

Narratives

Executive Summary

EXECUTIVE SUMMARY

The Thomas & Mack Legal Clinic (the "Clinic") at the University of Nevada, Las Vegas, William S. Boyd School of Law will have two AmeriCorps lawyers, who will provide legal services to Unaccompanied Children, build pro bono capacity to support that population, and increase the effectiveness and efficiency of the Las Vegas Immigration Court. By the end of the first program year, the AmeriCorps members will be responsible for providing legal services in the Immigration Proceedings to the projected population of unaccompanied Children in the Las Vegas Immigration Court (the only immigration court in Nevada).

Rationale and Approach/Program Design

II. RATIONAL AND APPROACH DESIGN

A. Problem Need

The proportion of undocumented immigrants in Nevada is the highest in the nation. The Pew Hispanic Center estimated that 7.2% of Nevada's population was undocumented in 2010, compared to 6.8% in California and 6.7% in Texas. The same study found that 10% of Nevada's workforce of 1.367 million workers was undocumented, compared to a national average of 5.2%. Nevada's experience with Deferred Action for Childhood Arrivals (DACA) also indicates that the state is home to a large number of undocumented immigrant youth. As of the first quarter of 2014, USCIS received nearly 10,000 DACA applications from Nevada, which is the twelfth highest in the nation. These statistics suggest that a significant number of unaccompanied minors may end up in Nevada.

The state estimates about 70 cases of unaccompanied minors in removal proceedings before the Las Vegas Immigration Court who will be in need of legal representation. The proposed program will provide legal services to these children and help combat human trafficking. As discussed below, funding a justice AmeriCorps program in Nevada is critical because the state has one of the harshest immigration courts in the country, has very few providers of pro bono legal services and social support for this population, and is a top destination for human trafficking.

One of the Nation's Harshest Immigration Courts

The Las Vegas Immigration Court is one of the harshest in the nation. The Court grants only 20% of asylum cases, compared to a national average of 56%. Nevada also ranks among the top ten U.S. states in terms of the proportion of immigration cases that result in deportation orders. According to the TRAC Immigration Project, 58% of the individuals placed in removal proceedings in Nevada are

Narratives

ordered deported. Among those ordered deported in Nevada, ICE charges fewer than one in three with some type of criminal or national security offense. In other words, over two-thirds of the deportation orders are issued against individuals charged only with immigration violations.

Few Providers of Pro Bono Immigration Legal Assistance

Furthermore, there are few pro bono immigration legal services available in Nevada. Catholic Charities and the Immigration Clinic at UNLV's Boyd School of Law are the only organizations in Southern Nevada that provide pro bono or low bono representation in removal cases. The capacity of both of these organizations is currently quite limited. Catholic Charities has one BIA-accredited representative who is overwhelmed with cases. The Immigration Clinic has two full-time professors and up to six law students each semester. Since the Clinic primarily serves an educational purpose, it does not take a high volume of cases. The other main provider of immigration assistance is the Legal Aid Center of Southern Nevada (Legal Aid Center), which provides pro bono assistance with certain affirmative applications, such as U visas, T visas, VAWA self-petitions, and Special Immigrant Juvenile Status (SIJS), but it does not provide representation in removal proceedings.

Few Organizations that Support Unaccompanied Children

Nevada does not have any organizations that specifically provide support services for unaccompanied immigrant youth. The Salvation Army provides support to victims of human trafficking and frequently refers cases to the Immigration Clinic for legal assistance. There are also a few organizations that serve homeless youth, such as the Nevada Partnership for Homeless Youth, Street Teens, and StandUp for Kids-Las Vegas. Nevada ranks among the top five states with the highest number of homeless youth, according to the National Center on Family Homelessness. About 6,000 homeless youth are enrolled in the Clark County School District, 15% of whom are estimated to be lesbian, gay, bisexual, or transgender. The Gay and Lesbian Community Center of Las Vegas provides special support groups and services directed at youth. Safe Nest is an organization that provides shelter and services to victims of domestic violence, including children.

Top Destination for Sex Trafficking Victims

A risk analysis study by the U.S. Department of Justice rated Las Vegas among the 17 most likely destinations for sex trafficking victims. Nevada's popularity as a destination for sex trafficking may be related to the fact that it is the only U.S. state that allows legal brothels. While prostitution is only legal in counties with populations under 400,000, which does not include Las Vegas, it is common throughout the state. There are nearly 30 legal brothels and 400 prostitutes working legally in Nevada, but the estimated number of individuals engaged in illegal prostitution is at least 10,000. The

Narratives

Las Vegas Metropolitan Police Department (Metro) has recovered 2,229 victims of sex trafficking since 1994. The number of child victims of sex trafficking recovered by Metro increased from 107 in 2012 to 148 in 2013. A study published by Shared Hope International found 400 minors engaged in prostitution on the streets of Las Vegas in May 2007 alone. The U.S. Department of Justice recently awarded Metro a grant of \$500,000 to combat human trafficking in Las Vegas. These funds will help pay vice officers and the salary of the director of the Southern Nevada Human Trafficking Task Force. In addition, Nevada's Attorney General, Catherine Cortez Masto, has made fighting human trafficking a top priority. In 2012, she introduced a bill called AB567, which has passed into law and creates a new crime of sex trafficking, with much harsher sentences for traffickers. These efforts underscore that sex trafficking remains a serious issue in Nevada.

Unaccompanied minors are particularly vulnerable to becoming victims of sex trafficking. They are susceptible to coercion and manipulation by adults who provide money, shelter, and protection. Homelessness also frequently leads minors to enter the sex industry. One study found that 40-70% of street youth engage in prostitution at least occasionally to meet their basic needs. On average, girls first engage in prostitution between ages 12-14, while boys and transgender youth being prostitution around 11-13. Funding a justice AmeriCorps program in Nevada would play a key role in combatting the sex trafficking of children.

B. Evidence Base and Measurable Community Impact

1. Theory of Change and Logic Model

We propose hiring one full-time law school graduate or attorney who will split their time between UNLV's Immigration Clinic and Legal Aid Center. This arrangement will give the justice Americorps member an opportunity to work under the supervision of experienced attorneys in both a law school and legal services setting. The AmeriCorps member will work 35 hours per week for one year. If funded, we plan to continue the program for three years. Both the Legal Aid Center and the Clinic will provide resources to support this intervention.

Core Activities

The AmeriCorps member will focus on three areas. First, he or she will represent unaccompanied minors in removal proceedings before the Las Vegas Immigration Court and BIA. The representation will include preparing applications for asylum, withholding of removal, Convention Against Torture (CAT) protection, U visas, T visas, and SIJS. Some of these applications will need to be filed with USCIS (asylum, U and T visas), while SIJS applications will require appearances in state court. Drawing on the expertise of faculty members, the member will help develop legal theories in asylum

Narratives

and CAT cases based on gender-related persecution, as well as persecution by Central American gangs, which are common issues in cases submitted by unaccompanied minors. The member will attend the Immigration Court's juvenile docket to help screen for cases involving unaccompanied minors. He or she will meet with children in one of the UNLV Clinic's child-friendly interview rooms or at the Legal Aid Center. The member will have workspaces at both locations, as well as access to the Clinic's library, which is full of resources and materials to assist in these types of immigration cases.

Second, the AmeriCorps member will provide outreach and support to victims of human trafficking. This will include screening unaccompanied minors for abuse, trauma, past trafficking, and risk of future trafficking. The member will also ensure that the children receive appropriate medical and mental health care, support from social workers, and support in school, which may include assessments for special education or placement in Limited English Proficiency programs. Furthermore, the member will conduct trainings with local law enforcement agencies, schools, and community organizations about how to identify and assist victims of trafficking.

The Clinic has conducted trainings with Las Vegas Metropolitan Police Department in the past but believes that additional trainings would be useful, based on cases where the police have refused to recognize child victims of trafficking as victims and failed to arrest the traffickers. In one recent case, where a minor victim of sex trafficking with a pending application for a U visa was taken to Mexico without her parent's permission by an ex-boyfriend/pimp, the police speculated that she had just run away and did not treat it as a kidnapping. In another case involving a minor who was forced to work in a massage parlor that was a front for prostitution, the police refused to recognize her as a victim of labor trafficking. These experiences reinforce the need for trainings of law enforcement.

Third, the AmeriCorps member will help build a pro bono network of attorneys in Las Vegas to represent unaccompanied minors facing deportation. Developing pro bono resources would be accomplished in partnership with the Legal Aid Center's Pro Bono Project, which currently has 1,000 volunteer lawyers and places over 800 cases per year. The Pro Bono Project would be the logical place to expand into immigration pro bono work and offers volunteers CLE training and malpractice insurance. Specifically, the member would develop this resource by: (1) giving CLEs to attorneys about removal proceedings and relevant forms of relief for unaccompanied minors; (2) inviting private attorneys interested in pro bono representation to participate in ongoing meetings with nonprofit organizations that provide immigration assistance in Southern Nevada about addressing gaps and streamlining services; (3) reaching out to private firms to encourage them to include and prioritize representation of unaccompanied minors among their pro bono activities; and (4) working

Narratives

with the Immigration Court to facilitate pro bono representation by granting continuances more liberally to allow time to find an attorney and by permitting pro bono attorneys to screen cases in order to identify which children may be eligible for relief. There was previously a pro bono program at the Las Vegas Immigration Court that helped screen for meritorious cases, but it was cancelled after the Court decided to require the attorneys doing the screening to enter appearances in every case.

Available Resources to Support the Intervention

The law school will provide many types of resources to support the intervention. First, it will make available two faculty members, Professors Fatma Marouf and Michael Kagan, who Co-Direct the Immigration Clinic, to provide guidance and supervision to the justice AmeriCorps member. Their qualifications are described in detail in the section on member supervision. In addition to mentorship, the member will receive workspace in the Clinic, the assistance of qualified Spanish interpreters who work at the Clinic, administrative support, and access to the law library. The AmeriCorps member will benefit from being embedded in the Clinic, which is actively involved in removal defense and handles complicated trafficking cases. He or she will also benefit from the Clinic's well-established relationships with law enforcement agencies, officials within ICE who specialize in human trafficking, Nevada's Attorney General, the Salvation Army, and other community organizations. The Clinic also provides an opportunity for interdisciplinary collaboration with faculty and students in psychology, social work, and education.

The Legal Aid Center will also contribute resources to support the intervention. The AmeriCorps member will spend 15% to 35% of his or her time at the Legal Aid Center and have the opportunity to work with staff attorneys experienced in U visas, SIJS applications, VAWA self-petitions, and adjustment of status applications. The Legal Aid Center has extensive experience representing children in different areas, including immigration, domestic violence, and family law. They also represent children in the Clark County foster care system.

2. Evidence Base

This section presents empirical evidence on the benefits of having legal representation in removal proceedings and the specific benefits for children, explains how the principles of culturally competent and trauma-informed care inform the program design, and presents evidence showing that these approaches improve outcomes with a high level of confidence.

The Benefits of Having Representation

Having counsel in immigration court has a big impact on the chance of success. In FY 2012 only 56% of persons in individuals in removal proceedings had legal representation. One study found that

Narratives

success rates in non-detained asylum cases were 39% for represented persons, compared to 14% for unrepresented persons. In adjustment of status cases, the figures were 87% for represented persons, compared to 70% for unrepresented persons, with lower rates for detainees. There is also a dramatic difference between success rates for represented asylum seekers, who were six times more likely to be granted asylum than pro se ones. For those seeking asylum in removal proceedings, represented individuals were four times more likely to be granted asylum than pro se individuals.

Juveniles, in particular, benefit from having representation. See *In re Gault*, 387 U.S. 1 (1967) (establishing a right to counsel in juvenile adjudications). Like juvenile adjudications, removal proceedings closely resemble criminal trials. The unique characteristics of juveniles make them especially vulnerable include lack of experience and judgment to make major decisions on their own, such as whether to admit removability, apply for relief (and what relief to seek), and whether to appeal. These decisions require a sophisticated understanding of complicated immigration laws. An unrepresented minor also may not understand the grave consequences of a removal order, such as being barred from the U.S. for ten years, or the consequences of reentering the U.S. after being deported.

According to a report published by the Vera Institute of Justice, 40% of the unaccompanied minors served by the Division of Unaccompanied Children's Services (DUCS) Legal Access Project in 2010 were identified as potentially eligible for some form of relief from removal, including SIJS (22.8%), asylum (16.7%) and U or T visa (5.5%). The number of children applying for asylum increased significantly after the TVPRA of 2008 was implemented, which allowed unaccompanied minors in removal proceedings to apply for asylum initially with USCIS. While the DUCS Legal Access Project has significantly increased unaccompanied minors' access to counsel, the Vera Institute reports that member pro bono representation has not been sufficient to meet this population's needs.

Represented minors are better equipped to navigate complicated removal proceedings, and enjoy a greater chance of success. Data that was recently obtained by the TRAC Immigration Project through June 30, 2014 found a dramatically higher success rates for represented juveniles in immigration court. For example, among represented juveniles the number of cases that resulted in an order that allowed the child to remain in the United States was dramatically higher (47% vs. 10%), and the number of cases resulting in an order of deportation was dramatically lower (28% vs. 77%). Studies show similarly dramatic rates of success for represented juveniles in asylum cases. This evidence provides substantial support for providing representation to unaccompanied minors in removal proceedings.

Narratives

Cultural Competence and Trauma Informed Care

Cultural competence is critical to providing effective legal services to children. The Clinic routinely represents children and adults from a wide range of countries and integrates cross-cultural competence into its practice. The program will encourage the AmeriCorps member to cultivate cultural self-awareness, learn about the cultures of the children they represent, study how culture influences communication patterns, values, and family roles, and influences the ways we experience, understand, and express emotional and physical distress. The member will apply this knowledge when interviewing clients, screening them for trauma and abuse, and providing appropriate referrals. The presence of qualified interpreters in the Clinic will further help promote clear communication and establish strong attorney-client relationships.

Our program design will also promote trauma-informed care (TIC). Unaccompanied minors have experienced numerous stressors before, during and after migration. Pre-migration stressors often include chronic poverty, war, political instability, violence, and persecution. The migration itself leads to separation from family members and friends, dislocation from school and community, loss of home, and prolonged insecurity. After reaching the U.S., the children commonly experience language barriers, discrimination, poverty, homelessness, social isolation, and fear of deportation. These stressful experiences undermine resilience and are likely to trigger symptoms of post-traumatic stress disorder. Studies of the psychological effects of homelessness on children show a heightened risk for the development of mental health disorders. Research also shows that multiple adverse childhood experiences (e.g. physical or sexual abuse and witnessing violence) are associated with long-term social, emotional, and cognitive impairment, as well as high-risk behaviors, severe health problems, and greater risk of early death.

To deliver trauma-informed care, our staff will all be trained to understand the trauma of displacement, recognize trauma-related symptoms and behaviors, and assess for the impact of trauma using appropriate methods. We will help clients regain a sense of autonomy and control by applying our Clinic's holistic, client-centered approach to legal services, and ensure that clients received appropriate medical and mental health care, and social and educational support.

The Clinic also provides an interdisciplinary environment that promotes culturally competent and trauma-informed care. For example, one of our faculty members, Dr. Rebecca Nathanson, who has a joint appointment in education and law, directs the Kids' Courts School, located within the Thomas & Mack Legal Clinic, which has received national recognition as a program that reduces children's anxiety about appearing in court. In terms of mental health services, UNLV offers the Partnership for

Narratives

Research, Assessment, Counseling, Therapy and Innovative Clinical Education (the PRACTICE), which provides low cost behavior, cognitive, and mental health assessments and therapy to the community and has provided services to many of the Immigration Clinic's clients. The university setting is a significant asset that makes it easy to consult with experts in various disciplines, including psychology, social work, and education, for support with our cases.

The approach proposed here is based on common themes that emerge from the research and literature on trauma-informed care (TIC), including a framework adopted by the Substance Abuse and Mental Health Services Administration (SAMSHA) within the U.S. Department of Health and Human Services. The results of a large study published by SAMSHA in 2012 provide strong evidence that this approach to TIC has a positive effect on outcomes for youth, including reduced behavioral and emotional problems, reduced trauma symptoms, reduced suicide attempts, reduced substance use problems, improved functioning in school and in the community, and improved ability to build relationships. Other studies support these findings that TIC results in significantly improved outcomes.

C. Member Training

At the beginning of the program, the AmeriCorps member will be given a half-day orientation to the Clinic and to the Legal Aid Center. This orientation will include a tour of the facilities, introduction to key faculty and staff, and information such as how to use the Clinic's case management system, maintain files, and track time. In addition, the orientation will cover the goals of the AmeriCorps program, expectations of AmeriCorps member, and AmeriCorp rules, including prohibited activities.

Furthermore, the member will be trained, at a minimum, on the following topics: professional responsibility; working with mentors; cultural competency; understanding trauma and its impact on memory, emotions, behavior, and health; assessing for trauma in children; grounds of inadmissibility and deportability; forms of relief, with a focus on the requirements for asylum, T visas, U visas, SIJS, and adjustment of status; immigration Court and BIA procedures; interim Operating Policies and Procedural Memorandum 04-07: guidelines for Immigration Court Cases Involving Unaccompanied Alien Children; procedures for filing applications with USCIS; Immigration consequences of criminal convictions; Requesting prosecutorial discretion from DHS; researching and compiling country conditions evidence; interviewing children* Preparing declarations; writing briefs; working with law enforcement agencies; community outreach and building pro bono networks; secondary trauma and self-care.

Narratives

Many of these topics are covered in the Immigration Clinic course, in which the member will be invited to participate. The class meets twice a week, with one meeting focused on a substantive topic (such as the ones mentioned above) and the other meeting focusing on "case rounds," where students discuss their cases and brainstorm issues with faculty and each other. The member will be encouraged to participate in rounds. Most of these topics should be covered before the training in December, as they are necessary for competent representation. After the training in December, the member will be asked to identify areas for further training, so that he or she can play an active role in structuring the learning experience. The member will be asked to identify readings that he or she believes will be helpful and invited to meet with faculty to discuss those readings.

D. Member Supervision

The professors who co-direct the Immigration Clinic both practiced for many years before entering academia and are well qualified to supervise the AmeriCorps member on cases. Professor Marouf has extensive experience representing noncitizens at all levels of adjudication. She has expertise with the types of asylum cases that are common among unaccompanied minors, including cases involving gang-related persecution and domestic violence. She has published multiple articles on asylum and removal defense, addressing issues such as the definition of a "particular social group," gender-related persecution, mental incompetence, and implicit bias. Her articles have been cited in appellate briefs, as well as by the judiciary, and she has submitted numerous amicus briefs to the BIA and federal appellate courts. She was also the attorney of record in one of the most important recent cases on the applicability of the Convention Against Torture to people fleeing criminal gangs.

Professor Kagan worked and taught in several countries in the Middle East for ten years developing legal aid programs for refugees. U.S. appellate courts, as well as foreign authorities, have cited his articles on asylum and refugee law. His work on credibility determinations has been especially influential. His 2006 study of refugee status determination by the UN High Commissioner for Refugees (UNHCR) is the most frequently cited article in the history of the International Journal of Refugee Law. Professors Marouf and Kagan, along with political scientist Rebecca Gill, are also engaged in quantitative empirical research on immigration appeals in the federal appellate courts, studying issues such as stays of removal and the risk of errant deportations, the duration of immigration appeals, and gender interactions. Their familiarity with collecting and analyzing data will be an asset in tracking data for the AmeriCorps project.

The AmeriCorps member will meet regularly with Professor Marouf and/or Kagan about the cases. As noted above, the member will also be encouraged to participate in the immigration clinic course

Narratives

and discuss cases during rounds. The professors will familiarize themselves with the AmeriCorps rules in order to ensure that the AmeriCorps member abide by them. In addition, the AmeriCorps member will have business cards and nametags that identify them as "AmeriCorps," their workspace in the Clinic will be clearly labeled as "AmeriCorps," and their files will be clearly labeled as "AmeriCorps" so that it will be easy to identify which cases are theirs.

The AmeriCorps member will also have the benefit of being supervised by attorneys at the Legal Aid Center. These attorneys have special expertise in U visas and SIJS applications. Last year the Legal Aid Center handled 233 immigration cases. The AmeriCorps member will be able to consult with them in their office and participate in meetings convened by the Legal Aid Center's director to identify and address immigration needs in the community.

E. Commitment to AmeriCorps Identification

The AmeriCorps member will have business cards and name tags that clearly state s/he is an AmeriCorps member. This will ensure that the clients the member serves is aware of the affiliation to AmeriCorps. In addition, the member's workspace will be labeled as "AmeriCorps." During orientation, the member will be told that wearing the AmeriCorps logo is a requirement and will be reminded to do so if he or she forgets. During CLEs for attorneys on representing unaccompanied minors, trainings with law enforcement agencies, meetings with law firms to recruit pro bono attorneys, and meetings with community-based organizations, there will be time allocated for the AmeriCorps member to explain the purpose of the justice AmeriCorps program and their role in the program.

Organizational Capability

III. Organizational Capability

a. Organizational Background and Staffing

The Thomas & Mack Legal Clinic has the expertise as well as the financial and staffing resources to fully support the requested AmeriCorps member. As shown on the attached organizational chart, the Clinic has seven full time law faculty, an educational psychologist with a joint appointment at the law school, and three full time staff. Although the Clinic has not previously received an AmeriCorps grant, it supported a grant-funded staff position for the Nevada Immigrant Resource Project (NIRP) from 2004 to 2012, which provided client services to approximately 70 individuals per year, including direct representation, community outreach, and trainings for law enforcement, educators, and other community partners. Based on this experience, the Clinic has the legal and administrative infrastructure, community partners, and reputation to successfully support the AmeriCorps member

Narratives

and program.

Management: The Clinic is managed by Associate Dean for Experiential Legal Education and Professor Anne Traum, who budgets for litigation and travel expenses, and administrative support. Professor Traum also has experience in developing pro bono programs with community non-profits, including the Legal Aid Center, the private bar, and local federal and state courts.

Faculty and Staff: Because children are a primary focus of the Clinic, the AmeriCorps member would benefit from the faculty's depth of expertise on children's issues in the immigration setting and on related issues of juvenile, family, and education law.

* As detailed, Immigration Clinic co-directors Professors Fatma Marouf and Michael Kagan have considerable expertise in the subject and currently represent children in removal proceedings. Immigration Clinic student attorneys could also assist.

* The Juvenile Justice Clinic, directed by Professor Mary Berkheiser, represents children in delinquency proceedings and provides expertise in child representation, assessment and services, and has expertise in child sex trafficking.

* The Kids' Court School, directed by Dr. Rebecca Nathanson, is a nationally recognized, research-based educational program that teaches children about legal processes, the roles of different courtroom participants, and communication techniques that help improve their testimony. A 2010 study by Dr. Nathanson found that the Kids' Court School significantly reduced children's anxiety around testifying in court. In 2012, Kids' Court School won a Bright Idea Award from Harvard University.

* The Family Justice Clinic, directed by Professor Elizabeth MacDowell, has expertise in guardianship, adoption, and related family issues, and domestic violence.

* The Clinic and the law school frequently partner with the Legal Aid Center for delivering community educational, pro bono, and legal training services.

* The Clinic has three full-time staff. The budget includes the clinic administrator, who oversees the office, coordinates service contracts, and provides case support, and a Spanish-speaking receptionist, who assists with client contact and provides interpreter services. Student workers and hired interpreters could provide additional support.

Case Fluctuations and Scaling

The Clinic can adjust for fluctuations in the number of unaccompanied children cases (currently estimated to be 70 cases). A decrease in cases would allow more time on each case (to develop legal theories, forms, and model pleadings) or outreach to law enforcement, educators, pro bono attorneys,

Narratives

and other partners. If case levels increase, law students and trained pro bono attorneys could assist. In subsequent years, additional positions (lawyer or paralegal) could provide needed resources and, by that time, trained pro bono attorneys could also help.

b. Compliance and Accountability

The Clinic has grant-funding experience and could establish internal and external controls to ensure compliance with AmeriCorps rules and regulations, prevent and detect compliance issues, and hold itself, subgrantees, and service site locations accountable if non-compliance issues arise. Internally, the Clinic Administrator, Professors Traum, Marouf, and Kagan, the AmeriCorps member, and staff would be trained on Americorps rules and regulations, including reporting expectations, and adjust the Clinic's case management systems and practices to ensure compliance and accountability consistent with AmeriCorps rules and regulations. The Clinic and its staff meet regularly to discuss operations, so additional items can be included for discussion on AmeriCorps compliance, site feedback, and activities. Externally, the Clinic, Dean Traum, Professors Marouf and Kagan, and the Legal Aid Center are all well-known in the community, and it will be made clear that the AmeriCorps member works for and within these two institutional entities. Further, the UNLV Office of Sponsored Programs (the on-campus grant office) has extensive experience using eGrants and federally funded grants, and would assist with training, compliance, and reporting.

c. Past performance (N/A for new applicant)

d. Continuous Improvement

The Clinic would develop timely and relevant feedback, in the form of regular meetings, surveys, comment cards, and/or evaluations, from internal and external stakeholders to inform continuous improvement efforts and to assess the effectiveness of its representation and outreach efforts. Internal stakeholders would include Clinic faculty and staff, the AmeriCorps member, and Legal Aid Center of Southern Nevada. External stakeholders would include clients, judges, community partners, and pro bono attorneys.

Cost Effectiveness and Budget Adequacy

A. Budget/Cost Effectiveness

As proposed, the Clinic would support the AmeriCorps member(s) and program by contributing nearly 70% of the budgeted cost for supporting one fulltime lawyer member. The total cost of the position is \$24,200.00; the CNCS share is \$19,890.00 and the Clinic (and UNLV) share is \$4,310. The budget costs consist of salary of support staff and faculty, whose time and services are necessary to fully support the position and ensure the success of the program, plus litigation resources, including

Narratives

experts and non-staff interpreters. The Clinic would contribute cash to provide the maximum living allowance, which it believes is necessary to recruit qualified applicants. For a full time lawyer, the Clinic would contribute cash in the approximate amount of \$4310 in order to cover the difference between the grant amount (projected at \$19,890) and the maximum living allowance of \$24,200. These funds would be tapped from existing donor funds. Though the Clinic engages continuously in fundraising efforts, it has sufficient existing funds to cover any and all costs required for supporting this program. As proposed, the Legal Aid Center is not listed as a funding source, but this may change in future grant years.

The benefit of the program is that the proposed model leverages the Clinic's considerable expertise in immigration law to provide enhanced services to unaccompanied children, and, in partnership with the Legal Aid Center, will improve the capacity in the community to identify and assist this vulnerable population. Currently, the Clinic has the expertise, but not the capacity, to do more for unaccompanied minors. With an AmeriCorps member, the Clinic could represent more individuals, and, in partnership with the Legal Aid Center, develop capacity in the community to assist unaccompanied minors, by developing legal theories and resources for representing these children, recruiting and training pro bono removal defense resources, and providing education and training to individuals and partners in the community. This partnership builds on the litigation and outreach expertise and capacity of both the Clinic and the Legal Aid Center.

Evaluation Summary or Plan

N/A

Amendment Justification

N/A

Clarification Summary

Standard Clarification Items

* Covering the Entire Estimated Docket

We are applying for two attorney Members so as to better fulfill the goal of the grant to represent unaccompanied minors in removal proceedings. The Thomas & Mack Legal Clinic initially applied for one attorney Member, but have concluded that two Members would better fulfill the purpose of the

Narratives

grant. This clarification reflects this proposal for two Members..

Our proposal will cover the entire estimated docket through the following activities: (1) screening the entire docket for eligibility for relief; (2) screening all juveniles on the docket for trauma and making appropriate referrals for mental health care, medical care, and educational needs); (3) providing representation directly to as many juveniles as possible who qualify for relief; (4) finding pro bono attorneys to represent the remaining juveniles who are eligible for relief; (5) based on capacity, providing representation, directly or through pro bono attorneys, to children who do not qualify for relief, both to help them request voluntary departure and to advise them about the legal consequences of failure to depart and illegal reentry. As mentioned in the original application, the Vera Institute of Justice found that 40% of the unaccompanied minors served by their Legal Access Project in 2010 were eligible for some type of relief. We therefore estimate that out of an estimated 70 cases in Nevada, about 25 children will be eligible for relief.

Having a second member should allow the Legal Clinic to represent most, if not all, of the juveniles who are eligible for relief. Having a second Member would also help ensure that juveniles who are not eligible for relief will also receive representation. We have the capacity to provide office space, supervision, and administrative support to a second Member.

* Representation and Eligibility for Relief

While we plan to prioritize providing representation (directly or through pro bono attorneys) to children who are eligible for relief, we will make every effort to represent all of the children in the docket, regardless of eligibility. Having a second Member would help us meet this goal. At a minimum, all children will be screened for trauma, given appropriate referrals, and advised about voluntary departure and the consequences of failure to depart and illegal entry.

* Enrollment Date

We plan to have one proposed Member enrolled by October 1, 2014, the earliest enrollment and start date. A second Member would be enrolled by December 1, 2014.

* Funding for Criminal Record Checks

The budget has been amended to include funding for criminal background checks for the members, faculty, and staff charged to the grant, at the rate of \$50 per person. This cost will be funded by the Thomas & Mack Legal Clinic.

* Improving the Efficient and Effective Adjudication of Removal Proceedings Involving Unaccompanied Children

Providing representation to children in removal proceedings will improve the efficiency and

Narratives

effectiveness of the Court in several ways: (1) judges will save time because they will not have to explain all of the procedures to the children themselves and will not have to ask questions to try to assess potential eligibility for relief during the middle of a large master calendar hearing; (2) pleadings and merits hearings will run much more smoothly when the child is represented, as the attorney will know what to say and conduct the direct examination; (3) the child's attorney can negotiate with DHS about administrative closure or termination, which will take some cases off of the court's docket; (4) children with representation will be more likely to attend all of their removal hearings, which will avoid in absentia orders of removal and the time involved in adjudicating motions to reopen; (5) children with representation who are eligible for relief will be more likely to apply for relief, which will reduce motions to reopen when a child later discovers that he or she was eligible for relief; (6) providing representation should reduce the number of appeals to the BIA, since more children will succeed in immigration court; (7) providing representation will help quickly identify cases where there is no possibility of relief, which will expedite the issuance of voluntary departure orders and prevent cases from remaining on the court's docket for an unnecessarily long time. Providing representation will also make removal proceedings more effective by preventing the erroneous deportation of children who qualify for relief.

* Source of Additional Funds and Designation as In Kind or Cash

The budget contains the following "new" cash contributions: \$300 for background checks, \$200 for Americorps logo pins and apparel, \$3000 for UNLV-staff travel for the CNCS training in December 2014, with additional funds of \$970 for travel to regional training. Additional funds are supplied by the Thomas & Mack Legal Clinic.

* Additional Community Partners that Have Become Available Since Application Was Submitted

No new community partners have become available since the application was submitted. We believe that the community partners we have identified will provide a strong base of support. In terms of legal partners, the Legal Clinic has strong relationships with the Legal Aid Center of Southern Nevada, members of the private immigration bar who belong to the American Immigration Lawyers Association (AILA), Hermandad Mexicana, the Latino Bar Association, and private law firms. In addition, the Legal Clinic has strong relationships with organizations such as the Salvation Army and Safe Nest, which provide counseling and assistance to victims of trafficking and abuse. The Legal Clinic also works closely with the consulates in Las Vegas, including the Mexican Consulate and the Salvadoran Consulate. The consulates have assisted in removal cases in various ways, including helping to pay USCIS filing fees.

Narratives

* Responding to the Demand for Services as Case Number Increases

As the number of cases increases, we will respond by expanding out network of pro bono attorneys. These pro bono resources include the Immigration Clinic, whose student attorneys can also provide additional support to the AmeriCorps Member. In addition, we plan to seek the assistance of the Las Vegas Immigration Court in scheduling cases in a manner that allow us to represent as many individuals as possible. Obtaining continuances in some cases would increase our ability to serve more children. Based on need, we may also request additional AmeriCorps Members in upcoming years. Finally, we anticipate that the AmeriCorps Members will become more efficient over time as they gain more experience.

Clarification Summary

* Short and Long Term Outcomes Specific to Trauma Informed Services (i.e. current and estimated percent of trafficked children and referral process)

The exact number of trafficked children in Nevada is unknown. The number of child sex trafficking cases reported to the Las Vegas Metropolitan Police Department ("Metro") in 2014 was 148. Based on our knowledge, most of these cases involve domestic sex trafficking. The Vera Institute of Justice found that only 5.5% of the unaccompanied minors in their Legal Access Project qualified for U or T visas. We believe that the percentage in Las Vegas is likely to be higher. If 5-15% of the minors are victims of trafficking in Nevada, that will be approximately 4-10 cases out of an estimated docket of 70 cases. We would refer these children to the Salvation Army's SEEDS of Hope program, which provides comprehensive case management services to victims of human trafficking, including emergency shelter, transportation, clothing, food, crises intervention and safety planning, medical and dental care, mental health counseling, substance abuse treatment, and other services. Our short-term outcomes include identifying and referring child victims of trafficking to Salvation Army for comprehensive care. Our long-term outcomes include increasing the number of unaccompanied minors who apply for and obtain T visas and training law enforcement officials (Metro, FBI, and ICE) to use trauma informed approaches in interviewing and assisting victims of trafficking.

Narratives

* Time Allocation for the AmeriCorps Position in Regards to Training, Court Appearances, Case Management, and Community Outreaching to Support Requesting 1 FTE

As mentioned, we now apply for two members and propose the following time allocation for each AmeriCorps Member: (1) 5-10% of time spent on training; (2) 20% of time for court appearances (based on an estimated 8 hours/week, in court); (3) 50% of time for Case Management (including screening clients, interviewing clients, providing referrals, and preparing cases); (4) 20-25% of time for community outreach (including finding pro bono attorneys to take cases that exceed the Clinic's capacity and building a strong pro bono network).

We note that the juvenile docket takes place on Fridays in the Las Vegas Immigration Court. The AmeriCorps Member will attend the Juvenile docket each Friday to identify potential cases. The time scheduled for court appearances includes attending the Friday docket to identify unaccompanied minors as well as representing qualifying children in their hearings.

* Revision of Executive Summary to Follow Format Provided in NOFO

The Executive Summary is revised as follows:

The Thomas & Mack Legal Clinic at the University of Nevada, Las Vegas, William S. Boyd School of Law will have two AmeriCorps lawyers, who will provide legal services to Unaccompanied Children, build pro bono capacity to support that population, and increase the effectiveness and efficiency of the Las Vegas Immigration Court. By the end of the first program year, the AmeriCorps member will be responsible for providing legal services in the Immigration Proceedings to the projected population of unaccompanied Children in the Las Vegas Immigration Court (the only immigration court in Nevada).

In addition, AmeriCorps members will leverage an additional number of volunteers who will support the provision of legal services to Unaccompanied Children in Immigration Proceedings.

This program will focus on the CNCS partnership with DOJ to enhance legal services for Unaccompanied Children in Immigration Proceedings.

* Plan for Training Site Supervisors to Adequately Manage the Program, under AmeriCorps, and the

Narratives

AmeriCorps regulations, and to oversee the member's performance

The Site Supervisors, including Associate Dean Anne Traum, Professor Fatma Marouf, and Professor Michael Kagan will all meet to review the AmeriCorps regulations and the program budget, as well as to discuss the tracking of performance measures, before the start date. In addition, Professor Marouf, with the assistance of outside experts, will provide training on trauma-informed services for all of the supervisors and Legal Clinic staff. The Clinic Manager, Karen Brokaw, will receive training in maintaining the budget for the AmeriCorps program. Professor Marouf and Kagan already have the legal knowledge and mentoring skills necessary to oversee the Member's performance.

*** How One Attorney Can Accomplish Tasks Outlined in Proposal and How Model Will be Adapted if Level of Service is Insufficient**

Two attorneys would be ideal to accomplish all of the tasks outlined in the proposal. We are therefore modifying our proposal to request a second attorney. With just one attorney, we would depend more on finding competent attorneys to provide pro bono representation to some of the children. We would also prioritize representation in cases where children are eligible for relief, as noted above. If the level of service is insufficient, we would adapt the model by focusing more on building a pro bono network of private attorneys and referring more cases to the Legal Aid Center of Southern Nevada (LASCN), which has experience preparing SIJS applications, T visas, and U visas. The Legal Clinic would provide representation in removal proceedings in these cases, while LASCN would help prepare the affirmative applications.

*** How University Grant Office Will Support Legal Clinic in Grant Administration if Proposal is Successful**

UNLV's Office of Sponsored Program (OSP) is dedicated to providing support for handling grants at the application and administrative stages within the university, and has already supported this application by waiving UNLV's share of any grant-funded program, preparing budgets for this application, and contacting CNCS and Nevada Volunteers for clarification. Further, the clinic has received sponsored grants in the past and worked closely with the OSP to ensure accurate reporting,

Narratives

timely and complete renewal, and to resolve other administrative issues.

* Organization's Capability to Adequately Manage and Monitor a Federal Grant

As stated, the Clinic has received grants in the past and worked closely with the OSP and the Department of Justice to manage and monitor the grant. With training, the clinic's Legal Administrator will play a vital roll in ensuring the grant is managed and monitored day-to-day.

* Grant Start Date and Member Enrollment Period

We select a desired grant award start date and member enrollment start date of October 1, 2014.

Continuation Changes

N/A

Grant Characteristics