

BCM

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Staying here

by Cara Feinberg

Should a 29-year-old petty criminal and recovering addict be deported to a country she fled as a child?



Tete K in the 11th-floor female visiting room of the Suffolk County House of Correction, Roxbury, Massachusetts. Photograph: Gary Wayne Gilbert

The affidavit for 29-year-old Tetee K's deportation trial tells the story of a woman who has passed through hell, some of it of her own making.

She was born in Monrovia, Liberia, on March 21, 1977. Her parents—a teenage mother and a Liberian soldier—left her as a baby with her paternal grandmother, to be raised in the Vai tribal culture in a house full of children. She suffered female genital mutilation and survived the onslaught of a horrific civil war and ethnic cleansing that during the 1990s wiped out nearly 250,000 of her country's people, including many Vai, who were targeted for their Muslim faith. As a girl, Tetee witnessed brutal killings by the rebels, including the beheading of a man in front of her at a roadside checkpoint. She is still haunted by the memory of a soldier shoving a rock into a dying man's mouth before stomping down on his jaw.

Tetee immigrated to America with her grandmother, brother, and sister in 1991 at the age of 14, reuniting with her father, who had arrived several years earlier. Her father soon returned to Liberia, leaving the children to live with his new wife in a low-income suburb of Washington, D.C. The stepmother starved them and beat them, says Tetee. At 17, Tetee ran away from home. For nearly 10 years, she lived in shelters and friends' apartments, before joining her grandmother in a Providence, Rhode Island, housing project. At 25, she was addicted to crack cocaine and delivered her third child. The baby, a girl, was adopted by Tetee's grandmother, after the city's Department of Children, Youth, and Families determined the infant was an addict at birth; Tetee's two sons, born when she was 20 and 22, were living outside Washington, D.C., with a woman who, several years earlier, had taken in Tetee's brother and sister when they, too, ran away from their stepmother.

By 2005, at the age of 28, Tetee had a record of convictions. Her offenses were shoplifting, simple assault (fighting), and loitering for indecent purposes—no felonies, all misdemeanors. But the convictions had marked her for deportation back to Liberia. Last July, with her sentences already behind her, the Department of Homeland Security (which in 2003 absorbed the duties of the Immigration and Naturalization Service) initiated deportation proceedings; Tetee was placed in immigration detention in the Bristol County Jail in Rhode Island.

Had Tetee been detained on criminal charges—whether federal or state—a court would have assigned her an attorney. But U.S. immigration law has no such provision. Destitute, she was on her own.

The fact is that many immigration lawyers would be reluctant to touch a case like Tetee's for money or on a pro bono basis. There were at least three strikes against it: First, Tetee was a repeat criminal, and though her crimes were fairly minor, they made the chances of beating deportation slim. Second, she was already in detention. Like most jails, the Rhode Island facility has strict telephone policies and enough bureaucratic hoops to claim hours of a lawyer's time (arranging a trip to the doctor's office to obtain an expert-

witness evaluation, for example, can take weeks, if it's allowed at all). Third—and most important—Tetee could not pay anything; a pro bono attorney would not only work for free but would have to absorb all expenses—the collect phone bills, witness fees (for psychological and medical exams), gas and travel, court costs, and document recovery charges.

But last September, Tetee encountered perhaps her first piece of real luck in years. Attorney Mary Holper, JD'03, together with the seven students she supervises in her role as staff attorney for the Boston College Immigration and Asylum Project (BCIAP), took Tetee as a client.

Only a handful of organizations nationwide provide pro bono representation to the hundreds of thousands of immigrants—235,247 in 2004 alone—detained yearly by the Department of Homeland Security (DHS). The BCIAP, one of just two organizations in New England primarily dedicated to detention work, takes on 7 to 10 cases a year, all prepared and sometimes argued (under the lone staff attorney's supervision) by second- and third-year BC Law student volunteers. The clients are not necessarily being held because they have arrest records. The DHS may detain undocumented aliens and asylum seekers, as well as legal permanent residents (green-card holders) like Tetee who have criminal convictions. In 2004, 89 percent of deported detainees were unable to avail themselves of legal representation.

Dan Kanstroom, BCIAP's founder, was a practicing immigration lawyer when he joined Boston College's Law School faculty in 1988. Immigration law was not then a full-blown field of study at most law schools, as it has become, and Kanstroom began offering his students informal opportunities to help with his work. In 1994, in response to growing student interest, he secured a grant from the U.S. Department of Education, hired an additional detention attorney, and launched the BCIAP. The program gained a cosponsor in 1997, the Catholic Legal Immigration Network, Inc. (CLINIC), a national organization that advocates for immigrants and provides pro bono legal services.

More than once, BCIAP's young counselors have had what Kanstroom calls a "Hail Mary pass" experience, pulling victory from near certain defeat in the courtroom, and it has been years since any client has been deported. Recent cases have involved a Coptic Christian who fled religious persecution in his native Egypt; a Bosnian Muslim who lost his father, uncles, and grandfather in the genocide at Srebrenica; and a Colombian who received death threats from guerrillas for her service to the poor.



Dan Kanstroom, in his Stuart House office. Photograph: Gary Wayne Gilbert

This past fall, a student in BC's Graduate School of Social Work joined the volunteer staff. The hope, says Kanstroom, is eventually to integrate a variety of specialists into the program to help with clients' nonlegal predicaments. This notion of an interdisciplinary full-court press, says John Garvey, BC Law's dean, reflects the law school's mission to educate students "not just in the law, but in how to think about the lawyer's role in bringing justice to human affairs." In its early days, the clinic mostly took on straightforward asylum cases, where the clients were upright and the home countries menacing. That focus gradually changed in response to the shifting attentions of U.S. immigration law, which has increasingly targeted immigrants who run afoul of the criminal courts. The clients whose cases are taken up now by BCIAP may require drug rehabilitation, psychological help, job training, and family counseling. "Our clients are rarely Mother Teresas," says Kanstroom. "But no one deserves a death sentence for committing a petty crime."

Tetee K's case came to the attention of the BCIAP in July 2005, on the recommendation of Holper's predecessor, Alexandra Dufresne, who interviewed Tetee at the Rhode Island jail. With only a few weeks left in what is customarily a two-year BCIAP staff attorney appointment, Dufresne, who is now the dean of Morse College at Yale University, was not really looking for a new client. But Tetee's story grabbed her. "In this job, you get used to hearing about a certain level of human rights abuses," says Dufresne, "but Liberia is in a completely different category."

Usually it is the student volunteers who find BCIAP's clients. Every few weeks, they travel as a group with the staff lawyer to jails around New England where immigration detainees are held, giving "Know Your Rights" presentations. The talks are followed by "intake" sessions conducted in the echoing, concrete cell blocks: Nervous detainees form lines to speak individually with the BCIAP volunteers and explain their cases. The staff lawyer and the students take notes and offer suggestions, but must be "very clear that we are *not* their lawyers, and we can't promise to take them on," says Holper. This is often the hardest part of the work. Nearly every detainee needs a lawyer and most of them tell

compelling stories. “We have to look for the cases with the most extreme human rights violations and the clients we have a shred of a chance of helping,” says Holper.

When Dufresne met Tete in July, Tete had been placed in a solitary holding cell. Sometimes she was easygoing, the correctional officers reported; other times, she couldn’t stop crying. A small, round-faced woman with dark black skin and tightly braided cornrows, Tete wore a green, short-sleeved jail uniform that resembled surgical scrubs. Her hands were covered with scars from self-inflicted cutting wounds, and when she described her childhood in Liberia, her hands trembled and balled into fists. She had been medicating herself with cocaine, Dufresne said. Now, clean for the first time in years, Tete was plagued by voices: The headless man from the Liberian checkpoint would ask her why she had not saved him from the soldiers, Tete told Dufresne. Sometimes, said Tete, he’d tell her it should have been her they killed.

Tete described her experiences articulately, vividly, in a part-Liberian, part-inner-city-American accent: how her grandmother had shepherded her and 21 other children across Liberia to escape the rebel warlords; how they drank water from streams strewn with dead bodies.

“This was a woman who had endured a life full of unspeakable cruelty . . . yet had a real gift for making human connections,” says Dufresne, “but it was the fact that [she] had legal options” that clinched BCIAP’s decision to take her case. Tete had been detained by Homeland Security not as punishment, but as a result of it. She had two convictions for shoplifting, one in 2002 for stealing a set of bedsheets from a Filene’s store, and another two years later for concealing a CD player she never got past the Shaw’s supermarket doors. In each case, she had pled “no contest” in return for a one-year suspended sentence; this way, she was told by her public defender, she would never spend a day in jail. What she was not told was that theft with a one-year sentence, under immigration law, qualifies as an “aggravated felony.” The offenses were misdemeanors under criminal law, but under immigration law they had incurred a one-way ticket back to her country of origin—a ravaged place, still policed by U.N. peacekeepers, which she hadn’t seen in 14 years.

Before leaving BC, Dufresne briefed Holper on Tete’s situation. Holper, a calm and confident 30-year-old with a spirited laugh, was no newcomer to immigration law. Four years previously, she had been a student volunteer at BCIAP. Since graduating from BC Law, she had practiced with the Capital Area Immigrants’ Rights Coalition in Washington, D.C., specializing in detention cases. Like Dufresne, she believed Tete’s case was a long shot—and without support from legal professionals, hopeless.

Tete’s looming deportation stemmed from two laws passed 10 years ago, according to Kanstroom, who remains BCIAP’s director. In 1996, Congress enacted the Antiterrorism and Effective Death Penalty Act (AEDPA) and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), both designed to toughen immigration law and enforcement. Growing out of increasing concerns about the potential for terrorism in this country, they were passed three years after a small band of men with Al Qaeda

connections exploded a bomb in New York City's World Trade Center, and one year after the destruction of the Alfred P. Murrah Federal Building in Oklahoma City—an act of terrorism by a U.S. citizen that nonetheless fueled worries about foreign nationals.



The BCIAAP's Tara Slepikow (left) and Michelle Limaj, also a second-year law student. Photograph: Gary Wayne Gilbert

The new laws broadened the grounds for detention for noncitizens and expanded the types of crimes for which green-card holders could be deported to include numerous minor offenses. They also restricted the relief available to individuals in deportation proceedings, eliminating some hardship waivers that used to prevent the deportation of U.S. citizens' immediate family members (Tete's children were born in this country). Henceforth, certain acts of violence, fraud, and theft that earned a sentence of a year or more would be considered aggravated felonies if committed by a noncitizen. What's more, says Kanstroom, the laws were retroactive; noncitizens whose crimes were committed before 1996 could be arrested, detained, and deported. Crimes as minor as pirating cable television, pulling someone's hair, writing a bad check, or jumping a subway turnstile—if incurring a long enough sentence—would automatically lead to deportation.

The result was that in the past decade, the number of immigration detainees across the country on any given night nearly tripled, to more than 21,000. Official detention centers have become overburdened, and the DHS now contracts with local jails to house some 60 percent of its detainees. Although many have committed no crimes, they share cell blocks with convicted inmates, wear jail uniforms, and must abide by jail rules. Their experience differs in one respect, however. While incarcerated convicts often have access to work programs and educational opportunities, in many facilities, detainees do not.

What Kanstroom finds most troubling about the 1996 laws is their elimination of immigration judges' discretion. Previously, a green-card-holding immigrant could tell his or her story to a judge who would weigh the circumstances and decide whether or not to grant a second chance. Now, for any immigrant convicted of acts that qualify as aggravated felonies ("Agg Fells," Kanstroom calls them), the judge's decision is dictated; if a detainee cannot prove that certain and serious harm awaits, he or she will be deported, regardless of family ties or prospects in this country, or even an honorable record of U.S. military service. "You may have lived in America since the day after you were born," says Kanstroom, "but a misdemeanor now can put you on a plane." If proportionality is a fundamental component of justice, he says, "how can we have an

immigration system so disproportionate in its consequences?” He poses that question in his immigration law class each year.

Kanstroom introduces students to immigration work with spring break service opportunities at immigrant advocacy organizations. In spring 2006, 22 students signed up for placements in Florida, California, Washington State, Texas, and Washington, D.C., funded by the students and the dean’s office. And every year, some 80 percent of those spring break participants join the BCIAP. As Dean Garvey notes, “Immigration law is an area of law where justice and injustice is easy to see.”

Kanstroom’s passion for the work, say several students, is also a powerful motivator. An engaging speaker with a dry wit, he is the kind of professor that students wait to talk with after class, and the kind of lawyer who displays photos of former clients’ children in his office. Born in Brooklyn, New York, he is the great-grandson of immigrants from the Netherlands and the Ukraine, but his interest in immigration law, he says, has little to do with his background. “Immigration law touches on every aspect of civic life,” he reflects during an interview in his Stuart House office. “It opens up questions of government power, individual liberties, social responsibility, basic human rights. . . . The decisions we make here shape our national identity.”

Kanstroom rarely argues cases for the bciap these days, but he is often instrumental in preparing students for their work in court. “I always ask students to tell me how they are going to *lose* a trial,” he says. “There are a thousand ways to do it and we need to cover them all.”

In Tetee’s case, he later related, there were several losing scenarios. As an aggravated felon, she was not entitled to judicial discretion, and the BCIAP team would be confined to arguments against returning her to Liberia out of concern for her safety. This was problematic; even though Tetee’s story comprised a litany of terrorizing memories, the civil war she had fled 14 years earlier officially ended in 2003 with the exile of the rebel warlord, Charles Taylor. In November 2005, a month after Tetee’s hearing was scheduled to take place, Liberia would hold its first democratic presidential election in over two decades, and one of the front-runners (who later won) was Ellen Johnson-Sirleaf, a Harvard-educated economist with an agenda of peace. It would be difficult to argue that Tetee faced certain danger, Kanstroom said, if Liberia was no longer a war zone.

The BCIAP volunteers could argue that because she had suffered genital mutilation, Tetee would be retraumatized if she returned to Liberia; they could also assert that any female child she might have in the future would be subject to the ritual. But the fact was that the damage had already been done to Tetee, and the future child was hypothetical; some judges might reason that, in the here and now, returning Tetee to Liberia posed no personal threat.

The best chance at avoiding deportation, Kanstroom, Dufresne, and Holper believed, would be to get Tetee’s suspended shoplifting sentences converted or reduced by the judges who handed them down. This would not eliminate her immigration problems

altogether—her convictions still qualified as “crimes of moral turpitude” (in immigration law, a nebulous category ranging from murder to theft) and preserved her as a deportation candidate, though not a certain one. About half of all states have laws requiring judges or public defenders to warn defendants of any immigration consequences that may flow from a plea bargain, and Rhode Island, where Tete was sentenced, is one of them. If the judges who had sentenced her could be convinced that she had not been properly warned, and be persuaded to revise their penalties, a new range of arguments would open up. No longer an aggravated felon, Tete would be eligible to appeal to an immigration judge’s discretion, and then the BCIAP could present her entire story for consideration.

That is precisely what happened. Before she left BC, Dufresne contacted the immigration clinic at Roger Williams University in Bristol, Rhode Island, and arranged for the Rhode Island clinic to represent Tete in absentia in two sentence-reduction requests. Two days before Tete’s deportation case was due to be heard on October 21, a law student from Roger Williams called with the results: One judge had responded with an 11-month sentence; the other with a sentence of 364 days, just under the tipping point for aggravated felony. Tete’s deportation trial was postponed for two months while Holper and the BCIAP students prepared a new set of arguments.

All seven BCIAP student volunteers participated in Tete’s case at some point. Second-year law student Eric Averion, for instance, helped write a brief for the first hearing in October arguing that the crimes Tete had committed were not serious enough to warrant deportation. The case is one of four Averion has worked on since joining BCIAP in September. Most volunteers spend a minimum of eight hours a week on the immigration cases, he says, but many end up devoting more, in addition to carrying a full complement of law school courses. No one, he says, works more hours than Holper, whose car once was towed after sitting overnight in the BC lot (she now has a special overnight pass).



Mary Holper, JD’03, staff attorney for the BCIAP. Photograph: Gary Wayne Gilbert

Two second-year law students, Tara Sleprow and Rebecca Cantu, devoted their time at the BCIAP almost entirely to Tete’s case. The high-energy Sleprow, who speaks in

rapid-fire bursts, started as a volunteer with the clinic last summer and first heard about Tete from Alexandra Dufresne. She wanted to be involved with a case from beginning to end, so Holper assigned her to conduct the detainee's direct exam at the December trial. This would be Slepko's first time arguing in a courtroom. To prepare, she and Holper interviewed Tete nearly every week for four months at the Suffolk County House of Correction in Roxbury, Massachusetts, where Tete had been transferred in August by Homeland Security. (No one informed the BCIAP or Tete's family of the switch; Holper learned of it when she arrived at the Bristol County Jail for an interview.)

Rebecca Cantu's responsibilities resided with Tete's family, whose testimony would be needed to affirm Tete's stories of her childhood, to shed light on her character, and to prove to the court that she had a system of support. Six times in three months, Cantu and Holper drove to the cockroach-infested Providence housing project where Tete's grandmother lived with Diamond, Tete's four-year-old daughter, and Tete's younger, pregnant sister. Tete's grandmother spoke only Vai, so Tete's aunt had to be present to translate. An uncle showed up once, as did Tete's sister. Tete's daughter, Diamond, was there every time. On one of Cantu's first visits, Diamond smiled and introduced her to a headless Barbie doll she called "Mommy."

Tete's trial was set for December 29, a rainy Thursday, in the Boston Immigration Court in downtown Boston's JFK Federal Building. The judge who would decide her fate, however, would be sitting with the U.S. government attorney in a courtroom in Hartford, Connecticut. Owing to docket overloads, immigration cases are often heard by judges in distant immigration courtrooms via videoconferencing. Holper had filed a motion in October to try Tete's case before a Boston judge, but she held out little hope. In two years as an immigration lawyer, she has rarely seen that strategy work.

Two officers led Tete down a hallway filled with nervous immigrant families and into the courtroom—one of six on the courthouse's designated immigration floor. The large room with matte blue walls and a row of fogged-up windows was occupied only by Holper, Slepko, and members of Tete's family—two older women and a child, who were seated in the gallery. The judge's bench was empty, and to the right of it, a television rested on a cart, surmounted with a video camera. Tete was dressed in orange jail scrubs. Her hands were cuffed to a chain attached to the leg irons around her ankles, and the metal links jangled with every step. She saw her aunt and grandmother and began to tear up. Then she saw her daughter, Diamond, and her knees buckled; the two officers caught her by the elbows and steadied her. She tried to smile and wipe her tears, but with the chains she could not lift her hands.

A court administrator came in to switch on the TV at 2:15 p.m., an hour and 15 minutes past the scheduled start time, and then escorted Tete's family out of the courtroom. The adults would be testifying as character witnesses and would have to be "sequestered" in the noisy hallway outside. Tete watched them file out, and called to Diamond in a shaky voice, "Be good."

On the television screen, a long shot of the judge in his black robe and the government attorney, in a dark suit, appeared. The courtroom on the screen seemed nearly identical to the one in Boston, and when the judge, looking out of focus, addressed Tetee, a small square image of the Boston courtroom opened in the bottom right corner so Tetee could see herself as he saw her. The judge had control of the camera in the Boston courtroom, he told Tetee; he could zoom in or zoom out.

Slepkow and Holper's plan was to emphasize the hardship Tetee's deportation would inflict on Tetee and her family. Slepkow would ask Tetee to recount her traumatic upbringing in Liberia and America; this, she hoped, would provide a mitigating background for her crimes. In testimony, Tetee and her character witnesses would assert that she accepted responsibility for her actions.

Tetee, still seated, her eyes red, answered Slepkow's questions softly, sparing no details of the beatings she'd taken and the deprivations—of food, belongings, and education—she'd endured. Slepkow asked Tetee about her shoplifting crimes and how she had lost custody of her children. She'd stolen the sheets from Filene's, Tetee said, because she was living with her boyfriend in an abandoned building and was cold. And it was cocaine, she said, that broke up her family. The judge interrupted Slepkow and asked Tetee where she stood with drugs now. "I stopped when I was arrested, your Honor," Tetee responded, pronouncing the silent "H." She had been clean, she said, for the six months she'd spent in immigration detention. "I feel terrible," she said, and her voice wavered and cracked: "I am disgusted with myself."

When Slepkow finished her direct exam, the Hartford courtroom camera panned to the government attorney. He was a slim white man with silver hair, but on the video screen, his face often blurred into a dark circle with an occasional nose and lips. For weeks, Holper and Slepkow and occasionally Kanstroom had been playing the role of government attorney with Tetee, practicing searing cross-examinations in the Suffolk County House of Correction. "You've been arrested six times before," Holper would challenge her, "and you've never cleaned up your act, have you?" "You have three children you could not take care of," she'd follow up, "but you're no more financially capable of that now, are you?"

To the BCIAP team's surprise, the government attorney's manner was mild, almost deferential. He asked Tetee five or six open-ended questions about how she felt about returning to Liberia. Then he asked her whether she missed cocaine. "No, Sir," she said, then repeated it again, shaking her head vigorously, "NO, SIR." She had been attending a trauma group in jail, and a jail psychiatrist had prescribed antidepressants, she told him; she had new ways of dealing with her problems. "I haven't seen my kids in six months," she said, tears now rolling down her face. She began rocking back and forth in her wooden chair, looking plaintively into the television camera. "Please forgive me for what I have done."

The government attorney nodded at her and thanked her, then closed the file folder on his desk. He turned to the judge and told him he not only waived the rest of his cross-

examination, he waived cross-examination of the other witnesses BCIAP had lined up—Tetee’s relatives; the guardian of Tetee’s two boys in Maryland; a gynecologist who had examined Tetee on a pro bono basis to confirm her physical mutilation; a pro bono psychologist who diagnosed her post-traumatic stress disorder; and a Liberian-born journalist who had reviewed Tetee’s affidavit at Holper’s request.

“I find this to be a very well put together, complete presentation,” said the attorney. “I have no objection to resting on the affidavits.” He was referring to the 136-page booklet of documents Tetee’s lawyers had submitted: statements from Tetee’s grandmother, aunt, and sister, written up by Cantu; affidavits from the psychologist and gynecologist; thick legal briefs prepared by several students at the BCIAP, including Sleprow, Cantu, and Averion; a statement from the BC social-work graduate student, who had put together a list of drug treatment and job training programs Tetee could participate in if released from jail; and a 17-page description of current conditions in Liberia from the Liberian journalist.



Eric Averion, outside the JFK Federal Building. Photograph: Gary Wayne Gilbert

Tetee remained expressionless, but both Holper and Sleprow looked stunned. It was a rare move by the government to waive cross-examination, Holper said later, one that was soon topped by the judge. “I certainly find this respondent to be a credible and genuine witness,” the judge responded. He then turned and looked directly into the camera; he too had read the thick stack of documents, he said, and he praised Tetee’s counselors for their thorough work. The affidavits would be sufficient for him as well, and he was ready to render a decision.

Tetee’s crimes were not particularly serious in the scheme of things, the judge said, and he took into consideration her long residency in the United States. “There is no evidence of bad character or undesirability,” he noted, and “I see evidence of admirable efforts to rehabilitate.” He then zoomed in on Tetee with the video camera. “It is not lost on this court, however, that cocaine is a serious, destructive addiction, and your life, so far, has reflected that.” When she looked blankly back at the television screen, he zoomed in tighter. “I am granting you cancellation of removal,” he said. “That means you can keep your green card and walk out of detention tomorrow.” But this would be a onetime privilege, he said sternly—“If you reoffend ever again, even if your lawyers came back and begged me to give you another chance, I could not.” The laws are very clear, he said. Judicial discretion, under the 1996 statutes, is at best a one-shot deal; if Tetee were to

commit another crime, her legal options for relief would narrow to proving persecution in her home country. No other factors would matter.

Tetee thanked the judge and told him she understood, but she spoke with a flat, meek voice. It was not until after the judge wrapped up the case with the lawyers and the television screen went black that she burst into tears and fell into Sleprow's arms. "I can see my kids again," she kept repeating. "I'm going to be an excellent mother now, I swear."

Holper hugged Tetee and Sleprow, but just as she started to speak, the two officers in the gallery stood up and approached Tetee. Tetee's family was in the hallway, Holper reminded them, holding her hand up like a traffic cop to halt them—and only Tetee had heard the verdict. "We'll do a walk by," they said, taking Tetee by the elbows, leaving her hands in cuffs. "They can pick her up tomorrow."

Outside the courtroom, the hallway buzzed with anxious chatter—in Spanish, Vietnamese, Haitian Creole—and families in suits and dresses sat crowded onto four long wooden benches against the walls. Tetee's family was at the far end of the corridor, and when Tetee called out to them, they immediately stood up and began walking hurriedly toward her. The officers continued leading Tetee away from them toward the elevator, and she craned her neck around to shout an ecstatic, "We won!" Tetee's grandmother burst into tears and clapped her hand to her heart, stopping in her tracks; Tetee's aunt nodded calmly and braced her mother. "I'm going to come home to you, Diamond," Tetee shouted to her daughter, "Can you come give Mommy a hug?" Diamond stood still in the middle of the hallway, then wrapped her arms around her great-grandmother's leg.

Government attorneys rarely go so soft on immigration respondents, Kanstroom says in an interview a few weeks after the trial; most of the time, they press every witness to the wall. He describes a recent BCIAP asylum case involving a mild-mannered Somalian client who had never committed a crime, had visible torture scars, and faced certain death on repatriation. "He had fled from persecution without identity documents," says Kanstroom, "and the government fought tooth and nail to the end."

"What Holper and her students did for Tetee was an excellent piece of legal work," he says. "We don't cherry-pick the easy cases, and I can say that for Tetee, I was not optimistic." Tetee's case was an excellent teaching tool, he notes. It "came down to a legal technicality only a lawyer would know to argue."

For Holper, this is the value of BCIAP. "We take so few cases a year—we don't even make a dent in the general problem," she says. But the clinic's work provides examples to judges, immigration lawyers, and policy makers—current and in training—of just how injudicious deportation law has become. If cases with similar circumstances can have two different outcomes depending only on whether or not a lawyer is involved, says Holper, the system is set up to fail the immigrant. Proportionality, humanity, and mercy are deeply important aspects of law, and they should apply to *any* individual. "The government always has a lawyer," says Holper. "We provide a fair fight."

***postscript:** Tetee K was released from jail early, on the night of her trial. Correctional officers from her cell block chipped in the money for a bus ticket to Providence. Since then, attempts by Holper and Slepko to reach her have failed. Voice mail messages, letters, and packets containing legal documents and lists of drug rehabilitation, child care, and job training programs in Providence have yielded no response. The BCIAP team has turned to other cases: an undocumented man from Zimbabwe who witnessed—and can help police solve—a violent crime committed on American soil, an undocumented Guatemalan woman brutalized by her American husband, a green-card-holding Haitian man ordered deported for a drug conviction.*

Read more by [Cara Feinberg](#)

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