

BYU Law's Refugee and Immigration Initiative

BY RACHEL EDWARDS



Patricia Zippi, 2L, has always been deeply affected by stories and images of immigrants and refugees, especially those of families torn apart. “Three of my husband’s grandparents came through Ellis Island,” Zippi says. “Like my husband’s grandmother who came to America alone, I’ve been to Ellis Island with a baby in my arms. The anxiety that I felt in that place as I thought of families being separated stamped itself on my mind.”

During the Syrian refugee crisis, a startling photograph had a similar impact on Zippi: “There was a particular photo showing the lifeless body of a three-year-old boy who was discovered washed up on a Turkish shore. He was one of 12 Syrian nationals who had drowned while attempting to reach the west. That photograph shocked me, and I wondered what I could do to help.”

Zippi, a talented quilter, founded QuiltBack, a nonprofit that enables quilters to monetize their skills in support of refugee relief. Active from 2016 to 2018, the organization raised more than \$40,000 for the Salt Lake City, Utah, arm of the International Rescue Committee and the American Refugee Committee, an organization dedicated to helping refugees, asylees, and other immigrants thrive in America. “Still, I wanted to do more,” Zippi says.

"I realized that if I was going to continue to make a difference in the lives of immigrants and refugees, I needed a lever. Law school was that lever."

BYU Law's Immigration and Refugee Initiative is one of the offerings that drew Zippi to the Law School. The initiative was created by Kif Augustine-Adams, Ivan Meitus Chair and Professor of Law, and D. Carolina Núñez, associate dean for research and academic affairs and Charles E. Jones Professor of Law. As students participate in the initiative and get involved in a variety of real-world settings, including live-client clinics, centers, and externships, they demonstrate the core values laid out in BYU Law's new mission statement, a portion of which reads,

BYU Law recognizes the inherent dignity and equality of each individual and welcomes people from the full range of human experience. . . . As a community, we aim to advance justice, mercy, liberty, opportunity, peace, and the rule of law.

Leveraging the Rule of Law

Augustine-Adams and Núñez took the first group of law students to the South Texas Family Residential Center in Dilley, Texas, to help prepare immigrants for a credible fear interview, which is a preliminary step in the process to gain asylum in the United States. "Our need to educate students coincided with a very basic and urgent human need on our southern border," Núñez says. "Classroom instruction is incredibly important, and it is the meat of a legal education. However, at some point you need to connect that discussion to real people. For our students, this experience did that.

We identified a discrete area of law in which students could gain expertise that would allow them to help a lot of people in a short amount of time."

Building on the success of the work done in Texas, the Refugee and Immigration Initiative has evolved to include other projects aimed at helping immigrants and refugees pursue access to the justice system. "We look for opportunities that are doable, that our students can actually accomplish within a semester," says Augustine-Adams. In 2021, after attending a training offered by Catholic Community Services of Utah (CCS) on Afghan asylum cases, she recognized a significant need for legal representation of Afghan nationals who had been granted parole in the United States.

Parole is a tool made possible by the Immigration and Nationality Act, allowing certain individuals to enter the US for a period of time when they might otherwise be ineligible to enter. Because parole is temporary, individuals seeking permanent residency status must seek asylum and often face long odds and high expense. "At that time, legal provisions specific to the parole process for Afghans required a time frame of 45 to 150 days," Augustine-Adams explains. "I thought this work was something that our students could help with."

During winter semester 2022, Augustine-Adams supervised a small group of law students in completing an asylum application for a case she received through CCS. "It was a compelling and heartbreaking story, as all the stories of refugee clients we have helped have been," she says. To be granted asylum in the US, applicants must prove a well-founded fear of persecution



based on religion, nationality, political opinion, or participation in a particular social group. In this case, the client was an evacuee who had been granted parole in the US.

Throughout the semester, each student took a different piece of the case and wrote an argument using facts from their research and details from the client's personal statement. Because it was dangerous for the client's family members in Afghanistan to give evidence, the students conducted research by identifying news reports and evaluations by nongovernmental organizations. Augustine-Adams then compiled these elements into the final letter brief for the application.

The client received a positive asylum decision in July 2022. "We were really happy," Augustine-Adams says. She credits support from donors, BYU Law, and BYU for making it possible for students who are interested in immigration work to be involved, irrespective of their financial situation: "This initiative attracts students with a variety of backgrounds and

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Kif Augustine-Adams



D. Carolina Núñez

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interests, some who are new to immigration and some who have taken coursework in immigration law. Many participants recognize this opportunity as a way of using their legal education to do good.”

Recognition and Responsibility

From the beginning, the goal of the Refugee and Immigration Initiative has been to involve students in the life-changing work of increasing access to the justice system and also to extend the mission of BYU Law. Augustine-Adams says, “At BYU Law, our commitment to our students and their legal education builds on the fundamental principle that ‘all are alike unto God’ (2 Nephi 26:33). The Refugee and Immigration Initiative allows students to enact that principle in their own lives through service to exceptionally vulnerable people and families.” Núñez echoes this sentiment, noting, “On a basic level, being willing to help somebody who is not your friend but rather a stranger recognizes the inherent dignity and equality of each individual. As lawyers, we

have some knowledge, some skill, that allows us to help our brothers and sisters flourish.”

Zippi is grateful for the experiences she is having at BYU Law, which are preparing her to make a meaningful impact on the lives of refugees. She is interested in alternative dispute resolution and immigration law, and in fall 2022 she took courses focused on conflict resolution. She hopes to use her law degree to promote systemic change through policy work. “Most people don’t know how difficult it is to be granted asylum,” she says. “In 2019 only 19 percent of those without legal representation and 33 percent of those with legal representation were granted asylum through defensive immigration court proceedings. I don’t think we fully understand the desperate situations these people come from. The refugees I’ve worked with have lives that are so different from my own, and it’s almost impossible to imagine surviving and being as functional as they are. These are incredibly strong people. We need these people and their strengths in our nation.”