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Most Asylum Seekers Have No Legal Counsel. This Villanova Program Trains Non-Lawyers to Step In.

By Katherine Mangan

The contrast, for a young lawyer in a high-powered New York firm, couldn't have been clearer. In 1991, Michele R. Pistone was part of a team of lawyers helping Donald J. Trump restructure his massive debts as his Atlantic City casinos hemorrhaged money. Pistone, who was 25 at the time, recalls walking into her client's office with closing documents and being greeted by an entire floor-to-ceiling wall of framed magazine covers with his photo.

Fast-forward a few months to the pro bono assignment that would change the course of her career and inspire her to start a program at Villanova University aimed at expanding legal assistance to immigrants and asylum seekers.

Volunteering for a group now called Human Rights First, she represented a father and son who had fled Somalia during a bloody civil war. The father, a minister whose life had been threatened during the uprising, had been charged with alien smuggling since his son did not have a visa. If forced to return to his country, the elderly man faced the possibility he could be killed.

About six years after she won their case, the son, who had just earned U.S. citizenship, and his father gave her a colorful straw bag as a thank you. It is a constant reminder, she said, of the power and privilege she has as a lawyer. "It was so amazing to be in a position to save someone's life."

Pistone, who led lobbying efforts in the mid-90s in Washington, D.C., to protect asylum seekers, estimates that she has helped free more than 100 clients from detention, including former child soldiers, women who fled gender-based violence, and children who fled gang violence.

As a professor of law at Villanova, her focus now is on making sure that more refugees and asylum seekers, six out of 10 of whom confront the immigration system alone, get that help.

After a successful pilot that ended in May, she started a program this fall to certify students to become legal advocates for migrants and refugees. "Villanova Interdisciplinary Immigration Studies Training for Advocates," offered through the university's College of Professional Studies, is described as the first university-based, fully online program to train immigrant advocates. That format, planned before the pandemic forced most courses online, allows easier access for working



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Michele Pistone, a law professor at Villanova University, stands in front of Pennsylvania's York County Prison, one of the largest immigration detention centers in her region. Pistone has created a college course in which laypeople can learn to advocate for immigrants.

professionals, including those in rural areas, and keeps costs low.

Graduates can apply to become Department of Justice "accredited representatives," non-lawyers who are authorized to provide inexpensive legal representation to migrant and refugee families. Accredited representatives, who must work or volunteer for a recognized group like a nonprofit or faith-based organization, can sign legal documents, accompany clients to interviews, and perform other duties a lawyer would handle in court.

In the United States, where deportation cases are civil proceedings, immigrants are not entitled to court-appointed lawyers the way they are in criminal proceedings.

Access to legal representation makes a huge difference, according to the Vera Institute of Justice. The nonprofit research and policy group found that immigrants are 12 times more likely to get available relief when they have an advocate.

"Tens of thousands of people each year go

unrepresented, including asylum seekers, longtime legal residents, immigrant parents or spouses of U.S. citizens, and even children," the Vera Institute notes. "They are left to defend themselves in an adversarial and notoriously complex system against the United States government, which is always represented by counsel."

The Committee for Immigration Reform Implementation estimated in 2014 that at least one million of the unauthorized immigrants living in the U.S. were eligible for legal relief and would be permitted to live in the U.S. if they had access to legal representation.

Few people facing the threat of deportation can afford to hire lawyers, and nationwide, there are only about 300 fully accredited representatives authorized to counsel clients in court, Pistone said. That's where VIISTA hopes to make a difference.

The program is divided into three 14-week modules. The certificates students earn after completing each module authorize them to take on

Three 14-week Modules and Three Certificates

Program certificate is awarded when all three modules are completed

MODULE 1	MODULE 2	MODULE 3
Prepares students to interview and be sensitive to the needs of immigrants. Students study why people migrate, the structure of government immigration systems, and cultural differences.	Trains students to become partially accredited representatives, non-lawyers who are authorized to provide inexpensive or free legal help to migrant and refugee families. Students learn to assess a client's eligibility for benefits, prepare immigration applications, and represent clients before US Citizenship and Immigration Services.	Graduates can apply to become fully accredited Department of Justice representatives who can sign legal documents, accompany clients to interviews, and perform all the other duties a lawyer would handle in immigration court. Partially and fully accredited representatives have to work or volunteer for a recognized group like a nonprofit or faith-based organization.
Award: Certificate in Immigrant Accompaniment.	Award: Certificate in Immigrant Advocacy.	Award: Certificate in Immigration Trial Advocacy.

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increasing levels of responsibility for representing immigrants. The first module, which prepares students to interview and be sensitive to the needs of immigrants, addresses why people migrate, the structure of government immigration systems, and cultural differences. The second and third focus on immigration law and train people to become partially or fully accredited representatives. Students can complete one, two, or three modules.

Among the students who completed all three modules in the pilot this spring is Eileen Doherty-

Sil, an adjunct associate professor of political science at the University of Pennsylvania who teaches about forced migration. It's one thing, Doherty-Sil said, to teach about the United Nations Convention Against Torture, and quite another to represent a client who could face torture if returned to his home country.

The insights she gained in the program will enrich her teaching, she said. "Michele's program gave us a really clear-eyed idea of what it looks like for someone to face a judge and say, 'Please don't send me back.'"

Without someone to advise him, an asylum seeker who fears he could be tortured or killed if he's returned might instead say in court that his goal is to get a good job and be a good citizen. "They can't possibly know that that's the wrong thing to say," Doherty-Sil said. Asylum is for refugees fleeing persecution, not for someone seeking a better life.

Pistone likens the development of specialized legal representatives to the growth of nurse practitioners and physician assistants in the medical field. (The role is different from paralegals, who are trained to support lawyers within their offices but aren't authorized to appear in court.)

The problem of representation became more acute as mounting tuition and shrinking job opportunities caused the number of law-school applications to tumble beginning in 2008-9. But even when people complained about a glut of lawyers, there never seemed to be enough people willing, or financially able, to represent the poorest clients.

"A lot of people in the legal academy think the solution to access to justice is lawyers, yet we've been trying for so long using lawyers," Pistone said. The system, she said, is clearly broken. "It's up to those of us in the system to come up with a viable, scalable solution."

All three modules of the VIISTA program can be completed in 10 months, for a cost of under \$4,000.

Pistone's students have included teachers, social workers, and others who want to play a more active role in helping immigrants.

"I want to train 1,000 people a year," Pistone said. "And if they each represented one client a month, that's 12,000 families that are getting an advocate in immigration court." ■