



PAIR Newsletter – Fall 2016

STAFF NEWS

Dearest volunteers,

Happy *Pro Bono Month!*



As many of you know, PAIR was fortunate enough to receive the Cummings Foundation’s “**100K for 100**” grant this summer, enabling us to hire a legal assistant to support the Asylum Program. **Jennifer Reyes** joined PAIR this September as a part-time legal assistant. Jenn has been working on asylum intake, legal orientation for detained and non-detained asylum-seekers, interpreting, and translating. She looks forward to working with you.

We welcome our fall intern, **Jane L. Vukmer**, of the University of New Hampshire School of Law. We thank our excellent summer interns **Anashua Dutta**, of Georgetown University, **Mikaela Wolf-Sorokin**, of Carnegie Melon University, **Connor Vasu**, of Duke University, and **Kelly Morgan**, of Boston College Law School, for their hard work, enthusiasm and invaluable assistance to PAIR clients. Many thanks also to **Jamal Tulimat** who spent the month of August helping PAIR with the asylum and detention programs. We are thrilled that our Access to Justice Fellow, **Michael Diener**, a former partner of WilmerHale, has extended his fellowship for another year.

PAIR’s Executive Director is a *Top Women of Law* Honoree



Anita P. Sharma, PAIR’s Executive Director, was selected by Massachusetts Lawyers Weekly as an honoree of its “*Top Women of Law*” annual awards event, on October 27, 2016 at the Marriot Copley Place Hotel in Boston, MA. Anita, along with 49 other Top Women honorees, was recognized for her outstanding accomplishments in the legal community. Each year Lawyers Weekly honors women attorneys who have made tremendous professional strides and demonstrated great accomplishments in the legal field, which includes: pro bono, social justice, advocacy and business. See full [media release](#).

PAIR Pro Bonos from Nixon Peabody Featured in the BBA's *Beyond the Billable*

Nixon Peabody's Hannah Bornstein & Troy Lieberman were featured in the [Boston Bar Association's *Beyond the Billable*](#) for their pro bono work with PAIR and efforts on behalf of PAIR clients. We are privileged to work with such wonderful volunteer attorneys.

Running for PAIR – 2017 Boston Marathon

PAIR is delighted to announce that John Hancock has awarded us two bibs--guaranteed entries--for the 2017 Boston Marathon. This means that you don't need to have a qualified time to run this historic race. We'd still love to have you on the team! Selected runners commit to raise \$8,000 for PAIR. If you'd like more information, please contact Amy Mercure at PAIR (amercure@pairproject.org). Not up for a 26.2 mile jaunt but still want to help? Support [Team PAIR here](#).

Listen to PAIR's Elena Nouredine on *All Things Considered*



Every year, thousands of immigrants enter the United States seeking asylum. They are often fleeing persecution in their home countries. Listen to [WGBH All Things Considered](#) host Barbara Howard's interview with PAIR's Elena Nouredine about the struggles detained asylum-seekers face. (Original air-date was 8/30).

Like PAIR on Facebook



If you support PAIR's work, please support PAIR's social media campaigns and like us on Facebook! Every click helps to spread the word on protecting asylum-seekers immigrant rights.

MAKE AN IMPACT

I Make Justice Happen!



Happy Pro Bono Month to all our generous volunteers and PAIR supporters! We would not be able to accomplish as much as we do without you. If you are interested in taking on a new pro bono project this month, please [contact us](#). Also, look out for the various pro bono trainings we offer. Many thanks to all the Team Captains and supporters of the [I Make Justice Happen](#) associates drive who raised over \$7,500 this month for PAIR client services!

It's not too late to give to the PAIR fundraising drive. For more information on the [I](#)

Make Justice Happen campaign, visit the [PAIR website](http://www.pairproject.org): www.pairproject.org. Help your firm take the lead on making justice happen for PAIR clients.

Call for PAIR *Pro Bono* Attorneys

You can make a difference. A Georgetown national study of hundreds of thousands of asylum cases found that asylum applicants with counsel were **five times** more likely to be granted asylum than unrepresented applicants. The PAIR Project has several compelling cases that require *pro bono* representation before the Asylum Office and Immigration Court. If you are interested in taking a case, please contact **Anita Sharma** (asharma@pairproject.org) for more information.

Access to Justice Project Intake Project

With continued budget cuts, many local non-profits have closed or greatly reduced community asylum intake. PAIR plays an increasingly important role in coordinating efforts to serve new asylum-seekers, leveraging *pro bono* services through Massachusetts law school clinics, Boston law firms, and local private bar associations to conduct asylum screening. Recently, PAIR has been scheduling asylum-seekers for intake at the PAIR office. But we are limited by the number of volunteers who can help to screen. Coordinating community intake has been challenging given PAIR's limited resources and has strained our capacity to accept new cases. If you are interested in assisting PAIR with asylum intake (either at the PAIR office or at one of our community asylum intake clinics), please contact [Seth Purcell](#).

LOCAL AND NATIONAL LEGAL UPDATES

New USCIS Asylum Procedures Manual



The Asylum Office's [AFFIRMATIVE ASYLUM PROCEDURES MANUAL \(AAPM\)](#) has been updated. The manual provides information on how to process an affirmative asylum application within an Asylum Office and is useful to review as you prepare your client for an asylum interview. Please see [USCIS](#) for more information.

New Biometrics Procedures for Defensive Cases

USCIS has confirmed that biometrics for court cases will be run automatically. There is no need to do an InfoPass for clients who have previously submitted biometrics. Attorneys should work with ICE to determine the proper process for the refreshing of fingerprints for applicants in EOIR proceedings.

If you have an upcoming hearing, call the Office of Chief Counsel (OCC), 617-565-3140, and ask if the office is able to run your client's biometrics. If you have a case where your client has never had biometrics, you should request a biometrics appointment by mailing

a request to USCIS or making an InfoPass appointment. Once biometrics have been processed and are entered into the system, then ICE will run biometrics as needed.

DOJ Changes Rule on Defensive I-589s filings



As of October 2016, defensive applications for asylum may be filed directly at the clerk's window or by mail. They are **no longer required to be filed in open court** at a Master Calendar hearing. This applies to all Form I-589s, regardless of whether the application is for asylum, withholding of removal, or protection under the Convention Against Torture." Please click [here](#) to review the DOJ's guide on filing at the immigration court.

Boston Asylum Sub-Office Delays

As most of you know, due to the diversion of an increasing number of asylum officers to conduct protection-screening interviews for persons arriving at the border, there are terrible backlogs in the scheduling of asylum interviews. Currently, the Boston Office is scheduling June 2013 I-589 receipts for interview. Please see [USCIS Processing of Asylum Cases](#) for more information.

Nepal TPS Extended



USCIS has extended Temporary Protected Status (TPS) designation for Nepal. This allows eligible nationals of Nepal (or persons without nationality who last habitually resided in Nepal) to re-register for TPS, from October 26, 2016 through December 27, 2016. For more information and for all relevant filing dates, visit the USCIS.gov.

Submitting Supplements and the Boston Asylum Office Drop Off Hours

If you need to supplement your client's asylum application after submitting the I-589, you should submit all supplementary materials to the Asylum Sub-office **three (3) business days** before the interview. Walk-in hours for document SUBMISSION ONLY are Monday – Thursday, from 8:30 a.m. – 12:00 noon. Walk-in hours for inquiries (including document submission) are on Fridays, from 8:30 a.m. to 12:00 NOON. The filings of documents on M-TH will take second priority to applicants being checked in for scheduled interviews. Please be sure that the documents you are filing are properly packaged: *two hole punch at the top, ACCO fastened or binder clips, but please NO binding of any kind, tabs along the left side or the bottom, index, cover-letter, client's full name/A number.*

Syrian TPS Extended



USCIS has extended Syria for Temporary Protected Status (TPS) from Oct. 1, 2016, through March 31, 2018. This allows eligible nationals of Syria (or

persons without nationality who last habitually resided in Syria) to register or re-register for TPS. For more information and for all relevant filing dates, visit [USCIS.gov](https://uscis.gov).

I-589 Filing and number of copies – now original + 1 copy

USCIS has amended the requirement for the number of copies of Form I-589 and related documents. They are in the process of updating the instructions for Form I-589 to reflect this change. USCIS now requires:

- (a) 1 copy of your signed, original Form I-589;
- (b) 1 copy of any supplementary sheets and supplementary statements; you now file in **duplicate**.

For more information see: <https://www.uscis.gov/i-589>.

No Duress for Material Support



In a precedent decision issued, [Matter of M-H-Z-, 26 I&N Dec. 757 \(BIA 2016\)](#), the Board of Immigration Appeals held that the "material support bar" in INA §212(a)(3)(B)(iv)(VI) does not include an implied exception for a noncitizen who has provided material support to a terrorist organization under duress. The BIA thus concluded that, absent a waiver by DHS, a noncitizen who has given material support to a terrorist organization is inadmissible and statutorily barred from establishing eligibility for asylum or withholding of removal, even if such support was provided under duress. If you are working on an asylum case with a material support bar issue, please contact your mentor at PAIR to discuss your client's case.

Asylum Office Rescheduling Update

Due to the large volume of reschedule requests received on the day of interview, the Boston Asylum Sub-Office is updating its policy for requests to reschedule. Under the new, the Boston Sub-Office will no longer grant first-time reschedule requests made on the day of a scheduled interview as a matter of policy. Applicants making a first-time request to reschedule on the day of a scheduled interview will be required to show good cause for the reschedule request. The policy change does not affect rescheduling requests made before the day of the interview, only those made on or after the scheduled interview.

As a matter of Asylum Division policy, the Asylum Office reschedules an interview if it is the applicant's first request for a rescheduling, and the request is received prior to the interview date. If a request to reschedule an interview is made on or up to 45 days after the interview date, or if the interview has already been rescheduled on one (1) occasion, the applicant must establish there was "good cause" for the request. If the request to reschedule is made on or after 46 days after the interview and after a charging document or dismissal by the Asylum Office has been issued, the applicant must establish

“exceptional circumstances” for failure to appear. Prior to determining if the applicant established exceptional circumstances, the Asylum Office must determine whether the applicant’s failure to appear was caused by lack of proper notice.

PAIR ASYLUM GRANTS

PAIR *Pro Bono* Success Stories

Numerous PAIR *pro bono* attorneys have successfully represented asylum clients since our last memorandum. We want to thank you and recognize your excellent work on PAIR asylum cases. We also want to thank those funding this important work: the Massachusetts Bar Foundation, the Boston Bar Foundation, the New England Chapter of AILA, the Lutheran Immigration and Refugee Service, Presbyterian Church, U.S.A., and the Philanthropy Connection.

Liz McMahan, Felicia Ellsworth, Meghan Ingrisano, and Harriet Hoder, of WilmerHale, among many other WilmerHale colleagues, successfully represented a Cameroonian woman who suffered tribal and domestic violence. Client was able to flee to the United States, where she received unparalleled support and commitment from her legal team for more than seven years before she obtained a grant of asylum before the Immigration Court. **Anita Sharma**, of the PAIR Project, mentored the case.

Natasha Aljalian, Kristen Kearney, and Shurid Wadekar, of Goodwin Procter LLP, successfully represented a Ugandan man who had been targeted by government forces for his political beliefs. The client was repeatedly arrested, imprisoned, and tortured because of his support of an opposition political party. The client received outstanding representation from his team at Goodwin Procter LLP and ultimately was granted asylum before the Immigration Court. **Anita Sharma**, of the PAIR Project, mentored the case.

Isabelle Kinsolving Farrar, Nicole White, Amanda Savage, of Ropes & Gray LLP, successfully represented a Somali woman who suffered female genital mutilation and extensive violence due to her gender. Fearing for her life, the client fled to the United States. With the dedicated assistance of her legal team at Ropes & Gray, the client was granted asylum in the Immigration Court. She is now building a new life in the United States for herself and her young child. **Anita Sharma**, of the PAIR Project, mentored the case.

Sarah O’Hearn, of Mintz Levin Cohn Ferris Globsky and Popeo PC, successfully represented an Iranian man who was targeted by the government because of his religious conversion. His conversion was considered apostasy, a criminal act punishable by death under Iranian law. With Attorney O’Hearn’s help, the client’s application for asylum was approved by the Boston Sub Office of the Newark Asylum Office. He now enjoys the freedom to practice the faith of his choosing here in the United States. **Seth Purcell**, of the PAIR Project, mentored the case.

Attorney **Kathleen Kahmann Farrell** successfully represented an unaccompanied minor fleeing harm in El Salvador. Due to the tireless efforts of Attorney Kahmann Farrell, the client was granted Special Immigrant Juvenile status and became a legal permanent resident. **Elena Noureddine**, of the PAIR Project, mentored the case.

George Lester, of Fragomen, Del Rey, Bernsen & Loewy LLP, successfully facilitated the adjustment of status for three Cameroonians whose mother was targeted and tortured due to her political involvement with an opposition party. Attorney Lester's clients were derivative asylees and subsequently applied for and were granted legal permanent residence status. The family continues to build a life together here in the United States.

Elena Noureddine, of the PAIR Project, successfully represented a young Salvadoran girl who suffered physical and verbal abuse at the hands of her aunt, who she was forced to live with after she was abandoned by both of her parents. When the client's grandmother, the only person who tried to protect her throughout her life, passed away, the client fled to the U.S. Thanks to the excellent work of her attorney, the client was granted Special Immigrant Juvenile status.

Jessica Kelly and **Margaret Kelty**, of Sherin & Lodgen LLP, successfully represented a young Salvadoran woman who was forced to endure years of physical and mental abuse by the father of her children. The client was subjected to regular and brutal beatings and she felt powerless to escape. After a particularly severe incident, the client fled to the United States so as to save her own life and the lives of her two daughters. Attorneys Kelly and Kelty provided exemplary legal representation that resulted in a grant of asylum by the Boston Immigration Court for the client and her young children. **Elena Noureddine**, of the PAIR Project, mentored the case.

Jeff Goldman, of the Law Offices of Jeff Goldman LLP, successfully represented a mother and child from Nigeria. Client's husband was politically active in Nigeria, and the family was forced to endure a number of threats and attacks on their lives. Client and her child fled to the United States after the disappearance of her husband. With the outstanding representation of Attorney Goldman, client and her child were granted asylum before the Boston Immigration Court. The family hopes to reunite in the safety of the United States. **Elena Noureddine**, of the PAIR Project, mentored the case.

Casondra Turner-Liwanga, formerly of Goodwin Procter LLP, successfully represented a young Honduran woman who suffered years of physical and sexual abuse at the hands of her former partner. Fearing for her life, the client fled to the United States. Attorney Turner-Liwanga presented the matter to the Boston Immigration Court, and the client was granted asylum. **Seth Purcell**, of the PAIR Project, mentored the case. The client is currently working to reunite with her child in the U.S.

Robin Nice, of McHaffey & Associates, successfully represented a young man from El Salvador who suffered tremendous harm because of his sexual orientation. After coming out as gay, the client was ostracized by his family. The client was then targeted by a local police officer, who kidnapped and brutally abused him on multiple occasions. In

order to find safety, the client fled El Salvador. Attorney Nice expertly prepared and presented the client's case to the Boston Immigration Court, which granted the client's application for relief in late 2016. **David McHaffey**, of McHaffey & Associates, mentored the case

Congratulations to all our generous and dedicated volunteers! If you have a PAIR asylum case grant to report, please send the case information to [Anita Sharma](#).