



LA LÍNEA

Increasing Representation for Asylum Seekers: New Partnership with Kino Border Initiative

We're excited to announce a new partnership between the Florence Project and the Kino Border Initiative (KBI), which will increase representation for asylum seekers and increase information sharing about the immigration system and immigrants' rights.

KBI is a binational organization located on the U.S./Mexico border in Nogales that provides direct humanitarian assistance to migrants and advocates for humane immigration policies. KBI assists many individuals fleeing harm in their home countries: domestic abuse, gang violence, or government persecution. KBI helps people present themselves at the border asking for asylum, who often ask questions about the U.S. immigration system. Asylum seekers ask many questions about the U.S. immigration system: **What will happen after I cross the border? How long will I be detained? What are my legal options? How will I reunify with my family?** These questions led to the creation of the Florence Project-KBI Legal Fellow position.



Rocío Castañeda, former Florence Project Children's Managing Attorney, jumped at the opportunity to serve and return home to her native Nogales. Raised on both sides of the border, Rocío (pictured here with her mother) was free to cross the border as a U.S. citizen, but her father was

not. Rocío recalls, **"The day that I took my oath of admission into the legal profession, I thought about how my father could have been present with me if an attorney had been available to him."**

In her role as the FIRR-Project-KBI Legal Fellow, Rocío will meet with immigrants in the comedor, KBI's aid center, to orient

them and shed light on the legal process before they present themselves at the port of entry to ask for asylum. Many asylum seekers are detained while they fight their immigration case. Rocío will also represent individuals in Eloy and Florence, something very important as it is estimated that only five percent of asylum seekers win their cases in these courts. The vast majority represent themselves.

This unprecedented partnership with KBI will allow for more asylum seekers to understand the immigration system from the beginning, empowering them to make informed decisions.

We are thankful for this new opportunity because we are acutely aware of the limits in our ability to orient and accompany asylum seekers fleeing violence. We admire the work that the Florence Project is doing to increase access to due process and protection for individuals in detention, and are glad that through this collaboration we can creatively take advantage of our different areas of work and expertise.

—Joanna Williams,
KBI Director of Education and Advocacy

The Florence Project helps detained asylum seekers understand the complicated asylum process. Many do not understand the questions immigration authorities ask them at the very beginning of the process. Why are they afraid to go back home? Many remain quiet because of the severity of their trauma, the length of their journey, and the discomfort of being interviewed by a uniformed officer. Rocío frames her conversations with migrants at KBI as a chance to empower them: **"With access to counsel, at the very least they have an opportunity to have their case presented in a fair way from the start, unlike my father."**

Kidnapped and Tortured, Ximena Flees for Safety

Sometimes it takes the force of an entire team to ensure that a client gets their fair day in court. After fighting her case for three years both in and out of detention, Ximena was recently granted asylum. Her victory can be credited to a number of factors: the dedication of past and present Florence Project attorneys, the unwavering support of our social work team, and Ximena's resilience throughout the process.

Ximena was violently assaulted and raped in Mexico by cartel members. When she reported the incident to the local Mexican police, she became the target of one of the most violent cartels in Mexico. **"The police told me that I would regret having filed the report and that I would have to pay the price for what I had done,"** Ximena recalled. She was lucky and barely escaped her kidnappers, fleeing to the border to ask for asylum. Ximena was sent to immigration detention in Eloy, Arizona.



When Florence Project staff met Ximena in Eloy, her mental health was deteriorating. She had suffered from depression and anxiety for many years, and was diagnosed with bipolar disorder while detained. Since there is no public defender system in immigration court, she represented herself in court for a year, before an immigration judge determined she was not competent to do so. Thankfully, the Florence Project was able to represent her and worked hard to prepare her for her final hearing. Sadly, the judge denied her asylum claim.

While this may have represented the end point for many immigrants in detention, Ximena refused to give up on her case. The Florence Project helped her appeal the decision and a higher court agreed that the judge should reexamine the case. As her case continued, Ximena struggled in detention. She was put in segregation on multiple occasions and attempted to commit suicide three times. With the help of a local community visitation group, arrangements were made for Ximena's children, who had emigrated to the U.S. years before, to visit her regularly. Her children were her only source of hope in detention: **"[My children] gave me the strength I needed to continue fighting my case until the end."**

As time passed, Ximena's chances of freedom continued to look bleak. The judge had first granted Ximena a \$50,000 bond, stating that she was a flight risk. He later reduced it to \$20,000, still staggeringly high for her family to pay. During her third bond hearing, Florence Project

"As with so many of our clients, we are able to renew our strength to keep fighting for people like Ximena because of what they teach us about the depths of resilience."
—Florence Project Staff



attorneys asked the judge to release her on parole without bond. This time, thanks to our attorneys' fierce advocacy, Ximena was finally released on parole and allowed to fight her case from outside of detention. **She was released a few days before Christmas, after enduring two and a half years of detention.**

Once released and reunited with her children, members of our social services team accompanied Ximena as she made her transition. They connected her with local

social services, helped her find the right medication, and provided a constant source of emotional support. Meanwhile, attorneys continued to spend countless hours preparing for Ximena's final asylum hearing.

During her final hearing, Ximena testified confidently about her experiences in Mexico and her fear of returning. When the judge finally granted her asylum at the end of the hearing, Ximena was in shock and thrilled.

Just and Equal Treatment for People with Mental Illness

The Florence Project has a long history of assisting people with severe mental health issues. In recent years, our direct representation of individuals with serious psychosocial conditions has grown exponentially.

Prior to 2013, even if someone was found to be incompetent, they were still expected to represent themselves in immigration court if they could not afford a private attorney. However, in April 2013, a class action lawsuit, *Franco-Gonzalez v. Holder*, significantly changed that by expanding the legal protections for certain people detained in ICE custody and suffering from serious mental disorders. In *Franco-Gonzalez*, a District Court ordered the federal government to provide appointed counsel at government expense to individuals who were (1) found to be incompetent to represent themselves as a result of a serious mental disability or defect, (2) unrepresented by private counsel, and (3) detained in ICE custody in either California, Washington, or Arizona. The federal government then established the National Qualified Representative Program (NQRP)

in certain immigration courts throughout the country to provide enhanced protections to detained immigrants that have serious mental health disorders or conditions that render them incompetent to represent themselves. The goal of these initiatives is to increase fairness in immigration proceedings.

Since 2013, we have represented nearly 100 individuals who the Immigration Court deemed incompetent to represent themselves.

Today, the Florence Project has a dedicated team who provides direct representation and social services to individuals who are found to be incompetent as a result of their serious mental health conditions under both the *Franco-Gonzalez* injunction as well as under the broader umbrella of the NQRP. As a result, clients like Ximena now have an opportunity to receive legal representation and are not forced to navigate a complex immigration system on their own.

Save the Date!

You are cordially invited
to the Florence Project's
**ANNUAL PRO BONO
APPRECIATION EVENT**

October 26th, 2017
5:30 pm to 7:00 pm

Generously hosted by Quarles & Brady, LLP:

One Renaissance Square
Two North Central Avenue
Phoenix, Arizona 85004



Please R.S.V.P. to Greer Millard
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Cecilio's Story: Protecting Children from Returning to Abuse, Neglect, and Abandonment

Cecilio grew up in San Sebastián, Guatemala. **Throughout his childhood he endured constant physical and psychological abuse at the hands of his father.** Cecilio recalled the way his father's alcoholism kept the family in a perpetual state of instability. Every time his father got a paycheck, he immediately spent it on alcohol and would disappear for days. Upon returning home, he would beat Cecilio, his mother, and his siblings. With little to no money coming in, Cecilio was forced to start working at the age of 10 to support his family. He would go to school in the morning and work in the fields in the afternoon. **Cecilio hoped that the Guatemalan authorities would punish his father for his abusive behavior, but the**



local police failed to protect Cecilio's family. On three separate occasions the police were called to arrest Cecilio's father after violently beating his mother in public, and on each occasion the police released his father after one night in jail.

When Cecilio was 15, he escaped his father's abuse and fled Guatemala in search of safety. On his way north, he was abducted by smugglers, who locked him in a house full of migrants near the border and detained him for a month. "I wondered if I would ever get out," he said. "I had no contact with my family." The smugglers finally released him, and he crossed the border. He was apprehended by immigration authorities and sent to a shelter for unaccompanied immigrant children. Cecilio was finally sent to live with his aunt and uncle in Phoenix, with a pending immigration case.

Upon arriving in Phoenix, Cecilio, a minor, represented himself in his first court hearing. He recalled feeling terrified as he stood alone in front of the immigration judge. Fortunately, Cecilio connected with the Florence Project, and we were able to represent him. Florence Project attorneys applied for Special Immigrant Juvenile Status for Cecilio, a protective status for abused, abandoned, or neglected children. Cecilio won his case, after nearly two years of fighting, and is now reunited with his mother and eligible for a green card. **"I couldn't believe I was finally a resident," he said. "It felt like a dream."**



Florence Project: Protecting Children for Nearly 20 Years

Nearly three decades ago, Congress created Special Immigrant Juvenile Status (SIJS) to protect unaccompanied minors who have suffered abuse, abandonment, or neglect. The process itself requires that a state court find that the child cannot reunify with one or both parents in light of the mistreatment they have suffered, and it is not in the best interest of the child to return to their home country.

Nearly 90% of unaccompanied minors who qualified for SIJS won their case when represented by a Florence Project staff attorney.

The Florence Project has served brave, inspiring children like Cecilio for nearly 20 years, pioneering SIJS cases in Arizona court proceedings. With your support, staff will be able to continue this important work. **Thank you!**

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1. By giving to the Florence Project you can receive up to \$800 (married couples filing jointly) or \$400 (individuals) in tax credit.
2. The Charitable Tax Credit may be taken in addition to the public school tax credit and the private school tax credit, and may qualify for a federal tax deduction.
3. No itemizing is necessary to take advantage of this tax credit!
4. This means you can reduce the amount you owe or increase your refund by the amount you give to the Florence Project.
5. Your Charitable Tax Credit donation will provide the gift of freedom and safety to thousands of detained immigrants.