal charges, pursue multiple remedies, bring in expert witnesses, ensure accurate interpretation during the proceedings, and appeal erroneous immigration court and Board of Immigration Appeals decisions.²¹⁵

An infusion of competent lawyers providing universal representation dramatically improves the chance of successful outcomes for clients, facilitates the creation of new legal precedent that impacts both represented

211. Talia Peleg & Ruben Loyo, *Transforming Deportation Defense: Lessons Learned from the Nation's First Public Defender Program for Detained Immigrants*, 22 CUNY L. REV. 193, 221 (2019).

212. *Black Immigrant Lives Are Under Attack*, REFUGEE & IMMIGRANT CTR. FOR EDUC. & LEGAL SERVS. (July 22, 2020), <https://www.raicestexas.org/2020/07/22/black-immigrant-lives-are-under-attack/> [<https://perma.cc/GR2D-D2ZF>]; BLACK ALL. FOR JUST IMMIGR., *THE STATE OF BLACK IMMIGRANTS* (2022), <https://stateofblackimmigrants.com/assets/sobi-full-report-jan22.pdf> [<https://perma.cc/XV4H-5Y5K>].

213. See generally Kevin R. Johnson, *Systemic Racism in the U.S. Immigration Laws*, 97 IND. L.J. 1455 (2022).

214. JENNIFER STAVE, PETER MARKOWITZ, KAREN BERBERICH, TAMMY CHO, DANNY DUBBANEH, LAURA SIMICH, NINA SIULC & NOELLE SMART, VERA INST. JUST., *EVALUATION OF THE NEW YORK IMMIGRANT FAMILY UNITY PROJECT: ASSESSING THE IMPACT OF LEGAL REPRESENTATION ON FAMILY AND COMMUNITY UNITY* 34–35 (2017), <https://www.vera.org/downloads/publications/new-york-immigrant-family-unity-project-evaluation.pdf> [<https://perma.cc/5EK3-CBHE>].

215. See Peleg & Loyo, *supra* note 211, at 221.

and unrepresented immigrants, and lays the foundation for progressive jurisprudence—all of which can lead to systemic change.²¹⁶

B. Supporting Universal Representation

IJC has supported universal representation since the fellowship's founding in tandem with NYIFUP—New York's innovative universal representation model for detained immigrants. In IJC's first year, six Fellows were placed at organizations participating in the then–newly formed NYIFUP.²¹⁷

Today, select regions across the United States have created universal immigrant representation programs, including New York City; New Jersey; Portland, Oregon; Houston, Texas;²¹⁸ and twenty-four communities that comprise the Vera SAFE Network,²¹⁹ a group of jurisdictions dedicated to the goal of providing publicly funded universal representation to people facing deportation. Today, many Fellows continue to be placed in host organizations working towards universal representation.

For example, IJC's first two Fellows in Illinois joined the National Immigrant Justice Center (NIJC) in 2022 as part of the Midwest Immigrant Defenders Alliance pilot program to provide universal representation before the Chicago Detained Immigration Court.²²⁰ The Fellows partnered with three other organizations to launch new programs for representing detained immigrants. These efforts expanded NIJC's detention team from three attorneys to five, covering a geographic region including clients from Illinois, Indiana, Kentucky, Wisconsin, and Ohio.²²¹ The scope of the project is a reminder of how much more needs to be done to reach all immigrants in need of counsel regardless of where they live or where they have been detained.

In addition to placing Fellows, IJC has also partnered with host organizations to establish universal representation initiatives. In 2019, with assistance from Bridgespan consultants and an independent data consultant, IJC developed an Action Plan to place a larger number of Fellows at three under-resourced geographies in Oregon, Wisconsin, and Maryland.²²² With funding provided by Prince George's County and other funders, IJC launched a groundbreaking Access to Justice Initiative with the CAIR Coalition in

216. See generally STAVE ET AL., *supra* note 214, at 34–35.

217. See Immigrant Just. Corps, *supra* note 96, at 8.

218. See Immigrant Just. Corps, *supra* note 171, at 7.

219. See *Advancing Universal Representation Initiative*, VERA INST. JUST., <https://www.vera.org/ending-mass-incarceration/reducing-incarceration/detention-of-immigrants/advancing-universal-representation-initiative> [<https://perma.cc/8SBD-892L>] (last visited Nov. 3, 2023).

220. See *Midwest Immigrant Defenders Alliance*, NIJC, <https://immigrantjustice.org/midwest-immigrant-defenders-alliance> [<https://perma.cc/EC56-EMEN>] (last visited Nov. 3, 2023).

221. See *id.*; see also *NIJC Staff*, NIJC, <https://immigrantjustice.org/nijc-staff> [<https://perma.cc/C8ZX-6GP4>] (last visited Nov. 3, 2023).

222. Immigrant Just. Corps, *supra* note 171.

September 2019.²²³ This project provided legal counsel to all detained immigrants in Prince George's County in Maryland. IJC placed nine Fellows (six Justice Fellows and three Community Fellows) with the CAIR Coalition—our largest infusion to a host organization to date—who greatly expanded CAIR Coalition's capacity to provide merits-blind representation to more than 100 clients.²²⁴

The initiative also bolstered advocacy that led to Maryland ending its contracts with ICE, resulting in the closure of all immigration detention centers across the state, as well as a \$3.2 million appropriation for universal representation for detained Maryland residents transferred to other states.²²⁵ IJC's Access to Justice Initiative provided the evidence needed to make the case for this historic appropriation.²²⁶ IJC is now working with CAIR Coalition and other partners to ensure that Maryland's legislature provides permanent funding for a statewide universal representation program for all immigrants, including non-detained clients in removal proceedings.

C. Universal Representation for Unaccompanied Children and Families with Children

Although many universal representation programs have started with a focus on detained adults, IJC has also turned its attention to another group—unaccompanied children and families with children. Unaccompanied children are one of the most vulnerable immigrant populations, and their numbers continue to grow exponentially.

On Long Island, our collaboration with CARECEN enabled the organization to develop an in-house removal defense team that accepted 191 removal cases for full representation of families and unaccompanied children in two years.²²⁷ Launched in 2018, with funding from the Tortora Sillcox Foundation, the Long Island Project built CARECEN's capacity by training a CARECEN Supervising Attorney to lead the team and providing several Justice and Community Fellows with supervision to work on complex deportation cases in defense of Central American families and unaccompanied children in Long Island's Nassau and Suffolk counties.²²⁸ The project accepted cases based on individuals who required immediate intervention from deportation (individuals ordered removed in absentia or who required counsel for upcoming merits hearings) rather than the merits of the case as judged at initial intake.²²⁹ Fellows found that cases likely to be

223. See Proposal from Immigrant Just. Corps to the Morton K. & Jane Blaustein Found., *supra* note 135.

224. Draft Report from Immigrant Just. Corps to Access to Just. Initiative (June 2023) (on file with authors).

225. *Id.* at 3.

226. *Id.*

227. See FY21 Final Grant Report from Immigrant Just. Corps to the Tortora Sillcox Fam. Found. (Aug. 1, 2021) (on file with authors).

228. *Id.*

229. *Id.* at 14.

rejected at intake due to a low chance of success under a merits-based system were actually viable cases when a dedicated representative gave them attention and care.²³⁰ Some of these cases resulted in grants of asylum and Special Immigrant Juvenile Status (SIJS) for children.²³¹ In other cases, IJC Fellows reached an agreement with DHS attorneys to stipulate to the withholding of removal, an alternative protection for persons fearing persecution in their home country.²³²

As part of the Project, IJC worked with CARECEN to improve its intake and case management systems. IJC also helped CARECEN fundraise to hire a social worker to provide clients with wraparound services.²³³ As a result, the organization is now able to provide consistent and high-quality legal services to the Long Island immigrant community. In 2021, IJC fully transitioned management of the Long Island Project to CARECEN.²³⁴ To date, five former IJC Fellows have accepted permanent or extended positions with CARECEN.²³⁵ “Amid the challenges of the pandemic, our IJC Fellows have provided the latest infusion of energy and talent to continue our nearly four decades of serving the immigrant community on Long Island,” said Emerson Argueta, a supervising attorney at CARECEN and a 2018 Justice Fellow.²³⁶ Even though the scale of the problem is enormous, IJC has demonstrated that Fellows can help close the representation gap, and for these cases, the outcomes truly can mean the difference between life and death.

Next, in September 2022, IJC partnered with the Vera Institute of Justice and the Acacia Center for Justice with the goal of achieving universal representation for all unaccompanied children in removal proceedings by 2027.²³⁷ There currently are thousands of unaccompanied children without counsel in removal proceedings.²³⁸ From toddlers to teenagers, every day the United States is putting children in front of a judge with life-or-death consequences and no lawyer or representative to support them. That has very real implications.

230. *Id.*

231. *See, e.g., id.* at 8–9.

232. *See id.* at 14.

233. *See id.* at 10–12.

234. *See id.* at 4.

235. “*On the Frontlines of Humanitarian Asylum Advocacy*,” IMMIGRANT JUST. CORPS (Dec. 14, 2022), <https://justicecorps.org/news/on-the-frontlines-of-humanitarian-asylum-advocacy/> [<https://perma.cc/2P85-3XL2>].

236. *Id.*

237. *See Justice Fellowship, supra* note 15.

238. *See* REBECCA DiBENARDO & ALYSSA SNIDER, VERA INST. OF JUST., REPRESENTATION MATTERS: NO CHILD SHOULD APPEAR IN IMMIGRATION PROCEEDINGS ALONE I (2021), <https://www.vera.org/downloads/publications/representation-matters.pdf> [<https://perma.cc/LX55-L2TH>].

More than 90 percent of unrepresented unaccompanied children were issued a removal order or voluntary departure from 2005 to 2017.²³⁹ IJC received a subcontract from the Acacia Center for Justice to recruit, train, and support 200 Justice Fellows to provide representation to unaccompanied children nationwide in four years.²⁴⁰ In September 2023, IJC onboarded the first Fellows as part of this program, placing “62 Justice Fellows with a national network of legal services providers to represent unaccompanied children in immigration court.”²⁴¹ This capacity-building, talent-pipeline partnership offers a unique opportunity to demonstrate the viability of universal representation programs for all immigrant populations on a large scale. However, more importantly, it will provide thousands of children with hope for justice.

D. Challenges Ahead

In thinking about the future of universal representation and IJC, it is important to recognize some of the many challenges still to come. Foremost, even as IJC seeks to meet the needs of a growing number of people in immigration proceedings, it must also work to shrink the deportation machine. It is clear that this system, which removed people from the United States nearly a quarter million times in fiscal year 2022, is broken.²⁴² This system, which holds 30,000 people in detention on any given day, is broken.²⁴³ This system, which has a backlog of more than 2.5 million immigration court cases, is broken.²⁴⁴ This system, in which it takes more than five years to approve visas for victims of serious crimes, is broken.²⁴⁵ Meeting the needs of those already ensnared in this system is only a stop-gap measure on the road to humane immigration policies that keep families together and provide pathways to status. Immigration reform remains an uphill battle, but that just requires more creative advocacy. We must continue to support local wins such as the closing of detention centers, the banning of ICE from sensitive locations, and programs to defend immigrants’ rights.

We also recognize the challenge of sustainable growth of representation programs, especially outside of major urban centers. The government increasingly has moved immigrant detention and adjudication farther afield

239. *Unaccompanied Juveniles—Immigration Court Deportation Proceedings*, TRANSACTIONAL RECS. ACCESS CLEARINGHOUSE, <https://trac.syr.edu/phptools/immigration/juvenile/> [<https://perma.cc/8GT9-FUV6>] (last visited Nov. 3, 2023).

240. See *Justice Fellowship*, *supra* note 15.

241. See *Immigrant Justice Corps Welcomes 90 Justice Fellows*, CISION (July 13, 2023), <https://www.prnewswire.com/news-releases/immigrant-justice-corps-welcomes-90-justice-fellows-301876168.html> [<https://perma.cc/BU39-VT2M>].

242. See *ICE Releases FY 2022 Annual Report*, U.S. IMMIGR. & CUSTOMS ENF’T (Jan. 9, 2023), <https://www.ice.gov/news/releases/ice-releases-fy-2022-annual-report> [<https://perma.cc/3GK3-KTJ9>].

243. See *ICE Detainees*, *supra* note 3.

244. See *Historical Immigration Court Backlog Tool*, *supra* note 33.

245. See *Check Case Processing Times*, *supra* note 64.

into remote pockets of the country,²⁴⁶ and there are still many gaps around the nation with less robust immigrant representation communities (despite the efforts of many passionate individual advocates). It can be difficult to find the local political and financial support to improve coverage in these regions, highlighting the importance of coordinated national efforts to address immigrant representation needs. Research by the Center for Migration Studies estimates that there is one charitable legal professional for every 1,413 undocumented persons in the United States.²⁴⁷ That number counts accredited representatives, paralegals, and legal assistants, not just lawyers. In addition, it does not take into account the number of documented immigrants also in need of legal assistance. However, more troubling is how much the availability of these professionals varies across the country. At its most extreme, there were 6,656 undocumented persons per legal professional in Alabama.²⁴⁸ Even in the New York-Newark-Jersey City area, with a robust nonprofit legal community and nearly a decade of programs like IJC and NYIFUP, the study found that there were 849 undocumented immigrants to every one legal professional.²⁴⁹

There also is a tension between the desire to meet the incredible need for representation and the limitations of expanding at a responsible pace. As has been the case since the earliest expansions of the fellowship program, we cannot simply add Fellows without also expanding support systems and supervision to keep pace.

Finally, we acknowledge that to increase the number of qualified immigration representatives, there is more work ahead to bring promising future lawyers and accredited representatives into the field. As of October 2023, the job search website Indeed.com turned up 204 open positions in New York and 355 in California in response to searches for “immigration attorney.”²⁵⁰ Although not all of these are nonprofits or direct service providers, it shows the dramatic struggle to fill positions to meet the need. These vacancies reflect the reality that currently there is a limited supply of talent trained and fully prepared to join the immigration bar. As similarly seen with the criminal defense bar, low salaries, high law school debt, high

246. See *The Department of Justice Is Restructuring Immigration Courts in Secret*, IMMIGR. IMPACT (Mar. 17, 2020), <https://immigrationimpact.com/2020/03/17/the-department-of-justice-is-restructuring-immigration-courts-in-secret/> [<https://perma.cc/59NL-NXL8>]; Yuki Noguchi, *Unequal Outcomes: Most ICE Detainees Held in Rural Areas Where Deportation Risks Soar*, NPR (Aug. 15, 2019), <https://www.npr.org/2019/08/15/748764322/unequal-outcomes-most-ice-detainees-held-in-rural-areas-where-deportation-risks> [<https://perma.cc/HD5Y-M3PV>].

247. Donald Kerwin & Evin Millet, *Charitable Legal Immigration Programs and the US Undocumented Population: A Study in Access to Justice in an Era of Political Dysfunction*, 10 J. MIGRATION & HUM. SEC. 190, 191 (2022).

248. *Id.*

249. *Id.* at 192.

250. For New York results, see INDEED, <https://www.indeed.com/jobs?q=immigration%20attorney&l=New%20York%20State> [<https://perma.cc/29XF-RMMP>] (search “New York”); for California results, see INDEED, <https://www.indeed.com/jobs?q=immigration%20attorney&l=California> [<https://perma.cc/C9Q4-JEST>] (search “California”).

stress, racial disparities in law school admissions, and other barriers to entry can make recruitment and retention difficult.²⁵¹ We must think about ways to strengthen the pipeline into the field through partnerships with law school clinics and creative approaches toward outreach and reducing barriers earlier in the process. Meanwhile, we can support retention so that passionate advocates can stay healthy and fulfilled in the field longer, through pushes to improve salaries and benefits, encourage reasonable caseloads, and promote better supervision and wellness practices.

CONCLUSION

What a difference nine years makes. IJC has gone from an idea to an inaugural class of 35 Justice and Community Fellows in 2014 to an incoming class of more than 80 talented Justice Fellows in 2023. What IJC has done has been transformational—providing quality legal counsel for some 100,000 immigrants and their families, with a 93 percent success rate for cases adjudicated in 2023.²⁵² Legal status is the gateway to lifting immigrants out of poverty so they can fully and openly participate in the American Dream. IJC has importantly contributed to that effort by infusing the immigration bar with dedicated lawyers and advocates and, in so doing, has afforded economic opportunity for immigrants while growing the next generation of immigration lawyers, advocates, and policy makers.

Achieving universal representation, shrinking the deportation machine, and eliminating detention will require well-trained lawyers, accredited representatives, nonlawyers, and social workers. Thanks to the bold vision of the late Judge Katzmann, of the Second Circuit, IJC has developed the blueprint for building capacity to achieve universal representation. There are still many challenges to tackle, but we will keep pushing forward to advance that vision. As Judge Katzmann said, “[w]hen you help someone in legal need, when you serve the ideals of fairness and justice for all, you can make all the difference, a tangible difference for that client, that client’s family.”²⁵³

251. See Oliver Laughland, *The Human Toll of America’s Public Defender Crisis*, *GUARDIAN* (Sept. 7, 2016, 6:55 AM), <https://www.theguardian.com/us-news/2016/sep/07/public-defender-us-criminal-justice-system> [<https://perma.cc/9T6T-6JSE>].

252. See Immigrant Just. Corps, *supra* note 114.

253. Erin Degregorio, *Fordham Law Remembers Judge Robert A. Katzmann*, *FORDHAM L. NEWS* (June 10, 2021), <https://news.law.fordham.edu/blog/2021/06/10/fordham-law-remembers-judge-robert-a-katzmann/> [<https://perma.cc/BG5D-PZ9U>].