

Greenberg Traurig Fills Legal Need For Immigrant Kids

By **Andrew Strickler**

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Spotlight

Law360, New York (July 03, 2014, 3:37 PM ET) -- Among Greenberg Traurig LLP's newest clients is an 11-year-old Ecuadorean boy who recently made a three-month journey to the U.S. in hopes of reuniting with his mother in California.

Stopped last October by U.S. immigration officials at the Texas border, the child entered a complex bureaucracy and legal system that does not provide legal counsel for people in immigration proceedings, even unaccompanied children who don't speak English or who show signs of abuse or trauma.

With U.S. federal and state officials struggling to respond to a recent surge of children making dangerous border crossings without a parent or guardian, most of them coming from Central America, Greenberg Traurig's pro bono practice saw an opportunity to step in and help children navigate the immigration system.

"As a former federal prosecutor, I am absolutely amazed that unaccompanied children are not appointed counsel," said Greenberg Traurig litigation partner Bill Silverman, head of the firm's pro bono practice.

"These are complicated proceedings, and at the end of the day, regardless of how you feel about immigration, there needs to be due process, and when a child appears alone in an immigration court, how can one say there is due process?" he said.

While thousands of unaccompanied minors have typically crossed into the U.S. over the years, immigration and border officials have seen the numbers skyrocket since 2011. Many of the children are fleeing drug cartel and gang violence, as well as neglect and poverty, primarily in Guatemala, El Salvador and Honduras, according to a March report from the United Nations Refugee Agency.

The number of apprehensions of unaccompanied and separated children from just those three countries by U.S. Customs and Border Protection jumped from 4,059 in 2011 to 10,443 in 2012. Last year, the number more than doubled again to 21,537, according to the U.N.

Once detained and brought to an immigration court, children are held to the same evidentiary and procedural rules as adults, despite the fact that many are unable to make the basic argument that their lives could be in danger if they are deported.

Earlier this year, Greenberg Traurig launched the firm's largest-ever pro bono program with the partnership of the nonprofit Kids in Need of Defense, known as KIND, a pro bono referral group founded by Microsoft Corp. and actress and activist Angelina Jolie. Through the program, attorneys receive training and go on to provide free representation for unaccompanied children in immigration proceedings.

More than 100 associates and partners have undergone the training so far, the firm said, and 48 of its lawyers currently represent 25 children.

The first training sessions, held in April in seven Greenberg offices, covered jurisdictional issues and procedural steps for state family court custody or guardianship petitions, as well as the steps required for special immigrant status or asylum bids.

Another key part of the training focuses on how to talk to child clients who are often traumatized by events that led them to flee north, as well as by their journey and detention.

"In a situation where you have a child who is 11 years old ... trying to make sense of meeting his mom again after many years, and making sense of the idea that he also might be sent back, there needs to be an aspect of the training that is about communicating with a young child," said partner Caroline Heller, the firm's New York pro bono coordinator.

The 11-year-old has been reunited with his mother, who had left the boy in the care of grandparents in Ecuador, Heller said. The pro bono team is seeking special immigrant juvenile status for the child based on a gang threat in Ecuador, and is currently in an initial fact-finding stage.

Continuing a tradition of funding fellows through Equal Justice Works, Greenberg Traurig is also backing a two-year fellow to help run and advocate for the child immigrant program. In the fall, Seton Hall University law graduate Samantha Rumsey will take on program coordination and advocacy duties, as well as her own child clients initially screened by KIND.

"Our success is going to be measured in the impact, and obviously we want to help in as many cases as we can," Silverman said. "But we want to influence government policy as well, to influence the debate and at the same time encourage other firms to get involved."

In addition to Silverman and Heller, the program is overseen by partner Ian Marx in New Jersey; David Thomas in Boston; Vince Chieffo and Karin Bohmholdt in Los Angeles; Stephen Shahida in Washington, D.C.; Michael Sklaire in northern Virginia; and Jennifer Tomsen and Paul Brown in Houston.

Pro Bono Spotlight is a recurring Law360 series profiling law firm pro bono efforts.

--Editing by Katherine Rautenberg. Editing by Elizabeth Bowen.