

Building the Resistance: Innovation Law Lab Impact Report

Massive Collaborative Representation

Creating a Counterstructure

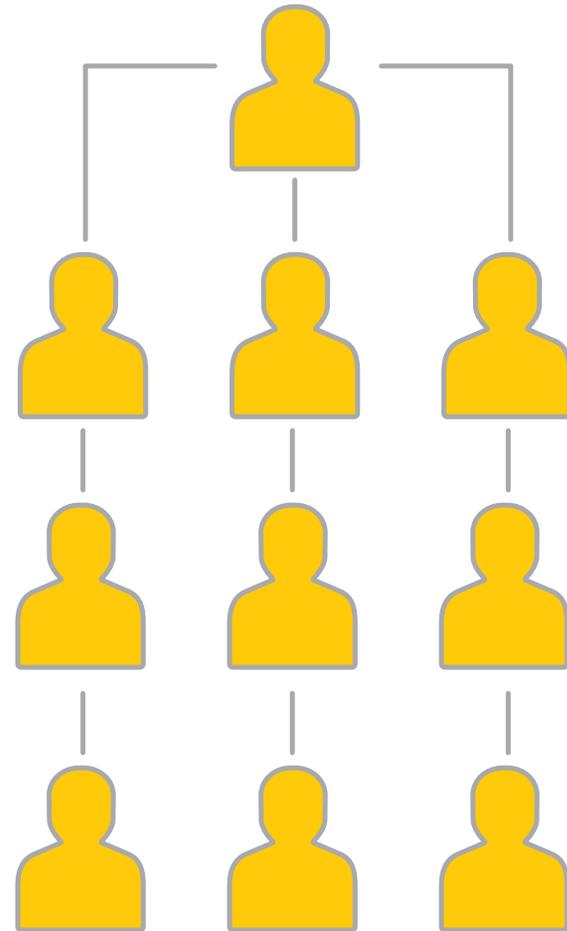
The mass incarceration and deportation of immigrant communities of color has long been underway in the United States. With the election of President Donald Trump, what few safeguards existed for immigrants and refugees are now under attack. The need for scalable models and sites of resistance is greater than ever before.

The Innovation Law Lab was founded in 2014, in response to the rumors that hundreds of mothers and children were being held in a remote detention center in Artesia, New Mexico. Many of them traveled to the United States from Central American countries, where a number of factors have contributed to a wide-scale humanitarian crisis.

“The need for scalable models and sites of resistance is greater than ever before.”

The only way a small group of volunteer attorneys could provide legal representation to the hundreds of families in Artesia, New Mexico, was to think creatively. The traditional pro bono representation model, where one lawyer takes one or two cases, was not going to work in Artesia.

In partnership with some of the best legal minds, software engineers, and immigrant advocates in the country, we created a model called Massive Collaborative Representation (MCR) to provide effective and scalable legal representation to the families in Artesia. MCR relies on data analytics to pinpoint what lawyers actually do to win cases, then converts those findings into highly replicable processes that can be delegated across multiple lawyers and volunteers.



MASSIVE COLLABORATIVE REPRESENTATION (MCR) uses data analytics to pinpoint what lawyers do to win cases, then converts those findings into replicable processes that can be delegated across multiple lawyers and volunteers.

Financial Times named Stephen Manning, founder and executive director of the Innovation Law Lab, the 2017 North American Legal Innovator of the Year in recognition of his pioneering work in the field of immigration law. *Financial Times* noted, “his work in creating a large pro bono network to defend refugees in the US was impressive, but what swung the judges were the technology and data analytics behind the project.”

LawLab

At the heart of MCR is LawLab, our powerful proprietary case management software. LawLab breaks down strategy into tasks, and delegates the tasks across a network of “on-the-ground” and remote volunteers. LawLab also collects data, which can be used to refine processes and provide a narrative to counter the government’s practice of mass detention.

“98% of all clients represented were able to successfully request asylum and win freedom from detention.”

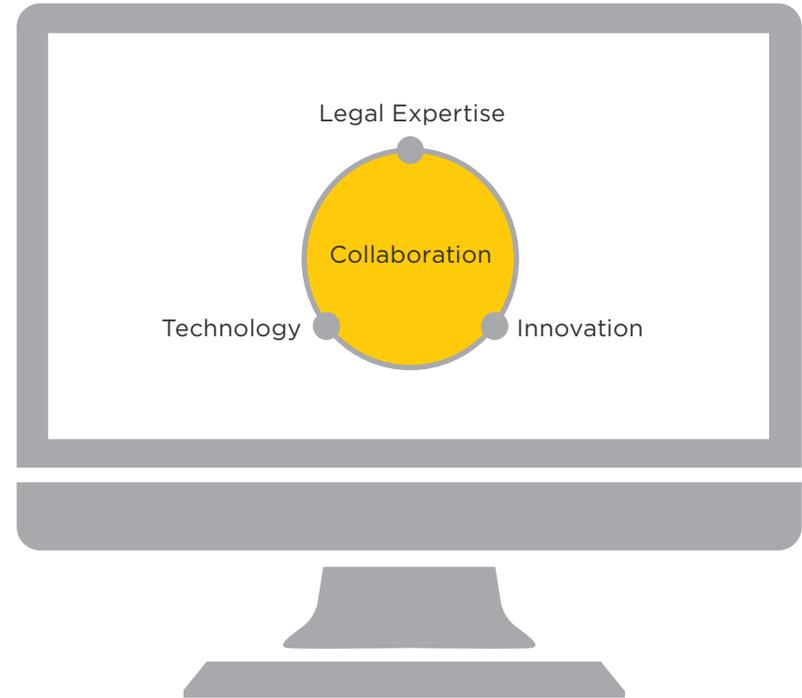
The application of MCR to family detention has proven to be extremely successful. Before its implementation, nearly every mother with children sent to a detention center was eventually deported. Before the family detention center in Artesia was ultimately closed, 98% of all clients represented were able to successfully request asylum and win freedom from detention.

The MCR model continues to yield successful outcomes in family detention. Our friends at the Dilley Pro Bono Project, the Karnes Pro Bono Project, and the Berks Pro Bono Project all use LawLab and MCR to advocate for the release of thousands of families each year, with success rates that hover around 98%.

LawLab is also used by many other nonprofit organizations and private immigration law firms throughout the country. Revenue generated from LawLab subscriptions supports the Innovation Law Lab’s programs.

“Grassroots Leadership runs a community-based immigration crisis hotline. In a difficult and stressful time, it is a relief to know we can simply count on LawLab to make everything easier in providing our community with resources and support.”

—Sofia Casini (Immigration Programs Coordinator, Grassroots Leadership)



LAWLAB is our case management and analytics software built to win cases, scale representation, and aggregate data with an eye toward system-wide change.

Centers of Excellence

The Centers of Excellence initiative was created to sustain and revitalize judicial ecosystems across the country, to assure that every meritorious asylum case wins.

“Asylum-free zones create a severe regional inequality within what is supposed to be a national asylum scheme with international humanitarian roots.”

Not all immigration courts are created equal. In mid-2016, we began to analyze which immigration jurisdictions families settled in after being released from detention. Towards the top of the list were the Atlanta and Charlotte immigration jurisdictions, notorious for asylum denial rates far above the national average. Dubbed “asylum-free zones,” data from the Transactional Records Access Clearinghouse (TRAC) at Syracuse University show that asylum is denied in over 80% of cases heard in these jurisdictions.

The existence of asylum-free zones has serious national implications, especially under the Trump Administration, which is pushing to make the practices of these jurisdictions the norm, not the exception. Asylum-free zones create a severe regional inequality within what is supposed to be a national asylum scheme with international humanitarian roots. This differential treatment of asylum seekers has no legitimate basis; denying them equal protection before the law is arbitrary and cruel.

In Phase One, Centers of Excellence engage local community organizations, pro bono lawyers, and experts (e.g. country condition researchers, mental health practitioners) to provide skilled representation to asylum seekers and collect data. In Phase Two, national immigration experts work with the local legal community to prepare, file, and defend lawsuits that challenge immigration court practices and rulings that defy legal precedent and the law of asylum.

As of March 2018, we have four fully operational Centers of Excellence located in Atlanta, Georgia; Charlotte, North Carolina; Kansas City, Missouri; and Portland, Oregon. This report expounds on the unique challenges each of these regions face, and the tactics we have implemented to champion and restore the rule of law.



DEFENDING IMMIGRANTS, PROTECTING LIVES

The countries of Honduras, Guatemala, and El Salvador make up what’s known as the Northern Triangle. Violent and merciless gangs control parts of this area, leaving many families with no choice but to comply, die, or flee. As violence has risen in the Northern Triangle, so too have the number of asylum cases from these countries.

	Atlanta	Charlotte	Oregon	Kansas City	Total
# Cases Currently Represented	12	16	19	21	73
# All Family Members	37	49	27	46	159
# Children	21	30	15	25	91
Lawyer Engagement					
Collaborative Conferences	6	5	3	3	17
All Vanguard Attorneys	34	31	25	16	106
Attorneys Trained	50	55	125	66	296

Atlanta Restoring the rule of law



“Practically speaking, there is no asylum law within the 100,000 square miles that generally comprise the physical reach of the Atlanta, Georgia Immigration Court.”

Problem

With an asylum denial rate of 98% and one of the lowest representation rates in the country, Atlanta, Georgia is considered to be an “asylum-free zone.” As a December 2016 report to the Inter-American Council on Human Rights (IACHR), co-authored by Stephen Manning of the Innovation Law Lab, put it: “Practically speaking, there is no asylum law within the 100,000 square miles that generally comprise the physical reach of the Atlanta, Georgia Immigration Court.”

Sub-regulatory rules, unpredictable court schedules, and severely biased judges discourage attorneys from taking asylum cases, leaving some of the most vulnerable in the community to fend for themselves.

Between 2014 and 2017, over 4,000 asylum-seeking women with children were in removal proceedings in Georgia. Over 2,500 did not have legal representation. As of the end of 2017, only 133 had been granted some form of relief.

Progress

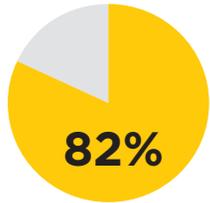
Given the abysmal track record of the Atlanta Immigration Court, the Atlanta Center of Excellence launched in September 2016 with support and close collaboration of many advocacy organizations, law firms, and attorneys. By engaging the existing immigration law community and bringing more pro bono attorneys into the fold, we are advocating for more just outcomes for asylum seekers in the region.

To date, the Atlanta Center of Excellence has organized six Collaborative Conferences, which included opportunities for Continuing Legal Education. Over 50 attorneys have been trained, and currently a dozen cases have been assigned pro bono legal representation.

The Atlanta Center of Excellence has placed a strategic emphasis on mental health. The Center for Victims of Torture has generously provided psychological treatment for many of our clients. In partnership with the Center for Victims of Torture, we have planned and organized trainings for lawyers on the importance of engaging mental health providers when representing asylum seekers, and of the effect trauma can have on a client’s ability to recount past events. We are now in communication with the American Psychological Association (APA) around their efforts to create an accessible database of mental health providers willing to assist with immigration-related cases. The APA will launch these efforts in Georgia and New York this year, with plans to expand to other parts of the country.

Given the exceptionally high rate of asylum denial in the Atlanta Immigration Court, it will take appeals and impact litigation to move the needle. So far, three cases represented by vanguard attorneys of the Atlanta Center of Excellence have been denied asylum by Judge Earle B. Wilson, who ranks among the harshest immigration judge in the country. From 2014 to 2017, he ranked 3rd in terms of number of denials (over 1,000) and ranked 6th in terms of percentage of cases denied (97.8%). The cases denied by Judge Wilson have been appealed to the Board of Immigration Appeals (BIA) and we are awaiting their decisions.

Charlotte Countering abuse of power



Between 2012 and 2017, Charlotte's immigration judges denied 82% of asylum cases.

36%

of cases of women with children **WITH** legal representation, received final orders of removal.

81%

of cases of women with children **WITHOUT** legal representation, received final orders of removal.

Problem

Though it is one of the newest immigration courts in the country, established in 2008, the Charlotte Immigration Court ranks among one of the most hostile to asylum seekers. Between 2012 and 2017, Charlotte's immigration judges denied 82% of asylum cases.

- In the past nine years, the Charlotte Immigration Court has heard the cases of 7,150 women with children.
- 65% of women with children who appeared in the Charlotte Immigration Court had no legal counsel.

Not only have the Charlotte immigration judges been denying asylum at a rate far above the national average and issuing in absentia removal orders for asylum seekers who miss court dates, they also have a history of making disparaging comments about asylum seekers, and discouraging attorneys from taking asylum cases, and encouraging asylum seekers to abandon their claims and request "voluntary" deportations. The intimidation of attorneys has made it even more difficult for asylum seekers to find legal representation, let alone pro bono representation.

Progress

The first step in revitalizing the Charlotte Immigration Court is to strengthen the attorney base. Since the inception of the Charlotte Center of Excellence in November 2016, the Innovation Law Lab has invested in developing a strong mentorship and training model for pro bono attorneys new to asylum law.

Over 50 attorneys have been trained through the Charlotte Center of Excellence, and those lawyers are now providing pro bono representation for 16 asylum cases, with plans to place more in the near future. As a result of case placements, 13 clients have been able to successfully submit I-589 applications for asylum thus far.

Trainings are an important component of bringing together local immigration attorneys and advocates to collaborate on cases and share their experiences in court. The Charlotte Center of Excellence regularly holds Continuing Legal Education trainings that have equipped lawyers to better interface with their clients, all of whom have been affected by trauma and violence and sometimes struggle to share their stories.

By training lawyers and holding judges to legal statutes, we are making progress in transforming this "asylum-free zone." In mid-2017, one of our local collaborators successfully argued and won their client's asylum case, by drawing from case law on domestic violence victims from Central America. According to those present, the judge reluctantly granted asylum, stating "I can't get around ARCG [case law that protects survivors of state-sanctioned domestic violence] on this one."

"Some years ago, [Judge Stuart Couch] urged the disbarment of several attorneys for bringing what he saw as frivolous asylum cases, a decision that was upheld by disciplinary authorities. He requires asylum seekers to include a statement of their legal argument when they first submit their application — even those who have no lawyer. In a recent hearing, he rejected an application from a young lawyer because it did not have an index in the style specified in the practice manual." (Washington Post)

Kansas City Creating a safety net



1,165 families facing removal proceedings without legal representation in 2017

Problem

Over the last five years, the Kansas City Immigration Court has only granted asylum in 31.9% of cases, a rate far lower than the national average. This court consists of three judges who hear cases from across Missouri and Kansas. The number of women and children facing removal proceedings without legal representation has risen substantially since 2014, to an estimated 1,165 families in 2017.

The region has also seen an increase in the detention of immigrants by ICE. Those arrested are taken to ICE-contracted county jails, where options for legal support are extremely limited. Only one non-profit organization provides removal defense, and no “Know Your Rights” presentations exist. Families on the outside are left scrambling to find a private attorney and raise money for bond. An overwhelming number of immigrants pursue bonds without representation, placing them at higher risk for deportation.

While the number of immigration-related cases in the area continues to rise, there are very few options for legal representation. Only a handful of nonprofit organizations provide pro bono or low bono asylum representation, and securing a private attorney averages between \$3,000 to \$10,000 in legal fees, a sum that is unaffordable for many.

Many asylum-seeking families in this region live in rural communities, placing them at an even greater disadvantage. Some drive over six hours to attend regular ICE check-ins, attorney meetings, and hearings.

The need for a safety net is clear.

Progress

With the partnership of local attorneys and advocates, the Innovation Law Lab has started to build a much-needed safety net for asylum seeking families in the Kansas City Immigration Court jurisdiction.

Since its inception in June 2017, the Kansas City Center of Excellence has placed over 20 asylum cases with pro bono attorneys. Our clients hail from a number of countries, including Haiti, Honduras, and Nigeria.

“Since its inception in June 2017, the Kansas City Center of Excellence has placed over 20 asylum cases with pro bono attorneys.”

The Kansas City Center of Excellence has facilitated training and tactical support for attorneys who want to provide pro bono representation. We are empowering non-immigration attorneys to support their immigrant neighbors by taking asylum cases.

The Innovation Law Lab is consulting with the Deportation Defense Legal Network (DDLN) to organize the first pro bono bond project in Kansas City. Attorneys that volunteer through DDLN will accompany immigrants in detention centers to bond hearings and advocate for their release.

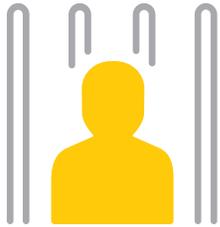
In March 2018, the Kansas City Center of Excellence celebrated its first major victory in court. A mother and daughter from Central America were granted asylum, an outcome that speaks to the strength of the collaborative efforts in Kansas City. The family was represented by Kelly Hewitt of Hoppock Law Firm, an experienced immigration attorney who has played an invaluable role in training local pro bono attorneys new to asylum law.

“The Kansas City Center of Excellence structure and method makes my work more efficient and gives me confidence that I am well-supported at each stage of the representation. This has allowed me to increase the number of pro bono cases I am working on, and invite some of my colleagues to take on asylum cases for the first time.”

—Ryan S. Lincoln (Shook, Hardy & Bacon)

Portland Raising the bar

Oregon is home to the Innovation Law Lab. We are strongly committed to ensuring that the Portland Immigration Court continues to rule fairly and justly, and that our immigrant neighbors have access to legal representation. We are part of a cohort of Oregon-based organizations that are building a blueprint for universal representation, which would provide immigrants in deportation proceedings with an attorney. We are also part of developing and ongoing litigation, including a lawsuit challenging the use of the Northern Oregon Regional Corrections Facility (NORCOR) to detain immigrants on behalf of ICE.



25%

increase in ICE arrests in the Pacific Northwest from 2016 to 2017

Problem

The Portland Immigration Court has long been considered a model for the rest of the country, with asylum grant rates more favorable than the national average. However, in this new era of increased immigration policing and pressure on judges to expedite decisions, the Portland legal ecosystem is under threat.

Despite Oregon's decades-long designation as a sanctuary state, a recent report by the Pew Research Center found that ICE arrests in the Pacific Northwest rose by 25% from 2016 to 2017. Furthermore, two county jails have lucrative federal government contracts to hold immigrants detained by ICE, which critics argue is in direct violation of Oregon's sanctuary state law.

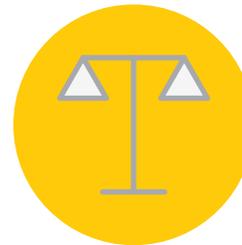
Progress

The Portland Center of Excellence was organized in March 2017 to sustain our legal ecosystem and fill a void in pro bono representation for the most vulnerable families in our community.

Several Portland-based organizations and attorneys rapidly responded to our call to action. By the end of 2017, over 100 lawyers were trained in asylum defense, and 25 lawyers accepted asylum case assignments through the Portland Center of Excellence.

Key to our success is the partnership of our local legal and nonprofit community. We were honored to be co-shortlisted with Perkins Coie at the 2017 *Financial Times* Innovative Lawyers Awards - North America in the category of "Innovation in Rule of Law and Access to Justice." Perkins Coie has championed our efforts, from encouraging its Portland-based attorneys to take on asylum cases through the Center of Excellence, to assisting in the development of our Centers of Excellence program, to providing meeting space for trainings and case placement conferences.

We are intentionally organizing a cohort of attorneys that is well-equipped to defend the rights of immigrants to due process, assuring that asylum seekers continue to receive fair trials in the Portland Immigration Court. Successful processes can then be exported to other immigration jurisdictions across the country.



100+ lawyers trained in asylum defense in 2017

BorderX

Problem

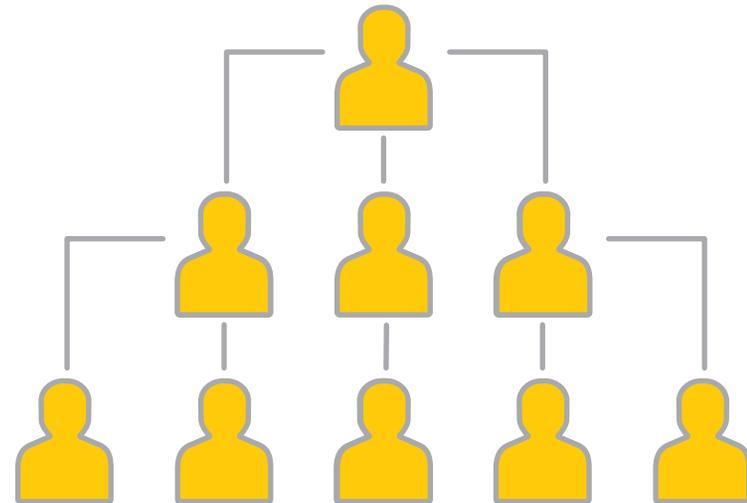
The practice of detaining immigrants is unnecessary, costly, cruel, and legally dubious. At any given time, there are over 30,000 adults incarcerated in immigrant detention centers across the United States. Detention centers operate on the fringes of the rule of law, the embodiment of the 21st century criminalization of immigrants and refugees.

Lucrative contracts to detain immigrants, inconsistent rulings from immigration judges, a marked lack of legal representation, and the Trump Administration's anti-immigrant rhetoric and directives have created a system in which it is nearly impossible for those held in immigrant detention to get out. Requests for parole are being denied at a rate higher than ever before, and in the rare occasions when parole is granted, bonds are often set prohibitively high, resulting in a de facto policy of "no parole."

Detention centers are notorious for human rights violations, including forced labor, sexual assault, denial of urgent medical treatment, and solitary confinement. Many immigrants in detention are faced with the choice of enduring months, possibly years, incarcerated in the hopes they will eventually be granted permission to stay in the United States, or abandoning their cases and choosing to be deported, oftentimes to countries they were forced to flee.

There are few options for legal representation for individuals in detention centers, particularly those without means, making their odds of being released or winning their cases very slim. Currently, very few attorneys are submitting parole requests and very few detention centers have dedicated pro bono support to represent detained persons for bond or merits hearings.

Detention as the primary form of immigration enforcement is a recent phenomenon in the United States. The mass detention of immigrants should not be the norm; according to the law, the vast majority of immigrants should not be detained. If every immigrant were given a fair bond hearing, and if every judge adhered to the law, immigrants would be released from detention and this pernicious system would collapse.



Designing a Solution

BorderX is our venture to design and deploy scalable, effective legal strategies to win release from detention, and in doing so, challenge the unfair power dynamic that exists in the United States immigration system.

BorderX relies on collaboration between nonprofit organizations, private immigration attorneys, and volunteers. LawLab software makes it possible for case strategy to be divided into tasks and delegated across a network of volunteers and staff, enabling attorneys to spend more time on the most high-value tasks and represent more clients.

Drawing from successful requests for release and case law, the Innovation Law Lab has created processes and templates that guide the collection of client information and make sound legal arguments. The end result is a thoroughly researched, thoughtful claim.

Beyond winning individual cases, data aggregated through BorderX can be used to launch impact litigation and advocacy campaigns.

The Pilot

In the fall of 2017, BorderX was launched in two locations: El Paso, Texas where we work with individuals held in the El Paso Processing Center, the Otero County Processing Center, and the West Texas Detention Facility; and Milan, New Mexico where we work with individuals held in the Cibola Detention Center. Strong relationships with organizations already doing immigration legal representation and advocacy work in the area made these locations ideal for piloting BorderX.

We are assisting with test cases in multiple detention centers in Southern California, including the Adelanto Detention Center, the James A. Musick Facility, and the Otoy Mesa Detention Center. We collaborated with attorneys in Southern California to win release and bond for several individuals detained in these facilities.

Cibola Detention Center

Formerly a federal prison operated by CoreCivic, a private prison company. In July 2016, the Federal Bureau of Prisons canceled its CoreCivic contract after multiple inmate deaths due to medical negligence came to light. Within three months, CoreCivic, Cibola County, and ICE decided to repurpose the prison as an immigrant detention center.

The early months of BorderX have been focused on implementing LawLab systems and establishing strong working relationships with collaborators and volunteers, as well as deepening our understanding of the unique challenges of the adult detention system and tailoring our processes accordingly.

Over the next three years, we intend to identify, train, and collaborate with nonprofit organizations in other regions of the country, and grow the number of BorderX sites from two to 15. We will continue to collect data, collaborate with legal service providers and advocacy organizations, and seek opportunities to mount impact litigation.



Client Story: Jesus Enrique Rodriguez Mendoza

One of our first BorderX clients was Jesus Enrique Rodriguez Mendoza, an HIV-positive asylum seeker from Venezuela. Despite passing his Credible Fear Interview in May 2016, an important first step in the asylum process, and being eligible for release, he continues to be held in detention. In December 2017, he staged a seven-day hunger strike, protesting the inhumane conditions of detention and substandard medical care. In retaliation, ICE placed him in solitary confinement, where he remained for 50 days.

Before he was represented through BorderX by Linda Rivas, executive director managing attorney at Las Americas Immigrant Advocacy Center, he had written over 30 requests to meet with his ICE parole officer—all of which were ignored or denied. The Innovation Law Lab and Las Americas Immigrant Advocacy Center have collaborated with a number of national advocacy organizations to elevate Jesus's case in the press and on social media.

Now, in a new effort to punish Jesus for advocating for his legal and human rights, ICE has transferred Jesus to another detention center in a different state, separating him from his lawyer and jeopardizing his health. April 28, 2018 will mark one year in detention for Jesus.

Acknowledgments

Get involved at InnovationLawLab.org

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KANSAS CITY, MISSOURI CENTER OF EXCELLENCE

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BORDERX

Border Immigration Council

Detained Migrant Solidarity Committee

Diocesan Migrant and Refugee Services

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Las Americas Immigrant Advocacy Center

New Mexico Immigrant Law Center

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Santa Fe Dreamers Project

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