THE CENTER FOR NEW AMERICANS: SUCCESS IN YEAR ONE

The Center for New Americans (CNA) marked its official launch on September 30 with an event at the University of Minnesota Law School, a gathering Dean David Wippman said would more aptly be titled “a celebration and invitation.”

“We are celebrating an extraordinarily successful first year of addressing cutting-edge issues of law and immigration, but we’re also inviting you to partner with us on this overly ambitious effort,” the dean said to students, faculty, funders, and members of the legal and human rights communities.

The center—the first of its kind in the country—is expanding urgently needed legal services for noncitizens, pursuing litigation to improve the nation’s immigration laws, educating noncitizens about their rights, and training lawyers to provide high quality pro bono legal services in collaboration with three CNA clinics.

According to director Benjamin Casper (’97), the CNA has more than tripled the experiential learning opportunities for Law School students in the area of immigration through its Federal Immigration Litigation, Detainee Rights, and Immigration and Human Rights Clinics.

With major funding from the Robina Foundation, the Center for New Americans was designed in formal partnership with the pro bono programs of three of Minnesota’s preeminent law firms—Faegre Baker Daniels; Robins, Kaplan, Miller & Ciresi; and Dorsey & Whitney—and the state’s leading immigration nonprofits—the Immigrant Law Center of Minnesota, The Advocates for Human Rights, and Mid-Minnesota Legal Aid.

The September 30 launch featured a panel discussion of one of the most pressing current immigration topics: the expanding population of Central American children and families seeking refuge in the United States. Panelists included Mee Moua (’97), former Minnesota state senator and executive director of Asian Americans Advancing Justice; Michele Garnett-McKenzie (’96), director of advocacy at The Advocates for Human Rights and an adjunct professor at the Law School; John Keller, executive director of the Immigrant Law Center of Minnesota; and Rebecca Scholtz, staff attorney at Mid-Minnesota Legal Aid.

The panel explored the causes of the surge in unaccompanied children and Central American families at the border, as well as the litigation and advocacy efforts underway to win humane treatment for these most vulnerable asylum seekers.

Clinics Register Early Successes

Casper and his team at the CNA began their work last spring on several key issues, including a case that the U.S. Supreme Court has agreed to hear in 2015. The court granted certiorari to Mellouli v. Holder, a case brought by the center’s Federal Immigration Litigation Clinic in collaboration with Faegre Baker Daniels attorneys and the Immigration Law Center. Given that the court accepts for full plenary review only about 1% of the cases it is asked to hear, this certiorari grant is an exceptional accomplishment.

Mellouli v. Holder involves a man named Moones Mellouli, a lawful, permanent U.S. resident and former professor of mathematics, who was deported subsequent to a misdemeanor conviction in Kansas for possession of drug paraphernalia. Conviction on a drug-related charge provides one of the most common grounds used to deport noncitizens, but federal courts disagree over its
enforcement. Immigration agencies are allowed to deport a person who is convicted of violating a state law relating to a specific list of substances that are controlled by the federal government. But in Mellouli’s case, the government’s deportation records did not show what substance was involved.

The Supreme Court now will decide whether the government, in order to deport a noncitizen convicted on a paraphernalia charge, must prove that a state conviction involved a controlled substance on the federal list. The decision will affect Mellouli and thousands of others in similar circumstances.

“I truly feel this case is just the beginning of the improvements to our judicial system that we should all expect from the Center for New Americans, a full-fledged, multifaceted law resource dedicated to ensuring that new Americans are guaranteed due process,” said the Immigrant Law Center’s Keller.

Casper praised the collaborative effort that led to the Supreme Court’s grant of certiorari. “The Center for New Americans was able to call upon the talents, expertise, and resources of pro bono attorneys at Faegre Baker Daniels, leading immigration advocates from across the country, our nonprofit partners at the Immigrant Law Center of Minnesota, CNA teaching fellow Kate Evans, and an extremely dedicated student attorney, Julia Decker (’14),” said Casper. “Without this kind of collaboration, we could not have gotten the Supreme Court to review Mr. Mellouli’s case.”

On another front, this fall the CNA’s Detainee Rights Clinic, led by Professor Linus Chan and teaching fellow Meghan Heesch, launched a new initiative with students, taking them into area county jails to provide legal rights presentations to immigrants held by the Department of Homeland Security. Student attorneys have already educated more than 40 civil detainees about the process of removal and detention, provided them with legal materials, and discussed their immigration cases. The clinic has also advocated for better conditions for immigration detainees, including one 18-year-old high school student who was sexually assaulted multiple times by a criminal inmate while in the Sherburne County Jail. The clinic’s work resulted in the jail changing its policy, and it now houses immigrant detainees apart from criminal inmates.

“Mixing immigrant detainees with criminal detainees puts people in harm’s way,” said Chan, director of the Detainee Rights Clinic. “Many immigrants fear speaking up or doubt their complaints will be heard.”

Similar visits and presentations are planned for additional detention facilities in the Twin Cities area, Chan said.

The Future of the CNA

With as many as 300 noncitizens detained in Minnesota on any given day—most of whom cannot afford to hire an attorney—and asylum seekers desperate for expert assistance to navigate a complicated legal system, the Center for New Americans has much work on its plate for the foreseeable future.

But while the need is great, Wippman believes the center is already registering a national impact. “The combined resources of our community, as demonstrated in this Center for New Americans, actually can change the world,” he said. “Our ambition is large because the need is large.”

By Kathy Graves, a writer based in Minneapolis