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Executive Summary

The Michigan Immigrant Rights Center will have a total of two AmeriCorps members , both lawyers, who will provide legal services to Unaccompanied Children, build pro bono capacity to support that population, and increase the effectiveness and efficiency of immigration courts in the location in which members will serve. By the end of the first program year, the Americorps members will be responsible for providing legal services in Immigration Proceedings to the projected population of Unaccompanied Children in each immigration court in Detroit, Michigan.

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 of Unaccompanied Children in Immigration Proceedings.

Rationale and Approach/Program Design

RATIONALE AND APPROACH

a. Problem/Need

MIRC intends to serve children in removal proceedings in the Immigration Court in Detroit, Michigan. According to CNCS, the projected number of children needing representation in the coming year is forty (40). The changing dynamics on the border as well as our experience and knowledge of this population suggests that numbers could be higher. MIRC is a statewide program and we regularly receive calls and referrals from individuals in this population seeking legal services or advocates seeking assistance on behalf of sponsors and children. Michigan's nonprofit capacity to serve any individuals in removal proceedings on a pro bono basis is extremely limited. Due to severe regional economic crisis in the Detroit area, several critical immigration legal services programs in the Detroit metro area have closed their doors or reduced capacity in the last decade. MIRC provides coordination, support, and training for legal services providers on a statewide basis and maintains familiarity with current intake practices and resources. As of July 10, 2014, the current Immigration Court list of free immigration legal services providers available on the Department of Justice website listed only four providers. To our knowledge, only one of these providers would represent an unaccompanied child released to a sponsor in removal proceedings, and that provider is a law school

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clinic with limited and seasonal capacity. An additional issue with respect to capacity is that our experience indicates that a significant number of children are released to sponsors who reside in West Michigan. The cities of Grand Rapids and Holland have the largest Central American communities in the region but are located approximately three hours by car away from the Immigration Court. West Michigan's nonprofit legal services providers struggle to accept any removal cases at all because of the distance from the court. However, MIRC has offices in Kalamazoo, Ann Arbor, and Dearborn, which means we have staff located close to clients and the courts.

MIRC has significant experience recruiting, training, and supporting pro bono attorneys to serve unaccompanied children in removal proceedings placed in one of Michigan's Unaccompanied Alien Children/Unaccompanied Refugee Minor (UAC/URM) programs. However, for the children not in those programs who are the subject of this proposal, one challenge has been finding practitioners willing and able to handle both immigration court representation and the state court proceedings involved in security predicate orders for Special Immigrant Juvenile Status. Another challenge has related to linguistically and culturally appropriate intake capacity for children without UAC/URM caseworkers. (Further discussion of the history of our work in this area is at Item 3.a., *infra*.) There is great potential locally to build on the network of pro bono attorneys that we have already grown by having dedicated AmeriCorps staff who could provide the additional coordination, support, and training to leverage pro bono attorney and other volunteer capacity, including volunteer interpreter capacity.

b. AmeriCorps Members as Highly Effective Means to Solve Community Problems

MIRC's proposed intervention will lead to the outcomes identified in the theory of change. Several reports and studies have indicated the importance of representation in improving the efficiency and effectiveness of the immigration court as well as improving the likelihood that respondent's will obtain relief in immigration court:

* The American Bar Association has found that representation reduces the delays and costs of the adjudication process and that increased representation would lead to more just outcomes for noncitizens. (American Bar Association Commission on Immigration, *Reforming the Immigration System: Proposals to promote independence, fairness, efficiency and professionalism in the adjudication of removal cases*, 2010.)

* The Executive Office for Immigration Review has stated that, "Non-represented cases are more

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difficult to conduct. They require far more effort on the part of the judge." (Charles H. Kuck, Legal Assistance for Asylum Seekers in Expedited Removal: A Survey of Alternative Practices, Dec. 2004).

* Released in 2011, the New York Immigrant Representation Study, a project of the Katzman Immigrant Representation Study Group and the Vera Institute of Justice, released findings demonstrating that the two most important factors in obtaining a successful outcome in a case were having representation and being free from detention. Immigrant children released to sponsors would not be considered to be in detention. The study found that among those represented and released or never detained, 74% have a successful outcome (defined as relief or termination of removal proceedings). Among those unrepresented but released or never detained, only 13% have a successful outcome.

* Many unaccompanied children seek asylum, and have especially complex claims of persecution based on membership in a "particular social group." One study has found that represented asylum seekers were successful at rates four to six times higher than those without representation. (See, Andrew Schoenholtz and Jonathon Jacobs, The State of Asylum Representation: Ideas for Change 16 GEO. IMMIGR. L. J. 739 (2002), at 743).

With respect to this program, the intervention is predetermined: we will represent children who would otherwise go unrepresented. Cultural competence and a trauma-informed approach will be a part of our program activities and project design as we represent children, as it is a part of our approach to all of our work with immigrants and refugees. Our project design will incorporate these elements in several significant ways: 1) through consistent interview, intake, and language services procedures which are sensitive to children's cultural backgrounds and experience of trauma; 2) through competent and trained staff and volunteers; 3) through engaged relationships with existing specialized mental health and human services providers available to accept referrals; and 4) as a component of our substantive legal work.

1) Consistent interview, intake, and language services procedures which are sensitive to children's cultural backgrounds and experience of trauma

Since our founding in 2009, the Michigan Immigrant Rights Center has focused much of its direct services work on unaccompanied children and survivors of domestic violence, sexual assault, and other serious crimes. We will continue to have consistent interview, intake and language services procedures which are sensitive to children's cultural background and experience of trauma. (See, e.g.,

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Lisa Aronson Fontes, Ph.D., *Interviewing Clients Across Cultures: A Practitioner's Guide*. New York: Guilford Press, 2008).

2) Competent and trained staff and volunteers

We have consistently provided training and resources to our staff and pro bono volunteers in cultural competence and trauma-centered approaches, including a May 2014 joint training on trauma-centered care co-presented with the Michigan Coalition to End Domestic and Sexual Violence (MCEDSV). We have also provided cultural competence training to our staff and administration through the local group ERACCE, which is an affiliate of Crossroads Anti-racism Organizing and Training. We would continue to work with those groups to take advantage of and, when appropriate, design custom training opportunities and modules for staff and volunteers. We will continue to seek new resources and training opportunities specifically focused on the experiences of traumatized immigrant and refugee children, such as those offered by the National Child Traumatic Stress Network regarding trauma experienced by refugees.

3) Engaged relationships with existing specialized mental health and human services providers available to accept referrals

As attorneys and advocates, we are not competent to provide mental or behavioral health services and we do not intend to do so. However, because of MIRC's leadership role as a statewide resource center for immigrant advocates and previous work with survivors of trauma, we are aware of and in relationship with existing providers of culturally competent and trauma-informed human services and care. As the convener the Michigan Roundtable for Unaccompanied Immigrant Children, discussed in detail at 3.a. infra, we have developed strong relationships with staff of the two local UAC/URM programs who specialize in providing care to unaccompanied children and we regularly meet with them to ensure coordination and effective communication between attorneys and social workers serving immigrant children in our state. Although we understand that the population targeted in this proposal will not be assigned case management staff through the UAC/URM programs, we anticipate that those relationships and channels of communication will prove beneficial in serving all child-survivors of trauma.

4) Component of our substantive legal work

Representing children in legal proceedings, particularly in Immigration Court where credibility

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determinations will be made, is an unique challenge. We have consistently sought to introduce evidence of the impact of trauma and cultural difference in our trial and appellate work on behalf of child clients. We have and would continue to present both expert testimony and documentary evidence that cultural and trauma-related factors can impact children differently than adults, and should be considered by finders of fact making credibility determinations. (Berliner, et al. "Children's Memory for Trauma and Positive Experiences." *Journal of Traumatic Stress* Vol. 16, No. 3, June 2003, pp. 229--236).

c. Member Training

Anticipated topics for training would include substantive legal training in immigration law including remedies most commonly pursued in the representation of unaccompanied immigrant children; training specifically focused on the unique character of immigrant child clients including cultural competency and a trauma-informed approach; and training on our internal policies and AmeriCorps rules and regulations.

With respect to substantive legal training in addition to the December 2014 training, MIRC and our parent organization have a great deal of experience training new lawyers and training lawyers in new areas of law. As discussed, *infra*, in 3.a. Organizational Background and Staffing, MIRC's current staffing includes a Managing Attorney and Supervising Attorney with deep experience in immigration law, including the representation of unaccompanied immigrant children. Because MIRC is focused on support and training of legal advocates serving immigrants, MIRC would be able to provide a customized internal training plan for the two AmeriCorps attorneys requested. For example, MIRC's Supervising Attorney was a panelist in a training focused on Special Immigrant Juvenile Status in May 2014. The training was organized by MIRC staff working with other members of the Michigan Coalition for Immigrant and Refugee Rights. Extensive materials and outlines are available from this training and would be shared with AmeriCorps members. MIRC's Supervising Attorney has also submitted a proposal to present a training on legal remedies for unaccompanied children at the October conference of the Michigan and Ohio Chapters of the American Immigration Lawyers Association. AmeriCorps members would attend this event if selected in time. In addition, MIRC is familiar with and frequently attends and accesses trainings provided by the Immigrant Legal Resource Center, ASISTA, the Catholic Legal Immigration Network, Inc. (CLINIC) and other members of the Immigration Advocates Network (IAN).

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MIRC would provide training for staff relating to the unique needs of immigrant child clients, particularly cultural competency and a trauma-informed approach through local organizations ERACCE, the Michigan Coalition to End Domestic and Sexual Violence, local community-based organizations providing cultural competency training focused on relevant ethnic groups, and local university schools of social work providing professional development.

MIRC has previously hosted AmeriCorps members through an Equal Justice Works AmeriCorps Legal Fellowship program and is familiar with the AmeriCorps rules regarding prohibited activities. We would fully incorporate this information into our standard staff orientation and training module which is presented to staff immediately upon the commencement of their service to ensure that they are familiar with the internal policies and procedures of our organization.

d. Member Supervision

AmeriCorps members serving at MIRC would report to MIRC's Supervising Attorney. The Supervising Attorney has more than ten (10) years of experience practicing immigration law. MIRC's two staff attorneys would also be available to support the AmeriCorps members and both have experience representing unaccompanied immigrant children in removal proceedings. The Supervising Attorney will initially work alongside the AmeriCorps members in court appearances and client interviews and will conduct regular case reviews with the AmeriCorps members. MIRC uses a web-based case and time management system to allow the Supervising Attorney to monitor staff workload and work quality. MIRC's Supervising Attorney has more than five years of experience as a supervisor overseeing attorneys and legal staff providing a variety of immigration and other legal services and reports to MIRC's highly experienced Managing Attorney and central administrative team. As noted above, MIRC's entire administrative staff has experience supervising AmeriCorps members and by working alongside new staff, encouraging an "open door" policy and open communication/participation in the work of the AmeriCorps members, management will be able to observe their work and ensure that members are not engaging in prohibited activities.

e. Commitment to AmeriCorps Identification

AmeriCorps members will be identified as such in all written materials including business cards, letterhead, email signatures, website, and social media. AmeriCorps members will be encouraged to

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wear a lapel pin, or, if appropriate for the setting, other AmeriCorps logo items daily and supervisors will monitor that in daily interactions. Because the AmeriCorps members will be attorneys charged with presenting their clients cases in courts and before USCIS , supervisors will ensure that members translate that ability to effectively communicate with finders of fact into the ability to communicate their clients' stories to the community at large.

Organizational Capability

3. ORGANIZATIONAL CAPABILITY

a. Organizational Background and Staffing

The Michigan Immigrant Rights Center was created in 2009 as a project of Legal Services of South Central Michigan's Michigan Poverty Law Program. LSSCM provides all of the administrative services to MPLP and MIRC. The Michigan Poverty Law Program provides training, case consultation and advocacy support to all of the civil legal aid office in Michigan. MIRC was founded by its current Managing Attorney and Supervising Attorney, both of whom have deep background in immigration law and commitment to immigrant rights issues. In particular, MIRC's Supervising Attorney is a recognized statewide expert in the representation of unaccompanied immigrant children.

In 2009 when MIRC was founded, MIRC assumed leadership of an informal group known as the Michigan Roundtable for Unaccompanied Immigrant Children. That group includes nonprofit and law school clinic attorneys, social workers and voluntary agency staff, pro bono volunteer attorneys, and other advocates. It has been meeting quarterly under the Supervising Attorney's leadership and has engaged in collaborative problem solving and advocacy, training and recruiting of pro bono attorneys to serve unaccompanied children, and a listserv for members. Because she is recognized as a statewide expert on legal issues facing unaccompanied children MIRC's Supervising Attorney has been invited to serve as a trainer at seminars presented by the Michigan Judicial Institute (the Michigan Supreme Court's training agency for state court judges) as well as the Michigan Probate Judge's Association. She has received numerous requests for media interviews in recent weeks as large numbers of unaccompanied children have arrived at the border. (See, e.g., Cwiek, Sarah. Some Children Fleeing Central American Violence may be Headed to Michigan. Ann Arbor: Michigan Radio. July 5, 2014) MIRC's supervising attorney and two current staff attorneys regularly practice in Immigration Court, before USCIS, and in state courts.

b. Compliance and Accountability

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LSSCM and MIRC have the experience necessary to implement a successful and compliant program. MIRC previously hosted two Equal Justice Works AmeriCorps Legal Fellows and was completely successful with respect to the goals of the program and program requirements. In addition to federal funding from the Legal Services Corporation, LSSCM receives other federal funding including funding from the Department of Justice Office on Violence Against Women and the Department of Housing and Urban Development. LSSCM has always experienced positive audits and program evaluations. LSSCM's administration will work closely with MIRC's management team to ensure compliance with AmeriCorps rules and regulations. MIRC's management team will provide direct supervision to the members. Managers will regularly review detailed time sheets, case notes and cases for compliance. LSSCM's administration will also review case reports, financial information and evaluations.

MIRC has implemented several initiatives to serve new populations or handle new types of cases. Most relevant is our pro bono panel which focuses on the representation of immigrant survivors of domestic violence and sexual assault. We have more than 100 volunteer attorneys serving on the panel. The panel grew from a small connection to one law firm's pro bono coordinator and was scaled up due to the needs of small fee-based nonprofit immigration legal services providers around the state to have assistance with this type of case and assistance with recruiting, training, mentoring, and appreciating pro bono volunteers. Because of our strong relationships with major law firms and general counsel's offices serving on that panel, we are confident that we could address a 20% fluctuation and potential increased demand by recruiting and training pro bono volunteers to help with increased caseload in the short term and in the second and third years if needed.

Cost Effectiveness and Budget Adequacy

a. Cost Effectiveness

LSSCM's Manager of Outreach and Development and MIRC's Supervising Attorney will work together to secure the needed resources to run this program. LSSCM's annual operating budget is 7.2 million dollars and MIRC is approximately \$550,000 of that budget. MIRC has experience and capacity to raise funds. MIRC receives funding from the Michigan State Bar Foundation, Kellogg Foundation, Ford Foundation, Welcoming America, New Americans Collaborative and donations. MIRC receives donations from large law firms and corporate legal departments in Michigan. Individuals from Dykema, Miller Canfield and Ford Motor Company's General Counsel's office are assisting MIRC in our fundraising efforts. They are all excited about the opportunity for us to expand our programming for unaccompanied minor children through this funding. MIRC was previously the

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host site for two fellows through Equal Justice Works and we raised the required match from the Michigan State Bar Foundation and law firms. MIRC also participates with the Access to Justice Campaign, a statewide development initiative, that is a partnership between civil legal aid office, the Michigan State Bar Foundation and the State Bar of Michigan.

This is a cost effective approach because MIRC has demonstrated success in administering programs and pro bono panels. MIRC will be able to leverage this funding to secure additional resources to assist unaccompanied minor children. MIRC's Supervising Attorney provides training, technical assistance and advocacy support throughout Michigan to pro bono attorneys, lay immigration advocates and legal aid attorneys. In house expertise will cut down on the cost of trainings and allow the AmeriCorps members to gain valuable experience and knowledge. Because MIRC is a project of a large stable organization, there are cost savings and efficiency in terms of administrative costs.

b. Budget Adequacy

MIRC has included costs for the Supervising Attorney and one staff attorney's time to support this project. The MIRC Supervising Attorney will provide training and supervision. The staff attorney will also work closely with the AmeriCorp members. We have included an additional financial support amount under the Member Cost section to provide financial assistance for rent and other allowable costs that the member might have.

We did not include a line item for evaluation because we have built evaluation into our service delivery model. We track outcomes and case results for all completed cases. All attorneys are required to record time and activities. We also track pro bono recruitment, placements and trainings.

Evaluation Summary or Plan

N/A

Amendment Justification

N/A

Clarification Summary

Budget Questions

We made several changes in the budget narrative, primarily moving line items to different sections, clarifying the calculation or separating out various things that were combined into one line item. The total budget number, the CNCS share and our share remain the same.

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Following are answers to specific questions and further clarification:

1. Budget Personnel expenses only include 10% usage of the supervising attorney and staff attorney. Clarify how this is adequate.

We included 10% of the supervising attorney and 10% of the staff attorney, so an equivalent of a 20% full time attorney. We estimated this number and anticipate that supervision will be more in the beginning and less as time progresses. We will assure that the members are adequately supervised and trained. The staff attorney and supervising attorney are both experienced attorneys and have experience training and supporting new attorneys and law students.

2. Healthcare is covered at only 20% compensation for the two Americorps members. The budget needs to include 100% of healthcare costs for for full-time AmeriCorps members.

LSSCM has approximately 55 full time attorneys on staff. Health care costs typically average approximately 20% of the compensation amount. We meant that the we estimated the cost of health care insurance at 20% not that we were covering 20%. The total cost is estimated at \$8000 per year per member.

3. Member Training

LSSCM budgets training for all attorneys and attorneys are expected to attend relevant training opportunities. We have included money in the budget so that members can receive training. Both members will attend the CNCS conference in December and then we will assess further training needs. We estimated costs based on prior actual training costs. The Supervising Attorney and Staff Attorney assigned to this project will provide ongoing supervision and support.

STANDARD CLARIFICATION ITEMS

1. Estimated docket and capacity

The estimated docket size we were provided by CNCS was forty (40) children per year. Our program design could provide legal representation to at least forty (40) children through representation by staff, members and pro bono involvement. We have a long and successful history of screening and

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placing immigration cases with pro bono volunteers who we train, mentor and track. We would use the same approach with this program. We currently have over 100 volunteer attorneys, including leadership at the two largest law firms in Michigan, on our pro bono panel serving immigrant survivors of domestic violence. However, we should note that recently, our contacts in the Office of Michigan Governor Rick Snyder were advised by the Office of Refugee Resettlement that 140 children had been placed with sponsors in Michigan since January 1, 2014. Therefore, Michigan might have a significantly larger docket size than originally anticipated. We will monitor capacity and need as the program develops. If the need exceeds our capacity, we are open to considering adding additional members. We will need to raise additional funding if we need to expand the number of members.

2. Representation based on relief or capacity

We will provide at a minimum advice to every child eligible for this program. With a docket size of approximately forty (40), we could represent every child through to an order, including those with no relief available. If there are indications that the actual docket size is significantly higher than expected, we will prioritize full representation of children with relief as we seek ways to increase our capacity. Last week, consistent with our history of working as a convener of advocates for unaccompanied immigrant children, we convened law school clinics, nonprofit organizations, pro bono attorney volunteers, and child welfare staff to discuss issues for unaccompanied minors. One possible strategy that we have discussed is that our local chapter of the American Immigration Lawyers Association (AILA) might be willing to assist the courts and children by representing children with no relief available on a pro bono basis. We are in close contact with the AILA pro bono committee on these issues.

3. Member Enrollment

LSSCM will have members enrolled by December 1, 2014.

4. Criminal History Checks

LSSCM will conduct the required and necessary criminal history checks of staff and members. LSSCM will cover the costs of the criminal history checks. Our budget includes the costs of these checks. We had originally included just the cost of checks for members and have modified that to

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include the cost of check for staff also.

5. Program Design

Currently many children have no representation and no access to screening for relief. In Detroit, Immigration Judge Marsha K. Nettles has handled the juvenile docket for several years and we have observed her making a tremendous effort to avoid ordering children removed who have not had access to counsel. However, because the Detroit area has so many economic challenges, very few free or low cost legal services are available. Judge Nettles has reached out to many organizations asking for additional pro bono services to children on the juvenile docket, but with our current funding, our program has only been able to accept a limited number of cases. We have provided training to develop the network of pro bono volunteers accepting cases of children in the Unaccompanied Alien Children (UAC) foster care programs, but we have struggled with our current resources to build the capacity necessary for volunteers with limited experience to handle both the state court and immigration court aspects of cases where Special Immigrant Juvenile status is a remedy and a state court predicate order is needed. In UAC cases, the foster care agencies file and move the state court proceedings forward to obtain the predicate order. There is not a similar support system for cases where the children are with sponsors so this presents additional challenges for the court. The courts tend to continue these cases. Our program design will address these challenges by dramatically increasing access to representation for children released to sponsors. We expect work with the court to identify children on the docket. Our plan to have one staff member based at our Kalamazoo office in West Michigan and one staff member based at our Ann Arbor office (East Michigan) will mean that we have staff available near where many clients are likely to reside and staff near the courts to easily serve Detroit area clients and access the courts. The Supervising Attorney is based in Kalamazoo and the Staff Attorneys is based in Ann Arbor.

6. Sources of Funds

LSSCM has begun discussions with the Kellogg Foundation, law firms and Corporate Legal Departments. This funding will help us leverage additional resources to do this important work from the partners that currently fund us.

7. Additional Resources

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As discussed above, we have strong relationships with pro bono attorneys and large law firms and we have received offers of increased support to serve this population. We have begun discussions about additional funding that we need. We are confident we will be able to raise the necessary funding to efficiently run this program. The additional resources will be used to cover the grantee share outlined in this project budget.

8. Respond to Demand for Services

As discussed above, we will engage pro bono volunteers in representing clients as the demand for services increases. We have a strong and successful track record with respect to pro bono engagement. We will continue to work with the network of local service providers to provide training for the private immigration bar and new pro bono volunteers. We will engage our partners at law school clinics, particularly the University of Detroit Mercy Law School and Michigan State University College of Law to coordinate services and ensure that resources are being maximized.

PROGRAMMATIC CLARIFICATION ITEMS

1. Question - The members will be responsible for providing legal services to unaccompanied children in immigration court in Detroit, Michigan, as well as leveraging an additional number of volunteers who will be expected to support the provision of legal services to unaccompanied children. Clarify whether or not the members will be expected to provide training to these volunteers.

MIRC has significant experience recruiting, training, and supporting pro bono attorneys to serve unaccompanied children. The members will help provide additional coordination and support to leverage pro bono attorney and other volunteer capacity. The members will work along side the Supervising Attorney and the Staff Attorney assigned to this project to assure that the pro bono attorneys are adequately trained. We envision the Supervising Attorney providing the majority of the training on these cases. The members will have relationships with the pro bono attorneys and will provide support on the cases. The members will be supported by the staff attorney and supervising attorney.

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2. Grant Start Date and Member Enrollment

We would like to start our grant on 12/1/14. We will have members enrolled by that date as well. We think a 12/1/14 member enrollment date will give us adequate time to hire qualified members.

Continuation Changes

N/A

Grant Characteristics